
VILLAGE OF SUGAR GROVE BOARD REPORT

TO: VILLAGE PRESIDENT & BOARD OF TRUSTEES
FROM: WALTER MAGDZIARZ, COMMUNITY DEVELOPMENT DIRECTOR
SUBJECT: ORDINANCE: AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT WITH CITY OF AURORA (BOUNDARY LINE AGREEMENT)
AGENDA: MAY 21, 2019 VILLAGE BOARD REGULAR MEETING
DATE: MAY 17, 2019

ISSUE

Should the Village Board approve an intergovernmental agreement with the City of Aurora to renew the current boundary line agreement.

DISCUSSION

The required public hearing for the boundary agreement was held on May 21, 2019.

The staff in Aurora and Sugar Grove have determined that the location of the boundary line should be altered to be coterminous with the boundary lines between the Village and North Aurora and Batavia. In the absence of any development interest or pressure along the boundary corridor in either community, now would be an appropriate time to extend the life of the agreement.

The boundary agreement is useful in that it permits the parties to perform necessary long range land use planning and capital improvement planning with a high degree of certainty as to where their respective future boundaries will be located. The agreement prevents neighboring municipalities from being used as negotiation pawns by land owners and developers.

Staff recommends the agreement be extended for a 20 year period, the maximum allowed under Illinois law.

ATTACHMENTS

The boundary line agreement and the map are attached as exhibits to the Ordinance authorizing the Intergovernmental Agreement and are all attached for your review and information.

COSTS

There are nominal attorney's fees associated with drafting the boundary agreement and recording fees.

RECOMMENDATION

Staff recommends the Village Board approve the Ordinance Authorizing an Intergovernmental Agreement Between the Village of Sugar Grove and the City of Aurora (Boundary Line Agreement), subject to attorney's review.



**VILLAGE OF SUGAR GROVE
KANE COUNTY, ILLINOIS**

ORDINANCE NO. 2019-0521_

**AN ORDINANCE AUTHORIZING EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT
BETWEEN THE VILLAGE OF SUGAR GROVE AND THE CITY OF AURORA
(BOUNDARY LINE AGREEMENT)**

Adopted by the Board of Trustees and President of the Village of Sugar Grove
this 21st day of May 2019

Published in pamphlet form by authority of the Board of Trustees of the Village of Sugar Grove, Illinois
this 21st day of May 2019

EXHIBIT A

ORDINANCE NO. 2019-0521_

AN ORDINANCE AUTHORIZING EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE VILLAGE OF SUGAR GROVE AND THE CITY OF AURORA (BOUNDARY LINE AGREEMENT)

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

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

WHEREAS, the Constitution of the State of Illinois 1970, Article VII, Local Government, Section 10, provides for intergovernmental cooperation in and authorizes units of local government to obtain or share services to exercise, combine or transfer powers or functions in any manner not proscribed by law or ordinance, and authorized units of local government to use their credit, revenues and other resources to pay costs related to intergovernmental activities; and

WHEREAS, the Intergovernmental Cooperation Act provides for the joint exercise of powers, privileges or authority by units of government and provides for intergovernmental contracts; and

WHEREAS, Section 11-12-9 of the Municipal Code (65 ILCS 5/11-12-9) provides for the adoption of agreements establishing the boundaries for jurisdiction between municipalities in accordance with the provisions stated therein.

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

SECTION ONE: AUTHORIZATION TO EXECUTE AGREEMENT

The Village President and Village Clerk be, and they are, hereby authorized and directed to execute the Intergovernmental Agreement attached hereto as Exhibit A, and made a part hereof by this reference. The Village Clerk is also hereby directed to cause said Agreement to be recorded in the County Records Office of the respective Counties.

SECTION TWO: GENERAL PROVISIONS

REPEALER: All ordinances or portions thereof in conflict with this ordinance are hereby repealed.

SEVERABILITY: Should any provision of this Ordinance be declared invalid by a court of competent jurisdiction, the remaining provisions will remain in full force and effect the same as if the invalid provision had not been a part of this Ordinance.

EFFECTIVE DATE: This Ordinance shall be in full force and effect on and after its approval, passage and publication in pamphlet form as provided by law.

PASSED AND APPROVED by the President and Board of Trustees of the Village of Sugar Grove, Illinois, this 21st day of May 2019.

P. Sean Michels,
Village President

ATTEST: _____
Cynthia L. Galbreath
Village Clerk

| | Aye | Nay | Absent | Abstain |
|-----------------------|-----|-----|--------|---------|
| Trustee Sean Herron | ___ | ___ | ___ | ___ |
| Trustee Ted Koch | ___ | ___ | ___ | ___ |
| Trustee Jen Konen | ___ | ___ | ___ | ___ |
| Trustee Heidi Lendi | ___ | ___ | ___ | ___ |
| Trustee Rick Montalto | ___ | ___ | ___ | ___ |
| Trustee Ryan Walter | ___ | ___ | ___ | ___ |

EXHIBIT A

Intergovernmental Agreement

INTERGOVERNMENTAL AGREEMENT

between the

City of Aurora

and the

Village of Sugar Grove

relating to

Jurisdictional Boundaries

This Agreement, made this ____ day of _____, 2019 in duplicate original, by and between the City of Aurora, a Municipal Corporation ("Aurora") and the Village of Sugar Grove, a Municipal Corporation, ("Sugar Grove"), both bodies being hereafter referred to collectively as "Parties."

WHEREAS, Aurora is a home rule unit as defined by Article VII, Section 6 of the Constitution of the State of Illinois ("Constitution") and may exercise any power and perform any function pertaining to except as limited in the manner set forth by the Constitution; and

WHEREAS, Sugar Grove is not a home rule unit and possesses the powers granted to them by the Constitution and laws of Illinois and those which may be necessarily inferred from such powers; and

WHEREAS, Article VII, Section X of the Constitution authorizes units of local government contract or otherwise associate among themselves to obtain or share services and to exercise, combine, or transfer any power or function, in any manner not prohibited by law or by ordinance; and

WHEREAS, the Illinois Intergovernmental Cooperation Act further defines such intergovernmental cooperation;

WHEREAS, the City of Aurora and the Village of Sugar Grove entered into an Intergovernmental Agreement dated November 7, 2000 ("Boundary Agreement"), recorded as document 2000K093678 in Kane County, Illinois; and

WHEREAS, the Boundary Agreement has served a valuable purpose for both Aurora and Sugar Grove; and

WHEREAS, the Boundary Agreement expires on November 7, 2020 and the Parties recognize the ongoing benefits, and desire to extend the Boundary Agreement for a period of twenty (20) years from the date hereof, and for such further additional time as the Parties may hereafter mutually agree; and NOW, THEREFORE, upon the consideration of the mutual promises contained herein, and upon further consideration of the recitals herein set forth, it is hereby agreed between the parties to this agreement as follows:

1. The Intergovernmental Agreement dated November 7, 2000 ("Boundary Agreement"), recorded as document 2000K093678 in Kane County, Illinois, between the City of Aurora ("City"), and the Village of Sugar Grove, except as modified in Section 2 hereof, shall remain in full force and effect for a period of twenty (20) years from the date hereof, and for such further and additional time as the Parties may hereafter mutually agree to by amendment to this Agreement, from time to time.
2. The boundary line is adjusted as shown on Exhibit A attached hereto and incorporated herein by reference. The new approximate legal description is as follows:

A JURISDICTIONAL BOUNDARY AGREEMENT LINE, ALONG AND ACROSS THAT PART OF SECTIONS 2, 11, 14, 23, 26, AND 35, ALL IN TOWNSHIP 38 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, AND ALSO ALONG AND ACROSS THAT PART OF THE SECTIONS 23, 26, 27, 34 AND 35, ALL IN TOWNSHIP 39 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF FOXMOOR UNIT 4, BEING A SUBDIVISION RECORDED SEPTEMBER 13, 2005 AS DOCUMENT NUMBER 2005K108339 IN SAID SECTION 35, TOWNSHIP 38 NORTH, RANGE 7 EAST; THENCE NORTHERLY ALONG THE WEST LINE OF THE COMMONWEALTH EDISON RIGHT OF WAY TO THE CENTERLINE OF PRAIRIE STREET; THENCE NORTHWESTERLY, ALONG SAID CENTERLINE, TO THE CENTERLINE OF GORDON ROAD; THENCE NORTHERLY, ALONG SAID CENTERLINE, TO THE CENTERLINE OF GALENA BOULEVARD; THENCE NORTHERLY, ALONG THE NORTHERLY EXTENSION OF THE CENTERLINE OF SAID GORDON ROAD, TO THE SOUTH LINE OF THE FOX VALLEY PARK DISTRICT PARCEL WITH A PIN OF 14-14-300-029; THENCE NORTHWESTERLY, ALONG SAID SOUTH LINE, TO THE CENTERLINE OF ILLINOIS ROUTE 56; THENCE NORTHERLY AND NORTHEASTERLY, ALONG SAID CENTERLINE, TO THE EAST LINE OF SAID SECTION 2; THENCE NORTHERLY, ALONG SAID EAST LINE, TO THE CENTERLINE OF LAKE RUN DRAINAGE DITCH; THENCE NORTHWESTERLY AND NORTHERLY, ALONG SAID CENTERLINE TO THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 35; THENCE WESTERLY ALONG SAID NORTH LINE AND ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 35 TO THE CENTERLINE OF NORRIS ROAD; THENCE NORTHWESTERLY

ALONG SAID CENTERLINE TO THE CENTERLINE OF BLISS ROAD; THENCE NORTHEASTERLY ALONG THE CENTER LINE OF BLISS ROAD TO THE CENTERLINE OF MAIN STREET AND THE POINT OF TERMINATION OF SAID JURISDICTIONAL BOUNDARY LINE, ALL IN SUGAR GROVE AND BLACKBERRY TOWNSHIPS, KANE COUNTY, ILLINOIS.

City of Aurora, Counties of DuPage, Kane, Kendall, and Will, Illinois, a municipal corporation

Seal

Attest: _____

Wendy McCambridge, City Clerk

By: _____

Richard C, Irvin, Mayor

Village of Sugar Grove, County of Kane, Illinois, a municipal corporation

Seal

Attest: _____

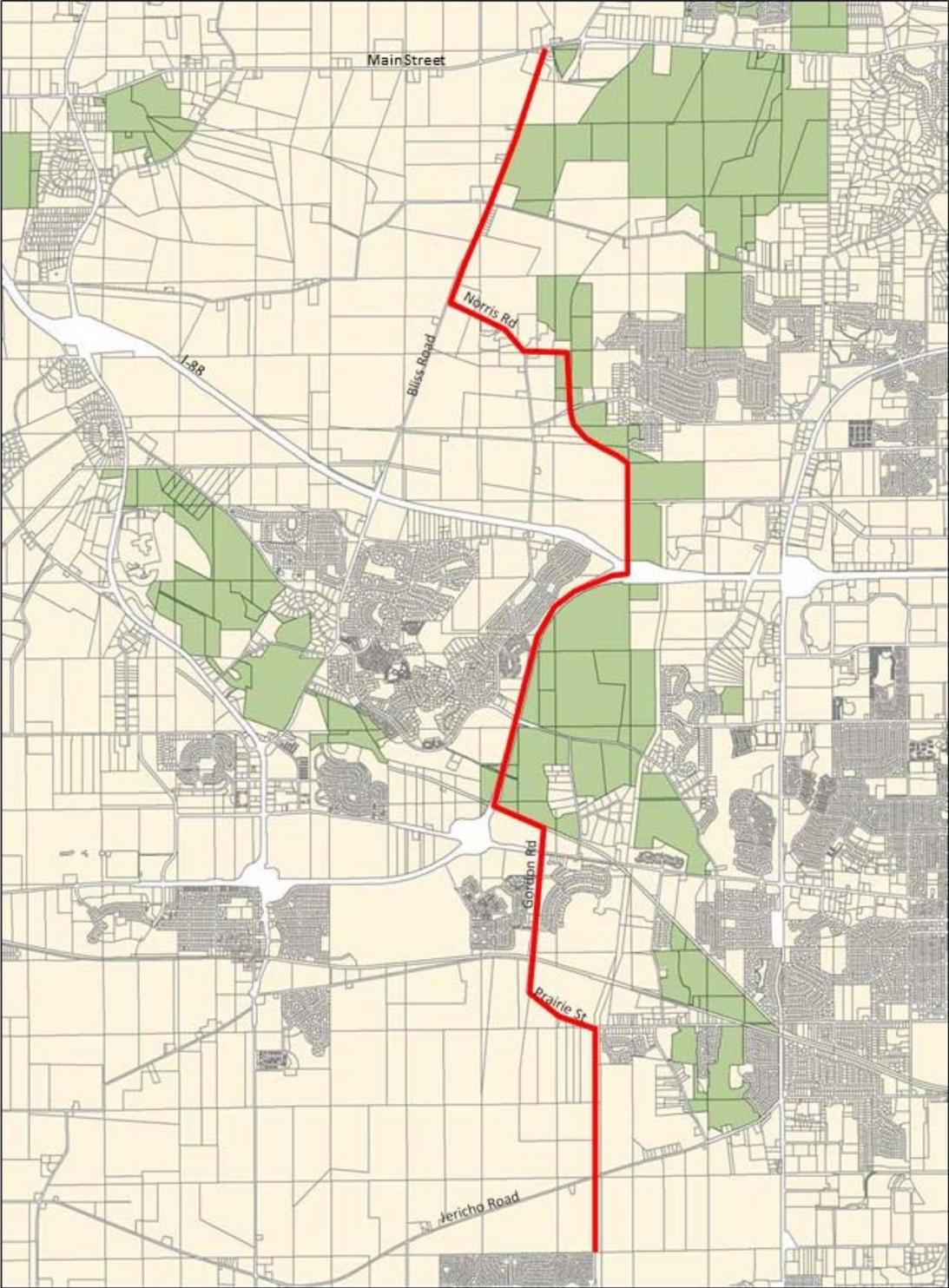
Cynthia L. Galbreath, Village Clerk

By: _____

P. Sean Michels, Village President

EXHIBIT A

Sugar Grove-Aurora Jurisdictional Boundary Map



Legend

 Jurisdictional boundary line