

Item #5:
Resolution Further Reducing & Releasing Menards LOC

**VILLAGE OF LONG GROVE
RESOLUTION NO. 2011-R-__**

**A RESOLUTION AUTHORIZING THE FIFTH
REDUCTION AND RELEASE OF THE LETTERS OF CREDIT FOR
MENARDS RETAIL DEVELOPMENT, MENARD INC.**

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, Menard, Inc. ("**Developer**") provided to the Village Letters of Credit No's: SLCMMSP04820; and SLCMMSP04842; totaling \$12,803,616.93 ("**Letters of Credit**") to secure public improvements required pursuant to that Ordinance approving the planned unit development for the Menard's Retail Development PUD;

WHEREAS, based on the recommendation of the Village Engineer, various elements of the improvements for which the Letter of Credit was required had been satisfactorily completed and approved by the Village, thereby warranting a partial reduction in the Letters of Credit from the principal amount of \$12,803,616.93 to \$3,562,847.08 on March 24, 2009;

WHEREAS, based on the recommendation of the Village Engineer, various elements of the improvements for which the Letter of Credit was required had been satisfactorily completed and approved by the Village, thereby warranting a second partial reduction in the Letters of Credit from the principal amount of \$3,562,847.08 to \$2,551,531.73 on August 25, 2009;

WHEREAS, based on the recommendation of the Village Engineer, various elements of the improvements for which the Letter of Credit was required had been satisfactorily completed and approved by the Village, thereby warranting a third partial reduction in the Letters of Credit from the principal amount of \$2,551,531.73 to \$1,849,839.23 on April 13, 2010;

WHEREAS, based on the recommendation of the Village Engineer, various elements of the improvements for which the Letter of Credit was required had been satisfactorily completed and approved by the Village, thereby warranting a fourth partial reduction in the Letters of Credit from the principal amount of \$1,849,839.23 to \$1,163,965.18 on October 12, 2010;

WHEREAS, the Developer is requesting that the Letters of Credit be reduced a fifth time and eliminated to more accurately reflect the completion of all the remaining work; and

WHEREAS, based on the recommendation of the Village Engineer dated October 19, 2011 and subject to the satisfactory completion of the outstanding punchlist items, the various elements of the improvements for which the Letters of Credit were required have been satisfactorily completed and approved by the Village, thereby warranting a fifth and final reduction/release of the remaining in the Letters of Credit from the principal amount of \$1,163,965.18 to \$00.00 (zero);

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/Release of Letter of Credit. The Letters of Credit with a face amount of \$1,163,965.18 shall be and are hereby reduced/eliminated 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.

EOPC title	Original EOPC Amount including Maintenance	LOC Remaining
Retail Development	\$ 6,534,610.78	\$ 0.00
Route 53 Improvement	\$ 2,242,861.50	\$ 0.00
Off-Site Sanitary	\$ 4,026,144.65	\$ 0.00
TOTALS	\$ 12,803,616.93	\$ 0.00

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; provided that this Resolution shall not take effect unless and until all outstanding fees, charges, penalties and fines due to the Village as of the date of passage shall have been paid.

PASSED this 25th day of October, 2011.

AYES: () Trustees

NAYS: ()

ABSENT: ()

APPROVED this 25th day of October, 2011.

Village President, Maria Rodriguez

ATTEST:

Village Clerk, Karen Schultheis



October 19th, 2011

David Lothspeich
Village Manager
Village of Long Grove
3110 RFD
Long Grove, Illinois 60047

**Re: Menards Letter of Credit Reduction
ESI Project # 04-026-018-01-01-00 BG #8
Letter of Credit Reduction #6-Final**

Dear Mr. Lothspeich:

Menards Incorporated has requested a reduction of the Letter of Credit for Menards Off-site and On-site Improvements. We have reviewed the project and copies of various correspondences (attached) related to the existing Letter of Credit in the amount of \$1,280,361.70.

In an e-mail from Sarah Driever Menard, Inc has requested that the Letter of Credit be reduced in a manner reflecting that all work is 110% complete on the site. There has been a detailed review and a field inspection done by ESI Consultants Ltd. We have confirmed from Lake County Stormwater Management Commission, and Lake County Public Works that the Menards Development has met all the requirements of these entities.

Please note that this is a request for reduction of the 10% maintenance letter of credit. Upon field inspection ESI has noted that there are a few sediment and erosion control measures still in place, that should be removed before the LOC can be fully reduced. Removal of the sediment log near the detention ponds at the corner of IL Route 53 and Lake Cook Road, removal of the filter bag on a beehive inlet located on the drive behind the outdoor Menards area towards the Village Soccer Park, and per the agreement between the Village of Long Grove and Menards the installation of an electric pedestal at the Village Soccer Park. Upon completion of these items ESI recommends the following.

We are recommending that the portion of the LOC described as Menards Retail Development be altered from \$594,055.53 to \$0.00. This equals the requested reduction for the Menards Retail Development

We are recommending that the portion of the LOC described as IL Route 53 Improvements be reduced from \$203,896.50 to \$0.00. This equals the requested reduction for the IL Route 53 Improvements.

We are recommending that the portion of the LOC described as Off-Site Sanitary be reduced from \$366,013.15 to \$0.00. This equals the requested reduction for the Off-Site Sanitary improvements.

In conclusion, we recommend that the total amount of the Letter of Credit be reduced after the above mentioned punchlist items are complete to a total amount of \$0.00 or approximately 0% of the original LOC. Please see the chart provided below to help clarify what amounts will be remaining in each category.

EOPC title	Original EOPC Amount including Maintenance	LOC Remaining
Retail Development	\$ 6,534,610.78	\$ 0.00
Route 53 Improvement	\$ 2,242,861.50	\$ 0.00
Off-Site Sanitary	\$ 4,026,144.65	\$ 0.00
TOTALS	\$ 12,803,616.93	\$ 0.00

Please let me know if you have any questions or would like additional information.

Sincerely,
ESI CCONSULTANTS, LTD.



Brian Witkowski, P.E.
 Enforcement Officer, Village of Long Grove

Cc David Lothspeich, Village Manager Long Grove
 Joe Chiczewski, Village Engineer, President ESI

M: Projects Long Grove 101 S. Mainards Office Correspondence LOC Reduction, Menards LOC Reduction 2013-11-14 JWC

Menards Letter of Credit Summary table

EOPC title	Original EOPC Amount including Maintenance	Requested LOC Reduction	Recommended Reduction	LOC Remaining
Retail Development	\$ 6,534,610.78	\$ 6,534,610.78	\$ 6,534,610.78	\$ -
Route 53 Improvement	\$ 2,242,861.50	\$ 2,242,861.50	\$ 2,242,861.50	\$ -
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TOTALS	\$ 12,803,616.93	\$ 12,803,616.93	\$ 12,803,616.93	\$ -







RECEIVED

SEP 30 2011

September 26, 2011

VILLAGE OF LONG GROVE VIA US MAIL

Mr. David Lothspeich
Village Hall
3110 Old McHenry Road
Long Grove, Illinois 60047

Re: Letter of Credit -- Menards

Dear Mr. Lothspeich:

The purpose of this letter is to ask that our letters of credit for the Menards On-Site and Off-Site Improvement be released. It is our understanding that the Improvements are completed and have been subject to a year of maintenance period, thus the letters of credit should be released.

If you believe that this is in error, please advise. Thank you.

Cordially,
Menard, Inc.

Sarah Driever
Corporate Counsel
Menard, Inc.
5101 Menard Drive
Eau Claire, WI 54703
Direct: (715) 876-2368
Fax: (715) 876-5998
Email: sdriever@menard-inc.com

Encl.



September 27, 2011

VIA US MAIL

Attn: Joseph Chiczewski, P.E.
Village Engineer
Village of Long Grove
3110 RFD
Long Grove, Illinois 60047

**Re: Menards Recapture Release
ESI Project #04-026-018-01-01-00 BG #8
Letter of Credit Release**

Dear Mr. Chiczewski:

This letter concerns the above listed Letter of Credit ("LOC") for Menard Off-site and On-site Improvements. I am following up after your letter dated April 12, 2010 (attached) which states that the completed Improvements continue with a 10% maintenance letter of credit for one year, at which time they are inspected again and upon final acceptance, they will be fully released. Menard, Inc. respectfully requests that the LOC be released reflecting that all work is complete and the maintenance period has expired.

If you have any questions, my contact information is provided below. Thank you.

Sincerely,
Menard, Inc.

A handwritten signature in blue ink that reads "Sarah Driever".

Sarah Driever
Corporate Counsel
Menard, Inc.
5101 Menard Drive
Eau Claire, WI 54703
Direct: (715) 876-2368
Fax: (715) 876-5998
Email: sdriever@menard-inc.com

Encl.



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Brian Witkowski, P.E.
 Enforcement Officer, Village of Long Grove

Cc David Lothspeich, Village Manager Long Grove
 Joe Chiczewski, Village Engineer, President ESI

Work performed under contract with the Village of Long Grove, Illinois. ESI is not responsible for the accuracy of the information provided in this document.

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ESI

www.esiconsultantsltd.com



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Sarah Driever
Corporate Counsel
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Sarah Driever
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Encl.