

**COMMITTEE OF THE WHOLE  
OCTOBER 17, 2023  
VILLAGE BOARD ROOM  
2200 HARNISH DRIVE, ALGONQUIN  
7:45 P.M.**

Trustee Dianis – Chairperson  
Trustee Smith  
Trustee Brehmer  
Trustee Auger  
Trustee Spella  
Trustee Glogowski  
President Sosine

AGENDA

- 1. Roll Call – Establish a Quorum**
- 2. Public Comment – Audience Participation**  
*(Persons wishing to address the Committee must register with the Chairperson prior to roll call.)*
- 3. Community Development**
  - A. Consider a Special Use Permit for 123 Learning Center Daycare at 2651 W Algonquin Road
- 4. General Administration**
- 5. Public Works & Safety**
  - A. Consider an Agreement with Burke LLC for the Holder Park & James B. Wood Park Playground Replacements & Park Improvements
  - B. Consider Accepting Lots G, H, and I in the Trails of Woods Creek Subdivision
- 6. Executive Session (if needed)**
- 7. Other Business**
- 8. Adjournment**



# Village of Algonquin

2200 Harnish Drive, Algonquin, IL  
(847) 658-2700 | www.algonquin.org

## AGENDA ITEM

<b><u>MEETING TYPE:</u></b>	Committee of the Whole
<b><u>MEETING DATE:</u></b>	October 10, 2023
<b><u>SUBMITTED BY:</u></b>	Jason C. Shallcross, AICP Patrick M. Knapp, AICP
<b><u>DEPARTMENT:</u></b>	Community Development Department
<b><u>SUBJECT:</u></b>	Issuance of a Special Use Permit to Allow 123 Learning Center Co to Operate a Daycare Center at 2651 West Algonquin Road

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### **ACTION REQUESTED:**

Marta Truskolaska, the “Petitioner” and attorney representing 123 Learning Center Co, submitted a Development Petition requesting a Special Use Permit to operate a daycare center at 2651 West Algonquin Road.

To operate a daycare center in the Village, a Special Use Permit is required to be issued by the Village Board. Special Use Permits to operate educational facilities have been issued for this property in the past, but the building has been vacant for at least six (6) months and therefore the issuance of a new Special Use Permit allowing the operation of a daycare center is required.

### **PLANNING & ZONING COMMISSION REVIEW:**

The Planning and Zoning Commission reviewed the request for a Special Use Permit at the September 11, 2023, Planning and Zoning Commission Meeting.

The Planning and Zoning Commission accepted (approved 6-0) staff’s findings as the findings of the Planning and Zoning Commission and recommended approval, as outlined in the staff report for case PZ-2023-18 and subject to staff’s recommended conditions. No public input was received during the Public Hearing for this case.

### **RECOMMENDATION:**

Staff recommends approval of the issuance of a Special Use Permit to allow a daycare center at 2651 West Algonquin Road, as outlined in the Planning & Zoning Staff Report for Case No. PZ-2023-18, subject to the following conditions:

- a. All future tenant build-out plans shall be submitted for review and approval by the Community Development Department prior to any work being done in the tenant space. This includes, but is not limited to, alterations to the outdoor or indoor playgrounds;

- b. Any school bus or van used to transport students shall be parked so that it does not interfere with other tenants in the Winding Creek Center;
- c. Parents waiting for drop-off or pick-up shall park in the designated drop-off/pick-up lane or in a designated parking space. At no time shall a vehicle park, stop, or stand in the main access drive.

**ATTACHMENTS:**

- Exhibit A. Planning & Zoning Staff Report for Case No. PZ-2023-18
- Exhibit B. September 11, 2023, Planning & Zoning Commission Minutes
- Exhibit C. Plat of Survey
- Exhibit D. Ordinance 2004-O-16
- Exhibit E. Ordinance 2018-O-11



**STAFF REPORT FROM THE DEPARTMENT OF COMMUNITY DEVELOPMENT**

Jason C. Shallcross, AICP  
Director of Community Development

Patrick M. Knapp, AICP  
Senior Planner

<b>CASE NUMBER:</b>	PZ-2023-18
<b>MEMO DATE:</b>	September 1, 2023
<b>PUBLIC HEARING DATE:</b>	September 11, 2023
<b>PROPERTY ADDRESS/LOCATION:</b>	2651 West Algonquin Road, Lot 2 of the Winding Creek Center
<b>APPLICANT/PROPERTY OWNER:</b>	Marta Truskolaska, Truskolaska Law, LLC / Wayne Hospitality Inc.

**Summary of Request**

Marta Truskolaska, the “Petitioner” and attorney for the future tenant, 123 Learning Center Co., at 2651 West Algonquin Road, the “Subject Property”, applied for a Special Use Permit to operate a Daycare Center in the building and playground, the “Request”, on Lot 2 of the Winding Creek Center, the “Subject Property”.

Location



Zoning/Future Land Use



Existing Zoning	Existing Land Use/Improvements	Surrounding Zoning   Land Use	Property Size
B-2   General Retail Incorporated	Commercial Existing Dwelling	North: B-2   Shopping Center East: B-2   Stormwater Detention South: B-2   Stormwater Detention West: R-4   Multifamily Dwellings	0.95 ac

**Staff Recommendation Summary**

Staff supports the Petitioner’s request, subject to the conditions in this report, as the proposal meets the findings and satisfies the long-term goals of the Village’s Comprehensive Plan and Future Land Use Map.

**Approve**

**Deny**

**Approve with Conditions**

## Discussion of Staff Recommendation

### History of 2651 West Algonquin Road

The Subject Property had a Special Use Permit issued for a Montessori School as part of the Winding Creek Center Final Planned Development through Ordinance 2004-O-19 (*An Ordinance Issuing a Special Use Permit and Approving a Final Planned Development and Final Plat for a 33,427 Square Foot Neighborhood Commercial Center and a 12,000 Square Foot Educational Facility (Winding Creek Commercial Center)*). As a condition of this Planned Development, the Subject Property is permitted one (1) wall sign and the name of the business can be on the bottom of the Winding Creek Center monument sign.

Then in 2018, the Subject Property had a new Special Use Permit issued through Ordinance 2018-O-11 (*An Ordinance Issuing a Special Use Permit for Ombudsman Educational services on Lot 2 in Winding Creek Center (2651 W. Algonquin Road)*).

At this time, the Subject Property has been vacant for more than six (6) months and therefore any Special Use Permit that was issued for the property has been terminated and any new use that requires a Special Use must be issued a new Special Use Permit by the Village Board.

### The Request

#### Special Use for a Day Care Center

Per the Village's Zoning Code, the issuance of a Special Use Permit to operate a daycare center is required. A Special Use Permit for a daycare center can be issued in all Zoning Districts except for Residential Zoning Districts. The Subject Property is Zoned B-2 Business General Retail.

123 Learning Center Co. will be operating a daycare center for kids between 0-5 years of age, Monday through Friday, and between the hours of 6:30 a.m. and 6:00 p.m. The Petitioner projects that the center will serve between 75-100 children with 8-12 teachers and administrators.

### Next Steps

The Request by the Petitioner will go to the Committee of the Whole for discussion and advancement to the Village Board. If the Village Board approves the Request, the approving Ordinance will be recorded. If at any time the use changes or there is evidence of a clear intent on the part of the owner and/or tenant to abandon any portion of this Special Use for more than six (6) months, this Special Use Permit shall be terminated.

## Standards & Findings

The Planning and Zoning Commission shall review the Standards & Findings of Fact (21.12.E.3 of the Algonquin Zoning Ordinance) in Exhibit A and 1) accept them without changes, 2) accept them with changes, or 3) reject the findings. The Planning and Zoning Commission should use the Findings of Fact to guide their recommendation to the Village Board on the petitioner's request.

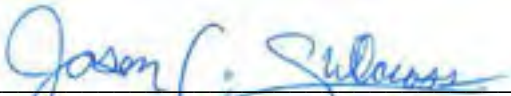
## Staff Recommendation

Staff recommends approval of the issuance of a issue of a Special Use Permit to allow a daycare center at 2651 West Algonquin Road Road, consistent with the findings of fact outlined in this report, and subject to the conditions listed below. Based on these findings, Staff recommends that the Planning and Zoning Commission make a motion to adopt Staff's findings as the findings of the Planning and Zoning Commission and recommend **approval** of the request with the following motion:

1. “To adopt Staff’s findings of fact as the findings of the Planning & Zoning Commission and to recommend issuance of a Special Use Permit to allow 123 Learning Center Co to operate a daycare center on the Subject Property, as outlined in the staff report for case PZ-2023-18, subject to the following conditions:
  - a. All future tenant build-out plans shall be submitted for review and approval by the Community Development Department prior to any work being done in the tenant space. This includes, but is not limited to, alterations to the outdoor or indoor playgrounds;
  - b. Any school bus or van used to transport students shall be parked so that it does not interfere with other tenants in the Winding Creek Center;
  - c. Parents waiting for drop-off or pick-up shall park in the designated drop-off/pick-up lane or in a designated parking space. At no time shall a vehicle park, stop, or stand in the main access drive.”

The Village Board’s decision is final for this case.

I concur:



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Jason C. Shallcross, AICP, CEcD  
Director of Community Development

**Attachments:**

- Exhibit A. Standards & Findings of Fact for a Special Use
- Exhibit B. Plat of Survey
- Exhibit C. Ordinance 2004-O-16
- Exhibit D. Ordinance 2018-O-11



**Exhibit A – Standards & Findings of Fact**

**Special Use Standards** – Section 21.12.E.3 of the Algonquin Zoning Ordinance provides that a Special Use shall conform to the following requirements:

- a. That the proposed use at the particular location requested is necessary or desirable to provide a service or a facility that is in the interest of public convenience and will contribute to the general welfare of the neighborhood or community;
- b. That such use will not, under the circumstances of the particular case, be detrimental to the health, safety, morals, or general welfare of persons residing or working in the vicinity, or injurious to property values or improvements in the vicinity;
- c. That the proposed use will comply with the regulations and conditions specified in this Chapter for such use and with the stipulations and conditions made a part of the authorization granted by the Village Board.

**Petitioner Response:** The establishment, maintenance, or operation of the proposed special use will not be detrimental to or endanger the public health, safety, or morals because the proposed special use is a peaceful, non-invasive operation that will cater to families with young children and in no way has the capacity to endanger or have a negative effect on general welfare. The special use will not be injurious to the use and enjoyment of other properties in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood because no construction or alteration is being proposed and said use is going into an existing building structure that previously housed a Bridges Academy and a Montessori School.

The proposed use shall comply with all other regulations and conditions specified in Chapter 21, Section 12 of the Village Ordinance for such use and with stipulations and conditions made as part of the authorization granted by the Village Board.

**Staff Response:** The dwelling and associated playground on the Subject Property were constructed specifically to be used by a daycare center or small private school. There is an appropriate amount of parking stalls provided amongst Winding Creek Center for building staff and there is a drop-off/pick-up lane for parents. The playground is on the south side of the building and is screened from the residents to the west by existing trees that minimize the amount of noise leaving the Subject Property. The use 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 or improvements in the vicinity. Any changes to the property or dwelling will be required to be reviewed through a permit process and shall conform to all Village Codes.



# Village of Algonquin

COMMUNITY DEVELOPMENT DEPARTMENT

(847) 658-2700 | permits@algonquin.org | www.algonquin.org  
2200 Harnish Drive, Algonquin, IL

## PLANNING AND ZONING COMMISSION MINUTES

SEPTEMBER 11, 2023

### Roll Call - Establish Quorum

Commissioner Neuhalfen called the meeting to order at 7:00 pm.

Senior Planner Patrick Knapp called the roll to check attendance.

Six commissioners were present and could hear and be heard:

- Commissioner Kennealy
- Commissioner Laipert
- Commissioner Neuhalfen
- Commissioner Rasek
- Commissioner Sturznicke
- Commissioner Szpekowski

Members absent: Chair Patrician

Staff Present: Senior Planner Patrick Knapp and Attorney Brandy Quance

Commissioner Szpekowski made a motion to nominate Commissioner Neuhalfen to chair the meeting in Chairman Patrician's absence. The Motion was seconded by Commissioner Laipert. The motion was approved with a 6-0 vote.

### Public Comment

Commissioner Neuhalfen asked for public comments. No one from the public commented.

### Approval of Minutes

Commissioner Neuhalfen asked for approval of the August 15, 2023, Planning and Zoning Commission minutes. A motion was made by Commissioner Sturznicke and seconded by Commissioner Rasek to approve the minutes. The motion was approved with a 6-0 vote.

### Case Number PZ-2023-18 – Consideration of a Request to Issue a Special Use Permit to Allow a Daycare Center on Lot 2 of the Winding Creek Center

Senior Planner Patrick Knapp confirmed that the Public Notice requirement was fulfilled.



Marta Truskolaska, the Petitioner and Attorney representing the owner of 123 Learning Center Co, gave a brief verbal request that the Planning & Zoning Commission recommend issuance of a Special Use Permit to allow a Daycare Center to operate on the Subject Property.

Senior Planner Patrick Knapp gave a presentation stating how the request meets the Standards and Findings of the Zoning Code and that Staff supports the request for a Special Use Permit, subject to the conditions in the Staff Report.

Commissioner Neuhalfen opened the Public Comment portion of the Public Hearing.

There was no one in the audience to come forward.

Commissioner Neuhalfen closed the Public Comment portion of the Public Hearing

Commissioner Laipert noted that the use has not changed, so she has no reason to not recommend the request.

Commissioner Neuhalfen asked for a motion. A motion was made by Commissioner Kennealy and seconded by Commissioner Sturznickel to adopt Staff's Findings of Fact as the findings of the Planning & Zoning Commission and to recommend issuance of a Special Use Permit to allow 123 Learning Center Co to operate a daycare center on the Subject Property, subject to the conditions listed in the staff report for Case Number PZ-2023-18 dated September 1, 2023. The motion was carried with a 6-0 vote.

**Case Number PZ-2023-14 – Consideration of a Request to Approve a Final Planned Development and to Issue a Special Use Permit to Allow Open Air Dining and a Drive-Through on Lot 3 of the Enclave**

Senior Planner Patrick Knapp confirmed that the Public Notice requirement was fulfilled.

Dan Rea, the Petitioner and owner of Lot 3, gave a digital presentation and requested that the Planning & Zoning Commission recommend approval of the Final PUD and Special Uses for Open Air Dining and a Drive-Through.

Senior Planner Patrick Knapp gave a presentation stating how the request meets the Standards and Findings of the Zoning Code and that Staff supports the request for the Final Planned Development and Special Uses, subject to the conditions in the Staff Report.

Commissioner Kennealy asked if there is a Lot 4 submittal. The Petitioner stated that Lazy Dog will be going in to Lot 4. Staff clarified that Lazy Dog is in concept review with Staff and has not submitted a Development Petition. The Commissioner then asked if there are any other committed users south of Portillo's. The Petitioner responded that they do not yet have users for the Lots south of Portillo's. The Commissioner then asked if the drive aisles

were wide enough for two-way traffic. The Petitioner and Staff stated that the widths were wide enough.

Commissioner Szpekowski asked for a clarification on the outdoor dining areas. The Petitioner clarified that the areas are separated. The Commissioner then asked which way they were facing and the Petitioner stated they were facing Randall Road. The Commissioner then asked if there was landscaping around the outdoor dining areas and Staff brought up the landscape plan to show the landscaping around the dining areas.

Commissioner Rasek asked if both users were needed to make this deal work and the Petitioner stated that two users were needed for this stand alone building. The Commissioner then asked if the Chipotle to the north was corporate and the Petitioner stated that both are corporate owned.

Commissioner Laipert asked about how the timing is determined when you order from Chipotle. The Petitioner stated that there is an algorithm that determines your wait time based on what is ordered.

Commissioner Kennealy asked if there are concerns with overlapping uses and parking shortages. The Petitioner stated that the parking requirements are met and that there will likely be unused parking spaces due non-overlapping operating hours of the adjacent businesses.

Commissioner Sturznickel asked if the outdoor area would be enclosed in the winter. The Petitioner stated that they would not be enclosing the area.

Commissioner Neuhalfen encouraged First Watch to have earlier hours for breakfast.

Commissioner Neuhalfen opened the Public Comment portion of the Public Hearing.

There was no one in the audience to come forward.

Commissioner Neuhalfen closed the Public Comment portion of the Public Hearing

Commissioner Neuhalfen asked for a motion. A motion was made by Commissioner Rasek and seconded by Commissioner Laipert to adopt Staff's Findings of Fact as the findings of the Planning & Zoning Commission and to recommend approval of a Final Planned Development, the issuance of a Special Use Permit authorizing a drive-through, and the issuance of a Special Use Permit authorizing two open-air dining areas on the Subject Property, subject to final approval of all plans by staff and the conditions listed in the staff report for Case Number PZ-2023-14 dated September 1, 2023. The motion was carried with a 6-0 vote.

## **New/Old Business**

None discussed.

## **Community Development Report**

Staff provided an update regarding ongoing projects and Village Board approvals of Planning and Zoning cases.

## **Adjournment**

Commissioner Neuhalfen asked for a motion to adjourn. A motion from Commissioner Szpekowski and seconded by Commissioner Sturznicke was made. The motion carried on a 6-0 vote. The meeting was adjourned at 7:46 P.M.

Minutes signed by:

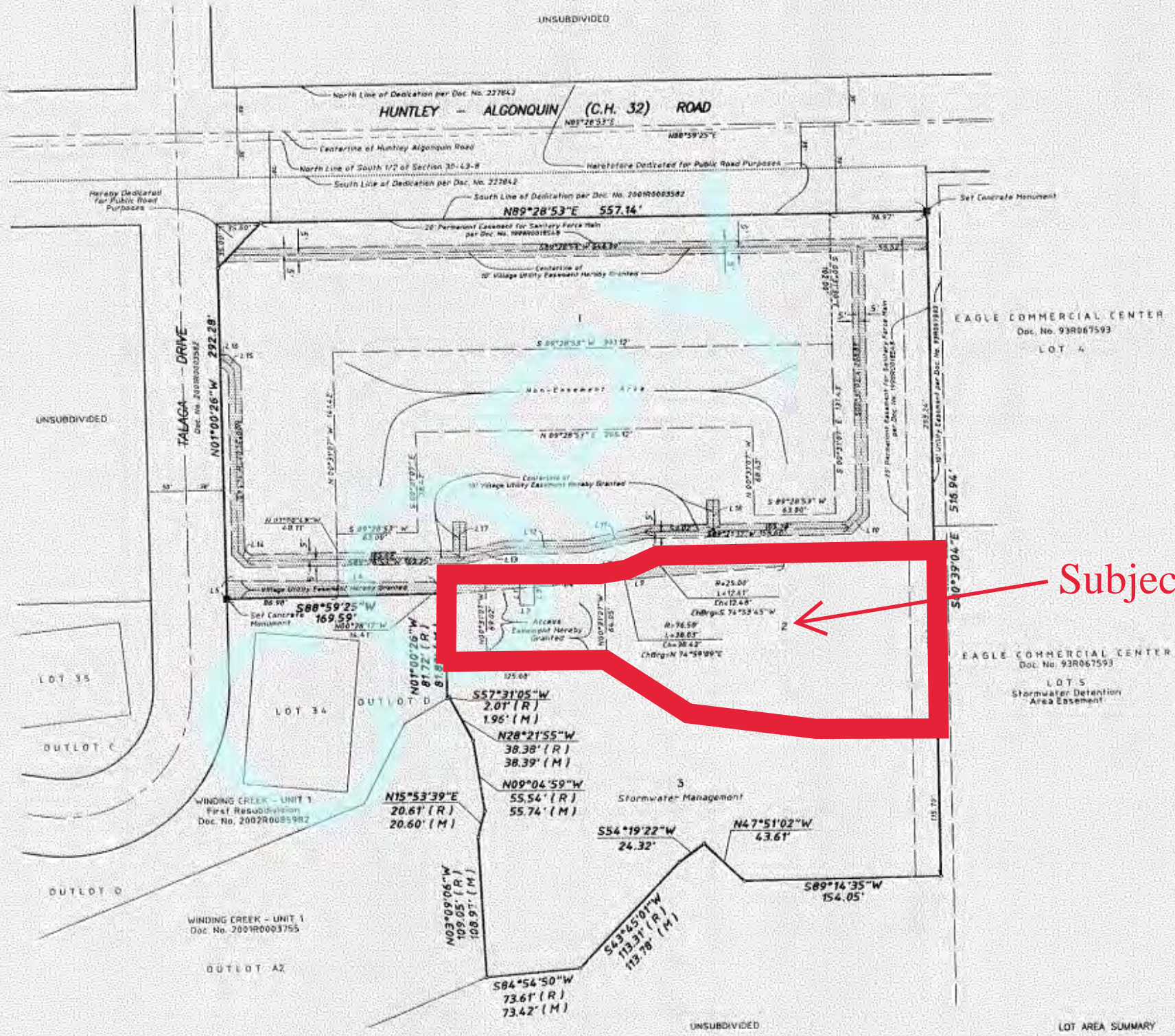
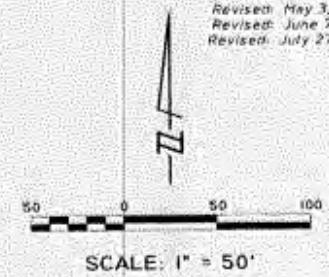
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Patrick Knapp, Senior Planner



# FINAL PLAT OF WINDING CREEK CENTER

BEING A SUBDIVISION OF PART OF THE SOUTHEAST QUARTER  
OF SECTION 30 TOWNSHIP 43 NORTH, RANGE 8 EAST OF THE  
THIRD PRINCIPAL MERIDIAN, IN MCHENRY COUNTY, ILLINOIS



LINE	LENGTH	BEARING
L1	24.47'	N00°31'07"W
L2	11.32'	S89°28'53"W
L3	19.50'	S00°55'06"E
L4	55.43'	S89°28'53"W
L5	14.50'	N01°00'28"W
L6	162.73'	S89°04'20"E
L7	274.45'	N05°43'30"E
L8	10.00'	S04°16'30"E
L9	268.06'	S85°43'30"W
L10	15.95'	S44°25'05"W
L11	49.23'	S77°06'52"W
L12	62.68'	S89°31'52"W
L13	32.42'	S77°03'53"W
L14	10.00'	N45°31'07"W
L15	10.00'	N45°31'07"W
L16	4.07'	S89°28'53"W
L17	27.58'	N00°31'07"W
L18	24.44'	S00°30'43"W

Subject Property

Lot No.	S.F.	Ac.
1	152,688	3.50023
2	41,175	0.94525
3	57,045	1.30221
ROW Dedication	612	0.01405
TOTAL	250,420	5.75974

- NOTES:
- The concrete monuments in stated herein shall be 6"x6"x36" with 1/2" rod set in the center.
  - Lot 1 is a Public Utility Easement and Access Easement, except where granted in accordance with the Easement Provisions on Sheet 2 of 2 of this plat.
  - Public Utility Companies are prohibited from utilizing the 10' Village Utility Easement, other than to locate over or under it.
  - Direct access to Huntley Algonquin Road, County Highway No. 32 from Lot 1 is prohibited.



# FINAL PLAT OF WINDING CREEK CENTER

BEING A SUBDIVISION OF PART OF THE SOUTHEAST QUARTER  
OF SECTION 30 TOWNSHIP 43 NORTH, RANGE 8 EAST OF THE  
THIRD PRINCIPAL MERIDIAN, IN MCHENRY COUNTY, ILLINOIS

COPY

STATE OF ILLINOIS }  
COUNTY OF COOK } SS

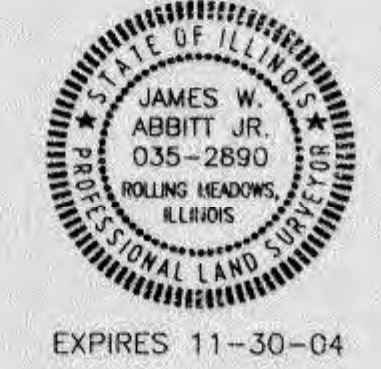
I, JAMES W. ABBITT, JR., AN ILLINOIS PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT I HAVE SURVEYED AND SUBDIVIDED THE FOLLOWING DESCRIBED PROPERTY:

THAT PART OF THE SOUTHEAST QUARTER OF SECTION 30, TOWNSHIP 43 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, MCHENRY COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF OUTLOT D OF WINDING CREEK - UNIT 1 FIRST RESUBDIVISION (PER DOCUMENT NUMBER 2002R0005982); THENCE SOUTH 88 DEGREES 59 MINUTES 25 SECONDS WEST, ALONG THE NORTH LINE OF SAID OUTLOT AND PARALLEL WITH NORTH LINE OF SOUTH HALF SAID SECTION 30, 169.59 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY OF TALAGA DRIVE (PER DOCUMENT NUMBER 2001R0003582); THENCE NORTH 01 DEGREE 00 MINUTES 26 SECONDS WEST, ALONG SAID RIGHT-OF-WAY, 292.28 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY OF ALGONQUIN ROAD (PER DOCUMENT NUMBER 2001R0003582); THENCE NORTH 89 DEGREES 28 MINUTES 53 SECONDS EAST, ALONG SAID RIGHT-OF-WAY AND PARALLEL WITH THE CENTERLINE OF ALGONQUIN ROAD, 557.14 FEET TO A POINT ON THE WEST LINE OF EAGLE COMMERCIAL CENTER (RECORDED AS DOCUMENT NUMBER 93R-067593); THENCE SOUTH 00 DEGREES 39 MINUTES 04 SECONDS EAST, ALONG SAID WEST LINE, 516.94 FEET; THENCE SOUTH 89 DEGREES 14 MINUTES 35 SECONDS WEST, 154.05 FEET; THENCE NORTH 47 DEGREES 51 MINUTES 02 SECONDS WEST, 43.61 FEET; THENCE SOUTH 54 DEGREES 19 MINUTES 22 SECONDS WEST, 24.32 FEET; THENCE SOUTH 43 DEGREES 45 MINUTES 01 SECONDS WEST, 113.31 FEET; THENCE SOUTH 84 DEGREES 54 MINUTES 50 SECONDS WEST, 73.61 FEET TO THE SOUTHEAST CORNER OF OUTLOT A2 OF WINDING CREEK - UNIT 1 (PER DOCUMENT NUMBER 2001R0003755); THENCE NORTH 03 DEGREES 09 MINUTES 06 SECONDS WEST, ALONG THE EAST LINE OF SAID OUTLOT, 109.05 FEET; THENCE NORTH 15 DEGREES 53 MINUTES 39 SECONDS EAST, CONTINUING ALONG THE EAST LINE OF SAID OUTLOT, 201.61 FEET; THENCE NORTH 09 DEGREES 04 MINUTES 59 SECONDS WEST, CONTINUING ALONG THE EAST LINE OF SAID OUTLOT, 55.54 FEET; THENCE NORTH 28 DEGREES 21 MINUTES 55 SECONDS WEST, CONTINUING ALONG THE EAST LINE OF SAID OUTLOT, 38.38 FEET; THENCE SOUTH 57 DEGREES 31 MINUTES 05 SECONDS WEST, CONTINUING ALONG THE EAST LINE OF SAID OUTLOT, 2.01 FEET TO A POINT ON THE EAST LINE OF AFORESAID OUTLOT D OF WINDING CREEK - UNIT 1 FIRST RESUBDIVISION; THENCE NORTH 01 DEGREE 00 MINUTES 26 SECONDS WEST, ALONG THE EAST LINE OF SAID OUTLOT, 81.72 FEET TO THE POINT OF BEGINNING.

DIMENSIONS ARE GIVEN IN FEET AND DECIMAL PARTS THEREOF AND ARE CORRECTED TO TEMPERATURE OF 68 DEGREES FAHRENHEIT. IRON PIPES HAVE BEEN SET AT ALL LOT CORNERS UNLESS NOTED OTHERWISE. I FURTHER CERTIFY THAT ALL THE LAND INCLUDED IN THE PLAT HEREIN IS WITHIN THE CORPORATE LIMITS OF THE VILLAGE OF ALGONQUIN, ILLINOIS. I FURTHER CERTIFY THAT I HAVE SET ALL SUBDIVISION MONUMENTS AND HAVE DESCRIBED THEM ON THIS PLAT AS REQUIRED BY THE PLAT ACT, CHAPTER 765, ACT 205, ILLINOIS COMPILED STATUTES.

I FURTHER CERTIFY THAT BASED ON INFORMATION PROVIDED ON THE FLOOD INSURANCE RATE MAP COMMUNITY PANEL NUMBER 170732 0350 E, DATED JANUARY 21, 1998 PRODUCED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FOR MCHENRY COUNTY, ILLINOIS THE PROPERTY SHOWN AND DESCRIBED HEREON IS LOCATED WITHIN ZONE X, WHICH IS DEFINED FEMA AS "AREAS DETERMINED TO BE OUTSIDE 500-YEAR FLOOD-PLAIN."

ROLLING MEADOWS, ILLINOIS June 7, 2004  
BY: James W. Abbitt Jr.  
ILLINOIS PROFESSIONAL LAND SURVEYOR No. 2890



HAEGER ENGINEERING LLC  
Illinois Professional Design Firm No. 184-003152  
Consulting Engineers & Land Surveyors  
1911A Rohlfing Road, Rolling Meadows, IL 60008  
1/847.594-6800  
www.hoegerengineering.com

### OWNER'S CERTIFICATE

THIS IS TO CERTIFY THAT WINDING CREEK LLC, AN ILLINOIS CORPORATION, IS HOLDER OF RECORD TITLE TO THE PARCEL DESCRIBED IN THE SURVEYORS CERTIFICATE AND HAS CAUSED THE SAME TO BE SURVEYED, SUBDIVIDED AND PLATTED AS SHOWN HEREON FOR THE USES AND PURPOSES THEREIN SET FORTH AS ALLOWED BY THE STATUTE AND SAID WINDING CREEK, LLC HEREBY ACKNOWLEDGES AND ADOPTS THE SAME UNDER THE STYLE AND TITLE HEREON SHOWN.

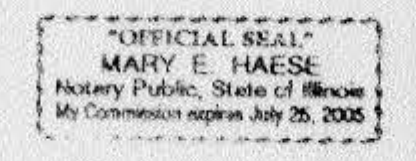
THIS IS TO FURTHER CERTIFY THAT TO THE BEST OF THE OWNERS KNOWLEDGE, THE PROPERTY DESCRIBED HEREON LIES WITHIN SCHOOL DISTRICT 158 AND JUNIOR COLLEGE DISTRICT 528.

DATED AT Lake in the Hills, ILLINOIS THIS 29<sup>th</sup> DAY OF December, A.D. 2004.

WINDING CREEK LLC  
BY: [Signature]  
OPERATIONAL VICE PRESIDENT  
ATTEST: [Signature]  
ASSISTANT SECRETARY

### NOTARY'S CERTIFICATE

STATE OF ILLINOIS }  
COUNTY OF MCHENRY } SS  
I, Mary E. Haese, A NOTARY PUBLIC IN AND FOR SAID COUNTY IN THE STATE AFORESAID, DO HEREBY CERTIFY THAT [Signature] VICE-PRESIDENT OF WINDING CREEK LLC AND [Signature] ASSISTANT SECRETARY OF SAID CORPORATION WHO ARE PERSONALLY KNOWN TO ME TO BE THE SAME PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE FOREGOING INSTRUMENT, APPEARED BEFORE ME THIS DAY IN PERSON AND ACKNOWLEDGED THAT THEY SIGNED AND DELIVERED SAID INSTRUMENT AS AND OF SAID CORPORATION AS THEIR OWN AND THE CORPORATIONS FREE AND VOLUNTARY ACT FOR THE USES AND PURPOSES THEREIN SET FORTH.  
GIVEN UNDER MY HAND AND NOTARIAL SEAL THIS 29<sup>th</sup> DAY OF December, A.D. 2004.  
NOTARY PUBLIC  
MY COMMISSION EXPIRES 11/30/05



### PLANNING AND ZONING COMMISSION CERTIFICATE

STATE OF ILLINOIS }  
COUNTY OF MCHENRY and KANE } SS  
THIS IS TO CERTIFY THAT THE MEMBERS OF THE PLANNING AND ZONING COMMISSION OF THE VILLAGE OF ALGONQUIN, MCHENRY COUNTY AND KANE COUNTY, ILLINOIS, HAVE REVIEWED THE ABOVE PLAT.  
DATED THIS 12<sup>th</sup> DAY OF April, 2004.  
Marian M. Auger  
CHAIRPERSON

### VILLAGE BOARD CERTIFICATE

STATE OF ILLINOIS }  
COUNTY OF MCHENRY and KANE } SS  
APPROVED AND ACCEPTED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF ALGONQUIN, MCHENRY COUNTY AND KANE COUNTY, ILLINOIS, THIS 4 DAY OF May, 2004.  
John C. Schmitz  
VILLAGE PRESIDENT  
ATTEST: [Signature]  
VILLAGE CLERK  
VILLAGE OF ALGONQUIN

### CERTIFICATE AS TO SPECIAL ASSESSMENTS

STATE OF ILLINOIS }  
COUNTY OF MCHENRY AND KANE } SS  
I, William J. Gack, VILLAGE COLLECTOR OF THE VILLAGE OF ALGONQUIN, DO HEREBY CERTIFY THAT THERE ARE NO DELINQUENT OR UNPAID CURRENT OR FORFEITED SPECIAL ASSESSMENTS OR ANY DEFERRED INSTALLMENTS THEREOF THAT HAVE BEEN APPORTIONED AGAINST THE LAND INCLUDED IN THE PLAT.  
DATED AT ALGONQUIN, MCHENRY AND KANE COUNTIES, ILLINOIS, THIS 5 DAY OF November, 2004.  
William J. Gack  
VILLAGE COLLECTOR

### COUNTY CLERK CERTIFICATE

STATE OF ILLINOIS }  
COUNTY OF MCHENRY } SS  
THIS IS TO CERTIFY THAT I, Katherine C. Schultz, COUNTY CLERK FOR THE COUNTY AND STATE AFORESAID, FIND NO REDEEMABLE TAX SALES, UNPAID TAXES OR UNPAID CURRENT TAXES AGAINST ANY OF THE REAL ESTATE INCLUDED IN THE ABOVE PLAT.  
I FURTHER CERTIFY THAT I HAVE RECEIVED ALL STATUTORY FEES IN CONNECTION WITH THE ANNEXED PLAT.  
GIVEN UNDER MY HAND AND SEAL IN Woodstock, ILLINOIS THIS 6<sup>th</sup> DAY OF December, 2004.  
Katherine C. Schultz  
COUNTY CLERK

### RECORDER'S CERTIFICATE

STATE OF ILLINOIS }  
COUNTY OF MCHENRY } SS  
THIS INSTRUMENT NO. 2004R0107449 WAS FILED FOR RECORD IN THE RECORDER'S OFFICE OF MCHENRY COUNTY, ILLINOIS ON THE 6<sup>th</sup> DAY OF December, 2004, AT 1:16 O'CLOCK P.M. IN BOOK 1216 OF PLATS, PAGE 1.  
Phyllis K. Walters  
MCHENRY COUNTY RECORDER

### PUBLIC UTILITY EASEMENT PROVISIONS ELECTRIC AND COMMUNICATIONS

UTILITY COMPANIES PROVIDING ELECTRIC OR COMMUNICATIONS SERVICES, THEIR RESPECTIVE SUCCESSORS AND ASSIGNS, JOINTLY OR SEVERALLY ARE HEREBY GIVEN EASEMENT RIGHTS TO ALL PLATTED STREETS AND ALLEYS AND IN EASEMENTS DESIGNATED AS "PUBLIC UTILITY EASEMENTS" TO INSTALL, OPERATE, MAINTAIN AND REMOVE, FROM TIME TO TIME, FACILITIES USED IN CONNECTION WITH THE TRANSMISSION AND DISTRIBUTION OF ELECTRICITY AND SIGNALS, TOGETHER WITH THE RIGHT TO INSTALL REQUIRED SERVICE CONNECTIONS TO SERVE THE IMPROVEMENTS OF EACH LOT, THE RIGHT TO CUT DOWN AND REMOVE OR TRIM AND KEEP TRIMMED ANY TREE, SHRUBS OR SAPPLINGS, WITHIN VILLAGE GUIDELINES AND SUPERVISION, THAT INTERFERE OR THREATEN TO INTERFERE WITH ANY OF SAID PUBLIC UTILITY EQUIPMENT, THE LOCATION OF FACILITIES IN PLATTED STREETS, ALLEYS AND SAID DESIGNATED EASEMENTS SHALL NOT CONFLICT WITH PUBLIC IMPROVEMENTS AND SHALL BE SUBJECT TO VILLAGE APPROVAL. NO PERMANENT BUILDING OR TREES SHALL BE PLACED ON SAID EASEMENTS, BUT SAME MAY BE USED FOR GARDENS, SHRUBS, LANDSCAPING AND OTHER PURPOSES THAT DO NOT THEN OR LATER INTERFERE WITH THE AFORESAID USES OR THE RIGHTS HEREIN GRANTED.

### PUBLIC UTILITY EASEMENT PROVISIONS NORTHERN ILLINOIS GAS COMPANY

NORTHERN ILLINOIS GAS COMPANY, ITS SUCCESSOR AND ASSIGNS, IS HEREBY GIVEN EASEMENT RIGHTS TO ALL PLATTED STREETS, ALLEYS AND IN EASEMENTS DESIGNATED AS "PUBLIC UTILITY EASEMENTS", SAID EASEMENT TO BE FOR THE INSTALLATION, RELOCATION, RENEWAL AND REMOVAL OF GAS MAINS AND APPURTENANCES, LOCATION OF MAINS AND APPURTENANCES SHALL NOT CONFLICT WITH PUBLIC IMPROVEMENTS AND SHALL BE SUBJECT TO VILLAGE APPROVAL.

### DRAINAGE EASEMENT PROVISIONS

THE VILLAGE OF ALGONQUIN IS HEREBY GIVEN PERPETUAL EASEMENT RIGHTS TO ALL PLATTED EASEMENTS DESIGNATED "STORMWATER MANAGEMENT" AND JOINTLY WITH PUBLIC UTILITIES IN EASEMENTS DESIGNATED AS "PUBLIC UTILITY EASEMENTS", SAID EASEMENTS SHALL RUN WITH THE LAND AND SHALL BE BINDING UPON GRANTOR'S SUCCESSORS AND ASSIGNS. SAID EASEMENTS SHALL BE USED SOLELY TO INSTALL, OPERATE, MAINTAIN AND REMOVE FROM TIME TO TIME UNDERGROUND FACILITIES AND APPURTENANCES USED IN CONNECTION WITH THE WATER, SANITARY SEWER OR STORM DRAINAGE SYSTEM OF THE VILLAGE OF ALGONQUIN EXCEPT THAT THE EASEMENTS SHALL BE GRANTED AS SWALES TO RECEIVE LOCAL SURFACE DRAINAGE. NO PERMANENT BUILDINGS OR TREES SHALL BE PLACED ON SAID EASEMENTS, BUT SAME MAY BE USED FOR GARDENS, SHRUBS, LANDSCAPING AND OTHER PURPOSES THAT DO NOT THEN OR LATER INTERFERE WITH THE AFORESAID USES OR RIGHTS HEREIN GRANTED. FENCES MAY BE PERMITTED PROVIDING THE PROPERTY OWNER SIGNS A WAIVER AGREEMENT APPROVED BY THE VILLAGE MANAGER OR HIS DESIGNEE. THE VILLAGE HAS THE RIGHT, BUT NOT THE OBLIGATION TO, AT ANY TIME, ABATE ANY OBSTRUCTIONS PLACED ON OR OVER THE EASEMENT AREA. ANY COSTS INCURRED BY THE VILLAGE, OR ITS AGENTS AND SUBCONTRACTORS TO ABATE THE OBSTRUCTIONS SHALL BE PAID FOR BY THE PROPERTY OWNER. IF THE PROPERTY OWNER CANNOT PAY FOR THE COSTS, THEN A LIEN SHALL BE PLACED ON THE PROPERTY.

### VILLAGE UTILITY EASEMENT PROVISIONS

THE VILLAGE OF ALGONQUIN IS HEREBY GIVEN PERPETUAL EASEMENT RIGHTS TO ALL PLATTED EASEMENTS DESIGNATED "VILLAGE UTILITY EASEMENT" AND JOINTLY WITH PUBLIC UTILITIES IN EASEMENTS DESIGNATED AS "PUBLIC UTILITY EASEMENT", SAID EASEMENTS SHALL RUN WITH THE LAND AND SHALL BE BINDING UPON GRANTOR'S SUCCESSORS AND ASSIGNS. SAID EASEMENTS SHALL BE USED SOLELY TO INSTALL, OPERATE, MAINTAIN AND REMOVE FROM TIME TO TIME UNDERGROUND FACILITIES AND APPURTENANCES USED IN CONNECTION WITH THE WATER, SANITARY SEWER OR STORM DRAINAGE SYSTEMS OF THE VILLAGE OF ALGONQUIN EXCEPT THAT THE EASEMENTS MAY BE GRANTED AS SWALES TO RECEIVE LOCAL SURFACE DRAINAGE. NO PERMANENT BUILDING OR TREES SHALL BE PLACED ON SAID EASEMENTS, BUT SAME MAY BE USED FOR GARDENS, SHRUBS, LANDSCAPING AND OTHER PURPOSES THAT DO NOT THEN OR LATER INTERFERE WITH THE AFORESAID USES OR RIGHTS HEREIN GRANTED. FENCES MAY BE PERMITTED PROVIDING THE PROPERTY OWNER SIGNS A WAIVER AGREEMENT APPROVED BY THE VILLAGE MANAGER OR HIS DESIGNEE. THE VILLAGE HAS THE RIGHT, BUT NOT THE OBLIGATION TO, AT ANY TIME, ABATE ANY OBSTRUCTIONS PLACED ON OR OVER THE EASEMENT AREA. ANY COSTS INCURRED BY THE VILLAGE OR ITS AGENTS AND SUBCONTRACTORS TO ABATE THE OBSTRUCTIONS SHALL BE PAID FOR BY THE PROPERTY OWNER. IF THE PROPERTY OWNER CANNOT PAY FOR THE COSTS, THEN A LIEN SHALL BE PLACED ON THE PROPERTY.

### COMMONWEALTH EDISON COMPANY EASEMENT PROVISIONS

COMMONWEALTH EDISON COMPANY, AND ITS RESPECTIVE SUCCESSORS AND ASSIGNS, JOINTLY OR SEVERALLY ARE HEREBY GIVEN EASEMENT RIGHTS TO THE "PUBLIC UTILITY EASEMENT" DESCRIBED HEREIN TO INSTALL, OPERATE, MAINTAIN AND REMOVE, FROM TIME TO TIME, FACILITIES USED IN CONNECTION WITH THE TRANSMISSION AND DISTRIBUTION OF ELECTRICITY, TOGETHER WITH THE RIGHT TO INSTALL REQUIRED SERVICE CONNECTIONS TO SERVE THE IMPROVEMENTS OF EACH LOT, THE RIGHT TO OVERHANG ALL LOTS WITH AERIAL SERVICE WIRES TO SERVE ADJACENT LOTS, THE RIGHT TO CUT DOWN AND REMOVE OR TRIM AND KEEP TRIMMED ANY TREES, SHRUBS OR SAPPLINGS THAT INTERFERE OR THREATEN TO INTERFERE WITH ANY OF SAID PUBLIC UTILITY EQUIPMENT. THE LOCATION OF FACILITIES IN SAID EASEMENT SHALL NOT CONFLICT WITH PUBLIC IMPROVEMENTS AND SHALL BE SUBJECT TO VILLAGE OF ALGONQUIN APPROVAL. NO PERMANENT BUILDING OR TREES SHALL BE PLACED ON SAID EASEMENT, BUT SAME MAY BE USED FOR GARDENS, SHRUBS, LANDSCAPING AND OTHER PURPOSES THAT DO NOT THEN OR LATER INTERFERE WITH THE AFORESAID USES OR THE RIGHTS HEREIN GRANTED.

### ACCESS EASEMENT PROVISION

A PERMANENT ACCESS EASEMENT IS GRANTED OVER ALL OF LOT 1 AND OVER ALL PLATTED EASEMENTS DESIGNATED AS "ACCESS EASEMENT" TO ALL PARTIES ALLOWING ACCESS IN AND TO AND ACROSS THE DESIGNATED AREAS. NO BUILDINGS OR STRUCTURES SHALL BE ERCTED ON THE EASEMENT WHICH INTERFERE WITH THE FREE AND UNIMPEDED USE AND ENJOYMENT OF THE RIGHT OF ACCESS HEREIN CONVEYED.

### SURFACE WATER DRAINAGE STATEMENT

STATE OF ILLINOIS }  
COUNTY OF COOK } SS  
TO THE BEST OF OUR KNOWLEDGE AND BELIEF, THE DRAINAGE OF SURFACE WATERS WILL NOT BE CHANGED BY THE CONSTRUCTION OF SUCH SUBDIVISION OR ANY PART THEREOF, OR THAT IF SUCH SURFACE WATER DRAINAGE WILL CHANGE, REASONABLE PROVISIONS HAVE BEEN MADE FOR COLLECTION AND DISCHARGE OF SUCH SURFACE WATERS INTO PUBLIC OR PRIVATE AREAS AND/OR DRAINS WHICH THE SUBDIVIDER HAS A RIGHT TO USE AND THAT SUCH SURFACE WATERS WILL BE PLANNED FOR IN ACCORDANCE WITH GENERALLY ACCEPTED ENGINEERING PRACTICES SO AS TO REDUCE THE LIKELIHOOD OF SUBSTANTIVE DAMAGE TO THE ADJOINING PROPERTY BECAUSE OF THE CONSTRUCTION OF THE SUBDIVISION.  
DATED THIS 29<sup>th</sup> DAY OF December, 2004.

REGISTERED PROFESSIONAL ENGINEER  
[Signature]  
OWNER (S) OR DULY AUTHORIZED ATTORNEY

### COUNTY HIGHWAY CERTIFICATE

STATE OF ILLINOIS }  
COUNTY OF MCHENRY } SS  
THIS PLAT IS HEREBY APPROVED THIS 2<sup>nd</sup> DAY OF December, A.D. 2004 BY THE COUNTY ENGINEER OF MCHENRY COUNTY PURSUANT TO CHAPTER 765, ACT 205, SECTION 2 OF THE ILLINOIS COMPILED STATUTES, AS AMENDED, AS TO ROADWAY ACCESS TO COUNTY HIGHWAY NO. 32, ALSO KNOWN AS HUNTLEY ALGONQUIN ROAD. DIRECT ACCESS TO OR FROM THE COUNTY HIGHWAY SHALL BE RESTRICTED AS SHOWN ON THIS PLAT AND SHALL BE SUBJECT TO THE MCHENRY COUNTY ACCESS MANAGEMENT ORDINANCE WHICH REQUIRES, IN PART, THAT APPLICATION BE MADE AND AN ACCESS PERMIT BE OBTAINED FROM THE COUNTY ENGINEER OF MCHENRY COUNTY PRIOR TO ANY ACCESS INSTALLATION.

Joseph R. Korpelaki Jr.  
COUNTY ENGINEER

THIS PLAT SUBMITTED FOR RECORDING BY:  
NAME: EILEEN LYONS  
ADDRESS: 1128 WEST ALGONQUIN ROAD  
ALGONQUIN, IL 60102  
947-854-8196

2004 R 0107449



ORDINANCE NO. 2004-0-19

*PASSED AND APPROVED BY:*

THE PRESIDENT AND BOARD OF TRUSTEES  
OF THE VILLAGE OF ALGONQUIN,  
MCHENRY AND KANE COUNTIES, ILLINOIS

AT THE VILLAGE BOARD MEETING HELD ON  
THE 4 DAY OF May, 2004

*PUBLISHED IN PAMPHLET FORM BY THE AUTHORITY OF THE  
PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF ALGONQUIN*

*PREPARED BY:* Village Staff

*REVIEWED BY:*

H. David Rogers, Village Attorney  
Zukowski, Rogers, Flood & McArdle  
50 Virginia Street  
Crystal Lake, IL 60014

**ORDINANCE NO. 2004 – O - 19**

**An Ordinance Issuing A Special Use Permit and Approving A Final Planned Development and Final Plat of Subdivision For A 33,427 Square Foot Neighborhood Commercial Center And A 12,000 Square Foot Educational Facility (Winding Creek Commercial Center)**

WHEREAS, the Village of Algonquin, 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 and exercise of the Village's home rule powers and functions as granted in the Constitution of the State of Illinois.

WHEREAS, THE VILLAGE OF ALGONQUIN has been requested by a petition, signed by John Curtis of Winding Creek, Incorporated, the property owner, to approve the final planned development, final plat of subdivision and issuance of a special use permit for a 33,427 square foot neighborhood commercial center and a 12,000 square foot educational facility, on certain territory (the "Subject Property") described as follows:

That Part Of The Southeast Quarter Of Section 30, Township 43 North, Range 8 East Of The Third Principal Meridian Described As Follows: Beginning At The Northeastern Most Point Of Outlot D In Winding Creek Unit 1 First Resubdivision, According To The Plat Thereof Recorded As Document Number 200280085982 Thence South 88'59'11" West Along The Northerly Line Of Said Outlot D, A Distance Of 169.59 Feet To Southeast Corner Of Talaga Drive, According To The Plat Of Dedication Recorded As Document Number 200180003582; Thence North 01' 00'49" West Along The East Right Of Way Line Of Said Talaga Drive, A Distance Of 292.28 Feet To The South Line Of Algonquin Road (County Highway 32) According To The Plat Thereof Recorded As Document Number 2002R0085982; Thence North 89'28'30" East Along Said South Line Of Algonquin Road, A Distance Of 557.14 Feet To The East Line Of The West Half Of The Southeast Quarter Of Section 30, Aforesaid; Thence South 00'39'27" East Along Said East Line, A Distance Of 516.94 Feet; Thence South 89'14'12" West, A Distance Of 154.05 Feet; Thence North 47'51'25" West, A Distance Of 43.61 Feet; Thence South 54' 18'59" West, A Distance Of 24.32 Feet; Thence South 43'44'38" West, A Distance Of 113.31 Feet; Thence South 84,54'27" West, A Distance Of 73.61 Feet To The Most Easterly Southeast Corner Of Outlot A2 In Winding Creek - Unit 1 According To The Plat Thereof Recorded As Document Number 200180003755; Thence Along The East Line Of Said Outlot A2 For The Following Five (5) Courses; (1) Thence North 03'09'29" West, A Distance Of 109.05 Feet; (2) Thence North 15'53' 16" East, A Distance Of 20.61 Feet; (3) Thence North 09'05'22" West, A Distance Of 55.54 Feet; (4) Thence North 28'22'18" West, A Distance Of 38.38 Feet; (5) Thence South 57'17'55" West, A Distance Of 2.01 Feet To The Most Easterly Southeast Corner Of Outlot D In Winding Creek-Unit 1 First Resubdivision, Aforesaid; Thence North 01'00'49" West Along The East Line Of Said Outlot D, A Distance Of 81.72 Feet To The Point Of Beginning, Containing 5.79 Acres Of Land, More Or Less, All In McHenry County, Illinois.

Commonly known as the Winding Creek Commercial Center, located at the southeast corner of Talaga Drive and West Algonquin Road.



WHEREAS, a public hearing was held by the Algonquin Planning and Zoning Commission, after due notice in the manner provided by law; and

WHEREAS, the Planning and Zoning Commission, after deliberation, has made a report and recommended the approval of said planned development, final plat of subdivision and issuance of the special use permit for the Subject Property; and

WHEREAS, the Village Board has considered the findings of fact, based upon the evidence presented at the public hearing, and as presented to the Algonquin Planning and Zoning Commission by the petitioners; and

NOW, THEREFORE, BE IT ORDAINED by the Acting President and Board of Trustees of the VILLAGE OF ALGONQUIN, McHenry and Kane Counties, Illinois, as follows:

SECTION 1: A special use permit to allow the construction and operation of an educational facility is hereby issued, and the final planned development and final plat of subdivision for a 33,427 square foot neighborhood commercial center and a 12,000 square foot educational facility, which consists of the following documents and conditions, are hereby approved: That site construction, utility installation and grading shall not commence until a Site Development Permit has been issued by the Village and all offsite and onsite utilities serving the subject property shall be underground, and water and sanitary sewer permits have been issued by the Illinois Environmental Protection Agency;

- A. The engineering plans as prepared by Haeger Engineering with a latest revision date of February 23, 2004 shall be revised to include comments from the April 2, 2004 Teska memorandum, January 30, 2004 EquiPoise memorandum, the April 5, 2004 Schefflow Engineers memorandum and the March 31, 2004 Public Works memorandum. Dumpster enclosures shall be brick with a solid wood or metal latchable gate. The developer shall be required to make a roadway connection and grant cross-access to the adjacent property to the east;
- B. The proposed retail building shall be constructed in compliance with the architectural elevations prepared by Wildesign Group Architects, Inc, dated January 16, 2004. The building shall be constructed with earth toned colored face brick on all elevations and split face block around the base, three raised pitched roof sections with architectural shingles, decorative cornice treatment, marble insets in the EFIS pilaster columns, and building face articulation. The rear façade shall be constructed with all face brick. All plans shall be revised to incorporate comments from the April 2, 2004 Teska memorandum. All roof mounted or ground located mechanical, electrical, or communications equipment, shall be fully screened with an appropriate architectural element or landscaping. The masonry materials may not be painted at any time in the future. Final building material samples shall be reviewed and approved by Community Development staff prior to the issuance of a building permit to ensure compliance with the plans approved by the Village Board;

- C. The school building shall be constructed in compliance with the architectural elevations prepared by Wildesign Group Architects, Inc. dated January 9, 2004. The building shall be constructed with earth toned colored face brick with split face block around the base, a full pitched roof with dormer windows, prairie style grills on the front windows, and a canopy over the entrance way extending over the drop-off lane. All plans shall be revised to incorporate comments from the April 2, 2004 Teska memorandum. All roof mounted or ground located mechanical, electrical, or communications equipment, shall be fully screened with an appropriate architectural element or landscaping. The masonry materials may not be painted at any time in the future. Final building material samples shall be reviewed and approved by Community Development staff prior to the issuance of a building permit to ensure compliance with the plans approved by the Village Board;
- D. The landscape plan as prepared by JR's Creative Landscaping, dated February 25, 2004 shall be revised to include comments from the April 2, 2004 Teska memorandum, January 30, 2004 EquiPoise memorandum, and the March 31, 2004 Public Works memorandum. The tree preservation plan shall be followed and inspections conducted by the Village's Parks and Forestry Superintendent. The developer shall pay into the Village's Urban Tree Program due to the loss of trees on site, if the tree loss, in the opinion of the Village Arborist is not mitigated on-site. EquiPoise shall review the wetland mitigation and determine the appropriate mitigation requirements and/or fees, per the Kane County Stormwater Ordinance and the Village of Algonquin Woods Creek Watershed Protection Plan;
- E. The plat of subdivision as prepared by Haeger Engineering, dated February 25, 2004 shall be revised to include comments from the April 5, 2004 Scheflow Engineers memorandum and the March 31, 2004 Public Works memorandum. The Plat shall be revised to include the building on the same lot as the parking lot; the building shall not be its own lot. The plat shall indicate cross-access and cross-parking is allowed;
- F. One wall sign for each tenant shall be allowed following a common signage plan, which shall be reviewed and approved by Village staff. A separate sign permit for each sign shall be reviewed and approved by Village staff. One monument sign shall be permitted along Algonquin Road. The sign shall be 8 feet tall by 10 feet wide, with a brick base, and EFIS sides and top to match the building. The sign shall have the name of the center and the school; and no individual tenants shall be named on the sign;
- G. The Private Property Enforcement Agreement shall be executed with the Algonquin Police Department prior to the issuance of any Certificate of Occupancies;
- H. The developer shall also be responsible for their share of future traffic signal improvements, right-of-way, and road improvements at the intersection of Talaga Drive and Algonquin Road as determined by the McHenry County Highway Department and the Village of Algonquin. Said payment shall be made to the Village of Algonquin within 60 days after a written request has been submitted to the developer/owner from the Village of Algonquin;
- I. No medical office shall be allowed within the development, due to parking constraints;

- J. The Photometric Plan, dated March 29, 2004, shall be revised to show all four proposed light fixture locations. Village standards of metal halide light, downcast fixtures, and no trespass light shall be followed. The Village Board shall have the ability to make additional modifications to the site lighting if, upon an inspection of the lights after installation, it is determined that the light is too intense;
- K. The developer shall prepare covenants to address issues including, but not limited to, cross-access, cross-parking, stormwater detention facility maintenance, shared property maintenance, shared refuse enclosure and similar joint responsibilities between the owners. The covenants shall also restrict delivery hours to the rear of the retail building so deliveries do not occur during peak morning and afternoon school drop off hours. The covenants shall be submitted to the Assistant Village Manager and Village Attorney for review and approval;
- L. The developer shall be required to construct a fence that is a least five (5') in height around the perimeter of the outside play area.

SECTION 2: That all requirements set forth in the Zoning Ordinance of the Village of Algonquin, as would be required by any owner of property zoned in the same manner as the property described above, shall be complied with, except as otherwise provided in this Ordinance.

SECTION 3: The findings of fact on the petition to approve the planned development and issue the Special Use Permit on the Subject Property are hereby accepted.

SECTION 4: 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 5: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 6: 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: Acting President John C. Schmitt. Trustees Jim Steigert, Constance Donner, Robert Smith, and Barbara Read.

Nay: None

Absent: Trustee John Spella

Abstain: None

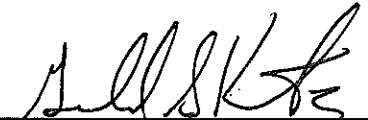
APPROVED:



Acting Village President John C. Schmitt

(SEAL)

ATTEST:

  
Village Clerk Gerald S. Kautz

Passed: May 4, 2004

Approved: May 4, 2004

Published: May 5, 2004

Prepared by:  
Village Staff

Reviewed by:  
H. David Rogers, Village Attorney  
Zukowski, Rogers, Flood & McArdle  
50 Virginia Street  
Crystal Lake, Illinois 60014

ORDINANCE NO. 2018 - O - 11

**An Ordinance Issuing a Special Use Permit  
for Ombudsman Educational Services  
on Lot 2 in Winding Creek Center  
(2651 W. Algonquin Road)**

WHEREAS, the Village of Algonquin, 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; and

WHEREAS, the Village of Algonquin has been requested by a petition signed by Eric Shaffer of Ombudsman Educational Services, the petitioner, and Jyotsna Patel, property owner, to approve a special use permit, on certain territory legally described as follows:

Lot 2 of the Winding Creek Center, being a subdivision of the southeast quarter of section 30, township 43 north, range 8 east of the third principal meridian, according to the plat thereof recorded December 6, 2004 as Document 2004R0107449 In McHenry County, Illinois.

and commonly known as 2651 W. Algonquin Road, Algonquin, IL 60102 ("Subject Property"); and

WHEREAS, a public hearing was held before the Algonquin Planning and Zoning Commission, after due notice in the manner provided by law; and

WHEREAS, the Algonquin Planning and Zoning Commission, after deliberation, has made a report and recommended the approval of said special use permit for the Subject Property; and

WHEREAS, the Village Board of Trustees has considered the findings of fact, based upon the evidence presented at the public hearing to the Algonquin Planning and Zoning Commission by the petitioners.

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

SECTION 1: A special use permit for Ombudsman Educational Services is hereby issued, subject to the following documents and conditions:

- A. Tenant build-out plans shall be submitted for review and approval by the Community Development Department prior to any work being done in the tenant space;
- B. Per the terms of the original Winding Creek Center PUD 2004 – O – 19, one wall sign shall be allowed that conforms with the common signage plan for the commercial center. The petitioner shall submit a sign permit application for review and approval by the Community Development Department;
- C. Per the terms of the original Winding Creek Center PUD 2004 – O – 19, the name of the school was allowed on the monument sign and it shall be the petitioner's responsibility to obtain approval from the owner of the commercial center to modify the ground sign as well as submit a sign permit application for any changes to the Community Development Department for review and approval;

D. Any school bus or van used to transport students shall be parked as to not interfere with other tenants in the Winding Creek Center.

SECTION 2: That all requirements set forth in the Algonquin Zoning Ordinance, as would be required by any owner of property zoned in the same manner as the Subject Property shall be complied with, except as otherwise provided in this Ordinance.

SECTION 3: The findings of fact on the petition to issue the special use permit are hereby accepted.

SECTION 4: 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 5: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 6: 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: Steigert, Brehmer, Glogowski, Jasper, Sosine  
Nay: None  
Absent: Spella  
Abstain: None

APPROVED:

(SEAL)

  
Village President John C. Schmitt

ATTEST:

  
Village Clerk Gerald S. Kautz

Passed: May 1, 2018  
Approved: May 1, 2018  
Published: May 1, 2018

Prepared by:  
Village Staff

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

**VILLAGE OF ALGONQUIN**  
*PUBLIC WORKS DEPARTMENT*

**– M E M O R A N D U M –**

DATE: October 13, 2023

TO: Tim Schloneger, Village Manager

FROM: Michele Zimmerman, Assistant Public Works Director

SUBJECT: *Design Build Services – James B. Wood Park & Holder Park Improvements & Playground Replacement*

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Attached you will find the proposed Design-Build agreement for Holder Park & James B. Wood Park Playground Replacements & Park Improvements. These parks were chosen for replacement due to the age and condition of the current equipment and amenities. James B. Wood park was installed in 1995 and Holder Park was installed in 1984.

The design-build concept is the recommendation that public works is making due to the customized elements in the playgrounds and the detailed and specific other improvements included in the project. This method allows us to construct the project in a timely matter, and within the high expectations of the Board of Trustees, stakeholders, and our residents. By combining the projects under one contract we are also able to realize economies of scale on quantities, as well as save on mobilization costs. Burke LLC will be handling all design, bidding, contractor selection and project construction management under the guaranteed maximum price of \$1,427,363.00.

As part of the Design-Build process, Burke LLC reached out to three contractors to provide pricing to build this project. Please see the attached bid tab sheet. Martam Construction, LLC was the low proposal so they will be constructing the project under the guidance of the Burke LLC team. Please note the bid tab reflects the price of the construction only and not the overall price with the Burke LLC oversight guaranteed maximum price.

As the Village moves to replace aging playgrounds, part of the process includes enhanced community outreach. For James B. Wood Park staff worked with NuToys Leisure Products to design a very customized playground structure. Staff sought public input via a Survey Monkey vote for additional amenities at James B. Wood Park. The survey requested feedback on site amenities including: playground games, basketball court, lawn games including bean bags, chalk art zone, gaga ball, putting green, volleyball court, and handball court. The survey was sent out via Village social media platforms for public input. In total there were 206 votes on Survey Monkey and 167 total engagements (Facebook Likes/Comments). This helped guide our final decision on additional improvements and amenities at the Park.

For Holder, Village staff did not engage the public. The new playground here is totally customized as an inclusive play facility and it is highly themed towards public safety as the park was built as a dedication to Police Officer Holder who passed away in the line of duty. In order to make this park fully accessible, a number of ADA improvements have been included in the design.

In total, these two projects are over the FY24 budgeted amount of \$775,000.00 by \$652,363.00. The reason for this is that, during the budgeting process, staff anticipated just replacing both playgrounds in-kind. However, we involved public input on James B. Wood Park and found that there was a need to make a much larger park improvement so we included a shelter to provide shade and the reconstruction of the aging basketball court. Due to recent requests and input on our park system as a



whole, the community has been reaching out for an inclusive playground. It was decided to focus on this at Holder and make this park heavily themed towards these amenities as well as highlight the focus of its original dedication to Police Officer Holder. The additions to the planned scope of work, paired with inflated cost of materials and labor have led to the cost increase.

Fortunately, sufficient funds are available to continue forward with construction of the parks. \$329,400.00 is able to be swept from existing current year Park Improvement Fund expenses that are projected to come in under budget. An additional \$86,243.00 of Park Improvement Fund revenue is able to be realized due to better than expected Park Impact Fee Contributions, Interest Income, and Home Rule Sales Tax. Finally, the remaining 236,720.00 balance can be made whole with an additional transfer from the General Fund using surplus revenues realized in the current fiscal year, including development fees and interest income. By increasing the scope on both projects, staff feels we will substantially complete all the necessary improvements needed in both parks for the foreseeable future.

Therefore, it is our recommendation that the Committee of the Whole take action to move this matter forward to the Village Board for approval of design/build services for the Holder Park & James B. Wood Park Playground Replacements & Park Improvements in the amount not to exceed \$1,427,739.00 with Burke LLC.

Village of Algonquin - Wood and Holder Park Improvements

Burke LLC Subcontractor Shortlist

Price Proposal Tabulation September 13, 2023



**JAMES B WOOD PARK**

ITEM NO.	PAY ITEM NAME	UNIT	QUANTITY	MARTAM CONSTRUCTION, INC.		PLAYGROUND SAFE LLC		GREATLAKES LANDSCAPING	
1	REMOVAL AND DISPOSAL OF UNSUITABLE MATERIAL	CU YD	390	\$ 42.12	\$ 16,426.80	\$ 87.48	\$ 34,117.20	\$ 64.80	\$ 25,272.00
2	SEEDING, CLASS 1	SQ YD	550	\$ 4.32	\$ 2,376.00	\$ 15.77	\$ 8,672.40	\$ 8.64	\$ 4,752.00
3	EROSION CONTROL BLANKET	SQ YD	550	\$ 4.32	\$ 2,376.00	\$ 23.76	\$ 13,068.00	\$ 12.96	\$ 7,128.00
4	SUPPLEMENTAL WATERING	UNIT	3	\$ 47.52	\$ 142.56	\$ 2,449.44	\$ 7,348.32	\$ 2,160.00	\$ 6,480.00
5	MOBILIZATION	L SUM	1	\$ 16,200.00	\$ 16,200.00	\$ 17,712.00	\$ 17,712.00	\$ 27,000.00	\$ 27,000.00
6	CONSTRUCTION LAYOUT	L SUM	1	\$ 5,940.00	\$ 5,940.00	\$ 6,531.84	\$ 6,531.84	\$ 8,100.00	\$ 8,100.00
7	EX. PLAY EQUIPMENT AND FOUNDATION REMOVAL	L. SUM	1	\$ 10,800.00	\$ 10,800.00	\$ 10,264.32	\$ 10,264.32	\$ 12,960.00	\$ 12,960.00
8	NEW PLAYGROUND EQUIPMENT INSTALLATION	L. SUM	1	\$ 313,200.00	\$ 313,200.00	\$ 313,444.08	\$ 313,444.08	\$ 329,400.00	\$ 329,400.00
9	CONCRETE CURB RETAINING EDGE	FEET	300	\$ 41.04	\$ 12,312.00	\$ 56.16	\$ 16,848.00	\$ 54.00	\$ 16,200.00
10	WOOD MULCH SAFETY SURFACE, 12-INCH	SQ YD	5950	\$ 10.80	\$ 64,260.00	\$ 2.48	\$ 14,779.80	\$ 5.40	\$ 32,130.00
11	BENCHES, SPECIAL	EA	2	\$ 2,268.00	\$ 4,536.00	\$ 1,807.92	\$ 3,615.84	\$ 2,376.00	\$ 4,752.00
12	PICNIC SHELTER	L SUM	1	\$ 54,000.00	\$ 54,000.00	\$ 51,321.60	\$ 51,321.60	\$ 59,400.00	\$ 59,400.00
13	UNDER DRAIN, 4-INCH	FEET	140	\$ 57.24	\$ 8,013.60	\$ 28.08	\$ 3,931.20	\$ 48.60	\$ 6,804.00
14	TREES	EA	4	\$ 1,188.00	\$ 4,752.00	\$ 1,224.72	\$ 4,898.88	\$ 1,350.00	\$ 5,400.00
15	ASPHALT BASKETBALL COURT, SPECIAL	SY	230	\$ 118.80	\$ 27,324.00	\$ 216.00	\$ 49,680.00	\$ 237.60	\$ 54,648.00
16	BAG TOSS	EA	2	\$ 5,378.40	\$ 10,756.80	\$ 3,732.48	\$ 7,464.96	\$ 5,400.00	\$ 10,800.00
17	BASKETBALL STANDARD POST, BACKBOARD, HOOP & NET	EA	1	\$ 9,396.00	\$ 9,396.00	\$ 7,581.60	\$ 7,581.60	\$ 10,260.00	\$ 10,260.00
18	REMOVE EXISTING ASPHALT BASKETBALL COURT	L SUM	1	\$ 3,024.00	\$ 3,024.00	\$ 5,248.80	\$ 5,248.80	\$ 2,700.00	\$ 2,700.00
19	REMOVE EXISTING PLAY AREA	SQ FT	3950	\$ 1.62	\$ 6,399.00	\$ 6.26	\$ 24,742.80	\$ 2.70	\$ 10,665.00
20	TREE REMOVAL	UNIT	30	\$ 124.74	\$ 3,742.20	\$ 233.28	\$ 6,998.40	\$ 216.00	\$ 6,480.00
21	PCC SIDEWALK, 5-INCH W/ 4-INCH AGGREGATE BASE	SQ FT	1300	\$ 17.82	\$ 23,166.00	\$ 14.58	\$ 18,954.00	\$ 16.20	\$ 21,060.00
					<b>\$ 599,142.96</b>		<b>\$ 627,224.04</b>		<b>\$ 662,391.00</b>

\* Costs include CM Fee

Village of Algonquin - Wood and Holder Park Improvements

Burke LLC Subcontractor Shortlist

Price Proposal Tabulation September 13, 2023



HOLDER MEMORIAL PARK PLAYGROUND AND BALLFIELD IMPROVEMENTS									
ITEM NO.	PAY ITEM NAME	UNIT	QUANTITY	MARTAM CONSTRUCTION, INC.		PLAYGROUND SAFE LLC		GREATLAKES LANDSCAPING	
1	REMOVAL AND DISPOSAL OF UNSUITABLE MATERIAL	CU YD	250	\$ 49.68	\$ 12,420.00	\$ 87.48	\$ 21,870.00	\$ 64.80	\$ 16,200.00
2	SEEDING, CLASS 1	SQ YD	310	\$ 7.02	\$ 2,176.20	\$ 15.77	\$ 4,888.08	\$ 8.64	\$ 2,678.40
3	EROSION CONTROL BLANKET	SQ YD	310	\$ 7.02	\$ 2,176.20	\$ 23.76	\$ 7,365.60	\$ 12.96	\$ 4,017.60
4	SUPPLEMENTAL WATERING	UNIT	3	\$ 47.52	\$ 142.56	\$ 2,449.44	\$ 7,348.32	\$ 2,160.00	\$ 6,480.00
5	MOBILIZATION	L SUM	1	\$ 46,440.00	\$ 46,440.00	\$ 19,224.00	\$ 19,224.00	\$ 27,000.00	\$ 27,000.00
6	CONSTRUCTION LAYOUT	L SUM	1	\$ 5,940.00	\$ 5,940.00	\$ 3,032.64	\$ 3,032.64	\$ 8,100.00	\$ 8,100.00
7	EX. PLAY EQUIPMENT AND FOUNDATION REMOVAL	L. SUM	1	\$ 22,680.00	\$ 22,680.00	\$ 10,730.88	\$ 10,730.88	\$ 12,960.00	\$ 12,960.00
8	NEW PLAYGROUND EQUIPMENT INSTALLATION	L. SUM	1	\$ 345,600.00	\$ 345,600.00	\$ 375,840.00	\$ 375,840.00	\$ 378,000.00	\$ 378,000.00
9	CONCRETE CURB RETAINING EDGE	FEET	340	\$ 44.28	\$ 15,055.20	\$ 56.16	\$ 19,094.40	\$ 54.00	\$ 18,360.00
10	POURED IN PLACE RUBBER SAFETY SURFACE, SPECIAL	SQ YD	4750	\$ 35.10	\$ 166,725.00	\$ 28.62	\$ 135,945.00	\$ 35.64	\$ 169,290.00
11	BENCHES, SPECIAL	EA	3	\$ 2,484.00	\$ 7,452.00	\$ 1,807.92	\$ 5,423.76	\$ 2,376.00	\$ 7,128.00
12	TREES	EA	4	\$ 1,188.00	\$ 4,752.00	\$ 1,224.72	\$ 4,898.88	\$ 1,350.00	\$ 5,400.00
13	BACK STOP FENCE REMOVE & REPLACE, 3 PANEL (12-FT)	L SUM	1	\$ 33,480.00	\$ 33,480.00	\$ 38,620.80	\$ 38,620.80	\$ 237.60	\$ 237.60
14	OUTFIELD AND SIDELINE FENCE (4-FT)	FEET	860	\$ 54.54	\$ 46,904.40	\$ 59.62	\$ 51,269.76	\$ 65.00	\$ 55,900.00
15	NEW PARK ID SIGN	L SUM	1	\$ 10,800.00	\$ 10,800.00	\$ 3,780.00	\$ 3,780.00	\$ 10,260.00	\$ 10,260.00
16	PCC SIDEWALK, 5-INCH W/ 4-INCH AGGREGATE BASE	SQ FT	1950	\$ 14.58	\$ 28,431.00	\$ 14.58	\$ 28,431.00	\$ 15.00	\$ 29,250.00
17	TREE REMOVAL (6-15)	UNIT	70	\$ 77.22	\$ 5,405.40	\$ 194.40	\$ 13,608.00	\$ 80.00	\$ 5,600.00
18	DETECTABLE WARNING	SF	40	\$ 43.20	\$ 1,728.00	\$ 37.80	\$ 1,512.00	\$ 216.00	\$ 8,640.00
19	REMOVE EXISTING PLAY AREA	SF	4100	\$ 2.16	\$ 8,856.00	\$ 6.26	\$ 25,682.40	\$ 7.00	\$ 28,700.00
20	REMOVE EXISTING CONCRETE SIDEWALK	SF	800	\$ 3.78	\$ 3,024.00	\$ 4.10	\$ 3,283.20	\$ 4.10	\$ 3,283.20
21	REMOVE ASPHALT PATH	SF	1600	\$ 2.70	\$ 4,320.00	\$ 2.70	\$ 4,320.00	\$ 2.70	\$ 4,320.00
22	REMOVE AND REPLACE DRINKING FOUNTAIN	LS	1	\$ 16,200.00	\$ 16,200.00	\$ 9,180.00	\$ 9,180.00	\$ 9,180.00	\$ 9,180.00
					<b>\$ 790,707.96</b>		<b>\$ 795,348.72</b>		<b>\$ 810,984.80</b>

\* Costs include CM Fee





# WOODS PARK

1173053-01-03-01 • 06.02.2023







# WOODS PARK

1173053-01-03-05 • 06.02.2023









**VILLAGE OF ALGONQUIN**  
*PUBLIC WORKS DEPARTMENT*

**– M E M O R A N D U M –**

DATE: October 13, 2023

TO: Tim Schloneger, Village Manager

FROM: Michele Zimmerman, Assistant Public Works Director

SUBJECT: Acceptance of Lots G, H, I in Trails of Woods Creek Subdivision

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Attached you will find a Memorandum of Understanding as well as a Special Warranty Deed for Outlots G, H and I in the Trails of Woods Creek Development.

According to Article IV, of the Redevelopment Agreement, Pulte is to donate a parcel consisting of approximately 34.54 acres comprised of Outlots G, H and I as depicted on the final plat which Pulte is to improve as a combination wetland channel and open prairie with native vegetation to provide new stormwater and floodplain volume and encourage infiltration and filtration of water flowing to Woods Creek. This parcel is to be dedicated to the Village in fee simple title. Pulte is to remain responsible for satisfaction for the maintenance and monitoring requirements for this parcel for a minimum period of three years.

The Village has determined that the native plants have been well established, and the parties agree that it is in the best interests of all concerned that the Village take over the direct oversight of the maintenance and monitoring of this parcel for the second and third years of the maintenance and monitoring period and in return, Pulte has agreed to assign the maintenance contract with V3 Companies to the Village. Further, Pulte will pay to the Village the remaining cost on the V3 contract, a total of \$183,273.70 plus an additional \$13,300 to cover other natural area punch list items. This arrangement gives our Village staff direct oversight of the contractor for the remaining maintenance period which allows for more direct and specific guidance to the contractor without having to run maintenance items through the general contractor at Pulte Homes, which often results in delayed responses and missed deadlines for mowing and herbicide applications.

Therefore, it is our recommendation that the Committee of the Whole take action to move this matter forward to the Village Board for approval of accepting ownership out Outlots G, H & I in the Trails of Woods Creek Subdivision.



## MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (“**Memorandum**”) is dated this \_\_\_ day of October, 2023, between the Village of Algonquin, McHenry and Kane Counties, Illinois (the “**Village**”), being a home rule municipality in the State of Illinois, and Pulte Home Company, LLC, a Michigan limited liability corporation (“**Pulte**”).

### RECITALS

- A. Pursuant to petitions filed by Pulte with the Village, and after all required public hearings and deliberations, the corporate authorities of the Village enacted Ordinances 2020-0-18 on May 19, 2020 and 2020-O-32 on September 1, 2020 (the “**Trails of Woods Creek Ordinances**”).
- B. Among other things, the Trails of Woods Creek Ordinances approved (i) the final plat of subdivision for the Trails of Woods Creek Subdivision (the “**Subdivision**”) which was subsequently recorded in the office of the Recorder of Deed of McHenry County, Illinois on December 11, 2020, as document no. 2020R0054323 (the “**Final Plat**”), (ii) a final PUD (the “**Final PUD**”) and (iii) approved a Redevelopment Agreement for the development by Pulte of a single family residential development.
- C. The development of the Subdivision is to be accomplished in substantial compliance with all of the plans approved by the Village in the Trails of Woods Creek Ordinance (the “**Approved Plans**”), subject to such minor modifications as the Village may require and / or as to which the Parties may agree.
- D. According to Article IV, of the Redevelopment Agreement, Pulte is to donate a parcel consisting of approximately 34.54 acres comprised of Outlots G, H and I as depicted on the final plat which Pulte is to improve as a combination wetland channel and open prairie with native vegetation to provide new stormwater and floodplain volume and encourage infiltration and filtration of water flowing to Woods Creek. This parcel is to be dedicated to the Village in fee simple title. Pulte is to remain responsible for satisfaction for the maintenance and monitoring requirements for this parcel for a minimum period of three years. The Village has determined that the native plants have been well established, and the parties agree that it is in the best interests of all concerned that the Village take over the direct oversight of the maintenance and monitoring of this parcel for the second and third years of the maintenance and monitoring period and in return, Pulte has agree to assign the maintenance contract with V3 Companies to the Village. Further, Pulte will pay to the Village the remaining cost on the V3 contract, a total of \$183,273.70 plus an additional \$13,300 to cover other natural area punch list items.

### CONSIDERATION AND AGREEMENT

In consideration of the mutual observance by the undersigned of the covenants and provisions set forth herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby mutually acknowledged, it is agreed as follows:

1. **Incorporation of Recitals.** The Recitals set forth above are hereby incorporated herein by reference and are declared to be true and correct.

2. **Approval of Redevelopment Agreement Amendment.** The Village hereby approves amendments and modifications to the Redevelopment Agreement, to effectuate the terms of this Memorandum of Understanding.

3. **Conveyance of Outlots G, H, and I to the Village.** Within thirty (30) days following the execution of this Memorandum of Understanding, Pulte shall (i) convey fee-simple title to Outlots G, H and I to the Village through a special warranty deed free and clear of all liens, mortgages, easements, covenants or encumbrances except for the terms and provisions of the Final Plat and Final PUD, (ii) Pulte shall assign the maintenance contract with V3 Companies to the Village; and (iii) Pulte shall pay to the Village the sum of \$183,273.70 which is the remaining cost on the V3 contract and will pay an additional \$13,300 to cover the costs of other natural area punch list items for Outlots G, H and I. Pulte shall pay all property taxes relative to Outlots G, H and I prior to such time those outlots are conveyed to the Village and the deed is recorded by the Village. Upon receipt of the deed, the Village agrees to promptly record same and apply for tax exempt status.

Pulte agrees to provide any other documentation reasonably requested to accomplish the transfer of Outlots G, H and I to the Village in accordance with this provision.

4. **Ratification.** Except as expressly modified and amended herein, the Approved Plans shall remain unmodified and in full force and effect, Subject only to such additional minor modifications as the Village may hereafter, in its discretion, approve.

5. **Severability.** If any provision of this Memorandum of Understanding is held invalid by a court of competent jurisdiction, after exhaustion of all appeals or periods for such, or in the event such a court shall determine that the Village does not have the power to perform any such provision, after exhaustion of all appeals or periods for such, and if the deletion of such provision would materially adversely affect the benefits of this Memorandum of Understanding for either of the Parties, then (i) the Parties agree to cooperate in good faith to correct the legal defect/insufficiency so as to restore each Party the essential benefits of this Memorandum of Understanding.

6. **Binding on Successors and Assigns.** This Memorandum of Understanding shall be binding on the parties, and their respective successors, assigns, heirs and legal representatives.

VILLAGE OF ALGONQUIN  
KANE AND MCHENRY COUNTY, ILLINOIS

PULTE HOME COMPANY, LLC.

By: \_\_\_\_\_  
Debby Sosine, Village President

By: \_\_\_\_\_

Attest

Witness for Pulte

\_\_\_\_\_  
Fred Martin, Village Clerk

STATE OF ILLINOIS        )  
  )  
COUNTY OF \_\_\_\_\_ )

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY, that \_\_\_\_\_, personally known to me to be the \_\_\_\_\_ of Pulte Home Company, LLC., whose name is subscribed to the foregoing, appeared before me this day in person and severally acknowledged that as such person signed and delivered the said Agreement, as his free and voluntary act and as the free and voluntary act and deed of said limited liability company, for the uses and purposes therein set forth.

**GIVEN** under my hand and notarial seal this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Notary Public

STATE OF ILLINOIS        )  
  )  
COUNTY OF \_\_\_\_\_ )

I, \_\_\_\_\_, a Notary Public in and for said county, in the state aforesaid, do hereby certify that Debby Sosine as Village President of the Village of Algonquin, personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that she signed and delivered the said instrument as her free and voluntary act, for the uses and purposes therein set forth.

Given under my hand and official seal this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Notary Public

**SPECIAL  
WARRANTY DEED**

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THE GRANTOR, **PULTE HOME COMPANY, LLC**, a Michigan limited liability company, for and in consideration of Ten and 00/100 Dollars, and other good and valuable consideration in hand paid, REMISES, RELEASES, ALIENS AND CONVEYS to GRANTEE, the **VILLAGE OF ALGONQUIN**, an Illinois municipal corporation, 2200 Harnish Drive, Algonquin, Illinois, all interest in the following described Real Estate situated in the County of McHenry, in the State of Illinois, to wit:

OUTLOTS G, H AND I OF FINAL PLAT OF SUBDIVISION FOR TRAILS OF WOODS CREEK PHASE 1, BEING A PART OF THE SOUTHEAST QUARTER OF SECTION 25 AND NORTHEAST QUARTER OF SECTION 36, TOWNSHIP 43 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 11, 2020 AS DOCUMENT NO. 2020R0054323, IN MCHENRY COUNTY, ILLINOIS (the "Real Property").

And the Grantor, for itself, does covenant, promise and agree, to and with the Grantee, its successors and assigns, that it has not done or suffered to be done, anything whereby the said Real Property hereby granted is, or may be, in any manner encumbered or charged, except as herein recited, and that the said Real Property against all persons lawfully claiming, or to claim the same, by, through or under it, it WILL WARRANT AND DEFEND, the Real Property from all liens, mortgages, easements, covenants or encumbrances, and that the Real Property is free and clear of same.

The Real Property is not Homestead Property.

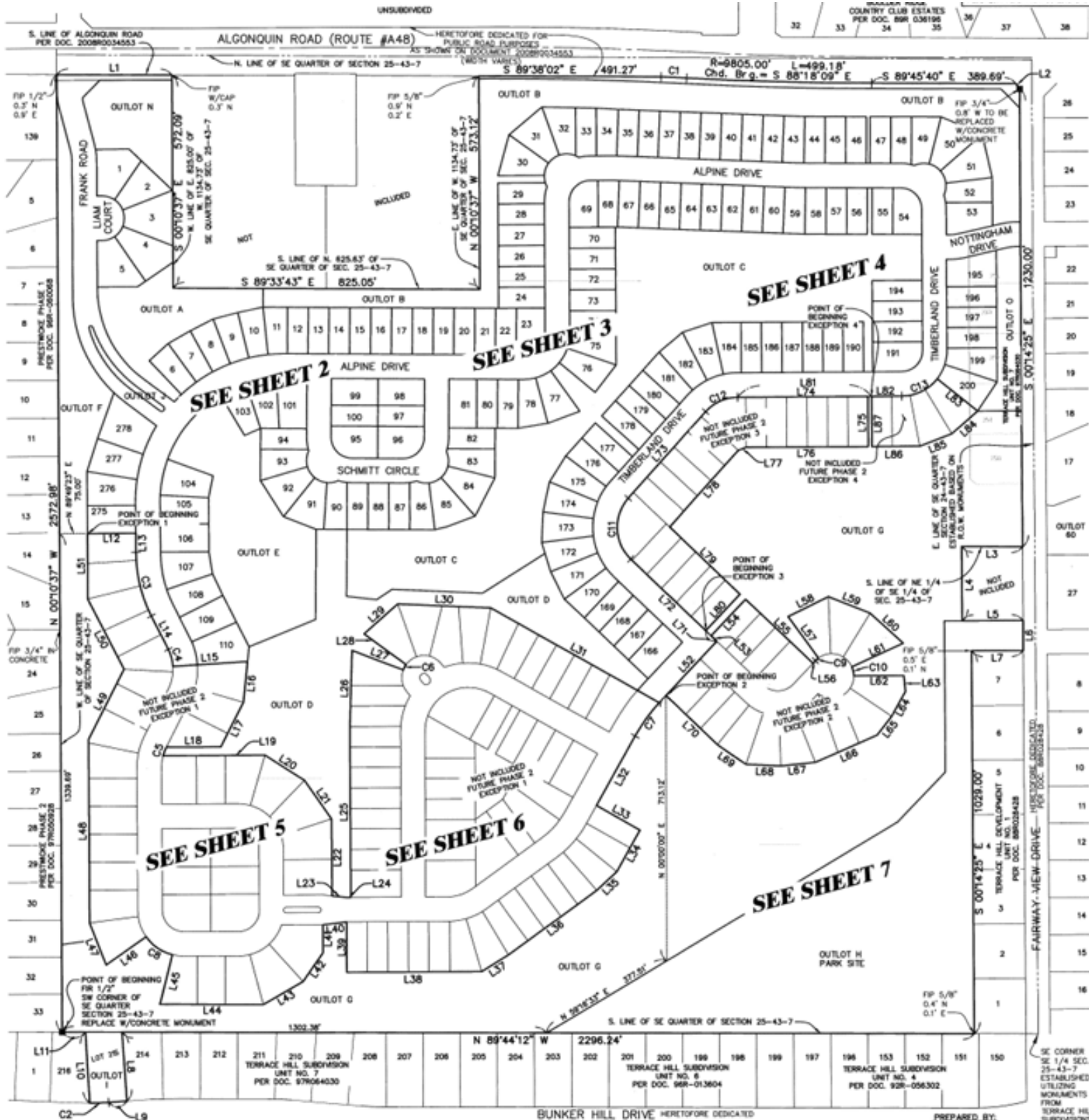
Permanent Real Estate Index Numbers: **18-25-476-014 (Outlot G), 18-25-476-013 (Outlot H), 18-36-205-015 (Outlot I)**  
Address of Real Estate: **Vacant 34.54 acres in the Trails of Woodstock Creek Phase I Subdivision, Algonquin, Illinois**

Dated this \_\_\_ day of \_\_\_\_\_, 2023.

**PULTE HOME COMPANY, LLC, a Michigan limited liability company**

By: \_\_\_\_\_  
Its: \_\_\_\_\_





PREPARED FOR:  
**PULTE HOME COMPANY, LLC**  
 1900 E. SCHAUMBURG ROAD, SUITE 300

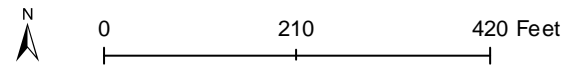
PREPARED BY:  
**CEMCON, Ltd.**  
 Consulting Engineers, Land Surveyors & Planners  
 2280 White Oak Circle, Suite 100 Aurora, Illinois  
 60502-9675 Ph: 630.862.2100 FAX: 630.862.2199  
 www.cemcon.com  
 DISC NO.: 402136 FILE NAME: SUBPLAT-1  
 DRAWN BY: AJB FLD. BK. / PG. NO.: D83151-54  
 COMPLETION DATE: 07-10-20 JOB NO.: 402136  
 REVISED 08-21-20/VAIS PER VILLAGE REVIEW



# Outlot G, H, I Dedication



Date: 10/12/2023



**polylineLayer**

Override 1

Site Address Points

Tax Parcels

Street Name

Village Limit

Not in Village

**Road**

**Centerlines**

Collector

Local

The Village of Algonquin has provided the following maps for informational purposes only. The data illustrated is provided and maintained by various federal, state, and local governments and agencies. Their accuracy is not guaranteed and the maps do not take the place of a legal survey.