

VILLAGE OF BIG ROCK

ORDINANCE NO. 2017- _____

**AN ORDINANCE APPROVING AN AMENDED AGREEMENT FOR THE DESIGN,
CONSTRUCTION, AND MAINTENANCE OF A MUTUAL DRAIN TILE BETWEEN
THE VILLAGE OF BIG ROCK AND RUBIN VARGAS FOR PROPERTY IDENTIFIED
AS FOLLOWS: P.I.N.'s 13-23-176-021; 13-23-176-027; 13-23-176-028; 13-23-176-029**

**ADOPTED BY THE BOARD OF TRUSTEES
OF THE VILLAGE OF BIG ROCK
THIS 12TH DAY OF DECEMBER, 2017**

Published in pamphlet form by the authority of the Board of Trustees of the
Village of Big Rock, Kane County, Illinois
this 12th day of December, 2017

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WHEREAS, the Village of Big Rock is a municipal corporation duly organized and operating pursuant to the laws of the State of Illinois; and

WHEREAS, Rubin Vargas ("Vargas") is the owner of real property consisting of four (4) parcels with the following Permanent Index Numbers: 13-23-176-021; 13-23-176-027; 13-23-176-028; 13-23-176-029 (hereinafter collectively referred to as the "Property");

WHEREAS, in Year 2012, the Village approved and executed an Agreement for the Design, Construction, and Maintenance of a Mutual Drain ("Agreement") with the Property's former owner, and said Agreement was recorded with the Kane County Recorder's Office against title to the Property; and

WHEREAS, said Agreement allowed the Village to engineer, construct and maintain a drainage ditch across a portion of the Property to convey stormwater from higher lands across the Property; and

WHEREAS, the Agreement and corresponding work was part of a larger stormwater drainage improvement project that the Village undertook in the Tenerelli subdivision and for which it created a Special Service Area (Village of Big Rock SSA No. 2) to fund said project; and

WHEREAS, the Property was assessed an annual special assessment of \$2,900.00 to help fund this drainage improvement project, and particularly to fund the engineering, construction and maintenance of this drainage ditch across the Property; and

WHEREAS, Vargas has now agreed to maintain this drainage ditch in perpetuity at his own expense pursuant to the terms of an Amended Agreement, and in return, the Village has agreed in said Amended Agreement to reduce the annual SSA tax levy against the Property to \$100.00; and

WHEREAS, the Village of Big Rock Board of Trustees desires to approve this Amended Agreement with Vargas for the Property, finding that this Amended Agreement is in the public interest.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Big Rock, Kane County, Illinois, as follows:

Section 1: The above-stated Recitals are hereby restated and incorporated into this Section 1 as though fully set forth herein.

Section 2: The Amended Agreement for the Design, Construction, and Maintenance of a Mutual Drain between the Village of Big Rock and Rubin Vargas for Property Identified as Follows: P.I.N.'s 13-23-176-021; 13-23-176-027; 13-23-176-028; 13-23-176-029, a copy of which is attached hereto as Exhibit "A," is hereby approved.

Section 3: The Village Attorney and Village President are authorized to make minor modifications to this Ordinance and to the Amended Agreement referenced in Section 2 after consultation with Rubin Vargas, provided such minor modifications do not change the key provisions of this Ordinance or the Amended Agreement.

Section 4: Once the Amended Agreement is finalized, the Village President is authorized and directed to sign the same on behalf of the Village. Once fully signed, the Village Clerk is authorized and directed to record the original Amended Agreement against title to the Property with the Kane County Recorder of Deeds.

Section 5: All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of the conflict.

Section 6: This ordinance shall be in full force and effect after its passage, approval and publication in pamphlet form as provided by law.

PRESENTED to the Board of Trustees of the Village of Big Rock, Kane County, Illinois on this 12th day of December, 2017.

Trustee Hanninen ____ Trustee Metzger ____ Trustee Lynch ____

Trustee McCannon ____ Trustee Walsh ____

PASSED by the Board of Trustees of the Village of Big Rock, Kane County, Illinois, this 12th day of December, 2017.

SIGNED by the President of the Board of Trustees of the Village of Big Rock, Kane
County, Illinois, this 12th day of December, 2017.

Dean Hummell, President
Village of Big Rock, Illinois

ATTEST:

Tim May, Village Clerk
Village of Big Rock, Illinois

(SEAL)

STATE OF ILLINOIS)
) SS
COUNTY OF KANE)

CLERK’S CERTIFICATE

I, Tim May, certify that I am the Village Clerk of the Village of Big Rock, Kane County, Illinois, and as such officer I am the keeper of the records, files and proceedings of the corporate authorities of said municipality.

I further certify that:

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was adopted by the President and Board of Trustees of the Village of Big Rock at a meeting held on December 12, 2017 and approved by the Village President on December 12, 2017. I do further certify that a quorum of said Board of Trustees was present at said meeting, and that the Board complied with all the requirements of the Illinois Open Meeting Act.

I do further certify that the ordinance, of which the attached is a true and correct copy, is entrusted to my care for safekeeping, and that I am the lawful keeper of same.

IN WITNESS WHEREOF, I have hereunto affixed my official hand and the seal of the municipality this 12th day of December, 2017.

(SEAL)

Tim May, Village Clerk
Village of Big Rock, Illinois

EXHIBIT "A"

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