

## COMMITTEE OF THE WHOLE MEETING MONDAY, May 1, 2023

(Immediately following the Village Board Meeting)

### AGENDA

**CALL TO ORDER** 

**ROLL CALL** 

**AUDIENCE COMMENTS** 

#### **TRUSTEE COMMENTS**

#### DISCUSSION

- 1. Liquor License for Juquilita Tacos
- 2. Route 31 TIF Request

### **EXECUTIVE SESSION**

- 1. Property Acquisition
- Review of the Executive Session Minutes Dated 11/07/2022 Part 1, 11/07/2022 Part 2, 11/21/2022 Part 1, 11/21/022 Part 2, 12/05/2022, 2/06/2023, 03/20/2023 Part 1, 03/20/2023 Part 2, 04/17/2023
- 3. Review of the Release of Executive Session Minutes

### **ADJOURN**

Initials: 🔬

# Memorandum



**To:** Village President and Village Board of Trustees

Cc: Steve Bosco, Village Administrator

From: Natalie Stevens, Executive Assistant

Date: April 26, 2023

**Re:** Increase Number of Class C Liquor Licenses for Juquilita Tacos

Juquilita Tacos, 18 West State Street, is applying for a Limited Retail Liquor License for a Class C Liquor License, which is limited to beer and wine products for sale.

Juquilita Tacos has been operating their restaurant which serves Mexican food in North Aurora since 2011. Please see a copy of their menu attached. They note in their liquor license application that patrons are regularly asking for beer to be added to the menu and are thus applying for a Village Liquor license to satisfy clientele and help grow the business. They are not pursing video gaming or any other supplemental liquor licenses.

Maria de Lourdes Cruz has completed a liquor license application on behalf of Juquilita Tacos for the Class C Liquor License, being limited to beer and wine sales, and has successfully completed the required background check.

Please see the attached application.

VILLAGE OF NORTH AURORA Crossroads on the Fox	VILLAGE OF NOR LIQUOR LICENSE		Customer No
APPLICATION DATE: 03/22	8/24	Application for	a CLASS <u>C</u> Liquor License Linited Bacobune
the Village of North Aurora pursuan	t to the provisions of T he purpose of securing	itle 5, Chapter 5.0	nolic liquor, and/or beer and wine in 8 "Alcoholic Beverage Sales" of the application is made under oath and
Please check one: New Busin	ess New Owner/E	xisting Business	New Manager
Type of Ownership: Corporatio	n 🗹LLC 🗆 Sole	Proprietor Pr	artnership  Other
Type of Business: Liquor Stor	e Supermarket	Restaurant	Drug Store Spa/Salon
Convenience Gas Station	Brewpub	Brewery Bar/T	avern Other:
If you selected restaurant, brewpub business plan and floor layout to the Village Board meeting where increa approved. <b>Check the box to indica</b>	e Village Board at a Co ise in the number of liq ate you have read and	mmittee of the W uor licenses avail	hole meeting before a subsequent able for your application may be
Business Name: Juguilita		1.1	A
Business Address: 18 WS Street address	tate St	North	Aurora IL 60542
Mailing Address (if different from ab	ove):		
Business Phone: 630-264	- <u>3220</u> Bus	iness Fax:	
Website: WWW. Juguilita Ta	COSLLC. COM Emai	I Address:	
Will your establishment be pursuing Please note, Video Gaming must be done in conjunction with the initial a the business.	e approved as a supple	mental license by	the Village Board. This can be
Please describe your business plan I would like to More sels and C Would Love to sat	o sell Alcor		d build Clientele.

#### Floor Plan Attached

The Floor Plan must include the total square footage of the establishment, a detailed layout of the proposed kitchen and the total square footage of the dining room and video gaming areas. Please note, for the purposes of video gaming the building is required to provide a minimum dining/video gaming area for 50 occupants using the formula of 1 occupant per 15 square feet. If your floor plan is unable to meet this minimum requirement video gaming will not be considered.

#### Menu — Juquilita Tacos, LLC

COME CELEBRATE WITH USI Apr.: 15-16 2023 Juguilta Tacos to celebrating its 12th anniversary! re= 12-6pm. Saturday and Sunday. Organina with have specially discounted tacos and free



TAQUIZA AND CATERING LOCATION EVENTS GALLERY ABOUT US



5.00 Am	the second	
with avocado		
Asada		\$9.50
steak		
Desebrada		\$9.00
shredded beef		
Pastor		\$9.00
marinated pork		
Picadillo		\$9.00
ground beef		
Pollo		\$9.50
chicken		
Barbacoa		\$9.50
slow-cooked beef		
C24		\$9.00

Menu --- Juquilla Tacos, LLC

steak, cilantro, onion, cheese, refried beans, rice

https://www.juquilitatacoslic.com/menu

4/27/23, 9:06 AM

×

#### **BURRITOS**

Includes lettuce, tomato, cheese, sour cream, refried beans and rice

Vegetariano	\$	\$9.50
https://www.juquilitatacosilc.com/menu		1/20
4/27/23, 9:08 AM	Menu — Juquilita Tacos, LLC	
Big Bear	\$	10.00
ground beef, charizo, cilantro, onion, avo	ocado	
Mario Especial	\$	10.50
pork and steak (*spicy*)		
Paisa Especial	\$	10.50
steak and chorizo (*spicy*)		
Que Me Vez		10.00
pork, chorizo, grilled pepper, onion, melt	ed cheese	
		40 50
Crazy!		10.50
shrimp, steak, fries, guacamole, sour cre	am, rice, onions, tomatoes	
Chiminhanan		\$9.50
Chimichanga		p9.30
deep-fried burrito, choose filling		
Chimichanga Suiza	\$	10.50
Chimichanga Suiza		10.00
deep-fried burrito with cheese, choose f	אווווע מות ופת טו עופפון גפוגס	

4/27/23, 9:06 AM Menu — Juquilla Tacos, LLC Soft corn tortillas with cilantro and onion OR lettuce, tomato, cheese *extra charge for so avocado*	ur créam or
Aguacate	\$2.50
avocado	
Asada	\$2.99
steak	
Cabeza	\$2.99
head meat	
Chorizo	\$2.50
Mexican sauşage	
Desebrada	\$2.50
shredded beef	
Pastor	\$2.90
marinated pork	
Picadillo	\$2.50

TACOS

https://www.juquilitatacostic.com/menu

ground beef

4/27/23, 9	:06 AM	Menu — Juqu'ilda Tacos, LLC		4/27/23, 9.06 AM	Menu — Juquilita Tacos, LLC	
	Pollo		\$2.50	Paisa		\$2.90
	chicken			chorizo, steak, melted chees	se, cilantro, avocado	
	Vegetariano		\$2.00	Hard-Shell Taco		\$2.99
			<b>,</b>	chicken or shredded beef		
	vegetarian					
	Araba		\$2.50	Carnitas (3)		\$7.00
	Arabe		ψ2.50		only	•••••
	seasoned pork in flour tortilla			fried pork, with pico de gallo	onny	
			<b>*2 50</b>			
	Camarón		\$2.50			
	shrimp					
				Faaduleb induder lettuce, tem	TORTAS nato, cheese, avocado, jalapeño, mayonnaise or	sour cream refried
	Pescado (3)		\$8.50	Sandwich Includes leader, tain	beans	Joan Croam, ramoa
	fish					
				Aguacate		\$8.00
	Que Me Vez		\$2.90	avocado		
	pork, chorizo, grilled pepper, onion, m	elted cheese				
				Asada		\$8.50
	Tripa		\$2.50	steak		
	tripe, intestines					
				Chorizo		\$8.50
	Lengua (3)		\$10.50		8	
	beef tongue		·	Mexican sausage		
	beer tongue					
			5/20	https://www.juquilitalacoslic.com/menu		
https://ww	w.juquilitatacosllo.com/menu					
4/27/23, 9		Menu — Juquilita Tacos, LLC	<b>*0 = 0</b>	4/27/23, 9:06 AM	Menu — Juquišta Tacos, LLC	\$9.50
	Huevos con Chorizo		\$8.50	La Caprichosa		\$9.00
	eggs with Mexican sausage			breaded steak, pork leg		
						<b>*</b> ****
	Huevos con Jamón		\$8.50	Mi Juquilita		\$9.99
	eggs with ham			grilled cactus, chorizo, steak	<, cheese, avocado, grilled jalapeño	
	Jamón		\$8.50	Quesilla		\$9.50
	ham			Oaxacan cheese		
	Milanesa de Res		\$8.50	Oaxaqueña		\$9.50
	breaded steak			pork leg, ham, melted chees	se	
	Pastor		\$8.50	Gordita con Sabor		\$9.99
	marinated pork			pineapple, ham, melted che	ese, salchica, marinated pork	
	Vegetariana		\$8.00			
			4			
	vegetarian				TOSTADAS	
	Cubana		\$9.99	Includes refried	beans, lettuce, tomato, cheese, sour cream, avo	cado
	Cubana		\$9.99			
	salchicha, ham, chorizo			Aguacate		\$3.99
			<b>*</b> ~ ~ ~	avocado		
	Hawaiana		\$9.50			
			ψ5.50			
	salchicha, pineapple, ham, white chee	se	49.30			

4/27/23, 5	:06 AM	Menu — Juquiitta Tacos, LLC		4/27/23, 9	:06 AM	Menu Juquilita Tacos, LLC	
	Asada		\$3.99		Un carne		\$12.99
	steak				Choice of one meat		
	Desebrada		\$3.99		Dos carnes		\$13.99
	shredded beef				Choice of two meats		
	Pastor		\$3.99		Especial		\$14.99
	marinated pork				cecina and chorizo		
	Picadillo		\$3.99		Cecina		\$13.99
	ground beef				dried meat		
	Pollo		\$3.99				
	chicken						

MARISCOS (SEAFOOD)

Camarones a la Plancha	\$11.99
grilled shrimp	
Camarones a la Mexicana	\$11.99
Mexican-style shrimp	

https://www.juquilitatacostic.com/menu	
4/27/23, 9:D6 AM	Menu — Juquilita Tacos, LLC
Ceviche de Camarón	\$11.99 / \$3.99

marinated shrimp with avocado, 4 tostadas/1 tostada

# **DESAYUNOS (BREAKFAST)**

Huevos a su Gusto	\$9.00
eggs any style	
Huevos a la Mexicana scrambled eggs with tomato, onion, hot peppers	\$9.00
Huevos con Jamón eggs with ham	\$9.00
Huevos con Chorizo eggs with Mexican sausage	\$9.00
Huevos con Bistec eggs with steak	\$10.99

**TLAYUDAS** 

Especilidad de Oaxaca (Specialty of Oaxaca) (plate-size tostada with black beans, cabbage, tomato, avocado and quesillo oaxaqueño) \*\*Camarón, pescado, cabeza, lengua, tripa (add \$2.00)\*\*

Queso	\$9.99
Cheese	

https://www.juquiillala.cosilc.com/menu		9/20
4127/23, 806 AM Fajitas de Camarón shrimp fajitas	Menu — Juquilita Tacas, LLC \$11.99	
Camarones al Mojo de Ajo garlic shrimp	\$11.99	
Camarones Rancheros	\$11.99	
Special Lulú stuffed pepper and shrimp in red sauce	\$11.99	
Pescado a la Plancha grilled fish fillet	\$11.99	
Pescado al Mojo de Ajo gerlic fish fillet	\$11.99	
Coctel de Camarón Mexican-style shrimp cocktail	\$11.99	
Ceviche de Pescado marinated fish with avocado, 4 tostadas/1	\$11.99 / \$3.99	

4/27/23	9:06 AM	Menu — Juquilita Tacos, LLC		4/27/23, 9:06 AM	Menu — Juquilita Tacos, LLC	
	Huevos Rancheros		\$10.00	#4. 3 Quesadillas		\$10.99
	eggs sunny-side up smothered in hot sa	uce				
			¢10.00	#5. 2 Tostadas		\$10.99
	Chilaquiles Rojos o Verdes		\$10.00			
	shredded tortilla with eggs in red or gree	en sauce				
				#6. Burrito Especial		\$12.99
	Chilaquiles con Bistec Rojos (	o Verdes	\$10.99	choose type		
	shredded tortillas with eggs and steak in	red or green sauce				

### **ESPECIALES DE ALMUERZO (LUNCH** SPECIALS)

served with rice and beans, add \$1.50 for pescado, camarón, cabeza, leng add \$1.00 (10 am–3 pm, Monday–Friday)	jua, tripa; hard-shell tacos,
#1. 3 Tacos	\$10.99
#2. Torta	\$10.99
#3. Burrito	\$10.99

# PLATOS (DINNERS)

Zapoteco	\$11.99
steak, chorizo, cactus, special sauce	
Tamales (3)	\$9.99
choice or chicken or pork (3 tamales)	
Enchiladas Rojas o Verdes	\$11.99
choice of chicken, ground beef or cheese filling in red or green sauce	

https://www.juquilitatacoslic.com/menu		13/20	https://www.juquilitatacos!lc.com/menu		14
4/27/23, 9:06 AM Flautas choice of chicken or shredded	Menu — Juquilita Tacos, LLC I beef	\$11.99	4/27/23, 5:06 AM Bistec Ranchero ranch-style steak	Menu — Juquiita Tecos, LLC	\$11.99
Milanesa de Res breaded steak		\$11.99	Carne a la Tampiqu skirt steak with cheese er		\$13.99
Pechuga de Pollo a la grilled chicken breast	Plancha	\$11.99	Carne Asada grilled steak		\$13.99
Chiles Rellenos stuffed peppers		\$11.99		NACHOS	
Fajitas de Pollo chicken fajitas, with guacamol Fajitas de Res		\$11.99 \$13.99	Nachos Suprémos any meat, beans, cheese,	lettuce, tomato, sour cream, avocado, jalapei	\$9.99 ĭos
beef fajitas, with guacamole a Bistec a la Mexicana Mexican-style steak	ia sour cream	\$11.99	•6	TAMALES	
Bistec Encebollado steak with onions		\$11.99	Tamal (1) pork or chicken		\$2.00

4/27/23, 9:06 AM	Menu — Juquikia Tacos, LLC	4/27/23, 9:06 AM		Menu — Juquilita Tacos	s, LLC	
Tamales Dinner (3)	\$9.99	Cł	nicken nuggets (6)		\$5.00	
pork or chicken, includes beans and	rice	wit	h French fries			
					\$5.00	
			neeseburger h French fries		\$5.00	
QUE	SADILLAS	WIL	in themen mes			
Cheese Only	\$2.50 / \$6.00					
small/large				SIDES		
Cheese with Meat	\$2.99 / \$8.99	Ar	roz		\$2.25	
choice of one meat, small/large		sm	all rice			
		Fr	ijoles		\$2.25	
			all beans		ΨΖ.ΖΟ	
NIÑOS	(KIDS MENU)					
	ved with apple juice	Cł	nips and Salsa		\$3.99	
	<b>*F 0 0</b>					
Quesadilla	\$5.00	Gu	Jacamole		\$5.99	
chicken or cheese, with rice		6 a	z			
Тасо	\$5.00					
choice of meat, with rice						
https://www.juquilitatacosiic.com/menu		17/20 https://www.juquili	latacoslic.com/menu			18/20
4/27/23, 9:06 AM	Menu — Juquilita Tacos, LLC	4/27/23, 9:06 AM		Menu — Juquilita Tacca	s, LLC	
Guacamole with Chips	\$7.99					
6 oz, with chips						
Pico de Gallo	\$3.99					
with chips	<b>****</b>			OUR STORY		
		10	CATIONS		HOURS	
		LC	CATIONS		1000	
AQUA	AS (DRINKS)		rth Aurora	Dine-In Customers	Monday — Thursday 10 ion — 8-30 pm	
			w Euro St rth Aurora IL 60542	We los can open to	Friday — Saturday	
Horchata	M \$2.35 / L \$3.35	530	X264-3270	(during: and we con state)	ki am — 9 pr Sunday	
rice water				water to The MESY and PickUP ORDERS	<b>Crimen</b>	
Jamaica	M \$2.35 / L \$3.35			Trans you for your		
hibiscus water	·			contract have see		
				James de Carlos		
Can of Soda	\$1.25		wind by Samerbolice			
Mexican Soda	\$2.50					

Jarritos, Sidral, Sangria

Mexican Coke

\$2.60









### VILLAGE OF NORTH AURORA BOARD REPORT

TO:	VILLAGE PRESIDENT & BOARD OF TRUSTEES
	CC: STEVE BOSCO, VILLAGE ADMINISTRATOR
FROM:	MIKE TOTH, COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR
SUBJECT:	307 S. LINCOLNWAY TAX INCREMENT FINANCING REQUEST
AGENDA:	MAY 1, 2023 COMMITTEE OF THE WHOLE MEETING

#### DISCUSSION

The subject property is a vacant 1.42-acre tract of land located directly south of I-88 on IL Route 31 in the Route 31 Tax Increment Financing District.



The property owner, Al Broholm (d.b.a Allante Real Estate, LLC), is requesting \$66,167.00 in funds from the Route 31 Tax Increment Financing District to satisfy payment to the Illinois Department of Transportation for the release of access control to allow for a right-in, right-out curb cut onto IL Route 31. The \$66,167 being requested by IDOT is the average of the difference of the property's value with and without the curb cut. The Village's TIF consultant, Teska Associates, Inc., has verified that the proposed expense would be an eligible use of TIF funds.

According to documentation submitted by the property owner, the previous property owner was compensated \$41,250.09 to relinquish rights to curb cut access. According to the current property owner, the access rights were surrendered for a planned conversion of Route 31 to a freeway. Said document does allow for ingress and egress for one single family residence or for agricultural purposes. The property is located in the B-3 Central Business District and is currently being marketed for commercial use.

Staff solicited feedback from the Village Board at the February 6, 2023 Committee of the Whole meeting. The Board was not entirely in agreement on the request as some members believe the curb cut access rights should be handled by the property owner. The Board agreed that they would not want to restrict future property owners from requesting TIF funding, for fear that it may

hurt the sale and development of property. The Board concluded by directing staff to bring an agreement back, but wanted the agreement to reflect a restriction on the current owner from coming back to the Board with additional financial requests for the property.

A TIF Agreement was drafted by staff and the Village Attorney and is now being presented for consideration. Staff would like to highlight the following elements of the TIF Agreement:

- The property owner would not be able to request any additional monetary funds from the Village for the subject property.
- The agreement applies to property owner and would not run with the land.
- If the General Assembly determines that an amount must be paid for the Route 31 access that is higher than the \$66,167.00, the property owner would be responsible for paying the additional amount.
- If the General Assembly determines that an amount must be paid for the Route 31 access that is lower than the \$66,167.00, the property owner would be required to reimburse the Village the difference promptly upon receipt of the refunded payment amount.
- If the General Assembly denies the request for Route 31 access, the \$66,167.00 would be required to be reimbursed to the Village promptly when the funds are returned.
- Owner shall diligently pursue approval of the Route 31 access and if the General Assembly fails to take action on the Route 31 access request within three (3) years from the date the agreement is approved, the property owner shall assign the right to the Village to seek return of the Incentive Amount to the Village.

Staff is now seeking feedback from the Village Board on the proposed TIF Agreement.

THE VILLAGE OF NORTH AURORA



VILLAGE OF NORTH AURORA KANE COUNTY, ILLINOIS

Ordinance No. \_\_\_\_\_

#### ORDINANCE APPROVING A TIF AGREEMENT FOR THE PROPERTY LOCATED AT 307 S. LINCOLNWAY, NORTH AURORA, ILLINOIS

Adopted by the Board of Trustees and President of the Village of North Aurora this \_\_\_\_\_ day of \_\_\_\_\_, 2023

Published in Pamphlet Form by authority of the Board of Trustees of the Village of North Aurora, Kane County, Illinois, this \_\_\_\_\_ day of \_\_\_\_\_\_, 2023 by \_\_\_\_\_\_.

Signed \_\_\_\_\_

#### THE VILLAGE OF NORTH AURORA

#### ORDINANCE No.\_\_\_\_\_

#### ORDINANCE APPROVING A TIF AGREEMENT FOR THE PROPERTY LOCATED AT 307 S. LINCOLNWAY, NORTH AURORA, ILLINOIS

WHEREAS, the President and Board of Trustees previously adopted and approved Ordinance No. 02-08-12-01, being an Ordinance Designating the Route 31 Redevelopment Project Area; Ordinance No. 02-08-12-02, being an Ordinance Approving the Redevelopment Plan and Project for the Route 31 Redevelopment Project Area; and Ordinance No. 02-08-12-03, being an Ordinance Adopting Tax Increment Financing for the Route 31 Redevelopment Project Area (hereinafter "Route 31 TIF Ordinances"); and

**WHEREAS**, the Tax Increment Financing District has been established and created to encourage, promote, and spur on development and redevelopment of obsolete, vacant and blighted parcels along the Route 31 Corridor; and

WHEREAS, Allan Broholm (d.b.a Allante Real Estate, LLC), ("Owner") owns the property located at 307 S. Lincolnway, North Aurora, Illinois, which is in the Route 31 Redevelopment Project Area and legally described as follows (the "Property"):

#### **PARCEL ONE:**

THAT PART OF SECTION 9, TOWNSHIP 38 NORTH, RANGE 8 &AST OF THE THIRD PRINCIPAL MERIDJAN DESCRIBED AS FOLLOWS: COMMENCING AT THE POINT OP INTERSECTION OF THE NORTH LINE OF SAID SECTION 9 WITH THE EASTERLY LINE OF THE AURORA AND BATAVIA ROAD (STATE ROUTE 31) AND RUNNING THENCE SOUTHERLY ALONG SAID EASTERLY LINE 400.34 FEET TO THE POINT OF BEGINNING; THENCE EAST PARALLEL WITH THE NORTH LINE OF SAID SECTION 9, 539. 93 FEET MORE OR LESS TO THE WEST LINE OF THE RIGHT OF WAY OF THI! CHICAGO AND NORTHWESTERN RAILWAY COMPANY; THENCE SOUTH ALONG THE WEST LINE OF SAID RIGHT OF WAY 119.91 FEET; THENCE WEST PARALLEL WITH SAID SECTION LINE 551.12 FEET TO THE EASTERLY LINE OF SAID AURORA AND BATAVIA ROAD (STATE ROUTE 31); THENCE · NORTHERLY ALONG SAID EASTERLY LINE OF SAID ROAD 117.66 FEET TO THE PLACE OF BEGINNING (EXCEPT THAT PART DESC!UBED AS FOLLOWS : COMMENCING AT THE POINT OF INTERSECTION OF THE NORTH LINE OF SAID SECTION 9 WITH THE SAID EASTERLY LINE OF THE AURORA-BATAVIA ROAD (STATE ROUTE 31); THENCE SOUTHERLY ALONG SAID EASTERLY LINE 400 . 34 FEET FOR A POINT OF BEGINNING; THENCE SOUTHERLY ALONG SAID EASTERLY LINE 117.66 FEET; THENCE EASTERLY ALONG A LINE FORMING A DEFLECTION ANGLE OF 78 DEGREES 22 MINUTES 30 SECONDS TO THE LEFT 24. 76 FEET; THENCE NORTHERLY ALONG A LINE FORMING A DEFLECTION ANGLE OF 103 DEGREES 14 MINUTES TO THE LEFT 118.34 FEET; THENCE WESTERLY ALONG A LINE FORMING A DEFLECTION ANGLE OF 76 DEGREES 46 MINUTES TO THE LEFT 21.36 FEET TO THE POINT OF BEGINNING) IN THE VILLAGE OF NORTH AURORA, KANE COUNTY, ILLINOIS

#### PARCEL TWO

THAT PART OF THE NORTHEAST 1/4 OF SECTION 9 AND THE NORTHWEST 1/4 OF SECTION 10, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING SOOTH OF THE NORTH BOUNDARY LINE OF PARCEL ONE AS EXTENDED TO THE CENTER OF THE FOX RIVER, EAST OF THE EAST LINE OF THE RIGHT OF WAY OF THE CHICAGO AND NORTHWESTERN RAILWAY COMPANY AND NORTH OF THE SOUTH LINE OF SAID PARCEL ONE EXTENDED TO THE CENTER OF THE FOX RIVER, TOGETHER WITH ALL OF THE RIPARIAN RIGHTS APPURTENANT TO SUCH LAND, IN THE VILLAGE OF NORTH AURORA, KANE COUNTY, ILLINOIS

#### THE VILLAGE OF NORTH AURORA

**WHEREAS**, the Property is located in what the Village Board has previously identified as the key commercial corridor of the Route 31 Redevelopment Project Area; and

**WHEREAS**, the Owner requested \$66,167.00 in funds from the Route 31 Tax Increment Financing District ("TIF") to satisfy payment to the Illinois Department of Transportation ("IDOT") for the release of access control to allow for a right-in, right-out curb cut onto IL Route 31; and

**WHEREAS**, The Village's TIF consultant, Teska Associates, Inc., has verified that the proposed expense is a TIF-eligible expense; and

**WHEREAS**, the President and Board of Trustees believe that the use of funds is consistent with the goals and purposes of the Route 31 Redevelopment Project Area and in the best interests of the Village.

**NOW, THEREFORE, BE IT RESOLVED** by the President and the Board of Trustees as follows:

1. The recitals set forth above are incorporated herein as the material findings of the President and the Board of Trustees.

2. The TIF Agreement ("Agreement") by and between the Village of North Aurora and Allan Broholm (d.b.a Allante Real Estate, LLC) for the property located at 307 S. Lincolnway North Aurora, Illinois, in the form attached hereto and incorporated herein as Exhibit "A" is hereby approved.

3. The Village President is hereby authorized and directed to sign the Allan Broholm (d.b.a Allante Real Estate, LLC) on behalf of the Village.

4. Effective Date. This Ordinance shall be in full force and effect from and after its passage and approval and publication as required by law.

Presented to the Board of Trustees of the Village of North Aurora, Kane County, Illinois this \_\_\_\_\_ day of \_\_\_\_\_, 2023, A.D.

Passed by the Board of Trustees of the Village of North Aurora, Kane County, Illinois this \_\_\_\_\_ day of \_\_\_\_\_, 2023, A.D.

Jason Christiansen	Laura Curtis
Mark Guethle	Michael Lowery
Todd Niedzwiedz	Carolyn Bird Salazar

Approved and signed by me as President of the Board of Trustees of the Village of North Aurora, Kane County, Illinois this \_\_\_\_\_ day of \_\_\_\_\_, 2023, A.D.

\_\_\_\_\_

ATTEST:

Mark Gaffino, Village President

Jessi Watkins, Village Clerk

### EXHIBIT A

#### TIF AGREEMENT

By and Between

### THE VILLAGE OF NORTH AURORA, ILLINOIS,

an Illinois municipal corporation

and

# ALLAN BROHOLM (D.B.A ALLANTE REAL ESTATE, LLC)

An Illinois limited liability company

#### TIF AGREEMENT

**WHEREAS**, Allan Broholm (d.b.a Allante Real Estate, LLC), ("Owner") owns the property located at 307 S. Lincolnway, North Aurora, Illinois, which is in the Route 31 Redevelopment Project Area and legally described as follows (the "Property"):

#### PARCEL ONE:

THAT PART OF SECTION 9, TOWNSHIP 38 NORTH, RANGE 8 &AST OF THE THIRD PRINCIPAL MERIDJAN DESCRIBED AS FOLLOWS: COMMENCING AT THE POINT OP INTERSECTION OF THE NORTH LINE OF SAID SECTION 9 WITH THE EASTERLY LINE OF THE AURORA AND BATAVIA ROAD (STATE ROUTE 31) AND RUNNING THENCE SOUTHERLY ALONG SAID EASTERLY LINE 400.34 FEET TO THE POINT OF BEGINNING; THENCE EAST PARALLEL WITH THE NORTH LINE OF SAID SECTION 9, 539. 93 FEET MORE OR LESS TO THE WEST LINE OF THE RIGHT OF WAY OF THI! CHICAGO AND NORTHWESTERN RAILWAY COMPANY; THENCE SOUTH ALONG THE WEST LINE OF SAID RIGHT OF WAY 119.91 FEET; THENCE WEST PARALLEL WITH SAID SECTION LINE 551.12 FEET TO THE EASTERLY LINE OF SAID AURORA AND BATAVIA ROAD (STATE ROUTE 31); THENCE · NORTHERLY ALONG SAID EASTERLY LINE OF SAID ROAD 117.66 FEET TO THE PLACE OF BEGINNING (EXCEPT THAT PART DESC!UBED AS FOLLOWS : COMMENCING AT THE POINT OF INTERSECTION OF THE NORTH LINE OF SAID SECTION 9 WITH THE SAID EASTERLY LINE OF THE AURORA-BATAVIA ROAD (STATE ROUTE 31); THENCE SOUTHERLY ALONG SAID EASTERLY LINE 400 . 34 FEET FOR A POINT OF BEGINNING; THENCE SOUTHERLY ALONG SAID EASTERLY LINE 117.66 FEET; THENCE EASTERLY ALONG A LINE FORMING A DEFLECTION ANGLE OF 78 DEGREES 22 MINUTES 30 SECONDS TO THE LEFT 24. 76 FEET; THENCE NORTHERLY ALONG A LINE FORMING A DEFLECTION ANGLE OF 103 DEGREES 14 MINUTES TO THE LEFT 118.34 FEET; THENCE WESTERLY ALONG A LINE FORMING A DEFLECTION ANGLE OF 76 DEGREES 46 MINUTES TO THE LEFT 21.36 FEET TO THE POINT OF BEGINNING) IN THE VILLAGE OF NORTH AURORA, KANE COUNTY, ILLINOIS

#### PARCEL TWO

THAT PART OF THE NORTHEAST 1/4 OF SECTION 9 AND THE NORTHWEST 1/4 OF SECTION 10, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING SOOTH OF THE NORTH BOUNDARY LINE OF PARCEL ONE AS EXTENDED TO THE CENTER OF THE FOX RIVER, EAST OF THE EAST LINE OF THE RIGHT OF WAY OF THE CHICAGO AND NORTHWESTERN RAILWAY COMPANY AND NORTH OF THE SOUTH LINE OF SAID PARCEL ONE EXTENDED TO THE CENTER OF THE FOX RIVER, TOGETHER WITH ALL OF THE RIPARIAN RIGHTS APPURTENANT TO SUCH LAND, IN THE VILLAGE OF NORTH AURORA, KANE COUNTY, ILLINOIS

**WHEREAS**, the Property is located in what the Village Board has previously identified as the key commercial corridor of the Route 31 Redevelopment Project Area; and

**WHEREAS**, the Owner requested \$66,167.00 ("Incentive Amount") in funds from the Route 31 Tax Increment Financing District ("TIF") to satisfy payment to the Illinois Department of Transportation ("IDOT") for the release of access control to allow for a right-in, right-out curb cut onto IL Route 31 ("Route 31 Access); and

**WHEREAS**, The Village's TIF consultant, Teska Associates, Inc., has verified that the proposed expense is a TIF-eligible expense; and

**WHEREAS**, the President and Board of Trustees believe that the use of funds is consistent with the goals and purposes of the Route 31 Redevelopment Project Area and in the best interests of the Village.

NOW, THEREFORE, BE IT AGREED by and between the VILLAGE OF NORTH AURORA (hereinafter "The Village"), and ALLAN BROHOLM (D.B.A ALLANTE REAL ESTATE, LLC) ("Owner") as follows: 1. **Recitals**. The recitals set forth above are incorporated herein as a material component of this Agreement.

2. **Payments**. The Village shall distribute the Incentive Amount directly to the Illinois Department of Transportation promptly in connection with the formal request by the Owner for the Route 31 access.

3. **Owner's Covenants**. As a condition of receiving the payment, the Owner shall:

A. If the General Assembly determines that an amount must be paid for the Route 31 access that is higher than the Incentive Amount, Owner shall be responsible for paying the additional amount. If the General Assembly determines that an amount must be paid for the Route 31 access that is lower than the Incentive Amount, Owner shall reimburse the Village the difference promptly upon receipt of the refunded payment amount.

B. If the General Assembly denies the request for Route 31 access, the Incentive Amount shall be reimbursed to the Village promptly when the funds are returned to Owner.

C. Owner shall diligently pursue approval of the Route 31 access and if the General Assembly fails to take action on the Route 31 access request within three (3) years of the Effective Date, Owner shall assign the right to the Village to seek return of the Incentive Amount to the Village.

D. Pay all real estate taxes and municipal utilities and other amounts due to the Village promptly when due.

4. **Breach**. The Owner shall be in breach of this Agreement if the Owner fails to comply with the Owner's Covenants.

5. **Force Majeure**. If a failure to comply with Owner's Covenants is a result of God or other forces majeure (acts that are not reasonably in the control of the Owner), such as fire, hurricane, tornado, etc., are exceptions, Owner shall provide notice immediately after the event causing the failure, stating the reason(s) for the failure. If the Village disagrees that the failure is warranted, the Village shall respond in writing within thirty (30) days of the notice stating the reason(s) for the disagreement, otherwise the failure to comply shall be considered excepted from the breach provisions.

6. **Termination**. The Village may terminate the Agreement for breach if, after notice in writing of the breach, the Owner fails to correct the breach within thirty (30) days, if the breach is able to be corrected in thirty (30) days, or fails to begin correcting the breach within thirty (30) days and continues efforts to correct the breach diligently thereafter if the breach is not one that is capable of being corrected in thirty (30) days. Nonpayment of taxes or municipal utilities or other

monetary obligations to the Village is considered a breach that is capable of being corrected within thirty (30) days.

Right to Inspect. The Village shall have the right to inspect the Property and 7. records of the Owner at reasonable time and as reasonably appropriate to determine compliance with this Agreement.

8. Additional Covenants. The Owner agrees not to request any additional monetary funds from the Village for the Property.

9. The Entire Agreement. This Agreement is the entire agreement of the parties, and no modification of the Agreement shall be valid unless and until such modification(s) are agreed and signed in writing by both parties.

Application. This Agreement shall apply to the Owner and shall not run with the 10. land.

**IN WITNESS WHEREOF**, the parties hereto have caused this Redevelopment Agreement to be executed as of the day and year first above written.

ALLAN BROHOLM (D.B.A ALLANTE REAL ESTATE, LLC) a Sole Proprietor

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

VILLAGE OF NORTH AURORA an Illinois municipal corporation

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

Its President

Mr. Michael Toth

**Community and Economic Development Director** 

Village of North Aurora

25 E. State Street

North Aurora, IL 60542

Re: Request for Tax Increment Funding for Commercial Curb Cut on Route 31, 307 S. Lincolnway, Norh Aurora, Illinois. Parcel I.D. 15-09-225-005

#### Dear Mr. Toth,

The subject parcel is owned by Allante Real Estate L.L.C., a legal entity that I own. The 1.42 acre lot is zoned B-3 CBD designed to accommodate retail and office uses. Residential use is not allowed. The current Future Land Use Plan Map shows this property slated for "retail use". I bought this land during 2000 and had this lot excluded from the then newly enacted TIF District because I was then an incumbent Village Trustee. The TIF District was expanded in 2010 when I was no longer a sitting Trustee.

I have herewith enclosed a series of eight exhibits to memorialize my history of ownership and my rational for this request. Please review each exhibit as you read through this letter to associate my comments with each exhibit.

I am requesting the TIF fund pay the State of Illinois Treasurer \$66,167.00 to release the access control for the subject parcel.

Exhibit 1

Marketing flyer showing geographic location of site.

Exhibit 2

RELEASE FOR FREEWAY document on file at the Kane County Recorder Office that was recorded in 1964.

This document shows the lot owners at that time were paid by the State of Illinois the sum of \$41,250 to surrender access rights to the property for a planned conversion of Route 31 to a freeway. The only uses allowed since then to qualify for an access point off or on the Route 31 are for agricultural uses or for one single family residence. This document was not listed in the title policy issued to me when I bought the land nor did the sellers I purchased the lot from advise me of this restriction. I did not find out about the restriction until a few years later and by that time the Tollway Authority had told me they were going to purchase the lot from me to accommodate a new entrance ramp for the Tollway. The Tollway Authority prevented me from doing any development on this site for almost ten years and eventually changed their design plan. I was not allowed to apply for a curb cut until 2010 after the Route 31 tollway bridge expansion was completed.

#### Page Two Request for TIF Funding

#### Exhibit 3

This is a plat of the Grant of Sewer Easement on this lot that I donated to the Village of North Aurora. The appraised value of this easement at the time I made the donation was seventy thousand dollars.

#### Exhibit 4

Copies of my correspondence with the Illinois Department of Transportation (IDOT) requesting a curb cut starting in 2007. By that time the Tollway Authority had bought the two lots east of the subject site to build the now existing retention area and advised me they were not going to by my lot. After all the bridge construction was completed I began marketing the site in 2010. I have had one legitimate offer to purchase the lot since then but the sale was cancelled a few days prior to closing in 2020 because of the time required to obtain a curb cut. During January of 2021 I applied for a curb cut so that lack of access would no longer stop a sale of the property.

#### Exhibit 5

Notice of Public Meeting on March 16, 2009 to allow the Village Board to expand the TIF District boundaries. That announcement defines the proposed Redevelopment Plan that was later adopted. That document states that the fund will provide financing for "eligible project costs" that may include "reconveyance of land". Ownership of land is composed of the ownership of a "bundle of rights" as codified in various real estate laws. Those bundle of rights include "air rights", "mineral rights", "ripairian rights", "below ground rights", "utility rights", "easement rights" and "access rights" among others. These various "rights" can be conveyed individually without disturbing or voiding other rights.

When the previous owners of the subject site sold the access rights for this lot it was a conveyance of a land right peculiar to this property. Repurchasing of this right is a reconveyance of that land right back to the land owner.

#### Exhibit 6

Appraisals used by IDOT to determine fair compensation to IDOT for Release of Access Rights for the subject property. When IDOT acquires a land right it uses taxpayer money. Illinois law allows that right to be repurchased from IDOT when the State of Illinois no longer needs that right. The plan to make Route 31 a freeway that was formulated sometime prior to 1965 was later abandoned making the access rights acquired for that project available for reconveyance to the adjacent / affected land owner.

The determination of value of the reconveyance is determined by averaging the appraised current value of the affected parcel with and without the access right. Three separate appraisals are done by state approved appraisal firms. Their collective values of the before curb cut and after curb cut values are then averaged to calculate a fair price for the taxpayer. The newly calculated value is \$66,167. Note that the green margin tab I have affixed to each appraisal highlights the appraiser's opinion that the highest and best use of this property is as a retail site.

#### Exhibit 7

Proposed site plan showing location of curb cut that I submitted with my request to IDOT. IDOT has approved a right-in/right-out at any location along the Route 31 property line.

Page 3 Request for TIF Funding

Exhibit 8

Status letter from IDOT on 3/10/2022. I originally applied for the curb cut on January 29, 2021. I was told numerous times the long delay was due to Covid-19 issues. Now that it is two years later I want to get the access approval paid for so that DOT can forward my request to the Illinois General Assemble for final approval during the upcoming spring session.

Exhibit 9

Approval letter for the request of release of access to my lot and IDOT request of immediate payment of \$66,167.00

The adjacent land owner has advised me he has no interest in acquiring this land.

The only way this lot will be developed as desired by the long range Route 31 business development plan is via Route 31 access.

Thank You for your time and consideration of this request.

Al Broholm, President

Allante Real Estate L.L.C.

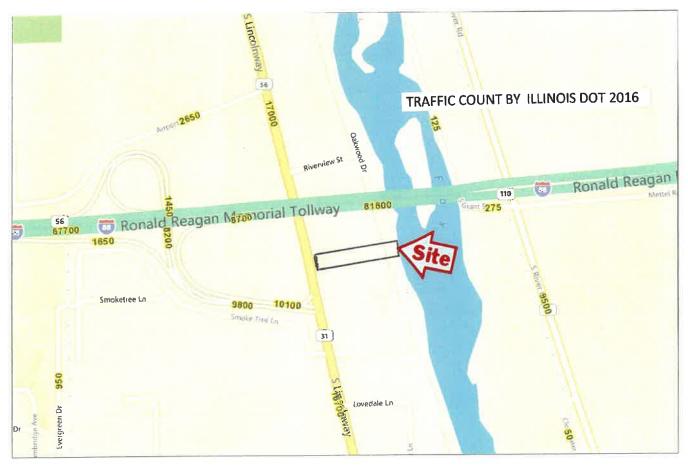
630-450-4558

# Exhibit 1

# **EXCELLENT RETAIL OR OFFICE BUILDING SITE**

AT TOLLWAY ENTRANCE/EXIT IN FAR WEST CHICAGO SUBURB

- Outstanding visibility to 98,000 vehicles that pass this site daily
- Land adjacent to site is a tollway retention area so visibility to site is unimpeded
- Zoned B-3 Central Business in North Aurora, Illinois
- 1.42 acres with 118 feet of frontage on Route 31
- All utilities on site
- Eligible for North Aurora TIF funding
- Rear of site has Fox River frontage



# THIS WOODED VACANT LOT IS FOR SALE @ \$300,000 or LEASE @ \$30,000 YEARLY

#### ALLANTEREALESTATE@COMCAST.NET

#### 630-450-4558

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## **RELEASE FOR FREEWAY**

THIS INDENTURE WITNESSETH, That the Grantor 8, Myron Whisler and Rosalind Whisler, husband and wife; Lawrence Yellin and Evelyn Yellin, husband and wife; and Martin Yellin and Dorothea Yellin, husband and wife; all of the City of Aurora, Kane County, Illinois

represents that the holds an estate in lands situated in the County of State of Illinois described as follows:

That part of Section 9, Township 38 North, Range 8 Rast of the Third Principal Meridian, Kane County, Illinois, as per varianty deed dated January 15, 1962, recorded January 17, 1962 in Book 2115, Page 155, as Document 968733, described as follows: Commencing at the point of intersection of the North line of said Section 9 with the Easterly line of the Aurora-Batavia Road (State Route 31) and running thence Southerly along said Easterly line 400.34 feat to the point of beginning; thence Bast parallel with the North line of said Section 9, 539.93 feet more or less to the West line of the Right of Way of the Chicago & Northwestern Railway Company; thence South along the West line of said right of way 119.91 feet; thence West parallel with said Section line 551.12 feet to the Easterly line of said Aurora-Batavia road (State Route 31) thence Northerly along said Easterly line of said road 117.66 feet to the point of beginning excepting that part described as follows: Commencing at the point of intersection of the North line of said Section 9 with the Easterly line of Aurora-Batavia Road (State Poute 31) and running thence (State Poute 31) and running theory (State 31) and running theory (State 24) Route 31) and running thence Southerly along said Easterly line 400.34 feet to the point of beginning; whence Southerly along said Easterly line 117.66 feet; thence Easterly along a line forming a deflection angle of 78°22'30" to the left/24.76 feet; thence Northerly along a line forming a deflection angle of 103°14' to the left 118.34 feet; thence Westerly along a line forming a deflection angle of 76'46' to the left 21.36 feet to the point of beginning) in the Willage of North Aurora 21.36 feet to the point of beginning) in the Village of North Aurora, Kane County, Illinois.

Note: The part excepted (in parentheses) is owned by the State of Illinois by reservation in deed, Book 1985, Page 519, Document No. Illinois by reservation in deed, Book 1985, Page 519, Docu 900464, dated August 31, 1959, recorded September 5, 1959.

and Grantor 2., for the public benefit and in consideration of the sum of Forty-one thousand two hundred fifty (\$41.250.09 paid to them by or in behalf of the State of Illinois, acting by and through the Department of , on behalf of themselves Public Works and Buildings, the receipt of which is hereby acknowledged, do. bimesie. their heirs, executors, administrators and assigns hereby release, quit-claim and extinguish any and all rights or, all (OVER)

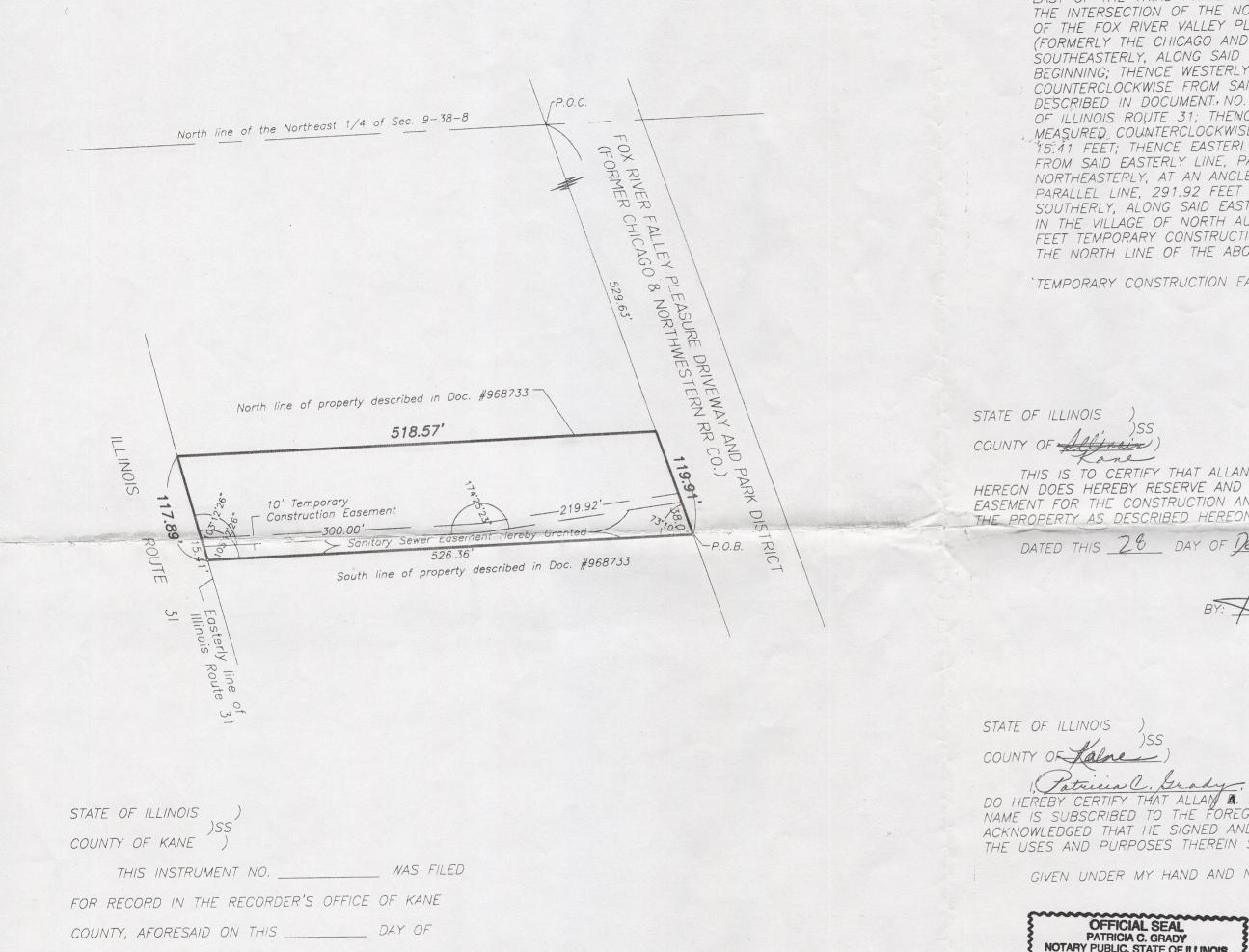
EMR 11-20-1

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Lawrence Yellin and Evely	n Yellin, hush	salind Whisler and and wife;	and	1 WIFet
Martin Tellin and Dorother personally known to me to be the same perso	n 8 whose name	s are _subscrib	ed to the foregoin	ig instrument,
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# GRANT OF EASEMENT FOR SANITARY SEWER PURPOSES



COUNTY RECORDER

, 2001 AT \_\_\_\_\_ O'CLOCK \_\_.M.

STATE OF ILLINOIS

)SS COUNTY OF DEKALB

I, SHAWN R. VanKAMPEN, ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 2710, DO HEREBY CERTIFY THAT THE PLAT HEREON DRAWN WAS PREPARED UNDER MY DIRECTION FOR THE PURPOSE OF GRANTING TO THE VILLAGE OF NORTH AURORA, KANE COUNTY, ILLINOIS, A PERMANENT FASEMENT FOR SANITARY SEWER PURPOSES AND THAT THE PLAT HEREON DRAWN IS A CORRECT REPUBLICATION HINN REVANA OF SAID EASEMENT.

2710 DATED AT DEKALB, ILLINOIS THIS 27TH DAY OF DECEMBER, 2001. I PROFESSIONAL LAND Shawn R. Van Kampen SHAWN R. VONKAMPEN SURVEYOR - STATE OF STATE OF ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 27 10, B. ILLIN LICENSE EXPIRATION DATE: NOVEMBER 30TH, 2002111

A PERMANENT EASEMENT, FOR SANITARY SEWER PURPOSES, LYING UNDER AND UPON THAT PART OF THE NORTHEAST QUARTER OF SECTION 9, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF THE NORTH LINE OF SAID SECTION WITH THE WESTERLY LINE OF THE FOX RIVER VALLEY PLEASURE DRIVEWAY AND PARK DISTRICT PROPERTY (FORMERLY THE CHICAGO AND NORTHWESTERN RAILWAY COMPANY); THENCE SOUTHEASTERLY, ALONG SAID WESTERLY LINE, 529.63 FEET FOR THE POINT OF BEGINNING; THENCE WESTERLY, AT AN ANGLE OF 73"10', MEASURED COUNTERCLOCKWISE FROM SAID WESTERLY LINE, ALONG THE SOUTH LINE OF PROPERTY DESCRIBED IN DOCUMENT, NO. 968733, A DISTANCE OF 526.36 TO THE EASTERLY LINE OF ILLINOIS ROUTE 31; THENCE NORTHWESTERLY, AT AN ANGLE OF 103.12'26 MEASURED COUNTERCLOCKWISE FROM SAID SOUTH LINE, ALONG SAID EASTERLY LINE, 15.41 FEET; THENCE EASTERLY, AT AN ANGLE OF 103.12'26", MEASURED CLOCKWISE FROM SAID EASTERLY LINE, PARALLEL WITH SAID SOUTH LINE, 300.0 FEET; THENCE NORTHEASTERLY, AT AN ANGLE OF 174'25'23", MEASURED CLOCKWISE FROM SAID PARALLEL LINE, 291.92 FEET TO THE EAST LINE OF SAID PROPERTY; THENCE SOUTHERLY, ALONG SAID EAST LINE, 38.0 FEET TO THE POINT OF BEGINNING, ALL IN THE VILLAGE OF NORTH AURORA, KANE COUNTY, ILLINOIS, TOGETHER WITH A 10 FEET TEMPORARY CONSTRUCTION EASEMENT LYING NORTHERLY OF AND CONTIGUOUS WITH THE NORTH LINE OF THE ABOVE DESCRIBED EASEMENT.

TEMPORARY CONSTRUCTION EASEMENT TO EXPIRE DECEMBER 31ST, 2003.

Scale





THIS IS TO CERTIFY THAT ALLANTE REAL ESTATE L.L.C., AS OWNER OF THE PROPERTY SHOWN HEREON DOES HEREBY RESERVE AND GRANT TO THE VILLAGE OF NORTH AURORA, ILLINOIS, AN EASEMENT FOR THE CONSTRUCTION AND MAINTENANCE OF A SANITARY SEWER, UNDER AND UPON

DATED THIS 28 DAY OF DECEMBER, 200 ALLAN A. BROHOLM

MANAGING GENERAL PARTNER ALLANTE REAL ESTATE, L.L.C.

Patricia C. Grady, A NOTARY PUBLIC IN AND FOR THE COUNTY AND STATE AFORESAID, DO HEREBY CERTIFY THAT ALLAN . BROHOLM, IS PERSONALLY KNOWN TO ME TO BE THE SAME PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING CERTIFICATE, APPEARED BEFORE ME THIS DAY, IN PERSON AND ACKNOWLEDGED THAT HE SIGNED AND DELIVERED THE ANNEXED PLAT AND ACCOMPANYING INSTRUMENT FOR THE USES AND PURPOSES THEREIN SET FORTH AND HIS FREE AND VOLUNTARY ACT.

GIVEN UNDER MY HAND AND NOTARIAL SEAL THIS 28th DAY OF December, 2001.

OFFICIAL SEAL PATRICIA C. GRADY NOTARY PUBLIC, STATE OF ILLINOIS My Commission Expires 07/25/2005 

)SS

NOTARY PUBLIC

Prepared by: William E. Hanna Surveyors 508 Pine Street DeKalb, Illinois 60115 (815) 756-2189 Fax 748-2532 hannasurv@aol.com

# Exhibit 4

November 23, 2007

Mr. Tom Gallenbach, P.E. Area Permit Engineer Illinois Department of Transportation Bureau of Traffic 201 West Center Court Schaumburg, IL 60196-1096

Re: Proposed Commercial Curb Cut on Route 31, 305 S. Lincolnway, North Aurora, IL. Parcel I.D. #15-09-226-005

Dear Mr. Gallenbach,

The subject parcel is owned by Allante Real Estate L.L.C., a legal entity that I own.

Thank you for taking the time to discuss my submission requirements for a needed commercial curb cut onto Route 31 from the subject parcel a few weeks ago. I have enclosed the documentation you requested to begin the curb cut approval process for the subject parcel.

I want to construct a small commercial building for retail or office uses on the property that is now zoned B-3 by the Village of North Aurora. The village's long range use plan also shows this property as B-3 (Business) that allows for the most intensive retail, restaurant, office and service provider uses as well as warehousing and wholesale establishments.

The land immediately south of the subject parcel is now being redeveloped for use as a private institutional living center. The land immediately north has been purchased by the Illinois Tollway Authority for use as a detention basin that is now under construction.

Enclosed please find one copy each of the following documents:

- Plat of survey with legal description of lot
- Plat of easement for sanitary sewer
- Copy of Township Assessor's Map Book showing the subject parcel
- Copy of recorded "RELEASE FOR FREEWAY" document dated 9/4/1964
   Note that Route 31 was never declared a freeway. The Illinois Tollway Authority declined to purchase this parcel earlier this year for the tollway expansion project that is now under construction

Also enclosed are two copies of my proposed site plan for the subject parcel showing the desired full access commercial curb cut at the south end of the subject parcel.

Please advise me of any other information you need to make your determination.

Thank you for your time and attention to this matter.

Allan A. Broholm, President Allante Real Estate L.L.C. Cell Phone 1-630-450-4558



# **Illinois Department of Transportation**

Division of Highways/Region One / District One 201 West Center Court/Schaumburg, Illinois 60196-1096

PERMITS Location: IL Rte 31 S/O I-88 Reference No : 045-41962

December 19, 2007

Mr. Allan A. Broholm Allante Real Estate L.L.C. 518 Bede Circle North Aurora, IL 60542

Dear Mr. Broholm:

Our Bureau of Land Acquisition has reviewed the submitted document #1040051 dated February 10, 1965 and has determined that access rights to the subject parcel are limited "...for one only single family residence, or for agricultural purposes."

We therefore, at this time cannot issue a permit for the requested commercial access driveway to IL Route 31 as depicted in your submittal. In addition, to the access restrictions, the southerly radius extends too far beyond the property line and would not meet our access criteria without a lot line agreement.

We have determined that you could pursue the purchase and release of the "access restrictions" to IL Route 31 as noted in the aforementioned document. You would have to contact Mr. Mike Cullian of our Bureau of Land Acquisition at (847) 705-4321 to discuss the details of that process.

If you have any questions regarding this matter, please contact Mr. Tom Gallenbach at (847) 705-4143.

Very truly yours,

Diane M. O'Keefe, P.E. Deputy Director of Highways, Region One Engineer

n Iunia

Stephen M. Travia, P.E. Bureau Chief of Traffic

cc: Mike Cullian – Land Acquisition Reading File January 12, 2008

Mr. John Fortmann Acting Bureau Chief of Land Acquisition Illinois Department of Transportation Bureau of Traffic 201 West Center Court Schaumburg, IL 60196-1096

Re: Proposed Commercial Curb Cut on Route 31, 305 S. Lincolnway, North Aurora, IL Parcel I.D. #15-09-226-005 that is owned by Allante Real Estate L.L.C.

Dear Mr. Fortmann,

On January 11, 2008 I met with Mr. Mike Cullian of your office to discuss my previous letter and documentation that I had sent to Mr. Gallenbach P.E. of your office and the reply to that letter that I received from Mr. Stephen M. Travia, P.E. of your office. Copies of both of those letters are enclosed herewith.

Pursuant to my conversation with Mr. Cullian I am hereby requesting that your department proceed with investigating the release of access to the subject parcel.

Mr. Cullian very capably and professionally explained in detail the probable time-frames associated with this type of request, the various departmental reviews that will be needed, the appraisal process, the payment requirements and the legislative action required for the requested release. I desire for your department to begin the full process as soon as your workload permits.

Please advise me of any other information your office may need to make your determination.

Thank you for your time and attention to this matter.

Allan A. Broholm, President Allante Real Estate L.L.C. Cell Phone 1-630-450-4558

CC: Mike Cullian - Land Acquisition via fax

January 29, 2009

Diane M. O'Keefe, P.E. Deputy Director of Highways – Region One Engineer Illinois Department of Transportation Division of Highways/District 1 201 West Center Court Schaumberg, IL 60196-1096

Re: Request for Release of Control Access on Illinois Route 31 at 305 Lincolnway, North Aurora, IL, Parcel I.D. #15-09-226-005 that is owned by Allante Real Estate LLC

Dear Diane O'Keefe,

Enclosed with this request is the series of four letters between your office and me regarding my request for a full access curb cut on the subject property dated November 23, 2007, December 19, 2007, January 12, 2008 and your latest reply dated March 4, 2008. Also enclosed are duplicates of the documents listed in my letter to Mr. Tom Gallenbach dated November 23, 2007.

Your letter of March 4, 2008 asked me to resubmit my request "....upon completion of the new I-88 bridge over the Fox River". That bridge has been constructed and is now fully utilized for the eastbound traffic on the tollway. I advised Mr. Mike Cullian of your office of that fact by telephone yesterday and he said I could now re-submit my request.

I am aware of the fact that the tollway's Fox River project still needs to seed and install permanent fencing on the land they acquired from me for the water retention area they constructed on the two lots adjacent and immediately north of the subject lot. That work should be completed this springtime. The old tollway bridge over the Fox River currently used for westbound only traffic is slated to be repaved during 2009 but that project is far removed from the subject lot.

When I met with Mr. Cullian last year he explained the appraisal process and lengthy timeline that will be required to obtain the release I am requesting. Knowing that my request would need to be approved by the State Legislature during the Spring 2010 session, I am requesting that your office begin the required process now so that my request is part the 2010 Highway Funding request.

Please advise me of any other information your office may need to make your determination.

Thank you for your time and prompt attention to this matter.

Cordially,

Allan A. Broholm President Allante Real Estate LLC 630-450-4558



# **Illinois Department of Transportation**

Division of Highways/District 1 201 West Center Court/Schaumburg, Illinois 60196-1096

BUREAU OF LAND ACQUISITION

**Property Management** 

Route : I-88/Fox River Project Location : SEQ I-88 & IL RTE. 31 North Aurora County : Kane Job No : R-91-999-90 Inquiry : Access Control Break

March 4, 2008

Allan Broholm CCIM Allante Commercial Investment 518 Bede Circle North Aurora, IL 60542

Dear Mr. Broholm:

Thank you for your letter dated January 12, 2008 regarding the possible release of the above mentioned access control break along IL.31 in North Aurora. We have reviewed your request and offer the following comments.

The Illinois Department of Transportation's Bureaus of Traffic and Programming have determined that this property should be retained until the I-88/Fox River Project is complete at the end of 2009.

Therefore, the Department does not recommend the release of the access control until any and all improvements are complete. Please re-submit your request upon the completion of the new I-88 bridge over the Fox River.

In the interim, should you have any questions or need additional information, please contact Mike Cullian at (847)705-4280.

Very truly yours,

Diane M. O'Keefe, P.E. Deputy Director of Highways Region One Engineer

By: John Fortmann, P.E. Acting Bureau Chief of Land Acquisition

S:\WP\Acess Control Break I-88/Fox RiverProj.Reject3.4.08.doc

# Exhibit 5 Notice of Public Meeting

Village of North Aurora Kane County, Illinois

#### Lincoln Highway / Route 31 Redevelopment Project Area 2<sup>nd</sup> Amendment

Notice is hereby given that on **Monday, March 16, 2009 at 6:30 p.m.**, at the North Aurora Village Hall, 25 East State Street, North Aurora, Illinois, a meeting will be held to gather public comment on a proposed amended redevelopment plan (the "Redevelopment Plan") and the designation of a proposed redevelopment project area to be known as the Lincoln Highway / Route 31 Redevelopment Project Area 2<sup>nd</sup> Amendment (the "2<sup>nd</sup> Amendment Area") and the adoption of Tax Increment Allocation Financing (TIF) therefore. This plan was originally approved ("Original Project Area") in 2000, and previously amended ("1<sup>st</sup> Amendment Area") in 2002.

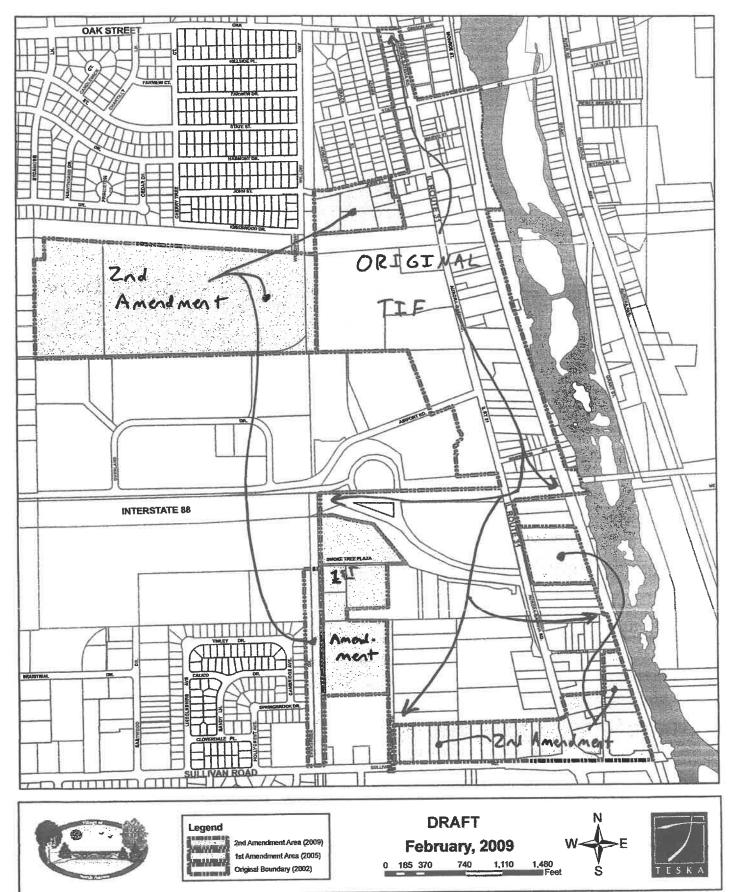
The Original Area contains 118 buildings on 145 parcels, and covers 20 blocks or parts thereof. The total Original Area is approximately 198 acres. The 1<sup>st</sup> Amendment Area contains 7 buildings on 6 parcels and covers 2 blocks or parts thereof. The total 1<sup>st</sup> Amendment Area is approximately 22.5 acres in size. The 2<sup>nd</sup> Amendment Area contains 27 buildings on 39 parcels and covers 6 blocks or parts thereof. The total 2<sup>nd</sup> Amendment Area is approximately 110.8 acres in size. The 2<sup>nd</sup> Amendment Area is located adjacent to the Original Project area and 1<sup>st</sup> Amendment Area to the west and the south (parcels are located on or near Route 31).

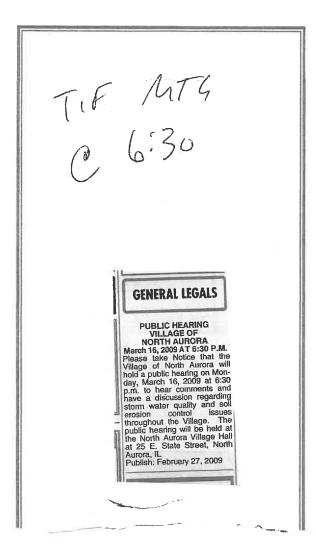
Pursuant to the proposed Redevelopment Plan, the Village proposes to facilitate the redevelopment of the proposed 2<sup>nd</sup> Amendment Area by utilizing tax increment financing to fund various eligible project costs to stimulate private investment within the proposed 2<sup>nd</sup> Amendment Area. These eligible project costs may include, but shall not be limited to, studies, surveys, professional fees, property assembly costs, construction of public improvements and facilities, financing costs and interest costs, acquisition and reconveyance of land in the proposed 2<sup>nd</sup> Amendment Area, demolition, clearance, and related site preparation activities, all as authorized under the Tax Increment Allocation Redevelopment Act, as amended. The proposed Redevelopment Plan proposes to offer assistance by paying or reimbursing costs related to environmental and planning studies, surveys, professional services and administration activities, public improvements and facilities, land acquisition, building rehabilitation, site preparation, the execution of one or more redevelopment agreements, and the payment of financing and interest costs.

The proposed 2<sup>nd</sup> Amendment Area will be considered at a future public hearing by the Village of North Aurora, and will require approval by the Village Board. The proposed Redevelopment Plan is on file and available for public inspection at the office of the Village Clerk at the North Aurora Village Hall, 25 East State Street, North Aurora, Illinois, or by calling the Community Development Department at 630-897-1457.

Prior to or at the public hearing, all interested persons or affected taxing districts may file written objections with the Village Clerk and may be heard orally with respect to any issues regarding the designation of the proposed Redevelopment Project Area Amendment and the adoption of tax increment allocation financing. The Village has also established an interested parties registry for anyone interested in staying informed of activity within the proposed TIF District.

# Route 31 TIF 2nd Amendment Boundary Area





, 3 <sup>14</sup>

Exhibit 6

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SURVEY	AS 1.5	W/CVAB CUT	RELEASE FEE
步 (	125,000	187,000	62,000
# 2	100,000	165,000	65,000
# 3	146,500	218,000	71,500
AVERAGE	123,833	190,000	66,167

#### ILLINOIS DEPARTMENT OF TRANSPORTATION

#### MEMORANDUM

TO:David HoworthFROM:David W. White, Review AppraiserSUBJECT:Approved Appraisal ReportDATE:04/18/2022Route: IL 31Section: SEQ IL-31 & I-88County: KaneJob No.: R-91-999-90Federal Project No.: --

Parcel No.: 1WY0659 Approved Amount: \$62,000 Appraiser: Matthew R. Bulthuis

Improvements Located in the Part Taken: None.

The subject parcel has been approved. Attached is the necessary information for processing.

# OFFICE COPY



R	Illinois Department of Transportation			Appraisa	I Review Certification
Route	IL 31		Project	NA	
Section	SEQ IL-31 & I-88		Job No.	R-91-999-90	
County	Kane		Parcel	1WY0659	Unit
$\boxtimes$	Original 🗌 Supplemental	$\boxtimes$	Complex	Non-Complex	Value Finding
is the rem	ainder property an uneconomic remnant?	?	Yes	🛛 No	
	ched Appraisal Report Restricte Matthew R. Bulthuis has 24.104, the attached appraisal meets one	bee	n reviewed by	the undersigned.	In accordance with
🗌 Ac	ot Accepted – Provide reasoning for non-a ccepted – Meets all requirements, but is n ecommended – Meets all requirements ar	ot se	lected.	isis for acquisitior	n purposes.
The cond	clusions of value for the subject property a	as of	01/06/2022		are as follows:
Fair	Market Value of Whole Property (Before	Rele	ase of Access	Control)	\$125,000
Fair	Market Value of Property Taken (includir	ıg im	provements) a	s Part of the Who	ble_N/A
Fair	Market Value of Remainder as Part of th	e Wh	ole Property E	lefore Taking	N/A
Fair Market Value (Whole Property After Release of Access Control) \$187			\$187,000		
Damage to Remainder			N/A		
Compensation for Permanent Easement(s)			N/A		
Compensation for Temporary Easement(s)			N/A		
Excess Land to be Acquired			N/A		
Tota	al Compensation (Due to IDOT for Rele	ase (	of Access Co	ntrol)	\$62,000
	De lateto		04	/01/2022	
	Review Appraiser			Date	
Cortif	ied General Real Estate Appraiser		553.00	0624	9/30/2023
Oeru	Type of License		License		Expiration Date
	And	5	*		e lu la ser
Approve	d: Regional Engine	er	g		Date

#### ILLINOIS DEPARTMENT OF TRANSPORTATION

#### MEMORANDUM

TO:David HoworthFROM:David W. White, Review AppraiserSUBJECT:Approved Appraisal ReportDATE:03/22/2022Route: IL 31Section: SEQ IL-31 & I-88County: KaneJob No.: R-91-999-90Federal Project No.: --

Parcel No.: 1WY0659 Approved Amount: \$65,000 Appraiser: Keith T. Tadrowski

Improvements Located in the Part Taken: None.

The subject parcel has been approved. Attached is the necessary information for processing.

## OFFICE COPY



Illinois Department of Transportation		Appraisal F	Review Certification
Route IL 31	Project	NA	
Section SEQ IL-31 & I-88	Job No. Parcel	R-91-999-90 1WY0659	Unit
County Kane			
🛛 Original 📋 Supplemental 🛛 🛛	Complex	Non-Complex	Value Finding
Is the remainder property an uneconomic remnant?	🗌 Yes	🛛 No	
The attached Appraisal Report Restricted A Keith T. Tadrowski has be 49 CFR 24.104, the attached appraisal meets one of	en reviewed by	the undersigned. II	n accordance with
<ul> <li>Not Accepted – Provide reasoning for non-acc</li> <li>Accepted – Meets all requirements, but is not s</li> <li>Recommended – Meets all requirements and i</li> </ul>	selected.	asis for acquisition p	ourposes.
The conclusions of value for the subject property as a	of 02/01/2022		are as follows:
Fair Market Value of Whole Property (Before Re	lease of Access	Control)	\$100,000
Fair Market Value of Property Taken (including i	mprovements) a	as Part of the Whole	e_N/A
Fair Market Value of Remainder as Part of the V	Vhole Property E	Before Taking	N/A
Fair Market Value (Whole Property After Releas	e of Access Cor	ntrol)	\$165,000
Damage to Remainder			N/A
Compensation for Permanent Easement(s)			N/A
Compensation for Temporary Easement(s)			N/A
Excess Land to be Acquired			N/A
Total Compensation (Due to IDOT for Releas	e of Access Co	ontrol)	\$65,000
Dang Chite	03	3/22/2022 Date	
Review Appraiser			
Certified General Real Estate Appraiser	553.00 License		9/30/2023 Expiration Date
Type of License	LICEIDE		
	- 0		/

#### ILLINOIS DEPARTMENT OF TRANSPORTATION

#### MEMORANDUM

TO:David HoworthFROM:David W. White, Review AppraiserSUBJECT:Approved Appraisal ReportDATE:05/12/2022Route: IL 31Section: SEQ IL-31 & I-88County: KaneJob No.: R-91-999-90Federal Project No.: --

Parcel No.: 1WY0659 Approved Amount: \$71,500 Appraiser: Craig W. Shonkwiler

Improvements Located in the Part Taken: None.

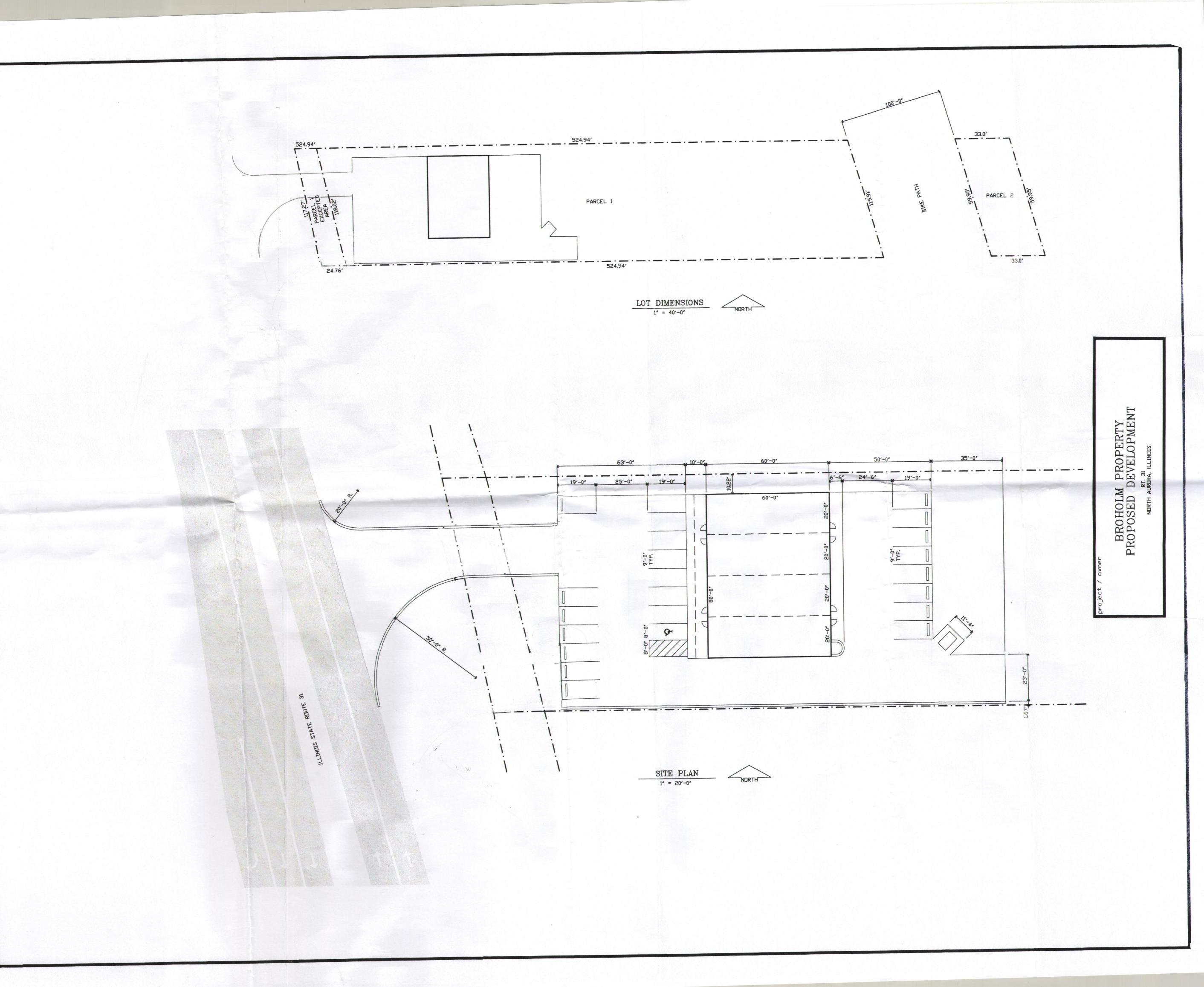
The subject parcel has been approved. Attached is the necessary information for processing.

# OFFICE COPY



Illinois Department of Transportation	Appraisal Review Certification
Route IL 31 Project	NA
Section SEQ IL-31 & I-88 Job No. Parcel	R-91-999-90 1WY0659 Unit
County Kane Parcel	14410033
🛛 Original 🗌 Supplemental 🛛 🖾 Complex [	Non-Complex  Value Finding
Is the remainder property an uneconomic remnant?	🔀 No
The attached Appraisal Report Restricted Appraisal Report Craig W. Shonkwiler has been reviewed I 49 CFR 24.104, the attached appraisal meets one of the following	by the undersigned. In accordance with
<ul> <li>Not Accepted – Provide reasoning for non-acceptance.</li> <li>Accepted – Meets all requirements, but is not selected.</li> <li>Recommended – Meets all requirements and is selected as</li> </ul>	basis for acquisition purposes.
The conclusions of value for the subject property as of01/11/20	are as follows:
Fair Market Value of Whole Property (Before Release of Acce	ess Control) \$146,500
Fair Market Value of Property Taken (including improvements	as Part of the Whole N/A
Fair Market Value of Remainder as Part of the Whole Propert	y Before Taking N/A
Fair Market Value (Whole Property After Release of Access C	Control) \$218,000
Damage to Remainder	N/A
Compensation for Permanent Easement(s)	<u>N/A</u>
Compensation for Temporary Easement(s)	N/A
Excess Land to be Acquired	N/A
Total Compensation (Due to IDOT for Release of Access	Control) \$71,500
()	05/12/2022
Review Appraiser	Date
	9/30/2023
Certified General Real Estate Appletos	3.000624 9/30/2023 Expiration Date
Type of License	
Approved: 402. Tub of	<u>5/21/2022</u> Date
PM.E	Date

PALET



### Exhibit 8

3/10/2022 11:39 AM

### Re: Parcel #1WY0659 -- Access Control release on IL 31, North Aurora

To Mike J Cullian <mike.cullian@illinois.gov>

Allan. Broholm <allan818@comcast.net>

Mr. Cullian,

Any update on the status of my request for an Access Control release?

I met with an appraiser you hired at the site on January 3rd. He said the two other appraisals were completed and that he expected to finish his appraisal by the end of January.

Thank You. Al Broholm

On 12/20/2021 12:26 PM Cullian, Mike J <mike.cullian@illinois.gov> wrote:

Mr. Broholm----

Attached are the Release of Access Control plat and the legal description identifying the length of the release across the western border of your vacant lot on IL 31 in North Aurora. The appraisal reports are due on December 31, 2021 and I will let you know the appraisal values as the reports arrive.

Please let me know if you have any questions.

Thank you, Mike

Michael Cullian Relocation / Property Mgmt Section Chief Illinois Department of Transportation 201 West Center Court Schaumburg, IL 60196-1096 847 / 705-4280 847 / 705-4218 (fax) mike.cullian@illinois.gov

State of Illinois - CONFIDENTIALITY NOTICE: The information contained in this communication is confidential, may be attorney-client privileged or attorney work product, may constitute inside information or internal deliberative staff communication, and is intended only for the use of the addressee. Unauthorized use, disclosure or copying of this communication or any part thereof is strictly prohibited and may be unlawful. If you have received this communication in error, please notify the sender immediately by return e-mail and destroy this communication and all copies thereof, including all attachments. Receipt by an unintended recipient does not waive attorney-client privilege, attorney work product privilege, or any other exemption from disclosure.

### Exhibit 9 Illinois Department of Transportation

Office of Highways Project Implementation / Region 1 / District 1 201 West Center Court / Schaumburg, Illinois 60196-1096

Land Acquisition Property Management Route: IL 31 Location: SEQ of IL 31 & I-88, North Aurora County: Kane Parcel: 1WY0659

January 5, 2023

Mr. Allan Broholm Allante Real Estate LLC 518 Bede Circle North Aurora, IL 60542

Dear Mr. Broholm:

The Illinois Department of Transportation (Department) has the approval to release certain access control at the above mentioned location.

At this time, the Department is requesting payment for this release in the amount of \$66,167.00 made payable to the Treasurer, State of Illinois, 201 W Center Court, Schaumburg, IL 60196

Should you have any questions or need additional information please contact Mike Cullian at (847) 705-4280.

Very truly yours,

Jose Rios, P.E. Region One Engineer

nolse Johnson Bv:

Omolara Johnson Bureau Chief of Land Acquisition

Route:	Illinois Route 31
County:	Kane
Job. No.:	R-91-999-90
Parcel No:	1WY0659
Index No.:	15-09-226-005

#### RELEASE OF ACCESS CONTROL FOR PART OF ILLINOIS ROUTE 31

That part of the Northeast Quarter of the Northeast Quarter of Section 9, Township 38 North, Range 8 East of the Third Principal Meridian, Kane County, Illinois, described as follows:

Commencing at the point of intersection of the North line of said Section 9 with the Easterly line of the Aurora and Batavia Road (Illinois State Route 31) and running thence Southerly along said Easterly line 400.34 feet; thence East along a line parallel with said North line of Section 9, 21.36 feet to a point on the Easterly line of Illinois Route 31 per deed recorded September 5, 1959 as document no. 900464, in Book 1985, Page 519, for a Point of Beginning of Release of Access Control for Illinois Route 31; thence Southerly along said Easterly line 118.34 feet to the Point of Termination of Release of Access Control for Illinois Route 31, said point being on a line parallel with said North line of Section 9 and 24.76 feet east of the original Easterly line of the Aurora and Batavia Road (Illinois State Route 31).

