

4/10/2019

39-O-19

AN ORDINANCE

**Amending Portions of City Code Title 7, "Public Ways", Chapter 15
"Board of Local Improvements"**

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

SECTION 1: City Code Subsection 7-15-1, "Establishment; Meetings", of the Evanston City Code of 2012, as amended, is hereby further amended to read as follows:

7-15-1. – ESTABLISHMENT; MEETINGS.

The Board of Local Improvements will meet at such times as it may determine, or upon call of the President, and has the powers and duties granted to it by 65 ILCS 5/9-2-1, et seq., as amended.

The Board of Local Improvements consists of six (6) members. The Director of the Public Works Agency is the President of the Board of Local Improvements. The other members of the Board are: the Public Services Bureau Chief, the Sewer Supervisor, the Superintendent of Special Assessments, the City Engineer, and the City Clerk.

SECTION 2: City Code Subsection 7-15-7, "Alley Paving Improvements", of the Evanston City Code of 2012, as amended, is hereby further amended to read as follows:

7-15-7. - ALLEY PAVING IMPROVEMENTS.

(A) Alley Improvements: The owners of at least fifty-one percent (51%) of the property abutting any unimproved alley or portion thereof, may petition the City for construction of a concrete pavement alley and related storm sewer and drainage

improvements for the alley thereon. 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 5/9-2-1/et seq. for the petition to pave the alley.

If the 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%). The project cost will be established by an estimate of cost issued by the City Engineer plus an additional four and one half percent (4.5%) of the total estimated cost for engineering services and an additional four and one half percent (4.5%) of the total estimate cost for legal services.

The property owner may elect to pay his/her share of the project cost as a lump sum or annually over a ten (10) year period including interest. The interest will be no more than two percent (2%) above the ten (10) year United States Treasury note yield as determined by the City's Chief Financial Officer or his/her designee on the first day of the calendar year for the year in which the assessment is approved at a public hearing.

(B) In locations where the soil type is conducive to green infrastructure the City may design and construct the alley with porous pavement. Any additional costs associated with the porous pavement will be paid for by the Sewer Fund allocated for green infrastructure.

(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. Votes by the property owners shall be weighted by the value of the assessment cost attributable to their property.

(D) If the owners of at least eighty percent (80%) of the properties abutting any unimproved alley or portion thereof, petition the City with the intent to pay one hundred percent (100%) of the estimated cost of the alley construction, the petition will be accepted by the Board of Local Improvements and the construction of the alley will take place in the following construction season. This project will be in addition to the Alley Improvements as stated in paragraph A and will not replace any planned City projects. The cost per unit will not include engineering or legal fees when property owners are paying one hundred percent (100%) of the construction costs.

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

SECTION 4: 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 provision or invalid application of this ordinance is severable.

SECTION 5: Ordinance 39-O-19 shall be in full force and effect after its passage and approval.

SECTION 6: 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.

Introduced: April 22nd, 2019

Approved:

Adopted: May 17th, 2019

May 29, 2019

Stephen H. Hagerty
Stephen H. Hagerty, Mayor

Attest:

Devon Reid
Devon Reid, City Clerk

Approved as to form:

Michelle L. Masoncup
Michelle L. Masoncup, Corporation
Counsel