

RESOLUTION 25-07

**RESOLUTION APPROVING DECOMMISSIONING BOND OBTAINED BY
TPE IL KE109, LLC, FROM PENNSYLVANIA INSURANCE COMPANY
CONCERNING THE DECOMMISSIONING OF A SOLAR POWER GENERATION
FACILITY LOCATED AT 599 SANDY BLUFF ROAD, SANDWICH, ILLINOIS 60548**

WHEREAS, TPE ILKE109, LLC (hereinafter referred to as “TPE”) submitted an application to the City of Sandwich (hereinafter “the City”) for a Special Use Permit to allow solar power generation in an M-2 Zoning District at 599 Sandy Bluff Road, Sandwich, Illinois 60548(PIN 01-30-401-003) on April 18, 2023; and

WHEREAS, after public notice was published in the Sandwich Record on April 13, 2023, a public hearing (PC 2023-02) was held before the Plan Commission of the City of Sandwich (hereinafter referred to as the “Commission”) on May 9, 2023, at 6:30 p.m.; and

WHEREAS, based upon the evidence presented at the hearing in PC 2023-02, the Commission recommended, pursuant to a vote of 4 yes, 0 no, and 2 absent, that the City approve the Special Use Permit; and

WHEREAS, the City approved the Special Use Permit by way of Ordinance 2023-11 on May 15, 2023; and

WHEREAS, pursuant to Ordinance 2023-11, TPE was to meet certain conditions of the City staff, including obtaining and providing to the City a Decommissioning Plan and Decommissioning Bond which meets with the approval of City staff; and

WHEREAS, the City has reviewed the Decommissioning Bond obtained by TPE from Pennsylvania Insurance Company, a copy of which is attached hereto as Exhibit “A”, and believes that same is acceptable.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Sandwich, Illinois, that Decommissioning Bond between TPE IL KE109, LLC and Pennsylvania Insurance Company is hereby approved and accepted by the City of Sandwich and the Mayor of the City of Sandwich.

PASSED BY THE CITY COUNCIL of the City of Sandwich, Illinois, at a regular meeting thereof held on the 17th day of March, 2025, and approved by me as Mayor on the same day.

AYES: _____

NAYS: _____

ABSENT: _____

Todd Latham, Mayor

ATTEST:

Denise Ii, City Clerk

CERTIFICATION

I, Denise Ii, do hereby certify that I am the duly elected, qualified and acting City Clerk of the City of Sandwich, Counties of DeKalb and Kendall, and State of Illinois, and that I am keeper of the

records, ordinances and other proceedings of said City; and I further certify that the above and foregoing is a true and correct copy of

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As approved and adopted by the City Council at a regular meeting of the City Council of the City of Sandwich, held on the 17th day of March, 2025, which meeting was held in the Council Chambers located in the City Hall Annex at 128 East Railroad Street in the City of Sandwich, Illinois.

Witness my hand and seal this 17th day of March, 2025.

Denise Ii, City Clerk

EXHIBIT "A"

Bond. SBP150344_041

DECOMMISSIONING BOND

KNOW ALL MEN BY THESE PRESENTS: That we, **TPE IL KE109, LLC**, as Principal, and **Pennsylvania Insurance Company**, a corporation duly authorized under the laws of the State of

New Mexico, as Surety, are held and firmly bound unto the **City of Sandwich**, as Obligee in the full and just sum of **Five Hundred Thousand and 00/100 Dollars (\$500,000.00)**, lawful money of the United States of America, to be paid to the said Obligee, successors or assigns; for which payment, well and truly to be made, we bind ourselves, our heirs, executors, successors, administrators and assigns, jointly and severally, firmly by these presents. Surety is authorized to do business in the State of Illinois by virtue of **THE ATTACHED STATE OF ILLINOIS DEPARTMENT OF FINANCIAL SERVICES LICENSE**.

THE CONDITION OF THE OBLIGATION IS SUCH THAT:

Whereas, the Principal and Obligee have entered into an agreement whereby principal agrees to complete decommissioning of a solar power generation facility located at 599 Sandy Bluff Road, Sandwich, Illinois 60548, in accordance with the TPE IL KE109, LLC approved Decommissioning Plan, which said plan, is hereby attached as Exhibit "A" and made part hereof; and

Whereas, the Obligee has requested that the Principal furnish a bond for the faithful performance of said decommissioning plan.

Now, Therefore, the condition of this obligation is such that if the above bounded Principal, his or its heirs, executors, administrators, successors or assigns, shall in all things stand to and abide by, and well and truly keep and perform the covenants, conditions and provisions in the said plan and any alteration thereof made as therein provided, on his or their part, to be kept and performed at the time and in the manner therein specified, and in all respects according to their true intent and meaning, and shall indemnify and save harmless the Obligee, its officers, agents and employees, as therein stipulated, then this obligation shall become null and void; otherwise it shall be and remain in full force and effect.

The surety hereby stipulates and agrees that no change, extension of time, alteration or addition to the terms of the plan or to the work to be performed thereunder or the specifications accompanying the same shall in anyway affect its obligations on this bond, and it does hereby waive notice of any such change, extension of time, alteration or addition to the terms of the plan or to the work or to the specifications.

The surety may cancel this bond at any time by giving the Obligee ninety (90) days' written notice (a "Notice of Cancellation") of its desire to be relieved of Liability. Should the Principal fail to provide a replacement bond or alternate financial assurance acceptable to the Obligee within sixty (60) days of the receipt by the Obligee of the Notice of Cancellation, the Surety may choose to reinstate this Bond, otherwise the Surety will be in default and shall forfeit the full Penal Sum of this Bond to Obligee.

IN WITNESS WHEREOF, the signature of said Principal is hereto affixed, and the corporate seal and the name of the Surety is hereto affixed and attested by its duly authorized Attorney-in-Fact, this ____ day of March 2025.

TPE IL KE109, LLC

By: _____
Name: _____
Title: _____

Pennsylvania Insurance Company

By: _____
Name: Megan Sivley
Title: Attorney-in-Fact

