

VILLAGE OF DOWNERS GROVE
Report for the Village Council Meeting
12/13/2016

SUBJECT:	SUBMITTED BY:
Nelson Meadow Subdivision Improvement Agreement Amendment	Stan Popovich, AICP Director of Community Development

SYNOPSIS

A resolution has been prepared adopting an amendment to the Subdivision Improvement Agreement (SIA) between the Village of Downers Grove and Downers Grove TPM Real Estate, LLC. The amendment would change the required completion date of public improvements from November 18, 2016 to October 1, 2017.

STRATEGIC PLAN ALIGNMENT

The Goals 2015-2017 identified *Top Quality Infrastructure* and *Exceptional Municipal Services*.

FISCAL IMPACT

N/A

RECOMMENDATION

Approval on the December 13, 2016 Consent Agenda.

BACKGROUND

Nelson Meadow subdivision is located on the east side of Brookbank Road, north of Jefferson Avenue and west of Carpenter Street. The subject property is approximately 4.8 acres. The subdivision was originally approved in February 2006 with a SIA. In 2013, a new developer (TPM Real Estate, LLC) purchased the subdivision. On [November 18, 2014](#), a new SIA between the Village of Downers Grove and Downers Grove TPM Real Estate, LLC was approved. The SIA included a completion date of November 18, 2016 for all public improvements. The developer began construction on the subdivision in August 2016 and continues to complete the required public improvements but as of this date has not completed all the improvements. The resolution will extend the completion date to October 1, 2017. All improvements not yet completed will be subject to the October 1, 2017 completion deadline.

The table below provides a current status update on the public improvements:

Improvement	Status
Stormwater	
Construction of detention basin	95% complete – Only preparation of ground for planting remains
Construction of retaining wall around detention basin	90% complete

Installation of storm sewers	95% complete – Only storm sewer connection at Brookbank Road and Jefferson Avenue remains
Seeding / planting of detention basin	To be completed in 2017
Sanitary	
Installation of sanitary sewers	Completed
Water	
Installation of water mains	Completed
Installation of new water services to existing homes on Jefferson Avenue	Completed
Installation of fire hydrants	Completed
Street	
Installation of curb and gutter along Brookbank Road, Jefferson Avenue and Nelson Court	Completed
Installation of initial pavement layer	Completed
Installation of final pavement layer	To be completed
Installation of street lights	To be completed
Installation of sidewalks	To be completed
Installation of new driveway aprons for 1117 and 1121 Jefferson Avenue	To be completed
Site Work	
Grading (Redistribution of large soil stockpiles)	To be completed
Restoration of Jefferson Avenue parkway and private yards on Jefferson Avenue	To be completed

ATTACHMENTS

Resolution
Amendment to SIA

RESOLUTION NO. _____**A RESOLUTION AUTHORIZING
A FIRST AMENDMENT TO THE
NELSON MEADOW SUBDIVISION IMPROVEMENT AGREEMENT**

BE IT RESOLVED by the Village Council of the Village of Downers Grove, DuPage County, Illinois as follows:

1. That the form and substance of a certain First Amendment to Village of Downers Grove Subdivision Improvement Agreement ("Agreement"), between the Village of Downers Grove ("Village") and TPM Real Estate, LLC (the "Developer") for the property commonly known as Nelson Meadow Subdivision located at the northeast corner of Brookbank Road and Jefferson Avenue, as set forth in the Agreement submitted to this meeting with the recommendation of the Village Manager, is hereby approved.
2. That the Village Manager and Village Clerk are hereby respectively authorized and directed for and on behalf of the Village to execute, attest, seal and deliver the Agreement, substantially in the form approved in the foregoing paragraph of this Resolution, together with such changes as the Manager shall deem necessary.
3. That the proper officials, agents and employees of the Village are hereby authorized and directed to take such further action as they may deem necessary or appropriate to perform all obligations and commitments of the Village in accordance with the provisions of the Agreement.
4. That all resolutions and motions or parts of resolutions and motions in conflict with the provision of this Resolution are hereby repealed.
5. That this Resolution shall be in full force and effect from and after its passage as provided by law.

Mayor

Passed:

Attest: _____
Village Clerk

**THIS INSTRUMENT PREPARED BY
AND RETURN TO:**

Enza Petrarca, Village Attorney
Village of Downers Grove
801 Burlington Avenue
Downers Grove, IL 60515

RESERVED FOR RECORDER'S USE

**FIRST AMENDMENT TO
VILLAGE OF DOWNERS GROVE
SUBDIVISION IMPROVEMENT AGREEMENT**

The Village of Downers Grove, Illinois (the "Village") and Downers Grove TPM Real Estate, LLC (the "Developer"), entered into a Subdivision Improvement Agreement for the property located at the northeast corner of Brookbank Road and Jefferson Avenue commonly known as the Nelson Meadow Subdivision on or about November 18, 2014 and recorded on the 3rd day of March, 2015 in the Office of the Recorder of Deeds of DuPage County, Illinois, as Document No. R2015-019826. Pursuant to the terms stated therein, the parties desire to amend that Agreement under the following terms:

1. That Paragraph 11(a) of the November 18, 2014 Agreement shall be amended as follows:

11. COMPLETION OF PROJECT IMPROVEMENTS.

(a) The Developer shall cause the Project Improvements to be completed within two (2) years from the date hereof per the Construction Schedule attached as Exhibit D no later than October 1, 2017. If the Project Improvements are not completed within the agreed upon time frame, the Developer may request from the Village Council an extension justifying the need for the requested extension and maintain, extend, or substitute the Security Instrument in the full amount provided therein, less any reductions theretofore from time to time approved by the Village, until such time as said Project Improvements are completed. Developer shall cause its engineers to prepare and submit to the Village as and for the Village's property as-constructed drawings in such quantities and in such format as deemed acceptable by the Village Engineer. In the event

Developer fails or refuses to cause the extension or substitution of the Security Instrument to be delivered to the Village not less than forty-five (45) days prior to said expiration date, the Village shall have the right, but not the obligation to draw upon the Security Instrument then in force in accordance with the provisions contained therein to complete said Project Improvements.

2. All other terms of the 2014 Agreement shall remain in full force and effect.

VILLAGE OF DOWNERS GROVE, an Illinois municipal corporation

By: _____
Its: Mayor

ATTEST:

Its: Village Clerk

DEVELOPER

By: _____
Its: _____

ATTEST:
