



2019005396

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DOUGLAS J. JOHNSON  
RECORDER - DEKALB COUNTY, IL  
RECORDED: 6/24/2019 02:47 PM  
REC FEE: 75.00

STATE OF ILLINOIS )  
COUNTY OF DEKALB ) SS  
CITY OF DEKALB )

PAGES: 6

RECORDER'S NOTE: *No Legal Descriptions*

I, **LYNN A. FAZEKAS**, do hereby certify that I am the duly appointed City Clerk of the City of DeKalb, DeKalb County, Illinois, and as such officer, I am the keeper of the records and files of the City Council of said City.

I do further certify that the attached is a true and correct copy of:

**ORDINANCE 2019-001**

**PROHIBITING THE USE OF GROUNDWATER AS A POTABLE WATER SUPPLY BY THE INSTALLATION OR USE OF POTABLE WATER SUPPLY WELLS OR BY ANY OTHER METHOD (421 GROVE STREET, DEKALB, ILLINOIS).**

**PASSED BY THE CITY COUNCIL** of the City of DeKalb, Illinois, on the 14<sup>th</sup> day of January 2019. The original will be kept on file at the City of DeKalb Municipal Building.

**WITNESS** my hand and the official seal of said City this 12<sup>th</sup> day of June 2019.



*Lynn A. Fazekas*  
\_\_\_\_\_  
**LYNN A. FAZEKAS**, City Clerk

**Prepared by and Return to:**

City of DeKalb  
City Clerk's Office  
200 S. Fourth Street  
DeKalb, Illinois 60115

**ORDINANCE 2019-001**

**PASSED: JANUARY 14, 2019**

**PROHIBITING THE USE OF GROUNDWATER AS A POTABLE WATER SUPPLY BY THE INSTALLATION OR USE OF POTABLE WATER SUPPLY WELLS OR BY ANY OTHER METHOD (421 GROVE STREET, DEKALB, ILLINOIS).**

**WHEREAS**, certain property within the City of DeKalb, Illinois (the "City") located at 421 Grove Street was previously used over a period of time for commercial/industrial purposes; and

**WHEREAS**, because of said use, concentrations of certain chemical constituents in the groundwater beneath the City may exceed Class 1 groundwater quality standards for potable resource groundwater as set forth in 35 Illinois Administrative Code 620 or Tier 1 residential remediation objectives as set forth in 35 Illinois Administrative Code 742; and

**WHEREAS**, the City desires to limit potential threats to human health from groundwater contamination while facilitating the redevelopment and productive use of properties that are at or around the source of said chemical constituents.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL** of the City of DeKalb, Illinois as follows:

**SECTION 1. Definitions.**

"Person" is any individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, or any other legal entity, or their legal representatives, agents or assigns.

"Potable water" is any water used for human or domestic consumption, including, but not limited to, water used for drinking, bathing, swimming, washing dishes, or preparing foods.

**SECTION 2.** The use or attempt to use groundwater as a potable water supply from within the 500-foot radius area shown on Exhibit A and more particularly described in Exhibit B, attached to and made a part of this ordinance, by the installation or drilling of wells or by any other method is hereby prohibited, including at points of withdrawal by the City.

**SECTION 3: Penalties.** Any person violating the provisions of this ordinance shall be subject to a fine of up to Five Hundred Dollars (\$500.00) for each violation.

**SECTION 4: Repealer.** All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed by this ordinance insofar as they are in conflict with this ordinance.

**SECTION 5. Severability.** If any provisions of this ordinance or its application to any person or under any circumstances is adjudged invalid, such adjudication shall not affect the validity of the ordinance as a whole or of any portion not adjudged invalid.

**SECTION 6.** This Ordinance shall, by authority of the City Council be published in pamphlet form. From and after ten days after such publication, this Ordinance shall be in full force and effect upon its passage and approval according to law.

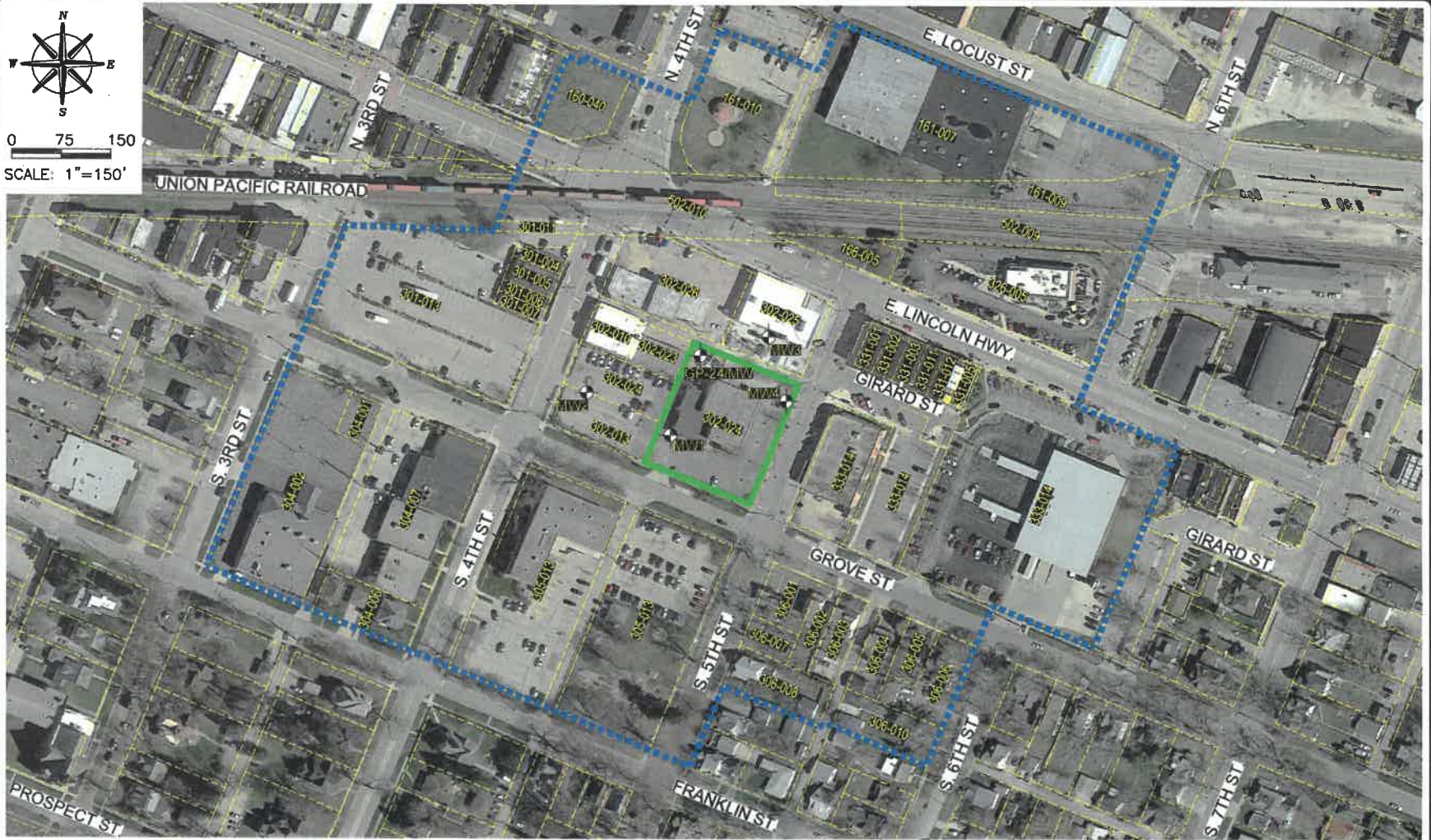
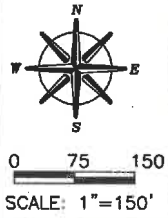
**PASSED BY THE CITY COUNCIL** of the City of DeKalb, Illinois, at a Regular meeting thereof held on the 14<sup>th</sup> day of January 2019 and approved by me as Mayor on the same day. First Reading passed by an 8-0 roll call vote. Aye: Jacobson, Finucane, Stupegia, Fagan, Noreiko, Verbic, Faivre, Smith. Nay: None. Second Reading waived by an 8-0 roll call vote. Aye: Jacobson, Finucane, Stupegia, Fagan, Noreiko, Verbic, Faivre, Smith. Nay: None.

**ATTEST:**

  
LYNN A. FAZEKAS, City Clerk



  
JERRY SMITH, Mayor



**EXHIBIT A**  
OF  
**PROPOSED GROUNDWATER  
ORDINANCE AREA**  
FOR  
**TIMBER CREEK PROPERTIES, LLC**

REVISIONS

DATE: 9/14/2018	DESIGNED BY: AA
JOB NO.	DRAWN BY: BEH
DRAWING NAME: gw ord map.dwg	

wendler engineering services, inc.  
GROUNDWATER SOLUTIONS  
engineers • surveyors • scientists  
www.wendlergs.com P. 1  
Miss Professional Design Firm No. 194003846

## EXHIBIT B

More specifically, the parcels (with associated addresses) will include the following:

### **Block 160**

0823160040 - 363 East Lincoln Highway

### **Block 161**

0823161010 - 104 North 4th Street

0823161007 - 436 East Locust Street

0823161009 - Woodpecker Properties LLC

### **Block 166**

0823166005 - 423 East Lincoln Highway

### **Block 502**

0823502010 - Tax Dept Union Pacific Railroad Co

0823502009 - Tax Dept Union Pacific Railroad Co

### **Block 326**

0823326005 - 545 East Lincoln Highway

### **Block 301**

0823301013 - Franklin Street

0823301007 - 223 North First Street

0823301006 - 129 South 4th Street

0823301005 - 125 South 4th Street

0823301004 - 121 South 4th Street

0823301011 - South 4th Street

### **Block 302**

0823302026 - 424 East Lincoln Highway

0823302010 - 126 South 4th Street

0823302023 - 436 East Lincoln Highway

0823302024 - 401 Grove Street

0823302013 - Grove Street

0823302025 - 444 East Lincoln Highway

### **Block 331**

0823331001 - 504 East Lincoln Highway

0823331002 - 512 East Lincoln Highway

0823331003 - 514 East Lincoln Highway

0823331011 - 518 East Lincoln Highway

0823331012 - 520 East Lincoln Highway

0823331005 - 534 East Lincoln Highway

### **Block 333**

0823333014 - 600 East Lincoln Highway

### **Block 304**

0823304007 - 223 North 1st Street

0823304001 - 302 Grove Street

0823304002 - 302 Grove Street

0823304006 - 231 S. 4<sup>th</sup> Street

### **Block 305**

0823305013 - 200 South 4th Street

**Block 306**

0823306001 - 504 Grove Street  
0823306002 - 508 Grove Street  
0823306003 - 514 Grove Street  
0823306004 - 520 Grove Street  
0823306005 - 530 Grove Street  
0823306006 - 532 Grove Street  
0823306007 - No address provided  
0823306008 - 220 South 5th Street  
0823306010 - 215 South 6th Street

**Roads and Railroad Right-of-Ways**

The following roads and railroad rights-of-way within the Groundwater Ordinance Area depicted on Exhibit A:

North 4<sup>th</sup> Street  
South 4<sup>th</sup> Street  
East Lincoln Highway  
Grove Street  
South 5<sup>th</sup> Street  
Union Pacific Railroad