

ORDINANCE NO. _____

**AN ORDINANCE AUTHORIZING AN AMENDMENT
TO ORDINANCE 5360, ADOPTED SEPTEMBER 18, 2003,
RELATIVE TO THE ANNEXATION AGREEMENT
FOR THE FAIRFIELD GLEN DEVELOPMENT**

(BOT 04-02: Fairfield Glen Subdivision)

(See also Ordinance No.(s) 5360 through 5364)

WHEREAS, NORTH STAR TRUST COMPANY, as Trustee of Trust No. 8305, VINCENT and HELEN BOLGER, Beneficiaries (hereinafter collectively referred to as "Owner") and INSIGNIA HOMES, L.L.C., an Illinois Limited Liability Company, (hereinafter referred to as "Developer") have petitioned the Village for an amendment to Ordinance Number 5360, adopted September 18, 2003 (hereinafter "Amendment Number One") to said Ordinance providing for an annexation agreement relative to the property described in Section 3 below (hereinafter the "Subject Property"); and

WHEREAS, said petition of the Owner and Developer requests an amendment to Ordinance Number 5360 so as to provide for amended provisions relative to the Owner's obligations relative to said agreement upon sale of the Subject Property to the Developer; and

WHEREAS, said petition of the Owner and Developer requests an amendment to Ordinance Number 5360 to include provisions for a substitute Developer for the proposed development on the Subject Property; and

WHEREAS, a public hearing was held by the Corporate Authorities of the Village on March 18, 2004, pursuant to appropriate and legal notice, for the purpose of considering the petition of the Owner and Developer for the Amendment Number One; and

WHEREAS, Amendment Number One has been drafted and a copy is attached hereto and incorporated herein as Exhibit "A"; and,

WHEREAS, the President and Board of Trustees approve and adopt the findings and recommendations of the Plan Commission and incorporate such findings and recommendations herein by reference as if they were fully set forth herein.

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 Ordinance 5360, adopted September 18, 2004, is hereby amended to include Amendment Number One attached hereto and marked Exhibit "A", by and between the Village of Lombard.

SECTION 2: That the Village President and Village Clerk be and hereby are authorized to sign and attest to said Amendment Number One, by and between the Village of Lombard.

SECTION 3: This Ordinance is limited and restricted to the property generally located at 1400 South Fairfield Avenue, Lombard, Illinois; legally described as follows:

PARCEL 1:

THAT PART OF LOTS 42-A AND 42-B 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, IN DUPAGE COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 42-A; THENCE EASTERLY ALONG THE NORTH LINE OF SAID LOT 42-A, A DISTANCE OF 255.09 FEET FOR A POINT OF BEGINNING; THENCE CONTINUING EASTERLY ALONG SAID NORTH LINE OF LOTS 42-A, A DISTANCE OF 160.14 FEET; THENCE SOUTHERLY AT AN ANGLE OF 90 DEGREES 00 MINUTES 00 SECONDS TO THE RIGHT OF THE LAST DESCRIBED COURSE EXTENDED, ALONG A LINE PERPENDICULAR TO THE SOUTH LINE OF SAID LOT 42-C, A DISTANCE OF 82.67 FEET; THENCE EASTERLY ALONG A LINE PERPENDICULAR TO THE LAST DESCRIBED COURSE, A DISTANCE OF 55.83 FEET; THENCE SOUTHERLY ALONG A LINE PERPENDICULAR TO THE LAST DESCRIBED COURSE, A DISTANCE OF 134.58 FEET; THENCE WESTERLY ALONG A LINE PERPENDICULAR TO THE LAST DESCRIBED COURSE, A DISTANCE OF 88.92 FEET; THENCE SOUTHERLY ALONG A LINE PERPENDICULAR TO THE LAST DESCRIBED COURSE, A DISTANCE OF 94.56 FEET TO A POINT 187.50 FEET NORTH OF THE SOUTH LINE OF SAID LOT 42-C; 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 93.97 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 POINT OF BEGINNING.

PARCEL 2:

THAT PART OF LOTS 42-A AND 42-B, 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 NO. 462575, IN DUPAGE COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 42-A; THENCE EASTERLY ALONG THE NORTH LINE OF SAID LOT 42-A, A DISTANCE OF 415.23 FEET FOR A POINT OF BEGINNING; THENCE SOUTHERLY AT AN ANGLE OF 90 DEGREES 00 MINUTES 00 SECONDS TO THE RIGHT OF THE LAST DESCRIBED COURSE EXTENDED, ALONG A LINE PERPENDICULAR TO THE SOUTH LINE OF SAID LOT 42-C, A DISTANCE OF 82.67 FEET; THENCE EASTERLY ALONG A LINE PERPENDICULAR TO THE LAST DESCRIBED COURSE, A DISTANCE OF 55.83 FEET; THENCE SOUTHERLY ALONG A LINE PERPENDICULAR TO THE LAST DESCRIBED COURSE, A DISTANCE OF 134.58 FEET; THENCE WESTERLY ALONG A LINE PERPENDICULAR TO THE LAST DESCRIBED COURSE, A DISTANCE OF 88.92 FEET; THENCE SOUTHERLY ALONG A LINE PERPENDICULAR TO THE LAST DESCRIBED COURSE, A DISTANCE OF 94.56 FEET TO A POINT 187.50 FEET NORTH OF THE SOUTH LINE OF SAID LOT 42-C; THENCE EASTERLY 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 288.19 FEET TO A POINT ON THE EAST LINE OF SAID LOT 42-B; THENCE NORTHERLY ALONG THE EAST LINES OF SAID LOTS 42-B AND 42-A, A DISTANCE OF 311.82 FEET TO THE NORTHEAST CORNER OF SAID LOT 42-A; THENCE WESTERLY ALONG THE NORTH LINE OF SAID LOT 42-A, A DISTANCE OF 254.35 FEET TO THE POINT OF BEGINNING, EXCEPT THAT PART DEDICATED FOR PUBLIC HIGHWAY.

PARCEL 3:

LOT 42 OF YORK TOWNSHIP SUPERVISORS' ASSESSMENT PLAT NO. 1 (ALSO KNOWN AS HIGHLAND ROAD FARMS) OF THE EAST 1/2 OF THE SOUTHWEST 1/4 OF 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, IN DUPAGE COUNTY, ILLINOIS.

Parcel Numbers: 06-20-201-001 and 008

SECTION 4: That all other portions of Ordinance Number 5360, adopted September 18, 2004, and not amended by this Ordinance, shall remain in full force and effect.

SECTION 5: This ordinance shall be in full force and effect from and after its passage and approval as provided by law.

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

Ordinance No. _____
Re: BOT 04-02 (Agreement Amendment)
Page 4

First reading waived by action of the Board of Trustees this _____ day of _____,
2004.

Passed on second reading this _____ day of _____, 2004.

Ayes: _____

Nayes: _____

Absent: _____

Approved this _____ day of _____, 2004.

William J. Mueller, Village President

ATTEST:

Barbara A. Johnson, Deputy Village Clerk