

CHAPTER 20  
SUBDIVISIONS

ARTICLE 1  
General Provisions

20.101      Title

This ordinance shall be known and may be cited and referred to as the “Subdivision Ordinance for the Village of Burlington, Illinois”.

20.102      Purpose

The purpose of the subdivision regulations contained in this Chapter are as follows:

- A. To promote the public health, safety, and general welfare; to conserve, protect and enhance property and property values; to secure the most efficient use of land; and to facilitate the adequate but economical provision of public improvements;
- B. To provide for orderly growth and development; to afford adequate facilities for the safe and efficient means for traffic circulation of its population; and to safeguard the public against flood damage;
- C. To prescribe reasonable rules and regulations governing the subdivision and platting of land; the preparation of plats; the location, width and course of streets and highways; the installation of utilities, street pavements and other essential improvements; and the provision of necessary public grounds for schools, parks, playgrounds and other public open spaces;
- D. To provide for adequate light, air and privacy; to secure safety from fire, flood and other dangers; and to prevent overcrowding of the land and undue congestion of population;
- E. To protect the character and the social and economic stability of all parts of the municipality and to encourage the orderly and beneficial development of all parts of the municipality;
- F. To protect and conserve the value of land throughout the municipality and the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings;

- G. To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewer, schools, parks, playgrounds, recreation, and other public requirements and facilities;
- H. To provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the municipality, having particular regard to the avoidance of congestion in the streets and highways, and the pedestrian traffic movements appropriate to the various uses of land and buildings, and to provide for the proper location and width of streets and buildings lines;
- I. To establish reasonable standards of design and procedures for subdivisions and re-subdivisions, in order to further the orderly layout and use of land; and to ensure proper legal descriptions in monumenting of subdivided land;
- J. To ensure that public facilities are available and will have a sufficient capacity to serve the proposed subdivision;
- K. To prevent the pollution of air, streams, and ponds; to assure the adequacy of drainage facilities; to safeguard the water table; and to encourage the wise use and management of natural resources throughout the municipality in order to preserve the integrity, stability, and beauty of the community and the value of the land;
- L. To preserve the natural beauty and topography of the municipality and to ensure appropriate development with regard to these natural features;
- M. To provide for open spaces through the most efficient design and layout of the land, including the use of average density and providing for a minimum width and areas of lots, while preserving the density of land as established in the zoning ordinance in the municipality;
- N. To establish procedures for the submission, approval and recording of plats; and to provide the means for enforcement of this Chapter and penalties for violation.

#### 20.103 Jurisdiction

The regulations set forth in this Chapter shall be applicable to all subdivisions and re-subdivisions of unimproved land and areas subject to redevelopment within the corporate limits of the Village of Burlington and all contiguous unincorporated territory not more than 1 ½ miles beyond the corporate limits of the Village and not included in any other municipality.

The provisions of this Chapter shall also apply to all planned developments, whether residential, commercial or otherwise in nature, and to any other developments whether a subdivision is required or not under the law, 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 Chapter to apply to all types of development, both within the Village of Burlington and to areas lying within one and one-half miles of the corporate limits of the Village of Burlington.

20.104      General Regulations

- A. Whenever any subdivision of land shall hereafter be laid out, the subdivider thereof or his agent shall submit both a preliminary plan and a final subdivision plat to the Village, said plats and plans of proposed improvements, and all procedures relating thereto, to be in full compliance with these regulations.
- B. Until final plats for the subdivision are approved by the Board of Trustees and recorded and improvement plans are approved:
  - 1. No improvements shall be made to the land;
  - 2. No lot, tract or parcel of land within any subdivision shall be offered for sale, nor shall any sale, contract for sale or option be made or given; and
  - 3. No improvements such as sidewalks, water supply, stormwater drainage, sewer facilities, gas service, electric service, cable t.v. service, lighting, grading, paving or surfacing of streets, shall be made within any such subdivision by any owner or owners or his or their agent, or by any public service corporation at the request of such owner or owners or his or their agent.
- C. No plat will be approved for a subdivision of land which is subject to periodic flooding or which contains such poor drainage facilities as would make adequate drainage of the planned lots and streets unfeasible. However, if the subdivider agrees to make improvements which will, in the opinion of the Village engineer, make the area safe for residential occupancy and provide adequate lot and street drainage, the plat of subdivision may be approved.
- D. In all subdivisions, due regard shall be given to the preservation of historical sites and natural features such as wooded areas, water courses and scenic views.

- E. All interpretations of these rules and regulations are reserved to the administrative bodies referred to herein.
- F. The Burlington Village Board may vary and make exceptions as set forth herein in instances where it finds sufficient evidence of hardship caused by topographic conditions, or where any other reasonable deterrents prevail.

20.105 General Considerations

- A. All interpretations of these rules and regulations are reserved to the administrative bodies referred to herein:
  - 1. Minimum standards established. In their interpretation and application, the provisions of this chapter shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.
  - 2. Higher standards govern. Where the conditions imposed by any provisions of this chapter upon the subdivision of land are either more restrictive or less restrictive than comparable conditions imposed by any other provision of this chapter or of any other applicable law, ordinance, resolution, rule or regulation of any kind, the regulations which are more restrictive and impose higher standards or requirements shall govern.
  - 3. Easements or covenants not abrogated. This chapter is not intended to abrogate any easement, covenant, or any other private agreement, provided that where the regulations of this chapter are more restrictive or impose higher standards or other private agreement, the requirements of this chapter shall govern.
  - 4. Existing subdivisions. No subdivision of land which was not lawfully existing at the time of the adoption of this chapter shall be made lawful solely by reason of the adoption of this chapter, and to the extent that said subdivision of land is in conflict in any manner with the requirements of this chapter, said subdivision of land remains unlawful hereunder.
- B. No building permit shall be issued for the construction of buildings or structures within a proposed subdivision, before the final plat of said subdivision has been approved by the Village Board in accordance with the provisions of this chapter, and filed with the Recorder of Deeds of Kane County, Illinois.

- C. The subdivision of any lot or any parcel of land by the use of metes and bounds for the purpose of sale, transfer, or lease with the intent of evading this chapter will not be permitted. All such described subdivisions shall be subject to all of the requirements and regulations contained in this chapter.
- D. All subdivisions of land shall conform to the Village's comprehensive land use plan (including amendments thereto) adopted by the Village Board.
- E. The subdivider shall comply with all applicable laws and statutes of the United States, and the State of Illinois, or any political divisions or agencies thereof and all ordinances of the Village of Burlington.

## ARTICLE 2

### Definitions

#### 20.201 Definitions

Words used in the present tense include the future; the singular number shall include the plural and the plural of the singular; the word "building" shall include the word "structure"; the word "shall" is mandatory; and the word "may" is permissive.

#### 20.202 Terms

For the purpose of this chapter, the terms used herein are defined as follows:

ADT. Average Daily Traffic, a total traffic count used in the classification of streets and for transportation planning purposes.

Approval. The approval of preliminary plans and final plats and supporting documents including improvement plans and specification shall include but not be limited to formal Village Board action to approve and signing of all certificates on all documents.

Approval, Conditional. When a preliminary subdivision plan is not entirely complete or does not completely comply with the standards, the Village Board may give approval of the preliminary plan provided that all of its recommendations are incorporated into the final plat.

Alley. A public right of way primarily for vehicular traffic along the side or in the rear of properties which affords only a secondary means of access to abutting properties.

Bike Path. A designated route within a public right of way, within other public land, or within an easement on private property for the use of bicycles, tricycles, unicycles and pedestrians, with the express prohibition of motorized vehicles, except for certain motorized wheelchairs or carts for the handicapped.

Block. A parcel of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad right of way, shorelines of waterways, or corporate boundary lines of the Village.

Boring, Soil. Examination and analysis of the subsoil conditions of a specific parcel of land by drilling.

Building. Any structure designed, built, or intended for the support, enclosure, shelter, or protection of persons, animals, chattel, or property of any kind.

Building Permit. A permit issued by the Village of Burlington, or its agent, for the construction, erection or alteration of a structure or building.

Building Line. A line designated upon the final plat of a subdivision, between which line and the adjacent right of way line of the street upon which the lots abut, the erection of an enclosed structure or portion thereof is to be prohibited.

Comprehensive Plan. The composite of the comprehensive land use plan of the Village, including all of its functional and geographic elements in the form of plans, maps, charts, textual reports and all implementing ordinances thereof.

Commission. Village of Burlington Plan Commission.

Common Open Space. "Common open space" means land unoccupied by structures, buildings, streets, rights of way, or automobile parking lots and designed and intended for use or enjoyment of residents of a planned unit development or other forms of common ownership or property. Common open space may also be for the use and enjoyment of the public if proper agreements have been instituted by the developers and the Village for dedication to the Village. Common open space may contain structures for recreational use. No area within 25 feet of any building or structure, except a structure used for recreational use or a pathway designed in connection with an overall open space network, shall be considered as common open space.

Coring, Pavement. Examination and analysis of the completed surface and/or subsurface of a finished pavement by removal of a core by mechanical drilling methods.

Crosswalk. A public right of way located across a block to provide pedestrian access to adjacent streets or alleys. Also referred to as pedestrian way.

Datum Plane. A reference point from which elevations are measured. The datum plane is mean sea level as established by the United States Geological Survey (U.S.G.S.).

Density, gross-residential. "Gross density" means the ratio between the total number of dwelling units of a given tract of land and the total area in acres including all land use areas and all public and private rights of way.

Density, gross-industrial and commercial. "Gross density" means the ratio between the total number of square feet of building proposed to be built or allowed under the applicable zoning district and the total area in square feet including all land use areas and all public and private rights of way.

Developer. Any person whose concern and desire is to develop or improve land governed by this Ordinance.

Drainage Swale. A turf drainage ditch of shallow depth.

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

Existing Grade. The vertical location of the existing ground surface prior to excavation or filling.

Filling. Any act by which earth, sand, gravel, rock or any other material is deposited, placed, replaced, transported or moved by man to a new location and shall include the conditions resulting therefrom.

Frontage. All the property on one side of a street between two intersecting streets (crossing or terminating) measured along the line of the street, or if the street is dead-ended, then all the property abutting on one side between an intersecting street and the dead-end of the street.

Frontage Road. A public or private right of way being a roadway, street, thoroughfare or highway, not an alley or pedestrian way, which runs adjacent to another right of way, roadway, street, thoroughfare, or highway which may or may not provide access to such adjacent right of way but which does give access to an area or neighborhood on the side opposite the adjacent right of way.

Grade. Slope expressed in percent.

Grading. Excavation or filling or any combination thereof, and shall include the conditions resulting from any excavation or fill.

IDNR. Illinois Department of Natural Resources.

IDNR-OWR. Illinois Department of Natural Resources, Office of Water Resources, (Formerly the IDOT Division of Water Resources).

IDOT. Illinois Department of Transportation.

IEPA. Illinois Environmental Protection Agency.

IEPA-DWPC. Illinois Environmental Protection Agency, Division of Water Pollution Control, responsible for sanitary sewer permitting and other.

IEPA-DPWS. Illinois Environmental Protection Agency, Division of Public Water Supplies, responsible for potable water system permitting and other.

IHPA. Illinois Historical Preservation Agency, an agency within the IDNR



Improvement. Refers to site grading, street work and utilities (including water, sewer, storm water, electric, gas, and cable TV) or other improvements as are necessary for the general use of lot owners in the subdivision to be installed or agreed to be installed by the subdivider on lands to be used for public or private streets or in easements.

KDOT. Kane County Division of Transportation.

KDSWCD. Kane-DuPage Soil and Water Conservation District.

Lot. A parcel of land legally described as a distinct portion of a subdivision occupied or intended for occupancy by one principal building or principal use, and fronting on a public street.

Lot, Corner. A lot abutting upon two or more streets at their intersections.

Lot, through or double frontage lot. A lot having frontage on two parallel streets, and which is not a corner lot. On a through lot, only one street line shall be deemed a front line.

Parcel. All contiguous land in one ownership.

Parkway. That portion of the street right of way, lying between the right of way line and the back of the curb, or the area in a median along a divided roadway between the back of curbs.

Plan Commission. The words "Plan Commission" as used herein, refer to the plan commission of the Village of Burlington.

Plan, Improvement. The engineering plans showing types of materials and construction details for the physical structures and facilities to be installed both in, or in conjunction with, the subdivision.

Plan, Preliminary. Plan of proposed subdivision containing items required by this chapter.

Plan, Concept. A general map or drawing on which the subdividers design for the subdivision of land as presented for discussion purposes only prior to the presentation of the preliminary plan.

Planned Development. A "Planned Development" is a parcel of land which is developed as a unit under single ownership or control which includes two or more principal buildings in which may not completely conform to all the regulations of the district in which it is located.

Plat, Final. The drawings and documents presented for final approval and recording.

Protective Covenant. Recorded conditions entered into between private parties and constituting a restriction on the use of all or some private property within a subdivision or development for the mutual benefit of successor property owners, and to provide protection against undesirable aspects of developments which would tend to impair the stability of values.

Right of Way. "Right of way" means a strip of land occupied or intended to be occupied by a street, cross-walk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or for another special use.

"Right of way" for land platting purposes means that every right of way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right of way and not included within the dimensions or areas of such lots or parcels. Rights of way intended for streets, crosswalks, water mains, sanitary sewers, storm drains, shade trees, or any other use involving maintenance by a public agency shall be dedicated to public use by the maker of the plat on which such right of way is established.

Right of Way Width. The perpendicular distance between the lines of lots delineating the right of way.

Roadway or Pavement. The paved area existing on the street right of way, exclusive of sidewalks, driveways, or related uses.

Sewer, Sanitary. "Sanitary Sewer" means a conduit for transporting industrial and domestic waste.

Sewer, Storm. "Storm Sewer" means a conduit intended to carry only storm water, surface run off, street washers, drainage water, ground water or subsurface water or any other unpolluted waters.

Stormwater Management. And all other stormwater or floodplain management definitions shall be as defined in the Kane County Stormwater Ordinance adopted as Chapter 23 of the Village Code, by reference.

Street. A street is an area which serves or is intended to serve as a vehicular and pedestrian access to abutting land or to other streets.

Street, Accepted. A public street which has been accepted for maintenance by the Village Board by resolution.

Street, Private. A street located on private property for the purpose of providing vehicular access to that property.

Street, Public. A street located within a dedicated right of way for the purpose of providing vehicular access.

Street types:

Street, Half. A street bordering one or more property lines of a tract of land in which the subdivider has allocated or dedicated only part of the ultimate right of way width.

Street, Cul-de-sac, Regular. A short minor street having one end accessing another street and being permanently terminated by a vehicular turn around at the other end.

Street, Cul-de-sac, Eyebrow. A cul-de-sac whose center radius point is less than 80 feet from the centerline of the intersecting cross street.

Street, Marginal Access. A minor street which is parallel with and adjacent to a thoroughfare, and which provides access to abutting properties and protection from through traffic.

Street, Estate Residential. A street of limited continuity used for access to abutting rural residential properties and local needs of a neighborhood. The street carries less than 1000 ADT.

Street, Local Residential. A street of limited continuity used primarily for access to abutting residential properties and local needs of a neighborhood. This street carries less than 1000 ADT.

Street, Minor Collector. A street which collects and distributes traffic within intensively developed areas and is used primarily for internal trips within the planning area. This street carries between 1000 and 2500 ADT.

Street, Major Collector. A street which serves as a main traffic thoroughfare, both within and outside a municipality, carrying heavy volumes of traffic, but designed and managed in such a manner as to allow and provide for access and safe turning movements to and from minor collector streets and commercial properties. This street carries more than 2500 ADT.

Street, Arterial. A street which serves as a main traffic thoroughfare, both within and outside a municipality, carrying heavy volumes of traffic, but designed and managed in such a manner as to allow and provide for full access and safe turning movements only at intersections with major collectors or other arterials, and limited access to a limited number of commercial properties. This street carries more than 5000 ADT.

Street, Industrial. A local street which collects and distributes more heavily loaded traffic within commercial/business/industrial developments, with connecting routes only to major collectors and arterials.

Street Width. The perpendicular distance between the back of curbs or the outside edges of pavement of a roadway.

Subdivider. The owner, or any other person, firm or corporation authorized by the owner, undertaking proceedings under the provisions of this chapter for the purpose of subdividing land.

Subdivision. A described tract of land which is to be, or has been, divided into two or more lots or parcels, for the purpose, whether immediate or future, of transfer of ownership, including all public streets, alleys, ways for public service facilities, parks, playgrounds, school grounds, or other public grounds, and all the tracts, parcels, lots or blocks, and numbering of all such lots, blocks, or parcels by progressive numbers, giving their precise dimensions. The term subdivision includes re-subdivision and where it is appropriate to the context, relates to the process of subdividing or to the land subdivided, provided, however, that the following shall not be considered a subdivision and shall be exempt from the requirements of this chapter:

1. The sale or exchange of parcels of land between owners of adjoining and contiguous land;
2. The conveyance of parcels of land or interest therein for use as right of way for railroads or other public utility facilities and other pipe lines which does not involve any new streets or easements of access;
3. The conveyance of land owned by a railroad or other public utility which does not involve any new streets or easements of access;
4. The conveyance of land for highway or other public purposes or grants or conveyances relating to the dedication of land for public use or instruments relating to the vacation of land impressed with a public use;
5. Conveyances made to correct descriptions in prior conveyances;

Village Attorney. The person or firm charged with the responsibility of providing legal counsel regarding municipal matters.

Village Board. The President and Board of Trustees of the Village of Burlington.

Village Engineer. The person or firm charged with the responsibility of municipal engineering matters.

Wetland. And all other wetland related definitions shall be as defined in the Kane County Stormwater Ordinance, adopted by the Village Board and made a part hereof, by reference.

ARTICLE 3  
Procedure and Requirements

20.301      Stages

- A. All subdivision plats shall be processed in three stages leading to approval for recording as follows:
  - 1. The concept plan;
  - 2. The preliminary plan; and
  - 3. The final plat.
- B. The Village Board may, in its sole discretion, waive any requirement or excuse or defer the performance of any obligation required to be performed under this Article, except as may otherwise be limited by law.

20.302      Concept Plan

- A.
  - 1. Submission: The subdivider shall submit to the Village Clerk a concept plan together with such information as is required in subsection B. below, to describe the existing conditions of the site and proposed development thereof.
  - 2. Deposit for professional fees: At the time of submitting a concept plan the applicant shall deposit with the Village Clerk cash, in an amount not less than \$5,000.00 payable to the Village of Burlington, for payment of professional planning, engineering, legal and any other professional or related fees incurred by and payable to the Village pursuant to Section 20.305 of this Chapter, and any costs connected therewith. The Village will establish an escrow account to be used to pay fees applicable to the subdivision review. The owner or developer shall deposit additional funds at the request of the Village as are needed to keep the escrow fund balance at \$5,000.00.
- B. Information required. The following information describing the existing conditions and the proposed development shall be provided by the applicant at the time of the consultation on the concept plan:
  - 1. Application: The application for consideration of a concept plan shall be in the form of a letter to the Village Board establishing the subdivider's intent to develop the land and shall include names and addresses of owner of record including the beneficial owners if the property is titled in a land

trust. The letter shall be signed by the owner or developer. A current plat of survey shall be attached to the application.

2. Concept plan: A sketch showing the proposed layout of streets, lots, open spaces, nonresidential areas, and other important features in relation to existing conditions in subsection B3 below.
  - a. Said sketch may be a freehand pencil sketch made directly on a print of the topographic survey, but in any case, topography should be indicated with a contour interval not greater than two feet.
  - b. The number of residential lots, typical lot width and depth.
3. Existing conditions: The presence of any of the following shall be shown on an attached exhibit:
  - a. General physical characteristics of the site, including existing buildings.
  - b. Main traffic arteries adjacent to property;
  - c. Location map showing the property location relative to existing Village corporation limits;
  - d. Tentative information regarding utilities proposed for the development;
  - e. Additional information as deemed appropriate by the subdivider.

C. Action:

1. Village Board: The subdivider shall appear before the Village Board to discuss the proposed development. The Board will discuss the development and provide input. If the concept plan documents are complete the concept plan will be referred to the Plan Commission. The Village Board will take no official action thereon.
2. Action by Plan Commission: The Plan Commission shall review the concept plan and other documents submitted and meet with the subdivider to:
  - a. Discuss the site in relation to the surrounding area.
  - b. Discuss the existing conditions on and adjacent to the site.

- c. Mutually identify potential problems of the proposed subdivision in relation to the existing conditions of the area, the official map and official plan, zoning ordinance, and other local goals, objectives, ordinances, and plans of the Village.
- d. Inform the subdivider of the procedure for subdividing land, and of the filing and review fees and bonding requirements.

The Plan Commission will take no formal action on the concept plan.

20.303      Preliminary Plan

- A. Filing: Subsequent to and in accordance with the information provided during the concept plan review, the Subdivider shall submit twenty (20) copies of an application in writing for the approval of the preliminary plan together with the preliminary plan, the supporting documentation as specified herein or as required during the pre-application meeting, and the filing fee and deposit for professional services to the Village Clerk.
- B. Fees. The fees shall be as follows:
  - 1. The filing fee shall be calculated by multiplying the number of lots in the proposed subdivision by \$500.00 per lot. In the event the proposed plan contains more than one residential unit on any one lot, then each residential unit shall constitute a lot hereunder. The fee shall be paid in cash, by money order or certified or cashier's check made payable to the Village of Burlington.
  - 2. In addition thereto, at the time of submitting the preliminary plan, the applicant shall deposit with the Village Clerk cash in an amount not less than \$10,000 payable to the Village of Burlington for payment of engineering, legal, land planning and any other professional or related fees incurred by and payable to the Village pursuant to Section 20.305 of this Chapter, and any costs connected therewith. The Village will establish an escrow account to be used to pay fees applicable to the subdivision review. The owner or developer shall deposit additional funds at the request of the Village as are needed to keep the escrow fund balance of \$10,000.
  - 3. In addition thereto, at the time of submitting the preliminary plan, the applicant shall submit an agreement in form and contract satisfactory to the Village wherein applicant agrees to reimburse the Village for all costs and expenses incurred by the Village for its professional consultants, including, but not limited to the Village Engineer, Attorneys and land



planner, in reviewing the proposal and participating in the preliminary plan process.

- C. Application: The application shall be in the form supplied by the Village Clerk. The application and other documents shall be filed with the Clerk at least sixty (60) days prior to a regularly scheduled Plan Commission meeting to be considered at that meeting.
- D. Preliminary Plan - Form and Content: The preliminary plan shall be legibly and accurately drawn at a scale not smaller than one hundred (100) feet to the inch and shall be on one or more sheets 24 x 36 inches in size. If more than one sheet is needed, each sheet shall be numbered and the relation of one sheet to another clearly shown.

A preliminary plan shall be submitted for all contiguous land owned or under option by the subdivider. The preliminary plan shall contain at least the following information together with any other information the Village Engineer, Village Land Planner and Village Attorney may reasonably deem relevant for proper understanding and consideration of the Preliminary Plan:

1. Proposed name of subdivision (not a duplication of any subdivision heretofore recorded in the Village or within Kane County).
2. Legal description of property encompassing proposed subdivision.
3. Names and addresses of the owner, subdivider, the licensed land surveyor and planning and engineering consultants who prepared plan. If land is in trust provide names and addresses of all beneficiaries of the trust.
4. Date and north point.
5. Locations of existing monuments or survey markers on or adjacent to the land.
6. Gross acreage of proposed subdivision with tabulation of acreage provided for each proposed use.
7. Location, widths 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, easements, section lines, Village boundary lines, permanent buildings and structures within the tract and to a distance of 100 feet beyond the boundary of the tract.
8. Boundary lines of adjacent parcels of unsubdivided or subdivided land, showing ownership of record.

9. Existing zoning on proposed subdivision and adjacent property. Proposed zoning if zoning is proposed to be changed.
10. Existing and proposed contours at 1-foot intervals, or at such other intervals as are approved during the pre-application meeting.
11. Layout and widths of proposed streets with names and the layout and widths of cross-walkways and easements.
12. Layout, numbers, dimensions and size of lots, in square feet. When lots are located on a curve, the lot width at the building setback line shall be shown.
13. Lots intended to be dedicated for public use or set aside for use of property owners in the subdivision and size thereof.
14. Building setbacks, showing dimensions.
15. Easements to be provided for any and all public utilities. Proper continuity for the utilities from block to block shall be maintained.
16. Existing sanitary sewers, storm sewers, wells (active or inactive), water mains, culverts, or other known underground facilities on the parcel being considered and on adjacent properties that are proposed to be utilized in the development of the property.
17. Location and description of all streams, wooded areas and significant topographic and natural features and other historical and archaeological sites that are proposed to remain after development of the property.
18. If subdivision is proposed to be developed in units indicate the proposed units.
19. Locations of private driveways on all corner lots and such other lots deemed necessary by the Plan Commission.
20. Approval Certificate: The following certificate shall be shown in the lower right hand corner of the Preliminary Plan.

#### APPROVAL OF PRELIMINARY PLAN

The preliminary plan of a subdivision shown hereon has received approval by the

Board of Trustees of the Village of Burlington, Illinois, and upon compliance by the subdivider with requirements of qualifications governing the approval of preliminary plans and with other revisions and stipulations that may be required, the Village Board will receive the final plat for consideration when submitted by the subdivider in such form and within such time as required by this Ordinance.

The Board of Trustees of the Village of Burlington, Illinois.

Date: \_\_\_\_\_, 20\_\_\_\_.

By: \_\_\_\_\_  
President

Attest: \_\_\_\_\_  
Village Clerk

- E. Supplemental Information: In addition to the requirements set forth in the preceding section, and any additional information or documentation previously requested by the Plan Commission or Village Board during the concept plan phase, the following supplemental information shall be submitted:
1. Zoning Statement: A statement indicating whether any zoning changes, variations, or special uses will be required. If affirmative, the subdivider shall list the changes, variations or special uses to be requested.
  2. Annexation Statement: A statement that the proposed subdivision (where contiguous) is or is not to be annexed to the Village.
  3. Plat of survey with angular and linear dimensions.
  4. Existing Conditions Exhibit: The existing conditions exhibit shall contain the following information on or within 100 feet of the proposed subdivision and such other information that may be required by the Plan Commission:
    - a. Topographic data, including contours at vertical intervals of not more than one (1) feet with reference to U.S.G.S. datum, except in unusual topographic conditions when such vertical intervals may be required to be altered as determined by the Village Engineer.
    - b. Soil types, as mapped by the U.S.D.A.-S.C.S.
    - c. Other natural features such as source of water supply, water courses (with highest flood levels indicated), marshes, ponds, springs, rock outcrop, wooded areas, isolated preservable trees six (6) inches or more in caliper at one (1) foot above ground level,

and other features.

- d. Existing improvements, including the location, widths and names of all existing or previously platted streets or other rights-of-way showing type of improvement (if any), railroad and utility rights-of-way, parks and other public open spaces, buildings and structures, historic sites, and landmarks.
  - e. Existing improvements, including the location, capacity and size of domestic water supply, water mains, sewer lines, culverts, drainage or farm tile, towers, poles, and other underground and above ground facilities, also indicating such data as locations and surface and invert grade elevations of catch basins, manholes and fire hydrants. If water mains and sewers are not on or adjacent to the tract, indicate the direction and distance to, and the size of nearest usable facilities.
  - f. Easements, including location width and purpose.
  - g. Political boundaries, including corporate limits, school, park and fire protection district boundaries and national and local historic district boundaries.
  - h. Vicinity map at a scale of not smaller than 2000 feet to the inch showing existing subdivisions, roads, section lines, corporate limits, and existing utilities in the neighboring areas.
5. Soils Report: A soils report prepared by an Illinois licensed professional soils engineer of sufficient scope to point out potential ground absorption, runoff, flooding deficiencies, the presence of unstable soils or of soils of such low bearing capacity as to constitute problems for conventional construction, or the presence of subsurface rock that would affect the installation of underground improvements or the provisions of above ground improvement. If, in the opinion of the Village Engineer, additional soil investigations, borings or other soil tests are necessary to determine the nature and extent of such questionable material, the subdivider shall perform the needed investigations.

The Village Engineer and the Village shall have no liability for costs connected with the test boring or interpretations of the results of such work.

6. Park and Open Space Study: A park and open space study shall be submitted. It shall include, but need not be limited to, the following:

- a. Projected ultimate population of the subdivision using the standards contained in this ordinance.
  - b. Projected park and open space requirements based on the standards contained in this ordinance.
  - c. Evaluation of areas proposed to be set aside to meet the park and open space requirement including exhibits as necessary to show the development of the park(s) and open space(s).
  - d. Preliminary correspondence from the Park District as to the impact of the proposed development and the Park District's desire for land, cash or a combination thereof to satisfy the requirement contained in Article 7 of this Chapter.
7. Demographic Study: A school demographic study shall be submitted. It shall include, but need not be limited to, the following:
- a. An estimate of the number and types of dwelling units to be constructed, the density of such dwelling units on the land, and an estimate of each type of dwelling unit by the number of bedrooms.
  - b. Estimates of the number of children to be generated from the different types of dwelling units based on general standards used by the School District in which the subdivision is located.
  - c. Estimates of the number of children to be generated in each school classification based on latest student population projections used by the School District in which the subdivision is located.
  - d. Preliminary correspondence from the School District as to the impact of the proposed development and the School District's desire for land, cash or a combination thereof to satisfy the requirements contained in Article 7 of this Chapter.
8. Natural Resources Inventory: Copies of the report prepared by the Kane-DuPage Soil and Water Conservation District as required by Illinois Statute shall be filed.
9. Traffic Study in accordance with the requirements outlined in the Village's Standard Specifications for Improvements.
10. Erosion and Sedimentation Control:

- a. A statement that the subdivider will provide such temporary facilities during construction as are necessary or required to prevent erosion or the siltation of watercourses, and that adequate measures will be taken during construction for dust control. The subdivider shall also agree to clean and restore streams, ditches or watercourses of any kind if protective measures prove inadequate.
  - b. Slope study defining all areas with slopes of greater than 10% with discussion of existing soils and vegetation.
  - c. Preliminary engineering plans showing proposed method of controlling erosion.
- 11. Text of proposed protective covenants, deed restrictions, homeowner's association contracts and other restrictions whereby the subdivider proposes to regulate land use in the subdivision and otherwise protect the proposed development.
- 12. Letters of review from all agencies that the subdivider has referred to in the concept plan or are necessary to meet the preliminary plan requirements.
- 13. Preliminary Engineering Report and Plans including but not limited to the consideration of the following:
  - a. Water and wastewater facilities, and public utilities.
  - b. Streets and sidewalks.
  - c. Site grading.
  - d. Storm sewers and a drainage plan for the storage and controlled release of the storm water following a 100 year frequency storm.
  - e. All other information and documentation necessary to determine compliance with the Kane County Stormwater Ordinance.
- 14. Evidence of ownership of the land proposed to be subdivided. Where the subdivider does not own such land, written notarized permission from the owner shall be provided authorizing the subdivider to subdivide such land under the provisions of this chapter.
- 15. Letter of approval from the mortgagee.

16. Fiscal Impact Study.
  17. Environmental Site Assessment in accordance with, at a minimum, the requirements outlined in the Village's Standard Specifications.
  18. Flood Plain and Wetland Studies
  19. Field Stake Out: The subdivider shall provide such field stake out as is necessary to make a field inspection if required by the Plan Commission.
  20. Market Study
  21. Check list signed indicating that all items necessary for review have been submitted.
  22. Such other information or documentation as the Village or its professional consultants may deem reasonably necessary to evaluate the preliminary plan and to make recommendation thereon.
- F. Action by the Village Clerk: The Village Clerk shall receive the application, fees and supporting documentation and shall date and retain a complete set of all materials received constituting the subdivision submission. The Village Clerk shall distribute one copy each to the Village President, Village Engineer, Village Attorney and Village Land Planner. The Village Clerk shall distribute 7 copies to the Plan Commission and a copy to each Village Trustee. The Village Clerk shall deliver any fees or deposits received to the Village Treasurer. The Village Clerk shall also inform the subdivider of the date, time and place of the meeting at which the Plan Commission will initially place the submission on its agenda for review.
- G. Initial Review of Submission by Village Staff: Upon receipt of the application and supporting documentation the Village Clerk shall obtain certification as to the completeness of the submission from the Village Engineer and Village Attorney. The Village Engineer and Village Attorney shall review the application and supporting documentation submitted and shall render a written certification as to the completeness of the submission in accordance with Village Code. In the event the submission is incomplete, then the deficiencies shall be noted in writing to the Village Clerk. Upon receipt thereof, the Village Clerk shall transmit copies of the written certification received to the Plan Commission and the subdivider for further action thereon. No submission shall be reviewed by the Plan Commission until the Village Engineer and Village Attorney have certified that the submission is complete, or, at a minimum substantially complete to warrant Plan Commission review.
- H. Action by the Plan Commission: The Plan Commission shall review the

preliminary plan submission for compliance with these regulations and other ordinances of the Village and shall, approve or disapprove the application within 90 days from the date of the application or the filing by the applicant of the last item of required supporting data, whichever date is later unless the subdivider and the Plan Commission mutually agree to extend the period. The Plan Commission may also:

1. Make Recommendations: Approve or disapprove the proposed preliminary plan and submit its written recommendations, which shall include the recommendations of the Village Engineer and the Village Attorney to the Village Board.
2. Approve plan conditioned on changes proposed by the Plan Commission.

If such plan is disapproved, then within said 90 days the Plan Commission shall furnish to applicant in writing a statement setting forth the reason for the disapproval and specifying with particularity the aspects in which the proposed plan fails to conform to the ordinances of the Village including the official map.

The Plan Commission will not review a preliminary plan unless the subdivider or his authorized agent is present at the meeting, except when prior approval has been given by the Plan Commission. If the subdivider or his authorized agent is not at the meeting the submission will be deemed incomplete. The Plan Commission shall transmit a copy of the recommendations to the subdivider.

- I. Action by the Village Board: The Village Board shall accept or reject said plan within 30 days after its next regular stated meeting following the action of the Plan Commission. Preliminary approval shall not qualify a plat for recording.

Acceptance of the preliminary plan shall become effective only after the preliminary plan certificate is signed and dated.

- J. Effectiveness of Approval: Approval of the preliminary plan shall be effective for a period of one (1) year.

#### 20.304 Final Plat

- A. Filing: Following approval of the preliminary plan by the Village Board and such re-zoning or other official Village action as may be required, the subdivider shall submit a final plat of the proposed subdivision, plans and specifications of the improvements required therein, agreements, fees, completion guarantee, and current title commitment to the Village Clerk for distribution. The subdivider shall submit fifteen (15) prints of the final plat and fifteen (15) copies each of other documents at least thirty (30) days prior to the Village Board Meeting at which said final plat shall be submitted for approval.



- B. Fees: The fees shall be as follows:
1. The filing fee shall be calculated by multiplying the number of lots in the proposed subdivision by \$1,000 per lot. In the event the proposed final plat contains more than one residential unit on any one lot, then each residential unit shall constitute a lot hereunder. The fee shall be paid in cash, by money order or certified or cashier's check made payable to the Village of Burlington.
  2. In addition thereto, at the time of submitting the final plat, the applicant shall deposit with the Village Clerk cash in an amount not less than \$10,000 payable to the Village of Burlington for payment of engineering, legal, land planning and any other professional or related fees incurred by and payable to the Village pursuant to Section 20.305 of this Chapter, and any costs connected therewith. This sum shall be deposited into the escrow account established by the Village pursuant to Section 20.303 B. of this Chapter. The owner or developer shall deposit additional funds at the request of the Village as are needed to keep the escrow fund balance at \$10,000.
  3. In addition thereto, at the time of submitting the final plat, the applicant shall submit an agreement in form and content satisfactory to the Village wherein applicant agrees to reimburse the Village for all costs and expenses incurred by the Village for its professional consultants, including, but not limited to the Village Engineer, Attorney and Land Planner in reviewing the final plat submittal and participating in the final plat review and approval process.
- C. Conformance with Preliminary Plan: The final plat shall conform substantially to the approved preliminary plan. It may constitute only that portion of the approved preliminary plan which the subdivider proposes to record and develop at that time; provided, however, that such portion conforms to all requirements of these regulations.
- D. Conformance with State Statutes: The preparation of the plat and the monumentation of the subdivision shall be in conformance with state statutes.
- E. Filing Period: The final plat shall be filed with the Village Board not later than twelve (12) months after the date of approval of the preliminary plan; otherwise, the Preliminary Plan will be considered void.
- F. Form and Content: The Final Plat shall be accurately and legibly drawn or plotted with waterproof, non-fading, black ink on mylar drafting film, in a manner such that clear and legible transparent or contact prints or photostatic

copies can be made. The Final Plat shall be presented at a scale no smaller than 1-inch equal 60 feet except that for subdivisions where the minimum lot size is 1 acre or more, a scale of 1 inch equal 100 feet may be used. The maximum sheet size shall be 24 inches by 36 inches. When more than 2 sheets are used to present the subdivision (exclusive of certificate sheets), a small-scale sheet key shall be placed on all sheets. No text shall be smaller than 0.08 inches in height. The Final Plat shall include and show the following:

1. Name of subdivision (with the words "Final Plat" placed above it) on the top of each sheet. The subdivision name shall not duplicate the name of any subdivision previously recorded in Kane County.
2. Unit number if applicable. Unit plats shall be recorded successively, i.e. Unit 1, Unit 2, Unit 3, etc. (e.g., a Unit 3 shall not be recorded prior to a Unit 2).
3. Legal description of the property being subdivided. This legal description shall be identical to all or part of the legal description shown on the plat of survey, preliminary plat of subdivision and evidence of ownership, previously required during the preliminary platting process.
4. Names, addresses and phone numbers of the owner(s) and the professional land surveyor who prepared the plat. If the ownership is in trust, a notarized trust disclosure statement listing the beneficiaries and their ownership interests shall be submitted to the Village prior to the Village signing the plat.
5. Scale, shown numerically and graphically.
6. Date of plat preparation with any revision dates.
7. North arrow.
8. Permanent Index Number(s) (P.I.N.) in whole or in part of the property being subdivided.
9. Boundary of subdivision, clearly indicated, based upon actual land survey, with angular and linear dimensions shown in accordance with the appended legal description. Gores with adjoining, previously platted subdivisions shall be clearly shown. A final plat will not be approved which overlaps onto a previously platted subdivision. All boundary disputes and/or questions of title or ownership shall be resolved prior to the final plat being submitted for approval.
10. Floodplain limits, if any, shall be shown on the face of the Final Plat in

accordance with the best available information from the Federal Emergency Management Agency or other sources as identified in paragraph T403 of the Kane County Stormwater Technical Manual (January, 2002 edition).

11. The subdivision shall be accurately tied to a section line by angular and linear measurements.
12. Angular and linear measurements to the nearest established street lines or official Village monuments, which shall be accurately described on the plat.
13. Exact location, width and name of all streets, or other public ways, within and adjoining the plat, with document numbers and recording dates as applicable.
14. Names, document numbers, recording dates, lots lines and easement information for all adjoining, previously platted subdivisions.
15. Radii, arc length, point of curvature and point of tangency for all arcs. In addition to the foregoing, central angles for street centerline curves shall be shown.
16. All easements necessary to serve the subdivision with utility services shall be shown and labeled in accordance with the Easement Provisions shown in the Appendix.
17. Building lines shall be accurately shown and dimensioned.
18. Designated driveway locations are required on corner lots and shall be to the lesser traveled street.
19. All lots shall be numbered, consecutively, without number gaps. Block numbers shall not be used.
20. All lot lines shall be dimensioned to the nearest one hundredth of a foot. Angular dimensions to the nearest 1 second shall be shown, but need not be repeated if it is obvious that a series of lot lines is parallel.
21. Lot areas in square feet shall be shown within the lot or in an appended table.
22. Addresses shall be shown.
23. The two concrete monuments required by statute shall be installed prior to

approval of the Final Plat. These monument shall be pre-cast concrete, a minimum of 36" in length, 4" square at the top, 6" square at the bottom and containing a 36" long, five-eighths inch diameter reinforcing bar visible at the top. All U.S., State, County or other official bench mark, monument, triangulation station or GPS station, in or adjacent to the property being subdivided shall be shown on the Final Plat and protected and preserved during construction operations. Any such official monument that must be removed shall be replaced in accordance with the standards established by the entity that originally set the monument.

24. All other required monumentation (minimum twenty-four inches in length), shall be steel pipes (minimum O.D. of three-fourths inch) or steel rods (minimum O.D. of five-eighths inch). If this monumentation is to be installed after recording of the Final Plat due to subsequent earthwork activities and installation of utilities which will most likely disturb or destroy the monumentation, the total cost of staking the subdivision shall be included in the Engineer's Estimate of Probable Construction Costs and covered by the Completion Guarantee.
25. Lot or lots to be dedicated or reserved for public use, with the purposes indicated thereon, and any lot or lots to be reserved by deed covenant for common uses of all property owners. Use of the term "outlot" is prohibited.
26. A complete listing of all documents, with their recording numbers and dates, that pertain to the subdivision being platted. This list shall include, if applicable, but not be limited to: the Annexation Agreement; a Development Agreement; Covenants, Conditions and Restrictions (CCRs); Special Service Area documents; Homeowners Association By-Laws; Recapture Agreements. If CCRs are to be recorded subsequent to the recording of the Final Plat, then that shall be so noted and the CCRs shall be recorded under the document number immediately following the document number of the Final Plat.
27. Listing of all public authorities having jurisdiction thereof.
28. Easement Provisions (See Appendix for required language and form). Preprinted, self adhesive labels will NOT be allowed.
29. Owner's Certificate to the effect that he/she has caused the land described to be subdivided. (See Appendix for required language and form)
30. Notary's Certificate. (See Appendix for required language and form)
31. Mortgagee's Certificate, if required by Mortgagor. (See Appendix for

required language and form)

32. Surveyor's Certificate to the effect that he/she has surveyed and subdivided the property and that the plat is a true and accurate representation of said survey and subdivision. (See Appendix for required language and form)
33. Village Collector's Certificate, certifying that there are no unpaid special assessments, deferred installments or other monies due. (See Appendix for required language and form)
34. Village Engineer's Certificate, certifying that all required improvements have been installed or that a completion guarantee has been posted as collateral. (See Appendix for required language and form)
35. Village Board Certificate, approving and accepting the plat. (See Appendix for required language and form)
36. County Clerk's Certificate to the effect that there are no taxes outstanding against the land included in the plat. (See Appendix for required language and form)
37. County Recorder's Certificate. (See Appendix for required language and form)
38. Kane County Health Department Certificate if applicable. (See Appendix for required language and form)
39. Kane County Division of Transportation Certificate if applicable. (See Appendix for required language and form)
40. Where the subdivision is not within the corporate limits of the Village, such additional certificates shall be added as required by the County in which the subdivision is located.
41. Such other certificates as may be required by Illinois Statutes.
42. NOTE: All certificates shall be executed using BLACK ink. All certificates are also available from the Village Engineer in an electronic format.

G. Supplemental Documents: The Final Plat to be filed of record shall be accompanied by the following documents:

1. Engineering Plans and Specifications under the signature and seal of an

Illinois Licensed Professional Engineer and a corresponding Engineers Estimate of Probable Construction Costs, all in accordance with the standards herein or on file with the Village Engineer or as required during the review of the Preliminary Plan. The Village Engineer shall certify that the improvements described in the subdivider's plans and specifications meet the minimum requirements of all ordinances and standards of the Village prior to any action of approval by the Village Board. The engineering plans shall be presented on sheets no larger than 24 inches by 36 inches. Standard Details are available from the Village Engineer.

2. A "Topographic Overlay", so titled, also including the subdivision name, drawn or plotted on mylar film, at the same scale as the Final Plat, with 1 foot contour interval, the same bench mark information that appears on the improvement plans, the same boundary lines as presented on the Final Plat, north arrow, scale and one of the two Drainage Certificates shown in the Appendix, whichever applies.
3. A description of the proposed donations required to satisfy the provisions of Chapter 7 on this Ordinance.
4. Permit applications requiring Village signature such as water and sanitary sewer shall be submitted completely filled out ready for the Village signature.
5. Current title commitment showing ownership, liens and encumbrances.
6. Agreement executed by the subdivider, and approved in writing by the Village Attorney, wherein he/she agrees to make and install the improvements in accordance with the plans and specifications accompanying the final plat and specifying completion date not more than two years after date of the subdivision plat unless the Village Board determines on the basis of the recommendation of the Village Engineer that a longer time is necessary.
7. Agreement executed by the subdivider, and approved in writing by the Village Attorney, wherein he/she agrees to maintain all improvements required by the plans and specifications accompanying the Final Plat, in a condition whereby they fulfill their intended purpose, until such time as they are accepted by the Village or the appropriate highway authority.
8. Three (3) executed copies of the "Snow Plowing Agreement" shown in the Appendix.
9. A guarantee for completion of the subdivision improvements by the subdivider by filing with the Village in the form and content approved in writing by the Village Attorney:
  - a. A certificate of deposit with or an escrow account at a federally insured bank or savings and loan association with resources of at

least \$100,000,000.00 under the provisions of an Escrow Agreement approved in form by the Village Attorney, in an amount equal to one hundred twenty-five percent (125%) of the estimated construction cost as approved by the Village Engineer and subject to draw by the Village to complete subdivision improvements if they are not completed by the subdivider within the prescribed time limit. Reduction thereof may be permitted only upon recommendation of the Village Engineer and approval of the Village Board upon application for payout by the subdivider in amounts such that funds remaining in the escrow account will always equal one hundred twenty-five percent (125%) of the value of the uncompleted work, as determined by the Village Engineer, and such that not more than ninety percent (90%) of the approved cost estimate is released prior to final inspection and accepting of the improvements by the Village; or

- b. A clean, non-declining, irrevocable letter of credit in such form as approved by the Village Attorney, issued by a federally insured bank or savings and loan association with resources of at least \$100,000,000.00, in an amount equal to one hundred twenty-five percent (125%) of the estimated construction cost as approved by the Village Engineer. The letter shall provide that funds may be drawn only by the Village. Reduction thereof may be permitted only upon recommendation of the Village Engineer and approval of the Village Board upon application for payout by the subdivider in amounts such that the credit remaining will always equal one hundred twenty-five percent (125%) of the value of the uncompleted work, and such that not more than ninety percent (90%) of the approved cost estimate is drawn prior to final inspection and accepting of the improvements by the Village.

- 10. A maintenance bond, escrow account or irrevocable letter of credit in an amount equal to fifteen percent (15%) of the approved estimated cost of the improvements or not less than \$5,000.00, whichever is greater, for a period of fifteen (15) months after completion of the construction. The funds in escrow accounts or letters or credit for maintenance purposes shall be directly available for draw by the Village. The maintenance bond shall be filed with the Village prior to the release of the completion bond. The 15-month maintenance period shall start on the date of acceptance of the improvements or portion thereof.

H. Qualifications governing approval of final plat: The final plat to be placed on record shall be approved subject to the following conditions:

- 1. Recorded as prescribed herein. Final plats must be recorded within thirty (30) days after approval by Village Board. Plats not recorded within that time are void.
- 2. The approval of the final plat shall not be deemed to constitute or effect an acceptance by the public of the dedication of any street or other

proposed public way or space shown on the plat. Such acceptance shall only be by resolution after completion of the improvements.

3. Receipt of permits from agencies having jurisdiction. If any permit application is denied, the approval of the final plat is null and void.
- I. Action by the Village Clerk: The Village Clerk shall receive the final plat, fees and supporting documentation and shall date and retain a complete set of all materials received constituting the subdivider's final plat submission. The Village Clerk shall distribute one copy each to the Village President, Village Engineer, Village Attorney and Village Land Planner. The Village Clerk shall deliver any fees or deposits received to the Village Treasurer. The Village Clerk shall also inform the subdivider of the date, time and place of the meeting at which the Village Board will place the final plat submission on its agenda for formal action.
- J. Initial Review of Submission by Village Staff: Upon receipt of the final plat submission, fees and supporting documentation, the Village Clerk shall obtain certification as to the completeness of the submission from the Village Engineer and Village Attorney. The Village Engineer and Village Attorney shall review the final plat submission and supporting documentation submitted and shall render a written certification as to the completeness of the submission in accordance with Village Code. In the event the final plat submission is incomplete, then the deficiencies shall be noted in writing to the Village Clerk. Upon receipt thereof, the Village Clerk shall transmit copies thereof to the Village President and Trustees and the subdivider. No formal action on any final plat submission shall be taken until the Village Engineer and Village Attorney have certified that the submission is complete.
- K. Action by the Village Board: When an applicant submitting a plat of subdivision or resubdivision for final approval has supplied all drawings, maps and other documents required by the Village to be furnished in support thereof, and if all such material meets all Village requirements, the Village Board shall approve the proposed plat within 60 days from the date of filing of the last required document or other paper or within 60 days from the date of filing application for final approval of the plan whichever date is later. The applicant and the Village Board may mutually agree to extend the 60 day period.

#### 20.305 Fees - Payment by Subdivider

The owner, representative of the owner or subdivider of land shall be liable for and pay all reasonable attorneys fees, engineering fees, land planner fees, court reporter fees, recording fees and any other professional or other fees or charges incurred by the Village of Burlington in connection with any concept plan, preliminary plan and/or final plan or plat of subdivision submitted to the Village for consideration under this Chapter. This requirement for reimbursement of said fees shall extend to any fees the Village may incur in conducting any public hearings the Village may be required to conduct in connection with any subdivision submission made under this Chapter, including, but not limited to any special counsel fees the Village may incur therewith. In addition to those specific deposit requirements set forth in Section 20.302 A.2. and Section 20.303 A.3. the Village may require said owner, representative



or subdivider to deposit with the Village sufficient sums to guarantee payment of all such fees anticipated to be incurred by the Village in connection with any such submittal under this Chapter. The Village shall be under no obligation to act upon any submittal made under this Chapter if an appropriate deposit to pay all such fees has not been made or if the Village otherwise reasonably believes that the owner, representative or subdivider will fail to pay or reimburse the Village for all such fees incurred. The Village may draw upon any funds deposited to pay for any such fees incurred, without obligating itself to said owner or subdivider to otherwise perform under this Chapter. Any excess, unused funds deposited shall be returned by the Village.

## APPENDIX TO ARTICLE 3

### SNOW PLOWING AGREEMENT

This agreement entered into this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ between the Village of Burlington, hereafter referred to as “Village”, and

\_\_\_\_\_, hereafter referred to as “Subdivider”.

#### RECITALS

WHEREAS, Subdivider has recorded, in the Recorder’s Office for Kane County, Illinois, A plat for a subdivision known as \_\_\_\_\_, in the Village of Burlington, Kane County, Illinois, now hereafter referred to as “Subdivision”; and,

WHEREAS, Subdivider marked and dedicated certain streets and highways as public ways for public use on the plat of the Subdivision; and said has been annexed and is within the corporate limits of the Village; and,

WHEREAS, Subdivider has laid out, opened, and improved for public use the streets and highways marked and indicated on the Subdivision plat, and the Village has not approved and accepted said improvements of the streets and highways constructed by the Subdivider.

NOW THEREFORE, in consideration of the mutual covenants contained herein, Village and Subdivider agree as follows:

1. The Village will furnish, when available, the necessary snow removal trucks, machinery, equipment, material, and personnel to plow, clear, and remove snow and ice from the streets and highways marked for public use on the Subdivision plat.

2. The Subdivider agrees that the Village will determine, to its own satisfaction, the following:

- (a) the necessity for snow and ice removal from the streets and highways in the Subdivision.
- (b) the availability of trucks, machinery, equipment, material, and personnel for plowing, clearing, and removing snow and ice from the streets and highways in the Subdivision.
- (c) the manner and performance of the work to clear and remove snow and ice from the streets and highways in the Subdivision, and the sufficiency of the clearing or removal of snow and ice.

The Subdivider agrees with and accepts the decision of the Village on Items 2a, 2b, and 2c listed above.

3. The Subdivider agrees to keep the streets and highways, marked on the Subdivision plat and opened by the Subdivider for public use, in a safe condition, free and clear of obstructions, ruts, excavations, and other conditions so the snow removal equipment can move, travel, and operate without undue delay, hindrance, or danger to the personnel, equipment, or property of the Village.

4. If there is work in progress on any street or highway in the Subdivision, the Subdivider shall barricade and illuminate all obstructions, ruts, excavations, and other dangerous condition. The Village, in its discretion may, but is not required to, clear and remove snow from any street or highway on which such work is in progress.

5. The Subdivider agrees to indemnify, defend, and hold harmless the Village of Burlington, its officers, agents, and employees from any loss, damage, or expense arising out of or resulting from any activities that are subject to this agreement except that which is caused by intentional acts or negligence of the Village, its officers, agents, or employees.

6. The Subdivider agrees to repair at his own expense any property, private or public, damaged by the Village during snow and/or ice removal operations on the streets and highways of the Subdivision except for such damage caused by intentional acts or negligence of the Village, its officers, agents, or employees.

7. The Subdivider agrees to pay the Village the fee of \$\_\_\_\_\_ each time the Village clears snow and/or ice from the streets and highways in the Subdivision from and after the date of execution of this agreement through December 31, 20\_\_\_\_. Commencing January 1, 20\_\_\_\_ and each January 1<sup>st</sup> thereafter until the Village accepts the streets and highways of the Subdivision for maintenance, the fee shall be increased. The amount of the increase each year shall be equal to the annualized rate of inflation of the preceding calendar year multiplied by the fee currently in effect. The Village may deem it necessary to clear snow and/or ice more than once for each snowfall.

8. This agreement shall be terminated only upon acceptance of the streets and highways of the Subdivision for maintenance by the Village.

Approved and accepted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

VILLAGE OF BURLINGTON

SUBDIVIDER

By: \_\_\_\_\_  
Village President

By: \_\_\_\_\_

Attest: \_\_\_\_\_  
Village Clerk

Attest: \_\_\_\_\_

## **APPENDIX**

### **EASEMENT PROVISIONS (INCLUDE ON PLAT AS APPLICABLE)**

#### **PUBLIC UTILITY EASEMENTS – ELECTRIC AND COMMUNICATIONS**

COMMONWEALTH EDISON COMPANY, AMERITECH, MEDIACOM CABLE, AND OTHER UTILITY COMPANIES PROVIDING ELECTRIC AND COMMUNICATIONS SERVICES, THEIR RESPECTIVE SUCCESSORS AND ASSIGNS, JOINTLY OR SEVERALLY ARE HEREBY GIVEN EASEMENT RIGHTS TO ALL PLATTED EASEMENTS DESIGNATED “PUBLIC UTILITY EASEMENT” OR “P.U.E.” AND ARE HEREBY GIVEN EASEMENT RIGHTS, JOINTLY WITH VILLAGE UTILITIES, TO ALL PLATTED EASEMENTS DESIGNATED “UTILITY EASEMENT” OR “U.E.” AND TO ALL PLATTED STREETS AND ALLEYS TO INSTALL, OPERATE, MAINTAIN AND REMOVE, FROM TIME TO TIME, FACILITIES USED IN CONNECTION WITH THE TRANSMISSION AND DISTRIBUTION OF ELECTRICITY AND SOUNDS AND SIGNALS, TOGETHER WITH THE RIGHT TO INSTALL REQUIRED SERVICE CONNECTIONS TO SERVE THE IMPROVEMENTS OF EACH LOT, THE RIGHT TO CUT DOWN AND REMOVE OR TRIM AND KEEP TRIMMED ANY TREES, SHRUBS OR SAPLINGS THAT INTERFERE OR THREATEN TO INTERFERE WITH ANY OF SAID PUBLIC UTILITY EQUIPMENT. THE LOCATION OF FACILITIES IN PLATTED STREETS AND ALLEYS SHALL NOT CONFLICT WITH PUBLIC IMPROVEMENTS AND SHALL BE SUBJECT TO VILLAGE APPROVAL. NO PERMANENT BUILDINGS OR TREES SHALL BE PLACED ON SAID EASEMENT, BUT SAME MAY BE USED FOR GARDENS, SHRUBS, LANDSCAPING AND OTHER PURPOSES THAT DO NOT THEN OR LATER INTERFERE WITH THE AFORESAID USES OR THE RIGHTS HEREIN GRANTED. ALL UTILITY LINES SHALL BE CONSTRUCTED UNDERGROUND. NO OVERHEAD LINES WILL BE PERMITTED.

#### **VILLAGE UTILITY EASEMENTS**

THE VILLAGE OF BURLINGTON IS HEREBY GIVEN EASEMENT RIGHTS TO ALL PLATTED EASEMENTS DESIGNATED “VILLAGE UTILITY EASEMENT” OR “V.U.E.” AND IS HEREBY GIVEN EASEMENT RIGHTS, JOINTLY WITH PUBLIC UTILITIES, TO ALL PLATTED EASEMENTS DESIGNATED AS “UTILITY EASEMENT” OR “U.E.”. SAID EASEMENTS SHALL BE USED SOLELY TO INSTALL, OPERATE, MAINTAIN AND REMOVE FROM TIME TO TIME, ABOVE GROUND AND UNDERGROUND FACILITIES AND APPURTENANCES USED IN CONNECTION WITH THE WATER. SANITARY SEWER OR STORM DRAINAGE SYSTEMS OF THE VILLAGE OF BURLINGTON, EXCEPT THAT THE EASEMENTS MAY BE GRADED AS SWALES TO RECEIVE LOCAL SURFACE DRAINAGE. NO PERMANENT BUILDING OR TREES SHALL BE PLACED ON SAID EASEMENT, BUT THE SAME MAY BE USED FOR GARDENS, SHRUBS, LANDSCAPING AND OTHER PURPOSES THAT DO NOT THEN OR LATER INTERFERE WITH THE AFORESAID USES OR RIGHTS HEREIN GRANTED.

### GAS COMPANY EASEMENT

AN EASEMENT IS HEREBY RESERVED FOR AND GRANTED TO NICOR, ITS SUCCESSORS AND ASSIGNS, IN ALL PLATTED "NICOR EASEMENTS", STREETS, ALLEYS, OTHER PUBLIC WAYS AND PLACES SHOWN ON THIS PLAT, SAID EASEMENT TO BE FOR THE INSTALLATION, MAINTENANCE, RELOCATION, RENEWAL, AND REMOVAL OF GAS MAINS AND APPURTENANCES FOR THE PURPOSE OF SERVING ALL AREAS SHOWN ON THIS PLAT AS WELL AS OTHER PROPERTY, WHETHER OR NOT CONTIGUOUS THERETO. NO BUILDINGS OR OTHER STRUCTURES SHALL BE CONSTRUCTED OR ELECTED IN ANY SUCH EASEMENT AREAS, STREETS, ALLEYS, OR OTHER PUBLIC WAYS OR PLACES NOR SHALL ANY OTHER USE BE MADE THEREOF WHICH WILL INTERFERE WITH THE EASEMENTS RESERVED AND GRANTED HEREBY.

### GAS COMPANY EASEMENT

AN EASEMENT IS HEREBY RESERVED FOR AND GRANTED TO NICOR, ITS SUCCESSORS AND ASSIGNS TO INSTALL, OPERATE, MAINTAIN, REPAIR, REPLACE AND REMOVE, FACILITIES USED IN CONNECTION WITH THE TRANSMISSION AND DISTRIBUTION OF NATURAL GAS IN, OVER, UNDER, ACROSS, ALONG AND UPON THE SURFACE OF THE PROPERTY SHOWN ON THIS PLAT MARKED "NICOR EASEMENT", "COMMON AREA OR AREAS" AND STREETS AND ALLEYS, THE PROPERTY DESIGNATED IN THE DECLARATION OF CONDOMINIUM AND/OR ON THIS PLAT AS "COMMON ELEMENTS", TOGETHER WITH THE RIGHT TO INSTALL REQUIRED SERVICE CONNECTIONS OVER OR UNDER THE SURFACE OF EACH LOT AND COMMON AREA OR AREAS TO SERVE IMPROVEMENTS THEREON, OR ON ADJACENT LOTS, AND COMMON AREA OR AREAS, AND TO SERVE OTHER PROPERTY ADJACENT OR OTHERWISE, AND THE RIGHT TO REMOVE OBSTRUCTIONS, INCLUDING BUT NOT LIMITED TO TREES, BUSHES, ROOTS, AND MAY BE RESPONSIBLY REQUIRED INCIDENT TO THE RIGHTS HEREIN GIVEN, AND THE RIGHT TO ENTER UPON THE PROPERTY FOR ALL SUCH PURPOSES. OBSTRUCTIONS SHALL NOT BE PLACED OVER NI-GAS. AFTER INSTALLATION OF ANY SUCH FACILITIES, THE GRADE OF THE PROPERTY SHALL NOT BE ALTERED IN A MANNER SO AS TO INTERFERE WITH THE PROPER OPERATION AND MAINTENANCE THEREOF.

THE TERM "COMMON ELEMENTS" SHALL HAVE THAT MEANING SET FORTH FOR SUCH TERM IN SECTION 605/2(E) OF THE "CONDOMINIUM PROPERTY ACT" (ILLINOIS COMPILED STATUES, CH. 765, SEC. 605/2(E), AS AMENDED FROM TIME TO TIME.

THE TERM "COMMON AREA OR AREAS" IS DEFINED AS A LOT, PARCEL OR AREA OF REAL PROPERTY, INCLUDING REAL PROPERTY SURFACED WITH INTERIOR DRIVEWAYS AND WALKWAYS, THE BENEFICIAL USE AND ENJOYMENT OF WHICH

IS RESERVED IN WHOLE AS AN APPURTENANCE TO THE SEPARATELY OWNED LOTS, PARCELS OR AREAS WITHIN THE PROPERTY, EVEN THOUGH SUCH AREAS MAY BE DESIGNATED ON THIS PLAT BY OTHER TERMS.

AN EASEMENT FOR SERVING THE SUBDIVISION AND OTHER PROPERTY WITH ELECTRIC AND COMMUNICATIONS SERVICE IS HEREBY RESERVED FOR AND GRANTED TO

COMMONWEALTH EDISON COMPANY  
AND  
AMERITECH, GRANTEES.

THEIR RESPECTIVE SUCCESSORS AND ASSIGNS, JOINTLY AND SEVERALLY, TO INSTALL, OPERATE, MAINTAIN AND REMOVE, FROM TIME TO TIME, FACILITIES USED IN CONNECTION WITH UNDERGROUND TRANSMISSION AND DISTRIBUTION OF ELECTRICITY AND SOUNDS AND SIGNALS IN, OVER, UNDER, ACROSS, ALONG AND UPON THE SURFACE OF THE PROPERTY SHOWN WITHIN THE DOTTED LINES ON THE PLAT AND MARKED "PUBLIC UTILITY EASEMENT" OR "UTILITY EASEMENT", THE PROPERTY DESIGNATED IN THE DECLARATION OF CONDOMINIUM AND/OR ON THIS PLAT AS "COMMON ELEMENTS", AND THE PROPERTY DESIGNATED ON THE PLAT AS A "COMMON AREA OR AREAS", AND THE PROPERTY DESIGNATED ON THE PLAT FOR STREETS AND ALLEYS, WHETHER PUBLIC OR PRIVATE, TOGETHER WITH THE RIGHT TO INSTALL REQUIRED SERVICE CONNECTIONS OVER OR UNDER THE SURFACE OF EACH LOT AND COMMON AREA OR AREAS TO SERVE IMPROVEMENTS THEREON, OR ON ADJACENT LOTS, AND COMMON AREA OR AREAS, THE RIGHT TO REMOVE TREES, BUSHES, AND ROOTS AS MAY BE REASONABLY REQUIRED INCIDENT TO THE RIGHTS HEREIN GIVEN, AND THE RIGHT TO ENTER UPON THE SUBDIVIDED PROPERTY FOR ALL SUCH PURPOSES. OBSTRUCTIONS SHALL NOT BE PLACED OVER GRANTEE'S FACILITIES OR IN, UPON OR OVER THE PROPERTY WITHIN THE DOTTED LINES MARKED "UTILITY EASEMENT" OR "PUBLIC UTILITY EASEMENT" WITHOUT THE PRIOR WRITTEN CONSENT OF THE GRANTEES. AFTER INSTALLATION OF ANY SUCH FACILITIES, THE GRADE OF THE SUBDIVIDED PROPERTY SHALL NOT BE ALTERED IN A MANNER SO AS TO INTERFERE WITH THE OPERATION AND MAINTENANCE THEREOF.

THE TERM "COMMON ELEMENTS" SHALL HAVE THE MEANING SET FORTH FOR SUCH TERM IN THE "CONDOMINIUM PROPERTY ACT", CHAPTER 765 ILCS 605/2(e) AS AMENDED FROM TIME TO TIME.

THE TERM "COMMON AREA OR AREAS" IS DEFINED AS A LOT OR PARCEL OR AREA OF REAL PROPERTY, THE BENEFICIAL USE AND ENJOYMENT OF WHICH IS RESERVED IN WHOLE OR AS AN APPURTENANCE TO THE SEPARATELY OWNED LOTS, PARCELS OR AREAS WITHIN THE PLANNED DEVELOPMENT, EVEN THOUGH SUCH MAY BE OTHERWISE DESIGNATED ON THE PLAT BY TERMS SUCH AS, "OUTLOTS", "COMMON ELEMENTS", "OPEN SPACE", "OPEN AREA", "COMMON GROUND", "PARKING AND COMMON AREA". THE TERMS "COMMON AREA OR AREAS" AND "COMMON ELEMENTS" INCLUDES REAL PROPERTY SURFACED WITH THE INTERIOR DRIVEWAYS AND WALKWAYS, BUT EXCLUDES REAL PROPERTY PHYSICALLY OCCUPIED BY A BUILDING, SERVICE BUSINESS

DISTRICT OR STRUCTURES SUCH AS A POOL OR RETENTION POND, OR MECHANICAL EQUIPMENT.

RELOCATION OF FACILITIES WILL BE DONE BY GRANTEEES AT COST OF GRANTOR/LOT OWNER, UPON WRITTEN REQUEST. ALL UTILITY LINES SHALL BE CONSTRUCTED UNDERGROUND. NO OVERHEAD LINES WILL BE PERMITTED.

### DRAINAGE EASEMENT

THE VILLAGE OF BURLINGTON, IS HEREBY GIVEN EASEMENT RIGHTS TO ALL PLATTED EASEMENTS DESIGNATED "DRAINAGE EASEMENT" OR "D.E." TO INSTALL, OPERATE AND MAINTAIN UNDERGROUND AND SURFACE DRAINAGE FACILITIES AND WATER COURSES. SAID EASEMENTS SHALL BE USED FOR NO OTHER PURPOSE EXCEPT AS EXPRESSLY AUTHORIZED BY THE VILLAGE. NO PERMANENT BUILDINGS SHALL BE PLACED ON SAID EASEMENT, BUT SAME MAY BE USED FOR GARDENS, SHRUBS, LANDSCAPING AND OTHER PURPOSES THAT DO NOT THEN OR LATER INTERFERE WITH THE AFORESAID USES OR THE RIGHTS HEREIN GRANTED.

DRAINAGE CERTIFICATE (1)  
(TO BE PLACED ON TOPOGRAPHIC OVERLAY)

STATE OF ILLINOIS            )  
  ) ss  
COUNTY OF KANE            )

TO THE BEST OF OUR KNOWLEDGE AND BELIEF, THE DRAINAGE OF SURFACE WATERS **WILL NOT** BE CHANGED BY THE CONSTRUCTION OF THIS SUBDIVISION OR ANY PART THEREOF, 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 THIS SUBDIVISION.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Illinois Licensed Professional Engineer  
License Number and Expiration Date

\_\_\_\_\_  
Owner or Duly Authorized Attorney

OR

DRAINAGE CERTIFICATE (2)  
(TO BE PLACED ON TOPOGRAPHIC OVERLAY)

STATE OF ILLINOIS            )  
  ) ss  
COUNTY OF KANE            )

TO THE BEST OF OUR KNOWLEDGE AND BELIEF, THE DRAINAGE OF SURFACE WATERS **WILL** BE CHANGED BY THE CONSTRUCTION OF THIS SUBDIVISION, BUT REASONABLE PROVISION HAS BEEN MADE FOR THE COLLECTION AND DIVERSION OF SUCH SURFACE WATERS INTO PUBLIC AREAS, OR DRAINS WHICH THE SUBDIVIDER HAS THE 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 THIS SUBDIVISION.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Illinois Licensed Professional Engineer  
Number and Expiration Date

\_\_\_\_\_  
Owner or Duly Authorized Attorney License



# OWNERSHIP CERTIFICATE

(individuals)

STATE OF \_\_\_\_\_ )  
 ) ss  
COUNTY OF \_\_\_\_\_ )

THIS IS TO CERTIFY THAT THE UNDERSIGNED IS (ARE) THE OWNER(S) OF THE PROPERTY DESCRIBED ON THE ATTACHED PLAT AND HAS (HAVE) CAUSED THE SAME TO BE SURVEYED, SUBDIVIDED AND PLATTED AS SHOWN BY THE PLAT FOR THE USES AND PURPOSES AS INDICATED THEREON, AND DOES HEREBY ACKNOWLEDGE AND ADOPT THE SAME UNDER THE STYLE AND TITLE THEREON INDICATED.

THE UNDERSIGNED HEREBY DEDICATES FOR PUBLIC USE THE LANDS SHOWN ON THIS PLAT FOR THOROUGHFARES, STREETS, ALLEYS AND PUBLIC SERVICES; AND HEREBY ALSO RESERVES FOR ANY ELECTRIC, GAS, TELEPHONE, CABLE TV OR OTHER TELECOMMUNICATIONS COMPANY UNDER FRANCHISE AGREEMENT WITH THE VILLAGE OF BURLINGTON, THEIR SUCCESSORS AND ASSIGNS, THE EASEMENT PROVISIONS WHICH ARE STATED HEREON.

THE UNDERSIGNED FURTHER CERTIFIES THAT ALL OF THE LAND INCLUDED IN THIS PLAT LIES WITHIN THE BOUNDARIES OF CENTRAL COMMUNITY UNIT SCHOOL DISTRICT 301.

WITNESS MY (OUR) HAND AND SEAL AT \_\_\_\_\_ town \_\_\_\_\_, \_\_\_\_\_ state \_\_\_\_\_,

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

OWNER (PRINTED NAME)

OWNER (PRINTED NAME)

NOTARY CERTIFICATE  
(individuals)

STATE OF \_\_\_\_\_ )  
 ) ss  
COUNTY OF \_\_\_\_\_ )

I, \_\_\_\_\_, NOTARY PUBLIC IN AND FOR THE STATE

AND COUNTY AFORESAID, HEREBY CERTIFY THAT \_\_\_\_\_

AND \_\_\_\_\_, PERSONALLY KNOW TO ME TO BE THE SAME PERSON(S) WHOSE NAME(S) IS(ARE) SUBSCRIBED TO THE FOREGOING INSTRUMENT, APPEARED BEFORE ME THIS DAY AND ACKNOWLEDGED THE EXECUTION OF THE ANNEXED PLAT AND ACCOMPANYING INSTRUMENTS FOR THE USES AND PURPOSES THEREIN SET FORTH AS HIS (HER)(THEIR) FREE AND VOLUNTARY ACT.

GIVEN UNDER MY HAND AND NOTARIAL SEAL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC

(trust)

228

(trust)

I, \_\_\_\_\_, A NOTARY PUBLIC IN AND FOR THE COUNTY  
AND STATE AFORESAID, DO HEREBY CERTIFY THAT\_\_\_\_\_

OFFICERS OF \_\_\_\_\_bank\_\_\_\_\_, AS SHOWN ABOVE,  
APPEARED BEFORE ME THIS DAY AND ACKNOWLEDGED THAT AS SUCH  
OFFICERS, THEY SIGNED AND DELIVERED THE SAID INSTRUMENT AND  
CAUSED THE CORPORATE SEAL TO BE AFFIXED THERETO AS THEIR FREE  
AND VOLUNTARY ACT AND AS THE FREE AND VOLUNTARY ACT OF SAID  
BANK AS TRUSTEE UNDER TRUST NO. \_\_\_\_\_, DATED \_\_\_\_\_,  
FOR THE USES AND PURPOSES THEREIN SET FORTH.

\_\_\_\_\_  
NOTARY PUBLIC

STATE OF \_\_\_\_\_ )  
 ) ss  
COUNTY OF \_\_\_\_\_ )

STATE OF \_\_\_\_\_ )  
 ) ss  
COUNTY OF \_\_\_\_\_ )

I, \_\_\_\_\_, A NOTARY PUBLIC IN AND FOR THE COUNTY  
AND STATE AFORESAID, DO HEREBY CERTIFY THAT \_\_\_\_\_

AND \_\_\_\_\_, PERSONALLY KNOWN TO ME TO BE THE

PRESIDENT AND SECRETARY OF \_\_\_\_\_ Corporation, AS SHOWN ABOVE, APPEARED BEFORE ME THIS DAY AND ACKNOWLEDGED THAT AS SUCH OFFICERS, THEY SIGNED AND DELIVERED THE SAID INSTRUMENT AND CAUSED THE CORPORATE SEAL TO BE AFFIXED THERETO AS THEIR FREE AND VOLUNTARY ACT AND AS THE FREE AND VOLUNTARY ACT OF SAID CORPORATION, FOR THE USES AND PURPOSES THEREIN SET FORTH.

GIVEN UNDER MY HAND AND NOTARIAL SEAL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

NOTARY PUBLIC

MORTGAGEE CERTIFICATE

STATE OF \_\_\_\_\_ )  
 ) ss  
COUNTY OF \_\_\_\_\_ )

Bank name, HOLDER OF A MORTGAGE ON THE  
PROPERTY DESCRIBED HEREIN, HEREBY CONSENTS TO THE EXECUTION  
AND RECORDING OF THE ABOVE AND FOREGOING PLAT OF SUBDIVISION  
AND HEREBY SUBMITS ITS MORTGAGE RECORDED date AS  
DOCUMENT NUMBER \_\_\_\_\_ IN THE OFFICE OF THE RECORDER  
OF DEEDS, KANE COUNTY, ILLINOIS, TO ALL OF THE PROVISIONS  
THEREOF.

IN WITNESS WHEREOF, THE SAID Bank  
HAS CAUSED THIS INSTRUMENT TO BE SIGNED BY ITS DULY AUTHORIZED  
OFFICERS ON ITS BEHALF AT town, state,  
THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_.

Bank Name and  
Complete Address

By: \_\_\_\_\_  
Printed Name and Title

Attest: \_\_\_\_\_  
Printed Name and Title

STATE OF ILLINOIS )  
 )ss  
COUNTY OF \_\_\_\_\_ )



## VILLAGE COLLECTOR'S CERTIFICATE

[illegible]

I, \_\_\_\_\_, VILLAGE COLLECTOR OF THE VILLAGE OF BURLINGTON, DO HEREBY CERTIFY THAT THERE ARE NO DELINQUENT OR UNPAID CURRENT OR FORFEITED SPECIAL ASSESSMENTS OR ANY DEFERRED INSTALLMENTS THEREOF THAT HAVE BEEN APPORTIONED AGAINST THE TRACT OF LAND INCLUDED IN THIS PLAT. I FURTHER CERTIFY THAT I HAVE COLLECTED ALL FEES REQUIRED BY VILLAGE ORDINANCES, ANNEXATION AGREEMENTS, RECAPTURE AGREEMENTS OR OTHER AGREEMENTS PERTAINING TO THE LAND INCLUDED IN THIS PLAT.

DATED AT BURLINGTON, KANE COUNTY, ILLINOIS. THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

VILLAGE COLLECTOR

VILLAGE ENGINEER'S CERTIFICATE

STATE OF ILLINOIS        )  
                                      )ss  
COUNTY OF KANE        )

THIS IS TO CERTIFY THAT ALL IMPROVEMENTS REQUIRED IN  
CONJUNCTION WITH THIS PLAT OF SUBDIVISION HAVE BEEN INSTALLED  
OR THAT PROPER COLLATERAL IN THE FORM OF A COMPLETION  
GUARANTEE, REVIEWED AND APPROVED BY THE VILLAGE  
ATTORNEY, HAS BEEN POSTED.

DATED AT SUGAR GROVE, ILLINOIS, THIS \_\_\_\_ DAY OF \_\_\_\_\_,  
20\_\_.

Engineering Enterprises, Inc.

By: \_\_\_\_\_  
VILLAGE ENGINEER

VILLAGE BOARD CERTIFICATE

STATE OF ILLINOIS        )  
                                      )ss  
COUNTY OF KANE        )

APPROVED AND ACCEPTED BY THE PRESIDENT AND BOARD OF  
TRUSTEES OF THE VILLAGE OF BURLINGTON, ILLINOIS, THIS \_\_\_\_\_  
DAY OF \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
VILLAGE PRESIDENT

ATTEST: \_\_\_\_\_ VILLAGE CLERK

COUNTY CLERK'S CERTIFICATE

STATE OF ILLINOIS     )  
                                      )ss  
COUNTY OF KANE )

I, \_\_\_\_\_, COUNTY CLERK OF KANE COUNTY, ILLINOIS, DO  
HEREBY CERTIFY THAT THERE ARE NO DELINQUENT GENERAL TAXES, NO  
UNPAID CURRENT TAXES, NO UNPAID FORFEITED TAXES, AND NO  
REDEEMABLE TAX SALES AGAINST ANY OF THE LAND INCLUDED IN THE  
PLAT HEREIN DRAWN. I FURTHER CERTIFY THAT I HAVE RECEIVED ALL  
STATUTORY FEES IN CONNECTION WITH THE PLAT HEREIN DRAWN.

GIVEN UNDER MY HAND AND SEAL OF THE COUNTY CLERK AT GENEVA,  
ILLINOIS, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_.

COUNTY CLERK

RECORDER'S CERTIFICATE

STATE OF ILLINOIS )  
 ) ss PLAT ENVELOPE # \_\_\_\_\_  
COUNTY OF KANE )

THIS INSTRUMENT NO. \_\_\_\_\_ WAS FILED FOR RECORD  
IN THE RECORDER'S OFFICE OF KANE COUNTY, ILLINOIS, ON THIS \_\_\_\_\_  
DAY OF \_\_\_\_\_, 20\_\_\_\_, AT \_\_\_\_\_ O'CLOCK \_\_\_\_M.

KANE COUNTY RECORDER

COUNTY ENGINEER'S CERTIFICATE

STATE OF ILLINOIS   )  
                                  )ss  
COUNTY OF KANE )

ACCEPTED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_.

---

COUNTY ENGINEER

COUNTY HEALTH OFFICER'S CERTIFICATE

STATE OF ILLINOIS   )  
                                  )ss  
COUNTY OF KANE )

ACCEPTED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_.

---

COUNTY HEALTH OFFICER

ARTICLE 4  
Planning Standards

20.401      General

The subdivider shall conform to the following principles and standards of land subdivision in the design of each subdivision or portion thereof. No preliminary plan shall be approved unless it conforms to Village Comprehensive Plan and the following minimum standards, except as recommended otherwise by the Plan Commission and approved by the Village Board.

20.402      Block Standards

- A.      General. The shape of blocks shall be determined by topographical features, the basic street system and traffic pattern, lot depths and areas designated for public and other non-residential land uses. In addition to these, the lengths, widths and shapes of blocks shall be determined with due regard to:
  - 1.      Size adequacy. Provision of adequate building sites suitable to the special needs of the type of use contemplated.
  - 2.      Zoning. Zoning requirements as to lot sizes and dimensions.
  - 3.      Convenience. Needs for convenient access, circulation, control and safety of street traffic.
- B.      Residential Subdivisions. The block length (exclusive of perimeter streets) shall be not less than 500 lineal feet nor more than 1200 lineal feet in length, unless recommended by the Plan Commission and approved by the Village Board.
- C.      Non-residential subdivisions. The block length shall be as recommended by the Plan Commission and approved by the Village Board.
- D.      Blocks intended for business or industrial use must be designated as such and the plan must show adequate off-street areas to provide for parking, loading docks and such other facilities as may be required to accommodate motor vehicles.
- E.      In front of areas zoned or designated for business use which will utilize on street parking, the street width and the roadway widths shall be increased on the side or sides on which the property for commercial use is located by a merging lane at least eleven (11) feet wide to ensure the free flow of traffic without the interference by vehicles entering or leaving parking areas. This is not to be considered a part of the parking area herein required. It is intended that where the abutting property on both sides of a street is developed for commercial use there shall be two such lanes in addition to the minimum required street width.

- A. Configuration of lots: The lot sizes, width, depth, shape and orientation shall be appropriate for the location of the subdivision and for the type of development and use contemplated. Due regard shall be shown for all natural features, such as tree growth, water courses, historic spots, or similar condition which, if preserved, will add attractiveness and value to the proposed development. No lot shall have an average depth which is more than three (3) times its average width, nor shall it have a depth of less than one hundred twenty five (125) feet except that whenever a lot fronts upon an exterior curved portion of a street or cul-de-sac, the required minimum lot depth may be reduced as recommended by the Plan Commission and approved by the Village Board.
- B. Conformance with zoning regulations: Width and area of lots, including all proposed subdivisions within the Village's 1-1/2 mile jurisdictional planning area, shall conform to or exceed the lot width and area requirements set forth in the Zoning Ordinance of the Village. Corner lots shall be sufficiently larger than interior lots to allow maintenance of building lines on both sides fronting on a street not less than the depth of the required front yard specified in the zoning district.
- C. Non-residential lots: Width, area and depth of lots for any use within or outside the Village which is not covered in the Village Zoning Ordinance shall be as recommended by the Plan Commission and approved by the Village Board.
- D. Side lot lines: Side lot lines shall be at right angles or radial to the street line or substantially so.
- E. Adequate building site required: Lots abutting a water course, drainage way, channel or stream shall have additional minimum width and depth as required to provide an adequate building site and afford the minimum sable area required in the Zoning Ordinance for front, rear and side yards.
- F. Double frontage lots. Double frontage lots are forbidden except where lots back upon an arterial or collector street and vehicular access between the lots and the thoroughfare is prohibited. Such lots shall have an additional depth of at least fifteen (15) feet in order to allow for a protective screen planting area, exclusive of utility easements and required year yards.
- G. Driveway location: Lots shall be arranged to provide for a minimum of driveway openings on collector streets. Driveway locations on corner lots shall be indicated on the Final Plat and the location shown shall appear as a covenant running with that lot. This driveway location so designated on the Final Plat shall be restricted to the half of the lot farthest away from the intersecting street.
- H. Frontage: All lots shall front on a publicly dedicated street unless within an approved planned development.

20.404

Easements

- A. Public Utility Easements: Utility distribution or transmission installations serving the subdivision shall be located in easements and so designated on the subdivision plat of record. Such easements shall be located along the rear lot lines, side lot lines or front lot lines. They shall occupy not less than ten (10) feet of which five (5) feet may be shown on each of two adjacent lots. Utility easements shall be indicated as such on the final plat and shall not be used for drainage purposes except that they may be graded as drainage swales for transmission of surface water only.
- B. Drainage Easements: Where a subdivision is traversed by a water course, drainage way, channel or stream, there shall be provided a drainage easement or right-of-way conforming substantially to the lines of the flood plain of such water course and further width as will be necessary for the purpose of adequately maintaining or improving the water course. Said easements shall not be used for any other purposes except that utilities may cross this easement, provided that the crossing does not alter the intended use of the easement.
- C. Village Utility Easements: Whenever it is necessary to install water main, sanitary sewer, storm sewers or other underground utilities to be maintained by the Village in areas other than public rights-of-way, easements shall be established and so designated. Easements shall not be less than twenty (20) feet wide, ten (10) feet of which may be shown on each of two adjacent lots.  
  
Whenever Village utilities and public utilities follow a common route, they may be in a common easement termed a utility easement. Said easements shall be of adequate width for the multiple purposes intended, but in no case shall it be less than fifteen (15) feet.
- D. Continuity of easements: Easements shall be designed to provide continuity throughout the entire subdivision and into adjoining properties.

20.405

Street Standards

- A. Street arrangement: Where such is not shown on the official map, the arrangement of streets within a subdivision shall:
  - 1. Continuity. Provide for the continuation or projection of existing principal streets in adjacent areas; or conform to a plan for the area or neighborhood approved or adopted by the Plan Commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impracticable.
  - 2. Street jogs. Avoid street jogs with centerline offsets of less than 125 feet unless required to conform to a street plan.

3. Intersections. Evidence that all street intersections and confluences encourage safe and efficient traffic flow and, in general, are at or near right angles and in no case shall a street intersect any other street at an angle of less than seventy five (75) degrees. An intersection of more than two (2) streets at the same location shall not be permitted.
  4. Provide that streets serving principally residences shall be laid out so their use by through traffic will be discouraged.
- B. Street names shall not duplicate, or be confused with, the names of existing streets (Existing street names must be projected whenever possible and all street names are subject to approval of the Village Board.)
- Streets shall not contain reserve strips controlling access to public utilities, streets or alleys.
- C. Private streets shall not be permitted except in planned developments or in other instances specifically approved by the Village Board.
- D. Minimum street standards:
1. Clear visibility, measured along the centerline of the street, shall be provided for at least three hundred (300) feet on all collector and arterial streets and at least two hundred (200) feet on all other streets.
  2. The maximum length cul-de-sac street shall be five hundred (500) feet measured along the centerline from the intersection at origin through center of circle to end of right-of-way. Each cul-de-sac street shall have a terminus of nearly circular shape with a minimum right of way diameter of one hundred thirty (130) feet. No cul-de-sac shall have more than fifteen (15) lots fronting thereon.
  3. Frontage roads. Where property to be subdivided is zoned or is planned to be zoned industrial or business and said property borders on or contains an existing or proposed arterial or collector street where access is or may be limited in the future, the Plan Commission may require a frontage road.

Right-of-way widths for frontage roads, when required, shall be in addition to the adjacent thoroughfare and planting strip.

Points of access from the frontage road to the primary street shall be spaced at a minimum of thirteen hundred twenty (1320) feet. A planting strip having a minimum width of twenty (20) feet shall be provided between the pavement of the arterial street and the pavement of the frontage road.



4. Partial streets shall be prohibited. Where a dedicated partial street exists adjacent to the parcel being subdivided, the other half shall be platted and improved according to the standards contained herein.

Where the dedication of a right-of-way is required on land not wholly owned by the subdivider, the Trustees may take such action as is required to secure said right-of-way and the developer shall pay such costs as well as the cost of the required improvements.

5. Duplex and multi-family developments. The use of cul-de-sacs in multi-family districts shall be avoided.
6. Business or industrial districts. The use of cul-de-sacs in industrial districts shall be avoided.
7. Street designs and geometrics shall be in accordance with the Village's Standard Specifications for Improvements. Any item not covered in this section or the Village's Standard Specifications for Improvements shall be in accordance with applicable standards of the Illinois Department of Transportation and American Association of State Highway and Transportation Officials "Urban Highways and Arterial Streets". If any standards conflict, the stricter shall apply.

#### 20.406 Alleys

- A. In commercial, business and industrial districts, definite and assured provision shall be made for service access such as off-street loading, unloading and parking consistent and adequate for the uses proposed. If in the opinion of the Plan Commission such facilities are not adequate, the Plan Commission may permit or require the dedication and improvement of a public alley.
- B. Alleys in residential areas may be permitted in certain Planned Developments as recommended by the Plan Commission and approved by the Village Board.
- C. Dead end alleys shall be prohibited.
- D. All alleys shall have a minimum dedicated width of 24 feet with pavement width to be determined based on proposed use.

#### 20.407 Private Access Streets and Driveways

Private access streets and driveways shall be provided and constructed in accordance with the Village's Standard Specifications for Improvements.

#### 20.408 Public Sidewalks and Pedestrian Ways

- A. Public sidewalks and pedestrian ways shall be provided and constructed in accordance with the Village's Standard Specifications for Improvements.

- B. Sidewalks shall be required on both sides of the street in all residential subdivisions.
- C. Public sidewalks are required for all lots zoned business.
- D. The Village Board may also require that sidewalks be provided elsewhere than as required above, where considered necessary for public safety due to anticipated concentration of pedestrian traffic.
- E. Pedestrian ways required. Pedestrian ways or crosswalks with not less than a twenty (20) foot right-of-way and an eight (8) foot paved walkway, shall be provided near the center of any block in excess of one thousand (1000) feet in length when recommended by the Plan Commission and approved by the Village Board.
- F. Handicap accessible ramps shall be installed where directed by the Village and at all locations required by state and federal statutes.

20.409      Drainage

- A. General: The subdivision shall be laid out in such a manner as to preserve and utilize natural streams, channels and detention areas and wherever possible include the largest streams and flood plains within parks or public areas.
- B. Channel straightening: Sharply meandering streams or channels may be partially straightened and other minor changes made provided that the floodway is maintained and the volume of flood water storage outside the floodway is not reduced and provided that permits are received from any agency having jurisdiction over the stream.
- C. Uppermost reaches of streams: Uppermost reaches of streams or channels that are poorly defined may be relocated or eliminated and incorporated into the planned system of storm sewers provided that the storm sewer system can adequately handle the runoff following the design rainstorm.
- D. Flood plain development: Flood plains may be developed as allowed by the Kane County Stormwater Ordinance.
- E. Wetlands: All wetlands shall be identified and either preserved, modified or mitigated in accordance with the Kane County Stormwater Management Ordinance.
- F. Street pavements near streams: Streets proposed adjacent to streams, channels or detention areas shall be designed so that the street surface shall be at least two feet above the established high water elevation.

20.410      Additional Planning Standards

In addition to the foregoing planning standards, the subdivider shall conform to all other design and land improvement standards as shall be on file with the Village or the Village Engineer as amended from time to time.

ARTICLE 5  
Required Land Improvements

20.501      Certificate of Engineer

No subdivision of land shall be approved without receiving a statement signed by the Village Engineer certifying that the improvements described in the subdivider's plans and specifications, together with agreements, meet the minimum requirements of all ordinances of the Village and that they comply with the requirements set forth in this Article 5.

20.502      Sanitary Sewers

- A. All proposed development shall be connected to and served by a Village owned and operated wastewater treatment facility. Sanitary sewers shall be constructed in accordance with plans approved by the Village and all other applicable authorities.
- B. A subdivision plat shall, in no case, be approved which shall be dependent on individual septic tanks, except that the Village Board may approve such private facilities if lots are adequately sized and studies indicate the suitability of the soils.
- C. All sanitary sewer systems shall be designed, installed and tested in accordance with the Village's Standard Specifications for Improvements.

20.503      Water System

- A. All proposed development shall be connected to and served by a Village owned and operated water supply, treatment and distribution system. Water distribution facilities shall be constructed in accordance with plans approved by the Village and all other applicable authorities.
- B. A subdivision plat shall, in no case, be approved which shall be dependent on private wells, except that the Village Board may approve such private facilities under exceptional circumstances.
- C. All water distribution systems shall be designed, installed and tested in accordance with the Village's Standard Specifications for Improvements.

20.504      Street Improvements

- A. All proposed development shall be served by a system of public streets which shall provide safe and effective access to all new lots and other uses. Extensions of existing stub roads and provisions for roadway extensions into adjoining, undeveloped properties, shall be required.
- B. Improvements to arterial and collector streets in the Village may be required based on annexation agreements, intergovernmental agreements and the Village's Comprehensive Plan.

- C. All road improvements shall be designed, constructed and tested in accordance with the Village's Standard Specifications for Improvements.
- D. In subdivisions outside the corporate limits, but within the Village's jurisdictional planning area, roadway improvements shall conform to the same standards of improvements as required of subdivisions within the corporate limits, except that the curb and gutter may be omitted when recommended by the Plan Commission and approved by the Village Board and the Board of Commissioners of Kane County.

20.505 Public Utilities

- A. All utility lines for natural gas, communications and electric services shall be placed in dedicated Village right of way or easements properly granted and of sufficient width for the intended purposes.
- B. Communications and electric service lines shall be placed underground entirely throughout a subdivided area, said conduits or cables shall be placed within easements or dedicated public ways, in a manner which will not conflict with other underground services and all transformer boxes shall be located so as to not be unsightly or hazardous to the public.

20.506 Sidewalks

- A. Concrete sidewalks shall be installed on both sides of all streets unless recommended otherwise by the Plan Commission and approved by the Village Board.
- B. All sidewalks shall be installed across the frontage of vacant lots before streets are accepted.
- C. All sidewalk improvements shall be designed and constructed in accordance with the Village's Standard Specifications for Improvements.

20.507 Landscaping

- A. All parkways within the dedicated street area or other public use areas shall be graded in accordance with the typical cross sections appearing on the approved engineering plans.
- B. A minimum of two street trees per lot, of a species listed in the Village's Standard Specifications for Improvements, minimum three (3) inch caliper (measured 12" above grade) shall be placed between the sidewalk and curb along all streets where trees do not exist and placed in such a manner as to provide an effective appearance for the enhancement of abutting properties. Where lots are wider than 100 feet and on corner lots, trees shall be provided at maximum 50 foot intervals in addition to the two trees required.

20.508      Street Lighting

Streetlights shall be provided at all intersections and at additional locations with a maximum interval of 300 feet. Additional streetlights may be required along curves, pedestrian ways or other locations recommended by the Village Engineer. Street lights and all system appurtenances shall be in accordance with the Village's Standard Specifications for Improvements.

20.509      Storm Water Control

- A. All proposed development shall be connected to and served by a Village owned and operated storm sewer system, independent of any sanitary sewer system.
- B. Stormwater management facilities shall be designed in accordance with the Kane County Stormwater Management Ordinance, adopted by the Village, by reference.
- C. All storm sewer systems shall be designed, installed and tested in accordance with the Village's Standard Specifications for Improvements.

ARTICLE 6  
Administration and Enforcement

20.601      Acceptance of Street and Other Improvements

- A.      If any plat of subdivision contains public streets or thoroughfares which are therein dedicated as such, whether located within the public limits of Burlington or outside thereof, or contains existing streets outside of said corporate limits, the approval of the plat by the Board of Trustees, or the subsequent annexation of the property by the Village, shall not constitute an acceptance by the Village of such streets or thoroughfares, nor of the improvements constructed or installed thereon or therein, irrespective of any act or acts by any officer, agent or employee of the Village with respect to such streets or improvements.
- B.      The acceptance of such street or thoroughfares shall be made only by the adoption of a resolution by the Board of Trustees after there has been filed with the Village Clerk, a certificate by the Village Engineer certifying that all improvements requiring to be constructed or installed in or upon said streets or thoroughfares, in connection with the approval of the plat of subdividers by the Board of Trustees, have been fully completed and the construction or installation thereof has been approved by him within the time limit set forth.
- C.      Final approval and acceptance of streets and other improvements by the Village Board shall be considered only after two years following completion of all improvements.
- D.      No permanent connection shall be made or maintained with the sanitary or storm sewer or water supply systems of the Village to serve property within the subdivision until:
  - 1.      The certificate by the Engineer of the Village of Burlington as provided in this Article 6 has been filed; and
  - 2.      Any money owing to the Village for permit fees for the connections with said systems or any of them have been paid.

20.602      Inspections

- A.      All public improvements proposed to be made under the provisions of this Chapter shall be inspected during the course of construction by the Village Engineer or a duly designated deputy.
- C.      All fees and costs connected with such inspection and in reviewing the plans and specifications for such improvement shall be paid by the subdivider.

20.603        Building Permit

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

20.604        Occupancy Permit

No occupancy permit shall be granted by any governing official for the use of any structure within any subdivision approved for platting or replatting until required utility facilities have been installed and made ready to service the property, and roadways providing access to the subject lot or lots have been constructed or are in the course of construction.

20.605        Enforcement

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

20.606        Record of Plats

All such plats for subdivision, after the same have been submitted and approved, as provided in this Chapter, shall be copied upon a book of plats of said Village of Burlington and shall be filed and kept by said Village of Burlington among the records of the Village of Burlington.

20.607        Variations

- A. The Plan Commission may, after written application by the subdivider, recommend in writing to the Village Board variations to the regulations set forth in this Chapter subject to such conditions as are specified by the Commission, so that substantial justice may be done and the public interest secured, provided that such variations or exceptions shall not have the effect of nullifying the intent and purpose of this Chapter or the Comprehensive Plan.
- A. The Plan Commission shall not recommend variations or exceptions to the regulations of this Chapter unless they shall make findings based upon the evidence presented to them in each specific case, that:
  - 1. Because of the particular physical surroundings, shape or topography conditions of the specific property involved, a particular and extraordinary hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations was carried out;
  - 2. The conditions upon which the request for a variation is based or unique to the property for which the variation is sought and are not applicable, generally, to other property, and have not been created by any person having an interest in the property;



3. The purpose of the variation is not based exclusively upon a desire to make more money out of the property; and
  4. The granting of the variation will not be detrimental to the public safety, health, or welfare, or injurious to other property or improvements in the neighborhood in which the property is located.
- B. The Village Board may approve variations from the subdivision requirements in specific cases which in its discretion do not affect the Comprehensive Plan or the spirit of this Chapter.

20.608 Violation - Penalty

- A. Any person who constructs any public improvement or portion thereof in violation of the provisions of this Chapter shall, upon conviction, be fined not less than \$100.00 no more than \$750.00 for each offense and shall pay any court costs and reasonable attorneys fees incurred by the Village in enforcing this Chapter; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.
- B. Whoever shall sell, or offer for sale, lease or offer for lease, while this Chapter is in effect, any lot or lots or block or blocks within the incorporated limits of the Village of Burlington, or any additions thereto, or any resubdivision of any lot or block therein, or within territory not more than 1 ½ miles beyond the incorporated boundary of the Village of Burlington, before all of the requirements of this Chapter have been complied with shall be fined not less than \$100.00 no more than \$750.00 for each lot, block or part thereof so disposed of, offered for sale or leased; and shall pay any court costs and reasonable attorneys fees incurred by the Village in enforcing this Chapter.

20.609 Reimbursement of Certain Fees

All fees incurred by the Village for engineering and legal services rendered in regard to subdivision of the land pursuant to this Chapter and/or any petition, proposal or other inquiry related thereto, shall be billed to and paid by the person or persons who make the petition, proposal or other inquiry as to which the services are rendered, including any proposed subdivider of land pursuant to this Chapter.

ARTICLE 7  
Dedication of Public Use Areas, Schools, Park Sites and Impact Fees

20.701      Purpose and Intent

- A.      New development causes and imposes increased and excessive demands upon public facilities and services that are specifically and uniquely attributable to those developments. Public facilities affected by new development include but are not limited to schools, parks, transportation facilities, sanitary sewer and water facilities and other miscellaneous public facilities.
- B.      It is declared to be the public policy of the Village of Burlington that providing for various public facilities is subject to the control of the Village in accord with its Comprehensive Plan as amended for the orderly, efficient and economical development of the Village, including the public facilities necessary to serve new development. It is further declared to be the public policy of the Village that, therefore, the cost of increased demand upon public facilities created by new development should be satisfied and paid by the new development in the Village creating said demand.
- C.      The intent of this Article is to require payment of various development impact fees by the developer of land in the Village of Burlington prior to or at the time of issuance of a building permit, in an amount based upon the proportionate share of the cost of the increased demand on public facilities created by said development. The amount of any development impact fees to be assessed by the Village and required to be paid by a developer of any new development shall be determined by calculating the proportionate share of the cost of additional public facilities necessitated by said development.

20.702      Scope.

Within the Village limits of the Village of Burlington, or within one and one-half miles of the then existing Village limits, each subdivider and developer will be required to dedicate land for public use areas, school and park sites to serve the immediate and future needs of the residents of the subdivision; or to make a cash contribution in lieu of actual land dedication; or a combination of both, at the option of the Village Board, in accordance with the following criteria and formula.

20.703      Criteria for Public Use Areas Dedication.

- A.      The following criteria shall govern dedication of public use sites:
  - 1.      Requirement and Population Ratio: The ultimate density of a proposed development shall bear directly upon the amount of land required to be dedicated, and the total requirement shall be ten (10) acres of land per one thousand (1,000) of ultimate population in accordance with the following standards by types of public use areas:

<u>Types of Public Use Area</u>	<u>Minimum Acres per 1,000 Population</u>
Water supply and treatment facilities	3
Wastewater Treatment Facility	3
Municipal service areas including Village Hall, Police Department, and Public Works Department	4
Total:	10 acres of land per 1,000 population

2. Location: The comprehensive plan for the Village of Burlington as adopted by the Village shall be used as a guideline in locating sites. A central location which will serve equally the entire development is most desirable. In large subdivisions, these sites can be located throughout the subdivision according to established standards.

B. The following criteria shall govern contributions in lieu of dedication of public use areas:

1. Cash Contributions. Where the subdivision is small and the resulting site is too small to be practical or when the available land is inappropriate for public use areas, the Village shall require the subdivider or developer to pay a cash contribution in lieu of any land dedication required.
  - a. The cash contribution in lieu of public use land dedication shall be held by the Village solely for the acquisition of public use areas as classified in this Article, which will be available to serve the immediate or future needs of the residents of that subdivision or development, or for the improvement of other existing public use sites which are already available to assist in servicing such needs.
  - b. The cash contribution in lieu of public use site shall be collected by the Village prior to final plat approval and such collection shall be noted on the face of such final plat of subdivision at the time of approval and recording.
2. Fair Market Value. The cash contributions in lieu of land shall be based on the fair market value of the acres of land in the area improved as specified in this Chapter that otherwise would have been dedicated as public use areas.
  - a. It has been determined that the present fair market value of such improved land in the Village is Sixty-Five Thousand and no/100ths Dollars (\$65,000.00) per acre and such figure shall be used in making any calculation in this Section unless the subdivider or developer files a written objection thereto.

- b. In the event of any such objection, the developer shall submit an appraisal showing the fair market value of such improved land in the area of his development or other evidence thereof, and final determination of said fair market value of such improved land shall be made by the Village Board based upon such information submitted by the subdivider or developer and from other sources which may be submitted to the Village Board by others.
- c. There will be situations in subdivisions or planned unit developments when a combination of land dedication and contribution in lieu of land are both necessary. This will arise when only a portion of the land to be developed is proposed as the location of a public use area. That portion of the land within the subdivision falling within the public use area shall be dedicated as a site as aforesaid, and a cash contribution in lieu thereof shall be required for any additional land that would have been required to be dedicated.

20.704      Criteria for Requiring School Site Dedication

A.      The following criteria shall govern dedication of a school site:

- 1.      Requirements and Population Ratio: The ultimate number of students to be generated by a subdivision shall bear directly upon the amount of land required to be dedicated for school sites.
  - a.      The land dedication requirement shall be determined by obtaining the ratio of the following: (1) estimated children to be served in each such school classification over the (2) maximum recommended number of students to be served in each such school classification as stated in this Section and then applying such ratio to the (3) said minimum recommended number of acres for a school site of each school classification as stated in this Section.
  - b.      The product thereof shall be the acres of land deemed needed to have sufficient land for school sites to serve the estimated increased children in each such school classification.
- 2.      School Classification and Size of School Site: School classifications and size of school sites within the Village shall be determined in accordance with the following criteria:

<u>School Classification</u>	<u>Maximum Number of Students for Each Such Classification</u>	<u>Minimum Number of Acres of Land for Each School Site of Such Classification</u>
Elementary schools, grades kindergarten-5	600	14
middle schools, grades 6-8	900	24
High schools, grades 9-12	2,300	60

3. Location: The official comprehensive plan and the standards adopted by the affected school district shall be used as guidelines in locating sites.

B. The following criteria shall govern contributions in lieu of dedication of school sites:

1. Conditions: Where the subdivision size results in the dedication of a school site too small to be practical or when the available land is inappropriate for a school site, the Village shall require the subdivider or developer to pay a cash contribution in lieu of the land dedication required.
  - a. The cash contributions, in lieu of school sites, shall be held in a special fund by the Village, or other public body designated by the Village, and dispersed for use in the acquisition of land for a school site to serve the immediate or future needs of children from that subdivision, for the construction of new buildings or addition to existing school structures to meet such needs, for the leasing of school facilities to meet needs when building is not possible or feasible.
  - b. Said contributions may also be dispersed for the administration expenses of meeting these provisions.
2. Fair Market Value: The cash contributions in lieu of land shall be based on the fair market value of so much of the land as would have been dedicated and improved as provided herein.
  - a. It has been determined that the present fair market value of such land, as improved for a school site, in and surrounding the Village is Sixty-Five Thousand and no/100ths Dollars (\$65,000.00) per acre and that such figure shall be used in making any calculation herein unless the subdivider or developer files a written objection thereto.
  - b. In the event of any such objection, the subdivider shall submit an appraisal or other evidence showing the fair market value of such improved land in the area of his development and final determination of said fair market value per acre of such improved

land shall be made by the Village Board based upon the information submitted by the subdivider or developer, and/or by other interested persons or entities.

- C. There will be situations in subdivisions when a combination of land dedication and a contribution in lieu of land is necessary. These occasions will arise when:
1. Only a portion of the land to be developed is determined as the location for a school site. That portion of the land within the subdivision falling within proposed school site location shall be dedicated as a site as aforesaid, and a cash contribution shall be required for any additional land that would have been required to be dedicated.
  2. A major part of the school site has already been acquired and only a small portion of land is needed from the development to complete the site. The remaining portions for the school site shall be required to be dedicated, and a cash contribution shall be required in lieu of the balance of the land which would have been required to be dedicated under these regulations.
- D. Density Formula: The following table of population density is generally indicative of current and short range projected trends in family size for new construction and shall be used in calculating the amount of required dedication of acres of land or the cash contributions in lieu thereof unless a written objection is filed thereto by the subdivider or developer.
1. In the event a subdivider files a written objection to the Table of Estimated Ultimate Population listed herein, he shall submit his own demographic study showing the estimated additional population to be generated from the subdivision.
  2. In the event such a written objection is filed, final determination of the density formula to be used in such calculations shall be made by the Village based upon such demographic information submitted by the subdivider and from other sources which may be submitted to the Village.
  3. It is recognized that population density, age distribution and local conditions change over the years, and the specific formula for the dedication of land, or the payment of fees in lieu thereof, as stated herein, is subject to periodic review and amendment if necessary.

(See Table A at the end of this Article)

- E. Reservation of Additional Land: Where the comprehensive plan or the standards of the Village call for a larger number of school sites in a particular subdivision or planned unit development than the developer is required to dedicate, the land needed beyond the subdivider's contribution shall be reserved for subsequent purchase by the school district approved by the Village. Such reservation shall be made for at least one year from the date of approval of the final plat.

- F. Combining With Adjoining Subdivisions: Where the subdivision is less than forty (40) acres, a school site which is to be dedicated should, where possible, be combined with dedications from adjoining subdivisions in order to produce usable school sites without hardship on a particular subdivider.
- G. Topography and Grading: The topography, geology and soils of the dedicated site as well as its surroundings must be suitable for its intended purpose, and grading and drainage on sites dedicated shall be consistent with those purposes. Sites which will rely on an on-site wastewater disposal system must be in compliance with the requirements of any Village sewage treatment disposal system ordinance prior to acceptance and dedication.
- H. Improved Sites: Prior to dedication, all sites shall be improved with full service of electrical, water, sewer and streets where these services are included in the development and as applicable to the location of the site, or acceptable provision must be made therefore.

The sidewalks and trees normally included within the definition of "improved" sites may be deleted due to the delay between dedication of any such school site and construction of school facilities thereon.

20.705 Criteria for Requiring Park and Recreation Land Dedication or for Payments of Fees in Lieu Thereof

- A. Each subdivider will be required to dedicate land for park and recreational purposes to serve the immediate and future needs of the residents of the development, or to make a cash contribution in lieu of actual land dedication, or a combination of both at the option of the Village, in accordance with the following criteria and formula:
  - 1. Requirement and Population Ratio: The ultimate density of a proposed development shall bear directly upon the amount of land required for dedication, and the total requirement shall be ten (10) acres of land per one thousand (1,000) of ultimate population in accordance with the following standards by types of recreation and park areas:

<u>Types of Recreation Area</u>	<u>Size Range (Minimum)</u>	<u>Minimum Acres Per 1,000 Population</u>
Play lot	7,500 sq. ft.	Not applicable
Neighborhood park	3 acres	1.5
School park (neighborhood playground)	5 acres	2.0
District-wide park or playfield	10 acres	2.5
Community-wide recreation park	15 acres	4.0
Total:		10.0 acres of land per 1,000 population

2. Location: The comprehensive plan for the Village of Burlington as adopted by said Village shall be used as a guideline in locating sites. A central location which will serve equally the entire development is most desirable. In large developments, these sites can be located throughout the development according to established standards.
3. Credit for Private Open Spaces and Recreation Acres: When subdividers or developers provide their own open space for recreation areas and facilities, it has the effect of reducing the demand for local public recreational services, and depending on the size of the development, a portion of the park and recreation area in subdivisions or planned unit developments may, at the option of the Village, be provided in the form of "private" open space in lieu of dedicated "public" open space.
  - a. The extent to which "private" open space may be substituted for the required "public" open space shall be determined by the Village Board based upon the nature of the projected areas of such open space, the needs of the projected residents, the adopted plans for the area and after consideration of the total park and recreation land for the general area.
  - b. In general, a substitution of "private" open space for dedicated parks may require a substantially higher degree of improvement and the installation of recreational facilities, including equipment by the developer as part of his obligation.
  - c. Detailed plans of such areas, including specification of facilities to be installed, must be approved by the Village, and before any credit is given for private recreation areas, the subdivider or developer must guarantee that these private recreation areas will be permanently maintained for such use by the execution of the appropriate legal documents; private "swimming clubs" are included in this provision.
  - d. In addition, if approved by the Village Board, a substitution of "private" open space for dedicated parks may also be allowed for conservation purposes through the use of easement rights or other similar techniques used to preserve land in its natural condition, and in order to achieve realization of the County open space plan.
  - e. When an adjustment for private recreation areas is warranted, it will be necessary to compute the total park land dedication that would have been required from the subdivision or planned unit development and then subtract the credit to be given.



B. The following criteria shall govern contributions in lieu of dedication of sites:

1. Where the development is small, the resulting site is too small to be practical or when the available land is inappropriate for park and recreational purposes, the Village shall require the subdivider or developer to pay a cash contribution in lieu of the land dedication required.
  - a. The cash contributions in lieu of park and recreation land dedication shall be held in a special fund by the Village, or other public body designated by the Village, and dispersed for the acquisition of park and recreation land as hereinbefore classified, which will be available to serve the immediate or future needs of the residents of that subdivision or development or for the improvement of other existing local park and recreation land which already serves such needs.
  - b. Said contributions may also be dispersed for the administration expenses of these provisions.
2. Fair Market Value: The cash contributions in lieu of land shall be based on the fair market value of so much of the land as would have been dedicated and improved as specified herein.
  - a. It has been determined that the present fair market value of such land, as improved for a park site, in and surrounding the Village is Sixty -Five Thousand and no/100ths Dollars (\$65,000.00) per acre and that such figure shall be used in making any calculation herein unless the subdivider or developer files a written objection thereto.
  - b. In the event of any such objection, the developer shall submit an appraisal or other evidence showing the fair market value of such improved land in the area of his development and final determination of said fair market value per acre of such improved land shall be made by the Village Board based upon the information submitted by the subdivider or developer, and/or from other interested persons or entities.

C. There will be situations in subdivisions or planned unit developments when a combination of land dedication and a contribution in lieu of land is necessary. These occasions will arise when:

1. Only a portion of the land to be developed is determined as the location for a park site. That portion of the land within the subdivision falling within a proposed park location shall be dedicated as a site as aforesaid, and a cash contribution shall be required for any additional land that would have been required to be dedicated.

2. A major part of the local park or recreation site has already been acquired and only a small portion of land is needed from the development to complete the site. The remaining portions for the park site shall be required to be dedicated, and a cash contribution shall be required in lieu of the balance of the land which would have been required to be dedicated under these regulations.

D. Density Formula: The following population density table is generally indicative of current and short range projected trends in family size for new construction and shall be used in calculating the amount of required dedication of acres of land or the cash contributions in lieu thereof unless a written objection is filed thereto by the subdivider or developer.

(See Table A at the end of this Article)

1. In the event a subdivider or developer files a written objection to the Table of Estimated Ultimate Population listed herein, he shall submit his own demographic study showing the estimated additional population to be generated.
2. In the event such an objection is filed, final determination of the density formula to be used in such calculations shall be made by the Village based upon such demographic information submitted by the subdivider or developer and from other sources which may be submitted to the Village.
3. It is recognized that population density, age distribution and local conditions change over the years, and the specific formula for the dedication of land, or the payment of fees in lieu thereof, as stated herein, is subject to periodic review and amendment if necessary.

E. Reservation of Additional Land: Where the comprehensive plan or the standards of the Village call for a larger amount of park and recreational land in a particular subdivision or planned unit development than the developer is required to dedicate, the land needed beyond the developer's contribution shall be reserved for subsequent purchase by the Village or other public body designated by the Village. Such reservation shall be made for at least one year from the date of approval of the final plat.

F. Combining With Adjoining Developments: Where the subdivision or planned unit development is less than forty (40) acres, public open space which is to be dedicated should, where possible, be combined with dedications from adjoining developments in order to produce usable recreation areas without hardship on a particular developer.

G. Topography and Grading: The topography and geology of the dedicated site as well as its surroundings must be suitable for its intended purposes, and grading on sites dedicated for park and recreational uses shall be consistent with those purposes.

- H. Improved Sites: Some recreational sites shall be improved with full service of electrical, water, sewer and streets where these services are included in the development or where these services are required for the desired recreational uses, or acceptable provision be made therefore. The degree of improvements shall be determined according to the nature of and the projected uses of such parkland.

20.706 Wastewater Treatment Contribution

The criteria for contributions for wastewater treatment facilities shall be as follows. The ultimate density of the proposed development shall bear directly upon the amount of contributions required. The total contribution requirement shall be derived from a base figure of Two Thousand Two Hundred Dollars (\$2200.00) per population equivalent of the development. New business, commercial, institutional and industrial buildings in new developments shall contribute \$0.05 per square foot of “floor area” as that term is defined by the Village Board.

(See Table B at end of this Article for estimated population equivalent)

20.707 Water Supply and Storage Contributions

The criteria for contributions for water supply and storage shall be as follows. The ultimate density of the proposed development shall bear directly upon the amount of contribution required. The total contribution requirement shall be derived from a base figure of Nine Hundred Dollars (\$900.00) per population equivalent for the development of water supply, treatment and storage. New business, commercial, institutional and industrial buildings in new developments shall contribute \$0.05 per square foot of “floor area” as that term is defined by the Village Board.

(See Table B at end of this Article for estimated population equivalent)

20.708 Fire Protection Contribution

The criteria for contributions for fire protection purposes shall be as follows. The number of residential dwelling units in the proposed development shall bear directly upon the amount of the contribution required. The total contribution shall be Three Hundred Dollars (\$300.00) per “dwelling unit” as that term is defined by the Village Board. New business, commercial, institutional and industrial buildings in new developments shall contribute \$0.05 per square foot of “floor area” as that term is defined by the Village Board.

20.709 Library Contribution

The criteria for contributions for library purposes should be as follows. The number of dwelling units in the proposed development shall bear directly upon the amount of the contribution required. The total contribution shall be One Hundred Fifty Dollars (\$150.00) per dwelling unit as that term is defined by the Village Board.

20.710      Transportation Contribution:

The stated purpose for transportation contributions is the need for local transportation improvements as a result of increasing traffic generated by development. It is acknowledged that traffic impacts on the Village stem from many sources other than local. Transportation improvements to County Highways are currently necessary, therefore this Transportation Contribution is not meant to bear the total burden of the necessary local improvements, but rather to contribute together with other funding sources in order to make the necessary local improvements as determined by the Village Board and others.

The criteria for contributions for local transportation improvements shall be as follows. The ultimate density of the proposed development shall bear directly upon the amount of the contribution required. The total contribution shall be derived from the base figure of Three Hundred Dollars (\$300.00) per population equivalent of the development. New business, commercial, institutional and industrial buildings in new developments shall contribute Twenty-five Cents (\$0.25) per square foot of “floor area” as that term is defined by the Village Board.

(See Table B at end of this Article for estimated population equivalent)

20.711      Dwelling Unit and Commercial/Industrial Uses, Population Equivalent Formula:

- A. Calculation of the required impact fees under this Article shall be made according to the estimated population and population equivalent factors set forth in the tables appended to this article.
- B. In the event a developer files a written objection to the use of the tables the developer shall obtain and submit, at his or her own cost, a demographic study and in the case of sewer and water fees, an engineering study prepared by an Illinois registered professional engineer showing the estimated population or population equivalent, respectively to be generated from the development; and in that event, the final determination of the calculation shall be made by the corporate authorities, in their sole discretion, based upon such information as has been submitted by the developer, and based upon any other pertinent information before the corporate authorities at the time.
- C. It is recognized that population density, age distribution and local conditions change over the years and the specific formula for the dedication of land, or the payment of fees in lieu thereof, as stated herein, is subject to periodic review and amendment if necessary.

20.712      Dedication or Contribution as a Condition of Annexation

The dedications of land or cash contributions as required by this Article shall be to the Village and provisions therefore shall be incorporated in any annexation agreement governing the land, and payment shall be made and evidence of such dedication or cash contributions made to the Village Board before final approval of the plat of subdivision and it shall be evidenced on same prior to recording of said plat with the Kane County Recorder of Deeds.

20.713      Indemnification of Village Required by School, Park, Fire Protection and Library District

By their acceptance of land or cash, or both, pursuant to the provisions hereof, the school district, park district, fire protection district or library district, as the case may be shall indemnify the Village against any loss, cost or expense, including reasonable attorney's fees, arising out of, or on account of, any land or payments designated for said school district, park district fire protection district or library district under the provisions of this Article. Prior to the actual transfer of land or funds, the school district or park district each shall make the foregoing indemnity to the Village in writing.

20.714      Payment - Expenses

By acceptance of land or cash, or both, pursuant to the provisions hereof, the school district, park district, fire protection district or library district, as the case may be shall reimburse the Village for all costs and expenses it incurs in connection with obtaining the land or cash required by this Article. Payment of amount shall be made to the Village within 30 days of such district's (a) receipt of the land or cash as provided herein, or (b) the receipt of an invoice from the Village, whichever occurs later.

20.715      Reservation of Additional Land

Whenever the Village of Burlington Comprehensive Plan, or the standards of the Village, school district, or park district call for a school or park within a subdivision larger than the required land contribution, the land needed in addition to the required contribution shall be reserved on the final plat for subsequent purchase by the Village, park district, or school district. The Village, park district, or school district shall acquire the land so designated by the purchase or commence proceedings to acquire such land by condemnation within one year from the date of recording of the final plat; if the land is not so acquired or condemnation proceedings are not so commenced within said one year period, the land so designated may then be used by the owners thereof in any other manner consistent with the Village of Burlington Municipal Code as amended and compatible with said subdivision.

20.716      Condition of Dedicated Sites

Land improvements within the subdivision adjoining park and school sites shall be provided and paid for by the subdivider. In addition, park and school sites shall be fine graded, provided with a minimum of six (6) inches of topsoil, seeded and maintained until a substantial turf is established, as part of the required land improvements, unless otherwise permitted by the Board of Trustees. Prior to commencing such work or any land improvements within a park or school site, the subdivider shall furnish a policy or policies of insurance insuring both Village and the park or school district, as the case may be, with coverage as approved by the Board of Trustees and park district governing body or school district board of education, as the case may be. The subdivider shall provide certificates to the Village and the school or park district, as the case may be, showing Village and such school or park district as additional insureds. Such certificates shall provide for at least 30 days notice to the Village and such district prior to cancellation or modification in any respect. The failure to provide or maintain the insurance coverage or certificates as mentioned above shall be cause to stop construction and shall be cause for the refusal of issuance of construction and building permits or certificates of occupancy.

20.717 Time of Conveyance

The park and school sites required herein shall be conveyed to the appropriate park or school district grantee, as designated by the Village, after Board of Trustee approval of the final plat and prior to the execution of the final plat subdivision. The final plat shall not be executed by the President or recorded until the governing body of the park district or school district, as the case may be, executes a written acceptance of the conveyance. Such acceptance of the conveyance shall not be deemed to constitute acceptance for purposes of maintenance. The subdivider shall be responsible for maintaining the park and school sites until the land improvements upon and adjoining such sites are accepted by the Board of Trustees.

20.718 Payment of Taxes

General real estate taxes levied or which become due because of any conveyance, against the park or school or other site which is conveyed, shall be the responsibility and obligation of the grantor. Grantor shall furnish evidence of payment of these taxes or deposit the amount of those taxes in escrow with the Title Company furnishing the preliminary report of title, requiring payment of the taxes when they become due. After payment of the taxes, evidence of such payment shall be furnished to the Village and the grantee. The amount of any general real estate taxes for the year of conveyance shall be pro-rated to the date of the delivery of deed. The amount of the general real estate taxes shall be based on the assessor's latest known rate, value, and equalizer, if any, for the land being conveyed.

20.719 Real Estate Conveyance Requirements

All real estate conveyed to the Village or the school district or park district pursuant to the provisions of this Article is hereby-designated "public land". The subdivider shall furnish the Village and the grantee with a survey of the public land to be conveyed and a commitment for title insurance from a title company licensed to do business in the State of Illinois, in the amount of the fair market value of such public land. If within sixty (60) days of receipt of the commitment, the Village or designated grantee objects in writing to defects in the title, the subdivider shall have sixty (60) additional days from the date of delivery of such written objections to cure such defects. All deeds of conveyance pursuant to this Article shall be recorded, at the subdivider's sole expense, in the office of the Recorder of Deeds of the county in question. All conveyances pursuant to this Article shall be by warranty or trustee's deed subject only to the following:

- A. Acts done or suffered by, or judgments against, the grantee, its successors, and assigns;
- B. General taxes for the year of conveyance, and subsequent years;
- C. Zoning and building laws and/or ordinances;
- D. Public and utility easements of record which are reasonably acceptable to Village and grantee;
- E. Conditions and covenants of record as contained only in plats of subdivision approved by the Village;

- F. Rights-of-way for drainage ditches, feeders, laterals, and underground title, pipe or other conduit;
- G. Such other exceptions to title that Village and grantee shall find acceptable.

Each conveyance shall be accompanied by an appropriate affidavit of title and such other documentation as may reasonably be required by the Village's attorney or grantee's attorney, as the case may be, or the title company to provide clear title to the grantee, including, but not limited to a phase I environmental audit and such other documents as may be necessary to comply with all federal, state and local environmental laws and regulations.

20.720      Real Covenant/Sale of Public Land

- A. All conveyances of public land shall contain a restrictive covenant, in form approved by the Board of Trustees, running with and binding the public land conveyed, providing for the sole and continued use of said real estate as public land, subject to the provisions hereof, in perpetuity, unless the Board of Trustees approves the removal of said covenant. The owner of the public land and the Village of Burlington, their successors and assigns, shall have the right to enforce said restrictive covenant. In the event either the school district or park district desires to sell any public land obtained under the provisions hereof, it shall first direct written notice, by certified mail, return receipt requested, to the non-selling district and Village. The written notice shall contain a legal description and plat of the public land and statement that the owner thereof desires to sell the public land described. Upon receipt of the written notice, the following options are provided and granted;
  - 1. The non-selling district shall have the exclusive option to purchase the public land described, for the thirty-day period next following receipt of the notice;
  - 2. In the event the non-selling district fails to exercise its option within the thirty-day time period, the Village shall have exclusive option to purchase the public land described, at no cost, for the thirty-day period next following expiration of the initial thirty-day period.
- B. Any option shall be exercised by directing written notice to the owner of the public land, by certified mail, return receipt requested. In the event both the non-selling district and the Village fail to exercise their options, the owner of the public land may sell the public land described in the written notice to any third party, subject to the requirements of law.
- C. In the event any public land is sold to a third party pursuant to the terms of this Article, the restrictive covenant which binds the public land shall be released and removed by the Village.
- D. The cash received by the school district or park district as a result of the sale of public land shall be held in a separate trust account and shall be used solely in accordance with the provisions of this Article.

20.721      Distribution of Contributions

- A.      Public Uses: The contributions received by the Village for public uses shall be held by the Village and utilized solely for the public uses or facilities which will serve the immediate or future needs of the residents of the development, or for the improvement of other existing public uses which already service such needs.
- B.      School Improvements: The contributions received by the Village for school improvements shall be held by the Village and forwarded from time to time to the school district, for the acquisition of school sites and for other school purposes as permitted by law.
- C.      Park Improvements: The contributions received by the Village for park improvements shall be held by the Village solely for the acquisition of, or improvements to, parks which will serve the immediate or future needs of the residents of the development; or for the improvement or expansion of existing parks which already serve such needs; and may be forwarded from time to time to the park district for park purposes permitted by law.
- D.      Wastewater Treatment: The contributions received by the Village for wastewater treatment shall be held by the Village and utilized solely for wastewater treatment facilities which will serve the immediate and future needs of the residents of the development.
- E.      Water System Improvements: The contributions received by the Village for water system improvements shall be held by the Village and utilized solely for water system facilities which will serve the immediate and future needs of the residents of the development.
- F.      Fire Protection Contributions: The contributions received by the Village for fire protection shall be held by the Village and forwarded from time to time to the fire protection district to be utilized by the fire protection district for fire protection purposes which will serve the immediate and future needs of the residents of the development.
- G.      Library Contributions: The contributions received by the Village for library purposes shall be held by the Village and forwarded from time to time to the library district to be utilized by the library district for library purposes which will serve the immediate and future needs of the residents of the development.
- H.      Transportation Contributions: The contributions received by the Village for local transportation improvements shall be held by the Village and utilized for local transportation improvements as a result of increasing traffic generated by development which uses shall include, but not be limited to vehicular traffic improvements, pedestrian and sidewalk improvements, rail improvements and mass transit improvements.

20.722      Procedure and Administration:



- A. Any and all development impact fees due pursuant to the terms of this Article shall be paid by the developer and collected by the Village Clerk prior to the issuance of each respective building permit for the development; provided, the Board of Trustees may in its sole discretion require payment of the fees due under this Article by the developer in a lump sum for the entire development, or phase by phase, as a condition to the approval by the Village of the final plat of subdivision, final site plan, or other applicable development plan or agreement for the development; and execution thereof by the Village President and Village Clerk shall be conditioned upon prior payment in full of any and all amounts due pursuant to this Article.
- B. The Village Clerk shall pay such funds so collected over to the Village Treasurer, according to ordinance.
- C. The Village Treasurer shall establish separate interest-bearing accounts, in a bank or savings institution authorized to receive deposit of Village funds, for each type of development impact fee authorized under this article.
  - 1. The Treasurer shall deposit any funds collected by the Clerk pursuant to this Article into the separate accounts maintained therefore.
  - 2. Interest earned in each account shall be credited to that account and shall be used solely for the purposes specified for funds in such account.
  - 3. The Treasurer shall account for all monies received; shall maintain and keep adequate financial records for each account, which shall show the source of and disbursement of all revenues; and shall ensure that the disbursement of funds from each account shall be solely and exclusively for the provision of public facilities consistent with the terms of this Article.
- D. The Village Treasurer shall disburse funds collected under this Article only upon the express direction and consent of the Board of Trustees.

20.723 Effect of Regulations:

- A. The terms of this Article shall not affect the zoning, subdivision or other regulations of the Village regulating the development of land or provision for public improvements.
- B. The development impact fees described in this Article shall be additional and supplemental to and not in substitution of any other requirements imposed by the Village on the development of land or the issuance of building permits.
- C. The terms of this Article shall apply to new construction and additions for which building permits are requested in the Village from and after the effective date of these regulations. For purposes of this Article, the term building permit shall not refer to permits for remodeling, for rehabilitation or other improvements to an existing structure, or for rebuilding a damaged or destroyed structure; provided, that no increase in gross floor area or number of dwelling units results therefrom.

**TABLE A**

**TABLE OF ESTIMATED ULTIMATE POPULATION PER DWELLING UNIT**

CHILDREN PER UNIT							
Type of Unit	Pre-School	Elementary	Middle School	High School	Total Yield		
	0-4 Years	Grades K-5 5-11 Years	Grades 6-8 11-13 Years	Grades 9-12 14-17 Years	Grades K-12 5-17 Years	Adults 18-Up	Total Per Unit
Detached Single-Family:							
2 Bedroom	0.260	0.265	0.120	0.178	0.563	1.835	2.658
3 Bedroom	0.285	0.434	0.209	0.301	0.944	2.000	3.229
4 Bedroom	0.380	0.595	0.303	0.413	1.311	2.289	3.980
5 Bedroom	0.401	0.838	0.476	0.590	1.904	2.400	4.705
Attached Single-Family (Townhouse, Row House, Quadraplex, Etc.):							
1 Bedroom	--	--	--	--	--	1.52	1.520
2 Bedroom	0.444	0.103	0.029	0.038	0.170	1.90	2.514
3 Bedroom	0.468	0.335	0.123	0.160	0.618	2.06	3.146
4 Bedroom	0.654	0.680	0.270	0.308	1.258	2.20	4.112
Low-Density Apartment (To 15/Acre):							
Efficiency	--	--	--	--	--	1.00	1.000
1 Bedroom	0.070	0.045	--	--	0.045	1.40	1.515
2 Bedroom	0.315	0.209	0.087	0.100	0.396	1.73	2.441
3 Bedroom	0.472	0.315	0.110	0.210	0.635	2.00	3.107
4 Bedroom	0.496	0.534	0.204	0.253	0.991	2.10	3.587
High-Density Apartments (16+/Acre):							
Efficiency	--	--	--	--	--	1.00	1.000
1 Bedroom	0.05	0.023	--	--	0.023	1.26	1.333
2 Bedroom	0.21	0.067	0.031	0.031	0.129	1.43	1.769
3 Bedroom	0.43	0.154	0.075	0.093	0.322	2.00	2.752

**TABLE B**

**TABLE OF ESTIMATED POPULATION EQUIVALENT  
FOR SEWER, WATER & TRANSPORTATION**

RESIDENTIAL USES

<u>TYPE</u>	<u>POPULATION EQUIVALENT</u>
Efficiency/Studio Apartment	1
1 Bedroom Apartment	1.5
2 Bedroom Apartment	3
3 Bedroom Apartment	3
Single-Family Dwelling (Attached or Detached)	3.5

INDUSTRIAL/COMMERCIAL USES

<u>ZONING CLASSIFICATION</u>	<u>POPULATION EQUIVALENT</u>
B-1	0.00025 PE/SF of Building
B-2	0.00025 PE/SF of Building
B-3	0.00025 PE/SF of Building
M-1	0.000075 PE/SF of Building
M-2	0.000075 PE/SF of Building