

EXHIBIT E

BUTTERFIELD ROAD STORMWATER CONTROL REQUIREMENTS

A. Required Facilities.

The stormwater control facilities to be constructed pursuant to Subsection 5.D of this Agreement (the "Required Facilities") shall include, without limitation, ditches, swales, defined water conveyance courses, stormsewers, one or more stormwater detention and/or retention basins (the "Required Basins"), and all appurtenant facilities related thereto.

B. Plans and Drawings.

Prior to the commencement of construction of the Required Facilities, or any portion thereof, Zale shall submit preliminary and final engineering plans and specifications for all such Facilities to the Lake County Division of Transportation for its review and approval.

C. Location of Required Basins.

1. The location of the Required Basins shall be approved by the Lake County Division of Transportation prior to the commencement of construction of the Required Basins, or any portion thereof.
2. The Required Basins shall be located entirely within the Zale Property but shall not be located within any public or private right-of-way.
3. No Required Basin shall be located closer to the Butterfield Road Right-of-Way than the sum of (i) 10 feet and (ii) one and one-half times the depth of the respective Basin.
4. The Required Basins shall be located to provide easy and convenient access from Butterfield Road to the satisfaction of the County Engineer.

D. Easements.

1. Zale shall grant and convey to the County and to the Village nonexclusive permanent easements over, on, and under the Zale Property for drainage purposes and for the purpose of allowing the County and the Village to repair, maintain, replace, and to perform any and all other work that may be required to operate and maintain the Required Facilities.

2. The aforesaid easements shall be granted by plat of easement, plat of dedication, or any other legally binding document or plat as specified and approved in advance by the Lake County Division of Transportation.

E. Maintenance.

Zale or the Village shall be solely and permanently responsible for the maintenance of the Required Facilities that are located outside of the Butterfield Road Right-of-Way.

F. Construction Engineering.

1. Full time on-site construction supervision by one or more Resident Engineers shall be provided.
2. The Resident Engineer shall provide weekly construction reports to the Lake County Division of Transportation.
3. The Resident Engineer shall also keep all records and make all such reports as may be required by the Motor Fuel Tax requirements of the Illinois Department of Transportation.
4. The Resident Engineer shall conduct all required materials testing and shall submit the results of all such tests to the County Engineer.