

# Village sues Huntley Outlet Center owners to fix building after pipes burst

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[HUNTLEY](#) – The village of Huntley is asking Huntley Outlet Center property owners to make several repairs or demolish the building after a recent burst pipe brought several fire code violations to the village’s attention, according to a complaint filed in McHenry County Circuit Court.

In the complaint filed Wednesday, the village demands that developers of the outlet center be subject to an aggressive schedule to fix the building and bring it back up to code.

The complaint named Huntley Investment Partners LLC and the Metropolitan Capital Bank & Trust, which own the center that has sat vacant since its [last store closed](#) in May. Since then, people have entered the mall without permission, vandalized the food court and damaged walls in some stores, according to the complaint.

Developers violated numerous provisions of the village’s fire code, and the village is asking the court to assess penalties, order developers to restore the fire suppression and alarm system to full working order, and reheat the building, among other repairs, according to the complaint.

Huntley Fire Protection District Fire Marshal Ken Madziarek said the Public Works Department reported an unusually large flow of water at the property, which prompted him to inspect the building Jan. 8.

“It was literally a rain forest,” Madziarek said. “There were a few inches of standing water in the building, with water coming from the ceiling.”

The buildings were left unheated, resulting in water lines and pipes freezing and bursting.

The fire sprinkler and alarm systems failed, and developers never notified Madziarek of the failures, according to the complaint.

The sprinklers had been turned off for a portion of the buildings, except for the food court area, according to the complaint.

A judge granted a temporary restraining order and ordered developers to have a 24-hour fire watch, which typically consists of hiring off-duty firefighters or individuals to patrol the property at all times, village attorney Tom Burney said.

Property owners also have to remove all combustible items by Feb. 23.

Photos from certified fire protection specialist Keith Frangiamore show leftover furniture and accessories, such as shelves and couches, still in the vacant stores.

### Dangerous property

The village alleges that the property is a danger to others. If a fire begins at the property, the Huntley Fire Protection District would not be notified, and the sprinkler system would not operate because of the broken pipes.

The developers allowed the conditions to persist on the property since at least Jan. 8, and they only “belatedly” began to take remedial measures, according to the complaint.

Separated and damaged fire sprinkler piping was found in several stores and in the food court area, likely caused by freezing and thawing in the unheated spaces.

The gas meters also were removed from the property for a third time, the complaint states.

Owner Michael Reschke from The Prime Group Inc. said Nicor Gas wrongfully took out the site’s gas meters.

“It was an accident, and Nicor will be responsible for the damage,” Reschke said. “This is not an emergency situation – this is an abandoned building in the middle of a commercial area. There is nobody around. It is baffling why the village wants to continue to harass us as we try to redevelop the property.”

The complaint states that there is evidence in several spaces that people have entered the mall without permission because the buildings were not secured. There was vandalism in

the food court and entry damage to walls in stores, according to the complaint. Numerous doors either were unlocked, broken off their hinges or had glass broken.

Reschke said the village is unfairly targeting the center and selectively enforcing its fire code. He referenced the village-owned Catty Corp. building that has been vacant since 2006, saying the building has no fire suppression or alarm systems.

Madziarek said the system wasn't operational when the village bought the Catty Corp. property. According to the fire code, the marshal can approve a nonoperational system, and he witnessed staff remove all combustible material from the building and board up openings to guard from unauthorized entry, Madziarek said.

"The mall is a much larger structure than the Catty Corp. building, and their sprinkler system had already been out of service for years," Madziarek said. "We have many buildings in our district that are or were vacant, and the sprinkler system and fire alarm systems were always kept operable."

About 262,000 square feet of vacant space under the roof of several buildings remain on the property, according to the complaint.

Other violations of the village's property maintenance code detailed in the complaint include cracked and deteriorated sidewalks and walkways; exterior wall materials loose and rotting, resulting in holes in the walls; many rusted roof drains and gutters that are not functioning; doors and windows that are severely damaged or shattered; and garbage and debris littered across the site.

Huntley Fire Protection Chief Scott Ravagnie said numerous false fire alarms went off in 2017 at the outlet center.

"We send crews off to a nonemergency building, and then they aren't ready for true 911 emergencies," Ravagnie said.

### Demolishing the building

If repairs are not made, the village is asking the court to order a demolition of the buildings.

"We laid that out there, but we aren't asking for that relief right now," Burney said. "We are asking them to get the system back running as quickly as possible."

Reschke said he personally helped build the outlet mall in 1995, and he is not willing to tear it down until a new owner is in place and a direction is decided upon.

“If we have a new owner and zoning approved, then we’ll tear it down, if that makes sense, but until then, why would I tear down a building we spent \$40 million to build in the ’90s?” Reschke said. “When it was successful, it was great for the village and bringing in sales tax, but now they are treating us like criminals, and I’m tired of it.”

Huntley Investment Partners LLC has [gone back and forth with the village](#) in recent months about what to rezone the site.

“We don’t know what the best use for the property would be, but we are thinking a combo of retail tenants or warehouse distribution or light manufacturing,” Reschke said.

The alarm system has been placed in partial service by Madziarek.

The village will be completing another inspection Feb. 26 before a preliminary injunction Feb. 28.

“They’ve been warned so many times to keep the heat on,” Burney said. “How does someone not know their gas meters were taken out?”

Attempts to reach Village President Charles Sass, Village Manager Dave Johnson and Assistant Village Manager Lisa Armour on Friday were unsuccessful. Huntley Investment Partner’s lawyer, Michael McNerney, directed comments to Reschke.