

COUNCIL WORKSHOP ITEM

ITEM: Annexation Petition – 2600 Burlington Avenue, Downers Grove
DATE: April 4, 2002
PREPARED BY: Enza I. Petrarca, Acting Village Attorney
PURPOSE: Review and Place on Active Agenda for Approval by Ordinance

DISCUSSION:

A petition for annexation has been submitted by the owner of the property located at 2600 Burlington Avenue.

This property is contiguous to the Village limits. The owner desires to connect to Village water, and because there is no pre-annexation agreement arrangement in this area, annexation is required for the water connection. The owner has opted not to rezone the property upon its annexation, so there is no rezoning petition associated with the annexation. The zoning of the property will default to Village R-1, Single Family Residential upon annexation pursuant to Section 28-402 of the Zoning Ordinance.

Pursuant to state statute, upon annexation to the Village this property will be automatically disconnected from the fire protection district in which it is now located, unless a timely objection is filed by such district in the circuit court. To trigger this disconnection, notice must be served upon the fire protection district specifying the date upon which the Village Council will first consider the annexation. This alerts the fire protection district regarding the pendency of the annexation and provides an opportunity for them to appear and object to the disconnection.

The owner of the subject property is seeking its annexation in order to connect to municipal water services. Within the area of the subject property north of Maple Avenue, the Village does not have a pre-annexation agreement arrangement that would allow property owners to hook up to Village water and to delay annexation until a specified date. Therefore, property owners in this area that wish to hook up to Village water must annex the property immediately if they are contiguous to the Village limits, or if they are not contiguous, they must sign a pre-annexation agreement that would allow the Village to execute the agreement at any time the property does become contiguous. In the case of the subject property, it is contiguous to the Village limits, and the owner must therefore seek immediate annexation in order to connect to Village water services.

There is no rezoning petition associated with this annexation petition. Therefore, upon its annexation, its zoning will default to R-1, Single Family Residential pursuant to Section 28-402 of the Zoning Ordinance.

ATTACHMENT:

AN ORDINANCE ANNEXING CERTAIN TERRITORY TO THE VILLAGE OF DOWNERS GROVE,
ILLINOIS COMMONLY KNOWN AS 2600 BURLINGTON AVENUE

RECOMMENDATION:

It is requested that this matter be placed on the workshop agenda of April 23, 2002 for Council consideration.

cc: Amanda Brown, Planner
Kenneth J. Rathje, Sr. Dir., Community Development and Planning

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ORDINANCE NO. _____

**AN ORDINANCE ANNEXING CERTAIN TERRITORY
TO THE VILLAGE OF DOWNERS GROVE, ILLINOIS
COMMONLY KNOWN AS 2600 BURLINGTON AVENUE**

WHEREAS, there has been filed with the Clerk of the Village of Downers Grove, in DuPage County, Illinois, a verified petition requesting annexation to said Village of certain territory as hereinafter described and hereafter referred to as the "Territory"; and

WHEREAS, it appears that the owner or owners of record of each parcel of land within the Territory and at least fifty-one percent (51%) of the electors, if any, residing therein, have joined in said petition; and

WHEREAS, it appears to be in the best interests of the Village of Downers Grove to annex the Territory.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Downers Grove, in DuPage County, Illinois, as follows:

SECTION 1. The following described real estate, together with any public streets or highways adjacent to or within the Territory described that have not been previously annexed to any municipality, is hereby annexed to the Village of Downers Grove, to wit:

Lot 15 and Lot 16 (except that part of said Lot 16 described by beginning at the southwest corner of said Lot 16, and running thence northerly along the west line of said Lot, 125.00 feet to the northwest corner thereof; thence easterly along the northerly line of said Lot, 5.0 feet; thence southerly in a straight line, 124.55 feet to the place of beginning) in Block 9 in Carpenter's Addition to Lacton in the Northwest Quarter of Section 12, Township 39 North, Range 10, East of the Third Principal Meridian, in DuPage County, Illinois commonly known as 2600 Burlington Avenue, Downers Grove, Illinois 60515 (PIN 08-12-109-022)

Pursuant to Illinois Revised Statutes Chapter 24 entitled "Cities and Villages", the new boundary of the territory to be annexed shall extend to the far side of any adjacent highway and shall include all of every highway within the area to be annexed.

SECTION 2. A certified copy of this ordinance, together with an accurate map of the Territory hereby annexed shall be recorded in the office of the Recorder of DuPage County and shall be filed with the County Clerk of DuPage County by the Clerk of the Village.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

SECTION 4. All ordinances or resolutions, or parts thereof, in conflict with the provisions of this

ordinance be and are hereby repealed.

SECTION 5. This ordinance shall be in full force and effect from and after its passage and publication in the manner provided by law.

Mayor

Passed:

Published:

Attest: _____
Village Clerk