



Meeting Agenda

Location:

Village Hall -
10631 Main Street
Roscoe, IL 61073

Committee of the Whole

Tuesday, September 02, 2025
[immediately following Village Board Meeting]

CALL TO ORDER**ROLL CALL****APPROVAL OF THE MINUTES**

- 1. Approval of the Minutes** for the meeting of the Committee of the Whole from **August 19, 2025.**

PUBLIC COMMENT (limited to 3 minutes per speaker)**OLD BUSINESS****NEW BUSINESS**

- 2. Discussion and Recommendation of a Map Amendment from the CR: Retail and Service Commercial District to the R1: Single Family Residential District** for properties commonly known as **12052 Joncey Drive** (PIN: 04-28-477-005) and **12126 Joncey Drive** (04-28-477-004).
[Applicant: Amy Silvestri representing McCurdy Family]

ZBA recommends approval voting 7-0-0 on August 13, 2025

- 3. Discussion and Recommendation of a Replat** for the properties commonly known as **12052 Joncey Drive** (PIN: 04-28-477-005) and **12126 Joncey Drive** (04-28-477-004).
[Applicant: Amy Silvestri representing McCurdy Family]

- 4. Discussion and Recommendation** of establishing the authorized Number of Full-Time Employees and Corresponding Tiers for the Public Works Department

- 5. Discussion and Recommendation** of approving a **right-of-way (ROW) usage agreement** with Comcast of Illinois/Indiana/Ohio, LLC.

PUBLIC COMMENT (limited to 3 minutes per speaker)

Committee of the Whole Meeting
Meeting Agenda - September 02, 2025

PRESENTATIONS

EXECUTIVE SESSION (IF NECESSARY)

ADJOURNMENT



Meeting Minutes

Location:

Village Hall -
10631 Main Street
Roscoe, IL 61073

Committee of the Whole Meeting

Tuesday, August 19, 2025

CALL TO ORDER

ROLL CALL

PRESENT

Trustee William Babcock
Trustee John Broda
Trustee Dayne Mead
Trustee Justin Plock
Trustee Michael Sima
Trustee Michael Wright
Village President Carol Gustafson

APPROVAL OF THE MINUTES

Approval of the Minutes for the meeting of the Committee of the Whole from **August 6, 2025.**

Trustee Wright asked for a motion of the Approval of the Minutes for August 6, 2025.

Motion was made by Trustee Broda, second by Trustee Plock. Voting yes: Trustees Babcock, Plock, Mead, Sima, Wright, Broda 6-0-0.

PUBLIC COMMENT (limited to 3 minutes per speaker)

No Public Comments.

OLD BUSINESS

No Old Business.

NEW BUSINESS

- 1. Discussion and Recommendation** of declaring certain **equipment and personal property as surplus**, and authorizing its sale or disposition [Obsolete Computers & Electronic Equipment]

Joe Kurlinkus stated that this is mostly electronic equipment piling up from the Village and the Police Department for several years. Items will be recycled, donated or auctioned depending on their value.

Motion was made to move to the Board.

Motion was made by Trustee Plock, second by Trustee Broda. Voting yes: Trustees Plock, Babcock, Sima, Mead, Broda, Wright 6-0-0.

2. Discussion and Recommendation to amend the wage schedule for Public Works Part Time Summer Employees.

Troy Taylor Public Works Supervisor stated the Village adjusted the pay for summer Public Works employees due to minimum wage increase.

Non-skilled: \$15.00 to \$17.00/hour

Skilled: \$17.01 to \$19.99/hour

Motion was made to move to the Board by Trustee Plock, second by Trustee Broda. Voting yes: Trustees Wright, Broda, Sima, Babcock, Plock, Mead 6-0-0.

3. Discussion and Recommendation of Approval of the Tentative and Final **Plat 3 of Glenwood Estates**.

Joe Kurlinkus Village Administrator stated that this is the non-territorial annexation that was done a few years ago. This was designed to be a multiple lot subdivision. The developer revised the multiple lots to two large lots.

The development agreement has been updated for the sewer cost-sharing, and the Village will still receive the same amount of contribution that was stated in the beginning as a one lump sum.

Brandon Boggs Village Engineer stated that in the previous plans for this development there was discussion to connect the sewer line into Chantelle Lane. He stated that he had spoken with Village Staff, Roscoe Township and the Developer and they decided that there was no benefit to connect. He stated that there is no reason not to move forward.

Joe Kurlinkus stated that the easements would be vacated due to reducing of lot count.

Motion was made to move to the Board by Trustee Plock, second by Trustee Broda. Voting yes: Trustees Sima, Wright, Broda, Plock, Babcock, Mead 6-0-0.

4. Discussion and Recommendation for **Approval of a Variance** request to waive the requirement for perimeter landscaping and setback of a parking expansion located at **13548 Metric Road** (PIN: 04-16-351-008).

[Applicant: Austin Bunge representing Mark's Auto Service]

ZBA Recommends Approval Voting 7-0-0 on August 13, 2025

Joe Kurlinkus stated this was in front of the ZBA Board on August 13, 2025. Village code requires extensive landscaping requirements; the Board approved a waiver for landscaping and setback requirements. allowed zero-line setback to accommodate business operations.

Motion was made to move to the Board by Trustee Broda, second by Trustee Sima. Voting yes: Trustees Wright, Broda, Mead, Sima, Plock, Babcock 6-0-0.

5. Discussion and Recommendation of Approval of a Text Amendment revising the Village of Roscoe Zoning Ordinance Sec. 15-175 related to Land Divisions and Article III - Residential District Regulations of the Village Code of Ordinances.

ZBA Recommends Approval Voting 7-0-0 on August 13, 2025

Joe Kurlinkus stated this will allow for townhomes to be a new zoning district for townhomes. this will be designed for multifamily type townhomes properties. It will enable individual ownership and mortgage eligibility for attached single family units and be broken into separate parcels. He stated that another change that's in this code is the process for minor subdivision, (Plat act), which will be a review process for minor land divisions to prevent non-conforming properties.

Motion was made to move to the board by Trustee Plock, second by Trustee Sima. Voting yes: Trustees Mead, Broda, Plock, Babcock, Sima, Wright 6-0-0.

6. Discussion and Recommendation for Approval of a Text Amendment revising the Village of Roscoe Zoning Ordinance Article VII of Chapter 155 relating to Accessory Structures and Accessory Buildings of the Village Code of Ordinances.

ZBA Recommends Approval Voting 7-0-0 on August 13, 2025

Joe Kurlinkus stated that this is a cleanup to clarify enforcement and definition in zoning code requirements. This particular text amendment is for the accessory structures and pools, which will exempt inground swimming pools from square footage limits larger than 200 square feet. You must still obtain all the proper permits and follow the guidelines.

Motion was made to move to the board by Trustee Sima, second by Trustee Plock. Voting yes: Broda, Wright, Sima, Babcock, Mead, Plock 6-0-0.

7. Discussion and Recommendation of amendments to Village's Purchasing Policy.

Trustee Sima stated that there needs to be more communication between the Village President and Village Administrator with the Board. He is proposing reducing purchasing authority from \$5000. to \$2500. There has been debate over transparency and operational efficiency.

President Gustafson stated that reducing spending doesn't allow day to day functioning. Costs have escalated. There is a lot of oversight as it currently exists in the budget.

Motion was made by Trustee Sima, second by Trustee Plock. Voting yes: Trustees Broda, Sima, Wright, Plock, Mead. Voting No: Trustee Babcock 5-1-0.

8. **Discussion of design work in the amount of \$3,500** as itemized on the Place Foundry Design invoice (dated July 30, 2025) approved by the Village Board, for an **EV charging station at the Hodges Run** parking lot.

Trustee Sima stated that when the board asked for a detailed bill for Place Foundry, he noticed a charge for \$3500. for and EV Design which he stated when the board voted on it, they were not aware of that being in the packet.

Joe Kurlinkus stated that the Village did not request it. He stated that he spoke with Place Foundry, and they will not be billing us for the EV Design. Mr. Kurlinkus stated that Joe Anderson from Place Foundry Designs will be at the next board meeting to discuss plans for Hodges Run parking lot.

PUBLIC COMMENT (limited to 3 minutes per speaker)

Terry Brock asked the board to look into a loudspeaker system so he could hear better. He stated that when there are a lot of people that attend the meetings it is difficult to hear.

Joe Kurlinkus stated that there are microphone systems for the board which he will set them up to make it easier to hear.

John Hamaker is one of the developers for Glenwood Estates just wanted to thank the board. His son and daughter in law are physicians that just accepted contracts at North Point. He stated that his son and daughter in law felt that it was very important to be in their community and be close to the people they were going to be with.

PRESENTATIONS

President Gustafson asked who is going to guide the Business Alliance for free?

Trustee Wright stated that there is a group out there. He stated he will not disclose this information at this time unless it is voted on.

EXECUTIVE SESSION (IF NECESSARY)

No Executive Session.

ADJOURNMENT

Trustee Wright asked for a motion to Adjourn the meeting.

Motion was made by Trustee Plock, second by Trustee Broda. Voting yes: Trustees Plock, Wright, Mead, Sima, Babcock, Broda 6-0-0.

Meeting Adjourned at 7:53 pm.

Zoning Board of Appeals Meeting of August 13, 2025

Application No. ZBA 2025-017

Applicant: Amy L. Silvestri

Location: 12052 Joncey Dr (04-28-477-005) and 12126 Joncey Dr (04-28-477-004)

Requested Action: A zoning map amendment to change the zoning of the subject properties from CR to R1

Existing Use: Vacant Land

Proposed Use: Single Family Residential

Existing Zoning: CR (Retail and Service Commercial)

Adjacent Zoning:

North: R1

East: CR (contiguous) and R1

South: RR (Roscoe Township)

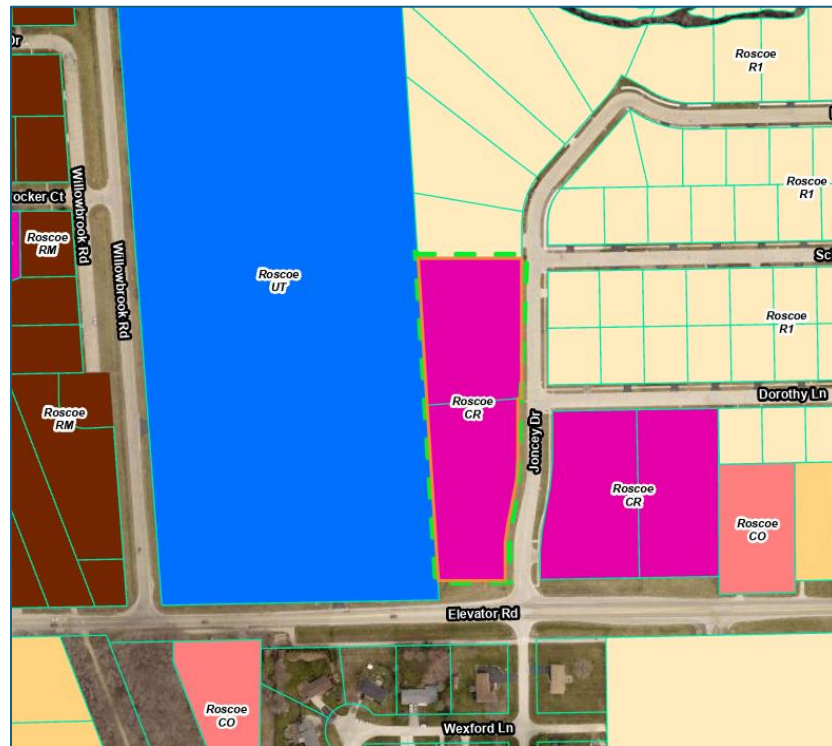
West: UT

Description: The applicant is requesting a zoning map amendment for the lots at 12052 Joncey Dr (04-28-477-005) and 12126 Joncey Dr (04-28-477-004). This would change two lots in the Kinnikinnick Creekside plat from CR (Retail and Service Commercial) zoning to R-1 (Single Family Residential) zoning. The two existing lots are currently vacant.. The rezoning would redesignate the two parcels for residential development, based on the R-1 (Single Family Residential) Zoning District standards, as shown below in the table below:

	District Standards
Lot Size	9,500 square feet
Lot Width	75 linear feet
Lot Depth	125 linear feet
Front Setback	30 feet
Side Setback	10 feet
Rear Setback	30 feet

Immediately following the rezoning, the ZBA will consider a proposed land division in conformance with the Single Family Residential Zoning District for the subject property.

Zoning Map Excerpt - Subject property is outlined in green



Staff Review: The proposed Zoning Map Amendment would allow for the future division of the two larger lots into six smaller lots accommodating single family residences. R-1 Single Family Residential zoning would match the existing pattern of R-1 zoned lots that are adjacent to the two lots. They would also match the residential character of the rest of the Kinnikinnick Creekside Subdivision.

Zoning Map Amendment Procedure: A zoning map amendment (rezoning) is a change to the zoning district on the zoning map. Section 15-779, Map Amendments and Text Amendments, outlines the procedures for zoning map amendments. The ZBA must hold a public hearing for each proposed amendment. Within 45 days following the public hearing, the ZBA must make a specific finding as to whether the change is consistent with the purpose and intent of the zoning ordinance and the Village's comprehensive plan. The concurring vote of four members of the ZBA is necessary to recommend the map amendment to the Village Board.

Required Findings by the Zoning Board of Appeals:

Staff has provided suggested findings for use by the ZBA.

The Zoning Board of Appeals finds that the proposed zoning map amendment is consistent with the purpose and intent of the zoning ordinance and the Village's comprehensive plan, because the proposed R-1 Single Family Residential zoning would match the existing pattern of R-1 zoning on adjacent properties. The proposed R-1 zoning would also match the residential character of the rest of the Kinnikinnick Creekside Subdivision.

Staff Recommendation: Staff recommends **approval** of the requested zoning map amendment, including the recommended findings of fact.



10631 MAIN STREET
PHONE: 815-623-2829 FAX: 815-623-1360

ZONING BOARD of APPEALS APPLICATION

GENERAL INFORMATION

Applicant

Name: Attorney Amy L. Silvestri

Address: 2208 Charles Street, Rockford, Illinois 61104

Phone: [REDACTED] Email [REDACTED]

Applicant's Interest in Subject Property: Attorney for the Owners

Owner (if different from Applicant)

Name: See Attached Exhibit A

Address: _____

Phone: _____ Email _____

SUBJECT PROPERTY

Address of Property: 12052 and 12126 Joncey Drive, Roscoe, IL 61073

Current Zoning Classification of Property: CR

UT R1 R2 RR MRD RM PUD CPD CR CG CH CO IL IG IH F C P

Other _____

If a Special Use Permit has been previously issued, describe here, including date of issuance:

Not Applicable

Legal Description of Property (attach copy of deed) or legal.
See Attached Exhibit B

Property Identification Number (PIN): 0428477005 and 0428477004

Township: Roscoe

Is title to the subject Property held in a land trust?

☐

Yes

☒

No

Trust No. _____

If yes, full disclosure of all trustees and beneficiaries is required: (use separate sheet)

Requested Action (check as many as are applicable)

☐

Variation

☐

Special Use Permit

☒

Map Amendment

☐

Text Amendment

☐

Zoning Appeal

☒

Other (specify) Replat

Describe and explain reason for requested action: (use separate sheet if necessary)

Owners would like to change the 2 Commercial Retail lots into 6 single family

Residential lots (See Exhibit C, attached)

Consultants

Please provide on a separate sheet the name, address, and phone number of each consultant or professional advising Applicant with respect to this Application (including without limitation, architects, engineers, surveyors, planners and attorneys)

Village Officials or Employees

Does any official or employee of the Village have an interest, either directly or indirectly, in the Subject Property? Yes ☐ No ☒

Repeat Application

Has any other zoning application for the Subject Property been submitted to the Village and denied in the past year? Yes ☐ No ☒

(If yes, attach a statement of the grounds justifying reconsideration.)

Required Submittals

Ten (10) sets of all submittals and data required under the relevant provisions of the Zoning Ordinance shall accompany this application. Must include detailed site plan.

Certifications

The Applicant and Owner certify that this Application is filed with the permission and consent of the Owner of the Subject Property and that the person signing this Application is fully authorized to do so.

The Applicant certifies that all information contained herein (including the accompanying submittals and data) is true and correct to the best of the Applicant's knowledge.

The Applicant acknowledges that the Village may seek additional information relating to this Application and agrees to provide the Village with such information in a timely manner. Failure to provide the Village with such information may be grounds for denying the application.

The Applicant agrees that the Village its representatives have the right and are hereby granted permission and a license, to enter upon the Subject Property, and into any structure located thereon, for purpose of conducting any inspection that may be necessary in connection with the Village's consideration of this Applicant.

Amy L. Silvestri

Amy L. Silvestri Attorney in Fact for All Owners

[Redacted Signature]

[Redacted Signature]

Signature of Applicant

Signature of Owner

July 1, 2025

July 1, 2025

Date

Date

FOR OFFICE USE ONLY

Fee _____

Date Filed _____

Legal Published _____

Receipt Number _____

Newspaper _____

Date Hearing Scheduled _____

Date Legal Posted _____

Staff Signature / Date _____

Exhibit A
Owners

GERALD L. MCCURDY, Trustee
The Gerald L. McCurdy Living Trust No. 510, Dated May 10, 2000
1896 Krupke Road
Caledonia, Illinois 61011

Barbara J. McCurdy, Trustee
The Barbara J. McCurdy Living Trust No. 510, dated May 10, 2000
1896 Krupke Road
Caledonia, Illinois 61011

David Edward Mccurdy
3523 Roscoe Road
Rockton, Illinois 61072

Floyd Laverne Mccurdy
1912 Krupke Road
Caledonia, Illinois 61011

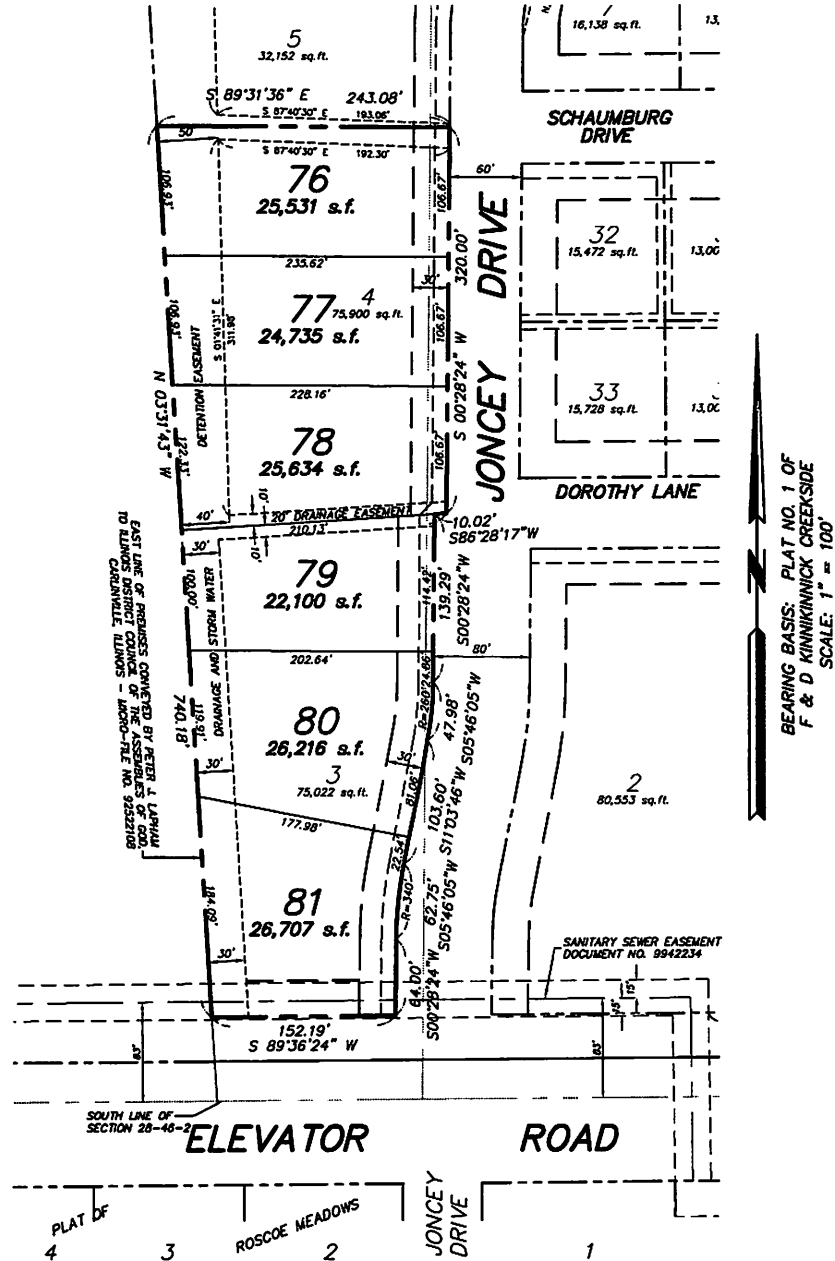
Lorraine E. Mccurdy
1912 Krupke Road
Caledonia, Illinois 61011

Exhibit B**Legal Description**

Lots Three (3) and Four (4) as designated upon Final Plat No. 2 of F & D Kinnikinnick Creekside, being a Subdivision of part of the Southwest Quarter (1/4) of Section 27 and part of the Southeast Quarter (1/4) of Section 28, all in Township 46 North, Range 2 East of the Third Principal Meridian, the Plat of which Subdivision is recorded in Book 47 of Plats on Page 178 in the Recorder's Office of Winnebago County, Illinois; situated in the County of Winnebago and State of Illinois.

Exhibit C

EXHIBIT FOR
REPLAT OF LOTS 3 & 4 OF FINAL PLAT NO. 1
OF
F & D KINNIKINNICK CREEKSIDE
VILLAGE OF ROSCOE WINNEBAGO
COUNTY, ILLINOIS



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PREPARED BY:
R.K. JOHNSON & ASSOCIATES, INC.
 CONSULTING CIVIL ENGINEERS - LAND SURVEYORS
 1515 WINDSOR ROAD, LOVES PARK, ILLINOIS 61111
 (815) 633-5097 FAX (815) 633-4593
 www.rkjohasooassociates.com
 ILLINOIS PROFESSIONAL DESIGN FIRM LICENSE NO. 184-004994
 OCTOBER 1, 2024 JOB NO. 11559

**12126 JONCEY DR**

Pin	Alt.Pin	Property Size
0428477004	null	Sq. Feet: 74807 Acres: 1.72
Legal Description F & D KINNIKINNICK CREEKSIDE PT SW1/4 SEC 27 & PT SE1/4 SEC 28-46-2 LOT 4		

Property Use

Use Code	Description
0039	Pref Asd Res(not1/3)10-30

Zoning Info

ZoningClass: CR
ZoningDesc: Retail and Service Commercial District

Township Info

Township	Assessor Name
ROSCOE	Cindy Servant

School District

SCHOOLDIST: Hononegah High School Dist #207
GRADESCHOOL: Kinnikinnick School Dist #131

Fair Market Values

Year	Fair Market Value	Total Tax Bill	Code
2024	\$440.00	\$0.00	189

Exemptions

No exemptions to display.

Sale History

No sale history data to display.

Flood Hazard Zones

Flood Zone Type	In/Out
X	Out



12052 JONCEY DR

Pin	Alt.Pin	Property Size
0428477005	null	Sq. Feet: 75117 Acres: 1.72
Legal Description F & D KINNIKINNICK CREEKSIDE PT SW1/4 SEC 27 & PT SE1/4 SEC 28-46-2 LOT 3		

Property Use

Use Code	Description
0059	Pref Asd Com(not1/3)10-30

Zoning Info

ZoningClass: CR
ZoningDesc: Retail and Service Commercial District

Township Info

Township	Assessor Name
ROSCOE	Cindy Servant

School District

SCHOOLDIST: Hononegah High School Dist #207
GRADESCHOOL: Kinnikinnick School Dist #131

Fair Market Values

Year	Fair Market Value	Total Tax Bill	Code
2024	\$440.00	\$0.00	189

Exemptions

No exemptions to display.

Sale History

No sale history data to display.

Flood Hazard Zones

Flood Zone Type	In/Out
X	Out

Consultants

Thomas Eddie
R. K. Johnson & Associates, Inc.
1515 Windsor Road
Loves Park, Illinois 61111
815-633-5097

Affidavit - Proof of Publication

STATE OF WISCONSIN }
 Rock County } SS.

Planning and Community Development Department

LEGAL NOTICE: ZONING BOARD OF APPEALS, ROSCOE, IL
 Public notice is hereby given pursuant to a petition on file in the
 Village Clerk's office of the Village of Roscoe, that a public hearing
 will be held on August 13, 2025 at 5:30 PM at Roscoe Village Hall,
 10631 Main Street, Roscoe, Illinois, relative to a requested Zoning
 Map Amendment for the property located at 12052 and 12126
 Jonecy Drive to change the zoning from CR Retail and Service
 Commercial District to R1 One-Family Residential District. All
 interested persons are invited to attend said hearing and be heard.
 Respectfully submitted, Jackie Mich
 Consulting Zoning Administrator, Village of Roscoe, IL.
 Dated this 23 rd day of July
 July 28, 2025

WNAXLP

Josh Anselmi being duly sworn deposes and says that
 he/she is the principal clerk of Adams Publishing Group
 of Southern Wisconsin, publishers of **Beloit Daily News**,
BeloitDailyNews.com, a newspaper published in Rock
 County, and that a notice, printed copy of which taken from
 said newspaper, is hereunto attached, was published in said
 newspaper on the following dates:

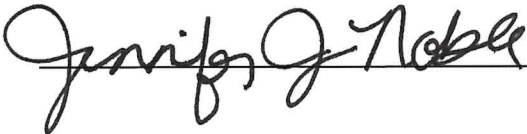
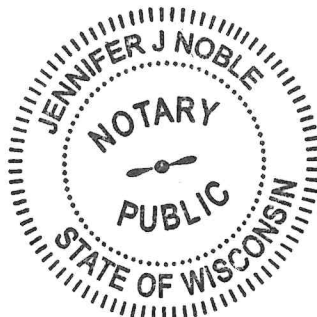
07/28/25Publishing Fees: **\$19.16**

Signature:



Subscribed and sworn to before me
 this **28th day of July, A.D. 2025**

Notary Public


My Commission Expires: **3/9/27**

Zoning Board of Appeals Meeting of August 13, 2025

Application No. ZBA 2025-018

Applicant: Amy L. Silvestri

Location: 12052 Joncey Dr (04-28-477-005) and 12126 Joncey Dr (04-28-477-004)

Requested Action: Replat of two existing commercial lots to create six residential lots

Existing Use: Vacant Land

Proposed Use: Single Family Residential

Existing Zoning: CR (Retail and Service Commercial)

Adjacent Zoning:

North: R1

East: CR (contiguous) and R1

South: RR (Roscoe Township)

West: UT

Description: The applicant is requesting to divide the lots at 12052 Joncey Dr (04-28-477-005) and 12126 Joncey Dr (04-28-477-004). This would be a division of the two lots into six lots in the Kinnikinnick Creekside plat. This would redesignate the two parcels as available for further residential development, based on the R-1 Single Family Residential Zoning District standards, as shown in the table below:

	District Standard	Proposed
Lot Size	9,500 square feet	22,100 to 26,707 square feet
Lot Width	75 feet	106 to 152 feet
Lot Depth	125 feet	152 to 243 feet
Development Setback Standards		
Front Setback	30 feet	Able to accommodate
Side Setback	10 feet	Able to accommodate
Rear Setback	30 feet	Able to accommodate

As seen above, the proposed land division would conform to the Single Family Residential Zoning District requirements.

Staff Review: The land division would allow for six smaller lots that would allow single family residences to occupy the land, following a rezoning to R-1, if approved by the Village. Single family residential lots of this size would match the existing pattern of larger lot single family homes that are

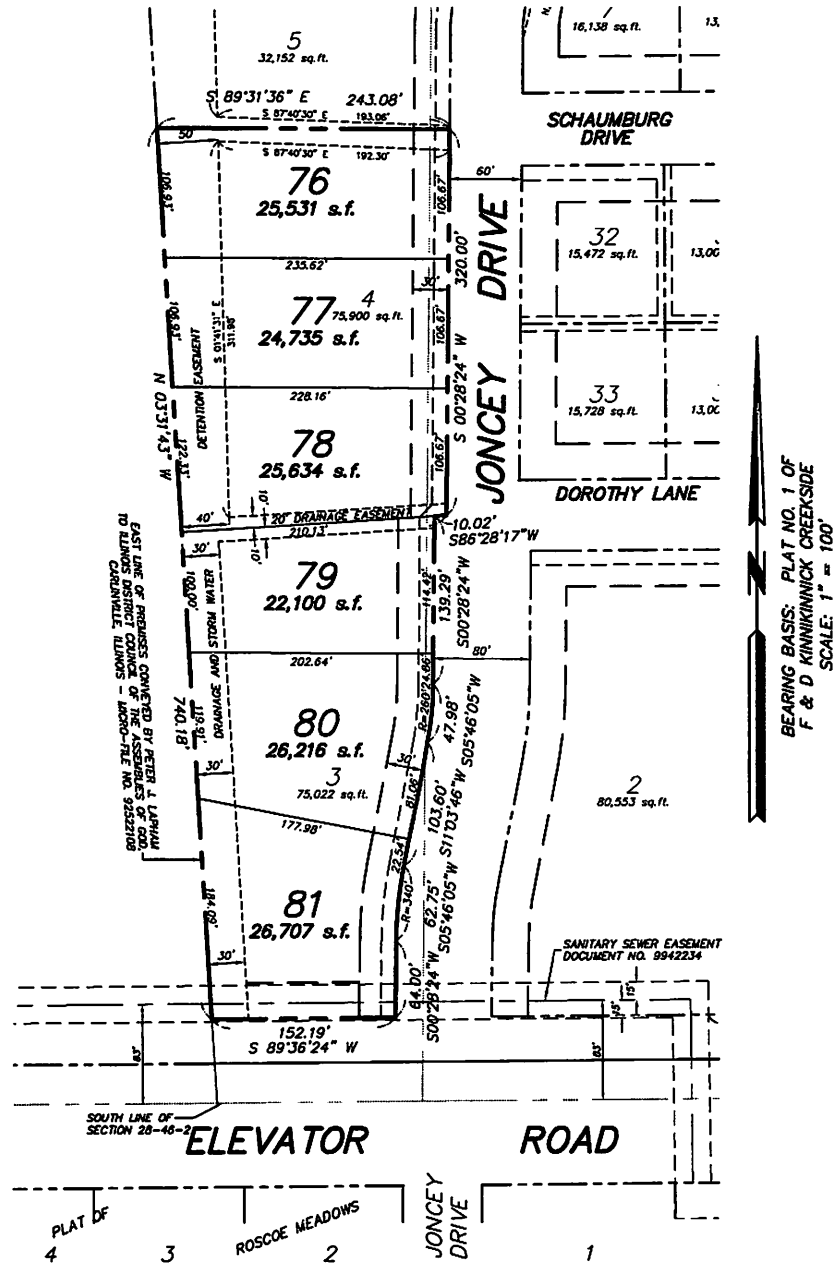
adjacent to the two lots. They would also match the mostly residential character of the rest of the Kinnikinnick Creekside Subdivision.

Staff notes that at the time of development, the driveway for Lot 81 (on Joney Drive) should be located as far north as possible in order to provide adequate spacing from Elevator Road.

Staff Recommendation: Staff recommends **approval** of the requested land division, subject to the following conditions:

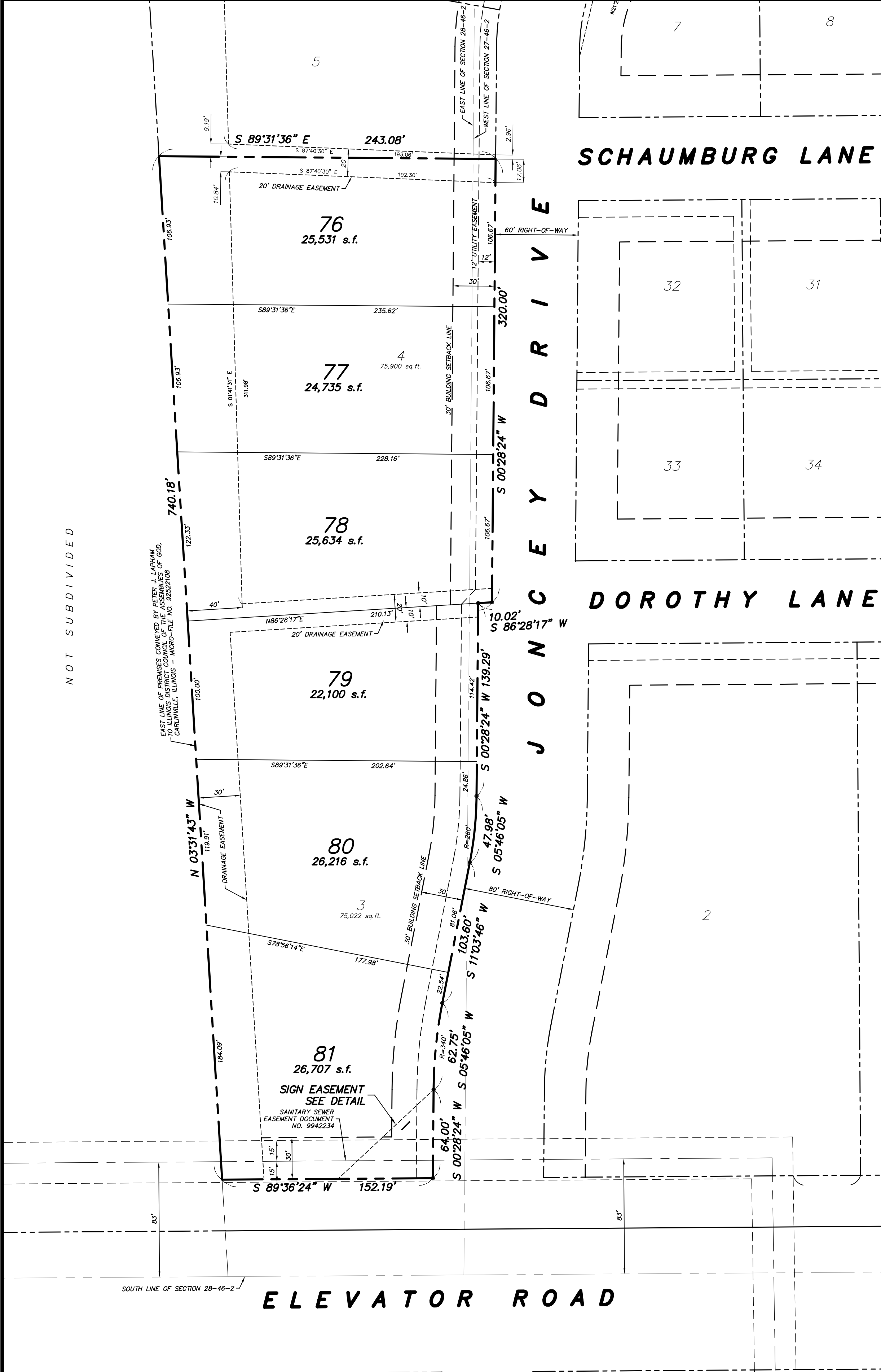
1. The future driveway for Lot 81 on Joney Drive should be placed as far north from Elevator Road as possible.
2. Applicant shall submit an official plat drawing (i.e., recordable by the County) for review by the Village Engineer.
3. The proposed land division is subject to approval by the Village Engineer.
4. Applicant shall modify the proposed land division drawing to include an easement for the existing “Kinnikinnick Creekside” subdivision sign abutting the public right-of-way to ensure access from the road to the sign for future maintenance.

EXHIBIT FOR
REPLAT OF LOTS 3 & 4 OF FINAL PLAT NO. 1
OF
F & D KINNIKINNICK CREEKSIDE
VILLAGE OF ROSCOE WINNEBAGO
COUNTY, ILLINOIS



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PREPARED BY:
R.K. JOHNSON & ASSOCIATES, INC.
 CONSULTING CIVIL ENGINEERS - LAND SURVEYORS
 1515 WINDSOR ROAD, LOVES PARK, ILLINOIS 61111
 (815) 633-5097 FAX (815) 633-4593
 www.rkjohasooassociates.com
 ILLINOIS PROFESSIONAL DESIGN FIRM LICENSE NO. 184-004994
 OCTOBER 1, 2024 JOB NO. 11559



FINAL PLAT NO. 4
OF
F & D KINNIKINNICK CREEKSIDE
BEING A SUBDIVISION OF PART OF THE SOUTHWEST
QUARTER OF SECTION 27, TOWNSHIP 46 NORTH,
RANGE 2 EAST OF THE THIRD PRINCIPAL MERIDIAN

VILLAGE OF ROSCOE
WINNEBAGO COUNTY, ILLINOIS
AUGUST 2025
GRAPHIC SCALE

1 inch = 50 ft.

An easement is hereby reserved for and granted to the designated governmental bodies and public utilities or cable television companies with the necessary authorizations and/or franchises and their respective successors and assigns within the area as shown by dashed lines on the plat and marked "Easement", to install, lay, construct, renew, operate and maintain storm and sanitary sewers, pipes, conduits, cables, poles and wires, overhead and underground, with all necessary bracing, guys, anchors and other equipment for the purpose of serving the subdivision and other properties with telephone, electric, gas and other utility service or cable television service; also is hereby granted, the right to use the streets for said purposes, the right to overhead wires to serve adjacent lots, the right to enter upon the lots at all times to install, lay, construct, renew, operate and maintain within said easement area said storm and sanitary sewers and water lines, cables, poles, wires, bracing, guys, anchors and other equipment and finally the right is hereby granted to cut down and remove or trim and keep trimmed any trees, shrubs or saplings that interfere with any of the said public utility equipment or cable television equipment installed on said easement. No permanent buildings or trees shall be planted on said easement, but same may be used for purposes that do not then or later interfere with the aforesaid uses or rights herein granted.

If the grade of the subdivision property must be so altered or if private storm and sanitary sewer facilities require that the underground utility or cable television equipment be moved or otherwise altered, the property owners, their respective successors and assigns shall reimburse the utility company or cable television company for the necessary expense involved.

The maintenance of the drainage and storm water detention easement shall be the sole responsibility of the individual property owner. The finished grade of the easements shall not be landscaped, altered, or encroached upon by filling, grading or construction of surface improvements that obstruct or redirect the flow of water, nor shall any buildings or structures be erected within this easement.

An easement for serving the subdivision and other property with electric and communications service is hereby reserved for and granted to COMMERCIAL EDISON COMPANY and SBC, GRANTEES, their respective licensees, successors and assigns, jointly and severally, to construct, operate, repair, maintain, modify, reconstruct, replace, supplement, relocate and remove, from time to time, poles, guys, anchors, wires, cables, conduits, manholes, transformers, pedestals, equipment cabinets or other facilities used in connection with overhead and underground transmission and distribution of electricity, communications, sounds and signals in, over, under, across, along and upon the surface of the property shown within the dashed or dotted lines (or similar designation) on the plat and marked "Easement", "Utility Easement", "Public Utility Easement", "P.U.E." (or similar designation), the property designated in the Declaration of Condominium and/or on this plat as "Common Elements", and the property designated on the plat as "common area or areas", and the property designated on the plat for streets and common area or areas to serve improvements thereon, on an adjacent lot, and common area or areas, the right to cut, trim or remove trees, bushes, roots and saplings and to clear obstructions from the surface and subsurface as may be reasonably required incident to the rights herein given, and the right to enter upon the subdivided property for all such purposes. Obstructions shall not be placed over Grantees' facilities or in, upon or over the property within the dashed or dotted lines (or similar designation) marked "Easement", "Utility Easement", "Public Utility Easement", "P.U.E." (or similar designation) without the prior written consent of Grantees. After installation of any such facilities, the grade of the subdivided property shall not be altered in a manner so as to interfere with the proper operation and maintenance thereof.

The term "Common Elements" shall have the meaning set forth for such term in the "Condominium Property Act", Chapter 765 ILCS 605/2, as amended from time to time.

The term "common area or areas" is defined as a lot, parcel or area of real property, the beneficial use and enjoyment of which is reserved in whole as an appurtenance to the separately owned lots, parcels or areas within the planned development, even though such be otherwise designated on the plat by terms such as "outlots", "common elements", "open space", "open area", "common ground", "parking" and "common areas". The term "common area or areas" and "Common Elements" include real property surfaced with interior driveways and walkways, but excludes real property physically occupied by a building, Service Business District or structure such as a pool, retention pond, or mechanical equipment.

Relocation of facilities will be done by Grantees at cost of the Grantor/Lot Owner, upon written request.

An easement is hereby reserved for and granted to NICOR, INC., its successors and assigns to install, operate, maintain, repair, replace and remove, facilities used in connection with the transmission and distribution of natural gas in, over, under, across, along and upon the surface of the property shown on this plat marked "Easement", "Common Area or Areas" and streets and alleys, whether public or private, and the property designated in the Declaration of Condominium and/or on this plat as "Common Elements", together with the right to install required service connections over or under the surface of each lot and Common Area or Areas to serve improvements thereon, on an adjacent lot, and Common Area or Areas, and to serve other property, adjacent or otherwise, and the right to remove obstructions, including but not limited to, trees, bushes, roots and fences, as may be reasonably required incident to the rights herein given, and the right to enter upon the property for all such purposes. Obstructions shall not be placed over NICOR facilities or in, upon or over the property identified on this plat for utility purposes without the prior written consent of NICOR. After installation of any such facilities, the grade of the property shall not be altered in a manner so as to interfere with the proper operation and maintenance thereof.

The term "Common Elements" shall have that meaning set forth for such term in Section 605/2(c) of the "Condominium Property Act" (Illinois Compiled Statutes, Ch. 765, Sec. 605/2(c)), as amended from time to time.

The term "Common Area or Areas" is defined as a lot, parcel or area of real property, including real property surfaced with interior driveways and walkways, the beneficial use and enjoyment of which is reserved in whole as an appurtenance to the separately owned lots, parcels or areas within the property, even though such areas may be designated on this plat by other terms.

General Notes

- The future driveway for Lot 81 on Joney Drive should be placed as far North from Elevator road as possible.
- Direct vehicular access shall not be allowed to Elevator Road (County Highway 8) from Lot 81.

SIGN EASEMENT DETAIL
SCALE: 1" = 20'

Diagram showing the location of Lot 81, Joney Drive, Elevator Road, and the proposed sign easement. The easement is shown as a dashed line with a width of 12' and a depth of 30'. The easement is located on the north side of Elevator Road, adjacent to Lot 81. The easement is shown as a dashed line with a width of 12' and a depth of 30'. The easement is located on the north side of Elevator Road, adjacent to Lot 81.

LEGAL DESCRIPTION:

I hereby certify that at the request of the owners, I have re-surveyed and re-subdivided according to the attached Final Plat No. 4 of F & D Kinnikinnick Creekside, Lots Three (3) and Four (4) as designated upon Final Plat No. 1 of F & D Kinnikinnick Creekside, being a subdivision of Quarter of Section 28, all in Township 46 North, Range 2 East of the Third Principal Meridian, the plat of which subdivision is recorded in Book 44 of Plats on Page 129B in the Recorder's Office of Winnebago County, Illinois. Situated in the County of Winnebago and State of Illinois. Containing 3.46 Acres.

I further certify that this plat is situated within 1 1/2 miles of the corporate limits of a city which has adopted a city plan and is exercising the special powers authorized by Division 12 of Article II of the Illinois Municipal Code, as now or hereafter amended, and that a part of the property covered by this plat is situated within a special flood hazard area as identified by the Federal Emergency Management Agency for Winnebago County, Illinois on Community-panel numbers 17201C0161D and 17201C0142D dated September 6, 2006.

Dimensions are given in feet and decimals of a foot unless otherwise noted. Iron pins 3/4-inch in diameter and 4 feet long have been found or set at all points marked with a solid dot, and iron pins 5/8-inch in diameter and 3 feet long have been found or set at all other lot corners except as noted. All dimensions along curved lines are chord distances unless otherwise noted.

Given under my hand and seal this _____ day of _____, 20____.

Thomas R. Eddie
Illinois Professional Land Surveyor
No. 3635
(Exp. 11-30-26)

As owners, we hereby certify that we have caused the land described in the foregoing affidavit of the surveyor, to be surveyed, divided, and mapped as presented on this plat. All streets, alleys, walkways, parks, playgrounds and school sites shown on this plat are hereby dedicated to the public for public purposes, and all easements shown are subject to the Easement Provisions hereon. We further certify that there are no liens or encumbrances on the property contained in this plat except best of our knowledge, this land is situated in Kinnikinnick Community Consolidated School District #131 and Hononegah Community High School District #207 in Winnebago County, Illinois.

Owner: _____
Owner: _____
Owner: _____
Owner: _____
Owner: _____
Owner: _____

I, _____ a Notary Public in and for the County of Winnebago in the State of Illinois, do hereby certify that _____, personally known to me to be the same person(s) whose name(s) is (are) subscribed to the foregoing instrument, appeared before me this day in person and (severally) acknowledged that he (they) signed, sealed and delivered said instrument as his (their) free and voluntary act for the uses and purposes therein set forth.

Given under my hand and Notary Seal this _____ day of _____, 20____.

Notary Public

We hereby certify that to the best of our knowledge and belief, the drainage of surface water will not be changed by the construction of this subdivision or any part thereof, or that if such surface water drainage will be changed, adequate provision has been made for the collection and diversion of such surface waters into water retention areas, public areas, or drains which the subdivider has the right to use, and that such surface waters will not be deposited on the property of adjoining lands in such concentrations as may cause damage to the adjoining property because of the construction of the subdivision.

Registered Professional Engineer _____ Owner or Duty Authorized Attorney _____

Date _____ Date _____

I hereby certify that I have received an approved drainage study for the property embraced within the attached Final Plat No. 4 of F & D Kinnikinnick Creekside. Construction plans have been submitted and approved, and all public improvements have been built as required, or security in sufficient amount has been provided for this construction.

Dated this _____ day of _____, 20____.

Village Engineer _____

Having reviewed the recommendations of the Planning Commission, and finding substantial conformity with all pertinent laws, rules, and regulations including this Ordinance and the tentative Plat of this subdivision as conditionally approved, this Plat is given final approval this _____ day of _____, 20____.

Village Plat Officer _____

This is to certify that the Village of Roscoe has reviewed the attached Final Plat No. 4 of F & D Kinnikinnick Creekside. In witness whereof, I have hereto set my hand this _____ day of _____, 20____.

President of the Village Board _____

This is to certify that the Village Board of the Village of Roscoe did, at its meeting on the _____ day of _____ A.D., 20____, approve of the Plat and authorize it to be recorded.

In witness whereof, I _____ Village Clerk of the Village of Roscoe hereunto set my hand and affixed the seal of said Village of Roscoe, this _____ day of _____ A.D., 20____.

Village Clerk _____

I, _____ County Clerk of Winnebago County in the State of Illinois, do hereby certify that I find no delinquent general taxes, unpaid current general taxes, delinquent special assessments or unpaid current special assessments against the lands embraced within Final Plat No. 4 of F & D Kinnikinnick Creekside. In witness whereof, I have hereunto set my hand and seal of the county of Winnebago this _____ day of _____, 20____.

County Clerk _____

Filed for record this _____ day of _____, 20____ at _____ o'clock _____ M., recorded in Book _____ of Plats, page _____ and examined.

County Recorder _____

Document Number _____

OWNERS:
GERALD L. MCCURDY, as Trustee of The Gerald L. McCurdy Living Trust No. 510, Dated May 10, 2000
Barbara J. McCurdy as Trustee of the Barbara J. McCurdy Living Trust No. 510, dated May 10, 2000
F. LaVerne McCurdy
Lorraine McCurdy
David McCurdy
1912 KRUPKE ROAD
CALEDONIA, ILLINOIS 61011

LOCATION MAP

PREPARED BY:
R.K. JOHNSON & ASSOCIATES, INC.
CONSULTING CIVIL ENGINEERS - LAND SURVEYORS
1515 WINDSOR ROAD LOVES PARK, ILLINOIS 61111
(815) 633-5097 - www.rkjohnsonassociates.com
ILLINOIS PROFESSIONAL DESIGN FIRM LICENSE NO. 184-004994
AUGUST 27, 2025 JOB NO. 11559

VILLAGE OF ROSCOE

AGENDA ITEM - STAFF REPORT



Item # 4.

Agenda Item: Establishing the Number of Full-Time Employees and Corresponding Tiers for the Public Works Department

Date: 9/2/2025

Meeting: Committee of the Whole

Prepared by: Anne Hanson

Department: Public Works

Overview/Background Information

In 2023, the Village Board approved a three-tiered classification schedule for Public Works employees. The tier system was designed to align employee compensation with skill level, responsibilities, and organizational needs, while providing a structured framework for future workforce planning.

The Public Works Department currently employs seven (7) full-time staff members (this excludes Troy and Christine). Using the Board-approved classification schedule, tiers are determined based on employees' current hourly rates. Under this structure:

- Six (6) employees fall within Tier 2.
- One (1) employee falls within Tier 1.

No employees are currently classified within Tier 3.

Establishing authorized staffing levels and tiers for Public Works follows the same approach the Village uses with the Police Department, where the Board sets the number of officers, sergeants, and other positions. This ensures consistency across departments in how staffing levels are formally authorized and managed.

Action Required/Recommendation

Staff recommends formal authorization of seven (7) full-time positions within the Public Works Department, with employee placement in tiers as outlined above. This action will ensure consistency with the Board's previously adopted classification schedule and provide clarity for operational planning and budget administration.

Attachments

Resolution 2023-R57

**VILLAGE OF ROSCOE
RESOLUTION NO. 2023-R57**

A RESOLUTION OF THE VILLAGE OF ROSCOE ADOPTING REVISED JOB DESCRIPTIONS, CLASSIFICATION SCHEDULES, AND UPDATED WAGE SCALES FOR FULL-TIME EMPLOYEES OF THE VILLAGE OF ROSCOE PUBLIC WORKS DEPARTMENT

WHEREAS, there is a need to maintain accurate job descriptions for the employees of the Village as part of the Village's personnel policies and handbook; and

WHEREAS, currently, all full-time Employees of the Village's Public Works Department (excluding the Public Works Superintendent), are grouped into six job classifications and pay scales; and

WHEREAS, the current system of classification both restricts employees' opportunities to move upward within the department, and limits the Village's ability to fairly compensate and incentivize employees seeking to grow professionally in their positions as they acquire additional skills and responsibilities; and

WHEREAS, the President and Board of Trustees of the Village of Roscoe believe it to be in the best interest of the residents and citizens of the Village of Roscoe to adjust and simplify compensation scale for full-time employees Village of Roscoe Public Works Department;

WHEREAS, the President and Board of Trustees of the Village of Roscoe wish to amend sections of the Village's personnel handbook pertaining to the job descriptions and duties of the full-time employees of the public works department, to modify the current tiered employee classifications and related pay scales, and simplify the classifications to provide for more flexibility in the assignment of job descriptions while still recognizing the need to acknowledge and provide equitable compensation for progressively increasing skills, responsibilities, and supervisory duties; and

NOW THEREFORE, be it resolved by the President and Board of Trustees of the Village of Roscoe, Illinois, as follows:

SECTION 1: That the Village Employee Handbook is hereby amended to adopt the section entitled "**Public Works Department – Job Classifications (Full-Time)**", which shall be substantially similar in substance to those attached hereto as **Exhibit "A"**.

SECTION 2: That such handbook section shall become effective upon the passage of this resolution, and its inclusion into the Village's handbook.

Exhibit “A”
(Resolution 2023-R57)

Public Works Department – Job Classifications (Full-Time)

Full Time Classifications

PW 1:

0-3 years' experience

High school diploma or equivalent

Valid Illinois commercial driver's license (CDL) class B with air brake endorsement

Basic knowledge of building trades

Basic maintenance (mowing, trimming, mechanical)

Basic snow removal

\$20.00 - \$25.00

PW 2:

Everything with PW 1 plus:

4-8 years' experience or superintendent's recommendation

Advanced knowledge of building trades

Advanced knowledge of vehicles (gas and diesel), equipment (mowers, loaders, backhoes, skid steers, chainsaws, etc.)

Operate efficiently all Village owned equipment

Perform road repairs on asphalt or concrete

Ability to train new hires

Able to lead a crew of 1 to 2 public works personal

\$25.01 - \$30.00

PW 3:

Everything with PW 1 & 2 plus:

Over 8 years' experience or superintendent's recommendation

Skilled in welding

Skilled in electrical systems

Ability to lead a crew of 3 or more employees

Ability to be on call supervisor in absence of superintendent

Ability to attend board meetings if necessary

Ability to lead a snow emergency (from call outs to assigning plow routes) in absence of superintendent

Ability to distribute work orders

Ability to meet with Village residents and problem solve

Ability to prepare time sheets for a pay period

\$30.01 and up

VILLAGE OF ROSCOE

AGENDA ITEM - STAFF REPORT



VILLAGE of
ROSCOE

Item # 5.

Agenda Item: ROW Usage Agreement with Comcast IL/IN/OH, LLC

Date: 09-02-2025

Meeting: Committee of the Whole

Prepared by: Brandon Boggs

Department: Public Works/Engineering

Overview/Background Information

Comcast of Illinois/Indiana/Ohio, LLC has submitted a Right-of-Way Usage Permit Agreement to the Village. This agreement would allow Comcast to construct, operate, and maintain its network facilities within the Village's public rights-of-way. The agreement establishes the conditions under which Comcast may install and maintain infrastructure, subject to Village ordinances and permitting requirements. It should be noted that at this time, Comcast is planning for building infrastructure in primarily commercial areas, and does not have any current plans to expand their residential fiber service within the Village limits.

Key Issues

Comcast is authorized to utilize the public right-of-way for network infrastructure, but is not permitted to provide cable television services under this agreement.

Construction must comply with Village ordinances, with individual permits still required for projects.

Comcast must participate in utility relocation efforts and is entitled to reimbursement on the same basis as other utilities.

Comcast must maintain insurance and indemnify the Village against claims related to its facilities.

The Village retains its police powers, rights to public improvements, and enforcement of ordinances.

Fiscal Note/Budget Impact

N/A

Prior Legislative Actions

N/A

Action Required/Recommendation

Staff recommends approval of the Right-of-Way Usage Permit Agreement with Comcast of Illinois/Indiana/Ohio, LLC.

Attachments

Draft ROW Usage Agreement

**RIGHT-OF-WAY USAGE PERMIT
BY AND BETWEEN
THE VILLAGE OF ROSCOE, ILLINOIS
AND
COMCAST OF ILLINOIS/INDIANA/OHIO, LLC**

THIS RIGHT-OF-WAY USAGE PERMIT ORDINANCE (hereinafter, the "Permit") is made between the Village of Roscoe, Illinois (hereinafter, the "Village"), an Illinois municipal corporation and Comcast of Illinois/Indiana/Ohio, LLC (hereinafter, "Comcast"), this _____ day of _____, 2025 (the "Effective Date").

Article I – Authorization Hereby Granted

a. **Permit Granted.** Pursuant to Title 5, Chapter 52, entitled “Construction in the Rights-of-Way” of the Code of Ordinances, Village of Roscoe, Illinois, as currently in effect and as may be subsequently amended. The Village hereby authorizes and permits Comcast to construct and operate its network system in the Public Ways within the corporate limits of the Village, and for that purpose to erect, install, construct, repair, replace, reconstruct, maintain, or retain in any Public Way such poles, wires, cables, conductors, ducts, conduits, vaults, manholes, pedestals, amplifiers, appliances, attachments, and other related property or equipment as may be necessary or appurtenant to the network system, and to provide such services over the network system as may be lawfully allowed; provided, however, such service shall not include Cable Television Service as defined in 47 U.S.C., Section 521, *et seq.*

b. **Rights-of Way Defined.** As used in this Permit, “Public Way(s)” or “Rights-of-Way(s)” shall mean, pursuant and in addition to the Village’s Right of Way Ordinance (Title 5, Chapter 52 of the Code of Ordinances, Village of Roscoe, Illinois), the surface of, and the space above and below, any street, alley, other land or waterway, dedicated or commonly used for pedestrian or vehicular traffic or other similar purposes, including, but not limited to, public utility easements and other easements dedicated for compatible uses, now or hereafter held by the Village in the Franchise Area, to the extent that the Village has the right and authority to authorize, regulate, or permit the location of facilities other than those of the Village. Public Way shall not include any real or personal Village property that is not specifically described in this definition and shall not include Village buildings, fixtures, and other structures and improvements, regardless of whether they are situated in the Public Way.

c. **Police Powers.** Nothing in this Franchise Agreement shall be construed as an abrogation by the Village of any of its police powers to adopt and enforce generally applicable ordinances deemed necessary for the health, safety, and welfare of the public, and Comcast shall comply with all generally applicable laws and ordinances enacted by the Village pursuant to such police power.

d. Reservation of Authority. Nothing in this Franchise Agreement shall (A) abrogate the right of the Village to perform any public works or public improvements of any description, (B) be construed as a waiver of any codes or ordinances of general applicability promulgated by the Village, or (C) be construed as a waiver or release of the rights of the Village in and to the Public Ways.

e. Vehicle Safety and Parking. Provided that appropriate vehicle safety markings have been deployed, Comcast's vehicles shall be exempt from parking restrictions of the Village while used in the course of installation, repair and maintenance work on the network system.

Article II – Construction and Maintenance of the Network System

a. Compliance with Ordinance. Except as may be otherwise provided in this Permit, Comcast shall comply with all generally applicable provisions of Title 5, Chapter 52, entitled "Construction in the Rights-of-Way" of the Code of Ordinances, Village of Roscoe, Illinois, as may be amended from time to time. Notwithstanding Article I.a., above, Comcast shall remain obligated to obtain individual permits for the construction of its network system as required by Section 5-171 of the Code of Ordinances, Village of Roscoe, Illinois.

b. Aerial and Underground Construction. At the time of network system construction, if all of the transmission and distribution facilities of all of the respective public or municipal utilities in any area of the Franchise Area are underground, Comcast shall place its network systems' transmission and distribution facilities underground, provided that such underground locations are actually capable of accommodating Comcast's cables and other equipment without technical degradation of the network system's signal quality. In any location within the Village where the transmission or distribution facilities of the respective public or municipal utilities are both aerial and underground, Comcast shall have the discretion to construct, operate, and maintain all of its transmission and distribution facilities or any part thereof, aurally or underground. Nothing in this Section shall be construed to require Comcast to construct, operate, or maintain underground and ground-mounted appurtenances such as customer taps, line extenders, system passive devices, amplifiers, power supplies, pedestals, or other related equipment.

c. Relocation, Undergrounding and Beautification Projects. In the event the Village requires all users of the Public Way who operate facilities to relocate such facilities, Comcast shall participate in the planning for relocation of its facilities, if any, contemporaneously with such users. Comcast shall be reimbursed its relocation costs from public or private funds allocated for the project to the same extent as such funds are made available to other users of the Public Way, if any, provided that any utility's exercise of authority granted under its tariff to charge consumers for the said utility's cost of the project that are not reimbursed by the Village shall not be considered to be public or private funds. Comcast shall not be required to relocate its facilities unless it has been afforded at least ninety (90) days' notice of the necessity to relocate its facilities. Upon adequate notice Comcast shall provide a written estimate of the cost associated with the work necessary to

relocate its facilities. In instances where a third party is seeking the relocation of Comcast's facilities or where Comcast is entitled to reimbursement pursuant to this Section, Comcast shall not be required to perform the relocation work until it has received payment for the relocation work.

Article III – Insurance and Indemnification

a. **Insurance.** Within thirty (30) days following the Effective Date of this Permit, and at all times thereafter until such time as Comcast's network system no longer occupies the Public Ways in the Village, Comcast shall at provide the Village certificate(s) of insurance, and at its own cost and expense, maintain such insurance as required in accordance with Title 5, Chapter 52, entitled "Construction in the Rights-of-Way" of the Code of Ordinances, Village of Roscoe, Illinois, as may be amended from time to time.

b. **Indemnification.** Comcast shall indemnify, defend and hold harmless the Village, its officers, employees, and agents (the "Indemnitees") from and against any injuries, claims, demands, judgments, damages, losses and expenses, including reasonable attorney's fees and costs of suit or defense (the "Indemnification Events"), arising in the course of the Comcast constructing and operating its network system within the Village. Comcast's obligation with respect to the Indemnitees shall apply to Indemnification Events which may occur as a result of the authorization granted by this Permit, provided that the claim or action is initiated within the applicable statute of limitations. The Village shall give Comcast timely written notice of its obligation to indemnify and defend the Village after the Village's receipt of a claim or action pursuant to this Section. For purposes of this Section, the word "timely" shall mean within a time period that does not cause prejudice to the respective positions of Comcast and/or the Village. If the Village elects in its own discretion to employ additional counsel, the costs for such additional counsel for the Village shall be the responsibility of the Village.

b.1. Comcast shall not indemnify the Village for any liabilities, damages, costs or expense resulting from any conduct for which the Village, its officers, employees and agents may be liable under the laws of the State of Illinois.

b.2. Nothing herein shall be construed to limit Comcast's duty to indemnify the Village by reference to the limits of insurance coverage described in this Permit.

Article IV – Miscellaneous Provisions

a. **Notice.** Any notification that requires a response or action from a party to this franchise within a specific time-frame, or that would trigger a timeline that would affect one or both parties' rights under this franchise, shall be in writing and shall be sufficiently given and served upon the other party by hand delivery, first class mail, registered or certified, return receipt requested, postage prepaid, or by reputable overnight courier service and addressed as follows:

To the Village:

Village of Roscoe
10631 Main Street
Roscoe, Illinois 61072
ATTN: Village Clerk

To Comcast:

Comcast
1475 East Woodfield Road, Suite 450
Schaumburg, Illinois 60173
ATTN: Government Affairs Director

Recognizing the widespread usage and acceptance of electronic forms of communication, emails and faxes will be acceptable as formal notification related to the conduct of general business amongst the parties to this contract, including but not limited to programming and price adjustment communications. Such communication should be addressed and directed to the person of record as specified above. Either party may change its address and addressee for notice by notice to the other party under this Section.

b. Entire Agreement. This Permit embodies the entire understanding and agreement of the Village and the Comcast with respect to the subject matter hereof and supersedes all prior and contemporaneous agreements, understandings, negotiations and communications, whether written or oral. All Village Ordinances or parts of Ordinances that are in conflict with or otherwise impose obligations different from the provisions of this Permit are superseded by this Permit Ordinance.

c. Severability. If any section, subsection, sentence, clause, phrase, or other portion of this Permit is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body, or other authority of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent portion. Such declaration shall not affect the validity of the remaining portions hereof, which other portions shall continue in full force and effect. If any material provision of this Permit is made or found to be unenforceable by such a binding and final decision, either party may notify the other in writing that the Permit has been materially altered by the change and of the election to begin negotiations to amend the Permit in a manner consistent with said proceeding or enactment; provided, however, that any such negotiated modification shall be competitively neutral, and the parties shall be given sufficient time to implement any changes necessitated by the agreed-upon modification.

d. Governing Law. This Permit shall be deemed to be executed in the State of Illinois, and shall be governed in all respects, including validity, interpretation and effect, and construed in accordance with, the laws of the State of Illinois and/or Federal law, as applicable.

e. Venue. Except as to any matter within the jurisdiction of the federal courts or a federal regulatory agency, all judicial actions relating to any interpretation, enforcement, dispute resolution or any other aspect of this Agreement shall be brought in the Circuit Court of the State of Illinois, Winnebago, Illinois. Any matter brought pursuant to the jurisdiction of the federal court shall be brought in the United States District Court of the Northern District of Illinois.

f. No Third-Party Beneficiaries. Nothing in this Permit is intended to confer third-party beneficiary status on any person, individual, corporation or member of the public to enforce the terms of this Permit.

g. No Waiver of Rights. Nothing in this Permit shall be construed as a waiver of any rights, substantive or procedural, the Village or Comcast may have under Federal or state law unless such waiver is expressly stated herein.

h. Validity of Permit. The parties acknowledge and agree in good faith on the validity of the provisions, terms and conditions of this Permit, in their entirety, and that the Parties have the power and authority to enter into the provisions, terms, and conditions of this Permit.

IN WITNESS WHEREOF, this Permit has been executed by the duly authorized representatives of the parties as set forth below, as of the date set forth below:

For the Village of Roscoe, Illinois:

For Comcast of
Illinois/Indiana/Ohio, LLC:

By: _____

By: _____

Name: _____

Name: _____

Its: _____

Its: _____

Date: _____

Date: _____