

**VILLAGE OF VIRGIL**

**ORDINANCE NO. 96-02**

**SUBDIVISION REGULATIONS**

**ADOPTED BY THE  
PRESIDENT AND BOARD OF TRUSTEES  
OF THE  
VILLAGE OF VIRGIL**

THIS 14th DAY OF March, 1996

Published in pamphlet form by authority of the President and Board of Trustees of the Village of Virgil, Kane County, Illinois.

March 14, 1996.

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**BE IT ORDAINED** by the President and Board of Trustees of the Village of Virgil, Kane County, Illinois, that the Subdivision Regulations Ordinance of the Village of Virgil be as follows:

**AN ORDINANCE** establishing regulations for the subdivision and platting of land; defining certain terms used therein; providing for the preparation of plats; for the dedication and acceptance of land for public use; for the installation of utilities, roadway pavements, and other essential improvements; establishing procedures for the approval and recording of plats in the Village and within the Village's planning jurisdiction; providing for the imposition of plat approval fees; providing for the means of its enforcement and for the imposition of penalties for its violation; in accordance with authority vested in the municipality under the provisions of the applicable statutes of the State of Illinois, be and hereby is adopted as follows:

## **ARTICLE I. TITLE, PURPOSE AND JURISDICTION**

### **1.1 TITLE**

This ordinance shall be known, referred to, and cited as *The Village of Virgil Subdivision Regulations*.

### **1.2 PURPOSE AND JURISDICTION**

Because each new subdivision accepted by the Village becomes a permanent unit in the basic physical structure of the community, and to which the future community will, of necessity, be forced to adhere, all subdivisions hereafter planned within the Village and within the Village's planning jurisdiction, shall, in all respects, be in full compliance with the regulations contained in this ordinance. These regulations are designed to—

- (1) provide for the orderly and harmonious development of the Village in accordance with sound planning and development policies and to otherwise promote the realization of the Official Comprehensive Land Use Plan of the Village of Virgil;
- (2) assure adequate light, air and privacy, secure safety from fire, flood and other danger, and preserve the historic character, identity and natural beauty of the Village;
- (3) assure the coordination of streets within new subdivisions with other existing or planned streets and the safe circulation of traffic;
- (4) provide for an adequate water supply, sewage disposal and treatment, schools, parks, playgrounds, recreation and other public requirements;

- (5) prevent the pollution of air and surface waters, assure the adequacy of drainage facilities, safeguard groundwater supplies, and encourage the wise use and management of natural resources;
- (6) protect historic sites, natural areas, and wildlife habitats;
- (7) establish reasonable standards of design and procedures for subdivisions; further the orderly layout and use of land, and insure proper legal descriptions and monumenting of subdivided land.

**ARTICLE II. RULES AND DEFINITIONS**

**2.1 RULES OF CONSTRUCTION**

In this ordinance—

- (1) the singular number includes the plural and the singular unless the context clearly provides otherwise;
- (2) the present tense includes the past and future tenses and the future includes the present;
- (3) the word “shall” is mandatory while the word “may” is permissive;
- (4) the masculine gender includes the feminine and neuter;

**2.2 DEFINITIONS**

The following definitions shall apply in the interpretation and enforcement of this ordinance:

**2.2-1 Alley.**

A right-of-way which affords secondary means of access to properties abutting upon a street and is not intended for general traffic circulation.

**2.2-2 Applicant.**

Any person who applies for approval of a subdivision under this ordinance.

**2.2-3 Arterial Street.**

A major street or thoroughfare intended to serve as a large volume traffic-way for the region beyond the Village.

**2.2-4 Block.**

A tract of land bounded by streets or by a combination of one or more streets and parks, cemeteries, railroad rights-of-way, shore lines of waterways, other permanent open space, or the corporate limit of the Village.

**2.2-5 Building Official.**

The Building Official of the Village, or his or her duly authorized representative.

**2.2-6 Building Setback Line.**

A line within a lot or other parcel of land established in accordance with the Zoning Ordinance that establishes the closest point at which a building may be placed in reference to the lot line.

**2.2-7 Collector Street.**

A street which carries traffic from minor streets to an arterial street, including the principal entrance streets of residential developments and the principal circulating street within such developments.

**2.2-8 Construction Guarantee.**

A certificate of deposit, cash, or irrevocable letter of credit or other good and sufficient security approved by the Village Board given to guarantee the proper installation of land improvements.

**2.2-9 Cul-de-sac.**

A minor street with only one outlet and a permanent vehicular turnaround.

**2.2-10 Easement.**

A grant by a property owner for the use of a strip or area of land by the general public, a corporation, or certain persons for a specific purpose or purposes.

**2.2-11 Engineer, Design.**

A professional engineer, registered and licensed as such in the state, employed by the subdivider as the person responsible for design of engineering plans and specifications for a project or subdivision.

**2.2-12 Engineer, Project.**

A professional engineer, registered and licensed as such in the state, employed by the subdivider as the person responsible for assuring that the site improvements are constructed and/or installed according to approved plans and specifications and according to good engineering practice.

**2.2-13 Engineering Plans.**

The drawings of all required land improvements prepared by the design engineer and all accompanying information described in Article IV.

**2.2-14 Final Plan.**

A map or plan of a subdivision and any accompanying material including the final plat, as described in Article IV.

**2.2-15 Frontage Street.**

A minor street which is parallel and adjacent to an arterial street, and which provides access to abutting properties and protection from through traffic.

**2.2-16 Half Street.**

A street bordering one or more boundary lines of a tract of land in which the subdivider has allocated but part of the ultimate right-of-way width.

**2.2-17 I.E.P.A.**

The Illinois Environmental Protection Agency.

**2.2-18 I.D.O.T.**

The Illinois Department of Transportation.

**2.2-19 J.U.L.I.E.**

The Joint Utility Location Information for Excavators.

**2.2-20 Land Improvements.**

All required on-site and off-site subdivision improvements including but not limited to public or private streets, street lighting, street signs, excavation, filling and grading, surface and subsurface drainageways and facilities, retention and detention basins, soil erosion control, community water distribution systems, and treatment facilities, pedestrian and bicycle paths and required landscaping improvements.

**2.2-21 Landscaping Improvements.**

All landscaping improvements required under this ordinance, the Zoning Ordinance, or under any pre-annexation agreement, as applicable.



**2.2-22 Lot.**

A portion of a subdivision or other parcel of land intended for transfer of ownership or for building development. The area of any lot shall not include any part of the right-of-way of adjoining streets, roads or alleys.

**2.2-23 Minor Street.**

A street of limited continuity used primarily for access to abutting properties and the local needs of a neighborhood.

2.2-24 "*minor subdivision*" means any subdivision containing not more than four lots that (a) does not involve the construction of any new public roads or easements of access, or the extension of any municipal facilities, or the construction or installation of any substantial stormwater facilities or other substantial improvements, (b) does not adversely affect the development of adjoining property; and (c) does not conflict with any provision of the Official Plan, the Zoning Ordinance or these Subdivision Regulations, all as determined by the Plan Commission.

Ord. No. 2002-06 effective 11/14/02

**2.2-24 Official Plan.**

Refers to the composite of the functional and geographical elements of the Official Comprehensive Land Use Plan of the Village, or any segment thereof, in the form of plans, maps, charts, and textual material, as adopted by the Village pursuant to the applicable statutes of the State of Illinois.

**2.2-25 Open Space.**

Any parcel or area of land or water set aside, dedicated, designated or reserved for either passive or active recreational use. Public open space is any such parcel or area owned or leased, operated, and maintained by a political jurisdiction. Private open space is any such area or parcel under private ownership and management.

**2.2-26 Owner.**

Any person having legal title to the land sought to be developed as a subdivision under this ordinance.

**2.2-27 Parkway.**

An unpaved strip of land situated within the street right-of-way or easement.

**2.2-28 Pedestrian or Bicycle Way.**

A right-of-way or easement across, within or on the border of a subdivision, for use by pedestrian or bicycle traffic whether designated as a pedestrian way, bicycle way, crosswalk, or otherwise

**2.2-29 Person.**

Person means any natural person, firm, partnership, corporation, limited liability company, limited liability partnership, limited partnership, trust, beneficiary, or any combination of one or more of any of the foregoing.

**2.2-30 Plan Commission.**

The Plan Commission of the Village.

**2.2-31 Planned Unit Development (PUD).**

A parcel of land or contiguous parcels of land of a size sufficient to create its own environment, controlled by a single landowner or by a group of landowners in common agreement as to control, to be developed as a single entity, and the environment of which is compatible with adjacent parcels; the developer or developers may be granted relief from specific land-use regulations and design standards in return for assurances of an overall quality of development, including any specific features which will be of exceptional benefit to the Village as a whole.

**2.2-32 Preliminary Plan.**

A tentative map or plan of a proposed subdivision and all accompanying information as described in Article IV.

**2.2-33 Private Street.**

A street shown on the plat of subdivision to be utilized and dedicated to a homeowners' association for vehicular traffic and ingress or egress, which is not shown or intended to be dedicated to the public or accepted by the Village.

**2.2-34 Right-Of-Way**

A strip of land dedicated to the public or reserved for private use and occupied or intended to be occupied by, without limitation, a street, crosswalk, railroad, electric transmission line, oil or gas pipeline, fiber optic or cable television cable, water main, sanitary or storm sewer main or drain, or for another special use. The usage of the term "right-of-way" for land platting purposes in the Village shall mean every right-of-way hereafter established and shown on a final plat and shall be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions of areas of such lots or parcels. Right-of-way intended for street, crosswalks, water mains, sanitary sewers, storm sewers or drains, or any other use involving maintenance by a public entity, shall be dedicated to public use by the maker of the plat on which such right-of-way is established.

**2.2-35 Stockpile.**

Any accumulation of earth or other material excavated from any site or lot within a subdivision and remaining on such lot or another lot or site in the subdivision following excavation.

**2.2-36 Street.**

An improved public or private right-of-way or easement which affords a primary means of vehicular access to abutting properties, whether designated as a street, avenue, highway, road, boulevard, or lane, or otherwise, but excepting driveways to buildings.

**2.2-37 Subdivision.**

Subdivision includes divisions of land to which the Plat Act applies (765 ILCS 205/0.01 *et seq.*), and includes all planned unit developments, whether residential, commercial or otherwise in nature, and any other developments whether a subdivision is required or not, under the laws statutes, ordinances, or regulations of the governmental body or agency having jurisdiction or control, and regardless of whether the same is labeled a subdivision or not, it being the intent of this ordinance that it apply to all types of development, both within the Village and within the Village's planning jurisdiction, all of which are herein collectively referred to as subdivisions.

**2.2-38 Subdivision Design Standards.**

The basic land-planning and engineering principles established as guides for the preparation of preliminary and final plans.

**2.2-39 Swale.**

A ditch or surface drainage channel meeting certain specific criteria as established herein for the surface movement of storm water.

**2.2-40 Village.**

The Village of Virgil, Kane County, Illinois.

**2.2-41 Village Attorney.**

The person designated by the Village Board to serve as the Village's legal representative.

**2.2-42 Village Board.**

The President and Board of Trustees of the Village of Virgil, Illinois.

**2.2-43 Village Clerk.**

The Clerk of the Village.

**2.2-44 Village Engineer.**

Such person or firm designated by the Village Board to serve as the Village's engineering representative.

**2.2-45 Village's Planning Jurisdiction.**

The unincorporated area within 1½ miles of the corporate limits of the Village.

**2.2-46 Watershed.**

That land area from which all runoff from rainfall would eventually reach the point in question by flowing over the surface of the ground or through existing stormwater improvements.

**2.2-47 Wetlands.**

Wetlands shall be identified and delineated in accordance with the methodology stated in the currently applicable Federal technical manual usually entitled, *Federal Manual for Identifying and Delineating Jurisdictional Wetlands* as revised or amended, developed by the U.S. Army Corps of Engineers, the U.S. Fish and Wildlife Service, and the U.S.D.A. Soil Conservation Service.

**2.2-48 Zoning Ordinance.**

The Zoning Ordinance of the Village, Ordinance No. 91-12 effective as amended.

**ARTICLE III. PROCEDURES**

Before subdividing any tract or parcel of land within the Village or within the Village's planning jurisdiction, an owner shall submit a preliminary plan, final engineering plans and a final plan to be acted upon by the Village in accordance with the following procedures:

## **3.1 CONCEPT PLAN**

### **3.1-1 Purpose and intent**

The purpose and intent of the concept plan stage is to provide information to help the Village and the prospective applicant appraise the desirability and feasibility of a development concept according to the development plans and policies of the Village, the Village's official comprehensive plan, and existing and projected development conditions and activities within the Village. The concept plan stage encourages the discussion of basic issues and questions related to the development proposal. The concept plan stage will include citizen participation to gain input from the community at the beginning stages of any development review process in order to assist the prospective applicant and the Village in defining the conditions under which permanent changes in land use may occur with minimum intrusion on the natural and economic resources of the Village.

### **3.1-2 Voluntary; payment of fees and expenses; non-binding**

The concept plan stage is a voluntary pre-application process. A prospective applicant may, but need not, file a concept plan and request concept plan review. Accordingly, a prospective applicant's filing of a concept plan and request for concept plan review constitutes the prospective applicant's acknowledgment of and express agreement to the following:

(1) The concept plan stage is an indeterminate process. Meetings and workshop sessions are scheduled as needed. The prospective applicant may terminate the process at any time by so advising the Village or by filing a formal application for approval of a preliminary plan.

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(2) The concept plan stage being a pre-application process, no formal approval or disapproval of the proposed development is contemplated or takes place. Since no application has been filed, neither §11-12-8 of the Municipal Code (65 ILCS 5/11-12-8), nor any other provision of the Municipal Code purporting to set deadlines for the review and approval of preliminary or final plans or plats has any application.

(3) The concept plan stage being a pre-application process, no prohibition exists against the Village freely amending its ordinances pertaining to development imposing greater restrictions or stricter regulations, or increasing the amount of any fee at any time prior to the filing of a formal application for approval of a preliminary plan.

(4) All fees and expenses incurred by the Village associated with the proposed development shall be paid by the prospective applicant including, but not limited to any publication, reproduction or other miscellaneous costs or expenses and the fees and expenses of any engineer, planner, attorney or other consultant retained by the Village in connection with the proposal. Proposals for major subdivisions shall be reviewed by the Village engineer, Village planner and Village attorney as well as any other professional or consultant the Village Board deems necessary. Proposals for minor subdivisions may be reviewed. Prior to and as a condition of any further review of the proposal, the Village Board shall require a deposit, the amount of which will be based upon the scope and magnitude of the proposed development, to be held in a separate account to be drawn upon for the payment of costs incurred by the Village for the review of the concept plan. At any time and from time to time the Village may require that the amount on deposit be replenished such that there is and remains at all times on deposit an amount sufficient to reimburse the Village for the costs actually and reasonably estimated to be incurred. Any funds remaining on deposit upon the conclusion of the review process in excess of expenses accrued by the Village will be returned to the prospective applicant.

(5) At any time during the concept plan process the prospective applicant may ask that the members of the Village Board be polled as to whether they feel "positive", "negative", or "neutral" toward the proposal. A member may choose not express an opinion or, having expressed an opinion, may choose not to elaborate on it. In any event, neither this expression of an opinion nor any other positive or negative comment or expression by any member of the Village Board, Plan Commission, or any other representative of the Village shall be binding upon the Village or upon any representative of the Village or obligate such representative to vote for or against the proposal at any future time. Similarly, no request or suggestion for a change in the concept plan nor accession to such request by the prospective applicant shall bind the Village or any representative of the Village to vote for or against the proposal at any future time, notwithstanding that the prospective applicant's accession to the request for change required the expenditure of the applicant's time, effort, or money.



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### **3.1-3 Procedures for review of the concept plan**

(1) Initial presentation: Prior to filing a concept plan and request for review, the prospective applicant shall request to be placed on the agenda of the next regularly scheduled Village Board meeting. No application, fee, or filing of plans is required. At the meeting the prospective applicant shall briefly outline the proposal. Members of the Board may, but need not, ask questions.

(2) Filing; requirements: Should the prospective applicant desire to file a concept plan and request a review, the applicant shall pay the applicable fee as set forth in Section 3.1-4 and file with the Village Clerk 20 copies of a concept plan, drawn to a scale appropriate for the development area, showing the following information:

- (a) Aerial photograph clearly depicting the subject property and its relation to existing Village boundaries;
- (b) Total acreage; existing lots or parcels, structures and roadways;
- (c) Distinctive existing natural features such as water courses, potential wetland areas, floodplain, floodway, general topography/drainage patterns, soil types from U.S.D.A. survey, and wooded areas;
- (d) Existing zoning of all lots or parcels within the site and within 500 feet of the site; any requested zoning changes; names and addresses of all persons in whose name the general taxes for the last preceding year were paid on each lot or parcel within 500 feet of the site;
- (e) Proposed primary roadways, land uses, and neighborhood areas; proposed densities, a nonbinding estimate of the number of lots; lot types and/or building types may be illustrated or labeled on the concept plan;
- (f) Proposed parks and other open space, and whether it is intended to be public or private; proposed acreage and acreage exclusive of floodplain, floodway, wetlands, stormwater facilities, sanitary sewerage facilities, and other unbuildable areas;
- (g) Other proposed site features or amenities;
- (h) If the development is to be developed in phases, a nonbinding estimate of the number of phases and the order in which the phases will be developed;
- (i) Names, addresses and contact information for the applicant and the preparers of concept plan information, and the names and addresses of all beneficial owners or persons having an equity interest in any lot or parcel within the site including, if a

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corporation, all shareholders, if a partnership, all general and limited partners, if a limited liability company, all members, and if a trust, all beneficiaries.

(j) Supporting information: The prospective applicant shall describe or outline how the proposed subdivision will be served by water supply and sanitary disposal, and other public utilities. The prospective applicant shall also describe how stormwater runoff control will be provided for. In addition, the applicant may submit any additional information that will help describe the developers intentions and to assist in understanding the feasibility of the proposed development.

(3) Village Board determination of completeness: The Village Board shall review the filing as outlined above and make a determination whether or not it is sufficiently complete to forward to the Plan Commission.

(4) Joint review of concept plan:

(a) Upon receipt of the filing the Plan Commission with the Village Board will schedule a joint meeting at which the proposal will be discussed. The Village clerk shall notify the applicant of the time and place of such meeting. Notice of the meeting shall be published in the Kane County Chronicle and mailed, first class mail, postage prepaid, to each of the persons identified in paragraph (2)(d) above. Each subsequent meeting shall be similarly noticed and published or, alternatively, a schedule of meetings may be noticed and published.

(b) The meetings will be conducted in workshop format beginning with a summary presentation of the submitted materials and project intent by the applicant. The workshop meetings will be open to the public and will encourage public participation with input and questions of Village Board and Plan Commission members and citizens of the community that wish to participate.

### **3.1-4. Filing fees**

With the concept plan the prospective applicant shall pay a fee based upon the size of the proposed development as follows:

(1) For a development comprising up to 10 acres, a fee of \$100.

(2) For a development comprising an area larger than 10 acres but less than or equal to 50 acres, a fee of \$500.

(3) For a development comprising an area larger than 50 acres but less than or equal to 200 acres, a fee of \$1000.

(4) For a development comprising an area larger than 200 acres, a fee of \$2500.

### **3.1 REVIEW OF PRELIMINARY PLAN**

#### **3.1-1 Intent.**

The Village's review of the preliminary plan is intended to insure that the subdivision complies with the provisions of this ordinance, the Zoning Ordinance (if applicable), and that it is laid out in accordance with the land's suitability and limitations for development. At this stage the applicant is required to provide information which will demonstrate that the subdivision will function properly upon its development.

#### **3.1-2 Filing.**

- (1) The applicant shall file with the Village Clerk 15 copies of the preliminary plan, the filing fee in accordance with Article XI., section 11.2-1, and all accompanying information required by this ordinance. The preliminary plan shall be filed at least 30 days prior to the meeting of the Plan Commission at which the applicant proposes to appear. The Village Clerk shall forward the preliminary plan to the Village staff, the Plan Commission, and the Village Board.
- (2) When a subdivision is to be served by on-site waste disposal systems, the applicant shall file an application with the Kane County Health Department. Preliminary plan approval shall not be granted by the Plan Commission until Kane County Health Department approval has been received by the Village.
- (3) In the case where the applicant wishes to subdivide only a portion of the total area to be subdivided, the preliminary plan shall include the proposed general layout for the entire future project area. The phase which is proposed to be subdivided shall be clearly superimposed upon the overall plan. Each phase of the entire area shall be self-contained, including all on-site and off-site improvements, easements and rights-of-way required to serve the portion to be subdivided.

#### **3.1-3 Review.**

- (1) The Plan Commission shall recommend approval or disapproval of the preliminary plan within 90 days from the date certified by the Village Engineer as the date of filing of the last item of required information. Such time period may be extended by mutual consent

of the subdivider and the Plan Commission. If the Plan Commission recommends disapproval, the Plan Commission shall advise the Village Board in writing of the reasons for its disapproval.

- (2) Upon receipt of the Plan Commission's recommendation of approval or disapproval of a preliminary plan, the Village Board shall approve or disapprove the preliminary plan not later than the third regular meeting of the Village Board following the date of the Plan Commission's approval. Such time period may be extended by mutual consent of the applicant and the Village Board.
- (3) The Plan Commission may recommend in writing and the Village Board may require such conditions, changes or revisions to the preliminary plan as are deemed necessary in the interest of the community in keeping with the provisions of this ordinance.
- (4) The applicant shall be notified in writing of any conditions of approval or reasons for denial of a preliminary plan. Upon approval by the Village Board, the Village Clerk shall mark the preliminary plan "APPROVED" and distribute copies of said plan to the Plan Commission, Village Engineer, the Building Official, Village Attorney and the applicant. Two copies shall be retained by the Village Clerk for filing.
- (5) Approval of the preliminary plan shall be effective for a period of one year. Should final engineering plans and the final plat for the first phase (or all phases) not be submitted for approval within this period, the preliminary plan must again be submitted for approval, unless an extension is requested by the subdivider and granted by the Village Board within the one year period.

### 3.2 Minor Subdivision

#### 3.2-1 Intent.

The Village's review of a minor subdivision is intended to ensure that the Subdivision complies with the Comprehensive Land Use Plan of the Village, the Zoning Ordinance (if applicable) the provisions of this ordinance, and that it is laid out in accordance with the land's suitability and limitations for development. At the same time the Village's review is intended to provide a faster and less expensive alternative to the review and approval regularly required of other subdivisions.

#### 3.2-2 Filing.

- (1) The applicant shall file with the Village Clerk 15 copies of the application and preliminary sketch plan, the filing fee in accordance with Article XI, § 11.2-1, and all accompanying information required by this ordinance. The application and preliminary sketch plan shall be filed at least 30 days prior to the meeting of the Plan Commission at which the applicant proposes to appear. The Village Clerk shall forward a copy of the application and preliminary sketch plan to the Village Engineer, the Village Attorney, the Plan Commission and the Village Board.
- (2) When a subdivision is to be served by on-site waste disposal systems, the applicant shall file an application with the Kane County Health Department. Approval of the sketch plan shall not be granted by the Plan Commission until an approval of the waste disposal systems has been received by the Village from the health department.
- (3) If required under the Kane County Stormwater Ordinance, the applicant shall file an application with the Kane County Department of Water Resources for a stormwater permit. Approval of the sketch plan shall not be granted by the Plan Commission until a copy of the stormwater permit has been received by the Village or, if no such permit is required, a letter to that effect is received by the Village from the department.

### 3.2-3 Review.

- (1) The Plan Commission shall recommend approval or disapproval of the preliminary sketch plan within 30 days from the date certified by the Village Engineer as the date of filing of the last item of required information. Such time period may be extended by mutual consent of the applicant and the Plan Commission. If the Plan Commission recommends disapproval, the Plan Commission shall advise the Village Board in writing of the reasons for its disapproval.
- (2) Upon receipt of the Plan Commission's recommendation of approval or disapproval of a preliminary sketch plan, the Village Board shall approve or disapprove the preliminary sketch plan not later than the first regular meeting of the Village Board that is at least 15 days after the date of the Plan Commission's approval. Such time period may be extended by mutual consent of the applicant and the Village Board.
- (3) The Plan Commission may recommend in writing and the Village Board may require such conditions, changes or revisions to the preliminary sketch plan as are deemed necessary in the interest of the community and in keeping with the intent of this ordinance.
- (4) The applicant shall be notified in writing of any conditions of approval or reasons for denial of any preliminary sketch plan. Upon approval by the Village Board, the Village Clerk shall mark the preliminary sketch plan "APPROVED"

and distribute copies to the Plan Commission, Village Engineer, the Building Official, the Village Attorney and the applicant. Two copies shall be retained by the Village Clerk for filing.

- (5) Upon approval of the preliminary sketch plan, the applicant may submit the final plat for approval in accordance with § 3.4. The final plat shall conform to the requirements of § 4.4-1.
- (6) Approval of the preliminary sketch plan shall be effective for a period of one year. Should the final plat not be submitted for approval within this period, the preliminary sketch plan must again be submitted for approval, unless an extension is requested by the applicant and granted by the Village Board within one year period.

(c) Article IV, as amended, entitled Plan Submittal Requirements is further amended as follows:

- (1) Insert the following as § 4.2 and renumber the remaining sections of Article IV:

#### 4.2 Minor Subdivision

The preliminary sketch plan shall show in simple sketch form the proposed layout of the lots, buildings and other features in relation to existing conditions. The preliminary sketch plan does not have to be engineered and maybe a freehand penciled sketch. The preliminary sketch plan should be supplemented with general information to describe or outline the existing conditions of the site and the proposed development. Significant site conditions such as steep slopes, wet areas and vegetative cover should be generally identified. The preliminary sketch plan shall be accompanied by the following:

<u>Description</u>	<u>Comment</u>
1. Names and addresses of all owners of record (include a phone number and email address, if available, of the person(s) to whom inquiries should be directed)	If the property is under a contract of sale, include the names and addresses of all contract purchasers. If the owner of record is a trust, include a notarized statement of the trustee or trust officer certifying the names and addresses and percentage of interest of all beneficiaries.
2. Common address of the property	
3. Legal description	
4. Existing zoning classification	May be obtained from the existing Zoning Map.

- |  |   |
|--|---|
| 5. Zoning classification or special use requested, if applicable               | Information regarding the necessary classification for the use desired can be obtained from the Zoning Ordinance.   |
| 6. Plat of survey, if available  |   |
| 7. Aerial photograph with the property clearly highlighted                     | May be obtained from The Sidwell Company, 675 Sidwell Court, St. Charles, Illinois 60174, 630-549-1100.   |
| 8. Land Use Opinion  | May be obtained from the Kane DuPage Soil & Water Conservation District Office, 545 Randall Road, St. Charles, Illinois 60174, 630-584-7961.  |
| 9. Endangered Species Consultation Agency Action Report                        | Only if the property involved is presently zoned A-Agriculture. Send the application form to the Endangered and Threatened Species Program Manager, Illinois Department of Natural Resources, 524 South Second Street, Springfield, Illinois 62701, 217-75-8774. Their report will be returned directly to the Village. |
| 11. Signatures of all owners of record and, if applicable, contract purchasers |   |
| 12. Applicable fee   |   |

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## **3.2 FINAL ENGINEERING PLANS**

### **3.2-1 Intent.**

The final engineering plans and specifications shall be in substantial conformance with the preliminary plan and shall accurately show how on-site and off-site improvements will be constructed to achieve the layout and design objectives of the preliminary plan and allow the efficient and orderly provision of roads, drainage facilities, utilities and services, including off-site improvements, as required by this ordinance.

### **3.2-2 Filing.**

The final engineering plans may be filed concurrently with or prior to submission of the final plat. Engineering plans shall not be approved until after the site has been zoned according to the uses proposed in the approved preliminary plan. Said plans shall be prepared by an Illinois registered professional engineer. At least four complete sets of final engineering plans, specifications and estimates shall be submitted to the Village Clerk. The Village Clerk



shall forward the engineering plans and accompanying documents to the Village Engineer and to such governmental authorities having jurisdiction over any improvements for their review and recommendations.

### **3.2-3 Review.**

The Village Engineer and such other officials who may have jurisdiction shall review the engineering plans for conformity with the provisions of this and other applicable ordinances. The Village Board shall not act on the final plat until it has received a written report from the Village Engineer, Kane County Health Department and such other officials, if any, as to the acceptability of the engineering plans and accompanying documents.

## **3.3 FINAL PLAN**

### **3.3-1 Intent.**

The final plan consists of the final plat and all accompanying documents. The final plat is a record of the subdivision as surveyed in the field. It shows the dimensions of the tract being subdivided and the lots, rights-of-way, easements, and other parcels, dedications and reservations that will be created upon approval and recordation of the final plat. Said plat shall be prepared by an Illinois Professional Land Surveyor.

### **3.3-2 Filing.**

- (1) Within one year after the approval of the preliminary plan, unless a time extensions is granted by the Village Board, the subdivider shall submit the final plan in accordance with the requirements of the Plat Act and Article IV of this ordinance. The final plan shall conform substantially to the preliminary plan as approved. One reproducible copy of the final plat, with original signatures and ten prints, shall be submitted to the Village Clerk. The Village Clerk shall distribute copies of the final plan to the Plan Commission and Village Engineer for their review and recommendation.
- (2) The final plat, if desired by the subdivider, may constitute only that portion of the approved Preliminary plat which is proposed to be recorded and developed at that time, provided, however, that any portion of such approved preliminary plat shall allow the efficient and orderly provision of roads, drainage facilities and other improvements, as required by this ordinance. Where less than the entire land area shown on the preliminary plat is to be filed for record, such recordation shall not automatically extend the approval of the unrecorded balance of the preliminary plat.

### **3.3-3 Review.**

- (1) The Plan Commission shall review the final plan for its conformance with the approved preliminary plan and shall make its findings and recommendations to the Village Board within the time provided by the Illinois Municipal Code, as amended. The Plan Commission may recommend variations from the requirements of this ordinance and shall convey to the Village Board in writing the reasons for any such variations and such other information as the Plan Commission may deem necessary.
- (2) The Village Board, after receipt of the recommendation of the Plan Commission, shall approve or disapprove the final plan within 60 days following the filing of the last required document, unless such time is extended by mutual consent of the Village Board, and shall approve or deny the final plan by resolution. If approved, the resolution shall authorize the President to sign the certificate of the final plat; if denied, the resolution shall state the reasons for the disapproval.
- (3) Prior to the approval of the final plan, the Village Board shall have the right to designate which easements, dedications, and land improvements will be accepted by the Village. The Village Board may require such homeowner's agreements, special service areas, covenants, easements or other provisions as may be necessary to provide for the installation, maintenance, and repair of public or private improvements.
- (4) Upon approval by the Village Board, the Village Clerk shall secure two reproducible mylar copies and ten prints of the final plat with all required signatures, and three copies of the supporting documents. The costs of such prints and copies of documents shall be paid by the subdivider.
  - (a) One print shall be retained by the Plan Commission;
  - (b) One print and all specifications, drawings, and estimates shall be sent to the Village Engineer;
  - (c) One print shall be sent to the Building and Zoning Department, together with one set of supporting documents;
  - (d) The final plat in exact form as approved by the Village Board shall be filed for record by the Village Clerk. The Village Clerk shall retain one reproducible mylar copy and three print copies of the recorded plat and one copy of the supporting documents for filing at the Village. The subdivider shall pay all recording fees and the cost of the print copies.

#### **3.3-4 Agreements Required.**

No final plat shall be recorded until the owner or subdivider has provided the following:

- (1) Construction Guarantee: Guarantee for completion of land improvements in one of the following formats, with the form, amount, and provider being subject to approval of the Village Board:
  - (a) Deposit with the Village cash in the amount of 120% of the Village Engineer's estimated cost of all on-site and off-site land improvements to be completed and approved.
  - (b) An undertaking by the subdivider guaranteeing completion of the land improvements remaining to be completed and approved, secured by an irrevocable letter of credit payable to the Village of Virgil, issued by a sound and reputable financial institution authorized to do business in the State of Illinois. Such irrevocable letter of credit or renewals thereof shall be in effect for a period of two years from the date of recording the final plat, shall run in favor of the Village and shall be in the amount of 120% of the Village Engineer's opinion of probable cost of all on-site and off-site land improvements to be completed and approved. Such irrevocable letter of credit shall be in a form to allow the Village to procure the funds upon demand, and without conditions, by sight draft of the President or Clerk that: (1) the funds are required to complete the land improvements for the subdivision and (2) that their construction has not been completed in accordance with the provisions hereof and/or (3) the funds are required to pay for any unpaid fees or expenses incurred by the Village reimbursable to the Village of Virgil in accordance with Article XI, Section 11.2 and 11.3 of this Ordinance and the agreement obtained from the owner or subdivider at the time of filing a Preliminary Plan, in connection with said land improvements or the administration of subdivision requirements. Said letter of credit shall be a letter of guarantee, unrelated to payments to subdivider's or owner's contractors or subcontractors, and shall otherwise be in a form acceptable to the Village (See APPENDIX IV). Notation letters of credit shall not be acceptable.
  - (c) Other good and sufficient security as approved by the Village to guarantee the proper installation of land improvements.
- (2) Insurance:
  - (a) The subdivider's contractor shall provide and maintain Comprehensive General Liability Insurance which will protect the Village of Virgil and each of its officers, employees, agents, and consultants from claims which may arise out of or result from the performance of work by anyone directly or indirectly employed by the contractor or subcontractor, or by anyone for whose acts the contractor may be liable. Comprehensive General Liability Insurance shall provide minimum coverage in the amount of \$500,000 per accident for property damage and \$1,000,000 per person and \$3,000,000 aggregate per accident for bodily injury, sickness or disease, or death of any person.

- (b) The subdivider's contractor shall not commence work until certificates of insurance showing coverage of all insurance required, signed by the insurance companies or their authorized agents have been filed with both the Village and the Village Engineer. Each certificate shall provide that coverage shall not be terminated or reduced without 30 days advance written notice to the Village and the Village Engineer. The subdivider shall name the Village of Virgil and the Village Engineer as additional insureds on the Comprehensive General Liability Insurance Policy.
- (c) The policies of insurance so required by this paragraph to be purchased and maintained shall:
  - (1) With respect to comprehensive general liability insurance, include as additional insured the Village and the Village Engineer, all of whom shall be listed by name as additional insured, and include coverage for the respective officers and employees of all such additional insureds;
  - (2) Remain in effect at least until final payment and at all times thereafter when the subdivider may be correcting, removing or replacing defective work in accordance with this Ordinance, and
  - (3) With respect to completed operations insurance, shall remain in effect for at least two years after final payment. The subdivider shall furnish the Village and any other additional insured to whom an insurance policy has been furnished, evidence satisfactory to the Village and any such additional insured of continuation of such insurance at final payment and one year thereafter.
- (3) Agreements: A statement that the subdivider will maintain the roads, including snow removal, and other land improvements within the subdivision until accepted by the Village, appropriate highway authority, homeowner's association or special service area.
- (4) Fees:
  - (a) Payment of all professional and administrative fees or other fees and costs incurred by the Village through the date of the Final Plat approval.
- (5) Land/Cash Donations: Payment in full of any required school or park donations of cash, or dedication of land in lieu thereof, except as otherwise provided in Article VIII hereof.
- (6) Special Conditions: Any other appropriate conditions contained in the Resolution of the Village Board approving the Final Plat of Subdivision.

### **3.4 COMPLETION AND ACCEPTANCE OF IMPROVEMENTS**

The completion and acceptance of land improvements shall be in accordance with the following:

### **3.4-1 Completion.**

All required land improvements shall be completed within two years of the recording of the final plat unless prior to the expiration of the two-year period a time extension is requested by the subdivider and granted by the Village Board. A request for an extension shall not halt the two-year period. No extension shall be granted unless adequate guarantee collateral has been received and approved by the Village Board.

### **3.4-2 Construction observation of land improvements.**

- (1) **Project Engineer:** During the course of construction, the subdivider's Project Engineer shall provide for construction observation of the work in order to ensure compliance with the approved plans and specifications and with good engineering and construction practices. Construction observation of the work may also be done by the Village Engineer and other governmental officials as reasonably required or deemed necessary by the Village.
- (2) **Pre-construction meeting:** Prior to beginning the installation of any improvements, including any excavation or filling, the subdivider, the project engineer and general contractor shall attend a preconstruction meeting with the Village Engineer. The purpose of the meeting is to review acceptable site development and construction practices in accordance with Village ordinances and policies and to complete the "Pre-construction Meeting Checklist" (see Appendix III) pertaining to the requirements and schedule of improvements.
- (3) **Inspections:** All required land improvements shall be subject to inspections by the Village Engineer. The subdivider shall give at least twenty-four hours notice to the Village Engineer prior to the performance of any required inspections.
- (4) **Correction of defects:** If upon observation of the improvements, the Village Engineer finds that the proposed work is unsatisfactory or does not comply with the approved plans and specifications, the Village Engineer shall advise the Project Engineer in writing of the defects or deficiencies he believes should be corrected or rejected, or should be uncovered for observation, or require special testing, inspection or approval. After the steps advised by the Village Engineer have been completed, the subdivider shall again notify the Village Engineer as provided above for inspection of improvements.
- (5) **Final inspection:** Upon completion of all required on-site and off-site improvements, the subdivider shall notify the Village Engineer, who shall thereupon authorize a final inspection of all improvements installed. If such final inspection indicates that there are any defects or deficiencies in any such improvements as installed, or if there are any devia-

tions in such improvements, as installed from the final engineering plans, the Village Engineer shall notify the subdivider in writing of such defects, deficiencies, or deviations and the subdivider shall, at his sole cost and expense, correct such defects or deviations within 90 days of the date of notification, unless the Village Engineer shall approve in writing a longer time period, within his discretion reasonably exercised, due to impossibility of performance. When such defects, deficiencies or deviations have been corrected, the subdivider shall notify the Village Engineer that the improvements are again ready for final inspection.

### **3.4-3 Reduction of guarantee.**

- (1) Classifications of required land improvements are enumerated below. The amount of the guarantee collateral may be reduced as each classification of required land improvements is completed and approved for each approved phase of development. On-site and off-site required land improvements shall, where applicable, each be divided into the following categories as may be applicable:
  - (a) Excavating, filling and grading and retention/detention areas
  - (b) Soil Erosion and Sediment Control and Maintenance
  - (c) Sanitary sewer system and appurtenances
  - (d) Water system and appurtenances
  - (e) Storm sewer system and appurtenances
  - (f) Street improvements
  - (g) Landscaping improvements
  - (h) Miscellaneous improvements (street signage, street lights, pedestrian or bicycle ways, etc.)
  - (I) Construction Engineering Services (observation, inspection, soil and material testing, etc.)
- (2) A construction guarantee shall be reduced only by written recommendation of the Village Engineer as approved by the Village Board by motion or resolution upon:
  - (a) Written application for reduction by the subdivider, provided the reduction for any land improvement shall not exceed 90% of the cost estimate approved by the Village Engineer for that improvement, by classification, until acceptance or approval of the

improvement by the Village Board. The Village Engineer must certify that the improvements in the particular category for which reduction is sought are substantially complete. Upon Village Board acceptance or approval, up to 100% of the estimated cost of the improvement may be released. Reduction of the remaining guarantee shall not be authorized until all the land improvements have been accepted or approved and as hereafter provided. Approval of a reduction hereunder shall not constitute acceptance or final approval of any improvement by the Village.

- (b) The unsatisfactory installation, not corrected by the subdivider within 30 days after receiving written notice from the Village Engineer, the Village Board or the Village Attorney, of required improvements, in which event the Village may then declare the subdivider to be in default and may draw from the construction guarantee the amount necessary to insure the satisfactory construction of said improvements, including attorney's fees, other professional fees and court costs related to the enforcement of the provisions of this Section.
- © The failure of the subdivider, within 30 days after receiving written notice from the Village, to pay in full any fees or expenses incurred by the Village in accordance with Article XI, Section 11.2 and 11.3 hereof.
- (d) The failure of the subdivider to furnish a replacement or renewal letter of credit or other construction guarantee not less than 30 days prior to the expiration of such letter of credit or guarantee, which shall entitle the Village to draw thereon. A reduction under this subparagraph shall not require a written recommendation by the Village Engineer.

#### **3.4-4 Release of guarantee.**

The guarantee for completion of the land improvements shall be released only upon fulfillment of the following conditions:

- (1) The completion of all land improvements;
- (2) The submission of one reproducible (mylar) set of record drawings which shall be prepared by the Project Engineer and approved in writing by the Village Engineer who shall show and certify as to the actual location of all and improvements, whether public or private, and shall clearly designate any and all changes from the approved plans and specifications;
- (3) A bill of sale, when required, and a contractor's affidavit and lien waivers in accordance with the Illinois Mechanic's Lien Act, for all land improvements which have been designated by the Village Board for acceptance or approval;

- (4) The submission of a deposit in cash or irrevocable letter of credit, equal to 20% of the cost of land improvements except landscaping improvements. This deposit shall be a guarantee of satisfactory performance of the land improvements and payment of all fees and expenses incurred by the Village in connection with the subdivision. The deposit shall be held by the Village for a period of 12 months after acceptance of the improvements. After such 12 months the deposit shall be refunded if all of said fees and expenses have been paid and if no defects have developed. In the event there are any unpaid fees or expenses or if any defects have developed, then the remaining deposit shall be released, by motion or resolution of the Village Board, subject to payment for said fees and/or amounts expended or to be expended in correcting defects;
- (5) Final acceptance, by resolution of the Village Board, of the land improvements which have been designated by the Village Board for acceptance, and acknowledgment, by motion or resolution of the Village Board, of completion of the land improvements which have not been designated for acceptance.



**ARTICLE IV - PLAN SUBMITTAL REQUIREMENTS**

Subdivision plans and accompanying documents shall show the information required in this Article.

**4.1 PRELIMINARY PLAN**

The preliminary plan shall include the following information:

**4.1-1 General Requirements**

A preliminary plat drawn to scale and showing the arrangement of lots, blocks, street, and the approximate dimensions and areas of all lots. The preliminary plat shall include, using separate drawings or sheets if desirable:

**(1) Identification and description:**

(a) Proposed name of subdivision not duplicating the name of any plat heretofore recorded in the Village or in Kane County. The name of the subdivision and all signage and advertising therefor shall prominently include the name "Virgil". At such time as the performance guaranty required under Article III, §3.4-4 is released, all signage displaying the name of the subdivision shall be removed.

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(b) Legal description of the land proposed to be subdivided and a site data information block which shall include the total acreage in lots; the acreage in rights-of-way, the acreage in open space, and the proposed number of lots, the minimum lot size and the maximum lot size in square feet; and the existing and proposed zoning.

© Names, addresses and phone numbers of the owner, subdivider, and the person(s) preparing the plan.

(d) Scale of plat (minimum):  
Subdivisions Up to 20 acres -- 1" = 50'  
Subdivisions Over 20 acres -- 1" = 100'

(e) North arrow, engineering seals and date prepared.

(f) Overall area location map at a scale of not less than 1" = 1000' showing relationship of the subdivision to its surroundings within ½ mile of the subdivision and including property lines, section lines, types of use and ownership of surrounding land, and alignments of existing streets.

**(2) Existing conditions:**

- (a) Boundary line of proposed subdivision, section or corporate lines within or adjacent to the tract, and overall property dimensions as surveyed and certified by an Illinois professional land surveyor.
- (b) Locations and names of adjacent subdivisions and owners of adjoining parcels of land.
- (c) Topographic data on and within 100 ft. of the tract and within 300 ft. of the tract along road right-of-ways, including contours at vertical intervals of not more and two feet with reference to National Geodetic Vertical Datum (NGVD) or at one foot intervals if required by the Plan Commission or Village Board for land with unusual topography.
- (d) Location of all existing farm and storm drainage tiles which shall be located by means of slit trenching and hand probing or electronic radar tile location devices along with slit trenching and hand probing by persons qualified to do such work. All existing drain tile lines encountered during the investigation shall be repaired to their original condition. One mylar and four copies of a topographical boundary map locating these lines must be submitted showing the following:
  - (1) Location of each slit trench and each trench identified to correspond with the tile investigation report;
  - (2) United States Geological Survey (USGS) datum invert elevation and location of each drain tile with a flow direction arrow and tile size;
  - (3) A summary of the tile investigation report showing trench identification number, tile size, material and quality, percentage of tile filled with water, percentage of restricted siltation, depth of ground cover and soil texture at grade;
  - (4) Name, address and phone number of person conducting tile location investigation.
- (e) Property lines of adjacent tracts of land shown in relation to and within 100 feet of the proposed subdivision, including those areas across abutting roads.
- (f) Location, width and names of all existing or prior platted streets or other public ways, railroad and utility rights-of-way, parks and other public open spaces, permanent buildings or structures, and section and municipal corporation lines within 100 feet of the tract.

- (g) In case of re-subdivision, all descriptive lines of the original plat being vacated shall be shown by dotted lines in their proper position in relation to the new arrangement of the plat, the new plat being clearly shown in solid lines.
  - (h) Location and size of existing channels, natural and manmade retention/detention areas, flood plains, wetlands, storm sewers, farm tiles, sanitary sewers, water mains, culverts, wells, septic systems, and other underground facilities within the tract and to a distance of 100 feet (unless a greater distance is required for review) beyond the tract to include such data as grades, invert elevations and locations of catch basins, manholes, valves, and hydrants.
  - (I) The location of wooded areas, tree lines, hedgerows, and existing vegetation and trees six inches or more in diameter at one foot above ground, rock formations or outcroppings, scenic vistas, beaches, historic sites, and other similar assets shall be shown on a separate sheet.
  - (j) The boundaries and limitation of each soil type. Refer to Appendix II of the Kane County Subdivision Regulations (KCSR), as amended, for soil mapping and reporting requirements. Appendix II of the KCSR shall be the method of obtaining soils data unless otherwise specified by the Kane County Health Department.
  - (k) Wetland delineation report, when required.
- (3) Proposed conditions
- (a) Proposed zoning classification of all land within the subdivision.
  - (b) Layout of streets, street names (not duplicating any in the Village or any Fire District serving the Village), street lights, typical cross-sections, right-of-way widths, and connections with adjoining platted streets, and also the widths and location of easements, drainage ways, and pedestrian ways.
  - (c) Layout, numbers, approximate dimensions, and front, side and rear building setback lines for all lots shall be shown in accordance with these regulations and the Zoning Ordinance.
  - (d) An identification system for all lots using consecutive numbers.
  - (e) Sites intended to be reserved for public use and/or use by property owners in the subdivision, including the purpose and conditions of reservation or dedication.
  - (f) A description of the system proposed for sewage disposal.

- (g) A description of the system proposed for water supply.
- (h) A description of the system proposed for stormwater management by a method in conformance with Article V of this Ordinance.
- (I) Storm sewers, culverts and main curtain drains
- (j) Draft text of proposed protective covenants, deed restrictions, homeowners association agreements and contracts, easement provisions, special service areas and other documents whereby the subdivider proposes or Village requires to restrict improvements on private lots in the subdivision, restrict the design, development and/or use of the property and otherwise protect special areas within the proposed development.
- (k) Proposed roadway grades and surface water drainage patterns;
- (l) Proposed location of the on-site disposal systems and expansion areas, areas to be filled, curtain drain locations and routing, subsurface drainage systems for each lot. Subsurface drainage systems shall be constructed with access structures, and shall be located in a drainage easement.

#### **4.1-2 Miscellaneous Requirements**

- (1) Soils limitation overlay for septic systems.
- (2) Preliminary stormwater computations.
- (3) Preliminary engineering (as required).
- (4) Traffic impact study (as required).
- (5) A description of the donation proposed to satisfy Article VIII of this ordinance which provides for the dedication of park sites and school sites or the payment of fees in lieu of dedication.
- (6) A copy of the land use opinion, or application filed by owner or subdivider for said opinion, from the Kane-DuPage Soil and Water Conservation District.
- (7) Any other information that may be reasonably requested by the Plan Commission or Village Board.
- (8) Filing fee.

- (9) A written agreement from the owner of the property and/or the subdivider agreeing to reimburse the Village of Virgil for professional fees and expenses incurred pursuant to ARTICLE XI, Section 11.2 and 11.3 of this Ordinance. Furthermore, in the event that the Preliminary Plan is being submitted concurrent with a request for annexation of the subject property to the Village, the owner or subdivider must also undertake to reimburse the Village for expenses incurred by it with respect to such annexation negotiations and proceedings. Such reimbursement undertaking must clearly indicate that reimbursement will be made irrespective of approval or disapproval of the Preliminary Plan or the annexation of the property. The Village of Virgil may request a deposit for the estimated amount of such expenses, in which event such deposit must be made before a request for subdivision will be processed.
- (10) A sworn statement showing the identity of all parties in interest in the property, including but not limited to, owners, subdividers, contract purchasers, trust beneficiaries and developers.

## **4.2 FINAL ENGINEERING PLANS**

The engineering plans shall be prepared by an Illinois registered professional engineer and shall contain the following minimum information:

### **4.2-1 General Requirements**

- (1) Title page, which shall include:
  - (a) Subdivision name and unit number;
  - (b) Location map;
  - (c) Seal, signature, address and phone number of the registered professional engineer who prepared the plans and the registered professional who prepared the topographic survey;
  - (d) Developer's name, address and phone number;
  - (e) Index of sheets;
  - (f) A minimum of two USGS benchmarks;
  - (g) Dates and revision dates for each exhibit prepared;
  - (h) Summary of quantities.

- (2) All topography shall be field verified and certified by a registered professional to be in accordance with the National Map Accuracy Standards at one foot contour intervals and horizontal scale appropriate to the project, but not smaller than one inch equals 100 feet.
- (3) Layout of the proposed subdivision at the same scale or larger scale as the preliminary plat showing the following information:
  - (a) Existing and proposed contours at one foot intervals.
  - (b) Proposed street layout including centerline elevations and stationing at 100 foot intervals, rim and invert elevations of all drainage structures and drainageway flow line elevations;
  - (c) Septic area designation, where required;
  - (d) Building top of foundation elevations and building site pads, where required;
  - (e) The abandonment, incorporation, or modification of all existing drain field tile or storm sewers;
  - (f) Proposed easements for utilities, drainageways, and structure including facilities, pedestrian ways, landscape areas and other purpose;
  - (g) The proposed locations of and design standards for street lights, street name signs and regulatory signage.
- (4) Roadway and drainage engineering plans and profiles which shall include:
  - (a) Plan view of roadways, drainageways, and structure; including roadway horizontal curve data. Road entrances on adjacent properties shall be shown.
  - (b) Profiles of roadway center lines and ditch flow lines, including location and elevations of drainage structures. The grade line profile shall be shown at a minimum scale of 1" = 50 feet horizontal and 1" = 5 feet vertical. Complete vertical curve data shall be shown.
  - (c) Areas to seeded, sodded, or ripped.
  - (d) Location, size, and type of culverts.
  - (e) Ditch grades (1% minimum).

- (f) Stormwater, subsurface drainage, and utility crossings, etc.
  - (g) Grates on precast flared end sections over 18" in diameter.
  - (h) Driveway locations and grades in critical slope areas.
  - (I) Roadway cross sections at all roadway drainage structures, infrastructure crossings, critical tree locations, etc.
  - (j) Table of driveway culvert sizes for each lot.
  - (k) Sufficient data concerning existing soil and ground water conditions to determine if a need exists for a pavement underdrain system. If an underdrain system is required, it shall be installed by the developer as directed by the Village Engineer.
- (5) Improvement detail sheet(s) shall be provided for:
- (a) Typical road cross sections;
  - (b) Typical drainageway cross section(s);
  - (c) Drainage structure details;
  - (d) Erosion control devices;
  - (e) Improved pedestrian, and/or bicycle ways;
  - (f) Other details, as required.
- (6) Stormwater runoff, grading and subsurface drainage plans which shall include:
- (a) Topography should extend at least 100' outside the perimeter of the project (300' along existing roads), and it should include all off-site tributary areas;
  - (b) Side and rear yard slopes and swales should have a minimum 2% slope. In certain areas, a minimum 1% slope will be considered;
  - (c) Finished yard grades should be at least 8 inches below the top of foundation; finished pavement grades should be at least 0.10 feet below top of foundation;
  - (d) Drainage directional arrows in swales, along lot lines and pond bottoms;

- (e) Spot elevations shown for break points, lot corners, or as otherwise needed;
- (f) Show all existing storm and subdrain tiles and proper abandonment or rerouting of same;
- (g) Trench backfill in trenches underneath and 2 feet beyond all roads, curbs, commercial, industrial or institutional parking lots, driveways and sidewalks, and adjacent to structures within 2 feet of any of the above improvements;
- (h) Sufficient pipe cover: 2 feet minimum from finished grade (3 feet desirable) and may show type and class for depth of burial;
- (I) Location of manholes, inlets, and catch basins that must be accessible for cleaning.
- (j) All structures should be numbered.
- (k) The maximum spacing for storm sewer and subsurface drain structures should be 400 feet.
- (l) Storm and subsurface drain crossing should be shown on profile sheets to ensure correct crossing elevation and material requirements.
- (m) A preformed butyl rubber sealant should be used on all storm structures.
- (n) Provide curtain drain access stubs to lots, when required.
- (o) Provide sump pump discharge connection points to the subsurface drain system, when required (depending on high groundwater, ability of soils to percolate, affect on adjacent land owners, affect to side yard and road ditches, etc.)
- (p) Use rigid wall pipe or sleeve subsurface drain pipe in R.O.W.
- (q) 20 lineal feet of rigid wall pipe, tile headwall and animal guard at subsurface drain discharge point to streams or ponds.
- (r) Drainage easements shown for:
  - (1) Storm sewers;
  - (2) Subsurface drains;
  - (3) Detention/retention ponds;



- (4) Overflow routes;
- (5) Other stormwater elements, as required.
- (s) Separate drainage/utility easements in ditch areas (utility easements must not be in ditches).
- (t) All lots can have no more than 10% of the minimum lot area within a drainage easement.
- (u) Stormwater storage facilities in accordance with Article V.
- (6) Soil erosion and sedimentation control plan which shall include minimum criteria as follows:
  - (a) Legend, scale, north arrow, project name, and name, address, phone number of owner(s), developer(s), and engineer(s).
  - (b) Existing and proposed topography at minimum 1 foot contours extending 100 feet beyond site boundaries.
  - (c) Predominant soil types and existing vegetative cover from actual field identifications.
  - (d) Existing and proposed road ditches, drainageways, field tiles, storm drains, culverts, outfalls, stockpiles, etc.
  - (e) Location of existing buildings, structures, utilities, water bodies, floodplains, wetlands, trees and shrubs, drainage facilities, paved areas, right-of-ways and any other significant natural and man-made features on the site and adjacent land within 100 feet of the site boundary.
  - (f) Septic area designations, where required.
  - (g) Limits of disturbance by clearing, grading, filling, trenching, etc.
  - (h) Delineate areas of permanent and temporary stabilization. Include seeding mixtures and rates, sod specifications and method of anchoring, method of seed bed preparation, expected seeding dates, type and rate of fertilizer and lime application, and type and method of mulching for both temporary and permanent vegetative control measures, types of non-vegetative control measures, and types of non-vegetative stabilization measures.

- (I) Location of all proposed sediment control measures.
- (j) Design specifics of all runoff control measures, including sediment basins and traps, diversions, forebays, waterways, and outlet details.
- (k) Standard details of all sediment control measures, include computations for sediment basin and trap efficiencies and runoff volumes.
- (l) Methods to prevent tracking of soil off-site from the land disturbing activity, including temporary gravel surfaced staging areas and access driveway.
- (m) Location of stockpile(s) and method of stabilization.
- (n) Off-site waste or borrow quantities, location, and measures of stabilization.
- (o) Phasing should identify the areas of the site being disturbed and sequence of disturbance, the expected date in which clearing of each area will begin, the estimated duration of exposure of cleared areas, the sequence of installation and removal of temporary sediment control measures; installation of storm drainage; paving streets and parking areas; establishment of temporary and permanent vegetative cover, and any other phases important to the project. Phasing of development site including:
  - (1) Clearing and stripping,
  - (2) Rough grading and underground construction,
  - (3) Paving and final grading,
  - (4) Landscaping.
- (p) Engineer's opinion of probable cost for stabilization, erosion and sediment control measures and maintenance.
- (q) Name, address, and phone number of person which will have legal responsibility for maintenance of erosion control structures and measures during development until site is stabilized.
- (r) The submittal should be prepared in accordance with the standards and requirements contained in the following publications and which should also be referenced to on the plans:

- (1) "Procedures and Standards for Soil Erosion and Sedimentation Control in Northeastern Illinois" (Revised July 1988) prepared by the Northeastern Illinois Erosion and Sedimentation Control Steering Committee;
  - (2) "Standards and Specifications for Soil Erosion and Sediment Control" (1987) prepared by the IEPA;
  - (3) Standard specifications for "Road and Bridge Construction", latest edition, prepared by the IDOT.
- (7) Off-site roadway and/or drainage improvements and details.
- (8) Floodplain information, if applicable, including the elevations of the Special Flood Hazard Area (SFHA) delineated on drawing(s) of the site with existing topography shown at a scale and contour interval as determined by the Village Engineer. At a minimum, the topographic drawings shall display the following flood data:
- (a) Boundary of the SFHA
  - (b) Boundary of the floodway, if available;
  - (c) Proposed drainage easements;
  - (d) The flood protection elevation for each building site.
- (9) Construction and traffic control plan showing proposed routing of construction traffic, signing, stockpile locations, refuse areas, the fencing of rights-of-way and other areas where required in order to protect septic fields, trees, flora and other site features during construction, and other construction control measures. The traffic control plan shall be consistent with the requirements of the current Manual On Uniform Traffic Control Devices.
- (10) When required, plans for septic areas, top of foundation elevations and building pad locations shall be provided. Such plans shall show the location and size of septic fields and expansion areas, the type of fill material to be used, method of which fill will be placed on site and leveled, existing and finish grade contours, subsurface and curtain drain locations, outfalls and elevations, and other information required by the Village Engineer. Subsurface drainage systems for curtain drains shall be designed and constructed with access structures and shall be located within a drainage easement.
- (11) Plans for private sewage disposal systems shall include evidence that the subdivider has made the preliminary tests necessary to demonstrate the feasibility of

using private sewage disposal facilities and/or such other tests or information as may be required by the Kane County Health Department.

- (12) Plans for private water supply systems shall include such information as may be required by the Kane County Health Department.
- (13) When required, plans for community water distribution systems, community water supply facilities, and community sewage collection and treatment systems shall be provided.

#### **4.2-2 Supporting Information**

The engineering plans shall include, but not be limited to, the following documents:

- (1) Stormwater Management Calculations, which shall be in accordance with Article V of this ordinance.
- (2) Letters from adjacent landowners affected by drainage plan (upstream or downstream) stating that they have been contacted and are aware of the final surface and subsurface drainage plans, if required by the Village Engineer.
- (3) Design Engineer's certified opinion of probable construction cost of all required improvements.

### 4.3 FINAL PLAN

The final plan shall include the following documents in addition to the Final Engineering Plans:

#### 4.3-1 Final Plat

A final plat accurately and legibly prepared by an Illinois professional land surveyor, with waterproof, non-fading black ink on mylar or equivalent material. The plat shall be drawn at a minimum scale of 1" = 100' and shall not exceed 30 inches by 36 inches in size. If more than one sheet is required, a small scale drawing of the entire subdivision shall be shown on the first sheet, identifying the different portions of the subdivision. The final plat shall show:

- (1) Name of subdivision;
- (2) Legal description of land to be subdivided;
- (3) Scale shown graphically, date and north point;
- (4) Accurate angular and linear dimensions for all lines, angles, and curvatures, with functions used to describe all boundaries including perimeter of 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 foot for each 10,000 feet. Angular error shall not exceed plus or minus 20 seconds. Lot lines to show dimensions in feet and hundredths, and when an angle occurs in any lot line between corner 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;
- (5) An identification system for all lots using consecutive numbers;
- (6) 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 location, size and elevation;
- (7) Municipal boundaries and township and section lines accurately referenced to the lines of the subdivision by distances and angles;
- (8) Exact location, width and name of all streets within and adjoining the subdivision, and the location, width, purpose and provisions for all easements areas and building setbacks;
- (9) Accurate outlines and legal descriptions of any areas to be dedicated or reserved for public use or for the exclusive use of property owners within the subdivision;

- (10) The primary and expansion area for the on-site waste disposal system of each lot and building pad location, when required;
- (11) Protective covenants stated in full on the plat or referenced thereon if declared separately;
- (12) Seal and signature of Illinois registered land surveyor or other legally qualified individual who prepared the plat;
- (13) Certificate from the applicable county highway department or IDOT as to approval of off-site improvements and road connections;
- (14) A statement that the Village of Virgil does not warrant the suitability of any lot for installation of a septic system or field;
- (15) Properly executed certificates as contained in Appendix I.

**4.3-2 Drainage Overlay.**

A copy of the topographic and profile study (drainage overlay) drawn at the same scale as the final plat (also include this information on the engineering plans):

- (1) All elevations shall be referenced to National Geodetic Vertical Datum;
- (2) Existing contours at one foot intervals indicating the locations and elevations of benchmarks used to determine said contours;
- (3) Finished grade elevations or contours at 1 foot intervals of the proposed site;
- (4) Rim and invert elevations of all existing and proposed drainage structures within the and adjacent to subdivision;
- (5) Size, slope, location of drainage channels and/or storm sewers;
- (6) Size, shape, invert and location of downstream receiving drainage structures including capacities of downstream channels.
- (7) Signature block (See Appendix I).

**4.3-3 Landscaping Plan.**

A landscaping plan in conformance with Article V, section 5.8 hereof and including the following information:

- (1) Proposed plantings; location and description of landscaped entryway signs, if applicable, including height, size, setbacks and maintenance provisions; screening treatment of double frontage lots; landscaping of stormwater detention facilities.
- (2) Trees to be planted within the lot within 5 feet of the property/right-of-way line, 2 per lot (showing location, size and species).
- (3) Berming locations and slopes per IDOT rules.

#### **4.3-4 Final Site Plan.**

Final site plan in accordance with the site plan requirements of the Virgil Zoning Ordinance and Article VI of this ordinance.

#### **4.3-5 Agreements.**

Proposed homeowner's association agreement, articles of incorporation and by laws, protective covenants, special service area provisions or other documentation regulating the subdivision and/or providing means to insure ongoing maintenance and repair of private land improvements or common areas of facilities. In subdivisions containing private roads or detention/retention facilities or containing 5 or more lots, the Village may require a declaration of covenants creating and establishing a homeowner's association and providing for the scope of activities and authority for an architectural control committee.

#### **4.3-6 Statements.**

Statement signed by the owner or subdivider setting forth:

- (1) The plans and specifications for the required public improvements have been completed, and such plans approved by the Village Engineer;
- (2) The required improvements will be installed in accordance with such plans and specifications;

#### **4.3-7 Engineer's Estimates.**

Design Engineer's certified opinion of probable construction cost of all required land improvements, approved in writing by the Village Engineer.

#### **4.3-8 Construction Guarantee.**

Description of the proposed guarantee collateral for the completion of land improvements in accordance with requirements in Article III.

**4.3-9 Land/Cash Donations.**

Description of proposed land/cash donations to satisfy the provisions of Article VII. of this ordinance.



**ARTICLE V - DESIGN AND IMPROVEMENT STANDARDS**

The subdivision design and improvement standards as set forth under this Article are the minimum design and improvement standards to be used by the subdivider.

**5.1 STANDARDS GENERALLY****5.1-1 Conformance with plans and regulations.**

The design of the subdivision shall conform to the Official Comprehensive Land Use Plan, Village planning and development policies, the Zoning Ordinance, to this Ordinance and other ordinances pertaining to the control of land development and to all applicable rules, regulations, specifications and standards of the Village, County of Kane and the State of Illinois. No deviations from approved plans and specifications shall be made without prior written approval of the corporate authorities of the Village.

**5.1-2 Character of the land.**

The design of each subdivision shall take into consideration the preservation, capabilities and limitations of topography, drainage, soils, vegetation and other features and irreplaceable assets of the site. The use of lands unsuited to development because of, but not limited to, flooding and soil characteristics shall not be approved unless the development of said lands shall meet the requirements of the ordinances and regulations of the Village.

**5.1-3 Minimum standards and specifications.**

All construction of improvements shall be in accordance with, and materials used shall be in compliance with, the methods and materials required in the appropriate sections of the latest editions, supplements, amendments or revisions of the following:

- (1) "Standard Specifications for Road and Bridge Construction", IDOT;
- (2) "Design Manual", IDOT;
- (3) "Culvert Manual", IDOT;
- (4) "Manual on Uniform Traffic Control Devices", U.S. Department of Transportation and IDOT Supplement;
- (5) "Standard Specifications for Water and Sewer Main Construction in Illinois", Illinois Society of Professional Engineers et al.
- (6) "Standards and Specifications for Soil Erosion and Sediment Control", IEPA.

- (7) IEPA standards and requirements for sewer and water facilities;
- (8) Kane County development standards and requirements as may be applicable;

Where standards are not specifically set forth, improvements shall comply with standards established by resolution of the Village Board. Charges or amendments to any of the standards set forth in sub-paragraphs (1) through (8) hereof are incorporated herein to the extent permitted by law; otherwise, such standards shall be incorporated as in effect at the time of adoption of this Ordinance.

#### **5.1-4 Off-site improvements.**

If it is determined that any existing infrastructure, including but not limited to water distribution systems, wastewater collection or treatment systems, storm sewers or other storm-water management facilities, and road improvements, which may be situated either in part or entirely off-site, is inadequate to facilitate a proposed subdivision when 100% built-out, then improvements to any one or all of such facilities may be required and shall be deemed part of the public improvements.

### **5.2 LOTS AND BLOCKS**

#### **5.2-1 Block standards.**

- (1) The maximum length of blocks shall be as recommended by the Plan Commission and approved by the Village Board. The shape of blocks shall be dictated by topographical features, the street system and traffic pattern, lot depths, and areas designated for public and other non-residential land uses. Pedestrian ways leading to schools, parks or other common destinations, may be recommended by the Plan Commission and approved by the Village Board.
- (2) Where a subdivision borders upon or is traversed by a railroad right-of-way or arterial street, the Plan Commission may recommend and the Village Board may require a street (on one or both sides of such right-of-way or street) 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 visual barrier established within a no access strip and landscaping easement along the rear property lines, and off-street parking, business, or other uses as permitted by the zoning ordinance.

#### **5.2-2 Lot arrangement.**

- (1) The lot arrangement shall be such that there will be no foreseeable difficulties for reasons of topography, soils, flooding or other conditions, in securing permits to build on all lots

in compliance with applicable zoning and building ordinances and sewage treatment and disposal system rules and regulations.

- (2) In the subdividing of land, due regard shall be shown for the preservation of all natural features such as trees, water courses, historic places, or similar conditions.
- (3) Subdivisions shall contain no left-over pieces, corners or remnants of land, unless specifically approved by the Village and dedicated to a homeowner's association for entranceways, recreational space or open space.

#### **5.2-3 Lot lines and dimensions.**

- (1) In general, lots should be as nearly rectangular in shape as practicable; a depth not greater than 2 ½ times the width of the lot shall be considered a desirable maximum lot depth. Flag lots are not permitted in subdivisions containing more than five lots.
- (2) All lots shall meet the minimum depth, width and area requirements of the Zoning Ordinance for the district in which the subdivision is located. In the case of corner lots, the Plan Commission may recommend and the Village Board require a greater width in order to encourage the proper development of intersection design and traffic safety, and to secure uniform setback lines from any property line adjoining a street.
- (3) The width, area and depth of lots in a business or industrial subdivision shall be as recommended by the Plan Commission and approved by the corporate authorities in accordance with the Virgil Zoning Ordinance and Article VI hereof.
- (4) Side lot lines shall be at right angles or radial to the street line, or substantially so.
- (5) Lots abutting upon a water course, drainage way, wetland, channel, or stream, shall have an additional depth or width as recommended by the Plan Commission and required by the Village Board in order to provide acceptable building sites.

#### **5.2-4 Lot drainage.**

Lots shall be laid out so as to provide positive drainage away from all building sites. Individual lot drainage shall be coordinated with the general stormwater drainage pattern for the area. Drainage shall be designed so as to avoid concentration of stormwater drainage from each lot to adjacent lots, including stormwater detention or retention areas if required.

#### **5.2-5 Lot access and double frontage.**

- (1) All lots shall abut upon a public or private street with access provided from internal streets wherever possible.

- (2) Double-frontage lots are not permitted except where lots back to arterial streets or where specifically approved by the Plan Commission, in which case suitable screen plantings and/or berms within a no access strip and landscaping easement shall be provided.

### **5.3 EASEMENTS**

#### **5.3-1 Utility easements.**

- (1) Utility easements shall be provided along the rear and side lot lines as required. Such easements shall provide for a total of not less than 20 feet wide along rear lot lines, and not less than 10 feet wide along side lot lines, and normally be centered upon the rear or side lot lines. 10 foot wide utility and drainage easements shall be provided along right-of-way lines of minor streets.
- (2) Recommendations on the proposed layout of communication, gas, water and sanitary sewer easements shall be obtained from all of the utility companies which service the area. It shall be the responsibility of the subdivider to submit copies of the approved preliminary plat to all appropriate utility agencies.
- (3) Utility boxes shall be located if possible at the rear of each lot, having due regard for the preservation of trees on each lot.

#### **5.3-2 Drainage and stormwater management facility easements.**

- (1) Where a subdivision is traversed by a water course, drainageway, channel or stream, there shall be provided a drainage easement with adequate width to accommodate observed, computed or anticipated stormwater drainage through and from the subdivision. The easement shall include an additional area not less than 15 feet wide adjoining both edges of the floodplain area and shall allow access for construction and maintenance equipment.
- (2) All permanent stormwater management facilities for a subdivision shall be protected by easements or dedications for drainage and shall permit ingress and egress for maintenance.
- (3) No construction of structures, dams, embankments or channels (except as indicated on the approved engineering plans) and no planting of trees, shrubbery or other vegetation which hinder the flow of water or otherwise inhibit the intended purposes, shall be allowed within any drainage or stormwater management facility easement without the approval of the Village Engineer.

- (4) Where possible, drainage easements shall be separate and distinct from utility easements. Such easements shall be not less than 15 feet wide, centered on the storm sewer, tile, drain, drainage way, etc.

#### **5.3-3 Landscaping easements.**

- (1) Landscaping easements for screening purposes may be required between single family and attached single family developments, between residential and commercial lots, or along lot lines to provide screening of residential lots fronting on arterial or collector streets. If such easement is to be used for public utilities, the easement shall be of sufficient width to accommodate appropriate screen plantings without interfering with utility service or maintenance.
- (2) Landscaping easements may be required to protect areas of existing site flora for screening or conservation purposes.

#### **5.3-4 Temporary turn-around easements.**

A temporary vehicular turn-around easement may be required for road purposes until the extension of the road is publicly dedicated.

#### **5.3-5 No-access strip easements.**

A no-access strip easement at least 10 feet in width may be required along a lot line abutting a street upon which no vehicular driveway shall be permitted.

#### **5.3-6 Pedestrian or bicycle way easements.**

Easements for pedestrian or bicycle ways shall be provided where deemed appropriate by the Village Board. Such easements shall be at least 20 feet in width and shall be located so as to avoid any above ground utility equipment. Such easements shall not be located in any drainage easement unless approved in writing by the Village Engineer.

### **5.4 STREETS**

#### **5.4-1 Street plan.**

The arrangement, character, extent, width, grade and location of all streets shall be considered in their relation to existing and planned streets; to reasonable circulation of traffic within the subdivision and adjoining lands; to securing curvilinear alignments to avoid rigid grid-iron patterns of blocks; to topographical conditions; to stormwater runoff; to public convenience and safety; and to proposed uses of the area to be served.

**5.4-2 Design standards.**

- (1) Design standards shall be in accordance with this ordinance, or as required by Federal, State, County or Township authorities having jurisdiction, whichever has the more restrictive design standards.
- (2) Minimum right-of-way widths for minor and collector streets shall be as specified in Table 1. Frontage roads shall have a minimum right-of-way width of 60 feet. In keeping with the rural atmosphere which the Village of Virgil seeks to encourage, the Plan Commission may recommend and the Village Board may approve right-of-way widths narrower than those specified, after due consideration for safety, estimated traffic counts and the future needs of the subdivision and surrounding area.
- (3) Should a proposed subdivision border on or contain an existing or proposed arterial street, the Plan Commission may recommend and the Village Board may require a frontage road or lots backing on such arterial street with a no access strip easement to reduce traffic hazards.
- (4) Half streets are not permitted. Where a dedicated or platted and recorded half street already exists adjacent to the tract to be subdivided, the subdivider shall plat the other half right-of-way shall be vacated prior to final plat approval.
- (5) Street intersections and confluences shall be designed to encourage safe and efficient traffic flow and, in general, be at or near right angles avoiding acute angles. An intersection of more than two streets shall be avoided unless specific conditions of design indicate otherwise.
- (6) Private streets may be required upon recommendation of the Plan Commission and approval of the Village Board. Such streets shall be constructed in accordance with the standards and requirements of this Section.
- (7) The length of a cul-de-sac street shall be subject to approval by the Village Board with due regard for the needs of convenient access and circulation of emergency vehicles and the general public. Each cul-de-sac shall have a permanent terminus with a circular shape or such other design approved by the Village Board providing for the turnaround of vehicular traffic.
- (8) Reserve or "spite" strips controlling access to streets are not permitted.

**5.4-3 Street improvements.**

All streets shall be constructed in accordance with the following requirements:

- (1) Improvement standards for collector and minor streets shall conform to the minimum standards as specified in Table 1 and in accordance with the typical cross-sections in Appendix V; pavement and other improvement standards for arterial streets or thoroughfares shall be determined by the Village Board and other highway authority as appropriate.

**Table 1 - Minimum Standard**

Minimum Standard	Collector Street	Minor Street
Right-of-way width	80 ft.	66 ft.
Street width	28 ft.	24 ft.
Structural number	4.0	3.0
Horiz. centerline radius	300 ft.	200 ft.
Tangent	100 ft.	50 ft.
Minimum Gradient	0.5%	0.5%
Maximum Gradient	7.0%	7.0%
Minimum Ditch Gradient	1.0%	1.0%

- (2) All pavement widths are measured edge to edge of driving surface on streets without curb and gutter. Pavement widths on streets with curb and gutter shall be measured from back of curb to back of curb.
- (3) Cul-de-sac, private and frontage streets shall be constructed to meet the improvement standards for minor streets. Circular cul-de-sac termini shall have a turnaround pavement radius of not less than 70 feet.
- (4) All unpaved area within the right-of-way shall be cleared of all stumps, rocks, trees that cannot be saved and construction debris. Drainage ditches shall be graded, top soiled to four inches and seeded, (Class 1 minimum) or sodded in an approved manner. Drainage ditches on both sides of pavement shall be designed in accordance with IDOT standards, subject to approval of the appropriate highway authority.
- (5) Street jogs with center line offsets of less than 150 feet shall be avoided.
- (6) Gravel or crushed stone shoulders and drainage ditches on both sides of pavements are required when curb and gutter are not used and shall be designed in accordance with IDOT standards. Ditches shall not be used to meet stormwater detention requirements.
- (7) The subgrade shall be prepared to conform to IDOT specifications and the typical cross-section details shown in Appendix VI. The subgrade shall be accepted by the Village Engineer or the appropriate highway authority, as applicable, before the gravel or crushed stone base course can be applied.
- (8) An aggregate base course conforming to IDOT specifications and the typical cross sections shall be constructed on the prepared subgrade. The base course shall be accepted

by the Village Engineer or appropriate highway authority, as applicable, before the bituminous surface can be applied.

- (9) A bituminous surface plant mix conforming to state specifications shall be constructed on the compacted base course.

#### **5.4-4 Curb and gutter.**

Curb and gutter may be required along the outside edge of streets where the degree of slope exceeds seven percent or where otherwise required or approved by the Village Board. Combination concrete curb and gutter shall be type B-6.12, unless approved otherwise, and constructed pursuant to the standard design and specifications of IDOT or the appropriate highway authority.

#### **5.4-5 Street lights.**

Street lights shall be installed at the entrance(s) of the subdivision, at street intersections and at such other locations as may be recommended by the Village Engineer and approved by the Village Board. The subdivider shall arrange for and pay any installation costs required by the public service company for the erection of the required street lights. Types, intensity and density of all street lights shall be subject to approval by the Village Board. Wooden poles will not be allowed.

#### **5.4-6 Street signs.**

Street signs shall be paid for and erected by the subdivider so as to identify every street within the subdivision (whether private or public) and shall be designed and constructed as recommended by the Plan Commission and approved by the Village Board.

#### **5.4-7 Regulatory Signs.**

Regulatory signs shall be paid for and erected by the subdivider within the subdivision (whether private or public) and shall be designed and constructed as recommended by the Plan Commission and approved by the Village Board.

#### **5.4-8 Sidewalks and pedestrian or bicycle ways.**

Sidewalks or pedestrian or bicycle ways or equestrian trails may be required by the Plan Commission and shall be installed within an easement or right-of-way not less than 12 feet in width. Sidewalks shall be concrete and at least four inches thick and four feet wide, with a four-inch aggregate base course and constructed according to IDOT specifications. The materials and surface treatment of pedestrian or bicycle ways or equestrian trails shall meet the approval of the Village Board upon recommendation of the Village Engineer.



**5.4-9 Additional right-of-way dedications.**

The Village may require dedication of additional rights-of-way for subdivisions abutting state of county highways to accommodate future traffic needs.

**5.5 UTILITIES****5.5-1 Wastewater systems.**

- (1) All subdivisions relying on individual on-site wastewater treatment and disposal systems shall comply with all applicable rules and regulations of Kane County and other governmental authorities.
- (2) In subdivisions not relying on septic systems, there shall be provided a complete wastewater collection system, including a service connection for each lot, and a sewage treatment plant, land application system or other such disposal facilities. All such sewerage systems shall be designed and constructed in accordance with applicable state, county and local plans, standards and regulations and in accordance with accepted modern sanitary engineering practices.

**5.5-2 Water supply and distributions.**

- (1) Individual water supplies (private wells) are permitted provided they meet all applicable state and Kane County regulations.
- (2) All public or community water supply and distribution systems shall provide all appurtenances and stubs to each lot and shall be designed and constructed in accordance with applicable state, county and local plans, standards and regulations.

**5.5-3 Oversizing of utilities.**

Where determined by overall utility planning, the Village Board may require certain utilities to be larger than necessary to serve the subdivision as delineated in the preliminary plan. In such case, an agreement may be made to repay the subdivider the construction cost resulting from the increased design. All engineering, insurance and inspection costs shall be paid by the subdivider.

**5.5-4 Other utility services.**

All lines for telephone, electric, gas, cable television and other similar services shall be placed underground. Conduits or cables shall be placed within easements or dedicated public ways in a manner which will not conflict with other underground services. All transformer,

cable and telephone boxes shall be located along rear lot lines or at such other locations that are not unsightly or hazardous to the public.

#### **5.5-5 J.U.L.I.E.**

The owner or subdivider or any contractor or subcontractor of owner or subdivider shall contact J.U.L.I.E. (1-800-842-0123) prior to commencement of any excavation work.

### **5.6 FLOOD PLAIN AND/OR WETLAND AREAS**

#### **5.6-1 Permits.**

The subdivider shall file applications with the Illinois Department of Natural Resources for all required floodplain and floodway construction permits and with the U.S. Army Corps of Engineers for all wetland permits, where applicable. The applicant shall submit copies of such permit applications to the Village. The Village Board shall not approve the final engineering plans until copies of the approved permits have been submitted to the Village. No construction or fill shall be allowed within such regulated floodplain, floodway or wetland areas unless a permit has been granted by the application agency.

#### **5.6-2 Methodology for delineation.**

One or more of the following sources of information, consistent with accepted engineering and environmental science practices, shall be used to delineate the Special Flood Hazard Areas (SFHA) and/or wetland areas subject to regulation under this Ordinance.

- (1) **Special Flood Hazard Areas (SFHA)** : This Ordinance's flood protection standard is the Base Flood Elevation delineated according to the best data available to the Illinois State Water Survey's Flood Plain Information Repository. Where data for determining the base flood elevation is not available from an existing study filed with the Illinois State Water Survey or the applicant or the Village disagrees with the data in an existing study in the State's Flood Plain Information Repository, the applicant shall be responsible for financing the detailed engineering study to supplement or replace the existing data. These data shall be submitted to the State Water Survey for the review and approval.

State certified data: In most cases the Base Flood Elevation(s) for the SFHA shall be as delineated on the 100-Year Flood profiles in the applicable Flood Insurance Study prepared by the Federal Emergency Management Agency. In case where SFHA are shown on the Federal Emergency Management Agency's Flood Insurance Rate Map (FIRM) but detailed flood elevations (profiles) are not available from the Flood Insurance Study, the following guidelines shall be followed to determine the Base Flood Elevation (BFE):

- (a) "AH ZONE": In each SFHA delineated as an "AH Zone" the Base Flood Elevation shall be the elevation or depth listed on the Flood Insurance Rate Map, or if this is not available, it shall be the crest of the nearest road plus one foot unless other data determines it should be higher.
- (b) "A ZONE": In the remaining SFHA delineated as "A Zone", it shall be the 100-Year flood depth calculated in accordance with the formulas in *Depth and Frequency of Floods in Illinois*, published by the U.S. Geological Survey, 1976.

Data not State certified: State certified data such as elevations (profiles) or Federal Insurance Rate Maps (FIRM) used to determine base flood elevations may be inaccurate because of improper flow or rainfall information; may show areas which existing data project as areas subject to inundation; or may include areas which have been adjusted from the original source information utilized in the preparation of the Federal Insurance Study. Several valid sources of information can be used in requesting amendments to the State Certified Data. These information sources when submitted to the State Flood Plain Information Repository, are given a priority as to their relative status as "best available data." Some of these data sources in relative priority are:

- (a) Detailed data prepared for a federal or state agency: Elevation data prepared with detailed cross-sectional information and a backwater analyses, but lacking discharge certification by the Illinois Department of Natural Resources Office of Water Resources.
- (b) Other detailed data: Elevations based on detailed cross-sectional information and backwater analysis but prepared for some other organization.
- (c) Adjusted Flood of Record: Elevation derived from field observations and/or historical flood elevations. This type of study uses engineering judgement to develop 100-Year Flood data.
- (d) Flood of Record: Elevations taken from high water marks. This type of report may not attempt to compute the 100-Year Flood. An example of such data source for the area is the U.S. Geological Survey Hydrologic Investigations Atlas, Series HA, as amended from time to time.

**(2) Wetland areas.**

Wetlands can occur in areas that are delineated as Special Flood Hazard Areas (SFHA), or may occur outside those boundaries. Wetlands often occur on lands where the groundwater table or zone of saturation periodically intersects the surface and which contain wetland plant species. In general, these are poorly drained soils where the water table is within 12 inches of the ground surface for at least 21 days of the year. Wetlands shall be delineated

according to the best available data, as determined by the Village Engineer. If the applicant disagrees with the data, the applicant shall be responsible for financing the detailed environmental study to supplement or replace the existing data. This data shall be submitted to the Village Engineer for review and the determination of which data is most accurate. Currently available sources of information on wetlands include but are not limited to:

- (a) Soils and environmental studies: Mapping and/or source information from the Kane-DuPage Soil and Water Conservation District.
- (b) Wetlands inventory: The Illinois Department of Conservation "National Wetlands Inventory", prepared by the National Wetlands Inventory, U.S. Department of the Interior, for the West Chicago and Geneva, Illinois quadrangles.
- © Other wetland information sources: Other wetland information sources, including maps, prepared and made available by various federal, state and local agencies.

## **5.7 STORMWATER MANAGEMENT**

The purpose of this section is to provide standards and regulations governing land development in order to reduce or prevent flooding and at the same time minimize damage to real property, protecting the public health, safety and welfare. The final design standards of all stormwater management facilities are subject to review and approval by the Village Engineer.

### **5.7-1 Applicability**

The controlled release and storage of excess stormwater runoff shall be required in combination for all non-residential sites which exceed one acre in area, and for all residential subdivisions of 3 or more acres. Any exceptions shall be evidenced by a prepared engineering drainage study subject to approval by the Village Engineer.

### **5.7-2 Release Rate**

The controlled release of stormwater runoff from all developments shall not exceed the existing safe storm drainage capacity of the natural down-stream outlet channel or storm sewer system. The release rate from a stormwater storage pond (in cubic feet per second) shall be an average value computed as a direct ratio of the tributary watershed area. In any case, the release rate shall not exceed 0.12 cubic feet per second times the watershed acres tributary to the pond. The rate at which stormwater runoff is transported into a designated stormwater storage area shall be unrestricted. The orifice release pipe for a stormwater control structure shall be not less than 4 inches in diameter.

### **5.7-3 Bypass Flows**

A natural or man-made channel system shall be designed with adequate capacity to convey the stormwater runoff from all upstream tributary areas through or around the development site. This system shall be designed to carry the Base Flood 100 year storm event.

Design of this system shall also take into consideration control of stormwater velocity to prevent erosion or other damage to the facility which will restrict its primary use. Depths of flow shall be subject to review and approval by the Village Engineer.

If the development contains an existing natural waterway, this land configuration shall be preserved as part of the bypass channel system. If required, construction of a "low flow" system of storm sewers to carry the minor storm runoff and reshaping of the channel to provide for a maximum side slope ratio of 4 horizontal to 1 vertical, and a bottom width adequate to facilitate maintenance and carry the flood runoff without eroding velocities, shall be included in the subdivision plans.

#### **5.7-4 Storm Routing Methodologies and Rainfall Rates**

The required volume for stormwater detention shall be calculated by means of synthetic hydrograph and flood routing methods using Technical Release No. 20 or No. 55 (as published by the U.S. Soil Conservation Service). This volume shall be provided for the excess stormwater runoff that is tributary to the area designated for detention storage purposes. The control structure shall be designed to not exceed the stormwater release rate.

Storage capacity obtained by excavating the natural ground within the 100-Year flood plain may not be considered effective for stormwater management, unless approved by the Village Engineer.

Twenty-four hour rainfall rates shall be as presented in the State of Illinois Bulletin No. 70. Frequency Distributions and Hydroclimatic Characteristics of Heavy Rainstorms in Illinois", or the latest rainfall rates as adopted by the Kane County Development Department.

#### **5.7-5 Dry Bottom Detention Ponds**

Dry bottom stormwater storage or detention areas shall be designed to serve a secondary purpose such as recreation, open space, or other types of uses that will not be adversely affected by occasional flooding. A method of carrying the low flow through these areas shall be provided. In addition, a system of drains, may be provided with a positive gravity outlet to a natural channel or other storm sewer facility.

The combination of storage of the water from a 100-year storm and the design release rate shall not result in a storage duration in excess of 72 hours. However, the release rate shall govern the maximum release for as long as possible. Maximum depths of planned stormwater storage shall not exceed 4 feet unless the existing natural ground contours and

other conditions dictate greater storage depths, subject to approval by the Village Engineer. Minimum grades for areas to be constructed shall be 2% and maximum slopes shall be 4 units horizontally to 1 unit vertically. Storage area side slopes shall be kept as close to the natural land contours as practical.

If slopes greater than 4:1 are necessary to meet storage requirements or area restrictions, approval shall be obtained from the Village Engineer and erosion control shall be provided in addition to the protection required to insure public health, safety, and welfare.

Outlet control structures installed shall require little or no maintenance for proper operation. Each stormwater storage area shall be provided with a method of emergency overflow in the event that a storm in excess of the 100 year return frequency storm occurs. This emergency overflow shall become part of the natural or surface channel system described above. Hydraulic calculations shall be submitted to substantiate all design features. Both outlet control structures and emergency overflow structures shall be designed and constructed to fully protect the public health, safety, and welfare. Stormwater runoff velocities shall be kept to a minimum and turbulent conditions at an outfall control structure will not be permitted without complete protection for the public safety. The use of restrictive fences shall be kept to a minimum and shall be used only as a last resort when no other method is feasible.

#### **5.7-6 Wet Bottom Detention Ponds**

Wet bottom stormwater storage or retention areas shall be designed to meet the requirements for dry bottom storage areas. A low flow conduit and a system of drains with a positive gravity outlet shall not be required. However, the following additional conditions are required:

- (1) Water surface area shall not exceed 1/10th of the tributary drainage area.
- (2) Shoreline protection shall be provided to prevent erosion from wave action.
- (3) Minimum normal water depth shall be 5 feet. If the pond is to be stocked with fish, no less than one quarter of the pond shall be a minimum of 10 feet deep. The depth of the pond shall be reviewed and approved by the Village Engineer.
- (4) Where feasible, facilities shall be provided to permit the pond level to be lowered by gravity flow for cleaning purposes and shoreline maintenance.
- (5) Control structures for stormwater release shall be designed to operate at full capacity with increases in the water surface level as required. Hydraulic calculations shall be submitted with final engineering plans.

- (6) Aeration facilities to prevent pond stagnation, if required, shall be provided. Design calculations to substantiate the effectiveness of these aeration facilities shall be submitted with final engineering plans. Agreements for the perpetual operation and maintenance of aeration facilities shall be prepared to the satisfaction of the Village Engineer and Village Board.
- (7) In the event that the water surface of the pond is to be raised for purposes of storing water for irrigation or in anticipation of the evapotranspiration demands of dry weather, the volume remaining for storage of excess stormwater runoff shall still be sufficient to contain the 100-Year storm runoff.

#### **5.7-7 Protection of Downstream Areas**

Where development of a property presents the threat of flooding or damage by flood runoff to downstream residents, the facilities for stormwater runoff control shall be constructed prior to any other earthmoving or drainage construction on the project site including provisions for siltation control.

During construction of the subdivision improvements, facilities shall be provided in accordance with the approved engineering plans to prevent the erosion and washing away of the earth.

#### **5.7-8 Oversizing of Ponds**

The construction of the stormwater control system shall be accomplished as part of the cost of land development. If the amount of storage capacity can be increased to provide certain benefits to the surrounding properties, negotiations for additional participation in the cost of such development may be feasible.

#### **5.7-9 Miscellaneous Requirements**

Stormwater conveyance and storage facilities shall also be designed in accordance with the following specific design requirements:

- (1) Suitable riprap underlain with fabric should be provided where necessary to control erosion.
- (2) Minimum distance from all road right-of-ways is 10 feet plus 1½ times the depth to the high water line.
- (3) Stage vs. storage volume table for each pond shall be shown on plans.

- (4) Minimum top of foundation elevations should be 2 feet above the pond high water elevation.
- (5) The emergency spillway should be set at the calculated high water elevation.
- (6) Vehicle access for basin maintenance of 10 feet minimum at the top of berm, unless shown to be unnecessary.
- (7) Catch basins should be used to provide access during high water to pond restrictors for maintenance.
- (8) Half traps (minimum Schedule 80 PVC) must be installed in restrictor catch basin for connection to subsurface drains, when required.
- (9) Cross sections through the pond, berm, restrictor pipe, and emergency overflow spillway shall be shown on the plans.
- (10) Provide 1 foot of freeboard (minimum) above pond high water.
- (11) Identify overflow points and overland routes through the site for emergency flows.
- (12) Dry Bottom Detention Ponds shall have a minimum slope of 2.0%.
- (13) For paved areas used for dry detention storage:
  - (a) Concrete, bituminous, and gravel pavements should have a minimum 1% slope. A minimum of 0.5% slope for pavements will be considered to be acceptable, if approved by the Village Engineer. Combination concrete curb and gutter should have a minimum 0.5% slope.
  - (b) Maximum depth of 1 foot in parking lots.
- (14) For surface drainage computations:
  - (a) For new ditch sections at critical locations, show computations for the ditch capacity. Ditches must contain the 100-year runoff for flood routing.
  - (b) Road culvert capacity computations to show capacity for the 25-year storm using the Rational Method for computing the runoff. Other methods will be considered. Driveway culverts must also be sized and table of sizes shown on plans (15" min). Proper flood routing of flows in excess of culvert capacities must be shown.



- (c) Storm sewer capacity computations to show capacity for the 5 year storm. Associated overland routes should show computations at critical locations for 100-year flood routing.
- (15) For floodplain or floodway construction an Illinois Department of Natural Resources Office of Water Resources permit shall be obtained. Additional restrictions are as follows:
  - (a) Floodplain fringe development requires compensatory storage at 1.5 times volume lost.
  - (b) Areas of site where the base flood elevation is being altered shall have a CLOMR filed with FEMA.
- (16) For construction in wetlands, a permit with the US Army Corps of Engineers is required.

## 5.8 OTHER IMPROVEMENTS

### 5.8-1 Landscaping improvements.

Landscaping improvements or screening shall be provided in accordance with the requirements of the Virgil Zoning Ordinance, any pre-annexation agreement, site plan requirements, and this ordinance as applicable.

### 5.8-2 Entryway treatments.

- (1) Permanent landscape entryway features shall be permitted at subdivision entrances, but not within right-of-way or roadway easements, provided the following criteria are met:
  - (a) Such entryway features shall have a rural character through the use of materials and plantings naturally found in rural environments (e.g. wood, rocks, native site flora) and typical rural or country design elements.
  - (b) The placement of a sign conforming to Village standards shall be designated on the final landscaping plan.

(c) repealed by ordinance number 2005-12 effective 11/10/05

## 5.9 TEMPORARY SALES FACILITIES

Either a mobile sales office or model homes may be permitted in accordance with the following requirements:

**5.9-1 Sales Office.**

A mobile sales office may be permitted for a period of 12 months, which period may be extended upon approval of the Village Board, subject to the following:

- (1) A site plan showing parking, landscaping, lighting and signage shall be submitted for review and approval by the Village Board.
- (2) A mobile office shall be placed no closer than 35 feet to any road right-of-way.
- (3) The Village may require a bond in sufficient amount to guarantee the cost of removal of the mobile sales office if the subdivider or developer shall fail or refuse to do so.

**5.9-2 Model Homes.**

Not more than 4 model homes per subdivision may be permitted for a period of 12 months, which period may be extended upon approval of the Village Board. A plan showing the number and location of model homes, parking areas, landscaping, lighting and signage shall be submitted for review and approval by the Village Board.

**5.10 STOCKPILES**

Stockpiles shall not be permitted on any lot in a subdivision unless approved in writing by the Village Engineer and may be removed by the Village at the subdivider's or owner's expense if the subdivider or owner shall fail to do so, weather permitting, within 30 days after written notice from the Village.

**5.11 SOIL EROSION AND SEDIMENTATION CONTROL**

The purpose of this section is to control soil erosion and sedimentation caused by development activities, including clearing, grading, stripping, excavating, and filling of land, in the Village. Measures taken to control soil erosion and offsite sediment runoff should be adequate to assure that sediment is not transported from the site by a storm or event of 10-year frequency or less.

**5.11-1 General Criteria and Standards**

The following general principles shall apply to all development activities within the Village and to the preparation of the submissions required under Article IV of this Ordinance.

- (1) Development should be related to the topography and soils of the site so as to create the least potential for erosion. Areas of steep slopes where high cuts and fills may be required should be avoided wherever possible, and natural contours should be followed as closely as possible.
- (2) Natural vegetation should be retained and protected wherever possible. Areas immediately adjacent to natural watercourses and wetlands should be left undisturbed wherever possible. Temporary crossings of watercourses, when permitted, must include appropriate stabilization measures.
- (3) Special precautions should be taken to prevent damages resultant from any necessary development activity within or adjacent to any stream, lake, pond, or wetland. Preventative measures should reflect the sensitivity of these areas to erosion and sedimentation.
- (4) The smallest practical area of land should be exposed for the shortest practical time during development.
- (5) Sediment basins or traps, filter barriers, diversions, and any other appropriate sediment or runoff control measures should be installed prior to site clearing and grading and maintained to remove sediment from run-off waters from land undergoing development.
- (6) The selection of erosion and sedimentation control measures should be based on assessment of the probable frequency of climatic and other events likely to contribute to erosion, and on evaluation of the risks, costs, and benefits involved.
- (7) In the design of erosion control facilities and practices, aesthetics and the requirements of continuing maintenance should be considered.
- (8) Provision should be made to accommodate the increased run-off caused by changed soil and surface conditions during and after development. Drainageways should be designed so that their final gradients and the resultant velocities and rates of discharge will not create additional erosion onsite or downstream.
- (9) Permanent vegetation and structures should be installed and functional as soon as practical during development.
- (10) Those areas being converted from agricultural purposes to other land uses should be vegetated with an appropriate protective cover prior to development.
- (11) All waste generated as a result of site development activity should be properly disposed of and should be prevented from being carried off the site by either wind or water.

- (12) All construction sites should provide measures to prevent sediment from being tracked onto public or private highways.

#### **5.11-2 Erosion and Other Pollutant Control Requirements**

On-site sediment control measures, as specified by the following criteria, shall be constructed and functional prior to initiating clearing, grading, stripping, excavating or fill activities on the site.

- (1) For disturbed areas draining less than 1 acre, filter barriers (including filter fences, straw bales, or equivalent control measures) shall be constructed to control all off-site runoff as specified in reference handbooks. Vegetated filter strips, with a minimum width of 25 feet, may be used as an alternative only where runoff in sheet flow is expected.
- (2) For disturbed areas draining more than 1 but less than 5 acres, a sediment trap or equivalent control measure shall be constructed at the downslope point of the disturbed area.
- (3) For disturbed areas draining more than 5 acres, a sediment basin or equivalent shall be constructed at the downslope point of the disturbed area.
- (4) Sediment basins and sediment trap designs shall provide for both detention storage and sediment storage as follows:
  - (a) The detention storage shall be composed of equal volumes of wet detention storage and dry detention storage. The dry detention storage shall be sized for the 2-year, 24-hour runoff from the site under maximum runoff conditions during construction. The release rate of the basin shall be that rate required to achieve minimum detention times of at least 10 hours. The elevation of the outlet structure shall be placed such that it only drains the dry detention storage.
  - (b) The sediment storage shall be sized to store the estimated sediment load generated from the site over the duration of the construction period with a minimum storage equivalent to the volume of sediment generated in one year. For construction periods exceeding 1 year, the 1-year sediment load and a sediment removal schedule may be substituted.
- (5) Stormwater conveyance channels, including ditches, swales, and diversions, shall be constructed as soon as possible in the site development process. Conveyance devices and the outlets of all channels and pipes shall be designed and constructed to withstand the expected flow velocity from the 10-year frequency storm without erosion. All constructed or modified channels shall be stabilized within 48 hours, consistent with the following standards:

- (a) For grades up to 4 percent, seeding in combination with mulch, erosion blanket, or an equivalent control measure shall be applied. Sod or erosion blanket or mat shall be applied to the bottom of the channel.
  - (b) For grades of 4 to 8 percent, sod or an equivalent control measure shall be applied in the channel.
  - © For grades greater than 8 percent, rock, riprap, or an equivalent control measure shall be applied, or the grade shall be effectively reduced using drop structures.
- (6) Disturbed areas shall be stabilized as soon as possible following the end of active disturbance, or redisturbance, consistent with the following criteria:
- (a) Temporary or permanent stabilization measures shall be applied within 7 days for perimeter dikes, areas having slopes steeper than 33 percent (3:1), and areas within 25 feet of a stream, lake, pond, or wetland. Appropriate stabilization measures included seeding, mulching, sodding, and/or non-vegetative measures.
  - (b) Except as otherwise specified in this section, other disturbed areas shall have temporary or permanent soil stabilization measures applied within 15 days.
  - © Areas having slopes greater than 33 percent shall be stabilized with sod, mat or blanket in combination with seeding, or equivalent.
- (7) Land disturbance activities in stream channels shall be avoided, where possible. If disturbance activities are unavoidable, the following requirements shall be met:
- (a) Construction vehicles shall be kept out of the stream channel to the maximum extent practicable. Where construction crossings are necessary, temporary crossings shall be constructed of non-erosive material, such as riprap or gravel.
  - (b) The time and area of disturbance of stream channels shall be kept to a minimum. The stream channel, including bottom and banks, shall be restabilized within 48 hours after channel disturbance is completed, interrupted, or stopped.
- (8) Whenever channel relocation is necessary, the new channel shall be constructed in the dry and fully stabilized before flow is diverted.
- (9) Storm sewer inlets and culverts shall be protected by sediment traps or filter barriers meeting accepted design standards and specifications.

All soil erosion and sediment control measures necessary to meet the requirements of this ordinance shall be maintained periodically by the applicant or subsequent land owner during the period of land disturbance and development of the site in a satisfactory manner to ensure adequate performance.

### **5.11-3 Standards Adopted by Reference**

The submittal should be prepared in accordance with the standards and specifications contained in the following publications:

- (1) "Procedures and Standards for Soil Erosion and Sedimentation Control in Northeastern Illinois" (Revised July 1988) prepared by the Northeastern Illinois Erosion and Sedimentation Control Steering Committee;
- (2) "Standards and Specifications for Soil Erosion and Sediment Control" (1987) prepared by the Illinois Environmental Protection Agency;
- (3) Standard specifications for "Road and Bridge Construction", latest edition, prepared by the Illinois Department of Transportation.

These publications are hereby incorporated into this ordinance and made part hereof by reference, for the purpose of exemplifying the considerations and factors which should enter into the preparation of a site development plan. In the event of conflict between provisions of said manuals and of this ordinance, the more restrictive provisions shall govern.

**ARTICLE VI - SITE PLAN REQUIREMENTS [Reserved for future use]**

**ARTICLE VII - [Reserved for future use]**

**ARTICLE VIII. DEDICATION OF PARK LANDS AND SCHOOL SITES  
OR PAYMENT OF FEES IN LIEU THEREOF**

**§ 800. Adoption by reference**

Article V of Chapter 19 of the Kane County Code, as amended, entitled *Dedication of School/Park Sites or Payment of Fees in Lieu Thereof*, three copies of which are on file in the office of the Village Clerk of the Village of Virgil, is hereby adopted by reference, and each and all of the regulations, provisions, conditions and terms of said Article V of Chapter 19 of the Kane County Code, as amended from time to time, are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, deletions and other changes set forth below.

**§ 801. Additions, deletions and changes**

Article V of Chapter 19 of the Kane County Code, as amended, is revised in the following respects:

- (a) In § 19-231, substitute "Village" for "county" wherever it appears.
- (b) In § 19-232(b), substitute "Village" for "county" wherever it appears. In § 19-232(c), substitute "Village Comprehensive Land Use Plan" for "county plan."



(c) In § 19-233(a), substitute "Village" for "county" wherever it appears. In § 19-233(b), substitute "Village Board" for "county development committee."

(d) In § 19-235, substitute "Village Board" for "county."

(e) In § 19-236, substitute "Village" for "county" wherever it appears.

(f) § 19-240(b) shall read, in its entirety, as follows:

(b) The hearing shall be conducted before the Village Board upon not less than 15 days' notice by first class mail, postage prepaid, to the school district and the subdivider or developer. Notice of the hearing shall be published once not less than 15 days nor more than 30 days prior to the hearing in a newspaper published within the Village, or if no newspaper is published within the Village, then in a newspaper published within Kane County and having a general circulation within the Village. The hearing shall be conducted according to rules adopted by the Village Board for such purpose.

(g) § 19-241 is deleted in its entirety.

(h) § 19-242 is deleted in its entirety.

(i) In § 19-243(a), substitute "Village Treasurer" for "plat officer". Substitute "established by the Village" for "provided by the county treasurer of Kane County." Substitute "Village Clerk" for "Kane County board chairman and the members of the land/cash subcommittee." In § 19-243(b), substitute "Village of Virgil, the President and members of the Board of Trustees" for "County of Kane, the Kane County Board members". Substitute "Village" for "County" in the next to the last line. § 19-243(c) shall read, in its entirety, as follows: "Upon resolution of the Village Board, the Village Treasurer shall disburse the amount of money approved to the school district."

(j) In § 19-251, substitute "Village" for "county".

(k) In § 19-252(b), substitute "Village" for "county". Substitute "Village Board" for "county development committee". In § 19-252(c), substitute "Village" for "county" wherever it appears. Substitute "Village Board" for "development committee".

(l) In § 19-253, substitute "Village" for "county" wherever it appears. In § 19-253(b), substitute "Village Board" for "county development committee".

(m) In § 19-255, substitute "Village Board" for "county" wherever it appears.

(n) In § 19-256, substitute "Village" for "county" wherever it appears.

(o) § 19-260 shall read, in its entirety, as follows:

§ 19-260. Distribution of Cash Contributions:

All cash contributions in lieu of actual land dedication made as a condition of approval of a final plat of subdivision, or of a final plat of a planned unit development shall be collected by the Village Treasurer and deposited in an account established by the Village. Park districts or the Kane County Forest Preserve District may apply for distribution of the cash contributions derived from subdivisions or planned unit developments within their boundaries by filing an application with the Village Clerk. Distributions of funds to a park district or the Kane County Forest Preserve District shall be authorized by a resolution adopted by the Village Board.

Ord. No. 2002-04 effective 7/10/02

**§ 802. Transition fees for fire protection districts**

(a) It is the stated policy of the Village to require the payment of fire district transition fees from developers of residential, commercial and industrial developments of territory, all or any portion of which are to be annexed to the Village after the effective date of this ordinance.

(b) All agreements for the annexation of territory for the development of residential, commercial and industrial uses shall contain terms by which the entity seeking annexation shall agree to be bound by and comply with the terms of this section relating to the calculation, payment and collection of transition fees for fire protection districts.

(c) A fee shall be paid to the Village calculated according to the following criteria:

(1) \$729.50 per residential dwelling unit; and

(2) A fee per commercial or industrial lot calculated by multiplying the number of acres of any commercial or industrial area within the development by \$1459 and dividing the product by the number of commercial lots.

(d) The fees payable under this paragraph shall be calculated upon the entire development, not just the portion to be annexed to the Village under the agreement. The fees payable under this paragraph shall be adjusted upward by 3% on May 1 of every year. The contributions required in this paragraph, to the extent not paid when due, shall bear interest at the rate of 18% per annum.

(e) The fees payable under this ordinance shall be paid by the entity seeking annexation to the Village subsequent to final plat approval but prior to the Village President affixing his signature thereto.

(f) The fees collected under this ordinance shall be paid by the Village to the fire protection district serving the property for which the fee was paid on April 30 and October 31 of each year.

(g) As a condition precedent to the receipt of any funds by any fire protection district from this ordinance, the district shall execute and deliver to the Village an indemnification and hold harmless agreement in the form attached hereto as Exhibit A.

(h) This ordinance shall be reviewed by the Village and the fire protection districts not less often than every five years.

**ARTICLE IX - [Reserved for future use]**

**ARTICLE X - [Reserved for future use]**

## ARTICLE XI - ADMINISTRATION

The Village Board may authorize a variation from these subdivision regulations after review of the findings and recommendations of the Plan Commission when, in its opinion, undue hardship may result, or the public interest will not be served by strict compliance with such regulations and the goals of this Ordinance may be thereby furthered. In granting any variation, the Plan Commission may recommend and/or the Village Board may prescribe such conditions deemed necessary to, or desirable for the public interest. No variation shall be granted unless the Village Board finds:

(a) That there are special circumstances or conditions affecting said property, such that the strict application of the provisions of this Ordinance would frustrate or impair the creation of a quality development.

(b) That the granting of the variation will not be detrimental to the public welfare or injurious to other property in the area in which said property is located.

### 11.2 FEES

#### 11.2-1 Filing fee.

A fee of Five Hundred Dollars (\$500.00) or as otherwise specified in the Village of Virgil Fee Ordinance shall be paid by the subdivider to the Village of Virgil at the time of filing the preliminary plan with the Village Clerk.

#### 11.2-2 Reimbursement for Village fees and expenses.

In the process of reviewing plans and specifications, or in the course of construction observation of land improvements as provided in Article III, Section 3.4-2 of this Ordinance, or in carrying out or enforcing the other provisions of this Ordinance, the Village of Virgil will often incur fees and expenses by the Village Engineer, court reporter fees, recording fees, attorney's fees, fees for the preparation of a traffic analysis, fees for BOCA plan review, and other similar fees and expenses. The owner or subdivider shall reimburse the Village of Virgil for any such fees and expenses incurred and shall file a written agreement to that effect together with any required deposit at the time of filing of a preliminary plan. In the event of non-payment of any such fees or expenses, the Village may, after written notice to the owner or subdivider, draw on any guarantee provided by the owner or subdivider in accordance with Article III, Section 3.3-4 of this Ordinance.

#### 11.2-3 Engineering inspection.

All required land improvements to be installed under the provisions of this ordinance shall be inspected during the course of construction by the Village Engineer or other Village representative duly appointed by the Village Board. Salaries based on hourly rates and other costs pursuant to such inspections shall be paid by the owner or subdivider.

### **11.3 PERMITS FOR UTILITY SERVICES**

Permits shall be obtained from the appropriate governing body for the installation of communication, electric power, gas and other utility services in public or private rights-of-way or easements, as shown on the final plat, and the required fees paid by the owner or subdivider before any installation is started.

### **11.4 BUILDING PERMIT**

No building permit shall be issued by any Village official for the construction of any building, structure, or improvement to land or any lot within a subdivision, as defined herein, which has been approved for platting until all requirements of this ordinance have been fully complied with.

### **11.5 OCCUPANCY PERMIT**

No occupancy permit shall be granted by any Village official for the use of any structure within a subdivision approved for platting or re-platting until required utility facilities have been installed and made ready to service the property and that streets providing access to the subject lot or lots have been constructed or are in the course of construction and are suitable for vehicular traffic.

### **11.6 ENFORCEMENT**

No plat of any subdivision shall be entitled to record in the Recorder's Office or have any validity until it shall have been approved in the manner prescribed in this Ordinance.

### **11.7 RECORD OF PLATS**

All plats of subdivisions, after the same have been submitted and approved as provided in this Ordinance, shall be filed and kept by the Village Clerk among the records of the Village.

### **11.8 SEVERABILITY**

Should any section, paragraph, clause, phrase or part of these Subdivision Regulations for any reason, be held invalid by any court of competent jurisdiction, such division shall not affect the validity of any remaining provisions of these regulations which can be given effect without such invalid provision, and to that end the provisions of this Ordinance are severable.

### **11.9 VIOLATION-PENALTY**

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with any provision of this Ordinance shall upon conviction thereof be fined not less than \$50.00 or more than \$500.00 for each violation, plus the costs of the action. Each day that violation occurs or continues shall be considered to be a separate offense.

11.10 EFFECT; REPEAL OF PRIOR ORDINANCES

All sections or parts of ordinances heretofore adopted by the Village Board which are inconsistent with the provisions of this Ordinance are hereby repealed, as of the effective date of this Ordinance except as to any current violations of said ordinances. No prior violation or pending prosecution shall be deemed abated by reason of the adoption of this Ordinance. No repeal of any ordinance or regulation of any other governmental body incorporated by reference in this Ordinance shall be deemed to repeal any provision of this Ordinance unless such repeal is expressly adopted by the corporate authorities.

This Ordinance is necessary for the health and safety of the people of the Village of Virgil, Illinois and shall be in full force and effect from and after its passage, approval and publication according to law.

DATED: March 14, 1996.

Trustee	Aye	Nay	Absent	Abstain
Brown			K	
<del>Probst</del> Faber	K			
Scott	K			
Seyller	K			
Torphy	K			
Zielinski			K	
Sauber				

Approved:

*Michael Paul*  
President

ATTEST:

*Debbie Washou*  
Clerk

APPENDIX I

CERTIFICATES

- 1. The following certificates are to be indicated, where applicable, on all Final Plats, Certification on final plats of subdivision located in the unincorporated areas within one and one-half miles beyond the Virgil Village limits shall be those required by the Kane County Subdivision Regulations, except when Village of Virgil Subdivision Regulations are more restrictive, the applicable Village of Virgil Subdivision Certifications shall also be required.

- a. Surveyor's Certificate.

STATE OF ILLINOIS)  
 COUNTY OF KANE) SS

This is to certify that I, \_\_\_\_\_, an Illinois Registered Land Surveyor, have surveyed the following described property:

(Legal Description)

as shown by the attached plat, which is a correct representation of said survey and subdivision - All distances are shown in feet and decimal parts thereof. I further certify that all regulations enacted by the Village Board 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 \_\_\_\_\_ A.D., 19 \_\_\_\_.

\_\_\_\_\_

Illinois Registered Land Surveyor No.: \_\_\_\_\_

(Seal)



b. Owner's Certificate.

STATE OF ILLINOIS)  
COUNTY OF KANE) SS

This is to certify that the undersigned is the owner of land described in the annexed Plat and has caused the same to be surveyed, subdivided and platted as shown by the Plat for uses and purposes as indicated therein, and does hereby acknowledge and adopt the same under the style and title thereon indicated.

Dated at \_\_\_\_\_, Illinois this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 19 \_\_\_\_.

\_\_\_\_\_  
Owner

\_\_\_\_\_  
Address  
\_\_\_\_\_

c. Notary's Certificate.

STATE OF ILLINOIS)  
COUNTY OF \_\_\_\_\_) SS

I, \_\_\_\_\_, Notary Public in and for the State and County aforesaid, do hereby certify that

\_\_\_\_\_, personally known to me to be the same persons whose names are subscribed to the foregoing certificate, appeared before me this day in person and acknowledged the execution of the annexed plat and accompanying instruments for the uses and purposes therein set forth as his or their free and voluntary act.

Given under my hand and Notarial Seal this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 19 \_\_\_\_.

\_\_\_\_\_  
Notary Public

My Commission expires: \_\_\_\_\_

d. **County Superintendent of Highway Certificate.**  
(If applicable)

STATE OF ILLINOIS)  
COUNTY OF \_\_\_\_\_ ) SS

Accepted this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 19 \_\_\_\_.

\_\_\_\_\_  
County Superintendent of Highways

e. **County Health Officer Certificate.**

STATE OF ILLINOIS)  
COUNTY OF KANE) SS

Accepted this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 19 \_\_\_\_.

\_\_\_\_\_  
(Title)

f. **County Clerk Certificate.**

STATE OF ILLINOIS)  
COUNTY OF KANE) SS

I, \_\_\_\_\_, County Clerk of Kane 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.

Given under my hand and seal at \_\_\_\_\_,  
\_\_\_\_\_ County, Illinois this \_\_\_\_\_ day of \_\_\_\_\_,  
A.D., 19 \_\_\_\_.

\_\_\_\_\_  
County Clerk

**g. Certificate as to Special Assessments.**

STATE OF ILLINOIS)  
COUNTY OF KANE) SS

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

Dated at Virgil, Illinois, this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 19 \_\_\_\_.

\_\_\_\_\_  
Village Treasurer

**h. Village Engineer's Certificate.**

STATE OF ILLINOIS)  
COUNTY OF KANE) SS

I, \_\_\_\_\_, Village Engineer of the Village of Virgil, do hereby certify that the required improvements have been installed, or the required guarantee collateral has been posted for the completion of all required land improvements.

Dated at Virgil, Illinois, this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 19 \_\_\_\_.

\_\_\_\_\_  
Village Engineer

**I. Plan Commission Certificate.**

STATE OF ILLINOIS)  
COUNTY OF KANE) SS

Approved this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 19 \_\_\_\_.

VIRGIL PLAN COMMISSION

\_\_\_\_\_  
Chairman

j. **Village Clerk's Certificate.**

STATE OF ILLINOIS)  
COUNTY OF KANE) SS

I, \_\_\_\_\_, Village Clerk of the Village of Virgil, Illinois, do hereby certify that the annexed plat was presented to and by resolution duly approved by the Village Board of the Village of Virgil, at its meetings held on \_\_\_\_\_, A.D., 19 \_\_\_\_.

In witness whereof I have hereunto set the seal of the Village of Virgil, Illinois.

\_\_\_\_\_  
Village Clerk

k. **Recorder's Certificate.**

As required by the Recorder's Office of the County of Kane, as applicable.

l. **Illinois Department of Transportation.**

To be stamped on the final plat and signed by the Illinois Department of Transportation when applicable.

2. The following certificate shall be shown on the topographic and profile study (drainage overlay):

STATE OF ILLINOIS)  
COUNTY OF KANE) SS

To the best of our knowledge and belief the drainage of surface water will not be changed by the construction of such subdivision or any part thereof, or that if such surface water drainage will be changed, reasonable provision has been made for collection and diversion of such surface waters into public areas, or drains which the subdivider has a right to use, and that such surface waters will be planned for in accordance with generally accepted engineering practices so as to reduce the likelihood of damage to the adjoining property because of the construction of the subdivision.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 19 \_\_\_\_.

\_\_\_\_\_  
Engineer

\_\_\_\_\_  
Owner(s) or Attorney



**APPENDIX II**

**SAMPLE EASEMENT LANGUAGE**

**DRAINAGE AND WETLANDS CONSERVATION EASEMENT**

An easement for conservation of wetlands over and upon those areas of land designated "Drainage and Wetlands Conservation Easement" on the plat hereon drawn is hereby granted to the Village of Virgil, the County of Kane, and their successors and assigns for the following purposes:

- to accept and conduct surface water discharges from adjacent upstream property;
- to maintain said land in its natural, scenic and open condition, and;
- to enter said land at all reasonable times for the purpose of inspecting said land to determine if the grantor, or his heirs or assigns, is complying with the covenants and purposes of this grant.

In furtherance of the foregoing affirmative rights, the grantor makes the following covenants on behalf of himself, his heirs or assigns, which covenants shall run with said land in perpetuity:

- there shall be no fences, buildings or structures, including signs constructed upon said land;
- there shall be no mowing nor removal or destruction of trees and plants of said land;
- there shall be no plowing of said land nor shall there be any mining, removal of topsoil, sand, rock, gravel, minerals or other material from said land;
- there shall be no operation of snowmobiles, dune buggies, motorcycles, all-terrain vehicles or any other types of motorized vehicles on said land.

Said "Drainage and Wetlands Conservation Easement" may be changed, modified or abrogated only upon written approval of said Village of County. Except as expressly limited herein, the grantor reserves for himself, his heirs and assigns, all rights as owner of said land, including the right of use of said land for all purposes not inconsistent with this grant.

**UTILITY EASEMENT**

A permanent non-exclusive easement is hereby reserved for and granted to the Village of Virgil and the County of Kane (hereinafter collectively referred to as "the Grantee"), and to all public utility and other companies of any kind operating including, but not limited to the following companies: Illinois Bell Telephone Company, Commonwealth Edison Company, and Northern Illinois Gas Company and to their successors and assigns in, upon, across, over, under and through the areas shown by dashed lines and labeled "Utility Easement" on this plat of subdivision, or where otherwise noted in the above legend for the purpose of installing, constructing, inspecting, operating, replacing, renewing, altering, and enlarging, removing, repairing cleaning, and maintaining electrical, cable television, communications, gas, telephone or other utility lines and connections as may be required to furnish public utility service to adjacent areas, and such appurtenances and additions thereto as said Grantee may deem necessary, together with the right of access across the real estate platted hereon for the necessary personnel and equipment to do any or all of the above work. No permanent buildings or trees shall be placed on said easements, but the premises may be used for gardens, shrubs, landscaping, and other purposes that do not then or later interfere with the aforesaid uses and rights. Fences shall not be erected upon said easements in any way which will restrict the uses herein granted except where specifically permitted by the written authority of the Grantee. The right is also hereby granted or said Grantee to cut down, trim or remove any trees, fences, shrubs, or other plants that interfere with the operation of or access to said utility installation in, on, upon, across, under or through said easements. The Grantee shall not be responsible for replacement of any such improvements, fences, gardens, shrubs, or landscaping removed during exercise of the herein given rights. Replacement of items so removed shall be the responsibility of the then lot owner.

**DRAINAGE EASEMENT**

A permanent non-exclusive easement is hereby reserved for and granted to the Village of Virgil and the County of (hereinafter collectively referred to as "the Grantee"), and to its successors and assigns in, upon, across, over, under and through the areas shown by dashed lines and labeled "Drainage Easement" on this plat of subdivision, or where otherwise noted in the above legend for the purpose of installing, constructing, inspecting, operating, replacing, renewing, altering, and enlarging, removing, repairing cleaning, and maintaining storm sewers, drain tiles, drainageways, storm-water detention and retention facilities and appurtenances and any and all manholes, pipes, connections, catch basins, and without further limitations, such other installations as said Grantee may deem necessary, together with the right of access and equipment to do any or all of the above work, no permanent buildings or trees shall be placed on said drainage easements, but the premises may be used for landscaping, and other purposes that do not then or later interfere with the aforesaid uses and rights. Fences shall not be erected upon said drainage easements in any way which will restrict the uses herein granted. The right is also hereby granted to said Grantee to cut down, trim or remove any trees, fences, shrubs, or other plants that interfere with the operation of or access to such drainage facilities in, on, upon, across, under or through said drainage easements. The Grantee shall not be responsible for replacement of any such improvements, fences, gardens, shrubs, or landscaping removed during exercise of the herein given rights. Replacement of items so removed shall be the responsibility of the then lot owner. Where drainage easement areas are also used for electric, telephone or gas distribution systems or components, such other utility installations shall be subject to the prior approval of the Village of Virgil or the County of Kane so as not to interfere with the maintenance of gravity flow and stabilization of vegetative ground cover on the above mentioned drainage facilities.



LANDSCAPING EASEMENT

A \_\_\_\_\_ foot-wide landscaping easement across that part of lots \_\_\_\_\_ is hereby reserved for and granted to \_\_\_\_\_ and to its successors and assigns, and is restricted to the placement of trees, shrubs, bushes, lawns, and other forms of vegetation. No permanent buildings or structures shall be constructed or maintained on, across, over, or through said "Landscaping Easement" nor shall such vegetation be removed, except to replace dead or diseased vegetation of like species without the written authority of the Village of Virgil. Nothing contained in this paragraph shall preclude the exercise of rights hereinabove granted for utility easements.

CURTAIN DRAIN EASEMENT

A non-exclusive easement is hereby reserved for and granted to the Village of Virgil and the County of Kane in and under those areas shown hereon as "curtain drain easement" and shall be used for installation, maintenance and repair of drain tiles placed therein for the benefit of adjacent lot owners so as to facilitate lowering ground water in the proximity of septic filter fields now or hereafter situated on said lots. The surface of said "curtain drain easement" areas may be used for any other purpose which will not or does not interface with the effective operation or maintenance of said drain tiles. Said maintenance shall be performed by any of said lot owners benefitted thereby and may include the removal of any vegetation, roots and debris which may block the flow of water through said tiles.

APPENDIX III.

PRECONSTRUCTION MEETING OUTLINE

AGENDA/RECORD  
PRECONSTRUCTION MEETING

PROJECT NAME: \_\_\_\_\_ DATE: \_\_\_\_\_

1. Present: 24 Hr. Phone Nos.
- |                 |       |       |      |
|-----------------|-------|-------|------|
| Owner/Developer | _____ | _____ | Work |
| Contact Person  | _____ | _____ | Home |
| Address         | _____ | _____ |      |
|                 | _____ |       |      |
| Gen. Contractor | _____ | _____ | Work |
| Contact Person  | _____ | _____ | Home |
| Address         | _____ | _____ |      |
|                 | _____ |       |      |
| Proj. Engineer  | _____ | _____ | Work |
| Contact Person  | _____ | _____ | Home |
| Address         | _____ | _____ |      |
|                 | _____ |       |      |
| Municipal Engr. | _____ | _____ | Work |
| Contact Person  | _____ | _____ | Home |
| Address         | _____ | _____ |      |
|                 | _____ |       |      |
| Others Present  | _____ | _____ | Work |
|                 | _____ | _____ | Home |
|                 | _____ | _____ | Work |
|                 | _____ | _____ | Home |

2. Subcontractor information:

Soils Engineer \_\_\_\_\_ Work  
Contact Person \_\_\_\_\_ Home  
Address \_\_\_\_\_  
\_\_\_\_\_

Earthwork \_\_\_\_\_ Work  
Contact Person \_\_\_\_\_ Home  
Address \_\_\_\_\_  
\_\_\_\_\_

Landscaping \_\_\_\_\_ Work  
Contact Person \_\_\_\_\_ Home  
Address \_\_\_\_\_  
\_\_\_\_\_

Surveyor \_\_\_\_\_ Work  
Contact Person \_\_\_\_\_ Home  
Address \_\_\_\_\_  
\_\_\_\_\_

Others \_\_\_\_\_ Work  
Contact Person \_\_\_\_\_ Home  
Address \_\_\_\_\_  
\_\_\_\_\_

**3. Discussion:**

Startup/notification: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Changes to plans/specs: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Liquidated damages: \_\_\_\_\_

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Inspection documents/payout process (lien waivers, affidavits, bill of sale):

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Payment of fees: \_\_\_\_\_

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Other: \_\_\_\_\_

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APPENDIX V.  
PAYOUT RECORD FORM

SUBDIVISION: \_\_\_\_\_

1. Letter of Credit (to be submitted using Village or approved format):

- a. Date \_\_\_\_\_
- b. Expiration date \_\_\_\_\_
- c. Total amount \_\_\_\_\_
- d. Division amounts (90% can be released prior to acceptance of Division; 100% upon acceptance)

DIVISION	90%	100%
"A" Excavating/Grading/Retention		
"B" Soil Eros. & Sed. Control		
"C" Sanitary Sewers		
"D" Water Systems		
"E" Storm Sewers		
"F" Streets		
"G" Landscaping		
"H" Miscellaneous		
"I" Construction		

2. Payout documents (using standard forms):

- a. Application for payment
- b. Sworn statement by contractor to owner
- c. General contractor's affidavit
- d. Lien waivers from contractors and subcontractors
- e. Recommendation for payment signed by Developer's Engineer

**3. Partial acceptance documents/requirements:**

- a. Payment of all outstanding fees to Village
- b. Final inspection of Division improvements by Village Engineer
- c. Adoption of acceptance resolution for Division by Village Board
- d. Bills of sale (sewer & water) when required.

**4. Final acceptance of all improvements (release of all collateral):**

- a. Compliance with Items 3 a, b, c & d above for all improvements
- b. Submittal of record drawings
- c. Submittal of 1 yr. guarantee @ 20% of cost of improvements
- d. Final acceptance or approval of improvements by resolution adopted by Village Board.

**RECORD OF PAYOUTS:**

<b>DIVISION</b>	<b>AMOUNT REQUESTED</b>	<b>CONTRACTOR</b>	<b>DATE APPROVED</b>

APPENDIX IV. - LETTER OF CREDIT FORM

(Date)

FIRST NATIONAL BANK OF VIRGIL  
IRREVOCABLE LETTER OF CREDIT NO. \_\_\_\_\_

Village of Virgil  
(Bank Address)  
Virgil, IL

Re: \_\_\_\_\_, Virgil, Illinois

Beneficiary: Village of Virgil

Applicant: \_\_\_\_\_

Amount: \_\_\_\_\_

Expiration: \_\_\_\_\_

Gentlemen:

We hereby establish in your favor, and at the request and for the account of [Developer/Owner] our Irrevocable Letter of Credit No. \_\_\_\_\_ in the amount of \_\_\_\_\_, effective immediately, expiring at the close of business in our main office, Virgil, Illinois on \_\_\_\_\_.

Funds under this letter of credit are available to you by your sight drafts executed by the President of the Village of Virgil or the Clerk of the Village of Virgil on us, in substantially the form attached hereto, if negotiated on or prior to the termination date as set forth herein. Partial drafts are allowed, and all drafts must be marked "Drawn Under \_\_\_\_\_, Letter of Credit No. \_\_\_\_\_"

It is understood that \_\_\_\_\_ will not inquire into the propriety of the demand for any full or partial payment on this letter, provided that the draft states that funds being requested are being used for or in connection with subdivision improvements to or fees or expenses in connection with the subdivision known as \_\_\_\_\_, Virgil, Illinois.

This Letter of Credit is valid for negotiation at the counters of the main office of \_\_\_\_\_, as provided above, from the date above stated through the close of business, \_\_\_\_\_. Your draft shall be deemed received upon either personal delivery or upon mailing, properly addressed and with proper postage prepaid, by certified mail, return receipt requested five (5) days prior to the termination date, addressed as follows:

\_\_\_\_\_  
\_\_\_\_\_  
, Illinois

Attn: \_\_\_\_\_  
Vice President

Each draft presented for payment under this letter shall state the dollar amount of the draft and the dollar amount of the balance remaining under this Letter of Credit.

This Letter of Credit shall be governed by the laws of the State of Illinois, including the Uniform Commercial Code as in effect in the State of Illinois.

This Letter of Credit sets forth in full our undertaking, and such undertaking shall not in any way be modified, amended, amplified or limited by reference to any document, instrument or agreement referred to herein except only the drafts referenced herein; and any such reference shall not be deemed to incorporate herein by reference any document, instrument or agreement except for such drafts. However, except as otherwise expressly stated herein, this Letter of Credit is subject to the Uniform Customs and Practice for Commercial Documentary Credits (1983 Revision) of the International Chamber of Commerce, Publication No. 400.

Very truly yours,

\_\_\_\_\_

By: \_\_\_\_\_  
(Authorized Signatory)



**SIGHT DRAFT**

DATE: \_\_\_\_\_

AMOUNT: \$ \_\_\_\_\_

To: \_\_\_\_\_

Virgil, IL

Attn: [name]  
Vice-President-Treasurer

Re: Irrevocable Letter of Credit  
No. \_\_\_\_\_

At Sight pay to the order of Village of Virgil, ..... Virgil, Illinois ..... the  
Sum of \_\_\_\_\_ (\$ \_\_\_\_\_).

The Sum is drawn under Irrevocable Letter of Credit Number  
\_\_\_\_\_, dated \_\_\_\_\_.

The funds being requested hereunder are being used for or in connection with subdivi-  
sion improvements to the subdivision known as [name of subdivision], Virgil, Illinois.

The dollar amount of the balance remaining under the Letter of Credit prior to this  
draft is \$ \_\_\_\_\_.

The dollar amount of the balance remaining under the Letter of Credit after this draft  
will be \$ \_\_\_\_\_.

(Signed): \_\_\_\_\_  
President  
Village of Virgil

(Signed): \_\_\_\_\_  
Clerk  
Village of Virgil

STATE OF ILLINOIS )  
 ) SS.  
COUNTY OF KANE )

CERTIFICATE

I, Debbie Washburn, certify that I am the duly elected and acting clerk of the Village of Virgil, Kane County, Illinois.

I further certify that on March 14, 1996, the Corporate Authorities of such municipality passed and approved Ordinance No. 96-02, entitled:  
Subdivision REGULATIONS

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 96-02, including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the municipal building and in three public places within the Village, commencing on MARCH 14, 1996 and continuing for a least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the village clerk.

DATED at Virgil, Illinois, this 14th day of March, 1996

(SEAL)

Debbie Washburn  
Village Clerk