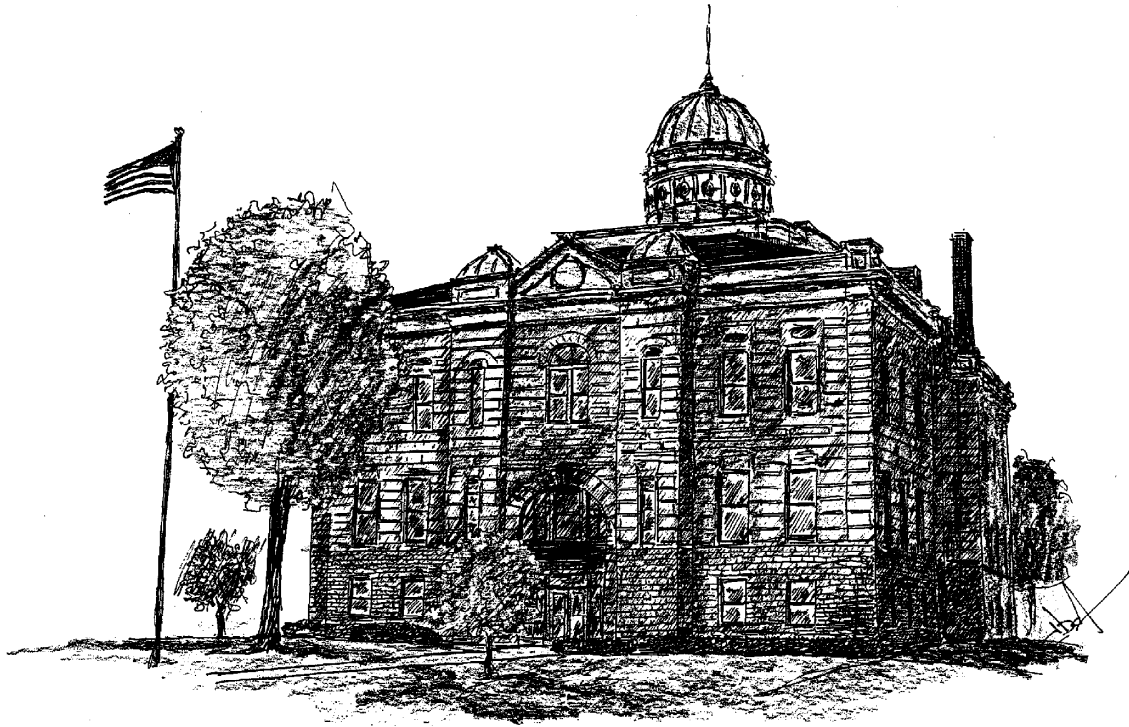


SUBDIVISION ORDINANCE OF MENARD COUNTY



A Center of Lincoln's Illinois

Adopted:
Effective: January 1, 1999

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ARTICLE I

§1.01 TITLE. This ordinance is the subdivision ordinance of Menard County. References in this document to “the subdivision code”, “the subdivision ordinance”, “this code”, or “this ordinance” shall be deemed to be references to the subdivision ordinance of Menard County as amended from time to time.

§1.02 SOURCE OF AUTHORITY. This code is adopted pursuant to legislative authorization codified at 55 ILCS 5/5-1041, 50 ILCS 805/1 et.seq. and other applicable statutory provisions, including without limitation, the plat act 765 ILCS 205.

Intergovernmental Relations

Menard County has adopted a comprehensive plan, zoning ordinance and subdivision regulation. Petersburg, Athens, and Greenview have also adopted comprehensive plans, zoning ordinances and subdivisions regulations. No other municipality in Menard Count has adopted ordinances regulating land use.

The interrelationship between the various governmental land use regulations can be summarized as follows:

1. zoning and subdivision matters within Petersburg, Athens and Greenview: by Petersburg, Athens, and Greenview exclusively;
2. zoning matters including zoning and occupancy permits in Menard County outside Petersburg, Athens, and Greenview (including decisions within the corporate limits of any other municipality): by Menard County. Petersburg, Athens, and Greenview have “protest: powers pursuant to Section 55 ILCS 5/5 12014, for zoning matters within 1 ½ miles of their corporate limits;
3. subdivision regulations in Menard County within 1-½ miles of Petersburg, Athens, and Greenview: both sets of regulations apply. The subdivision must be approved by both the County and the applicable municipality. The higher or more demanding standard applies;
4. subdivision regulations in Menard County more than 1 ½ miles from Petersburg, Athens, and Greenview: by Menard County exclusively.

§1.03 EFFECTIVE DATE.

This code is effective January 1, 1999.

§1.04 STYLE. The substantive provisions are set forth in the text of this ordinance. Background, explanatory and illustrative material is set forth in text and drawings that are shaded.

§1.05 PURPOSES. This code is adopted for the following purposes:

- A. to implement the County’s regional/comprehensive plan;
- B. to exercise statutory subdivision authority;
- C. to protect and promote the public health, safety, morals, comfort, and general welfare;

- D. to protect and promote the “public interest”;
- E. to guide public and private decision making so as to provide an adequate and efficient:
 - 1) vehicular and pedestrian transportation system,
 - 2) water supply and distribution capability,
 - 3) sanitary sewerage collection and treatment system,
 - 4) storm water detention and run-off facilities,
 - 5) recreational areas, public schools and other public facilities concurrent with development;
- F. to establish standards that require developers to bear public costs that are specifically and uniquely attributable to the activity generated by the subdivision.

Specifically and Uniquely Attributable

What costs can a subdivider be required to pay as a condition of subdivision approval?

This question has prompted much debate among land use “experts”, much controversy at the local government level and much litigation in state and federal courts.

The broad issue is referred to as development contributions, exaction requirements, and/or impact fees.

In essence, the current state of the law is that there must be some correlation between the fee or exaction imposed and the burdens created by the development activity. Federal courts focus on a “rational nexus” test, i.e. there must be a reasonable relationship or “rough proportionality” between the exaction and the impact or burden created by the development activity (mathematical exactitude is not required). Illinois courts use a more conservative “specific and uniquely attributable test”; a test that requires:

1. the exaction to be uniquely attributable to the needs generated by the development, and
2. that the subdivision enjoys the benefit of the exaction (*pioneer Trust and Savings Bank v. Village of Mt. Prospect*, 22 Ill. 2d 375, 176 n.e. 2d 799 (1961) *Krugoff v. City of Naperville*, 68 Ill. 2d 252, 369 n.e. 2d 892 (1977), *Northern Illinois Homebuilders Association v. County of DuPage*, 165 Ill, 2d, 25 649 n.e. 2d 384 (1995) *Nolan v. California Coastal Commission*, 483 S.S. 825 (1987) *Dolan v. City of Tigard*, 114 s.ct. 2309 (1994).

In summary, Menard County’s subdivision code requires developers to bear all costs necessary to provide proposed lots with a) streets located in dedicated rights-of-way and built to specified standards, b) safe and environmentally secure water and sewage treatment systems, c) control of storm water drainage which would otherwise be increased or impacted by development activity and d) the dedication or reservation of land and/or the payment of a fee in lieu for public parks and in some cases public schools to the extent development activity from the subdivision creates or impacts the need for such facilities.

ARTICLE II

§2.01 RULES OF CONSTRUCTION. This code shall be interpreted in accordance with the following rules of construction, unless the context clearly requires a different construction:

- (A) The singular includes the plural and the plural the singular.
- (B) The present tense includes the past and future and the future includes the present.
- (C) The word “shall” is mandatory, while the word “may” is permissive, however, all provisions of this code imposing duties upon Menard County, its officers or agents are directory, unless the context clearly requires the provisions be construed as mandatory.
- (D) Terms connotating a particular gender shall include each and every gender.
- (E) Whenever a word or term defined hereinafter appears in the text of this code its meaning shall be construed as set forth in the definitions thereof, and any word appearing in the parenthesis between a word and its definition shall be construed in the same sense as that word.
- (F) All measured distances shall be to the nearest integral foot and if a fraction is one-half (1/2) foot or more the integral foot next above shall be taken.
- (G) All words and terms not defined shall be construed in their generally accepted meanings.

ARTICLE III GENERAL PROVISIONS

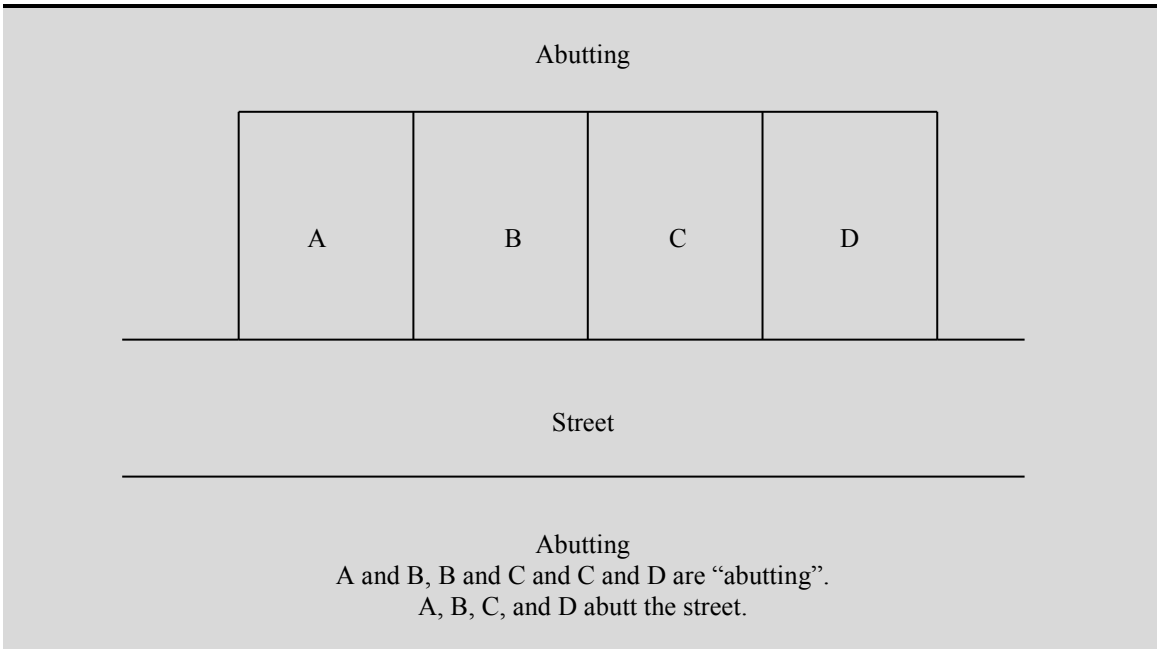
§3.01 INTERPRETATION.

- (A) In their interpretation and application, the provisions of this code shall be held to be the minimum requirements deemed necessary for the promotion of the public health, safety, and general welfare.
- (B) This code is not intended to abrogate any easement, covenant, or other private agreement but if the requirements of this code are more restrictive than such easements, covenants, or private agreements, the requirements of the code shall govern.
- (C) To the extent that a lot or parcel of land existing at the time of the adoption of this code is in conflict with the requirements of the code, the lot or parcel shall remain unlawful.
- (D) Where the conditions imposed by any provision of this code are either more or less restrictive than conditions imposed by any other provisions of any other law, ordinance, resolution, rule or regulation applicable to property or to the use of property the regulation which is more restrictive or which imposes the higher standard or requirement shall govern.
- (E) If any part or provision of this code or the application of this code to any person or circumstances is adjudged invalid by any court of competent jurisdiction, the judgment shall be confined in its operation to the part, provision, or application shall be rendered and it shall not affect or impair the validity of the remainder of these regulations or the application of them to other persons or circumstances. The Menard County Commissioners hereby declare that they would have enacted the remainder of these regulations even without any such part, provision, or application which is judged to be invalid.

ARTICLE IV

§4.01 DEFINITIONS. The following words, terms whenever they occur in this code, shall be interpreted as herein defined:

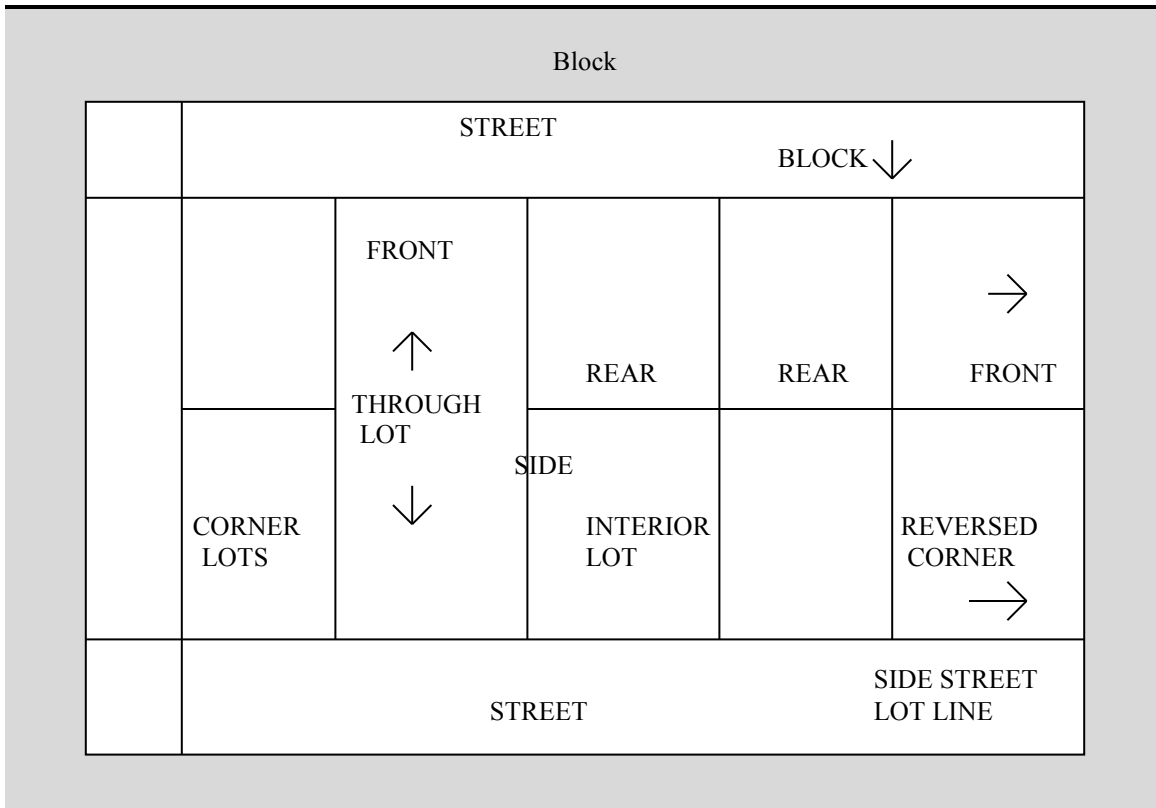
Abutting (Contiguous, Adjacent). Abutting means have one or more common boundary lines or district lines.



Access. The way in which people and motor vehicles get to and from public roads to lots in a subdivision.

Approved Private Means of Access. A private means of access meeting the requirements of §8.02 F.

Block. A block is a tract of land bounded by public streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines of waterways, or other lines of demarcation.



Community Water Supply. A public water supply which serves or is intended to serve at least 15 service connections used by residents or regularly serves at least 25 residents at least 60 days per year.

Developer. A person desiring to subdivide property acting with the authorization of the owner.

Easement of Access. The right to cross the property of another for the purpose of obtaining access to or from a public street, road or right-of-way.

Improved Public Road. A public road located in a dedicated public right-of-way and constructed to meet or exceed the standards of §8.03.

Infrastructure. The way in which access, water supply and distribution, sewage collection and disposal, and storm water run off collection, control and discharge are provided to and for each lot in a subdivision.

Lot. A lot is a platted lot or a parcel occupied, or intended to be occupied, by a main building or a group of buildings, or utilized for the principal use and uses accessory thereto, together with such open spaces as are required under the provisions of the Zoning Code, or as may be provided therewith.

“How to Describe Land”

Land is described in a variety of ways. In some instances, its description is based on ownership; in some cases, on use and, in some cases, on the extent of “governmental” involvement leading to the creation of the description. The Menard County Zoning Ordinance uses a number of terms to describe land and its ownership.

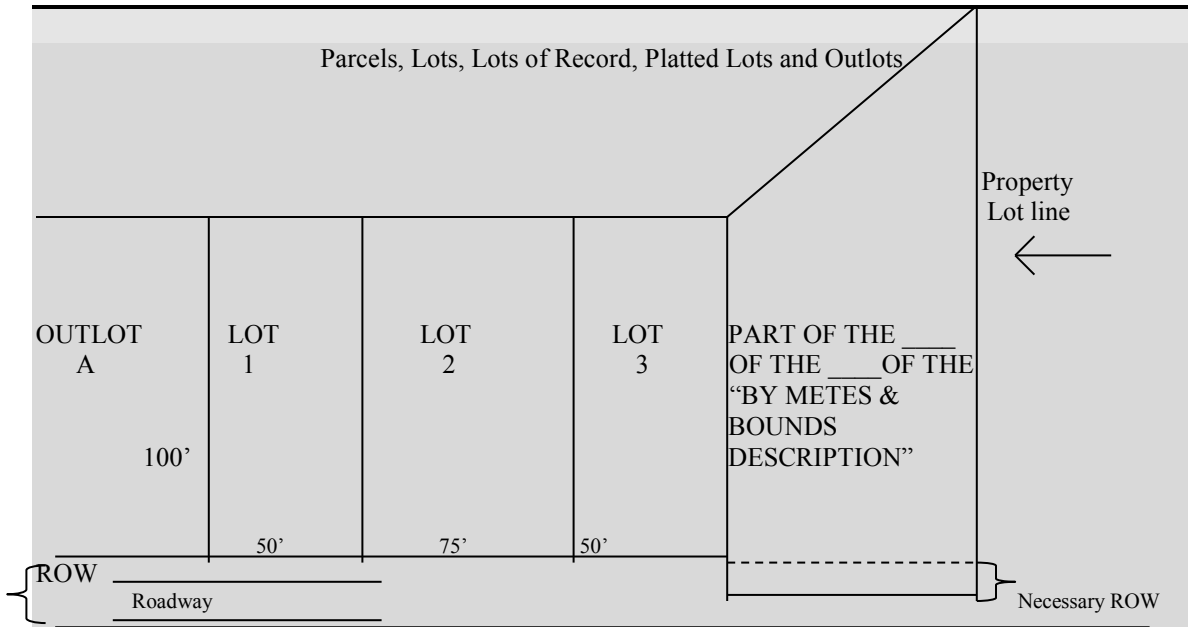
The most general term is “property”. That term is defined as “real property or any interest in real property”. Individual ownership, joint tenancy, tenancy in common and tenancy by the entirety are terms used to describe ways in which property is titled. Those terms don’t have much relevance to the zoning ordinance. Fee simple, life estates remainder interest, easements, and licenses are terms used to describe a “quality of ownership”. Those descriptions also don’t have much relevance to a zoning ordinance. The terms “parcel”, “lot of record”, “platted lots”, “outlot”, and “lot”, are terms that describe governmental involvement prior to the creation of the description. These are important terms the meaning of which needs to be understood.

If land has not been subdivided and a final subdivision plat recorded, the description of a piece of property is usually by a metes and bounds description and the tract is referred to as a “parcel” in the Menard County Zoning Ordinance.

If land has been subdivided and a final subdivision plat recorded, an individual piece of property that results from the subdivision and can therefore be lawfully conveyed is either a lot of record (or platted lot) or an outlot. Lots of record (or platted lots) are buildable (outlots are not buildable).

“Lot” is a term that includes both “parcels” and “lots of record” (or “platted lots”). The term “lot” is ordinarily used to describe a piece of property devoted to a single principal use.

The phrase “unified ownership or control” is used to describe parcels acquired at separate times by the same controlling entity. Menard County’s subdivision regulations and this code prohibit property “in unified ownership or control” from being resold into separate ownership without being subdivided or from being used or developed for multiple separate principal uses unless such a division is authorized as an exception to the subdivision code or multiple use is authorized by this code.



Parcel – 1, 2, 3, and part of _____ 1/4 are parcels

Lot- 1, 2, 3, and part of _____ 1/4 are lots

Platted lot or “lot of record” – 1, 2, and 3 are platted lots or lots of record

Non-conforming lot- in the R-1 single-family district, lot 1 and 3 are non-conforming as to lot width and lot area

Outlot A is an outlot

Lot, Area. Lot area is the area of a horizontal plane bounded by the vertical planes through front, side and rear lot lines.

Lot, Corner. A corner lot is a lot situated at the intersection of two (2) streets, the interior angle of such intersection not exceeding 135 degrees.

Lot, Non-Conforming. (see Non-Conforming Lot)

Lot, Platted. A piece of property described as a lot in a recorded final subdivision plat.

Lot, Reversed Corner. A reversed corner lot is a corner lot the street side lot line of which is substantially a continuation of the front lot line of the first lot to its rear.

See Block

Lot, Through. A through lot is a lot having a pair of opposite lot lines along two (2) more or less parallel public streets, and which is not a corner lot. On a through lot between both street lines shall be deemed front lot lines.

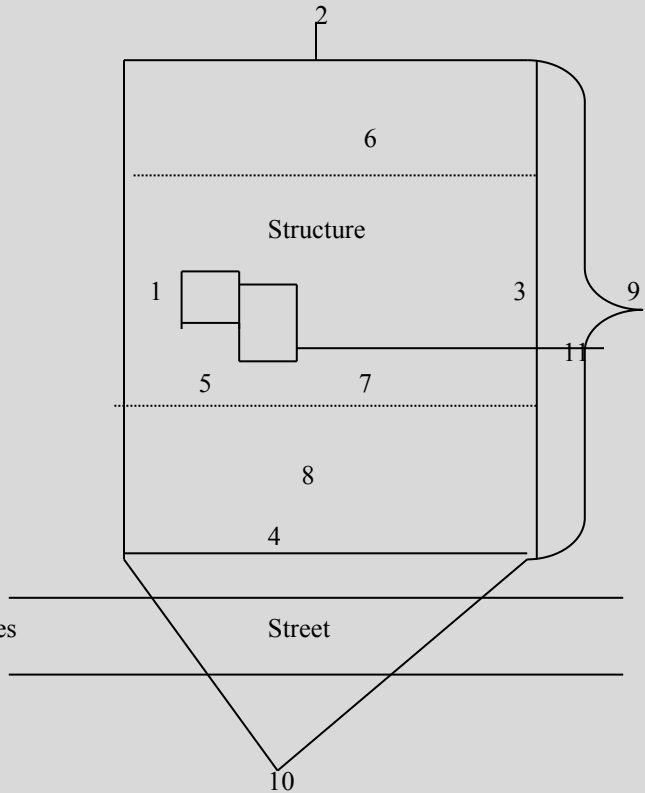
See Block

Lot, Interior. An interior lot is a lot other than a corner or reversed corner lot.

See Block

Lot Depth, Minimum. The lot depth is the mean horizontal distance between the front lot line and the rear lot line of a lot, measured within the lot boundaries.

“Lot and Setback Terms”



Lot line – property line 1, 2, 3 and 4 are lot lines

Lot line front – 4 is a front lot line

Lot line rear – 2 is a rear lot line

Lot line side – 1 and 3 are side lot lines

Front yard – 8 is a front yard

Side yard – 5 and 7 are side yards

Rear yard – 6 is a rear yard

Lot depth – 9 represents lot depth

Lot width – 10 represents lot width

Setback – 11 represents setback

Required yards – 5, 6, 7 and 8 represent required yards

Yard – 5, 6, 7 and 8 plus the area between the required yard and the structure represent yards

Lot Width, Minimum. Minimum lot width is the mean horizontal distance between the side lot lines of a lot, measured within the lot boundary. Lot width is measured at the front lot line or at the required setback line or cul-de-sac within the lot boundary behind the required front yard setback line.

Lot Line. A lot line is a boundary line of a lot excluding all proposed and one-half of all necessary right-of-way.

Lot Line, Front. The front line is that boundary line of any lot which is along a dedicated public street or the occupation line on a non-dedicated public street. On corner lots the front lot line shall be the boundary line along such street right-of-way line that is established at the time of application for a building permit.

Lot Line, Rear. The rear lot line is that boundary of a lot which is most distant from and is, or is approximately parallel to the front lot line. If the rear lot line is less than ten (10) feet in length, or if the lot forms a point at the rear, the rear lot line shall be deemed to be a line ten (10) feet in length within the lot, parallel to, and at the maximum distance from, the front lot line.

Lot of Record (Platted Lot). A lot of record or platted lot is part of a subdivision lawfully approved and recorded in the office of the Menard County Recorder of Deeds shown referenced or described as a numbered lot in the subdivision.

Lot Line, Side. The side lot line shall be any boundary of a lot which is not a front lot line or a rear lot line.

Necessary Right-of-Way.

A. 100' for the following roads:

Illinois Route 97
Illinois Route 123
Illinois Route 29
Greenview Middletown Blacktop (C.H. 1)
Athens Blacktop (C.H. 2)
Fancy Prairie Road (C.H. 3)
Gudgel Road (C.H. 4)
Neumansville Road (C.H. 6)
East Oakford Road (C.H. 7)
North Petersburg Road (C.H. 7)
Sweetwater Road (C.H. 10)
Peoria Road (C.H. 10)
Quarry Road (C.H. 12)
West Oakford Blacktop (C.H. 12)
Atterberry Road (C.H. 13)
South Athens Blacktop (C.H. 14)
Curtis Blacktop (C.H. 16)
Altig Bridge Road (C.H. 17)
Rahman Road
Spears Road
Salt Creek Bottom Road (TR 120)
John Hubly Road
Levee Road

And any other road designated as a “principal arterial” or “major” street or highway in Menard County’s Comprehensive Plan.

B. 80' for the following roads:

Five Points Road (C.H. 5)
Rock Creek Road (C.H. 5)
Oakland Cemetery Road (C.H. 9)
Sunny Acres Road (C.H. 15)
Chautauqua Road (C.H. 15)
Golf Course Road (TR 103)
Reimer Road (TR 119)
State Park Road (TR 119)
Peoria Road (TR 186) (South of Sweetwater Road)
H. Harrison Road (TR 85)
Kelly Lane (TR 66 (South of Illinois Route 97)

And any other road designated as a “minor arterial” or collector street, or highway, in Menard County’s Comprehensive Plan.

C. 60’ for any other street or road in the County

which Right-of-Way in each case, shall be centered on the centerline of the abutting roadway or, if none, the property line.

Non-Community Water Supply. A public water supply that is not a community water supply.

Non-Conforming Lot. A non-conforming lot is a lot or record which when recorded met the minimum lot area and other dimension requirements of the Zoning Ordinance of Menard County, but which through subsequent amendments to the Zoning Code or other acts of a public body has caused the lot of record to be in conflict with the minimum lot area or other dimension requirements of the Zoning Code.

Official Comprehensive Plan (Comprehensive Plan, Regional Plan). The official Comprehensive Plan is the composite of the functional and geographic elements of the Comprehensive Plan of Menard County in the form of plans, maps, charts, textual materials and the official map, as adopted by the County Board.

Official Map. The Official Map is the map adopted by the County Board as a part of the Comprehensive Plan which is designated “Official Map” in that Plan.

Official Zoning Map. The Official Zoning Map is the map adopted by the County Board showing all the zoning district boundaries within Menard County, Illinois.

Outlot. An outlot is a part of a subdivision lawfully approved and recorded in the office of the Menard County Recorder of Deeds which is shown, referenced or described as a numbered or lettered outlot(s) which can be conveyed but are not buildable lots for zoning purposes.

Owner. The person(s) or entity that holds title to property.

Parcel. Any property in a contiguous ownership and unified control that is not a Platted lot or an outlot.

Planning Commission. The Regional Planning Commission of Menard County created and empowered pursuant to ILCS 5/5-14001 et.seq.

Private Means of Access. Any road, drive, lane, or easement other than a public road.

Property. Property means real property or any legal interest in real property.

Property line. Property line means the boundaries of a lot.

Public Road/Public Street. A road accepted, operated and maintained by the State of Illinois, Menard County or a public road district or which when dedicated and built to the Standards required by this Code will be so accepted, operated and maintained by the State of Illinois, Menard County, or a public road district.

HOW ROADS BECOME PUBLIC

Lots in a subdivision ordinarily front on and take direct access from public streets or roads. In some cases lots have no street frontage and take access over “easements of access”. Some roads are open for the first time as part of the subdivision process. Other roads are existing and are changed in some way during the process of subdividing adjacent land. The platting of a new road and/or the use of an existing road does not necessarily make that road a public road. Roads become public roads in the following ways:

1. Through the Subdivision Process.
 - a. At that time a final plat is recorded, the subdivider “dedicates” all right-of-ways shown on the plat (which is all of the right-of-way required for interior streets and half the right-of-way required for abutting streets plus any additional right-of-way for turning lanes and other necessary road improvements).
 - b. The dedication of right-of-way that occurs when a final subdivision plat is recorded transfers ownership from the subdivider to the public. That act alone does not create or open a public road.
 - c. As part of the subdivision process, the owner/developer is required to improve the road to certain specified standards. After the developer completes the construction, the installation needs to be inspected and approved by the County Engineer. After inspection and approval, the County and/or applicable road District needs to “accept” the street for maintenance. It is the act of accepting the street for maintenance that makes a proposed road a public road. Prior to that time, the road is private even though constructed on a dedicated public right-of-way. A subdividers “workmanship guarantee” extends for one year after the streets in the subdivision are inspected, approved and accepted for maintenance.

If a road district and/or the County is opposed to accepting a street for maintenance, that opposition should be articulated during the subdivision review and approval process, not after the process is complete.

The other method roadways become public is through the petition and acceptance procedures of Section 605 ILCS 5/6-301 et.seq.

Public Water Supply. All mains, pipes and structures through which water is obtained And distributed to the public, including wells and well structures, intakes and cribs, pumping stations, treatment plants, reservoirs, storage tanks and appurtenances, collectively or severally, actually used or intended for use for the purpose of furnishing water for drinking or general domestic use. A public water supply is either a “community water supply” or a “non-community water supply”.

Residential Subdivision. A subdivision proposed for residential use of depicting a lot Layout and design suitable for residential use.

Services. The way in which recreational amenities and school facilities are provided to or for each lot in a residential subdivision.

Setback. Setback is the horizontal distance between the front lot line and any building or structure located on such lot.

Subdivide. To divide real property into two or more parts, lots, pieces, parcels, units or tracts for the purpose of offer, sale, lease, or other conveyance regardless of means or method whether by deed, metes and bounds description, map, plat, plan, drawing or other document including without limitation the creation of easements of access.

Use. (N) The purpose to which property is devoted or for which it is occupied or maintained.

Use. (V) To devote property to a purpose.

Zoning Administrator. The Zoning Administrator is as appointed by the County Board.

Zoning Board of Appeals. The Zoning Board of Appeals for Menard County, Illinois.

ARTICLE V

5.01 REGULATORY PROVISIONS.

It shall be unlawful for any person:

- A. to subdivide except in compliance with this code.

Exceptions:

The code shall not apply to the following:

1. The division or subdivision of land into parcels or tracts of 5 acres or more in size which does not involve any new streets or easements of access;
2. The division of lots or blocks of less than 1 acre in any recorded subdivision which does not involve any new streets or easements of access;
3. The sale or exchange of parcels of land between owners of adjoining and contiguous land;
4. The conveyance of parcels of land or interests therein for use as a 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;
5. The conveyance of land owned by a railroad or other public utility which does not involve any new streets or easements of access;
6. 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;
7. Conveyances made to correct descriptions in prior conveyances;
8. The sale or exchange of parcels or tracts of land following the division into no more than 2 parts of a particular parcel or tract of land existing on July 17, 1959 and not involving any new streets or easements of access;
9. The sale of a single lot of less than 5 acres from a larger tract when a survey is made by an Illinois Registered Land Surveyor, provided, that this exemption shall not apply to the sale of any subsequent lots from the same larger tract of land, as determined by the dimensions and configuration of the larger lot on October 1, 1973.

B. To violate or fail to adhere to any requirement of this Code.

Creation of a Street or Easement of Access

Original Facts.

'A' owns 120 acres that has its only frontage and access from an abutting public road. There is a small fishing cabin on a pond at the rear of the property which 'A' from time to time, lets other people use. Users get to the cabin by driving from the public road over 'A's' property on a rutted lane to the cabin.

Alternative 1.

'B' wants to use the cabin. 'A' can give permission without the need to subdivide. The use of the land and the lane is permissive and there is no "division" of land involved.

Alternative 2.

'B' wants to lease the cabin and the right to use the lane for 5 years. He can because "leases" are an exception to the subdivision ordinance.

Alternative 3.

'B' wants to purchase the cabin and 5 + acres of land. 'A' can not make the sale to 'B' without subdividing. If 'A' sells 'B' a land locked piece of property, he will either create an easement by implication or necessity or in some other way have created in 'B' the right to cross 'A's' property, a "right" that did not exist previously.

Altered facts.

'A' owns 100 acres whose sole access is from a public road. 'B' owns an adjoining 20 acres and a fishing cabin. The sole access to the 20 acre tract is over an existing "access easement" across 'A's' property.

Alternative 1.

'B' wants to sell 20 acres to 'C'. 'B' can do so, lawfully, without the need to subdivide unless the existing access easement was "personal and non-transferable". Ordinarily, access easements run to the property, not to individual users and in that case can be transferred.

Alternative 2.

'B' wants to sell 10 acres to 'C' and 10 acres to 'D', this can be done without subdividing since the 2 tracts are greater than 5 acres and therefore are exempt from the subdivision ordinance and since the easement of access is not new.

Alternative 3.

'B' wants to sell 17.5 acres to 'C' and 2.5 acres to 'D'. NO. This requires subdivision since one parcel involved is less than 5 acres.

Alternative 4.

'A' wants to sell 10 acres adjacent to 'B's' property to 'E' and let 'E' use the same access easement that 'B' uses across 'A's' property. NO. This requires subdivision. By giving additional property the right to use the access easement, 'A' has created a new easement of access which brings the conveyance within the scope of the subdivision ordinance. 'A' could possibly avoid the subdivision code by configuring the parcel he was selling to 'E' so it has frontage and access directly on the abutting public road. In that case, the conveyance of 10 acres without the creation of a new access easement would not be subject to Menard County's Subdivision Code.

CAUTION

CAUTION

CAUTION

Just because a parcel of land can be lawfully divided and conveyed (either through the subdivision process or as an exception to the Subdivision Code) does not mean the resulting piece or parcel can be used. Use is regulated by the Zoning Code, not the Subdivision Code. For example, if land is zoned A-Agricultural in Menard County, the creation of five-acre tracts (using Exception No. 1) does not create lawful residential homesites. In the A-Agricultural district, non-farm residences require 30 acres, minimum. The lawful division and use of land requires compliance with both the Zoning Code and Subdivision regulations.

ARTICLE VI

SUBMISSION PROCEDURES

PROCEDURAL OVERVIEW

The approval of a subdivision ordinarily involves the following steps:

1. An informal pre-application review between the zoning & engineering staff of the County and the developer and developer's engineer and/or representative and required Illinois Department of Natural Resources consultation;
2. The submission, review and approval of a preliminary subdivision plan;
3. The submission, review and approval of engineering plans and specifications and an estimate of construction cost;
4. The preparation, review, approval and recording of a final subdivision plat;
5. The posting of:
 - a. An agreement by the subdivider to install all public improvements in accordance with the subdivision ordinance and security for that agreement in the form of a corporate surety, cash escrow or irrevocable letter of credit;
 - b. An agreement by the subdivider to install or contribute to the cost of installing all substandard adjacent streets which agreement is also secured by a corporate surety, cash escrow or irrevocable letter of credit;
6. The installation of all required public improvements by the subdivider to the County's standards;
7. The submission, review and approval of "as built" plans;
8. The inspection, approval and acceptance for maintenance of all public improvements;
9. After one year and assuming no workmanship claims, the release of the subdivider's bond and security.

An expedited procedure is available for subdivisions involving three or fewer lots.

6.01 PRE-APPLICATION PROCEDURE. An owner or developer may schedule one or more pre-application conferences with representatives of Menard County for the purpose of reviewing development proposals, sketch plans and comparable preliminary data. The pre-application conference shall be arranged through the Zoning Administrator. The purpose of a pre-application conference is to review material which is in a preliminary conceptual form and which may, after review and comment, be refined by the owner or developer into a preliminary subdivision plan. There are no particular requirements for the submission of materials at a pre-application conference, however, the more information such as sketch plans, site information, adjacent land uses, proposed density that the developer has, the more meaningful the feedback from the conference will be.

6.02 PRELIMINARY PLAN SUBMISSION AND REVIEW PROCEDURES. Before subdividing any land subject to requirements of this Code, the owner or developer shall comply with the following Preliminary Plan submission, review and approval procedure:

- A. Submission. The owner or developer shall submit to the Zoning Administrator copies of a Preliminary Plan in the form and providing all information required by Section 7.01 et seq.

- B. Filing Fee. An application for approval of a Preliminary Subdivision Plan shall be filed with the Zoning Administrator and be accompanied by the following fee, payable to Menard County:

Less than 2 acres	\$150.00
At least 2 acres but less than 15 acres	\$300.00
At least 15 acres but less than 25 acres	\$450.00
25 acres or more	\$700.00

- C. Consultation. The applicant shall provide evidence that they have completed consultation with the Illinois Department of Natural Resources (520 ILCS 10/11, 525 ILCS 30/17, Illinois Administrative Code, Title 17, Part 1075) to the Zoning Administrator before legislative public hearings are scheduled before the Planning Commission and the Zoning Board of Appeals.
- D. Scheduling and Notification of Public Hearing. Upon receipt of a Preliminary Plan and required filing fee, the Zoning Administrator shall schedule and give notice of two legislative public hearings, one before the Planning Commission and one before the Zoning Board of Appeals.
- E. Legislative Public Hearing and Recommendation. The Planning Commission and Zoning Board of Appeals shall conduct legislative public hearings on the Preliminary Plan during which each shall determine the extent to which the plan conforms or fails to conform with the standards of this Code and each shall, not later than ninety (90) days after the adjournment of the legislative public hearing, transmit a recommendation on the plan to the County Commissioners. The Zoning Board of Appeals and Planning Commission may recommend approval of a Preliminary Plan with an approval recommendation conditioned upon the making of one or more changes in the proposal, which such changes shall be enumerated in the Board's or Commission's transmittal to the County Commissioners or may transmit the plan to the County Commissioners without recommendation. Should the Zoning Board of Appeals and/or Planning Commission fail to act within the ninety (90) days from the adjournment of the public hearing, or fail to adjourn the public hearing within 120 days of its commencement, the plan shall be submitted to the County Commissioners without recommendation.
- F. County Approval or Rejection of a Proposed Preliminary Plan. Within sixty (60) days after receipt of the Planning Commission and Zoning Board of Appeals recommendation or within 180 days from the filing date of the Preliminary Plan, whichever occurs first, the County Commissioners shall approve or reject the proposed Preliminary Plan. Failure of the County Commissioners to act within the prescribed time period shall constitute denial of the Preliminary Plan.

- G. Extension of Time Periods by Mutual Consent. Time periods for review by the Zoning Board of Appeals, Planning Commission or County Commissioners may be extended by mutual consent of the owner or developer and the Zoning Board of Appeals, Planning Commission or County Commissioners. Any such extension shall stay the running of all subsequent time periods.
- H. Extension of Preliminary Plans. Approved Preliminary Plans or portions thereof on which no Final Plat has been submitted for review and approval shall expire and be of no force or effect two years after approval, except:
 - 1. The filing of a Final Plat and necessary supporting documents pursuant to Section 7.04 shall extend the life of a remaining valid preliminary plan for one year; or
 - 2. If the life of a Preliminary Plan is extended by action of the County Commissioners.

6.03 PUBLIC IMPROVEMENT ENGINEERING PLANS AND SPECIFICATIONS – SUBMISSION AND REVIEW PROCEDURE. Before subdividing any land subject to the requirements of this Code, an owner or developer shall comply with the following public improvement plan and specification submission, review and approval procedure:

- A. Pre-requisites. Approval and continuing validity of a Preliminary Subdivision Plan or, if none is required, a pending final plat;
- B. Submission. Within two years from the approval of a Preliminary Plan, or within one year after the extension of a Preliminary Plan, and prior to approval of a final plat, the owner or developer shall submit three sets of engineering plans and specifications for all public improvements proposed in or necessary to serve lots depicted in an approved Preliminary Plan or proposed final plat or portion thereof, which plans and specifications shall be in the form and include the content required by Section 7.03.
- C. Review and Approval.
 - 1. The public improvement, plans and specifications shall be reviewed and approved or disapproved by the County Engineer.
 - 2. The County Engineer may require the owner or developer to submit such additional data, plans, specifications and materials as may be necessary to completely and accurately determine the extent of compliance or non-compliance with this Code and accepted engineering practices.

6.04 PUBLIC IMPROVEMENT INSTALLATION AND INSPECTION PROCEDURES.

The owner or developer of property desiring to install public improvements in an area depicted on a proposed or approved preliminary plan or approved or proposed final subdivision plat shall perform such installation in accordance with the following procedure:

- A. Prerequisites to Installation.
 - 1. For Installations Before Final Plat Approval:
 - a. Approval and continuing validity of an approved preliminary plan;
 - b. Approval of public improvement engineering plans and specifications for any and all public improvements the installation of which is to be commenced prior to the approval of a final plat;
 - 2. For Installation After Final Plat Approval:
 - a. Approval of a final plat (including all prerequisites to final plat approval);
 - b. Posting of a Final Plan, Public Improvement Payment, Performance and Workmanship Bond and security therefore and in the amount and form specified in Section 7.05 for all public improvements depicted in, adjacent to or necessary to serve lots or outlots depicted in an area for which final plat approval has been obtained.
- B. Inspection. During installation of public improvements, either before or after final plat approval, the owner or developer shall permit inspection by the County Engineer or his Designate. Failure to comply and install or maintain such installations in a manner that permits inspection shall constitute grounds for rejecting or revoking preliminary or final plat approval, forfeiting pledged security and, in addition, shall constitute a violation of this Code.
- C. After completion of the installation of public improvements and prior to acceptance thereof, the owner/developer shall file with the County an engineer's certificate stating that all public improvements have been installed as depicted on the approved public improvement engineering plans and specifications.

6.05 FINAL PLAT SUBDIVISION AND REVIEW PROCEDURE. Before subdividing any land, subject to requirements of this Code, an owner or developer shall comply with the following final plat submission, review and approval procedure:

A. Pre-requisites.

1. Approval and continuing validity of a Preliminary Subdivision Plan;
2. Approval of the public improvement plans and specifications for public improvements proposed in, adjacent to or necessary to serve lots or outlots depicted in the area for which final plat approval is sought;
3. Payment of any and all applicable County tap-on fees in any, and
4. Prior to recording the final plat, the posting of any required Final Plat Public Improvement Payment, Performance and Workmanship bond and security; the filing of any required Adjacent Street Substandard Roadway Improvement Guarantees and security; the making of any required Public Land Dedications or cash contribution in lieu thereof, the obtaining and filing with the County of any off-site easements or right-of-way for public improvements serving the site, and the inspection and approval of all installed public improvements by the County engineer.
5. Payment to Menard County of the appropriated following fee, unless such fees were paid at the preliminary plan stage:

Less than 2 acres	\$150.00
At least 2 acres but less than 15 acres	\$300.00
At least 15 acres but less than 25 acres	\$450.00
25 Acres or more	\$700.00

B. Submission. Within two years from the approval of a Preliminary Subdivision Plan or one year from the most recent County Commissioners' action extending the life of an approved Preliminary Plan, the owner or developer shall submit to the Zoning Administrator fifteen (15) copies of a Final Plat, in a form and providing all the information, data and supporting material required by and retaining the design characteristics of the approved Preliminary Plan and public improvements engineering plans and specifications.

C. County Commissioners Review, Referral and Approval or Disapproval. Within thirty (30) days from the submission of a Final Plat and supporting material, the County Commissioners shall review the final plat to determine the extent to which it conforms with the approved Preliminary Plan and approved public improvement plans and specifications and shall further review the supporting material to determine its conformance with the requirements of this code. If the Final Plan substantially conforms with the approved Preliminary Plan and public improvement plans and specifications and if the supporting material meets all

Code requirements, then the County Commissioners shall approve the Final Plat by Resolution within thirty (30) days from the date of its review. The County Commissioners may approve such plats subject to the subsequent posting of Final Plat Payment, Performance and Workmanship Bond; Adjacent Substandard Roadway Improvement Guarantee, and related security documents and reserves. If the Final Plat does not in some way substantially conform with the approved Preliminary Plan or if the supporting material does not conform with all Code requirements, then the County Commissioners within thirty (30) days from the date of its review, shall take one of the following actions:

1. By Resolution, approve the Final Plat;
 2. By Resolution, approve the Final Plat with conditions;
 3. By Resolution, disapprove the Final Plat;
 4. Refer the Final Plat to the Zoning Board of Appeals and/or Planning Commission for legislative public hearing(s), at which time and place the Zoning Board of Appeals and/or Planning Commission shall determine the extent to which the Revised Final Plat conforms or fails to conform with the standards of this Code. The Zoning Board of Appeals and/or Planning Commission shall, after the adjournment of the legislative public hearing, transmit a recommendation on the revised Final Plat to the County Commissioners which shall, by Resolution, approve or disapprove the Plat.
- D. Recording. Within seven days from the date of adoption of a Resolution approving the Final Plat, or within seven days from the date on which the last event referred to this Code or characterized in the Resolution as a prerequisite to recording of the Final Plat occurs, whichever is later, the Zoning Administrator shall record a copy of the Final Plat, a certified copy of the Resolution approving the Final Plat, and any supporting certificates necessary to accomplish the recording in the office of the Recorder of Deeds of Menard County. Costs of recording, publication, costs of any public hearings and mailing costs for courtesy notices shall be paid by the owner/developer before recording.

E. Expedited Final Plat Submission, Review and Approval Procedure – Subdivision with Three Lots or Less.

Notwithstanding the sequential procedure for subdivision plan submission, review and approval specified elsewhere in this Code, an owner or developer meeting the pre-requisites specified in this paragraph may utilize the expedited Final Plat process described herein:

1. Pre-requisites:

- a. A plat that depicts a total of not more than three lots and outlots;
- b. A plat that includes all contiguous property in common ownership or unified control;
- c. The owner has submitted or submitted with the final plat public improvement engineering plans and specifications in the form required by §7.03 for any proposed public improvements or infrastructure.

2. Submission. Any person desiring to utilize the expedited final plat procedure, shall submit the following to the Zoning Administrator:

- a. A written request to waive the preliminary plan and construction drawing, submission, review and approval procedure.
- b. Fifteen (15) copies of the final plat in a form providing all information, data and supporting material required by Section 7.04
- c. Evidence of required State of Illinois Department of Natural Resources consultation.
- d. Payment to Menard County of the following fee:

Less than 2 acres	\$150.00
At least 2 acres but less than 15 acres	\$300.00
At least 15 acres but less than 25 acres	\$450.00
25 acres or more	\$700.00

3. County Commissioners Review, Referral and Approval or Disapproval. Within thirty days from the submission of a final plat under this expedited review and procedure, the County Commissioners shall review the submission to determine the extent to which it conforms with the requirements of this Code. If the material meets all Code requirements then the County Commissioners shall approve the Final Plat by resolution within thirty (30) days from the date of its review. The Commissioners may approve such plats subject to the subsequent posting of a Final Plat Payment, Performance and Workmanship Bond; Adjacent Substandard Roadway Improvement

Guarantee, Public Improvement Engineering Plans and Specifications and related materials, security documents and reserves. If the Final Plat in some way does not conform with all Code requirements, then within thirty (30) days from the date of its review, the County Commissioners shall take one or more of the following actions:

- a. By Resolution, approve the Final Plat;
- b. By Resolution, approve the Final Plat with conditions;
- c. By Resolution, disapprove the Final Plat;
- d. Require the submission of a preliminary plan;
- e. Refer the Final plat to the Zoning Board of Appeals and/or Planning Commission for legislative public hearing, at which time and place the Zoning Board of Appeals and/or Planning Commission shall determine the extent to which the Final Plat conforms with the standards of this Code. The Zoning Board of Appeals and/or Planning Commission shall, not later than 90 days after the adjournment of the legislative public hearing, transmit its recommendation on the Final Plat to the County Commissioners. Within 60 days from the receipt of the Zoning Board of Appeals and/or Planning Commission recommendation with respect to such Final Plat, the County Commissioners shall, by Resolution, approve or disapprove same.

4. Conformance with Other Requirements. Except as provided in this section, the submission, review and approval of public improvement engineering plans and specifications, the recording of Final Plats, the posting of bonds, the payment of fees, the dedication of land, the submission of as-built plans and the release of bonds shall be as provided in this Chapter.

6.06 PAYMENT, PERFORMANCE AND WORKMANSHIP GUARANTEES. Either prior to the approval of a final subdivision plat or prior to its recording and within the time framework, if any, specified in the Resolution of approval, the owner/developer shall post, secure and file with the Zoning Administrator a Final Plat Public Improvement Payment, Performance and Workmanship Bond with appropriate evidence of security and shall post, secure and file and Adjacent Substandard Roadway Improvement Guarantee and security in the manner, amount and form described respectively in Sections 7.05 A & B.

6.07 SUBMISSION OF "AS BUILT PLANS". After installation, completion of testing and approval of all public improvements but prior to acceptance for maintenance, the owner shall submit to the County Engineer a complete set of "as built plans" and an engineer's certificate stating that plan reflects the improvements as actually constructed and that the design and installation of the public improvements meet or exceed the requirements of this Code.

6.08 ACCEPTANCE FOR MAINTENANCE.

- A. Completion of All Public Improvements. After the developer has complied with the preceding requirements and within thirty (30) days after the applicable Road District Commissioner and County Engineer's written recommendation for acceptance, the County Commissioners' shall be resolution, accept for maintenance all public improvements within, adjacent to or serving lots or outlots depicted on a final plat. Until acceptance for maintenance and repair remains with the owner/developer.

6.09 FINAL SECURITY RELEASE.

- A. Final Plat Public Improvement Payment, Performance and Workmanship Bonds. Unless a workmanship claim is submitted to the surety company, escrow agent or insurer of an irrevocable letter of credit, a Final Payment Performance and Workmanship Bond shall expire and the security for the bond may be released one year after the date the County adopts a resolution accepting the public improvements for maintenance.
- B. Adjacent Substandard Roadway Improvement Guarantees and Security. The adjacent substandard roadway improvement guarantee and security shall expire pursuant to Section 7.05B unless the County Engineer has earlier certified completion of improvements to adjacent substandard roadways.

ARTICLE VII FORM AND CONTENT

FORM AND CONTENT OVERVIEW

The subdivision process involves the creation of lots and the installation of public improvements. It is essential that the form of the documents used in that process be prepared with the degree of exactitude which will permit purchasers and governmental officials to use and rely on their content. This section of the subdivision ordinance describes the form and required content of the documents required at various steps in the subdivision review and approval process.

7.01 PREMILINARY PLANS AND SUPPORTING MATERIAL.

- A. General. The owner or developer submitting a Preliminary Plan shall submit all information required by this Section in the form specified. Failure of an owner or developer to provide this information on the form required shall be sufficient grounds for the County to refuse to accept the filing of a Preliminary Plan or to reject the Preliminary Plan at any stage in the review and approval process.
- B. Minimum Area Included in a Preliminary Plan. A Preliminary Plan shall include not less than all contiguous property in common ownership or unified control.
- C. Required Form and Content of a Preliminary Plan and Supporting Documents. Plans, drawings, surveys, maps, schematics, and comparable material shall be submitted in the following form and with the following content:
1. Required Form of a Preliminary Plan. The Preliminary Plan shall be drawn so that clear and legible transparent or contact prints and photostatic (photographic) copies (reproductions) can be made with a minimum size of eleven (11") inches by seventeen (17") inches and maximum size of twenty-four (24") inches by thirty-six (36") inches.
 2. Required Content of a Preliminary Plan and Supporting Documents.
 - a. Identification and Description.
 - (i) Name of the Subdivision, not duplicating the name of any other subdivision or planned unit development recorded in Menard County, Illinois;
 - (ii) Legal description of all property included in the Preliminary Plan, including a reference to the Section, Township and Range;

- (iii) Name and address of the owner of record of all the property within the subdivision shown on the Preliminary Plan;
- (iv) Name and address of the engineering firm and the registered professional engineer who prepared the Preliminary Plan or supporting material;
- (v) Graphic (engineering) scale;
- (vi) Source of all topographical data; and
- (vii) Total acreage of the Subdivision shown on the Preliminary Plan;
- (viii) The following notices shall be typed or stamped on the Preliminary Plan:

NOTICE OF APPROVAL OF PRELIMINARY PLAN BY
MENARD COUNTY, ILLINOIS:

“The Preliminary Plan of the subdivision shown hereon has received approval by the County Commissioners of Menard County, subject to the modifications contained in Appendix A which is attached hereto”.

The County Commissioners of Menard County, Illinois

Date: _____, _____

By: _____, Clerk
(see Appendix A)

- b. Existing Conditions. A registered Illinois Land Surveyor or registered professional engineer shall prepare graphic presentations of the following, in each case, with a north point designated as true north and a date of preparation indicated on the survey map, drawing, or plan. Unless otherwise noted, the following shall be drawn to an engineering scale not to exceed one hundred (100) feet equals one (1) inch:
 - (i) Boundary line survey map with accurate distances and angles with a permissible error of closure of one (1) in five thousand (5,000) prepared and certified accurate by a registered Illinois Land Surveyor;

- (ii) Topographic map depicting existing contours within the subdivision or planned unit development and the area within one hundred (100) feet thereof at vertical intervals of not more than two (2) feet, except in unusual topographical conditions such vertical intervals may be increased as determined by the County Engineer. Topographic data shall refer to U.S.G.S. datum;
- (iii) Location and perimeter of any area designated as a Flood Hazard Area as defined by the Federal Emergency Management Agency with any indication of the limits of the flood plain and floodway;
- (iv) Existing zoning districts within the area encompassed by the Preliminary Plan and the area within one hundred (100) feet thereof;
- (v) Identification, location and dimension, if applicable, of the following located within the area included in the Preliminary Plan and in the area within one hundred (100) feet thereof:
 - a. Rights-of-way;
 - b. Streets;
 - c. Roadways;
 - d. Improved drainageways;
 - e. Unimproved drainageways;
 - f. Other drainage easements;
 - g. Walkways;
 - h. Sidewalks;
 - i. Public easements;
 - j. Private easements including any private means of access;
 - k. Railroad right-of-way;
 - l. Section lines;
 - m. Corporate limit lines;
 - n. Parks, schools, and other public lands;
 - o. Buildings and structures to remain;
 - p. Buildings and structures to be removed.
- (vi) Identification, location and size of sanitary sewers, storm sewers, drainage culverts catch basins and sanitary and storm sewer manholes located within the area included in the Preliminary Plan, the area within one hundred (100) feet of the perimeter of the area included in the Preliminary Plan or locate elsewhere if such constitutes the nearest

- existing sanitary sewer, storm sewer, drainage culvert, catch basin, inlet, sanitary sewer manhole or storm sewer manhole serving the area included in the Preliminary Plan;
- (vii) Identification, location of watermains, including all valves and hydrants and any other underground utilities located within the area included in the Preliminary Plan, the area within one hundred (100) feet of the perimeter of the area included in the Preliminary Plan, or located elsewhere if such constitutes the nearest existing water main, valve or hydrant or other underground utility serving the area included in the Preliminary Plan;
 - (viii) Location of and reference to location of existing monuments or survey markers used in preparation and within the boundary of the boundary line survey map and bench marks;
 - (ix) Location map drawn at a scale not less than one thousand (1000) feet to one (1) inch; showing the area boundary by the nearest streets, but not less than one-half (1/2) mile beyond the boundaries of the area included in the Preliminary Plan.
 - (x) If applicable, data indicating that the soil within the area included in the Preliminary Plan is suitable for the absorption of septic tank effluent without the contamination of any water supply or creating unsanitary conditions. This data shall be obtained by making not less than one (1) percolation test on each lot, but in no event less than one (1) test per acre, in a manner prescribed by the Menard County Health Department and the Illinois Environment Protection Agency.
- c. Surveys, Maps, Plan, and Drawings of Proposed Conditions. A Registered Professional Engineer shall prepare and certify as accurate – to the degree of accuracy specified – surveys, maps, plans, and drawings depicting the proposed arrangement of the area included in the Preliminary Plan indicating each of the following and drawn to an engineering scale not to exceed one hundred (100) feet equals one (1) inch:
- (i) Identification, location, and dimensions of any of the following required of proposed:
 - a. Rights-of-way;

- b. Interior streets, exterior streets, and exterior roadways with approximate elevations, proposed gradients, and typical cross-sections;
 - c. Street and roadway names, not duplicative of or confusingly similar to the name of any street heretofore used in Menard County, Illinois or their environs, unless the street in and extension of, or in line with a previously named street, in which event such name shall be used;
 - d. Pedestrian-ways, sidewalks, walkways;
 - e. Public and private easements, including any proposed private means of access;
 - f. Lots and outlots;
 - g. Minimum front yard setbacks;
 - h. Railroad crossings and right-of-ways;
 - i. Bridges;
 - j. Areas, if any, intended to be dedicated or reserved for non-residential purposes;
- (ii) Identification, location, and size of any of the following required or proposed:
- a. Water mains, and
 - b. Street lights and standards;
- (iii) identification, location, and typical cross-section of any of the following required or proposed in the area included in the Preliminary Plan:
- a. Improved drainage ways;
 - b. Unimproved drainage ways;
 - c. Storm drains; and
 - d. Storm water detention and/or retention areas;
- (iv) Identification, location and, if applicable, direction of flow of any of the following required or proposed in the Preliminary Plan:
- a. Sanitary sewers;
 - b. Storm sewers;
 - c. Sanitary and/or storm sewer manholes;
- (v) Direction of storm water run-off from each lot and outlot proposed or required in the area included in the Preliminary Plan;

- (vi) Topographic map of all flood route areas depicting proposed contours at vertical intervals of not more than two (2) feet;
 - (vii) Erosion control plan for the period from the initiation of development to completion of development of the subdivision.
- d. Engineer's Certification. The Preliminary Plan shall include the following representations and warranties from the Illinois Registered Professional Engineer preparing the plan:
- (i) The undersigned represents and warrants the Menard County that the Preliminary Plan for _____ Subdivision is in a form that is in accordance with the requirements of the Menard County Subdivision Code; that the proposed design is consistent with the requirements of the code and that the proposed public improvements and designs meet or exceed the requirements of the Code.

 Name of the Illinois
 Registered Professional
 Engineer preparing the plan

(See Exhibit A)

7.03 PUBLIC IMPROVEMENT ENGINEERING PLANS AND SPECIFICATIONS.

- A. General. The owner or developer submitting public improvement engineering plans and specifications shall submit all the information required by this Section in the form specified. Failure of an owner or developer to provide this information in the form required shall be sufficient grounds for the County to refuse to accept the filing of public improvement engineering plans and specifications, to reject the plans and specifications at any stage in the review and approval process, to reject a Final Plat depicting lots or outlots served by such public improvements.
- B. Minimum Material to be Submitted. Engineering plans and specifications shall be submitted for all public improvements proposed in or necessary to serve lots depicted in an approved Preliminary Plan or portion thereof. Such materials shall include, without limitation, plans, profiles, quantity standard details, and special details drawn in sufficient detail and supported with sufficient data to make possible a complete and accurate determination of the extent of compliance or

non-compliance with the County's subdivision public improvement design standards and sufficient to permit construction and installation of the proposed improvements without additional or supporting engineering data.

C. Required Form and Content of Public Improvement Engineering Plans and Specifications. Public improvement engineering plans, specifications drawings, schematics and comparable material shall be submitted in the following form and content:

1. Required Form of Public Improvement Engineering Plans and Specifications. Public improvement engineering plans and specifications, drawings, schematics and comparable material shall be drawn with drawing pencil or transparent abelene or tracing cloth or with waterproof drawing ink or mylar from which clear and legible transparent or contact prints and photostatic copies can be made, with a minimum size of eleven (11) inches by seventeen (17) inches and a maximum size of twenty-four (24) inches by thirty-six (36) inches.

2. Required Content of Public Improvements, Engineering Plans, and Specifications.

a. Identification and Description. The public improvement engineering plans and specifications required by this Code shall include a Title Sheet containing the following information:

- (i) The name of the proposed subdivision within which or for which such public improvements are proposed;
- (ii) The name and address of the developer;
- (iii) The name, address, and telephone number of the engineering firm preparing any part of the engineering plans and specifications and an indication of the part of the plans that such firm prepared;
- (iv) Seal of the Professional Engineer preparing all or any portion of the engineering plans and specifications certifying that the materials so prepared conform with all applicable codes and ordinances of Menard County except as specifically noted as requested variation or exemption;

b. Materials Required. A registered professional engineer shall prepare and certify plans showing and depicting the following:

- (i) Standard details – typical cross-sections of streets, trenches, and curb and gutter and sidewalks;

- (ii) Any specially constructed items pertaining to the project, including private easements of access;
- (iii) Standard details – sanitary and storm sewer details;
- (iv) Standard details – water main construction details;
- (v) Sanitary sewer plan and profile sheets;
- (vi) Storm sewer plan and profile sheets;
- (vii) Drainage way plan and profile sheets;
- (viii) Water main in overall plan;
- (ix) Sanitary, storm sewer, and drainage way overall plan;
- (x) Street and sidewalk plan and profile sheets;
- (xi) Street and access easement cross-section sheets – on fifty (50) foot centers;
- (xii) Drainage way cross-section sheets – on fifty (50) foot centers;
- (xiii) Grading plans of lots and blocks which shall show:
 - a. The finished elevation at four (4) corners of each lot;
 - b. The finished elevation at four corners of the principal building located on each lot. It shall be the responsibility of the owner of each lot to see that his lot is drained in accordance with said grading plan. It shall be unlawful for the owner to construct or allow the construction of any building or structure which is not in conformity with such grading plan; and
 - c. Direction of storm water run-off from each lot and outlot.
- (xiv) A “summary of quantities sheet” listing all coded pay items necessary to construct all public improvements. This sheet is used by the County Engineer to estimate the cost of

installing all public improvements in order to determine the penal amount of bond and security. The coded pay items must be worded exactly as they are in the Standard Specifications for Road and Bridge Construction, Illinois Department of Transportation, latest edition. The coded pay items shall be arranged on the “summary of quantities sheet” with the code number at the extreme left, followed by the pay item, description, unit of measure and total quantity. Any further breakdowns required should be placed to the right of the total quantity.

- (xv) Miscellaneous drawings showing any other special items required by the Subdivision.
- (xvi) Engineer’s Certification. The Public Improvement Engineers Plans and Specifications shall include the following representations and warranties from the Illinois Registered Professional Engineer preparing the plan:
 - a. The undersigned represents and warrants to Menard County that the Public Improvement Engineers Plans and Specifications for _____ Subdivision and summary of quantities sheet is in a form that is in accordance with the requirements of the Menard County Subdivision Code; that the proposed design is consistent with the requirements of the code and that the proposed public improvements and designs meet or exceed the requirements of the Code and that the quantities specified are sufficient to construct all public improvements as proposed.

Name of the Illinois
Registered Professional
Engineer preparing the plan

(See Exhibit B)

7.04 FINAL SUBDIVISION PLATS AND SUPPORTING MATERIAL.

- A. General. The owner or developer submitting a final plat shall submit all information required by this Section in the form specified. Failure of an owner or developer to provide this information in the form required shall be sufficient grounds for the County to refuse to accept the filing of a Final Plat or to reject the final plat in any stage of the review and approval process.

B. Area Included in a Final Plat.

1. A final plat shall not include any area not included in an approved and then valid preliminary plan unless submitted pursuant to Section 6.05 F.
2. A final plat shall not depict any public improvements or lots served by, which are to be served by, or which under this Code require service by public improvements unless the public improvements engineering plans and specifications for such public improvements have been submitted, reviewed and approved;
3. A final plat shall not depict any lots served by, or which are to be served by, a private water supply or sewerage system without the filing of appropriate sign-off and approval letters from the Menard County Health Department and State of Illinois Environmental Protection Agency.
4. A final plat shall not be submitted for any portion of an approved preliminary plan if the property remaining within the approved preliminary plan, not yet final platted, is less than 5 acres in area, but shall be submitted for all the remaining in such an approved preliminary plan.

C. Required Form and Content of Final Subdivision Plats and Supporting Documents. Final Plats, certificates, and comparable material shall be submitted in the following form and with the following content:

1. Final plats shall be drawn at a scale or not more than one hundred (100) feet to one (1) inch with black waterproof drawing ink on transparent linen, tracing cloth, or mylar from which clear and legible transparent or contact prints and photostatic copies can be made with a minimum dimension of eleven (11) inches by seventeen (17) inches and a maximum dimension of twenty-four (24) inches by thirty-six (36) inches. The County Engineer may, for good causes, waive the maximum size regulations cited hereinabove.
2. Supporting material shall be typed on paper not exceeding eight and one-half (8 ½) inches by eleven (11) inches in size.
3. Identification and Description:
 - a. The name of the subdivision not duplicating the name of any other subdivision, the final plat of which has been recorded in Menard County, Illinois;
 - b. The legal description of all property included in the final plat and including a reference to the Section, Township and Range;

- c. The name and seal of the registered Illinois Land Surveyor who prepared the final plat and the certificate attesting to the accuracy of the survey and the correct location of all monuments shown;
 - d. The scale of the plat, points of the compass, and the total acreage of the property depicted on the final plat;
 - e. Location of all survey monuments and their descriptions;
4. Lot, Outlot, and Public Rights-of-Way: A registered Illinois Land Surveyor shall prepare and certify as accurate and angular and lineal dimensions of all lines, angles, and curvatures necessary to accurately depict the location of the following:
- a. Rights-of-way, including the names of any streets and roadways depicted;
 - b. Public easements, private easements and private means of access;
 - c. Proposed lots of record consecutively numbered and keyed (on a supplemental sheet) to the lot numbering system used on the approved Preliminary Plan;
 - d. Outlots, lettered consecutively and keyed (on a supplemental sheet) to the numbering system used on the approved Preliminary Plan;
 - e. Minimum front yard setbacks;
 - f. Other area dedicated or reserved to the public;
 - g. Railroad rights-of-way
 - h. Boundaries of the subdivision, all of which shall be drawn to meet or exceed the following standards:
 - (i) Error of closure of boundary line survey shall not exceed one (1) foot for each five thousand (5,000) feet or perimeter survey;
 - (ii) Angular error shall not exceed plus or minus twenty (20) seconds;
 - (iii) Lot line dimensions shall be shown in feet and hundredths of a foot;

- (iv) Angles occurring in any lot line between lot corners shall be shown in degrees, minutes and seconds;
 - i. The radii, ARCS, or chords, points of tangency and central angles for all curvilinear streets and radii for rounded corners;
 - j. Field references to:
 - (i) The nearest established street lines and official monuments which shall be accurately described in the plat by location, size, and elevation;
 - (ii) Township Road District and section lines if the same area within the boundary of the final plat or within one hundred (100) feet therefrom, referenced accurately to the lines of the subdivision by distances and angles; and
 - (iii) All monuments placed at all block corners, angle points and at intermediate points installed in such a manner that they may be located by a registered land surveyor.
5. Certificates: The final plat shall be accompanied by the following certificates duly and appropriately executed substantially in the form of the exhibit in Appendix C of this Code:
- a. Owner's Certificate (with notary) C-1
 - b. Surveyor's Certificate C-2
 - c. Drainage acknowledge C-3
 - d. County Clerk's Certificate C-4
 - e. Certificate of the County Engineer C-5
 - f. Certificate of Compliance of the Developer's Engineer:
The Final Plat shall include the following representations and warranties from the Illinois Registered Professional Engineer preparing the plan:
 - (i) The undersigned represents and warrants to Menard County that the Final Plat for _____ Subdivision is on a form that is in accordance with the requirements of the Menard County Subdivision Code; that the proposed design is consistent with

the requirements of the code and that the proposed public improvements and designs meet or exceed the requirements of the Code.

Name of the Illinois Registered
Professional Engineer preparing the
plat (C-6)

7.05 PAYMENT, PERFORMANCE AND WORKMANSHIP GUARANTEES.

A. Final Plat Public Improvement Payment, Performance and Workmanship Bond.

1. Nature of the Obligation. Any owner, developer or subdivider shall submit a Final Plat Public Improvement Payment, Performance and Workmanship Bond obligating the signer(s) to do each of the following:
 - a. Install all public improvements depicted on or in an approved preliminary plan, engineering plans and specifications or final plat in accordance with the approved Public Improvement Engineering plans and specifications;
 - b. Pay a plan review and inspection fees of 2% of the County Engineers estimate of the cost of public improvements;
 - c. Prepare and submit to the County one complete set of plans and specifications showing such required land improvements as actually installed in the manner described in Section 7.06.

In each case within two years following the approval of the final plat by the County Commissioners and prior to acceptance of the improvements for maintenance. In addition, the execution of the subdivider's Final Plat Public Improvement Payment, Performance and Workmanship Bond shall obligate the signer(s) to guarantee the improvements against faulty materials and workmanship for a period of one year following acceptance of the improvements for maintenance by the County Commissioners.

2. Penal Amount of Bond and Security.
 - a. Penal Amount. The penal amount of the final plat public improvement payment and performance and workmanship bond shall be the higher of the following:
 - (i) If some or all of the improvements have been installed, inspected, and approved, then one hundred and five percent (105%) of the County Engineer's written estimate of the

cost of installing all public improvements not then installed and inspected, and five percent (5%) of the County Engineer's estimate for all the improvements installed as a retainage until acceptance of the improvements by the County plus five percent (5%) of the County Engineer's estimate for all improvements installed as a one (1) year guarantee for the materials and workmanship of all improvements. Also, the developer must pay all plan review and inspection fees not paid, prepare all as built plans and specifications not then submitted.

- (ii) If none of the improvements have been installed, then one hundred and five percent (105%) of the County Engineer's written estimate of the cost of installing all public improvements, guaranteeing the materials and workmanship of all the improvements. Also, the developer must pay all plan review and inspection fees not paid and prepare as built plans and specifications not then submitted.

b. Security. The final plat public improvement payment, performance and workmanship bond shall be secured in one of the following ways:

- (i) By posting a corporate surety bond with the owner or developer as Principal and an insurance company duly authorized to do business in the State of Illinois as surety in a penal amount not less than that specified in Section 7.05 A 2. The owner or developer shall keep such corporate surety bond in full force and effect until one (1) year after official action by the County Commissioner's accepting the subdivision for maintenance or until such later date as any written claim against the surety by the County is finally resolved.
- (ii) By posting a cash escrow amount in a local bank or savings and loan association in the amount specified in Section 7.05 A 2 as adjusted by any releases authorized pursuant to Section 7.05 A 4.
- (iii) By posting an irrevocable letter of credit in the amount specified in Section 7.05 A 2 from a local bank or savings and loan association naming the County as beneficiary thereof.
- (iv) By posting a corporate surety bond with the contractor for the owner or developer as principal and an insurance

company duly authorized to do business in the State of Illinois as surety in a penal amount equal to the owner's or developer's obligations as specified in Section 7.05 A 2. The contractor for the owner or developer shall keep such corporate surety bond in full force and effect until one (1) year after official action by the County Commissioners accepting the subdivision for maintenance or until such later date as any written claim against the surety by the County is finally resolved.

3. Form of Bond and Security Documents.
 - a. The form of the Final Plat Public Improvement Payment, Performance and Workmanship Bond secured by corporate surety is as provided in Exhibit D-1.
 - b. The form of the Final Plat Public Improvement Payment, Performance and Workmanship Bond secured by cash escrow is provided in Exhibit D-2.
 - c. The form of the Final Plat Public Improvement Payment, Performance and Workmanship Bond secured by an irrevocable letter of credit is as provided in Exhibit D-3.

4. Releases from Escrow Accounts Posted as Security. As installation of public improvements progress, and are inspected and approved by the County Engineer, releases from such escrow accounts, including interest accumulated thereon, may be authorized by the County Engineer in writing, based upon his estimate of the cost for work completed, inspected and approved, provided, however, no release shall be made which would reduce the escrow account to an amount less than 10 percent (10%) of the County Engineer's original estimate of the cost of installing all public improvements, paying all plan review and inspection fees and preparing as-built plans until all public improvements in the subdivision have been accepted for maintenance by the County Commissioners, at which time the escrow account shall be released to an amount of not less than 5 percent (5%) of the County Engineer's original estimate of cost. Funds then remaining in the escrow account may be released one year after official action by County Commissioners accepting the subdivision for maintenance or on such later date as any written claim against the escrow account by the county is finally resolved.

B. Adjacent Substandard Roadway Improvement Guarantee and Security.

1. Nature of the Obligation. Any person subdividing property bordering on one or more roadways is obligated to contribute ½ the cost of improving such roadway or roadways to the standard provided by the Code, the obligation shall endure for ten years from the date of the final plat is recorded unless:
 - a. The developer or subdivider builds the half of the street adjacent to his development in which case the developer shall have on obligation.

2. Guarantee and Security.
 - a. Security. The Adjacent Substandard Roadway Improvement Guarantee shall be secured in one of the following ways:
 - (i) By posting a corporate surety bond with the owner or developer as Principal and an insurance company duly authorized to do business in the State of Illinois as surety in a penal amount not less than that determined by Section 7.05 B.
 - (ii) By posting a cash reserve account with the County.
 - (iii) By posting an irrevocable letter of credit in the amount determined by Section 7.05 B from a local bank or saving and loan association naming the County as beneficiary thereof.

 - b. Form of Guarantee.
 - (i) The form of the Adjacent Substandard Roadway Improvement Guarantee and Security secured by corporate surety is as provided in Exhibit D-4.
 - (ii) The form of the Adjacent Substandard Roadway Improvement Guarantee secured by cash escrow is as provided in Exhibit D-5.
 - (iii) The form of the Adjacent Substandard Roadway Improvement Guarantee and Security secured by an irrevocable letter of credit is as provided in Exhibit D-6.

7.06 AS-BUILT PLANS.

- A. General. After completion, inspection and approval of all public improvements but prior to acceptance of the public improvements for maintenance, the owner, or developer shall submit all information required by this Section in the form specified. Failure of an owner or developer to provide this information in the form required shall be sufficient grounds for the County to refuse to release the subdivider from his or its Final Plat Public Improvement Payment, Performance and Workmanship Bond; Adjacent Substandard Roadway Improvement Guarantee or to release the security or reserve for such bond, bonds or guarantee, and shall constitute a violation of this Code.

- B. Required Form. As built plans shall be drawn to scale with black waterproof drawing ink on transparent linen, tracing cloth or mylar, from which clear and legible transparent of contact prints and photostatic copies can be made with a minimum dimension of eleven (11) inches by seventeen (17) inches and a maximum dimension of twenty-four (24) inches by thirty-six (36) inches. The County Engineer may, for good cause, waive the maximum size regulation cited hereinabove.

- C. Required content. As built plans shall provide the content required for public improvement engineering plans and specifications (specified in Section 7.03) but shall accurately depict the plans, profiles, standard details and special details as actually installed, inspected and approved, rather than as proposed and shall contain an Engineer's certification that the public improvements as actually built and installed meet or exceed the requirements of this Code. (See Exhibit E)

With the submission of as built plans, the owner or developer shall submit a Road Commissioner's Certificate (See Exhibit F) for any Land Improvement under the jurisdiction of such Road District.

ARTICLE VIII
DESIGN AND CONSTRUCTION STANDARDS

DESIGN AND CONSTRUCTION STANDARDS OVERVIEW

This section of the subdivision code describes the standards to which subdivisions in Menard County must be built. It includes requirements related to lot size and configuration, block size and configuration; required right-of-way widths for streets, sidewalks, and easements; required construction standards for streets, sanitary sewers, private sewage disposal systems, public water mains, private water supply systems, storm water run-off, storm water detention and requirements for the dedication or reservation of land and/or the contribution of money for public park and school purposes.

8.01 General/Design and Construction. Subdivisions shall be designed so all lots are buildable and usable under existing zoning regulations and are served by a safe and efficient street access system, a safe and adequate water supply, a safe and environmentally sound method of sanitary waste disposal and a safe and efficient storm water drainage system, each of which meets or exceeds the requirements of this Code, including the latest revision at the time of plan approval of the following publications, promulgated by the Illinois Department of Transportation:

- Standard Specification for Road and Bridge Construction
- Highway Standards Manual
- Bureau of Local Roads Administrative Policy Manual
- Design Manual
- Bridge Manual
- Culvert Manual
- Prestressed Manual
- Soils Manual
- Drainage Manual
- Coded Pay Item Book Standard
- Policies and Procedures Manual
- Standards and Specifications for Water and Sewer Construction in Illinois.

8.02 Lots, Blocks, Utility Easements, Access Easements and Outlot/Design. All subdivisions shall be designed as to meet or exceed with the following principals of subdivision planning and design and outlots.

- A. Subdivisions shall consist solely and exclusively of lots, outlots, easements and public rights-of-way.
- B. All proposed lots shall have frontage on a public street or public roadway except lots served by an approved easement of access.

- C. All proposed lots shall meet or exceed the lot size, dimensions, and area requirements of the Menard County Zoning Ordinance for the zoning district in which the proposed lots are located.
- D. Outlots may not be used, developed, built on or improved unless and until platted or resubdivided into one or more lots.
- E. Utility and drainage easements shall be dedicated to the appropriate road districts for use by the district and public, quasi-public or private utility companies as provided herein. Easements shall be dedicated by the subdivider for overhead and/or underground utility services, for sanitary sewers, storm-water drainage and water mains. Such easements shall be at least five (5) feet wide and be dedicated along the rear lot lines of each lot and along such side lot lines as to provide continuity of easement alignment of at least ten (10) feet. Easements at least ten (10) feet wide shall be dedicated by the subdivider along the front lot lines of all lots in a subdivision in order to accommodate the installation and maintenance of utilities. At deflection points in all such easements, if overhead utility lines are planned, additional easements shall be dedicated in order to accommodate pole anchors.
- F. All approved private means of access shall be at locations, widths and built to construction standards sufficient to reasonably permit safe and efficient vehicular and pedestrian access to the lots served, without cost to or burden on the public generally. The responsibility for maintenance (including snow removal) of approved private means of access rests on the owners of the lots served by the easement, not Menard County, not the applicable road district, and not the public generally.
- G. Where residential lots are abutting a principal artery street, “no-access strips” shall be depicted on such lots to prohibit vehicular access directly to such abutting major streets.
- H. In residential subdivisions the minimum lot requirements shall be in accordance with the following:
 - 1. The size, shape, and area of lots where a community water supply and public sanitary sewerage system are to be used shall not be less than the requirements of the Menard County Zoning Code.
 - 2. The size, shape and area of lots where private sewage systems and private wells are permitted shall be not less than the requirements of the Menard County Zoning Code, the Environmental Protection Agency, or the Menard County Health Department whichever imposes the higher standard.

- I. The lot width for lots abutting the terminus of a cul-de-sac shall be measured at the front yard building setback line.
- J. Lots abutting a watercourse, drainage way, channel or stream shall have such additional depth and/or width as required by the County in order to provide acceptable building sites.
- K. The shape of blocks shall be determined by topographical features, the basic street system and traffic patterns, lot depths, and areas designed for public and other non-residential land uses.

8.03 ROADS. The roads in and servicing all subdivisions shall be built to meet or exceed the following design and construction standards:

- A. Design.
 - 1. Adequate vehicular and pedestrian access should be provided to all lots;
 - 2. Road patterns should minimize “out-of-the-way” vehicular traffic patterns;
 - 3. Main roads should be designed to minimize through traffic movements;
 - 4. Road systems should be logical and comprehensible;
 - 5. Systems of road naming should be simple, consistent and understandable;
 - 6. Main systems and land development patterns should not detract from the efficiency of major streets;
 - 7. Elements in the road system should not have to rely on extensive traffic regulation in order to function efficiently and safely;
 - 8. Minor streets should be designed for a relatively low volume of traffic and a relatively low speed limit;
 - 9. Pedestrian-vehicular traffic conflicts should be minimized;
 - 10. The number of street intersections should be minimized;
 - 11. The arrangement of roads should permit economical and practical shapes and sizes of lots;

12. The design of roads should be related to topography from the standpoint of economics, drainage, site distances and scenic view;
13. The vehicle and pedestrian circulation patterns in subdivisions should be compatible with the land use plans adopted by the County;
14. Access points to major streets should be limited to number, given special design criteria and, whenever possible, located where other features are not competing for driver attention;
15. Driveway entrances should be discouraged on major streets in residentially zoned areas;
16. Street jogs with the centerline off-sets of less than one hundred fifty (150) feet shall be avoided;
17. Where the angle of deflection, in horizontal centerlines exceeds one (1) degree, a curve shall be inserted with a radius of not less than that required by the most recent applicable Design Manual, of the State of Illinois Department of Transportation;
18. That not more than two (2) streets intersect at any point and so that the angle of intersection of centerlines is not less than eighty (80) degrees nor more than one hundred (100) degrees.

B. Construction Standards.

1. Right-of-Way Dedication Standards. All streets and roadways proposed within the confines of a subdivision shall be located in dedicated public right-of-way as required by this Section of this Ordinance.
2. Interior Streets. Subdivisions shall be designed so all interior streets are located within dedicated public right-of-ways of the following minimum widths – depending on the street classification.
3. Minimum Public Right-of-Way Dedication Requirements

Necessary Right-of-Way

- a. 100' for the following roads:

Illinois Route 97
Illinois Route 123

Illinois Route 29
Greenview Middletown Blacktop (C.H. 1)
Athens Blacktop (C.H. 3)
Fancy Prairie Road (C.H. 3)
Gudgel Road (C.H. 4)
Neumansville Road (C.H. 6)
East Oakford Road (C.H. 7)
North Petersburg Road (C.H. 7)
Sweetwater Road (C.H. 10)
Peoria Road (C.H. 10)
Quarry Road (C.H. 11)
West Oakford Blacktop (C.H. 12)
Atterberry Road (C.H. 13)
South Athens Blacktop (C.H. 14)
Curtis Blacktop (C.H. 16)
Altig Bridge Road (C.H. 17)
Rahman Road
Spears Road
Salt Creek Bottom Road (TR 120)
John Hubly Road
Levee Road

And any other road designated as a “principal arterial” or “major” street or highway in Menard County’s Comprehensive Plan.

b. 80’ for the following roads:

Five Points Road (C.H. 5)
Rock Creek Road (C.H. 5)
Oakland Cemetery Road (C.H. 9)
Sunny Acres Road (C.H. 15)
Chautauqua Road (C.H. 15)
Golf Course Road (TR 103)
Reimer Road (TR 119)
State Park Road (TR 119)
Peoria Road (TR 186) (South of Sweetwater Road)
H. Harrison Road (TR 85)
Kelly Lane (TR 66) (South of Illinois Route 97)

and any other road designated as a “minor arterial” or collector street, or highway, in Menard County’s Comprehensive Plan.

- c. 60' for any other street or road in the County which Right-of-Way in each case, shall be centered on the centerline of the abutting roadway or, if none, the property line.
 - d. Cul-de-sac turnarounds. Each cul-de-sac shall have a terminus of nearly circular or rectilinear shape with a minimum diameter of one hundred forty (140) feet, except a temporary cul-de-sac street may have a terminus of a "Y" or "T" type.
 - e. Other. Right-of-way widths of freeways, expressways, and parkways shall be in accord with those designated by Federal, State, or County authorities having jurisdiction, whichever has the greater width and design standard requirements.
- 4. Exterior Streets. Subdivisions shall be designed so that the subdivider provides not less than one-half (1/2) of the right-of-way dedication required measured from the centerline of the existing exterior street according to the requirements for an interior street of comparable classification.
 - 5. Supplemental Dedication. Where the street design requirements of this Ordinance require the provision of turning lanes, turning radii, center medians, traffic control devices or other installations which cannot be installed within the right-of-way otherwise required by this Ordinance without the elimination of or conflict between such features and other public improvements, the subdivider shall dedicate such additional right-of-way as is necessary to accommodate all such improvements.
 - 6. Grading. All trees that cannot be saved, boulders and similar objects in the street right-of-way shall be removed.
 - 7. All streets shall be graded to their full width, including side slopes and the sub-grade of the areas to be paved.
 - 8. All excavation under the street pavement shall be back-filled with granular material approved by the County Engineer.
 - 9. Pavement width and strength. All streets shall be improved with roadway pavements to an overall width in accordance with the following minimum dimensions:

Pavement Width
(between back of curbs or outer
edges of roadway pavement)

<u>Type of Street</u>	<u>Pavement Width</u>
Minor Rural	20 feet
Minor Urban	24 feet
Major Rural	30 feet
Major Urban	34 feet

Other. In accordance with Federal, State, County or local requirements.

Roadway pavements in cul-de-sac turn-arounds shall have a minimum diameter, measured from the edge of pavement to edge of pavement of one hundred ten (110) feet. Roadway pavements in “Y” or “T” type or other type of turnarounds shall be as approved by the County Engineer.

10. Roadway pavements shall be installed in accordance with County standards and specification. The minimum roadway pavement specifications shall be as follow:
 - a. Compacted sub-base in accordance with specifications set forth by the County Engineer;
 - b. Aggregate Surface Course Type B having a compacted thickness of not less than eight (8) inches shall be constructed not less than two (2) feet wider than the pavement surface;
 - c. In residential subdivisions, where lots are twenty-two thousand five hundred (22,500) square feet or larger in area, a bituminous surface (Class A-3) installed in accordance with Standard Specifications for Road and Bridge Construction, Illinois Department of Transportation, latest edition, shall be required. All required grading, drainage, surfacing and culvert installations shall be done prior to the first application of prime coat, bituminous seal coat and aggregate surface course. A second application shall be applied the following year. No roadways will be considered for acceptance until after the second application of bituminous seal coat. In all other subdivisions the minimum roadway pavement

specifications shall be a two (2) inch minimum thickness bituminous plant mix (Class B) surface in accordance with Standard Specifications for Road and Bridge Construction, Illinois Department of Transportation, latest edition.

11. Curb or curb and gutter roadway pavement edging shall be in accordance with standards approved by the County Engineer and shall be installed in accordance with Standard Specifications for Road and Bridge Construction, Illinois Department of Transportation, latest edition.
12. All streets in the subdivision which are not improved with curb or curb and gutter roadway pavement edging shall be paralleled by a side-strip (shoulder) on each side of such streets. Such side-strip shall be five (5) feet wide and shall be constructed of compacted earth for "A-3" surfaced streets and "Aggregate Surface Course, Type B" having compacted shoulder base of 4 inches of gravel for Bituminous Plant Mix (Class B) surfaced streets.
13. Street signs shall be installed by the subdivider in accordance with Section 2-4.16 of the Manual on Uniform Traffic Control Devices for Streets and Highways, Illinois Department of Transportation, latest edition. The cost of such signs shall be included in the Subdivision Performance Bond as required by Section 7.05 A 2 of the Ordinance.
14. Any and all street lighting shall be installed on private property in easements to the Utility Company providing power.
15. A maximum of one (1) driveway shall be permitted to serve one (1) lot or combination of lots under common ownership or unified control. Shared driveways in the A-Agricultural, RR Rural Residential and B-2 Highway Business District are encouraged.

8.04 Sidewalks/Pedestrian Ways. General. Paved sidewalks shall be installed in accordance with the standards and specifications cited in this Code on at least one side of all streets in residential subdivisions containing lots twelve thousand (12,000) square feet or less in lot area and on both sides of all streets in subdivisions zoned B-1 Downtown Business District.

- A. Design. When sidewalks are installed they shall be designed in such a manner as to do and accomplish the following:
 1. Sidewalks shall be not less than four (4) feet in width.

2. Sidewalks shall be located within dedicated street right-of-way, shall be roughly parallel to the street, and the edge of sidewalks adjacent to the property line shall be placed at least one (1) foot distance from the property line.
 3. Right-Of-Way Dedication Standards. All sidewalks shall be installed within dedicated public right-of-ways.
- B. Construction Standards. All sidewalks shall be constructed and installed in a manner meeting or exceeding the requirements, standards, and specifications in Standard Specifications for Road and Bridge Construction, Illinois Department of Transportation, latest edition. Sidewalks shall be of portland cement concrete with a minimum thickness of four (4) inches, except at all driveways and in all business or manufacturing subdivisions sidewalks shall have a minimum thickness of six (6) inches.

8.05 Water Supply. The water supply and distribution system shall be built to meet or exceed the following design and construction standards.

- A. Design.
1. The water supply and distribution system shall provide each lot with safe and adequate supply of water for domestic use.
 2. Community distribution systems shall be looped and otherwise designed to facilitate uniform pressure and provide adequate fire flow.
 3. Community distribution systems shall be sized and located to provide an adequate source of water to abutting property.
 4. All water mains shall be located in dedicated right-of-way or public easements of sufficient width to permit open cut installation and maintenance.
- B. Construction Standards.
1. If a community water supply and distribution system is installed, the installation thereof shall be in accordance with the standards of the Illinois Environmental Protection Agency and shall accomplish the following:
 - a. provide an individual service stub line to a point not less than two (2) feet inside the property line of each lot or proposed lot;

- b. provide standard fire hydrants spaced not more than 400' apart.
2. If individual wells (non-community water supply) are installed in any subdivision, the installation thereof shall be in accordance with the Illinois Water Well Construction Code; and the Illinois Water Well Pump Installation Code.

8.06 Sanitary Waste Disposal.

A. Design.

- 1. The sanitary waste disposal system shall provide each lot with a safe and adequate method of transport, treatment and disposal of human waste.
- 2. A public sanitary service, if one is installed, shall be created of a location and depth which can reasonably serve the proposed subdivision and provide an adequate outfall to upstream abutting property.
- 3. All sanitary sewers shall be installed in a dedicated right-of-way or public easement of sufficient width to permit open cut installation and maintenance.

B. Construction Standards.

- 1. If a public sanitary sewerage system is installed in a subdivision it should comply with the latest standards of the Illinois Environmental Protection Agency.
- 2. If and individual sewage disposal system is installed to serve a lot in a subdivision it shall be in conformance with the standards and requirements of the Menard County Health Department.
- 3. Minimum Construction Standards.
 - a. Sanitary sewers shall be sized to accept the following peak design flows:

Domestic: Four hundred (400) gallons per day per capita for lateral sewers. Two hundred fifty (250) gallons per day per capita for trunk sewers

Commercial and/or Industrial: Ten thousand (10,000) gallons per acre per day for lateral sewers. Seven thousand (7,000) gallons per acre per day for trunk sewers

Or such specific flow known for the type of facilities served.

4. In all residential subdivisions, sewer infiltration/inflow shall be added to the flows referred to hereinabove at the rate of three hundred (300) gallons per inch diameter per acre per day unless a viable alternative can be offered that is acceptable to the County Engineer.
5. The gradient of the sewer shall be designed to provide a desirable minimum velocity of two and five-tenths (2.5) feet per second but not less than two (2.0) feet per second where higher velocity is not feasible. Maximum velocity shall not exceed eight (8) feet per second.
6. Minimum pipe diameters shall be eight (8) inches for main lines and six (6) inches for house services.
7. The basis of design for all sanitary sewers shall accompany the plans. Calculations shall be submitted to show that such sewers have sufficient hydraulic capacity.
8. Manholes shall be provided at the end of each line; at all changes in the grade, size, or alignment; at all sewer intersections; and a distance not greater than four hundred (400) feet. A drop manhole shall be provided for a sanitary sewer entering a manhole where its invert elevation is twenty-four (24) inches above the manhole invert. Minimum diameter of manholes shall be four (4) feet.
9. Sanitary sewers eighteen (18) inches in diameter and smaller crossing streams or located in the stream embankments shall be cast iron or ductile iron. For larger diameter pipe other material may be used as approved by the County Engineer. All sewers crossing streams or located in stream embankments or located close to the top of embankments shall have a sufficient cover so as to not interfere with the future improvements of the stream channel.
10. At least one (1) pipe length of the main line sewer shall be provided between the locations of two (2) consecutive tees or wyes in the main line.

11. Where a subdivision by necessity, design, or both requires a pump station and force main, provisions shall be made for outages, emergency overflows, or bypasses. This may be accomplished by providing either emergency pumping capabilities or enough storage facilities to handle at least twenty-four (24) hours of anticipated flows. The objective of such provisions is to prevent the discharge of raw sewage into any waters or public or private property.

8.07 Storm Water Drainage/Detention and Flood Hazard Protection. All subdivisions shall be built to meet or exceed the following design and construction standards.

- A. All lots in a proposed subdivision upon which buildings are to be constructed shall be reasonably safe from flooding. If any part of a proposed subdivision lies within an area delineated as a Special Flood Hazard Area, the design of such subdivision shall:
 1. Be consistent with the need to minimize flood damage within the Special Flood Hazard Area;
 2. Provide for all public utilities and facilities, such as sewer, gas, electrical, and water systems to be located and constructed so as to minimize or eliminate flood damage;
 3. Provide adequate drainage to reduce exposure to flood damage and flood hazards.
- B. The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based on Engineering Insurance Rate Map for the unincorporated portion of the County, by the Federal Emergency Management Agency, which map delineates "Special Flood Hazard Areas". Larger floods may occur or the flood height may be increased beyond the base flood elevation by man-made or natural causes. This Ordinance does not imply that development either inside or outside of those areas designated as "Special Flood Hazard Areas" will be free from flooding or flood damage. This Ordinance not create liability on the part of the County or any officer or employee thereof for any flood damage that results from reliance on this Ordinance or any administrative decision made lawfully thereunder.
- C. The subdivision shall make adequate provision for storm or floodwater runoff channels or basins.
- D. The storm water drainage system shall be separate and independent of any sanitary sewer or collection tile system.

- E. Storm sewers, where required, shall be designed by the Rational Method or any other reasonable method as approved by the County Engineer and a copy of design computations shall be submitted along with plans.
- F. Underground and/or surface storm water drainage systems shall be installed to service the entire subdivision.
- G. Curb inlets shall be provided so that surface water is not carried across, over, or around any street intersection, nor for a distance or more than six hundred (600) feet in the gutter (where a curb and gutter roadway pavement edging is provided). When calculations indicate that curb capacities are exceeded at a point, no further allowance shall be made for flow beyond that point, and basins shall be used to intercept flow at that point.
- H. The subdivision shall be required by this Ordinance to carry away by pipe or open ditch any spring or surface water that may exist either previously to, or as a result of the subdivision. Such drainage facilities shall be located in the street right-of-way where feasible or in public easements of width sufficient to permit open cut installation and maintenance, and shall be constructed in accordance with the construction standards and specifications approved by the County Engineer.
- I. Accessibility to Existing Storm Sewers.
 - 1. Where an existing storm sewer is accessible, the subdivider shall install storm sewer facilities, or if not outlets are within a reasonable distance, adequate provision shall be made for the disposal of storm waters, subject to the specifications of the County Engineer.
 - 2. If a connection to an existing storm sewer will be provided eventually as determined by the County Engineer, the subdivider shall make arrangements for future storm water disposal by an existing storm sewer system at the time the Final Plat receives approval by the County Commissioners. Provisions for such connection shall be incorporated by inclusion in the performance bond required for the Final Plat of the subdivision.
- J. Accommodation of Upstream Drainage Areas. A culvert or other drainage facility shall in each case be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision. The County Engineer shall approve the necessary size of the facility, based on the provisions of the construction Standards and

Specifications assuming conditions of maximum density of development permitted by the Menard County Zoning Ordinance within the watershed.

1. Underground and/or surface storm water drainage systems shall be installed to service the entire subdivision. Inlets, catch basins, or open drainage ways shall be connected to an adequate outfall.
2. Surface storm water drainage systems for subdivisions where the streets are not improved with curb and gutter shall consist of one (1) ditch on each side of the street pavement. Such ditches shall be a minimum of eighteen (18) inches deep with minimum side slopes to be provided at a ratio of three (3) to one (1). Culverts of the types and sizes as approved by the County Engineer shall be installed by the subdivider at locations where roadways cross over open drainage ways. Galvanized steel, or equivalent, culverts twenty-four (24) feet long with a minimum diameter of fifteen (15) inches shall be installed along open drainage ways in street or thoroughfare rights-of-way at locations where existing or future private driveways to each lot cross over such open drainage ways. Roof drains shall not drain to a storm sewer drainage system and exterior downspouts shall not be tied into a sewage disposal system. All underground tile crossing a public right-of-way shall have sealed joints.

- K. Protection of Downstream Drainage Areas. Detention, retention, or other methods of controlling the volume, velocity and direction of runoff shall be installed to protect downstream property owners from erosion or other damage to crop land, surface water drainage ways, and underground tile systems.

8.08 Design and Construction Standards for Erosion and Sedimentation Control.

- A. Subdivisions shall not be approved which propose lots with buildable areas with slopes greater than 33-1/3% from horizontal without particular provisions for erosion control.
- B. All subdivisions shall be designed and constructed to control erosion and sedimentation to assure that sediment is not transported from the site by a storm event of ten (10) year frequency or less, and that the following principals shall be applicable to all development activities in the area to be subdivided.
 1. Development should be related to the topography and soils of the site so as to create the least potential for erosion. Areas of steep slopes where high cuts and fills may be required should be avoided

wherever possible and natural contours should be followed as closely as possible.

2. Natural vegetation should be retained and protected wherever possible. Areas immediately adjacent to natural watercourses should be left undisturbed wherever possible.
3. The smallest practical area of land should be exposed for the shortest practical time during development.
4. Sediment, basins, debris basins, desilting basins, or silt traps or filters should be installed and maintained to remove sediment from run-off water from land undergoing development.
5. The selection of erosion and sedimentation control measures should be based on assessment of the probable frequency of climatic and other events likely to contribute to erosion, and on evaluation of the risks, costs and benefits involved.
6. In the design of erosion control facilities and practices, aesthetics and the requirements of continuing maintenance should be considered.
7. Provision should be made to accommodate the increased runoff caused by changed soil and surface conditions during and after development. Drainage ways should be designed so that their final gradients and the resultant velocities of discharges will not create additional erosion, and should be protected against erosion and sedimentation during development.
8. Permanent vegetation and structures should be installed as soon as practical during development.

8.09 Other Utilities.

- A. All utility lines in a proposed subdivision must be placed within a dedicated right-of-way or public easement.
- B. No ditches, drains, track, rails, poles, wires, pipe line or other equipment of any public utility company, municipal corporation or other public or private corporation, association or person shall be located, placed or constructed upon, under or along any highway, or upon any district road, without first obtaining the written consent of the appropriate highway authority.

- C. A plan showing all proposed utilities must be approved along with all construction plans for the proposed subdivision.

8.10 Oversizing.

The County may require the oversizing of utilities to serve further development. The cost of oversizing shall be born by the subdivider with that cost reimbursed by the County or through private rebate agreements or tap-on fees.

ARTICLE IX

9.01 PUBLIC LAND DEDICATION AND/OR RESERVATION REQUIREMENTS

- A. General. Residential subdivisions increase the burden on public parks and schools. Subdividers should appropriately bear a portion of the cost of such facilities.

- B. Parkland. Any proposed subdivision of residential land containing 20 or more dwelling units (in all phases) shall, at the discretion of the County Commissioners, either:
 - 1. dedicate land for public park purposes;
 - 2. pay a fee in lieu of parkland dedication, or;
 - 3. some combination of 1 and 2.

The parkland dedication requirement is based on:

- 1. a determination that there should be approximately ½ of 1% of an acre (225 square feet) of parkland per person;
- 2. an average family size of 2.5 people/dwelling unit for a per dwelling unit equivalent of 565 square feet of parkland/dwelling unit.

The fee in lieu requirement is based on an average land value, after development, of \$10,000/acre (\$.23/square feet) making the ordinary per dwelling unit fee in lieu of \$130.00

Parkland dedication or the payment of a fee in lieu shall be made or paid at final platting.

- C. Schools. Any subdivision proposing more than 250 dwelling units shall make provisions for the reservation of a public school site. The subdivider shall designate on the preliminary plan and final plat that such land is reserved for such use. The subdivider shall offer to sell such land to the school district in which it is located for an amount equal to the fair market value of such land after development. If such land is not acquired or arrangements made for acquisition by a school board within one (1) year after the date of recordation of the final plat for the subdivision, such land may thereafter be used by the owner for any lawful use and may be resubdivided in the manner required by this code to facilitate sale and/or alternative use.

ARTICLE X

10.01 COMPLAINTS AND PENALTIES FOR VIOLATIONS

- A. Complaints. In case any land is subdivided in violation of this Code, or any other violation of this code occurs, any person may file a written complaint with the Zoning Administrator stating fully the causes and basis thereof. After investigation and if satisfied that a violation in fact exists, the Zoning Administrator, with the assistance of the Menard County States Attorney, may institute any appropriate action of proceeding to:
1. Prevent the unlawful subdivision or conveyance of property;
 2. Prevent the use or occupancy of any land unlawfully subdivided;
 3. Restrain, correct or abate the violation;
 4. Restrain any action taken in reliance on the violation;
 5. Allege a violation of the Code and seek the imposition of the penalties provided herein.
- B. Penalties. Any person found guilty of violating, disobeying, omitting, neglecting, or refusing to comply with, or resisting or opposing the investigation or enforcement of any of the provisions of this Code, upon conviction thereof, shall be guilty of a petty offense and shall be punished by a fine of not less than one hundred (\$100.00) dollars nor more than five hundred (\$500.00) dollars. A separate and distinct offense shall be regarded as committed each day the violation remains uncorrected.

ENGINEER’S CERTIFICATION

STATE OF ILLINOIS)
) ss
COUNTY OF MENARD)

The undersigned represents and warrants to Menard County, Illinois that the Preliminary Plan for _____ Subdivision is in a form that is in accordance with the requirements of the Menard County Subdivision Code; that the proposed design is consistent with the requirements of the code and that the proposed public improvements and designs meet or exceed the requirements of the Code.

DATED: _____

Name of the Illinois Registered
Professional Engineer preparing
the plan

OWNER'S CERTIFICATE

STATE OF ILLINOIS)
)ss
COUNTY OF MENARD)

KNOW ALL MEN BY THESE PRESENTS: That we, the undersigned, hereby certify that we are the owners of all the premises embodied in the attached Plat of
Subdivision to
Menard County, Illinois, and that we have caused said plat to be made and that it is a true and correct plat of
Subdivision to Menard County, Illinois as laid off into lots and streets by
Registered Illinois Land Surveyor Number
; and that we, the undersigned, hereby dedicate to the
Road District, Menard County, Illinois and set apart for the use of the general public forever all of the streets and thoroughfares as indicated and shown on said Plat; and we further dedicated easements within the rights-of-way of such streets and thoroughfares to the applicable public utility companies for those utility installations that are permitted by this and other ordinances and codes of the County to be installed in street or thoroughfare rights-of-way.

IN WITNESS WHEREOF, w have hereunto set our hands and affixed our seals this
day of
20.

(SEAL)

NOTARY CERTIFICATE

STATE OF ILLINOIS)
)ss
COUNTY OF MENARD)

I, the undersigned, a Notary Public in and for said County and State aforesaid, do hereby certify that
is (are) personally known to me to be the same person (s) whose name (s) is (are) subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that
he signed, sealed, and delivered the said instrument as his/her/their free and voluntary act for the uses and purposes therein set forth, including the release and waiver of Homestead, and also including the dedication of all streets and highways to the use of the general public forever, and including the grant of certain general utility easements to the applicable public utility companies.

Given under my hand and notarial seal this
day of
20.

Notary Public

My commission expires:

(SEAL)

SURVEYOR'S CERTIFICATE

STATE OF ILLINOIS)
)ss
COUNTY OF MENARD)

I, _____, Registered Illinois Land Surveyor No. _____,
do hereby certify that I have surveyed in accordance with the laws and usages of the State
of Illinois, and with the laws of Menard County, Illinois, for _____
the following described property, to-wit:

I further certify that I have subdivided the same into _____ lots and streets as shown on
the attached plat.

Iron pipes (rod-pins) identify all lot corners as shown on said plat and all measurements
are given in feet and decimals thereof. All streets and drives and easements designated
on said plat are intended for public use.

Said Subdivision is to be known as _____,
Menard County, Illinois.

I further certify that the foregoing plat accompanying this certificate correctly represents
the said premises as subdivided.

I further certify that (said subdivision lies within)(no portion of said subdivision lies
within) 500 feet of any surface drain or water course serving a tributary are of 640 acres
of more.

Name of Firm of Surveyor: _____ Registered Land Surveyor No.: _____

Address

Date: _____

DRAINAGE ACKNOWLEDGEMENT

_____, Registered Professional Engineer, and _____, being the owner(s) of the premises heretofore platted by _____, Registered Illinois Land Surveyor No. _____ to be and become _____ to Menard

County, Illinois, do hereby acknowledge that to the best of their knowledge and belief, the drainage of surface waters will not be changed by the construction of said Subdivision or any part thereof; or that if such surface water drainage will be changed, reasonable provisions have been made for collection and diversion of such surface waters into public areas or drains which the owner has a right to use and that such surface waters will be planned in accordance with generally accepted engineering practices so as to reduce the likelihood of damage to the adjoining property because of the construction of said Subdivision.

I further acknowledge that all portions of Lots _____ are within the Special Flood Hazard Area, as defined by the Federal Emergency Management Agency.

Registered Professional Engineer

Owner(s):

PAYMENT, PERFORMANCE AND WORKMANSHIP BOND
SECURED BY CORPORATE SURETY

KNOW ALL MEN BY THESE PRESENTS, that _____
(owner, subdivider or developer of the property) hereinafter called the Principal, and
_____ (Surety) is/are held and firmly bound unto **MENARD**
COUNTY, hereinafter called the Obligee, in the penal sum of \$ _____
(amount of bond) lawful money of the United States, for which principal hereby binds

_____ (himself/herself/itself/themselves) and (his/hers/theirs/or its)
heirs executors, administrators, successors and assigns, jointly and severally.

Sealed and dated this _____ day of _____, 20_____, at
_____, Menard County, Illinois.

WHEREAS, a Petition has heretofore been filed with the Obligee for the
acceptance of a tract of land as a subdivision under the name and title of
_____ (name of subdivision),
Menard County, Illinois, per plat of _____
(name of Registered Land Surveyor) Registered Illinois Land Surveyor No. _____,
consisting of _____ (number of lots) lots and streets, dated _____
(date of final plat) which Plat has received preliminary approval by Obligee, and which
Plat will be finalized upon the Principal's meeting the further requirements of Obligee's
Land Subdivision Code.

The legal description of the property sought to be developed, and for which a final
plat will be presented, and for which property this Bond is given, is described as follows,
to-wit:

WHEREAS said Principal and if Principal fails to do so Surety is required by Obligee's ordinances to provide sanitary sewer and water conduits, curb and gutter, street base and surface, sidewalks, storm water conduits, street signs, pay all inspection fees and other costs set forth in said ordinances and provide a complete and accurate set of as built plans, all of which said work is to be done per exact specifications and plans as provided by said ordinances and as heretofore established by the Obligee; and

WHEREAS said Principal(s) and if Principal fails to do so Surety promise(s) and guarantee(s) that all construction on said proposed improvements shall be done in a workmanlike manner and in compliance with the ordinances of the Obligee, and subject at all times to the inspection and approval of said Obligee and its authorized officers and employees, and shall be completed on or before _____ (two years after the date of approval of the final subdivision plat) and further guarantee(s) that all damage or liability that is caused or results from the construction, operation or repairs made by the said Principal and Surety to said streets, utility conduits, etc., pursuant to the terms of said plans and specifications, will be repaired and the Obligee herein, its officers or employees saved harmless from any and all claims whatsoever arising from the operations of the Principal for and during the period from the acceptance of this bond by said Obligee and for one year after the completion and acceptance of said Obligee of all matters and things required by said ordinance and herein bonded to be done.

NOW, THEREFORE, the condition of this obligation is such that if the above bonded Principal or if Principal fails to do so Surety shall well and truly keep, do and perform each and every, all and singular, the matters and things in said plans and specifications, the resolution approving the plan or plat, this bond or Obligee's subdivision ordinances required and set forth and specified to be done by said Principal and performed by said Principal at the time and in the manner in said documents specified, or shall pay over, make good, reimburse and save the above-named Obligee harmless from all loss and damaged which said Obligee may sustain by reason of failure or default on the part of said Principal so to do, then this obligation shall be null and void; otherwise this obligation shall remain in full force and effect.

PRINCIPAL:

SURETY:

Address of Principal:

Address of Surety:

PAYMENT, PERFORMANCE AND WORKMANSHIP BOND
SECURED BY CASH ESCROW

KNOW ALL MEN BY THESE PRESENTS, that _____
(owner, subdivider or developer or the property) hereinafter called the Principal, is/are held and firmly bound unto **MENARD COUNTY**, hereinafter called the Obligee, in the penal sum of \$ _____ (amount of bond) lawful money of the United States, for which principal hereby binds _____ (himself/herself/itself/themselves) and (his/hers/theirs/or its) heirs executors, administrators, successors and assigns, jointly and severally.

Sealed and dated this _____ day of _____, 20 _____, at _____, Menard County, Illinois.

WHEREAS, a Petition has heretofore been filed with the Obligee for the acceptance of a tract of land as a subdivision under the name and title of

(name of subdivision), Menard County, Illinois, per plat of _____
(name of Registered Land Surveyor) Registered Illinois Land Surveyor No. _____,
consisting of _____ (number of lots) lots and streets, dated _____
(date of final plat) which Plat has received preliminary approval by Obligee, and which Plat will be finalized upon the Principal's meeting the further requirements of Obligee's Land Subdivision Code.

The legal description of the property sought to be developed, and for which a final plat will be presented, and for which property this Bond is given, is described as follows, to-wit:

WHEREAS said Principal is required by Obligee's ordinances to provide sanitary sewer and water conduits, curb and gutter, street base and surface, sidewalks, storm water conduits, street signs, pay all inspection fees and other costs set forth in said ordinances and provide a complete and accurate set of as built plans, all of which said work is to be done per exact specifications and plans as provided by said ordinances and as heretofore established by the Obligee; and

WHEREAS said Principal(s) promise(s) and guarantee(s) that all construction on said proposed improvements shall be done in a workmanlike manner and in compliance with the ordinances of the Obligee, and subject at all times to the inspection and approval of said Obligee and its authorized officers and employees, and shall be completed on or before _____ (two years after the date of approval of the final subdivision plat) and further guarantee (s) that all damage or liability that is caused or results from the construction, operation or repairs made by the said Principal to said streets, utility conduits, etc., pursuant to the terms of said plans and specifications, will be repaired and the Obligee herein, its officers or employees saved harmless from any and all claims whatsoever arising from the operations of the Principal for and during the period from the acceptance of this bond by said Obligee and for one year after the completion and acceptance by said Obligee of all matters and things required by said ordinance and herein bonded to be done.

NOW, THEREFORE, the condition of this obligation is such that if the above bonded Principal shall well and truly keep, do and perform each and every, all and singular, the matters and things in said plans and specifications, the resolution approving the plan or plat, this bond or Obligee's subdivision ordinances required and set forth and specified to be done by said Principal and performance by said Principal at the time and in the manner in said documents specified, or shall pay over, make good, reimburse and save the above-named Obligee harmless from all loss and damaged which said Obligee may sustain by reason of failure or default on the part of said Principal so to do, then this obligation shall be null and void; otherwise this obligation shall remain in full force and effect.

PRINCIPAL:

Address of Principal:

ESCROW RECEIPT
PAYMENT, PERFORMANCE AND WORKMANSHIP BOND

The undersigned bank or savings and loan association by its duly authorized officers and agents, acknowledges and certifies to _____ as Owner (s), Subdivider, Developer, or Principal and to the _____, Menard County, Illinois, hereinafter referred to as the Obligee, effective the _____ day of _____, 20_____ as follows:

1. That it maintains a regular office for the transaction of its business in Menard County, Illinois.
2. That it has received and now holds in escrow, pursuant to the terms hereof, the sum of \$ _____ received from the Owner (s).
3. That this escrow account has been established by the owner(s) as security on said Public Improvement Payment, Performance and Workmanship Bond for _____ (name of subdivision) as provided in the County's land subdivision code ordinance and shall be held in disbursed in accordance with said Bond, and Ordinances and as follows:
 - (a) The account, plus interest earned thereon, shall be held by the undersigned, conditioned upon performance by the Owner on his/her/its or their Payment, Performance and Workmanship Bond furnished to Menard County for the improvements required as shown on the Final Plat of the above mentioned Subdivision, the preparation of as-built plans and the payment of inspection and testing fees.
 - (b) All withdrawals of the principal from the account shall be made subject to the release of Menard County by the County Engineer, and the same may be paid as work progresses and is completed, subject also to the said Engineer's approval.
 - (c) At or at any time after the expiration of the two-year performance period specified in said Bond and upon certification by the County Engineer that the principal has failed to perform in accordance with the terms and requirements of said Bond or the applicable Ordinance, which said certification shall contain an enumeration of such failures and deficiencies, all funds remaining on deposit or such portion thereof as the Engineer deems necessary to complete, repair or replace the public improvements within the subdivision or portions thereof, prepare such as-built plans, pay such inspection and testing fees and take or perform any other actions necessary to guarantee that the development will conform in every respect with its approved Final Plat and the County's applicable codes, ordinances and requirements shall be paid over to the County.

(d) Upon the completion of the improvements and total approval and final acceptance for maintenance of all subdivision improvements by Menard County, ten percent (10%) shall remain upon deposit in the escrow account as a workmanship guarantee until expiration of one year after such approval and acceptance or until such later date as any written claim by the County against the escrow account is finally resolved.

By: _____

Its: _____

Attest:

Its: _____

PAYMENT, PERFORMANCE AND WORKMANSHIP BOND
SECURED BY IRREVOCABLE LETTER OF CREDIT

KNOW ALL MEN BY THESE PRESENTS, that _____
(owner, subdivider, or developer of the property) hereinafter called the Principal, is/are held and firmly bound unto **MENARD COUNTY**, hereinafter called the Obligee, in the penal sum of \$ _____ (amount of bond) lawful money of the United States, for which principal hereby binds _____ (himself/herself/itself/themselves) and (his/hers/theirs/or its) heirs executors, administrators, successors and assigns, jointly and severally.

Sealed and dated this _____ day of _____, 20 _____, at _____, Menard County, Illinois.

WHEREAS, a Petition has heretofore been filed with the Obligee for the acceptance of a tract of land as a subdivision under the name and title of _____ (name of subdivision), Menard County, Illinois, per plat of _____ (name of Registered Land Surveyor) Registered Illinois Land Surveyor No. _____, consisting of _____ (number of lots) Lots and streets, dated _____ (date of final plat) which Plat has received preliminary approval by Obligee, and which Plat will be finalized upon the Principal's meeting the further requirements of Obligee's Land Subdivision Code.

The legal description of the property sought to be developed and for which a final plat or plan will be presented, and for which property this Bond is given, is described as follows, to wit:

WHEREAS the Principal is required by Obligee's ordinances to provide sanitary sewer and water conduits, curb and gutter, street base and surface, sidewalks, storm water conduits, street signs, pay all inspection fees and other costs set forth in said ordinances and provide a complete and accurate set of as built plans, all of which said work is to be done per exact specifications and plans as provided by said ordinances and as heretofore established by the Obligee; and

WHEREAS said Principal (s) promise(s) and guarantee(s) that all construction on said proposed improvements shall be done in a workmanlike manner and in compliance with the ordinances of the Obligee, and its authorized officers and employees, and shall be completed on or before _____ (two years after the date of approval of the final subdivision plat) and further guarantee(s) that all damage or liability that is caused or results from the construction, operation or repairs made by the said Principal to said streets, utility conduits, etc., pursuant to the terms of said plans and specifications, will be repaired and the Obligee herein, its officers or employees saved harmless from any and all claims whatsoever arising from the operations of the Principal for and during the period from the operations of the Principal for and during the period from the acceptance of this bond by said Obligee and for one year after the completion and acceptance by said Obligee of all matters and things required by said ordinance and herein bonded to be done.

NOW, THEREFORE, the condition of this obligation is such that if the above bonded Principal shall well truly keep, do perform each and every, all and singular, the matters and things in said plans and specifications, the resolution approving the plan or plat, this bond or Obligee's subdivision ordinances required and set forth and specified to be done by said Principal and performed by said Principal at the time and in the manner in said documents specified, or shall pay over, make good, reimburse and save the above-named Obligee harmless from all loss and damaged which said Obligee may sustain by reason of failure or default on the part of said Principal so to do, then this obligation shall be null and void; otherwise this obligation shall remain in full force and effect.

PRINCIPAL:

Address of Principal:

IRREVOCABLE LETTER OF CREDIT

THE _____
(name of financial institution)

TO: The County Clerk of Menard County

We hereby authorize you to draw from our financial institution up to an aggregate amount of _____ (\$ _____) United States Dollars (amount of security required) from the account of _____ (name of owner, subdivider, developer or principal) in connection with _____ (name of subdivision).

This Letter of Credit is available to you upon your presentation of a request for payment, accompanied by: a signed statement by the County Engineer that owner has failed to pay for the public improvements proposed in _____ Subdivision in accordance with the County's Subdivision Code and the applicable Payment, Performance and Workmanship Bond dated the _____ day of _____, 20_____.

We hereby agree to honor each draft drawn under and in compliance with the terms of this letter, if and when duly presented at this office in _____, Illinois, until the expiration of the time period required by Code or until such later date as any written claim by the County against the owner or his (hers, its or their) financial institution is finally resolved.

By: _____

Its: _____

ATTEST:

Its: _____

ADJACENT SUBSTANDARD ROADWAY IMPROVEMENT GUARANTEE
SECURED BY CORPORATE SURETY

KNOW ALL MEN BY THESE PRESENTS, that _____
(owner, subdivider or developer of the property) hereinafter called the Principal, and
_____ (Surety) is/are held and firmly bound unto the
_____ hereinafter called the Obligee, in the penal sum
of \$ _____ (amount of bond) lawful money of the United States,
for which principal hereby binds (himself/herself/itself/themselves) and (his/hers/theirs/or
its) heirs executors, administrators, successors and assigns, jointly and severally.

Sealed and dated this _____ day of _____, 20 _____,
at _____, Menard County, Illinois.

WHEREAS, a Petition has heretofore been filed with the Obligee for the
acceptance of a tract of land as a subdivision under the name and title of
_____ (name of subdivision), Menard County,
Illinois, per plat of _____ (name of Registered
Land Surveyor) Registered Illinois Land Surveyor No. _____,
consisting of _____ (number of lots) lots and streets, dated
_____, (date of final plat) which Plat has received
preliminary approval by Obligee’s Planning Commission and governing authority and
which Plat will be finalized upon the Principal’s meeting the further requirements of
Obligee’s Land Subdivision Code.

The legal description of the property sought to be developed, and for which a final
plat will be presented, and for which property this Bond is given, is described as follows,
to-wit:

WHEREAS said Principal or if Principal fails to do so Surety is required by ordinance of the Obligee to contribute one-half of the cost of improving any and all substandard roadway or roadways abutting or bordering on said subdivision; and

WHEREAS the _____ Subdivision borders and abuts portions of the following substandard roadways:

and

WHEREAS the undersigned promises and guarantees to make such a contribution upon receipt of a Certificated of Completion signed by the Obligee's Engineer certifying that one or more of the above-listed adjacent substandard roadways has been improved to standards required by Obligee's Subdivision code.

WHEREAS the undersigned has secured this obligation by posting a cash escrow in the amount of _____ (\$ _____).

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH that if the undersigned contributes 1/2 the cost of improving any such adjacent substandard roadways which are improved in accordance with the subdivision code, this obligation shall be null and void. Otherwise, the same shall remain in full force and effect.

In the event that one or more of such adjacent substandard roadways are improved to meet or exceed all applicable standards and that improvement is completed and Principal is notified at the address listed below in writing of that completion, and fails to make the contribution described in this Guarantee within 60 days from the date of mailing, the Obligee may utilize all or such portion of the cash escrow established as security for this guarantee plus accumulated interest thereon for the purpose of making the required contribution.

PRINCIPAL:

SURETY:

Address of Principal:

Address of Surety:

ADJACENT SUBSTANDARD ROADWAY IMPROVEMENT GUARANTEE
SECURED BY CASH ESCROW

KNOW ALL MEN BY THESE PRESENTS, that _____
(owner, subdivider, or developer of the property) hereinafter called the Principal, is/are held and firmly bound unto the _____, hereinafter called the Obligee, in the penal sum of \$ _____ (amount of bond) lawful money of the United States, for which principal hereby binds (himself/herself/itself/themselves) and (his/hers/theirs/or its) heirs executors, administrator, successors and assigns, jointly and severally.

Sealed and dated this _____ day of _____, 20____,
at _____, Menard County, Illinois.

WHEREAS, a Petition has heretofore been filed with the Obligee for the acceptance of a tract of land as a subdivision under the name and title of _____ (name of subdivision), Menard County, Illinois, per plat of _____ (name of Registered Land Surveyor) Registered Illinois Land Surveyor No. _____, consisting of _____ (number of lots) lots and streets, dated _____, (date of final plat) which Plat has received preliminary approval by Obligee’s Planning Commission and governing authority and which Plat will be finalized upon the Principal’s meeting the further requirements of Obligee’s Land Subdivision Code.

The legal description of the property sought to be developed, and for which a final plat will be presented, and for which property this Bond is given, is described as follows, to-wit:

WHEREAS said Principal is required by ordinance of the Obligee to contribute one-half of the cost of improving any and all sub-standard roadway or roadways abutting or bordering on said subdivision; and

WHEREAS the _____
Subdivision borders and abuts portions of the following substandard roadways:

and

WHEREAS the undersigned promises and guarantees to make such a contribution upon receipt of a Certificate of Completion signed by the Obligee’s Engineer certifying that one or more of the above-listed adjacent substandard roadways has been improved to standards required by Obligee’s Subdivision Code.

WHEREAS the undersigned has secured this obligation by posting a cash escrow in the amount of _____ (\$_____).

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH that if the undersigned contributes ½ the cost of improving any such adjacent substandard roadways which are improved in accordance with the subdivision code, this obligation shall be null and void. Otherwise, the same shall remain in full force and effect.

In the event that one or more of such adjacent substandard roadways are improved to meet to exceed all applicable standards and that improvement is completed and Principal is notified at the address listed below in writing of that completion, and fails to make the contribution described in this Guarantee within 60 days from the date of mailing, the Obligee may utilize all or such portion of the cash escrow established as security for this guarantee plus accumulated interest thereon for the purpose of making the required contribution.

PRINCIPAL:

Address of Principal:

ESCROW RECEIPT
ADJACENT SUBSTANDARD ROADWAY IMPROVEMENT GUARANTEE

The undersigned bank or savings and loan association by its duly authorized officers and agents, acknowledges and certifies to _____ as Owner(s), Subdivider, Developer or Principal and to the _____ of _____, Menard County, Illinois, hereinafter, referred to as the Municipality or Obligee, effective the _____ day of _____, 20____ as follows:

1. That it maintains a regular office for the transaction of its business in Menard County, Illinois
2. That is has received and now holds in escrow, pursuant to the terms hereof, the sum of \$ _____ received from the Owner(s).
3. That this escrow account has been established by the owner(s) as security on said Adjacent Substandard Roadway Improvement Guarantee for _____ (name of subdivision) as provided in the County's land subdivision code ordinance and shall be held and disbursed in accordance with said Bond, said Ordinance, and as follows:
 - (a) The account, plus interest earned thereon, shall be held by the undersigned, conditioned upon performance by the Owner on his/her/its or their Adjacent Substandard Roadway Improvement Guarantee furnished to Menard County for the improvements to _____ an adjacent substandard roadway.
 - (b) All withdrawals of the principal from the account shall be made subject to the release of Menard County by the County Engineer, and the same may be paid as work progresses and is completed, subject also to the said Engineer's approval.
 - (c) At or at any time after the expiration of the performance period specified in said Guarantee and upon certification by the County Engineer that the principal has failed to perform in accordance with the terms and requirements of said Guarantee or the applicable Ordinance, which said certification shall contain an enumeration of such failures and deficiencies, all funds remaining on deposit or such portion thereof as the Engineer deems necessary to pay the Obligee's share of the improvement costs.

By: _____

Its _____

Attest: _____

Its _____

ADJACENT SUBSTANDARD ROADWAY IMPROVEMENT GUARANTEE
SECURED BY IRREVOCABLE LETTER OF CREDIT

KNOW ALL MEN BY THESE PRESENTS, that _____
(owner, subdivider or developer of the property) hereinafter called the Principal, is/are
held and firmly bound unto the _____, hereinafter called
the Obligee, in the penal sum of \$ _____ (amount of bond) lawful
money of the United States, for which principal hereby binds
(himself/herself/itself/themselves) and (his/hers/theirs/or its) heirs executors,
administrators, successors and assigns, jointly and severally.

Sealed and dated this _____ day of _____, 20 _____, at
_____, Menard County, Illinois.

WHEREAS, a Petition has heretofore been filed with the Obligee for the
acceptance of a tract of land as a subdivision under the name and title of
_____ (name of subdivision), Menard County,
Illinois per plat of _____ (name of Registered Land
Surveyor) Registered Illinois Land Surveyor No. _____, consisting of
_____ (number of lots) lots and streets, dated _____, (date of
final plat) which Plat has received preliminary approval by Obligee's Planning
Commission and governing authority and which Plat will be finalized upon the
Principal's meeting the further requirements of Obligee's Land Subdivision Code.

The legal description of the property sought to be developed, and for which a final
plat will be presented, and for which property this Bond is given, is described as follows,
to-wit:

WHEREAS said Principal is required by ordinance of the Obligee to contribute one-half of the cost of improving any and all sub-standard roadway or roadways abutting or bordering on said subdivision; and

WHEREAS the _____ Subdivision borders and abuts portions of the following substandard roadways:

and

WHEREAS the undersigned promises and guarantees to make such a contribution upon receipt of a Certificate of Completion signed by the Obligee's Engineer certifying that one or more of the above-listed adjacent substandard roadways has been improved to standards required by Obligee's Subdivision Code.

WHEREAS the undersigned has secured this obligation by posting an Irrevocable Letter of Credit in the amount of _____ (\$ _____).

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH that if the undersigned contributes 1/2 the cost of improving any such adjacent substandard roadways which are improved in accordance with the subdivision code, this obligation shall be null and void. Otherwise, the same shall remain in full force and effect.

In the event that one or more of such adjacent substandard roadways are improved to meet to exceed all applicable standards and that improvement is completed and Principal is notified at the address listed below in writing of that completion, and fails to make the contribution described in this Guarantee within 60 days from the date of mailing, the Obligee may utilize all or such portion of the cash escrow established as security for this guarantee plus accumulated interest thereon for the purpose of making the required contribution.

PRINCIPAL:

Address of Principal:

IRREVOCABLE LETTER OF CREDIT

The _____
(name of financial institution)

TO: The County Clerk of Menard County

We hereby authorize you to draw from our financial institution up to an aggregate amount of _____ (\$ _____) United States Dollars (amount of security required) from the account of _____ (name of owner, subdivider, developer, or principal) in connection with _____ (name of subdivision).

This Letter of Credit is available to you upon your presentation of a request for payment, accompanied by: a signed statement by the County Engineer that the owner has failed to pay for the public improvements proposed in _____ Subdivision in accordance with the County's Subdivision Code and the applicable Payment, Performance and Workmanship Bond dated the _____ day of _____, 20_____.

We hereby agree to honor each draft drawn under and in compliance with the terms of this letter, if and when duly presented at this office in _____, Illinois, until the expiration of the time period required by Code or until such later date as any written claim by the County against the owner or his (hers, its or their) financial institution is finally resolved.

By: _____

Its _____

ATTEST:

Its _____

CERTIFICATE OF COMPLIANCE OF THE DEVELOPER’S ENGINEER

STATE OF ILLINOIS)
)SS
COUNTY OF MENARD)

The undersigned represents and warrants to Menard County that all public improvements in _____ Subdivision have been installed to meet or exceed the requirements of the Code.

DATED: _____

Name of Illinois Registered
Professional Engineer preparing the
plat

ROAD COMMISSIONER CERTIFICATE

STATE OF ILLINOIS)
)SS
COUNTY OF MENARD)

I, _____, Road Commissioner of _____
District, Menard County, Illinois, do hereby certify that the land improvements under my
jurisdiction described in the annexed plat and the plans and specifications therefore meet
the minimum requirements of said Road District.

Dated at _____, Menard County, Illinois this _____
day of _____, 20_____.

Road Commissioner