
**VILLAGE OF SUGAR GROVE
BOARD REPORT**

TO: VILLAGE PRESIDENT & BOARD OF TRUSTEES
FROM: WALTER MAGDZIARZ, COMMUNITY DEVELOPMENT DIRECTOR
SUBJECT: PUBLIC HEARING: DEVELOPMENT AGREEMENT AMENDMENT #8 (PRAIRIE GLEN LOT 102)
AGENDA: JULY 21, 2020 VILLAGE BOARD MEETING
DATE: JULY 16, 2020

ISSUE

Shall the Village Board hold a public hearing to consider the 8th amendment of the Prairie Glen Development Agreement for Lot 102.

DISCUSSION

The applicant, Wilfredo & Veronica Perez, is requesting an amendment (No.8) of the Prairie Glen Development Agreement to memorialize the current impact and contribution fees for new home building permits as they apply to their lot (Lot 102) in the Prairie Glen subdivision.

The sole purpose of the Development Agreement amendment is to extend the reduced building permit fees previously approved by the Village Board to this lot.

The Village Board previously approved and applied reduced impact and contribution fees for new home building permits across the Village. But there is an existing Development Agreement that applies to Prairie Glen which includes specific impact and contribution fee requirements that remain valid and applicable to Lot 102. The purpose of the proposed Development Agreement Amendment is to memorialize the reduced fees the Village Board previously approved and to remove the fee obligations under the Development Agreement for Lot 102.

The purpose of the public hearing is to accept public comment concerning the annexation agreement.

Note: A Development Agreement is very similar to an Annexation Agreement in every respect except one: the underlying property was already annexed when the initial agreement was approved.

COSTS

There are no costs to the Village for the requested action.

ATTACHMENTS

- Public hearing notice
- Draft Development Agreement

RECOMMENDATION

That the public hearing be opened to accept any public comment on the proposed annexation agreement and then closed. Public participation during the public hearing will be via electronic means.

NOTICE OF PUBLIC HEARING

Notice is hereby given to all persons that the Sugar Grove Village Board will hold a public hearing on July 21, 2020 at 6:00 p.m. at the Village Hall Boardroom, 10 S. Municipal Drive, Sugar Grove, Illinois, for the purpose of considering an amendment of the Development Agreement for Prairie Glen Subdivision, that was originally recorded as Document number 2004K129427.

All interested persons are invited to attend the public hearing and will be given an opportunity to be heard. Be advised, the proposed amendment may be changed, altered, modified, amended, or redrafted in part or in its entirety after the public hearing. You are further advised the Public Hearing may be adjourned to dates certain without further notice.

Also be advised, due to the COVID-19 pandemic, there are special procedures in effect for conducting public meetings, including public hearings. This meeting will be conducted by electronic means. At a minimum, the public can attend by calling (312) 757-3121 (Access Code 779-527-837) or by joining through Go To Meeting. Public comments may also be submitted in advance by e-mailing publiccomments@sugargroveil.gov. To get additional information on how to participate in this public hearing you may go to sugargroveil.gov or call the Village at 630-391-7220.

A copy of the Development Agreement amendment is available for inspection at the Community Development Department during normal business hours, or at www.sugargroveil.gov.

If you have questions regarding the amendment, you may direct them to the Community Development Department, 601 Heartland Drive, Sugar Grove, Illinois 60554. Normal business hours are 8:00 a.m. to 4:30 p.m. Monday through Friday.

Alison Murphy
Village Clerk

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AMENDMENT TO DEVELOPMENT AGREEMENT

This 8th Amendment to Development Agreement (“Amended Agreement”) is executed as of this ____ day of _____, 2020, by and between Wilfredo and Veronica Perez (“Developer”) and the VILLAGE OF SUGAR GROVE, an Illinois municipal corporation (“Village”), with regard to the following:

RECITALS

WHEREAS, the Village entered into a certain Development Agreement (“Original Agreement”) with the owner/developer of a certain property (“Original Owner/Developer”) on September 20, 2005, which was subsequently amended on November 21, 2006 (“First Amendment”), June 19, 2007 (“Second Amendment”), April 21, 2009 (“Third Amendment”), October 5, 2010 (“Fourth Amendment”), August 7, 2012 (“Fifth Amendment”), a August 5, 2014 (“Sixth Amendment”); and on April 21, 2020 (“Seventh Amendment”); and,

WHEREAS, Developer is a successor in interest to the Original Agreement, and any amendments thereto, and accordingly is subject to the terms and conditions set forth therein; and,

WHEREAS, on February 4, 2020, the Village Board (“Board”) adopted Resolution 2020-0204A *A Resolution Authorizing a Reduction in the Village’s New Home Fee* which established a maximum cap on new home fees through April 30, 2021; and,

WHEREAS, Village and Developer wish to amend the Original Agreement and any subsequent Amendment thereto, in certain respects, and specifically to reflect the above-referenced amended fee schedule with regard to new permits; and,

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Village and Developer agree as follows:

TERMS OF AMENDMENT

1. The Original Agreement and any subsequent amendment thereto shall incorporate the following provision with reference to fees:

Temporary Reduction in Fees

Pursuant to Resolution 2020-0204A, *A Resolution Authorizing a Reduction in the Village’s New Home Fee*, the maximum fee charged for new homes shall not exceed \$17,850.00 for any single permit. This limitation shall remain in effect through April 30, 2021. Should the Village elect to extend this timeframe by subsequent Board action, this extension shall be incorporated into this Amended Agreement without necessitating further action by the parties hereto. After April 30, 2021, or any extension granted by the Board thereto, the fee schedule shall revert back to that which was in place prior to this Amended Agreement. This provision shall apply to new permits only and shall in no way retroactively apply to prior permits unless specifically addressed by the Board in a separate action.

2. Except to the extent expressly amended herein, the Original Agreement and any amendment thereto shall remain in full force and effect without impairment or modification.
3. This Amended Agreement shall be governed and construed under the laws of the State of Illinois. Proper venue shall be in the Sixteenth Judicial Circuit, Kane County, Illinois.

4. This Amended Agreement may be executed in any number of counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same instrument. This Amended Agreement shall be binding upon, and inure to the benefit of, the parties hereto and their respective heirs, administrators, executors, assigns, and successors in interest. The provisions of this Amended Agreement may not be amended or altered except by written instrument duly executed by each party hereto.
5. Each of the parties shall execute such other and further documents and do such further acts as may be reasonably required to effectuate the intent of the parties and carry out the terms of this Amended Agreement.

Executed as of the day and year first above written.

VILLAGE OF SUGAR GROVE

DEVELOPER:

By: _____

By: _____

Its: _____

Its: _____