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PREPARED BY AND
RETURN TO:

94196286

RETURN TO:

Village of Roselle
31 S. Prospect St.
Roselle, IL 60172

BOX 164

ORDINANCE NO. 93-2326

**AN ORDINANCE AMENDING ORDINANCE 92-2265
OF THE VILLAGE OF ROSELLE ESTABLISHING THE
TERMS, CHARGES AND CONDITIONS FOR RECAPTURE OF
OVERSIZING THE WATER MAIN ON NORTH ROSELLE ROAD**

WHEREAS, the President and Board of Trustees of the Village of Roselle, DuPage and Cook Counties, Illinois (hereinafter "Village Board") adopted Ordinance 92-2265 on December 14, 1992 establishing the terms, charges and conditions for the recapture of costs pertaining to the oversizing of the water main on North Roselle Road between Devon Avenue and Arthur Avenue; and

WHEREAS, the ordinance established that interest charges for the recapture of the oversizing costs should be assessed on July 1, 1992 and again on May 1, 1993 and then on every May 1 thereafter until May 1, 2002; and

WHEREAS, the Village Board wishes to amend these interest provisions,

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

SECTION 1: That Section 4 of Ordinance 92-2265, adopted December 14, 1992, is hereby repealed and rescinded in its entirety and replaced with a new Section 4 which shall read as follows:

That the fees to be paid by property owners receiving direct benefits from the improvement described in the preamble shall remain in full force and effect until July 31, 1993. On August 1, 1993 and then on May 1, 1994 and on May 1 of each calendar year thereafter, for each year intervening between May 1, 1994 and the date of payment, the recapture fees shall be increased by five percent (5%) simple interest, provided however, such annual interest of five percent (5%) shall terminate on May 1, 2002 at which time the total interest will be fifty percent (50%). The

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fees to be paid thereafter shall be \$4.6218 per front foot for each foot abutting the improvement. Interest charges for any payment of recapture fees made after August 1, 1993 shall be prorated accordingly.

SECTION 2: That all recapture fees collected pursuant to Ordinance 92-2265 shall be considered due and payable to the Village of Roselle.

SECTION 3: That in all other respects Ordinance 92-2265 is reaffirmed in its entirety.

SECTION 4: That if any item or portion of this ordinance is for any reason held invalid, such decision shall not affect the validity of the remaining portions of this ordinance or the validity of any portion of the "Code of Ordinances of the Village of Roselle".

SECTION 5: That all parts of ordinances in conflict herewith be and the same are hereby repealed to the extent of such conflict.

SECTION 6: That this amending ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as is hereby authorized to be done by the President and Board of Trustees.

AYES: Stephens, Ellison, Eckert, Smolinaki

NAYS: None

ABSENT: Potvin, Devlin, Sass

PASSED AND APPROVED this 24th day of May, 1993

PUBLISHED in pamphlet form this 28th day of May, 1993

Ernie A. Smolinaki
President, Village of Roselle

ATTEST:

Luide McDermott
Village Clerk

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ORDINANCE NO. 92-2265

ATTACHMENT TO
ORD. 93-2326

AN ORDINANCE ESTABLISHING TERMS, CHARGES AND CONDITIONS
FOR RECAPTURE OF OVERSIZING THE WATERMAIN ON NORTH ROSELLE ROAD
(Turner Plaza Water Recapture)

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WHEREAS, Brian Properties (hereinafter "Developer") was required to extend the water and sewer lines from the intersection of Roselle Road and Devon Avenue to the Turner Plaza shopping center; and

WHEREAS, the Village of Roselle, DuPage and Cook Counties, Illinois (hereinafter "Village") required Developer to oversize said watermain to serve the properties north of Turner Plaza (hereinafter "Improvement"); and

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WHEREAS, the Village agreed to pay for the cost of the improvement; and

WHEREAS, properties located on North Roselle Road will receive direct benefits from the improvement; and

WHEREAS, the equitable share of the cost of said improvement which is to be borne by the property owners receiving direct benefits from the improvement on North Roselle Road has been determined; and

WHEREAS, the Village of Roselle is authorized to recapture their portion of the cost of said improvement pursuant to Illinois Revised Statutes Chapter 24, Section 11-150-1; and

WHEREAS, this recapture shall only apply to those properties as outlined in Exhibit A, attached hereto and incorporated herein as if fully set forth.

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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PREPARED BY: Village of Roselle
31 S. Prospect St.
Roselle, IL. 60172

RETURN TO: **BOX 164**

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SECTION 1: That the improvement described in the preamble has been reviewed and approved by the Village Engineer and is hereby accepted as part of the watermain system of the Village of Roselle.

SECTION 2: That the actual cost to the Village of Roselle for the improvement described in the preamble, as determined and approved by the Village Engineer, is \$11,480.00.

SECTION 3: That the equitable and proper share of the cost of the improvement described in the preamble to the property owners with front footage abutting said improvement and receiving direct benefits is \$11,480.00. The front footage cost shall be \$3.0812 per front foot abutting the improvement. The sum owed by individual property owners receiving direct benefits from the improvement is outlined in Exhibit A. All recapture fees shall be payable to the Village of Roselle.

SECTION 4: That the fees to be paid by property owners receiving direct benefits from the improvement described in the preamble shall remain in full force and effect until June 30, 1992. On July 1, 1992, and then on May 1, 1993 and on May 1 of each calendar year thereafter, for each year intervening between July 1, 1992 and the date of payment, the recapture fees shall be increased by five percent (5%) simple interest, provided however, such annual interest of five percent (5%) shall terminate May 1, 2001, at which time the total interest will be fifty percent (50%). The fees to be paid thereafter shall be \$4.6218 per front foot for each foot abutting the improvement. Interest charges for any payment of recapture fees made after the July 1, 1992 anniversary date shall be prorated accordingly.

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SECTION 5: That the owners of property within the incorporated limits of the Village of Roselle receiving direct benefits from the improvement described in the preamble or their lessees, beneficiaries, successors, assigns, agents, servants, or independent contractors hired by them, shall make payment of recapture fees per the options provided in Exhibit B, which is attached hereto and incorporated herein as if fully set forth.

SECTION 6: That the owners of property not currently within the incorporated limits of the Village of Roselle and receiving direct benefits from the improvement described in the preamble or their lessees, beneficiaries, successors, assigns, agents, servants, or independent contractors hired by them shall, at the time of the annexation to the Village of Roselle, pay all recapture fees per the options provided in Exhibit B.

SECTION 7: That this ordinance shall be binding on the owner(s), its heirs, beneficiaries, successors, contract purchasers and assigns.

SECTION 8: That all lots designated in Exhibit A as paid shall have no further obligations pursuant to this recapture ordinance. This shall not be interpreted to waive any recaptures imposed by any other ordinances adopted prior to or subsequent to this ordinance.

SECTION 9: That all ordinances and parts of ordinances in conflict with or inconsistent with the provisions of this ordinance are hereby repealed to the extent of any such conflict or inconsistency.

SECTION 10: That if any part or portion of this ordinance shall be declared invalid by a court of competent jurisdiction, such partial invalidity shall not effect the remainder of this ordinance.

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SECTION 11: 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.

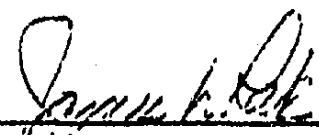
AYES: Smolinski, Ellison, Clifford, Devlin, Potvin

NAYS: None

ABSENT: Sass

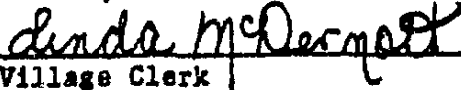
Passed and approved this 14th day of December, 1992.

Published in pamphlet form this 9th day of March, 1993.



President

ATTEST:



Village Clerk

WPPADM 1599 - 12/8/92 - Matt Z.

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EXHIBIT A

Parcel Number	Legal Description	Common Address	Front Footage	Recapture Rate	Total Recapture
Lots are in the East half of the Southwest Quarter of Section 34, Township 41 North, Range 10 East of the Third Principal Meridian in Schaumburg Township, Cook County, Illinois.					
<u>M. O. Shively & Company's Highview Addition</u>					
07-34-307-007	Block 1, Lot 1	1600 S. Roselle	96.39 ft.	\$3.0812/f.f.	\$297.00
07-34-307-008	Block 1, Lot 2	Vacant	50 ft.	\$3.0812/f.f.	\$154.06
07-34-307-009	Block 1, Lot 3	Vacant	50 ft.	\$3.0812/f.f.	\$154.06
07-34-307-010	Block 1, Lot 4	Vacant	50 ft.	\$3.0812/f.f.	\$154.06
07-34-307-011	North 1/2 of Block 1, Lot 5	Vacant	25 ft.	\$3.0812/f.f.	\$77.03
07-34-307-012	South 1/2 of Block 1, Lot 5	Vacant	25 ft.	\$3.0812/f.f.	\$77.03
07-34-307-013	Block 1, Lot 6	Vacant	50 ft.	\$3.0812/f.f.	\$154.06
07-34-307-014	Block 1, Lot 7	Vacant	50 ft.	\$3.0812/f.f.	\$154.06
07-34-307-015	Block 1, Lot 8	Vacant	50 ft.	\$3.0812/f.f.	\$154.06
07-34-307-016	Block 1, Lot 9	Vacant	50 ft.	\$3.0812/f.f.	\$154.06
07-34-307-017	North 1/2 of Block 1, Lot 10	Vacant	48.19 ft.	\$3.0812/f.f.	\$148.48
07-34-307-018	South 1/2 of Block 1, Lot 10	Vacant	48.19 ft.	\$3.0812/f.f.	\$148.48
07-34-315-010	Block 16, Lot 1	Vacant	99.78 ft.	\$3.0812/f.f.	\$307.44

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EXHIBIT A

Parcel Number	Legal Description	Common Address	Front Footage	Recapture Rate	Total Recapture
<u>N. O. Shively & Company's Highview Addition, continued -</u>					
07-34-315-011	North 1/2 of Block 16, Lot 2	Vacant	25 ft.	\$3.0812/f.f.	\$77.03
07-34-315-012	South 1/2 of Block 16, Lot 2	Vacant	25 ft.	\$3.0812/f.f.	\$77.03
07-34-315-013	Block 16, Lot 3	Vacant	50 ft.	\$3.0812/f.f.	\$154.06
07-34-315-014	Block 16, Lot 4	Vacant	50 ft.	\$3.0812/f.f.	\$154.06
07-34-315-015	Block 16, Lot 5	Vacant	50 ft.	\$3.0812/f.f.	\$154.06
<u>Reger Estates Addition to Roselle</u>					
07-34-323-018	Block 1, Lot 6	1828 S. Roselle	100 ft.	\$3.0812/f.f.	\$308.12
07-34-323-019	+ Block 1, Lot 7				
07-34-323-020	Block 1, Lot 8	Vacant	50 ft.	\$3.0812/f.f.	\$154.06
07-34-323-021	Block 1, Lot 9	Vacant	50 ft.	\$3.0812/f.f.	\$154.06
07-34-323-022	Block 1, Lot 10	Vacant	50 ft.	\$3.0812/f.f.	\$154.06
07-34-323-023	Block 1, Lot 11	1840 S. Roselle	99.52 ft.	\$3.0812/f.f.	\$306.64
07-34-323-024	+ Block 1, Lot 12				
07-34-327-019	Block 5, Lot 1	1852 S. Roselle	108.23 ft.	3.0812/f.f.	\$333.48
07-34-327-020	+ Block 5, Lot 2				

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EXHIBIT A

Parcel Number	Legal Description	Common Address	Front Footage	Recapture Rate	Total Recapture
<u>Boeger Estates Addition to Roselle, continued -</u>					
07-34-327-021	Block 5, Lot 3	Vacant	50 ft.	\$3.0812/f.f.	\$154.06
07-34-327-022	Block 5, Lot 4	Vacant	50 ft.	\$3.0812/f.f.	\$154.06
07-34-327-023	Block 5, Lot 3	1900 S. Roselle	58.23 ft.	\$3.0812/f.f.	\$179.42
07-34-331-022	Block 6, Lot 1	420 N. Roselle	124.72 ft.	\$3.0812/f.f.	\$384.29
07-34-331-023	Block 6, Lot 2				
+	+				
07-34-331-024	North 1/2 of Block 6, Lot 3				
07-34-331-024	South 1/2 of Block 6, Lot 3	Vacant	124.71 ft.	\$3.0812/f.f.	\$384.26
+	+				
07-34-331-025	Block 6, Lot 4				
+	+				
07-34-331-026	Block 6, Lot 5				
Lots are in the West half of the Southeast Quarter of Section 34, Township 41 North, Range 10 East of the Third Principal Meridian in Schaumburg Township, Cook County, Illinois.					
07-34-402-020	#	385 N. Roselle	181.56 ft.	\$3.0812/f.f.	\$559.42
07-34-402-035	#	385 S. Roselle	181.58 ft.	\$3.0812/f.f.	\$559.48
07-34-402-018	#	403 N. Roselle	149.91 ft.	\$3.0812/f.f.	\$461.90*

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EXHIBIT A

Parcel Number	Legal Description	Common Address	Front Footage	Recapture Rate	Total Recapture
<u>Concord Terrace Subdivision</u>					
07-34-400-002	Block A, Lot 1	1601 S. Roselle	189.90 ft.	\$3.0812/f.f.	\$585.12
07-34-400-020	North 150 ft. of Block A, Lot 3	1629 S. Roselle	150 ft.	\$3.0812/f.f.	\$462.18
07-34-400-028					
07-34-400-029	South 150 ft. of Block A, Lot 3 + Block A, Lot 4 + North 150 ft. of Block A, Lot 5	Vacant	450 ft.	\$3.0812/f.f.	\$1,386.54
07-34-400-024	The 150 ft. immediately South of the north 150 ft. of Block A, Lot 5	Vacant	150 ft.	\$3.0812/f.f.	\$462.18
07-34-400-025	South 205 ft. of Block A, Lot 5	Vacant	205 ft.	\$3.0812/f.f.	\$631.65
<u>Burlier's Subdivision</u>					
07-34-402-033	Lot 1	07-487 N. Roselle	291.26 ft.	\$3.0812/f.f.	\$897.43*
TOTAL:					\$11,480.18

*Lots have paid all recapture fees pertaining to this ordinance.

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Legal Descriptions

- # BEGINNING AT THE SOUTHWEST CORNER OF THE SECTION PARALLEL WITH THE WEST LINE OF THE EAST HALF OF THE SECTION A DISTANCE OF 655.56 FT., THENCE EAST ALONG A LINE PARALLEL WITH THE NORTH SECTION LINE A DISTANCE OF 400 FT., THENCE NORTH ON A LINE PARALLEL WITH THE WEST LINE OF THE EAST HALF OF THE SECTION A DISTANCE OF 181.56 FT., THENCE WEST ALONG A LINE PARALLEL WITH THE NORTH SECTION LINE A DISTANCE OF 350 FT., THENCE NORTH ALONG A LINE PARALLEL WITH THE WEST LINE OF THE EAST HALF OF THE SECTION FOR A DISTANCE OF 474 FT., THENCE EAST ALONG A LINE PARALLEL WITH THE NORTH SECTION LINE A DISTANCE OF 50 FT. TO THE POINT OF BEGINNING IN THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 34, TOWNSHIP 41 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN IN COOK COUNTY, ILLINOIS, EXCEPT FOR THAT PART TAKEN FOR THE ROAD PER DOCUMENT NO. 26010440.
P.P.N.: 07-34-402-020
- ## BEGINNING AT THE SOUTHWEST CORNER OF THE SECTION, THENCE NORTH 441.17 FEET TO A POINT OF BEGINNING; THENCE EAST ALONG A LINE PARALLEL WITH THE NORTH SECTION LINE A DISTANCE OF 199.94 FEET; THENCE SOUTH A DISTANCE OF 35 FEET; THENCE SOUTHEASTERLY GENERALLY A DISTANCE OF 94.21 FEET; THENCE NORTH ON A LINE PARALLEL WITH THE WEST LINE OF THE EAST HALF OF THE SECTION A DISTANCE OF 310.86 FEET; THENCE WEST ALONG A LINE PARALLEL WITH THE NORTH SECTION LINE A DISTANCE OF 300.39 FEET; THENCE SOUTH ALONG A LINE PARALLEL WITH THE EAST SECTION LINE A DISTANCE OF 200.86 FEET TO THE POINT OF BEGINNING IN THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 34, TOWNSHIP 41 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN IN COOK COUNTY, ILLINOIS, EXCEPT FOR THAT PART TAKEN FOR THE ROAD PER DOCUMENT NO. 26010440.
P.P.N.: 07-34-402-035
- ### THE WEST 200 FT. OF THE SOUTH 200 FT. (EXCEPT THE WEST 50 FT. OF THE NORTH 9.65 FT. THEREOF) OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 34, TOWNSHIP 41 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN IN COOK COUNTY, ILLINOIS.
P.P.N.: 07-34-402-018

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EXHIBIT B

Terms, Charges, and Conditions for Repayment of Watermain Oversizing on North Roselle Road

Calculation of Recapture Fees

Cost of Oversizing Watermain: \$11,480.00
Front Footage of Lots Eligible for Recapture: 3,725.88 ft.
Front Footage Calculation: $\$11,480.00 \div 3,725.88 \text{ ft.} = \$3.0812/\text{f.f.}$

Participation and Payment Options

1. Full Participation - Prior to May 1, 1993
 - a. Requires full payment by April 30, 1993.
 - b. The Village will require a front footage charge of \$3.0812 for all lots receiving direct benefits from said Improvement.
 - c. Property owners outside the Village's corporate limits must annex or sign a pre-annexation agreement if not contiguous.
 - d. The Village will coordinate annexation of all properties submitting annexation petitions prior to April 30, 1993, and will arrange for the preparation of Plat of Annexation with the cost thereof to be split equally among the annexing parties.
 - e. All payments will be in a lump sum.
 - f. Property owners must pay current tap-off and other fees. Connection of the property to the watermain system is in addition to above fees and is the responsibility of the property owner.
2. Full Participation - After May 1, 1993
 - a. The Village will require a front footage charge of \$3.0812 for all lots receiving direct benefits from said Improvement.
 - b. Property owners outside the Village's corporate limits must annex or sign a pre-annexation agreement.

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- c. As of May 1, 1993, and on then on May 1 of each calendar year thereafter for each year intervening between May 1, 1993 and the date of payment, recapture fees shall increase by five percent (5%) simple interest, provided however, such annual interest of five percent (5%) terminates May 1, 2002, at which time the total fixed interest will be fifty percent (50%). The fees to be paid thereafter shall be \$4.6218 per front foot. Interest charges for any payment of recapture fees made after a May 1 anniversary date shall be pro-rated accordingly.
- d. All payments will be in a lump sum.
- e. Property owners must pay current tap-on and other fees. Connection of the property to the watermain system is in addition to the above fees and is the responsibility of the property owner.
3. Extended Recapture - After May 1, 1993
- a. Recapture fees will be calculated per #2 above.
- b. Not less than ten percent (10%) of the front footage charges must be paid in advance.
- c. A one-hundred dollar (\$100) processing fee will be added.
- d. The balance will be payable in monthly or semiannual installments for a period not to exceed five years.
- e. Applicants must sign an installment note with a judgement clause which will require full payment of any remaining balance upon sale of the property. The installment note will be recorded with the Cook County Recorder's Office by the Village. The applicant will be responsible for all recording costs.
- f. The terms and conditions of any current or new annexation agreement may apply to the repayment schedule.
4. Recapture Fee Participation Only - After May 1, 1992
- a. Recapture fees will be calculated per #2 above.
- b. Tap-on and annexation fees, if applicable, are to be paid at the time of tap-on at the rates in effect at that time.
- c. No Village arrangement for Plat of Annexation except normal assistance.

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