

# HAROLD W. FRANCKE | PARTNER

Commercial Real Estate, Land Use, Zoning and Entitlement, Condominium and Condo-Like Development



Hal concentrates his practice in annexation, zoning, tax increment financing, and other development incentives, as well as utility system and roadway infrastructure construction financing and general real estate development matters.

Hal has had primary responsibility for land use, development and infrastructure financing, and construction matters for parcels throughout the

Chicago metropolitan area. His representation has encompassed all forms of land use, including retail, single-family and multi-family residential, senior housing, commercial, industrial, and institutional uses.

Hal has also participated extensively in the drafting of state and local legislation of significance. These include amendments to the Illinois Business District Development and Redevelopment Act, the Illinois Road Improvement Impact Fee Law, the Illinois Vacant Lot Act, the Illinois Public Construction Bond Act, and the Illinois Township Open Space Act.

Hal was a partner at an Am Law 100 global law firm and its predecessor firms before joining MPS.

## CONTACT

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## EDUCATION

- J.D., University of Illinois College of Law, National Moot Court Team, 1979
- B.A., with special honors, University of Chicago, 1974

## ADMISSIONS

- Illinois
- United States District Court for the Northern District of Illinois

Our concentration of talent and experience in commercial real estate translates into capabilities that far exceed those of many national firms in our market."

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## EXPERIENCE

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- A national homebuilder in connection with the pursuit of development approvals for over 3,000 acres of land in Cook, Lake, Kane, Will, and DuPage Counties, Illinois.
- The owner/developer of a 400-acre residential, retail, office, and golf course community in DuPage County, Illinois.
- A national homebuilder in connection with the pursuit of development approvals for a 600-unit residential/golf course community with privately owned and operated utility systems in Lake County, Illinois.
- A local developer and owner of apartment communities in connection with their development efforts in Cook, DuPage, and Lake Counties, Illinois.
- National and local developers of assisted living and continuing care retirement communities.
- A NYSE-listed company in development approvals for a corporate headquarters campus in Lake County, Illinois. The representation involved concurrent negotiations with the local municipality, the Lake County Division of Transportation, the Lake County Department of Public Works, the Cook County Highway Department, neighboring landowners, affected utility companies, and local fire protection districts.
- A national developer of industrial parks in development approvals for an 800-acre office and industrial park in Will, Illinois.
- A NYSE-listed owner of amusement theme parks in property rezoning in Gurnee, Illinois.
- A NYSE-listed company in negotiation of an economic incentive agreement to provide for the development of a two million square-foot corporate headquarters and 786-acre business park in Cook County, Illinois.
- The owner of a regional mall in Lombard, Illinois in the establishment of a business district to further the mall's redevelopment.
- Three private not-for-profit high schools and one Montessori school in connection with their pursuit of land-use approvals for new or expanded school facilities in Cook County, Illinois.
- Religious institutions in connection with their pursuit of land-use approvals for their houses of worship. Sale for \$250 million to a private equity firm of 80% of the ownership interests of a proprietary software company.

## MEMBERSHIPS

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- Chicago Bar Association
- Lambda Alpha, Ely Chapter
- Harold E. Eisenberg Foundation, Founding and Prior Board Member
- Highland Park Illinois Community Land Trust, Founding and Prior Board Member
- Lake County Affordable Housing Commission, Founding and Prior Board Member
- Affordable Housing Corporation of Lake County, Founding and Prior Board Member

## PUBLICATIONS

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- "The Legislature's Challenge in Balancing the Interests of Economic Development, Job Creation and Labor—The Legislative History of the Illinois Prevailing Wage Act," Illinois Institute of Continuing Legal Education, 2012.
- "Processing a Land Use Application from Submission to Administrative or Legislative Decision," Contributing Editor, Land Use Law: Illinois Institute of Continuing Legal Education, 2010.
- "The Impact of Living Word and Klaeren on the Public Hearing and Judicial Review Processes," National Business Institute, Illinois Land Use: Current Issues in Subdivision, Annexation and Zoning, 2003.

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## PUBLICATIONS CONT'D

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- "Annexation, Annexation Agreements, Disconnection and Boundary Line Agreements," National Business Institute, Illinois Land Use: Current Issues in Subdivision, Annexation and Zoning, 2003.
- "Legislative Update and Legal Issues Remaining After Housing Collapse," Presentation, Illinois Chapter of International Right of Way Association, May 2012.
- "Current Issues in Government, Tax and Property—Sales Tax Incentive Agreements," Illinois Institute of Continuing Legal Education, March, 2012.
- "Forum on Increasing Jobs and Fostering Economic Development in McHenry County," Panel Participant, McHenry County Council of Governments, November 2010.
- "Tax Increment Financing and Business Districts—Recent Developments in the Law," Presentation, Illinois Municipal League 95th Annual Conference, September 2008.
- "New Approaches to Financing Costs of School Capital Facilities Construction," Presentation, Illinois Municipal League 95th Annual Conference, September 2008.
- "Recent Developments in the Law: TIFs, Business Districts and Development Agreements," Presentation, CLE International Land Use Law Conference, September 2008.
- "Recent Developments in the Law," Presentation, CLE International Land Use Law Conference, October 2007.
- "Business Districts: Can They Survive if Condemnation is Necessary?" Presentation, Chicago Bar Association, Local Government Committee Presentation on Kelo, Klaeren, SWIDA, et al.: "What Process is Due When Dealing with Economic Development Initiatives?" (June 2006)
- "Using the Illinois Business District Act as a Tool of Redevelopment," Presentation, Illinois Tax Increment Association Spring Conference, April 2006.
- "When is 'Due Process' Too Much 'Undo Process'?" Presentation, ICSC Midwest Idea Exchange/Alliance Program, February 2006.
- "Fighting NIMBYism 2005," Presentation, National Apartment Association Legal Symposium, November 2005.
- "Local Government Development Approvals," Seminar, Chicago Bar Association, Solving the Toughest Local Government Issues: A Seminar on the Hard Stuff, April 2004. "Evaluating the Enforceability of Non-Compete Agreements," DuPage County Bar Association Journal, 1991.

## AWARDS

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- Chicago Land Use and Zoning Law Lawyer of the Year, Best Lawyers, 2013 and 2019
- Illinois Super Lawyer
- Illinois Leading Lawyer
- Featured, The Best Lawyers in America
- Mayoral Proclamation for Commitment and Service to the Highland Park Illinois Community Land Trust (Community Partners for Affordable Housing), 2013
- President's Industry Merit Award, Home Builders Association of Illinois, 1993, 1995
- Industry Award, Home Builders Association of Greater Chicago, 1988, 1989