

39

DEKALB COUNTY CODE SECTION 36-7-2-50 (street)
DEKALB COUNTY CODE SECTION 36-7-3-74 (drainage)
RESOLUTION NO. 2015-R-3
OF
COUNTY COMMISSIONERS
DEKALB COUNTY, INDIANA

COPY
7/25/15

Whereas, "Diamond Lake Estates Section I", Lots 1 through 35, is a platted subdivision for residential purposes in the unincorporated area of Section 30 of Jackson Township, DeKalb County, Indiana, that received Primary Plat Approval by the DeKalb County Plan Commission on June 22, 2005,

and

Whereas, the Drainage and Streets for the proposed subdivision are not in conformance with the standards of DeKalb County,

and

Whereas, the developer/owner of the subdivision has agreed to comply with the drainage requirements of the DeKalb County Surveyor and/or the DeKalb County Drainage Board and the DeKalb County Highway Department for "Diamond Lake Estates Section I" in Jackson Township, DeKalb County, Indiana,

and

Whereas, the developer/owner has substantially complied with portions of the requirements of the DeKalb County Drainage Board and Highway,

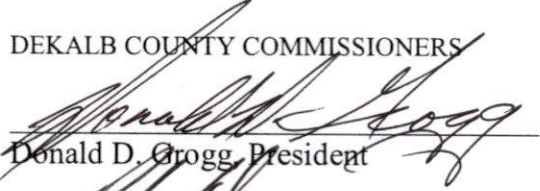
and


Therefore the County Commissioners approve the acceptance of the plat, to obtain Secondary Plat Approval and to be recorded on the condition that the aforesaid improvements are completed on or before the 14th day of February, 2016.

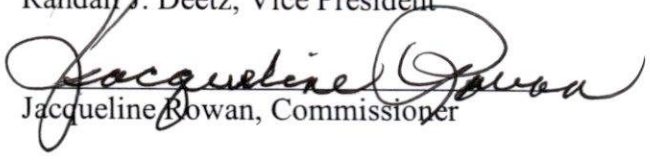
As a condition of the aforesaid approval the owner deposits herewith a portion of the original amount equaling \$23,800 in a Maintenance Bond No. 5035029, to be forfeited upon owner's failure to complete the improvements outlined above.

Dated: this 9th day of March, 2015.

DEKALB COUNTY COMMISSIONERS


Donald D. Grogg, President


Randal J. Deetz, Vice President


Jacqueline Rowan, Commissioner

Bond Safeguard INSURANCE COMPANY

1919 S. Highland Ave. Bldg A, Ste. 300 Lombard, IL 60148 (630)495-9380

CONTINUATION CERTIFICATE

THIS IS TO CERTIFY that Bond Number 5035029 in which

Ultimate Development L.P. _____

17818 Amstutz Road

Leo, Indiana 46765

is the Principal, and

Bond Safeguard Insurance Company
1919 S. Highland Ave., Bldg. A, Ste. 300
Lombard, Illinois 60148

is the Surety, and

DeKalb County Indiana _____

201 S. Center Street

Auburn, Indiana 46706

is the Obligee,

dated February 14, 2015 in the amount of \$23,800.00, is continued and in full force through February 14, 2016 or until sooner by the Surety upon giving the Obligee thirty (30) days written notice of said termination.

This Continuation Certificate and any further such Certificates issued relative to this Bond shall not cause cumulative liability and the amount of the liability of the Surety herein shall not be greater than the penal sum set forth in the originally issued Bond regardless of how long it remains in force or is continued.

SIGNED, SEALED AND DATED this 23 day of February, 2015.

BOND SAFEGUARD INSURANCE COMPANY

Ultimate Development L.P. _____
Principal

By: Marsha Dawson

Marsha Dawson, Attorney-In-Fact

By: _____

Principal

AO **79902**

POWER OF ATTORNEY
Bond Safeguard INSURANCE COMPANY

KNOW ALL MEN BY THESE PRESENTS, that **BOND SAFEGUARD INSURANCE COMPANY**, an Illinois Corporation with its principal office in Woodridge, Illinois, does hereby constitute and appoint: Marsha Dawson, Robert W. Chitwood, Mary E. Robinson*****
John S. Flynn, Benita J. Mitten, Sally A. Moss, Barbara A. Konar, Linda J. Griggs*****

its true and lawful Attorney(s)-In-Fact to make, execute, seal and deliver for, and on its behalf as surety, any and all bonds, undertakings or other writings obligatory in nature of a bond.

This authority is made under and by the authority of a resolution which was passed by the Board of Directors of **BOND SAFEGUARD INSURANCE COMPANY** on the 7th day of November, 2001 as follows:

Resolved, that the President of the Company is hereby authorized to appoint and empower any representative of the Company or other person or persons as Attorney-In-Fact to execute on behalf of the Company any bonds, undertakings, policies, contracts of indemnity or other writings obligatory in nature of a bond not to exceed \$1,000,000.00, One Million Dollars, which the Company might execute through its duly elected officers, and affix the seal of the Company thereto. Any said execution of such documents by an Attorney-In-Fact shall be as binding upon the Company as if they had been duly executed and acknowledged by the regularly elected officers of the Company. Any Attorney-In-Fact, so appointed, may be removed for good cause and the authority so granted may be revoked as specified in the Power of Attorney.

Resolved, that the signature of the President and the seal of the Company may be affixed by facsimile on any power of attorney granted, and the signature of the Assistant Secretary, and the seal of the Company may be affixed by facsimile to any certificate of any such power and any such power or certificate bearing such facsimile signature and seal shall be valid and binding on the Company. Any such power so executed and sealed and certificate so executed and sealed shall, with respect to any bond or undertaking to which it is attached, continue to be valid and binding on the Company.

IN WITNESS THEREOF, **BOND SAFEGUARD INSURANCE COMPANY** has caused this instrument to be signed by its President, and its Corporate seal to be affixed this 7th day of November, 2001.



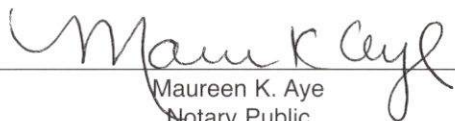
BOND SAFEGUARD INSURANCE COMPANY

BY 
David E. Campbell
President

ACKNOWLEDGEMENT

On this 7th day of November, 2001, before me, personally came David E. Campbell to me known, who being duly sworn, did depose and say that he is the President of **BOND SAFEGUARD INSURANCE COMPANY**, the corporation described in and which executed the above instrument; that he executed said instrument on behalf of the corporation by authority of his office under the By-laws of said corporation.

"OFFICIAL SEAL"
MAUREEN K. AYE
Notary Public, State of Illinois
My Commission Expires 09/21/13



Maureen K. Aye
Notary Public

CERTIFICATE

I, the undersigned, Assistant Secretary of **BOND SAFEGUARD INSURANCE COMPANY**, An Illinois Insurance Company, DO HEREBY CERTIFY that the original Power of Attorney of which the foregoing is a true and correct copy, is in full force and effect and has not been revoked and the resolutions as set forth are now in force.

Signed and Sealed at Woodridge, Illinois this 23 Day of February, 20 13




Philip G. Lauer
Assistant Secretary

"WARNING: Any person who knowingly and with intent to defraud any insurance company or other person, files an application for insurance or statement of claim containing any materially false information, or conceals for the purpose of misleading, information concerning any fact material thereto, commits a fraudulent insurance act, which is a crime and subjects such person to criminal and civil penalties."

BOND OF DEVELOPER

KNOW ALL MEN BY THESE PRESENTS:

That we, Ultimate Development, LP, Stuart Stier President, developers of "Diamond Lake Estates Section I", in consideration of the resolution of the DeKalb County Commissioners attached hereto and made a part hereof, are bound unto DeKalb County, Indiana, a municipal corporation in the penal sum of \$23,800.00 for the payment of which we jointly and severally bind ourselves and legal representatives. Sealed and dated this date to pay said County said sum upon failure to complete the following: Streets and County Road 64 entrance improvements and Drainage and Pond work for Diamond Lake Estates Section I.

That the sureties shall complete all improvements per the approved plans, as filed in the office of the DeKalb County Plan Commission (copy of site development plan herein incorporated by reference). Said improvements shall be completed on or before the 14th day of February, 2016.

THE SECURITY I PLEDGE FOR THE PAYMENT OF SAID BOND IS a Maintenance Bond No. 5035029 and is subject to legal foreclosure by the County to seize same in conformance with the procedures for same as provided in Indiana law, upon the failure of the above condition to be met, on or before the 14th day of February, 2016.

Tamra S. Stier
Tamra Stier, General Partner

Before me, the undersigned Notary Public, in and for the County and State, personally appeared Stuart Stier and separately and severally acknowledged the execution of the foregoing instrument as his/her/their voluntary act and deed for the purposes therein expressed.

Witness my hand and notarial seal this 19th day of February 2015.




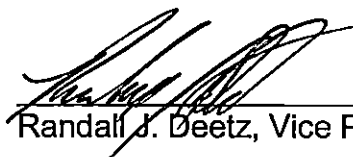
Barbara J. Perry
Barbara J. Perry
Notary Public
A resident of DeKalb County, IN
My Commission expires: 02/15/2018


BOND OF DEVELOPER

APPROVAL: The above bond meets the approval of the DeKalb County Commissioners, and is hereby accepted as bond and security to the performance of the obligations stated therein.

Date: 3.9.15


Donald D. Grogg, President


Randall J. Deetz, Vice President


Jacqueline Rowan, Commissioner