

VILLAGE OF LONG GROVE

RESOLUTION 2022-R-___

**A RESOLUTION GRANTING A WATER SYSTEM CONNECTION WAIVER
PURSUANT TO SECTION 8-16-1(B)(2) OF THE VILLAGE CODE
(Mill Pond Properties)**

WHEREAS, pursuant to Section 8-5-1 and 8-16-1(B)(1) of the Long Grove Village Code (“**Village Code**”), any building or structure within the Village that uses water is required to be connected to the Village’s public waterworks system within 180 days after water facilities become available to the premises, unless a water system connection waiver is granted by the Village Board; and

WHEREAS, Section 8-16-1(B)(2) of the Village Code provides that the Village Board may, upon request from the owner of an eligible property in the B-1 Historic Business Zoning District, grant water system connection waivers allowing continued use of existing private wells only for landscape irrigation and non-potable decorative water features, subject to certain conditions and limitations; and

WHEREAS, New Midwest Capital, LLC (“**Owner**”) is the owner of property located at 215-221 Robert Parker Coffin Road (P.I.N.s 15-30-100-032 and 15-30-100-033) and commonly known as the Mill Pond properties (collectively, the “**Property**”); and

WHEREAS, the Property is located in the Village’s B-1 Historic Business Zoning District, is occupied for retail and commercial uses, and contains open space and landscaped areas that are generally open and accessible to the public during business hours (the “**Landscaped Areas**”); and

WHEREAS, the Landscaped Areas contribute to and enhance the character and beauty of the Village’s downtown business district; and

WHEREAS, the Property has one or more existing, on-site private wells (collectively, the “**Well**”) and associated plumbing facilities (collectively, the “**Irrigation Facilities**”) that Owner

desires to use to supply non-potable water for landscaping irrigation in the Landscaped Areas and not for any habitable structures; and

WHEREAS, pursuant to Section 8-16-1(B)(2) of the Village Code, the Owner has requested that the Village Board grant a waiver from the water system connection requirements of Section 8-16-1(B)(1) with respect to the Irrigation Facilities in order to allow continued use of the Well only for non-potable irrigation of the Landscaped Areas, subject to the terms and conditions of this Resolution (the “***Waiver Request***”); and

WHEREAS, the Village Board has determined that the on-site Well is capable of providing a safe and adequate supply of water for non-potable irrigation uses, and it is in the best interests of the Village and its residents to approve the Waiver Request with respect to the Irrigation Facilities serving the Landscaped Areas on the Property, subject to the terms and conditions of this Resolution;

NOW, THEREFORE, BE IT RESOLVED by the President and Board of Trustees of the Village of Long Grove, Lake County, Illinois, as follows:

SECTION ONE. **Recitals.** The foregoing recitals are incorporated herein as the findings of the President and Board of Trustees.

SECTION TWO. **Grant of Water System Connection Waiver.** The Village Board hereby approves the Waiver Request with respect to use of the Well only to supply non-potable water for irrigation of the Landscaped Areas on the Property via the Irrigation Facilities, subject to the terms and conditions set forth in Section Three of this Resolution. Upon receipt of all necessary information from Owner regarding the Well and the Irrigation Facilities as required by Subsection D of Section Three of this Resolution, the Village Manager shall notify the Lake County Department of Public Health (the “**LCHD**”) that such conditions of this connection waiver have been satisfied and provide the LCHD a certified copy of this Resolution.

SECTION THREE. **Conditions on Approval.** The water system connection waiver granted by Section Two of this Resolution is subject to the following terms and conditions:

- A. The connection waiver granted by this Resolution shall not apply to any habitable buildings or structures, or any potable water uses, on the Property. In no event may any habitable building or structure on the Property be served by the Well, nor may the Well be used to supply water except for non-potable irrigation purposes via the Irrigation Facilities.
- B. All plumbing, well, and water supply related work, fixtures, and improvements on the Property shall strictly comply with applicable codes, plumbing regulations, and other requirements of law so that, *inter alia*, the Well is unable to supply water to any habitable building or structure on the Property.
- C. No physical connection shall be permitted between the Village waterworks system and the Irrigation Facilities, the Well, or any other private water supply facilities on the Property. The Irrigation Facilities, Well, and private water supply shall strictly comply with Section 8-16-5 of the Village Code, including without limitation all provisions relating to prohibited cross connections, cross connection control devices, and installation, inspection, maintenance, and repair.
- D. Within 60 days after the passage for this Resolution, the Owner must deliver to the Village Manager: (i) a survey or utility atlas that identifies the Well and the Irrigation Facilities with reasonable specificity and in a form approved by the Village Engineer (the “**Approved Atlas**”); and (ii) a certification from a plumber licensed in the State of Illinois that neither the Well nor the Irrigation Facilities are connected to any habitable building or structure or to any potable water source, that there is no physical connection between the Village waterworks system and the Well or Irrigation Facilities, and that the Well and Irrigation Facilities comply with all requirements of Section 8-16-5 of the Village Code (“**Plumber’s Certification**”). The connection waiver granted by this

Resolution shall be deemed to apply only to the Well and Irrigation Facilities depicted on the Approved Atlas and to the parcels within the Property upon which they are located, as determined by the Village Manager.

- E. By May 15 of each year, beginning in 2023, Owner shall deliver an updated Plumber's Certification to the Village Manager. If Owner voluntarily discontinues use of the Well, then Owner shall promptly notify the Village and deliver to the Village Manager appropriate documentation to show that Owner has discontinued use of and permanently sealed the Well as required by the LCHD.
- F. The Owner must plant and maintain the Landscaped Areas in good condition and in a manner that is substantially consistent with prior years. Additionally, the Landscaped Areas must be kept open and accessible to the public during business hours in a manner that is substantially consistent with prior years.
- G. The connection waiver granted by this Resolution shall be subject to revocation if the Village Board determines that: (i) any owner, tenant, occupant, or party or parties in possession of the Property have failed to operate and maintain the Landscaped Areas, the Irrigation Facilities, the Well, or any other private water supply facilities on the Property in conformity with the terms and conditions of this Resolution; (ii) continued use of the Well for non-potable irrigation purposes poses a risk of harm to the health, safety, or welfare of occupants or users of the Property or the general public; (iii) continued use of the Well for non-potable irrigation purposes will not conform with applicable regulations; or (iv) the best interests of the Village will be served by requiring the Property to terminate the use of the Well and to connect the Irrigation Facilities to the Village waterworks system. If the connection waiver granted by this Resolution is revoked, the owner shall have 120 days after written notice from the Village (or such longer time as may be approved by the Village Board) to discontinue use of and permanently seal the Well in accordance with the requirements of the LCHD. Notwithstanding the foregoing, the owner may be required to discontinue use of the Well in less than 120 days if necessary to prevent or abate an imminent risk to health, safety, or welfare.

SECTION FOUR. **Effective Date.** This Resolution shall be in full force and effect immediately upon its passage and approval in the manner provided by law.

PASSED this _____ day of March, 2022.

AYES: ()

NAYS: ()

ABSENT: ()

APPROVED this _____ day of March, 2022.

Village President

ATTEST:

Village Clerk