

AUTHORIZING A THIRD AMENDMENT TO AN ANNEXATION AGREEMENT FOR LOT 8 IN THE GLIDDEN CROSSING SUBDIVISION LOCATED AT 1130 S. MALTA ROAD, DEKALB, ILLINOIS, IN ORDER TO ACCOMMODATE AN 8,000 SQUARE FOOT FIRE STATION (CITY OF DEKALB).

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, pursuant to 65 ILCS 5/11-15.1-1, *et seq.*, the City may enter into and amend annexation agreements; and

WHEREAS, the City negotiated a third amendment to the Glidden Crossing Subdivision Annexation Agreement in the form attached and incorporated as Exhibit A (the "Agreement"); and

WHEREAS, on February 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, the City's corporate authorities find that approving the Agreement 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 vote of two-thirds then holding office, approve the Agreement. The City's corporate authorities further authorize and direct: the Mayor to execute the Agreement on the City's behalf; the Executive Assistant to attest the Agreement on the City's behalf; and the City Manager to take all necessary acts to effect the Agreement.

SECTION 3: The City Manager or designee shall record this Ordinance with the DeKalb County Clerk and Recorder.

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 February 2024 and approved by me as Mayor on the same day. Passed on First Reading by a 7-0-1 roll call vote. Aye: Zasada, Larson, Smith, Perkins, McAdams, Verbic, Barnes. Nay: None. Absent: Walker. Second Reading waived Reading by a 7-0-1 roll call vote. Aye: Zasada, Larson, Smith, Perkins, McAdams, Verbic, Barnes. Nay: None. Absent: Walker.




COHEN BARNES, Mayor

ATTEST:


Ruth A. Scott, Executive Assistant

Exhibit A

THIRD AMENDMENT TO ANNEXATION AGREEMENT
(Glidden Crossing Subdivision)

This Third Amendment to the Annexation Agreement dated July 11, 1995 (the “Third Amendment”) is entered on February 12, 2024 (the “Effective Date”), by and between the City of DeKalb, an Illinois municipal corporation (the “City”), SUSO 4 Glidden LP, a Delaware limited partnership (the “Owner”), and Scott Papendick (the “Owner”), who are collectively referred to as the “Parties”. The Parties stipulate and agree as follows:

RECITALS:

WHEREAS, the City may enter into and amend annexation agreements pursuant to 65 ILCS 5/11-15.1-1, *et seq.*; and

WHEREAS, SUSO 4 Glidden LP and Scott Papendick are the successor owners of record of the property that is the subject of the City’s annexation agreement dated July 11, 1995 (the “Agreement”), as amended by the Amendment to Annexation Agreement dated July 10, 2006 (the “First Amendment”) and the Amendment to First Amended Annexation Agreement dated May 26, 2009 (the “Second Amendment”), which are collectively referred to as the “Glidden Crossing Subdivision Annexation Agreement”; and

WHEREAS, the City is the record owner of property that is located at 1130 South Malta Road, DeKalb, IL 60115, Parcel Index Number: 0828202015, Lot 8 of the Glidden Crossing Subdivision recorded on November 8, 2006, and legally described in the attached and incorporated Exhibit A (the “Fire Station Property”), which the City intends to develop as its Fire Station #4; and

WHEREAS, the Parties desire to amend the Glidden Crossing Subdivision Annexation Agreement pursuant to the provisions of this Third Amendment; and

WHEREAS, on February 12, 2024, pursuant to due notice, the City’s corporate authorities held a public hearing on this proposed Third Amendment; and

NOW, THEREFORE, in consideration of the promises set forth herein, and for other good and valuable consideration, the sufficiency of which the Parties agree and stipulate to, the Parties agree as follows:

AGREEMENT

SECTION 1: The above recitals to this Third Amendment are true, correct, material, adopted and incorporated as Section 1 to this Third Amendment.

SECTION 2: Article III (“Zoning of the Property”), Section B, Paragraph 7 of the First Amendment shall be amended to add an additional subparagraph d., which shall state in its entirety as follows:

- d. One (1) full ingress/egress point from the Fire Station Property to South Malta Road.

SECTION 3: Notwithstanding anything to the contrary in the Glidden Crossing Subdivision Annexation Agreement, the City shall be solely responsible for the costs of constructing the public improvements for the Fire Station Property including, but not limited to, the ingress/egress point from the Fire Station Property to South Malta Road.

SECTION 4: The Final Plan for the Fire Station Property is attached and incorporated as Group Exhibit B to this Third Amendment (the "Fire Station Property Final Plan"). All of the exhibits in the Glidden Crossing Subdivision Annexation Agreement that do not depict the Fire Station Property Final Plan shall be amended to include the Fire Station Property Final Plan.


SECTION 5: Except as otherwise provided by this Third Amendment, all of the terms of the Glidden Crossing Subdivision Annexation Agreement shall remain in full force and effect. In the event of any conflict between the terms of this Third Amendment and the terms of the Glidden Crossing Subdivision Annexation Agreement, the terms of this Third Amendment shall govern.

SECTION 6: This Third Amendment sets forth all agreements, understandings and covenants between and among the Parties relative to the matters herein contained, and this Third Amendment shall be deemed to be full integration of the entire Third Amendment.

IN WITNESS WHEREOF, the Parties sign this Third Amendment as of the Effective Date.

ATTEST:

By:


Ruth A. Scott
Executive Asst.

ATTEST:

By: _____

Title: _____


ATTEST:

By: _____

Title: _____

CITY OF DEKALB

By:


Cohen Barnes, Mayor

SUSO 4 Glidden LP

By: _____

Its: _____

Scott Papendick

By: _____

Its: _____

Note: Repeated attempts were made to obtain the signature of SUSO 4 Glidden LP to no avail.

- d. One (1) full ingress/egress point from the Fire Station Property to South Malta Road.

SECTION 3: Notwithstanding anything to the contrary in the Glidden Crossing Subdivision Annexation Agreement, the City shall be solely responsible for the costs of constructing the public improvements for the Fire Station Property including, but not limited to, the ingress/egress point from the Fire Station Property to South Malta Road.

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ATTEST:

CITY OF DEKALB

By: _____

By: _____
Cohen Barnes, Mayor

ATTEST:

SUSO 4 Glidden LP

By: _____

By: _____

Title: _____

Its: _____

ATTEST:

Scott Papendick

By: Sherrina Powell

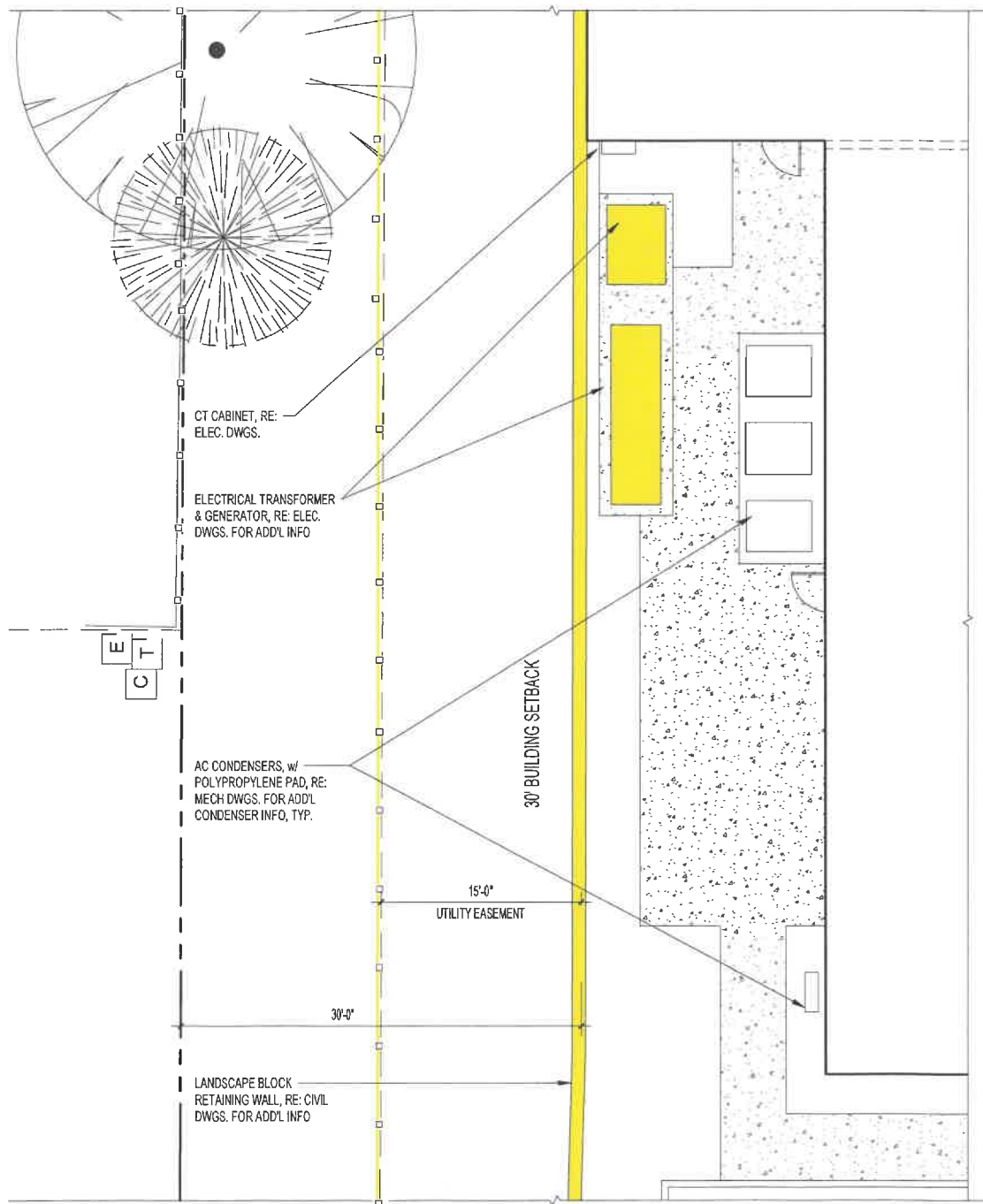
By: Scott Papendick

Title: Self

Its: Self

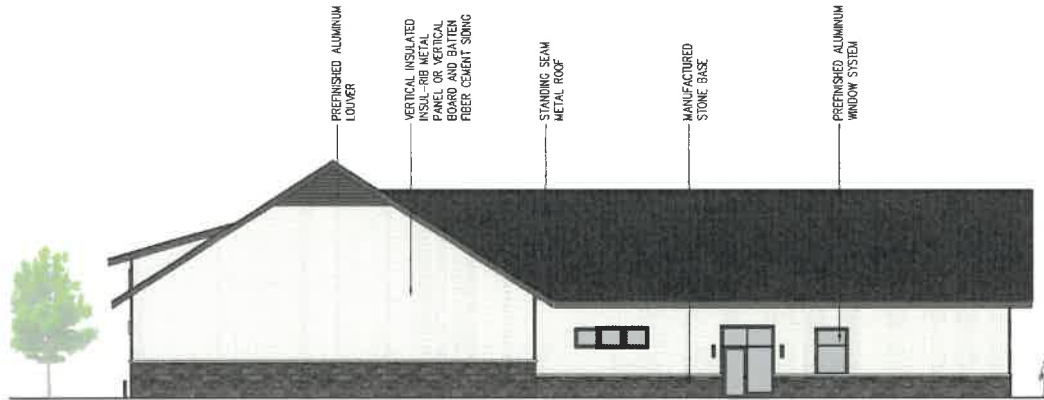
EXHIBIT A
TO THE THIRD AMENDMENT TO ANNEXATION AGREEMENT
(GLIDDEN CROSSING SUBDIVISION)

LOT 8 IN GLIDDEN CROSSING, A SUBDIVISION OF PART OF THE NORTHEAST $\frac{1}{4}$ OF SECTION 28,
TOWNSHIP 40 NORTH, RANGE 4, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT
THEREOF RECORDED NOVEMBER 8, 2006 IN PLAT CABINET 10, AT SLIDE NO. 5-D AS DOCUMENT
NUMBER 2006020947, IN DEKALB COUNTY, ILLINOIS.

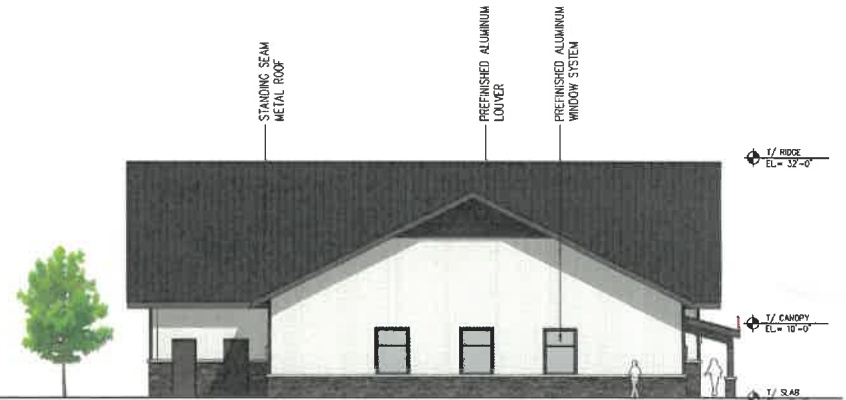


1 ENLARGED PARTIAL SITE PLAN
A2.1 SCALE: 1/8" = 1'-0"

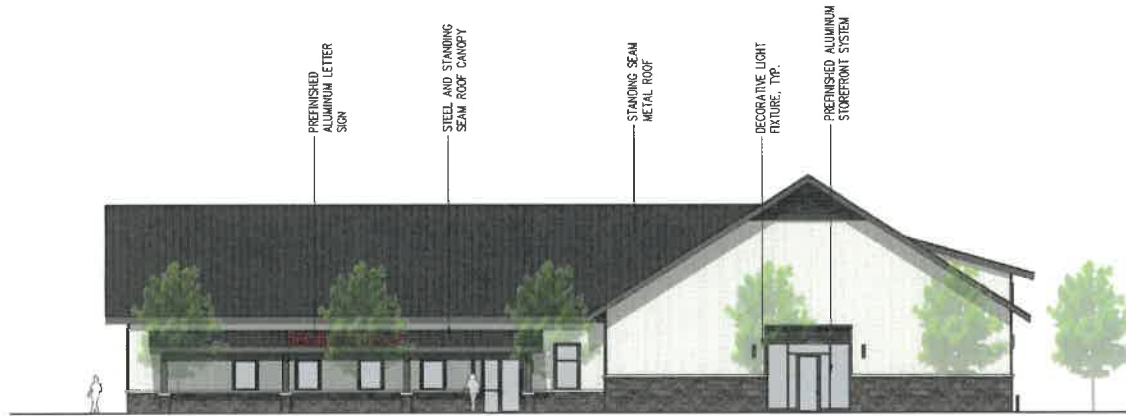
EXHIBIT B
TO THE THIRD AMENDMENT TO ANNEXATION AGREEMENT
(GLIDDEN CROSSING SUBDIVISION)



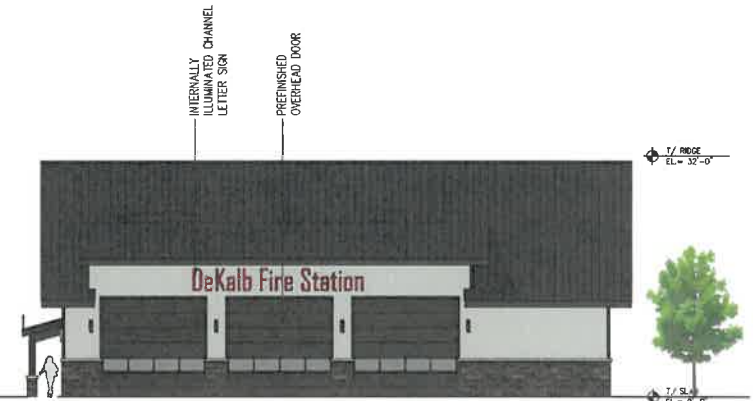
1 WEST ELEVATION
 SCALE: 1/16" = 10'-0"



2 SOUTH ELEVATION
 SCALE: 1/16" = 10'-0"



3 EAST ELEVATION
 SCALE: 1/16" = 10'-0"



4 NORTH ELEVATION
 SCALE: 1/16" = 10'-0"

Daily Chronicle

DAILY CHRONICLE

Publication Name:

Daily Chronicle

Publication URL:

www.daily-chronicle.com

Publication City and State:

DeKalb, IL

Publication County:

DeKalb

Notice Popular Keyword Category:

Notice Keywords:

annexation agreement

Notice Authentication Number:

202402080908022388813

1122051138

Notice URL:

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Notice Publish Date:

Friday, January 26, 2024

Notice Content

PUBLIC NOTICE NOTICE is hereby given that a public hearing will be held before the DeKalb City Council at its regular meeting on Monday, February 12, 2024, at 6:00 p.m. in the Yusunas Meeting Room at the DeKalb Public Library, 309 Oak St., DeKalb, IL, on a petition by the City of DeKalb for approval of a third amendment to an annexation agreement approved by Ordinance 95-50 for the property described below. The amendment is in relation to allowing an additional full access onto S. Malta Road to accommodate an 8,000 sq. ft. fire station to be located on Lot 8 in the Glidden Crossing Subdivision. The subject site has an address of 1130 S. Malta Road, Parcel Identification Number (PIN) of 08-28-202-015 and is zoned "PD-C" Planned Development Commercial District. LOT 8 IN GLIDDEN CROSSING, A SUBDIVISION OF PART OF THE NORTHEAST ¼ OF SECTION 28, TOWNSHIP 40 NORTH, RANGE 4, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 8, 2006 IN PLAT CABINET 10, AT SLIDE NO. 5-D AS DOCUMENT NUMBER 2006020947, IN DEKALB COUNTY, ILLINOIS. All interested persons are invited to appear and be heard at the time and place listed above. Interested persons are also encouraged to submit written comments on the proposal to the City of DeKalb, Community Development Department, 164 E. Lincoln Highway, DeKalb, Illinois, 60115 or by e-mail to dan.olson@cityofdekalb.com. Further information regarding the petition is also available from the Community Development Department at (815) 748-2361 or on the City of DeKalb's web page at <https://www.cityofdekalb.com/1103/Public-Hearings> Mayor Cohen Barnes City of DeKalb (Published in the Daily Chronicle January 26, 2024) 2139359

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Certificate of the Publisher

Daily Chronicle

Description: HEARING FEB 12 FIRE STA4
2139359
DAN OLSON

CITY OF DEKALB
ATTN: RUTH SCOTT
164 E LINCOLN HIGHWAY
DEKALB IL 60115

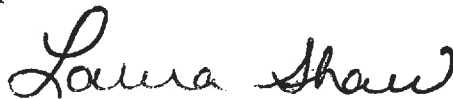
Shaw Media certifies that it is the publisher of the Daily Chronicle. The Daily Chronicle is a secular newspaper, has been continuously published daily for more than fifty (50) weeks prior to the first publication of the attached notice, is published in the City of DeKalb, County of DeKalb, State of Illinois, is of general circulation throughout that county and surrounding area, and is a newspaper as defined by 715 ILCS 5/5.

A notice, a true copy of which is attached, was published 1 time(s) in the Daily Chronicle, namely one time per week for one successive week(s). Publication of the notice was made in the newspaper, dated and published on 01/26/2024

This notice was also placed on a statewide public notice website as required by 5 ILCS 5/2.1.

In witness, Shaw Media has signed this certificate by Laura Shaw, its Publisher, at DeKalb, Illinois, on 26th day of January, A.D. 2024

Shaw Media By:



Laura Shaw, Publisher

Account Number 40609

Amount \$106.02

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City of DeKalb

com/1103/Public-Hearings
Mayor Cohen Barnes
City of DeKalb

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