

150079
(DISTRICTS - ALL)

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: February 23, 2015 (B of T) Date: March 5, 2015

TITLE: Amendments to Sections 35.5 and 152 of Village Code

SUBMITTED BY: Department of Community Development 

BACKGROUND/POLICY IMPLICATIONS:

The Department of Community Development transmits for your consideration an Ordinance granting approval of amendments to Sections 35.5 and 152 – Annexation Agreements, of Village Code. (DISTRICTS - ALL)

Staff recommends approval of this 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: March 5, 2015

SUBJECT: Amendments to Sections 35.5 and 152 of Village Code

Attached is an Ordinance granting approval of amendments to Sections 35.5 and 152 – Annexation Agreements, of Village Code.

Staff has reviewed the aforementioned sections, the amendments were deemed necessary to ensure Village Code follows State Statutes and past practices and addresses code redundancies.

ACTION REQUESTED

Please place this item on the March 5, 2015 Board of Trustees agenda for consideration and approval.

ORDINANCE NO. _____

AN ORDINANCE AMENDING, TITLE III, CHAPTER 35 AND TITLE XV, CHAPTER 152 OF THE LOMBARD VILLAGE CODE IN REGARD TO ANNEXATION AGREEMENTS

WHEREAS, the Village of Lombard (the “Village”) has established and maintains Village Policies, which are found in Title III, Chapter 35 of the Lombard Village Code; and

WHEREAS, the Village has established and maintains Land Use Planning provisions, which are found in Title XV, Chapter 152 of the Lombard Village Code; and

WHEREAS, the Corporate Authorities of the Village deem it reasonable to periodically review the Lombard Village Code and make necessary changes; and

WHEREAS, the Lombard Village Code amendments set forth below reflect current State statute requirements as well as Village Board and staff policy and practice on annexation agreements; and

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD, DU PAGE COUNTY, ILLINOIS, as follows:

SECTION 1: That Title III, Chapter 35, Section 35.50 of the Lombard Village Code is hereby amended to read in its entirety as follows:

“§ 35.50 – Request for annexation agreement hearings; contents.

- (A) All requests for consideration of an annexation agreement shall follow the provisions set forth within 65 ILCS 5/11-15.1-1 et. seq. Such requests shall be in writing, shall be accompanied by a properly completed annexation petition, and shall provide the name, address, and telephone number (and electronic mail address, if desired), of the owner(s) of record, the applicant and his/her/their attorney, upon whom notices may be served, together with a copy of the proposed annexation agreement.
- (B) Upon receipt of such application, the Village Manager or his/her designee shall advise the President and Board of Trustees of the contents of same, and the Village Manager or his/her designee shall designate a time and place for a public hearing in accordance with the State statute in regard to the annexation agreement. The Village Manager or his/her designee may designate that at such time any necessary public hearings by the Plan Commission be heard simultaneously with, or prior to, the hearing before the President and Board of Trustees in regard to the annexation agreement. Such public hearing may be continued from time to time by the appropriate motion.

- (C) Each applicant shall be responsible for the payment of any and all costs, relating to the processing of, and public hearing in relation to, the annexation agreement, including, but not limited to, publication, legal, and court reporter (including transcript, if ordered) costs as more fully set forth within Chapter 16 of this Code. All fees and costs billed to the Village, as of the date of action by the President and Village Board of Trustees on the annexation agreement, must be paid in full prior to action being taken by the President and Board of Trustees, with any subsequently billed fees and costs to be paid by the applicant thereafter. The amount so due and owing shall be collectable as an action in debt, even if the annexation agreement is not acted upon favorably.
- (D) An annexation agreement may contain, among other provisions as set forth in 65 ILCS 11-15.1-2, an acceptance of land or money by the Village in consideration of already existing public improvements serving the area to be annexed that were previously installed by the Village at its expense.”

SECTION 2: That Title XV, Chapter 152, Sections 152.35, 152.36, 152.37, and 152.38 of the Lombard Village Code are hereby repealed in their entirety.

SECTION 3: 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 _____, 2015.

First reading waived by action of the Board of Trustees this ____ day of _____, 2015.

Passed on second reading this ____ day of _____, 2015, pursuant to roll call vote as follows:

Ayes: _____

Nays: _____

Absent: _____

Approved by me this ____ day of _____, 2015.

Keith T. Giagnorio, Village President

ATTEST:

Sharon Kuderna, Village Clerk

Published by me in pamphlet form this ____ day of _____, 2015.

Sharon Kuderna, Village Clerk