

VILLAGE OF LOMBARD
REQUEST FOR BOARD OF TRUSTEES ACTION
For Inclusion on Board Agenda

 X Resolution or Ordinance (Blue) X *Waiver of First Requested*
 Recommendations of Boards, Commissions & Committees (Green)
 Other Business (Pink)

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: Scott R. Niehaus, Village Manager

DATE: April 26, 2017 (B of T) Date: May 4, 2017

TITLE: Disconnection of the Glenbard Wastewater Bemis Road Treatment Plant Facility

SUBMITTED BY: Department of Community Development

BACKGROUND/POLICY IMPLICATIONS:

The Department of Community Development transmits for your consideration an Ordinance consenting to the disconnection of certain property located within the Village of Lombard, and the annexation of same by the Village of Glen Ellyn, pursuant to the provisions of 65 ILCS 5/7-1-24, a portion of the Bemis Road Glenbard Wastewater Authority Facility located at 21W551 Bemis Road.

Staff recommends approval of this request.

Staff requests a waiver of first reading of the Ordinance.

Fiscal Impact/Funding Source:

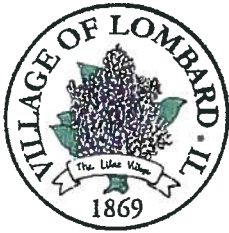
Review (as necessary):

Village Attorney X _____ Date _____

Finance Director X _____ Date _____

Village Manager X _____ Date _____

NOTE: All materials must be submitted to and approved by the Village Manager's Office by 12:00 noon, Wednesday, prior to the Agenda Distribution.



MEMORANDUM

TO: Scott R. Niehaus, Village Manager

FROM: William J. Heniff, AICP, Director of Community Development *WA*

MEETING DATE: May 4, 2017

SUBJECT: **DISCONNECTION OF THE GLENBARD WASTEWATER
BEMIS ROAD TREATMENT PLANT FACILITY FROM
THE VILLAGE OF LOMBARD**

The existing Glenbard Wastewater Authority (GWA) Facility at 21W551 Bemis Road property is owned by the Village of Glen Ellyn but within the corporate limits of the Village of Lombard. Per the previously adopted Intergovernmental Agreement (IGA) approved by the Village Boards of Glen Ellyn and Lombard in April, 2017, the Village of Glen Ellyn has petitioned the Village of Lombard to disconnect the subject property from Lombard, with annexation to Glen Ellyn occurring thereafter.

Attached is an Ordinance prepared by Lombard Village Counsel which will disconnect (de-annex) all of the GWA properties located west of the previously established boundary line, as set forth within the IGA.

ACTION REQUESTED

Please place this item on the May 4, 2017 Village Board agenda for consideration and approval. Staff recommends approval of the attached Ordinance consenting to the Disconnection of the Property at 21W551 Bemis Road by the Village of Lombard, pursuant to the provisions of 65 ILCS 5/7-1-24.

In order to allow the Village of Glen Ellyn to proceed with the companion annexation of the subject property, staff requests a waiver of first reading of the Ordinance.

**AN ORDINANCE CONSENTING TO THE DISCONNECTION OF
CERTAIN PROPERTY LOCATED WITHIN THE VILLAGE OF LOMBARD,
AND THE ANNEXATION OF SAME BY THE VILLAGE OF GLEN ELLYN,
PURSUANT TO THE PROVISIONS OF 65 ILCS 5/7-1-24
(A PORTION OF THE BEMIS ROAD GLENBARD WASTEWATER AUTHORITY FACILITY)**

WHEREAS, the Village of Lombard (the "Village") entered into "An Intergovernmental Agreement Between the Villages of Lombard and Glen Ellyn, in regard to the Glenbard Wastewater Authority Bemis Road Facility, and the Annexation of a Portion Thereof by the Village of Glen Ellyn," dated April 24, 2017 (the "Agreement"); and

WHEREAS, pursuant to said Agreement, upon the Village of Glen Ellyn ("Glen Ellyn") filing a disconnection petition with the Village, in the form as attached to the Agreement (the "Disconnection Petition"), the Village agreed to consent to the disconnection of the following-described property, currently owned by Glen Ellyn but located within the Village, and any dedicated right-of-way adjacent thereto, and the annexation of same to Glen Ellyn, pursuant to 65 ILCS 5/7-1-24:

LEGAL DESCRIPTION FOR P.I.N. 05-24-302-017 (PT.)
THE SOUTH 600.0 FEET (AS MEASURED AT RIGHT ANGLES THERETO)
LYING EAST OF THE EAST LINE OF LOT 22 IN FRED'K H. BARTLETT'S
SUNNYSIDE FARMS SUBDIVISION TOGETHER WITH THAT PART OF THE
SOUTHWEST 1/4 LYING SOUTH OF LOTS 20, 21 AND 22 IN SAID FRED'K H.
BARTLETT'S SUNNYSIDE FARMS SUBDIVISION AND ALSO THE 30.0 FOOT
STRIP OF LAND LYING SOUTH OF LOTS 10 THROUGH 25 IN GLEN CREST
SUBDIVISION, ALL IN THE SOUTHWEST 1/4 OF SECTION 24, TOWNSHIP 39
NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN
DUPAGE COUNTY, ILLINOIS.

ALSO

THAT PART OF THE WEST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 24,
TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL
MERIDIAN LYING WESTERLY OF THE CENTER OF THE THREAD OF THE
STREAM OF THE EAST BRANCH OF THE DUPAGE RIVER AND SOUTH OF
THE SOUTH LINE OF LOT 56 IN FRED'K H. BARTLETT'S SUNNYSIDE
FARMS FIRST ADDITION RECORDED AS DOCUMENT NUMBER 431194, IN
DUPAGE COUNTY, ILLINOIS.

LEGAL DESCRIPTION FOR P.I.N. NUMBERS 05-24-301-007, 008 & 009
LOTS 20, 21 AND 22 IN FRED'K H. BARTLETT'S SUNNYSIDE FARMS
SUBDIVISION, BEING A SUBDIVISION IN THE SOUTHWEST 1/4 OF
SECTION 24, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD

PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AS DOCUMENT 430032, IN DUPAGE COUNTY, ILLINOIS.

LEGAL DESCRIPTION FOR P.I.N. NUMBER 05-24-302-019
LOT 67 (EXCEPT THE NORTH 62 FEET OF THE WEST 133 FEET THEREOF) AND LOTS 20, 21 AND 22 IN F. H. BARTLETT'S SUNNYSIDE FARMS, A SUBDIVISION OF PART OF THE WEST 2013 FEET OF THE NORTHWEST QUARTER AND THE SOUTHWEST QUARTER OF SECTION 24, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS.

(the "Subject Property"); and

WHEREAS, the Disconnection Petition has been filed with the Village by Glen Ellyn, a copy of which is attached hereto as Exhibit A, and made part hereof; and

WHEREAS, the Subject Property is less than one hundred sixty (160) acres in size and is contiguous to Glen Ellyn; and

WHEREAS, the Disconnection Petition has been signed by the sole owner of record of the Subject Property; and

WHEREAS, there are no electors residing on the Subject Property; and

WHEREAS, it is in the best interests of the Village to consent to the disconnection of the Subject Property, and any dedicated right-of-way adjacent thereto, from the Village, and the annexation of the Subject Property, and any dedicated right-of-way adjacent thereto, to Glen Ellyn;

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Lombard, DuPage County, Illinois, as follows:

SECTION 1: That the recitals as set forth above are hereby incorporated herein by reference and made part hereof.

SECTION 2: That the President and Board of Trustees of the Village hereby consent to the disconnection of the Subject Property, and any dedicated right-of-way adjacent thereto, from the Village, and the annexation thereof to Glen Ellyn, pursuant to 65 ILCS 5/7-1-24.

SECTION 3: That a certified copy of this Ordinance shall be forwarded to Glen Ellyn by the Village's Director of Community Development.

SECTION 4: That, pursuant to 65 ILCS 5/7-1-24, the Subject Property, and any dedicated right-of-way adjacent thereto, shall not be disconnected from the Village until it is properly annexed by Glen Ellyn.

SECTION 5: That this Ordinance, and the disconnection and annexation consents provided for herein, shall be null and void in the event that Glen Ellyn fails to adopt an ordinance annexing the Subject Property, and any dedicated right-of-way adjacent thereto, within sixty (60) days of the date of this Ordinance, and thereafter complete the proper recording of said Glen Ellyn ordinance as required by 65 ILCS 5/7-1-24.

SECTION 6: That this Ordinance shall be in full force and effect from and after its passage and approval as required by law.

Passed on first reading this ____ day of _____, 2017.

First reading waived by action of the Board of Trustees this ____ day of _____, 2017.

Passed on second reading this ____ day of _____, 2017, pursuant to a roll call vote as follows:

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED by me this ____ day of _____, 2017.

Keith Giagnorio, Village President

ATTEST:

Sharon Kuderna, Village Clerk

Exhibit A

Petition for Disconnection of the Subject Property

(attached)

**PETITION FOR DISCONNECTION OF CERTAIN REAL PROPERTY
FROM THE VILLAGE OF LOMBARD
PURSUANT TO THE PROVISIONS OF 65 ILCS 5/7-1-24**

This Petition for Disconnection, dated this 24th day of April, 2017, is made by the Village of Glen Ellyn, an Illinois municipal corporation (hereinafter referred to as "OWNER"), to the Village of Lombard, an Illinois municipal corporation (hereinafter referred to as the "VILLAGE").

W I T N E S S E T H:

WHEREAS, the OWNER is the owner of certain real property, which is legally described on EXHIBIT "1" attached hereto and made part hereof (hereinafter referred to as the "PROPERTY"); and

WHEREAS, there are no electors residing upon the PROPERTY; and

WHEREAS, the PROPERTY is currently situated within the corporate limits of the VILLAGE, but is also contiguous to the corporate limits of the OWNER; and

WHEREAS, the OWNER desires to disconnect the PROPERTY, and any dedicated right-of-way adjacent thereto, from the VILLAGE, and annex the PROPERTY, and any dedicated right-of-way adjacent thereto, to OWNER, in accordance with the provisions of 65 ILCS 5/7-1-24;

NOW, THEREFORE, the OWNER hereby specifically petitions and requests that the VILLAGE take all necessary and appropriate actions as required to disconnect the PROPERTY, and any dedicated right-of-way adjacent thereto, from the VILLAGE, including the adoption of an Ordinance consenting to and providing for said disconnection, pursuant to 65 ILCS 5/7-1-24.

OWNER: Village of Glen Ellyn,
an Illinois municipal corporation

Attest:

By: 
Alexander W. Demos, Village President


Catherine Galvin, Village Clerk

Date: 04/24/2017

Date: 04/24/2017

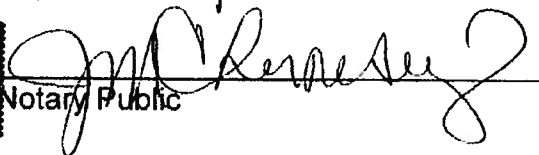
State of Illinois)
) SS
County of DuPage)

ACKNOWLEDGMENT

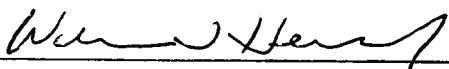
I, the undersigned, a Notary Public in and for the County and State aforesaid, DO HEREBY CERTIFY that Alexander W. Demos, personally known to me to be the Village President of the Village of Glen Ellyn, and Catherine Galvin, personally known to me to be the Village Clerk of said municipal corporation, 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 Village President and Village Clerk, they signed and delivered the said instrument and caused the corporate seal of said municipal corporation to be affixed thereto, pursuant to authority given by the Corporate Authorities of said municipal corporation, as their free and voluntary act, and as the free and voluntary act and deed of said municipal corporation, for the uses and purposes therein set forth.

GIVEN under my hand and official seal, this 24 day of April, 2017.




Notary Public

RECEIVED by me on behalf of the VILLAGE OF LOMBARD this 25th day of April, 2017.

By: 

Name: William J. Heriff

Title: Lombard Community Dev. Director

EXHIBIT "1"

**Legal Description
of the PROPERTY**

LEGAL DESCRIPTION FOR P.I.N. Pt. 05-24-302-017

THE SOUTH 600.0 FEET (AS MEASURED AT RIGHT ANGLES THERETO) LYING EAST OF THE EAST LINE OF LOT 22 IN FRED'K H. BARTLETT'S SUNNYSIDE FARMS SUBDIVISION TOGETHER WITH THAT PART OF THE SOUTHWEST 1/4 LYING SOUTH OF LOTS 20, 21 AND 22 IN SAID FRED'K H. BARTLETT'S SUNNYSIDE FARMS SUBDIVISION, ALL IN THE SOUTHWEST 1/4 OF SECTION 24, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS.

ALSO

THAT PART OF THE WEST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 24, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN LYING WESTERLY OF THE CENTER OF THE THREAD OF THE STREAM OF THE EAST BRANCH OF THE DUPAGE RIVER AND SOUTH OF THE SOUTH LINE OF LOT 56 IN FRED'K H. BARTLETT'S SUNNYSIDE FARMS FIRST ADDITION RECORDED AS DOCUMENT NUMBER 431194, IN DUPAGE COUNTY, ILLINOIS.

LEGAL DESCRIPTION FOR P.I.N.S 05-24-301-007, 008 & 009

LOTS 20, 21 AND 22 IN FRED'K H. BARTLETT'S SUNNYSIDE FARMS SUBDIVISION, BEING A SUBDIVISION IN THE SOUTHWEST 1/4 OF SECTION 24, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AS DOCUMENT 430032, IN DUPAGE COUNTY, ILLINOIS.

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