



EXHIBIT A

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November 13, 2023

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VIA HAND DELIVERY & VIA EMAIL TO: BerkhoutKeith@co.kane.il.us  
Kane County Zoning Board of Appeals  
Attn: Keith Berkhout  
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 Zoning Board of Appeals:

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 14, 2023 meeting.

At the September Zoning Board of Appeals (Zoning Board) meeting, you requested that Petition 4616 be tabled. One of the reasons for tabling Petition 4616 was the historical use by my Clients of the access road off of Route 38 for access to their properties. You asked that the Petitioners and my clients work out an agreement for the use of this access road. While Petitioners may argue that they have acted in good faith in their proposed resolutions, any good faith argument is without merit. The Petitioners' offers are wholly untenable. Indeed, while the Zoning Board requested Petitioners to work out use of the access road, none of the proposals provide actual use of the access road. Moreover, all of the offers put the cost and burden on my Clients without any real inconvenience to the Petitioners. This is not good faith and the Zoning Board should not allow the project to move forward with a recommendation until real and honest negotiations take place.

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 Board would likely 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 would be unlikely to cover even a third of the cost for either of the proposals. Again, they make this offer knowing the County Board would likely not approve any variance.

The offer to the southeastern neighbor, Donna Riggs, is largely the same as the one to Carrie Svihlik and Chuck Haskin in that it poses many of the same problems. Instead of rehashing those problems, she adopts them as part of her response. In addition, the proposal from the Petitioners

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requires the use of her land by fanning 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.

Petitioners' offer to their northern neighbors, Gala Argent and James Light, began as a mere hold harmless and quasi-license. The latest offer 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. This proposal would result in Gala Argent and James Light giving up their land during the entirety of the period of construction.

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 easements. None of the offers even acknowledge the readily apparent easement rights my Clients possess. While my Clients have done everything in their power to avoid any unnecessary cost and expense to Petitioners to this point, if the proposals do not change to reflect reality, my Clients will be forced to use the Courts to enforce their rights. Of course, it is my Clients' hope that it does not come to that and the Zoning Board has the power to ensure that actual honest and fruitful negotiations take place.

Finally, 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 19<sup>th</sup> century. Again, the Zoning Board should not recommend Petition 4616 until the Petitioners have acted in good faith in preserving the use of the access road or at the very least, offer real and viable alternatives. 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**



Edward J. Boula

EJB