
THE VILLAGE OF TINLEY PARK

Cook County, Illinois

Will County, Illinois

RESOLUTION

NO. 2022-R-095

**A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE VILLAGE OF TINLEY
PARK AND MISFITS CONSTRUCTION COMPANY FOR FINAL PAYMENT FOR
STREAMBANK STABILIZATION IMPROVEMENTS**

**MICHAEL W. GLOTZ, PRESIDENT
NANCY M. O'CONNOR, VILLAGE CLERK**

**WILLIAM P. BRADY
WILLIAM A. BRENNAN
DIANE M. GALANTE
DENNIS P. MAHONEY
MICHAEL G. MUELLER
COLLEEN M. SULLIVAN
Board of Trustees**

RESOLUTION NO. 2022-R-095

A RESOLUTION APPROVING AGREEMENT BETWEEN THE VILLAGE OF TINLEY PARK AND MISFITS CONSTRUCTION COMPANY FOR FINAL PAYMENT FOR STREAMBANK STABILIZATION IMPROVEMENTS

WHEREAS, the Village of Tinley Park, Cook and Will Counties, Illinois, is a Home Rule Unit pursuant to the Illinois Constitution of 1970; and

WHEREAS, the Corporate Authorities of the Village of Tinley Park, Cook and Will Counties, Illinois, have considered entering into an Agreement with Misfits Construction Company, a true and correct copy of such Agreement being attached hereto and made a part hereof as **EXHIBIT 1**; and

WHEREAS, the Corporate Authorities of the Village of Tinley Park, Cook and Will Counties, Illinois, have determined that it is in the best interests of said Village of Tinley Park that said Agreement be entered into by the Village of Tinley Park;

NOW, THEREFORE, Be It Resolved by the President and Board of Trustees of the Village of Tinley Park, Cook and Will Counties, Illinois, as follows:

Section 1: The Preambles hereto are hereby made a part of, and operative provisions of, this Resolution as fully as if completely repeated at length herein.

Section 2: That this President and Board of Trustees of the Village of Tinley Park hereby find that it is in the best interests of the Village of Tinley Park and its residents that the aforesaid "Agreement" be entered into and executed by said Village of Tinley Park, with said Agreement to be substantially in the form attached hereto and made a part hereof as **EXHIBIT 1**.

Section 3: That the President and Clerk of the Village of Tinley Park, Cook and Will Counties, Illinois are hereby authorized to execute for and on behalf of said Village of Tinley Park the aforesaid Agreement.

Section 4: That this Resolution shall take effect from and after its adoption and approval.

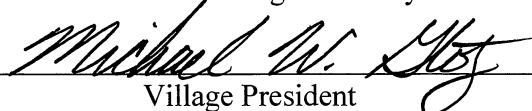
ADOPTED this 16th day of August, 2022, by the Corporate Authorities of the Village of Tinley Park on a roll call vote as follows:

AYES: Brady, Brennan, Mahoney, Mueller, Sullivan

NAYS: None

ABSENT: Galante

APPROVED this 16th day of August, 2022, by the President of the Village of Tinley Park.



Village President

ATTEST:


Village Clerk

EXHIBIT 1

REFERENCE

RESOLUTION 2020-R-016

A RESOLUTION APPROVING AN
INTERGOVERNMENTAL AGREEMENT (IGA)
BETWEEN THE VILLAGE OF TINLEY PARK AND
THE METROPOLITAN WATER RECLAMATION
DISTRICT OF GREATER CHICAGO (MWRD) FOR
STREAMBANK STABILIZATION PROJECT

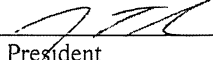
FINAL WAIVER

STATE OF ILLINOIS)
COUNTY OF COOK)

WHEREAS The undersigned has been employed by Village of Tinley Park
to furnish streambank stabilization
for the premises known as the Streambank Stabilization Project on Midlothian Creek
of which the Village of Tinley Park is the owner.

The undersigned, for and in consideration of Two Hundred Fifty-Five Thousand One Hundred Fifty-Five and 00/100 Dollars
(\$ 255,155.00) dollars,
and other good and valuable considerations, the receipt whereof is hereby acknowledged, Do(es) hereby waive and release any and all
lien or claim of, or right to, lien, under the statues of the State of Illinois, relating to mechanics' liens, with respect to and on said
above-described premises, and the improvements thereon, and on the material, fixtures, apparatus or machinery furnished, and on the
moneys, funds or other considerations due or to become due from the owner, on account of labor services, material, fixtures, apparatus
or machinery, furnished to this date, by the undersigned for the above-described premises.

Signed this 1st day of April, 2022

Signature: 
Title: President
Company: Misfits Construction Company

CONTRACTOR'S AFFIDAVIT

STATE OF ILLINOIS)
COUNTY OF COOK)

TO WHOM IT MAY CONCERN:

The undersigned, being duly sworn, deposes and says that he is John Thomas, President
of Misfits Construction Company
who is the contractor for the Streambank Stabilization Project on Midlothian Creek
work on the building located at the Village of Tinley Park
owned by the Village of Tinley Park.

That the total amount of the contract including extras is \$1,084,595.00 which he has received payment of \$ 829,440.00 prior
to this payment. That all waivers are true, correct and genuine and delivered unconditionally and that there is no claim either legal or
equitable to defeat the validity of said waivers. That the following are the names of all parties who have furnished material or labor,
or both, for said work and all parties having contracts or subcontracts for specific portions of said work or for material entering into
the construction thereof and the amount due or to become due to each, and that the items mentioned include all labor and material
required to complete said work according to plans and specification:

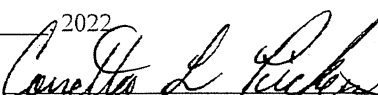
NAME	WHAT FOR	CONTRACT VALUE	AMOUNT PAID	THIS PAYMENT	BALANCE DUE
Misfits Construction Company	Installation	\$ 834,532.70	\$ 650,377.70	\$ 184,155.00	\$ 00.00
Commercial Material Solutions, LLC	Material Supplier	\$ 127,331.79	\$ 56,331.79	\$ 71,000.00	\$ 00.00
Steve's Equipment Services, Inc.	Equipment Rental	\$ 91,993.71	\$ 91,993.71	\$ 00.00	\$ 00.00
Stevenson Crane Service, Inc.	Equipment Rental	\$ 27,386.80	\$ 27,386.80	\$ 00.00	\$ 00.00
Spring Grove Nursery, Inc.	Material Supplier	\$ 3,350.00	\$ 3,350.00	\$ 00.00	\$ 00.00
TOTAL LABOR & MATERIAL:		\$ 1,084,595.00	\$ 829,440.00	\$ 255,155.00	\$ 00.00

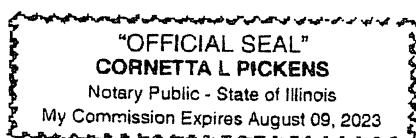
That there are not contracts for said work outstanding, and that there is nothing due or to become due to any person for material, labor
or other work of any kind done or to be upon or in connection with said work other than above stated.

Signed this 1st day of April, 2022

Signature: 
Title: President
Company: Misfits Construction Company

Subscribed and sworn to before me this 1st day of April, 2022

Notary Public: 



FINAL WAIVER OF LIEN AND CONTRACTOR'S AFFIDAVIT

STATE OF ILLINOIS }
 COUNTY OF Kendall } SS

Escrow # _____

Guarantee # _____

TO WHOM IT MAY CONCERN:

WHEREAS the undersigned has been employed by Misfits Construction Company
 to furnish landscaping materials
 for the premises know as 2020-R-017 Streambank Stabilization Project
 of which Village of Tinley Park is the owner.

THE undersigned, for and in consideration of Seventy-one Thousand and ^N/₁₀₀
 (\$ 71,000.00) Dollars, and other good and valuable consideration, the receipt whereof is hereby acknowledged, do(es)
 hereby waive and release any and all lien or claim of, or right to, lien, under the State of Illinois relating to mechanics' liens, with
 respect to and on said above-described premises, and the improvements thereon, and on the material, fixtures, apparatus or machinery
 furnished, and on the moneys, funds or other considerations due or to become due from the owner, on account of labor, services,
 material, fixtures, apparatus or machinery heretofore furnished, or which may be furnished at any time hereafter, by the undersigned
 for the above-described premises, INCLUDING EXTRAS*.

That the total amount of the contract including extras * is \$ 127,331.79 on which he or she has received payment of
 \$ 56,331.79 prior to this payment. That all waivers are true, correct and genuine and delivered unconditionally and that
 there is no claim either legal or equitable to defeat the validity of said waivers. **THAT THE FOLLOWING ARE THE NAMES
 AND ADDRESSES OF ALL PARTIES WHO HAVE FURNISHED OR WILL FURNISH MATERIAL OR LABOR, OR
 BOTH, FOR SAID WORK** and the amount due or to become due to each, and that the items mentioned include all labor and
 material required to complete said work according to plans and specifications:

NAMES AND ADDRESSES	WHAT FOR	CONTRACT PRICE INCLD G EXTRAS *	AMOUNT PAID	THIS PAYMENT	BALANCE DUE
<u>Commercial Material Solutions</u>	<u>landscaping materials</u>	<u>127,331.79</u>	<u>56,331.79</u>	<u>71,000.00</u>	<u>0</u>
<u>2206 N Main St, Ste. 190</u>					
<u>Wheaton, IL 60187</u>					
TOTAL LABOR AND MATERIAL INCLUDING EXTRAS * TO COMPLETE		<u>127,331.79</u>	<u>56,331.79</u>	<u>71,000.00</u>	<u>0</u>

*EXTRAS INCLUDE BUT ARE NOT LIMITED TO CHANGE ORDERS, BOTH ORAL AND WRITTEN, TO THE CONTRACT.
 That there are no other contracts for said work outstanding, and that there is nothing due or to become due to any person for material,
 labor or other work of any kind done or to be done upon or in connection with said work other than above stated.

COMPANY NAME Commercial Material Solutions LLC

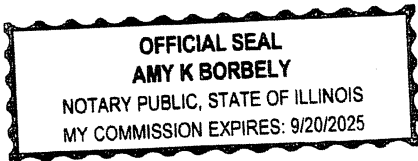
ADDRESS 2206 N Main St, Ste. 190

CITY, STATE, ZIP Wheaton, IL 60187

DATED: 3/7/2022

[Signature] President
 SIGNATURE AND TITLE

SUBSCRIBED AND SWORN TO BEFORE ME THIS 7th DAY OF March, 2022



Amy K. Borbely
 NOTARY PUBLIC

Van Calombaris, PE
Direct Line: (815) 412-2014
Email: vcalombaris@rettd.com



Municipal Expertise. Community Commitment.

July 27, 2022

Project 20-R0382

Village of Tinley Park
16250 South Oak Park Avenue
Tinley Park, Illinois 60477

Attn: Finance Department

RE: Streambank Stabilization Improvements
6th Payout Request (Final)

Enclosed herewith please find invoice 1921004-06 dated December 31, 2021 and a final waiver of lien from Misfits Construction Company for work completed on the above referenced project. We have reviewed the work and find that, in our best judgment, it is in substantial compliance with the plans and specifications. The final waiver of lien has also been reviewed and has been found satisfactory. Certified payrolls received to date are also attached with the invoice.

We, therefore, recommend that Misfits Construction Company is entitled to payment of Two Hundred Fifty-Three Thousand, Seventy-Eight Dollars and No Cents as summarized below:

Total Earned to Date	\$1,084,595.00
Less Previous Payments	\$829,440.00
Less Amount Owed for Legal Fees.....	<u>\$2,077.00</u>
Amount Due this Estimate #6 (Final)	\$253,078.00

Respectfully yours,
ROBINSON ENGINEERING, LTD.

Van Calombaris, PE
Village Engineering Consultant

vcl/pc

R:\2020-2024\2020\20-R0382.TPI\Payouts\PAAYOUT 6 LETTER - Final.docx

xc: Misfits Construction Company via e-mail

APPROVED BY:

Colby Zemaitis, PE, CFM, Village Engineer

STATE OF ILLINOIS)
COUNTY OF COOK) SS
COUNTY OF WILL)

CERTIFICATE

I, NANCY M. O’CONNOR, Village Clerk of the Village of Tinley Park, Counties of Cook and Will and State of Illinois, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Resolution No. 2022-R-095, “**A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE VILLAGE OF TINLEY PARK AND MISFITS CONSTRUCTION COMPANY FOR FINAL PAYMENT FOR STREAMBANK STABILIZATION PROJECT,**” which was adopted by the President and Board of Trustees of the Village of Tinley Park on August 16th, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Village of Tinley Park this 16th day of August, 2022.

VILLAGE CLERK