



**AGENDA ITEM # 9 A/B/C**

**AGENDA ITEM EXECUTIVE SUMMARY  
Village Board Meeting  
July 23, 2018**

**Item Title:**           **Annexation of 7N410 Sycamore Avenue**

**Staff Contact:**       Patrick N. Watkins, Community Development Director

**VILLAGE BOARD ACTION**

- |   |
|---|
| <ol style="list-style-type: none"><li><b>1. Conduct a Public Hearing for the Annexation of 7N410 Sycamore Avenue.</b></li><li><b>2. Pass an Ordinance Authorizing Execution of an Annexation Agreement for 7N410 Sycamore Avenue.</b></li><li><b>3. Pass an Ordinance Annexing Territory to the Village of Roselle, DuPage and Cook Counties, Illinois, and Establishing R-1 Single Family Residence District Zoning and Amending the Zoning Map for 7N410 Sycamore Avenue.</b></li></ol> |
|---|

**Executive Summary:**

Attached is a notice of a public hearing that was published in the ***Daily Herald on July 8, 2018*** for the annexation of 7N410 Sycamore Avenue. This property was recently purchased by Brock and Christina Klein.

The Klein’s recently purchased the single family residence located at 7N410 Sycamore Avenue. They would like to connect to the Village’s water and sanitary sewer systems, which would require the extension of these utilities south on Sycamore to their property. They will also be responsible for constructing a sidewalk in front of their property. There are no recapture fees associated with this property.

The house is currently zoned R-3, Single Family Residential, in DuPage County. Upon annexation, it will be zoned R-1, Single Family Residential in Roselle. The lot is in compliance with the Roselle R-1 zoning district requirements. Upon annexation the street address will be 120 Sycamore Avenue, Medinah.

The plat of annexation is still being prepared by the Klein’s surveyor. The ordinances associated with this annexation will not be signed and recorded until the plat of annexation has been received and approved by staff.

**Implications:**

**Is this item budgeted?**    N/A

**Any other implications to be considered?**   None

**Attachments:**

Public Hearing Notice

Ordinance Authorizing Execution of an Annexation Agreement

Ordinance Approving Annexation

Aerial Photo

**PUBLIC HEARING NOTICE**  
**JULY 6, 2018**  
**DAILY HERALD**  
**7N410 SYCAMORE, MEDINAH**

July 6, 2018 (4504207)

**PUBLIC HEARING NOTICE**

NOTICE IS HEREBY given that the Roselle Village Board will hold a Public Hearing on Monday, July 23, 2018. The Village Board will meet at 7:00pm in the Roselle Village Hall, 31 South Prospect Street, Roselle, Illinois to consider the petition of Brock & Christina Klein for the purpose of annexation of property legally described as follows:

LOT 46 IN BRANIGAR'S MEDINAH WOODS, BEING A SUBDIVISION OF THE WEST HALF OF THE NORTHEAST QUARTER AND OF THAT PART OF THE WEST HALF OF THE SOUTHEAST QUARTER LYING NORTH OF THE CHICAGO, MILWAUKEE AND ST. PAUL RAILROAD, OF SECTION 2, TOWNSHIP 40 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 11, 1952 AS DOCUMENT 653897, IN DUPAGE COUNTY, ILLINOIS.

PIN02-02-203-015  
The common name is 7N410 Sycamore, Medinah, Illinois.

At present, the property is developed with a detached single-family residence and in unincorporated DuPage County zoned R-3 (Single Family Residence District). The Village Board will consider R-1 Single Family Residence District zoning upon annexation.

Persons having questions or seeking additional information may contact the Village of Roselle Community Development Department at (630) 671-2806 for additional information.

All persons will have an opportunity to speak at such time and place.

Publish in Daily Herald July 6, 2018 (4504312)

**NEED A CROWD**

At your craft fair?

Place your ad in the  
**DAILY HERALD**  
Classified

*Published  
July 6, 2018*

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AUTHORIZING EXECUTION OF  
AN ANNEXATION AGREEMENT FOR**

*7N410 Sycamore Avenue  
(120 Sycamore Avenue)*

WHEREAS, there has been presented to the Corporate Authorities of the Village of Roselle, DuPage and Cook Counties, Illinois, a proposed Annexation Agreement (hereinafter "*Agreement*"); between the owners of record of real estate Brock & Christina Klein (hereinafter "*Owners*"); for the property located at 7N410 Sycamore (hereinafter "*Property*"); and the Village of Roselle (hereinafter "*Village*") pursuant to the provisions of Section 11, Division 15.1 of the Illinois Municipal Code; and,

WHEREAS, a public hearing upon the Annexation was held on July 23, 2018 by the Corporate Authorities of the Village, after proper public notice pursuant to the provisions of the statute, in such case made and provided; and,

WHEREAS, the Corporate Authorities of the Village, after considering the testimony and evidence presented at said public hearing, and after making further investigation of the matters set forth in the proposed Annexation Agreement, have determined that it is in the best interest of the Village and Brock & Christina Klein to enter into said Agreement as the Owners of record of the Property.

**NOW, THEREFORE BE IT ORDAINED**, by the Mayor and Board of Trustees of the Village of Roselle, DuPage and Cook Counties, Illinois, as follows:

SECTION 1: That the Mayor of the Village of Roselle is hereby authorized to execute and the Village Clerk is hereby directed to attest to that certain Annexation Agreement, a copy of which is attached hereto and incorporated herein as if fully set forth in *Exhibit A*, between the Village of Roselle, a municipal corporation of DuPage and Cook Counties, Illinois, and the Owners of record with respect to the Property legally described as follows:

LOT 46 IN BRANIGAR'S MEDINAH WOODS, BEING A SUBDIVISION OF THE WEST HALF OF THE NORTHEAST QUARTER AND OF THAT PART OF THE WEST HALF OF THE SOUTHEAST QUARTER LYING NORTH OF THE CHICAGO, MILWAUKEE AND ST. PAUL RAILROAD, OF SECTION 3, TOWNSHIP 40 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF

RECORDED JUNE 11, 1952 AS DOCUMENT 653897, IN DUPAGE COUNTY, ILLINOIS.  
(PIN: 02-02-203-015)

SECTION 2: That the location of the Property is illustrated on the Plat of Annexation attached hereto as *Exhibit "1"*.

SECTION 3: That if any part or portion of this ordinance is declared invalid by a court of competent jurisdiction, such partial invalidity shall not affect the remainder of this ordinance.

SECTION 4: Provided further, this ordinance shall automatically become null and void without further action of the corporate authorities unless, within thirty (30) days of the passage of this ordinance, the Agreement is signed by the Owners and returned to the Village Clerk for executing and recording. Extensions to this section may be granted by the Mayor and Board of Trustees in their sole discretion following a written request from the Owners.

AYES:

NAYS:

ABSENT:

PASSED and APPROVED this 23<sup>rd</sup> day of July, 2018.

PUBLISHED in pamphlet form this 23<sup>rd</sup> day of July, 2018.

ATTEST:

VILLAGE OF ROSELLE

\_\_\_\_\_  
Village Clerk

\_\_\_\_\_  
Mayor, Village of Roselle

**ATTACHMENT "A"**

**ANNEXATION AGREEMENT**  
(insert ordinance number here )  
7N410 Sycamore Avenue  
(120 Sycamore Avenue)

THIS ANNEXATION AGREEMENT (hereinafter "*Agreement*"); made and entered into this 23<sup>rd</sup> day of July 2018, between the VILLAGE OF ROSELLE, an Illinois municipal corporation located in DuPage and Cook Counties, Illinois (hereinafter "*Village*"); and Brock & Christina Klein (hereinafter "*Owners*").

WITNESSETH

WHEREAS, the Owners control the real estate located at 7N410 Sycamore, Medinah (Unincorporated Bloomingdale Township), Illinois, as illustrated on the Plat of Annexation, marked as *Exhibit "A"*, which is attached hereto and made a part hereof this Agreement (said real estate will hereinafter be referred to as "*Property*"); and,

WHEREAS, the Property is contiguous to the Village Corporate Limits and the Village has concluded that entering into this annexation agreement for the Property under the terms and conditions of this Agreement will enable the Village to control development of the area, permit the sound planning and development of the Village, and otherwise enhance and promote the health, safety and general welfare of the Village; and,

WHEREAS, pursuant to the provisions of the Roselle Village Code and applicable provisions of the Illinois Compiled Statutes and Illinois Constitution, a proposed Petition for Annexation in substance and form of the same as this Agreement was submitted to the Mayor and Board of Trustees of the Village of Roselle, and a public hearing was held on July 23, 2018 thereon pursuant to the notices provided by ordinance and statute; and,

WHEREAS, the Property is currently a single family residential lot containing a single-family detached dwelling, and has a lot width not less than 100 feet and a lot area of not less than 16,000 square feet in area, which is qualified to be classified as an R-1 Single Family Residence District as set forth in the Roselle Zoning Code.

**NOW, THEREFORE**, in consideration of the foregoing preambles and mutual covenants and agreements contained herein, the parties hereto agree as follows:

1. LEGAL CONFORMANCE WITH LAW. This Agreement is made pursuant to and in accordance with the provisions of the Roselle Village Code and applicable provisions of the Illinois Compiles Statutes and the Illinois Constitution.

2. PETITION TO ANNEX. The Owners have filed with the Clerk of the Village a proper petition, pursuant to the provisions of the Illinois Municipal Code (65 ILCS 5/7-1-8), conditioned on the execution of this Agreement, to annex the Property to the Village. This Agreement in its entirety, together with the aforesaid Petition for Annexation, shall be null, void, and of no effect unless the Property is validly zoned and classified under the Village's Zoning Ordinance as hereinafter set forth and amended.

3. REZONING. Upon annexation, the Property shall cease being zoned by DuPage County as R-3, Single Family Residence District, and shall be zoned R-1 Single Family Residence in conformance with the Roselle Zoning Code.

4. DEVELOPMENT/CONSTRUCTION STANDARDS. The redevelopment or construction on the Property shall be in full conformance with the Roselle Zoning Ordinance, Subdivision Control Ordinance, Building Code and other ordinances, codes, rules and regulations of the Village pertaining to the redevelopment of the Property to be annexed, except as may be specifically amended pursuant to the terms of this Agreement.

5. VARIATIONS IN LOCAL CODES. Unless stated in the annexation or rezoning ordinances pertaining to the Property, there shall be no specific variations from the Village's ordinances, rules and codes which have been requested or which are permitted with respect to the development / construction of the Property. The Owners may subsequently apply for variations from the Village's ordinances, rules and codes without amending this Agreement, provided, however, such applications shall satisfy all standards related to variations.

6. UTILITIES AND PUBLIC IMPROVEMENTS. As a condition of this Agreement, the Owners are requesting connection to and service from the following Village utilities and public improvements. The Owners understand that any connection to these Village utilities and public improvements shall be done in accordance with

Village engineering standards and the Village Code and such extension and all costs related thereto shall be the responsibility of the Owners and/or the Owners' contractor:

- a. Sanitary Sewer Facilities. The Owners agree to connect to the Village sanitary sewer main within six (6) months of the date of this agreement.
- b. Water Facilities. The Owners agree to connect to the Village water main within six (6) months of the date of this agreement.
- c. Sidewalk. The Owners agree to install a public sidewalk along the entire frontage of the property abutting Sycamore Avenue within six (6) months of the date of this agreement.

In absence of such construction/installation, the Village, in its absolute and sole discretion, may void this Agreement and the annexation of the Property, and upon disconnection, the Village shall have no obligation to provide sewer or water utilities to the Property. The Village in its sole discretion may also seek specific performance. Furthermore, the Owners understand that the construction / installation of these public improvements shall be done in accordance with the Village's engineering standards and the Village's Code of Ordinances, and such construction/installation, as well as all costs and expenses related thereto, shall be the sole and exclusive responsibility of the Owner. If the sidewalk is not installed as required herein the Village in its sole discretion, through its Corporate Authorities direction, may disconnect the Water Facilities and Sanitary Sewer Facilities.

7. ANNEXATION AND PERMIT FEES. The amount of annexation permit, license, inspection, tap-on, recapture or connection fees imposed by the Village, which are applicable to or required by Village Ordinances or Resolutions shall be paid by the Owners.

8. FIRE PROTECTION DISTRICT TAXES. Pursuant to the provisions of the Illinois Municipal Code (70 ILCS 705/20) or any successor statute, the Owners shall reimburse the Village in full and upon annexation for all taxes due from the Village to any fire protection district as a result of a fire protection district disconnection resulting from this annexation.

9. MEDINAH PARK DISTRICT. The Property is currently within the boundaries of, and subject to taxation by the Medinah Park District.

10. CONFLICT IN REGULATIONS. The provisions of this Agreement shall supersede the provisions of any ordinances, codes, or regulations of the Village which may be in conflict with the provisions of this Agreement.

11. AMENDMENT OF ANNEXATION AGREEMENT. This Agreement and any exhibits attached hereto may be amended pursuant to the provisions of the Roselle Village Code, Zoning Ordinance and Illinois Municipal Code.

12. INVALIDITY. If any provision of this Agreement, or any section, sentence, clause, phrase, or word, or the application thereof in any circumstances is held invalid, the validity of the remainder of this Agreement and the application of such provisions, section, sentence, clause, phrase or word in any other circumstances shall not be affected thereby.

13. TERM OF AGREEMENT. This Agreement shall be binding upon the parties hereto, their respective successors, heirs, administrators, contract purchasers, executors, grantees and assigns for a full term of twenty (20) years from the date of this Agreement. For purposes of this agreement the term "Owner or Owners" shall include all successor owners of the property.

14. RECORDING. This Agreement shall be recorded in the Office of Recorder of Deeds of the County of DuPage at the expense of the Owners.

15. APPROVAL. That this ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law, except that this Agreement shall not be effective until the Owners of the Property affixes a signature to a true and correct copy of this Agreement, acknowledging that it has reviewed and accepts the provisions of this Agreement.

16. DEFEND AND HOLD HARMLESS. The Owners agree to defend and hold the Village harmless from any and all actions, causes of action, claims, litigation in law or chancery, attorney's fees, and costs required to defend against efforts by anyone to set aside this annexation or the terms of this Agreement.

17. NOTICES. Notices or other writings which any party is required to, or may wish to serve upon any other party in connection with this Agreement, shall be in writing and shall be delivered personally or sent by certified or registered mail, return receipt requested, postage prepaid, to the other parties of this Agreement.

**IN WITNESS WHEREOF**, the Parties hereto have hereunder set their hands and seals on the day and year first above written.

OWNERS

\_\_\_\_\_

\_\_\_\_\_

VILLAGE OF ROSELLE

\_\_\_\_\_

*Village Mayor*

Attest:

\_\_\_\_\_

*Village Clerk*

Date: \_\_\_\_\_

STATE OF ILLINOIS, County of \_\_\_\_\_ ss

I, the undersigned, a Notary Public in and for the said County, in the State aforesaid, DO HEREBY CERTIFY that \_\_\_\_\_ are personally known to me to be the same persons whose names are subscribed to the foregoing instrument as such appeared before me this day in person and acknowledged that they signed and delivered the said instrument as their own free and voluntary act and as the free and voluntary act of said corporation, for the uses and purposes therein set forth; and the said \_\_\_\_\_, as custodian of the corporate seal of said corporation, did affix the corporate seal of said corporation to said instrument, as their own free and voluntary act and as the free and voluntary act of said corporation, for the uses and purposes therein set forth.

GIVEN under my hand and Notary Seal this \_\_\_ day of \_\_\_\_\_ , 2018

Notary Public

**EXHIBIT 1**  
**PLAT OF ANNEXATION**

**ORDINANCE NO. 2018-\_\_\_\_**

**AN ORDINANCE ANNEXING TERRITORY TO THE VILLAGE OF ROSELLE,  
DUPAGE AND COOK COUNTIES, ILLINOIS AND  
ESTABLISHING R-1 SINGLE FAMILY RESIDENCE DISTRICT ZONING  
AND AMENDING THE ZONING MAP**

7N410 Sycamore Avenue  
(120 Sycamore Avenue)

**WHEREAS**, the real estate commonly referred to as 7N410 Sycamore, Medinah, Illinois (hereinafter "Property"), is in unincorporated DuPage County, Illinois and is owned by Brock & Christina Klein (hereinafter "Owners"); and,

**WHEREAS**, the Owners signed a written Petition for Annexation to the Village of Roselle, an Illinois municipal corporation located in DuPage and Cook Counties, Illinois (hereinafter "Village"), and filed the same with the Clerk of the Village; and,

**WHEREAS**, the Property, hereinafter legally described, is not within the corporate limits of any municipality, but is contiguous to the Village; and,

**WHEREAS**, the Village published a Public Hearing notice in a newspaper of general circulation, and gave statutory notice of the proposed annexation of the Property to the Trustees of the Roselle Fire Protection District, and Bloomingdale Township officials of: Supervisor, Clerk, Trustee(s) and Highway Commissioner; and,

**WHEREAS**, the Mayor and Board of Trustees of the Village (hereinafter "Corporate Authorities") held a Public Hearing, July 23, 2018 on the question of annexation, have been advised of the land use on the Property and the desire to establish the Property as part of the R-1 Single-Family Residence District upon annexation by amending the zoning map, and believe it is in the best interest of the Village that the Property be annexed into the Village; and,

**WHEREAS**, the Property is currently developed as: a detached single-family residence on a lot containing more than 16,000 square feet in area, and has a lot width

of not less than 100 feet, and therefore, qualifies to be classified as part of the R-1 Single-Family Residence District in accordance of Appendix A of the Village's Code of Ordinances (hereinafter "Zoning Ordinance"); and,

**WHEREAS**, the Village and the Owners entered into a certain Annexation Agreement on July 23, 2018 for the Property, which the Corporate Authorities authorized via Ordinance 2018-\_\_\_\_; and,

**WHEREAS**, the Property will be commonly referred to as 120 Sycamore Avenue upon annexation.

**NOW, THEREFORE, BE IT ORDAINED**, by the Mayor and Board of Trustees of the Village of Roselle, an Illinois Municipal Corporation located in DuPage and Cook Counties, Illinois, as follows:

SECTION 1: The foregoing recitals are incorporated herein as if fully set forth as substantive provisions of this Ordinance.

SECTION 2: All steps, proceedings, notices, hearings, and actions necessary and proper for the purpose of annexing territory into the Village and zoning the Property have been complied with according to law.

SECTION 3: That the Property is legally described as follows:

LOT 46 IN BRANIGAR'S MEDINAH WOODS, BEING A SUBDIVISION OF THE WEST HALF OF THE NORTHEAST QUARTER AND OF THAT PART OF THE WEST HALF OF THE SOUTHEAST QUARTER LYING NORTH OF THE CHICAGO, MILWAUKEE AND ST. PAUL RAILROAD, OF SECTION 2, TOWNSHIP 40 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 11, 1952 AS DOCUMENT 653897, IN DUPAGE COUNTY, ILLINOIS (PIN 02-02-203-015).

SECTION 4: The Property is hereby annexed into, included within the boundary lines of, and shall be subject to the jurisdiction of the Village of Roselle, an Illinois municipal corporation located in DuPage and Cook Counties, Illinois.

SECTION 5: The Property shall cease being zoned R-3, Single-Family Residence District, in the County of DuPage, and is hereby rezoned R-1, Single-Family Residence District in conformance with the Zoning Ordinance. The Zoning Map of the Village shall be amended to reflect this zoning.

SECTION 6: The Plat of Annexation, attached hereto as “Exhibit One,” is an accurate map of the Property and adjacent right of way, and is hereby made a part of this Ordinance by reference as if fully set forth herein.

SECTION 7: Upon passage, approval, and publication of this Ordinance as required by law, the Clerk shall record this Ordinance annexing and zoning the Property, together with the Plat of Annexation certified as correct by the Clerk of the Village, in the Office of the Recorder of the County of Cook and with the Clerk of the County of Cook. All costs associated with recording shall be solely at the Owner’s expense.

SECTION 8: If any part or portion of this Ordinance is declared invalid by a court of competent jurisdiction, such partial invalidity shall not affect the remainder of this Ordinance.

SECTION 9: All ordinances and parts of ordinances in conflict or inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such conflict or inconsistency.

SECTION 10: This Ordinance shall take effect and be in full force and effect upon its passage, approval, and publication in pamphlet form as provided by law.

AYES:

NAYS

ABSENT:

PASSED and APPROVED this 23<sup>rd</sup> Day of July, 2018.

PUBLISHED in pamphlet form this 23<sup>rd</sup> Day of July, 2018.

ATTEST:

VILLAGE OF ROSELLE

---

Village Clerk

---

Mayor, Village of Roselle

# 7N410 Sycamore Avenue - Aerial



— Subject Property

■ Village of Roselle

