

Effective Date: April 22, 2012

3/20/2012  
1/23/2012

**11-O-12**

**AN ORDINANCE**

**Amending Title 7, Chapter 15 "Board of Local Improvements" by  
Enacting a New Section for Alley Paving Improvements**

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

**SECTION 1:** That Title 7, Chapter 15 of the Evanston City Code of 1979, as amended, "Board of Local Improvements", is hereby further amended by enacting a new Section 7, "Alley Paving Improvements", to read as follows:

**7-15-7: ALLEY PAVING IMPROVEMENTS**

(A) Impermeable alley: The owners of at least 51 percent (51%) of the property abutting any unimproved alley or portion thereof, may petition the City for the construction of an impermeable concrete pavement and related storm sewer and drainage improvements for the alley thereon. This type of alley is automatically selected, unless the owners specifically request the installation of permeable pavement. Such petition shall be filed with the City Manager or his/her designee. When the Board of Local Improvements receives a petition to pave an alley within the City, the Board of Local Improvements will follow the special assessment procedure established in the Illinois Municipal Code, 65 ILCS 5/9-3-1/et seq. for the petition to pave the alley.

If the Impermeable alley paving improvement is confirmed by the Cook County Circuit Court in accordance with the state statute, the City will pay fifty percent (50%) of the project cost with the property owners paying the remaining fifty percent (50%) annually over a 10-year period.

(B) Permeable alley: The owners of at least 51% of the property abutting any unimproved alley or portion thereof, may opt to petition the City for the construction of permeable pavement for the alley thereon ("Green Alley"). The Green Alley petition shall be filed with the City Manager or his/her designee. When the Board of Local Improvements receives the Green Alley petition to pave an alley within the City, the Board of Local Improvements will follow the special assessment procedure established in the Illinois Municipal Code, 65 ILCS 5/9-3-1/et seq. for the petition to pave the alley.

If the Green Alley paving improvement is confirmed by the Cook County Circuit Court in accordance with state statute, the City will pay fifty percent (50%) of the project cost with the property owners paying the remaining fifty percent (50%) annually over a 10-year period.

(C) The assessment cost attributable to each property owner is based on the unit cost method, unless a more equitable alternative method is appropriate and approved by the Board of Local Improvements and approved by a majority (at least 51%) of the property owners abutting the subject alley.

(D) The Board of Local Improvements may initiate alley paving improvement projects within the City. The acceptance of a petition by the Board of Local Improvements is also conditioned on the soil conditions of the subject alley.

**SECTION 2:** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 3:** 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 ordinance that can be given effect without the invalid application or provision, and each invalid application of this Ordinance is severable.

**SECTION 4:** The findings and recitals contained herein are declared to be prima facie evidence of the law of the City and shall be received in evidence as provided by the Illinois Compiled Statutes and the courts of the State of Illinois.


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

Introduced: March 26, 2012

Approved:

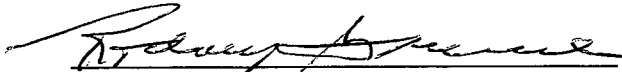
Adopted: April 10, 2012

April 11, 2012

  
Elizabeth B. Tisdahl, Mayor

Attest:

Approved as to form:

  
Rodney Greene, City Clerk

  
W. Grant Farrar, City Attorney