

**Item #12:**

**Resolution Reducing & Releasing LOC For Eastgate Estates Septic**

**VILLAGE OF LONG GROVE  
RESOLUTION NO. 2013-R-\_\_**

**A RESOLUTION AUTHORIZING THE REDUCTION (FIRST) & FULL RELEASE  
OF THE LETTER OF CREDIT FOR EASTGATE ESTATES SUBDIVISION COMMUNAL SEPTIC SYSTEM**

**WHEREAS**, pursuant to Section 6-5-6 of the Village Code, the Village of Long Grove requires an irrevocable letter of credit to secure required improvements prior to the approval of a final plat of subdivision;  
and

**WHEREAS**, pursuant to Ordinance No. 2007-O-03, the Village granted approval of a final planned unit development plat to permit the development of nine single family residential lots on the Property (***“Development”***); and

**WHEREAS**, the Preliminary PUD Approval provides that all the single family home in the Development will be served by a Communal Septic System, as follows:

Communal Septic System. The Village and Applicant acknowledge that the Applicant intends that the communal septic system for the Proposed Development be operated and maintained by a public utility company. In furtherance thereof, prior to the issuance of any building permit for any lot on the Property, the Applicant shall obtain the required permit or permits for developing the communal septic system, and no certificate of occupancy shall be issued until the Applicant delivers to the Village sufficient evidence that a public utility company has been established and certified by the Illinois Commerce Commission to operate and maintain the communal septic system. In addition, prior to issuance of any building permit for any lot on the Property, the Applicant shall deliver to the Village Engineer for review and approval a maintenance plan for the communal septic system to be implemented by the public utility company. Upon completion and approval of the communal septic system by the Lake County Health Department, the Applicant shall deliver to the Village ***maintenance security in an amount equal to 100 percent of the costs of the system and in a form acceptable to the Village Attorney to secure the maintenance and repair of the communal septic system, which security shall be maintained by the Village for a period of five years from the date of approval by the Lake County Health Department of the communal septic system.*** If required by the Lake County Health Department, the Applicant shall also deliver to the Lake County Health Department security for the replacement, maintenance, and repair of the communal septic system, which security will be maintained in accordance with the Lake County Health Department's requirements.

**WHEREAS**, pursuant to Ordinance No. 2007-O-33, as required for the Communal Septic System under the Final PUD, the Owner provided to the Village a Letter Of Credit in the amount of \$263,935.00 (the ***“Letter of Credit”***) and “Letter of Credit No. 1652-102, Midwest Bank and Trust Company” in the amount of \$250,000.00 (the ***“Letter of Credit”***), to secure certain public improvements required pursuant to the Final PUD; and

**WHEREAS**, the Developer is requesting that the Letter of Credit for the community septic system be reduced and released to more accurately reflect that all the required work has been fully completed and performed; and

**WHEREAS**, based on the recommendation of the Lake County Health Department, all of the remaining elements of the improvements for which the Letter of Credit were required have been satisfactorily completed and approved by the Health Department, thereby warranting the first reduction and full release of the Letter of Credit from \$263,935.00 to the principal amount of \$00.00 (zero); and

**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 Credits with a face amount of \$263,935.00 shall be and are hereby reduced and fully released to the amount of \$00.00 (zero). 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.

**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**  
Lake County Health Department Recommendation



Health Department and  
Community Health Center

Tony Beltran, MBA  
Executive Director

Population Health Services  
500 W. Winchester Rd., Suite 102  
Libertyville, Illinois 60048  
Phone: 847-377-8020  
Fax: 847-984-5622

November 21, 2013

David Lothspeich  
Village Manager Long Grove  
3110 RFD Old McHenry Rd.  
Long Grove, IL 60047

Re: Eastgate Estates Subdivision

Dave:

This office was notified by Art Olsen on November 18, 2013 that he has been retained for three years as the service provider for the community septic system and that the system is currently operating within established guidelines. This completes the approval requirements for the Health Department. No outstanding Health Department items remain for this project.

Beginning in January 2014, reports of system inspection and servicing, and effluent sampling are required to be submitted to the Health Department a minimum of 2 times per calendar year, approximately six months apart.

If you have any questions, feel free to contact me at 847-984-5008.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Copenhaver". The signature is fluid and cursive, with a large initial "T" and "C".

Tom Copenhaver, LEHP, CPSS  
Onsite Wastewater Treatment System Program Coordinator

**Arthur R. Olson**

302 Katie Lane  
McCormick, SC 29835  
(847) 651-1150

24W561 Mallard Court  
Naperville, Il. 60540  
arthuroolson@gmail.com

Re: Eastgate Estates

November 18, 2013

Tom Copenhaver  
Lake County Health Department  
Lake County, Illinois

Dear Tom:

The Eastgate Estates Community Septic System is operating within established guidelines. Minor problems have been encountered with one pump in an individual tank which pump is being replaced. I have been retained for the next three years to maintain the system. If you have any questions feel free to contact me at any time.

Thanks,

Arthur R. Olson PE, PLS

November 15, 2013

To: Village of Long Grove  
3110 Old McHenry Road  
Long Grove, Illinois 60047

From: Bluff Court, Inc.  
1351 Abbott Court  
Suite B  
Buffalo Grove, Illinois 60089

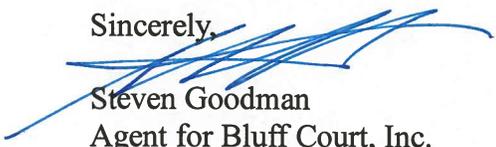
Re: Eastgate Subdivision

Dear Village President Underwood, Village Board and Village Manager,

Bluff Court, Inc. is currently the contract purchaser for the two remaining lots 3 and 9 in Eastgate Subdivision. Included in the purchase agreement is that Bluff Court will receive all rights as declarant for the remainder of the subdivision.

It is Bluff Court, Inc. understanding that the letter of credit for the septic is due to be released January 2014. Bluff Court Inc. is working with Art Olson whom installed and maintained this system since its conception. Mr. Olson will make his final reports to Lake County Health Department and if Mr. Olson and the Lake County Health Department gives this system a favorable report and both agree the Letter of credit should be released. Bluff Court, Inc. is requesting that the Village board on the 10<sup>th</sup> of December agrees to release the letter of credit to the Bank. The balance of the letter of credit if any will be replaced by Bluff Court, Inc. in the form of a cash deposit so the bank can be released of their obligations and the sale can take place. For any further questions, you can contact Steven Goodman at 847-917-6550, the agent for Bluff Court, Inc.

Sincerely,



Steven Goodman  
Agent for Bluff Court, Inc.



RECEIVED

NOV 18 2013

VILLAGE OF LONG GROVE

November 14, 2013

Village of Long Grove

Attn: David Lothspeich

3110 RFD

Long Grove, Illinois 60047-9635

RE: Letter of Credit SB1000001166 for \$263,835.00

Dear Mr. Lothspeich,

FirstMerit Bank would like to formally request release of the above referenced Letter of Credit in the amount of \$263,835.00 upon the posting of a cash bond in the same amount by Bluff Ct. Inc. FirstMerit Bank has entered into an agreement to sell the final two lots to Bluff Ct. Inc. The agreement calls for Bluff Ct. Inc. to then be responsible for the subdivision and release of the cash bond to the satisfaction of the Village of Long Grove.

In addition, FirstMerit Bank will be requesting release of the \$5000.00 it has posted with the Village of Long Grove for plan reviews and the \$4,230.00 that is on retention from the performance bond.

If you have any questions, please feel free to contact me at 708-273-8605.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas Hackett". The signature is fluid and cursive, with a prominent loop at the end.

Thomas Hackett

Senior Vice President