

**ORDINANCE NO. 17-26**

**AN ORDINANCE AMENDING TITLE 10, SUBDIVISIONS, CHAPTER 4, APPLICATION AND APPROVAL PROCEDURES, CHAPTER 5, PROJECT DOCUMENTS, AND CHAPTER 6, CONSTRUCTION, INSPECTION, AND UTILITY ACCEPTANCE PROCEDURE, OF THE MUNICIPAL CODE FOR THE VILLAGE OF MANTENO.**

BE IT ORDAINED by the President and Board of Trustees of the Village of Manteno, as follows:

**Section 1**

That Title 10, Subdivisions, Chapter 4, Application and Approval Procedures, be amended by changing Section 10-4-6, Final Plat, to provide as follows:

“10-4-6: **FINAL PLAT:**

...

(C) Final Plat Transparency: The application for a final plat approval shall include two original Mylar plats and (20) copies of all supporting maps, plans and other drawings, and all other required documents as determined by the village administrator. The application shall be submitted in writing and shall be accompanied by the fee required in these regulations. The village clerk shall forward notice of the application to the village board. The village board shall refer the application for approval of the final plat to the plan commission for its review, recommendations and approval or disapproval.

(D) Final Plat Fees and Policy of Insurance:

...

2. Deleted.

...

4. Deleted.

...

(H) Final Plat; Village Board Approval: Upon approval by the board of trustees, the developer shall, within thirty (30) days thereafter, deliver to the Village two fully executed original (Mylar) plats of the subdivision, one for the recorder's office and one for the developer's engineering firm, along with the required number of copies for recording, together with five (5) additional copies to be recorded and retained by the Village, as well as

funds sufficient to pay for recording the final plat of subdivision in the Office of the Kankakee County Recorder of Deeds. The Village shall record the plat of subdivision within sixty (60) days upon the earlier occurrence of the following: (i) the developer's delivery of a performance guarantee for the completion of the public improvements; or (2) the Village's acceptance of all public improvements in the subdivision. The final plat of subdivision, and approvals granted therein, shall be null and void if neither of the preconditions for recording of the final plat of subdivision have occurred within one (1) year of the date of final plat approval by the board of trustees. No extensions for approval of the final plat shall be considered, unless a written application signed by the owners and developers is submitted to the village clerk within one year of the date of approval of the preliminary plat or unless otherwise stipulated and agreed to in the property's annexation agreement."

## **Section 2**

That Title 10, Subdivisions, Chapter 5, Project Documents, be amended by changing Section 10-5-6, Final Plat and Plans, to provide as follows:

**"10-5-6: FINAL PLAT AND PLANS:**

The subdivider shall, within one year after approval of the preliminary plat and improvement plans, file with the village two Mylar copies with original signatures, twenty (20) standard size copies and one eleven inch by seventeen inch (11" x 17") copy of the final plat, and eight (8) copies of the final improvement plans, each complete with all supporting documents as required herein, all provided in electronic format approved by the village.

..."

## **Section 3**

That Title 10, Subdivisions, Chapter 6, Construction, Inspection, and Utility Acceptance Procedure, be amended by changing Section 10-6-1, General Considerations, to provide as follows:

**"10-6-1: GENERAL CONSIDERATIONS:**

...

- (B) Improvements: The developer shall commence with, and continue diligently thereafter, with the construction and installation of the subdivision's public improvements upon approval by the board of trustees of a final plat of subdivision.

..."

#### **Section 4**

That Title 10, Subdivisions, Chapter 6, Construction, Inspection, and Utility Acceptance Procedure, be amended by changing Section 10-6-7, Term for Completion of Improvements, to provide as follows:

#### **10-6-7: TERM FOR COMPLETION OF PUBLIC IMPROVEMENTS:**

A developer shall complete all public improvements within two (2) years of the approval of the final plat of subdivision or within such alternative time-period as may be approved in writing by the board of trustees.

#### **Section 5**

That Title 10, Subdivisions, Chapter 6, Construction, Inspection, and Utility Acceptance Procedure, be amended by changing Section 10-6-8, Performance Guarantee Reduction, to provide as follows:

#### **10-6-8: PERFORMANCE GUARANTEE:**

- (A) Requirement. No later than the earlier of the Developer's instruction to the Village to record the final plat of subdivision or an application being submitted for a building permit for work in the subdivision other than preliminary grading or for the construction of public improvements, the Developer shall deliver to the Village a fully executed performance guarantee in the amount of one hundred twenty five percent (125%) of the total estimated costs of completion of all public improvements as determined by the village engineer, whether or not completed at such time. Such guarantee shall be subject to the approval of the village attorney, and shall be in one of the following forms: (a) an irrevocable letter of credit for the benefit of the Village; or (b) a cash escrow agreement or other financial assurance acceptable to the Village.
- (B) Letter of Credit Requirements. Each letter of credit shall be issued by a sound and reputable banking or financing institution authorized to do business in the State of Illinois in favor of the Village. The letter of credit shall specify that its purpose is to guarantee developer's completion of all public improvements of the subdivision as depicted in the final plat and site improvement plans approved by the Village. The letter of credit shall specify that said funds are available at the surety, to be drawn upon by the Village at sight, without notice to, or consent of, the developer. The letter of credit shall be valid and shall not expire for a minimum of two (2) years or such longer period as shall be jointly agreed. Notwithstanding the expiry date, the letter of credit shall provide that it shall not expire, and will continue to be valid and honored until, the later of the expiration date

or ninety (90) days after the Village receives prior written notice of said expiration by certified mail, return receipt requested. The letter of credit shall not be cancelled or released prior to its expiry date without the expressed written consent of the Village.

- (C) Reduction. All requests for reduction in amounts of performance guarantees shall be in writing and shall be filed with the village clerk, with a copy to the village administrator. Such requests shall include an itemized list of the work fully completed to date, costs associated with such, and certification from the developer and his project engineer that the public improvements included under the construction guarantee have been constructed in substantial compliance with the Village approved improvement plans and specifications. The village engineer shall inspect such improvements and costs, and if satisfactory, shall recommend any and all reductions to the amount of a performance guarantee in writing to the developer and to the board of trustees for final approval. No reduction, however, shall reduce the performance guarantee below the greatest of twenty five percent (25%) of the original guarantee or the cost to complete any remaining improvements as determined by the village engineer taking into account any increased costs of construction. Reduction in performance guarantee does not constitute formal acceptance of any part of the development and therefore does not mark the beginning of the required two (2) year warranty period for individual improvements.

## **Section 6**

That Title 10, Subdivisions, Chapter 6, Construction, Inspection, and Utility Acceptance Procedure, be amended by changing Section 10-6-12, Transmittal of Notice of Acceptance, to provide as follows:

**10-6-12: ACCEPTANCE OF IMPROVEMENTS:**

Once all items of the final punch list letter have been attended to or corrected to the satisfaction of the village engineer, but no sooner than the Village's receipt of a maintenance bond for the public improvements, the village engineer shall submit an approval letter to the board of trustees recommending acceptance of the public improvements. If not already done, the Village shall record the final plat of subdivision. The board of trustees shall accept any land dedicated on the final plat of subdivision, and any personal property conveyed by bill of sale, by resolution. The Village shall release any remaining balance of the developer's original performance guarantee upon acceptance of the public improvements. No public improvements shall be accepted until the developer delivers to the Village a maintenance bond therefor.

**Section 7**

That Title 10, Subdivisions, Chapter 6, Construction, Inspection, and Utility Acceptance Procedure, be amended by changing Section 10-6-13, Maintenance Warranty and Warranty Period, to provide as follows:

**10-6-13: WARRANTY PERIOD AND MAINTENANCE BOND:**

- (A) Warranty Period. The developer shall maintain all public improvements for a period of two (2) years after acceptance by the Village.
- (B) Maintenance Bond. The developer’s obligation to maintain all public improvements for a period of two (2) years shall be secured by a performance guarantee in substantially similar form as the original performance guaranty in the amount of twenty five percent (25%) of the original performance guarantee. Such guarantee shall be subject to the approval of the village attorney, and shall be in one of the following forms: (a) an irrevocable letter of credit for the benefit of the Village valid for a period of not less than two (2) years; or (b) a cash escrow agreement or other financial assurance acceptable to the Village.

**Section 8**

That Title 10, Subdivisions, Chapter 6, Construction, Inspection, and Utility Acceptance Procedure, be amended by changing Section 10-6-14, Record Drawings, to provide as follows:

**“10-6-14: RECORD DRAWINGS:**

...

- (C) The record drawings furnished to the village by the developer shall consist of one set of reproducible Mylar drawings, two (2) sets of prints or copies, and in an electronic format approved by the village. Record drawings shall be received prior to the release of the performance guarantee.

...”

**Section 9**

If any section, paragraph, clause or provision of this ordinance shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this ordinance.

**Section 10**

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed insofar as they conflict herewith.

**Section 11**

This ordinance shall be immediately in full force and effect after passage and approval as provided by law.

PASSED by the President and Board of Trustees of the Village of Manteno, Illinois and deposited in the office of the Village Clerk this 18<sup>th</sup> day of December, 2017.

DEPOSITED with the Village Clerk  
this 18<sup>th</sup> day of December, 2017.

*Robin Batka by Darla Henley, Deputy VC*  
ROBIN BATKA, Village Clerk

APPROVED by me this 18<sup>th</sup>  
day of December, 2017.

*Timothy O. Nugent*  
TIMOTHY O. NUGENT, Village President