

**VILLAGE PRESIDENT**  
Ray Danford

**VILLAGE CLERK**  
Jerry Menard

**VILLAGE TRUSTEES**  
Rita Baker  
Charlie Mattern  
Kevin Groth  
Corby Valentine  
Steve Smith  
Tony Miller

# VILLAGE OF FREEBURG

**FREEBURG MUNICIPAL CENTER**  
14 SOUTHGATE CENTER, FREEBURG, IL 62243  
PHONE: (618) 539-5545 • FAX: (618) 539-5590  
Web Site: www.freeburg.com

**VILLAGE ADMINISTRATOR**  
Dennis Herzing

**VILLAGE TREASURER**  
Bryan A. Vogel

**PUBLIC WORKS DIRECTOR**  
Ronald Dintelmann

**POLICE CHIEF**  
Melvin E. Woodruff, Jr.

**VILLAGE ATTORNEY**  
Stephen R. Wigginton

June 30, 2008

## NOTICE

### **MEETING OF LEGAL AND ORDINANCE COMMITTEES (Annexation; Building; Zoning; Subdivision) Groth/Baker/Mattern**

A Legal and Ordinance Committee Meeting of the Village of Freeburg will be held at the Municipal Center, Executive Board Room, **Wednesday, July 2, 2008, at 5:00 p.m.**

### **LEGAL AND ORDINANCE COMMITTEE MEETING AGENDA**

#### I. Items To Be Discussed

- A. Old Business
  - 1. Approval of June 4, 2008 Minutes
  - 2. Community Improvement Board/Material Requirements on Commercial Buildings/Nuisance Abatement Code
  - 3. Status of Public Hazard Homes
  - 4. Countryside Lane annexations
  - 6. TIF Litigation
  - 7. Stumpf lawnmower repair business
  - 8. Training - Sexual Harassment
  - 9. Ordinance for recordings of meetings
  - 10. Huelsman water problem
  - 11. Ordinances for drainage easement grades
- B. New Business
- C. General Concerns
- D. Public Participation
- E. Adjourn

At said Legal and Ordinance Meeting, the Village Trustees may vote on whether or not to hold an Executive Session to discuss the selection of a person to fill a public office [5 ILCS, 120/2 - (c)(3)], litigation [5 ILCS, 120/2 - (c)(11)] personnel [5 ILCS, 120/2 - (c) (1) a.]; or real estate transactions [5 ILCS, 120/2 - (c)(5)].

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Legal and Ordinance Committee Meeting  
(Annexation; Building; Zoning; Subdivision)  
(Groth/Baker/Mattern)  
Wednesday, July 2, 2008 at 5:00 p.m.

The meeting of the Legal and Ordinance Committee was called to order at 5:19 p.m. by Chairman Kevin Groth on Wednesday, July 2, 2008, in the Freeburg Municipal Center. Members attending were Chairman Kevin Groth, Trustee Charlie Mattern, Trustee Rita Baker, Mayor Ray Danford, Village Administrator Dennis Herzing and Office Manager Julie Polson. Guests present: Tom Pajares, Jim and Judy Rachell.

## A. OLD BUSINESS:

1. Approval of June 4, 2008 Minutes: *Trustee Rita Baker motioned to approve the June 4, 2008 minutes and Trustee Kevin Groth seconded the motion.* All voting aye, motion carried.

2. Community Improvement Board/Material Requirements on Commercial Buildings/Nuisance Abatement Code: Mayor Danford advised he needs direction from the committee. He has compiled a list of people he believes would be a good fit for this board which include Phil Borger, Dennis Herzing, John Davinroy, Dave Favre, Jr., Rob Harris, Steve Woodward, Ken Vielweber, Ken Bald, Bob Koerber and Dale Klohr. He believes that will make the discussions more profitable to us. The committee agreed for them to be autonomous and provide a laundry list of what they think the shortcomings are. The committee also agreed another addition to the committee might be Rosemarie Parker. Ray will talk to her.

3. Status of Public Hazard Homes: Nothing new other than waiting to see if Sheets will file an appeal after the hearing on the Motion to Reconsider.

4. Countryside Lane Annexations: Dennis advised that both agreements have been received and Julie will get the Plan Commission hearing scheduled. Dennis did advise Ms. Gass the water line probably won't be done until close to the end of the fiscal year.

5. TIF Litigation: Dennis advised that Attorney Wigginton is moving this along with Freeburg Development's attorney.

6. Stumpf lawnmower repair: Nothing new.

7. Training - Sexual Harassment: Jerry said she is waiting to hear from one of her Village Clerk contacts to see what they've done. We will wait to see what she comes back with. IMUA can provide the training at a cost of \$300.

Legal and Ordinance Committee Meeting  
Wednesday, July 2, 2008  
Page 1 of 4

8. Ordinance for recording meetings: Dennis is working on it.

9. Huelsman water problem: Ray advised the Huelsmans wanted a more private meeting, hoping we would gather the information and go over that in Dennis' office to discuss what options were available to them. Ray asked for direction on how to handle that, i.e. surveying costs. TWM does not want to survey it because they feel they are so far into the safety zone and if they did, it would look like an admission of guilt. We need to address the issues: 1. can drain pipe be enlarged to alleviate the problem; and 2. can we confirm or deny that additional building hasn't occurred there that has placed an additional burden on them. When we can answer those questions, we can talk to Huelsmans. Ray wanted the committee's opinion on whether we survey the area at an approximate cost of \$4,000. Charlie asked for a quick review of the problem. Dennis explained the first document would be the 1994 plat where lot (#12) was created. Dennis talked to Gale Hake and he thought that 1.5 feet above the street note was a fairly common thing. Dennis did not see that note on any other plat that we have in the vault. He thinks what is required to be on there is a statement about the floodplain which is on this plat. The second document is a copy of their sales agreement and in the addendum to that sales contract, they asked that the creek or ditch be relocated to run along the south property line which was done. He doesn't have anything to show that the easement was moved. Their house sits about where the creek used to be and the easement follows the shape of the creek. That whole area was a low drainage swale which drained the whole area (Niebruegge, Sugar Creek) and the house was constructed with the open walk-out basement very close to the elevation of the creek. The building permit is the third document in the process. Dennis said this is very typical of what we get on a residential permit - a sketch showing how a house is situated on a lot and generally is reviewed for zoning setbacks. Dennis looked at all the plats to see the history of how this area developed. It starts with Sugar Creek (1987-89), Niebruegge (1990), Sugar Plum edition of Sugar Creek (1992) and this plat was submitted in 1995. The Village didn't approve anything that changed their lot from when they had purchased it. We went back and found the minutes from 2000 which shows the Village did not ignore the problem. They show that Tony Irwin came to that meeting in 2000 when the Village advised it was not their responsibility. Sid LeGrand from Rhutasel prepared a proposal and he explained that TWM's name is on the plat and Rhutasel would prefer not to get involved. Sid said based on his visual inspection, the basement floor is lower than the top of the culvert. The basement will flood before the culvert gets full. He said putting in a bigger culvert will not solve the problem. Sid said Rhutasel would charge approximately \$4,000 to investigate the problem and suggested we talk to TWM. Dennis told the committee that he called Tony Irwin and Roly Thouvenot who advised they are hesitant to go out and survey it. If they do something, they will share the information with us. The committee agreed we have done what we can do and will present all of the information gathered to the Huelsman's in a meeting with Dennis, Ray and Kevin. They will advise them that it is the committee's decision not to spend any money unless they can present information to the contrary. After discussion by the committee, they decided to hold a

Legal/Ordinance committee meeting with only them on the agenda on July 8, 2008 at 4:00 p.m. Ray will contact the Huelsmans and invite them to this meeting.

10. Ordinance for drainage easement grades: Dennis explained that most everything is already addressed in the code but added in Paragraph E in the draft ordinance. His problem is how aggressively is this going to be enforced and the mechanism to do so. Dennis said in most of the cases, the problems have come along after the developer is gone, and believes the problem stems from the property owners and/or contractors. Charlie said it should be added as an extra item to the checklist prior to the issuance of the occupancy permit. The question of who should conduct the inspection was discussed. Charlie said we could have the zoning administrator or one of the public works employees shoot the grade and if they think there is a problem, then hire a professional to come out. Charlie said we can make it a condition of the occupancy permit that the builder/owner hires an engineering firm to confirm the lot grades have not been altered along with a certification. Dennis will make some calls to find out what this might cost the builder/owner and if we are going to do it that way, he will revise the ordinance.

**B. NEW BUSINESS:** None.

**C. GENERAL CONCERNS:** None.

**D. PUBLIC PARTICIPATION:** Tom Parajes who resides at 301 Torrington Lane, was present to discuss the drainage problems around his home. He provided pictures of the problem. Dennis has gone out and looked at his situation a number of times and is exactly the problem we are talking about (drainage easement grades). When his house was built, the grade in that drainage ditch was changed and it backed up the drainage about three houses upstream of where his house is. That person complained and we informed them the Village doesn't maintain drainage on private property. Somebody came in and cut a big ditch to make that drainage problem go away and someone else didn't like that. Someone put in those three culvert pipes and they run from the original complainant to behind Mr. Parajes' home where they lay on top of the ground and do eventually drain to the storm sewer. Dennis said one solution would be to cut them off where they daylight, pick up the rip rap and shape the ditch correctly. Dennis advised Mr. Parajes that we do not allow fences on easements. Tom said he will cut off the pipes and asked if he is responsible for anything that would back up. Dennis said once the yard is established and everything is fixed, the problem should be lessened at the inlet. With respect to the fence, Tom cannot locate the property pins. Kevin asked if we could locate those for him. The committee agreed to have Dennis, Kevin and PWD Dintelmann will go out and locate the pins for him and/or offer suggestions for him on placement of the fence if they can't locate them. Tom won't be able to meet with them during the day as he works. Dennis also told Tom that we would be willing to pick up the rip rap and debris and that we might have some excess dirt to help him rectify the ditch situation.

Jim and Judy Rachell were present at the meeting to discuss the problem with their future home at 526 N. Edison Street. Jim Rachell advised that he

contracted with JLP Construction for a new home and found out today that he can't get an occupancy permit because the deck sticks out over the easement. He is scheduled to close on 7/10/08. He said there are two other 3-unit buildings with 4 units occupied. He wants to know what can be done between now and the 10th because he has to move. Trustee Groth advised Mr. Rachell that the other people moved in prior to us being aware of the situation. Dennis said about two weeks ago, the problem came to light that when our public works department was out there working and found the sewer manhole underneath one of the decks. Dennis said there is a 15' easement on the lot where these units were built, with a 10' easement on the lots behind them, and the sanitary sewer is at the edge of the easement nearest their building. When Poetker was in the process of building the unit in question, he came in and talked to us about encroaching on the side lot line easement and was told that wasn't a problem. The site plan they provided only showed the basic structure, it did not include the 16' porch or deck with the roof tied into the main structure. We then sent Poetker a letter stating we would not issue any occupancy permits until the problem was fixed. Mr. Rachell said Mr. Poetker told him he would accept total sewer maintenance responsibility. Dennis advised Poetker told him this also but that it would be a board decision and that he did not see that as a viable option. Dennis said a possible compromise would be to remove part of those decks and bring them back to where the easement would be clear and open for access to maintain the sewers. Trustee Mattern asked if the sewer could be moved to the other side of the easement at Poetker's expense. Dennis said that is an option that can be looked at. Charlie said we would then look at allowing a deck over the easement. Dennis confirmed they can move into the unit without an occupancy permit and turn the utilities on, the inspections have passed on this building. Dennis said he could see the board agreeing to issue the occupancy permit with the knowledge that an agreement has been reached between Poetker and the Village to fix the problem. Dennis advised the Rachell's they might want to put something in their sales agreement to further protect themselves and to go back to Poetker and advise him he needs to meet with the Village to come up with a solution. The Rachell's would then have to go before the Zoning Board of Appeals to vary the rear setback to allow the existing deck to stay. Dennis will meet with Ron tomorrow morning to see if it is physically possible to move the sewer. He said it might be possible to shift the whole easement to the lots behind the existing triplexes. Dennis asked if Charlie or Kevin had been contacted by Poetker and they advised they had not.

**E. ADJOURN:** *Trustee Rita Baker motioned to adjourn the meeting at 7:32 p.m. and Trustee Charlie Mattern seconded the motion. All voting aye, the motion carried.*



Julie Polson  
Office Manager

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Legal and Ordinance Committee Meeting  
(Annexation; Building; Zoning; Subdivision)  
(Groth/Baker/Mattern)

Wednesday, June 4, 2008 at 5:00 p.m.

VILLAGE ADMINISTRATOR  
Dennis Herzing

VILLAGE TREASURER  
Bryan A. Vogel

PUBLIC WORKS DIRECTOR  
Ronald Dintelmann

POLICE CHIEF  
Melvin E. Woodruff, Jr.

VILLAGE ATTORNEY  
Stephen R. Wigginton

The meeting of the Legal and Ordinance Committee was called to order at 5:03 p.m. by Chairman Kevin Groth on Wednesday, June 4, 2008, in the Freeburg Municipal Center. Members attending were Chairman Kevin Groth, Trustee Charlie Mattern, Trustee Rita Baker, Mayor Ray Danford, Public Works Director Ron Dintelmann, Assistant Public Works Director John Tolan, Zoning Administrator Phil Borger, Village Attorney Brian Manion and Office Manager Julie Polson. Guests present: Robert Huelsman, Georgia Huelsman and Janet Baechle.

**D. PUBLIC PARTICIPATION:** Bob and Georgia Huelsman were present to further discuss their situation that they presented at the June 2, 2008 board meeting. A copy of that informational packet is attached to these minutes. Mayor Danford advised that we need time to figure out the history of this problem since they previously presented it to the board in August of 2000. Mayor Danford said we are going to have an engineer out to look at the property. Georgia Huelsman said there is no other culvert that goes towards Sugar Creek. Bob Huelsman said there are over 10 homes with no culverts that come towards their property and that they are the retention pond for the farmer across the street. Bob Huelsman confirmed that this happens more than one time a year and it has gotten worse over the years. Mayor Danford questioned the drainage ditch and the pipe being only half full and said he was not sure changing the size of the pipe would affect the ponding of water. Attorney Manion asked if the water is coming from inside or outside the subdivision and Bob Huelsman advised it is coming from outside the subdivision.

PWD Dintelmann reported that Rhutasel was out on Tuesday to look at the problem and we should have an answer from them within the next 2 - 3 weeks. Bob Huelsman asked what they will be looking at and Ron advised they will look at the whole area to see how it drains. One concern that needs to be addressed is if something is done to fix their situation, how will that affect the surrounding property owners. Trustee Groth asked if it was appropriate to take this one step at a time and see what the engineer says before anything else is considered and Mayor Danford advised yes. Mayor Danford stated that it will be a time-intensive process and questioned the Huelsmans if they have flood insurance. They said flood insurance is needed if you are in a flood plain. Trustee Groth said we have an obligation not to create a problem elsewhere. Georgia Huelsman asked that more attention be given to their situation this time. Trustee Groth said once the engineer's report is received, that information will be shared with them. The Mayor agreed but added we would not do so if our attorney advised against it. APWD Tolan said a check valve needs to be installed in front of the aeration system. Trustee Mattern asked if we had a scope for the engineer. Ron said the engineer

Legal and Ordinance Committee Meeting  
Wednesday, May 7, 2008  
Page 1 of 3

will be told to look at the whole drainage basin, shoot some grades and will look at the other side of the road too. Trustee Groth said once the report is received, we will schedule a meeting as quickly as possible.

#### **A. OLD BUSINESS:**

1. Approval of May 7, 2008 Minutes: *Trustee Rita Baker motioned to approve the May 7, 2008 minutes and Trustee Charlie Mattern seconded the motion. All voting aye, motion carried.*
2. Community Improvement Board/Material Requirements on Commercial Buildings/Nuisance Abatement Code: Dennis will work up an ordinance for the Community Improvement Board to use as a starting point.
3. Status of Public Hazard Homes: We are still waiting to see if Sheets is going to file an appeal.
4. Countryside Lane Annexations: Ron met with Mark Luechtefeld on another matter this morning who advised he is ready to annex and asked the status of Gass' annexation. Julie will ask Dennis to follow up on this.
5. TIF Litigation: Brian Manion advised that Attorney Wigginton had a conference on Monday but has not talked to him about it.
6. Stumpf lawnmower repair: Rita said she has received more complaints. The complainant is contacting Ken Stumpf directly.
7. Training - Sexual Harassment: Julie sent an email to IMUA but had not heard back from them. Ron advised that IMUA does offer that as part of their training and will look into it further. Rita asked if the trustees could be a part of the training and Mayor Danford agreed. Ray thought it might be a good idea to look at other areas, i.e. ethics. APWD Tolan said he thought a session on dealing with the public would be appropriate. Janet Baechle asked if anyone looked into government grants for the training and Mayor Danford advised he had not seen any on that subject.

Kevin asked Julie to put the ordinance for recording meetings on the agenda under old business.

#### **B. NEW BUSINESS:**

Trustee Baker asked if we are going to pursue anymore derelict homes and brought up the Compton house, the porch is falling down. Ron advised he and Dennis have compiled a list of homes which include 2 White Street, and the home at the end of High Street across the railroad tracks. The committee discussed the condition of the homes and did not feel it was necessary to pursue demolishing any at this time. Trustee Groth felt if any property was going to be addressed, it should be the Harris Autobody/Sales on Route 13/15.

**C. GENERAL CONCERNS:** Zoning Administrator Borger brought up the problem of the new subdivisions and drainage problems with several homes because the grades are being changed. He mentioned Judge Starnes is very unhappy and threatening litigation. Mayor Danford advised that an ordinance is being established with regard to the rear lot line grading that is established by the developer and must be maintained after final inspection. If those original grades are changed, some type of fine should be imposed. Right now, it is a civil issue unless we govern it via ordinance. Trustee Groth asked if this is something we want to police. After further discussion by the committee, it was decided to direct Dennis draft ordinances to address this problem.

*Trustee Charlie Mattern motioned to recommend to the full Board the Village staff be directed to prepare an ordinance to establish a policy to verify and document drainage easement grades before issuance of an occupancy permit and Trustee Rita Baker seconded the motion. All voting aye, the motion carried.*

*Trustee Charlie Mattern motioned to recommend to the full Board the Village staff be directed to prepare an ordinance to establish a policy that the property owner may not modify the original approved drainage easement grades and Trustee Rita Baker seconded the motion. All voting aye, the motion carried.*

**E. ADJOURN:** *Trustee Rita Baker motioned to adjourn the meeting at 6:32 p.m. and Trustee Charlie Mattern seconded the motion. All voting aye, the motion carried.*



Julie Polson  
Office Manager

VILLAGE PRESIDENT  
Allen L. Watters

VILLAGE CLERK  
Mary Grau

VILLAGE TRUSTEES  
Tom Gaby  
Thomas Carpenter  
Maria Sanders  
Stan Koerber  
Roger Skaer  
Mike Yurtec

VILLAGE TREASURER  
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ZONING ADMINISTRATOR  
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PUBLIC WORKS DIRECTOR  
Ronald Dintelmann

OFFICE MANAGER  
Billie Louthan

POLICE CHIEF

VILLAGE ATTORNEY  
Gregory C. Nold

September 5, 2000

Mr. and Mrs. Robert Huelsman  
5826 Country Side Lane  
Freeburg, IL 62243

Dear Mr. and Mrs. Huelsman:

The Village of Freeburg Street Committee wishes to thank you for attending a recent meeting and providing the information relative to the drainage issue and your purchase agreement with the prior property owner. After careful review of the information, the Committee has concluded the Purchase Agreement may provide some leverage to you as a property owner, but does not provide the Village with any ability to seek legal remedies from the developers.

The Village is transmitting a letter to the developers explaining any future development upon the property will require a review of drainage configurations and plans before any future subdivision plat is granted within the Village of Freeburg's authority to do so.

The Committee suggests you, as a property owner, should seek remedies with the developers through your Purchase Agreement terms and conditions.

Should you have any further questions please contact my office at 618-539-5705.

Respectfully,



Robert J. Kell  
Village Administrator

RJK:bml

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Allen L. Watters

VILLAGE CLERK  
Mary Grau

VILLAGE TRUSTEES  
Tom Gaby  
Thomas Carpenter  
Maria Sanders  
Stan Koerber  
Roger Skaer  
Mike Yurgec

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Gregory C. Nold

September 5, 2000

Sugar Creek Estates Land Trust  
% Thomas LeChien  
E. LeChien/Trustee  
120 West Main Street  
Belleville, IL 62220-1554

RE: SUGAR CREEK ESTATES LAND TRUST DRAINAGE

Dear Trustee:

Please be advised Mr. Robert Huelsman residing at 5826 Country Side Lane recently attended a Street Committee Meeting and presented purchase contract documents to the Committee. Mr. Huelsman indicated a situation exists with the drainage in the area of his residence, which in his opinion is being created by the runoff discharge from property owned by the above referenced Trust.

As such, the Village of Freeburg is advising the Sugar Creek Estates Land Trust and any assigns or successors of the need to plan for drainage control procedures with respect to any future development efforts to be located upon the property or any subdivision of the property. This shall require such controls with respect to all areas of development inclusive of the area under an agreement dated April 18, 2000, as attached.

Should you have questions regarding the contents of this correspondence, please contact my office at 618-539-5705.

Respectfully,



Robert J. Kell  
Village Administrator

RJK:bml  
Attachment



THIS IS A LEGALLY BINDING CONTRACT: IF NOT UNDERSTOOD, SEEK COMPETENT LEGAL ADVICE



LAND SALE CONTRACT APPROVED BY THE BELLEVILLE AREA ASSOCIATION OF REALTORS®, INC.

DATE MAY 3, 19 95
SELLER SUGAR CREEK LAND TRUST BUYER ROBERT J. HUELSMAN
SSN BUYER GEORGIA L. HUELSMAN
ADDRESS 121 BETHESDA
CITY BELLEVILLE STATE IL ZIP 62223
ATTORNEY THOMAS LECHIEN
LISTING BROKER SUGAR CREEK REALTORS PHONE CO-OP BROKER PHONE
AGENT FLOYD A. SCHLUETER PHONE 277-4865 AGENT PHONE

- 1. OFFER AND ACCEPTANCE. These terms shall constitute an offer which shall expire and earnest money shall be returned, unless the offer is accepted on or before MAY 6, 19 95 at 3 o'clock P M.
2. MUTUAL COVENANTS. Sellers agree to sell and Buyers agree to purchase the following described real estate or property, together with all appurtenances thereon, upon the terms set forth in this contract: (legal description) LOT # 12, 1st ADDITION TO SUGAR PLUM, SUGAR CREEK ESTATES
3. PURCHASE PRICE. Buyers agree to pay to Sellers the total sum of TWENTY THOUSAND Dollars (\$ 20,000.00 ). Buyers have paid FIVE HUNDRED Dollars (\$ 500.00 ) as earnest money...
4. CLOSING. Closing date is defined as the day on which the instruments conveying title are placed on record. The sale under this contract is to be closed on or before MAY 31, 1995 19 at COMMUNITY TITLE subject to other provisions of this contract.
5. POSSESSION. The Seller agrees to vacate or cause to be vacated the above premises on or before \_\_\_ days after the said closing date...
6. SURVEY. In the event a survey is required, it shall be drawn by a licensed Illinois Land Surveyor in accordance with the Illinois Land Survey Standards.

CAUTION: THIS WILL BE A LEGALLY BINDING CONTRACT WHEN SIGNED. IF YOU DO NOT UNDERSTAND THE TERMS, SEEK LEGAL COUNSEL BEFORE SIGNING. THIS CONTRACT INCLUDES \_\_\_ NUMBER OF THE FOLLOWING ADDITIONAL PRE-PRINTED ADDENDUMS IDENTIFIED BY LETTERS \_\_\_ Financing - Addendum "A" Contingent on Sale of Buyers Property - Addendum "B" Counteroffer - Addendum "C" Inspection - Addendum "D" Repairs - Addendum "E" Installment Land Contract - Addendum "G" Mediation - Addendum "M" Secondary Contract - Addendum "Y" Zoning/Use/Survey - Addendum "Z" REVERSE SIDE OF THIS CONTRACT IS MADE A PART OF THIS CONTRACT.

SELLER'S SIGNATURES:
DATE TIME
WITNESS OF ACCEPTANCE
RECEIVED BY LISTING AGENCY:
DATE
BY
REV 8/93

BUYER'S SIGNATURES:
DATE TIME
I HEREBY ACKNOWLEDGE RECEIPT OF \$
EARNEST MONEY MENTIONED ABOVE
BY

ADDENDUM

Addendum to the contract dated May 3, 1995 between Sugar Creek Land Trust, sellers, and Robert J. Huelsman and Georgia L. Huelsman.

1. Buyers want the right to use the culvert adjoining on the north as easement to their property

2. Buyers want the debris on the lot removed by the sellers.

3. Buyers want the seller to rerout the water drainage to the rear of the property. *on finalization and building is complete.*

*gh*  
*gh*

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This card shall be conspicuously displayed. Failure to do so shall be deemed violation of the zoning ordinance.

# VILLAGE OF FREEBURG

FREEBURG, ILLINOIS

# BUILDING PERMIT

Number BZOP: 96-85

**Has Been Secured.**

Application Number 2474

Project RESIDENCE

Location 5826 COUNTRY SIDE LANE

Owner ROBERT & GEORGIA HUELSMAN

Date Issued 9-11-96 Date of Expiration 9-10-97

PHONE: 618-539-5545

By *Charles H. Muehle*

ZONING ADMINISTRATOR

Freeburg, Illinois

**APPLICATION FOR BUILDING AND ZONING OCCUPANCY PERMIT**

(VALID FOR TWELVE (12) MONTHS)

Village of Freeburg  
Office of the Zoning Administrator  
Municipal Center  
14 Southgate Center  
Freeburg, Illinois 62243

Zoning Application No. BZOP:96-85

Date: 9-11-96

\*\*\*\*\*

**(DO NOT WRITE IN THIS SPACE - FOR OFFICE USE ONLY)**

Date: 9-11-96

Zoning fee paid to Village Clerk

- Permit Issued
- Permit Denied
- Application Appealed

\$ 430.<sup>00</sup> Date: SEP 12 1996

If denied, cause of denial: \_\_\_\_\_  
By: \_\_\_\_\_

Permanent Parcel #: 13-23-202-004

\*\*\*\*\*

1. Name of Owner(s): Robert & Georgia Huelsman Phone: 539-0272

Address: 842 Southgate Dr. Zip: 62243

2. Applicant's name: Robert & Georgia Huelsman Phone: S/a

Address: S/a Zip: \_\_\_\_\_

3. Property interest of applicant: 5826 Co-owner

4. Address of proposed construction: 5826 Countryside Lane

5. Permanent Parcel Number: 13-23-202-004

Legal Description: Lot 12 of "Sugar Creek Estates, First Addition to Sugar Plum Addition," a subdivision of part of the North-east Quarter of Section 23, Township 4 South, Range 8 West of the Third Principal Meridian, St. Clair County, Illinois

6. Cost of Improvement: <sup>approx.</sup> \$114,600 Total sq. ft. of living space: 2292 (garage incl)

7. Driveway:  concrete ( ) asphalt (X) oil & chip ( ) Total sq. ft. 700

Parking Lot: \_\_\_\_\_ concrete ( ) asphalt ( ) oil & chip ( ) Total sq. ft. \_\_\_\_\_

8. Proposed construction information: (Check all that apply.)

- New Building     Residence     Business     Accessory Building  
 Frame with Siding     Mobile Home     Modular     Site Built  
 Pre-fabricated     Deck     Patio     Fence     Swimming Pool  
 Other: (explain) \_\_\_\_\_

Combination: (explain) 50% brick, 50% vinyl siding

- Crawl Space    Type Foundation:  Concrete Block     Poured concrete (formed)  
 Basement    Type Basement:  Concrete Block     Poured concrete (formed)  
Other foundation type: \_\_\_\_\_

Alterations or additions to existing buildings: (explain) \_\_\_\_\_

9. Use of existing and proposed structures:

Existing Use: Empty Lot

Proposed Use: Residence

Check Appropriate Zoning District:

- A (Agricultural)     SR-1 (Single-Family Residence, large)  
 SR-2 (Single-Family Residence, small)     MH-1 (Mobile Home Residence)  
 MR-1 (Two-Family Residence)     MR-2 (Multiple-Family Residence)  
 B-1 (Community Business)     B-2 (Highway Business)     I (Industrial)

10. A copy of a plot plan (drawn to scale) shall be attached, showing the following:

- a) Dimensions and use of all buildings;
- b) Dimensions of the Zoning lot;
- c) Distance of each building from zoning lot lines;
- d) Distance of principal building from principal buildings on adjacent lot(s);
- e) Distance between accessory buildings and principal buildings;
- f) Location (with dimensions) of driveways and off-street parking spaces;
- g) Location of all easements;
- h) Location of all underground utilities, including septic tanks, tile fields, and wells;
- i) Any additional information as may be reasonably required by the Zoning Administrator and applicable requirements of the Zoning Code. (See 40-9-2.1)

11. As required by 40-9-2.3 of the Village of Freeburg's Zoning Code, the Village in compliance with the Illinois Architecture Practice Act and the Structural Engineers Practice Act, and the Professional Engineering Act, as in effect in the State of Illinois, requires that all new construction and structural renovations of buildings used by the general public, including multiple housing, but excluding one and two family residences, shall require sealed plans. These plans shall be sealed by the appropriate licensed design professional and comply with all relevant Federal, State and local laws and regulations.

Sealed drawings to include:

- a. Floor Plan
- b. Elevations
- c. Building Section
- d. Foundation Type
- e. Two (2) sets each

I, the undersigned, do hereby certify that I have affixed my seal and I am an appropriate design professional for drawings (numbered) \_\_\_\_\_ as Attachment (A) to this instrument and said drawings comply with all Federal, State, and local laws and regulations.

\_\_\_\_\_  
(Signature of Appropriate Design Professional)

\_\_\_\_\_  
(Date)

12. **INITIAL CERTIFICATES OF ZONING COMPLIANCE.** Upon the effective date of this Chapter, no land shall be developed, no new use or structure shall be established or erected, and no existing use or structure shall be enlarged, extended, altered, relocated, or reconstructed until an initial certificate of zoning compliance unless he determines that the proposed activity conforms to the applicable provisions of this Chapter. (See section 40-9-2 of Zoning Code)

I, the applicant/owner, do hereby certify that all electrical and plumbing portions of the construction shall be installed and or erected in compliance with the National Electrical Code and the Illinois Plumbing Code by affixing my signature to this "Application for Building and Zoning Occupancy Permit". I further understand that if any portion of said construction does not fulfill, upon completion, these code requirements, I may be denied the use of this Temporary Certificate of Zoning nor issued a permanent certificate until such time as appropriate corrections are made.

It is understood that any permit issued on this application will not grant any right or privilege to erect any structure or to use any premises described for any purpose or in any manner prohibited by the Zoning Ordinance, or by other ordinances, codes, or regulations of the Village of Freeburg. The Village of Freeburg does not enforce private restrictive covenants which may affect the construction of the proposed improvement.

(APPLICANT) Georgia R. Huelsman  
Karnt Huelsman

**PLEASE LIST YOUR CONTRACTORS**

BUILDING CONTRACTOR: owner PHONE: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

ELECTRICAL CONTRACTOR: owner PHONE: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

PLUMBING CONTRACTOR: Wilbert Smith PHONE: 539-0132

ADDRESS: 1874 E State Rt 15 Belleville

TEMPORARY CERTIFICATE OF ZONING OCCUPANCY  
(valid for twelve (12) months)

The plans and specifications submitted with this application are in conformity with the zone district requirements applicable to the subject property. Changes in plans or specifications shall not be made without written approval of the appropriate Village officials.

Failure to comply with the above shall constitute a violation of the provisions of the Village Zoning Ordinance.

DATE: September 11, 1996 Charles J. Muecke  
Zoning Administrator  
Freeburg, Illinois

FINAL CERTIFICATES OF ZONING COMPLIANCE

As according to 40-9-3 of the Village of Freeburg's Zoning Ordinance:

No lot or part thereof recorded or developed after the effective date of this chapter, and no structure or use, or part thereof, that has been erected, enlarged, altered, relocated, or reconstructed after the effective date of this chapter shall be used, occupied, or put into operation until a final certificate of zoning compliance has been issued. The Zoning Administrator shall not issue a final certificate of zoning compliance until it has been determined, inspection, that the work authorized by the initial certificate of zoning compliance has been completed in accordance with approved plans. Failure to obtain a final certificate of zoning compliance shall constitute a separate violation of this chapter.

PLEASE NOTIFY THE ZONING ADMINISTRATOR WHEN ALL INSPECTIONS AND CONSTRUCTION HAVE BEEN COMPLETED AND THE FINAL CERTIFICATE WILL BE ISSUED.

510'

100' plane  
9-10-16

100' plane  
9-10-16  
AM

210.5'

Easement

807

1 square = 100' x 100'

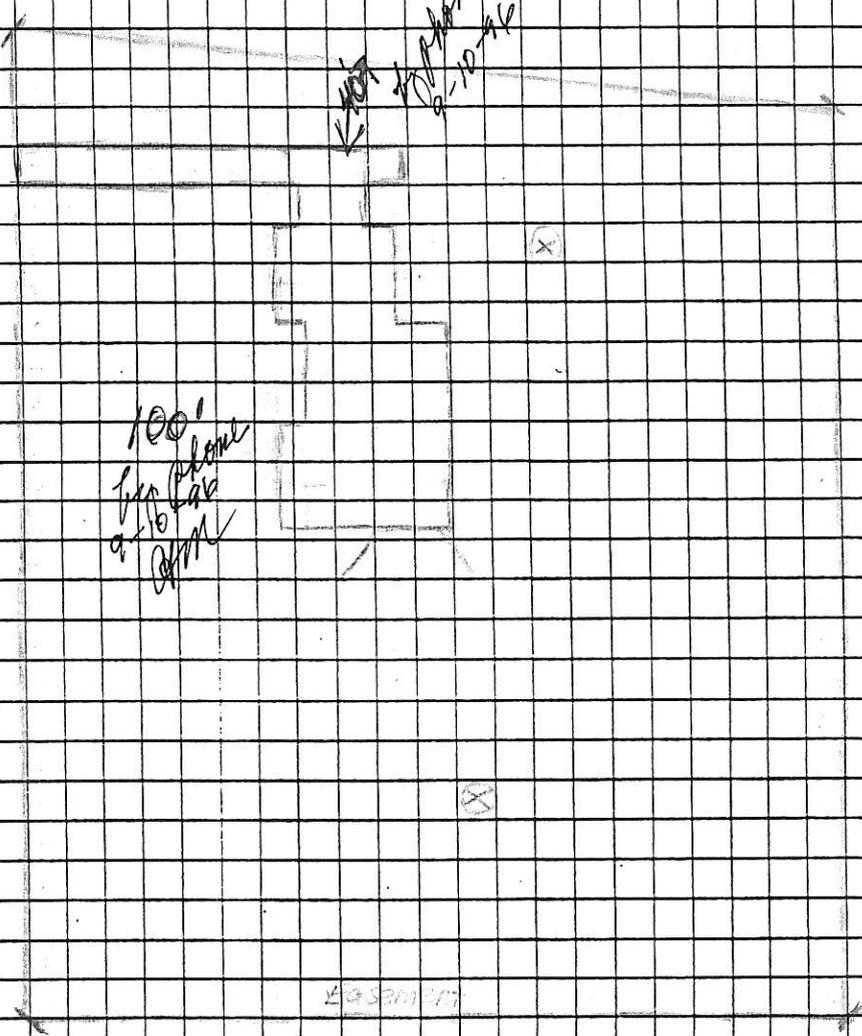
COMMERCIAL ZONE

547'

100'

"

"



**BUILDER'S STATEMENT OF  
UNDERSTANDING, ACCEPTANCE  
AND AGREEMENT**

VILLAGE OF FREEBURG  
DEPARTMENT OF ZONING  
14 SOUTHGATE CENTER  
FREEBURG, IL. (539-5545)

5826

=====

**READ CAREFULLY AND SIGN**

=====

1. I understand, accept and agree that any permit issued for any building, electrical, plumbing or mechanical work, does not grant the privilege to erect any structure or to use any property for a purpose or in a manner prohibited by the adopted codes, ordinances or regulations of the Village of Freeburg.
2. I understand, accept and agree that the responsibility for assuring that the plans for any proposed construction are in compliance with the provisions of adopted codes, shall rest solely with me as the applicant.
3. I understand, accept and agree that the Village of Freeburg Zoning Office does not consider subdivision covenant restrictions when reviewing plans.
4. I understand, accept and agree that the Village of Freeburg Zoning Office does not consider American Disability Act requirements when reviewing plans.
5. I understand, accept and agree that all required setbacks for any building or structure are to be measured from property lines, the location of which must be identified by stakes in all the zone districts, and that measurement from curbs or similar landmarks can produce errors which may halt construction and require that any part of any structure built in error, be removed.
6. I understand, accept and agree that property corners will be properly staked in all zone districts and that said stakes will remain in place and undisturbed until after the footings/foundation inspection.
7. I understand, accept and agree that all fees for all permits must be paid prior to the issuance of any permit in accordance with Chapter 6, Section 6-64.
8. I understand, accept and agree that permits for private sewage disposal systems and private wells must be obtained from the St. Clair County Health Department.
9. I understand, accept and agree that inspection of all work is required by law and that failure to request and secure such inspections is a violation of the Village of Freeburg's code.
10. I understand, accept and agree that as the applicant for a permit, I am solely responsible for notifying the Code Administrator when work has progressed to a point requiring inspection, and for preventing any further work until such inspection has been made and the work determined to be in compliance with applicable codes.
11. I understand, accept and agree that any request for inspection must be made by calling the St. Clair County Zoning Office, 618-277-6600 EXT. 530, between the hours of 8:30 a.m. and 5:00 p.m., Monday through Friday, at least 24 hours prior to the time when the inspection is needed. The County attempts to complete each inspection within 48 hours of its request, but offers no guarantee to do so.
12. I understand, accept and agree that inspections are required at the following stages:  
  
FOOTING INSPECTION - Upon completion of the footing and foundation excavation, but prior to pouring any concrete

UNDERGROUND PLUMBING INSPECTION - Upon completion of underground plumbing, but prior to covering

ROUGH-IN ELECTRICAL INSPECTION - Upon completion of rough-in electric, but prior to covering

ABOVE GROUND ROUGH-IN PLUMBING INSPECTION - Upon completion of rough-in plumbing, but prior to covering

ELECTRICAL SERVICE INSPECTION - Upon completion of permanent service

FRAMING INSPECTION - Prior to the covering of structural members

FINAL ELECTRICAL INSPECTION - Following completion but prior to occupancy

FINAL PLUMBING INSPECTION - Following completion but prior to occupancy

FINAL BUILDING INSPECTION - Following completion but prior to occupancy

=====
ABSOLUTELY CAN NOT OCCUPY OR USE
STRUCTURE UNTIL ALL FINAL
INSPECTION HAVE BEEN COMPLETED
=====

PUBLIC SEWERS, WATER, ELECTRIC - CONTACT VILLAGE OF FREEBURG

PRIVATE SEWAGE DISPOSAL - CONTACT ST. CLAIR COUNTY HEALTH DEPARTMENT

13. I understand, accept and agree that should any work performed under a permit issued by the Village of Freeburg fail inspection, I am subject to a re-inspection fee, as established by law.

14. I understand, accept and agree that no Final Certificate of Zoning Compliance shall be issued until all inspections have been made and passed.

15. I understand, accept and agree that every temporary electrical service must have G.F.I. protection.

16. I understand, accept and agree that the Illinois Roofing Industry Licensing Act (P.A. 83-1513, Certified January 14, 1985, effective July 1, 1985) states in part:

"It is hereby declared to be the public policy of this State that in order to safeguard the life, health, property and public welfare of its citizens, the business of roofing construction, reconstruction, alteration, maintenance and repair, is a matter affecting public interest, and any person desiring to obtain a certificate to engage in such business as herein defined, shall be required to establish his qualifications to be certified as herein provided".

and that if the Village of Freeburg should issue a permit to me, it does so with the understanding that I will comply with the requirements of said Act.

17. I understand, accept and agree that all trash, debris and scrap materials must be placed into appropriate containers and disposed of properly. Burning of any kind is prohibited.

18. I understand, accept and agree that if any permitted work is not begun within twelve (12) months from the date a permit is issued, that permit shall become null and void.

I CERTIFY BY MY SIGNATURE BELOW, THAT I HAVE READ, UNDERSTAND, AND ACCEPT EACH OF THE PROVISIONS ABOVE, AND WILL ABIDE BY THEM, AND BY THE CODES, ORDINANCES, REGULATIONS AND STATUES OF THE VILLAGE OF FREEBURG AND THE STATE OF ILLINOIS.

OWNER SIGNATURE: [Signature] DATE: 9-3-96

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING TITLE XV, CHAPTER 154 OF THE REVISED  
CODE OF THE VILLAGE OF FREEBURG, ST. CLAIR  
COUNTY, ILLINOIS (Subdivision Code)

BE IT ORDAINED BY THE VILLAGE PRESIDENT AND VILLAGE BOARD OF  
TRUSTEES OF THE VILLAGE OF FREEBURG, ST. CLAIR COUNTY, ILLINOIS, THAT:

TITLE XV, CHAPTER 154, Section 154.23 Drainage, is hereby amended to add  
Paragraph (E) as follows:

(E) Final grading and drainage features must be maintained in perpetuity by property  
owners and/or their contractors. Property owners or their contractors shall not alter or  
modify lot grading in a manner that will prevent continued drainage of the site or  
alter drainage patterns on the property or on adjacent lots.

PASSED BY THE VILLAGE BOARD OF THE VILLAGE OF FREEBURG,  
ILLINOIS, ST. CLAIR COUNTY, AND APPROVED BY THE VILLAGE PRESIDENT THIS

\_\_\_\_\_ DAY OF \_\_\_\_\_, 2008.

AYES \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

NAYS \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

ABSENT \_\_\_\_\_

ABSTAIN \_\_\_\_\_

**§ 154.23 DRAINAGE.**

(A) Every land development or subdivision shall make adequate provision to accommodate or dispose of storm water by means of drains, detention storage areas, sewers, catch basins, culverts, and other facilities per the requirements of this chapter. Such facilities are to be maintained by the owners of the subject property or owners of the subdivision through agreement of the appropriate trust indenture or deed restriction or, if deemed appropriate by the Plan and Zoning Commission, dedicated to an appropriate public utility responsible for storm water and maintenance.

(B) Facilities for storm drainage should be designed and constructed so as to prevent any increase in the rate of storm runoff onto adjoining property over that which existed prior to development. Erosion or flooding which existed prior to development shall not be increased by the development of the subdivision or other land development.

(C) The storm drainage system for a proposed subdivision shall be designed to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision or land development. The Village Administrator or designee shall review the proposed system to assure it is sufficient to accommodate existing upstream storm water and any anticipated increase in upstream volume resulting from development permitted by Chapter 155 and adjacent jurisdictions and the estimated development potential of the watershed.

(D) The Village Administrator or designee shall study the effect of each subdivision on the existing downstream drainage facilities both inside and outside the area of the subdivision. Where it is anticipated that an increase in runoff created by the development of the subdivision will overload an existing downstream facility, the Planning and Zoning Commission may withhold approval of the improvement plans and final plat until sufficient provision has been made to eliminate such overload. No subdivision shall be approved unless adequate drainage is provided to an adequate drainage watercourse or catchment and storage facility. Complete hydrologic computations, including but not limited to, outlet velocities, shall be submitted with subdivision improvement plans to support the storm sewer design.

(Ord. 716, passed 3-16-87)

**§ 154.24 EROSION AND SEDIMENT CONTROL.**

The following standards shall be applied in the subdivision and construction of land areas:

(A) The development shall conform to the natural limitations presented by topography and soil so as to create the least potential for soil erosion.

(B) Natural plant covering shall be retained and protected so far as is consistent with development of the site.

(C) When soil is exposed, the exposure shall be for the shortest feasible period of time.

(D) Land shall be developed in increments of workable size such that adequate erosion and siltation controls can be provided as construction progresses. The smallest practical area of land shall be exposed at any one period of time.

(E) Erosion and siltation control measures shall be coordinated with the different stages of development. Appropriate control measures shall be installed prior to development when necessary to control erosion.

(F) Provision shall be made to effectively accommodate the increased runoff caused by changed soil and surface conditions during and after development.

(G) Sediment basins, debris basins, desilting basins, or silt traps shall be installed and maintained to remove sediment from runoff waters undergoing development.

(H) Temporary vegetation or, where appropriate, mulching or other non-viable cover shall be used to protect areas exposed during development.

(I) Where the topsoil is removed, sufficient arable soil shall be set aside for respreading over the developed area. The soil shall be restored to a depth of four inches and shall be of a quality at least equal to the soil quality prior to development.

(J) Permanent, final plant covering or structures shall be installed as soon as possible.  
(Ord. 716, passed 3-16-87)

#### **§ 154.25 EASEMENTS.**

(A) Easements of not less than ten feet in width shall be provided on each side of all front and rear lot lines, and alongside lot lines where necessary for storm and sanitary sewers, gas, water, and other mains, and for electric and telephone lines or for other public utilities. Easements of greater width may be required along or across lots when necessary for the extension of main sewers or other utilities or where both water and sewer lines are located in the same easement. A two foot easement shall be required on one side of and adjacent to an alley to accommodate pole lines.

(B) Adequate easements for storm water drainage shall be established along any natural drainage channel and in such other locations as may be necessary to provide satisfactory disposal of storm water from streets, alleys and all other portions of the subdivision. The location and minimum widths of such easements shall be determined by the Zoning Administrator.

(G) All subdivisions that include existing streets or border on existing streets shall be improved as follows:

- (1) Streets or portions thereof that include subdivision lots on both sides of the street may be improved jointly by the village and the subdivider, if determined by the Board of Trustees, with the subdivider to provide, by paying the cost of labor, material and installation, curb and gutter, and storm sewer and catch basins as required to provide adequate surface water drainage from the subdivision, with the village to provide any additional base and surfacing required. The width of the surface portion of the street and the rights-of-way width shall be established by the Village Board or a designee, which shall generally conform to the width of existing streets in the immediately adjoining area or widths required by the Village Board.
- (2) Streets or portions thereof that include subdivision lots on one side thereof shall be improved the same as under division (G)(1) of this section, except that the subdivider's obligation shall include only the side of the street adjoining the subdivision.

(H) **Alleys.** Alleys, where permitted or required, shall be constructed as specified for local streets.

(I) **Utility Lines.** Underground utilities in streets or rights-of-way or in easements shall be installed prior to the construction of such streets and/or alleys. Wherever possible, utilities will be placed in rear lot easements with street placement permitted in only the most unusual circumstances.

(J) All storm sewer pipe under roadways must be reinforced concrete pipe.

(K) All pavement subgrade shall have soil stabilization by the lime modification method. Application rates and procedures shall be in accordance with Illinois Department of Transportation Standard Specifications for Road and Bridge Construction Section 300. Soil stabilization shall be provided for all pavement subgrades regardless of compaction or stability test results. **(Ord. No. 1212; 03-20-06)**

(Ord. 716, passed 3-16-87)

**154.43 STORM SEWERS AND OTHER DRAINAGE APPURTENANCES.** In addition to the installation of curbs or gutters along the streets as required by § 154.42, storm sewer systems shall be constructed throughout the entire subdivision to carry off water from all inlets and catch basins and shall be connected to an adequate outfall. Such sewers shall provide for an extension to land lying within the upland drainage area, whether such land is within the subdivision or not. Storm sewers shall be designed by the rational method; and copies of the design computations shall be submitted with the plans. Inlets shall be provided so that surface water is not carried across or around any intersection, nor for a distance of more than 600 feet in the gutter. The storm water drainage system shall be separate and independent of the sanitary sewer system. Surface water drainage patterns shall be shown for each and every individual lot and block. All maintenance to storm water drains on easements to side lots and back lots shall be the responsibility of the property owner.

(Ord. 716, passed 3-16-87)