

Item #11:
Resolution Reducing LOC For The Executive House PUD

**VILLAGE OF LONG GROVE
RESOLUTION NO. 2013-R-__**

**A RESOLUTION AUTHORIZING THE REDUCTION (SECOND) OF
A LETTER OF CREDIT FOR THE EXECUTIVE HOUSE PLANNED UNIT DEVELOPMENT**
(4180 IL Route 83)

WHEREAS, 4180 Route 83, LLC (the "**Owner**") is the owner of the real property located at 4180 Route 83 in Long Grove, Illinois, and commonly known as the "Long Grove Executive House Property" (the "**Property**"); and

WHEREAS, the Owner desires to develop the Property pursuant to a mixed-use Planned Unit Development (the "**PUD**") containing one multistory office building, one bank, and retail uses along Route 83 (the "**Proposed Development**"); and

WHEREAS, pursuant to Ordinance No. 2012-O-03, the Village granted approval of a preliminary planned unit development plat to permit the three-phased development of the Proposed Development on the Property (the "**Preliminary PUD Approval**") as well as rezoning of the Property to the HR-1 Highway Retail District, approval of a special use permit for a PUD for the Property, approval of preliminary PUD plans, and other relief, all in accordance with Title 5 of the Village Code (the "**Zoning Code**"); and

WHEREAS, the Preliminary PUD Approval provides that the Proposed Development will occur in three phases, as follows:

"Phase One" is the construction that shall occur pursuant to the Phase One Site Plan, as well as all site-wide infrastructure improvements identified in the Phase One Final PUD Plans, including the construction of North/South Drive and detention pond identified on the Phase One Site Plan, all as identified in the Phase 1 Final PUD.

"Phase Two" is the construction that shall occur pursuant to the Preliminary PUD Approval, including the demolition of the existing "Executive House" office building located on the Property (the "**Executive House**").

"Phase Three" is the construction of retail uses that shall occur pursuant to either alternative plan as set forth in the Preliminary PUD Approval; and

WHEREAS, pursuant to Ordinance No. 2012-O-22, the Village of Long Grove granted final planned unit development approval for Phase One Of The Executive House Planned Unit Development (“**Phase 1 Final PUD**”); and

WHEREAS, as required by the Phase 1 Final PUD, the Owner provided to the Village a cash bond in the amount of \$200,000.00 (the "**Cash Bond**") and “Letter of Credit No. WT12SLC38001424, North Shore Community Bank” in the amount of \$250,000.00 (the "**Letter of Credit**"), to secure certain public improvements required pursuant to the Phase 1 Final PUD, (the Cash Bond and the Letter of Credit shall collectively be known as the “**Security**”); and, (“**Letter of Credit**”); and

WHEREAS, on July 23, 2013 the Village Board approved Resolution No. 2013-R-17 approving of the (first) reduction of the Letter of Credit from \$250,000.00, to the principal amount of \$100,327.50, which resulted in an overall reduction in the Security from \$450,000.00 to the principal amount of \$300,327.50;

WHEREAS, the Owner is now requesting that the Letter of Credit be further reduced (second) and released to accurately reflect that all work has been completed and performed; and

WHEREAS, based on the recommendation of the Village Engineer as set forth in Exhibit A attached hereto, various elements of the improvements for which the Security was required have been satisfactorily completed by the Owner and approved by the Village, thereby warranting a partial reduction in the Letter of Credit from \$300,327.50, to the principal amount of \$93,941.25;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF LONG GROVE, LAKE COUNTY, ILLINOIS, THAT:

Section 1: Recitals. The recitals set forth above are incorporated as a part of this Resolution by this reference.

Section 2: Reduction of Letter of Credit. The Letter of Credit with a face amount of \$300,327.50 shall be reduced to the amount of \$93,941.25, which amount shall be secured by letter of credit to secure completion and performance of the improvements that remain to be completed. The Village Manager and Village Treasurer are hereby authorized and directed to take such action as may be necessary consistent with this Resolution.

Section 3: Effective Date. This Resolution shall be in full force and effect from and after its passage and approval in the manner provided by law.

PASSED THIS 10TH DAY OF DECEMBER 2013.

AYES: () Trustees

NAYS: ()

ABSENT: ()

APPROVED THIS 10TH DAY OF DECEMBER 2013.

ATTEST:

Village President, Angela Underwood

Village Clerk, Heidi Locker-Scheer

EXHIBIT A

VILLAGE ENGINEER RECOMMENDATION



November 15, 2013

Mr. David Lothspeich
3110 RFD Old McHenry Road
Long Grove, IL 60047
RE: Executive House LOC Reduction #4
ESI Project Number 04-026-018-01 BG# 311

Dear Dave,

This letter is regarding the recent request by Executive House Property to release funds from the Letter of Credit. ESI consultants via E-mail on November 6, 2013. This request included the following:

- Requesting a reduction to \$5,000 remaining in the LOC

Subject to the accuracy of the information provided we recommend approval of \$27,654.50 as the amount remaining in the LOC with an additional \$66,286.75 in the Maintenance LOC.

With approval of this payment / performance guarantee reduction it will leave \$93,941.25 in the account as Performance Guarantee which we believe to be reasonable and appropriate based on the remaining work. If any of the information submitted contains any material inaccuracy, then any approvals shall be deemed ineffective and rescinded.

Sincerely,
ESI Consultants, Ltd

Brian Witkowski, P.E.
Enforcement Officer
Attachment

CC: Dan Tinnes, D B Loren Co LLC
Vic Filipini, Holland and Knight
Joseph Chiczewski / File, ESI Consultants

