

**RESOLUTION AUTHORIZING ACCEPTANCE OF  
PUBLIC IMPROVEMENTS FOR THE PRAIRIE BUSINESS PARK  
(PORTION OF THE PEDESTRIAN TRAIL)**

**WHEREAS**, on April 16, 2013, the Village of Gilberts Board of Trustees approved a Development Agreement between the Village of Gilberts, Interstate Partners LLC, and JSR Properties, LTD ("**Development Agreement**") for the development of a mixed-use corporate and industrial park development known as Prairie Business Park ("**Prairie Business Park**"); and

**WHEREAS**, the Development Agreement requires the installation and construction of various public improvements, including a pedestrian trail; and

**WHEREAS**, the developer of the industrial phase of the Prairie Business Park development had previously completed and the Village had previous approved and accepted the public improvements related to the industrial phase of development, except for the pedestrian trail and certain public improvements related to industrial building IV; and

**WHEREAS**, the developer of the industrial phase of the Prairie Business Park development has since completed the construction of the pedestrian trail for the industrial and office portions of the development and has requested that the Village approve and accept the trail; and

**WHEREAS**, the Village Engineer has inspected the improvements and has recommended that the Village accept the pedestrian trail for the industrial phase of the Prairie Business Park development, as identified on the grant of easements attached as Exhibit A to this Resolution.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF GILBERTS, IN KANE COUNTY, ILLINOIS**, as follows:

**Section 1. Recitals.** The recitals set forth above are hereby incorporated into and made a part of this Resolution as though set forth in this Section 1.

**Section 2. Acceptance of Public Improvements.** Upon the recommendation of the Village Engineer, the Village Board of Gilberts hereby accepts the municipal public improvements consisting of the pedestrian trail required to be installed as part of the industrial and office phases of the Prairie Business Park development, in accordance with the approved plans and specifications, and as identified on the grant of easements attached as Exhibit A. The Village acknowledges receipt of lien waivers from the developer for the public improvements. The approval and acceptance of the pedestrian trail will be effective upon recordation of the easements and the developer's posting of the required maintenance bond as set forth in Section 3 of this Resolution.

**Section 3. Maintenance Bond.** In accordance with the requirements of the Development Agreement for the Prairie Business Park development, the developer of the industrial phase of

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Crystal Lake, IL 60012  
815.459.1260  
815.455.0450  
www.baxterwoodman.com  
info@baxterwoodman.com



## Memo

**To: George Sakas**

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**Village Administrator**

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**Village of Gilberts**

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**From: Bill Blecke**

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**Date: August 30, 2016**

**Project No.: 130395.60**

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**Subject: Gilberts - Prairie Business Park, Pedestrian Trail**

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In accordance with the request by Interstate Partners and your instructions we have completed a walk through inspection to verify the completion of the 3,525 lineal feet of limestone Pedestrian Trail and all items included in the Waivers of Lien supplied by Jeff Possin.

With the completion of all restoration it is now our recommendation that the Pedestrian Trail be accepted as a completed improvement by the Village within approved Plats of Easement to be recorded. In accordance with Village Ordinance a maintenance bond in the amount of 10% of the construction cost shall be posted. The value of the bond should be \$19,779 (0.10 x \$197,785.67). The Maintenance Bond must be held for two years from the project acceptance date. After the Bond expiration date if there are no contractor warranty issues that have been identified or gone unresolved then the Maintenance Bond can be released with no further action by the Village.

Since the Pedestrian Trail is not to be owned by the Village, no bill of sale is required and it does not add to Village assets.

the Prairie Business Park must post with the Village Clerk a maintenance bond in the amount of 10% of the construction value of the portion of the pedestrian trail that has been completed, being \$19,779.00. The maintenance bond shall be held for two years from the project acceptance date.

**Section 4.** This Resolution shall be in full force and effect from and after its passage, and approval, in the manner provided by law.

ADOPTED THIS <sup>th</sup> 6 DAY OF September, 2016, pursuant to roll call vote as follows:

	Ayes	Nays	Absent	Abstain
Trustee David LeClercq	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Trustee Dan Corbett	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Trustee Nancy Farrell	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Trustee Louis Hacker	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Trustee Elissa Kojzarek	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Trustee Guy Zambetti	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
President Rick Zirk	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

APPROVED THIS <sup>th</sup> 6 DAY OF September, 2016

  
 Village President, Rick Zirk

  
 Village Clerk, Debra Meadows



**Exhibit A**

**Easements**



Bond No. 0697053  
Premium \$ 396.00

**SUBDIVISION MAINTENANCE BOND**

KNOW ALL MEN BY THESE PRESENTS:

JSR Properties, LTD and Interstate Partners LLC,

That we, an Illinois Limited Liability Company as Principal, and International Fidelity Insurance Company a corporation duly organized and by the virtue of the laws of the State of New Jersey and authorized to become sole surety on bonds in the State of Illinois, as Surety, are held and firmly bound unto the Village of Gilberts, Illinois, hereinafter called the Obligee, in the just and penal sum of Nineteen Thousand Seven Hundred Seventy Nine and 00/100 Dollars (\$ 19,779.00), lawful money of the United States of America, to be the payment of which well and truly to be made the Principal binds itself, its successors and assigns, and the Surety binds itself, its successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the said Principal hereby guarantees against defective workmanship and material for the following improvements:

the Principal's guaranty for a two year period against any defect or deficiency in the industrial & office portion of the pedestrian trail, as described in the Development Agreement between the Village of Gilberts, JSR Properties, LTD,

and Interstate Partners, LLC, dated April 16, 2013, and recorded on May 7, 2013, in Kane County, Illinois, as Document No. 2013K033873.

PROVIDED, HOWEVER, that this bond is subject to the following conditions and provisions:

1. This bond is for the term of Two year(s) from the date of acceptance of the work by the Obligee to expire September 5, 2018.
2. In the event of default by the Principal in the performance of the maintenance during the term of this bond, the Surety shall be liable only for cost of maintenance up to the termination of the term of this bond.
3. No claim, action, suit or proceeding, except as hereinafter set forth, shall be had or maintained against the Surety on this instrument unless same be brought or instituted and process served upon the Surety after the expiration date of the bond.

Signed and sealed this 6th day of September, 2016.

JSR Properties, LTD  
Principal

By: \_\_\_\_\_

Interstate Partners LLC,  
an Illinois Limited Liability Company  
Principal

By: \_\_\_\_\_

International Fidelity Insurance Company

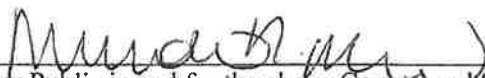
By: *Sherene L. Hemler*  
Sherene L. Hemler / Attorney-in-Fact

*Surety Company Acknowledgement*

STATE OF **ILLINOIS**  
COUNTY OF **COOK**

SS:

On this **6th day of September, 2016**, before me personally appeared **Sherene L. Hemler**, to me known, who, being by me duly sworn, did depose and say: that (s)he resides at **Schaumburg, Illinois**, that (s)he is the **Attorney in Fact of International Fidelity Insurance Company**, the corporation described in and which executed the annexed instrument; that (s)he knows the corporate seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said corporation; that (s)he signed his/her name thereto by like order; and that the liabilities of said corporation do not exceed its assets as ascertained in the manner provided by law.

  
\_\_\_\_\_  
Notary Public in and for the above County and State

My Commission Expires: 05/23/18



# POWER OF ATTORNEY

## INTERNATIONAL FIDELITY INSURANCE COMPANY ALLEGHENY CASUALTY COMPANY

ONE NEWARK CENTER, 20TH FLOOR NEWARK, NEW JERSEY 07102-5207

KNOW ALL MEN BY THESE PRESENTS: That INTERNATIONAL FIDELITY INSURANCE COMPANY, a corporation organized and existing under the laws of the State of New Jersey, and ALLEGHENY CASUALTY COMPANY a corporation organized and existing under the laws of the State of New Jersey, having their principal office in the City of Newark, New Jersey, do hereby constitute and appoint

CAROL A. DOUGHERTY, JESSICA L. ANCONA, MEREDITH H. MIELKE, MIKE POHL, J.S. POHL,  
ROBERT E. KAPPUS, JAMES L. SULKOWSKI, ROBERT B. SCHUTZ, SHERENE L. HEMLER,  
STEPHEN L. WEBSTER

Schaumburg, IL.

their true and lawful attorney(s)-in-fact to execute, seal and deliver for and on its behalf as surety, any and all bonds and undertakings, contracts of indemnity and other writings obligatory in the nature thereof, which are or may be allowed, required or permitted by law, statute, rule, regulation, contract or otherwise, and the execution of such instrument(s) in pursuance of these presents, shall be as binding upon the said INTERNATIONAL FIDELITY INSURANCE COMPANY and ALLEGHENY CASUALTY COMPANY, as fully and amply, to all intents and purposes, as if the same had been duly executed and acknowledged by their regularly elected officers at their principal offices.

This Power of Attorney is executed, and may be revoked, pursuant to and by authority of the By-Laws of INTERNATIONAL FIDELITY INSURANCE COMPANY and ALLEGHENY CASUALTY COMPANY and is granted under and by authority of the following resolution adopted by the Board of Directors of INTERNATIONAL FIDELITY INSURANCE COMPANY at a meeting duly held on the 20th day of July, 2010 and by the Board of Directors of ALLEGHENY CASUALTY COMPANY at a meeting duly held on the 15th day of August, 2000:

"RESOLVED, that (1) the President, Vice President, Chief Executive Officer or Secretary of the Corporation shall have the power to appoint, and to revoke the appointments of, Attorneys-in-Fact or agents with power and authority as defined or limited in their respective powers of attorney, and to execute on behalf of the Corporation and affix the Corporation's seal thereto, bonds, undertakings, recognizances, contracts of indemnity and other written obligations in the nature thereof or related thereto; and (2) any such Officers of the Corporation may appoint and revoke the appointments of joint-control custodians, agents for acceptance of process, and Attorneys-in-fact with authority to execute waivers and consents on behalf of the Corporation; and (3) the signature of any such Officer of the Corporation and the Corporation's seal may be affixed by facsimile to any power of attorney or certification given for the execution of any bond, undertaking, recognizance, contract of indemnity or other written obligation in the nature thereof or related thereto, such signature and seals when so used whether heretofore or hereafter, being hereby adopted by the Corporation as the original signature of such officer and the original seal of the Corporation, to be valid and binding upon the Corporation with the same force and effect as though manually affixed."

IN WITNESS WHEREOF, INTERNATIONAL FIDELITY INSURANCE COMPANY and ALLEGHENY CASUALTY COMPANY have each executed and attested these presents on this 31st day of December, 2015.



STATE OF NEW JERSEY  
County of Essex

ROBERT W. MINSTER  
Chief Executive Officer (International Fidelity Insurance Company) and President (Allegheny Casualty Company)



On this 31st day of December 2015, before me came the individual who executed the preceding instrument, to me personally known, and, being by me duly sworn, said he is the therein described and authorized officer of INTERNATIONAL FIDELITY INSURANCE COMPANY and ALLEGHENY CASUALTY COMPANY; that the seals affixed to said instrument are the Corporate Seals of said Companies; that the said Corporate Seals and his signature were duly affixed by order of the Boards of Directors of said Companies.

IN TESTIMONY WHEREOF, I have hereunto set my hand affixed my Official Seal, at the City of Newark, New Jersey the day and year first above written.



A NOTARY PUBLIC OF NEW JERSEY  
My Commission Expires April 16, 2019

### CERTIFICATION

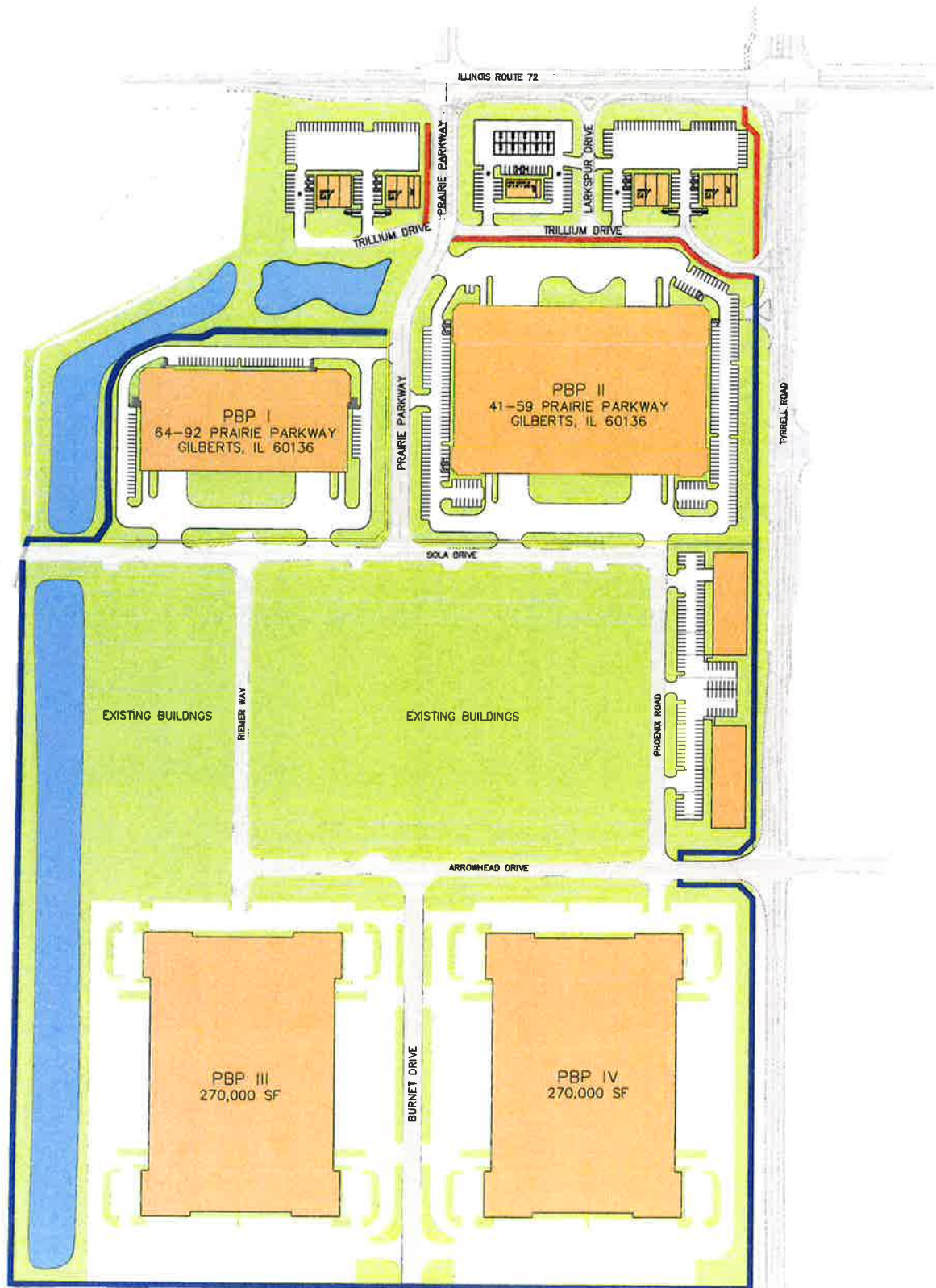
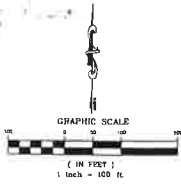
I, the undersigned officer of INTERNATIONAL FIDELITY INSURANCE COMPANY and ALLEGHENY CASUALTY COMPANY do hereby certify that I have compared the foregoing copy of the Power of Attorney and affidavit, and the copy of the Sections of the By-Laws of said Companies as set forth in said Power of Attorney, with the originals on file in the home office of said companies, and that the same are correct transcripts thereof, and of the whole of the said originals, and that the said Power of Attorney has not been revoked and is now in full force and effect.

6th day of September, 2016.

IN TESTIMONY WHEREOF, I have hereunto set my hand this

MARIA BRANCO, Assistant Secretary

# PRAIRIE BUSINESS PARK INDUSTRIAL/RETAIL TRAIL EXHIBIT





## CERTIFICATE

The undersigned certifies that I am the Village Clerk of the Village of Gilberts, Kane County, Illinois and further certifies that the attached is a true and accurate copy of Resolution 25-2016, a Resolution Authorizing Acceptance of Public Improvements for the Prairie Business Park (Portion of the Pedestrian Trail).

Dated at the Village of Gilberts, Illinois, this 6th Day of September 2016.



  
Village Clerk, Debra Meadows