

MILTON TOWNSHIP ROAD DISTRICT

DUPAGE COUNTY, ILLINOIS

ORDINANCE

NUMBER HW O-08-5

**AN ORDINANCE OF THE MILTON TOWNSHIP HIGHWAY ROAD DISTRICT
REQUIRING PAYMENT AND/OR REIMBURSEMENT TO THE ROAD DISTRICT
FOR ALL ENGINEERING COSTS IN CONNECTION WITH CONSTRUCTION PERMITS
FOR WORK DONE ON OR IN TOWNSHIP ROAD DISTRICT RIGHTS-OF-WAY
AND OR ADJOINING PRIVATE PROPERTY AND ON THOSE RIGHTS-OF-WAY
WHICH ARE INTENDED TO BE DEDICATED TO THE TOWNSHIP ROAD DISTRICT**

GARY MUEHLFELT, Highway Commissioner
GAIL P. HINKLE, Road District Clerk

Approved and adopted by the Highway Commissioner on November 18, 2008

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WHEREAS, from time to time the Highway Commissioner is required to review and approve plats of subdivision or individual developments which require permits for work done on or in Township Road District right of way and or on adjoining property, or in subdivisions which contain rights of way intended to be dedicated to the Township Road District; and

WHEREAS, the proper preservation and maintenance of Township Roads requires the careful monitoring of all such construction and improvement projects done directly to or which indirectly affect Township Roads; and

WHEREAS, as certain developments are being constructed, rights of way are proposed to be dedicated to the Township Road District; and

WHEREAS, to assure proper and prompt completion of any such projects it is from time to time necessary for the Road District to obtain the services of a professional engineer in connection therewith; and

WHEREAS, the Highway Commissioner finds that it is for and in the best interests of the taxpayers of the Road District that the cost of such engineering services be borne by the individual permittee responsible for each such project.

NOW THEREFORE, BE IT ORDAINED BY THE HIGHWAY COMMISSIONER OF THE MILTON TOWNSHIP ROAD DISTRICT, DUPAGE COUNTY, ILLINOIS, AS FOLLOWS:

Section 1. Payment and/or Reimbursement for Engineering Costs Required.

A. In certain instances, the construction plan tendered may, at the discretion of the Highway Commissioner, require independent review by an engineer advising the Township. In such instances, at the discretion of the Highway Commissioner, no permit shall be issued for construction of a new home, or other building, or subdivision, unless, upon submission of plans for review, the applicant also deposits the sum of \$3,000.00, either in cash or money order, cashiers or certified check, payable to the Milton Township Road District. Such deposit shall establish an Engineering Escrow for the purpose of ensuring payment of all engineering costs related to review of the plan submitted, as more fully set forth in paragraph C below.

B. Such deposit may be used, at the discretion of the Highway Commissioner, to pay such engineering costs, including but not limited to, plan review and construction observation, as may be incurred by the Road District in connection with the individual project. No part of the deposit will be returned to the permittee until the project is completed to the satisfaction of the Highway Commissioner and all engineering costs incurred are paid in full.

C. In the event engineering costs exceed the sum on deposit, the Highway Commissioner may require that the permittee replenish the amount on deposit to the full \$3,000.00, or any lesser sum the Highway Commissioner may deem sufficient. In the event any permittee fails or refuses to replenish the deposit within three working days of such demand, the Highway Commissioner may suspend the permit and take such action as is necessary to halt the project until the permittee has complied.

Section 2. Repeal of Conflicting Ordinances.

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

Section 3. Effect of Partially Invalidity.

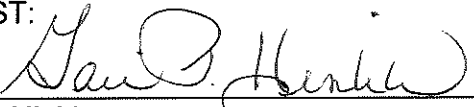
If any section, paragraph, clause, or provision of this ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this ordinance.

Section 4. Effective Date.

This ordinance shall be in full force and effect upon its passage and publication as provided by law.



Gary Muehlfelt
HIGHWAY COMMISSIONER

ATTEST:


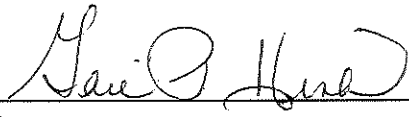
Gail P. Hinkle
ROAD DISTRICT CLERK

STATE OF ILLINOIS)
) ss.
COUNTY OF DUPAGE)

CERTIFICATION

I, Gail P Hinkle, Clerk of the Milton Township Road District, County of DuPage, State of Illinois, DO HEREBY CERTIFY that the attached is a true and correct copy of Ordinance Number HW O-08-___, "AN ORDINANCE OF THE HIGHWAY COMMISSIONER OF THE MILTON TOWNSHIP ROAD DISTRICT REQUIRING REQUIRING A PERMIT FOR WORK ON OR AFFECTING TOWNSHIP RIGHT-OF-WAY AND REQUIRING PERMITTEES TO PAY AND/OR REIMBURSE THE ROAD DISTRICT FOR ALL ENGINEERING COSTS IN CONNECTION WITH CONSTRUCTION PERMITS FOR WORK DONE ON OR IN TOWNSHIP ROAD DISTRICT RIGHTS-OF-WAY AND OR ADJOINING PRIVATE PROPERTY", which was adopted by the Milton Township Highway Commissioner on November 18, 2008.

IN WITNESS WHEREOF, I have hereunto set my hand in the County of DuPage and State of Illinois, on November 18, 2008.



Gail P. Hinkle
Road District Clerk

(SEAL)