

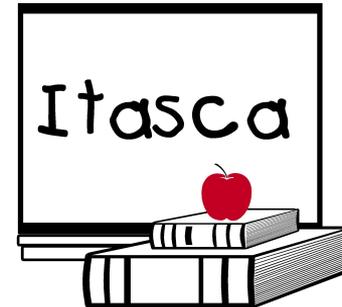


Itasca Plan Commission Testimony 860 W. Irving Park Road Proposal

Itasca School District 10
Craig Benes, Superintendent

District 10 Testimony - Table of Contents

- Superintendent Experience and Credentials
- District 10 Overview
- District 10 Goals and Mission
- District 10 Finances
- District 10 Commitment to Disability
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- Conclusion
- Addendums





Superintendent

Experience

- 6 Years - Superintendent for Itasca School District 10
- 16 Years - Regional Administrator-Network Chief, Principal, Assistant Principal, New Leaders for New Schools Fellow, Teacher, District Curriculum Writer, Coach with the Chicago Public Schools
- 10 Years - Social Services, Early Intervention & Therapeutic School-UCP-Infinitec, McHenry County Crisis System, Bridge Youth & Family Services-Homeless and Runaway Youth
- Over 30 Years - Public Service in Education and the Social Service Sector



Superintendent

Education and Credentials

- Masters of Marriage and Family Therapy
- Masters of Special Education
- Masters of Education: Administration and Supervision
- ED Certificate
- Educational Endorsements and Certifications: Learning Behavior Specialist 1, (Learning Disabilities, Social Emotional Disorders), Secondary Education, General Administrative, Educational Leadership-Superintendent

District 10 Overview

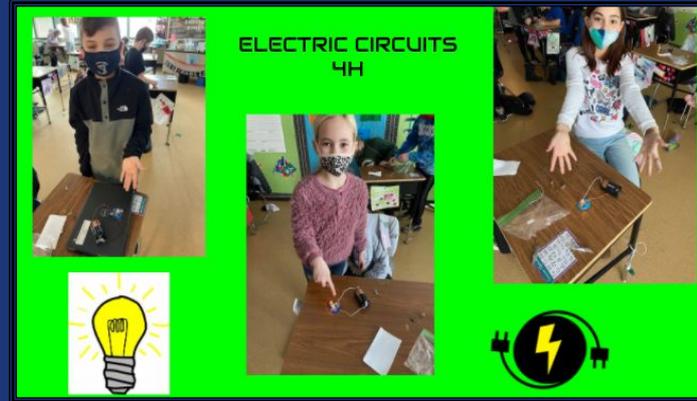


District 10 Overview

- District 10 serves approximately 1,000 students in grades Pre-K through 8th grade
- Three Grade Center Schools:
 - Raymond Benson Primary (Pre-K-2)
 - Elmer H. Franzen Intermediate (3-5)
 - F.E. Peacock Middle (6-8)
- North DuPage Special Education Cooperative (NDSEC)
- Lake Park High School (District 108)
- District 10 provides both In-Person and Remote Academy



District 10 Goals & Mission



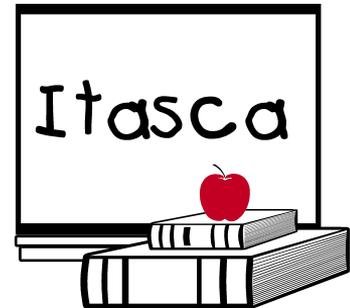
District 10 Goals

- Academic Excellence
- Fiscal Responsibility
- Community Relationships
- Student Safety and Citizenship
- Professional Learning
- Capital Development



District 10 Mission

In a cooperative effort, the Board of Education, faculty, staff, students, and community of Itasca School District 10 are dedicated to academic excellence and the cultivation of individual strengths and talents in a safe, supportive, collaborative environment where individual differences and respect for the rights of others guide school and community behavior.



District 10 Finances





District Finances: Fiscal Year 2020, ISBE School Report Card

- Spending Per Student: \$11,888
- Total District Expenditure: \$14,312,291
- Total Budget: \$16,100,000 (2020-2021)
- Average Teacher Salary: \$57,990
- Total Full-Time Teachers: 77, Total Staff 150
- Aa1 Moody's Bond Rating, January 2021 (2nd highest possible)
- Among Lowest Tax Rates in DuPage County
- District Financial Profile Score: 4.0
 - 4.0 is the highest possible awarded score, second consecutive year at highest score
 - 6 years at highest rating
- Recent Capital Referendum passed for life safety, student safety and learning spaces
 - \$26.98 million to install secure entrances, upgrade science labs, upgrade media centers, maintain smaller class sizes and infrastructure and life/safety improvements



District Finances: Fiscal Year 2020

- FY20, **92% of district revenues are from local funding sources**
- ISBE Evidence Based Funding Adequacy Classification
 - Tier 3, 96% of Adequacy
 - Local resources cover 96% of the cost to educate students per ISBE formula
 - \$649,464.01 in EBF-General State Aid (4.5%)
 - Other State Aid for Transportation, Meals and Private Facility, \$160,000 (1.1%)
- \$243,156.00 IDEA Federal Funding and Medicaid \$33,000 (1.9%)
- Federal-ESSA, Title I and Title II Funds are approximately \$73,000 (**without rollover**) and are used to remediate at-risk students, support teacher professional development and supplement learning needs of students (Targeted Assistance)



District Finances, Property Tax 860 West Irving Park

- In the last year Holiday Inn operated, it generated \$51,071 in tax year 2019 to District 10 and \$178,780 (FY19) to all the taxing bodies
- While the district's tax extension is not impacted by the loss of Holiday Inn property tax revenue, the burden is spread to other homeowners and businesses
- District 10 did appeal the petitioner's tax exempt status



District Finances

Board Finance Philosophy (Fund Balance & Working Cash Policy)

- Property Tax Assignment to subsequent school year
- Maintain no less than 30% of unassigned fund balance in the Education and Operations & Maintenance funds
- Maintain at least \$2 million in working cash
- Guiding Budgetary Principles

Board Value: Our decisions today are guided by the best interest of both current and future students

District 10 Commitment to Disability



Commitment to Disability and Diversity

- District Culture is inclusiveness, respect and acceptance
- Student with Disability, Students with Special Needs or Diverse Learners
- All students means all students: Inclusive of everyone, English Learner, Ethnicity, Economics
- Disability: Learning, Physical, Cognitive, Emotional-Behavioral, Health
- 12.8% of Itasca Students Eligible for IEP
- NDSEC audit
- [NDSEC letter on ISBE findings](#)



District 10 Plan Commission Testimony, Review





Testimony Background

1. Financial Responsibility Goal: District 10 has a history of communicating economic impact of proposed developments or land use proposals on the school district
2. Examples include: Itasca Country Club potential development, historical proposed housing developments
3. [November Board Presentation](#)

Economic Impact & Safety Concerns



Economic Impact

- Pre-K and Child Find
- Educational Costs Pre-K-8
- Students Age 18-22
- Residency for Students, Pre-K-8
- Tax-Exempt Status



Pre-K

- The petitioner initially included Pre-K eligible children in their proposal. The petitioner communication acknowledged this as a cost and resubmitted their proposal removing Pre-K services.
- Subsequently, the petitioner indicated a request for that program could occur in the future
- This would be additional economic impact to District 10



Pre-K and Child Find

- Child Find Law
 - Affirmative, ongoing obligation 34 CFR 300.11(a)(1)(i)
 - Must include highly mobile children
- Average cost (NDSEC and D10 costs to add)
 - Child Find Evaluation - \$1,500-\$5,000
 - Itinerant Services - \$1,000 or more
 - District Pre-K services - \$25,000
 - NDSEC services - \$25,000 or more





Educational Costs, Pre-K-8

- a. Per pupil average cost of regular education (excludes SpEd funding) - \$9,311.89
- b. Number of students with IEP's - 130 (Pre-K-8)
- c. Incidence of Special Education Services 12.8% in the Itasca student population
- d. Total state and local spent on special education (SpEd funding only) - \$2,422,377
- e. Additional average spent per special education student - \$18,633.67
- f. Average total cost to educate a special education student (a + e) - \$27,945.56



Students Aged 18 to 22 possible additional costs

- IDEA school district funding of transition services for students with disabilities age 18-22
 - Includes vocational education, integrated employment, continuing and adult education, adult services, adult living, or community participation support 34 CFR 300.43
 - Based on individual needs including instruction, related services, community experiences, development of employment and other post-school adult living objectives, acquisition of daily living skills
- LPHS and NDSEC

Residency for Students Pre-K-8

- Students with an IEP Establish Residency Based on Parent's Residence (105 ILCS 5/14-1.11)
- Homeless Students Immediately Enrolled Upon Request (Education for Homeless Children Act, McKinney-Vento Homeless Education Assistance Act)
- Homeless Students Entitled to Continue Enrollment Until No Longer Homeless
- Length of treatment (weeks to years)
- **Cost per student can range from approximately \$9,300-\$30,000 per student**



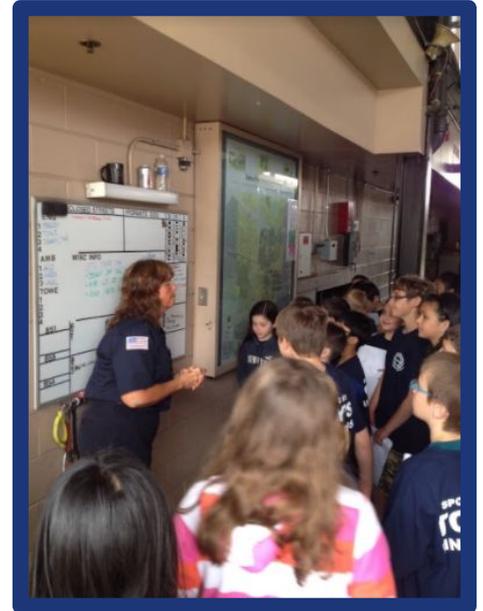


The Petitioner, Tax-Exempt Status

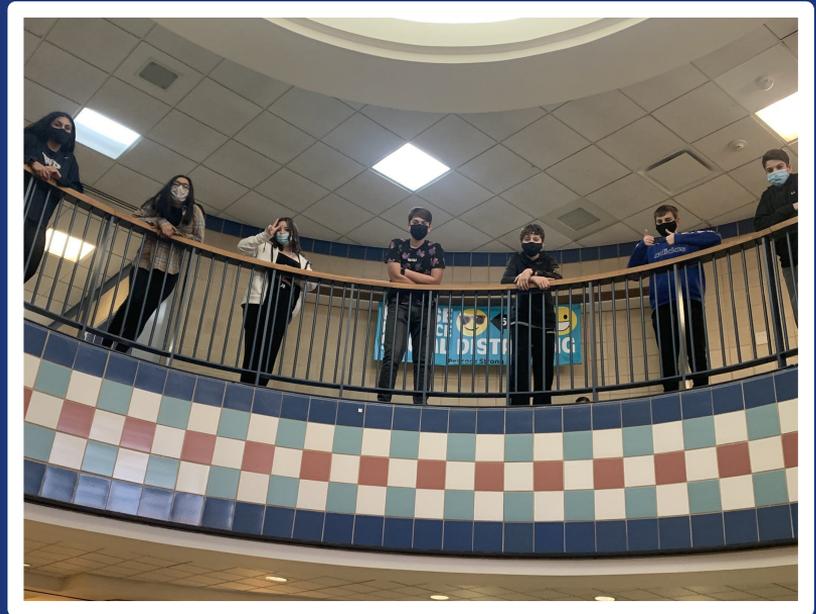
- Haymarket filed for tax exempt status on May 21, 2020.
- The District and other Itasca Taxing Bodies opposed their application. The joint objection to the exemption application was filed on June 17, 2020 and is attached.
- The Petitioner withdrew the application before the Review Board certified the 'not exempt' recommendation to the Illinois Department of Revenue. Application was withdrawn on August 21, 2020.
- During the Plan Commission process, the Petitioner has indicated an intention to refile.
- District 10 will object and respond if the petitioner refiles.
- If exempt, the District's tax base is reduced, the tax rate would be higher to capture the full levy.

Safety

- Safety is a core focus and a District Goal
- We work to establish student trust with Fire and Police
- Is response time to a critical event or ongoing collaboration impacted for:
 - Police
 - Fire and Paramedics



Conclusion





Conclusion

- Academic Excellence, Safety, Financial Responsibility, Civic, Professional and Capital Development
- We are inclusive and welcoming of all students
- Significant Economic Impact on School District is anticipated with
 - Pre-K services
 - Residency
 - Tax-Exempt Status
- Safety Concerns
- The magnitude of the proposal is significant and economically impactful
- The petitioner's commitment to open communication and collaboration has been questionable
- This economic burden is adverse and is primarily carried by local property taxes



Addendums - Documents

- [District Goals and Mission](#)
- [November Board Presentation](#) - Plan Commission and District 10
- [NDSEC Letter on ISBE District Evaluation](#)
- [Haymarket Tax Exempt](#)
- [Joint Objection to Exemption Application Haymarket DuPage LLC](#)



Addendums

- District and Haymarket Communications
 - [Letter to Ice Miller dated dated October 25, 2019](#)
 - [Haymarket DuPage Zoning Application Update letter dated September 4, 2020](#)
 - [Response Letter from Daspin Aument LLP dated November 20, 2020](#)
 - [Letter to Daspin Aument LLP dated December 17, 2020](#)

District Mission Statement



In a cooperative effort, the Board of Education, faculty, staff, students, and community of Itasca School District 10 are dedicated to academic excellence and the cultivation of individual strengths and talents in a safe, supportive, collaborative environment where individual differences and respect for the rights of others guide school and community behavior.

**ITASCA SCHOOL DISTRICT #10
ITASCA, ILLINOIS 60143**

**CREATED OCTOBER 12, 2016, AFFIRMED NOVEMBER 9, 2016
FOR THE 2016-2017 SCHOOL YEAR
MISSION AND GOALS**

- A. Student Safety and Citizenship - To ensure a safe learning environment that promotes the development of responsibility, ethics, discipline and citizenship
- B. Academic Excellence - To reach the highest level of academic excellence by promoting an environment for the growth and learning of all students and the district
- C. Fiscal Responsibility - To efficiently and responsibly manage the district's fiscal resources for short term needs and long term stability
- D. Community Relationships - To nurture and advance relationships through collaboration and communication with the whole community
- E. Professional Learning - To support a culture that enhances professional learning and growth



Plan Commission Updates



Proposed Developments

1. Pulte Development (2018)
 - a. Potential economic impact with additional students identified
2. Haymarket (2019-ongoing)
 - a. Potential economic impact in serving Pre-K students
3. Itasca Golf Course (2020)
 - a. Some possible economic impact if sold for a housing development
4. Future Developments??

Our Role is to Evaluate and Communicate

1. It is prudent for us to evaluate development proposals to understand the potential economic impact. This evaluation helps us identify possible costs based on varied outcomes to help us plan for the future as a School Board.
2. When Boards within the community of Itasca share information they can help each other to make informed choices. One Board's decisions may impact others.
3. Erroneous rumors typically start in an absence of information.

Board of Education Philosophy, Intergovernmental Cooperation and Communication with the Plan Commission and Village

1. We review Itasca development proposals, reach out and speak with proposed developments to understand and learn. The developer is required to inform us in many of these circumstances.
2. We have a responsibility as the Board of Education to transparently identify the potential economic impact to taxpayers, the Plan Commission and the Village Board. That is our responsibility to our families and supports Intergovernmental cooperation.
3. We don't make a decision about a specific proposed development but rather offer information. Indicating significant economic impact is different than supporting a proposal.
4. We respect and support the decision of other Community Boards. Every Board is democratically elected and uses their judgement to make the best decision for the whole community.
5. If a decision is made by the Plan Commission and Village to support a development plan, that could have economic impact on the district it is still our responsibility to address that impact.

Comments

1. We also submitted a proposed update to the Payment in Lieu Formula in February, 2020 and need to revisit.



NORTH DUPAGE SPECIAL EDUCATION COOPERATIVE

Jim T. Nelson
Executive Director

February 22, 2021

Mr. Craig Benes, Superintendent
Itasca School District 10
200 N. Maple
Itasca, IL 60143

Dear Mr. Benes:

Please accept our most sincere congratulations on your 2020 Illinois School Report Card data. When looking at state performance plan (SPP) indicators for students with IEPs (attached), Itasca School District 10 met all state targets. The data highlights the commitment and dedication of you and your school district to serve students with disabilities. Specifically, the data shows that you educate students with special needs in the general education setting at a rate well above the target set by the state. The percentage of students with special needs served in a self-contained setting or private setting is well below state targets.

The collective effort in Itasca School District 10 to ensure that all students have access to the general education is great for students, families, and the community. It should be noted that meeting all SSP indicators is not typical for a school district. This accomplishment is commendable and should be recognized. Congratulations!

Sincerely,

A handwritten signature in black ink that reads "Jim T. Nelson".

Jim Nelson
Executive Director

Attachment: State Performance Plan Indicators for Students with IEPs

STATE PERFORMANCE PLAN INDICATORS FOR STUDENTS WITH IEPs

The Individuals with Disabilities Education Act (IDEA 2004) requires states to develop and submit a State Performance Plan (SPP) to the Office of Special Education Programs (OSEP) at the U.S. Department of Education. The SPP is designed to evaluate the State's efforts to implement the requirements and purposes of IDEA and describe how the State will improve its implementation. The plan consists of several priority areas with specific indicators defined for each area. Measurable and rigorous targets are defined for each indicator to show progress throughout the life of the SPP. States are required to publicly report on SPP Indicators 1-14. A link to the Illinois State Performance Plan, Part B can be found at: <https://www.isbe.net/Pages/State-Performance-Plan-Data-and-Accountability.aspx>

The table below shows how this school district performed on specific indicators and whether or not it met the annual state targets for those indicators as defined in the Illinois State Performance Plan. Some indicators require a minimum number of students before comparing district data to the state targets. "N/A" indicates that either the district did not have enough students to report on the district's performance for that particular indicator or the district does not serve students of the ages measured by the indicator.

The State Test Participation Rate is calculated by dividing the number of participants by the Tested Enrollment. At least 95% of students should be tested in ELA and mathematics with at least 10 students. If the state test participation rate is less than 95%, a 95% confidence interval is applied and the student group can meet the 95% target through the confidence interval.

SPP Indicator	Indicator Description	2019 - 2020 District Data	2019 - 2020 State Target	District Met State Target
1	Graduation Rate for students with IEPs (Data lag one year)		74.2	N/A
2	Dropout Rate for students with IEPs (Data lag one year)		4.5	N/A
3a	Made adequate yearly progress (AYP) for students with IEPs	N/A	N/A	N/A
3b	Reading assessment participation rate for students with IEPs		95.1	N/A
3b	Math assessment participation rate for students with IEPs		95.1	N/A
3c	Students with IEPs meeting or exceeding standards on state reading assessments		23.3	N/A
3c	Students with IEPs meeting or exceeding standards on state math assessments		23.6	N/A
4a	Significant discrepancy in the rate of suspensions and expulsions of greater than 10 days for children with IEPs (Data lag one year)	No	No	Yes
4b	Significant discrepancy by race or ethnicity, in the rate of suspensions and expulsions greater than 10 days of children with IEPs and have policies, procedures and practices that contributed to the significant discrepancy (Data lag one year)	No	No	Yes
5a	Students with IEPs ages 6-21 served inside the general classroom \geq 80% of the time	75.8	58.0	Yes
5b	Students with IEPs ages 6-21 served inside of the general classroom < 40% of the time	5.0	15.5	Yes
5c	Students with IEPs ages 6-21 served in separate educational facilities	3.3	3.9	Yes

Please note that asterisks in the tables indicate either non-reported data or suppressed data due to privacy concerns. Student counts reported are counts out of groups 10 or greater.

SPP Indicator	Indicator Description	2018 - 2019 District Data	2018 - 2019 State Target	District Met State Target
6a	Children ages 3-5 in regular early childhood program and receiving the majority of special education and related services in the regular early childhood program	35.7	32.9	Yes
6b	Children ages 3-5 in separate special education class, separate school or residential facility	7.1	30.5	Yes
7a	Children who entered or exited an Early Childhood Special Education program below age expectations who substantially increased their rate of growth with improved functioning in positive social-emotional skills	100.0	86.3	Yes
7a	Children in an Early Childhood Special Education program who were functioning within age expectations with positive social-emotional skills by the time they exited the program	62.5	55.6	Yes
7b	Children who entered or exited an Early Childhood Special Education program below age expectations who substantially increased their rate of growth with improved acquisition and use of knowledge and skills by the time they exited the program	100.0	87.0	Yes
7b	Children in an Early Childhood Special Education program who were functioning within age expectations with acquisition and use of knowledge and skills by the time they exited the program	62.5	53.9	Yes
7c	Children who entered or exited an Early Childhood Special Education program that substantially increased their rate of growth in the use of appropriate behavior to meet their needs by the time they exited the program	100.0	88.1	Yes
7c	Children in an Early Childhood Special Education program that were functioning within age expectations regarding the use of appropriate behavior to meet their needs by the time they exited the program		61.0	N/A
8	Parents with a child receiving special education services who report that schools facilitated parent involvement as a means of improving services and results for children with disabilities		61.0	N/A
9	Disproportionate representation of racial and ethnic groups in special education and related services that was the result of inappropriate identification	No	No	Yes
10	Disproportionate representation of racial and ethnic groups in specific disability categories that was a result of inappropriate identification	No	No	Yes

SPP Indicator	Indicator Description	2018 - 2019 District Data	2018 - 2019 State Target	District Met State Target
11	Children with parental consent to evaluate who were evaluated and eligibility determined within 60 days	100.0	100.0	Yes
12	Children referred by early intervention prior to age three who were found eligible for special education services and have an IEP developed and implemented by their third birthdays	100.0	100.0	Yes
13	Youth age 16 and above with an IEP that includes coordinated, measurable annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals		100.0	N/A
14a	Youth who had IEPs, are no longer in secondary school and are enrolled in higher education within one year of leaving high school		35.1	N/A
14b	Youth who had IEPs, are no longer in secondary school and are enrolled in higher education or competitively employed within one year of leaving high school		57.0	N/A
14c	Youth who had IEPs, are no longer in secondary school and are enrolled in higher education or some other post secondary education or training program; or competitively employed or in some other employment within one year of leaving high school		75.0	N/A

SPP Indicators 1 - 8 and 14 are Results Indicators

SPP Indicators 9 - 13 are Compliance Indicators

DuPage County Board of Review
Jack T. Knuepfer Admin Building
421 North County Farm Road
Wheaton, IL 60187
(630)-407-5888 SOA@DuPageCo.org

03 07 202 002

Parcel Number

E-30007

Docket Number
(BOR Use Only)

2020 Petition for Tax Exemption

Name of Property Owner: Haymarket DuPage LLC

Mailing Address: 932 W. Washington Blvd. Chicago IL 60607

Telephone Number: 312 226 7984. If this property is held in trust, identify all holders of a beneficial interest by name and address (attach beneficiary information, if applicable).

Common address of said property described on this petition:

860 W. Irving Park Road Itasca IL 60143

Property Type: Residential Commercial Office Vacant Land

Other: _____

Date of Acquisition: 4 / 6 / 2020 Full Purchase Price: \$ 7,500,000

Present Use of Property: Vacant Structure

Intended Use of Property: Health Care Facility for Substance Use Disorder/Behavioral Treatment

Name of Property User(s): Haymarket DuPage LLC

Address (if different from subject property): _____

Oath: I do solemnly confirm that the statements and the facts set forth in this petition are true and correct.

Applicant Name: Dr. Dan Lustig, PsyD CAADC MISA II

Applicant Address: 932 W. Washington Blvd. Chicago IL 60607

Telephone Number: 312 226 7984 Title: President & CEO

Applicant Signature: *[Signature]* e-mail Address: DLustig@Hcenter.org

(The following is to be completed by the Board of Review)

Current Assessment

Land: _____

Building: _____

Total: _____

Pro-Rate: _____

Property Class: _____

Partial 4-6-20
Board of Review Action

[] Recommend Exemption

[] Recommend Denial

Chairman, Board of Review

Member, Board of Review

Member, Board of Review

RECEIVED
www.dupageco.org/soa
MAY 26 2020
Supervisor of Assessments
Board of Review

Illinois Department of Revenue

PTAX-300

**Application for Non-homestead Property Tax Exemption —
County Board of Review Statement of Facts**

Complaint no.: _____ County use only Volume no.: _____ IDOR docket number: _____ IDOR use only

Step 1: Identify the property

1 DuPage
County in which property is located

2 Haymarket DuPage LLC
Property owner

3 860 W. Irving Park Road
Street address of property

Itasca IL 60143
City ZIP

4 Haymarket DuPage LLC
Name of organization applying for the exemption (i.e., "applicant")

5 Is the applicant on Line 4 the lessee of the property? Yes No
If "Yes", write the dates the lease is in effect.

From / / to / /
Attach a copy of the contract or lease.

6 03 07 202 002
Property index number (PIN)

Attach a copy of the property's legal description if the county has not assigned a number or if the property is a division.

7 Dimensions or acreage of this property 7.0 acres

8 4 / 6 / 2020
Date of ownership

Attach a copy of proof of ownership (deed, contract for deed, title insurance policy, condemnation order and proof of payment, etc.)

Step 2: Identify any previous exemptions or applications (Providing this information will expedite processing.)

9 Does the applicant have an Illinois sales tax exemption number? Yes No
If "Yes", write the exemption number. E— 9984 — 4605

10 Has a previous application been filed for this property or by this applicant? Yes No
If "Yes", write the Illinois Department of Revenue docket number, if known. _____

Step 3: Identify the property's use

11 Identify the Illinois Compiled Statutes citation for this application. 35 ILCS 200/ 15-65 Or ILCS /

12 Is any income derived from this property? Yes No
If "Yes", explain in detail. _____

Attach a copy of any contracts or leases.

13 Does a unit of local government own this property? Yes No
If "Yes", is the property located within its corporate boundaries? Yes No

14 If granting this application will reduce the property's assessed valuation by \$100,000 or more, has the municipality, school district, community college district, and fire protection district in which the property is located been notified that this application has been filed? Yes No

Attach a copy of the notices and postal return receipts.

15 Describe the specific activities that take place on this property. Write the exact date each activity began and how frequently it takes place.
As of April 8, 2020, the property has been vacant, and is expected to remain vacant pending the rezoning of the property to its intended use.

16 Did the activities described on Line 15 begin on the same date as the effective date of the lease on Line 5 or the date of ownership on Line 8, whichever is applicable? Yes No
If "No", explain in detail how the property was used between the lease or ownership date and the date these activities began. _____

17 Identify each building's use, square feet of ground area (SFGA), number of stories, and whether or not there is a basement.

Use	SFGA	No. of stories	Basement? (Y/N)
Building 1 <u>Vacant</u>	<u>105,784</u>	<u>5</u>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Building 2 _____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
Building 3 _____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No

RECEIVED
MAY 26 2020

Step 4: Attach documentation

The following documents **must** be attached:

- Proof of ownership (copy of the deed, contract for deed, title insurance policy, condemnation order and proof of payment, etc.)
- Picture of the property
- Notarized affidavit of use
- Copies of any contracts or leases on the property

The documents listed on Lines 18 through 23 may be attached to expedite processing. Mark an "X" next to any documents that are attached.

- 18 Audited financial statements for the most recent year
- 19 Copy of the applicant's bylaws and complete certified recorded copy of Articles of Incorporation, including purpose clause and all amendments
- 20 Copy of the notices to the municipality, school district, community college district, and fire protection district in which the property is located and postal return receipts if granting this application will reduce the property's assessed valuation by \$100,000 or more
- 21 Plot plan of each building's location on the property with each building and land area labeled with property index numbers and specific uses
- 22 Copy of any Illinois Department of Revenue Exemption Certificate
- 23 Other (list) _____

Step 5: Identify the person to contact regarding this application

24 Mary E. Dickson
 Name of applicant's representative
400 S. Knoll Street, Unit C
 Mailing address
Wheaton IL 60187
 City State ZIP
(630) 681 - 1000
 Phone number

25 Haymarket DuPage LLC
 Owner's name (if the applicant is not the owner)
932 W. Washington Blvd.
 Mailing address
Chicago IL 60607
 City State ZIP
(312) 226 - 7984
 Phone number

Step 6: Signature and notarization

State of Illinois) SS.
County of Cook)

I, Dr. Dan Lustig, PsyD CAADC MISA II, President & CEO, being duly sworn upon oath, say that I have read the foregoing application and that all of the information is true and correct to the best of my knowledge and belief.

Affiant's signature

Subscribed and sworn to before me this 13th day of May, 2020.

Notary Public



County official use only. Do not write in this space

Step 7: County board of review statement of facts

- 1 Current assessment \$ _____ For assessment year 2 _____
- 2 Is this exemption application for a leasehold interest assessed to the applicant? Yes No
 If "Yes", write the Illinois Department of Revenue docket number for the exempt fee interest to the owner, if known. _____
- 3 State all of the facts considered by the county board of review in recommending approval or denial of this exemption application.

4 County board of review recommendation

- ___ Full year exemption
- ___ Partial year exemption from ___ / ___ / ___ to ___ / ___ / ___
- ___ Partial exemption for the following described portion of the property: _____

___ Deny exemption

5 Date of board's action ___ / ___ / _____

Step 8: County board of review certification

I certify this to be a correct statement of all facts arising in connection with proceedings on this exemption application.

Signature of clerk of county board of review

Mail to: OFFICE OF LOCAL GOVERNMENT SERVICES MC 3-520
ILLINOIS DEPARTMENT OF REVENUE
101 WEST JEFFERSON STREET
SPRINGFIELD IL 62702

PTAX-300 back (R-12/09)

DuPage County Board of Review
Jack T. Knuepfer Admin Building
421 North County Farm Road
Wheaton, IL 60187
(630)-407-5888 SOA@DuPageCo.org

Affidavit of Use for Non-Homestead Tax Exemption Petition

I, Dr. Dan Lustig, PsyD CAADC MISA II, having been duly sworn, do hereby state the following under oath:

1. My name is Dr. Dan Lustig, PsyD CAADC MISA II, and I reside/work at 932 W. Washington Blvd.
Chicago, Illinois.

2. I am the President & CEO of the applicant organization.
(office of or relationship to organization)

3. Haymarket DuPage LLC owns or has an equitable interest in the property
(applicant organization)

currently identified with the following parcel number: 03 - 07 - 202 - 002,

which has a common address of: 860 W. Irving Park Road Itasca, Illinois.
(street address) (city/village)

4. Said real estate is being used, for the tax year : 20 20, for the following exempt purpose:

It is property owned by a tax exempt 501(c)3 entity, and it is currently vacant while the Applicant secures rezoning to allow its intended use as a health care facility.

The property is tax exempt pursuant to 35 ILCS 200/15-65

Further the affiant sayeth not.

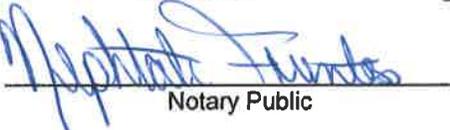


(Signature of Affiant)

Dr. Dan Lustig, PsyD CAADC MISA II

(Printed Name of Affiant)

Sworn and subscribed to before me this 1st day of May, 2020


Notary Public

RECEIVED

MAY 26 2020

Supervisor of Assessments
Board of Review

FRED BUCHOLZ, RECORDER
DUPAGE COUNTY ILLINOIS
04/07/2020 01:26 PM
RHSP
COUNTY TAX STAMP FEE 3,750.00
STATE TAX STAMP FEE 7,500.00

DOCUMENT # R2020-033618

Special Warranty Deed

**Prepared By and
After Recording Return To:**
Perkins Coie LLP
131 South Dearborn, Suite 1700
Chicago, Illinois 60603
Attention: Jaclyn McNally

Send Subsequent Tax Bills To:
Haymarket DuPage LLC
c/o McDermott Center dba Haymarket Center
932 W. Washington Blvd.
Chicago, Illinois 60607
Attn: Dr. Dan Lustig

Pearl Hospitality, LLC, an Illinois limited liability company (“Grantor”), for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration paid in hand to Grantor by Haymarket DuPage LLC, an Illinois limited liability company (“Grantee”), the receipt and sufficiency of which are hereby acknowledged, has GRANTED, BARGAINED, SOLD, and CONVEYED, and by these presents does GRANT, BARGAIN, SELL, and CONVEY unto the Grantee all of Grantor’s right, title and interest in and to that certain tract of land located in DuPage County, Illinois (“Land”) and legally described in Exhibit “A” hereto, together with all improvements thereon and all rights and appurtenances appertaining thereto (herein collectively called the “Property”).

This conveyance is given and accepted subject to the permitted exceptions set forth on Exhibit “B” hereto and to any and all municipal or other governmental zoning laws, regulations and ordinances, if any, affecting the Property (herein called the “Permitted Exceptions”).

TO HAVE AND TO HOLD the Property and all improvements located thereon, together with all and singular the rights and appurtenances thereto in anywise belonging, subject to the Permitted

Exceptions, unto Grantee, its legal representatives, successors, and assigns; and Grantor does hereby bind itself, its legal representatives, successors, and assigns to WARRANT AND FOREVER DEFEND all and singular the Property, subject to the Permitted Exceptions, unto Grantee, its legal representatives, successors, and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof by, through, or under Grantor, but not otherwise.

If any term or provision of this Deed or the application thereof to any persons or circumstances shall, to any extent, be invalid or unenforceable, the remainder of this Deed or the application of such term or provision to persons or circumstances other than those as to which it is held invalid or unenforceable shall not be affected thereby, and each term and provision of this Deed shall be valid and enforced to the fullest extent permitted by law.

WITNESS THE EXECUTION HEREOF as of the ____ day of April, 2020.

GRANTOR:

PEARL HOSPITALITY, LLC,
an Illinois limited liability company

By: [Signature]
Name: Rana Rehan Zaid
Its: Manager

By: [Signature]
Name: Bimal Doshi
Its: Manager

STATE OF ILLINOIS)
) ss.
COUNTY OF Lake)

On this 1 day of April, 2020, before me, the undersigned notary public, personally appeared Rana Rehan Zaid and Bimal Doshi, being the Managers of Pearl Hospitality, LLC, an Illinois limited liability company, and proved to me through satisfactory evidence of identification to be the persons whose name are signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purposes as the Managers of Pearl Hospitality, LLC.

[Signature]
Notary Public

My commission expires: _____



Exhibit A

REAL PROPERTY DESCRIPTION

PARCEL 1:

LOT I IN ITASCA CENTER ASSESSMENT PLAT OF PART OF FRACTIONAL SECTION 7, TOWNSHIP 40 NORTH, RANGE II, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 27, 1971 AS DOCUMENT R71-49442, IN DUPAGE COUNTY, ILLINOIS. ✓

ALSO DESCRIBED AS:

THAT PART OF FRACTIONAL SECTION 7, TOWNSHIP 40 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF THE NORTH LINE OF LOT I IN ITASCA CENTER ASSESSMENT PLAT ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 27, 1971, AS DOCUMENT R71-49442 AND THE WEST RIGHT OF WAY LINE OF F.A.L 90; THENCE SOUTH 01 DEGREES 26 MINUTES 44 SECONDS EAST ALONG SAID WEST RIGHT OF WAY LINE A DISTANCE OF 306.24 FEET (FORMERLY A RECORD DISTANCE OF 306.20 FEET) TO AN ANGLE POINT IN SAID WEST RIGHT OF WAY LINE; THENCE SOUTH 01 DEGREES 13 MINUTES 22 SECONDS WEST, A DISTANCE OF 445.19 FEET TO THE SOUTHEAST CORNER OF SAID LOT I, SAID POINT BEING ALSO THE NORTHEAST CORNER OF LOT 2 IN SPRING LAKE BUSINESS PARK RESUBDIVISION NO.6 PER DOCUMENT R91-060677; THENCE NORTH 88 DEGREES 44 MINUTES 15 SECONDS WEST ALONG SAID SOUTH LINE OF LOT I A DISTANCE OF 349.86 FEET (FORMERLY A RECORD DISTANCE OF 350.00 FEET) TO THE SOUTHWEST CORNER OF SAID LOT I, SAID POINT BEING ALSO THE SOUTHEAST CORNER OF LOT I IN SPRING LAKE BUSINESS PARK RESUBDIVISION NO. 6 AFORESAID; THENCE NORTH 01 DEGREES 14 MINUTES 05 SECONDS EAST ALONG THE WEST LINE OF SAID LOT I IN ITASCA CENTER ASSESSMENT PLAT A DISTANCE OF 381.86 FEET (FORMERLY A RECORD DISTANCE OF 382.51 FEET); THENCE NORTH 42 DEGREES 04 MINUTES 30 SECONDS WEST A DISTANCE OF 148.23 FEET (FORMERLY A RECORD DISTANCE OF 147.47 FEET); THENCE NORTH 01 DEGREES 17 MINUTES 33 SECONDS WEST ALONG THE WESTERLY MOST LINE OF LOT I IN SAID ITASCA CENTER ASSESSMENT PLAT, SAID LINE BEING ALSO THE EAST LINE OF LOT 2 IN SPRING LAKE BUSINESS PARK PER DOCUMENT R87-37278, A DISTANCE OF 309.02 FEET (FORMERLY A RECORD DISTANCE OF 309.50 FEET) TO THE NORTHWEST CORNER OF SAID LOT I; THENCE SOUTH 82 DEGREES 44 MINUTES 50 SECONDS EAST ALONG THE NORTH LINE OF SAID LOT I, BEING ALSO THE SOUTH RIGHT OF WAY LINE OF ROUTE 19 (IRVING PARK ROAD) AS OCCUPIED, A DISTANCE OF 453.25 FEET (FORMERLY A RECORD DISTANCE OF 454.0 FEET) TO THE POINT OF BEGINNING, IN THE CITY OF ITASCA, DUPAGE COUNTY, ILLINOIS.

PARCEL 2:

{6119-001 00257521/2 }
147623455 2

EASEMENT FOR THE BENEFIT OF PARCEL 1 AS CREATED BY GRANT OF EASEMENT DATED MARCH II, 1987 AND RECORDED MARCH 22, 1987 AS DOCUMENT R87-38866 FOR A PERMANENT AND PERPETUAL EASEMENT GRANTING INGRESS AND EGRESS OVER THE LAND SHOWN ON EXHIBIT C OF SAID GRANT OF EASEMENT, AND BEING A PART OF THE FOLLOWING DESCRIBED LAND: LOT 2 IN SPRING LAKE BUSINESS PARK, A SUBDIVISION OF PART OF FRACTIONAL SECTION 7, TOWNSHIP 40 NORTH, RANGE II EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MARCH 18, 1987, AS DOCUMENT R87-37278, IN DU PAGE COUNTY, ILLINOIS.

PROPERTY ADDRESS:

860 West Irving Park Road
Itasca, Illinois 60143

PERMANENT TAX INDEX NUMBER:

03-07-202-002

Exhibit B

PERMITTED EXCEPTIONS

1. Real estate taxes and assessments for tax years 2019, 2020 and subsequent years, a lien not yet due and payable.
2. The land lies within the boundaries of Spring Lake Special Service Area as disclosed by Ordinance No. 1329-06 recorded August 14, 2006 as Document R2006-156760.
3. Grant of Easement dated March 11, 1987 and recorded March 22, 1987 as Document R87-38866.
4. Grant of Easement dated February 10, 1972 and recorded March 7, 1972 as Document R72-11135.
5. Grant of Easements Agreement dated May 11, 1972 and recorded May 12, 1972 as Document R72-25029, as amended by that certain Amendment to Grant of Easements Agreement dated November 18, 1976 and recorded June 1, 1977 as Document R77-41435, as partially released by (i) that certain Release of Easement dated May 26, 1987 and recorded July 15, 1987 as Document R87-104568 and (ii) that certain Release of Easement dated July 1, 1987 and recorded July 15, 1987 as Document R87-104569.
6. Grant of Easement dated January 1990 and recorded on February 6, 1990 as Document R90-016541 as amended by that certain First Amendment to Grant of Easement dated May 17, 1991 and recorded as Document R91-61827.
7. Easement(s) for the purpose(s) in the Grant of Public Utility Permanent Easement Agreement shown below and rights incidental thereto as delineated or as offered for dedication, on the map of said tract/plat; for purpose permanent public utility easement, affects a part of the northern portion of the Land recorded April 26, 2018 as Document No. R2018-036099.
8. All matters that would be reflected on an accurate survey of the Property or shown by a physical inspection of the Property, as of the date hereof.



BOND, DICKSON & CONWAY

400 S. Knoll Street, Unit C, Wheaton, Illinois 60187 P 630.681.1000 F 630.681.1020

May 21, 2020

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Village of Itasca
Attn: Village Clerk
550 W. Irving Park Road
Itasca, IL 60143

Community College No. 502
Attn: Board Secretary
425 Fawell Boulevard, SRC 2130
Glen Ellyn, IL 60137

High School District 108
Attn: Board Secretary
590 Medinah Road
Itasca, IL 60143

Grade School District 10
Attn: Board Secretary
200 N. Maple
Itasca, IL 60143

Itasca Fire Protection District
Attn: Board Secretary
520 W. Irving Park Road
Itasca, IL 60143

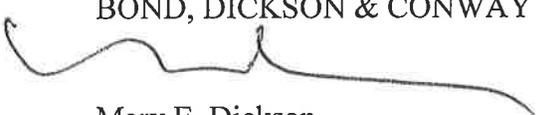
RE: Property Tax Exemption Application
Haymarket DuPage LLC
PIN 03-07-202-002
860 W. Irving Park Road, Itasca, IL 60143

To Service List Shown Above:

Please be advised that I represent Haymarket DuPage LLC, an Illinois Limited Liability Company. Haymarket DuPage LLC is the owner of the property identified by common address and the permanent index number set forth above. This Notice is to inform you that it has applied for tax exempt status for this property. This property has a current assessed value of \$100,000.00 or more, and, therefore, the Illinois Department of Revenue requires that we provide you with this notice of our petition for tax exemption.

Very truly yours,

BOND, DICKSON & CONWAY



Mary E. Dickson
Counsel for Haymarket DuPage LLC

Form **LLC-5.5**

**Illinois
Limited Liability Company Act
Articles of Organization**

FILE # 07675763

Secretary of State Jesse White
Department of Business Services
Limited Liability Division
www.cyberdriveillinois.com

Filing Fee: \$150

Approved By: TLB

FILED

MAR 19 2019

**Jesse White
Secretary of State**

1. Limited Liability Company Name: HAYMARKET DUPAGE LLC

2. Address of Principal Place of Business where records of the company will be kept:
932 W. WASHINGTON BLVD.

CHICAGO, IL 60607

3. The Limited Liability Company has one or more members on the filing date.

4. Registered Agent's Name and Registered Office Address:

ILLINOIS CORPORATION SERVICE COMPANY
801 ADLAI STEVENSON DR
SPRINGFIELD, IL 62703-4261

5. Purpose for which the Limited Liability Company is organized:

"The transaction of any or all lawful business for which Limited Liability Companies may be organized under this Act."

6. The LLC is to have perpetual existence.

7. Name and business addresses of all the managers and any member having the authority of manager:

MCDERMOTT CENTER DBA HAYMARKET CENTER
932 W. WASHINGTON BLVD.
CHICAGO, IL 60607

8. **Name and Address of Organizer**

I affirm, under penalties of perjury, having authority to sign hereto, that these Articles of Organization are to the best of my knowledge and belief, true, correct and complete.

Dated: MARCH 19, 2019

JACLYN MCNALLY
131 S. DEARBORN ST., SUITE 170
CHICAGO, IL 60603



Commercial Property Information

[Back to search results](#) | [Try another search \(Search.aspx\)](#)

Location Information

Parcel Number: **03-07-202-002**

Address: **860 W IRVING PARK BLVD**

City: **ITASCA**

Neighborhood Code: **107**

Land Data

Lot Size: **304,920**

Physical Characteristics

Office Area: **0**

Exterior Height: **44**

Number of Units: **162**

Overhead Doors: **0**

Concrete SF: **0**

Asphalt SF: **163,073**

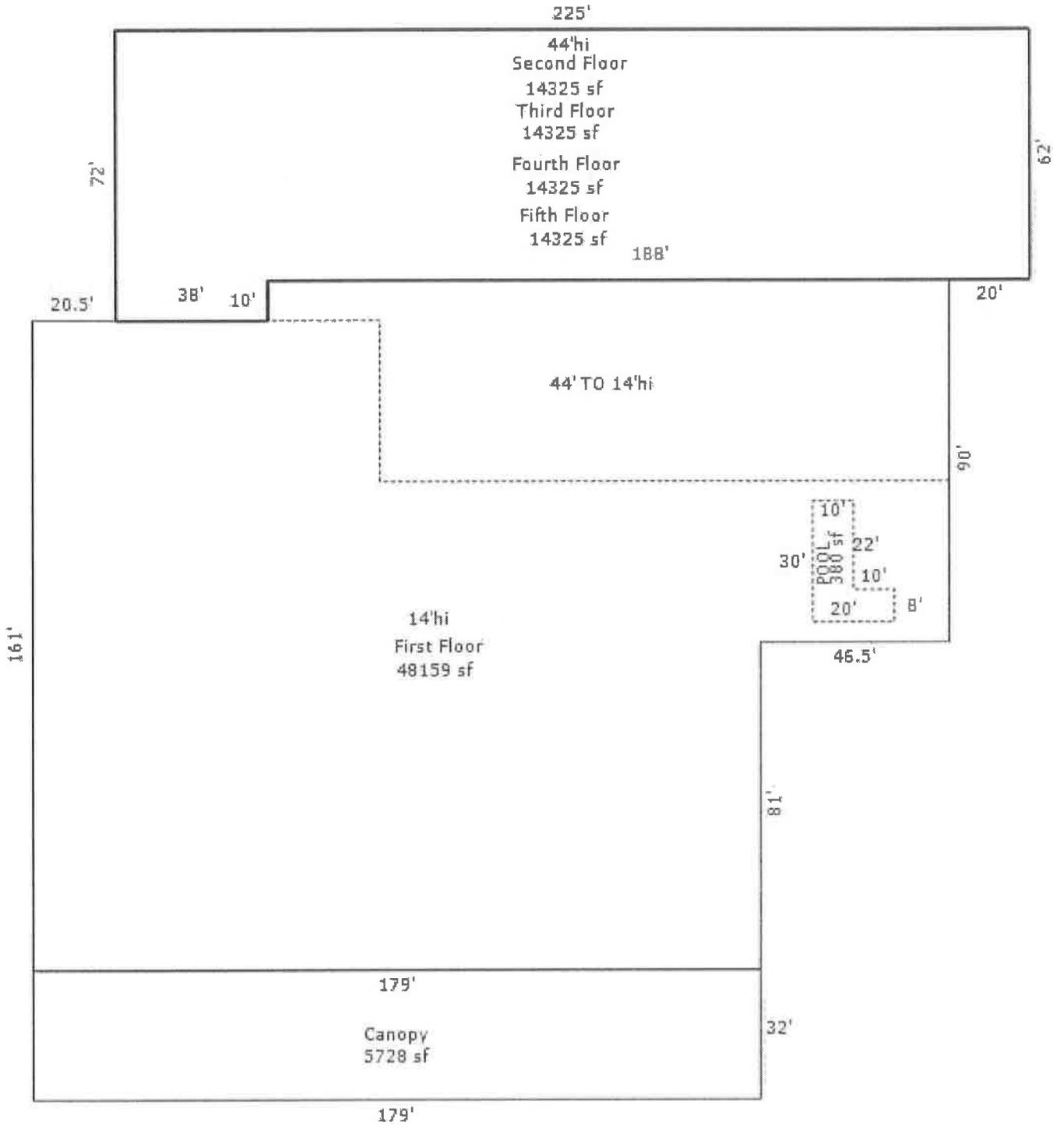
Building Class: **C**

Construction: **Masonry**

Effective Year Built: **1973**

Gross Building Area: **105,839**

Photograph [Click to Zoom](#)





Improvement Sketch [Click to Zoom](#)



BOND, DICKSON & CONWAY

400 S. Knoll Street, Unit C, Wheaton, Illinois 60187 P 630.681.1000 F 630.681.1020

May 21, 2020

Ms. Cindy Cruz
Property Tax Exemption Section
DuPage County Supervisor of Assessments
421 N. County Farm Road
Wheaton, IL 60187

RE: Property Tax Exemption Application
Haymarket DuPage LLC
PIN 03-07-202-002
860 W. Irving Park Road, Itasca, IL 60143

Dear Ms. Cruz:

On behalf of Haymarket DuPage LLC, I enclose documents herewith for purposes of claiming a tax exemption on the above-referenced Property. Haymarket DuPage LLC acquired the Property on April 6, 2020. For purposes of the Petition for the Tax Exemption on the Property, enclosed please find the following documents:

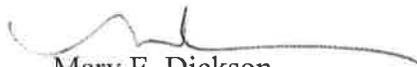
- Petition for Tax Exemption;
- PTAX-300, Application for Non-Homestead Property Tax Exemption – County Board of Review Statement of Facts;
- Affidavit of Use for Real Estate Tax Exempt Purposes;
- Haymarket DuPage LLC Articles of Organization;
- Addison Township Assessor's Commercial Property Information, including photograph and interior depiction of the Property; and
- Special Warranty Deed recorded April 7, 2020.

The Property acquired had an assessed value of greater than \$100,000.00; therefore I also enclose a copy of the Notice to affected taxing districts I have sent via certified mail regarding this Petition for Tax Exemption.

Should you have any questions in this regard, or require additional documentation, please do not hesitate to contact me.

Very truly yours,

BOND, DICKSON & CONWAY



Mary E. Dickson

MED/bms
Enclosures
cc: Dr. Dan Lustig, PsyD CAADC MISA II

RECEIVED

MAY 26 2020

Supervisor of Assessments
Board of Review

**BEFORE THE DUPAGE COUNTY BOARD OF REVIEW
EXEMPTION APPLICATION**

IN THE MATTER OF THE EXEMPTION
APPLICATION FROM:

HAYMARKET DUPAGE LLC,

Applicant.

Subject Property:

860 W. Irving Park Rd.
Itasca, IL

Board of Review File No.

E-30007

P.I.N.:

03-07-202-002

JOINT OBJECTION TO EXEMPTION APPLICATION

Now come Itasca School District No. 10, the Village of Itasca, the Itasca Park District, and the Itasca Fire Protection District No. 1 (together, the “Taxing Districts”) and present their joint objection to the petition for tax exemption filed by Haymarket DuPage LLC (“Haymarket”). In support of the joint objection, the Taxing Districts state as follows:

THE PETITION

On or about May 26, 2020, Haymarket filed a Petition for Tax Exemption (the “Petition”) seeking an exemption commencing with the 2020 assessment year. The Petition consists of the following materials:

- 2020 Petition for Tax Exemption,
- Illinois Department of Revenue PTAX-300 Application for Non-Homestead Property Tax Exemption,

- Affidavit of Use stating that “It is property owned by a tax exempt 501(c)(3) entity, and it is currently vacant while the Applicant secures rezoning to allow its intended use as a health care facility. The property is tax exempt pursuant to 35 ILCS 200/15-65.”
- Special Warranty Deed,
- Letter to area taxing districts,
- Illinois Limited Liability Company Act Articles of Organization,
- Commercial Property Information printed from Addison Township Assessor’s website, and
- Letter from counsel dated May 21, 2020 conveying application materials to DuPage County Supervisor of Assessment.

LEGAL OVERVIEW

An entity that seeks a charitable property tax exemption must demonstrate that its property is both owned by a charitable institution and put to an exclusively charitable use. *Midwest Palliative Hospice and Care Center v. Beard*, 2019 IL App (1st) 181321, ¶ 12. Under Article IX of the Illinois Constitution, all real property is subject to taxation. *Eden Retirement Center, Inc. v. Department of Revenue*, 213 Ill. 2d 273, 285 (2004). Property taxes accrue on all property unless the particular property is exempted from taxation by the legislature. *Id.* The Illinois Constitution sets forth the criteria under which the General Assembly is permitted to grant property tax exemptions. “The General Assembly by law may exempt from taxation only property of the State, units of local government and school districts, and property used exclusively for agricultural and horticultural societies, and for school, religious, cemetery, and charitable purposes.” Ill. Const. 1970, art. IX, § 6.

Thus, the General Assembly is limited by the constitution in its power to grant property tax exemptions, and when a party seeks a charitable exemption, the property must be used exclusively for charitable purposes. *Id.*; *Comprehensive Training & Development Corp. v. County of Jackson*, 261 Ill. App. 3d 37, 39-40 (1994). Section 15-65 of the Property Tax Code exempts property from taxation when the property is “actually and exclusively used for charitable or beneficent purposes, and not leased or otherwise used with a view to a profit.” 35 ILCS 200/15-65. The charitable exemption applies to property used by nonprofit health care providers so long as the property is used for charitable purposes in accordance with the Property Tax Code. See *Oswald v. Hamer*, 2018 IL 122203, ¶ 4; 35 ILCS 200/15-86 (West 2016).

The accepted framework for deciding whether property can be considered to be used exclusively for charitable purposes and therefore exempt from taxation under Section 15-65 of the Property Tax Code is set forth in the Supreme Court’s ruling in *Methodist Old Peoples Home v. Korzen*, 39 Ill. 2d 149 (1968). In *Korzen*, the Supreme Court identified the distinctive characteristics of a charitable institution, and Illinois courts have used those criteria as a guide to determine whether a property and the party seeking the property tax exemption meet the statutory requirements to be entitled to the exemption. Those criteria are:

1. The organization is established for the benefit of an indeterminate number of persons,
2. It has no capital, capital stock, or shareholders and earns no profit or dividends,
3. It derives its funds primarily from public and private charity and holds those funds in trust for objectives and purposes expressed in its charter,
4. It dispenses charity to all who need and apply for it, and does not provide gain or profit in a private sense to any person connected with it, and does not appear to place obstacles of

any character in the way of those who need and would avail themselves of the charitable benefits it dispenses,

5. The property is actually and factually used exclusively for the charitable purpose, regardless of any intent expressed in the organization's charter or bylaws, and
6. Charity is the primary purpose for which the property is used and not a secondary or incidental purpose. *Riverside Medical Center v. Dept. of Revenue*, 342 Ill. App. 3d 603, 607 (2003) (citing *Korzen*, 39 Ill. 2d at 156-157).

When applying for a property tax exemption, the burden is on the party seeking the exemption to demonstrate by clear and convincing evidence that the property is being used for exclusively charitable purposes. *LeaderTreks, Inc. v. Dept. of Revenue*, 385 Ill. App. 3d 442, 451 (2008). When determining whether a property is within the scope of an exemption, all facts are to be construed, and all debatable questions are to be resolved, in favor of taxation. *Id.* At 451-52.

HAYMARKET'S APPLICATION FAILS THE KORZEN TEST

The application materials submitted by Haymarket are grossly inadequate and do not address the *Korzen* criteria in even the most superficial manner. In reviewing Haymarket's application, we learn nothing about its organization and who benefits from its services. No information has been provided on its financial state, its management, and/or ownership. The application is silent on its sources of funds. The application does not address its charitable nature and whether the property will be used exclusively for charitable purposes. The affidavit of use includes only the following conclusory statement:

4. Said real estate is being used, for the tax year : 20 20 , for the following exempt purpose:

It is property owned by a tax exempt 501(c)3 entity, and it is currently vacant while the Applicant secures rezoning to allow its intended use as a health care facility.

The property is tax exempt pursuant to 35 ILCS 200/15-65

This statement is insufficient, the application fails to satisfy any of the *Korzen* criteria, and it must be rejected by the Board of Review.

CONCLUSION

The burden of establishing an exemption from property taxation lies squarely on the applicant seeking the exemption. All doubts must be resolved in favor of taxation. Haymarket has not provided the Board of Review with the factual materials needed to allow an inquiry under the *Korzen* criteria, and thus the application must be rejected. We urge the Board of Review to send this application to the Department of Revenue with a recommendation that it deny the exemption.

Respectfully submitted,

ITASCA SCHOOL DISTRICT NO. 10,

VILLAGE OF ITASCA,

By: /s/ Ares G. Dalianis
Its counsel

By: /s/ Charles E. Hervas
Its counsel

Ares G. Dalianis
Franczek P.C.
300 S. Wacker Dr. – Suite 3400
Chicago, IL
312-786-6163
agd@franczek.com

Charles E. Hervas
Yordana Wysocki
Hervas, Condon & Bersani, P.C.
333 Pierce Rd. – Suite 195
Itasca, IL 60143
630-773-4774
chervas@hcbattorneys.com
ywysocki@hcbattorneys.com

ITASCA FIRE PROTECTION DISTRICT
NO. 1,

ITASCA PARK DISTRICT,

By: /s/ Stephen H. DiNolfo
Its counsel

By: /s/ Charles E. Hervas
Its counsel

Stephen H. DiNolfo
James G. Wargo
Ottosen DiNolfo Hasenbalg & Castaldo, Ltd.
1804 N. Naper Blvd. - Suite 350
Naperville, IL 60563
sdinolfo@ottosenlaw.com
jwargo@ottosenlaw.com

Charles E. Hervas
Yordana Wysocki
Hervas, Condon & Bersani, P.C.
333 Pierce Rd. – Suite 195
Itasca, IL 60143
630-773-4774
chervas@hcbattorneys.com
ywysocki@hcbattorneys.com

CERTIFICATE OF SERVICE

The undersigned hereby certifies that we caused a copy of the foregoing **JOINT OBJECTION TO EXEMPTION APPLICATION** to be served upon the following via email on this 17th day of June 2020:

/s/ Ares G. Dalianis
Ares G. Dalianis

Ms. Mary Dickson
Bond, Dickson & Company
400 S. Knoll Street
Unit C
Wheaton, Illinois 60187
marydickson@bond-dickson.com

Ms. Cindy Cruz
DuPage County Board of Review
421 North County Farm Road
Wheaton, Illinois 60187
Cindy.Cruz@dupageco.org

Stephen H. DiNolfo
James G. Wargo
Ottosen DiNolfo Hasenbalg & Castaldo, Ltd.
1804 N. Naper Blvd. - Suite 350
Naperville, IL 60563
sdinolfo@ottosenlaw.com
jwargo@ottosenlaw.com

Charles E. Hervas
Yordana Wysocki
Hervas, Condon & Bersani, P.C.
333 Pierce Rd. – Suite 195
Itasca, IL 60143
chervas@hcbattorneys.com
ywysocki@hcbattorneys.com

FRANCZEK



300 SOUTH WACKER DRIVE, SUITE 3400 | CHICAGO, IL 60606
T: 312.986.0300 | F: 312.986.9192 | FRANCZEK.COM

JENNIFER A. SMITH
312.786.6589
jas@franczek.com

October 25, 2019

VIA ELECTRONIC MAIL

Michael Roth
Ice Miller
2300 Cabot Drive, Suite 455
Lisle, IL 60532-4613
michael.roth@icemiller.com

Re: Information Request Regarding Haymarket Center Proposal

Dear Mr. Roth:

My law firm represents the Board of Education of Itasca School District 10 regarding the Haymarket Center Proposal. I write to request information related to the potential impact of the proposal on the School District. It is our understanding from the proposal that residential clients may reside at the Haymarket Center with children up to the age of 5. Please provide information addressing the following:

- Explain the residency status of parents and children in the residential program under the School Code;
- Explain the developmental assessment provided for children residing in the residential program identified in Haymarket's electronic presentation;
- Explain the referral agencies for developmentally appropriate services identified in Haymarket's electronic presentation;
- Identify the funding source for public education services for children living in the residential program;
- Identify the funding source for evidence-based childcare and whether it includes educational services for students age 3-5;
- Identify the responsible governmental agency and funding source for child find obligations for children with disabilities living in the residential program age 3-5;
- Explain the transition process for students who turn 6 years of age during the parent's residential program; and
- Identify the projected eligibility status under the McKinney-Vento Homeless Assistance Act for children living in the residential program.

FRANCZEK

Michael Roth
October 25, 2019
Page 2

Please contact me should you have any questions or need any further information regarding these inquiries.

Sincerely,

A handwritten signature in black ink that reads "Jennifer A. Smith". The signature is written in a cursive style with a large initial "J" and "S".

Jennifer A. Smith

JAS/ET:vtr

cc: Superintendent Craig Benes, Itasca School District 10
Ares Dalianis, Franczek P.C.

FRANCZEK

300 SOUTH WACKER DRIVE, SUITE 3400 | CHICAGO, IL 60606
T: 312.986.0300 | F: 312.986.9192 | FRANCZEK.COM

*Confidential and Privileged
Attorney-Client Communication*

MEMORANDUM

TO: Members of the Board of Education
Craig Benes, Superintendent
Itasca School District No. 10

FROM: Jennifer A. Smith
Franczek P.C.

RE: Haymarket DuPage Zoning Application Update

DATE: September 4, 2020

This memorandum provides an update regarding revisions to Haymarket DuPage's position regarding the use of the property at 860 W. Irving Park Road. Haymarket previously took the position that it would allow female clients to reside along with two young children. In August, they changed course and announced that children would not be permitted. Haymarket explained their change of position as follows:

Despite Haymarket DuPage's desire to provide a full range of service to female clients who will seek treatment, in the interest of addressing concerns raised by School District No. 10 relative to the fiscal impact associated with the possibility of having to meet the educational needs of homeless children who may accompany their mothers to the facility, Haymarket DuPage has decided to not allow young children to accompany their mothers who will be in treatment on site. This should eliminate any perceived impact Haymarket DuPage may have on School District No. 10.

The change by Haymarket was unilateral and not discussed with the School District's counsel. Haymarket's new counsel, Bridget O'Keefe, called me to communicate that she was sure this would change the District's position on the day that they filed the supplement without any discussion with me about the Board's position.

The proposed change does not eliminate the long-term financial concerns raised by the School District during the proceeding because we do not have legal certainty that Haymarket DuPage will not again change their policy with respect to allowing children to reside on site. In addition, the laws regarding whether a child has a right to attend in School District No. 10 are more nuanced than only turning on Haymarket's policy. We recommend the School District

continue with its involvement with the proceeding in order to present full information regarding the likely fiscal impact of Haymarket's application on the School District.

300 South Wacker Drive, Suite 2200
Chicago, Illinois 60606
312.258.1600 ph 312.258.1955 fx

DASPIN AUMENT
LLP

527 Encinitas Boulevard, Suite 204
Encinitas, California 92024
760.635.1465 ph 760.635.1475 fx
www.daspinaument.com

Bridget M. O'Keefe
312.258.3795
bokeefe@daspinaument.com

November 20, 2020

VIA EMAIL

Ms. Jennifer Smith
Franczek P.C.
300 S. Wacker Drive, #3400
Chicago, IL 60602

Re: Haymarket DuPage

Dear Ms. Smith:

Thank you for taking the time to coordinate our recent call between Superintendent Benes, myself and our client, Haymarket. We greatly appreciated the opportunity to continue the conversation regarding School District No. 10's ("District") concerns about Haymarket DuPage.

Before embarking upon a discussion of the financial issues of concern to the District, we would like to turn the District's focus to Haymarket's mission, which is to aid people with substance use disorders in their recovery by providing comprehensive behavioral health solutions. Haymarket Center is a leader in the field of addictions and behavioral health treatment. It has attained this status through evidence-based interventions and state of the art programming geared toward strong outcomes. In its decades-long operation, Haymarket has never been questioned relative to its financial impact on any school district in which it offers treatment programs. Thus, the District's financial concern, which appears centered on the possibility that a person undergoing treatment might be classified as homeless which could allow his/her homeless child to seek educational services from the District, was not contemplated by Haymarket in its consideration of opening its treatment facility in Itasca.

Over the past year, Haymarket counsel spent significant time investigating the financial concern the District raised in both the private meeting with Haymarket and as amplified in its series of written questions. While reviewing these questions and seeking input from a number of people in the education and homeless advocacy communities, Haymarket, through its counsel, became aware of the complexities of the state and federal laws and regulations governing the public school system's responsibilities to children under kindergarten age, and particularly to children who may be classified as homeless.

Haymarket now better understands why the District was sensitive to Haymarket's proposal to provide a treatment program which allowed up to two children under the age of 5 to live with their mothers in Haymarket DuPage, even while we believed that the call upon the District to provide educational services

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to any child residing with a mother at Haymarket would not arise. In addition, Haymarket also better understands the District's concern that it may be obligated to provide services for a non-resident child of a parent who is undergoing treatment at Haymarket DuPage.

In response to the District's financial concerns, and as a result of its investigation, Haymarket ultimately determined to address the District's financial concerns by referring women with children to Haymarket Center in Chicago. This was a difficult decision because the lack of child-care is a major barrier to women seeking treatment, and it is far better to serve this population in the local community. Nonetheless, this concession was made in an effort to address the District's financial concerns.

As the zoning applications had to be amended to reflect the new ownership of the subject property, a decision was made at the same time to notify the Village and the District that Haymarket DuPage would not allow children to accompany their mothers who were securing treatment. As a result of this decision, Haymarket believed it had fully responded to the District's financial concerns relative to providing educational opportunities for children who could be deemed residents of Itasca as a result of their living with their mothers at Haymarket DuPage and that a written response to the District's questions was no longer necessary.

In discussions with you, and as a result of our recent conversation with Superintendent Benes, we realized that the District continues to have questions about the financial impact to the District should Haymarket DuPage be allowed to open in Itasca. This letter is to provide further clarification of some of the issues that were discussed during our call:

1. In Chicago, almost all of Haymarket's patients are homeless, as defined by the federal Human Resources and Services Administration: "**Homeless:** Per Section 330(h)(5)(A), the term "homeless individual" means "an individual who lacks housing (without regard to whether the individual is a member of a family), including an individual whose primary residence during the night is a supervised public or private facility that provides temporary living accommodations and an individual who is a resident in transitional housing." Haymarket does not anticipate that this will be the case in Itasca as patients will be drawn from DuPage and the collar counties where most will have permanent residences and not be classified as homeless. Thus, we are assuming that a parent in need of treatment will have a spouse or other family member who will have guardianship of their children and, thus, residency of any child of a parent in treatment will not be established at Haymarket DuPage. Moreover, existing family access to quality education makes it unlikely, in our opinion, that a patient will seek educational services for their non-resident children from the District.
2. The average stay for patients in residential treatment at Haymarket Center is 14-28 days and the average stay for those in recovery homes is 90 days. Haymarket anticipates that the average stay for a patient will not change significantly at Haymarket DuPage. Thus, in our opinion, it is unlikely that a parent in treatment would request educational services for their children from the District or uproot their children from their current schools in order to relocate them to the District.
3. If women with children arrive at Haymarket DuPage seeking treatment, they will be transported by a Haymarket staff member to Haymarket Center in Chicago.

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4. Haymarket amended its zoning applications to include a commitment to not seek licensing for the treatment program for women with children. The District expressed its concern that Haymarket could change its mind and seek licensing for the program at any time, notwithstanding this commitment. As we explained during our call, it is not easy to change programming once licenses have been secured from the State of Illinois. In addition, it is difficult for Haymarket to change its programming from an operational perspective. There is an infrastructure within the building and a team of staff that are dedicated to certain programs and it is not possible to change one program without impacting others.

In addition to answering the questions raised during our recent call, we reviewed once again the questions the District posed last year. As stated during our telephone call, the questions no longer appear to be relevant given the decision to not accept women with children at Haymarket DuPage. If you believe any of the questions posed is still relevant to the Haymarket application for zoning, please let me know.

In conclusion to Haymarket's response, as you know, the Village of Itasca staff report recommended as a condition of approval the following: *"Petitioner's application states that no children will be allowed to stay at the facility overnight even if his/her/their parent(s) are part of the treatment program. If approved, any change in this policy must be approved by the Plan Commission and Village Board by amendment to the special use for a planned development."* We understand that this condition was not authored by or developed in consultation with the District. However, if Haymarket was to agree to a condition of this nature, or if this condition was made by the Village, would it eliminate the District's concerns relative to Haymarket's zoning request?

On behalf of Haymarket, I thank you for engaging with us in this conversation on the proposed Haymarket DuPage. Haymarket stands ready to be a good neighbor to and partner with the District and with the Village and its residents. Haymarket is passionate in its mission and believes there is a very real need for its treatment services in the Village and in DuPage County.

Thank you for your continued willingness to discuss the zoning application with us. We are happy to further explore opportunities which address District financial concerns and create a working relationship between Haymarket and the District.

Very truly yours,



Bridget M. O'Keefe

BMO:jks

cc: Dr. Daniel Lustig
Karen Kissel
Mary Dickson

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December 17, 2020

VIA ELECTRONIC MAIL

Ms. Bridget M. O'Keefe
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Re: Haymarket DuPage

Dear Bridget:

Thank you for your recent outreach regarding Itasca School District No. 10's concerns related to Haymarket DuPage. This responds to your November 20, 2020 letter on behalf of my client, Itasca School District No. 10. Let me start by acknowledging the mission of Haymarket. The School District appreciates the mission of aiding people with substance use disorders and Haymarket's work in the field of addictions and behavioral health treatment. I am certain from our discussions that Haymarket likewise appreciates the School District's mission of offering academic excellence and cultivating individual strengths and talents in a safe, supportive, collaborative environment where individual differences and respect for the rights of others guide school and community behavior.

The School District appreciates Haymarket's recent acceptance of the issues that it has raised regarding responsibilities to those who may establish residency at Haymarket and to homeless individuals in the School District's jurisdiction. As you indicate in your letter, the School District sought to engage regarding these issues in 2019 and did not obtain substantive responses directly to its concerns. The response came in form of Haymarket changing its application to remove the mothers with children program.

It is our understanding from your repeated statements and your letter that Haymarket would like to offer the program but has made this change as in response to the District's concerns. It is also our understanding that Haymarket does not believe that the School District's concerns regarding obligations to the families of those Haymarket clients who establish residency or are homeless while at Haymarket DuPage present likely realities that will come to fruition.

In addition, your letter indicates that Haymarket has represented it is "not easy" to change programs once the Haymarket DuPage facility is in operation. We did not have the same understanding of the call and information regarding licensing as a barrier to a program change.

Given the point in the process, the School District believes that the most appropriate next step is to present information regarding the impact of Haymarket's proposal to the Planning Commission.

Very truly yours,



Jennifer A. Smith

JAS:cp

cc: Mary Dickson
Superintendent Craig Benes