
This Space for Recorder of Deeds

Ordinance No. 99- 51

AN ORDINANCE ACCEPTING THE DEDICATION OF PUBLIC IMPROVEMENTS FOR BRECKENRIDGE ESTATES SUBDIVISION, PLATS 5 and 6, AND RELEASING SECURITY THEREFOR, EXCEPT FOR CERTAIN SIDEWALKS THEREIN, AND APPROVING A REDUCTION IN THE AMOUNT OF THE LETTER OF CREDIT SECURING CONSTRUCTION OF PUBLIC IMPROVEMENTS AS TO PLAT 6 OF BRECKENRIDGE SUBDIVISION AND THE SIDEWALKS IN PLATS 2, 3 AND 4

WHEREAS, Breckenridge Development Corporation has completed the construction of public improvements in Breckenridge Estate Subdivision, Plats 5 and 6, except for certain sidewalks as yet to be constructed therein; and such improvements have been inspected and approved by the Consulting Engineers for the Village as set forth in a letter dated August 2, 1999 attached hereto as Exhibit A-1;

WHEREAS, Breckenridge Development Corporation has executed a dedication of public improvements with respect to Plats 5 and 6, in the form mandated by the Village of

Chatham Subdivision Ordinance, a copy of which Dedications are attached hereto as Exhibits B and C;

WHEREAS, as set forth in correspondence from the consulting engineers for Breckenridge Development Corporation attached hereto as Exhibit A-2, said Corporation is amenable to allowing the security for Plat 6 to stand as security for the remaining sidewalks as yet to be constructed in Plats 2, 3, and 4;

WHEREAS, the consulting engineers for the Village, as indicated on the face of Exhibit A-1 and A-2, have approved the reduction of the letter of credit securing construction of improvements for Plat 6 and the remaining sidewalks in Plats 2, 3 and 4 to the sum of \$28,125;

WHEREAS, Illinois National Bank has provided a letter of credit no. 9906003 in the amount of \$28,125.00 to secure the remaining improvements in Plat 6; a copy of the letter of credit is attached as Exhibit "D"; however, the letter of credit is not precisely in the form mandated by the Village of Chatham Subdivision Ordinance in that it does not automatically renew from year to year unless a notice of nonrenewal is provided to the Village at least 60 days prior to its expiration;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF CHATHAM, SANGAMON COUNTY, ILLINOIS, AS FOLLOWS:

SECTION 1: The Dedications of Public Improvements attached hereto as Exhibit B, and C, are hereby approved. The Village of Chatham accepts the public works


in Breckenridge Estates Subdivision, Plats 5 and 6 with the exception of certain sidewalks which have not as yet been constructed.

SECTION 2: The security for public improvements in Breckenridge Estates Subdivision, Plats 5 and 6 is hereby released, except for the amount of \$28,125, with the understanding that said security shall also stand as security for construction of the remaining sidewalks in Breckenridge Estates Subdivision, Plats 2, 3, and 4. Upon receipt from Illinois National Bank of an amended letter of credit No. 9906003 in such amount providing for automatic renewals from year to year in the form provided by the subdivision ordinance, such amended letter of credit is approved.

SECTION 3: The Clerk shall record the original of the Dedications, Exhibit B, and C, with the Recorder of Deeds of Sangamon County, Illinois.

SECTION 4: This Ordinance is effective immediately.

PASSED this 26 day of October, 1999.


VILLAGE PRESIDENT *P120 7611*
11/9/99

ATTEST:


Village Clerk

AYES: 4
NAYS: 0

PASSED: 10/26/99
APPROVED: _____

ABSENT: Williamson, Franke

ORDINANCE CERTIFICATE

STATE OF ILLINOIS)
) SS.
COUNTY OF SANGAMON)

I, the undersigned, do hereby certify that I am the duly qualified and acting Village Clerk of the Village of Chatham, Sangamon County, Illinois.

I do further certify that the ordinance attached hereto is a full, true, and exact copy of Ordinance No. 99-___, adopted by the President and Board of Trustees of said Village on the ___ day of _____, 1999, said Ordinance being entitled:

AN ORDINANCE ACCEPTING THE DEDICATION OF PUBLIC IMPROVEMENTS FOR BRECKENRIDGE ESTATES SUBDIVISION, PLATS 5 and 6, AND RELEASING SECURITY THEREFOR, EXCEPT FOR CERTAIN SIDEWALKS THEREIN, AND APPROVING A REDUCTION IN THE AMOUNT OF THE LETTER OF CREDIT SECURING CONSTRUCTION OF PUBLIC IMPROVEMENTS AS TO PLAT 6 OF BRECKENRIDGE SUBDIVISION AND THE SIDEWALKS IN PLATS 2, 3 AND 4

I do further certify that prior to the making of this certificate, the said Ordinance was spread at length upon the permanent records of said Village, where it now appears and remains.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said Village this ___ day of _____, 1999.

Village Clerk



GREENE & BRADFORD, INC.
OF SPRINGFIELD
CONSULTING ENGINEERS

3501 CONSTITUTION DRIVE
SPRINGFIELD, ILLINOIS 62707
(217) 793-8844
(217) 793-6227 FAX

August 2, 1999

Mr. John Myers
RABIN, MYERS & HANKEN, P.C.
P.O. Box 1858
1300 South 8th Street
Springfield, IL 62705-1858

RE: Plats 5 & 6 Release
Breckenridge Estates
G&B# 93195

Dear John:

I have reviewed Tom Bartolomucci's letter dated July 19, 1999, and determined that our punch list for the above subdivision to be completed (excluding the sidewalk).

If the Letter of Credit to you is in satisfactory form for Plats 5 and 6, I am sending you the Developers "Deed of Dedication" instruments for the August 10, 1999 Village meeting.

If you have any questions, please contact me at our office.

Respectfully,
GREENE & BRADFORD, INC.

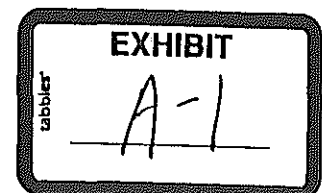
Jay Jessen

Jay Jessen, P.E.

xc: Tom Bartolomucci / Gary Salefski - Coombe Bloxdorf
Del McCord - Village of Chatham

JJ/srf

J:\93195\CORRES\lr to myers from jej 8-2-99.wpd



JUL 27 1999

COOMBE - BLOXDORF, P.C.

Engineers/Land Surveyors/Planners

1323 South First Street • Springfield, Illinois 62704

(217) 544-8477 • Fax (217) 544-8483

July 19, 1999

Mr. Jay Jessen, P.E.
Green and Bradford, Inc.
3501 Constitution Drive
Springfield, Illinois 62707

Re: Bond Release
Deed of Dedication
Plats 5 & 6, Breckenridge

Dear Jay:

Al Young and George Stelle would like to update bonds on Plat 5 and 6 of Breckenridge Subdivision.

As to date, Section A-4 (Deed of Dedication) of the Subdivision Ordinance has been executed.

Included herein are "Deed of Dedications" for the acceptance of Plats 5 and 6.

I understand from your meeting with Gary Salefski we can combine the Bond to cover sidewalk completion of Plat 6.

Listed are the quantities of sidewalks to be built.

| | |
|--------|--------------------------------|
| Plat 2 | 430 LF |
| Plat 3 | 240 LF |
| Plat 4 | 427 LF |
| Plat 5 | 0 LF |
| Plat 6 | <u>1550 LF</u> |
| TOTAL | 2647 LF x \$8.50 = \$22,500.00 |

$\$22,500.00 \times 125\% = \$28,125.00$

We would like to transfer the entire bond of \$28,125.00 to Plat 6.

Please let me know if this is acceptable.

Very truly yours,

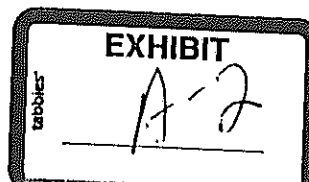
COOMBE-BLOXDORF, P.C.

Tom Bartolomucci

Tom Bartolomucci

Enclosures

TB:ka



*Acceptable
Green & Bradford
8/2/99*

**DEDICATION OF PUBLIC IMPROVEMENTS
ATTACHED TO REAL ESTATE AND BILL OF SALE FOR PERSONAL
PROPERTY FOR BRECKENRIDGE ESTATE SUBDIVISION, PLAT 6**

This Dedication and Bill of Sale is made by Breckenridge Development Corporation "Grantor" in favor of the Village of Chatham, Illinois, an Illinois municipal corporation.

WHEREAS, Grantor was the owner of certain property platted as Plat No. 6 of Breckenridge Estates Subdivision, and said Plat of Subdivision in the Village of Chatham was recorded on December 24, 1997 as documented No. 97-54065 with the Recorder of Deeds of Sangamon County, Illinois;

WHEREAS, pursuant to Section 3 of the Illinois Plat Act, the acknowledgment and recording of the Plat was a conveyance in fee simple of such portions of the platted premises as were marked and noted on the Plat as donated or granted to the public, including all easements and rights-of-way;

WHEREAS, pursuant to the Village of Chatham Subdivision Ordinance, the public improvements constructed on the platted premises are not considered to be accepted by the Village of Chatham until the requirements of the Subdivision Ordinance are met and this Dedication of Public Improvements and Bill of Sale for Personal Property is recorded by the Village of Chatham along with a resolution or ordinance accepting the dedication.

NOW, THEREFORE, in consideration of the foregoing and in consideration of the Village of Chatham's acceptance of title to and all further responsibilities with respect to the public improvements contained on said plat of said subdivision, Grantor does hereby dedicate and convey to the Village of Chatham, Illinois all of the improvements to real property included within the roadway rights-of-way depicted on said plat, including but not limited to roads, curbs, gutters and sidewalks. Grantor hereby grants, sells, transfers and delivers to the Village of



Appendix A-4 to Subdivision Ordinance

Chatham, Illinois the following goods, chattels, and other items of personal property attached to or constructed within said subdivision:

1. Each and every part and item of a system of storm sewers, within public rights of way of said plat of subdivision for the purpose of collection, transport and flow of storm waters. This transfer does not include any retention or detention works or drainage swales, ditches and depressions or storm sewers not within a public right of way which will remain the maintenance responsibility of the individual lot owners or the homeowners association, as the case may be.

2. Each and every part and item of a system for the collection, transportation and treatment of sanitary sewage installed at the direction of the Village of Chatham within said plat, excepting those pipes which transport the sewage of a single building into a sewer main and commonly known as a house or building service, and excepting those pipes dedicated to and accepted by the Springfield Metro Sanitary District.

3. Each and every part and item of a system for distribution of water installed at the direction of the Village of Chatham within said plat, except the pipes which transport water from the meter pit to a building, and commonly known as a house or building service.

4. Each and every part and item of a system for the distribution of electricity installed at the direction of the Village of Chatham within said subdivision, except the electrical equipment and wires on the user side of the electric transformer or pedestal and commonly known as a house or building service.

Grantor hereby covenants that it is the lawful owner of the aforescribed goods, chattels and personalty; that subject to the prior dedication of rights to the Village of Chatham in connection with recordation of the Plat it is the lawful owner of the aforescribed improvements to real property; and such items are free from all encumbrances; that Grantor has the right to sell the same or dedicate the same as aforesaid, and that Grantor warrants

and will defend the same or dedicate the same as aforesaid, and that Grantor warrants and will defend the same against the claims and demands of all persons.

Grantor assigns to the Village of Chatham all outstanding warranties and guaranties by any contractor or subcontractor with respect to any public works dedicated or conveyed pursuant to this instrument.


This dedication and sale is effective upon its acceptance by ordinance or resolution of the Village of Chatham, Illinois, and recordation of same with the Recorder of Deeds of Sangamon County, Illinois.

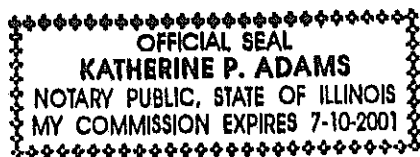
SIGNED AND ACKNOWLEDGED this 19th day of July, 1999.


Authorized Signature

SUBSCRIBED AND ACKNOWLEDGED TO before me

this 19th day of July, 1999


Notary Public



**DEDICATION OF PUBLIC IMPROVEMENTS
ATTACHED TO REAL ESTATE AND BILL OF SALE FOR PERSONAL
PROPERTY FOR BRECKENRIDGE ESTATE SUBDIVISION, PLAT 5**

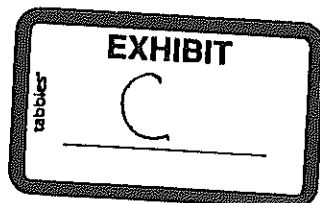
This Dedication and Bill of Sale is made by Breckenridge Development Corporation "Grantor" in favor of the Village of Chatham, Illinois, an Illinois municipal corporation.

WHEREAS, Grantor was the owner of certain property platted as Plat No. 5 of Breckenridge Estates Subdivision, and said Plat of Subdivision in the Village of Chatham was recorded on April 2, 1996 as documented No. 96-12450 with the Recorder of Deeds of Sangamon County, Illinois;

WHEREAS, pursuant to Section 3 of the Illinois Plat Act, the acknowledgment and recording of the Plat was a conveyance in fee simple of such portions of the platted premises as were marked and noted on the Plat as donated or granted to the public, including all easements and rights-of-way;

WHEREAS, pursuant to the Village of Chatham Subdivision Ordinance, the public improvements constructed on the platted premises are not considered to be accepted by the Village of Chatham until the requirements of the Subdivision Ordinance are met and this Dedication of Public Improvements and Bill of Sale for Personal Property is recorded by the Village of Chatham along with a resolution or ordinance accepting the dedication.

NOW, THEREFORE, in consideration of the foregoing and in consideration of the Village of Chatham's acceptance of title to and all further responsibilities with respect to the public improvements contained on said plat of said subdivision, Grantor does hereby dedicate and convey to the Village of Chatham, Illinois all of the improvements to real property included within the roadway rights-of-way depicted on said plat, including but not limited to roads, curbs, gutters and sidewalks. Grantor hereby grants, sells, transfers and delivers to the Village of



Appendix A-4 to Subdivision Ordinance

Chatham, Illinois the following goods, chattels, and other items of personal property attached to or constructed within said subdivision:

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2. Each and every part and item of a system for the collection, transportation and treatment of sanitary sewage installed at the direction of the Village of Chatham within said plat, excepting those pipes which transport the sewage of a single building into a sewer main and commonly known as a house or building service, and excepting those pipes dedicated to and accepted by the Springfield Metro Sanitary District.

3. Each and every part and item of a system for distribution of water installed at the direction of the Village of Chatham within said plat, except the pipes which transport water from the meter pit to a building, and commonly known as a house or building service.

4. Each and every part and item of a system for the distribution of electricity installed at the direction of the Village of Chatham within said subdivision, except the electrical equipment and wires on the user side of the electric transformer or pedestal and commonly known as a house or building service.

Grantor hereby covenants that it is the lawful owner of the aforescribed goods, chattels and personalty; that subject to the prior dedication of rights to the Village of Chatham in connection with recordation of the Plat it is the lawful owner of the aforescribed improvements to real property; and such items are free from all encumbrances; that Grantor has the right to sell the same or dedicate the same as aforesaid, and that Grantor warrants

and will defend the same or dedicate the same as aforesaid, and that Grantor warrants and will defend the same against the claims and demands of all persons.

Grantor assigns to the Village of Chatham all outstanding warranties and guaranties by any contractor or subcontractor with respect to any public works dedicated or conveyed pursuant to this instrument.

This dedication and sale is effective upon its acceptance by ordinance or resolution of the Village of Chatham, Illinois, and recordation of same with the Recorder of Deeds of Sangamon County, Illinois.

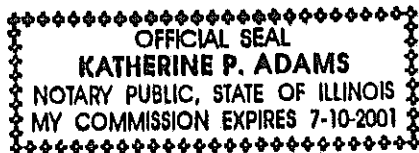
SIGNED AND ACKNOWLEDGED this 19th day of July, 1999.

George Stalle
Authorized Signature

SUBSCRIBED AND ACKNOWLEDGED TO before me

this 19th day of July, 1999

Katherine P. Adams
Notary Public



IRREVOCABLE STANDBY LETTER OF CREDIT

Illinois National Bank
322 E. Capitol
Springfield, IL 62701

To: Village of Chatham
c/o Mr. John Myers
1300 South 8th Street
Springfield, IL 62703

Date: July 30, 1999

Gentlemen:

We hereby establish our Irrevocable Standby Letter of Credit No. 9906003 in your favor for the account of **Breckenridge Development Corporation** for a sum not exceeding Twenty-eight Thousand One Hundred Twenty-five and No/100---Dollars (\$28,125.00) available by your draft or drafts on **Illinois National Bank** at sight when accompanied by the following documents:

A copy of the final inspection letter from the Village of Chatham to the subdeveloper detailing work to be completed including cost estimates.

A copy of this Letter and your signed statement certifying you are entitled to draw under this letter.

A statement signed by the Village Engineer and Mayor of the Village of Chatham, Illinois, certifying that the sidewalk improvements pertaining to Breckenridge Estates Subdivision, Plat 6, for which this Letter of Credit is security have not been completed as required by the code of the Village of Chatham, and releasing Illinois National Bank of liability under this credit to the extent of each draw.

All sight drafts drawn under this Credit must be marked "Drawn under Illinois National Bank Irrevocable Standby Letter of Credit No. 9906003 dated July 30, 1999".

This credit shall be governed by the Uniform Commercial Code as enacted in Illinois from time to time, and to the extent not modified by said law, the Uniform Customs and Practice for Documentary Credits as most recently published by the International Chamber of Commerce.

The original of this Letter of Credit must be submitted to us whenever a partial draw or cancellation of this Credit is requested. In every case of partial draw the Letter of Credit shall be promptly returned and remain valid for the balance unused.

We hereby agree with bona fide holders that all sight drafts drawn under and in compliance with the terms of this Credit shall meet with due honor upon presentation and delivery of the documents as specified if negotiated at our offices on or before July 30, 2000.

Very truly yours,


By: TERRY A. SCHAD
Its: SENIOR VICE PRESIDENT

S:\breckenridgeletterofcredit

