

May 24, 2017

Bill Novack
City Engineer
City of Naperville
400 S. Eagle Street
Naperville, IL 60540

RE: Columbia Park Townes

Dear Bill,

As you know, we've spent months working with adjacent property owners regarding an off-site sidewalk extension from the Columbia Park Townes project west to Columbia Street. As depicted on the attached Exhibit A, we've secured an easement over the adjacent Stec Roofing property and have the ability to construct the sidewalk in the City right-of-way. To date, we've been unable to secure necessary rights from the Burlington Northern Santa Fe Railroad ("BNSF"), thereby leaving a 315' gap in the proposed sidewalk extension.

Our contract to purchase the development property requires closing to occur by June 29th. In order to effectuate that closing we need a mechanism by which we can build, sell and occupy homes while continuing to work with BNSF. Unfortunately, the process with BNSF has not been smooth, quick or in the least bit predictable. Accordingly, we propose that the following terms be incorporated into the annexation agreement for Columbia Park Townes:

1. Pulte and the City will jointly pursue negotiations with BNSF to secure the right to construct, operate and maintain a five foot (5') sidewalk on the BNSF property.
2. Pulte will construct the sidewalk extension both on the Stec Roofing property and within the City's right-of-way in conjunction with the initial site development for Columbia Park Townes.
3. If rights to the sidewalk are not secured prior to issuance of the first occupancy permit, which is anticipated for March of 2018, Pulte will install a crosswalk from Columbia Park Townes to the north side of Plank Road as detailed in the attached Exhibit B prepared by KLOA. The proposed sidewalk meets standards for site stopping distance based on measured speed on Plank Road as depicted on the attached Exhibit C also prepared by KLOA. On the north side of Plank Road,

residents can utilize the existing sidewalk to get to the train station and nearby parks.

4. If rights to the sidewalk are not secured prior to the issuance of the last occupancy permit, which is anticipated for June of 2019, Pulte will pay to the City the sum of \$30,719.25. This sum represents \$23,125.50 for the acquisition of the sidewalk rights (10' license at same value paid for Columbia Park Townes on a psf basis), plus \$7,638.75 for the cost to construct the sidewalk.

We appreciate your time and consideration. We sincerely hope that we can resolve issues with BNSF in advance of the June 6th City Council meeting, which would effectively make the issue outlined above a moot point.

Sincerely,

Russell G. Whitaker, III

Russell G. Whitaker III
Attorney, Pulte Home Company