

Ordinance #O.16.08

An Ordinance AUTHORIZING THE EXUTION OF AN AMENDMENT TO AN ANNEXATION AGREEMENT PREVIOUSLY ENTERED INTO FOR THE GATEWAY PARK SUBDIVISION.

Adopted by the City Council of the City of Galena this 13th Day of June 2016.

Published in pamphlet form by authority of the City Council of the City of Galena, Jo Daviess County, Illinois, this 13th Day of June 2016.

STATE OF ILLINOIS)
)
) City of Galena
COUNTY OF JO DAVIESS)

CERTIFICATE

I, Mary Beth Hyde, certify that I am the duly elected municipal clerk of the City of Galena, JoDaviess County, Illinois.

I further certify that on the 13th Day of June 2016, the Corporate Authorities of said municipality passed and approved Ordinance No. O.16.08 entitled **AN ORDINANCE AUTHORIZING THE EXECUTION OF AN AMENDMENT TO AN ANNEXATION AGREEMENT PREVIOUSLY ENTERED INTO FOR THE GATEWAY PARK SUBDIVISION**, which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. O.16.08 including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the municipal building, commencing the 14th Day of June 2016 and commencing for at least ten (10) days thereafter.

Dated at Galena, Illinois, this 14th Day of June 2016.



Mary Beth Hyde
City Clerk

(Seal)

ORDINANCE NO. 0-16-08

AN ORDINANCE AUTHORIZING THE EXECUTION OF AN AMENDMENT TO AN ANNEXATION AGREEMENT PREVIOUSLY ENTERED INTO FOR THE GATEWAY PARK SUBDIVISION

Adopted by the City Council of the City of Galena this 13th day of June, 2016.

WHEREAS, Joe Borsdorf, James Sullivan, Alexander Phillips, James Richards, Jo Ann Richards, or their grantees, heirs, successors or assigns (“Owners”) entered into the Annexation Agreement (the “Annexation Agreement”) with the City of Galena (“City”) for the Sullivan Subdivision, later renamed the Gateway Park Subdivision, on January 27, 2010, and recorded by the Jo Daviess County Recorder, State of Illinois, on May 31, 2011, as Document No. 363027; and

WHEREAS, the Owners have petitioned the City for changes to the Annexation Agreement pertaining to the allowable methods of sewage treatment in the Subdivision; and

WHEREAS, pursuant to public notice the City Council conducted a public hearing on June 13, 2016 at which time it considered the request of the Owners to amend the Annexation Agreement previously entered into; and

WHEREAS, the City Council determined that the First Addendum to the Annexation Agreement, attached hereto and made a part hereof, should be approved; and

WHEREAS, by motion adopted by the City Council on June 13, 2016, the Mayor is authorized and directed to execute, and the City Clerk is directed to attest this First Addendum to the Annexation Agreement; and

NOW, THEREFORE, BE IT ORDAINED by the Mayor and the City Council of the City of Galena, Jo Daviess County, Illinois, as follows:

SECTION I: The recitals set forth herein are incorporated into this Ordinance as if restated verbatim.

SECTION II: That the Mayor be is hereby authorized and directed to execute, and the City Clerk is directed to attest, the First Addendum to the Annexation Agreement.

SECTION III: That the First Addendum to the Annexation Agreement made a part of this Ordinance is hereby approved.

SECTION IV: That this Ordinance be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

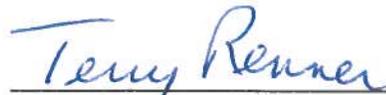
SECTION V: Passed on this 13th day of June, A.D., 2016, in open Council

AYES:

Hahn, Kieffer, Lincoln,
Westemeier, Renner

NAYS:

Bernstein, Fach



TERRY RENNER, MAYOR



ATTEST: MARY BETH HYDE, CITY CLERK

**FIRST
ADDENDUM TO
ANNEXATION
AGREEMENT**

This First Addendum to Annexation Agreement is made to Annexation Agreement (the "Agreement") dated January 27, 2010 and recorded by the Jo Daviess County Recorder, State of Illinois, on May 31, 2011, as Document No. 363027, between the City of Galena, a municipal corporation of Jo Daviess County, Illinois (the "City") and Joe Borsdorf, James Sullivan, Alexander Phillips, James Richards, Jo Ann Richards, or their grantees, heirs, successors or assigns (the "Owners").

WITNESSETH:

WHEREAS, the Owners are the developers of a 33-acre subdivision (the "Subdivision") at the intersection of US Route 20 and Power House Hill Road in Galena.

WHEREAS, the Owners have requested changes to the Agreement to permit the use of private septic sewer systems instead of connections to the public sanitary sewer system under certain circumstances; and

WHEREAS, the public sanitary sewer system is located approximately 700 feet from the nearest point of the Subdivision; and

WHEREAS, the Galena Subdivision Ordinance authorizes the possibility of using private septic sewer systems where public sewer is not available. Section 153.42 (D) (3) of the Galena Subdivision Ordinance states, "Alternative water and sewer systems may be allowed with Zoning Administrator, City Engineer, City Sewer and Water Superintendent and County Health Officer approval in areas where a public sewer is not available."

WHEREAS, a public hearing was conducted on May 23, 2016 giving the public and the Galena City Council the opportunity to review and comment on the proposed First Addendum to the Agreement;

WHEREAS, the City Council subsequently voted on the 13th day of June, 2016, by a vote of 5 ayes to 2 nays, to approve changes to the Agreement.

NOW, THEREFORE, in consideration of the mutual promises and agreements between the parties, the sufficiency of which is hereby acknowledged, the parties agree as follows:

1. Section 6.1 of Article VI, "Sanitary Sewer Service", shall be amended as follows:

"6.1 The City represents and warrants that it owns, operates and maintains a sanitary sewage collection, treatment and disposal system within its borders, but not contiguous to or abutting the Property. All buildings on the property that are required by building code to have sanitary sewer facilities shall be connected to the public sewer system or ~~and shall not~~ be permitted to utilize private septic treatment ~~or other alternative treatment or containment~~ systems. **Private septic treatment systems shall only be permitted if the nearest public sewer main is more than 300 feet from the Subdivision and the average daily sewer use for any building to be served**

by the private septic treatment system is less than 1,500 gallons per day. The Illinois General Assembly's Illinois Administrative Code, Title 77, Chapter 1: Department of Public Health, Subchapter r: Water and Sewage, Part 905: Private Sewage Disposal Code, attached hereto as Exhibit A, shall be used as the standard for estimating the average daily sewer flow of any proposed building in the Subdivision. A permit for the installation and operation of any private septic treatment system shall also be approved by the Jo Daviess County Department of Environmental Health. Each septic system shall be maintained at all times in accordance with the approved design specifications and any septic waste pumped from any septic system shall be treated at a municipal wastewater treatment facility and not land applied. Any building connected to a private septic treatment system shall connect to the public sewer system within one year from the time the public sewer system is within 300 feet of the subdivision. The construction necessary to connect to the public sewer system and the cost of construction and to connect shall be borne by the Owners or the owner of any building required to connect.

Prior to connecting any building in the Subdivision to the public sewer system, Owners shall provide, at the sole cost and expense of the Owners, a study by a professional engineer, approved by the City prior to the commencement of work to perform the study, which clearly demonstrates the capacity of the existing sanitary system to serve the expected needs of Owners, including all necessary lift stations and back-up power supplies. Said study shall also identify and design requirements for the installation of all connecting mains, etc. to the existing City sewer system and any required system of mains within the Property for a fully functioning system to serve the sanitation sewer needs of the Property as developed. Any necessary upgrades of the system identified by said engineering study, including any

infrastructure to be located outside of the Property, and including but not limited to, pipes, valves, lift stations, pumps, treatment facilities, SCADA, etc., shall be completed at the sole cost and expense of Owners prior to the City authorizing the Owners to connect to the system. Prior to the issuance of any construction or other permits related to any development of the Property, an Illinois Environmental Protection Agency permit must be obtained at the sole cost and expense of the Owners. The City does not warrant, guarantee or agree that the sanitary sewer system owned and operated by the City has sufficient capacity or functionality to serve the Property or any development thereof. Furthermore, the City shall not reserve any sewerage capacity for the Property until such time that the City issues construction permits for the construction of the sanitary sewer system for the Property in accordance with this paragraph.”

2. Joe Borsdorf, Jim Richards, and Jo Ann Richards shall be deleted from the signature page as they no longer have a legal interest in the property.
3. With the exception of the above amendments, the Agreement shall remain the same and shall be in full force and effect.
4. The updated Agreement, including the changes listed herein, is attached hereto and made part hereof as Exhibit B.

IN WITNESS WHEREOF, the parties hereto have executed this Addendum on this 13th day of June, 2016 and, by so executing, each of the parties warrants that it possesses full right and authority to enter into this Addendum.

CITY OF GALENA, an Illinois municipal corporation

By: Terry Renner
Its Mayor

ATTEST:

Mary Beth Hyde
City Clerk

OWNERS,

By: James S. Sullivan
James Sullivan

By: Alexander K. Phillips
Alexander Phillips

Prepared by and Return To:
Joseph Nack, City Attorney
City of Galena
101 Green Street, PO Box 310
Galena, IL 61036

Joint Committee on Administrative Rules
ADMINISTRATIVE CODE

TITLE 77: PUBLIC HEALTH
 CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
 SUBCHAPTER r: WATER AND SEWAGE
 PART 905 PRIVATE SEWAGE DISPOSAL CODE
 SECTION 905.APPENDIX A ILLUSTRATIONS AND EXHIBITS

Section 905.APPENDIX A Illustrations and Exhibits

Section 905.ILLUSTRATION A Quantity of Sewage Flows

TYPE OF ESTABLISHMENT	Unit (per)	Gallons Per Day
Permanent Residential Dwellings		
Single Family	bedroom	200
Multi-Family	bedroom	200
Individual Mobile Homes	bedroom	200
Mobile Home Parks	space	400
Boarding Houses	person	50
Rooming House	resident	40
Institutions		
Hospitals, Medical	bed	250
Hospitals, Medical	employee	15
Hospitals, Mental	bed	150
Hospitals, Mental	employee	15
Long-Term Care Institutions	bed	125
Long-Term Care Institutions	employee	15
Prison	inmate	150
Prison	employee	15
Schools		
Boarding School	person	150
Schools Without Cafeteria or Showers	person	15
Schools W/Cafeteria & Showers	person	25
Schools W/Cafeteria or Showers	person	20

Travel

Airports	passenger	5
Railway Stations	passenger	5
Bus Stations	passenger	5
Highway Rest Areas	traveler	5

Recreational & Seasonal Areas

Campgrounds W/Mobile Homes	site	150
Swimming Pools & Bathing Beaches	person	10
Comfort Sta. W/Toilets & Showers	space	35
Comfort Sta. W/O Showers	space	25
Day Camps W/O Meals	person	25
Day Camps W/Meals	person	35
RV Parks W/Water and Sewer Hook-Ups	space	50
Cottages and/or Small Dwellings W/Seasonal Occupancy	bedroom	150
Picnic Parks W/Toilet Facilities Only	person	10
Youth Camps W/O Cafeteria	person	50
Youth Camps W/Cafeteria	person	60
Migrant Labor Camps	person	150
Sanitary Dump Station for Unsewered Site	site	20
Campground W/Central Bath and Toilet Facilities	person	35

Commercial, Industrial & Misc.

Country Clubs, No Kitchen	member	25
Hotels & Motels	bed	50
Places for Public Assembly	person	5
Theaters	seat	5
Churches W/O Kitchen	seat	3
Churches W/Kitchen	seat	6
Restaurants	meal	10
Restaurants W/Bar & Cocktail	meal	12
Offices & Day Workers	person	15
Shopping Centers	(per 1000) sq. ft. of floor area)	250
Stores	toilet	400
Service Stations (served)	vehicle	10
Laundries	customer	50
Construction Camps or Sites, Factories W/Toilets & Showers	person	35
Factories w/Toilets, No Showers	person	20