

**AGENDA ITEM EXECUTIVE SUMMARY**

Agenda Item number: IIC1

Title:

Motion to approve an Ordinance Annexing Certain Unincorporated Territory to the City of St. Charles, Illinois (Springs at St. Charles)

Presenter:

Russell Colby

Meeting: City Council

Date: June 6, 2022

Proposed Cost: N/A

Budgeted Amount: N/A

Not Budgeted: **Executive Summary** *(if not budgeted please explain):*

Springs at St. Charles is a residential apartment community and PUD consisting of 320 units proposed for annexation to St. Charles. The project was reviewed by the Planning & Development Committee on August 11, 2022. The Committee recommended approval of the applications submitted for the project by a vote of 5-3, with 1 absent.

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. The developer, Continental 629 Fund LLC (Continental Properties), has filed a Petition for Annexation to annex the property to St. Charles. No annexation agreement is proposed.

The relevant taxing bodies were notified of the scheduled consideration by City Council of the territory annexation, as required by State Law.

The attached ordinance will annex the subject property to the City of St. Charles.

Attachments *(please list):*

Annexation Ordinance for Springs at St. Charles

Recommendation/Suggested Action *(briefly explain):*

Motion to approve an Ordinance Annexing Certain Unincorporated Territory to the City of St. Charles, Illinois (Springs at St. Charles)

City of St. Charles, Illinois
Ordinance No. 2022-M-

An Ordinance Annexing Certain Unincorporated Territory to the City of St. Charles, Illinois
(Springs at St. Charles)

WHEREAS, Continental 629 Fund LLC (the “Applicant”), with the authorization of Albert M. Petkus as Trustee of the Albert M. Petkus Trust (the “Owner”), Owner of record of the territory legally described in Exhibit “A” (the “Territory”), 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 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 6th day of June, 2022.

PASSED by the City Council of the City of St. Charles, Kane and DuPage Counties, Illinois this 6th day of June, 2022.

APPROVED by the Mayor of the City of St. Charles, Kane and DuPage Counties, Illinois this 6th day of June, 2022.

Lora A. Vitek, Mayor

ATTEST:

City Clerk

COUNCIL VOTE:

Ayes:

Nays:

Absent:

Abstain:

EXHIBIT A

LEGAL DESCRIPTION

LOTS 1 AND 2 IN PETRAUSKA'S SECOND ASSESSMENT PLAT OF PART OF THE NORTHWEST ¼ OF SECTION 30, TOWNSHIP 40 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 22, 1979 AS DOCUMENT R79-95865, IN DUPAGE COUNTY, ILLINOIS.

EXCEPTING THAT PORTION OF THE LAND CONVEYED TO THE CITY OF ST. CHARLES PURSUANT TO TRUSTEE'S DEED RECORDED JULY 18, 1994 AS DOCUMENT 94-153615.

ALSO EXCEPTING THAT PORTION OF THE LAND DEDICATED FOR SMITH ROAD AS SHOWN ON PLAT OF DEDICATION TO THE CITY OF ST. CHARLES, DUPAGE COUNTY, ILLINOIS RECORDED AUGUST 9, 1999 AS DOCUMENT R1999-173308.

PIN# 01-30-100-009; 01-30-100-016

EXHIBIT B

PETITION FOR ANNEXATION

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

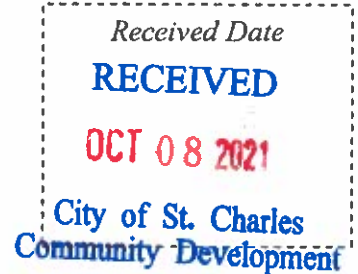


COMMUNITY DEVELOPMENT DIVISION

PHONE: (630) 377-4443 EMAIL: cd@stcharlesil.gov

PETITION FOR ANNEXATION APPLICATION

For City Use	
Project Name:	<u>Springs at St. Charles</u>
Project Number:	<u>2021 -PR- 023</u>
Cityview Project Number:	<u>PLA202100068</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.

1. Property Information:	Location: NW of Intersection of Smith Road and Pheasant Trail	
	Parcel Number (s): 0130100009 and 0130100016	
	Proposed Subdivision Name: Springs at St. Charles	
2. Applicant Information:	Name Continental 629 Fund LLC. c/o Frederick Hood, AICP	Phone (262) 946-9207
	Address W134 N8675 Executive Parkway Menomonee Falls, WI 53051	Fax Email fhood@cproperties.com
3. Record Owner Information:	Name Albert M. Petkus as Trustee of the Albert M. Petkus Trust; C/O Kevin M. Carrara, Esq.	Phone (630) 510-4924
	Address Rathje Woodward LLC. 300 East Roosevelt Road, Suite 300 Wheaton, IL 60197	Fax Email alpet@comcast.net kcarrara@rathjewoodward.com

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.

21 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.

Albert M. Bethune, Trustee 10-4-21
Record Owner Date

[Signature] 10/5/21
Applicant or Authorized Agent Date

Continental 629 Fund LLC
By: Continental Properties Company, Inc., its manager
W134 N8675 Executive Parkway
Menomonee Falls, WI 53051

Name: Frederick Hood, AICP
Its: Development Director

STATE OF ILLINOIS)
) SS
COUNTY OF KANE)

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

PETITION FOR ANNEXATION

The undersigned Petitioners hereby respectfully petition to annex to the City of St. Charles, Kane and DuPage Counties, Illinois, the territory described as follows:

See Exhibit "A" attached hereto and made a part hereof

Commonly know as: NW of the intersection of Smith Road and Pheasant Trail

Parcel Number(s): 0130100016 & 0130100009

And under oath state (s) as follows:

1. Your undersigned Petitioner (s) is (are) the sole owner (s) of record of the territory hereinbefore described, and *have) (has) also executed this Petition as such owner.
2. The territory hereinbefore described is not within the corporate limits of any municipality.
3. The territory hereinbefore described is contiguous to the City of St. Charles, Kane and DuPage Counties, Illinois.
4. There are no electors residing within the territory hereinbefore described.

WHEREFORE, Petitioner(s) respectfully request(s) that the corporate authorities of the City of St. Charles, Kane and DuPage Counties, Illinois, annex the territory hereinbefore described to said City in accordance with the provisions of the Petition and in accordance with law.

The undersigned petitioner(s) and elector(s), being first duly sworn on oath, state(s) that the statements set forth in the petition for annexation above are true and correct.

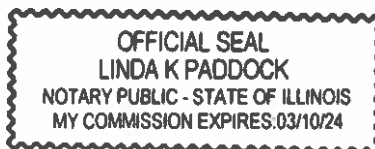
Dated this _____ day of _____, 20_____.

OWNER(S)

Albert M. Peshko, Trustee

Subscribed and sworn to
Before me this 4th
Day of October, 2021

Linda K. Paddock
Notary Public



**Ownership Disclosure Form
Revocable Trust**

State of Illinois)
)
County of DuPage) SS.

I, Albert M. Petkus, being first duly sworn on oath depose and say that I am sole Trustee of the Albert M. Petkus Trust Under Trust Agreement Dated February 1, 1999 and that the following person is sole beneficiary of the Albert A. Petkus Trust Under Trust Agreement Dated February 1, 1999:

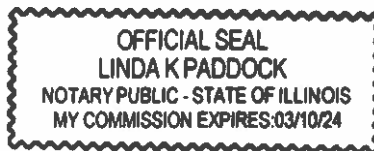
Albert M. Petkus

Albert M. Petkus Trust Under Trust
Agreement Dated February 1, 1999

By: Albert M. Petkus, Trustee
Albert M. Petkus, Trustee

Subscribed and Sworn before me this 4th
day of October, 2021.

Linda K. Paddock
Notary Public



The Property

Approximately 27 acres of land located off Smith Road in unincorporated DuPage County, State of Illinois.

PIN #01-30-100-016 and 01-30-100-009

LOTS 1 AND 2 IN PETRAUSKAS' SECOND ASSESSMENT PLAT OF PART OF THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 40 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 22, 1979 AS DOCUMENT R79-95865, EXCEPT THOSE PARTS DEDICATED OR TAKEN FOR ROAD, IN DUPAGE COUNTY, ILLINOIS CONTAINING 27.00 ACRES, MORE OR LESS.

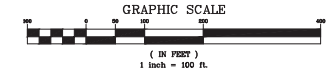
Generally depicted as:



PLAT OF ANNEXATION TO THE CITY OF ST. CHARLES

PART OF THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 40 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS.

PINS:
01-301-00-009
01-301-00-016



BASIS OF BEARINGS

COORDINATES AND BEARINGS ARE BASED UPON THE ILLINOIS STATE PLANE COORDINATE SYSTEM, EAST ZONE (NAD 83), ADJUSTED TO GROUND VALUES, AS ESTABLISHED BY A REAL-TIME KINEMATIC (RTK) GLOBAL NAVIGATION SATELLITE SYSTEM (GNSS) UTILIZING THE TRIMBLE VRS NOW NETWORK.

AREA OF ANNEXATION

AREA TO BE ANNEXED = 1,226,763 SQUARE FEET (28.163 ACRES)

LINE	BEARING	LENGTH
L1	S56°26'56"W	180.33'
L2	S20°17'12"E	87.31'
L3	S56°26'56"W	589.80'
L4	S53°00'23"W	44.70'
L5	N00°16'56"E	82.15'
L6	S56°26'56"W	2.42'
L7	S53°00'23"W	184.28'
L8	S44°04'42"W	37.87'
L9	N00°12'11"E	64.90'
L10	N00°12'11"E	52.77'

LEGAL DESCRIPTION OF TERRITORY TO BE ANNEXED

THAT PART OF THE NORTHWEST QUARTER, SECTION 30, TOWNSHIP 40 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN IN DUPAGE COUNTY, ILLINOIS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID SECTION 30; THENCE NORTH 88 DEGREES 45 MINUTES 00 SECONDS EAST; ALONG THE NORTH LINE OF LOT 1 IN PETRAUSKAS SECOND ASSESSMENT PLAT RECORDED OCTOBER 22, 1979 AS DOCUMENT R79-95865; A DISTANCE OF 1243.3 FEET; THENCE SOUTH 33 DEGREES 46 MINUTES 30 SECONDS EAST; ALONG THE EASTERN LINE OF SAID LOT 1; A DISTANCE OF 489.45 FEET; THENCE SOUTHWESTERLY AND PARALLEL WITH THE CENTER LINE OF SMITH ROAD, ALSO BEING THE NORTHWESTERLY RIGHT OF WAY OF SMITH ROAD; THENCE SOUTH 56 DEGREES 26 MINUTES 56 SECONDS WEST; ALONG THE LAST DESCRIBED LINE, A DISTANCE OF 180.33 FEET; THENCE SOUTH 00 DEGREES 17 MINUTES 12 SECONDS EAST; A DISTANCE OF 87.31 FEET TO A LINE 33.00 FEET SOUTHEASTERLY OF AND PARALLEL WITH SAID CENTER LINE; THENCE SOUTH 56 DEGREES 26 MINUTES 56 SECONDS WEST; ALONG THE LAST DESCRIBED LINE, A DISTANCE OF 589.80 FEET; THENCE SOUTH 53 DEGREES 00 MINUTES 23 SECONDS WEST; ALONG THE LAST DESCRIBED LINE, A DISTANCE OF 44.70 FEET TO THE NORTHERN EXTENSION OF THE WEST LINE OF WAL-WANT SUBDIVISION RECORDED AUGUST 31, 1992 AS DOCUMENT NUMBER R192-16513; THENCE NORTH 00 DEGREES 16 MINUTES 56 SECONDS WEST; ALONG THE LAST DESCRIBED LINE, A DISTANCE OF 82.15 FEET TO A LINE 33.00 FEET NORTHWESTERLY OF AND PARALLEL WITH THE CENTER LINE OF SMITH ROAD; THENCE SOUTH 56 DEGREES 26 MINUTES 56 SECONDS WEST; ALONG THE LAST DESCRIBED LINE, A DISTANCE OF 2.42 FEET; THENCE SOUTH 53 DEGREES 00 MINUTES 23 SECONDS WEST; ALONG THE LAST DESCRIBED LINE, A DISTANCE OF 184.28 FEET; THENCE SOUTH 44 DEGREES 04 MINUTES 42 SECONDS WEST; ALONG THE LAST DESCRIBED LINE, A DISTANCE OF 37.87 FEET TO THE NORTHERLY LINE OF PETRAUSKAS SUBDIVISION RECORDED AUGUST 9, 1961 AS DOCUMENT R61-17504; ALSO BEING SOUTH LINE OF LOT 2 IN PETRAUSKAS SECOND ASSESSMENT PLAT RECORDED OCTOBER 22, 1979 AS DOCUMENT R79-95865; THENCE SOUTH 89 DEGREES 03 MINUTES 20 SECONDS WEST; ALONG THE LAST DESCRIBED LINE, A DISTANCE OF 456.56 FEET TO THE WEST LINE OF THE NORTHWEST 1/4 OF SAID SECTION 30; ALSO BEING THE WEST LINE OF LOTS 1 AND 2 IN PETRAUSKAS SECOND ASSESSMENT PLAT; THENCE NORTH 00 DEGREES 12 MINUTES 11 SECONDS WEST; ALONG THE LAST DESCRIBED LINE, A DISTANCE OF 984.16 FEET TO THE POINT OF BEGINNING.

SURVEYOR'S NOTES

- DISTANCES ARE MARKED IN FEET AND DECIMAL PLACES THEREOF; NO DIMENSION SHALL BE ASSUMED BY SCALE MEASUREMENT HEREON.
- COMPARE THIS PLAT, LEGAL DESCRIPTION AND ALL SURVEY MONUMENTS BEFORE BUILDING, AND IMMEDIATELY REPORT ANY DISCREPANCIES TO THE SURVEYOR.
- THIS SURVEY IS SUBJECT TO MATTERS OF TITLE, WHICH MAY BE REVEALED BY A CURRENT TITLE REPORT, EASEMENTS, SETBACKS AND OTHER RESTRICTIONS WHICH MAY BE FOUND IN A CURRENT TITLE REPORT, LOCAL ORDINANCES, DEEDS OR OTHER INSTRUMENTS OF RECORD HAVE NOT BEEN SHOWN.
- THIS MAP WAS PREPARED FOR THE CONTINENTAL 629 FIRM LLC BASED ON ALTA SURVEY DATED SEPTEMBER 3, 2021 PREPARED BY MANHARD CONSULTING, LTD.
- MANHARD CONSULTING, LTD. IS A PROFESSIONAL DESIGN FIRM, REGISTRATION NUMBER 184003350, EXPIRES APRIL 30, 2023.

SURVEYOR'S CERTIFICATE
STATE OF ILLINOIS
COUNTY OF LAKE

THIS IS TO CERTIFY THAT WE, MANHARD CONSULTING LTD., HAVE PLATTED THE ABOVE DESCRIBED PROPERTY FOR THE PURPOSE OF ANNEXING SAID PROPERTY INTO THE CITY OF ST. CHARLES AND THAT THE PLAT DRAWN HEREON IS A TRUE AND CORRECT REPRESENTATION OF SAID PROPERTY.

DATED THIS 16TH DAY OF DECEMBER, A.D. 2021.

ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 3648
LICENSE EXPIRES NOVEMBER 30, 2023



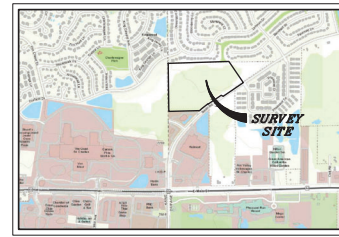
DESIGN FIRM PROFESSIONAL REGISTRATION NO. 184003350
EXPIRES APRIL 30, 2023

MAYOR AND CITY CLERK CERTIFICATE

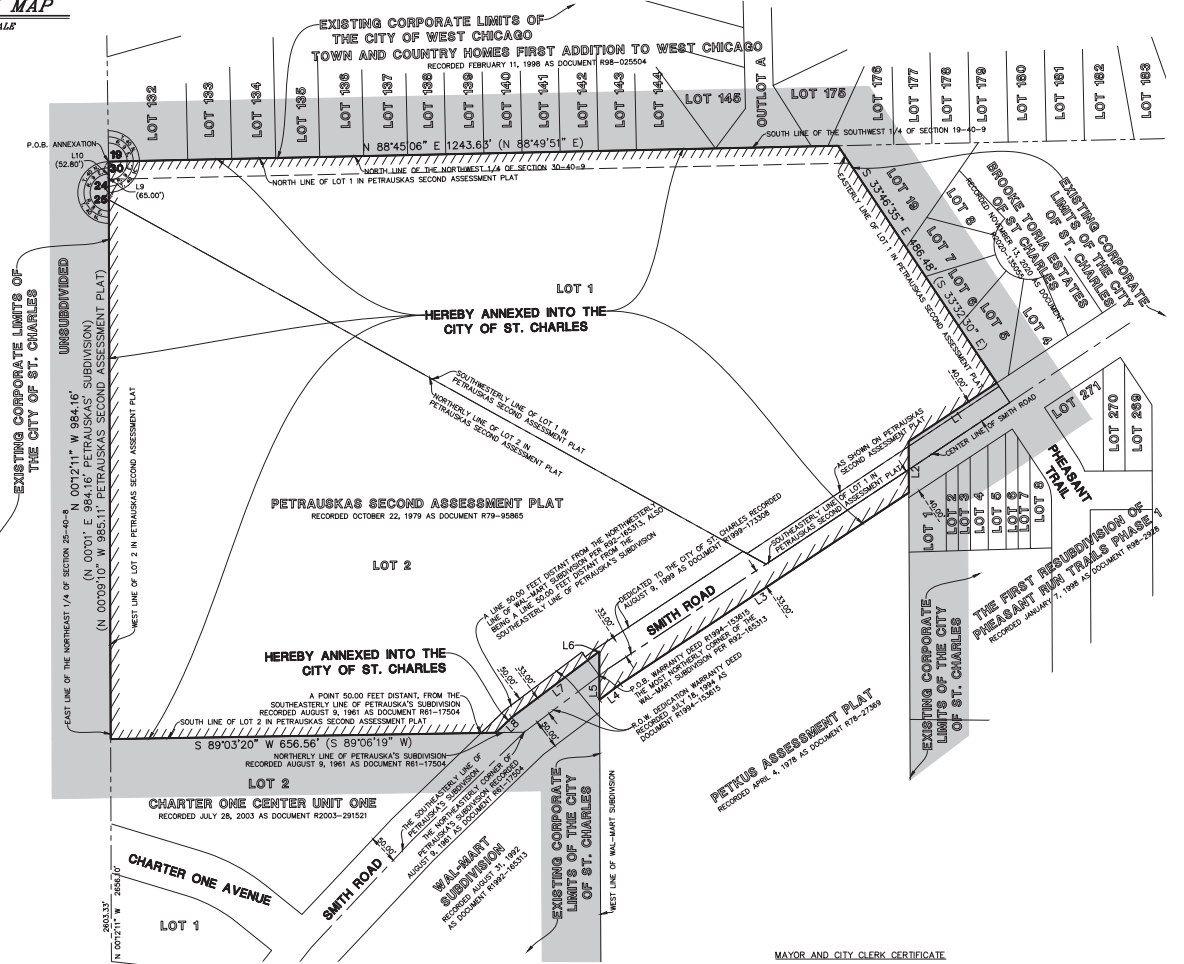
STATE OF ILLINOIS)
COUNTY OF LAKE)
CITY OF ST. CHARLES)

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: CITY CLERK



LOCATION MAP
NOT TO SCALE



DATE: _____
 DRAWN BY: _____
 CHECKED BY: _____
 12/16/21 REVISED PER CITY OF ST. CHARLES COMMENTS: _____
Manhard CONSULTING LTD.
 1000 W. WASHINGTON ST., SUITE 200, ST. CHARLES, ILLINOIS 60154
 TEL: 630-353-1100 FAX: 630-353-1101
 WWW.MANHARDCONSULTING.COM
 ST. CHARLES, ILLINOIS
 PLAT OF ANNEXATION TO THE CITY OF ST. CHARLES
 SPRINGS AT SMITH ROAD
 SHEET 1 OF 1
 CPCLST01