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VILLAGE OF LONG GROVE

July 2, 2010

✉Via E-mail

dlothspeich@longgrove.net

David Lothspeich
Village of Long Grove
3110 Old McHenry Road
Long Grove, IL 60049

RE: Indian Creek Homeowners Association
CNR/GTC Voluntary Mitigation Agreement
Our File No. 20-207

Dear Mr. Lothspeich,

This office is counsel to the Indian Creek Homeowners Association. The Board of Directors has advised me of the facts and circumstances surrounding the efforts of CNR/GTC to enter into a voluntary mitigation agreement with the Village of Long Grove, and the nature of Indian Creek's involvement in that process. I do have a working understanding of the terms and mechanics of the anticipated agreement.

The purpose of this correspondence is to acknowledge Indian Creek's preliminary approval of the proposed mitigation agreement, to set forth Indian Creek's assumptions concerning the agreement, and to express its remaining expectations and concerns. Those are (not necessarily in order of importance) as follow:

Indian Creek's approval assumes that: (1) the Village will allocate no less than \$112,000.00 to costs and expenses of mitigation appurtenant to Indian Creek, and (2) the Village will partner with Indian Creek in developing solutions that minimize permitting and engineering expenses. Indian Creek intends to apply for mitigation funding for itself and on behalf of the four homeowners that are eligible to do so directly, so as to realize the economies of scale and the engineering benefits of a cohesive project.

Indian Creek expects that it and the Village will create and enter into a separate, written memorandum of agreement setting forth the manner in which mitigation funds will be managed and disbursed. Indian Creek seeks assurances that it will not be required to advance or borrow funds in connection with mitigation improvements.

Marc K. Schwartz* • Daniel A. Wolf • Howard Bernstein
Jill Rappin • Rebecca J. Whitcombe

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Indian Creek requests that the Village coordinate with Commonwealth Edison (and any other applicable utilities) to stake out their easements, and that the Village advise Indian Creek of any restrictions governing improvements upon or adjacent to those easements.

Indian Creek requests the Village use its best efforts to ensure that its final written mitigation agreement with CNR/GTC address the following issues:

- a. As presently stated, CNR/GTC's obligation to fund measures required to maintain the existing quiet zone within the Village is limited to ten (10) years from the date of acquisition. This period should be significantly expanded - preferably with an indefinite time frame.
- b. The mitigation agreement should contain (either directly or by express reference to appropriate separate documentation) easement provisions to ensure the unimpeded transportation and delivery of materials and plants across CNR/GTC property to the site of mitigation improvements.
- c. The mitigation agreement should require CNR/GTC to stake off the boundaries of its property.
- d. The mitigation agreement should contain CNR/GTC's agreement to provide, to the extent reasonably necessary, its managerial and financial cooperation in addressing grading, drainage and other improvements which arise in connection with mitigation and which mutually impact the parties' respective properties.

Indian Creek appreciates the Village's efforts in this matter, and looks forward to the continued cooperation of the people and entities involved.

Very truly yours,

SCHWARTZ WOLF & BERNSTEIN LLP

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cc: Bill Jacob
Tom Wessberg
Mike Greeby