

APPROVING THE ANNEXATION OF CERTAIN PROPERTY LOCATED AT THE SOUTHWEST CORNER OF ILLINOIS ROUTE 38 AND JOHN HUBER PARKWAY TO THE CITY OF DEKALB, ILLINOIS (PSE HUBER IL SOLAR LLC).

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, PSE Huber IL Solar LLC, a Delaware limited liability company (the “Applicant”), is the contingent-contract lessee of property located at 2036 W. Lincoln Hwy., DeKalb, IL 60115, which is legally described in the attached and incorporated Exhibit A (the “Property”) and the Plat of Annexation attached and incorporated Exhibit B (the “Plat of Annexation”); and

WHEREAS, the Property is owned by DeKalb-Lincoln Development Company, LLC, an Illinois limited liability company (the “Owner”), and

WHEREAS, pursuant to 65 ILCS 5/11-15.1-1, et seq., the City, the Applicant, and the Owner negotiated an Annexation and Development Agreement (the “Agreement”) to: (1) annex the Property into the City’s corporate limits; and (2) rezone the Property to Planned Development – Industrial District to permit a 5-megawatt ground mounted solar energy system (solar farm) and accessory uses; and

WHEREAS, the Property is: approximately 41.95 acres in size; located in unincorporated DeKalb County; and contiguous to the City’s corporate limits; and

WHEREAS, pursuant to 65 ILCS 5/7-1-8, the Applicant filed with the City a written petition to annex the Property into the City’s corporate limits that was signed and joined under oath by Owner and the two electors residing on the Property (the “Petition”); and

WHEREAS, the Property is not part of any public library district, and therefore, there is no need to provide written notice of the City’s action to annex the Property to any public library district; and

WHEREAS, on October 24, 2024, the City gave due notice in writing of the City’s action to annex the Property to the Board of Trustees of DeKalb Township, the DeKalb Township Supervisor, the DeKalb Township Highway Commissioner, the DeKalb Township Clerk, and the Board of Trustees of the DeKalb Fire Protection District as further described in the Affidavit of Service of Notice attached and incorporated as Exhibit C (the “Affidavit of Service of Notice”); and

WHEREAS, on November 12, 2024, upon due notice as provided by law, the City’s corporate authorities held a public hearing on the Agreement before considering this ordinance; and

WHEREAS, on November 12, 2024, the City’s corporate authorities adopted an ordinance approving the Agreement before considering this ordinance; and

WHEREAS, the City’s corporate authorities find that annexing the Property into the City 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 as Section 1 to this Ordinance.

SECTION 2: The City's corporate authorities, by a majority vote of those then holding office, grant the Petition, approve the annexation of the Property and all adjacent highways into the City, and approve the Plat of Annexation. The City's corporate authorities further authorize and direct that the recordable sized mylar of the Plat of Annexation be executed by the Mayor and attested to by the Executive Assistant.

SECTION 3: The City's corporate authorities authorize and direct the City Manager or designee to: (1) file this Ordinance, the Plat of Annexation, and the Affidavit of Service of Notice for recording with the DeKalb County Clerk and Recorder; (2) give notice by certified mail, return receipt requested, to all post office branches serving the Property and all election authorities having jurisdiction over the Property within thirty (30) days of the passage of this Ordinance; and (3) give notice, by certified mail, return receipt requested, 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: This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

PASSED BY THE CITY COUNCIL of the City of DeKalb, Illinois at a Regular meeting thereof held on the 12th day of November 2024 and approved by me as Mayor on the same day. Passed by a 6-0-2 roll call vote. Aye: Zasada, Larson, Smith, Perkins, Walker, Barnes. Nay: None. Absent: Powell, Verbic. Second Reading waived by a 6-0-2 roll call vote. Aye: Zasada, Larson, Smith, Perkins, Walker, Barnes. Nay: None. Absent: Powell, Verbic.





COHEN BARNES, Mayor

ATTEST:


Ruth A. Scott, Executive Assistant

EXHIBIT A
(Legal Description of the Property)

The Property is legally described as follows:

That part of the West Half of the Northeast Quarter of Section 20, Township 40 North, Range 4, East of the Third Principal Meridian, lying North of the right of way for the Chicago and Northwestern Railway Company and lying South of the North right-of-way of DeKalb-Malta Road, commonly known as Lincoln Highway (State Route 38), situated in the County of DeKalb, State of Illinois.

Common Address: 2036 W. Lincoln Highway
PIN: 08-20-200-002

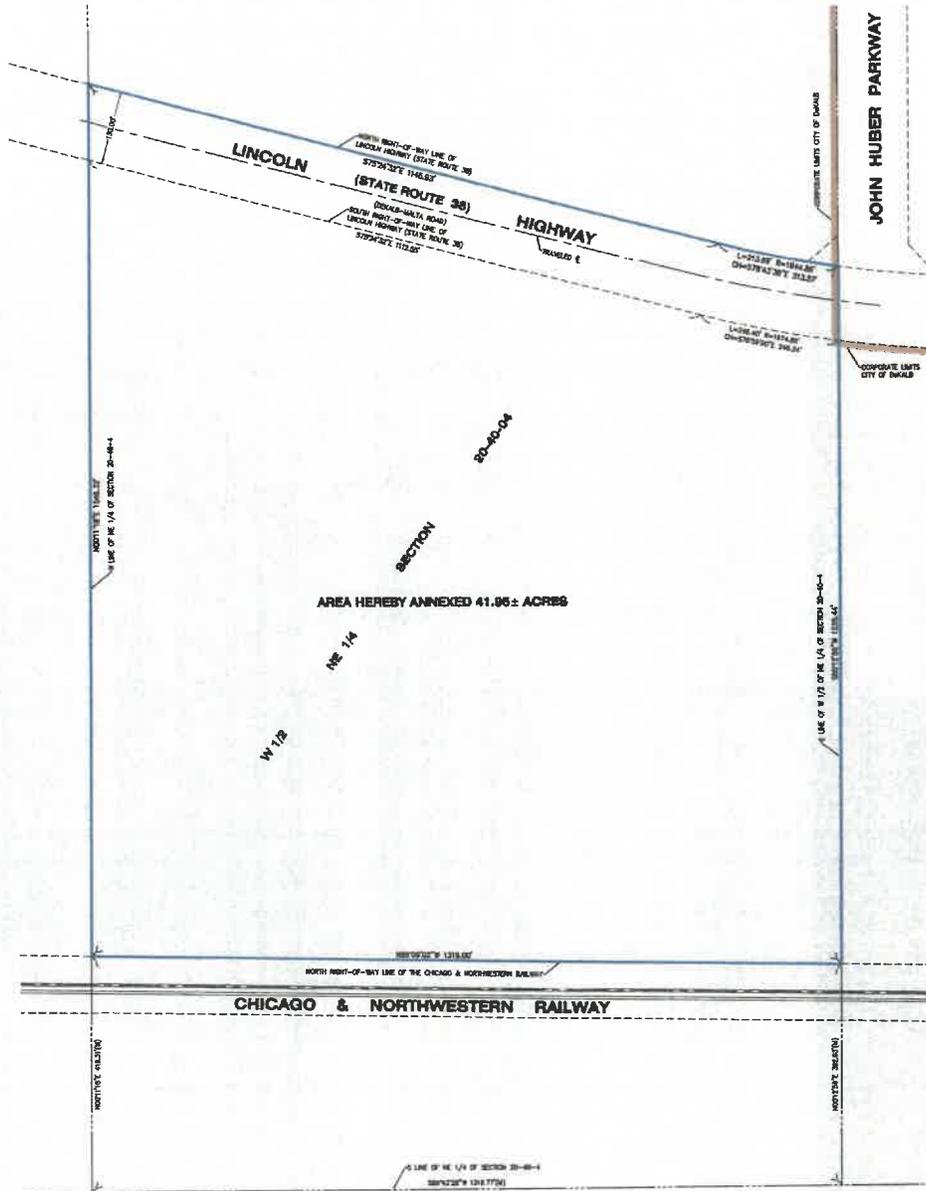
EXHIBIT B
(Plat of Annexation)



Vanderstappen
Land Surveying, Inc.
1115 N. Madison St.
Woodstock, Illinois 60096
ph. 815-337-4319 fax 815-337-4314
"Always Available for the Property Owner"

PLAT OF ANNEXATION

That part of the West Half of the Northeast Quarter of Section 20, Township 40 North, Range 4 East of the Third Principal Meridian, lying North of the right-of-way for the Chicago and Northwestern Railway Company and lying South of the North right-of-way of DeKalb-Madison Road, commonly known as Lincoln Highway (State Route 36), situated in the County of DeKalb, State of Illinois.



LEGEND	
(D)	DEED
(M)	MEASURE
(R)	RECORD

SCALE: 1" = 100'

CLIENT: PURSNEY ENERGY
DRAWN BY: TNA CHECKED BY: JPO
SCALE: 1"=100' REC: 20 T. 40 R. 04 E.
BASIS OF BEARING: E. EAST ZONE NAD83 (2011)
P.L.N.: 06-20-200-000
JOB NO.: 202409074 I.D. PAN
FIELDWORK COMP. - 04/02/24, BE. PG.
ALL MEASUREMENTS IN FEET AND DECIMAL FEET.
PART NUMBER CONNECTED TO: 07

202409074

11/85-c

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



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 DeKalb Ordinance No. 2024-057 adopted by the City Council of said City on the 12th day of November 2024.
Mayor Cohen Barnes Attest: Ruth A. Scott
Executive Assistant

RECORDED 11/24/2024 CERTIFICATE PER ORDER (194)
STATE OF ILLINOIS) S.S.
COUNTY OF DEKALB)

I hereby state that we have plotted the premises above described, and that the plat hereon is a true representation of the said description.
This is not a Boundary Survey
Dated at Woodstock, McHenry County, Illinois 8/26 A.D., 2024.
Vanderstappen Land Surveying, Inc.
Design Firm No. 181-00796



By: _____
Illinois Professional Land Surveyor No. 3367

EXHIBIT C
(Affidavit of Notice of Service)

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 24th day of October, 2024, at 3:00 p.m. for the DeKalb Fire Protection District and on the 24th day of October, 2024, at 3:00 p.m. for DeKalb Township 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



2024009076

TASHA SIMS
RECORDER - DEKALB COUNTY, IL
RECORDED: 12/9/2024 08:47 AM

REC FEE: 55.00
PAGES: 9

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

"KEEP IN FILE"
Plat Cabinet 11
Slide # 85-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 2024-057

APPROVING THE ANNEXATION OF CERTAIN PROPERTY LOCATED AT THE SOUTHWEST CORNER OF ILLINOIS ROUTE 38 AND JOHN HUBER PARKWAY, DEKALB, ILLINOIS (PSE HUBER IL SOLAR LLC).

PASSED BY THE CITY COUNCIL of the City of DeKalb, Illinois, on the 12th day of November 2024.

WITNESS my hand and the official seal of said City this 6th day of December 2024.

RUTH A. SCOTT, Executive Assistant/Recording Secretary

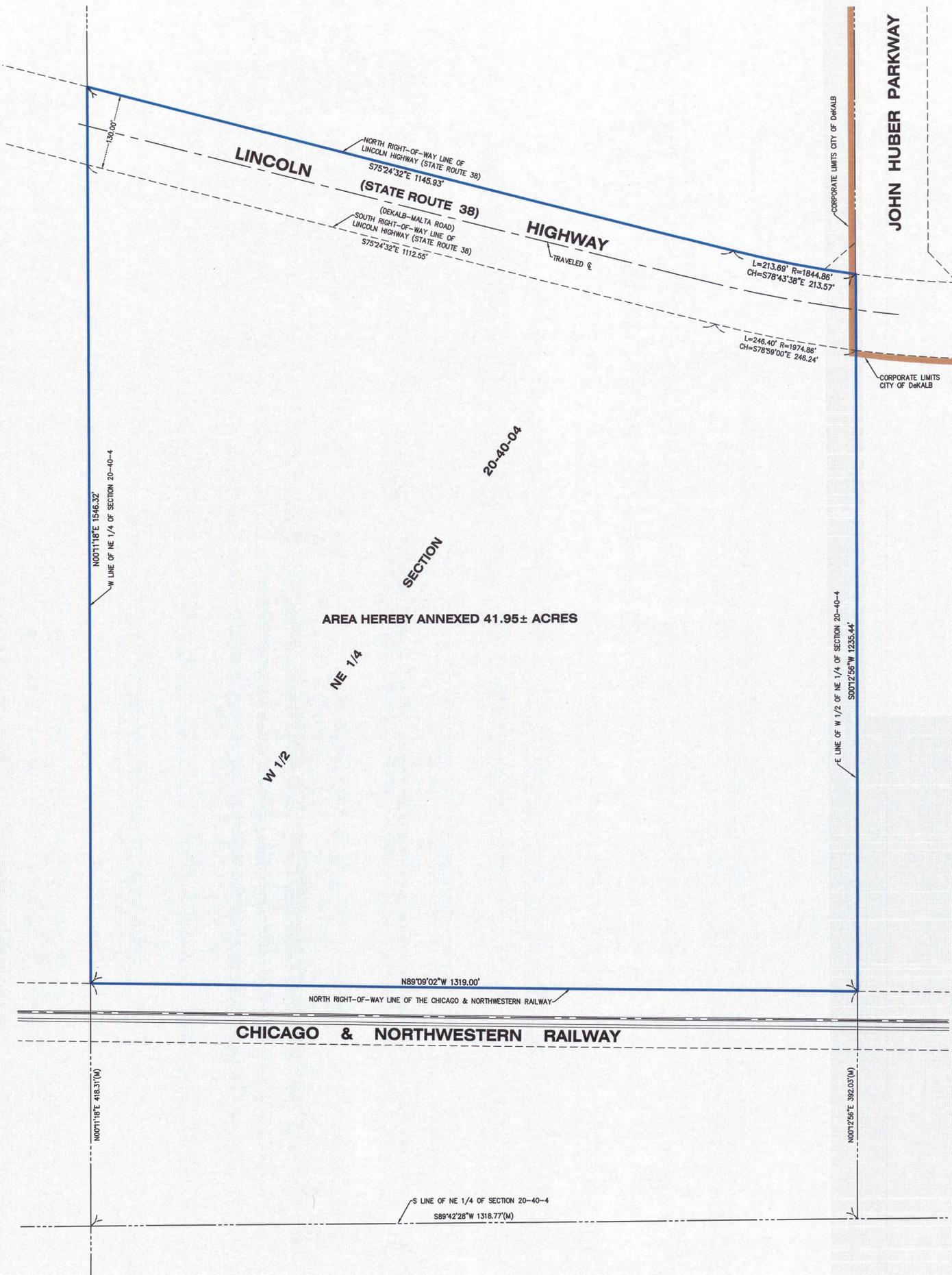


Prepared by:

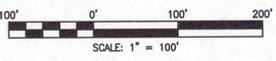
City of DeKalb
164 E. Lincoln Highway
DeKalb, Illinois 60115

PLAT OF ANNEXATION

That part of the West Half of the Northeast Quarter of Section 20, Township 40 North, Range 4 East of the Third Principal Meridian, lying North of the right-of-way for the Chicago and Northwestern Railway Company and lying South of the North right-of-way of DeKalb-Malta Road, commonly known as Lincoln Highway (State Route 38), situated in the County of DeKalb, State of Illinois.



LEGEND	
(D)	DEED
(M)	MEASURE
(R)	RECORD



CLIENT: PURESKY ENERGY
DRAWN BY: IVA CHECKED BY: APG
SCALE: 1"=100' SEC. 20 T. 40 R. 04 E.
BASIS OF BEARING: ILL. EAST ZONE NAD83 (2011)
P.L.N.: 08-20-200-002
JOB NO.: 240029 I.D. PAN
FIELDWORK COMP.: 02/07/24 BK. PG.
ALL DISTANCES SHOWN IN FEET AND DECIMAL PARTS THEREOF CORRECTED TO 68° F.

2024009076

11/85-C



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

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 DeKalb Ordinance No. 2024-057 adopted by the City Council of said City on the 24th day of November, 2024 A.D.
Mayor Cohen Barnes Attest: Ruth A. Scott
Executive Assistant

REVISED 11/14/2024 CERTIFICATES PER CLIENT (IVA)
STATE OF ILLINOIS)) S.S.
COUNTY OF McHENRY)

I hereby state that we have platted the premises above described, and that the plat hereon is a true representation of the said description.
This is not a Boundary Survey
Dated at Woodstock, McHenry County, Illinois 8/20 A.D., 2024.
Vanderstappen Land Surveying, Inc.
Design Firm No. 184-002792



By: Arthur P. Grimmer
Illinois Professional Land Surveyor No. 3857