

RESOLUTION NO. _____

**A RESOLUTION
REPAYING AN UNNECESSARY DEVELOPER CONTRIBUTION
AND DECLARING A REBATE
IN REGARD TO SPECIAL ASSESSMENT NO. 215**

WHEREAS, the final settlement has been made with the contractor for the construction of the improvement involved in Special Assessment No. 215; and

WHEREAS, full payment has been made on all bonds and vouchers issued as a result of said improvement; and

WHEREAS, there was no public benefit assessment as part of Special Assessment No. 215; and

WHEREAS, there are funds remaining in the Special Assessment No. 215 Fund above the specified payments, in an amount of \$228,289.89; and

WHEREAS, at the time of the filing of the Certificate of Final Cost and Completion relative to Special Assessment No. 215, it was thought that there would be a shortfall in the Special Assessment No. 215 Fund, which would not be covered by the assessments confirmed by the Court (the "Shortfall"); and

WHEREAS, as a result of said anticipated Shortfall, Fountain Square of Lombard, LLC (the "Developer") contributed an additional \$128,649.66 to the Special Assessment No. 215 Fund (the "Developer Contribution"), so as to avoid the need for a supplemental assessment prior to closing out Special Assessment No. 215 in Court; and

WHEREAS, the Developer was a single-purpose entity, created by The Shaw Company (the "Developer Successor"), for purposes of developing Fountain Square of

Lombard, and constructing the improvements provided for pursuant to Special Assessment No. 215; and

WHEREAS, pursuant to the documents, correspondence and emails attached hereto as Group Exhibit A, and made part hereof, the Developer Successor has represented and certified that, as the Developer was dissolved in 2009, the Developer Successor is entitled to any reimbursement of the Developer Contribution; and

WHEREAS, in light of the foregoing, and the amount of surplus funds remaining in the Special Assessment No. 215 Fund, the Developer Successor should be reimbursed for the Developer Contribution, prior to rebating any of the surplus funds in the Special Assessment No. 215 Fund, as that portion of the surplus funds in the Special Assessment No. 215 Fund, attributable to the Developer Contribution, was not paid by those individuals and entities that were assessed pursuant to Special Assessment No. 215; and

WHEREAS, after reducing the funds remaining in the Special Assessment No. 215 Fund by the amount of the Developer Contribution, there is a surplus remaining in the Special Assessment No. 215 Fund in the amount of \$99,640.23 (the "Surplus"); and

WHEREAS, pursuant to 65 ILCS 5/9-2-138, the Village is entitled to deduct five percent (5%) of the amount of said surplus for its costs and expenses relative to declaring and making a rebate;

NOW, THEREFORE, BE IT RESOLVED, by the President and Board of Trustees of the Village of Lombard, DuPage County, Illinois, that the recitals as set forth above are incorporated herein by reference, and made part hereof.

BE IT FURTHER RESOLVED that, based on the representations and certifications of the Developer Successor, the amount of the Developer Contribution (\$128,649.96) shall be paid to the Developer Successor out of the Special Assessment No. 215 Fund.

BE IT FURTHER RESOLVED that a rebate is hereby declared in relation to the Net Surplus [the funds remaining in the Special Assessment No. 215 Fund, less the Developer Contribution and less the five percent (5%) to reimburse the Village for its costs and expenses relative to declaring and making the rebate] remaining in the aforesaid Special Assessment No. 215 Fund in the amount of \$94,658.23 and that said rebate shall be made in accordance with 65 ILCS 5/9-2-138.

BE IT FURTHER RESOLVED that said rebate shall be on a pro rata basis and shall be paid to the owner(s) of record (tax assesses of record) on the date of this Resolution.

BE IT FURTHER RESOLVED that the Village shall retain the amount of \$4,982.00 from said Surplus to cover its costs and expenses for declaring and making said rebate.

ADOPTED this _____ day of _____, 2018, pursuant to a roll call vote as follows:

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED by me this _____ day of _____, 2018.

Keith Giagnorio
Village President

ATTEST:

Sharon Kuderna
Village Clerk

Group Exhibit A

Documents, Correspondence and Emails

(attached)



VILLAGE OF LOMBARD

255 E. Wilson Ave.
Lombard, Illinois 60148-3926
(630) 620-5700 Fax (630) 620-8222
www.villageoflombard.org

September 7, 2018

Village President
Keith I. Giagnorio

Village Clerk
Sharon Kuderna

Trustees

Dan Whittington, Dist. 1
Michael A. Fugiel, Dist. 2
Rend Polyniewicz, Dist. 3
Bill F. Johnston, Dist. 4
Robyn Pike, Dist. 5
William "Bill" Ware, Dist. 6

Village Manager
Scott R. Niehaus

Our shared vision for Lombard is a community of excellence exemplified by its government working together with residents and businesses to create a distinctive sense of spirit and an outstanding quality of life.

"The Mission of the Village of Lombard is to provide superior and responsive governmental services to the people of Lombard."

William T. King
Executive Vice-President/CFO
The Shaw Company
300 South Northwest Highway
Suite 209A
Park Ridge, Illinois 60068-4257

**Re: Lombard Special Assessment No. 215 – Fountain Square –
Refund of the Developer Contribution**

Dear Mr. King:

Please be advised that this letter is being written in response to your letter of August 17, 2018, relative to the above-captioned matter (copy enclosed). In that regard, please be advised as follows:

1. As further explained in the enclosed copy of the email from Anne Fairbairn, Accounting Manager for the Village of Lombard (the "Village"), to Devon M. Evans, Vice-President of Property Management for the Sequoia Realty Group (the current property manager for the Fountain Square of Lombard development in Lombard – the "Property Manager"), sent on August 2, 2018 (at 9:42 a.m.), at the time Lombard Special Assessment No. 215 was closed out in Court, it was anticipated that the proceeds of the assessments, that were confirmed by the Court, would be insufficient to pay for all of the costs of the project. As such, the developer, Fountain Square of Lombard, LLC, was requested to make up the shortfall, in the amount of \$128,649.66, which the developer did, pursuant to the payment referenced in item 4 in Anne Fairbairn's email to Devon M. Evans (the "Developer Contribution").
2. All project costs, relative to Lombard Special Assessment No. 215, have now been paid, and there are funds remaining in the Lombard Special Assessment No. 215 Fund, which exceed the amount of the Developer Contribution. As such, it is now clear that the Developer Contribution was not necessary to pay for the costs of the project.
3. As Fountain Square of Lombard, LLC was dissolved in 2009, Anne Fairbairn contacted the Property Manager, to ascertain who should receive the refund of the Developer Contribution, and, after a phone conversation with Devon M. Evans, forwarded the email, referenced in 1. above, to Devon M. Evans.
4. In response to the email referenced in 1. above, Devon M. Evans forwarded two (2) emails to Anne Fairbairn, one on August 8, 2018 (at 10:16 a.m.) and one on August 10, 2018 (at 3:02 p.m.), both of which indicated that the Developer Contribution should not be forwarded to the Property Manager, but rather to The Shaw Company (the entity which forwarded the Developer Contribution check to the Village). Copies of the aforementioned emails are enclosed.
5. In response to the Property Manager forwarding Anne Fairbairn's email of August 2, 2018

to your attention, you forwarded the enclosed letter of August 17, 2018 to Anne Fairbairn.

6. Based on your letter of August 17, 2018, the Village will forward a check, in the amount of \$128,649.66, made payable to The Shaw Company, as a refund of the Developer Contribution, to your attention; provided, however, that the Village receives the enclosed copy of this letter, executed below by you, on behalf of The Shaw Company, and notarized, in light of the fact that the Developer Contribution was made by a check written on the account of Fountain Square of Lombard, LLC, which has since been dissolved.

If there are any questions, please feel free to contact Anne Fairbairn [(630) 620-5916] or me [(630) 620-5902].

Very truly yours,
Village of Lombard


Timothy Sexton
Finance Director

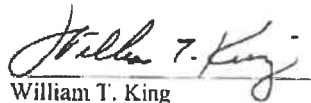
Enclosures

cc: Anne Fairbairn, Lombard Accounting Manager (w/ encls.)

ACKNOWLEDGMENT

I, William T. King, having first been duly sworn on oath, state and represent as follows:

- A. I am the Executive Vice-President/CFO of The Shaw Company and, in said capacity, am the authorized agent of The Shaw Company for purposes of making the statements and representations set forth below, and binding The Shaw Company in relation thereto.
- B. That Fountain Square of Lombard, LLC was a single purpose entity, formed by The Shaw Company, for the purposes of developing the Fountain Square of Lombard development, and constructing the improvements covered by Lombard Special Assessment No. 215.
- C. That Fountain Square of Lombard, LLC was dissolved in 2009, and, as such, any refund of the Developer Contribution should go to The Shaw Company.
- D. That, provided the Village of Lombard refunds the Developer Contribution to The Shaw Company, The Shaw Company shall indemnify and hold harmless the Village, and its elected officials, officers, agents and employees, with respect to any claim or liability, including, but not limited to, attorney's fees, costs and expenses of litigation, claims and judgments in connection with any and all claims for damages, or otherwise, of any kind which may arise, either directly or indirectly, out of, or as a result of, the Village's refund of the Developer Contribution to The Shaw Company.

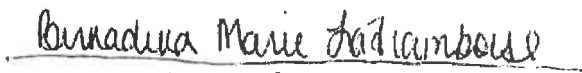


William T. King
Executive Vice-President/CFO
The Shaw Company

Date: 9-10-2018

Subscribed and Sworn to before me this 10th day of September, 2018




Notary Public

THE SHAW COMPANY

August 17, 2018

Ms. Anne Fairbairn
Accounting Manager
Village of Lombard
255 E. Wilson Avenue
Lombard, IL 60148

RE: Special Assessment #215/Fountain Square – refund of developer's contribution

Dear Anne,

The project known as Fountain Square of Lombard was developed by Fountain Square of Lombard LLC. This LLC was formed by principals of The Shaw Company. As you know this LLC no longer exists. It was dissolved on 6/30/2009. The Shaw Company, however, does continue to exist and operate. Our Federal ID # is 36-4266706. On November 16, 2001, The Shaw Company delivered a check to the Village of Lombard in the amount of \$128,649.66 to cover an anticipated shortfall in the SAA assessment. It is our understanding that there is a surplus of funds and that the Village of Lombard now wishes to return funds to the developer. Under the circumstances, we believe it would be appropriate to return these funds to The Shaw Company.

Very Truly Yours,



William T. King
Executive Vice-President/CFO
The Shaw Company
300 S. Northwest Highway, Suite 209A
Park Ridge, IL 60068-4257
wtking@shaw-co.com
Office: 847-653-1445
Cell: 630-484-8599

Fairbairn, Anne

From: Devon Evans <DEvans@sequoiarg.com>
Sent: Wednesday, August 08, 2018 10:16 AM
To: Fairbairn, Anne
Subject: RE: Special Assessment #215/Fountain Square - refund of developer's contribution

Hi Anne,

I checked with my boss and we feel this should be returned to the developer. I have a call into The Shaw Company and hope to track down a direct contact to refer back to you.

Thank you!

Devon M. Evans

Vice-President of Property Management | Broker

Sequoia Realty Group

1900 S. Highland Avenue, Suite #104

Lombard, IL 60148

P: 630-424-8902 | C: 815-404-1218 | F: 630-424-8916 | E: DEvans@SequoiaRG.com

www.SequoiaRG.com

From: Fairbairn, Anne <FairbairnA@villageoflombard.org>
Sent: Thursday, August 02, 2018 9:42 AM
To: Devon Evans <DEvans@sequoiarg.com>
Subject: Special Assessment #215/Fountain Square - refund of developer's contribution
Importance: High

As you requested during our phone conversation this afternoon, I'm providing an e-mail summarizing information we are seeking.

1. Fountain Square was previously property owned by a seminary.
2. R98-095981 was recorded on May 19, 1998 in the Circuit Court for the Eighteenth Judicial Circuit, DuPage County, Illinois in the matter of the Village of Lombard, DuPage County, Illinois Special Assessment for the installation of sanitary sewers and watermains, and the improving of portions of 22nd Street, Meyers Road and Butterfield Road, in regard to the Fountain Square development in the Village of Lombard. (attached scan)
3. Upon calculating Final Cost and Completion in 2001 after all project costs were paid, it was determined the need for additional funds from the developer were required.
4. Check #101 dated 11/15/2001 in the amount of \$128,649.66 from the Fountain Square of Lombard, SAA – 215 – Escrow was received by the Village of Lombard on November 19, 2001. Dennis J. Stine signed the check and it was enclosed with letterhead from The Shaw Company. The letter dated 11/16/01 was signed by Michael J. Power, Jr, Senior Accountant. (attached scan)
5. On December 5, 2001 Judge Duncan entered the Order Confirming Certificate of Final Cost And Completion. (attached scan)
6. All of the bonds issued and all of the principal & interest payments from the property owners have all been paid in full in 2018. There is a surplus of funds.
7. Since the Fountain Square of Lombard LLC no longer exists, I contacted Sequoia Realty Group to inquire who the authorized party would be to receive the refund due Fountain Square of Lombard, LLC.

I hope this helps explain what happened & what we're looking to do.

Thank you,
Anne



Anne Fairbairn

Accounting Manager
Village of Lombard
255 E Wilson Ave. Lombard, IL 60148

Phone: (630) 620-5916

Fax: (630) 620-8222

Email: fairbairna@villageoflombard.org

Web: www.villageoflombard.org

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Fairbairn, Anne

From: Devon Evans <DEvans@sequoiarg.com>
Sent: Friday, August 10, 2018 3:02 PM
To: Fairbairn, Anne
Subject: RE: Special Assessment #215/Fountain Square - refund of developer's contribution

Hi Anne,

I have forwarded this email on to Bill King of The Shaw Company. He will be contacting you to discuss the refund. Here is his contact information, in case you need it.

Bill King
The Shaw Company
300 S. Northwest Highway
Suite 209A
Park Ridge, IL 60068
847-653-1404
WTKing@shaw-co.com

Please let me know if we can be of further assistance on this or any other matters relating to the Fountain Square of Lombard POAI

Devon M. Evans
Vice-President of Property Management | Broker
Sequoia Realty Group
1900 S. Highland Avenue, Suite #104
Lombard, IL 60148
P: 630-424-8902 | C: 815-404-1218 | F: 630-424-8916 | E: DEvans@SequoiaRG.com
www.SequoiaRG.com

From: Fairbairn, Anne <FairbairnA@villageoflombard.org>
Sent: Thursday, August 02, 2018 9:42 AM
To: Devon Evans <DEvans@sequoiarg.com>
Subject: Special Assessment #215/Fountain Square - refund of developer's contribution
Importance: High

As you requested during our phone conversation this afternoon, I'm providing an e-mail summarizing information we are seeking.

1. Fountain Square was previously property owned by a seminary.
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3. Upon calculating Final Cost and Completion in 2001 after all project costs were paid, it was determined the need for additional funds from the developer were required.

4. Check #101 dated 11/15/2001 in the amount of \$128,649.66 from the Fountain Square of Lombard, SAA – 215 – Escrow was received by the Village of Lombard on November 19, 2001. Dennis J. Stine signed the check and it was enclosed with letterhead from The Shaw Company. The letter dated 11/16/01 was signed by Michael J. Power, Jr, Senior Accountant. (attached scan)
5. On December 5, 2001 Judge Duncan entered the Order Confirming Certificate of Final Cost And Completion. (attached scan)
6. All of the bonds issued and all of the principal & interest payments from the property owners have all been paid in full in 2018. There is a surplus of funds.
7. Since the Fountain Square of Lombard LLC no longer exists, I contacted Sequoia Realty Group to inquire who the authorized party would be to receive the refund due Fountain Square of Lombard, LLC.

I hope this helps explain what happened & what we're looking to do.

Thank you,
Anne

	<p>Anne Fairbairn Accounting Manager Village of Lombard 255 E Wilson Ave. Lombard, IL 60148</p>
	<p>Phone: (630) 620-5916 Fax: (630) 620-8222 Email: fairbairna@villageoflombard.org Web: www.villageoflombard.org</p>
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STATE OF ILLINOIS)
COUNTY OF DU PAGE)

CERTIFICATION
I, Joel Kagan, Clerk of the 18th Judicial Circuit Court, DuPage County, Illinois, do hereby certify this to be a true and correct copy of the same as it appears from the records and files in my office.
GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 19th DAY OF MAY 1998.

Joel Kagan
JOEL KAGAN, Clerk

DATE: MAY 19 1998



IN THE CIRCUIT COURT FOR THE EIGHTEENTH JUDICIAL CIRCUIT
DUPAGE COUNTY, ILLINOIS

IN THE MATTER OF THE VILLAGE OF)
LOMBARD, DUPAGE COUNTY, ILLINOIS,)
SPECIAL ASSESSMENT FOR THE INSTALLATION)
OF SANITARY SEWERS AND WATERMANS, AND)
THE IMPROVING OF PORTIONS OF 22ND STREET,)
MEYERS ROAD AND BUTTERFIELD ROAD, IN)
REGARD TO THE FOUNTAIN SQUARE)
DEVELOPMENT IN THE VILLAGE OF LOMBARD.)

VILLAGE OF LOMBARD
SPECIAL ASSESSMENT
NO. 215
98 TX 05

98 MAY 19 PM 4:05
FILED

ASSESSMENT ROLL AND REPORT

Report and Assessment Roll made by the Commissioner appointed by the President of the Board of Local Improvements of the Village of Lombard to make a true and impartial assessment of the cost of the improving of portions of the 22nd Street, Meyers Road and Butterfield Road right-of-ways, including the construction of sidewalks and traffic signal improvements at certain locations, the installation of sanitary sewers and the installation of watermains, in accordance with the Ordinance, Recommendation and Estimate of the Board of Local Improvements and passed by the President and Board of Trustees of said Village on May 7, 1998, showing a list of all the lots, blocks, tracts and parcels of land assessed for the proposed improvements; the amount assessed against each; the name of the person who paid the taxes on each such parcel during the last preceding calendar year in which taxes were paid, and the residence of the person so paying the taxes on each parcel, so far as the same can be found after diligent inquiry, the amount found by said Commissioner as public benefit and assessed to the municipality aforesaid; and the amount of each installment of said assessment.

Thomas P. Bayer
Klein, Thorpe and Jenkins, Ltd.
20 North Wacker Drive
Suite 1660
Chicago, Illinois 60606
(312) 984-6400
Attorney Number 44500
TPB\ch\NC\DTREE\MyFiles\LOMBARD\SPA 209\assessroll.215.wpd

**VILLAGE OF LOMBARD
SPECIAL ASSESSMENT NO. 215
REPORT AND ASSESSMENT ROLL**

SHEET NO. 1

Improvement: Right-of-Way Improvements, Sanitary Sewer Installation and Watermain Installation - Fountain Square Development

Legal Description: Lot 1 in Fountain Square, being a subdivision of part of the Northeast 1/4 of Section 29 and the Northwest 1/4 of Section 28, Township 39 North, Range 11, East of the Third Principal Meridian, DuPage County, Illinois. [Currently: Lots 1 through 8 and part of the West 1/2 of Lot 9 in Bethany Biblical Seminary Subdivision of part of the Northwest 1/4 of Section 28, Township 39 North, Range 11, East of the Third Principal Meridian and part of Lot 1 in Bethany Theological Seminary Assessment Plat of part of the Northeast 1/4 of Section 29 and the Northwest 1/4 of Section 28, Township 39 North, Range 11, East of the Third Principal Meridian, DuPage County, Illinois.]

P.L.N.: 06-28-100-001, -002, -003, -004, -005, -006, -007 and -008; Pt. 06-28-100-009; Pt. 06-28-101-003

Name and Address of Person Who Paid the Taxes During the Last Preceding Calendar Year in Which Taxes Were Paid:

Bethany Theological Seminary
615 National Blvd. W.
Richmond, IN 47374

Other Parties Requesting Notice:

Fountain Square of Lombard, L.L.C. c/o CHS DuPage One, L.L.C. Manager, Mr. Dennis Stine The Shaw Company Sears Tower Suite 325 Chicago, Illinois 60606	Robert J. Pugliese Lord, Bissell & Brook 115 South LaSalle Street Chicago, Illinois 60603
--	--

<u>Assessment Installments</u>	<u>Due Date</u>
1. \$40,661.42	January 2, 2000
2. \$41,790.00	January 2, 2001
3. \$43,183.00	January 2, 2002
4. \$45,969.00	January 2, 2003
5. \$47,362.00	January 2, 2004
6. \$50,148.00	January 2, 2005
7. \$52,934.00	January 2, 2006
8. \$55,720.00	January 2, 2007
9. \$57,113.00	January 2, 2008
10. \$61,292.00	January 2, 2009
11. \$64,078.00	January 2, 2010
12. \$66,864.00	January 2, 2011
13. \$71,043.00	January 2, 2012
14. \$73,829.00	January 2, 2013
15. \$78,008.00	January 2, 2014
16. \$82,187.00	January 2, 2015
17. \$87,759.00	January 2, 2016
18. \$91,938.00	January 2, 2017
19. \$96,117.00	January 2, 2018
<u>\$1,207,995.42</u>	TOTAL ASSESSMENT

**VILLAGE OF LOMBARD
SPECIAL ASSESSMENT NO. 215
REPORT AND ASSESSMENT ROLL**

SHEET NO. 2

Improvement: Right-of-Way Improvements, Sanitary Sewer Installation Watermain Installation - Fountain Square Development

Legal Description: Lot 2 in Fountain Square, being a subdivision of part of the Northeast 1/4 of Section 29 and the Northwest 1/4 of Section 28, Township 39 North, Range 11, East of the Third Principal Meridian, DuPage County, Illinois. [Currently: Part of Lot 9 in Bethany Biblical Seminary Subdivision of part of the Northwest 1/4 of Section 28, Township 39 North, Range 11, East of the Third Principal Meridian, and part of Lot 1 in Bethany Theological Seminary Assessment Plat of part of the Northeast 1/4 of Section 29 and the Northwest 1/4 of Section 28, Township 39 North, Range 11, East of the Third Principal Meridian, DuPage County, Illinois.]

P.I.N.: 06-28-100-009 and Pt. 06-28-101-003

Name and Address of Person Who Paid the Taxes During the Last Preceding Calendar Year in Which Taxes Were Paid:

Bethany Theological Seminary
615 National Blvd. W.
Richmond, IN 47374

Other Parties Requesting Notice:

Fountain Square of Lombard, L.L.C. c/o CHS DuPage One, L.L.C. Manager, Mr. Dennis Stine The Shaw Company Sears Tower Suite 325 Chicago, Illinois 60606	Robert J. Pugliese Lord, Bissell & Brook 115 South LaSalle Street Chicago, Illinois 60603
--	--

	<u>Assessment Installments</u>	<u>Due Date</u>
1.	\$17,426.32	January 2, 2000
2.	\$17,910.00	January 2, 2001
3.	\$18,507.00	January 2, 2002
4.	\$19,701.00	January 2, 2003
5.	\$20,298.00	January 2, 2004
6.	\$21,492.00	January 2, 2005
7.	\$22,686.00	January 2, 2006
8.	\$23,880.00	January 2, 2007
9.	\$24,477.00	January 2, 2008
10.	\$26,268.00	January 2, 2009
11.	\$27,462.00	January 2, 2010
12.	\$28,656.00	January 2, 2011
13.	\$30,447.00	January 2, 2012
14.	\$31,641.00	January 2, 2013
15.	\$33,432.00	January 2, 2014
16.	\$35,223.00	January 2, 2015
17.	\$37,611.00	January 2, 2016
18.	\$39,402.00	January 2, 2017
19.	\$41,193.00	January 2, 2018
	<u>\$517,712.32</u>	TOTAL ASSESSMENT

**VILLAGE OF LOMBARD
SPECIAL ASSESSMENT NO. 215
REPORT AND ASSESSMENT ROLL**

SHEET NO. 3

Improvement: Right-of-Way Improvements, Sanitary Sower Installation and Watermain Installation - Fountain Square Development

Legal Description: Lot 5 in Fountain Square, being a subdivision of part of the Northeast 1/4 of Section 29 and the Northwest 1/4 of Section 28, Township 39 North, Range 11, East of the Third Principal Meridian, DuPage County, Illinois. [Currently: Part of Lot 1 in Bethany Theological Seminary Assessment Plat of part of the Northeast 1/4 of Section 29 and the Northwest 1/4 of Section 28, Township 39 North, Range 11, East of the Third Principal Meridian, DuPage County, Illinois.]

P.L.N.: Pt. 06-28-101-003

Name and Address of Person Who Paid the Taxes During the Last Preceding Calendar Year in Which Taxes Were Paid:

Bethany Theological Seminary
615 National Blvd. W.
Richmond, IN 47374

Other Parties Requesting Notice:

Fountain Square of Lombard, L.L.C. c/o CHS DuPage One, L.L.C. Manager, Mr. Dennis Stine The Shaw Company Sears Tower Suite 325 Chicago, Illinois 60606	Robert J. Pugliese Lord, Bissell & Brook 115 South LaSalle Street Chicago, Illinois 60603
--	--

<u>Assessment Installments</u>	<u>Due Date</u>
1. \$25,555.68	January 2, 2000
2. \$26,265.00	January 2, 2001
3. \$27,140.50	January 2, 2002
4. \$28,891.50	January 2, 2003
5. \$29,767.00	January 2, 2004
6. \$31,518.00	January 2, 2005
7. \$33,269.00	January 2, 2006
8. \$35,020.00	January 2, 2007
9. \$35,895.50	January 2, 2008
10. \$38,522.00	January 2, 2009
11. \$40,273.00	January 2, 2010
12. \$42,024.00	January 2, 2011
13. \$44,650.50	January 2, 2012
14. \$46,401.50	January 2, 2013
15. \$49,028.00	January 2, 2014
16. \$51,654.50	January 2, 2015
17. \$55,156.50	January 2, 2016
18. \$57,783.00	January 2, 2017
19. \$60,409.50	January 2, 2018

\$759,224.68

TOTAL ASSESSMENT

VILLAGE OF LOMBARD
SPECIAL ASSESSMENT NO. 215
REPORT AND ASSESSMENT ROLL

SHEET NO. 4

Improvement: Right-of-Way Improvements, Sanitary Sewer Installation and Watermain Installation - Fountain Square Development

Legal Description: Lot 6 in Fountain Square, being a subdivision of part of the Northeast 1/4 of Section 29 and the Northwest 1/4 of Section 28, Township 39 North, Range 11, East of the Third Principal Meridian, DuPage County, Illinois. [Currently: Part of Lot 1 in Bethany Theological Seminary Assessment Plat of part of the Northeast 1/4 of Section 29 and the Northwest 1/4 of Section 28, Township 39 North, Range 11, East of the Third Principal Meridian, DuPage County, Illinois.]

P.I.N.: Pt. 06-28-101-003

Name and Address of Person Who Paid the Taxes During the Last Preceding Calendar Year in Which Taxes Were Paid:

Bethany Theological Seminary
615 National Blvd. W.
Richmond, IN 47374

Other Parties Requiring Notice:

Fountain Square of Lombard, L.L.C. Robert J. Pugliese
c/o CHS DuPage Ora, L.L.C. Lord, Bissell & Brook
Manager, Mr. Dennis Stine 115 South LaSalle Street
The Shaw Company Chicago, Illinois 60603
Sears Tower
Suite 325
Chicago, Illinois 60606

	Assessment Installments	Due Date
1	\$33,874.79	January 2, 2000
2	\$34,815.00	January 2, 2001
3	\$35,975.50	January 2, 2002
4	\$38,296.50	January 2, 2003
5	\$39,497.00	January 2, 2004
6	\$41,778.00	January 2, 2005
7	\$44,099.00	January 2, 2006
8	\$46,420.00	January 2, 2007
9	\$47,580.50	January 2, 2008
10	\$51,062.00	January 2, 2009
11	\$53,383.00	January 2, 2010
12	\$55,704.00	January 2, 2011
13	\$59,185.50	January 2, 2012
14	\$61,306.50	January 2, 2013
15	\$64,988.00	January 2, 2014
16	\$68,469.50	January 2, 2015
17	\$73,111.50	January 2, 2016
18	\$76,593.00	January 2, 2017
19	\$80,074.50	January 2, 2018

\$1,006,373.79

TOTAL ASSESSMENT

**VILLAGE OF LOMBARD
SPECIAL ASSESSMENT NO. 215
REPORT AND ASSESSMENT ROLL**

SHEET NO. 5

Improvement: Right-of-Way Improvements, Sanitary Sewer Installation and Watermain Installation - Fountain Square Development

Legal Description: Lot 7 in Fountain Square, being a subdivision of part of the Northeast 1/4 of Section 29 and the Northwest 1/4 of Section 28, Township 39 North, Range 11, East of the Third Principal Meridian, DuPage County, Illinois. (Currently: Part of Lot 1 in Bethany Theological Seminary Assessment Plat of part of the Northeast 1/4 of Section 29 and the Northwest 1/4 of Section 28, Township 39 North, Range 11, East of the Third Principal Meridian, DuPage County, Illinois.)

P.L.N.: Pt. 06-28-101-003

Name and Address of Person Who Paid the Taxes During the Last Preceding Calendar Year in Which Taxes Were Paid:

Bethany Theological Seminary
615 National Blvd. W.
Richmond, IN 47374

Other Parties Requesting Notice:

Fountain Square of Lombard, L.L.C. c/o CHS DuPage One, L.L.C. Manager, Mr. Dennis Stine The Shaw Company Sears Tower Suite 325 Chicago, Illinois 60606	Robert J. Pugliese Lord, Bissell & Brook 115 S. LaSalle St. Chicago, IL 60603	Galvan's Property Holding Co. Three Limited Parkway Columbus, Ohio 43230 Attn: Corporate Real Estate Dept.
--	--	---

<u>Assessment Installments</u>	<u>Due Date</u>
1. \$28,430.88	January 2, 2000
2. \$29,220.00	January 2, 2001
3. \$30,194.00	January 2, 2002
4. \$32,142.00	January 2, 2003
5. \$33,116.00	January 2, 2004
6. \$35,064.00	January 2, 2005
7. \$37,012.00	January 2, 2006
8. \$38,960.00	January 2, 2007
9. \$39,934.00	January 2, 2008
10. \$42,865.00	January 2, 2009
11. \$44,804.00	January 2, 2010
12. \$46,752.00	January 2, 2011
13. \$49,674.00	January 2, 2012
14. \$51,622.00	January 2, 2013
15. \$54,544.00	January 2, 2014
16. \$57,466.00	January 2, 2015
17. \$61,362.00	January 2, 2016
18. \$64,284.00	January 2, 2017
19. \$67,206.00	January 2, 2018
\$844,642.88 TOTAL ASSESSMENT	

VILLAGE OF LOMBARD
SPECIAL ASSESSMENT NO. 213
REPORT AND ASSESSMENT ROLL

SHEET NO. 6

Improvement: **Right-of-Way Improvements, Sanitary Sewer Installation and Watermain Installation - Fountain Square Development**

	<u>Assessment Installments - Grand Total</u>	<u>Due Date</u>
1.	\$145,949.09	January 2, 2000
2.	\$150,000.00	January 2, 2001
3.	\$155,000.00	January 2, 2002
4.	\$165,000.00	January 2, 2003
5.	\$170,000.00	January 2, 2004
6.	\$180,000.00	January 2, 2005
7.	\$190,000.00	January 2, 2006
8.	\$200,000.00	January 2, 2007
9.	\$205,000.00	January 2, 2008
10.	\$220,000.00	January 2, 2009
11.	\$230,000.00	January 2, 2010
12.	\$240,000.00	January 2, 2011
13.	\$255,000.00	January 2, 2012
14.	\$265,000.00	January 2, 2013
15.	\$280,000.00	January 2, 2014
16.	\$295,000.00	January 2, 2015
17.	\$315,000.00	January 2, 2016
18.	\$330,000.00	January 2, 2017
19.	\$345,000.00	January 2, 2018
	<u>\$4,335,949.09</u>	
	TOTAL ASSESSMENT	

STATE OF ILLINOIS)
) SS
COUNTY OF DU PAGE)

AFFIDAVIT TO ROLL

C.J. BROYLES, being first duly sworn on oath, deposes and says that she has made a true and impartial assessment of the cost of the said improvement upon the property benefitted by such improvement; that she verily believes that the amounts assessed against the public and against each lot, block, tract and parcel of land assessed in the said assessment roll made by her in pursuance thereof, attached hereto, are just and equitable and do not exceed the benefits which will be in each case derived from said improvements; that no lot, block, tract or parcel of land has been assessed more than its proportionate share of the cost of said improvement.

The affiant further states that she made or caused to be made a diligent search of the records maintained by the Collector of general taxes in this County showing the persons who paid general taxes during the last preceding year in which taxes were paid on the premises above-described subject to this assessment, and has made a diligent search for the residences of such persons, and the report herewith filed correctly states such persons and residences as so ascertained.

The affiant further states that she has fully complied with all of the requirements as set forth in Section 9-2-47 of the Illinois Municipal Code (65 ILCS 5/9-2-47).



C.J. BROYLES, COMMISSIONER

SUBSCRIBED AND SWORN TO BEFORE
me this 11th day of May,
1998.



NOTARY PUBLIC



CERTIFICATE TO ROLL

The undersigned Commissioner, duly appointed to make a true and impartial assessment of the cost of an improvement consisting of:

A. 22nd Street

Pavement removal, curb and gutter removal, inlet and catch basin removal, guardrail removal, earth excavation, removal and disposal of unsuitable material, Portland Cement Concrete pavement, aggregate base course, combination concrete curb and gutter, Portland Cement Concrete sidewalk, bituminous concrete pedway, butuminous driveway replacement, storm sewer and appurtenances for pavement drainage purposes, street lighting, pavement marking, traffic signals, parkway restoration and landscaped median; making a pavement seventy-one feet (71') wide as measured between the back of curbs.

B. Meyers Road - (Enhancement to Meyers is part of DuPage County Roadway Improvement abutting the SAA)

Curb and gutter removal; earth excavation and embankment; removal and disposal of unsuitable material; bituminous concrete surface course and binder course; sub-base granular material; bituminous base course; combination concrete curb and gutter; storm sewer and appurtenances for pavement drainage purposes; pavement marking and parkway restoration; adding a southbound right turn lane and a northbound left turn lane both twelve feet (12') wide measured from edge of pavement to edge of pavement.


C. Butterfield Road

Median removal and replacement, curb and gutter removal, inlet and manhole removal, guardrail removal and replacement, earth excavation and embankment, removal and disposal of unsuitable material, Portland Cement Concrete pavement, sub-base granular material, stabilized subbase, combination concrete curb and gutter, Portland Cement Concrete sidewalk, box culvert extension and installation, storm sewer and appurtenances for pavement drainage purposes, pavement marking and traffic signals; adding a right turn lane and two (2) left turn lanes twelve feet (12') wide measured from edge of pavement to edge of pavement.

as provided for by a Resolution of the Board of Local Improvements and an Ordinance enacted by the corporate authorities of the Village, said Ordinance having been passed on the 7th day of May, 1998, does hereby certify:

That she has completed the attached assessment roll showing a list of all the lots, blocks, tracts and parcels of land assessed for the proposed improvement; the amount assessed against each; the name of the person who paid the taxes on each parcel during the preceding year in which taxes were paid as shown upon the books of the County Collector; the residence of the person so paying the taxes where the same could be found; and the assessment having been divided into installments, the amount of each installment is stated.

She further certifies that she estimated what portion of the total cost of such improvement would be of benefit to the public and what portion thereof would be of benefit to the property to be benefitted and apportioned the same between the Village and such property so that each will bear its relative equitable proportion; that no amount was estimated and apportioned to the Village as public benefit, and the amount so estimated and apportioned to the property to be benefitted being the sum of \$4,335,949.09; and having found such amounts the undersigned did apportion and assess the amount so found to be of benefit to the property upon the several lots, blocks, tracts and parcels of land in the proportion in which they will severally be benefitted by such improvement; and that no lot, block, tract or parcel of land has been assessed a greater amount than it will be actually benefitted.


C.J. BROYLES, COMMISSIONER

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RECORDER
DU PAGE COUNTY

Planey

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STATE OF ILLINOIS)
) SS
COUNTY OF DU PAGE)

**IN THE CIRCUIT COURT FOR THE EIGHTEENTH JUDICIAL CIRCUIT
DUPAGE COUNTY, ILLINOIS**

IN THE MATTER OF THE VILLAGE OF)
LOMBARD, DUPAGE COUNTY, ILLINOIS,) VILLAGE OF LOMBARD
SPECIAL ASSESSMENT FOR THE INSTALLATION) SPECIAL ASSESSMENT
OF SANITARY SEWERS AND WATERMAINS, AND) NO. 215
THE IMPROVING OF PORTIONS OF 22ND STREET,) 98 TX 05
MEYERS ROAD AND BUTTERFIELD ROAD, IN)
REGARD TO THE FOUNTAIN SQUARE)
DEVELOPMENT IN THE VILLAGE OF LOMBARD.)

**CERTIFIED COPY OF ORDER CORRECTING TYPOGRAPHICAL ERROR ON
ASSESSMENT ROLL AND REPORT**

Prepared by and return to:

Thomas P. Bayer
Klein, Thorpe and Jenkins, Ltd.
20 North Wacker Drive
Suite 1660
Chicago, Illinois 60606
(312) 984-6400
Attorney Number 44500

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2450
|

STATE OF ILLINOIS)
) SS
COUNTY OF DU PAGE)

IN THE CIRCUIT COURT FOR THE EIGHTEENTH JUDICIAL CIRCUIT
DUPAGE COUNTY, ILLINOIS

IN THE MATTER OF THE VILLAGE OF)
LOMBARD, DUPAGE COUNTY, ILLINOIS,)
SPECIAL ASSESSMENT FOR THE INSTALLATION)
OF SANITARY SEWERS AND WATERMAINS, AND)
THE IMPROVING OF PORTIONS OF 22ND STREET,)
MEYERS ROAD AND BUTTERFIELD ROAD, IN)
REGARD TO THE FOUNTAIN SQUARE)
DEVELOPMENT IN THE VILLAGE OF LOMBARD.)

VILLAGE OF LOMBARD
SPECIAL ASSESSMENT
NO. 98 TX 05

FILED
59 MAY 10 PM 2:13

ORDER CORRECTING TYPOGRAPHICAL ERROR ON ASSESSMENT ROLL AND REPORT

THIS CAUSE coming on to be heard on the Petitioner, Village of Lombard's, Motion to Correct a Typographical Error on the Assessment Roll and Report; all parties entitled to notice having been given notice and the Court being advised in the premises;

IT IS HEREBY ORDERED that Sheet No. 5 of the Assessment Roll and Report is amended by revising the dollar amount of the tenth assessment installment from "\$42,865.00" to "42,856.00"

DATED: May 10, 1999

ENTER: [Signature]
JUDGE

Thomas P. Bayer
Klein, Thorpe and Jenkins, Ltd.
20 North Wacker Drive
Suite 1660
Chicago, Illinois 60606
(312) 984-6400

C:\MyFiles\LOMBARD\SPA 215\order.correcting.typo.wpd

CERTIFICATION
I, Joel Kagann, Clerk of the 18th Judicial Circuit Court, DuPage County, Illinois do hereby certify this to be a true and correct copy as it appears on the records in my office.
IN WITNESS WHEREOF I have hereunto set my hand and caused to be attested the Seal of the said Court.
DATE MAY 19 1999
[Signature]
JOEL KAGANN, Clerk
by [Signature]
Deputy Clerk

THE SHAW COMPANY

RECEIVED
DEPARTMENT
MANAGEMENT
ACCOUNTING

Tom Bayon
FYI.

Anne Fairbairn
11/19/01

November 16, 2001

Mr. David Hulseberg
Village of Lombard
255 E. Wilson Avenue
Lombard, IL 60148

ANNE FAIRBAIRN

Via: Hand Delivery

Re: Fountain Square of Lombard, LLC - SAA 215

Dear David:

Enclosed please find Fountain Square of Lombard, L.L.C. check number 101 in the amount of \$128,649.66. This check represents payment in full for the SAA 215 shortfall amount as listed on the Certificate of Final Costs and Completion.

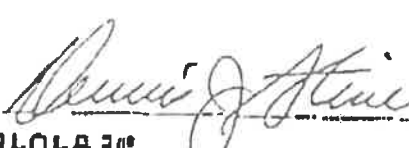
If you have any questions or require any additional information, please call me at (630) 990-8990.

Regards,

Michael J. Power, Jr.
Michael J. Power, Jr
Senior Accountant

enclosures

cc: Dennis J. Stine

Fountain Square of Lombard SAA - 215 - Escrow		101
		70-688/718
		DATE <u>November 15, 2001</u>
PAY TO THE ORDER OF <u>Village of Lombard</u>		\$ <u>128,649.66</u>
<u>One hundred twenty-eight thousand, six hundred forty-nine and 66/100</u> DOLLARS		
OLD KENT Old Kent Bank - Illinois 105 South York Road Elmhurst, Illinois 60126		
FOR _____		
⑈00010⑈ ⑆071905985⑆ 7512940482⑈		

STATE OF ILLINOIS)
) SS
 COUNTY OF DU PAGE)

FILED
 2008 NOV 19 AM 11:13
 CLERK OF THE
 EIGHTEENTH JUDICIAL CIRCUIT
 DUPAGE COUNTY, ILLINOIS

**IN THE CIRCUIT COURT FOR THE EIGHTEENTH JUDICIAL CIRCUIT
 DUPAGE COUNTY, ILLINOIS**

**IN THE MATTER OF THE VILLAGE OF)
 LOMBARD, DUPAGE COUNTY, ILLINOIS,)
 SPECIAL ASSESSMENT FOR THE INSTALLATION) VILLAGE OF LOMBARD
 OF SANITARY SEWERS AND WATERMAINS, AND) SPECIAL ASSESSMENT
 THE IMPROVING OF PORTIONS OF 22ND STREET,) NO. 215
 MEYERS ROAD AND BUTTERFIELD ROAD, IN) 98 TX 05
 REGARD TO THE FOUNTAIN SQUARE)
 DEVELOPMENT IN THE VILLAGE OF LOMBARD.)**

**CERTIFICATE OF
FINAL COST AND COMPLETION**

**TO: THE HONORABLE JUDGE OF THE CIRCUIT COURT FOR THE
 EIGHTEENTH JUDICIAL CIRCUIT, DUPAGE COUNTY, ILLINOIS:**

This is to certify that the local improvement provided for in the Ordinance herein has been completed in substantial compliance with the requirements of the original Ordinance for the construction of the same; that the following is a statement of the cost of said improvement and the amount which the Board of Local Improvements of said Village of Lombard estimates will be required to pay accruing interest on vouchers and bonds issued in anticipation of the collection of said assessment, to wit:

TOTAL AMOUNT OF THE ASSESSMENT AS CONFIRMED BY THE COURT	\$ 4,335,949.09
Total Cost for construction said improvement	(\$ 3,697,136.43)
Cost of engineering and inspection	(\$ 418,435.23)
Cost of making, levying and collecting the assessment, and lawful expenses attending same	(\$ 260,156.94)

Amount estimated by the Board of Local Improvements that is required to pay accruing interest on bonds and vouchers issued in anticipation of the collection of said assessment, as provided by law	(\$ 26,000.00)
Capitalized Interest	(\$ 62,870.15)
TOTAL ASSESSMENT REQUIRED	\$ 4,464,598.75
Shortfall	(\$ 128,649.66)
Developer Contribution	\$ 128,649.66
Surplus to be abated	\$ 0.00

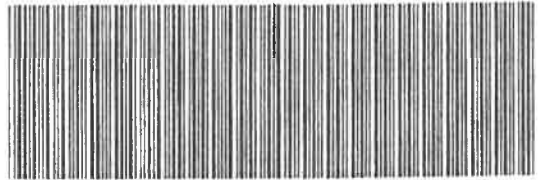
Said Board of Local Improvements accordingly applies to the Court to consider and determine whether the facts contained in the foregoing certificate are true, and further prays the Court to fix a time and place for hearing upon this application.

James W. Hoy
Laurence P. Barry
Suzanne K. Kramer
Porraime M. Shepherd

MEMBERS, BOARD OF LOCAL IMPROVEMENTS OF THE VILLAGE OF LOMBARD

BY: *Thomas P. Bayer*
 SECRETARY OF THE BOARD OF LOCAL IMPROVEMENTS

Thomas P. Bayer
 Klein, Thorpe and Jenkins, Ltd.
 20 North Wacker Drive
 Suite 1660
 Chicago, Illinois 60606
 (312) 984-6400
 Attorney No. 44500



J.P. "RICK" CARNEY
 DUPAGE COUNTY RECORDER
 DEC.27,2001 8:19 AM
 OTHER
003 PAGES R2001-285919

STATE OF ILLINOIS)
) SS
 COUNTY OF DU PAGE)

**IN THE CIRCUIT COURT FOR THE EIGHTEENTH JUDICIAL CIRCUIT
 DUPAGE COUNTY, ILLINOIS**

IN THE MATTER OF THE VILLAGE OF)	
LOMBARD, DUPAGE COUNTY, ILLINOIS,)	VILLAGE OF LOMBARD
SPECIAL ASSESSMENT FOR THE INSTALLATION)	SPECIAL ASSESSMENT
OF SANITARY SEWERS AND WATERMAINS, AND)	NO. 215
THE IMPROVING OF PORTIONS OF 22ND STREET,)	
MEYERS ROAD AND BUTTERFIELD ROAD, IN)	98 TX 05
REGARD TO THE FOUNTAIN SQUARE)	
DEVELOPMENT IN THE VILLAGE OF LOMBARD.)	

**CERTIFIED COPY OF ORDER CONFIRMING
 CERTIFICATE OF FINAL COST AND COMPLETION**

Prepared by and return to:

Thomas P. Bayer
 Klein, Thorpe and Jenkins, Ltd.
 20 North Wacker Drive
 Suite 1660
 Chicago, Illinois 60606
 (312) 984-6400
 Attorney Number 44500

STATE OF ILLINOIS)
) SS
COUNTY OF DU PAGE)

CLERK OF THE
18th JUDICIAL
CIRCUIT
DU PAGE COUNTY, ILLINOIS

Handwritten signature

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FILED

IN THE CIRCUIT COURT FOR THE EIGHTEENTH JUDICIAL CIRCUIT
DUPAGE COUNTY, ILLINOIS

730

IN THE MATTER OF THE VILLAGE OF)
LOMBARD, DUPAGE COUNTY, ILLINOIS,) VILLAGE OF LOMBARD
SPECIAL ASSESSMENT FOR THE INSTALLATION) SPECIAL ASSESSMENT
OF SANITARY SEWERS AND WATERMAINS, AND) NO. 215
THE IMPROVING OF PORTIONS OF 22ND STREET,)
MEYERS ROAD AND BUTTERFIELD ROAD, IN) 98 TX 05
REGARD TO THE FOUNTAIN SQUARE)
DEVELOPMENT IN THE VILLAGE OF LOMBARD.)

ORDER CONFIRMING CERTIFICATE OF FINAL COST AND COMPLETION

THIS CAUSE having duly come on to be heard on the Petition of the Village of Lombard for approval of a Certificate of Final Cost and Completion for an improvement described in the Ordinance passed previously by the corporate authorities of said Village, the said Ordinance having been duly passed upon recommendation of the Board of Local Improvements after due notice and publication thereof and the holding of the necessary public hearings and the necessary publication of the said Ordinance, the Court having received and confirmed the Assessment Roll and Report prepared by the Commissioner duly appointed in said matter, and proper notice having been given to all parties concerned of the respective proceedings in this Court, and this Court having examined the Certificate of Final Cost and Completion showing that said improvement has been completed substantially as provided for in the above-described Ordinance.

IT IS HEREBY ORDERED AND ADJUDGED that the application for the confirmation and approval of the Certificate of Final Cost and Completion is sufficient in all respects, that notices of this

hearing as prescribed by law have been published and given in the manner required by law.

I, Joel Kagann, Clerk of the 18th Judicial Circuit Court, DuPage County, Illinois, do hereby certify this to be a true and correct copy as it appears from the records and files in my office.
IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Seal of the said Court.

DATE DEC 13 2001 Joel Kagann
Joel Kagann, Clerk of Lombard Special Assessment No. 215 - Bethany/confirming certificate of final cost and completion.wpd



Joel Kagann
JOEL KAGANN, Clerk
by B. McChesney
Deputy Clerk

The Court further finds that the said improvement has been completed in substantial conformity with the Ordinance providing therefor, that the total amount assessed as adjusted for the making of such improvement is FOUR MILLION THREE HUNDRED THIRTY-FIVE THOUSAND NINE HUNDRED FORTY-NINE AND 09/100 DOLLARS (\$4,335,949.09); which includes FOUR HUNDRED EIGHTEEN THOUSAND FOUR HUNDRED THIRTY-FIVE AND 23/100 DOLLARS (\$418,435.23) to cover the cost of engineering and inspection services necessary for the improvement, and TWO HUNDRED SIXTY THOUSAND ONE HUNDRED FIFTY-SIX AND 94/100 DOLLARS (\$260,156.94) necessary to cover the cost of making, collecting and levying said assessment; and the total assessment, as adjusted, does not exceed the cost of the improvement and interest on such bonds and vouchers and does not exceed the benefits to the property improved and assessed therefor.

It further appearing to this Court that the matters set forth in the Certificate of Final Cost and Completion are true and that said improvement has been properly completed as therein shown, the said Certificate of Final Cost and Completion is hereby approved and confirmed, and the assessments as adjusted stand as confirmed.

DATED:

December 5, 2001

ENTER:


JUDGE

Thomas P. Bayer
KLEIN, THORPE AND JENKINS, LTD.
20 North Wacker Drive
Suite 1660
Chicago, Illinois 60606
(312) 984-6400
No. 44500