

ORIGINAL

Annexation Agreement

SUBMITTED BY and
RETURN TO:
City of Aurora
Planning Division
44 E. Downer Place
Aurora Il 60507

being signed

WKS/pl
PA390D08/TXT5/PLAN1
11/28/95

PETITIONER: Montalbano Builders Inc.

CITY OF AURORA, ILLINOIS
ORDINANCE NO. 095-125
DATE OF PASSAGE December 5, 1995

095-125

AN ORDINANCE PROVIDING FOR THE EXECUTION OF AN ANNEXATION AGREEMENT PROVIDING FOR PDD ZONING WITH MONTALBANO BUILDERS INC., THE OWNERS OF RECORD OF TERRITORY WHICH MAY BE ANNEXED TO THE CITY OF AURORA AND WHICH IS LOCATED AT THE SOUTHWEST CORNER OF 87TH STREET AND THE EJ&E RAILROAD IN WILL COUNTY

WHEREAS, the City of Aurora has a population of more than 25,000 persons and is, therefore, a home rule unit under Subsection (a) of Section 6 of Article VII of the Illinois Constitution of 1970; and

WHEREAS, subject to said Section, a home rule unit may exercise any power and perform any function pertaining to its government and affairs for the protection of the public health, safety, morals and welfare; and

WHEREAS, a proposed Annexation Agreement in the form of Exhibit "A", attached hereto and included herein by reference as if fully set forth, has been duly submitted to the Corporate Authorities of the City of Aurora with the request that all required hearings be held thereon, and requesting annexation to the City of Aurora of a certain territory therein described, subject to the terms and conditions of said Annexation Agreement, pursuant to Chapter 24, Article 11-15.1-1 et seq. Illinois Revised Statutes, 1985, as amended; and

WHEREAS, the Corporate Authorities of the City of Aurora caused a notice to be prepared describing in general the terms and conditions of the proposed Annexation Agreement and stating the time and place of a public hearing to consider the proposed Annexation Agreement; and

WHEREAS, such notice of the public hearing was duly published not less than 15 nor more than 30 days prior to the hearing, in a newspaper of general circulation in the City of Aurora; and

WHEREAS, the Aurora Planning Commission has held a public hearing on the petition to enter into said Annexation Agreement and the zoning amendment therein provided after due publication of notice of hearing and has submitted a recommendation to the City Council of the City of Aurora to approve the annexation agreement on said property subject to certain conditions; and

WHEREAS, the City Council held a second public hearing upon the proposed Annexation Agreement as specified in such notice; and

WHEREAS, all public hearings and other action required to be held or taken prior to the adoption and execution of said Annexation Agreement in order to make the same effective have been held or taken pursuant to notice as required by law and in accordance with all requirements of law; and

WHEREAS, Exhibit "A", attached hereto and included herein by reference as if fully set forth, in its present

form, has been on file with the City Clerk of the City of Aurora for public inspection for at least one week; and

WHEREAS, the Corporate Authorities, after due investigation and consideration, and following the aforesaid public hearings, have determined that entering into the Annexation Agreement in the form of Exhibit "A", attached hereto and included herein by reference as if fully set forth, will serve the public good and benefit the City of Aurora.

NOW, THEREFORE, BE IT ORDAINED by the City council of the City of Aurora, Kane and DuPage Counties, Illinois, as follows:

Section One: That said City Council finds as fact all of the preamble recitals of this Ordinance.

Section Two: That the Mayor and City Council hereby find as fact all of the preambles contained in the Annexation Agreement in the form of Exhibit "A", attached hereto and included herein by reference as if fully set forth.

Section Three: That the Annexation Agreement in the form of Exhibit "A" attached hereto and included herein by reference as if fully set forth, and incorporated in and made a part of this Ordinance, is hereby approved, with the condition that the City protect the bike path crossing with stop signs.

Section Four: That the Mayor of the City of Aurora is hereby authorized and directed to execute such Annexation Agreement on behalf of the City, and the City Clerk is hereby authorized and directed to attest the Mayor's signature and affix the corporate seal of the City thereto.

Section Five: That such number of duplicate originals of said Annexation Agreement may be executed as the Mayor shall determine.

Section Six: That this Ordinance shall be in full force and effect, and shall be controlling, upon its passage and approval.

PRESENTED to the City Council of the City of Aurora, Illinois

on DECEMBER 5, 1995.


PASSED AND APPROVED by the City council of the City of Aurora,

on DECEMBER 5, 1995.

AYES 9 NAYS 1 NOT VOTING 0

SIGNED by the Mayor of the City of Aurora, Illinois, on

DECEMBER 5, 1995



David L. Pierce Mayor
City of Aurora Illinois

ATTEST:



City Clerk Cheryl Vonnhoff

This instrument prepared by:
Aurora Planning Division
44 E. Downer Place
Aurora, Illinois 60507

Case-File Number A-95-390-Pa.
Parcel Number(s) 01-05-100-009, 010