

**TOWN OF CORTLAND
DEKALB COUNTY, ILLINOIS**

**TOWN OF CORTLAND
ORDINANCE NO. 2021-03**

AN ORDINANCE AMENDING TITLE 1, “ADMINISTRATION,” CHAPTER 8, “FEES FOR PERMITS AND SERVICES,” SECTION 1, “SEWER AND WATER PERMITS” TO ADD SUBPARAGRAPH D, “ADDITIONAL WATER AND SEWER CONNECTION FEE FOR CERTAIN PROPERTIES WITHIN THE TOWN SUBJECT TO SETTLEMENT AGREEMENT

**ADOPTED BY THE
MAYOR AND BOARD OF TRUSTEES
OF THE TOWN OF CORTLAND**

This 12th day of April, 2021

Published in pamphlet form by the authority of the President and Board of Trustees of the Town of Cortland, DeKalb County, Illinois, this 13th day of April, 2021.

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WHEREAS, the Town of Cortland imposes certain connection fees for the Town’s sewer and water facilities; and

WHEREAS, certain agreements were entered into between LNL4EVER, LLC, Tad Simpson, Rebecca Simpson, the Town of Cortland, DeKalb County, and UMB Bank, as Trustee of the Cortland Special Service Area Bondholders, comprehensively Settling Special Service Area Tax Litigation and other disputes pursuant to DeKalb County Case No. 2016 MR 272 (“Settlement Agreement”); and

WHEREAS, Section 10 of the Settlement Agreement imposed an additional combined sewer and water connection fee sum of \$1,000.00 for certain properties within the Town allocated by the Settlement Agreement to, and to be acquired by, UMB Bank as Trustee of the Cortland Special Service Area Bondholders in mitigation of the Town of Cortland’s previous advancements of certain funds associated with these properties (the “UMB Bondholder Parcels”); and

WHEREAS, the terms regarding this additional \$1,000.00 connection fee sum for the UMB Bondholder parcels were set forth with specificity in the Settlement Agreement and were imposed as an ongoing obligation which would run with the land for any initial sewer and water connection permits to be sought for the UMB Bondholder parcels; and

WHEREAS, the Settlement Agreement was recorded with the DeKalb County Recorder’s Office on November 24, 2020, as Document No. 2020012528 for the express purpose of providing ongoing public notice of the imposition of this additional connection fee for the UMB Bondholder Parcels; and

WHEREAS, in late 2020 and early 2021 the representatives of UMB Bank, as Trustee of the Cortland Special Service Area Bondholders, informed the Town of Cortland and the County of DeKalb that they were electing not to acquire the UMB Bondholder Parcels despite the terms of the Settlement Agreement; and

WHEREAS, notwithstanding this, the Settlement Agreement and the interests of the citizens of the Town of Cortland require the imposition of this additional \$1,000 connection fee for the UMC Bondholder parcels in order to address Cortland’s costs and advancement of funds associated with the problems arising out the financing of the Schaeffer System as reflected in the Settlement Agreement; and

WHEREAS, the UMB Bondholder Parcels are identified in the Settlement Agreement on Exhibit 1 and further set forth on the attached Exhibit “A” of this ordinance.

NOW THEREFORE BE IT ORDAINED by the Board of Trustees of the Town of Cortland, Illinois, as follows:

1. That Title 1, Chapter 8, Section 1 of the Cortland Town Code shall be amended to add new subparagraph D as follows:

SECTION 1-8-1: SEWER AND WATER PERMITS

D. ADDITIONAL WATER AND SEWER CONNECTION FEE FOR CERTAIN PROPERTIES WITHIN THE TOWN SUBJECT TO SETTLEMENT AGREEMENT: In accordance with Section 10 of a Settlement Agreement between LNL4EVER, LLC, Tad Simpson, Rebecca Simpson, the Town of Cortland, DeKalb County, and UMB Bank, as Trustee of the Cortland Special Service Area Bondholders, comprehensively Settling Special Service Area Tax Litigation and other disputes pursuant to DeKalb County Case No. 2016 MR 272, recorded on November 24, 2020 as Document No. 2020012528 in the DeKalb County Recorder’s Office, all properties identified through their parcel identification numbers as set forth on Exhibit 1 of said Settlement Agreement as UMB Bondholder Parcels shall require payment of an additional one thousand dollars (\$1,000.00) as an additional connection fee.

2. Severability and Repeal of Inconsistent Ordinances. If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this Ordinance. All Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

PASSED BY THE BOARD OF TRUSTEES of the Town of Cortland, Illinois, at a regular meeting thereof held on the 12th day of April, 2021, and approved by me as Mayor on the same day.

AYE: Trustees, Siewierski, Fioretto, Robins, Walker, Corson and Stone
NAY: None
ABSENT: None

Russell C. Stokes, Mayor

ATTEST:

Cheryl Aldis, Town Clerk