

RESOLUTION NO. _____

**A RESOLUTION APPROVING AND AUTHORIZING THE REPLACEMENT OF
COMPLETION BOND 30168303 ISSUED BY WESTERN SURETY COMPANY TO THE
CITY OF CREST HILL ON BEHALF OF EXECUTIVE CONSTRUCTION FOR THE
GAS N WASH MAJOR PUD PROJECT WITH SITE IMPROVEMENT BOND 7471749
ISSUED BY OLD REPUBLIC SURETY COMPANY TO THE CITY OF CREST HILL
ON BEHALF OF AUSTIN TYLER CONSTRUCTION, INC. FOR THE REMAINING
SITE IMPROVMENTS CONTAINED IN THE 2/10/25 ENGINEER'S OPINION OF
PROBABLE COST.**

WHEREAS, the Corporate Authorities of the City Crest Hill, Will County, Illinois, (the “City”) have the authority to adopt resolutions and to promulgate rules and regulations that pertain to its government and affairs and protect the public health, safety, and welfare; and

WHEREAS, the Illinois Municipal Code, 65 ILCS 5/11-3.1.1 (the “Code”) authorizes the corporate authorities of any municipality to enact ordinances to provide for the classification of special uses, including, but not limited to, public and quasi-public uses affected with the public interest, uses which may have a unique, special, or unusual impact upon the use or enjoyment of neighboring property, and planned unit developments; and

WHEREAS, the Corporate Authorities of the City have previously enacted Sections 10.0 and 12.7 of the Crest Hill Zoning Ordinance, which specifies the procedure, requirements and standards for applications seeking Planned Unit Developments (“PUD”) and special use permits; and

WHEREAS, Gas N Wash/RR Crest Hill, LLC (“Applicant”), filed and presented to the Crest Hill Plan Commission an application seeking a special use permit for a B3- special use for a Planned Unit Development and a major Planned Unit Development change (the “Application”) for certain property within the city limits of the City of Crest Hill, Will County, Illinois. Said property is located at the northwest corner of Weber Road and Division Street, Crest Hill, Illinois, in the vicinity of 16664 Weber Road, and was previously part of PIN: 11-04-19-400-007 (the “Property”) and is legally described in the Application to the Plan Commission. The Plan Commission meeting at which the Application was heard was conducted with proper notice; and

WHEREAS, said Property is zoned B-3 under the Crest Hill Zoning Ordinance and the Applicant has requested that the zoning be changed to a B-3 special use permit; and

WHEREAS, the Crest Hill Plan Commission, by formal vote taken May 9, 2024, recommended approval of the special use permit and approval of the major Planned Unit Development change sought in the Application after holding a properly noticed public hearing; and

WHEREAS, on May 20, 2024, in a regularly scheduled open meeting, the City Council examined and considered the May 9, 2024, Findings and Decision of the Plan Commission along with the presentations and arguments of the Applicant and passed Ordinance #1986, “An

Ordinance Granting a Special Use Permit with Respect to Certain Real Property Located Within the Corporate Boundaries of Crest Hill (Application of Gas N Wash/RR Crest Hill, LLC); and

WHEREAS, following the passage of Ordinance #1986, Gas N Wash/RR Crest Hill, LLC. engaged Executive Construction, Inc. to construct the Project and, as required by the City, Completion Bond #30168303 in the amount of the penal sum of \$1,131,73.73 was issued by Western Surety Company with Executive Construction, Inc. as Principal and the City of Crest Hill as Obligee, which was based on an Original Engineer's Opinion of Probable Costs ("EOPC"); A copy of said Completion Bond is attached hereto as Exhibit A; and

WHEREAS, on April 11, 2025, Lenny's Gas N Wash Division and Weber, LLC requested in writing that Exhibit A be fully released and replaced with Site Improvement Bond #7471749 in the amount of the penal sum of \$128,365.81 issued by Old Republic Surety Company with Austin Tyler Construction, Inc. as Principal and the City of Crest Hill as Obligee. A copy of said written Request is attached hereto as Exhibit B and said Site Improvement Bond is attached hereto as Exhibit C; and

WHEREAS, the request to release and replace the Completion Bond (Exhibit A) with the Site Improvement Bond (Exhibit C) is based on a February 10, 2025 Amended EOPC, which estimated the probable cost of the remaining work to be performed at \$102,692.65 and the fact that Austin Tyler Construction, Inc. and not Executive Construction, Inc. will be performing the remaining work, specifically the construction of a right-hand turn lane and widening of southbound Weber road to westbound Division Street along with seeding, topsoil, fertilizer and erosion control blanket; and

WHEREAS, all other public improvements included in the original bond have been inspected and approved by City Staff on April 12, 2023; and

WHEREAS, City Staff is recommending approval of the release and replacement of the aforementioned Completion Bond with the Site Improvement Bond; and

WHEREAS, the City Council has reviewed the Staff Memo and has considered the Request (Exhibit B) and the Site Improvement Bond (Exhibit C) and, based on the City Staff recommendation, has determined that the Request of Lenny's Gas N Wash Division and Weber, LLC should be approved.

NOW THEREFORE, BE IT RESOLVED by the City Council of Crest Hill, Will County, Illinois, pursuant to its statutory authority, as follows:

SECTION 1: That the City Council hereby finds that all the recitals contained in the preamble to this Resolution are true, correct, and complete and are hereby incorporated by reference hereto and made a part hereof.

SECTION 2: The City Council hereby approves the Request of Lenny's Gas N Wash Division and Weber, LLC. to release in Full Exhibit A and authorize it to be replaced with Exhibit C and hereby authorizes the Mayor to execute said any Release document

and to do all things necessary to effectuate the release of the Completion Bond and the replacement of it with the Site Improvement Bond.

SECTION 3. In the event that any provision or provisions, portion or portions, or clause or clauses of this Resolution shall be declared to be invalid or unenforceable by a Court of competent jurisdiction, such adjudication shall in no way affect or impair the validity or enforceability of any of the remaining provisions, portions, or clauses of this Resolution that may be given effect without such invalid or unenforceable provision or provisions, portion or portions, or clause or clauses.

SECTION 4. All ordinances, resolutions, motions, or parts thereof, conflicting with any of the provisions of this Resolution, are hereby repealed to the extent of the conflict.

SECTION 5. This Resolution shall be in full force and effect from and after its passage and approval.

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PASSED THIS 19TH DAY OF MAY, 2025.

	Aye	Nay	Absent	Abstain
Alderman Scott Dyke	_____	_____	_____	_____
Alderman Angelo DiSerio	_____	_____	_____	_____
Alderwoman Claudia Gazal	_____	_____	_____	_____
Alderman Darrell Jefferson	_____	_____	_____	_____
Alderperson Tina Oberlin	_____	_____	_____	_____
Alderman Mark Cipiti	_____	_____	_____	_____
Alderman Nate Albert	_____	_____	_____	_____
Alderman Joe Kubal	_____	_____	_____	_____
Mayor Raymond R. Soliman	_____	_____	_____	_____

Christine Vershay-Hall, City Clerk

APPROVED THIS 19TH DAY OF MAY, 2025.

Raymond R. Soliman, Mayor

ATTEST:

Christine Vershay-Hall, City Clerk

EXHIBIT A

**WESTERN SURETY COMPANY COMPLETION
BOND #30168303**

**(Principal: Executive Construction, Inc.)
(Obligee: City of Crest Hill)**

EXHIBIT B

**APRIL 11, 2025 REQUEST FROM LENNY'S GAS N
WASH DIVISION AND WEBER, LLC FOR
RELEASE AND REPLACEMENT OF BONDS**

EXHIBIT C

**OLD REPUBLIC SURETY COMPANY SITE
IMPROVEMENT BOND #7471749
(Principal: Austin Tyler Construction, Inc.)
(Obligee: City of Crest Hill)**