

# UNOFFICIAL COPY



Doc#: 0427432094  
Eugene "Gene" Moore Fee: \$38.00  
Cook County Recorder of Deeds  
Date: 09/30/2004 03:35 PM Pg: 1 of 8

Prepared by:  
Klein Thorpe & Jenkins, Ltd.  
20 North Wacker Drive  
Suite 1660  
Chicago, Illinois 60606  
Atty: Michael T. Jurusik

**Record against:**

**PINS:**

18-05-308-023

18-05-308-032

18-05-314-025

18-05-314-030

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## COOK COUNTY, ILLINOIS RECORDING COVER SHEET FOR ORDINANCE NO. 04-2307

For purposes of interpreting the phrase "major renovations or additions" set forth in the first whereas paragraph and in the title of Section 8-10-3E of the Ordinance, such phrase means that the one-time tap on fee of \$6,855.00 must be paid when any "major renovation or addition" triggers any provision of the Illinois Plumbing Code, as amended, that requires an upgrade to the water service. If a renovation or addition does not trigger the Illinois Plumbing Code's requirement for an upgrade to the water service line and the water service line is not voluntarily upgraded, the one-time tap on fee does not have to be paid for that specific renovation or addition. The Director of Building and Development of the Village of Western Springs shall decide whether a major renovation or addition triggers the Illinois Plumbing Code, as amended, requiring an upgrade to the water service line. The property owner or occupant may decide to voluntarily upgrade the water service line and connect onto the new Village water main at any time, which will require the payment of the one-time tap on fee of \$6,855.00. Upon payment of the one-time tap on fee of \$6,855.00, the Village will record a confirmation of payment with the Cook County Recorder's of Deeds Office against title to the property.

By: Frank G. Benak  
Frank G. Benak  
Director of Building and Development

Date: 9-23-04

After recording return to:  
**RECORDER'S BOX 324 [MTJ/PB]**

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STATE OF ILLINOIS        )  
  )ss  
COUNTY OF COOK         )

## CLERK'S CERTIFICATE

I, Carolyn E. Sullivan, Deputy Clerk Of The Village Of Western Springs, In The County Of Cook And State Of Illinois, Do Hereby Certify That Attached Hereto Is A True And Correct Copy Of Ordinance No. 04-2307 Amending The Western Springs Municipal Code Of 1997, Title 8: Public Ways And Property; Chapter 10: Water; And Sewer Charges Regulations; Section 8-10-2: Initiating Service; Subsection 8-10-3e: Tap On Fees For New Construction, Tear Downs Or Major Renovations/Additions; And Title 9: Building Regulations; Chapter 1: Fee Schedules; Article A: Permit And Review Fees; Section 9-1a-5: Water Main Tap On Fee; Subsection 9-1a-5a: Fee.

IN WITNESS WHEREOF, I Have Hereunto Set My Hand And Affixed The Seal Of The Said Village Of Western Springs This 1<sup>st</sup> day of September, 2004.

(SEAL)

  
Carolyn E. Sullivan, Deputy Village Clerk  
Village Of Western Springs

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## ORDINANCE NO.04-2307

VOTE: Passed by an omnibus vote.

Voting aye: Trustees Hartigan,

Heerwagen, Hickey, Bures,

DenBesten and President Kravcik.

Voting nay: none. Absent: Trustee

Gaines.

DATE: July 26, 2004

OTHER: Published in pamphlet form.

AMENDING THE WESTERN SPRINGS  
MUNICIPAL CODE OF 1997, TITLE 8:  
PUBLIC WAYS AND PROPERTY;  
CHAPTER 10: WATER AND SEWER  
CHARGES REGULATIONS; SECTION  
8-10-2: INITIATING SERVICE;  
SUBSECTION 8-10-3E: TAP ON FEES  
FOR NEW CONSTRUCTION, TEAR  
DOWNS OR MAJOR  
RENOVATIONS/ADDITIONS; AND  
TITLE 9: BUILDING REGULATIONS;  
CHAPTER 1: FEE SCHEDULES;  
ARTICLE A: PERMIT AND REVIEW  
FEES; SECTION 9-1A-5: WATER  
MAIN TAP ON FEE; SUBSECTION 9-  
1A-5A: FEE.

**WHEREAS**, the President and Board of Trustees of the Village of Western Springs desire to make certain amendments to the regulations of Title 8 (Public Ways and Property), Chapter 10 (Water and Sewer Charges Regulations) and Title 9 (Building Regulations), Chapter 1 (Fee Schedules), Article A (Permit and Review Fees) of the Western Springs Municipal Code of 1997, as amended, that relate to the application for water service and water tap on fee regulations regarding the following four properties, which are currently served by private water mains, so that the Village can be reimbursed for paying the cost of the extension of a new eight-inch water main line that shall be used to serve the properties at the time each property is redeveloped with new construction, such as a replacement of the principal structure as a result of a tear down development, or a major renovation or addition is proposed for the principal structure, or in the event the property owner files an application to have the current residence connected to the new Village water main: 302 45<sup>th</sup> Street, 303 45<sup>th</sup> Street, 304 45<sup>th</sup> Street and 319 45<sup>th</sup> Street (the "Subject Properties"); and

**WHEREAS**, the installation of the eight-inch water main line, which shall extend from Howard Avenue to Clausen Avenue, provides a substantial benefit to the Subject Properties by upgrading the quality of the water main line that is available to serve these Properties as well as providing a secondary benefit to all of the properties located in the general area of the Subject Properties by increasing the water flow pressure in the fire hydrant system that serves this area. The total cost of the installation of the eight-inch water main line is \$54,840.00. Because of the secondary benefit to the public, the Village agrees to pay one-half of the total cost (\$27,420.00) of installation of the new

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eight-inch water main line in recognition of the public benefit associated with the new water main line. As a consequence of the substantial local benefit to each of the Subject Properties, the remaining one-half cost of the installation of the new eight-inch water main line (\$27,420.00) has been allocated on a pro rata basis to the Subject Properties, with each Property being assessed a \$6,855.00 cost for said improvement. The Village will pay the total cost of the installation of the eight-inch water main line and then the Village will be reimbursed one-half of the total cost (\$27,420.00) of installation of the new eight-inch water main line by the owners (or successor owners) of the Subject Properties through the payment of a \$6,855.00 tap on fee at the time that each owner applies to connect to the water main line; and

**WHEREAS**, the proposed text amendments to the Western Springs Municipal Code set forth below in Section 2 would establish regulations that would allow the Village to be reimbursed for paying the cost of the extension of the new eight-inch water main line that will benefit the Subject Properties (the "Code amendments"); and

**WHEREAS**, at a public meeting held on June 7, 2004, the Public Works and Water Committee considered amending the Municipal Code to implement the below Code amendments and favorably recommended the Code amendments to the President and Board of Trustees of the Village of Western Springs; and

**WHEREAS**, the President and Board of Trustees of the Village of Western Springs accept the findings and recommendation of the Public Works and Water Committee relative to the Code amendments and incorporate said findings and recommendation herein by reference; and

**WHEREAS**, a copy of this Ordinance was hand delivered by the Village to each of the Subject Properties at least thirty (30) days prior to the approval date of this Ordinance and a copy was mailed by the Village Clerk's Office by Regular United States Mail to the current owners of record and taxpayers of record of the Subject Properties (only in the event the addresses for these individuals were different than the addresses of the Subject Properties) at least thirty (30) days prior to the approval date of this Ordinance; and

**WHEREAS**, a copy of this Ordinance has been on file with the Office of the Village Clerk for at least thirty (30) days prior to the approval date of this Ordinance and has, during that time, been available for public use, inspection, and examination. In addition, pursuant to Public Act 92-489, the Village Attorney notified the Illinois Building Commission of these proposed Code amendments at least thirty (30) days prior to the approval date of this Ordinance; and

**WHEREAS**, pursuant to the authority of Section 11-126-1 of the Illinois Municipal Code (65 ILCS 5/11-126-1) and in accordance with the authority granted by Section 11-13-1 of the Illinois Municipal Code (65 ILCS 5/11-13-1) and Title 1, Chapter 1, Section 1-1-3 of the Western Springs Municipal Code of 1997, as amended, the President and

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Board of Trustees of the Village of Western Springs find that the below Code amendments are in the best interests of the Village, its residents and the public and approve the amendments to Title 8 (Public Ways and Property), Chapter 10 (Water and Sewer Charges Regulations) and Title 9 (Building Regulations), Chapter 1 (Fee Schedules), Article A (Permit and Review Fees) of the Western Springs Municipal Code of 1997, as set forth below.

**BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF WESTERN SPRINGS, COOK COUNTY, ILLINOIS, AS FOLLOWS:**

**SECTION 1:** The above recitals are incorporated by reference into Section 1 of this Ordinance as material terms and provisions.

**SECTION 2:** Title 8 (Public Ways and Property), Chapter 10 (Water and Sewer Charges Regulations), Section 8-10-3 (Application For Service; Fee; Deposit Required) of the Western Springs Municipal Code of 1997, as amended, shall be further amended by adding a new Subsection 8-10-3E (Tap On Fees For New Construction, Tear Downs Or Major Renovations and Additions) that reads in its entirety as follows:

“8-10-3E: TAP ON FEES FOR NEW CONSTRUCTION, TEAR DOWNS OR MAJOR RENOVATIONS AND ADDITIONS: In accordance with Ordinance No. 04-2307, the following properties shall be required to pay a one-time tap on fee as set forth below to the Village at the time the person owning or occupying the property applies to the Village to connect onto the eight-inch water main line installed in the north public right-of-way of 45<sup>th</sup> Street between Howard Avenue and Clausen Avenue or in the event that the property owner or occupant files for a permit to redevelop the property with new construction, such as a replacement of the principal structure as a result of a tear down development, or in the event a major renovation or addition is proposed for the principal structure:

Property:	PIN:	Tap On Fee:
302 45 <sup>th</sup> Street	18-05-308-023	\$6,855.00
303 45 <sup>th</sup> Street	18-05-314-030	\$6,855.00
304 45 <sup>th</sup> Street	18-05-308-030	\$6,855.00
319 45 <sup>th</sup> Street	18-05-314-025	\$6,855.00

After payment of the above one-time tap on fee of \$6,855.00, each additional or subsequent water main tap on by the owners of the above listed properties will cost one thousand dollars (\$1,000.00) as set forth in Subsection 9-1A-5A of this Code.”

**SECTION 3:** Title 9 (Building Regulations), Chapter 1 (Fee Schedules), Article A (Permit and Review Fees), Subsection 9-1A-5 (Water Main Tap On Fee) of the Western

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Springs Municipal Code of 1997, as amended, shall be further amended to read in its entirety as follows:

**"9-1A-5: WATER MAIN TAP ON FEE:**

- A. One thousand dollars (\$1,000.00) for each; except for the following properties, each of which shall pay a one-time tap on fee as required by Ordinance No. 04-2307:

Property:	PIN	Tap On Fee:
302 45 <sup>th</sup> Street	18-05-308-023	\$6,855.00
303 45 <sup>th</sup> Street	18-05-314-030	\$6,855.00
304 45 <sup>th</sup> Street	18-05-308-030	\$6,855.00
319 45 <sup>th</sup> Street	18-05-314-025	\$6,855.00

After payment of the above one-time tap on fee of \$6,855.00, each additional or subsequent water main tap on by the owners of the above listed properties will cost one thousand dollars (\$1,000.00)."

**SECTION 4:** All ordinances, or parts of ordinances, in conflict with the provisions of this Ordinance, to the extent of such conflict, are repealed.

**SECTION 5:** Each section, paragraph, clause and provision of this Ordinance is separable and if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of this Ordinance, nor any part thereof, other than that part affected by such decision.

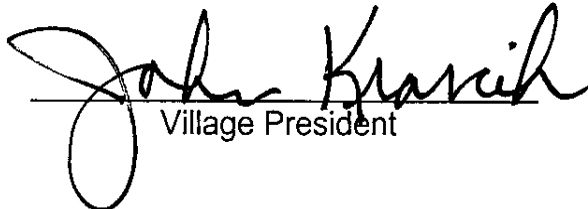
**SECTION 6:** Except as to the Code amendments set forth above in this Ordinance, all Chapters and Sections of the Western Springs Municipal Code of 1997, as amended, shall remain in full force and effect.

**SECTION 7:** This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by State law.

**SECTION 8:** After each of the four properties listed above in Sections 2 and 3 have paid the water main tap on fee of \$6,855.00 to connect to the new eight-inch water main, any subsequent water main tap on fees for each said property shall be charged at the then current tap on fees set forth in Subsection 9-1A-5A of the Western Springs Municipal Code of 1997, as amended."

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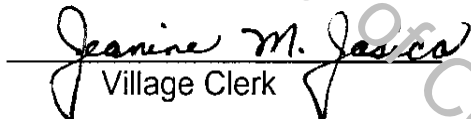
**PASSED** by the Board of Trustees of the Village of Western Springs, Cook County, Illinois at a Regular Meeting thereof, held on the 26<sup>th</sup> day of July, 2004, and approved by me as President on the same day.

  
Village President

ATTEST:

  
Village Clerk

This Ordinance was published by me in pamphlet form on the 26<sup>th</sup> day of July, 2004.

  
Village Clerk



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## LEGAL DESCRIPTIONS

**302 45<sup>th</sup> Street****P.I.N.: 18-05-308-023**

LOT 1 IN LORCH'S RESUBDIVISION OF LOT 11 IN BLOCK 6 ALSO LOT 8 IN BLOCK 7 IN RIDGE ACRES, BEING A SUBDIVISION OF ALL THAT PART OF THE WEST ½ OF SECTION 5, TOWNSHIP 38 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, SOUTH OF THE RIGHT-OF-WAY OF CHICAGO, BURLINGTON & QUINCY RAILROAD (EXCEPT BLOCKS 50, 51, 52 AND 53 IN SUBDIVISION OF THE WEST ½ OF SECTION 5), IN COOK COUNTY, ILLINOIS.

**303 45<sup>th</sup> Street****P.I.N.: 18-05-314-030**

THE WEST 97 FEET OF LOT 1 IN BLOCK 8 IN RIDGE ACRES, BEING A SUBDIVISION OF ALL THAT PART OF THE WEST ½ OF SECTION 5, TOWNSHIP 38 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, SOUTH OF THE RIGHT-OF-WAY OF CHICAGO, BURLINGTON & QUINCY RAILROAD (EXCEPT BLOCKS 50, 51, 52 AND 53 IN SUBDIVISION OF THE WEST ½ OF SECTION 5), IN COOK COUNTY, ILLINOIS.

**304 45<sup>th</sup> Street****P.I.N.: 18-05-308-030**

LOT 3 IN LORCH'S RESUBDIVISION OF LOT 9 IN BLOCK 7 IN RIDGE ACRES, A SUBDIVISION IN THE WEST ½ OF SECTION 5, TOWNSHIP 38 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN.

**319 45<sup>th</sup> Street****P.I.N.: 18-05-314-025**

LOT 12 (EXCEPT THE WEST 149 FEET THEREOF) IN BLOCK 8 IN RIDGE ACRES BEING A SUBDIVISION OF THE WEST ½ OF SECTION 5, TOWNSHIP 38 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN.