

Resolution No. 33-94

**A RESOLUTION AUTHORIZING LETTER OF CREDIT REDUCTIONS
PERTAINING TO FOXX CREEK ESTATES, PLAT I**

WHEREAS, on October 20, 1994 Marine Bank provided the Village of Chatham with a letter of credit in the amount of \$650,000, to secure the construction of public improvements in Plat I of Foxx Creek Estates Subdivision;

WHEREAS, the developer of Foxx Creek Estates Plat I has requested a reduction in the amount of the letter of credit securing performance with respect to Plat I;

WHEREAS, the public improvements for Plat I are partially complete;

WHEREAS, security in the amount of \$240,000 is sufficient to secure construction of the remaining public improvements for Plat I, and as reflected in correspondence from the Engineer for the Village dated November 22, 1994, attached to this resolution as Exhibit A, the Engineer for the Village has recommended reduction of the letter of credit to \$240,000.

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

SECTION 1: The letter of credit dated October 20, 1994 with respect to Plat I of Foxx Creek Estates is hereby released, and the Village Attorney shall return said letter of credit to Marine Bank. That certain letter of credit in the amount of \$240,000 dated November 25, 1994, a copy of which is attached as

Exhibit B, is duly approved to secure the construction of the remaining improvements in Plat I of Foxx Creek Estates.

SECTION 2: This Resolution is effective immediately.

PASSED this 29 day of November, 1994.

Linda Kautz
Village President

ATTEST:

Lenny Moory
Village Clerk

AYES: 6
NAYS: 0

PASSED: 11-29-94
APPROVED: 11-29-94

ABSENT: 0

LIN ENGINEERING, LTD.

210 West Chestnut Chatham, IL 62629

TEL: (217) 483-4168 FAX: (217) 483-4709

Novemeber 22 , 1994

Mr. Del McCord
Village Administrator
116 East Mulberry Street
Chatham, IL 62629


Re: Foxx Creek Estates Subdivision - Plat 1

Dear Del:

We are in receipt of Jay Jessen's 11/22/94 letter for the above subdivision. We concur with their bond reduction request to be set at \$240,000.00.

Sincerely,

LIN ENGINEERING, LTD.



Paul B. Lin, PE, SE

xc: Meredith Branham
John Myers

PBL/hl
Attachments

EXHIBIT A

MARINE BANK

SPRINGFIELD

2136 East Cook Street • Springfield, IL 62703

Phone: (217) 525-8800 • Fax: (217) 525-8806

November 25, 1994

IRREVOCABLE LETTER OF CREDIT

BENEFICIARY:

Village of Chatham
Attn: Village Engineer
Department of Streets &
Public Improvements
Municipal Building
116 E. Mulberry
Chatham, Illinois 62629

ACCOUNT PARTY:

Fox Creek Estates
Plat 1
Springfield, Illinois

AMOUNT:

Two Hundred Forty Thousand
and No/100 Dollars
(U.S. 240,000.00)

EXPIRATION DATE

November 21, 1995

Gentlemen:

We hereby establish our Irrevocable Letter of Credit in your favor for account of Fox Creek Estates for the amount of \$240,000.00 (Two Hundred Forty Thousand and No/100 Dollars) available by your drafts at sight drawn on the Marine Bank of Springfield, Springfield, Illinois, accompanied by:

- a. Copy of letter from Village to R.L.P. Development Co. designated by the Village as a final inspection letter and detailing work to be completed including cost estimates.
- b. Statement signed by the Village Engineer of the Village of Chatham, Chatham, Illinois as follows: "The public improvements for which this credit is security have not been completed as required by the code of the Village of Chatham, and Marine Bank of Springfield is hereby released of liability under this credit to the extent of each draw under the credit."

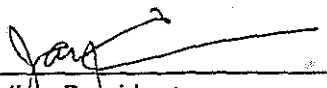
Except as otherwise expressly stated herein, this credit is subject to the Uniform Commercial Code as adopted in the State of Illinois.

We hereby agree with the drawers, endorsers, and bona fide holders of drafts drawn under and in compliance with the terms of this debt, that such drafts will be duly honored on due presentation to the drawee on or before November 25, 1995. All parties hereto agree that the outstanding obligation hereunder may be released only upon the written authorization of the Village Engineer and said Village of Chatham. This letter of credit shall be automatically extended for additional periods of one year from the expiration date or each future expiration date unless sixty days (60) prior to such date, the Bank shall notify you in writing, by registered mail at the above address, that we elect not to renew this letter of credit for such additional period. If we shall make such election, the Village Engineer of the Village of Chatham shall release Marine Bank, Springfield of all further obligation under this letter of credit at the end of said sixty-day period, provided, however, that nothing contained herein shall be construed to limit the right of the Village of Chatham to make drafts against this letter until its initial expiration date or any date to which said letter is automatically extended as described above.

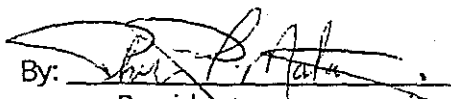
Attest:

Marine Bank, Springfield

By:


Vice President

By:


President

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. _____ by the President and Board of Trustees of said Village on the _____ day of _____, 1994, said Resolution being entitled:

**A RESOLUTION AUTHORIZING LETTER OF CREDIT REDUCTIONS
PERTAINING TO FOXX CREEK ESTATES, PLAT I**

I do further certify that prior to the making of this certificate, 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 ___ day of _____, 1994.

Village Clerk