

# **ORDINANCE NO. 15/16-S-01**

## **AN ORDINANCE AMENDING ORDINANCE NO. 10/11-S-01 AND SUPPLEMENTAL ORDINANCE NO. 14/15-S-02 OF THE ROCK RIVER WATER RECLAMATION DISTRICT**

WHEREAS, on October 25, 2010, the Board of Trustees of the Rock River Water Reclamation District, (District) passed Ordinance No. 10/11-S-01 providing for the construction of sanitary sewers in the Oak Crest sanitary sewer area; and

WHEREAS, on February 23, 2015, the Board of Trustees of the Rock River Water Reclamation District, (District) passed Supplemental Ordinance No. 14/15-S-02 in the amount of \$880,912 in additional Public Benefit funds to reflect finalized engineering plans and construction cost increases due to the delayed construction period prior to bidding the project; and

WHEREAS, the Board of Trustees of the District in accordance with statute, sought bids for the construction of the project and awarded the construction project to the lowest, fully qualified, bidder; and

WHEREAS, the actual awarded bid is considerably higher than the Engineer's Revised Estimate; off-site sewer construction costs are being paid by designated Capital Funds; and the increased cost does not include any costs associated with acquiring easements associated with the project as those costs are not part of the special assessment; and

WHEREAS, the total cost of the project consists of the cost of construction plus engineering costs, cost of making and levying and the reserve for interest; and the engineering costs, cost of making and levying and the reserve for interest are computed as percentages of the cost of construction;

WHEREAS, the Board desires to provide for payment of the total onsite cost increase from the Public Benefit Fund and must adopt an ordinance and petition the Court to do so;

NOW, THEREFORE, be it ordained by the Board of Trustees of the Rock River Water Reclamation District as follows:

### **ARTICLE I**

District Ordinance 10/11-S-01 provided for construction of the Oak Crest Special Assessment No. 118 for an estimated cost of construction of \$1,874,726.98 that included: (a) the cost of engineering and inspection in an amount not to exceed 15% of the assessment, (b) the cost and expense of making the assessment in an amount not to exceed four and one half per cent (4.5%) of the assessment, and (c) a reserve for deficiency in interest in an amount not to exceed four and one half per cent (4.5%) of the assessment.

ARTICLE II

District Ordinance 14/15-S-02 provided for an increase of \$880,912 in Public Benefit Funds due to the extended period of time since the original engineering estimate was presented. Actual bid prices were 21% higher than the Engineers' Estimate, resulting in a \$1,111,000.00 shortfall in Public Benefit monies.

ARTICLE III

Pursuant to 70 ILCS 2405\22a.31 the full amount of such deficiency of \$1,111,000.00 shall be assessed against the Public Benefit Fund. The Attorney for the District is directed to petition the Circuit Court of the 17<sup>th</sup> Judicial Court, Winnebago County, IL for a judgment accordingly.

ARTICLE IV

SECTION 1. VALIDITY. The invalidity of any section, clause, sentence, or provisions of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

SECTION 2. ORDINANCE IN FORCE. This ordinance shall be in full force and effect upon passage.

Passed and adopted this 27<sup>th</sup> day of July, 2015.

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President, Board of Trustees  
Rock River Water Reclamation District

ATTEST:

\_\_\_\_\_  
Clerk, Board of Trustees  
Rock River Water Reclamation District

## **ORDINANCE CERTIFICATION**

I hereby certify that I am the Clerk of the Rock River Water Reclamation District ("the District") and have custody of all official records of the Board of Trustees of the District; that the attached Ordinance is a true and a correct copy of Ordinance No.15/16-S-01, An Ordinance Amending Ordinance 10/11-S-02, duly passed by the Board of Trustees of the District at a regular meeting on the 25<sup>th</sup> day of October, 2010; which was also Amended by Ordinance No.14/15-S-02 on the 23<sup>rd</sup> day of February, 2015, and that said Ordinance is now in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand and the official seal of said Rock River Water Reclamation District, this 27<sup>th</sup> day of July, 2015.

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Donald Kerestes, Clerk  
Rock River Water Reclamation District