

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

REPUBLIC SERVICES, INC.,)	
)	
Petitioner,)	
v.)	PCB No. 24-65
)	(Third-Party Pollution Control
McLEAN COUNTY, ILLINOIS,)	Facility Siting Appeal)
McLEAN COUNTY BOARD, and)	
LAKESHORE RECYCLING)	
SYSTEMS, LLC,)	
)	
Respondents.)	

**RESPONDENTS' NOTICE OF FILING AND
CERTIFICATION OF HEARING EXHIBITS**

Respondents Lakeshore Recycling Systems, Inc. ("LRS"), McLean County, Illinois and McLean County Board, by and through its attorneys, hereby file their Hearing Exhibits and Certification of Hearing Exhibits pursuant to Board Rule 101.627 (35 IAC 101.627). The filed documents, listed below, are accurate reproductions of the exhibits offered and admitted into evidence by Respondents during the July 29, 2024 hearing.

- LRS Exhibit 14 – Recorded Assessment Plat
- LRS Exhibit 15 – Legal Description of Facility Site
- LRS Exhibit 16 – Preliminary Plan HDI Subdivision
- McLean County Exhibit 17 – Direct Testimony of Catherine Metsker (with exhibits)
- LRS Exhibit 18 – Written Testimony of Richard Guerard (with exhibits)

The undersigned counsel hereby certifies that the filed hearing exhibits are accurate reproductions of the corresponding exhibits offered and admitted during the July 29, 2024 hearing.

Dated: August 2, 2024

Respectfully Submitted,

/s/ Sara L. Chamberlain
Sara Chamberlain, ARDC 6305606
Thompson Coburn LLP
One US Bank Plaza

St. Louis, MO 63101
(314) 552-6112 (telephone)
schamberlain@thompsoncoburn.com

STACY J. STOTTS (MO Atty. No. 50414)
POLSINELLI PC
900 W. 48th Place, Suite 900
Kansas City, MO 64112
(816) 753-1000 (telephone)
sstotts@polsinelli.com

*Attorneys for Respondent Lakeshore Recycling
Systems, LLC*

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McLean County State's Attorney's Office
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Bloomington, IL 61701
trevor.sierra@mcleancountyil.gov
taylor.williams@mcleancountyil.gov

*Attorneys for McLean County and McLean County
Board*

CERTIFICATE OF SERVICE

I hereby certify that on August 2, 2024, I electronically filed this document using the COOL system and also served the document on the counsel of record listed below by electronic mail:

Scott B. Sievers
Lucas J. Hall
Claire D. Meyer
Brown, Hay + Stephens, LLP
205 S. Fifth Street, Suite 1000
Springfield, IL 62701
ssievers@bhslaw.com
lhall@bhslaw.com
cmeyer@bhslaw.com

Attorneys for Petitioner

/s/ Sara L. Chamberlain
Attorney for Respondent
Lakeshore Recycling Systems, LLC

MCLEAN COUNTY RECORDER OF DEEDS

Type: OFFICIAL RECORDS
Recorded: 8/17/2023 9:50:50 AM
Fee Amt: \$75.00 Page 1 of 2
IL Rental Housing Fund: \$18.00
McLean County, IL
Kathy Michael County Clerk\Recording Div.

File# 2023-00010925

RECORDER'S STAMP

RECORDING COVERSHEET

Assessment Plat

SEE LEGAL DESCRIPTION ATTACHED HERETO AND
MADE A PART HEREOF AS EXHIBIT "A"

P.I.N.:

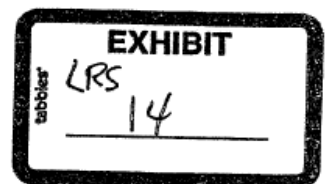
21-15-152-010

21-15-151-018

TK n TK, LLC

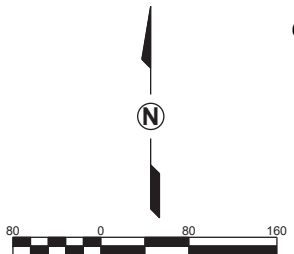
Prepared by and Mail Recorded Document to:

Richard M. Guerard
310 S. County Farm Road
Wheaton, IL 60187



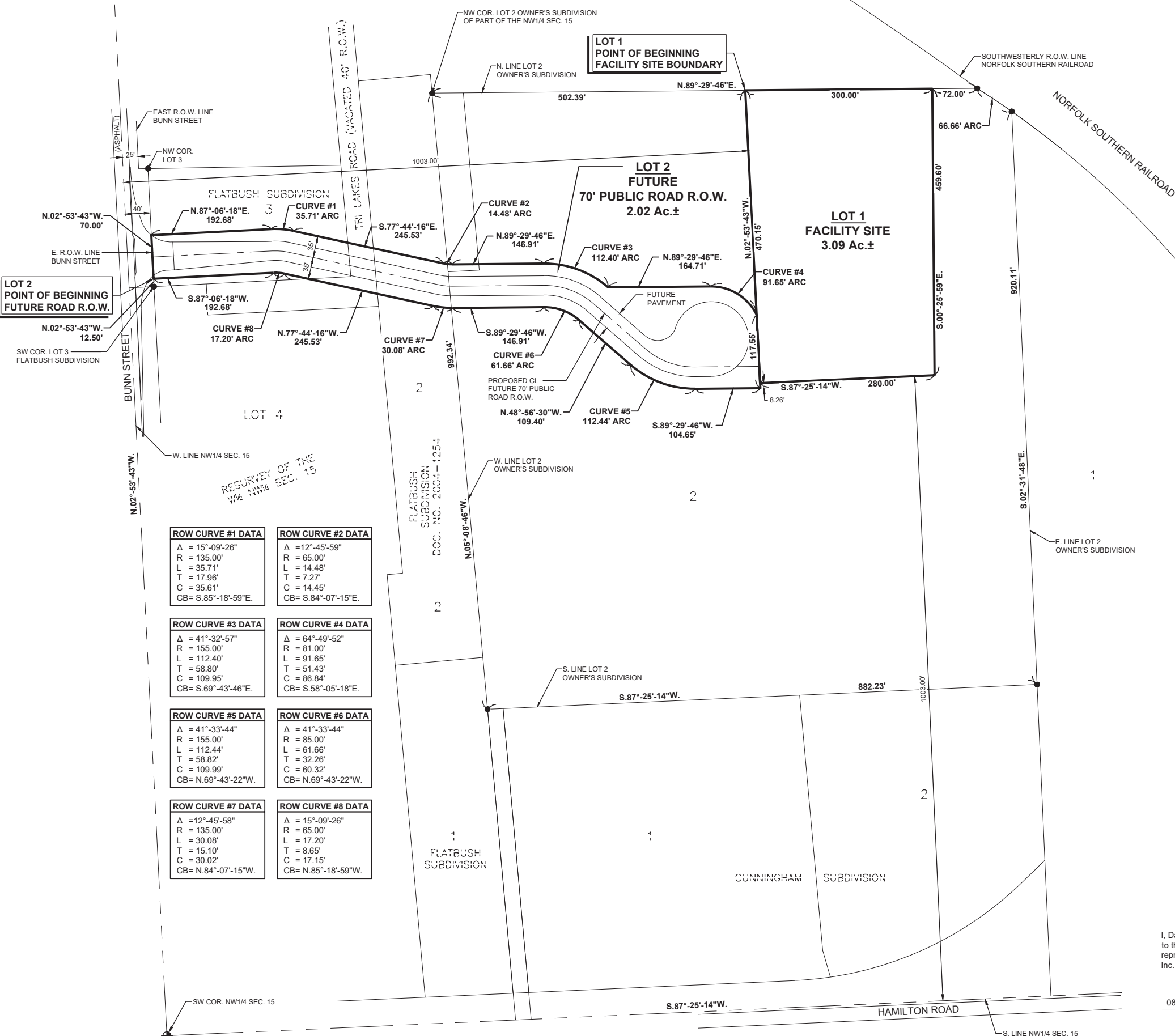
ASSESSMENT PLAT

PART OF LOTS 2 AND 3 IN FLATBUSH SUBDIVISION, PART OF LOT 4 IN RE-SURVEY OF THE NW¼ NW¼, PART OF VACATED TRI-LAKES ROAD
AND PART OF LOT 2 IN OWNER'S SUBDIVISION, ALL IN THE NW¼ OF SEC. 15, T.23N., R.2E., 3 P.M., MCLEAN COUNTY, ILLINOIS



LEGEND
 ——— SUBJECT PREMISES BOUNDARY
 --- RIGHT OF WAY CENTERLINE
 ● 5/8" IRON ROD FOUND
 (UNLESS OTHERWISE NOTED)

Lewis, Yockey & Brown, Inc.
 Consulting Engineers & Land Surveyors
 Professional Design Firm Registration #184-000806
 505 North Main Street, Bloomington, Illinois
 Ph. (309) 829-2552



ROW CURVE #1 DATA	ROW CURVE #2 DATA
Δ = 15°-09'-26"	Δ = 12°-45'-59"
R = 135.00'	R = 65.00'
L = 35.71'	L = 14.48'
T = 17.96'	T = 7.27'
C = 35.61'	C = 14.45'
CB = S.85°-18'-59"E.	CB = S.84°-07'-15"E.

ROW CURVE #3 DATA	ROW CURVE #4 DATA
Δ = 41°-32'-57"	Δ = 64°-49'-52"
R = 155.00'	R = 81.00'
L = 112.40'	L = 91.65'
T = 58.80'	T = 51.43'
C = 109.95'	C = 86.84'
CB = S.69°-43'-46"E.	CB = S.58°-05'-18"E.

ROW CURVE #5 DATA	ROW CURVE #6 DATA
Δ = 41°-33'-44"	Δ = 41°-33'-44"
R = 155.00'	R = 85.00'
L = 112.44'	L = 61.66'
T = 58.82'	T = 32.26'
C = 109.99'	C = 60.32'
CB = N.69°-43'-22"W.	CB = N.69°-43'-22"W.

ROW CURVE #7 DATA	ROW CURVE #8 DATA
Δ = 12°-45'-58"	Δ = 15°-09'-26"
R = 135.00'	R = 65.00'
L = 30.08'	L = 17.20'
T = 15.10'	T = 8.65'
C = 30.02'	C = 17.15'
CB = N.84°-07'-15"W.	CB = N.85°-18'-59"W.

Lot 1
Legal Description Facility Site
 A part of Lot 2 in Owner's Subdivision of part of the NW¼ of Section 15, Township 23 North, Range 2 East of the Third Principal Meridian, McLean County, Illinois, more particularly described as follows: Commencing at the northwest corner of Lot 2 in Owner's Subdivision of part of the NW¼ of Section 15 according to the Plat thereof recorded in Plat Book 9 on Page 82; thence N.89°-29'-46"E. 502.39 feet on the north line of said Lot 2 to the Point of Beginning; thence continuing N.89°-29'-46"E. 300.00 feet on the north line of said Lot 2; thence S.00°-25'-59"E. 459.60 feet to a point 1003.00 feet north of the south line of the NW¼ of said Section 15; thence S.87°-25'-14"W. 280.00 feet parallel with the south line of the NW¼ of said Section 15 to a point 1003.00 feet east of the west line of the NW¼ of said Section 15; thence N.02°-53'-43"W. 470.15 feet parallel with the west line of the NW¼ of said Section 15 to the Point of Beginning containing 3.09 acres, more or less, with assumed bearings given for description purposes only.

Part of Tax Parcel ID #21-15-152-010

Lot 2
Future Public Street ROW Legal Description
 A part of Lots 2 and 3 in Flatbush Subdivision, a part of Lot 4 in Re-Survey of the NW¼ of the NW¼, a part of vacated Tri-Lakes Road and a part of Lot 2 in Owner's Subdivision, all in the NW¼ of Section 15, Township 23 North, Range 2 East of the Third Principal Meridian, McLean County, Illinois, more particularly described as follows: Commencing at the southwest corner of Lot 3 in Flatbush Subdivision on the east right of way line of Bunn Street; thence N.02°-53'-43"W. 12.50 feet on the said east right of way line of Bunn Street and west line of said Lot 3 to the Point of Beginning; thence continuing N.02°-53'-43"W. 70.00 feet on the west line of said Lot 3 and east right of way line of Bunn Street; thence N.87°-06'-18"E. 192.68 feet; thence southeasterly 35.71 feet on a tangential curve concave to the southwest having a radius of 135.00 feet, central angle of 15°-09'-26" and a chord of 35.61 feet bearing S.85°-18'-59"E. from the last described course; thence S.77°-44'-16"E. 245.53 feet; thence easterly 14.48 feet on a tangential curve concave to the north having a radius of 65.00 feet, central angle of 12°-45'-59" and a chord of 14.45 feet bearing S.84°-07'-15"E. from the last described course; thence N.89°-29'-46"E. 146.91 feet; thence southeasterly 112.40 feet on a tangential curve concave to the southwest having a radius of 155.00 feet, central angle of 41°-32'-57" and a chord of 109.95 feet bearing S.69°-43'-46"E. from the last described course; thence N.89°-29'-46"E. 164.71 feet; thence southeasterly 91.65 feet on a tangential curve concave to the southwest having a radius of 81.00 feet, central angle of 64°-49'-52" and a chord of 86.84 feet bearing S.58°-05'-18"E. from the last described course, to a point 1003.00 feet east of the west line of the NW¼ of said Section 15; thence S.02°-53'-43"E. 117.55 feet parallel to the said west line of the NW¼ of Section 15; thence S.89°-29'-46"W. 104.65 feet; thence northwesterly 112.44 feet on a tangential curve concave to the northeast having a radius of 155.00 feet, central angle of 41°-33'-44" and a chord of 109.99 feet bearing N.69°-43'-22"W. from the last described course; thence N.48°-56'-30"W. 109.40 feet; thence westerly 61.66 feet on a tangential curve concave to the southwest having a radius of 85.00 feet, central angle of 41°-33'-44" and a chord of 60.32 feet bearing N.69°-43'-22"W. from the last described course; thence S.89°-29'-46"W. 146.91 feet; thence northwesterly 30.08 feet on a tangential curve concave to the northeast having a radius of 135.00 feet, central angle of 12°-45'-58" and a chord of 30.02 feet bearing N.84°-07'-15"W. from the last described course; thence N.77°-44'-16"W. 245.53 feet; thence northwesterly 17.20 feet on a tangential curve concave to the southwest having a radius of 65.00 feet, central angle of 15°-09'-26" and a chord of 17.15 feet bearing N.85°-18'-59"W. from the last described course; thence S.87°-06'-18"E. 192.68 feet to the Point of Beginning containing 2.02 acres, more or less, with assumed bearings given for description purposes only.

Part of Tax Parcel ID #21-15-151-018 & Part of Tax Parcel ID #21-15-152-010

REVISED	-
	-
	-
	-
BK.	929
DRN.	MB/US/ELE
DSN.	DPB
APP.	DPB

HENSON DISPOSAL
 MUNICIPAL SOLID WASTE TRANSFER STATION
 FACILITY SITE & FUTURE
 PUBLIC ROAD R.O.W. ASSESSMENT PLAT
 MCLEAN COUNTY, ILLINOIS

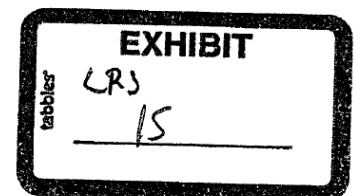
Surveyor's Certificate
 I, David P. Brown, Illinois Professional Land Surveyor No. 2725, do hereby certify that to the best of my knowledge and belief the plat shown herein is an accurate representation of an assessment plat made under my direction for Henson Disposal, Inc.
 Date 08/14/2023
 David P. Brown
 Illinois Professional Land Surveyor No. 2725
 License Expires 11/30/2024

SHEET
1
 OF: 1
 JOB #:
4920.05

EXHIBIT A

Legal Description Facility Site

A part of Lot 2 in Owner's Subdivision of part of the NW $\frac{1}{4}$ of Section 15, Township 23 North, Range 2 East of the Third Principal Meridian, McLean County, Illinois, more particularly described as follows: Commencing at the northwest corner of Lot 2 in Owner's Subdivision of part of the NW $\frac{1}{4}$ of Section 15 according to the Plat thereof recorded in Plat Book 9 on Page 82; thence N.89°-29'-46"E. 502.39 feet on the north line of said Lot 2 to the Point of Beginning; thence continuing N.89°-29'-46"E. 300.00 feet on the north line of said Lot 2; thence S.00°-25'-59"E. 459.60 feet to a point 1003.00 feet north of the south line of the NW $\frac{1}{4}$ of said Section 15; thence S.87°-25'-14"W. 280.00 feet parallel with the south line of the NW $\frac{1}{4}$ of said Section 15 to a point 1003.00 feet east of the west line of the NW $\frac{1}{4}$ of said Section 15; thence N.02°-53'-43"W. 470.15 feet parallel with the west line of the NW $\frac{1}{4}$ of said Section 15 to the Point of Beginning containing 3.09 acres, more or less, with assumed bearings given for description purposes only.



PRELIMINARY PLAN HDI SUBDIVISION

A PART OF THE NW1/4 OF SECTION 15, T.23N., R.2E.,
3 P.M., McLEAN COUNTY, ILLINOIS

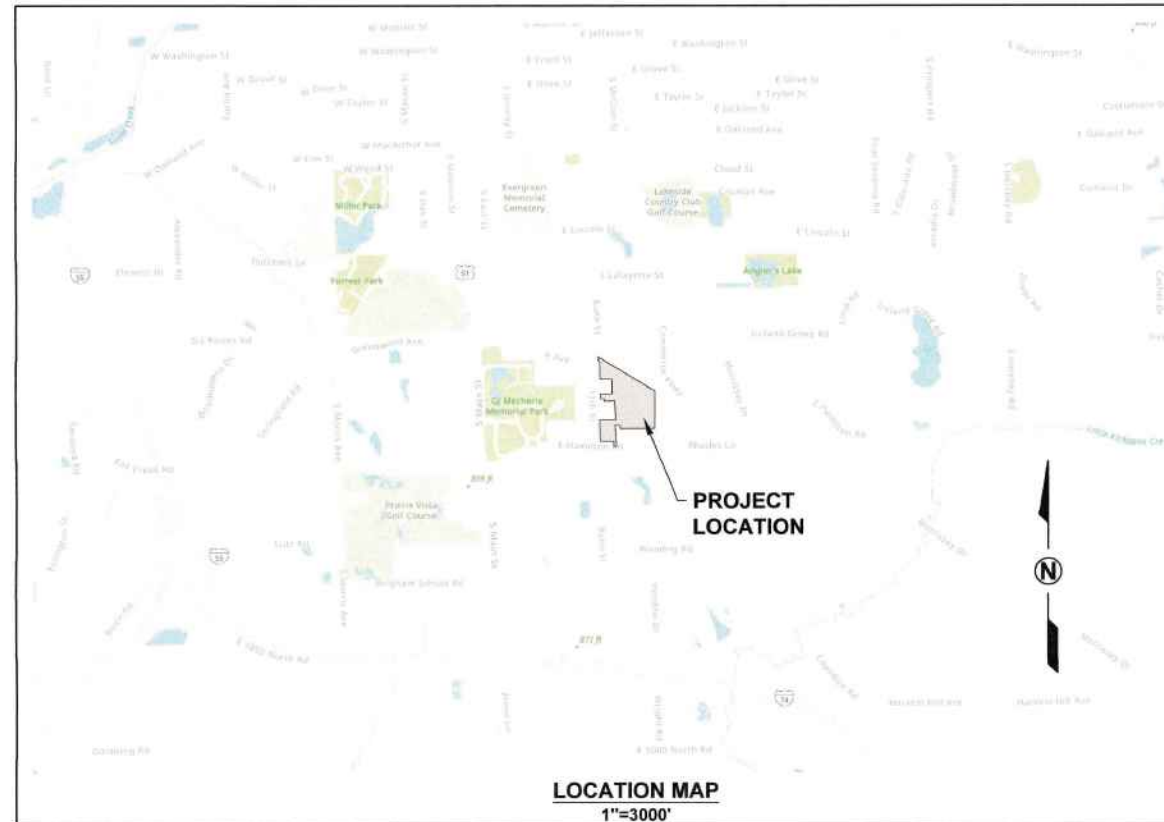
Legal Description of Subject Premises

A part of Lot 1 in the Subdivision of the NW1/4 of Section 15; a part of Lot 2, 3, 4 and 5 in Re-Survey of the W1/2 of the NW1/4 of Section 15; a part of Lot 2 in Owner's Subdivision in the NW1/4 of Section 15; a part of the Illinois Central Gulf Railroad Company's abandoned Amboy District right of way in the NW1/4 of Section 15; Lot 2 and 3 in Flatbush Subdivision in the NW1/4 of Section 15; all of Tri Lakes Road right of way in the NW1/4 of Section 15 vacated in Document No. 2017-13365 in the McLean County Recorder of Deeds Office; all in Township 23 North, Range 2 East of the Third Principal Meridian, McLean County, Illinois, more particularly described as follows: Commencing at the southwest corner of the NW1/4 of said Section 15 also being the southwest corner of Lot 5 in Re-Survey of the W1/2 of the NW1/4 of said Section 15; thence N.02°-53'-43"W. 165.00 feet on the west line of said Lot 5 and west line of the NW1/4 of said Section 15 to the Point of Beginning; thence continuing N.02°-53'-43"W. 540.53 feet on the west line of Lot 5 and 4, being the west line of the NW1/4 of said Section 15; thence N.84°-51'-14"E. 415.42 feet to the west line of Lot 2 in Flatbush Subdivision, recorded as Document No. 2004-1254 in the McLean County Recorder of Deeds Office, lying 66 feet west of the centerline of the former Illinois Central Gulf Railroad Company's Amboy District main track and right of way; thence N.05°-08'-46"W. 429.71 feet on said west line of Lot 2 in Flatbush Subdivision; thence S.87°-06'-17"W. 274.18 feet on the westerly line of said Lot 2 and westerly extension thereof parallel with the south line of Lot 3 in said Flatbush Subdivision; thence N.02°-53'-43"W. 49.98 feet to the south line of said Lot 3 in Flatbush Subdivision; thence S.87°-06'-17"W. 84.04 feet to the southwest corner of said Lot 3 in Flatbush Subdivision; thence N.02°-53'-43"W. 189.41 feet to the northwest corner of said Lot 3 in Flatbush Subdivision; thence N.88°-59'-48"E. 309.36 feet to the northeast corner of said Lot 3 in Flatbush Subdivision; thence N.05°-08'-46"W. 385.71 feet on the west line of Tri Lakes Road right of way as occupied and described in Deed Book 732, Page 241 and as vacated in Document No. 2017-13365 in the McLean County Recorder of Deeds Office, said west line lying 106 feet west of the centerline of the former Illinois Central Gulf Railroad Company's Amboy District main track and right of way; thence S.88°-17'-15"W. 334.10 feet to the west line of Lot 3 in Re-Survey of the W1/2 of the NW1/4 of said Section 15, also being the west line of the NW1/4 of Section 15; thence N.02°-53'-43"W. 480.92 feet on the west line of Lot 3 and Lot 2 in Re-Survey of the W1/2 of the NW1/4 of Section 15, to the northeast corner of Lot 8 in School Commissioners Subdivision in the NE1/4 of Section 16, Township 23 North, Range 2 East of the Third Principal Meridian; thence N.02°-41'-19"W. 109.54 feet on the west line of Lot 2 in Re-Survey of the W1/2 of the NW1/4 of Section 15 to the southerly right of way line of the former Peoria and Eastern Railway Company; thence S.57°-41'-19"E. 285.07 feet on said south right of way line of the former Peoria and Eastern Railway Company; thence S.62°-12'-59"E. 529.35 feet on said right of way line; thence southeasterly on said right of way line 836.14 feet on a curve concave to the southwest having a radius of 5,679.58 feet, central angle of 08°-26'-06" and chord of 835.39 feet bearing S.58°-06'-32"E. from the last described course to the north line of Lot 2 in Owner's Subdivision in the NW1/4 of said Section 15 according to the Plat thereof recorded in Plat Book 9, Page 82 in the McLean County Recorder of Deeds Office; thence southeasterly 66.66 feet on a curve concave to the southwest having a central angle of 00°-40'-21", radius of 5,679.58 feet and a chord of 66.66 feet bearing S.56°-10'-13"E. from the chord of the last described arc to the east line of said Lot 2 in Owner's Subdivision; thence S.02°-31'-47"E. 920.11 feet to the south line of said Lot 2; thence S.87°-25'-14"W. 882.23 feet to the southwest corner of said Lot 2 on the east line of Lot 1 in said Flatbush Subdivision; thence N.05°-08'-46"W. 83.55 feet to the southeast corner of Lot 2 in said Flatbush Subdivision; thence S.84°-51'-14"W. 141.00 feet to the southwest corner of said Lot 2, also being the northeast corner of Lot 1 in said Flatbush Subdivision; thence S.05°-08'-46"E. 577.73 feet on the west line of said Lot 1 and southerly extension thereof to south line of the said NW1/4 of Section 15 lying 9.01 feet east of the southeast corner of Lot 5 in said Re-Survey of the W1/2 of the NW1/4 of Section 15; thence S.87°-25'-14"W. 59.00 feet on the south line of said Lot 5 and south line of the NW1/4 of Section 15; thence N.05°-08'-46"W. 165.17 feet; thence S.87°-25'-14"W. 353.06 feet to the Point of Beginning, containing 41.72 acres, more or less, with assumed bearings given for description purposes only.

OWNER: **TKnTK, LLC**
2148 TRI LAKES ROAD
BLOOMINGTON, IL 61704
ATTN: TOM KIRK
PHONE: 309.261.6893

DEVELOPER: **HENSON DISPOSAL, LLC**
2148 TRI LAKES ROAD
BLOOMINGTON, IL 61704
ATTN: TOM KIRK
PHONE: 309.261.6893

ATTORNEY: **RICHARD M. GUERARD, ESQ.**
310 S COUNTY FARM ROAD, SUITE H
WHEATON, IL 60187-2406
ATTN: RICHARD M. GUERARD
PHONE: 630.698.4700



LEGEND	
	BOUNDARY OF SUBJECT PREMISES
	1/2" IRON ROD SET
	1/2" IRON ROD FOUND
	EASEMENT LIMITS
	CORPORATE LIMITS
	EXISTING BUILDING
	EXISTING FENCE
	EXISTING SANITARY MANHOLE
	EXISTING SEPTIC FIELD
	EXISTING SANITARY SEWER
	EXISTING HYDRANT
	EXISTING WATER VALVE
	EXISTING WATER MAIN MANHOLE
	EXISTING WELL
	EXISTING WATER MAIN
	EXISTING STORM MANHOLE
	EXISTING STORM INLET
	EXISTING STORM SEWER
	EXISTING LIGHT POLE
	UTILITY POLE
	GUY ANCHOR
	HANDHOLE
	TELEPHONE PEDESTAL
	FIBER VAULT
	OVERHEAD ELECTRIC
	GAS VALVE
	GAS MANHOLE
	GAS
	SIGN
	MAILBOX
	AIR CONDITIONING UNIT
	SATELLITE DISH
	EXISTING BOLLARD
	WOODEN POST
	GATE POST
	SEPTIC TANK
	CISTERN
	LANDSCAPED AREA
	DECIDUOUS TREE
	EXISTING GUARDRAIL
	EXISTING GRAVEL
	EXISTING ASPHALT
	EXISTING WATER
	EXISTING CONTOUR
	EXISTING FLOOD ROUTE
	FRONT YARD SETBACK - 40' TYPICAL
	PROPOSED EASEMENT LIMITS
	PROPOSED OR EXISTING INVERT
	PROPOSED SANITARY MANHOLE
	PROPOSED SANITARY SERVICE
	PROPOSED SANITARY SEWER
	PROPOSED HYDRANT
	PROPOSED WATER VALVE
	PROPOSED WATER SERVICE
	PROPOSED WATER MAIN
	PROPOSED STORM SEWER
	PROPOSED LIGHT POLE
	PROPOSED PAVEMENT ELEVATION
	PROPOSED PAVEMENT SLOPE
	PROPOSED FLOOD ROUTE
	PROPOSED DIRECTION OF DRAINAGE

PRELIMINARY PLAN NOTES

- THIS SUBJECT PROPERTY CONTAINS 41.72 ACRES WHICH IS ZONED M-2 IN McLEAN COUNTY. THE SUBDIVISION SHALL CONSIST OF SIX (6) LOTS, ONE OUTLOT, AND A NEW PUBLIC STREET TO BE KNOWN AS HDI COURT. COMPARABLE ZONING CLASSIFICATION IN THE CITY OF BLOOMINGTON REQUIRES ZERO-FOOT SETBACK. THE PROPERTY WILL NOT BE ANNEXED TO THE CITY OF BLOOMINGTON AT THIS TIME.
- TOPOGRAPHIC INFORMATION IS SHOWN AT ONE-FOOT (1-FOOT) CONTOUR INTERVAL AS DETERMINED BY AERIAL FIELD SURVEY METHODS PROVIDED BY CIVIL & ENVIRONMENT CONSULTANTS, INC. DATED APRIL 2022.
- NO PORTION OF THIS PROPERTY LIES WITHIN THE SPECIAL FLOOD HAZARD ZONE AS SHOWN ON FLOOD INSURANCE RATE MAP NUMBER 17113C0503E REVISED JULY 16, 2008.
- HDI COURT WILL BECOME A PUBLIC STREET UPON APPROVAL OF CONSTRUCTION AND ACCEPTANCE FOR MAINTENANCE BY BLOOMINGTON TOWNSHIP AND THE McLEAN COUNTY ENGINEER.
- PROPOSED SANITARY SEWERS AND WATER MAINS WILL BECOME A PUBLIC FACILITY UPON APPROVAL OF CONSTRUCTION AND ACCEPTANCE FOR MAINTENANCE BY THE CITY OF BLOOMINGTON.
- PROPOSED STORM SEWERS WILL BECOME A PUBLIC FACILITY UPON APPROVAL OF CONSTRUCTION AND ACCEPTANCE FOR MAINTENANCE BY BLOOMINGTON TOWNSHIP AND THE McLEAN COUNTY ENGINEER. THE PROPOSED STORM SEWER THAT RUNS FROM LOT 1 EAST ACROSS LOT 2 SHALL BE MAINTAINED BY THE OWNER.
- PROPOSED OUTLOT A WILL SERVE AS PRIVATE STORM WATER DETENTION FOR LOTS 1-5 AND IN PART FOR LOT 6. LOT 6 CONTAINS A STORM WATER DETENTION BASIN PREVIOUSLY APPROVED BY McLEAN COUNTY FOR AN ONGOING CONCRETE BATCH PLANT OPERATION. PRIVATE STORM WATER DETENTION BASINS ON OUTLOT A AND LOT 6 SHALL BE MAINTAINED BY THE OWNER. DRAINAGE CALCULATIONS FOR MODIFICATION OF THE EXISTING TRI LAKES WATER IMPOUNDMENT PERTAINING TO STORM WATER DETENTION WILL BE SUBMITTED TO McLEAN COUNTY FOR REVIEW AND APPROVAL WITH CONSTRUCTION PLANS FOR THE SUBDIVISION.
- FINAL DRAINAGE CALCULATIONS, CROSS SECTIONS OF PROPOSED DRAINAGE WAYS, LOT DRAINAGE, AND EROSION CONTROL PLAN WILL BE SUBMITTED AS PART OF THE CONSTRUCTION PLANS TO BE APPROVED BY McLEAN COUNTY.
- THE SUBJECT PREMISES SUBDIVISION IS ADJACENT TO THE CORPORATE LIMITS OF THE CITY OF BLOOMINGTON. PUBLIC IMPROVEMENTS, INCLUDING STORM WATER DETENTION REQUIREMENTS AND FINAL PAVEMENT DESIGN, WILL MEET THE CITY OF BLOOMINGTON CONSTRUCTION STANDARDS AND SPECIFICATIONS. THE HDI COURT AND BUNN STREET INTERSECTION GEOMETRICS SHALL BE DETERMINED AS PART OF THE CONSTRUCTION PLANS. THE CONSTRUCTION PLANS SHALL BE APPROVED BY THE CITY OF BLOOMINGTON.

PRELIMINARY PLAN WAIVERS REQUESTED

- A WAIVER IS REQUESTED TO ALLOW PUBLIC STREETS TO BE CONSTRUCTED WITH SIDEWALK ON ONE SIDE OF THE STREET ONLY ALONG HDI COURT. THE SIDEWALK WILL BE CONSTRUCTED ON THE NORTH SIDE OF HDI COURT.

RECOMMENDATION OF PRELIMINARY PLAN APPROVAL BY THE COMMITTEE OF THE McLEAN COUNTY BOARD

NOTICE IS HEREBY GIVEN THAT THE PRELIMINARY PLAN OF THE SUBDIVISION SHOWN HEREON IS RECOMMENDED BY COMMITTEE OF THE COUNTY BOARD, COUNTY OF McLEAN, ILLINOIS, FOR COUNTY BOARD APPROVAL WITH THE MODIFICATIONS (IF ANY) AS NOTED IN ATTACHMENT A WHICH IS ATTACHED HERETO.

THE COUNTY BOARD OF McLEAN COUNTY, ILLINOIS
DATE February 7th, 2023
BY [Signature] CHAIRPERSON
BY [Signature] SECRETARY

NOTICE OF APPROVAL OF PRELIMINARY PLAN BY THE COUNTY BOARD OF McLEAN COUNTY, ILLINOIS

NOTICE IS HEREBY GIVEN THAT THE PRELIMINARY PLAN OF THE SUBDIVISION SHOWN HEREON HAS RECEIVED APPROVAL BY THE COUNTY BOARD, AND UPON COMPLIANCE BY THE SUBDIVIDER WITH THE REQUIREMENTS OF QUALIFICATION GOVERNING THE APPROVAL OF PRELIMINARY PLANS AND WITH OTHER REVISIONS AND STIPULATIONS THAT MAY BE REQUIRED, AS NOTED ON ATTACHMENT A WHICH IS ATTACHED HERETO, THE COUNTY BOARD WILL RECEIVE THE FINAL PLAT OF SUCH SUBDIVISION OR PORTION THEREOF FOR CONSIDERATION WHEN SUBMITTED BY THE SUBDIVIDER IN SUCH FORM AND WITHIN SUCH TIME AS REQUIRED BY THE RESOLUTION.

THE COUNTY BOARD OF McLEAN COUNTY, ILLINOIS
BY [Signature] COUNTY BOARD CHAIRMAN
DATE February 6th, 2023

RECEIVED
FEB 01 2023
ZONING

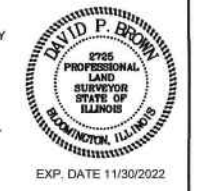
ATTEST BY [Signature] COUNTY CLERK
DATE Feb 16th, 2023

SHEET NO.	DESCRIPTION
1	COVER SHEET
2	COMPREHENSIVE PLAN
3 - 6	UTILITY PLAN

NO.	DESCRIPTION	ELEVATION
1	T/FH @ SW CORNER BUNN/HAMILTON	866.01
2	SPINDLE SET IN PP - N SIDE OF PARKING AREA WEST OF TRI LAKES CLUBHOUSE BUILDING	852.84

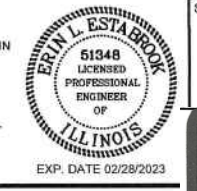
DAVID P. BROWN, ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 2725, DO HEREBY CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THE PLAT SHOWN HEREON IS AN ACCURATE REPRESENTATION OF A SURVEY MADE UNDER MY DIRECTION.

DAVID P. BROWN
IPLS NO. 2725
DATE 09/06/2022



THIS PRELIMINARY PLAT WAS PREPARED BY LEWIS, YOCKEY & BROWN, INC., 505 NORTH MAIN STREET, BLOOMINGTON, ILLINOIS.

ERIN L. ESTABROOK
ILPE NO. 51348
DATE 09/06/2022



Lewis, Yockey & Brown, Inc.
Consulting Engineers & Land Surveyors
Professional Design Firm Registration #184.000806
505 North Main Street, Bloomington, Illinois
Ph. (309) 829-2552

REVISED	
11/29/2022	-
12/20/2022	-
01/16/2023	-
01/26/2023	-

DRN: ELE
DSN: ELE
APP: DPB

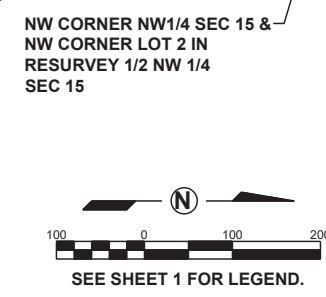
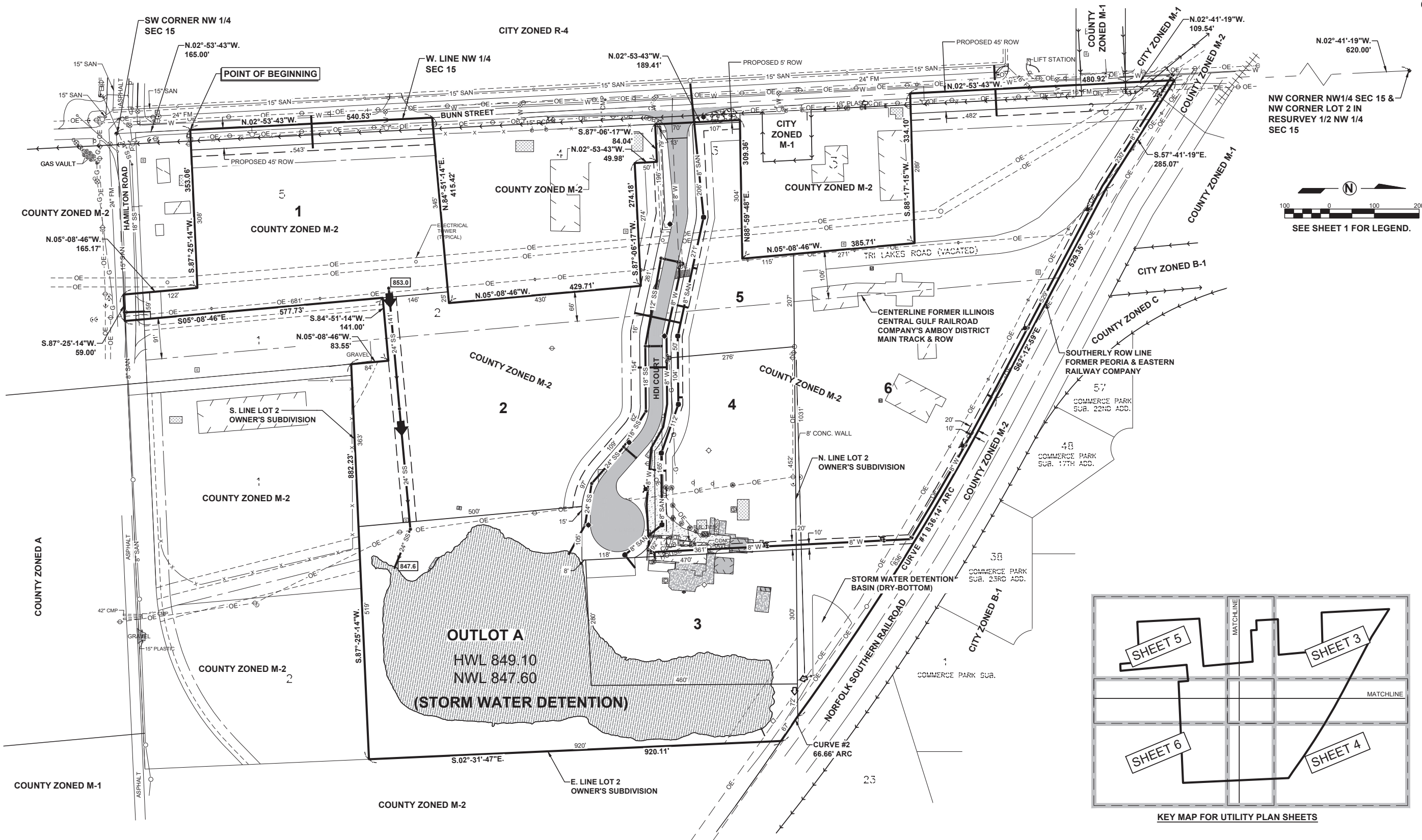
HDI SUBDIVISION
BUNN STREET, McLEAN COUNTY, ILLINOIS
PRELIMINARY PLAN
COVER SHEET

SHEET
1

EXHIBIT
LRs
16

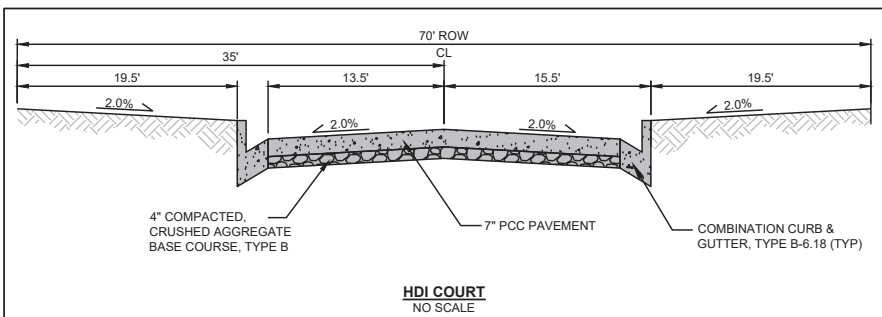
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11/29/2022	-
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01/16/2023	-
BK.	-
DRN.	JSB/ELE
DSN.	LDV/ELE
APP.	DPB

**HDI SUBDIVISION
 BUNN STREET, MCLEAN COUNTY, ILLINOIS
 PRELIMINARY PLAN
 COMPREHENSIVE PLAN**



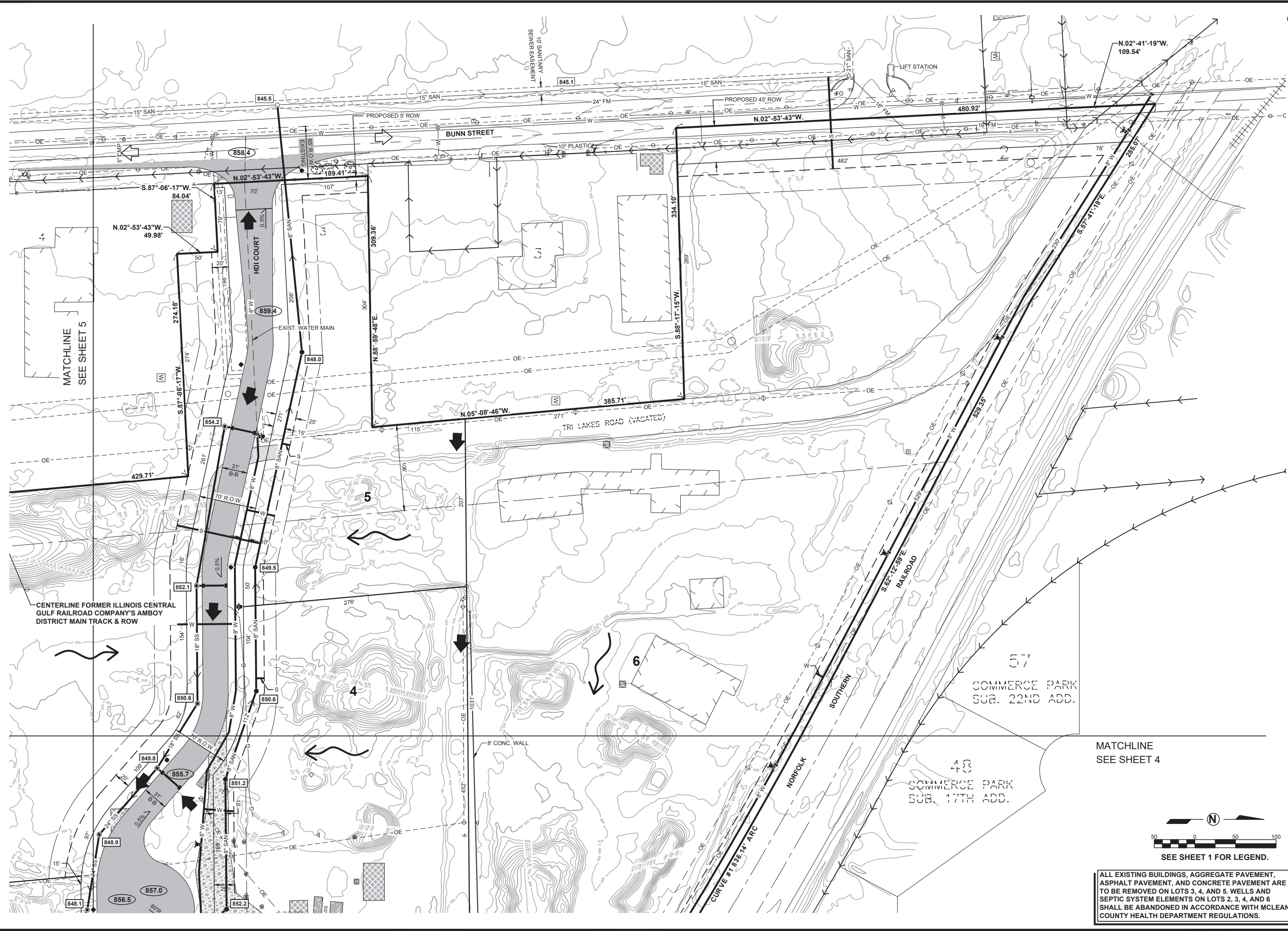
ALL EXISTING BUILDINGS, AGGREGATE PAVEMENT, ASPHALT PAVEMENT, AND CONCRETE PAVEMENT ARE TO BE REMOVED ON LOTS 3, 4, AND 5. WELLS AND SEPTIC SYSTEM ELEMENTS ON LOTS 2, 3, 4, AND 6 SHALL BE ABANDONED IN ACCORDANCE WITH MCLEAN COUNTY HEALTH DEPARTMENT REGULATIONS.

BOUNDARY CURVE CURVE #1 DATA	BOUNDARY CURVE CURVE #2 DATA
Δ = 08°-26'-06"	Δ = 00°-40'-21"
R = 5679.58'	R = 5679.58'
L = 836.14'	L = 66.66'
T = 418.83'	L = 33.33'
C = 835.39'	C = 66.66'
CB = S.58°-06'-32"E.	CB = S.56°-10'-13"E.



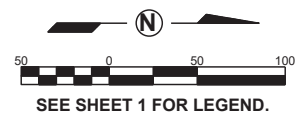
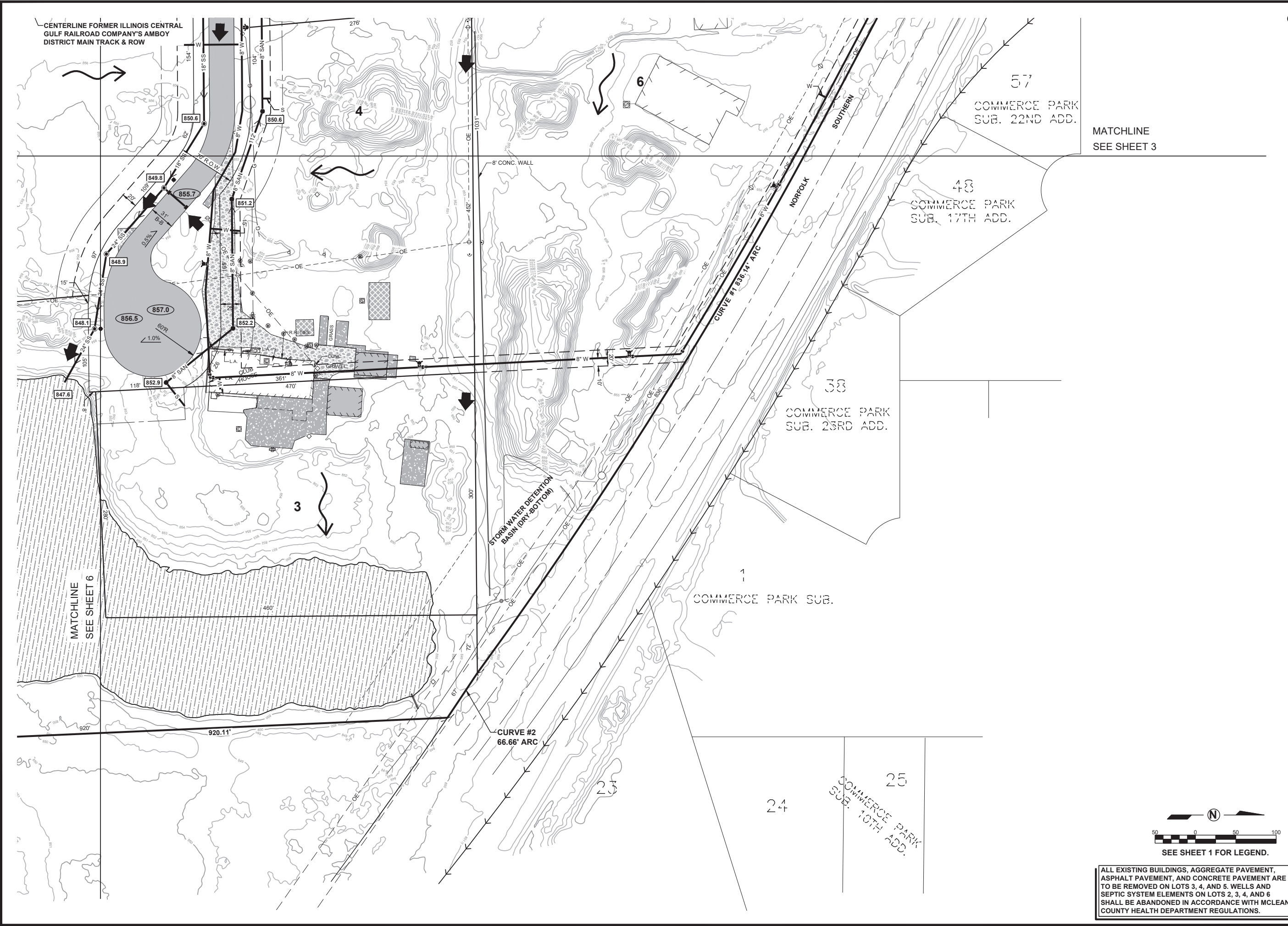
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DSN.	LDV/ELE
APP.	DPB

HDI SUBDIVISION
 BUNN STREET, MCLEAN COUNTY, ILLINOIS
 PRELIMINARY PLAN
 UTILITY PLAN



REVISED	-
11/29/2022	-
12/20/2022	-
01/16/2023	-
BK:	-
DRN:	JSB/ELE
DSN:	LDY/ELE
APP:	DPB

HDI SUBDIVISION
 BUNN STREET, MCLEAN COUNTY, ILLINOIS
 PRELIMINARY PLAN
 UTILITY PLAN

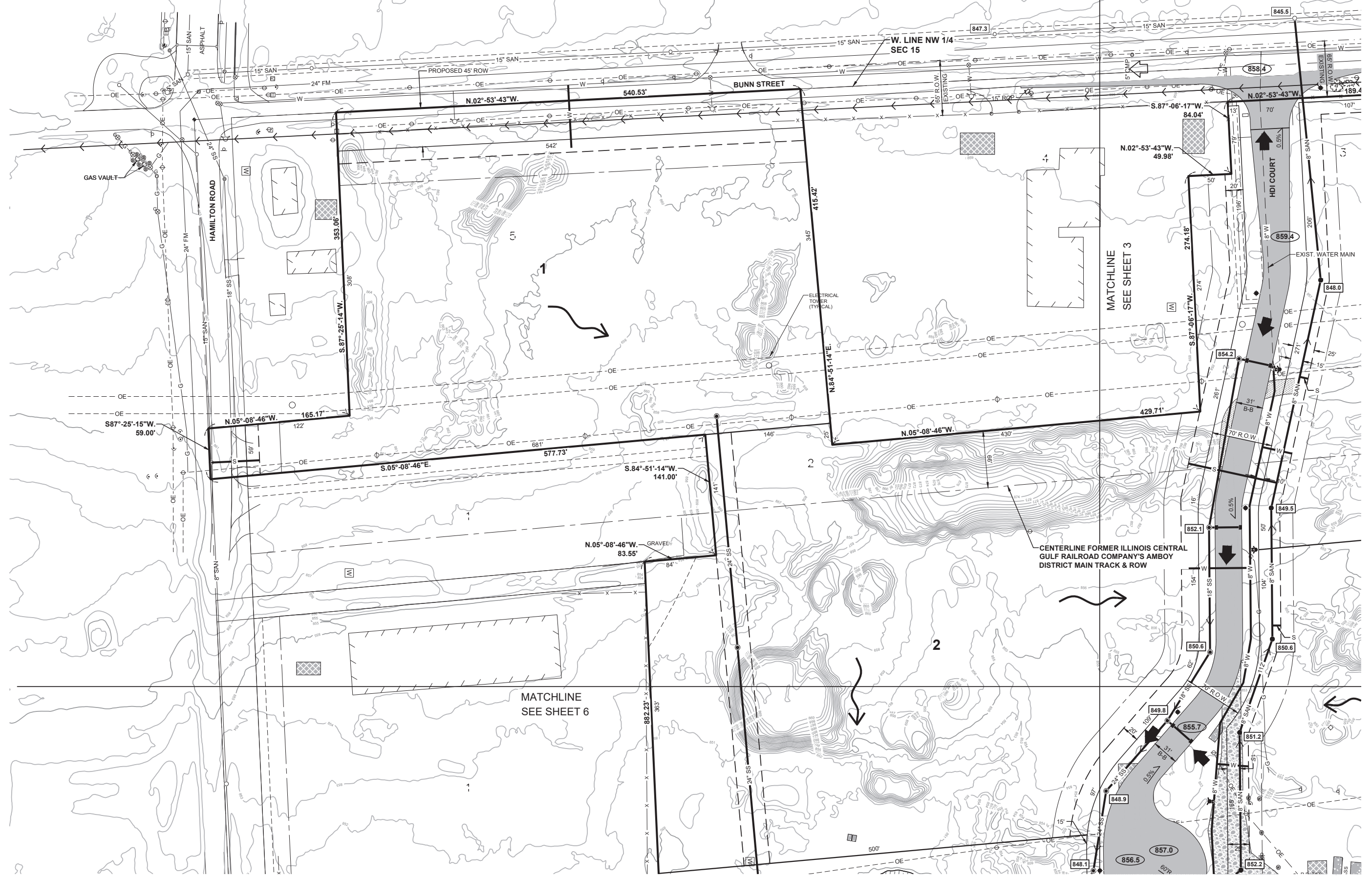


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SEE SHEET 1 FOR LEGEND.

ALL EXISTING BUILDINGS, AGGREGATE PAVEMENT, ASPHALT PAVEMENT, AND CONCRETE PAVEMENT ARE TO BE REMOVED ON LOTS 3, 4, AND 5. WELLS AND SEPTIC SYSTEM ELEMENTS ON LOTS 2, 3, 4, AND 6 SHALL BE ABANDONED IN ACCORDANCE WITH MCLEAN COUNTY HEALTH DEPARTMENT REGULATIONS.



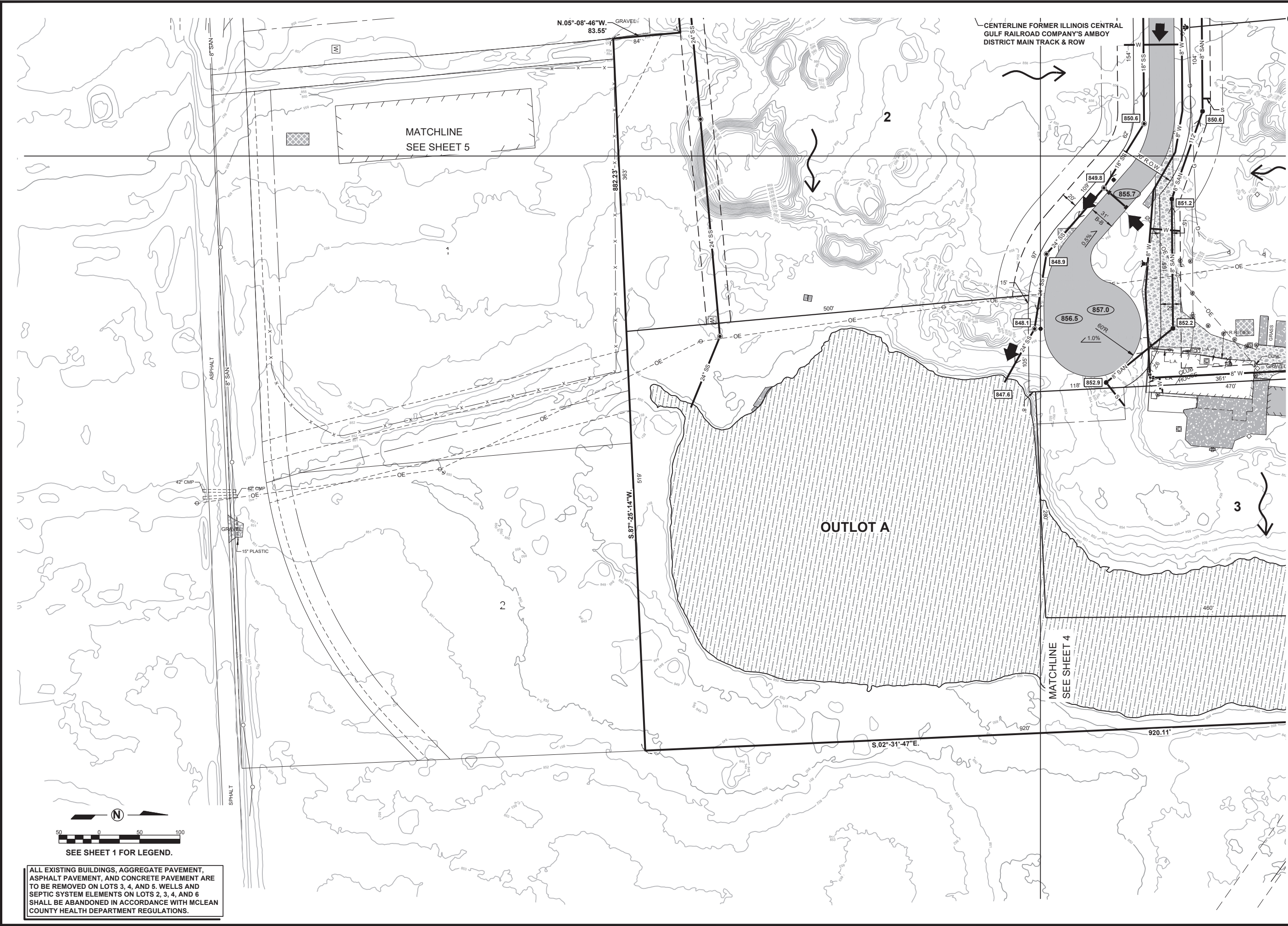
Lewis, Yockey & Brown, Inc.
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HDI SUBDIVISION
BUNN STREET, MCLEAN COUNTY, ILLINOIS
PRELIMINARY PLAN
UTILITY PLAN

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HDI SUBDIVISION
 BUNN STREET, MCLEAN COUNTY, ILLINOIS
 PRELIMINARY PLAN
 UTILITY PLAN



C-225

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

REPUBLIC SERVICES, INC.,)	
)	
Petitioner,)	
)	
v.)	PCB No. 2024-065
)	
McLEAN COUNTY, ILLINOIS; McLEAN)	(Third-Party Pollution Control
COUNTY BOARD; and LAKESHORE)	Facility Siting Appeal)
RECYCLING SYSTEMS, LLC.,)	
)	
Respondents.)	

**Direct Testimony of
Catherine Metsker**

**Submitted on behalf of
McLean County, Illinois**

July 22, 2024

EXHIBIT 17

1 **Q. Please state your name and address.**

2 A. My name is Catherine Metsker, my address is 20645 North 825 East Rd. in Carlock,
3 Illinois.

4 **Q. What is your educational and professional background?**

5 A. I received a bachelor's degree in vocational training education in 1983 and a
6 master's degree in workforce development and training in 1985. I worked for State
7 Farm Insurance in Risk and Compliance for 31 years and retired in April of 2022.

8 **Q. Do you hold any elected office?**

9 A. Yes, I represent District 1 on the McLean County Board.

10 **Q. How long have you been a member of the County Board?**

11 A. Since December 1, 2014.

12 **Q. Are you an officer of the McLean County Board?**

13 A. Yes, I serve as its Chairperson.

14 **Q. When did you become Chairperson?**

15 A. On September 14, 2023.

16 **Q. What is the purpose of your testimony?**

17 A. My testimony is to explain my decision to exclude public comment related to the
18 LRS application at the February 15, 2024 meeting of the McLean County Board and
19 my statements regarding the procedure for siting approval.

20 **Q: When was the decision to exclude public comment related to the LRS
21 application at the County Board meeting made?**

22 A: On or about January 23, 2024.

23 **Q: Why was a decision about public comment related to the LRS application made**
24 **at that time?**

25 A: The County Board's Pollution Control Site Hearing Committee was scheduled to
26 meet on January 29, 2024. Under the County Board's rules that were in effect at the
27 time, individuals who desired to provide public comment at Board meetings were
28 required to submit requests to do so in writing at least 24 hours in advance. The
29 written requests were required to identify the subject matter to be addressed by the
30 speaker. The County Board had received requests to provide public comment at the
31 January 29th meeting and I had to decide how to respond to those requests prior to
32 the day of the meeting. While contemplating my response to requests to speak on
33 January 29th, I believed that whatever approach was adopted for that meeting
34 should also be applied to the meeting of the County Board on February 15th.

35 **Q: Did you make the decision to exclude public comment on the LRS application at**
36 **the meetings on January 29th and February 15th?**

37 A: Yes.

38 **Q: How was that decision made?**

39 A: In consultation with the County Administrator and legal counsel.

40 **Q: Why did you decide to exclude public comment on the LRS application at the**
41 **meetings on January 29th and February 15th?**

42 A: I was advised that the County Board was required to base its decision on the LRS
43 application to the evidence and public comment that was submitted pursuant to
44 Section 39.2 of the Illinois Environmental Protection Act. Because the meetings on
45 January 29th and February 15th took place after the permitted period of public
46 comment, it was my view that the record was closed and any further public
47 comment on the matter could expose the County Board to allegations that it
48 violated due process requirements by considering improper "evidence" outside the
49 record. The decision to exclude public comment on the LRS application at the

50 meetings on January 29th and February 15th was made to reduce the chance of
51 introducing prohibiting evidence.

52 **Q: What authority were you acting under in excluding public comment on the LRS**
53 **application?**

54 **A:** Under Chapter 20, Section 13 (G)(3) of the McLean County Code, the Chair of the
55 County Board is authorized to exclude discussion of matters which have had a
56 previous public hearing conducted according to law, discussion of matters where
57 public comment would interfere with the due process of law or discussion of
58 matters which would be in direct conflict with restrictions placed upon the Board by
59 other applicable law.

60 **Q. What was the purpose of your statements regarding the LRS application that**
61 **were made prior to the County Board vote on February 15, 2024?**

62 **A.** My primary statement on the issue was made immediately prior to the beginning of
63 the public comment portion of the Board meeting. The purpose of my statement
64 was to explain to members of the public who may have been denied an opportunity
65 to provide public comment that evening with the reason why the decision had been
66 made. The portion of my statement that referred to subsequent review was intended
67 to communicate the potential for further proceedings, which could create
68 additional opportunities for public comment.

69 **Q: Was your explanation provided for the benefit of County Board members?**

70 **A:** No. All members of the County Board had initially been advised by the State's
71 Attorney's Office about the siting procedure in a memo on or about August 17, 2023.
72 (Exhibit A). The memo indicated that the Pollution Control Site Hearing Committee
73 would be involved with the public hearing and then the entire County Board would
74 ultimately decide whether the application is approved or denied, and that we should
75 avoid *ex parte* communications because they can interfere with due process of law.
76 We were reminded of this by the State's Attorney's Office on or about January 23,

77 2024, when my decision to exclude public comment was communicated to
78 members of the County Board. (Exhibit B). The communication included the
79 admonishment that the County Board is required by law to limit its consideration of
80 the LRS application to the evidence and comments presented through the public
81 hearing process. My comments were directed to the general public in attendance in
82 the audience.

83 **Q: Later in the Board meeting, immediately before taking a motion to approve the**
84 **LRS application, you indicate that the vote to be taken by the County Board was**
85 **not a final decision and that a final decision would be made by the Illinois**
86 **Pollution Control Board. What was the purpose of those comments?**

87 A: Approximately 30 minutes had passed since my initial statement and I wanted to
88 remind members of the public who were present that there would likely be future
89 opportunities to participate in a review of the LRS application. There were an
90 unusually large number of attendees in the audience. It was clear they were in
91 attendance due to the LRS application action item because some attendees had
92 brought signs related to their opinion on the matter. I did not want those individuals
93 to feel ignored, despite the fact that the County Board would not permit public
94 comment on the LRS application at the meeting.

95 **Q. What was your understanding of the appeal process for siting approval?**

96 A. I had been advised by County staff that applications for a new pollution control
97 facility are typically highly contested—an observation that proved accurate during
98 the public hearings on the LRS application on November 29 and 30, 2023. Given
99 Republic Services' participation in the public hearings, I anticipated an appeal of the
100 County Board's decision, regardless of whether local siting approval was granted or
101 denied. I had also been advised that an appeal of the County Board's decision
102 would be heard by the Illinois Pollution Control Board. Therefore, I considered an
103 appeal of the County Board's local siting decision and subsequent review by the
104 Illinois Pollution Control Board to be imminent.

105 Q. Does this conclude your prepared direct testimony?

106 A. Yes, it does.

107

108 I declare (or certify, verify, or state) under penalty of perjury that the foregoing
109 factual matter is true and correct.

110

111 Date: July 22, 2024

112



Catherine Metsker

McLEAN COUNTY, ILLINOIS

Exhibit A

August 17, 2023 e-mail communication to County Board members

ERIKA REYNOLDS
McLean County State's Attorney

Trevor Sierra
First Assistant State's Attorney,
Civil Division



Government Center, Room 401
115 E. Washington Street
Bloomington, Illinois 61701
Phone: 309-888-5110
Fax: 309-888-5111
trevor.sierra@mcleancountyl.gov

August 17, 2023

To: Honorable Members of the McLean County Board

From: Trevor Sierra, First Assistant State's Attorney, Civil Division

RE: Pollution Control Facility Application and Review Process

County staff has been informed that an application for a solid waste transfer station will be submitted tomorrow, August 18, 2023. A waste transfer station is considered a Pollution Control Facility and therefore the review process will be subject to Chapter 289 of the McLean County Code. The application will be available for public inspection once filed and the public will have at least 90 days to submit comments on the application prior to a public hearing by the McLean County Regional Pollution Control Site Hearing Committee ("Hearing Committee").

The Hearing Committee will be composed of all members of the Land Use and Development Committee and County Board Chairman, John McIntyre. While the Hearing Committee will conduct the hearing, the entire County Board will ultimately decide whether the application is approved or denied. Board members will be required to base their decision only on the record created by the public hearing. Therefore, please be aware that interested parties may attempt to make contact with Board members, and such communications should be avoided to the extent possible.

Any discussion of the merits of the waste transfer station application can be considered *ex parte* communication in that they are an attempt to convey information to you outside of the public hearing process without the knowledge of the applicant. It is my recommendation that all Board Members should avoid *ex parte* communications because they interfere with due process of law and can be the basis for overruling your decision if it appears you were improperly influenced by information obtained through those channels.

Board Members clearly cannot control the messages that are sent to you, and you may inevitably be the recipient of *ex parte* communications, given that you are elected officials with constituents. However, Board Members should not respond to any such communications. We anticipate that the review process for the proposed waste transfer station will be intensely contested between the interested parties and that any outcome will be subject to scrutiny in an appeals process or litigation.

Please seek to avoid *ex parte* communications to the extent possible, and disregard the contents, particularly if they contain information outside the record of any anticipated proceeding before the Hearing Committee. I am available to discuss any questions or concerns you may have.

McLEAN COUNTY, ILLINOIS

Exhibit B

January 23, 2024 e-mail communication to County Board members

Attorney-Client Communication: LRS/Henson Waste Transfer Station Updates

Sierra, Trevor <Trevor.Sierra@mcleancountyil.gov>

Tue 1/23/2024 4:32 PM

To: Sierra, Trevor <Trevor.Sierra@mcleancountyil.gov>

Cc: Taylor, Cassy <Cassy.Taylor@mcleancountyil.gov>

Bcc: Adam Reeves <adam.reeves@reagan.com>; Beverly Bell <beverlybell827@gmail.com>; Metsker, Catherine <Catherine.Metsker@mcleancountyil.gov>; Chuck Erickson <cnelaw1@aol.com>; Beirne, Corey <Corey.Beirne@mcleancountyil.gov>; Elizabeth Johnston <johnstonmcbboard@gmail.com>; Eric Hansen <erichansen11@gmail.com>; Geoff Tompkins <geoff4countyboard@gmail.com>; George Wendt <>wendtfarm@gmail.com>; Jack Abraham <jackabra4d6@gmail.com>; Jim Rogal <jim_rogal@yahoo.com>; Jim Soeldner <jimsoeldner@aol.com>; Krystle Able <krystleable4mcleancounty@gmail.com>; Lea Cline <lea.cline@gmail.com>; Lyndsay Bloomfield <friendsoflyndsay@gmail.com>; Natalie Roseman-Mendoza <nrosemanmendoza@gmail.com>; Randall Knapp <randyknapp2026@gmail.com>; Susan Schafer <susan@schafer9.com>; Val Laymon <vallaymon.mcleanco@gmail.com>; William Friedrich <wjfriedrich@icloud.com>

Good afternoon, Board Members:

Last week Ms. Morlock provided you with the hearing officer's final report from the public hearing on the LRS/Henson application for a waste transfer station. The Pollution Control Site Hearing Committee will meet on Monday, January 29th to make a recommendation to the County Board. **Please remember, the Committee and the County Board are required by law to limit their consideration to the evidence and comments that were previously submitted through public comment and public hearing that occurred last December.** The Ecology Action Center has compiled the entire record into one document for the Board's review. The file is too large to send via email, the following link will take you to the record: <https://www.dropbox.com/scl/fi/s1h0zaeimof3w1wy3i3iq/PCF-committee-meeting-packet-1.29.2024.pdf?rlkey=0x11vxm92i0lrrrial86nxbxu&dl=0>

To reduce the chance of introducing prohibiting evidence, public comment will not be permitted on the LRS/Henson application at the Committee or County Board meetings. While some individuals may be disappointed with that limitation, the procedure for local site review is dictated by the Illinois Environmental Control Act, which affords extensive opportunity for public comment. The public was encouraged to provide written comment prior to the public hearing, afforded opportunities for oral commentary during the public hearing, and able to submit written comment after the public hearing. Consideration of additional public comment outside the prescribed process could invalidate whatever decision the County Board makes on the application.

If you have any questions or concerns about any the above, please don't hesitate to reach out.

Thank you,
Trevor



Trevor J. Sierra

First Assistant State's Attorney, Civil Division

(309) 888-5115

115 E. Washington St., Room 401

Bloomington, IL 61701

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

REPUBLIC SERVICES, INC.,)	
)	
Petitioner,)	
)	
v.)	PCB No. 24-65
)	(Third-Party Pollution Control
McLEAN COUNTY, ILLINOIS)	Facility Siting Appeal)
McLEAN COUNTY BOARD, and)	
LAKESHORE RECYCLING)	
SYSTEMS, LLC,)	
)	
Respondents.)	

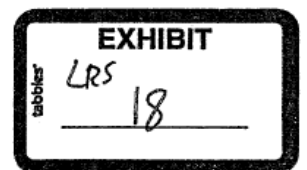
DECLARATION OF RICHARD GUERARD
Written Statement submitted on behalf of LRS

1. My Name is Richard M. Guerard, and I am an attorney licensed in Illinois and partner with the law firm of Guerard, Kalina & Butkus in Illinois with over 40 years of experience related to real estate transactions, zoning, real estate tax matters, land use, and entitlement and development of commercial and residential projects.

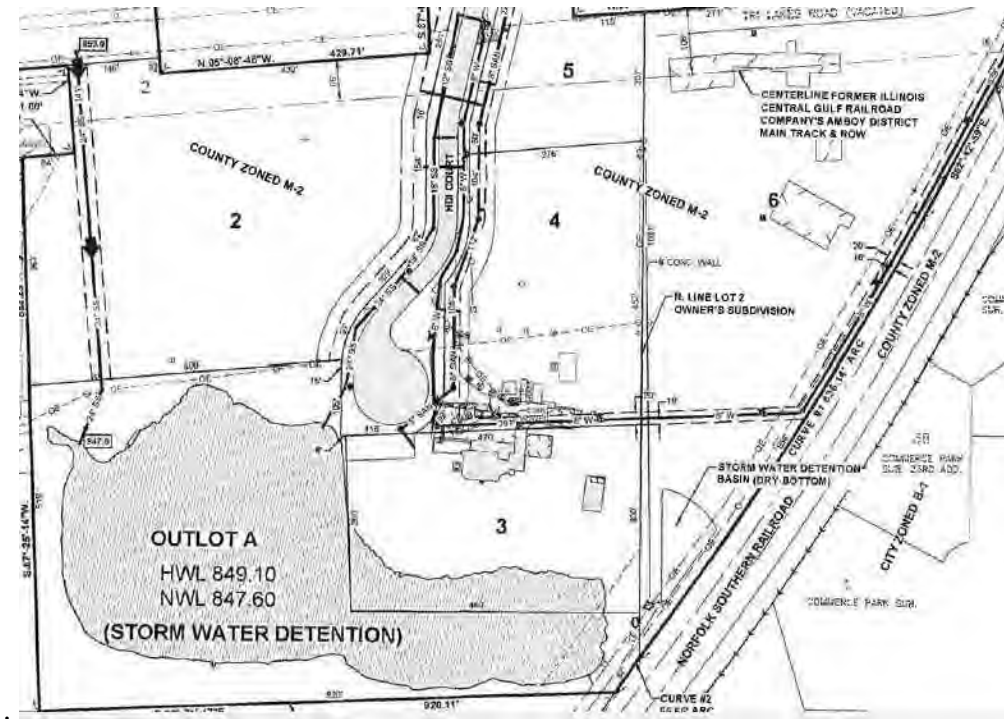
2. Our firm has represented the landowner in the above-referenced matter and was involved in the preparation of the application that was filed by LRS on August 18, 2023 for site approval for a new regional pollution control facility (“PCF”) (the “Application”). As part of the McLean County public hearing, I provided a letter dated November 20, 2023 to Ms. Metsker, McLean County Board Chair, and Ms. Reynolds, McLean County State’s Attorney responding to certain arguments made by Petitioner’s attorneys on jurisdiction and notice. I attended the full hearing and provided argument and evidence during the hearing on November 30 and December 1 in this matter.

3. The proposed Facility is to be wholly located within Lot 3 of the Approved McLean County Plan of the HDI Subdivision. The Preliminary Plan of the HDI Subdivision was approved by the McLean County Board on February 16, 2023, and recorded in the McLean County Recorder’s office with the McLean County Clerk as number 2023-00010926. The Subject Property is identified on the face of the Plan as “lot 3” of the subdivision.

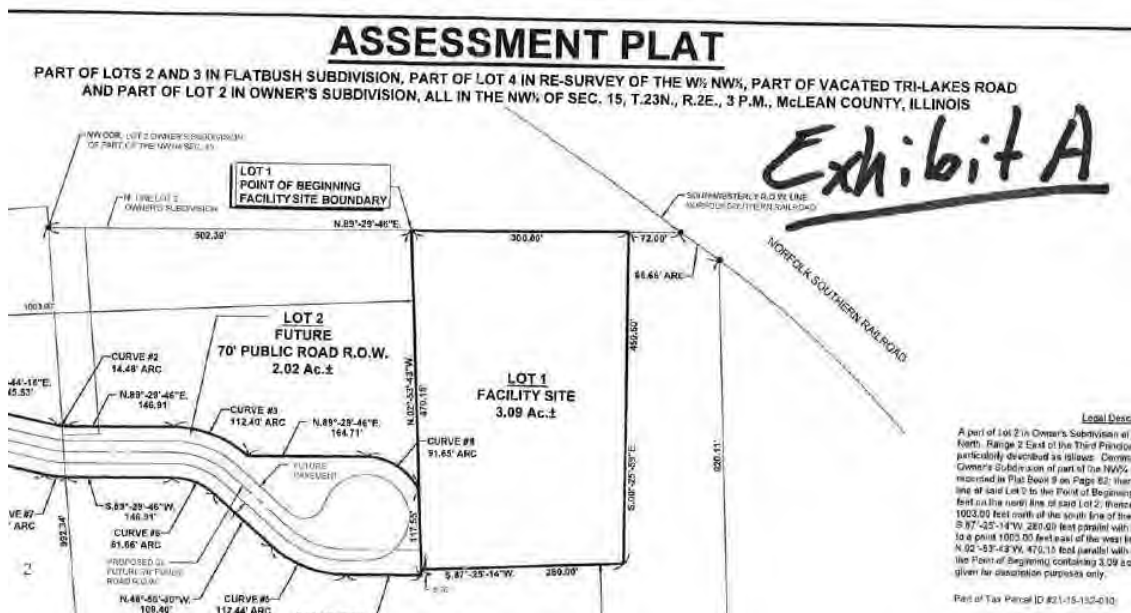
4. The proposed Facility is also described as Lot 1 of the Recorded Assessment Plat and is depicted on the authentic McLean County tax records and the Bloomingdale Township Assessor’s map. A surveyed Assessment Plat was recorded in the McLean County Recorder’s office with the McLean County Clerk on August 17, 2023 as number 2023-00010925 and delivered to the Bloomington Township Assessor. The proposed Facility is identified on the recorded Plat as “Lot 1, Facility Site, 3.09Ac+” and on the assessor’s tax map as Lot 1.



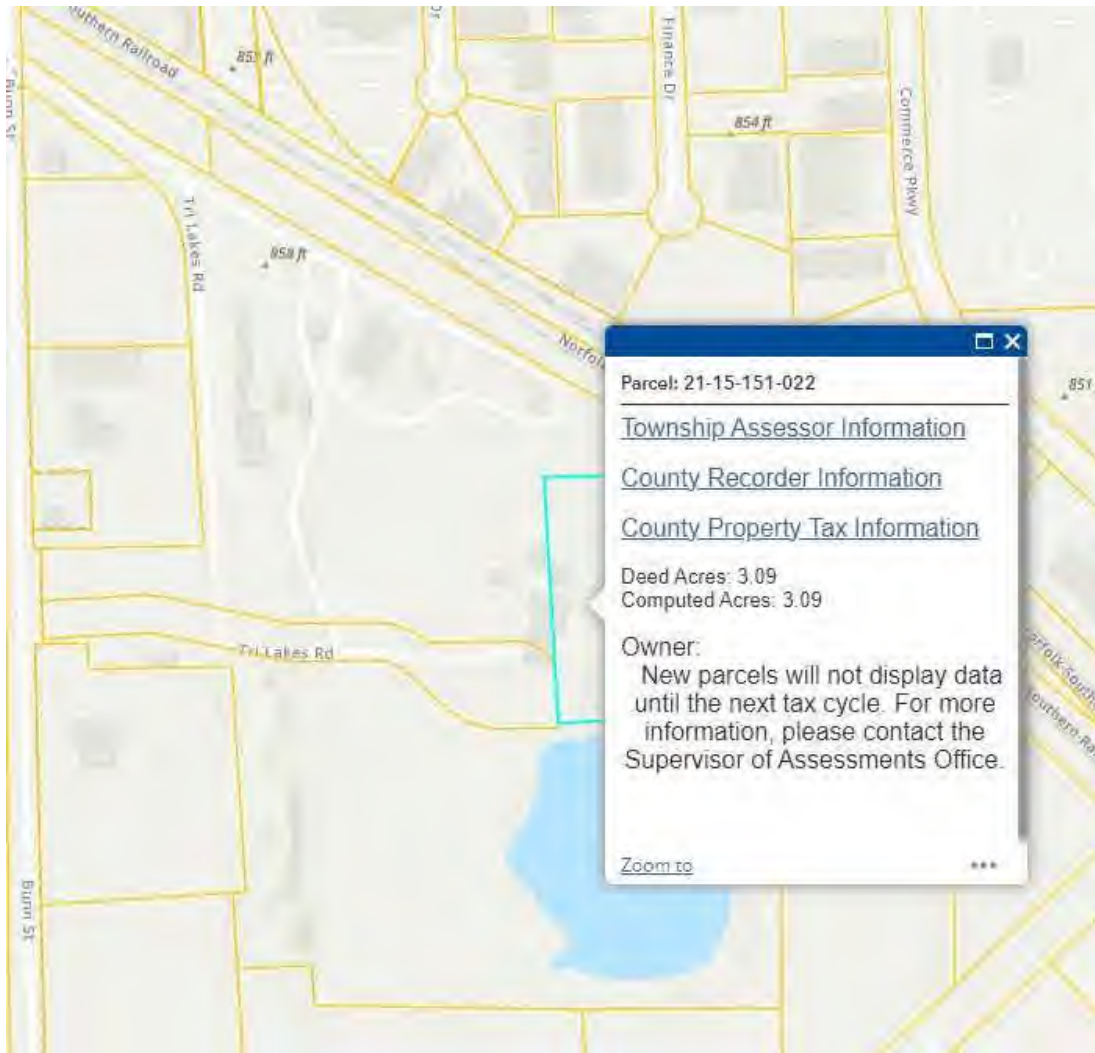
5. The tax assessor assigned the proposed Facility a separate Parcel Identification Number (“PIN”). The PIN number for the proposed Facility site is 21-15-151-022. The proposed Facility is located on a separate, dedicated lot and the lot lines for the Facility site are depicted on the McLean County GIS map. The McLean County GIS map and Tax Assessor Map are public records that are publicly accessible via online sources.
6. The Preliminary Plan is also recorded as an Exhibit to the Utilities Agreement with the City of Bloomington. The City of Bloomington reviewed the Preliminary Plan and made it an exhibit to the Utility Agreement between the City and the property owner.
7. The legal description of the Facility property was prepared by the surveyor based on a metes and bounds description and is identical to the property described as Lot 3 of the Preliminary Plan, and Lot 1 of the Assessment Plat. There is no difference in the property described by the metes and bounds description, Lot 3 in the Preliminary Plan, Lot 3 in the exhibit to the City of Bloomington’s recorded Utilities Plan, Lot 1 in the recorded Assessment Plat, PIN 21-15-151-022, shown on the McClean County official GIS map, and PIN 21-15-151-022 on the detailed on the authentic tax records and assessor's map” of the Township Assessor’s official Tax Map. Despite the variations in name, all these documents describe the same parcel of property. The naming variations are solely for purposes of illustration in the different documents and there is no legal, practical or physical difference in the actual boundaries or lot lines. The descriptions are merely “alternate” name, not different legal descriptions for the same property.
8. The boundaries of the proposed Facility are depicted as Lot 3 on the Approved McLean County Plan of the HDI Subdivision (see below). The Preliminary Plan of the HDI Subdivision was approved by the McLean County Board on February 16, 2023, and recorded in the Mclean County Recorder’s office with the McLean County Clerk as number 2023-00010926



- The boundaries of the proposed Facility are depicted as Lot 1 on The Recorded Assessment Plat (see below) and is Detailed on the Authentic Tax Records and Assessor’s Map. A surveyed Assessment Plat was recorded in the McLean County Recorder’s office with the McLean County Clerk on August 17, 2023 as number 2023-00010925 and delivered to the Township Assessor. The Subject Property is identified on the recorded plat as “Lot 1, Facility Site, 3.09Ac+” and is detailed on the assessor’s tax map as Lot 1 (a copy of the recorded Plat is attached Exhibit 3).



10. The Tax Assessor Assigned a Separate Parcel Identification Number (PIN) to the proposed Facility site. The PIN number of the Facility Site is 21-15-151-022 and the PIN number was assigned to the site of the Proposed Facility before the application was filed with McLean County. The lot lines for the site of the proposed Facility are shown on the McLean County GIS map. The McLean County GIS map and Tax Assessor Map are public records accessible on their web sites. <https://mcleangis.maps.arcgis.com/apps/webappviewer/index.html?id=541971ad75f248c38c9bc6ffcd3a7516>

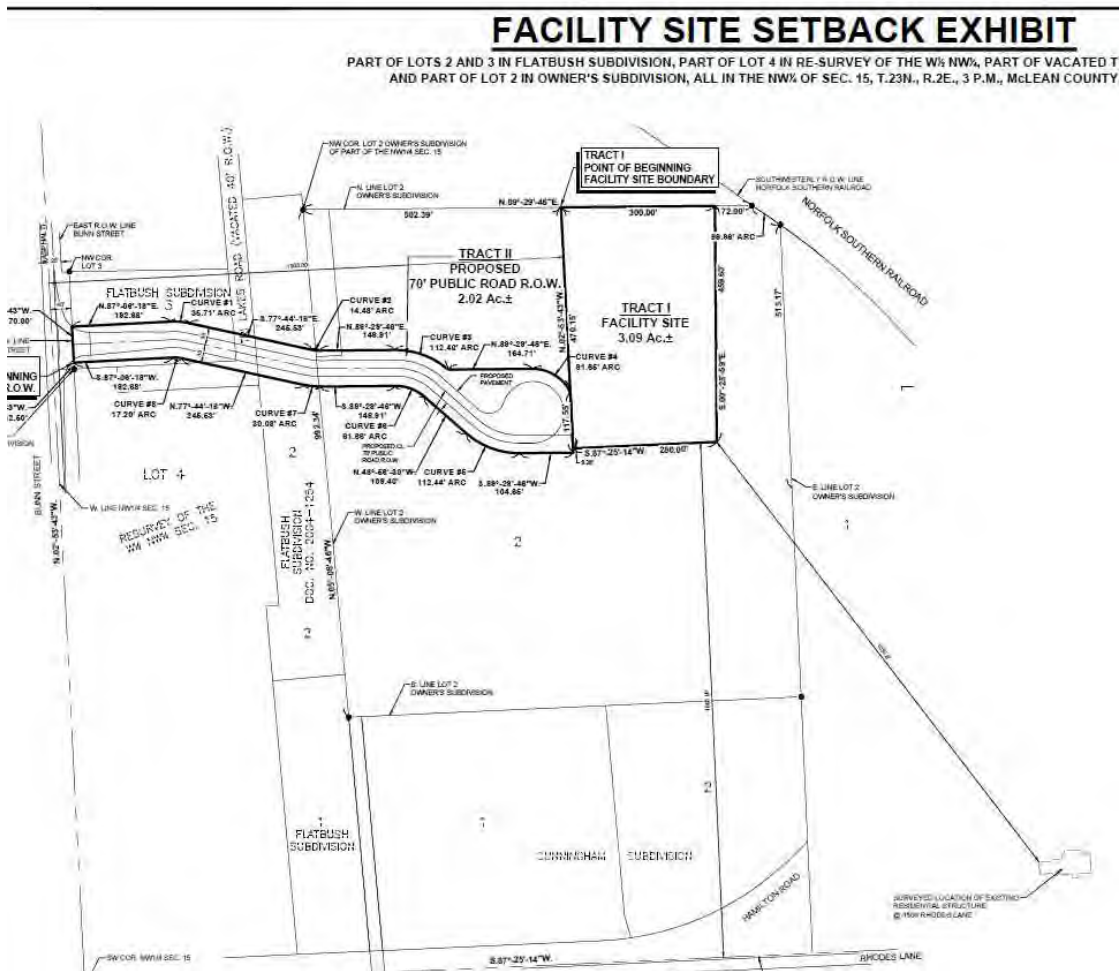




11. The Preliminary Plan is Recorded as an Exhibit to the Utilities Agreement. The City of Bloomington reviewed the Preliminary Plan and made it an exhibit to the Utility Agreement between the City and the property owner (Exhibit 4).
12. Surveyor David Brown prepared and certified the legal description of the proposed Facility site which is identical metes and bounds description of Lot 3 of the Preliminary Plan and Lot 1 of the Assessment Plat. (see attached Exhibit 5). For avoidance of doubt, both the legal metes and bounds description and the McLean County approved Preliminary Plan Lot 3 description were used in the Pre-hearing Notice (Exhibit 1).
13. The required Notice of intent to file application for a new pollution control facility was provided to owners of all properties located within 250 feet of the above described lot lines (i.e., the lot lines for the Facility) and in an abundance of caution, Notices were actually served on owners of property within 500 feet of the Facility's lot lines.
14. A title company, Frontier Title Company, was engaged to perform a title search for properties located within 500 feet of the lot lines for the proposed Facility. A map of the Tax parcels was supplied by the Title Company with a list of the owners and their addresses as stated in the official real estate tax records of McLean County. Copies of the tax bills for the properties were also obtained. I also verified the Title Company's list by comparing the list with the owners and addresses stated on the real estate tax bills. The project engineer also prepared a Notice map using GIS to draw a 500-foot radius around the

proposed Facility measured from the lot lines of the proposed Facility. The project engineer's Notice map matched the properties identified by the title company. The ownership/notice list was also confirmed via a property-by-property physical visit by Tom Kirk and Robert Fazzini. I served a true copy of the Notice of Intent to File by mailing the same in a sealed envelope, with postage prepaid thereon, by Registered Mail, Return Receipt Requested, to each party on the Notice List which is part of the Record in this matter.

- The project also complies with the Illinois' 1,000-foot set-back distance requirement set forth in 415 ILCS 5/22.14. Distances were determined by a licensed Illinois surveyor, David Brown of Lewis, Yockey & Brown, Inc. and his survey is attached as Exhibit 5. Additionally, distance setbacks were confirmed by Andrews Engineering and a Facility Location Map introduced in the Record at the hearing, confirmed that the minimum distance from the boundaries of the proposed pollution control facility to the nearest property zoned for primarily residential uses is more than 1,000 feet. (Exhibit 6).





I declare (or certify, verify, or state) under penalty of perjury that the foregoing factual matter is true and correct.


Richard M. Guerard

Executed on July 21, 2024.

SURVEYOR'S CERTIFICATE

STATE OF ILLINOIS)
) SS
COUNTY OF MCLEAN)

I, David P. Brown, Illinois Professional Land Surveyor No. 2725, do hereby certify that the attached plat of subdivision was surveyed and prepared under my direction, in accordance with the laws of the State of Illinois, and with the Ordinances of McLean County for TKnTK, LLC and represents the following described property to wit:

A part of Lot 1 in the Subdivision of the NW¼ of Section 15; a part of Lot 2, 3, 4 and 5 in Re-Survey of the W½ of the NW¼ of Section 15; a part of Lot 2 in Owner's Subdivision in the NW¼ of Section 15; a part of the Illinois Central Gulf Railroad Company's abandoned Amboy District right of way in the NW¼ of Section 15; Lot 2 and 3 in Flatbush Subdivision in the NW¼ of Section 15; all of Tri Lakes Road right of way in the NW¼ of Section 15 vacated in Document No. 2017-13365 in the McLean County Recorder of Deeds Office; all in Township 23 North, Range 2 East of the Third Principal Meridian, McLean County, Illinois, more particularly described as follows: Commencing at the southwest corner of the NW¼ of said Section 15 also being the southwest corner of Lot 5 in Re-Survey of the W½ of the NW¼ of said Section 15; thence N.02°-53'-43"W. 165.00 feet on the west line of said Lot 5 and west line of the NW¼ of said Section 15 to the Point of Beginning; thence continuing N.02°-53'-43"W. 540.53 feet on the west line of Lot 5 and 4, being the west line of the NW¼ of said Section 15; thence N.84°-51'-14"E. 415.42 feet to the west line of Lot 2 in Flatbush Subdivision, recorded as Document No. 2004-1254 in the McLean County Recorder of Deeds Office, lying 66 feet west of the centerline of the former Illinois Central Gulf Railroad Company's Amboy District main track and right of way; thence N.05°-08'-46"W. 429.71 feet on said west line of Lot 2 in Flatbush Subdivision; thence S.87°-06'-17"W. 274.18 feet on the westerly line of said Lot 2 and westerly extension thereof parallel with the south line of Lot 3 in said Flatbush Subdivision; thence N.02°-53'-43"W. 49.98 feet to the south line of said Lot 3 in Flatbush Subdivision; thence S.87°-06'-17"W. 84.04 feet to the southwest corner of said Lot 3 in Flatbush Subdivision; thence N.02°-53'-43"W. 189.41 feet to the northwest corner of said Lot 3 in Flatbush Subdivision; thence N.88°-59'-48"E. 309.36 feet to the northeast corner of said Lot 3 in Flatbush Subdivision; thence N.05°-08'-46"W. 385.71 feet on the west line of Tri Lakes Road right of way as occupied and

described in Deed Book 732, Page 241 and as vacated in Document No. 2017-13365 in the McLean County Recorder of Deeds Office, said west line lying 106 feet west of the centerline of the former Illinois Central Gulf Railroad Company's Amboy District main track and right of way; thence S.88°-17'-15"W. 334.10 feet to the west line of Lot 3 in Re-Survey of the W $\frac{1}{2}$ of the NW $\frac{1}{4}$ of said Section 15, also being the west line of the NW $\frac{1}{4}$ of Section 15; thence N.02°-53'-43"W. 480.92 feet on the west line of Lot 3 and Lot 2 in Re-Survey of the W $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Section 15, to the northeast corner of Lot 8 in School Commissioners Subdivision in the NE $\frac{1}{4}$ of Section 16, Township 23 North, Range 2 East of the Third Principal Meridian; thence N.02°-41'-19"W. 109.54 feet on the west line of Lot 2 in Re-Survey of the W $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Section 15 to the southerly right of way line of the former Peoria and Eastern Railway Company; thence S.57°-41'-19"E. 285.07 feet on said south right of way line of the former Peoria and Eastern Railway Company; thence S.62°-12'-59"E. 529.35 feet on said right of way line; thence southeasterly on said right of way line 836.14 feet on a curve concave to the southwest having a radius of 5,679.58 feet, central angle of 08°-26'-06" and chord of 835.39 feet bearing S.58°-06'-32"E. from the last described course to the north line of Lot 2 in Owner's Subdivision in the NW $\frac{1}{4}$ of said Section 15 according to the Plat thereof recorded in Plat Book 9, Page 82 in the McLean County Recorder of Deeds Office; thence southeasterly 66.66 feet on a curve concave to the southwest having a central angle of 00°-40'-21", radius of 5,679.58 feet and a chord of 66.66 feet bearing S.56°-10'-13"E. from the chord of the last described arc to the east line of said Lot 2 in Owner's Subdivision; thence S.02°-31'-47"E. 920.11 feet to the south line of said Lot 2; thence S.87°-25'-14"W. 882.23 feet to the southwest corner of said Lot 2 on the east line of Lot 1 in said Flatbush Subdivision; thence N.05°-08'-46"W. 83.55 feet to the southeast corner of Lot 2 in said Flatbush Subdivision; thence S.84°-51'-14"W. 141.00 feet to the southwest corner of said Lot 2, also being the northeast corner of Lot 1 in said Flatbush Subdivision; thence S.05°-08'-46"E. 577.73 feet on the west line of said Lot 1 and southerly extension thereof to south line of the said NW $\frac{1}{4}$ of Section 15 lying 9.01 feet east of the southeast corner of Lot 5 in said Re-Survey of the W $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Section 15; thence S.87°-25'-14"W. 59.00 feet on the south line of said Lot 5 and south line of the NW $\frac{1}{4}$ of Section 15; thence N.05°-08'-46"W. 165.17 feet; thence S.87°-25'-14"W. 353.06 feet to the Point of Beginning, containing 41.72 acres, more or less, with assumed bearings given for description purposes only.

I further certify that I have subdivided the same into six (6) lots and Outlot A as shown on the attached plat.

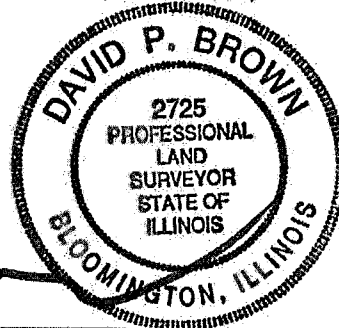
Iron monuments identify all lot corners as shown on said plat and all measurements are given in feet and decimals thereof. All easements designated on said plat are dedicated for public use and for the use of community antenna television systems and as may otherwise be specifically noted as private.

Said subdivision is to be known as HDI Subdivision, McLean County, Illinois.

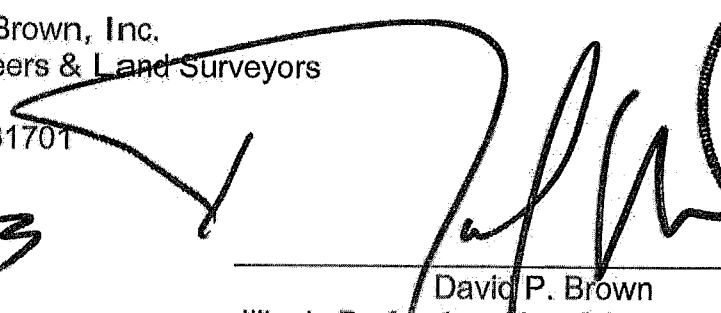
I further certify that the foregoing plat accompanying this certificate accurately represents the above described property as subdivided.

I further certify that no part of said herein described subdivision is located within a special flood hazard area as identified by the Federal Emergency Management Agency on Flood Insurance Rate Map for Community Panel Number 179031 0503E, Map Number 17113C0503E dated Revised July 16, 2008.

Lewis, Yockey & Brown, Inc.
Consulting Engineers & Land Surveyors
505 N. Main St.
Bloomington, IL 61701



10/30/2023
Date



David P. Brown
Illinois Professional Land Surveyor No. 2725
License Expiration Date 11/30/2024

CITY ENGINEER'S CERTIFICATE

STATE OF ILLINOIS)
) SS
COUNTY OF MCLEAN)

I, _____, City Engineer for the City of Bloomington, Illinois hereby certify that the land improvements described in the annexed plat and the plans and specifications therefore meet the minimum requirements of said City outlined in Chapter 24 of the Bloomington City Code.

Dated at Bloomington, Illinois, this _____ day of _____, 2023.

City Engineer
Bloomington, Illinois

COUNTY CLERK'S CERTIFICATE

STATE OF ILLINOIS)
)SS
COUNTY OF MCLEAN)

I, Kathy Michael, County Clerk of McLean County, State of Illinois, do hereby certify that on the 31 day of October, 2023, there were no delinquent general taxes unpaid, special assessments or delinquent special assessments against the tract of land shown on the plat of the HDI Subdivision attached to this certificate and described in the Certificate of the Surveyor attached hereto and to said plat.

Kathy Michael
County Clerk, McLean County, Illinois

(SEAL OF SAID COUNTY)

- Tax Parcel I.D. #21-15-151-020**
- #21-15-151-021**
- #21-15-151-022**
- #21-15-151-023**
- #21-15-102-005**
- #21-15-102-006**

CITY CLERK'S CERTIFICATE

STATE OF ILLINOIS)
) SS
COUNTY OF MCLEAN)

I, Leslie Smith-Yocum, City Clerk of said City, do hereby certify that the foregoing is a true and complete copy of an original final plat of HDI Subdivision, presented, passed and approved at a regular meeting of said City Council held on the _____ day of _____, 2023, by an affirmative vote of the majority of all members selected to said Council, the vote having been taken by yeas and nays and entered on the record of the proceedings of said Council.

Witness my hand and seal of said City of Bloomington, this _____ day of _____, A.D. 2023.

City Clerk

TOWNSHIP HIGHWAY COMMISSIONER CERTIFICATE

STATE OF ILLINOIS)
)SS
COUNTY OF MCLEAN)

I, _____, Highway Commissioner of
_____ Township of McLean County, Illinois, do hereby certify
that the land improvements under my jurisdiction described in the annexed plat of the
_____ Subdivision and the plans and specifications
therefore meet the minimum requirements of said Township.

Dated this _____ day of _____, 20_____.

Township Highway Commissioner

PLAT OFFICER'S CERTIFICATE

STATE OF ILLINOIS)
) SS
COUNTY OF MCLEAN)

I hereby certify that the attached Final Plat for the _____ Subdivision located in Section ____, Township __ North, Range __ East of the Third Principal Meridian, is in compliance with the land subdivision regulations of the County of McLean, State of Illinois, as set forth on this date; and therefore, pursuant to said regulations, I hereby accept said attached Final Plat.

Dated at Bloomington, Mclean County, Illinois, this ____ day of _____, 20__.

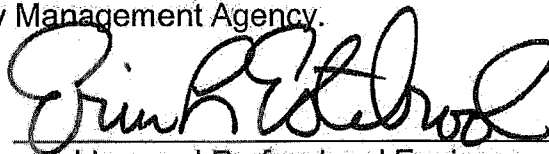
Plat Officer, Philip Dick

Parcel No. _____

DRAINAGE ACKNOWLEDGEMENT

Erin L. Estabrook, Licensed Professional Engineer, and TKnTK, LLC, being the owners of the premises heretofore platted by David P. Brown, Illinois Professional Land Surveyor No. 2725 to be and become HDI Subdivision to McLean County, Illinois, do hereby acknowledge that to the best of their knowledge and belief, the drainage of surface waters will not be changed by the construction of said Subdivision or planned unit development or any part thereof; or that if such surface water drainage will be changed, reasonable provisions have been made for collection and diversion of such surface waters into public areas or drains which the owner has a right to use and that such surface waters will be planned for in accordance with generally accepted engineering practices so as to reduce the likelihood of damage to the adjoining property because of the construction of the Subdivision or planned unit development.

I further acknowledge that no portion of the Lots are within the Special Flood Hazard Area, as defined by the Federal Emergency Management Agency.



Licensed Professional Engineer

OWNER(S): TKnTK, LLC

BY: 

Thomas E. Kirk
Manager

OWNER'S CERTIFICATE

STATE OF ILLINOIS)
) SS
COUNTY OF MCLEAN)

KNOW ALL MEN BY THESE PRESENTS, That we, the undersigned, hereby certify that we are the owners of all the premises embodied in the attached plat of HDI Subdivision to McLean County, Illinois, and that we have caused said plat to be made and that it is a true and correct plat of HDI Subdivision to McLean County, Illinois as laid off into lots and public streets by David P. Brown, Illinois Professional Land Surveyor Number 2725; and we, the undersigned, hereby dedicate and set apart for the use of the general public forever all of the streets and highways as indicated and shown on said Plat, including but not limited to HDI Court; and we further dedicate the easements therein set forth to the public for general utility purposes.

IN WITNESS WHEREOF, we have hereunto set our hands and affixed our seals this 26 day of October, 2023.

Owner(s): TKnTK, LLC

BY: Tom Kirk
Thomas E. Kirk
Manager

NOTARY'S CERTIFICATE

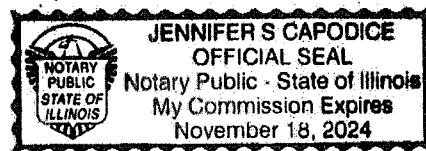
STATE OF ILLINOIS)
) SS
COUNTY OF MCLEAN)

I, the undersigned, a Notary Public in and for said County and State aforesaid, do hereby certify that Thomas E. Kirk is personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that he signed, sealed and delivered the said instrument as his free and voluntary act for the uses and purposes therein set forth, including the release and waiver of Homestead, and also including the dedication of all streets and highways to the use of the general public forever, and including the grant of certain general utility easements to the applicable public utility companies.

Given under my hand and notarial seal this 20 day of October, 2023.



Notary Public



SCHOOL DISTRICT CERTIFICATE

TKnTK, LLC, owner of the property described in the Surveyor's Certificate of the tract of land platted as HDI Subdivision, certify that to the best of my knowledge and belief that said platted land is located within the boundaries of Community Unit School District No. 5 in McLean County, Illinois.

TKnTK, LLC
By: Thomas E. Kirk
Thomas E. Kirk
Manager

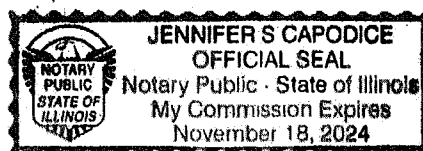
Attest _____

STATE OF ILLINOIS)
)
COUNTY OF MCLEAN) SS

I, the undersigned, a Notary Public in and for said County, in the state aforesaid, do hereby certify that Thomas Kirk, personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that they signed and delivered the said instrument as their own free and voluntary act.

Given under my hand and Notarial Seal this 26 day of October, 2023.

Jennifer S. Capodice
Notary Public



Type: OFFICIAL RECORDS
Recorded: 8/17/2023 9:56:05 AM
Fee Amt: \$75.00 Page 1 of 10
IL Rental Housing Fund: \$18.00
McLean County, IL
Kathy Michael County Clerk\Recording Div.

File# 2023-00010926

.....
(Space Above This Line for Use by Recorder of Deeds)

STATE OF ILLINOIS)
) SS.
COUNTY OF MCLEAN)

RECORDED NOTICE

This instrument is executed and recorded under the provisions of Section 5/15-1218 of the Illinois Code of Civil Procedure (735 ILCS 5/15-1218) for the purpose of disclosing of record the following information in respect to the premises and interest of the undersigned herein set forth and in regard to the County of McLean's approval of a Preliminary Plan of the HDI Subdivision for the Property:

1. Name or names of person or persons executing this Notice and causing the same to be recorded: **TK₁TK, LLC**, an Illinois limited liability company, having a mailing address of 2148 TRI LAKES ROAD, Bloomington, IL 61704 ("**Owner**").
2. Nature of the right, title to the premises hereinbelow described: TK₁TK, LLC is the Owner in fee of the herein described Property.
3. Notice is given that the Preliminary Plan of the HDI Subdivision described on the attached Exhibit A has received approval by the McLean County Board for the herein described Property. The Property and the Owner's interest is subject to the attached Preliminary Plan of the HDI Subdivision, as approved by the County of McLean, Illinois on February 16, 2023.
4. The Property to which such right, title, and interest pertains which is as follows:

**SEE LEGAL DESCRIPTION ATTACHED HERETO AND
MADE A PART HEREOF AS EXHIBIT "A"**

**P.I.N.: 21-15-102-005
21-15-102-006
21-15-152-010
21-15-151-018
21-15-151-020**

EXHIBIT "A" TO RECORDED NOTICE

Legal Description of Subject Premises

A part of Lot 1 in the Subdivision of the NW¼ of Section 15; a part of Lot 2, 3, 4 and 5 in Re-Survey of the W½ of the NW¼ of Section 15; a part of Lot 2 in Owner's Subdivision in the NW¼ of Section 15; a part of the Illinois Central Gulf Railroad Company's abandoned Amboy District right of way in the NW¼ of Section 15; Lot 2 and 3 in Flatbush Subdivision in the NW¼ of Section 15; all of Tri Lakes Road right of way in the NW¼ of Section 15 vacated in Document No. 2017-13365 in the McLean County Recorder of Deeds Office; all in Township 23 North, Range 2 East of the Third Principal Meridian, McLean County, Illinois, more particularly described as follows: Commencing at the southwest corner of the NW¼ of said Section 15 also being the southwest corner of Lot 5 in Re-Survey of the W½ of the NW¼ of said Section 15; thence N.02°-53'-43"W. 165.00 feet on the west line of said Lot 5 and west line of the NW¼ of said Section 15 to the Point of Beginning; thence continuing N.02°-53'-43"W. 540.53 feet on the west line of Lot 5 and 4, being the west line of the NW¼ of said Section 15; thence N.84°-51'-14"E. 415.42 feet to the west line of Lot 2 in Flatbush Subdivision, recorded as Document No. 2004-1254 in the McLean County Recorder of Deeds Office, lying 66 feet west of the centerline of the former Illinois Central Gulf Railroad Company's Amboy District main track and right of way; thence N.05°-08'-46"W. 429.71 feet on said west line of Lot 2 in Flatbush Subdivision; thence S.87°-06'-17"W. 274.18 feet on the westerly line of said Lot 2 and westerly extension thereof parallel with the south line of Lot 3 in said Flatbush Subdivision; thence N.02°-53'-43"W. 49.98 feet to the south line of said Lot 3 in Flatbush Subdivision; thence S.87°-06'-17"W. 84.04 feet to the southwest corner of said Lot 3 in Flatbush Subdivision; thence N.02°-53'-43"W. 189.41 feet to the northwest corner of said Lot 3 in Flatbush Subdivision; thence N.88°-59'-48"E. 309.36 feet to the northeast corner of said Lot 3 in Flatbush Subdivision; thence N.05°-08'-46"W. 385.71 feet on the west line of Tri Lakes Road right of way as occupied and described in Deed Book 732, Page 241 and as vacated in Document No. 2017-13365 in the McLean County Recorder of Deeds Office, said west line lying 106 feet west of the centerline of the former Illinois Central Gulf Railroad Company's Amboy District main track and right of way; thence S.88°-17'-15"W. 334.10 feet to the west line of Lot 3 in Re-Survey of the W½ of the NW¼ of said Section 15; also being the west line of the NW¼ of Section 15; thence N.02°-53'-43"W. 480.92 feet on the west line of Lot 3 and Lot 2 in Re-Survey of the W½ of the NW¼ of Section 15, to the northeast corner of Lot 8 in School Commissioners Subdivision in the NE¼ of Section 16, Township 23 North, Range 2 East of the Third Principal Meridian; thence N.02°-41'-19"W. 109.54 feet on the west line of Lot 2 in Re-Survey of the W½ of the NW¼ of Section 15 to the southerly right of way line of the former Peoria and Eastern Railway Company; thence S.57°-41'-19"E. 285.07 feet on said south right of way line of the former Peoria and Eastern Railway Company; thence S.62°-12'-59"E. 529.35 feet on said right of way line; thence southeasterly on said right of way line 836.14 feet on a curve concave to the southwest having a radius of 5,679.58 feet; central angle of 08°-26'-06" and chord of 835.39 feet bearing S.58°-06'-32"E. from the last described course to the north line of Lot 2 in Owner's Subdivision in the NW¼ of said Section 15 according to the Plat thereof recorded in Plat Book 9, Page 82 in the McLean County Recorder of Deeds Office; thence southeasterly 66.66 feet on a curve concave to the southwest having a central angle of 00°-40'-21", radius of 5,679.58 feet and a chord of 66.66 feet bearing S.56°-10'-13"E. from the chord of the last described arc to the east line of said Lot 2 in Owner's Subdivision; thence S.02°-31'-47"E. 920.11 feet to the south line of said Lot 2; thence S.87°-25'-14"W. 882.23 feet to the southwest corner of said Lot 2 on the east line of Lot 1 in said Flatbush Subdivision; thence N.05°-08'-46"W. 83.55 feet to the southeast corner of Lot 2 in said Flatbush Subdivision; thence S.84°-51'-14"W. 141.00 feet to the southwest corner of said Lot 2, also being the northeast corner of Lot 1 in said Flatbush Subdivision; thence S.05°-08'-46"E. 577.73 feet on the west line of said Lot 1 and southerly extension thereof to south line of the said NW¼ of Section 15 lying 9.01 feet east of the southeast corner of Lot 5 in said Re-Survey of the W½ of the NW¼ of Section 15; thence S.87°-25'-14"W. 59.00 feet on the south line of said Lot 5 and south line of the NW¼ of Section 15; thence N.05°-08'-46"W. 165.17 feet; thence S.87°-25'-14"W. 353.06 feet to the Point of Beginning, containing 41.72 acres, more or less, with assumed bearings given for description purposes only.

P.I.N.: 21-15-102-005
21-15-102-006
21-15-152-010
21-15-151-018
21-15-151-020

EXECUTED this 14th day of August, 2023 at Bloomington, Illinois.

TK, LLC, an Illinois limited liability



Thomas E. Kirk, Manager

SUBSCRIBED & SWORN TO BEFORE ME
this 14th day of August, 2023.


Notary Public

Prepared by and upon recording return to:

Richard M. Guerard

GUERARD KALINA & BUTKUS

310 S. County Farm Road, Suite H

Wheaton, IL 60187

PRELIMINARY PLAN HDI SUBDIVISION

A PART OF THE NW¼ OF SECTION 15, T.23N., R.2E.,
3 P.M., MCLEAN COUNTY, ILLINOIS

Exhibit A

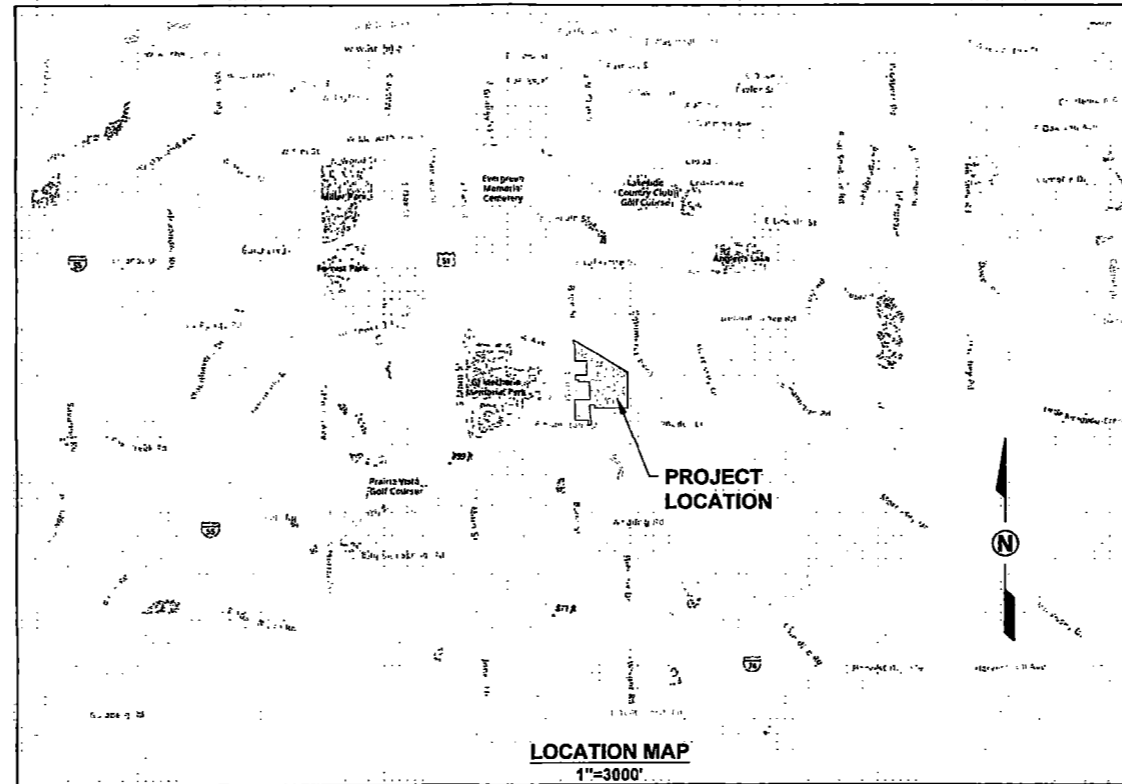
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OWNER: TKnTK, LLC
2148 TRI LAKES ROAD
BLOOMINGTON, IL 61704
ATTN: TOM KIRK
PHONE: 309.261.6893

DEVELOPER: HENSON DISPOSAL, LLC
2148 TRI LAKES ROAD
BLOOMINGTON, IL 61704
ATTN: TOM KIRK
PHONE: 309.261.6893

ATTORNEY: RICHARD M. GUERARD, ESQ.
310 S COUNTY FARM ROAD, SUITE H
WHEATON, IL 60187-2406
ATTN: RICHARD M. GUERARD
PHONE: 630.698.4700



LEGEND	
BOUNDARY OF SUBJECT PREMISES	---
1/2" IRON ROD SET	○
3/4" IRON ROD FOUND	○
EASEMENT LIMITS	---
CORPORATE BUILDING	▭
EXISTING BUILDING	▭
EXISTING FENCE	---
EXISTING SANITARY MANHOLE	○
EXISTING SEPTIC FIELD	▭
EXISTING SANITARY SEWER	---
EXISTING HYDRANT	○
EXISTING WATER VALVE	○
EXISTING WATER MAIN MANHOLE	○
EXISTING WELL	○
EXISTING WATER MAIN	---
EXISTING STORM MANHOLE	○
EXISTING STORM INLET	○
EXISTING STORM SEWER	---
EXISTING LIGHT POLE	○
UTILITY POLE	○
GUY ANCHOR	○
HANDHOLE	○
TELEPHONE PEDESTAL	○
FIBER VAULT	○
OVERHEAD ELECTRIC	---
GAS VALVE	○
GAS MANHOLE	○
GAS	---
SIGN	○
MAILBOX	○
AIR CONDITIONING UNIT	○
SATELLITE DISH	○
EXISTING BOLLARD	○
WOODEN POST	○
GATE POST	○
SEPTIC TANK	○
CISTERN	○
LANDSCAPED AREA	---
DECIDUOUS TREE	○
EXISTING GUARDRAIL	---
EXISTING GRAVEL	---
EXISTING ASPHALT	---
EXISTING WATER	---
EXISTING CONTOUR	---
EXISTING FLOOD ROUTE	---
FRONT YARD SETBACK - 40' TYPICAL	---
PROPOSED EASEMENT LIMITS	---
PROPOSED OR EXISTING INVERT	○
PROPOSED SANITARY MANHOLE	○
PROPOSED SANITARY SERVICE	---
PROPOSED SANITARY SEWER	---
PROPOSED HYDRANT	○
PROPOSED WATER VALVE	○
PROPOSED WATER SERVICE	---
PROPOSED WATER MAIN	---
PROPOSED STORM SEWER	---
PROPOSED LIGHT POLE	○
PROPOSED PAVEMENT ELEVATION	○
PROPOSED PAVEMENT SLOPE	○
PROPOSED FLOOD ROUTE	---
PROPOSED DIRECTION OF DRAINAGE	---

PRELIMINARY PLAN NOTES:

- THIS SUBJECT PROPERTY CONTAINS 41.72 ACRES WHICH IS ZONED M-2 IN MCLEAN COUNTY. THE SUBDIVISION SHALL CONSIST OF SIX (6) LOTS, ONE OUTLOT, AND A NEW PUBLIC STREET TO BE KNOWN AS HDI COURT. COMPARABLE ZONING CLASSIFICATION IN THE CITY OF BLOOMINGTON REQUIRES ZERO-FOOT SETBACK. THE PROPERTY WILL NOT BE ANNEXED TO THE CITY OF BLOOMINGTON AT THIS TIME.
- TOPOGRAPHIC INFORMATION IS SHOWN AT ONE-FOOT (1-FOOT) CONTOUR INTERVAL AS DETERMINED BY AERIAL FIELD SURVEY METHODS PROVIDED BY CIVIL & ENVIRONMENT CONSULTANTS, INC. DATED APRIL 2022.
- NO PORTION OF THIS PROPERTY LIES WITHIN THE SPECIAL FLOOD HAZARD ZONE AS SHOWN ON FLOOD INSURANCE RATE MAP NUMBER 17113C0503E REVISED JULY 16, 2008.
- HDI COURT WILL BECOME A PUBLIC STREET UPON APPROVAL OF CONSTRUCTION AND ACCEPTANCE FOR MAINTENANCE BY BLOOMINGTON TOWNSHIP AND THE MCLEAN COUNTY ENGINEER.
- PROPOSED SANITARY SEWERS AND WATER MAINS WILL BECOME A PUBLIC FACILITY UPON APPROVAL OF CONSTRUCTION AND ACCEPTANCE FOR MAINTENANCE BY THE CITY OF BLOOMINGTON.
- PROPOSED STORM SEWERS WILL BECOME A PUBLIC FACILITY UPON APPROVAL OF CONSTRUCTION AND ACCEPTANCE FOR MAINTENANCE BY BLOOMINGTON TOWNSHIP AND THE MCLEAN COUNTY ENGINEER. THE PROPOSED STORM SEWER THAT RUNS FROM LOT 1 EAST ACROSS LOT 2 SHALL BE MAINTAINED BY THE OWNER.
- PROPOSED OUTLOT A WILL SERVE AS PRIVATE STORM WATER DETENTION FOR LOTS 1-5 AND IN PART FOR LOT 6. LOT 6 CONTAINS A STORM WATER DETENTION BASIN PREVIOUSLY APPROVED BY MCLEAN COUNTY FOR AN ONGOING CONCRETE BATCH PLANT OPERATION. PRIVATE STORM WATER DETENTION BASINS ON OUTLOT A AND LOT 6 SHALL BE MAINTAINED BY THE OWNER. DRAINAGE CALCULATIONS FOR MODIFICATION OF THE EXISTING TRI LAKES WATER IMPOUNDMENT PERTAINING TO STORM WATER DETENTION WILL BE SUBMITTED TO MCLEAN COUNTY FOR REVIEW AND APPROVAL WITH CONSTRUCTION PLANS FOR THE SUBDIVISION.
- FINAL DRAINAGE CALCULATIONS, CROSS SECTIONS OF PROPOSED DRAINAGE WAYS, LOT DRAINAGE, AND EROSION CONTROL PLAN WILL BE SUBMITTED AS PART OF THE CONSTRUCTION PLANS TO BE APPROVED BY MCLEAN COUNTY.
- THE SUBJECT PREMISES SUBDIVISION IS ADJACENT TO THE CORPORATE LIMITS OF THE CITY OF BLOOMINGTON. PUBLIC IMPROVEMENTS, INCLUDING STORM WATER DETENTION REQUIREMENTS AND FINAL PAVEMENT DESIGN, WILL MEET THE CITY OF BLOOMINGTON CONSTRUCTION STANDARDS AND SPECIFICATIONS. THE HDI COURT AND BUNN STREET INTERSECTION GEOMETRICS SHALL BE DETERMINED AS PART OF THE CONSTRUCTION PLANS. THE CONSTRUCTION PLANS SHALL BE APPROVED BY THE CITY OF BLOOMINGTON.

PRELIMINARY PLAN WAIVERS REQUESTED:

- A WAIVER IS REQUESTED TO ALLOW PUBLIC STREETS TO BE CONSTRUCTED WITH SIDEWALK ON ONE SIDE OF THE STREET ONLY ALONG HDI COURT. THE SIDEWALK WILL BE CONSTRUCTED ON THE NORTH SIDE OF HDI COURT.

RECOMMENDATION OF PRELIMINARY PLAN APPROVAL BY THE COMMITTEE OF THE MCLEAN COUNTY BOARD

NOTICE IS HEREBY GIVEN THAT THE PRELIMINARY PLAN OF THE SUBDIVISION SHOWN HEREON IS RECOMMENDED BY COMMITTEE OF THE COUNTY BOARD, COUNTY OF MCLEAN, ILLINOIS, FOR COUNTY BOARD APPROVAL WITH THE MODIFICATIONS (IF ANY) AS NOTED IN ATTACHMENT A WHICH IS ATTACHED HERETO.

THE COUNTY BOARD OF MCLEAN COUNTY, ILLINOIS
DATE February 7th, 2023
BY [Signature] CHAIRPERSON
BY [Signature] SECRETARY

NOTICE OF APPROVAL OF PRELIMINARY PLAN BY THE COUNTY BOARD OF MCLEAN COUNTY, ILLINOIS

NOTICE IS HEREBY GIVEN THAT THE PRELIMINARY PLAN OF THE SUBDIVISION SHOWN HEREON HAS RECEIVED APPROVAL BY THE COUNTY BOARD, AND UPON COMPLIANCE BY THE SUBDIVIDER WITH THE REQUIREMENTS OF QUALIFICATION GOVERNING THE APPROVAL OF PRELIMINARY PLANS AND WITH OTHER REVISIONS AND STIPULATIONS THAT MAY BE REQUIRED, AS NOTED ON ATTACHMENT A WHICH IS ATTACHED HERETO, THE COUNTY BOARD WILL RECEIVE THE FINAL PLAT OF SUCH SUBDIVISION OR PORTION THEREOF FOR CONSIDERATION WHEN SUBMITTED BY THE SUBDIVIDER IN SUCH FORM AND WITHIN SUCH TIME AS REQUIRED BY THE RESOLUTION.

THE COUNTY BOARD OF MCLEAN COUNTY, ILLINOIS
BY [Signature] COUNTY BOARD CHAIRMAN
DATE February 11th, 2023

RECEIVED
FEB 01 2023
ZONING

INDEX OF SHEETS

SHEET NO.	DESCRIPTION
1	COVER SHEET
2	COMPREHENSIVE PLAN
3-6	UTILITY PLAN

BENCHMARKS:

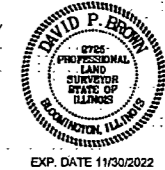
NO.	DESCRIPTION	ELEVATION
1	T/1H @ SW CORNER BUNN/HAMILTON	866.01
2	SPINDLE SET IN PP - N SIDE OF PARKING AREA WEST OF TRI LAKES CLUBHOUSE BUILDING	852.84

DAVID P. BROWN, ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 2725, DO HEREBY CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THE PLAT SHOWN HEREON IS AN ACCURATE REPRESENTATION OF A SURVEY MADE UNDER MY DIRECTION.

DAVID P. BROWN IPLS NO. 2725 09/06/2022 DATE

THIS PRELIMINARY PLAT WAS PREPARED BY LEWIS, YOCKEY & BROWN, INC., 505 NORTH MAIN STREET, BLOOMINGTON, ILLINOIS.

ERIN L. ESTABROOK ILPE NO. 61348 09/06/2022 DATE



LYB
www.lybinc.com

Lewis, Yockey & Brown, Inc.
Consulting Engineers & Land Surveyors
Professional Design Firm Registration #184.00806
505 North Main Street, Bloomington, Illinois
Ph. (309) 929-2552

REVISED	DATE
	11/29/2022
	12/20/2022
	01/16/2023
	01/26/2023

SK: _____
DRN: _____ ELE: _____
DSN: _____ ELE: _____
APP: _____ DPB: _____

HDI SUBDIVISION
BUNN STREET, MCLEAN COUNTY, ILLINOIS
PRELIMINARY PLAN
COVER SHEET

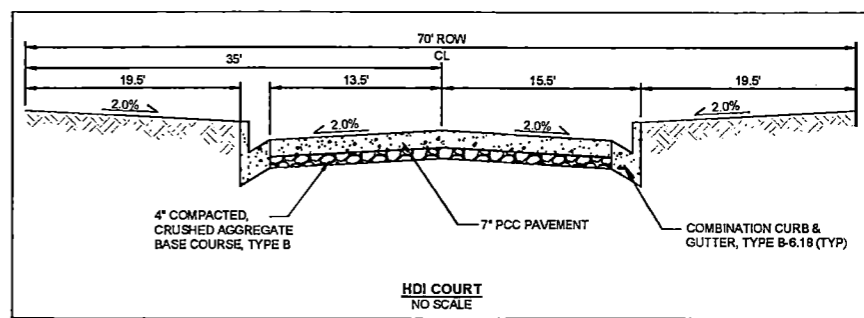
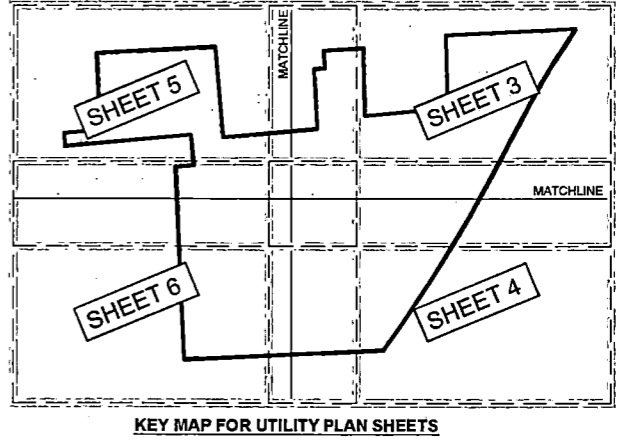
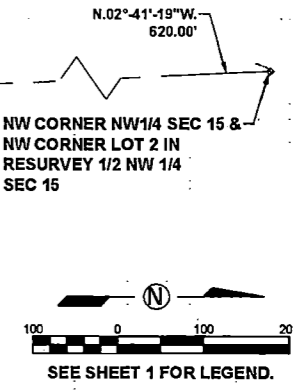
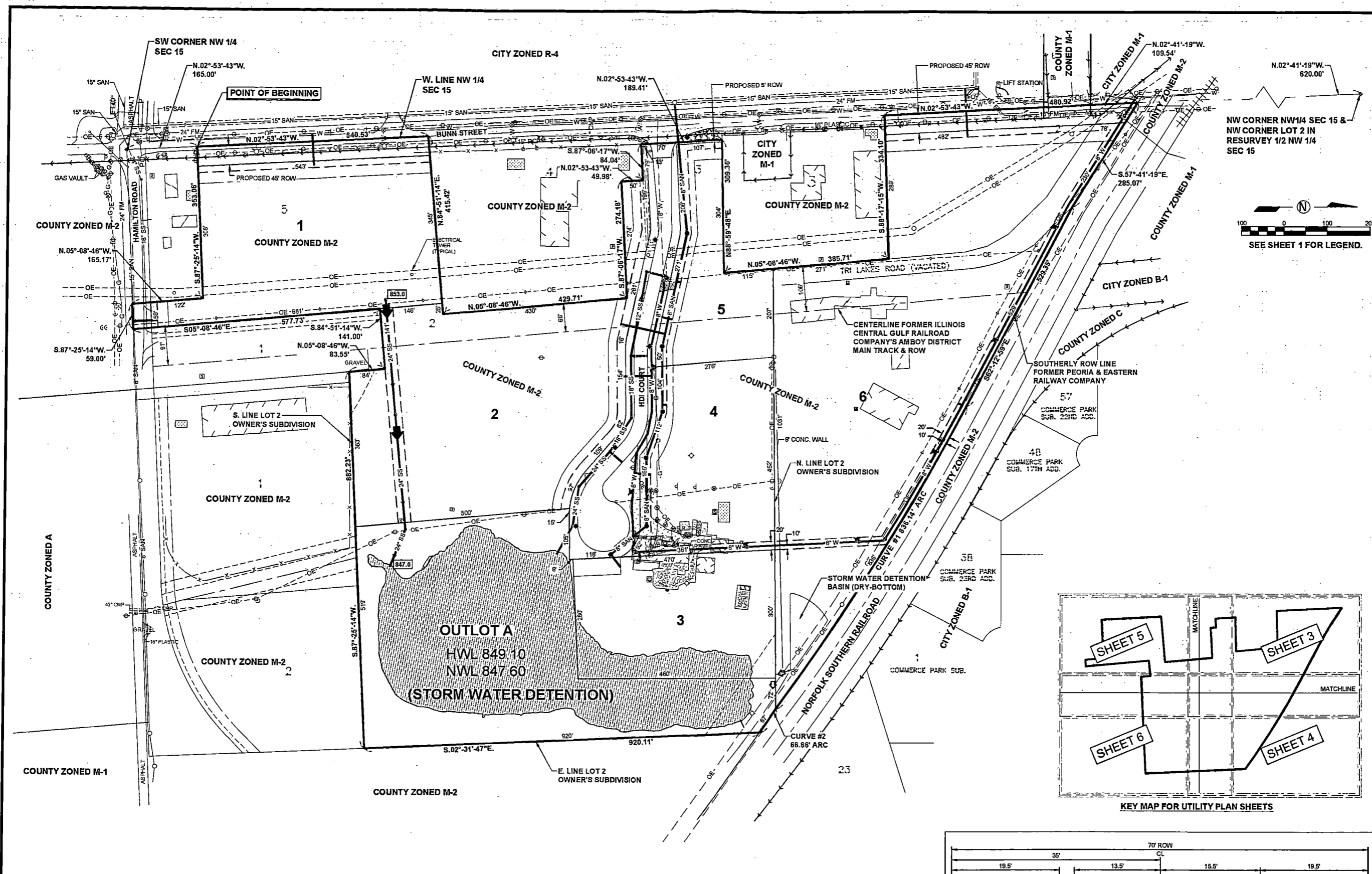
SHEET: **1**
OF: 3
JOB #: **4920.07**

REVISED	-
11/29/2022	-
12/20/2022	-
01/18/2023	-

BK.	
CRN.	JSB/ELE
DSN.	LDY/ELE
APP.	DPB

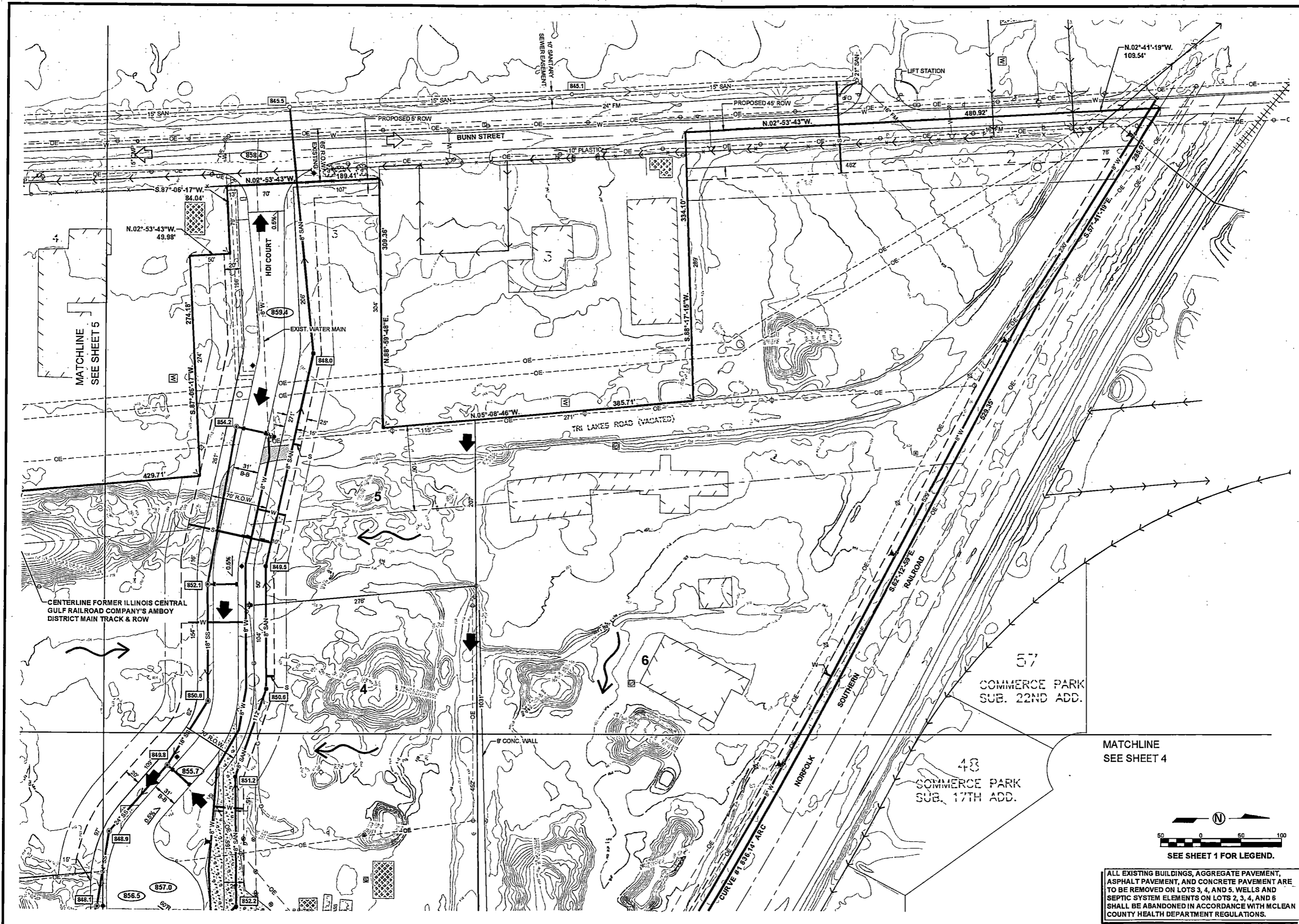
HDI SUBDIVISION
 BUNN STREET, MCLEAN COUNTY, ILLINOIS
 PRELIMINARY PLAN
 COMPREHENSIVE PLAN

SHEET
2
 OF: 3
 JOB #: 4920.07



BOUNDARY CURVE CURVE #1 DATA	BOUNDARY CURVE CURVE #2 DATA
Δ = 08°-26'-06"	Δ = 00°-40'-21"
R = 5679.58'	R = 5679.58'
L = 836.14'	L = 66.66'
T = 418.83'	T = 33.33'
C = 835.39'	C = 66.66'
CB = S.58°-06'-32"E.	CB = S.56°-10'-13"E.

ALL EXISTING BUILDINGS, AGGREGATE PAVEMENT, ASPHALT PAVEMENT, AND CONCRETE PAVEMENT ARE TO BE REMOVED ON LOTS 3, 4, AND 5. WELLS AND SEPTIC SYSTEM ELEMENTS ON LOTS 2, 3, 4, AND 6 SHALL BE ABANDONED IN ACCORDANCE WITH MCLEAN COUNTY HEALTH DEPARTMENT REGULATIONS.



www.lybinc.com

Lewis, Yockey & Brown, Inc.
 Consulting Engineers & Land Surveyors
 Professional Design Firm Registration #184.000805
 605 North Main Street, Bloomington, Illinois
 Ph. (309) 825-2552

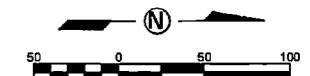
REVISED	
11/29/2022	
12/20/2022	
01/18/2023	

DRN: JSB/ELE
 DSN: LDY/ELE
 APP: DPB

HDI SUBDIVISION
 BUNN STREET, MCLEAN COUNTY, ILLINOIS
 PRELIMINARY PLAN
 UTILITY PLAN

SHEET
3
 OF: 6
 JOB #:
4920.07

MATCHLINE
 SEE SHEET 4



SEE SHEET 1 FOR LEGEND.

ALL EXISTING BUILDINGS, AGGREGATE PAVEMENT, ASPHALT PAVEMENT, AND CONCRETE PAVEMENT ARE TO BE REMOVED ON LOTS 3, 4, AND 5. WELLS AND SEPTIC SYSTEM ELEMENTS ON LOTS 2, 3, 4, AND 6 SHALL BE ABANDONED IN ACCORDANCE WITH MCLEAN COUNTY HEALTH DEPARTMENT REGULATIONS.

REVISED	-
11/29/2022	-
12/20/2022	-
01/16/2023	-
DR.	JSB/ELE
DSR.	LDY/ELE
APP.	DPB

HDI SUBDIVISION
BUNN STREET, MCLEAN COUNTY, ILLINOIS
PRELIMINARY PLAN
UTILITY PLAN

SHEET
4
OF: 6
JOB #:
4920.07

MATCHLINE
SEE SHEET 3

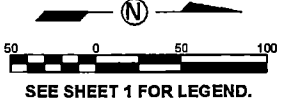
57
COMMERCE PARK
SUB. 22ND ADD.

48
COMMERCE PARK
SUB. 17TH ADD.

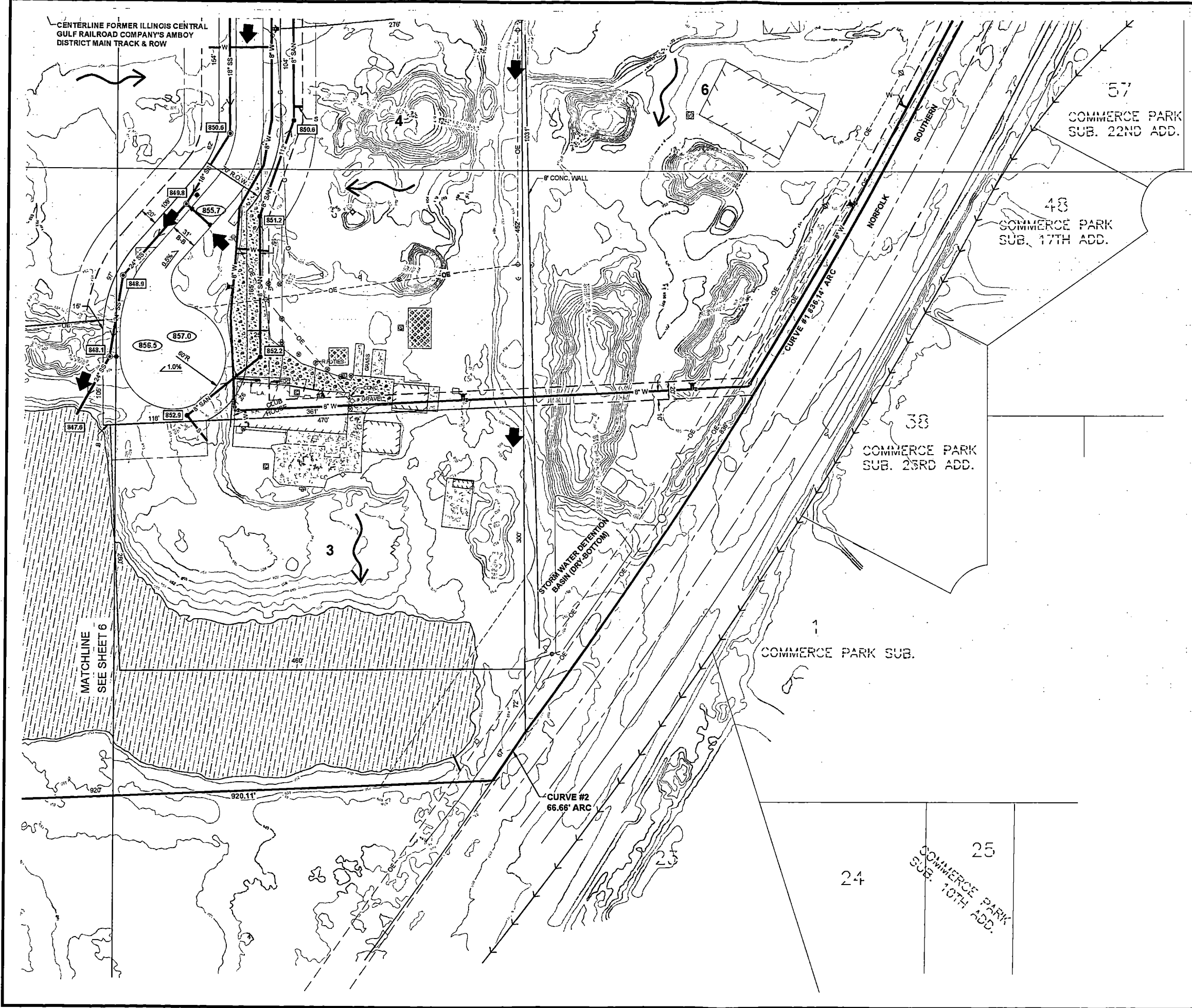
38
COMMERCE PARK
SUB. 23RD ADD.

1
COMMERCE PARK SUB.

24 25
COMMERCE PARK
SUB. 10TH ADD.



ALL EXISTING BUILDINGS, AGGREGATE PAVEMENT, ASPHALT PAVEMENT, AND CONCRETE PAVEMENT ARE TO BE REMOVED ON LOTS 3, 4, AND 5. WELLS AND SEPTIC SYSTEM ELEMENTS ON LOTS 2, 3, 4, AND 6 SHALL BE ABANDONED IN ACCORDANCE WITH MCLEAN COUNTY HEALTH DEPARTMENT REGULATIONS.





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Professional Design Firm Registration #184,000806
606 North Main Street, Bloomington, Illinois
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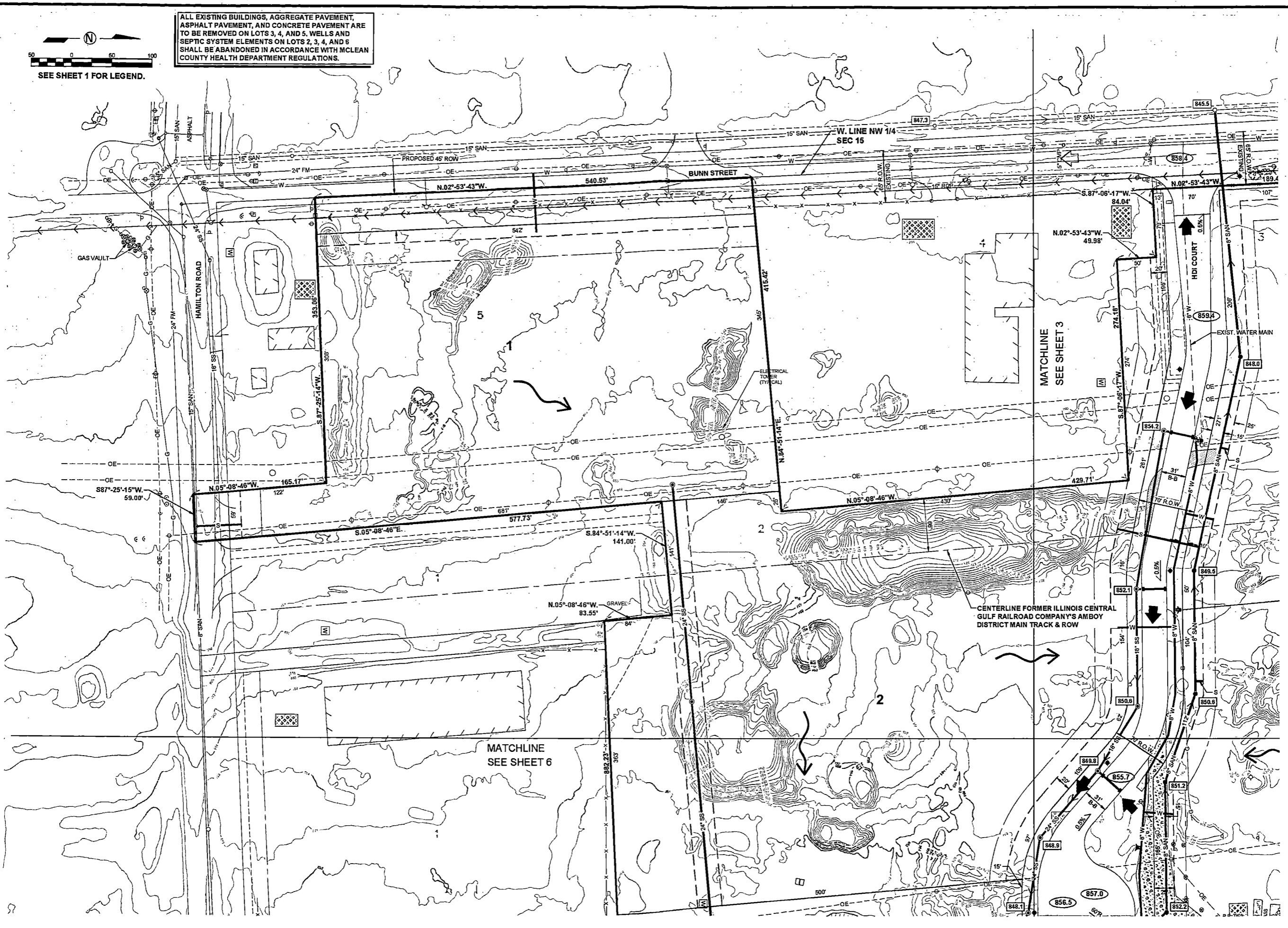
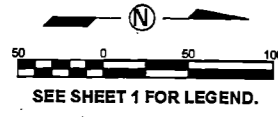
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01/16/2023	-

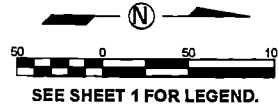
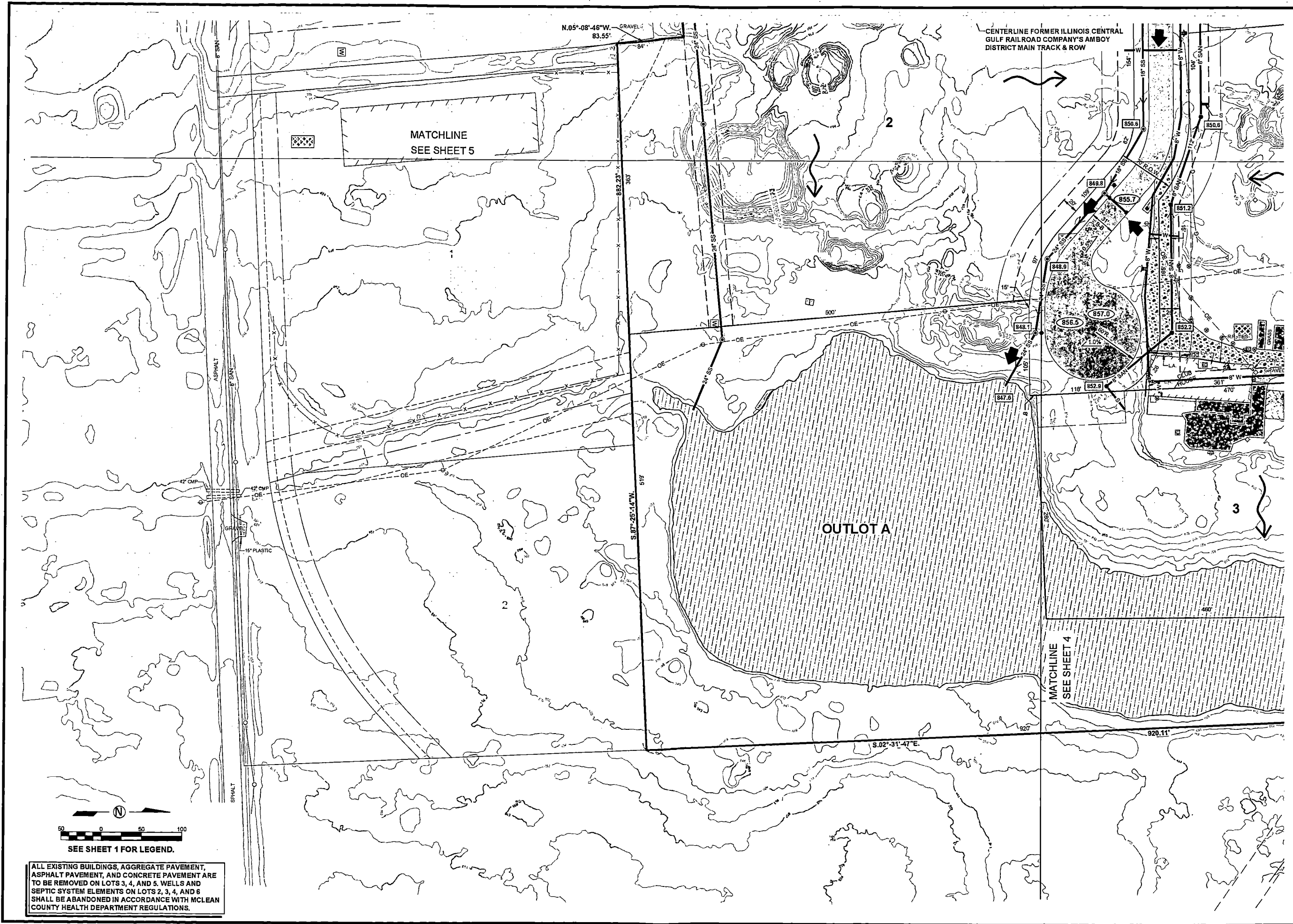
DRN.	JSB/ELE
DSN.	LDY/ELE
APP.	DPB

HDI SUBDIVISION
BUNN STREET, MCLEAN COUNTY, ILLINOIS
PRELIMINARY PLAN
UTILITY PLAN

SHEET
5
OF: 6
JOB #: 4920.07

ALL EXISTING BUILDINGS, AGGREGATE PAVEMENT, ASPHALT PAVEMENT, AND CONCRETE PAVEMENT ARE TO BE REMOVED ON LOTS 3, 4, AND 5. WELLS AND SEPTIC SYSTEM ELEMENTS ON LOTS 2, 3, 4, AND 5 SHALL BE ABANDONED IN ACCORDANCE WITH MCLEAN COUNTY HEALTH DEPARTMENT REGULATIONS.





SEE SHEET 1 FOR LEGEND.

ALL EXISTING BUILDINGS, AGGREGATE PAVEMENT, ASPHALT PAVEMENT, AND CONCRETE PAVEMENT ARE TO BE REMOVED ON LOTS 3, 4, AND 5. WELLS AND SEPTIC SYSTEM ELEMENTS ON LOTS 2, 3, 4, AND 6 SHALL BE ABANDONED IN ACCORDANCE WITH MCLEAN COUNTY HEALTH DEPARTMENT REGULATIONS.



Lewis, Yockey & Brown, Inc.
 Consulting Engineers & Land Surveyors
 Professional Design Firm, Registration #184,000906
 605 North Main Street, Bloomington, Illinois
 Ph. (309) 829-2552

REVISED	
11/29/2022	
12/20/2022	
01/18/2023	

DRN: JSB/ELE
 DSN: LDY/ELE
 APP: DPB

HDI SUBDIVISION
 BUNN STREET, MCLEAN COUNTY, ILLINOIS
 PRELIMINARY PLAN
 UTILITY PLAN

SHEET
6
 OF: 6
 JOB #: 4920.07

MCLEAN COUNTY RECORDER OF DEEDS

Type: OFFICIAL RECORDS
Recorded: 8/17/2023 9:50:50 AM
Fee Amt: \$75.00 Page 1 of 2
IL Rental Housing Fund: \$18.00
McLean County, IL
Kathy Michael County Clerk\Recording Div.

File# 2023-00010925

RECORDER'S STAMP

RECORDING COVERSHEET

Assessment Plat

SEE LEGAL DESCRIPTION ATTACHED HERETO AND
MADE A PART HEREOF AS EXHIBIT "A"

P.I.N.:

21-15-152-010

21-15-151-018

TK n TK, LLC

Prepared by and Mail Recorded Document to:

Richard M. Guerard
310 S. County Farm Road
Wheaton, IL 60187

ASSESSMENT PLAT

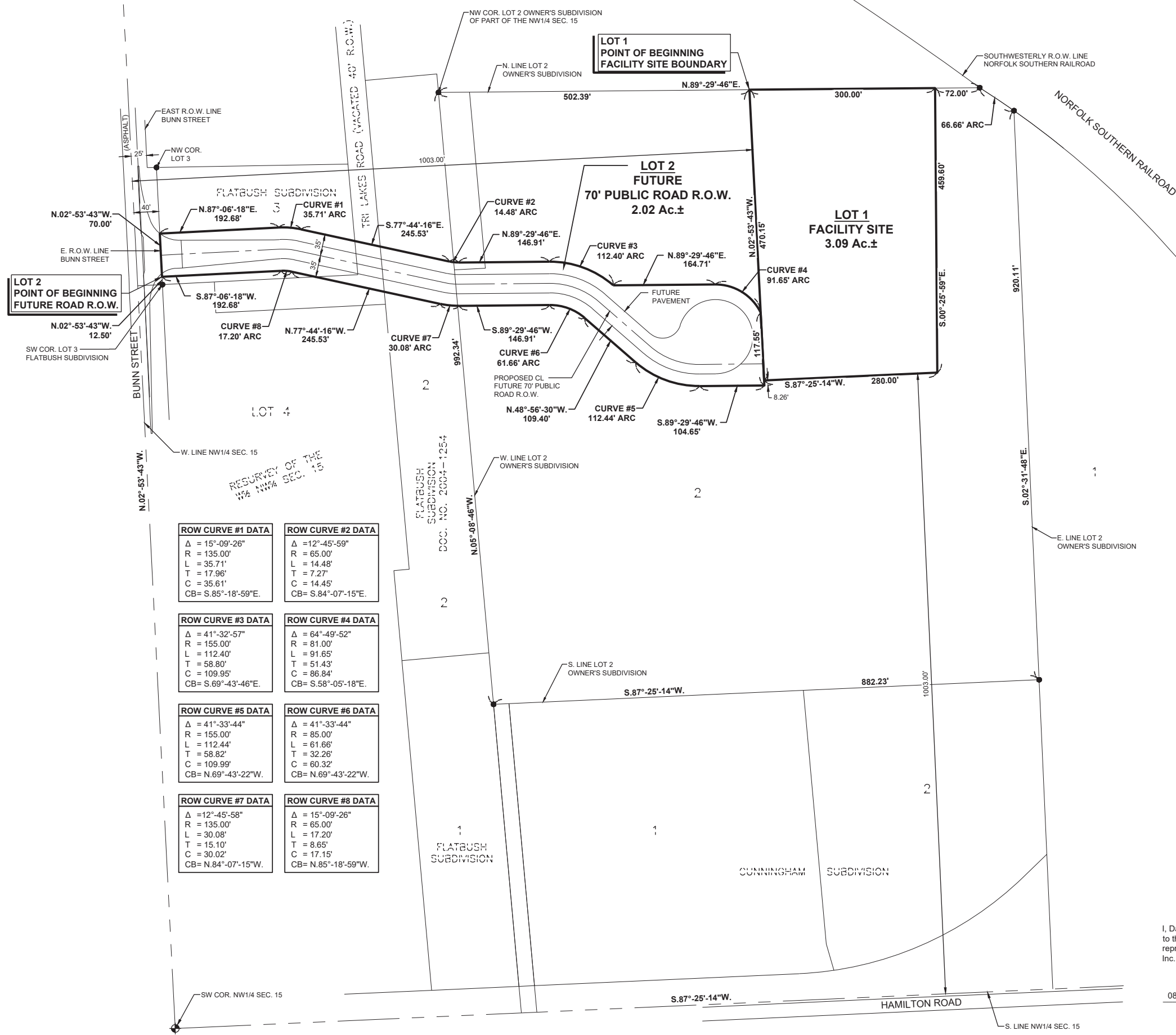
PART OF LOTS 2 AND 3 IN FLATBUSH SUBDIVISION, PART OF LOT 4 IN RE-SURVEY OF THE W¹/₄ NW¹/₄, PART OF VACATED TRI-LAKES ROAD AND PART OF LOT 2 IN OWNER'S SUBDIVISION, ALL IN THE NW¹/₄ OF SEC. 15, T.23N., R.2E., 3 P.M., McLEAN COUNTY, ILLINOIS



Lewis, Yockey & Brown, Inc.
 Consulting Engineers & Land Surveyors
 Professional Design Firm Registration #184-000806
 505 North Main Street, Bloomington, Illinois
 Ph. (309) 829-2552



LEGEND
 ——— SUBJECT PREMISES BOUNDARY
 - - - RIGHT OF WAY CENTERLINE
 ● 5/8" IRON ROD FOUND (UNLESS OTHERWISE NOTED)



ROW CURVE #1 DATA	ROW CURVE #2 DATA
Δ = 15°-09'-26"	Δ = 12°-45'-59"
R = 135.00'	R = 65.00'
L = 35.71'	L = 14.48'
T = 17.96'	T = 7.27'
C = 35.61'	C = 14.45'
CB = S.85°-18'-59"E.	CB = S.84°-07'-15"E.

ROW CURVE #3 DATA	ROW CURVE #4 DATA
Δ = 41°-32'-57"	Δ = 64°-49'-52"
R = 155.00'	R = 81.00'
L = 112.40'	L = 91.65'
T = 58.80'	T = 51.43'
C = 109.95'	C = 86.84'
CB = S.69°-43'-46"E.	CB = S.58°-05'-18"E.

ROW CURVE #5 DATA	ROW CURVE #6 DATA
Δ = 41°-33'-44"	Δ = 41°-33'-44"
R = 155.00'	R = 85.00'
L = 112.44'	L = 61.66'
T = 58.82'	T = 32.26'
C = 109.99'	C = 60.32'
CB = N.69°-43'-22"W.	CB = N.69°-43'-22"W.

ROW CURVE #7 DATA	ROW CURVE #8 DATA
Δ = 12°-45'-58"	Δ = 15°-09'-26"
R = 135.00'	R = 65.00'
L = 30.08'	L = 17.20'
T = 15.10'	T = 8.65'
C = 30.02'	C = 17.15'
CB = N.84°-07'-15"W.	CB = N.85°-18'-59"W.

Lot 1
 Legal Description Facility Site
 A part of Lot 2 in Owner's Subdivision of part of the NW¹/₄ of Section 15, Township 23 North, Range 2 East of the Third Principal Meridian, McLean County, Illinois, more particularly described as follows: Commencing at the northwest corner of Lot 2 in Owner's Subdivision of part of the NW¹/₄ of Section 15 according to the Plat thereof recorded in Plat Book 9 on Page 82; thence N.89°-29'-46"E. 502.39 feet on the north line of said Lot 2 to the Point of Beginning; thence continuing N.89°-29'-46"E. 300.00 feet on the north line of said Lot 2; thence S.00°-25'-59"E. 459.60 feet to a point 1003.00 feet north of the south line of the NW¹/₄ of said Section 15; thence S.87°-25'-14"W. 280.00 feet parallel with the south line of the NW¹/₄ of said Section 15 to a point 1003.00 feet east of the west line of the NW¹/₄ of said Section 15; thence N.02°-53'-43"W. 470.15 feet parallel with the west line of the NW¹/₄ of said Section 15 to the Point of Beginning containing 3.09 acres, more or less, with assumed bearings given for description purposes only.

Part of Tax Parcel ID #21-15-152-010

Lot 2
 Future Public Street ROW Legal Description
 A part of Lots 2 and 3 in Flatbush Subdivision, a part of Lot 4 in Re-Survey of the W¹/₄ of the NW¹/₄, a part of vacated Tri-Lakes Road and a part of Lot 2 in Owner's Subdivision, all in the NW¹/₄ of Section 15, Township 23 North, Range 2 East of the Third Principal Meridian, McLean County, Illinois, more particularly described as follows: Commencing at the southwest corner of Lot 3 in Flatbush Subdivision on the east right of way line of Bunn Street; thence N.02°-53'-43"W. 12.50 feet on the said east right of way line of Bunn Street and west line of said Lot 3 to the Point of Beginning; thence continuing N.02°-53'-43"W. 70.00 feet on the west line of said Lot 3 and east right of way line of Bunn Street; thence N.87°-06'-18"E. 192.68 feet; thence southeasterly 35.71 feet on a tangential curve concave to the southwest having a radius of 135.00 feet, central angle of 15°-09'-26" and a chord of 35.61 feet bearing S.85°-18'-59"E. from the last described course; thence S.77°-44'-16"E. 245.53 feet; thence easterly 14.48 feet on a tangential curve concave to the north having a radius of 65.00 feet, central angle of 12°-45'-59" and a chord of 14.45 feet bearing S.84°-07'-15"E. from the last described course; thence N.89°-29'-46"E. 146.91 feet; thence southeasterly 112.40 feet on a tangential curve concave to the southwest having a radius of 155.00 feet, central angle of 41°-32'-57" and a chord of 109.95 feet bearing S.69°-43'-46"E. from the last described course; thence N.89°-29'-46"E. 164.71 feet; thence southeasterly 91.65 feet on a tangential curve concave to the southwest having a radius of 81.00 feet, central angle of 64°-49'-52" and a chord of 86.84 feet bearing S.58°-05'-18"E. from the last described course, to a point 1003.00 feet east of the west line of the NW¹/₄ of said Section 15; thence S.02°-53'-43"E. 117.55 feet parallel to the said west line of the NW¹/₄ of Section 15; thence S.89°-29'-46"W. 104.65 feet; thence northwesterly 112.44 feet on a tangential curve concave to the northeast having a radius of 155.00 feet, central angle of 41°-33'-44" and a chord of 109.99 feet bearing N.69°-43'-22"W. from the last described course; thence N.48°-56'-30"W. 109.40 feet; thence westerly 61.66 feet on a tangential curve concave to the southwest having a radius of 85.00 feet, central angle of 41°-33'-44" and a chord of 60.32 feet bearing N.69°-43'-22"W. from the last described course; thence S.89°-29'-46"W. 146.91 feet; thence northwesterly 30.08 feet on a tangential curve concave to the northeast having a radius of 135.00 feet, central angle of 12°-45'-58" and a chord of 30.02 feet bearing N.84°-07'-15"W. from the last described course; thence N.77°-44'-16"W. 245.53 feet; thence northwesterly 17.20 feet on a tangential curve concave to the southwest having a radius of 65.00 feet, central angle of 15°-09'-26" and a chord of 17.15 feet bearing N.85°-18'-59"W. from the last described course; thence S.87°-06'-18"W. 192.68 feet to the Point of Beginning containing 2.02 acres, more or less, with assumed bearings given for description purposes only.

Part of Tax Parcel ID #21-15-151-018 & Part of Tax Parcel ID #21-15-152-010

Surveyor's Certificate

I, David P. Brown, Illinois Professional Land Surveyor No. 2725, do hereby certify that to the best of my knowledge and belief the plat shown hereon is an accurate representation of an assessment plat made under my direction for Henson Disposal, Inc.

David P. Brown
 David P. Brown
 Illinois Professional Land Surveyor No. 2725
 License Expires 11/30/2024



08/14/2023
 Date

REVISED	
-	-
-	-
-	-
-	-

BK: 929
 DRN: MB/JSB/ELE
 DSN: DPB
 APP: DPB

HENSON DISPOSAL
 MUNICIPAL SOLID WASTE TRANSFER STATION
 FACILITY SITE & FUTURE
 PUBLIC ROAD R.O.W. ASSESSMENT PLAT
 McLEAN COUNTY, ILLINOIS

SHEET
1
 OF: 1
 JOB #: 4920.05

4/20/2023 10:50 AM C:\Users\David P. Brown\Documents\2023\2023-08-14\2023-08-14-ASSESSMENT PLAT.dwg

**AGREEMENT FOR THE
EXTENSION OF SEWER AND
WATER MAINS AND
FOR THE PROVISION OF
SEWER AND WATER SERVICES**

THIS AGREEMENT made and entered into this 27th day of January, 2023, by and between the City of Bloomington, a Municipal Corporation, hereinafter called "CITY" and TKnTK, LLC, including any of their subsidiaries, assigns, agents, tenants and/or future owners or occupants of the Subject Property (hereinafter collectively referred to as "CUSTOMER") owner of record of the real property, hereinafter described ("SUBJECT PROPERTY"):

WITNESSETH:

WHEREAS, the SUBJECT PROPERTY is located in unincorporated McLean County but is adjacent and contiguous to the CITY; and

WHEREAS, CUSTOMER has (or will) apply to McLean County to site and operate a municipal waste transfer station (i.e., a pollution control facility) (hereafter the "FACILITY") on the SUBJECT PROPERTY, all in accordance with the requirements of the Illinois Environmental Protection Act; and

WHEREAS, in connection with said application, CUSTOMER desires to obtain municipal sanitary sewer and municipal water supply services from the CITY for the FACILITY; and

WHEREAS, the CITY acknowledges and recognizes that if approved, the FACILITY will generate "leachate" and CUSTOMER affirms that it will coordinate and obtain approval

from the Bloomington-Normal Water Reclamation District ("BNWRD") for the receipt and treatment of such leachate from the FACILITY; and

WHEREAS, storm water is not allowed in the sanitary sewer and accordingly CUSTOMER will not use the municipal sanitary sewer service for storm water management and instead will design and operate the FACILITY to divert storm water in accordance with applicable legal requirements; and

WHEREAS, CUSTOMER acknowledges that CITY is under no obligation to provide sanitary sewer services or water supply services to the SUBJECT PROPERTY and therefore CUSTOMER freely agrees to the terms and conditions set forth herein as consideration for the CITY's provision of such sanitary sewer and water supply services; and

WHEREAS, the CITY desires and the CUSTOMER agrees to provide certain environmental protection and compensation to the City with respect to the FACILITY if the FACILITY obtains all required approvals for the FACILITY and commences operation; and

WHEREAS, the CITY has not consented to, concurred in, or objected to the proposed plans of the CUSTOMER to develop the FACILITY and nothing in this Agreement shall be deemed by the CUSTOMER, the CITY, or other public agencies, or the public to indicate that the CITY has heretofore adopted any position on the potential development of the FACILITY; and

WHEREAS, if McLean County grants site location approval of the FACILITY, and if thereafter the Illinois Environmental Protection Agency issues permits for the development and operation of the FACILITY, the CUSTOMER is willing to conform the design and operation of the FACILITY to the requirements of this Agreement, including the payment of secondary community benefits as set forth herein as a form of general revenue to the CITY for use by the CITY for those purposes determined by the CITY to be in its best interests.

NOW THEREFORE in consideration of the mutual covenants and undertakings herein made, CITY and CUSTOMER herein covenant and agree as follows:

1. The recitals set forth above are incorporated herein and made a part hereof.

PROVISIONS CONCERNING SEWER AND WATER SERVICES

2. CITY agrees to allow CUSTOMER, in accordance with all CITY standards, rules and applicable laws, to design, plan, and construct under a permit, at the CUSTOMER'S sole cost and expense, sanitary sewer main as generally sized and depicted on the approved preliminary plan or plat of said area attached hereto and made a part hereof, and in accordance with specifications approved by the CITY, for the benefit of the FACILITY and the SUBJECT PROPERTY. Upon inspection and approval by the CITY, the CUSTOMER shall issue a bill of sale transferring ownership of the mains to the City. The CUSTOMER shall provide the bonds (performance, payment and maintenance) as required by the CITY's Ordinances and policies. This work is subject to the Illinois Prevailing Wage Act.

3. CITY agrees to allow CUSTOMER, in accordance with all CITY standards, rules and applicable laws, to design, plan, and construct, under a permit, at the CUSTOMER'S sole cost and expense, water main as generally sized and depicted on the approved preliminary plan or plat of said area attached hereto and made a part hereof, and in accordance with specifications approved by the CITY, for the benefit of the FACILITY and the SUBJECT PROPERTY. Upon inspection and approval by the CITY, the CUSTOMER shall issue a bill of sale transferring ownership of the mains to the City. The CUSTOMER shall provide the bonds (performance, payment and maintenance) as required by the CITY's Ordinances and policies. This work is subject to the Illinois Prevailing Wage Act.

4. CUSTOMER shall reimburse the CITY for those expenses incurred in professional services related to permitting, inspecting and reviewing the CUSTOMER's work and, within 90 days of filing its application with McLean County for the approval of the FACILITY, shall deposit \$50,000.00 with the City for these purposes. The CITY shall account for the use of the deposit and the CUSTOMER shall replenish the amount on deposit in such reasonable amounts as directed by the CITY. The "professional services" set forth in this section also includes any reasonable attorney fees from legal counsel outside the City incurred by the City associated with the review and negotiation of this Agreement.

5. CUSTOMER agrees that said extended mains shall become the property of and subject to the control of the CITY as a part of its sewer and water systems and that CUSTOMER and all successors to the property shall become subject to and shall be obligated to conform to all terms of this Agreement and for the payment of charges for water and sewer services as provided herein and amended from time to time.

6. CUSTOMER shall comply with the City's Ordinances concerning the provision of sewer and water services. CUSTOMER shall pay for the sewer and water services provided by the CITY at the rates set forth in the CITY's Ordinances in existence -- and as amended from time to time -- for those properties and customers located outside the CITY's corporate limits, multiplied by a factor of 2.

CUSTOMER, in accordance with all standards, rules, and guidelines, and at the CUSTOMER'S sole cost and expense, shall plan, purchase from the CITY, and install, under a permit a water meter for the Facility. The CITY will maintain the water meter at the CUSTOMER'S sole cost and expense.

CUSTOMER, in accordance with all standards, rules, and guidelines, and at the CUSTOMER'S sole cost and expense, shall plan, and construct, under a permit a sanitary sewer system that will allow for the CITY'S installation of a sanitary sewer meter for the Facility. The CITY will install and maintain the sanitary sewer meter at the CUSTOMER'S sole cost and expense.

PROVISIONS CONCERNING THE DESIGN AND OPERATION OF THE FACILITY

7. Definitions. As used in this agreement, the following words and phrases shall have the definitions as set forth in this Section:

"Act" as used in these definitions and this Agreement, shall mean the Illinois Environmental Protection Act, as amended from time to time (415 ILCS 5/1, et seq.).

"Construction or Demolition Debris" whether or not capitalized, means "clean construction or demolition debris" as defined by Section 5/3.160(b) of the Act (415 ILCS 5/3.160(b)), or "general construction or demolition debris," as defined by Section 5/3.160(a) of the Act (415 ILCS 5/3.160(a)).

"Food Scrap" whether or not capitalized and used in any of its grammatical forms, means "food scrap" as defined in Section 5/3.197 of the Act (415 ILCS 5/3.197).

"Hydro Excavation Wastes" is a solid/liquid waste such as hydro/vacuum excavation muds, underground excavation material, and other similar materials.

"IAC" as used in these definitions and this Agreement, shall mean the Illinois Administrative Code.

"IEPA" means the Illinois Environmental Protection Agency.

"IPCB" means the Illinois Pollution Control Board.

"Landscape Waste" whether or not capitalized and in any of its grammatical forms, means "landscape waste" as defined by Section 5/3.270 of the Act.

"Municipal Waste" whether or not capitalized and used in any of its grammatical forms, means "municipal solid waste", as defined by Section 5/3.290 of the Act (415 ILCS 5/3.290), except that such waste does not include Construction or Demolition Debris, Recyclables, Unacceptable Waste, or Landscape Waste.

"Recyclables" whether or not capitalized and used in any of its grammatical forms, means any material, which would otherwise be disposed of or discarded, which is separated from Municipal Waste or Construction or Demolition Debris at the source of generation so as to render it useable in a process, or alone, such that it can be returned to the economic mainstream in the form of raw materials or products. Examples of recyclables are newspaper, glass bottles, high density, polyethylene containers, aluminum food and beverage containers, chipboard, and corrugated containers. Recyclables do not include any materials removed or separated from, or containing Unacceptable Wastes.

"Regular Business Hours" of the Transfer Facility shall mean 4:00 a.m. to 8:00 p.m. on weekdays and 4:00 a.m. to 4:00 p.m. on Saturdays, with no operation on Sundays or the Christmas holiday, provided that on the Saturday following any Federal holiday Regular Business Hours may be extended by the CUSTOMER to 8:00 p.m. The Regular Business Hours for accepting Municipal and Hydro Excavation Waste may be extended but only upon the prior approval of the CITY, such approval being in writing. CUSTOMER agrees to meet with CITY after the FACILITY has been operational for six (6) months to ensure operations from the FACILITY are not negatively impacting neighboring residential properties on Saturday afternoons. If, based on written complaints from residential neighbors specifically relating to noise on Saturday afternoons, the CITY determines that the operations on Saturday should end at 12:00 p.m., the City Council may adopt an ordinance enacting such a limitation which CUSTOMER agrees to follow and make part of this Agreement.

"Solid Waste" whether or not capitalized, means Municipal Waste, Landscape Waste, Food Scrap, and Construction or Demolition Debris, including those materials in these classifications that have received a Beneficial Use Determination (BUD) designation by the IEPA, as those terms are defined in this Section.

"Subject Property" whether or not capitalized and in any of its grammatical forms, means the 6 lots and Outlot A as shown in the Preliminary Plan attached hereto as Exhibit A and also shown as the Project Location.

"Transfer Facility" or "Facility" whether or not capitalized, means the FACILITY—i.e., a "Transfer Station" as defined by 5/3.500 of the Act (415 ILCS 5/3.83) -- including the lot within the SUBJECT PROPERTY on which the Transfer Station is located, and specifically references the Transfer Facility the CUSTOMER desires to construct and operate located on a Lot 3 as shown on Exhibit B. The parties may agree to a different location of the Facility in writing.

"Unacceptable Waste" whether or not capitalized and used in any of its grammatical forms, means:

- (a) "hazardous waste" as defined by Section 5/3.15 of the Act (415 ILCS 5/3.15) or by 35 IAC 721.03;
- (b) "industrial process waste" as defined by Section 5/3.235 of the Act (415 ILCS 5/3.235), except allowable special waste and such industrial process waste which poses no present or potential threat to human health or the environment and which

has no inherent properties which makes its disposal in a landfill difficult to manage by normal means, and which has been specifically approved by the IEPA; (c) "pollution control waste" as defined by Section 5/3.335 of the Act (415 ILCS 5/3.335); (d) "sludge" as defined by Section 5/3.465 of the Act (415 ILCS 5/3.465); (e) "potentially infectious medical waste" as defined by Section 5/3.360 of the Act; (f) "special waste" as defined by Section 5/3.475 of the Act; (g) "polychlorinated biphenyls" as defined in the Toxic Substances Control Act, 15 U.S.C. Section 2601-2692, or regulations promulgated thereunder; (h) source, special or byproduct nuclear materials, radioactive waste, high-level or low-level radioactive waste, or transuranic waste as defined in the Atomic Energy Act, 42 U.S.C. Sections 2014, et seq., or regulations promulgated thereunder; or (i) "asbestos" as defined in 40 CFR 763.83, except that Unacceptable Waste does not include Hydro Excavation Waste.

8. Term. This Agreement commences on the date executed and continues in force and effect until the Transfer Facility ceases to operate and is no longer permitted by the IEPA to accept Municipal Waste and/or Hydro Excavation Waste. In addition, the City may terminate this Agreement if the CUSTOMER is in default of any provision of this Agreement. The CUSTOMER, in turn, may, at its sole discretion, terminate this Agreement if it determines that it is no longer economically desirable to operate the Transfer Facility and it rescinds its IEPA permit to operate. If terminated, at the sole option of the CITY, the CITY may continue to provide service, at the rates set forth in Section 6, to the other lots that do not contain the FACILITY.

9. Compliance with Laws. The CUSTOMER shall comply at all times, in connection with the development and operation of the Transfer Facility, with: all laws, conditions and requirements of any permit that is issued for development or operation of the Transfer Facility; modified or amended rules and regulations and ordinances of any Federal or State agency or authority relating to the development, operation, monitoring, remediation, or closure of the Transfer Facility. With respect to the closing of the Transfer Facility, the CUSTOMER agrees to comply with any government ordinance, rule, law or directive as to post-closure requirements and pay the entire costs associated therewith.

10. Waste Acceptability. The CUSTOMER shall only allow Solid Waste to be intentionally accepted at, transported to, stored at, or otherwise present at the Transfer Facility. All Municipal Waste, except when being transported to or from the Transfer Facility, must be kept inside (i.e., within a fully enclosed area of) the Transfer Facility. Unacceptable Waste accepted at, transported to, stored at, or otherwise present at, on, or in the Transfer Facility shall be properly removed within 24 hours.

11. Traffic, General Conditions, and Operations.

- a. All transfer trailer truck traffic entering and existing this site must utilize the routes approved by the County as a result of the siting process. Moreover, CUSTOMER shall not allow any trucks coming to or exiting from the FACILITY to queue on City streets or right-of-way.
- b. The CUSTOMER shall require and take reasonable steps to enforce the requirement that all trucks carrying Solid Waste to or from the FACILITY prevent any waste, litter or debris from being discarded onto public traveled roads and shall abide by a litter control plan as approved by the County as a result of the siting process.
- c. All tipping of Municipal Waste at the Transfer Facility shall be on the tipping floor inside the transfer building, and, except as provided below, the CUSTOMER shall have the tipping floor free of waste and cleaned with a mechanical street sweeper by the end of each operating day.
- d. The CUSTOMER shall conduct all operations in a manner that is protective of the public health, safety, welfare, groundwater resources and the environment. The CUSTOMER shall comply with all applicable laws, ordinances, rules and regulations, including but not limited to IPCB regulations. In addition, the CUSTOMER shall provide a fifteen (15) foot setback from the SUBJECT PROPERTY. The area within the setback shall be completely screened by an opaque masonry wall (stone, stucco, or brick) or a commercial grade solid wood screen fence at least eight (8) feet in height, not exceeding height limitations unless otherwise permitted, with only such openings as are necessary for ingress and egress. Plant materials shall be installed along that portion of a fence or wall that is highly visible from right-of-way to provide a year-round softening effect. The SUBJECT PROPERTY shall use only outdoor lighting, which shall not exceed one foot-candle at the property line, that is shielded and directed so as to protect adjacent lot or lots across the street from direct or reflected glare.
- e. At a minimum, the CUSTOMER shall provide a street sweeper or other means and methods to remove mud, dirt and dust tracked on to hard surfaces inside and

outside the Transfer Facility property, including but not limited to mud, dirt and dust tracked onto any City streets right-of-way for a distance of no less than three-fourths (3/4) mile from the entrance of the Transfer Facility on an as needed basis, but not less frequently than daily, except during severe weather conditions (e.g., heavy rains, winter conditions when salt has been applied to the roadway). All access drives, parking areas, storage areas and vehicle maneuvering areas of the Transfer Facility shall have driveways paved with an approved concrete or asphalt/concrete surface and at least 25 feet wide. All interior roads, driveways, parking lots and loading and unloading areas not required to be paved shall be constructed of an all-weather surface and be kept in as dust-free condition as possible, using application of dust-inhibitors if necessary to limit the nuisance caused by wind-borne dust. The property shall be swept with a street sweeper as needed, but not less frequently than daily.

- f. The Transfer Facility and any area used for the outdoor storage of any material or equipment shall be paved, fenced and visually screened from viewing from off of the Transfer Facility property, and also to contain loose debris and any storage items. If storage materials exceed the fence height established in Section d, then a combination of berming, fencing and landscaping shall be used to accomplish appropriate screening.
- g. The CUSTOMER agrees to keep the truck doors to the Transfer Facility closed, except for emergencies and to allow trucks to enter and exit the facility, during Regular Business Hours.

12. Host Fees. In consideration of the additional costs and burdens to be borne by the CITY from the FACILITY's proximity to the CITY and from the provision of the sewer services and/or the water services, the CUSTOMER agrees to pay the CITY the following fees should McLean County approve the Transfer Facility site location and should the CUSTOMER build the Transfer Facility and begin accepting Municipal Waste. The CUSTOMER agrees to pay the CITY the following fees:

- a. The CUSTOMER shall pay to the CITY a base fee as provided below for each ton of Municipal Waste, except landscape waste and recyclables, received at the Transfer Facility (whether received in the same or separate vehicles) from the first date the FACILITY receives Municipal Waste through the termination of this Agreement. In the event the Transfer Facility accepts Food Scraps either in dedicated truckloads or commingled with Landscape Waste, the CUSTOMER agrees to pay the per ton fee provided for in this section on the Food Scraps accepted at the Transfer Facility. The CUSTOMER shall pay the CITY a base fee equal to \$1.00 per ton of Municipal Waste received at the Transfer Facility. Per-ton fees

shall be payable only if, as and when waste is received and accepted at the Transfer Facility.

- b. Beginning the 1st day of January after the FACILITY begins accepting waste, and as of each January 1 thereafter, the per-ton fees described in (a) above will be adjusted from the per-ton fees of the previous year by the percentage change during the previous year in the Revised Consumer Price Index for All Urban Consumers (CPI-U) published by the United States Department of Labor — Statistics for the <<<<<Midwest Region>>>>> area, provided, however, that at no time shall the increase be less than 0% or greater than 4%. If the Consumer Price Index for All Urban Consumers shall cease to be published in the time frame described above, the CITY and CUSTOMER shall designate a comparable time frame or index, which shall then be used for determining the annual rate of adjustment.
- c. CUSTOMER shall weigh all receipts of Solid Waste on a certified scale, which is inspected at least once each calendar year by the CUSTOMER, and a copy of said inspection shall be provided to the CITY upon request. Further, the CUSTOMER shall keep records of outgoing Solid Waste such that the CITY can determine by its review of these records the number of outbound vehicles, the type of vehicle, the destination of each vehicle, and the type of waste contained on each vehicle leaving the Transfer Facility each calendar day. In addition, should the CITY request records concerning the load weight and total weight of each outbound vehicle, the CUSTOMER agrees to provide that information, from weights measured at the Transfer Facility or at the destination of the vehicles leaving the Transfer Facility, from the time the CUSTOMER receives the CITY's request on moving forward basis for any time period(s) designated by the City.
- d. CUSTOMER shall keep complete and accurate books and records relating to the determination of the fees required herein. No more than once per year, the CUSTOMER shall permit the CITY and its designated representatives access to such books and records (paper and electronic version) for inspection and copying. In the event that such inspection reveals any underpayment(s) of the fees, the CUSTOMER shall promptly pay the CITY the amount(s) of such underpayment(s). In the event that such inspection reveals any overpayment(s) of the subject fees, the CUSTOMER may credit the amount of such overpayment(s) against the payments of the subject fees in subsequent quarters.
- e. The fees described in this Article shall be paid on a quarterly basis. The quarterly payments shall be calculated on a calendar-year basis; that is, they shall be calculated for the three-month periods ending on the last day of March, June, September and December of each year during the term of this Agreement and any extension thereof. The payment shall be made not later than forty-five (45) days after the last day of the preceding quarter and shall be limited to the Solid Waste transferred during the quarter to which it applies. Past due payments of the fees shall be subject to a late charge of one-and-one-half percent (1¹/₂ %) per month or fraction of a

month for which the payment is late. Payment of such interest shall not otherwise excuse or cure any default by the CUSTOMER under this Agreement.

13. Default. The occurrence of any one or more of the following constitutes a "default" by the CUSTOMER under this Agreement. Should the CUSTOMER be in default of this Agreement, the CITY may, at its sole discretion, terminate this Agreement and cease to provide sewer or water services : (a) The failure by the CUSTOMER to pay any fee due and payable under this Agreement; if the CUSTOMER does not cure such failures within thirty (30) days after notice thereof from the CITY to the CUSTOMER; (b) the CUSTOMER admits in writing its inability to pay its debts as they mature and makes an assignment for the benefit of creditors or applies for or consents to the appointment of a trustee or receiver for the CUSTOMER or a major part of its property; (c) a trustee or receiver is appointed for the CUSTOMER or for a major part of its property, and it is not discharged within ninety (90) days after such appointment; or (d) bankruptcy, reorganization arrangement, insolvency or liquidation proceedings or other proceedings for relief under any bankruptcy law, or similar law, for the relief of debtors are instituted by or against the CUSTOMER and, if instituted against the CUSTOMER, are allowed against it or are not dismissed within 180 days after such institution. In the alternative to cancellation of the Agreement in its entirety, upon one of the defaults listed above, the CITY may elect to continue to provide service to one or more of the lots covered by this Agreement at the rates set forth in Section 6 and cease only the provision of water and sewer service to the lot containing the FACILITY.

14. Notice. Any notice to be given hereunder by either party to the other shall be in writing and be sent by personal delivery, by overnight delivery service or by registered or certified mail, postage prepaid, return receipt requested, and shall be deemed communicated when delivered or three (3) business days from the date of mailing, whichever is earlier. Notices shall be addressed as

set forth below, but each party may change its address by written notice to the other in accordance with this Section:

TO THE CITY:

Attention: City Manager
115 E. Washington Street, Suite 402
Bloomington, IL 61701

TO THE CUSTOMER:

Attention: Tom Kirk
TKnTK, LLC
2148 Tri Lakes Road
Bloomington, IL 61704

15. Defense and Indemnification. CUSTOMER covenants and agrees at CUSTOMER's sole cost and expense to defend, indemnify and hold harmless the CITY, individual members of the CITY COUNCIL, and any and all employees, agents, officers, or representatives of the CITY (collectively "CITY Affiliates"), from and against all claims, suits, actions, administrative enforcement proceedings, losses, damages of all kinds, costs, expenses, fines and penalties, attorneys' fees and expenses of litigation, of any nature whatsoever, relating in any way directly or indirectly to the Transfer Facility where the same are caused by the CUSTOMER's negligence, willful misconduct or breach of this Agreement. This includes, but is not limited to, any condition or occurrence, or any release, discharge or emission at, onto, above, under, through or from the Transfer Facility; or the CUSTOMER's execution, performance, or non-performance of this Agreement or of any conditions placed on siting (should the facility be approved or the operations of the CUSTOMER conducted at the Transfer Facility). This includes, but is not limited to, any claims of injury to any person (including, but not limited to death) or property for violation of or non-compliance with any law, ordinance, rule or regulation (including without limitation any environmental, health, antitrust, civil rights, employment or trade law, or statutory or common law obliga-

tion or liability). The CUSTOMER shall assume the defense of all suits, administrative proceedings and disputes of any description with all persons, entities, political subdivisions or government agencies arising out of the matters to be indemnified under this Agreement. CUSTOMER shall pay, promptly upon entry, any nonappealable order, judgment or other final resolution of any claim or dispute arising out of the matters to be indemnified under this Agreement and shall pay promptly when due any fines, penalties or agreed settlements arising out of the matters to be indemnified under this Agreement. In the event of a claim or suit against CUSTOMER arising out of the sole negligence, willful misconduct or breach of this Agreement by the CITY or any CITY Affiliate, CITY shall be obligated to defend and indemnify CUSTOMER only to the extent permitted by law. In addition, nothing in this Agreement shall be construed as a waiver of any common law or statutory immunity the CITY may have to such liability. This Section survives termination of this Agreement. Nothing in this Section shall be construed as a waiver of any rights either party may have with regard to contesting its alleged obligation for defense and indemnification by way of Declaratory Judgment or otherwise.

16. Transfers. In the event that CUSTOMER leases or transfers any interest in any of the Subject Property to Henson Disposal, LLC, or another individual or entity, or allows Henson Disposal, LLC, or any other entity or individual to operate on the Subject Property, the terms, limitations, and obligations of this Agreement shall apply and shall also be incorporated into such lease, transfer or operation agreement and said individual or entity shall be bound by all said terms. This specifically includes but is not limited the obligation to pay the rates and host fees set forth above, as well as comply with all other conditions and obligations of this Agreement. A default of any such entity or individual to the terms of this Agreement shall be considered a default by CUSTOMER.

17. Miscellaneous. The following miscellaneous terms and conditions shall also apply to

this Agreement:

- a. The provisions of this Agreement shall be deemed to be severable, and the invalidity or unenforceability of any provision shall not affect the validity and enforceability of the other provisions hereof.
- b. This Agreement shall inure to the benefit of and be binding upon the respective parties hereto, their successors and assigns.
- c. Neither party hereto shall be deemed to be in default or to have breached any provision of this Agreement as a result of any delay, failure in performance or interruption of services resulting directly or indirectly from acts of God, acts of civil or military authority, civil disturbance, or war or labor strikes or interruptions, which are beyond the control of such non-performing party.
- d. Nothing in this Agreement, whether expressed or implied, is intended to confer any rights or remedies under or by reason of this Agreement on any person other than the parties and their respective successors and assigns, nor shall any provision give any third persons any right or rights of action against any party to this Agreement.
- e. The CUSTOMER shall allow any agent duly authorized by the CITY to enter the Transfer Facility at reasonable times.
- g. The parties agree that the covenants, agreements and understandings contained in this Agreement, which expressly survive its termination touch and concern the Subject Property, and that such covenants, agreements and understandings shall run with the Subject Property.
- h. CUSTOMER covenants and agrees that he/she will not permit or allow any other person, firm or corporation to connect or annex to said mains or use such services or in any other way benefit from the services provided to CUSTOMER under the terms of this AGREEMENT, except where express written permission has been procured therefore from CITY.
- i. CUSTOMER and CITY agree that covenants herein contained are the essence of this Agreement.
- j. This Agreement and all rights and obligations hereunder may not be assigned without the written consent of the other party, which shall not be unreasonably withheld.

IN WITNESSETH WHEREOF the parties have hereunto set their hands and seals the day and year above written.

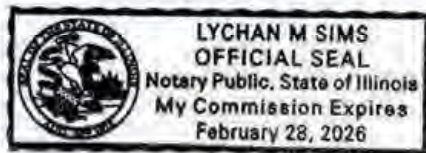
TKnTK, LLC

Tom Kirk
Tom Kirk, Member

STATE OF ILLINOIS)
) ss.
COUNTY OF MCLEAN)

I, the undersigned, a Notary Public in and for said County and State aforesaid, DO HEREBY CERTIFY that TOM KIRK, of TKnTK, LLC, an Illinois limited liability company, personally known to me to be a member of said company, whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that as such a member, signed, sealed and delivered the foregoing instrument at his free and voluntary act, and as the free and voluntary act and deed of said company, for the uses and purpose set forth herein.

Given under my hand and notarial seal this 26th day of January, 2023, A.D.



Lychan M Sims
(Notary Public)
My Commission Expires: 2/28/2026

ATTEST:

Shirley Smith Young
City Clerk



CITY OF BLOOMINGTON

Mhoke Turberville
Mayor

PLEASE RETURN TO:
City Clerk
City of Bloomington
115 E. Washington Street
Bloomington, IL 61701

EXHIBIT A PRELIMINARY PLAN

PRELIMINARY PLAN HDI SUBDIVISION

A PART OF THE NORTH OF SECTION 15, T.22N., R.2E.,
3 P.M., MILLENNIUM COUNTY, ILLINOIS

OWNER: TRIPLE, LLC
2100 THE LAKES ROAD
BL. COMMERCE, IL 61708
ATTN: TOM BARK
PHONE: 815.261.8821

DEVELOPER: HERMAN INVESTMENT, LLC
2100 THE LAKES ROAD
BL. COMMERCE, IL 61708
ATTN: TOM BARK
PHONE: 815.261.8821

ATTORNEY: MICHAEL W. GURBADEK, ESQ.
310 S. COUNTY FARM ROAD, SUITE 4
MORRISON, IL 61550
ATTN: MICHAEL W. GURBADEK
PHONE: 618.668.4762

LOCATION MAP

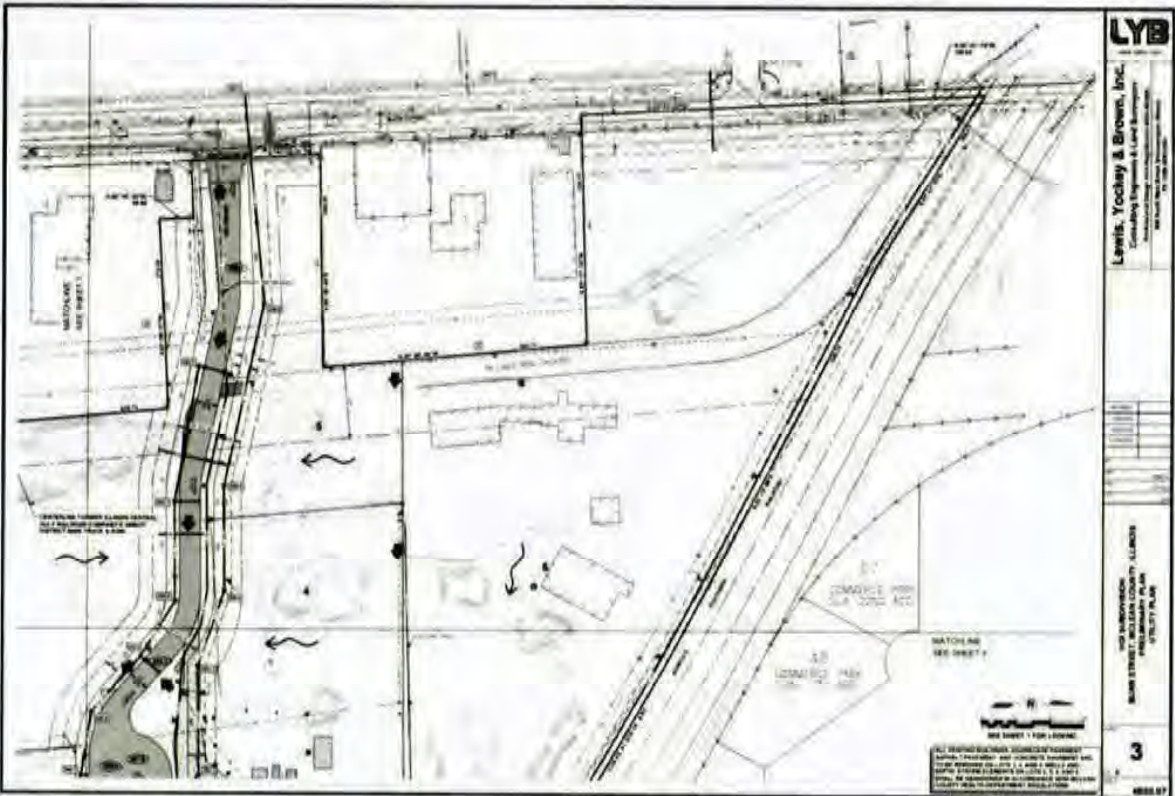
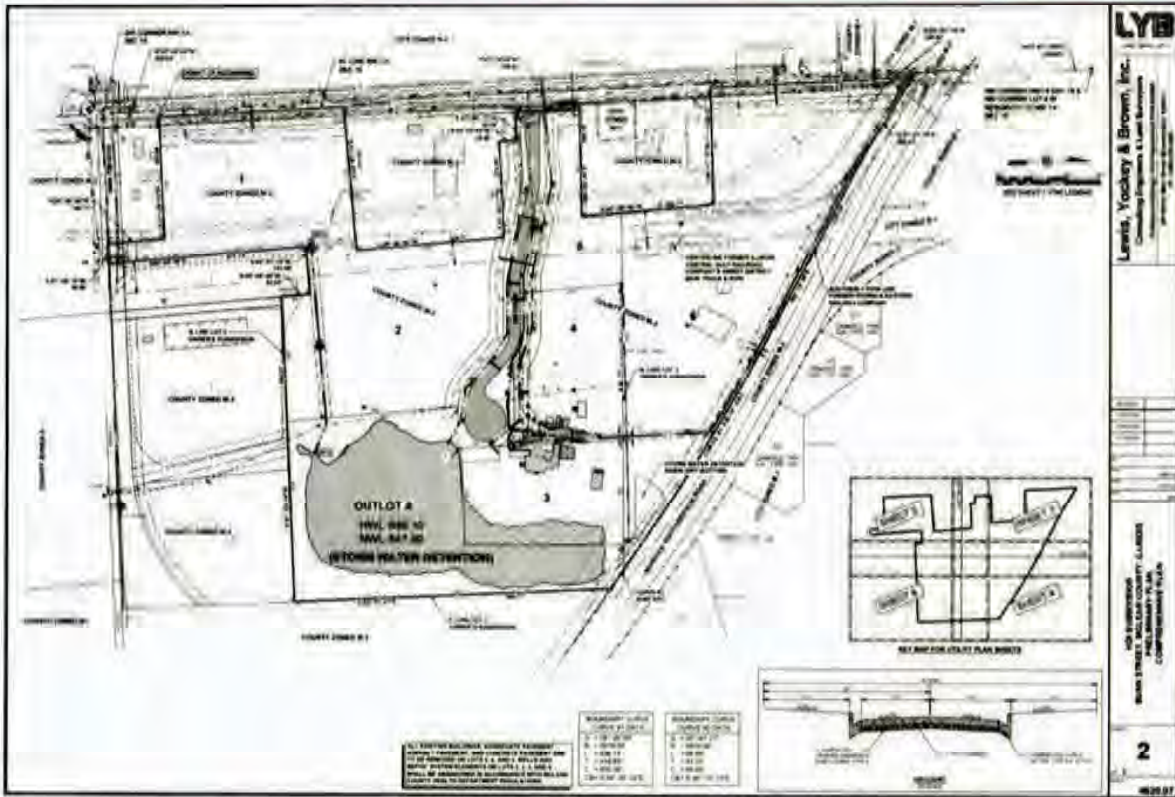
INDEX OF SHEETS	
SHEET NO.	DESCRIPTION
1	COVER SHEET
2	COMPREHENSIVE PLAN
1-8	UTILITY PLAN

BENCHMARKS		
NO.	DESCRIPTION	ELEVATION
1	TYP. @ SW CORNER BURNHAMPTON	886.81
2	SPINKLE SET IN PP. W. SIDE OF PARKING AREA WEST OF THE LAKES CLUBHOUSE BUILDING	882.24

[Handwritten Signature]

LYB
Lewis, Yocley & Brown, Inc.
Civil, Mechanical, Electrical, and Surveying Engineers & Land Surveyors
100 North 1st Street, Suite 200, Morris, IL 61550
Phone: 618.668.4762

MORRISON COUNTY, ILLINOIS
PRELIMINARY PLAN
COVER SHEET
1
4820.87



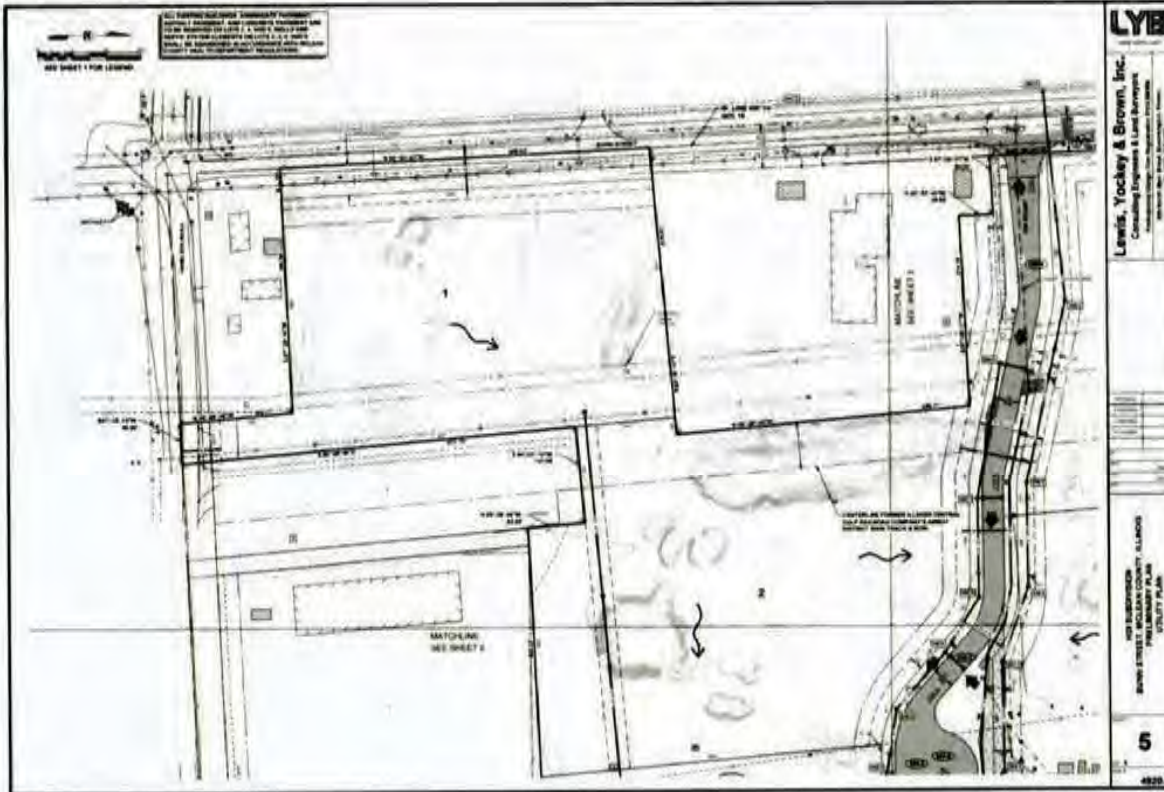
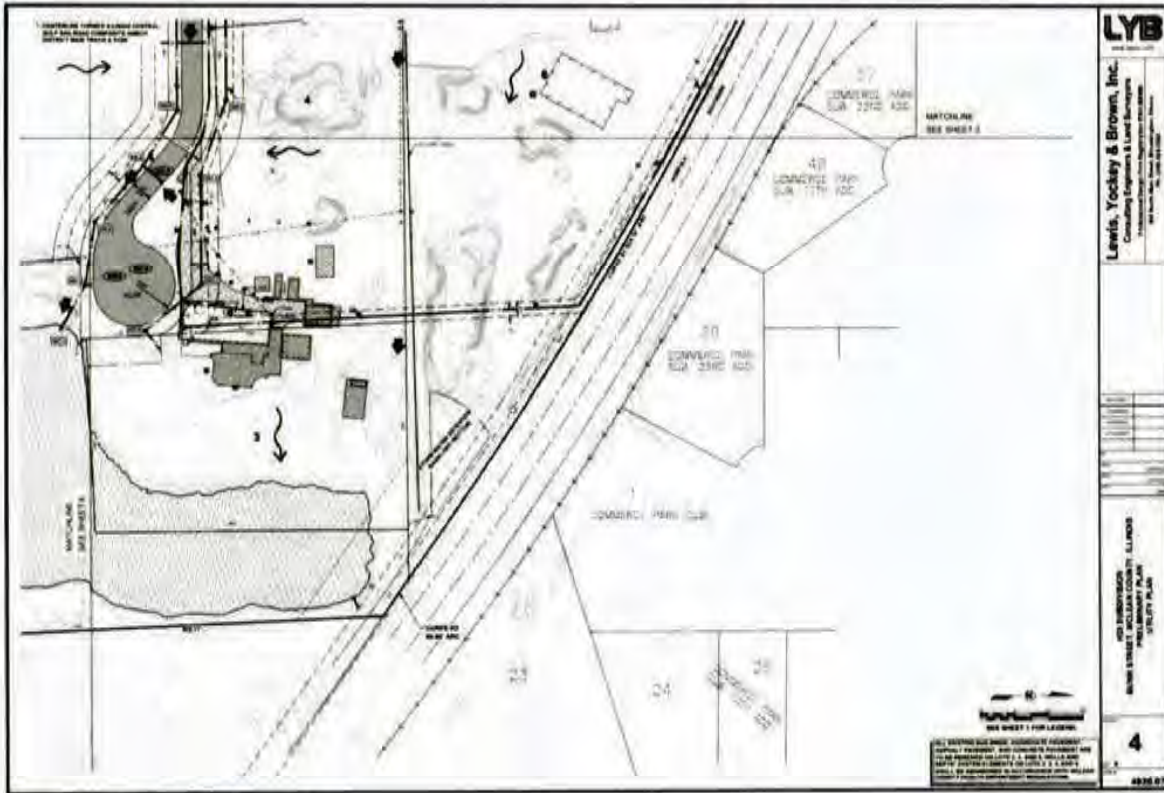




EXHIBIT B PROPERTY DESCRIPTION: LOT 3

Legal Description Facility Site

A part of Lot 2 in Owner's Subdivision of part of the NW¼ of Section 15, Township 23 North, Range 2 East of the Third Principal Meridian, McLean County, Illinois, more particularly described as follows: Commencing at the northwest corner of Lot 2 in Owner's Subdivision of part of the NW¼ of Section 15 according to the Plat thereof recorded in Plat Book 9 on Page 82; thence N.89°-29'-46"E. 502.39 feet on the north line of said Lot 2 to the Point of Beginning; thence continuing N.89°-29'-46"E. 300.00 feet on the north line of said Lot 2; thence S.00°-25'-59"E. 459.60 feet to a point 1003.00 feet north of the south line of the NW¼ of said Section 15; thence S.87°-25'-14"W. 280.00 feet parallel with the south line of the NW¼ of said Section 15 to a point 1003.00 feet east of the west line of the NW¼ of said Section 15; thence N.02°-53'-43"W. 470.15 feet parallel with the west line of the NW¼ of said Section 15 to the Point of Beginning containing 3.09 acres, more or less, with assumed bearings given for description purposes only.



FACILITY SITE SETBACK EXHIBIT

PART OF LOTS 2 AND 3 IN FLATBUSH SUBDIVISION, PART OF LOT 4 IN RE-SURVEY OF THE W 1/4 NW 1/4, PART OF VACATED TRI-LAKES ROAD AND PART OF LOT 2 IN OWNER'S SUBDIVISION, ALL IN THE NW 1/4 OF SEC. 15, T.23N., R.2E., 3 P.M., McLEAN COUNTY, ILLINOIS

Ex. 5

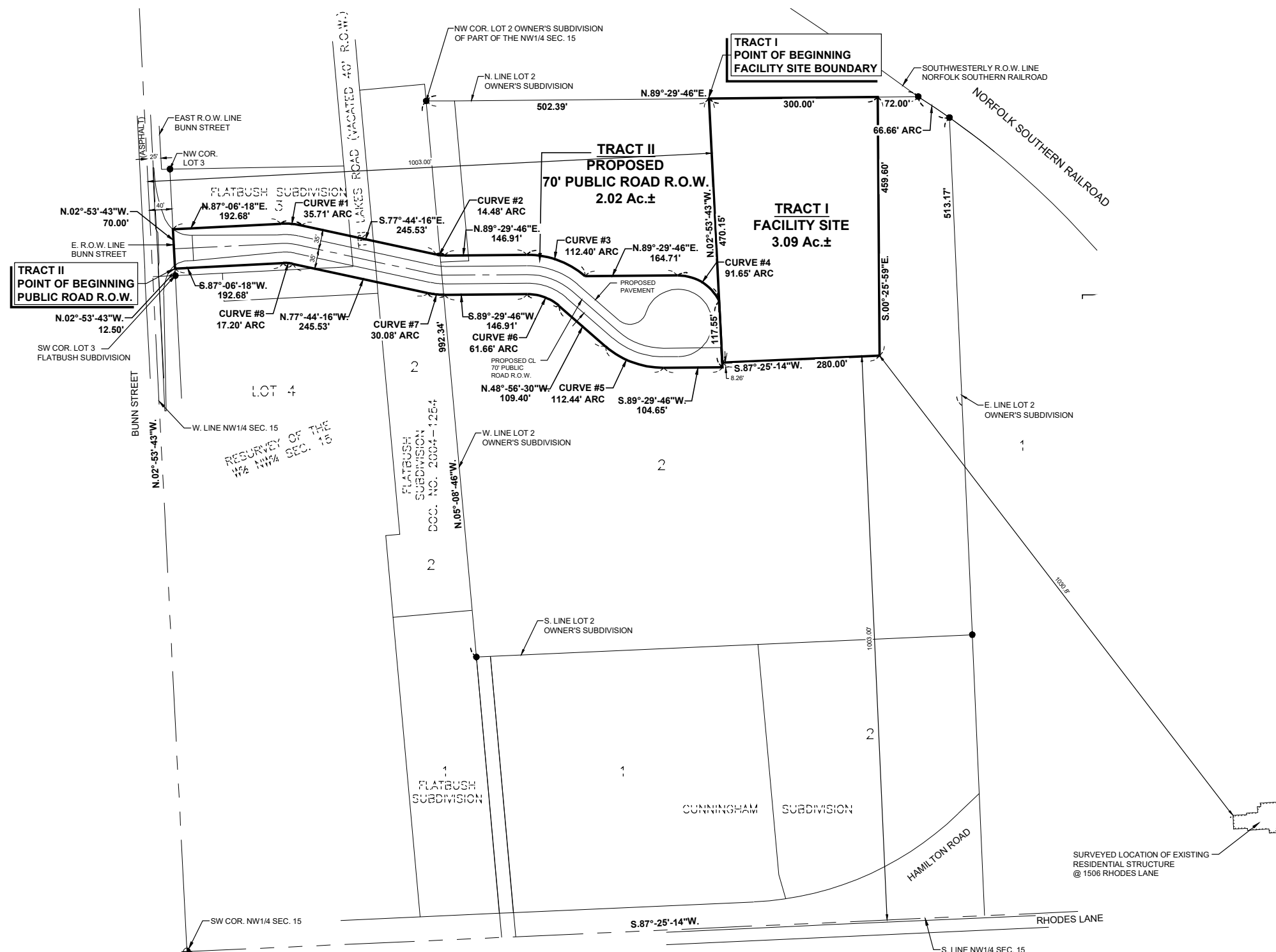


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Lewis, Yockey & Brown, Inc.
 Consulting Engineers & Land Surveyors
 PURIHVLRn DO DHVLRg n FLUP RHg LWUUDWLRn #184,000806
 505 NRUWK MDLn SWUHHW, BRRRPLn g WFRn , IOOLn RgV
 PK. (309) 829-2552



LEGEND
 ——— SUBJECT PREMISES BOUNDARY
 - - - RIGHT OF WAY CENTERLINE
 ● 5/8" IRON ROD FOUND (UNLESS OTHERWISE NOTED)



Tract I
 Legal Description Facility Site
 A part of Lot 2 in Owner's Subdivision of part of the NW 1/4 of Section 15, Township 23 North, Range 2 East of the Third Principal Meridian, McLean County, Illinois, more particularly described as follows: Commencing at the northwest corner of Lot 2 in Owner's Subdivision of part of the NW 1/4 of Section 15 according to the Plat thereof recorded in Plat Book 9 on Page 82; thence N.89°-29'-46"E. 502.39 feet on the north line of said Lot 2 to the Point of Beginning; thence continuing N.89°-29'-46"E. 300.00 feet on the north line of said Lot 2; thence S.00°-25'-59"E. 459.60 feet to a point 1003.00 feet north of the south line of the NW 1/4 of said Section 15; thence S.87°-25'-14"W. 280.00 feet parallel with the south line of the NW 1/4 of said Section 15 to a point 1003.00 feet east of the west line of the NW 1/4 of said Section 15; thence N.02°-53'-43"W. 470.15 feet parallel with the west line of the NW 1/4 of said Section 15 to the Point of Beginning containing 3.09 acres, more or less, with assumed bearings given for description purposes only.

Tract II
 Proposed Public Street Access Legal Description
 A part of Lots 2 and 3 in Flatbush Subdivision, a part of Lot 4 in Re-Survey of the W 1/4 of the NW 1/4, a part of vacated Tri-Lakes Road and a part of Lot 2 in Owner's Subdivision, all in the NW 1/4 of Section 15, Township 23 North, Range 2 East of the Third Principal Meridian, McLean County, Illinois, more particularly described as follows: Commencing at the southwest corner of Lot 3 in Flatbush Subdivision on the east right of way line of Bunn Street and west line of said Lot 3 to the Point of Beginning; thence continuing N.02°-53'-43"W. 12.50 feet on the said east right of way line of Bunn Street; thence N.87°-06'-18"E. 192.68 feet; thence southeasterly 35.71 feet on a tangential curve concave to the southwest having a radius of 135.00 feet, central angle of 15°-09'-26" and a chord of 35.61 feet bearing S.85°-18'-59"E. from the last described course; thence S.77°-44'-16"E. 245.53 feet; thence easterly 14.48 feet on a tangential curve concave to the north having a radius of 65.00 feet, central angle of 12°-45'-59" and a chord of 14.45 feet bearing S.84°-07'-15"E. from the last described course; thence N.89°-29'-46"E. 146.91 feet; thence southeasterly 112.40 feet on a tangential curve concave to the southwest having a radius of 155.00 feet, central angle of 41°-32'-57" and a chord of 109.95 feet bearing S.69°-43'-46"E. from the last described course; thence N.89°-29'-46"E. 164.71 feet; thence southeasterly 91.65 feet on a tangential curve concave to the southwest having a radius of 81.00 feet, central angle of 64°-49'-52" and a chord of 86.84 feet bearing S.58°-05'-18"E. from the last described course, to a point 1003.00 feet east of the west line of the NW 1/4 of said Section 15; thence S.02°-53'-43"E. 117.55 feet parallel to the said west line of the NW 1/4 of Section 15; thence S.89°-29'-46"W. 104.65 feet; thence northwesterly 112.44 feet on a tangential curve concave to the northeast having a radius of 155.00 feet, central angle of 41°-33'-44" and a chord of 109.99 feet bearing N.69°-43'-22"W. from the last described course; thence N.48°-56'-30"W. 109.40 feet; thence westerly 61.66 feet on a tangential curve concave to the southwest having a radius of 85.00 feet, central angle of 41°-33'-44" and a chord of 60.32 feet bearing N.69°-43'-22"W. from the last described course; thence S.89°-29'-46"W. 146.91 feet; thence northwesterly 30.08 feet on a tangential curve concave to the northeast having a radius of 135.00 feet, central angle of 12°-45'-58" and a chord of 30.02 feet bearing N.84°-07'-15"W. from the last described course; thence N.77°-44'-16"W. 245.53 feet; thence northwesterly 17.20 feet on a tangential curve concave to the southwest having a radius of 65.00 feet, central angle of 15°-09'-26" and a chord of 17.15 feet bearing N.85°-18'-59"W. from the last described course; thence S.87°-06'-18"W. 192.68 feet to the Point of Beginning containing 2.02 acres, more or less, with assumed bearings given for description purposes only.

ROW CURVE #1 DATA Δ = 15°-09'-26" R = 135.00' L = 35.71' T = 17.96' C = 35.61' CB = S.85°-18'-59"E.	ROW CURVE #2 DATA Δ = 12°-45'-59" R = 65.00' L = 14.48' T = 7.27' C = 14.45' CB = S.84°-07'-15"E.	ROW CURVE #5 DATA Δ = 41°-33'-44" R = 155.00' L = 112.44' T = 58.82' C = 109.99' CB = N.69°-43'-22"W.	ROW CURVE #6 DATA Δ = 41°-33'-44" R = 85.00' L = 61.66' T = 32.26' C = 60.32' CB = N.69°-43'-22"W.
ROW CURVE #3 DATA Δ = 41°-32'-57" R = 155.00' L = 112.40' T = 58.80' C = 109.95' CB = S.69°-43'-46"E.	ROW CURVE #4 DATA Δ = 64°-49'-52" R = 81.00' L = 91.65' T = 51.43' C = 86.84' CB = S.58°-05'-18"E.	ROW CURVE #7 DATA Δ = 12°-45'-58" R = 135.00' L = 30.08' T = 15.10' C = 30.02' CB = N.84°-07'-15"W.	ROW CURVE #8 DATA Δ = 15°-09'-26" R = 65.00' L = 17.20' T = 8.65' C = 17.15' CB = N.85°-18'-59"W.

Surveyor's Certificate

I, David P. Brown, Illinois Professional Land Surveyor No. 2725, do hereby certify that to the best of my knowledge and belief the plat shown hereon is an accurate representation of a survey made under my direction for Henson Disposal, Inc.

03/07/2023
 Date

David P. Brown
 Illinois Professional Land Surveyor No. 2725
 License Expires 11/30/2024



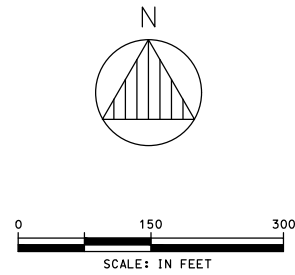
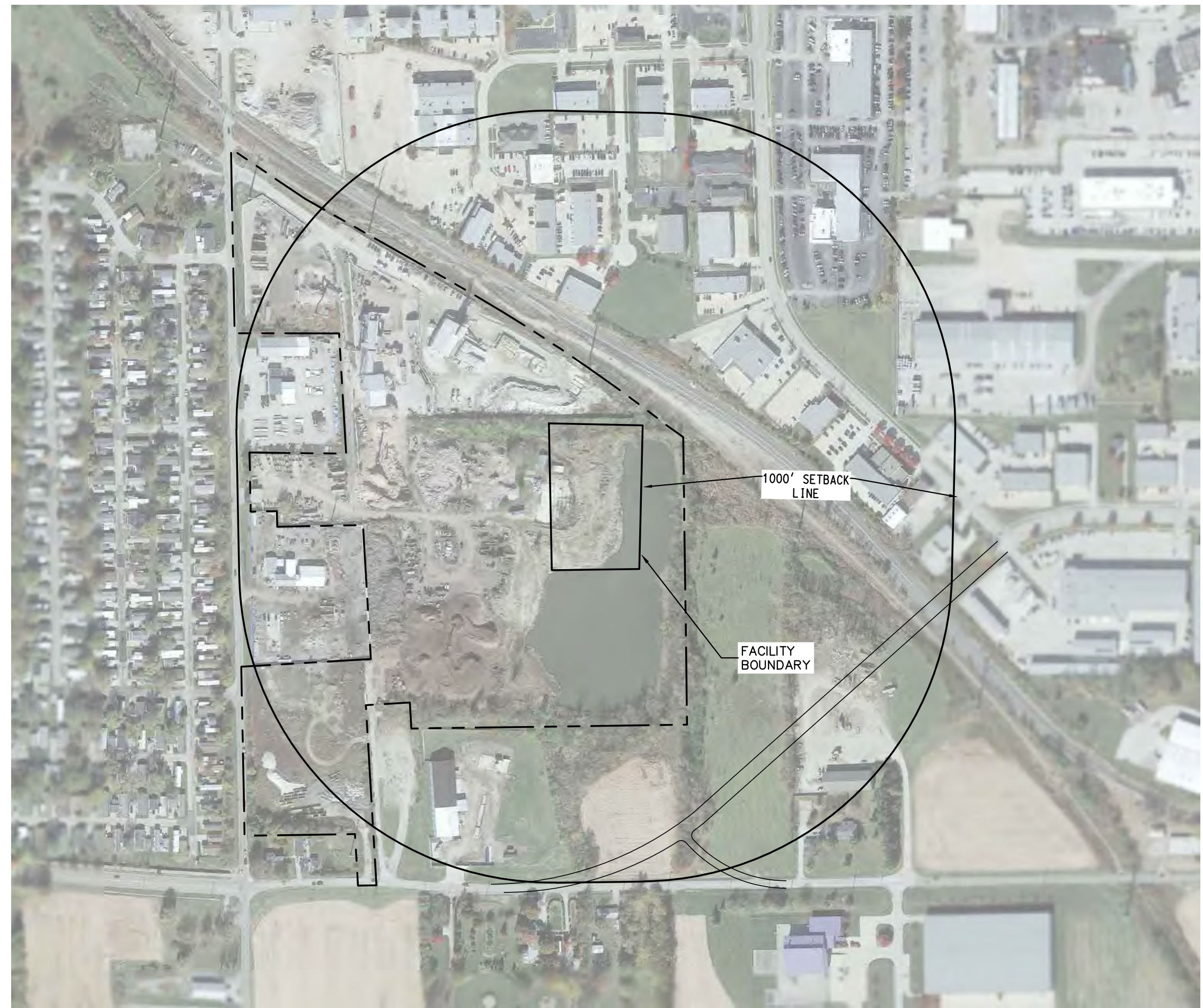
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03/06/2023	
REVISED	-
-	-
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-	-
BK.	929
DRN.	MB/USB/ELE
DSN.	DPB
APP.	DPB

HENSON DISPOSAL
 MUNICIPAL SOLID WASTE TRANSFER STATION
 FACILITY SITE SETBACK EXHIBIT
 McLEAN COUNTY, ILLINOIS

SHEET
1
 OF: 1
 JOB #: 4920.05

Tab: FIGURE 3 Last Saved: March 11, 2023, by Mike Nguyen Plotted: Wednesday, August 16, 2023 9:12:07 AM
 C:\Civil 3D\Projects\Henson Disposal\DWG\Bloomington IS\2023\Site Layout\Facility Location & Zoning Map.dwg



NOTE:
 BACKGROUND PHOTOGRAPH DERIVED FROM GOOGLE EARTH; OCTOBER 27, 2022.

NO.	DATE	REVISION DESCRIPTION



FACILITY LOCATION MAP
 PREPARED FOR
HENSON DISPOSAL
 BLOOMINGTON, MCLEAN COUNTY, ILLINOIS

DATE: MARCH 2023
 PROJECT ID: 230156/0013
 SHEET NUMBER:

3