

VILLAGE OF MT. AUBURN

ORDINANCE NO. 36

AN ORDINANCE AUTHORIZING THE EXECUTION OF
A PERMIT WITH CHRISTIAN COUNTY, ILLINOIS

ADOPTED BY THE
BOARD OF TRUSTEES
OF THE

VILLAGE OF MT. AUBURN
THIS 3 DAY OF August, 1992

PUBLISHED IN PAMPHLET FORM BY AUTHORITY
OF THE BOARD OF TRUSTEES OF THE VILLAGE OF
MT. AUBURN, CHRISTIAN COUNTY, ILLINOIS
THIS 3 DAY OF August, 1992.

(26)

VILLAGE OF MT. AUBURN
ORDINANCE NO. 36

AN ORDINANCE AUTHORIZING THE EXECUTION OF
A PERMIT WITH CHRISTIAN COUNTY, ILLINOIS

WHEREAS, attached hereto and incorporated herein by reference is a copy of a Permit, to be entered into by and between the Village of Mt. Auburn and Christian County, Illinois:

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF MT. AUBURN, ILLINOIS:

Section 1: That the President and Board of Trustees hereby approve of the Village entering into a Permit with Christian County, Illinois in a form similar to the one attached hereto subject, however, to such substitute or additional terms or provisions as the President may deem appropriate; and by and on behalf of the Village of Mt. Auburn the President and Clerk hereby authorized and directed to sign such Permit in the final form acceptable to the President and to place the Village's corporate seal thereon.

Section 2: That if any section, clause, provision or portion of this Ordinance shall be held to be invalid or unconstitutional by any Court of competent jurisdiction, such holding shall not affect or otherwise impair any other section, clause, provision or portion of this Ordinance which is not, in or of itself, invalid or unconstitutional.

Section 3: This Ordinance shall be effective upon its passage, approval and publication in pamphlet form as provided by law.

ON MOTION DULY MADE AND SECONDED and pursuant to roll call

CERTIFICATE

STATE OF ILLINOIS)
) SS.
COUNTY OF CHRISTIAN)

I, BRENDA COPENBARGER, certify that I am the duly elected and acting Village Clerk of the Village of Mt. Auburn, Christian County, Illinois.

I further certify that on August 3, 1992, the Board of Trustees of said Village passed and approved Ordinance No. 36 entitled "An Ordinance Authorizing the Execution of a Permit with Christian County, Illinois."

The pamphlet form of Ordinance No. 36, including the Ordinance and a cover sheet thereof was prepared, and a copy of such Ordinance was posted in the Village Hall, commencing on August 17, 1992, and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the Office of the Village Clerk.

DATED at Mt. Auburn, Illinois, this 27 day of August, 1992.

Brenda M. Copenbarger
BRENDA COPENBARGER, Village Clerk

(SEAL)

PERMIT

This Permit shall be considered authorization for the Village of Mt. Auburn, hereinafter termed the Applicant, to locate, construct and maintain an access approach to a well site and a six (6) inch diameter water supply line, and necessary appurtenances on the right-of-way of County Highway No. 2 and 22. The location of the access approach and the raw water line are to be as shown in the plans prepared by Greene & Bradford, Inc., engineers.

First: The Applicant represents all parties in interest and shall furnish material, do all work, pay all costs, and shall in a reasonable length of time restore the damaged portions of the highway to a condition similar or equal to that existing before the commencement of the described work, including seeding or sodding.

Second: Before this Permit shall become effective, and before any work on the highway described in said Permit shall be started, the Applicant's contractor shall file with the Christian County Highway Department a Permit Bond in the amount of Five Thousand Dollars (\$5,000.00) to insure to the Department that all the terms and conditions of the Permit will be enforced. If the contractor should fail to comply with all the terms and conditions of the Permit the Department will cause such deficiencies to be corrected, and the expense thereof will be made an obligation of the bonding company.

Third: The proposed work shall be located and constructed to the satisfaction of the County Engineer or his duly authorized representative. No revisions or additions shall be made to the proposed work on the right-of-way without the written permission of the County Engineer.

Fourth: The County reserves the right to make such changes, additions, repairs and relocations within its statutory limits to the facilities constructed under this Permit or their appurtenances on the right-of-way as may at any time be considered necessary to Permit the relocation, reconstruction, widening, or maintaining of the Highway and/or to provide proper protection to life and property on or adjacent to the County right-of-way. However, in the event this Permit is granted to construct, locate, operate and maintain utility facilities on the County right-of-way, the Applicant, upon written request by the County Engineer AND when necessary to permit the relocation, reconstruction, widening, or maintaining of the highway AND/OR when necessary to provide proper protection to life and property on or adjacent to the County right-of-way, shall perform such alterations or change of location of the facilities, without expense to the County and should the Applicant fail to make satisfactory arrangements to comply with this request within a reasonable time, the County reserves the right to make such alterations or change of location or remove the work when so

necessary as aforesaid, and the Applicant agrees to pay for the cost incurred, subject to proper and legal appropriation ordinances adopted by the Applicant.

Fifth: All water line crossings under the pavement shall be pushed or bored and shall be a minimum three feet six inches below the flow line of the original or existing cross section of the roadway whichever is lower. Said water lines shall be placed inside a steel encasement that extends a distance of three (3) feet either side of the existing asphalt surface. Open excavation shall be no closer than three (3) feet to either pavement edge.

Sixth: Open trench backfill shall be thoroughly compacted and all excess earth shall be removed from the right-of-way. Progressive settlement of the backfill shall be filled immediately by the Applicant. Open excavation between the pavement edge and the ditch which is to remain open overnight shall not exceed fifty (50) feet in length.

Seventh: All disturbed areas shall be seeded with a seed mixture of the following ratio: three pounds of Kentucky Bluegrass or Kentucky 31 or Alta Fescue, two pounds of Perennial Ryegrass and one pound of Ladino Clover. The rate of application shall be five pounds per 1000 square feet. The area shall be continuously reseeded until a sound turf is established.

Eighth: The Applicant shall at all times conduct the work in such a manner as to minimize hazards to vehicular and pedestrian traffic. In performing this work, the Applicant shall provide a traffic control plan acceptable to the County Engineer. All signs, barricades, flagmen, etc., required for traffic control shall be furnished by the Applicant. The work may be done on any day except Sunday. Work shall be done only during daylight hours.

Ninth: The work performed by the Applicant is for the bonafide purpose expressed and not for the purpose of or result in parking or servicing vehicles on the Highway right-of-way.

Tenth: The Applicant, his successors or assigns, agree to hold harmless the County of Christian, Illinois, and its duly appointed agents and employees against any action for personal injury or property damage sustained during the initial construction and installation of the Village's water line pursuant to this Permit, and not caused in whole or in part by the County.

Eleventh: The Applicant shall not trim, cut or in any way disturb any trees or shrubbery along said Highway without the approval of the County Engineer.

Twelfth: This Permit is effective only insofar as the Department has jurisdiction and does not presume to release the

Applicant from compliance with the provisions or any existing statutes or local regulations relating to the construction of such work.

Thirteenth: The work shall be completed within 180 days of the date this Permit is approved by the Christian County Engineer or the Permit becomes null and void.

This Permit is hereby accepted and its provisions agreed to this 3 day of August, 1992.

VILLAGE OF MT. AUBURN, ILLINOIS

Bruce Kohner
Mayor

ATTEST:

Mrenda McInerney
Village Clerk

(SEAL)

Approved this _____ day of _____, 1992.

Christian County Engineer

This Permit granted this _____ day of _____, 1992.

COUNTY OF CHRISTIAN, ILLINOIS
CHRISTIAN COUNTY HIGHWAY DEPT.

By: _____
County Superintendent of
Highways, its authorized
representative