

State of Illinois) SS
Belvidere, Illinois)

BELVIDERE CITY COUNCIL
REGULAR MEETING
AGENDA

June 2, 2025

Convened in the Council Chambers, 401 Whitney Blvd, Belvidere, IL at 6:00 p.m.

(1) Roll Call:

(2) Pledge of Allegiance:
Invocation:

(3) Public Comment: (Please register with the City Clerk):

(4) Approval of Minutes:

(A) Approval of Minutes of the regular meeting of the Belvidere City Council of May 19, 2025; as presented.

(5) Public Hearing: None.

(6) Special Messages and Proclamations:

(7) Approval of Expenditures: None.

(8) Committee Reports and Minutes of City Officers:

(A) Approval of Minutes of the regular Committee of the Whole – Public Safety and Finance and Personnel of May 27, 2025.

(9) Unfinished Business:

(A) Ord. #723H – 2nd Reading: An Ordinance Amending Section 74-221(g)(2) Fireworks/Nuisance Declared and Penalties of the City of Belvidere Municipal Code.

(B) Ord. #724H – 2nd Reading: An Ordinance Granting a Special Use to Allow Daycare Center (3+ Children) within the PO, Planned Office District (2170 Pearl Street).

(10) New Business:

- (A) Res. #2025-10: A Resolution Authorizing the Mayor to Execute and the Clerk to Attest a Contract for Dedication of Land (Lot 3 MH Subdivision) Between the City of Belvidere and MH Bradley LLC.

Motions forwarded from Committee of the Whole – Public Safety, Finance & Personnel of May 27, 2025.

Motions of Finance & Personnel – Chairwoman Wendy Frank.

- (A) Motion to contribute \$2,500.00 to the Santa Claus House Eagle Scout Project to be paid for from line item 01-5-110-7900.
- (B) Motion to accept a \$5,000.00 grant from Walmart and to transfer \$3,000.00 from the Heritage Days line-item to the Belvidere Police Department for the purchase of Flock Safety Cameras and to transfer \$1,000.00 from the Heritage Days line-item to the Belvidere Fire Department for the purchase of AHA materials and fees, CPR training materials, instructors and support for the community CPR program.

Motions of Public Works – Chairwoman Sandra Gramkowski.

- (C) Motion to approve the low bid from Rock Road Companies, in the amount of \$908,714.46, for the 2025 MFT Street Overlay Program, subject to IDOT approval. This work will be paid for from MFT Funds.
- (D) Motion to approve the low bid from Countryman, Inc., in the amount of \$23,942.60, for the 2025 MFT Thermoplastic Pavement Striping Project, subject to IDOT approval. This work will be paid for from MFT Funds.
- (E) Motion to approve the proposal from Nelson Carlson Mechanical Contractors, in the amount of \$15,734.00, for the installation of a four-inch RPZ backflow device and water meter in the main equipment building for the WWTP. This work will be paid for from the plant depreciation fund.
- (F) Motion to approve the low bid from Globe Construction, in the amount of \$195,950.00, for the City's annual sidewalk program. The unit prices are \$10.25/square foot for removal and replacement of 4" sidewalk and \$10.75/square foot for removal and replacement of 6" sidewalk. This work will be paid for from Line Item #01-5-310-6003 and Line Item #41-5-110-7900.

(G) Motion to approve the proposal from Henderson Products, in the amount of \$109,950.00, for a 10-yard dump box, snow plow and salt spreader. This equipment will be paid for from Water Depreciation Line Item #61-1780. The total cost of the new 10-yard dump truck will be \$243,445.00.

(H) Motion to approve the proposal from Helm Electric, in the amount of \$19,850.00, for the installation of a camera detection system at the intersection of Appleton Road and Newburg/Locust. This work will be paid for from Street Department Line Item #01-5-310-6024.

(11) Other:

(A) Executive Session pursuant to Section 2(c)(11) of the Open Meetings Act to discuss pending litigation.

(B) Motion to waive Section 2-88 Referral to Committees of the Belvidere Municipal Code relating to approval of a settlement agreement.

(C) Motion to waive the two-week layover provision of Section 2-87(g) of the Belvidere Municipal Code relating to an ordinance approving a settlement agreement.

(D) Motion to approve an ordinance approving a settlement agreement between the City of Belvidere, Landmark Development Inc., and Deer Hills LLC.

(12) Adjournment:

State of Illinois) SS
Belvidere, Illinois)

BELVIDERE CITY COUNCIL
REGULAR MEETING
MINUTES

Date: May 19, 2025

Convened in the Belvidere Council Chambers, 401 Whitney Blvd, Belvidere, Illinois
at 6:00 p.m.

Call to order by Mayor Morris.

(1) Roll Call: Present: J. Albertini, R. Brereton, M. Fleury, W. Frank, S. Gramkowski,
J. Hoiness, M. McGee, C. Montalbano, R. Peterson and
C. Stevens.

Absent: None.

Other staff members in attendance:

Public Works Director Brent Anderson, Budget and Finance Officer Sarah Turnipseed,
Director of Buildings Kip Countryman, Community Development Planner Gina DelRose,
Police Chief Shane Woody, Fire Chief Shawn Schadle, City Treasurer Mark Volkey and
City Attorney Mike Drella.

(2) Pledge of Allegiance:
Invocation: Mayor Morris.

(3) Public Comment:

(A) Tom Walberg – Boone County Board Member, stated a letter will be
forthcoming to the Mayor and City Council regarding the building permit fees
for the Boone County Courthouse renovation and expansion.

(B) Jim McCann Jr. congratulated all the newly elected city officials.

(4) Approval of Minutes:

(A) Approval of minutes of the regular meeting of the Belvidere City Council of
May 5, 2025 as presented.

Motion by Ald. Stevens, 2nd by Ald. Fleury to approve the minutes of the regular meeting
of the Belvidere City Council of May 5, 2025. Aye voice vote carried. Motion carried.

(5) Public Hearing: None.

(6) Special Messages and Proclamations:

- (A) Growth Dimension – No Report.
- (B) Ida Public Library Report given by Mindy Long.

(7) Approval of Expenditures: General & Special Fund Expenditures: \$3,377,229.13
Water & Sewer Fund Expenditures: \$ 697,237.52

Motion by Ald. Peterson, 2nd by Ald. Stevens to approve the General & Special Fund Expenditures in the amount of \$3,377,229.13. Roll call vote: 10/0 in favor. Ayes: Albertini, Brereton, Fleury, Frank, Gramkowski, Hoiness, McGee, Montalbano, Peterson and Stevens. Nays: None. Motion carried.

Motion by Ald. Hoiness, 2nd by Ald. Frank to approve the Water & Sewer Expenditures in the amount of \$697,237.52. Roll call vote: 10/0 in favor. Ayes: Brereton, Fleury, Frank, Gramkowski, Hoiness, McGee, Montalbano, Peterson, Stevens and Albertini. Nays: None. Motion carried.

(8) Committee Reports and Minutes of City Officers:

- (A) Monthly Report of Belvidere Police Department Overtime Pay for April 2025.
- (B) Monthly Report of Belvidere Fire Department Overtime Pay for April 2025.
- (C) Monthly Report of Community Development Department/Planning Department for April 2025.
- (D) Monthly Report of Building Department Revenues, Residential Building Permits, Commercial Permits and Case Reports for April 2025.
- (E) FY2025 Building Department Report.
- (F) Financial Report for April 2025.
- (G) Monthly General Fund Report for April 2025.
- (H) Monthly Water/Sewer Fund Report April 2025.
- (I) Minutes of Planning and Zoning Commission May 13, 2025.

Let the record show these reports were placed on file.

- (J) Minutes of Committee of the Whole – Building, Planning and Zoning and Public Works of May 12, 2025.

Motion by Ald. Frank, 2nd by Ald. Gramkowski to approve the minutes of Committee of the Whole – Building, Planning and Zoning and Public Works of May 12, 2025. Aye voice vote carried. Motion carried.

(9) Unfinished Business: None.

(10) New Business:

(A) Ord. #723H – 1st Reading: An Ordinance Amending Section 74-221(g)(2) Fireworks/Nuisance Declared and Penalties of the City of Belvidere Municipal Code.

(B) Ord. #724H – 1st Reading: An Ordinance Granting a Special Use to Allow Daycare Center (3+Children) within the PO, Planned Office District (2170 Pearl Street).

Let the record show Ordinance #723H and #724H were placed on file for first reading.

(C) Motion to waive Section 2-88 Referral to Committees to hire outside counsel.

Duplicate Agenda Item – see 11(B).

(D) Motion to hire outside counsel.

Duplicate Agenda Item – see 11(C).

Motions forwarded from Committee of the Whole – Building, Planning and Zoning and Public Works of May 12, 2025.

(A) Motion to approve the proposal from CES, Inc., in the amount of \$25,000.00, to complete the engineering for the Manhole Adjustment Project. This work will be paid for from Line Item #41-5-110-8020. Roll call vote 10/0 in favor. Ayes: Fleury, Frank, Gramkowski, Hoiness, McGee, Montalbano, Peterson, Stevens, Albertini and Brereton. Nays: None. Motion carried.

(B) Motion to enter into an agreement with Corrpro for the 2025 Cathodic Protection Maintenance Program at a cost of \$3,900.00, based on their proposal March 3, 2025. This work will be paid for from Water Line Item #61-5-810-6040. Roll call vote: 10/0 in favor. Ayes: Frank, Gramkowski, Hoiness, McGee, Montalbano, Peterson, Stevens, Albertini, Brereton and Fleury. Nays: None. Motion carried.

(C) Motion to approve the proposal from ARC Design Resources, in the amount of \$7,600.00 for the Bollard Installation Project. This work will be paid for from grant funds. Roll call vote: 10/0 in favor. Ayes: Gramkowski, Hoiness, McGee, Montalbano, Peterson, Stevens, Albertini, Brereton, Fleury and Frank. Nays: None. Motion carried.

(D) Motion to approve the proposal from Rally Appraisal, in the amount of \$9,600.00, to complete the three appraisals required to obtain permanent and temporary easements to construct the Kishwaukee Riverfront Path Extension. This work will be paid for from grant funds and capital funds. Roll call vote: 10/0 in favor. Ayes: Hoiness, McGee, Montalbano, Peterson, Stevens, Albertini, Brereton, Fleury, Frank and Gramkowski. Nays: None. Motion carried.

(11) Other:

(A) Executive Session pursuant to Section 2(c)(1) of the Open Meetings Act to consider the retention of outside counsel and Section 2(c)(11) of the Open Meetings Act to discuss pending litigation.

Motion by Ald. Peterson, 2nd by Ald. Gramkowski to go into Executive Session at 6:32p.m. pursuant to Section 2(c)(1) of the Open Meetings Act to consider the retention of outside counsel and Section 2(c)(11) of the Open Meetings Act to discuss pending litigation. Roll call vote: 10/0 in favor. Ayes: McGee, Montalbano, Peterson, Stevens, Albertini, Brereton, Fleury, Frank, Gramkowski and Hoiness. Nays: None. Motion carried.

Motion by Ald. Gramkowski, 2nd by Ald. Peterson to come out of Executive Session at 7:22p.m. Roll call vote: 10/0 in favor. Ayes: Montalbano, Peterson, Stevens, Albertini, Brereton, Fleury, Frank, Gramkowski, Hoiness and McGee. Nays: None. Motion carried.

(B) Motion to waive Section 2-88 Referral to Committees of the Belvidere Municipal Code with respect to retention of outside counsel to assist with pending litigation.

Motion by Ald. Stevens, 2nd by Ald. Frank to waive Section 2-88 Referral to Committees of the Belvidere Municipal Code with respect to retention of outside counsel to assist with pending litigation. Roll call vote: 10/0 in favor. Ayes: Peterson, Stevens, Albertini, Brereton, Fleury, Frank, Gramkowski, Hoiness, McGee and Montalbano. Nays: None. Motion carried.

(C) Retention of outside counsel to assist with pending litigation.

Motion by Ald. Gramkowski, 2nd by Ald. Stevens to retain Burney Law LLC and co-counsel Attorney Bernie Paul for legal representation for pending litigation and assist in the annexation of Landmark Property. Roll Call Vote: 10/0 in favor. Ayes: Stevens, Albertini, Brereton, Fleury, Frank, Gramkowski, Hoiness, McGee, Montalbano and Peterson. Nays: None. Motion carried.

(12) Adjournment:

Motion by Ald. Peterson, 2nd by Ald. McGee to adjourn meeting at 7:25p.m. Aye voice vote carried. Motion carried.

Mayor

Attest:

City Clerk

Minutes
Committee of the Whole
Public Safety and Finance and Personnel
May 27, 2025
6:00 p.m.

Date: May 27, 2025

Convened in the Belvidere Council Chambers, 401 Whitney Blvd., Belvidere, Illinois at 6:00p.m.

Call to Order – Mayor Clinton Morris:

Roll Call:

Present: J. Albertini, R. Brereton, M. Fleury, W. Frank, S. Gramkowski, J. Hoiness, M. McGee, C. Montalbano, R. Peterson and C. Stevens.

Absent: None.

Other staff members in attendance:

Public Works Director Brent Anderson, Budget & Finance Officer Sarah Turnipseed, Community Development Planner Gina DelRose, Police Chief Shane Woody, Fire Chief Shawn Schadle, City Attorney Mike Drella and Deputy City Clerk Abigail Vance.

Public Comment:

- (1) Karl Johnson, Boone County Board Chairman, spoke in support of waiving or reducing building permit fees for Boone County Government.
- (2) Tom Walberg, Boone County Board Member, spoke in support of waiving or reducing building permit fees for Boone County Government.
- (3) Michael Popilek expressed thanks to Officer Gibson and Fire/EMS for the services they provided when he went into cardiac arrest.

Public Forum:

- (A) Police Chief Shane Woody presented a Life-Saving Award to Officers Matthew Korn and Matthew Gibson.

(B) Fire Chief Shawn Schadle presented a Life-Saving Award to Firefighters Matt Loudenbeck and Zach Bullard, Fire Lieutenant Travis Tangye and Paramedics Ramus Gotzche and Lauren Schultz.

Agenda Item 6(B) Eagle Scout Project for Hometown Christmas moved to Public Forum.

Motion by Ald. Gramkowski, 2nd by Ald. Stevens to contribute \$2,500.00 to the Santa Claus House Eagle Scout Project to be paid for from line item: 01-5-110-7900.

Discussion took place in regards to how individuals can donate, where the Santa Claus House will be stored and how it will benefit Hometown Christmas. Voice vote carried. Motion carried.

Reports of Officers, Boards, and Special Committees:

1. Public Safety, Unfinished Business: None.

2. Public Safety, New Business:

(A) Police Department – Update.

Police Chief Shane Woody presented an update.

(B) Fire Department – Update.

Fire Chief Shawn Schadle presented an update.

3. Finance & Personnel, Unfinished Business: None.

4. Finance & Personnel, New Business: None.

5. Other, Unfinished Business: None.

6. Other, New Business:

(A) Boone County Government Permit Fees.

Motion by Ald. Albertini, 2nd by Ald. Fleury to reduce the building permit fees from \$211,000 to \$50,000. Discussion took place regarding the fees and whether or not they should be waived or reduced. Discussion took place regarding the actual cost to the City to issue permits and conduct building inspections. Boone County Board Chairman Karl Johnson was present and answered questions about the building/renovation projects. Ald. Peterson called to question. Voice vote carried. Motion failed.

(B) Eagle Scout Project for Hometown Christmas.

Agenda Item 6(B) Eagle Scout Project for Hometown Christmas moved to Public Forum.

(C) Acquisition Lot 3 MH Subdivision.

Motion by Ald. Peterson, 2nd by Ald. Hoiness to authorize the acquisition of Lot 3 of the MH Subdivision and to authorize the Mayor to execute the attached Contract for Dedication and all documents necessary to facilitate acquisition of Lot 3 pursuant to the Contract. Discussion took place regarding the purpose for the acquisition of Lot 3. It was noted that it is for storm water detention/retention. Voice vote carried. Motion carried.

(D) Walmart SparkGood Grant.

Motion by Ald. Hoiness, 2nd by Ald. Stevens to accept a \$5,000.00 grant from Walmart and to transfer \$3,000.00 from the Heritage Days line-item to the Belvidere Police Department for the purchase of Flock Safety Cameras and to transfer \$1,000.00 from the Heritage Days line-item to the Belvidere Fire Department for the purchase of AHA materials and fees, CPR training materials, instructors and support for the community CPR program. Discussion took place regarding the remaining \$1000.00. It was noted it is for Heritage Days. Discussion took place regarding the use of Flock Safety Cameras. Voice vote carried. Motion carried.

(E) 2025 MFT Overlay Bid Tabulation.

Motion by Ald. Peterson, 2nd by Ald. Stevens to approve the low bid from Rock Road Companies, in the amount of \$908,714.46, for the 2025 MFT Street Overlay Program, subject to IDOT approval. This work will be paid for from MFT Funds. Discussion took place in regards to the one bid that was received. Voice vote carried. Motion carried.

(F) 2025 MFT Thermoplastic Pavement Striping Bid Tabulation.

Motion by Ald. Gramkowski, 2nd by Ald. McGee to approve the low bid from Countryman, Inc., in the amount of \$23,942.60, for the 2025 MFT Thermoplastic Pavement Striping Project, subject to IDOT approval. This work will be paid for from MFT Funds. Voice vote carried. Motion carried.

(G) WWTP Main Equipment Building – Backflow Device.

Motion by Ald. Peterson, 2nd by Ald. Stevens to approve the proposal from Nelson Carlson Mechanical Contractors, in the amount of \$15,734.00, for the installation of a four-inch RPZ backflow device and water meter in the main equipment building for the WWTP. This work will be paid for from the plant depreciation fund. Voice vote carried. Motion carried.

(H) 2025 Sidewalk Replacement Program.

Motion by Ald. Frank, 2nd by Ald. Stevens to approve the low bid from Globe Construction, in the amount of \$195,950.00, for the City's annual sidewalk program. The unit prices are \$10.25/square foot for removal and replacement of 4" sidewalk and \$10.75/square foot for removal and replacement of 6" sidewalk. This work will be paid for from Line Item #01-5-310-6003 and Line Item #41-5-110-7900. Discussion took place regarding the difference of a 4 inch vs a 6 inch sidewalk. Voice vote carried. Motion carried.

(I) Purchase of Dump Box, Snow Plow and Spreader for Freightliner Chassis.

Motion by Ald. Fleury, 2nd by Ald. Peterson to approve the proposal from Henderson Products, in the amount of \$109,950.00, for a 10-yard dump box, snow plow and salt spreader. This equipment will be paid for from Water Depreciation Line Item #61-1780. The total cost of the new 10-yard dump truck will be \$243,445.00. Discussion took place in regards to the timeline of receiving the dump truck. Voice vote carried. Motion carried.

(J) Traffic Signal Repairs – Intersection of Appleton Road & Newburg/Locust.

Motion by Ald. Stevens, 2nd by Ald. Gramkowski to approve the proposal from Helm Electric, in the amount of \$19,850.00, for the installation of a camera detection system at the intersection of Appleton Road and Newburg/Locust. This work will be paid for from Street Department Line Item #01-5-310-6024. Discussion took place in regards to the current system not functioning and the complaints being received. Voice vote carried. Motion carried.

7. Adjournment:

Motion by Ald. Gramkowski 2nd by Ald. Peterson to adjourn the meeting at 7:27p.m. Aye voice vote carried. Motion carried.

_____ Mayor

Attest: _____ City Clerk

ORDINANCE #723H
AN ORDINANCE AMENDING SECTION 74-221(g)(2)
FIREWORKS / NUISANCE DECLARED AND PENALTIES
OF THE CITY OF BELVIDERE MUNICIPAL CODE

BE IT ORDAINED by the Mayor and City Council of the City of Belvidere, Boone County, Illinois, as follows:

SECTION 1: Section 74-221(g)(2) of the City of Belvidere Municipal Code is amended to read as follows:

(2) Any person violating this section shall pay a fine of not less than \$750.00 nor more than \$1,500.00. In sentencing, the court shall consider the amount and type of fireworks, if any injury to persons or property occurred as a result of the fireworks, and any prior violations of this Section.

SECTION 2: If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.

SECTION 3: This Ordinance shall be in full force and effect from and after its passage and publication in pamphlet form as required by law which publication is hereby authorized.

Ayes: .

Nays: .

Absent: .

Passed:

Approved:

Mayor Clinton Morris

ATTEST: _____

City Clerk Erica Bluege

(SEAL)

ORDINANCE NO. 724H

**AN ORDINANCE GRANTING A SPECIAL USE
TO ALLOW DAYCARE CENTER (3+ CHILDREN)
WITHIN THE PO, PLANNED OFFICE DISTRICT
(2170 Pearl Street)**

WHEREAS, The City of Belvidere has adopted Chapter 150, Zoning Ordinance in accordance with the provisions of Illinois Compiled Statutes to regulate the use of land and to specify the minimum requirements for improvements on land in the City of Belvidere; and

WHEREAS, Special Uses are certain municipal or private uses that due to their physical or operational characteristics may pose a threat to the value, use and enjoyment of adjoining property; are reviewed on a case by case basis; and are permitted only by permission of the Belvidere City Council; and,

WHEREAS, The applicant, Orland Kids Academy, LLC, 1255 S. Michigan Avenue, #1709, Chicago, IL 60605 on behalf of the property owner, Almas Plus, LLC, 1255 S. Michigan Avenue #1709, Chicago, IL 60605 is requesting a special use to allow a daycare center at 2170 Pearl Street; and

WHEREAS, after due notice by publication pursuant to the Illinois State Statutes, the City of Belvidere Planning and Zoning Commission held a public hearing on May 13, 2025 concerning the proposed Special Use; and,

WHEREAS, the City of Belvidere Planning and Zoning Commission having examined the application and having considered the evidence, both oral and documentary and being fully advised about the premises did make findings of fact and a recommendation; and,

WHEREAS, the corporate authorities of the City considered the findings of fact and concur with the recommendation of the Planning and Zoning Commission,

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BELVIDERE, BOONE COUNTY, ILLINOIS, AS FOLLOWS:

Section 1. The foregoing recitals are incorporated herein by this reference.

Section 2. That a Special Use in the PO, Planned Office District to allow for a daycare center on the property depicted in Attachment A and legally described as:

PART OF THE NORTHWEST 1/4 OF SECTION 1, TOWNSHIP 43 NORTH,
RANGE 3, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE COUNTY OF
BOONE, STATE OF ILLINOIS, BOUNDED AND DESCRIBED AS FOLLOWS, TO
WIT:

COMMENCING AT THE NORTHWEST CORNER SAID QUARTER SECTION; THENCE SOUTH 00°00'00" EAST, ALONG THE WEST LINE OF SAID QUARTER SECTION, 1,218.72 FEET TO THE NORTHWEST CORNER OF THE PERMANENT EASEMENT CONVEYED BY HENRY AND MADELINE BARTHOLOMEW, HUSBAND AND WIFE, TO THE ILLINOIS STATE TOLL HIGHWAY COMMISSION DATED JULY 17, 1957 AND RECORDED IN BOOK 115 OF DEEDS ON PAGE 323 IN THE RECORDER'S OFFICE OF BOONE COUNTY, ILLINOIS, SAID POINT BEING THE POINT OF BEGINNING FOR THE FOLLOWING DESCRIBED PARCEL; THENCE SOUTH 89°48'46" EAST, ALONG THE NORTH LINE OF SAID PERMANENT EASEMENT, 59.73 FEET TO THE NORTHEAST CORNER OF SAID PERMANENT EASEMENT; THENCE SOUTH 90°00'00" EAST, ALONG THE NORTH LINE OF PREMISES CONVEYED BY LEROY F. FITZ AND RUTH M. FITZ TO THE BELVIDERE NATIONAL BANK AND TRUST CO., AS TRUSTEE UNDER TRUST NO. 306 BY WARRANTY DEED DATED MAY 14, 1970, AND RECORDED MAY 25, 1970, AS DOCUMENT NO. 16665 IN SAID RECORDER'S OFFICE, 334.57 FEET TO THE NORTHEAST CORNER OF SAID PREMISES SO CONVEYED BY LEROY F. FITZ AND RUTH M. FITZ TO THE BELVIDERE NATIONAL BANK AND TRUST CO. AS AFORESAID; THENCE NORTH 00°00'00" WEST, PARALLEL WITH THE WEST LINE OF SAID QUARTER SECTION, 245.89 FEET; THENCE NORTH 90°00'00" WEST, PARALLEL WITH THE NORTH LINE OF SAID PREMISES SO CONVEYED BY LEROY F. FITZ AND RUTH M. FITZ TO THE BELVIDERE NATIONAL BANK AND TRUST CO. AS AFORESAID, 394.30 FEET TO THE WEST LINE OF SAID QUARTER SECTION; THENCE SOUTH 00°00'00" EAST ALONG THE WEST LINE OF SAID QUARTER SECTION, 245.69 FEET TO THE POINT OF BEGINNING. PIN: 07-01-102-004

is hereby approved, subject to the following condition:

1. Substantial compliance with the site plan submitted. (Attachment B).

Section 3. That the premises shall be used in accordance with and subject to the applicable provisions of the Zoning Ordinance of the City of Belvidere and shall not be used except as may otherwise be expressly authorized by the applicable law and the special use.

Section 4. That acceptance of any of the benefits of this Special Use shall be deemed acceptance of all the terms and conditions set forth herein.

Section 5. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 6. If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such

judgment shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.

Section 7. This ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

PASSED by the City Council of the City of Belvidere this ____ day of _____, 2025.

APPROVED by the Mayor of the City of Belvidere this ____ day of _____, 2025.

Clint Morris, Mayor

ATTEST:

Sarah Turnipseed, City Clerk

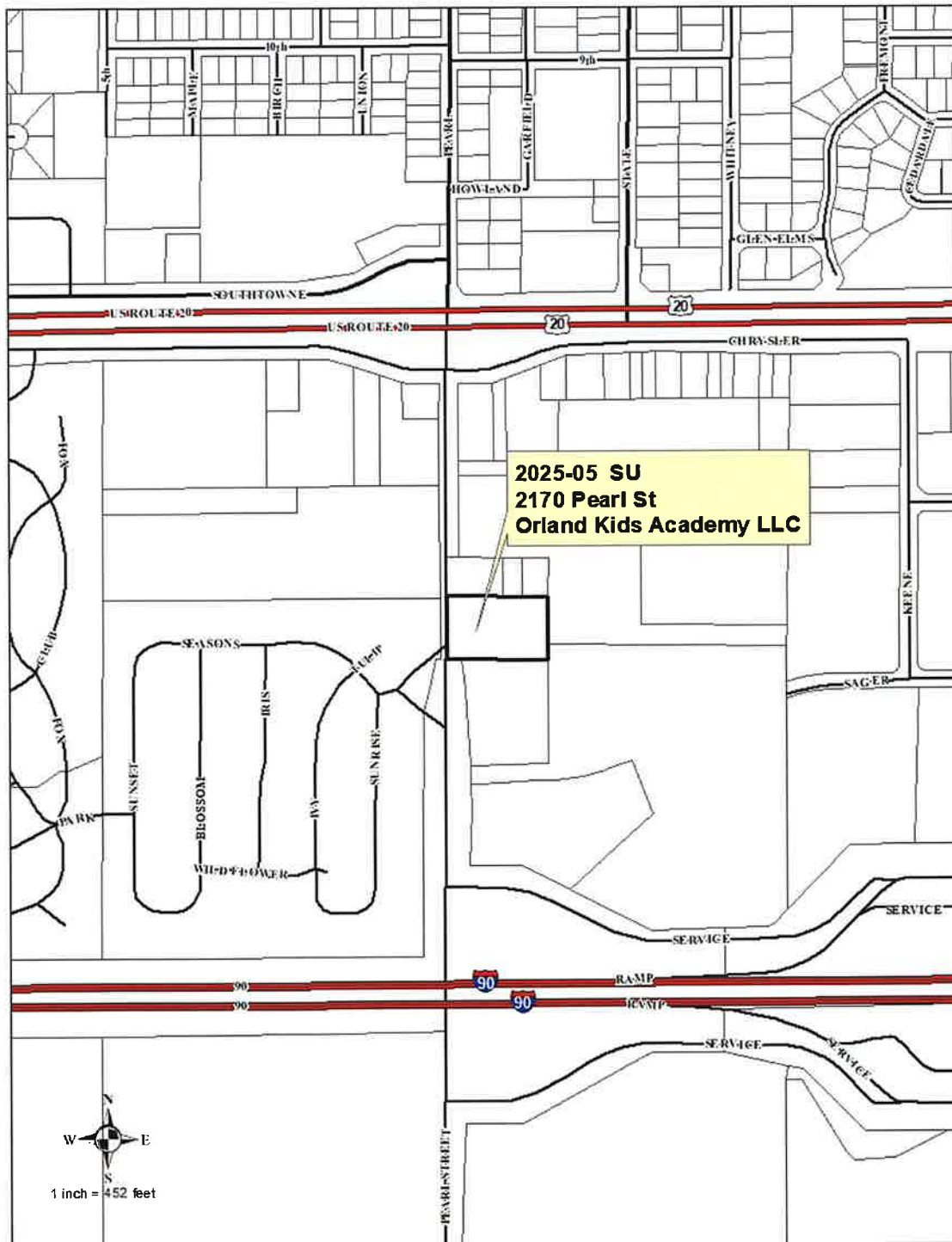
Ayes: ____ Nays: ____ Absent: ____

City Council Members Voting Aye: ____

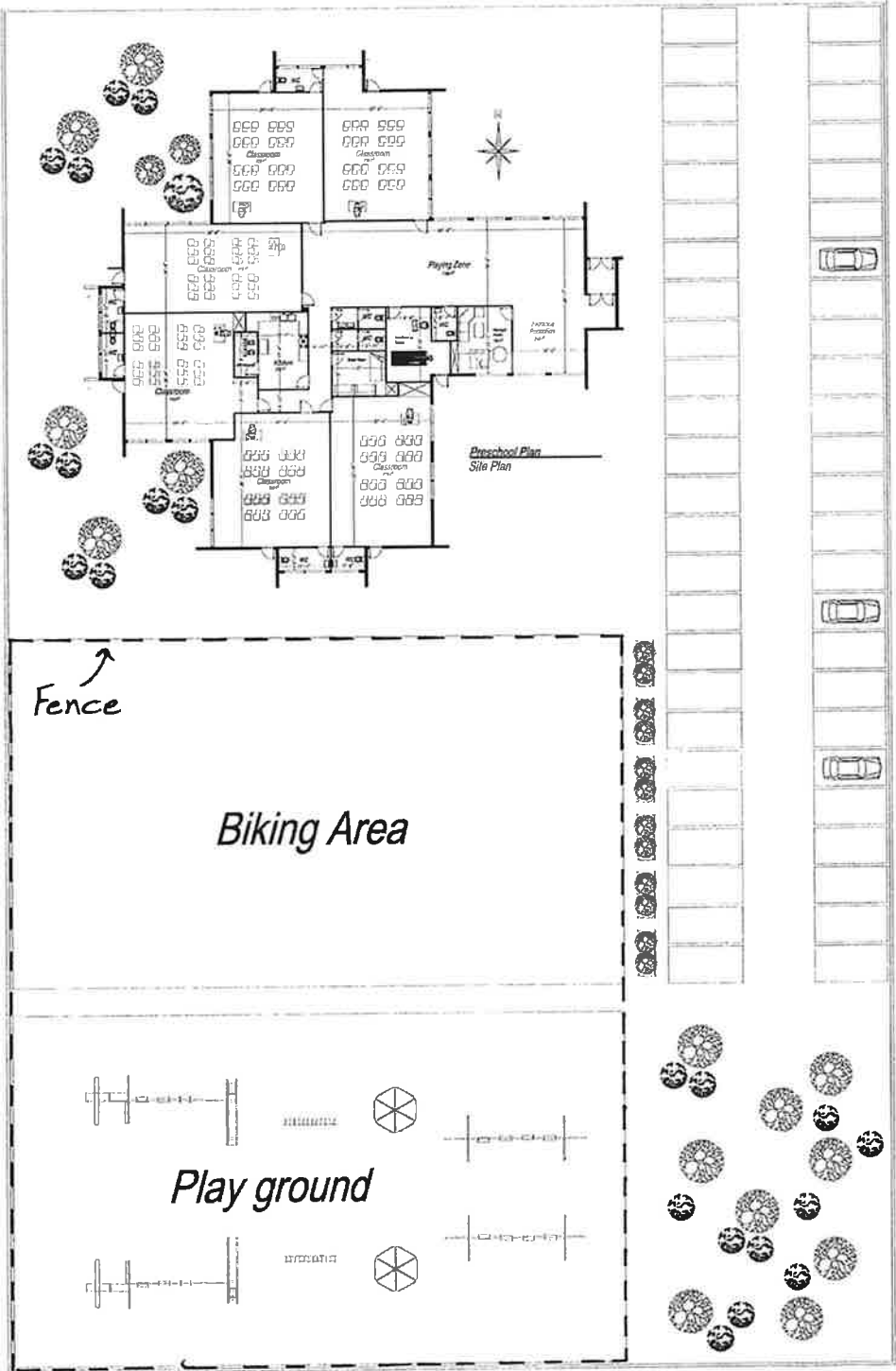
City Council Members Voting Nay: ____

Date Published: _____

ATTACHMENT A



ATTACHMENT B



MEMO

DATE: May 14, 2025
TO: Mayor and Members of the City Council
FROM: City of Belvidere Planning and Zoning Commission
SUBJECT: Recommendation for Case: 2025-05; Orland Kids Academy, LLC, 2170 Pearl St.

REQUEST AND LOCATION:

The applicant, Orland Kids Academy, LLC, 1255 S. Michigan Avenue, #1709, Chicago, IL 60605 on behalf of the property owner, Almas Plus, LLC, 1255 S. Michigan Avenue #1709, Chicago, IL 60605 is requesting a special use to permit a daycare center at 2170 Pearl Street, Belvidere, IL 61008 (Belvidere Zoning Ordinance Sections 150.105(C)(2)(B)(2) Daycare Center (3+ children) and 150.904 Special Use Review and Approval Procedures) in the PO, Planned Office District on approximately 2.0 acres. The subject property is rectangular in shape, approximately 2 acres (PIN: 07-01-102-004) and developed with a vacant medical building and large parking area.

RECOMMENDATION:

The planning and zoning commission recommended the **approval** of case number **20250-5** for a special use for a daycare center at 2170 Pearl Street subject to the following conditions:

1. Substantial compliance with the site plan submitted.

Motion to approve case 2025-05; Orland Kids Academy, 2170 Pearl Street subject to the one condition as presented carried with a (6-0) roll call vote.

Paul Engelman, Chairman
Belvidere Planning and Zoning Commission

MEMO

DATE: May 14, 2025
TO: Mayor and Members of the City Council
FROM: City of Belvidere Planning and Zoning Commission
SUBJECT: Findings of Fact for Case: 2025-05; Orland Kids Academy, LLC, 2170 Pearl St.

REQUEST AND LOCATION:

The applicant, Orland Kids Academy, LLC, 1255 S. Michigan Avenue, #1709, Chicago, IL 60605 on behalf of the property owner, Almas Plus, LLC, 1255 S. Michigan Avenue #1709, Chicago, IL 60605 is requesting a special use to permit a daycare center at 2170 Pearl Street, Belvidere, IL 61008 (Belvidere Zoning Ordinance Sections 150.105(C)(2)(B)(2) Daycare Center (3+ children) and 150.904 Special Use Review and Approval Procedures) in the PO, Planned Office District on approximately 2.0 acres. The subject property is rectangular in shape, approximately 2 acres (PIN: 07-01-102-004) and developed with a vacant medical building and large parking area.

FINDINGS OF FACT:

Per Section 150.904 (G) of the City of Belvidere Zoning Ordinance, the criteria for granting a Special Use Permit are as follows:

- A. Findings: The establishment, maintenance, or operation of the special use will not be unreasonably detrimental to or endanger the public health, safety, morals, comfort or general welfare.**

Daycare centers are often located near commercial areas and along major thoroughfares. These locations allow for easy access for those dropping off and picking up children while commuting for work or running errands. Daycare centers typically do not participate in high risk activities or generate consistent traffic for long periods of time.

- B. Findings: The proposed special use, both its general use independent of its location and in its specific location, will be in harmony with the purposes, goals, objectives, policies, and standards of the City of Belvidere Comprehensive Plan, this Chapter, and any other plan, program, or ordinance adopted, or under consideration pursuant to Notice of Public Hearing by the City.**

The subject property is designated as "Commercial" by the City of Belvidere Comprehensive Plan, adopted May 7, 2024. Commercial land uses include service businesses, restaurants, entertainment, office buildings, healthcare facilities, and other similar uses. Smaller scale commercial uses provide the community with a variety of everyday goods and services at convenient locations, typically along the City's major roads such as Logan Avenue and State Street. Having childcare options available near areas of employment is appealing to the workforce.

- C. Findings: The special use will not in its proposed location and as depicted on the required site plan, result in a substantial or undue adverse impact on nearby property, the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare, either as they now exist or**

as they may in the future be developed as a result of the implementation of the provisions of this Chapter, the Comprehensive Plan, or any other plan, program, map, or ordinance adopted or under consideration pursuant to Notice of Public Hearing by the City or governmental agency having jurisdiction to guide development.

Although Pearl Street becomes more rural as it extends further south of Belvidere's corporate limits, the subject property is approximately 1,000 feet from the intersection of Grant Highway and is directly across the street from the entrance to Four Seasons Mobile Home Park. The proximity to a mix of residential and non-residential uses and a major thoroughfare makes the subject property a suitable location for drop-off and pick-up businesses such as a daycare center. There is enough open space and parking area to allow for adequate outdoor play areas for the children and parking for staff and clients.

- D. **Findings:** The establishment of the special use will not impede the normal and orderly development and improvement of surrounding property, and does maintain the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property.

A daycare center at this location is readily accessible to those living and working in Belvidere and Boone County or commuting to neighboring municipalities. While daycare centers are a special use to ensure each site is safely accessible and has adequate amenities such as outdoor play areas, they are a special use in almost every zoning district in the City of Belvidere because they are intended to spread out all over the city with little negative impact to future development patterns and the surrounding neighborhood.

- E. **Findings:** The proposed special use is located in an area that will be adequately served by, and will not impose an undue burden on, any of the improvement facilities, utilities or services provided by public agencies servicing the subject property.

The subject property is already developed with a commercial building that is served with municipal utilities.

- F. **Findings:** The potential public benefits of the proposed special use does outweigh any and all potential adverse impacts of the proposed special use after taking into consideration the Applicant's proposal and any requirements recommended by the Applicant to ameliorate such impacts.

Daycare centers not only provide a service to those living and working within the City, but also to those commuting to other municipalities. The location of the daycare center provides easy access to those traveling along Grant Highway, whether they are leaving or coming to Belvidere.

The motion to adopt the Findings of Fact as presented by staff for case 2025-05 for a special use to permit indoor a daycare center at 2170 Pearl Street carried with a (6-0) roll call vote.

CITY OF BELVIDERE

Community Development



BUILDING DEPARTMENT

PLANNING DEPARTMENT

401 WHITNEY BLVD. SUITE 300 BELVIDERE, IL 61008 * PII (815)547-7177 FAX (815)547-0789

May 2, 2025

ADVISORY REPORT

CASE NO: 2025-05

APPLICANT: Orland Kids Academy, LLC, 2170 Pearl Street

REQUEST AND LOCATION:

The applicant, Orland Kids Academy, LLC, 1255 S. Michigan Avenue, #1709, Chicago, IL 60605 on behalf of the property owner, Almas Plus, LLC, 1255 S. Michigan Avenue #1709, Chicago, IL 60605 is requesting a special use to permit a daycare center at 2170 Pearl Street, Belvidere, IL 61008 (Belvidere Zoning Ordinance Sections 150.105(C)(2)(B)(2) Daycare Center (3+ children) and 150.904 Special Use Review and Approval Procedures) in the PO, Planned Office District on approximately 2.0 acres. The subject property is rectangular in shape, approximately 2 acres (PIN: 07-01-102-004) and developed with a vacant medical building and large parking area.

EXISTING LAND USE:

Subject property: Vacant medical building

Adjacent Property

North: Belvidere Family Pet Hospital

South: Symphony Northwoods nursing home

East: Vacant/ Row Crop Production (County)

West: Four Seasons Mobile Home Park

CURRENT ZONING:

Subject property: PO, Planned Office District

Adjacent Property

North: PO, Planned Office District

South: I, Institutional District

East: B-2, General Business District (County)

West: MR-8L, Multi-Family Residential-8 Large District

COMPREHENSIVE PLAN:

Subject property: Commercial

Adjacent Property

North: Commercial

South: Public/Semi Public

East: Business Flex

West: Low Density Residential

BACKGROUND:

The property is developed with an 11,560 square-foot single-story vacant medical office and paved area. A walkway connects the building to the adjacent nursing home. Ordinance 610H granting a special use for a daycare center on the subject property was approved on February 6, 2023. Although building permits were issued and some construction has taken place, the special use was nullified on February 5, 2025 because the daycare center had not become operational within the required two-year time frame.

The applicant intends to finish renovating the building into a daycare center for children ages 6 weeks old to 6 years old. The eastern parking lot and grassy area will become the outdoor play area. The area will be fenced in order to keep vehicles from the northern parking lot separated. The play areas will be facing the agricultural fields to the east, away from the road and residences.

Sager Avenue is intended to continue westward and connect to Pearl Street south of the nursing home. This would allow the subject property to have a more direct access to the nearby industrial park, making it more favorable for those parents working in one of the many businesses nearby in the future.

TREND OF DEVELOPMENT:

The subject property is located along Pearl Street, south of Grant Highway. While the intersection is an established commercial area, south is a mix of high density residential, medical and agricultural that has not experienced any new development in recent years.

FINDINGS OF FACT:

Per Section 150.904 (G) of the City of Belvidere Zoning Ordinance, the criteria for granting a Special Use Permit are as follows:

- A. **Findings:** The establishment, maintenance, or operation of the special use will not be unreasonably detrimental to or endanger the public health, safety, morals, comfort or general welfare.

Daycare centers are often located near commercial areas and along major thoroughfares. These locations allow for easy access for those dropping off and picking up children while commuting for work or running errands. Daycare centers typically do not participate in high risk activities or generate consistent traffic for long periods of time.

- B. **Findings:** The proposed special use, both its general use independent of its location and in its specific location, will be in harmony with the purposes, goals, objectives, policies, and standards of the City of Belvidere Comprehensive Plan, this Chapter, and any other plan, program, or ordinance adopted, or under consideration pursuant to Notice of Public Hearing by the City.

The subject property is designated as "Commercial" by the City of Belvidere Comprehensive Plan, adopted May 7, 2024. Commercial land uses include service businesses, restaurants, entertainment, office buildings, healthcare facilities, and other similar uses. Smaller scale commercial uses provide the community with a variety of everyday goods and services at convenient locations, typically along the City's major roads such as Logan Avenue and State Street. Having childcare options available near areas of employment is appealing to the workforce.

- C. **Findings:** The special use will not in its proposed location and as depicted on the required site plan, result in a substantial or undue adverse impact on nearby property, the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the provisions of this Chapter, the Comprehensive Plan, or any other plan, program, map, or ordinance adopted or under consideration pursuant to Notice of Public Hearing by the City or governmental agency having jurisdiction to guide development.

Although Pearl Street becomes more rural as it extends further south of Belvidere's corporate limits, the subject property is approximately 1,000 feet from the intersection of Grant Highway and is directly across the street from the entrance to Four Seasons Mobile Home Park. The proximity to a mix of residential and non-residential uses and a major thoroughfare makes the subject property a suitable location for drop-off and pick-up businesses such as a daycare center. There is enough open space and parking area to allow for adequate outdoor play areas for the children and parking for staff and clients.

- D. **Findings:** The establishment of the special use will not impede the normal and orderly development and improvement of surrounding property, and does maintain the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property.

A daycare center at this location is readily accessible to those living and working in Belvidere and Boone County or commuting to neighboring municipalities. While daycare centers are a special use to ensure each site is safely accessible and has adequate amenities such as outdoor play areas, they are a special use in almost every zoning district in the City of Belvidere because they are intended to spread out all over the city with little negative impact to future development patterns and the surrounding neighborhood.

- E. **Findings:** The proposed special use is located in an area that will be adequately served by, and will not impose an undue burden on, any of the improvement facilities, utilities or services provided by public agencies servicing the subject property.

The subject property is already developed with a commercial building that is served with municipal utilities.

- F. **Findings:** The potential public benefits of the proposed special use does outweigh any and all potential adverse impacts of the proposed special use after taking into consideration the Applicant's proposal and any requirements recommended by the Applicant to ameliorate such impacts.

Daycare centers not only provide a service to those living and working within the City, but also to those commuting to other municipalities. The location of the daycare center provides easy access to those traveling along Grant Highway, whether they are leaving or coming to Belvidere.

SUMMARY OF FINDINGS:

Daycare centers are often located near commercial areas and along major thoroughfares. These locations allow for easy access for those dropping off and picking up children while commuting for work or running errands. Daycare centers typically do not participate in high risk activities or generate consistent traffic for long periods of time.

Although Pearl Street becomes more rural as it extends further south of Belvidere's corporate limits, the subject property is approximately 1,000 feet from the intersection of Grant Highway and is directly across the street from the entrance to Four Seasons Mobile Home Park. The proximity to a mix of residential and non-residential uses and a major thoroughfare makes the subject property a suitable location for drop-off and pick-up businesses such as a daycare center. There is enough open space and parking area to allow for adequate outdoor play areas for the children and parking for staff and clients.

Daycare centers not only provide a service to those living and working within the City, but also to those commuting to other municipalities. The location of the daycare center provides easy access to those traveling along Grant Highway, whether they are leaving or coming to Belvidere.

RECOMMENDATION:

The planning staff recommends the **approval** of case number **2025-05** for a special use for daycare center (3+ children) at 2170 Pearl Street subject to the following conditions.

1. Substantial compliance with the site plan submitted.

Submitted by:



Gina DelRose

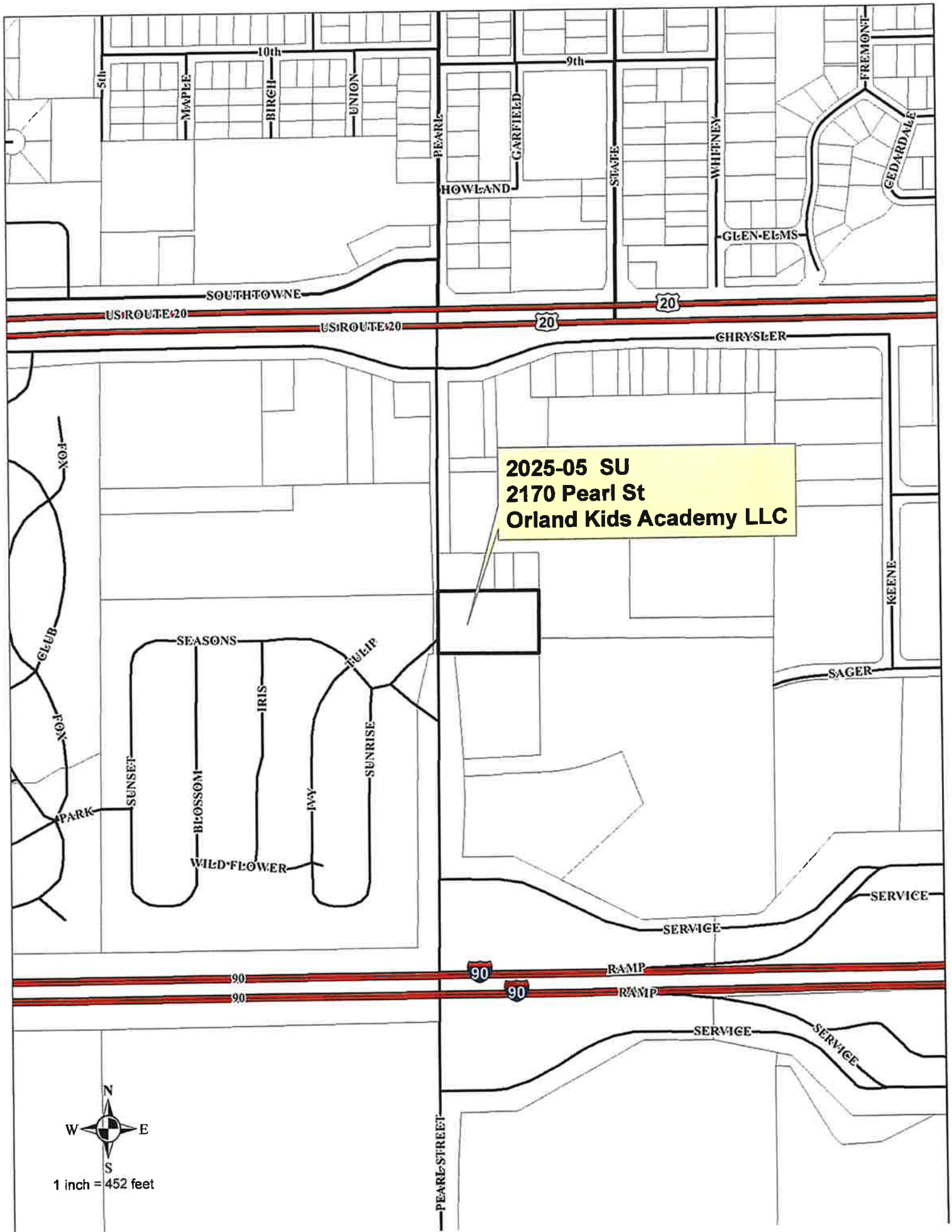
Community Development Planner

Review and Recommendation by the Planning and Zoning Commission. The Planning and Zoning Commission shall review the application, adopt findings of fact, and make a recommendation to the City Council.

Review and Action by the City Council. The City Council shall consider the Planning and Zoning Commission's recommendation regarding the proposed special use. The City Council may approve or deny the special use as originally proposed, may approve the proposed special use with modifications or may remand the matter back to the Planning and Zoning Commission for further discussion or hearing. The City Council's approval of the requested special use shall be considered the approval of a unique request, and shall not be construed as precedent for any other proposed special use.

ATTACHMENTS

1. Location Map by Planning Staff.
2. Aerial Photo with by Planning Staff.
3. Narrative submitted by Applicant.
4. Site plans submitted by Applicant.
5. NRI 1719 submitted by the Boone County Soil and Water Conservation District, Teagan Duffy, December 14, 2022.
6. Letter submitted by the Boone County Health Department, Alisen O'Hearn, April 15, 2025.



2025-05 SU
2170 Pearl St
Orland Kids Academy LLC



1 inch = 452 feet

PEARL

2025-05 SU
2170 Pearl St
Orland Kids Academy LLC



PEARL



My name is Adel Ghaffari. In the past 10 years I have owned a k-12 school overseas.

Using my expertise, I would like to open a Daycare center in Belvidere, IL. The reason I chose Belvidere is because my friend has already have a daycare center in Belvidere and has expressed and emphasized the need for more centers for the residents of Belvidere.

We have discussed the lengthy waitlist and ongoing calls they receive each day for enrollments that are not able to fit in theirs.

I plan to provide a safe and healthy learning environment for young children of Belvidere. We will also be providing an ongoing service to the community by providing more than 20 jobs. The daycare will consist of 6 large classrooms with an indoor play area.

We request to apply for 110 kids capacity during the hours of 5:30 am - 6:00pm.

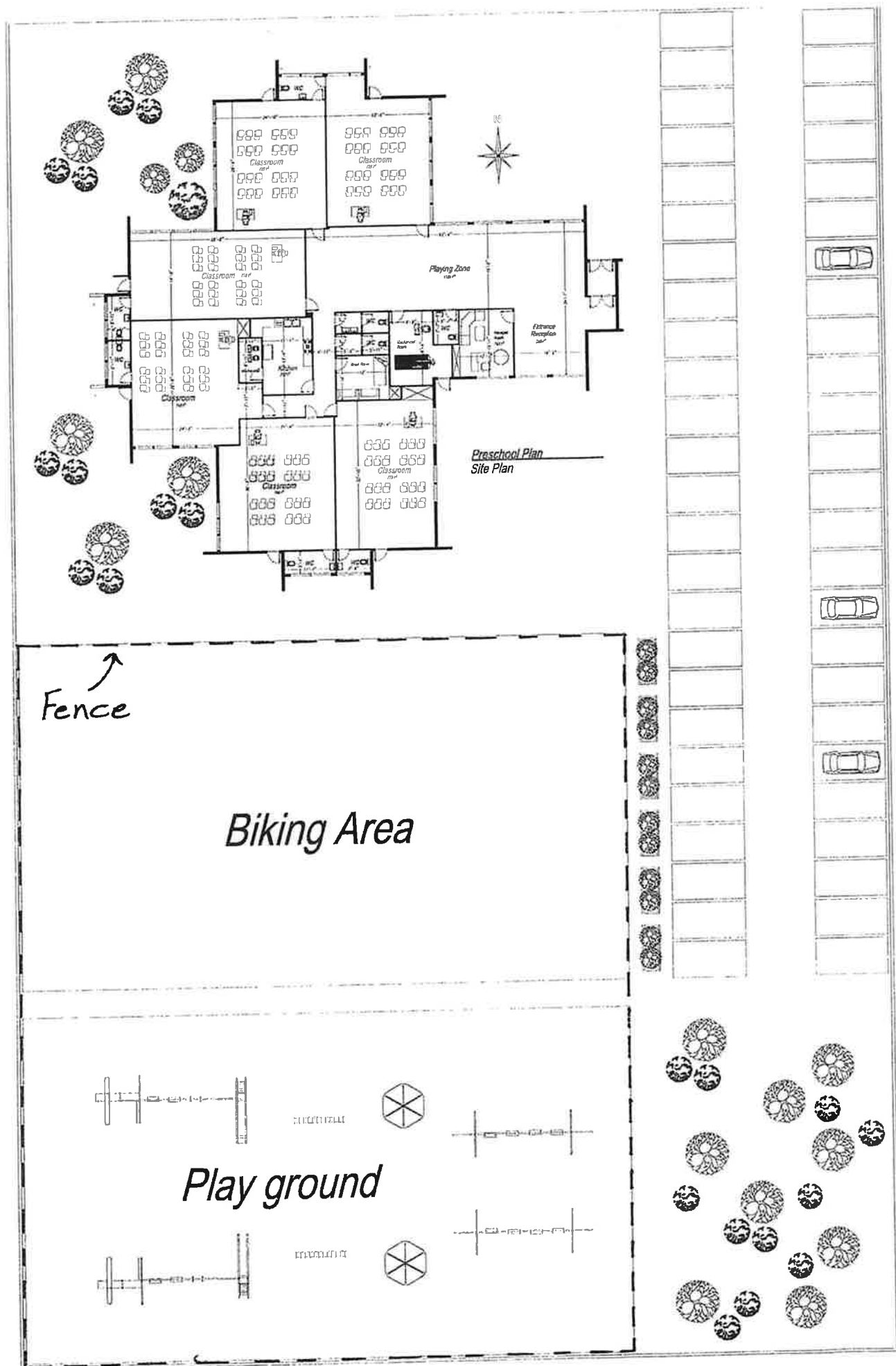
Outside the building, there will be vast biking area for children ages 3 and up along with an outdoor playground that will be separated from the parking with fences. The center will be accepting kids from 6 weeks to 6 year old.

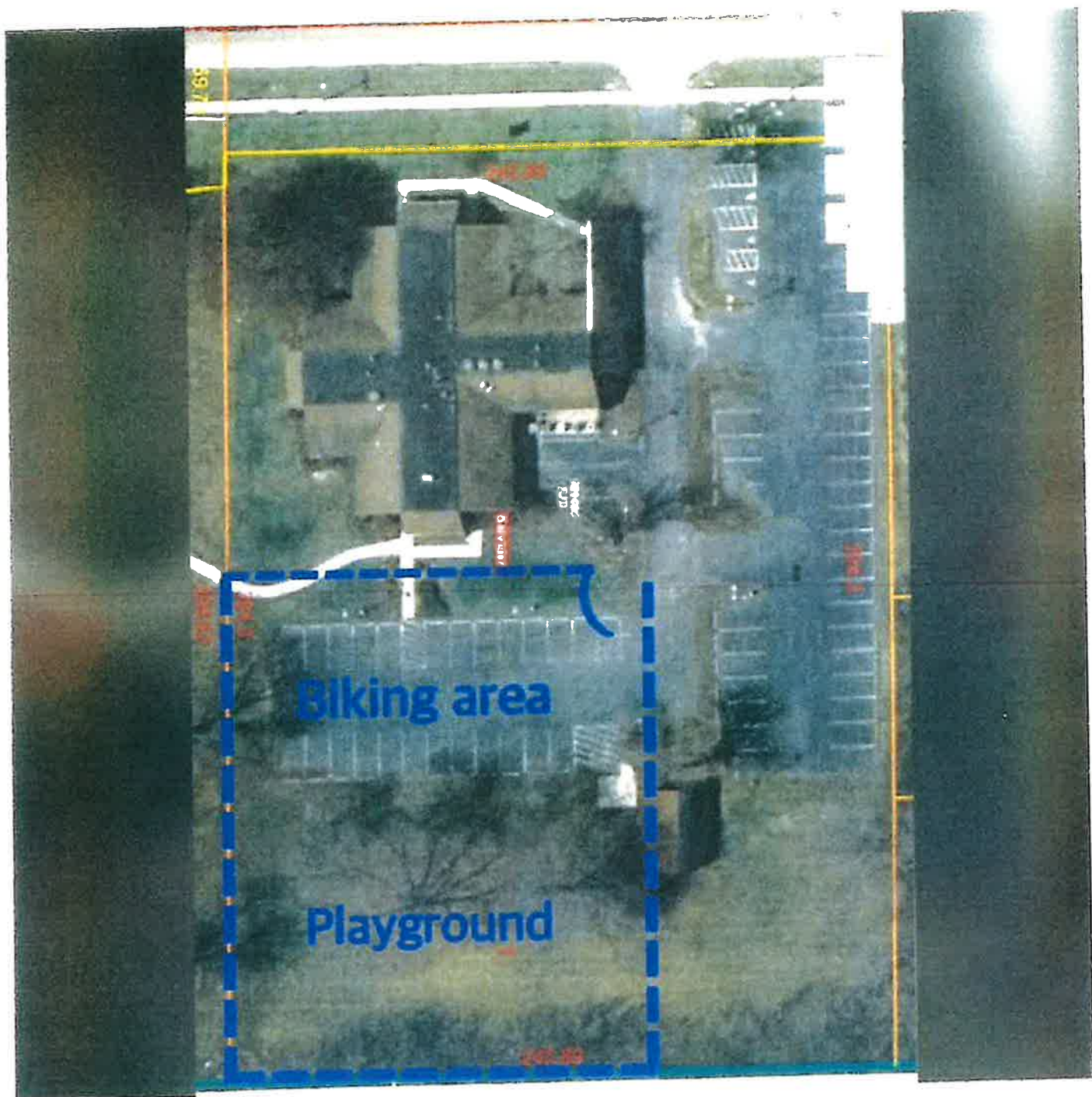
We appreciate your support and cooperation with this.

2170 Pearl St. Belvidere, IL

Adel Ghaffari: 

04/07/2025





2170 Pearl St. Belvidere



Boone County
Soil & Water
Conservation District

211. N. Appleton Road
Belvidere, IL 61008
815-544-3465 x3

14 December 2022

SWCD NRI #: 1719


Belvidere Planning Department
401 Whitney Blvd., Suite 300
Belvidere, IL 61008

Dear Sir/Madam,

A request for a Natural Resource Information Report was submitted. We will supply a written reply to your office as indicated below:

☒ Our review does not apply in this instance.
☐ Other (see attached)

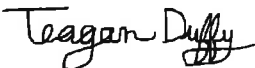
Location of Site: 2170 Pearl Street, Belvidere, IL 61008
PIN(S): 07-01-102-004

Contact	Petitioner	Owner
Adel Ghaffari 555 W. Kinzie St., Apt. 4002 Chicago, Illinois 60654	Same as Contact	The Board of Trustees of the University of Illinois c/o Jeffrey M. Hucek, PO Box 4595 Oak Brook, Illinois 60522
312-900-6875 Adelghafari71@yahoo.com		

Request: Allow a Daycare center in the PO district

Notes, if any: By considering the current zoning, current land use, Geographical Information Systems maps, and requested special use permit, the Boone County Soil and Water Conservation District has determined that the proposed use will have no significant impact on the natural resources on the property or surrounding area.

Sincerely,



Teagan Duffy
Boone County Soil & Water
Conservation District



Public Health
Prevent. Promote. Protect.

Boone County Health Department

1204 Logan Avenue, Belvidere, Illinois 61008
Main Office 815.544.2951 Clinic 815.544.9730 Fax 815.544.2050
www.boonehealth.org

*The mission of the Boone County Health Department is to serve our community by
preventing the spread of disease, promoting equitable wellness & protecting the public's health.*

April 15, 2025

City of Belvidere
Community Development
Gina DelRose
401 Whitney Blvd Suite 300
Belvidere, IL 61008

Email: GDelRose@BelvidereIL.gov

Re: Case: 2025-05; Orland Kids Academy, LLC, 2170 Pearl Street

Dear City of Belvidere,

We are in receipt of a special use permit for a daycare center at 2170 Pearl Street, Belvidere, IL 61008 (Belvidere Zoning Ordinance Sections 150.105(C)(2)(B)(2) Daycare Center (3+ children) and 150.904 Special Use Review and Approval Procedures) in the PO, Planned Office District on approximately 2.0 acres. PIN: 07-01-102-004

If prepared or temperature-controlled foods are served, prior to operation of the establishment a to-scale plan and a food application must be submitted to the Boone County Health Department for review. The plan review fee would be determined when menu information is submitted. Below is the county code explaining this further.

Sec. 30-35. Submission and review of plans; permits.

- a) *Generally*, whenever a food service establishment or retail food store is constructed or extensively remodeled and whenever an existing structure is converted to use as a food service establishment, properly prepared plans and specifications for such construction, remodeling, or conversion shall be submitted to the regulatory authority for review and approval before construction, remodeling, or conversion is begun. The plans and specifications shall indicate the proposed layout, arrangement, mechanical plans, construction materials of work areas, and the type and model of proposed fixed equipment and facilities.
- b) *Permit required*. Any business or organization desiring to operate as a food service establishment or retail food establishment must have a current food service permit.

Re: Case: 2025-05; Orland Kids Academy, LLC, 2170 Pearl Street

Date: April 15, 2025

Page: 2 of 3

- c) *Plans, inspection and approval.* Before issuing a food service permit to a new establishment, plans must be submitted to and approved by the health authority. Plans submitted for review must be accompanied by the appropriate plan review fee as listed in section 38-31.

If you have any questions or concerns, please contact us at (815) 544-2951 ext. 2 or at info@boonehealth.org.

Sincerely,



Alisen O'Hearn, LEHP, REHS/RS
Environmental Center Supervisor
Boone County Health Department

AT

RESOLUTION #2025-10

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE
AND THE CLERK TO ATTEST A CONTRACT
FOR DEDICATION OF LAND (LOT 3 MH SUBDIVISION)
BETWEEN THE CITY OF BELVIDERE AND
MH BRADLEY LLC

IT IS THEREFORE RESOLVED by the Mayor and City Council for the City of Belvidere as follows:

1. The Contract for Dedication of Land, attached hereto and incorporated herein by this reference, is approved.
2. The Mayor is authorized to execute and the Clerk to attest Contract for Dedication of Land for Lot 3 of the MH Subdivision.

Adopted by the City Council of the City of Belvidere, Illinois, this day of June, 2025.

Approved: _____
Mayor

Attest: _____
City Clerk

(SEAL)

Ayes:
Nays:
Absent:

Date Approved:

CONTRACT FOR DEDICATION OF VACANT LAND
FOR DRAINAGE PURPOSES

WHEREAS, MH Belvidere LLC (the "Seller") is the owner of certain real property described below and is also the developer of a certain subdivision commonly known as the MH Subdivision in the City of Belvidere, Illinois; and

WHEREAS, Seller is developing the MH Subdivision pursuant to a Final Plat of Subdivision which was approved by the City as Ordinance #712H on January 6, 2025 (the "Plat"), which such property is subject to a Declaration of Reciprocal Easements and Maintenance Agreement recorded in Boone County, Illinois as Instrument No. _____ (the "Declaration"); and

WHEREAS, Lot 3 of the Plat (the "Property") consists of approximately 24,800 square feet and is designed and intended for storm water retention and detention purposes; and

WHEREAS, the City of Belvidere (the "City") is an Illinois home rule unit of local government; and

WHEREAS, Seller desires to dedicate and transfer to the City fee simple title to the Property for purposes of storm water detention and retention; and

WHEREAS, Seller agrees to complete all storm water detention and retention improvements upon the Property in accordance with the City's subdivision code and the reasonable requirements of the City as a condition precedent to the City's obligations under this Contract; and

WHEREAS, the City agrees to accept fee simple title to the Property and, upon said acceptance, assume all maintenance responsibility for the Property.

NOW THEREFORE, in consideration of the mutual covenants and conditions set forth in this Contract and other good and valuable consideration, the adequacy of which is hereby acknowledged, the City and Seller agree as follows:

- 1) The foregoing recitals are incorporated herein by this reference.
- 2) The Seller is MH Belvidere LLC. Phone 317-997-4530 of 6402 Cornell Ave. Indianapolis, IN 46220.
- 3) The City agrees to accept the dedication and transfer from Seller of the Property via recordable warranty deed.
- 4) At closing, Seller agrees to transfer fee simple title to the Property via recordable warranty deed, reasonably acceptable to the City, free and clear of all liens and encumbrances other than the easements identified in the recitals.
- 5) The parties agree that the City's acceptance of maintenance obligations of the drainage facilities located upon the Property is full and sufficient consideration for this Contract. The City's acceptance of maintenance obligations is subject to receiving fee simple title for the Property as set forth in this Contract.
- 6) PROPERTY INSPECTION PERIOD:

- a. The transaction contemplated by this Contract is subject to the satisfactory inspection of the Property, or waiver of any aspect of such inspection, by the City, at City's expense unless otherwise expressly set forth herein. During the Inspection Period (hereinafter defined)), the City may inspect: (i) the environmental condition of the Property, and (ii) the general condition of the Property, including but not limited to soil compaction after demolition of the structures. Seller agrees to cooperate with any such inspection and to make all portions of the Property available for such inspection by the City, or its designee or agent. Seller may have a representative present for such inspections.
- b. The environmental inspection of the Property shall be sufficient to qualify as an All Appropriate Inquiry (Phase I Study) under relevant Federal Law. The Seller shall pay the cost of the Phase I Study to an environmental consultant of the City's choosing. If the Phase I environmental Study reveals the existence or likely existence of any environmental defect on the Property, or suggests the need for additional environmental evaluation (a Phase II Study), the City may accept the Property as is, or may at its option terminate this Contract as set forth below or may conduct a Phase II Environmental Study. If the City elects to pursue a Phase II Environmental Study, the parties at that time shall enter into a separate agreement with regard to the terms and conditions for any of the contemplated activities necessitated for the Phase II Environmental Study. If no agreement can be reached between the parties, within ten (10) days of request by the City, this Contract shall terminate. If the parties come to a written agreement, then the Seller agrees to extend the terms of this contingency and the closing date to accommodate the agreed upon Phase II contingency.
- c. Seller agrees to provide the City with any existing environmental studies, audits, soil tests, engineering studies and any notices, correspondence, letters or any other document or communication, concerning environmental compliance (received from any entity) in its possession or control within seven (7) days of the Effective Date. If either the Phase I or Phase II Environmental Studies reveal any environmental defect, or threat of an environmental defect, the City may terminate this Agreement without penalty. For purposes of this Agreement an environmental defect shall mean the existence or likely existence of any hazardous substance as that term may be defined in any State of Illinois or United States environmental law or regulation including, but not limited to, any and all pollutants, contaminants, toxic or hazardous wastes, materials or substances or any other substance that might pose a hazard to health or safety, the removal of which may be required or the generation, manufacture, refining, presence, production, processing, treatment, storage, handling, transportation, transfer, use disposal, release, discharge, emission, spillage, seepage or filtration of which is now or hereafter restricted, prohibited or penalized under any environmental law (including without limitation, petroleum products, lead paint, asbestos, urea formaldehyde foam insulation, and polychlorinated bipheyls.
- d. The City shall have Sixty (60) days from the Effective Date (the "Inspection Period") to conduct the inspection of the Property set forth in this section unless extended pursuant to an agreement to conduct Phase II Environmental Survey or to allow

Seller to remedy issues identified pursuant to subsection (i) above or pursuant to an agreement between the parties in writing.

- 7) Closing: This transaction shall be closed within then (10) days of written notice by the City to Seller. Seller shall pay the title company closing fee, if any. Seller shall deliver possession of the Property at the time of closing free of debris or any encumbrances. Prior to closing, Seller shall complete all storm water detention and retention improvements upon the Property subject to the City's Subdivision Code, the approved final Plat and the reasonable requirements and approval of the City. Completion of the storm water detention and retention improvements is a condition precedent to the City's obligations under this Contract.
- 8) Prorations: All prorations including, but not limited to, property taxes and any association fees, dues or annual association assessments, shall be made as of possession and based on the latest available information. Prorations shall be made on a 365-day basis. All special assessments confirmed by a court prior to closing shall be paid by Seller at closing.
- 9) Title Insurance: City may seek to obtain title insurance and a current title commitment, in an amount acceptable to City at City's expense showing merchantable title subject only to the following permitted exceptions: a) all taxes and special assessments confirmed prior to and due and payable after closing; b) building line setbacks, use and occupancy restrictions of record; c) zoning laws and ordinances; d) easements of record, including for the use of public utilities; e) roads and highways, f) drainage ditches, feeders, and laterals and g) the Declaration (the "Permitted Exceptions"). Seller will cooperate in obtaining such a title insurance commitment and final policy by providing documents and information reasonably necessary to obtain such a title commitment and final policy. Seller shall furnish City with an affidavit in form reasonably acceptable to City showing with maximum factual detail that no liens exist affecting the Property pursuant to the Mechanic's Lien Law of the State of Illinois.
- 10) Title Objections: City or City's attorney, shall within ten (10) days of receiving title evidence, deliver to Seller, or Seller's attorney, together with such evidence, a memorandum in writing specifying the objections Buyer makes to title. If material defects found in the title are not cured within twenty (20) days after such notice, City may, at its option, terminate this Contract upon written notice to Seller. Notice of election of such option to terminate shall be given to Seller or Seller's attorney. If the City does not so terminate, Seller shall convey as above agreed; provided City shall have first given written notice of such election within ten (10) days after the expiration of said twenty (20) days. Compliance with the provisions of this paragraph may extend the closing date until expiration of the time periods as provided herein.
- 11) Deed: At closing, Seller shall convey merchantable title to the Property, subject only to the Permitted Exceptions, to City by recordable warranty deed, or such other appropriate deed or agreement for deed as required and acceptable to City. At the same time, all documents relative to the transaction shall be signed and delivered.
- 12) Compliance: The Parties agree to comply with the following Federal and State Acts when applicable: A) Federal Real Estate Settlement Procedures Act (RESPA); B) Illinois Real Estate Transfer Tax Act and C) The Illinois Plat Act.

- 13) Electronic Communication: For purposes of executing this Contract, as well as providing ,email shall be deemed to be an original document.
- 14) Notices: Except as provided otherwise, required notices shall be in writing and served upon any one of the parties to whom the notice is directed, or the party's real estate agents or attorneys. Notices shall be served (a) by personal deliver; or (b) by electronic communication as of the date of transmission provided transmission is on regular business days, legal holidays excluded during the hours of 8:30 a.m. to 4:30 p.m. (An electronic communication sent at any other time shall be deemed effective as of 8:30 a.m. the next business day); or (c) by regular or certified mail effective as of 10:00 a.m. on the second business day following the mailing.
- 15) Binding: This document represents the entire agreement of the parties and shall be binding upon the parties, their heirs, successors and assigns.
- 16) **TIME IS OF THE ESSENCE OF THIS CONTRACT AND OF ALL TERMS AND CONDITIONS HEREOF, BUYER AND SELLER AGREE TO MAKE A GOOD FAITH EFFORT TO SATISFY ALL CONTINGENCIES SET FORTH IN THIS CONTRACT. BY SIGNING THIS CONTRACT, YOU ARE ENTERING INTO A BIDDING LEGAL AGREEMENT. ANY REPRESENTATION UPON WHICH YOU RELY SHOULD BE INCLUDED IN THIS CONTRACT. NO ORAL REPRESENTATION WILL BE BINDING UPON, OR AN OBLIGATION OF, THE SELLER OR THE CITY. THERE ARE NO REAL ESTATE BROKERS OR AGENTS INVOLVED IN THIS TRANSACTION.**
- 17) The Effective Date of this Contract shall be the later of, the date the agreement is signed by the last party executing the Contract.

Dated this _____ day of _____, 2025 and to be accepted on or before ___, 2025.

The City of Belvidere

By: _____
Its Mayor

Accepted this ___ day of _____, 2025.

MH Belvidere LLC

By: _____

Its: _____