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November 20, 2023

OF COUNSEL
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VIA HAND DELIVERY & VIA EMAIL TO: vankerkhoffmark@co.kane.il.us
Kane County Development Committee
Attn: Mark D. VanKerkhoff
719 S. Batavia Avenue
Geneva, Illinois 60134
Building A, 1st Floor Auditorium

Re: Petition 4616
Property Owner: Blair Alexander and Richard Johnson
Property Location: 47W829 Route 38 (10-03-100-015)

Dear Development Committee:

I represent the property owners to the north, east, and southeast of the Petitioner's property. I ask that this letter be read and entered into the record. Unfortunately, I am unable to attend the November 21, 2023 meeting due to a prior commitment.

Each of my Clients' properties make up part of the original James Meredith Farm. Adjoining my Clients' properties and the Petitioner's property is an access road which has been utilized to farm the land for over one hundred (100) years and continues to be used by my Clients for the very same purpose. Petition 4616 seeks to enclose the access road and forever block my Clients use and access to their own properties. Since Petition 4616 was submitted to the County, my Clients have made every effort to accommodate Petitioner's proposed use while preserving the existing use of their properties.

The property owners to the north of the proposed special use, Gala Argent and James Light, the site of the original 280-acre James Meredith farmstead, would be forever prohibited from accessing the eastern portion of their property for the agricultural purposes it was intended and zoned. The property owners to the east (Carrie Svihlik and Chuck Haskin) and southeast (Donna Riggs) would no longer be able to farm their land, which has been farmed the exact same way for at least a century. At this point, Petitioners are wholly unwilling to even entertain the continued use of the access road by my Clients. All of the "offers" put the cost and burden on my Clients without any real inconvenience to the Petitioners.

For example, the offer to my Clients directly east of the proposed petition, Carrie Svihlik & Chuck Haskin, poses a multitude of problems. The first "offer" is to build an access point off the front of the Svihlik & Haskin property. This proposal would not only result in a new easement over their existing property for their neighbor to the south, it would also preclude further use of this section of their property. The Petitioners make this offer while simultaneously admitting that the County would not grant the proposed variance for a second entrance. Their second proposal is to use my Clients' existing driveway, which is wholly unable to accommodate farming equipment and would require significant resources in expanding and maintaining it in perpetuity even if possible. The proposed payment is unlikely to cover even a third of the cost for either of the proposals.

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The offer to the southeastern neighbor, Donna Riggs, is largely the same as the one to Carrie Svihlik and Chuck Haskin and poses many of the same problems. In addition, the Petitioner's offer requires the use of her land by farming equipment after crossing the culvert, which would both damage her land and deny other uses of the right-of-way necessary to get to the back of her lot.

The latest offer to the northern neighbors, Gala Argent and James Light is an ill-defined agreement to create essentially a new access "road" that uses a large swath of forested land on the Argent-Light property. The offer only contained petitioner's willingness to clear the underbrush and trim trees and contained nothing regarding what would be required to make such a proposal even remotely viable, including clearing trees, stumps, and leveling the land together with other necessary and costly components. Indeed, the proposed new "road" would not even have the required width necessary for contractors to access the Argent-Light property. Moreover, while the Petitioners offer to make room for this "road", the "road" would not even be usable during the period of construction of the proposed facility.

In sum, all of the proposals offered by Petitioners are what would be the least expensive and least burdensome to them. The offers essentially propose the use of my Clients' land and my Clients' resources to effectively give up their easement rights. None of the offers even acknowledge the readily apparent easement rights my Clients possess. My Clients purchased their property for its intended use, agriculture. The Petitioners want to not only place unsightly and untested non-agricultural infrastructure mere feet from their doorsteps, but they also want to take away my Clients rights to use their land for agricultural purposes, which is how the land has been used since the 19th century. This matter must be tabled so that real discussions regarding the use of the access road or at the very least, real and viable alternatives are negotiated. My Clients have done everything in their power to avoid any unnecessary cost and expense to Petitioners to this point, but they will use the Courts to enforce their rights. Of course, it is my Clients' hope that it does not come to that and that this matter is tabled so the parties can actually negotiate in good faith.

Should you have any questions, please do not hesitate to contact me at (630) 406-5440. Thank you for your thoughtful consideration of this letter.

Sincerely,

DRENDEL & JANSONS LAW GROUP

A handwritten signature in black ink that reads "Edward J. Boula". The signature is written in a cursive style with a large initial "E".

EJB

Edward J. Boula