

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: William T. Lichter, Village Manager

DATE: May 25, 2004 (B of T) Date: June 3, 2004

TITLE: BOT 04-07: 1S232 and 1S280 Fairfield Avenue (Hidden Valley Condominiums)

SUBMITTED BY: Department of Community Development *OLL/wtt*

BACKGROUND/POLICY IMPLICATIONS:

The Department of Community Development transmits for your consideration an ordinance annexing certain territory to the Village of Lombard relative to a court controlled annexation of the Hidden Valley Condominium development located at 1S232 and 1S280 Fairfield Avenue.

Staff is requesting waiver of first reading. (UNINCORPORATED)

Please place this item on the June 3, 2004 Board of Trustees agenda.

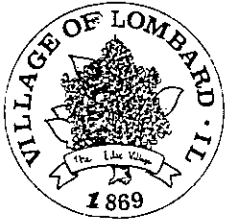
Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X _____	Date _____
Finance Director X _____	Date _____
Village Manager X <i>W. T. Lichter</i>	Date <i>5/25/04</i>

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: William T. Lichter, Village Manager

FROM: David A. Hulseberg, AICP, Director of Community Development *DH/vst*

DATE: June 3, 2004

SUBJECT: 1S232 and 1S280 Fairfield Avenue (Hidden Valley Condominiums) – Court Controlled Annexation

Following up on direction provided from the Village Board at their February 5, 2004 meeting, staff has been working with Counsel for Insignia Homes relative to a court controlled annexation of the Hidden Valley Condominium development at 1S232 and 1S280 Fairfield Avenue. With completion of these activities and with receipt of an order from Judge Bonnie Wheaton submitting the annexation question to the Village, staff has attached a copy of the following items for Village Board consideration at the June 3, 2004 meeting.

1. A map of the subject property;
2. A copy of the Court Order from Judge Wheaton; and
3. An Ordinance and companion plat annexing the Hidden Valley Condominium property into the Village.

Should the Board adopt the Ordinance annexing the property, the Ordinance will be in full force and effect thirty days after adoption of the Ordinance (July 4, 2004) and after the annexation ordinance and plat of annexation is recorded with the Recorder of Deeds of DuPage County.

RECOMMENDATION

Staff recommends approval of the attached Ordinance, with a waiver of first reading.

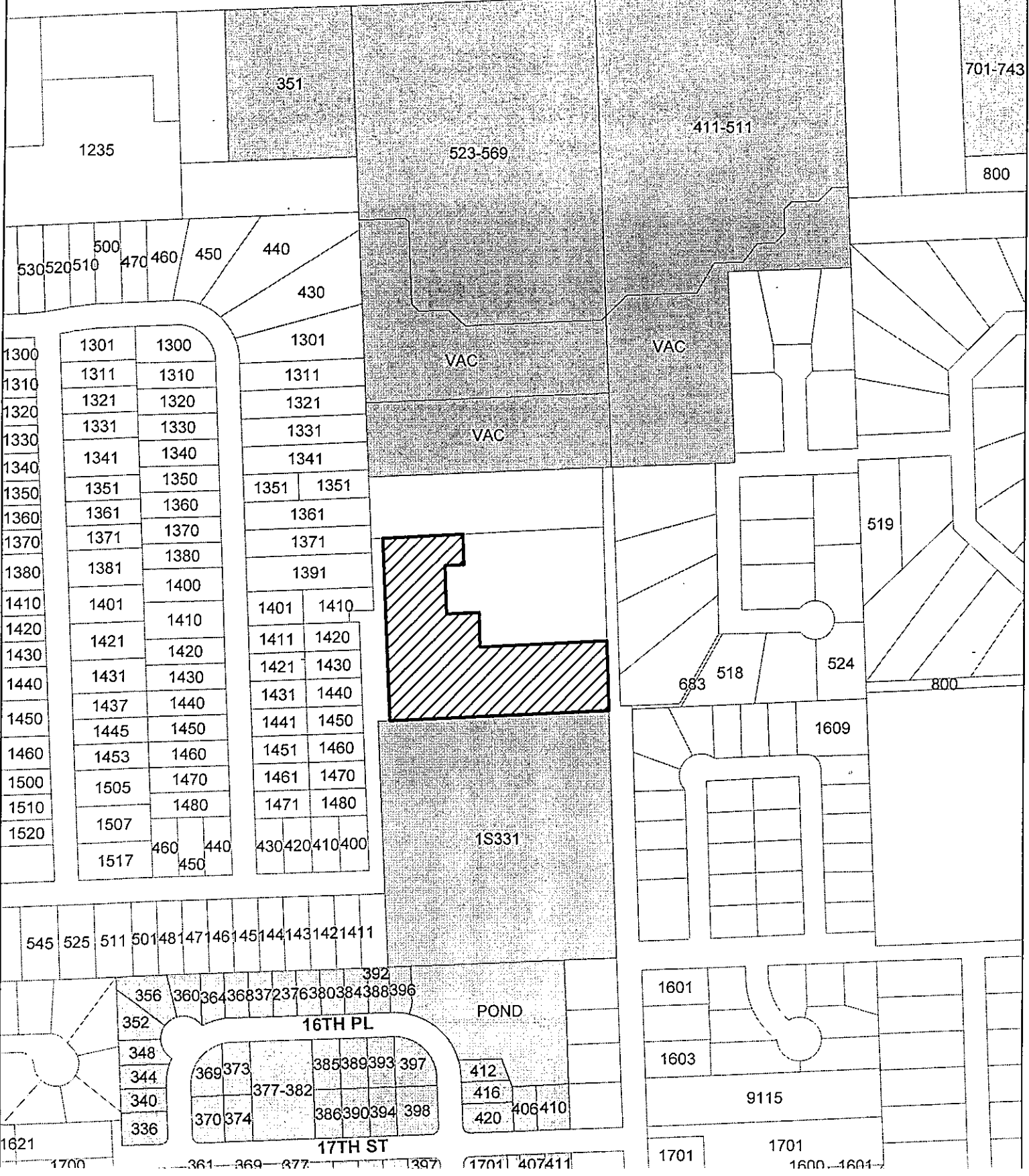
Location Map

1S232 & 1S280 Fairfield Avenue Annexation



240 244 266 300 330 340 352 400 470 498 500

ROOSEVELT RD



2250

STATE OF ILLINOIS)
) ss.
COUNTY OF DU PAGE)

CLERK OF THE
18TH JUDICIAL CIRCUIT
DU PAGE COUNTY, ILLINOIS

FILED
04 APR 28 AM 9:56

IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT
DU PAGE COUNTY, ILLINOIS

IN THE MATTER OF THE ANNEXATION
OF CERTAIN TERRITORY TO THE
VILLAGE OF LOMBARD,

No. 2004 MC 000002

Petitioner,

CERTIFICATION

I, Joel Kagann, Clerk of the 18th Judicial Circuit Court, DuPage County, Illinois, do hereby certify the above to be a true and correct copy as it appears from the records and files in my office. IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Seal of the said Court.

ORDER SUBMITTING QUESTION OF ANNEXATION
DATE APR 28 2004
OF CERTAIN TERRITORY TO THE
CORPORATE AUTHORITIES OF THE VILLAGE OF LOMBARD



JOEL KAGANN
Clerk
Deputy Clerk

THIS CAUSE coming on to be heard pursuant to order of court, continued to this date upon proper notice on the Petition for Annexation of certain territory to the Village of Lombard,

DuPage County, Illinois, and the Court finding it has jurisdiction of the subject matter of this cause and being fully advised in the premises, finds as follows:

1. That the Petition For Annexation was filed with the Clerk of the Circuit Court of the Eighteenth Judicial Circuit of DuPage County pursuant to 65 ILCS, §5/7-1-2 by certain Petitioners, on or about the 28TH day of April, 2004, upon a prayer of the Petitioners seeking the annexation of certain territory therein described, be annexed to the Village of Lombard, and that the matter of annexation be submitted to the corporate authorities of the Village of Lombard.

2. That notice as required by said §5/7/1-2 has been published and served upon the Clerk of the Village of Lombard and the Trustees thereof and the Township Highway Commissioner of York Township and the Board of Trustees of York Township. The certificates

of publication and the affidavit of mailing have been accepted into evidence by this Court and found to be good and sufficient by this Court.

3. That the Petition For Annexation conforms to 65 ILCS, §5/7-1-2.
4. That no objections have been filed to said Petition For Annexation.

IT IS HEREBY ORDERED as follows:

- A. That the question of annexation of the territory described as follows:

THAT PART OF LOTS 42-A, 42-B AND 42-C OF YORK TOWNSHIP SUPERVISORS' ASSESSMENT PLAT NO. 1 (ALSO KNOWN AS HIGHLAND ROAD FARMS) OF THE EAST 1/2 OF THE SOUTHWEST 1/4, THE WEST 1/2 OF THE SOUTHEAST 1/4 AND THE SOUTH 1332 FEET OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF SECTION 20, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 23, 1943 AS DOCUMENT 452575, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 42-A; THENCE EASTERLY ALONG THE NORTH LINE OF SAID LOT 42-A, 33.00 FEET TO THE EAST LINE OF GRACE STREET, HERETOFORE DEDICATED PER DOCUMENT NUMBER R75-61511, RECORDED NOVEMBER 6, 1975 TO THE POINT OF BEGINNING; THENCE SOUTHERLY ALONG SAID EAST LINE OF GRACE STREET, BEING A LINE 33.00 FEET EAST OF, AS MEASURED PERPENDICULAR TO, AND PARALLEL WITH THE WEST LINE OF AFOREMENTIONED LOTS 42-A, 42-B AND 42-C, A DISTANCE OF 499.30 FEET TO THE SOUTH LINE OF LOT 42-C AFORESAID; THENCE EASTERLY ALONG THE SOUTH LINE OF SAID LOT 42-C, 603.43 FEET TO THE WEST LINE OF FAIRFIELD AVENUE, HERETOFORE DEDICATED PER DOCUMENT NUMBER R75-61511, RECORDED NOVEMBER 6, 1975; THENCE NORTHERLY ALONG THE WEST LINE OF SAID FAIRFIELD AVENUE, BEING A LINE 33.00 FEET WEST OF, AS MEASURED PERPENDICULAR TO, AND PARALLEL WITH THE EAST LINE OF AFOREMENTIONED LOTS 42-B AND 42-C, 187.50 FEET; THENCE WESTERLY ALONG A LINE PARALLEL WITH AND 187.50 FEET NORTH OF, AS MEASURED PERPENDICULAR TO, THE SOUTH LINE OF SAID LOT 42-C, A DISTANCE OF 349.04 FEET; THENCE NORTHERLY ALONG A LINE PERPENDICULAR TO THE LAST DESCRIBED COURSE, A DISTANCE OF 94.56 FEET; THENCE WESTERLY ALONG A LINE PERPENDICULAR TO THE LAST DESCRIBED COURSE, A DISTANCE OF 88.92 FEET; THENCE NORTHERLY ALONG A LINE PERPENDICULAR TO THE LAST DESCRIBED COURSE, A DISTANCE OF 134.58 FEET; THENCE EASTERLY ALONG A LINE PERPENDICULAR TO THE LAST DESCRIBED COURSE A DISTANCE OF 55.83 FEET; THENCE NORTHERLY ALONG A LINE PERPENDICULAR TO THE LAST DESCRIBED COURSE, A DISTANCE OF 82.67 FEET TO THE NORTH LINE OF AFOREMENTIONED LOT 42-A AT A POINT 255.09 FEET EASTERLY OF, AS MEASURED ALONG THE NORTH LINE THEREOF, THE NORTHWEST CORNER SAID LOT 42-A; THENCE WESTERLY ALONG SAID NORTH LINE, 222.09 FEET TO THE POINT OF BEGINNING,

--ALSO--

ALL THAT PART OF AFOREMENTIONED FAIRFIELD AVENUE LYING NORTHERLY OF THE SOUTH LINE OF AFOREMENTIONED LOT 42-C AND LYING SOUTHERLY OF A LINE 187.50 FEET NORTH OF (AS MEASURED PERPENDICULAR TO) AND PARALLEL WITH SAID SOUTH LINE OF LOT 42-C,

--ALSO--

ALL OF AFOREMENTIONED GRACE STREET, ALL IN DUPAGE COUNTY, ILLINOIS.

be, and is hereby submitted to the corporate authorities of the Village of Lombard, DuPage County, Illinois, for final municipal action.

B. That a certified copy of this Order be sent to the Village Clerk of the Village of Lombard.

ENTER::

Bonnie M. Wheaton
JUDGE

DATED: ENTERED

APR 28 2004

BONNIE M. WHEATON JUDGE

JIM HODONICKY
DEPUTY COURT ROOM CLERK

Bruce T. Logan
Ash, Anos, Freedman & Logan, L.L.C.
77 West Washington Street
Chicago, IL 60602
312-346-1389
Attorneys for Petitioner
Attorney No. 2500

ORDINANCE NO. _____

**AN ORDINANCE ANNEXING CERTAIN TERRITORY TO THE
VILLAGE OF LOMBARD, DU PAGE COUNTY, ILLINOIS
(Hidden Valley Condominiums)**

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

SECTION 1: That the President and Board of Trustees find as follows:

A. That a Petition for Annexation (the "Petition") was filed with the Clerk of the Circuit Court of the Eighteenth Judicial Circuit, DuPage County pursuant to Section 5/7-1-2 of Chapter 65, Illinois Compiled Statutes, 2002, (65 ILCS 5/7-1-2), by certain petitioners, to cause the question of the annexation of certain territory hereinafter described to be submitted to the corporate authorities of the Village of Lombard, with said Petition containing a description of the territory proposed to be annexed.

B. That all notices required by law have been published and served in connection with said Petition.

C. That the Circuit Court of the Eighteenth Judicial Circuit, DuPage County, Illinois, has found that said Petition conforms to 65 ILCS 5/7-1-2, and has by order entered April 28, 2004 directed that the question of said annexation be submitted to the corporate authorities of the Village of Lombard.

D. That a certified copy of said Court Order has been received by the Deputy Village Clerk of the Village of Lombard.

E. That it is in the best interests of the Village of Lombard that the territory described in said Petition be annexed to the Village of Lombard.

SECTION 2: That the following described territory:

THAT PART OF LOTS 42-A, 42-B AND 42-C OF YORK TOWNSHIP SUPERVISORS' ASSESSMENT PLAT NO.1 (ALSO KNOWN AS HIGHLAND ROAD FARMS) OF THE EAST 1/2 OF THE SOUTHWEST 1/4, THE WEST 1/2 OF THE SOUTHEAST 1/4 AND THE SOUTH 1332 FEET OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF SECTION 20, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 23, 1943 AS DOCUMENT 452575, DESCRIBED AS FOLLOWS:

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ALL IN DUPAGE COUNTY, ILLINOIS;
P.I.N.'S: 06-20-207-001 through -066;

Common Address: 1 S 232 and 1 S 280 Fairfield Avenue; Lombard, Illinois, 60148;

is hereby annexed to the Village of Lombard, DuPage County, Illinois.

The new boundary of the Village of Lombard shall include any highway not previously annexed to a municipality that is adjacent to or included in said territory. An accurate plat of said territory is attached hereto.

SECTION 3: That this Ordinance shall be in full force and effect as of July 4, 2004, provided no petition requesting a referendum on said annexation is filed prior to that time with the Deputy Village Clerk.

SECTION 4: That a certified copy of this Ordinance and a Plat of Annexation shall be filed for recordation by the Deputy Village Clerk with the Recorder of Deeds of DuPage County, Illinois, after the effective date hereof.

SECTION 5: 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.

Passed on first reading this __ day of _____, 2004.

First reading waived by action of the Board of Trustees this 3rd day of June, 2004.

Passed on second reading this 3rd day of June, 2004, pursuant to a roll call vote as

follows:

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED by me this 3rd day of June, 2004.

William J. Mueller
Village President

ATTEST:

Barbara A. Johnson
Deputy Village Clerk

Published by me in pamphlet form this _____ day of _____, 2004.

Barbara A. Johnson
Deputy Village Clerk