

VILLAGE OF GILBERTS

RESOLUTION 47-2024

RESOLUTION AUTHORIZING ACCEPTANCE OF PUBLIC IMPROVEMENTS FOR NH-2A (INCLUSIVE OF NH 2A-1 AND NH 2A-2) IN THE CONSERVANCY DEVELOPMENT

WHEREAS, on January 31, 2017, the Village of Gilberts Board of Trustees approved the First Amendment to an Annexation and Development Agreement between the Village of Gilberts and Gilberts Development LLC for 914.02 acres of the Conservancy Development (“*Gilberts Development Parcel*”), which Agreement was recorded on February 3, 2017, with the Kane County Recorder’s Office, as Document No. 2017K006674, and which Agreement was further amended by the Second Amendment and the Third Amendment (collectively, “*Amended Annexation Agreement*”); and

WHEREAS, on January 31, 2017, the Village of Gilberts Board of Trustees approved Ordinance No. 05-2017, an Ordinance Approving a First Amendment to an Existing Planned Unit Development and the Preliminary PUD Plan for the Conservancy Development, which Ordinance was recorded on February 3, 2017, with the Kane County Recorder’s Office, as Document No. 2017K006675, which Ordinance was further amended by the Second Amendment to the PUD Ordinance (collectively, “*Amended PUD Ordinance*”); and

WHEREAS, on August 15, 2017, the Village of Gilberts Board of Trustees approved Ordinance No. 18-2017, an Ordinance Approving the Final Plat of Subdivision and Final PUD Plans for Phase 2A-1 of the Conservancy Development, which Ordinance was recorded on September 13, 2017, with the Kane County Recorder’s Office, as Document No. 2017K048108, which Ordinance was further amended by the Second Amendment to the PUD Ordinance (collectively, “*Amended PUD Ordinance*”); and

WHEREAS, on December 15, 2020, the Village of Gilberts Board of Trustees approved Ordinance No. 20-2020, an Ordinance Approving the Final Plat of Subdivision and Final PUD Plans for Phase 2A-2 of the Conservancy Development, which Ordinance was recorded on November 22, 2021, with the Kane County Recorder’s Office, as Document No. 2021K087396, which Ordinance was further amended by the Second Amendment to the PUD Ordinance (collectively, “*Amended PUD Ordinance*”); and

WHEREAS, the developer of the Conservancy Development Parcel has requested that the Village Board approve the release of the performance security for the public improvements in Neighborhood 2A (inclusive of Neighborhood 2A-1 and Neighborhood 2A-2), accept the maintenance security for those public improvements, and accept those public improvements which are identified on Exhibit A to this Resolution (collectively, the “*NH-2A Public Improvements*”); and

WHEREAS, the Village Engineer has recommended that the Village accept the NH-2A Public Improvements;

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 Ordinance as though set forth in this Section 1.

Section 2. Approval of Release of Performance Security. Upon the approval of this Resolution and the posting of the maintenance security required by Section 4 of this Resolution, the Village agrees to release the posted performance security for the NH-2A Public Improvements.

Section 3. Acceptance of NH-2A Public Improvements. Upon the recommendation of the Village Engineer, the Village Board of Trustees hereby accepts the NH-2A Public Improvements constructed as part of the development of NH-2A in accordance with the approved plans and specifications, and as specifically identified on **Exhibit A**. The Village acknowledges receipt of the developer’s representation and warranty that the development is free and clear of all liens, charges, and encumbrances, in accordance with Section 23 of the Mechanics Lien Act. The approval and acceptance of the NH-2A Public Improvements will be effective upon recordation of any necessary easements and the provision of a bill of sale for the NH-2A Public Improvements (attached as **Exhibit B**), as well as the developer’s posting of the maintenance security required by Section 4 of this Resolution.

Section 4. Maintenance Security. In accordance with the requirements of the Amended Annexation Agreement, the developer of the Conservancy Development Parcel must post with the Village Clerk maintenance security in the amount of 10% of the construction value of the NH-2A Public Improvements, being \$240,550.81, as approved by the Village Engineer, which maintenance security must remain in place and be valid for 12 months.

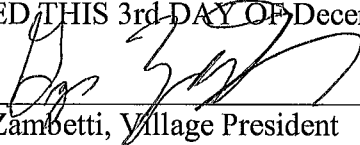
Section 5. Effective Date. Upon its passage and approval according to law, this Resolution shall, by authority of the Board of Trustees, be published in pamphlet form.

PASSED BY THE BOARD OF TRUSTEES this 3rd day of December, 2024, as follows:

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

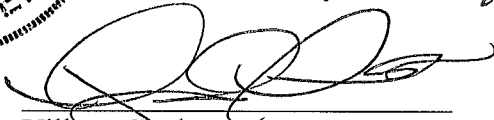


APPROVED THIS 3rd DAY OF December, 2024.



Guy Zambetti, Village President

(SEAL)
ATTEST:

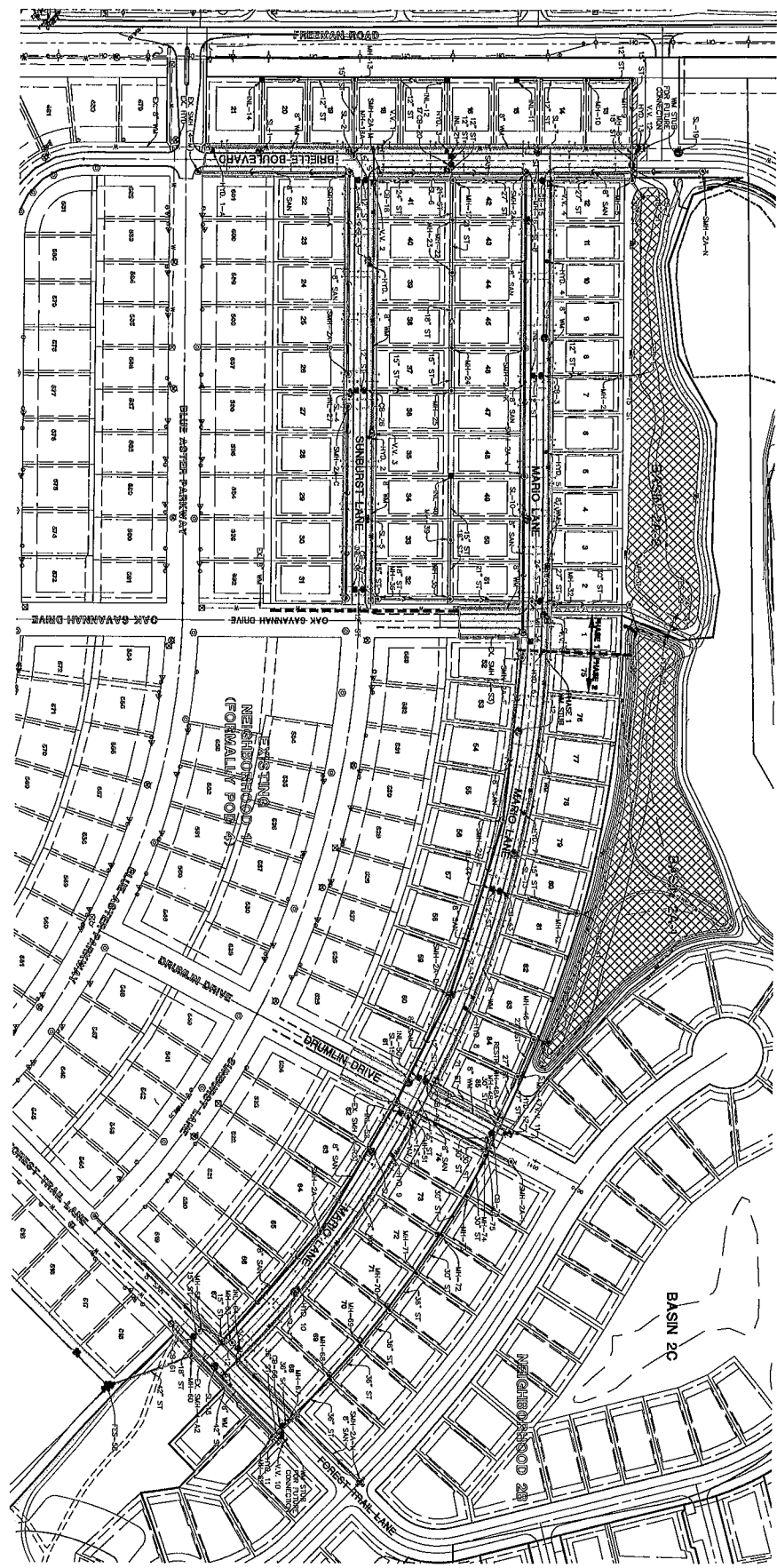


Village Clerk

Exhibit A

NH-2A Public Improvements

[Attach Record Drawings for NH-2A Public Improvements]



LEGEND

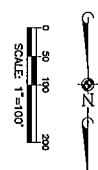
PUBLIC IMPROVEMENTS - VILLAGE MAINTAINED

- Public Street of Way
- Public Sidewalk
- Public Street Light
- Public Street Sign
- Public Street Mark
- Public Street Sign
- Public Street Light

COMMON AREA IMPROVEMENTS - HOA MAINTAINED

- Stormwater Management Basin and Basin
- Stormwater Management Basin (Special)
- Separation Joints
- Excavated Area

NOTE: THE HOA MAINTAINS PUBLIC IMPROVEMENTS THAT WITHIN THE PUBLIC AREA OF CONSTRUCTION. EXISTING UTILITIES AND THE LOCATION OF BASELINE. THE ARE AROUND BEING MAINTAINED BY THE VILLAGE OF GILBERTS.



©2014 MANHARD CONSULTING. ALL RIGHTS RESERVED.

THE CONSERVANCY - NEIGHBORHOOD 2A
VILLAGE OF GILBERTS, ILLINOIS
PUBLIC IMPROVEMENTS EXHIBIT

DATE: _____
 REVISIONS: _____
 DRAWN: _____

Manhard CONSULTING

2311 East River Road, Suite 400, Lombard, IL 60148 | P: 630.261.6300 | F: 630.261.6308 | www.manhard.com
 Civil Engineers • Surveyors • Water Resources Engineers • Water & Wastewater Engineers
 Construction Managers • Environmental Scientists • Landscape Architects • Planners

DATE	REVISIONS	DRAWN

Exhibit B

Bill of Sale

BILL OF SALE

Seller, Gilberts Development LLC, a Delaware limited liability company, in consideration of TEN AND NO/100 (\$10,00) DOLLARS, receipt whereof is hereby acknowledged, does hereby sell, assign, transfer, warrant and set over to the Village of Gilberts, an Illinois municipal corporation, in Kane County, Illinois, the following public improvements and personal property:

Public improvements constructed as part of the development of Neighborhood 2A in The Conservancy, including public utilities, public roadways, and the public walkways, as described in *Exhibit A* (collectively, the "*Property*").

Seller hereby represents and warrants to the Village of Gilberts that Seller is the absolute owner of said Property, that said Property is free and clear of all liens, charges and encumbrances, and that Seller has full right, power and authority to sell said Property and to make this Bill of Sale.

IN WITNESS WHEREOF, Seller has signed and sealed this Bill of Sale at Elmhurst, Illinois, this 15th day of November, 2024.

Gilberts Development, LLC.

By: _____

Troy Mertz

Its: Manager

ATTEST:

By: _____

Its: _____



(SEAL)