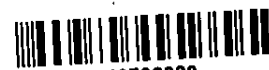


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Cook County Recorder 33.00



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ORDINANCE NO. 01-66

AN ORDINANCE ESTABLISHING PROPERTY
BENEFIT SHARES FOR A WATER MAIN EXTENSION
IN SUNNY ACRES SUBDIVISION

Passed by the Board of Trustees, August 14, 2001

Printed and Published August 15, 2001

Printed and Published in Pamphlet Form
by Authority of the
President and Board of Trustees

VILLAGE OF NORTHBROOK
COOK COUNTY, ILLINOIS

BOX 397

I hereby certify that this document
was properly published on the date
stated above.

/s/ Lona N. Louis
Village Clerk

I hereby certify this to be a true and exact copy of the
original.

8/16/01 Lona N. Louis
Date Village Clerk

ORDINANCE NO. 01-66

BE IT ORDAINED by the President and Board of Trustees of the Village of Northbrook, County of Cook and State of Illinois, THAT:

AN ORDINANCE ESTABLISHING PROPERTY
BENEFIT SHARES FOR A WATER MAIN EXTENSION
IN SUNNY ACRES SUBDIVISION

be and is hereby adopted as follows:

Section 1. BACKGROUND.

In November 1999, the Village received a preliminary petition signed by eighteen property owners in the Sunny Acres Subdivision requesting the installation of a water main to serve their properties. Numerous conversations and meetings with the affected property owners followed, which concluded with a public informational meeting held on January 10, 2001. Following the last meeting, the Village received a revised petition requesting a cash-financing project from nineteen (19) of the twenty-one (21) affected incorporated property owners. A total of twenty-eight (28) properties will be able to connect to the water main. Of these twenty-eight (28) properties, seven (7) will need to annex to the Village prior to connection. At the February 13, 2001 Regular Meeting, the Board of Trustees decided that the Village's Water Fund would advance the cost for two (2) of the incorporated and the seven (7) unincorporated properties. A recapture fee would be established in order to reimburse the Village for these costs. The cost for each participating property, and the per property recapture fee for those properties not participating, will be for the water main installation only, plus 10% engineering design and inspection fees. Costs for roadway pavement, driveway and lawn restoration, ditch regrading and utility conflicts were absorbed by the Village. The standard six percent (6%) simple interest will be added each year following the one year anniversary of the date of passage of the recapture ordinance as part of the recapture fee.

The Sunny Acres project was combined with the Western Avenue water main improvements project in order to obtain favorable unit prices due to economies of scale. The low bidder was Mauro Sewer Construction, Inc. of Des Plaines, Illinois with a bid of \$352,915.00 for the Sunny Acres portion of the contract. The contract was awarded by Resolution No. 01-R-38, which also included the transfer of \$186,495.00 from the Water Fund to front the expenses of the nine properties not participating in the project, which will be recaptureable. The current fund balance was sufficient to fund the Village's share of the project of \$158,630.00 for the looped connections to the existing system and the restoration of the roadway pavement, driveway and lawn areas, ditch regrading and utility conflicts. Each of the nineteen (19) participating residents deposited funds in the amount of \$8,000.00 cash in an escrow account established by the Finance Department to fund their portion of the project. Construction was completed on August 1, 2001 and the final contract cost was \$287,504.00. The interconnection to Sanders Road, which would have been funded entirely by the Village, was not completed because the necessary easement could not be obtained. The resulting per property final cost, including 10% engineering fees was \$6,650.00.

The Village has sent letters to the nine non-participating property owners regarding the project indicating that there would be a one-year period for payment that would be interest free. Permits for connections issued after that date would have six percent (6%) simple interest per year calculated from the one year anniversary of the effective date of this ordinance, August 25, 2002.

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Section 2. BENEFIT FEE SCHEDULE.

The fee schedule hereby established was based upon final construction costs and is on file with the Village, entitled "Sunny Acres Water Main Recapture." Upon connection to, or any further extension of the water main system now available to the area, the owners of the properties shown on Exhibit A, and B, and legally described on Exhibit C, which are attached hereto and made part hereof, shall pay to the Village the applicable benefit share, plus simple interest at six percent per annum from the one-year anniversary of the effective date this ordinance, except that the Village will waive the interest due for all paid permits issued prior to August 25, 2002.

Section 3. RECAPTURE PAYMENT.

All benefit fees received by the Village as a result of Section 2 above shall be deposited in the Village's Reserve Water Fund account.

Section 4. FEE ADJUSTMENT.

The Village Manager is hereby authorized to apply the benefit fees as set forth in Section 2 above as is deemed most appropriate in the event of dispute or any unforeseen property change within the service area of the subject improvement. Any such adjustment shall be based upon and reflect the basic intent and policies on recapture as set forth in the staff report cited in Section 2 above. If, due to accumulated interest, the recapture amount exceeds the cost of new construction of the extension of the water main at the time of application for connection, by more than twenty (20) percent, the Village Manager is hereby authorized to make adjustments deemed most appropriate given the circumstances.

Section 5. RECAPTURE RECORD.

The Village Manager shall cause an accurate record of all recapture payments from the fee schedule herein to be maintained in current status, available upon request at any time by the Board of Trustees.

Section 6. RECORDATION.

The Village Attorney is hereby directed to record this Ordinance with the Recorder of Deeds of Cook County, Illinois, to ensure proper notification of such benefit fee to any future bona fide property purchaser.

Section 7. EFFECTIVE DATE.

This Ordinance shall be in full force and effect upon passage, approval and publication in pamphlet form as provided by law.

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PASSED: This 14th day of August, 2001

AYES: (5) Trustees Jaeger, Frum, Donewald, Meek, and President Damisch

NAYS: (0)

ABSENT: (2) Trustees Karagianis and Buehler

ABSTAIN: (0)

/s/ Mark W. Damisch

Village President

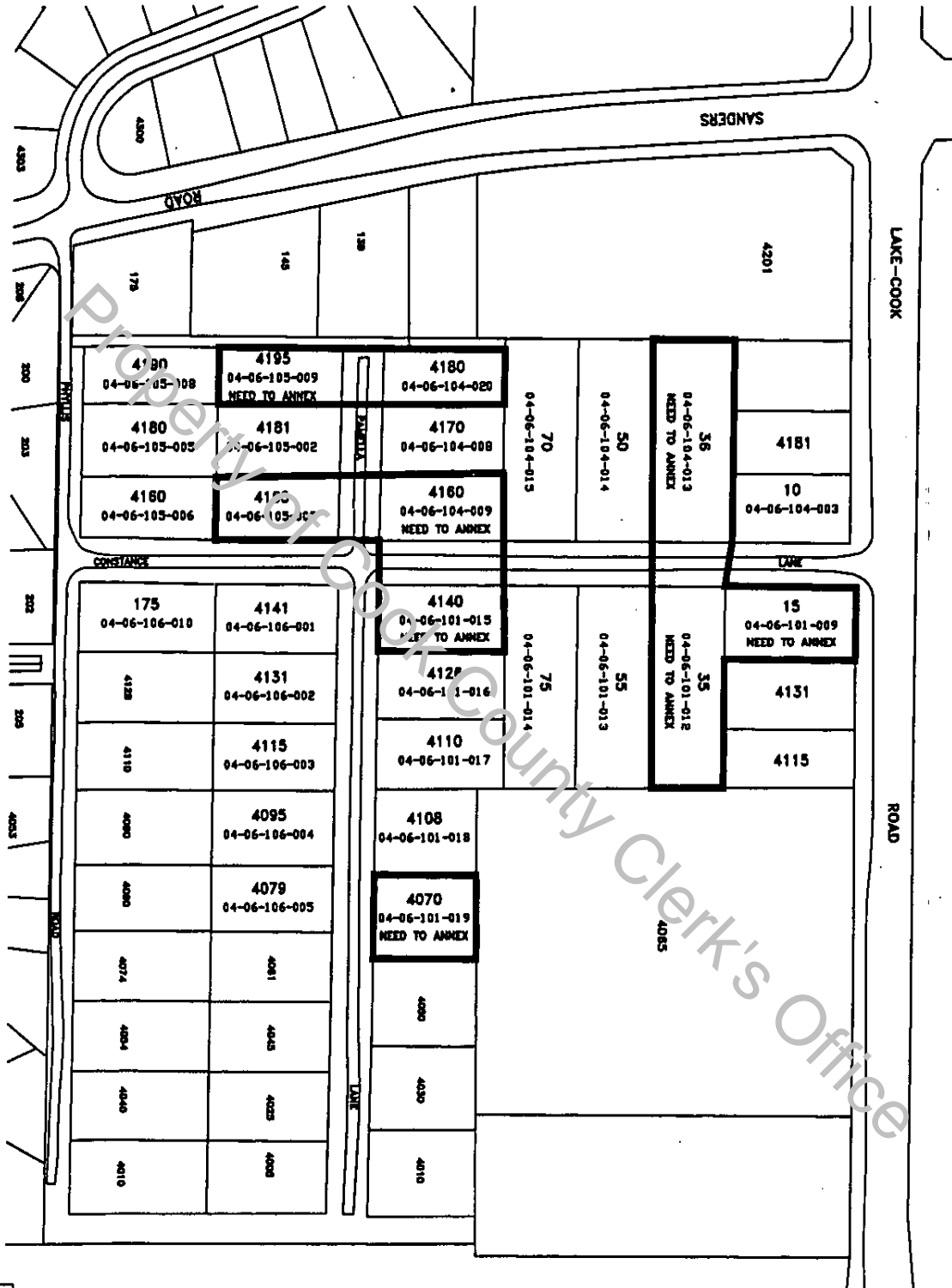
ATTEST:

/s/ Lona N. Louis

Village Clerk

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08-01-01 J.R.B. SHEET 1 of 1

SUNNY ACRES SUBDIVISION
WATER MAIN RECAPTURE
ORDINANCE PARCELS



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EXHIBIT B

<u>ADDRESS / P.I.N.</u>	<u>TOTAL PER PROPERTY COST</u>
15 Constance Lane/ 04-06-101-009	\$6,650.00
35 Constance Lane/ 04-06-101-012	\$6,650.00
36 Constance Lane/ 04-06-104-013	\$6,650.00
4070 Pamela Lane/ 04-06-101-019	\$6,650.00
4140 Pamela Lane/ 04-06-101-015	\$6,650.00
4160 Pamela Lane/ 04-06-101-009	\$6,650.00
4165 Pamela Lane/ 04-06-105-003	\$6,650.00
4180 Pamela Lane/ 04-06-104-020	\$6,650.00
4195 Pamela Lane/ 04-06-105-009	\$6,650.00

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EXHIBIT C

LEGAL DESCRIPTION

Legal Description for Benefiting Properties

Lots 4,7,10,14, 27, 30, 32, 33 and 35 in Smith & Dawson's Sunny Acres,
a subdivision of the Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ (except the Northeast $\frac{1}{4}$
of the Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$) of Section 6, Township 42 North, Range 12, East of the Third
Principal Meridian, all in Cook County, Illinois.

Recorded April 29, 1955, Document No. 16220008.

Property of Cook County Clerk's Office

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