

APPENDIX B - SUBDIVISIONS

ORDINANCE NO. 16-87

AN ORDINANCE REPEALING EXISTING SUBDIVISION REGULATIONS
AND ADOPTING NEW SUBDIVISION REGULATIONS

BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF MACHESNEY PARK, ILLINOIS, as follows:

SECTION 1. Ordinance No. 6-84 providing for
subdivision regulations passed Kamiaru 24. 1094, and
subsequent amendments are hereby repealed. (Amd. 15-88 -
2/23/88)

SECTION 2. The following subdivision regulations are
hereby adopted and shall be referred to as the Machesney Park
Subdivision Ordinance:

103.101. DEFINITIONS. For the purpose of this chapter
the following words and phrases shall have the meanings
respectively ascribed to them by this section:

A. PLANS. The term "plans of the planning
commission", "the comprehensive plan", "adopted
segments of the comprehensive plan", "adopted plans"
and "Plan" and all such terms as used herein mean plans
adopted into law by the Village Board under Illinois
Revised Statutes, Chapter 24.

B. "SUBDIVISION" means the initial division of a
parcel of land into two or more parts, any of which
part is less than five acres, for the purpose of
ownership, transfer or building development; or, if a
new street is involved, any division of a parcel of
land. The term includes any division of land that
attempts to avoid the requirements of this regulation.
Where appropriate to the context, the term shall
relate to the process of subdividing or to the land
subdivided.

C. "SUBDIVISION GUIDE" refers to the planning
commission's report of that title, which report shall
be considered a statement of principles of sound
subdivision design by means of which subdivider may be
guided and in terms of which each subdivision shall be
judged insofar as such principles are reasonable and
appropriate in their application to such subdivision.

D. "VILLAGE OF MACHESNEY PARK BOARD OF TRUSTEES"
shall be referred to as the Village Board.

APPENDIX B - SUBDIVISIONS

E. "VILLAGE OF MACHESNEY PARK PLANNING COMMISSION" shall be referred to as the Planning Commission.

F. MINOR SUBDIVISION. Any subdivision of less than five (5) acres, and fronting on an existing improved street, and not involving any new street or road, and not adversely affecting the development of the remainder of the parcel or adjoining property, and not in conflict with any provision or portion of the Comprehensive Plan, Zoning Ordinance or Subdivision Ordinance of the Village of Machesney Park. (Amd. Ord. 27-04 - 07/26/04)

103.102. INTERPRETATION, PURPOSE AND EFFECT OF REGULATION.

A. The provisions of this regulation shall be held to be minimum requirements, adopted to promote the health, safety and the convenience of the public and to lessen congestion and further the orderly layout and the use of land and to facilitate adequate provision for transportation, water, sewage, schools, parks, playgrounds and other public requirements.

B. It is not intended by this regulation to repeal or impair any existing easement, covenant or agreement between parties, or permits previously adopted or issued pursuant to the resolutions of the Village and statutes of the state; provided, however, that where this regulation imposes a greater restriction upon the development of the land than required by other rules, regulations or permits, the provisions of this regulation shall govern.

C. Where this regulation imposes a greater restriction than imposed or required by the provisions of existing ordinances, resolutions, rules and other regulations, this regulation shall control. Where provisions of existing ordinances, resolutions, rules or other regulations impose greater restrictions than imposed or required by this regulation, such provisions shall control. All provisions in existing resolutions, rules or regulations in conflict with this regulation are hereby repealed.

APPENDIX B - SUBDIVISIONS

103.103. OFFICE OF PLAT OFFICER CREATED: POWERS AND DUTIES.

A. The office of Plat Officer is hereby created. The Director of Planning and Special Projects shall serve as the Plat Officer of the Village or any individual assigned by the Village President with approval of the Village Board. If the Plat Officer as designated herein is unavailable to perform any of the duties specified in this Appendix C - Subdivisions, then the Village President shall automatically serve as temporary Plat Officer and be vested with all of the powers of the Plat Officer during such period of time and until the Plat Officer is again available. (Amd. Ord. 57-90 - 6/18/90; Amd. Ord. 7-91 - 3/11/91; Amd. Ord. 7-93 - 1/25/93)

B. Recommendations to Planning and Economic Development Committee. The Plat Officer, in reviewing subdivision proposals or other proposed new developments, shall make recommendations to the Planning and Economic Development Committee on planning and economic development based on information available to him. (Amd. Ord. 53-93 - 10/12/93; Amd. Ord. 30-07 - 01/14/08)

103.104. PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE. A Planning and Economic Development Committee is hereby created to review the technical requirements of proposals brought before them as covered by this regulation. The Committee shall then make recommendations to the Village Board for Board action. (Amd. Ord. 30-07 - 01/14/08)

103.105. PLANNING AND ZONING COMMISSION REVIEW. The Planning and Zoning Commission pursuant to Chapter 24 of the Illinois Revised Statutes, shall review and make recommendation on all tentative plats. Said recommendation shall be forwarded to the Planning and Economic Development Committee for further consideration. (Amd. Ord. 30-07 - 01-14-08)

103.106. PROCEDURE PRIOR TO RECORDING. Every intended subdivision of land within the platting jurisdiction of the Village shall be submitted to the Plat Officer of the Village of Machesney Park for approval according to the provisions of this regulation prior to final recording of a map or plat of such subdivision, except where otherwise permitted by this regulation. No such map or plat of subdivision shall be

APPENDIX B - SUBDIVISIONS

entitled to record or have validity until it has been so approved, except when otherwise permitted by this regulation. (Amd. Ord. 53-93 - 10/12/93)

103.107. VARIATIONS. In order to promote the best possible development and use of land, the plat Officer and the Village Board shall interpret the standards, provisions and specifications contained in this regulation liberally and in favor of the community interest. Variations from these standards, provisions and specifications shall be recommended and granted when it is demonstrated to the satisfaction of the Plat Officer and Village Board that such variation will bring about a more logical and desirable result than obtained by strict compliance.

A. A request for variation shall be filed by the owner or developer of the proposed subdivision with the Plat Officer. The Plat Officer shall refer the request, together with his recommendation, to the Village Board for decision. The request shall be in writing, shall state specifically what variation is sought, and the community's interest in granting the variation.

B. Upon application of the owner or developer, a tentative plat which has been disapproved by the Plat Officer, or a tentative plat upon which no action has been taken for ninety (90) days by the Plat Officer, shall be submitted to the Village Board for its tentative decision. The Village Board may approve the tentative plat as submitted, approve it with conditions, or disapprove it.

103.108. PROHIBITION OF SUBDIVISION. No persons, firm or corporation shall subdivide or resubdivide any parcel of land within the corporate limits of the Village or within one and one-half (1½) miles of said corporate limits but not within the corporate limits of any other municipality or within the jurisdiction of another municipality acting pursuant to the Illinois Revised Statutes, unless a subdivision plat has been reviewed by the Planning and Zoning Commission, with recommendation for approval by the Planning and Economic Development Committee and approved by the President and Board of Trustees of the Village as required by this regulation. Exemptions to this established procedure are as outlined in Section 103.109. (Amd. Ord. 30-07 - 01/14/08)

APPENDIX B - SUBDIVISIONS

103.109. EXEMPTIONS.

EXEMPTION A.

The following list shall be exempt from the platting and procedural requirements of this regulation:

(a) The division of land into parcels each greater than five (5) acres in size and which does not involve any new streets or easements of access.

(b) The sale or exchange of parcels of land between owners of contiguous and adjoining land.

(c) The conveyance of parcels of land or interests therein for use as a right of way for railways or other public utility facilities which does not involve any new streets or easements of access.

(d) The conveyance of land for highway or other public purposes or grants or conveyances relating to the dedication of land for public use or instruments relating to the vacation of land impressed with a public use.

(e) Conveyance made to correct descriptions in prior conveyance.

EXEMPTION B.

The following shall be exempt from the platting and procedural requirements of this regulation except that a Boundary Map and pertinent standards of this subsection shall apply.

(a) The division of land into two (2) parcels, either of which is less than five (5) acres and which does not involve any new streets or easements of access.

(b) The division of a lot of less than one acre in a recorded subdivision which does not involve any new street or easement of access, provided that the division complies with the regulations of the Zoning Ordinance.

(c) The sale or exchange of portions of a lot of less than one acre in a recorded subdivision which does not involve any new street or easement of access, provided that the portion of a lot to be sold or exchanged complies with

APPENDIX B - SUBDIVISIONS

the regulations of the Zoning Ordinance.

(d) The sale or exchange of portions of parcels of land less than five (5) acres between owners of contiguous and adjoining land.

103.110. BOUNDARY MAP. The boundary map shall be prepared by a registered Illinois Land Surveyor.

A. Such boundary map shall be drawn with waterproof nonfading black ink on tracing cloth or good quality tracing paper. Acceptable boundary map dimensions are twenty-four (24") inches by thirty-six (36") inches or a size acceptable to the Winnebago County Recorder. No such boundary map shall be entitled to record or have validity until it has been signed by the Plat Officer. The Plat Officer shall keep a copy of such boundary map. After two such boundary maps dividing a tract of land in one ownership at the time of passage of this regulation have been signed by the Plat Officer he shall not sign another boundary map dividing such land. Further division of such land shall be recorded only by means of a map or plat of subdivision as provided in this regulation which map or plat of subdivision shall include all parcels previously divided off by such boundary map. (Amd. Ord. 53-93 - 10/12/93)

B. Where possible all street right-of-way widths shall be a minimum of sixty-six (66) feet for residential, eighty (80') feet for commercial/industrial and eighty (80') feet to one-hundred (100') feet for collector or arterial routes. (Amd. Ord. 53-93 - 10/12/93)

A boundary map of property adjacent to a street with insufficient right-of-way shall show on the face thereof additional right-of-way. Additional right-of-way shall be determined by the Planning and Economic Development Committee. A deed and a title policy guaranteeing Village ownership of said property, shall be transmitted with the boundary map to the Plat Officer. The Plat Officer shall retain the title policy and record the deed. (Amd. Ord. 30-07 - 01/14/08)

Exceptions to this requirement shall be determined by the Planning and Economic Development Committee based on evidence presented by the property owner that the community interest would not benefit. (Amd. Ord. 30-07 - 01/14/08)

APPENDIX B - SUBDIVISIONS

C. The boundary map shall be endorsed by the Winnebago County Health Department of Health Officer with respect to all sewer and water facilities certifying that same comply with all rules, regulations and requirements of local government, regional, state and national authorities.

D. Prior to approval, at the discretion of the Plat Officer the boundary map may be referred to any utility or other agency involved.

E. A copy of the recorded boundary map shall be made available to the Plat Officer by the property owner, Registered Land Surveyor or representative of same.

F. The following certificates and affidavits shall appear on the boundary map:

(1) CERTIFICATION BY SURVEYOR

(Legal Description)

"I hereby certify that I have surveyed the above described property for the purpose of locating the boundaries and corners thereof and that the attached plat is a true and correct representation of said survey. Dimensions are given in feet and decimals of a foot unless otherwise specified."

Given under my hand and seal this ____ day of _____, 20____.

Registered Land Surveyor No. _____

(2) CERTIFICATION BY COUNTY CLERK

"I _____, County Clerk of Winnebago County in the State of Illinois, DO HEREBY CERTIFY that I find no delinquent general taxes, delinquent special assessment or unpaid current special assessment against the lands described in this boundary map."

"In witness whereof, I have hereunto set my hand and the seal of the County of Winnebago this ____ day of _____, 20____."

APPENDIX B - SUBDIVISIONS

County Clerk

(3) CERTIFICATION BY PLAT OFFICER

"Approved by the Village of Machesney Park Plat Officer, this _____ day of _____, 20____."

Plat Officer

(4) CERTIFICATION BY COUNTY RECORDER

"Filed for record this _____ day of _____, 20____ at _____.M., Recorded in Book of Plats, Page____ and examined."

Document Number_____

County Recorder

The Village Engineer shall review and examine all plat and site plans within the jurisdictional limits of the Village of Machesney Park to insure the conformity with the principals, standards and requirements set forth in the Subdivision Control Ordinance and Codes of the Village of Machesney Park, Illinois. Review and examination shall include, but not be limited to, preliminary subdivision plats, commercial site plans, industrial site plans and apartment site plans. The cost incurred by the Village of Machesney Park from the Village Engineer, shall upon the Engineers completion, be reimbursed to the Village by the developer, project owner or site owner.

103.111. VACATION OF RECORDED PLATS OR PARTS OF RECORDED PLATS.

A. PROCEDURE. The vacation of plats or parts of plats shall follow the procedure required for final plats of subdivisions. Final approval of an instrument of vacation shall, however, be automatically referred to the Village Board.

The Planning and Economic Development Committee shall transmit to the Village Board, along with its recommendation on the instrument of vacation; (1) A statement of fact explaining the grounds for its recommendation and, (2) a recommendation respecting the monetary remuneration to be paid to the Village Treasurer in the consideration of any public property involved in the vacation. (Amd. Ord. 30-07 - 01/14/08)

APPENDIX B - SUBDIVISIONS

Instruments of vacation not approved by the Planning and Economic Development Committee shall, upon the request of the petitioner, be submitted by the Committee to the Village Board with the reasons for disapproval. After reviewing the evidence, the Village Board may determine the monetary remuneration to be paid in consideration of public property, if any involved in the vacation, and direct the Plat Officer to certify approval of the instrument of vacation. (Amd. Ord. 30-07 - 01/14/08)

B. STANDARDS. A vacation shall not be approved that creates conditions that would not be permitted under the requirements of this regulation in newly created subdivisions, unless such vacation would at the same time correct other and more serious conditions detrimental to the public health, safety, comfort, morals and the general welfare. No vacation shall be approved unless it provides easements for existing public utilities within the confines of the vacated area.

C. FORM. The instrument of vacation shall consist of:

1. A written description, referring to an attached copy of the recorded plat, of the plat or part thereof to be vacated, and a written statement declaring same to be vacated.

2. An attached copy of the recorded plat, all or a part of which is to be vacated. If only part of the plat is to be vacated, such part shall be shaded and outlined with a heavy line.

3. The following certificates duly executed:

a. CERTIFICATION BY OWNER:

Certification by the owners shall include all of the owners of land in and adjacent and contiguous to the part of the plat to be vacated.

"As owner of the following described property, to-wit (description by reference to attached plat) I (we) hereby petition the Village Board of Trustees of the Village of Machesney Park, Illinois, to approve the above described vacation."

APPENDIX B - SUBDIVISIONS

(owner) (parcel) (date)

b. CERTIFICATION BY NOTARY PUBLIC:

"I, _____, a Notary Public in and for the County of Winnebago, in the State of Illinois do hereby certify that _____ personally known to me to be the same person(s) whose name(s) is (are) subscribed to the foregoing instrument, appeared before me this day in person and delivered said instrument and (severally) acknowledged that he (they) signed, sealed as his (their) free and voluntary act for the uses and purposes herein set forth."

"Given under my hand and Notarial Seal this ____ day of _____, A.D. 20____."

Notary Public

c. CERTIFICATION BY THE VILLAGE ENGINEER:

"I hereby certify that this vacation is approved."

Village Engineer Date

d. CERTIFICATION BY THE PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE:

"We, the Planning and Economic Development committee of the Village of Machesney Park of the County of Winnebago, Illinois, have examined this instrument of vacation, find the same to be in due and proper form, and recommend that the Village Board approve this vacation and direct the Village Plat Officer to certify final approval."

"Dated this ____ day of _____, 20____."

e. CERTIFICATION BY VILLAGE CLERK:

"This is to certify that the Board of Trustees of the Village of Machesney Park did, at its meeting on the ____ day of _____, 20____, approved the

APPENDIX B - SUBDIVISIONS

annexed vacation and direct the Village Plat Officer to certify final approval for and in the name of the Village of Machesney Park in the State of Illinois, upon evidence of a receipt of the Village Treasurer in the amount of \$_____."

Village Clerk

f. CERTIFICATION BY THE VILLAGE PLAT OFFICER:

"The annexed vacation is hereby approved this _____ day of _____, 20____."

Plat Officer

g. CERTIFICATION BY THE COUNTY SUPERINTENDENT OF HIGHWAYS:

"The annexed vacation is hereby approved this _____ day of _____, 20____."

County Superintendent of Highways

h. CERTIFICATION BY THE DISTRICT ENGINEER OF ILLINOIS DEPARTMENT OF TRANSPORTATION:

"The annexed vacation is hereby approved this _____ day of _____, 20____."

District Engineer of the Illinois Dept. of Transportation

i. CERTIFICATION BY PUBLIC UTILITY INVOLVED:

"I, (Office) of (Name of Public Utility), hereby approve the annexed vacation this _____ day of _____, 20____."

APPENDIX B - SUBDIVISIONS

(State capacity with the public utility)

j. FORM FOR CERTIFICATION OF RECORDING
OFFICIAL:

"Filed for record this ____ day of _____,
20____, at _____ o'clock ____M. Recorded in
Book ____ of Plats. Page ____ and
examined."

County Recorder
Document Number_____

D. FEES. A fee for vacation of streets or alleys shall be paid by the petitioner, such fee to be paid for each square foot of land sought to be vacated, multiplied by the average of the full fair cash market value per square foot of the premises adjacent thereto. Such full fair cash market value shall be that currently used for tax assessment purposes. A fee of one dollar (\$1.00) per lot or sub-lot shall be paid by the petitioner seeking vacation of lots or sub-lots. All such vacation fees shall be paid to the Village Treasurer before final approval is certified by the Plat Officer.

E. RESUBDIVISION IN LIEU OF VACATION. It shall not be necessary to vacate a plat or part thereof in order to proceed with a resubdivision of such plat or part thereof. Resubdivision according to the procedure and standards for subdivision required by this regulation shall automatically constitute vacation of a prior plat or part thereof; provided, that monetary remuneration shall be paid to the Village Treasurer in consideration of the excess of public property vacated over that rededicated in the replat, and provided further that any such resubdivision shall not vacate any prior public utility easement arising from a prior plat or separate grant of easement.

F. CANCELLATION OF BONDED CONTRACTS. Bonded contracts for the improvement of platted streets or alleys shall be automatically cancelled upon vacation of such platted streets or alleys.

APPENDIX B - SUBDIVISIONS

103.112. PROCEDURE. Except as outlined in Section 103.107, the procedure detailed in this section shall be followed by subdivider in order to gain official approval for, and recording of, a subdivision layout.

A. ZONING. Final approval shall not be granted to a subdivision unless it complies with all requirements of the Village Zoning Ordinance.

B. PRELIMINARY CONFERENCE. The subdivider shall contact the Plats Officer in order to schedule a preliminary conference with the Planning and Economic Development Committee about his particular intentions and problems. A map twenty-four (24") inches by thirty-six (36") inches showing the following information shall be brought to such conference:

1. The boundaries of the property to be subdivided, existing easements and covenants affecting the property, land characteristics, such as natural drainage, swamp areas, wooded areas, and development characteristics such as surrounding streets, existing buildings, available community sewer, water and other utilities. The Village requires floodway information as provided by the appropriate Federal Emergency Management Agency (FEMA) floodway map. (Amd. Ord. 53-93 - 10/12/93)

C. TENTATIVE PLAT APPROVAL. Within six (6) months following the Plats Committee conference or such greater time as the Plats Committee may designate, the sub-divider may submit a tentative plat or map of subdivision and fifteen (15) reproductions thereof to the Plat Officer-for conditional approval. The Plat Officer shall refer reproductions of the plat to the Village Engineer and any or all Village Staff, governmental agency, service provider, utility or other appropriate review entity including, but not limited to the following: Commonwealth Edison Company, Harlem Consolidated Schools/District 122, Harlem-Roscoe Fire Protection District, Illinois Department of Transportation/Division of Highways/District 2, Insight Communication, Nicor Gas, North Park Fire Protection District, North Park Public Water District, Northwest Fire Protection District, Rock River Water Reclamation District, Rockford Public Schools, SBC, Street Superintendent, United States Post Office, Verizon,

APPENDIX B - SUBDIVISIONS

Village Attorney, Winnebago County 9-1-1, Emergency Communication Center, Winnebago County Health Department, Winnebago County Highway Department, and the Winnebago County Soil and Water Conservation District.

Upon receipt of applicable review comments, the Plat Officer shall schedule the tentative plat on the next available Planning Commission agenda for review and comment. After the Planning Commission has reviewed the tentative plat, a Plats Committee meeting shall be scheduled for recommendation concerning conditional approval of the plat. In addition to submitted review comments and Plats Committee recommendations, conditional approval of a tentative plat shall be granted by the Plat Officer upon conformity with all pertinent laws, rules, regulations and particularly with the technical requirements established in the Section. Conditional approval shall be construed to be an expression of approval of the general layout submitted on the tentative plat as a guide to the preparation of the final plat and to the assurance of the sub-divider that the final plat will be approved if it conforms to the terms and conditions of the approved tentative plat. (Amd. Ord. 30-07 - 01/14/08; Amd. Ord. 23-07 - 09/17/2007)

D. TENTATIVE PLAT FORM & CONTENT. The tentative plat shall show the proposed layout for the whole tract of land owned or controlled by the subdivider and for any adjacent land, the design of which is dependent upon such tract. The tentative plat shall be drawn or printed on paper twenty-four (24) inches wide by thirty-six (36) inches long at a minimum scale of one hundred (100) feet to one inch, unless otherwise approved by the Plat Officer. The tentative plat shall show or be accompanied by the following information:

1. TITLE AND CERTIFICATES. Name under which proposed subdivision is to be recorded, location and position by quarter-quarter section, section, township, range, county and state; names and address of subdivider; notation stating scale, north arrow, and the following certificate:

"State of Illinois Village of Machesney Park Approved by _____ Village Plat Officer this ____ day of _____, 20____."

APPENDIX B - SUBDIVISIONS

2. TOPOGRAPHIC DATA AND DESCRIPTIONS OF EXISTING CONDITIONS.

a. Boundary lines. Approximate angles and distances with reference to a United States land survey corner.

b. Easements. Location, width and purpose of easements and other existing restrictions, reservations or covenants.

c. Utilities existing on and adjacent to the tract. Location and size of sanitary and storm sewers; location and size of water mains; location of gas lines, fire hydrants and electric and telephone lines. If water mains and sewers are not on or adjacent to the tract, indicate the direction and distance to, and size of nearest ones.

d. Ground elevations on the tract. Based on the Rockford datum plane when within one mile of Rockford or U.S.G.S. datum plane bench mark, or based on a located concrete monument from which the datum plane is taken. For land that slopes less than approximately two percent show spot elevations at all breaks in grade, along all drainage channels or swells, and at selected points not more than one hundred feet apart in all directions. For land that slopes more than approximately two per cent, show two foot contour intervals.

e. Other conditions on the tract. Watercourses, marshes, areas subject to inundation, rock outcrop, wooded areas, isolated preservable trees (one foot or more in diameter), houses, barns, shacks and other significant features.

f. Other conditions on adjacent land. The approximate directions and gradient of ground slope, including any embankments or retaining walls (this can be shown on a small map at convenient scale or on the location map); character and location of buildings,

APPENDIX B - SUBDIVISIONS

railroads, power lines, towers, and other nearby non-residential land uses or adverse influences.

g. Streets on and adjacent to or extending from the tract. Names of streets and right-of-way widths and locations; walks, curbs, gutters, culverts, building setback lines. (Amd. Ord. 53-93 - 10-12-93)

h. Proposed public improvements. Highways or other major improvements planned by public authorities for future construction on or near the tract according to the information received from the Village Engineer at the preliminary conference.

i. Location map. A small scale drawing of the section in which the subdivision is situated, and showing the location of the subdivision. This map shall show any lake or stream or the portion thereof to which access is provided from the subdivision, indicating the relation of the subdivision thereto.

j. Subsurface conditions on the tract. Location and results of tests made to ascertain subsurface soil, rock and ground water conditions. The Village requires a soils report which includes the following: soil types/ characteristics; moisture conditions/groundwater; a minimum of three (3) borings per proposed contiguous development; borings at minimums of one per five-hundred (500') feet of proposed streets, and roadway with a minimum of one per proposed street and six (6') feet below the proposed subgrade. (Amd. Ord. 53-93 - 10/12/93)

k. Street lights. All street light locations and any necessary easements in the proposed subdivision shall be shown. Street lights shall be erected at the intersection of public roads, mid-block locations and at any additional location deemed necessary by the Village of Machesney Park. (Amd. Ord. 74-95 - 09/11/95)

APPENDIX B - SUBDIVISIONS

3. ALL PROPOSALS OF THE SUBDIVIDER,
including;

a. Streets. Names; right-of-way and roadway widths; similar data for alleys, if any.

b. Rights-of-way of easements. Location, width and purpose.

c. Lot lines and approximate dimensions.

d. Sites, if any, for the following: Multi-family dwellings, shopping centers, churches, industry, other uses exclusive of single family dwellings.

e. Minimum building setback lines.

f. Site data. Tabulation of gross area, street area, net subdivided area, total number of lots, average lot size, typical lot dimensions, lineal feet of streets.

g. Sites to be reserved or dedicated for parks, playgrounds or other public uses.

h. A draft of any protective covenants by which the subdivider may propose to regulate land use in the subdivision and otherwise to protect the proposed development.

4. OTHER TENTATIVE PLANS. When required by the Village Board, the tentative plat should be accompanied by profiles showing ground surface and proposed street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision, typical cross sections of the proposed grading, roadway and sidewalk, and tentative plan of proposed water mains, sanitary and storm sewers with approximate grades and sizes indicated. All elevations shall be based on the Rockford datum plane, 603.383 of U.S.G.S. elevation is zero on the city datum plane.

a. Deleted by Ord 23-07
B-17

APPENDIX B - SUBDIVISIONS

5. TENTATIVE PLAT REVIEW FEE. A review fee equal to a minimum of \$2,000, increased by \$30.00 per lot in excess of 50 lots, shall be charged by the Village for review of Tentative Plats and any related plans and specifications. This fee shall be paid upon presentation to the Village of the Tentative Plat and shall be non-refundable.

a. The fee shall be used by the Village for the reimbursement of engineering, legal and any other related expenditures incurred during the review process by the Village. The Village Engineer and Village Attorney shall be reimbursed per published hourly rate and reimbursable schedules currently in effect.

b. In the event that actual incurred expenditures exceed the required review fee, the developer shall be required to pay an additional fee. The amount of the additional fee shall be consistent with anticipated expenditures to be incurred during the review process as determined by the Plat Officer. (Amd. 23-07 - 09-17-2007)

E. FINAL PLAT APPROVAL. Within one year of conditional approval, or such greater time as the Village Board may designate, the subdivider may submit an intended final plat or map of subdivision and ten (10) reproductions thereof to the Plat Officer. The final plat, which may constitute only that portion of the tentative plat which the subdivider proposes to record and develop at the time, shall be accompanied by a fee of one-hundred and fifty dollars (\$150.00), plus one dollar (\$1.00) for each lot, subplot or tract of land shown upon the final plat. (Amd. Ord. 53-93 - 10/12/93)

Final approval of a final plat shall be granted by the Village Board on the basis of its conformity with the tentative plat as approved, with all pertinent laws, rules, regulations and particularly with the technical requirements of Section 12.

1. FINAL PLAT REVIEW AND INSPECTION FEE. A review and inspection fee equal to 3% of the approved estimated cost of construction shall be charged by the Village for review of Final Plats

APPENDIX B - SUBDIVISIONS

and any related plans and specifications and for the inspection of all facets of construction to insure compliance with the plans and specifications. The construction cost shall include mass grading, public infrastructure, and private infrastructure as provided in Section 103.114. This fee shall be paid upon presentation to the Village of the Final Plat and shall be non-refundable.

a. The fee shall be used by the Village for the reimbursement of engineering, legal and any other related expenditures incurred during the review and inspection process by the Village. The Village Engineer and Village Attorney shall be reimbursed per published hourly rate and reimbursable schedules currently in effect.

b. In the event that actual incurred expenditures exceed the required review and inspection fee the developer shall be required to pay an additional fee. The amount of the additional fee shall be consistent with anticipated expenditures to be incurred during the review and inspection process as determined by the Plat Officer. (Amd. 23-07 - 09/17/2007)

F. RECORDING FILING. A final plat approved by the Village Board and signed by the Plat Officer shall be filed with the County Recorder within five (5) work days of such approval.

Two paper prints of the recorded plat shall be provided by the developer to the Plat Officer within thirty (30) days of the time of recording.

G. FINAL PLAT FORM AND CONTENT. The final plat shall be drawn with waterproof non-fading black ink on tracing cloth measuring twenty-four (24) inches by thirty-six (36") inches at a scale of one inch (1") equals one-hundred feet (100'), or larger. Variation in scale may be allowed when agreed to by the County Recorder and where necessary for a proper exhibit of a subdivision. When more than one sheet is used for any one plat, they shall be numbered consecutively and each

APPENDIX B - SUBDIVISIONS

sheet shall contain a notation showing the whole number of sheets in the plat, and its relation to other sheets. Linear dimensions shall be given in feet and decimals of a foot. The final plat shall show on the face thereof: (Amd. Ord. 53-93 - 10/12/93)

1. The name of the plat, such name not duplicating the name of any plat previously recorded in Winnebago County.

2. The location and position of the subdivision indicated in each of the following ways:

a. By quarter-quarter section, section, township, range, Principal Meridian, county and state. (Amd. Ord. 53-93 - 10/12/93)

b. By distances and bearings from true north or angles with reference to a corner or corners established in the United States Public Land Survey.

c. By a written legal description of the exterior boundaries of the land as surveyed and divided.

d. Any subdivision, plat or replat (exempting minor subdivision as defined) will be required to provide geodetic survey horizontal control values for a minimum of two (2) opposing corners of the permanently monumented subdivision, plat or replat.

Horizontal control values must be provided in the Illinois State Plane Coordinate System, North American Datum (NAD) 1983 West Zone and referenced on the subdivision, plat or replat.

The positional accuracy for the horizontal control values shall be a minimum order C-1. If differential CPS methods are used to acquire the horizontal control values, vertical control values shall also be required

APPENDIX B - SUBDIVISIONS

for the two (w) opposing corners.

A WinGIS Geodetic Control Network Reference Tie Form must be signed by an Illinois Professional Land Surveyor and submitted to WinGIS with a copy of the final plat. A copy of the completed form must also be submitted to the Village of Machesney Park for review at the time of final plat submittal. The final plat shall contain a signature certification by the WinGIS Director or designee. (Amd. Ord 27-04 - 07/26/2004)

3. An arrow indicating north; a graphic scale; date of preparation.

4. Notations in their proper places of all monuments erected, corners and other points established in the field and the materials of which such monuments, corners and other points are composed.

5. Sufficient surveying data to close the survey and to reproduce any line on the ground. The error of linear closure shall be not more than one (1) in five thousand (5000).

6. A graphic presentation of all streets, alleys, blocks, lots, parcels and public grounds into which the land is divided, and of all easements and rights-of-way.

7. The length of boundary lines of all streets, alleys, blocks, lots, parcels, public grounds, easements and rights-of-way or enough information so that the length of these lines can be derived by simple calculation. Where a boundary line is an arc of a circle, the length of the chord shall be shown.

8. The widths of all streets, alleys, easements and rights-of-way.

9. A graphic presentation of the

APPENDIX B - SUBDIVISIONS

minimum building setback lines on all lots and parcels, and a notation of the distance between such lines and the street right-of-way line.

10. The area of each lot or parcel containing an area of one (1) acre or more.

11. Consecutive numbers on all lots throughout plat.

12. The name of each street, printed on the graphic representation of each street, and an appropriate label designating all other easements, rights-of-way, setback lines and dedications.

13. The words "Private Road" clearly marked on all streets shown on the plat which are not dedicated to public use.

14. Abutting street lines of adjoining subdivisions, shown in their correct locations by dashed lines.

15. The water elevation of adjoining lakes or streams at the date of survey and a graphic presentation, as well as a notation of, the high-water marks of such lakes or streams; all elevations referring to the Rockford datum plane when within one (1) mile of a Rockford or U.S.G.S. datum plane bench mark, or to a located concrete monument from which the datum plane is taken. Include lines and elevation indicating the 100 year flood plain boundary as designated by the Federal Emergency Management Agency, community-panel number 171009.

H. CERTIFICATES, ETC., ON FINAL PLAT. The following certificates and affidavits shall appear on the final plat. They must be duly signed by the appropriate person before the plat is entitled to record.

1. CERTIFICATION BY THE SURVEYOR:

"I hereby certify that, at the request of the owners, I have surveyed and subdivided according

APPENDIX B - SUBDIVISIONS

to the annexed plat _____ of _____ Subdivision;
a part of the _____ quarter of the _____ quarter of
section _____ township _____ north, range
_____ East of the _____ Principal
Meridian, bounded and described as follows:"

(Legal Description)

"Dimensions are given in feet and decimals of
a foot iron pins 3/4 inch in diameter and 4 feet
long have been found or set at all points marked
on the plat with a _____, and iron pins 5/8
inch in diameter and 3 feet long have been found
or set at all other lot corners. Dimensions along
curved lines represent a chord measurement."

"I further certify that the land above
described is situated within the incorporated
Village of Machesney Park, Illinois."

"I further certify that (no) part of this
plat to be recorded is situated within 500
feet of any surface drain or watercourse
serving a tributary area of 640 acres or more."

"Given under my hand and seal this _____ day of
_____, A.D. 20____."

Illinois Land Surveyor
Registered Land Surveyor No. _____

2. CERTIFICATION OF DEDICATION BY PROPERTY OWNER:

"As owner(s), I (we) hereby certify that I (we)
have caused the land described in the foregoing
affidavit of the surveyor, to be surveyed,
divided, and mapped as presented on this plat.
All streets, alleys, walkways, parks, playgrounds
and school sites shown on this plat are hereby
dedicated to the public purposes, and all
easements shown are subject to the easements
provisions hereon."

Owner(s)

APPENDIX B - SUBDIVISIONS

3. CERTIFICATION BY NOTARY PUBLIC:

"I, _____, a Notary Public in and for the County of Winnebago in the State of Illinois, do hereby certify that _____ personally known to me to be the same person(s) whose name(s) is (are) subscribed to the foregoing instrument, appeared before me this day in person and (severally) acknowledged that he (they) signed, sealed and delivered said instrument as his (their) free and voluntary act for the uses and purposes therein set forth."

"Given under my hand and Notary Seal this ___ day of _____, A.D. 20____."

"In witness whereof, I have hereunto set my hand and seal of the county of Winnebago this _____ day of _____, A.D., 20____."

County Clerk

4. EASEMENT PROVISION:

"An easement is hereby reserved for and granted to the designated governmental bodies and public utilities or cable television companies with the necessary authorizations and/or franchises and their respective successors and assigns within the area as shown by dotted lines on the plat and marked "Easement", to install, lay, construct, renew, operate and maintain storm and sanitary sewers, pipes, conduits, cables, poles and wires, overhead and underground, with all necessary braces, guys, anchors and other equipment for the purpose of serving the subdivision and other properties with telephone, electric, gas and other utility service or cable television service; also they are hereby granted, subject to pertinent Village Ordinances, the right to use the streets for said purposes, the right to install required service connections over or under the surface of each lot to serve improvements thereon, or on adjacent lots, and the right to enter upon the subdivided properties for all such purposes, and the right to enter upon the lots at all times to install, lay, construct, renew, operate and

APPENDIX B - SUBDIVISIONS

maintain within said easement area said storm and sanitary sewers, pipes, conduits, cables, poles, wires, braces, guys, anchors and other equipment and finally the right is hereby granted to cut down and remove or trim and keep trimmed any trees, shrubs or saplings that interfere with any of the said public utility equipment or cable television equipment installed on said easement. No permanent buildings or trees shall be planted on said easement, but same may be used for gardens, shrubs, landscaping and other purposes that will not then or later interfere with the aforesaid uses or rights herein granted."

5. CERTIFICATION BY PLAT OFFICER:

"All streets shown herein have been graded, drained and surfaced and all drainage structures have been built, as required, or have been provided for by bond contract or escrow agreement approved by the Board of Trustees."

"Dated this ____ day of _____, A.D. 20____."

Village Plat Officer

6. CERTIFICATION BY PRESIDENT OF THE BOARD OF TRUSTEES:

"This is to certify that the Board of Trustees of the Village of Machesney Park, Illinois has reviewed and approved the annexed plat of _____ and hereby authorizes it to be recorded."

"In witness whereof, I have hereunto set my hand this _____ day of _____, A.D. 20____."

President of the Board of Trustees

APPENDIX B - SUBDIVISIONS

7. CERTIFICATION BY COUNTY RECORDER:

"Filed for record this _____ day of _____, 20____, at _____ o'clock ____ .M., recorded in Book _____ of Plats, page _____ and examined."

County Recorder

Document Number _____

8. CERTIFICATION BY LIEN HOLDER:

"As lien holder(s) of record, I (we), upon behalf of myself (ourselves), successors and assigns, hereby join in the dedication to the public for public purposes of all streets, alleys, walkways, parks, playgrounds and school sites shown on this plat, and further join in the dedication of all easements shown on this plat subject to the easement provisions hereon."

Lien Holder

9. CERTIFICATION BY VILLAGE ENGINEER:

"Facilities and structures for the orderly runoff or detention of rain and melting snow have been designed in accordance with the "Storm Water Detention Regulation" of Village Ordinance 17-87 for this subdivision and have been approved by the Village Engineer."

Name

Illinois Registered Professional Engineer
No. _____

APPENDIX B - SUBDIVISIONS

10. CERTIFICATION BY WinGIS DIRECTOR:

"I hereby certify that I have reviewed and approved the ties to the Winnebago County Geodetic Control Network for the property embraced within the plat. The Geodetic Control Network Reference Tie Form has been submitted and approved."

WinGIS Director or Designee
(Amd. Ord. 27-04 - 07/26/2004)

103.113. REQUIRED IMPROVEMENTS. After conditional approval has been granted, but before the final plat is submitted for initial approval the subdivider shall either: (1) Install all improvements specified in this section; or, (2) Deliver to the Village Board in duplicate a signed contract covering all such improvements and an acceptable surety bond guaranteeing the completion of such improvements contracted for within three years from the date of such contract; or, (3) An escrow agreement placing 115% of the estimated cost of labor and materials for the improvement (as approved by the Village Engineer) in a bank account whereby the improvement is guaranteed to be installed within a given time limit or else the Village may use such funds in escrow to contract for the installation of said improvements; or (4) An Undertaking in Lieu of a Completion Bond to be executed by the developer to establish the relationship and obligations between the Village and the developer and which provides the developer will submit to the Village an Irrevocable Letter of Credit in a form to be approved by the Village Attorney, whereby the Undertaking in Lieu of a Completion Bond and Irrevocable Letter of Credit will cover 115% of the estimated cost of the labor and materials for the improvement (as approved by the Village Engineer). Vacation of a plat or of a portion of a plat will dissolve the corresponding bond obligation, escrow, Undertaking in Lieu of Completion Bond providing for an Irrevocable Letter of Credit, or portion thereof.

The subdivider's undertaking in lieu of completion bond shall be substantially in the following form:

SUBDIVIDER'S UNDERTAKING IN LIEU OF COMPLETION BOND
WITH THE VILLAGE OF MACHESNEY PARK, ILLINOIS

KNOW ALL MEN BY THESE PRESENTS, that _____,
whose (Subdivider or Corporate name) address
B-27

APPENDIX B - SUBDIVISIONS

is: _____ is hereinafter referred to as "SUBDIVIDER," is hereby bound to the Village of Machesney Park, hereinafter referred to as "VILLAGE" in the penal sum of _____ (\$_____) lawful money of the United States of America, for payment of which it does here bind itself and its successors and assigns firmly by these presents.

WHEREAS, Subdivider, has agreed to construct all public improvements located in Plat _____ of _____ in accordance (Number) _____ (Title) with the Village Subdivision Ordinance and specifications as approved by the Village of Machesney Park and as set forth on the Cost Estimate prepared by _____ dated _____, (Project Engineer) 20____, set forth as Job No. _____, a copy of which is attached hereto and made a part hereof.

NOW, THEREFORE, the condition of this obligation is such, that if Subdivider, shall construct all public improvements located in Plat _____ of _____ in accordance with the Village (Member) _____ (Title) Subdivision Ordinance and the plans and specifications as approved by the Village, and as set forth on the attached Cost estimate prepared by _____, dated _____, 20____, Job. No.____, (Project Engineer) and shall save the Village harmless from any loss, cost or damage by reason of its failure to complete said work, then this obligation shall be null and void; otherwise, it shall remain in full force and effect, and it shall be secured, as surety, by an Irrevocable Commercial Letter of Credit in the amount of _____ (\$_____), No. _____, dated: _____, 20____, from _____ a copy of which is also attached (Name of Financial Institution) hereto, and the conditions of which are hereby incorporated herein and made a part hereof.

The principal of this Bond, _____, (Subdivider or Corporate Name)

further agrees as follows:

1. An Irrevocable Letter of Credit in the amount of 115 percent of the cost estimate as set forth in the attached Exhibit "A", prepared by _____, as approved by the Village Engineer, _____ (Project Engineer) shall be furnished by the Subdivider to complete all the work as hereinabove guaranteed.

Subdivider guarantees the workmanship and materials of said above-listed improvements to be installed upon the site

APPENDIX B - SUBDIVISIONS

for a period of one year after official acceptance by the Village. The Irrevocable Letter of Credit shall terminate upon acceptance by the Village.

The Subdivider agrees to make the necessary repairs to said improvements due to defects of workmanship or materials caused by the Subdivider, or subcontractors or material suppliers, but not for repairs caused or necessitated by Acts of God, or any acts or omissions beyond the control of the Subdivider during the one year period.

2. The Irrevocable Letter of Credit shall be retained for the percentage estimated in writing from time to time, by the Village Engineer as needed to protect the Village in conjunction with the Cost Estimate attached marked Exhibit 'A' and made a part hereof until acceptance of said improvements by the Village; at which time said improvements shall meet the Village Subdivision Ordinance of the Village in effect on _____, 20____, and approved by the Village Engineer in writing. The Irrevocable Letter of Credit shall be released as to any further obligations.

Dated this ____ day of _____, 20____.

By: _____
President/Owner
VILLAGE OF MACHESNEY PARK, ILLINOIS 61115
A Municipal Corporation,

By: _____
President of the Board of Trustees

By: _____
Plats Officer

ATTEST:

Village Clerk

The irrevocable commercial letter of credit shall be substantially in the following form:

APPENDIX B - SUBDIVISIONS

(Letter Head)

IRREVOCABLE COMMERCIAL LETTER OF CREDIT

Amount: _____
No.: _____

Date: _____
Village Board of Machesney Park
Machesney Park, IL 61115
Gentlemen:

WE HEREBY OPEN our Irrecoverable Commercial Letter of Credit Number _____ in your favor, available to you on behalf of _____ (Subdivider or Corporate Name) whose address is: _____, hereinafter referred to as "SUBDIVIDER," for a total sum of _____ (\$ _____), to be accepted by your signed statement that drawing of funds by you upon this Letter of Credit is due to the default or failure to perform by the Subdivider the following improvements on or before (day/month/year).

The construction of (list public improvements) located in Plat No. _____ in (name of subdivision) as set forth in the attached cost estimate prepared by (project engineer) dated: _____, set forth as Job No. _____, a copy of which is attached hereto, marked exhibit A and made a part hereof.

The Machesney Park Village Engineer will notify the bank in writing, when either:

1. The improvements have been timely and satisfactorily completed and the credit may be released; or
2. The Subdivider has failed to perform or is in default. All drafts drawn under this Letter of Credit must be marked: "Drawn under (name of financial institution), N.A., Letter of Credit Number _____."

This credit is valid until (day/month/year) and drafts drawn hereunder, is accompanied by documents as specified above, will be honored if presented to the main office of (name of financial institution), N.A. whose address is: _____ on or before that date.

This Letter of Credit sets forth, in full, the terms of our undertaking, and such undertaking shall not in any way be

APPENDIX B - SUBDIVISIONS

modified, amended, or amplified by reference to any document, instrument, or agreement referred to herein or in which this Letter of Credit is referred to or to which this Letter of Credit relates and any such references shall not be deemed or incorporated herein by reference any document, instrument or agreement.

We hereby engage with drawers that drafts drawn and negotiated in conformity with the terms of this Letter of Credit will be duly honored on presentation.

This credit is subject to the Uniform Customs and Practices for Documentary Credits (1984 Revision) International Chamber of Commerce Brochure No. 400.

Neither this letter nor the credit hereby established is negotiable, or otherwise transferable without the written consent of (name of financial institution).

Sincerely,

(name, title)_____

A. MONUMENTS. Iron pins three-fourths of an inch in diameter and four feet long shall be placed at all block corners, angle points of streets and of exterior boundaries, points of tangent of curved lines, points at which street lines intersect the exterior lines of the subdivision, and at such intermediate points as are required by the Village Engineer.

Iron pins five-eighths of an inch in diameter and three feet long shall be placed at all lot corners and at such intermediate points are required by the Village Engineer.

Monuments shall be placed at all lake or stream ends of lot lines. Such monuments shall be placed flush with the ground at the point of intersection of such lake or stream lot line with a line which is established along the shore not less than twenty feet (20') back from the ordinary high watermark of such lake or banks of such stream.

B. TOP SOIL PROTECTION. Top soil moved during the course of construction should be redistributed evenly, but need not provide more than four inches of cover.

APPENDIX B - SUBDIVISIONS

C. STREET, UTILITY AND DRAINAGE IMPROVEMENTS. All street and utility improvements shall conform to specifications and requirements of the Village Board as recommended by the Village Engineer. These improvements shall not be accepted for public maintenance until approved by the Village Engineer. Cross sections and profiles of streets showing grades acceptable to the Village Engineer and plans and profiles of storm and sanitary sewers, dry wells and water mains, where the installation of these improvements is contemplated, generally will be requested. (Amd. Ord. 53-93 - 10/12/93; Amd. Ord. 93-95 - 12/18/95)

Street and utility improvements shall be provided in each new subdivision in accordance with the standards and requirements described in the following schedule for the type of development indicated:

DEVELOPMENT TYPE:

1. For all residential lots: STANDARD A.

2. For rural residential lots where public sanitary sewers are not available: STANDARD B. This classification is established in order to preserve a semi-rural atmosphere for those who desire it with a high degree of light, air and privacy for each dwelling unit and to provide an adequate separation between dwelling units and facilities for the conduct of certain agricultural pursuits including housing of horses on land that may be annexed to the Village. The following development standards shall be observed:

- a) Minimum lot size of three acres.
- b) Minimum lot frontage of 150 feet.
- c) Minimum subdivision development acreage of 20 acres.

3. For commercial and industrial development: STANDARD C. Plus such increases in the standard and such additional standards as shall be required by the Village Engineer.

4. The Village Engineer shall periodically during the course of construction within the customary and good practice of engineering inspect all facets of construction to insure compliance with the plans and specifications within the jurisdictional limits of Machesney Park. The Village Engineer shall not be responsible for staking, grades,

APPENDIX B - SUBDIVISIONS

laboratory tests or mix designs. However, the Engineer shall be provided with copies of all test reports and mix design certificates. The Village Engineer shall attend project conferences at any reasonable time when requested by the project owner. Recommendation for final acceptance shall be given only when the Village Engineer has made final inspection and received all test reports. The cost incurred by the Village of Machesney Park from the Village Engineer shall upon the Engineer's completion be reimbursed to the Village by the Developer, project owner or site owner.

STANDARD A & B & C

1. RESIDENTIAL STREETS.

All streets shall be graded to the full width of the right-of-way and the adjacent side slopes shall be graded to blend with the natural lay of the land and to provide reasonable access for vehicular traffic to each lot of the subdivision, to the satisfaction of the Village Engineer.

STANDARD A

(a) CURB & GUTTER. A twenty-four inch curb & gutter shall be installed on both side of the roadway. They shall be integral concrete construction, according to construction standard design, and shall be laid to the proper grade as approved by the Village Engineer.

(b) WIDTH/THICKNESS. Residential streets shall have minimum widths of thirty feet (30'; back-to-back of curb) with minimum of ten inches (10") of gravel or crushed stone base and three inches (3") of bituminous hot mix pavement. Collector streets shall have minimum widths of thirty-seven feet (37') with minimums of ten inches (10") of gravel or crushed stone base and three inches (3") of bituminous hot mix pavement. Minimum IBR which allow the stated pavement cross section is 2.25. If soils in the area have a lower IBR, then the pavement must be designed to IDOT Standards, which take into account the lower IBR. (Amd. Ord. 53-93 - 10/12/93; Amd. Ord. 93-95 - 12/18/95)

(c) SIDEWALKS. Sidewalks shall be laid along both sides of the roadway within the public right-of-way one and one-half feet from the property line. Except under unusual conditions, sidewalks and interior block

APPENDIX B - SUBDIVISIONS

walkways shall be made of concrete five feet (5') wide and not less than four and one-half inches (4½") thick. At crossings of driveways, installed at the time of sidewalk installation, sidewalks shall be six inches (6") thick and reinforced with wire mesh reinforcing. Sidewalks shall be constructed upon a base of crushed aggregate, limestone or sand having a minimum compacted thickness of four (4) inches. Where the sidewalk crosses a driveway, the base material shall be crushed aggregate and shall have a minimum compacted thickness of six (6) inches. Native materials may be used as a base only with the written consent of the Village Street Superintendent or Village Engineer. (Amd. Ord. 23-93 -3/22/93; Amd. Ord. 54-98 - 11/16/98)

STANDARD B

(a) WIDTH/THICKNESS. Rural residential streets shall have minimum widths of twenty-four feet (24') for the base and twenty-two feet (22') for the pavement with minimums of ten inches (10") of gravel or crushed stone base and three inches (3") of bituminous hot mix pavement. Collector streets shall have minimum widths of twenty-six feet (26') for the base and twenty-four feet (24') for the pavement with minimums of ten inches (10") of gravel or crushed stone base and three inches (3") of bituminous hot mix pavement. (Amd. Ord. 53-93 - 10/12/93; Amd. Ord. 93-95 - 12/18/95)

(b) DITCHES. Ditches shall be provided on each side of the roadbed for drainage of surface water. Side ditches shall be at least twenty-four inches (24") deep below the shoulder edge. Side slopes on each side of the drainage ditch along the roadway shall be sloped at the rate of no more than one foot (1') rise to three feet (3') horizontal. Paved ditches may be substituted, at the discretion and to the standards of the Village Engineer. (Amd. Ord. 53-93 - 10/12/93; Amd. Ord. 93-95 - 12/18/95)

(c) SIDEWALKS. Sidewalks are not required.

STANDARD C

(a) CURB & GUTTER. Streets in commercial/industrial areas shall have installed a twenty-four inches (24") curb and gutter on both sides of the roadway. They shall be constructed of integral concrete according to IDOT Standard design, and shall

APPENDIX B - SUBDIVISIONS

be laid to proper grade as approved by the Village Eng.

(b) WIDTH/THICKNESS. Commercial/Industrial areas shall have a minimum roadway width of thirty seven feet (37') as measured to the back of the curb; a minimum of twelve inches (12") of compacted gravel or crushed stone base, and four inches (4") of bituminous hot mix pavement or concrete equivalent.

(c) SIDEWALKS. Sidewalks are not required. (Amd. Ord. 93-95 - 12/18/95)

2. DRAINAGE:

(a) STORM GENERALLY. Storm drainage improvements consisting of storm sewers and/or open channels shall adequately drain the area being developed and also all of the area, which naturally drains through the area being developed. The design of drainage improvements shall be coordinated with present and probable future improvements so as to form part of an integrated system. Storm water detention facilities shall be designed in accordance with the "Storm Water Detention Regulation" of Village Ordinance No. 17-87. Appropriate grading may be required.

(b) STORM SEWERS. Storm sewers of adequate design shall be installed. In general, storm sewer capacity shall be sufficient to provide for the run-off of a storm of a five (5) year frequency and a rainfall intensity curve of one and three-tenths (1.3) inches per hour as computed by the rational method of design. Appropriate grading of open channels of capacity to carry run-off for a storm of ten (10) year frequency may be required in lieu thereof. The developers engineer shall submit a drainage report to support the storm sewer design to the Village Engineer for approval before any construction shall commence. (Amd. Ord. 69-96 - 12/9/96)

(c) STORM WATER INLETS. Storm water inlets and/or dry wells of a standard design shall be installed. They shall be suitable as to type and capacity for the locations where installed.

(d) MANHOLES. Manholes of standard design shall be installed to provide access to storm sewers and meet all safety standards.

APPENDIX B - SUBDIVISIONS

(e) SLOPE. Any storm sewer installed shall have a slope which shall provide a minimum velocity of three feet per second when flowing full.

(f) SUBSIDIARY DRAINAGE PLAT.

(1) The developer's engineer shall prepare a subsidiary drainage plat and shall submit the plat to the Village Engineer for approval at least 48 hours prior to the commencement of development or construction activities. (Amd. Ord. 6-95 - 3/13/95)

(2) The subsidiary drainage plat shall be drawn or printed on paper twenty-four (24") inches wide by thirty-six (36") inches long at a minimum scale of one hundred (100') feet to one (1") inch, unless otherwise approved by the Plat Officer.

(3) Required content of the subsidiary drainage plat:

(a) Finished yard grades at building setback lines. Generally, finished yard grades at building setback lines shall be a minimum of twelve (12") inches and a maximum of thirty-six (36") inches above the top of the street or street curb. Should topography and/or parcel configuration characteristics make this rule impractical, a greater degree of variance may be permitted only as authorized by the Village Board.

(b) The following note shall appear on the plat:

The final grade of each lot is shown on this subsidiary drainage plat. The subdivision has been designed so that storm water drains away from each building area in a systematic manner. The subsidiary drainage plat is on file at the Village of Machesney Park Planning Department.

It is the responsibility of the developer and/or Builder of each lot to assure that the grades and drainage of each lot is in compliance with the approved subsidiary drainage plat.

APPENDIX B - SUBDIVISIONS

Each lot owner shall be responsible for maintaining the integrity of the individual lot drainage as per the approved subsidiary drainage plat after construction and shall comply with the drainage plan when constructing accessory structures, fences or landscaping. (Amd. Ord. 53-93 - 10/12/93)

(g) DRYWELLS. Drywells shall be used only within water detention (storage) facilities as outlined in Chapter 23 1/2 of the Code of the Village of Machesney Park. Drywells shall not be used within any public right of way, or in any location that will cause flooding or the standing of water within the public right of way. (Amd. Ord. 43-98 - 8/24/98)

3. PUBLIC SANITARY SEWERS:

(a) GENERAL REQUIREMENTS. Sanitary sewers shall be provided and shall serve all lots where connection thereto is practicable and permitted by the controlling authority of the sewer system. Distances exceeding one thousand (1000) feet from the nearest boundary of the subdivision shall not be considered to be practicable. All sanitary sewers shall be consistent with the requirements and standards of the Rock River Water Reclamation District. (Amd. Ord. 53-93 - 10/12/93)

(b) MINIMUM SIZE. Sewer mains, eight (8) inches; sewer service lines, four (4) inches.

(c) MATERIAL. Vitrified clay pipe, cast-iron, PVC, concrete truss and ABS.

(d) MINIMUM SLOPE. Such as to give a velocity of at least two (2) feet per second when flowing full.

(e) DEPTH OF SEWERS. Sewers shall be sufficiently deep to prevent freezing. Insulation shall be provided for sewers that cannot be placed at a depth sufficient to prevent freezing.

(f) LOCATION. Sanitary sewers shall normally be located at or near the street center line. At the time the sewer mains are laid, sewer service lines shall be installed to serve all lots in the subdivision. Sewer service lines shall extend to

APPENDIX B - SUBDIVISIONS

three (3') feet beyond the property line and shall normally be located at the low side of the lot. They shall be laid at a minimum slope of one per cent. (Amd. Ord. 53-93 - 10/12/93)

(g) MANHOLES. Manholes shall be of standard design. They shall be spaced not more than four hundred (400) feet apart.

4. SAFETY BARRICADES:

The subdivider shall place barricades, as required by the Village Engineer, at the end of streets to be later extended.

5. FREEWAYS, ARTERIAL HIGHWAYS, SECONDARY HIGHWAYS, SECTION LINE ROADS:

Where an arterial highway, secondary highway or section line road is to be improved at greater than minor residential streets standards, the subdivider's share in the costs of improvements shall be equal to the cost of a minor residential street in the same location. Standard "A" shall be utilized for determining the cost of improvements.

6. DEFERRED CONSTRUCTION:

In the case of sidewalks and whenever else it is deemed necessary by the Village Board to defer the construction of any improvement required herein, the subdivider shall entrust his share of the cost of the future improvement with the Village Board.

7. STREET SIGNS:

Street signs shall be erected within the subdivision per the Manual on Uniform Traffic Control Devices (current edition). The signs shall include but not be limited to street name signs, stop signs, yield signs, speed limit signs and any other signs required by the standards.

The Superintendent of Streets shall review proposed subdivision plat and provide a complete list of signage needed for the subdivision. It will be the responsibility of the developer to purchase and install all signs required by the Village. All signs shall conform to specifications established by the

APPENDIX B - SUBDIVISIONS

Superintendent of Streets. (Amd. Ord. 16-00 - 5/15/00)

103.114. TECHNICAL REQUIREMENTS:

The following standard requirements shall apply to all new subdivisions of land. These standards shall be interpreted, however, to encourage new and improved design techniques with the object of promoting better subdivisions.

(a) CONFORMITY TO COMMUNITY PLANS:

All subdivisions shall conform to the general and detailed specifications of plans or segments thereof, adopted pursuant to the authority contained in Chapter 34 of the Illinois Revised Statutes, to the Zoning Ordinance, setback regulation, the limited-access road regulation, and to any other adopted ordinances, resolutions, regulations and plans.

(b) STREETS:

1. GENERAL DESIGN.

All streets shall be designed in substantial relation to:

(a) Topographic conditions and drainage;

(b) Public convenience and safety;

(c) The proposed uses of the land to be served by such streets.

2. PUBLICLY PLANNED STREETS.

Streets shall be laid out in conformity to street or highway plans officially adopted by the Village Board. Wherever such a planned street or highway runs through a proposed subdivision, it shall be provided for in the place and with the width indicated on such plan. However, no more than one hundred and twenty (120) feet width of right-of-way dedication shall be required for any street. Any additional right-of-way specified on the plan shall be reserved for circulation purposes by easement provisions.

3. SECTION LINE ROADS.

One hundred (100) foot wide streets shall be laid out on section and half-section lines, where possible. Where physical obstructions occur, or where a more appropriate

APPENDIX B - SUBDIVISIONS

location can be found, such roads may deviate from section and half-section lines; provided, that the required width of one hundred (100) feet is carried through to a suitable connection. Such deviations shall be made only with the consent and approval of the Plat Officer and the Village Engineer.

4. ALIGNMENT AND CONTINUATION.

Where streets are not a part of the comprehensive plan or officially adopted street or highway plans, the arrangement of the streets in a subdivision shall either provide for the alignment and continuation or appropriate projection of existing principal streets in surrounding areas, or conform to an approved plan for the neighborhood which meets a particular situation where topographic or other conditions make continuance of or conformance to existing streets impracticable.

5. RESIDENTIAL STREETS.

Minor residential streets shall be laid out so that their use by through traffic will be discouraged.

6. MARGINAL ACCESS STREETS.

Where a subdivision borders on or contains a railroad right-of-way or limited-access road right-of-way, a street shall be located approximately parallel to and at least one lot depth distance from each side of such right-of-way, or at a distance suitable for the appropriate use of the intervening land, as for park purposes in residential district, or for commercial or industrial purposes in appropriate districts, except where it is deemed necessary that a through street be continued without deflection, or that marginal access streets parallel and adjacent to such right-of-way be provided. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.

7. NATURAL FEATURES.

Streets paralleling streams, rivers, ravines, bluffs, or other similar natural features shall be located approximately one lot depth away from such natural feature in order that the intervening land may be developed into private lots meeting the requirement of this regulation. The Forest Preserve District, or other local governmental bodies shall have been given a sixty (60) day opportunity to acquire such

APPENDIX B - SUBDIVISIONS

intervening land prior to final plat approval; provided that approval of the final plat shall not be delayed more than sixty (60) days after the date notice has been given to such local governmental bodies for reason of their failure to take action.

Streets paralleling such natural features and so close to them as to leave an intervening strip of land that cannot be developed into lots meeting the requirements of this regulation may be permitted, provided that the intervening land is dedicated to and accepted by the Forest Preserve District, or other governmental bodies.

Lake and stream shore subdivision shall provide one or more streets or rights-of-way, running to the low water mark at one mile intervals as measured along the lake or stream shore, except where streets or rights-of-way already exist at not more than one mile intervals. The subdivider may place use restrictions on these stub streets to control until such time as a bridge is extended.

8. RESERVE STRIPS.

Reserve or "spite" strips controlling access to perimeter streets shall not be permitted on the perimeter of a development. Streets shall be located on the edge of or one lot depth away from the edge of the tract with due consideration being given to adjacent development.

9. STREET WIDTHS.

Where not otherwise specified, street right-of-way widths shall be not less than sixty-six (66) feet for residential streets eighty feet (80') for commercial/industrial streets, and eighty feet (80') to one-hundred feet (100') for collector or arterial routes. Where unusual conditions warrant, short streets and courts serving ten (10) lots or less may be platted with a width of sixty (60) feet. (Amd. Ord. 53-93 - 10/12/93)

10. HALF STREETS. Half streets shall not be permitted.

11. DEAD-END STREETS.

Dead-end streets, as such, shall not be permitted. Cul-de-sacs designed to be permanent shall not be longer than five hundred (500) feet and shall be provided with a turn-around not less than one hundred twenty (120) feet in diameter at the closed end. The length of the cul-de-sac

APPENDIX B - SUBDIVISIONS

shall be measured from the intersection of the center lines of the right of way of the nearest intersecting street to the center of the cul-de-sacs. (Amd. Ord 55-06 - 01-08-2007)

12. STREET NAME.

Streets that are extensions of, or obviously in alignment with existing streets, shall bear the names of the existing streets; however, no other street shall bear names which duplicate, or so nearly duplicate as to be confused with the names of existing streets. North-south streets shall be called "streets" and east-west streets shall be called "avenues". The term "boulevard" shall be reserved for streets with divided pavement. In all cases, street names shall have a suffix.

13. PRIVATE STREETS.

Private streets shall not be permitted. The only exception to this provision shall be when the subdivider submits satisfactory evidence that there can be no public interest in such private street.

(c) ALLEYS: Alleys, service courts, and other similar ways shall not be permitted in residential areas.

(d) BLOCKS: Block lengths shall not exceed nineteen hundred (1,900) feet. Excessively short blocks will be discouraged.

(e) LOTS: All lots shall meet the minimum width, depth, and area requirements of the zoning ordinance.

Where utility sewer and utility water are not provided, the minimum area of any residential lot shall be twenty-five thousand (25,000) square feet based upon suitable soil and percolation tests by Winnebago County's Public Health Department. Where utility water is provided the minimum area may be reduced by five thousand (5,000) square feet. In addition the minimum area may be further reduced when the results of tests meet the standards of the Winnebago County Health Department.

The Planning and Economic Development Committee of the Village Board may further reduce the required minimum area for any subdivision when the developer establishes to the committee's satisfaction, based upon the report of a registered professional engineer and the opinion of the

APPENDIX B - SUBDIVISIONS

County Health Officer, that the public health will be in no way endangered and that the interest of the public will be preserved. However, in no case shall the lot area be less than what is required by the zoning ordinance.

When the Planning and Economic Development committee of the Village Board has reason to believe that a particular area should not be subdivided for reasons of poor drainage and the possibility of creating health problems, it may require that additional soil tests be made. If the soils do not meet the minimum requirements, the area in question shall not be subdivided until utility sewer or utility water is provided.

(1) SOIL TEST. Any areas not served by sanitary sewers must abide by the Winnebago County Health Department requirements for septic systems.

(2) BUSINESS AND INDUSTRIAL LOTS. Business and industrial areas shall be subdivided into lots of such size and shape as to meet business or industrial needs. Properties reserved or laid out for commercial and industrial purposes shall be large enough to provide for the off-street loading and parking facilities required by the type of use and development contemplated.

(3) REMNANTS. Subdivisions shall contain no left over pieces, corners or remnants of land.

(4) CORNER LOTS. Corner lots shall be wide enough so that buildings conform with building setback lines on both streets.

(5) STREET ACCESS. Each lot shall be provided with satisfactory access to a public street by means of frontage on such street. No lot shall front on a street that has been designated by the Village Board as a "limited-access road".

(6) BUILDING LINES. Residential building setback lines shall be established at a distance back from each street right-of-way line equal to no less than one-half ($\frac{1}{2}$) the width of the street right-of-way and not closer to such line than those established on the same street in adjoining subdivisions.

(f) EASEMENTS. Utility easements not less than five (5) feet wide shall be provided on each side of all rear lot lines and where required by the utility along side lot lines. Where abutting unsubdivided land, or natural features such as

APPENDIX B - SUBDIVISIONS

a detention pond, easements shall be ten (10) feet.

Easements not less than five (5) feet wide shall be provided along abutting side lot lines where deemed necessary by the Department of Public Works for the purpose of street lighting.

The subdivider shall install electrical power lines, either overhead or underground, to and through the easement to the proposed locations of said street lights.

Where the character or topography of the land in a subdivision is such that it is impossible or impractical to place streets so that they carry off the surface water, the appropriate easements along lot lines shall be provided and improved, where necessary, to carry off surface water in open channels or storm sewers.

Where a subdivision is traversed by a watercourse, drainage way, channel or stream, appropriate dedication or easement provisions, with adequate width or construction to accommodate storm water and drainage through and from the subdivision shall be made. Where a drainage way carries water from one hundred (100) or more acres of land, such easement of dedication shall conform to the natural drainage channel. A preserved area no more than three hundred (300) feet wide may be required where the drainage way carries water from five hundred (500) or more acres of land.

Minimum vertical elevations for structures, in the form of vertical building lines, may be required in areas which are or may become subject to flooding by surface water. Areas of the subdivision which are subject to inundation from a 100 year storm shall have delineated on the face of the plat dashed lines to indicate same.

(g) PUBLIC SITES AND OPEN SPACES. Appropriate public agencies and governing bodies shall be given a sixty day (60) opportunity to acquire public grounds for schools, parks or playgrounds shown on any adopted plan which are in whole or in part in a subdivision.

No land shall be subdivided which is unsuitable for subdivision by reason of flooding, bad drainage, adverse earth or rock formation or topography, or any other feature likely to be harmful to the health, safety or welfare of the future residents in the proposed subdivision or of the community. Such lands shall remain unsubdivided until such time as the conditions causing the unsuitability are

APPENDIX B - SUBDIVISIONS

corrected.

Natural features such as trees, brooks, hilltops and views shall be preserved wherever possible.

Parks situated in the interior of blocks shall have direct public access to surrounding streets, and shall be covered by maintenance agreements.

(h) COMPLIANCE WITH PERMIT REQUIREMENTS AND STANDARDS

(1) All landowners, developers, project owners, site owners, agencies, businesses, builders, contractors, or subcontractors (hereafter referred to as developers) involved in development or construction activities on any land in the Village shall conduct said activities in compliance with the Illinois Environmental Protection Agency's current NPDES (National Pollutant Discharge Elimination System) Permit regarding construction site activities (hereafter referred to as the Permit). Furthermore, developers shall submit to the Village Engineer, at least 48 hours prior to the commencement of development or construction activities, two (2) copies of all notices, plans, and other documentation prepared as required by the Permit, including the Notice of Intent (to discharge storm water from construction sites) and the Storm Water Pollution Prevention Plan.

(2) Erosion and sediment controls and management practices implemented within construction sites as required by the permit shall be at least as protective as the requirements contained in the Illinois Environmental Protection Agency's current Standards and Specifications for Soil Erosion and Sediment Control (hereafter referred to as the Standards). (Amd. Ord. 53-93 - 10/12/93)

(3) The Permit and the Standards are available for review at the office of the Village Clerk.

(4) and (5) deleted by Ord 23-07 - 09-17-2007

(i) ROUTING OF CONSTRUCTION VEHICLES.

(1) The developer shall submit to the Village Engineer or Public Works Director at least 48 hours in advance of any construction: (1) a proposed routing for all construction related traffic, which shall include

APPENDIX B - SUBDIVISIONS

the names of all streets of which developers intend to use to gain access to a subdivided area, (2) the date on which all construction related traffic will begin to utilize said construction route, and (3) the date on which all construction related traffic will cease to utilize said construction route. All construction related traffic shall be required to gain access to the subdivided area by said construction route. The developer shall be responsible for informing any contractors or subcontractors working within the subdivided area the approved construction route. (Ord. 26-96 - 6/1/96)

(j) DEDICATION OF PARK LAND OR PAYMENT OF FEES - CRITERIA AND FORMULAS

Dedication of Land for Recreation and Open Space or Payments of Fees in lieu thereof. As a condition of approval to the recording of a final plat of subdivision or of the recording of a final plat of a planned unit development, the Village of Machesney Park shall require land dedicated for Recreation and Open Space purposes or payment of Fees in lieu of land, or a combination of both, at the option of the Village of Machesney Park. (Amd. Ord. 38-04 - 10/25/2004)

(1) Land Requirement and Population Ratio. The required amount of land to be dedicated for recreational and open space shall be calculated as follows:

$$\text{NOUX } 2.5 = \text{TNP}$$

$$\text{TNP}/1000 \times 7 \text{ acres} = \text{TAR}$$

NOU = Number of Units

TNP = Total Number of Persons

TAR = Total Acres Required

(Amd. Ord. 39-04 - 10/18/2004)

Where the Developer cannot satisfactorily show the specific number of dwelling units to be built, the following presumptions will apply:

a. Where the property to be developed is zoned Rural Residential (RR), the presumption is that 2.2 dwelling units per acre will be constructed.

b. Where the property to be developed is zoned Single-Family Residential (R1), the presumption is that

APPENDIX B - SUBDIVISIONS

1 dwelling unit per lot will be constructed.

c. Where the property to be developed is zoned Two-Family Residential (R2), the presumption is that 2 dwelling units per lot will be constructed.

d. Where the property to be developed is zoned Multi-Family Low Density (R3), the presumption is that 12 dwelling units per acre will be constructed.

e. Where the property to be developed is zoned Multi-Family Medium Density (R4), the presumption is that 25 dwelling units per acre will be constructed.

(2) Location.

The dedication land shall be located taking into account the Village Comprehensive Plan and so as to reasonably serve the recreation and open space needs of residents of the subdivision or planned unit development for which the land dedication is made. The Village Board may require that land be located on the periphery of the subdivision or planned unit development in order to allow the enlargement by combining such areas with recreation and open space areas serving adjacent property.

(3) Minimum Size.

The minimum size of any site to be dedicated for recreation and open space purposes shall be no less than 10,000 Sq. Ft., one dimension of which cannot be less than 100 feet, except the Plat Committee may recommend and the Village Board may approve dedications of a smaller size, when the usefulness of the smaller area for park and recreational purposes is demonstrated.

(4) Greenways.

The Plat Committee may recommend and the Village Board may approve the dedication of land for recreation and open space purposes in the form of a greenway. If recreation and open space is to be in the form of a greenway, the land shall be a continuous linear parcel through the subdivision of at least 30 feet in width.

(5) Exceptions.

The following land areas shall not be considered to fulfill the recreation and open space requirement unless approved by the Village Board.

APPENDIX B - SUBDIVISIONS

a. Detention areas for storm water control shall not qualify as recreation and open space. If the Developer can clearly demonstrate the use of the land area for recreation and open space purposes the Village Board may consider detention areas for storm water control in fulfilling the recreation and open space requirement.

b. Rights-of-way and/or easements shall not qualify as recreation and open space. If the Developer can clearly demonstrate the use of the land area for recreation and open space purposes the Village Board may consider rights-of-way and/or easements in fulfilling the recreation and open space requirements.

However, in no event shall detention areas for storm water control and/or rights-of-way and/or easements exceed fifty percent (50%) of the total required recreation and open space dedication.

(6) Access

All dwelling units in the subdivision shall have free and convenient ingress and egress to the recreation and open space areas provided within the development by means of improved streets, recreational path or public walkways.

(7) Method and Form of Conveyance

All sites for recreation and open space required pursuant to this Section shall be conveyed by the Developer to the Village of Machesney Park by dedication on the Plat or by warranty deed.

(8) Payment of Fees in Lieu of Land Dedication

At the option of the Village of Machesney Park, the developer may be required to pay a cash fee in lieu of land dedication. The fee in lieu of land dedication is hereby established at the amount of \$20,000 per acre of required land dedication.

In the event that a developer is required by the Village to pay a cash fee in lieu of land dedication and he/she disagrees with the established fee per acre, he/she has the following option. At his/her expense, a developer may contract with an independent party, being a qualified appraiser, approved by the Village of Machesney Park, to establish the fee in lieu of land dedication. The appraiser shall use comparable properties when estimating the value. Said independent party's findings on the estimated value of

APPENDIX B - SUBDIVISIONS

the site shall be final and binding on all parties. A qualified appraiser shall be an Illinois Licensed Real Estate Appraiser. (Amd. Ord. 38-04 - 10/25/2004)

(9) Combination of Fees and Land Dedication.

The Developer may dedicate a portion of the total required land area to be dedicated and pay a fee in lieu of the remaining land area to be dedicated. This fee is to be determined using the following formula:

$TAR - ALD = Z$

$EVU \times Z = \text{Required Fee}$

TAR = Total Acres Required

ALD = Acre(s) of Land Dedicated

EVU = Estimated Value of Unimproved Land (see Payment of Fees in Lieu of Land Dedication)

Z = Remaining Land for which a fee is required

(10) Time of Payment of Fees

Fees in lieu of land dedication paid pursuant to this Section shall be made to the Village of Machesney Park. The Village of Machesney Park shall receive such funds prior to the Village Plat Officer signing the final plat to be recorded.

(11) Use of Fees in Lieu of Dedication

The fees received in lieu of recreation and open space land dedications shall be held in trust by the Village solely for the acquisition of recreation and open space land, which will be available to serve the immediate or future needs of the residents of that subdivision or planned unit development, or for the improvement of any existing local recreation and open space land that already services such needs.

(12) Refund of Cash Contribution

If any portion of a fee in lieu of recreation and open space land dedication is not expended for the purposes set forth herein 10 years from the date of receipt, it shall be refunded to the Developer who made such contribution, along with any accrued interest earned on such funds.

(13) Credit for Private Recreation and Open Space Areas

When Owners or Developers provide their own recreation and open space areas and facilities, it has the effect of reducing the demand for local public recreational and open space areas. Depending on the size of the development, a portion of the recreation

APPENDIX B - SUBDIVISIONS

and open space area in subdivisions or planned unit developments may, at the option of the Village Board, be provided in the form of "private" recreation and open space in lieu of dedicated "public" recreation and open space. The extent of same shall be determined by the Village Board based upon the needs of the projected residents and in conformance with the "Standards for Park and Recreation Open Space" which is incorporated herein and made a part hereof by reference.

In general, a substitution of private recreation and open space for dedicated public recreational and open space requires a substantially higher degree of improvement and the installation of recreation facilities, including equipment by the owner or developer as part of his obligation. Detailed plans of such areas, including specifications of the facilities to be installed, must be approved by the Village in accordance with the "Standards for Park and Recreation Open Space". Before any credit is given for private recreation and open space areas, the owner or developer must guarantee that these private recreation and open space areas will be permanently maintained for such use by the execution of the appropriate legal documents. When an adjustment for private recreation and open space areas is warranted, it will be necessary to compute the total recreation and open space dedication that would have been required from the subdivision or planned unit development and then subtract the credit to be given; provided, however, in no event shall the credit exceed fifty percent (50%) of the total recreation and open space dedication that would have been required. (Amd. Ord. 6-97 - 2/18/97)

103.115. STREET LIGHTS

The initial cost of installation of street lighting in new subdivisions shall be the responsibility of the subdivider and/or developer.

(a) COST OF STREET LIGHTS.

Costs include cable, poles, brackets and lights and all other appurtenances. The subdivider or developer shall coordinate for installations of the street lights with Commonwealth Edison or the entity who provides electrical service in the Village of Machesney Park. Upon installation, the street lighting shall be added to the Village's Rate 23 contract with Commonwealth Edison.

APPENDIX B - SUBDIVISIONS

(b) INSTALLATION OF STREET LIGHTS.

The installation of the street lights shall be undertaken in conjunction with the other improvements planned for any subdivision. The street lights planned for any one final plat of subdivision shall be completed prior to fifty (50%) of the Certificates of Occupancy being issued for the structures in such plat.

(c) TYPE OF STREET LIGHTS.

For residential subdivisions, the subdivider or developer shall have the choice of any decorative street light unit offered by Commonwealth Edison or the entity who offers electrical service in the Village of Machesney Park.

(d) ELECTRICAL SERVICE.

For residential subdivision, the electrical cable to all street light units shall be buried. (Amd. Ord. 74-95 -09/11/95)

103.116. INSPECTION.

The Village of Machesney Park shall periodically inspect development or construction activity on any land in the Village for compliance with approved plans, applicable provisions and ordinances.

A. VILLAGE ENGINEER. The Village Engineer shall periodically, during the course of construction, within the customary and good practice of engineering, inspect all facets of construction to insure compliance with approved plans, specifications, applicable provisions and ordinances. The Village Engineer shall attend project conferences at any reasonable time when requested by the project owner.

1. The Village Engineer shall not be responsible for staking, grades, laboratory tests or mix designs. However, the Village Engineer shall be provided with copies of all test reports and mix design certificates.

2. The Village Engineer shall review and make recommendation regarding final acceptance when

APPENDIX B - SUBDIVISIONS

requested by the project owner. Recommendation for final acceptance shall be provided only when the Village Engineer has made final inspection and receipt of all test reports. (Amd. 23-07 - 09-17-2007)

103.117. ENFORCEMENT OF REGULATIONS.

In the event any requirements of this Regulation has not been complied with the Plat officer or his designee shall not approve or certify any Subdivision Plat. However, the Plat officer may, with Village Board approval, accept a bond to indemnify the Village for construction and completion of any required item including, but limited to, streets, curbs, gutters, and water and sewer pipes. The bond shall be in an amount of 115% of the estimated cost of labor and materials for the item (as approved by the Village Engineer), and the surety on the bond shall be a corporation licensed and authorized to do business in Illinois as a surety company, unless the Board of the Trustees by majority vote of those holding office accepts a personal surety. Also, the Plat Officer may, with Village Board approval, accept a cash escrow for construction or completion of any required item including, but not limited to streets, curbs, gutters, and water and sewer pipes in an amount equal to 115% of the estimated costs of the labor and materials for the item (as approved by the Village Engineer). An Escrow Agreement shall be entered into whereby said sum is placed in an escrow with a financial institution pursuant to an agreement on a form approved by the Village Board of Trustees whereby the item shall be installed by the subdivider or owner within a certain time limit to be set by the Village Board, and in the event that said improvement item is not so installed, the Village shall be allowed to obtain said funds and to obtain a contractor to install said item with said funds. Additionally, if bond letter of credit or escrow funds are insufficient, or for any reason unavailable, and after demand has been made of the appropriate entity and the requirements of this Regulation have not been complied with, the Village may undertake to correct any violation and assess any and all cost against developer or other appropriate entity. Also, the Plat Officer may, with Village Board approval, accept an undertaking in lieu of completion bond establishing the relationship and obligation between the Village and a developer which will provide that the developer will submit to the Village an irreversible letter of credit from the financial institution for 115% of the estimated cost of labor and materials for the improvement (as provided by the Village

APPENDIX B - SUBDIVISIONS

Engineer) and which an irrevocable letter of credit shall be in a form approved by the Village Attorney.

The Village Building Department shall defer granting Building Permits for improvements on property until such time as the Plat for such property has been approved and recorded in the manner provided by this Regulation. No Building Permits shall be granted except for improvements on land for which a Plat has been approved and recorded, according to the requirements of this Regulation, or on those parcels of property platted or recorded as separate parcels of property prior to the effective date of this Regulation. Further, the Building Department shall defer granting Building Permits for improvements on property until such time as all provisions of this Regulation have been complied with, including submission of subsidiary drainage Plat and evidence of property permits as required by Subsection 113 and Subsection 114 of this Regulation. The issuance of Building Permits may be deferred regardless of whether the entity requesting the Building Permit is primarily responsible for complying with the other obligations under this Subdivision.

Further, whenever it shall come to the attention of any officer or employee of the Village that any of the provisions of this Regulation have been violated, it shall be the Village's responsibility to notify the Village Attorney of said fact, and the Village Attorney shall immediately institute suit and prosecute same to final judgement against the person offending. The enforcement of this provision may include seeking equitable relief and requesting an Injunctive Order from the Court ordering the offending party to comply with the Regulations provided herein and to provide appropriate sanctions if the offending person fails to comply. This provision is in addition to any fines which may be assessed under Subsection 103-116 of this Regulation. (Amd. Ord. 12-95 -3-27-95)

103.118. PENALTIES. (Amd. Ord 23-07 - 09-17-2007 - Renumbered)

Whoever sells, offers for sale, and improves by construction of buildings or leases for any time exceeding five years, any lot, block, parcel, part of division of land in the Village before all the requirements of this Regulation have been complied with, shall be fined not less than \$100.00 nor more than \$500.00 for each lot, block, parcel, division or part thereof so disposed of, offered for sale, improved or leased. Each day the violation continues with regard to each lot, block, parcel division or part thereof improved or

APPENDIX B - SUBDIVISIONS

leased, shall be considered a separate offense. The bond, letter of credit, or instrument posted pursuant to Subparagraph 115 may be drawn upon to pay any fine so assessed.

Whoever shall layout, locate, open, widen, extend or alter the location of any highway, road, street, alley, public ground, toll road, railroad or canal and refuses or neglects to cause a plat thereof showing the width, courses and extent thereof, and making such reference to known or established corners or monuments that the location thereof may be ascertained, be made, and recorded in the office of the Recorder of Deeds within six months after such highway, road, street, alley, public ground, toll road, railroad or canal is laid out, located, opened, widened or extended or the location thereof altered, shall be fined not less than \$100.00 and no more than \$500.00. Each day said violation continues shall constitute a separate offense. (Amd. Ord. 12-95 - 3-27-95)

103.118. ALL ORDINANCES OR PARTS THEREOF OR RESOLUTIONS IN CONFLICT WITH THIS ORDINANCE ARE HEREBY REPEALED. THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT FROM AND AFTER ITS PASSAGE, APPROVAL AND PUBLICATION IN PAMPHLET FORM AS PROVIDED BY LAW. THIS ORDINANCE SHALL BE PUBLISHED IN PAMPHLET FORM.

PASSED by the Village Board this 24th day of November, 1987.

APPROVED by the President of the Village Board this 1st day of December, 1987.
Ayes: 6

(Amending Ordinance 53-93 - 10/12/93) (Appendix C amended by Ordinance 30-07 - 01/14/08 removing references to Plats Committee and replacing with Planning and Economic Development Committee)