



RESOLUTION NO. 12-002

A Resolution Authorizing the Acceptance of Unit 3 and Detention Basins and Vegetated Swale in the Blackberry Crossing West Subdivision by the Village of Montgomery, Kane and Kendall Counties, Illinois

WHEREAS, the Village of Montgomery desires to expand and grow in an orderly and planned fashion and to provide certain municipal services to residents living in newly constructed areas; and

WHEREAS, certain tangible, physical public improvements are necessary for the provision of the aforesaid municipal services to the residents and occupants of newly constructed areas; and

WHEREAS, the Village of Montgomery has previously authorized the construction of a certain development known as Blackberry Crossing West within the municipal boundaries and subject to all applicable Village ordinances; and

WHEREAS, the Village, along with the other appropriate public authorities, has permitted the construction of certain public improvements within the aforesaid development; and

WHEREAS, certain public improvements were constructed within the aforesaid development for the purpose of providing municipal services to residents and/or occupants thereof; and

WHEREAS, the Village recognizes that it is within the best interests of the Village and the residents and occupants thereof to take possession of the aforesaid public improvements and to utilize and maintain them for the benefit of the Village; and

WHEREAS, the public improvements which the Village seeks to accept have been tested and examined by the Village and its staff and have been determined to be acceptable for the stated purposes and in substantial compliance with all applicable laws, regulations and ordinances;

NOW, THEREFORE, BE IT RESOLVED by the Village President and the Board of Trustees of the Village of Montgomery as follows:

1. Acceptance of all public improvements EXCEPT for the Park District and Municipal Sites in Unit 3 and the restoration of the area occupied by the Developer's construction trailers adjacent to the Unit 3 and 4 detention basin: Pursuant to all applicable resolutions, ordinances, regulations, agreements and/or contracts (if any) between the Village of Montgomery and Ryland Homes (or related entities), the Village shall formally accept the public improvements of Unit 3 and the detention basins and vegetated swale except for the exceptions listed above (as described in the final engineering plans and exhibits on file with the Village for said subdivision).
2. Authorization to Complete Acceptance: Upon fulfillment of the condition precedent noted above, the Village President and Secretary are hereby authorized to execute any documents in order to effect the acceptance of the public improvements, including Bills of Sale for the improvements and are further authorized to order such further inspection, review, completion of punch list items and receipt of lien waivers for the improvements they deem necessary prior to accepting said improvements.
3. Authorization to Utilize, Maintain and Repair: The Village staff of the departments appropriate to the improvements being accepted is, after acceptance thereof, authorized to utilize, maintain and repair the improvements as with any other improvement within the Village, subject to all applicable rules and regulations. This resolution shall be in full force and effect from and after its passage, approval as provided by law.

PASSED AND APPROVED by the President and Board of Trustees of the Village of Montgomery, Kane and Kendall Counties, Illinois, this 23 day of January, 2012.

Marilyn Micheline
 President of the Board of Trustees of the Village of
 Montgomery, Kane and Kendall Counties, Illinois

AYES: 6

NAYS: 0

ABSENT: _____

ATTEST: Babara M. [Signature]
 Clerk, Village of Montgomery





Engineering Enterprises, Inc.

January 10, 2012

Village President and Board of Trustees
Village of Montgomery
200 N. River Street
Montgomery, IL 60538

**Re: *Blackberry Crossing West Unit 3 and Detention Basins
Acceptance of Public Improvements and Bond Reductions***

Dear Ladies and Gentlemen:

The Ryland Group, Inc. has requested the acceptance of Blackberry Crossing West Unit 3 in a letter dated November 18, 2011. In addition, they have provided a Bill of Sale for the public improvements in Unit 3. Copies of the documents are attached for your record. In addition, Ryland is requesting acceptance of their three stormwater management basins and the naturalized drainage swale in Unit 2. The basins in Units 1 and 2 were exceptions to the Village's acceptance of the Unit 1 and 2 improvements in January 2010 but are now ready for acceptance along with the basin in Units 3 and 4.

This letter is to certify that the public improvements in Blackberry Crossing Unit 3 and the stormwater management basins (with the noted exceptions) have been satisfactorily completed in accordance with the Engineering Plans and Specifications and Village Ordinances. The exceptions are the Park District and Municipal Sites in Unit 3 and restoration of the area occupied by Ryland's construction trailers adjacent to the Unit 3 and 4 stormwater management basins.

The Developer, Ryland, will be providing the Village with a monetary settlement to address some minor deficiencies in the Unit 2 stormwater basin. The settlement check will be received within seven (7) days after acceptance per the settlement agreement.

The engineering and landscaping punch list items for Units 3 of Blackberry Crossing West have been satisfactorily completed in accordance with the Village's development specifications and ordinances with the exception of the plant materials noted in the attached PRI letter dated November 18, 2011. These items will have to be planted in the Spring and will be inspected by PRI at that time and inspected for acceptance next fall at the end of the subdivision maintenance period.

Please find attached the final closeout check list for Blackberry Crossing West Unit 3. The items noted on the check list will be transmitted to the Village under separate cover.

Therefore, in accordance with the Subdivision Control Ordinance, we recommend that the Village Board enact a resolution accepting the Unit 3 public improvements (with the exceptions noted) and the Unit 1 and 2 detention basins.

Following acceptance of the improvements by the Village Board, the Developer shall furnish an appropriate maintenance guarantee insuring the improvements against faulty design, workmanship or materials for a period of one year. Said maintenance guarantee shall be an amount equal to at least ten (10) percent of the total cost of the improvements accepted. In addition, the existing subdivision bond should be maintained with an amount equal to at least 110% of the improvements that have not been installed (restoration for Park and Municipal sites, restoration of construction trailer area, and landscaping items).

Therefore, Ryland must post a Maintenance Bond in the amount of \$233,390 for the Unit 3 improvements. Since the Unit 3 and Unit 4 improvements are currently covered by the same subdivision bond, said bond may be reduced to remove the accepted Unit 3 items. Therefore, the current Unit 3 and 4 Bond (#929374403) may be reduced from the current value of \$979,471.55 to \$746,081.55. This Bond will remain in effect for Unit 4 and the items in Unit 3 excluded from this acceptance.

Ryland has provided the required Bill of Sale for the Unit 3 improvements but should also provide a Bill of Sale for the Detention Basin Improvements as part of this acceptance.

If you have any questions or require additional information, please contact our office

Respectfully submitted,
ENGINEERING ENTERPRISES, INC.



Timothy N. Paulson, P.E.
Project Manager

TNP/arf

pc: Ms. Anne Marie Gaura, Village Manager
Mr. Jeff Zoephel, Director of Finance
Mr. Steve Andersson, Village Attorney
Mr. Michael Brown, Villager Planner
Mr. Omar Rodriguez, Ryland
PGW, EEI

RYLAND HOMES®

Chicago Division

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224-293-3101 Fax

www.ryland.com

November 18, 2011

SENT VIA E-MAIL: brown@ci.montgomery.il.us

Mr. Michael Brown
Village Planner
Village of Montgomery
1300 S. Broadway
Montgomery, IL 60515

Re: Blackberry Crossing West Unit 3 Final Acceptance

Dear Mr. Brown:

Based on a final review by the Village's Inspector, Ryland has completed all public improvements within Blackberry Crossing West Unit 3, and it has been determined that there are no outstanding issues related to Blackberry Crossing West Unit 3.

This letter is a formal request to the Village to accept the aforementioned public improvements. We respectfully request that this acceptance be scheduled for the next available Village Board meeting.

Thank you in advance for your assistance in this process. If you have any questions, please contact me at 847-878-9439.

Sincerely,



Matthew J. Pagoria
Vice President, Land Acquisition and Entitlements

Cc: Omar Rodriguez

BILL OF SALE

KNOW ALL MEN BY THESE PRESENTS, that The Ryland Group, Inc., a Maryland Corporation ("The Developer"), in consideration of Ten and no/100 Dollars (\$10.00) and other good and valuable consideration does hereby grant, sell, transfer, deliver and quit claim unto the Village of Montgomery, a Municipal corporation in Kendall County, Illinois ("The Village"), and the Village does hereby accept, the following goods, chattels and other items of personal property, ("the Public Improvements") located within the public right-of-way or public easement in Blackberry Crossing West Unit 3 in the Village of Montgomery, Illinois, namely:


1. Storm Sewer – Each and every part and item of a system of storm sewers, lined culverts and paved drainageways, and other items of personalty for the conveyance or detention of storm and surface waters installed at the direction of the Village by the Developer for the purpose of the collection, transport, and flow of surface and storm waters within the Village.
2. Sanitary Sewer – Each and every part and item of a sanitary sewer system for the collection, transportation and treatment of sewage installed at the direction of the Village by the Developer with the exception of those pipes which transport the sewage of a single building into a common sewer commonly known as house service.
3. Water Main – Each and every part and item of a system for the distribution of potable water installed at the direction of the Village by the Developer except the pipe which transports water from the buffalo box to a single building commonly known as a house service.
4. Street System – Each and every part and item of the street system installed at the direction of the Village by the Developer; more specifically, curbs, pavement, street lights, sidewalk and parkway trees.

The object of this Bill of Sale is to grant, sell, transfer and deliver to the Village with the exceptions noted, the ownership in all items of personalty, which comprise the storm sewer and stormwater management system, sanitary sewer system and water distribution system, and street system installed by the Developer within Blackberry Crossing West Unit 3. Nothing herein shall be deemed to convey ownership of any other personalty located within said right-of-ways or easement.

The Developer does hereby covenant it is the lawful owner of the aforescribed goods, chattels and personalty; that such items are free from all encumbrances, that the Developer has right to sell the same as aforesaid; and that the Developer warrants and will defend the same against the lawful claims and demands of all persons; and that the execution of this Bill of Sale is an authorized act of said corporation, individual or partnership.

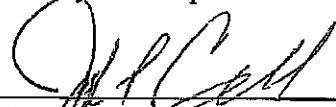
Dated at East Dundee, Illinois, this 12th day of December 2011

ATTEST:



Michael Mahoney
Title: Chicago Division Controller

The Ryland Group, Inc.
A Maryland Corporation

By: 

John P. Carrell
Title: Chicago Division President



PLANNING
RESOURCES INC.

402 West Liberty Drive
Wheaton, Illinois 60187
Web: www.planres.com
P: 630.668.1788
F: 630.668.4125

November 18, 2011

202020-26

Mr. Michael Brown, Planner
Village of Montgomery
200 N. River Street
Montgomery, Illinois 60538

Re: Blackberry Crossing West, Units 3
2011 Landscape Inspection #3

Dear Mr. Brown:

Planning Resources Inc. conducted an inspection of landscape improvements for the public areas as approved in the landscape plans dated November 28, 2005 by Signature Design Group.

Recommendations

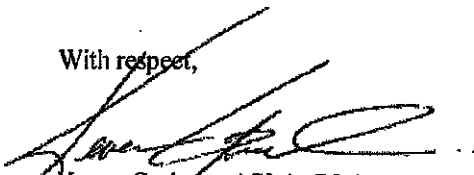
1. All outstanding items previously identified in Unit 3 have been satisfactorily addressed with the understanding that the items listed below are to be completed at a later date.

Sheet L.5 – These items will be addressed at a later date.

2. Twenty-one (21) Redspire Pear, Nineteen (19) Greenspire Linden along the south side of Venetian Way are missing and need to be installed.
3. Sixteen (16) Chicagoland Hackberry are missing along Dickson Drive south of Venetian Way and need to be installed.
4. Three (3) Austrian Pine, twenty (20) Miss Kim Lilac, one (1) Swamp White Oak, five (5) Green Spruce and one (1) Green Mountain Sugar Maple are missing along the western side of lot 398 and require installation.

Therefore, it is our recommendation to accept this portion of the development.

With respect,



Keven Graham, ASLA, RLA
Principal Landscape Architect

xc: Tim Paulson, Engineering Enterprises, Inc.
Kurt Muth, Engineering Enterprises, Inc.

PLANNERS
ECOLOGISTS
LANDSCAPE
ARCHITECTS

Final Closeout Checklist Village of Montgomery



Project Name: Black Berry Crossing West Unit 3 Case No. _____
 Date: 1/10/2011 EEI Job #: MO0344-D

COMPLETED		BY	TRANSMITTED TO VILLAGE
<u>X</u>	1 <u>Sanitary Sewer Test Reports and Permits</u> -Air pressure, deflection, and vacuum test results -Fox Metro Permit	<u>EEI</u>	_____
<u>X</u>	2 <u>Watermain Test Reports & Permits</u> -Pressure test, chlorination, and sampling results -IEPA Operating Permit	<u>EEI</u>	_____
<u>X</u>	3 <u>Roadway Inspection & Testing</u> -Material Testing Results	<u>EEI</u>	_____
<u>X</u>	4 <u>Street Lights</u> -Inspection Letters	<u>EEI</u>	_____
<u>N/A</u>	5 <u>IDOT Permits</u> -IDOT Permit Number = -Completion Date =	_____	_____
<u>X</u>	6 <u>Landscaping Certification</u> -Certification from Landscape Architect	<u>PRI</u>	_____
<u>X</u>	7 <u>Detention Facility Certification</u> -As-Built Plan for basin -Volume Certification	<u>EEI</u>	_____
<u>X</u>	8 <u>Detention Facility Maintenance Plan</u>	<u>PRI</u>	_____
<u>X</u>	9 <u>Punch List Inspections</u> -Hardcopy of final punch letter -All letters properly archived	<u>EEI</u>	_____
<u>X</u>	10 <u>GASB 34 Inventory</u> -Infrastructure inventory	<u>EEI</u>	_____
<u>X</u>	11 <u>SSA - Ordinance Recorded</u>	<u>Village</u>	_____
<u>X</u>	12 <u>Montgomery Atlas Maps & GIS Updated</u>	<u>EEI</u>	_____
<u>X</u>	13 <u>As-Built Plans Provided</u> -One Mylar, Four paper copies, CD-Rom -Scanned .pdf of approved paper copy on file	<u>EEI</u>	_____
<u>X</u>	14 <u>Field Reports Properly Archived</u>	<u>EEI</u>	_____
<u>Pending</u>	15 <u>Park District Sign-off Obtained</u>	_____	_____