

December 8, 2020

Naperville Planning and Zoning Commission
400 S Eagle Street
Naperville, IL 60540

Dear Commission Members:

As requested by Chairman Hansen, City Gate West representatives again reached out to representatives of School District 204 to discuss the District's concerns and to solicit support for the City Gate West development.

It is important for the Commission to understand, by way of background, that City Gate West representatives have reached out numerous times to the District in the past. We first met in person with Superintendent Karen Sullivan and Jay Strang on May 7, 2019. At that meeting, we explained the project, answered their questions, showed them our renderings and economic analysis, and asked for their support of the project. We pointed out this is a very good project for Naperville and a very good project for the District short term and long term, as it would generate annually over \$1.6 million in property tax revenue for the District with a small number of students generated, as the residential component of the development was geared toward singles and couples with no children and empty-nesters. On July 9, 2019 we had our second meeting with the District, with Board President Michael Raczak, and Mr. Strang. We again discussed the project, answered their questions, and asked for their support. We had our third meeting by Zoom with Mr. Strang and Board Member Karubas on August 5, 2020.

It was clear from these meetings that the District felt that Naperville's student generation formula under the school land donation ordinance was wrong. We exchanged several letters with the District on this point, asking them for their data that supported that position. Either they had no data to support their position or just refused to give it to us. We actually had to request this alleged data under the Illinois Freedom of Information Act, but even then, District 204 failed to comply with our request.

While these meetings were taking place, District 204 entered into an agreement with John Calamos and his firm, Calamos Real Estate, not to oppose the Lincoln at City Gate residential apartment development located across Route 59 from City Gate West. Numerous times we offered to enter into an agreement with the District whereby my client would pay the land cash fee, based on the 31 students generated under the City's land cash ordinance. Additionally, we offered, even though not required under the City Code, that at the 12 month anniversary of the certificate of occupancy for each of the two mixed use residential buildings, if there are additional students exceeding the 31 already paid for, my client will pay an additional land cash fee based upon the number of additional students actually generated, i.e., \$7,482.65 per additional student. If there

proves to be fewer than 31 students at that later date, we would not seek a refund from District 204.

These are essentially the same terms that District 204 agreed to with Mr. Calamos' developer for the Lincoln at City Gate apartments. Yet each time we have made that offer District 204 has rejected it and refused to explain why it will not agree to the same terms as it agreed to with Mr. Calamos.

Finally, as requested, on December 3, 2020 I spoke with Superintendent Tally by phone. He again reiterated that the District is opposed to our development and would not enter into an agreement with City Gate West with terms identical to those the District agreed to with Mr. Calamos. Superintendent Tally offered no explanation for that decision, and School District 204 continues to ignore our requests for data to justify its assertion that Naperville's student generation data is wrong and that, in turn, our student generation estimate is incorrect.

Please know we remain committed to working with District 204 in good faith but, as indicated by multiple attempts to extract data from and an agreement with school officials, have been met with silence and repeated refusals to work with us.

Thank you for your time and consideration for this important opportunity for Naperville. Please contact me if you have questions.

Very truly yours,

ICE MILLER LLP

Robert J. Schillerstrom

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