

VILLAGE OF LOMBARD
REQUEST FOR BOARD OF TRUSTEES ACTION
For Inclusion on Board Agenda

 X Resolution or Ordinance (Blue) X Waiver of First Requested
 Recommendations of Boards, Commissions & Committees (Green)
 Other Business (Pink)

TO: PRESIDENT AND BOARD OF TRUSTEES
FROM: Scott Niehaus, Village Manager
DATE: December 6, 2019 (COW) (B of T) **Date:** December 19, 2019
TITLE: Repeal of Ordinance 1267 Regarding Fairview Sanitary Lift Station Connection Fees
SUBMITTED BY: David Gorman, Assistant Director of Public Works *DG*

BACKGROUND/POLICY IMPLICATIONS:

A proposed ordinance to repeal Ordinance 1267 dating from 1967 pertaining to sanitary connection fees in the Fairview Avenue Sanitary Lift Station sewershed.

FISCAL IMPACT/FUNDING SOURCE:

Review (as necessary):
Village Attorney X _____ Date _____
Finance Director X _____ Date _____
Village Manager X _____ Date _____

NOTE: All materials must be submitted to and approved by the Village Manager's Office by 12:00 noon, Wednesday, prior to the Agenda Distribution.



MEMORANDUM

TO: Scott A. Niehaus, Village Manager

THROUGH: Carl Goldsmith, Director of Public Works *g*

FROM: David Gorman, PE, Asst. Director of Public Works *DG*

SUBJECT: **Repeal of 1967 Fairview Sanitary Lift Station Fees Ordinance**

DATE: December 4, 2019

Staff has become aware of an ordinance from 1967 that warrants repealing. As such, the attached draft ordinance has been prepared by the Village Attorney for that purpose.

Background:

Ordinance 1267 had levied sanitary connection fees for properties tributary to the then-newly constructed Fairview Avenue Sanitary Lift Station. Those fees have been superseded by more recently enacted sanitary connection fees.

The ordinance had not included an expiration date, as is currently the practice. As a result, it is clouding titles, including for a possible redevelopment of the parcel at 850 E. Roosevelt Road. That development proposal will be heard by the Plan Commission in late January. Therefore, repealing the ordinance before then will help facilitate that project.

The Director of Finance has verified that there are no outstanding levies due for Ordinance 1267.

Recommendation:

Staff recommends that the Board of Trustees vote to approve the ordinance that will repeal the 1967 ordinance.

CG/DG:dg BOT Memo.doc

attachments: draft repeal ordinance and Ordinance 1267

cc: William J. Heniff, Community Development Director

RECORDED
DU PAGE COUNTY

JUN 13 11 00 AM '69

R69-25930

Gay R. Rapp

ORDINANCE NO. 1267

AN ORDINANCE PROVIDING FOR THE
COLLECTION OF CERTAIN FEES AND
COSTS IN CONNECTION WITH THE
OVERSIZED CONSTRUCTION OF THE
SANITARY SEWAGE LIFT STATION
ON FAIRVIEW.

WHEREAS, The Village of Lombard has caused to be constructed for the primary use of certain areas within or near the Village a sanitary sewer lift station, on Fairview Avenue seventy-five feet (75') south of the South Right-of-way of Cherry Lane on Lot 84 of Old Grove Subdivision Unit No. 1 in the Southwest Quarter of Section 16, Township 39 North, Range 11 East of the Third Principal Meridian, of a size larger than presently needed in anticipation of future development; and

WHEREAS, The Village of Lombard has heretofore paid the sum of Twenty-nine Thousand Two Hundred and Ninety-three and 56/100ths (\$29,293.56) Dollars for the oversizing of said lift station; and

WHEREAS, Any sewer developments in the area bounded by Hammerschmidt, Wilson and Wisconsin Avenues and Roosevelt Road, excluding Lombard Parkview Unit No. 1 and Old Grove Subdivision, but including the South frontage lots on Roosevelt Road from Grace Street to Wisconsin Avenue, which would be benefited by such oversizing should equitably share in the cost of said construction,

NOW, THEREFORE, BE IT ORDAINED By the President and Board of Trustees of the Village of Lombard, Du Page County, Illinois that:

Section 1. There shall hereafter be levied against all properties desiring connection to any sanitary sewer facilities utilizing the aforescribed lift station a connection charge based on the following scale:

a.) if zoned as single family residential

subdivided - \$25.00 per connection

not subdivided - \$100.00 rate per acre computed on the actual area and prorated on the same charge.

574

R69-25930

b.) is zoned as multiple family residential

\$25.00 for each primary connection + \$7.50 for each living unit over one, served by the connection.

c.) if zoned for Business, or Industrial, or Institutional purposes

\$100.00 rate per acre computed on the actual area.

Such Zoning specifications shall be those of the Village of Lombard Zoning Ordinance, as amended from time to time, at the time of the connection unless otherwise stipulated by the Director of Building and Zoning.

Section 2. Such fees shall be paid to the Sewer Fund of the Village of Lombard before a building permit shall be issued by the Village Director of Building and Zoning.

Section 3. Such fees shall be in addition to the regular connection fees charged in accordance with Ordinance Number 1235.


Section 4. This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

Passed and approved this 5th day of June A.D. 1957 by the President and Board of Trustees of the Village of Lombard, Du Page County, Illinois.

APPROVED: Lester H. Bergmann
Lester H. Bergmann
Village President

ATTEST:

Rudy P. Centofanti
Rudy P. Centofanti
Village Clerk



Ayes: _____

Nays: _____

Approved as to form:
Stanley A. Kula
Stanley A. Kula
Village Attorney



R69-25930

Rosalie Fleege, upon being duly sworn, deposes and says that she is the duly appointed Deputy Clerk of the Village of Lombard, a municipal corporation of the State of Illinois and that, as such, she is familiar with the acts and doings of the Village Board of the said Village of Lombard, and that the above and foregoing is a true and correct copy of certain Ordinance No. 1267 providing for the collection of certain fees and costs in connection with the oversized construction of the sanitary sewage lift station on Fairview, which was passed and approved by the President and members of the Board of Trustees of the Village of Lombard on the 5th day of June A.D. 1967.



Rosalie Fleege
Deputy Village Clerk

ORDINANCE NO. _____

**AN ORDINANCE REPEALING ORDINANCE NO. 1267,
ADOPTED JUNE 5, 1967, ENTITLED,
"AN ORDINANCE PROVIDING FOR THE COLLECTION OF CERTAIN FEES
AND COSTS IN CONNECTION WITH THE OVERSIZED CONSTRUCTION
OF THE SANITARY SEWER LIFT STATION ON FAIRVIEW,"
AS RECORDED ON JUNE 13, 1969, WITH THE DUPAGE COUNTY
RECORDER'S OFFICE, AS DOCUMENT NUMBER R69-25930**

BE IT ORDAINED by the President and Board of Trustees of the Village of Lombard, DuPage County, Illinois, as follows:

SECTION 1: That Ordinance No. 1267, adopted June 5, 1967, entitled, "An Ordinance Providing For The Collection Of Certain Fees And Costs In Connection With The Oversized Construction Of The Sanitary Sewer Lift Station On Fairview," as recorded on June 13, 1969, with the DuPage County Recorder's Office, as document number R69-25930, is hereby repealed, and shall be of no further force or effect.

SECTION 2: That the Director of Community Development is directed to record a certified copy of this Ordinance with the DuPage County Recorder's Office.

SECTION 3: That this Ordinance shall be in full force and effect from and after its passage and approval, as provided by law.

Passed on first reading this _____ day of _____, 20__.

First reading waived by action of the Board of Trustees this ___ day of _____, 20__.

Passed on second reading this _____ day of _____, 20__, pursuant to a roll call vote as follows.

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED by me this _____ day of _____, 20__.

Keith Giagnorio, Village President

ATTEST:

Sharon Kuderna, Village Clerk