

VILLAGE OF LOMBARD
REQUEST FOR BOARD OF TRUSTEES ACTION
For Inclusion on Board Agenda

Resolution or Ordinance (Blue) _____
Waiver of First Requested
Recommendations of Boards, Commissions & Committees (Green)
Other Business (Pink) _____

X

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: David A. Huliseberg, Village Manager

DATE: August 11, 2010 (COW)(B of T) August 19, 2010

TITLE: A Motion to Ratify the Approval and Execution of a Regulatory Agreement Release for the Clover Creek Apartment Complex

SUBMITTED BY: Timothy Sexton, Director of Finance

BACKGROUND/POLICY IMPLICATIONS:

The Village was involved with the issuance of Multifamily Housing Refunding Revenue Bonds, Series 2000 for the Clover Creek Apartment Complex. The apartment complex is in the process of being sold. The attached Release was executed to facilitate the sale of the Clover Creek Apartments, with the proceeds of the sale being used, in part, to pay off the outstanding Bonds in full.

The Village Attorney recommended that the Village Board ratify the approval and execution of this Release.

Review (as necessary):

Village Attorney X _____
Finance Director X _____
Village Manager X _____
Date 8/10/10
Date 8-10-10

NOTE: All materials must be submitted to and approved by the Village Manager's Office by 12:00 noon, Wednesday, prior to the Agenda Distribution.

THIS INSTRUMENT
PREPARED BY AND AFTER
RECORDING RETURN TO:

Brian A. Cohen, Esq.

DLA LLP (US)

203 North LaSalle Street

Chicago, Illinois 60601-1293

REGULATORY AGREEMENT RELEASE

WHEREAS, in connection with Multifamily Housing Refunding Revenue Bonds, Series 2000 (Clover Creek Apartments Project) in the original principal amount of \$26,770,000 (the "Bonds"), Intercontinental Olympic Clover Creek, LLC, a Delaware limited liability company, as successor in interest to TVO Clover Creek LLC, a Delaware limited liability company (the "Borrower"), executed and delivered an Amended and Restated Declaration of Restrictive Covenants and Regulatory Agreement dated as of December 1, 2000 and recorded on December 20, 2000 as Document No. R2000-198933 (the "Regulatory Agreement");

WHEREAS, the Regulatory Agreement was created to require compliance with Section 142(d) of the Internal Revenue Code of 1986, as amended, with respect to the tax exempt status of the Bonds;

WHEREAS, the Bonds have been paid off and the "Qualified Project Period" under the Regulatory Agreement has expired;

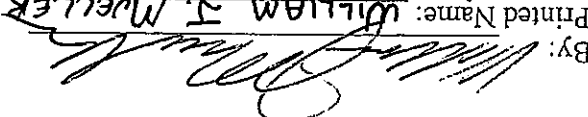
WHEREAS, the Village of Lombard, DuPage County, Illinois (the "Issuer"), and U.S. Bank National Association (the "Trustee") are willing to release and discharge the obligations of the Borrower under the Regulatory Agreement;

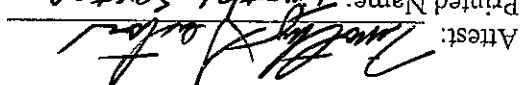
The Issuer and the Trustee hereby FULLY RELEASE THE REGULATORY AGREEMENT AND DISCHARGE THE BORROWER'S OBLIGATIONS THEREUNDER.

This space reserved for Recorder's use only.

So executed this 10 day of August, 2010.

VILLAGE OF LOMBARD, DUPAGE COUNTY,
ILLINOIS, as Issuer

By: 
Printed Name: WILLIAM J. MUELLER
Title: VILLAGE PRESIDENT

Attest: 
Printed Name: Timothy Sexton
Title: Director of Finance

U.S. BANK NATIONAL ASSOCIATION
as Trustee

By: _____
Printed Name: Vernita L. Anderson
Title: Assistant Vice President

Attest: _____
Printed Name: _____
Title: _____

INTERCONTINENTAL OLYMPIC CLOVER
CREEK, LLC
a Delaware limited liability company, as Borrower
By: Clover Creek Investors, LLC, a Washington
limited liability company Managing Member

By: _____
Printed Name: Stanley J. Harrelson
Title: Managing Member

STATE OF IL)
COUNTY OF DuPage)
SS:)

Before me, the undersigned, a Notary Public within and for the County and State last aforesaid, on this the 10th day of August, 2010, personally appeared the above named William S. Mueller and acknowledged the execution of the foregoing instrument in the capacity noted above. Witness my hand and Notarial Seal this 10th day of August, 2010.



Diane M. Jantelizio (signature)
Printed: Diane M. Jantelizio (Notary Public)
My Commission expires: 11/13/13
My County of Residence: DuPage

STATE OF _____)
) SS: _____)
) COUNTY OF _____)

Before me, the undersigned, a Notary Public within and for the County and State last aforesaid, on this the _____ day of August, 2010, personally appeared the above named Vernita L. Anderson as Assistant Vice President of U.S. Bank National Association and acknowledged the execution of the foregoing instrument in the capacity noted above.

Witness my hand and Notarial Seal this _____ day of August, 2010.

(signature)

Printed: _____
(Notary Public)

My Commission expires: _____

My County of Residence: _____

STATE OF _____)
) SS: _____)
COUNTY OF _____)

Before me, the undersigned, a Notary Public within and for the County and State last aforesaid, on this the _____ day of August, 2010, personally appeared the above named Stanley J. Harrelson, as Managing Member of Clover Creek Investors, LLC, a Washington limited liability company, as Managing Member of Intercontinental Olympic Clover Creek, LLC, a Delaware limited liability company and acknowledged the execution of the foregoing instrument in the capacity noted above.

Witness my hand and Notarial Seal this _____ day of August, 2010.

(signature)

Printed: _____
(Notary Public)

My Commission expires: _____

My County of Residence: _____