	<b>AGENDA ITEM EXECUTIVE SUMMARY</b>		Agenda Item number: IIC2
	Title:	Motion to approve an Ordinance Annexing Certain Unincorporated Territory to the City of St. Charles, Illinois (Brooke Toria Estates).	
	Presenter:	Rita Tungare	
Meeting: City Council		Date: December 16, 2019	
Proposed Cost: N/A		Budgeted Amount: N/A	Not Budgeted: <input type="checkbox"/>
<b>Executive Summary</b> <i>(if not budgeted please explain):</i>  <b><u>Background:</u></b>  <p>Brooke Toria Estates (also referred to as Smith Road Estates) is a 4.4-acre, 16-lot single-family subdivision proposed for annexation to St. Charles. The project was reviewed by the Planning &amp; Development Committee on August 13, 2018. The Committee recommended approval of the applications submitted for the project, including Map Amendment, Special Use for PUD, PUD Preliminary Plan, and Final Plat of Subdivision.</p> <p>The subject property is located in unincorporated Wayne Township and is contiguous with the St. Charles city limits. St. Charles has the ability to annex the property per the boundary agreement between the Cities of St. Charles and West Chicago.</p> <p>The developer, V&amp;M Investment and Remodeling Group, LLC, has filed a Petition for Annexation to annex the property to St. Charles. The developer has also submitted an Annexation Agreement.</p> <p>A public hearing on the Annexation Agreement will be held at 6:45 p.m., prior to the City Council meeting. The relevant taxing bodies were notified of the petition and public hearing as required by State Law.</p> <b><u>Action Item:</u></b>  <p>The attached ordinance will annex the subject property to the City of St. Charles.</p>			
<b>Attachments</b> <i>(please list):</i> Annexation Ordinance for Brooke Toria Estates.			
<b>Recommendation/Suggested Action</b> <i>(briefly explain):</i> Motion to approve an Ordinance Annexing Certain Unincorporated Territory to the City of St. Charles, Illinois (Brooke Toria Estates).			

**City of St. Charles, Illinois**  
**Ordinance No. 2019-M-**

**An Ordinance Annexing Certain Unincorporated Territory to the City of St. Charles, Illinois**  
**(Brooke Toria Estates)**

WHEREAS, V&M Investment and Remodeling Group, LLC (the “Owner”) is the Owner of record of the territory legally described in Exhibit “A” (the “Territory”) and has filed with the City Clerk a written petition, under oath, attached hereto as Exhibit “B” (the “Annexation Petition”) requesting that the Territory therein legally described be annexed into the City of St. Charles, Kane and DuPage Counties, Illinois; said Exhibits “A” and “B” are attached hereto and incorporated herein; and

WHEREAS, said Annexation Petition has been signed by all of the owners of record of the Territory and was signed by at least fifty-one percent (51%) of the electors residing on such Territory; and

WHEREAS, the statutes of the State of Illinois provide that upon the filing of such an Annexation Petition, the corporate authorities of the City may pass an ordinance annexing said Territory to the City, if said ordinance is passed by a majority vote of the corporate authorities; and,

WHEREAS, the Territory is not within the corporate limits of any municipality, but is contiguous to the corporate limits of the City of St. Charles and eligible for annexation thereto; and

WHEREAS, the City and the Owner have entered into a certain Annexation Agreement, consisting of approximately 17 pages, in addition to Exhibits “A” through “C”, which were attached thereto (“Annexation Agreement”); and

WHEREAS, said Annexation Agreement requires the City to annex the Territory; and

WHEREAS, the requirements of the laws of the State of Illinois, specifically 65 ILCS 5/7-1-1 and 5/7-1-8 of the Illinois Municipal Code, as amended, have been satisfied.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ST. CHARLES, KANE AND DUPAGE COUNTIES, ILLINOIS, as follows:

1. The preambles set forth hereinabove are incorporated herein as substantive provisions of this Ordinance as though fully set out in this Section 1.

2. That the Territory be and the same is hereby annexed to the City of St. Charles, Kane and DuPage Counties, Illinois, together with all adjacent streets and highways contiguous to said Territory, so that the new boundaries of the Territory annexed shall extend to the far side of said adjacent streets and highways not within the corporate limits of any other municipality.

3. That the Mayor, City Clerk and any other necessary officers of the City are hereby authorized to execute the Plat of Annexation.

4. That the City Clerk is hereby authorized and directed to cause a certified copy of this Ordinance, together with an accurate map of the Territory annexed appended thereto, to be recorded with the Office of the Recorder Deeds, DuPage County, Illinois, and filed with the County Clerk of DuPage County.

5. That the City Clerk is hereby authorized and directed to cause a certified copy of this Ordinance, together with an accurate map of the Territory annexed appended thereto, to be filed with the postal service branch serving the Territory.

6. That all ordinances and resolutions, or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, expressly repealed.

7. This Ordinance shall be in full force and effect upon its passage and approval according to law.

PRESENTED to the City Council of the City of St. Charles, Kane and DuPage Counties, Illinois this 16<sup>th</sup> day of December, 2019.

PASSED by the City Council of the City of St. Charles, Kane and DuPage Counties, Illinois this 16<sup>th</sup> day of December, 2019.

APPROVED by the Mayor of the City of St. Charles, Kane and DuPage Counties, Illinois this 16<sup>th</sup> day of December, 2019.

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Raymond P. Rogina, Mayor

ATTEST:

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City Clerk

COUNCIL VOTE:

Ayes:

Nays:

Absent:

Abstain:

**EXHIBIT A**

**LEGAL DESCRIPTION**

LOTS 16, 17 AND 18 IN PETRAUSKAS' SECOND SUBDIVISION OF PART OF SECTION 30, TOWNSHIP 40 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 24, 1966 AS DOCUMENT R66-42231, IN DUPAGE COUNTY, ILLINOIS.

**EXHIBIT B**

**PETITION FOR ANNEXATION**

**CITY OF ST. CHARLES**  
TWO EAST MAIN STREET  
ST. CHARLES, ILLINOIS 60174-1984



COMMUNITY DEVELOPMENT/PLANNING DIVISION

PHONE: (630) 377-4443 FAX: (630) 377-4062

**PETITION FOR ANNEXATION APPLICATION**



<b>For City Use</b>	
Project Name:	<u>Smith Road Estates</u>
Project Number:	<u>2017</u> -PR- <u>015</u>
Application Number:	<u>2018</u> -AP- <u>015</u>

*Instructions:*

*To request annexation of property, complete this application and submit it with all required attachments to the Planning Division.*

*The information you provide must be complete and accurate. If you have a question please call the Planning Division and we will be happy to assist you.*

<b>1. Property Information:</b>	Location:		<u>32 W 510 Smith Road</u>	
	Parcel Number (s):		<u>01-30-100-002, 003 and 004</u>	
	Proposed Subdivision Name:		<u>BROOKE TORIA ESTATES</u>	
<b>2. Applicant Information:</b>	Name	<u>V&amp;M INVESTMENT AND REMODELING</u>	Phone	<u>630-674-7103</u>
	Address	<u>0 N 632 GABLES BLVD</u>	Fax	
		<u>WHEATON IL 60157</u>	Email	<u>CHBYITO@XOMCAST.NET</u>
<b>3. Record Owner Information:</b>	Name	<u>Same as applicant</u>	Phone	
	Address		Fax	
			Email	

## **Application Checklist**

*If multiple zoning or subdivision applications are being submitted concurrently, do not submit duplicate checklist items or plans. Fee must be paid for each application.*

- ❑ **APPLICATION:** Completed application form signed by the applicant
- ❑ **APPLICATION FEE:** Refer to attached Schedule of Application Fees (\$500, plus an additional \$500 when an annexation agreement is proposed).
- ❑ **REIMBURSEMENT OF FEES AGREEMENT:** An original, executed Reimbursement of Fees Agreement and deposit of funds in escrow with the City.
- ❑ **REIMBURSEMENT OF FEES INITIAL DEPOSIT:**

Deposit of funds in escrow with the City. Required deposit is based on review items (number of applications filed) and the size of the site:

Number of Review Items	Under 5 Acres	5-15 Acres	16-75 Acres	Over 75 Acres
1	\$1,000	\$2,000	\$3,000	\$4,000
2 or 3	\$2,000	\$4,000	\$5,000	\$7,000
4 or more	\$3,000	\$5,000	\$7,000	\$10,000

- ❑ **PROOF OF OWNERSHIP and DISCLOSURE:**

- a) A current title policy report; or
- b) A deed and a current title search.

If the owner is not the applicant, an original letter of authorization from the owner permitting the applicant to act on his/her behalf is required. If the owner or applicant is a Trust, a disclosure of all beneficiaries; if the owner or applicant is a Partnership, a disclosure of all partners; if the owner or applicant is a Corporation, a disclosure of all owners with an interest of at least ten percent (10%).

*NOTE: Private covenants and deed restrictions can limit private property rights with respect to the use of land even though the City's Zoning Ordinance may authorize the use or a less restrictive use. We strongly advise that you perform a title search on the property to determine if there any private covenants containing use restrictions or other deed restrictions. As those private covenants and deed restrictions may conflict with the City's Zoning Ordinance, it is further recommended that you consult with an attorney to obtain an opinion with respect to whether your intended use is compatible with those restrictions.*

- ❑ **LEGAL DESCRIPTION:** For entire subject property, on 8 ½ x 11 inch paper
- ❑ **PLAT OF SURVEY:**

A current plat of survey for the Subject Realty showing all existing improvements on the property, prepared by a registered Illinois Professional Land Surveyor.

- ❑ **ANNEXATION PETITION (Complete either Form #1 for Electors, or Form #2 for No Electors).**

Petition to include the following information:

- Addressed to: Mayor and Members of the City Council, City of St. Charles, 2 E. Main Street, St. Charles, Illinois 60174
- A common address of the property and tax parcel number are included in the petition
- Signatures of all of the owners of record of the territory to be annexed and also by the majority of electors, if any, residing in the territory. Petition shall be signed under oath.

❑ **ONE MYLAR PRINT OF THE PLAT OF ANNEXATION.**

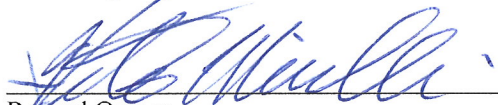
The Plat shall contain the following information:

- Survey of property to be annexed
- Legal description of property to be annexed
- Present corporate limits
- Number of acres to be annexed
- Name and address of person who prepared plat
- Indicate that the new boundary shall extend to the far side of any adjacent highway and shall include all of every highway within the area annexed.
- Certificate for signature by Mayor and the City Clerk as follows:

*This is to certify that this Accurate Map of Territory Annexed is identified as that incorporated into and made a part of the City of St. Charles Ordinance No. \_\_\_\_\_ adopted by the City Council of said City on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.*

By: \_\_\_\_\_ Attest: \_\_\_\_\_  
Mayor City Clerk

**I (we) certify that this application and the documents submitted with it are true and correct to the best of my (our) knowledge and belief.**

 5-25-18  
\_\_\_\_\_  
Record Owner Date

\_\_\_\_\_  
Applicant or Authorized Agent Date





NO ELECTORS

STATE OF ILLINOIS       )  
                                      ) ss:  
COUNTY OF DUPAGE       )

BEFORE THE MAYOR AND MEMBERS OF THE CITY COUNCIL  
OF THE CITY OF ST. CHARLES, ILLINOIS

**PETITION FOR ANNEXATION**

The undersigned Petitioner, V & M INVESTMENT AND REMODELING GROUP, LLC, hereby respectfully petitions to annex to the City of St. Charles, DuPage County, Illinois, the territory described in Exhibit "A" attached hereto and made a part hereof as though fully set forth and under oath state as follows:

1. The Petitioner is the Owner of Record of all the territory hereinbefore described.
2. There are no electors residing in the hereinabove described territory.
3. The territory as described herein is not within the corporate limits of any municipality.
4. All the territory then hereinbefore described will be contiguous to the City of St. Charles, DuPage County, Illinois, or contiguous to other parcels which will be contiguous to the City of St. Charles at the time of annexation.

WHEREFORE, Petitioner makes the following requests:

1. That the corporate authorities of the City of St. Charles, DuPage County, Illinois, annex the territory hereinbefore described to said City.
2. That the annexation requested herein be contingent upon the execution of an Annexation Agreement by and between Petitioner and the City of St. Charles.

The undersigned being first duly sworn on oath, certify and state that the statements set forth in the Petition for Annexation above are true and correct.

Dated as of the 19 day of December, 2017.

Respectfully submitted,

V & M Investment and Remodeling Group, LLC

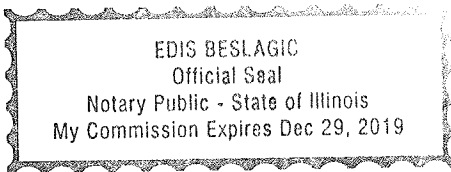
By:   
VITO MIULLI, SOLE MEMBER

vsm:Annexation/Petition/V & M Investment and Remodeling

STATE OF ILLINOIS       )  
  ) SS:  
COUNTY OF DePege       )

I, EDIS BESLAGIC, a Notary Public in and for said County, in the State aforesaid, do hereby certify that V & M INVESTMENT AND REMODELING GROUP, LLC, By: VITO MIULLI, SOLE MEMBER, personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledge that he signed and delivered the said instrument as his/her own free and voluntary act.

Given under my hand and notarial seal this 19<sup>th</sup> day of December, 2017.




  
\_\_\_\_\_  
Notary Public

EXHIBIT "A"

COMMON ADDRESS: 32 W 510 Smith Road, West Chicago, Illinois 60185

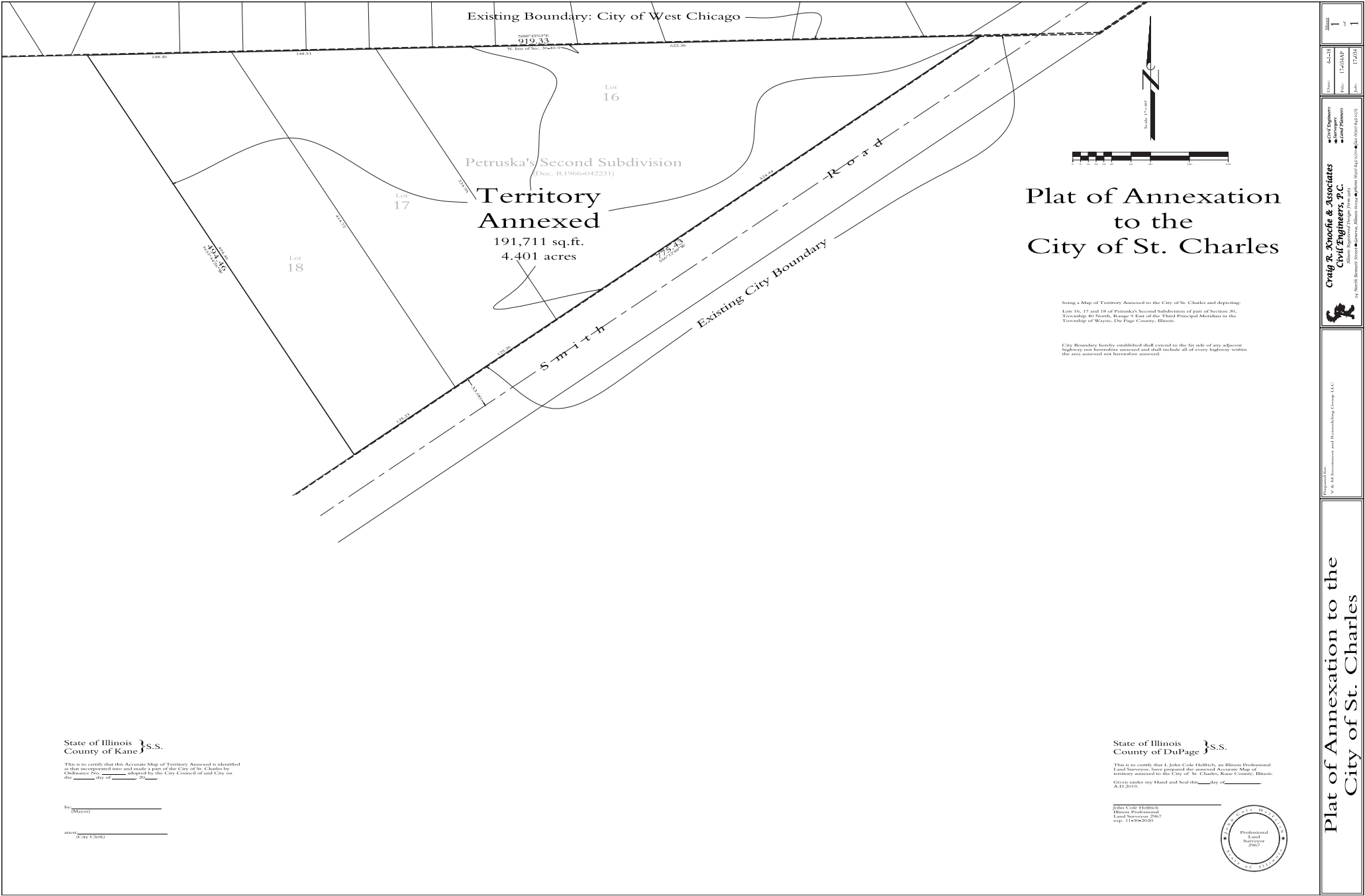
PERMANENT INDEX NUMBER: 01-30-100-002, 01-30-100-003 and 01-30-100-004

LEGAL DESCRIPTION:

Lots 16, 17 and 18 in Petrauskas' Second Subdivision of part of Section 30, Township 40 North, Range 9, East of the Third Principal Meridian, according to the Plat thereof recorded October 24, 1966 as Document R66-42231, in DuPage County, Illinois.

CONTACT PERSON

John P. Antonopoulos  
Antonopoulos & Virtel, P.C.  
15419 127<sup>th</sup> Street – Suite 100  
Lemont, IL 60439  
(630) 257-5816  
[john@avlawoffice.net](mailto:john@avlawoffice.net)



State of Illinois } S.S.  
County of Kane }

This is to certify that this Accurate Map of Territory Annexed is identified as that incorporated into and made a part of the City of St. Charles by Ordinance No. \_\_\_\_\_ adopted by the City Council of said City on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

by \_\_\_\_\_  
(Mayor)

attest \_\_\_\_\_  
(City Clerk)

State of Illinois } S.S.  
County of DuPage }

This is to certify that I, John Cole Helrich, an Illinois Professional Land Surveyor, have prepared the annexed Accurate Map of territory annexed to the City of St. Charles, Kane County, Illinois. Given under my Hand and Seal this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 2019.

John Cole Helrich  
Illinois Professional  
Land Surveyor 2967  
exp. 11-30-2020



Plat of Annexation to the  
City of St. Charles

Prepared For:  
M & M Investment and Leasing Group LLC



Craig P. Konecny & Associates  
Civil Engineers, P.C.  
24 North Bennett Street  
St. Charles, Illinois 60154  
Tel: 630.575.1100 Fax: 630.575.1101

• Civil Engineers  
• Surveyors  
• Land Planners

Sheet  
1  
of  
1

Scale  
1"=40'