

CITY OF BELVIDERE, ILLINOIS

ORDINANCE #675H

AN ORDINANCE ESTABLISHING RECAPTURE FOR THE CONSTRUCTION OF WATER MAINS IN HAWKEY
DRIVE FROM INDY DRIVE TO IRENE ROAD AND IN IRENE ROAD FROM HAWKEY DRIVE TO THE UNION
PACIFIC RAIL ROAD

PASSED AND ADOPTED

BY THE CITY COUNCIL

OF THE CITY OF

BELVIDERE, ILLINOIS

ON THE 6th DAY OF MAY 2024.

APPROVED BY THE

MAYOR OF THE CITY OF

BELVIDERE, ILLINOIS

ON THE 8th DAY OF MAY, 2024.

Published in Pamphlet Form this 8th day of May2024.

ORDINANCE #675H
AN ORDINANCE ESTABLISHING
RECAPTURE FOR THE CONSTRUCTION OF WATER
MAINS IN HAWKEY DRIVE FROM INDY DRIVE
TO IRENE ROAD AND IN IRENE ROAD
FROM HAWKEY DRIVE TO THE UNION PACIFIC RAIL ROAD

WHEREAS, the City of Belvidere (the City) constructed, or caused to be constructed, certain improvements (the Improvements) consisting of extension of the City's Water System in Hawkey Drive from Indy Drive to Irene Road and in Irene Road to the Union Pacific Rail Road; and

WHEREAS, the total cost of constructing the Improvements was \$806,677.75 (the Recapture Amount); and

WHEREAS, the Improvements will benefit parcels fronting Hawkey Drive from Indy Drive to Irene Road and parcels fronting upon Irene Road from Hawkey Drive to the Union Pacific Rail Road as shown on the attached Exhibit A (the Benefited Properties), which Exhibit A is incorporated herein by this reference.

NOW THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Belvidere, Boone County, Illinois, as follows:

SECTION 1: The foregoing recitals are incorporated herein by this reference.

SECTION 2: The Corporate Authorities find that the Benefited Properties have benefited or will benefit from the Improvements. In the event any of the Benefited Properties are sub-divided or split in the future, each new property shall also be considered a Benefited Property. The Benefited Properties shall pay a Recapture Fee for a proportionate share of constructing the Improvements.

SECTION 3: The Corporate Authorities find that the most equitable method of assessing the Recapture Amount is on a "front foot" basis based upon each of the Benefited Properties' linear frontage upon Hawkey Drive and Irene Road as shown in Exhibit A. The front foot recapture fee (the Recapture Fee) shall, as of the date of this Ordinance, be \$168.13 per linear foot of frontage upon Irene Road or Hawkey Drive as described in the Recitals and Exhibit A. The Recapture Fee shall be adjusted annually (May 1) in accordance with the Construction Cost Index.

SECTION 4: The City of Belvidere shall collect, and each Benefited Property shall pay to the City of Belvidere, the applicable Recapture Fee upon the earliest to occur of: 1) prior to approval of any plat of subdivision or planned unit development; 2) prior to issuance of any building permit by the City of Belvidere for any structure on the Benefited Property; or 3) prior to any connection to the City's water system. The owner(s) of any Benefited Property may pre-pay the

Recapture Fee without penalty if they so choose. The Corporate Authorities may modify the payment obligations of the Recapture Fee set forth in this Ordinance through the approval of any annexation agreement or development agreement adopted and approved by the Corporate Authorities without amending this Ordinance.

SECTION 5: In the event a Recapture Fee is not paid when due and owing, any of the above approvals may, at the option of the City of Belvidere, be deemed void. Further, the Recapture Fee shall become a lien upon the Property and the City may proceed to collect the Recapture Fee by an action at equity or law against the then current owners of the relevant Benefited Property.

SECTION 6: If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.

SECTION 7: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 8: This Ordinance shall be in full force and effect from and after its passage and publication in pamphlet form as required by law which publication is hereby authorized.

Voting Aye: Gramkowski, McGee, Snow, Stevens, Albertini, Brereton, Fleury and Frank.
Voting Nay: None.
Abstain: None.
Absent: Mulhall and Freeman.

APPROVED:


Mayor Clinton Morris

ATTEST:


City Clerk Sarah Turnipseed

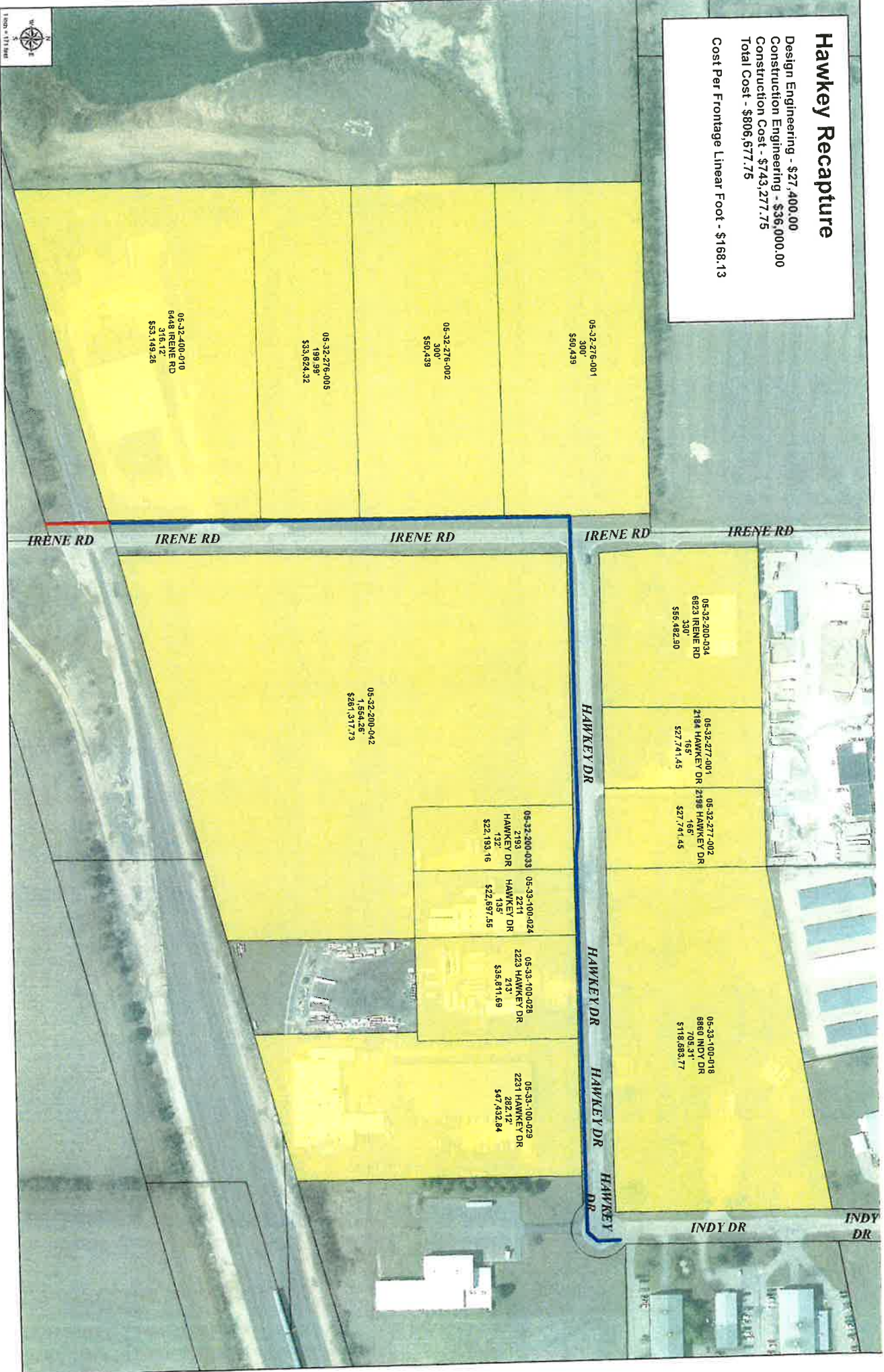
(SEAL)

Passed: May 6, 2024
Approved: May 8, 2024
Published: May 8, 2024

Hawkey Recapture

Design Engineering - \$27,400.00
 Construction Engineering - \$36,000.00
 Construction Cost - \$743,277.75
 Total Cost - \$806,677.75

Cost Per Frontage Linear Foot - \$168.13



AFFIDAVIT

STATE OF ILLINOIS)
)
COUNTY OF BOONE)

Sarah Turnipseed, first being duly sworn on oath deposes and says as follows:

By authority of the City Council of the City of Belvidere, Illinois, I published Ordinance #675H of the City of Belvidere, Illinois, in pamphlet form on May 8, 2024, and as a convenience for the public; I posted the pamphlet form of Ordinance #675H on the bulletin board in the lobby of Belvidere City Hall at 401 Whitney Blvd., Belvidere, Illinois; said location being readily accessible to the public during business hours of the City Clerk's office.



Sarah Turnipseed
City Clerk

SUBSCRIBED AND SWORN TO BEFORE ME
this 8th day of May, 2024.



Notary Public