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VIA EMAIL: benright@vah.com

The Comprehensive Plan Subcommittee
Attn: Bill Enright
Deputy Director Planning and Community Development
Village of Arlington Heights
33 South Arlington Heights Road Arlington Heights, Illinois 60005

Re: *Christian Liberty Academy's Letter of Objection to the Arlington Heights' Park District's Site Reservation for 502 W. Euclid Ave, Arlington Heights, IL. Pursuant to the New Comprehensive Plan 2015.*

Dear Chairman Drost and Commissioners:

Thank you for allowing the landowners to make their concerns known before the Board takes further action with regard to the Park District's Request to place Park Site Reservations on 9 additional sites in Arlington Heights. Christian Liberty Academy ("Academy") objects to the Park District's request to place a Park District Site Reservation on its property located at 502 W. Euclid Ave, Arlington Heights, Illinois ("the property"). The basis for Academy's objection is twofold: 1) the Park District's Site Reservation would negatively impact the value of the property; and 2) the Site Reservation will not significantly advance the goals of the Village or the Park District so as to justify the harm to the landowners.

1. The Park District's Site Reservation Would Negatively Impact the Value Of The Landowner's Property

While Academy has no plans to sell its property and move its school, the Park District's proposed Site Reservation, if placed on the property, could effectively decrease the property's value were it to sell its property in the future. In this regard, the Academy shares the concerns raised not only by other affected property owners, but by members of this Subcommittee at the last meeting on July 28, 2015. There Chairman Drost raised concerns about the Park District's proposed reservations in that they could "taint the property," or, as Trustee Tinaglia agreed, put a "black mark on a property."

The black mark tainting the property by imposition of the Site Reservation includes the power it would confer on the Park District to purchase the property a whole year after subdivision. 65 ILCS 5/11-12-8 provides in relevant part:

... Whenever a final plat of subdivision, or part thereof, has been approved by the corporate authorities as complying with the official map and there is designated therein a ... park site ..., the corporate authorities ... be it a ... park board or other authority, such authority shall acquire the land so designated by purchase or commence proceedings to acquire such land by condemnation *within one year* from the date of approval of such plat; and if it does not do so within such period of one year, the land so designated may then be used by the owners thereof in any other manner consistent with the ordinance including the official map and the zoning ordinance of the municipality. (*Emphasis Added*)

As was pointed out on page 50 of the 2015 Comprehensive Plan Draft B, Chapter 5, Recreation (“Comprehensive Plan”):

Illinois statutes permit municipalities to designate land in the Village for school, park or other public land on the Village Comprehensive Plan map... The Village Official Map, however, serves notice to property owners that the Village or Park District may consider acquisition of all or part of the subject property in the future. Should a subdivision plat be approved for property having this designation, the Park District or Village has one year in which to negotiate a sale or land donation or commerce condemnation proceedings to acquire the property.

This one year Reservation from the time of subdivision approval is, in many respects, tantamount to a right of first refusal and could have the same effect; discouraging potential buyers knowing the gauntlet they would face if they attempted to acquire the property subject to Site Reservation. Accordingly, Site Reservation places an encumbrance on the reserved properties making them less attractive to potential buyers and, consequently causing the properties so designated to lose value.

2. The Reservation Would Not Significantly Advance Goals Of The Park District So As To Justify The Harm To The Landowners.

The Park District doesn't need the additional acreage that would be provided by the additional 9 properties it seeks to reserve. Section 29-401(a) of the Arlington Heights Village Code sets the acreage criteria for acquiring park and recreational land dedication requirement at 9.0 acres of land per 1000 of ultimate population. Using the acreage standards set for in Section 29-401(a) the Park District requires 742.5 acres of land for its activities based on a projection of a population of 82,500. ($82,500/1000=82.5 \times 9= 742.5$ acres.)

However, the Park District's stated goal in listing the additional 9 properties for Site Reservation is to bring its acreage into line, not with Arlington Heights' standards, but with national standards. “Using national standards, the desirable future park acreage in the Village is 825 acres or 10 acres per 1,000 population (assumes population of 82,500 in 2030).” (Comprehensive Plan, p.45) More specifically, the

Park District states:

It is the goal of the Arlington Heights Park District to maintain a ratio of 10 acres of park land for every 1,000 persons in the Village. Thus the Park District needs to increase its land inventory from 716 acres to 825 acres to achieve this goal by the time the population is expected to peak at 82,500. (Comprehensive Plan, p. 46)

As is also pointed out in the Memorandum to the Plan Commission from Bill Enright dated August 21, 2015, the Park District already has 43 Site Reservations, located throughout Arlington Heights and many of which are sites adjacent to existing parks. While the Park District indicates that it seeks to add up to 110 acres of land, it has already reserved approximately 470 additional acres, or more than 4 times the acreage necessary to meet national standards or approximately 22 times the acreage necessary as set by Arlington Heights' standards. (Comprehensive Plan, Draft B, Figure 21, pps.47-48) Given the amount of acreage already reserved, the additional Site Reservation of 9 sites is unnecessary. Moreover, of the sites already reserved by the Park District, a number of those sites are in close proximity (1/2 to 2 miles) to Academy's property. (See Comprehensive Plan, Figure 22, p.49) Those properties (including some that are adjacent to parks) are identified as:

- PO8 Kensington School
- P06 South Junior High School
- P03 Festival Park
- P05 Our Lady Of The Wayside Church
- R15 Thomas Junior High School
- R 11 Olive School
- R06 Green Slopes Park
- R05 Greens Park
- R 07 Hickory Meadows Park

It should be noted that the Academy's property, though near, is not adjacent to Olympic Park, the very basis given for including it in the list of Site Reservations.

From the taxpayer's perspective, given these other factors, the Park District's policy on reserving land for acquisition is not the best use of tax dollars. According to the Comprehensive Plan, the Village's population growth has stabilized and growth over the next 20 years is expected to be minimal. Not only is growth minimal, but demographics are changing as the average age of Village residents continues to rise. This has admittedly impacted Park District programs and facilities which now place an emphasis on providing programs not only for youth, but for adults and seniors. (Comprehensive Plan, p.43) Further, the Comprehensive Plan points out that in addition to the Arlington Heights Park District, neighboring Park Districts serve portions of the Village.

The Arlington Heights Park District has reciprocal agreements with the Mount Prospect Park District, Buffalo Grove Park District and Rolling Meadows Park District which allow non-residents to use facilities and programs in the other Park Districts subject to certain conditions. These agreements are renewed periodically and permit the participating park district to concentrate on the facilities and programs it can best provide,

thus avoiding costly duplication of facilities, programs and administration.

(Comprehensive Plan, p.44)

Given that other municipal and county park districts also serve the Village, there is less need for acreage by the Arlington Heights Park District, even using the national standards. Thus, by sharing facilities, the Park District is lessening the demand for increased acreage based on population as well as reducing the burden to tax payers that is incurred through purchase and maintenance of facilities, thereby leaving more revenue available for programming, keeping taxes lower and not encumbering land owners unnecessarily. Again, as stated on page 44 of the Comprehensive Plan:

These relationships benefit the taxpayer by making available new facilities and programs at lower economic and social cost. The local governmental jurisdictions should explore additional applications of this cooperative approach towards providing public recreation opportunities.

Moreover, Site Reservation of 502 W. Euclid Ave. is not in line with the Overall Corridor Map being proposed in the 2015 Comprehensive Plan Update. (See Overall Corridor Map, Comprehensive Plan, p. 61) According to Draft E, attached to the Comprehensive Plan, the Academy's property at 502 W. Euclid is located in Corridor E2: Northwest Highway West: Chestnut to Wilke. As set forth on page 62, the Comprehensive Plan calls for Commercial, Moderate Density Manufacturing and Single Family Residential in B-2, B-3, R-3 and R-6 zoning districts in the E2 Corridor. In contrast, Corridor E1 east of Arlington Heights Rd. on Highway 14 specifically calls for parks. (Comprehensive Plan, p.62) Finally, as is also pointed out in the Comprehensive Plan, if and when it is determined that the property is needed in light of a specific project, the Park District has the power to acquire all or part of the land without the Site Reservation. As stated in the Comprehensive Plan:

An alternative to the outright purchase of land for park purposes is the Village's land contribution requirement in connection with land subdivision and residential development. In short, the contribution requirement requires residential builders in the Village to contribute land in an amount proportionate to the estimated population of the development, or cash in-lieu of land to the Village, according to a prescribed formula. The contributions are used to acquire or assemble the park sites designated on the Comprehensive Plan map or Official Map. *Much of the Arlington Heights Park District's land inventory and physical improvements thereon have been acquired in this manner.* (Comprehensive Plan, p.50)

As the Code reflects, Site Reservation should not be the norm for acquiring land since it diminishes the value of the land thereby encumbered. In light of the fact that the Park District has already put Site Reservations on between 4 and 22 times the amount of land it needs for recreational purposes, and in light of the fact that under both 65 ILCS 5/11-12-8 and Section 29 of the Arlington Heights Village Code, the Park District can acquire land that was not reserved, the encumbrance and its harm to the land owners in this case is not justified.

In sum, Site Reservation of the site by the Park District would cloud the title to the property subject to it with regard to any prospective buyer wishing to subdivide the property for development. Site Reservation thereby effectively reduces the value of the property and infringes upon the legitimate financial expectations of the land owners burdened by it. It should be therefore used sparingly.

Additionally, given the factors listed in the proposed revisions to the Comprehensive Plan, the Park District does not need the additional acreage that it seeks by encumbering 9 additional properties through Site Reservation. For the foregoing reasons, Christian Liberty Academy respectfully joins with the Clerics of St. Viator and other land owners in objecting to the Park District's Site Reservation of 502 W. Euclid Ave, as well as to the other properties in question.

Very truly yours,

MAUCK & BAKER, LLC

A handwritten signature in black ink that reads "Richard C. Baker" with a long horizontal flourish extending to the right.

Richard C. Baker

RCB:rcb
Cc: Ken Kramer