

Mattingly, Gabrielle

Subject: FW: Nokia/ Fairmeadow Subdivision Pulte Homes Proposed Redevelopment

From: Gorman, Thomas [<mailto:Thomas.Gorman@colliers.com>]
Sent: Wednesday, January 20, 2021 2:36 PM
To: Hanson, Bruce <HansonB@naperville.il.us>
Cc: Venard, Erin <VenardE@naperville.il.us>
Subject: Nokia/ Fairmeadow Subdivision Pulte Homes Proposed Redevelopment

CAUTION: This e-mail originated outside of the City of Naperville (@naperville.il.us).

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Bruce,

In an effort to provide the City of Naperville the most complete information, the following in the form of a letter is being sent to residents of the Fairmeadow Subdivision regarding Nokia becoming aware, through the public process surrounding Pulte's development application on Dec. 16th, of unauthorized use and encroachment on the property by residents to the east. Nokia's position contained in both the letter and in discussions with their operations, legal and property teams is as follows, as to the unauthorized use of the property that was disclosed during the December 16th hearing by the residents:

1. The Berm was an accommodation installed to minimize impact from surface parking lot. The installation of the berm did not give any property rights to residential owners. It is Nokia property and has been maintained as such.
2. It has recently come to Nokia's attention that neighbor's use has "creeped" onto Nokia property. Nokia is in the process of notifying neighbors that all encroachments must be removed. Nokia would like to state for the record that public use of the property is forbidden as it creates an insurance problem and legal liability Nokia is not willing to assume.
3. While we acknowledges that there is a lack of park space currently available to service the adjacent existing residential developments, that is a product of those developments and is not Nokia's problem to solve. However, with the proposed development of the Nokia property to residential use, the neighbors will be benefitted by new trail connections and dedicated public park spaces that will help address the needs that were not met by original development of their subdivisions.

The text of the letter sent to residents is as follows:

Dear Resident:

Nokia of America Corporation ("Nokia"), formerly known as Alcatel-Lucent USA and Lucent Technologies Inc. , is your neighbor and the owner of the property located at 1935, 1940, 1960, 1980, and 2000 Lucent Lane, Naperville, Illinois 60563 (we refer to it as the "Nokia Campus").

It has been noted that during a public hearing conducted by the City of Naperville's Planning and Zoning Commission on December 16, 2020, multiple residents testified, under oath, as to their use of portions of the Nokia Campus for recreational or other purposes. Specifically, residents testified as to the use of the area around a berm located in the northwest portion of the Nokia Campus and proximate to the Fairmeadow Subdivision. This letter is to notify you that such use has never been and is not authorized by Nokia.

This berm, that you have been using without the authorization of Nokia, was installed by Nokia to provide a visual buffer between you, the residents in the Fairmeadow Subdivision, and the parking lot that exists at the Nokia Campus only and not for the personal use of the residents of your community. To be clear, at no time has Nokia given the residents or you or your community or anyone else an easement right, license right, any form of oral or written approval or other right to access and/or use the berm located on the Nokia Campus. Therefore, your past, present and continued use are considered a trespass onto the Nokia Campus. To avoid any further action by Nokia regarding this unauthorized use of the Nokia property, we are asking that you stop any further and future access and use of the berm for any purpose.

Please note that Nokia is posting "No trespassing" signs on the berm and security personnel will be more closely monitoring this portion of the property to enforce Nokia's rights. Nokia will have no liability to you for your unauthorized use of the berm and will, if it chooses to do so, enforce its rights under the law as it relates to the trespass.

For your safety and in the spirit of being a good neighbor, we respectfully request that you discontinue any and all access and use of the berm or other portions of the Nokia Campus except as needed to conduct business with Nokia. Should you have any questions, you can contact Nokia at Shyrlene.Foster@nokia.com.

Sincerely,

Shyrlene Foster

We thank you for your attention to this matter and we look forward to working with the City of Naperville, the nearby residents and Pulte Homes to bring a first class development to the area, as part of the repositioning of the Nokia campus.

Thomas Gorman

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January 5, 2021

Mr. Russell Whitaker
Rosanova & Whitaker
127 Aurora Avenue
Naperville, Illinois 60540

Re: Naper Commons

Dear Mr. Whitaker:

After being contacted by Greg Sagen, Pulte's Landscape Architect, the Board met with him at Danada Woods on Tuesday, December 22nd. We walked the perimeter adjacent to the proposed development and had a very informative discussion. We appreciate Pulte's outreach and, especially, the time Mr. Sagen spent on site. We talked about various issues and he suggested that the next step would be for us to send you a letter with our comments/concerns.

General Notes:

1. Fencing. Where fencing is planned or contemplated, we request that solid board on board fencing be erected similar to what is currently on our east property line along Naperville Road, at the maximum height allowed by Naperville codes without necessitating a variance.
2. Landscaping. It is our desire to retain as much existing landscaping along our south and west property lines as possible. As such, we request that underground utilities be relocated away from our south and west property lines wherever possible to provide planting areas.
3. Plant materials. The plant material legend indicates that ornamental trees and large evergreen trees will be 6' tall and upright evergreens will be 4' – 5' tall. We understand that Pulte generally plants 8' trees in their developments. We believe 8' tall trees should be a minimum. In addition, we request that a combination fast and medium growing items be utilized.

Specific Notes (references to building numbers are taken from the Preliminary PUD Plat included in the Plan Commission agenda package):

1. South property line, first approx. 100' west from Naperville Road, adjacent to 2204 Grove Ct. We understand that relocating the currently planned underground utilities in this area is being contemplated. This is appreciated. We are extremely interested in retaining the large, established arborvitae and evergreen trees and adding new plants, as needed.
2. South property line, next approx. 100' – 150' west, adjacent to 2203 Grove Ct. We understand that relocating planned underground utilities is not contemplated. We would like you to reconsider. Providing a landscaping buffer between your Building 190 and 2203 Grove Ct. is particularly important to us, and we are sure will also be for future owners of units in Building 190. Trees tagged 551 – 554 are on or near the property line.

These trees should remain, if at all possible. If retaining other existing landscaping is not possible, we request substantial landscaping using 8' or taller evergreen vegetation to provide solid screening in this area.

In addition, when discussing this area with Mr. Sagen, he indicated that a large Ash tree on the Danada Wood's side that has roots extending to Pulte's side of the property line would likely be adversely impacted or possibly killed by the proposed utility installation. This is an extremely large tree and a substantial asset to the Danada Woods community. We request further discussion with regard to mitigation/compensation of this situation.

3. South property line, next approx. 200' – 250' west, adjacent to the proposed stormwater basin. The current drawings indicate the regrading to begin immediately north of the property line. This area has trees tagged 556 – 560 on or near the property line. These trees are noted in your tree inventory to be removed. We are extremely interested in retaining these large, established trees. We are concerned that the proposed regrading will damage the tree roots. We understand that immediate slope is required to provide stormwater volume as well as meet City of Naperville grade maximums. We request that the proposed regrading be adjusted south in order provide a level buffer for the existing trees as well as new landscaping. If grading right up to the property line is necessary, we could discuss allowing new Pulte-provided landscaping to be planted on our side of the property line. Although the proposed basin is directly across from our existing pond, it is important that this area also have trees to block diagonal views to/from each other's buildings.
4. South property line, next approx. 200' west, adjacent to proposed Buildings 184 and 186. As these proposed buildings are directly across from 1328 – 1334 Danada Ct and 1340 – 1346 Danada Ct., it is important to us that landscaping be provided. We understand that arborvitae planted 10' – 12' on center is contemplated at the end of the proposed driveway between Buildings 184 and 186. With that spacing, it will take many years to provide a screen from vehicle headlights. We request that, in addition to the landscaping, a fence be erected beginning at the north end of the driveway and extending northwest along the property line up to the west property line of Danada Woods.
5. South property line, next 100' – 150' west, adjacent to 1316 – 1322 Danada Ct. Like indicated in Note 3, this area is immediately adjacent to a sloping stormwater basin. It is important that regrading not damage existing plants and suitable grading conditions be provided along the property line to plant new trees. In particular, there are a few large trees that Mr. Sagen indicated were not ideal from a landscape architect standpoint, but provide substantial screening. We would like these to stay in place.
6. West property line. Like the area adjacent to the large stormwater basins, the whole west property line is adjacent to immediate regrading. The tree inventory indicates approx. a dozen trees along this property line – most noted to be removed. We would like as many to remain as possible. We also request that fencing, similar to that described earlier in this letter, be installed the full length of the west property line that abuts Danada Woods property. Fencing north of the emergency access lane would not be necessary unless you are also installing fencing on the immediately adjacent Fairmeadows property line.

Once again, we appreciate Pulte's outreach and consideration of our concerns. If any of the above is unclear or needs further discussion, we would be happy to meet again. We would also appreciate being informed as the plans continue to evolve.

Thank you.

DANADA WOODS HOMEOWNERS ASSOCIATION

Stan Boris, President

Joseph Libert, Vice President

Robin Jones, Secretary

Wendell Gustafson, Treasurer

Thomas Young, Director

cc: Mr. Greg Sagen