


**ORDINANCE 7500
PAMPHLET**

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



PUBLISHED IN PAMPHLET FORM THIS 6th DAY OF APRIL 2018, BY ORDER
OF THE CORPORATE AUTHORITIES OF THE VILLAGE OF LOMBARD, DUPAGE
COUNTY, ILLINOIS.



Janet Downer
Deputy Village Clerk

ORDINANCE NO. 7500

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 15th day of March, 2018.

Ayes: Trustee Whittington, Fugiel, Foltyniewicz, Johnston, Pike and Ware

Nays: None

Absent: None

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

Passed on second reading this 5th day of April, 2018, pursuant to a roll call vote as follows:

Ayes: Trustee Whittington, Foltyniewicz, Johnston and Pike

Nays: None

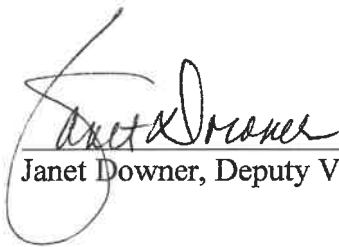
Absent: Trustee Fugiel and Ware

Approved by me this 5th day of April, 2018.



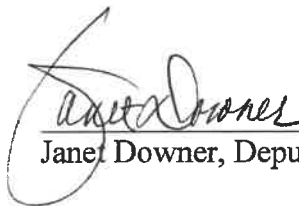
Keith T. Giagnorio, Village President

ATTEST:



Janet Downer, Deputy Village Clerk

Published by me in pamphlet form this 6th day of April, 2018.



Janet Downer, Deputy 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 9 day of April, 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

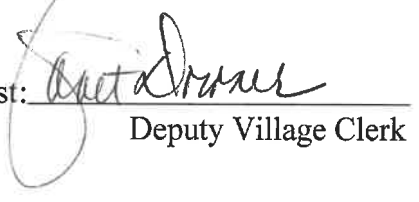
By: 
Village President

Attest: 
Village Clerk

Date: April 9, 2018

VILLAGE OF LOMBARD

By: 
Village President

Attest: 
Deputy Village Clerk

Date: April 5, 2018