

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


 X Resolution or Ordinance (Blue) _____ *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: March 7, 2018 (B of T) Date: March 15, 2018

TITLE: Third Amendment to the Boundary Line Agreement Between the Villages of Lombard and Glen Ellyn

SUBMITTED BY: William J. Heniff, AICP, Director of Community Development 

BACKGROUND/POLICY IMPLICATIONS:

The Department of Community Development transmits for your consideration an Ordinance authorizing the execution of a Third Amendment to a Boundary Line Agreement between the Village of Lombard and the Village of Glen Ellyn. The Third Amendment removes an obligation by the Village of Glen Ellyn to connect the subject property at 889 W. St. Charles Road to public water and sanitary sewer prior to the disconnection of the property from the Village of Lombard.

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

MEETING DATE: March 15, 2018

SUBJECT: **THIRD AMENDMENT TO THE BOUNDARY LINE AGREEMENT BETWEEN THE VILLAGES OF LOMBARD AND GLEN ELLYN**

In January, 2012 the Lombard Village Board approved an intergovernmental boundary line agreement (IGA) between the Villages of Lombard and Glen Ellyn, with a First Amendment executed in 2015 and a Second Amendment approved last May. The agreement established a specific geographic delineation line by and between the municipalities for unincorporated lands and selected incorporated parcels as well as serving as a tool for future infrastructure and development planning activities.

In 2017, Glen Ellyn staff informed Lombard of their desire to work with the Forest Preserve District of DuPage County on actions to utilize an existing vehicle maintenance garage and preservation efforts for the historic McKee House, all located on the 49.78 acre Churchill Woods Forest Preserve District parcel at 889 E. St. Charles Road. Through this effort, they also sought the disconnection of the subject property from Lombard to Glen Ellyn as was identified in the original IGA. However, the Section 7 of the IGA states that the disconnection of the Churchill Woods property from Lombard shall not take place until such time that Glen Ellyn is able to provide water and sanitary sewer service to the property. As Glen Ellyn does not have public utilities in close proximity to the subject property at present and the costs that would be incurred to extend utility mains and lines for this property would financially preclude the aforementioned efforts noted above from occurring, they are seeking a further modification to the original agreement.

The proposed Third Amendment to the Boundary Agreement will strike the Glen Ellyn utility connection requirement. All other provisions of the previous agreements and the subsequent amendments would remain in full force and effect. Lombard would continue to provide water service to the property and would continue to maintain the publicly dedicated watermain along St. Charles Road. Staff has also facilitated the publishing of the requisite public notices required by State Statutes relative to this matter.

Lastly, Lombard staff is also finalizing the companion disconnection documents associated with the transfer of the Churchill Woods property from Lombard to Glen Ellyn. The actual disconnection ordinance will be placed on the Board agenda as a separate item once the Forest Preserve District of DuPage County provides the Village of Lombard with a new petition for disconnection.

ACTION REQUESTED

Please place this item on the March 15, 2018 Village Board agenda for consideration and approval on first reading. Staff recommends approval of the Third Amendment to the Boundary Agreement between the Villages of Lombard and Glen Ellyn.

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE EXECUTION OF A THIRD AMENDMENT TO A BOUNDARY LINE AGREEMENT WITH THE VILLAGE OF GLEN ELLYN

WHEREAS, the Village of Lombard and the Village of Glen Ellyn entered into a Common Boundary Agreement dated March 1, 2012 and recorded on July 18, 2012, with DuPage County Recorder's Office as document numbers R2012-092711 and R2012-092712 (hereinafter referred to as the "Original Agreement"); and

WHEREAS, the Original Agreement established an ultimate municipal boundary line between Lombard and Glen Ellyn, designating the anticipated extent of the respective municipalities as well as the planning jurisdiction relative to adjacent unincorporated areas; and

WHEREAS, Lombard and Glen Ellyn entered into a First Amendment to the Original Agreement dated September 14, 2015 and recorded with the DuPage County Recorder's Office by Lombard on November 5, 2015, as document number R2015-122243 and recorded by Glen Ellyn on March 17, 2016 as document R2016-025035 (hereinafter referred to as the "First Amendment"); and

WHEREAS, Lombard and Glen Ellyn entered into a Second Amendment to the Original Agreement dated April 20, 2017 and recorded by Lombard on June 30, 2017, with DuPage County Recorder's Office as document number R2017-066011 and recorded by Glen Ellyn on June 21, 2017 as document, R2017-061302 (hereinafter referred to as the "Second Amendment" – the Original Agreement, as amended by the First Amendment and Second Amendment, being hereinafter referred to as the "Amended Agreement"); and

WHEREAS, Lombard and Glen Ellyn have jointly determined that the Amended Agreement should be further amended to address the utility connection conditions associated with the anticipated disconnection of property located within the Churchill Woods Forest Preserve (as defined in the Amended Agreement); and

WHEREAS, 65 ILCS 5/11-12-9 provides authority for jurisdictional boundary lines such as the Amended Agreement; and

WHEREAS, pursuant to 65 ILCS 5/11-12-9, Lombard has provided public notice of this Agreement, by posting a public notice, for not less than fifteen (15) consecutive days, beginning on January 26, 2018, and ending on February 10, 2018, at the location at which notices of Village Board meetings are posted, and by publication of a public notice on January 22, 2018, in the Daily Herald, being a newspaper of general circulation in the territory that is subject to this Agreement; all said notification dates being not less than thirty (30) days, nor more than one-hundred twenty (120) days, prior to the approval of this Agreement by the corporate authorities

of Lombard; and

WHEREAS, pursuant to 65 ILCS 5/11-12-9, Glen Ellyn has provided public notice of this Agreement, by posting a public notice, for not less than fifteen (15) consecutive days, beginning on February 2, 2018, and ending on April 10, 2018, at the location at which notices of Village Board meetings are posted, and by publication of a public notice on February 19, 2018, in the Daily Herald, being a newspaper of general circulation in the territory that is subject to this Agreement; all said notification dates being not less than thirty (30) days, nor more than one-hundred twenty (120) days, prior to the approval of this Agreement by the corporate authorities of Glen Ellyn; and

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 Third Amendment to the Common Boundary Agreement between the Village of Lombard and the Village of Glen Ellyn attached hereto as **Exhibit A**, and made a part hereof (hereinafter referred to as the “Third Amendment”) is hereby approved, and the Village President and Village Clerk are hereby authorized and directed to execute same.

SECTION 2: 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.

SECTION 3: That said Third Agreement shall become effective after copies thereof, certified as to adoption by the Municipal Clerks of the Villages of Lombard and Glen Ellyn, have been filed in the Office of the Recorder of Deeds of DuPage County, Illinois, and placed on file in the Office of the Clerk of each municipality.

Passed on first reading this ____ day of _____, 2018.

First reading waived by action of the Board of Trustees this ____ day of _____, 2018.

Passed on second reading this ____ day of _____, 2018, pursuant to a roll call vote

as follows:

Ayes: _____

Nays: _____

Absent: _____

Approved by me this _____, day of _____, 2018.

Keith T. Giagnorio, Village President

ATTEST:

Sharon Kuderna, Village Clerk

Published by me in pamphlet form this _____ day of _____, 2018

Sharon Kuderna, Village Clerk

EXHIBIT A

THIRD AMENDMENT TO COMMON BOUNDARY AGREEMENT BETWEEN
THE VILLAGE OF LOMBARD AND THE VILLAGE OF GLEN ELLYN

THIS THIRD AMENDMENT TO COMMON BOUNDARY AGREEMENT (hereinafter referred to as the “Third Amendment”), made and entered into this ____ day of _____, 2018, between the Village of Glen Ellyn, an Illinois municipal corporation (hereinafter referred to as “Glen Ellyn”) and the Village of Lombard, a Illinois municipal corporation (hereinafter referred to as “Lombard”).

WITNESSETH

WHEREAS, the Village of Lombard and the Village of Glen Ellyn entered into a Common Boundary Agreement dated March 1, 2012 and recorded on July 18, 2012, with DuPage County Recorder’s Office as document numbers R2012-092711 and R2012-092712 (hereinafter referred to as the “Original Agreement”); and

WHEREAS, the Original Agreement established an ultimate municipal boundary line between Lombard and Glen Ellyn, designating the anticipated extent of the respective municipalities as well as the planning jurisdiction relative to adjacent unincorporated areas; and

WHEREAS, Lombard and Glen Ellyn entered into a First Amendment to the Original Agreement dated September 14, 2015 and recorded with the DuPage County Recorder’s Office by Lombard on November 5, 2015, as document number R2015-122243 and recorded by Glen Ellyn on March 17, 2016 as document R2016-025035 (hereinafter referred to as the “First Amendment”); and

WHEREAS, Lombard and Glen Ellyn entered into a Second Amendment to the Original Agreement dated April 20, 2017 and recorded by Lombard on June 30, 2017, with DuPage County Recorder’s Office as document number R2017-066011 and recorded by Glen Ellyn on June 21, 2017 as document, R2017-061302 (hereinafter referred to as the “Second Amendment” – the Original Agreement, as amended by the First Amendment and Second Amendment, being hereinafter referred to as the “Amended Agreement”); and

WHEREAS, Lombard and Glen Ellyn have jointly determined that the Amended Agreement should be further amended to address the utility connection conditions associated with the anticipated disconnection of property located within the Churchill Woods Forest Preserve (as defined in the Amended Agreement); and

WHEREAS, 65 ILCS 5/11-12-9 provides authority for jurisdictional boundary lines such as the Amended Agreement; and

WHEREAS, pursuant to 65 ILCS 5/11-12-9, Lombard has provided public notice of this Agreement, by posting a public notice, for not less than fifteen (15) consecutive days, beginning on January 26, 2018, and ending on February 10, 2018, at the location at which notices of Village Board meetings are posted, and by publication of a public notice on January 22, 2018, in the Daily Herald, being a newspaper of general circulation in the territory that is subject to this Agreement; all said notification dates being not less than thirty (30) days, nor more than one-hundred twenty (120) days, prior to the approval of this Agreement by the corporate authorities of Lombard; and

WHEREAS, pursuant to 65 ILCS 5/11-12-9, Glen Ellyn has provided public notice of this Agreement, by posting a public notice, for not less than fifteen (15) consecutive days, beginning on February 2, 2018, and ending on April 10, 2018, at the location at which notices of Village Board meetings are posted, and by publication of a public notice on February 19, 2018, in the Daily Herald, being a newspaper of general circulation in the territory that is subject to this Agreement; all said notification dates being not less than thirty (30) days, nor more than one-hundred twenty (120) days, prior to the approval of this Agreement by the corporate authorities of Glen Ellyn;

NOW, THEREFORE, in consideration of the foregoing, the mutual agreements set forth herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by Lombard and Glen Ellyn, Lombard and Glen Ellyn agree as follows:

1. That the provisions of the preambles set forth above are made a part hereof as if fully set forth herein.
2. That Section 7 of the Amended Agreement is hereby amended to read as follows:

“SECTION 7: There are a number of properties currently within Lombard which will be in Glen Ellyn’s Annexation Boundary Area under this Agreement. In this regard, upon a petition from the property owner, Lombard will disconnect that portion of the Great Western Trail shown on Exhibit “E” attached hereto and made part hereof, and those parcels of property shown on Exhibits “F” (the “Churchill Woods Property”) and “G” (the “Forest Preserve/Tollway Property”) attached hereto and made part hereof, which properties will then be annexed to Glen Ellyn.”

3. That all other provisions of the Amended Agreement, not amended hereby, shall remain in full force and effect.
4. This Third Amendment shall not become effective until a copy hereof, certified by the Village Clerks of Lombard and Glen Ellyn, has been recorded with the DuPage County Recorder’s Office, and copies hereof, certified by the Village Clerks of Lombard and Glen Ellyn, have been placed on file in the Offices of the Village Clerk of Lombard and the Village Clerk of Glen Ellyn.

IN WITNESS WHEREOF, Lombard and Glen Ellyn have caused these presents to executed and delivered on the date first above written.

VILLAGE OF GLEN ELLYN

VILLAGE OF LOMBARD

By: _____
Village President

By: _____
Village President

Attest: _____
Village Clerk

Attest: _____
Village Clerk

Date: _____

Date: _____