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After recording, mail to:
Village Clerk
Village of Big Rock
P.O. Box 128
Big Rock, IL 60511

RESERVED FOR RECORDER OF DEEDS

VILLAGE OF BIG ROCK
ORDINANCE NO. 2015- _____

**AN ORDINANCE APPROVING A SECOND AMENDMENT TO THE ANNEXATION
AGREEMENT BETWEEN THE VILLAGE OF BIG ROCK AND TED A. McCANNON
AND SUSAN C. McCANNON WHICH VOIDS THE ANNEXATION AGREEMENT
AS TO THE MAJORITY OF THE PROPERTY**

**ADOPTED BY THE BOARD OF TRUSTEES
OF THE VILLAGE OF BIG ROCK
THIS 15TH DAY OF DECEMBER, 2015**

Published in pamphlet form by the authority of the Board of Trustees of the
Village of Big Rock, Kane County, Illinois
this 15th day of December, 2015

ORDINANCE NO. 2015-_____

AN ORDINANCE APPROVING A SECOND AMENDMENT TO THE ANNEXATION AGREEMENT BETWEEN THE VILLAGE OF BIG ROCK AND TED A. McCANNON AND SUSAN C. McCANNON WHICH VOIDS THE ANNEXATION AGREEMENT AS TO THE MAJORITY OF THE PROPERTY

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, Ted A. McCannon and Susan C. McCannon and Melrose Holdings 13, LLC (collectively, the “Applicant”) are the owners of real property commonly known as McCannon Farm Acres, located along Raymond Road, Big Rock, Illinois, (the “Property”), and legally described in “Exhibit A” attached hereto; and

WHEREAS, the Village previously approved an Annexation Agreement with the Applicant on or about July 9, 2007, pursuant to Ordinance 2007-18, for the Property; and

WHEREAS, the Annexation Agreement provided for planned unit development approval, zoning approval, subdivision approval, landscape approval, engineering approval, and other approvals related thereto to allow a residential planned unit development for the Property, which consisted of single-family homes, a residential group home, and other improvements and amenities thereto; and

WHEREAS, the Village also previously approved a First Amendment to the Annexation Agreement on September 11, 2012, which approved a Preliminary/Final Plat of Resubdivision of the Property, which approved a Preliminary/Final Planned Unit Development Plan, and which approved specific terms and conditions of redevelopment and use of lots on the Property; and

WHEREAS, the Property is currently zoned R-E, Residential Estate District, which is consistent with the provisions of the Annexation Agreement; and

WHEREAS, a portion of the Property is owned by Ted and Susan McCannon (the “McCannon Parcel”), which is legally described in Exhibit “B” attached hereto, and which is improved with a single-family house, a detention pond and a farmstead building which is used for events for people with special needs and used for other special events; and

WHEREAS, the Applicant has not commenced construction on any proposed improvements within the planned unit development, nor sold any lots within the planned unit development; and

WHEREAS, the Applicant desires to sell a majority of the Property to three separate third parties, and in order to so, the Applicant seeks to vacate the previously-approved Plat of Subdivision and Plat of Resubdivision, after which the parties propose to divide the Property

into 6 new parcels pursuant to a deed division which complies with the exceptions to the Plat Act; and

WHEREAS, Ted and Susan McCannon propose the continue to own the McCannon Parcel after the sale of the remaining portion of the Property to the aforementioned three third parties; and

WHEREAS, the Applicant seeks to vacate the special use approval for the Preliminary/Final Planned Unit Development Plan as to all of the Property *except* the McCannon Parcel; and

WHEREAS, the Applicant seeks to void and terminate the Annexation Agreement and the First Amendment to the Annexation Agreement as to all of the Property *except* the McCannon Parcel, and seeks to accomplish this partial termination through this ordinance which approves a Second Amendment to the Annexation Agreement; and

WHEREAS, the Village of Big Rock Planning and Zoning Commission conducted a public hearing pursuant to duly-published legal notice to consider the vacation/voiding of the previously-approved special use for this Planned Unit Development Plan and to consider the vacation of the previously-approved Plat of Subdivision and Plat of Resubdivision of the Property, and voted to recommend approval of such actions; and

WHEREAS, the Village of Big Rock corporate authorities conducted a public hearing pursuant to duly-published legal notice to consider this Second Amendment to the Annexation Agreement to Void and Terminate the Annexation Agreement and the First Amendment of the Annexation Agreement as to all of the Property *except* for the McCannon Parcel; and

WHEREAS, the Village of Big Rock corporate authorities hereby desire to approve this Second Amendment to the Annexation Agreement, finding that the proposed sale and lot division and subsequent use of the majority of the Property is consistent with the underlying zoning, will not adversely impact surrounding properties nor negatively impact the public health, safety or welfare.

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: By a two-thirds vote of the corporate authorities, the Second Amendment to the Annexation Agreement between the Village of Big Rock and Ted A. McCannon and Susan C. McCannon Which Voids The Annexation Agreement and First Amendment to the Annexation Agreement for the Majority of the Property (“Second Amendment”), a copy of which is attached hereto as Exhibit “C”, is hereby approved. The Village Attorney and Village President are authorized to make minor modifications to the Second Amendment prior to signature by the Village. The Annexation Agreement and First Amendment is voided and terminated as to the

Property legally described in Exhibit "A" attached hereto, but shall continue to apply to the McCannon Parcel legally described in Exhibit "B" attached hereto.

Section 3: The Village President and Village Clerk are hereby authorized and directed to execute this Second Amendment on behalf of the Village of Big Rock. The Applicant is authorized and directed to record the original Second Amendment, along with a copy of this Ordinance, with the Kane County Recorder of Deeds, immediately after the sale of the majority of the Property to the above-referenced third parties. Alternatively, the Applicant may delegate this recording responsibility to the third party purchasers. The Applicant (or if they so determine, the third party purchasers) are responsible for all recording costs.

Section 4: This ordinance and the Second Amendment shall be effective immediately upon the sale of the Property to the third party purchasers (excluding the McCannon Parcel). In the event said sale does not occur, this ordinance and the Second Amendment shall be automatically null and void. The Village may elect to, but is not required to, approve an ordinance voiding this ordinance and the Second Amendment.

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 and as provided in Section 4.

PRESENTED to the Board of Trustees of the Village of Big Rock, Kane County, Illinois on this 15th day of December, 2015.

Trustee Hanninen ____ Trustee Hunt ____ Trustee Metzger ____

Trustee McCannon ____ Trustee Walsh ____ Trustee Shimkus ____

PASSED by the Board of Trustees of the Village of Big Rock, Kane County, Illinois, this 15th day of December, 2015.

SIGNED by the President of the Board of Trustees of the Village of Big Rock, Kane County, Illinois, this 15th day of December, 2015.

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 15, 2015 and approved by the Village President on December 15, 2015. 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 15th day of December, 2015.

(SEAL)

Tim May, Village Clerk
Village of Big Rock, Illinois

EXHIBIT "A"

LEGAL DESCRIPTION OF PROPERTY

McCannon Farm Acres, being a Subdivision of Part of the Southeast Quarter of Section 25, Township 38 North, Range 6 East of the Third Principal Meridian recorded March 19, 2008 as Document Number 2008K023144, all in Kane County, Illinois, described as follows: Lots 1 through 13 (inclusive), Parcel 1 and that Part of John Street lying Westerly of the West Line of Dugan Road and Easterly of the East Line of Bergman Estates Unit Three recorded as Document Number 1292863; AND ALSO Lots 23 through 27 (inclusive), Parcel 3 and that Part of Farm Crossing lying Westerly of the West Lines of Lot 29 and Parcel 2 of Resubdivision of Part of McCannon Farm Acres, recorded November 4, 2014 as Document Number 2014K055666, all in the Village of Big Rock, Kane County, Illinois

AND

The Resubdivision of Part of McCannon Farm Acres, being a Subdivision of Part of the Southeast Quarter of Section 25, Township 38 North, Range 6 East of the Third Principal Meridian recorded November 4, 2014 as Document Number 2014K055666, all in Kane County, Illinois, described as follows: Lots 18, 19, 20, 21, 22, 28, 29, 30, 31, 32, Parcel 2, that Part of Farm Crossing lying Northerly of the North Line of Raymond Road, and that Part of Farmstead Lane lying Northerly of the North Line of Raymond Road, all in the Village of Big Rock, Kane County, Illinois

AND

Lots 14 and 15 of McCannon Farm Acres, according to the Plat thereof recorded March 19, 2008 as Document 2008K023144, and Lots 16 and 17 of Resubdivision of Part of McCannon Farm Acres, according to the Plat thereof recorded November 4, 2014 as Document 2014K055666, all in the Village of Big Rock, Kane County, Illinois.

EXHIBIT "B"

MCCANNON PARCEL

Lots 14 and 15 of McCannon Farm Acres, according to the Plat thereof recorded March 19, 2008 as Document 2008K023144, and Lots 16 and 17 of Resubdivision of Part of McCannon Farm Acres, according to the Plat thereof recorded November 4, 2014 as Document 2014K055666, all in the Village of Big Rock, Kane County, Illinois.

EXHIBIT "C"

**SECOND AMENDMENT TO AN ANNEXATION AGREEMENT BETWEEN THE
VILLAGE OF BIG ROCK AND TED A. McCANNON AND SUSAN C. McCANNON
WHICH VOIDS THE ANNEXATION AGREEMENT AND FIRST AMENDMENT TO
ANNEXATION AGREEMENT AS TO THE MAJORITY OF THE PROPERTY**