

Resolution No. 31-09

**A RESOLUTION APPROVING A REDUCTION IN THE LETTER OF CREDIT AND APPROVING SUBSTITUTE SECURITY FOR BRECKENRIDGE MANOR SUBDIVISION, PLATS 1-3**

WHEREAS, the developer of Breckenridge Manor Subdivision, Plat 3, has requested, and the Consulting Engineer for the Village has approved, a reduction of the security securing construction of public infrastructure with respect to Breckenridge Manor Subdivision, Plats 1-3, to an amount of \$58,271.25, all as outlined in a letter from the Village's Consulting Engineer dated September 1, 2009, and attached hereto as Exhibit A;

WHEREAS, the developer of Breckenridge Manor Subdivision, Plat 3, has requested the substitution of a new letter of credit for the existing letter of credit securing the construction of infrastructure for Breckenridge Manor Subdivision, Plats 1-3;

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

**SECTION 1:** Letter of Credit No. 06-00012, issued by Illinois National Bank on June 26, 2006, which secures the construction of public infrastructure for Breckenridge Manor Subdivision, Plats 1-3, is hereby released.

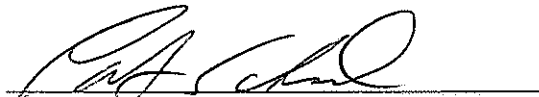
**SECTION 2:** Letter of Credit No. 09-00015 issued by Illinois National Bank on September 3, 2009, a copy of which is attached as Exhibit B in the amount of \$58,271.25, is hereby accepted as security with respect to construction of infrastructure for Breckenridge Manor Subdivision, Plats 1-3.

**SECTION 3:** This Resolution is effective immediately. The release set forth in Section 1 shall be effective upon receipt by the Village Attorney of the original letter of credit No. 09-00015, of which Exhibit B is a copy.

PASSED this 8 day of SEPT, 2009.

  
\_\_\_\_\_  
Village President

ATTEST:

  
\_\_\_\_\_  
Village Clerk

AYES: 5 HERR, MAU, BOYLE, REYNOLDS, SCHATTEMAN  
NAYS: 0

PASSED: 9-8-09  
APPROVED: 9-8-09

ABSENT: 1 KAVANAGH

**RESOLUTION CERTIFICATE**

STATE OF ILLINOIS            )  
  ) SS.  
COUNTY OF SANGAMON        )

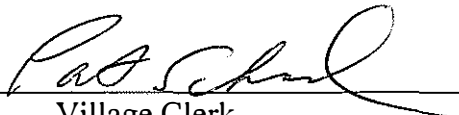
I, the undersigned, do hereby certify that I am the duly qualified and acting Village Clerk of the Village of Chatham, Sangamon County, Illinois.

I do further certify that the Resolution attached hereto is a full, true and exact copy of Resolution No. 31 -09, adopted by the President and Board of Trustees of said Village on the 8 day of SEPT., 2009, said Resolution being entitled:

**A RESOLUTION APPROVING A REDUCTION IN THE LETTER OF  
CREDIT AND APPROVING SUBSTITUTE SECURITY FOR  
BRECKENRIDGE MANOR SUBDIVISION, PLATS 1-3**

I do further certify that prior to the making of this certifications, the said Resolution 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 8 day of SEPT., 2009.

  
\_\_\_\_\_  
Village Clerk

**Raynolds, Higginbotham and Jacobs, L.L.C**

Land Surveying, Planning & Engineering

1025 South Second Street

Springfield, Illinois 62704

(217) 241-3500

Fax: (217) 241-3525

August 31, 2009

Mr. Jay Jessen, P.E.  
 Greene & Bradford, Inc.  
 Village of Chatham  
 3501 Constitution Dr.  
 Springfield, IL 62707

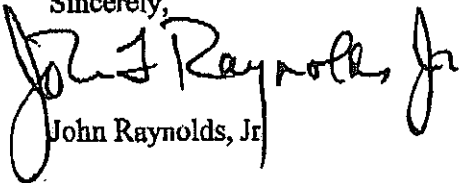
Dear Jay:

The improvements remaining to complete construction for Breckenridge Manor are as follows:

Unit	Item	Original Quantity	Unit Price	Remaining Quantity	Remaining Quantity
S.F.	4' CONCRETE SIDEWALK		\$9.25	14036	\$45,617.00
L.F.	2 ft. Wide Truncated Domes		\$50.00	20	\$1,000.00
				<b>Total Remaining</b>	<b>\$46,617.00</b>
				X	1.25
					<b>\$58,271.25</b>

I recommend the security for items remaining be adjusted to \$58,275.00

Sincerely,



John Reynolds, Jr

Exhibit  
 A



COPY

Illinois National Bank  
322 E. Capitol • Springfield, IL 62701 • (217) 747-5500

**IRREVOCABLE STANDBY LETTER OF CREDIT**

This Standby Letter of Credit is replacing Standby Letter of Credit No. 06 00012 dated June 26, 2006 in the original amount of \$90,500.00.

Illinois National Bank  
322 E. Capitol  
Springfield, IL 62701

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

Date: September 3, 2009

Gentlemen:

We hereby establish our Irrevocable Standby Letter of Credit No. 09 00015 in your favor for the account of **Breckenridge Development Corporation** for a sum not exceeding Fifty Eight Thousand Two Hundred Seventy One and 25/100---Dollars (\$58,271.25) 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 improvements pertaining to Breckenridge Manor Subdivision, Plats 1, 2 and 3, 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. 09 00015 dated September 3, 2009".

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.

**Exhibit B**

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 June 26, 2010. This Letter of Credit shall be automatically extended for additional periods of one year from the expiration date unless sixty (60) days prior to such date the Bank shall notify the Village of Chatham, in writing and by registered mail at the above address, that we elect not to renew this Letter of Credit for such additional period.

The Letter of Credit shall by its terms secure payment not only of the construction of the public improvements for which it is intended but also of any additional review and inspection fees charged by the Village engineer and imposed by the Village pursuant to Section 155.02 of the Chatham Code of Ordinances.

Very truly yours,

---

By: BECKY LUZINSKI  
Its: VICE PRESIDENT

**RESOLUTION CERTIFICATE**

STATE OF ILLINOIS            )  
  ) SS.  
COUNTY OF SANGAMON        )

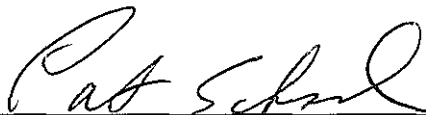
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Village Clerk