

RESOLUTION NO. 18-13

RESOLUTION AUTHORIZING AGREEMENT FOR MODIFICATION
OF STORM WATER DETENTION FACILITY

WHEREAS, GARY R. SIDELL and GLORIA J. SIDELL have requested that the Village approve the modification of a storm water detention facility.

NOW, THEREFORE, BE IT RESOLVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF MORTON, Tazewell County, Illinois, as follows:

1. That the Agreement for Modification of Storm Water Detention Facilities, in the form and substance as attached, together with the planned improvement Site Plan and Basin Improvement Details is approved and the Director of Public Works is authorized to execute same.

BE IT FURTHER RESOLVED that this resolution shall be in full force and effect upon its passage and approval.

PASSED AND APPROVED at a regular meeting of the President and Board of Trustees of the Village of Morton, Tazewell County, Illinois, this 3rd day of February, 2014; and upon roll call the vote was as follows:

AYES: Belsley, Daab, Heer, Hermann, Kaufman, Newhouse

NAYS: None

ABSENT: None

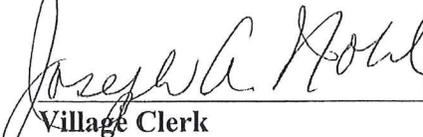
ABSTAINING: None

APPROVED this 3rd day of February, 2014.



President

ATTEST:



Village Clerk



DOCUMENT PREPARED BY:

**Thomas E. Davies, P.C.
1600 S 4th Ave, Suite 137
Morton, IL 61550-3407
(309) 266-6211**

PLEASE RETURN TO:

**Thomas E. Davies, P.C.
1600 S 4th Ave, Suite 137
Morton, IL 61550-3407**

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**AGREEMENT FOR MODIFICATION OF
STORM WATER DETENTION FACILITIES**

THIS AGREEMENT is made and entered into between the Village of Morton, an Illinois municipal corporation ("MORTON") and GARY R. SIDELL and GLORIA J. SIDELL ("SIDELL").

WHEREAS, SIDELL owns the following described property:

Lot 81 in Cambridge Subdivision Section IV, a Subdivision in the Southwest Quarter of Section 15, Township 25 North, Range 3 West of the Third Principal Meridian, Tazewell County, Illinois.

PIN: 06-06-15-303-034

Common Address: 521 N. Rhode Island Avenue, Morton, Illinois;

and

WHEREAS, a storm water detention facility presently exists and a dedicated easement on Lot 81 and also Lots 79 and 80 in Cambridge IV Subdivision which has previously been approved by MORTON; and

WHEREAS, SIDELL has submitted a plan by Christopher Burke Engineering, Inc. to modify the storm water detention area contained in the back yard of Lots 80 and 81, which is commonly known as 521 N. Rhode Island Avenue, Morton, Illinois.

NOW, THEREFORE, BE IT AGREED AS FOLLOWS:

1. That the plan submitted by Christopher Burke Engineering, Inc. is approved by MORTON.

2. That SIDELL shall build the modification to the plan in exact conformance with the approved plan at the sole cost of SIDELL. Upon completion of the construction, the modification must be certified by a registered professional engineer and approved by MORTON.

3. SIDELL understands that since the existing storm water detention facility does not require any maintenance by MORTON, SIDELL and all successor owners of Lot 81, Cambridge IV Subdivision, shall be responsible for maintenance of the modified detention facility. The owner of Lot 81 shall be responsible for the maintenance and replacement if necessary of all pipe and structures associated with the modification. Maintenance shall also mean that pipes and structures are maintained in a manner so that there is no interruption of the flow of any storm water. Maintenance shall be to the satisfaction of MORTON.

4. Since there is only approximately one foot of earth cover over the pipe installed in the easement, only above ground improvements are allowed in the easement. Lawn and gardens are acceptable, but no trees or shrubs can be planted in the easement. Above ground improvements not requiring any ground penetration are allowed. All such improvements must comply with Village ordinance and are subject to building permit regulations and requirements.

5. The obligation on the owner of Lot 81, Cambridge IV Subdivision is a covenant intended to run with the property.

6. In the event it is necessary for MORTON to incur any expense to secure enforcement of the obligation of the owner of Lot 81 to properly maintain and/or replace pipe and structures as required by this Agreement, then the owner of Lot 81 shall be responsible for all reasonable costs of enforcement, including attorney fees incurred by MORTON. Before such costs are incurred by MORTON, it shall be given written notice to the owner of Lot 81 and allow the owner ten (10) days to cure any violation of the Agreement.

Executed on _____, 2014.

VILLAGE OF MORTON, an Illinois
Municipal Corporation

By: _____
Director of Public Works

GARY R. SIDELL

GLORIA J. SIDELL

