

ORDINANCE 2010-13

AN ORDINANCE APPROVING THE ANNEXATION AGREEMENT FOR SUMNER ROAD/GROVE STREET AREA-PECATONICA PAVILION, L.L.C., OWNER

WHEREAS, the Village of Pecatonica is a duly-authorized Illinois municipal corporation operating under the provisions of the Illinois Municipal Code (65 ILCS 5/1-1, et.seq.;

WHEREAS, by statute, 65 ILCS 5/7-1-1, et. seq., the Village is granted the authority to annex contiguous property into the Village;

WHEREAS, in furtherance of its authority to annex property, the Village is additionally, by statute, 65 ILCS 5/11-15.1-1, et. seq., granted the authority to enter into annexation agreements, also known as "pre-annexation agreements" with property owners of record, establishing terms and conditions under which a future annexation of such property shall occur;

WHEREAS, the Village has entered into negotiations with Pecatonica Pavilion, L.L.C., owner of certain lands both within the Village and adjacent to the Village boundaries for the possible annexation of the adjacent parcels into the Village;

WHEREAS, Pecatonica Pavilion, L.L.C., has caused to be filed with the Village a Petition for Annexation regarding said property, which said Petition is conditioned upon approval of a separate Annexation Agreement;

WHEREAS, the Village and Pecatonica Pavilion, L.L.C. have negotiated a proposed Annexation Agreement, which is attached hereto as Exhibit A;

WHEREAS, on July 8, 2009, at its regularly-scheduled meeting, the Village of Pecatonica Planning Commission considered and approved the proposed terms of annexation as set out in the Annexation Agreement;

WHEREAS, on October 6, 2009, at 7:00 p.m. at the Pecatonica Village Hall, 405 Main Street, Pecatonica, Illinois, a public hearing to consider the proposed Annexation Agreement, as well as the proposed annexation itself was held, at which time members of the public were given the opportunity to express their concerns regarding either the Annexation Agreement or the proposed annexation itself;

WHEREAS, entering into the Annexation Agreement as submitted by Pecatonica Pavilion, L.L.C., as amended through negotiations with the Village is deemed to be in the best interests of the Village.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF PECATONICA, COUNTY OF WINNEBAGO, STATE OF ILLINOIS, as follows:

- Section 1.** The foregoing recitals shall hereby be incorporated into and made a part of this Ordinance as if fully set forth in this Section 1.
- Section 2.** The Board hereby approves the proposed Annexation Agreement with Pecatonica Pavilion, L.L.C. (Exhibit A).
- Section 3.** The Village President is hereby authorized to execute on behalf of the Village an Annexation Agreement with Pecatonica Pavilion, L.L.C., in a form substantially similar to that as attached hereto.
- Section 4.** The Village Clerk is hereby directed to record with the Recorder of Deeds and to file with the County Clerk a certified copy of this Ordinance, together with a copy of the Annexation Agreement and an accurate map of the territory to be annexed, appended to this said Ordinance.
- Section 5.** That this Ordinance shall be in full force and effect from and after its passage, approval, and publication as provided by law.

ADOPTED AND APPROVED this 16th day of March, 2010.

Shawn Connors
Shawn Connors
President of the Board of
Trustees of the Village of Pecatonica, IL

ATTEST:

Ginger Binger
Ginger Binger, Village Clerk

Ayes: 6 Nays: 0 Absent: 0

Tarbert: Aye Howard: Aye Eytalis: Aye
Moyer: Aye Doty: Aye Sager: Aye