
**VILLAGE OF SUGAR GROVE
BOARD REPORT**

TO: VILLAGE PRESIDENT & BOARD OF TRUSTEES
FROM: WALTER MAGDZIARZ, COMMUNITY DEVELOPMENT DIRECTOR
SUBJECT: ORDINANCE: HANNAFORD FARM ANNEXATION AGREEMENT AMENDMENT FOR LOT 116
(1885 HUNTERS RIDGE LANE)
AGENDA: AUGUST 6, 2019 REGULAR VILLAGE BOARD MEETING
DATE: AUGUST 2, 2019

ISSUE

Shall the Village Board approve an Annexation Agreement Amendment pertaining to Hannaford Farm Lot 116 (1885 Hunter's Ridge Lane).

DISCUSSION

The Hannaford Farm annexation agreement was approved on May 25, 2004. On March 20, 2007 the annexation agreement was amended for a requirement relating to improvement of the intersection of Bliss and Merrill Roads. The March 20, 2007 amendment also incorporated an October 3, 2006 amendment relating to architectural requirements that was approved by ordinance but not formally drafted at that date. Additionally, on September 16, 2008 the annexation agreement was amended for the funding mechanics of the Bliss and Merrill Road intersection, removing the permit limit prior to those improvements taking place, and deferring Capital Improvement Fees.

Due to the failure of the initial developer/owner of Hannaford Farm to complete the required public improvements and the failure of the bank backing the associated Letter of Credit guaranteeing the funds needed to complete the public improvements, the responsibility to complete these improvements falls to the successor/s, i.e., individual lot owners.

In 2009, the Village determined that each successor lot owner would be required to pay a fee to cover their portion of the overall outstanding public improvement costs. This fee in-lieu-of-development (FILOD) and associated changes to the annexation agreement are made a part of an annexation agreement amendment that needs to be processed for each lot. An amendment needs to be completed for each lot for issuance of a building permit and to remove the *lis pendens* filed against the lot.

The owner of Lot 116 has paid the current FILOD, thereby completing his obligations under the annexation agreement, and desires to remove the *lis pendens* from the lot in question.

Staff recommends approval of the Annexation Agreement amendment for Hannaford Farm Lot 116 (1885 Hunter's Ridge Lane).

For your information, the Village Board has Annexation Agreement amendments for the following lots in Hannaford Farm:

May 18, 2010:	Lot 104,	1011 Redbud Lane
June 1, 2010:	Lot 29,	1098 Chestnut Hill Lane
June 15, 2010:	Lot 35,	1014 Chestnut Hill Lane
November 1, 2011:	Lot 53,	1800 Hunters Ridge Lane
January 7, 2014:	Lot 62,	835 Wheatfield Avenue
February 4, 2014:	Lot 28,	494 Willow Street
March 4, 2014:	Lot 99,	1091 Redbud Lane
November 18, 2014	Lot 42,	1759 Hunters Ridge Lane
January 20, 2015	Lot 36,	990 Chestnut Hill Lane
February 17, 2015	Lot 55,	1885 Hunters Ridge Lane

With the adoption of this annexation agreement amendment 57 undeveloped lots remain in Hannaford Farm to follow the same course of action. The Board will be acting on an Ordinance in the near future that will accomplish the same for 16 lots.

ATTACHMENTS

- Ordinance Authorizing Execution of an Annexation Agreement Amendment
- Irrevocable Offer / Annexation Agreement signed July 22, 2019

COSTS

There are publication and Village Attorney costs associated with the required action that is the responsibility of the Village.

RECOMMENDATION

That the Village Board approve an Ordinance Authorizing Execution of an Annexation Agreement Amendment for Hannaford Farm Lot 116 (1885 Hunter's Ridge Lane).



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

ORDINANCE NO. 2019-0806__

**AN ORDINANCE AUTHORIZING EXECUTION OF AN ANNEXATION AGREEMENT AMENDMENT FOR
HANNAFORD FARM LOT 116
(1885 HUNTER'S RIDGE LANE)**

Adopted by the Board of Trustees and President of the Village of Sugar Grove
this 6th day of August 2019

Published in pamphlet form by authority of the Board of Trustees of the Village of Sugar Grove,
Illinois, this 6th day of August 2019

VILLAGE OF SUGAR GROVE

ORDINANCE NO. 2019-0806__

**AN ORDINANCE AUTHORIZING EXECUTION OF AN ANNEXATION AGREEMENT AMENDMENT FOR
HANNAFORD FARM - LOT 116
(1885 HUNTER'S RIDGE LANE)**

WHEREAS, the Village of Sugar Grove (the "Village") 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 5/1-8 *et seq.*; and,

WHEREAS, Steven A. and John P. Daghfal. (the "LOT OWNER" and/or "LOT DEVELOPER") have petitioned for an amendment to the Annexation Agreement for a portion of the Hannaford Farm development, specifically, Lot 116 in Hannaford Farm Subdivision Unit 2, and commonly known as 1830 Hunter's Ridge Lane; and,

WHEREAS, the corporate authorities of the Village have held a public hearing on August 6, 2019 on the proposed amended agreement, similar in form and substance to the Agreement attached hereto, pursuant to notice by publication in a newspaper of general circulation in the Village being not less than 15 days nor more than 30 days prior to said public hearing; and,

WHEREAS, the corporate authorities have approved this Agreement; and,

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: AMENDED ANNEXATION AGREEMENT

That the Amended Annexation Agreement entered into by and between the Village of Sugar Grove, an Illinois municipal corporation (the "Village"); and Steven A. and John P. Daghfal, (the "LOT OWNER" and/or "LOT DEVELOPER"); setting forth terms and conditions relating to the territory legally described in **Exhibit A** is hereby incorporated by reference in this ordinance as if fully set forth in the body hereof, a copy of which is attached hereto as **Exhibit B**. Said **Exhibit B** is hereby approved and the Village President and Clerk are hereby authorized and directed to execute said amended agreement on behalf of the Village of Sugar Grove.

SECTION TWO: RECORDING AND NOTICE

The Village Clerk is hereby further authorized and directed to record this ordinance along with all exhibits in the Office of the Recorder of Kane County.

SECTION THREE: 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 from and after its passage, approval 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, Kane County, Illinois this 6th day of August 2019.

P. Sean Michels,
Village President

ATTEST: _____
Cindy 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

(Legal Description)

LOT 116 IN HANNAFORD FARM SUBDIVISION UNIT 2, BEING A SUBDIVISION LOCATED IN THE SOUTH HALF OF SECTION 4, TOWNSHIP 38 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN IN KANE COUNTY, ILLINOIS ACCORDING TO THE PLAT THEREOF RECORDED AS DOCUMENT NO. 2007K038156, IN THE KANE COUNTY, RECORDER'S OFFICE.

Commonly known as: 1885 Hunter's Ridge Lane

Exhibit B

(Amended Annexation Agreement on following pages)