

Ordinance No. 17-50

**AN ORDINANCE OF THE VILLAGE OF EAST DUNDEE, ILLINOIS, PROVIDING FOR THE ESTABLISHMENT OF ESCROW ACCOUNTS FOR DEVELOPMENT COSTS AND REIMBURSEMENT OF THE VILLAGE**

**WHEREAS**, the Village of East Dundee (the "*Village*") is a duly organized and validly existing home-rule municipality created in accordance with the Constitution of the State of Illinois of 1970 and the laws of the State; and,

**WHEREAS**, the Village desires to establish an escrow account for each development petition to reimburse the Village for staff costs and fees of planning consultants, engineers, attorneys, building officials, environmental consultants and other Village consultants including those costs expended by the Village for the development such as mailing, photocopying, telephone, publication, recording and other such expenses; and,

**WHEREAS**, the Village has determined that these development costs should be borne by the person filing a development petition rather than the taxpayers of the Village and therefore an escrow account shall be established by that petitioner to fund those costs.

**NOW, THEREFORE, BE IT ORDAINED**, by the President and Board of Trustees of the Village of East Dundee, Kane and Cook County, Illinois, as follows:

**Section 1:** That the Code of the Village of East Dundee, as amended, be and is hereby amended by adding a new Chapter 160 to Title XV, Land Usage, to read as follows:

**"CHAPTER 160:  
PROPERTY DEVELOPMENT COSTS**

**160.01 FINDINGS:**

- A. Certain costs are necessarily incurred by the Village in processing building permits, petitions for annexation, disconnections, rezoning, variances, planned unit developments, subdivisions, site plans and other land use matters (the development petition), including, but not limited to, staff costs and fees of planning consultants, engineers, attorneys, building officials, environmental consultants, and other consultants, as well as other expenses of the Village related to the development petition such as mailing, photocopying, telephone, publication, recording and other out of pocket costs (collectively "development costs").
- B. The village board has determined that development costs should be borne by the person filing a development petition ("petitioner") rather than the taxpayers of the village.

**160.02 TRUST AND AGENCY ACCOUNT:**

The Village shall establish a trust and agency account (also known as an escrow account): a) for the purpose of accounting for development costs and reimbursement for such costs with subaccounts for each separate petitioner; and b) for the purpose of accounting for other deposits being held in trust from time to time. Such trust and agency accounts shall be

subject to audit as in the case of all other accounts and funds of the Village but shall not be part of the budget process of the Village.

**160.03 DEPOSIT REQUIREMENTS:**

- A. Initial Deposit: Whenever the Village is asked to consider a development petition and it is estimated by the Village Administrator or designee that the development costs shall exceed one thousand dollars (\$1,000.00), the Village Administrator or designee shall prior to the time when the Village incurs any expense for staff or consultants establish the initial deposit and a minimum balance in the trust and agency account of the Village (the "initial deposit"). Before any expenses for consultant and out of pocket costs are incurred by the Village, the petitioner shall pay to the Village's Finance Director the amount of such initial deposit.
- B. Second and Subsequent Deposits: The Petitioner is responsible for maintaining the minimum balance in the trust and agency account as established by the Village Administrator or designee at time of initial deposit.
- C. Failure To Make Deposits: In the event that the Petitioner fails to promptly make the required payments of the initial deposit, the second deposit or any subsequent deposit, the Village may advise all consultants to the Village to cease performing any services and incurring any costs relative to the development petition, and the Village may postpone or cancel any scheduled hearings, meetings or considerations of the pending development petition.
- D. Waiving Fees: The Village Administrator shall have the right to waive staff cost or other costs if by doing so it benefits the Village.

**160.04 INVOICES:**

Copies of all invoices submitted to the Village by its consultants shall be provided to the petitioner. Any questions as to such invoices must be raised by the petitioner within fourteen (14) days after transmittal of the invoices to the petitioner, and in the absence of such questions within such time, the invoices shall be conclusively deemed acceptable to the petitioner.

**160.05 REFUNDS:**

Whenever it appears that there will not be further development costs incurred relative to a petitioner, the balance in such petitioner's trust and agency account will be refunded to the petitioner within 30 days.

**160.06 COPY OF PROVISIONS TO PETITIONER:**

At the time that the amount of initial deposit is established, the petitioner shall be provided with a copy of this chapter and shall deliver to the Village a signed statement acknowledging receipt of a copy of this chapter and agreeing to make the required deposits."

Section 2: That this ordinance shall be in full force and effect from and after its passage and approval according to law.

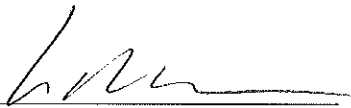
PASSED this 2<sup>nd</sup> day of Oct, 2017, pursuant to a roll call vote as follows:

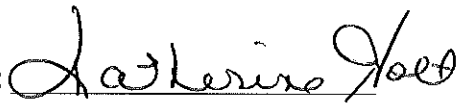
AYES: Trustees Lynam, Selep, Wood, Hall, Mahony and Andrese,

NAYS: 0

ABSENT: 0

APPROVED this 2<sup>nd</sup> day of Oct, 2017

  
Village President

Attest:   
Village Clerk