

EDC #1



Reviewed By:	
Legal	<input type="checkbox"/>
Finance	<input type="checkbox"/>
Engineer	<input type="checkbox"/>
City Administrator	<input type="checkbox"/>
Consultant	<input type="checkbox"/>
Human Resources	<input type="checkbox"/>

City Council

Agenda Item Tracking Number

EDC 2006-36

City Council Agenda Item Summary Memo

Title: Raymond Regional Outfall Funding Update – Shortfall

City Council / COW / Committee Agenda Date: January 16, 2007, CC 1/23/07

Synopsis: _____

Council Action Previously Taken:

Date of Action: _____ Action Taken: _____

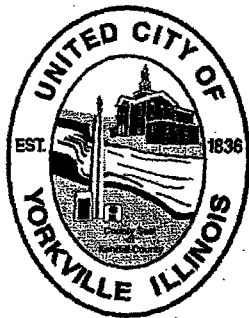
Item Number: _____

Type of Vote Required: _____

Council Action Requested: _____

Submitted by: Travis Miller Community Development
Name Department

Agenda Item Notes:



United City of Yorkville Memo

800 Game Farm Road
Yorkville, Illinois 60560
Telephone: 630-553-8545
Fax: 630-553-3436

Date: January 10, 2007

To: EDC/COW

From: Travis Miller, Community Development Director

CC: Lisa Pickering, Deputy Clerk

Subject: Raymond Regional Storm Water Outfall Construction/Funding Update

Construction of the Raging Waves Waterpark, (as well as ongoing development of the Bristol Bay, Westbury and Caledonia residential developments) make it imperative that the Raymond Regional Storm Water Outfall be constructed immediately. The high water table, which will be remedied by the Outfall is causing particular, delay and cost to Raging Waves. Raging Waves has announced an anticipated opening date of Memorial Day Weekend. Staff is concerned that the City may be blamed if the opening is delayed because the Raymond Outfall has not been constructed on time.

As you are aware, the City has entered into agreement with James Ratos, Ocean Atlantic, Wyndham Deerpoint (July 25, 2006) and Centex (December 26, 2006) to for funding and construction of the Raymond Regional Stormwater Facility outfall. The City has received a bid from, and will enter into contract with, Wheaton Trenching to perform the outfall construction work totaling \$1,188,114.25. In addition to the construction cost for the outfall, construction engineering services are estimated at \$35,000 for the project totaling \$1,223,114.25.

Mr. Ratos and Wyndham Deerpoint have paid their portion.

The Centex payment is not due until the end of February, however, staff does not anticipate any difficulty in collecting that payment.

This leaves Ocean Atlantic.

The City's request made October 2, 2006 with reminders sent November 3, 2006 and November 27, 2006 to Ocean Atlantic (OA) have not been answered and the required \$500,000 contribution from OA has not been received.

Staff recommends City Council consider funding the improvement with reserve funds to make up for the \$500,000 that Ocean Atlantic has not paid. This will avoid delay while the City waits for the remaining the Ocean Atlantic payment and/or uses seeks litigation to collect the amount.

Freeborn & Peters LLP

Via E-mail and U.S. Mail

January 17, 2007

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Mayor Art Prochaska
United City of Yorkville
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Yorkville, IL, 60560

Re: Raymond Outfall Payment – Ocean Atlantic

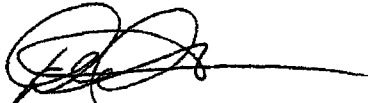
Dear Mayor Prochaska:

Thank you for taking time last night with the Council to go through our development plans for the Westbury Extension. I hope we moved closer to resolving the remaining issues and I look forward to seeing you again next month.

Thank you also for bringing the urgency of the Raymond Outfall payment to our attention. As requested, this letter shall serve as written confirmation that my client, Ocean Atlantic/PFG-Westbury, LLC, will deliver a check to the Village in the full amount of the outstanding balance due under the Raymond Outfall Improvement Agreement, equal to five hundred thousand dollars and no cents (\$500,000), on or before *Tuesday, January 30, 2007*.

Should you have any further questions please do not hesitate to call or write.

Best regards,



David S. Warner

Cc: Patrick J. Hughes, Esq., Ocean Atlantic (via e-mail)
Cc: Joe Wyrot, City Engineer (via e-mail)

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Chicago

Springfield