## 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 (Fountain Square 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, Long Grove Investments, LLC ("Owner") is the owner of certain contiguous parcels of real property located at 275 Robert Parker Coffin Road, 343 Old McHenry Road, 5 Old McHenry Road, 0 Robert Parker Coffin Road, and 303 Old McHenry Road (P.I.N.s 15-30-100-042, 15-30-100-019, 15-30-100-018, 15-30-100-041, 15-30-104-002, and 15-30-104-001), portions of which are commonly known as the Fountain Square 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 a decorative fountain water feature, gardens, and open spaces that are generally open and accessible to the public during business hours (the "*Fountain Square Area*"); and

WHEREAS, the Fountain Square Area contributes to and enhances 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 "**Facilities**") that Owner desires to use to supply non-potable water for operation of the fountain and for landscaping irrigation of the Fountain Square Area 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 Facilities in order to allow continued use of the Well only for non-potable purposes relating to operation of the fountain and irrigation of the Fountain Square Area (the "*Waiver Request*"); and

WHEREAS, the Village Board has determined that the Well is capable of providing a safe and adequate supply of water for non-potable fountain and irrigation uses, and it is in the best interests of the Village and its residents to approve the Waiver Request with respect to the Facilities 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:

(00031328 2)

**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 operation of the fountain and irrigation of the Fountain Square Area on the Property via the 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 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 or the Facilities, nor may the Well be used to supply water except for operation of the fountain and irrigation purposes via the 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 Facilities, the Well, or any other private water supply facilities on the Property. The 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 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 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 Facilities, and that the Well and 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 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 LCHD.
- F. Owner shall be required to operate the existing decorative fountain located in the Fountain Square Area at least during the period of May 15 through October 15 of each year during which the connection waiver remains in effect.
- G. Owner must plant and maintain the gardens in the Fountain Square Area in good condition and in a manner that is substantially consistent with prior years. Additionally, the Fountain Square Area must be kept open and accessible to the public during business hours in a manner that is substantially consistent with prior years.
- H. 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 fountain and Fountain Square Area, the 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 fountain and 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 fountain and 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 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.

5

PASSED this day of March, 2022.			
AYES:	()		
NAYS:	()		
ABSENT:	()		
APPROVED this day of March, 2022.			
		Village President	
ATTEST:			
		_	
Village Clerk	,		