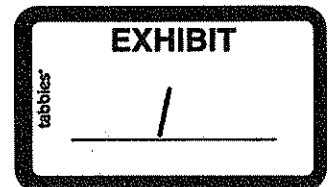


STATE OF ILLINOIS                    )  
  ) SS.  
COUNTY OF KANE                    )

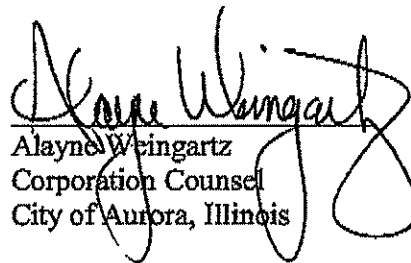
**AFFIDAVIT OF ALAYNE WEINGARTZ**

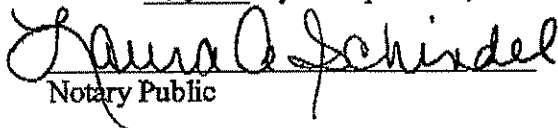
I, ALAYNE WEINGARTZ, being first duly sworn upon oath, depose and state as follows:

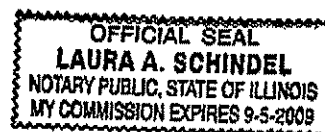
1. I am and at all relevant times have been the Corporation Counsel for the City of Aurora, Illinois.
2. On August 16, 2007, City of Aurora building department staff issued a temporary occupancy permit to Gemini Office Development LLC, but City of Aurora elected officials were not involved in this decision.
3. After that time allegations surfaced that Gemini Office Development LLC had either made material misrepresentations or committed fraud in applying for and obtaining permits from the City. A true and accurate copy of the minutes of a November 16, 2006 Planning and Development Committee meeting, which was part of the materials that indicated the potential for misrepresentation or fraud on the part of Gemini Development LLC, is attached hereto as **Exhibit A**.
4. Pursuant to Section 2-17(4) of the Aurora City Code, the City Council, has the power to “inquire into the conduct of any office, department or agency of the city, examine and inspect those books, records and papers pertaining to city business of any appointive agent or employee of the city, and make investigations as to municipal problems and affairs.” *Aurora City Code*, Article II, § 2-17(4).
5. The City of Aurora has a strong interest in maintaining the integrity of its permit application process for property development, as it is essential to the health, safety and welfare of the City and its citizens.



6. On August 28, 2007, at a City Council meeting, the Mayor announced plans to conduct an investigation into the Gemini Office Development LLC permit application process.
7. Because allegations of fraud were made within the context of the politically charged abortion issue, the Mayor and City Council determined that the investigation should be conducted by an independent attorney with experience in zoning and property development matters, who has no ties to the City, has never worked for the City in the past, and has no ties to either side of the abortion issue.
8. The purpose of the investigation is to look at the complete application process, including statements made by Gemini Office Development LLC during said process, to determine whether Gemini Office Development applied for and/or received permits properly, and in accordance with the Aurora City Code and relevant State law.
9. I make these statements based on my own personal knowledge and I could testify competently thereto if called upon to do so.

  
Alayne Weingartz  
Corporation Counsel  
City of Aurora, Illinois

SUBSCRIBED AND SWORN to before  
me this 18<sup>th</sup> day of September, 2007  
  
Notary Public



**PLANNING & DEVELOPMENT COMMITTEE  
MEETING MINUTES  
November 16, 2006**

**COMMITTEE PRESENT**

Alderman Michael B. Saville, Chairman, Present  
Alderman Lynda Elmore, Present  
Alderman John S. "Whitey" Peters, Present  
Alderman Chris Beykirch, Alternate, Not Needed

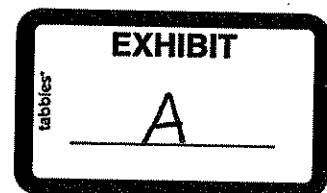
**CITY OF AURORA PRESENT**

Janell Roehlk, Land Use & Zoning  
Stephane Phifer, Planning Dept.  
Tim Macholl, Land Use & Zoning  
Mike Kamon, Neighborhood Redevelopment  
Ed Sieben, Land Use & Zoning  
Bill Wiet, Community Development  
Stephane Phifer, Planning Department  
Bill Spaeth, Planning Department  
Peter Boutsikakis, Planning Department  
Christiana Pascavage, Planning Department  
Jennie Grobe, Historic Preservation  
Karen Christensen, Downtown Development  
Alayne Weingartz, Legal Department  
John Banbury, Legal Department  
Chuck Nelson, Mayor's Office

**OTHERS PRESENT**

Bruce Goldsmith, Attorney, Dykema Law Firm  
Ken Kearns, 2626 Ogden Ave  
Tracey Ciciora, 1114 Marseillaise Pl  
Kevin Kane, 214 LeGrande Blvd  
Alan Kato, Anderson Mikos  
Frank Ferguson, Rush-Copley  
Tom Verive, 2563 Adamsway, (Cypress)  
Ed Schneider, McDonald's Corp  
Hank Stillwell, 300 E Roosevelt Rd, Wheaton  
Nan Theotold 2260 E New York  
Tom Lehman, Gemini Office Development  
Bernie Wilhelmsen, 888 S Edgelawn, LDA  
Jim Bibby, 324 W State St  
Sharon Gorrell, Realtor Association  
Kristos Tsogas, 240 N Oakhurst

Bill Wiet, Director of Community Development is present for the items that are on the agenda.



**CALL TO ORDER**

Chairman Saville called the meeting to order at 4:07 p.m.

18. **Agenda Item 18: A RESOLUTION APPROVING THE FINAL PLAN ON 3.24 ACRES FOR A 21,750 SQUARE FOOT MEDICAL OFFICE BUILDING LOCATED NEAR THE SWC OF OAKHURST DRIVE AND NEW YORK STREET (Gemini Office Development - NA20/3-06.390-Fpu - TM/JHS) (Appealable)**

Tim Macholl from Land Use and Zoning and Kristos Tsogas were present for this item.

Chairman Saville: Number 18 then, is a resolution accepting, approving a final plan for a medical office facility at Oakhurst and New York.

Tim Macholl: As was stated, it's a fairly large medical office building that's going there at the corner - or it's basically just south of the corner - of Oakhurst and New York. Pretty straightforward. I think it's a two-story building.

Kristos Tsogas: Single story.

Tim Macholl: That one's only a single story; I'm sorry, I'm confusing ... everything's melting [laughs]. Basically there's residential to the east and south and they will be providing landscaping and screening for all that appropriately.

Alderman Elmore: What type of screening and landscaping?

Tim Macholl: There is, currently to the south there is an existing berm and there is landscaping on it and they will be adding a considerable amount of landscaping to that berm to help...

Ed Sieben: Tim, can you pull out the plans, please, and show her?

Tim Macholl: Yeah, sorry. Let's see...

Alderman Elmore: I can see why he thought this was two stories. It has the look of it. If you're looking at this...

Kristos Tsogas: Yeah, there's a little raised section in front but it's a single story building.

Tim Macholl: I'm kind of mixing cases.

Alderman Elmore: Is this building being built specifically for a client?

Unidentified Gentleman: We're in negotiations with a tenant; we do not currently have a lease but we still want to move ahead.

Tim Macholl: As I was saying, there's currently an existing berm here and about half of this plant material is currently installed. They will be installing the other half extensively...

Alderman Elmore: Do you know, in looking at your guide down there – and you may even know – whether the existing plant material is deciduous, whether it's evergreen, what are we adding to it, because that makes your four-season coverage.

Tim Macholl: It's a mix. Currently there's a mix of both deciduous and evergreen, and we did take that into account when we were reviewing it and they are providing more of the same mix – it's all mixed. You're going to have year-round screening as opposed to all deciduous and it's, you know, in the middle of the winter when the leaves are all gone.

Alderman Elmore: It's all dying out and you have nothing [laughs]. That's why I ask those questions; if you don't have enough of the evergreen mixes then in the winter it becomes very open to the people behind you, especially in this part of the country. It goes away [laughs].

Kristos Tsogas: There is an existing six-foot berm in this area that pretty much covers the first story of the housing behind it, and there's a couple openings in between the existing landscaping and we're filling that up so we're filling that up so it'll be pretty screened, even on the second story.

Alderman Elmore: I know your entry will come in off of Oakhurst. North of you is more business property? Did we develop some cross-access in there or is it separated totally from that area?

(People talk over each other)

Alderman Elmore: They've actually put plans through but they haven't decided to move on it. And I don't know whether they will or they won't but I was just kind of curious, with most of that in there we have some cross...

Bill Wiet: Ed would know.

Alderman Elmore: Ed might know?

Bill Wiet: Accessing then from the proposed Dominick's...

Alderman Elmore: I don't know that we want it or don't want it; my question is, where they're located they're tying into an area that is, as you know, all business, retail oriented...

Ed Sieben: Right. There is a... I think this is the gas station site here.

Alderman Elmore: Yeah, north of them.

Ed Sieben: So this is a cross-access through this drive through here, I believe. This is already existing here?

Kristos Tsogas: Yes. This is a private drive.

Alderman Elmore: That's the one that comes in off of Oakhurst?

Ed Sieben: That's already, yeah. Yes. That's already existing. So that will remain.

Alderman Elmore: And so this will connect... their parking lot will connect into...

Ed Sieben: Correct. The curb cut comes up off of their drive...

Alderman Elmore: It actually might be to your benefit but... because it would give people coming from other directions a way to get into the facility if you decide to move in that direction.

Chairman Saville: And there's sidewalks along Oakhurst?

Kristos Tsogas: Yes.

Tim Macholl: Right there.

Chairman Saville: Anything more to add, gentlemen? Any questions or discussion for the P&D Committee?

Alderman Elmore: I think that's the bulk of it.

Chairman Saville: Ok.

Alderman Elmore: This, apparently... I think the preliminary on this must have happened prior to this getting moved into my ward [laughs] because this is a little bit of a surprise to me, but...

Ed Sieben: I think the neighbors thought this was Chris's ward too, before, because I've talked to the gentleman in the townhomes on different issues...

Alderman Elmore: And that actually got moved over into mine, yeah. And the townhomes there are pretty nice people; I don't... have not presented this to them so they're not aware of it but I think they are aware that the property would be developed.

Ed Sieben: Yes.

Alderman Elmore: And the fact that it's an office rather than commercial, they should be very happy.

Ed Sieben: Yes.

Alderman Elmore: It's a much more...

Tim Macholl: Yeah, they're not getting a strip mall.

Alderman Elmore: It's a nice buffer between them and the retail center, and these usually are pretty quiet because they usually function in the daytime and that makes it nice. I'd be interested to know who your client is, when you can release that.

Gentleman: Ok.

Chairman Saville: Is there a motion?

Alderman Elmore: So moved.

Alderman Peters: (inaudible) I've got a couple spots in the 5<sup>th</sup> Ward; we could use a couple (inaudible).

Alderman Elmore: Yeah, it's a nice looking building. I like the way it's laid out.

Alderman Peters: It's beautiful. I second.

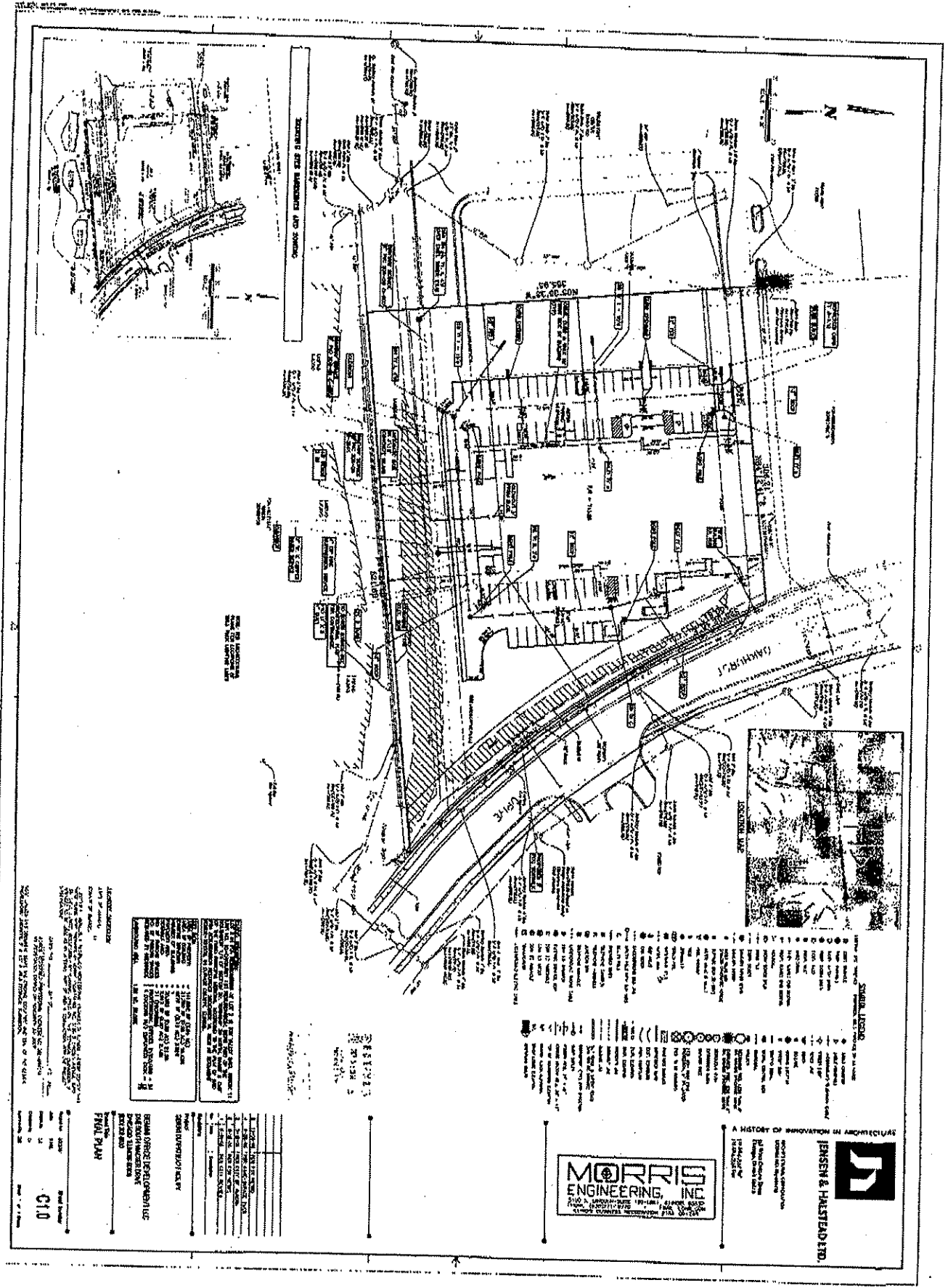
Chairman Saville: Second? Motion been made and second for approval on Item 18; any further discussion? All in favor say "Aye."

Alderman Peters: Aye.

Alderman Elmore: Aye.

Chairman Saville: Aye. Opposed? Motion carried 3-0.

Motion to approve by Alderman Elmore. Seconded by Alderman Peters. Motion carried 3-0.



NOT TO SCALE  
 4" = 1'-0" (VERTICAL)  
 1" = 10'-0" (HORIZONTAL)  
 ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.  
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NO.	DESCRIPTION	DATE
1	ISSUED FOR PERMITTING	08/20/07
2	ISSUED FOR PERMITTING	08/20/07
3	ISSUED FOR PERMITTING	08/20/07
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9	ISSUED FOR PERMITTING	08/20/07
10	ISSUED FOR PERMITTING	08/20/07

**REVISIONS**  
 NO. 1  
 DATE 08/20/07  
 DESCRIPTION  
 ISSUED FOR PERMITTING

- SYMBOL LEGEND**
- EXISTING CURB
  - NEW CURB
  - EXISTING DRIVE
  - NEW DRIVE
  - EXISTING SIDEWALK
  - NEW SIDEWALK
  - EXISTING PAVEMENT
  - NEW PAVEMENT
  - EXISTING LANDSCAPE
  - NEW LANDSCAPE
  - EXISTING UTILITIES
  - NEW UTILITIES
  - EXISTING STRUCTURES
  - NEW STRUCTURES
  - EXISTING FENCES
  - NEW FENCES
  - EXISTING SIGNAGE
  - NEW SIGNAGE
  - EXISTING LIGHTING
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  - EXISTING PLANTS
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  - EXISTING WALKWAYS
  - NEW WALKWAYS
  - EXISTING BIKEWAYS
  - NEW BIKEWAYS
  - EXISTING STAIRS
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  - EXISTING RAMPWAYS
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  - EXISTING NOTES
  - NEW NOTES

**PROJECT INFORMATION**  
 PROJECT NO. C10  
 SHEET NO. 10  
 DATE 08/20/07  
 DRAWN BY [Name]  
 CHECKED BY [Name]  
 APPROVED BY [Name]

**DESIGNER INFORMATION**  
 DESIGNER: MORRIS ENGINEERING, INC.  
 ADDRESS: 1000 [Address]  
 CITY: [City]  
 STATE: [State]  
 ZIP: [ZIP]

**CLIENT INFORMATION**  
 CLIENT: [Client Name]  
 ADDRESS: [Address]  
 CITY: [City]  
 STATE: [State]  
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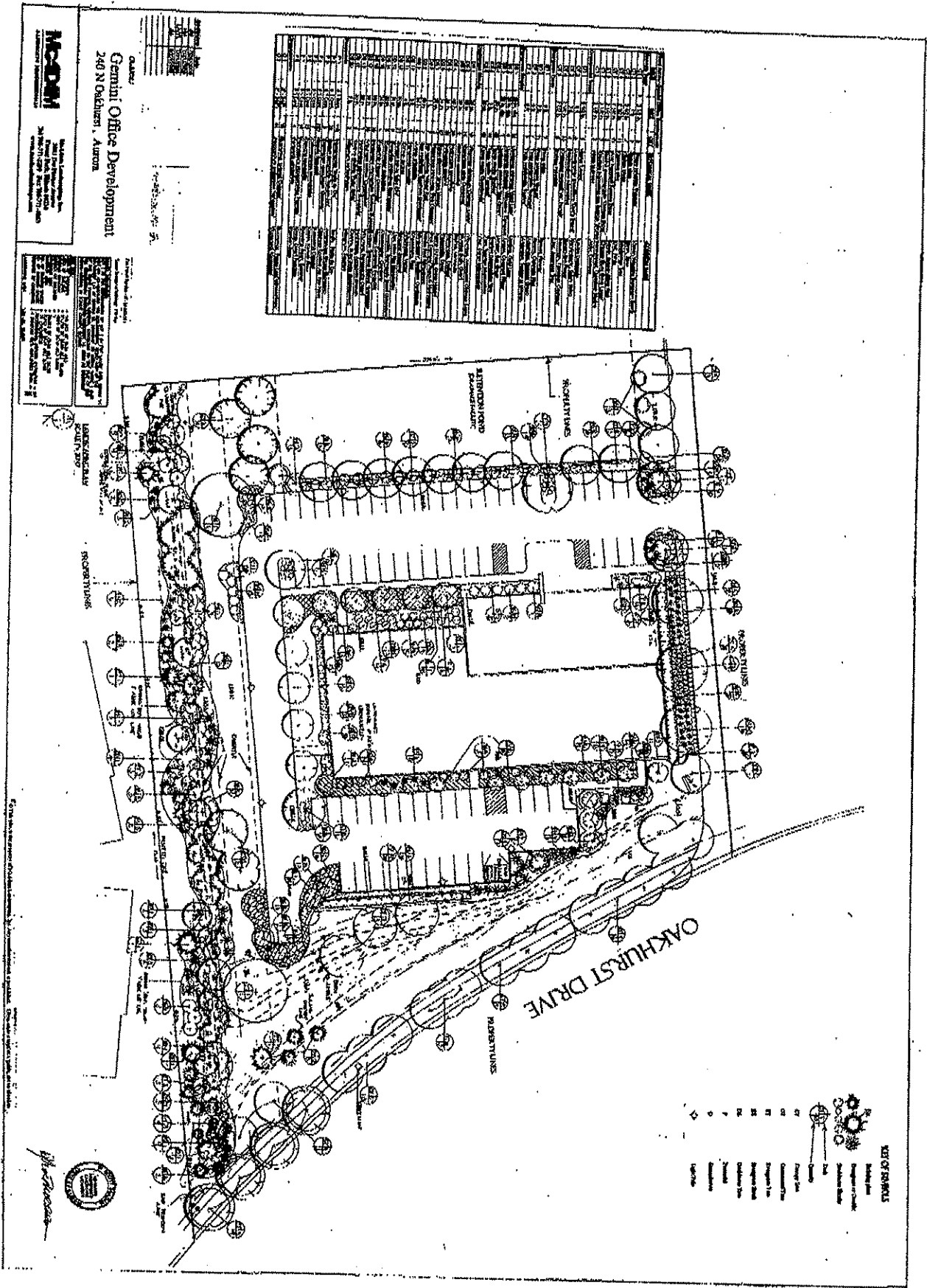
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**REVISIONS**  
 NO. 1  
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 DESCRIPTION  
 ISSUED FOR PERMITTING

**MORRIS ENGINEERING, INC.**  
 1000 [Address]  
 [City], [State] [ZIP]

**JENSEN & HASTED LTD.**  
 A HISTORY OF INNOVATION IN ARCHITECTURE  
 1000 [Address]  
 [City], [State] [ZIP]





Aurora Planning Council Minutes  
Page 1 of 1

8/16/2007  
2006.390

**Regular Meeting - Tuesday, August 1, 2006- 9:00 A.M.**  
**Held in the City of Aurora Council Chambers**

**IV. Newly Submitted and Reactivated Petitions From Pending**

B) NA20/3-06.390-FPN - GEMINI OFFICE DEVELOPMENT - FINAL PLAN ON 3.24 ACRES FOR A 21,777 SQ FT MEDICAL OFFICE BLDG NEAR THE SWC OAKHURST AND NEW YORK(Ward 10- JR/JHS)

Representative present, David Dastur, Tom Lehman, and Jon Vaznecis.

Mr. Dastur described the plan. The material will be brick inlaid precast. Their parking is more than adequate with 46 visitor, and 25 staff spaces. Mr. Pozzi said a fire plan is needed.

**Regular Meeting - Tuesday, October 24, 2006- 9:00 A.M.**  
**Held in the City of Aurora Council Chambers**

**II. Petitions To Be Voted On This Week**

D) NA20/3-06.390-FPN - GEMINI OFFICE DEVELOPMENT - FINAL PLAN ON 3.24 ACRES FOR A 21,777 SQ FT RETAIL BLDG NEAR THE SWC OAKHURST AND NEW YORK(Ward 10- TM/JHS)

The motion to move this item forward was unanimously approved. This item is moved to the November 1st Planning Commission meeting.