

31-O-11

AN ORDINANCE

**Amending Section 4-13-1 of the City Code,
"Approval of Plats"**

WHEREAS, the City of Evanston is a home-rule municipality pursuant to Article VII of the Illinois Constitution of 1970; and

WHEREAS, as a home rule unit of government, the City has the authority to adopt ordinances and to promulgate rules and regulations that protect the public health, safety, and welfare of its residents; and

WHEREAS, the power to regulate development and land use is a legitimate means of promoting the public health, safety, and welfare; and

WHEREAS, the regulation of plats is a legitimate and frequently-utilized means of regulating development and land use; and

WHEREAS, the City of Evanston, has, pursuant to its home rule authority, adopted platting regulations, codified as Section 4-13-1 of the Evanston City Code of 1979, as amended (the "City Code"); and

WHEREAS, at its meeting of April 25, 2011, the Planning and Development Committee ("P&D Committee") of the City Council considered amendments to Section 4-13-1 of the City Code and recommended City Council approval thereof; and

WHEREAS, at its meeting of May 9, 2011, the City Council considered and adopted the records and recommendations of the P&D Committee,

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF
THE City OF EVANSTON, COOK COUNTY, ILLINOIS:**

SECTION 1: That the foregoing recitals are found as fact and incorporated herein by reference.

SECTION 2: That Section 4-13-1 of the City Code is hereby amended to read as follows:

4-13-1: APPROVAL OF PLATS:

(A) Issuance of Building Permits: No building permit shall be issued nor shall any construction be undertaken on any lot or parcel of land within the City unless such lot or parcel is shown, in its entirety, on a plat of subdivision recorded in the office of the Cook County Recorder of Deeds.

(B) City Council Approval: Any new map, plat, subdivision, consolidation or re-subdivision of any block, lot, subplot or part thereof, or any piece or parcel of land shall, before recording the same, be submitted to the City Council for its approval by resolution. Each map, plat, subdivision, consolidation or re-subdivision so submitted shall be accompanied by a report of the Directors of Public Works and Utilities, describing the public improvements available or required to serve the parcels shown on such map, plat, subdivision, consolidation or re-subdivision. No such map, plat, subdivision, consolidation or re-subdivision shall be approved by the City Council unless it conforms with all the applicable ordinances of the City. The City Council may condition any such approval on any/all of the following that it determines is applicable:

1. the applicant's dedication to the City of any land required for public streets, alleyways, and/or other rights-of-way identified in the report of the Directors of Public Works and Utilities;
2. the applicant's granting of easements to the City for all required public utilities infrastructure, including, but not limited to, water and sewer mains, that must be located on applicant's property, as identified in the report of the Directors of Public Works and Utilities;
3. the applicant's execution of a development agreement, in form and content approved by the City, wherein he/she commits to construct, pursuant to City-issued permits, all required public improvements identified in the report of the Directors of Public Works and Utilities, and to transfer ownership of said public improvements to the City after their construction;

4. the applicant's submission to the City of a cash bond or other security in accord with 65 ILCS 5/11-39-3, as amended, in an amount equal to one hundred ten percent (110%) of the estimated costs of any required public improvements identified in the report of the Directors of Public Works and Utilities, to ensure their construction. Should the bond or other security become due to expire, and the Applicant fail to submit a replacement to the City at least fourteen (14) days prior to the expiration date thereof, the City may draw on said bond or security in accordance with the terms thereof, and use the funds drawn to complete the construction of the aforementioned required public improvements;
5. the applicant's recordation, in the office of the Cook County Recorder of Deeds, of the resolution approving the submitted map, plat, subdivision, consolidation and/or re-subdivision, along with all exhibits thereto.

Should any resolution approving a map, plat, subdivision, consolidation and/or re-subdivision require the applicant to dedicate land to the City, grant the City an easement(s), and/or construct and transfer ownership of public improvements to the City, the City may accept said dedication(s) of land, easement(s), and/or ownership of public improvements by ordinance(s).

- (C) **Survey Prerequisite; Owner's Responsibility:** No plat, map or subdivision of any block, lot, subplot or part thereof, or any piece or parcel of land shall be approved by the City Council until the same shall be properly certified by a surveyor and acknowledged by the owner as provided by the general laws of the State of Illinois; and until the owner shall swear or affirm that he/she is the owner in fee of the property described in such plat; and until the same shall have been approved by the Director of Public Works, Director of Utilities, City Attorney and Director of Community and Economic Development.

SECTION 3: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4: That if any provision of this ordinance or application thereof to any person or circumstance is held unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this Title that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this ordinance is severable.


SECTION 5: That this ordinance shall be in full force and effect from and after its passage, approval and publication in the manner provided by law.

Introduced: April 25, 2011

Approved:

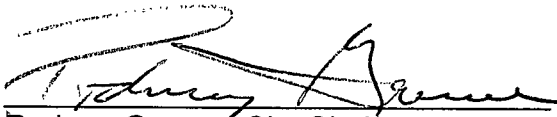
Adopted: May 9, 2011

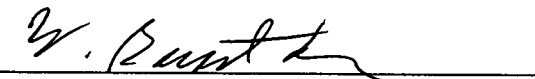
May 11, 2011


Elizabeth B. Tisdahl, Mayor

Attest:

Approved as to form:


Rodney Greene, City Clerk


W. Grant Farrar, City Attorney