

RESOLUTION NO. 7172-R16

R E S O L U T I O N

WHEREAS, Chapter 30 of the Urbana City Code has been in effect since July 1, 1957, and provides for the controlling and regulation of subdivisions within the corporate limits and within contiguous lands not more than one and one-half miles beyond the corporate limits of the City of Urbana; and,

WHEREAS, subsection 30.9 of said Chapter, to secure compliance with the purposes and objectives of said Chapter, requires before approval of all subdivision plans by the City Council that:

- "1. A copy of the plans and specifications for the required street, alley and public walk improvements, including the street drainage, has been filed with and approved by the city engineer; and
2. The improvements, including the street drainage have actually been constructed in accordance with such plans and specifications; or a surety bond payable to the People of the City of Urbana, Illinois, in a penal sum equal to at least twenty-five dollars (\$25.00) per lineal foot of street pavement, conditional upon the construction of the improvements in full conformity with the plans and specifications within two years from the date thereof, and with surety thereon satisfactory to the city council, has been filed with the city clerk. Any bond so given to guarantee the construction of any such improvement may be released by the city council only upon the certification by the city engineer that the improvement has been constructed in full compliance with the plans and specifications.";

and,

WHEREAS, the following subdivision plans have been approved by the City Council subsequent to the effective date of said Chapter 30, to-wit:

1. Ennis Ridge Tenth Subdivision
2. Country Squires Fourth Subdivision
3. Weller's Lincolnwood Manor Subdivision
4. Richardson Estates
5. Edgewood Sixth Subdivision;

and,

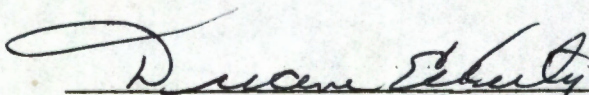
WHEREAS, in each of the foregoing subdivisions the required bond has been posted and filed with the City Clerk, but in each instance said bond has not been released by the City Council due to the fact that there has been no certification by the City Engineer because the required improvements have not been constructed in full compliance with the plans and specifications filed and approved by the City Council for each of said subdivisions; and,

WHEREAS, in each of said subdivisions more than two years have lapsed since the posting of said bond, where the required improvements have not been constructed in full compliance with the approved plans and specifications for the said subdivisions, appropriate legal action should be initiated against any and all such delinquent bonds; and,

WHEREAS, in some situations it may be both desirable and to the City of Urbana's benefit either prior to, or subsequent to legal action, to negotiate a settlement resulting in the release of the said bonds;

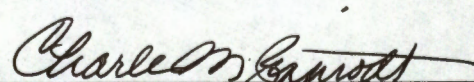
IT IS THEREFORE RESOLVED, that the City Attorney or Special Legal Counsel be empowered to investigate, enter into negotiations, and pursue available legal remedies to secure substantial compliance of the aforesaid subdivisions with the approved plans and specifications therefore, or bring legal action on behalf of the People of the City of Urbana upon any and all of the aforesaid bonds, and settle any such lawsuit on behalf of the City of Urbana, with the advice, consent and approval of an advisory committee consisting of the City Engineer, Commissioner of Public Works and the Mayor, with the benefit of advice of such counsel. All actions pursuant hereto shall be subject to final approval of the City Council.

ADOPTED by the City Council of the City of Urbana, Illinois, this 20th day of September, A.D. 1971.



Duane Eckerty, City Clerk

APPROVED by the Mayor of the City of Urbana, Illinois, this 21st day of September, A.D. 1971.



Charles M. Zippoldt, Mayor

