

## RESOLUTION NO. 2020-69

**A RESOLUTION APPROVING A BILL OF SALE  
FOR THE ACCEPTANCE OF PUBLIC IMPROVEMENTS AND  
THE REDUCTION OF THE PUBLIC IMPROVEMENT LETTER OF CREDIT FOR  
THE BATAVIA ROAD FOUR-LOT SUBDIVISION PROJECT  
(30W276-30W250 BATAVIA ROAD)**

WHEREAS, on October 3, 2016, the City Council adopted Ordinance No. 3031, approving a final plat of subdivision for the Batavia Road Four-Lot Subdivision Project ("**Subdivision**"), which Subdivision consist of the property commonly known as 30W276 to 30W250 Batavia Road, in the City ("**Subject Property**"); and

WHEREAS, in connection with the approval of the final plat for the Subdivision, Main Street Homes, LLC ("**Developer**") agreed to construct certain public improvements associated with the Subdivision ("**Public Improvements**") as described in the Bill of Sale attached to and, by this reference, made a part of this Resolution as Exhibit A ("**Bill of Sale**"); and

WHEREAS, in accordance with the Subdivision Control Ordinance ("**Subdivision Control Ordinance**"), the Developer posted a letter of credit in the amount of \$49,869.60 to secure the completion of the Public Improvements ("**Performance Security**"); and

WHEREAS, on June 18, 2018, the City Council adopted Resolution No. 2018-24, approving the reduction of the Performance Security to \$31,750.92; and

WHEREAS, Section 6.09.C of the Warrenville Subdivision Control Ordinance ("**Subdivision Control Ordinance**") provides that upon completion of the Public Improvements by the Developer, the Developer must post security for the maintenance and repair of the Public Improvements in the amount of 10 percent of the total cost of the Public Improvements ("**Maintenance Security**"); and

WHEREAS, on October 7, 2020, the Developer submitted to the City a written request to reduce the Performance Security by \$27,217.32 to the Maintenance Security amount of \$4,533.60; and

WHEREAS, the Public Improvements covered by the Performance Security have been inspected by Senior Civil Engineer Kristine Hocking, and Engineer Hocking recommends the Performance Security be reduced to the Maintenance Security amount of \$4,533.60 in accordance with Section 6.09.C of the Subdivision Control Ordinance; and

WHEREAS, the Developer desires to transfer to the City, and the City desires to accept from the Developer, ownership in the Public Improvements; and

WHEREAS, the Developer has executed the Bill of Sale for the transfer of ownership of the Public Improvements from the Developer to the City; and

WHEREAS, the Mayor and the City Council have determined that it is in the best interest of the City and the public to reduce the Performance Security and approve the Bill of Sale with the Developer in accordance with the provisions of this Resolution;

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NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF WARRENVILLE, DUPAGE COUNTY, ILLINOIS, AS FOLLOWS:

SECTION 1: Recitals. The recitals listed above are incorporated in this Resolution as if fully set forth in this Resolution.

SECTION 2: Reduction of Performance Security. The City Council hereby authorizes the reduction of the Performance Security to the Maintenance Security amount of \$4,533.60, which amount will be retained by the City for the two-year maintenance period in accordance with Section 6.09 of the Subdivision Control Ordinance.

SECTION 3: Acceptance and Approval of the Bill of Sale. The City shall, and does hereby, accept ownership of the Public Improvements. The Bill of Sale by and between the City and the Developer shall be, and is hereby, approved in substantially the form attached to this Resolution as Exhibit A.

SECTION 4: Effective Date. That this Resolution shall be in full force and effect from and after its passage and approval in the manner provided by law.

PASSED THIS \_\_\_\_ day of \_\_\_\_\_, 2020.

AYES:  
NAYS:  
ABSENT:  
ABSTAIN:

APPROVED THIS \_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

{00117312.1}

**EXHIBIT A**  
**BILL OF SALE**

{00117312.1}

**BILL OF SALE**

**Main Street Homes, LLC**, a Limited Liability Company with its principal place of business at 301 South County Farm Road, Suite A, Wheaton, IL 60187 ("**Grantor**"), in consideration of Ten and no/100 Dollars (\$10.00), the sufficiency and receipt of which is hereby acknowledged, does hereby sell, assign, transfer and set over to the **CITY OF WARRENVILLE**, an Illinois home rule municipal corporation, with its principal place of business at 28W701 Stafford Place, Warrenville, Illinois 60555 ("**Grantee**"), the personal property listed and described on **Exhibit A**, attached to and, by this reference, made a part of this Bill of Sale ("**Public Improvements**").

The Grantor hereby represents and warrants to the Grantee that the Grantor is the absolute owner of the Public Improvements, that the Public Improvements are free and clear of all liens, charges and encumbrances, and that the Grantor has full right, power and authority to sell the Public Improvements and to make this bill of sale.

If this bill of sale is signed by more than one person, all persons so signing shall be jointly and severally bound hereby.

IN WITNESS WHEREOF, Grantor has signed and sealed this bill of sale at St. Charles, IL, this 27<sup>th</sup> day of October, 2022.

**Main Street Homes, LLC**  
a Limited Liability Company

By: [Signature]

Print Name: Benny Toch

As Its: VICE PRESIDENT

STATE OF ILLINOIS        )  
  ) ss:  
COUNTY OF KNOW        )

The foregoing instrument was acknowledged before me on October 27, 2022, by RANDY TOCH VICE PRESIDENT of **Main Street Homes, LLC**, Limited Liability Company, who is known to me to be the person who signed the foregoing instrument as such VICE PRESIDENT of the company for and on behalf of said company, and that he/she executed the same as his/her free and voluntary act and deed, and as the free and voluntary act and deed of the corporation, for the uses and purposes therein mentioned.

SEAL



[Signature]  
Notary Public

My Commission expires: 06/06/22

**EXHIBIT A**

**PUBLIC IMPROVEMENTS**

1. That certain storm sewer system constructed with in the 5' Public Utility Easement with in Lot 4 as recorded in the Final Plat of Subdivision R2017-039792 and Plat of Easement R2020-\_\_\_\_\_, including but not limited to approximately 517 lineal feet of 12" PVC storm sewer, four 2' diameter inlets, four 2' diameter catch basins, and all pipes and appurtenances thereto, currently located above and below the ground within the limits of the City of Warrenville.

# CITY OF WARRENVILLE

## MEMO

TO: Randy Yoch (*via e-mail*)  
FROM: Kristine Hocking, Senior Civil Engineer *KH*  
SUBJECT: 30W150 BATAVIA ROAD 4 LOT SUBDIVISION – SECURITY REDUCTION  
REQUEST TO 2-YEAR MAINTENANCE  
DATE: November 10, 2020

The purpose of this memorandum is to summarize the current status of this project as well as review the security reduction request.

**Final Inspection and Punch List:** All issues have been addressed.

**As-Built Plans:** The City received an as-built survey dated August 27, 2020, prepared by Haeger Engineering, LLC and approved it on September 9, 2020.

**Bill of Sale:** A bill of sale for each lot was executed by Main Street Homes, LLC on October 27, 2020.

**Security:** The current Letter of Credit #147 from TrustBank is for \$31,750.92.

A formal letter requesting the acceptance of public improvements (storm) and reduction to 2-year maintenance was received from Randy Yoch of Main Street Homes, LLC on October 7, 2020. The reduction requested is to reduce the bond to the 10% surety amount of \$4,533.60. City staff has reviewed the request and find it is acceptable. M/I Homes provide an executed Bill of Sale for the Public Improvements.

The 10% City surety must remain in place until the end of the required two-year maintenance period following final acceptance by the City Council.



October 7, 2020

City of Warrenville  
Attn: Kristine Hocking  
3S258 Manning Avenue  
Warrenville, IL 60555

RE: Batavia Road Subdivision  
Letter of Credit Reduction Request

Dear Mrs. Hocking,

Main Street Homes, LLC is formally requesting a Letter of Credit reduction for Batavia Road Subdivision to 10% of the total cost of the public improvements for a 2-year period. An as-built plan has been approved and the public improvements have been inspected by the City and found to be complete. This will warranty that all of the public improvements associated with this this Letter of Credit, will remain free from any and all defects of any kind, will be in accordance with the approved plans and will function as intended and designed for a period of two years after the date of acceptance. Therefore, I am formally requesting the original Letter of Credit of \$49,869.60 to be reduced to \$4533.60. ~~original Letter of Credit of \$49,8~~

Sincerely,

Main Street Homes, LLC

301 South County Farm Rd.  
Suite A  
Wheaton, IL 60187  
[rsyock@aol.com](mailto:rsyock@aol.com)  
708-287-3807