

CHAPTER 12
SUBDIVISION REGULATIONS
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12.01 SUBDIVISION REGULATIONS ADOPTION

The subdivision regulations of the Village of Bull Valley, established by an ordinance passed and approved May 18, 1981, and subsequent amendments and supplements thereto, are continued in full force and effect.

12.02 TEXT

The text of the Village of Bull Valley Subdivision Ordinance is this Chapter 12 of the Bull Valley Municipal Code.

12.03 TITLE

This Ordinance shall be known, cited and referred to as the “Bull Valley Subdivision Ordinance.”

12.04 DEFINITIONS *Amended, 2008-09-18, 2007-08-03*

A. Definitions: The language, whether capitalized or not, set forth in the text of this Ordinance shall be interpreted in accordance with the following definitions:

Administrative Officer: The Village Zoning Officer.

Alley: A strip of land no more than 30 feet in width along the side of or in the rear of properties, only intended to provide secondary access to these properties.

Accepted public street: Any street duly accepted by the Board of Trustees for maintenance after a report and recommendation by the Village Engineer.

Approved street: Any public street meeting standards and specifications of the Village.

Board of Trustees: The President and Trustees of the Village pursuant to Section 2.01 of the Bull Valley Municipal Code; also referred to as the Village Board.

Building line: A line or lines on the horizontal surface of the lot, parallel or nearly so to the front, side and rear lot lines, and beyond which no portion of a building may extend except as provided by this Ordinance.

Collector street: Those existing streets designated as such on the Comprehensive Plan and streets proposed as collector streets in new subdivisions which are designed with a right-of-way width of 60 feet to 80 feet in one of the approximate locations for proposed collector streets as shown on the Comprehensive Plan, in order to provide an artery for access of traffic from several minor streets to a major street.

Cross-walkway: A strip of land dedicated to public use, which is reserved across a block to provide pedestrian access to adjacent areas.

Cul-de-sac: A street having one open end and being terminated by one or more vehicle turnarounds.

Designated Village Engineer, Planner or Ecologist: A staff or consulting professional engineer, planner, or ecologist of the Village Board=s choosing, who shall provide technical advice to the Village with regard to issues related to roads, utilities, stormwater, hydrogeology, geomorphology, flora and fauna, ecological processes, public lands, schools, parks, and planning and design concepts and other specialized areas of concern.

Easement: A grant by a property owner for the use of land, whether part or all of the land of the owner, for a specific purpose, in favor of the public or in favor of other and adjacent land or in favor of public utilities, or in favor of some or all of these.

Extraterritorial planning jurisdiction area: The contiguous territory lying not more than 1.5 miles beyond the corporate limits of the Village.

Final plat: The drawings and documents described in Section 12.13.

Frontage: All the property on one side of a street between two intersecting streets (crossing or terminating) measured along the line of the street, or if the street is dead-ended, then all the property abutting on one side between an intersecting street and a dead-end of the street.

Frontage street: A public or private marginal access street or paved parking lot parallel or adjacent to a primary street serving driveways or traffic-ways.

Half street: A street that is one-half in width of the required dedicated right-of-way width thereof, or that is one-half of the required paved width thereof.

Hazardous liquid: Petroleum, petroleum products, anhydrous ammonia or liquid natural gas or any liquid that is flammable or toxic.

IDNR: Illinois Department of Natural Resources.

Impervious surface: Any hard-surfaced, compacted area that does not readily absorb or retain water, including but not limited to building roofs, parking and driveway area, graveled areas, building pads, sidewalks, tennis courts and paved recreation areas.

Locally significant aquifer: An aquifer which can be shown to receive recharge from within the Village borders, or the extraterritorial jurisdiction area of the Village, and from which Village residents obtain water for domestic purposes from wells established in said aquifer and includes any aquifer which discharges to any fen, seep, spring, sedge meadow or creek within the Village borders, or within the extraterritorial jurisdiction of the Village. Such aquifers are significant because of their role in providing clean and safe drinking water for residents, and because they provide unpolluted water to sustain indigenous communities of plants and animals, and discourage changes in ecological

processes in wetlands that invite invasive and/or weedy species or cause the diminishment of intolerant native flora or fauna.

Lot: A designated portion of a plat of subdivision or other parcel of land, intended for transfer of ownership or for building development, or both.

Major street: (See primary street).

Marginal access street: (See frontage street).

Minor street: A street intended primarily as access to abutting properties.

NRCS: Natural Resources Conservation Service.

Official Map: The map established by Ordinance No. 1979-1, adopted February 3, 1979, showing the streets, highways and parks, if any, theretofore laid out, adopted and established by law, and as required by 65 ILCS 5/11-2-6, and any amendments or additions thereto resulting from action by the Board of Trustees or from the approval and recording of plats.

Owner: The individual, firm, association, syndicate, co-partnership, corporation, trust, or any other legal entity having a proprietary interest of record in the subject land, except that in the case of a trust the owner shall be deemed to include the beneficiary or beneficiaries and the trustee thereof.

Official Plan or Comprehensive Plan: The official comprehensive plan of the Village adopted February 3, 1979, as Ordinance No. 1979-1, in accordance with the provisions of the Illinois Municipal Code, Section 5/11-1-1 *et seq.*, together with all changes and amendments thereto, and codified as Chapter 13 of the Bull Valley Municipal Code.

Ordinance (this Ordinance): Chapter 12, Subdivision Regulations, of the Bull Valley Municipal Code.

Parkway: A route intended to be used primarily by passenger vehicles which may have a varying width of right-of-way and which right-of-way is or is intended to be developed with a park-like character.

Pipeline easement: A legal instrument giving a transmission pipeline operator a temporary or permanent right to use a right-of-way for the construction, operation and maintenance of a transmission pipeline. It may also include temporary permits, licenses and other agreements allowing the use of one's property.

Plan Commission: The Plan Commission of the Village as duly constituted pursuant to Chapter 10 of the Bull Valley Municipal Code.

Plat: A map, drawing or chart on which the subdivider's plan of the subdivision is presented and which he submits for approval and intends to record in final form.

Pollutant: A chemical or mix of chemicals, manufactured or derived by human or domesticated animal processes or activities, and added to the landscape through its soils or waters, which damage or threaten a locally significant aquifer or the environment. Pollutants are known to include, but are not limited to the following: chlorides from road and water softener salts; nitrates; heavy metals (including zinc, cadmium, copper, lead); oils and petrochemicals; pesticides; herbicides; steroidal compounds; prescription and non-prescription drugs; insect repellants; detergents and degraded detergents; disinfectants; antibiotics; reproductive hormones; antioxidants; and solvents.

Preliminary plan: Preliminary plan shall mean the drawings and documents described in Section 12.12.

Primary street: A street of considerable continuity which serves or is intended to serve as a major traffic artery between the various sections of the Bull Valley area, as shown on the Comprehensive Plan.

Private street: Any street which is under the jurisdiction of a private board of trustees, or any street which is privately owned, established or maintained.

Public street: All primary, secondary and minor streets which are shown on the subdivision plat and are to be dedicated for public use.

Restricted pipeline area: The area within a transmission pipeline easement.

Road or roadway: The paved area existing on the street right-of-way and not the street right-of-way width.

Section: Unless otherwise stated, when the word Section appears in this Ordinance, it refers to that particular subsection; when a number follows the word Section, it refers to that particular subsection of this Ordinance.

Street: The width of the street right-of-way or easement, whether public or private, and shall not be considered as the width of paving or other improvement on the street right-of-way.

Subdivider: The person or persons responsible for preparing and recording the plat of the subdivision and for carrying out all appropriate requirements outlined in these regulations for the subdividing of land.

Subdivision:

1. Any building or development which has an impact upon, involves or relates to present or proposed facilities protecting the public health, safety and welfare or the need for such facilities in the future, including but not limited to public or private streets, alleys and ways for public service facilities, easements of access, curbs, gutters, sidewalks, street lights, parks, playgrounds, school grounds or other public

- grounds, storm water drainage, water supply and distribution, sanitary sewers or sewage collection and treatment; or
2. The division of any existing land parcel of record into two or more lots, sites or parcels which involve or require new streets or easements of access; or
 3. The division of any existing land parcel of record into two or more parcels, any one of which is less than five acres in size, whether or not such division involves or requires new streets or easements of access; or
 4. Any sale, exchange or contract of sale or exchange after the effective date of this Ordinance to sell any parcel of land that immediately prior to such sale or contract was a part of a larger parcel existing of record on July 17, 1959, if such parcel to be so sold or exchanged involves a new street or easement of access or if it is less than five acres in size, whether or not such parcel involves or requires new streets or easements of access; or
 5. A parcel of land that has been subdivided into two or more parcels under subparagraph 1, 2 or 3 of this definition; or
 6. Establishment or dedication of a road, highway, street or alley, whether public or private, through a tract of land regardless of its area; or
 7. Any land use which involves a “planned development” or “clustering” of structures or dwelling units, as the terms “planned development” and “clustering” are defined or may be defined, or as any other use of land is permitted, and all as are allowed, provided for, and the conformance with and under Section 310, Estate and/or Residential Planned Development Districts, and Section 513, Homes; Institutions; Specialized Care, of the McHenry County Zoning Ordinance, McHenry County, Illinois, as amended, such as, by way of example, and not by limitation, continuing care retirement community, campground, retreat; migrant agricultural labor housing; mobile home park, fairground and exposition ground.

Superintendent of Roads: The duly appointed Superintendent of Roads pursuant to Section 3.05 of the Bull Valley Municipal Code.

Swale: A depressed corridor in a sloped landscape which collects and transports stormwater, and meltwater, from the surrounding higher landscape to a lower point.

Transmission pipeline: A pipeline that transports natural gas or hazardous liquids from producing areas, refineries and processing facilities and then to consumer areas and local distribution systems and appurtenant facilities installed for the purpose of transmitting natural gas or hazardous liquids from a source to a distributing center to a large volume customer, or to interconnect sources of supply.

Village: The Village of Bull Valley, McHenry County, Illinois, or, if the context so determines, the physical area lying within the corporate limits thereof.

Walkway: a path or area set aside for pedestrian traffic. Whether or not the surface is prepared, and the type of surfacing materials, shall be determined by the Plan Commission and Zoning Board of Appeals.

Weedy species, invasive and aggressive: Terrestrial species include, but are not limited to: garlic mustard (*allilaria officinalis*), oriental bittersweet (*celastrus orbiculatus*), amur honeysuckle (*lonicera maackii*), tartarian honeysuckle (*lonicera tatarica*), Japanese honeysuckle (*lonicera japonica*), norway maple (*acer platanoides*), common buckthorn (*rhamnus cathartica*), glossy buckthorn (*rhamnus frangula*), multiflora rose (*rosa multiflora*), Japanese knotweed (*polygonum cuspidatum*), wild parsnip (*pastinaca sativa*), common teasel (*dipsacus sylvestris*), common burdock (*arctium minus*), nodding thistle (*carduus nutans*), bull thistle (*cirsium vulgare*), and Canada thistle (*cirsium arvense*). Wetland and aquatic species include, but are not limited to: reed canarygrass (*phalaris arundinacea*), purple loosestrife (*lythrum salicaria*), giant reed (*phragmites australis*), eurasian water milfoil, buckthorns (*see above*), and multiflora rose (*see above*).

Zoning Board of Appeals: The Zoning Board of Appeals of the Village as duly constituted pursuant to the Zoning Ordinance.

Zoning Ordinance: The official Zoning Ordinance of the Village adopted April 7, 1979, as Ordinance No. 1979-2 and as amended according to law.

Zoning district: A use district established by the Zoning Ordinance.

B. Language: The language set forth in the text of this Ordinance shall be interpreted in accordance with the following rules of construction:

1. The singular number includes the plural and the plural the singular.
2. The present tense includes the past and future tenses and the future the present.
3. The words “shall” and “must” are mandatory while the words “may” or “should” are permissive.
4. Masculine gender includes the feminine and neuter.
5. Whenever a word or term defined herein appears in the text of this Ordinance, its meaning shall be construed as set forth in the definition thereof; and any word appearing in parenthesis directly after a word herein defined shall be construed in the same sense as that word.

12.05 INTENT AND PURPOSE

This Ordinance regulating the subdivision of land implements is hereby made a part of the Comprehensive Plan of the Village. It is intended to provide for the harmonious development of the Village and its environs; for the location and width of proposed streets and public ways; for the coordination of streets within new subdivisions with other existing or planned streets; for the dedication and acceptance of land for public use; for the installation and construction of utilities, roadways and other improvements essential to service the subdivided land; for the dedication and acceptance of land required for schools, parks, playgrounds, and other public uses; and for the preparation of subdivision plans and the procedure for the submittal, approval and recording of subdivision plats in and about the Village, in accordance with the authority vested in the municipality under the provisions of the Illinois Municipal Code.

12.06 JURISDICTION *Amended, 2008-09-18*

A. Wherever any subdivision of land shall hereafter be laid out within the corporate limits of the Village or within the Village's extraterritorial planning jurisdiction area, the owner thereof shall submit a sketch plan, a preliminary plan and a final subdivision plat to the Village. Said plans and plats, proposed improvements, and all procedures relating thereto, shall in all respects be in full compliance with the regulations hereinafter contained in this Ordinance.

B. All offers of real estate for dedication to the Village for use as streets, highways, alleys, parks and other public use, if not a part of a sketch plan, preliminary plan or plat of subdivision, shall be reviewed and processed in the same manner as such plans or plats of subdivision in accordance with the terms of this Ordinance.

C. The provisions of this Ordinance shall also apply to all planned developments, whether residential, commercial or otherwise in nature, and to any other developments whether a subdivision if required or not under the law, statutes, ordinances or regulations of the governmental body or agency having jurisdiction or control, and regardless of whether the same is labeled a subdivision or not, it being the intent of this Ordinance to apply to all types of development, both within the Village and to areas lying within 1½ miles of the corporate limits of the Village.

12.07 APPROVALS, INTERPRETATIONS & EXCEPTIONS

A. Approval of Plan: No land, whether lying within the corporate limits of the Village or within the extraterritorial planning jurisdiction area, shall, after the effective date of this Ordinance, be subdivided and the plat of subdivision filed for record, nor any street laid out, nor any improvements be made to the land, until the plat of subdivision or street improvement plans shall have been certified to and approved by action of the Board of Trustees. This approval must be in writing and placed on the original tracing of the final plat or street plan, as the case may be, according to the procedure set forth in Sections 12.11 and 12.12.

B. Improvements: No subdivision improvements, including, but not limited to, sidewalks, water supply, stormwater drainage, sewerage facilities, gas service, electric service or

lighting, or grading, paving or surfacing of streets, shall hereafter be made within any such subdivision until the plat of subdivision and the plans for such improvements have been formally reviewed by the Plan Commission and Zoning Board of Appeals and approved by the Board of Trustees in accordance with this Ordinance and other applicable ordinances.

C. Partial Subdivision: Where a tract of land is proposed for subdivision that is part of a larger unit capable of subdivision, the Plan Commission and Zoning Board of Appeals may, before approval of the plat thereof, cause to be prepared a plan of the entire area showing proposed roads, utilities, easements and public uses, and such plan will be used by the Plan Commission, Zoning Board of Appeals and the Board of Trustees as an aid in judging the merit of the proposed plat.

D. Interpretation of Regulations: All interpretations of these rules and regulations shall be made by the Plan Commission and Zoning Board of Appeals, subject to the review by the Board of Trustees.

E. CPI Adjustment: All fees and cash contributions required in this Ordinance shall be subject to a “CPI Adjustment” which shall be calculated on the first day of January in each year, starting in 2007. Annually, the fees and cash contributions shall be adjusted by the December-December Percent change as published by the United States Department of Labor’s Bureau of Labor Statistics, All Items Consumer Price Index (“CPI”) for Urban Consumers (1982-84 = 100) for the Chicago Consolidated Metropolitan Statistical Area, Illinois. If any index is calculated from a base different from the base period 1982-84 = 100, such index shall be converted to a base period of 1982-84 = 100 by use of a conversion factor supplied by said Bureau of Labor Statistics. If the CPI is discontinued or replaced, such other governmental Cost of Living Index or computation which replaces the CPI shall be used in order to obtain substantially the same result as would be obtained if the CPI had not been discontinued or replaced. The fees and cash contributions in Sections 12.09 and 12.10 shall be presumed to be correct and accurate unless timely objected to as provided in Section 12.09-I. Failure to timely object to these requirements in strict accordance with Section 12.09-I shall thereafter waive any right to raise an objection at a later time.

12.08 DESIGN STANDARDS *Amended, 2007-08-02, 03*

A. Street Plan: The subdivision of land, including the arrangement, character, extent, width, grade and location of all streets, alleys, or other land to be dedicated for public use, shall conform to the Official Plan, and shall be considered in relation to existing and planned streets, to topographic conditions, to public convenience and safety, and in appropriate relation to the proposed use of the land to be served by such streets. Driveways must enter and exit onto subdivision roads.

B. Minimum Widths of Rights-of-Way:

1. The minimum widths of rights-of-way for streets and easements to be dedicated or established after the effective date of this Ordinance within the Village or those environs outside the Village limits that are under jurisdiction of this Ordinance, shall conform to the following schedule:

Collector Street	60 ft.
Marginal Access Street	60 ft.
Minor Street	60 ft.
Cul-de-sac Street	60 ft.
Cross-walk easement	10 ft.
Utility easement	12 ft.
Primary Street	60 ft. (located in accordance with Master Street Plan)

2. Minor streets shall be so laid out that use thereof by through traffic is discouraged.
3. Street jogs with center line offsets of less than 125 feet shall be avoided.
4. Clear visibility, measured along the center line of the street, shall be provided for at least 300 feet on all primary streets, 200 feet on collector streets, and at least 100 feet on all other streets.
5. All street intersections and confluences must encourage safe traffic flow.
6. The maximum length of a cul-de-sac shall be 1,500 feet measured along the center line from the intersection at origin through center of circle to end of right-of-way. Each cul-de-sac shall have a terminus of nearly circular shape with a minimum right-of-way diameter of 140 feet with a minimum road surface diameter of 100 feet.
7. Half streets are prohibited.
8. No street names may be used which will duplicate or be confused with the names of existing streets. Existing street names must be protected wherever possible. Names must be approved by the Zoning Board of Appeals.
9. Where a subdivision borders on or contains an existing or proposed primary or major street as shown on the Official Map, the Plan Commission and Zoning Board or Appeals may require a marginal access street, separated from the primary or major street by a planting screen or strip, which screen or strip shall be no less than 10 feet wide.
10. If the tract of land proposed to be subdivided or any part thereof lies adjacent to a road or highway over which the Bureau of Local Roads of the Illinois Department of Transportation or McHenry County Division of Transportation or a township highway commissioner has jurisdiction with respect to maintenance and upkeep thereof, and an entrance or entrances are desired from such highway to lots, streets, roadways or alleys in such proposed subdivision, the owner shall submit to the Administrative Officer a

written permit from the said Bureau of Local Roads or McHenry County Division of Transportation or township highway commissioner, granting its permission to obtain and construct such an entrance or entrances.

11. No proposed road within a proposed subdivision shall exceed 1,500 feet unless such proposed road has two means of access from existing, improved roads situated adjacent to the property which is the subject of the preliminary plat.
12. With respect to each road depicted within a preliminary plan or final plat which is to be dedicated to a unit of local government or entity, each such plat shall contain text that such right of way is or shall be dedicated in fee simple title to the relevant entity pursuant to Section 3 of the Illinois Plat Act.

C. Easements:

1. Easements of not less than six feet in width shall be provided on each side of all rear lot lines and side lot lines for conduits, storm and sanitary sewers, gas, and other mains. Easements in locations other than along lot lines may be required for buried utilities as listed above, and communication and electrical power lines, whether buried or above ground, in order to avoid oak and hickory trees and their root systems, steep topography, wetlands, shallow aquifers of local significance, creeks, swales, natural ecosystems, or other natural features of significance.
2. Whenever any subdivision is traversed by a drainage way, stream, channel or other water course (any and all of which are hereafter referred to as “such water course”), the owner shall, at his sole expense, make adequate provisions (“such provisions”) to enable the water course to properly carry and drain surface water in its natural drainage direction. The owner shall also dedicate to the public an easement of access to and along the water course for the sole purpose of maintaining the natural features of the water course and the area of the easement and of maintaining the water course and the area of the easement in the same condition it was in at the time such provisions were made by the owner, the length of the easement along the water course to be equal to the length of the water course, the width along the water course to be 15 feet from either side of the high water mark of the water course (as such mark is certified by the Administrative Officer), and the easement of access thereto to extend from the nearest public street or other public place along a strip of land 10 feet wide to the water course, which easement of access to the water course shall be maintained in a clear and unobstructed condition to allow unimpeded access to the water course part of the easement.
3. When a proposed subdivision lies above an aquifer of local significance, soil borings and/or sampling or monitoring wells within the proposed subdivision

may be required by the Board of Trustees or Plan Commission upon the advice of the Village's designated engineer or ecologist, prior to review of a preliminary plat of subdivision. The initial purpose of the borings and/or monitoring wells is to determine the aquifer's surface elevation and the nature of the soils overlaying the aquifer, and to ascertain the direction of groundwater flow. If monitoring wells are required, a 15-foot by 15-foot easement at the sampling/monitoring well location, and an easement of access thereto extending from the nearest public street, shall be dedicated to the Village to allow for periodic inspection, data retrieval and maintenance of the sampling/monitoring well.

4. Drainage easement within a residential lot: In the event that a preliminary or final plat depicts a drainage easement within a residential lot on a preliminary plan or final plat, each such plat shall depict a set back of 25 feet within which no portion of a residential structure may be built.
5. Conservation easement: In the event that a preliminary plan or final plat depicts or provides for a "conservation easement" for any portion of a parcel proposed for subdivision, such preliminary plan and final plat shall expressly set forth the grantee of such easement, its limitations, affirmative obligations and purposes in accordance with §1-3(b) of the Illinois Conservation Enhancement Act (the "Act"). The approved management plan for the conservation easement, in accordance with §1-3(f) of the Act, shall be submitted to the Village at the time that the preliminary plan is submitted to the Village.

D. Block Standards:

1. There is no specific regulation concerning the size or shape of blocks; but blocks must fit easily into the overall plan of the subdivision and their design must evidence consideration of lot planning, traffic flow, and public areas.
2. Areas intended for commercial use must be designated as such and the plan must show adequate off-street areas to provide for parking, loading docks and such other facilities that may be required to accommodate motor vehicles.
3. Walkway easements not less than 10 feet in width shall be provided where deemed necessary by the Plan Commission and Zoning Board of Appeals. The use of additional walkways in any instance to provide safe and convenient access to schools, parks or other similar destinations may be required by the Plan Commission and Zoning Board of Appeals.

E. Lot Standards:

- 1.

- a. For those residential lots outside the Village=s corporate limits, but within the Village=s extraterritorial subdivision jurisdiction and not included in any municipality (other than McHenry County or the applicable township), a lot to be used for residential purposes shall have a minimum lot size of three acres.
 - b. For those lots within the Village=s corporate limits, the minimum lot dimension and area shall conform to the requirements of Table 1 of Section 5.5-3 of the Zoning Ordinance.
2. All side lot lines shall be at right angles to the straight street lines, or radial to curved street lines unless a variation to this rule will give a better street and lot plan. Lots with double frontage should be avoided. All lots shall abut on a publicly dedicated street or an approved private street.
3. Where lots front upon a cul-de-sac or curved road or street having a radius of 200 feet or less, the minimum width of the frontage at the lot may be measured at the building line, except that the chord length of the frontage arc shall not be less than 50 feet.
4. The area of the street right-of-way, whether dedicated to the public or a private street or easement for street purposes, shall not be included in calculating the area of the lot for purposes of determining if the lot is in accordance with the minimum lot area requirements of the zoning district in which the lot is located. Lots with an area larger than the minimum requirements are desirable. The lots shall also have a width and a depth entirely adequate to provide the necessary yard requirements of the Zoning Ordinance.
5. Corner lots shall have width sufficient to permit the establishment of front building lines on both the front and the side of the lots adjoining the streets.
6. Lots upon major highway intersections and at all other acute angle intersections which, in the opinion of the Plan Commission and Zoning Board of Appeals are likely to be dangerous to traffic movement, shall have a radius of 25 feet at the street corner. Where grade separation structures are proposed at the intersection of major highways, the lots and improvements in the subdivision shall be arranged to make adequate provision for such structure.
7. Lots abutting a water course, drainage way, channel or stream shall have additional minimum width or depth as required to provide an adequate building site, afford the minimum usable area required in the Zoning Ordinance for front, rear and side yards, and shall specifically conform to the provisions of Section 10 of the Zoning Ordinance (Flood Plain Regulations).

- F. Building Lines: Building lines shall be shown on all plats.
- G. Natural Features: Any proposed subdivision shall display due regard for all natural features, such as tree growth, water courses, historic spots or similar conditions which, if preserved, will add attractiveness and value to the proposed development.
- H. Restricted Pipeline Areas:
1. All easements for restricted pipeline areas established prior to the subdividing of any tract of land must be shown on the preliminary plan and final subdivision plat. The restricted pipeline area shall be clearly dimensioned, and the recording information for the instrument establishing the easement shall be referenced thereon. Any relocation, lowering or encasement of a transmission pipeline made necessary by a subdivision shall not be at the expense of the Village.
 2. Where a lot or group of lots is adjacent to a restricted pipeline area, a 50-foot setback shall be provided on each side of the restricted pipeline area. No building, shed, drainage or septic field, pool, fence, driveway, culvert or drain pipe crossing, or other physical structure, shall be located or constructed within said 50-foot setback or within the restricted pipeline area.
 3. No portion of a residential lot shall encroach on or overlap a restricted pipeline area.
 4. A restricted pipeline area shall not be platted for residential occupancy upon such area and shall be seeded consistent with other provisions of this Ordinance.
 5. Upon the recording of the final plat of subdivision, each plat of survey for an individual lot shall delineate such pipeline easement and the setback(s) required herein.
 6. Location and Depiction of Pipeline: Each sketch plan, tentative or preliminary plat, and final plat of subdivision shall show the actual location of each transmission pipeline which encroaches upon in any part, and/or traverses, the property encompassed within the proposed subdivision.
 7. Minimum Distance from Transmission Pipeline: No portion of any residential lot may be located within 75 feet of a transmission pipeline. If there is any conflict between this provision and any other provision in this Ordinance, the more restrictive shall control, govern and prevail. No residential lot may be located within 50 feet from a Restricted Pipeline Area.

Each tentative plat and final plat shall set forth the owner of each such transmission pipeline along with the owner's and operator's address.

8. Storm Sewer: No storm sewer facilities shall be located on or over a transmission pipeline. No storm sewer facilities which serve one or more lots in a proposed subdivision shall be located within a residential lot. Instead, such storm sewer facilities shall be contained within a separate outlot which shall be owned by a homeowners' association or governmental entity which has agreed to accept responsibility to maintain such facilities. Such outlot shall be accessible from a publicly dedicated road or access easement in favor of such association or governmental entity. If such facilities are to be maintained by a homeowners' association, documentation shall be submitted to the Village demonstrating that such association has been established.

I. Boone Creek Fen Illinois Natural Inventory Area Watershed District ("District"): Due to the unique environment of the District, which is depicted in Appendix 12-O, any proposed subdivision that falls within the District shall be subject to the following standards:

1. The character of existing land uses shall be preserved. In particular, commercial, industrial and high-density residential uses shall be avoided.
2. The capacity of the soil and underlying sand and gravel layers to convert precipitation to groundwater infiltration, versus surface runoff, shall be preserved. This will be achieved by minimizing land clearing and grading and, in particular, prohibiting such activity in natural depressional areas, and in any land adjacent to these natural depressional areas deemed necessary to protect the recharge function of such areas.
3. All natural communities and sensitive areas – including wetlands, kettle holes, hydric soils, floodplains and regulated buffers – should be fully inventoried and avoided in the development plan that is presented to the Village. Other non-regulated natural areas, such as woodlands and savannas, shall be protected, preferably by locating building sites away from them.
4. New impervious surfaces, in the form of roofs, driveways, parking areas, patios, play courts, swimming pools and local subdivision roads, shall be limited to not more than five percent of the total buildable area of the gross acreage of the proposed subdivision or resubdivision. This shall be accomplished by utilizing some combination of the following techniques: sizing lots appropriate to the impervious surfaces proposed; cluster development (which reduces the road network); reduced street and driveway widths; reduced building setbacks from roads; and permeable paving for driveways and patios.

5. Natural drainage and runoff storage and infiltration patterns shall be preserved. No surface drainage system flowing directly to Boone Creek or diversion of drainage to watersheds outside the Boone Creek Watershed shall be allowed.
6. Development intensities and associated local area drainage design shall be restricted to those plans with natural surface drainage management systems capable of complete local recharge of the 100-year storm. Drainage system designs shall utilize naturally vegetated swales, filter strips and biofilters that maximize both the filtering and infiltration of runoff. Conventional “structural” drainage approaches, particularly curbs, gutters and storm sewer systems, shall be avoided.
7. Stormwater detention storage volumes and release rates shall conform to the requirements of the McHenry County Stormwater Management Ordinance, except as appropriate to accommodate designs that infiltrate runoff through permeable detention basin bottoms. In all cases, detention shall also incorporate design elements that maximize filtering and transformation of runoff pollutants. To accomplish this all detention basins shall be landscaped with native vegetation, and depending on soil permeability, designed as naturalized wetland-type systems.
8. Native vegetation shall be utilized in lieu of conventional turf grass for all stormwater facilities and for common areas and rights-of-way. Natural landscaping and rain gardens shall be incorporated into residential lawns, to the extent practical. Restrictions to minimize herbicide and pesticide use shall be placed in homeowner covenants and restrictions.
9. A management plan shall be developed for the long-term maintenance of any protected natural areas, including wetlands and woodlands, naturalized stormwater facilities and naturally landscaped common areas. The management plan shall identify intended approaches for weed control, habitat restoration, controlled burning, etc. The plan shall identify clear, long-term funding arrangements in perpetuity (such as provided by a special service area) and dedication of such areas as conservation easements to be held by a governmental entity or qualified conservation organization.
10. Water treatment and wastewater disposal systems shall be designed to minimize, to the fullest extent practical, the discharge of harmful pollutants to underlying groundwater. Special consideration shall be given to constituents such as chloride and nitrogen that can damage sensitive plant communities, aquatic ecosystems and/or impair drinking water quality. New discharges directly to Boone Creek shall be avoided. Wherever feasible, new household water treatment systems shall utilize innovative approaches (such as reverse osmosis or electronic water purification) in lieu of conventional

water softening systems that utilize salt. In the event sanitary sewers are permitted, leak-tight designs shall be used in construction to minimize leakage and potential overflows.

11. No provision herein shall be constructed so as to affect or apply to any property within the City of Woodstock or the City of Woodstock's planning and annexation jurisdiction as established by that certain intergovernmental agreement dated August 19, 1997, between the Village and the City of Woodstock and recorded as document number 97R043251 on September 5, 1997, on behalf of the City of Woodstock and as document number 97R049746 on October 8, 1997, on behalf of the Village, in the office of the McHenry County Recorder of Deeds.

J. Access into Subdivision: With respect to each parcel which is the subject of a proposed subdivision and depicts one or more internal roads, such parcel shall have at least two means of ingress and egress onto existing, publicly dedicated roads. Each sketch plan, preliminary plat and final plat of subdivision submitted to the Village shall depict each means of such ingress and egress.

In addition, in each instance where an internal road within the proposed subdivision extends to the perimeter of the subject property but does not interconnect to an existing improved road at such perimeter, the end of such road on the subject property shall be a cul-de-sac, in accordance with the cul-de-sac terminus requirements of Appendix N of this Ordinance, to ensure proper turn around for emergency and other services. Each sketch plan, tentative or preliminary plat and final plat of subdivision submitted to the Village shall depict such cul de sac. Each such plat should also contain language that, upon such road interconnecting to another improved road on the adjacent property, that portion of the cul-de-sac which is not necessary to meet the right of way requirements in Appendix N of this Ordinance may be vacated by the Village once interconnectivity between such road and the road on the adjacent parcel has been established.

K. Basements: Each preliminary or tentative and final plat of subdivision shall depict which portion of a residential lot within the subdivision has soils with a severe limitation for basements based on a NRCS soil survey and criteria. A NRCS soil survey for the subject property shall be submitted to the Village with the preliminary and tentative plan.

L. Ninety Percent Rule: With respect to any proposed residential subdivision situated within the Village's extraterritorial jurisdiction but outside the Village's corporate boundaries, the minimum lot size of any residential lot that results from subdividing one or more existing parcels shall be equal to or greater than 90 percent of the average of all of the residential lots included in the following:

1. Location: All residential lots located in whole or in part within 500 feet of any point measured from the property lines of the lot to be established by a subdivision. Residential lots that are not located within the corporate limits of

the Village shall be excluded from the calculation of lot sizes within the 500-foot area.

- a. If the 500-foot area does not include any residential lots located within the corporate limits of the Village, then residential lots that are not located within the corporate limits of the Village shall be included.
 - b. If there are any non-residential lots or lots being used for non-residential purposes located within the 500 foot area, then those lots shall not be included in determining the 90 percent calculation.
 - c. If the 500-foot area includes lots that are zoned or used for single-family detached, single family attached and multi-family uses, or any combination of those uses, then only those lots that are zoned, platted or used for the same use as the proposed subdivided lots shall be included in determining the 90 percent calculation.
2. Restrictions: When the condition imposed by this Section is either more restrictive or less restrictive than another minimum residential lot size regulation set forth in this Ordinance, the more restrictive requirement shall be applicable.
 3. Residential Lot Defined: For the purposes of this Section, a residential lot shall be defined to mean each parcel upon which a single family detached use residence is situated.

12.09 REQUIREMENTS FOR DEDICATION OF SCHOOL SITES OR CASH CONTRIBUTIONS IN LIEU THEREOF

(As a condition of approval of a final plat of subdivision or of a final plat of a planned development, each subdivider or developer will be required to dedicate land for park, recreational and school purposes to serve the immediate and future needs of the residents of the development, or will be required to make a cash contribution in lieu of actual land dedication, or a combination of both, at the option of the Village with the concurrence of the affected district, in accordance with the following criteria and formulas and Section 12.09.)

A. Title: This Section shall be known as and may be cited as the Educational Facilities Impact Fee Ordinance.

B. Legislative Intent: As a condition of approval of a final plat of subdivision or of a final plat of a planned development, each subdivider or developer shall be required to dedicate land for school purposes to serve the immediate and future needs of the residents of the development, or shall be required to make a cash contribution in lieu of actual land dedication, or a combination of both, at the option of the Village of Bull Valley (“Village”)and with the concurrence of the affected

school district, which concurrence shall be obtained in writing. However, the Village shall have the final decision making power in this regard. The dedications and cash contributions required hereunder shall be made in accordance with the criteria and formulas herein.

C. Criteria for Requiring School Site Dedications:

1. Requirement and Population Ratio: The ultimate number of students to be generated by a subdivision or planned development shall bear directly on the amount of land required to be dedicated for school sites. The land dedication requirement shall be determined by obtaining the ratio of (a) estimated number of children to be served in each school classification (as described in Section 12.09-C.2) from the subdivision or planned development over the (b) maximum recommended number of students to be served in each such school classification as stated herein, and then applying such ratio to (c) the appropriate number of acres for a school site of each such school classification as stated herein. The product thereof shall be the acres of land deemed needed to have sufficient land for school sites to serve the estimated increase in number of students for each such school classification.

2. School Classifications and Size of School Site: These requirements for acreage are based upon a review of available data studies and literature on the subject, including but not limited to information provided by the State Superintendent of Education and the unique characteristics of the Village. These requirements for acreage shall be presumed as the appropriate acreage requirements and shall be used in calculating any cash in lieu of land dedication herein unless timely objected to as provided herein. Objections to these acreage requirements for any particular development shall be made in accordance with Section 12.09-N to the Plan Commission. Failure to timely object to these acreage requirements in accordance with Section 12.09-N shall thereafter waive any right to raise an objection at a later time.

School classifications and size of school sites serving the Village shall be determined in accordance with the following criteria:

School Classification by Grades	Maximum Number of Students for Each Such School Classification	Appropriate Number of Acres of Land for Each School Site of Such Classification
Elementary Schools, Grades Kindergarten through 5 th or 6 th	500 students	16 acres
Junior high or middle schools, grades 6 th through 8 th or 7 th and 8 th	750 students	30 acres
High schools, grades 9 th through 12 th	1,200 students	80 acres

3. Location: The standards adopted by the affected school district shall be used as a guideline in locating sites. School sites shall be located in the Village in accordance with plans heretofore or hereafter adopted by the affected school district.

D. Criteria for Requiring a Cash Contribution in Lieu of Dedication of School Sites: When the development is small and the resulting site to be dedicated is too small to be practical, or when the available land is inappropriate for a school site or is in conflict with the approved standards or plan of the affected school district, the Village, with the concurrence of the affected school district, shall require the subdivider or developer to pay a cash contribution in lieu of the land dedication.

The cash contribution in lieu of dedication of school sites shall be collected and held in trust by the Village or other public body designated by the Village, and shall be used for the acquisition of land for school sites to serve the immediate or future needs of children from that subdivision or development, or for the improvement to any existing school site that already serves such needs, or for the construction of school buildings or additions thereto in accordance with Public Act 93-0330, or for any purpose defined by agreement with the subdivider or developer at the time of platting. If any portion of a cash contribution in lieu of dedication of school sites is not expended for the purposes set forth herein within 13 years from the date of receipt, it shall be refunded by the entity holding the contribution to the record owner of the subdivided land at the time of the refund. If there is more than one record owner of the subdivided land or of the land that comprises the planned development, as applicable, such record owners shall share in the refund pro-rata based on the cash contributions originally paid by each property.

1. Fair Market Value: The cash contributions in lieu of land shall be based on the fair market value of the acres of land in the area that otherwise would have been dedicated as school sites. In calculating the fair market value on a per acre basis, unless determined otherwise pursuant to Section 12.09-N, the following assumptions about the land shall be made: (a) that it is zoned in a one-family dwelling residential zoning district consistent with the Village's development standards; (b) that it is subdivided with appropriate frontage on a dedicated street or road and has all appropriate utilities available; (c) that it is improved as set forth in Sections 12.09-H and I; and (d) that it is otherwise property capable of being used for residential development. Based upon a study of real estate transactions in the Village for the past three years, it has been determined that the present fair market value of such improved land in and surrounding the Village is, as of the effective date of the Educational Facilities Impact Fee Ordinance, \$60,000.00 per acre. These figures shall be adjusted by the Board of Trustees from time to time with appropriate study and documentation. The fair market value as defined above shall be used in calculating any cash contribution in lieu of land dedication required herein unless timely objected to as provided in Section 12.09-N. Objections to the fair market value as defined above shall be made in accordance with Section

12.09-N to the Plan Commission. Failure to timely object to the fair market value as defined above in accordance with Section 12.09-N shall thereafter waive any right to raise an objection at a later time.

2. Criteria for Requiring Dedication and a Contribution: There will be situations in subdivisions or planned developments when a combination of land dedication and a cash contribution in lieu of land are both necessary. These occasions will arise when: (a) only a portion of the land to be developed is proposed as the location for a school site (that portion of the land within the subdivision falling within the school location shall be dedicated as a site as stated above, and a cash contribution in lieu thereof shall be required for any additional land that would have been required to be dedicated); or (b) a major part of the local school site has already been acquired by the particular district and only a small portion of land is needed from the developer to complete the site (the remaining portion shall be required by a cash contribution in lieu thereof).

3. Consumer Price Index: The fair market value identified in Section 12.09-D.1 shall be subject to a “CPI Adjustment” which shall be calculated annually and which adjustment shall go into effect on January 1, 2007 and on the first day of January in each year thereafter. Annually, the fixed charge shall be adjusted by the annual percentage change as published by the United States Department of Labor’s Bureau of Labor Statistics, All Items Consumer Price Index (“CPI”) for Urban Consumers (1982-84 = 100) for the Chicago Consolidated Metropolitan Statistical Area. If any index is calculated from a base different from the base period 1982-84 = 100, such index shall be converted to a base period of 1982-84 = 100 by use of a conversion factor supplied by said Bureau of Labor Statistics. If the CPI is discontinued or replaced, such other governmental Cost of Living Index or computation which replaces the CPI shall be used in order to obtain substantially the same result as would be obtained if the CPI had not been discontinued or replaced.

E. Density Formula: The *Table of Estimated Ultimate Population Per Dwelling Unit* (the “Density Formula”), attached as Appendix 12-G, prepared by [Ehlers & Associates, Inc., November 2000] Illinois School Consulting Service/Associated Municipal Consultants (“ISCS/AMC”), Inc., 1996], and as updated from time to time, is generally indicative of current and short-range projected trends in family size for new construction and shall be used in calculating the amount of required dedication of acres of land or the cash contributions in lieu thereof unless a written objection is filed thereto by the subdivider or developer.

A bedroom, as used in this Educational Facilities Impact Fee Ordinance, shall include any room which may be used for bedroom purposes, such as a den, study, loft or extra room located on any floor in a dwelling unit which may be convertible into a sleeping area and is not clearly identified for some other specific purpose such as a kitchen (one per unit), dining room (one per unit), living room (one per unit), bathroom(s) and family room (one per unit).

This Density Formula, as updated, shall be used in calculating any cash in lieu of land dedication herein unless objected to as provided in Section 12.09-N. The Village recognizes that the Density Formula may be updated from time to time and will, as a result, adopt these updates periodically by amending the Educational Facilities Impact Fee Ordinance accordingly. Objections to the Density Formula shall be made in accordance with Section 12.09-N to the Plan Commission. Failure to object to the Density Formula in accordance with Section 12.09-N shall thereafter waive any right to raise an objection at a later time.

In the event a subdivider or developer files a written objection to the Density Formula listed above, he shall submit his own demographic study showing the estimated additional population to be generated from the subdivision or planned development, and in that event final determination of the density formula shall be made in accordance with Section 12.09-N.

F. Reservation of Additional Land: When the Comprehensive Plan or the standards of the Village call for a larger amount of school sites in a particular subdivision or planned development than the developer is required to dedicate pursuant to this Educational Facilities Impact Fee Ordinance, the land needed beyond the developer's dedication shall be set aside and reserved by the developer for subsequent purchase (at a price determined at the time of reservation) by the Village or other public body designated by the Village, provided that such acquisition is made within one year from the date of approval of the final plat.

G. Combining with Adjoining Developments: Where appropriate, a school site that is to be dedicated should, if possible, be combined with dedications from adjoining developments in order to produce usable school sites without undue hardship on a particular developer.

H. Topography and Grading: The slope, topography and geology of the dedicated site as well as its surroundings must be suitable for its intended purpose. Stormwater detention areas shall not be accepted for Village or school ownership and maintenance, and the portion of a detention area designed to function primarily as a component of the stormwater control system shall not serve as a credit toward the required site dedication. Stormwater retention areas shall not be accepted for Village or school ownership and maintenance and shall not serve as a credit toward the required site dedication. Wetlands, floodplains, detention areas, retention areas and areas of steep slope shall not be accepted as school sites and shall not serve as a credit toward the required school site cash contribution in lieu of land dedication.

In addition, the following site conditions and preparation standards shall be met:

1. Slope:
 - a. Should not vary greatly in appearance from existing and adjacent slopes;

- b. Optimum slopes range from two percent minimum to five percent maximum. No less than two percent slope is acceptable under any circumstances;
- c. Maximum allowable slope is 10 percent, except under special conditions where greater slopes are desirable to enhance the use of the site; and
- d. On-site drainage patterns shall be designated and constructed to:
 - i. Ensure flow toward swales; and
 - ii. Ensure drainage away from active areas.

2. Grading:

- a. Rough grading shall be completed at time of rough grading of adjacent contiguous area;
- b. Grading shall comply with Village approved plans;
- c. Subgrade shall be graded and compacted so it will parallel finished grade;
- d. Subgrade material shall be loosened and fine graded to a depth of two to four inches. All stones over four inches in size, sticks, debris, rubbish and other foreign substances shall be removed; and
- e. Finished grades shall be uniform in slope between points for which elevations have been established.

3. Soils:

- a. Soils shall not differ from those naturally occurring;
- b. Soils shall not offer any restriction to the ultimate use of the property;
- c. Topsoil shall be spread evenly and lightly compacted to a minimum depth of six inches over the entire site;
- d. Topsoil must be good, friable soils with good tillage and shall be without any admixture of subsoil, clay, gravel, stones, debris, refuse, sand or other subsurface elements;
- e. Topsoil shall not be placed in a muddy or frozen condition;

- f. Topsoil shall contain no toxic substances which may be harmful to plant growth; and
- g. Topsoil shall be spread no later than the placement of topsoil on the first lot adjacent to the site.

4. Seeding:

- a. All proposed school sites shall be seeded and an acceptable stand of grass or vegetation established prior to dedication of the area to the Village or school;
- b. Seeding shall be completed during the fall or spring planting times, depending upon the recommended seed planting specifications;
- c. Seeding shall be on moderately dry soil on a seed bed which will easily accept and nurture germination of seeds;
- d. Seeding shall be watered sufficiently so that the vegetation becomes reasonably established; and
- e. The developer shall be responsible for making necessary reparations to the site caused by erosion or other damage. Reparations shall be completed prior to acceptance of the site.

I. Improved Sites: All sites shall be dedicated in a condition ready for full service of electricity, natural gas, telephone and cable television, water, sewer and streets (including enclosed drainage and curb and gutter, where applicable), as applicable to the location of the site, and shall otherwise comply with the requirements of the Bull Valley Subdivision Ordinance. The landscaping normally included within the definition of “improved” sites under the Bull Valley Subdivision Ordinance may be deleted due to the delay time between dedication of any such school site and the construction of school facilities thereon, except for groundcover as required in Section 12.09-H.4. The site shall have direct access to a fully improved street across at least 20 percent of the distance of its perimeter. School sites should ideally be accessible by a bicycle/pedestrian trail, and any such access route onto the property shall be at least 30 feet wide. Such access routes should normally be dedications and not easements, depending on which entity of government is to be responsible for said routes. Any vehicular access route leading to or on the site shall be off sufficient size and good geometry to properly accommodate vehicles that will access and traverse the site, including but not limited to good principles of traffic circulation, accommodation of one-way and/or two-way drives for school buses, separation of bus traffic from passenger automobile traffic, bus drop-off areas separate from publicly-dedicated streets, guest and employee parking areas, and the like. Such off-street access routes, drives, drop-offs and parking areas will not be dedicated rights-of-way and shall be the responsibility of the owner of the site to maintain.

J. Environmental Risk Audit: Prior to the conveyance of any land to the Village or the affected school district, the intended grantee shall be furnished with an environmental risk audit prepared by an environmental professional meeting the minimum requirements of 415 ILCS 5/22.2(j)(6)(E)(iii), certified to and acceptable to the grantee, assuring the grantee that there are no hazardous substance(s) (as defined hereinafter) on, under, to or from the land. Said environmental audit shall be what is commonly referred to as a Phase I Environmental Audit, which shall meet the minimum requirements for a pre-acquisition audit as set for in 415 ILCS 5/22.2(j)(6)(E)(iii)(v).

In the event the Phase I Environmental Audit does not conclude there is no presence or likely presence of a release of substantial threat of a release of hazardous substance(s) or pesticide on, under, to or from the land, the grantee shall furnish a Phase II Environmental Audit as set forth in 415 ILCS 5/22.2(j)(6)(E)(iii)(vi), including a soil toxicity analysis and recommendation from said environmental professional, meeting the minimum requirements of 415 ILCS 5/22.2(j)(6)(E)(iii), which concludes that there is no presence or likely presence of a release or substantial threat of a release of hazardous substance(s) on, under, to or from the land, and certifying that, in the judgment of said environmental professional, there is no reasonable probability that the land contains any hazardous substance(s) in violation of any federal or state environmental standards.

In the event the Phase II Environmental Audit and/or soil toxicity analysis discloses the presence or likely presence of a release or a substantial threat of a release of any hazardous substance(s) at, on, under, to or from the land to the conveyed, the grantor shall first cause all such hazardous substance(s) to be removed at its sole cost and expense in accordance with all federal, state and local environmental laws, rules and regulations and furnish the intended grantee with a “No Further Remediation Letter” from the governmental agencies having jurisdiction over the clean up prior to conveyance of any of the land to the intended grantee.

Prior to the conveyance of the land, the subdivider or developer, as the case may be, and the owner of the land to be conveyed, shall execute and deliver to the intended grantee an Environmental Indemnification Agreement, which form has been approved by the grantee’s Attorney, agreeing to defend, indemnify and hold the Village or school district, as the case may be, its corporate authorities, officers, officials, employees, agents, successors and assigns harmless from and against any and all liability, claims, damages, causes of action and expenses arising out of the presence of any hazardous substance(s) in, under or upon said land to be conveyed prior to the date of conveyance.

Hazardous substance(s) includes without limitation:

1. Those substances included in the definitions of hazardous substances, extremely hazardous substances, hazardous materials, toxic substances, toxic chemicals, toxic wastes, hazardous chemicals, hazardous wastes, solid waste and pesticides in CERCLA, SARA, RCRA, HSWA, TSCA, OSHA, FWPCE, Illinois Pesticides Act (415 ILCS 60/1 *et seq.*), Illinois Responsible Property Transfer Act (765 ILCS 90/1 *et seq.*) and the Illinois Hazardous Materials Transportation Act (430 ILCS 30/1 *et seq.*), 49 U.S.C. Section 1801 *et seq.*,

as amended, and as they may be amended in the future, and in the regulations promulgated pursuant to said laws.

2. Those substances defined in Section 1003 of the Illinois Environmental Protection Act and in the regulations promulgated pursuant to said act or other Illinois laws pertaining thereto.
3. Those substances listed in the U.S. Department of Transportation Table (49 CFR 172.101 and amendments thereto) or by the Environmental Protection Agency (or any successor agency) as hazardous substances (40 CFR Part 302 and amendments thereto).
4. Such other substances, materials and wastes which are to become regulated under applicable local, state or federal law, or which are classified as hazardous or toxic under federal, state or local laws, ordinances or regulations.
5. Any material waste or substance which is (a) asbestos, (b) polychlorinated biphenols, (c) designated as a hazardous substance pursuant to Section 311 of the Clean Water Act, 33 U.S.C. Section 1251 *et seq.* (33 U.S.C. Sec. 1321) or listed pursuant to Section 307 of the Clean Water Act (33 U.S.C. Sec. 1317, (d) explosives, or (e) radioactive materials.
6. For purposes of this Educational Facilities Impact Fee Ordinance, hazardous substances shall include petroleum or its byproducts as regulated under RCRA and any applicable state law or regulations.

K. Suitability of Soils at Site: The subdivider or developer, at its own cost or expense, shall provide to the Village or the affected school district soil boring data, soil compaction test results and such other engineering studies, data and information pertaining to the proposed school site, which the Village or the affected school district may request to enable it to determine the suitability of the proposed land dedication for school site. The Village or the affected school district shall have the right to reject any site which the Village or the affected school district determines, in accordance with sound engineering practices, is not suitable for school site purposes.

L. Title Insurance, Survey, Assessment Plats: Each deed or other instrument conveying land to the Village or the affected school district shall be accompanied by:

1. A written commitment issued by a title insurer licensed to do business in the state to insure the grantee's title to such real estate in an amount equal to the value computed pursuant to Section 12.09-F, with extended coverage over the general exceptions to title and subject only to:
 - a. real estate taxes not yet due and payable,

- b. covenants, conditions and restrictions which do not prohibit the use of the subject property for school purposes,
 - c. utility easements located within 20 feet of the boundary lines of the subject real estate (except where approved on the final engineering plans approved by the Village Engineer);
 - d. drainage ditches, feeders and laterals.
 - e. underground pipe or other conduit, and
 - f. acts done or suffered by or judgments against the grantees.
2. A current ALTA boundary line survey, certified to the grantee by a licensed Illinois Land Surveyor to be in compliance with the American Land Survey Standards, showing no encroachments; and
 3. Except in instances where the real estate is to be conveyed is a lot in a recorded subdivision, an assessment plat and tax division petition in a form acceptable to the appropriate Village authorities so the land to be conveyed can be assigned its own permanent real estate index number (PIN) for exemption purposes.

In addition, monuments must be established and the land staked immediately prior to dedication of the property. The subdivider or developer shall pay for the cost of the owner's title insurance in said amount, the ALTA survey, the assessment plat and any and all costs in connection with the tax division.

M. Real Estate Tax Escrow: The developer shall pay the general real estate taxes on the land not yet due and payable as of the date of transfer, and shall deposit a sum of money in escrow with the intended grantee's attorney or a title company licensed to do business in the State of Illinois, which is prorated as of the date of transfer on the basis of 110 percent of the tax assessor's latest assessed valuation, the latest known equalization factors and the latest known tax rate on the land. In the event the previous tax information or the previous tax bill includes other property, then the amount to be deposited in escrow shall be adjusted ratably based on the net acreage of the land compared to the net acreage of the other parcels covered by said tax bills. After the land has been divided for real estate tax purposes and has been conveyed to the intended grantee, the grantee shall proceed with due diligence to apply for a real estate tax exemption on the land.

N. Objections: All objections relating to acreage requirements, presumptions as to fair market value, the Density Formula, or any other application of this Educational Facilities Impact Fee Ordinance to a particular subdivision or planned development, shall first be referred to the Plan Commission for a hearing. An objection must be made, if at all, prior to the approval of the final plat of subdivision by the Village. A failure to object by such time shall constitute a waiver of the right to object to the provisions of this Educational Facilities Impact Fee Ordinance. All developers

submitting a plat of subdivision or resubdivision or a plat of a planned development to the Village shall be given a copy of this entire Educational Facilities Impact Fee Ordinance, including the procedures for objecting to such an assessment as prescribed by this Educational Facilities Impact Fee Ordinance. Upon receipt the developer must sign *Acknowledgment of Notification of Rights*, Appendix 12-G, acknowledging that the developer has received notice of the existence of such a procedure for objections. The procedure for a hearing before the Plan Commission shall be as follows:

1. Duties of the Plan Commission: The Plan Commission shall serve in an advisory capacity and shall have the following duties:
 - a. Advise and assist the Village in resolving objections regarding the Density Formula, the size of the school sites, the fair market value of the land used to calculate the cash contribution, or any other application of this Educational Facilities Impact Fee Ordinance to a particular subdivision or planned development.
 - b. The Village shall adopt procedural rules to be used by the Plan Commission in carrying out the duties imposed by this Educational Facilities Impact Fee Ordinance.
2. Information and Services to be Used: The Village shall make available to the Plan Commission all professional reports relating to the Density Formula, the size of the school sites and the fair market value of land used in calculating these cash contributions. The Plan Commission may also retain the services of professionals (attorneys, appraisers, statisticians, etc.) to assist in its review of issues raised by any objection.
3. Procedure for Resolving an Objection:
 - a. Upon receipt of an objection, the Village Clerk shall place the same on the next regular meeting agenda of the Board of Trustees. Thereafter, the Board of Trustees shall refer the objection to the Plan Commission, which shall by resolution establish a hearing date.
 - b. The Plan Commission shall provide public notice of the hearing date to consider the objection and shall notify the affected school district by certified mail, return receipt requested, of the filing of the objection and of any hearing regarding same.
 - c. The objector shall publish notice of the hearing date once each week for three consecutive weeks, at least 30 days before but no more than 60 days before the scheduled date of the hearing. Notice shall be published in a newspaper of general circulation within the corporate limits of the Village. The notice of public hearing shall not appear in

the part of the paper where legal notices or classified ads appear. The notice shall not be smaller than one-quarter page of a standard size or tabloid-size newspaper. The objector shall send a copy of said notice to any person who has requested said notice by certified mail (stamped at a U.S. Postal Service facility showing the date of mailing) at least 30 days prior to the hearing date.

- d. The notice shall contain all of the following information:
 - i. The headline shall read: “NOTICE OF PUBLIC HEARING ON OBJECTION TO APPLICATION OF THE EDUCATIONAL FACILITIES IMPACT FEE ORDINANCE REQUIRING THE DEDICATION OF SCHOOL SITES OR PAYMENT OF THE CASH CONTRIBUTIONS IN LIEU THEREOF.”
 - ii. The date, time and location of the public hearing.
 - iii. A statement that the purpose of the hearing is to consider the objection to a component of the application of the Educational Facilities Impact Fee Ordinance requiring the dedication of school sites or calculation of cash in lieu thereof.
 - iv. A general description of the parcel(s), service area or areas within the Village that are the subject of the hearing.
 - v. A statement that the Village shall make available to the public, upon request, an easily understandable and detailed map of the parcel(s), service area or areas to which the Educational Facilities Impact Fee Ordinance applies, and any other available information about the objection.
 - vi. A statement that any member of the public affected by the Educational Facilities Impact Fee Ordinance or the parcel(s) or service area shall have the right to appear at the public hearing and present testimony and/or evidence in support of or against the objection.
- e. A public hearing shall be held for the consideration of the objection. In addition to the Village, the affected school district shall be allowed to participate in such hearing as a party thereto to present evidence, cross-examine witnesses and make arguments to the Plan Commission regarding the issues raised in the objection. The Plan Commission shall make a recommendation to adopt, reject in whole

or in part, or modify the objection presented at the hearing, by written report to the Village, within 60 days after the hearing. The Village shall then have at least 60 but not more than 120 days to approve, disapprove or modify, by ordinance or resolution, the findings in the Educational Facilities Impact Fee Ordinance as it pertains to the development in question.

4. Costs and Fees: The objector shall bear all costs of the hearing before the Plan Commission, including, but not limited to attendance fees paid the Plan Commission members, publication costs, professional consultants and any other expenses of the Village.

O. Condition to Annexation: The dedications of land or cash contributions in lieu thereof required by this Educational Facilities Impact Fee Ordinance shall also be required as a condition to the annexation of any land to the Village, and provisions therefore shall at a minimum be incorporated in any annexation or pre-annexation agreement governing such land. However, the Village reserves the right to negotiate dedications of land or cash contributions in lieu of land or a combination thereof greater than those set forth herein. Further, any requirements with respect to dedications of land or cash contributions in lieu of land shall be incorporated into any subdivision declaration of covenants running with the land.

P. Indemnification: As a condition to any affected school district receiving any school land dedications and/or cash contributions in lieu thereof, the affected school district shall execute an indemnification agreement largely similar in form and content to that set forth in Appendix 12-H herein. This agreement shall be executed on or before June 1st of each year. Following execution of this agreement by the affected school district, this indemnification agreement shall be furnished to the Village. In the event the affected school district fails to execute and/or furnish the executed agreement as required in this Educational Facilities Impact Fee Ordinance, the Village reserves the right to refuse to impose any land dedications and/or cash contributions in lieu thereof on behalf of the affected school district.

Q. Collection of Fees: The cash contributions in lieu of land dedications imposed by this Educational Facilities Impact Fee Ordinance shall be collected and held by the Village, or at its designation by the affected school district in accordance with the standards in this Educational Facilities Impact Fee Ordinance and shall be used for the purposes set forth in this Educational Facilities Impact Fee Ordinance. If necessary, the affected school district shall provide written confirmation of payment to the developer or subdivider that the developer or subdivider can present to the appropriate Village authorities as proof of compliance with the terms of this Educational Facilities Impact Fee Ordinance.

R. Needs Assessment; Land and Capital Facilities Acquisition Plan: As a condition to the imposition of these land dedications and/or cash contributions in lieu of land dedications, the Village shall require that the affected school district conduct a needs assessment and adopt a plan for acquisition of land and capital facilities needed to accommodate growth.

1. A needs assessment shall contain the following information for each school district:
 - a. A description of the nature and location of existing school sites and existing schools within each district.
 - b. An identification of the capacity of each school building within the particular district and of the number of students then enrolled in each school building.
 - c. A projection of the character and location of new development that is expected to occur within each district during the succeeding 10-year period. The district may obtain the information necessary to make this projection from sources such as but not limited to: municipalities, other units of government, agencies and consultants.
 - d. An identification of the amount of school lands that will be necessary within each district in order to accommodate the demands of such projected new development, and an estimate of the public grounds acquisition costs that will be incurred or have been incurred by each district in acquiring such lands.
 - e. A general description of each classification of school capital facilities (including construction, expansion or enhancement of any public facilities and the land improvement, design, engineering and professional costs related thereto) that will be necessary within each district in order to provide school capacity for the projected new development, and an estimate of the capital facilities costs that will be incurred by each district in constructing such capital facilities.
2. Based upon the needs assessment, each district shall provide the Village an acquisition plan for school sites and capital facilities. This acquisition plan shall:
 - a. Project for a planning period of at least five years, the need for school sites within the district;
 - b. Set forth a schedule for the acquisition of such lands and facilities to meet the projected need (which schedule may be conditioned upon the availability of financing);
 - c. Indicate the size and general location of the needed lands and facilities;

- d. Identify the estimated or incurred costs of acquiring such needed lands and facilities;
 - e. Set forth the anticipated funding sources for the acquisition of such needed lands and facilities;
 - f. Determine the feasibility of acquiring the needed land and facilities based upon the district's current financial condition;
 - g. Determine the feasibility of acquiring the needed land and facilities based upon the district's estimate of the revenues (including, without limitation, cash in lieu of land dedication required by this Educational Facilities Impact Fee Ordinance) pursuant to the plan.
 - h. Estimate the impact on property taxes in the Village assuming the plan is implemented; and
 - i. Include a resolution by the corporate authority that the affected school district advocates and supports the provisions of the Educational Facilities Impact Fee Ordinance and that said ordinance requirements as to dedications of land or cash contributions in lieu thereof are an integral part of the efforts of the affected school district to address the impact of growth within its jurisdiction.
3. If the Village deems it necessary, it may require an updated needs assessment and plan for acquisition of land and capital facilities from each affected school district annually. The failure to require said assessment update shall not invalidate the requirements of this Educational Facilities Impact Fee Ordinance.

S. Time of Payment: All land dedications and cash contributions imposed by this Educational Facilities Impact Fee Ordinance shall be due and payable upon final plat approval. **For any lot which received final plat approval prior to the enactment of the Educational Facilities Impact Fee Ordinance, and which remains vacant at the time the Educational Facilities Impact Fee Ordinance is enacted, all dedications and fees imposed by the Educational Facilities Impact Fee Ordinance shall be calculated and shall be due and payable at the time a building permit is issued.** At the time of payment (at time of final plat approval or at time of building permit issuance), the subdivider or developer shall receive a copy of the Educational Facilities Impact Fee Ordinance and shall execute an acknowledgment that a copy of the Educational Facilities Impact Fee Ordinance has been received. The executed acknowledgment shall be maintained and filed along with documents evidencing proof of land dedication or payment of cash contributions in lieu of land dedication by each subdivider or developer.

1. Payment at Time of Platting: In calculating the cash contributions to be paid at the time of platting, the Village will assume the maximum density

permitted under the zoning classification approved pursuant to the Density Formula. For example, if the subdivision in question is zoned single family, the Village will assume for purposes of calculating cash contributions payable, pursuant to the Educational Facilities Impact Fee Ordinance, that all houses will have five bedrooms. The Village or, if appropriate, the school district, will then hold sufficient funds pending issuance of the building permit to enable it to refund any overpayments resulting from the fact that houses with less than five bedrooms are constructed. Refunds shall be made at time of issuance of the building permit upon application by the developer to the affected school district.

2. Payment at Time of Building Permit Issuance: The Village may agree that the payment of the cash contributions may be made at the time of building permit issuance in consideration of which the subdivider or developer shall execute an agreement, which is Appendix 12-I herein. The agreement provides that the developer agrees: (a) that the cash contributions payable will be adjusted in accordance with the requirements herein; (b) that the cash contributions may be expended for the purposes described therein; and (c) to accept the validity of the Educational Facilities Impact Fee Ordinance and the cash contributions as calculated. This agreement, or memorandum thereof, shall be recorded along with the final plat of subdivision upon approval by the Village.

In the event the Village agrees to delay the payment of fees and cash contributions required herein to the time of building permit issuance, the fees and cash contributions owed shall be those that are in effect at the time the building permit is issued.

12.10 DEDICATION OF PARK LANDS OR FOR PAYMENTS OF FEES IN LIEU THEREOF

A. Criteria for Requiring Park and Recreational Land Dedication:

1. Requirement and Population Ratio: The ultimate density of a proposed development shall bear directly on the amount of land required for dedication. The total requirement shall be 10 acres of land per 1,000 of ultimate population and may be allocated by the Board of Trustees in its discretion based upon the following criteria:

Types of Recreation Area	Minimum Size	Park Acreage per 1,000 Population
Village-Wide Park for Active Sports	20 acres	5 acres
Village-Wide Recreation Park	40 acres	5 acres
Total		10 acres per 1,000 population

These requirements for acreage are based upon a review of available data studies and literature on the subject, including but not limited to, the National Land Park Association's *Recreation, Park and Open Space Standards and Guidelines*, 1990. These requirements shall be presumed as the appropriate acreage requirements and shall be used in calculating any cash in lieu of land contribution herein unless timely objected to as provided herein. Objections to these acreage requirements for any particular development shall be made in accordance with Section 12.09-N to the Plan Commission. Failure to timely object to these acreage requirements in accordance with Section 12.09-N shall thereafter waive any right to raise an objection at a later time.

2. Location: The Park and Recreation Plans as adopted in the Comprehensive Plan shall be used as a guideline in locating sites.
3. Credit for Private Open Spaces and Recreation Areas: When subdividers or developers provide their own open space for recreation areas and facilities, it may have the effect of reducing the demand for local public recreational services. Depending on the size of the development, a portion of the park and recreation area in subdivisions or planned unit developments may, at the sole option of the Board of Trustees be provided in the form of "private" open space in lieu of dedicated "public open space." The extent of the space shall be determined by the Board of Trustees based on the needs of the projected residents and in conformance to the total park and recreation land for the general area.

In general, a substitution of private open space for dedicated parks will imply a substantially higher degree of improvement and the installation of recreation facilities, including equipment by the developer as part of his obligation. Detailed plans of such areas, including specifications of facilities to be installed, must be approved by the Village and before any credit is given for private recreation areas, the subdivider or developer must guarantee that these private recreation areas will be permanently maintained for such use by the execution of the appropriate legal documents. When an adjustment for private recreation areas is warranted, it will be necessary to complete the total park land dedication that would have been required from the subdivision or planned unit development and then subtract the credit to be given.

B. Criteria for Requiring a Contribution in Lieu of Park Sites: When the development is small and the resulting site is too small to be practical or when the available land is inappropriate for park and recreational purposes, the Village shall require the subdivider or developer to pay a cash contribution in lieu of the land dedication. The cash contribution in-lieu-of park and recreation land dedication shall be held in trust by the Village or other public body designated by the Village and shall be used solely for the acquisition of park and recreation land as classified above, which will be available to serve the immediate or future needs of the residents of that subdivision or development

or for the improvement of other existing local park and recreation land that already serve such needs or for any other lawful park purpose or for any park purpose agreed to by the subdivider or developer at the time of platting. If any portion of a cash contribution in lieu of park and recreation land dedication is not expended for the purposes set forth herein within 20 years from the date of receipt, it shall be refunded to the record owner of the subdivided land at the time of the refund. If there is more than one record owner of the subdivided land or of the land that comprises the planned unit development, as applicable, such record owners shall share in the refund on a pro-rata basis using the then latest assessed valuation for all such land.

1. Fair Market Value: The cash contributions in lieu of land shall be based on the “fair market value” of the acres of land in the area that otherwise would have been dedicated as park and recreation sites. The fair market value, on a per acre basis, shall assume, unless determined otherwise pursuant to Section 12.09, that the land is zoned residential, subdivided, is improved as set forth in Sections 12.09-H and I, and is otherwise property capable of being used for residential development. Based upon a study of real estate transactions in the Village for the past three years, it has been determined that the present “fair market value” of such improved land in and surrounding the Village is, as of the effective date of this Section 12.10, \$60,000.00 per acre. This figure shall annually on the anniversary date of this Section 12.10 be adjusted by the Board of Trustees. The “fair market value” as defined above shall be used in calculating any cash in lieu of land contribution herein unless timely objected to as provided in Section 12.09-N.

Objections to the fair market value as defined above shall be made in accordance with Section 12.09-N to the Plan Commission. Failure to timely object to the “fair market value” as defined above in accordance with Section 12.09-N shall thereafter waive any right to raise an objection at a later time.

2. Criteria for Requiring Dedication and a Fee: There will be situations in subdivisions or planned developments when a combination of land dedication and a contribution in lieu of land are both necessary. These occasions will arise when (a) only a portion of the land to be developed is proposed as the location for a park (that portion of the land within the subdivision falling within the park location shall be dedicated as a site as stated above, and a cash contribution in lieu thereof shall be required for any additional land that would have been required to be dedicated); and (b) a major part of the local park site has already been acquired by the particular district and only a small portion of land is needed from the development to complete the site (the remaining portion shall be required by dedication, and a cash contribution in lieu thereof shall be required).

C. Reservation of Additional Land: When the comprehensive plan or the standards of the Village call for a larger amount of park and recreational land in a particular subdivision or planned development than the developer is required to dedicate pursuant to this Section 12.10, the land

needed beyond the developer's contribution shall be set aside and reserved by the developer for subsequent purchase by the Village or other public body designated by the Village, provided that such acquisition is made within one year from the date of approval of the final plat.

D. Combining with Adjoining Developments: If the subdivision or planned development is less than 40 acres, public open space that is to be dedicated should, if possible, be combined with dedications from adjoining developments in order to produce usable recreation areas without hardship on a particular developer.

E. Applicable Sections: Sections 12.09-H, I, J, K, L, M, N, O and S shall be applicable to this Section 12.10.

12.11 **PROCEDURE FOR FILING OF SKETCH PLAN**, *Amended 2015-16-10*

A. Filing: A sketch plan shall be filed with the Village Clerk no less than 20 days prior to a regular meeting of the Plan Commission and Zoning Board of Appeals. The Village Clerk shall report the filing and present the plan to the Plan Commission and/or Zoning Board of Appeals, as the case may be. Prior to the Plan Commission's and/or Zoning Board of Appeals' consideration of such sketch plan, the owner of the subject property shall submit a filing fee of \$1000 and enter into a reimbursement agreement in accordance with Section 9.02 of the Bull Valley Municipal Code, which is incorporated herein by reference. Such Reimbursement of Fees Agreement shall be maintained and remain in full force and effect for the duration of the subdivision process including sketch, preliminary and final plat stages. In addition, the owner shall file a copy of the sketch plan with the applicable school district(s).

B. Contents: The sketch plan shall be drawn to a scale of at least one inch to 100 feet and shall contain the following information and depictions:

1. Identification:
 - a. The name, address and telephone number of the owner, the engineer and any other contact persons.
 - b. The existing zoning classification.
2. Delineation of existing and proposed conditions:
 - a. Existing property lines and roads.
 - b. Proposed lot lines and roads.
 - c. Existing improvements, e.g. structures, septic systems, wells, sewer.
 - d. Existing natural features on the property shall be described by the submittal of a Natural Resource Information Report (NRI) prepared

by the McHenry County Soil and Water Conservation District, and obtained by the owner.

- e. An aerial photograph (available at McHenry County Planning and Development office or NRCS in Woodstock) on which the property is outlined and which includes adjoining lands up to one-half mile from the perimeter of the proposed subdivision, reduced to an 11-inch by 17-inch exhibit.
- f. An Endangered Species Consultation Program Agency Action Report application and a map delineating the location of the proposed subdivision shall be submitted to the IDNR. A copy of that application and the IDNR's response to the application shall be submitted to the Village.

C. Action: The Plan Commission shall review the sketch plan and any related materials within the time frame permitted by Illinois law and make recommendations to the Zoning Board of Appeals, Board of Trustees and owner. The Zoning Board of Appeals shall, after receipt of the Plan Commission's recommendations, review the sketch plan. No action shall be taken on any preliminary plan filed under Section 12.12 until a sketch plan has been filed and considered by the Plan Commission and Zoning Board of Appeals.

If the proposed subdivision is located in the Village, or is proposed for annexation, the Plan Commission and Zoning Board of Appeals shall note whether variations of the standards and regulations of Village ordinances will be needed. If unincorporated, the Plan Commission shall offer general planning recommendations to the owner and Zoning Board of Appeals.

In its review, the Plan Commission may make recommendations of a general nature with regard to consistency of the sketch plan with the Comprehensive Plan and this Ordinance. The Plan Commission may, alternatively, choose to request additional information, drawings and reports, and recommend that the petitioner submit this material at subsequent meetings. If the proposed subdivision, in the opinion of the Plan Commission, raises significant questions as to its effect on an aquifer of local significance, due to potential loadings of pollutants which would adversely affect either human health at homes which draw water from the aquifer or the ecological stability of nearby natural communities, the Plan Commission, upon the advice of the Village's designated engineer or ecologist, may recommend that soil borings within the proposed subdivision be undertaken or groundwater and/or monitoring wells be established to furnish hydro-geological data. In the event monitoring wells are required, data collection may be required for a minimum period of 6 months for observation of seasonal fluctuations. Such data collection would be required in advance of any review and vote on a preliminary plan. The cost of such data collection, the establishment of monitoring wells or undertaking of soil borings shall be borne by the owner of the subject property.

12.12 PROCEDURE FOR FILING OF PRELIMINARY PLAN *Amended, 2015-16-10*

A. Filing:

1. After the Plan Commission and Zoning Board of Appeals have reviewed and considered the sketch plan, the owner shall file 24 copies of a preliminary plan, folded to approximately nine inches by 12 inches in size, with the Village Clerk and one copy with the chairman of the Board of Trustees' Committee on Roads and Bridges. A filing fee of \$5,000 plus \$1,000 per lot in the proposed subdivision shall also be paid at the time of filing. This filing fee is in addition to the Reimbursement of Fees deposit required by Section 9.02 of the Bull Valley Municipal Code. In addition, the owner shall file a copy of the preliminary plan with the applicable school district(s).

2. The Village Clerk shall report the filing and present the preliminary plan to the Board of Trustees, and the Board of Trustees shall refer the matter to the Plan Commission and/or Zoning Board of Appeals, as the case may be. The Plan Commission and/or Zoning Board of Appeals shall review the plan within the time frame permitted by Illinois law. The Board of Trustees shall also instruct the Village Engineer and/or Village Planner to consult with the owner, the Plan Commission and Zoning Board of Appeals in designing and planning for the construction of streets, other public improvements required by this Ordinance and any other ordinances as are otherwise appropriate, and the layout of lots in the context of the general natural features of the subject land. The owner shall pay the fees of the planner and engineer for such consultation prior to action under Section 12.12-A-3 on the final plat.

B. Contents: The preliminary plan and accompanying documents shall be in the form and substance found in Appendix 12-K of this Ordinance, in addition to any other requirements contained in these subdivision regulations.

C. Qualifications for Approval: The following qualifications shall govern approval of the preliminary plan:

1. The Plan Commission and/or Zoning Board of Appeals shall, after receiving the preliminary plan, hold such deliberations and request additional information as it deems necessary to show compliance with the ordinances of the Village. All required materials must be received at least one week prior to the Plan Commission and/or Zoning Board of Appeals session at which it is to be considered. If the proposed plan is not satisfactory as presented, the applicant will be permitted to make changes and additions to meet the requirements of this Ordinance before the Plan Commission and/or Zoning Board of Appeals submit a recommendation to the Board of Trustees.

2. The recommendation of approval or disapproval of the plan shall be in writing and include any conditions of approval or the reasons for disapproval and the roll call vote. A recommendation of disapproval shall not prohibit the applicant from seeking Board of Trustees' approval on the preliminary plan.
3. After the Board of Trustees is satisfied that the preliminary plan is in accordance with the requirements of this Ordinance, and the Plan Commission and/or Zoning Board of Appeals has inspected all phases of the improvements, and made its recommendation, the Board of Trustees may accept, modify or reject the recommendation of the Plan Commission and/or Zoning Board of Appeals on its actions on the plan. The Board of Trustees may require such special conditions in the approval of the preliminary plan as it may deem necessary to ensure conformity with the intent of all comprehensive plan elements and requirements of Village ordinances. Upon rejection of the preliminary plan, it shall be returned to the applicant with a written statement setting forth reasons for such disapproval. An approved preliminary plan shall remain on file with the Village Clerk.
4. Approval is tentative only, involving merely the general acceptability of the layout as submitted. Such approval shall be effective for a maximum period of 12 months, unless, upon application of the owner, the Board of Trustees grants an extension. If the final plat has not been recorded within this time limit, the preliminary plan must again be submitted for approval.
5. Separate approval by the Village Engineer and, if the subdivision lies within the Village's extraterritorial planning jurisdiction area, the appropriate county or township officials as to the proposed provisions of the owner's engineer for drainage, sewage disposal, water supply, gas and electric service, street lighting, fire hydrants and street improvements.
6. One print of the approved drawing, executed by the President and attested by the Village Clerk, shall be retained in the Village Clerk's office and two copies in the office of the Village Engineer. One executed copy is sufficient to authorize the owner to proceed with the preparation of plans and specifications for the improvements required herein, and to proceed with the preparation of the final plat.
7. A true and accurate copy of the application for a preliminary plan shall be filed with the "local health department" and each applicable and relevant "local highway authority" as defined in Section 2 of the Illinois Plat Act, 765 ILCS 205/0.01 *et seq.* The applicant shall provide a copy of the written approval or disapproval by the relevant local highway authority regarding roadway access and local health department relative to sewage disposal systems to the Village as a condition of approval of the preliminary plan by the Village.

8. Contents: In the event that a preliminary plan or final plat of subdivision depicts an improvement over or upon a transmission pipeline or transmission easement, the owner shall provide written evidence of approval for such improvements by the owner of such pipeline as a condition for approval by the Village.

D. Approval Just for Preliminary Plan: Preliminary plan approval shall not constitute approval of the final plat. Rather, it shall be deemed an expression of preliminary approval of the layout submitted on the preliminary plan and a guide to the preparation of final plat documents, which will be submitted for the Village's approval.

12.13 APPROVAL OF FINAL PLAT *Amended, 2007-08-03, 2015-16-10*

A. Submittal to Village Board: After approval of the preliminary plan by the Board of Trustees, the final plat of subdivision may be submitted to the Village for approval. Before the Board of Trustees will consider approving the final plat of subdivision the following requirements shall have been met or accompany the submittal:

1. The Village Engineer must certify in writing that the subdivision improvements described in the owner's plans and specifications comply with all other ordinances of the Village, Section 12.14 of this Ordinance and all applicable laws, rules and regulations of the federal, state and county governments.
2. The owner must submit written certification from all appropriate federal, state and county agencies that any and all permits required for the construction of subdivision improvements have been issued, including, but not limited to, any permits required to be issued by the United States Environmental Protection Agency and the Illinois Environmental Protection Agency.
3. A filing fee of \$5,000 shall be paid at the time of filing the final plat. This filing fee is in addition to the Reimbursement of Fees deposit required by Section 9.02 of the Bull Valley Municipal Code.
4. All fees, donations, deposits, bonds or letters of credit required to be paid or made by the owner under the provisions of this and any other applicable ordinance, shall have been so paid or made.
5. During the review process the Plan Commission, Village Engineer or the Board of Trustees may require such changes or revisions as may be required so the final subdivision plat will conform to this Ordinance, the Village's Zoning Ordinance and other applicable ordinances of the Village and substantially comply with the approved preliminary plat.

6. The Village Engineer shall submit an approval letter to the Board of Trustees that all engineering comments have been addressed as to adequacy of the stormwater management plan, street system, bike path, street lighting, parkway trees and other appurtenant public improvements described in the preliminary engineering report for the proposed subdivision prior to signature of the final plat.
7. Plan Commission approval has been received.
8. Contents: In the event that a preliminary plan or final plat of subdivision depicts an improvement over or upon a transmission pipeline or transmission pipeline easement, the owner shall provide written evidence of approval for such improvements by the owner of such pipeline as a condition for approval by the Village, in addition to any other requirements contained in these subdivision regulations.
9. A true and accurate copy of the application for approval of a proposed final plat shall be filed with the “local health department” and each applicable and relevant “local highway authority” as defined in Section 2 of the Illinois Plat Act, 765 ILCS 205/0.01 *et seq.* The applicant shall provide a copy of the written approval or disapproval by the relevant local highway authority with respect to road way access and the local health department with respect to sewage disposal system for that part of the platted property which will not be served by a public sewer system to the Village as a condition of approval by the Village.

B. Board of Trustees’ Action: Provided that all the conditions of Section 12.13-A have been fulfilled, action shall be taken by the Board of Trustees on the later to occur on 90 days after the final plat has been submitted for approval or 90 days after all the conditions of Section 12.13-A have been met. The Board of Trustees may approve, modify or disapprove the final plat, or may refer it back to the Plan Commission. Approval shall not be deemed to constitute or effect an acceptance by the Village of liability for the construction, repair or maintenance of any dedicated street or other proposed public way or space shown in the plat prior to the time otherwise provided for herein.

C. Acreage Fee: At the time of the approval and before the recording and filing of the approved final plat of subdivision which involves property in excess of 20 acres, an acreage fee of \$1,000 per acre or portion thereof shall be made by the subdivider to the Village to cover the intangible costs to the Village attributable to the subdivision. The President and Board of Trustees may determine the method of payment and grant an extension on the time of the payment at their discretion.

D. Recording: Upon approval by the Board of Trustees, the owner shall record the plat with the Recorder of Deeds no later than six months thereafter, and if not recorded within that time, the approval shall be null and void and the land shall be deemed to be unsubdivided

E. Building Permits: No building permit shall be issued on any lot until the final plat has been filed, approved and recorded, and all required public improvements and infrastructure are installed and functioning properly, including but not limited to street base/binder course, stormwater detention/retention facilities, storm sewers and essential private utilities.

F. Extensions: The Board of Trustees may grant an extension for final plat approval up to one year.

G. Recording Related Documents: Final agreements, provisions or covenants governing the use and maintenance of the subdivision shall be recorded in the office of the McHenry County Recorder of Deeds at the same time the final plat is recorded.

H. Unique Property Features: In the event the property to be subdivided contains unique topographical conditions, or a literal application of this Ordinance would cause undue and/or unique hardship, or where any other reasonable detriments prevail, the owner of record may request a variation from such application, provided the variation is in substantial conformance with the recommendations of the Plan Commission and Zoning Board of Appeals. The proposed variation shall require a public hearing before the Plan Commission, at which time evidence will be submitted. Prior to the hearing the owner shall be required to publish notice of the public hearing not less than 15 days, nor more than 30 days, in the *Northwest Herald*. The Plan Commission shall include its recommendation regarding the requested variation to the Board of Trustees at the time it recommends approval or disapproval of the plat.

12.14 **REQUIRED SUBDIVISION LAND IMPROVEMENTS** *Amended, 2025-26-15, 2011-12-20, 2008-09-17*

A. Septic Systems, Storm Sewers and Water Supply:

1. Septic systems and wells shall be installed to comply with specifications established by the McHenry County Department of Health. Upon recommendation of the Illinois Environmental Protection Agency or other appropriate agency, the Administrative Officer may increase lot area requirements as may be necessary.
2. When required by the Village Engineer, storm sewers throughout the entire subdivision and an adequate outlet shall be constructed. When storm sewers are not installed, adequate facilities for the removal of surface water shall be provided throughout the entire subdivision. Stormwater retention shall be designed in such a manner so that neighboring or downstream properties will not receive any greater amount or intensity of 100-year stormwater flowage

from the subject property after its development than would be discharged in its natural state.

B. Street/Road Construction:

1. Gradients:

- a. Grades of streets shall not be in excess of six percent on primary or secondary streets, nor in excess of eight percent on other streets, nor have a minimum grade of less than five-tenths of one percent.
- b. Where the gradient of the street warrants installation of vertical-type curb or other special design of improvements such as double inlets, the Village Engineer is authorized to require said design.

2. Surfacing: All new streets shall be improved with roadway surfacing. The overall width of surfacing shall be in accordance with Appendix 12-M, Roadway Surfacing Requirements, herein.

3. Curbs, Sidewalks: Concrete curbs and sidewalks along both sides of a collector street may be required, on the recommendation of the Village Engineer and Zoning Board of Appeals.

4. Design: The complete design for frontage roads, including specifications and designation for traffic ways, driving lanes, paving widths, thickness, materials, etc., shall be submitted to the Zoning Board of Appeals for review and approval. The minimum number of off-street parking spaces shall be in accordance with the requirements of the Zoning Ordinance.

5. Standard Specifications and Design Requirements: (including road signage and striping pursuant to Chapter 15, Traffic, of the Bull Valley Municipal Code) Reference herein to “Standard Specifications” shall mean the *Standard Specifications for Road and Bridge Construction* adopted October 1, 1979 by the Illinois Department of Transportation, as amended.

- a. Excavation and Grading: Streets within the subdivision shall be excavated true to line and grade in accordance with the applicable Section 202 of the Standard Specifications. Whenever unsuitable material is encountered in the subgrade, it shall be removed and replaced with pit (bank) run gravel or other acceptable granular material. The Village Engineer shall inspect and approve the subgrade prior to construction of the aggregate surface course.

- b. Aggregate Surface Course: An aggregate surface course Type B shall be constructed on each street in the subdivision to the width and

compacted thickness shown in Appendix 12-N and in accordance with Section 402 of the Standard Specifications except that the material may be tailgate spread on the road. The material used for the full depth of the surface course shall meet the requirements of Article 704.05 of the Standard Specifications for aggregate surface course Type B.

- c. Bituminous Surface: A plant mix bituminous surface course of the width and type shown in Appendix 12-N shall be constructed on all streets in the subdivision. The bituminous surface shall not be constructed until the aggregate surface course has been completed and in place on the road for one winter season. This requirement may be waived by the Village Engineer, but only if an aggregate surface Type A was constructed in accordance with Section 402 of the Standard Specifications. In no case shall the bituminous surface be constructed until the aggregate surface course has been approved by the Village Engineer.
 - I. Preparation of Base: Immediately prior to construction of the bituminous surface, the aggregate surface course shall be prepared in accordance with Section 307 of the Standard Specifications.
 - II. Bituminous Surface Plant Mix (Class B): Bituminous surface plant mix shall be constructed in two lifts to the compacted thickness shown in Appendix 12-M and in accordance with Section 405 of the Standard Specifications.
 - III. Aggregate Shoulders Type B: Immediately after completion of the bituminous surface, it shall be edged with tapered aggregate shoulders four feet in width.
- 6. Ditching and Drainage: Suitable ditches in conformance with Appendix 12-M shall be constructed along each side of the roadbed, and drainage structures shall be installed as necessary to insure satisfactory drainage of surface water throughout the subdivision and areas adjacent thereto. The sizes of all drainage structures shall be computed by using accepted engineering methodology. All drainage structures shall be installed before surfacing material is placed.
 - a. Cross-road culverts shall have a minimum diameter of 18 inches and shall run from ditch line to ditch line and shall be approved by the Village Engineer.

- b. All driveways entering upon roads already accepted by the applicable township road district or McHenry County shall utilize metal culverts of a size to be determined by the Superintendent of Roads or the McHenry County Director of Transportation/County/Engineer. In no event shall such metal culverts along new or proposed roads be less than 15 inches in diameter or less than 26 feet long. In existing subdivision the size of culvert shall be determined by the Superintendent of Roads but in no case shall it be less than 26 feet long. Driveways entering onto dedicated Village roads shall utilize culverts approved by the Village Engineer.
 - c. Pipe culverts shall meet the requirements of Section 511 of the Standard Specifications.
7. Curb and Gutter Construction-Modified Specifications: If the subdivider chooses or is otherwise required to use curb and gutter construction, the Schedule of Minimum Design Requirements for Subdivision Roads in McHenry County and the above specifications shall apply except as follows:
- a. Combination concrete curb and gutter shall be State of Illinois Standard Type M-6.12 modified; and shall be constructed in accordance with Section 616 of the Standard Specifications.
 - b. Street widths shall be generally as follows:
 - I. Minor or marginal access: 22 feet back to back of curb
 - II. Collector: 24 feet back to back of curb
 - III. Primary: 26 feet back to back of curb
 - IV. Cul-de-sac: 32 feet back to back of curb
 - c. An adequate storm sewer system shall be constructed as necessary to insure satisfactory drainage of surface water throughout the subdivision and areas adjacent thereto.
- C. Road Plans - Development and Approval: Before a final plat may be approved by the Plan Commission and Zoning Board of Appeals, the following procedure must be completed:
- 1. Complete road plans, prepared by a Registered Professional Engineer, shall be submitted. The road plans shall show sufficient data to insure compliance with the above requirements for roads and roadside drainage facilities and must meet the minimum requirements set forth in Appendix 12-N.

2. A complete and detailed estimate of cost, prepared by a Registered Professional Engineer, shall be submitted.
3. A second cost estimate, covering maintenance of the subdivision roads until they have been accepted by the appropriate highway authority, shall also be prepared by the Registered Professional Engineer. Maintenance, which shall include snow plowing, shall be adequate to insure ingress and egress to all lots which have been sold.
4. The road plans and cost estimates shall be reviewed and approved by the Zoning Board of Appeals and the Superintendent of Roads.
5. When the road plan and both cost estimates have been approved by the Superintendent of Roads and Zoning Board of Appeals, the owner shall provide good and sufficient security to insure that the road construction will be completed and the roads will be maintained until accepted. The security furnished shall meet the requirements of Appendix 12-B or Appendix 12-C herein.

D. Roads-Construction, Maintenance, Acceptance by the Superintendent of Roads:

1. No road construction work shall be started until a final plat has been approved by the Board of Trustees and recorded.
2. The owner shall employ a Registered Professional Engineer who shall be responsible for establishing the proper lines and grades for all earth-work and drainage and shall exercise general supervision as construction progresses. For the purpose of this Section 12.14-B8, general supervision shall mean sufficient overseeing of the project to assure that construction of the engineering improvements is accomplished substantially in accordance with the approved plans and specifications.
3. All construction items except the bituminous surface and seeding shall be completed within one year after approval of the final plat. The bituminous surface and seeding shall be completed within 18 months after approval of the final plat.
4. The owner shall be responsible for maintaining all roads in the subdivision until such roads have been accepted by the appropriate highway authority. Maintenance, which shall include snow plowing, shall be adequate to insure ingress and egress to all lots which have been sold.
5. Subdivision roads will not be accepted by the Superintendent of Roads until all construction detailed in the plans has been completed and 80 percent of

the dwelling units have been issued certificates of occupancy. It is the responsibility of the owner to consult with the Superintendent of Roads before the work has begun and to afford the Superintendent of Roads an opportunity to inspect the work as construction progresses.

6. When roadside drainage facilities include drywells, adequate precaution shall be taken to insure against siltation until protective vegetation has been established in the ditches, and overflow provisions shall be provided to prevent roadway flooding.
7. Stormwater inlets shall be provided within the roadway improvement at all points specified by the Village Engineer.
8. All curb corners shall have a radius of not less than 25 feet.
9. Schedule of Minimum Design Requirements for Subdivision Roads: The minimum design requirements found in Appendix 12-N shall apply to subdivision roads.
10. Street names and signs of a type approved by the Board of Trustees shall be provided at all intersections.
11. Fire hydrants and fittings of a type and with threaded coupling may be required by the Board of Trustees, but in no case shall any such fire hydrants be more than 800 feet apart.
12. A minimum distance between points of ingress and egress may be required by the Plan Commission and Zoning Board of Appeals where deemed necessary. If the lot has frontage on a state or federal highway, the spacing and design of the points of ingress and egress to the major highways shall be subject to the approval of the Illinois Department of Transportation.

E. Public Utilities:

1. All utility components, i.e., transmission lines (power) and/or communications lines (voice, data, video etc.) shall be placed underground entirely throughout the subdivision and the conduits or cables shall be placed within easements or dedicated public ways in a manner which will not conflict with other underground services. All transformer boxes shall be located so as not to be unsightly or hazardous to the public, and which locations shall be approved by the Village Engineer and Board of Trustees.

Any and all utility components that are subsequently used to upgrade existing utility components or used in new construction and/or extended to serve an

additional parcel, new principal building or accessory structure on a lot shall be installed underground.

2. It is recommended that the owner keep all utility and cable television companies informed of progress on the subdivision, and coordinate construction activities with them.
3. If the underground utility installation cannot be completed prior to final grading and seeding, it shall be the responsibility of the owner to restore the ditches and turf following installation of underground utilities.
4. Utility companies shall not dig trenches across any roads after placement of the aggregate surface course unless complete restoration, meeting with the approval of the Village Engineer, is provided.
5. The owner shall provide at his cost any electrical service required by the power supplier for the adequate lighting of public streets in the subdivision at such locations to be approved by the Village Engineer.
6. Street light poles shall be placed in concrete, a minimum of four feet deep below the frost line, whichever is deeper, and one foot in diameter. Such poles shall not be "direct bury." The formula for the concrete and location of the street light poles shall be approved by the Village Engineer. However, if the height and structure of the proposed light poles require additional concrete, the criteria and requirements for the concrete foundations may be increased by the Village Engineer in accordance with sound engineering principles.

F. Landscaping:

1. All parkways within the dedicated street area or other public use areas, shall be graded and seeded in an approved manner.
2. If the Plan Commission and Zoning Board of Appeals so require, trees planted along the roadway shall be placed throughout the entire subdivision, and shall be spaced not more than 40 feet apart on parkways, except that no such planting shall interfere with house service lines. The trees shall be approved by the Board of Trustees, and shall be of a diameter or not less than four inches. The owner is to certify to the Village that said trees are free from disease pursuant to the Insect Pest and Plant Disease Act (505 ILCS 90/1 *et seq.*). The trees shall be transplanted stock and transplanting thereof having been done within four years from the time of purchase.

3. Other landscaping may be required by the Plan Commission and Zoning Board of Appeals. All plant materials must be free from disease pursuant to the Insect Pest and Plant Disease Act (505 ILCS 90/1 *et seq.*).

G. Permanent Monuments:

1. Permanent monuments shall be placed at all corners and at points of tangency of curve lines along the boundary of the subdivision. Permanent monuments shall be of concrete with minimum dimensions of four inches by four inches at top, six inches by six inches at bottom, and 36 inches long with a copper dowel three-eighths inch in diameter, at least 2½ inches in length, imbedded so that the top of the dowel shall be flush with the surface and at the center of the monument. All block corners shall be monumented in concrete.
2. All lot corners and points of tangency of curve lines not marked by concrete monuments shall be marked by galvanized wrought iron pipe or iron or steel bars at least 18 inches in length and not less than one-half inch in diameter. The top of the pipe or bar is to be set level with the established grade of the ground.

H. Privately Developed Facilities: Where the subdivision is to contain roads, water supply system, park areas, or other physical facilities which will not be maintained by existing public agencies, or a septic system or systems which will not be owned by individual owners, provision must be made by trust agreement and be made a part of the deed restrictions running with the land in the subdivision acceptable to the proper agencies, for jurisdiction and control over, and financial responsibility for, the continuous maintenance, repair, supervision, operation, and reconstruction of such facilities by the lot owners in the subdivision.

I. Lake/Pond Modifications: All plans which relate to the construction, deepening or otherwise changing of the shape or size of a lake or pond, whether by damming, dredging, or in any way impounding water in such a manner as to change the original natural features of the land under development shall be referred to the McHenry County Soil and Water Conservation District for analysis and commentary. All necessary fees for such analysis shall be paid for by the owner. Such plans shall also meet the requirements of the flood plain regulations of the Village and, if applicable, the requirements of the U.S. Army Corps of Engineers.

J. Soil Restoration: All top soil shall be restored to the original topography, as far as possible.

K. Tree Preservation:

1. In addition to those terms defined in Section 12.04 of this Ordinance, the following terms are applicable to this Section 12.14-K:

Arborist: A person who, based on training and experience, for profit, diagnoses the condition of shade or ornamental trees and shrubs and recommends, supervises or provides treatment of any such trees by feeding, fertilizing and/or by pruning, trimming, bracing, treating cavities or other methods, and is a member of good standing in a reputable nationally recognized professional arborist association or is so licensed.

Approved Restoration Plan: The plan must include location and current description of the proposed area, type of restoration, timeline and follow up and a maintenance plan. Each plan will be individually tailored to the proposed area.

Construction activity: Any of the following listed activities pursuant to this Ordinance or Section 6.4, Planned Development, or Section 6.5, Retail PD, of the Bull Valley Zoning Ordinance, but only if, and only to the extent that, such activity anticipates or involves the actual or reasonable likely damage or removal of any tree, as determined by the Village's designated representative:

- a. The erection, exterior alteration, exterior repair, exterior renovation, demolition, or removal of a building or structure of any kind;
- b. The paving, resurfacing, or installation of any impervious surface including, without limitation, roadways, driveways, patios and decks;
- c. The excavation, filling, grading or clearing of all or any portion of a parcel or parcels, unless exempt under this Ordinance; and
- d. Any exterior or interior construction that requires the placement of a dumpster, or other similarly sized trash or refuse receptacle, on a lot.

Construction activity area: That certain area of a lot identified as the construction activity area on the construction activity protection plan pursuant to Section 12.14-K-9.

Construction activity protection plan: The plan required pursuant to Section 12.14-K-9.

Crown: Parts of a tree above the trunk including leaves, branches and scaffolds.

Dense woods or densely wooded: Tree cover in an area of 10,000 square feet or more, in which the tree crowns are interlocking and canopy coverage is between 60 percent to 100 percent.

Densely wooded lot or lots: A subject lot or lots that are densely wooded. This definition includes areas that are designated for common areas, or roadway or driveway purposes.

DBH: Also known as Diameter at Breast Height, the diameter of the trunk of the tree measured in inches at a point four and one-half feet above grade.

Drip line: A line drawn on the ground surface directly beneath and perpendicular to the maximum radius of the crown of an existing tree but not less than six feet from the trunk, whichever is greater.

Protected tree:

- a. Any tree in the Village designated on a tree preservation plan to be retained during construction shall become a protected tree. Any tree of any size included in Appendix 12-P of this Ordinance shall be a protected tree.
- b. Any protected tree replacing a tree that is removed during construction shall become a protected tree (see exceptions in d.).
- c. Any heritage, historical or landmark tree; any witness tree; any other tree with historical or regional significance.
- d. Exceptions: Removal of invasive species; removal of trees down or severely damaged after tornadoes, windstorms or other natural disasters; removal of trees which have become, or immediately threaten to become a hazard to persons, property or another protected tree, removal of diseased, dead or dying trees; all active orchards and state or government approved tree farms in relation to trees planted and growing for intended sale to the general public; and removal and/or replacement of trees pursuant to the Illinois Reforestation Act, clearing for purposes of ecological restoration pursuant to an Approved Restoration Plan.

Public tree: Any tree within a public right-of-way in the Village or located on Village-owned property.

Remove or removal: The causing or accomplishing of the actual physical removal of a tree, or the effective removal through damaging, poisoning, or other direct or indirect action resulting in, or likely resulting in, the death of a tree.

Replacement tree: A nursery-grown certified tree, properly balled and burlapped, meeting the requirements specified in this Section 12.14-K.

Subject lot: A lot on which development or construction activity will take place.

Tree: Any self-supporting, woody plant together with its root system, growing upon the earth usually with one trunk, or a multi-stemmed trunk system, supporting a definitely formed crown.

Tree Preservation Plan: A written document indicating the methods which are to be used to preserve a protected tree during construction, and shall include a tree survey.

Tree survey: A written document identifying all trees on the property and indicating whether they are to be retained or removed and replaced (more fully described in Section 12.14-K-4).

2. Tree Preservation: Purpose and Intent: It is the intent of the President and Board of Trustees that the terms of this Section 12.14-K shall only apply to residential and commercial developments, residential planned development,

property developed pursuant to this Chapter 12 and any and all property subdivided in the Village. This Section shall be construed so as to promote the planting, maintenance, restoration and survival of desirable trees within areas of development or construction activity in the Village, thereby:

- a. Preserving and protecting native species, preserving and restoring remnant woodlands, particularly oak-hickory savannas and woodlands that define the historical landscape of the Village;
 - b. Fostering the stabilization of soil by the prevention of soil erosion and sedimentation;
 - c. Enhancing drainage control and restoration of denuded soil subsequent to construction and grading;
 - d. Reducing storm water runoff and the costs associated therewith, and replenishing ground water supplies;
 - e. Facilitating the reduction of air pollution through transformation of carbon dioxide, the generation of oxygen, and the reduction of dust and other airborne pollutants;
 - f. Providing buffering to attenuate harmful noise;
 - g. Reducing energy consumption through the natural windbreak and shade producing functions of trees;
 - h. Providing a haven for wildlife which, in turn, assists the control of pests;
 - i. Protecting and increasing property values;
 - j. Conserving and enhancing the Village's unique character and physical, historical and aesthetic environment, especially its natural and rural atmosphere that fosters the preservation and maintenance of community identity; and
 - k. Protecting and enhancing the quality of life and the general welfare of the Village.
3. Applicability Only to New Development: All applications for approval of a preliminary plan for new development pursuant to the Subdivision Ordinance or retail planned developments and residential planned developments pursuant to Section 6, Special Uses, of the Bull Valley Zoning Ordinance,

shall contain a tree survey and Tree Preservation Plan that conforms to the requirements set forth herein:

4. Tree Survey: The required tree survey shall specify the following:
 - a. The location, size, critical root zones, condition, species (both scientific and common) of all trees located on the property and 15 feet beyond the lot lines.
 - b. The location of all desirable native tree species listed in Appendix 12-P having a DBH of two or more inches and all other existing trees with a DBH of eight or more inches, including dead or dying trees. In the case of a multi-stemmed tree, the diameter of the clump taken as a whole shall be used.
 - c. Identification of which trees are to be removed, moved or retained, including notations on any tree or trees proposed to be retained that may be negatively affected during the construction process.
 - d. Using a different code, the location of any tree that was removed in a one-year period prior to application for approval of a preliminary plan.
 - e. Groups of trees which are less than three feet apart may be designated as clumps, provided that all trees with a DBH of eight inches or greater must be individually depicted. Trees in areas of the site that will not be affected by the construction must be shown on the survey, but may be excluded from the requirements of Section 12.14-K-4-a through d.
 - f. Where trees are located in a permanently dedication conservation easement or protected through deed restriction and will be free from any construction or grading activity, identification of individual trees is not required.

5. Tree Preservation Plan: The Tree Preservation Plan shall specify the following:
 - a. Location of the preliminary plan area, and the subject lot or lots as the case may be, including street address (if any) or legal description.
 - b. The parties responsible for the construction, erection and maintenance of the temporary fencing or other physical barrier around protected trees;

- c. The location, shape and spatial arrangement of all existing and proposed buildings, walls, improvements and structures;
 - d. The location, shape and spatial arrangement of all permanent driveways and parking areas and temporary material storage sites and access ways;
 - e. Any new utility services, including water, sanitary sewer, storm sewer, gas, electric, telephone and cable television and existing utility service that will be removed or modified;
 - f. The existing and proposed grading of the development area showing elevations with contour lines at one-foot intervals if a grading plan is required by some other provision of this Ordinance; and
 - g. Tree preservation techniques.
6. Tree Preservation Techniques: During development and construction activity, all reasonable steps shall be taken to prevent damage to or destruction of protected trees, woodlands and savannas. The Tree Preservation Plan shall specify and utilize the following preservation techniques:
- a. Soils shall not be removed, compacted or otherwise disturbed within the critical root zone.
 - b. A protective fence approved by the Village shall be erected around the critical root zone of any protected tree or group of trees. Signage shall be affixed to the fence indicating the presence of the critical root zone and a protected area.
 - c. All trees on property adjacent to the subject site and within 10 feet of the site's property line, or that have a critical root zone extending into the subject site, shall be protected from unreasonable damage by the use of acceptable tree protection measures.
 - d. Mass cuts and mass grading are discouraged to minimize disturbance of trees or stands of trees.
 - e. Boring shall be used to install any underground utilities near the root zone of protected trees, where feasible.
 - f. The developer/owner shall ensure that all applicable subcontractors are trained in proper tree protection.

- g. No excess soil, additional fill, equipment, trailers, liquids or construction debris shall be placed within the identified critical root zone of any tree that is to remain at its original location.
- h. Only protective non-damaging devices or attachments shall be attached to any tree during construction.
- i. Crushed limestone or any other material which may be detrimental to trees shall not be dumped within the drip line of any tree(s) nor shall be located at any higher location where drainage toward the tree(s) would conceivably affect the health of said tree(s).
- j. Any trees whose roots may be negatively affected during the construction process shall be pruned by an arborist to compensate for root loss during construction.

7. General Provisions:

- a. The critical root zones of protected trees shown on the survey shall be carefully reviewed and taken into account during the preparation of the Tree Preservation Plan. Every effort should be made to preserve trees on adjacent lots that would otherwise qualify as protected trees through sensitivity to the critical root zones of said trees.
- b. Integration of Existing Trees Into Preliminary Plan and Final Plat: Subject to the determination of the Village, every reasonable effort shall be made to retain existing protected trees identified on the tree survey as set forth herein through the integration of those trees surveyed into the preliminary plan and final plat for the proposed development. Removal of protected trees designated for preservation shall only be allowed by amendment to the final plat. The Tree Preservation Plan shall be incorporated into the final plat of subdivision and recorded as part of the final plat.
- c. Preservation Methodology: If the necessary precautions, as specified in the Tree Preservation Plan, were not undertaken before or during construction to ensure the preservation of protected trees, a building permit for the parcel shall not be issued or, if previously issued, shall be revoked until such time as compliance with said precautions is achieved.
- d. The Village, at its discretion, shall have the right to retain a professional tree consultant/forester/arborist to review the Tree Preservation Plan and submit a written report to the Village. All

expenses incurred by the Village shall be reimbursed by the developer, owner or applicant, as the case may be.

- e. The Village shall have the right to inspect the subject property at any time during the construction process in order to verify that the protected trees have been protected in accordance with the approved Tree Preservation Plan.
- f. Where individual trees or stands of trees are removed on property proposed for development or which is the subject of a development approval petition, including a subdivision, planned development or special use, the Village may require that the area containing the removed trees or stands of trees be replanted and that said area be dedicated as and made subject to a tree preservation easement, and be maintained in perpetuity as open space.
- g. Where mass removal or clear cutting of desirable native trees occurs one year or less prior to the preparation of a required tree inventory, the Village shall not process a request for approval of any plat or petition until a time period of at least one year has elapsed, unless further processing of said request is approved by the Plan Commission.
- h. There shall be no approval by the Village of the developer's final plat or no building permit shall be issued until the Tree Preservation Plan has been approved by the Village, and the Village has determined that the required steps have been taken in the field to implement the Tree Preservation Plan. In reviewing the Tree Preservation Plan, the Village may recommend and suggest modifications which will better protect the existing trees, but the Tree Preservations Plan shall be approved if it is otherwise in conformity with Village ordinances. The Village shall process the Tree Preservation Plan in a timely manner. After approval of the final plat, the following steps must be followed to assure conformance to the approved Tree Preservation Plan and the tree protection requirements as set forth in this Section.
- i. Tree preservation measures must remain in place during the entire construction period. Fencing shall not be removed or relocated without prior written authorization from the Village forester, arborist or building officer.
- j. A copy of the approved Tree Preservation Plan shall be available on the building site before work commences and at all times during construction of the project. The general contractor shall be

responsible for notifying all other contractors involved with a given project of the Tree Preservation Plan.

k. Violations and Penalty: In addition to the tree replacement provisions herein, any person or entity who violates any provision of this Section, upon being found guilty, shall be subject to the following fines:

- I. For removal of a protected tree without a Village-approved plan, a minimum fine of \$1,000 and a maximum fine of \$2,500 for each such tree.
- II. For failure to replace any damaged or destroyed tree designated as a protected tree in a Village-approved Tree Preservation Plan a minimum fine of \$1,000 and a maximum fine of \$2,500 for each such tree.

8. Tree Replacement:

a. Replacement of Protected Trees: Any protected tree removed during construction shall be replaced as follows:

Diameter of Removed Tree*	Number of Replacement Trees
4 inches	2 trees @ 2½ inches
5-6 inches	3 trees @ 2 inches
7-8 inches	4 trees @ 2 inches or 3 trees @ 2½ inches
9-10 inches	5 trees @ 2 inches or 4 trees @ 2½ inches
11-12 inches	6 trees @ 2 inches or 5 trees @ 2½ inches
13 – 25 inches	Minimum 12 trees @ 2 inches or 10 trees @ 2½ inches
26 or more inches	Minimum 15 trees @ 2 inches or 12 trees @ 2½ inches
*Trunk size as measured at 48 inches above the established ground.	

- I. For the above, in the event of a fraction of an inch, if the fraction is less than one-half inch, it may be disregarded. If the fraction is one-half inch or greater, it shall be counted as one inch. Such replacement shall be made within 12 months of the date of the removal of any protected tree(s) for which a replacement tree is required.
- II. All replacement trees shall be selected from the Village’s recommended species listed in Appendix 12-P of this Ordinance and documented on the final plan. A list of prohibited trees can be found in Appendix 12-Q.

- III. Replacement trees shall be either true balled and burlapped or containerized trees. They shall be northern-grown in a nursery and shall have been transplanted twice, the last transplanting being not less than four years prior to planting. All trees shall be tagged and identified as to species, size and place of origin. Such tags shall not be removed by the developer prior to inspection of same by the Village.

- IV. All trees, whether original or replacement, determined by the Village not to be of vigorous growing condition after two growing seasons, shall be replaced by the developer at the beginning of the next succeeding planting season, at no cost to the Village. The developer shall post a bond with the Village, to be maintained for two years, in an amount sufficient to replace all original or replacement trees that fail to thrive.

- b. Cash In-Lieu of Replacement Trees: If it is determined by the Village that an insufficient area exists which would support any or all of the replacement trees, the developer, owner or applicant, as the case may be, shall contribute 200 percent of the cost of replacing the trees (which includes purchasing, planting and maintenance for the first five years after planting) to the Village. Said funds shall be used to conserve and enhance the Village's unique character and physical, historical and aesthetic environment, especially its natural and rural atmosphere which fosters the preservation and maintenance of community identity.

- c. Removal of Protected Trees:
 - I. Approval Required: No protected tree shall be removed from any property subject to this Ordinance without the prior written approval from the Village. Undesirable species of trees, as listed in Appendix 12-Q of this Ordinance, shall be exempt from this Ordinance. The application for tree removal shall be accompanied by a written statement indicating the reason for the removal of trees and a general description of the trees to be removed.

 - II. Conditions of Approval: The Village shall approve all requests for tree removal if one or more of the following conditions are present:
 - (a) Safety hazard to pedestrians or vehicular traffic;

- (b) Safety hazard to buildings;
 - (c) Diseased trees or trees weakened by age, storm, fire or other injury;
 - (d) Observation of good forestry practice.
9. Densely Wooded Lots: Densely wooded lots shall be subject to the following regulations:
- a. Notwithstanding the requirements in Section 12.14-K-4, for a densely wooded lot it shall be sufficient to plot on a site plan a proposed construction activity area, with the remainder of the lot becoming the tree protection area, in lieu of plotting the location of each such tree or trees. Nevertheless, in developing the site plan, the presence and number of protected trees shall be assessed and the construction activity area shall be placed in a location that minimizes impacts to protected trees.
 - b. The construction activity area shall be the area of the subject lot that is the smallest area reasonably needed to undertake the proposed construction activity, as determined by the Village forester, arborist or building officer. The construction activity area shall include the entire area affected by the proposed construction activity, and shall also include any access route across the public right-of-way and the tree preservation area. Construction activity shall not be conducted or staged in any area of the subject lot located outside the construction activity area. No excess soil, additional fill, liquids or any construction debris may be placed or located outside the construction activity area. All buildings, structures, roadways and driveways shall be located so as to reasonably involve the least amount of damage or removal of trees, but shall nevertheless be consistent with minimum building setback requirements of the Village Zoning Ordinance.
 - c. The tree protection area shall be the area of the subject lot not included in the construction activity area. No construction activity shall be conducted in the tree protection area. All reasonable measures and protective materials shall be employed to preserve and safeguard trees located within the tree protection area. Protective materials shall include, without limitation, the use of the protective steps outlined in Section 12.14-K-6, Tree Preservation Techniques, and where applicable, the temporary installation of high visibility forest green plastic mesh fencing or other similar materials specifically approved by the Village forester, arborist or building officer. All such fencing shall be at least four feet in height and shall

be secured to metal posts driven into the ground and spaced six feet apart.

- d. All protective measures and materials shall be in place and approved by the Village forester, arborist or building officer prior to the commencement of any construction activity. Protective materials shall not be removed until the Village forester, arborist or building officer approves such removal after the completion of all construction activity. No attachments, fences or wires, other than those approved for bracing, guying or wrapping, shall be attached to any protected tree during the construction activity.
- e. The Village forester, arborist or building officer shall review the Construction Activity Protection Plan to determine the following:
 - I. Whether any protected trees exist in the construction activity area and if so, how many and whether it is possible to perform the contemplated construction activity without removing such protected trees.
 - II. If protected trees exist in the construction activity area in so numerous a manner as to preclude construction activity without removing such protected trees, then the Village forester, arborist or building officer shall make a determination as to the maximum number of replacement trees required. The Village forester, arborist or building officer may determine that fewer replacement trees are required than required herein for replacement trees not located on densely wooded lots. In making a decision as to the number of replacement trees required, the Village forester, arborist or building officer shall take into account the following factors as they are applicable to the subject lot or lots:
 - (a) The character, diversity of species and number of protected trees in the tree protection area outside of the construction activity area and in areas adjacent to the subject lot;
 - (b) The overall effect of the removal of the protected trees from the subject lot;
 - (c) Whether the granting of an exception would be contrary to the general objective of this Section; and

- (d) Whether the granting of an exception would be materially detrimental to other property owners in the vicinity.
- f. The decision of the Village forester, arborist or building officer as to the number of replacement trees required shall be final unless the applicant appeals the determination to the Zoning Board of Appeals.
- g. If the Village forester, arborist or building officer determines that fewer than 10 percent of the protected trees in the construction activity area must be replaced by replacement trees, that decision shall be reviewed by the Zoning Board of Appeals and shall be approved, rejected, modified or returned to the Village forester, arborist or building officer for further analysis and recommendation.
- h. The determination of the maximum number of replacement trees shall determine the compensation required in the event that the Village determines that it will accept cash in lieu of such replacement trees.
- i. Stop-Work Order: If the protective measures and materials required by this Section, or any other related measures or materials otherwise required by this Section are not fully implemented and completely constructed prior to commencement of construction activity, the Village forester, arborist or building officer may issue a stop-work order until such time as the applicant fully complies with the requirements of this Section. If protective measures and materials constructed and employed on the subject property are not adequately maintained in a manner that protects protected trees and the tree protection area, the Village forester, arborist or building officer may issue a stop-work order until such measures and materials are repaired, restored and constructed to the satisfaction of the Village. Fines will be levied pursuant to Section 12.14-K-7-k if protected trees have been removed or damaged by the failure to comply with required protective measures.

12.15 INSPECTION AT OWNERS' EXPENSE

All public improvements proposed to be made under the provisions of this Ordinance shall be inspected during the course of construction by the Village Engineer or a duly designated deputy. All fees and costs connected with such inspection and in reviewing the plans and specifications of such improvements shall be paid by the owner. The cost for such inspection, including the review of plans and specifications, is hereby determined to be and is established at 12 percent of the cost of the public improvements required by this Ordinance to be placed in the subdivision. Said fee shall be deposited with the Village before approval of the final plat.

12.16 EXCEPTIONS IN PLANNED DEVELOPMENTS

Whenever a subdivision is developed under the planned development provisions of the Zoning Ordinance, the Zoning Board of Appeals and Plan Commission may vary the requirements of Sections 12.08 through 12.14 in order to allow the subdivider or owner less restriction in the arrangement of streets and lots, but at the same time, protect the convenience, health, welfare, and safety of the probable future residents of the subdivision as well as the character of the surrounding property and the general welfare of the entire county.

12.17 CHARACTER OF DEVELOPMENT

The Plan Commission and Zoning Board of Appeals or Village staff shall confer with the owner at the time the sketch plan is submitted regarding the type and character of development that will be permitted in the subdivision, and may establish certain minimum restrictions to be placed upon the property to prevent the construction of substandard buildings and control the type of structures, or the use of the lots, which, unless so controlled, would clearly depreciate the character and value of the proposed subdivision and of adjoining property, or property of the Village.

If private roads or other private facilities are provided for in the subdivision, then deed restrictions or covenants shall be included to provide for the creation and operation of a property owner's association, the mandatory membership of every owner of a lot in the subdivision in the association, the assessment of members from time to time on a pro rata basis of charges or fees sufficient to pay the cost of maintenance and repair of such roads or facilities, payment of which shall be secured by a lien on the lot, and such other provisions that are necessary to provide for the proper protection, repair and maintenance of such roads and facilities. Such deed restrictions or covenants may be provided in any other instance, if appropriate. No such deed restrictions or covenants shall contain any reversionary clause wherein title to any lot shall revert to the owner because of a violation thereon of the terms of the restrictions or covenants.

12.18 BUILDING PERMIT

No building permit shall be issued for the construction of any building, structure or improvement to the land or any lot within a subdivision which has been approved for platting or replatting under the terms of this Ordinance until all requirements of this Ordinance have been fully complied with and all required improvements including, but not restricted to utilities and streets, have been accepted by the Village.

12.19 OCCUPANCY PERMIT

No occupancy permit shall be granted for the use of any structure within any subdivision approved for platting or replatting under the provisions of this Ordinance until all required utility facilities have been installed and made ready to service the property, roadways providing access to the subject lot or lots have been constructed, and all other improvements required by this Ordinance have been completed, and all fees due the Village have been paid.

12.20 ENFORCEMENT

No plat of any subdivision shall be entitled to be recorded in the McHenry County Recorder of Deeds Office or have any validity until it has been approved by the Village pursuant to this Ordinance.

12.21 RECORD OF PLATS

Any such plat or subdivision, after the same has been submitted and approved as provided in this Ordinance and recorded according to law, shall be copied at the owner's expense upon a book of plats in the Village and shall be filed and kept by the Village among the records of the Village. The original recorded documents shall become the property of the Village.

12.22 VIOLATION PENALTY *2013-14-06*

Any person, firm, trust, co-partnership, corporation or other legal entity who constructs any public improvement or portion thereof, or who sells or leases or offers to sell or lease, any lot or lots or block or blocks, before all the requirements of this Ordinance have been complied with, in violation of the provisions of this Ordinance shall be, upon conviction, fined pursuant to Appendix A for each offense, plus the Village's cost of prosecution including reasonable attorney fees. A separate offense shall be deemed committed on each day during which a violation occurs or continues.

12.23 EFFECT OF REGULATIONS

All ordinances or parts of ordinances in conflict with the provisions of this Ordinance shall not be repealed by the passage of this Ordinance, but the ordinance with the more restrictive applicable provisions shall be the ordinance that applies.

12.24 CONSULTATION WITH OTHER AGENCIES

The Plan Commission and Zoning Board of Appeals may consult with, seek and receive the advice of any other public agency that possesses resources, expertise or information that is pertinent, including, but not limited to, the McHenry County Soil and Water Conservation District and the McHenry County Regional Planning Commission.

CONTRACT TO COMPLETE IMPROVEMENTS

The parties to this agreement are _____ (“Owner”) and the Village of Bull Valley, McHenry County, Illinois, a body politic and corporate (the “Village”).

PREAMBLES:

1. Owner owns certain real estate lying within the corporate limits of the Village, or within one and one-half miles beyond the corporate limits, and intends to develop and improve said real estate as a subdivision;

2. Owner has submitted a final plat of subdivision to the Village, known as “_____”

3. Owner has contemporaneously herewith submitted plans and specifications for the required land improvements for said subdivision pursuant to the provisions of the Bull Valley Subdivision Ordinance.

4. Owner desires to evidence his promise to make and install the required land improvements pursuant to the provisions of the Bull Valley Subdivision Ordinance.

In consideration of the mutual covenants of the parties, and of the approval by the Board of Trustees of the Village of one final plat of the subdivision, the parties promise and agree as follows:

1. Owner shall make and install all improvements according to the plans and specifications of the final plat, true and correct copies attached hereto as Group Exhibit A, consisting of _____ items, in accordance with the following schedule:

(a) All work, except the bituminous surface and seeding, by _____, 2_____.

(b) The bituminous surface and seeding by _____ 2_____.

2. Owner shall deposit with the Village securities in the total amount of \$_____ to guarantee the completion of all said improvements in accordance with the plans and specifications (Group Exhibit A), and the times provided in Paragraphs (a) and (b) herein.

3. Owner shall maintain (but not including snow removal), repair and replace any subdivision improvements that are necessary for a period of one year after acceptance of completion by the Village.

4. In the event the said improvements are not installed on or before the dates set forth in Paragraphs 1(a) and 1(b), or the owner fails to maintain, repair, or replace the improvements within one year after acceptance, the securities shall be deemed to be in default and the Village shall be entitled the delivery of the funds secured hereby.

IN WITNESS WHEREOF, the Owner and the Village have executed this agreement on _____, 2____, the Village by its duly authorized President, attested by its Clerk.

Village of Bull Valley

By: _____
Village President

Attest:

Village Clerk

Owner: _____

By (if a corporation of land trust):

President

Attest: _____

IRREVOCABLE LETTER OF CREDIT

DATE: _____

IRREVOCABLE LETTER OF CREDIT NO _____

BENEFICIARY

Village of Bull Valley
Post Office Box 553
Bull Valley, IL 60098
Attention: Village Clerk

APPLICANT

(Party Requesting
Letter of Credit)
(Address)

AMOUNT

USD \$(Amount)

EXPIRATION DATE _____

The undersigned, (Financial Institution), of (City/State), hereby issues to the Village of Bull Valley, Post Office Box 553, Bull Valley, IL 60098, (the "Village"), this irrevocable Letter of Credit in the initial amount of \$_____, which amount is subject to reduction in accordance with the provisions hereof, and which amount, as in effect on the date hereof or as so reduced hereafter, is hereinafter referred to as the "Stated Amount". The undersigned represents and warrants that the undersigned has full power and authority to issue this Letter of Credit, and that all conditions precedent to the issuance of the Letter of Credit have been satisfied.

1. DRAWS. Credit may be drawn by the Village by means of presentation to the undersigned of the Village's sight draft substantially in the form of Annex 1.

Draws on said Letter of Credit must also be accompanied by the certificate of the Village substantially in the form of Annex 2 certifying either: (1) that said Letter of Credit is about to expire and has not been renewed; or (2) that work has not been completed in accordance with the plans, specifications and agreements (including any amendments thereof) for the following project (the "Project"):

(Project Description)

Draws in an amount less than the Stated Amount are permitted. There is no limit on the number of draws the Village may take under this Letter of Credit.

2. REDUCTION OF STATED AMOUNT. The Stated Amount may be reduced upon presentation by the Village of a Certificate substantially in the form of Annex 3. Such certificate shall be appropriately completed, and shall be delivered to the undersigned at the address above. Upon receipt of the certificate, the undersigned shall immediately issue an amendment to this Letter of Credit noting the reduced amount of the Letter of Credit.

3. AMENDMENT OF PROJECT DESCRIPTION. The Project may be amended upon presentation by the Village of a Certificate substantially in the form of Annex 4. Such certificate shall be appropriately completed, and shall be delivered to the undersigned at the address above. Upon receipt of the certificate, the undersigned shall immediately issue an amendment to this Letter of Credit noting the amendment to the Project description relating to this Letter of Credit.

4. EXPIRATION. This irrevocable Letter of Credit shall expire on (Date/Year); provided, however, the undersigned shall notify the Village, by certified mail, return receipt requested, at least thirty-five (35) days prior to said expiration date, that said Letter of Credit is about to expire. In no event shall this irrevocable Letter of Credit or the obligations contained herein expire except upon said prior written notice, it being expressly agreed by the undersigned that the above expiration date shall be extended as shall be required to comply with this notice provision. Notice shall be made to Village of Bull Valley, Post Office Box 553, Bull Valley, IL 60098, Attention: Village Clerk.

The undersigned further agrees that this irrevocable Letter of Credit shall remain in full force and effect and pertain to any and all amendments or modifications which may be made from time to time to the plans, specifications and agreements for the project, with or without notice from the Village of such amendments or modifications.

5. PAYMENT. (Financial Institution) hereby undertakes and engages that all demands made in conformity with this irrevocable Letter of Credit will be duly honored and payment shall be made in immediately available funds upon presentation. If, within ten (10) days of the date any demand (made in conformity with this irrevocable Letter of Credit) is presented, the undersigned fails to honor same, the undersigned agrees to pay all attorney's fees, Court costs and other expenses incurred by the Village in enforcing the terms of this Letter of Credit.

6. GOVERNING LAW. This Letter of Credit, and each provision hereof, shall be governed by and construed in accordance with the Uniform Customs and Practice for Documentary Credits (1993 Revision), International Chamber of Commerce, Publication No. 500 (the "Uniform Customs"). This Letter of Credit shall be deemed a contract made under the laws of the State of Illinois and shall, as to matters not governed by the Uniform Customs, be governed by and construed in accordance with such laws. The undersigned agrees that venue for any actions brought with respect to this Letter of Credit shall be in the Nineteenth Judicial Circuit, McHenry County, Illinois.

(Financial Institution)

By: _____
Title: _____

Attest: _____
Title: _____

ANNEX 1
FORM OF SIGHT DRAFT

\$ _____, 20 _____

At Sight of this Draft

Pay to the order of Village of Bull Valley, Illinois, as beneficiary under the Irrevocable Letter of Credit referred to below, \$ _____ Dollars for value received.

Drawn under (Financial Institution), Irrevocable Letter of Credit No. _____.

To: (Bank)
(Address)

Attention: _____

Village of Bull Valley, Illinois

By: _____

ANNEX 2
FORM OF CERTIFICATE FOR DRAWING

The undersigned, the Clerk [or Deputy Clerk or Treasurer] of the Village of Bull Valley, Illinois (the "Village"), with full authority to bind the Village, as beneficiary (the "Beneficiary") under the Letter of Credit referred to below, hereby certifies, with reference to its Irrevocable Letter of Credit No. _____ issued by (Financial Institution) (the "Bank"), in favor of the Beneficiary (the "Letter of Credit"), that:

- (1) the Letter of Credit is about to expire and has not been renewed;

[or, in the alternative]

- (2) work has not been completed in accordance with the plans, specifications and agreements (including any amendments thereof) for the following project:

(Project Description)

IN WITNESS WHEREOF, the Beneficiary has executed and delivered this certificate as of the ____ day of _____, 20_____.

VILLAGE OF BULL VALLEY, ILLINOIS

By: _____
Title: Village Clerk

OR

By: _____
Title: Deputy Clerk

OR

By: _____
Title: Treasurer

ANNEX 3
FORM OF CERTIFICATE FOR REDUCTION OF STATED AMOUNT

The undersigned, the Clerk [or Deputy Clerk or Treasurer] of the Village of Bull Valley, Illinois (the "Village"), with full authority to bind the Village, as beneficiary (the "Beneficiary") under the Letter of Credit referred to below, hereby certifies, with reference to its Irrevocable Letter of Credit No. _____ issued by (Financial Institution) (the "Bank"), in favor of the Beneficiary (the "Letter of Credit"), that:

1. Pursuant to the Agreement entered into by and between the Village and (Applicant) (the "Company"), dated _____ 20____, the amount available to be drawn under the Letter of Credit (the "Stated Amount"), is reduced by \$ _____, and effective on your receipt hereof, the Stated Amount shall be reduced to \$ _____, and such amount shall thereafter constitute the entire Stated Amount of the Letter of Credit.

2. The undersigned hereby certifies (i) that he or she is authorized to sign this Certificate relating to the Letter of Credit on behalf of the Beneficiary, and (ii) that the Beneficiary has, with the written consent of the Company, reduced the Stated Amount of the Letter of Credit.

Capitalized terms used herein and not otherwise defined are used as defined in the Letter of Credit.

IN WITNESS WHEREOF, the Beneficiary has executed and delivered this certificate as of the ____ day of _____, 20_____.

VILLAGE OF BULL VALLEY, ILLINOIS

By: _____
Title: Village Clerk

OR

By: _____
Title: Deputy Clerk

OR

By: _____
Title: Treasurer

ANNEX 4
FORM OF CERTIFICATE
FOR AMENDMENT OF PROJECT DESCRIPTION

The undersigned, the Clerk [or Deputy Clerk or Treasurer] of the Village of Bull Valley, Illinois (the "Village"), with full authority to bind the Village, as beneficiary (the "Beneficiary") under the Letter of Credit referred to below, hereby certifies, with reference to its Irrevocable Letter of Credit No. _____ issued by (Financial Institution) (the "Bank"), in favor of the Beneficiary (the "Letter of Credit"), that:

1. Pursuant to the Agreement entered into by and between the Village and (Applicant) (the "Company"), dated _____, 20_____, the description of the project as contained in paragraph 1 of the Letter of Credit shall be amended upon the undersigned's receipt of this certificate. After giving effect to the amendment, the description of the Project shall be as follows:

(New Project Description)

and such Project description shall constitute the Project description for the Letter of Credit unless further amended.

2. The undersigned hereby certifies (i) that he or she is authorized to sign this Certificate relating to the Letter of Credit on behalf of the Beneficiary, and (ii) that the Beneficiary has, with the written consent of the Company, amended the Project description contained in the Letter of Credit.

Capitalized terms used herein and not otherwise defined are used as defined in the Letter of Credit.

IN WITNESS WHEREOF, the Beneficiary has executed and delivered this certificate as of the ____ day of _____, 20_____.

VILLAGE OF BULL VALLEY, ILLINOIS

By: _____
Title: Village Clerk

OR
BY: _____
Title: Deputy Clerk

OR
By: _____
Title: Treasurer

ESCROW AGREEMENT

This Agreement dated _____, by and between the VILLAGE OF BULL VALLEY, McHenry County, Illinois (“Village”), and _____, (“Depositor”) and _____ (“Escrowee”).

WHEREAS, the Village of Bull Valley has duly adopted certain ordinances, rules and regulations relative to subdivision and commonly known as the Bull Valley Subdivision Ordinance (“Ordinance”); and

WHEREAS, Section 12.14-C5 of the Ordinance requires the establishment of an escrow account by the Depositor to cover cost of improvements as further defined in Section 12.14; and

WHEREAS, pursuant to the aforementioned subdivision regulations, made a part of this agreement in their entirety and not necessarily limited to those articles aforementioned, there is hereby established an escrow account setting forth the following terms and conditions:

1. The Depositor hereby deposits the sum of \$_____ with the Escrowee.
2. Said deposit is equivalent to 150 percent of a detailed cost estimate for improvements, attached hereto as Exhibit A and made a part hereof; and 150 percent of the estimated cost to maintain, repair or replace the improvements, if necessary, within one year after the acceptance of completion of the improvement. The improvements are further described in the plans and specifications therefore, attached hereto as Exhibit B and made a part hereof.
3. The Escrowee shall proceed as follows:
 - (a) In the event the Owner does not complete the improvements in a good and workmanlike manner and thereafter so maintain, repair or replace them, if necessary, within the time periods provided in his contract with the Village to complete, a true and correct copy of which is attached as Exhibit C and incorporated herein by reference, and as otherwise provided by the Ordinance, the Village may withdraw on demand from the escrow fund said amounts as are necessary to complete, maintain, repair or replace.
 - (b) Upon receipt of a statement signed by the Village President, or in his absence, by the President pro tempore, _____, that said improvements have

been completed and accepted. Escrowee shall return the balance of all moneys in said escrow account to Depositor.

The parties hereto, having agreed to the contents herein, do hereby set their hands and seals the date first written.

VILLAGE OF BULL VALLEY

By: _____

Its: _____

Depositor

Escrowee

By: _____

Its President

Attest: _____

Its Secretary

OWNER DONATION: CONTRACT & LIEN AGREEMENT

PARTIES. The parties to this agreement are the VILLAGE OF BULL VALLEY, an Illinois municipal corporation and body politic (the “Village”) and _____ (“Owner”).

PREAMBLES.

1. Owner owns the real estate (the “Real Estate”) described in Exhibit 1 attached hereto.
2. The Real Estate is located within one and one-half miles of the corporate boundaries of the Village.
3. The Village has adopted an official plan and map in accordance with the provisions of the Illinois Municipal Code (65 ILCS 5/11-21-1 *et seq.*).
4. Owner has tendered a plat of subdivision (the “Plat”) of the Real Estate, entitled _____ (the “Subdivision”) to Village for execution by the corporate authorities of its final approval (within the meaning of 65 ILCS 5/ 11-12-12) of the Plat. A true and correct copy of the Plat is attached hereto as Exhibit 2 and made a part hereof.
5. Under the provision of the Village’s Subdivision Ordinance (the “Ordinance”), certain donations of cash are to be made to the Village for the use and benefit of any public school districts that have territory within one and one-half miles of its corporate boundaries, a true and correct copy of such provisions being attached hereto as Exhibit 3 and made a part hereof, and for its own purposes for purchase of park land.
6. Because the Real Estate is not located within the limits of the Village, the Village has no administrative means, through the issuance of building permits, to enforce compliance with subparagraphs 12.09-A and 12.09-B of the Ordinance.

NOW, THEREFORE, in consideration of the mutual covenants of the parties, they agree as follows:

- 1.00 Execution of Plat. The Village shall cause the proper corporate authorities to execute simultaneously herewith its final approval of the plat.
- 2.00 Lien.

(a) **Creation of Lien.** In further consideration of the execution of final approval of the plat by the Village, Owner hereby grants and conveys unto the Village a lien on the real estate and on each and every lot in each and every block in the subdivision for purposes of securing payment of the moneys required to be paid under subparagraph 12.09-A and 12.09-B of the Ordinance.

(b) **Release of Lien.** Upon receipt by the Village of the certificate of the Superintendents of the respective school districts as described in subparagraph 12.09-A of the Ordinance, the Village shall execute and deliver its release of the lien as to that lot in the subdivision and the underlying part of the real estate for which the payment is made for the pertinent residential structure.

3.00 **Compliance with Subparagraphs 12.09-A-2 and 12.09-B.** Owner shall comply from time to time with the requirements and provisions of subparagraphs 12.09-A-2 and 12.09-B of the Ordinance. In the event Owner does not so comply, the Village reserves the power to withhold the release of its liens as to any part of the real estate or as to any lots in the subdivision not theretofore released of the lien until there is such compliance and to bring such action at law or in equity as may be available for enforcement of the Contract and Lien Agreement.

4.00 **Binding Effect.** This Contract and Lien Agreement and the provisions hereof shall be binding upon and inure to the benefit of the successors and assigns of the parties.

5.00 **This Contract and Lien Agreement shall be recorded in the Office of the McHenry County Recorder of Deeds.**

In witness whereof the parties have executed this agreement on _____, 20_____, each by its duly authorized officers.

VILLAGE OF BULL VALLEY, an Illinois
municipal corporation and body politic

ATTEST:

By: _____
Its President

Village Clerk

OWNER:

ATTEST:

By: _____

Its _____

Subscribed and Sworn to before
me this ___ day of _____,
20_____.

Notary Public

ENGINEERING REPORT CHECKLIST

1. GENERAL

All road plans submitted in conjunction with a final plat shall be prepared in accordance with the requirements of this Appendix 12-E.

2. SIGNATURE AND SEAL OF ENGINEER REQUIRED

Road plans must be prepared by a Registered Professional Engineer and bear his signature, seal and the date.

3. MINIMUM DATA REQUIRED

Road plans must be complete in all respects and must include at least the following minimum data:

- A. Plan and profile (to suitable scale) of all roads to be improved.
- B. Cross-sections (to suitable scale) at 100-foot (minimum) intervals.
- C. Size, length and invert elevation of all drainage structures. (Calculations must be furnished to justify all structures 24-inch diameter and larger.)
- D. Plan and profile (to suitable scale), cross sections (if appropriate) and typical section of all off-site drainage within 300 feet and all on-site drainage easements.
- E. Typical road section or sections as appropriate.
- F. Details of all structures and special construction of any nature.
- G. Typical or specific details at road intersections, cul-de-sacs, "T" - turn arounds, etc.
- H. Road construction and maintenance easements, drainage easements and lot lines are to be shown on the road plans as well as on the final plat.
- I. The road plans shall be prepared to the same topographic datum as the tentative plat, and a permanent bench mark shall be clearly noted on the plans.

4. COST ESTIMATE REQUIRED

A complete and detailed estimate of cost, prepared and signed by a Registered Professional Engineer, must accompany the road plans.

5. GOOD ENGINEERING PRACTICE AND COMPLIANCE WITH ORDINANCE
REQUIRED

Review and approval of road plans does not relieve the design engineer of the responsibility for an adequate design in accordance with good engineering practice and meeting the requirements of this Ordinance.

*Appendix 12-F
Table of Estimated Ultimate School Population Per Dwelling Unit*

TABLE OF ESTIMATED ULTIMATE SCHOOL POPULATION PER DWELLING UNIT							
Type of unit	Children per Unit					Adults 18 years and over	Total per Dwelling Unit
	Preschool 0-4 years	Elementary Grades K-5, 5-10 years	Middle Grades 6-8 11-13 years	Total Grades K-8 5-13 years	High School Grades 9-12 14-17 years		
Detached Single-Family:							
2 bedroom	0.113	0.136	0.048	0.184	0.020	1.700	2.017
3-bedroom	0.292	0.369	0.173	0.542	0.184	1.881	2.899
4-bedroom	0.418	0.530	0.298	0.828	0.360	2.158	3.764
5-bedroom	0.283	0.345	0.248	0.593	0.300	2.594	3.770
Attached Single-Family:							
1-bedroom	0.000	0.000	0.000	0.000	0.000	1.193	1.193
2-bedroom	0.064	0.088	0.048	0.136	0.038	1.752	1.990
3-bedroom	0.212	0.234	0.058	0.292	0.059	1.829	2.392
4-bedroom	0.323	0.322	0.154	0.476	0.173	2.173	3.145
Apartments:							
Efficiency	0.000	0.000	0.000	0.000	0.000	1.294	1.294
1-bedroom	0.000	0.002	0.001	0.003	0.001	1.754	1.758
2-bedroom	0.047	0.086	0.042	0.128	0.046	1.693	1.914
3-bedroom	0.052	0.234	0.123	0.357	0.118	2.526	3.053

Illinois School Consulting Service/Associated Municipal Consultants, Inc., Naperville, Illinois 1996.

ACKNOWLEDGEMENT OF NOTIFICATION RIGHTS

Developer hereby acknowledges receipt of a copy of the Village of Bull Valley Educational Facilities Impact Fee Ordinance that describes, in Section 12.09-N, the developer's right to object to the imposition of dedication requirements or cash in lieu of land requirements.

Developer further acknowledges that if it has any objection to such imposition, that it must follow the procedure set forth in said Section 12.09-N. Failure to do so by the developer shall constitute a waiver of the developer's right to object to such imposition. Payment of the fees or transfer of land pursuant to the Village of Bull Valley Educational Facilities Impact Fee Ordinance shall constitute a waiver of any right to such a hearing.

Signed: _____

Date: _____

Witness: _____

Date: _____

**AGREEMENT REGARDING THE RECEIPT OF DEVELOPER
SUBDIVISION CONTRIBUTIONS AND INDEMNIFICATION AGREEMENT**

WHEREAS, the Village of Bull Valley, Illinois, on behalf of itself, its officers, employees and independent contractors (the “Village”), through its Educational Facilities Impact Fee Ordinance has required that developers make contributions to government bodies affected by the subdivision improvements; and

WHEREAS, such contributions may be in land or in money and, when transferred or paid over to those government bodies, inure in part to the benefit of those government bodies and not entirely to the direct benefit of the Village; and

WHEREAS, from time to time within the Village, and within other municipalities, disputes have arisen regarding the validity and amount of such contributions; and

WHEREAS, the Village is willing, at its discretion, to continue seeking the contribution of land or money but wishes to procure a commitment from other government bodies benefited by the receipt of such contributions that those government bodies will: (a) acknowledge that the requirement that such subdivision contributions be made are totally within the discretion of the Village as to their existence, manner and amount; (b) pay the cost of defending any lawsuit that is filed challenging the appropriate amount of the contributions, the time at which they are to be made or any other aspect of the contributions; and (c) comply with the terms of a final and nonappealable judicial determination by a court of competent jurisdiction rendered in connection with the lawsuit; and

WHEREAS, the Village is willing, in its discretion, to pay over or require contributions only to other government bodies that execute this Agreement annually.

NOW, THEREFORE, in consideration for the payment of money or the transfer of land to the _____ (“Benefitting Government”), which the Village, from time to time, may within its discretion cause to be made by developers that are subdividing property, it is agreed between the Village, on behalf of itself and its officers, employees and independent contractors, and the Benefitting Government as follows:

1. The Benefitting Government acknowledges that, except as otherwise provided in the Educational Facilities Impact Fee Ordinance, the Village is not obligated to cause the payment of money or the transfer of land to the Benefitting Government. The Benefitting Government recognizes that the Village may, at its sole discretion, amend its ordinances or its practices to discontinue the payment of subdivision contributions to the Benefitting Government.

2. Legal Representation and Costs:

A. In the event a lawsuit is filed against the Village and/or the Benefitting Government by a developer that is subdividing property or any other person, corporation or entity that challenges the appropriateness, amount, timing or

any other aspect of a subdivision contribution that, pursuant to the terms of the Educational Facilities Impact Fee Ordinance, has been paid or is due to the Benefitting Government, then the Benefitting Government does agree to pay the costs and litigation expenses (including reasonable attorneys' fees) incurred by the Village in defending such lawsuit. The costs and expenses shall be paid by the Benefitting Government when and as incurred by the Village but in no event more than once a month. As a condition precedent to the payment of these costs and expenses, the Village shall submit to the Benefitting Government copies of the original statements reflecting the costs and expenses, together with the non-privileged supporting documentation that may be reasonably requested by the Benefitting Government.

- B. The Village covenants and agrees that it shall employ competent and skilled legal counsel to represent the Benefitting Government and the Village, and further covenants and agrees that it shall keep the Benefitting Government fully advised as to the progress and status of the litigation. In particular, the Village shall provide to the Benefitting Government copies of all pleadings filed in the litigation and shall consult regularly (and shall cause its attorneys to consult regularly) with the Benefitting Government or its attorneys, as applicable, as to the strategy for defending the lawsuit. In no event may such litigation be compromised or settled by the Village without at least 30 days' prior written notice to the Benefitting Government.
- C. In the event the Benefitting Government decides that it would prefer to be represented in the litigation by legal counsel of its own choosing, then the Benefitting Government shall be free to retain its own legal counsel for that purpose, to intervene in the litigation and to ask the Village to terminate its representation of the Benefitting Government under Section 2 of this Agreement. The Benefitting Government shall notify the Village in writing to that effect. In that event, however, the Village still shall be permitted to defend itself in such litigation and this Agreement shall remain in full force and effect, and the Benefitting Government shall continue to remain liable to the Village for all sums that have accrued or will accrue under this Agreement and for all sums that remain due and owing from the Benefitting Government to the Village relating to the defense of any lawsuit under the terms of this Agreement.

3. The Benefitting Government shall further indemnify and hold harmless the Village from any and all liability arising from the Educational Facilities Impact Fee Ordinance, including but not limited to the general administration and handling of funds required by the Village and/or the Benefitting Government.

4. In the event a final and nonappealable judicial determination is made by a court of competent jurisdiction that contributions of land or money received by the Benefitting Government are, in whole or in part, excessive, the Benefitting Government shall promptly repay those

contributions to the person who procures such a judgment, together with all other amounts judged by the court to be owing from the Benefitting Government. In the event a judicial determination should require the payment of damages or payment of the attorneys' fees of the plaintiff's attorneys, the Benefitting Government shall pay all additional amounts.

5. In further consideration of the continued authorization by the Village enabling the Benefitting Government to collect the subject contributions of land or money, the Benefitting Government agrees that its obligations under this Agreement shall extend to both past and future cash and land contributions.

6. On or before June 1st of each year, the Benefitting Government shall submit a report to the Village describing the manner in which the payments have been used and provide any additional information the Village may require. When that money turned over to the Benefitting Government is to be used for a specific purpose or within a specific time period, the report shall address those issues. If the Benefitting Government should fail to file such a report with the Village, the Village may require that any further payments made pursuant to the Educational Facilities Impact Fee Ordinance shall be made to the Village and shall delay the payment and distribution of any additional funds due the Benefitting Government until such time as a full report containing adequate information is transmitted to the Village. The Benefitting Government understands that it will be asked to execute an indemnity agreement similar to this agreement on an annual basis and that the Village shall not pay or cause to be paid any additional funds due to the Benefitting Government until such time as the Village is in receipt of such annually executed indemnity agreement.

7. This Agreement shall be terminable by either party for any reason or no reason at all upon 30 days' prior written notice to the other party evidencing the intention to so terminate this Agreement. But the termination of this Agreement shall not affect the continuing obligation of the Benefitting Government or the Village with regard to claims or damages allegedly arising out of the Village's efforts prior to termination to impose, collect or distribute contributions, or to the actual distribution of subdivision contributions.

DATED ____ day of _____, 20__.

Village of Bull Valley

The Benefitting Government

President
ATTEST: (SEAL)

Title: _____
ATTEST: (SEAL)

Village Clerk

Secretary

**AGREEMENT BETWEEN DEVELOPER AND VILLAGE
TO DELAY PAYMENT OF CASH CONTRIBUTIONS**

This agreement (“Agreement”) is entered into between Village of Bull Valley (the “Village”) and _____, (“Developer”).

WHEREAS, the Village has approved a final plat of subdivision or a final plat of a planned development at the request of Developer for the real estate legally described in Exhibit H.1 attached hereto and made a part hereof (the “Land”). Accordingly, pursuant to the Village Educational Facilities Impact Fee Ordinance (“Ordinance”), certain cash contributions for school lands are immediately due the Village (or affected school districts)from the Developer; and

WHEREAS, Developer has, however, requested that the payment of the aforesaid cash contributions be delayed and that the same become due and payable on a per dwelling unit basis at the time the Village issues a building permit for the particular dwelling unit.

NOW, THEREFORE, in consideration for the Village agreeing to delay the collection of the cash contributions, Developer hereby agrees as follows:

1. The amount of cash contributions owed shall be calculated based upon the Ordinance, or as provided for in such other future ordinance amending or replacing the Ordinance, which is in effect at the time of the issuance of a building permit; and

2. Notwithstanding any present or future law, regulation and/or legal precedent to the contrary, the unit of local government that is the ultimate recipient of the subject cash contributions may expend such contributions for any of the following purposes intended to serve immediate or future needs of the residents and children of the Developer’s subdivision or planned development: (a) for the acquisition of land; (b) for site improvements such as, by way of example, streets, curbs, gutters, stormwater control and utility extensions; (c) for construction of capital facilities, including, by way of example, new buildings and structures, and the expansion or enhancement of existing buildings and structures; and (d) for so-called soft costs directly related to the foregoing items (b) or (c) such as architectural and engineering costs.

3. Developer has reviewed the Ordinance regarding the dedication of school sites or cash contributions in lieu thereof, as well as all of the methodology, formulae, calculations, projections, assumptions, numbers and other factors used to arrive at the land dedication requirements or cash contributions in lieu thereof that are the subject of this Agreement (hereinafter referred to as the “Ordinance and Attendant Calculations”) and hereby acknowledges and agrees that:

(a) Pursuant to the terms of the Ordinance, Developer has been offered the opportunity to raise in a hearing before the Village, any objections relating to acreage requirements, presumptions as to fair market value, the Density Formula, or any other application of the Ordinance; Developer has not raised such objections; Developer has thereby waived the right to assert those objections;

(b) Developer hereby waives any future right to object to or to institute any legal action regarding the Ordinance and Attendant Calculations.

(c) Developer hereby acknowledges that the Ordinance and Attendant Calculations have been properly passed, calculated and imposed.

4. This Agreement constitutes a covenant that is appurtenant to and runs with the land. Either this Agreement or a memorandum thereof may be recorded against legal title to the land by either party hereto; provided, however, it shall be a condition of the Village's issuance of the first building permit for a dwelling unit on the land that Developer shall provide satisfactory evidence to the Village that this Agreement or a memorandum thereof has been recorded against legal title to the land.

5. Developer represents and warrants to the Village that it is the sole holder of record fee title to the Land.

IN WITNESS WHEREOF, the Village and the Developer have caused this Agreement to be duly authorized, executed and entered into as of the _____ day of _____, 20__.

President

Developer

Village Clerk

EXAMPLES OF PARK AND SCHOOL DONATIONS

School Impact Fee Worksheet:

	Acres per School	Maximum Students	Acres per Student
Elementary	16	500	0.032
Middle School	30	750	0.040
High School	80	1200	0.067

	Acres per Student	Value per Acre	Cost per Student
Elementary	0.032	\$60,000	\$1,920.00
Middle School	0.040	\$60,000	\$2,400.00
High School	0.067	\$60,000	\$4,000.00

*Student Ratio/Unit
Illinois School Consulting Service 1996*

	Cost per Student	Cost per Student	Impact Fee per Formula
<i>Detached Single Family, 2 bedroom</i>			
Elementary	\$1,920.00	0.136	\$261.12
Middle School	\$2,400.00	0.048	\$115.20
High School	\$4,000.00	0.020	\$ 80.00
Total			\$456.32
<i>Detached Single Family, 3 bedrooms</i>			
Elementary	\$1,920.00	0.369	\$ 708.48
Middle School	\$2,400.00	0.173	\$ 415.20
High School	\$4,000.00	0.184	\$ 736.00
Total			\$1,859.68
<i>Detached Single Family, 4 bedrooms</i>			
Elementary	\$1,920.00	0.530	\$1,017.60
Middle School	\$2,400.00	0.298	\$ 715.20
High School	\$4,000.00	0.360	\$1,440.00
Totals			\$3,172.80
<i>Detached Single Family, 5 bedrooms</i>			
Elementary	\$1,920.00	0.345	\$ 662.40
Middle School	\$2,400.00	0.248	\$ 595.20
High School	\$4,000.00	0.300	\$1,200.00
Totals			\$2,457.60
<i>Attached Single Family, 2 bedrooms</i>			
Elementary	\$1,920.00	0.234	\$168.96
Middle School	\$2,400.00	0.058	\$115.20
High School	\$4,000.00	0.059	\$115.20

	Cost per Student	Cost per Student	Impact Fee per Formula
Totals			\$436.16
<i>Attached Single Family, 3 bedrooms</i>			
Elementary	\$1,920.00	0.322	\$449.28
Middle School	\$2,400.00	0.154	\$139.20
High School	\$4,000.00	0.173	\$236.00
Totals			\$824.48
<i>Attached Single Family, 4 bedrooms</i>			
Elementary	\$1,920.00	0.002	\$ 618.24
Middle School	\$2,400.00	0.001	\$ 369.60
High School	\$4,000.00	0.001	\$ 692.00
Totals			\$1,679.84
<i>Apartments, 1 bedroom</i>			
Elementary	\$1,920.00	0.086	\$ 3.84
Middle School	\$2,400.00	0.042	\$ 2.40
High School	\$4,000.00	0.046	\$ 4.00
Totals			\$10.24
<i>Apartments, 2 bedrooms</i>			
Elementary	\$1,920.00	0.234	\$165.12
Middle School	\$2,400.00	0.123	\$100.80
High School	\$4,000.00	0.118	\$184.00
Totals			\$449.92
<i>Apartments, 3bedrooms</i>			
Elementary	\$1,920.00	0.234	\$ 449.28
Middle School	\$2,400.00	0.123	\$ 295.20
High School	\$4,000.00	0.118	\$ 472.00
Totals			\$1,216.48

Park Impact Fee Calculation:

Acreage per 1,000 population: 10.0
 Cost of land per acre: \$60,000

Population	Total Land Value	Per Person
1,000	\$60,000	\$600

POPULATION	POPULATION PER UNIT	IMPACT FEE
Single Family, detached		
2 bedrooms	2.017	\$1,210.20
3 bedrooms	2.899	\$1,739.40
4 bedrooms	3.764	\$2,258.40
5+ bedrooms	3.770	\$2,262.00
Townhouse, attached		

POPULATION	POPULATION PER UNIT	IMPACT FEE
2 bedrooms	1.990	\$1,194.00
3 bedrooms	2.392	\$1,435.20
4 bedrooms	3.145	\$1,887.00
Apartments		
2 bedrooms	1.914	\$1,148.40
3 bedrooms	3.053	\$1,831.80
<p>Note: When calculating the impact fees for parks, the same Illinois School Consulting Service (ISCS) population estimates are used to determine the total number of people per dwelling unit. Applying the population per dwelling unit estimates and the value of land per acre yields the park impact fees shown in this table.</p>		

Preliminary Plan: The plan shall consist of the following documents:

1. The drawing:
 - a. Identification and description:
 - I. Title under which the proposed subdivision is to be recorded;
 - II. Location by township, section, town and range, or by any other legal descriptions;
 - III. Names and addresses of owner and of the designer who made the plan;
 - IV. Scale of plan, 1 inch to 100 feet, or larger;
 - V. Date; and
 - VI. North point.
 - b. Delineation of existing conditions:
 - I. Boundary line of the proposed subdivision indicated by a solid heavy line and the total approximate acreage within the proposed subdivision;
 - II. Location, widths and names of all existing or prior platted streets or any other public ways, railroad and utility rights-of-way, parks and other public open spaces, permanent buildings and structures, houses, permanent easements, and section and corporate lines, within or adjacent to the tract;
 - III. Existing sewers, water mains, culverts, transmission pipelines or other underground facilities within the tract or adjacent to the tract, indicating pipe sizes, grades, manholes and exact locations;
 - IV. Boundary lines of adjacent tracts of unsubdivided or subdivided land showing ownership where possible;
 - V. Existing zoning of the proposed subdivision and adjacent tracts in zoned areas;
 - VI. Contours at two-foot intervals except where topography of the tract demands one-foot intervals. Contour lines shall extend beyond the development boundaries a distance of at least 200 feet to show the existing elevations and terrain of the adjoining properties. Ridge lines shall be depicted;
 - VII. Layout of streets, widths or rights-of-way, and also the widths of cross-walkways and existing and proposed easements;

- VIII. Layout, numbers and dimensions of lots;
 - IX. Parcels of land intended to be dedicated or temporarily reserved for public use or set aside for use of property owners in the subdivision;
 - X. Building setback lines, showing dimensions; and
 - XI. Easements for any and all public utilities, providing proper continuity for the utilities from block to block and easements along water courses as required by Section 12.08-C-2, if necessary.
- c. Environmental Features: Preliminary identification of existing natural and environmental resources, and the methods to be used to protect the physical amenities of the site must be provided, and shall include information on the following:
- I. Flood plains, wetlands, streams, creeks and surface hydrology. Wetland boundaries, delineated by a recognized wetland consultant, shall be depicted. Flood plain and wetland areas shall be identified and a preliminary report addressing the type and quality of wetlands shall be provided, and shall be accompanied by a statement of intent regarding preservation, elimination or mitigation. If the wetlands extend beyond the subdivision boundary, a separate map shall be provided which shows the general extent of the entire wetland.
 - II. Vegetation, areas of natural coverage, and wooded areas, include a survey of trees, by name and type, which have a circumference measured at breast height of 18 inches or greater, and a preliminary report showing the trees to be removed for the development project. Individual trees, not groupings, shall be shown.
 - III. Soil boring and accompanying analysis by a certified soils classifier, with a minimum of one boring per developable acre. The borings shall be to a depth of eight feet and the location and methodology shall be approved by the Village Engineer. Soil and subsurface conditions, as well as unique geological features, shall be identified and shall include the seasonal high water table and the designation of those soils with severe limitations for urban development (based on ability to accommodate dwellings with and without basements, ability to support roads and streets and impact of hydric features), based on U.S. Department of Agriculture Soil Conservation Service Soil Interpretations Records or similar data.
- d. Other:
- I. Location, size and approximate grades of proposed sewers, if any;

- II. Proposed street grades;
 - III. Proposed location of water, gas, electric and telephone outlets; and
 - IV. Existing location and proposed location, if necessary, of water courses that traverse the land.
2. The statement: The statement consists of an application, to be executed by each and every owner of record, and attached documentation, as follows:
- a. The application:
 - I. Date;
 - II. Proposed name of the subdivision, size and location;
 - III. Intent of the subdivision with regard to land use;
 - IV. Proposed provisions of owner's engineer for drainage, sewage disposal, water supply, gas and electric service, street lighting, fire hydrants and street improvements, including street improvements grading, gradients, roadway widths and surfacing;
 - V. Those deed restrictions which exist or are to be placed on the property including the location, use, height and bulk of buildings and any applicable land use, design limitations or planning schedules, which the applicant represents to the Village as restrictions upon the applicant's intended design, development and use of the subject property; and
 - VI. Expected date of completion of subdivision improvements.
 - b. Attachments:
 - I. The Natural Resource Information Report (NRI) that was prepared by the McHenry County Soil and Water Conservation District for the sketch plan. In the event there have been any changes to the subject property since the initial submittal of the NRI, an updated report shall be submitted.
 - II. An impacted school district report, consisting of the following:
 - (a) Identification of school districts having jurisdiction over the proposed subdivision;
 - (b) Number of bedrooms in each residential unit; and

- (c) Estimated number of elementary, junior and senior high school students to be generated by the subdivision.
 - III. A park donation report setting forth the number of bedrooms in each residential unit.
 - IV. A community revenue-expenditure impact study which shall include the following: An estimate of 1) community revenues generated by the proposed development through real estate taxes, Illinois personal income taxes, motor fuel taxes, park donations, permit and annexation fees; and 2) community expenditures generated by road maintenance and replacement, watershed, culvert, and easement maintenance and estimated Village administrative expenses associated with the proposed subdivision.
 - V. A phase I environmental audit which encompasses the real property in the proposed subdivision, meeting the criteria for such audit as set forth in section of the Illinois Environmental Protection Act, 415 ILCS 5/22.2(j)(6)(E)(iii)(v), and certified to the Village.
- c. A geohydrological report, which shall contain the following:
- I. The geohydrologic location of the subdivision on a hydrologic or geologic map (i.e., U.S.G.S. maps) showing pertinent hydrologic boundaries, streams, geologic formation and types of sediment which are hosts to aquifers.
 - II. An estimate of the demand of the subdivision from the source aquifers.
 - III. Hydrologic analysis for quantification of the sources of supply and projection of the long-term impact of the projected demand on the existing supply. Impact analysis should include evaluation of potential on-going surface-groundwater interactors or such which may be triggered by the projected increases of groundwater withdrawals.
 - IV. Identification of the source aquifer and certification that the source aquifer must be able to support the cumulative demand from the subdivision and its uninterrupted continuant.
 - V. The quantity, quality and continuous availability of the groundwater.
 - VI. Well inventory map showing wells which will serve the proposed subdivision. The map shall show at least each well's depth to water.
 - VII. Hydrology map showing location of the subdivision and boundaries of the water provider with groundwater contours based on current water level information, directions for groundwater movement, gradients, hydrologic boundaries and areas of natural and artificial recharge, etc.

- VIII. Geohydrologic cross-sections showing vertical distribution of major aquifer and lithological units penetrated by individual proposed wells, vertical projections of aquifer boundaries, groundwater levels, perched systems, etc.
 - IX. Narrative interpretation of area hydrology, hydrologic boundaries, recharge areas, withdrawal areas, aquifer lithology and units, aquifer parameters (how determined), depth to groundwater, area water-level declines (hydrographs), well yields and specific capacities, groundwater quality, potential contamination areas, groundwater movement (velocities, gradients, etc.), projected impacts of proposed groundwater withdrawals on local aquifer systems.
 - X. Number of lots and housing units projected to be located within the proposed development.
 - XI. The anticipated schedule for the proposed development to reach build-out and an annual projection of water demand until build-out.
 - XII. Proposed water uses of the proposed development.
 - XIII. Projected annual water demand per lot or housing unit with the proposed development at build-out for the following categories, and a schedule for completion of facilities associated with each category:
 - (a) Single-family dwelling units.
 - (b) Multiple family dwelling units.
 - (c) Non-residential uses.
 - (d) Other uses which impact the projected annual water demand.
3. Soils: Soil mapping based upon on-site determination of soil characteristics shall be conducted to determine soil suitability for septic systems and submitted to the Village. The soil survey and mapping shall be undertaken by a soil classifier who is a certified member of the Illinois Soil Classifiers Association and/or a certified professional soil classifier member of ARCPACS, who by reason of his or her special knowledge of the physical, chemical and biological sciences applicable to soils and of the methods and principles of soil classification as acquired by soils education and soil classification experience in the formation, morphology, description and mapping of soils, is qualified to practice soil classifying. To determine soil suitability for septic systems, the following procedure shall be utilized:

- a. There shall be a sufficient number of soil borings throughout the proposed acreage for platting to allow intensive mapping of soil characteristics and limiting factors to suitability for septic systems. The mapping and overlay of such characteristics should be of sufficient detail to minimize the potential for inclusions and to determine the existence of at least .50 acre of suitable soils on each proposed lot. There shall be at least one boring on each acre of the proposed subdivision. The location of all borings shall be shown on the soil map overlay and submitted to the Village.

A 200-foot grid system shall be established, and one boring at each grid point shall be performed. In addition, sufficient additional borings shall be completed to adequately identify each soil mapping unit as well as variations within mapping units as far as depth to limiting layer.

- b. The Village Engineer shall be notified at least 24 hours before commencement of on-site borings so the Village Engineer may observe the borings and sample procedures, if it desires. Any boring conducted without the Village Engineer being notified will not be acceptable.
- c. A map, report and log of each soil series mapped on the site shall be prepared and included in the soil classifier's report and submitted to the Village. Specific boring logs shall be submitted as part of the reports to the Village. These reports shall include, at a minimum, soil texture and permeability classifications by depth, along with the depth to any limiting layer.
- d. The date(s) of all field work shall be indicated.
- e. The entire subdivision area shall be mapped showing soil types present with different boundaries considering areas of transition. This mapping shall be coordinated with site topography, shall have lot lines superimposed upon it and shall be of the same scale as the preliminary plan.
- f. The map shall also depict areas of seasonal high groundwater or other limited layers as determined by the soil classifier's observation of the drainage characteristics of the soil. Long-term monitoring of observation wells, approved by the Village, may be used to supplement this information. Boundaries of the following areas shall be defined:
 - I. Seasonal high groundwater or other limiting layer at less than 18 inches;
 - II. Seasonal high groundwater or other limiting layer at 18 inches to 30 inches;
 - III. Seasonal high groundwater or other limiting layer at 30 inches to 42 inches;

- IV. Seasonal high groundwater or other limiting layer at 42 inches to 60 inches; and
 - V. Seasonal high groundwater or other limiting layer greater than 60 inches.
- g. A detailed map showing the soils present and locations of borings.
- h. Only soil types depicted on the site map and classified as non-critical soils for septic systems may irrefutably be included in the one-half acre of soils suitable for septic systems required for each lot.
- I. Soils not considered suitable for septic systems shall not be included in the one-half acre of required soils, and in addition, shall be indicated as being restricted for septic systems on the Plat.
 - II. All areas of filling and/or cutting must be clearly delineated on an engineering plan. It should be known that this may influence septic suitability and additional soil work may be required.
 - III. The use of fill and/or cutting of soils is strongly discourage and usually results in at least as critical if not soil limitations for on-site wastewater systems. The primary controlling factor to be considered is that the natural soils must be unencumbered by a limiting layer within 30 inches of the natural soil surface. Fill can only be used if that criterion is met. In this event, fill would have to be limited to carefully controlled situations, accompanied by detailed engineering. The lower portion, if not all of the sewage disposal system, must be a minimum of six inches into natural (undisturbed), uncompacted soils and no deeper than 36 inches from a final grade. At the time, the separation below the trench bottom to the top of the limiting layer shall be maintained.
- i. A uniform location of wells and septic systems shall be shown on the lots to eliminate future conflicts between wells and septic systems.
- j. Septic system restriction lines shall be shown on the preliminary plan in conjunction with all drainage easements, detention and retention easements and dry wells, in accordance with the following:
- I. Drainage easements must have a 25-foot septic restriction line shown on the preliminary plan; such line being at least 25 feet from the edge of the drainage easement. If the drainage easement is for pipe or conduit, the restriction line shall be 15 feet from the pipe. The portrayal shall clearly indicate which side of the line is restricted.

- II. Pond-type retention facilities must have a septic restriction line shown on the preliminary plan at least 50 feet from the maximum perimeter of the pond, at high water level (100-year event).
 - III. Dry retention basins and dry wells must have a septic restriction line at least 25 feet from the easement protecting the structure or detention area. There shall be a 200 feet well restriction line from all dry wells.
- k. The developer shall provide, to the satisfaction of the Village, that each lot on the preliminary plan has at least one-half acre of suitable soil in a continuous area and of usable size and configuration. This one-half acre is exclusive of all easements (i.e. drainage, road constructions, utility, etc.).
 - l. The signature of the soil classifier by whom the soil mapping was done and the report prepared, shall be affixed to both the report and the preliminary plan and submitted to the Village.
- 4. All documents, plans, supporting data, reports, etc., and revisions thereof, shall be dated and properly titled and the date utilized when referencing said articles.

- A. The final plat of subdivision shall be of good quality and customary size mylar, but no larger than 24 inches by 36 inches, and shall contain the following:
1. Identification and description:
 - (a) Name of the subdivision or planned development;
 - (b) Metes and bounds or other legal description;
 - (c) The name and address of the developer and a statement of the present ownership of all land within the proposed subdivision and the names and addresses of all owners of beneficial interests, including the present tract designation according to the officials records of the McHenry County Recorder of Deeds. If ownership is in a trust, a certified copy of the trust agreement and all amendments thereto, shall be submitted;
 - (d) Scale 1 inch to 100 feet or larger (shown graphically);
 - (e) Date the plat was prepared and any revision dates;
 - (f) North point;
 - (g) Property identification number(s) at preliminary plat;
 - (h) Point of beginning and point of commencement if it is utilized in the legal description;
 - (i) The exact location, width and names of all streets within and adjoining the subdivision;
 - (j) The distances to the nearest established street lines and official survey monuments which shall be accurately described in the plat. A minimum of two monuments will be required per development over two acres. The Village Engineer will determine the final number of monuments to be placed during engineering review of submitted plans. These monuments shall be concrete posts with iron rod core topped with an engraveable brass plate, which shall contain USGS datum including elevation, longitude and latitude, and state plane coordinates. The monument shall become part of the Village's benchmark system and numbered accordingly.
 - (k) Township and section lines accurately tied to the lines of the subdivision by distances and angles.
 - (l) Execution and certification by a registered Illinois land surveyor, including a statement that the plat represents a survey made by such person, that the

monuments and markers shown thereon exist as located, and that all dimensional and geodetic details are correct.

2. Delineation:

- (a) Boundary of subdivision, based on an accurate traverse, with angles and lineal dimensions;
- (b) Exact location, width and name of all streets within and adjoining the subdivision, and the exact location and widths of all cross-walkways. Streets that are obviously in alignment with others already existing and named shall bear the names of the existing streets. Before the final plat for the subdivision shall be approved, the owner shall submit to the Zoning Board of Appeals a statement from the local postmaster approving the names of the proposed streets and of the proposed system of postal addresses along such streets;
- (c) True angles and distances to the nearest established street lines or official monuments (not less than three), which shall be accurately described in the plat;
- (d) Municipal, township, county or section lines, accurately tied to the lines of the subdivision by distances and angles;
- (e) Radii, internal angles, points and curvatures, tangent bearings and lengths of all arcs;
- (f) All easements for rights-of-way for public services, utilities, water course access under Section 12.08-C-2, and as otherwise are required or dedicated and approximate language granting the easements and location of transmission pipelines with applicable setbacks.;
- (g) All street addresses, lot numbers and lines, with accurate dimensions in feet and hundredths; a list of street addresses shall be shown on the plat;
- (h) Accurate outlines and legal descriptions of any areas to be dedicated or reserved for public use, with the purposes indicated thereon, and of any area to be reserved by deed covenant for common uses of all property owners;
- (i) Building setback lines, accurately shown with dimensions;
- (j) Protective covenants in words and figures;
- (k) Execution, by each and every owner of record and by the mortgage holder of record, if any, certifying the surveying and platting, acknowledgment and adoption of the plat and the dedication of streets and other public areas, such

certification to be acknowledged in the same manner as deeds of land are acknowledged;

- (l) Certifications by proper public officers showing that all taxes and special assessments due on the property to be subdivided have been paid in full;
- (m) Certification of approval by the Plan Commission and Zoning Board of Appeals, executed by the chair persons and attested by the secretaries;
- (n) Certification of approval by the Board of Trustees, executed by the President and attested by the Village Clerk;
- (o) Certification of approval by any other governmental or private entity, executed by a duly authorized officer, when such approval is necessary;
- (p) Tabulations for total land area, total number of lots, acreage containing lots and outlots, and acreage for street right-of-way, set forth on a table; and
- (q) The location of all trees to be preserved, as well as the location of tree preservation easements. Areas which cannot serve as building sites, or which are used as park sites, retention and/or detention sites or similar areas, shall be identified on the plat.

B. Accompanying documents. The following documents shall also be submitted for approval by the Board of Trustees at the time of submittal of the final plat of subdivision:

- 1. Any and all exhibits and documentation that are a part of the final plat and the owner's engineer's drawing or drawings, bearing the approval of the Village Engineer, Plan Commission and Zoning Board of Appeals, showing the profiles of all streets and alleys in the subdivision, drawn to a horizontal scale of one inch to 50 feet, and referring elevations to a permanent recorded benchmark or the Village datum, if the Village has a datum.
- 2. Plans and specifications for all subdivision improvements showing the approval of the Village Engineer, Zoning Board of Appeals and Plan Commission.
- 3. An agreement, in the form set forth in Appendix 12-A, executed by the owner wherein he promises to make and install the improvements required by Section 12.14, in accordance with the plans and specifications accompanying the final plat, to complete same no later than one year after final approval, and to provide security for completion as provided in paragraph B-4 herein.
- 4. Security in the amount of 150 percent of the estimated cost of labor and materials to install the improvements and maintain, repair and replace them within one year after acceptance of completion by the Village, in any of the following forms, to secure and conditioned upon the performance of all of the owner's undertakings, including

completion of the subdivision improvements, according to the plans and specifications within the time provided therefore and maintenance, repair and replacement of improvements for a period of one year after acceptance by the Village under paragraph B-5 herein:

- (a) An irrevocable letter of credit issued by a federally insured bank or savings and loan association with assets of at least \$50,000,000.00, in the form set forth in Appendix 12-B; or
- (b) Deposit of funds in escrow with a trust company, wherein the amount deposited may be withdrawn in order to complete the improvements, maintenance, repair or replacement work, and execution and delivery of an escrow agreement and the deposits described therein, as set forth in Appendix 12-C.

No portion of the security will be released as the work progresses, but, rather, the entire amount deposited must be retained until all work covered by the security is satisfactorily completed and accepted. However, the owner may post two securities in one of the manners prescribed above, one for 150 percent of all work except the road improvements and maintenance, repairs and replacement, the other for 150 percent of all other work.

- 5. A written guaranty and undertaking by the owner to maintain and make all necessary repairs or replacements of all improvements in the subdivision required by Section 12.14 until 70 percent of the lots in the subdivision are improved with residential structures to which occupancy permits have been issued, provided and on condition that maintenance does not include snow removal, said guaranty to be embodied in the agreement set forth in Appendix 12-A, and secured in the form set forth in Appendix 12-B or Appendix 12-C.
- 6. If the subdivision is located within the Village's extraterritorial planning jurisdiction area, and if the Village and owner have agreed that payment of the school and park donations shall be made at the time the building permits are issued, as provided for in Section 12.09-E-3, then the owner shall execute a document to ensure compliance with the school and park donation provisions of Sections 12.09 and 12.10 of the Bull Valley Subdivision Ordinance in the form of agreement attached hereto as Appendix 12-H.
- 7. If the owner of record is a land trust, each beneficiary shall be disclosed in the application for plat approval.
- 8. Current title commitment showing ownership, liens and encumbrances and protective covenants which meet with the approval of the Village Attorney.
- 9. If the owner is a corporation, the Board of Trustees may require that all accompanying documents set forth in paragraphs B-1 through B-6 herein be

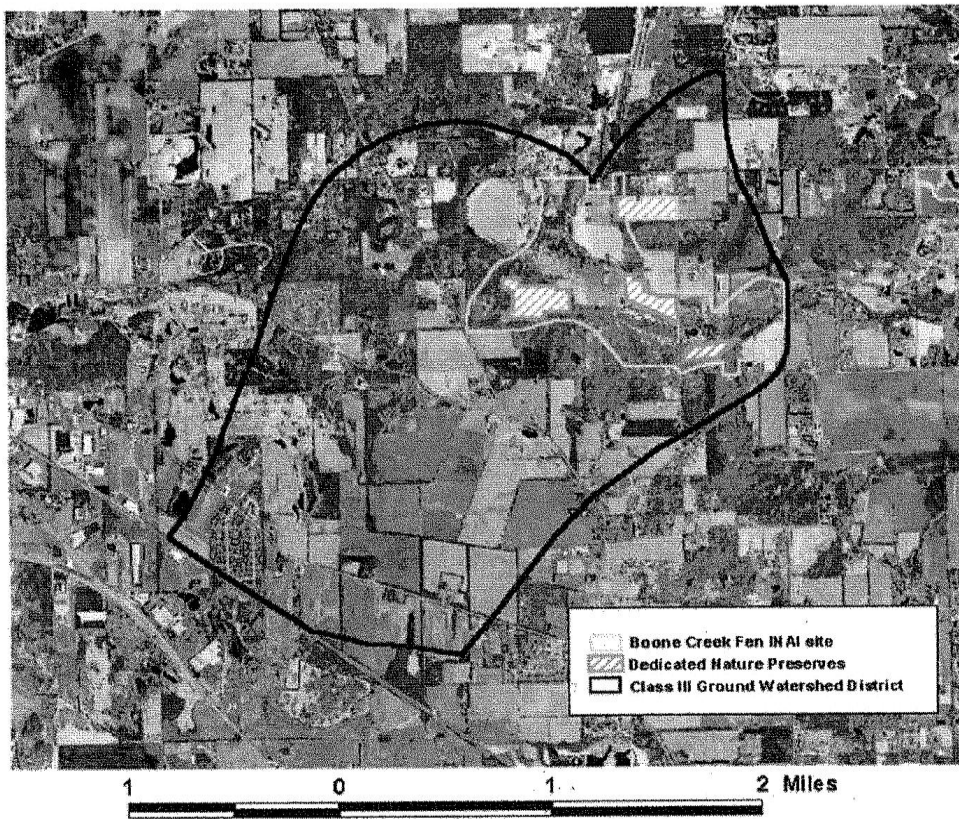
personally guaranteed by one or more stockholders thereof, and if the owner is a trustee, by the owners of the beneficial interest in the underlying trust instrument, or, if such owner or owners are under lawful age, by the grantor of the trust.

10. A copy of the approved McHenry County Stormwater Management Permit.
- C. The plat shall be signed by the owner(s), or by his/her attorney duly authorized, and their signature(s) shall be acknowledged before a notary and under the signature and seal of a notary.

ROADWAY SURFACING REQUIREMENTS		
Type of Street	Dedicated Street Width	Roadway (Pavement) Width
Primary street	60 feet	24 feet with adequate drainage and ditches
Collector street	60 feet	22 feet with adequate drainage and ditches
Minor street	60 feet	20 feet with adequate drainage and ditches
Marginal access street	60 feet	20 feet with adequate drainage and ditches
Cul-de-sac	60 feet	30 feet with adequate drainage and ditches

SCHEDULE OF MINIMUM DESIGN REQUIREMENTS FOR SUBDIVISION ROADS WITHIN THE VILLAGE OF BULL VALLEY AND WITHIN ITS EXTRATERRITORIAL PLANNING JURISDICTION			
	Marginal Access- Minor	Collector	Primary
Right-of-Way	60' minimum, (See Note 1)	60' minimum, (See Note 1)	60' minimum, (See Note 1)
Horizontal Alignment	250' radius minimum of centerline	250' radius minimum of centerline	250' radius minimum of centerline
Vertical Alignment	Maximum 8% grade (See Note 2)	Maximum 8% grade (See Note 2)	Maximum 8% grade (See Note 2)
Aggregate Base Course	22' wide and 12" compacted thickness	24' wide and 12" compacted thickness	26' wide and 12" compacted thickness
Bituminous Surface Course "to be constructed in two lifts and edged with tapered aggregate shoulders"	4" compacted bituminous surface plant mix, Class B; 20' wide	4" compacted bituminous surface plant mix, Class B; 22' wide	4" compacted bituminous surface plant mix, Class B; 24' wide
Cul-de-sac terminus	Minimum diameter 140'; diameter of surface 100'	Minimum diameter 140'; diameter of surface 100'	Minimum diameter 140'; diameter of surface 100'
Width of shoulder	4' from bituminous surface (28' roadbed)	4' from bituminous surface (30' roadbed)	4' from bituminous surface (32' roadbed)
Roadway ditches	24" deep V-type	24" deep V-type	24" deep V-type
Maximum earth slopes	Front 3:1 Back 3:1 (See Note 3)	Front 3:1 Back 3:1 (See Note 3)	Front 3:1 Back 3:1 (See Note 3)
General Note:	(i) Return radii at all intersections shall be a minimum of 50'. Corner lots shall have radii such that the distance from the edge of the pavement to the right-of-way line is approximately 20 feet.		
	(ii) Design requirements for private streets shall be set by the Village Engineer, Zoning Board of Appeals and the Plan Commission, and approved by the Board of Trustees.		
Note 1: Wider right of way may be required if deemed necessary by the Plan Commission and Zoning Board of Appeals.			
Note 2: Maximum length vertical curves consistent with good engineering practice and compatible with the terrain shall be used between changes in grade.			
Note 3: Earth slopes shall be as flat as possible and shall in all cases be carried to the property line. Construction easements shall be indicated on the plat at locations where additional width is required to meet slope requirements.			

Boone Creek Fen Illinois Natural Area Watershed District



Protected (Native) Species

Desirable Native Tree Species	
<i>Acer nigrum</i>	Black Maple
<i>Acer saccharum</i>	Sugar Maple
<i>Aesculus glabra</i>	Ohio Buckeye
<i>Carpinus caroliniana</i>	American Hornbeam
<i>Carya cordiformis</i>	Bitternut Hickory
<i>Carya ovata</i>	Shagbark Hickory
<i>Celtis occidentalis</i>	Hackberry
<i>Fraxinus americana</i>	White Ash
<i>Juglans nigra</i>	Black Walnut
<i>Ostrya virginiana</i>	American Hophornbeam
<i>Quercus alba</i>	White Oak
<i>Quercus coccinea</i>	Scarlet Oak
<i>Quercus ellipsoidalis</i>	Hill's Oak
<i>Quercus macrocarpa</i>	Bur Oak
<i>Quercus rubra</i>	Red Oak
<i>Quercus velutina</i>	Black Oak
<i>Tilia americana</i>	American Linden
Desirable Native Shrub Species	
<i>Prunus Americana</i>	Wild Plum
<i>Corylus Americana</i>	Hazelnut
<i>Malus ioensis</i>	Prairie Crab
<i>Amelanchier arborea</i>	Serviceberry
<i>Viburnum dentatum</i>	Downy Arrowood

Consistent with good forestry and ecological practices, replacement trees shall be of either equivalent or a superior quality of species. For example, a softwood tree may be replaced with a hardwood tree, but an inferior species shall not be substituted for a superior species. In order to preserve and enhance the oak-hickory forest native to McHenry County, oak and hickory trees must be replaced in kind with native oak and hickory species. Where large numbers of trees other than oak and hickory are being replaced, a diversity of species shall be used so as to avoid creating a monoculture of one species.

Prohibited Tree Species

<i>Acer negundo</i>	Box Elder
<i>Acer plantanoides</i>	Norway Maple
<i>Acer saccharinum</i>	Silver Maple
<i>Ailanthus altissima</i>	Tree of Heaven
<i>Elaeagnus angustifolia</i>	Russian Olive
<i>Elaeagnus umbellate</i>	Autumn Olive
<i>Gleditsia triacanthos</i>	Honey Locust
<i>Juniperus virginiana</i>	Red Cedar

<i>Populus species</i>	Poplar species
<i>Rhamnus cathartica</i>	Common buckthorn
<i>Rhamnus fragula</i>	Glossy buckthorn
<i>Robina pseudoacacia</i>	Black locust
<i>Taxodium distichum</i>	Bald Cypress
<i>Ulmus Pumila</i>	Siberian Elm
<i>Morus Alba</i>	Whit mulberry
<i>Catalpa Speciosa</i>	Catalpa
<i>Fraxinus Species</i>	Ash Species
<i>Lonicera</i>	Honeysuckle
<i>Prunus Ser</i>	Black Cherry
<i>Thuja occidentalis</i>	Arbor vitae

Ash species present on the site are protected, however due to the current infection of ash trees with the Japanese Ash Borer, ash trees may not be planted as replacement trees at this time.