

**APPROVING A WATER SERVICE AGREEMENT WITH MARK CARPENTER
FOR 209 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, Mark Carpenter (the "Owner") is the owner of real property commonly known as 209 Greenwood Acres Drive, DeKalb, IL 60115 (the "Property"), which is currently located outside of the City's corporate limits, and Owner 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; 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 as Section 1 to this Ordinance.

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

1. Owner shall comply with all applicable provisions of the City's Municipal Code and the 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. Owner shall pay all applicable rates and fees for the City's provision of water services to the Property as provided 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.

SECTION 3: 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 4: 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 5: 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 14th day of August 2023 and approved by me as Mayor on the same day. Passed on First Reading by an 8-0 roll call vote. Aye: Zasada, Larson, Smith, Perkins, McAdams, Verbic, Walker, Barnes. Nay: None. Second Reading waived by an 8-0 roll call vote. Aye: Zasada, Larson, Smith, Perkins, McAdams, Verbic, Walker, Barnes. Nay: None.





COHEN BARNES, Mayor

ATTEST:


Ruth A. Scott, Executive Assistant

City Water Services - Greenwood Acres Drive



File: \\Pro\Community Development\Greenwood Acres Drive - 209.aprx
Created: 8/7/2023 JSA



From: Mark Carpenter

209 Greenwood Acres Drive

Dekalb IL 60115

Regarding: City water connection request at 209 Greenwood Acres Drive

Date July 21, 2023

Dear Mayor and City Council

We would like to request a connection to the Dekalb city water service at 209 Greenwood Acres Drive, Dekalb IL

If you have any questions or need further information, please call me on my cell: 815-761-8484

Respectfully,

Mark Carpenter