

ORDINANCE NO. 4535

**AN ORDINANCE AMENDING ORDINANCE NO. 4524 ESTABLISHING REVISED PROCEDURES FOR PROVIDING WATER SERVICE TO AREAS LOCATED IN UNINCORPORATED DUPAGE COUNTY**

WHEREAS, the Council of the Village of Downers Grove adopted Ordinance No. 4524, revising previously established procedures for providing water service to properties within the territory commonly known as Downers Grove Gardens, Belmont Park, and Maple Hill, upon the execution of an annexation agreement with the owners of record of the property; and

WHEREAS, certain areas of DuPage County, including Downers Grove Gardens, Belmont Park, North Belmont Park and Maple Hill (collectively referred to as the "Primary Service Area", as depicted in Exhibit A, attached hereto and incorporated herein by reference) have been affected by contaminated water, which poses a significant threat to the health and safety of numerous individuals; and

WHEREAS, it has been determined to be in the best interest of the parties involved to amend the Water Service Agreement referenced as Exhibit "B" contained in Ordinance No. 4524.

WHEREAS, the Village, the DuPage Water Commission and DuPage County have previously entered into intergovernmental agreements for the provision of Lake Michigan Water to areas of DuPage County affected by contamination; and

WHEREAS, pursuant to the aforementioned intergovernmental agreements, the Village has agreed to provide Lake Michigan water to the Primary Service Area under certain terms and conditions; and

WHEREAS, the Village has agreed to provide Lake Michigan water to the Primary Service Area without requiring the execution of an annexation agreement.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Downers Grove, DuPage County, Illinois, as follows:

SECTION 1. That the Village hereby offers to connect properties located in the Primary Service Area to the Village water system. Owners of record of the subject property may apply for water service upon entering into a Water Service Agreement with the Village and upon payment of all the required fees and costs.

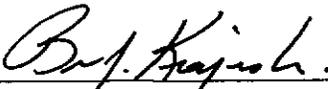
SECTION 2. Upon submittal of a properly executed Water Service Agreement (attached hereto and incorporated herein by reference as Exhibit B - dated September 23, 2003) and a New Water Service Permit Application by the owners of record of the subject property, the owners may apply for water service, and connect the subject property to the Village water system, upon payment of the following fees:

a. Where a one (1) inch tap is involved, the owners shall pay \$2,000.00 as a special water service charge, provided that Owner(s) of properties located within the area commonly known as North Belmont Park, as more accurately depicted in Exhibit A, shall not be required to pay said special water service charge. At the option of the owner(s), the special water service charge may be paid, without interest, over a ten (10) year period in sixty (60) equal installments as a surcharge on the bi-monthly water consumption invoice. In the event the owner(s) elects to pay the special water service charge by means of a surcharge on the water consumption invoice, the Village shall file with the DuPage County Recorder of Deeds Office, a notice of lien covering the amount of unpaid special water service charges, which notice shall contain a description of the property benefited by such water system connection sufficient for identification thereof; the date of connection to the water system; and the existence of a surcharge on water service. Upon payment of the balance due, the Village shall issue a release of such notice of special water service charge, which may be filed by the owner(s) in said recorder's office.

b. The owners shall pay all charges and fees related to connecting to the Village water system, at the rates in effect on the date of application for water service, as provided for in Section 25-40(a)&(b) of the Downers Grove Municipal Code, as now or hereafter amended. These fees and charges to be paid may include, but are not necessarily limited to a water system capacity charge, any inspection fee, tap fee, connection fee, meter charge, and costs related to any required street opening.

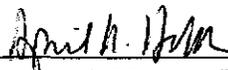
SECTION 3. That all ordinances or resolutions, or parts thereof, in conflict with the provisions of this ordinance be and are hereby repealed.

SECTION 4. That this ordinance shall be in full force and effect from and after its passage and publication in the manner provided by law.

  
\_\_\_\_\_  
Brian J. Krajewski, Mayor

Passed: September 23, 2003

Published: September 24, 2003

Attest:   
\_\_\_\_\_  
April Holden, Village Clerk

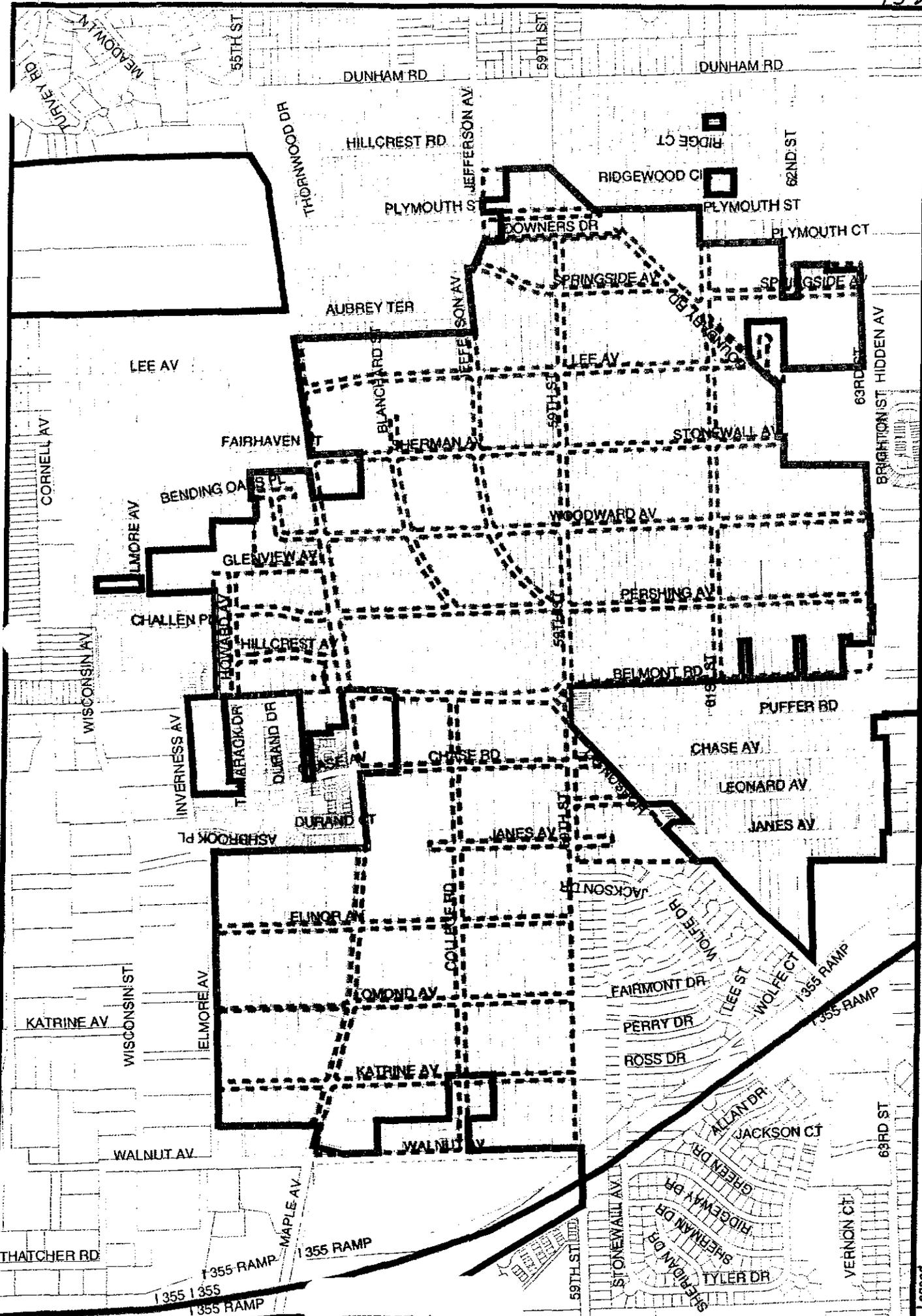
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Downers Grove, Illinois  
Official City Map  
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# Primary Service Area Exhibit A



- Legend**
- 2003 VDG Boundary
  - 2003 VDG Boundary
  - Belmont Park Area
  - Maple Hill Area
  - Primary Service Area
  - N. Belmont Park Area
  - DG Gardens Area

EXHIBIT A

### WATER SERVICE AGREEMENT

This Agreement made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2003, by and between the Village of Downers Grove, an Illinois municipal corporation (hereinafter referred to as the "Village") and \_\_\_\_\_ the owner(s) of record of the property located at \_\_\_\_\_, Downers Grove, Illinois, (hereinafter referred to as the "Owner(s)").

WHEREAS, the Owner(s) are the owners of record of certain real estate legally described as follows:

(PIN: \_-\_-\_-\_-\_)  
(PIN: \_-\_-\_-\_-\_)  
(Common Address: \_\_\_\_\_ Downers Grove, Illinois)

(hereinafter referred to as the Property);

WHEREAS, the Village has previously adopted a Village Council Policy establishing procedures for providing water service to the areas commonly known as Downers Grove Gardens, Belmont Park, North Belmont Park, Maple Hill and other areas in DuPage County where there is believed to be contaminated water wells (collectively referred to as "the Primary Service Area", as more accurately depicted in Ordinance No. 4524);

WHEREAS, the Property is located within the aforementioned area;

WHEREAS, the Owner(s) desire that the Property be connected to the Village water system in accordance with the Village Council Policy;

NOW, THEREFORE, in consideration of the mutual covenants, agreements, terms and conditions herein set forth, the Parties agree as follows:

1. The Village shall connect the Property to the Village water system upon the execution of this Agreement; the submittal of a properly executed New Water Service Permit Application and the submittal of a properly executed DuPage County Installation Agreement.
2. The Owner(s) shall pay to the Village a Special Water Service Charge of Two-Thousand Dollars (\$2,000.00). If the Property is located within the area commonly known as North Belmont Park, the Owner(s) shall not be required to pay said Special Water Service Charge.
  - i. At the option of the Owner(s), the Special Water Service Charge may be paid, without interest, over a ten (10) year period in sixty (60) equal installments as a surcharge on the bi-monthly water consumption invoice.



6. Owner(s) agree to abide by all Village rules and regulations regarding water usage and consumption, including all ordinances, as provided for in Chapter 25 of the Downers Grove Municipal Code, as now or hereafter amended (except Section 25-40 as it relates to connection fees, as the connection fees shall be governed by this Agreement).

OWNER(S)

VILLAGE OF DOWNERS GROVE

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

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

Village Manager

\_\_\_\_\_  
(print name)

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

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

\_\_\_\_\_  
(print name)

Date: \_\_\_\_\_

Please select your payment option:

\_\_\_ Enclosed is the \$2,000.00 Special Water Service Charge.

\_\_\_ I elect to pay the Village the \$2,000.00 Special Water Service Charge in sixty (60) equal installment payments, in accordance with Paragraph 2 of this Agreement.

\_\_\_ My property is located within the area commonly known as North Belmont Park.

1/mw/agr.03/waterservice2

Dated: September 23, 2003