

RESOLUTION NO. R2023-07

A RESOLUTION APPROVING THE REDUCTION OF THE SECURITY BOND FOR THE LEXINGTON TRACE UNIT 3 SUBDIVISION

WHEREAS, on August 1, 2022, the City Council adopted Ordinance No. 2022-29, approving a special use permit for a planned unit development, a final plan of planned unit development, and a final plat of subdivision (collectively, "**Approvals**") to allow the construction of six six-unit townhome buildings, sidewalk and common open space improvements, a private access drive, a stormwater retention facility and associated landscaping (collectively, "**Proposed Unit 3 Development**") on an approximately 3.43-acre parcel of real property located at the southwest corner of Butterfield Road and Barkley Avenue, in the City of Warrenville, ("**Subject Property**"); and

WHEREAS, in connection with the Approvals, Lexington Homes, LLC ("**Developer**") agreed to construct certain public improvements associated with the Development ("**Public Improvements**") and posted Performance and Payment Bonds in the amount of \$902,694.69 to secure the completion of the Public Improvements ("**Performance Security**"); and

WHEREAS, Section 6.08 of the Warrenville Subdivision Control Ordinance ("**Subdivision Control 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, Developer submitted to the City a written request to reduce the Performance Security by \$599,040.36 to the new Performance Security amount of \$303,654.33 based on the value of the Public Improvements that have been completed ("**Completed Public Improvements**"); and

WHEREAS, the Completed Public Improvements have been inspected by Senior Civil Engineer Kristine Hocking, and Engineer Hocking recommends that the Performance Security be reduced to \$303,654.33 in accordance with Section 6.08 of the Subdivision Control Ordinance; and

WHEREAS, the Mayor and the City Council have determine 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.

SECTION 2: Reduction of Performance Security. The City Council hereby authorizes the reduction of the Performance Security to \$303,654.33 in accordance with Section 6.08 of the Subdivision Control Ordinance.

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.

[Signatures and Voting Record on Following Page]

PASSED THIS ____ day of _____, 2023.

AYES:

NAYS:

ABSENT:

ABSTAIN:

APPROVED THIS ____ day of _____, 2023.

MAYOR

ATTEST:

CITY CLERK

CITY OF WARRENVILLE

MEMO

TO: Mayor, City Council, and City Administrator White
FROM: Kristine Hocking, Senior Civil Engineer *KH*
SUBJECT: LEXINGTON TRACE UNIT 3 SUBDIVISION –
BOND REDUCTION REQUEST NO. 1
DATE: January 31, 2023

City staff has received the attached Bond Reduction Request No. 1 for Lexington Trace Unit 3 Subdivision dated December 13, 2022. Lexington Trace 2, LLC provided Performance and Payment bonds (#800139466) from Atlantic Specialty Insurance Company in an amount of \$902,694.69 for public improvements.

The reduction requested is to reduce the bonds by \$599,040.36 to a new amount of \$303,654.33. City staff has reviewed the request and finds it acceptable. This new amount represents 100% of all incomplete items, 10% retainage of any completed items and 10% City surety for all items. One surety reduction will be processed every eight (8) months by the City with no additional fees due. If an additional surety reduction is requested during those eight (8) months, then a \$400.00 processing fee will apply.

After all of the remaining public improvement work has been completed, a final inspection has been held, the as-built plans have been approved and the bill of sale has been executed, the security bond may be reduced to the 10% City surety, which must remain in place until the end of the required two-year maintenance period following final acceptance by the City Council.

VIA E-MAIL

December 13, 2022

Kristine Hocking
Senior Civil Engineer
City of Warrenville - Engineering
3S258 Manning Ave
Warrenville, IL 60555

**RE: Lexington Trace Unit 3 – Performance Bond Reduction Request
Completion of Construction Items
Haeger File No.: 21-041**

Ms. Hocking:

Lexington Homes is formally requesting a performance bond reduction for Lexington Trace Unit 3.

We understand that these items will be reduced for up to ninety percent (90%) of the value of the improvements. We 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.

This is the first bond reduction request for Lexington Trace Unit 3. We are formally requesting a reduction to the original Performance Bond of \$902,694.69 to be reduced to **\$303,654.33**.

Should you have any questions or if additional information is needed, please contact me at (847) 230-3177.

Sincerely,

HAEGER ENGINEERING, LLC



Daniel Vanek, PE
Project Manager
