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STATE OF ILLINOIS)
) ss:
COUNTY OF COOK)



Doc#: 0823231104 Fee: \$39.00
Eugene "Gene" Moore RHSP Fee: \$10.00
Cook County Recorder of Deeds
Date: 08/19/2008 03:38 PM Pg: 1 of 13

ORIGINAL CONTRACTOR'S CLAIM FOR MECHANICS LIEN

The lien claimant, Wight & Company, an Illinois corporation ("Claimant"), with an address at 2500 North Frontage Road, Danien, Illinois, hereby files a claim for Mechanics Lien on the Real Estate (as hereinafter described) and against the interest of the following entity in the Real Estate ("Owner"):

Tinley Park Real Estate Investors, L.L.C.

and any person claiming an interest in the Real Estate (as hereinafter described) by, through, or under Owner.

Claimant states as follows:

1. On or about January 26, 2006, and subsequently, Owner owned fee simple title to the real estate (including all land and improvements thereon) (the "Real Estate") in Cook County, Illinois, commonly known as 6724 North Street, Tinley Park, Illinois, 6706 North Street, Tinley Park, Illinois and 17329 Oak Park Avenue, Tinley Park, Illinois and legally described as follows:

Parcel 1:

LOT 5 IN BLOCK 4 IN THE VILLAGE OF BREMEN (NOW TINLEY PARK) IN THE WEST ½ OF THE SOUTHEAST ¼ OF SECTION 30, TOWNSHIP 36 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

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Parcel 2:

LOT 1 IN BLOCK 4 IN THE VILLAGE OF BREMEN (NOW TINLEY PARK) A SUBDIVISION OF THE WEST ½ OF THE SOUTHEAST ¼ OF SECTION 30, TOWNSHIP 36 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

Parcel 3:

THAT PART OF LOT 10 LYING SOUTH OF A LINE DRAWN AT RIGHT ANGLES TO THE WEST LINE OF SAID LOT, THROUGH A POINT 115 FEET SOUTH OF NORTHWEST CORNER THEREOF IN BLOCK 4 IN BREMEN, BEING A SUBDIVISION OF PART OF THE NORTH ½ AND ALL OF THE SOUTHWEST ¼ OF THE SOUTHEAST ¼ EXCEPT 5 ACRES IN SECTION 30 AND THE NORTH ½ OF THE NORTHWEST ¼ OF THE NORTHEAST ¼ OF SECTION 31, TOWNSHIP 36 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

The permanent real estate tax numbers are:

28-30-407-005-0000

28-30-407-008-0000

28-30-407-010-0000

2. On January 26, 2006, the Claimant entered into a contract with Owner's agent, David J. Denler ("Denler"), under which Claimant agreed to provide professional services related to the design and construction of the Tinley Park Place Project on the Real Estate to be paid on an as billed basis. A copy of the January 26, 2006 contract is attached hereto as Exhibit A.

3. On August 23, 2006, Claimant agreed to provide additional professional services for Denler related to the design and construction of the Tinley Park Place Project on the Real Estate and adjoining lots to be paid on an as billed basis. A copy of the August 23, 2006 agreement is attached hereto as Exhibit B.

4. On September 25, 2006, Claimant agreed to provide additional professional services for Denler related to an Environmental Site Assessment of the Tinley Park Place Project on the Real Estate and adjoining lots for a sum not to exceed \$3,000.00. A copy of the September 25, 2006 agreement is attached hereto as Exhibit C.

5. On September 25, 2006, Claimant agreed to provide Denler with additional professional services related to an asbestos sampling survey in conjunction with the planned demolition of buildings on the Real Estate and adjoining lots for the Tinley Park Place Project for a fixed fee of \$6,300.00. A copy of the September 25, 2006 agreement is attached hereto as Exhibit D.

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6. The contract and agreements for additional professional services were entered into by Denler as Owner's agent and the work was performed with Owner's knowledge and consent. Alternatively, Owner authorized Denler to enter into the contract and agreements for additional professional services. Alternatively, the Owner knowingly permitted Denler to enter into the contract and agreements for additional professional services for the improvement of the Real Estate.

7. Claimant completed the work for which Claimant claims a lien on June 5, 2008.

8. As of the date hereof, there is due, unpaid, and owing to Claimant, after allowing all credits, the principal sum of Three Hundred Ninety Four Thousand Four Hundred Ninety Dollars (\$394,490.00) for the Tinley Park Place Project, which principal amount bears interest at the statutory rate of ten percent (10%) per annum. To the extent allocation among the eight (8) parcels included in the Tinley Park Place Project is required, Claimant states that the approximate percentage of building footprint of the Tinley Park Place Project on the Real Estate is as follows:

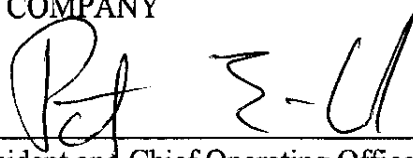
Parcel 1:	Three Percent (3%)
Parcel 2:	Twenty Six Percent (26%)
Parcel 3:	Eleven Percent (11%)

Therefore, Claimant states that the amount claimed as to this Real Estate (including all land and improvements thereon) is as follows:

Parcel 1:	\$11,834.70 plus interest
Parcel 2:	\$102,567.40 plus interest
Parcel 3:	\$8,800.00 plus interest

Dated: 8-18, 2008

WIGHT & COMPANY

By: 
 President and Chief Operating Officer

UNOFFICIAL COPY**RECEIVED****WIGHT CONSTRUCTION**Date: 01-27-2006Project # 07-4968-04Legend # A.S.O

Distribution:

CC: _____

CC: _____ 2500 North Frontage Road

Darien IL, 60561

630.969.7000

Fax 630.969.7979

Wight

January 10, 2006

Mr. Dave Denler
 Denler, Inc.
 19148 South 104th Ave.
 Mokena, IL 60448

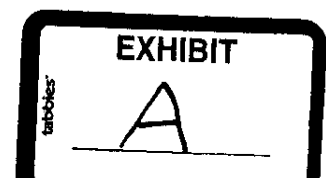
RE: Professional Services-Tinley Park Place-Work Authorization/Letter of Intent

Dear Dave:

As the Wight team and Owner group team of Denler, Inc. and L&H Real Estate move closer to Village approval of the Tinley Park Place Project, we wanted to confirm your intent to enter into a design-build contract with Wight for the project. Through mutually agreed to terms and conditions, we understand that it is your intent to enter into a contract shortly after final Village approval of the project. This document shall serve as Wight's authorization to proceed with professional services until the contract is set.

As you know, Wight has expended professional services effort to date including:

- Preliminary Pre-Construction/Design Services Proposal-Tinley Park Place Budget and TIF Eligibility Cost Analysis dated 9.13.05
- Performance and coordination of professional services related to Tinley Park Planning Commission review of Planned Unit Development (P.U.D.) status for the Tinley Park Place project.
- Preparation of detailed Study and coordination of site tours for various Tinley Park Officers and Plan Commissions to evaluate downtown business districts in other Chicago metro area suburbs.
- Technical support in seeking variances with Tinley Park for zoning ordinances and building codes.
- Coordination and preparation of drawings, documents and SF calculations, as requested by the Owner or by L&H Real Estate on behalf of Denler, Inc., for presentation to the Tinley Park Board of Trustees, the Planning Department, Tinley Park Planning Commission, and supporting commissions such as: The Historic Preservation Commission, Main Street Commission, and the Economic and Commercial Commission.
- Preparation of various Black & White and color renderings by Wight & Co. and Bondy Studio for presentation to the Tinley Park Planning Commission.
- Coordination with Planning Resources (Planners and Landscape Architects) to prepare streetscape plans that correlate to building design concepts and Tinley Park zoning requirements.
- Attendance at coordination meetings with the Owner (David Denler) and/or representatives acting on his behalf.



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Mr. Dave Denler
Tinley Park Place
Letter of Intent
January 10, 2006
Page 2 of 2

- Attendance at review meetings with or presentations to representatives, commissions or municipal agencies of the Village of Tinley Park.

These services have been invoiced by Wight. It is understood that payment of these past services will be made by a mutually acceptable plan prior to moving forward with the contract.

After this week's meeting on 1.4.06, we also understand the current tasks at hand and Wight's role for the Village meeting's scheduled for the week of 1.16.06. This shall serve as our authorization to proceed with this effort as well. We understand that such services may continue until approvals and the project financing is established, which is targeted for March 2006.

We look forward to working with Denler, Inc. on this project. If you have any questions regarding this agreement, please do not hesitate to call.

Very truly yours,

Wight Construction, Inc.



Ken Osmun PE, DBIA
President, Construction

Approval/Authorization to Proceed



Signature

Cc: Ed Sadleir (L&H), PEC, RAC, TK, BK, JH

1/26/06
Date of Acceptance

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2500 North Frontage Road
 Darien, IL 60561
 630.969.7000
 Fax: 630.969.7979

August 23, 2006

Mr. Dave Denler
 Denler Inc
 19148 South 104th Ave.
 Mokena, IL 60448

RE: Professional Services Payment Plan and Authorization to proceed with Schematic Design on Tinley Park Place Project

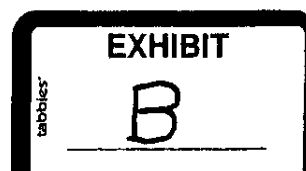
Dear Dave:

Our records indicate that \$313,054.12 of outstanding payments have accumulated on the Tinley Park Place project for our professional services through August 21, 2006. A summary of our invoice statement of account is attached. We request your commitment for payment on this value prior to our moving forward with further professional services. We understand that you have a mechanism for funding this value based on your securing financing which is articulated within 60 days. It is agreed that you will make a minimum of \$100,000.00 payment prior to September 15, 2006 to demonstrate good faith prior to further expenditure by Wight. It is also agreed that you will make an additional payment(s) towards the past due amount of \$213,054.12 prior to November 30, 2006.

We understand that you would like Wight to "re-start" design and complete the Schematic Design phase of the project at this time. As we discussed, this effort requires a significant effort from both our design and construction management personnel. We have estimated this effort at approximately \$300,000.00 over the next 12 to 16 weeks. We understand that your project financing for the project is targeted to be in place by January 2007, therefore we would anticipate design and construction services payments would be made within a normal 30 day cycle of our invoicing after that time.

The \$300,000 Schematic Design phase is part of the overall design fee moving forward, which is based on 4.25% of the cost of construction. It is assumed that full architectural, structural and civil engineering services will be provided and scope documents for mechanical, electrical, plumbing and fire protection engineering. Condo upgrade design and finishes would be additional fees. The summary target project budget that we recently discussed of approximately \$52.5M would result in design fees of \$2.2M based on the fee percentage.

I have also attached a draft copy of our standard form of agreements that we would recommend using as we move through design and into construction. I would like to begin to work through the terms and conditions of our agreements so that we can move forward efficiently upon project approval and financing.



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Mr. Dave Denler
Tinley Park Place
Payment Plan and SD Proceed
August 23, 2006
Page 2 of 2

Your signature below will indicate your commitment to payment of the past due invoice, and release us to continue with design of the project. We look forward to making this project a reality with you and to continue our role as the designer and construction manager. We have thoroughly enjoyed our relationship to date and look forward to our continued relationship with great excitement.

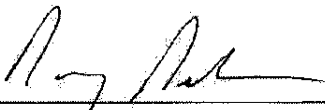
Very truly yours,

Wight Construction, Inc.



Ken Osmun PE, DBIA
Group President

Acceptance/Authorization to Proceed



Signature

8/23/06

Date

Cc: Ed Sadleir (L&H), PEC, RAC

- Attachments:
- A. Statement of Account
 - B. Draft Preliminary Agreement
 - C. Draft GMAX Agreement

Property of Cook County Clerk's Office

UNOFFICIAL COPY**Statement of Account**

As of: 8/21/2006

David J. Denler
 19148 South T04th Avenue
 Mokena, IL 60448

02-4968-03a Planned Unit Development (P.U.D.) for Tinley Park Place

<u>Invoice</u>	<u>Date</u>	<u>Amount</u>
19557	4/30/2005	16,870.00
19689	5/31/2005	19,650.00
19840	6/30/2005	13,650.00
19982	7/31/2005	32,084.94
20186	8/31/2005	27,064.11
20497	10/31/2005	16,336.77
20511	11/30/2005	38,586.68
20635	12/31/2005	14,171.91
20716	1/27/2006	13,827.84
20824	2/28/2006	24,102.50
20987	3/31/2006	27,763.21
21131	4/30/2006	5,890.10
21280	5/27/2006	10,089.71
21414	6/30/2006	1,822.25
23072	7/29/2006	10,545.00
		<u>273,054.12</u>

07-4968-04 TIF Fall 2005 Scope Review and Revised Pricing

<u>Invoice</u>	<u>Date</u>	<u>Amount</u>
1	12/31/2005	40,000.00
Total		313,054.12

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2500 North Frontage Road
Darien IL 60561
630.969.7000
Fax: 630.969.7979

September 21, 2006

Mr. David J. Denler
Tinley Park Place, LLC.
19148 S. 104th Ave.
Mokena, IL 60448

RE: PHASE I ENVIRONMENTAL SITE ASSESSMENT- TINLEY PARK PLACE

Dear Mr. Denler:

Wight & Company's Environmental Services division appreciates the opportunity to submit this proposal to provide a Phase I Environmental Site Assessment (ESA) Report for the Tinley Park Place Redevelopment in Tinley Park, Illinois. It is our understanding that the project limits are 173rd/Hickory Street to the north, "New" 67th Street to the east, North Street to the south, and Oak Park Avenue to the west.

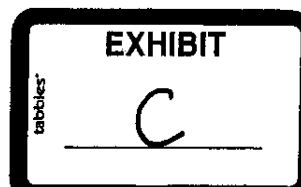
The Phase I ESA will be performed in accordance with the American Standard for Testing and Materials (ASTM), Standard Practice for Environmental Site Assessments, E 1527-05. Presented herein is our proposed scope of services and compensation to complete the Phase I ESA.

SCOPE OF SERVICES

The scope of services will include:

1. Performing a comprehensive review of records to determine the historical and current uses of the property and adjoining properties. This information will also be used to identify the potential/presence of any recognized environmental conditions connected to the former and current uses of the property and adjoining properties. Environmental records include Federal, State, and Local lists of nearby sites and facilities of environmental significance such as National Priority, Comprehensive Environmental Response, Compensation, and Liability Information System; Resource Conservation and Recovery Information System; Underground Storage Tanks; and Leaking Underground Storage Tanks. The search distance will be expanded for Underground Storage Tanks to incorporate the areas where sanitary sewers and water mains will be expanded.

RECEIVED
WIGHT & COMPANY
 Date: SEP 25 2006
 Project # _____
 Legend # _____
 Distribution: _____
 cc: _____
 cc: _____
 PAGE 01



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Mr. David J. Denler
 Tinley Park Place, LLC.
 Page 2
 September 21, 2006

2. Historical records to be reviewed include: Aerial photographs; Sanborn/fire insurance maps; United States Geological Survey topographic maps, and city directories. The historical records search will be expanded to evaluate the potential for recognized environmental conditions in the location of sanitary sewers and water main expansions.
3. Performing a visual site reconnaissance of the subject property and adjacent parcels to identify recognized environmental conditions in connection with the current uses. The site reconnaissance will be expanded to evaluate the potential for recognized environmental conditions in the location of sanitary sewer and water main expansions.
4. Interviewing, personally or over the telephone, the owners and occupants of the subject property to obtain information about the recognized environmental conditions in connection with the property.
5. Preparing a report documenting the findings and conclusions of the Phase I ESA Report. Recommendations for further investigations will also be included in the Phase I Report, if necessary.

COMPENSATION

Wight & Company will provide the services outlined herein on a time and materials basis for a cost not to exceed \$3,000. This cost does not include performing a 50-year chain title search.

Should you find this proposal acceptable, please indicate your authorization to proceed. Wight & Company's Environmental Services division appreciates the opportunity to submit this proposal. Should you have any questions or require additional information, please contact me at your earliest convenience.

Respectfully submitted,

Wight & Company

Robin Martel

Robin Martel
 Manager, Environmental Services

ACCEPTED BY: David J. Denler

David J. Denler

 SIGNATURE

9/25/06

 DATE

David J. Denler

 NAME/TITLE

UNOFFICIAL COPY**Wight**

RECEIVED
WIGHT & COMPANY
 Date: 9-25-06
 Project # 02-4988-05
 Legend # A2.c
 Distribution:
 cc: B. CARLSON
 cc: K. O'SMUN
R. GEUSCHOCKECK.

2500 North Frontage Road
 Dorton IL 60561
 630.969.7000
 Fax 630.969.7979

September 21, 2006

Tinley Park Place LLC
 Attn: David J. Denler
 19148 South 104th Ave.
 Mokena, IL 60448

**ENVIRONMENTAL CONSULTING SERVICES PROPOSAL
 ASBESTOS SURVEY**

Dear Mr. Denler:

Wight & Company is pleased to have the opportunity to submit this proposal to provide an asbestos sampling survey in conjunction with the planned demolition of 10 buildings in the Tinley Park Development area. We propose the following approach to completing the necessary asbestos sampling.

Our proposal is submitted in three parts as follows:

- **SCOPE OF SERVICES**
- **SCHEDULE**
- **COMPENSATION**

SCOPE OF SERVICE

Cook County requires that all friable and non-friable asbestos materials be removed from the buildings prior to their demolition. Wight & Company is prepared to conduct the bulk sampling survey to supplement the visual inspection we conducted for suspect materials of the facilities. This sampling will conclude whether the assumed suspect asbestos containing materials are positive or negative prior to proceeding with asbestos abatement designs.

After completion of the sampling survey and analysis, Wight & Company will provide you with a written report of the findings.

SCHEDULE

Wight & Company is prepared to begin work upon your approval. The field work for the asbestos survey can be completed in two days pending access into all of the buildings. Laboratory analysis will be a five working day turn around and a report provided within five days after receipt of the analysis.



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Mr. David Denler
Tinley Park Development
September 21, 2006
Page 2

COMPENSATION

Wight & Company proposes to provide the inspection services for a fixed fee of Six Thousand Three Hundred Dollars (\$6,300.00) including sample analysis. This fee is inclusive of all travel, reports, and/or letters necessary to satisfy the Cook County asbestos regulations regarding building demolition.

Should you find this proposal acceptable, please indicate your authorization for us to proceed by signing in the space provided, and returning the duplicate original to us. We appreciate the opportunity to continue serving you. Please contact the undersigned if you have any questions or comments.

Respectfully submitted,

WIGHT & COMPANY


Richard A. Carlson, AIA, LEED AP
President, Architecture

Accepted by:  _____

Date: 9/25/06