

Ordinance No. 99- 71

**AN ORDINANCE APPROVING AN AGREEMENT WITH COURTNEY JOYNER  
AND MICHAEL RYAN PERTAINING TO THE DEVELOPMENT OF PRAIRIE  
GROVE SUBDIVISION**

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

**SECTION 1:** That certain Agreement Between the Village of Chatham and Courtney Joyner and Michael Ryan, pertaining to development of Prairie Grove Subdivision, a copy of which is attached hereto, is hereby approved.

**SECTION 2:** The Village President is hereby authorized to execute said contract, and the proper officers of the Village are hereby authorized to carry out the contract according to its terms.

**SECTION 3:** This Ordinance is effective immediately.

PASSED this 21 day of December, 1999.

  
\_\_\_\_\_  
VILLAGE PRESIDENT

ATTEST:

  
\_\_\_\_\_  
Village Clerk

AYES: 5  
NAYS: 0

PASSED:

12/21/99

APPROVED:

12/21/99

ABSENT:

Boyle

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*This space for Recorder of Deeds*

**AGREEMENT**

This Agreement is between the Village of Chatham, Illinois, ("Village") and Courtney Joyner and Michael Ryan (together referred to as "Developer"), and is dated this 21 day of December, 1999.

WHEREAS, Developer is the successor in interest to Prairie Grove Corporation in a subdivision in the Village known as Prairie Grove Subdivision (the "Subdivision");

WHEREAS, the Subdivision is abutted by a public road under the jurisdiction of the Village known as Park Avenue;

WHEREAS, pursuant to Village ordinances and prior annexation agreements and other agreements affecting Prairie Grove Subdivision, Developer is obligated to construct the west one-half of Park Avenue where Park Avenue abuts the Subdivision at the time of completion of any final plat abutting Park Avenue;

WHEREAS, the Village plans to construct the Park Avenue between the limits shown

on Attachment A, and has an investment of approximately \$53,000 in a road base, a storm sewer, and associated engineering, in Park Avenue within those limits; and;

WHEREAS, the limits shown on Attachment A include the portion of Park Avenue abutting the subdivision; and

WHEREAS, it is advantageous to both parties to coordinate the final construction of Park Avenue, on both sides of the street where it abuts the Subdivision, to subdivision street standards under the Village Subdivision Ordinance; (the "Park Avenue Project") and certain waivers by the Village of its normal subdivision requirements are necessary for that purpose;

NOW, THEREFORE, the Parties agree as follows:

1. The parties shall share in the cost of the Park Avenue Project in accordance to the formula contained in Attachment B. At such time as the parties agree to proceed with the Park Avenue Project, the Village shall let a single contract with a single contractor for such work.

2. The Developer shall pay the contribution set forth in paragraph 1 within 10 days of the date the Village awards a contract for the Park Avenue, or on May 1, 2001, whichever is later.

3. At any time prior to the Village awarding a contract for the Park Avenue Project, the Developer may discharge his contribution obligation, as follows: Developer shall obtain an engineering estimate for the entire Park Avenue Project. The engineering estimate shall include a 10% contingency in addition to the sums estimated for the cost of construction. If the engineering estimate is reviewed and approved by the Village's

consulting engineers, Developer may substitute his engineering estimate for the "bid price" in the formulas set forth in Attachment B hereto, and using those formulas, shall calculate the "developer share" as set forth therein. If the Developer pays to the Village the sum so calculated, Developer's contribution obligation shall be satisfied, and Developer shall have no further obligations under this Agreement.

4. The Village shall not approve the final plat for the Subdivision unless one of the following conditions is met: (i) the Park Avenue Project is complete, or (ii) the Developer has paid the Village the amounts set forth in paragraphs 2 or 3, or (iii) the Developer adds to the amount of the bond or letter of credit securing construction of the public improvements for such final plat, an amount calculated in accordance with paragraph 3.

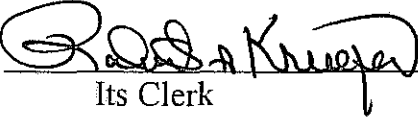
5. The Village waives any requirements of its subdivision ordinance to the extent they are inconsistent with this agreement, and the parties waive any provisions of the governing annexation agreement to the extent they are inconsistent with this agreement.

6. This is the entire agreement of the parties with respect to its subject matter, and prior representations and agreements regarding its subject matter are disclaimed. This Agreement is a covenant running with the land legally described as Prairie Grove Subdivision and owned by Developer as of the date of this Agreement. This agreement shall be recorded with the Recorder of Deeds of Sangamon County. It may be modified only in a writing signed by the parties and approved by ordinance of the Village.

AGREED:

THE VILLAGE OF CHATHAM

By: \_\_\_\_\_  
Its President

Attest:  \_\_\_\_\_  
Its Clerk

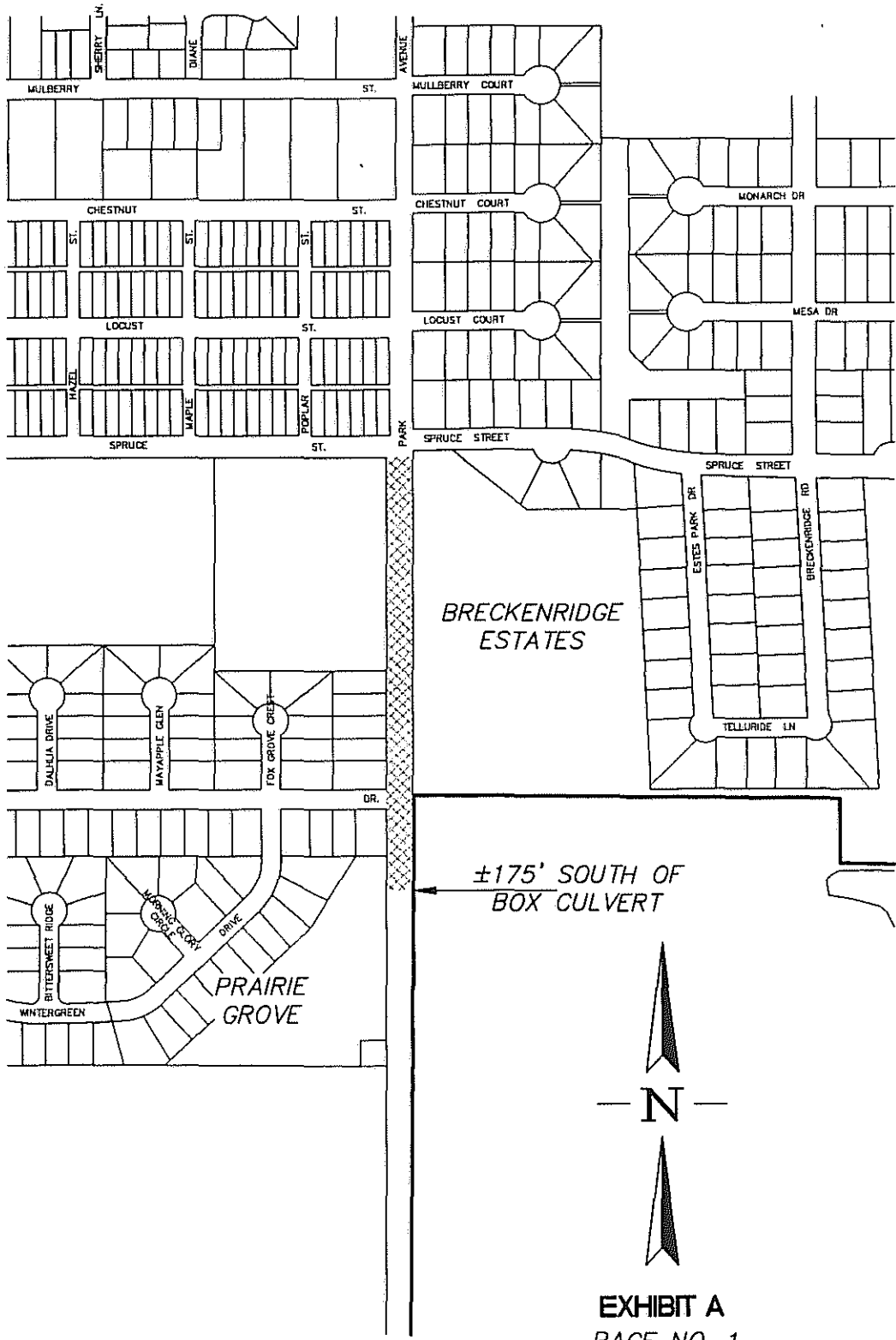
12/21/99  
Date

\_\_\_\_\_  
Courtney Joyner

\_\_\_\_\_  
Date

\_\_\_\_\_  
Michael Ryan

\_\_\_\_\_  
Date



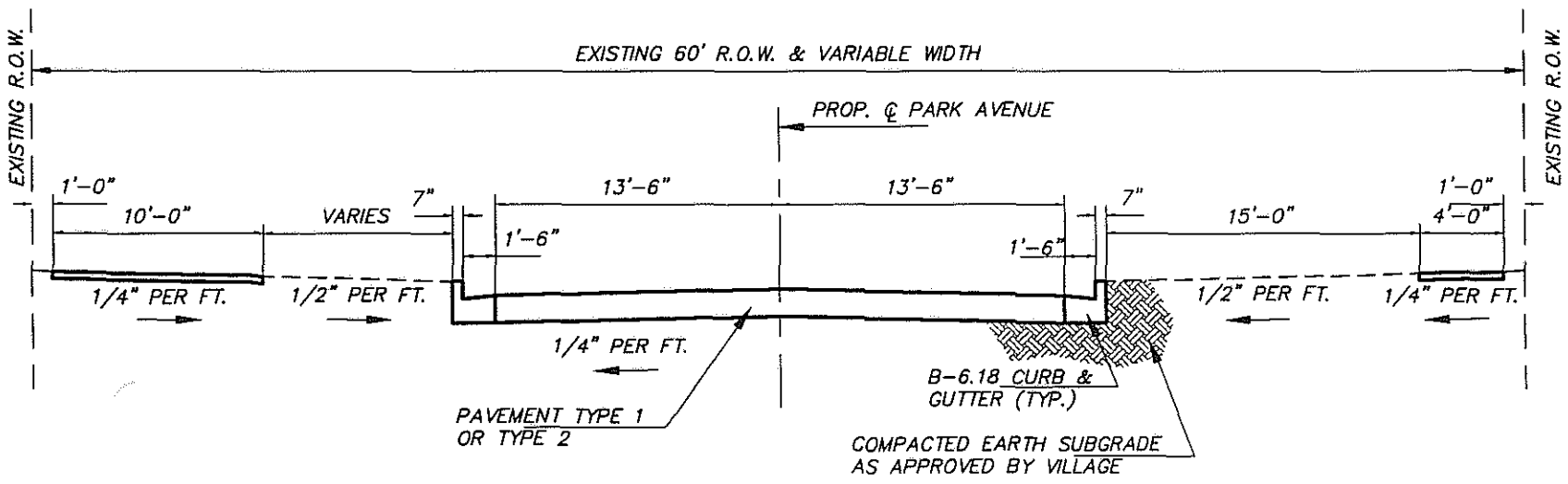
**EXHIBIT A**  
PAGE NO. 1

	<b>GREENE &amp; BRADFORD, INC.</b>	DATE 12-15-99
	OF SPRINGFIELD	DRAWN R.L. COX
	CONSULTING ENGINEERS	PROJ. NO. 99-419
	3501 CONSTITUTION DRIVE	FIELD BOOK
	SPRINGFIELD, ILLINOIS 62707	COMPUTER FILE NO.
(217) 793-8844, (217) 793-6227 FAX	99419DET-10	
PROFESSIONAL LAND SURVEYING FIRM NO. 048-000098		









TYPE 1 PAVEMENT


- PROP. AGGREGATE BASE COURSE TYPE A, (6")
- PROP. BITUMINOUS MATERIAL (PRIME COAT)
- PROP. AGGREGATE (PRIME COAT)
- PROP. BITUMINOUS CONCRETE BINDER COURSE, MIXTURE B, TYPE 2, (1 3/4")
- PROP. BITUMINOUS CONCRETE SURFACE COURSE, MIXTURE C, CLASS I, TYPE 2 (1 3/4")

TYPE 2 PAVEMENT

- PROP. BITUMINOUS CONCRETE BINDER COURSE (4")
- PROP. BITUMINOUS CONCRETE SURFACE COURSE, MIXTURE C, CLASS I, TYPE 2 (1 3/4")

TYPICAL CROSS SECTION

EXHIBIT A  
PAGE NO. 4



**GREENE & BRADFORD, INC.**  
CONSULTING ENGINEERS  
OF SPRINGFIELD  
3501 CONSTITUTION DRIVE  
SPRINGFIELD, ILLINOIS 62707  
(717) 791-8844 (717) 791-8777 FAX

DATE	12-15-99
DRAWN	R.L. COX
PROJ. NO.	99-419
FIELD BOOK	
COMPUTER FILE NO.	

**Park Avenue Cost Sharing Formula**

**Total Project Cost = (Bid Price) + (Engineering) + (Existing Investment)**

- Bid Price = lowest responsible contractor bid for the project shown on Attachment A
- Engineering = the cost for design and construction engineering for the project shown on Attachment A
- Existing Investment = \$53,000 (for grading, base, storm sewer and engineering already completed on the project)

**Project Cost Per Foot = (Total Project Cost) / (Total Project Length)**

- Total Project Length = 1,450 ft

**Developer Share = (Project Cost Per Foot ) X (Development Frontage) X (1/2)**

- Development Frontage = 800 ft.

**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. 99-\_\_\_\_, adopted by the President and Board of Trustees of said Village on the \_\_\_\_\_ day of \_\_\_\_\_, 1999, said Ordinance being entitled:

**AN ORDINANCE APPROVING AN AGREEMENT WITH COURTNEY JOYNER  
AND MICHAEL RYAN PERTAINING TO THE DEVELOPMENT OF PRAIRIE  
GROVE SUBDIVISION**

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 \_\_\_\_\_, 1999.

\_\_\_\_\_  
Village Clerk