

1-13-86

ORDINANCE NO. 86-1400

90388898

AN ORDINANCE ESTABLISHING RECAPTURE
FEES FOR HEATHERGREEN IMPROVEMENTS

This agreement made and entered into this 13th day of January, 1986, between the Village of Roselle, a Municipal Corporation of the Counties of Cook and DuPage in the State of Illinois ("Village") and R.C.A. Contractor's Ltd., an Illinois Corporation ("Developer")

W I T N E S S E T H

WHEREAS, Developer and Village have constructed, as required by the Village and by Village ordinances, sanitary sewer lines, water lines, storm sewers, streets, curbs, and gutters and street lights for the benefit of developer's property and other properties; and

WHEREAS, Developer has agreed in a Settlement Agreement dated December 24, 1985, in 82 CH 905 to assign all rights in this recapture agreement to the Village; and

WHEREAS, said improvements were constructed in whole or part based upon the following plans:

- A. Plan and Profile - Schreiber Avenue Street Improvements, prepared by Mid-State Associates, dated May, 1977, Project No. 6922
- B. Plan and Profile - Arthur Avenue, Schreiber Avenue and Lincoln Street Street Improvements prepared by Mid-State Associates, dated June, 1977, Project No. 6922
- C. Engineering Improvement Plans for Howard Acceptance Property - 1978, prepared for Heathergreen, Ltd., by Toups Corporation, dated 7/14/78, Job No. 1232-002
- D. Howard Acceptance Property Sewers and Water (Overall) prepared by Toups, dated 7/20/78 and revised 6/7/79, Job No. 1232-002; and

WHEREAS, the total cost of said improvements to Developer and Village is estimated to be in excess \$375,326.00; and Developer has assigned his interests in the recapture of the portion of this amount which benefits properties other than the Developer's to the Village of Roselle; and

WHEREAS, as a result of such construction there has been provided an overall benefit to an estimated one hundred and sixty (160) dwelling units or building sites within the geographical boundaries described as follows and illustrated on Exhibit "A":

Washington Street on the West; the North lot lines of those properties fronting on the North right-of-way line of Albion Avenue on the North; the South right-of-way line of the proposed Elgin-O'Hare Expressway on the Northeast; the West lot line of those properties fronting on the West right-of-way line of Roselle Road on the East; and the South lot lines of those properties fronting on the South right-of-way line of Schreiber Avenue on the South; with the exception of the following properties:

Boeger Estates Addition to Roselle
Block 2, Lots 12 and 13; 57-54-322-024
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Block 5, Lots 8 thru 19 inclusive;
Block 6, Lots 10 thru 14 inclusive;
Block 7, Lots 1, 2 and 23;

07-34-327
07-34-024 thru 031
07-34-331-037 thru 039
07-34-326-025 and
048

Ultra Construction Company's Resubdivision
Block 6, Lot 10; and

WHEREAS, it is estimated that \$14,508.00 of the \$375,326.00 of costs do not benefit any one lot, but cover the cost of intersections and general improvements (hereinafter "Area Wide Benefits"), and the said 160 building sites and/or dwelling units benefit from these improvements, a fee of \$90.50 is to be reimbursed from such building sites and/or dwelling units. This amount for Area Wide Benefits has been calculated by Village using 5.0% of the water, sewer, storm sewer and 2.5% of the street improvements as follows:

Water and Engineering	\$ 81,595	x .05	= \$4,080	÷ 160	= \$25.50
Sewer and Engineering	\$ 48,004	x .05	= \$2,400	÷ 160	= 15.00
Storm Sewer and Engineering	\$ 74,483	x .05	= \$3,724	÷ 160	= 23.25
Street and Engineering	\$171,244	x .05	= \$4,281	÷ 160	= <u>26.75</u>
Total per dwelling unit or building site					\$90.50

WHEREAS, in addition to the Area Wide Benefits, certain lots directly benefit from the construction of public improvements fronting such lots as indicated on the Heathergreen Subdivision Plan as Built, prepared by Marchris Engineering, Ltd., dated July 1, 1984 and hereby attached as Exhibit "B".

WHEREAS, the recapture fee for water, sewer, storm sewer and street improvements for benefitting lots has been calculated as follows:

Water	\$ 81,595 - 4,080 =	\$ 77,515	÷ 6,470'	=	\$12.00/front foot
Sewer	\$ 48,004 - 2,400 =	\$ 45,604	÷ 4,690'	=	9.75/front foot
Storm Sewer	\$ 74,483 - 3,724 =	\$ 70,759	÷ 5,720'	=	12.40/front foot
Streets	\$171,244 - 4,281 =	\$166,963	÷ 4,285'	=	<u>39.00/front foot</u>
Total per front foot					\$73.15

WHEREAS, the equitable share of constructing such improvements to those who receive a direct benefit is as follows:

- A. WATER - \$12.00 per front foot, multiplied by the front footage of the benefitted property.
- B. SANITARY SEWER - \$9.75 per front foot, multiplied by the front footage of the benefitted property.
- C. STORM SEWER - \$12.40 per front foot, multiplied by the front footage of the benefitted property.
- D. STREET - \$39.00 per front foot, multiplied by the front footage of the benefitted property.

WHEREAS, the benefit to be borne by persons hereafter seeking to connect to the improvements hereinbefore described has been determined and is as set forth below.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Roselle, DuPage and Cook Counties, Illinois as follows:

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SECTION 1: THAT no owner or owners of real estate described in the preambles hereof, nor their lessees, agents, servants, or independent contractors hired by them, nor any persons claiming by, through or under them, shall make any physical connection to that portion of the Village public improvements described in the preambles hereof, nor shall any building permit be issued on the real estate described in the preambles hereof to any such person to build a building until the applicant for such permit, shall pay to the Village Collector of the Village of Roselle, in addition to the applicable tap-on fees, building permit fees and/or other applicable fees as required by the ordinances of the Village of Roselle, a sum based on the costs of those constructed public improvements which directly and/or indirectly benefit said real estate.

SECTION 2: THAT those lots benefitting from the Area Wide Benefits as identified above and the benefit to such lots from the said improvements shall be \$90.50 each.

SECTION 3: THAT those lots directly benefitting and fronting upon said public improvements, and the benefit to such lots from such improvements, are designated in attached Exhibit "C".

SECTION 4: THAT there exists a number of lots which are adjacent or contiguous to the constructed public improvements, but which are not fronted by such improvements. Such lots benefit directly or indirectly from the constructed public improvements and are identified in attached Exhibit "D". Prior to the physical connection to or extension of such public improvements it shall be determined whether there is a benefit to such lots, taking into account any extension of public improvements in which owners of such lots may participate, and an equitable fee shall be paid by the owners of such lots based upon the comparable benefit received from the public improvements described herein.

SECTION 5: THAT the equitable proper share of the cost of such construction to be borne by the owner of any property hereafter seeking to annex to the public improvements described herein is the costs as assessed for each permanent parcel as shown in Exhibit "C" with said costs payable on or before April 30, 1986 except for those parcels identified in Exhibit "C" for which no recapture fee is due, including the fee for Area Wide Benefits. On May 1, 1986 and May 1 of each calendar year thereafter, for every year intervening between the said May 1, 1986 and the date of payment the recapture

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fee shall be increased eight percent (8%) simple interest; provided, however, recapture fees paid on or after May 1, 1991 shall be assessed accrued interest charges in the total amount of forty-eight (48%) percent of the balance originally due.

SECTION 6: THAT the Village may at any time maintain, replace or relocate said improvements, in whole or in part, in accordance with its appropriate authority, so long as owners continue to receive the services ordinarily provided by such improvements.

SECTION 7: THAT all ordinances and parts of ordinances in conflict or inconsistent with the provisions of this ordinance are hereby repealed to the extent of any such conflict or inconsistency.

SECTION 8: THAT if any part or portion of this ordinance shall be declared invalid by a court of competent jurisdiction, such partial invalidity shall not affect the remainder of this ordinance.

SECTION 9: THAT this ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as is hereby authorized and directed to be done by the President and Board of Trustees.

AYES: Rak, Walsh, Smolinski, Devlin, Clifford, Chapman

NAYS: None

ABSENT: None

PASSED this 13th day of January, 1986.

APPROVED this 13th day of January, 1986.

Sandra P. Piddall
President, Village of Roselle

ATTEST:

Harriet M. Ward
Village Clerk

R.C.A. Contractors, LTD.

BY: _____
President

ATTEST: _____
Secretary

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