
**VILLAGE OF SUGAR GROVE
BOARD REPORT**

TO: VILLAGE PRESIDENT & BOARD OF TRUSTEES
FROM: ANTHONY SPECIALE, DIRECTOR OF PUBLIC WORKS
BRAD MERKEL, PUBLIC UTILITIES SUPERVISOR
SUBJECT: RESOLUTION AUTHORIZING THE ACCEPTANCE OF SETTLER'S
RIDGE WATER SYSTEM IMPROVEMENTS
AGENDA: MARCH 21, 2017 REGULAR BOARD MEETING
DATE: MARCH 15, 2017

ISSUE

Should the Village authorize the acceptance of the Water System Improvements within the Settler's Ridge Subdivision.

DISCUSSION

In the original annexation agreement with Kimball Hill Homes, the developer agreed to fund / finance all testing, design, construction and construction management of the Water Works System Improvements including Wells No. 10 & 11, a water storage tank and Wells No. 10 & 11 treatment facilities. The construction of the improvements was completed and the Village has been operating the wells for some time.

On December 13, 2016, the Village approved an Amendment to the Annexation Agreement for the Settlers Ridge Subdivision where LCP SLJV 2008-1, IL-1, LLC, the new developer, is required to transfer the 2.0 MG Ground Storage Tank, Well No. 10, Well No. 11 and Wells No. 10 & 11 Water Treatment Facility to the Village along with all accompanying land and personal property.

At this time, Village Staff is recommending acceptance of the transfer from LCP SLJV 2008-1, IL-1, LLC. Well 11 Site would be transferred at another time.

COST

The Village would be responsible for ongoing maintenance of the public improvements once they have been accepted.

RECOMMENDATION

The Village Board approve **Resolution #20170321PW3** authorizing the acceptance of the Water System Improvements within the Settler's Ridge Subdivision. Subject to Attorney Review.



RESOLUTION NO. 20170321PW3

Accepting the Conveyance of Real and Personal Property from LCP SLJV 2008-1 IL-1, LLC Pursuant to the Terms of the Amended Annexation Agreement

BE IT RESOLVED by the President and Board of Trustees of the Village of Sugar Grove, Kane County, Illinois, as follows;

WHEREAS, the Village of Sugar Grove (“Village”) is not a home rule municipality within Article VII, Section 6A of the Illinois Constitution, and accordingly, acts pursuant to the powers granted to it under 65 ILCS 5/1-1 *et seq.*; and,

WHEREAS, on December 13, 2016, the Village approved an Amendment to the Annexation Agreement (“Amended Agreement”) for the development of Settlers Ridge Subdivision, with said Ordinance recorded as Document No. 2017K000650; and,

WHEREAS, pursuant Section IV(e) of said Amended Agreement, LCP SLJV 2008-1, IL-1, LLC, is required to transfer the water storage tank, two wells and treatment facility (“Water Supply and Storage System”), along with the land upon which the storage tank, wells (10 and 11), raw water main, appurtenances, and treatment facility is located (“Land”); and,

WHEREAS, pursuant to Section IV(e), LCP SLJV 2008-1, IL-1, LLC is also required to transfer all personal property located on said land and all plans and documents related thereto which are in its actual possession; and,

WHEREAS, in accordance with the Amended Agreement, the Village wishes to accept the transfer of said Water Supply and Storage System, Land, personal property, and plans and documents related thereto.

NOW THEREFORE BE IT RESOLVED by the President and Board of Trustees of the Village of Sugar Grove, Kane County, Illinois, as follows:

- (1) That the Village agrees to accept the transfer of the Water Supply and Storage System, Land, personal property, and plans and documents related thereto in accordance with the Amended Agreement; and,
- (2) That if any section, paragraph, clause or provision of this Resolution shall be held invalid, the invalidity thereof shall not affect the remaining provisions for the quit claim deed, attached hereto as **Exhibit A**; and,

(3) That this Resolution shall be in full force and effect from and after its passage, approval, and publication as provided by law.

PASSED AND APPROVED by the President and Board of Trustees of the Village of Sugar Grove, Kane County, Illinois, this 21st day of March 2017.

Sean Michels,
President of the Board of Trustees
of the Village of Sugar Grove, Kane County, Illinois

ATTEST: _____
Cynthia Galbreath
Clerk, Village of Sugar Grove

	Aye	Nay	Absent	Abstain
Trustee Mari Johnson	___	___	___	___
Trustee Sean Herron	___	___	___	___
Trustee Rick Montalto	___	___	___	___
Trustee Ted Koch	___	___	___	___
Trustee David Paluch	___	___	___	___
Trustee Kevin M. Geary	___	___	___	___
President P. Sean Michels	___	___	___	___