

Hillcrest shall pay each statement within thirty (30) days of receipt, provided that Hillcrest receives the statement at least 10 days prior to Hillcrest's regular Village Board Meeting. Any late payment by Hillcrest to Rochelle shall be assessed a late penalty charge consistent with Rochelle late penalty charges as from time to time adopted by Rochelle for its residents. All records of both Rochelle and Hillcrest shall be made available to either party, any State Agency and any Federal Agency at all times upon request. Rochelle shall have a lien on the Hillcrest System for any charges and fees due Rochelle from Hillcrest for the services herein provided.

7. Compliance with Laws Regarding User Charges. Rochelle and Hillcrest each agree to comply with all applicable State Agency and Federal Agency statutes and regulations pertaining to the imposition of fair and equitable user charges concerning the cost of construction and for the operation and maintenance of the POTW. In the event there are no such statutes or regulations applicable to equitable user charges, then Rochelle and Hillcrest agree that such user charges shall not be arbitrary or capricious.

8. Review of Plan and Permit Applications. Subject to Article II, Section 1, upon request from Hillcrest, Rochelle will promptly review proposed development and engineering plans and IEPA permit applications for new construction, as they relate to sewers. The charges for such services shall be based on Rochelle's current hourly labor rates.

## **ARTICLE VIII General Conditions**

1. Rochelle Right to Inspect and Review. Rochelle, or any of its duly authorized employees, upon reasonable written notice first given to Hillcrest, shall be permitted to inspect the Hillcrest System and the facilities of its users to ensure that they are being operated in compliance with the standards of State and Federal Agencies. The names of those persons so authorized by Rochelle to conduct the inspection shall be set forth in the notice.

2. Hillcrest Ordinance. Hillcrest shall require as a condition of wastewater service to a user that the construction, materials, and inspection of construction for all wastewater connections to the Hillcrest System be inspected to minimize inflow and infiltration. Hillcrest shall adopt and enforce such ordinances necessary to prohibit the future introduction of surface and groundwater and unpermitted solid or hazardous waste to the Hillcrest System.

## **ARTICLE IX School Impact & Transition Fees**

1. Intent. Rochelle and Hillcrest each acknowledge and agree that it is in their mutual best interest to standardize and make uniform their school impact fees and transition fees to prevent any deleterious impact upon the various school districts that service the

Rochelle and Hillcrest communities. The Parties hereby agree to the following in furtherance of their mutual interests:

2. Impact Fee Ordinance. Within 120 days after the date of this Agreement, Hillcrest shall enact an ordinance imposing school impact fees on new residential developments to be located within Hillcrest, in form and substance substantially identical to Article V, Secs. 86-231 et seq., of the Rochelle Municipal Code, a copy of which is attached hereto as Exhibit I.
3. Transition Fee Resolution. Within 120 days after the date of this Agreement, Hillcrest shall adopt a resolution governing the requirement of transition fees in any annexation agreement for new developments to be located within Hillcrest, in form and substance substantially identical with Resolution R06-18 of the City of Rochelle, a copy of which is attached hereto as Exhibit J.
4. The Burke Farm Development Agreement. Within 120 days after the date of this Agreement, Hillcrest shall take all steps necessary to amend that certain development agreement by and between Hillcrest and Burke Farm, LLC and dated August 30, 2007 ("the Development Agreement"). The amended Development Agreement shall require Burke Farm, LLC, and/or its successors and assigns, to pay school impact and transition fees in accordance with the fee schedule attached hereto as Exhibit E.
5. Fee Modifications. Rochelle may modify, reduce, or alter the school impact and transition fees it applies to new residential developments at any time. At any time, Hillcrest may elect, in its sole discretion, to adopt any modification, reduction, or alteration that Rochelle makes to its school impact and transition fees for any reason. Provided, however, that Hillcrest shall be obligated to adopt the school impact and transition fees applied by Rochelle to new residential developments at five (5) year intervals following the enactment of the ordinance described above in Section 2 of this Article IX and the adoption of the resolution described in Section 3 of this Article IX.
6. Remedies; Third-Party Beneficiaries. In the event Hillcrest should fail to impose school impact fees, or contract for and collect transition fees, on any development, in violation of the terms of this Agreement, any school district which is damaged by said violation shall have the right to sue Hillcrest to enforce the terms of this Article by any legal or equitable remedy available to them, and to recover their costs, including reasonable attorney's fees, and the parties agree that said school districts shall be third party beneficiaries of this Agreement for that purpose.

## **ARTICLE X**

### **Default**

If either Hillcrest or Rochelle shall default in the performance of any of their respective obligations under this Agreement and if such default shall continue for forty-five (45) days after written notice hereof from the non-defaulting party specifying in what manner the other party has defaulted (except that if such default cannot be cured within the

# VILLAGE OF HILLCREST

## EXHIBIT E SCHOOL IMPACT/TRANSITION FEE SCHEDULE FOR DEVELOPMENT CONSTRUCTED UNDER THE AUGUST 30, 2007 DEVELOPMENT AGREEMENT

AN AGREEMENT FOR WASTEWATER CONVEYANCE AND  
TREATMENT BETWEEN THE CITY OF ROCHELLE, ILLINOIS AND  
THE VILLAGE OF HILLCREST, ILLINOIS

	Units <sup>1</sup> #1- #250	Units <sup>1</sup> #251- #600
Dwelling Units		
Single Family Detached Dwelling Units <sup>3</sup>	\$3,250.00	\$3,679.28
Attached Single Family	\$0.00	\$0.00
1 Bedroom	\$1,619.10	\$ 1,832.96
2 Bedroom	\$2,059.10	\$ 2,331.08
3 Bedroom		
Apartments	\$0.00	\$0.00
Efficiency	\$ 1,116.03	\$ 1,263.44
1 Bedroom	\$ 1,622.07	\$ 1,836.32
2 Bedroom	\$ 2,519.14	\$ 2,851.88
3 Bedroom		

1. The school impact/transition fees in the first column apply to the first 250 dwelling units that will be constructed in Hillcrest under the agreement between Hillcrest and Burke Farm, LLC dated August 30, 2007 (the "Development Agreement"). The impact/transition fees in the second column apply to the 251st through the 600th dwelling units constructed under the Development Agreement.

2. The 601st dwelling unit and following, built under the Development Agreement, shall pay combined school impact and transition fees, which shall be equal to those adopted by Hillcrest in the Ordinance and Resolution described in Article IX Sections 2 and 3 of this Agreement, and which shall not be increased at intervals more frequent than five years.

3. These School impact/transition fees for single family detached homes applies to all homes of this type independent of actual number of bedrooms, whether fewer or more than three bedrooms.

EXHIBIT I

Ordinance Governing the Requirement of School Impact Fees  
Article V, Secs. 86-231 et seq., of the Rochelle Municipal Code

- (2) Proposed contours of developed areas with spot elevations at the corners of each lot and building first floor elevation;
  - (3) Drainage patterns of each lot with outlet for all surface water;
  - (4) Finish grade of lot (at foundation) shall not exceed 18 inches above the curb, not less than 12 inches above the top of the curb;
  - (5) Storm sewer system must be designed to properly handle all runoff. The subdivider's engineer must submit calculations;
  - (6) Retention and/or detention requirements. Overflow, outfall, allowable discharge control and bottom treatment must be included with the plans.
- (Code 1996, § 16.44.060)

**Sec. 86-207. Landscaping.**

A landscaping plan shall be delivered on the same date and be on the same review schedule as the engineering plans.  
(Code 1996, § 16.44.070)

**Sec. 86-208. Lands for parks and schools.**

The planning and zoning commission may make recommendations to the city council concerning criteria for lands to be provided for parks and schools.  
(Code 1996, § 16.44.080; Ord. No. 08-3676, § 2 (Exh. B), 5-12-2008)

~~Secs. 86-209 - 86-230. Reserved.~~

**ARTICLE V. DEDICATION OF SCHOOL SITES AND PARK LANDS; PAYMENT OF FEES IN LIEU THEREOF**

**Sec. 86-231. Final plat approval.**

As a condition of approval of a final plat of subdivision, or of a final plat of a planned unit development, each subdivider or developer shall be required to dedicate land for school sites and park and recreation purposes to serve the immediate and future needs of the residents of the development, a cash contribution in lieu of actual

land dedication, or a combination of both, at the option of the city with advice from the Community Consolidated School District 231 ("elementary school district"), or the township High School District 212 ("high school district"), or the King's Consolidated School District 144 (King's School District) or the Flagg-Rochelle Community Park District ("park district"), or all together as appropriate (the elementary school district, the high school district, the King's School district, and the park district being collectively referred to herein as "the benefiting districts" and individually as the "benefiting district"), in accordance with this article.  
(Ord. No. 04-3263, § 16.50.010, 12-27-2004; Ord. No. 05-3341, 8-8-2005)

**Sec. 86-232. Criteria for requiring school site dedication.**

(a) *Student to land ratio.*

- (1) The ultimate number of students to be generated by a subdivision or planned unit development shall bear directly upon the amount of land required to be dedicated for school sites. The land dedication requirement for school sites shall be calculated as follows:

Estimated number of stu- dents per school classifi- cation	×	Minimum number if acres per school classifi- cation	=	School acreage required
Maximum number of students per school classification				

- (2) The term "estimated number of students per school classification" shall mean the number of students for each school classification and type of unit as shown in the table included in section 86-241. For purposes of the calculation in subsection (a)(1) of this section, it shall be assumed that each single-family detached dwelling unit will have three bedrooms, and that each single-family attached dwelling unit and each apartment will have two bedrooms.
- (3) The terms "minimum number of acres per school classification" and "maximum num-

ber of students per school classification" shall be determined in accordance with the table included in subsection (b) of this section.

ing unit shown on the table included in section 86-241, for each type of unit, by the estimated number of such unit types

- (4) Cash in lieu of land contributions is governed by section 86-237.

(b) *School classification and site size.* Classifications and size of school sites within the city shall be determined in accordance with the following criteria.

<i>Classification by Grade Group</i>	<i>Maximum Number of Students for Each Such School Classification</i>	<i>Minimum Acres of Land per Student Population</i>
Elementary, grades K—5	400	12
Middle school, grades 6—8 (served by elementary school district)	600	30
High school, grades 9—12	1,000	50

(Ord. No. 04-3263, § 16.50.020, 12-27-2004)

**Sec. 86-233. Criteria for requiring park and recreation land dedication.**

(a) *Requirement and population ratio.*

- (1) The ultimate density of a proposed development bears directly upon the amount of land required for dedication for park and recreation sites. The land dedication requirement for park and recreation sites shall be calculated as follows:

$$\begin{array}{rcl}
 \text{Sum of populations for all dwelling units} & \times & \text{Eight acres} \\
 \hline
 1,000 \text{ population} & = & \text{Park acreage required}
 \end{array}$$

- (2) The term "sum of populations for all dwelling units" shall be determined by multiplying the estimated population per dwell-

in the development, and then totaling the figures for each unit type. For purposes of the calculation in subsection (a)(1) of this section, it shall be assumed that each single-family detached dwelling unit will have three bedrooms, and that each single-family attached dwelling unit and each apartment will have two bedrooms.

- (3) The ratio of eight acres per 1,000 calculation, as used in the calculation in subsection (a)(1) of this section, was approved by the park district board of the park district on April 26, 2004. The breakdown of the eight acres per 1,000 calculation of three acres for play lot and neighborhood parks ("neighborhood type") and five acres for community-type parks and park lands are set out in the Flagg-Rochelle Community Park District Master Plan 2002—2007.
- (4) Cash in lieu of land contributions is governed by section 86-237.

(b) *Credit for private open spaces and recreation areas.* When subdividers or developers provide their own open space for recreation areas and facilities, it has the effect of reducing the demand for local public recreational services. Depending on the size of the development, a portion of the park and recreation area in subdivisions or planned unit developments may, at the option of the city council, be provided in the form of private open space in lieu of dedicated public open space. The extent of the same shall be determined by the city council, based upon the needs of the projected residents and in conformance to the total park and recreation land for the general area. In general, a substitution of private open space for dedicated parks will imply a substantially higher degree of improvement and the installation of recreational facilities, including equipment by the developer as part of the developer's obligation. Detailed plans of such areas, including specifications of facilities to be installed, must be approved by the city, and before any credit is given for private recreation areas, the subdivider or developer must guarantee, by the execution of the appropriate legal documents, that these private recreation areas will be permanently maintained for such use. Private swimming clubs are included in this provision. When an adjustment for

private recreation areas is warranted, it will be necessary to compute the total park land dedication that would have been required from the subdivision or planned unit development and then subtract the credit to be given.

(Ord. No. 04-3263, § 16.50.030, 12-27-2004)

#### Sec. 86-234. Population density.

The estimated population generated by a development shall be determined by application of the population density table as set out in section 86-241. This population density table is generally indicative of current and short-range projected trends in family size for new construction. The populations listed in said table shall be used for all calculations required by this division unless a written objection is filed by the subdivider or developer with the city clerk and the senior administrator of each benefiting district prior to approval of the final plat. If a written objection is filed, the subdivider or developer shall file a demographic study showing the estimated additional student population to be generated from the subdivision or planned unit development. The final determination of the population density to be used in the calculations shall be made by the city council based upon the demographic information submitted by the subdivider or developer and upon such other demographic information as may be submitted by the benefiting districts or others. (Ord. No. 04-3263, § 16.50.040, 12-27-2004)

#### Sec. 86-235. Location of sites.

Sites dedicated pursuant to this division shall be located in accordance with plans and standards adopted by the city with advice from the benefiting district.

- (1) *School sites.* School sites dedicated pursuant to this division shall be located in accordance with plans and standards adopted by the city with advice from the appropriate school district.
- (2) *Park sites.* Unless otherwise waived, lands to be dedicated to any applicable park district shall conform to the park district master plan, as then in effect and adopted by the applicable park district, as a guideline in determining the general location of

park sites. Generally, neighborhood park sites should be accessible to the public and serve a population within a one-half to one mile radius from the site, depending on the classification of the park. Park sites should be located in conjunction with and adjacent to school sites whenever possible and desirable. Community parks are intended to serve a broader area and should offer a greater variety of facilities and activities.

(Ord. No. 04-3263, § 16.50.050, 12-27-2004)

#### Sec. 86-236. Conveyance of site.

Any lands to be conveyed as a site pursuant to this article shall be conveyed to the appropriate benefiting district within 30 days of the recording of the final plat. The conveyance shall be in accordance with the following criteria:

- (1) *Title to site.* All sites shall be conveyed to the appropriate benefiting district either by warranty or trustee's deed. The subdivider or developer shall be responsible for conveying good, merchantable title, free of encumbrances, unless the encumbrances are waived by the benefiting district. The conveyance shall be accompanied by a commitment for title insurance issued by a reputable title insurance company licensed to do business in the state. The subdivider or developer shall be responsible for the payment of all real estate taxes to the date of conveyance.
- (2) *Topography, grading and general suitability.* The slope, topography and geology of the dedicated site, as well as its immediate surroundings, must be suitable for its intended purpose. The site must be free of environmental and archaeological concerns.
- (3) *Site improvements.* All sites shall be dedicated in a condition ready for full service of electrical, water, sewer, drainage and streets as applicable to the location of the site, or acceptable provision made therefor.
- (4) *Sale of land.* When, in the opinion of the benefiting district, any parcel of land conveyed pursuant to this article becomes unnecessary, unsuitable, or inconvenient for the uses of the benefiting district, such parcel may be sold as provided by applicable law. The proceeds of such sale shall be used in a manner consistent with the purposes of this division.
- (5) *Park area.* The minimum area of any parcel of land to be conveyed pursuant to this article for a park site or for recreational purposes shall be one acre.
- (6) *Stormwater and surface water detention and retention areas.* Dedications of stormwater and surface water detention and retention areas will be accepted at the discretion of the applicable park district and will not count towards the total land area to be conveyed.
- (7) *Wetlands and other natural areas.* Dedication of wetland areas and other natural areas will be accepted at the discretion of the applicable park district, and acceptance by the applicable park district of such areas shall not count towards the total land area to be conveyed.
- (8) *Dimensions of sites.* Generally, any parcel of land to be dedicated and conveyed to an applicable park district for a park site should be rectangular in shape with dimensions proportionate to the ratio of depth of three to a width of two. These criteria shall not apply to sites contemplated for extraordinary types of facilities such as, but not limited to, trails and shoreline frontage.
- (9) *Frontage.* Generally, any parcel of land to be dedicated and conveyed to an applicable park district shall have 30 feet of street frontage per acre with a minimum of 150 feet of street frontage.
- (10) *Seeding of sites.* Any parcel of land to be dedicated and conveyed to an applicable park district shall be seeded by the developer in its entirety with a blend approved by the applicable park district. Seeding shall include placement, watering, as necessary, and mowing until such time as a

full stand of turf is established and accepted by the applicable park district, but not less than one full growing season.

- (11) *Building permit.* Building permits shall not be issued to the developer until the required conveyances in accordance with this article have been made.

(Ord. No. 04-3263, § 16.50.060, 12-27-2004)

**Sec. 86-237. Criteria for requiring a cash contribution in lieu of school and park sites.**

When the development is small and the resulting site is too small to be practical or when the available land is inappropriate for a park or school site, as recommended by the park or school district, the city shall require the subdivider or developer to pay cash contributions in lieu of the land dedication required. The term "fair market value (FMV) per acre" shall mean the amount determined pursuant to subsection (3) of this section.

(1) *School's cash contribution in lieu of land.*

- a. The cash contribution for school sites shall be calculated as follows:

$$\begin{array}{rcl} \text{School acreage} & \times & \text{FMV per acre} \\ \text{required} & & \\ & = & \text{Cash contribu-} \\ & & \text{tion required} \\ & & \text{(schools)} \end{array}$$

- b. The term "school acreage required" shall mean the acreage determined pursuant to section 86-232(a).

(2) *Park's cash contribution in lieu of land.*

- a. The cash contribution for park sites shall be calculated as follows:

$$\begin{array}{rcl} \text{((Park acreage} & & \text{Cash contribu-} \\ \text{required:} & & \text{tion required} \\ \text{neighborhood} & + & \text{(parks)} \\ \text{type) } \times \text{ (FMV} & & \\ \text{Per acre)} & & \text{((Park acreage} \\ & & \text{required: com-} \\ & & \text{munity type} \\ & & \text{and park lands)} \\ & & \times \text{ (FMV per} \\ & & \text{acre)} \end{array}$$

- b. The term "park acreage required" shall mean the acreage determined pursuant to section 86-233(a).

- (3) *Fair market value.* The cash contribution in lieu of land shall be based on the fair market value of improved, subdivided land,

as platted within the development's final plat, that otherwise would have been dedicated as benefiting district sites. The city, based upon its investigation, has determined the fair market value of any particular parcel, for purposes of school sites in this article, to be \$84,000.00 per acre. The city has determined the fair market value of any particular parcel, for purposes of park lands and sites in this article, to be \$75,000.00 per acre for neighborhood-type park sites and \$18,750.00 per acre for community parks and park lands. The foregoing fair market value shall be used in the determination of cash contributions unless the subdivider, developer, or any other subdivider or developer or objecting party shall submit an appraisal showing the fair market value of such improved land in the area of the development. Final determination of the fair market value per acre of such improved land shall be made by the city council based upon such information submitted by the subdivider or developer, information from other sources which may be submitted to the city council by affected parties, and information, reports and analyses provided to the city council by its own staff and consultants.

- (4) *Time and manner of payment.* The cash contribution required in this section shall be paid at the time of applying for a building permit for each housing unit. No building permit shall be issued until said payment has been made. Payments hereunder shall be payable to the city and shall be held in trust until semiannual (January and July) disbursements are made to the benefiting districts.

- (5) *Criteria for requiring dedication and a fee.* There will be situations in subdivisions or planned unit developments when a combination of land dedication and a contribution in lieu of land are both necessary. These occasions will arise when:

- a. Only a portion of the land to be developed is proposed as the location for a benefiting district site. That

portion of the land within the subdivision falling within the benefiting district location shall be dedicated as a site as aforesaid, and a cash contribution in lieu thereof shall be required for any additional land that would have to be dedicated.

- b. A major part of the benefiting district site has already been acquired and only a small portion of land is needed from the development to complete the site. The remaining portions shall be required by dedication, and a cash contribution in lieu thereof shall be required.

(Ord. No. 04-3263, § 16.50.070, 12-27-2004)

**Sec. 86-238. Reservation of additional land.**

Where the plans of the city call for a larger benefiting district site in a particular proposed subdivision or planned unit development than the developer is required to dedicate, the land needed beyond the developer's contribution shall, if so determined by the city council, be reserved for subsequent purchase by the appropriate benefiting district, provided that such acquisition is made within one year from the date of approval of the final plat.

(Ord. No. 04-3263, § 16.50.080, 12-27-2004)

**Sec. 86-241. Table of estimated ultimate population per dwelling unit.**

The following table is generally indicative of current and short range projected trends in family size for new construction and shall be used in calculating the required land or cash in lieu of land contribution.

*Table of Estimated Ultimate Population per Dwelling Unit Children Per Unit*

Type of Unit	Pre-school 0-4 Years	Grades K-5 5-11 Years	Junior High Grades 6-8 12-13 Years	Total Grades K-8 5-13 Years	High School Grades 9-12 14-17 Years	Adults 18+ Years	Total per Dwelling Unit
<b>Detached Single-Family</b>							
2 Bedroom	0.113	0.136	0.048	0.184	0.020	1.700	2.017
3 Bedroom	0.292	0.369	0.173	0.542	0.184	1.881	2.899
4 Bedroom	0.418	0.530	0.298	0.828	0.360	2.158	3.764
5 Bedroom	0.238	0.345	0.248	0.593	0.300	2.594	3.770

**Sec. 86-239. Combining with adjoining developments.**

Where the subdivision or planned unit development is less than 40 acres, a benefiting district site which is to be dedicated should, where possible, be combined with dedications from adjoining developments in order to produce usable benefiting district sites without hardship on a particular developer.

(Ord. No. 04-3263, § 16.50.090, 12-27-2004)

**Sec. 86-240. Intergovernmental agreements/indemnity.**

Prior to receiving a dedication of land or a cash contribution in lieu of land pursuant to section 86-231, each benefiting district shall execute intergovernmental agreements with the city in which the benefiting district agrees to indemnify and hold the city harmless, including all associated costs and reasonable attorney fees incident to any suits filed in which the validity or application of any section of this article is challenged. The selection of counsel to defend any such action shall be by the affected benefiting district.

(Ord. No. 04-3263, § 16.50.100, 12-27-2004)

SUBDIVISIONS

§ 86-241

Type of Unit	Pre-school 0-4 Years	Grades K-5 5-11 Years	Junior High Grades 6-8 12-13 Years	Total Grades K-8 5-13 Years	High School Grades 9-12 14-17 Years	Adults 18+ Years	Total per Dwelling Unit
<b>Attached Single-Family</b>							
1 Bedroom	0.000	0.000	0.000	0.000	0.000	1.193	1.193
2 Bedroom	0.064	0.088	0.048	0.136	0.038	1.752	1.990
3 Bedroom	0.212	0.234	0.058	0.292	0.059	1.829	2.392
4 Bedroom	0.323	0.322	0.154	0.476	0.173	2.173	3.145
<b>Apartments</b>							
Efficiency	0.000	0.000	0.000	0.000	0.000	1.294	1.294
1 Bedroom	0.000	0.002	0.001	0.003	0.001	1.754	1.758
2 Bedroom	0.047	0.086	0.042	0.128	0.046	1.693	1.914
3 Bedroom	0.052	0.234	0.123	0.357	0.118	2.526	3.053

Note: There are only three significant categories provided in this chart. Because of similarity of yields of all type of attached single-family dwelling units, only one category is provided. The same is true with apartments; thus, only one category. Because of the relatively short history of some newer types of detached and attached single-family units, individual evaluations may be necessary. Copyright 1996, Ehlers & Associates (formerly Associate Municipal Consultants, Inc.) 630/355-6100, Naperville, IL (Ord. No. 04-3263, § 16.50.110, 12-27-2004)

EXHIBIT J

Resolution Governing the Requirement of Transition Fees  
Resolution R06-18 of the City of Rochelle

# CITY OF ROCHELLE



## RESOLUTION R06-18

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RESOLUTION INCREASING LAG TIME FEES TO BE  
INCLUDED IN RESIDENTIAL SUBDIVISION  
ANNEXATION AGREEMENTS

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PASSED BY THE  
CITY COUNCIL  
OF THE  
CITY OF ROCHELLE

THIS 9<sup>TH</sup>

DAY OF SEPTEMBER, 2006

WITH 7 YEARS AND 0 DAYS

ABSENT OR NOT VOTING: 0.

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Published in pamphlet form by authority of the City Council of the City  
of Rochelle, Ogle County, Illinois, this 12<sup>TH</sup> of September, 2006.

CITY OF ROCHELLE

STATE OF ILLINOIS )  
COUNTY OF OGLE )  
COUNTY OF LEE )

CERTIFICATE

I, the undersigned, hereby certify that I am the duly qualified and acting City Clerk of the City of Rochelle, Counties of Ogle & Lee and State of Illinois, and as such City Clerk, I am the keeper of the journals, records and files of the City of Rochelle.

I do hereby certify that the attached Resolution, Number R06-18 presented to the City Council on the 11<sup>th</sup> day of September, 2006 and as signed by the Mayor of the City of Rochelle on the 12<sup>th</sup> day of September, 2006 and attested by the City Clerk, all as appears from the official records of the City in my Care and custody.

IN WITNESS WHEREOF, I have hereunto affixed my official signature and the corporate seal of the City of Rochelle, Illinois this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_.

Bruce W. McKinney, CMC  
City Clerk, City of Rochelle

**Resolution Increasing Lag Time Fees to be included in Residential Subdivision Annexation Agreements.**

**RESOLUTION NO. R06-18**  
**Date Passed: September 11, 2004**

**INCREASING LAG TIME FEES TO BE INCLUDED IN RESIDENTIAL  
SUBDIVISION ANNEXATION AGREEMENTS**

**WHEREAS**, the City of Rochelle is a body politic and corporate, organized and existing pursuant to the Illinois Municipal Code, 65 ILCS 5/1-1-1, et. seq.; and

**WHEREAS**, at a regular City Council meeting on December 27, 2004, the City Council directed City staff to include in every annexation agreement for a residential subdivision a provision requiring the developer to pay a "lag time" or "transition" fee of \$1,250 per dwelling unit in addition to land/cash fees provided by the Rochelle Municipal Code; and

**WHEREAS**, in recent negotiations relating to the Kings Crossing residential subdivision, the lag time fee was set at \$3,500.00 per dwelling unit, with a provision that if the City should thereafter negotiate a lower lag time fee with any other residential developer, the lower lag time fee would also apply to the Kings Crossing subdivision; and

**WHEREAS**, the City Council has determined that a lag time fee of at least \$3,500.00 per dwelling unit should be negotiated in future annexation agreements for residential subdivisions for the benefit of the Rochelle Township High School District #212, Rochelle Community Consolidated School District #213, and Kings Consolidated School District # 144;

**NOW, THEREFORE BE IT RESOLVED** by the Mayor and Council of the City of Rochelle that the City shall include a lag time fee of at least \$3,500.00 per dwelling unit in annexation agreements for residential subdivisions hereafter negotiated by the City, to be paid as a condition of issuance of a building permit on a unit-by-unit basis.

PASSED AND APPROVED this 11th day of September, 2006 .

ATTEST:→

  
City Clerk

  
Mayor