

AGENDA
COMMITTEE OF THE WHOLE
January 12, 2021
2200 Harnish Drive
Village Board Room
7:30 P.M.

In light of the current COVID-19 public health emergency, Governor J.B. Pritzker's Gubernatorial Disaster Proclamation, and the Village's Continuation of Proclamation of Local Disaster Emergency in response thereto, the Village President has determined that an entirely in-person meeting is not practical or prudent because of the disaster. This meeting will be held remotely and in-person, but there will be a limit of ten (10) in-person seats available for the public in the Village Board Room. The following information is being made available to the public for the purpose of public participation in the spirit of transparency and an open meeting process. The complete Committee of the Whole packet is posted at the Algonquin Village Hall and may be viewed online via the Village Board's link on the Village's website, www.algonquin.org. If you would like to listen to the meeting, please go to <https://algonquin.zoom.us/j/93061713154> or dial in (877)853-5257, (888)475-4499, or (312)626-6799 webinar ID **930 6171 3154**. If you wish to submit any public comment, please contact the Deputy Village Clerk in advance of the meeting at 847-658-5609 or meetingcomments@algonquin.org or during the to comment during the meeting public comment portion of the meeting after logging into the zoom meeting, please raise your hand and you will be called on, if you are dialing in, dial *9 to raise your hand. The Village will attempt to read such public comments during the public commentary portion of the meeting. Any comments received during the meeting but after the public commentary portion has ended will be provided in writing to the Village Board members after the meeting.

Remote meetings will be recorded for the purpose of accurate meeting minutes.

Trustee Brehmer– Chairperson
Trustee Glogowski
Trustee Spella
Trustee Steigert
Trustee Jasper
Acting President Sosine

- AGENDA -

1. **Roll Call – Establish Quorum**
2. **Administer Oath of Office to Police Officers Brian Landreville and Steven Trefilek**
3. **Public Comment – Audience Participation**
(Persons wishing to address the Committee must register with the Chair prior to roll call.)
4. **Community Development**
 - A. Consider a Special Use Permit for Main Floor Dwelling Unit, 207 S. Harrison Street
5. **General Administration**
 - A. Community Survey Presentation
 - B. Consider Eminent Domain Proceedings for 7 S. Main Street
 - C. Consider an Agreement with Tryon Governmental Consulting for Legislative Representation
6. **Public Works & Safety**
 - A. Consider an Agreement with Omega III, LLC for the Demolition of 20 Washington Street
 - B. Consider Eminent Domain Proceedings for Lot 120 in Dawson Mill Subdivision
 - C. Consider Amending Chapter 41, Traffic Increasing the Speed Limit on Longmeadow Parkway from 30 mph to 35 mph
7. **Executive Session – Personnel Matters**
8. **Other Business**
9. **Adjournment**



VILLAGE OF ALGONQUIN
COMMUNITY DEVELOPMENT DEPARTMENT

– M E M O R A N D U M –

DATE: January 7, 2021

TO: Committee of the Whole

FROM: Russell Farnum, AICP, Community Development Director

SUBJECT: *Special Use for Main Floor Dwelling Unit, 207 S. Harrison, Case No. 2020-06*

Carole Linden, represented by Tony Bellino, has petitioned for a Special Use Permit to allow the main floor of the structure at 207 S. Harrison Street to be converted into a dwelling unit.

The building currently has an apartment upstairs and an office on the main level, which was occupied for years by Edward Jones. Since Edward Jones moved out, the owner has not been able to find another commercial tenant for that space, nor has she had any interest in a commercial buyer for the property. The property is zoned “B1” Business and is located in the Old Town Historic District. That zoning allows dwelling units above the main floor, but requires a Special Use Permit for a dwelling to occupy the main level.

The property has similar residential uses surrounding it, and in fact a similar petition was approved a couple of years ago for 213/215 S. Harrison, immediately south of the subject property. Other than the future cupcake bakery proposed for the second property north of this, there are no commercial uses in this block.

The Planning and Zoning Commission held a public hearing on this request at their December 14 meeting, and recommended approval (with conditions) by a vote of 7-0. The draft minutes of that meeting, the PZC Staff Report, and other materials are attached.

Consensus to move this item forward for Board approval is recommended.

**Planning and Zoning Commission
Minutes
Regular Meeting
December 14, 2020**

Roll Call - Establish Quorum

Chair Patrician called the meeting to order at 7:30 pm.

Farnum called the roll to check attendance, all 7 Commissioners were present and could hear and be heard.

Approval of Minutes

Patrician called for review of the Minutes of the October 12, 2020 meeting. Commissioner Laipert motioned, second by Commissioner Sturznickel, to approve the minutes of the October 12 meeting. Meeting minutes were approved by roll call vote, seven “ayes”, zero “nays”.

Farnum noted the February 10, 2020 minutes had never been approved, and had been distributed after the packets. Szpekowski and Neuhalfen highlighted corrections. Commissioner Sturznickel made a motion to approve the minutes of the February 2020 Planning and Zoning Commission meeting with the corrections, second by Commissioner Neuhalfen. Meeting minutes were approved by roll call vote, seven “ayes”, zero “nays”.

Public Comment

Chair Patrician asked for public comments. There being none, Patrician moved to the next item.

Case No. 2020-06 - Request for Special Use Permit for a Residential Dwelling on the main floor in the B-1 Business Zoning District, 207 S. Harrison Street

Patrician asked for the petitioner to present their case. Village Attorney Brandy Quance noted the Village had received the certified mail receipts and confirmed the public notice publication and the sign posting. Petitioner Representative Tony Bellino provided an overview of the property and the request. The petitioner sought to have a dwelling allowed on the ground floor because that was primarily what was in the buildings around her structure. The character of the area is very residential.

Chair Patrician asked for the Staff Report, and Farnum outlined the staff report. This block on Harrison was never truly commercial and random retail or business uses have come and gone. Primarily the surrounding uses were residential, even on the ground level. There were six parking stalls on this site, so parking was not an issue. Staff had drafted a Finding of Facts, and recommended approval with several conditions to assure ongoing maintenance of the property.

Patrician opened the public hearing and asked for any public input or comments. There being none, Patrician closed the public hearing.

Patrician called for Commissioner discussion or questions. Laipert asked if this changed the zoning, or if a business could move in again later. Farnum confirmed this would allow residential on the main floor, or it could be used as a business again at some time in the future.

Hoferle asked if parking were an issue. Bellino confirmed there were six stalls already on site, but there would be at most two, 1-bedroom apartments, so there was plenty of parking.

Sturznickel noted there was a cupcake bakery going in next door. Farnum confirmed that was a business use going in on the main floor in this block.

Hoferle made a motion to approve the request, with the Finding of Fact, subject to the conditions recommended by Staff. Sturznickel provided a second to the motion. The motion passed on a roll call vote, seven ayes, no nays.

New/Old Business

Patrician asked if there were any old or new business. Hoferle asked what all the heavy equipment was on Route 31 near LaFox Drive. Farnum noted the Village was building a new sanitary sewer lift station at that property to replace two other lift stations that are being abandoned as part of the downtown infrastructure improvements.

Adjournment

Being no further discussion, Patrician asked for a motion to adjourn. Sturznickel moved, second by Hoferle, to adjourn. Motion passed by roll call vote, seven ayes, no nays, and the meeting was adjourned at 7:58 pm.



VILLAGE OF ALGONQUIN
COMMUNITY DEVELOPMENT DEPARTMENT

- M E M O R A N D U M -

DATE: December 10, 2020

TO: Planning and Zoning Commission

FROM: Russell Farnum, AICP, Community Development Director

SUBJECT: *Case No. 2020-06, Special Use Permit for Residence on the main floor, 207 S. Harrison Street, Carole Linden, Owner*

Carole Linden, owner of 207 S. Harrison, has petitioned for approval of a Special Use Permit to have a residence located on the main floor in a B-1 Business zoning district. The building currently has an apartment upstairs and an office on the main level, which was occupied for years by Edward Jones. Since Edward Jones moved out, the owner has not been able to find another commercial tenant for that space, nor has she had any interest in a commercial buyer for the property.

Staff Comments

The subject property is located on South Harrison between Algonquin Road and Washington Street. The entire west side of Harrison is improved with a variety of public and private parking lots. On the east side of Harrison, near Algonquin Road, lies Cornish Park. South of Cornish Park and the creek lie five lots, each improved with former single family home structures except the parcel at the far south end.



Of the five structures on the east side in this block, one remains a single family home, one is a two-unit, one is currently a single family home but is being converted partially to a cupcake bakery on the main floor. At the far south end lies the vacant former Doctor Miller office, which will be demolished for expanded public parking. The next block south on Harrison Street

consists nearly entirely of residential uses and the Congregational Church. To the east, residential uses line LaFox River Drive.

The subject property has six painted parking stalls, one near the front and 5 in the back of the property, plus additional room for more casual parking. Public parking lots are located nearby, and more are planned, so parking is not an issue.

Because of the mixed character within this block and the nearby other residential uses to the east and south, Staff supports a Special Use Permit to allow residential on the main floor of this property.

Findings of Fact

The following findings of fact should be used if the Commission recommends concurrence with Staff's recommendation for issuance of a Special Use Permit for residential on the main floor of the subject property:

1. The property is zoned B-1 Business, Limited Retail and a Special Use Permit for a residential dwelling unit is be compatible with the Comprehensive Plan designation and surrounding uses. The use would be consistent with the variety of residential uses of a majority of the neighboring properties.
2. A residential dwelling unit on this site will not be detrimental to the health, safety, morals or general welfare of persons residing or working in the vicinity, or injurious to property values.
3. A Special Use Permit for residential on the main floor will comply with all zoning requirements of the village and the conditions stipulated as part of the approval. The subject property is zoned B-1 and residential dwellings on the main floor are allowed as a special use in the B-1 District.

Recommendation

Staff recommends approval of a Special Use Permit for a residential dwelling unit on the main floor of 207 S. Harrison Street, with the findings of fact listed in the staff report, with the following conditions:

1. Any remodeling work shall require appropriate building permits;
2. Any satellite dishes or other appurtenances shall be restricted to the east wall or porch, and shall not be visible from Harrison Street;
3. The property shall, at all times, be maintained according to the village's Property Maintenance Code;
4. Leases shall be of a minimum term of 12 months and the owner shall include the HUD Crime Free Lease Addendum;
5. Owner's improvements shall include the addition of a dumpster enclosure in accordance with Village codes.



VILLAGE OF ALGONQUIN
GENERAL SERVICES ADMINISTRATION

– M E M O R A N D U M –

DATE: January 7, 2021

TO: Tim Schloneger, Village Manager

FROM: Michael Kumbera, Assistant Village Manager

SUBJECT: *2020 Algonquin Community Survey*

In fall, staff began work on the ninth annual Algonquin Community Survey to residents of the Village. This survey was scientific in design and results are statistically-significant. This statement signifies that results can be used to make inferences about the entire population within a certain degree of accuracy.

Exactly 1,500 residents were randomly selected to complete the survey which was delivered via mail in late September. The overall response rate was 16.1% with 241 residents responding anonymously.

The survey asked questions about quality of life measures, perceptions of safety, quality and importance of Village programs and services, performance of Village employees, and general demographic information.

The Algonquin Community Survey provides an enhanced means to:

- Foster a continuous improvement organizational culture
- Allocate budgetary resources using a data-driven approach
- Measure progress toward strategic goals
- Evaluate municipal services through the voice of our customers (residents)

A presentation of the results will be presented to the Committee of the Whole at their meeting on January 12. Additionally, a full report will also be provided to the Village Board (which will also be online at www.algonquin.org/survey) to augment the presentation.

Management Analyst Matthew Bajor played an important role in the administration and data analysis of the survey.

Please do not hesitate to contact me with any questions.

Attachment (1)

- Executive Summary



THE VILLAGE OF
ALGONQUIN
ILLINOIS

**Algonquin Community Survey 2020
Report of Results**

Background

This report consists of the results from the eighth annual Algonquin Community Survey which was conducted in 2020. Goals of the survey are to evaluate municipal services and resident's perceptions of the community, identify trends, and develop strategies for future service delivery. Project information and historic reports are available at: www.algonquin.org/survey.

Project Summary

In September 2020, the Algonquin Community Survey was sent to randomly selected households in the community. Village staff was responsible for designing, administering, tabulating, and reporting the results of the Algonquin Community Survey. All Village department heads were given an opportunity to review draft versions. Every year, the Algonquin Community Survey instrument is reviewed and evaluated to determine any necessary modifications in the survey format needed to accurately capture resident opinions, while maintaining its integrity for meaningful year-to-year analysis.

The three-page survey was mailed to 1,500 randomly selected households on September 23, 2020.* Households were given 22 days to complete and return the survey. During the fall months of 2020, staff entered raw data into Microsoft Excel. Following entry into Excel, data was analyzed and various cross-tabulations were performed. Cross-tabulations allow users the ability to "drill down" within the results to see how certain segments of the population responded. For example, results can be broken down by age, gender, location of household, and length of residency. This information is useful in identifying underlying trends.

**The survey instrument is also available for residents to complete online. Residents that received survey instruments were also given unique identifiers that allowed them to access the survey. The results from the online version were formatted such that they aligned with the questions and answers in the mailed survey instrument. The feedback from both surveys was combined for calculations.*

Sample

This survey included a random sample of 1,500 households. The Village's water/sewer utility billing database and listing of all multi-family residential units were used to generate this sample.

Margin of Error

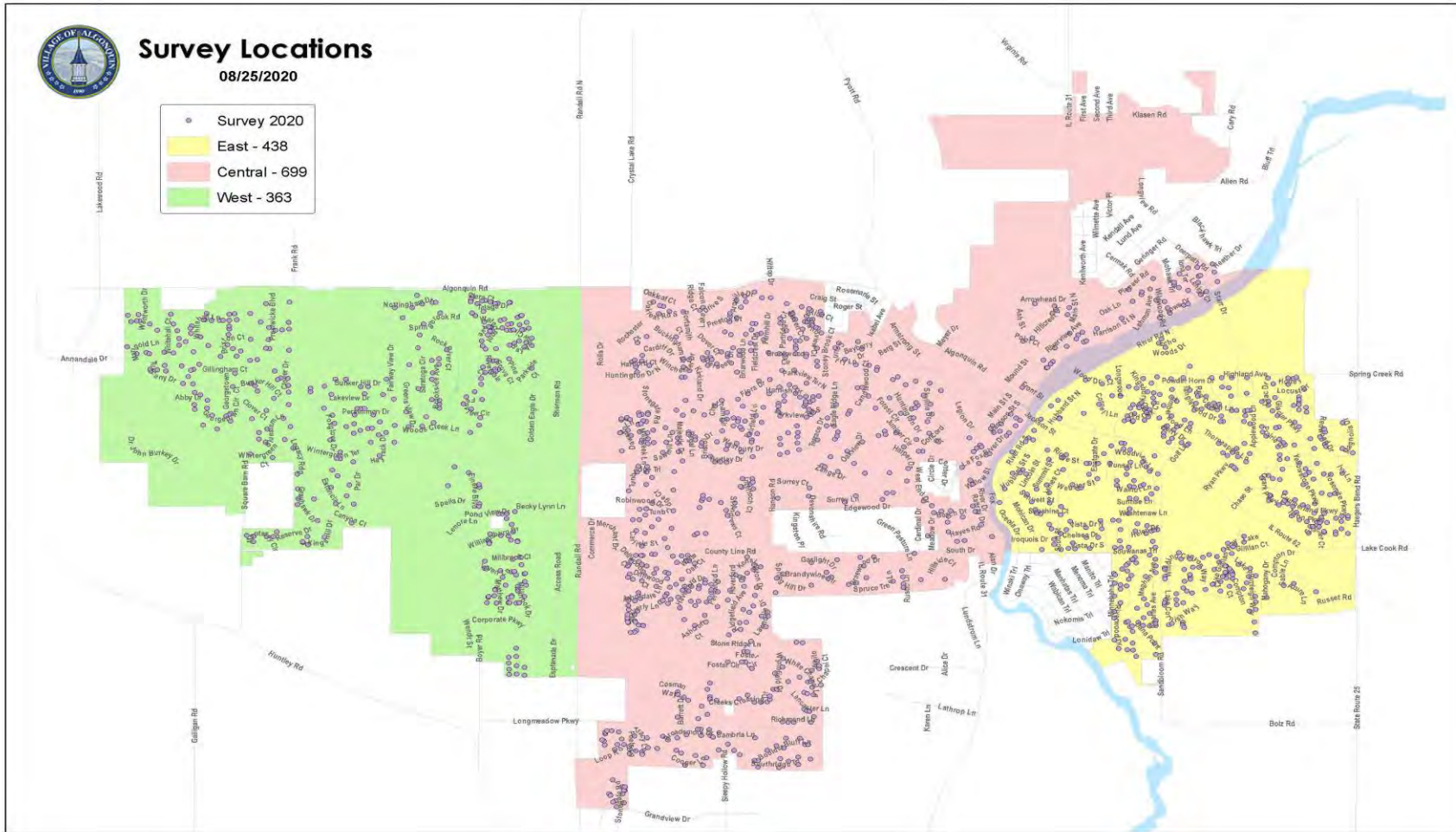
The Algonquin Community Survey was conducted with a 90% confidence level and a margin of error of 5.2%, plus or minus. Based on the survey responses received, 90% of the time, the results of a survey should differ by not more than 5.2% in either direction from what would have been obtained by surveying all households in Algonquin's population base.

Report

This report summarizes the results for each question in the survey and reports on any variances in attitude or perception where significant among demographic subgroups. This survey also reports year-to-year comparisons to help identify trends and changes.



Sample Distribution and Response Rate



Of the 1,500 surveys distributed, 241 were returned for a 16.1% overall response rate. Further delineating response rate by geography, households East of the Fox River had a 13.0% response rate, households west of the Fox River and east of Randall Road had a 17.5% response rate, and households west of Randall Road had a 16.0% response rate. A total of seven respondents did not indicate in what area of Algonquin they resided.

Executive Summary

Quality of Life

The Village of Algonquin earns its reputation as the "Gem of the Fox River Valley" by providing quality services and amenities to the community. This category asks residents to evaluate the overall quality and image of Algonquin, as well as Algonquin as a place to live, work, and play. **The top rated measure in this category is Your Neighborhood as a Place to Live, receiving a positive (Good or Excellent) rating of 90.3% by respondents.** The next top two rated measures are: Algonquin as a Place to Live (89.7%) and Cleanliness of Algonquin (89.7%).

This year, the bottom most rated measures in this category are: Traffic Flow on Major Streets (21.4%), Ease of Car Travel in Algonquin (36.6%), and Employment Opportunities (44.3%).

Public Safety

Ensuring public safety is one of the most critical charges of municipal government. **The results of the Algonquin Community Survey indicate the vast majority of Algonquin residents feel safe in their neighborhoods. The top rated measure in this category is 911 Services (96.3%).** The next top two rated measures are: Crime Prevention (91.4%) and Responding to Citizen Calls (89.0%).

This year, the bottom most rated measures is Traffic Enforcement (72.7%).

The Village of Algonquin Police Department is charged with protecting the safety and welfare of the public. During the 2018 calendar year, the Police Department responded to 16,793 service calls. In 2019, the Police Department responded to 15,001 service calls. Fire protection and emergency medical services are provided to the community by the Algonquin-Lake in the Hills Fire Protection District, Carpentersville & Countryside Fire Protection District, and Huntley Fire Protection District.

Public Works/Infrastructure

Residents were asked to rate the quality of Public Works and infrastructure-related services in Algonquin. **The top rated measure in this category is Sewer Services (83.7%).** The following top two rated measures are: Public Property Maintenance (83.3%) and Urban Forestry Program (85.0%).

The bottom most rated measures in this category are: Drinking Water (66.4%), Street Maintenance (62.9%), and Street Improvement (61.5%).

The Village of Algonquin has 130-miles of municipal-owned and maintained streets; 165-miles of water mains; 137-miles of sanitary sewer; and over 10,000 municipal-owned and maintained trees.

Parks/Recreation

Parks and recreational services add to the high quality of life that Algonquin residents enjoy. **The top rated measure in this category is Parks Maintenance (89.0%).** The following top two rated measures are: Quality of Village Parks (83.3%) and Preservation of Natural Areas (80.5%).

The bottom rated measures in this category are: Swimming Pool Facility (60.2%), Recreation Facilities (59.3%), and Special Events (59.0%).

The Village of Algonquin owns and maintains all parks within the Village limits. There are currently 21 active park sites that span over 400 acres within the Village. Algonquin Recreation provides activity programs and special events at these parks and other facilities, including Historic Village Hall and the Lions-Armstrong Memorial Pool. Additionally, Barrington Hills Park District, Dundee Township Park District, and the Huntley Park District serve portions of Algonquin.

Community Development

The Community Development Department is responsible for planning/zoning, building permitting, economic development, and code enforcement. **The top rated measures in this category are Ease/Efficiency of Obtaining Permits (76.9%).** The next top two rated measures are: Overall Community Development (70.7%) and Code Development (65.4%).

The bottom most rated measures are Land Use, Planning/Zoning (63.5%) and Economic Development (65.2%).

In calendar year 2019, the Community Development Department issued 2,925 building permits. In 2020, the Department issued 2,926 building permits.

General Services

This section of the Algonquin Community Survey asked respondents to evaluate services and programs ranging from the Village newsletter to promoting the Village to attract visitors. **The top rated measure in this category is Online Payment Options (92.2%).** The next top two rated measures are: Recycling (91.5%) and Garbage Collection (90.3%).

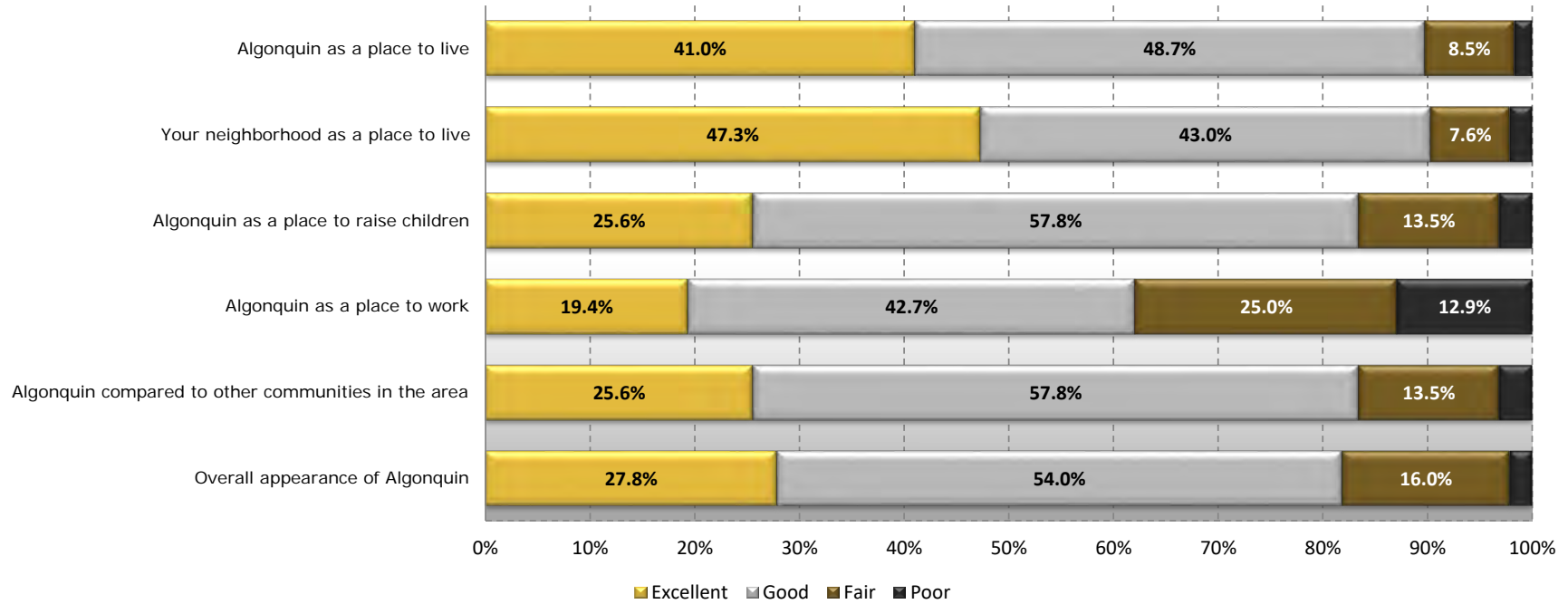
The bottom most rated measures are Promoting Village to Attract Visitors (59.9%) and Social Media (78.5%).

Customer Service

Overall, employee interaction was rated overwhelmingly Excellent or Good in all three evaluation categories: knowledgeable (88.5%), responsive (87.0%), and courteous (90.9%). **Overall, 89.2% of residents rated their interactions with Village employees as positive.**



Quality of Life in Algonquin

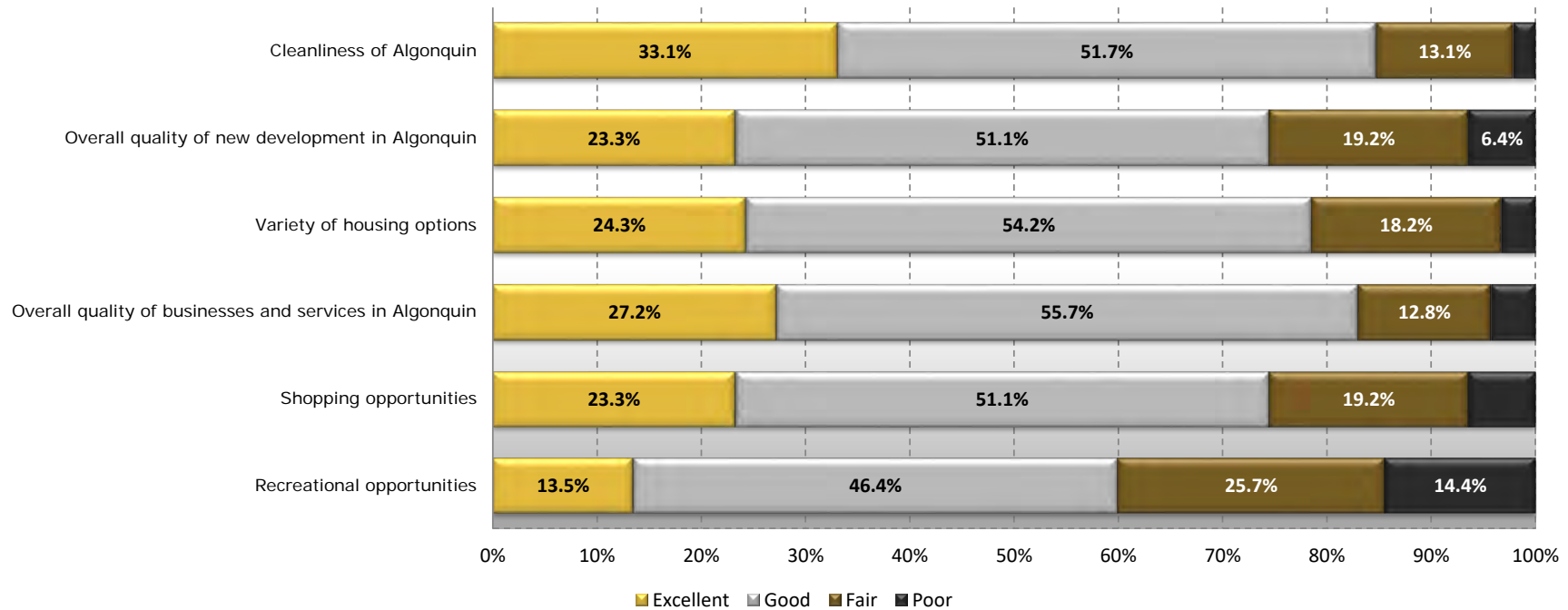


The above chart illustrates the first of four charts that quantify perceptions of quality of life in Algonquin. The term "positive" will be used as a combination of both "excellent" and "good" ratings. **90.3% of respondents rated Your Neighborhood as a Place to Live positively.** In 2019, 93.8% of respondents rated this measure positively.

An area of concern is Algonquin as a Place to Work, which received a significant number of Fair (25.0%) and Poor (12.9%) ratings. This measure also received a significant number of Fair (27.1%) and Poor (10.9%) ratings in 2019. However, this measure has also shown growth in the amount of positive ratings since inception of the survey (+6.2%).

The biggest change from 2019 to 2020, in this section, is Algonquin as a Place to Raise Children (-9.9%), a decrease from 2019.

Quality of Life in Algonquin (Part 2)

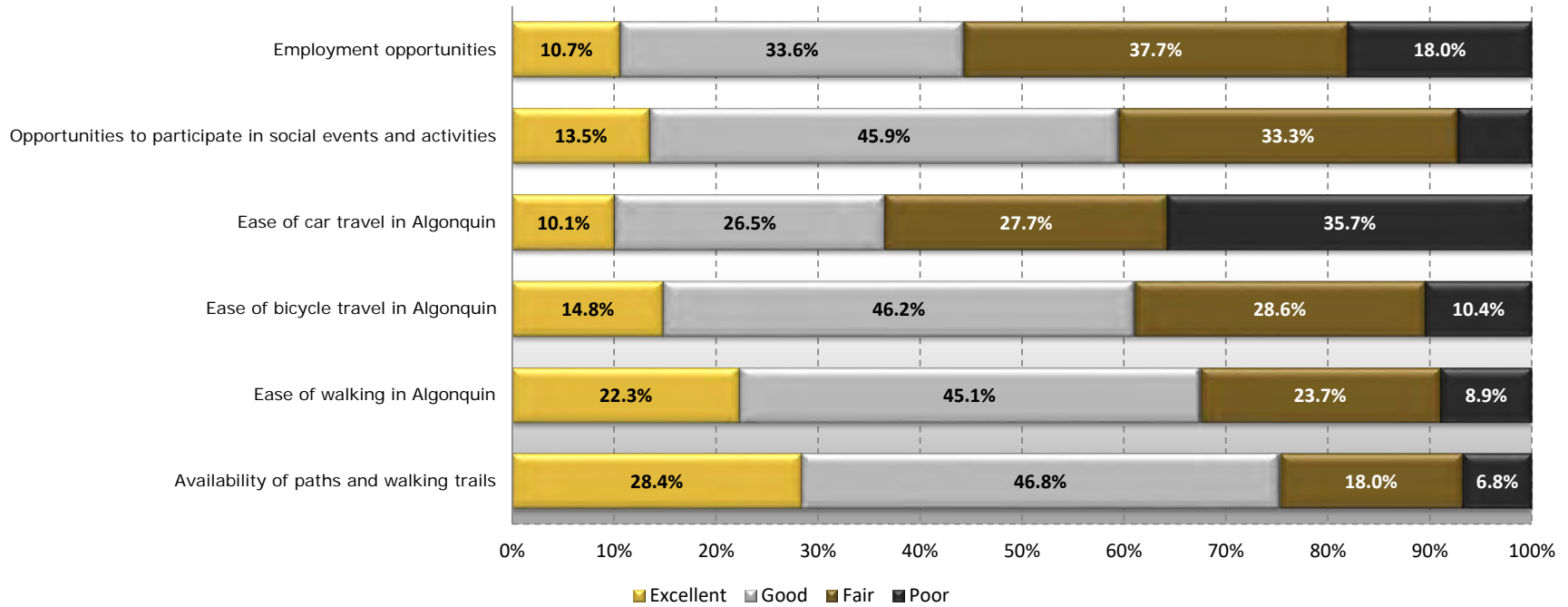


The above chart illustrates the second of four charts that quantify perceptions of quality of life in Algonquin. **84.8% of respondents rated the Cleanliness of Algonquin as positive.** In 2019, of 90.3% of respondents rated this measure positively.

An area of concern is Recreational Opportunities, which received a significant number of Fair (25.7%) and Poor (14.4%) ratings. This measure also received a significant number of Fair (26.0%) and Poor (5.7%) ratings in 2019. However, this measure has also shown growth since inception of the survey (+6.2%).

The biggest change from 2019 to 2020, in this section, is Shopping Opportunities (-8.4%), a decrease from 2019. Recreational Opportunities also decreased (-8.4%) when compared to the previous year. The decrease in both of these measures was expected and is a result of mitigation efforts in place to prevent the spread of the novel coronavirus (COVID-19). The mitigation efforts began in early 2020 and remained mostly in place throughout the remainder of the year. As a result, in-person recreational opportunities were either modified or cancelled and many businesses operated through restrictions or closure.

Quality of Life in Algonquin (Part 3)

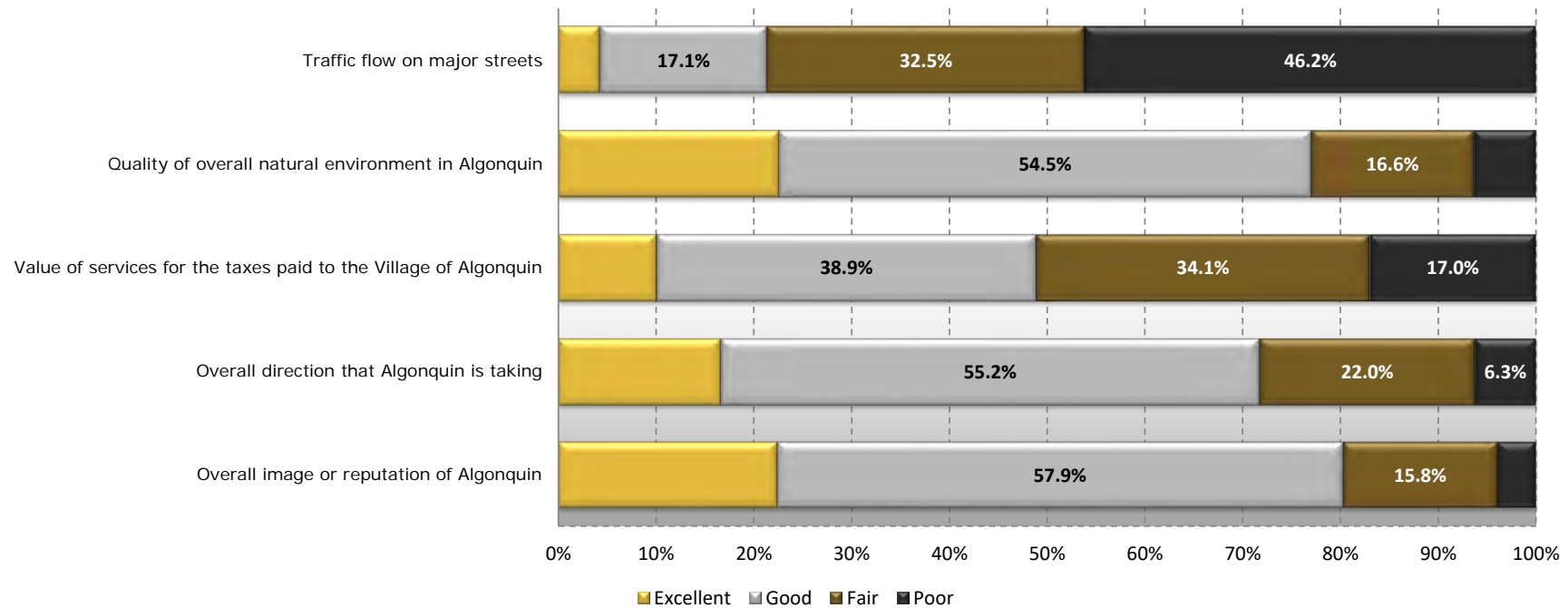


The above chart illustrates the third of four charts that quantify perceptions of quality of life in Algonquin. **75.2% of respondents rated the Availability of Paths and Walking Trails positively.** In 2019, 74.2% of respondents rated this measure positively.

An area of concern is Ease of Car Travel in Algonquin, which received a significant number of Fair (27.7%) and Poor (35.7%) ratings. This measure also received a significant number of Fair (33.2%) and Poor (28.6%) ratings in 2019. Since inception of the survey, this measure has shown growth (+2.3%), which has been expected, while capital projects continue to be completed throughout the Village.

Additionally, Opportunities to Participate in Social Events and Activities was the biggest change from 2019 to 2020 (-10.5%), in this section, a decrease from 2019. With COVID-19 mitigations in place, many events that are regularly scheduled throughout the year were postponed or cancelled. This includes events like the Algonquin Egg Hunt, "Touch-a-Truck," Algonquin Summer Concerts series, and Miracle on Main, to name a few.

Quality of Life in Algonquin (Part 4)

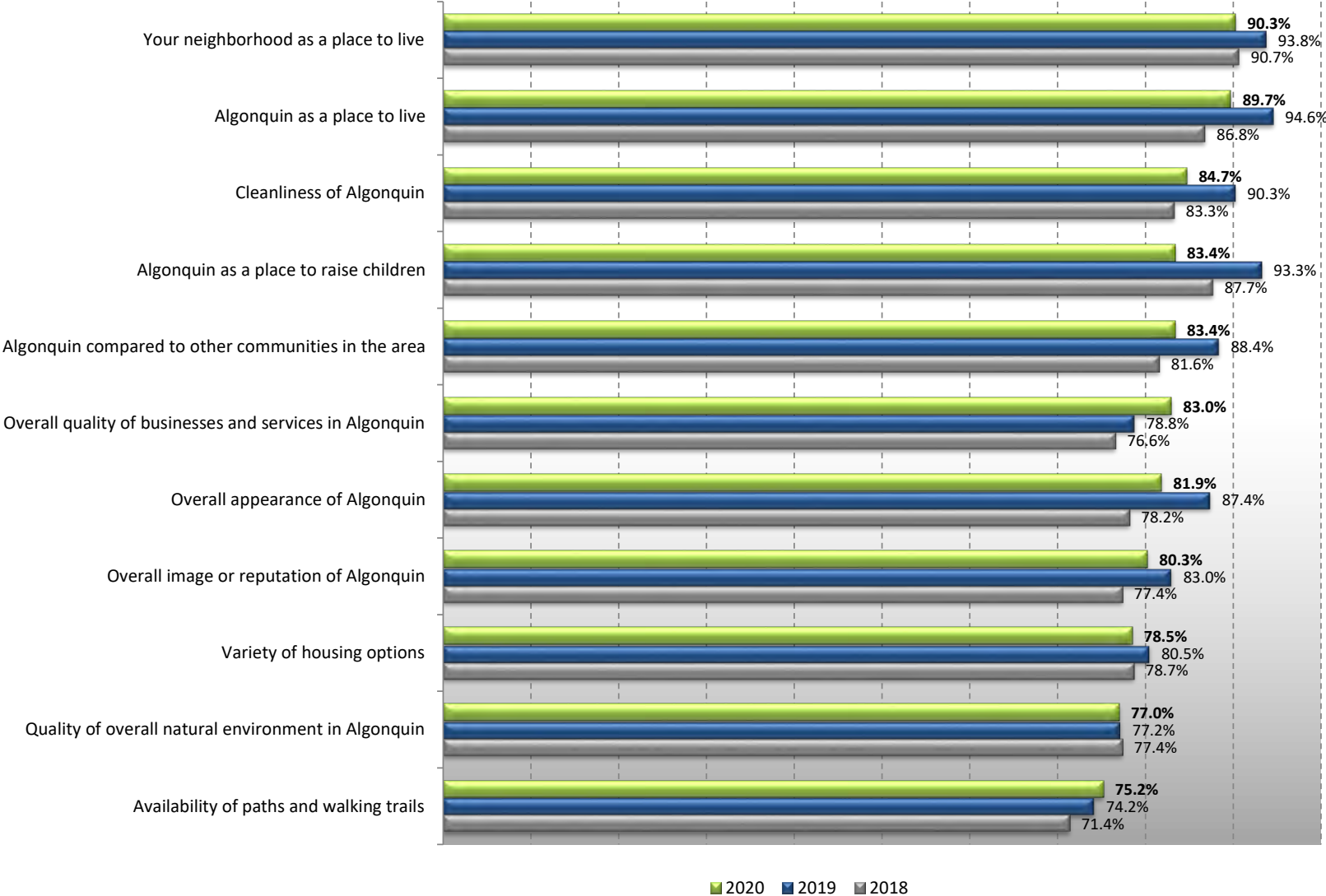


The above chart illustrates the last of four charts that quantify perceptions of quality of life in Algonquin. **80.3% of respondents rated the Overall Image or Reputation of Algonquin as positive.** In 2019, 83.0% of respondents rated this measure positively.

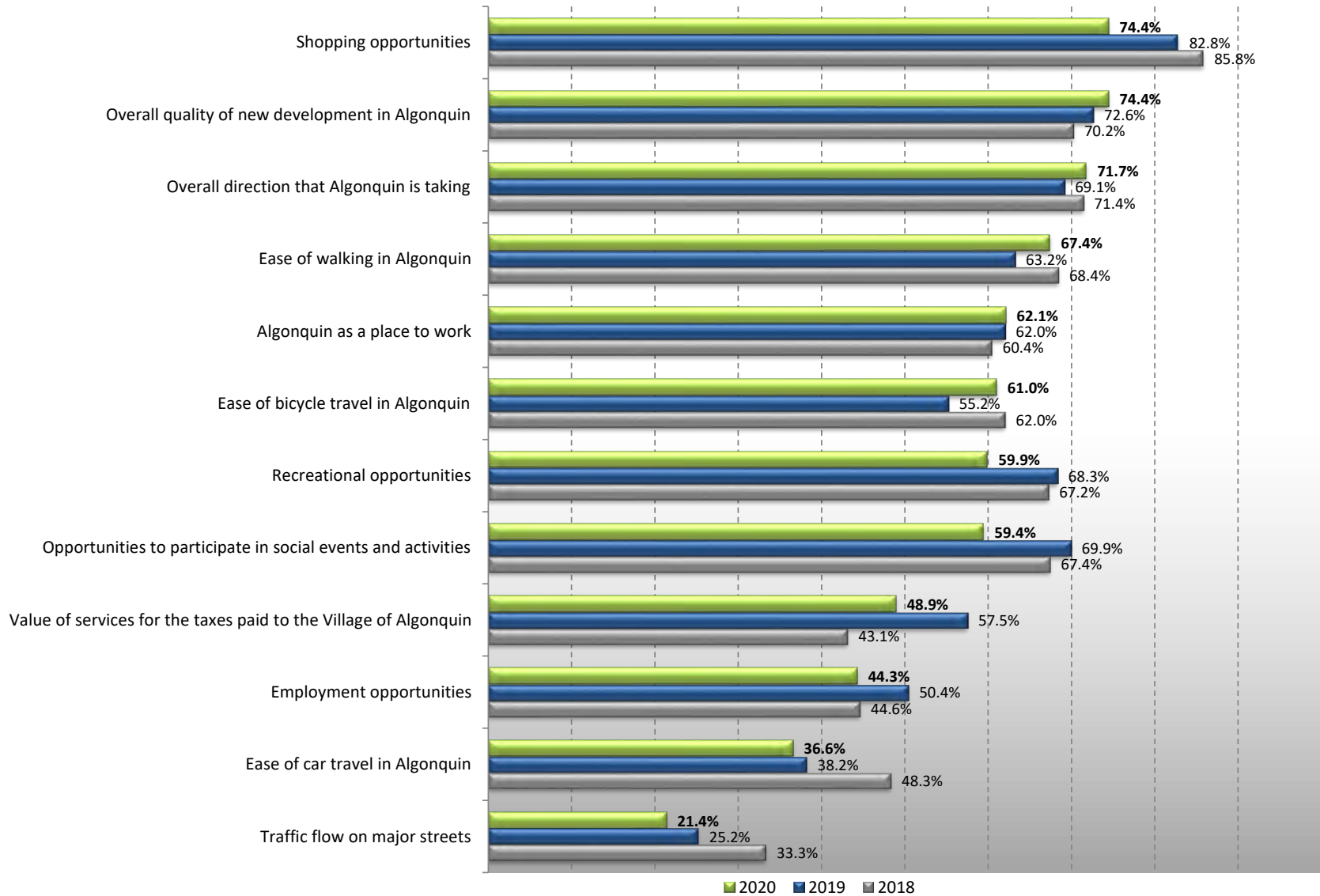
An area of concern is Traffic Flow on Major Streets, which received a significant number of Fair (32.5%) and Poor (46.2%) ratings. This measure also received a significant number of Fair (38.5%) and Poor (36.3%) ratings in 2019. It is important to note that roadways such as IL Rte. 62 (Algonquin Road), IL Rte. 31, IL Rte. 25, Randall Road, and Longmeadow Parkway are considered "major" and are maintained by either the Illinois Department of Transportation or the Kane or McHenry County Division of Transportation, depending on location.

The biggest change from 2019 to 2020, in this section, is Value of Services for the Taxes Paid to the Village of Algonquin (-8.6%), a decrease from 2019. The Village portion of the property tax is approximately 6 percent. In other words, **for every dollar that is paid by residents in property tax, the Village receives six cents.** Schools, fire protection, county, and other taxing bodies (library, township, conservation, community college, etc.) comprise the remainder of the property tax bill.

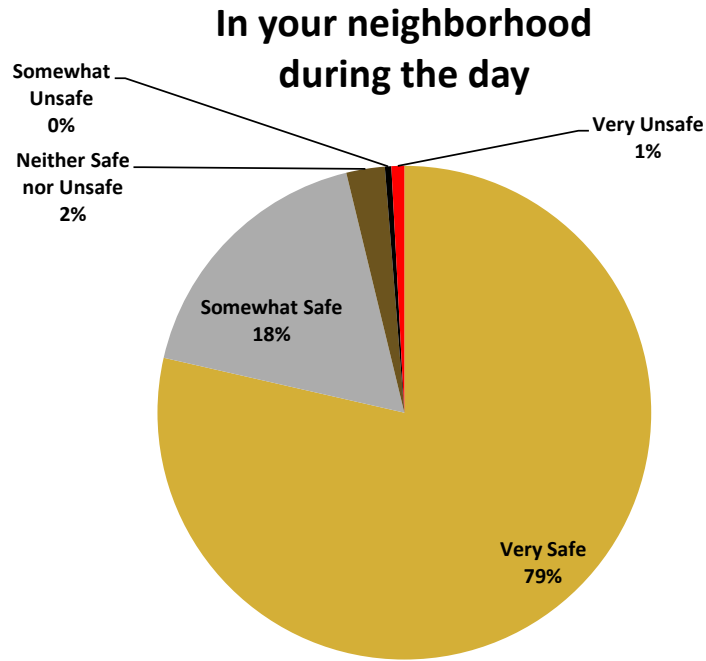
Quality of Life Year-to-Year Positive Rating Comparison: 2018 - 2020



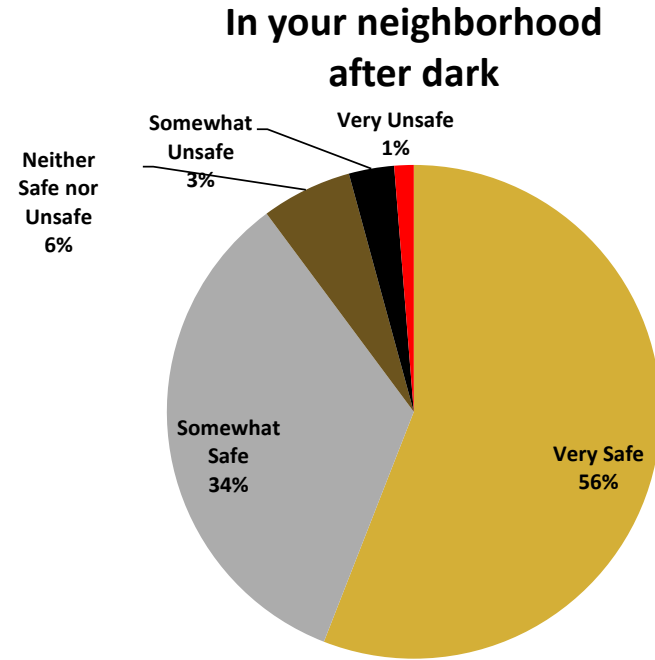
Quality of Life Year-to-Year Positive Rating Comparison: 2018 - 2020 (Part 2)



Public Safety: How Safe Do You Feel...

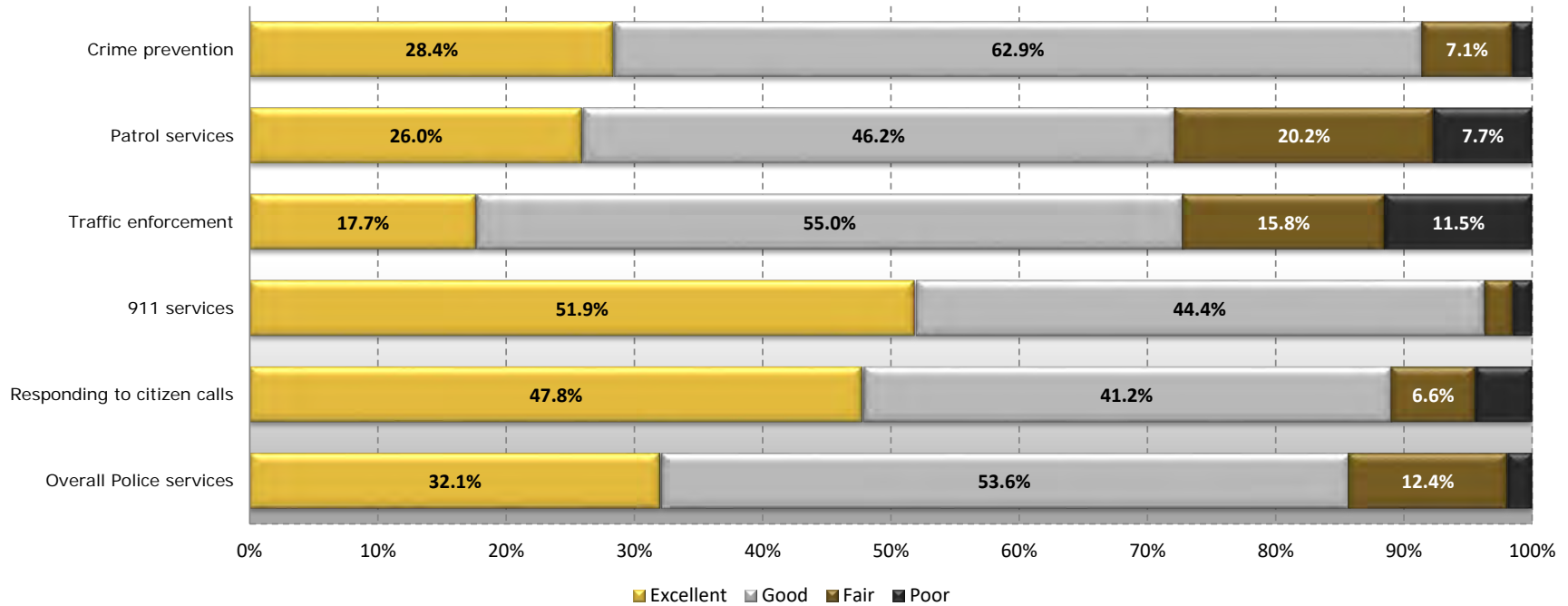


The above chart illustrates respondents' ratings as to how safe they feel in their neighborhood during the day. **Overall, 97% of respondents indicated that they feel either Very Safe or Somewhat Safe.** Around 1% of residents reported feeling less than safe during the day.



The above chart illustrates respondents' ratings on how safe they feel in their neighborhood after dark. **Overall, 90% of respondents indicated that they feel either Very Safe or Somewhat Safe.** Around 4% of the respondents state that they feel less than safe in their neighborhood after dark.

Quality Ratings: Police/Public Safety Summary

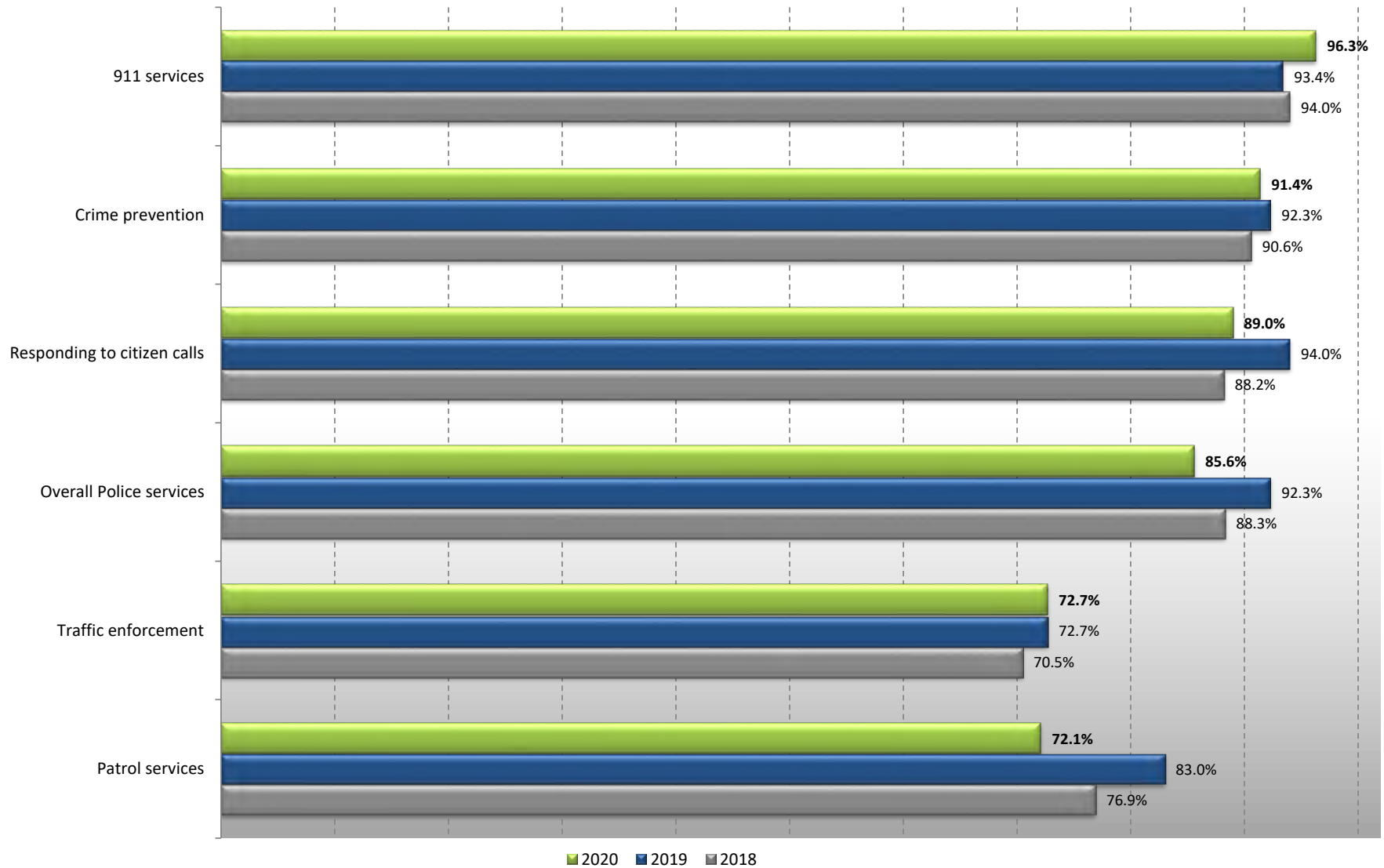


The above chart illustrates quality ratings related to police and public safety services. **96.3% of respondents rated 911 Services as positive.** In 2019, 93.4% of respondents rated this measure positively.

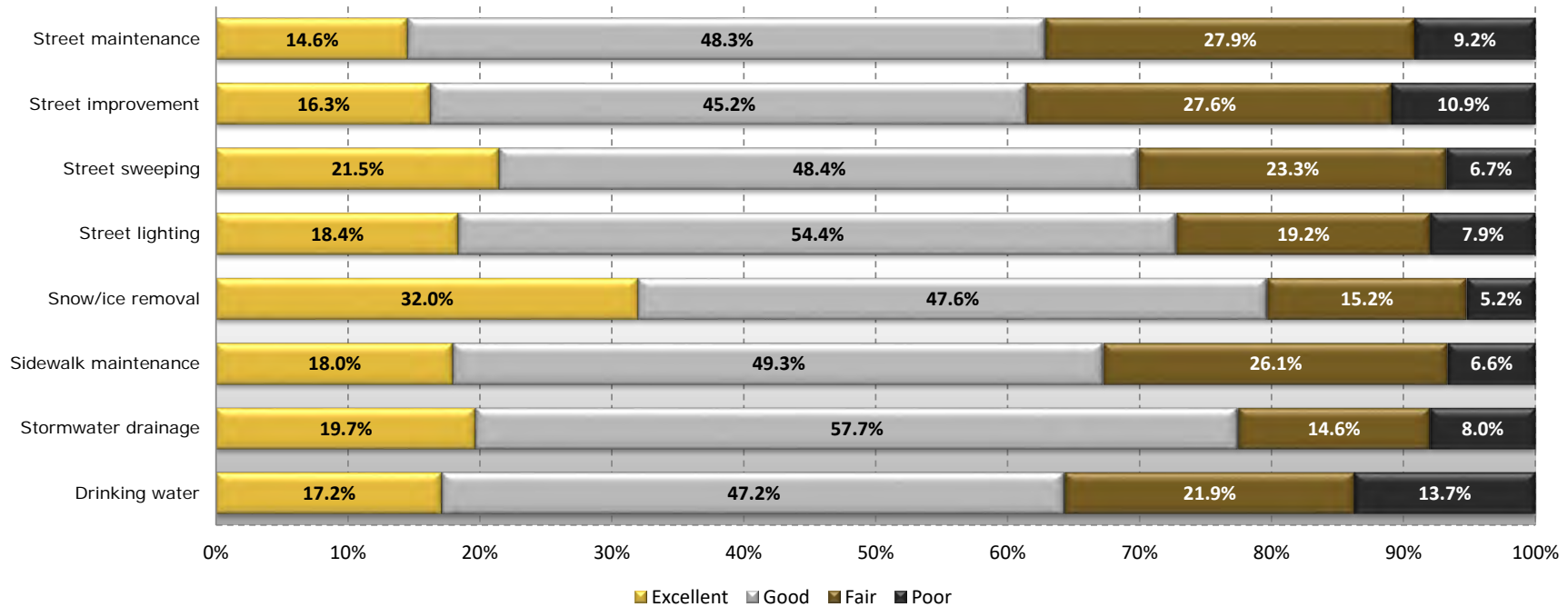
An area of focus is Traffic Enforcement, which received a significant number of Fair (15.8%) and Poor (11.5%) ratings. This measure also received a significant number of Fair (17.1%) and Poor (10.2%) ratings in 2019. Traffic enforcement has shown an increase in positive ratings (+2.5%) since the inception of the survey.

The biggest change from 2019 to 2020, in this section, is Patrol Services (-10.9%), a decrease from 2019.

Police Year-to-Year Positive Rating Comparison: 2018-2020



Quality Ratings: Public Works/Infrastructure Summary



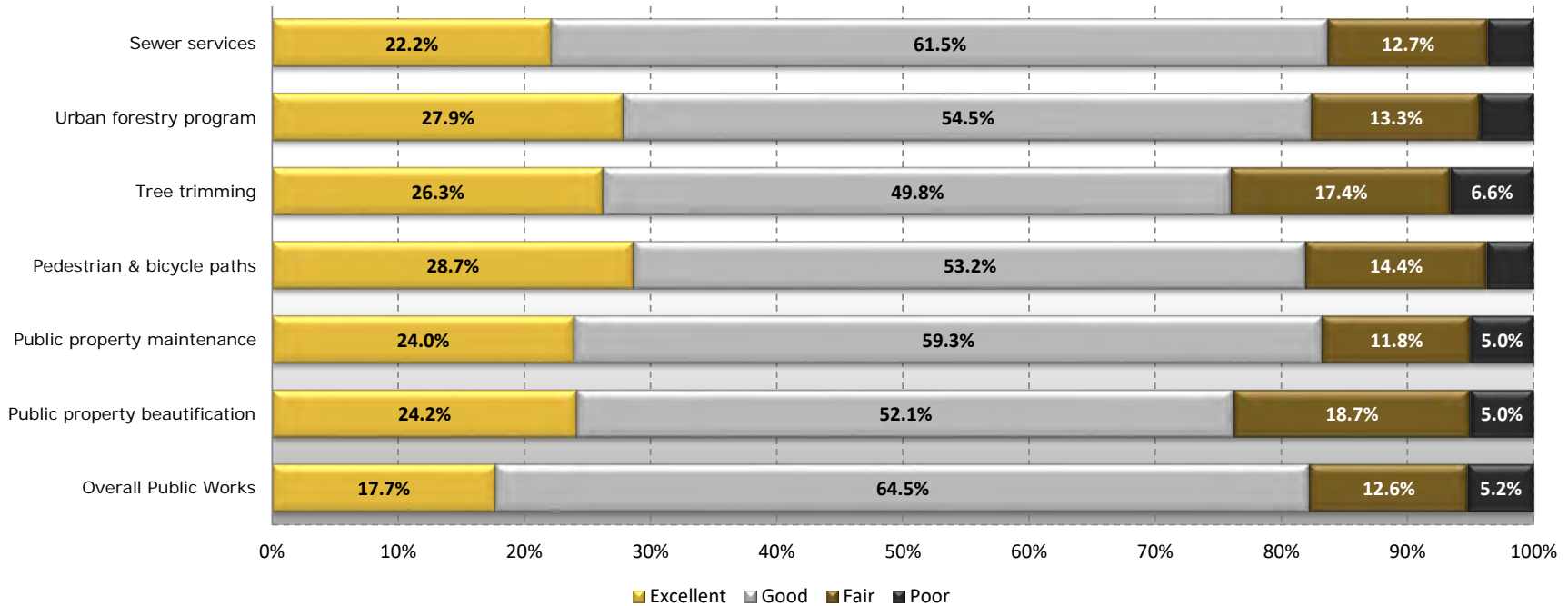
The above chart illustrates quality ratings related to public works and infrastructure services. **79.7% respondents rated Snow/Ice Removal as positive.** In 2019, 88.1% of respondents rated this measure positively.

An area of focus is Street Improvement, which received a significant number of Fair (27.6%) and Poor (10.9%) responses. This measure also received a significant number of Fair (21.2%) and Poor (7.5%) ratings in 2019. Street Improvement has continued to improve since the inception of the survey. However, the decrease from last year has resulted in a cumulative loss of 3.3% of positive ratings in this category.

The biggest change from 2019 to 2020, in this section, is Street Maintenance (-18.5%), a decrease from 2019.

A schedule of current and upcoming capital improvement projects being conducted by the Village can be viewed under the "Capital Improvement Project Funds" section in the budget document for the current fiscal year by visiting www.algonquin.org/transparency. This includes projects being done through the Motor Fuel Tax and Street Impvements Funds.

Quality Ratings: Public Works/Infrastructure Summary (Part 2)

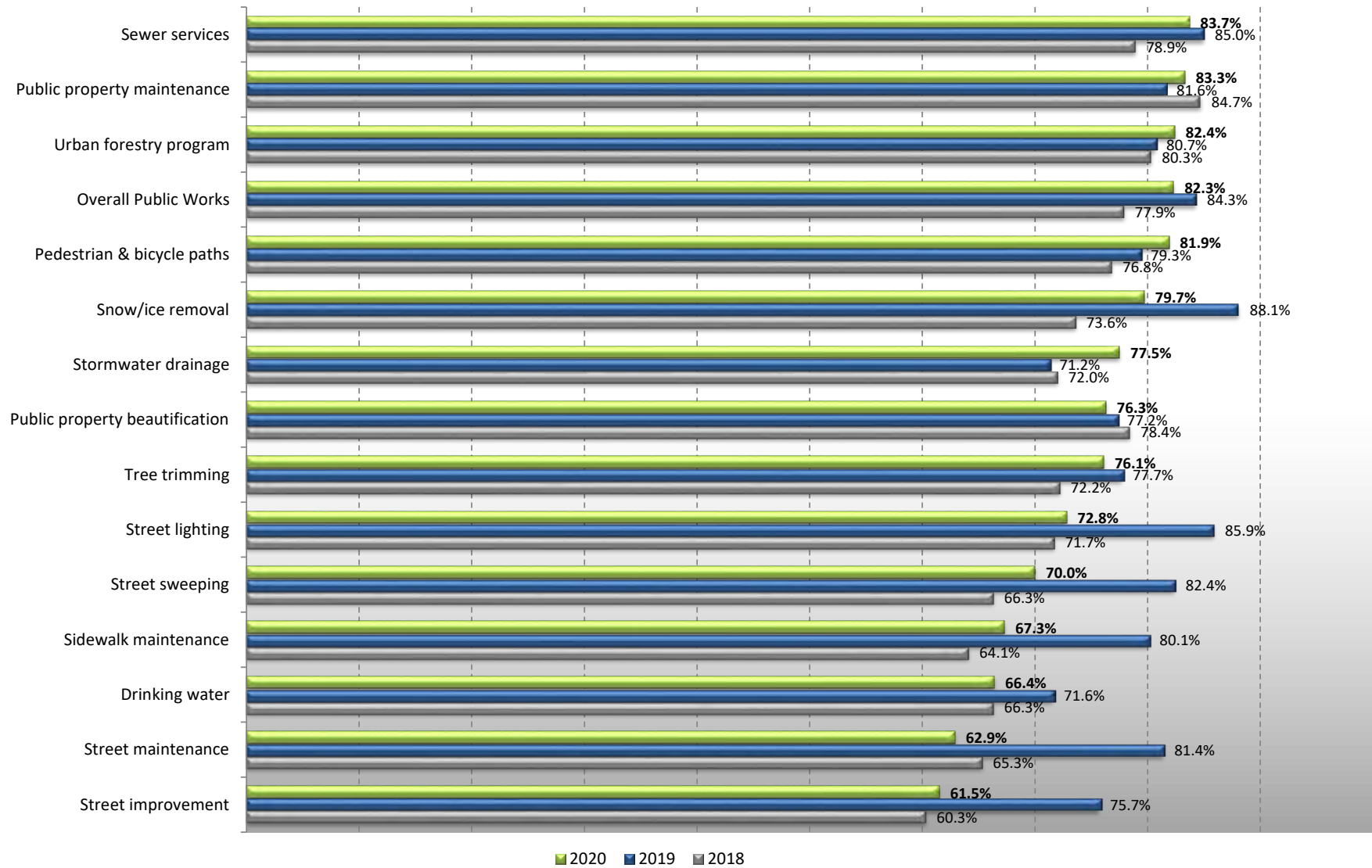


Above is another chart that illustrates quality ratings related to public works and infrastructure services. **88.7% of respondents rated Sewer Services as positive.** In 2018, 78.9% of respondents rated this measure positively.

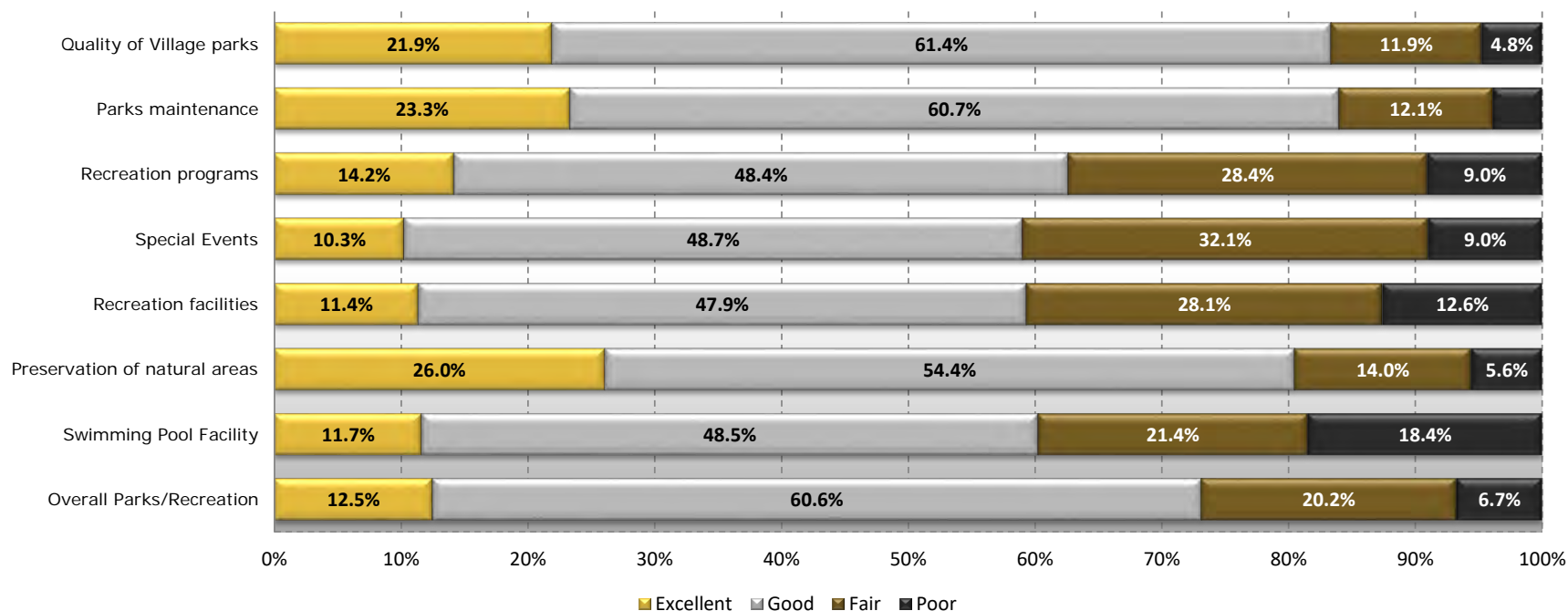
An area of focus is Tree trimming, which received a significant number of Fair (17.4%) and Poor (6.6%) responses. This measure also received a significant number of Fair (18.3%) and Poor (4.0%) ratings in 2019. However, this measure has also shown an increase in positive ratings since 2019 (+3.9%) and inception of the survey (+6.8%). During the calendar year 2020,

The biggest change from 2019 to 2020, in this section, is Pedestrian and Bicycle Paths (+2.6%), an increase from 2019. The Village currently owns and maintains over 30 miles of pedestrian and bike paths. During the calendar year 2020, a program was initiated to replace and repair pedestrian and bicycle paths throughout the Village. The Village added a new segment of path that connects Maker's Park to the McHenry County Conservation District's Prairie Trail, which also runs tangential to downtown Algonquin.

Public Works Year-to-Year Positive Rating Comparison: 2018 - 2020



Quality Ratings: Parks/Recreation

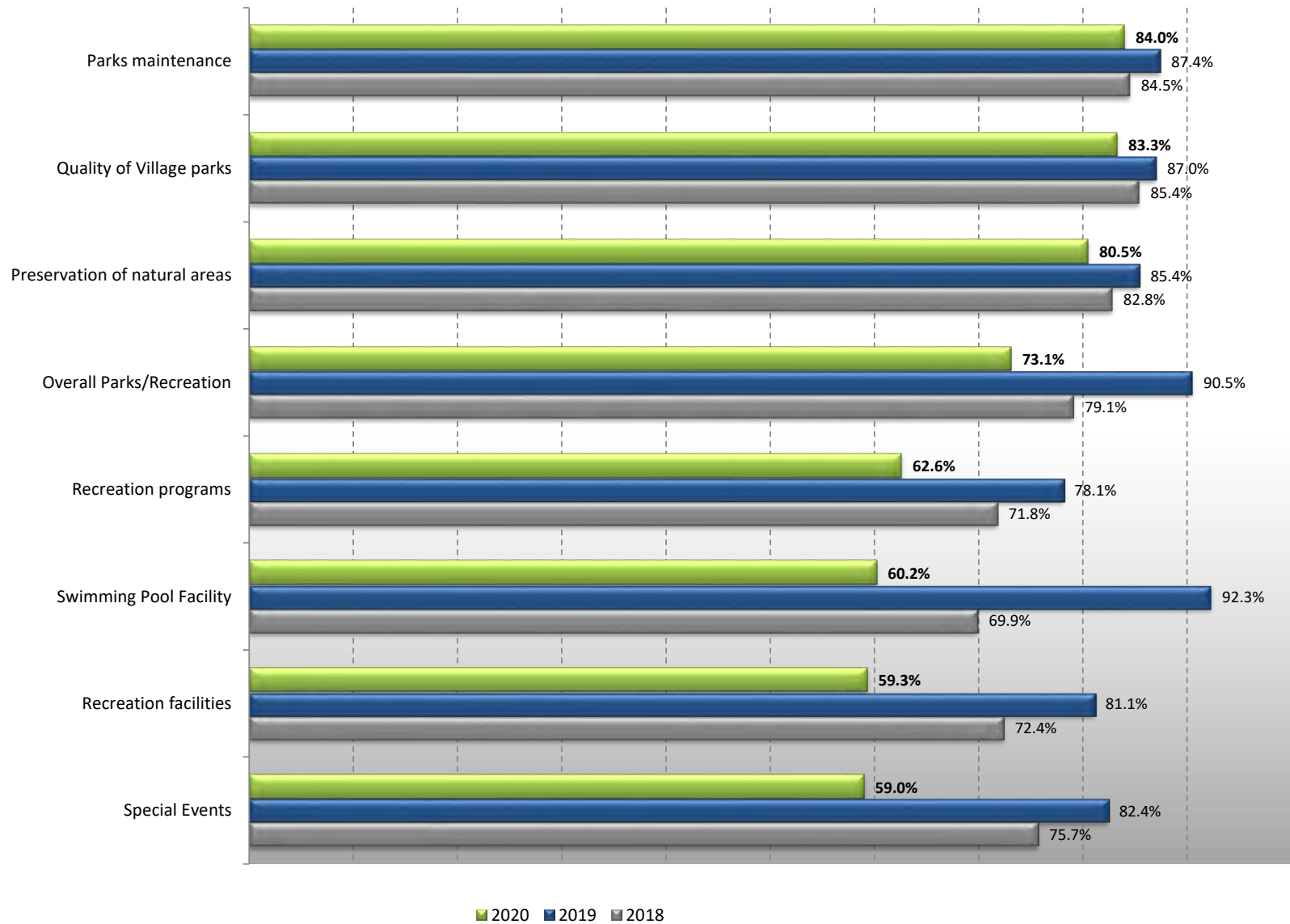


The above chart illustrates quality ratings related to parks and recreation services. **Parks Maintenance was rated the highest in this category with 84.0% of respondents rating it positive.** In 2019, 87.4% of respondents rated this measure positively.

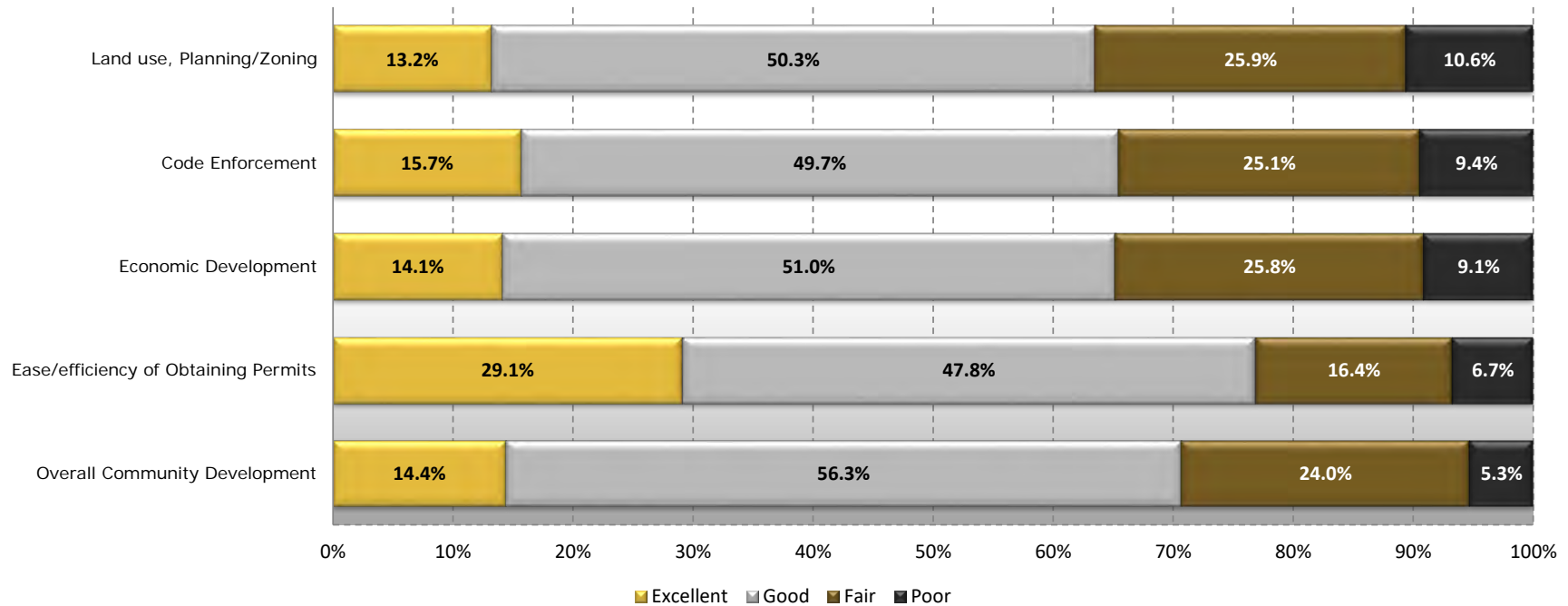
An area of focus is Special Events, which received a significant number of Fair (32.1%) and Poor (9.0%) responses. This measure received significantly less Fair (14.0%) and Poor (3.6%) ratings in 2019. During 2019, Algonquin Recreation hosted a number of special events for residents and visitors to participate in (Algonquin Summer Concerts, Miracle on Main, etc.). With the current mitigation in place to prevent COVID-19, many of these events have been postponed or cancelled.

The biggest change from 2019 to 2020, in this section, is the Swimming Pool Facility (-31.2%), a significant decrease from the previous year. In 2019, the Swimming Pool Facility saw an increase in positive ratings (+22.4%) and was one of the highest rated services. Prior to the opening of the pool facility for that year, the locker rooms were renovated, the pool basin was painted, and additional amenities, such as the deck chairs and umbrellas, were replaced. The pool was not open during the 2020 season; again, due to restrictions in place during the COVID-19 pandemic.

Parks/Recreation Year-to-Year Positive Rating Comparison: 2018 - 2020



Quality Ratings: Community Development

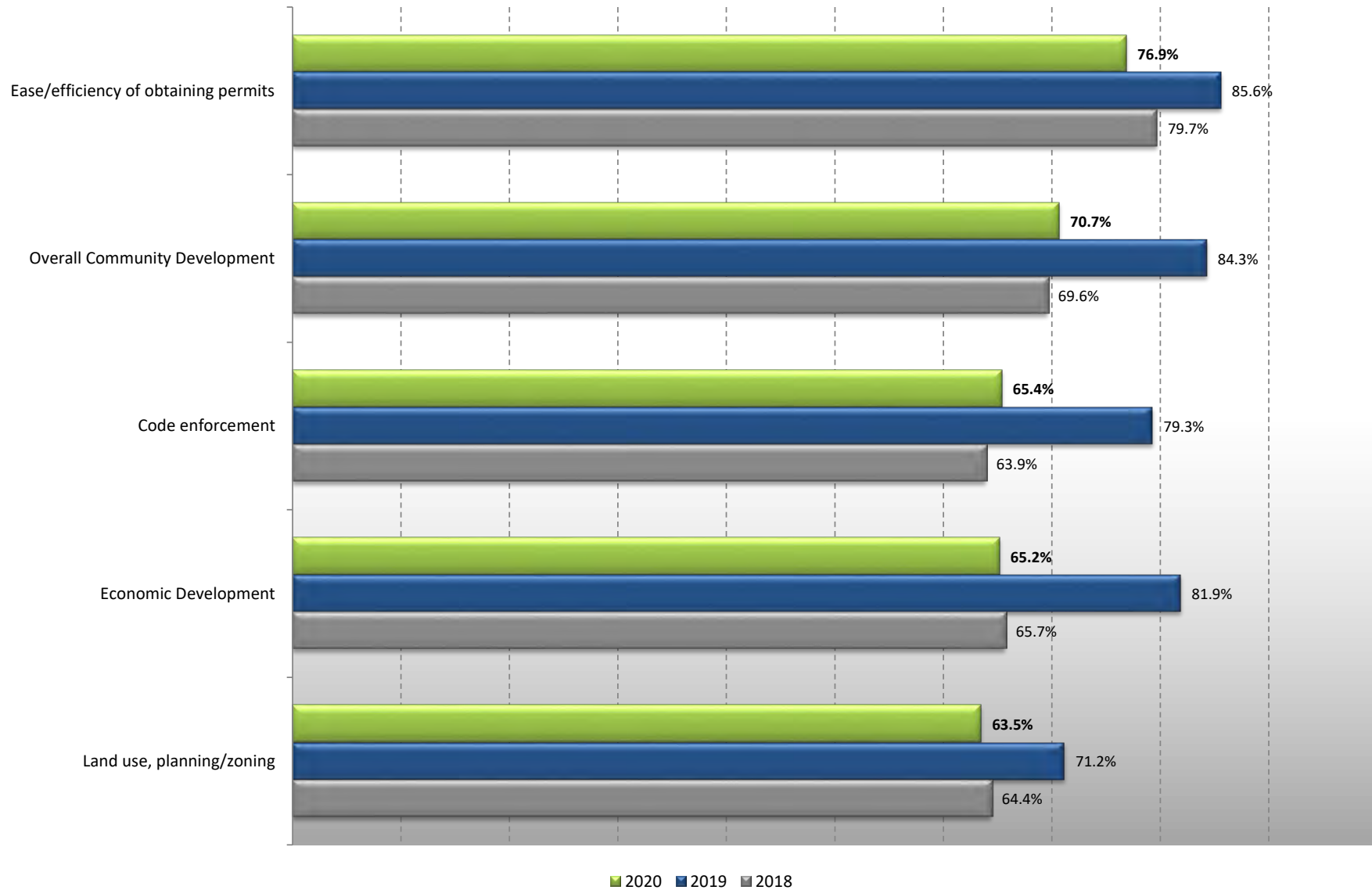


The above chart illustrates quality ratings related to community development services. **76.9% of respondents rated Ease/Efficiency of Obtaining Permits as positive.** In 2019, this measure was rated positively by 85.6% of respondents. As a response to COVID-19, the Village promoted online services to residents, including the ability to apply for building permits online. During the 2020 calendar year, online permit application submissions increased 25.5% from the average of 21.1% in the previous calendar year.

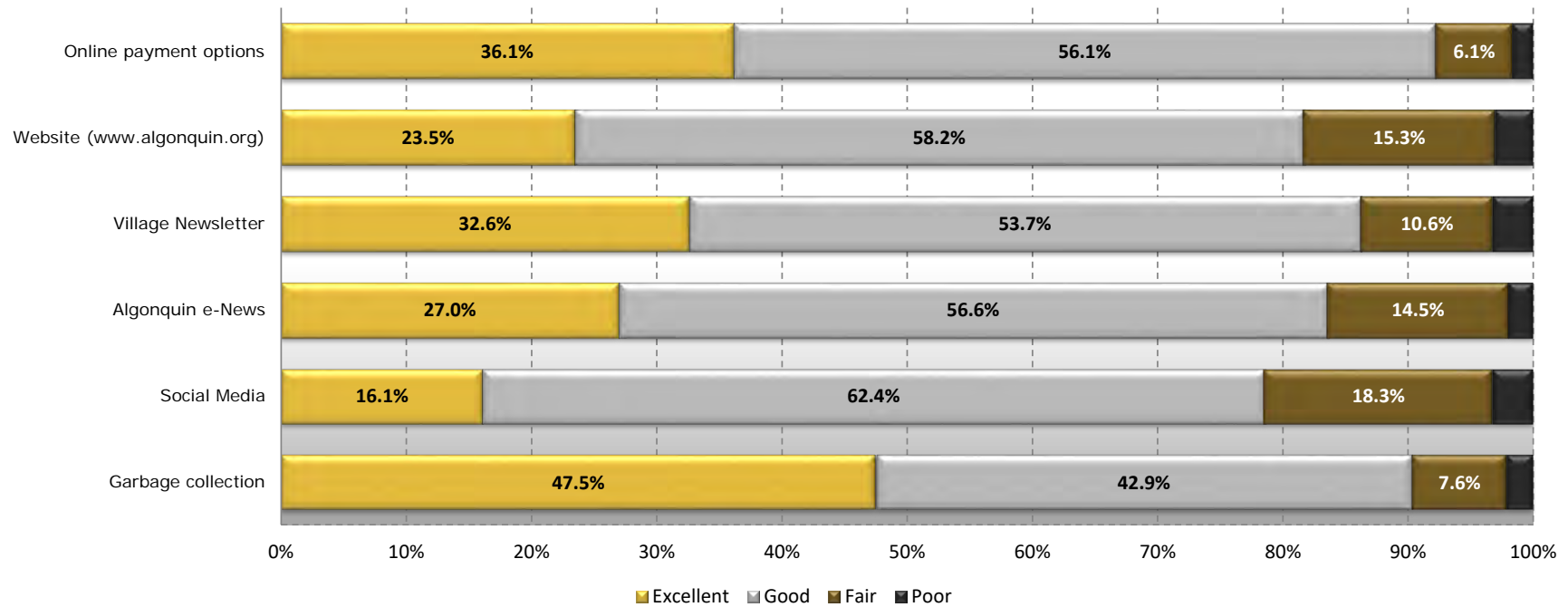
An area of focus is Land Use, Planning/Zoning, which received a significant number of Fair (25.9%) and Poor (10.6%) responses. This measure also received a large number of Fair (26.0%) and Poor (2.8%) ratings in 2019. While this category has decreased when compared to 2019 (-13.6%), quality of Land Use, Planning/Zoning has increased since inception (+2.1%).

The biggest change from 2019 to 2020, in this section, was Economic Development (-16.7%), a decrease from 2019. During the COVID-19 pandemic, the Village has focused on retaining businesses that have been impacted negatively by the pandemic. Business retention has included promoting local businesses; providing businesses with resources to program information from county, state, and federal agencies; as well as implementation of funding tools to assist impacted businesses.

Community Development Year-to-Year Positive Rating Comparison: 2018 - 2020



Quality Ratings: General Services

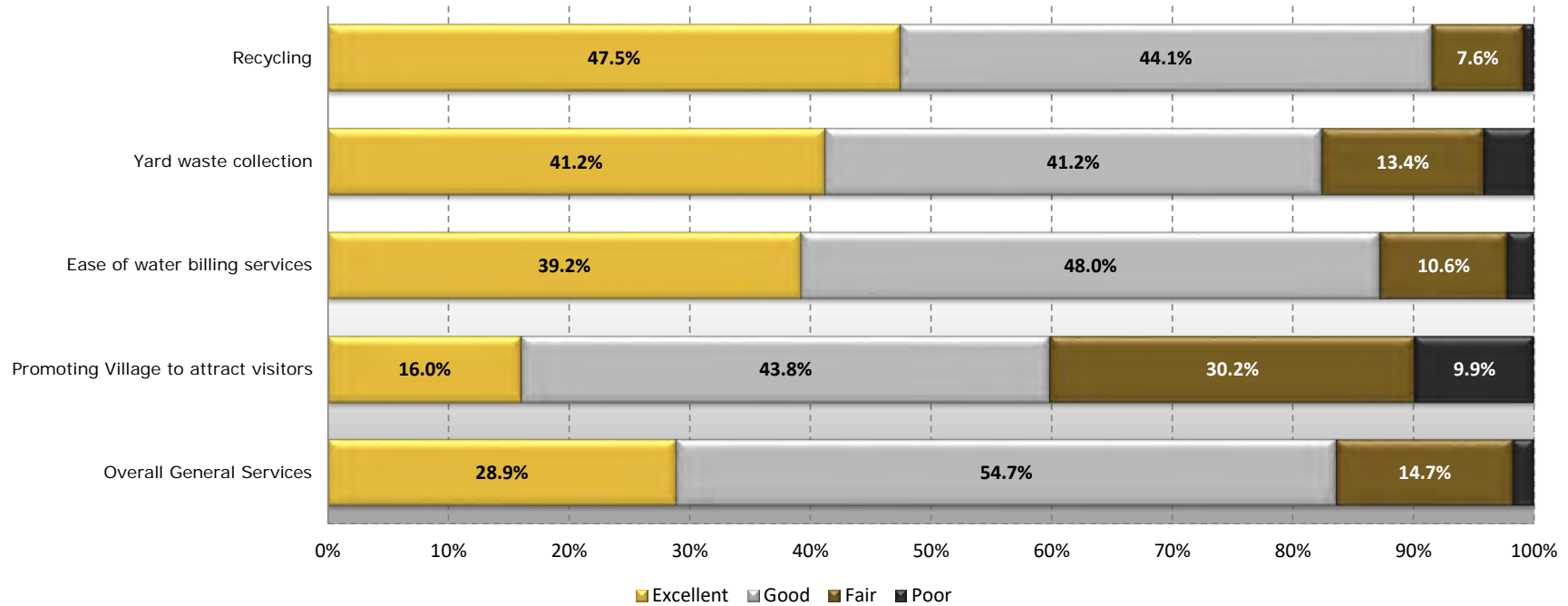


The above chart illustrates the first of two groupings of quality ratings related to general services. **Online Payment options received the highest rating in this category with 92.2% of respondents rating this as positive.** In 2019, 93.0% of respondents rated this measure positively. The use of online payment options and other online services dramatically increased in 2020 and the Village is currently looking into additional ways it can utilize these services in other areas for residents.

The lowest rating (78.5%), in this section, is Social Media. Social Media received a significant number of Fair (18.3%) and Poor (3.2%) responses. In 2019, this category received an insignificant number Fair (8.3%) and Poor (0.7%) responses. Throughout the COVID-19 pandemic, social media platforms have become an essential means of communicating with residents and visitors. The Village currently manages social media accounts on Facebook, Instagram, Twitter, Nextdoor, and LinkedIn.

Social Media also accounted for the largest change from 2019 to 2020 (-12.5%), a decrease from 2019; however, this measure remains stable when compared to inception.

Quality Ratings: General Services (Part 2)

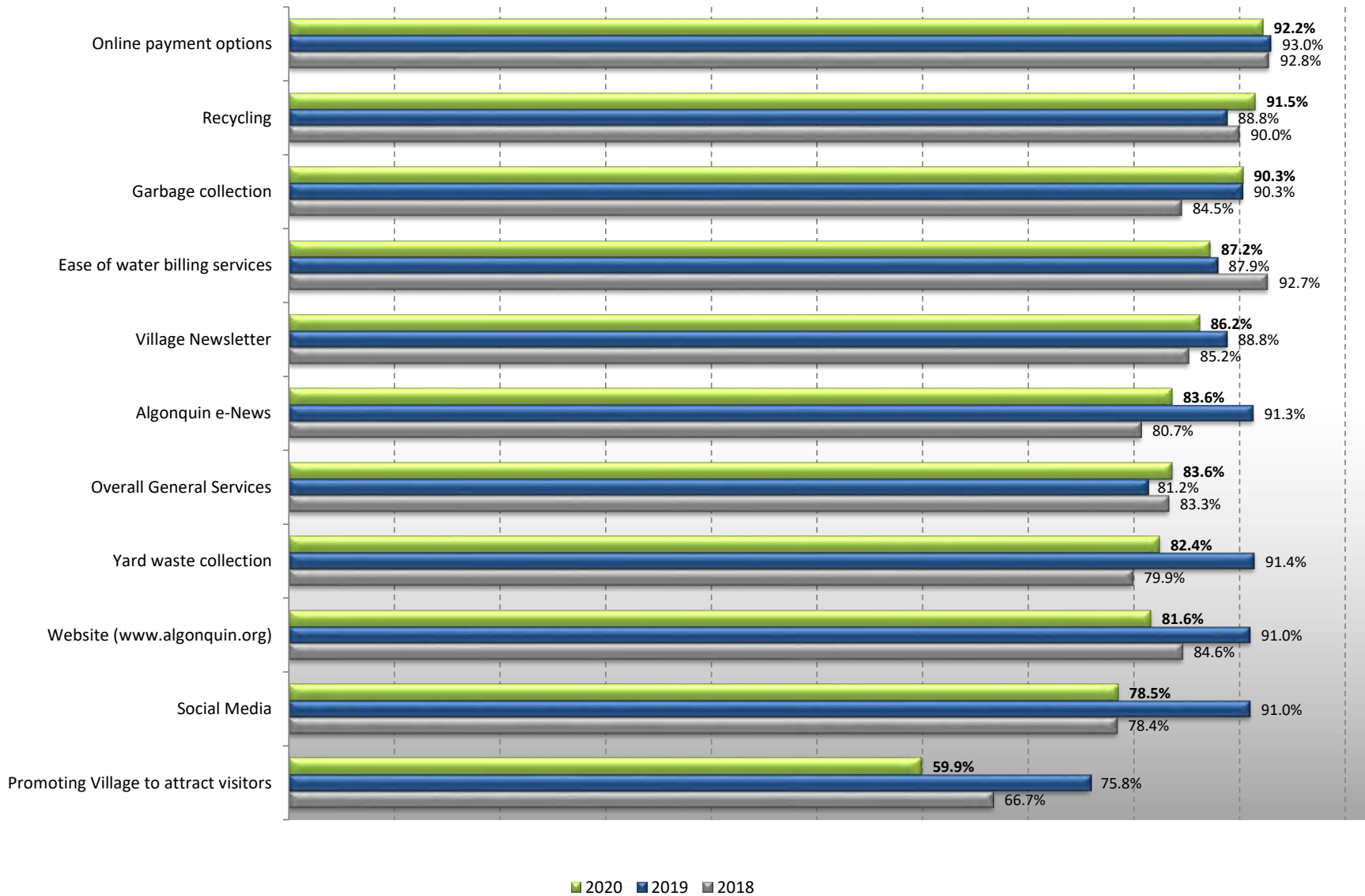


This chart shows the second grouping of general services evaluated in the Algonquin Community Survey. **Residents rated Recycling positively with 91.5% support.** In 2019, this measure received a positive rating by 88.8% of respondents.

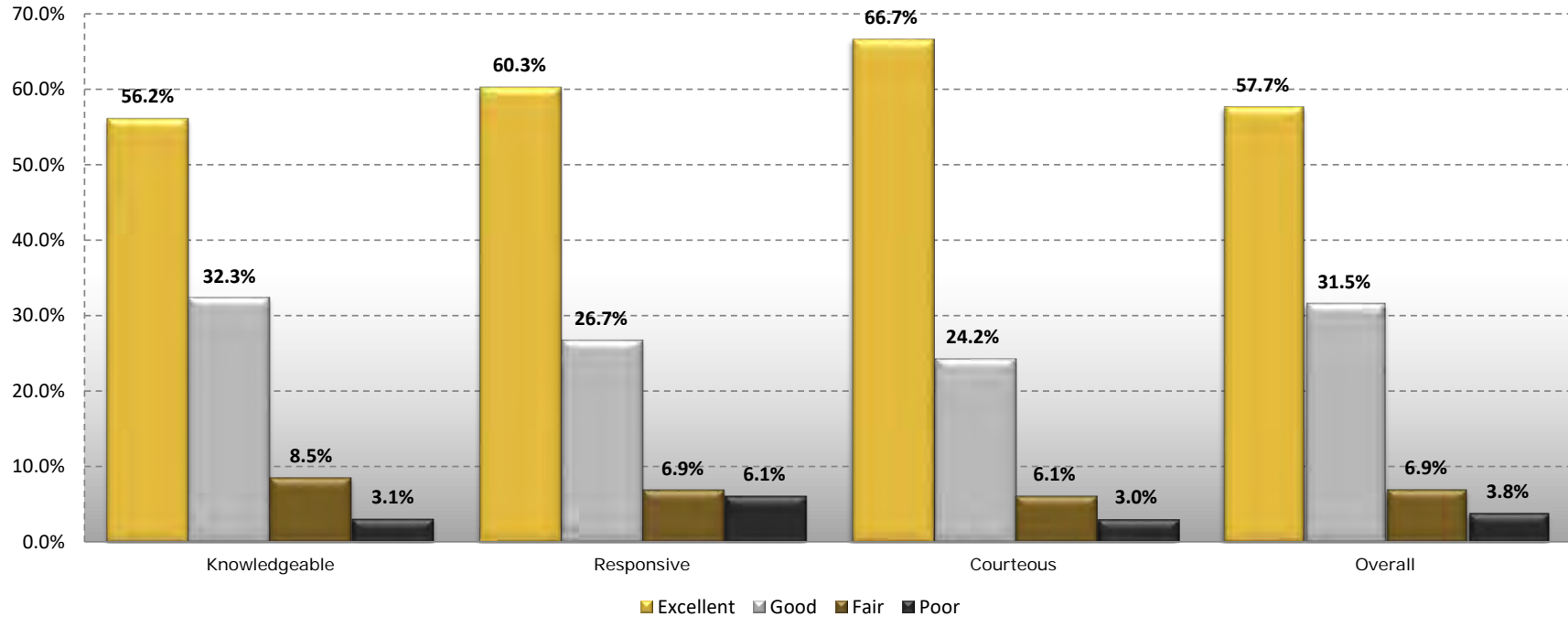
An area of focus is Promoting the Village to Attract Visitors, which received a significant number of Fair (30.2%) and Poor (9.9%) responses. This measure also received a significant number of Fair (17.7%) and Poor (6.5%) ratings in 2019. The Village has been working diligently to increase resident perceptions of this category. For example, the Old Town Algonquin Revitalization Project is a multi-departmental operation focused on infrastructure improvements and promotion of the historic downtown area. Construction aside, efforts focused on promoting the community have been difficult under the current circumstances.

Additionally, Promoting the Village to Attract Visitors has shown the biggest change from 2019 to 2020, in this section (-15.9%), a decrease from 2020.

General Services Year-to-Year Positive Rating Comparison: 2018 - 2020



Village Employee Performance



This chart illustrates the performance rating of Village employees by those residents who have had contact with staff. **Overall, employee interaction was rated as Excellent or Good in all four evaluation categories: Knowledgeable, Responsive, Courteous, and Overall.** Ratings in order of greatest to least are as follows: Courteous (90.9%), Overall (89.2%), Knowledgeable (88.5%), and Responsive (87.0%).

Each department of the Village trains its staff to be proficient in multiple areas congruent with the services that are provided. Residents and visitors are also given multiple options to communicate with Village staff regarding any comments or concerns they may have in-person or through other means such as phone, email, social media, or the Village website.

LAW OFFICES
ZUKOWSKI, ROGERS, FLOOD & McARDLE
50 VIRGINIA STREET
CRYSTAL LAKE, ILLINOIS 60014

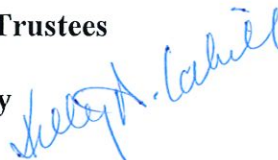
KELLY A. CAHILL
kcahill@zrfmlaw.com

(815) 459-2050
Facsimile (815) 459-9057
www.zrfmlaw.com

MEMORANDUM

To: Acting President and Board of Trustees

From: Kelly A. Cahill, Village Attorney



Cc: Tim Schloneger

Date: January 7, 2021

RE: 7 S. Main Street (Creekside Tap)

In working with staff, we approached the owner of the “Creekside Tap” property to acquire a .111 acre portion to develop as a public parking lot consistent with the TIF Redevelopment Plan and Project. The Village obtained an appraisal for the portion of the property delineated as “Proposed Parcel A” on the attached survey stating that the fair market value is \$50,000. On September 14, 2020, we put together a good faith offer letter offering this compensation to the landowner. Our office has never received a response nor has the owner countered with a different appraisal. Our understanding is that the owners had a conversation with Bob Mitchard and Mike Kerr about the possibility of selling all or part of the property years down the road. Other than that, we have not received any word from them. Accordingly, we followed up the letter reiterating our offer and explained that, because the parties were at an impasse, the Village would be considering the eminent domain process, a copy of which is attached hereto. Thus, we have put together an eminent domain ordinance which would authorize us to file a complaint in court to acquire the portion needed. Please let me know if you have any questions.

LAW OFFICES
ZUKOWSKI, ROGERS, FLOOD & McARDLE
50 VIRGINIA STREET
CRYSTAL LAKE, ILLINOIS 60014

MICHAEL J. SMORON
msmoron@zrfmlaw.com

(815)459-2050
FAX (815)459-9057
www.zrfmlaw.com

November 16, 2020

Via First Class Mail and Certified Mail/Return Receipt Requested

The Sunwood Company
c/o Richard W. Hellyer, Registered Agent
453 Greenwood Avenue
East Dundee, IL 60118

Via First Class Mail and Certified Mail/Return Receipt Requested

The Sunwood Company
7 S. Main Street
Algonquin, IL 60102

FOR SETTLEMENT/NEGOTIATION PURPOSES ONLY

Re: **Proposed Acquisition by the Village of Algonquin of Fee Simple Title to 0.111 acre portion of the property commonly known as the Creekside Tap Parcel at 7 South Main Street, Algonquin, Illinois, assigned PIN 19-34-104-004**

Ladies and Gentlemen:

This firm represents the Village of Algonquin, an Illinois municipal corporation (the "Village"). Our review of public records and other research indicates that The Sunwood Company, an Illinois corporation, is the sole owner of record for certain real property consisting of .111 acre and located at 7 South Main Street, in Algonquin, assigned property index number 19-34-104-004 and which is legally described as follows:

THAT PART OF LOTS 1 AND 2 IN BLOCK 1 IN THE VILLAGE OF ALGONQUIN SUBDIVISION, BEING A SUBDIVISION IN THAT PART OF THE SOUTHWEST QUARTER OF SECTION 27 AND THAT PART OF THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 43 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 15, 1846 IN BOOK G OF DEEDS, PAGE 294, IN MCHENRY COUNTY, ILLINOIS, BEING DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT OF INTERSECTION WITH THE NORTHERLY SHORE LINE OF RELOCATED FOX RIVER OUTLET (A.K.A. CRYSTAL CREEK OUTLET) AND THE WESTERLY LINE OF SAID LOT 1; THENCE NORTHEASTERLY ALONG SAID WESTERLY LINE OF LOT 1, HAVING AN ILLINOIS COORDINATE SYSTEM (EAST ZONE) GRID BEARING OF NORTH 39 DEGREES 27 MINUTES 56 SECONDS EAST, 22.90 FEET TO A POINT ON A LINE 162.00 FEET SOUTHERLY OF AND PARALLEL WITH THE NORTHERLY LINE OF SAID BLOCK 1; THENCE SOUTH 50 DEGREES 22 MINUTES 28 SECONDS EAST, 132.00 FEET ALONG SAID PARALLEL LINE TO A POINT ON THE EASTERLY LINE OF SAID LOT 2; THENCE SOUTH 39 DEGREES 27 MINUTES 56 SECONDS WEST, 50.41 FEET ALONG SAID EASTERLY LINE OF LOT 2 TO A POINT ON

ZUKOWSKI, ROGERS, FLOOD & McARDLE

The Sunwood Company
November 16, 2020
Page 2

SAID NORTHERLY SHORE LINE OF RELOCATED FOX RIVER OUTLET; THENCE NORTH 38 DEGREES 36 MINUTES 25 SECONDS WEST, 134.91 FEET (134.54 FEET RECORD) ALONG SAID NORTHERLY SHORE LINE OF RELOCATED FOX RIVER OUTLET TO THE POINT OF BEGINNING (the "Subject Property").

The Subject Property is a part or portion of a larger parcel located at the same address and assigned the same property identification number which we understand is owned by The Sunwood Company and commonly known as the Creekside Tap property.

A copy of an ALTA/NSPS Land Title Survey prepared by Christopher Burke Engineering depicting the Subject Property, which is labeled as "Proposed Parcel A" thereon, is enclosed again for your review.

The Village has ordered and directed that the Subject Property be acquired in fee simple title by the Village for the public purpose of a public parking lot. The Village seeks to acquire the Subject Property by negotiation with the owners for the Village's purchase or through an action by eminent domain pursuant to 735 ILCS 30/1-1-1, *et seq.*, and through Section 20-5-5(b), *et seq.*, of the Eminent Domain Act and all other applicable law.

To that end, the Village reiterates its offer of Fifty Thousand and No/100 U.S. Dollars (\$50,000.00) for title to the Subject Property free and clear of all claims of other parties, liens, taxes, and encumbrances other than the Village Construction and Maintenance Easement by and between DiFiore Development Corp and the Village of Algonquin recorded January 30, 2007 as document no. 2007R0007212. The Village would be responsible for property taxes for the Subject Property arising on and after any conveyance of the Subject Property to the Village. The amount of \$50,000 is what the Village believes is the market value of the Subject Property. The compensation amount hereby offered has been established pursuant to an appraisal conducted by Lorenz and Associates, Ltd. The appraiser considered the size, shape, location, topography, and zoning of the Subject Property.

Our understanding is that the Subject Property is not occupied by any structure or that any personal property is situated upon same. Hence, we do not believe that The Sunwood Company will incur any relocation costs under 735 ILCS 30/10-5-62 which are to be determined in the same manner as the Uniform Relocation Assistance in Real Property Acquisition Policy Act of 1970. If, however, The Sunwood Company is entitled to any such relocation costs, the Village would pay those as well as required by applicable law.

We would bear the costs of any title insurance, plat of survey, closing costs, recording fees and transfer taxes, if any, and incidental expenses in connection with any transfer of the Subject Property, but not any attorney fees that The Sunwood Company incurs in connection with any such conveyance of the Subject Property to the Village.

It appears that the Village's efforts to negotiate the purchase of the Subject Property with The Sunwood Company are at impasse at this point. While we understand that there was an informal meeting with the Village's Public Works Director and consulting engineer regarding a *possible* sale of the Subject Property several years from now there have been no questions from The Sunwood Company regarding the appraisal, our previous correspondence to The Sunwood Company or any other matters involving the proposed acquisition of the Subject Property by the Village. The

ZUKOWSKI, ROGERS, FLOOD & McARDLE

The Sunwood Company
November 16, 2020
Page 3

Sunwood Company has not countered with any appraisal or counteroffer. If The Sunwood Company changes its position on this matter and wishes to meet with myself and/or the Village about the Village's offer, please let us know as soon as possible. Thank you.

Unless we hear from you or your attorney, we shall assume that you have rejected the Village's offer, and condemnation proceedings will be instituted pursuant to the eminent domain laws of the State of Illinois.

Sincerely,

A handwritten signature in cursive script that reads "Michael J. Smoron". The signature is written in black ink and has a long, horizontal flourish at the end.

Michael J. Smoron

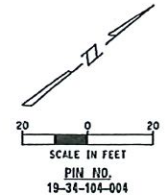
MJS:cw
Enclosures

cc: Tim Schloneger, Village Manager, Village of Algonquin (via email)
Kelly Cahill, Village Attorney (via email)

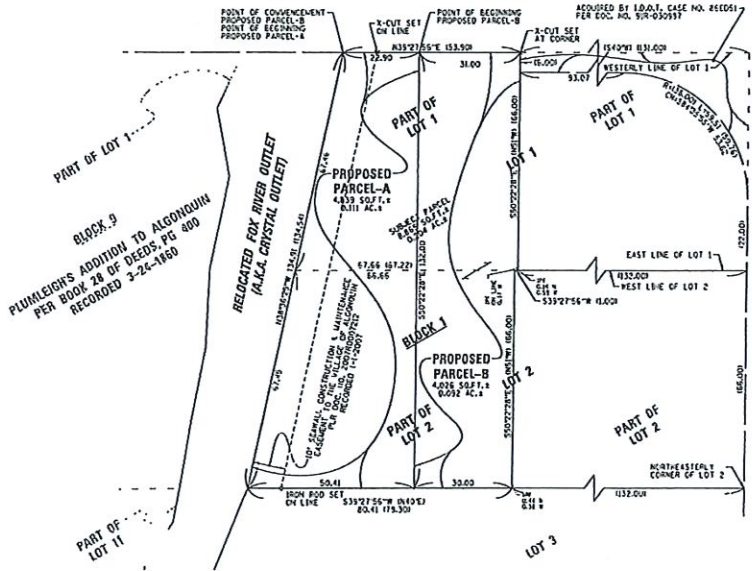
LEGEND

- IRON ROD SET
- × 1-CUT SET
- IRON PIPE FOUND (IPF)
- IRON ROD FOUND (IRF)
- 00.00 MEASURED RECORD
- 100.00 MEASURED RECORD
- PROPERTY LINE
- R.O.M. LINE
- - - EASEMENT LINE
- - - ABANDONED/EXTENSION LINE
- - - PROPOSED PROPERTY LINE

ALTA / NSPS LAND TITLE SURVEY



S. MAIN STREET (IL ROUTE 31)
(BY PLAT OF 1941)



ALGONQUIN ROAD
(IL ROUTE 62) (A.K.A. CHICAGO STREET)

LEGAL DESCRIPTION (PARCEL-B-1)
 THAT PART OF LOTS 1 AND 2 IN BLOCK 1 IN THE VILLAGE OF ALGONQUIN SUBDIVISION, BEING A SUBDIVISION IN THAT PART OF THE SOUTHWEST QUARTER OF SECTION 27 AND THAT PART OF THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 43 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 15, 1948 IN BOOK 6 OF DEEDS, PAGE 294, IN MONROE COUNTY, ILLINOIS, BEING DESCRIBED AS FOLLOWS:
 BEGINNING AT A POINT OF INTERSECTION WITH THE NORTHERLY SHORE LINE OF RELOCATED FOX RIVER OUTLET (A.K.A. CRYSTAL CREEK OUTLET) AND THE WESTERLY LINE OF SAID LOT 1; THENCE NORTHEASTERLY ALONG SAID WESTERLY LINE OF LOT 1, HAVING AN ILLINOIS COORDINATE SYSTEM (EAST ZONE) GRID BEARING OF NORTH 29 DEGREES 27 MINUTES 58 SECONDS EAST, 22.93 FEET TO A POINT ON A LINE 102.00 FEET SOUTHERLY OF AND PARALLEL WITH THE NORTHERLY LINE OF SAID BLOCK 1; THENCE SOUTH 80 DEGREES 22 MINUTES 28 SECONDS EAST, 130.00 FEET ALONG SAID PARALLEL LINE TO A POINT ON THE EASTERLY LINE OF SAID LOT 2; THENCE SOUTH 58 DEGREES 31 MINUTES 58 SECONDS WEST, 50.41 FEET ALONG SAID EASTERLY LINE OF LOT 2 TO A POINT ON SAID NORTHERLY SHORE LINE OF RELOCATED FOX RIVER OUTLET; THENCE NORTH 38 DEGREES 38 MINUTES 25 SECONDS WEST, 134.81 FEET (134.04 FEET RECORD) ALONG SAID NORTHERLY SHORE LINE OF RELOCATED FOX RIVER OUTLET TO THE POINT OF BEGINNING.

LEGAL DESCRIPTION (PARCEL-B-2)
 THAT PART OF LOTS 1 AND 2 IN BLOCK 1 IN THE VILLAGE OF ALGONQUIN SUBDIVISION, BEING A SUBDIVISION IN THAT PART OF THE SOUTHWEST QUARTER OF SECTION 27 AND THAT PART OF THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 43 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 15, 1948 IN BOOK 6 OF DEEDS, PAGE 294, IN MONROE COUNTY, ILLINOIS, BEING DESCRIBED AS FOLLOWS:
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CHRISTOPHER B. BURKE
 ENGINEERING, L.T.O.
 9575 West Higgins Road, Suite 600
 Rosemont, Illinois 60018
 (847) 823-0500

ALTA / NSPS LAND TITLE SURVEY
 IN
 VILLAGE OF ALGONQUIN, ILLINOIS
 PREPARED FOR
 VILLAGE OF ALGONQUIN

CALC.	KJR	PROJECT NO.
DRAWN	AJK	070273.00095
CHECKED	JRM	SHEET 2 OF 2
SCALE	1"=20'	DRAWING NO.
DATE	10-23-2019	ALTA070273.95A2

N:\ALGONQUIN\070273\070273-00095\SURVEY\ALTA070273.95A2.DWG

ORDINANCE NO. 2021 - O - ____

***An Ordinance Authorizing the Village to Bring an
Eminent Domain Proceeding to Acquire A Portion of
Certain Property Commonly Known as 7 South Main Street***

WHEREAS, the Village of Algonquin (the “Village”), Kane and McHenry Counties, Illinois, is a home rule municipality as contemplated under Article VII, Section 6, of the Constitution of the State of Illinois, and the passage of this Ordinance constitutes an exercise of the Village’s home rule powers and functions as granted in the Constitution of the State of Illinois in addition to all other case and statutory law, including but not limited to the Equity in Eminent Domain Act, P.A. 094-1055, as amended, and the statutes set forth herein, empowering the Village relative to the subject matter of this Ordinance;

WHEREAS, the Subject Property is legally described as follows:

THAT PART OF LOTS 1 AND 2 IN BLOCK 1 IN THE VILLAGE OF ALGONQUIN SUBDIVISION, BEING A SUBDIVISION IN THAT PART OF THE SOUTHWEST QUARTER OF SECTION 27 AND THAT PART OF THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 43 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 15, 1846 IN BOOK G OF DEEDS, PAGE 294, IN MCHENRY COUNTY, ILLINOIS, BEING DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT OF INTERSECTION WITH THE NORTHERLY SHORE LINE OF RELOCATED FOX RIVER OUTLET (A.K.A. CRYSTAL CREEK OUTLET) AND THE WESTERLY LINE OF SAID LOT 1; THENCE NORTHEASTERLY ALONG SAID WESTERLY LINE OF LOT 1, HAVING AN ILLINOIS COORDINATE SYSTEM (EAST ZONE) GRID BEARING OF NORTH 39 DEGREES 27 MINUTES 56 SECONDS EAST, 22.90 FEET TO A POINT ON A LINE 162.00 FEET SOUTHERLY OF AND PARALLEL WITH THE NORTHERLY LINE OF SAID BLOCK 1; THENCE SOUTH 50 DEGREES 22 MINUTES 28 SECONDS EAST, 132.00 FEET ALONG SAID PARALLEL LINE TO A POINT ON THE EASTERLY LINE OF SAID LOT 2; THENCE SOUTH 39 DEGREES 27 MINUTES 56 SECONDS WEST, 50.41 FEET ALONG SAID EASTERLY LINE OF LOT 2 TO A POINT ON SAID NORTHERLY SHORE LINE OF RELOCATED FOX RIVER OUTLET; THENCE NORTH 38 DEGREES 36 MINUTES 25 SECONDS WEST, 134.91 FEET (134.54 FEET RECORD) ALONG SAID NORTHERLY SHORE LINE OF RELOCATED FOX RIVER OUTLET TO THE POINT OF BEGINNING (the “Subject Property”); and

WHEREAS, the Subject Property is depicted in Exhibit A hereto and labeled “Proposed Parcel A” thereon, is .111 acre and assigned PIN 19-34-104-004 and, along with the other property, has a common address of 7 South Main Street, Algonquin, Illinois; and

WHEREAS, pursuant to the Illinois Municipal Code, 65 ILCS 5/1-1-1 *et seq.* (the “Code”), the Village is authorized to acquire by eminent domain such property that is useful, advantageous or desirable for municipal purposes or public welfare. Section 11-61-1 of the Code provides as follows:

Sec. 11-61-1. The corporate authorities of each municipality may exercise the right of eminent domain by condemnation proceedings in conformity with the provisions of the constitution and statutes of the State of Illinois for the acquirement of property useful, advantageous or desirable for municipal purposes or public welfare including property in unincorporated areas outside of but adjacent and contiguous to the municipality where required for street or highway purposes by the municipality.

In addition, 65 ILCS 5/11-61-2 provides as follows:

Sec. 11-61-2. The corporate authorities of each municipality may vacate, lay out, establish, open, alter, widen, extend, grade, pave, or otherwise improve streets, alleys, avenues, sidewalks, wharves, parks, and public grounds; and for these purposes or uses to take real property or portions thereof belonging to the taking municipality, or to counties, school districts, boards of education, sanitary districts or sanitary district trustees, forest preserve districts or forest preserve district commissioners, and park districts or park commissioners, even though the property is already devoted to a public use, when the taking will not materially impair or interfere with the use already existing and will not be detrimental to the public.

WHEREAS, Subsections c and f of Section 11-74.4-4 of the Illinois Municipal Code provide that a municipality may “(c) Within a redevelopment project area, acquire by purchase, donation, lease or eminent domain; own, convey, lease, mortgage or dispose of land and other property, real or personal, or rights or interests therein, and grant or acquire licenses, easements and options with respect thereto, all in the manner and at such price the municipality determines is reasonably necessary to achieve the objectives of the redevelopment plan and project” and “(f) Install, repair, construct, reconstruct or relocate streets, utilities and site improvements essential to the preparation of the redevelopment area for use in accordance with a redevelopment plan”; and

WHEREAS, Section 5-5-5(a), (a-10) and (b) of the Eminent Domain Act provide as follows:

Section 5-5-5

(a) In addition to all other limitations and requirements, a condemning authority may not take or damage property by the exercise of the power of eminent domain unless it is for a public use, as set forth in this Section.

(a-10) ... A condemning authority may exercise the power of eminent domain for the acquisition of property in furtherance of an existing tax increment allocation redevelopment plan as provided for by law in effect prior to the effective date of this Act; and

(b) If the exercise of eminent domain authority is to acquire property for public ownership and control, then the condemning authority must prove that (i) the acquisition of the property is necessary for a public purpose and (ii) the acquired property will be owned and controlled by the condemning authority or another governmental entity.

735 ILCS 30/5-5-5(a), (a-10) and (b).

In Ordinance No. 2014-O-41 entitled *An Ordinance of the Village of Algonquin, Illinois Approving a Tax Increment Redevelopment Plan and Redevelopment Project for the Downtown Redevelopment Project Area*, which is incorporated herein by this reference, the Village approved a tax increment redevelopment plan (the “Plan”), redevelopment project (the “Project”) and a redevelopment project area (the “Area” or “RPA”) within which the Subject Property is situated.

The Plan and Project as set forth in Exhibit D of Ordinance No. 2014-O-41, provide, in part, as follows regarding the Area:

Site conditions that may have precluded intensive private investment in the past will be eliminated.

The designation of the area as a Redevelopment Project Area will allow the Village to address area deficiencies including (but not limited to):

Providing viable uses/redevelopment for the property located within the RPA;
Address ongoing vacancies and redevelop underutilized properties in conformance with Village standards and market conditions;
Providing infrastructure that is adequate in relation to Village redevelopment plans and coordinate such infrastructure provision with redevelopment activities;

(page 2, Ex. D)

Provision of continued review of ingress and egress requirements that satisfy area circulation, parking and connections to major arterials, including the Illinois 31 Western Bypass;

Improving area appearance and pedestrian use through landscape, streetscape, internal circulation design, signage programs, and coordinated parking.

(page 3, Ex. D)

Such Plan and Project set forth specific objectives for the Area or RPA including, but not limited to the following:

1) Promote the redevelopment of existing vacant or underutilized property located within the RPA.

3) Improve existing roads and right-of-ways, including the coordination of parking improvements and area circulation including coordination with the Route 31 Western Bypass.

(page 7, Ex. D)

The Plan goes on to provide that Redevelopment Plan and Project Objectives include:

2) By constructing public improvements which may include (if necessary):

vi. Parking improvements – both on grade and structured parking

(page 11, Ex. D)

The Plan goes on to provide that Redevelopment Activities include:

Pursuant to the foregoing objectives, the Village will implement a coordinated program of actions, including, but not limited to, site preparation, clearance, demolition, provision of public infrastructure and related public improvements.

Land Assembly and Relocation

Property may be acquired, assembled and reconfigured into appropriate redevelopment sites, including for the provision of relocation assistance as provided for in the TIF Act.

(page 11, Ex. D)

The Plan also provides as follows:

Public Improvements

The Village may provide public improvements in the RPA to enhance the immediate area and support the Redevelopment Plan and Project. Appropriate public improvements may include, but are not limited to:

- Parking improvements including both on grade or structured parking alternatives;

(page 12, Ex. D)

The Plan also provides for estimated redevelopment project costs as follows:

3. Property assembly costs, including, but not limited to, acquisition of land and other property, real or personal, or rights or interest therein, demolition of buildings, site preparation, site improvements that serve as an engineered barrier addressing ground level or below ground environmental contamination, including, but not limited to, parking lots and other concrete or asphalt barriers, and the clearing and grading of land;

(page 14, Ex. D)

5. Costs of the construction of public works or improvements ...

(page 15, Ex. D)

Such Plan and Project also provides:

**VILLAGE OF ALGONQUIN
DOWNTOWN REDEVELOPMENT PROJECT
ESTIMATED PROJECT COSTS**

Redevelopment Cost Items	Estimated Costs (A)
1. Public Improvements including, but not limited to, water, storm, sanitary sewer, traffic management, and streetscape improvements, and public parking (both on grade and structured parking)	\$30,000,000

3. Land Acquisition/Assembly Costs, including Relocation Costs	\$10,000,000
<i>(page 22, Ex. D)</i>	

III. Description and Scheduling of Redevelopment Project.

A. Redevelopment Project

Land Assembly and Relocation: Certain properties in the RPA may be acquired and assembled into an appropriate redevelopment site, and relocation assistance as provided for in the TIF Act may also be undertaken.

Roadway/Street/Parking Improvements. ... Parking improvements, both on grade and structured parking, may also be undertaken by the Village.

(page 25, Ex. D)

WHEREAS, the Village finds that the acquisition of the Subject Property in order to develop same as a public parking lot would attract patrons to the RPA by providing a convenient parking lot to enable them to utilize and patronize businesses and other amenities within the RPA and make the RPA more appealing to private investment which would revitalize the RPA.

WHEREAS, the Village wishes to acquire title to the Subject Property in order to accomplish the purposes of the Plan and Project and to effectuate same by acquiring the Subject Property for the public purposes of a public parking lot with the Village finding that such acquisition would be in furtherance of the Plan and Project, would be a public use, is necessary for a public purpose and will be owned and controlled by the condemning authority, that is, the Village;

WHEREAS, for the reasons and findings set forth above, the Village’s Board of Trustees believes that the acquisition of the Subject Property is necessary for a public purpose or purposes as contemplated by subparagraphs § 5-5-5(a), (a-10), and (b) of the Eminent Domain Act, 735 ILCS 30/5-5-5, and which will be publicly owned by the Village, as a result of the anticipated eminent domain proceeding, and will be owned and controlled by the Village in accordance with

Section 5-5-5(a), (a-10) and (b) of the Eminent Domain Act as well as the goals and purposes of the Plan and Project;

WHEREAS, Section 6(a) of Article VII, of the Illinois Constitution provides as follows:

Except as limited by this Section, a home rule unit may exercise any power and perform any function pertaining to its government and affairs including, but not limited to, the power to regulate for the protection of the public health, safety, morals, and welfare.

WHEREAS, the Subject Property is within the Village’s corporate boundaries and the exercise of eminent domain to acquire the Subject Property pertains to the Village’s government and affairs. The Subject Property is within a tax increment financing district established by the Village and is within a redevelopment project area designated by the Village;

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Algonquin, Kane and McHenry Counties, Illinois, as follows:

SECTION 1: The foregoing recitals are incorporated herein as if fully set forth herein. The Village determines that is necessary and desirable that the Subject Property be acquired in fee simple title for the reasons, uses and public purposes set forth above and in accordance with the statutory authority set forth above. The Village Manager, Village staff and counsel are authorized and directed to take such steps, either by negotiation or eminent domain, to acquire title to the Subject Property and in accordance with applicable law.

SECTION 2: If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.

SECTION 3: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 4: This Ordinance shall be in full force and effect upon its passage, approval and publication in pamphlet form (which publication is hereby authorized) as provided by law.

- Aye:
- Nay:
- Absent:
- Abstain:

APPROVED:

Acting Village President Debby Sosine

(SEAL)
ATTEST: _____
Village Clerk _____

Passed: _____

Approved: _____

Published: _____

Prepared by:

Kelly Cahill, Village Attorney

Zukowski, Rogers, Flood & McArdle

50 Virginia Street

Crystal Lake, Illinois 60014

Z:\A\AlgonquinVillageof\Ordinances\EminentDomain.7 S Main Street (creekside).doc

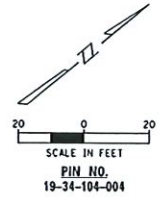
EXHIBIT A

**Depiction of the Subject Property
(as designated as "Proposed Parcel A" on the attached plat of survey)**

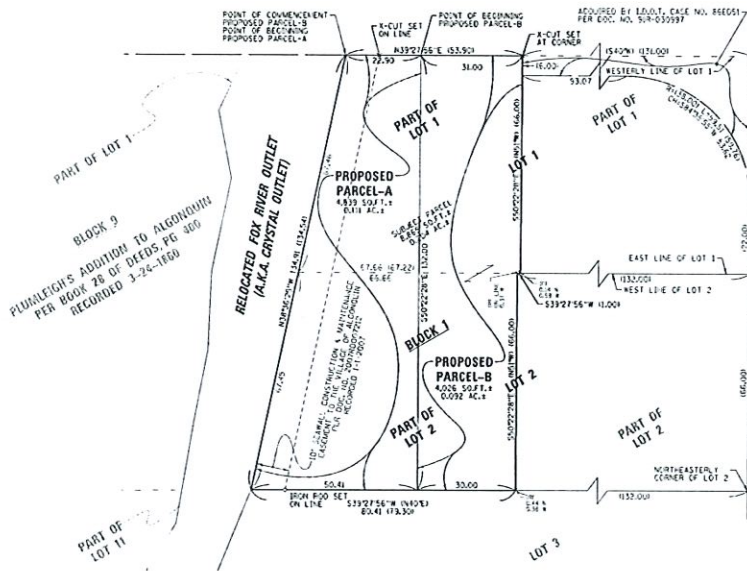
ALTA / NSPS LAND TITLE SURVEY

LEGEND

- IRON PEG SET
- ✱ A-CUT SET
- IRON PIPE FOUND (REF)
- IRON ROD FOUND (REF)
- MEASURED
- RECORDED
- PROPERTY LINE
- EASEMENT LINE
- - - - - ABANDONED/EXTENSION LINE
- PROPOSED PROPERTY LINE



S. MAIN STREET (IL ROUTE 31)
(OLD POINT-OF-WAY)



LEGAL DESCRIPTION (PROPOSED PARCEL-A):

THAT PART OF LOTS 1 AND 2 IN BLOCK 1 IN THE VILLAGE OF ALGONQUIN SUBDIVISION, BEING A SUBDIVISION IN THAT PART OF THE SOUTHWEST QUARTER OF SECTION 27 AND THAT PART OF THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 43 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 15, 1848 IN BOOK 8 OF DEEDS, PAGE 294, IN MONROE COUNTY, ILLINOIS, BEING DESCRIBED AS FOLLOWS:
BEGINNING AT A POINT OF INTERSECTION WITH THE NORTHERLY SHORE LINE OF RELOCATED FOX RIVER OUTLET (A.K.A. CRYSTAL CREEK OUTLET) AND THE WESTERLY LINE OF SAID LOT 1; THENCE NORTHEASTERLY ALONG SAID WESTERLY LINE OF LOT 1, HAVING AN ILLINOIS COORDINATE SYSTEM (EAST ZONE) GRID BEARING OF NORTH 38 DEGREES 27 MINUTES 58 SECONDS EAST, 22.90 FEET TO A POINT ON A LINE 152.00 FEET SOUTHERLY OF AND PARALLEL WITH THE NORTHERLY LINE OF SAID BLOCK 1; THENCE SOUTH 80 DEGREES 22 MINUTES 28 SECONDS EAST, 132.00 FEET ALONG SAID PARALLEL LINE TO A POINT ON THE EASTERN LINE OF SAID LOT 2; THENCE SOUTH 34 DEGREES 27 MINUTES 58 SECONDS WEST, 50.41 FEET ALONG SAID EASTERLY LINE OF LOT 2 TO A POINT ON SAID NORTHERLY SHORE LINE OF RELOCATED FOX RIVER OUTLET; THENCE NORTH 38 DEGREES 28 MINUTES 28 SECONDS WEST, 134.81 FEET (134.84 FEET RECORDED) ALONG SAID NORTHERLY SHORE LINE OF RELOCATED FOX RIVER OUTLET TO THE POINT OF BEGINNING.

LEGAL DESCRIPTION (PARCEL-B):

THAT PART OF LOTS 1 AND 2 IN BLOCK 1 IN THE VILLAGE OF ALGONQUIN SUBDIVISION, BEING A SUBDIVISION IN THAT PART OF THE SOUTHWEST QUARTER OF SECTION 27 AND THAT PART OF THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 43 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 15, 1848 IN BOOK 8 OF DEEDS, PAGE 294, IN MONROE COUNTY, ILLINOIS, BEING DESCRIBED AS FOLLOWS:
BEGINNING AT A POINT OF INTERSECTION WITH THE NORTHERLY SHORE LINE OF RELOCATED FOX RIVER OUTLET (A.K.A. CRYSTAL CREEK OUTLET) AND THE WESTERLY LINE OF SAID LOT 1; THENCE NORTHEASTERLY ALONG SAID WESTERLY LINE OF LOT 1, HAVING AN ILLINOIS COORDINATE SYSTEM (EAST ZONE) GRID BEARING OF NORTH 38 DEGREES 27 MINUTES 58 SECONDS EAST, 22.90 FEET TO A POINT ON A LINE 152.00 FEET SOUTHERLY OF AND PARALLEL WITH THE NORTHERLY LINE OF SAID BLOCK 1; SAID POINT BEING THE POINT OF BEGINNING; THENCE CONTINUING OF SAID PARALLEL LINE 27 MINUTES 58 SECONDS EAST, 31.00 FEET TO A POINT ON A LINE 151.00 FEET SOUTHERLY OF AND PARALLEL WITH THE NORTHERLY LINE OF SAID BLOCK 1; THENCE SOUTH 38 DEGREES 22 MINUTES 28 SECONDS EAST, 65.00 FEET ALONG SAID PARALLEL LINE TO A POINT ON A LINE 152.00 FEET SOUTHERLY OF AND PARALLEL WITH THE NORTHERLY LINE OF SAID BLOCK 1; THENCE SOUTH 34 DEGREES 27 MINUTES 58 SECONDS WEST, 50.41 FEET ALONG SAID EASTERLY LINE OF LOT 2 TO A POINT ON SAID NORTHERLY SHORE LINE OF RELOCATED FOX RIVER OUTLET; THENCE NORTH 38 DEGREES 28 MINUTES 28 SECONDS WEST, 134.81 FEET (134.84 FEET RECORDED) ALONG SAID NORTHERLY SHORE LINE OF RELOCATED FOX RIVER OUTLET TO THE POINT OF BEGINNING.

CHRISTOPHER B. BURKE
ENGINEERING, LTD.
9575 West Higgins Road, Suite 200
Rosemont, Illinois 60018
(847) 823-0500

ALTA / NSPS LAND TITLE SURVEY
IN
VILLAGE OF ALGONQUIN, ILLINOIS
PREPARED FOR
VILLAGE OF ALGONQUIN

CALC.	KJP	PROJECT NO.
DRAWN	AJK	070213.00095
CHECKED	JRM	SHEET 2 OF 2
SCALE:	1"=20'	DRAWING NO.
DATE:	10-23-2019	ALTA070213.95A2

IN ALGONQUIN CITY OF DEEDS BOOK 13000 SURVEY MAP NO. 0273.95A2



VILLAGE OF ALGONQUIN
GENERAL SERVICES ADMINISTRATION

- M E M O R A N D U M -

DATE: January 7, 2021

TO: Acting President Sosine and Village Board of Trustees

FROM: Tim Schloneger

SUBJECT: Legislative Representation Agreement

Tryon Governmental Consulting has assisted the Village with capital development project funding, with more work yet to be done. The Legislative Representation Agreement covers services from January 1, 2021 through last day of the 102nd Illinois General Assembly, anticipated to be the second Wednesday of January 2022.

The \$3,000 monthly lobbyist fee provides for government relations and public affairs consulting services to the Village including all activities normally associated with state legislative lobbying, as authorized.

Services include but are not limited to working with State of Illinois Officials to review the Capitol Plan of the Village and its financial impact on Village constituencies; briefing the Governor's office; representation at legislative hearings; advocacy to certain legislators, regulators and their staffs on the Village Capitol Plan; giving timely reports to the Village on the progress of a statewide capitol bill and its impact on the Village.

**Legislative Representation Agreement
Tryon Governmental Consulting**

This Agreement is entered into this date by and between Tryon Governmental Consulting, Inc. (hereinafter "Lobbyist"), doing business at 4310-GCrystal Lake Road, and Village of Algonquin (hereinafter "Village") with offices at 2200 Harnish Dr. Algonquin, IL 60012

Based upon the mutual promises contained herein, and other good and valuable consideration, the parties identified above, intending to be bound hereby, enter into the following Agreement.

1. Services

The Lobbyist shall provide government relations and public affairs consulting services to the Village including all activities normally associated with state legislative lobbying, as specifically authorized by the Village after consultation with the Village Manager, Village President, Public Works Director and other appropriate staff members. Services include but are not limited to working with State of Illinois Officials to review the Capitol Plan of the Village and its financial impact on Village constituencies: briefing the Governor's office; representation at legislative hearings; advocacy to certain legislators, regulators and their staffs on the Village Capitol Plan. Give timely reports to the Village on the progress of a statewide capitol bill and its impact on the Village.

2. Term of Agreement

This Agreement shall take effect on January 1, 2021 and shall expire 30 days after the last day of the 102st General Assembly anticipated to be the second Wednesday of January 2023.

3. Lobbyist Fee

The Lobbyist shall be paid a fee for the above enumerated services. The Lobbyist's fee shall be \$3,000 per month ("Monthly Fee") for each month during the Term of the Agreement. The Monthly Fee shall be billed at the end of each month. The Monthly Fee shall cover all services of the Lobbyist(s) incurred for work on behalf of the Village.

4. Expenses

The Lobbyist shall be responsible for all expenses incurred except for mileage and travel expenses when traveling beyond a 25 mile radius of the Village, mileage will be billed at a rate of 50 cents per mile and travel expenses at cost.

5. Personal Services

The services to be performed by the Lobbyist(s) will be performed personally by Michael Tryon and/or Pamela Althoff ("Lobbyist Principals") and not by any other individual, unless approved by the Village.

6. Lobbyist Registration

The Lobbyist and Lobbyist Principals each will register with the Secretary of State office and other required entities as a lobbyist for the Village. as soon as their activities for The Village constitute "lobbying" under the Illinois Revised Statutes.

7. Non-Exclusive

This Agreement is for the non-exclusive use of the Lobbyist's services. Nothing contained herein shall prevent the Lobbyist from contracting to provide lobbying or other services to other clients on a non-exclusive basis, the Lobbyist shall use their best efforts to identify to the Village any potential conflicts of interest that may arise. Should a conflict of interest arise between the Lobbyist and any other potential client, the Village may either terminate this Agreement or request the Lobbyist not to contract with the potential client.

8. Practice of Law

The Lobbyist is retained by the Village for the purpose of consultation, advice and lobbying advocacy on legislative and regulatory issues as they arise in the pursuit of capitol appropriations and as authorized by the Village. The Lobbyist is specifically not retained to provide legal advice to the Village and the Lobbyist shall not be required to perform any additional activity for the Village which constitutes the practice of law.

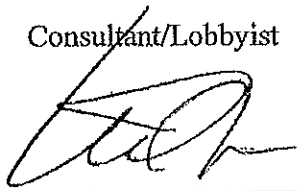
9. Entire Agreement

This Agreement contains the entire Agreement between the parties and supersedes any and all other Agreements, negotiations or discussions. This Agreement may be altered only by a written document signed by the parties to this Agreement. Upon a 30 day written notice this Agreement may be cancelled by either party.

IN WITNESS WHEREOF the parties have entered into and consummated this agreement on this date:

Consultant/Lobbyist

Village of Algonquin



, Date 1-4-20

_____, Date _____

Michael W. Tryon, President
Tryon Governmental Consulting

Tim Schloneger, Village Manager
Village of Algonquin



VILLAGE OF ALGONQUIN
PUBLIC WORKS DEPARTMENT

– M E M O R A N D U M –

DATE: January 4, 2021

TO: Tim Schloneger, Village Manager
Village of Algonquin Committee of the Whole

FROM: Robert Mitchard, Public Works Director

SUBJECT: 20 Washington- Demolition Quotes

As you may recall the Village purchased the Doctor’s office at 20 Washington to expand on property in the Downtown area. The plan is to demolish the building and construct a 26-space parking lot on the property to expand parking opportunities for businesses.

Village staff requested quotes from three Demolition companies (Omega III, LLC, McHenry Excavating Inc. and Kennett Excavating) for the demolition of the existing structure and restoration of the project site located at 20 Washington. Two of the companies Omega III, LLC and McHenry Excavating provided quotes and Kennett Excavating sent an email stating they would not be submitting a quote.

Omega III, LLC	\$22,500.00
McHenry Excavating Inc	\$28,465.00
Kennett Excavating	No Bid

The two quotes were reviewed and Village staff recommends Omega III, LLC, for the demolition of 20 Washington. The quote from Omega III, LLC contains all the elements for the demolition and restoration of the project site and they have done other demolitions in the Village previously.



November 24, 2020

John Heinz
Village of Algonquin
2200 Harnish Drive
Algonquin, IL 60102
(847) 344-1338
johnheinz@algonquin.org

RE: Demolition Proposal – 20 Washington Street Algonquin, IL.

Mr. Heinz,

Omega will provide all supervision, labor, and equipment necessary to perform the above referenced work in accordance with the following specifications, exceptions, and clarifications.

Work by Omega:

1. Omega will obtain State of Illinois NESHAP permits and City of Algonquin demo permits without fees.
2. Omega will demolish 1 story commercial building down to top of slab with hydraulic excavators.
3. Omega will provide a 6' tall temporary fence around the perimeter of the building during removals.
4. Omega will remove existing slab on grade and foundations systems 1' below surrounding elevation. Basement slab will be cracked for drainage and foundations will be removed 1' below final grade.
5. Omega will remove, haul, and legally dispose of all combustible material and metallic debris to an off-site location.
6. All concrete will be hauled to a recycling facility generated from the removals.
7. Omega shall fill basement with granular fill and cap with 1' of CA-6. Omega assumes basement is up to 7' tall and ½ of the total area of the footprint of the building.
8. Omega shall take title to all salvage derived from the removal work.

Work To Be Done By Others:

1. Provide, design, erect, maintain, and upon completion, removal of any sheeting, shoring, or other design support structures or devices used to maintain or support the stability of structures designed to remain.
2. Removal of asbestos containing or other hazardous, contaminated, special or regulated waste.
3. Asbestos survey
4. Utility disconnects or relocation services of any type, unless specified in work by Omega.
5. Foundation removals beyond 1' below grade.
6. Sitework or parking lot removals.

Omega III, LLC
31W566 Spaulding Road
Elgin, IL 60120

WWW.OMEGA3LLC.COM

Equal Opportunity Employer
P: (630) 837-3000
F: (630) 837-2300



General Conditions:

1. No payment & performance bonds included.
2. Omega shall be authorized to utilize cutting torches, saws, pneumatic and/or hydraulic tools and equipment to perform the proposed removal work.
3. Foundations located adjacent to public sidewalks, utilities or any other structure or items designated to remain, shall remain in place so as to not undermine, damage, or disturb such items.
4. Omega shall be authorized to utilize heavy equipment to perform the removal work.
5. This proposal does not include removal, handling, transportation or disposal of any hazardous, toxic, controlled or regulated substances whatsoever.
6. Omega has not figured any storm water pollution prevention into this scope of work. Omega will not accept any penalties or fines with regard to the site from any Governmental agencies for failure to comply.
7. All utility company transformers to be scheduled and removed by others prior to the start of demolition.
8. Omega shall have exclusive control of the work areas. Omega shall not be responsible for the safety of any person who enters the work area without specific authorization from Omega.
9. **This proposal is based on the proposed removal work being performed in one phase, and one mobilization by June 1, 2021.**
10. This proposal does not include any pumping or dewatering.
11. Due to the weight of equipment and trucks, Omega shall not be held responsible for any damage that may occur to sidewalks, curbs, driveways, asphalt, or concrete pavement designed to remain. However, Omega will take caution to keep any such damages to a minimum.
12. Omega will no longer maintain O.S.H.A. fall protection requirements once Omega has left the job site or has turned over a completed area to the contractor.
13. Omega does not carry Railroad insurance or Waterway insurance. Omega assumes that all building construction is of the normal type. Any oversized construction that is unforeseen will be charged as an extra.
14. Project delays caused by hidden conditions, unspecified hazardous materials, or other trade scheduling conflicts will result in additional costs.
15. All material generated, including but not limited to: concrete, earth, brick, structural steel and salvageable materials are to become the property of Omega, unless such materials remain onsite for future handling by others, or material is to be crushed on site will be considered non-contaminated and all surfaces will be "free" of contaminants. All material will be considered suitable for recycling or disposal without additional handling or cleaning by Omega.
16. Work to be done in addition to the original scope of work contract will not be performed without written authorization from the owner or an authorized representative.
17. The owner or contractor will provide Omega with a letter from a third party consultant that states the structure is asbestos free, unless Omega has already included it in the original scope of work. If the letter is not provided, a licensed third-party consultant will be hired to determine if the structure(s) contain asbestos and will be to the account of the owner or contractor.



General Conditions (cont'd):

18. The owner or contractor will provide Omega with a letter for Clean Construction and Demolition Debris (CCDD) that states the following; a) certification from the owner or operator of the site of origin that the site has never been used for commercial or industrial purposes and is presumed to be uncontaminated soil; OR b) certification from a licensed professional engineer that the soil is uncontaminated.
19. Price quoted remains in effect for a period of thirty (30) days from this date, after which, Omega will be allowed to review its proposal for any possible cost adjustments.
20. This Omega proposal shall be incorporated as an exhibit to any contract documents.

(End of General Conditions)



Payment:

Omega will perform the proposed work for and in consideration of receiving from Village of Algonquin title to all salvage and payment in the lump sum amount of **TWENTY-TWO THOUSAND FIVE HUNDRED DOLLARS (\$22,500.00) with no retention.**

The contractor/customer shall pay to Omega III, LLC all monies coming due this scope of work within 30 days of the date of invoice mailed or delivered to the contractor/owner by Omega III, LLC at the address of the contractor/customer set forth in the parties' contract or at the registered office of the contractor/customer. The failure of the contractor/customer to do so shall be a material breach of both this scope of work, and the underlying agreement within the contract.

The contractor/customer shall pay to Omega III, LLC costs and collections without limitations, attorney's fees and cost of suit incurred as the result of the customer's failure to pay Omega III, LLC in accordance with this agreement.

The customer represents and warrants that it is duly authorized to enter into this scope of work, and has all legal rights to allow Omega III, LLC to perform all acts upon the property which are included under this scope of work, as well as to undertake the obligations specified herein. The customer shall indemnify and hold harmless Omega III, LLC for any expenses, damages, costs, losses, fines or penalties, including though not limited to attorney's fees and cost of suit arising out of, related to, concerning or resulting from the breach of such representation and warranty.

- Please sign and return this proposal as **INTENT TO PROCEED** with the scope of work and acceptance of the terms and conditions incorporated herein.
- Any modifications to this proposal must be initialed and dated by both, the **OWNER/CONTRACTOR** and Omega III, LLC.

Village of Algonquin

OMEGA III, LLC

PRINT NAME

MIKE MCMAHON – (847) 878-2001 CELL

AUTHORIZED SIGNATURE

AUTHORIZED SIGNATURE

DATE

NOVEMBER 24, 2020

McHenry Excavating, Inc.

1903 S. IL Rt. 31, McHenry, IL 60050
Office: 815-444-9900

Proposal submitted to:

Account Name Village of Algonquin
Email johnheinz@algonquin.org

Work to be performed at:

Job Street Address 20 Washington St
Job City, State Algonquin, IL

McHenry Excavating Inc. does hereby submit specifications and estimate for:

- 1) Mobilize men and equipment to jobsite.
- 2) Remove and haul away building including all building materials.
- 3) Remove and haul away all concrete up to City sidewalk including footing, walls, and flatwork.
- 4) Furnish and install Pea Gravel fill to within 12" of top of hole where building was previously located.
- 5) Furnish and install 12" of CA-6 on top of pea gravel and over area where concrete slab was removed.

Initial Total Investment: _____
\$28,465.00

We hereby propose to furnish material and labor - complete in accordance with the above specifications, for the total investment as follows. Payments to be made by cash/check. Deposit to mobilize and balance upon completion of work.

Deposit \$5,000.00
Total Investment \$28,465.00

Terms and Conditions

- Not included in this proposal are as follows: Any asphalt/concrete/dirt removal or installation other than listed above, undercutting of unsuitable material and replacement, retaining wall materials or labor, asbestos testing or removal of asbestos, CCDD testing, engineering work, as built drawings, locating of private utilities, repairing of unmarked utilities, removal of contaminated/hazardous material, running sand, permit fees, ground water pumping, removal of tires, construction fencing, silt fencing, erosion control, watering of seed, warranty of seed growing, or landscape restoration (unless otherwise noted in the above specifications).
- Any alteration or deviation from the above specifications involving extra costs will be executed only upon written order and will become a charge over and above the estimate. All agreements contingent on strikes, accidents, or delays beyond our control.
- Local code requirements are the responsibility of others
- The buyer agrees that in the event of non-payment of this overdue invoice, he shall be liable for collection charges, 18% interest, and attorney fees.

This Proposal may be withdrawn by McHenry Excavating Inc. if not accepted within **30** days from the quote date. *Acceptance of proposal:* The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

McHenry Heating & Excavating Representative:

Mark Hiller

Created Date 12/7/2020

Customer Signature: _____

Date: _____

LAW OFFICES
ZUKOWSKI, ROGERS, FLOOD & McARDLE
50 VIRGINIA STREET
CRYSTAL LAKE, ILLINOIS 60014

KELLY A. CAHILL
kcahill@zrfmlaw.com

(815) 459-2050
Facsimile (815) 459-9057
www.zrfmlaw.com

MEMORANDUM

To: Acting President and Board of Trustees

From: Kelly A. Cahill, Village Attorney



Cc: Tim Schloneger

Date: January 7, 2021

RE: Lot 120 Dawson Mill Association

Public Works has requested that the Village acquire Lot 120 in the Dawson Mill Subdivision so that it can be used for stormwater runoff coming from publicly owned roads. The lot is already being used as a detention pond by the adjacent Dawson Mill subdivision. The Village obtained an appraisal stating that the fair market value of the subject property is \$26,000. We sent the appraisal, along with a good faith offer letter to acquire it, to a number of parties who may have an interest in the lot. While the list of those with a possible interest in the lot is extensive; we believe the true owner is the Dawson Mill Homeowners Association.

The Homeowners Association's attorney believes that it is impractical to call for a vote of the entire Homeowners Association to convey the Association's interest in the lot to the Village and believes that the only feasible way to do this is through an eminent domain proceeding.

At this point, no one has countered with an appraisal setting forth a different amount for the property. Accordingly, we believe that the Village has exhausted good faith negotiations and are at an impasse. Thus, it is appropriate that the Village consider adoption of an eminent domain proceeding. We are pretty confident that the Homeowners Association will cooperate with the eminent domain proceeding and will not challenge it. We do not believe other parties will be contesting it because their interest in the property is questionable.

ORDINANCE NO. 2020 - O - ____

An Ordinance Authorizing the Village to Bring an Eminent Domain Proceeding to Acquire Certain Property Known as Lot 120 in Dawson Mill Village Condominium

WHEREAS, the Village of Algonquin (the "Village"), McHenry and Kane Counties, Illinois, is a home rule municipality as contemplated under Article VII, Section 6, of the Constitution of the State of Illinois, and the passage of this Ordinance constitutes an exercise of the Village's home rule powers and functions as granted in the Constitution of the State of Illinois in addition to all other case and statutory law, including but not limited to the Equity in Eminent Domain Act, P.A. 094-1055, as amended, and the statutes set forth herein, empowering the Village relative to the subject matter of this Ordinance;

WHEREAS, pursuant to the Illinois Municipal Code, 65 ILCS 5/1-1-1 *et seq.* (the "Code"), the Village is authorized to acquire by eminent domain such property that is useful, advantageous or desirable for municipal purposes or public welfare. Section 11-61-1 of the Code provides as follows:

Sec. 11-61-1. The corporate authorities of each municipality may exercise the right of eminent domain by condemnation proceedings in conformity with the provisions of the constitution and statutes of the State of Illinois for the acquirement of property useful, advantageous or desirable for municipal purposes or public welfare including property in unincorporated areas outside of but adjacent and contiguous to the municipality where required for street or highway purposes by the municipality.

In addition, 65 ILCS 5/11-61-2 provides as follows:

Sec. 11-61-2. The corporate authorities of each municipality may vacate, lay out, establish, open, alter, widen, extend, grade, pave, or otherwise improve streets, alleys, avenues, sidewalks, wharves, parks, and public grounds; and for these purposes or uses to take real property or portions thereof belonging to the taking municipality, or to counties, school districts, boards of education, sanitary districts or sanitary district trustees, forest preserve districts or forest preserve district commissioners, and park districts or park commissioners, even though the property is already devoted to a public use, when the taking will not materially impair or interfere with the use already existing and will not be detrimental to the public.

WHEREAS, the "Subject Property", as hereinafter defined, is legally described as follows:

Lot 120 (excepting therefrom the condominium units 271, 272, 273, 274, 275 & 276) in Dawson Mill Village Condominium as delineated on survey of certain lots or parts thereof in Dawson Mill Subdivision, being a subdivision located in Section 32, Township 43 North, Range 8 East of the Third Principal Meridian, which survey is attached as Exhibit "A" to the Declaration of Condominium Ownership recorded December 1, 1995 as document 95R53098 and First Amendment recorded as document 2001R0061535, in McHenry County, together

with its undivided percentage interest in the common elements appurtenant to said unit, as set forth in said Declaration as amended from time to time.

Common Address: Lot 120 in Dawson Mill Village Condominium, Algonquin, Illinois
PINs: part of 19-32-128-073, 19-32-128-074, 19-32-128-075, 19-32-128-076, 19-32-128-077, 19-32-128-078

Said parcel contains approximately 2.9 acres, more or less.

WHEREAS, the Subject Property is depicted in Exhibit A hereto.

WHEREAS, the Village wishes to acquire title to the Subject Property to utilize same as a stormwater detention area and to construct a drainage outlet therein to receive stormwater from publicly owned roads. Under the laws of the State of Illinois, including portions of the Code cited in the preceding paragraphs, the Village is authorized to acquire fee simple title to the Subject Property insofar as it is necessary that the Village have and acquire the Subject Property for the above-described purposes and the public welfare to enable the Village to utilize the Subject Property as a stormwater detention area; and

WHEREAS, the Village has negotiated with the owners or parties potentially having an interest in the Subject Property, as well as an attorney representing one of such purported owners, and offered compensation in accordance with an appraisal of the Subject Property, but the parties were unable to reach an agreement as to compensation and other matters involving the conveyance of marketable title and the allocation of the offered compensation and are at an impasse; and

WHEREAS, the acquisition of the Subject Property is necessary for a public purpose and the Subject Property would remain under the ownership and control of the Village after its acquisition by the Village; and

WHEREAS, for the reasons and findings set forth above, the Village's Board of Trustees believes that the acquisition of title to the Subject Property is necessary for a public purpose or purposes as contemplated by § 5-5-5(b) of the Eminent Domain Act, 735 ILCS 30/5-5-5; and

WHEREAS, Section 6(a) of Article VII, of the Illinois Constitution provides as follows:

Except as limited by this Section, a home rule unit may exercise any power and perform any function pertaining to its government and affairs including, but not limited to, the power to regulate for the protection of the public health, safety, morals, and welfare.

WHEREAS, the Subject Property is within the Village's corporate boundaries and the exercise of eminent domain to acquire the Subject Property pertains to the Village's government and affairs;

NOW THEREFORE, BE IT ORDAINED by the Village Board of the Village of Algonquin, McHenry and Kane Counties, Illinois, as follows:

SECTION 1: The foregoing recitals are incorporated herein as if fully set forth herein. The Village determines that it is necessary and desirable that the Subject Property be acquired in fee simple title for the reasons and public purposes set forth above and in accordance with the statutory authority set forth above. The Village Manager, Village staff and counsel are authorized and directed to take such steps, either by still additional negotiation or eminent domain, to acquire title to the Subject Property in accordance with applicable law.

SECTION 2: If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.

SECTION 3: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 4: This Ordinance shall be in full force and effect upon its passage, approval and publication in pamphlet form (which publication is hereby authorized) as provided by law.

Aye:
Nay:
Absent:
Abstain:

APPROVED:

Acting Village President Debby Sosine

(SEAL)
ATTEST: _____
Village Clerk _____

Passed: _____
Approved: _____
Published: _____

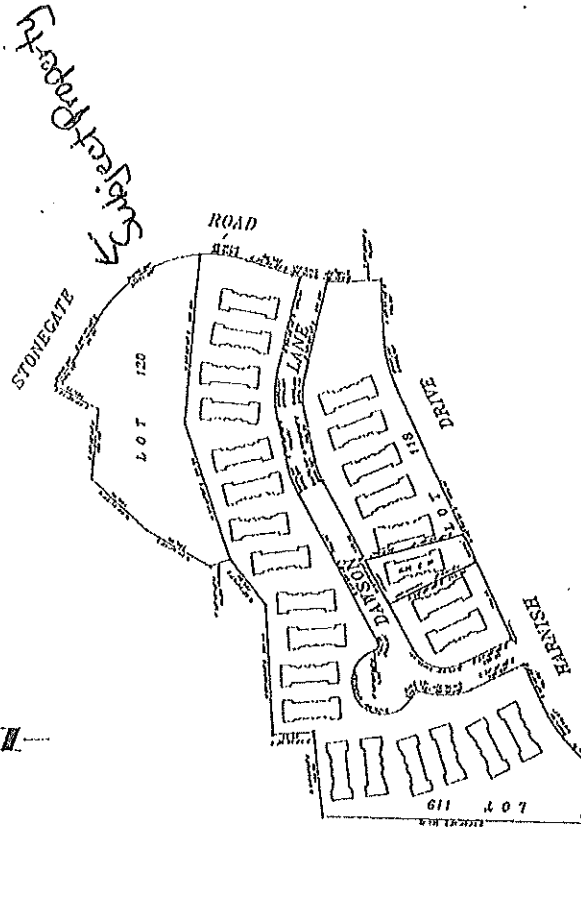
Prepared by:
Kelly Cahill, Village Attorney
Zukowski, Rogers, Flood & McArdle
50 Virginia Street
Crystal Lake, Illinois 60014

6.

Exhibit A
Depiction of the Subject Property

PLAT OF SURVEY "A" TO THE
 DECLARATION OF CONDOMINIUM OWNERSHIP
 FOR
 DAWSON MILL VILLAGE

95R053098



Subject Property

THE STATE OF MICHIGAN, COUNTY OF WASHTENAW, SS I, the undersigned, County Clerk, do hereby certify that the foregoing is a true and correct copy of the original of the Declaration of Condominium Ownership for Dawson Mill Village, as recorded in the Public Records of this County, and that the same has been duly filed for record in the Public Records of this County, and that the same is now a part of the Public Records of this County.



PREPARED BY AND RETURNED TO:
 NEW MICHIGAN CORPORATION
 470 MAIN STREET
 ANN ARBOR, MICHIGAN 48106

LOT 119
 LOT 120
 LOT 121

2 1/2" x 3 1/2" X

CERTIFICATION

I, _____, do hereby certify that I am the duly elected and qualified Clerk of the Village of Algonquin, McHenry and Kane Counties, Illinois, and that as such Clerk, I am the keeper of the ordinances, records, corporate seal and proceedings of the President and Board of Trustees of said Village.

I do hereby further certify that at a regular meeting of the President and Board of Trustees of the Village of Algonquin, held on the _____ day of _____, 2020, the foregoing Ordinance entitled *An Ordinance Authorizing the Village to Bring an Eminent Domain Proceeding to Acquire Certain Property Known as Lot 120 in Dawson Mill Village Condominium*, was duly passed and approved by the President and Board of Trustees of the Village of Algonquin.

I do further certify that the original, of which the attached is a true and correct copy, is entrusted to me as the Clerk of said Village for safekeeping, and that I am the lawful custodian and keeper of the same.

IN WITNESS WHEREOF, I have affixed my name as Clerk and caused the seal of said Village to be affixed hereto this _____ day of _____, 2020.

_____, Village Clerk
Village of Algonquin,
McHenry and Kane Counties,
Illinois

(VILLAGE SEAL)



Village of Algonquin
Police Department



-MEMORANDUM-

DATE: January 5, 2021
To: Tim Schloneger, Village Manager
FROM: John Bucci, Police Chief
SUBJECT: Ordinance Change – Longmeadow Parkway Speed Limit Correction

Please see the attached ordinance amendment that changes Chapter 41 Section 19 SPEED LIMITS to accurately reflect the posted speed limit on Longmeadow Parkway to the posted 35 MPH.

Currently, the municipal code lists Longmeadow Parkway under the 30 MPH and needs to be updated. Actual speed limit signs in the Village of Algonquin's jurisdiction (Longmeadow Parkway between Randall Road and two hundred feet east of White Chapel Lane) state 35 MPH.

I respectfully submit this change to the Committee of the Whole to consider updating Municipal Code Chapter 41, Section 19 SPEED LIMITS and forward to the Village Board for approval.

41.19 **SPEED LIMITS** *92-O-48, Amended, 17-O-06, 15-O-42, 14-O-25, 12-O-02, 11-O-41, 10-O-41*

A. Speed Limits: No person shall drive a motor vehicle at a speed greater than 25 miles per hour on any street or road under the local jurisdiction of the Village except as provided below.

20 miles per hour (School Zone Only)

Bunker Hill Drive from Sherman Road west to Stonegate Road
Compton Drive from Diamondback Way to Compton Court
Eastgate Drive from Algonquin Road (Illinois Route 62) to Ridge Street
Harnish Drive from Huntington Drive to Terrace Drive
Huntington Drive from Holly Lane to Harnish Drive and from Harnish Drive to Stoney Brook Court
Longwood Drive from Algonquin Road (Illinois Route 62) to Algonquin Middle School
Sleepy Hollow Road from County Line Road to 100 feet south of Community Unit School District 300 property commonly referred to as Westfield Community School
South Hubbard Street from East Algonquin Road (Illinois Route 62) to Ridge Street
South Main Street (Illinois Route 31) from 400 feet north of Washington Street to Madison Street

30 miles per hour

Becky Lynn Lane
Cardinal Drive from Edgewood Drive to South Drive
Compton Drive from Sandbloom Road to East Algonquin Road (Illinois Route 62)
Fairway View Drive
Harnish Drive
Highland Avenue, its entire length within the Village
Huntington Drive
Huntington Drive North
~~Longmeadow Parkway~~
Reserve Drive
Sherman Road
Souwanas Trail
Stonegate Road from Huntington Drive North to County Line Road
Stonegate Road from Huntington Drive North to the southern Village limits
Stonegate Road from Longmeadow Parkway to southern Village limits
Stonegate Road from Randall Road west to Bunker Hill Drive

35 miles per hour

Corporate Drive
Edgewood Drive, from Illinois Route 31 to Hanson Road
~~Longmeadow Parkway~~
Sandbloom Road from East Algonquin Road (Illinois Route 62) to 200 feet north of Compton Drive
Sandbloom Road from Algonquin Road (Illinois Route 62) to the south Village limits.
Sleepy Hollow Road

40 miles per hour

Boyer Road from County Line Road to Village limits
County Line Road, from Hanson Road to Randall Road
Hanson Road
Square Barn Road

45 miles per hour

Klasen Road

B. Penalty: The penalty for any violation of this Section shall be in accordance with Section 41.01.