

Ordinance No. 94-60

AN ORDINANCE AMENDING THE 1994 LAND SUBDIVISION
ORDINANCE OF THE VILLAGE OF CHATHAM, ILLINOIS

BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE
VILLAGE OF CHATHAM, SANGAMON COUNTY, ILLINOIS, AS FOLLOWS:

SECTION 1: Section 17.1 is hereby added to the 1994 Land
Subdivision Ordinance of the Village of Chatham, to state as
follows:

SECTION 17.1: Construction Plans in the Event
There is More Than One Final Plat.

Notwithstanding anything else in this Ordinance to the contrary, whenever the subdivider anticipates more than one final plat arising from an approved preliminary plan, the subdivider shall submit, along with the construction plans for the first final plat, the construction plans for all of the drainage and detention works for the entire subdivision. The drainage and detention works for the entire subdivision shall be reviewed and approved along with the public improvements contemplated for the first final plat. No final plat will be approved until the construction plans for all drainage and detention works in the entire subdivision are approved. Until all drainage works for the entire subdivision are built, provisions shall be made in the construction plans if necessary for temporary detention works for each plat as each plat is built.

SECTION 2: Section 22.1 is hereby added to the 1994 Land
Subdivision Ordinance, to state as follows:

SECTION 22.1: Partial Reduction of Security.

a. If at the time a final plat is submitted for approval or at any time thereafter, the subdivider has already constructed a portion of the public improvements therein, the subdivider may request that the security for the subdivision be based on the estimated cost

of the unconstructed portion, plus 10% of the estimated cost of the improvements constructed to date. This basis for establishing the amount of the security shall be used only if the Village's Consulting Engineer has inspected the completed portion of the public works and certified that the works have been constructed in accordance with the approved construction plans.

b. No partial bond reduction shall be construed as final acceptance by the Village of any portion of the public improvements; all public improvements constructed by the subdivider are subject to reinspection and reevaluation at any time prior to final acceptance thereof in accordance with Section 31 of this Ordinance, and the subdivider has a continuing obligation until final acceptance to construct all public improvements to the standards of this Ordinance and the construction plans. In no event prior to final acceptance shall the security for public improvements be reduced to an amount less than 12.5% of the initial estimated construction costs of all public works to be constructed for the final plat.

SECTION 3: Section 31 of the 1994 Land Subdivision Ordinance is hereby amended to state as follows:

(a) After the Village's Consulting Engineer has approved the public improvements as described in Sec. 24, the Village's Consulting Engineer shall issue a letter to the subdivider and the Village Board stating that the public improvements meet the Village's standards.

(b) Upon receipt of the letter from the Village's Consulting Engineer the subdivider shall execute and deliver to the Village a Dedication and Bill of Sale for public improvements in the form exemplified by Appendix A to this Ordinance. Upon receipt of the document the Village Board shall by resolution accept the dedication and bill of sale and shall record the dedication and resolution with the Recorder of Deeds of Sangamon County, Illinois.

(c) In areas within the Village's subdivision but outside the Village's corporate limits, the Village's Consulting Engineer and County Superintendent of Highways and Springfield Metro Sanitary District, if appropriate shall jointly determine whether the standards of this Ordinance have been met. If met, the Village Engineer shall so indicate in a letter to the subdivider and the Village Board, and the subdivider shall execute the Dedication and Bill of Sale exemplified by Appendix A hereto, modified as necessary to indicate dedication to the County or Township of the roads to the Springfield Metro Sanitary District of the sanitary sewers and to the appropriate governmental entity of the water system. The County Superintendent of Highways, as a representative in a letter to the Village Engineer approval of the streets to Sangamon County standards which shall constitute acceptance of the streets by the appropriate Township Highway Commissioner; the Executive Director of the Springfield Metro Sanitary District shall indicate in a letter to the Village Engineer approval of applicable sanitary sewer facilities, but acceptance of the dedication by the Springfield Metro Sanitary District be by ordinance. Upon receipt of satisfactory evidence that the public improvements are accepted, the dedication shall be recorded.

(d) Upon recordation of the Dedication and Bill of Sale and Resolution of Acceptance, the Village shall release the security.

SECTION 4: Section 31(a) is hereby added to the 1994 Land Subdivision Ordinance, to state as follows:

SECTION 31(a): Effect of Final Acceptance. The final acceptance by the Village of public improvements and recordation thereof shall constitute acceptance by the Village of title to and maintenance responsibilities for the public improvements. Any contractor's warranties in effect with respect to the public improvements shall be deemed assigned by the subdivider to the Village upon acceptance by the Village. No acceptance by the Village of public improvements shall be deemed to be acceptance by the Village of maintenance responsibility with respect to

drainage swales or common areas within the subdivision.

SECTION 5: The 1994 Land Subdivision Ordinance of the Village of Chatham is amended throughout by substitution of the words "Village's Consulting Engineer" for the words "Village Engineer" wherever "Village Engineer" occurs.

SECTION 6: Appendix A to this Ordinance is hereby added to the 1994 Land Subdivision Ordinance as Appendix A thereto.

SECTION 7: This Ordinance is effective on its passage and publication as required by law. The Clerk shall publish this Ordinance in pamphlet form. The Clerk shall publish a revised Subdivision Ordinance book which includes the original Ordinance and all amendments through and including this one.

PASSED this _____ day of _____, 1994.

VILLAGE PRESIDENT

ATTEST:

Village Clerk

AYES: _____
NAYS: _____

PASSED: _____
APPROVED: _____

ABSENT: _____

ORDINANCE CERTIFICATE

STATE OF ILLINOIS)
) SS.
COUNTY OF SANGAMON)

I, the undersigned, do hereby certify that I am the duly qualified and acting Village Clerk of the Village of Chatham, Sangamon County, Illinois.

I do further certify that the ordinance attached hereto is a full, true, and exact copy of Ordinance No. 94-60, adopted by the President and Board of Trustees of said Village on the _____ day of _____, 1994, said Ordinance being entitled:

AN ORDINANCE AMENDING THE 1994 LAND SUBDIVISION
ORDINANCE OF THE VILLAGE OF CHATHAM, ILLINOIS

I do further certify that prior to the making of this certificate, the said Ordinance was spread at length upon the permanent records of said Village, where it now appears and remains.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said Village this ___ day of _____, 1994.

Village Clerk

**DEDICATION OF PUBLIC IMPROVEMENTS
ATTACHED TO REAL ESTATE AND BILL OF SALE
FOR PERSONAL PROPERTY FOR _____ SUBDIVISION, ____ PLAT**

This Dedication and Bill of Sale is made by _____ "Grantor" in favor of the Village of Chatham, Illinois, an Illinois municipal corporation.

WHEREAS, Grantor was the owner of certain property platted as Plat No. _____ of _____ Subdivision, and said Plat of Subdivision in the Village of Chatham was recorded on _____ as document no. _____ with the Recorder of Deeds of Sangamon County, Illinois;

WHEREAS, pursuant to Section 3 of the Illinois Plat Act, the acknowledgement and recording of the Plat was a conveyance in fee simple of such portions of the platted premises as were marked and noted on the Plat as donated or granted to the public, including all easements and rights-of-way;

WHEREAS, pursuant to the Village of Chatham Subdivision Ordinance, the public improvements constructed on the platted premises are not considered to be accepted by the Village of Chatham until the requirements of the Subdivision Ordinance are met and this Dedication of Public Improvements and Bill of Sale for Personal Property is recorded by the Village of Chatham along with a resolution or ordinance accepting the dedication.

NOW, THEREFORE, in consideration of the foregoing and in consideration of the Village of Chatham's acceptance of title to and all further responsibilities with respect to the public improvements contained on said plat of said subdivision, Grantor does hereby

dedicate and convey to the Village of Chatham, Illinois all of the improvements to real property included within the roadway rights-of way depicted on said plat, including but not limited to roads, curbs, gutters and sidewalks. Grantor hereby grants, sells, transfers and delivers to the Village of Chatham, Illinois the following goods, chattels, and other items of personal property attached to or constructed within said subdivision:

1. Each and every part and item of a system of storm sewers, within public rights of way of said plat of subdivision for the purpose of collection, transport and flow of storm waters. This transfer does not include any retention or detention works or drainage swales, ditches and depressions or storm sewers not within a public right of way which will remain the maintenance responsibility of the individual lot owners or the homeowners association, as the case may be.

2. Each and every part and item of a system for the collection, transportation and treatment of sanitary sewage installed at the direction of the Village of Chatham within said plat, excepting those pipes which transport the sewage of a single building into a sewer main and commonly known as a house or building service, and excepting those pipes dedicated to and accepted by the Springfield Metro Sanitary District.

3. Each and every part and item of a system for distribution of water installed at the direction of the Village of Chatham within said plat, except the pipes which transport water from the meter pit to a building, and commonly known as a house or building service.

4. Each and every part and item of a system for the distribution of electricity installed at the direction of the Village of Chatham within said subdivision, except the electrical equipment and wires on the user side of the electric transformer or pedestal and commonly known as a house or building service.

Grantor hereby covenants that it is the lawful owner of the aforescribed goods, chattels and personalty; that subject to the prior dedication of rights to the Village of Chatham in connection with recordation of the Plat it is the lawful owner of the aforescribed improvements to real property; and such items are free from all encumbrances; that Grantor has the right to sell the same or dedicate the same as aforesaid, and that Grantor warrants and will defend the same against the claims and demands of all persons.

Grantor assigns to the Village of Chatham all outstanding warranties and guaranties by any contractor or subcontractor with respect to any public works dedicated or conveyed pursuant to this instrument.

This dedication and sale is effective upon its acceptance by ordinance or resolution of the Village of Chatham, Illinois, and recordation of same with the Recorder of Deeds of Sangamon County, Illinois.

SIGNED AND ACKNOWLEDGED this ____ day of _____, 19__.

Authorized Signature

SUBSCRIBED AND ACKNOWLEDGED TO before me

this ____ day of _____, 19__

Notary Public