

APPROVING THE ANNEXATION OF CERTAIN PROPERTY LOCATED AT 2023 SYCAMORE ROAD, DEKALB, ILLINOIS (ROBERT WESSELS) (PIN 08-13-101-007).

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, Robert J. Wessels Trust 101 & Teri L. Wessels Trust 102 (collectively, the "Owner") are the record owners of approximately 0.5 acres of property that is legally described in the attached and incorporated Exhibit A (the "Property") and the Plat of Annexation attached and incorporated as Exhibit B (the "Plat of Annexation"); and

WHEREAS, pursuant to 65 ILCS 5/11-15.1-1, *et seq.*, the City and Owner negotiated an Annexation Agreement (the "Agreement") to: (1) annex the Property into the City's corporate limits; and (2) develop the Property as a planned development to permit a farmer's market sale of agricultural products in an unmanufactured state, a specialty store, and accessory uses (the "Development"); 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, pursuant to 65 ILCS 5/7-1-8, Owner filed a written petition with the City to annex the Property into the City's corporate limits which was signed under oath by all of the Property's owners of record and further stated that no electors resided thereon; and

WHEREAS, the Property is not part of any Public Library District, and therefore, there is no need to provide notice of an action to annex the Property to any Public Library District; and

WHEREAS, on October 5, 2023, 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, the Board of Trustees of DeKalb Township, the Supervisor of DeKalb Township, the Highway Commissioner of DeKalb Township, and the Clerk of DeKalb 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, on October 16, 2023, upon due notice, the City's Planning and Zoning Commission held a public hearing on the rezoning of the Property to allow for the Development and recommended approving the Development; and

WHEREAS, on October 23, 2023, upon due notice, the City's corporate authorities held a public hearing on the Agreement; and

WHEREAS, on October 23, 2023, the City's corporate authorities adopted an ordinance approving the Agreement prior to their consideration of this Ordinance; 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 the attached and incorporated Exhibit A. The City's corporate authorities also approve the Plat of Annexation in the form attached and incorporated as Exhibit B, and further direct that the recordable sized Mylar be executed on behalf of the City by the Mayor and attested to by the Executive Assistant. 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, upon execution by all of the parties, 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, by a vote of two-thirds of all the members then holding office, 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 23rd day of October 2023 and approved by me as Mayor on the same day. First Reading passed by an 8-0 roll call vote. Aye: Zasada, Larson, Smith, Perkins, McAdams, Verbic, Walker. Barnes. Nay: None. Second Reading waived by an 8-0 roll call vote. Aye: Zasada, Larson, Smith, Perkins, McAdams, Verbic, Walker. Barnes. Nay: None.




COHEN BARNES, Mayor

ATTEST:



Ruth A. Scott, Executive Assistant

EXHIBIT A
(LEGAL DESCRIPTION OF THE PROPERTY)

The Property is legally described as follows:

A PART OF ASSESSOR'S LOT 5 ON THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP 40 NORTH, RANGE 4 EAST OF THE THIRD PRINCIPAL MERIDIAN, DEKALB COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF THE SOUTHWESTERLY LINE OF SAID LOT 5 AND THE CENTER OF A PUBLIC HIGHWAY, THE SAME BEING ILLINOIS ROUTE 23; THENCE NORTH 46'16' WEST, A DISTANCE OF 322.1 FEET ALONG THE SAID SOUTHWESTERLY LINE OF SAID LOT 5 TO A POINT; THENCE NORTH 43'49' EAST, A DISTANCE OF 135.0 FEET TO A POINT ON THE WESTERLY LINE OF WOODLAWN DRIVE; THENCE SOUTH 1'47' EAST, 84.25 FEET ALONG THE SAID WESTERLY LINE OF WOODLAW DRIVE TO A POINT; THENCE SOUTH 46'09' EAST, ALONG THE SAID WESTERLY LINE OF WOODLAWN DRIVE AND ALONG THE SOUTHWESTERLY EXTENSION OF SAID WESTERLY LINE OF WOODLAWN DRIVE, A DISTANCE OF 262.85 FEET TO A POINT ON THE CENTER LINE OF SAID PUBLIC HIGHWAY; THENCE SOUTHWESTERLY, ALONG THE CENTER LINE OF SAID PUBLIC HIGHWAY, 75.4 FEET TO THE PLACE OF BEGINNING.

Common Address: 2023 SYCAMORE ROAD, DEKALB, ILLINOIS

PIN: 08-13-101-007

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 DeKalb Township, the Supervisor of DeKalb Township, the Highway Commissioner of DeKalb Township, and the Clerk of DeKalb 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 5th day of October, 2023, 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



2023008093

TASHA SIMS

RECORDER - DEKALB COUNTY, IL

RECORDED: 11/14/2023 03:34 PM

REC FEE: 55.00

PAGES: 6

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

"KEEP IN FILE"
Plat Cabinet 11
Slide # 65-C

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 2023-048

**APPROVING THE ANNEXATION OF CERTAIN PROPERTY LOCATED AT
2023 SYCAMORE ROAD, DEKALB, ILLINOIS (PIN 08-13-101-007).**

PASSED BY THE CITY COUNCIL of the City of DeKalb, Illinois, on the 23rd day of October 2023.

WITNESS my hand and the official seal of said City this 14th day of November 2023.

RUTH A. SCOTT, Executive Assistant/Recording Secretary



Prepared by and Return to:

City of DeKalb
City Manager's Office
Attention: Ruth A. Scott
164 E. Lincoln Highway
DeKalb, Illinois 60115