

From: Planning
Sent: Friday, January 29, 2021 8:28 AM
To: Laff, Allison
Subject: FW: Naper Commons

From: Mark Daniel [REDACTED]
Sent: Thursday, January 28, 2021 4:01 PM
To: [REDACTED]; [REDACTED]
Cc: Planning <Planning@naperville.il.us>; Novack, William <NovackW@naperville.il.us>; Lord, Patricia <LordP@naperville.il.us>
Subject: Naper Commons

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Shyrlene and Russ,

I am not going to get in a long dialogue with you about the berm, as Russ knows my position on it. We held off on submitting a formal opposition for a bit, hoping that Pulte would consider setting aside the berm for open space or some alternative that suited both sides of the issue. This has not happened, and indeed we see less than what we knew Pulte could accomplish within reason... now coupled with statements at hearing by Russ (quoting Nokia) and letters concerning a newfound concern about berm use that has been regular and longstanding.

Suffice it to say that the neighbors have cared for the berm (maintenance included) and they have used the berm. It's obviously not a matter of adverse possession, but the value of this berm as open space is pretty clear to one side of this. The letter received from Nokia is just one of the problems with communication on this development.

Hopefully, Nokia does not take too much offense at the slide in the PowerPoint depicting year-round use of the berm. I would suggest that the tenor of communications be returned a bit more to normal on that issue.

I do not think there is much to discuss about our respective positions on the matter. I am copying this to staff informationally. I did address this with Bill Novack by telephone and he understands our view that Nokia needs to do what it can to operate its property and, in the spirit of being a good neighbor, Pulte should consider the use of the berm over the years and preserve it as open space--whether or not it allows use by the public. Thank you for copying me on the letter.

I hope this finds you both well. My cell is [REDACTED] if we need to talk.

Mark W. Daniel
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