

**Day Robert & Morrison, P.C.**

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ATTORNEYS AT LAW

300 E. 5th Avenue  
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Naperville, Illinois 60563  
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SCOTT M. DAY  
RACHEL K. ROBERT  
CHRISTINA M. MORRISON

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ROBERT G. BLACK  
KELLI M. SMITH  
*Of Counsel*  
April 7, 2016

**VIA EMAIL AND REGULAR MAIL**

[mbenard@wheatonparks.org](mailto:mbenard@wheatonparks.org)

Mr. Michael J. Benard, CPRE, MPA  
Executive Director  
Wheaton Park District  
102 East Wesley Street  
Wheaton, Illinois 60187

***RE:   Engagement Letter for Legal Services***  
*Wheaton Sanitary District Northside Interceptor Project*

Dear Mr. Benard:

It was a pleasure meeting with you and Robert Sperl on April 6, 2016. As a follow up to the meeting, Day Robert & Morrison, P.C. is pleased to submit this Engagement Letter to serve as legal counsel for the Wheaton Park District in conjunction with various easement acquisitions being processed by the Wheaton Sanitary District as part of the Northside Interceptor Project. Enclosed per your request is the firm's curriculum vitae. The following will generally outline the terms of our legal representation.

While we are moving toward charging all of our municipal clients \$200/hour for our legal services, for this initial project we will perform our work at \$185/hour for partners and \$100/hour for paralegal services as a way to reintroduce the firm to the Park District. Please note that at this stage, it is impossible to determine the amount of time that will be needed to complete the legal services the Park District may require. Every effort will be made, however, to expedite and process all work according to the highest legal and ethical standards. We will also provide you with copies of all relevant correspondence and documentation, and will submit a detailed invoice to you on a monthly basis reflecting all services performed.

Please note that we charge in minimum intervals of two-tenths of an hour for telephone calls, and three-tenths of an hour for written correspondence of any kind. Any travel time will be billed at our hourly rate. Please also note that if, during the course of our representation, we incur costs on the Park District's behalf, including, but not limited to, photocopying, postage charges, long distance telephone, travel costs and computer research costs, those costs will also be reflected on our monthly invoicing.

Mr. Michael J. Benard, CPRE, MPA

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April 7, 2016

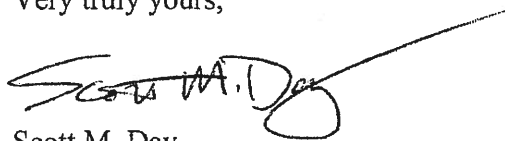
Payment of the monthly invoice is due within 30 days of receipt. If not so paid without an agreement to the contrary, we reserve the right to terminate our legal services and withdraw our representation. Day Robert & Morrison, P.C. may also withdraw its representation in the unlikely event a conflict of interest arises during the scope of our representation, or if we believe our working relationship has reached an impasse and is no longer positive and productive. Under no circumstances will our representation be discontinued without efforts to cure any misunderstandings or issues we may confront.

Please also be advised that the Day Robert & Morrison, P.C. file, including all work product, will be retained by the firm. Upon the conclusion or termination of our representation, all documents retained by the firm will be transferred to the person responsible for administering our records and retention program. For various reasons, including minimization of unnecessary storage expenses, we reserve the right to destroy or otherwise dispose of any documents or materials within our file within a reasonable time after the conclusion or termination of our engagement. Again, we will give you advance notice before any such action is taken.

Lastly, in the unlikely event a dispute arises with respect to the terms or conditions of this Engagement Letter, the parties agree to the exclusive forum and venue of the Eighteenth Judicial Circuit, DuPage County, Illinois to resolve the dispute. In the event Day Robert & Morrison, P.C. prevails, any reasonable attorney fees and costs Day Robert & Morrison, P.C. incurs in enforcing this Engagement Letter shall be recoverable from the Park District.

If the foregoing terms and conditions meet with the Park District's approval, please sign where indicated below and return a copy to me via email, facsimile or regular mail. Should you have any questions regarding the terms or conditions, please feel free to contact me to discuss them further. We sincerely thank you for choosing Day Robert & Morrison, P.C. to assist the Park District's legal needs on this project.

Very truly yours,

A handwritten signature in black ink, appearing to read "Scott M. Day", with a long, sweeping horizontal line extending to the right.

Scott M. Day

SMD:kg

Enclosure

cc: Robert M. Sperl, CPRP, MPA  
Donna Siciliano

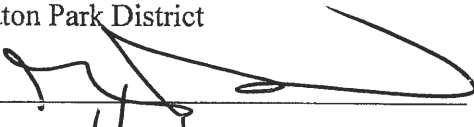
Mr. Michael J. Benard, CPRE, MPA  
Page 3  
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I acknowledge receipt of a copy of this Engagement Letter and approve its terms:

Wheaton Park District

By: \_\_\_\_\_

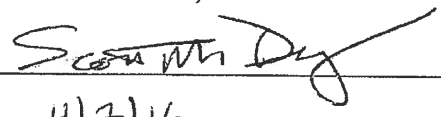
Date: \_\_\_\_\_

  
4/12/16  
Michael J. Benard  
Exec Dir

Day Robert & Morrison, P.C.

By: \_\_\_\_\_

Date: \_\_\_\_\_

  
4/7/16

**DAY ROBERT & MORRISON, P.C. CURRICULUM VITAE**

300 East 5<sup>th</sup> Avenue, Suite 365, Naperville, Illinois 60563

(630) 637-9811 (phone) – (630) 637-9814 (fax)

[www.drm.law](http://www.drm.law)

**I. ATTORNEYS:**

**Scott M. Day**, President and partner in Day Robert & Morrison, P.C., attended Loyola University of Chicago School of Law and graduated in 1981. From 1981 through 1984, he served as an Assistant DuPage County State's Attorney under J. Michael Fitzsimmons. Mr. Day left the public sector in 1984, and thereafter has focused his practice on municipal law, real property, eminent domain, zoning and civil litigation. Mr. Day is licensed to practice before all Illinois Courts, the United States District Court for the Northern District of Illinois and the United States Supreme Court. [smd@drm.law](mailto:smd@drm.law)

**Rachel K. Robert**, Vice-President and partner in Day Robert & Morrison, P.C., attended the University of Denver School of Law and graduated in 1992. She was an associate attorney for Hinshaw & Culbertson from 1992 through 1995 wherein her practice focused on employment law and insurance defense. Since joining Day Robert & Morrison, P.C., her practice has focused on municipal law, eminent domain, voluntary land and easement acquisition, zoning and civil litigation. Ms. Robert is licensed to practice before all Illinois Courts, the United States District Court for the Northern District of Illinois and the United States Supreme Court. [rkr@drm.law](mailto:rkr@drm.law)

**Christina M. Morrison**, became a partner in Day Robert & Morrison, P.C. in 2015, and is a 2007 graduate from the Chicago-Kent College of Law. While attending Chicago-Kent she worked for the law firm of Wigoda & Wigoda where she assisted with residential and commercial real estate transactions, real estate development and corporate law issues. As a Day Robert & Morrison, P.C. partner, she has focused her practice on zoning, real estate development, residential real estate transactions and real estate litigation. Ms. Morrison was recently named the 2015 Lawyer of the Year by the DuPage County Bar Association. [cmm@drm.law](mailto:cmm@drm.law)

**Robert G. Black**, of counsel to Day Robert & Morrison, P.C., and is a 1985 graduate from The John Marshall Law School. Mr. Black focuses his practice on appellate court work in the State of Illinois. [rblack@rgb-law.com](mailto:rblack@rgb-law.com)

**Kelli M. Smith**, of counsel to Day Robert & Morrison, P.C., and is a 1986 graduate from Drake University. Ms. Smith has a general practice focused on residential and commercial real estate, contract work, wills, trusts and estate proceedings. [kmsmith61@frontier.com](mailto:kmsmith61@frontier.com)

## **II. GOVERNMENTAL AND NON-PROFIT ENTITIES/REFERENCES:**

Day Robert & Morrison, P.C. (formerly Day & Robert, P.C.) has had the privilege of serving as land acquisition, zoning and/or litigation counsel for numerous governmental and non-profit institutions throughout the metropolitan Chicagoland area. These institutions include the following:

### **Carol Stream Park District**

Jim Reuter  
Executive Director  
Arnold J. Biondo  
Former Executive Director  
849 West Lies Road  
Carol Stream, Illinois 60188  
(630) 784-6100

### **Homewood/Flossmoor Park District**

Debbie Kopas  
Executive Director  
Matthew N. Lulich  
General Counsel  
3301 Flossmoor Road  
Flossmoor, Illinois 60422  
(708) 957-0300  
(708) 349-6161

### **Manhattan Park District**

Julie Popp  
Executive Director  
397 South State Street  
Manhattan, Illinois 60442  
(815) 478-3324 x 208

### **Naperville Park District**

Ray McGury  
Executive Director  
Eric Shutes  
Director of Planning  
320 West Jackson Avenue  
Naperville, Illinois 60540  
(630) 848-3500

### **Northbrook Park District**

Richard A. Hanetho  
Executive Director  
545 Academy Drive  
Northbrook, Illinois 60062  
(847) 291-2960

**Pleasant Dale Park District**

Matt Russian  
Executive Director  
7425 South Wolf Road  
Burr Ridge, Illinois 60525  
(630) 662-6220

**Westmont Park District**

Ronald J. Gunter  
Director  
55 East Richmond Street  
Westmont, Illinois 60559  
(630) 969-8080

**County of DuPage**

Robert J. Schillerstrom  
Former County Board Chairman  
421 North County Farm Road  
Wheaton, Illinois 60187  
(630) 955-6598

**County of Kane**

Senator Karen McConaughay  
Former County Board Chairman  
719 Batavia Avenue, Building A  
Geneva, Illinois 60134  
(847) 214-8245

**The Conservation Foundation**

Brook S. McDonald  
President/CEO  
10S404 Knoch Knolls Road  
Naperville, Illinois 60565  
(630) 428-4500

**Openlands**

Emy Brawley  
Director of Land Preservation  
25 East Washington Street, Suite 1650  
Chicago, Illinois 60602  
(312) 863-6274

**Forest Preserve District of DuPage County**

Kevin Stough  
Land Acquisition Manager  
James H. Knippen II  
Former General Counsel  
3S580 Naperville Road  
Wheaton, Illinois 60189  
(630) 933-7225  
(630) 462-1980

**Western DuPage Special Recreation Association**

Sandy Gbur  
Executive Director  
116 North Schmale Road  
Carol Stream, Illinois 60188  
(630) 681-0962

**City of Berwyn**

Brian L. Pabst  
City Administrator  
6700 26<sup>th</sup> Street  
Berwyn, Illinois 60402  
(708) 788-2660 ext. 3202

**City of Elmhurst**

Donald J. Storino  
Nicholas S. Peppers  
City Attorneys  
Storino, Ramello & Durkin  
9501 West Devon Avenue  
Rosemont, Illinois 60018  
(847) 318-9500

**City of Naperville**

Patricia Johnson Lord  
Senior Assistant City Attorney  
400 South Eagle Street  
Naperville, Illinois 60566  
(630) 420-4172

**City of Oakbrook Terrace**

Tony Ragucci  
Mayor  
Barbara J. Gosselar  
Former City Attorney  
17W274 Butterfield Road  
Oakbrook Terrace, Illinois 60181  
(630) 941-8300  
(630) 510-6000

**City of Wheaton**

Donald B. Rose  
City Manager  
303 West Wesley Street  
Wheaton, Illinois 60187  
(630) 260-2000

**Village of Downers Grove**

Enza I. Petrarca  
Village Attorney  
801 Burlington Avenue  
Downers Grove, Illinois 60515  
(630) 434-5541

**Village of Itasca**

Charles E. Hervas  
Village Attorney  
Hervas, Condon & Bersani, P.C.  
333 Pierce Road, Suite 195  
Itasca, Illinois 60143  
(630) 773-4774

**Village of Orland Park**

Paul G. Grimes  
Village Manager  
14700 South Ravinia Avenue  
Orland Park, Illinois 60462  
(708) 403-6155

**Village of Roselle**

Patrick N. Watkins  
Director of Community Development  
James H. Knippen II  
Village Attorney  
31 South Prospect Street  
Roselle, Illinois 60172  
(630) 980-2000  
(630) 462-1980

**Flagg Creek Water Reclamation District**

Thomas K. O'Connor  
Executive Director  
Robert L. Abraham  
General Counsel  
7001 North Frontage Road  
Burr Ridge, Illinois 60527  
(630) 468-6110  
(630) 468-6111



**METRA**

Elizabeth M. Flood  
Assistant Deputy General Counsel  
547 West Jackson Boulevard, 15<sup>th</sup> Floor  
Chicago, Illinois 60661  
(312) 322-6696

**Waubonsee Community College**

David Quillen  
Vice President of Finance & Operations  
Route 47 at Waubonsee Drive  
Sugar Grove, Illinois 60554  
(630) 466-2900

**III. NON-GOVERNMENTAL ENTITIES/REFERENCES:**

Day Robert & Morrison, P.C. has also had the opportunity to represent numerous private entities in land acquisition, zoning, entitlement and development matters throughout the metropolitan Chicagoland area. These entities include the following:

**Architects' Studio, LLC**

Jeffrey N. Budgell  
Managing Member  
257 North West Avenue, Suite 100  
Elmhurst, Illinois 60126  
(630) 617-5990

**DynaCom Management, Inc.**

Ali Setork  
President  
4580 Weaver Parkway, Suite 102  
Warrenville, Illinois 60555  
(630) 355-2000

**DuPage Credit Union**

Robert M. Palumbo, Sr.  
President  
P.O. Box 3930  
Naperville, Illinois 60567  
(630) 428-3440

**Edward-Elmhurst Healthcare (formerly Elmhurst Memorial Hospital)**

Ahmed A. Elganzouri, JD/MBA  
Deputy General Counsel  
155 East Brush Hill Road  
Elmhurst, Illinois 60126  
(331) 221-3469

**Forehamm, LLC**

George F. Hammersmith, Jr.  
CEO  
5870 County Road 140  
Westcliffe, Colorado 81252  
(719) 783-2025

**Gerber Collision & Glass**

Nickolas Booras II  
Customer Experience Manager  
500 West Lake Street  
Elmhurst, Illinois 60126  
(586) 202-0922

**InSite Real Estate, L.L.C.**

Robin Rash  
Managing Director and General Counsel  
1400 16<sup>th</sup> Street, Suite 300  
Oak Brook, Illinois 60523  
(630) 617-9136

**Joseph Freed & Associates LLC**

Laurance H. Freed  
Managing Member  
33 South State Street, Suite 400  
Chicago, Illinois 60603  
(312) 675-5500

**KFP Family Associates, L.P.**

Melia C. Linardos  
Authorized Agent  
550 Renee Court  
Geneva, Illinois 60134  
(630) 232-7622

**Kimco Realty Corporation**

Paul C. Dooley  
Vice President  
3333 New Hyde Park Road, Suite 100  
New Hyde Park, New York 11042  
(516) 869-7181

**The Lakelands Community Homeowners Association**

Don Andrews  
President  
P.O. Box 143  
Plainfield, Illinois 60544  
(815) 436-1860

**Midwest Groundcovers, LLC**

Peter Orum  
Managing Member  
Stan Schumacher  
Vice President and Senior Comptroller  
6N800 Route 25  
St. Charles, Illinois 60174  
(847) 742-1790

**ML Realty Partners LLC**

Michael W. Luecht  
President and CEO  
Timothy J. Geisler  
Vice President  
One Pierce Place, Suite 450  
Itasca, Illinois 60143  
(630) 250-2905  
(630) 250-2903

**NRG Energy, Inc.**

Christopher J. Centore  
Hiscock & Barclay, LLP  
One Park Place  
300 South State Street  
Syracuse, New York 13202  
(315) 425-2756

**Opus Development Company, L.L.C.**

Sean Spellman  
Vice President and General Manager  
Bryan Farquhar  
Senior Manager, Real Estate Development  
9700 Higgins Road, Suite 900  
Rosemont, Illinois 60018  
(847) 318-1619  
(847) 318-1691

**Paragon Real Estate**

Greg Van Landingham  
Managing Partner  
1900 Spring Road, Suite 503  
Oak Brook, Illinois 60523  
(630) 368-1299

**Redeemer Evangelical Lutheran Church**

Pastor Scott Stiegemeyer  
345 South Kenilworth Avenue  
Elmhurst, Illinois 60126  
(630) 834-1411

**Rubin Development**

Sheldon Rubin  
413 West Touhy Avenue  
Des Plaines, Illinois 60018  
(847) 294-0400

**Union Pacific Railroad Company**

Patrick R. McGill  
Senior Counsel – Real Estate  
1400 Douglas Street, Stop 1580  
Omaha, Nebraska 68179  
(402) 544-5761

**Vulcan Materials Company**

Lindsay L. Sinor  
Assistant General Counsel  
1200 Urban Center Drive  
Birmingham, Alabama 35242  
(205) 298-3205

**Wilder Crossing, LLC**

Deanne M. Mazzochi  
Rakoczy, Molino, Mazzochi, Siwik, LLP  
6 West Hubbard Street, Suite 500  
Chicago, Illinois 60654  
(312) 342-6485

**Wisconsin Central LTD**

Michael A. Matteucci  
Counsel - Regulatory and Real Estate - CN  
17641 South Ashland Avenue  
Homewood, Illinois 60430  
(708) 332-4386

#### **IV. REAL ESTATE RELATED EXPERIENCE:**

With attorneys serving as land acquisition counsel for over 20 years, Day Robert & Morrison, P.C. has assisted in the collective acquisition of thousands of acres of real estate, including fee simple and easement acquisitions by eminent domain and through voluntary negotiated transactions.

##### **A. Acquisitions By Eminent Domain**

The attorneys for Day Robert & Morrison, P.C. have litigated eminent domain matters in the Circuit Courts of Cook, DuPage, Kane, McHenry and Will Counties. The attorneys have also argued and successfully completed appeals to both the Second District Appellate Court and the Illinois Supreme Court.

Over the past 20 years, the attorneys have prosecuted approximately 70 condemnation cases for the DuPage County Forest Preserve District. Since 2001, Day Robert & Morrison, P.C. has also had the privilege of representing the Village of Downers Grove in eleven eminent domain cases associated with land needed for downtown redevelopment, and more recently, land needed for the Belmont/Burlington Grade Separation and Transportation Safety Project.

Day Robert & Morrison, P.C. has also served as condemnation counsel for the Carol Stream Park District, the Homewood-Flossmoor Park District, the Manhattan Park District, the Westmont Park District, the McHenry County Conservation District, the Flag Creek Water Reclamation District (formerly Hinsdale Sanitary District), the City of Chicago, the City of Naperville, the City of Oakbrook Terrace, the City of Wheaton, the Village of Itasca, the Village of Lemont, the Village of Orland Park and the Village of Roselle.

##### **B. Voluntary Negotiated Acquisitions**

Day Robert & Morrison, P.C. has negotiated and completed roughly 65 voluntary fee simple and easement acquisitions on behalf of the Forest Preserve District of DuPage County. The attorneys have also negotiated and completed numerous voluntary fee simple and easement acquisitions on behalf of the Carol Stream Park District, the Naperville Park District, the Northbrook Park District, the Wheaton Park District, The Conservation Foundation, the Flag Creek Water Reclamation District (formerly Hinsdale Sanitary District), Openlands and the Village of Roselle.

##### **C. Zoning/Entitlement Work**

Day Robert & Morrison, P.C. has successfully processed zoning, subdivision, development and annexation petitions within DuPage, Kane, Kendall, McHenry and Will Counties. The attorneys have also appeared and processed zoning petitions in the following communities: Bolingbrook, Elmhurst, Glendale Heights, Hinsdale, Itasca, Lisle, Naperville, Oak Brook, Wheaton and Woodridge.

Over the years, Day Robert & Morrison, P.C. has also had the privilege of representing and defending the Village of Downers Grove, the City of Wheaton and the City of Elmhurst in various zoning and entitlement challenges both in the state and federal courts.