

**AMENDED OWNER’S ACKNOWLEDGEMENT AND ACCEPTANCE
FOR TRAMORE SUBDIVISION**

The property which is the subject of this Amended Owner’s Acknowledgement and Acceptance is located at 11 S. 655 Plainfield/Naperville Road, Naperville, IL (“Subject Property”). The Subject Property was subject to an Annexation Agreement, now expired, approved as Ordinance No. 05-177 between the City of Naperville (hereinafter “CITY”) and Steve and Julie Carr (hereinafter “ORIGINAL TRAMORE OWNER & DEVELOPER”) for development of 32 single-family attached dwelling units on 16 lots to be known as the Tramore Subdivision. The final subdivision plat for the Tramore Subdivision and the original Owner’s Acknowledgement and Acceptance were approved by Ordinance No. 05-202 and recorded with the Will County Recorder’s Office as Document No. R2005-211707. The ORIGINAL TRAMORE OWNER & DEVELOPER partially constructed public improvements associated with the Tramore Subdivision and constructed two attached dwelling units. The Subject Property was subsequently purchased by Turning Pointe Autism Foundation (hereinafter “TURNING POINTE”), which included occupancy of the constructed attached dwelling units and development of the Turning Pointe Campus. An Owners’s Acknowledgement and Acceptance was not executed for TURNING POINTE and TURNING POINTE has sold the Subject Property to K Hovanian T&C Homes at Illinois, LLC. An ordinance revoking the entitlements granted to TURNING POINTE is the subject of separate City Council action.

K Hovanian T&C Homes at Illinois, LLC, the current owner of the Subject Property (hereinafter “CURRENT TRAMORE OWNER & DEVELOPER”), with an address of 1804 North Naper Boulevard, Suite 200, Naperville, Illinois 60563, hereby agrees to comply with the provisions of the Naperville Municipal Code, as amended from time to time, with all ordinances and resolutions related to the Tramore Subdivision, with the attached statement of general conditions, and with the original Tramore OAA as modified by the following provisions (hereinafter “Amended OAA”):

School Donation: The school donation is calculated as follows:

Donation based on 32 two-bedroom single-family attached dwelling units (see attached Table A)	\$23,882.64
Additional contribution which OWNER agrees to pay pursuant to Section S8.1 of the Tramore Annexation Agreement	\$42,500.00
Credit for existing dwelling units pursuant to Section S8.1 of the Tramore Annexation Agreement	(\$8,251.20)
Total School Donation	\$58,131.44
Partial Payment for School Donation to District 204 on November 8, 2005	(\$36,881.44)
Remaining School Donation AMOUNT DUE	\$21,250.00

Prior to recordation of this Amended OAA the CURRENT TRAMORE OWNER & DEVELOPER shall pay \$1,328.15 of the remaining school donation amount due for the two (2) existing residential units previously constructed. The remaining balance of the unpaid school donation, (\$19,921.85) shall be paid by the CURRENT TRAMORE OWNER & DEVELOPER on a pro-rata basis prior to issuance of building permits for the remaining thirty (30) dwelling units to be constructed. The CURRENT TRAMORE OWNER & DEVELOPER acknowledges that the school donation was established pursuant to City of Naperville Code provisions in effect in 2005 at the time of approval of the original Tramore OAA and agrees that payment of said amount shall not be paid under protest. The CURRENT TRAMORE OWNER & DEVELOPER further acknowledges and agrees that the school donation established by Ordinance No. 05-205 will be verified at the time of each building permit issuance, and if the number of bedrooms in the dwelling unit exceeds 2-bedrooms, then the permit applicant shall be charged for additional bedrooms in accordance with the school donation table in effect at the time the building permit is issued. The permit applicant shall receive a credit for the existing payment of 2-bedrooms based upon the current donation table in effect at the time the building permit is issued.

Park Donation: The required Park Donation amount of \$108,128.72, established by Ordinance 05-202, was paid in full by the ORIGINAL TRAMORE OWNER & DEVELOPER. The CURRENT TRAMORE OWNER & DEVELOPER acknowledges that the park donation established was established pursuant to City of Naperville Code provisions in effect in 2005 at the time of approval of the original Tramore OAA and agrees that payment of said amount shall not be paid under protest. The CURRENT TAMORE OWNER & DEVELOPER further acknowledges that the park donation established by Ordinance No. 05-202 will be verified at the time of each building permit issuance, and if the number of bedrooms in the dwelling unit exceeds 2-bedrooms, then the permit applicant shall be charged for additional bedrooms, in accordance with the park donation table in effect at the time the building permit is issued. The permit applicant shall receive a credit for the existing payment of 2-bedrooms based upon the current donation table in effect at the time the building permit is issued.

Engineering Review Fee: No additional engineering review fees are required; all prior engineering review fees have been satisfied.

Transportation Impact Fees: Transportation Impact Fees are no longer assessed and are therefore not required.

Financial Surety: Public Improvements remaining to be completed at the Subject Property, as identified by the City Engineer, shall be guaranteed for completion by the CURRENT TRAMORE OWNER & DEVELOPER. Financial surety shall be based on 110% of the approved engineer's cost estimate to guarantee the completion of any unfinished public improvements and soil erosion and sedimentation control at the Subject Property. Financial surety shall be

provided in a form and from such parties as shall be reasonably approved by the City Attorney, and shall be received and approved by the City Engineer prior to issuance of site development permits or building permits, whichever occurs first. Upon receipt of financial surety from the CURRENT TRAMORE OWNER & DEVELOPER, the financial surety posted by TURNING POINTE shall be released.

Binding Effect. This Amended OAA will be recorded with the office of the Will County Recorder. The undersigned acknowledges and agrees that the terms contained and/or referenced herein shall be binding upon and inure to the benefit of the City of Naperville, the CURRENT TRAMORE OWNER & DEVELOPER, and the successors, assigns, and any subsidiary, affiliate or parent of the CURRENT TRAMORE OWNER & DEVELOPER.

The undersigned warrants that he/she is the CURRENT TRAMORE OWNER & DEVELOPER of the Subject Property and has full power and authority to sign this document and voluntarily agrees to the provisions set forth herein.

CURRENT OWNER AND DEVELOPER/K HOVANIAN T&C HOMES AT ILLINOIS, LLC

By: _____
Printed Name: _____
Its: _____

The foregoing instrument was acknowledged before me by _____, this _____ day of _____, 2017.

Notary Public

STATEMENT OF GENERAL CONDITIONS

The following information represents general requirements to be fulfilled by the property owner through the development of the Subject Property, as approved by City Council. This list is not intended to be comprehensive and does not preclude all other requirements as set forth in the Naperville Municipal Code. These requirements are in addition to those that were listed in the Owner's Acknowledgement & Acceptance Letter, signed by the property owner, for your development.

Financial Surety: The owner is required to provide financial surety, in a form approved by the City Attorney, to guarantee completion of public improvements and soil erosion and sedimentation control at the Subject Property. The financial surety amount shall represent 110% of the approved engineer's cost estimate and shall be submitted prior to issuance of any site development permits for the Subject Property.

Public Improvements: Unless otherwise noted in the Acknowledgement & Acceptance Letter signed by the owner, the owner will construct all public improvements shown on the Final Engineering plans at its sole cost.

Sidewalk Construction: Exceptions to the strict adherence of Subdivision Control Regulations will be permitted only with respect to the construction of sidewalks that may be deferred until the earlier of the construction of buildings on or full development of adjacent lots, or upon written request of the City Engineer. Such request shall not be made before three (3) years after the City Council approval of the Final Subdivision Plat for the subject property. Notwithstanding the above, all required sidewalks located within the rights-of-way of any arterial or major collector streets shall be constructed as part of the required roadway improvements.

Building Permits: No building permits shall be issued for a particular lot or parcel within the subject property until the Transportation, Engineering, and Development Business Group and Public Utilities Department have determined that sufficient improvements have been installed and are functioning to protect the health, safety, and welfare of the public.