ORDINANCE NUMBER 20 - 23

AN ORDINANCE OF THE VILLAGE OF EAST DUNDEE, COOK AND KANE COUNTIES, ILLINOIS, ANNEXING CERTAIN PROPERTY OWNED BY CHICAGO TITLE LAND TRUST COMPANY, TRUST NO. 8002350431 AND CHICAGO TITLE LAND TRUST COMPANY, TRUST NO. 8002350432 (SOUTH SIDE OF ILLINOIS ROUTE 72 IN THE VICINITY OF CHRISTINA DRIVE)

WHEREAS, the Village of East Dundee ("Village") is a home rule unit of local government pursuant to Section 6 of Article VII of the Constitution of the State of Illinois, and has the authority to exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, the provisions of 65 ILCS 5/7-1-1, *et seq.*, as amended, authorize the Village to annex territory that is not within the corporate limits of any municipality but is contiguous to the Village; and

WHEREAS, it is in the best interests of the Village that certain property, owned by Chicago Title Land Trust Company, Trust No. 8002350431 and Chicago Title Land Trust Company, Trust No. 8002350432 (together the "Owner"), as legally described in Section 1 below ("Property"), be annexed into the Village; and

WHEREAS, a petition for annexation of the Property executed by the Owner pursuant to 65 ILCS 5/7-1-8, a copy of which is attached hereto as **EXHIBIT A** and made a part hereof, was submitted to the Village ("Annexation Petition"); and

WHEREAS, all statutory notices required by 65 ILCS 5/7-1-1 have been given, copies of which are attached hereto as **EXHIBIT B** and made a part hereof; and

WHEREAS, a plat of annexation for the Property, a copy of which is attached hereto as **EXHIBIT C** and made a part hereof, has been submitted to the Village and has been found to be acceptable;

NOW THEREFORE BE IT ORDAINED BY THE VILLAGE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF EAST DUNDEE, COOK AND KANE COUNTIES, ILLINOIS, AS FOLLOWS:

<u>SECTION 1</u>: Incorporation. That each Whereas paragraph above is incorporated by reference into this Section 1 and made a part hereof as material and operative provisions of this Ordinance.

SECTION 2: Annexation. That the following-described Property is, pursuant to 65 ILCS 5/7-1-8, hereby annexed into the corporate limits of the Village:

THAT PART OF SECTION 25, TOWNSHIP 42 NORTH, RANGE 8 EAST

444414 1

OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE EAST LINE OF GATEWAY SUBDIVISION, BEING A SUBDIVISION OF PART OF SECTION 25, TOWNSHIP 42 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, RECORDED MAY 8, 1989 AS DOCUMENT NO. 1972329 WITH THE SOUTHWESTERLY LINE OF PARCEL 0002 ACQUIRED BY THE ILLINOIS DEPARTMENT OF TRANSPORTATION IN CONDEMNATION CASE ED 92 0015 BY ORDER DATED APRIL 22, 1993 AND AS SHOWN ON DOCUMENT 96K009367 AS ILLINOIS ROUTE 72, HIGGINS ROAD:

THENCE SOUTH 61 DEGREES 53 MINUTES 27 SECONDS EAST ALONG SAID SOUTHWESTERLY LINE, 491.05 FEET TO A POINT OF CURVATURE: THENCE SOUTHEASTERLY 654.45 FEET ALONG SAID SOUTHWESTERLY LINE, BEING A TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 22,706.63 FEET AND WHOSE CHORD BEARS OF SOUTH 61 DEGREES 03 MINUTES 54 SECONDS EAST 654.43 FEET TO A BEND POINT IN SAID SOUTHWESTERLY LINE; THENCE SOUTH 37 DEGREES 44 MINUTES 46 SECONDS EAST ALONG THE SOUTHWESTERLY LINE OF SAID ILLINOIS ROUTE 72 A DISTANCE OF 160.60 FEET TO A BEND POINT IN SAID SOUTHWESTERLY LINE; THENCE NORTH 23 DEGREES 44 MINUTES 02 SECONDS EAST ALONG SAID SOUTHWESTERLY LINE 61.34 FEET TO A POINT ON A CURVE: THENCE SOUTHEASTERLY 280.08 FEET ALONG SAID SOUTHWESTERLY LINE, NON TANGENT TO THE LAST DESCRIBED COURSE, BEING A CURVE TO THE RIGHT, HAVING A RADIUS OF 22,706.63 FEET AND WHOSE CHORD BEARS OF SOUTH 59 DEGREES 31 MINUTES 40 SECONDS EAST 280.08 FEET TO A BEND POINT: THENCE SOUTH 59 DEGREES 09 MINUTES 16 SECONDS EAST ALONG SAID SOUTHWESTERLY LINE, NON TANGENT TO THE LAST DESCRIBED CURVE, 490.70 FEET; THENCE SOUTH 30 DEGREES 50 MINUTES 06 SECONDS WEST, DEPARTING FROM SAID SOUTHWESTERLY LINE 223.12 FEET: THENCE SOUTH 24 DEGREES 01 MINUTES 52 SECONDS WEST 311.97 FEET: THENCE NORTH 59 DEGREES 09 MINUTES 53 SECONDS WEST 822.05 FEET: THENCE NORTH 61 DEGREES 03 MINUTES 20 SECONDS WEST 122.51 FEET: THENCE SOUTH 08 DEGREES 53 MINUTES 49 SECONDS WEST 565.95 FEET; THENCE NORTH 81 DEGREES 06 MINUTES 11 SECONDS WEST 874.66 FEET TO A POINT ON SAID EAST LINE OF SAID GATEWAY SUBDIVISION: THENCE NORTH 08 DEGREES 31 MINUTES 15 SECONDS EAST ALONG THE LAST DESCRIBED LINE 1448.17 FEET TO THE POINT OF BEGINNING.

P.I.Ns.: part of 03-25-300-011 and part of 03-25-300-012 in Kane County, Illinois.

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General Location: Approximately thirty-eight and one-half (38.5) acres of property on the south side of Illinois Route 72 in the Vicinity of Christina Drive, unincorporated Kane County, Illinois.

<u>SECTION 3</u>: Boundary of the Village. That the new boundary of the Village shall extend to the far side of any adjacent right-of-way of the Property, provided said right-of-way is not currently located within the corporate limits of another municipality, and shall include all of every right-of-way within the area annexed hereby.

<u>SECTION 4</u>: Recording and Filing. That the Village Clerk is hereby directed to record with the Recorder of Deeds of Kane County, Illinois, and to file with the County Clerk of Kane County, Illinois:

- A. A copy of this Ordinance, certified by the Village Clerk; and
- B. A plat of the annexed territory, which plat shall be attached to the certified copy of this Ordinance referred to above (**EXHIBIT C**).

<u>SECTION 5</u>: Notices. That the Village Clerk is hereby directed to notify the election authority having jurisdiction in the territory hereby annexed (Kane County Clerk), and the post office branch serving the territory hereby annexed, of said annexation, by certified mail, return receipt requested, within thirty (30) days of the adoption of this Ordinance.

<u>SECTION 6</u>: Severability. That if any Section, paragraph or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such Section, paragraph or provision shall not affect any of the remaining provisions of this Ordinance.

SECTION 7: Repeal. That all ordinances, resolutions, motions or parts thereof in conflict with this Ordinance shall be and the same are hereby repealed.

SECTION 8: **Effect.** That this Ordinance shall be in full force and effect upon its adoption, approval and publication in pamphlet form as provided by law.

[THIS SPACE INTENTIONALLY LEFT BLANK]

ADOPTED this '	1st day of 、	June, 2020	pursuant to	a roll ca	ll vote as f	ollows:

AYES: Trustees Lynam, Selep, Wood, Mahony, Andresen, Kunze and President Miller
NAYES: None
ABSENT: None
APPROVED by me this 1st day of June, 2020.
Lael Miller, Village President
ATTEST:
Nathering Hoet
Katherine Holt, Village Clerk

Published in pamphlet form this <u>5th</u> day of June, 2020, under the authority of the Village President and Board of Trustees.

4

Recorded in the Village records on June <u>5</u>, 2020.

444414_1

EXHIBIT A

PETITION FOR ANNEXATION

(attached)

847-428-1000 • Fax 847-428-1062

Mailing Address:

P.O. Box 957856 Hoffman Estates, IL 60195 Office Location

1141 E. Main St., Suite 100 East Dundee, IL 60118

Ms. Jennifer Johnsen Village Administrator Village of East Dundee 120 Barrington Avenue East Dundee, IL 60118

Re:

Petition for Annexation

Dear Jennifer,

Enclosed, is a fully executed Petition for Annexation for approximately 38.5 acres of land south of Illinois Route 72 in the vicinity of Christina Drive. An electronic copy of this document had previously been sent to you.

Please review the enclosed material, and let me know if you have any further questions. We look forward to working with you to bring this property into the municipal boundary of the Village of East Dundee.

Kind regards,

Kevin Seav

VP of Entitlements & Development

Plote Properties

Enclosure:

Petition for Annexation, dated May 15, 2020

PETITION FOR ANNEXATION **PURSUANT TO SECTION 7-1-8 OF THE** ILLINOIS MUNICIPAL CODE (65 ILCS 5/7-1-8)

To: Village Clerk

Village of East Dundee Cook and Kane Counties. Illinois

The undersigneds, as duly authorized representatives of Chicago Title Land Trust Company, Trust No. 8002350431, an Illinois land trust, and Chicago Title Land Trust Company, Trust No. 8002350432, an Illinois land trust (together the "Petitioners"), having first been sworn on oath, hereby state as follows:

- 1. That Petitioners are the owners, and the only owners, of the property identified on EXHIBIT 1 attached hereto and made part hereof ("Property").
- 2. There are no electors residing on the Property.
- 3. The Property is located in unincorporated Kane County.
- 4. The Property is not subject to any annexation or pre-annexation agreement with another municipality.
- 5. The undersigneds hereby petition the Village of East Dundee to annex the Property to the Village of East Dundee subject to the execution of an annexation agreement pursuant to Division 11-15.1 of the Illinois Municipal Code (65 ILCS 5/11-15.1).

Dated: May 5, 2020

CHICAGO LAND TRUST COMPANY, TRUST NO. 8002350431

By:

ATTEST:

Attestation not required Pursuant to corporate by-laws

This instrument is executed by the undersigned Land Trustee. not personally but solely as Trustee in the exercise of the power and authority conferred upon and vested in it as such Trustee. It is expressly understood and agreed that all the warranties, indemnities, representations, covenants, undertakings and agreements herein made on the part of the Trustee are undertaken by it solely in its capacity as Trustee and not personally. No personal liability or personal responsibility is assumed by or shall at any time be asserted or enforceable against the Trustee on account of any warranty, indemnity,

Trustee in this instrument.

CHICAGO TITLE LAND TRUST COMPANY, TRUST NO. 8002350432

CHICAGE BY.

ATTEST:

Attestation not required Pursuant to corporate by-laws

STATE OF ILLINOIS)
COUNTY OF COX
I, the undersigned, a Notary Public, in and for the County and State aforesaid, DO HEREBY CERTIFY that

GIVEN under my hand and official seal, this 15th day of May, 2020.

Commission expires September 16, 2021.

"OFFICIAL SEAL"

DANIEL C. ROTH

Notary Public, State of Illinois

My Commission Expires 09/16/21

Notary Public

STATE OF ILLINOIS)	
COUNTY OF COOK) SS)	

I, the undersigned, a Notary Public, in and for the County and State aforesaid, DO HEREBY CERTIFY that records for the County shown to me to be the land trust, and ______, personally known to me to be the ______ of said land trust, and personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person and severally acknowledged that as such the seal of said land trust to be affixed thereto, pursuant to authority given by the record of said land trust, as their free and voluntary act, and as the free and voluntary act and deed of said land trust, for the uses and purposes therein set forth.

GIVEN under my hand and official seal, this 15th day of May, 2020.

Commission expires September 16, 2021.

lotary Public, State of Illinois

Notary Public

EXHIBIT 1

Legal Description

THAT PART OF SECTION 25, TOWNSHIP 42 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF THE EAST LINE OF GATEWAY SUBDIVISION, BEING A SUBDIVISION OF PART OF SECTION 25, TOWNSHIP 42 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, RECORDED MAY 8, 1989 AS DOCUMENT NO. 1972329 WITH THE SOUTHWESTERLY LINE OF PARCEL 0002 ACQUIRED BY THE ILLINOIS DEPARTMENT TRANSPORTATION IN CONDEMNATION CASE ED 92 0015 BY ORDER DATED APRIL 22, 1993 AND AS SHOWN ON DOCUMENT 96K009367 AS ILLINOIS ROUTE 72, HIGGINS ROAD; THENCE SOUTH 61 DEGREES 53 MINUTES 27 SECONDS EAST ALONG SAID SOUTHWESTERLY LINE, 491.05 FEET TO A POINT OF CURVATURE; THENCE SOUTHEASTERLY 654.45 FEET ALONG SAID SOUTHWESTERLY LINE, BEING A TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 22,706.63 FEET AND WHOSE CHORD BEARS OF SOUTH 61 DEGREES 03 MINUTES 54 SECONDS EAST 654.43 FEET TO A BEND POINT IN SAID SOUTHWESTERLY LINE; THENCE SOUTH DEGREES 44 MINUTES 46 SECONDS EAST ALONG SOUTHWESTERLY LINE OF SAID ILLINOIS ROUTE 72 A DISTANCE OF 160.60 FEET TO A BEND POINT IN SAID SOUTHWESTERLY LINE; THENCE NORTH 23 DEGREES 44 MINUTES 02 SECONDS EAST ALONG SAID SOUTHWESTERLY LINE 61.34 FEET TO A POINT ON A CURVE; THENCE SOUTHEASTERLY 280.08 FEET ALONG SAID SOUTHWESTERLY LINE, NON TANGENT TO THE LAST DESCRIBED COURSE. BEING A CURVE TO THE RIGHT, HAVING A RADIUS OF 22,706.63 FEET AND WHOSE CHORD BEARS OF SOUTH 59 DEGREES 31 MINUTES 40 SECONDS EAST 280.08 FEET TO A BEND POINT; THENCE SOUTH 59 DEGREES 09 MINUTES 16 SECONDS EAST ALONG SAID SOUTHWESTERLY LINE, NON TANGENT TO THE LAST DESCRIBED CURVE, 490.70 FEET; THENCE SOUTH 30 DEGREES 50 MINUTES 06 SECONDS WEST, DEPARTING FROM SAID SOUTHWESTERLY LINE 223.12 FEET; THENCE SOUTH 24 DEGREES 01 MINUTES 52 SECONDS WEST 311.97 FEET; THENCE NORTH 59 DEGREES 09 MINUTES 53 SECONDS WEST 822.05 FEET; THENCE NORTH 61 DEGREES 03 MINUTES 20 SECONDS WEST 122.51 FEET; THENCE SOUTH 08 DEGREES 53 MINUTES 49 SECONDS WEST 565.95 FEET; THENCE NORTH 81 DEGREES 06 MINUTES 11 SECONDS WEST 874.66 FEET TO A POINT ON SAID EAST LINE OF SAID GATEWAY SUBDIVISION; THENCE NORTH 08 DEGREES 31 MINUTES 15 SECONDS EAST ALONG THE LAST DESCRIBED LINE 1448.17 FEET TO THE POINT OF BEGINNING, IN KANE COUNTY. ILLINOIS.

Property Index Numbers: part of 03-25-300-011 and part of 03-25-300-

012, in Kane County, Illinois

General Location: Approximately thirty-eight and one-half (38.5) acres of property on the south side of Illinois Route 72 in the vicinity of Christina Drive, being unincorporated property in Kane County, Illinois

EXHIBIT B

ALL STATUTORY NOTICES REQUIRED BY 65 ILCS 5/7-1-1

(attached)



Village of East Dundee

120 Barrington Avenue, East Dundee, IL 60118 (847) 426-2822 www.eastdundee.net

NOTICE OF PROPOSED ANNEXATION OF TERRITORY WITHIN DUNDEE TOWNSHIP TO THE VILLAGE OF EAST DUNDEE

VIA CERTIFIED U.S. MAIL RETURN RECEIPT REQUESTED

Dundee Township Supervisor 611 East Main Street East Dundee, Illinois 60118

Dundee Township Highway Commissioner 1900 Sleepy Hollow Road Sleepy Hollow, Illinois 60118

Dundee Township Tax Collector 611 East Main Street East Dundee, Illinois 60118 Dundee Township Clerk 611 East Main Street East Dundee, Illinois 60118

Dundee Township Assessor 611 East Main Street, Suite 101 East Dundee, Illinois 60118

Dundee Township Trustees 611 East Main Street East Dundee, Illinois 60118

You are hereby notified that the Village of East Dundee, Cook and Kane Counties, Illinois, which is about to annex the territory described below pursuant to 65 ILCS 5/7-1-1, et seq. (specifically, 65 ILCS 5/7-1-8), and that such annexation will take place not less than ten (10) days after the mailing of this Notice to you. The Village President and Board of Trustees of the Village of East Dundee intends to consider the annexation of the following-described territory at a meeting to be held at the East Dundee Police Department, Second Floor Community Room at 115 East 3rd Street, East Dundee, Illinois 60118, at 6:00 p.m. on June 1, 2020, which meeting may occur by telephone conference call under the Illinois Governor's Executive Orders and disaster declarations regarding the COVID-19 pandemic. If you wish to attend this meeting, please contact Village Administrator Jennifer Johnsen for details, at jjohnsen@eastdundee.net, or by telephone at (847) 426-2822. The territory to be annexed is described as follows, which is located within Dundee Township:

THAT PART OF SECTION 25, TOWNSHIP 42 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF THE EAST LINE OF GATEWAY SUBDIVISION, BEING A SUBDIVISION OF PART OF SECTION 25, TOWNSHIP 42 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, RECORDED MAY 8, 1989 AS DOCUMENT NO. 1972329 WITH THE SOUTHWESTERLY LINE OF PARCEL 0002 ACQUIRED BY THE ILLINOIS DEPARTMENT TRANSPORTATION IN CONDEMNATION CASE ED 92 0015 BY ORDER DATED APRIL 22, 1993 AND AS SHOWN ON DOCUMENT 96K009367 AS ILLINOIS ROUTE 72, HIGGINS ROAD; THENCE SOUTH 61 DEGREES 53 MINUTES 27 SECONDS EAST ALONG SAID SOUTHWESTERLY LINE, 491.05 FEET TO A POINT OF CURVATURE; THENCE SOUTHEASTERLY 654.45

FEET ALONG SAID SOUTHWESTERLY LINE, BEING A TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 22,706.63 FEET AND WHOSE CHORD BEARS OF SOUTH 61 DEGREES 03 MINUTES 54 SECONDS EAST 654.43 FEET TO A BEND POINT IN SAID SOUTHWESTERLY LINE; THENCE SOUTH MINUTES 46 SECONDS EAST 37 DEGREES 44 ALONG SOUTHWESTERLY LINE OF SAID ILLINOIS ROUTE 72 A DISTANCE OF 160.60 FEET TO A BEND POINT IN SAID SOUTHWESTERLY LINE: THENCE NORTH 23 DEGREES 44 MINUTES 02 SECONDS EAST ALONG SAID SOUTHWESTERLY LINE 61.34 FEET TO A POINT ON A CURVE: THENCE SOUTHEASTERLY 280.08 FEET ALONG SAID SOUTHWESTERLY LINE, NON TANGENT TO THE LAST DESCRIBED COURSE, BEING A CURVE TO THE RIGHT, HAVING A RADIUS OF 22,706.63 FEET AND WHOSE CHORD BEARS OF SOUTH 59 DEGREES 31 MINUTES 40 SECONDS EAST 280.08 FEET TO A BEND POINT: THENCE SOUTH 59 DEGREES 09 MINUTES 16 SECONDS EAST ALONG SAID SOUTHWESTERLY LINE, NON TANGENT TO THE LAST DESCRIBED CURVE, 490.70 FEET; THENCE SOUTH 30 DEGREES 50 MINUTES 06 SECONDS WEST, DEPARTING FROM SAID SOUTHWESTERLY LINE 223.12 FEET: THENCE SOUTH 24 DEGREES 01 MINUTES 52 SECONDS WEST 311.97 FEET; THENCE NORTH 59 DEGREES 09 MINUTES 53 SECONDS WEST 822.05 FEET: THENCE NORTH 61 DEGREES 03 MINUTES 20 SECONDS WEST 122.51 FEET; THENCE SOUTH 08 DEGREES 53 MINUTES 49 SECONDS WEST 565.95 FEET: THENCE NORTH 81 DEGREES 06 MINUTES 11 SECONDS WEST 874.66 FEET TO A POINT ON SAID EAST LINE OF SAID GATEWAY SUBDIVISION: THENCE NORTH 08 DEGREES 31 MINUTES 15 SECONDS EAST ALONG THE LAST DESCRIBED LINE 1448.17 FEET TO THE POINT OF BEGINNING, TOGETHER WITH ALL THAT PART OF ILLINOIS ROUTE 72 (HIGGINS ROAD) LYING NORTH OF AND ADJACENT TO ABOVE DESCRIBED PROPERTIES. NOT PREVIOUSLY ANNEXED TO THE VILLAGE OF EAST DUNDEE, ALL IN KANE COUNTY, ILLINOIS.

Property Index Numbers: part of 03-25-300-011 and part of 03-25-300-012, In Kane County, Illinois

General Location: Approximately forty-two (42) acres of property on the south side of Illinois Route 72 in the vicinity of Christina Drive, being unincorporated property in Kane County, Illinois

Dated this 14th day of May, 2020.

SEAL KANE COUNTY

VILLAGE OF EAST DUNDEE

Katherine Holt Village Clerk

EXHIBIT C

PLAT OF ANNEXATION

(attached)

