



Legislation Details (With Text)

**File #:** 18-875      **Version:** 1  
**Type:** Ordinance      **Status:** Passed  
**File created:** 10/5/2018      **In control:** City Council  
**On agenda:** 11/7/2018      **Final action:** 11/7/2018  
**Title:** Pass the ordinance authorizing the execution of a recapture agreement for the installation of improvements as part of the Villas at Trafford Place development  
**Sponsors:**  
**Indexes:**  
**Code sections:**  
**Attachments:** 1. Ordinance Authorizing the Execution of a Recapture Agreement for the Villas of Trafford Place, 2. Attachment #1 to the Ordinance Proposed Recapture Agreement, 3. Attachment #2 to the Ordinance Notice to the Benefitting Property Owner

Date	Ver.	Action By	Action	Result
11/7/2018	1	City Council	passed	Pass

**CITY COUNCIL AGENDA ITEM**

**ACTION REQUESTED:**

Pass the ordinance authorizing the execution of a recapture agreement for the installation of improvements as part of the Villas at Trafford Place development

**DEPARTMENT:** Transportation, Engineering and Development

**SUBMITTED BY:** William J. Novack, Director of TED/City Engineer

**BOARD/COMMISSION REVIEW:**

N/A

**BACKGROUND:**

In 2015 K Hovanian Homes annexed and commenced construction on the Villas at Trafford Place development, located southeast of 75<sup>th</sup> Street and Wehrli Road. While Trafford Place did not front on 75<sup>th</sup> Street access was provided by an existing right of way adjacent to the property between Trafford Place and 75<sup>th</sup> Street.

The City required K Hovanian Homes to construct a new road in the existing right of way, and the DuPage County Highway Department required them to construct a dedicated left turn lane and a right-hand deceleration lane where the new road met 75<sup>th</sup> Street. K Hovanian Homes paid all the design, permitting and construction costs associated with the roadway and turn lanes.

**DISCUSSION:**

When the parcel located between the Villas at Trafford Place and 75<sup>th</sup> Street annexes and develops in the City of Naperville they will use and benefit from the portion of the roadway adjacent to their property and the turn lanes on 75<sup>th</sup> Street. The Villas at Trafford Place annexation agreement

contemplated this and included a provision for the approval of a recapture agreement.

The recapture agreement requires the benefitting property to reimburse K Hovanian Homes for fifty percent of the turn lanes on 75<sup>th</sup> Street and one hundred percent of the roadway adjacent to their property. The benefitting property will pay K Hovanian Homes \$73,148.93 for their half of the turn lanes \$57,991.36 for the roadway adjacent to their property. The agreement does contain an interest provision based on the construction cost index from June 2018 until the date that the payment is made.

The City has used recapture agreements in the past to fairly assess the costs of off-site public improvements to all benefitting properties. I have reviewed the costs and find them to be in line with similar design and construction costs and support approval of this agreement.

**FISCAL IMPACT:**

None