



Forest Preserve District Commission Agenda

Government Center
719 S. Batavia Ave., Bldg. A
Geneva, IL 60134

Tuesday, November 22, 2022

8:30 AM

County Board Room

Special Meeting

- I. Call to Order
- II. Pledge of Allegiance
- III. Roll Call
- IV. Public Comment (Each Speaker is limited to 3 minutes)
- VI. New or Unfinished Business
 - A. FP-R-22-11-2988 Resolution Authorizing Delivery of Demand Notice and Conditional Notice of Termination of License Agreement
- VII. Closed Session to Discuss Land Acquisition, License Agreements, Potential Litigation, and Personnel
- VIII. President's Comments
- IX. Adjournment

Adjournment Until: Tuesday, December 13, 2022 at 9:00 a.m. in person at the Kane County Government Center 719 S. Batavia Ave., Bldg. A, 2nd fl. Geneva, Illinois 60134 and via zoom <https://zoom.us/j/6302325980?pwd=aURTSGJoRiVJNDRCcHJXd3dvaVVRUT09>

Meeting ID: 630 232 5980 Password: 24680 The Request to Speak Form on our website must still be completed for guests to speak at the meeting.

KINNALLY FLAHERTY
KRENTZ LORAN HODGE & MASUR PC

ATTORNEYS AT LAW

November 22, 2022

EXHIBIT A

Dr. Robert Froehlich
Kane County Cougars Offices
34 W 002 Cherry Lane
Geneva, IL 60134

Re: Demand for Payment 2021 and 2022 License Fees

Dear Dr. Froehlich:

Please be advised that I represent the Forest Preserve District of Kane County (the "District"). The District has considered your offer for reduced payments of outstanding license fee obligations of the Kane County Cougars, Cougar Baseball Partnership and American Sports Enterprises, Inc. (collectively the "Cougars") for scheduled and played baseball seasons in calendar years 2021 and 2022. The District acknowledges receipt of your recent payment of \$175,000.00 and credits same against the 2021 accrued license fee obligations. Demand is hereby made for the balance of payments which have accrued for 2021 and 2022 in the amount of \$725,000.00 (\$100,000.00 additional will be coming due on December 31, 2022 and is expected to be timely made, as well as all License Fees for calendar year 2023, as the same come due). Failure to pay the full amount due presently in the amount of \$725,000 prior to December 31, 2022 shall be considered a material default pursuant to Section 10.01 a) of the Second Amended and Restated License Agreement dated June 4, 2014, as amended (the "License Agreement"), and the License Agreement shall be considered terminated effective as of the end of the 2023 baseball season, at which point full possession of the Premises must be returned to the District. If the default is timely cured, then this possession termination shall be void.

The District expressly reserves all additional rights and remedies afforded to it pursuant to the License Agreement, including but not limited to the recovery rights set forth under Section 10.02 of the License Agreement. The District will not defer an action for recovery of unpaid license fees in the interim possessory period through the end of the 2023 baseball season, but acknowledges that it will not interfere with the Kane County Cougars' rights to use and occupy the Stadium and Premises and to schedule and host its games during the 2023 season.

PATRICK M. FLAHERTY | PAUL G. KRENTZ | JOSEPH C. LORAN | GERALD K. HODGE | MARK MASUR

PATRICK KINNALLY (RETIRED)



KINNALLY FLAHERTY
KRENTZ LORAN HODGE & MASUR PC

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Govern yourself accordingly.

Sincerely yours,

KINNALLY, FLAHERTY, KRENTZ,
LORAN, HODGE & MASUR, P.C.,

Gerald K. Hodge
ghodge@kfkllaw.com

GKH/nb