

TITLE 16  
SUBDIVISIONS

HARVARD MUNICIPAL CODE  
1980

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ENGINEERING STANDARDS

## Title 16

### SUBDIVISIONS\*

#### Chapters:

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### Chapter 16.04 GENERAL PROVISIONS

#### Sections:

16.04.010	Purpose
16.04.020	Jurisdiction
16.04.030	City Engineering Standards

#### 16.04.010 Purpose

The purpose of this title is to implement the Comprehensive Plan of the City applicable to lands situated within the corporate limits and contiguous areas lying within one and one-half miles beyond the corporate limits and not included in any municipality, for:

- A. Establishing reasonable standards of design for subdivisions and for resubdivisions of unimproved land and of areas subject to redevelopment.
- B. Establishing reasonable requirements governing the location, width, course, and surfacing of public streets,
- For statutory provisions authorizing municipalities to establish plan commissions and regulate the acceptance of plats, see Ill. Rev. Stat. 1977 Ch. 24 §11-12-4 et. seq. For provisions regarding plats, generally, see Ill. Rev. Stat. 1977 Ch. 109. For provisions regarding approval of maps and plats Ill. Rev. Stat. 1977 Ch. 24 §11-15-1.

highways, alleys, ways for public service facilities, curbs, gutters, sidewalks, street lights, parks, playgrounds, school grounds, stormwater drainage, water supply and distribution, and sanitary sewers and sewage collection and treatment;

- C. Establishing procedures for approval and recording of plats;
- D. Imposition of fees for processing plats; and
- E. Providing for enforcement and for imposition of penalties for violations in accordance with authority vested in the municipality under the provisions of the applicable statutes of the State of Illinois, be and is adopted as part of the comprehensive plan of the City. (Ord. 841 (part), 1969)

#### **16.04.020 Jurisdiction**

Because each new subdivision accepted by the City becomes a permanent unit in the basic physical structure of the future community, and to which the future community will, of necessity, be forced to adhere, all subdivisions hereafter planned within the incorporated limits of the City, and within the unincorporated area lying one and one-half miles beyond, shall, in all respects, be in full compliance with the regulations contained in this title. These regulations are designed to provide for the orderly and harmonious development of the City, for the coordination of streets within new subdivisions with other existing or planned streets, and to secure a uniform system of utilities and services, and otherwise to promote realization of the Comprehensive Plan. (Ord. 841, §I, 1969)

#### **16.04.030 City Engineering Standards**

City Engineering Standards means the City of Harvard's current Engineering Standards, adopted herein by reference. (Ord. 97-113, §2, 1997)

### **16.08**

#### **INTERPRETATION AND DEFINITIONS**

##### **Sections:**

16.08.010	Generally
16.08.020	Definitions Generally
16.08.030	Alley
16.08.040	Block
16.08.050	Building Commissioner
16.08.060	Building Setback Line
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16.08.100	Collector Street

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16.08.105	Common Surface
16.08.110	Comprehensive Plan
16.08.115	Condominium
16.08.120	Council
16.08.130	Cul-de-sac
16.08.140	Easement
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16.08.320	Street
16.08.330	Street Width
16.08.340	Subdivision
16.08.350	Subdivision Design Standards
16.08.360	Thoroughfare
16.08.365	Two Family Dwelling

#### 16.08.010 Generally

The language set forth in the text of this title shall be interpreted in accordance with the following rules of construction:

- A. The singular number includes the plural and the plural the singular;
- B. The present tense includes the past and future tenses and the future the present;
- C. The word "shall" is mandatory, while the word "may" is permissive;
- D. The masculine gender includes the feminine and neuter;
- E. Whenever a word or term defined in this chapter appears in the text of the title, its meaning shall be construed as set forth in the definition thereof; and any work appearing in parenthesis directly after a word defined in this chapter shall be construed in the same sense as that word; and

F. The following words and terms, wherever they occur in this title, shall be construed as defined in this chapter. (Ord. 841, §II(A) (part), 1969)

**16.08.020 Definitions Generally.** For the purposes of this title, certain terms used in this title are defined as set out in this chapter. (Ord. 833, §II (B) (part), 1969)

**16.08.030 Alley.** "Alley" means a right-of-way which affords secondary means of access to properties abutting upon a street. (Ord. 841, §II (B) (part), 1969)

**16.08.040 Block.** "Block" means a tract of land bounded by streets, or by a combination of streets and public parks, railroad rights-of-way, or other similar natural boundaries. A block may be located in part beyond the boundary lines of the corporate limits of the City. (Ord. 841, §II (B) (part), 1969)

**16.08.050 Building Commissioner.** "Building Commissioner" means the Building Inspector of the City, or his duly authorized representative. (Ord. 841, §II (B) (part), 1969)

**16.08.060 Building Setback Line.** "Building Setback Line" means a line within a lot or other parcel of land, which denotes the area between such line and the adjacent street right-of-way line where a building and other obstructions are prohibited, except those obstructions that are permitted by zoning ordinance regulations. (Ord. 841, §II (B) (part), 1969)

**16.08.070 City.** "City" means the City of Harvard, Illinois. (Ord. 841, §II (B) (part), 1969)

**16.08.080 City Clerk.** "City Clerk" means the City Clerk of the City. (Ord. 841, §II (B) (part), 1969)

**16.08.090 City Engineer.** "City Engineer" means a professional engineer, registered in the state, who has been duly appointed as the City Engineer of the City. (Ord. 841, §II (B) (part), 1969)

**16.08.100 Collector Street.** "Collector Street" means a street within a subdivision which has wider right-of-way and roadway widths, and which is a prime entrance or circulating street. Its primary function is to distribute and collect traffic to and from minor streets. (Ord. 841, §II (B) (part), 1969)

**16.08.105 Common Surfaces.** The phrase Common Surfaces, as used in Section 16.08.340-B of this Title 16 shall refer to all surfaces of the two family dwelling or condominium which are exposed to the outside, including roofs, walls, windows, doors and gutters. (Ord. 98-148, §1, 1998)

**16.08.110 Comprehensive Plan.** "Comprehensive Plan" refers to the composite of the functional and geographic elements of the official Comprehensive Plan of the City and environs or any segment thereof, in the form of plans, maps, charts, text of reports, implementing ordinances, and the official map. (Ord. 841, §II (B) (part), 1969)

**16.08.115 Condominium.** A building with more than one living unit and each living unit, consisting of at least one bathroom, kitchen or kitchen area and sleeping area is individually owned and common areas of the building and lot are owned and maintained by those owning individual living units or an association of the property owners. (Ord. 98-148, §1, 1998)

**16.08.120 Council.** "Council" means the City Council of the City. (Ord. 841, §II (B) (part), 1969)

**16.08.130 Cul-de-sac.** "Cul-de-sac" means a minor street with a single outlet, and is permanently terminated by a vehicle turnaround. (Ord. 841, §II (B) (part), 1969)

**16.08.140 Easement.** "Easement" means a quantity of land set aside over or under which a liberty, privilege, or advantage in land without profit is dedicated and is distinct from ownership of the land; or is granted either to the public, a particular person, or a combination of both. (Ord. 841, §II (B) (part), 1969)

**16.08.150 Final Plat.** "Final Plat" means a map or plan of a subdivision and any accompanying material as described in Chapter 16.20. (Ord. 841, §II (B) (part), 1969)

**16.08.160 Frontage Road.** "Frontage Road" means a minor road which is parallel to and either adjacent to or within the right-of-way of a thoroughfare. (Ord. 841, §II (B) (part), 1969)

**16.08.170 City Engineering Standards.** "City Engineering Standards" means the City of Harvard's current Engineering Standards, adopted herein by reference. (Ord. 97-113, §2, 1997)

**16.08.180 Land Improvement.** "Land Improvement" means any sanitary sewerage system, storm sewer system, water supply and distribution systems, roadway, side-strip, sidewalk, pedestrian way, no-access strip, off-street parking area, lot grading, or other improvement which the City may require under this title. (Ord. 841, §II (B) (part), 1969)

**16.08.190 Lot.** "Lot" means a portion of a subdivision or other parcel of land intended for transfer of ownership or for building development. (Ord. 841, §II (B) (part), 1969)

**16.08.200 Lot, Butt.** "Butt Lot" means a lot at the end of a block and located between two corner lots. (Ord. 841, §II (B) (part), 1969)

**16.08.210 Lot, Double Frontage.** "Double Frontage Lot" means a lot which has a pair of opposite lot lines along two substantially parallel streets. (Ord. 841, §II(B)part), 1969)

**16.08.220 Minor Street.** "Minor Street" means a street of limited continuity. Its primary purpose is to serve abutting properties. (Ord. 841, §II (B) (part), 1969)

**16.08.230 No-Access Strip.** "No-Access Strip" means a land area at least twelve feet wide along the rear lot line of a double frontage lot and abutting thoroughfare within which no vehicular driveway shall be permitted. (Ord. 841, §II (B) (part), 1969)

**16.08.240 Owner or Subdivider.** "Owner" or "Subdivider" includes any person, firm, association, partnership, private corporation, public or quasipublic corporation, or a combination of any of them, or other legal entity having sufficient proprietary interest in the land sought to be subdivided or divided to commence and maintain proceedings under the provisions of this title. (Ord. 841, §II (B) (part), 1969)

**16.08.250 Pedestrian Way.** "Pedestrian Way" means a right-of-way across or within a block designated for pedestrian use. (Ord. 841, §II (B) (part), 1969)

**16.08.260 Plan Commission.** "Plan Commission" means the City of Harvard Planning Commission. (Ord. 841, §II (B) (part), 1969)

**16.08.261 Planned Development.** "Planned Development" is a real estate development characterized by a mixture of principal uses or dwelling types and a development plan which is specifically adopted to the conditions of the site. (Ord. 87-139, 1987)

**16.08.270 Preliminary Plat.** "Preliminary Plat" means a tentative map or plan of a proposed subdivision as described in Sections 16.16.010 through 16.16.040. (Ord. 841, §II (B) (part), 1969)

**16.08.280 Primary or Major Street.** "Primary or Major Street" means a street of considerable continuity which serves or is intended to serve as a major traffic artery connecting large areas. (Ord. 841, §II (B) (part), 1969)

**16.08.290 Roadway.** "Roadway" means that portion of the street designated for vehicular use. (Ord. 841, §II (B) (part), 1969)

**16.08.300 Side-strip.** "Side-strip" is the unpaved strip of land within a street right-of-way and is parallel to the roadway. (Ord. 841, §II (B) (part), 1969)

**16.08.310 Sidewalk.** "Sidewalk" means that portion of the street designated for pedestrian use. (Ord.841,§II (B) (part), 1969)

**16.08.320 Street.** "Street" means a right-of-way which affords primary means of access by pedestrian and vehicles to abutting properties, whether designated as street, avenue, highway, road, boulevard, easement, or however otherwise designated. (Ord. 841, §II (B) (part), 1969)

**16.08.330 Street width.** "Street width" means the shortest distance between the right-of-way lines of a given street. (Ord. 841, §I (B) (part), 1969)

**16.08.340 Subdivision**

A. "Subdivision" means, (subject to the exceptions in Paragraph B below) (Ord. 97-113,§3,1997)

1. A described tract of land which is to be or has been divided into two or more parcels of land;
2. Any division of land which creates a lot for transfer of ownership and/or building development where a new street is involved; or
3. The dedication of streets, ways, or other areas of the use of the public.

B. The following acts or uses shall not be considered to be a Subdivision:

1. The division of a tract, parcel or lot into parcels or lots, all of which resultant parcels or lots exceed three (3) acres when such division does not result in a new street.
2. Division of land, for the purpose of transfer of ownership to adjoining property owners, when such division does not create an additional lot or lots.
3. Conveyance of a two-family dwelling resulting in title to each Dwelling Unit being held by different owners where the document of conveyance includes restrictive covenants approved by the City. The restrictive covenants must, at a minimum, be enforceable by the City and provide that all Common Surfaces, as defined in this Title 16, shall be, and shall forever remain, of like architectural design, color and construction. (Ord. 2001-127,§1, 2001; Ord. 98-148,§2,1998; Ord. 97-113,§3,1997)

4. Conveyance of a Condominium created pursuant to the Condominium Property Act (765 ILCS 605/1 et seq.), where the document of conveyance includes restrictive covenants approved by the City. The restrictive covenants must, at a minimum, be enforceable by the City and provide that all Common Surfaces, as defined in Title 16 of the Harvard Municipal Code, shall be of like architectural design, color and construction and no Common Surface shall be repaired, altered, constructed or removed, without the written consent of all titleholders of the Common Surfaces. (Ord. 98-148, §3, 1998)

- C. As to those divisions not deemed to be Subdivisions under the provisions of the above Paragraph B and the sub-paragraphs thereof, a certified plat of survey, except for townhouse dwellings shall be required and shall be filed with the City. Said survey shall show the property as divided and provide the separate legal descriptions created by such division. Further, the City Council shall have the option to require full compliance with the requirements of this Title 16 for Subdivisions even for transfers excluded under the provisions of the above Paragraph B and the sub-paragraphs thereof, in those cases in which the City Council believes that it would be in the best interests of the City that compliance be made. (Ord. 87-139, 1987)

**16.08.350 Subdivision Design Standards.** "Subdivision Design Standards" means the basic land planning principles established as guides for the preparation of preliminary plats. (Ord. 841, §II(B)(part), 1969)

**16.08.360 Thoroughfare.** "Thoroughfare" means a street with a high degree of continuity and serving as an arterial traffic way between the various districts of the City and its environs. (Ord. 841, §II(B)(part), 1969)

**16.08.365 Two Family Dwelling.** A building, also known as a duplex, designed or altered to provide dwelling units for occupancy by two families living independently of each other. (Ord. 98-148, §1, 1998)

## 16.12

### PROCEDURE

#### Sections:

- 16.12.010 Generally
- 16.12.020 Preliminary Plat--Application--Approval-Notice
- 16.12.021 Soil and Water Conservation District Fees for Annexed Property
- 16.12.030 Final Plat--Application--Approval--Filing for Record
- 16.12.040 Plans and Specifications for Land Improvements
- 16.12.050 Compliance with State Law

**16.12.010 Generally**

Before subdividing a tract or parcel of land in the City and the unincorporated areas within one and one-half miles beyond the City limits, an owner or subdivider shall submit a preliminary plat and a final plat to be acted upon by the City authorities in accordance with the following requirements. Prior to the preparation of a preliminary plat it is recommended that:

- A. The owner or subdivider consult with the Plan Commission and other City officials to secure information relative to requirements of the Comprehensive Plan, Official Map, Zoning Ordinance, Subdivision Ordinance, and any other applicable City ordinance; and
- B. Subsequently submit to the City Plan Commission a sketch plan of the proposed subdivision prepared on a topographic survey of the area showing the street systems, arrangement of lots, and location of public use areas that may be required to be reserved. (Ord. 841, § III(B)(part), 1969)

**16.12.020 Preliminary Plat--Application--Approval--Notice**

- A. The owner or subdivider shall file an application for approval of the preliminary plat with the City Clerk. Five copies of the preliminary plat as well as five copies of the preliminary checklist (Appendix A) and the required filing fee, shall accompany the application. (Ord. 97-113, §4, 1997; Ord. 94-138, §1, 1994; Ord. 88-112, §1, 1988)
- B. The City Clerk shall refer nine copies of the preliminary plat to the plan commission, at least ten days in advance of the next meeting of the Plan Commission.
- C. The Plan Commission shall notify the owner or subdivider and other interested parties as to the time and place of the Plan Commission meeting at which the owner or subdivider and other interested parties will be afforded an opportunity of being heard. Such notice shall be published, posted or delivered in such form as prescribed by the City Attorney.
- D. The Plan Commission shall approve or disapprove the application for preliminary plat approval within ninety days from the date of filing the application or the filing by the applicant of the last item of required supporting documents, whichever date is later, unless such time is extended by mutual consent.
- E. When the preliminary plat has been acted upon by the Plan Commission, it shall be referred to the Council. If the Plan Commission approves the plat it shall so indicate

on the plat, and if it disapproves such plat it shall furnish the Council and the applicant a written statement setting forth the reason for disapproval and specifying with particularity the aspects in which the proposed plat fails to conform to this title and official map, and with the intent of the Comprehensive Plan. The Council shall accept or reject said plat within thirty days after its regular stated meeting following the action of the Plan Commission.

- F. Upon approval of the preliminary plat by the Council, the following notice of approval shall be stamped upon prints thereof, and required signatures affixed:  
(Ord. 97-113, §6, 1997)

NOTICE OF APPROVAL OF PRELIMINARY PLAT

"Notice is hereby given that the preliminary plat of a subdivision shown hereon has received approval by the City Council of the City of Harvard, Illinois, and upon compliance by the subdivider with requirements of qualifications governing the approval of preliminary plats and with other revisions and stipulations that may be required, the Council will receive the final plat for consideration when submitted by the subdivider in such form and within such time as required by this ordinance."

The City Council of the City of  
Harvard, Illinois

Date \_\_\_\_\_, 20

By:

Mayor

Attest:

City Clerk

- G. Approval of the preliminary plat by the Plan Commission and Council shall be conditioned upon stipulations as set forth in Section 16.12.040. (Ord. 97-113, §7, 1997)

**16.12.021 Soil and Water Conservation District Fees for Annexed Property**

The owner or owners of any parcel, lot, tract of land, subdivision, or any other real estate proposed for annexation to the city shall submit a copy of the plat, application and the McHenry County Soil and Water Conservation application (Appendix B) along with their required fee to the district.

**16.12.030 Final Plat--Applications--Approval--Filing for Record**

- A. Within six months after approval of the preliminary plan by the Council, the subdivider shall file with the City Clerk an application for approval of the final plat covering all or a part of the approved preliminary plan. Such application shall include the original mylar and

copies of the final plat to be determined by the City Clerk along with maps, drawings and all other required documents. The final plat shall retain the design characteristics of the approved preliminary plan, except that the Council may require such changes or revisions as are deemed necessary in the interest and needs of the community, otherwise, if a preliminary plan is approved by the Plan Commission and the Council, the Council cannot change the requirements for the particular subdivision if the final plat is presented within one year from date of acceptance of the preliminary plan. Accordingly, the Council may refer the application for approval of the final plat to the Plan Commission for recommendation and a report relative to design characteristics of the final plat. (Ord. 97-113,§8,1997)

- B. In case application for approval of a final plat is made for only a part of the approved preliminary plan, the Council may extend the time for filing application for approval of final plats covering the remaining area included in the approved preliminary plan until a later date or dates beyond the foregoing one-year period.
- C. Within 60 days from the date of filing the last required document or within 60 days from the date of the application for approval of the final plat with the city clerk, whichever date is later, the Council shall, by ordinance, approve or disapprove such plat. Upon passage of an ordinance approving the final plat, the applicant shall submit to the City Clerk a fully executed mylar of the final plat and three copies thereof along with supporting documentation. The plat submitted to the City Clerk shall meet the requirements of the McHenry County Recorder of Deeds, the City of Harvard, and shall have been executed by all required parties other than the City of Harvard. The failure of the applicant to submit the final plat and copies thereof to the City Clerk within the required 30 days shall render the ordinance approving the final plat void and, without any further action, the ordinance shall be deemed repealed. Final plat approval thereafter shall be obtained by following the applicable procedures as though the final approval had never been obtained. (Ord. 97-139,§1,1997; Ord. 97-113,§8,1997)
- D. Upon receipt of the final plat and required copies by the City Clerk, in compliance with the requirements and time frames set forth in this Section 16.12.030, the City Clerk shall certify the City Council's approval of the final plat and place the corporate seal of the City on the final plat. (Ord. 97-139,§2,1997; Ord. 97-113,§8,1997)
- E. Pursuant to 765 ILCS 205/2, a final plat of subdivision must be recorded by the land surveyor who prepared the plat, or a person designated by the land surveyor, or

upon the death, incapacity, or absence of that land surveyor, by the owner of the land or his or her representative. The surveyor or developer must supply the City with two recorded copies of the final plat. (Ord. 97-113,§8, 1997)

#### **16.12.040 Plans and Specifications for Land Improvements**

After the approval of the preliminary plan and prior to filing an application for approval of a final plat, the subdivider shall submit to the City construction plans and specifications, prepared by a registered engineer, for required land improvements and detailed grading plans of lots and blocks. Such construction plans and specifications shall be approved by the City Engineer and the Mayor with the advice and consent of the City Council and such approval shall be certified on the final plat. (Ord. 97-113,§9, 1997; Ord. 841, §V, 1969)

#### **16.12.050 Compliance with State Law**

All plats shall comply with the provisions of the Plat Act, 765 ILCS 205/0.01 et seq., including, but not limited to, containing the signed statements required by such statutory provisions and approved in writing by the Illinois Department of Transportation with respect to roadway access, where such access is to a state highway, or by the relevant local highway authority with respect to all other roadway access. In the event any part of the platted land will not be served by a public sanitary sewer system, the plat shall contain the signed statement of the McHenry County Health Department with respect to sanitary sewage disposal. (Ord. 97-113,§10,1997; Ord. 88-112, §(I), 1988)

#### **16.12.060 City of Harvard Lowland Conservancy Overlay District**

Any parcel of property subject to this Title 16 of the Harvard Municipal Code shall comply with the City of Harvard Lowland Conservancy Overlay District Ordinance, which is incorporated herein by reference. (Ord. 97-127,§2,1997)

### **Chapter 16.16 PRELIMINARY PLAN**

#### **Sections:**

<b>16.16.010</b>	<b>Preliminary Plan Design</b>
<b>16.16.020</b>	<b>Identification and Description</b>
<b>16.16.030</b>	<b>Existing Conditions</b>
<b>16.16.040</b>	<b>Subdivision Design Features</b>
<b>16.16.050</b>	<b>Fee for Filing Preliminary Plat</b>

#### **16.16.010 Preliminary Plan Design**

The preliminary plan shall be drawn on tracing paper or tracing cloth having a minimum size of twenty-four inches by eighteen inches, in a manner that clear and legible prints can be made and shall show the following set out in Sections 16.16.040. (Ord. 841, §IV(part), 1969)

**16.16.020 Identification and Description**

The preliminary plan shall include:

- A. Proposed name of subdivision, not duplicating the name of any plat heretofore recorded in the City or in McHenry County, Illinois;
- B. Location by township, section, town, and range, or by other legal description;
- C. An accompanying boundary line survey map with accurate distances and angles prepared and certified by a registered surveyor and an accompanying topographic map indicating source of survey shall accompany the preliminary plan;
- D. Names and addresses of the owner and subdivider having control of tract and designer of the plan;
- E. Graphic (engineering) scale shall not exceed one hundred feet to one inch, except tracts of two hundred acres or more may be drawn at a scale of one inch to two hundred feet;
- F. North-point (designated as true north);
- G. Date of preparation. (Ord. 841, §IV(A), 1969)

**16.16.30 Existing Conditions** The preliminary plan shall include:

- A. Boundary lines of proposed subdivision in accordance with subsection C of Section 16.16.020;
- B. Total acreage therein;
- C. Existing zoning districts in proposed subdivision and adjacent tracts;
- D. Location, widths, and names of all existing or previously platted streets or other rights-of-way showing type of improvement, if any, railroad and utility rights-of-way, parks and other public open spaces, permanent buildings and structures, easements, section lines, and corporate lines within the tract and to a distance of one hundred feet beyond the tract;
- E. Location and size of existing sewer pipes, water mains, culverts, or other underground facilities within the tract and to a distance of one hundred feet beyond the tract; also locations of catch-basins, manholes, valves, and hydrants; and indicating such data as surface and invert elevations;

- F. Location map, if required by the Plan Commission, drawn at a scale of not less than one inch equals one thousand feet, showing boundary lines of adjoining unsubdivided or subdivided land within an area bounded by nearest thoroughfare or other natural boundaries, but not less than one-half mile beyond the subdivision boundaries in subdivisions located beyond the City limits, identifying type of use of surrounding land and showing alignments of existing streets;
- G. Topographic data, in accordance with subsection C of Section 16.16.020, shall include existing contours at vertical intervals of not more than two feet, except in unusual topographical conditions, such vertical intervals may be increased as determined by the City Engineer, and the location of water-courses, marshes, and other significant features. Topographic data shall refer to the City datum or U.S.G.S. datum. Soil boring data and see page tests may be required at locations and depths as determined by the City Engineer;
- H. Locations of or reference to locations of existing monuments or survey markers used in preparation of survey and grade elevation of each monument and marker.  
(Ord. 841, §IV(B), 1969)

**16.16.40 Subdivision design features.** The preliminary plan shall include:

- A. The preliminary plan shall be in substantial accord with the comprehensive plan as amended from time to time;
- B. Layout of streets, within and adjoining the plat, showing right-of-way widths and street names, not duplicating the name of any street heretofore used in the City and its environs unless such street is an extension of or in line with an already named street, in which event that name shall be used, and showing proposed through streets extended to boundaries of subdivision; the proposed street names shall be checked with the proper City officials.
- C. Location and width of alleys, pedestrian ways, and utility easements;
- D. Layout, total number of lots, and dimensions of the lot containing the minimum width and depth and the lot containing the maximum width and depth;
- E. Minimum front and side street building setback lines; indicating dimensions;
- F. Areas, other than those listed in subsections B through D of this section, if any, intended to be dedicated or reserved for nonresidential purposes, indicating in each

the approximate acreage; such areas shall be designated by letter or number.

- G. Typical cross-section of streets and alleys, together with an indication of the proposed stormwater runoff;
- H. Proposed location, size, and gradients and invert elevations of sewers, storm drains, and open drainage of ways if any, and proposed method of sewage and waste disposal;
- I. Proposed street, pavement widths, approximate street elevations and gradients;
- J. Proposed locations and sizes of water mains, valves, and hydrants;
- K. Location of proposed street lights and easements therefore;

**16.16.050 Fee for Filing Preliminary Plat**

- A. The fee shall be paid to the City Clerk at the time of submission of preliminary plat. No plat shall be forwarded to the Plan Commission for review without a receipt from the City Clerk being exhibited showing full payment of the fee. Payment of the fee is in no way contingent on whether the plat of subdivision submitted is approved or disapproved.
- B. The fee for filing the preliminary plat shall be determined as provided in Chapter 20, Development Fee Schedule, of this Code. In the event the filing fee is paid by check and said check is returned to the City due to insufficient funds, the City shall suspend the plat approval process for not less than six weeks. Before resuming the plat approval process a cashier's check shall be deposited with the City that includes the filing fee and any service charges incurred by the City. (Ord. 96-106, §1, 1996; Ord. 95-135, §1, 1995; Ord. 87-139, §(B), 1987)

**CHAPTER 16.20  
FINAL PLAT**

**Sections:**

16.20.010	Contents--General
16.20.020	Contents--Additional Delineation
16.20.030	Certificates Required
16.20.040	Owner's Certificate
16.20.050	Notary Certificate
16.20.060	Surveyor's Certificate
16.20.070	City Engineer
16.20.080	County Clerk Certificate
16.20.090	Certificate as to Special Assessments
16.20.100	Plat Certification
16.20.110	City Clerk's Certificate
16.20.111	County Recorder Certificate
16.20.120	Regulation of Unincorporated Areas Within 1½ Miles

**16.20.010 Contents--General**

All information required on the preliminary plan as set forth in Sections 16.16.010 through 16.16.040, except those required in Subsections 16.16.030-B through H and Section 16.16.040 D,G, H, I and J, shall be shown accurately and drawn at a scale of not more than one hundred feet to the inch with black waterproof drawing ink on transparent linen tracing cloth on one or more sheets have a maximum dimension of twenty-four inches by thirty-six inches, in a manner that clear and legible transparent or contact prints and photostatic copies can be made. (Ord. 97-113,§5, 1997; Ord. 841, §VI(A), 1969)

**16.20.020 Contents--Additional Delineation**

The final plat shall include:

- A. Accurate angular and lineal dimensions of all lines, angles, and curvatures, with functions used to describe all boundaries including: boundary lines survey of tract; street; alleys; easements; areas to be reserved for public use; and other important features; error of closure of boundary line surveys shall not exceed one in five thousand, one foot for each five thousand feet of perimeter survey; angular error shall not exceed plus or minus twenty seconds; lot lines shall show dimensions in feet and hundredths, and when an angle occurs in any lot line between lot corners, the measurement of the angle shall be shown in degrees, minutes, and seconds; the final plat shall show accurately the location of all permanent lot markers as actually installed;
- B. An identification system for lots using consecutive numbers;

- C. True angles and distances to the nearest established street lines and official monuments, not less than three, which shall be accurately described in the plat by locations, size, and elevation;
- D. Municipal, township, county or section lines accurately referenced to the lines of the subdivision by distances and angles if same are on the boundary or within one hundred feet of said subdivision;
- E. Accurate location of all monuments which shall be placed at all block corner, which shall be concrete six inches by six inches by thirty inches with metal pipe or rod cast in center, and of additional monuments which shall be placed at all angle points, and at intermediate points as shall be required by the City Engineer who also shall describe the type of markers to be used, and installed in such a manner that they may be located by a registered surveyor. All U.S.G.S., State, County, City or other official benchmarks, monuments, or triangulation stations in or adjacent to the property shall be preserved in precise position.
- F. Accurate outlines of any areas to be dedicated or reserved for public use, with the purpose indicated thereon, or for the exclusive use of property owner within the subdivision;
- G. Protective covenants which meet with the approval of the Plan Commission shall be made part of the final plat, or shall be filed as an accompanying document;
- H. Any off-site easement falling outside of the subdivision shall not be made part of the final plat, but must be recorded as a separate document, whether or not it falls on a future phase of the subdivision. (Ord. 97-113, §12, 1997)

#### **16.20.030 Certificates Required**

The application for approval of the final plat shall not be deemed completed until the certificates set out in Section 16.20.040 through 16.20.111, other than the City Clerk certificate and county recorder certificate have been duly executed. This requirement shall apply to annexed subdivisions and subdivisions in the City. The owner shall indicate on the certificate whether the subdivision is within the jurisdiction of the City or is proposed for annexation. (Ord. 87-139, 1987)

**16.20.040 Owner's Certificate**

OWNER'S CERTIFICATE\*

STATE OF ILLINOIS )  
 ) SS  
COUNTY OF MCHENRY )

This is to certify that the undersigned is the owner of the land described in the annexed plat, and has caused the same to be surveyed and subdivided, as indicated thereon, for the uses and purposes therein set forth, and does hereby acknowledge and adopt the same under the style and title thereon indicated. The undersigned also agrees that the Final Acceptance of the construction of streets is further subject to Chapter 16.36 of the Harvard Municipal Code concerning inspection by the City Engineer and acceptance by the City Council. The undersigned hereby dedicates for public use the lands shown on this plat for thoroughfares, streets, alleys, and public services; and hereby also reserves for the Illinois Bell Telephone Company and the Commonwealth Edison Company, Northern Illinois Gas Company, and the City of Harvard, the easement provisions which are stated on their standard form which is attached hereto.

Title

Address

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\*Corporate owner's certificate should be accompanied by a corporate form of acknowledgement. (Ord. 87-139, 1987; Ord. 77-135 §§ 1,2, 1977; Ord. 841, §VI(C)(1), 1969)

**16.20.050 Notary Certificate**

NOTARY CERTIFICATE

STATE OF ILLINOIS )  
 ) SS  
COUNTY OF MCHENRY )

I, \_\_\_\_\_, a Notary Public in and for said County, in the state aforesaid, do hereby certify that \_\_\_\_\_, personally known to me to be the same persons whose names are subscribed to the foregoing instrument as such owners, appeared before me this day in person and acknowledged that they signed the annexed plat of their own free and voluntary act for uses and purposes therein set forth,

Given under my hand and Notarial Seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

(Ord. 841, §VI(C), 1969)

Notary Public

**16.20.060 Surveyor's Certificate**

SURVEYOR'S CERTIFICATE

STATE OF ILLINOIS )  
 ) SS  
COUNTY OF MCHENRY

This is to certify that I, \_\_\_\_\_ registered Illinois Land Surveyor No. \_\_\_\_\_, have surveyed and subdivided the following described property:

as shown by the annexed plat which is a correct representation of said survey and subdivision. All distances are shown in feet and decimals thereof. I further certify part of the property covered by the plat of subdivision is not situated within 500 feet of any surface drain or watercourse serving a tributary area of 640 acres or more and that all regulations enacted by the Council relative to plats and subdivisions have been complied with in the preparation of this plat.

Given under my hand and seal at \_\_\_\_\_, Illinois, this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

(Ord. 87-139, §(9), 1987)

**16.20.070 City Engineer**

CITY ENGINEER

STATE OF ILLINOIS )  
 ) SS  
COUNTY OF MCHENRY )

I, \_\_\_\_\_, City Engineer of the City of Harvard, Illinois, hereby represent that, in my professional opinion, the land improvements described in the annexed plat and the plans and specifications relating thereto meet the minimum requirements of said City and have been approved by all public authorities having jurisdiction thereof.

Dated at Harvard, McHenry County, Illinois this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

(Ord. 96-157, §1, 1996; Ord. 87-139, 1987)

City Engineer

**16.20.080 County Clerk Certificate**

STATE OF ILLINOIS )  
 ) SS  
COUNTY OF MCHENRY )

I, \_\_\_\_\_, County Clerk of McHenry County, Illinois do hereby certify that there are no delinquent general taxes, no unpaid forfeited taxes, and no redeemable tax sales against any of the land included in the annexed plat. I further certify that I have received all statutory fees in connection with the annexed plat. Given under my hand and seal at Woodstock, McHenry County, Illinois, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

(Ord. 87-139, §10, 1987)

County Clerk

**16.20.090 Certificate as to Special Assessments**

I, \_\_\_\_\_, City Treasurer of the City of Harvard, do hereby certify that there are no delinquent or unpaid current or forfeited special assessments or any deferred installments thereof that have been apportioned against the tract of land included in the plat.

Dated at Harvard, McHenry County, Illinois, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

(Ord. 841, §VI (6), 1969)

City Treasurer

**16.20.100 Plat Certification**

PLAT CERTIFICATION

STATE OF ILLINOIS )  
 ) SS  
COUNTY OF MCHENRY )

Approved by the City Council of McHenry County, Illinois, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Mayor

(Ord. 841, §VI(C), 1969)

**16.20.110 City Clerk's Certificate**

STATE OF ILLINOIS )  
 ) SS  
COUNTY OF MCHENRY )

I, \_\_\_\_\_, City Clerk of the City of Harvard, Illinois, hereby certify that the annexed plat was presented to and by ordinance duly approved by the Council of said City at its meeting held on \_\_\_\_\_, 20\_\_\_\_, and that the required bond or other guarantee has been posted for the completion of the improvements required by the regulations of said City. (Ord. 97-113,§13,1997)

In witness whereof I have hereto set by hand and seal of the City of Harvard, Illinois, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

City Clerk

(Ord. 97-113,§13,1997; Ord. 841, §II(C)(8), 1969)

**16.20.111 County Recorder Certificate**

COUNTY RECORDER CERTIFICATE

STATE OF ILLINOIS )  
 ) SS  
COUNTY OF MCHENRY )

This instrument files for record in the recorder's office of McHenry County, Illinois this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, A.D. as Document No. \_\_\_\_\_ AT \_\_\_\_\_, O'Clock \_\_.M.

County Recorder

(Ord. 87-139, §II, 1987)

**16.20.120 Regulation of Unincorporated Areas Within 1½ Miles**

Except as otherwise required by statute, certification on final plats of subdivision located in the unincorporated areas within one and one-half miles beyond the City limits shall be those required by the McHenry County Subdivision Regulations, except when City of Harvard subdivision regulations are more restrictive, the applicable certifications contained in this chapter shall also be required. (Ord. 841, §VI, 1969)

**CHAPTER 16.24  
AGREEMENTS**

**Sections:**

16.24.010	Generally
16.24.020	Completion Bond Requirements
16.24.030	Certification of Approval on Final Plat Subject to Requirements of this Chapter
16.24.040	Agreements for Unincorporated Areas Within One and One-Half Miles
16.24.050	Deposit in Escrow for Defects of Workmanship
16.24.060	Form of Letter of Credit

**16.24.010 Generally**

Any owner or subdivider filing an application for approval of a final plat shall submit a statement of agreement that the land improvements required by Chapter 16.40 shall be completed by the owner or subdivider in accordance with plans and specifications approved by the City Engineer and Council and all inspection fees required by Section 16.48.010 and one set of plans and specifications showing such improvements as installed shall be paid to or filed with the City Clerk within two years following the approval of the final plat by the Council.

**16.24.020 Completion Bond Requirements**

A Completion Bond shall be posted by such owner or subdivider with the City Clerk prior to the recording of the final plat.

Such completion bond shall be in a penal sum sufficient to cover the cost of the land improvements required by Chapter 16.40, and shall be secured by one of the following:

- A. A deposit of cash;
- B. A certificate of deposit duly pledged to the City.
- C. A clean and irrevocable letter of credit issued by a financial institution acceptable to the City, in substantially the form prescribed under Section 16.24.060; or
- D. An escrow agreement executed by a responsible official of a financial institution acceptable to the City, certifying that the owner or subdivider has deposited in an escrow or trust account with the financial institution, an amount equal to the estimated cost of said land improvements, and agreeing to deliver to the City the sum so deposited, or any portion thereof, which in the opinion of the City, will be sufficient to complete said improvements, in the event of a default by the owner or subdivider in installing said land improvements or any portion thereof.

Such cost for the completion of the required land improvements shall be in accordance with the cost estimates prepared by the City Engineer and approved by the City Council. The bond and security thereon shall be held to secure the installation of the improvements and the payment of all fees, within two years following the approval of the final plat. The security deposited is to be used, insofar as it is sufficient, to defray the cost of making such improvements, including inspection fees if necessary. Any unused balance will be returned only upon the written request of the owner or subdivider and upon the written release of the City. There shall be no reduction of that portion of the bond or security thereunder, applying to a particular improvement, unless or until that improvement is complete and accepted or approved by the Council, except that upon the completion of the subgrade, base course and one-half of the thickness of the wearing surface course of a street, alley or parking area, the Council may reduce that amount of that portion of the bond and security thereunder covering such land improvements, but such reduction shall not be more than an amount equal to ninety percent of the estimated cost of the installation of the subgrade and base course.

**16.24.030 Certification of Approval on Final Plat Subject to Requirements of This Chapter.**

The City Clerk shall not certify the approval of the Council on the final plat until a bond with surety as provided under Section 16.24.020 has been filed with the City.

**16.24.040 Agreements for Unincorporated Areas Within One and One-Half Miles**

Such agreements, as set forth in this chapter shall not be required for subdivisions located in the unincorporated areas within one and one-half miles beyond the City limits when there is evidence that agreements are entered into between the owner or subdivider and McHenry County, except when the City standards of public improvements are of higher quality than McHenry County standards, such agreements shall be required by the City.

**16.24.050 Deposit in Escrow for Defects of Workmanship**

- A. In addition to any bond or other security required by the provisions of this chapter, the owner, subdivider, builder, or developer shall deposit in escrow with the City additional security to insure and protect against defects, faults, or flaws discovered in or to the quality of the workmanship, engineering, or material used in the construction to the required land improvements set forth in Chapter 16.40, and said escrow shall be known as the escrow for defects.

- B. The security to be deposited in said escrow for defects shall be in the form of cash, a letter of credit, a certificate of deposit duly pledged to the City, or an escrow agreement executed by a responsible officer of a financial institution acceptable to the City certifying that the owner or subdivider has deposited in an escrow or trust account with the financial institution an amount determined pursuant to this Section, and agreeing to deliver the sum so deposited to the City upon demand, in order to cure any defects in workmanship determined as provided in this Section.
- C. The security to be deposited in said escrow for defects shall be a minimum equal to fifteen percent of the estimated costs of required land improvements, as set forth in Chapter 16.40, and computed by the City Engineer. Said security may be increased by the City upon the advice of the City Engineer, prior to acceptance of the final plat.
- D. The security deposited in escrow with the City shall be retained by the City for a period of thirty-six months following final acceptance of all said required land improvements, as set forth in Chapter 16.40. The City may use all or any portion of such amounts deposited in said escrow for defects to cure and correct any defects, faults, or flaws to said required land improvements, as set forth in Chapter 16.40 during said thirty-six month period. Upon the expiration of said thirty-six month period, any unused balance shall be refunded only upon the written request of the owner, subdivider, builder, or developer, and upon the written release of the City.  
(Ord. 89-110, §1, 1989)
- E. The curing or correcting of any defects, faults, or flaws to said required land improvements, as set forth in Chapter 16.40 shall include the costs of any and all inspections, tests, or surveys conducted by the City Engineer or those designated by said City Engineer to conduct, perform, do or assist in performing all said inspections, tests or surveys.
- F. The City, upon the advice of the City Engineer, shall determine the responsibility of any and all defects, faults, or flaws of said required land improvements, as set forth in Chapter 16.40.

**16.24.060 Form of Letter of Credit**

Any irrevocable letter of credit furnished by an owner, subdivider, builder, or developer pursuant to the provisions of this Chapter 16, shall be approved by the City and in substantially the following form: (Ord. 97-113, §14, 1997)

Letter of Credit Number  
Project

Name of Issuer Institution  
Address

IRREVOCABLE LETTER OF CREDIT

Dear Sir:

The undersigned, \_\_\_\_\_ (name of financial institution), by \_\_\_\_\_, its duly authorized officer hereby issues to the CITY OF HARVARD, ILLINOIS, 201 W. Front Street, Harvard, Illinois, this Irrevocable Letter of Credit in the amount of \$ \_\_\_\_\_, which such credit may be drawn by said City at sight on us.

Demands on said letter of credit must be accompanied by the certificate of the City Clerk of the City of Harvard, 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).

This Irrevocable Letter of Credit shall expire on \_\_\_\_\_, 19 \_\_\_\_; provided, however, the undersigned shall notify the City Clerk, by certified mail, return receipt requested, at least 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.

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, without notice from said City of such amendments or modifications.

All acts, requirements and other preconditions for the issuance of this Irrevocable Letter of Credit have been completed.

\_\_\_\_\_ (name of financial institution) hereby undertakes and engages that all demands made in conformity with this Irrevocable Letter of Credit will be duly honored upon presentation. If, within 10 days of the date any demand (made in conformity with this Irrevocable Letter of Credit) is presented, we fail to honor same, we agree to pay all attorney fees, court costs, and other expenses incurred by the City of Harvard in enforcing the terms of this Letter of Credit.

DATED

Financial Institution

BY

Authorized Signature

(SEAL)

**Chapter 16.28  
DESIGN STANDARDS**

Sections:

- 16.28.010 Street Plan Generally
- 16.28.020 Easements
- 16.28.030 Block Standards
- 16.28.040 Lot Standards
- 16.28.050 Minimal Standards--Residential Dwellings -- Size -- Appearance

**16.28.010 Street Plan Generally**

A. The arrangement, character, extent, width, grade, and location of all streets shall conform to the official plan, and shall be considered in their relation to the following: (Ord. 97-113, §15, 1997)

- 1. Existing and planned streets;
- 2. Reasonable circulation of traffic within the subdivision and adjoining lands;
- 3. Topographical conditions;
- 4. Runoff of stormwater;
- 5. Public convenience and safety; and
- 6. In their appropriate relations to the proposed uses of the area to be served. (Ord. 841, §VIII(A), 1969)

- B. All streets shall be constructed pursuant to the City Engineering Standards. (Ord. 97-113,§15,1997)
- C. Alleys shall not be permitted in residential subdivisions unless deemed necessary by the Plan Commission and City Council. (Ord. 97-113,§15,1997)
- D. Half streets shall be prohibited. (Ord. 97-113,§15,1997)
- E. Provisions shall be made for vehicular and pedestrian access to residential property abutting a thoroughfare either by: (Ord. 97-113,§15,1997)
  - 1. Frontage roads, or
  - 2. Double frontage lots backing to a thoroughfare.

Where the double frontage back-up treatment is used, a no-access strip shall be provided. These standards are provided for the purpose of protection to residential properties and to separate through and local traffic.

- F. No street name shall be used which will duplicate or be confused with names of existing streets. Existing street names must be protected whenever possible. Each street name shall be approved by the City Council. (Ord. 97-113,§15,1997; Ord. 87-139,§12,1987)

#### **16.28.020 Easements**

- A. Easements shall be provided for any overhead or underground utility services, including stormwater drainage, water main, and sanitary sewer service, where necessary. They shall be at least ten feet wide and be established at the rear of each lot and along such other lot lines as to provide continuity of alignment from block to block. If located between two adjoining lots, the easement shall be centered on the dividing line. At deflection points in these easements, if overhead utility lines are contemplated, additional easements shall be established for pole-line anchors.
- B. Where a subdivision is traversed by a natural watercourse, drainage way, channel, or stream, there shall be provided a drainage easement, conforming substantially with the lines of such watercourse. It shall include an additional area, adjoining both edges of the established area that has been affected by damaging floodwaters, having a width as required by the Plan Commission. (Ord. 841, §VIII(D), 1969)
- C. All final plats of subdivision shall contain the following easement provisions: (Ord. 96-105,§1,1996)

Non-Exclusive Utility Easements.

A non-exclusive easement for serving the subdivision and other property with gas, sanitary and storm sewers, potable water, electric and communications service is hereby reserved for and granted to the City of Harvard, Northern Illinois Gas, Ameritech Telephone Company, authorized CATV franchise, Commonwealth Edison Company and other persons or entities having franchise agreements with the City of Harvard who provide similar services, their respective successors and assigns, jointly and severally, to install, operate, maintain and remove, from time to time, facilities used in connection with underground transmission and distribution of sanitary or storm water, potable water, electricity and sounds and signals in, under, across, along and upon the surface of the property shown within the dashed lines on the plat and marked "Public Easement," the property designated in the Declaration of Condominium and/or on this plat as "Common Elements," and the property designated on the plat as "Common Area or Areas," and the property designated on the plat for streets and alleys, whether public or private, together with the right to install required service connections under the surface of each lot and common area or areas to serve improvements thereon, or on adjacent lots, and common area or areas, the right to cut, trim or remove trees, bushes and roots as may be reasonably required incident to the rights herein given, and the right to enter upon the subdivided property for all such purposes. Obstructions shall not be placed over grantees' facilities or in, upon or over the property within said Public Easement areas without the prior written consent of grantees. After installation of any such facilities, the grade of the subdivided property shall not be altered in a manner so as to interfere with the proper operation and maintenance thereof. (Ord. 96-105, §1, 1996)

The term "Common Elements" shall have that meaning set forth for such term in 765 ILCS 605/2 of the Condominium Property Act, as amended from time to time.

The term "Common Area" is defined as a lot, parcel or area of real property, the beneficial use and enjoyment of which is reserved in whole as an appurtenance to the separately owned lots, parcels or areas within the planned development, even though such be otherwise designated on the plat by terms such as "outlots," "common elements," "open space," "open area," "common ground," "parking and common area." The term "Common Area" also includes real property surfaced with interior driveways and walkways, but excludes real property physically occupied by a building, service business district or structures such as a pool or retention pond, or mechanical equipment.

Exclusive City Easement

An exclusive easement is hereby reserved for and granted to the City of Harvard, their respective successors and assigns to install, operate, maintain, repair, replace and remove, facilities used in connection with the generation, storage, transmission and distribution of sanitary and potable water, storm sewers and necessary appurtenances, in, over, under, across, along and upon the surface of the property shown on this plat marked "City Easement," "Common Area or Areas" and streets and alleys, whether public or private, and the property designated in the Declaration of Condominium and/or on this plat as "Common Elements," together with the right to install required service connections over or under the surface of each lot and Common Area or Areas to serve improvements thereon, or on adjacent lots, and Common Area or Areas, and to serve other property, adjacent or otherwise, and the right to remove obstructions, including but not limited to, trees, bushes, roots and fences, as may be reasonably required incident to the rights herein given, and the right to enter the property for all such purposes. Obstructions shall not be placed over the City's facilities or in, upon or over the property identified on this plat for City municipal purposes without the prior written consent of the City. After installation of any such facilities, the grade of the property shall not be altered in a manner so as to interfere with the proper operation and maintenance thereof. (Ord. 96-105, §1, 1996)

The term "Common Elements" shall have that meaning set forth for such term in 765 ILCS 605/2 of the Condominium Property Act, as amended from time to time. (Ord. 96-105, §1, 1996)

The term "Common Area" is defined as a lot, parcel or area of real property, the beneficial use and enjoyment of which is reserved in whole as an appurtenance to the separately owned lots, parcels or areas within the planned development, even though such be otherwise designated on the plat by terms such as "outlots," "common elements," "open space," "open area," "common ground," "parking and common area." The term "Common Area" also includes real property surfaced with interior driveways and walkways, but excludes real property physically occupied by a building, service business district or structures such as a pool or retention pond, or mechanical equipment. (Ord. 96-105, §1, 1996)

**16.28.030 Block Standards**

- A. In residential subdivisions, the maximum length of blocks containing any lots less than one hundred feet in width shall be one thousand two hundred lineal feet, and the

maximum length of blocks containing all lots one hundred feet and over in width shall be two thousand lineal feet. No blocks shall be less than nine hundred lineal feet in length unless approved by the Plan Commission. Pedestrian ways leading to schools, parks, or other common destinations may be required by the plan commission. For blocks over nine hundred feet in length, pedestrian ways not less than four feet in width shall be provided where deemed necessary by the Plan Commission.

- B. In manufacturing and business subdivisions, maximum length of blocks shall be as approved by the Plan Commission.
- C. The shape of blocks shall be determined by topographical features, the basic street system and traffic pattern, lot depths, and areas designated for public and other nonresidential land uses.
- D. Where a subdivision borders upon or is traversed by a railroad right-of-way or thoroughfare street, the Plan Commission may require a street on one or both sides of such right-of-way or street located approximately parallel to and at a distance removed suitable for the appropriate use of the intervening land, i.e. park purposes, deep residential lots fronting on it with a no-access strip along the rear property lines, and off-street parking, business, or other uses as permitted by the zoning ordinance. (Ord. 841, §VIII(E), 1969)

#### **16.28.040 Lot Standards**

- A. Generally
  - 1. In general, lots should be as nearly rectangular in shape as practicable.
  - 2. Width and area of lots shall conform with lot width and area requirements set forth in the Zoning Ordinance of the City or that of McHenry County in the unincorporated areas beyond the City limits. Corner lots shall be increased in width by twenty percent over the width of typical interior lots, except that corner lots need not exceed ninety feet in width, if the ninety feet in width is greater than the width of the typical lot, except the Council may require, when recommended by the Plan Commission, a greater lot width to provide for the proper development of intersection design and traffic safety.
  - 3. Side lines of lots shall be at right angles or radial to the street line, or substantially so.

4. Lots abutting upon a watercourse, drainage way, channel, or stream, shall have an additional depth or width as required by the Plan Commission in order to provide acceptable building sites.
5. In the subdividing of any land, due regard shall be shown for all natural features such as tree growth, watercourses, historic spots, or similar conditions.

B. Residential Subdivision

1. Lots shall have a minimum width of sixty feet measured at the building line and a minimum average depth of one hundred twenty feet. The depth shall be computed by averaging the depths of the two side lot lines.
2. All lots for single-family residential use shall abut upon a publicly dedicated street.
3. Double-frontage lots are not permitted except as follows:
  - a. Where lots back upon a thoroughfare and in such instances, vehicular access between the lots and the thoroughfare is prohibited or where topography of the land might render subdividing otherwise unreasonable; such lots shall have an additional depth of at least ten feet in order to allow for a protective screen planting; and
  - b. Where lots back upon a body of water in separate or individual ownership, such lots shall have additional minimum width or depth as required to provide an adequate building site and afford the minimum usable area required in the zoning ordinance for front, rear and side yards.

C. Industrial Subdivision

1. Depth of lots shall be not less than two hundred feet.
2. All lots for industrial development shall abut upon a publicly dedicated street except that the extension of streets to undeveloped lots may be delayed until a building permit is issued for the undeveloped lots if approved by the City. (Ord. 87-139, 1987)
3. Double-frontage lots are permitted if lot depth is four hundred feet or more, or where lots back upon a body of water in separate or individual ownership,

or upon a thoroughfare and in such instances, vehicular access between the lots and the thoroughfare is prohibited or where topography of the land might render subdividing otherwise unreasonable. (Ord. 841, §VIII(F), 1969)

**16.28.50 Minimal Standards -- Residential Dwellings --  
Size -- Appearance**

- A. The minimum square footage requirements, set forth in Section 17.20.091 of this Ordinance, must be complied with in all residential subdivisions, said provisions being as applicable to subdivisions as they are to non-subdivision developments.
- B. With reference to one family and two family dwelling units, in all subdivisions or planned unit developments containing same, there shall be constructed no more than one of said dwellings (without regard to whether it is a one or two family dwelling), of the like exterior on either side of the street within 330 feet. A change in exterior design, shall require more than the mere change of details in the front elevation of a building, or window relocation, without substantially changing the size of such windows or changing the location of doors or entrances or roof lines. (Ord. 89-103, §1, 1989)

**Chapter 16.32  
PUBLIC USE AREAS**

**Sections:**

**16.32.010 Regulations Generally**

**16.32.010 Regulations Generally**

When an area of land is required by the Plan Commission or the City Council deems such requirements to be reasonable, for public use, to be located in whole or in part in a subdivision, shown in the general development plan for the City and adjacent unincorporated areas, in addition to streets, alleys, pedestrian ways, and utility easements, the subdivider shall designate on the preliminary plan and final plan that such land is reserved for public use. In no case shall the total amount of required public areas to be dedicated, in addition to streets, alleys, pedestrian ways, and utility easements, exceed ten percent of the total gross acreage owned and controlled by one developer. The Plan Commission or the Council may require reservation of land in excess of the ten percent to be dedicated, within the subdivision for acquisition. If such land is not acquired or arrangements made for acquisition by the City, a school board, or other governmental body within one year after the date of recordation of the final plat, such land may thereafter be

used by subdivider for a use permitted at its location by zoning regulations or, if applicable, in accordance with more restrictive protective covenant requirements. (Ord. 841, §IX, 1969)

**Chapter 16.36  
ACCEPTANCE OF STREETS**

**Sections:**

- 16.36.010 Regulations Generally**
- 16.36.020 Vacation of Streets and Alleys**

**16.36.010 Regulations Generally**

If any plat of subdivision contains public streets or thoroughfares which are dedicated in this title as such, whether located within the corporate limits of the City or in part outside thereof, or contains streets located outside of said corporate limits, the approval of the plat by the Council or the subsequent annexation of the property to the City shall not constitute an acceptance thereon or therein, for maintenance purposes, irrespective of any act or acts by an officer, agent, or employee of the City with respect to such streets or improvements. The acceptance of such streets or thoroughfares for maintenance shall be made only by the adoption of a resolution by the Council, after there has been filed with the City Clerk a certificate by the City Engineer certifying that all improvements required to be constructed or installed in or upon such streets or thoroughfares, in connection with the approval of the final plat of subdivision by the Council, have been fully completed and the construction or installation thereof has been approved by him. (Ord. 841, §X, 1969)

**16.36.020 Vacation of Streets and Alleys**

Those seeking to vacate a public street or alley, shall fully comply with the requirements of Section 11-91-1 of Chapter 24 of the Illinois Revised Statutes, as amended. Pursuant to such statute, at least fifteen days prior to such hearing, notice of its time, place and subject matter shall be published and any ordinance vacating a street or alley must be passed by the affirmative vote of at least three-fourths (3/4ths) of the Aldermen then holding office. If said relief is denied, said relief cannot be sought again until the expiration of one year from the date of the hearing at which the vacation was denied. Said one year waiting period can, however, be waived by an affirmative vote of three-fourths (3/4ths) of the Aldermen then holding office. (Ord. 89-111, §1, 1989)

**Chapter 16.40**  
**REQUIRED IMPROVEMENTS**

**Sections:**

16.40.010	<b>Generally</b>
16.40.020	<b>Sewers</b>
16.40.030	<b>Water Supply</b>
16.40.040	<b>House Services</b>
16.40.050	<b>Streets and Alleys</b>
16.40.060	<b>Pedestrian Ways</b>
16.40.070	<b>Public Utilities</b>
16.40.080	<b>As-built Plans</b>
16.40.090	<b>Fences</b>

**16.40.010 Generally**

Before a final plat of subdivision may be considered by the City Council, the owner or subdivider shall submit to the City completed plans and specifications, prepared by a registered engineer, who shall certify in writing to the City that such improvements and utilities meet the minimum requirements set out in this Title 16 and other applicable requirements of the City. (Ord. 97-113, §16, 1997; Ord. 841, §XI (part), 1969)

**16.40.020 Sewers**

- A. A complete system of sanitary sewers shall be installed, including sewer stub terminals at the property line of each lot, to serve all lots in a subdivision or lot division. Said system of sewers shall be connected with the City sanitary sewage disposal plant, otherwise to a specially constructed sanitary sewage disposal plant in accordance with plans approved by the City. All connections to said sewer systems shall comply with the City Engineering Standards and City ordinances, including but not limited to Chapter 13 of the Harvard Municipal Code, and shall be subject to the inspection and approval of the City Engineer or any other party assigned by the Council to inspect same. (Ord. 97-113, §17, 1997)
- B. All sanitary sewer systems shall be constructed in accordance with standards and specifications of the City and other governmental authorities having jurisdiction. All sewer design, plans, and specifications shall be submitted to the City of Harvard for approval and file. All newly platted subdivisions shall be served by the City sanitary sewage system. (Ord. 97-113, §17, 1997)
- C. Where sanitary sewer mains of larger capacity than necessary are required, as directed by the Council to serve future growth in the vicinity of the subdivision, the subdivider shall be required to pay for the proportionate benefit of the installation of his subdivision, as established by the Council.

- D. A subdivision plat shall in no case be approved unless it provides for the subdivision being served by the public sewer system, septic fields being prohibited except as provided in Chapter 13.04.020C or if the City Council allows a variation for a unique or hardship case. Installation of a private septic field must conform with standards approved by the McHenry County Health Department and other applicable governmental authorities including the requirements of Section 13.04.030 and such requirements as the City Council determines are necessary in the particular situation. (Ord. 88-104, §I, 1988)

#### **16.40.030 Water Supply**

- A. The City water main system shall be extended throughout the entire subdivision in such a manner that every lot shall be served by its own service line connected perpendicular to the main within its own frontage. A corner lot service line may be run from the side of the lot if the main is more accessible or closer to such side, provided a service line can be run perpendicular from the main to the side yard. All construction shall be in accordance with standards approved by the State and the City, including those in Chapter 13 of the Harvard Municipal Code. Connections to water mains shall comply with existing ordinances and be subject to the inspection and approval by the City. Prior to the commencement of construction and/or installation, a specific plan shall be submitted to the City. Said plan shall show the location and depth of the installation and the exact placement of the service line. Installation should be performed in a manner to avoid damage to City streets; appropriate equipment, such as a pipe pusher, underground boring tool or auger should be utilized so that the installation can be accomplished below the surface of the City streets, without requiring open ditches or trenches if possible. (Ord. 97-113, §19, 1997)
- B. A subdivision plat shall in no case be approved unless it provides for the subdivision being served by the public water system, private wells being prohibited unless the City Council allows a variation for a unique or hardship case. Installation of a private well must conform with standards approved by the McHenry County Health Department and other applicable governmental authorities and such requirements as the City Council determines are necessary in the particular situation. (Ord. 88-104, §II, 1988)
- C. Fire hydrants shall be installed in all subdivisions with a maximum spacing of 300 feet and a minimum of one per block. Construction shall be in accordance with the City Engineering Standards. (Ord. 97-113, §18, 1997; Ord. 90-141, §1, 1990)

**16.40.040 House Services**

House services for sewer and water shall be constructed to connect each lot or building site with the utility service mains for each utility required in the provision of this title in accordance with City standards and specifications. (Ord. 841, §XI(C), 1969)

**16.40.050 Streets and Alleys**

A. Street Grading. All street improvements shall be completed according to City specifications and standards. Construction shall be in accordance with the most recent edition of Standard Specifications for Road and Bridge Construction in Illinois unless otherwise directed by the City Engineer. (Ord. 97-113, §20, 1997; Ord. 95-136, §1, 1995)

1. After grading of streets is completed and approved by the City and before any base course of roadway pavement is laid, all of the underground work, such as water, sewer, and gas mains, house service connections therewith and all underground conduits for electric and telephone lines, shall be installed, inspected by the City and approved by the City. (Ord. 97-113, §20, 1997)

B. Street Improvements

1. Concrete curbs and gutters shall be installed pursuant to the City Engineering Standards. (Ord. 97-113, §20, 1997; Ord. 90-141, §2, 1990)
2. Stormwater inlets shall be provided within roadway improvement at points specified by the City Engineer. (Ord. 97-113, §20, 1997)
3. A paved access driveway from the street lot line to the street pavement shall be provided. Pavement shall be of concrete construction installed in accordance with the City Engineering Standards. (Ord. 97-113, §20, 1997; Ord. 95-136, §2, 1995)
4. All parkways within the dedicated street area or other public use area shall be graded, covered with at least four inches of top soil, seeded and landscaped according to City standards. Maintenance of parkways shall be the responsibility of the property owner. (Ord. 97-113, §20, 1997)
5. Sidewalks shall be installed in accordance with the City Engineering Standards. Sidewalks shall be extended to the curb lines to provide pedestrian crossing in all directions at each street

intersection. All sidewalks shall be constructed in such a manner as to provide access at the curb lines for physically challenged persons by means of an inclined ramp, the grade of which shall be determined by the City. (Ord. 97-113, §20, 1997; Ord. 95-136, §2, 1995)

Industrial subdivisions larger than twenty-five acres with lots in excess of one acre shall not be required to install sidewalks. (Ord. 97-113, §20, 1997; Ord. 95-136, §2, 1995)

Lots larger than 20,000 square feet in residential subdivisions may have the requirement for sidewalks waived if approved by the Plan Commission and City Council. (Ord. 97-113, §20, 1997; Ord. 95-136, §2, 1995)

6. Trees shall be planted along all streets where trees do not exist according to City specifications, including Section 6.16 of the Code. Trees shall have a trunk diameter, measured 12 inches above the ground, of not less than 2½ inches, and shall be spaced not more than 50 feet apart and a minimum of one tree per lot. Corner lots shall have a minimum of one tree on each street. This requirement will be satisfied if an equivalent number of trees of the same size or larger are planted in a naturalistic manner in the front yards of the adjoining lots. (Ord. 97-113, §20, 1997; Ord. 95-126, §1, 1995)

Plantings shall be restricted to those permitted in Section 6.16 of the Code, and/or any other trees approved by the City Council. Chinese elm, box elder, willow, poplar, and similar fast growing brittle-wood species are prohibited. Trees shall be maintained and dead trees replaced by the subdivider for a period of two years after the initial planting. Trees may be waived for industrial subdivisions if specifically approved by the City Council. (Ord. 97-113, §20, 1997; Ord. 95-126, §1, 1995)

7. Street signs shall be provided by the subdivider pursuant to the City Engineering Standards. (Ord. 97-113, §20, 1997; Ord. 95-136, §2, 1995)
8. Provisions shall be made for the adequate lighting of public streets within the proposed subdivision in accordance with the standards and requirements established by the City and any governing authority having jurisdiction in the area. The cost of installing the fixtures, improvements, poles and other appurtenances shall be borne by the subdivider. (Ord. 97-113, §20, 1997; Ord. 87-139, §XVI, 1987; Ord. 841, §XI(D), 1969)

**16.40.060 Pedestrian Ways**

Paved walks having a width of less than four feet shall be installed pursuant to the City Engineering Standards. (Ord. 97-113, §21, 1997; Ord. 841, §XI(E), 1969)

**16.40.070 Public Utilities**

A. All utility distribution lines for telephone, electric and gas service in the subdivision shall be placed underground when approved by the Council, or may be overhead when located in easements along rear lot lines or side lot lines at locations of extensions of utility installations between blocks. Installation of such order, rules and regulations of the Illinois Commerce Commission now or hereafter effective and the subdivider shall be responsible for compliance with rules and regulations, now and hereafter effective and filed with said commission pursuant to the Illinois Public Utilities Act, of any public utility whose service will be required for the subdivision with respect to the provision of such facilities.

B. Underground telephone, electric and gas service shall be placed within easements or dedicated public ways in a manner which will not conflict with other underground services. Further, all transformer boxes shall be located so as not to be unsightly or hazardous to the public. (Ord. 841, §XI(F), 1969)

**16.40.080 As-Built Plans**

Upon completion of the installation of improvements in a subdivision, one set of as-built plans which show all improvements actually installed in the field shall be filed with the City. (Ord. 97-113, §22, 1997; Ord. 841, §XI(G), 1969)

**16.40.090 Fences**

A solid fence, six feet in height, is required where any house abuts a railroad right of way; the type of fencing shall be subject to the approval of the Building Commissioner. (Ord. 93-143, §1, 1993)

**Chapter 16.44  
VARIATIONS AND EXCEPTIONS**

**Sections:**

- 16.44.010 Instances for Recommending Variances**
- 16.44.020 Conditions**
- 16.44.030 Extent of Variances**
- 16.44.040 Procedure**

**16.44.010 Instances for Recommending Variances**

The Plan Commission may recommend variances from the literal applications of the design standards specified in this chapter:

- A. Where conformance with these standards is made impossible by topography or surrounding development; or
- B. Where an existing plat is to be replatted in a manner which more nearly complies with these requirements than the existing plat; or
- C. Where the proposed subdivision does not follow the conventional system of development of lots, blocks, streets; or
- D. Planned Unit Developments. When the proposed development is a planned unit development, said development shall follow standards in the Harvard Zoning Code applicable to such development. The standard subdivision regulations shall apply to planned unit developments as to all matters not specifically covered by the planned unit development provisions. (Ord. 87-139, §D, 1987)

**16.44.020 Conditions**

In recommending any variance, the plan commission shall specify conditions necessary to assure that the proposed subdivision:

- A. Will not be detrimental to the neighborhood and to the community as a whole;
- B. Complies with the major streets plan, the park and playgrounds plan, and other elements of the comprehensive plan of the City;
- C. Complies with the intent of this title; and
- D. Does not violate any other ordinances or regulations of the City. (Ord. 841, §XXI(A), 1969)

**16.44.030 Extent of Variances**

The Plan Commission shall vary design standards to no greater extent than is necessary to permit reasonable development of the property to be subdivided. (Ord. 841, §XVI(B), 1969)

**16.44.040 Procedure**

Such recommendations shall be communicated to the Council or governing County authorities in writing, substantiating the

recommended variation. The Council or other County authorities may approve variations from these requirements for subdivisions when, in its opinion, such variations will not adversely affect the comprehensive plan or the spirit of this title. The Plan Commission shall notify the owner or subdivider and other interested parties as to the time and place of the Plan Commission meeting at which the variation is being considered and where the owner or subdivider and other interested parties will be afforded an opportunity of being heard. Such notice shall be published, posted or delivered and in such form as prescribed by the City Attorney. (Ord. 841, §XVI(C), 1969)

**Chapter 16.48  
OTHER PROVISIONS**

**Sections:**

16.48.010	Development Fee Schedule
16.48.020	Building Code & Other Applicable Ordinances
16.48.030	Occupancy Permit
16.48.040	Record of Plats and Deed Restrictions
16.48.050	Sewer and Water Tap-in Fees
16.48.060	Enforcement
16.48.070	Violation -- Penalty

**16.48.010 Development Fee Schedule**

Before the City considers any action under this Title 16, the petitioner or developer shall comply with Chapter 20, Development Fee Schedule, and any other requirements of this Code. (Ord. 95-135, §2, 1995)

**16.48.020 Building Code and Other Applicable Ordinances**

- A. No building permit as regulated by the building code shall be issued by any governing official for the construction of any building, structure, or improvement to land or any lot within a subdivision, as defined in this title, which has been approved for platting, until all requirements of this title and other applicable City ordinances have been fully complied with. (Ord. 87-139, §XIX(A), 1987)
- B. Any owner or subdivider desiring to subdivide property presently lying outside the corporate limits of said City, with the expectation of annexing same to said City shall abide by the terms of this title and the building code ordinance and all other ordinances of the City and shall further be subject to the requirement that any owner or land so annexed must petition to be annexed. (Ord. 841, §XIV, 1969)

**16.48.030 Occupancy Permit**

No occupancy permit shall be granted by any governing official for the use of any building, structure, or land improvement within a subdivision approved for platting or replatting until required utility facilities have been installed and made ready to service the building structure, or land improvement; and that roadways providing access to the lot or lots containing such improvements have been constructed or are in the course of construction and are suitable for vehicular traffic, and that all other applicable building, zoning and health ordinances have been followed. Temporary occupancy permits may be issued only in accordance with the Harvard Zoning Ordinance. (Ord. 87-139, §XX, 1987)

**16.48.040 Record of Plats and Deed Restrictions**

All of such plats of subdivisions, as well as any deed restrictions applying to said subdivision, after the same have been submitted and approved as provided in this title and recorded in the office of the Recorder of Deeds of McHenry County, shall be filed and kept by the City Clerk among the records of the City. (Ord. 79-166, §1, 1979; Ord. 841, §XVIII, 1969)

**16.48.050 Sewer and Water Tap-In Fees**

- A. A sewer tap-in fee shall be charged to the owner(s) of any proposed subdivision within the jurisdiction of the City. Water tap-in fees and any other fees applicable to water connections or installations, shall be in accordance with Section 13C.04-B of the Harvard Municipal Code. (See Chapter 20, City Fees and Charges)(Ord. 2005-143A, §9; Ord. 97-113,§23,1997)

**16.48.060 Enforcement**

No plat of any subdivision shall be entitled to be recorded in the Recorder's Office or have any validity until it shall have been approved in a manner prescribed in this title. (Ord. 97-113,§24,1997; Ord. 841, § XVII, 1969)

**16.48.070 Violation--Penalty**

- A. Any person, firm or corporation who violates any of the provisions of this Title 16 shall be deemed guilty of a misdemeanor and shall be fined not less than one hundred dollars nor more than five hundred dollars and be responsible for the City's cost of prosecution. Each day that the violation continues shall be considered a separate offense. (Ord. 97-113,§25,1997)

**Chapter 16.52**  
**DEDICATION OF SCHOOL LAND**  
**OR CASH CONTRIBUTIONS IN LIEU THEREOF**  
**(Amended Ord. 2005-146)**

- 16.52.010 Title
- 16.52.020 Legislative Intent
- 16.52.030 Criteria for Requiring School Site Dedications
- 16.52.040 Criteria for Requiring a Cash Contribution in Lieu of Dedication of School Sites
- 16.52.050 Density Formula
- 16.52.060 Reservation of Additional Land
- 16.52.070 Combining with Adjoining Developments
- 16.52.080 Topography and Grading
- 16.52.090 Improved Sites
- 16.52.100 Environmental Risk Audit
- 16.52.110 Suitability of Soils at Site
- 16.52.120 Title Insurance, Survey, Assessment Plats
- 16.52.130 Real Estate Tax Escrow
- 16.52.140 Objections
- 16.52.150 Condition to Annexation
- 16.52.160 Indemnification
- 16.52.170 Collection of Fees
- 16.52.180 Needs Assessment; Land and Capital Facilities Acquisition Plan
- 16.52.190 Time of Payment

Exhibits

- Exhibit A: Table of Estimated Ultimate Population Per Dwelling Unit
- Exhibit B: Acknowledgment of Notification of Rights
- Exhibit C: Agreement Regarding the Receipt of Developer Subdivision Contributions and Indemnification Agreement
- Exhibit D: Agreement Between Developer and City to Delay Payment of Cash Contributions
- Exhibit D.1: Legal Description of Property

**16.52.010 Title**

This Chapter 16.52 shall be known as and may be cited as the Educational Facilities Impact Fee Ordinance ("Ordinance").

**16.52.020 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 City and with the concurrence of the affected school district, which concurrence shall be obtained in writing. However, the City 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.

#### **16.52.030 Criteria for Requiring School Site Dedications**

- A. 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 (1) estimated number of children to be served in each school classification (as described in Section 16.52.030-B) from the subdivision or planned development over the (2) maximum recommended number of students to be served in each such school classification as stated herein, and then applying such ratio to (3) 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.
- B. 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 City. 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 16.52.140 herein to the Planning and Zoning Commission. Failure to timely object to these acreage requirements in accordance with Section 16.52.140 herein shall thereafter waive any right to raise an objection at a later time.

School classifications and size of school sites serving the City 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 <sup>th</sup> or 6 <sup>th</sup>	450 students	25 acres
Junior high or middle schools, grades 6 <sup>th</sup> through 8 <sup>th</sup> or 7 <sup>th</sup> and 8 <sup>th</sup>	600 students	40 acres
High schools, grades 9 <sup>th</sup> through 12 <sup>th</sup>	1500 students	70 acres

C. 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 City in accordance with plans heretofore or hereafter adopted by the affected school district.

#### **16.52.040 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 City, 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 City or other public body designated by the City, 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 16.52.140 herein, 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 City's development standards; (b) that it is subdivided with appropriate frontage on a dedicated street or road, stubbed with municipal sewer and water, has all appropriate utilities available; (c) that it is improved as set forth in Sections 16.52.080 and 16.52.090 herein; and (d) that it is otherwise property capable of being used for residential development. Based upon a study of real estate transactions in the City for the past three years, it has been determined that the present fair market value of such improved land in and surrounding the City is, as of the effective date of the Educational Facilities Impact Fee Ordinance, \$113,475 per acre. These figures shall be adjusted by the City Council 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 16.52.140 herein. Objections to the fair market value as defined above shall be made in accordance with Section 16.52.140 to the Planning and Zoning Commission. Failure to timely object to the fair market value as defined above in accordance with Section 16.52.140 herein 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 paragraph 1 of Section 16.52.040 herein shall be subject to a "CPI Adjustment" which shall be calculated annually and which adjustment shall go into effect on January 1, 200\_\_ 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.

#### **16.52.050 Density Formula**

The *Table of Estimated Ultimate Population Per Dwelling Unit* ("the Density Formula"), attached as Exhibit A, prepared by 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 16.52.140 herein. The City 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 16.52.140 to the Planning and Zoning Commission. Failure to object to the Density Formula in accordance with Section 16.52.140 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, 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 16.52.140 herein.

**16.52.060 Reservation of Additional Land**

When the Comprehensive Plan or the standards of the City 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 City or other public body designated by the City, provided that such acquisition is made within one year from the date of approval of the final plat.

**16.52.070 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.

**16.52.080 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 City 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 City 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 City 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 City 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.

#### **16.52.090 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 Title 16, Subdivisions, of the Harvard Municipal Code ("Subdivision Regulations"). The landscaping normally included within the definition of "improved" sites under the Subdivision Regulations 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 paragraph 4 in Section 16.52.080 herein. 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 of 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.

#### **16.52.100 Environmental Risk Audit**

Prior to the conveyance of any land to the City 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 said 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 City 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.

#### **16.52.110 Suitability of Soils at Site**

The subdivider or developer, at its own cost or expense, shall provide to the City 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 City or the affected school district may request to enable it to determine the suitability of the proposed land dedication for school site. The City or the affected school district shall have the right to reject any site which the City or the affected school district determines, in accordance with sound engineering practices, is not suitable for school site purposes.

**16.52.120 Title Insurance, Survey, Assessment Plats**

Each deed or other instrument conveying land to the City 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 16.52.060 herein, 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 City 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 City authorities so the land to be conveyed can be assigned its own permanent 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.

**16.52.130 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.

#### **16.52.140 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 Planning and Zoning Commission for a hearing. An objection must be made, if at all, prior to the approval of the final plat of subdivision by the City. 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 City 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 an accompanying document acknowledging that the developer has received notice of the existence of such a procedure for objections. This document, entitled *Acknowledgment of Notification of Rights*, is Exhibit B to the Educational Facilities Impact Fee Ordinance and is incorporated herein by reference. The procedure for a hearing before the Planning and Zoning Commission shall be as follows:

1. Duties of the Planning and Zoning Commission: The Planning and Zoning Commission shall serve in an advisory capacity and shall have the following duties:
  - a. Advise and assist the City 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 City shall adopt procedural rules to be used by the Planning and Zoning Commission in carrying out the duties imposed by this Educational Facilities Impact Fee Ordinance.

2. Information and Services to be Used: The City shall make available to the Planning and Zoning 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 Planning and Zoning 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 City Clerk shall place the same on the next regular meeting agenda of the City Council. Thereafter the City Council shall refer the objection to the Planning and Zoning Commission, which shall by resolution establish a hearing date.
  - b. The Planning and Zoning 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 City. 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 City that are the subject of the hearing.
  - v. A statement that the City 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 City, 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 Planning and Zoning Commission regarding the issues raised in the objection. The Planning and Zoning 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 City, within 60 days after the hearing. The City 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 Planning and Zoning Commission, including, but not limited to attendance fees paid the Planning and Zoning Commission members, publication costs, professional consultants and any other expenses of the City.

#### **16.52.150 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 City, and provisions therefore shall at a minimum be incorporated in any annexation or pre-annexation agreement governing such land. However, the City 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.

#### **16.52.160 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 Exhibit C of this Educational Facilities Impact Fee Ordinance. 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 City. 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 City reserves the right to refuse to impose any land dedications and/or cash contributions in lieu thereof on behalf of the affected school district.

#### **16.52.170 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 City, 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 City authorities as proof of compliance with the terms of this Educational Facilities Impact Fee Ordinance.

#### **15.52.180 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 City 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 City 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 City 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 City 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.

#### **16.52.190 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 City 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 City 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 City 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 City 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 Between Developer and the City to Delay Payment of Cash Contributions, which is Exhibit D of this Educational Facilities Impact Fee Ordinance. 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 in Exhibit D; 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 plat of subdivision upon approval by the City.

In the event the City 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.

## EXHIBIT A

TABLE OF ESTIMATED ULTIMATE SCHOOL POPULATION PER DWELLING UNIT							
Type of unit	Children per Unit					Adults 18 years +	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		
<b>Detached Single-Family:</b>							
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	0.283	0.345	0.248	0.593	0.300	2.594	3.770
5-bedroom	0.283	0.345	0.248	0.593	0.300	2.594	3.770
<b>Attached Single-Family:</b>							
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
<b>Apartments:</b>							
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

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

**EXHIBIT B**  
**Acknowledgement of Notification Rights**

Developer hereby acknowledges receipt of a copy of the City Educational Facilities Impact Fee Ordinance that describes, in Section 16.52.140, 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 16.52.140. 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 City Educational Facilities Impact Fee Ordinance shall constitute a waiver of any right to such a hearing.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

Witness: \_\_\_\_\_

Date: \_\_\_\_\_

**EXHIBIT C**  
**Agreement Regarding the Receipt of Developer Subdivision  
Contributions and Indemnification Agreement**

*WHEREAS*, the City of Harvard, Illinois, on behalf of itself, its officers, employees and independent contractors (the "City"), 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 City; and

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

*WHEREAS*, the City 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 City 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 City 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 City, from time to time, may within its discretion cause to be made by developers that are subdividing property, it is agreed between the City, 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 City is not obligated to cause the payment of money or the transfer of land to the Benefitting Government. The Benefitting Government recognizes that the City 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 City and/or the Benefiting 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 Benefiting Government, then the Benefiting Government does agree to pay the costs and litigation expenses (including reasonable attorneys' fees) incurred by the City in defending such lawsuit. The costs and expenses shall be paid by the Benefiting Government when and as incurred by the City but in no event more than once a month. As a condition precedent to the payment of these costs and expenses, the City shall submit to the Benefiting 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 Benefiting Government.
- B. The City covenants and agrees that it shall employ competent and skilled legal counsel to represent the Benefiting Government and the City, and further covenants and agrees that it shall keep the Benefiting Government fully advised as to the progress and status of the litigation. In particular, the City shall provide to the Benefiting Government copies of all pleadings filed in the litigation and shall consult regularly (and shall cause its attorneys to consult regularly) with the Benefiting 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 City without at least 30 days' prior written notice to the Benefiting Government.
- C. In the event the Benefiting Government decides that it would prefer to be represented in the litigation by legal counsel of its own choosing, then the Benefiting Government shall be free to retain its own legal counsel for that purpose, to intervene in the litigation and to ask the City to terminate its representation of the Benefiting Government under Section 2 of this Agreement. The Benefiting Government shall notify the City in writing to that effect. In that event, however, the City still shall be permitted to defend itself in such litigation and this Agreement shall remain in full force and effect, and the Benefiting Government shall continue to remain liable to the

City for all sums that have accrued or will accrue under this Agreement and for all sums that remain due and owing from the Benefiting Government to the City relating to the defense of any lawsuit under the terms of this Agreement.

3. The Benefiting Government shall further indemnify and hold harmless the City 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 City and/or the Benefiting 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 Benefiting Government are, in whole or in part, excessive, the Benefiting 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 Benefiting 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 Benefiting Government shall pay all additional amounts.

5. In further consideration of the continued authorization by the City enabling the Benefiting Government to collect the subject contributions of land or money, the Benefiting 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 Benefiting Government shall submit a report to the City describing the manner in which the payments have been used and provide any additional information the City may require. When that money turned over to the Benefiting Government is to be used for a specific purpose or within a specific time period, the report shall address those issues. If the Benefiting Government should fail to file such a report with the City, the City may require that any further payments made pursuant to the Educational Facilities Impact Fee Ordinance shall be made to the City and shall delay the payment and distribution of any additional funds due the Benefiting Government until such time as a full report containing adequate information is transmitted to the City. The Benefiting Government understands that it will be asked to execute an indemnity agreement similar to this agreement on an annual basis and that the City shall not pay or cause to be paid any additional funds due to the Benefiting Government until such time as the City 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 Benefiting Government or the City with regard to claims or damages allegedly arising out of

the City's efforts prior to termination to impose, collect or distribute contributions, or to the actual distribution of subdivision contributions.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

**City of Harvard**

**Benefiting Government**

\_\_\_\_\_  
Mayor  
(SEAL)

\_\_\_\_\_  
Its:  
(SEAL)

ATTEST:

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Secretary

**EXHIBIT D**  
**Agreement Between Developer and City**  
**to Delay Payment of Cash Contributions**

This agreement ("Agreement") is entered into between City of Harvard (the "City") and \_\_\_\_\_, ("Developer").

*WHEREAS*, the City 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 D.1 attached hereto and made a part hereof (the "Land"). Accordingly, pursuant to the City Educational Facilities Impact Fee Ordinance ("Ordinance"), certain cash contributions for school lands are immediately due the City (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 City issues a building permit for the particular dwelling unit.

*NOW, THEREFORE*, in consideration for the City 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 City, 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 City's issuance of the first building permit for a dwelling unit on the land that Developer shall provide satisfactory evidence to the City that this Agreement or a memorandum thereof has been recorded against legal title to the land.

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

IN WITNESS WHEREOF, the City and the Developer have caused this Agreement to be duly authorized, executed and entered into as of the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Developer

\_\_\_\_\_  
City Clerk

EXHIBIT D.1  
Legal Description of Property

**CHAPTER 16.56  
PARK CONTRIBUTION**

**Sections:**

- 16.56.010      **Cash Contribution to Parks**
- 16.56.020      **Undeveloped Lots Already Subdivided**
- 16.56.030      **Land Donation Instead of Cash Payment**
- 16.56.040      **Special Fund for Park Donations**

**16.56.010              Cash Contribution to Parks**

As a condition of approval of a final plat of subdivision, or a final plat of a planned development located within the jurisdiction of the City, the subdivider shall be required to pay a cash contribution per each residential dwelling unit for park purposes per residential dwelling unit. The fee shall not apply to industrial or commercial subdivisions. Said fee is found in Section 20.03 of this Code. (Ord. 2005-143A, §6; Ord. 97-145, §1, 1997; Ord. 90-107, §2, 1990; Ord. 87-139, 1987)

**16.56.020 Undeveloped Lots Already Subdivided**

The owner of any lot, parcel or tract of land which has previously been subdivided but not yet developed shall pay to the City a cash contribution per residential dwelling unit upon the issuance of a building permit. Said fee is found in Section 20.03 of this Code. (Ord. 2005-143A, §6; Ord. 97-113, §27, 1997; Ord. 90-107, §2, 1990; Ord. 87-139, 1987)

**16.56.030      Land Donation Instead of Cash Payment**

The requirement of the park development donations as previously provided may be waived by the City Council upon the written recommendation of the Plan Commission, as provided if the final plat of subdivision contains either park land donations or developed recreational facilities in sizes, amount, or acreage as may be determined by the Plan Commission, consistent with good planning practices and the recreational needs of the development in particular and the City in general. (Ord. 97-113, §28, 1997; Ord. 87-139, 1987)

**16.56.040      Special Fund for Park Donations**

There is hereby created a park development fund as an adjunct to the general fund for the purposes of the development, maintenance, expansion and improvements of and to the park system of the City of Harvard. (Ord. 87-139, 1987)

**CHAPTER 16.60  
LIBRARY CONTRIBUTION**

**Sections:**

- 16.60.010 Cash Contribution to Library**
- 16.60.020 Undeveloped Lots Already Subdivided**
- 16.60.030 Land Donation Instead of Cash Payment**

**16.60.010 Cash Contribution to Library**

As a condition of approval of a final plat of subdivision, or a final plat of a planned development located within the jurisdiction of the City, the subdivider shall be required to pay a cash contribution per residential dwelling unit for library purposes. The fee shall not apply to industrial or commercial subdivisions. Said fee is found in Section 20.03 of this Code. (Ord. 2005-143A, §7; Ord. 95-102, §1, 1995)

**16.60.020 Undeveloped Lots Already Subdivided**

The owner of any lot, parcel or tract of land which has previously been subdivided but not yet developed shall pay to the City a cash contribution per residential dwelling unit for library purposes upon the issuance of a building permit. Said fee is found in Section 20.03 of this Code. (Ord. 2005-143A, §7; Ord. 95-102, §1, 1995)

**16.60.030 Land Donation Instead of Cash Payment**

The requirement for the library donation as previously provided may be waived by the City Council if the final plat of subdivision contains a land donation as requested by the City. (Ord. 97-113, §31, 1997; Ord. 95-102, §1, 1995)

**CHAPTER 16.64, HOSPITAL CONTRIBUTION REPEALED BY  
ORDINANCE 97-144, APPROVED OCTOBER 7, 1997**

**CHAPTER 16.68  
FIRE PROTECTION CONTRIBUTION**

**Sections:**

- 16.68.010 Cash Contribution to Harvard Fire  
Protection District**
- 16.68.020 Undeveloped Lots Already Subdivided**
- 16.68.030 Land Donation Instead of Cash Payment**

**16.68.010 Cash Contribution to Harvard Fire Protection District**

As a condition of approval of a final plat of subdivision, or a final plat of a planned development located within the jurisdiction of the City, the subdivider shall be required to pay a cash contribution per residential dwelling unit for fire protection purposes. Said fee, found in Section 20.03 of this Code, shall be paid to the City, who shall then remit the fee to the Harvard Fire Protection District. (Ord. 2005-143A, §8; Ord. 95-144, §1, 1995; Ord. 95-117, §1, 1995)

**16.68.020 Undeveloped Lots Already Subdivided**

The owner of any lot, parcel or tract of land which has previously been subdivided but not yet developed shall pay to the City a cash contribution for fire protection purposes upon the issuance of a building permit. Said fee, found in Section 20.03 of this Code, shall be paid to the City, who shall then remit the fee to the Harvard Fire Protection District. (Ord. 2005-143A, §8; Ord. 96-132, §1, 1996; Ord. 95-144, §1, 1995; Ord. 95-117, §1, 1995)

**16.68.030 Land Donation Instead of Cash Payment**

The requirement for the fire protection contribution as previously provided may be waived by the City Council if the final plat of subdivision contains a land donation as requested by the City. (Ord. 97-113, §33, 1997; Ord. 95-117, §1, 1995)

# APPENDIX A

## PRELIMINARY PLAN CHECK LIST

Name of Subdivision:

Due Date of Recommendation: \_\_\_\_\_ (60 days after 1st meeting after motion of City Council to refer to Planning Commission)

NOTE: To properly execute this checklist, the subdivider or his engineer shall:

1. Insert the required information below.
2. Denote compliance with applicable ordinances by placing a check mark in all spaces where applicable below.
3. Denote those items which the subdivider considers "not applicable" to his particular subdivision by the abbreviation "N.A." below.
4. This checklist is to be turned in with all prints as required below at time of first submission. (Please execute 5 copies of this checklist.)

- \_\_\_\_ 1. 5 copies of preliminary plat submitted to City Clerk.
- \_\_\_\_ 2. Plats must follow County Recorder of Deeds requirements (Appendix C).
- \_\_\_\_ 3. Plans are on 24" x 18" sheets (minimum size).
- \_\_\_\_ 4. Plan scale is not less than 1" to 100' (Except subdivisions of more than 200A., scale will then be 1" to 200')
- \_\_\_\_ 5. Minimum profile scale is 1" to 100' horizontal.
- \_\_\_\_ 6. A title sheet is included with each set of preliminary plans.
- \_\_\_\_ 7. Name of proposed subdivision shown. (No duplications of any present subdivisions)
- \_\_\_\_ 8. Location given by town, range, section, or other legal description.
- \_\_\_\_ 9. Name and address of owner, trust, corporation of subdivider having control of project is shown.
- \_\_\_\_ 10. Name and seal of registered engineer or surveyor who prepared topographic survey is shown.
- \_\_\_\_ 11. Name and address of designer is shown.
- \_\_\_\_ 12. North direction is shown.
- \_\_\_\_ 13. Date of preparation and date of revision, if any, is shown.
- \_\_\_\_ 14. A location map is included indicating:
  - \_\_\_\_ A. A scale of not less than 1" to 1000'.
  - \_\_\_\_ B. Boundary lines of adjoining land within an area bounded by the nearest arterial streets or other natural boundaries.
  - \_\_\_\_ C. Use of surrounding land.
  - \_\_\_\_ D. Ownership of the surrounding land.
  - \_\_\_\_ E. Alignment of existing streets.
  - \_\_\_\_ F. Section of corporate lines.

- \_\_\_\_ 15. Boundary line of proposed subdivision is clearly shown.
- \_\_\_\_ 16. Total approximate acreage is shown.
- \_\_\_\_ 17. Existing zoning classification is indicated.
- \_\_\_\_ 18. The following EXISTING items, if any within the boundaries of the subdivision, or located 100' or less outside the boundaries, are shown.
- \_\_\_\_ A. Previously platted streets and other right-of-way, with improvements, if any, indicating:
- \_\_\_\_ Location
- \_\_\_\_ Widths
- \_\_\_\_ Names
- \_\_\_\_ B. Railroad right-of-ways, indicating:
- \_\_\_\_ Location
- \_\_\_\_ Dimensions
- \_\_\_\_ C. Utility right-of-ways, indicating:
- \_\_\_\_ Location \_\_\_\_\_ a. Sewer
- \_\_\_\_ Width \_\_\_\_\_ b. Water
- \_\_\_\_ Type \_\_\_\_\_ c. Electric
- \_\_\_\_ d. Other
- \_\_\_\_ D. Parks and other open space indicating:
- \_\_\_\_ Location
- \_\_\_\_ Area
- \_\_\_\_ E. Easements, indicating:
- \_\_\_\_ Location
- \_\_\_\_ Width
- \_\_\_\_ Purpose
- \_\_\_\_ F. Permanent buildings and structures, indicating:
- \_\_\_\_ Location
- \_\_\_\_ Setback Lines
- \_\_\_\_ Names of owners
- \_\_\_\_ G. Section and corporate lines
- \_\_\_\_ H. Sanitary sewers, indicating:
- \_\_\_\_ Location
- \_\_\_\_ Size
- \_\_\_\_ Manholes
- \_\_\_\_ Invert elevations at manholes
- \_\_\_\_ I. Water mains, indicating:
- \_\_\_\_ Location
- \_\_\_\_ Size
- \_\_\_\_ Valves, indicating:
- \_\_\_\_ valve manhole, or
- \_\_\_\_ valve box
- \_\_\_\_ fire hydrants & auxiliary valve
- \_\_\_\_ J. Culverts, indicating:
- \_\_\_\_ Type
- \_\_\_\_ Location
- \_\_\_\_ Size
- \_\_\_\_ Invert elevations
- \_\_\_\_ K. Storm sewers, indicating:
- \_\_\_\_ Location
- \_\_\_\_ Size
- \_\_\_\_ Catch basins
- \_\_\_\_ Invert Elevations

- \_\_\_\_\_ L. Water courses, indicating:
  - \_\_\_\_\_ Type
  - \_\_\_\_\_ High water width and elevation
  - \_\_\_\_\_ Catch basins
  - \_\_\_\_\_ Invert Elevations
- \_\_\_\_\_ L. Water courses, indicating:
  - \_\_\_\_\_ Type
  - \_\_\_\_\_ High water width and elevation
  - \_\_\_\_\_ Width of easement
  - \_\_\_\_\_ Location of easement
- \_\_\_\_\_ M. Marshes, indicating:
  - \_\_\_\_\_ Location
  - \_\_\_\_\_ Dimensions
  - \_\_\_\_\_ Soil bearing capacity
- \_\_\_\_\_ N. Rock outcrops, indicating:
  - \_\_\_\_\_ Location
  - \_\_\_\_\_ Dimensions
- \_\_\_\_\_ O. Monuments and survey markers, indicating:
  - \_\_\_\_\_ Location
  - \_\_\_\_\_ Type
- \_\_\_\_\_ 19. Topographic data is given in feet above mean sea level, with the tract, and to a distance of 100' beyond, indicating:
  - \_\_\_\_\_ A. Existing contours at vertical intervals of not more than 2'.
  - \_\_\_\_\_ B. Proposed contours at vertical intervals of not more than 2'.
  - \_\_\_\_\_ C. Bench mark, indicating:
    - \_\_\_\_\_ Location
    - \_\_\_\_\_ Description
    - \_\_\_\_\_ Elevation
  - \_\_\_\_\_ D. Topographic data, where available, may be used if adjoining owners fail to grant subdivider permission to come upon said adjoining land.
- \_\_\_\_\_ 20. Soil bearing data is given, if required by the City Engineer, indicating:
  - \_\_\_\_\_ A. Location of test
  - \_\_\_\_\_ B. Depth of test
  - \_\_\_\_\_ C. Soil bearing capacity
  - \_\_\_\_\_ D. Moisture content
- \_\_\_\_\_ 21. Complies with requests from the McHenry County Soil and Water Conservation Department.
- \_\_\_\_\_ 22. Complies with state law relating to access on state roadways and comply with health department laws relating to private sewage systems if applicable. (Section 16.12.050)
- \_\_\_\_\_ 23. The following PROPOSED items, if any within the boundaries of the subdivision, or located 100' or less outside of the boundaries, are shown:
  - \_\_\_\_\_ A. Layout of streets, indicating right-of-way and roadway width pursuant to the City Engineering Standards.
    - \_\_\_\_\_ 1. Check with Engineering Standards additional regulations relating to:
      - \_\_\_\_\_ Cul-de-sac streets
      - \_\_\_\_\_ Frontage roads

- \_\_\_\_\_Thoroughfares
- \_\_\_\_\_Alleys
- \_\_\_\_\_2.Through street shown extended to boundaries of subdivision
- \_\_\_\_\_3.Storm water runoff pattern on paving.
- \_\_\_\_\_B.Names of Streets
- \_\_\_\_\_1.Not duplicating the name of any street used before in the City or its environs, or using any name that would be confused with an existing street name, unless the street is an extension of an existing street, in which case the name shall be used.
  
- \_\_\_\_\_C.Street improvement plan showing location of all new street improvements, including those to the centerline of previously dedicated right-of-ways abutting the subdivision, in accordance with present City standards.
- \_\_\_\_\_D.Utility easement:
  - \_\_\_\_\_1.Located at the rear of each lot and other necessary locations
  - \_\_\_\_\_2.Not less than 10' in width on each lot
  - \_\_\_\_\_3.Purpose is indicated
  - \_\_\_\_\_4.Storm water runoff is indicated
- \_\_\_\_\_E.Centerline profiles of all streets showing gradients not less than 0.5 percent and not more than:
  - \_\_\_\_\_1.5.0 percent on collector streets
  - \_\_\_\_\_2.8.0 percent on minor street
- \_\_\_\_\_F.Block layout, indicating:
  - \_\_\_\_\_1.Residential blocks do not exceed 1200' in length (for lots under 100' in width)
  - \_\_\_\_\_2.Residential blocks do not exceed 2000' in length (for lots over 100' in width)
  - \_\_\_\_\_3.Business and Industrial lot size approved by Planning Commission
  - \_\_\_\_\_4.Additional access ways to parks, schools, etc., are shown in accordance with the City requirements
  - \_\_\_\_\_5.Blocks fit readily into the overall plan of the subdivision with due consideration given to:
    - \_\_\_\_\_Topographical conditions
    - \_\_\_\_\_Lot Planning
    - \_\_\_\_\_Traffic Flow Pattern
    - \_\_\_\_\_Public Open Space
  - \_\_\_\_\_6.Block numbers
  - \_\_\_\_\_7.Blocks, intended for commercial, industrial, or institutional use are so designated.

- \_\_\_\_\_ G.Lot Layout, indicating:
- \_\_\_\_\_ 1.Lot dimensions
- \_\_\_\_\_ 2.Lot areas not less than those stipulated in  
the appropriate district  
regulations of the zoning  
ordinance
- \_\_\_\_\_ 3.Building setback lines shown and properly  
dimensioned
- \_\_\_\_\_ 4.Proposed land use
- \_\_\_\_\_ 5.Lot numbers
- \_\_\_\_\_ 6.Corner lots are sufficiently larger than  
interior lots to allow  
maintenance of building setback  
lines on both street  
frontages and still allow a  
buildable width equal to that of  
the smallest interior lot in the  
block (20% larger than other  
lots in block to a minimum of  
90' in width)
- \_\_\_\_\_ 7.All lots abut a publicly dedicated street  
for a distance of not less than  
the minimum width of the lot.  
The extension of streets in  
industrial developments may be  
delayed until a building permit  
is issued for undeveloped lots,  
if specifically approved by the  
City Council
- \_\_\_\_\_ 8.Lots are as nearly rectangular in shape as  
is practicable.
- \_\_\_\_\_ 9.Lots are not less than 132' in depth, or 66'  
in width, in a residential area.
- \_\_\_\_\_ 10.Lots are not less than 200' in depth in a  
business or  
manufacturing area.
- \_\_\_\_\_ 11.Lot lines are substantially at right angles  
to the street lines and radial  
to curved street lines.
- \_\_\_\_\_ 12.Double frontage lots only where:
- \_\_\_\_\_ Lots back upon an arterial street and  
front on an access street.
- \_\_\_\_\_ Topographic or other conditions make  
subdivision  
otherwise unreasonable.
- \_\_\_\_\_ Lots can be made an additional 10' deeper  
than average.
- \_\_\_\_\_ A protective screen planting is indicated on  
one frontage.
- \_\_\_\_\_ Depth is 400' or more.
- \_\_\_\_\_ Fronts on body of water.
- \_\_\_\_\_ Controlled access road.
- \_\_\_\_\_ 13.Lots abutting or traversed by a water  
course, drainage way,  
channel, or stream, indicate:
- \_\_\_\_\_ Additional width and depth

to provide an acceptable building site.

\_\_\_\_ Width of easement is at least 15' wider on  
each side of water at high  
water level.

\_\_\_\_ 14. Due regard for natural features, such as:

\_\_\_\_ Trees

\_\_\_\_ Water Courses

\_\_\_\_ Historic Items

\_\_\_\_ Other similar conditions

\_\_\_\_ H. Areas intended to be dedicated for public  
use, indicating:

\_\_\_\_ 1. Plan conforms to general development plan  
of City

\_\_\_\_ 2. Purpose

\_\_\_\_ 3. Acreage

\_\_\_\_ I. Source of domestic water supply,  
indicating:

\_\_\_\_ 1. Connection to existing water mains

\_\_\_\_ 2. Location of site for community water plant

\_\_\_\_ J. Provision for sewage disposal, indicating:

\_\_\_\_ 1. Connection to existing sanitary sewer mains

\_\_\_\_ 2. Location of site for community

sewage disposal plant

\_\_\_\_ K. Schools, indicating:

\_\_\_\_ 1. Location

\_\_\_\_ 2. Dimensions

\_\_\_\_ 3. Acreage

\_\_\_\_ L. Topographic Information, indicating:

\_\_\_\_ 1. Proposed changes in elevation of land shown  
that any flooding would be  
relieved

\_\_\_\_ 2. Adequate installation of storm sewers would  
remove the possibility  
of flooding

\_\_\_\_ M. Sanitary sewer layout, indicating:

\_\_\_\_ 1. Location

\_\_\_\_ 2. Size

\_\_\_\_ 3. Invert elevations at manholes

\_\_\_\_ 4. Manhole locations

\_\_\_\_ N. Water main layout, indicating:

\_\_\_\_ 1. Location

\_\_\_\_ 2. Size

\_\_\_\_ 3. Looped pattern where practicable

\_\_\_\_ 4. Fire hydrants, spaced apart not more than  
300' and not less than one per  
block

\_\_\_\_ O. Storm sewer layout, indicating:

\_\_\_\_ 1. Location

\_\_\_\_ 2. Catch basins at not more than 600' intervals

\_\_\_\_ 3. Storm water is not carried across or around  
any intersection

\_\_\_\_ 4. Surface water drainage pattern for  
each individual lot and block



## APPENDIX B

Natural Resource Information Report Application  
McHenry County Soil and Water Conservation District

[www.mchenryswcd.org/forms/nri\\_application11-05.pdf](http://www.mchenryswcd.org/forms/nri_application11-05.pdf)

## APPENDIX C

Requirements for Recording Plats of Subdivision

McHenry County Recorder

[www.co.mchenry.il.us/CountyDpt/recorder/Plats.asp](http://www.co.mchenry.il.us/CountyDpt/recorder/Plats.asp)

## APPENDIX F

Endangered Species Consultation Agency Action Report

<http://dnr.state.il.us/orep/nrrc/brief.htm>