

§ 5. CASH BOND.

The Plan Commission may permit a developer to file in lieu of the surety bond called for in § 151.53(A), a cash bond guaranteeing that the improvements will be completed as follows:

Undertaking in Lieu of Completion Bond.

WHEREAS, the statutes of the State of Illinois grant to a municipal corporation the right to require that a developer constructing certain improvements within that community guarantee the construction of such improvements by a completion bond or other security acceptable to the community; and WHEREAS, _____ desires to construct a residential development within the _____ of _____, and that said municipality is willing to accept an undertaking from a financial institution in the nature of an irrevocable commitment in lieu of such completion bond.

NOW, THEREFORE, are the following representations made by the owner and/or developer to the _____ of _____, as follows:

1. THAT _____ is the owner and/or developer of the property legally described in Clause 2 of this undertaking, and shall hereinafter be referred to as "OWNER"; and, THAT the _____ of _____ shall hereinafter be referred to as "MUNICIPALITY".

2. THAT the OWNER is the legal title holder of the following described property:

[LEGAL DESCRIPTION]

3. THAT THE OWNER shall be required to install and guarantee the installation of streets, sidewalks, street lights, sanitary sewers, storm sewers, water lines, recreational facilities (including structures), and common landscaping. In order to guarantee that such facilities shall be installed, the OWNER shall submit to the municipal engineer such specifications and estimated engineering costs as shall be required to meet with his approval. In aiding the municipal engineer in determining the amount of reasonably anticipated costs for the construction of such improvements, the OWNER may submit to the engineer signed contracts for the construction of such improvements. The municipal engineer, upon being satisfied that the design of the required improvements are in accordance with the ordinances of the MUNICIPALITY and in accordance with good engineering practices, shall estimate and certify an amount which shall represent one hundred and ten percent (110%) of the reasonably estimated cost of completing the required improvements for which the MUNICIPALITY is requiring a completion guarantee.

4. [THAT except for the issuance of building permits for a reasonable number of models], the OWNER shall not be entitled to the issuance of [further] building permits until and unless said OWNER shall submit to the MUNICIPALITY, an irrevocable financial commitment from a bank, savings and loan, or mortgage company approved by the MUNICIPALITY in the amount certified by the Municipal Engineer.

5. THAT the written irrevocable financial commitment shall be furnished to the MUNICIPALITY from a banking or lending institution in the form marked Appendix "A" and appended to this agreement.

6. THAT the OWNER guarantees the workmanship of the public improvements to be installed upon the site for a period of one (1) year after their donation to the MUNICIPALITY. Upon final completion of the streets, sidewalks, street lights, sanitary sewers, storm sewers, and water mains the OWNER shall execute a Bill of Sale for those items which are personal property. For a period of one (1) year after the granting of the Bill of Sale in the case of personal property and the acceptance for maintenance in the case of streets and sidewalks, all necessary repairs to such facilities shall be the responsibility of the OWNER.

IN WITNESS WHEREOF _____ has hereunto set his hand and seal this ___ day of _____, 19__.

(OWNER)

Millstadt - Land Usage

APPROVED by the _____ of _____ this ____ day of _____, 19__.

BY: _____
(MUNICIPALITY)

(Ord. passed - - ; Am. Ord. 708, passed 8-19-96)