

**VILLAGE OF GILBERTS**

**RESOLUTION 39-2024**

**A RESOLUTION APPROVING A SETTLEMENT AGREEMENT BETWEEN THE VILLAGE OF GILBERTS, COMMUNITY UNIT SCHOOL DISTRICT 300, AND AKBAR ARCHIBALD REGARDING THE PROPERTY KNOWN AS PAPERBARK LANE**

**WHEREAS**, the Village of Gilberts, Kane County, Illinois (“*Village*”), is an Illinois municipality organized and operating under the Illinois Municipal Code, 65 ILCS 5/1-1-1, *et seq.*; and

**WHEREAS**, Akbar Archibald (“*Archibald*”) is the owner of that parcel of land in Kane County, Illinois, bearing P.I.N. 02-13-100-003 (the “*Subject Property*”) and containing a roadway known as Paperbark Lane; and

**WHEREAS**, Archibald, Community Unit School District 300, and the Village are parties to that certain lawsuit captioned as *Archibald v. Community Unit School District 300, et al.*, bearing case number 2023 LA 000103, currently pending in the Circuit Court of Kane County (the “*Lawsuit*”); and

**WHEREAS**, the Lawsuit centers on a dispute over the use of Paperbark Lane and whether Paperbark Lane was subject to a common-law dedication as a public right-of-way; and

**WHEREAS**, to resolve the Lawsuit, Archibald, Community Unit School District 300, and the Village have proposed to enter into a Settlement Agreement that resolves the use, ownership, and control of Paperbark Lane, a copy of which is attached hereto and incorporated herein as Exhibit A (the “*Settlement Agreement*”); and

**WHEREAS**, the Corporate Authorities of the Village have determined that it is in the best interests of the Village to approve the Settlement Agreement to resolve the Lawsuit.

**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 this Resolution as if set forth in full herein.

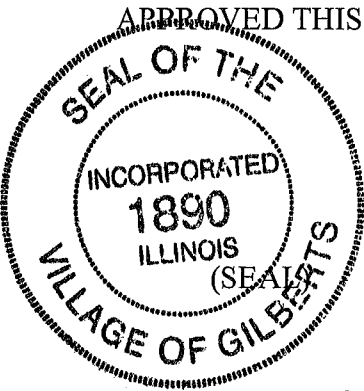
**Section 2.** **Approval; Authorization.** The Settlement Agreement between the Village of Gilberts, Community Unit School District 300, and Akbar Archibald is hereby approved substantially in the form attached hereto as Exhibit A. The Village President and the Village Clerk of the Village of Gilberts are hereby authorized and directed to execute and attest the Settlement Agreement on behalf of the Village, and the Village Administrator and Village Attorney are authorized and directed to take such other actions as are necessary to effectuate the intent and purpose of the Settlement Agreement, including the execution of all documents necessary for the conveyance and dedication of the Subject Property from Archibald to the Village.

**Section 3. Effective Date.** This Resolution shall be in full force and effect from and after its passage and approval.

**PASSED BY THE BOARD OF TRUSTEES** of the Village of Gilberts, Kane County, Illinois, this 5<sup>th</sup> day of November, 2024.

	<u>Ayes</u>	<u>Nays</u>	<u>Absent</u>	<u>Abstain</u>
Trustee Robert Vanni	<u>X</u>	<u>      </u>	<u>      </u>	<u>      </u>
Trustee Robert Chapman	<u>      </u>	<u>      </u>	<u>X</u>	<u>      </u>
Trustee Justin Redfield	<u>X</u>	<u>      </u>	<u>      </u>	<u>      </u>
Trustee Jeanne Allen	<u>X</u>	<u>      </u>	<u>      </u>	<u>      </u>
Trustee Frank Marino	<u>X</u>	<u>      </u>	<u>      </u>	<u>      </u>
Trustee Brandon Coats	<u>      </u>	<u>      </u>	<u>X</u>	<u>      </u>
President Guy Zambetti	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>

APPROVED THIS 5TH DAY OF NOVEMBER, 2024.



  
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 Guy Zambetti, Village President

ATTEST:   
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 Lynda, Lange, Village Clerk