

ORDINANCE NO. 2011-04

**AMENDING CHAPTER 2 OF TITLE 13 AND CHAPTERS 6
AND 10 OF TITLE 11 OF THE GENEVA CITY CODE**

**ADOPTED BY THE
CITY COUNCIL**

THIS 18TH DAY OF JANUARY, 2011

Published in pamphlet form
by authority of the Mayor
and City Council of the
City of Geneva,
Kane County, Illinois,
this 18th day of January, 2011

ORDINANCE NO. 2011-04

**AMENDING CHAPTER 2 OF TITLE 13 AND CHAPTERS 6
AND 10 OF TITLE 11 OF THE GENEVA CITY CODE**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY
OF GENEVA, KANE COUNTY, ILLINOIS, AS FOLLOWS:**

**SECTION 1: ARTICLE 1201A3 OF SECTION 13-2-2 OF TITLE 13 OF
THE CITY OF GENEVA CITY CODE IS HEREBY AMENDED TO
READ AS FOLLOWS:**

An irrevocable letter of credit, surety bond, or letter of commitment, issued by a bank, savings and loan association, surety, or insurance company, in favor of the City, which is deemed good and sufficient by the City, in an amount equal to one hundred ten percent (110%) of the approved estimated probable cost to complete the construction of any required stormwater facilities.

**SECTION 2. SECTION 11-9-6B3 OF CHAPTER 9, TITLE 11 OF THE CITY OF
GENEVA CITY CODE IS HEREBY AMENDED TO READ AS FOLLOWS:**

Public Facilities: All public facilities and improvements made necessary as a result of the planned unit development shall be guaranteed through escrow deposit, letter of credit, surety bond, or letter of commitment, issued by a bank, savings and loan association, surety, or insurance company, in favor of the City, which guaranty is deemed good and sufficient by the City, in an amount equal to one hundred ten percent (110%) in a form approved by the city.

**SECTION 3. SECTION 11-10-9A OF CHAPTER 10, TITLE 11 OF THE CITY OF
GENEVA CITY CODE IS HEREBY AMENDED TO READ AS FOLLOWS:**

Performance Guarantee: All required landscaping materials, both living and nonliving, shall be in place prior to the time of issuance of a final

certificate of occupancy, weather permitting. In periods of adverse weather conditions, a temporary certificate of occupancy may be issued, subject to the posting a performance guarantee in the form of a cash escrow, letter of credit, surety bond, or letter of commitment, issued by a bank, savings and loan association, surety, or insurance company, in favor of the City, which guaranty is deemed good and sufficient by the City, in an amount equal to one hundred ten percent (110%) the estimated cost of the landscaping. The estimated cost shall be certified by a landscape contractor. The performance guaranty may be forfeited if the landscaping is not completed within one year after the issuance of the temporary certificate of occupancy. Forfeiture of any performance guarantee shall not relieve the owner of the responsibility to complete the required landscaping. The performance guarantee shall also be accompanied by a statement of the owner giving the City the right to enter upon the property to complete landscaping in the case of forfeiture.

SECTION 4. SECTION 11-10-9 B 2 OF CHAPTER 10, TITLE 11 OF THE CITY OF GENEVA CITY CODE IS HEREBY AMENDED TO READ AS FOLLOWS:

As a condition to issuance of a final certificate of occupancy, a cash escrow, irrevocable letter of credit, surety bond, or letter of commitment, issued by a bank, savings and loan association, surety, or insurance company in favor of the City in the amount of twenty five percent (25%) of the initial landscaping costs shall be posted to ensure the needed replacement of materials and the continued maintenance of the same for a period of two (2) years after initial installation. surety may be forfeited if the necessary maintenance and replacement has not been performed in a satisfactory manner within the two (2) year period. Further, should it be determined that the landscaping as approved on the landscaping plan is not being maintained as specified beyond the initial two (2) year maintenance period, resubmission of the approved plan and the posting of an additional maintenance surety may be required by the city.

SECTION 5. Conflict. Titles 11 and 13 of the Geneva City Code, as heretofore and hereinabove amended shall otherwise remain in full force and effect.

SECTION 6: This ordinance shall be in full force and effect forthwith upon its adoption, approval and publication in pamphlet form as provided by law. Publication of this ordinance in pamphlet form is approved.

PASSED by the City Council of the City of Geneva, Illinois, this 18th day of January, 2011.

APPROVED by me as Mayor of said City of Geneva, Illinois, this 18th day of January, 2011.

Kevin R. Burns, Mayor

ATTEST:

Lynn P. Landberg, City Clerk

CITY COUNCIL VOTE:

AYE: 9

NAY: 0

ABSENT: 1

ABSTAINING: 0

HOLDING OFFICE: 11