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VIA EMAIL TRANSMISSION AND FIRST CLASS MAIL

Pam Newton, Chairperson
Planning, Building & Zoning Committee
Lake County Planning Building Development Dept.
18 N. County Street - 6th Floor
Waukegan, IL 60085-4356

Re: *Leese Subdivision*
PIN: 15-14-400-023, Vernon Township
Our file #:01-1019

Dear Ms. Newton:

I am legal counsel to the applicant for the subdivision referenced above. The property is a 5-acre parcel, on the east side of Elm Road, about 2/10 mile north of State Route 22. One house exists on the front, western half of the property at present. The planned subdivision would divide the property and create a second lot in the rear, eastern half of the property.

The purpose of this letter is to request a Subdivision Waiver pursuant to Section 10.2.5 of the UDO. A waiver is sought from the requirements under Sections 10.19.3.C and 10.19.4.C that the applicant provide a performance assurance and restoration assurance prior to final plat approval. The applicant is not currently employed. For that reason, he is not able to secure the necessary financing and obtain the issuance of a letter of credit which would satisfy the terms of Sections 10.19.3.C and 10.19.4.C.

The applicant does not, of course, propose that a letter of credit not be required, only that one not be required prior to final plat approval. The applicant is seeking to sell the rear lot which will be created if the subdivision is approved. The sale is desired to help the applicant's financial needs. Once subdivision approval is obtained, the marketability of the second lot will be greatly enhanced and the applicant can require that the purchaser post the necessary letter of credit.

Accordingly, the request made here is that the requirements under Sections 10.19.3.C and 10.19.4.C to post performance and restoration assurances be waived as a condition for final plat approval, but that such assurances shall be required prior to the commencement of any construction. Prior to posting the

assurances, the applicant may, and in the event the requisite assurances are to be posted more than one (1) year following final plat approval, the applicant shall submit a current engineer's estimate of probable cost. Upon approval of such estimate by the Planning, Building and Development Department ("PBD"), following review by such other departments as PBD may determine, the amount of the assurances shall be based, in accordance with the requirements of Sections 10.19.3.C and 10.19.4.C of the UDO, on such estimate of probable cost.

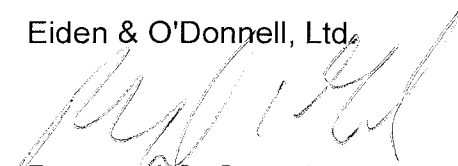
The request stated above satisfies the criteria for a subdivision waiver stated by Sections 10.2.5.C.3, for the following reasons:

- a. Since assurances for construction and restoration will be provided, and since such the amount of assurances will be updated if necessary, the waiver will not be detrimental to the public safety, health or welfare, or injurious to other property or improvements in the neighborhood;
- b. The proposal made above is crafted so as to produce the least deviation from the UDO as is needed to mitigate the hardship or practical difficulty that the applicant would be required to bear from a strict application of the stated terms of the UDO; and
- c. the waiver requested does not vary any other subdivision procedures, nor does it vary any subdivision design standards under the UDO.

For these reasons, the applicant respectfully requests that the Planning, Building and Zoning Committee approve this waiver. Thank you for your attention to this matter.

Sincerely

Eiden & O'Donnell, Ltd.



Raymond C. Gerard

RCG/je

cc.: Gerald Leese
Brad Denz