
VILLAGE OF SUGAR GROVE BOARD REPORT

TO: VILLAGE PRESIDENT & BOARD OF TRUSTEES
FROM: WALTER MAGDZIARZ, COMMUNITY DEVELOPMENT DIRECTOR
SUBJECT: RESOLUTION: AGREEMENT TO AMEND A CONDITION OF APPROVAL TO A FINAL PLAT OF SUBDIVISION (KIMME SUBDIVISION)
AGENDA: SEPTEMBER 6, 2022 VILLAGE BOARD MEETING
DATE: AUGUST 31, 2022

ISSUE

Shall the Village Board approve a Resolution approving an Agreement to amend the conditions of approval to a Final Plat of Subdivision (Kimme Subdivision).

DISCUSSION

After discussing this matter of changing the conditions of approval for the Kimme Subdivision plat at its August 16, 2022 meeting, the Village Board directed the Village Attorney to prepare a document to record against the land that obligates the property owner to pay the fee in-lieu-of construction of the sidewalk if the adjacent property to the west is subdivided within two years.

The Agreement is meant to run with the land so that it applies to the current and any future owner of the subject property. The Agreement is intended to memorialize the modification of the conditions of approval of the Final Subdivision Plat previously agreed to and approved by the Village Board.

The Agreement will be recorded against the property.

ATTACHMENTS

- Resolution approving an Agreement to Approving an Agreement to Amend the Conditions of Approval to a Final Plat of Subdivision (Kimme Subdivision).

RECOMMENDATION

That the Village Board approve a Resolution Approving an Agreement to Amend the Conditions of Approval to a Final Plat of Subdivision (Kimme Subdivision).



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

RESOLUTION NO. 2022-0906D

**A RESOLUTION APPROVING AN AGREEMENT TO AMEND THE CONDITIONS OF APPROVAL
TO A FINAL PLAT OF SUBDIVISION
(KIMME SUBDIVISION)**

Adopted by the Board of Trustees and President of the Village of Sugar Grove
this 6th day of September 2022

Published in pamphlet form by authority of the Board of Trustees of the Village of Sugar Grove
this 6th day of September 2022

VILLAGE OF SUGAR GROVE

RESOLUTION NO. 2022-0906D

**A RESOLUTION APPROVING AN AGREEMENT TO AMEND THE CONDITIONS OF APPROVAL
TO A FINAL PLAT OF SUBDIVISION
(KIMME SUBDIVISION)**

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

WHEREAS, the Corporate Authorities have determined that it is necessary and desirable to amend the conditions of approval to a final plat of subdivision heretofore recorded as Document No. 2021K045614, which Resolution included certain conditions of approval; and,

WHEREAS, as a condition of amending the conditions of approval to a final plat of subdivision the Corporate Authorities have caused preparation of an Agreement to Amend the Conditions of Approval to a Final Plat of Subdivision, attached hereto in **Exhibit A** and made a part hereof by this reference.

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

SECTION ONE: An Agreement to Amend the Conditions of Approval to a Final Plat of Subdivision attached hereto in **Exhibit A**, be and it is hereby approved and the Village President and Village Clerk are hereby directed to execute said Agreement.

SECTION TWO: The Village Clerk is hereby directed to cause said Agreement to be recorded in the Kane County Recorder's Office.

PASSED AND APPROVED by the President and Board of Trustees of the Village of Sugar Grove, Kane County, Illinois this 6th day of September 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	___	___	___	___

Exhibit A

STATE OF ILLINOIS)
) SS
COUNTY OF KANE)

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

Return to after recording:
Village Clerk
Village of Sugar Grove
10 Municipal Drive
Sugar Grove, IL 60554

Reserved for Recorder's Use

**AGREEMENT TO AMEND A CONDITION OF APPROVAL
TO A FINAL PLAT OF SUBDIVISION**

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

WHEREAS, Kyle and Stephanie Kimmie are the subdividers and legal owners of a certain Property, as hereinafter defined; and,

WHEREAS, a Final Plat of Subdivision of Kimme Subdivision was recorded on June 15, 2021 with the Office of the Kane County Recorder as Document No.2021K045614 ("Property"); and,

WHEREAS, the Property is commonly identified by PIN 14-03-300-028 and legally described as: Part of Section 3, Township 38 North, Range 7, East of the Third Principal Meridian, in the Township of Sugar Grove, the County of Kane, State of Illinois; and,

WHEREAS, as a condition of said Final Plat of Subdivision of Kimme Subdivision, pursuant to Section 1.G of Resolution No. 2020-1215C, the corporate authorities of the Village of Sugar Grove required that the subdivider pay a fee in lieu of the sidewalk construction along the Denny Road frontage; and,

WHEREAS, the Parties now wish to amend said condition.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

Exhibit A

1. The condition of approval for the Final Plat of Subdivision set forth in Section 1.G shall hereby be amended as follows:

- G. That the subdivider shall pay a fee in-lieu-of construction of the required sidewalk along Denny Road if the Village Board approves a subdivision of the property adjoining on the west on or before September 6, 2024.

IN WITNESS WHEREOF, the Parties have executed this Agreement on the dates indicated.

VILLAGE OF SUGAR GROVE

Jennifer Konen, Village President

Date

ATTEST

Alison Murphy, Village Clerk

KYLE AND STEPHANIE KIMMIE

Kyle Kimme

Date

Stephanie Kimmie

Date

ATTEST
