

1316 COUNTY-CITY BUILDING  
227 W. JEFFERSON BOULEVARD  
SOUTH BEND, INDIANA 46601-1830



PHONE 574/ 235-9251  
FAX 574/ 235-9171

CITY OF SOUTH BEND JAMES MUELLER, MAYOR  
**BOARD OF PUBLIC WORKS**

June 25, 2024

Mr. Dustin Hilary  
Milestone Contractors North, Inc.  
24358 State Road 23  
South Bend, IN 46614  
[akrueger@milestonelp.com](mailto:akrueger@milestonelp.com)

RE: Project Completion Affidavit – West Race Gate Repair – Project No. 122-063

Dear Mr. Hilary:

At its June 25, 2024 meeting, the Board of Public Works approved the Project Completion Affidavit for this project in the amount of \$628,529.28.

A copy of the Project Completion Affidavit is enclosed for your records.

If you have any further questions, please call this office at (574) 235-9251.

Sincerely,

/s/ Theresa Heffner

Theresa Heffner, Clerk

Enclosures  
TH/lh

**CITY OF SOUTH BEND, INDIANA  
BOARD OF PUBLIC WORKS  
PROJECT COMPLETION AFFIDAVIT**



PROJECT NAME West Race Gate Repair  
 PROJECT NO 122-063 FINAL COST \$628,529.28  
 CONTRACT SIGNED 6/13/2023 MAINTENANCE AGREEMENT ENDS \_\_\_\_\_  
 PROJECT DESCRIPTION Removal of existing gate at Century Center West Race, and installation of new walkway, wall, and mechanical gate.

**WITNESSETH:**

The work under the above contract between the City of South Bend and the undersigned contractor having been completed, the City of South Bend, its officials and agents are hereby released from all claims and demands whatsoever arising under or by such contract, and that the contractor performed the work within the scope of the Specifications and Standards of the City of South Bend which were a part of the above Contract.

Executed this 29th day of May, 2024.

[Signature]  
 Signature  
Dustin P. Hilary, Director of Estimating  
 Printed Name

Milestone Contractors North, Inc.  
 Company Name  
24358 State Road 23  
 Company Address  
South Bend, IN 46614  
 City, State, Zip

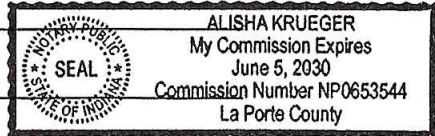
**WITNESSES:**

Before me, the undersigned Notary Public in and for said country and state, personally appeared Dustin P. Hilary, and acknowledged his/her signature to the above Project Completion Affidavit on the 29th day of May, 2024.

[Signature]  
 Notary Signature  
Alisha Krueger  
 Printed Name

My Commission Expires 6/5/2030

County of Residence LaPorte



If the Contractor is a corporation, the following certificate will be executed.

I, Danielle Payne, certify that I am Secretary of the Corporation executing this release; that Dustin P. Hilary who signed this release on behalf of the contractor was then Director of Estimating of said Corporation; that said release was duly signed for and on behalf of said Corporation by Authority of its governing body, and is within the scope of corporate powers:

[Signature]  
 Secretary's Signature  
Danielle Payne  
 Printed Name



**DEPARTMENT OF PUBLIC WORKS APPROVAL**

This project is acceptable for final approval and we recommend to the Board of Public Works that it be ordered as follows:

[Signature]  
 Construction Manager

Date: 6/14/2024

**SOUTH BEND BOARD OF PUBLIC WORKS**

CITY OF SOUTH BEND, INDIANA  
 BOARD OF PUBLIC WORKS

[Signature]  
 Elizabeth A. Maradik, President

[Signature]  
 Joseph R. Molnar, Vice President

[Signature]  
 Gary A. Gilot, Member

[Signature]  
 Briana Micou, Member

[Signature]  
 Murray L. Miller, Member

[Signature]  
 Attest: Theresa M. Heffner, Clerk

Date: June 25, 2024

Final Waiver of Lien

State of Indiana, County of SAINT JOSEPH SS:
JEN TIMMONS being duly sworn that he/she is the PROJECT ACCOUNTANT
(Name of Officer) (Title)

of MILESTONE CONTRACTORS NORTH, INC having contracted with City of South Bend
(Contractor) (Owner)

to furnish certain materials and/or labor as follows: REMOVAL OF EXISTING GATE, INSTALL NEW WALKWAY & MECHANICAL GATE
(Description)

for a project known as 122-063 WEST RACE GATE REPAIR
(Name of Project)

located at CENTURY CENTER WEST RACE

and owned by City of South Bend
(Owner)

and does hereby further state on the behalf of the aforementioned subcontractor/supplier:

(PARTIAL WAIVER) that there is due from the Contractor the sum of
Dollars (\$ . )

- receipt of which is hereby acknowledged; or
the payment of which has been promised as the sole consideration for this Affidavit and Final Waiver of Lien which is given solely with respect to said amount, and which waiver shall be effective only upon receipt of payment thereof by the undersigned;

(FINAL WAIVER) that the final balance due from the contractor is the sum of
(\$ 45,011.46 )

- receipt of which is hereby acknowledged; or
the payment of which has been promised as the sole consideration for this Affidavit and Final Waiver of Lien which shall become effective only upon receipt of such payment.

THEREFORE, the undersigned waives and releases unto the Owner of said premises, any and all liens or claims whatsoever on the above-described property and improvements thereon an account of labor or material or both, furnished b the undersigned thereto, subject to limitations or conditions expressed herein, if any; and further certified that no other party has any claim or right to a lien on account of any work performed or material furnished to the undersigned for said project, and within the scope of this Affidavit and Waiver of Lien.

MILESTONE CONTRACTORS NORTH, INC By Jen Timmons
(Firm) (Authorized Representative)

STATE OF INDIANA )
ST. JOSEPH COUNTY )



Before me, the undersigned, a Notary Public, in and for said County and State, personally appeared JEN TIMMONS and acknowledged the execution of the foregoing Affidavit and Waiver of Lien.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal on the 7TH day of JUNE 2024

Notary Public Signature

My Commission Expires: 02/01/2031
Residing in LA PORTE County, INDIANA

JOHN CONWAY
Notary Public Name

**MAINTENANCE BOND**

Bond No. MNT30193005

KNOW ALL PERSONS BY THESE PRESENTS, That we Milestone Contractors North, Inc.  
\_\_\_\_\_ of  
24358 State Road 23, South Bend, IN 46614, hereinafter  
referred to as the Principal, and Continental Casualty Company,  
as Surety, are held and firmly bound unto City of South Bend  
of 227 West Jefferson Blvd., South Bend, IN 46601, hereinafter  
referred to as the Oblige, in the sum of Sixty Two Thousand Eight Hundred Fifty Two Dollars and 93/100  
Dollars (\$ 62,852.93), for the payment of which we bind ourselves, our legal representatives, successors  
and assigns, jointly and severally, firmly by these presents.

WHEREAS, the said Principal entered into a contract with the City of South Bend  
\_\_\_\_\_ dated  
June 13, 2023, for Project No. 122-063; West Race Gate Repair

WHEREAS, said contract provides that the Principal will furnish a bond conditioned to guarantee for the period of  
Three (3) year(s) after approval of the final estimate on said job, by the owner, against all defects in  
workmanship and materials which may become apparent during said period, and

WHEREAS, the said contract has been completed, and was approved on \_\_\_\_\_,

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH that, if the Principal shall indemnify the  
Oblige for all loss that the Oblige may sustain by reason of any defective materials or workmanship which  
become apparent during the period of Three (3) year(s) from and after \_\_\_\_\_  
then this obligation shall be void, otherwise to remain in full force and effect.

SIGNED, SEALED AND DATED this 28th day of May, 2024.

Milestone Contractors North, Inc.  
(Principal)

By Dustin P. Hilary, Director of Estimating (Seal)

Continental Casualty Company  
(Surety)

By Angela M. Riley, Attorney-in-Fact (Seal)



POWER OF ATTORNEY APPOINTING INDIVIDUAL ATTORNEY-IN-FACT

Know All Men By These Presents, That Continental Casualty Company, an Illinois insurance company, National Fire Insurance Company of Hartford, an Illinois insurance company, and American Casualty Company of Reading, Pennsylvania, a Pennsylvania insurance company (herein called "the CNA Companies"), are duly organized and existing insurance companies having their principal offices in the City of Chicago, and State of Illinois, and that they do by virtue of the signatures and seals herein affixed hereby make, constitute and appoint

Angela M. Riley, Individually

of Carmel, IN their true and lawful Attorney(s)-in-Fact with full power and authority hereby conferred to sign, seal and execute for and on their behalf bonds, undertakings and other obligatory instruments of similar nature

- In Unlimited Amounts -

Surety Bond No: MNT30193005

Principal: Milestone Contractors North, Inc.

Obligee: City of South Bend

and to bind them thereby as fully and to the same extent as if such instruments were signed by a duly authorized officer of their insurance companies and all the acts of said Attorney, pursuant to the authority hereby given is hereby ratified and confirmed.

This Power of Attorney is made and executed pursuant to and by authority of the By-Laws and Resolutions, printed below, duly adopted, as indicated, by the Boards of Directors of the insurance companies.

In Witness Whereof, the CNA Companies have caused these presents to be signed by their Vice President and their corporate seals to be hereto affixed on this 9th day of January, 2024.



Continental Casualty Company
National Fire Insurance Company of Hartford
American Casualty Company of Reading, Pennsylvania

Signature of Larry Kasten

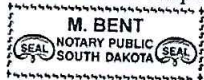
Larry Kasten Vice President

State of South Dakota, County of Minnehaha, ss:

On this 9th day of January, 2024, before me personally came Larry Kasten to me known, who, being by me duly sworn, did depose and say: that he resides in the City of Sioux Falls, State of South Dakota; that he is a Vice President of Continental Casualty Company, an Illinois insurance company, National Fire Insurance Company of Hartford, an Illinois insurance company, and American Casualty Company of Reading, Pennsylvania, a Pennsylvania insurance company described in and which executed the above instrument; that he knows the seals of said insurance companies; that the seals affixed to the said instrument are such corporate seals; that they were so affixed pursuant to authority given by the Boards of Directors of said insurance companies and that he signed his name thereto pursuant to like authority, and acknowledges same to be the act and deed of said insurance companies.

My commission expires

March 2, 2026



Signature of M. Bent

M. Bent Notary Public

CERTIFICATE

I, D. Johnson, Assistant Secretary of Continental Casualty Company, an Illinois insurance company, National Fire Insurance Company of Hartford, an Illinois insurance company, and American Casualty Company of Reading, Pennsylvania, a Pennsylvania insurance company do hereby certify that the Power of Attorney herein above set forth is still in force, and further certify that the By-Laws and Resolutions of the Board of Directors of the insurance companies printed below are still in force. In testimony whereof I have hereunto subscribed my name and affixed the seal of the said insurance companies this 28th day of May, 2024.



Continental Casualty Company
National Fire Insurance Company of Hartford
American Casualty Company of Reading, Pennsylvania

Signature of D. Johnson
D. Johnson Assistant Secretary

Authorizing By-Laws and Resolutions

ADOPTED BY THE BOARD OF DIRECTORS OF EACH OF CONTINENTAL CASUALTY COMPANY, NATIONAL FIRE INSURANCE COMPANY OF HARTFORD, and AMERICAN CASUALTY COMPANY OF READING, PENNSYLVANIA (as defined above, the "CNA Companies"):

This Power of Attorney is made and executed pursuant to and by authority of the following resolution duly adopted by the Board of Directors of each of the above CNA Companies at a meeting held on May 12, 1995:

"RESOLVED: That any Senior or Group Vice President may authorize an officer to sign specific documents, agreements and instruments on behalf of the Company provided that the name of such authorized officer and a description of the documents, agreements or instruments that such officer may sign will be provided in writing by the Senior or Group Vice President to the Secretary of the Company prior to such execution becoming effective."

This Power of Attorney is signed by Larry Kasten, Vice President, who has been authorized pursuant to the above resolution to execute power of attorneys on behalf of each of the CNA Companies.

This Power of Attorney is signed and sealed by facsimile under and by the authority of the following Resolution adopted by the Board of Directors of each of the above Companies by unanimous written consent dated the 25th day of April, 2012:

"Whereas, the bylaws of the Company or specific resolution of the Board of Directors has authorized various officers (the "Authorized Officers") to execute various policies, bonds, undertakings and other obligatory instruments of like nature; and

Whereas, from time to time, the signature of the Authorized Officers, in addition to being provided in original, hard copy format, may be provided via facsimile or otherwise in an electronic format (collectively, "Electronic Signatures"); Now therefore be it resolved: that the Electronic Signature of any Authorized Officer shall be valid and binding on the Company."

This Power of Attorney may be signed by digital signature and sealed by a digital or otherwise electronic-formatted corporate seal under and by the authority of the following Resolution adopted by the Board of Directors of each of the above CNA Companies by unanimous written consent dated the 27th day of April, 2022:

"RESOLVED: That it is in the best interest of the Company to periodically ratify and confirm any corporate documents signed by digital signatures and to ratify and confirm the use of a digital or otherwise electronic-formatted corporate seal, each to be considered the act and deed of the Company."

Go to www.cnasurety.com > Owner / Obligee Services > Validate Bond Coverage, if you want to verify bond authenticity.



# AssuredPartners

May 28, 2024

Ms. Alisha Krueger  
Milestone Contractors North, Inc.  
24358 State Road 23  
South Bend, IN 46614

RE:      Type of Bond:      Maintenance Bond  
          Bond Number:     MNT30193005  
          Obligee:         City of South Bend  
          Description:     Project No. 122-063; West Race Gate Repair  
          Bond Amount:    \$62,852.93  
          Premium Due:    \$157.00

Dear Alisha,

We are pleased to enclose the bond you requested. The bond issued was based upon the information you provided. We suggest you check all the documents enclosed, including the Power of Attorney, signatures, dates, amounts, description, and any other attachments. Please verify that the bond form attached is the form required and be sure to execute the bond with the proper signature and seal.

Thank you and please call me should you have any questions.

Sincerely,

Angela M. Riley  
Surety Senior Account Manager, AssuredPartners

Angela.Riley@AssuredPartners.com

Enclosures

