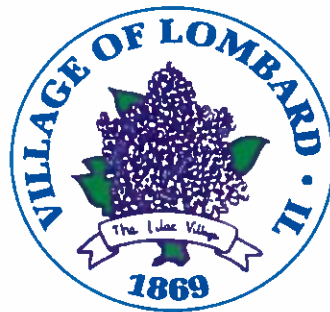



**ORDINANCE 7159
PAMPHLET**

**ORDINANCE AMENDMENT TO CHAPTER 151 OF THE VILLAGE CODE –
LIEN PROVISIONS FOR STORMWATER VARIANCES**



PUBLISHED IN PAMPHLET FORM THIS 18th DAY OF DECEMBER, 2015, BY ORDER
OF THE CORPORATE AUTHORITIES OF THE VILLAGE OF LOMBARD, DUPAGE
COUNTY, ILLINOIS.


Sharon Kuderna
Village Clerk

ORDINANCE 7159

**AN ORDINANCE AMENDING
ORDINANCE NO. 5211, ADOPTED NOVEMBER 7, 2002,
IN REGARD TO THE GRANTING OF A VARIATION
FROM THE PROVISIONS OF CHAPTER 151, SECTION 151.55
OF THE LOMBARD VILLAGE CODE IN REGARD TO
THE STORMWATER DETENTION/RETENTION BASIN REQUIREMENT**

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

SECTION 1: That Section 3.C. of Ordinance No. 5211, adopted November 7, 2002, is amended to read in its entirety as follows:

“C. Pursuant to Section 151.57(J) of the Lombard Village Code, a lien, in the form attached hereto as Exhibit A and made part hereof, in the amount of \$14,408.18 shall be recorded by the Village, in lieu of the payment of the applicable detention variance fee. The amount of said lien is based on the Village’s Detention Variance Fee Program (Section 151.57 of the Lombard Village Code). Said lien shall guarantee that either:

- (i) the driveway pavement and at least 4½ inches of base stone shall be removed, and the area restored with 6 inches of topsoil and seed, so as to eliminate the need for the variance; or
- (ii) proper site stormwater runoff storage requirements for the property referenced in Section 2 above (the “Subject Property”) are provided, so as to eliminate the need for the variance; or
- (iii) the variance fee of \$14,408.18 is paid to the Village by the owner of the Subject Property, which shall be a non-refundable deposit into the Village’s Salt Creek Watershed Improvements Account;

on or before December 31, 2020, or no further building or other permits will be issued by the Village relative to the Subject Property, or in relation to any other property served by the structure (the paved driveway) on the Subject Property. Notwithstanding the foregoing, a sale of the Subject Property, prior to December 31, 2020, shall require that one of the actions set forth in subsections (i), (ii) or (iii) above take place, before any building or other permits are issued by the Village relative to the Subject Property, or in relation to any other property served by the structure (the paved driveway) on the Subject Property.”

SECTION 2: That Section 3 of Ordinance No. 5211, adopted November 7, 2002, is amended by adding a new subsection E. thereto, which shall read in its entirety as follows:

“E. For purposes of subsection C. above, the other property, served by the structure (the paved driveway) on the property described in Section 2 above, is legally described as follows:

THE EAST 20 FEET OF LOT 6 AND ALL OF LOTS 7, 8, 9 AND 10 IN BLOCK 1 IN LOMBARD HEIGHTS, BEING A SUBDIVISION OF PART OF THE NORTHEAST 1/4 OF SECTION 5, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 28, 1953 AS DOCUMENT 704195 AND CERTIFICATE OF CORRECTION FILED JUNE 9, 1955 AS DOCUMENT 760296, IN DUPAGE COUNTY, ILLINOIS;

PIN: 06-05-200-015;

Common Address: 415 E. North Avenue, Lombard, Illinois 60148.”

SECTION 3: That Ordinance No. 5211, adopted November 7, 2002, is hereby amended by attaching an Exhibit A thereto, which shall read the same as Exhibit A attached hereto and made part hereof.

SECTION 4: That upon the recording of the lien referenced in Section 1 above, and attached hereto as Exhibit A, the \$14,408.18 currently on deposit with the Village, representing the stormwater detention variance fee previously paid relative to Ordinance No. 5211, adopted November 7, 2002, shall be returned to the individual or entity that previously paid said amount to the Village.

SECTION 5: That all other provisions of Ordinance No. 5211, adopted November 7, 2002, not amended hereby, shall remain in full force and effect.

SECTION 6: That this Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form, as provided by law.

Passed on first reading this ____ day of ____, 2015.

First reading waived by action of the Board of Trustees this 17th day of December, 2015.

Passed on second reading this 17th day of December, 2015.

Ayes: Trustee Whittington, Fugiel, Foltyniewicz, Johnston, Pike and Ware

Nays: None

Absent: None

Approved this 17th day of December, 2015.




Keith T. Giagnorio
Village President

ATTEST:



Sharon Kuderna
Village Clerk

Published by me in pamphlet form on this 18th day of December, 2015.



Sharon Kuderna
Village Clerk

Exhibit A

Stormwater Detention Variance Fee Lien

(attached)

STORMWATER DETENTION VARIANCE FEE LIEN

I, Scott Niehaus, Village Manager for the Village of Lombard, DuPage County, Illinois (the "Village"), hereby certify that, pursuant to Section 151.57(J) of the Lombard Village Code, and Village of Lombard Ordinance No. 5211, adopted November 7, 2002, as amended by Village of Lombard Ordinance No. 7159, adopted December 17, 2015, (the "Legal Requirements"), the Village has granted a stormwater detention variance (the "Detention Variation") to the owner of the below-described property, Oxford Bank & Trust, as Trustee under Trust Agreement dated March 21, 1997, and known as Trust #550 (the "Property Owner"), relative to the below-described property:

Lot 1 in Hughes' Resubdivision of Lots 1, 2, 3, 4, 5 and 6 (except the East 20.0 feet of said Lot 6) in Block 1 in "Lombard Heights," a Subdivision of part of the Northeast quarter of Section 5, Township 39 North, Range 11, East of the Third Principal Meridian, lying North of the North line of the Subdivision entitled Lombard Vista, as Document 243024, according to the plat of said "Lombard Heights" recorded December 28, 1953 as Document 704195 and Certificate of Correction recorded June 9, 1955 as Document 760296, in DuPage County, Illinois;

PIN: 06-05-200-014;

Common Address: 451 E. North Avenue, Lombard, Illinois 60148;

(the "Subject Property").

That, by reason of the foregoing, and pursuant to the provisions of the Legal Requirements, a lien in the amount of Fourteen Thousand Four Hundred Eight and 18/100 Dollars (\$14,408.18), on behalf of the Village, is hereby declared against the Subject Property; said dollar amount representing the stormwater detention variance fee required by Section 151.57 of the Lombard Village Code (the "Lien").

In regard to said Lien:

- A. Upon the payment of the amount of said Lien to the Village, the removal of the structure (the paved driveway) necessitating the Detention Variation from the Subject Property, or the providing of the required site stormwater runoff storage requirements for the Subject Property, the Lien will be released.
- B. In the event that the Property Owner fails to remove the structure (the paved driveway) necessitating the Detention Variation from the Subject Property, so as to eliminate the need for the Detention Variation, or fails to provide the site stormwater runoff storage requirements for the Subject Property, by December 31, 2020, the amount of the Lien shall be due and payable to the Village, and no further building or other permits will be issued relative to said Subject Property, or

in relation to the adjacent property served by the structure (the paved driveway) on the Subject Property, until the amount of the Lien is paid. Said adjacent property, which is also owned by the Property Owner, is described as follows:

The East 20 feet of Lot 6 and all of Lots 7, 8, 9 and 10 in Block 1 in Lombard Heights, being a Subdivision of part of the Northeast 1/4 of Section 5, Township 39 North, Range 11, East of the Third Principal Meridian, according to the plat thereof recorded December 28, 1953 as Document 704195 and Certificate of Correction filed June 9, 1955 as Document 760296, in DuPage County, Illinois;

PIN: 06-05-200-015;

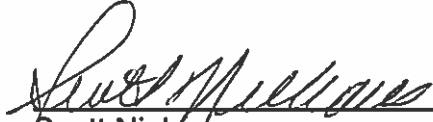
Common Address: 415 E. North Avenue, Lombard, Illinois 60148;

(the "Adjacent Property").

- C. A sale of the Subject Property, prior to December 31, 2020, shall require the payment of the amount of the Lien, the removal of the structure (the paved driveway) necessitating the Detention Variation from the Subject Property, or the provision of the required site stormwater runoff storage requirements for the Subject Property, before any building or other permits are issued by the Village relative to the Subject Property or the Adjacent Property.

Dated this 17th day of December, 2015.

VILLAGE OF LOMBARD



Scott Niehaus
Village Manager

CERTIFICATION

STATE OF ILLINOIS)
)SS
COUNTY OF DuPAGE)

I, the undersigned, a Notary Public, in and for the County and State aforesaid, DO HEREBY CERTIFY that the above-named Scott Niehaus, personally known to me to be the Village Manager of the Village of Lombard, Illinois (the "Village"), and also known to me to be the same person whose name is subscribed to the foregoing instrument as such Village Manager, appeared before me this day in person and acknowledged that, as such Village Manager, he signed and delivered the signed instrument, pursuant to authority given by said Village, as his free and voluntary act, and as the free and voluntary act and deed of said Village, for the uses and purposes therein set forth.

GIVEN under my hand and Notary Seal, this 17th day of December, 2015.



Karen I Ellis
Notary Public

Approved and consented to by OXFORD BANK & TRUST, AS TRUSTEE UNDER TRUST AGREEMENT DATED MARCH 21, 1997, AND KNOWN AS TRUST #550, the legal owner of record of the Subject Property and the Adjacent Property, this ____ day of _____, 201__.

By: _____
Name: _____
Title: _____

ATTEST:

Name: _____
Title: _____

CERTIFICATION

STATE OF ILLINOIS)
) SS
COUNTY OF DuPAGE)

I, the undersigned, a Notary Public, in and for the County and State aforesaid, DO HEREBY CERTIFY that the above-named _____ and _____, personally known to me to be Trust Officers at Oxford Bank & Trust (the "Bank"), and also known to me to be the same persons whose names are subscribed to the foregoing instrument as such Trust Officers, appeared before me this day in person and severally acknowledged that, as such Trust Officers, they signed and delivered the signed instrument, pursuant to authority given by said Bank, as their free and voluntary act, and as the free and voluntary act and deed of said Bank, for the uses and purposes therein set forth.

GIVEN under my hand and Notary Seal, this ____ day of _____, 201__.

Notary Public