

EidenLaw

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Date: October 26, 2023
Our File No. 10-1015
Via: Email

Krista Barkley Braun
Planning & Zoning Manager
500 W. Winchester Road, Unit 101
Libertyville, IL 60048

Dear Krista,

As you know, the County and my client, Wanish LLC, previously executed an Agreement dated July 13, 2010, temporarily suspending the County's approval of the Final Plat of Wanish Park Planned Development. As a result, the Final Plat, although recorded, is deemed incomplete such that it is not fully in compliance with the provisions of Article 10 of the UDO. The agreement recognized the impact of the decline of the housing market and the desire to preserve the future marketability of the development and rights associated therewith. Thereafter, the County and Wanish executed a First Amendment to Agreement dated June 13, 2012, Second Amendment to Agreement dated October 2, 2013, Third Amendment to Agreement dated September 1, 2015, Fourth Amendment to Agreement dated November 22, 2017, Fifth Amendment to Agreement dated December 6, 2019 and Sixth Amendment to Agreement dated December 1, 2021 to continue the effectiveness of the agreement (collectively herein referred to as the "Agreement").

The main thrust of the Agreement is evidenced by the following paragraph:

Upon documentation that the conditions of the Agreement have been met, the Director shall evaluate the request from Wanish LLC to approve the Final Plat Documents and if found to be in acceptable form, shall promptly countersign the notice in subsection (4a) above as a ministerial act and without discretion, and shall record, at Wanish LLC's expense, a certificate that Wanish LLC has complied with the terms and conditions of this subsection. Upon such recording, the Approvals shall no longer be suspended, and the Final Plat Documents shall be deemed complete and in conformance with the provisions of the UDO, and Wanish LLC and its successors and assigns shall be entitled to all of the benefits of a recorded Final Plat. All of the Approvals previously granted by the County as a condition to and in conjunction with recording the Final Plat and constructing the subdivision improvements, shall thereafter be unmodified and in full force and effect.

The Agreement also provided:

In the event the Completion Date does not occur on or before December 31, 2023, unless

further extended by the parties hereto, (a) the Approval of the Final Plat Documents shall be terminated, (b) Wanish, LLC or its successors or assigns shall prepare and record a Plat of Vacation that meets the provisions of sections 151.204 (D) (2) and 151.204 (E) of the Lake County Code of Ordinances (as amended from time to time) to vacate the Final Plat, and (c) the Property shall be deemed to revert to its predevelopment status.

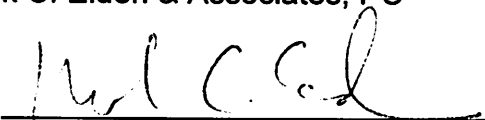
Wanish continues to market the property for sale. The property is attractive to a senior living developer because approvals for this use are already in place. Since the granting of the original development approvals, the majority of offers were from purchasers seeking to develop the property for adult living/multi-family uses. In the past 4 years, there were two proposals for multi-family use and two more for "age-in-place" senior living.

Wanish has hired a new agent to market the property. The new agent has introduced Wanish to a motivated senior living buyer which builds the same type of product approved for the Wanish development. The potential buyer is having a full market study prepared and is working with Wanish's site engineer to fit their product on the Wanish site in accordance with original approvals.

This letter is to request a Seventh Amendment to Agreement to extend the Completion Date to December 31, 2025, in accordance with the draft Seventh Amendment to Agreement accompanying this letter.

Please schedule us before the Planning, Building, Zoning and Environment Committee (PBZE) to present this request.

Mark C. Eiden & Associates, PC

By: 
Mark C. Eiden