

ORDINANCE NO. 223
AN ORDINANCE OF THE PRESIDENT AND BOARD OF TRUSTEES
OF THE NORTHFIELD WOODS SANITARY DISTRICT TO
CONFIRM ESTABLISHMENT OF A DEVELOPMENT FEE

WHEREAS, the Northfield Woods Sanitary District (hereinafter referred to as "District") provides sanitary sewer services to a portion of unincorporated Glenview and Northbrook; and

WHEREAS, the District, in an effort to maintain proper flow rates within the District, and pursuant to its permit with the Metropolitan Water Reclamation District of Greater Chicago, previously established a policy limiting the average daily flow for all property within the District to fifteen (15) population equivalents ("PE") per acre; and

WHEREAS, recently developments requested and received approval from the Villages of Glenview and Northbrook at a density higher than fifteen (15) PE per acre; and

WHEREAS, in an effort to provide sanitary sewer services to such developments and to prepare for future developments and/or re-developments ("Developments") at such increased density, the District has researched the existing capacity of its sanitary sewer lines; and

WHEREAS, the District's Engineer has determined, after diligent research, that the District's sanitary sewer lines would need repairs, upgrades and/or replacements ("Upgrades") in order to serve all reasonably potential Developments if approved at such increased density; and

WHEREAS, the District does not currently have sufficient funds on hand to pay for such Upgrades; and

WHEREAS, the District Board of Trustees (hereinafter referred to as "Board") has determined that its viable options are to either not allow future Development at higher densities, or to begin preparing for any future Upgrades based on reasonably potential future Developments; and

WHEREAS, the Board has determined that it is necessary and in the best interests of the residents of the District to allow Development at higher densities and that allowing such Development and adequately preparing for it will benefit the overall District and promote the health, safety and welfare of its residents; and

WHEREAS, the District's Engineer has researched the approximate cost of Upgrades required based on the reasonably anticipated potential increased density of Developments within the District; and

WHEREAS, the Board has determined, in conjunction with the District's Engineer, to implement a Development Fee for those Developments with higher density than previously allowed.

NOW, THEREFORE, be it ordained by the Board of Trustees of the Northfield Woods Sanitary District:

Section 1. The facts and statements contained in the preamble to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance as if fully restated.

Section 2. Any person, corporation or other entity owning or otherwise responsible for Development in the District shall pay to the District a one-time Development Fee of one thousand dollars (\$1,000.00) per PE over fifteen (15) PE per acre.

Section 3. Prior to the District issuing any permits for any new Development or change to existing condition, the District Engineer will review plans to determine the PE and whether the plans constitute Development and the District Engineer's determinations will be final.

Section 4. The District Engineer will review the District's then-existing sanitary sewer lines on, adjacent to and in the immediate vicinity and serving said Development to determine if such lines ("Affected Lines") are in immediate need of Upgrades.

Section 5. If the District Engineer determines, in his sole and absolute discretion, based on then-current engineering standards, that the District's then-existing Affected Lines are in need of Upgrades, the developer or property owner shall make any such required Upgrades as indicated by the District Engineer. Or in the District's sole and absolute discretion, the developer or property owner shall pay to the District the estimated cost, as determined by the District Engineer, of such Upgrades. The estimated cost of the Upgrades or the amount paid to the District shall be applied to the amount of Development Fee due and owing for the Development.

Section 6. If the cost of such required Upgrades is less than the required Development Fee as determined by the District, the developer or property owner shall pay the difference to the District.

Section 7. If the cost of such required Upgrades exceeds the required Development Fee as determined by the District, the District and the developer or property owner will enter into an agreement determining who shall pay such excess and if the developer or property owner is to pay such excess the agreement will also include if, how and when any repayments are to be made for such excess cost.

Section 8. The fees set forth in this Ordinance are and shall be in addition to any such other fees as may be applicable and provided for by District ordinance, resolution, rule, regulation, policy or amendment thereto, including but not limited to permit fees, user fees and costs incurred by the District.

Section 9. The fees set forth in this Ordinance shall be paid to the District prior to the issuance of any permit by the District and prior to any connection of the Development to the District's sanitary sewer system. All fees paid pursuant to this Ordinance shall be non-refundable and may be used by the District as the Board deems appropriate for the benefit of the District as a whole and its residents.

PASSED this 3rd day of August, 2010.

APPROVED this 3rd day of August, 2010.

ATTEST:

APPROVED:

Clerk

President