

Chapter 17 - Annexations and Retained Personnel

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Article One - Annexations

1701 Annexation Fees

1701.1 All properties hereinafter annexed to the Village of Spring Grove shall be required to pay the Village the sum of money, three hundred fifty dollars (\$350.00) per acre of land annexed. (*Revised Ord. 2004-37*)

1701.2 Lands annexed under a Pre-Annexation Agreement, or as a phased Planned Unit Development, shall be assessed only on the basis of the acreage contained in the first phase of development, with successive payments being due upon approval of each subsequent phase.

1702 Emergency Warning Siren System Fee

A fee shall be paid to the Village in the amount of \$100.00 per acre annexed for expansion, maintenance and repair of the Village's Emergency Warning Siren System. This payment shall be allocated to a separate fund expressly for the purpose of expansion, maintenance and repair of the System. Payment shall be made at time of annexation.

1703 Zoning of Annexed Property

Any territory annexed to the Village through any of the annexation methods as provided by the Statutes of the State of Illinois shall automatically be classified E-5 Estate Residential District, as such district is established and set forth in the Zoning Ordinance as amended, and all applicable rights and restrictions as set forth in said Ordinance shall apply thereto.

1704 Dedications

Upon annexation, the owner of the property being annexed shall dedicate to the Village such roadways, rights of way and easements for Village and public utilities as deemed appropriate by the Village Engineer.

1705 Plat

Upon annexation to the Village, the owner of the property annexed shall provide the Village Board a Plat of Annexation which includes all of the annexed property and any streets or highways being annexed.

1706 Annexation Discretionary

Annexation to the Village shall be totally within the discretion of the Village Board and no owner of land shall have any right to annex to the Village.

Article Two – Retained Personnel

1707 Retained Personnel Fee Requirement

- 1707.1 In order to secure reimbursement of the Village for any legal, engineering, planning or inspection fees, special meetings, special reviews, advise, tests or costs, a fee shall be deposited with the Village before any consideration by the Village on any matter, such as, but limited to: annexation, zoning, platting, planned unit development approval, building permits for multi-family, commercial industrial and other building and development of projects.
- 1707.2 **Amounts of Deposit.** The amount deposited with the Village shall be an amount as specified in Exhibit A attached hereto and if not specified in said exhibit or by other Village ordinances or regulations then it shall be an amount equal to 125% percent of the estimated costs and expenses to be incurred by the Village in connection with the project unless such other amount is approved by the Village Board. The Village Board may increase or decrease the amount of deposit required to be on hand as warranted.
- 1707.3 **Reviews.** There shall be no reviews, holding of special meetings or the incurring of any expenses in connection with any project until the required deposit has been made with the Village unless otherwise authorized by the Village President or Village Board.
- 1707.4 **Payment of Fees.** Upon submission of bills by all professional staff and retained consultants deemed necessary by the Village, the Village shall pay said fees out of the specified retained personnel account. Professional staff and retained consultants deemed necessary by the Village may also forward bills for services incurred on any project directly to the party responsible for payment of that bill. Copies of any such bill shall be forwarded to the Village. The Village will forward statements to the party responsible for payment for reimbursements of costs for any special meetings or for such other costs incurred by the Village. Upon notification to the Village by all professional staff and retained consultants of an unpaid bill(s) in excess of 60 days past due, the Village shall disburse from the deposit sufficient funds to pay in full the outstanding bill.
- 1707.5 **Restoration of Funds.** Whenever the amount deposited by the owner has been drawn upon so that the balance thereof is 10% less than the amount of the original deposit the owner shall immediately upon receipt of notice from the Village deposit with the Village Clerk an amount increasing the funds to the original deposit amount. Until such additional funds are deposited with the Village, proceedings with regard to the project may be held in abeyance in accordance with Section 1707.6.

- 1707.6 **Unpaid Fees, Costs or Expenses.** Whenever any payments required to be made by the owner as herein specified have not been paid for a period of 1 month, the Village Board of Trustees may, in its sole and absolute discretion, terminate and render null and void the proposed project. This shall be in addition to such other remedies as the Village may have for any unpaid fees and expenses.
- 1707.7 **Default in Payment.** In the event the owner or party agreeing to be responsible for the fees and expenses fails or refuses to pay any deficiencies, the Village shall notify said party and the titleholder of record of the property at the addresses providing by said parties to the Village (if no address available for title holder, to the address of the last taxpayer of record of said property for the title holder of record notice). The Village may institute legal actions for collections of said sums due and owing and the owner and/or party reasonable for said payment shall be liable to the Village for all collection costs including reasonable attorney fees. Any unpaid funds shall also be a lien on the real estate and in addition to such other remedies as by law may be provided, and stay any proceedings relating to the property until such deficiencies have been paid in full. The staying of proceedings shall also include the stopping of building permits and stopping of any other proceedings relating to the project including platting, development, zoning, building, etc.
- 1707.8 **Waiver of Requirements and/or Extensions.** The Board of Trustees may, for a good cause shown by an owner, grant extensions of time for making of payment and may, in their sole and absolute discretion, waive in full or in part the requirements of this ordinance.
- 1707.9 **Unused Balance Refundable.** Within a reasonable time after completion of any project or upon the termination of any project the presentation of the final statement to the owner for the Village's fees, costs and expenses, whichever time is later, any unpaid balance remaining in the fund deposited by the owner shall be paid to the owner without interest.

EXHIBIT A

The following deposits shall apply for the following described projects.

a. Annexations	Minimum of \$1,500 for the first two acres of land involved in the project plus \$100 per acre for each acre in excess of two acres, with a maximum deposit of \$5,000 unless otherwise increased or decreased by the Village Board.
b. Zoning <ul style="list-style-type: none"> • Owner occupied residential minor variances • All other zoning applications 	<ul style="list-style-type: none"> \$ 600 \$1,000
c. Construction activity and/or permits in connection with commercial and/or industrial construction activity involving more than \$100,000 of project expenditures.	\$1,000
d. Any development activity located in whole or in part within flood hazard boundary areas of the Village which are subject to regulation by the Village.	To be determined by the Board of Trustees on a case by case basis.
e. Subdividing or platting.	\$5,000. In the event subdivision platting takes place at same time as annexation, only one deposit shall be required unless otherwise specified by the Board of Trustees.
f. Other matters not specifically described in this section.	Minimum deposit of \$1,500 or such amount as may be approved by the Village Board as a reasonable amount to cover 125% of the estimated costs and expenses to be incurred by the Village.