



ANNEXATION INFORMATION PACKET

(last updated December 2012)

- Application for Annexation Requirements (as found on our website) – 1 page
- Service Conditions And Policy Awareness Statement – 1 page
- Sample Verified Petition for Annexation (this is prepared by the FRWRD Attorney with information from petitioner) – 3 pages
- Trustees' Disclosure Statement, required for Land Trusts – 1 page
- FRWRD Sample Plat Information, Exhibit A shown at top – 1 page
- Ill Dept. of Revenue Map Requirements – 1 page
- Checklist for Proper Signing of Annexation Plat – 1 page
- Ordinance No. 817 which explains that fees are non-refundable – 3 pages
- Ordinance No. 708 - Service Fees – 13 pages
- Ordinance No. 826 - Service Fees – 3 pages
- Minimum Project Specification Requirements – 2 pages

APPLICATION FOR ANNEXATION REQUIREMENTS

1. Full name and address of the Applicant that is requesting the annexation.
2. Name of Owner of Record of the Property, including address and phone numbers.
3. The primary contact person regarding the annexation (name, address, phone number, fax number, and email address).
4. Written summary describing the proposed development, highlighting the mix of residential, public use, commercial and/or industrial parcels. A preliminary development plan is requested, if available.
5. A general location map on an 8 ½" x 11" format, including at least one major road intersection.
6. Names, titles, address and phone numbers of the persons to sign the Petition for Annexation, if the owner is other than a natural person.
7. Name and address of any persons residing on the Property (electors).
8. Proof of Ownership including each of the following that is available; copy of recorded deed, copy of existing title policy, and recent title commitment.
9. Copy of Existing Survey of the Property.
10. Name, address, phone number of the Surveyor that will prepare the Plat of Annexation.
11. Legal Description of Property to be annexed in 8 ½" x 11" format (this legal must match the one used on the Plat).
12. Name, address, phone number of the attorney for the Applicant

The first five items are mandatory before a preliminary presentation to the Board of Trustees. Attendance by a representative of the Applicant will be requested at the preliminary presentation. Providing all of the information as soon as possible will keep the annexation moving along expeditiously.

All of the items listed are required to prepare a blank petition for annexation and to determine the fees necessary for annexation.

Completion of the petition and payment of required fees is necessary prior to the Board Meeting when annexation will take place.

**FOX RIVER WATER RECLAMATION DISTRICT
SERVICE CONDITIONS AND POLICY AWARENESS STATEMENT**

ANNEXATION:

Projects requesting sanitary sewer service must currently be located in the Fox River Water Reclamation District or annex to the District prior to receiving service.

Annexation petitions must be accompanied by a title policy of the property to be annexed, a trust disclosure statement, if applicable, together with an annexation plat and payment of the calculated service fee.

All contiguous property under one ownership must be annexed at the same time and under one Ordinance.

PERMITS:

Fox River Water Reclamation District connection permits will be issued, following annexation subject to the following conditions:

- If the project requires Illinois Environmental Protection Agency Permits such permits must be obtained prior to the request for a District permit.
- All sanitary sewers required for a project must be satisfactorily installed and tested prior to requesting a Fox River Water Reclamation District permit.
- Connection permit service fees, which are determined on the basis of the project's plan review, must be paid to the Fox River Water Reclamation District.
- No work which would require a connection permit may be started or added to that covered by a previous permit without first securing a Fox River Water Reclamation District permit. Work done without a District permit is subject to late charges and other penalties as provided by Ordinance.

ORDINANCES:

All sanitary sewers installed for a project must conform with the ordinances of the Fox River Water Reclamation District including the requirement of a low air pressure test and other tests as may be specified by the District.

The construction of all sanitary sewers required for a project must be supervised by an approved full time inspector provided by the owner.

The Fox River Water Reclamation District must be furnished with a complete set of construction record drawings of the sanitary sewers constructed for a project within 60 days of completion of the sewers.

NO CONSTRUCTION WATER DRAINAGE ACCUMULATED DURING BUILDING FOUNDATION CONSTRUCTION OR THE INSTALLATION OF PRIVATE BUILDING SEWERS AND PUBLIC SEWERS MAY BE DISCHARGED INTO AN ACTIVE SANITARY SEWER. NEW BUILDING SEWERS AND PUBLIC SEWERS MUST REMAIN PROPERLY SEALED, AS APPROVED BY THE FOX RIVER WATER RECLAMATION DISTRICT, UNTIL ALL CONSTRUCTION IS COMPLETED AND ANY ACCUMULATED WATER HAS BEEN PROPERLY DISPOSED. ANY VIOLATION OF THIS PROVISION WILL SUBJECT THE UNDERSIGNED TO FINES AND PENALTIES FOR EACH OFFENSE IN ACCORDANCE WITH ORDINANCE No. 574.

Project Representative

Project Name

Tenant

VERIFIED PETITION FOR ANNEXATION TO THE
FOX RIVER WATER RECLAMATION DISTRICT

The undersigned Owner(s) or authorized agent(s) of the Owner and the undersigned Electors, if any, do hereby petition the Board of Trustees of the Fox River Water Reclamation District to annex the real estate described on the attached Exhibit A to the Fox River Water Reclamation District.

The undersigned represent that the described territory is not within the corporate limits of any sanitary district and is contiguous to the Fox River Water Reclamation District.

The undersigned further represent that they are, or are the authorized agent(s) for the sole Owner(s) of record of the territory described on the attached Exhibit A, and that there are no electors residing thereon, except, as stated below: (*)

Print Elector's Names Above

Print Elector's Addresses Above

*If none, state "None", and if there are electors, print each name and address and each elector must sign this Petition where indicated. Business tenants who do not live on the premises are not considered "Electors". Owners of record who reside on the property need to sign as Owners only. Please attach additional sheets if necessary for more electors.

SIGNATURE PAGE(S)

Dated this _____ day of _____, _____.

ELECTOR'S SIGNATURE(S):

Elector's Signature, if any

OWNERS OF RECORD:

Signature
(PRINTED NAME)

Signature
(PRINTED NAME)

STATE OF ILLINOIS)
) SS.
COUNTY OF _____)

VERIFICATION

The undersigned being first duly sworn on oath, depose and say they are the Petitioners in the Petition by them subscribed and that they have read the Petition by them subscribed and know the contents thereof and that the matters therein set forth are true.

ELECTOR'S SIGNATURE(S):

Elector's Signature, if any

OWNERS OF RECORD:

Signature
(PRINTED NAME)

Signature
(PRINTED NAME)

Subscribed and sworn to before me this

_____ day of _____, _____

Notary Public

TRUSTEES' DISCLOSURE STATEMENT

Pursuant to statute, the undersigned as Trust Officer of the Land Trust known as _____, does hereby certify that the following is a full and complete list of the beneficiaries of said Land Trust and the percentage of ownership held by each beneficiary:

Beneficiary (Name & Address)	% of Interest
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Executed at _____, Illinois, this _____ day of, _____, _____.

Trust Officer

SUBSCRIBED and sworn to before
me this _____ day of _____, _____.

Notary Public

(Primary Title, placed at top of plat:) **EXHIBIT A**

**MAP OF TERRITORY ANNEXED TO THE FOX RIVER WATER RECLAMATION DISTRICT
BY ORDINANCE NO. _____, PASSED _____.**

L E G A L D E S C R I P T I O N

(To the extent possible, the legal description shall reflect the title policy's.)



N

T E R R I T O R Y A N N E X E D
_____ A C R E S

SCALE: 1" = _____

I, _____ an Illinois Land surveyor, do hereby certify that the above is an accurate map of territory annexed to the Fox River Water Reclamation District by ordinance Number passed by the Board of Trustees of the Fox River Water Reclamation District this ____ day of _____, 200__.

Dated at _____, this ____ day of _____ A.D. 200__.

Illinois Land Surveyor No. _____

seal

I, _____ Assistant Clerk of the Fox River Water Reclamation District, do hereby certify that the above is an accurate map of territory annexed to the Fox River Water Reclamation District by Ordinance Number _____ entitled "An Ordinance Annexing Certain Territory to the Fox River Water Reclamation District" passed this ____ day of _____ A.D. 200__.

Dated at _____, this ____ day of _____ A.D. 200__.

By: _____

seal

Recorder's Certificate:

(Include a 3" tall x 5 wide " box near the upper right corner. Title the box "For Recorder's Sticker". Directly beneath that box include the following:)

After recording return to:

**Michael A. Airdo
Airdo Werwas
111 E. Wacker Drive, Suite 500
Chicago, Illinois 60601-4205
Phone: 312-506-4450
Fax: 312-506-4460**

(Requirements for all plats:

1. Indicate latest PIN's of all parcels.
2. Display each parcel owner's name and address, current to the date of annexation.
3. If applicable, indicate owner's agent name and address.
4. Show existing corporate boundaries as a thickened or marked line.
5. Plat size limited to between 11" x 17" minimum and 30" x 36", maximum.
6. Annex entirety of adjacent streets.
7. Annex all properties owned by single owner in one annexation.
8. Provide 2 draft paper plats for initial review, 1 paper plat for final review (if changes are necessary), and 1 mylar plat after annexation has occurred.
9. Include a locator map.
10. Add Acreage Table, including individual lines for net parcel acreage, each road's existing R.O.W., and total territory annexed.)

labeled map showing affected taxing district

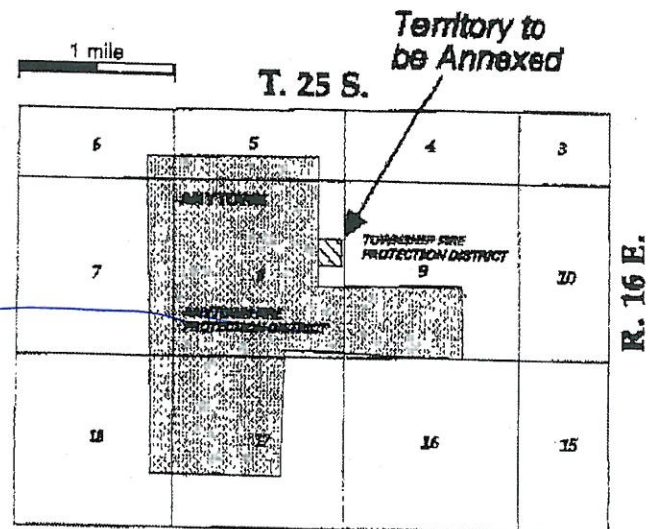
What should the maps include?

The clearly labeled map of the taxing district change should include:

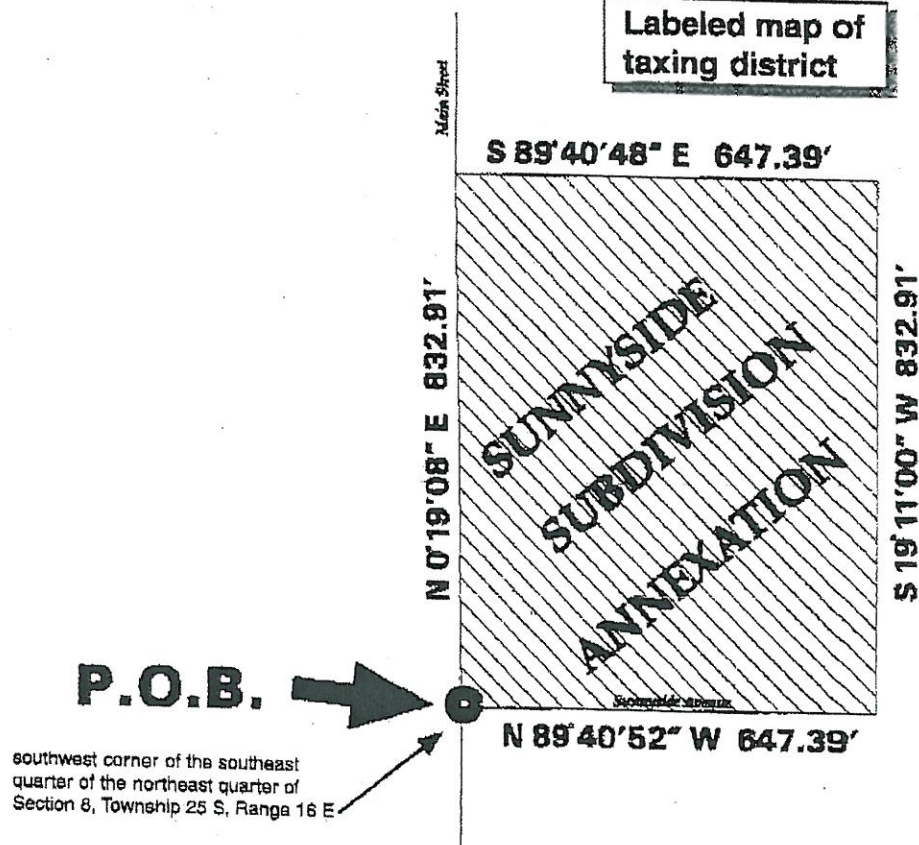
- A clear distinction between the existing and new boundaries by **highlighting the boundary changes with a different color; OR HATCHING**
- The **dimensions** of the boundary change as documented by the legal description;
- Any reference to government surveys;
- Any reference to man-made or natural landmarks, such as roads, railroads, rivers, and lakes;
- A north arrow; and
- The scale of the map.



Locator map



Labeled map of taxing district



CHECKLIST FOR PROPER SIGNING

1. All Owners and spouses must sign the document in the presence of a Notary Public.
2. All persons 18 years of age or older (Electors) who live on premises sign the document in the presence of a Notary Public.
3. If Owner is a land trustee, the trust officer is required to sign the document in the presence of a Notary Public, and to complete the Disclosure Statement.
4. For a corporation, documents should be signed by the President, or Vice President and his signature should be witnessed by the Secretary or Assistant Secretary.
 - a. Affix corporate seal.
 - b. Notary will take the acknowledgment of the Secretary.
5. Notary Public should sign the acknowledgment at the bottom of the page and:
 - a. Fill in county and date, should be same date as document date.
 - b. Affix stamp and seal.
 - c. Print his/her name under signature .
6. Check Exhibit "A" to be sure the legal description of the property is exact.
7. Follow the above instructions for original.
8. Return original to our office when completed.

ORDINANCE NO.

817

AN ORDINANCE AMENDING ORDINANCE NO. 229
AN ORDINANCE REGULATING THE USE OF PUBLIC
AND PRIVATE SEWERS AND DRAINS, PRIVATE
SEWAGE DISPOSAL, THE INSTALLATION AND
CONNECTION OF BUILDING SEWERS AND THE
DISCHARGE OF WATERS AND WASTES TO THE
PUBLIC SEWAGE SYSTEM, THE ESTABLISHMENT
OF FEES IN CONNECTION WITH THE MAKING AND
MAINTENANCE OF SUCH CONNECTION, AND
PROVIDING PENALTIES FOR VIOLATIONS
THEREOF IN THE FOX RIVER WATER
RECLAMATION DISTRICT

Whereas, the Board of Trustees of the Fox River Water Reclamation District have determined that is in the best interest of the District to amend the fines for violation of Ordinance No. 229, as amended from time;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE FOX RIVER WATER RECLAMATION DISTRICT OF KANE AND COOK COUNTIES, ILLINOIS, AS FOLLOWS:

SECTION I: That Article 11 of Ordinance No. 229, as amended, be and the same is hereby further amended by deleting Article 11 and adding thereto and inserting therein the following new Article 11, as follows:

ARTICLE 11: FINES, PENALTIES AND SUITS.

SECTION 11.01. Any person violating or failing to comply with any of the terms or provisions of this ordinance shall be guilty of a misdemeanor and on conviction thereof, shall be subject to a fine of not less than \$100.00 or more than \$1000.00 for the first offense, and for each subsequent offense shall be subject to a fine of not less than \$200.00 nor more than \$1500.00 to be recovered before a court of competent jurisdiction. The Board of Trustees shall hear evidence of each such violation, and may levy and assess such fines, by resolution, in the absence of judicial proceedings. In assessing such fine the Board of Trustees may consider the following schedule:

Unpaid Fixtures

Fine

0 - \$500.00	\$100.00
\$500.00 - \$1000.00	\$150.00
\$1000.00 - \$1500.00	\$200.00
\$1500.00 - \$2000.00	\$250.00
\$2000.00 - \$2500.00	\$300.00
\$2500.00 - \$3000.00	\$350.00
\$3000.00 - \$3500.00	\$400.00
\$3500.00 - \$4000.00	\$450.00
\$4000.00 - \$4500.00	\$500.00

Notice for Board action shall be mailed to the property owner (as disclosed from the records of FRWRD) via certified mail, return receipt requested, and or hand delivery; as follows:

- (a) 30 day demand for payment of unpaid fixture fee without penalty;
- (b) 30 day notice, if no payment is made, advising owner of the fine along with a certified copy of the resolution of the Board of Trustees;
- (c) 15 day notice following non-payment of fine, that the amount of the fine is doubled the scheduled amount; and
- (d) If none of the above payments as provided in (c) are made, 72 hour notice shall be given that sewer service shall be terminated and lines disconnected from the FRWRD system.

SECTION 11.02. For each and every day that any person or party shall violate or fail to comply with any of the terms or provisions of this ordinance, such person or party shall be deemed guilty of a separate offense.

SECTION 11.03. The Attorney for the Fox River Water Reclamation District, formerly known as the Sanitary District of Elgin is hereby authorized and empowered to institute and prosecute any and all proceedings, suits, and actions necessary to collect and all fines and penalties herein provided for and is also hereby authorized and empowered to institute and prosecute any and all suits at law or in equity as may be appropriate or necessary to prevent unlawful connection to the Fox River Water Reclamation District system in violation of the provisions of this ordinance.

SECTION II: That Article 7 of Ordinance No. 229, as amended, be and the same is hereby amended by adding thereto and inserting therein following Section 7.05 thereof, the following to be known as Section 7.06:

Section 7.06 (a) Fees paid to the District are not refundable but shall stand as a credit to the property for which the permit is issued. In the event the connection or connections are not made within 24 months after the permit is issued, the permit shall expire and the funds shall continue to remain as a credit to the property for which the permit was issued and shall be

credited against any subsequent permit issued on said property under the fee schedule of the District then in effect.

(b) In the event a project is commenced without a District permit, or in the event a District permit is secured for a project but additions are made to the plumbing system in excess of those set forth in the permit, then fines and penalties shall be determined pursuant to Article 11 of this ordinance. This shall be in addition to all other fees set forth in this Ordinance.

SECTION III: That Ordinance Nos. 308, 327, and 551 are hereby repealed. Any ordinance or any part of an ordinance in conflict herewith is hereby repealed.

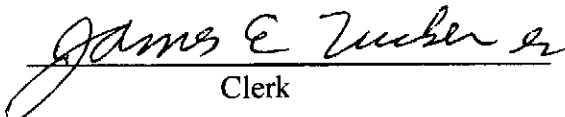
SECTION IV: This Ordinance shall be in full force and effect from and after its passage and publication as provided by law.

FOX RIVER WATER RECLAMATION DISTRICT



President

ATTEST:



Clerk

Passed this 12th day of April, 2010

VOTE: AYES: 5 NAYS: 0 ABSTAIN: _____

ORDINANCE NO. 708

ORDINANCE ESTABLISHING
SERVICE FEES UPON
ANNEXATION TO THE
FOX RIVER WATER
RECLAMATION DISTRICT

WHEREAS, this Ordinance is promulgated pursuant to the authority of the Sanitary District Act of 1917 (70 ILCS 2405/0.1 et seq.), and;

WHEREAS, the purpose of this Ordinance is to collect a fair and reasonable charge for connection to the Sewerage Works of the Fox River Water Reclamation District (District) for the construction, expansion and extension of the works of the system, and;

WHEREAS, the District Board of Trustees in conjunction with its staff and attorney, have determined a system for apportioning the cost of such construction, expansion and extension for new and additional territories being annexed to the District:

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE FOX RIVER WATER RECLAMATION DISTRICT, KANE AND COOK COUNTIES, ILLINOIS;

SECTION 1. Definitions.

1.1 Applicant. An Applicant is the person or entity that is applying for an IEPA Permit Application or District issued connection permit for a Development Parcel and may

include the Developer or Owner.

1.2 Capacity. Capacity means the flow rate of sewage treatment capacity at a District sewage treatment facility based upon the average daily flow volume, unless otherwise stated, of sewage in gallons per day or Population Equivalents (PE).

1.3 Connection Permit. A Connection Permit is a permit issued by the District, prior to the issuance of a building permit by the applicable local authority, which authorizes the connection of a structure to sewers appurtenant to the Sewerage Works of the District.

1.4 Development Parcels. A Development Parcel is a parcel of land for which sewage treatment by connection to the District Sewerage Works and annexation is being requested from the District pursuant to this Ordinance. The size and configuration of the parcel shall be determined by the General Manager of the District and will generally include all of the contiguous property owned or controlled by the Owner or Developer of the Development Parcel, unless good cause is shown to the General Manager.

1.5 Developer. A Developer is the party or parties which propose to improve the Development Parcel or annex the Development Parcel to obtain sewage treatment Capacity and may hold an option or contract purchasers interest in the land and may include the Owner of the land.

1.6 District. The District is the Fox River Water Reclamation District, of Kane and Cook Counties, Illinois, a municipal corporation organized and existing under the Sanitary District Act of 1917, (70 ILCS 2405/0.1 et seq.) and also referred to as the FRWRD.

1.7 Excess Service Fee. An Excess Service Fee is a fee paid to the District pursuant to this ordinance for Capacity in a Commercial/Industrial Development Parcel which exceeds 12.5 PE per acre.

1.8 IEPA. The IEPA refers to the Illinois Environmental Protection Agency.

1.9 General Manager. The General Manager is the acting chief executive officer of the District as appointed by the Board of Trustees of the District.

1.10 Owner. The Owner shall be the persons or entities of record holding title to the Development Parcel.

1.11 Population Equivalents or PE. A Population Equivalent is the flow rate of sewage equal to 100 gallons per day.

1.12 Public Use. A Public Use is a religious, educational, charitable, governmental or other similar land use, as determined by the Board of Local Improvements after considering the facts presented pursuant to the same terms as applied to Public Buildings under Ordinance 622, as amended from time to time.

1.13 Residential Unit. A Residential Unit is a dwelling designed for occupancy by a single family unit or individual, including a detached single family residence, an apartment within an apartment building, an efficiency apartment, a townhouse, each side of a duplex, a hotel or motel room, a sleeping room, and the like.

1.14 Service Fees. A Service Fee is the fee paid to the District pursuant to this Ordinance, which is required to annex a Development Parcel to the District for the purpose of connection to the Sewerage Works and to reserve Capacity and includes Residential Service Fees for Residential Development Parcels, and General Service Fees, Excess Service Fees, and Minimum Service Fees for Commercial/Industrial Development Parcels.

1.15 Sewerage Works. The Sewerage Works means all of the sanitary sewer treatment, conveyance and other systems owned, operated or controlled by the District.

SECTION 2. Property Classification. All Development Parcels seeking to annex to the District shall be classified, solely for the purposes of this Ordinance, by the General Manager, as either Residential, Commercial/Industrial, or Public Use, based upon the current and proposed use of the property and other facts known to the General Manager. A Development Parcel containing more than one type of use shall be considered a Mixed Use Development Parcel and governed by the provisions relating to Mixed Use Developments herein.

SECTION 3. Commercial/Industrial Service Fees.

(A.) Service Fees for Development Parcels classified as Commercial/Industrial Development Parcels shall be determined based upon this section. The General Service Fee for Commercial/Industrial Development Parcels is \$7,500.00 per acre for each gross acre in size of the Development Parcel and is applicable to all property of this classification, and shall reserve Capacity at a flow rate not to exceed 12.5 PE per gross acre (regardless of current, proposed, or design Capacity of the proposed improvements of a lesser flow rate.) The General Service Fee may be paid to the District in three installments. Prior to annexation to the District, the Owner or Developer of the Development Parcel shall pay to the District, as a first installment, a Minimum Service Fee equal to \$1,500.00 per gross acre times the number of gross acres in the Development Parcel for Commercial/Industrial property. The Minimum Service Fee paid at the time of annexation will be applied toward the General Service Fee. Payment of the Minimum Service Fee due at annexation of \$1500.00 per gross acre does not guarantee or reserve wastewater treatment plant Capacity.

(B.) If the Capacity requirement of the Development Parcel exceeds 12.5 P.E. per gross acre, then, the Applicant, Owner or Developer as the case may be, will pay the District, an

Excess Service Fee, at the rate of \$600.00 per P.E., prior to the time the District is requested to sign the first IEPA permit application or Connection Permit application for the Development Parcel, which discloses such excess capacity requirements. The District reserves the right to refuse to provide excess treatment capacity, unless the District has issued its prior written approval or accepted payment for such capacity. If the Excess Service Fee is not paid at the time of the IEPA Permit Date, which discloses such excess capacity requirements, then at the election of the Developer, such fees will be indexed from such date until payment and issuance of a Connection Permit by the District pursuant to the index procedure set forth below. Excess Service Fees can not be deferred beyond the time of execution by the District of a Connection Permit. Annexation of the Development Parcel and payment of General Service Fees does not guaranty the availability of capacity in excess of 12.5 P.E. per acre.

(C.) Prior to the time of signing the first I.E.P.A. permit application for the Development Parcel by the District, a second installment of the General Service Fee, in the amount of \$3,000.00 per gross acre, will be paid to the District, unless, at the election of the Developer, such installment, and the Excess Service Fee, if any, are deferred and such fees will then be indexed pursuant to the procedure set forth below until payment and execution of a Connection Permit by the District.

(D.) The third installment of the General Service Fee of \$3,000.00 per gross acre (for a total of \$7,500.00/gross acre) is due on or before execution by the District of a Connection Permit. The Applicant may apportion payment of the second installment of the General Service Fee and any required Excess Service Fee, both as indexed, plus the third installment of the General Service Fee, without an index applied, over identified areas or development phases of the Development Parcel of reasonable size and configuration of not less than one (1) lot or one

(1) building, the size and configuration of which must be approved by the General Manager, pursuant to the usual and customary practices established by the District.

(E.) In the event that the second installment of the General Service Fee due at the time of the first IEPA application and any Excess Service Fee are indexed by the Applicant and are not sooner paid, such fees, as indexed, shall be due and payable on the fifth (5th) anniversary of the date of issuance of the first IEPA application, and, from and after such fifth anniversary, the applicable index rate shall be increased by three (3) percent above the Prime Rate from that time forward and subsequent applications and permits for the Development Parcel shall not be executed by the District until payment of such indexed fees.

SECTION 4. Residential Service Fees. Service Fees for Development Parcels classified as Residential Development Parcels shall be determined based upon this section. Residential Service Fees are based upon \$2,100.00 per Residential Unit per Development Parcel. Prior to annexation to the District, the Owner or Developer of a Development Parcel shall pay to the District \$2,100.00 times the number of gross acres in the Development Parcel. If, however, the projected number of Residential Units on the Development Parcel is less than the number of gross acres, as reasonably determined by the General Manager, then the amount due shall be \$2,100.00 per Residential Unit. At the election of the Owner or Developer, residential Development Parcels in excess of 40 acres may annex upon payment of 40 times the amount of the Residential Service Fee and defer payment of the balance of the Residential Service Fee until the time of the District's execution of the IEPA permit application, subject to the index provisions set forth below. The Service Fee payment shall not guarantee and/or reserve treatment plant capacity in excess of one Residential Unit per fee paid. Prior to the District

executing an application for an IEPA permit, a Residential Service Fee must be paid for each Residential Unit covered by the permit application, provided that, the fees paid at the time of annexation shall be credited first against the Residential Units set forth in the application and any Service Fee that was deferred at the time of annexation, as indexed, shall be paid thereafter until all deferred Service Fees are paid. The Owner or Developer may phase the property development and pay for the number of Residential Units in each phase as set forth in the IEPA permit application. Upon payment in full of the Service Fee due at the time of annexation and any indexed amount, the Service Fee for all future Residential Units shall be paid at the then current Residential Service Fee, without the index applied. Wastewater treatment plant capacity for all Residential property shall be reserved at the rate of 3.5 PE per Residential Unit, based upon \$600.00 per PE, regardless of the size, configuration, or proposed use of the Residential Unit. In the event that part of the Residential Service Fees have been deferred and are not otherwise sooner paid, such fees, as indexed, shall be due and payable on the fifth (5th) anniversary of the date of annexation, then, the applicable index rate shall be increased by three (3) percent above the Prime Rate from that time forward, and subsequent applications and permits for the Development Parcel shall not be executed by the District until payment of such indexed fees.

SECTION 5. Public Uses. Service Fees for Public Uses shall be established based upon this Section. Public Uses shall pay the same Service Fee as a Commercial/Industrial or Residential property and Mixed-Use properties, without limitation, as provided for in this ordinance, as amended from time to time. The General Manager shall determine the residential and commercial/industrial character of the development and determine the Service Fees

accordingly, however, if upon written petition of the owner, agent of the owner or other interested party, or upon request by the staff of the District, or upon the request of one of the Members of the Board of Local Improvements of the District, requesting a reduction of the Service Fee, and after due consideration, the Board of Local Improvements of the District determines that such application for annexation, or connection, of or concerning a property classified by the General Manager as a Public Use as defined in this ordinance, as amended from time to time, is in the best interest of the residents of the District, or will further the interests and purposes of the District, and will not adversely impact the District, its residents, its capital or operating budgets or plans, and after considering the following criteria, and such other criteria as the Board of Local Improvements may determine, that is to say:

- (A) the religious use, purpose and objective of the applicant in view of the sewer use, treatment capacity and demand, and the relative commercial value of such use and demand;
- (B) the educational use, purpose and objective of the applicant in view of the sewer use, treatment capacity and demand, and the relative commercial value of such use and demand;
- (C) the charitable use, purpose and objective of the applicant in view of the sewer use, treatment capacity and demand, and the relative commercial value of such use and demand;
- (D) the governmental use, purpose and objective of the applicant, in view of the sewer use, treatment capacity and demand, and the relative commercial value of such use and demand;
- (E) the existence of reciprocal agreements or relationships with respect to the waiver or reduction of fees, assessments, or other charges by a governmental applicant;
- (F) such other criteria as the Board of Local Improvements may determine;

then, the Board of Local Improvements, by motion, may reduce or eliminate the connection fees, for said Public Use. The ordinance of annexation of a Development Parcel that is a Public Use

may provide that the applicable Service Fees shall become due and payable at such time as the use ceases to be a Public Use or a change in use or transfer of ownership occurs.

SECTION 6. Mixed-Use Fees. Service Fees for Development Parcels containing a combination of Residential Uses, Commercial/Industrial Uses or Public Uses shall be established based upon this Section. Upon application for annexation to the District the Owner or Developer of the Development Parcel with Mixed Uses shall request the General Manager to apportion the uses and apply the respective fees as set forth in this Ordinance, as the General Manager shall determine, based upon the proportionate uses, and advise the Owner or Developer of the applicable fee in writing prior to payment.

SECTION 7. Service Fee Index - (1) Residential Service Fee payments deferred from the date of annexation or (2) General Service Fee payments and (3) Excess Service Fee payments for Commercial/Industrial Use properties deferred from the date the District executes the applicable IEPA permit, shall be increased by an index from said date of deferment until the date of payment based upon the Wall Street Journal Prime Rate (Prime Rate), as determined by the General Manager, in effect on the first business day of the first month of the District's fiscal year. Service Fees shall be indexed without compounding and shall be prorated by month and not daily. The applicable index rate shall be adjusted annually based upon the Prime Rate as published on the first business day of the first month of the District's fiscal year. The District's fiscal year begins on first day of May and ends on the last day of April next following. As an example, assuming a Service Fee of \$2,100.00 per Residential Unit is deferred for a period of greater than twelve months and less than thirteen months from the date of annexation, and the

applicable Prime Rate is a constant Five percent (5.0%) during the time of deferment, then the Service Fee as indexed would be \$2,205.00 per Residential Unit = $[\$2,100.00 \times 1.05 \times (12/12)]$.

SECTION 8. Treatment Plant Capacity/Sewer Recapture. No treatment plant capacity shall be reserved unless prior payment in good funds is received by the District and an appropriate annexation ordinance or other agreement is entered into by the District. The District is not obligated to annex any Development Parcel or provide sewage treatment service to any Owner, Developer, or Applicant until the District has entered into an appropriate agreement or ordinance of annexation or as otherwise provided by law and nothing in this Ordinance shall be construed to indicate otherwise. This Ordinance controls the payment of Service Fees in the event of annexation of new territory to the District by ordinance of the Board of Trustees. Sewers and other appurtenances and their construction costs, sewer recapture charges to the District, or any city or village or privately funded sewers, or city or village sewer tap on charges are outside the scope of this Ordinance and are in addition to the fees set forth herein. District sewer recapture charges are due prior to the time of annexation.

SECTION 9. Payment. Service Fees are to be paid by certified check, cashier's or bank check, wire transfer or other cleared funds, prior to the District adopting the ordinance of annexation, executing an IEPA application or issuing a Connection Permit as the case may be.

SECTION 10. Procedure. The staff of the District may establish rules, regulations, and policies for annexation and fee payments to the District for approval by the Board of Trustees by resolution. Sample annexation petitions and such policy statements and

resolutions shall be made available to potential Owners, Developers, and Applicants for annexation to the District.

SECTION 11. Service Fee Refunding. Service Fees and sewer recapture fees, paid by a Developer or other applicant prior to annexation in advance of passage of the Annexation Ordinance shall be promptly refunded to the remitter, by the District, in the event that the ordinance is denied, or the application is withdrawn by the Applicant. After passage of the ordinance annexing the Development Parcel, refunds of Service Fees or recapture charges will not be made, except under extraordinary circumstances as may be approved by the Board of Trustees upon good cause shown or as equity may require.

SECTION 12. Variations. The Board of Trustees shall consider requests for variation from the service fee payments and procedure required under this Ordinance, based upon unavoidable hardship or unforeseen circumstances, upon written application signed by the Owner and Developer, of a Development Parcel setting forth the reasons for the request, and the hardship or unforeseen circumstances. The District staff shall prepare a detailed report with respect to the request for consideration by the Board of Trustees. After presentation of the staff report to the Board of Trustees, a notice of public hearing shall be published as set forth in the Sanitary District Act of 1917 for annexation agreements, prior to consideration of the issue by the Board of Trustees. Upon consideration, the Board shall deny the request by motion or may grant the request in whole or part by the adoption of an ordinance of variation as to the subject Development Parcel or may grant the request by an amendment to this Ordinance.

SECTION 13. Annual Review. These rates and the index shall be reviewed by the District at least annually. If any of the provisions of this Ordinance conflict with the provisions of any existing ordinance, the provisions of this Ordinance shall control.

SECTION 14. Repeal. Any ordinance or any part of an ordinance in conflict herewith is hereby repealed. Ordinance 571 is hereby repealed as of the effective date of this Ordinance. Upon its effective date, this Ordinance shall be applicable to all Development Parcels annexed to the District from and after October 1, 1990 and not applicable to Development Parcels annexed prior to said date.

SECTION 15. Effective Date. This Ordinance shall be effective ten (10) days after its passage, approval and publication, as provided by law.

FOX RIVER WATER RECLAMATION DISTRICT

By: Ernest R. Ludwig

ATTEST:

By: Bruce R. Cam

ORDINANCE NO. 826

AN ORDINANCE AMENDING
ORDINANCE NO. 754 AND
ORDINANCE 708 - REDUCING
SERVICE FEES PAYABLE
TO THE FOX RIVER WATER
RECLAMATION DISTRICT

WHEREAS, the Fox River Water Reclamation District ("District") has determined that it is in the best interest of the District to amend Ordinance No. 754 passed March 28, 2005 and Ordinance No. 708 passed June 16, 2003, by which the District regulates service fees for annexation of new territory to the District; and

WHEREAS, changes in the local and national economic conditions have occurred since the adoption of Ordinance 754 that have resulted in a sharp reduction in growth and development in the District that is anticipated to continue for the near future, and a reduction in Service Fees for an indefinite period of time will promote an increase in development and economic activity in the District;

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE FOX RIVER WATER RECLAMATION DISTRICT, KANE AND COOK COUNTIES, ILLINOIS:

PART ONE: From and after the effective date of this Ordinance, or until such time as rescinded by amendment of this ordinance, Service Fees shall be based upon the rate of \$720.00 per P.E. rather than \$800.00 per P. E. and Ordinance 754 and Ordinance 708 shall be modified as specifically set forth in the following Sections I through IV of Part One of this Ordinance.

SECTION I: Section 3(A.) Of Ordinance No. 708 is amended to provide for a General Service Fee for Commercial/Industrial Development Parcels in the amount of \$9,000.00 per acre rather than the previously existing General Service Fee of \$10,000.00 per acre.

SECTION II: Section 3(B.) Of Ordinance No. 708 is amended to provide for an Excess Service Fee in the amount of \$720.00 per P.E. rather than the previously existing Excess Service Fee of \$800.00 per P.E. for Capacity requirements in excess of 12.5 P.E. per acre for Commercial/Industrial Development Parcels.

SECTION III: Section 3(D.) Of Ordinance No. 708 is amended to provide that the amount of the third installment of the General Service Fee is \$4,500.00 per gross acre (for a total of \$9,000.00/gross acre) rather than the previously existing \$5,500.00 per gross acre and (previously a total of \$10,000.00/gross acre).

SECTION IV: Section 4 Of Ordinance No. 708 is amended to provide for a Residential Service Fee for Residential Development Parcels in the amount of \$2,520.00 per Residential Unit per Development Parcel rather than the previously existing Residential Service Fee of \$2,800.00 per Residential Unit per Development Parcel. All references to the sum of \$2,800.00, in said Section 4 of Ordinance No. 708, are hereby amended to \$2,520.00. Wastewater treatment plant capacity for all Residential property shall be reserved at the rate of 3.5 PE per Residential Unit, based upon \$720.00 per PE (previously \$800.00), regardless of the size, configuration, or proposed use of the Residential Unit.

PART TWO: Ordinance No. 809 is hereby repealed.

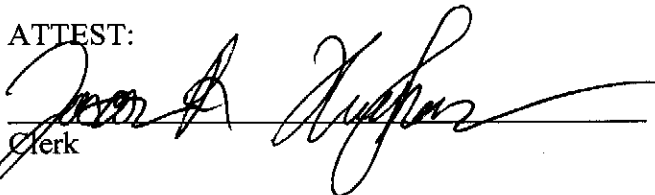
PART THREE: This Ordinance shall be in full force and effect from and after its passage, approval, and publication, as provided by law. All ordinances, resolutions or orders or parts thereof, in conflict with the provisions of this ordinance are to the extent of such conflict hereby repealed.

FOX RIVER WATER RECLAMATION DISTRICT



President

ATTEST:



Clerk

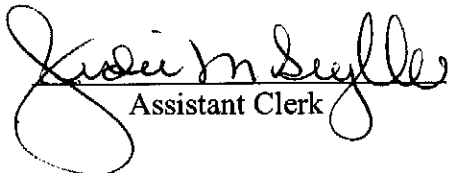
Passed this 14 day of February, 2011.

VOTE:AYES: 5 NAYS: 0 ABSTAIN: _____

CERTIFICATION

I, Judie M. Seyller, Assistant Clerk of the FOX RIVER WATER RECLAMATION DISTRICT, Kane and Cook Counties, Illinois, do hereby certify that the attached is a true and correct copy of ORDINANCE No. 826, AN ORDINANCE AMENDING ORDINANCE NO. 754 AND ORDINANCE NO. 708 - REDUCING SERVICE FEES PAYABLE TO THE FOX RIVER WATER RECLAMATION DISTRICT as duly adopted by the Board of Trustees of the FOX RIVER WATER RECLAMATION DISTRICT at a regular meeting of such Board and that such ordinance is in full force and effect.

Certified and sealed at Elgin, Illinois this 14 day of February, 2011.


Assistant Clerk

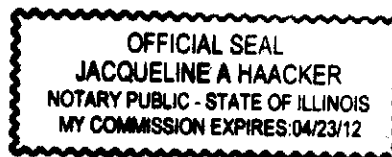
(Seal)

SUBSCRIBED AND SWORN to

before me this 14th day of

February, 2011.


Notary Public



FRWRD - MINIMUM PROJECT SPECIFICATION REQUIREMENTS

1. THE PROPOSED IMPROVEMENTS SHALL BE CONSTRUCTED ACCORDING TO THE ORDINANCE AND REQUIREMENTS OF THE "STATE STANDARD SPECIFICATION FOR WATER AND SEWER MAIN CONSTRUCTION IN ILLINOIS" CURRENT EDITION, AND THE FOX RIVER WATER RECLAMATION DISTRICT.
2. THE CONTRACTOR SHALL NOTIFY THE FOX RIVER WATER RECLAMATION DISTRICT 48 HOURS PRIOR TO START OF THE CONSTRUCTION TO ARRANGE FOR APPROPRIATE CONSTRUCTION INSPECTION.
3. THE FOX RIVER WATER RECLAMATION DISTRICT SHALL HAVE THE AUTHORITY TO INSPECT, APPROVE, AND REJECT THE CONSTRUCTION IMPROVEMENTS.
4. THE CONTRACTOR(S) SHALL INDEMNIFY THE FOX RIVER WATER RECLAMATION DISTRICT, THEIR AGENTS ETC., FROM ALL LIABILITY INVOLVED WITH THE CONSTRUCTION, INSTALLATION AND TESTING OF THIS WORK ON THIS PROJECT.
5. THE PROPOSED IMPROVEMENTS MUST BE CONSTRUCTED IN ACCORDANCE WITH THE ENGINEERING PLANS AS APPROVED BY THE FRWRD.
6. SANITARY MANHOLE FRAMES SHALL BE NEENAH R-1772 WITH TYPE B SELF-SEALING RUBBER GASKET COVER WITH CONCEALED PICK HOLES OR EQUAL WITH THE WORD "SANITARY" CAST IN THE COVER.
7. THE EXTERIOR OF THE PROPOSED MANHOLES SHALL BE WATERPROOFED WITH A BITUMASTIC MATERIAL AS PER FRWRD ORDINANCE NO. 323, ARTICLE 4, SECTION 16.
8. ALL JOINTS BETWEEN PRE-CAST ELEMENTS, ADJUSTING RINGS AND MANHOLE FRAMES ON ALL UNDERGROUND STRUCTURES, SHALL BE SET IN PLACE WITH ONE OF THE FOLLOWING BUTYL RUBBER JOINT SEALANTS:
 - a. CONCRETE PROJECTS SUPPLY CO. - EZ STIK8
 - b. HAMILTON-KENT GASKET CO. - KENT SEAL
 - c. OR EQUAL, AS APPROVED BY THE DISTRICT ENGINEER,

AND ALL JOINTS TO BE TUCKPOINTED WITH HYDRAULIC CEMENT OR MORTAR WITH A BRUSH FINISH. ALL JOINTS BETWEEN ADJUSTING RINGS, AND MANHOLE FRAMES TUCKPOINTED WITH HYDRAULIC CEMENT OR MORTAR WILL NOT BE ACCEPTED BY FRWRD.

9. ALL SANITARY SEWER MANHOLES SHALL BE CONSTRUCTED WITH FLEXIBLE MANHOLE COUPLING, AS MANUFACTURED BY INTERPACE CORPORATION (LOCKJOINT FLEXIBLE MANHOLE SLEEVE), PRESS- SEAL GASKET CORPORATION (PRESS WEDGE II) , OR EQUAL AS APPROVED BY THE DISTRICT ENGINEER. ALL MATERIALS AND INSTALLATION PROCEDURES SHALL COMPLY WITH THOSE SPECIFIED BY THE MANUFACTURER.

10. A WATER-TIGHT PERMANENT MASONRY BULKHEAD SHALL BE INSTALLED IN THE DOWNSTREAM SEWER PIPE AT THE POINT OF SEWER CONNECTION PRIOR TO COMMENCING ANY SEWER CONSTRUCTION. THE BULKHEAD SHALL REMAIN IN PLACE UNTIL REMOVAL IS AUTHORIZED BY THE FOX RIVER WATER RECLAMATION DISTRICT AFTER THE SANITARY SEWERS HAVE BEEN TESTED AND ACCEPTED.
11. THE CONTRACTOR SHALL TAKE MEASURES TO PREVENT ANY UNPOLLUTED WATER SUCH AS GROUND AND SURFACE WATER FROM ENTERING THE EXISTING SANITARY SEWERS.
12. THE CONTRACTOR SHALL BE PROHIBITED FROM DISCHARGING ANY UNPOLLUTED WATER INTO THE SANITARY SEWER SYSTEM FOR THE PURPOSE OF SEWER FLUSHING OR FLOATING LINES FOR THE DEFLECTION TEST WITHOUT PRIOR APPROVAL FROM THE FOX RIVER WATER RECLAMATION DISTRICT.
13. ALL SEWERS, INCLUDING TRUNK LINE SEWERS AND LATERAL SEWERS, THAT WILL DISCHARGE SEWAGE FOR TREATMENT BY THE FOX RIVER WATER RECLAMATION DISTRICT, SHALL BE INSTALLED UNDER THE SUPERVISION OF A FULL TIME RESIDENT ENGINEER. NO WORK SHALL BE DONE IN THE ABSENCE OF THE RESIDENT ENGINEER.
14. THE DISTRICT SHALL HAVE THE RIGHT TO APPROVE THE SELECTION OF A RESIDENT ENGINEER. THE DISTRICT SHALL HAVE THE RIGHT TO REQUEST A SUBSTITUTE RESIDENT ENGINEER IN THE EVENT OF UNSATISFACTORY PERFORMANCE BY THE RESIDENT ENGINEER.
15. THE RESIDENT ENGINEER ON ANY SEWER CONSTRUCTION PROJECT SHALL PROVIDE THE DISTRICT WITH DAILY REPORTS NO LESS THAN EVERY TWO (2) WEEKS.
16. ALL NEW SANITARY SEWERS SHALL BE PRESSURE TESTED TO THE PROCEDURE OUTLINED IN THE "SPECIFICATIONS FOR LOW PRESSURE AIR TESTS OF THE SANITARY SEWERS" AVAILABLE AT THE FOX RIVER WATER RECLAMATION DISTRICT OFFICE. THE DISTRICT MAY REQUIRE SUCH OTHER TEST AS CONDITIONS MAY REQUIRE.
17. THE COST OF PROVIDING RESIDENT ENGINEERING AND PRESSURE TESTING SHALL BE BORNE BY THE OWNER OR DEVELOPER.
18. THE FOX RIVER WATER RECLAMATION DISTRICT MUST BE FURNISHED A COMPLETE SET OF CONSTRUCTION RECORD DRAWINGS OF THE SANITARY SEWERS CONSTRUCTED FOR A PROJECT WITHIN 60 DAYS OF COMPLETION OF THE SEWERS.
19. SANITARY SEWER MANHOLES WITH INTERNAL DROPS TWO FEET OR LESS SHALL HAVE A PRECAST CONCRETE TROUGH BUILT IN THE STRUCTURE TO OBTAIN A SMOOTH FLOW TRANSITION FROM THE UPSTREAM PIPE INVERT TO THE DOWNSTREAM PIPE INVERT.
20. ALL MANHOLES AND STRUCTURES SHALL BE CLEANED OF ANY ACCUMULATION OF SILT, DEBRIS, OR FOREIGN MATTER OF ANY KIND, AND SHALL BE FREE FROM SUCH ACCUMULATIONS AT THE TIME OF FINAL INSPECTION. ALL MANHOLES AND STRUCTURES SHALL BE INSPECTED BY THE FRWRD PRIOR TO ACCEPTANCE.