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'Fight to the end'

Businesses, residents file suit against village

by ANDREA HORWICH

GENEVA—Three West Dundee residents and two Main Street Business owners have joined in a lawsuit against the Village of West Dundee and the Homart Development Company in a complaint filed Wednesday in the Circuit Court of Kane County.

They are former West Dundee Village Trustee Vernon Sutin; JoAnn and Paul Fritz; East Dundee resident Linfred Steurer, owner of L&H Sewing and Vacuum Center, East Dundee; and Dundee Furniture and Rug Center, Inc., West Dundee, owned by Bernard Frankle.

The complaint was filed Wednesday by McHenry attorney Janice Johnston, one of three attorneys representing the plaintiffs.

Three objectives are listed on the complaint: that the court declare the annexation agreement between the village and Homart null and void, issue a preliminary and permanent injunction against the defendants to prevent implementation of the annexation agreement and halt construction of Homart's Spring Hill Mall on the former D. Hill Nursery site, and "grant further relief the court deems just and equitable."

In a second count, the plaintiffs request a complaint for quo warranto against the village, and the village

president and five trustees, "calling upon each and every defendant to justify and state by what right or authority or warranty they adopted the ordinance and annexation agreement..."

Village President Thomas Warner; Trustees Richard Kraft, Larry McManaman, Larry Brody, and Leon Streeter; former Trustee Jack Dobler; Homart; the D. Hill Nursery Company; and the American National Bank and Trust Company of Chicago are named as defendants—the latter three because of their interest in the property.

Steurer said Tuesday his objective in joining the suit is "stopping it (the shopping center) until we are satisfied."

The concerns he voiced mainly dealt with traffic that will be generated by the development, and he indicated that more provisions for handling the traffic should have been included in the agreement between West Dundee and Homart.

"There should be another bridge through the Dundee area," he said, adding that "there should be more than four lanes (when Route 72 is widened)."

He further noted that an environmental impact study on the shopping center "is definitely in order."

Steurer also said he was concerned about possible future developments on the Homart property, as did Sutin.

"It's going to be larger," Sutin, who resigned from the village board last month, said. "All kinds of things are going to come in because of it." He said that other parties are "scrambling for the land."

"This is as bad as the shopping center, maybe worse."

Rather than altering the agreement with Homart, Sutin said he would prefer to stop the entire development. He said he doesn't know how his position as a trustee at the time the annexation agreement was approved will affect the outcome of this suit.

Sutin also said he did not know at the time of his resignation that he would be entering into the suit.

"It (the suit) had been talked about, of course. I knew there was an impending suit. I didn't particularly know at the time I'd be a plaintiff, but that's the way it worked out."

Steurer emphasized that the plaintiffs intend to "fight this thing to the end, and we do expect it to take years."

He said other parties are welcome to join as plaintiffs, and that he expects some to do so as public in-

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