PLANNING AND ZONING COMMISSION
REGULAR MEETING
Marengo City Hall
132 E. Prairie Street

AGENDA
August 21, 2017
7:00 p.m.

1. Call to Order

2. Pledge of Allegiance

3. Roll Call

4. Approval of Minutes: July 17, 2017 Meeting Minutes

5. New Business
   a. Public Hearing – Application and Recommendation for a Special Use Permit to Allow
      for the Outside Display of Inventory and Sales of Motor Vehicles, Operation of Moving
      and Storage Business, Truck Rental and Storage Unit Rentals – 1405 North State Street
      – CJP Enterprises LLC (continued from July 17, 2017)

6. Adjournment
City of Marengo
Planning & Zoning Commission Meeting
Council Chambers
132 E. Prairie Street
Marengo, IL 60152
July 17, 2017
7:00 P.M.

CALL TO ORDER
Commission Chairman Mike Bieniek called the Special Meeting of the Planning & Zoning Commission to order at 7:00 P.M.

PLEDGE OF ALLEGIANCE
Mr. Bieniek led everyone in the Pledge of Allegiance.

ROLL CALL
Present this evening are Commissioners Bieniek, Brackmann, Piwnika, Hunt, Varney, and Mazurkiewicz. Also present were Assistant City Administrator Joshua Blakemore, Attorney Carlos Arevalo and Deputy City Clerk Anna Leyrer. Commission Member Ryan Gieseke was absent.

APPROVAL OF MINUTES
Commission member Mazurkiewicz made a motion, seconded by Commission member Varney to approve the June 20, 2017 planning and Zoning Minutes. The motion passed with aye votes from Commission members Bieniek, Piwnika, Hunt, Mazurkiewicz, Brackmann, and Varney.

NEW BUSINESS- PUBLIC HEARING
Public Hearing- Application and Recommendation for a Variance for a Special Use Permit to Allow for Outside Display of Inventory and Sales of Motor Vehicles, Operation of Moving Storage Business, Truck Rental and Storage Unit Rentals, 1465 North State Street- CJP Enterprises LLC.

Commission member Piwnika made a motion, seconded by Commission member Mazurkiewicz to open the Public hearing. The motion passed with a voice vote.

Commissioner Bieniek stated that there was public notification of the Public Hearing, and requested that the verification of mailings that were sent to property owners within 250 feet surrounding the area about this public hearing be submitted for record. Documents were presented to Deputy City Clerk Anna Leyrer for the record.

Assistant City Administrator Joshua Blakemore explained CJP Enterprises is requesting a special use permit to allow for the outside display of inventory and sales, and parking of used vehicles and rental trucks. It is currently zoned M-Manufacturing.

Attorney Arevalo then swore in the petitioner and those in the audience wanting to speak.
Assistant City Administrator Josh Blakemore introduced the petitioners' Attorney, Terry McKenna, and the petitioner, Caleb Pasalek. Mr. McKenna then reiterated what Mr. Blakemore stated, that the petitioner is seeking a motor vehicle special use, including the operation of a moving and storage business, truck rentals, retail sales, and auto/truck sales.

After the presentation, the floor was opened to Commission Members questions. Questions regarding where vehicles would be entering and exiting, possible screening for the 8th Avenue side of the lot, hours of operation, current lot condition, and number of vehicles were addressed. Another issue was the condition of the businesses other location, Macon Attic, and how the Commission feels that this property must not accept donated items, like Macon’s Attic.

PUBLIC COMMENT

Commissioner Bieniek opened the floor for public comment.

Attorney Arevalo previously swore in the following: James Olinger, Debra Jacobson, and Jennifer Olinger during the public comment. The residents stressed their concerns about the current condition of the lot, the extra amount of traffic that could be generated, a potential “eye sore” problem due to lots of cars on the lot, and the possibility of security issues. All questions were addressed and answered by Mr. McKenna and Mr. Pasalek.

COMMISSION MEMBER DISCUSSION

Commission member Hunt asked for clarification about the 24/7 availability. Mr. Pasalek stated that U-Haul does advertise a 24/7 pick-up availability, but he finds that it is not commonly requested at all. The latest pick-up time he recalls is around 9:30 p.m. Several Commissions felt the need for fencing along the 8th Avenue side of the lot. Curb stops were also discussed.

Commission member Bieniek asked to explain the auto repair work that would be done on the property. Mr. Pasalek stated that U-Haul does their repairs to their vehicles, and that there would be no major repairs by CJP LLC to any of the vehicles that they would have for sale.

Commissioner Bieniek asked about lighting in the area by the homes behind the building. Mr. Pasalek stated they have not changed any lighting, and no light shines directly in their direction.

Commission Member Brackmann stated he would not have an issue with the project as long as some sort of screening was created. Several members agreed.

PLANNING AND ZONING ACTION

Upon discussion of the Commission, it was decided to continue the meeting until August 21, 2017 at 7 p.m. so the petitioner can present some ideas for screening of the 8th Avenue side of the lot.

CLOSING OF PUBLIC HEARING
Commission member Hunt made a motion, seconded by Commission member Varney, to close the public hearing. The motion passed with a voice vote.
ADJOURNMENT
Commission member Mazurkiewicz made a motion to close the meeting. The motion passed with a voice vote. The meeting adjourned at 8:35 p.m.

Respectfully submitted,
Anna Leyrer
Deputy City Clerk

Approved at the Planning and Zoning Commission meeting.
PUBLIC HEARING

TO: Planning and Zoning Commission

FROM: Joshua Blakemore, Assistant City Administrator

FOR: August 21, 2017 Planning and Zoning Commission Meeting

RE: 1405 N. State Street CIP Enterprises LLC – Special Use to Allow for the Outside Display of Inventory and the Display, Parking & Sales of Motor Vehicles (Continued from July 17th PZC Meeting)

During the last PZC meeting on July 17th, a public hearing was held regarding an application for a special use permit for outside display of inventory and the display, parking and sales of motor vehicles at 1405 N. State Street. The packet from that meeting has been included for your reference.

After public comment and deliberation by the PZC, it was decided the public hearing would be continued to the August 21st meeting to allow the applicant to come up with a proposal for screening along 8th Avenue. There is an email from the petitioner's counsel addressing the screening which has been attached for your review. At this time, no sketches have been presented to staff.

During the meeting several conditions were discussed as part of the special use permit including the following:
1. The issue of screening, particularly along 8th Avenue - the applicant has provided depictions of their proposals for screening.
2. No parking or structures of any kind are to be placed on the right of way.
3. There is to be no resale use on the site, such as at the existing property in the Downtown area.
4. There is to be no auto repairs on site.
5. There was discussion but nothing definitive about hours of operation.
6. A possible limit on the number of cars for sale and the number of trucks for rental was discussed.

Attached to help guide the PZC with their decision is a draft ordinance outlining those conditions, along with some other points of clarification which was drafted by the City Attorney, in accordance with the comments made during the July 17th meeting. The conditions/ordinance can of course be amended by the PZC as part of their recommendation to the City Council.

The public hearing regarding the petitioner’s application for a special use permit for the property in question was continued from the July 17, 2017, Planning and Zoning Commission meeting. If, after concluding the public hearing, the PZC feels the special use permit would be appropriate, then the adoption of the attached findings of fact and a recommendation that the City Council approve the requested special use would be in order.

Motion to Recommend: Motion to adopt the attached finding of facts as presented and recommend that the City Council approve a planned development and special use permit as requested for the property in question.
Josh Blakemore

From: Terrence McKenna [McKenna@fgmlaw.com]
Sent: Wednesday, August 16, 2017 10:40 AM
To: Josh Blakemore
Cc: Calab Pasalic
Subject: FW: 1405 N. State

Josh,

Petitioner would propose to build a short stone/block retaining wall and plant trees and bushes between that and the street. That would require the city to lay curbing on 8th avenue so there is a defined area for the planting. As an alternative Petitioner can install a chain link fence with a privacy windscreen. At this point, they would propose to leave open one access point onto 8th Avenue, and would prefer to not have a gate to deal with. They would agree to limit access to/from 8th Ave after hours.

Terry

Terrence J. McKenna
mckenna@fgmlaw.com

fgm
franks gerkin mckenna

Franks Gerkin & McKenna, P.C.
19333 East Grant Highway
Post Office Box 5
Marengo, Illinois 60152
815-923-2107
815-923-2114/fax

Our success is built on word of mouth referrals and positive reviews from our satisfied clients. Please consider leaving us a review. http://fgmlaw.com/review/

If you want to learn more about our firm, please visit us at www.fgmlaw.com

If you are not the intended recipient of this e-mail, please call me immediately at 815-923-2107. Do not forward, copy or otherwise circulate this e-mail. Also, please delete the message and destroy any printed copies.

NOTE TO CLIENTS: This email may contain attorney-client privileged communications. That privilege may be lost if you forward this email or disclose it to third parties. Please exercise due care. When in doubt, please call me before distributing this email message.

Please consider the environment before printing this email.
Ordinance 17-___

An Ordinance Granting a Special Use to Allow Outside Display of Inventory and Sales of Motor Vehicle and Operation of Moving and Storage Business and Truck and Storage Unit Rentals – 1405 North State Street

WHEREAS, the City of Marengo has been requested by a petition signed by CJP Enterprises LLC, Owner (hereinafter collectively referred to as “Petitioner”) for a special use permit to allow outside display of inventory and sales of motor vehicles, operation of moving and storage business, truck and storage unit rentals at 1405 North State Street in Marengo (the “Property”); and

WHEREAS, pursuant to Ordinance No. 89-10-1 issued on October 10, 1998, the City rezoned the Property and approved the construction of warehouse facilities for which the storage unit operation was established and this Special Use Permit constitutes an expansion of said operation to include the uses specified herein; and

WHEREAS, a public hearing was held before the City of Marengo Planning and Zoning Commission on July 17, 2017 and August 21, 2017 after due notice in manner provided by law; and

WHEREAS, the Planning and Zoning Commission, after deliberation, has made a report and recommended the issuance of an amendment to the special use permit for 1405 North State Street expanding the current storage unit rental operation to also allow the outside display of inventory and sales of motor vehicles, operation of moving and storage business and truck rentals; and

WHEREAS, the City Council has considered the findings of fact based upon the evidence presented at the public hearing to the Planning and Zoning Commission by the Petitioners.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Marengo, McHenry County, Illinois, as follows:

SECTION 1: Subject to the conditions in Section 2 of this Ordinance, an expansion of the storage unit operation on the Property is hereby approved and a special use permit as provided herein is granted for the following legally described Property:

That part of the Northwest Quarter of Section 25, Township 44 North, Range 5 East of the Third Principal Meridian, described as follows: Commencing on the West line of said Section at a point 41.0 feet North from the West Quarter corner thereof and running thence East on a line forming an angle of 89 degrees 47 minutes to the right, with a prolongation of the last described line and being on the Northerly line of Eight Avenue as shown on the Plat of Syndicate Addition to Marengo, recorded April 12, 1892, as Document No. 7413, in Book 1 of Plats, Page 28, for a distance of 33 feet to a point for a place of beginning, being the intersection of the Northerly line of said Eighth Avenue and the Easterly line of State Street; thence North on a line parallel with the West line of said Section, for a distance of 297 feet to a point; thence East on a line parallel
with the North line of Eighth Avenue, for a distance of 132 feet to a point; thence South on a line parallel with the West line of said Section, a distance of 297 feet to an intersection with the Northerly line of said Eighth Avenue; thence West on said Northerly line of said Avenue, 132 feet to the place of beginning, in McHenry County, Illinois.

PINS: 11-25-100-028 and 11-25-100-029

SECTION 2: The special use permit allowing outside display of inventory and sales of motor vehicles, operation of moving and storage business, truck and storage unit rentals, shall be subject to the following conditions:

(a) No automobile or truck offered for rental or sale shall be parked or placed on the public Right of Way nor shall Owner allow any customer or visitor to the Property to park on said Right of Way. Owner shall maintain no less than 5 parking spaces for customers.

(b) No temporary or permanent structure of any kind shall be placed or located on the public Right of Way.

(c) The special use for motor vehicle sales shall comply with the requirements of Section 15.04 – Motor Vehicle Special Uses of the Marengo Zoning Code and shall be limited to the sales of pre-owned automobiles. The number of such automobiles offered for sale shall not exceed ___ at a time and said automobiles shall be operational and driveable condition.

(d) The special use for moving trailer and truck rentals shall be limited to ___.

(e) The outside display of inventory shall be limited to motor vehicles, trucks and trailers. No other inventory or items for retail sale shall be for outside display.

(f) Retail sale items shall be limited to moving and packing supplies such as cartons, boxes, tape and other packing materials. There shall be no resale of any other items anywhere on the Property.

(g) This special use permit does not permit major or minor automobile repairs as such are defined in the Marengo Zoning Code anywhere on the Property.

(h) Regular hours of operations for the business shall be from 7:00 am to 7:00 pm. Business conducted outside these hours of operation shall be pursuant to appointment only.

(i) The South and Eastern boundaries of the Property shall be enclosed by a screening fence, wall or planted vegetation of a height sufficient to minimize and screen the view of adjoining and neighboring residential properties.

(j) Petitioner shall comply with any other City requirements as required pursuant to all other applicable City Ordinances and Codes.
k. A certified copy of this Ordinance shall be recorded with the McHenry County Recorder of Deeds.

SECTION 3: That all requirements set forth in the Marengo Zoning Code as would be required by any other owner property zoned in the same manner as the Property, shall be complied with except as otherwise provided in this Ordinance.

SECTION 4: That the following findings of fact submitted by the Planning and Zoning Commission are hereby accepted:

a) That the proposed use will not be detrimental to the public health, safety, comfort or general welfare, nor substantially diminish or impair the value of other properties or improvements in the vicinity.

b) That the proposed use will comply with the regulations of the zoning district in which it is located and the Marengo Zoning Code generally, including but not limited to all applicable yard and bulk regulations, parking and loading regulations, sign control regulations, wetlands and flood plain regulations, building and fire codes, and all other applicable City ordinances, or if exceptions are requested, that such exceptions are justified pursuant to a future Planned Development pursuant to Section 16 of the Marengo Zoning Code.

c) That the proposed use will not negatively impact the existing off-site traffic circulation; and will adequately address on-site traffic circulation.

d) That the proposed use will not negatively impact existing public utilities, facilities and municipal service delivery systems without due consideration for adequate means of upgrading such utilities, facilities and systems.

e) That the proposed use will not negatively impact the environment by creating air, noise or water pollution, ground contamination, or unsightly views without due consideration for adequate means of controlling, mitigating or buffering such impacts.

f) That the proposed use will meet standards and requirements established by jurisdictions other than the City, such as federal, state, county or other governmental units or agencies requiring licensing, permitting or health/safety inspections, and submit written evidence thereof.

g) That the proposed use shall conform to the regulations established for specific special uses as provided in Section 15 of the Marengo Zoning Code.

SECTION 5: If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any Court of competence jurisdiction to be invalid, such judgment shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.
SECTION 6: This Ordinance shall be in full force and effective upon its passage, approval and publication in pamphlet form (which publication is hereby authorized) as provided by law.

Voting Aye: 
Voting Nay: 
Absent: 
Abstain:

APPROVED:

APPROVED:

_______________________________
Mayor John Koziol

(SEAL)
ATTEST: ______________________
City Clerk Constance J. Boxleitner

Passed: _________________________
Approved: _______________________
Published: ______________________
CERTIFICATION

I, CONSTANCE J. BOXLEITNER, do hereby certify that I am the elected and qualified Clerk of the City of Marengo, McHenry County, Illinois, and that as such Clerk, I am the keeper of the records and minutes and proceedings of the Mayor and City Council of said City of Marengo.

I do hereby further certify that at a regular meeting of the Mayor and City Council of the City of Marengo held on the __________ day of __________, 2017, the foregoing Ordinance entitled An Ordinance Granting a Special Use to Allow Outside Display of Inventory and Sales of Motor Vehicle and Operation of Moving and Storage Business and Truck and Storage Unit Rentals — 1405 North State Street, was duly passed by the Mayor and City Council of the City of Marengo.

The pamphlet form of Ordinance No. 17-______, including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the City Hall, commencing on the ______ day ______________________, 2017, and will continue for at least 10 days thereafter. Copies of such Ordinance are also available for public inspection upon request in the office of the City Clerk.

I do further certify that the original, of which the attached is a true and correct copy, is entrusted to me as the Clerk of said City for safekeeping, and that I am the lawful custodian and keeper of the same.

Given under my hand and corporate seal of the City of Marengo on this __________ day of ______________________, 2017.

Constance J. Boxleitner, Clerk
City of Marengo,
McHenry County, Illinois

(SEAL)
PUBLIC HEARING

TO: Planning and Zoning Commission

FROM: Joshua Blakemore, Assistant City Administrator

FOR: July 17, 2017 Planning and Zoning Commission Meeting

RE: 1405 N. State Street CJP Enterprises LLC – Special Use to Allow for the Outside Display of Inventory and the Display, Parking & Sales of Motor Vehicles

Issue Statement: The applicant is seeking a special use permit to allow for the outside display of inventory and sales and parking of used vehicles and rental trucks. The property in question (PIQ) is located at 1405 North State Street and is currently zoned M – Manufacturing. As per Section 13.02 (2) of the Marengo Zoning Ordinance (MZO), a special use is required for any business wishing to have outside display of inventory in a Manufacturing District. Section 15.04 of the Marengo Zoning Ordinance outlines the conditions of Motor Vehicle Special Use.

Neighboring Uses: The adjacent properties to the north and west of the PIQ are zoned M Manufacturing General Business. The properties to the east and south of the PIQ is zoned R-1 Single Family Residential.

The City has not received any objections to the application at this time.

Summary: The applicant had an existing special use at 136 and 154 North State Street for the sale of motor vehicles. This special use was approved in September of 2014. That property was then being used for U-Haul rentals as you may have previously noticed. Earlier this year the applicant moved the U-Haul operations to the address at 1405 N. State Street without going through the proper zoning process. They owner was notified and they submitted a special use application you see before you now.

The applicant is seeking a motor vehicle special use, including the operation of a moving and storage business, truck rentals, retail sales and auto/truck sales. Section 15.04 of the Zoning Ordinance outlines the following requirements for a “Motor Vehicle Special Use”:

1. The applicant shall demonstrate that the proposed use is economically compatible with existing uses.
2. The special use will not injure surrounding property values.
3. Lighting sources shall be directed away from surrounding properties.
4. Display area shall have a paved surface. (At this time only a portion of the lot is paved, in most cases, such as residential driveways, existing gravel has been allowed to be maintained, but no new gravel lot coverings are permitted)

As part of the motor vehicle special use request, the following special use provision is also requested. Section 13.02 (2) of the Zoning Ordinance states that “No outside display of inventory, sale or storage of materials, equipment, merchandise and other similar goods or containers shall be permitted except by issuance of a special use permit.”
A public hearing regarding the petitioner’s application for a special use permit for the property in question is requested for the July 17, 2017, Planning and Zoning Commission meeting. If, after concluding the public hearing, the PZC feels the special use permit would be appropriate, then the adoption of the attached findings of fact and a recommendation that the City Council approve the requested special use would be in order.

Motion to Recommend: Motion to adopt the attached finding of facts as presented and recommend that the City Council approve a planned development and special use permit as requested for the property in question.

Findings of Fact

1405 North State Street

Application for Special Use Permit – Outside Display of Inventory and Motor Vehicle Sales

Based on the evidence and testimony provided during the public hearing for this application which commenced on July 17, 2017, the Planning and Zoning makes the following findings of fact in support of the application:

SPECIAL USES

Marengo Zoning Ordinance Section 15.03, “Standards for Special Uses,” states that the City Council may authorize a special use permit upon determining and finding as fact, the following:

1. That the proposed use will not be detrimental to the public health, safety, comfort or general welfare, nor substantially diminish or impair the value of other properties or improvements in the vicinity.

2. That the proposed use will comply with the regulations of the zoning district in which it is located and this Zoning Code generally, including but not limited to all applicable yard and bulk regulations, parking and loading regulations, sign control regulations, wetlands and flood plain regulations, building and fire codes, and all other applicable City ordinances, or if exceptions are requested, that such exceptions are justified.

3. That the proposed use will not negatively impact the existing off-site traffic circulation; will adequately address on-site traffic circulation; will provide adequate on-site parking facilities; and if appropriate or required, will contribute financially, in proportion to its impact, to upgrading roadway systems.

4. That the proposed use will not negatively impact existing public utilities, facilities and municipal service delivery systems without due consideration for adequate means of upgrading such utilities, facilities and systems.

5. That the proposed use will not negatively impact the environment by creating air, noise or water pollution, ground contamination, or unsightly views without due consideration for adequate means of controlling, mitigating or buffering such impacts.
6. That the proposed use will maintain, where possible, existing mature vegetation; provide adequate screening to residential properties; and provide appropriate landscaping.

7. That the proposed use will meet standards and requirements established by jurisdictions other than the City, such as federal, state, county or other governmental units or agencies requiring licensing, permitting or health/safety inspections, and submit written evidence thereof.

8. That the proposed use shall conform to the regulations established for specific special uses as provided in this Section 15 [of the Marengo Zoning Code].

cc: Mayor & City Council
    Attorney Terry McKenna
REQUEST FOR SPECIAL USE APPLICATION

Instructions to applicant: A special use has unusual operational, physical, or other characteristics which distinguish it from the permitted uses of a district but which may be made compatible with the intended overall development within a district. A special use permit is issued to regulate development of a special use. These may be public service uses which, although generally considered desirable or compatible with other uses in the zoning district, require special review. This review is performed by the Planning and Zoning Commission at a public hearing.

The Applicant should be able to show, by a site plan and documentary evidence that the proposed development will be in harmony with the general purpose and intent of the Zoning Ordinance and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

All information requested below- a site plan and development schedule providing reasonable guarantees for the completion of the construction-must be provided before a hearing will be scheduled. Applicants are encouraged to visit the office of the City Administrator for any assistance needed in completing this application.

1. Applicant Information:
   
   Name: [Name] Corporation
   Telephone #: (815) 345-6645
   Address: 1405 N. State St., Marengo, IL 60152
   City: Marengo
   Zip Code: 60152

2. Property interest of applicant:
   
   ☑ Owner
   ☐ Contract purchaser
   ☐ Lessee
   ☐ Other

3. Name of owner (if other than applicant):
   (attach additional sheets if necessary)
   
   Name: 
   Telephone #: 
   Address: 1405 N. State St., Marengo, IL 60152
   City: Marengo
   Zip Code: 60152

4. Location of property:
   
   Street address: 1405 N. State St., Marengo, IL 60152
   Legal description (lot, block and subdivision): See attached
   PIN: 11-25-100-028, 11-25-100-029

5. Present zoning classification of the area: Manufacturing

6. Present use of property (if any uses or buildings on property are non-conforming, so state):
   Self storage units, truck rentals
Request for Special Use Continued

7. Special use request:

State exactly what is intended to be done with the property that requires a Special Use Permit, outside display of inventory and motor vehicle special use including, specifically, operation of a moving and storage business, truck rentals, storage unit rentals, related retail sales, auto/truck sales

8. I certify that all the above statements and the statements contained in any papers or plans submitted herewith are true and accurate.

By: [Signature of applicant] [Date]

[Signature of owner (if different than applicant)] [Date]

DO NOT WRITE IN THIS SPACE- FOR OFFICE USE ONLY

Date of hearing ____________________________ PIN ____________________________

Notice published on ____________________________ Zoning ____________________________

Newspaper ____________________________ Fee paid ____________________________ Check # ____________________________

Action by Planning and Zoning Commission: ____________________________ Date ____________________________

Denied ______ Approved ______ Approved with modification by Commission ______

Comments: (indicate other actions such as continuance) ____________________________
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<th>Parcel Number</th>
<th>Owner</th>
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<th>Mail To Address 2</th>
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