

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: August 25, 2015 (B of T) Date: September 3, 2015  
TITLE: First Amendment to the Boundary Line Agreement Between the Villages  
Of Lombard and Glen Ellyn  
SUBMITTED BY: Department of Community Development

BACKGROUND/POLICY IMPLICATIONS:

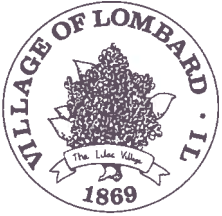
The Department of Community Development transmits for your consideration an Ordinance authorizing the execution of a First Amendment to a Boundary Line Agreement between the Village of Lombard and the Village of Glen Ellyn.

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 

**DATE:** September 3, 2015

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

In January, 2012 the Lombard Village Board approved a boundary line agreement between the Villages of Lombard and Glen Ellyn. This agreement established a specific geographic delineation line by and between the municipalities for unincorporated lands and selected incorporated parcels and is intended to serve as a tool for future infrastructure and development planning activities. It also set forth provisions for selected municipal disconnections and utility connections for private properties.

Since the agreement was adopted by both Villages, Glen Ellyn established geographical contiguity to the existing Glenbard Wastewater Authority (GWA) Facility at 21W551 Bemis Road. This action precipitated Glen Ellyn staff to further review the GWA site and the agreement.

The boundary line, as originally approved, follows the East Branch of the DuPage River adjacent to the GWA site, but results in the GWA site being divided between the two jurisdictions. Per a suggestion of the GWA and general agreement by the two municipal staffs, having the property designated to be in one single municipality would be more efficient for future GWA activities. As such, a first amendment of the boundary line is attached for consideration by the two Village Boards. As described in the first amendment and depicted in the companion map, the amendment will result in one parcel changing ultimate jurisdictions. All other provisions of the previously executed agreement will remain in full force and effect. Proper notice pursuant to State Statutes was provided.

This amendment does not change the corporate limits at this time. That action is anticipated to occur within the next year, largely based upon GWA construction timing issues. However, the eastern portion of the GWA site must remain within the Village of Lombard in order to maintain contiguity to the Western Acres Golf Course property, until such time that contiguity can be achieved through an alternate geographical means.

### **ACTION REQUESTED**

Please place this item on the September 3, 2015 Village Board agenda for consideration and approval.

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

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

**WHEREAS**, the 1970 Illinois Constitution and Division 12 of Article 11 of the Illinois Municipal Code (65 ILCS 5/11-12-1, et seq.) authorizes municipalities to enter into contracts and agreements to further intergovernmental cooperation; and

**WHEREAS**, the corporate authorities of the Village of Glen Ellyn and the Village of Lombard have discussed the advisability of entering into a new and modified boundary agreement between the municipalities; and

**WHEREAS**, Lombard and 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**, the municipal boundary line as depicted in "Exhibit "A" to the Original Agreement, and legally described in Exhibit "B" to the Original Agreement, bisects property located at 21W551 Bemis Road and utilized by the Glenbard Wastewater Authority for a joint municipal sanitary sewer treatment facility (hereinafter referred to as the "Bemis Road Facility"); and

**WHEREAS**, Lombard and Glen Ellyn have jointly determined that the Bemis Road Facility should be depicted and described to be wholly within the ultimate municipal jurisdiction of Glen Ellyn; and

**WHEREAS**, 65 ILCS 5/11-12-9 provides authority for jurisdictional boundary lines such as approved by the Original Agreement;

**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 President and Clerk are authorized to enter into a modified boundary agreement with the Village of Glen Ellyn, as attached hereto and made a part hereof.

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 Agreement shall become effective after copies thereof, certified as to adoption by the Municipal Clerks of the respective municipalities, 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 \_\_\_\_\_, 2015.

First reading waived by action of the Board of Trustees this \_\_\_\_ day of \_\_\_\_\_, 2015.

Passed on second reading this \_\_\_\_ day of \_\_\_\_\_, 2015.

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

Absent: \_\_\_\_\_

Approved this \_\_\_\_\_, day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Keith T. Giagnorio, Village President

ATTEST:

\_\_\_\_\_  
Sharon Kuderna, Village Clerk

Published by me in pamphlet form this \_\_\_\_\_ day of \_\_\_\_\_, 2015

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Sharon Kuderna, Village Clerk

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

THIS FIRST AMENDMENT TO COMMON BOUNDARY AGREEMENT (hereinafter referred to as the “First Amendment”), made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2015, 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, Lombard and 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, the municipal boundary line as depicted in “Exhibit “A” to the Original Agreement, and legally described in Exhibit “B” to the Original Agreement, bisects property located at 21W551 Bemis Road and utilized by the Glenbard Wastewater Authority for a joint municipal sanitary sewer treatment facility (hereinafter referred to as the “Bemis Road Facility”); and

WHEREAS, Lombard and Glen Ellyn have jointly determined that the Bemis Road Facility should be depicted and described to be wholly within the ultimate municipal jurisdiction of Glen Ellyn; and

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

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 of part hereof as if fully set forth herein.
2. That the Original Agreement is hereby amended by revising Exhibits “A” and “B” attached thereto, to read as set forth on Exhibits “A” and “B” attached hereto and made a part hereof.
3. That all other provision of the Original Agreement, not amended hereby, shall

remain in full force and effect.

4. This First 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: \_\_\_\_\_  
President

By: \_\_\_\_\_  
President

Attest: \_\_\_\_\_  
Village Clerk

Attest: \_\_\_\_\_  
Village Clerk

Exhibit "A"

Amended Boundary Line Map



**Exhibit A - Amended Boundary Line  
First Amendment to Boundary Line Agreement**

-  Glen Ellyn Planning Jurisdiction
-  Village of Glen Ellyn
-  Village of Lombard
-  Glenbard Wastewater Plant

Glenbard Wastewater  
First Amendment Change



## Exhibit "B"

### Legal Description of Amended Boundary Line

Beginning at the intersection of the North right-of-way line of North Avenue (Ill. Rt. 64) and the Westerly right-of-way line of the North-South Tollway (I-355); thence Southerly through the Northeast  $\frac{1}{4}$  and Southeast  $\frac{1}{4}$  of Section 1 and the Northeast  $\frac{1}{4}$  of Section 12, Township 39 North, Range 10, East of the Third Principal Meridian, along the Westerly right-of-way line and Westerly easement line of the North-South Tollway (I-355) to its intersection with the South right-of-way line of the Chicago and North Western Railway, thence Westerly along said South line 520 feet more or less to the Northeast corner of Lot 2 of Villa Park Kitchens Resubdivision, thence Southerly along the East line of said subdivision to its Southeast corner, thence Southerly across Hill Avenue to the northeast corner of Lot 11 of County Clerk's Assessment Division of Sections 11 & 12, thence Southerly along the east line of said Lot 6 and the east line of Lot 8 of County Clerk's Assessment Division of Sections 11 & 12 and said line extended to the South line of the Illinois Prairie Path, thence Easterly along said South line 30 feet more or less to the Northeast corner of Glen Oak Country Club, thence Southerly along the East line of Glen Oak Country Club to the Southwest corner of Lot 6 of County Clerk's Assessment Division of Sections 11 & 12, thence Easterly along the South line of said Lot 6 to its intersection with the Westerly right-of-way line of the North-South Tollway (I-355), thence Southerly along the Westerly right-of-way line of the North-South Tollway (I-355) (crossing the right-of-way of unimproved Madison Street) to its intersection with the Northerly right-of-way line of Illinois Rt. 53; thence East along the Northerly right-of-way line of Illinois Rt. 53 to its intersection with the West line of Lot 10 in Block 4 in Flowerfield Acres Subdivision of parts of the Southeast  $\frac{1}{4}$  of Section 13, Township 39 North, Range 10, East of the Third Principal Meridian and the Southwest  $\frac{1}{4}$  of section 18, Township 39 North, Range 11, East of the Third Principal Meridian; thence South along the West lines of Lots 2, 3, 4 and 5 in Block 5 in Flowerfield Acres, aforesaid, to the Southwest corner of said Lot 5; thence East along the South lines of Lot S in Block 5, Lots 1 through 13 in Block 6 (along with the previous vacated Highmoor Road right-of way) and Lots 1 and 10 through 17 in Block 7, all in Flowerfield Acres, aforesaid, to the West right-of-way line of Finley Road; thence South along the West right-of-way line of Finley Road to its intersection with the centerline of Roosevelt Road (Ill. Rt. 38); thence West along the North right-of-way line of Roosevelt Road (Ill. Rt. 38) to its intersection with the West line of the Southwest  $\frac{1}{2}$  of Section 18, aforesaid; thence South along said West line of the Southwest  $\frac{1}{2}$  of Section 18, aforesaid, and the Southerly extension thereof, to the South right-of-way line of Roosevelt Road (Ill. Rt. 38) ; thence West along the South right-of-way line of Roosevelt Road (Ill. Rt. 38) , through the Southeast  $\frac{1}{2}$  of Section of 13, aforesaid, through the Northeast  $\frac{1}{4}$  of Section 24, Township 39 North, Range 10, East of the Third Principal Meridian, to said South right-of-way line's intersection with the Westerly right-of-way line of the North-south Tollway (I-355); thence Southerly along the Westerly right-of-way line of the North-South Tollway (I-355) to its intersection with the East bank of the East Branch of the DuPage River, said point of intersection occurring at the southeast corner of Lot 23 in Block 9 in Glenbard Acres Homesites Subdivision of part of the Northeast  $\frac{1}{2}$  of Section 24, Township 39 North, Range 10, East of the Third Principal Meridian; thence Southerly along the East bank of the East Branch of the DuPage River through the Northeast  $\frac{1}{2}$  of Section 24, aforesaid, the Southeast  $\frac{1}{2}$  of Section 24, aforesaid, **to the northwest corner of Tract 3 of in Commonwealth**

**Edison Company Assessment Plat No. 11 recorded as Document 913368 on February 25, 1959; thence south along the west line of said Tract 3 aforesaid to the south line of the west ½ of the Southeast Quarter of Section 24, aforesaid; thence west along said south line of the west ½ of the Southeast Quarter of Section 24 aforesaid to the East bank of the East Branch of the DuPage River; thence southerly along the East bank of the East Branch of the DuPage River through the Northeast ¼ of Section 25, Township 39 North, Range 10, East of the Third Principal Meridian to the intersection of said East bank with the Easterly extension of the North line of Lot 412 in Butterfield West Unit 4, a subdivision of parts of the Northeast ½ and Northwest ¼ of Section 25, aforesaid; thence West along the North line of said Lot 412, and the Easterly extension thereof, to a point on the North line of said Lot 412 located 51.34 feet West of the Northeast corner of said Lot 412; thence Southeasterly along a line drawn parallel to and 50 feet West of the East line of said Lot 412, to a point on said parallel line located 270 feet North of the South line of said Lot 412, as measured along said parallel line; thence in a Southwesterly direction to a point on the South line of said Lot 412, said point being located 320 feet West of the Southeast corner of said Lot 412; thence Westerly along the South line of said Lot 412 (said South line also being the North line of Lot 413 in Butterfield West Unit 4, aforesaid) to the Northwest corner of said Lot 413; thence Southerly along the Westerly line of said Lot 413 to its intersection with the North line of Lot 1 in Glen Briar Golf Course Subdivision of parts of the Northwest ½ and Southwest ½ of Section 25, Township 39 North, Range 10, East of the Third Principal Meridian; thence West along the North line of said Lot 1 to the Northwest corner of said Lot 1; thence Southerly along the Westerly line of said Lot 1 to its intersection with the North right-of way line of Butterfield Road (Ill. Rt. 56) ; all in DuPage County, Illinois.**