



**Village of Itasca**  
**Community Development Department**

550 WEST IRVING PARK RD. ITASCA, IL 60143  
PHONE: 630/773-5568 FAX: 630/773-0852  
e-mail: [smalik@itasca.com](mailto:smalik@itasca.com)  
[www.itasca.com](http://www.itasca.com)

**MEMORANDUM**

**TO:** President Jeff Pruyn  
Village Board of Trustees

**RE:** PC #14-007  
The Residences at Hamilton Lakes  
Conveyance of Public Improvements

**FROM:** Shannon Malik Jarmusz, AICP  
CD Director

**COTW:** May 7, 2019

**CC:** File

**ENCL:** Bill of Sale and Map Exhibit

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**Background**

In 2015, the Village Board granted approvals for Ordinances 1746-15, 1747-15, and 1748-15 which authorized the construction of the luxury apartment home community known as The Residences at Hamilton Lakes.

All outstanding engineering items have been resolved. As is customary, the developer has submitted the attached bill of sale in order to convey the agreed upon public improvements to the Village of Itasca. The Board may recall reviewing the initial request to accept public improvements in July of 2018.

Separately, staff has met with the developer to discuss the old outstanding engineering invoices which appear to have not been billed in full by the Village in the past. Some of these invoices go back as far as 2013 and total \$37,317. Because this bill remains open through no fault of the developer, staff recommends considering resolution on this matter outside of consideration of the conveyance of the public improvements.

**Recommendation**

Staff from Public Works, Engineering, and Community Development concur that the public improvement obligations of the developer have been met and respectfully recommend acceptance of the associated public improvements for the items enumerated within the attached Bill of Sale.

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## BILL OF SALE

**THIS BILL OF SALE** (this “Bill of Sale”), is made as of \_\_\_\_\_, 2019 by THE RESIDENCES AT HAMILTON LAKES OWNER, LLC, an Illinois limited liability company (the “Seller”), in favor of the VILLAGE OF ITASCA, DuPage County, Illinois (the Village”).

### *WITNESSETH:*

WHEREAS, pursuant to Section 9 of that certain Development Agreement dated as of June 30, 2015 by and between the Seller and the Village (the “Development Agreement”), Seller has constructed and is obligated to convey to the Village certain “Public Improvements” as described therein, and the Village is obligated to accept the conveyance of such improvement on the terms and conditions set forth therein; and

WHEREAS, Seller now desires to convey, and the Village desires to accept the conveyance of, such public improvements as hereinafter described.

NOW, THEREFORE, in consideration of the payment of Ten Dollars (\$10.00) and other good and valuable considerations, the receipt and sufficiency of which is hereby expressly acknowledged, the Seller does hereby sell, assign, transfer and set over until the VILLAGE, and the Village hereby accepts all right, title and interest in and to, the following described property which is located in the areas depicted on **Exhibit A** attached hereto and made a part hereof:

- (i) the parkway trees, sidewalks and streetlights along the frontages of the public right-of-way that adjoin the Subject Property;
- (ii) the sanitary sewer trunk mains (i.e., all sanitary sewer mains that are 8” in size or greater);
- (iii) the watermain loop, including mainline valves and hydrants;
- (iv) the Prospect Avenue Storm Sewer; and
- (v) the Prospect Avenue Sanitary Sewer

(“the Property”) being the Public Improvements for The Residences at Hamilton Lakes developed by the Seller in the Village of Itasca as provided for in the Development Agreement. No easements are being granted pursuant to this Bill of Sale, as all necessary easements have already been granted pursuant to that certain Plat of Resubdivision for The Residences at Hamilton Lakes recorded with the DuPage County, Illinois Recorder on March 23, 2016 as Document No. R2016-027222.

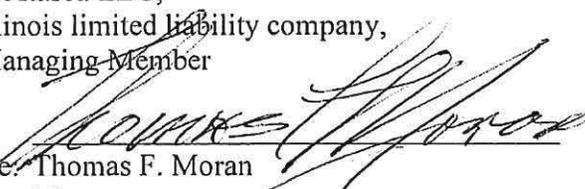
The Seller hereby represents and warrants to the Village of Itasca that the Seller is the absolute owner of the Property; that the Property is free and clear of all liens, charges and encumbrances, including, without limitation, mechanic’s liens, mortgages, chattel mortgages and security instruments; and that the Seller has full right, power and authority to transfer title to the Property to the Village of Itasca, and to execute and deliver this Bill of Sale.

IN WITNESS WHEREOF the Seller has signed and sealed, or caused this Bill of Sale to be signed and sealed, at Itasca, Illinois on \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

**THE RESIDENCES AT HAMILTON LAKES OWNER LLC,**  
a Delaware limited liability company

By: The Residences at Hamilton Lakes, LLC,  
an Illinois limited liability company,  
its Managing Member

By: M&R Itasca LLC,  
an Illinois limited liability company,  
its Managing Member

By:   
Name: Thomas F. Moran  
Title: Manager

STATE OF ILLINOIS

COUNTY OF COOK

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that Thomas F. Moran, personally known to me to be the Manager of M&R Itasca, LLC, which is the managing member of The Residences at Hamilton Lakes Owner, LLC, which is the managing member of The Residences at Hamilton Lakes Owner LLC ("the Company"), and personally known to me to be the same person whose name is subscribed to the foregoing Bill of Sale, appeared before me this day in person and severally acknowledged that he signed the foregoing Bill of Sale, as his free and voluntary act, and as the free and voluntary act of the Company for the uses and purposes therein set forth.

GIVEN under my hand and notarial seal this on \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Notary Public

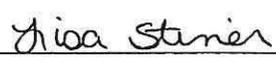
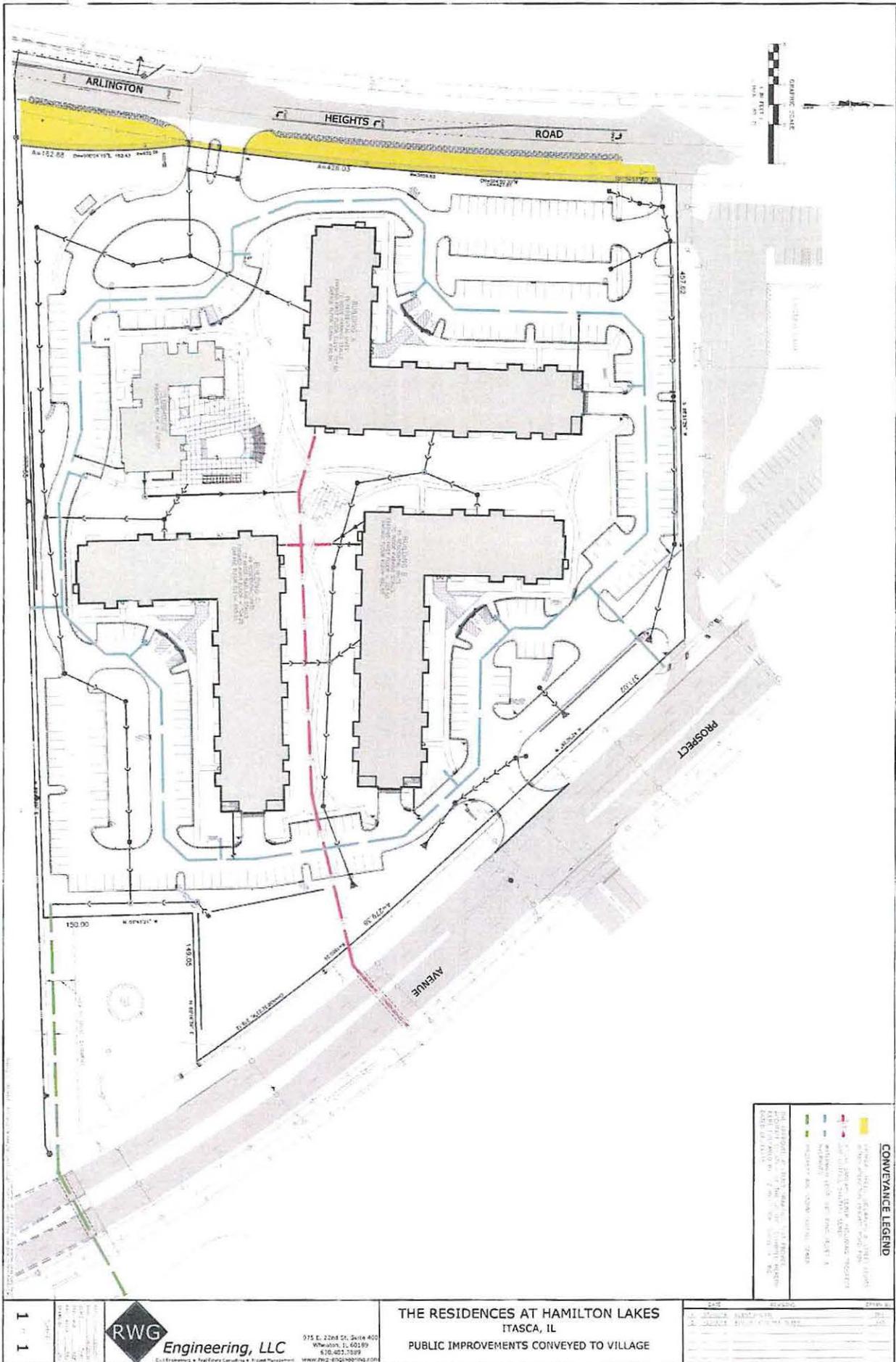




EXHIBIT A

[See Attached]



**CONVEYANCE LEGEND**

[Yellow Box]	CONVEYANCE TO VILLAGE
[Red Box]	CONVEYANCE TO DEVELOPER
[Blue Box]	CONVEYANCE TO PUBLIC
[Green Box]	CONVEYANCE TO PRIVATE
[Black Box]	CONVEYANCE TO OTHER

**RWG Engineering, LLC**  
 915 E. 22nd St., Suite 400  
 Itasca, IL 60143  
 630.403.7500  
 www.rwg-engineering.com

**THE RESIDENCES AT HAMILTON LAKES**  
 ITASCA, IL  
 PUBLIC IMPROVEMENTS CONVEYED TO VILLAGE

DATE	REVISION	BY

**RESOLUTION NO. 1122-19**

**A RESOLUTION ACCEPTING THE BILL OF SALE FOR  
PUBLIC IMPROVEMENTS AT THE RESIDENCES AT HAMILTON LAKES**

WHEREAS, as part of the construction and development of the Residences at Hamilton Lakes, the developer, the Residences at Hamilton Lakes, was required to complete certain public improvements including but not limited to streets, sidewalks, lighting, sanitary, water and storm sewer; and

WHEREAS, the Residences at Hamilton Lakes has completed the required public improvements and the public improvements have been inspected and approved by the Village Engineer and have been recommended by the Village Engineer for acceptance; and

WHEREAS, the Village of Itasca previously accepted the public improvements (Res. No. 1049-18); and

WHEREAS, the Residences at Hamilton Lakes has submitted a Bill of Sale, attached hereto as Exhibit A, for the conveyance of the public improvements.

NOW, THEREFORE, BE IT RESOLVED by the Village President and the Board of Trustees of the Village of Itasca, DuPage County, Illinois, as follows:

SECTION ONE: The preambles of this Resolution are hereby incorporated into this text as if set out herein in full.

SECTION TWO: The corporate authorities of the Village of Itasca hereby accept Exhibit A, the Bill of Sale for the public improvements for the Residences at Hamilton Lakes.

SECTION THREE: SEVERABILITY. If any section, paragraph or provision of this Resolution shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this Resolution.

SECTION FOUR: REPEAL OF PRIOR RESOLUTIONS. All prior Resolutions and Ordinances in conflict or inconsistent herewith are hereby expressly repealed only to the extent of such conflict or inconsistency.

SECTION FIVE: EFFECTIVE DATE. This Resolution shall be in effect immediately following its passage and approval.

AYES: \_\_\_\_\_

NAYES: \_\_\_\_\_

ABSENT: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

APPROVED and ADOPTED by the Village President and Board of Trustees of the Village of  
Itasca this \_\_\_\_ day of May, 2019.

APPROVED:

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Village President Jeffery J. Pruyn

ATTEST:

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Village Clerk Jody Conidi