

**PROCEDURES FOR PUBLIC HEARING
ANNEXATION AGREEMENTS
FAIRVIEW AVENUE SOUTH OF 63RD STREET**

1. Mayor calls hearing to order.

This public hearing will please come to order. This public hearing has been called by the Village Council to consider proposed annexation agreements for the property located on the west side of Fairview Avenue, approximately 217 feet south of 63rd Street.

Notice of this hearing was published in the Downers Grove Reporter on January 11, 2002

2. Mayor summarizes procedures to be followed.

I would like to summarize the procedures which we will follow for tonight's public hearing.

1. I will ask staff to summarize the annexation agreements and identify the properties involved.
2. I will ask any representatives of the owner who may be present this evening to make a brief presentation regarding the annexation agreement or the properties involved.
3. The Village Council will thereafter have the opportunity to ask questions or make comments.
4. Members of the public will then be offered an opportunity to ask a question or make a comment regarding the petition. Statements may be presented for the record, either written or oral, and any petitions or other documents or information relevant to this public hearing may be submitted at this time.
5. Thereafter we will adjourn the hearing.

At this hearing, witnesses will not be sworn and a verbatim written transcript of the statements or testimony given at the hearing will not be prepared. However, a tape recording of the proceedings will be made on Village equipment and retained until minutes of the hearing have been prepared and approved by the Village Council. The proposed agreements will be placed on public file and, if authorized by the Village Council, approval scheduled for a future active agenda.

3. Staff summarizes.

4. Statement, if any, by representatives of the owner.

5. Questions or comments from the Village Council.

6. Questions or comments from the public.

7. Adjournment.

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING EXECUTION OF AN ANNEXATION AGREEMENT
BETWEEN THE VILLAGE OF DOWNERS GROVE AND
SIEVERS DEVELOPMENT COMPANY FOR CERTAIN PROPERTY
LOCATED SOUTH OF 63RD STREET AND WEST OF FAIRVIEW AVENUE**

BE IT RESOLVED by the Village Council of the Village of Downers Grove, DuPage County, Illinois, as follows:

1. That the form and substance of a certain Annexation Agreement (the "Agreement"), between the Village of Downers Grove (the "Village") and Sievers Development Company (the "Owners"), for certain conditions related to the annexation of property located south of 63rd Street and west of Fairview Avenue, as set forth in the form of the Agreement submitted to this meeting with the recommendation of the Village Manager, is hereby approved.

2. That the Village Manager and Village Clerk are hereby respectively authorized and directed for and on behalf of the Village to execute, attest, seal and deliver the Agreement, substantially in the form approved in the foregoing paragraph of this Resolution, together with such changes as the Manager shall deem necessary.

3. That the proper officials, agents and employees of the Village are hereby authorized and directed to take such further action as they may deem necessary or appropriate to perform all obligations and commitments of the Village in accordance with the provisions of the Agreement.

4. That all resolutions or parts of resolutions in conflict with the provisions of this Resolution are hereby repealed.

5. That this Resolution shall be in full force and effect from and after its passage as provided by law.

Mayor

Passed:

Attest: _____
Village Clerk

**ANNEXATION AGREEMENT WITH
SIEVERS DEVELOPMENT COMPANY
FOR CERTAIN PROPERTY LOCATED SOUTH OF 63RD STREET
AND WEST OF FAIRVIEW AVENUE, DU PAGE COUNTY, ILLINOIS**

This Agreement made and entered into this _____ day of _____, 20____, by and between the Village of Downers Grove, an Illinois municipal corporation (hereinafter referred to as the "Village") and SIEVERS DEVELOPMENT COMPANY (hereinafter referred to as the "Owners"),

WITNESSETH:

WHEREAS, the Owners are the owners of record of certain real estate, commonly known as 6320 Fairview Avenue, Downers Grove, IL and located south of 63rd Street and west of Fairview Avenue, Dupage County, Illinois, and legally described on Exhibit A. (hereinafter referred to as the "Property"); and

WHEREAS, the parties hereto desire that the Property be annexed to the Village on the terms and under the conditions hereafter set forth; and

WHEREAS, the Property is not located within the corporate boundaries of any municipality, but is within the planning area of the Village, as established by boundary agreements with adjacent municipalities, and is contiguous to the Village; and

WHEREAS, the parties wish to enter into a binding agreement with respect to the future annexation of the Property and to provide for various other matters related directly or indirectly to said future annexation, in accordance with the provisions of Ill. Rev. Stat., Ch. 24, Sec. 11-15.1-1 et seq.; and

WHEREAS, the Village Council has determined that the annexation of the Property would further the orderly growth of the Village and promote the general welfare of the Village.

NOW, THEREFORE, in consideration of the mutual covenants, agreements, terms and conditions herein set forth, the Owners and the Village agree as follows:

1. The provisions of the preamble herein above set forth are hereby restated and incorporated herein by reference.

2. The following documents are hereby incorporated into and made a part of this agreement by reference:

Exhibit A - Site Plan dated 9/19/01.

For purposes of this agreement, the Petitioner shall be held to the minimum front, side and rear yard setback as provided pursuant to said site plan. All other site elements are subject to

modification consistent with the Village of Downers Grove zoning and other applicable ordinances.

3. The Owners shall submit to the Village together with this agreement an executed Petition for Annexation and plat of annexation in the form provided by law. The Owners shall pay all fees associated with this Agreement including publication fees and recording fees.

4. The Village agrees to annex the property upon the terms and conditions set forth in this agreement.

5. In order to permit the development of the property, or any part thereof, the Village hereby agrees to classify and zone as provided herein.

a. Immediately following passage of the annexation of the property, the Village agrees to adopt an ordinance zoning the property B2 under the Village of Downers Grove Zoning Ordinance. Following the passage of the ordinance zoning the property and upon submittal of all required documentation, the owner agrees to limit the use of this property to business/professional office use for a period of twenty (20) years from the date of this agreement. Professional business use shall not involve retail sales except as incidental to a professional and/or business office use.

6. The Village shall assess, and the Owner shall pay, the public works and stormwater review and inspection fees, as established, and from time to time amended, in sections 20-15 and 26.76.8 of the Downers Grove Village Code.

7. Any development of the property shall be in substantial conformance with the site plan. Provided, however, amendments or variations to such plans may be approved by the Village from time to time in accordance with this Agreement or applicable Village ordinances and such amendments or variations shall not require the amendment of this agreement. Village ordinances, codes, rules, regulations, and specifications generally in effect and applicable throughout the Village at the time approval of any modification is granted shall apply to any subject not specifically addressed within this agreement.

8. This Agreement shall be binding upon the Owners, as well as the Owners' successors, assigns and heirs. This Agreement shall constitute a covenant running with the land and shall be binding upon all persons taking any interest or right in the Property after the date of this Agreement is executed by the Village. Any person acquiring any rights or interest in the Property after the date of this Agreement shall be bound by the terms thereof and shall be deemed to have accepted and approved this Agreement in full.

9. The Owners and the Village respectively agree to do all things necessary or appropriate to cause the Property to be duly and validly annexed to the Village. The Owner shall assist the Village and take all actions or steps necessary to accomplish said annexation.

10. The parties to this Agreement or their successors or assigns, may, in either law or equity, by suit, action, mandamus, injunction, or other proceedings in court, enforce and compel the performance of this Agreement, including suits for specific performance.

11. This Agreement may only be amended by written instruments signed by the parties.

12. The term of this Agreement shall be twenty (20) years from the date of execution hereof.

13. If any portion of this Agreement shall be declared invalid, the same shall not affect the validity of this Agreement as a whole, other than the part so declared invalid.

14. The undersigned Owner(s) warrant(s) that he constitute all owner(s) of the Property and that he have full authority and power to sign the Agreement and the petition submitted herewith and that they have not and will not take any action to change ownership in the Property until after this Agreement is recorded.

IN WITNESS WHEREOF this Agreement has been duly executed by whose names are subscribed below or on the signature pages attached hereto from time to time, and which pages are specifically incorporated herein.

OWNER(S)

VILLAGE OF DOWNERS GROVE

RONALD A. SIEVERS

By: _____

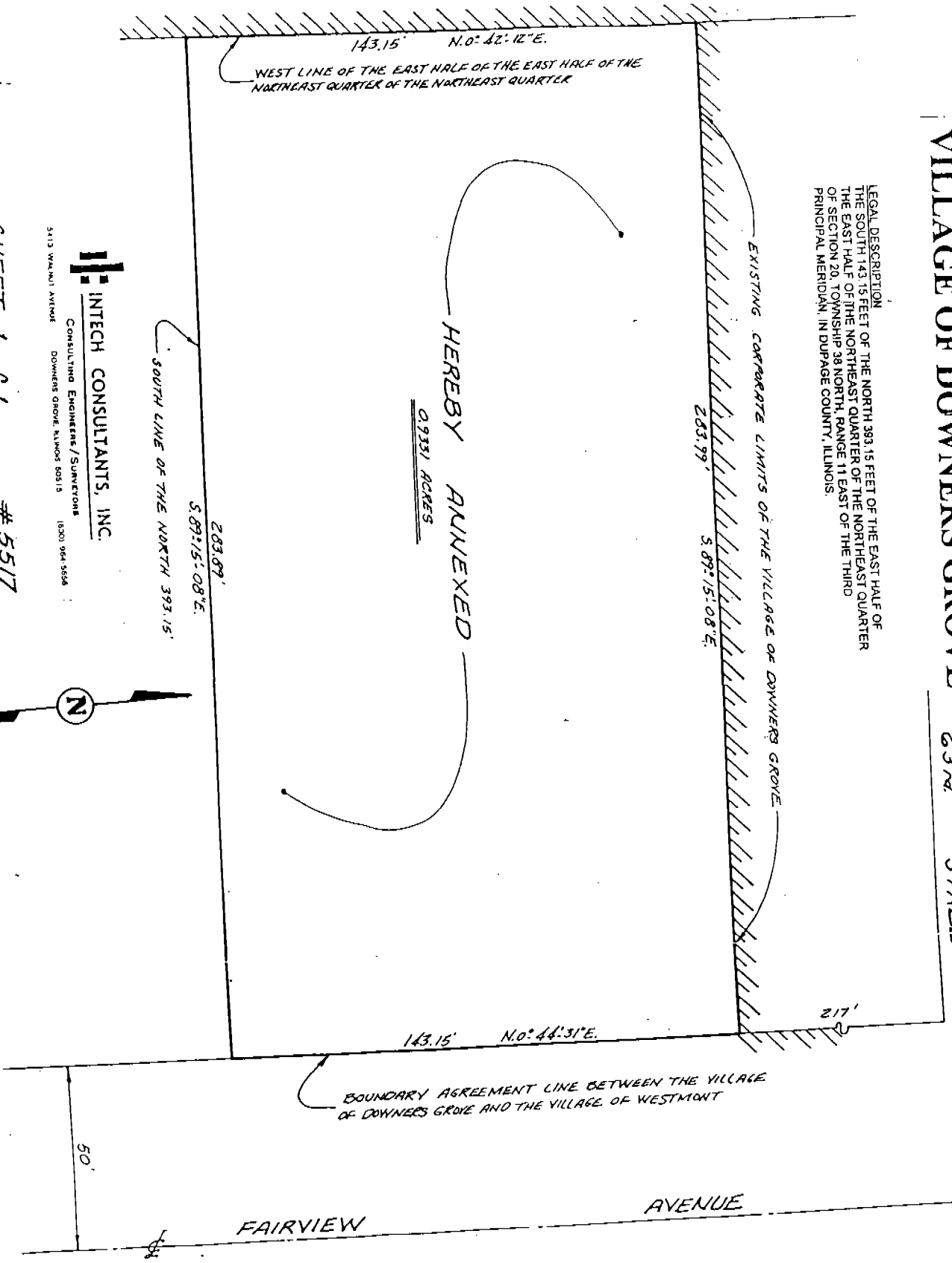
Attest: _____
Village Clerk

Subscribed and sworn to before me
this ____ day of _____, 2001.

Notary Public

PLAT OF ANNEXATION TO THE VILLAGE OF DOWNERS GROVE

LEGAL DESCRIPTION
THE SOUTH 143.15 FEET OF THE NORTH 393.15 FEET OF THE EAST HALF OF
THE EAST HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER
OF SECTION 20, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD
PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS.



PREPARED ON: 6-26-2001 SHEET 1 of 1 # 5517

INTECH CONSULTANTS, INC.
CONSULTING ENGINEERS / SURVEYORS
5413 WALNUT AVENUE
DOWNERS GROVE, ILLINOIS 60515 (820) 964-5654

