

**SECTION 7
MISCELLANEOUS REQUIREMENTS
STATE PLANE COORDINATE SYSTEM ACT,
PLAT CERTIFICATES, TAX SEARCH AND WATER SYSTEM IMPROVEMENTS**

7-1 STATE PLANE COORDINATE SYSTEM ACT.

All plats of subdivision shall be submitted to the Village on 24" by 36" mylar for recording purposes. They shall also be submitted to the Village Engineer in electronic format on a 3 ½ " diskette or CD in DWG (autocad) format. All coordinates shall be based upon State Plane Coordinates and shall tie into the Lake in the Hills Survey Control Network. A list of monument locations can be obtained from the Public Works Department or the Village Engineer. Specific electronic layers are required and the Village Engineer should be contacted for more information before surveying and plat preparation takes place.

7-2 REQUIRED CERTIFICATES - FINAL PLAT.

7-2-1 CERTIFICATE INDICATING APPROVAL BY PLANNING AND ZONING COMMISSION.

The final plat must be approved by the Planning and Zoning Commission. A certificate indicating such approval, to be signed by the Chairman, shall be placed on the plat. The following wording shall be used:

Approved by the Planning and Zoning Commission of the Village of Lake in the Hills this
____ day of _____, A.D._____.

(signature)
Chairperson

7-2-2 DEVELOPER DONATION TO SCHOOL DISTRICTS.

In accordance with Section 6 of the Lake in the Hills Subdivision Control Ordinance, a developer is required to make a land donation (or cash donation in lieu thereof) to the school district in which the proposed subdivision is located. When payment or dedication of land is made to the school district, a document evidencing the donation shall be countersigned by the Regional Superintendent of Schools and recorded with the Recorder. A certificate referencing the signed agreement shall be placed on the Final Plat. The following wording is suggested:

In accordance with Section 6 of the Lake in the Hills Subdivision Control Ordinance a land donation (or cash contribution in lieu of land) has been made. A letter (or signed agreement) confirming this donation, signed by the Superintendent of each school district serving the

subject property and acknowledged by the Regional Superintendent of Schools has been recorded as Document # _____ in the Recorder's Office.

7-2-3 OWNER'S CERTIFICATE AND NOTARY CERTIFICATE.

A certificate shall be placed on the Final Plat indicating the ownership of the land being subdivided. A notary certificate shall be placed beneath the owner's certificate in witness of the owner's signature. The following general wording of these two certificates is suggested:

OWNER'S CERTIFICATE

STATE OF ILLINOIS)
) SS
COUNTY OF McHENRY)

This is to certify that the undersigned, (list names), is [are] the legal owner[s] of the land described on the plat hereon drawn and shown hereon as subdivided; that he [they] has [have] caused said land to be surveyed, subdivided, staked and platted as shown hereon, for the purpose of having this plat recorded as provided by law.

In witness where I [we] have hereunder set my [our] hand[s] of Seal[s] this ___ day of _____ A.D. _____.

_____ (Seal)
_____ (Seal)

NOTARY CERTIFICATE

STATE OF ILLINOIS)
) SS
COUNTY OF McHENRY)

I, the undersigned, a Notary Public in and for the county and state aforesaid, do hereby certify that _____ of _____ personally known to me to be the same person or persons whose name or names are subscribed to the foregoing instrument as, _____ respectively appeared before me this day in person and acknowledged that they signed and delivered the said instrument as their own free and voluntary act of said company for the uses and purposes therein set forth and said secretary did also then and there acknowledge that he or she as custodian of the corporate seal of said company did affix the said corporate seal of said company to the said instrument as his or her own free voluntary act, and as the free and voluntary act of said company for the uses and purposes set forth.

Given under my hand and notarial seal, this _____ day of
_____ A.D. _____.

(SEAL)

Notary Public

7-2-5 CERTIFICATE REGARDING FLOOD HAZARD.

In accordance with the Recorder's Act (55 ILCS 5/3-5001 et seq.) the surveyor shall determine if any part of the proposed subdivision lies within a flood hazard area as identified by the Federal Emergency Management Agency. An appropriate certificate shall be placed on the Plat and signed by the surveyor. The following wording is suggested, depending on which situation exists.

I certify that none of the above described property is located in a flood hazard area as identified by the Federal Emergency Management Agency.

(signature)
Illinois Professional Land Surveyor

OR

I certify that none of the above described property is located in a flood hazard area as identified by the Federal Emergency Management Agency except as indicated.

(signature)
Illinois Professional Land Surveyor

NOTE: Refer to Section 7-3-13, for additional information and the wording of a special certificate which is required if the subdivision borders or includes any public waters.

7-2-6 McHENRY COUNTY HEALTH DEPARTMENT CERTIFICATE.

The Plat Act, as amended January 1, 1988, requires the local health department, if one exists, to sign a plat with respect to sewage disposal systems if any part of the platted land will not be a public sewer system. The following wording is suggested:

No public sewer system exists to serve this subdivision. Septic system suitability has been determined for all platted lots in accordance with the pertinent sections of the McHenry County Subdivision Ordinance.

(signature)
Public Health Administrator

7-2-13 STATE OF ILLINOIS CERTIFICATE.

In accordance with an Act in Relation to Regulation of Rivers, Lakes and Streams (615 ILCS 5/7), if a subdivision borders upon or includes any public waters in which the State of Illinois has any property rights or property interests, it must have a boundary line indicated between the private interests and the public interests.

The proposed boundary line must be reviewed and approved by the Illinois Department of Transportation, Division of Water Resources.

STATE OF ILLINOIS CERTIFICATE

STATE OF ILLINOIS)
) SS
COUNTY OF MCHENRY)

Approved by the Department of Transportation of the State of Illinois insofar as this subdivision plat, showing lands bordering upon or including public waters of the State of Illinois, relates to the provisions of Section 7 of "An Act in Relation to the Regulation of Rivers, Lakes, and Streams of the State of Illinois" approved June 10, 1911, as amended, requiring review and approval by said Department as to the boundary line between private interests and public interests.

Dated at Springfield, Illinois, this ___ day of _____ A.D._____.

Approval recommended: _____
Director, Division of Water Resources

State of Illinois, by its Department of Transportation

By:
Secretary

7-2-14 SANITARY DISTRICT ENGINEER'S CERTIFICATE.

A certificate shall be placed on the Final Plat to indicate the approval of the Sanitary District Engineer. The following wording is suggested:

STATE OF ILLINOIS)
) SS
COUNTY OF MCHENRY)

My signature, as District Engineer for the Lake in the Hills Sanitary District, certifies that this plat meets all the requirements of District ordinances. Approved this ____ day of _____, (year).

District Engineer

7-2-15 SANITARY DISTRICT BOARD OF TRUSTEE'S CERTIFICATE.

A certificate shall be provided to indicate approval of the Final Plat by the Board of Trustees. Space for the signature of the Board of Trustees, President and the Clerk shall be provided. The following wording is suggested:

STATE OF ILLINOIS)
) SS
COUNTY OF MCHENRY)

The plat and dedications shown hereon are hereby approved by the Lake in the Hills Sanitary District, McHenry County, Illinois, at a meeting held on the ____ day of _____, (year).

District President

Attest:

District Clerk

7-2-16 UTILITY EASEMENT PROVISIONS.

An easement is hereby reserved for and granted to (list appropriate utility companies and municipal entities) and their respective successors and assigns, within the strips of ground, as shown by dashed lines on the plat, the widths of which are shown, and marked "easement." To install, lay, construct, renew, operate and maintain drainage, underground conduits and cables, sewers and water mains with all necessary manholes, water valves, and other equipment for the purpose of serving the subdivision and other property with telephone, electric, natural, gas, cable television, water and sanitary sewer service; the right to enter upon the lots at all times to install, lay, construct, renew, operate and maintain within said easement area said conduits, cables, manholes, water valves and other equipment; and finally the right is here by granted to cut down and remove or trim and keep trimmed any trees, shrubs, or saplings that interfere or threaten to interfere with any of the said public utility equipment. All installations shall be underground or on the surface, but not overhead. It is further understood the above easements shall be non-exclusive.

No permanent buildings or other structures shall be placed in the easements, but owners of lots in this subdivision shall take their titles subject to the rights of the public utilities and to the owners of other lots in this subdivision.

Side Yard Drainage Easement Provisions

An easement is hereby reserved and granted to the Village of Lake in the Hills and _____ to install and maintain, as needed, the side yard areas between buildings to insure proper slopes and drainage.

7-2-17 SURFACE WATER STATEMENT.

A certificate shall be provided on both the Final Plat and Final Engineering Plans to indicate that the drainage of surface waters will not be changed by the construction of the subdivision. The following wording is suggested:

SURFACE WATER STATEMENT

STATE OF ILLINOIS)
) SS
COUNTY OF MCHENRY)

TO THE BEST OF OUR KNOWLEDGE AND BELIEF, THE DRAINAGE OF SURFACE WATERS WILL NOT BE CHANGED BY THE CONSTRUCTION OF

SUCH SUBDIVISION OR ANY PART THEREOF, OR, THAT IF SUCH SURFACE WATER DRAINAGE WILL BE CHANGED, REASONABLE PROVISIONS HAVE BEEN MADE FOR THE COLLECTION AND DISCHARGE OF SURFACE WATERS INTO PUBLIC OR PRIVATE AREAS AND/OR DRAINS WHICH THE SUBDIVIDER HAS A RIGHT TO USE, AND THAT SUCH SURFACE WATERS WILL BE PLANNED FOR IN ACCORDANCE WITH GENERALLY ACCEPTED ENGINEERING PRACTICES SO AS TO REDUCE THE LIKELIHOOD OF SUBSTANTIVE DAMAGE TO THE ADJOINING PROPERTY BECAUSE OF THE CONSTRUCTION OF THE SUBDIVISION.

DATED THIS _____ DAY OF _____, A.D. _____.

ENGINEER

OWNER OR ATTORNEY

7-2-18 OTHER REQUIREMENTS.

- A. Any plat that is presented for recording must have a letter from the surveyor naming the particular subdivision and the person designated by the Director of Community Development to record the Final Plat. The letter must be dated and bear the signature and seal of the land surveyor who prepared the Final Plat. The Final Plat shall also have a statement indicating "This Plat Presented By" and give the name and the address of the person designated hereinabove.
- B. The Final Plat shall have a listing of all taxing districts applicable to the subdivision.
- C. Only the original linen or mylar shall be recorded.
- D. The Final Plat shall also state any covenants, easements, conditions or restrictions applicable to the subdivision. The name of the document and recordation number shall be printed on the plat.
- E. The Village Engineer may also require additional wording, certificates or other information be contained on the Final Plat.
- F. The developer's land surveyor shall create and cause to be recorded any monument records required by State law. A copy of the recorded monument record shall be forwarded to the Village Engineer.

7-3 TAX SEARCH.

Before a Final Plat may be submitted to the Board of Trustees, the owner shall make all payments of any and all taxes and special assessments levied against the property being platted by him. In vacating subdivisions previously platted, the petitioner shall submit evidence of the payment of all taxes and special assessments levied against the property in the same manner as is required for subdividing.

7-4 LAND DEVELOPMENT SCHEDULE. *Ordinances 1994-95-61, 72*

- A. As part of the tentative and final plat approval process, a development schedule shall be presented indicating the proposed number, type (single family attached, detached, apartments, or condominiums), number of bedrooms and size in square feet of residential units to be constructed in each calendar year, and the total number of calendar years proposed for completion of the development. The developer will provide an annual update to the development schedule not later than the anniversary date of the final plat.
1. For subdivisions, resubdivisions or planned unit developments consisting exclusively of detached residential units from 2,100 to 2,800 square feet in size (as defined in the Zoning Code) not more than 20 percent of the total number of residential units shall be approved for development nor issued building permits in any calendar year; and
 2. For subdivisions, resubdivisions or planned unit developments consisting exclusively of detached residential units of less than 2,100 square feet in size (as defined in the Zoning Code) not more than 15 percent of the total number of residential units shall be approved for development nor issued building permits in any calendar years; and
 3. For subdivisions, resubdivisions or planned unit developments consisting exclusively of multiple family dwelling units, not more than 10 percent of the total number of dwelling units shall be approved for development nor issued building permits in any calendar year.

Variations from these limitations shall not be allowed unless at the time of the final plat review process, the applicant has submitted clear and convincing proof to the Planning and Zoning Commission and Board of Trustees that an accelerated development schedule is warranted.

These buildout limitations shall not apply to subdivisions or planned unit developments consisting exclusively of houses of 2,800 square feet or more in size as defined in the Zoning Code.

- B. The Planning and Zoning Commission and the Board of Trustees may approve an accelerated schedule upon finding that such schedule will promote the development and growth management goals of the Village. In evaluating the applicant's request for an increase in the annual percentage of residential units allowed to be built in any given year, the Planning and Zoning Commission and Board of Trustees shall consider the following characteristics of the proposed subdivision, resubdivision or planned unit development:
1. Its size and whether it will encourage in-filling within an established part of the community.
 2. Its impact upon the tax base of the affected units of local government.
 3. Whether it is proposed in conjunction with commercial and/or residential development.
 4. The timing of the completion of major and collector road networks and critical linkages in the street system.
 5. In-kind contributions or monies in lieu thereof which satisfy needed public facilities over and above those required by law.
 6. Accelerated dedication of school and park district sites and/or advance payment of school, park fire and other impact fees.
 7. Accelerated installation of road impact improvements or payment of fees in lieu thereof.
 8. Innovative architectural design, quality of exterior materials and creative use of landscaping within the subdivision, resubdivision or planned unit development.
 9. Other criteria or extraordinary amenities not listed above which may meet the development goals of the Village.
- C. As a part of the preliminary plat or preliminary planned unit development, the Planning and Zoning Commission and Board of Trustees may recommend approval of the percentage of increase, denial of the percentage of increase or adjustment to the percentage of increase requested by the applicant of the annual percentage of units allowed to be built in a given year. The final determination shall be made by the Planning and Zoning Commission and the Board of Trustees at the time of final plat or final planned unit development approval.

- D. Before the Board of Trustees makes any final determination which increases the total number of units buildable in a calendar year, the Village shall make a written findings setting forth the reason(s) for the increase and said finding and final determination shall be adopted by a vote of two-thirds (2/3) of the Board of Trustees then holding office.
- E. If, as part of an annexation agreement or amendment to an annexation agreement, the Board of Trustees approves a tentative plat or tentative planned unit development, the land development schedule approved by the Board of Trustees shall be incorporated into the annexation agreement.
- F. Once the Board of Trustees approve a land development schedule for a subdivision, resubdivision or planned unit development, it shall be transmitted to the Director of Community Development who shall monitor the building permits issued on a calendar year basis.

The Director of Community Development shall not issue a building permit in violation of the land development schedule adopted by the Board of Trustees and shall, in January of each year, report to the Board of Trustees the number of units built in each subdivision, resubdivision and/or planned unit development within the Village.

- G. Objections: All objections relating to the land development schedule requirements in this Section 7-5 shall be waived unless made prior to the approval of the final plat and shall first be referred to the Planning and Zoning Commission for hearing.
 - 1. Duties of the Planning and Zoning Commission: The Planning and Zoning Commission shall serve in an advisory capacity and shall have the following duties:
 - a. Advise and assist the Village in resolving objection regarding the application of this land development schedule.
 - b. The Board of Trustees shall adopt procedural rules to be used by the Planning and Zoning Commission in carrying out the duties imposed by this Section 7-5.
 - 2. The Village will cooperate with the Planning and Zoning Commission in fulfilling its duties herein. The Village shall make available to the Planning and Zoning Commission all professional reports relating to the land development schedule requirements. The Planning and Zoning Commission may also retain the services of professionals (attorneys,

appraisers, statisticians, etc.) to assist in the review of issues raised by any objection.

3. Procedure for resolving an objection:
 - a. Upon receipt of an objection, the Director of Community Development shall place the same on the next regular agenda of the Board of Trustees. Thereafter the Board of Trustees shall refer the objection to the Planning and Zoning Commission.
 - b. Within 60 days of receiving the objection, a hearing shall be conducted by the Planning and Zoning Commission.
 - c. The Planning and Zoning Commission shall provide public notice of the filing of the objection and the hearing date to consider the objection to the objector. Not less than 30 days before the hearing, the objector shall notify all units of government within the subject property (such as school district(s), park district(s), conservation district, fire district, sanitary district, township, etc.) by certified mail, return receipt requested.
 - d. The objector shall publish notice of the hearing date once each week for three consecutive weeks, at least 30 days before but no more than 60 days before the scheduled hearing date. Notice shall be published in a newspaper of general circulation within the corporate limits of the Village. The public hearing notice shall not appear in that part of the newspaper paper where legal notices or classified advertisements appear. The notice shall not be smaller than one-quarter page of standard size or tabloid-size newspaper.
 - e. The notice shall contain all of the following information:
 - I. The headline shall read: "NOTICE OF PUBLIC HEARING ON OBJECTION TO LAND DEVELOPMENT SCHEDULE."
 - II. The date, time and location of the public hearing.
 - III. A statement that the purpose of the hearing is to consider the objection to the land development schedule of the Lake in the Hills Subdivision Control Ordinance.
 - IV. A general and legal description of the property subject to

the land development schedule.

- V. A statement that the Village shall make available to the public, upon request, an easily understandable and detailed map of the service area or areas to which the land development schedule applies, and any other available information about the objection.
 - VI. A statement that any member of the public affected by the land development schedule shall have the right to appear at the public hearing and present evidence in support of or against the objection.
- f. In addition to the public notice requirement the objector shall send a notice of the public hearing date to any person who has requested the Village provide notice to them by certified mail at least 30 days before the public hearing date. The objector shall send the notice of the hearing date by certified mail, return receipt requested.
 - g. A public hearing shall be held for the consideration of the objection. Any unit of government located within the subject property shall be allowed to participate in such hearing as a party thereto to present evidence, cross-examine witnesses and make argument to the Planning and Zoning Commission regarding the issues raised in the objection. The Planning and Zoning shall make a recommendation to adopt, reject in whole or in part, or modify the objection presented at the hearing, by written report to the Board of Trustees within 60 days after the hearing has been adjourned.
 - h. The Board of Trustees shall then have at least 60, but no more than 120 days, to approve, disapprove or modify, by ordinance, the findings of the Planning and Zoning Commission as it pertains to the land development schedule in question.
- 4. **Costs and Fees:** The objector shall bear all costs of a hearing before the Planning and Zoning Commission including fees paid the Planning and Zoning Commission, publication costs, notice costs, professional consultants and any other expenses. Before a hearing date is set the objector shall deposit with the Clerk a \$10,000 escrow to cover these costs, which shall be replenished monthly by the objector after payment of any outstanding expenses incurred by the Village.

- H. All land development schedules imposed by this Section 7-5 shall be established at the time of final plat approval. However, the Village may agree to a different land development schedule.