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*This Space for Recorder of Deeds*

Ordinance No. 13-20

**AN ORDINANCE ACCEPTING THE CONVEYANCE OF PUBLIC  
UTILITY IMPROVEMENTS FOR AVENEL SUBDIVISION, PLAT 1**

WHEREAS, Benchmark Development Corp., developer of Avenel Subdivision, Plat 1 has completed the construction of public utility improvements in that plat, and such improvements have been inspected and approved by the consulting engineer for the Village, as set forth in a letter attached hereto as Exhibit A;

WHEREAS, the developer has executed a bill of sale for such public utility improvements in the form mandated by the Village of Chatham Subdivision Ordinance, which is attached hereto as Exhibit B;

*NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF CHATHAM, SANGAMON COUNTY, ILLINOIS, AS FOLLOWS:*

**SECTION 1:** The Bill of Sale attached hereto as Exhibit B is hereby approved.

The Village of Chatham accepts the public utility works in Avenel Subdivision, Plat 1. All prior

letters of credit and performance bonds securing the public improvements in such plat are discharged.

**SECTION 2:** The Clerk shall record this ordinance with the Recorder of Deeds of Sangamon County, Illinois.

**SECTION 3:** This Ordinance is effective immediately.

PASSED this 23 day of July, 2013.

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VILLAGE PRESIDENT

ATTEST:

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

AYES:

6

NAYS:

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PASSED:

7-23-13

APPROVED:

7-23-13

ABSENT:

0

**BILL OF SALE FOR PERSONAL PROPERTY  
FOR THE AVENEL SUBDIVISION, PLAT 1**

This Bill of Sale is made by Benchmark Development Corp. ("Developer") in favor of the Village of Chatham, Illinois, an Illinois municipal corporation.

WHEREAS, Developer was the owner and developer of certain property platted as Plat 1 of The Avenel Subdivision, Village of Chatham, Illinois;

WHEREAS, Developer has completed the construction of certain utility systems and other personal property to be owned by the Village of Chatham within the Plat;

WHEREAS, such systems and property have been found by the Village's consulting engineer to be in conformance with the approved construction plans;

NOW, THEREFORE, Developer hereby sells, transfers and delivers to the Village of Chatham, Illinois the following goods, chattels, and other items of personal property attached to or constructed within said subdivision:

1. Each and every part and item of a system of storm sewers within public rights of way of said plat of subdivision for the purpose of collection, transport and flow of storm waters. This transfer does not include any retention or detention works or drainage swales, ditches and depressions or storm sewers not within a public right of way, which will remain the maintenance responsibility of the individual lot owners or the homeowners association, as the case may be.
2. Each and every part and item of a system for the collection, transportation and treatment of sanitary sewage by the sewer system of the Village of Chatham within said plat, excepting those pipes which transport the sewage of a single building into a sewer main and commonly known as a house or building service, and excepting those pipes which are the property of the Springfield Metropolitan Sanitary District.
3. Each and every part and item of a system for distribution of water provided by the waterworks system of the Village of Chatham within said plats, except the pipes which transport water from the meter pit to a building, and commonly known as a house or building service.
4. Each and every part and item of a system for the distribution of electricity provided by the electrical system of the Village of Chatham within said plats of subdivision, except the electrical equipment and wires on the user side of the electric transformer or pedestal and commonly known as a house or building service.

Developer hereby warrants that subject to the prior dedication of rights to the Village of Chatham in connection with recordation of the Plat, it is the sole owner of the aforementioned property; and such items are free from all encumbrances; and that Developer has the right to sell and convey title to the same.

**EXHIBIT  
B**

Developer assigns to the Village of Chatham all outstanding warranties and guaranties by any contractor or subcontractor with respect to any public works conveyed pursuant to this instrument.

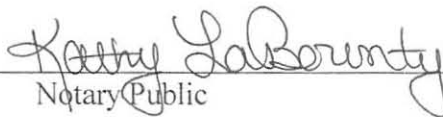
This Bill of Sale is effective upon its acceptance by ordinance or resolution of the Village of Chatham, Illinois.

Benchmark Development Corp.  
Developer

By:   
Signature

Gregory P. Sgro, secretary/treasurer  
Print Name and Title

SIGNED AND ACKNOWLEDGED  
before me this 18<sup>th</sup> day of June, 2012

  
Notary Public



**ORDINANCE CERTIFICATE**

STATE OF ILLINOIS                    )  
  ) SS.  
COUNTY OF SANGAMON )

I, the undersigned, do hereby certify that I am the duly qualified and acting Village Clerk of the Village of Chatham, Sangamon County, Illinois.

I do further certify that the ordinance attached hereto is a full, true, and exact copy of Ordinance No. 13-20, adopted by the President and Board of Trustees of said Village on the 23 day of JULY, 2013, said Ordinance being entitled:

**AN ORDINANCE ACCEPTING THE CONVEYANCE OF PUBLIC UTILITY IMPROVEMENTS FOR AVENEL SUBDIVISION, PLAT 1**

I do further certify that prior to the making of this certificate, the said Ordinance was spread at length upon the permanent records of said Village, where it now appears and remains.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said Village this 23 day of JULY, 2013.

  
Village Clerk

Prepared by:  
John M. Myers  
Rabin & Myers, P.C.  
1300 South Eighth Street  
Springfield, IL 62703

Return to:  
Patrick Schad  
Village Clerk  
Village of Chatham  
116 East Mulberry Street  
Chatham, IL 62629

## John Myers

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**From:** John Myers <jmyers@springfieldlaw.com>  
**Sent:** Friday, September 27, 2013 10:35 AM  
**To:** Terry Burke; 'Don DeFrates (dond@greeneandbradford.com)'; 'Joe Greene [joeg@greeneandbradford.com]'  
**Cc:** 'Barbara Myers'; 'Meredith Branham (mbranham@chathamil.net)'; 'Greg Sgro'  
**Subject:** Avenel/Oakbrook/Willows Part 1  
**Attachments:** Accepting utility improvements, Avenel plat 1.pdf; Accepting utility improvements, Oakbrook 1 through 11 and 14.pdf; Accepting utility improvements, Willows 1 through 5.pdf

Gentlemen:

Following up on discussions I have had with Greg Sgro yesterday and today, I attach copies of ordinances recently passed accepting Greg's dedication of the utility systems in Avenel, Oakbrook and Willows subdivisions.

The problem is, these ordinances are missing their Exhibit A, which was supposed to be a letter from Terry Burke in accordance with Section 155.057 and 155.076 of the subdivision ordinance. This letter is similar to, but a little different from, the standard exchange of letter when we have a reduction in a letter of credit.

It's apparently a convoluted story as to how this happened, but it does need to be fixed—and Pat Schad can't record the ordinances until it is fixed.

Please do what needs to be done to prepare the letter. I'll be on vacation October 2-14, so you can send the letter to Barbara Myers if you prepare it during that time.

Thanks.

John

Here are the relevant provisions of the ordinance:

### § 155.057 APPROVAL OF PUBLIC IMPROVEMENTS.

*After the village's consulting engineer informs the village that the following conditions have been met, the public improvements shall be accepted by the village:*

*(A) The village's consulting engineer has inspected the construction and all necessary repairs and corrections and certifies that the public improvements required by this subchapter have been constructed.*

*(B) "As Built Plans" have been prepared by the subdivider's engineer and delivered to the village's consulting engineer.*

*(C) The village's consulting engineer has received a signed statement of a registered professional engineer stating that the public improvements have been observed during construction and installed to the specifications shown on the construction plans.*

(D) *The improvements, such as drainage swales and the like, which are not to be dedicated to public use but which benefit the subdivision generally, have been built to specification shown in the construction plans.*

(E) *If the subdivider has constructed all public improvements except sidewalks but has provided separate security for sidewalks in accordance with § 155.054(C), the village can accept all public improvements except the remaining sidewalks, as provided in § 155.076.*

**§ 155.076 ACCEPTANCE OF PUBLIC IMPROVEMENTS.**

(A) *After the village's consulting engineer has approved the public improvements as described in § 155.057, the village's consulting engineer shall issue a letter to the subdivider and the Village Board stating that the public improvements meet the village's standards.*

(B) *Upon receipt of the letter from the village's consulting engineer the subdivider shall execute and deliver to the village a Bill of Sale transferring title to public utility improvements to the village in a form exemplified by Appendix A-4 to this chapter. Upon receipt of the document the Village Board shall by resolution accept the public improvements and the Bill of Sale.*

(C) *In areas within the village's subdivision but outside the village's corporate limits, the village's consulting engineer and County Superintendent of Highways and Springfield Metro Sanitary District, if appropriate shall jointly determine whether the standards of this chapter have been met. If met, the village engineer shall so indicate in a letter to the subdivider and the Village Board, and the subdivider shall execute the Bill of Sale, modified as necessary to indicate transfer of title to the Springfield Metro Sanitary District of the sanitary sewers and to the appropriate governmental entity of the water system. The County Superintendent of Highways, as a representative in a letter to the village engineer approval of the streets to Sangamon County standards which shall constitute acceptance of the streets by the appropriate Township Highway Commissioner; the Executive Director of the Springfield Metro Sanitary District shall indicate in a letter to the village engineer approval of applicable sanitary sewer facilities, but acceptance of the dedication by the Springfield Metro Sanitary District be by ordinance. Upon receipt of satisfactory evidence that the public improvements are accepted, the dedication shall be recorded.*

(D) *Upon adoption of the Resolution of Acceptance, the village shall release the security.*

(E) *Where the subdivider has provided separate security for sidewalks in accordance with § 155.054(C) of this chapter, the village will later release the separate security for the sidewalks by resolution upon request of the subdivider and satisfactory inspection by the village's consulting engineer, and in such event shall be deemed to have accepted the sidewalks.*

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John M. Myers  
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Springfield, IL 62703  
(217)544-5003  
(217)544-5017 fax

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**From:** John Myers [mailto:jmyers@springfieldlaw.com]  
**Sent:** Thursday, September 26, 2013 3:28 PM  
**To:** 'Greg Sgro'  
**Subject:** Avenel/Oakbrook/Willows Part 1



Here are the ordinances missing Exhibit A.

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