

**APPROVING A WATER SERVICE AGREEMENT WITH TODD AND MOLLY GREEN FOR 131 GREENWOOD ACRES DRIVE, DEKALB, ILLINOIS.**

**WHEREAS**, the City of DeKalb (the "City") is a home rule unit of local government and may exercise any power and perform any function pertaining to its government and affairs pursuant to Article VII, Section 6, of the Illinois Constitution of 1970; and

**WHEREAS**, pursuant to 65 ILCS 5/11-149-1 and Chapter 7 "Water Service" of the City's Municipal Code, the City's corporate authorities may provide by ordinance for the extension and maintenance of the City's water mains and water services to property that is located outside of the City's corporate limits upon the petition of a majority of the owners of record of the real property requesting such water services; and

**WHEREAS**, Todd and Molly Green (the "Owners") are the owners of real property that is currently located outside of the City's corporate limits and is commonly known as 131 Greenwood Acres Drive, DeKalb, IL 60115 (the "Property"); and

**WHEREAS**, Owners petitioned the City for water services to the Property (the "Petition"); and

**WHEREAS**, the City's corporate authorities find that approving the Petition is in the City's best interests for the protection of the public health, safety, morals and welfare, subject to the terms and conditions of this Ordinance; and

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF DEKALB, ILLINOIS:**

**SECTION 1:** The recitals to this Ordinance are true, correct, material, adopted and incorporated herein by reference as Section 1 to this Ordinance.

**SECTION 2:** The City's corporate authorities approve the Petition, subject to the following terms and conditions:

1. Owners shall comply with all applicable City ordinances, resolutions, rules, and regulations, including, but not limited to, the provisions of Chapters 7 "Water Service" and 24 "Building Code" of the City's Municipal Code;
2. Owners shall pay all applicable rates and fees for the City's provision of water services to the Property as prescribed by the City's Municipal Code, ordinances, resolutions, rules and regulations, including, but not limited to, section 7.18(d) of the City's Municipal Code, which provides that "Service outside the City shall be at a rate of 50% greater than the rate for the same service in the City";
3. In the event the Property is annexed to the City, Owners shall not object to said annexation in any petition, administrative action, or legal action;
4. In the event the Property is annexed to the City, any water pipes or other infrastructure that is provided for the water services to the Property and is located in or under a highway, street, or alley shall, upon annexation, become the City's property; and

5. The City's provision of the water services shall comply with all applicable laws and applicable ordinances, resolutions, rules, and regulations, including, but not limited to, the provisions of Chapters 7 "Water Service" of the City's Municipal Code.

The City's corporate authorities further authorize and direct the City Manager or his designee to take all acts that may be necessary to effect the Petition and provide the City's water services to the Property pursuant to the terms and conditions of this Ordinance.

**SECTION 3:** This Ordinance and each of its terms shall be the effective legislative act of a home rule municipality without regard to whether such ordinance should (a) contain terms contrary to the provisions of current or subsequent non-preemptive state law, or (b) legislate in a manner or regarding a matter not delegated to municipalities by state law. It is the intent of the City's corporate authorities that to the extent that the terms of this Ordinance should be inconsistent with any non-preemptive state law, this Ordinance shall supersede state law in that regard within its jurisdiction.

**SECTION 4:** This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

**PASSED BY THE CITY COUNCIL** of the City of DeKalb, Illinois, at a Regular meeting thereof held on the 14<sup>th</sup> day of March 2022 and approved by me as Mayor on the same day. Passed on First Reading by a 7-0-1 roll call vote. Aye: Morris, Larson, Smith, Perkins, McAdams, Verbic, Barnes. Nay: None. Absent: Faivre. Second Reading waived by a 7-0-1 roll call vote. Aye: Morris, Larson, Smith, Perkins, McAdams, Verbic, Barnes. Nay: None. Absent: Faivre.



  
COHEN BARNES, Mayor

ATTEST:



Ruth A. Scott, Executive Assistant

*There is no agreement document.  
The ordinance is the agreement.*

**From:** [Molly Green](#)  
**To:** [Olson, Dan](#)  
**Cc:** [toddg80@comcast.net](mailto:toddg80@comcast.net); [Molly Green](#)  
**Subject:** City water connection request 131 Greenwood Acres Todd & Molly Green  
**Date:** Friday, February 25, 2022 2:16:50 PM  
**Attachments:** [image002\[18\].png](#)  
[image003\[37\].png](#)  
[image004\[45\].png](#)

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Dear Mayor and City Council,

We would like to request a connection to the DeKalb City Water Service at 131 Greenwood Acres. We also own the lot next door Sub-Lot 6 to get connection in the future. Thank you for your consideration. If you have any questions or need further information please call me on my cell: 815.375.0167. Molly Green

Thank you!

**SPORTOURS**

Molly Green | Sportours, L.L.C.

O: 815.787.7210 | M: 815.375.0167 | F: 815.787.7540

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# City Water Services - Greenwood Acres Drive



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 Created: 3/8/2022 DJE

