

AN ORDINANCE AMENDING SECTION 21-30  
OF ARTICLE III OF THE CITY OF URBANA'S LAND DEVELOPMENT CODE  
ENTITLED "MAINTENANCE BONDS"

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA,  
ILLINOIS AS FOLLOWS:

Section 1. That the existing Section 21-30 of Article III of the City of Urbana, Illinois' Land Development Code entitled "Maintenance Bonds" has been determined by City of Urbana staff to be unworkable and too restrictive to developers in that the time required to complete repairs is not sufficient causing many extensions of maintenance bonds.

Section 2. That the City Council of the City of Urbana, Illinois believes it is in the best interests of the City and of the public that the following revision to said Section will streamline the process and give developers ample time to make repairs.

Section 3. That Section 21-30 of Article III of the City of Urbana's Land Development Code is hereby amended to read as follows:

"(a) Bond time limit. The maintenance bond required by Section 21-29(g) shall be filed with the City Clerk on an approved bond form. The bond shall be for a term of 18 months following approval of such bond by the City Council. The bond shall, by its terms, guarantee the repair of any defects or failures appearing in the construction of the improvements required to have been built under the approval granted to the development under this Ordinance, within one (1) year of the date the maintenance bond was approved by the City Council.

(b) City Engineer inspection. At the end of one year from the date the City Council approves and accepts the bond, the City Engineer shall conduct a final inspection of the improvements within thirty (30) days of the one year anniversary date of City Council bond approval. The City Engineer shall notify the developer and the developer's engineer in writing of the date, time, and place of the final inspections. If such improvements are free of defects, the City Engineer shall certify in writing that all improvements are free of defects in construction and shall give said certification to the developer, the Secretary of the Plan Commission, and the City Clerk.

(c) Third Engineer. If the City Engineer determines significant defects in construction, the City Engineer shall give the developer written notification of those defects, and repairs to be made. If there is a disagreement between the developer and the City Engineer about the defects, then a third engineer, agreeable to the developer and the City Engineer, shall be selected. The third engineer shall inspect the improvements and prepare a report outlining the defects, if any, their probable cause and the proposed method of repair. The findings of the third engineer shall be binding upon the developer and the City. Payment of the third engineer shall be paid one-half by the developer and one-half by the City.

(d) Developer response deadline. After receiving the final inspection report from the City Engineer, the developer shall cause to be repaired any defects or failures in the construction of the improvements, or promptly and without unnecessary delay, agree to retain the third Engineer as provided herein. The time limit to complete the repairs ordered by the City Engineer or found to be needed by the third Engineer shall be 17 months from the approval of the maintenance bond. No extension to this time limit nor partial releases will be allowed. If such repairs are not fully completed by the end of 17 months, then the City Engineer shall promptly cause such repairs to be made and shall charge such against the maintenance bond posted.

(e) Performance failure. Failure of the developer to complete the repairs within the time allowed herein shall be deemed to be an authorization to the City to complete the repairs. The proceeds of the bond shall be used to pay for all the costs of such repairs undertaken by the City, including administrative and engineering costs equalling 10% of the actual construction repair costs incurred.

(f) Bond amount. The maintenance bond shall be in the amount of not less than ten thousand dollars (\$10,000.00) or ten (10%) percent of the estimated cost of construction, whichever is greater. The City Engineer shall approve the developer's engineer's estimated cost of construction in calculating the bond amount.

(g) Authorized security. A maintenance bond shall secure the City in the same manner as construction bonds, Section 21-29(e).

(h) Bond release. The City Council shall release maintenance bonds and the surety thereon, if any, upon certification from the City Engineer that all improvements are free of defects in construction and that the conditions of the bond have been satisfied."

Section 4. All ordinances, resolutions, or motions or parts thereof, in conflict with the provisions of this ordinance are, to the extent of such conflict, hereby repealed.

Section 5. The City Clerk is directed to publish this ordinance in pamphlet form by authority of the corporate authorities, and this ordinance shall be in full force and effect from and after its passage and publication in accordance with Section 1-2-4 of the Illinois Municipal Code.

This ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called, of the majority of the members of the Council of the City of Urbana, Illinois, at a regular meeting of said Council.

1993. PASSED by the City Council this 13<sup>th</sup> day of March

  
Ruth S. Brookens  
Ruth S. Brookens, City Clerk

1993. APPROVED by the Mayor this 19<sup>th</sup> day of March,

Jeffrey T. Markland  
Jeffrey T. Markland, Mayor

CERTIFICATE OF PUBLICATION IN PAMPHLET FORM

I, Ruth S. Brookens, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois.

I certify that on the 15th day of March, 1993, the corporate authorities of the City of Urbana passed and approved Ordinance No. 9293-85, entitled "An Ordinance Amending Section 21-30 of Article III of the City of Urbana's Land Development Code entitled "Maintenance Bonds", which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 9293-85 was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the 22nd day of March, 1993, and continuing for at least ten (10) days thereafter. Copies of such Ordinance were also available for public inspection upon request at the Office of the City Clerk.

DATED at Urbana, Illinois, this 2nd day of April, 1993.



Ruth S. Brookens  
CITY CLERK