

EidenLaw

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Date: September 23, 2015
Our File No. 12-1010
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Pat Tierney
Lake County Planning Dept.
500 W. Winchester Road
Unit 101
Libertyville, IL 60048-1331

Dear Pat,

As you know, the County and my client, Collodi Builders, Inc., previously executed an agreement dated August 3, 2010, as amended on July 31, 2012 and further amended on August 5, 2014 temporarily suspending the County's approval of the Final Plat of Bull Creek Drive Subdivision. As a result, the Final Plat, although recorded, is deemed incomplete such that it is not fully in compliance with the provisions of Section 151.203 of the Lake County Code of Ordinances. The agreement recognizes the impact of the decline of the housing market and the desire to preserve the future marketability of the subdivision and rights associated with the subdivision.

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

The Director shall verify that the provisions of subsections a-c are complete. If they are found to be incomplete, the Director shall immediately notify Collodi Builders Inc. of their deficiencies. If the document is found to be complete, the Director shall countersign the notice in subsection 4. a. and shall record, at Collodi Builders Inc's expense, a certificate that Collodi Builders Inc. has complied with the terms and conditions of this subsection. Upon such recording, the Approvals shall no longer be suspended and the Final Plat shall be deemed complete and in conformance with the provisions of the UDO (now Chapter 151 of the Lake County Code), and Collodi Builders Inc. 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 Second Amendment that:

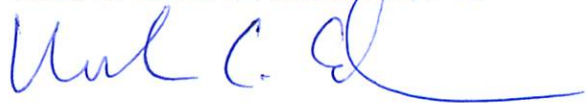
In the event the Completion Date does not occur on or before November 6, 2015, *unless further extended by the parties hereto* (a) the Approval of the Final Plat Documents shall be terminated, (b) Collodi shall prepare and record a Plat of Vacation that meets the provisions of sections 10.20.4.2 and 10.20.5 (now Section 151.204) of the Unified Development Ordinance (as amended from time to time) (now the Lake County Code) to vacate the Final Plat, and (c) the Property shall be deemed to revert to its predevelopment status. The decline of the housing market has not yet fully abated and Collodi Builders Inc. is still interested in preserving the future marketability of the subdivision and rights associated therewith.

This letter is to request a Third Amendment to the Agreement to:

- a. extend the Completion Date to December 31, 2017, in accordance with the draft Third Amendment to Agreement attached with this letter, and
- b. add language providing that notwithstanding that the original Approvals shall control after their reinstatement, Collodi Builders Inc. shall be required to amend its plans and comply with the minimum standards of all mandatory State and Federal floodplain, floodway and wetland regulations which are in effect at the time of development, and which cannot be exempted or waived by the County.

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

Very truly yours,
Mark C. Eiden & Associates, PC.



Mark C. Eiden