

**CHAPTER 29**  
**SUBDIVISIONS**

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**ARTICLE I. GENERAL PROVISIONS**

**SEC. 29-1100. PURPOSE.**

In accordance with state law (65 ILCS 5/11-12-8 through 65 ILCS 5/11-12-12; and 765 ILCS 205/1 et seq.) this ordinance regulates the subdivision and development of land in order to implement the City of Moline's comprehensive plan and Official Map. Thus this ordinance assists in achieving the following specific objectives:

- (1) To preserve, protect, and promote the public health, safety, and welfare;
- (2) To provide a pleasant living environment by furthering the orderly layout and use of land; and to create an environment conducive to the productive development of the City;
- (3) To avoid legal and other problems by requiring that subdivided land be properly monumented and recorded;
- (4) To conserve and increase the value of land, improvements, and buildings;
- (5) To preserve the natural beauty and topography to the maximum feasible extent;
- (6) To provide adequate light, air, and privacy for all residents of new developments by preventing undue concentration of population;
- (7) To protect against injury or damage caused by fire, pollution, flooding, stormwater runoff, or erosion and sedimentation;
- (8) To provide safe and convenient access to new developments and to avoid traffic congestion by requiring the proper location, design, and construction of streets and sidewalks;
- (9) To reduce the cost of installing and maintaining adequate water mains, sanitary sewers, stormwater sewers, and other utilities and services;
- (10) To ensure that adequate parks, schools, and similar facilities can be made available to serve the residents of new developments; and
- (11) Provide for the acceptance of lands for public rights-of-way.

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### **SEC. 29-1101. JURISDICTION.**

This ordinance shall be applicable within the corporate limits of the City of Moline and within all unincorporated territory located within one and one-half (1.5) miles of said limits, provided such territory is not located within the subdivision jurisdiction for another municipality. (See 65 ILCS 5/11-9 for state requirements concerning jurisdictional boundary lines.)

### **SEC. 29-1102. INTERPRETATION.**

Every provision of this ordinance shall be construed liberally to achieve the purposes outlined in Sec. 29-1100.

### **SEC. 29-1103. MORE RESTRICTIVE REQUIREMENTS APPLY.**

(a) Whenever the requirements of this ordinance differ from those of any statute, lawfully adopted ordinance or regulation, easement, covenant, or deed restriction, the more stringent requirement shall prevail. Thus, in accordance with state law (65 ILCS 5/11-12-11), whenever this ordinance imposes higher standards than the county subdivision ordinance, said higher standards shall supersede the county regulations in the unincorporated territory located within the City of Moline's subdivision jurisdiction.

(b) This ordinance is not intended to abrogate any easement, covenant, deed restriction, or any other private agreement or restriction; provided, that, where the provisions of this ordinance are more restrictive or impose higher standards or regulations than such easement, covenant, deed restriction, or other private agreement or restriction, the provisions of this ordinance shall govern. Where the provisions of the easement, covenant, deed restriction, or private agreement or restriction impose duties and obligations more restrictive, or higher standards than the requirements of this ordinance or the determinations of the City in approving a subdivision or in enforcing this ordinance, and such private provisions are not inconsistent with this ordinance or determinations thereunder, then such private provisions shall be operative and supplemental to this ordinance and determinations made thereunder. The City does not purport to enforce any such private provisions not reflected on the plat and its supporting documents and unless there is expressed in the nature of the document and the approval process an intent to give the City enforcement rights over same.

### **SEC. 29-1104. DISCLAIMER OF LIABILITY.**

(a) Except as may be provided otherwise by statute or ordinance, no officer, board member, agent, or employee of the City shall be personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of duties set forth under this ordinance. (See "Local Governmental and Governmental Employees Tort Immunity Act," 745 ILCS 10/1-101, et seq.)

(b) Any suit brought against any officer, board member, agent, or employee of the City, as a result of any act required or permitted in the discharge of duties under this ordinance, shall be defended by the city attorney until the final determination of the legal proceedings.

### **SEC. 29-1105. VARIANCES.**

When the subdivider can show that a provision of this ordinance, if strictly adhered to, would cause the unnecessary hardship, and when, in the opinion of the City plan commission, because of topographical or other conditions peculiar to the site, a departure may be made without destroying the intent of such provision, the City plan commission may recommend a variance or modification to the Council. The subdivider shall apply in writing for such variance or modification of the action. Any variance or modification thus authorized shall be attached to and made a part of the final plat.

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### ARTICLE II. DEFINITIONS.

#### SEC. 29-2100. CONSTRUCTION OF TERMS.

In construing the intended meaning of terminology used in this ordinance, the following rules shall be observed:

- (1) Unless the context clearly indicates otherwise, words and phrases shall have the meanings respectively ascribed to them in Sec. 29-2101; terms not defined in Sec. 29-2101 shall have the meanings respectively ascribed to them in the Zoning Ordinance of the City of Moline; if any term is not defined either in Sec. 29-2101 or in the Zoning Ordinance, said term shall have its standard English dictionary meaning;
- (2) Words denoting the masculine gender shall be deemed to include the feminine and neuter genders;
- (3) Words used in the present tense shall include the future tense;
- (4) Words used in the singular number shall include the plural number, and the plural the singular;
- (5) The word "shall" is mandatory; the word "may" is discretionary;
- (6) Captions (i.e., titles of sections, subsections, etc.) are intended merely to facilitate general reference and in no way limit the substantive application of the provisions set forth thereunder;
- (7) References to sections shall be deemed to include all subsections within that section; but a reference to a particular subsection designates only that subsection; and
- (8) A general term that follows or is followed by enumerations of specific terms shall not be limited to the enumerated class unless expressly limited.

#### SEC. 29-2101. SELECTED DEFINITIONS.

- (1) **Administrator.** The official appointed to administer this Land Subdivision Ordinance, or a duly authorized representative.
- (2) **Alley.** A public right-of-way which affords a secondary means of vehicular access to the side or rear of premises that front on a nearby street.
- (3) **Amendment.** A change in the provisions of this ordinance, properly effected in accordance with state law and the procedures set forth herein.
- (4) **Area, Gross.** The entire area within the lot lines of the property proposed for subdivision/development, including any areas to be dedicated/reserved for street and alley rights-of-way and for public uses.
- (5) **Block.** An area of land entirely bounded by streets, highways, barriers, or ways (except alleys, pedestrian ways, or exterior boundaries of a subdivision unless exterior boundary is a street, highway, or way) or bounded by a combination of streets, public parks, cemeteries, railroad rights-of-way, waterways, or corporate boundary lines.
- (6) **Centerline Offset.** The distance between the centerlines of two roughly parallel streets, measured along the third street with which both said "parallel" streets intersect.

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- (7) **Collector Street.** A street used primarily to collect limited amounts of residential traffic and for access to abutting properties, and on which the speed limit is low and traffic volume is minimal.
- (8) **Comprehensive Plan.** The plan or any portion thereof adopted by the City Council to guide and coordinate the physical and economic development of the City of Moline. The comprehensive plan includes, but is not limited to, plans and programs regarding the location, character, and extent of highways, bridges, public buildings or uses, utilities, schools, residential, commercial or industrial land uses, parks, drainage facilities, etc.
- (9) **Cross-slope.** The degree of inclination measured across a right-of-way rather than in the direction traffic moves on said right-of-way.
- (10) **Cul-de-Sac.** A street having only one outlet for vehicular traffic and having the other end permanently terminated by a turn-around for vehicles; the term may also be used to refer solely to said turn-around.
- (11) **Curb and Gutter, Integral.** The rim forming the edge of a street plus the channel for leading off surface water, constructed of poured concrete as a single facility.
- (12) **Dedicate.** To transfer the ownership of a right-of-way, parcel of land, or improvement to the City of Moline or other public entity without compensation.
- (13) **Develop.** To erect any structure or to install any improvements on a tract of land, or to undertake any activity (such as grading) in preparation therefor.
- (14) **District, Zoning.** A portion of the territory of the City of Moline wherein certain uniform requirements or various combinations thereof apply to structures, lots, and uses under the terms of the Zoning Ordinance.
- (15) **Easement.** A right to use a portion of another person's real property for certain limited purposes.
- (16) **Erosion.** The wearing away of the land surface by the action of wind, water or gravity.
- (17) **Escrow Deposit.** A deposit in cash or other approved securities to assure the completion of improvements within a subdivision.
- (18) **Frontage.** The boundary of a lot along a public street.
- (19) **Frontage Road.** A minor street fronting on an arterial street or highway (usually a limited access highway), used for access to abutting lots.
- (20) **Grade.** The degree of inclination of the site or right-of-way, expressed as a percentage. Synonym for "slope."
- (21) **Improvements.** Any street, curb and gutter, sidewalk, drainage ditch, sewer, catchbasin, newly-planted tree, off-street parking area, or other facility necessary for the general use of property owners in a subdivision.
- (22) **Improvement Plans.** The engineering plans showing types of materials and construction details for the structures and facilities to be installed in, or in conjunction with, a subdivision.
- (23) **Intersection.** The point at which two or more public right-of-ways (generally streets) meet.

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- (24) **Local Street.** A street serving limited amounts of residential traffic, and used for access to abutting property.
- (25) **Lot.** A tract of land intended as a unit for the purpose (whether immediate or future) of development or transfer of ownership. A "lot" may or may not coincide with a "lot of record."
- (26) **Lot, Corner.** A lot having at least two (2) adjacent sides that abut for their full length upon streets.
- (27) **Lot, Through.** A lot having a pair of approximately parallel lot lines that abut two (2) approximately parallel streets. Both such lot lines shall be deemed front lot lines.
- (28) **Lot Area.** The area of a horizontal plan bounded by the front, side, and rear lines of a lot.
- (29) **Lot of Record.** An area of land designated as a lot on a plat of subdivision recorded with the Recorder of Deeds of Rock Island County, Illinois in accordance with state law.
- (30) **Maintenance Bond.** A surety bond, posted by the developer and approved by the City of Moline, guaranteeing the satisfactory condition of installed improvements for the one (1) year period following their dedication.
- (31) **Marginal Access Street.** A local dead end street providing access to ten or fewer dwelling units.
- (32) **Minor Arterial Street.** A street which carries or is proposed to carry intermediate volumes of traffic from local streets to arterial streets and which may or may not be continuous.
- (33) **Official Map.** The official map may show indication of sites for planned public facilities. Public facility sites which may be indicated on the official map may include but are not limited to: sites for new trafficways or widening of existing trafficways; school sites; public building sites; and sites for future storm drainage, electrical or other public service or utility easements.
- (34) **Performance Bond.** A surety bond posted by the developer and approved by the City of Moline, guaranteeing the installation of required improvements within, or in conjunction with, a subdivision.
- (35) **Plat, Dedication.** A plat required for the dedication to the City of all right-of- way easements, and public improvements outside of a subdivision plat or within a special use classification.
- (36) **Plat, Final.** The subdivider's plan and supporting documentation of the subdivision which, if approved, may be filed with the Rock Island County Recorder of Deeds.
- (37) **Plat, Preliminary.** Preliminary engineering maps, drawings, and supportive material indicating the proposed layout of a subdivision.
- (38) **Pre-Filing Conference.** A conference held between the developer and appropriate City staff prior to submission of a preliminary or final plat.
- (39) **Principal Arterial Street.** A street designed or utilized primarily for high vehicular speeds or for heavy volumes of traffic on a continuous route with intersections at grade, and on which traffic control devices are used to expedite the safe movement of through traffic.
- (40) **Reserve.** To set aside a parcel of land in anticipation of its acquisition by the City of Moline (or other government entity) for public purposes.
- (41) **Right-of-Way, Public.** A strip of land which the owner/subdivider has dedicated to the City of Moline or other unit of government for streets, alleys, and other public improvements.

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- (42) **Sediment.** Solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, or gravity as a product of erosion.
- (43) **Setback, Front.** The horizontal distance between the street right-of-way line and the building line. Minimum setback requirements are set forth in the Zoning Ordinance.
- (44) **Sewerage System, Private.** A sewer system including collection and treatment facilities established by the developer to serve a new subdivision in an outlying area.
- (45) **Sidewalk.** A pedestrian way constructed in compliance with the standards of this ordinance.
- (46) **Soil.** All unconsolidated mineral and organic material of whatever origin that overlies bedrock which can be readily excavated.
- (47) **Stop Order.** An order used by the administrator to halt work-in-progress that is in violation of this ordinance.
- (48) **Street.** A public or private way for motor vehicle travel. The term "street" includes a highway, thoroughfare, parkway, through way, road, pike, avenue, boulevard, lane, place, drive, court and similar designations, but excludes an alley or way for pedestrian use only.
- (49) **Structure.** Anything constructed or erected on the ground, or attached to something having a fixed location on the ground. All buildings are structures but not all structures are buildings.
- (50) **Stub Street.** A street that is temporarily terminated, but that is planned for future continuation.
- (51) **Subdivider.** Any person, firm, partnership, association, corporation, estate or other group or combination acting as a unit, dividing or proposing to divide land in a manner that constitutes a subdivision as defined in this article.
- (52) **Subdivision.** Any division of land into two or more lots, any of which is less than five acres, or any transfer involving an easement of ingress or egress, except as set forth in the Plats Act, 765 ILCS 205/1.
- (53) **Subdivision, Minor.** A division of land into two (2) but not more than five (5) lots, all of which front upon an existing street, and not involving any new streets, other rights-of-way, easements, improvements, or other provisions for public areas and facilities.
- (54) **Topography.** The relief features or surface configuration of an area of land.
- (55) **Utility.** A business or service which is engaged in regularly supplying the public with some commodity or service which is of consequence and need and which has a duty to serve without discrimination all within its service area. A utility can be publicly or privately owned and includes, without limitation, the following services or commodities:
- a. electricity;
  - b. gas, oil, or steam;
  - c. water;
  - d. sanitary sewerage;
  - e. storm sewerage;
  - f. telephone or telegraph;
  - g. cable television and other communication lines;
  - h. transportation lines, such as fixed rail, but only if expressly stated.

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- (56) **Vacate.** To terminate the legal existence of right-of-way or subdivision or portion thereof, and to so note on the final plat recorded with the Rock Island County Recorder of Deeds (765 ILCS 205/6 through 765 ILCS 205/8.)
- (57) **Variance, Subdivision.** A relaxation in the strict application of the design and improvement standards set forth in this ordinance.

### ARTICLE III. DESIGN AND IMPROVEMENT STANDARDS

#### **SEC. 29-3100. APPLICABILITY OF ARTICLE.**

No land within the subdivision jurisdiction of the City of Moline -- other than land that is specifically exempted from the requirements of the Illinois Plats Act (765 ILCS 205/1(b) -- shall be subdivided or developed except in compliance with the regulations of this article and the applicable provisions of state law. (See 65 ILCS 5/11-12-8 and 765 ILCS 205/1 et seq.) No lot in any subdivision shall be conveyed until:

- (1) The final plat of said subdivision has been approved by the City Council and recorded in the office of the Rock Island County Recorder of Deeds; and
- (2) The portion of said subdivision in which the lot is located has been improved in accordance with the requirements of this article or until a performance bond or other security has been posted to assure the completion of such improvements.

A building permit shall not be issued for any lot conveyed in violation of this section.

#### **SEC. 29-3101. SUITABILITY FOR SUBDIVISION, IN GENERAL.**

Land that is unsuitable for development due to flooding, poor drainage, rough topography, adverse soil conditions, or other features which will be harmful to the health safety, and general welfare of the inhabitants of the subdivision and/or its surrounding areas shall not be subdivided or developed unless the subdivider/developer formulates adequate plans/methods to solve the problems caused by the adverse land conditions.

#### **SEC. 29-3102. LOT REQUIREMENTS.**

All lots in a subdivision shall conform to the minimum lot area and dimensions requirements of the zoning district in which said subdivision is located; land that is under water or proposed for street improvements shall not be counted to satisfy these minimum requirements. Every corner and through lot shall be large enough to permit compliance with the district's front setback requirements on every side of the lot that faces a street. All lot remnants shall be added to adjacent lots to avoid the creation of unbuildable parcels.

#### **SEC. 29-3103. ACCESS AND RELATIONSHIP TO STREET.**

Land shall be subdivided in such a way that each lot abuts a street meeting the requirements of Section 29-3107. All side lot lines shall be at right angles to straight street right-of- way lines or radial to curved street right-of- way lines except where a deviation from this rule will provide a better street and lot design.

#### **SEC. 29-3104. PERMANENT REFERENCE MONUMENTS; MATERIALS, SIZE AND LOCATION.**

- (a) Concrete cylinders or rectangular prisms, not less than four (4) inches in diameter or square and forty-two (42) inches long, shall be set at the extreme corners of subdivisions.

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- (b) Steel pins, not less than one-half (1/2) of an inch in diameter and thirty (30) inches long, with a survey marker cap showing the land surveyor's registration number, shall be set at locations in accordance with the Plat Act.
- (c) The intersection of two right-of-way lines at corner lots shall terminate at a tangent to a curve having a minimum radius of fifteen (15) feet.

**SEC. 29-3105. RESETTING MONUMENTS.**

Any monuments disturbed by construction or grading shall be reset.

**SEC. 29-3106. STREET DESIGN STANDARDS.**

All streets shall be properly integrated with the existing and proposed street system indicated in the municipal comprehensive plan and official map, and shall meet the specifications set forth in tabular form below. For divided boulevards, the developer shall submit an acceptable plan for maintenance to the City plan commission.

TABLE OF STREET DESIGN SPECIFICATIONS

Type of Street	Permitted On-Street Parking	Required Right-Of-Way	Required Pavement Width(B-B)	Maximum/Minimum Grades
Alley	None	20 ft.	18 ft.	Maximum: 10% Minimum: 0.5%

TABLE OF STREET DESIGN SPECIFICATIONS, Continued:

Type of Street	Permitted On-Street Parking	Required Right-Of-Way	Required Pavement Width(B-B)	Maximum/Minimum Grades
Marginal Access	None	50 ft.	20 ft.	Maximum: 10% Minimum: 0.5%
Local	One side	50 ft.	27 ft.	Maximum: 10% Minimum: 0.5%
	Two side	50 ft.	31 ft.	
Collectors	Both sides	60 ft.	40 ft.	Maximum: 10% Minimum: 0.5%
Minor Arterials	None	80 ft.	11 ft. lanes	Maximum: 5% Minimum: 0.5%
Principal Arterials	None	100 ft.	12 ft. lanes	Maximum: 5% Minimum: 0.5%
Divided None Boulevard		70 ft.	14 ft.	Maximum: 10% Minimum: 0.5%

**SEC. 29-3107. HORIZONTAL CURVATURES.**

All changes in horizontal alignment shall be conducted with a horizontal curve with the following minimum centerline radius, designated "R":

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- (1) For principal, minor and collector streets (Design speed = 35 MPH), R shall equal five hundred (500) feet;
- (2) For local streets (Design speed = 30 MPH), R shall equal one hundred twenty-five (125) feet; and
- (3) For alleys, R shall equal one hundred (100) feet.

### **SEC. 29-3108. THROUGH TRAFFIC DISCOURAGED.**

Marginal access and local streets shall be laid out so as to discourage use by through traffic. The rigid rectangular gridiron street pattern should be avoided, and the use of curvilinear streets, cul-de-sacs, or U-shaped streets shall be encouraged to effect a more desirable street layout.

### **SEC. 29-3109. LIMITED ACCESS TO ARTERIALS.**

Where a subdivision abuts or contains an existing or proposed arterial street, the plan commission may recommend to the City Council that access to said arterial may be limited by one of the following means:

- (1) The subdivision of lots so that they back onto the arterial street and front onto a parallel local street (double frontage lots), coupled with the installation of screening in a reserve (access-restricting) strip along the rear lot lines of such lots;
- (2) A series of cul-de-sacs, U-shaped streets, or short loops entered from and generally at right angles to the arterial street; or
- (3) A frontage road separated from the arterial street by a planting strip, but having access thereto at suitable points.

### **SEC. 29-3110. DEAD-END STREETS.**

(a) **Temporary Stub Streets.** Streets shall be so arranged to provide for the continuation of streets between adjacent properties when such continuation is necessary for convenient movement of traffic, effective fire and police protection, and efficient provision of utilities, and where such continuation comports with the municipal comprehensive plan. If the adjacent property is owned by the developer (under the same ownership) and undeveloped and the street must dead-end temporarily, the right-of-way shall be extended to the property line, and no strip that would prevent connections with future streets shall be reserved. A temporary turnaround shall be provided at the terminus of any temporary dead-end street. If the adjacent property is under another ownership there should be a permanent dead-end.

(b) **Permanent Dead-End Streets.** Cul-de-sacs shall have a maximum length of seven hundred fifty (750) feet. A cul-de-sac turn-around, having a minimum right-of-way diameter of ninety-eight (98) feet, a minimum pavement return radius of twenty-five (25) feet, and a pavement diameter of seventy-five (75) feet, shall be provided at the end of every permanent dead-end street.

### **SEC. 29-3111. ALLEYS.**

Alleys shall be prohibited in single-family residence districts. Alleys may be required in multiple-family districts and in commercial/industrial districts unless other adequate provisions for service access are made. Adequate vehicular turnaround space shall be provided at the terminus of any dead-end alley.

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**SEC. 29-3112. INTERSECTIONS.**

- (a) **Only Two Streets.** Not more than two (2) streets shall intersect at any one point.
- (b) **Right Angles.** Streets shall be laid out so as to intersect as nearly as possible at right angles; in no case shall two (2) streets intersect at an angle of less than eighty (80) degrees or more than one hundred (100) degrees. An oblique street shall be curved approaching an intersection and shall be approximately at right angles with said intersection for at least one hundred (100) feet therefrom.
- (c) **Alignment.** Proposed new intersections along one side of an existing street shall, wherever practicable, coincide with any existing intersections on the opposite side of such street. Street jogs with centerline offsets of less than one hundred twenty-five (125) feet shall not be permitted, except where the intersected street has divided lanes without median breaks at either intersection. Intersections involving collector or arterial streets shall be at least eight hundred (800) feet apart.
- (d) **Curb Radii.** To permit safe vehicular movement at corners, the minimum curb radius at the intersection of two (2) streets shall be fifteen (15) feet where both streets are marginal access or local and at other intersections, not less than twenty-five (25) feet.
- (e) **Grade.** Intersections shall be designed with a minimum grade of 0.5%. In hilly terrain, an area having not greater than a two percent (2%) slope for a distance of sixty (60) feet from the nearest right-of-way line of the intersecting street shall be provided at the approach to an intersection.
- (f) **Cross-Slope.** The cross slopes of all streets, including intersections, shall not exceed three percent (3%).
- (g) **Adequate Sight Lines.** Where any street intersection will involve earth banks or existing vegetation, the developer shall cut such ground and/or vegetation (including trees) in connection with the grading of the public right-of-way to the extent necessary to provide adequate sight distance in accordance with the following chart:

30 MPH	130 ft. each way from intersection
35 MPH	155 ft. each way from intersection

For design speeds exceeding 35 MPH, sight distance will be determined based upon AASHTO criteria.

**SEC. 29-3113. REVERSE CURVES.**

A tangent at least fifty (50) feet long shall be introduced between reverse curves on local streets and one hundred (100) feet long on collector streets.

**SEC. 29-3114. ROAD DEDICATIONS AND RESERVATIONS AND IMPROVEMENTS TO EXISTING STREETS.**

- (a) **New Perimeter Streets.** Street systems in new subdivisions shall be laid out so as to eliminate or avoid new perimeter half-streets. Where an existing half street is adjacent to a new subdivision, the other half of the street shall be improved and dedicated by the subdivider. The plan commission may authorize a new perimeter street where the subdivider improves and dedicates the entire required street right-of-way width within the subdivider's own subdivision boundaries.
- (b) **Existing Roads.** Where a subdivision borders an existing narrow road or when the Comprehensive Plan, Official Map, or zoning setback regulations indicate plans for realignment or widening a road that would require use of some of the land in the subdivision, the applicant shall be required to improve and dedicate at applicant's

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expense such areas for widening or realignment of such roads as are specifically and uniquely attributable to applicant's subdivision and to reserve for public use any portion of the right-of-way determined not to be specifically and uniquely attributable to applicant's subdivision.

(c) **Excess Right-of-Way.** Right-of-way in excess of the standards set forth in the Table of Street Design Specifications shall be required to be dedicated when:

- (1) Due to topography, additional width is necessary to provide adequate earth slopes; or
- (2) Due to the location of railroad tracks, additional width is needed to construct overpasses, underpasses, and approaches thereto.

(d) **"Specifically and Uniquely Attributable" Defined.** For purposes of this section, the phrase "specifically and uniquely attributable" shall mean as a minimum that areas currently zoned or to be zoned single family for residential uses in the Comprehensive Plan shall require marginal access, local, or collector streets, depending on density; that areas currently zoned or to be zoned for multi-family residential uses in the Comprehensive Plan shall require local, boulevard, collector, minor arterial, or principal arterial streets, depending on density; that areas currently zoned or to be zoned for commercial uses in the Comprehensive Plan shall require local, collector, minor arterial, or principal arterial streets, depending on whether same is a neighborhood, community, or regional area; and that areas currently zoned or to be zoned for industrial uses in the Comprehensive Plan shall require collector, minor arterial, or principal arterial streets, depending on the size of the industrial area.

### **SEC. 29-3115. STREET IMPROVEMENTS STANDARDS.**

All new streets shall be graded, curbed, and surfaced in accordance with the standards of Illinois Department of Transportation and the provisions of the subsections below.

### **SEC. 29-3116. CURB AND GUTTER.**

All streets shall be bounded by concrete curbs and gutters. Rollover Curbs may be allowed on marginal access and local streets pending approval by the director of public works. Definition of a Rollover Curb and Standard Curb are more fully explained in diagram form by Appendix I which is incorporated herein by this reference thereto as if set forth in haec verba.

### **SEC. 29-3117. PAVEMENT.**

- (a) All streets and alleys shall be paved in accordance with the minimum standards as indicated below:
- (1) **Alleys:**
    - a. Six (6) inch thick non-reinforced concrete.
  - (2) **Marginal Access, Local:**
    - a. Six (6) inch thick reinforced portland cement concrete pavement; or
    - b. Seven (7) inch thick non-reinforced portland cement concrete; or
    - c. Asphaltic concrete construction meeting Department of Transportation specifications and satisfactorily meeting City of Moline specifications.
  - (3) **Collector, Minor Arterial:**
    - a. Seven (7) inch thick reinforced portland cement concrete; or
    - b. Eight (8) inch thick non-reinforced portland cement concrete; or
    - c. Asphaltic concrete construction meeting Department of Transportation specifications and satisfactorily meeting City of Moline specifications.

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- (4) **Principal Arterial:**
- a. Eight (8) inch thick reinforced portland cement concrete; or
  - b. Nine (9) inch thick non-reinforced portland cement concrete; or
  - c. Asphaltic concrete construction meeting Department of Transportation specifications and satisfactorily meeting City of Moline specifications.

The above thickness requirements shall be increased if traffic volume, subgrade or other conditions show justifications for increased thickness. A sub-base or base shall be constructed in accordance with the appropriate articles of the standard specifications when required by the director of public works. A sub-base or base with an underdrain system may be required in areas where a combination or proposed street grade and soil type may lead to sub-grade erosion and pavement undermining. The City may require additional engineering documentation to establish that the above standards are appropriate for the reasons stated in this paragraph.

Pavements shall be constructed in accordance with these standard specifications and in conformity with the lines, dimensions and grades shown on the plans and to the form and dimensions shown on the detail drawings included with and being part of these specifications.

### **SEC. 29-3118. BLOCKS.**

(a) **Block Width.** Blocks shall be sufficiently wide to accommodate two (2) tiers of lots having the minimum depth required by the zoning district regulations; provided, that this requirement may be waived in blocks adjacent to local collector or collector streets, railroads, or water courses.

(b) **Block Length.** No block shall be longer than one thousand (1,000) feet nor shorter than three hundred (300) feet.

### **SEC. 29-3119. SIDEWALKS.**

Sidewalks shall be installed on both sides of all streets. Sidewalks shall be installed at the time the lot is developed or prior to issuance of the occupancy permit.

### **SEC. 29-3120. SIDEWALK CONSTRUCTION STANDARDS.**

(a) **Relationship to Curb.** Sidewalks shall be located one (1) foot inside the right-of-way line or on a line to be given by the director of public works when it is impossible or not feasible to build or construct the same as aforesaid.

(b) **Width.** Sidewalks shall be at least four (4) feet wide.

(c) **Thickness of Concrete.** All sidewalks shall be constructed of concrete at least four (4) inches thick, except that across driveways the thickness shall be increased to six (6) inches.

(d) **Grade.** No sidewalk shall be constructed at a grade steeper than ten percent (10%).

(e) **Ramps at Intersections.** Curbs shall be cut and sidewalks shall be ramped at all intersection so as to enhance the mobility of handicapped individuals. Ramps shall equal or exceed the standards of the Illinois Capital Development Board.

### **SEC. 29-3121. UTILITIES.**

All utilities provided as new installations within a subdivision shall be placed in the right-of-way or in easements, and shall be provided underground, unless an exception or exemption has been granted.

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### **SEC. 29-3122. RESPONSIBILITY.**

For all major subdivisions, the subdivider shall make the necessary arrangements with the appropriate utility companies for the proper installation of utilities to assure that all lots have adequate gas, electrical, and communications service.

### **SEC. 29-3123. REQUIREMENTS.**

All underground electric distribution circuits installed by the utility company within the City shall be installed in accordance with the Safety Rules for the Installation and Maintenance of Electric Supply and Communication Lines, U.S. Department of Commerce, National Bureau of Standards, and General Order No. 160, Rules for Construction of Electric Power and Communication Lines, Illinois Commerce Commission.

### **SEC. 29-3124. ENFORCEMENT.**

The building inspector shall not issue any occupancy permits until all utilities have been installed in the subdivision.

### **SEC. 29-3125. EXCEPTIONS.**

The requirements for underground utilities shall not apply in the following instances:

- (1) Principal electric distribution feeder circuits and electric transmission circuits shall not be required to be installed underground.
- (2) Any service which is considered by the utility company to be infeasible for undergrounding, due to high voltage or inordinately high and unjustified cost, may be provided overhead when authorized by the City Council.
- (3) When topographic or soil conditions cause the cost of undergrounding to be extremely and unjustifiably high, services may be provided overhead when authorized by the City Council.
- (4) When a subdivision is developed adjacent to or abutting an existing development in which the primary feeder lines have been installed overhead, the new subdivision may use the overhead lines with the following provisions:
  - a. The service lines to the buildings in the new subdivision shall be installed underground.
  - b. All additional necessary feeder lines shall be installed underground.
- (5) When a building is constructed on a single unoccupied lot in an area which is fully developed with overhead electric and communication service, the building may use the overhead service line if it completes the development of the area.
- (6) Utilities provided as new installations to lots for industrial purposes may be provided overhead.

### **SEC. 29-3126. EXEMPTIONS.**

The following specific facilities shall be exempt from the requirements of the Ordinance:

- (1) Poles used exclusively for street lighting.

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- (2) Poles, overhead lines, and associated overhead structures, authorized by the City Council, crossing or entering any portion of a district from which overhead wires have been prohibited, and originating in an area in which overhead wires are allowed.
- (3) Overhead lines attached to the exterior of a building by means of a bracket or similar device, and extending from one location on the building to another on the same building, or to an adjacent building without crossing any public street or right-of-way.
- (4) Radio antenna and associated structures and equipment used for furnishing communication service.
- (5) Service terminals and necessary pad-mounted electric equipment installed above ground, used to distribute communication and electric service in underground systems.

### **SEC. 29-3127. WATER FACILITIES.**

(a) Every subdivision shall be provided with a complete water distribution system adequate to serve all lots within the subdivision. The water distribution system shall be designed according to standard specifications and shall be approved by the water superintendent and the Illinois Environmental Protection Agency. Whenever a water main is extended it shall be extended across the entire frontage of the property being subdivided and it shall be connected to any other mains which front on or are adjacent to the subdivision to provide for looping of the water system.

(b) The engineer for the subdivider shall calculate the expected fire flow requirements within the subdivision based upon the intended zoning and expected land use in accordance with the Uniform Fire Code, latest adopted edition. Also taken into consideration when determining the size of pipe to be installed shall be the anticipated demand for water by 'downstream' properties based on anticipated development of such properties based on the Comprehensive Plan for such expansion areas.

(c) Individual service connections within single family residential subdivisions shall be extended from the main to within one (1) foot of the lot line of each lot with an approved corporation and curb box and clearly marked with a fence post or similar material to facilitate their locations.

(d) Upon written request to the water superintendent, the City will perform fire flow tests on the existing water mains to be extended and provide the data to the subdivider's engineer.

### **SEC. 29-3128. FIRE HYDRANTS.**

Fire hydrants of the type approved by the director of public utilities shall be installed according to standard engineering practices and shall be placed at intervals of not more than four hundred (400) feet for residential, and not more than the maximum specified for commercial and industrial use, in accordance with the Uniform Fire Code.

### **SEC. 29-3129. SANITARY SEWERS.**

All proposed sanitary sewer facilities shall comply with the regulations of the Illinois Environmental Protection Agency, and must be approved by the water pollution control superintendent.

### **SEC. 29-3130. WHEN PUBLIC SYSTEM AVAILABLE.**

(a) Whenever the subdivision, any point of which is within three hundred (300) feet of an existing publicly owned sewer main or other collection system, and who have the right to extend public sewer mains or private sewer laterals from said property to said existing publicly owned sewer main or other collection system either by way of street, alley, public way, public easement, or private easement, the subdivider shall construct sewer mains, where

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technically feasible, which shall be connected to such public sewer and shall provide sewer to all lots within the subdivision.

(b) All sewer main construction shall be done according to standard engineering practices.

(c) Whenever a sanitary sewer system is extended it shall be extended across the entire frontage or frontages of the property to be improved by the extension unless the City has determined, because of land contours or the presence of other mains, that no other property can be technically or needs to be served by such an extension.

### **SEC. 29-3131. INTERIM DISPOSAL SYSTEMS.**

Where a sanitary sewer cannot be extended as required by Sec. 29-3130, the developer shall construct a sanitary sewer system to serve all lots within the subdivision and shall provide sewage treatment by means of an approved sewage treatment plant which shall be operated and maintained by the developer until such time as the system can be connected to the publicly owned system. Said system shall be temporarily capped. Where the land covered by the preliminary plat contains not more than ten (10) lots, individual sewage disposal systems may be used and must be installed according to applicable laws and regulations of the appropriate approving agency.

### **SEC. 29-3132. EASEMENTS.**

(a) **Utility Easements.** Easements at least ten (10) feet wide shall be provided for public and private utilities along the front right-of-way lines of the public streets. Easements located elsewhere shall be at least twenty (20) feet wide and if along lot lines, they shall be centered on the lot lines.

(b) **Drainage Easements.** Adequate easements for stormwater drainage shall be established along any natural drainage channel and in any other locations where necessary to provide satisfactory disposal of stormwater from streets, alleys, and all other portions of the subdivision. The precise location and minimum widths of said easements shall be determined by the director of public works.

### **SEC. 29-3133. DRAINAGE AND STORM SEWERS.**

The plan commission shall not recommend the approval of a plat unless the director of public works determines that the proposed provisions for stormwater drainage are adequate within boundaries of the subdivision. Drainage improvements in the subdivision shall be coordinated with existing and planned drainage improvements elsewhere so as to form an integrated City system. The stormwater drainage system shall be separate and independent of the sanitary sewer system and shall meet the following design criteria.

(1) **Principal and Minor Arterial Streets.**

- a. Flow from a "ten (10)-year storm" shall not inundate the center twenty (20) feet of the pavement.
- b. Flow from a "fifty (50)-year storm" shall be carried without damage to any building.

(2) **Collector Streets.**

- a. Flow from a "ten (10)-year storm" shall not inundate the center ten (10) feet of the pavement.
- b. Flow from a "fifty (50)-year storm" shall be carried without damage to any building.

(3) **Local Streets.**

- a. Flow from a "ten (10)-year storm" shall not top the curb.
- b. Flow from a "fifty (50)-year storm" shall be carried without damage to any building.

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### **SEC. 29-3134. CATCH BASINS OR INLETS.**

Catch basins or inlets, if required, shall be constructed so that the majority of surface water shall be intercepted before reaching the intersection, and not carried for a distance of more than four hundred (400) feet of the pavement.

### **SEC. 29-3135. ACCOMMODATION OF UPSTREAM DRAINAGE AREAS.**

A culvert or other drainage facility large enough to accommodate potential runoff from the entire drainage area upstream from the proposed subdivision shall be provided in accordance with the City's standard specifications. Potential runoff shall be determined on the basis of the maximum development of the upstream area that is permitted or to be permitted under the Comprehensive Plan.

### **SEC. 29-3136. AREAS SUBJECT TO FLOODING.**

Whenever a plat is submitted for an area that is subject to flooding, the City Council may require appropriate protective measures, including the filling of the flood prone area to a level equal to the regulatory flood elevation, if any.

### **SEC. 29-3137. SOIL EROSION AND SEDIMENTATION CONTROL.**

In the development of any subdivision, the following erosion and sedimentation control regulation shall be observed:

- (1) The developer shall protect the development site from soil erosion and shall protect downstream property from sedimentation deposits during the construction of the subdivision. Practices contained in "Procedures and Standards for Urban Soil Erosion and Sedimentation Control in Illinois" shall be employed in the preparation of an erosion and sedimentation control plan which shall be approved by the director of public works prior to any earth disturbing activity taking place.

### **SEC. 29-3138. DEDICATIONS FOR PUBLIC USE.**

The City Council may require the developer to dedicate (i.e., to transfer without compensation) to the City of Moline or other appropriate governmental entity suitable parcel(s) of land within the subdivision for public purposes provided such facilities are otherwise required by this ordinance. Any such dedicated area shall be shown on the final plat.

### **SEC. 29-3139. RESERVATIONS FOR PUBLIC USE.**

Besides requiring the developer to dedicate parcels for public purposes, the City Council may require that said developer reserve land for parks, playgrounds, schools, or other public purposes in locations designated in the City's comprehensive plan. Since public acquisition of reserved land requires compensation, it is not essential that the need for such land be uniquely and specifically attributable to the subdivision. (65 ILCS 5/11-12-8), i.e.:

- (1) **Adopted.** There is hereby adopted an official map dated January, 1980, which shall be applicable to all land situated within the City, and shall also be applicable to contiguous territory within one and one-half (1 1/2) miles from the corporate limits of the City and not included within the corporate limits of any other municipality. The official map shall be filed in the office of the city clerk and is made part of this chapter by reference.
- (2) **Planned Public Improvements to be Shown on Map.** The official map may show indication of sites for planned public facilities. Public facility sites which may be indicated on the official map

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may include but are not limited to: sites for new trafficways or widening of existing trafficways; school sites; recreational sites; public building sites; and sites for future storm drainage, electrical or other public service or utility easements.

### **SEC. 29-3140. AVAILABILITY OF SITES FOR PLANNED PUBLIC IMPROVEMENTS.**

(a) Whenever the official map indicates the necessity for providing a site for a planned public facility, the City Council may require that the site for the public use be designated on the subdivision plat before granting approval to such plat; and, furthermore, that the site be held for that specific public use for a period of one (1) year from the date of approval of the final plat. When such designation has been required, the City Council shall notify the responsible public agency in writing of the designation within ten (10) days.

(b) Whenever a site for public use, shown on the official map, has been required to be indicated on a subdivision plat, the responsible agency having jurisdiction of such use shall acquire the land so designated by purchase or commence proceedings to acquire the land by condemnation within one (1) year from date of final approval of the plat; and, if it does not do so within such period of one (1) year, the land so designated may then be used by the owners in any other manner consistent with this chapter, the Zoning Ordinance, or any other provision of this Code or other ordinance of the City.

### **SEC. 29-3141. AMENDMENTS OR ADDITIONS TO THE OFFICIAL MAP.**

Amendments to the official map, including the indication of additional public sites to be shown on the map, shall be considered amendments to this chapter and therefore shall be as specified in this chapter for amendments to this chapter. Any public agency requesting the establishment of the official map of a future public site or easement which is not included in the comprehensive plan, shall indicate to the plan commission the need for the site in the particular location specified. The plan commission, before making a favorable recommendation for the inclusion on the official map of such site by the City Council, shall find that this public site location is determined to be necessary to provide public service consistent with the comprehensive plan of the community and shall so indicate in its minutes.

## **ARTICLE IV. PLATS AND PLANS**

### **SEC. 29-4100. PRE-FILING CONFERENCE.**

Prior to the submission of the initial plat, a pre-filing conference may be held between the developer and appropriate City staff. The developer shall present a concept sketch of the proposed development. City staff shall use a standardized checklist to review the proposed development for conformance to the subdivision ordinance.

### **SEC. 29-4101. PRELIMINARY PLATS.**

(a) Except as specifically provided below, every person who proposes to subdivide any land located within the subdivision jurisdiction of the City of Moline shall file six (6) copies of the preliminary plat of said subdivision with the director of planning and development at least three (3) weeks prior to a regularly scheduled meeting of the plan commission.

(b) One (1) copy of the preliminary plat and supporting data with the appropriate Soil and Water Conservation District shall also be filed. Said district shall have not more than thirty (30) days to submit any comments it might wish to make to the plan commission. (70 ILCS 405/22.02a.)

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(c) Whenever a large tract is to be developed in stages and only a portion of that tract is to be submitted for final plat approval, a preliminary plat of the entire tract shall be submitted.

(d) All preliminary plats shall be reviewed and acted upon in accordance with 65 ILCS 5/11-12-8 and the provisions of the subsections below.

(e) EXCEPTION: A preliminary plat shall not be required for:

(1) Minor subdivisions; or

(2) Land that is specifically exempted from the Illinois Plats Act as now or hereafter amended (765 ILCS 205/1(b).)

### **SEC. 29-4102. INFORMATION REQUIRED.**

Every preliminary plat shall be prepared by an Illinois professional land surveyor registered in Illinois at a scale of one hundred (100) feet or less to the inch provided the resultant drawing does not exceed thirty-six (36) inches by twenty-four (24) inches. Said preliminary plat, together with the supporting data, shall provide all of the following information:

- (1) Names and addresses of the owner, subdivider (if not owner), and Illinois professional land surveyor;
- (2) Proposed name of the subdivision and all adjoining subdivisions;
- (3) Zoning district classification of the tract to be subdivided and proposed setbacks;
- (4) North arrow, graphic scale, and date of map;
- (5) Dimensions of the tract, and its gross area;
- (6) Topography of the tract to be subdivided as indicated by two (2) foot contour data for land having slopes of zero to four percent (0 - 4%), five (5) foot contour data for land having slopes between four to twelve percent (4 - 12%), and ten (10) foot contour data for land having slopes of twelve percent (12%) or more;
- (7) Locations of such features as bodies of water, ponding areas, natural drainage ways, railroads, cemeteries, bridges, parks, schools, buildings, areas subject to flooding, etc.;
- (8) Locations and right-of-way widths of all existing and proposed streets and alleys;
- (9) Locations, widths, and purposes of all existing and proposed easements;
- (10) All proposed deed restrictions and covenants;
- (11) Location and size of existing and proposed sanitary and storm sewers, water mains, and any appurtenances thereto;
- (12) Locations, types, and approximate sizes of all other existing and proposed utilities;
- (13) Locations, dimensions, and areas of all parcels to be reserved or dedicated for schools, parks/playgrounds, and other public purposes;
- (14) Locations, dimensions, and areas of all proposed or existing lots within the subdivision numbered sequentially;

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- (15) For all contiguous holdings of the owner; including land owned by the same person, corporation, firm, entity, partnership, or unincorporated association or owned by different corporations, firms, partnerships, entities, or unincorporated associations in which a stockholder, partner, or associate, or a member of the owner's family owns an interest in each corporation, firm, partnership, entity, or unincorporated association; with an indication of the portion proposed for subdivision: an affidavit of ownership, which shall include the dates the respective holdings of land were acquired, together with the book and page of each conveyance to the present owner as recorded in the county recorder of deed's office or other official records; the name and address and telephone number of the legal owner of the property, the subdivision, if different from the legal owner, the land surveyor and engineer, and the agents of any of these persons; the name and address and telephone number of the contract owner, if any, of the property and the date the contract of sale was executed; and, if any corporations are involved, a complete list of all directors, officers, and stockholders owning more than five percent (5%) of any class of stock of each corporation; and, if a trust is involved, a complete list of the names of the trustees, and the names and addresses and telephone numbers of all beneficiaries of the trust;
- (16) The location by township, range, section, or by other legal description; and
- (17) A list of requested variances and justifications.

### **SEC. 29-4103. UTILITY COMPANY NOTIFICATION.**

It is the subdivider's responsibility to notify the appropriate public utilities. Proof of notification shall be submitted with the preliminary plat to the City for City approval.

### **SEC. 29-4104. PLAN COMMISSION ACTION.**

The plan commission shall either recommend approval, conditional approval, or disapproval of the application for the preliminary plat within ninety (90) days from the date of said application or the filing of the last item of required supporting data, whichever date is later, unless the plan commission and the subdivider mutually agree to extend this time limit. (65 ILCS 5/11-12-8.) If the plan commission recommends disapproval of the preliminary plat, it shall furnish to the applicant within the ninety (90) day period a written statement specifying the aspects in which the proposed plat fails to conform to this ordinance and/or the official map. If the plan commission recommends approval of the preliminary plat, it shall promptly so inform the City Council.

### **SEC. 29-4105. APPEALS PROCESS.**

(a) If the preliminary plat is not approved, the director of planning and development shall write "Not Approved" and the date of the plan commission's action on the prints, and shall transmit to the subdivider one (1) print with a letter stating the reasons for the disapproval. The subdivider may transmit an amended plat to the plan commission for consideration.

(b) If the subdivider is not satisfied with the decision of the plan commission on the preliminary plat, then the subdivider may appeal the decision to the City Council. An appeal must be made by letter addressed to the mayor and City Council, stating the reasons for the appeal. Said letter must be received by the director of planning and development no less than ten (10) days following the date of the plan commission's decision. The letter of appeal shall be placed on the next regular City Council meeting agenda after it is received by the director of planning and development. The director of planning and development shall also provide to the City Council the preliminary plat, the plan commission's meeting minutes pertaining to the plat, and the reports and recommendations made to the plan commission by the director of planning and development. The City Council shall have thirty (30) days from the time the appeal is first placed on its agenda either to: reaffirm the plan commission's decision on the preliminary plat; to approve the preliminary plat as submitted by the subdivider; or to approve the preliminary plat with modifications.

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**SEC. 29-4106. ACTION BY THE CITY COUNCIL.**

If the plan commission has recommended approval of a preliminary plat, the City Council, by resolution, shall either accept or reject said plat within thirty (30) days after their next regularly scheduled meeting following the plan commission's action. If the City Council rejects the preliminary plat, their resolution shall specify the aspects in which the plat fails to comply with this ordinance. The city clerk shall attach a certified copy of the City Council's resolution of approval or disapproval to the preliminary plat. One copy of the resolution and plat shall be retained by the clerk, one copy shall be filed with the director of planning and development, and one copy shall be given to the subdivider. City Council approval shall not qualify a preliminary plat for recording.

**SEC. 29-4107. IMPROVEMENT PLANS.**

After the City Council has approved the preliminary plat, but prior to submission of the final plat, the subdivider shall furnish four (4) copies of the plans and specifications for all improvements to be installed within or in conjunction with the proposed subdivision to the director of public works for review. These plans and specifications shall be signed and sealed by the registered professional engineer responsible for their preparation. Until the director of public works certifies in writing that the proposed improvements conform to generally-accepted engineering practices and to the standards imposed in this ordinance:

- (1) The director of public works shall not issue any permit to allow construction of said improvements; and
- (2) The City Council shall not act upon the application for final plat approval.

**SEC. 29-4108. INFORMATION REQUIRED.**

Improvements plans shall consist of black or blue line prints not larger than thirty-six (36) inches by twenty-four (24) inches. These plans and the related specifications shall provide all of the following information:

- (1) Topography of the tract, both before and after development at the same scale as required in the preliminary plat;
- (2) Existing and proposed elevations along the centerlines of all streets;
- (3) Radii of all curves and lengths of tangents on all streets;
- (4) Locations and typical cross-section of street pavements including curbs/gutters and catch basins;
- (5) Locations and typical cross-section of sidewalks and driveway aprons;
- (6) Locations, sizes, and invert elevations of all existing and proposed sanitary sewers, storm sewers, and fire hydrants, showing connections to any existing or proposed utility systems;
- (7) Locations and sizes of all water, gas, electric, and other utilities;
- (8) Locate area(s) for removal of trees six (6) inches or larger;
- (9) All proposed measures to control erosion and sedimentation;
- (10) High water elevations of all lakes/streams adjoining or within the tract; and
- (11) Such other information as the director of public works may reasonably require to perform said director's duties under this section.

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### **SEC. 29-4109.       INSPECTIONS REQUIRED.**

(a)       The subdivider/developer shall notify the director of public works of both the start and completion of construction of approved improvements. The director of public works shall inspect said improvements while they are under construction. If the director determines that they are being built in violation of this ordinance, said director shall promptly notify the administrator who, in turn, shall issue a stop order. All public improvements proposed to be made under the provisions of this article shall be inspected during the course of construction by the director of public works or a duly designated deputy selected and retained by the subdivider and approved by the City. All fees and costs connected with such inspection and in reviewing the plan and specifications for such improvements shall be paid by the subdivider. The fees and cost shall be set at the prevailing rate.

(b)       In addition to the detailed requirements listed below, the inspector shall maintain a daily diary in a standard format acceptable to the director of public works. Copies of the daily diary entries shall be provided to the director of public works on a weekly basis during construction.

- (1)       Content. The daily entries shall include at least the following information:
  - a.       Weather conditions;
  - b.       Site conditions;
  - c.       Contractor's working hours;
  - d.       Inspector's hours on the site;
  - e.       An explanation of the actual work performed by the contractor that day;
  - f.       Specific information about material tests taken; and
  - g.       Description of any problems.
  
- (2)       Purpose. The purpose of the diary is to provide backup information for the developer's engineer and the director of public works to recommend acceptance of the improvements by the City Council and provide actual construction records of any problems that may develop.
  
- (3)       Format. The general format of the diary must be approved by the director of public works before construction begins.

### **SEC. 29-4110.       INSPECTIONS.**

The inspector shall make and document the following inspections:

- (1)       Storm and Sanitary Sewer and Water Main Improvements.
  - a.       Inspect all materials, documents and pertinent items such as pipe manufacturer, class, and size.
  - b.       Reject any defective material and ensure that it is not used on the job.
  - c.       Observe the actual pipe laying operation to insure that all joints are properly made, the pipes are true to line and grade, and the bedding and backfill are done according to the specifications.
  - d.       Document the depth and type of bedding, trench conditions, location of all service laterals, backfilling, and location of all utilities installed and encountered. Location measurements shall be of the accuracy and type required by the director of public works.
  - e.       Observe and document all final acceptance testing required by the specifications.
  
- (2)       Street Improvements.
  - a.       Perform and document sub-grade, sub-base, base, and embankment compaction tests.
  - b.       Inspect the alignment and condition of the paving forms.
    1.       Check and document sub-grade depth checks;
    2.       Check and document the paving machine adjustments.

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- c. Furnish the asphalt or PC concrete mix design to the director of public works for approval prior to connecting paving operations.
- d. Inspect all concrete pours.
  - 1. Perform and document an appropriate number of air content and slump measurements;
  - 2. Cast compression cylinders or beams and document the results of the tests.
- e. Inspect the placement of all asphalts.
  - 1. Perform and record asphalt compaction tests;
  - 2. Perform at least one (1) asphalt extraction test and one (1) sieve analysis from an asphalt sample taken on the job site;
  - 3. The director of public works shall also inspect required improvements upon their completion. The City of Moline shall not accept any improvement until the director of public works has certified that it complies with this ordinance.

### **SEC. 29-4111. FILING "AS BUILT" RECORDS.**

The improvements will not be recommended for acceptance until the following is provided for the director of public works:

- (1) Copies of all daily diary entries;
- (2) Copies of all material test results;
- (3) Detailed reproducible cloth or polyester reproducible "as-built" improvements construction plans of all public improvements;
- (4) Certification by the developer's engineer that all construction was accomplished within reasonably close conformance to the plans and specifications, and that the "as-built" plans accurately reflect actual field conditions;
- (5) A Labor and Material Payment and Maintenance Bond posted prior to construction by the contractor of a subdivider for the installation of all public improvements, using forms provided by the director of public works;
- (6) Permanent easements or agreements granted to the City for all public improvements that are not constructed in dedicated right-of-way, using forms provided by the director of public works; and
- (7) Accurate triangular measurements for sewer and water laterals to permanent items, e.g. fire hydrants or manholes. The sewer and water services shall be marked with a 4" X 4" marking, that stands five (5) or six (6) feet tall including a curb notch.

### **SEC. 29-4112. PRIVATELY DEVELOPED AND OPERATED FACILITIES.**

Where the subdivision is to contain sewers, sewage treatment plants, water supply systems, park areas, or other physical facilities which will not be maintained by existing public agencies, provision should be made by trust agreement, which is a part of the deed restrictions and which is acceptable to the proper public agencies, for jurisdiction over the continuous maintenance, supervision, operation and reconstruction of such facilities by the lot owners in the subdivision.

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### **SEC. 29-4113.           ASSURANCE FOR COMPLETION OF REQUIRED IMPROVEMENTS.**

The City Council shall not approve any final plat (and, hence, said final plat shall not be entitled to recording) until:

- (1) All improvements required in the approved improvements plan have been completed by the subdivider/developer at said subdivider/developer's expense, inspected by the director of engineering, and dedicated to the City of Moline or other appropriate entity; or
- (2) In accordance with the subsections below, the subdivider/developer has provided the City of Moline with legal assurance to guarantee the satisfactory completion and dedication of all required improvements;
- (3) Necessary title assurances have been given.

### **SEC. 29-4114.           FORMS OF ASSURANCE.**

The required legal assurance may be a performance bond, an escrow deposit or a letter of credit. Every performance bond shall be approved as to form by the city attorney, and posted with the city clerk. Any funds held in escrow shall be deposited with an approved escrow agent. (See Appendix 2, 3 and 4 for suggested language.)

### **SEC. 29-4115.           AMOUNT OF BOND OR DEPOSIT.**

The amount of the legal assurance shall be equal to the director of public works' estimate of the costs of constructing the uncompleted portion of the required improvements plus all required inspections fees. Any escrow deposit may be in the form of:

- (1) An irrevocable letter of credit or commitment from a lending institution guaranteeing to the City of Moline the availability of the escrow funds from time to time upon demand; or
- (2) Interest bearing accounts with a financial institution authorized to serve as an escrow agent.

### **SEC. 29-4116.           ELIGIBLE SURETIES.**

No person shall be eligible to act as surety unless such person has been approved by the State of Illinois to act as a surety on public works improvements.

### **SEC. 29-4117.           TERM OF ASSURANCE, EXTENSION.**

The initial term of any performance bond or escrow agreement shall not exceed two (2) years. If all the required improvements have not been completed by the end of the two (2) year period, the director of public works, with the advice and consent of the City Council may extend said bond/escrow agreement for one (1) year only.

### **SEC. 29-4118.           RELEASE OF BOND/ESCROW DEPOSIT.**

(a) The director of public works may release up to ninety percent (90%) of the amount of the performance bond/escrow deposit upon receipt of written authorization from the city engineer. The amount which the city engineer authorizes to be released shall be equal to the value of improvements actually completed in accordance with approved plans.

- (b) The balance of the amount of the performance bond/escrow deposit shall not be released until:

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- (1) The director of public works has certified to the director of planning and development in writing that all required improvements have been satisfactorily completed; and
- (2) Said improvements and corresponding right-of-way have been accepted by and dedicated to the City of Moline or other appropriate entity.

### **SEC. 29-4119. FAILURE TO COMPLETE IMPROVEMENTS.**

If all the required improvements have not been completed by the end of the two (2) year period (or three (3) year period, in the case of an extension), the director of public works, with the assistance of the city attorney, may:

- (1) Require the surety to perform on the bond, and to pay to the City of Moline an equal amount to the cost of completing the required improvements (as estimated by the director of public works) or the amount of the bond not theretofore released, whichever is less; or
- (2) Order the escrow agent to retain all escrowed funds needed to complete the required improvements, and to return the balance (if any) of such funds to the subdivider/developer.

### **SEC. 29-4120. FINAL PLATS.**

The Rock Island County Recorder of Deeds shall not record any final plat of a subdivision located within the subdivision jurisdiction of the City of Moline until said final plat has been approved by the City Council. The City Council shall not approve any final plat unless they determine that it is in compliance with all pertinent requirements of this ordinance including those set forth in the subsections below.

### **SEC. 29-4121. FILING, TIME LIMITS.**

The subdivider of every subdivision, who desires final plat approval shall file six (6) black or blue line prints of the final plat and supporting data with the director of planning and development not later than one (1) year after preliminary plat approval has been granted.

### **SEC. 29-4122. INFORMATION REQUIRED.**

Every final plat shall be prepared by a land surveyor authorized to practice land surveying in the State of Illinois on new linen tracing cloth - or polyester - based film with waterproof black ink at a scale not greater than one hundred (100) feet equals one (1) inch, provided that the resultant drawing shall not be less than eight and one-half (8 ½) inches by fourteen (14) inches and shall not exceed twenty-four (24) by thirty-six (36) inches. The final plat and supporting data shall portray/provide all of the following information.

- (1) North arrow, graphic scale, and data;
- (2) Name of subdivider and subdivision;
- (3) Accurate metes and bounds or other adequate legal description of the tract tied to section or one quarter (1/4) section corner;
- (4) Accurate boundary lines, with dimensions and bearings or angles which provide a survey of the tract, closing with an error of closure of not more than one (1) foot in fifteen thousand (15,000) feet and provide a copy of the closure calculations;
- (5) Reference to recorded plats of adjoining platted land by record name, plat book, and page number;
- (6) Accurate locations of all existing streets intersecting the boundaries of the subdivision;

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- (7) Right-of-way lines of all streets, other rights-of-way, easements, areas to be reserved, and lot lines with accurate dimensions, angles, or bearings and curve data, including radii, arcs or chords, points of tangency, central angles, and accompanying legal descriptions;
- (8) Name and right-of-way width of every proposed street;
- (9) Location, width and purpose of any existing or proposed easement;
- (10) Number of each lot, lot dimensions, and (in a separate list) lot areas;
- (11) Purpose(s) for which sites, other than private lots, are reserved;
- (12) Building or setback lines with accurate dimensions;
- (13) Restrictions of all types which will run with the land and become covenants in the deeds of lots;
- (14) The names of all legal owners and other parties with an interest, whether recorded or not, in the property being subdivided, together with formal irrevocable offers of dedication to the public of all streets, local government uses, utilities, parks, and easements, signed by all parties of interest or their authorized agents, in a form approved by the city attorney, if the plat is proposed for final approval without improvements in place and accepted with a deed of dedication to the public in fee simple absolute unless otherwise called for on the plat of such lands; and with a commitment for title insurance policy or title opinion from a licensed attorney showing that those signing the plat are necessary and sufficient to create the subdivision and, prior to signing the plat, a title policy for the local government in the sum of ten thousand dollars (\$10,000.00) for any lands or interests to be dedicated to the public; and
- (15) Monument identification.

**SEC. 29-4123.            MODIFICATIONS AND EXCEPTIONS.**

If the final plat is under one (1) ownership and is no more than five (5) lots, no formal commission approval is needed and the plats can go directly to the City Council unless there are new streets, other public improvements, or easements of egress or ingress.

**SEC. 29-4124.            CERTIFICATES REQUIRED.**

The following certificates shall be executed on the final plat or shall accompany it.

- (1) Owner's Certificate:

The following is an example of the owner's certificate:

State of Illinois            )  
Rock Island County        ) SS.  
City of Moline             )

Know all men by these presents, that we/I, (name(s) of owner, owner(s) and proprietor(s) of the land shown on the accompanying plat and described in the accompanying certificate of the surveyor) do hereby certify that I/we have caused said survey be made and acknowledge the said plat as correct, and do hereby adopt and accept the same and cause it to be known as (name of subdivision).

**MOLINE CODE OF ORDINANCES**

Easements are hereby dedicated for the use of the City of Moline, and public facilities franchise to do business within the City of Moline, as indicated on the plat and marked drainage and utility easement to install, lay, construct, renew, operate and maintain drainage ways, drainage structures, gas, water, sewer pipes, conduits, cable, poles and wires, overhead and underground, with all necessary braces, guys, anchors and other appliances for the purpose of serving the subdivision and other property with gas, water, sewer, electric and telephone service and to overhang all lots with aerial service wires to serve adjacent lots, together with the right to enter upon lots at all times to install, lay, construct, renew, operate and maintain said gas, water and sewer pipes, conduits, cables, poles, wires, braces, guys, anchors and other appliances, and to trim and keep trimmed any trees, shrubs or saplings that interfere or threaten to interfere with said public utility equipment, but same may be used for gardens, shrubs, landscaping and other purposes that do not interfere with the use of said easement for public utility purposes.

(Additional dedications and protective covenants, or private restrictions would be inserted here upon the subdivider's initiative or the recommendation of the City plan commission or the Council; important provisions are those specifying the use to be made of the property and, in the case of residential use, the minimum habitable floor area.)

Sidewalks shall be constructed at the time the structure is constructed or at the direction of the board of local improvements recommended to the City Council of the City of Moline.

All streets, alleys, and public open spaces shown and not heretofore dedicated, are hereby dedicated to the public.

Building setback lines are hereby established as shown on this plat, between which lines and the property lines of the streets there shall be erected or maintained no building structure.

The foregoing covenants (or restrictions), are to run with the land and shall be binding on all parties and all persons claiming under them until (25 year period is suggested), at which time said covenants (or restrictions) shall be automatically extended for successive periods of ten (10) years unless by vote of a majority of the then owners of the building sites covered by these covenants (or restrictions), in whole or in part. Invalidation of any one of the foregoing covenants (or restrictions), by judgment or court order, shall in no way affect any of the other covenants (or restrictions), which shall remain in full force and effect.

In witness whereof, we hereunto affix our hands and seals this \_\_\_\_ day of \_\_\_\_\_, A.D. 20\_\_\_\_\_.

\_\_\_\_\_  
\_\_\_\_\_  
(Seal)  
(Seal)

(2) Irrevocable Offers of Dedication Forms:

a. The following form shall be placed upon a final plat of a subdivision whenever said plat is approved upon submission of a subdivider's bond or escrow agreement as provided for in Sec. 29-4113:

The owner, or owner's representative, hereby irrevocably offers for dedication to the City of Moline, in fee simple absolute unless otherwise called for on the plat all the streets, local government uses, easements, parks, and required utilities shown within the subdivision plat and construction plans in accordance with an irrevocable offer of dedication dated \_\_\_\_\_ and recorded in the Office of the Recorder of Deeds of Rock Island County, Illinois.

BY \_\_\_\_\_  
\_\_\_\_\_

Date \_\_\_\_\_

**SUBDIVISIONS**

- b. The following form shall accompany any final plat set forth in a. above and shall be presented for recording simultaneously with any such plat, but shall be recorded immediately prior to the recording of the plat.

**OFFER OF IRREVOCABLE DEDICATION**

Agreement made this day of \_\_\_\_\_ 20\_\_\_\_ by and between \_\_\_\_\_, \_\_\_\_\_ having \_\_\_\_\_ office and place of business at \_\_\_\_\_, hereinafter referred to as "Developer", and the City of Moline, a municipal corporation having its principal office at 619 - 16th Street, hereinafter designated as "City;"

WHEREAS, the City is in the process of approving a subdivision plat entitled \_\_\_\_\_ dated \_\_\_\_\_ and made by \_\_\_\_\_; and

WHEREAS, said plat and the construction plans associated therewith designated certain property interests and public improvements consisting of \_\_\_\_\_

to be dedicated to the City free and clear of all encumbrances and liens, pursuant to the provisions of Chapter 29 of the Moline Code of Ordinances; and

WHEREAS, the Developer, simultaneously with final plat approval or before, shall post a subdivider's bond with the City for the construction and payment therefor, maintenance, and dedication of said interests and improvements; and

WHEREAS, the Developer is desirous of offering for dedication the said improvements and interests in land to the City as more particularly described in Schedule \_\_\_\_\_ attached hereto; and

WHEREAS, the Developer has delivered deed of dedication to the City to be held in trust by it for the said improvements and interests in land as described herein;

NOW, THEREFORE, in consideration of the City's approval of said subdivision plat, it is mutually agreed as follows:

(a) The Developer herewith delivers to the City deed of dedication in fee simple absolute unless otherwise called for on the plat for the premises and improvements described in Schedule \_\_\_\_\_ attached hereto, said delivery being a formal offer of dedication to the City to be held by the City in trust until the acceptance or rejection of such offer of dedication by the City Council.

(b) The Developer agrees that said formal offer of dedication is irrevocable and can be accepted by the local government at any time.

(c) The Developer agrees to complete the construction and maintenance of the land and improvements pursuant to the Subdivider's Bond and the provisions of Chapter 29 of the Moline Code of Ordinances and any conditions of approval of said subdivision and upon acceptance by the City of the offer of dedication shall furnish, within thirty (30) days after written notice from the City of said acceptance of the offer of dedication, to the City a

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title insurance policy issued by a licensed title insurance company authorized to do business in the State of Illinois in the amount of ten thousand dollars (\$10,000.00), certifying that the premises are free and clear of all liens and encumbrances and that fee simple title or other specific interest reposes in the City and shall furnish to the City a check for all necessary fees and taxes to record the deed(s) heretofore delivered.

(d) That this irrevocable offer of dedication shall run with the land and shall be binding on all assigns, grantees, successors, or heirs of the Developer.

CITY OF MOLINE, ILLINOIS

(Seal)

\_\_\_\_\_  
Mayor

Attest: \_\_\_\_\_  
City Clerk

Approved as to Form:

\_\_\_\_\_  
City Attorney

DEVELOPER

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Seal)

(3) Notary Public's Certificate:

State of Illinois )  
 ) SS  
County of Rock Island )

I, \_\_\_\_\_, a Notary Public in and for the County aforesaid, do hereby certify that \_\_\_\_\_(owners)\_\_\_\_\_ are personally known to me to be the same persons whose names are subscribed to the foregoing instrument, and that they appear before me this day in person and acknowledge that they signed and sealed the same as their free and voluntary act for the uses and purposes therein set forth, including the release waiver of the right of homestead.  
Given under my hand and Notarial Seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public

(4) Surveyor's Certificate:

The following Surveyor's Certificate shall accompany or be placed on the final plat:

State of Illinois )  
 ) SS.  
Rock Island County )

**SUBDIVISIONS**

I, \_\_\_\_\_, an Illinois professional land surveyor, hereby certify that the annexed plat is a true and correct representation of a survey made by me or under my direction according to the surveying laws of the State of Illinois and the City of Moline's Subdivision Ordinance, or the following described property to wit:

Monuments as shown on the plat are set or will be set within thirty (30) days after the completion of the required improvements and their acceptance by the City, and such monuments are or will be sufficient to enable the survey to be retraced and will occupy the positions shown thereon.

(1) (No) part of the property covered by this plat of subdivision is located within a special flood hazard area as identified by the Federal Emergency Management Agency.

In witness I hereunto set my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 20\_\_\_\_\_.

\_\_\_\_\_  
Illinois Professional Land Surveyor

(5) County Clerk's Certificate:

I, \_\_\_\_\_, County Clerk of Rock Island County, Illinois, do hereby certify that I find no unpaid or forfeited taxes against any of the real estate included within this plat.

\_\_\_\_\_  
County Clerk

\_\_\_\_\_  
Date

(6) Plan Commission Certificate:

STATE OF ILLINOIS            )  
ROCK ISLAND COUNTY        ) SS  
CITY OF MOLINE                )

We, the undersigned officers of the Plan Commission of the City of Moline, Illinois, do certify that the accompanying plat of \_\_\_\_\_, an addition to the City of Moline, Illinois, was recommended to the City Council of the City of Moline, Illinois, at a meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, A.D. 20\_\_\_\_\_.

MOLINE PLAN COMMISSION

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Secretary

(7) Certificate of City Council:

I, \_\_\_\_\_, Mayor of the City of Moline, do hereby certify that the plat shown hereon was duly presented to the City Council and approved at a meeting of same held on the \_\_\_ day of \_\_\_\_\_, A.D. 20\_\_\_\_\_.

\_\_\_\_\_  
Mayor

Attest: \_\_\_\_\_  
City Clerk

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(8) City Clerk's Certificate:

The following form shall be used for certification by the City Clerk:

I, \_\_\_\_\_, City Clerk in and for the said City of Moline, do hereby certify that all due assessments have been paid upon the real estate described on the accompanying plat.

In witness whereof, I hereunto set my hand and official seal this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 20\_\_.

\_\_\_\_\_  
City Clerk

(9) Engineer's Certificate:

The following form shall be used for certification by the City Engineer.

The design of the accompanying plat has been examined and found to meet the requirements of the Subdivision Ordinance.

\_\_\_\_\_  
Director of Public Works

(10) City Engineer's Certificate:

Certificate to approve subdivisions of five lots or less.

The following form shall be used for the approval of subdivisions of five (5) lots or less by the Director of Public Works and the Director of Planning and Development in accordance with Sec. 29-4123.

We, the undersigned Director of Public Works and Director of Planning and Development, do hereby certify that the accompanying plat has been examined and found to be in compliance with the requirements of the Subdivision Ordinance and recommend approval of this plat by the City of Moline.

\_\_\_\_\_  
Director of Public Works

\_\_\_\_\_  
Director of Planning and Development

(11) Roadway Access and Sewage Disposal Systems

a. The following form shall be required on the face of the plat where roadway access is to a highway under the jurisdiction of the Illinois Department of Transportation or another relevant local highway authority.

This plat approved with respect to roadway access under provisions of 765 ILCS 205/2.

\_\_\_\_\_  
Agency

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

**SUBDIVISIONS**

- b. The following form shall be required on the face of the plat where any part of the platted land will not be served by a public sewer system.

This plat is approved with respect to sewage disposal systems under provisions of Chapter 109, paragraph 2, Ill. Rev. Stat.

\_\_\_\_\_  
Agency

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

(12) Required Disclosures To Be On Face of Final Plat

The following disclosures are to be placed on the face of the final plat:

- a. Either of the following, depending upon which is the most appropriate, shall be placed upon the face of the final plat by a registered professional engineer and the owner or owner's duly authorized attorney:

To the best of our knowledge and belief the drainage of surface waters both within and around this subdivision will not be changed by the construction of same or any part thereof.

(seal)

\_\_\_\_\_  
Registered Professional Engineer  
Registration No. \_\_\_\_\_

\_\_\_\_\_  
Owner or Attorney

To the best of our knowledge and belief the drainage of surface waters either within or around this subdivision will be changed by the construction of same or parts thereof but adequate provision has been made to collect and divert said surface waters to public drains or private drains to which the owner has legal access and said provisions are such that the capacity of no natural or man-made drain will be exceeded and no damage to adjoining properties will incur because of said provisions.

(seal)

\_\_\_\_\_  
Registered Professional Engineer  
Registration No. \_\_\_\_\_

\_\_\_\_\_  
Owner or Attorney

- b. In addition to one of the above, the owner or subdivider shall disclose on the face of said subdivision final plat the following if a bond or escrow agreement is provided:

I hereby disclose and give notice to all that this subdivision has been approved by the City upon the condition that I post bond or enter into an escrow agreement to secure installation of all improvements required by said City. The terms of same allow me a period of two (2) years to install said improvements or provide the City the right to install same to the extent

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of funds provided by such security. City ordinances do not permit, however, occupancy of any premises until adequate provision for access for water and sanitary sewerage are made.

\_\_\_\_\_  
Owner or Subdivider

- c. Also, any disclosure required by state or federal statute shall be displayed upon said plat.

### **SEC. 29-4125. ACTION BY CITY COUNCIL.**

The City Council shall either approve or disapprove the application for final plat approval by resolution within sixty (60) days from the date of said application or the filing of the last item of required supporting data, whichever date is later, unless the City Council and the subdivider mutually agree to extend this time limit. (65 ILCS 5/11-12-8.) The City Council shall not approve any final plat unless:

- (1) The final plat substantially conforms to the approved preliminary plat if required; and
- (2) The final plat manifests substantial compliance with the design and improvements standards of this ordinance and the Official Map; and
- (3) To the City Council's knowledge and belief, the final plat complies with all pertinent statutory requirements; and
- (4) Either of the following has been met:
  - a. All required improvements have been completed, inspected, accepted, and dedicated; or
  - b. The subdivider/developer has posted an acceptable form of assurance as stated in Sec. 29-4113.

If the City Council disapproves the final plat, their resolution shall specify the aspects in which the plat fails to meet the above conditions for approval.

### **SEC. 29-4126. MAINTENANCE OF IMPROVEMENTS.**

The subdivider/developer shall provide all the improvements in the subdivision for a period of one (1) year and provide a one (1) year maintenance bond prior to acceptance and dedication to the City of Moline or other appropriate entity. Said bond shall be in the amount determined by the director of public works to be sufficient to guarantee the satisfactory condition of the required improvements for a period of one (1) year from the date of their acceptance and dedication. If at any time during the one (1) year period the improvements are found to be defective, they shall be repaired/replaced at the subdivider/developer's expense. If the subdivider/developer refuses to pay such costs within ninety (90) days after demand is made upon said subdivider/developer by the director of public works, the City of Moline shall use the maintenance bond to make the necessary repairs/replacement. If the cost of repairs/replacement exceeds the bond amount, the subdivider/developer shall be liable for the excess. At the end of the one (1) year period, the maintenance bond shall be released.

## **ARTICLE V. OTHER ADMINISTRATIVE MATTERS**

### **SEC. 29-5100. ENFORCEMENT OFFICER, DUTIES.**

The director of planning and development, referred to herein as the administrator, is hereby authorized and directed to administer and enforce the provisions of this ordinance.

## **SUBDIVISIONS**

### **SEC. 29-5101. AMENDMENTS.**

Amendments to this ordinance may be proposed by any member of the City Council, any plan commission member, or any party in interest. Every amendment proposal shall be filed on a prescribed form in the director's office. The director of planning and development shall promptly transmit each proposal, together with any comments or recommendations said director may wish to make, to the City plan commission for a public hearing.

### **SEC. 29-5102. PUBLIC HEARING, NOTICE.**

The plan commission shall hold a public hearing on every amendment proposal within a reasonable time after said proposal is submitted to them. At the hearing any interested party may appear and testify, either in person or by duly authorized agent or attorney. Notice indicating the time, date, and place of the hearing, and the nature of the proposed amendment shall be given not more than thirty (30) nor less than fifteen (15) days before the hearing by publication in a newspaper of general circulation within the City of Moline.

### **SEC. 29-5103. ADVISORY REPORT, ACTION BY CITY COUNCIL.**

Within a reasonable time after the public hearing, the plan commission shall submit an advisory report to the City Council. The City Council shall act on the proposed amendment at a regularly scheduled meeting following submission of this report. Without another public hearing, the City Council may either pass, modify or reject the proposed amendment or may refer it back to the plan commission for further consideration.

### **SEC. 29-5103.1. FEES.**

Any submittal of a subdivision, minor or otherwise as defined within this chapter, filed by or on behalf of, the owner or owners of the property affected, shall be accompanied by a fee as set forth in "The Development Review Application Fee Schedule" as adopted by the City Council, from time to time, by a separate resolution, which schedule shall be maintained in the office of the City Clerk, and available for review and inspection by the public, during normal business hours, Moline City Hall, second floor, at 619 - 16<sup>th</sup> Street, Moline, Illinois. (Ord. No. 2002-06-18; new Sec. 29-103.1 enacted; 06/25/02)

### **SEC. 29-5104. PENALTIES.**

(a) Any person who is convicted of a violation of this ordinance shall be guilty of a petty offense and shall be fined not more than seven hundred fifty dollars (\$750.00). Each day that a violation continues shall be considered a separate offense. (Ord. No. 98-2-6; §29-5104 repealed; new §29-5104 enacted; 02/03/98)

(b) Nothing contained in this section shall prevent this municipality from taking any other lawful action that may be necessary to secure compliance with this ordinance.

### **SEC. 29-5105. REPEAL.**

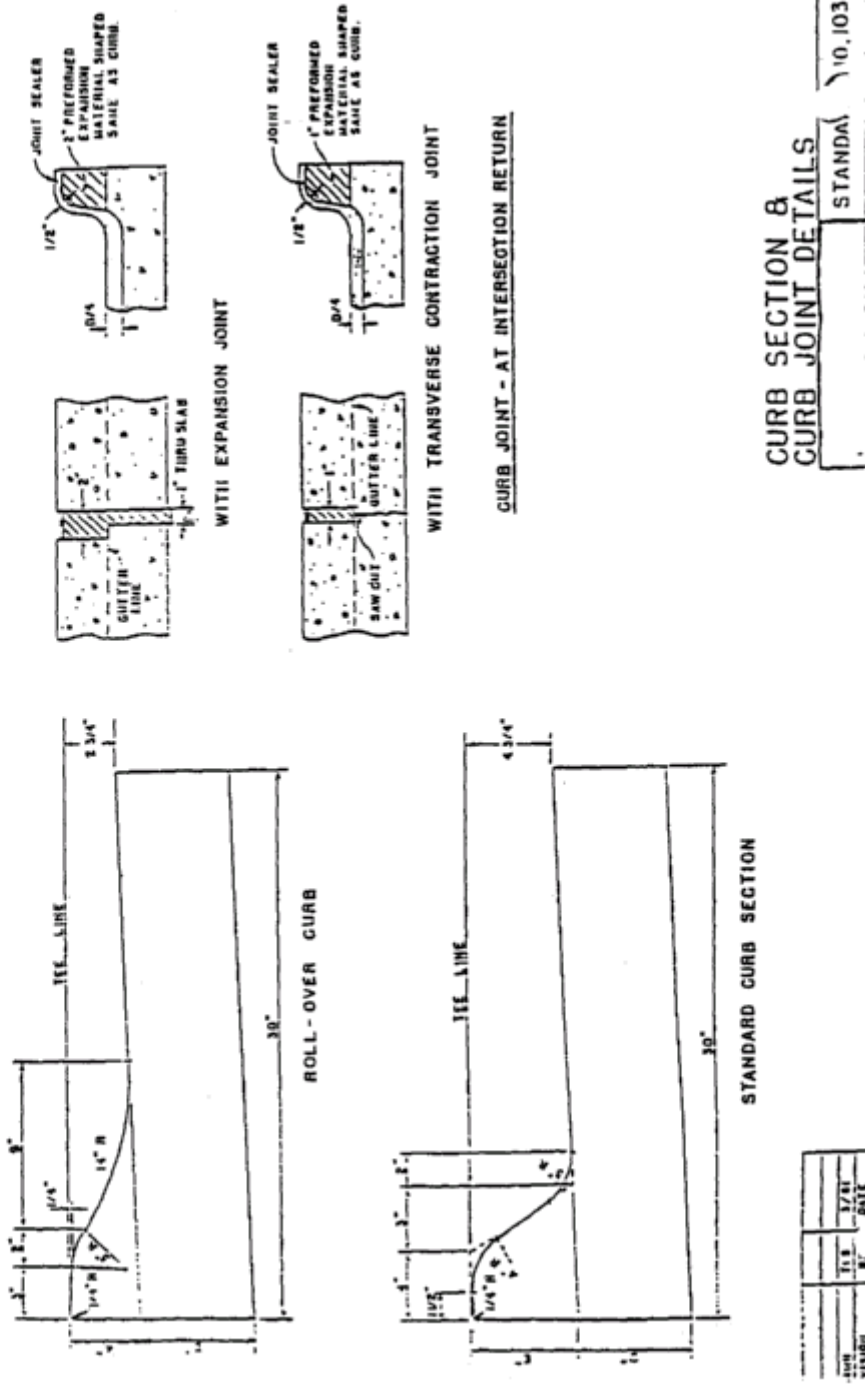
All ordinances or parts of ordinances in conflict herewith, are to the extent of such conflict hereby repealed.

### **SEC. 29-5106. SEPARABILITY.**

If any section, subsection, sentence, clause, phrase, or word of this chapter is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this article. The City Council hereby declares that it would have adopted the article and each section, subsection, sentence, clause, phrase, or word thereof without incorporation in this article of any such invalid section, subsection, clause, phrase or word.

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APPENDIX 1



**SUBDIVISIONS**

**APPENDIX 2**

**LETTER OF CREDIT**

\_\_\_\_\_ (name of bank) \_\_\_\_\_

\_\_\_\_\_, (City bank's location), \_\_\_\_\_ (State) \_\_\_\_\_

Irrevocable Credit No. \_\_\_\_\_ Date: \_\_\_\_\_, 20\_\_\_\_\_

City of \_\_\_\_\_, Illinois All drafts must be marked:  
"Drawn under Credit No. \_\_\_\_\_,  
dated \_\_\_\_\_, 20\_\_\_\_\_"

Gentlemen:

We hereby open an Irrevocable Letter of Credit in the amount of \_\_\_\_\_ (\$\_\_\_\_\_ ) in your favor for the account of (Developer) \_\_\_\_\_, the developer of \_\_\_\_\_ (name of subdivision), a subdivision proposed for final plat in the City of \_\_\_\_\_, Illinois, or within its territorial jurisdiction, for the benefit of the City of \_\_\_\_\_. Said money hereunder shall be available by your drafts at sight drawn on us drawn in the name of the City of \_\_\_\_\_, Illinois. All drafts must be marked "Drawn under \_\_\_\_\_ (name of bank) \_\_\_\_\_, Credit No. \_\_\_\_\_ dated \_\_\_\_\_, 20\_\_\_\_\_."

Drafts must be accompanied by a signed statement by the Director of Engineering of the City of \_\_\_\_\_, Illinois, that the request is for the installation or construction of improvements required pursuant to the plans, specifications, and cost estimates dated \_\_\_\_\_, 20\_\_\_\_\_, and approved by the City of \_\_\_\_\_, Illinois, and on file with the Director of Engineering. Further, all requests for disbursements under this Letter of Credit made prior to \_\_\_\_\_ (must be 2 years after filing) \_\_\_\_\_, 20\_\_\_\_\_, shall be submitted by Developer and accompanied by a certified estimate of units and value of work completed with contractor's sworn statement and waiver of mechanics' liens, all approved by the Developer's engineer and the Director of Engineering of the City of \_\_\_\_\_, Illinois. It is understood as to all disbursements that the Director of Engineering shall approve partial drawings only as long as there remains a sufficient balance to the Credit to cover his then current estimate of costs for the required improvements which at that time remain to be completed but in no case shall his approval exceed ninety percent (90%) of the value of work completed.

In the event that all of the work for the improvements is not completed to the satisfaction of the City on or before (1 day short of 2 years after filing) \_\_\_\_\_, 20\_\_\_\_\_, the funds remaining under this Letter of Credit shall be available to the City of \_\_\_\_\_, Illinois upon presentation of their draft at sight drawn on us in the name of the City of \_\_\_\_\_, Illinois. This draft so drawn must be marked "Drawn under \_\_\_\_\_ (name of bank) \_\_\_\_\_ Credit No. \_\_\_\_\_, dated \_\_\_\_\_ 20\_\_\_\_\_." Further, such draft shall be accompanied by a signed statement by the Director of Engineering of the City of \_\_\_\_\_, Illinois, do hereby certify that work on required improvements in the subdivision named \_\_\_\_\_ has not been completed to the satisfaction of the City of \_\_\_\_\_ on or before (one day short of two years after filing) \_\_\_\_\_, 20\_\_\_\_\_.

This Credit shall expire on (2 years after filing) \_\_\_\_\_, 20\_\_\_\_\_; provided, however, the undersigned shall notify the Director of Engineering, by certified mail, return receipt requested, at least ninety (90) days prior to expiration date that this Letter of Credit is about to expire and provided, however, in no event shall this

**MOLINE CODE OF ORDINANCES**

**APPENDIX 2, Continued**

Credit expire except upon prior written notice, it being expressly agreed by the undersigned that the above expiration date shall be extended as shall be required to comply with this notice provision.

The undersigned further agrees that this Credit shall remain in full force and effect and pertain to any and all amendments or modifications which may be made from time to time to the specifications, and agreements for the subdivision, without notice from the City of the amendments or modifications.

All acts, requirements and other preconditions for the issuance of this Irrevocable Letter of Credit have been completed.

We hereby engage with the drawers, endorsers, and bona fide holders of drafts, drawn under and in compliance with the terms of this Credit, that same shall be honored upon presentation to the drawer. This Credit must accompany any draft which exhausts the Credit and must be surrendered concurrently with the presentation of such draft.

We hereby undertake and engage that all demands made in conformity with this Credit will be honored upon presentation. If, within ten (10) days of the date any demand made in conformity with this Credit is presented, we fail to honor same, we agree to pay all attorney's fees, court costs, and other expenses incurred by the City of \_\_\_\_\_ in enforcing the terms of this Credit.

Dated: \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_ (name of bank)

By \_\_\_\_\_

(title)

Attest:

\_\_\_\_\_

(title)

**SUBDIVISIONS**

**APPENDIX 3**

**SUBDIVISION PERFORMANCE BOND**

KNOW ALL MEN BY THESE PRESENTS, that \_\_\_\_\_, as PRINCIPAL, \_\_\_\_\_, as SURETY, and \_\_\_\_\_, as ADDITIONAL SURETY, are held and firmly bound unto the City of \_\_\_\_\_, ILLINOIS, as OBLIGEE, in the sum of \_\_\_\_\_ (\$ \_\_\_\_\_) lawful money of the United States, for the payment whereof to the Obligee, the Principal and the Surety, and Additional Surety bind themselves, their heirs, executors, administrators, successors, and assigns, jointly and severally, firmly to these presents:

SIGNED, SEALED AND DATED, THIS \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

WHEREAS, application was made to the Obligee for approval of a subdivision shown on plat entitled "\_\_\_\_\_" a subdivision to the City of \_\_\_\_\_, County of Rock Island, Illinois, filed with the Director of Planning to the Planning Commission of the City of \_\_\_\_\_, Illinois, on \_\_\_\_\_, 20\_\_\_\_\_, said final plat may be approved upon certain conditions, one of which is that a performance bond in the amount of \_\_\_\_\_ (\$ \_\_\_\_\_), to be filed with the City Clerk to guarantee certain improvements in said subdivision.

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION is such that if the above named Principal shall, within two (2) years from the date hereof, well and truly make and perform the required improvements and construction of public improvements in and adjacent to said subdivision in accordance with the specifications of the City of \_\_\_\_\_ Engineering Department and the Subdivision Regulations of the City of \_\_\_\_\_, then this obligation shall be void; otherwise to remain in full force and effect.

It is hereby understood and agreed that in the event that any required improvements have not been installed as provided aforesaid within the term of this Performance Bond, the Governing Body may thereupon declare this bond to be in default and collect the sum remaining payable thereunder and upon receipt of the proceeds thereof, the City of \_\_\_\_\_ shall install the extent of building development that has taken place in said subdivision but not exceeding the amount of such proceeds.

\_\_\_\_\_  
By: \_\_\_\_\_ Principal  
\_\_\_\_\_  
By: \_\_\_\_\_ Principal  
\_\_\_\_\_  
By: \_\_\_\_\_ Surety  
\_\_\_\_\_  
Attorney in Fact

Additional Surety

Approved as to Form:

By \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

805-8

MOLINE CODE OF ORDINANCES

APPENDIX 4

ESCROW AGREEMENT

THIS AGREEMENT, made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, by and between \_\_\_\_\_ hereinafter called "DEVELOPER"; the CITY OF \_\_\_\_\_, ILLINOIS, hereinafter called "CITY"; and the \_\_\_\_\_ hereinafter called "ESCROW HOLDER."

WITNESSETH:

WHEREAS, Developer has submitted a proposed plat of a subdivision within the City and said Developer is required by Chapter 34, "Subdivision Regulations" of the Code of Ordinances of said City either to make certain improvements in said subdivision, or to guarantee that said improvements will be made within a period of two years from the date of the filing of the plat of said subdivision, or to petition the Board of Local Improvements for construction of said improvements, which requirements must be met prior to acceptance of the subdivision by the City; and

WHEREAS, under the terms of the subdivision regulations of the City, Developer may deposit the estimated cost of the required improvements in escrow with the City as one method of insuring to said City that the required improvements will be completed and Developer has elected to do so.

NOW, THEREFORE, in consideration of the mutual covenants contained herein and the mutual benefits to be derived therefrom, it is hereby agreed and understood by and between the parties hereto as follows:

1. Developer has this date deposited the sum of \_\_\_\_\_ (\$ \_\_\_\_\_) with the Escrow Holder, which sum is composed of the following sums for the noted improvements, to-wit the receipt of which is hereby acknowledged, said sum being the estimated cost of the required improvements for the development of the proposed subdivision to be known as \_\_\_\_\_.

2. Whenever the Developer shall complete any required improvement and said improvement shall be approved and accepted by the City of \_\_\_\_\_ within a period of \_\_\_\_\_ from the recording of said subdivision plat, then in such event the Escrow Holder shall return to Developer upon the approval and acceptance of said improvement by the City of \_\_\_\_\_, such portion of the sum of money deposited herewith as shall have been deposited for the particular improvement completed, so that upon the completion by Developer and approval by City of all required improvements, all the money deposited shall be returned to Developer.

3. In the event Developer shall fail to complete any portion of the required improvements within the period of \_\_\_\_\_ from the recording of said subdivision plat, then Escrow Holder is hereby expressly authorized to disburse such portion of the money deposited herewith as shall be required to complete the required improvements for said subdivision plat. In the event Developer shall notify City of his inability to complete said improvements within said \_\_\_\_\_ period, then in such event Escrow Holder may also expend such sums as necessary to complete said improvements. Upon the completion of all said required improvements, then Escrow Holder shall return to Developer any unexpended balance of the sum deposited herewith, less any other charges which may be outstanding against Developer in connection with said subdivision.

4. In the event Escrow Holder shall use the sum deposited herewith for the construction or completion of the construction of any or all of the required improvements, the construction of said improvements may be done by the City of \_\_\_\_\_ under the direction of its Engineering Department and at its actual cost including a reasonable charge for engineering and supervision; or may be done by contract between the City of \_\_\_\_\_ and some responsible contractor or contractors, after sufficient opportunity has been given for

**SUBDIVISIONS**

**APPENDIX 4, Continued**

competitive bidding, in accordance with the normal practices of the City, and in such event the cost of construction shall be based upon the actual contract amount or amounts plus a reasonable charge for engineering and inspection by the City of \_\_\_\_\_.

5. The deposit of said sum with the Escrow Holder is in an interest bearing account, the interest from which shall be the property of the City. But if no claim is made for non-performance hereunder within two (2) years from the date hereof for the construction of said improvements, the escrow account shall be released to the Developer and the interest from which shall revert to the Developer upon the failure of said condition; neither the City nor the Developer shall have the right to withdraw interest from said account during the term thereof.

6. The City shall allow substitution of Escrow Holder and Developer, and it shall allow this instrument to be substituted by a bond with adequate surety which guarantees payment under the terms hereof. Said substitution shall be by filing with the City an assignment, replacement instrument, or bond and upon said filing the City Attorney shall execute the necessary release.

7. By execution of these presents and for valuable consideration paid to it by Developer, the Escrow Holder consents and agrees to meet the obligations imposed upon it hereby.

8. The parties hereto agree that should any litigation arise out of this Escrow Agreement, the venue for such litigation shall be in the Circuit Court of the Fourteenth Judicial Circuit, Rock Island County, Illinois, and the parties hereto expressly waive all rights to venue inconsistent herewith.

9. This Agreement shall be binding upon the heirs, assigns, administrators, executors and successors of the parties hereto.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed in the date first above mentioned.

\_\_\_\_\_

“DEVELOPER”

CITY OF \_\_\_\_\_, ILLINOIS

BY \_\_\_\_\_  
MAYOR

ATTEST: \_\_\_\_\_  
CITY CLERK

Approved as to Form:

\_\_\_\_\_

\_\_\_\_\_

ATTEST: \_\_\_\_\_  
“ESCROW HOLDER”