

RESOLUTION NO. 12-13-17-2

A RESOLUTION AUTHORIZING THE EXECUTION OF A BILL OF SALE AND ASSIGNMENT FOR KRUCKENBERG ROAD – PULTE HOME COMPANY, LLC

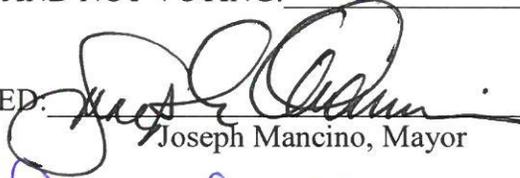
BE IT RESOLVED by the Mayor and Board of Trustees of the Village of Hawthorn Woods, Lake County, Illinois, that the Mayor and Village Clerk, be and the same are, hereby authorized and directed to execute that certain Bill of Sale and Assignment, in substantially the form attached hereto as Exhibit "A", and, by this reference made a part hereof, with such changes as are approved by the Mayor and Village Attorney.

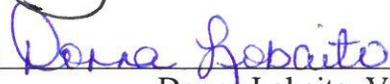
The foregoing Resolution was adopted by the Board of Trustees of the Village of Hawthorn Woods, Illinois on December 13, 2017:

AYES: Haiser, Kosik, Rios, Corrigan, Dimaggio, David

NAYS: 0

ABSENT AND NOT VOTING: 0

APPROVED:   
Joseph Mancino, Mayor

ATTEST:   
Donna Lobaito, Village Clerk

ADOPTED: December 13, 2017

APPROVED: December 13, 2017

**BILL OF SALE**

Seller, PULTE HOME COMPANY, LLC, a Michigan limited liability company, formerly known as Pulte Home Corporation until December 31, 2016, of SCHAUMBURG, ILLINOIS, in consideration of One and no cents dollars, receipt whereof is hereby acknowledged, does hereby sell, assign, transfer and set over to buyer, VILLAGE OF HAWTHORN WOODS of Hawthorn Woods, Illinois, the following described public improvements, to-wit:

Public Improvements:

Erosion Control; Site Grading and Earthwork; Storm Sewer Facilities (and all appurtenances thereto); Street Paving (including curb and gutter); Retaining Wall; Guardrail; Sidewalk; Landscaping; Parkway Landscaping; Street Signs; Street Lights; and any and all restoration work attendant to any of the above.

Legal Description of Property:

*See legal description attached as Exhibit "A"*

Seller hereby represents and warrants to buyer that seller is the absolute owner of said public improvements, that said public improvements are free and clear of all liens, charges and encumbrances, and that Seller has full right, power and authority to sell said public improvements and to make this bill of sale.

If this bill of sale is signed by more than one person, all persons so signing shall be jointly and severally bound hereby.

In Witness Whereof, Seller has signed and sealed this bill of sale at 1900 E. Golf Road, Suite 300, Schaumburg, IL 60173, this 8th day of September, 2017

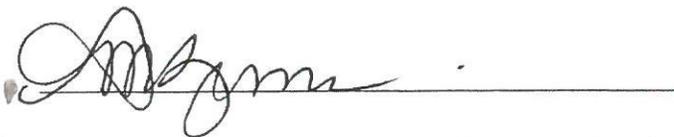


Marc Lewison, PULTE HOME COMPANY, LLC, a Michigan limited liability company

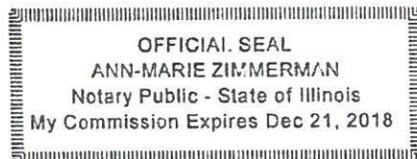
**State of ILLINOIS**

County of COOK

I, Annie Zimmerman, a notary public in and for said County, in the State aforesaid, DO **HEREBY CERTIFY** that Marc Lewison Personally known to me to be the same person whose name subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that he signed, sealed and delivered the said instrument at this free and voluntary act, for the uses and purposed therein set forth. **GIVEN** under my hand and official seal this 8th day of September, 2017



Commission Expires 12-21-18



## Exhibit A

### LEGAL DESCRIPTION

THAT PART OF THE NORTH HALF OF FRACTIONAL SECTION 3 AND THE NORTHEAST QUARTER OF SECTION 4, TOWNSHIP 43 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN IN LAKE COUNTY, ILLINOIS DESCRIBED AS FOLLOWS: BEGINNING AT SOUTHEAST CORNER OF LOT 52 IN HAWTHORN WOODS COUNTRY CLUB PHASE 1, ACCORDING TO THE PLAT THEREOF, RECORDED JULY 30, 2004 AS DOCUMENT 5613059; THENCE NORTH 00 DEGREES 22 MINUTES 52 SECONDS EAST ALONG THE EAST LINE OF SAID LOT 52, A DISTANCE OF 176.01 FEET TO THE SOUTH LINE OF LAND DESCRIBED IN TRUSTEE'S DEED RECORDED JULY 23, 2003 AS DOCUMENT 5311696; THENCE NORTH 89 DEGREES 34 MINUTES 30 SECONDS WEST ALONG SAID SOUTH LINE, A DISTANCE OF 19.34 FEET; THENCE NORTH 00 DEGREES 16 MINUTES 32 SECONDS EAST, A DISTANCE OF 600.50 FEET TO A POINT OF CURVATURE; THENCE NORTHERLY ALONG A CURVE CONCAVE WESTERLY, HAVING A CHORD BEARING OF NORTH 11 DEGREES 26 MINUTES 34 SECONDS WEST, AN RADIUS OF 100.00 FEET AND AN ARC LENGTH OF 40.90 FEET TO A POINT OF REVERSE CURVATURE; THENCE NORTHERLY ALONG A CURVE CONCAVE EASTERLY, HAVING A CHORD BEARING OF NORTH 11 DEGREES 26 MINUTES 34 SECONDS WEST, AN RADIUS OF 100.00 FEET AND AN ARC LENGTH OF 40.90 FEET TO A POINT ON A NON-TANGENT LINE, BEING THE NORTH LINE OF GOVERNMENT LOT 1; THENCE SOUTH 89 DEGREES 34 MINUTES 30 SECONDS EAST ALONG SAID NORTH LINE, A DISTANCE OF 82.50 FEET TO THE WESTERLY LINE PHEASANT RIDGE ESTATES, RECORDED AUGUST 28, 1998 AS DOCUMENT 4195161; SOUTH 00 DEGREES 16 MINUTES 32 SECONDS WEST, ALONG SAID WESTERLY LINE, A DISTANCE OF 905.98 FEET TO THE EASTERLY EXTENSION OF THE SOUTH LINE OF AN EMERGENCY ACCESS EASEMENT PER SAID DOCUMENT 5613059; THENCE WESTERLY ALONG SAID WESTERLY EXTENSION AND SOUTH LINE, A DISTANCE OF 47.08 FEET TO THE EAST END OF TOURNAMENT DRIVE EAST - OUTLOT B; THENCE NORTHERLY ALONG A CURVE CONCAVE WESTERLY, HAVING A CHORD BEARING OF NORTH 00 DEGREES 22 MINUTES 52 SECONDS EAST, A RADIUS OF 60.00 FEET AND AN ARC LENGTH OF 51.57 FEET TO THE POINT OF BEGINNING



October 28, 2016

VIA E-Mail and Standard Mail

Erika M. Frable, P.E.  
Director of Public Works/Village Engineer  
Village of Hawthorn Woods  
35 Old McHenry Road  
Hawthorn Woods, IL 60047

Re: Acceptance of Kruckenburg Road Improvements – 3122458

Dear Ms. Frable,

It is my understanding that the improvements for Kruckenburg Road have been fully completed. Therefore at this time I am respectfully requesting formal acceptance of these improvements.

If I can be of any further assistance, please do not hesitate to contact Ty Morris or myself.

Sincerely,

Pulte Homes

A handwritten signature in black ink that reads "JoAnne Bowers". The signature is written in a cursive style with a large initial "J".

JoAnne Bowers  
DRE/HOA Manager

Cc: Letter of Credit # 3122458  
Donna Lobaito  
Ty Morris



**CHRISTOPHER B. BURKE ENGINEERING, LTD.**

9575 West Higgins Road Suite 600 Rosemont, Illinois 60018 TEL (847) 823-0500 FAX (847) 823-0520

November 1, 2017

Village of Hawthorn Woods  
2 Lagoon Drive  
Hawthorn Woods, Illinois 60047

Attention: Michael Cassata, Director of Community Development

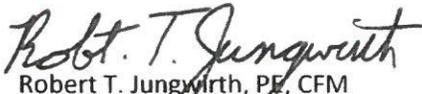
Subject: Hawthorn Hills PUD (Pulte Homes)  
Kruckenberg Road Record Drawings  
(CBBEL Project No. 02-65H166)

Dear Michael:

Christopher B. Burke Engineering, Ltd., (CBBEL) has reviewed the revised Record Drawings dated October 20, 2017. Our previous comment requesting pavement elevations has been addressed and in our opinion these revised drawings accurately depict the as-built condition of the constructed improvements. Based on our review we recommend Village acceptance and transfer of the developer's security to the maintenance Letter of Credit.

If you have any questions, please feel free to contact me.

Sincerely,

  
Robert T. Jungwirth, PE, CFM  
Senior Civil Engineer

cc: Pam Newton – Village of Hawthorn Woods  
Erika Frable – Village of Hawthorn Woods  
Lee Fell – CBBEL  
Martin Bojovic - CBBEL

BANK OF AMERICA - CONFIDENTIAL

PAGE: 1

DATE: NOVEMBER 30, 2017

IRREVOCABLE STANDBY LETTER OF CREDIT NUMBER: 3132558

ISSUING BANK  
BANK OF AMERICA, N.A.  
333 S. HOPE STREET  
14TH FLOOR, CA9-193-14-53  
LOS ANGELES, CA 90071-1406

BENEFICIARY  
VILLAGE OF HAWTHORN WOODS  
35 OLD MCHENRY ROAD  
HAWTHORN WOODS, IL 60047  
ATTN: DONNA LOBAITO - VILLAGE CLERK

APPLICANT  
PULTEGROUP, INC.  
O/B/O PULTE HOME COMPANY LLC  
1900 E. GOLF RD., STE 300  
SCHAUMBURG, IL 60173

AMOUNT  
USD 53,535.26  
FIFTY THREE THOUSAND FIVE HUNDRED THIRTY FIVE AND 26/100'S US DOLLARS

EXPIRATION  
NOVEMBER 30, 2018 AT OUR COUNTERS

RE: HAWTHORN WOODS

LADIES AND GENTLEMEN:

WE HEREBY ESTABLISH AND ISSUE OUR IRREVOCABLE STANDBY LETTER OF CREDIT IN FAVOR OF YOU, THE VILLAGE OF HAWTHORN WOODS, A MUNICIPAL CORPORATION ("BENEFICIARY") FOR THE ACCOUNT OF PULTEGROUP, INC. ON BEHALF OF PULTE HOME COMPANY, LLC IN AN AMOUNT OF FIFTY THREE THOUSAND FIVE HUNDRED THIRTY FIVE AND 26/100'S U.S. DOLLARS (US\$ 53,535.26) AVAILABLE BY PRESENTATION OF YOUR SIGHT DRAFT(S) ON US AT SIGHT MARKED "DRAWN UNDER IRREVOCABLE STANDBY LETTER OF CREDIT NO. 3132558 DATED NOVEMBER 30, 2017".

SUBJECT TO THE PROVISIONS OF THIS LETTER OF CREDIT, DEMAND FOR PAYMENT MAY BE MADE BY YOU, THE BENEFICIARY, BY PRESENTATION TO THE BANK AT OUR OFFICES LOCATED AT 333 SOUTH HOPE STREET, 14TH FLOOR, MAIL CODE: CA9-193-14-53, LOS ANGELES, CA 90071-1406, ATTENTION: STANDBY LETTER OF CREDIT DEPARTMENT, OF A SIGHT DRAFT IN THE FORM OF EXHIBIT A ATTACHED HERETO, APPROPRIATELY COMPLETED, IN THE AMOUNT SPECIFIED THEREIN.

FACSIMILE DRAWINGS ARE ACCEPTABLE. DRAWINGS MUST BE SENT TO FACSIMILE NO. 888-277-5577 CONFIRMED BY A TELEPHONE CALL TO (800) 541 6096; PROVIDED, HOWEVER, THAT THE ABSENCE OF SUCH CONFIRMATION SHALL NOT AFFECT OUR OBLIGATION TO HONOR ANY DRAWING.

ORIGINAL

THIS IS AN INTEGRAL PART OF LETTER OF CREDIT NUMBER: 3132558

DEMAND FOR PAYMENT MAY BE MADE BY YOU UNDER THIS LETTER OF CREDIT ANY TIME PRIOR TO 5:00 P.M. ON THE DATE OF EXPIRATION HEREOF DURING THE BANK'S BUSINESS HOURS AT ITS AFORESAID ADDRESS, ON A BUSINESS DAY, AND FOR PURPOSES OF THIS LETTER OF CREDIT, THE TERM "BUSINESS DAY" MEANS A DAY THAT IS NOT A SATURDAY OR SUNDAY, OR OTHER DAY ON WHICH BANKING INSTITUTIONS IN ILLINOIS ARE AUTHORIZED BY LAW OR EXECUTIVE ORDER TO CLOSE.

DEMAND FOR PAYMENT MUST BE ACCOMPANIED BY THE FOLLOWING DOCUMENTS:

(1) YOUR STATEMENT SIGNED BY THE VILLAGE OF HAWTHORN WOODS CHIEF EXECUTIVE OFFICER STATING THAT PAYMENT REPRESENTS PAYMENT OR ESTIMATED PAYMENT REQUIRED TO BE MADE TO MATERIALMEN, CONTRACTORS, OR SUBCONTRACTORS FOR CONSTRUCTION WORK, INCLUDING PUBLIC AND PRIVATE CONSTRUCTION WORK (BUT NOT INCLUDING BUILDINGS), PARKWAY AND COMMON AREA LANDSCAPING, REQUIRED TO REPAIR ANY DEFECTS RESULTING FROM FAULTY MATERIALS OR WORKMANSHIP OF SAID PROJECT IMPROVEMENTS AND TO MAINTAIN SAID IMPROVEMENTS FOR A PERIOD OF 12 MONTH FROM DECEMBER 14, 2017 FOR REPAIRS TO THE PROJECT ("PROJECT IMPROVEMENTS"), FOR KRUCKENBURG ROAD IN THE VILLAGE OF HAWTHORN WOODS IN ACCORDANCE WITH THE PLANS AND SPECIFICATIONS ("FINAL ENGINEERING PLANS") PROPOSED IMPROVEMENTS FOR KRUCKENBURG ROAD HAWTHORN HILLS LATEST REVISION DATE SEPTEMBER 4, 2015 WITH APPROVAL DATE OF SEPTEMBER 14, 2015 IMPROVEMENTS WERE COMPLETED IN ACCORDANCE WITH HAWTHORN HILLS SUBDIVISION IMPROVEMENT AGREEMENT DATED OCTOBER 14, 2014 AND AS FURTHER APPROVED BY THE VILLAGE OF HAWTHORN WOODS, ILLINOIS, OR FOR EXPENDITURES PURSUANT TO THE ONE (1) YEAR MAINTENANCE GUARANTY.

OR

(2) YOUR STATEMENT SIGNED BY THE VILLAGE OF HAWTHORN WOODS CHIEF EXECUTIVE OFFICER STATING THAT THE PROJECT IMPROVEMENTS REQUIRED BY THE APPLICABLE ORDINANCES AND COVENANTS FOR THE PROJECT HAVE NOT BEEN SATISFACTORILY COMPLETED OR PAID FOR, OR THAT SAID ORDINANCES AND COVENANTS HAVE NOT BEEN COMPLIED WITH, OR SAID PROJECT IMPROVEMENTS HAVE NOT BEEN MAINTAINED IN A MANNER SATISFACTORY TO THE VILLAGE OF HAWTHORN WOODS.

PARTIAL DRAWINGS ARE PERMITTED.

MULTIPLE DRAWINGS SHALL BE PERMITTED, PROVIDED THE SAME DO NOT EXCEED THE THEN EXISTING FACE VALUE OF THIS LETTER OF CREDIT. EACH DRAWING HONORED SHALL REDUCE THE THEN EXISTING AMOUNT OF THIS LETTER OF CREDIT, DOLLAR FOR DOLLAR.

IT IS A CONDITION OF THIS LETTER OF CREDIT THAT THE EXPIRATION DATE OF THIS LETTER OF CREDIT WILL BE AUTOMATICALLY EXTENDED, WITHOUT AMENDMENT TO JUNE 14, 2019 UNLESS AT LEAST NINETY (90) DAYS PRIOR TO NOVEMBER 30, 2018, WE NOTIFY THE BENEFICIARY IN WRITING AT THE ABOVE ADDRESS BY REGISTERED MAIL (RETURN RECEIPT REQUESTED) OR OVERNIGHT

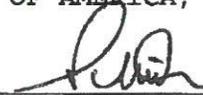
THIS IS AN INTEGRAL PART OF LETTER OF CREDIT NUMBER: 3132558

COURIER SERVICE THAT WE ELECT NOT TO EXTEND THIS LETTER OF CREDIT FOR ANY SUCH ADDITIONAL PERIOD. IN THE EVENT YOU ARE SO NOTIFIED ANY UNUSED PORTION OF THE LETTER OF CREDIT SHALL BE AVAILABLE UPON PRESENTATION, WITHIN THE CURRENT EXPIRATION DATE, OF YOUR SIGHT DRAFT ONLY.

EXCEPT SO FAR AS OTHERWISE STATED HEREIN, THIS CREDIT IS SUBJECT TO THE "UNIFORM CUSTOMS AND PRACTICES FOR DOCUMENTARY CREDIT (2007 REVISION), THE INTERNATIONAL CHAMBER OF COMMERCE PUBLICATION NO. 600."

WE HEREBY UNDERTAKE TO HONOR DRAFTS UNDER AND IN COMPLIANCE WITH THE TERMS OF THIS CREDIT, WHEN ACCOMPANIED BY THE DOCUMENTS AS SPECIFIED, WHEN PRESENTED TO US.

BANK OF AMERICA, N.A.

BY:   
NAME: HERMANN SCHUTTERLE  
TITLE: VICE PRESIDENT

ORIGINAL

THIS IS AN INTEGRAL PART OF LETTER OF CREDIT NUMBER: 3132558

EXHIBIT "A"

SIGHT DRAFT  
DRAWN UNDER IRREVOCABLE STANDBY  
LETTER OF CREDIT NO. 3132558 DATED NOVEMBER 30, 2017

HAWTHORN WOODS, ILLINOIS  
DATE: \_\_\_\_\_

TO:  
BANK OF AMERICA, N.A.  
333 SOUTH HOPE ST. 14TH FL.  
LOS ANGELES, CA 90071-1406  
MAIL CODE: CA9-193-14-53  
ATTN: STANDBY LETTER OF CREDIT DEPARTMENT

AT SIGHT, PAY TO THE VILLAGE OF HAWTHORN WOODS, AN ILLINOIS MUNICIPAL CORPORATION, PURSUANT TO THE ELECTRONIC FEDERAL WIRE TRANSFER INSTRUCTIONS BELOW, \_\_\_\_\_ AND \_\_\_\_/100 UNITED STATES DOLLARS (US\$ \_\_\_\_\_). DRAWN UNDER IRREVOCABLE STANDBY LETTER OF CREDIT NO. 3132558 DATED NOVEMBER 30, 2017.

VILLAGE OF HAWTHORN WOODS  
AN ILLINOIS MUNICIPAL CORPORATION

BY: \_\_\_\_\_  
NAME: \_\_\_\_\_  
TITLE: VILLAGE OF HAWTHORN WOODS CHIEF EXECUTIVE OFFICER

BY: \_\_\_\_\_  
NAME: \_\_\_\_\_  
TITLE: VILLAGE CLERK

WIRE TRANSFER INSTRUCTIONS:

NAME OF BANK: \_\_\_\_\_  
ABA NO.: \_\_\_\_\_  
FOR THE ACCOUNT OF: VILLAGE OF HAWTHORN WOODS  
ACCOUNT NO.: \_\_\_\_\_  
CONTACT: FINANCE DIRECTOR 847-847-3590

ORIGINAL