
**VILLAGE OF SUGAR GROVE
BOARD REPORT**

TO: VILLAGE PRESIDENT & BOARD OF TRUSTEES
FROM: WALTER MAGDZIARZ, COMMUNITY DEVELOPMENT DIRECTOR
SUBJECT: ORDINANCE: SETTLERS RIDGE ANNEXATION AGREEMENT, THIRD AMENDMENT
AGENDA: JANUARY 4, 2022 VILLAGE BOARD MEETING
DATE: DECEMBER 30, 2021

ISSUE

Shall the Village Board approve an Ordinance approving the Third Amendment of the Settlers Ridge Annexation Agreement.

DISCUSSION

In 2014, the Village and Land Cap, a/k/a Coast Oak, the investor-owner of Settlers Ridge following the Great Recession, entered into an Annexation Agreement Amendment prior to Land Cap preparing the subdivision lots for sale to Pulte Homes. Among the many items in the Annexation Agreement Amendment is a provision that the Village and Land Cap would adopt land development regulations for the future development of Settlers Ridge.

Village staff agrees with Coast Oak and the other owners that adopting land development standards when no one knows what will be constructed in the future is a futile exercise. Instead of developing land development regulations, the parties wish to simply acknowledge that prior to developing any of the undeveloped parts of Settlers Ridge the Village and the respective property owner will agree to amend the Annexation Agreement Amendment by adopting new land development regulations specific to the property.

The Village Board discussed this item at its December 21, 2021 meeting at which time it was noted that the trigger event was not specified in the proposed amendment. The trigger event has been identified in the revised draft being presented, that being upon request of the Owner. Thus, when the Owner is ready to commence development of its property they will notify the Village and within 120 days have approved the land development regulations.

ATTACHMENTS

- Ordinance Approving the Third Amendment of the Settlers Ridge Annexation Agreement

COSTS

There is a nominal cost to record the amendment.

RECOMMENDATION

The Village Board approve an Ordinance Approving the Third Amendment of the Settlers Ridge Annexation Agreement.



**VILLAGE OF SUGAR GROVE
KANE COUNTY, ILLINOIS**

ORDINANCE NO. 2022-0104A

**An Ordinance Approving the Third Amendment of the
Settlers Ridge Annexation Agreement Amendment
(Developer-Owned Lots – Land Cap)**

Adopted by the Board of Trustees and President of the Village of Sugar Grove
this 4th day of January 2022

Published in pamphlet form by authority of the Board of Trustees of the Village of Sugar Grove, Illinois
this 4th day of January 2022

ORDINANCE NO. 2022-0104A

**An Ordinance Approving the Third Amendment of the
Settlers Ridge Annexation Agreement Amendment
(Developer-Owned Lots – Land Cap)**

WHEREAS, the Village of Sugar Grove (“VILLAGE”) is not a home rule municipality within Article VII, Section 6A of the Illinois Constitution and accordingly, acts pursuant to the powers granted to it under 65 ILCS 5/1-8 *et seq.*; and,

WHEREAS, there currently exists a certain amended annexation agreement between the Village, LCP SLJV 2008-1 IL, LLC (“OWNER”) and LCP Settlers Ridge Development, LLC (“DEVELOPER”), entered into on December 13, 2016 and recorded in the Office of the Kane County Recorder as Document No. 2017K000658; and,

WHEREAS, since the execution of the above-referenced amended annexation agreement, circumstances have changed in such a manner so as to warrant further amendment of a certain provision of said annexation agreement amendment; and,

WHEREAS, after due notice, the corporate authorities of the Village have held a public hearing on January 4, 2022, on the proposed amended agreement, similar in form and substance to the Third Amendment of Annexation Agreement attached hereto as Exhibit A (“Annexation Amendment”); and,

WHEREAS, the corporate authorities wish to approve this Annexation Amendment; and,

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

SECTION ONE: AMENDED ANNEXATION AGREEMENT

That the Annexation Amendment entered into by and between the Village of Sugar Grove, LCP SLJV 2008-1 IL, LLC and LCP Settlers Ridge Development, LLC is hereby incorporated by reference in this ordinance as if fully set forth in the body hereof, a copy of which is attached hereto as Exhibit A. Said Exhibit A is hereby approved and the Village President and Clerk are hereby authorized to execute said amended agreement on behalf of the Village of Sugar Grove.

SECTION TWO: RECORDING AND NOTICE

The Village Clerk is hereby authorized to record this Ordinance along with all exhibits in the Office of the Kane County Recorder.

SECTION THREE: GENERAL PROVISIONS

REPEALER: All ordinances or portions thereof in conflict with this Ordinance are hereby repealed.

SEVERABILITY: Should any provision of this Ordinance be declared invalid by a court of competent jurisdiction; the remaining provisions will remain in full force and effect the same as if the invalid provision had not been a part of this Ordinance.

EFFECTIVE DATE: This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

PASSED AND APPROVED by the President and Board of Trustees of the Village of Sugar Grove, Kane County, Illinois this 4th day of January 2022.

ATTEST:

Jennifer Konen,
President of the Board of Trustees

Alison Murphy,
Village Clerk

	Aye	Nay	Absent	Abstain
Trustee Matthew Bonnie	___	___	___	___
Trustee Sean Herron	___	___	___	___
Trustee Heidi Lendi	___	___	___	___
Trustee Michael Schomas	___	___	___	___
Trustee Ryan Walter	___	___	___	___
Trustee James White	___	___	___	___
Village President Konen	___	___	___	___

EXHIBIT A

Prepared by and return to:

Mickey, Wilson, Weiler, Renzi,
Lenert & Julien, P.C.
140 S. Municipal Drive
Sugar Grove, IL 60554
Attn: Laura M. Julien

THIRD AMENDMENT OF ANNEXATION AGREEMENT
SETTLERS RIDGE

THIS THIRD AMENDMENT (“AMENDMENT”) to the Annexation Agreement dated June 28, 2005 (“Annexation Agreement”), recorded as Document Number 2005K081146 in the Kane County Office of the Recorder, and the subsequent amendments to the Annexation Agreement dated August 21, 2007 (“First Amendment”), recorded as Document Number 2008K009627 in the Kane County Office of the Recorder, and December 13, 2016 (“Second Amendment”), recorded as Document No. 2017K000658 in the Kane County Office of the Recorder, between the Village of Sugar Grove, an Illinois Municipal Corporation (“Village”) and LCP SLJV 2008-1 IL, LLC (“OWNER”) and LCP Settlers Ridge Development, LLC (“DEVELOPER”), said agreement made and entered into this ____ day of January, 2022.

WHEREAS, in accordance with the powers granted to the Village by the provisions of 65 ILCS 5/11-15.1-1 through 15.5-5, inclusive, relating to annexation agreements and amendments to such agreements, the Parties hereto wish to enter into and bind themselves to this Amendment as authorized by and in accordance with the provisions of said statutes; and,

WHEREAS, pursuant to due notice and publication in the manner so provided by law, the appropriate zoning authorities of the Village have held the necessary public hearing(s) and have taken all further action required by the provisions of 65 ILCS 5/11-15.1-3 and the ordinances of the Village relating to the procedure for the authorization, approval, and execution of this Amendment by the Village; and,

NOW, THEREFORE, in consideration of the mutual covenants, agreements, and conditions herein contained, and by authority of and in accordance with the aforesaid statutes of the State of Illinois, the Parties hereto agree as follows:

I. SECTION I(C) AMENDED

Section I(c) is hereby amended as follows:

The Parties hereto acknowledge and agree at such time as there is proposed development for the Northeast Parcel or the Landcap Commercial Parcel, the PDD ordinance currently pertaining to the Property (the "Current PDD Ordinance") shall be revised to conform the PDD ordinance (the "Revised PDD Ordinance") with the Amended Agreement. The Village agrees to approve a Revised PDD Ordinance for the Northwest Parcel or the Landcap Commercial Parcel within 120 days of request of the owner of the applicable parcel. Development of the Northwest Parcel and Landcap Commercial Parcel shall be in conformance with the applicable Revised PDD Ordinance, provided, however, that in the event of any conflict between this Amended Agreement and the Revised PDD Ordinance (or the Current PDD Ordinance) for the Affected Property, this Amended Agreement will control.

II. REMAINDER OF AGREEMENT UNAFFECTED; AMENDMENT INTEGRATED IN AGREEMENT; TERM

The Parties hereto agree and acknowledge that the remaining provisions of the Second Amendment and previous agreements/amendments which are not referenced or amended by this Third Amendment shall remain in effect for the term of the agreement. For purposes of constructing provisions of the agreement, the Parties agree that this Amendment shall be fully integrated into the Second Amendment from and after its execution by the Parties. This Amendment shall be binding upon and inure to the benefit of the Parties hereto, their successors and assigns, including, but not limited to, successor owners of record, successor developers, lessees and successor lessees, and upon any successor municipal authority of the Village and successor municipalities. The Term of the Second Amendment shall remain unaffected by this Amendment.

IN WITNESS WHEREOF, the Parties have executed this Annexation Agreement the day and year first above written.

VILLAGE OF SUGAR GROVE:

ATTEST:

Jennifer Konen,
Village President

Alison Murphy,
Village Clerk

NORTH PARCEL OWNER:

LCP SLJV 2008-1 IL-1, LLC

By: _____
Name: _____

Title: _____

NORTHWEST PARCEL OWNER:

LCP SETTLERS RIDGE DEVELOPMENT,
LLC

By: _____
Name: _____

Title: _____