PASSED: SEPTEMBER 26, 2022

APPROVING THE ANNEXATION OF CERTAIN PROPERTY TO THE CITY OF DEKALB, ILLINOIS (AFTON ROAD RIGHT-OF-WAY FROM E. GURLER ROAD TO KESLINGER ROAD).

WHEREAS, the City of DeKalb (the "City") is a home rule unit of local government and may exercise any power and perform any function pertaining to its government and affairs pursuant to Article VII, Section 6, of the Illinois Constitution of 1970; and

WHEREAS, the City is the record owner of property that is legally described in Exhibit A attached hereto and incorporated herein (the "Property") and is further described in the Plat of Annexation attached hereto and incorporated herein as Exhibit B (the "Plat of Annexation"); and

WHEREAS, the Property is located in unincorporated DeKalb County, is contiguous to the City's corporate limits, and has no electors residing thereon; and

WHEREAS, the Property is not part of any Public Library District and does not include any highway under the jurisdiction of any township, and

WHEREAS, pursuant to 65 ILCS 5/7-1-8, the City filed a written petition to annex the Property into the City's corporate limits that was signed under oath by all the owners of record of the Property and stated that no electors resided thereon; and

WHEREAS, on September 9, 2022, the City provided due notice in writing by certified mail of the City's action to annex the Property to the Board of Trustees of the DeKalb Fire Protection District and Afton Township as further described in the Affidavit of Service of Notice attached hereto and incorporated herein as Exhibit C (the "Affidavit of Service of Notice"); and

WHEREAS, the City's corporate authorities find that approving the annexation of the Property is in the City's best interests for the protection of the public health, safety, and welfare; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DEKALB, ILLINOIS:

**SECTION 1:** The recitals to this Ordinance are true, material, adopted and incorporated herein as Section 1 to this Ordinance.

**SECTION 2:** The City's corporate authorities approve the annexation of the Property legally described in Exhibit A attached hereto and incorporated herein. The City's corporate authorities also approve the Plat of Annexation in the form attached hereto and incorporated herein as Exhibit B. Pursuant to 65 ILCS 5/7-1-1, the territory annexed shall extend to the far side of any highway adjacent to the Property that is not already located within the jurisdiction of the City or another municipality.

**SECTION 3:** The City's corporate authorities authorize and direct the City Manager or his designee to record and file this Ordinance, the Plat of Annexation, and the Affidavit of Service of Notice with the DeKalb County Clerk and Recorder. The City Manager or his designee shall, by certified mail, return receipt requested, notify any and all post office branches serving the annexed territory and all election authorities having jurisdiction over the annexed territory of this annexation within thirty (30) days of the passage of this Ordinance. The City Manager or his designee shall.

by certified mail, return receipt requested, give notice of this annexation to the Illinois Department of Revenue pursuant to 30 ILCS 115/2(b) within 30 days after the annexation.

**SECTION 4:** This Ordinance and each of its terms shall be the effective legislative act of a home rule municipality without regard to whether such ordinance should (a) contain terms contrary to the provisions of current or subsequent non-preemptive state law, or (b) legislate in a manner or regarding a matter not delegated to municipalities by state law. It is the intent of the City's corporate authorities that to the extent this Ordinance is inconsistent with any non-preemptive state law, this Ordinance shall supersede state law in that regard within its jurisdiction.

**SECTION 5:** Pursuant to 65 ILCS 5/1-2-4, the City's corporate authorities find that it is urgent for this Ordinance to take effect immediately upon its passage and approval.

PASSED BY THE CITY COUNCIL of the City of DeKalb, Illinois at a Regular meeting thereof held on the 26<sup>th</sup> day of September 2022 and approved by me as Mayor on the same day. Passed on first reading by a 6-0-2 roll call vote. Aye: Larson, Smith, McAdams, Verbic, Faivre, Barnes. Nay: None. Absent: Morris, Perkins. Second reading waived by a 6-0-2 roll call vote. Aye: Larson, Smith, McAdams, Verbic, Faivre, Barnes. Nay: None. Absent: Morris, Perkins.

OF DERAGO

**COHEN BARNES**, Mayor

ATTEST:

Ruth A. Scott, Executive Assistant

### EXHIBIT A (LEGAL DESCRIPTION OF THE PROPERTY)

The Property is legally described as follows:

Part of the East Half (1/2) of the Northeast Quarter (1/4) of Section One (1) and part of the Southeast Quarter (1/4) of Section One (1), Township Thirty-nine (39) North, Range Four (4) East of the Third Principal Meridien, bounded and described as follows to-wit: Beginning at the Northwest corner of the East Half (1/2) of the Northeast Quarter (1/4) of said Section One (1); thence South 89 degrees 41 minutes 57 seconds East along the North line of said Northeast Quarter (1/4) a distance of 66.0 feet; thence South 00 degrees 33 minutes 32 seconds West parallel with the West line of said East Half (1/2) of the Northeast Quarter (1/4) a distance of 5253.49 feet more or less to the North right-of-way line of Keslinger Road; thence North 89 degrees 35 minutes 07 seconds West along said right of way line a distance of 66.0 feet; thence North 00 degrees 33 minutes 32 seconds East along the Southerly extension of the West line of the East Half (1/2) of the Northeast Quarter (1/4) of said Section One (1), a distance of 5253.36 feet more or less to the place of beginning. Situated in DeKalb County, State of Illinois. Containing 7.96 acres more or less.

PIN's: 11-01-200-010, 11-01-400-006, 11-01-400-008, and 11-01-400-010



#### **EXHIBIT C**

# AFFIDAVIT OF SERVICE OF NOTICE OF INTENT TO ANNEX TO THE CITY OF DEKALB

I, Dan Olson, attest that, as Planning Director of the City of DeKalb, I caused the attached notices of annexation to be served on the Board of Trustees of the DeKalb Fire Protection District, the Board of Trustees of Afton Township, the Supervisor of Afton Township, the Highway Commissioner of Afton Township, and the Clerk of Afton Township by mailing true and correct copies of the notice, by certified mail, to those individuals at the addresses set forth below their names on the 9th day of September, 2022, at 3:00 p.m., by depositing the copies in the United States Mail at 164 E. Lincoln Highway, DeKalb, Illinois, certified, postage prepaid.

I, Dan Olson, further attest that, as Planning Director of the City of DeKalb, I caused this Affidavit of Service of Notice of Intent to Annex to the City of DeKalb to be filed and recorded with the Recorder of Deeds of DeKalb County, Illinois.

#### **CERTIFICATION**

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.

Dan Olson, Planning Director, City of DeKalb



September 9, 2022

DeKalb Community Fire Protection District Trustees

RE: Afton Road Right-of Way Annexation

Dear Trustees,

The DeKalb City Council will be considering the annexation of the Afton Road Right-of-Way from E. Gurler Road to Keslinger Road at their meeting on Monday, September 26, 2022, at 6:00 p.m. in the Yusunas Meeting Room at the DeKalb Public Library, 309 Oak St., DeKalb, IL. The subject property has Parcel Identification Numbers of 11-01-200-010, 11-01-400-006, 11-01-400-008 and 11-01-400-010. This letter is being sent per the Illinois Compiled Statutes (65 ILCS 5/7-1-1).

If you have any questions, please contact me at 815-748-2361.

Sincerely,

Dan Olson

Planning Director



September 9, 2022

Afton Township Supervisor, Highway Commissioner, Town Clerk and Trustees

RE: Afton Road Right-of Way Annexation

Dear Afton Township Officials,

The DeKalb City Council will be considering the annexation of the Afton Road Right-of-Way from E. Gurler Road to Keslinger Road at their meeting on Monday, September 26, 2022, at 6:00 p.m. in the Yusunas Meeting Room at the DeKalb Public Library, 309 Oak St., DeKalb, IL. The subject property has Parcel Identification Numbers of 11-01-200-010, 11-01-400-006, 11-01-400-008 and 11-01-400-010. This letter is being sent per the Illinois Compiled Statutes (65 ILCS 5/7-1-1).

If you have any questions, please contact me at 815-748-2361.

Sincerely,

Dan Olson

Planning Director

Dand



2022009672

DOUGLAS J. JOHNSON RECORDER - DEKALB COUNTY, IL

RECORDED: 10/7/2022 10:04 AM REC FEE: 55.00

STATE OF ILLINOIS )
COUNTY OF DEKALB ) SS
CITY OF DEKALB )

PAGES: 9

"KEEP IN FILE"

Plat Cabinet 11 Slide #41-B

**CERTIFICATION** 

I, RUTH A. SCOTT, am the duly qualified and appointed Executive Assistant of the City of DeKalb, DeKalb County, Illinois, as authorized by Local Ordinance 2019-059, and as such Executive Assistant, I maintain and am safe-keeper of the records and files of the Mayor and City Council of said City.

I do hereby certify that the attached hereto is a true and correct copy of:

#### **ORDINANCE 2022-049**

APPROVING THE ANNEXATION OF CERTAIN PROPERTY TO THE CITY OF DEKALB, ILLINOIS (AFTON ROAD RIGHT-OF-WAY FROM E. GURLER ROAD TO KESLINGER ROAD).

PASSED BY THE CITY COUNCIL of the City of DeKalb, Illinois, on the 26<sup>th</sup> day of September 2022.

WITNESS my hand and the official seal of said City this 7th day of October 2022.

RUTH A. SCOTT, Executive Assistant

Prepared by:

City of DeKalb Ruth A. Scott, City Manager's Office 164 E. Lincoln Highway

DeKalb, Illinois 60115





### VIA CERTIFIED MAIL WITH RETURN RECEIPT ARTICLE NO. 7018-1830-0001-0581-2728

October 12, 2022

Manager, Annexation Group ComEd Three Lincoln Center, 3<sup>rd</sup> Floor, SE Oakbrook Terrace, Illinois 60181 Email: <u>Annexation@ComEd.com</u>

Re: Notice of Territory Annexed by the City of DeKalb, Illinois

Please take notice that the City of DeKalb has annexed property as identified in the attached copy of the annexation ordinance (2022-049) that has been recorded in the Office of the DeKalb Clerk and Recorder's Office as document 2022009672.

The annexed territory is described by the following DeKalb County Property Index Numbers:

- **11-01-200-010**
- **11-01-400-006**
- **-** 11-01-400-008
- **11-01-400-010**

Sincerely,

Ruth A. Scott Executive Assistant

유크	U.S. Postal Service™ CERTIFIED MAIL® RECEIPT  Domestic Mail Only
	For delivery information, visit our website at www.usps.com®.
581	OFFICIAL USE
	\$
1000 0	Extra Services & Fees (check box, add fee as eppropriate)  Return Recelpt (hardcopy) \$ Peturn Recelpt (electronic) \$ Certified Mall Restricted Delivery \$ Adult Signature Required \$ Adult Signature Restricted Delivery \$
1830	Manager, Annexation Group ComEd
7038	Three Lincoln Center, 3rd Floor, SE  Oakbrook Terrace, IL 60181
	City, Jaie, LIF44"
	PS Form 3800, April 2015 PSN 7590-02-000-9047 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON .	DELIVERY
<ul> <li>Complete items 1, 2, and 3.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> <li>Article Addressed to:</li> <li>Manager, Annexation Group ComEd         Three Lincoln Center, 3rd Floor, SE     </li> </ul>	B. Received by (Printed Name)  D. Is delivery address different from If YES, enter delivery address	
Oakbrook Terrace, IL 60181	3. Service Type	☐ Priority Mail Express®
	☐ Adult Signature ☐ Adult Signature Restricted Delivery ☐ Certified Mali®	☐ Registered Mail Restricts ☐ Registered Mail Restricts ☐ Delivery
9590 9402 4247 8121 1332 75	Certified Mall Restricted Delivery Cl Collect on Delivery	Return Receipt for Merchandise
2. Article Number (Transfer from service läbel) 7018 1830 0001 0581 272	☐ Collect on Delivery Restricted Delivery ☐ Insured Mail ☐ fail Restricted Delivery	☐ Signature Confirmation ☐ Signature Confirmation Restricted Delivery

#### Scott, Ruth

From: Scott, Ruth

Sent: Wednesday, October 12, 2022 4:34 PM

**To:** Annexation@ComEd.com

Subject:City of DeKalb, Illinois Annexation NoticeAttachments:Annex Notice - City of DeKalb, IL.pdf

To Whom It May Concern,

Attached please find notice of a recent annexation to the City of DeKalb, Illinois.

Sincerely,

#### Ruth A. Scott

Executive Assistant City of DeKalb 164 E. Lincoln Highway DeKalb, Illinois 60115 Phone: (815) 748-2090

Fax: (815) 748-2091

Email: ruth.scott@cityofdekalb.com



#### Scott, Ruth

From:

postmaster@exeloncorp.com

To:

Annexation@ComEd.com

Sent:

Wednesday, October 12, 2022 4:35 PM

Subject:

Delivered: [EXTERNAL]City of DeKalb, Illinois Annexation Notice

### Your message has been delivered to the following recipients:

Annexation@ComEd.com (Annexation@ComEd.com)

Subject: [EXTERNAL]City of DeKalb, Illinois Annexation Notice



## VIA CERTIFIED MAIL WITH RETURN RECEIPT ARTICLE NO. 7018-1830-0001-0581-2735

October 12, 2022

DeKalb County Clerk and Recorder DeKalb County Illinois – Elections Division 110 E. Sycamore Street Sycamore, Illinois 60178

Re: Notice of Territory Annexed by the City of DeKalb, Illinois

Please take notice that the City of DeKalb has annexed property as identified in the attached copy of the annexation ordinance (2022-049) that has been recorded in the Office of the DeKalb Clerk and Recorder's Office as document 2022009672.

The annexed territory is described by the following DeKalb County Property Index Numbers:

**11-01-200-010** 

**11-01-400-006** 

11-01-400-008

**11-01-400-010** 

Sincerely,

Ruth A. Scott Executive Assistant

35	U.S. Postal Service <sup>™</sup> CERTIFIED MAIL <sup>®</sup> RECEIPT  Domestic Mail Only
디	For delivery information, visit our website at www.usps.com®.
581	Certified Mail Fee
7	\$ Extra Services & Fees (check box, add fee as appropriate)  Return Receipt (hardcopy)  \$ Postmark
	Return Receipt (electronic) \$ Postmark   Certified Mail Restricted Delivery \$ Here   Adult Signature Required \$
1830	DeKalb County Clerk & Recorder  DeKalb County Illinois – Elections Division
7018	\$ 110 E. Sycamore St. Sycamore, IL 60178
	City, State, ZIP+48
	PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7 1/3	COMPLETE THIS SECTION ON DE	FLIVERY
SENDER: COMPLETE THIS SECTION  Complete items 1, 2, and 3.	A. Signature	☐ Agent ☐ Addressee
<ul> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attack this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	B. Received by (Printed Name)  P. Lot Z  D. Is delivery address different from	C. Date of Delivery
Article Addressed to:     Recorder  Parkalla County Clerk & Recorder	If YES, enter delivery address b	elow: 🔲 No
DeKalb County Illinois – Elections Division 110 E. Sycamore St.		
Sycamore, IL 60178	3. Service Type  Adult Signature  Adult Signature Restricted Delivery	☐ Priority Mail Express® ☐ Registered Mail™ ☐ Registered Mail Restricted ☐ Dailvery
9590 9402 4247 8121 1332 68	☐ Certified Mall® ☐ Certified Mall Restricted Delivery ☐ Collect on Delivery Restricted Delivery ☐ Collect on Delivery Restricted Delivery	Return Receipt for Merchandise  ☐ Signature Confirmation ☐ Signature Confirmation
2. Article Number (Transfer from service label) 7018 1830 0001 0581 273	Viali Restricted Delivery	Restricted Delivery  Domestic Return Receipt
PS Form 3811, July 2015 PSN 7530-02-000-9053		



### VIA CERTIFIED MAIL WITH RETURN RECEIPT ARTICLE NO. 7018-1830-0001-0581-2742

October 12, 2022

Local Tax Allocation Division (3-500) Illinois Department of Revenue 101 W. Jefferson Street Springfield, Illinois 62702

Re: Notice of Territory Annexed by the City of DeKalb, Illinois.

Please take notice that the City of DeKalb has annexed property as identified in the attached copy of the annexation ordinance (2022-049) that has been recorded in the Office of the DeKalb Clerk and Recorder's Office as document 2022009672.

The annexed territory is described by the following DeKalb County Property Index Numbers:

- **11-01-200-010**
- **11-01-400-006**
- **11-01-400-008**
- **11-01-400-010**

Sincerely,

Ruth A. Scott Executive Assistant

크노스	U.S. Postal Service™ CERTIFIED MAIL® RECEIPT  Domestic Mail Only	
'n	For delivery information, visit our website at www.usps.com®.	
0581	Certified Mail Fee \$ Extra Services & Fees (check box, add fee as appropriate)	
0007	Return Receipt (herdcopy) \$   Postmark     Certified Mail Restricted Delivery \$   Here	
B 1830	Local Tax Allocation Division (3-500)    Illinois Department of Revenue	
7018	Sent Springfield, IL 62702 Street and rep. 1907, 01 PO BOX 1907.  City, State, 219-44*	
	PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

A CONTRACTOR OF THE PARTY OF TH		
SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON	DELIVERY
<ul> <li>Complete items 1, 2, and 3.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	A. Signature  X  B. Received by (Prince Name)	Agent  Addressee  C. Date of Delivery
Local Tax Allocation Division (3-500) Illinois Department of Revenue 101 W. Jefferson St. Springfield, IL 62702	D. Is delivery address different from If YES, enter delivery address	
9590 9402 4247 8121 1332 51  2. Article Number (Transfer from service label) 7018 1830 0001 0581 27	3. Service Type  Adult Signature  Adult Signature Restricted Delivery  Cartified Mail®  Cartified Mail Restricted Delivery  Collect on Delivery  Collect on Delivery Restricted Delivery  Adult Restricted Delivery  Adult Restricted Delivery  O	☐ Priority Mall Express® ☐ Registered Mail™ ☐ Registered Mall Restricted Delivery ☐ Return Receipt for Merchandise ☐ Signature Confirmation™ ☐ Signature Confirmation Restricted Delivery
PS Form 3811, July 2015 PSN 7530-02-000-9053		Domestic Return Receipt



### VIA CERTIFIED MAIL WITH RETURN RECEIPT ARTICLE NO. 7018-1830-0001-0581-2759

October 12, 2022

Postmaster
DeKalb Post Office
600 E. Lincoln Highway
DeKalb, Illinois 60115

Re: Notice of Territory Annexed by the City of DeKalb, Illinois

Please take notice that the City of DeKalb has annexed property as identified in the attached copy of the annexation ordinance (2022-049) that has been recorded in the Office of the DeKalb Clerk and Recorder's Office as document 2022009672.

The annexed territory is described by the following DeKalb County Property Index Numbers:

- 11-01-200-010
- **11-01-400-006**
- **11-01-400-008**
- **11-01-400-010**

Sincerely,

Ruth A. Scott Executive Assistant

.59	U.S. Postal Service™ CERTIFIED MAIL® REC Domestic Mail Only	CEIPT
L L	For delivery information, visit our website	e at www.usps.com®.
H	OFFICIAL	USE
058	Certified Mail Fee \$ Extra Services & Fees (check box, add fee as appropriate)	
1000	Return Receipt (sardcopy) \$ Return Receipt (electronic) \$ Certified Mail Restricted Delivery \$	Postmark Here
	Postmaster Postmaster	
830	DeKalb Post Office	
무무	600 E. Lincoln Hwy.	
9	Ser DeKalb, IL 60115	
7018	Street and Apt. No., or PU box No.	
	City, State, ZiP+4	
	PS Form 3800, April 2015 PSN 7530-02-000-9047	See Reverse for Instructions

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul> <li>Complete items 1, 2, and 3.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> <li>1. Article Addressed to:</li> </ul>	A. Signature  X
Postmaster DeKalb Post Office 600 E. Lincoln Hwy. DeKalb, IL 60115	
9590 9402 4247 8121 1332 44	3. Service Type  ☐ Adult Signature ☐ Adult Signature Restricted Delivery ☐ Cortified Mail® ☐ Cortified Mail Restricted Delivery ☐ Collect on Delivery ☐ Collect on Delivery Restricted Delivery ☐ Signature Confirmation™
2. Article Number (Transfer from service label) 7018 1830 0001 0581 27	Apil □ Signature Confirmation

0120-6606 610

Annexation or Disconnection of Non-Retail

**Property** 



#BWNKMGV #CNXX X111 4354 X562#

CITY OF DEKALB

ATTN: RUTH SCOTT, EXECUTIVE ASSISTANT

164 E LINCOLN HWY DEKALB IL 60115-3228 October 28, 2022

Letter ID: CNXXX1114354X562

Account ID:

17752-36992

#### Dear Local Official:

We have received Annexation Ordinance No. 2022-049 annexing agricultural real estate into the corporate limits of the City of DeKalb.

If any business activity is conducted on the annexed property, please contact IDOR immediately in order to ensure the proper registration of the business and allocation of any applicable Illinois sales tax.

If there are residents located within the territory that has been annexed, IDOR may only make changes to your population count pursuant to subsection (b) of Section 2 of the State Revenue Sharing Act (30 ILCS 115/2(b)), which provides that the clerk of the municipality shall report the annexation to IDOR and state the number of residents within the territory that was annexed, based on the last census conducted by the federal, state, or municipal government and certified by the Illinois Secretary of State. In addition, the Act provides that the county in which the annexed territory is located shall verify the number of residents reported by the municipality.

The United States Census Bureau (Census Bureau) reports population by a block or tract of land. Due to confidentiality, they cannot report population on an individual address. Therefore, unless the territory you have annexed is the entire block or tract of land as reported by the Census Bureau, the county will not be able to verify the number of residents within the territory that was annexed, as required by the State Revenue Sharing Act.

If the annexed territory does not meet the above standards, we cannot adjust your population count until the next decennial census or until your municipality has a special census completed by the Census Bureau.

If you need additional information or have questions, please contact us either directly through MyLocalTax, or at the contact information listed below.

Adam Cooperider Revenue Tax Specialist II

LOCAL TAX ALLOCATION DIVISION MC 3-500 ILLINOIS DEPARTMENT OF REVENUE 101 WEST JEFFERSON SPRINGFIELD IL 62702

217 785-5465 217 785-6527 fax rev.localtax@illinois.gov