

APPROVING A WATER SERVICE AGREEMENT WITH TIM AND ERIN MARTENS FOR 2581 PLEASANT STREET, 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, Tim and Erin Martens (the "Owners") are the owners of real property that is currently located outside of the City's corporate limits and is commonly known as 2581 Pleasant Street, 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; 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. Owners shall comply with all applicable City codes, ordinances, resolutions, rules, and regulations including, but not limited to, the provisions of Chapter 7 "Water Service", and Chapter 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 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. If the Property is annexed to the City, Owners shall not object to the annexation in any petition, administrative action, or legal action;
4. If the Property is annexed to the City, all water pipes and other infrastructure that is provided for the water services to the Property and 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 to the Property 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 to take all necessary actions to effectuate the Petition and the provision of the City's water services to the Property.

SECTION 3: This Ordinance 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 if this Ordinance is 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 12th day of May 2025 and approved by me as Mayor on the same day. Passed on First Reading by a 6-0-2 roll call vote. Aye: Larson, Smith, Carlson, Powell, Verbic, Barnes. Nay: None. Absent: Zasada, Walker. Second Reading waived by a 6-0-2 roll call vote. Aye: Larson, Smith, Carlson, Powell, Verbic, Barnes. Nay: None. Absent: Zasada, Walker.




COHEN BARNES, Mayor

ATTEST:


Ruth A. Scott, Executive Assistant

To: Mayor Cohen Barnes and the DeKalb City Council

Date: 4/14/25

Fm: Tim and Erin Martens

Subject: Request for permission for hook-up to DeKalb water supply as source of water for domestic use - 2581 Pleasant St., DeKalb, IL 60115

Mayor Barnes and City Council Members,

Per the direction of John Petragallo, the DeKalb Building Services Director, we have drafted this letter to you and the DeKalb City Council, requesting permission to be able to connect to DeKalb city water as our sole source of water for domestic use at our residence at 2581 Pleasant St., DeKalb, IL 60115.

We have lived at the 2581 Pleasant St. address for five years and currently have a shared well as the source of water for domestic use. Recently, we have been informed by the other party on the well agreement (whose property contains the well and well equipment) that they want us to remove our residence from the well no later than July 26, 2025.

Along with Mr. Petragallo, we have been in communication with Justin Netzer, the Utility Superintendent for DeKalb, to discuss the potential to acquire water for domestic use from DeKalb. They have verified DeKalb does have a water line servicing our neighborhood and that connection was possible. As stated above. Mr. Petragallo informed us the first step in moving forward with the project would be submitting a letter of request for connection to Mayor Barnes and the City Council. We have been made aware of the associated fees/costs required to be paid to the City of DeKalb prior to actual hook-up, and have also acquired quotes from two local licensed plumbing contractors for the rest of the required work.

Thank you in advance for your consideration and hopefully positive response to our request. Since we have to work with local financial institutions to acquire funds to cover the costs for this project, as well as schedule the actual work to be done with both the City of DeKalb Building and Codes Compliance Division and our plumbing contractor (having a set completion date of no later than July 22nd) we are hoping this request could be expeditiously reviewed and a decision communicated.

If there are any questions that need to be addressed to us, Tim's contact information is provided below.

Again, thank you very much for your time and consideration.

Tim and Erin Martens

2581 Pleasant St.

DeKalb, IL 60115

Mobile Phone – Tim – 331-588-3990

Email – Tim – timbmartens@gmail.com

