

# EidenLaw

Mark C. Eiden & Associates, PC  
1000 N. Rand Road Unit 120  
Wauconda, IL 60084  
Phone. 847-641-3689

Date: November 7, 2019  
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 recognizes the impact of the decline of the housing market and the desire to preserve the future marketability of the development and rights associated with the development. 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 and Fourth Amendment to Agreement dated November 22, 2017 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, 2019, 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.

The continuing softness of the housing market has not abated and Wanish LLC is still interested in preserving the future marketability of the subdivision and rights associated therewith.

This letter is to request a Fifth Amendment to Agreement to extend the Completion Date to December 31, 2021 in accordance with the draft Fifth Amendment to Agreement attached with this letter

Wanish, LLC continues to market the property for sale. The property is attractive to a senior living developer because approvals are in place. Since the granting of the original development approvals, Wanish, LLC has received a number of offers for adult living/multi family use. The majority were for senior living. In the past 3 years, there were two proposals for multi family use, and another for "age in place" senior living. The most recent prospect for senior housing decided to move to another location on Hunt Club Road further north.

Wanish LLC has decided to significantly reduce its price for the property. The combination of a lower price and existing approvals is attractive to the market. Vacating the approvals will likely extend the approval process. Developers are seeking projects with compressed time frames, since longer term sales projections are meaningless in the current housing market

Please schedule us before the Public Works, Planning and Transportation Committee to present this request.

Mark C. Eiden & Associates, PC

By: \_\_\_\_\_

Mark C. Eiden