

TO: Lannon board of Trustees

FROM: Hector de la Mora
Village Attorney

DATE: December 8, 2020

RE: Confirmation of recommendation to Village Engineer

The purpose of this memo is to confirm advice given to the Village Engineer with respect to the contract which Mid City Corporation is asking property owners to sign to enable them to qualify for grant supported hook-up plumbing services.

The village enacted a mandatory connection ordinance requiring all Lannon property owners who will have a soon to be installed municipal water main proximate to their property to connect to that water source. Compliance with this duly enacted ordinance will require the abandonment of all residential and all but one commercial property wells. It will also necessitate the connection of the municipal water main supply with the plumbing system of existing structures. For purpose of this memo, I will refer to the costs associated with these obligations, except property restoration, as “Hook-up Costs”

The village was very fortunate to successfully obtain grants to pay for the Hook-up Costs and was able to negotiate a village-wide plumbing contract with one contractor, Mid City Corporation, thus realizing more savings.

The village is legally documenting the work to be done by entering into a contract with Mid City and is asking all property owner for their consent to have the work performed on their behalf as *third-party beneficiaries*. Thus, the property owners are being asked to sign the contract between the village and Mid City to confirm their acceptance of the arrangement and to acknowledge their acceptance of their obligation to cooperate and the limitations of the scope of the work which will be performed for their benefit at no cost to them.

I have advised the village to not accept as a valid authorization by property owners any contract signed by property owners which may be qualified with any condition(s) or notation(s) such as “signed under duress” because this is an offer which no property owner is obligated to commit to. There is full freedom of choice to decline to participate as a *third-party beneficiary*, keeping in mind that this contract does not take away property owners’ ability to legally challenge the legitimacy of the mandatory connection ordinance which is based on public health concerns associated with the challenging bedrock fissures beneath most of the Village of Lannon.