

ORDINANCE # 2015- 09

**AMENDMENT TO SECTION 10.00 OF THE KENDALL COUNTY SUBDIVISION
ORDINANCE TO MODIFY BONDING REQUIREMENTS FOR LAND
IMPROVEMENTS**

WHEREAS, the Illinois General Assembly enacted the County Code (55 ILCS 5/5-1123 and 55 ILCS 5/5-1041) and the Public Construction Bond Act (30 ILCS 550/2), which allows for and regulate the land development process and provisions for construction surety and maintenance guarantees; and

WHEREAS, Kendall County updated its Subdivision Control regulations on March 15th, 2011 (Ordinance 2011-06) and eliminated some of the surety provisions required by State Statute; and,

WHEREAS, pursuant to the authority provided in 55 ILCS 5/5, Kendall County, a unit of local government, wishes to amend Section 10.0 of the Kendall County Subdivision Ordinance (“Subdivision Ordinance”) to bring construction surety and maintenance guarantees into compliance with State Statutes; and

WHEREAS, all administrative procedures required prior to passing amendments to the Kendall County Subdivision Ordinance have been followed; and

NOW, THEREFORE, BE IT ORDAINED, the Kendall County Board hereby amends Sections 10.0 – Required Land Improvements of the Kendall County Subdivision Ordinance as provided:

I. **RECITALS.** The recitals set forth above are incorporated as is fully set forth herein.

II. **THE FOLLOWING MODIFICATIONS ARE MADE TO SECTION 10.0 – REQUIRED LAND IMPROVEMENTS OF THE SUBDIVISION ORDINANCE:**

PROCEDURE

B. Construction Surety

1. Prior to the start of any work, the subdivider shall post with the Clerk of the County of Kendall, a non-revocable letter of credit, a cash escrow, bond, irrevocable letter of credit, surety bond, or letter of commitment issued by a bank, savings and loan association, surety, or insurance company, deemed

acceptable to the State's Attorney of Kendall County in an amount equal to 125% of the full costs of the required improvements as estimated by a Registered Professional Engineer and approved by the Plat Officer or 110% of the full costs of the required improvements provided in line item format in a construction contract entered into between the subdivider and a contractor or contractors licensed in the State of Illinois. Such line item contract shall be approved by the Plat Officer.

D. As-Built Plans:

1. Stormwater Management Facilities: After completion of stormwater management facilities and prior to acceptance of said improvements (excepting final landscaping and short-term maintenance) the subdivider shall make or cause to be made, a detailed one foot contour topographic survey and engineering plans of said facilities to verify final dimensions and volumes required under the approved engineering plans and calculations have been provided. A comparison table of approved versus as-built volumes for each foot of detention volume elevation shall be provided. The presentation of these plans shall be a condition of final acceptance of the improvements, and release of the ~~Letter of Credit~~ cash escrow, cash bond, irrevocable letter of credit, surety bond, or letter of commitment assuring their completion.
2. Infrastructure Improvements: After completion of all public improvements, and prior to final acceptance of said improvements, the subdivider shall make, or cause to be made, engineering plans showing the actual location, size, and elevation of all structures and associated piping inverts; culvert location, size, and invert elevations; ditch line location and grade at maximum 100 foot intervals; vertical and horizontal alignment of roadway centerlines; street lighting locations and electrical cable routing; and electric, gas, telephone and other private utility locations and routing. The presentation of these plans shall be a condition of final acceptance of the improvements, and release of the ~~Letter of Credit~~ cash escrow, cash bond, irrevocable letter of credit, surety bond, or letter of commitment assuring their completion. The as-built plans shall be filed with the Plat Officer.

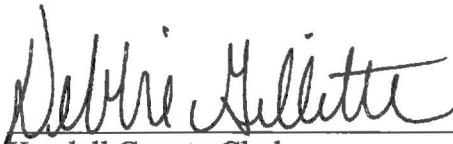
G. Maintenance Guarantee

Upon completion of the improvements acceptance thereof by all relevant authorities the improvements shall thereafter be maintained by the appropriate corporate authorities, providing however, for a period of 12 months following the acceptance as above provided the subdivider shall be responsible for the continued condition of said improvements as accepted. In the event failure occurs in the improvements the subdivider shall restore the improvements to the criteria specified in this Ordinance. To assure responsibility the subdivider shall, prior to acceptance of the improvements as outlined in Section 10.00.F of this ordinance, deposit with the Clerk of the County

of Kendall a cash escrow, ~~or maintenance letter of credit~~ cash bond, irrevocable letter of credit, surety bond, or letter of commitment acceptable to the State's Attorney's office of Kendall County in an amount not less than ten percent (10%) of the total cost of all improvements, which deposit may be used by the County to restore the improvements in the event such are not addressed by the subdivider within 12 months following acceptance of the improvements by all relevant authorities. Upon receipt of said maintenance surety, the Plat Officer shall be authorized to return the original financial surety(ies) posted to guarantee the satisfactory completion of the required improvements to the developer or issuing financial institution.

IN WITNESS OF, this amendment to the Subdivision Ordinance has been enacted by a majority vote of the Kendall County Board this 19th day of May, 2015.

Attest:



Kendall County Clerk
Debbie Gillette



Kendall County Board Chairman
John Shaw