

State of Illinois
Pollution Control Board

James R. Thompson Center
100 W. Randolph Street - Suite 11-500
Chicago Illinois 60601

**MOTION TO DENY ACCEPTANCE
OF FORMAL COMPLAINT**

BEFORE THE
ILLINOIS POLLUTION CONTROL BOARD

**RECEIVED
CLERK'S OFFICE**

AUG 01 2018

**STATE OF ILLINOIS
Pollution Control Board**

James Fiser)
842 South Jackson Street)
Mt. Carroll, Illinois 61053)
Complainant,)
v.)
HENRY DOUBLE K, LLC, and)
James L. Meador)
834 South Jackson Street)
Mt. Carroll, Illinois 61053)
Respondent.)

PCB 2018-084
(For Board use)

- 1) Respondent James L. Meador
18099 Old Galena Trail
Mount Carroll IL 61053
Carroll County
(815) 541-0705
- 2) Complainant James Fiser
842 South Jackson Street
Mount Carroll IL 61053
Carroll County
(815) 599-1328

3) I, James Meador, hereby respectfully move the Illinois Pollution Control Board to not accept the formal complaint for hearing filed by James Fiser because it is a frivolous complaint. In support of my motion I state as follows:

(a) Pursuant to 35 Ill. Adm. Code 101.202, "frivolous" means a request for relief that the Board does not have authority to grant, or a complaint that fails to state a cause of action upon which the Board can grant relief.

Motion to Deny Acceptance of Formal Complaint
July 27, 2018
Page 2 of 4

- (b) Mr. Fiser's complaint does not state a cause of action. He provides no verified information regarding the level of the noise about which he is complaining. There is no specific evidence about the accuracy of the noise level. The only date about the level of noise indicates "Memorial Day Weekend of 2018". I have attached, as Exhibit 1, the current Mount Carroll City Ordinance relating to noises and the Special Permit that was issued to Respondent by the City of Mount Carroll for Memorial Weekend of 2018. There is an exception to the current Mount Carroll Noise Ordinance when a permit is issued by the City.
- 4) I have attached Exhibits for further information for the Board. Exhibit A is a survey of the geographic area at issue. My restaurant is located on Lot 2 of Shimer College Subdivision. I also own Lot 4 in that subdivision and Lots 1 and 2 of Frey's 2nd Addition. My wife and I purchased our property in 2012, see Exhibit B.

Mr. Fiser's wife purchased the property designated Book 808, Page 249 in 2005. She then Quit Claimed it to herself and Mr. Fiser in 2006, see Exhibit C. Mr. Fiser's house is located in the southwest quadrant of said parcel.

The restaurant was built in approximately 1967 as the Karyn Kupcinet Playhouse. It was not converted from a barn as Complainant alleges. The hotel was built in 1965 as a dormitory for Shimer College. The college relocated to Waukegan, Illinois, in 1979. The Shimer College Subdivision was platted shortly thereafter and sold to several individuals.

Exhibit D is a zoning map of the City of Mount Carroll. Lot 2 of the Shimer College Subdivision is zoned commercial. It is the lot on which my restaurant is located. Mr. Fiser's property is also zoned commercial. It is not zoned residential, as Mr. Fiser alleges. Coincidentally, Mr. Fiser's property is located directly north and west of a large grocery store. The store has been in operation for over 45 years. There are refrigerator units located on the north side of the store that continuously provide refrigeration for the store coolers.

Motion to Deny Acceptance of Formal Complaint
July 27, 2018
Page 3 of 4

Mr. Fiser's property is 275 feet from the restaurant. His house is approximately 350 feet from the restaurant. The northwest corner of the grocery store is approximately 100 feet from his residence. I have neighbors that reside on Lot 1 of Shimer Subdivision and Lots 3 and 4 of Frey's 2nd Addition. They all live substantially closer to the restaurant than Mr. Fiser. I have not received any complaints about noise from anyone other than Mr. Fiser.

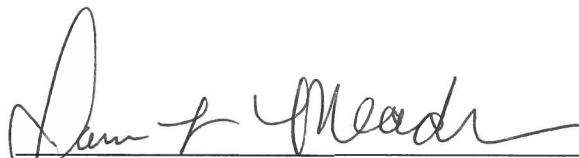
The restaurant is located on ground sloped from the north to the south. The dining area is on the lower floor and is accessed from the south. The upper floor is a banquet room. It is accessed from the north. The banquet room is used for weddings, class reunions, Christmas parties and live musical performances. There are no doors that open to the south towards Mr. Fiser's property from the banquet room.

Mr. Fiser states that he has called the police and has gone to the Mount Carroll City Council about this matter. I have received no complaints from the Mount Carroll City Council.

Mr. Fiser is the only person that I know of that has complained about my business. His complaint does not list any specific noise levels or how I am violating any laws. It fails to state a cause of action by being insufficient as to facts.

Mr. Fiser filed a similar complaint docketed as 2015-93 that was dismissed by the Board as frivolous.

DATED this 27th day of July, 2018




James L. Meador,
Respondent.

Motion to Deny Acceptance of Formal Complaint
July 27, 2018
Page 4 of 4

STATE OF ILLINOIS)
) ss.
COUNTY OF CARROLL)

James L. Meador, being first duly sworn on oath, deposes and says that he has read the foregoing Motion to Deny Acceptance of Formal Complaint, by him subscribed, that he knows the contents thereof; and that the same are true and correct to the best of his knowledge, information and belief.



James L. Meador



Subscribed and sworn to before me
this 27th day of July, 2018



Notary Public

James L. Meador
Respondent
834 South Jackson Street
Mount Carroll IL 61053
(815) 541-0705

ORDINANCE NO. 2014-10-2

AN ORDINANCE RELATING TO NOISES

WHEREAS, the City Code of the City of Mt. Carroll prohibits the creation of any unreasonably loud, disturbing, and unnecessary noise within the City limits as set forth in Section 5-4-3.4, and

WHEREAS, said Section 5-4-3.4 fails to include any provision for the playing of music outside of buildings whether for private or commercial purposes and fails to establish definable and objective standards to apply to loud and disturbing noises including the playing of music, and

WHEREFORE, it is in the best interests of public health, safety, and morals that the City Council adopt legislation to address the issue of loud and disturbing noise including music.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MT. CARROLL, ILLINOIS that the following amendment to Section 5-4-3.4 of the City Code be adopted.

Section 1. That Section 5-4-3.4 (J) of the City Code is hereby repealed.

Section 2. That in lieu thereof, the following is adopted as Section 5-4-3.4 (J).

Section 5-4-3.4 (J) Amplified Sound: Amplified sound emanating from a source located within the corporate limits of the City of Mt. Carroll shall not exceed 70 decibels at the property line of the source of the amplified sound. No amplified sound emanating from a source outside of a structure shall be allowed after eleven o'clock (11:00 o'clock) P.M.

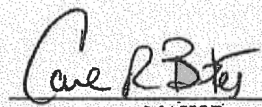
Exception: This section shall not apply to events sponsored by nonprofit organizations or benefits held pursuant to a permit issued by the City Clerk authorized by the Mayor and Council.

Section 3. That all Ordinances in conflict with this Ordinance are hereby repealed.

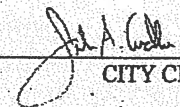
Section 4. That this Ordinance shall be in full force and effect after its passage, approval, and publication as requested by law.

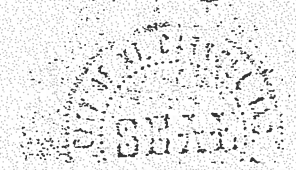
Passed this 28th day of October, 2014.

Approved this 28th day of October, 2014


MAYOR

ATTEST:


CITY CLERK



No 1
\$ 0.00

SPECIAL PERMIT
BY AUTHORITY OF THE CITY OF MOUNT CARROLL
LICENSE IS HEREBY GRANTED TO Henry's Double K, LLC
TO BE ALLOWED THE FOLLOWING EXCEPTION TO
SECTION 5-4-3.4 (J) OF THE CITY CODE

To conduct the indoor & outdoor events on the Memorial Day Weekend / May 25, 26 & 27, 2018
(KIND AND CLASSIFICATION OF LICENSE)

at No. 834 E. Jackson Street in said City the days through the 27th day
of May A.D. 2018, ^(YEAR) subject to the provisions of all Ordinances
now in force and that may hereafter be passed by said City.

Witness the hand of the Mayor of said City and the

Corporate Seal thereof, this 26th day of April A.D. 2018

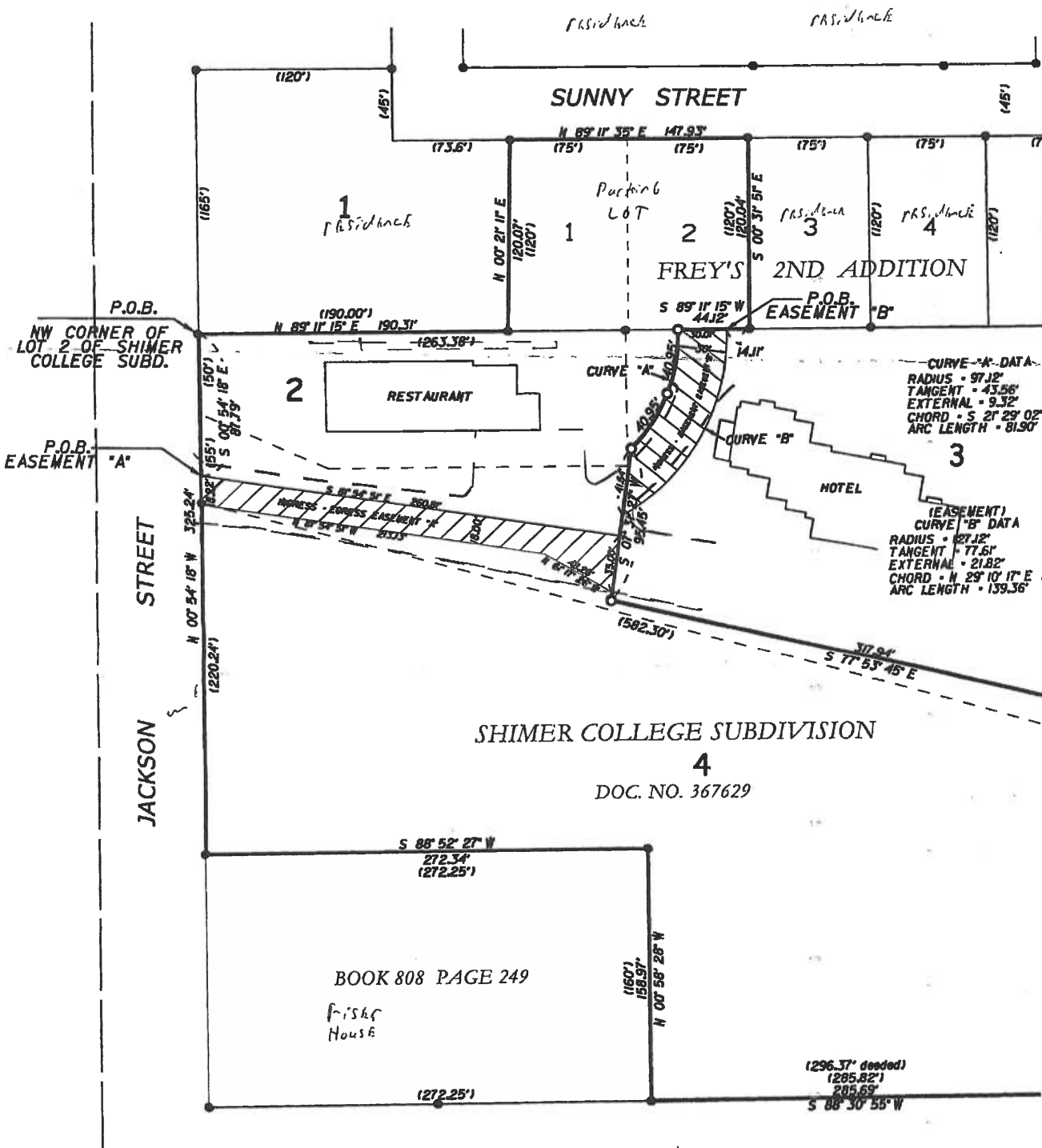
Gene R. Bly
(MAYOR)

Attest:

Julie A. Cole
(CITY CLERK)

Exhibit A

PLAT



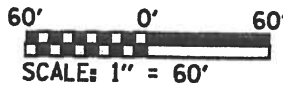
LEGEND

- BOUNDARY OF SURVEY —————
- OTHER LOT LINES - - - - -
- FOUND IRON PIPE ●
- SET 5/8" IRON ROD ○
- DEEDED/PLATTED DATA ()

Grcery Store



SE CORNER OF THE SW
 OF THE NW 1/4 OF
 SECTION 7-24-5



EY

Description:

Lots 1 and 2 in Block 1 of Frey's Second Addition to the City of Mt. Carroll, and Lot 2 and Lot 4 and part of Lot 3 in Shimer College Subdivision located in the Southwest Quarter of the Northwest Quarter of Section 7, Township 24 North, Range 5 East of the Fourth Principal Meridian, Carroll County, Illinois, according to the Plat thereof recorded October 24, 1979 as Document No. 367629 in the Office of the Carroll County Recorder, all being more particularly described as follows: Beginning at an iron rod at the Northwest corner of Lot 2 of said Shimer College Subdivision; Thence North 89 degrees 11 minutes 15 seconds East, along the North line of said Lot 2, a distance of 190.31 feet (190.00' by deed) to an iron rod at the Southwest corner of Lot 1 of said Frey's Second Addition; Thence North 00 degrees 21 minutes 11 seconds East, along the West line of said Lot 1, a distance of 120.07 feet to an iron pipe at the Northwest corner of said Lot 1; Thence North 89 degrees 11 minutes 35 seconds East, along the North line of Lots 1 and 2 in said Frey's Second Addition, a distance of 147.93 feet to an iron pipe at the Northeast corner of said Lot 2 in Frey's Second Addition; Thence South 00 degrees 31 minutes 51 seconds East, along the East line of said Lot 2, a distance of 120.04 feet to an iron rod at the Southeast corner of said Lot 2; Thence South 89 degrees 11 minutes 15 seconds West, along the South line of said Lot 2, a distance of 44.12 feet to an iron rod; Thence Southwesterly, along an arc of a non-tangential curve, concave Northwest, having a radius of 97.12 feet, and whose chord bears South 21 degrees 29 minutes 02 seconds West, an arc distance of 81.90 feet to an iron rod; Thence South 07 degrees 31 minutes 27 seconds West, a distance of 95.45 feet to an iron rod; Thence South 77 degrees 53 minutes 45 seconds East, a distance of 317.94 feet to an iron rod on the East line of the Southwest Quarter of the Northwest Quarter of said Section 7; Thence South 00 degrees 07 minutes 31 seconds East, along the said East line, a distance of 240.32 feet to an iron rod at the Southeast corner of the said Southwest Quarter of the Northwest Quarter, said point also being the Southeast corner of Lot 4 of the said Shimer College Subdivision; Thence South 88 degrees 30 minutes 55 seconds West, along the South line of the said Southwest Quarter of the Northwest Quarter, and also the South line of said Lot 4, a distance of 285.69 feet (296.37 feet by deed) to an iron pipe at the Southeast corner of the property described in Book 808 of Deeds at Page 249 recorded in the Office of the Carroll County Recorder; Thence North 00 degrees 58 minutes 28 seconds West, along the East line of said property, a distance of 158.97 feet (160 feet by deed) to an iron pipe at the Northeast corner of said described property; Thence South 88 degrees 52 minutes 27 seconds West, along the North line of said described property in Book 808, a distance of 272.34 feet (272.25 feet by deed) to an iron rod on the East line of Jackson Street, said point also being on the West line of Lot 4 of said Shimer College Subdivision; Thence North 00 degrees 54 minutes 18 seconds West, along the East line of said Jackson Street, and the West line of Lots 2, 3, and 4 of said Shimer College Subdivision, a distance of 325.24 feet to the point of beginning, Containing 4.249 Acres.

INCLUDING an ingress and egress easement 30.00 feet in width for access purposes through a portion of Lot 3 of the aforementioned Shimer College Subdivision, said easement adjoining and running to a portion of the above described parcel of land, said easement being more particularly described as follows: Beginning at a point on the South line of Lot 2 in Frey's Second addition to the City of Mt. Carroll, said point being South 89 degrees 11 minutes 15 seconds West, a distance of 14.11 feet from an iron rod at the Southeast corner of said Lot 2; Thence South 89 degrees 11 minutes 15 seconds West, along the South line of said Lot 2, a distance of 30.01 feet to an iron rod; Thence Southwesterly, along an arc of a non-tangential curve, concave Northwest, having a radius of 97.12 feet, and whose chord bears South 21 degrees 29 minutes 02 seconds West, an arc distance of 81.90 feet to an iron rod; Thence South 07 degrees 31 minutes 27 seconds West, a distance of 41.64 feet; Thence Northeasterly, along an arc of non-tangential curve, concave Northwesterly, having a radius of 127.12 feet, and whose chord bears North 29 degrees 10 minutes 17 seconds East, an arc distance of 139.36 feet to the point of beginning.

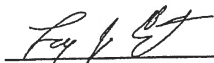
SUBJECT, however, to an ingress and egress easement for access purposes to an adjoining property, located in the very Northern portion of Lot 4 and part of Lot 3 in the aforementioned Shimer College, said easement being more particularly described as follows: Beginning at a point on the West line of Lot 3 of said Shimer College, said point being South 00 degrees 54 minutes 18 seconds East, a distance of 87.79 feet from an iron rod at the Northwest corner of Lot 2 of said Shimer College Subdivision; Thence South 81 degrees 54 minutes 51 seconds East, a distance of 260.81 feet; Thence South 07 degrees 31 minutes 27 seconds West, a distance of 35.00 feet; Thence North 61 degrees 17 minutes 26 seconds West, a distance of 48.26 feet; Thence North 81 degrees 54 minutes 51 seconds West, a distance of 213.13 feet to a point on the West line of Lot 4 in said Shimer College Subdivision; Thence North 00 degrees 54 minutes 18 seconds West, along the West line of said Lots 4 and 3, a distance of 18.22 feet to the point of beginning.

SURVEYORS CERTIFICATE

I hereby certify that this survey was done by me, or under my direct supervision, at the request of Jim Calhoun of Mt. Carroll, IL. This survey was done on the ground, and this plat represents the facts found at the time of the survey, and conforms to the current Illinois Minimum Standards for a boundary survey.

All monuments exist as shown hereon. Bearings are in Degrees, Minutes, and Seconds and are referenced to an assumed datum. Distances are in feet and decimals thereof. This survey includes no investigation or independent search for easements of record, encumbrances, deed restrictions, restrictive covenants, ownership, title evidence, or any other facts, which an accurate and current title search may disclose.

Dated this 4th day of Sept, 2012


Lyle J. Eaton
Illinois Professional Land Surveyor
No. 35-3606
License Expires November 30, 2012



L.J. EATON LAND SURVEYING, LTD. (815)-244-1095 12581 FULRATH MILL ROAD, MT. CARROLL, IL. 61053		
SCALE: 1" = 60'	APPROVED BY:	DRAWN BY: LJE
DATE: 9/3/2012		REVISED:
TYPE OF SURVEY BOUNDARY SURVEY		
REQUESTED BY:	DRAWING NUMBER:	

Exhibit B

WARRANTY DEED
Statutory (Illinois)
(Individual to Individual)

The Grantor, **Richard Ng**, married to Lee Lee Foong, of 3433 Rosemary Lane, DeKalb, County of DeKalb, State of Illinois 60115 for and in consideration of **TEN AND NO/100 DOLLARS (\$10.00)**, and other good and valuable consideration, in hand paid, **CONVEY AND WARRANT** to James L. Meador and Kathleen S. Meador of 18099 Old Galena Trail, Mount Carroll, Carroll County Illinois, 61053, in joint tenancy with the right of survivorship, all interest of the following described real estate situated in the County of Carroll in the State of Illinois, to-wit:

See Exhibit "A" attached hereto and made a part here of

SUBJECT TO: General Real Estate Taxes for 2012 and subsequent years; Covenants, conditions and restrictions of record; Building lines and easements, if any; Zoning laws and Ordinances.

Hereby releasing and waiving all rights under and by virtue of the Homestead Exemption Laws of the State of Illinois.

* This is not Homestead Property*

Permanent Real Estate Index Numbers: 05-09-07-107-002, 05-09-07-107-004
Part of 05-09-07-107-003

Address of Real Estate: 830-1/2 South Jackson Street,
Mount Carroll, Carroll County, Illinois.

DATED this 22nd day of October 2012

 (SEAL)
Richard Ng

2012R-2862
BRIAN WOESSNER
CLERK & RECORDER
CARROLL COUNTY, IL
RECORDED ON
10/22/2012 02:59:56P
BOOK #: 0
PAGE #: 0
RECORDING FEE: 40.00
RHSP FEE: 10.00
REVENUE STAMPS: 54.00

CARROLL COUNTY
ILLINOIS
REAL ESTATE
TRANSFER TAX
10-22-12
\$ 18.00

ILLINOIS
CO-
REAL ESTATE
TRANSFER TAX
336074
10-22-12
30 THIRTY DOLLARS 30

ILLINOIS
CO-
REAL ESTATE
TRANSFER TAX
447758
10-22-12
3 THREE DOLLARS 3

ILLINOIS
CO-
REAL ESTATE
TRANSFER TAX
447759
10-22-12
3 THREE DOLLARS 3

STATE OF ILLINOIS)
)
COUNTY OF MOUNT CARROLL) SS.

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, DO **HEREBY CERTIFY** that **Richard Ng**, 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 the right of homestead.

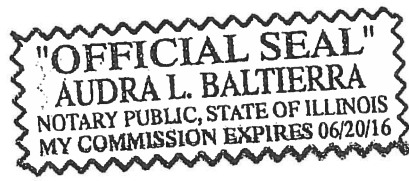
Given under my hand and official seal, this 22nd day of October 2012.

Commission expires 6-20-12

Audra L. Baltierra
Notary Public

This Instrument Prepared By:
Steve Bonnette, Esq.
641 West 58th Street
Hinsdale, Illinois 60521

Mail To:
David Weissmiller
P. O. Box 106
Mount Carroll, Illinois 60153



Send Future Tax Bills to:
James L. Meador and Kathleen S. Meador
18099 Old Galena Trail
Mount Carroll, Illinois, 61053

Lots 1 and 2 in Block 1 of Frey's Second Addition to the City of Mt. Carroll, according to the Plat thereof recorded June 27, 1955 in Plat Rack 1, page 288, and Lot 2 and Lot 4 and part of Lot 3 of Shimer College Subdivision located in the Southwest Quarter of the Northwest Quarter of Section 7, Township 24 North, Range 5 East of the Fourth Principal Meridian, Carroll County, Illinois; according to the Plat thereof recorded October 24, 1979 as Document No. 367629, all being more particularly described as follows: Beginning at an iron rod at the Northwest corner of Lot 2 of said Shimer College Subdivision; thence North 89 degrees 11 minutes 15 seconds East, along the North line of said Lot 2, a distance of 190.31 feet (190.00 feet by deed) to an iron rod at the Southwest corner of Lot 1 of said Frey's Second Addition; thence North 00 degrees 21 minutes 11 seconds East, along the West line of said Lot 1, a distance of 120.07 feet to an iron pipe at the Northwest corner of said Lot 1 of said Frey's Second Addition; thence North 89 degrees 11 minutes 35 seconds East, along the North line of Lots 1 and 2 in said Frey's Second Addition, a distance of 147.93 feet to an iron pipe at the Northeast corner of said Lot 2 in Frey's Second Addition; thence South 00 degrees 31 minutes 51 seconds East along the East line of said Lot 2, a distance of 120.04 feet to an iron rod at the Southeast corner of said Lot 2; thence South 89 degrees 11 minutes 15 seconds West, along the South line of said Lot 2, a distance of 44.12 feet to an iron rod; thence Southwesterly, along an arc of a non-tangential curve, concave Northwest having a radius of 97.12 feet, and whose chord bears South 21 degrees 29 minutes 02 seconds West, an arc distance of 81.90 feet to an iron rod; thence South 07 degrees 31 minutes 27 seconds West a distance of 95.45 feet to an iron rod; thence South 77 degrees 53 minutes 45 seconds East, a distance of 317.94 feet to an iron rod on the East line of the Southwest Quarter of the Northwest Quarter of said Section 7; thence South 00 degrees 07 minutes 31 seconds East along the said East line, a distance of 240.32 feet to an iron rod at the Southeast corner of the said Southwest Quarter of the Northwest Quarter, said point also being the Southeast corner of Lot 4 of the said Shimer College Subdivision; thence South 88 degrees 30 minutes 55 seconds West along the South line of the said Southwest Quarter of the Northwest Quarter, and also the South line of said Lot 4, a distance of 285.69 feet (296.37 feet by deed) to an iron pipe at the Southeast corner of the property described in Book 808 of Deeds, page 249 recorded in the Office of the Carroll County Recorder; thence North 00 degrees 58 minutes 28 seconds West along the East line of said property, a distance of 158.97 feet (160 feet by deed) to an iron pipe at the Northeast corner of said described property; thence South 88 degrees 52 minutes 27 seconds West along the North line of said described property in Book 808, a distance of 272.34 feet (272.25 feet by deed) to an iron rod on the East line of Jackson Street, said point also being on the West line of Lot 4 of said Shimer College Subdivision; thence North 00 degrees 54 minutes 18 seconds West along the East line of said Jackson Street, and the West line of Lots 2, 3, and 4 of said Shimer College Subdivision, a distance of 325.24 feet to the point of beginning.

An ingress and egress easement, including the benefits, and burdens which run with the land and are binding upon and enure to the heirs, assigns, successors, tenants and personal representatives of the parties hereto, said easement shall be 30.00 feet in width for access purposes through a portion of Lot 3 of the aforementioned Shimer College Subdivision, said easement adjoining and running to portion of the above described parcel of land, said easement being more particularly described as follows: Beginning at a point on the South line of Lot 2 in Frey's Second addition to the City of Mt. Carroll, said point being South 89 degrees 11 minutes 15 seconds West, a distance of 14.11 feet from an iron rod at the Southeast corner of said Lot 2; Thence South 89 degrees 11 minutes 15 seconds West, along the South line of said Lot 2, a distance of 30.01 feet to an iron rod; Thence Southwesterly, along an arc of a non-tangential curve, concave Northwest, having a radius of 97.12 feet, and whose chord bears South 21 degrees 29 minutes 02 seconds West, an arc distance of 81.90 feet to an iron rod; Thence South 07 degrees 31 minutes 27 seconds West, a distance of 41.64 feet; Thence Northeasterly, along an arc of non-tangential curve, concave Northwesterly, having a radius of 127.12 feet and whose chord bears North 29 degrees 10 minutes 17 seconds East, an arc distance of 139.36 feet to the point of beginning.

Subject to an ingress and egress easement including the benefits, and burdens which run with the land and are binding upon and enure to the heirs, assigns, successors, tenants and personal representatives of the parties hereto, for access purposes to adjoining property, located in the very Northern portion of Lot 4 and part of Lot 3 in the aforementioned Shimer College, said easement being more particularly described as follows: Beginning at a point on the West line of Lot 3 of said Shimer College, said point being South 00 degrees 54 minutes 18 seconds East, a distance of 87.79 feet from an iron rod at the Northwest corner of Lot 2 of said Shimer College Subdivision; Thence South 81 degrees 54 minutes 51 seconds East, a distance of 260.81 feet; Thence South 07 degrees 31 minutes 27 seconds West, a distance of 35.00 feet; Thence North 61 degrees 17 minutes 26 seconds West, a distance of 48.26 feet; Thence North 81 degrees 54 minutes 51 seconds West, a distance of 213.13 feet to a point on the West line of Lot 4 in said Shimer College Subdivision; Thence North 00 degrees 54 minutes 18 seconds West, along the West line of said Lots 4 and 3, a distance of 18.22 feet to the point of beginning.

EXHIBIT C

BOOK 853 PAGE 256

Mail Tax Bills to and Grantee's Address and
Return Recorded Instrument to:
Mr. and Mrs. James Fiser
824 South Jackson Street
Mount Carroll IL 61053

2006R-3592
JUDITH A GRAY
CLERK & RECORDER
CARROLL COUNTY, IL
RECORDED ON
07/21/2006 02:38:42PM
BOOK #: 853
PAGE #: 256
RECORDING FEE: 27.00
RHSP FEE: 10.00

QUIT CLAIM DEED

THE GRANTOR, CHERYL A. TRYGG,
n/k/a CHERYL A. FISER, married to
JAMES FISER, of the Village of
Carpentersville, County of Kane and State
of Illinois, for the consideration of Ten and
No/100 Dollars (\$10.00) and other good and
valuable consideration, CONVEYS and QUIT
CLAIMS to JAMES FISER and CHERYL
A. FISER, husband and wife, not as tenants
in common but as Joint Tenants

all interest in the following described Real Estate, situated in Carroll County, Illinois, legally described as:

~~Beginning at a point 8.62 chains West of the Southeast corner of the Southwest Quarter of the four (24), North, Range Five (5), East of the Fourth (4th) Principal Meridian, on the East line of Jackson Street in the City of Mount Carroll; thence North 160 feet along said East line of Jackson Street to a gaspipe monument; thence East 272.25 feet to a gaspipe monument; thence South 160 feet, more or less, to a gaspipe monument on the East-West Quarter line of said Section Seven, thence West 272.25 feet along the said East-West Quarter line to a gaspipe monument at the point of beginning;~~

See attached legal

Address of Real Estate: 824 South Jackson Street, Mount Carroll IL 61053

Permanent Index Number: 05-000-544-00

hereby releasing and waiving all rights under and by virtue of the Homestead Exemption Laws of the State of Illinois. Subject to covenants, restrictions, and easements of record, real estate taxes for 2005 and subsequent years.

Dated this 21 day of Jan, 2006.

Cheryl A. Fiser
CHERYL A. FISER

James Fiser
JAMES FISER

STATE OF ILLINOIS) BOOK 853 PAGE 257
) SS
COUNTY OF)

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, **DO HEREBY CERTIFY** that **CHERYL A. TRYGG, n/k/a CHERYL A. FISER, married to JAMES FISER**, personally known to me to the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that they signed, sealed and delivered the said instrument as their free and voluntary act, for the uses and purposes therein set forth, including the release and waiver of the right of homestead.

Given under my hand and official seal this 21 day of January, 2006.



Patricia M. Campbell
Notary Public

My Commission Expires:

**This deed exempt under Section 200/31-45
Paragraph e of the Real Estate Transfer Tax
Law.**

Date: 1-21-06
James R. Fisher
Signed

This Instrument Prepared by: **James M. Bolz
McCUAIG, HAEGER, BOLZ & McCARTY
895 West Main Street
West Dundee, IL 60118**

BOOK 853 PAGE 258

PLAT ACT AFFIDAVIT OF METES AND BOUNDS

STATE OF ILLINOIS)
COUNTY OF KANE)^{SS}

CHERYL A. FISER

, being duly sworn on oath,

states that affiant resides at MT. CARROLL, IL.

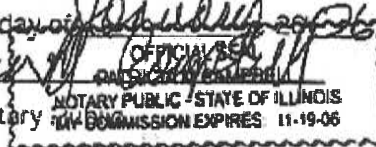
And further states that: (please check the appropriate box)

- A. That the attached deed is not in violation of 765 ILCS 205/1 (a), in that the sale or exchange is of an entire tract of land not being a part of a larger tract of land; or
- B. That the attached deed is not in violation of 765 ILCS 205/1 (b) for one of the following reasons: (please circle the appropriate number)

1. The division or subdivision of land into parcels or tracts of 5.0 acres or more in size which does not involve any new streets or easements of access;
2. The division of lots or blocks of less than one (1) acre in any recorded subdivision which does not involve any new streets or easements of access;
3. The sale or exchange of parcels of land between owners of adjoining and contiguous land;
4. The conveyance of parcels of land or interests therein for use as right of way for railroads or other public utility facilities and other pipe lines which does not involve any new streets or easements of access;
5. The conveyance of land owned by a railroad or other public utility which does not involve any new streets or easements of access;
6. The conveyance of land for highway or other public purposes or grants or conveyances relating to the dedication of land for public use or instruments relating to the vacation of land impressed with a public use;
7. Conveyances made to correct descriptions in prior conveyances;
8. The sale or exchange of parcels or tracts of land following the division into no more than two (2) parts of a particular parcel or tract of land existing on July 17, 1959 and not involving any new streets or easements of access;
9. The sale of a single lot of less than 5.0 acres from a larger tract when a survey is made by an Illinois Registered Land Surveyor; provided, that this exemption shall not apply to the sale of any subsequent lots from the same larger tract of land, as determined by the dimensions and configuration of the larger tract on October 1, 1973, and provided also that this exemption does not invalidate any local requirements applicable to the subdivision of land;
10. This conveyance is of land described in the same manner as title was taken by grantor(s).

AFFIANT further states that he makes this affidavit for the purpose of inducing the Recorder of Deeds of Kane County, Illinois, to accept the attached deed for recording.

SUBSCRIBED AND SWORN TO BEFORE ME

This 20th day of September, 2006

 Signature of Notary

Cheryl A. Fiser
 Signature of Affiant

~~BOOK 808 PAGE 267~~

BOOK 853 PAGE 259

Attachment to Illinois Mortgage
Loan No. 03-2279-070436252-4

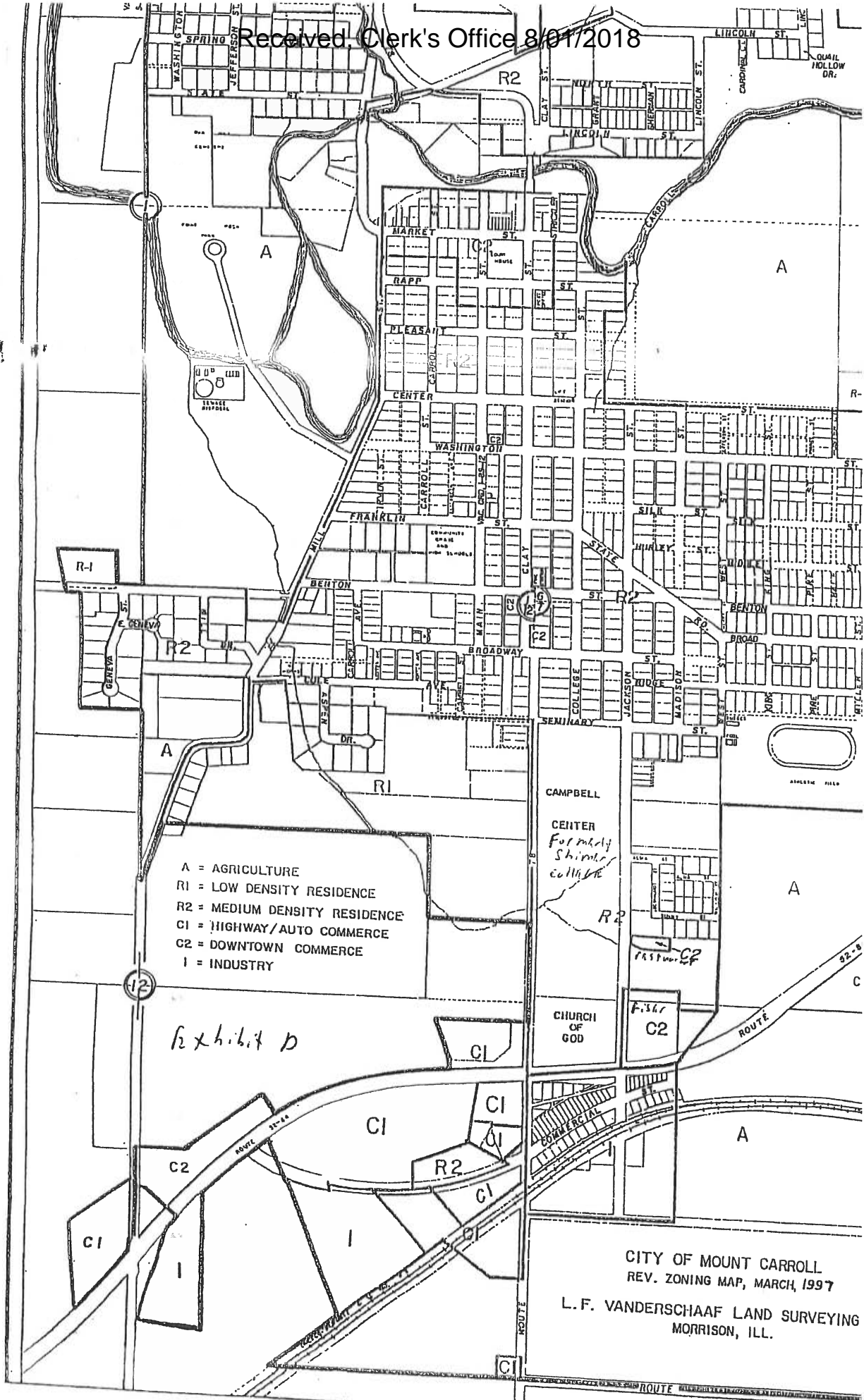
BEGINNING AT A POINT 8.52 CHAINS WEST OF THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 7, TOWNSHIP 24 NORTH, RANGE 5 EAST OF THE FOURTH PRINCIPAL MERIDIAN, ON THE EAST LINE OF JACKSON STREET IN THE CITY OF MT. CARROLL; THENCE NORTH 160 FEET ALONG SAID EAST LINE OF JACKSON STREET TO A GASPIPE MONUMENT; THENCE EAST 272.25 FEET TO A GASPIPE MONUMENT; THENCE SOUTH 160 FEET, MORE OR LESS, TO A GASPIPE MONUMENT ON THE EAST-WEST QUARTER LINE OF SAID SECTION 7; THENCE WEST 272.25 FEET ALONG THE SAID EAST-WEST QUARTER LINE TO A GASPIPE MONUMENT AT THE POINT OF BEGINNING; SITUATED IN THE COUNTY OF CARROLL AND STATE OF ILLINOIS.

ILLINOIS
73218X (09-02)



Exhibit
D

Received, Clerk's Office 8/01/2018



- A = AGRICULTURE
- R1 = LOW DENSITY RESIDENCE
- R2 = MEDIUM DENSITY RESIDENCE
- C1 = HIGHWAY/AUTO COMMERCE
- C2 = DOWNTOWN COMMERCE
- I = INDUSTRY

Exhibit D

CITY OF MOUNT CARROLL
 REV. ZONING MAP, MARCH, 1997
 L.F. VANDERSCHAAF LAND SURVEYING
 MORRISON, ILL.

State of Illinois
Pollution Control Board

James R. Thompson Center
100 W. Randolph Street - Suite 11-500
Chicago Illinois 60601

CERTIFICATE OF MAILING

BEFORE THE
ILLINOIS POLLUTION CONTROL BOARD

RECEIVED
CLERK'S OFFICE
AUG 01 2018
STATE OF ILLINOIS
Pollution Control Board

James Fiser)
842 South Jackson Street)
Mt. Carroll, Illinois 61053)
Complainant,)
v.)
HENRY DOUBLE K, LLC. and)
James L. Meador)
834 South Jackson Street)
Mt. Carroll, Illinois 61053)
Respondent.)

PCB 2018-084
(For Board use)

I, James L. Meador, Respondent in the above-entitled cause, do hereby certify that on the 27th day of July, A.D., 2018, I deposited in the United States mail at the Postal Office in Mount Carroll, Illinois, Certified Mail with postage prepaid, my Motion to Deny Acceptance of Formal Complaint, together with this Certificate of Mailing, addressed as follows:

State of Illinois
Pollution Control Board
James R. Thompson Center
100 W. Randolph Street
Suite 11-500

Craig A. Brown
Attorney for Complainant
230½ Diagonal Street
Galena IL 61036



James L. Meador
James L. Meador

Subscribed and sworn to before me
this 27th day of July, 2018

Peggy S. Smith
Notary Public

James L. Meador
Respondent
834 South Jackson Street
Mount Carroll IL 61053
(815) 541-0705