

Lombard Park District Q&A
As of January 23, 2019
Updated: 01/28/19 & 02/20/19

"The Park District is being an 'obstructionist' in regards to the development of a new Library at Lilacia Park"

PARK DISTRICT RESPONSE: After a year of going back and forth and having requests for Park District property by the Library District, the Board of Park Commissioner's made the ONLY offer to date between the Park District and the Library District. An offer that still stands and is located at the end of this Q & A. That offer was made on November 6, 2017 and rejected by the Library District on January 10, 2018. There was no counter offer by the Library District. **The offer the Park District made would have allowed the Library District to build a new facility at Lilacia Park.** The offer conveyed would have adjusted the property lines on a north-south basis, and allowed the Library to use air rights that were conveyed to the Park District by the Library District in 1977. **They would also have been granted all the appropriate easements necessary for construction and facility use in perpetuity.** The Park District's offer provided them a solution to their dilemma. We have also provided them other alternatives at alternate sites which will be address later.

"We voted for a new Library to be built at Lilacia Park."

PARK DISTRICT RESPONSE: The residents passed a permanent tax increase by approving the following question on the November 8, 2016 ballot:

"Shall the limiting rate under the Property Tax Extension Limitation Law for the Helen M. Plum Memorial District, DuPage County, Illinois be increased by an additional amount equal to 0.2160% above the limiting rate for any purpose of said Library District for the levy year 2015 and be equal to 0.4923% of the equalized assessed value of the taxable property therein for the levy year 2016?"

While it clearly does not state that a building would be constructed or even where that building would be located, it certainly did not require the Lombard Park District to provide property, easements or anything else to the Library District for any reason.

"The Library District came to a March 2016 Park Board meeting and provided the Park Board information regarding the construction plan they were asking the residents to vote on. Because the Park District didn't ask enough questions, it led the Library Board to rely on their lack of questions as their silent approval of the plan."

PARK DISTRICT RESPONSE: Unfortunately, when the Library Board's architect came to the Park District Board in March of 2016, the Library Board had yet to vote on whether or not they were going to referendum and still had not decided on whether or not they were going to renovate/expand the current building or replace the library altogether. At that time, according to the Library Director they would not decide on their preferred type of construction for at least another month or so. The Park Board spent time asking 16 general questions about items such as stormwater, earthwork, elevations, placement of mechanicals, encroachment into Lilacia Park, construction distances to the circa 1870 Coach house and the protection of the historic structure. At no time were the Library District Board members, staff or contractors ever given any suggestion that the Park District was on

board with a plan, because there was no plan, only concept drawings for the Park Board to look at.

"We don't have a new library due to the actions of the Park District Board of Park Commissioners, they are the reason it has been delayed."

PARK DISTRICT RESPONSE: The Park District made every attempt to educate the Library staff regarding our needs and encroachment into Lilacia Park MONTHS prior to the Library District Board voting to go to referendum. The Park District Executive Director in an email dated January 12, 2016 reminded the Library Director that "in light of the air rights over the patio we retain, I think that before your concepts go public, you need to make sure the Park Board is on Board with them." **The Library District chose to ignore what they were told and moved forward with absolutely no assurances that the Park District would provide easements, air rights, or any property to the Library District.** During their referendum campaign, they chose to provide the community with a conceptual drawing of a building located partially on property they did not own and knew this fact. EVERYTHING that has been discussed SINCE the referendum, should have been discussed and agreed to PRIOR to the Library Board voting to go to referendum and certainly prior to levying a tax on the residents of Lombard. One last item regarding the actions of the Park Board, it is their fiduciary responsibility to protect the assets of the Lombard Park District, including Lilacia Park first and foremost, just as it is the Library's Board to manage the Library assets. The offer made by the Park District in November 2017 would have pushed the construction away from Lilacia Park and most importantly the circa 1870 Coach House which the Park District Commissioners are responsible for. The delay in progress lays at the feet of the Library District Board and Staff as they certainly have known for decades the restrictions and limitations on construction at their current location as well as the Park District's position regarding their expansion long before they voted to go to referendum.

"The Park District is trying to make a 'land grab' at Lilacia Park."

PARK DISTRICT RESPONSE: While the Park District does not believe restoring Lilacia Park to what it was 50 or 90 years ago is a bad thing for the community, the Park District does not need another acre of land if it comes at the perceived expense of "evicting" any one of our neighbors, especially the Helen Plum Library District. To state that they are not under construction because of the Park Board's intransigence and planned land grab is simply not true. The definition of "intransigence" is the refusal to change one's view or to agree about something. The mere fact the Park Board did change their mind to allow for an offer of Park District property proves that claim false. Furthermore, the Park District's offer of November 6, 2017 does not materially affect the percentage of property owned at Lilacia Park between the two agencies. The Park District also on three separate occasions provided additional land to the Helen M. Plum Memorial Library District at Lilacia Park in 1963, 1977 and 2007.

"The Park District wants the Library District to move, but has only proposed park areas that either flood or are on the outskirts of the community."

PARK DISTRICT RESPONSE: The Park District proposed as an option for their consideration that the Library District consider any of the 450+ park acres owned and managed throughout the community. The proposal was never meant to put the Library in a flooded or depressed area. Had the Library District taken the Park District up on that proposal they most likely would have been under construction on a facility that was not hampered by easements, air rights, lot size, parking variances, density variances, and set

back variances. In fact, getting back to the “land grab” comment over, they would potentially have received more land than the property they now have on Maple Street merely to accommodate their parking needs alone. Among the particular park land discussed were property at Lombard Common and Southland, two facilities hardly on the “outskirts” of Lombard.

"The Park District has avoided meeting with the Library to delay the project."

PARK DISTRICT RESPONSE: In the Library’s rejection of the Park District offer on January 10, 2018, their attorney stated “the Library Board intends to move forward with the site diagram the Park Board on October 18, 2017 that adhere to all claimed property and air rights at the existing site. There are a number of items in this plan that require coordination.” In laymen’s terms that meant they were going with their preferred two-pavilion concept off Park District property and did not need the Park District moving forward except in regards to coordination during construction and after. We abided by their decision and did not have a reason to meet until after approval came from the Village of Lombard to proceed. An approval they do not have at this time.

"What is the Library District’s plan to provide protection for the circa 1870 Plum Coach House?"

PARK DISTRICT RESPONSE: During the a March 2016 Park Board meeting, the Library’s architect informed the Park District Board that “the Coach House is a historic structure having a fairly old foundation and any construction activity in the area poses a potential threat, so we don’t want to endanger that building. Biggest safety measure is to stay away from it. We don’t want to butt up against it. We don’t want to touch anything that is butting up against it now. We want to back away from it. We want to avoid anything that induces vibrations on the site, things that could rattle the foundation. Farther we are, the less we need to worry about shoring up the existing building, but ***there are no guarantees in life we’re trying to be prudent...and there’s insurance.***” Since that initial meeting, the Park District has asked time and time again, what are the plans to provide protection to the building? As late as October 16, 2018 Library architects in two and a half years have come up with the following: Provide insurance per industry standard guidelines, the installation of vibration monitoring devices, a temporary construction barrier (a plastic fence?), have the outside of the coach house laser measured at the beginning of the project to detect damage and “maintain” the Library’s foundations adjacent to the Coach House. None of these items actually guarantee the safety and protection of the Coach House, they merely monitor the actual damage the historic structure takes during construction. The Park District’s offer would have moved the new construction farther away from the structure as opposed to the four to five feet that will take place under the Library District’s current proposed plan.

"Why did the Park District require the Library to perform a parking study?"

PARK DISTRICT RESPONSE: The Park District did not require the Library to perform a parking or a traffic study.

"Why did the Park District require the Library to perform a shade study?"

PARK DISTRICT RESPONSE: Again, the Park District did not require the Library to perform a shade study. In fact, the Park District provided the 2003 shade study the Library had completed to the Library's Architects at the beginning of 2017.

"Why did the Park District require the Library to perform an acoustic study?"

PARK DISTRICT RESPONSE: The Park District has asked for the better part of three years, even before the Library Board voted to go to referendum, what was going to happen to the noise level in Lilacia Park when trains would be passing through with a new two-story brick wall to the south of the main courtyard. That question was asked in every meeting we spent with them since the tax increase went into effect. We have been consistently told that the building adjacent to the main courtyard will be brick and/or concrete. The Park District is very concerned about the bounce back off that wall from noise from the train tracks. The Park District has consistently asked that the façade of the structure be of sound absorbing material, and/or not flat, maybe something with angles. The current plan is to make it a flat wall of concrete and brick. The Park District never asked the Library District to perform an acoustic study and to-date, have not seen evidence that such a study was performed.

"Why in the Park District's offer to the Library District did they propose a facility that had a zero set back from the curb on Maple Street? Everyone knows you can't build a building to the street."

Simply put, the Park District did not make that offer. The Park District's offer included a building box that would have resulted in the front of the Library being approximately 35 feet from the curb on Maple Street. Per the Village of Lombard, this would not have needed a setback variance approved. However, had the Library District determined they needed additional square feet, they could have applied for a setback variance to the Village Plan Commission to provide a zero setback to the north side of the sidewalk, not the curb. This would have resulted in an additional 5,200+ square feet of space, and the Library building sitting 20 feet from the curb. During a December 14, 2017 meeting with the Village Manager, the Village Community Development Director, the Village of Lombard Business Commissioner, the Library Director and the Executive Director of the Park District, it was noted that although the Edwards-Elmhurst Hospital, located on five-lane Main Street, is 15 feet from the curb, the Village Board may not approve it for the Library District, but would most likely be favorable to a different setback to the sidewalk of five or ten feet. At five feet, the front of the new Library building would be approximately 25 feet from the curb at Maple Street and provide an additional 3,500 square feet for the new library.

"At the beginning of October 2018, the Village of Lombard asked that prior to moving forward with the Library District's plan, they needed "consent" from the Park District as to the access road as it deviates from the 2007 IGA. Why doesn't the Park District just give that consent?"

PARK DISTRICT RESPONSE: On February 18, 2016, the Park District Executive Director emailed the Library Director reminding her that "it appears the library plans to use the Park District's driveway for their book return. Again, it is something that the Park Board will need to approve and be addressed in any IGA." Although they continue to use it in their plan, there has never been any agreement allowing the Library District to do so. The 2007 IGA provides for an access road solely on Park District property that "shall be no less than ten (10) feet wide at any point, including site preparation and a gate or other entry control

point.” Unfortunately, the Library District’s plan submitted to the Village of Lombard is using this property for a public access road which was not its intended use under the provisions of the 2007 IGA. Recognizing that this is not what was expressed in the 2007 IGA, the Village staff and their attorney asked the Library District to get consent for this type of use from the Park District. **Provided the Library resubmit plans that do not use the Park District’s driveway property moving forward, the Village would not need this consent from the Park District.** The “Catch 22” for the Park District is that the Park Board cannot give consent to a new public access road in conflict with the 2007 IGA, as the shared access road is part and parcel of the larger, overall development project which the Village of Lombard may or may not approve. The Park District’s attorney has reached out to both of the Village and Library attorneys for further discussions and clarification on this item.

“The Lombard Park District Board of Park Commissioners rejected the Library’s District offer for paid mediation in March 2018.”

PARK DISTRICT RESPONSE: The Board of Park Commissioners never voted against mediation with the Library. As noted above, on January 10, 2018 the Library District rejected the Park District’s offer to build at Lilacia Park. At that time they stated they would not be using Park District property and the only discussion items between the two agencies would be for construction coordination items. Two months later, according to the Village Manager, during a discussion with the Library’s Construction Manager he mentioned mediation. Evidently that comment was forwarded to the Library Attorney. During a back and forth between the Library and Park District attorney’s, the idea was mentioned. In the Park District attorneys response, mediation was never discussed, however he stated the following three points:

- The Park District is willing to sit down with the Library District, but before doing so, and as a sign of good faith in the process, the Park District would like to see the Library District apply for the variations needed to construct the project pursuant to the Park District’s plan (particularly reducing the set back from Maple). The Park District remains convinced from previous conversations with Village staff that a reduced set back of somewhere between 0 feet and 10 feet along Maple will be granted by the Village, particularly if the application is supported by the Park District. And this relief will allow the Library to build a 50,000+ sq/ft building.
- Once this is done the Park District will sit down with the Library and discuss any other items that need to be sorted out. And if for some reason the variations are denied, or not all needed variations are granted, the Park District is also willing to sit down and discuss alternate strategies at that point as well.
- However, the Park District thinks it is premature to discuss the plans and a range of possibilities and contingencies until the Library District has gotten a clear answer from the Village on the variations it will or will not grant in connection with this project.

Most Recent Developments: At a meeting on November 29, 2018 with Library Executive Director Kruser and Library Board President Jason Brandt, the Park District asked the Library for two things. First, a copy of the preliminary construction documents that were submitted late summer to the Village of Lombard. Although agreed to at the time, **the Park District has yet to get a copy of those preliminary construction documents. (UPDATE: 01/28/2019, The Park District received the documents today.)** Second, the Park District asked for a list of all actionable items the Library District needs to move forward with the Village of Lombard. Those items were asked to be sent to the Park District for Park Board consideration on December 18, 2018. Unfortunately, what was provided to

the Park District was five bullet points of items that the Library Director wanted the Park District Director to address with the Park Board. There was no back up material, no detail, certainly nothing that the Park Board could minimally consider voting on, no suggestions to move the process forward and absolutely no offer. In light of the lack of information, the Park District Board voted unanimously to limit further discussions with the Helen Plum Library Board to either the reconsideration of the November 6, 2017 offer and/or any potential land swaps within our properties they would be interested in.

The Lombard Park District's Offer to the Library on November 6, 2017 is viewable on the next page.

November 6, 2017

VIA EMAIL (hmetz@robbins-schwartz.com)

Mr. Howard A. Metz
Robbins Schwartz
55 W. Monroe St. Suite 800
Chicago, Illinois 60603-5144

Re: Helen Plum Library – Proposed Offer

Dear Mr. Metz:

As you know this firm represents the Lombard Park District (Park District"). The Park District has authorized me to make the following offer in an effort to resolve the ongoing dispute between the Helen Plum Library ("Library") and the Park District regarding the construction of a new library building adjacent to Lilacia Park. All references in the following offer refer to the aerial photograph of the existing library building enclosed with this letter and the red and blue boxes imposed on same.

Generally speaking, the Park District's proposal will realign the boundaries of the parcels on which the existing library building sits. The realignment will shift the location of the new library building slightly to the south and will allow the Library to construct a 50,000 square foot facility.

The details of the Park District's offer are as follows:

- The enclosed photograph is a rough depiction of the buildable area under the Park District's proposal. The red box contains approximately 20,500 square feet and the blue box contains approximately 9,800 square feet.
- The Library would be able to build a two story building in the red box and a one story building in the blue box. The Park District would receive air rights over the red box limiting construction to two stories. The Park District would receive air rights over the blue box limiting construction to one story. This will allow for the construction of a single, 50,000 square foot facility.
- The Library would own all of the property to the south of the red and blue line running east and west on the north side of the existing building. The Park District would own all of the property to the north of the red and blue line. The northern east west boundary line will be located no more than ten (10) feet from the roofline of the existing building.

- The Park District will retain a portion of the property west of the red and blue boxes to allow for the relocation of the driveway once construction of the new library building commences. The Park District will allow the new driveway to be constructed from permeable pavers to help with any required stormwater calculations. The Park District will also grant an access easement on the driveway to allow the Library to use it for a book return and/or receiving lane.
- The Library will demolish the existing concrete plaza to the north of the existing library building and clean up and address any environmental or other issues with the parcel prior to conveying the parcel to the Park District. The Park District will design a landscaping plan for the parcel that will be paid for by the Library District. The plan will be designed to create an aesthetically attractive connection between the new library building and Lilacia Park. The Park District and Library will agree on a not to exceed budget for the landscaping.
- The Park District will allow the Library to utilize the area under the former plaza for underground stormwater storage. The Library will be responsible for all costs associated with the stormwater management. No pipes, vents, or access areas of any sort will be allowed to extend above ground on Park District property. If the Library ever relocates it will remove the underground storage tanks and will restore the property to the condition that existed prior to the removal.
- The Park District will require input on and approval of the design and construction of the northern façade of the new building. In addition, the new building must be park friendly and attractive to park users. The Library District must also provide some form of acknowledgement of the Henderson's contributions to Lombard in a prominent location in the new building.
- The Library will pay for all surveys, permits, testing, etc. in connection with the realignment of parcel boundaries and the construction of the new building.
- The Library District will pay all legal fees reasonably incurred by the Park District in connection with the realignment of parcel boundaries and construction of the new building.
- The Park District will not consider any requests for additional encroachment into its air rights or onto its property beyond what is set forth in this letter. Any issues that arise during the design, planning, or construction of the new facility will need to be resolved in such a way so as to ensure that the new facility does not encroach upon the Park District's air rights or property boundary lines as set forth in this proposal.
- Park District property will not be used for any construction related activities, including for access or staging. Instead, the Plaza area north of the existing building currently owned by the Library will be retained during construction and used for staging purposes and will be conveyed to the Park District once construction is complete.

November 6, 2017

Page 3 of 3

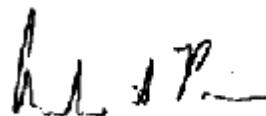
- Construction will be prohibited during Lilac Time events, after 1:00 pm daily during Lilac Time, all weekends during Lilac Time, and during any other events in Lilacia Park, including but not limited to weddings, movies, and concerts during the summer.
- The construction area will be surrounded by a privacy fence to keep construction activities hidden from view by park users.
- The Library will provide a specific plan for protecting the Coach House during construction and will be responsible for any damage to same.
- The Park District and general public will need unrestricted access to the Coach House and Lilacia Park during construction. Short term closures or restrictions will be considered if necessary for safety concerns.
- The Park District will not object to any requests for parking or stormwater variances in connection with this project.

The above represents the general framework of the Park District's proposal and is a good faith effort to resolve this matter. It also represents a win-win for the community. Please forward this proposal to your client for their review. When you do so please ask them to keep in mind that the Park District's current proposal will allow the Library to build a single, 50,000 square foot facility. The Library's current, two building design proposal is costly, inefficient, and inappropriate for a park setting. A single building design will reduce construction costs, maintenance costs, and heating and cooling costs. And most importantly, the Park District's proposal will give the Library Board exactly what it wants – a brand new, state-of-the-art library facility adjacent to Lilacia Park.

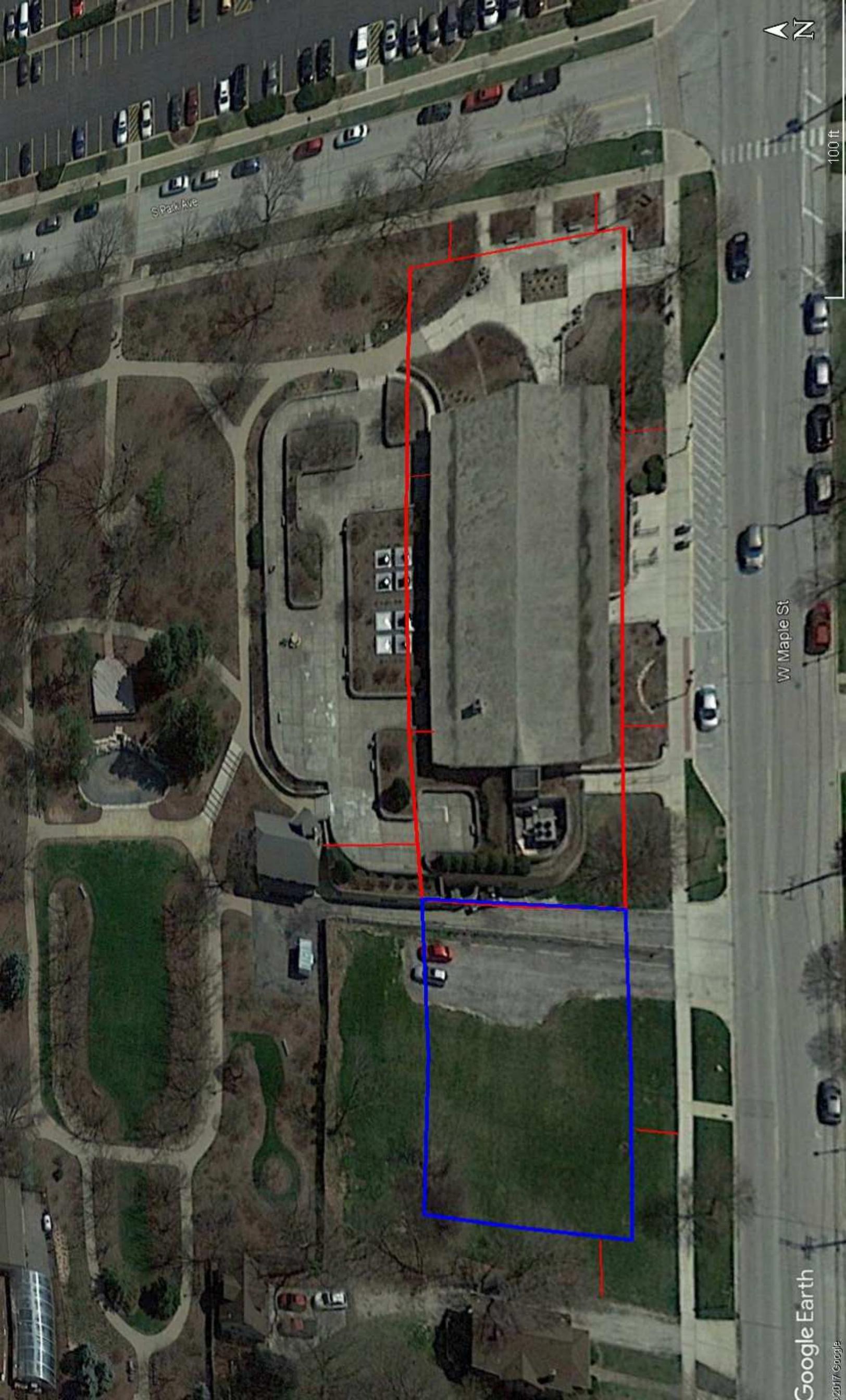
As a final matter, the Park District has made it very clear to me that confidentiality is an integral part of this proposal. The Park District believes strongly that prior attempts at resolving this issue have been derailed by misinformation or partial information that has been discussed publicly or shared with the media. As such, this offer is contingent on both parties maintaining strict confidentiality during the negotiation of this matter to the greatest extent permitted under the law. The Park District has informed me that they will take this offer off of the table if the contents of this offer are publicly disclosed or debated.

I look forward to the Library's response. Please contact me if you have any questions or if you wish to discuss any of the above in more detail.

Very truly yours,

A handwritten signature in black ink, appearing to read "A. S. Paine", with a horizontal line extending to the right.

Andrew S. Paine



S Park Ave



100 ft

W Maple St

Google Earth

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