

VILLAGE OF CHATHAM, ILLINOIS

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ORDINANCE NO. 12- 21

AN ORDINANCE AMENDING THE SUBDIVISION CHAPTER OF THE VILLAGE OF  
CHATHAM CODE OF ORDINANCES

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ADOPTED BY THE PRESIDENT AND BOARD OF TRUSTEES  
OF THE VILLAGE OF CHATHAM, ILLINOIS  
THIS 12 DAY OF JUNE, 2012

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Published in pamphlet form by the authority of the President and  
Board of Trustees of the Village of Chatham, Sangamon County,  
Illinois, this 12 day of JUNE, 2012

ORDINANCE NO. 12- 21

**AN ORDINANCE AMENDING THE SUBDIVISION CHAPTER OF THE VILLAGE OF CHATHAM CODE OF ORDINANCES**

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

**SECTION 1:** Sections 155.054 through 155.057 and Sections 155.076 and 155.077 of the Village of Chatham Code of Ordinances are amended to state as follows (new language underlined, deleted language ~~stricken~~):

§ 155.054 SECURITY FOR PUBLIC IMPROVEMENTS.

(A) If construction has not been completed and approved by the village engineer before the final plat is submitted to the Village Board, security in the amount equal to 125% of the estimated construction costs (including but not limited to grading, drainage, roadway, sidewalk, sewer, waterline and other improvements which are to be dedicated to public use or which benefit the subdivision generally) of the public improvements shall be filed with the Zoning Administrator in order to insure completion of the public improvements as required by this chapter within a reasonable length of time without cost to the village. The form and sufficiency of security shall be subject to the approval of the village attorney and the village's consulting engineer. Security may be in the form of a bond issued by a commercial surety licensed to do business in the State of Illinois, or it may be in the form of an irrevocable letter of credit issued by an Illinois or national bank of at least one year in duration, which provides for automatic annual renewals thereof unless at least 60 days prior to the expiration of its term or any renewal thereof, written notice of non-renewal is sent by certified mail to the village.

(B) The bond or letter of credit shall by its terms secure payment not only of the construction of the public improvements but also of any additional review and inspection fees charged by the village engineer and imposed by the village pursuant to § 155.052 of this chapter.

(C) The subdivider may separately bond or obtain a letter of credit securing only the construction of sidewalks in the plat.

§ 155.055 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 125% the estimated cost of the unconstructed portion. 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 of security 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 re-evaluation at any time prior to final acceptance thereof in accordance with §155.076 of this chapter, and the subdivider has a continuing obligation until final acceptance to construct all public improvements to the standards of this chapter 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, net of any outstanding separate security for sidewalks.

#### § 155.056 LENGTH SECURITY IN EFFECT; FORFEITURE.

The security shall remain in effect until it is released by the Village Board upon acceptance of the public improvements in accordance with Section 155.076 of this Chapter. (§ 155.076). All public improvements must be completed within two years from the date when the security was approved. If public improvements (other than sidewalks subject to separate security) have not been completed within said two years, the subdivider shall at the Village's option, to be exercised at any time after expiration of the 2 year period, forfeit the security in the amount necessary for the village to carry out the construction or repairs so that the public improvements meet the standards of this chapter, plus administrative costs involved.

#### § 155.057 APPROVAL OF PUBLIC IMPROVEMENTS.

After the village's consulting engineer informs the village that the following conditions have been met, the public improvements shall be accepted by the village:

(A) The village's consulting engineer has inspected the construction and all necessary repairs and corrections and certifies that the public improvements required by this Ordinance have been constructed.

(B) "As Built Plans" have been prepared by the subdivider's engineer and delivered to the village's consulting engineer.

(C) The village's consulting engineer has received a signed statement of a registered professional engineer stating that the public improvements have been observed during construction and installed to the specifications shown on the construction plans.

(D) The improvements, such as drainage swales and the like, which are not to be dedicated to public use but which benefit the subdivision generally, have been built to specification shown in the construction plans.

(E) If the subdivider has constructed all public improvements except sidewalks but has provided separate security for sidewalks in accordance with Section 155.054(C), the Village can accept all public improvements except the remaining sidewalks, as provided in Section 155.076.

#### § 155.076 ACCEPTANCE OF PUBLIC IMPROVEMENTS.

(A) After the village's consulting engineer has approved the public improvements as described in § 155.057, 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 transferring title to for public utility improvements to the Village in a form exemplified by Appendix A-4 to this Chapter, as attached to Ordinance No. 94-60. Upon receipt of the document the Village Board shall by resolution accept the ~~dedication and public improvements and the 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 chapter 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 as attached to Ordinance No. 94-60,~~ modified as necessary to indicate ~~dedication to the county or township of the roads~~ transfer of title 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~~ adoption of the Resolution of Acceptance, the village shall release the security.

(E) Where the subdivider has provided separate security for sidewalks in accordance with Section 155.054(C) of this Chapter, the Village will later release the separate security for the sidewalks by resolution upon request of the subdivider and satisfactory inspection by the Village's consulting engineer, and in such event shall be deemed to have accepted the sidewalks.

§ 155.077 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. No acceptance of public improvements shall be deemed acceptance of sidewalks that remain subject to separate security pursuant to Section 155.054(C) of this Chapter.

**SECTION 2:** Appendix A-4 to Chapter 155 is replaced by the new Appendix A-4 attached to this Ordinance.


**SECTION 3:** This ordinance shall take effect immediately upon its passage and publication. The Clerk shall publish this Ordinance in pamphlet form and see to its inclusion in the next update of the Village Code of Ordinances.

PASSED this 12 day of JUNE, 2012.

ATTEST



  
VILLAGE PRESIDENT

  
Village Clerk

AYES: 4 HERR MAU  
NAYS: 0 HOLDEN SCHATTEMAN

PASSED: 6-12-12

APPROVED: 6-12-12

ABSENT: 2  
BOYLE KAVANAGH



**BILL OF SALE FOR PERSONAL PROPERTY  
FOR \_\_\_\_\_ SUBDIVISION, PLAT \_\_\_\_\_**

This Bill of Sale is made by \_\_\_\_\_ ("Developer") in favor of the Village of Chatham, Illinois, an Illinois municipal corporation.

WHEREAS, Developer was the owner and developer of certain property platted as Plat \_\_\_\_\_ of \_\_\_\_\_ Subdivision, Village of Chatham, Illinois;

WHEREAS, Developer has completed the construction of certain utility systems and other personal property to be owned by the Village of Chatham within the Plat;

WHEREAS, such systems and property have been found by the Village's consulting engineer to be in conformance with the approved construction plans;

NOW, THEREFORE, Developer hereby 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 by the sewer system 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 which are the property of the Springfield Metropolitan Sanitary District.

3. Each and every part and item of a system for distribution of water provided by the waterworks system of the Village of Chatham within said plats, 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 provided by the electrical system of the Village of Chatham within said plats of 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.

Developer hereby warrants that subject to the prior dedication of rights to the Village of Chatham in connection with recordation of the Plat, it is the sole owner of the aforescribed property; and such items are free from all encumbrances; and that Developer has the right to sell and convey title to the same.

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

This Bill of Sale is effective upon its acceptance by ordinance or resolution of the Village of Chatham, Illinois.

\_\_\_\_\_  
Developer

By: \_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name and Title

SIGNED AND ACKNOWLEDGED  
before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Notary Public



**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. 21 adopted by the President and Board of Trustees of said Village on the 12 day of JUNE, 2012, said Ordinance being entitled:

**AN ORDINANCE AMENDING THE SUBDIVISION CHAPTER OF THE VILLAGE OF CHATHAM CODE OF ORDINANCES**

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 12 day of JUNE, 2012.

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



STATE OF ILLINOIS                    )  
  ) ss.  
COUNTY OF SANGAMON            )

**CERTIFICATE**

I certify that I am the duly elected and acting Village Clerk of the Village of Chatham, Sangamon County, Illinois.

I further certify that on JUNE 12, 2012, the corporate authorities of such Village passed and approved Ordinance No. 12- 21 entitled:

**AN ORDINANCE AMENDING THE SUBDIVISION CHAPTER OF THE VILLAGE OF CHATHAM CODE OF ORDINANCES**

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 12- 21 including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the Village Hall, commencing on JUNE 12, 2012, to continue for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the Village Clerk.

DATED at Chatham, Illinois, this 12 day of JUNE, 2012.

(SEAL)

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