

RESOLUTION NO. 2020-71

**A RESOLUTION APPROVING
THE REDUCTION OF THE PUBLIC IMPROVEMENT BOND
(DUKE REALTY BUTTERFIELD EAST UNIT SIX DETENTION POND – 3S660 ILLINOIS
ROUTE 59)**

WHEREAS, on August 21, 2017, the City Council adopted Ordinance No. 2017-52, approving a final plat of consolidation for the Duke Realty Butterfield East Unit 6 Consolidation (“**Consolidation**”), which Consolidation consists of the property commonly known as 3S660 Illinois Route 59, Warrenville, Illinois (“**Subject Property**”); and

WHEREAS, in connection with the approval of the final plat for the Consolidation, Duke Realty (“**Developer**”) agreed to construct certain public improvements associated with the Subdivision including a stormwater detention pond (“**Public Improvements**”); and

WHEREAS, Section 8-13-1 of the Warrenville City Code adopts the “DuPage County Countywide Stormwater and Floodplain Ordinance”, effective May 14, 2019 (“**County Ordinance**”) as the ordinance for the City regulating stormwater management; and

WHEREAS, in accordance with the County Ordinance, the Developer posted a bond (“**Developer Bond**”) in the amount of \$474,587 to secure the completion of the Public Improvements (“**Performance Security**”); and

WHEREAS, Article VI of the County Ordinance provides that requests to reduce the Performance Security for up to 90 percent of the value of the completed public improvements may be approved; and

WHEREAS, on October 28, 2020, the Developer submitted to the City a written request to reduce to the Performance Security amount to \$66,394; and

WHEREAS, TZBP Warrenville, LLC, is the owner of the Subject Property (“**Owner**”), proposes to assume responsibility for the Public Improvements and post a bond for the Performance Security amount of \$66,394; and

WHEREAS, the completed Public Improvements have been inspected by Senior Civil Engineer Kristine Hocking, and Engineer Hocking recommends the Performance Security be reduced to \$66,394 in accordance with the County Ordinance; 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 in accordance with the provisions of this Resolution;

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.

{00117367.1}

SECTION 2: Reduction of Performance Security. The City Council hereby authorizes the reduction of the Performance Security to the amount of \$66,394, in accordance with the County Ordinance. The City Council further authorizes the release of the Developer Bond only upon receipt by the City of a bond from Owner in the Performance Security amount of \$66,394.

SECTION 3: 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

CITY OF WARRENVILLE

MEMO

TO: Carolina Avila, Duke Realty (*via e-mail*)
FROM: Kristine Hocking, Senior Civil Engineer *KH*
SUBJECT: DUKE BUTTERFIELD EAST UNIT 6 DETENTION POND – PROJECT
STATUS & BOND REDUCTION REQUEST
DATE: November 10, 2020

City staff has received the attached Bond Reduction Request for Butterfield East Unit 6 Detention Basin dated October 28, 2020. Below is a summary of project status and the bond reduction request.

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

As-Built Plans: The City received an as-built survey dated March 6, 2018, prepared by Webster, McGrath, & Ahlberg Ltd and approved it on October 30, 2020.

Security: The current Performance and Payment Bond #300184967 from Western Surety Company in an amount of \$474,587.00 for the required public improvements.

The reduction requested is to reduce the bonds by \$408,184.00 to a new amount of \$66,394.00 to complete the required 3-year Monitoring and Maintenance of the native plantings of the detention pond. City staff has reviewed the request and finds it acceptable.

After the detention pond meets the performance criteria as outlined in the Stormwater Report and DuPage County Stormwater and Floodplain Ordinance, a final inspection will be held. At that time, the security bonds may be reduced to the 10% City maintenance surety, which must remain in place until the end of the required two-year maintenance period following final acceptance by the City Council.



1301 W. 22nd Street, Suite 800
Oak Brook, IL 60523
847.232.5400
dukerealty.com

October 28, 2020

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

RE: Butterfield East – Unit 6 – Detention Basin
Bond Reduction Request
Bond #300184967

Dear Mrs. Hocking,

Duke Realty is formally requesting a performance and payment bond reduction for Butterfield East – Unit 6 – Detention Basin. A record drawing has been submitted for approval by the City for the public improvements shown in the record drawing. I understand that these items will be reduced for up to ninety percent (90%) of the value of the improvements. I also understand that one surety reduction will be processed every eight (8) months by the City of Warrenville with no additional fees due and that a \$400.00 processing fee will be charged by the City for each additional surety reduction request during such eight (8) month period. Therefore, I am formally requesting the original performance and payment bond #300184967 of \$474,587 to be reduced to \$66,394. As a result of our sale of the property we request that the obligation to maintain the bond be transferred to the new owner.

Thank you,
DUKE REALTY

A handwritten signature in blue ink, appearing to read "Carolina Avila".

Carolina Avila
Senior Property Manager

Cc: Matt Roberts, via-email
Lisa Starcevich, via-email



WEBSTER, McGRATH AHLBERG, LTD.

LAND SURVEYING - CIVIL ENGINEERING - LANDSCAPE ARCHITECTURE
207 S. NAPERVILLE RD, WHEATON, IL 60187

ENGINEER'S ESTIMATE OF PROBABLE COSTS

Date: 9/12/2017

Butterfield East - Unit 6 - Detention Basin

ITEM DESCRIPTION	QTY	UNIT	UNIT COST	ITEM COST
Clear and Grub Site - Tree Removal	3.8	AC	1,000	\$ 3,800
Strip Topsoil - Pond and Pond Embankment	12,540	CY	4	\$ 50,160
Clay Excavate and Embank	900	CY	6	\$ 5,400
Clay Excavate and Haul off	4800	CY	30	\$ 144,000
Street Cleaning	1	LS	2,500	\$ 2,500
Topsoil Respread (Assumes no Haul Off)	6100	CY	3	\$ 18,300
Silt Fence	2056	LF	4	\$ 8,224
Sediment Filter Basket in each inlet	3	EA	150	\$ 450
Erosion Control Blanket	11,133	SY	4	\$ 44,532
Ditch Check	3	EA	800	\$ 2,400
Rip Rap at Outlets	3	EA	2,000	\$ 6,000
Construction Entrance	1	EA	2,500	\$ 2,500
Remove Ex. 36" RCP	134	LF	15	\$ 2,010
42" RCP w/Bedding & Backfill	469	LF	80	\$ 37,520
15" RCP	67	LF	62	\$ 4,154
5-ft CB Type A	4	EA	4,100	\$ 16,400
15" Flared End Section	2	EA	1,500	\$ 3,000
42" Flared End Section	1	EA	2,000	\$ 2,000
Basin Trees	52	EA	400	\$ 20,800
Basin Shrubs	9	EA	175	\$ 1,575
Emergent Seeding	0.62	AC	6,000	\$ 3,720
Emergent Plantings	3369	EA	4.25	\$ 14,318
Shoreline Seeding	0.22	AC	6,000	\$ 1,320
Shoreline Plantings	814	EA	4.25	\$ 3,460
Prairie Seeding	1.93	AC	5,000	\$ 9,650
Basin and Buffer Restoration Monitoring	3	YR	1,750	\$ 5,250
Basin and Buffer Restoration Maintenance - Fire Management	3	YR	2,500	\$ 7,500
Basin and Buffer Restoration Maintenance - Herbicide Application	3	YR	1,500	\$ 4,500
Basin and Bufer Restoration Maintenance - Mowing	3	YR	2,000	\$ 6,000
Subtotal				\$ 431,443 \$23,250
10% Contingency				\$ 43,144.28
Total				\$ 474,587 \$66,394