

## 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, \_\_\_\_\_ desire to construct a residential development within the Village of Carol Stream 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 Village of Carol Stream, 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 Village of Carol Stream shall hereinafter be referred to as "MUNICIPALITY."
  
2. THAT the OWNER is the legal title holder or developer of the following described property:

(Legal Description)

3. THAT the Owner shall be required to guarantee the earthwork and soil erosion improvements. In order to guarantee that such work shall be completed, 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 reasonable anticipated costs for the construction of such improvements, the OWNER may submit to the Engineer signed contracts for the construction of 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 fifteen percent (115%) of the reasonably estimated cost of completing those improvements for which the MUNICIPALITY requires a stand by letter of credit.

4. The OWNER shall not be entitled to the issuance of building permits until and unless said OWNER shall submit to the municipality an irrevocable financial commitment from a bank, or savings and loan, approved by the municipality in the amount certified by the Municipal Engineer.
5. THAT the written irrevocable financial commitment shall be furnished to the Village from a banking or lending institution.
6. THAT if at anytime the municipality believes that the amount of such irrevocable financial commitment as originally pledged, or as reduced in accordance with its terms, is insufficient to complete all of the work guaranteed by such commitment, it shall inform the OWNER of this fact and the amount of additional security required to be posted. For such time as the municipality shall be concerned that the amount of the then posted security is insufficient to cause the completion of the improvements, the municipality shall not be required to issue building, occupancy or other permits within the development.
7. 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 city. 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)

APPROVED by the \_\_\_\_\_ of the Village of Carol Stream

this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

BY: \_\_\_\_\_