

ORDINANCE NO. 78-13

AN ORDINANCE RELEASING THE OBLIGATION OF
OWNER-APPLICANTS, THEIR SUCCESSORS AND ASSIGNS
FROM THE AFFECT OF OBLIGATIONS ARISING BY REASON
OF PARAGRAPHS 7 AND 8 OF CERTAIN APPLICATIONS
TO THE VILLAGE OF CHATHAM FOR WATER TAPS.

WHEREAS, pursuant to Ordinance No. 76-1 entitled, "An Ordinance Relating to Water and Sewer Service" and to Ordinance No. 77-30 entitled, "An Ordinance Amending Section 2 of 'An Ordinance Relating to Water and Sewer Service', passed February 10, 1976", and to Ordinance No. 78-3 entitled, "An Ordinance Amending Section 2 of 'An Ordinance Relating to Water and Sewer Service', passed February 10, 1976 and amended December 23, 1977", of the Village of Chatham applications for water taps made after February 10, 1976, to the Village of Chatham obligated the owner-applicant to:

"7(a) With respect to an application in a subdivision platted after January 1, 1971, and not two-thirds (2/3) developed by October 18, 1972, Owner agrees that future water service shall be contingent upon the Owner or his assigns paying all assessments for installing the sewer main and appurtenances and paying for and installing the service lines required to provide sewer service to the premises.

OR

(b) With respect to an application in other cases, Owner agrees that future water services shall be contingent upon the Owner or his assigns paying for and installing the necessary sewer main and appurtenances and paying for and installing the service line required to provide sewer service to the premises.

8. This application shall be recorded in the office of the Recorder of Deeds of Sangamon County, Illinois, at the expense of Owner."

and

WHEREAS, pursuant to Section 3 of Ordinance No. 76-1 said applications for water taps and sewer agreements were duly recorded on November 21, 1977 and November 22, 1977, in the Office of the Recorder of Deeds of Sangamon County, Illinois; and

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WHEREAS, the Village of Chatham on Wednesday, April 12, 1978, enacted and approved Ordinances entitled, "An Ordinance Repealing in Part and Continuing An Ordinance Relating to Water and Sewer Service", "An Ordinance Repealing An Ordinance Amending Section 2 of Ordinance No. 77-30, Being 'An Ordinance Relating to Water and Sewer Service', Passed February 10, 1976 and Amended December 13, 1977", and "An Ordinance Repealing Ordinance No. 78-3 Passed April 1, 1978, Being An Ordinance Amending Section 2 of 'An Ordinance Relating to Water and Sewer Service', passed February 10, 1976 and Amended December 23, 1977", so that the obligations set forth in paragraphs 7 and 8 of the respective applications for water taps heretofore filed in the Office of Recorder of Deeds of Sangamon County, Illinois, no longer are, nor intended by the Village of Chatham to be, applicable or enforceable; and

WHEREAS, owners of real estate and applicants for water taps affected thereby should be relieved of the obligations contained only in said paragraphs 7 and 8 of said applications for water taps filed in the Office of the Recorder of Deeds of Sangamon County, Illinois;

NOW THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF CHATHAM, SANGAMON COUNTY, ILLINOIS, as follows:

Section 1. Owners of real estate and applicants for water taps and their successors and assigns be and they hereby are relieved, discharged and released but only from the obligations of paragraph 7 and 8 of Application for Water Tap to the Village of Chatham, Illinois, heretofore signed, deposited with the Village and filed for record in the Office of the Recorder of Deeds of Sangamon County, Illinois, on November 21, 1977 variously in Book 1324 at pages 625 through 720 inclusive and on November 22, 1977 variously in Book 1324 at pages 829 through 980 inclusive.

Section 2. All rights and duties arising by reason of paragraphs 1 through 6 inclusive of said Application for Water Tap so filed in the Office of the Recorder of Deeds of Sangamon County, Illinois, are hereby continued and confirmed.

Section 3. All funds deposited with the Village of Chatham relating to sewers pursuant to Ordinances No. 76-1, 77-30 and 78-3 and paragraphs 7 and 8 of said Application for Water Tap filed in the Office of the Recorder of Deeds of Sangamon County, Illinois, shall be returned and refunded to the respective owner-applicant without interest thereon, and the proper Officers of the Village of Chatham be and they hereby are authorized and directed to return and refund such funds so deposited within ten (10) days hereof.

Section 4. This Ordinance shall be recorded in the office of the Recorder of Deeds of Sangamon County, Illinois.

Section 5. This Ordinance shall take effect and be in force immediately upon its passage and approval.

PASSED May 23, 1978.
APPROVED May 23, 1978.
PUBLISHED MAY 26, 1978.



Helen Spencer
Village Clerk

[Signature]
President, Board of Trustees
Village of Chatham

DOC R. 793476
RECORDED

1978 JUN -5 PM 12 CC

[Signature]
RECORDER OF DEEDS
SANGAMON COUNTY, ILL.

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Prepared
Return to:
Village of Chatham
117 E Mulberry
Chatham, IL
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