

ORIGINAL

ORDINANCE NUMBER: 013-034

DATE OF PASSAGE: June 25, 2013

AN ORDINANCE APPROVING THE FIRST AMENDMENT TO THE BOUNDARY AGREEMENT BETWEEN THE CITY OF AURORA AND THE VILLAGE OF OSWEGO

WHEREAS, the City of Aurora has a population of more than 25,000 persons in it and is, therefore, a home rule unit as defined in Article VII, section 6(a) of the 1970 Constitution of the State of Illinois; and

WHEREAS, said section of the Constitution authorizes a home rule unit to exercise any power and perform any function pertaining to its government and affairs for the protection of the public health, safety, morals and welfare; and

WHEREAS, the Illinois Municipal Code, 65 ILCS 5/11-12-9 (1992), authorizes the corporate authorities of municipalities who have adopted official plans to agree upon a line which shall mark the boundaries of the jurisdiction of each of the respective corporate authorities, and such agreement may also provide that each municipality shall not annex territory which lies within the jurisdiction of the other municipality, as established by such line; and

WHEREAS, on August 27, 2002 by O02-089 the Village of Oswego and the City of Aurora entered into a Boundary Agreement; and

WHEREAS, the parties are in agreement that said Boundary Agreement be amended as set forth in Exhibit "A", for the remaining balance of the previously approved 20 year Agreement; and

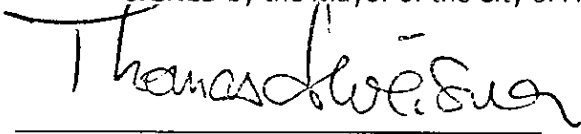
NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Aurora, Illinois that the Mayor and City Clerk be and are hereby authorized to execute the attached Amendment with regards to O02-089 with the following condition:

1. That the Sales Tax Revenue Sharing Agreement approved by The Aurora City Council by Resolution R13-191 be approved and executed by the Village of Oswego.

PASSED AND APPROVED by the City Council of the City of Aurora, Illinois on this 25th day of June, 2013.

AYES 11 **NAYS** 0 **NOT VOTING** 0

SIGNED by the Mayor of the City of Aurora, Illinois, on this 25 day of June 2013.



Mayor
City of Aurora, Illinois

Attest:



City Clerk

EXHIBIT "A"

FIRST AMENDMENT TO THE BOUNDARY AGREEMENT BETWEEN THE CITY OF AURORA AND THE VILLAGE OF OSWEGO

The parties hereto have previously entered into the above referenced Boundary Agreement ("Agreement"), which was approved by the City of Aurora by O02-089 on August 27, 2002.

WHEREAS, the parties hereto wish to amend said Agreement as hereinafter set forth for the remaining balance of the previously approved 20 year Agreement; and

NOW THEREFORE, for good, valuable and legal consideration the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree to amend the Parties' Boundary Agreement dated August 27, 2002 and adopted by City of Aurora Ordinance Number O02-089 as follows:

Section One of the Agreement titled Boundary Line is hereby amended to:

Boundary Line. The jurisdictional boundary line between the two municipalities shall be as follows: beginning approximately 600 feet east of the intersection of Route 34 (Ogden Avenue) and Route 30 at the Virgil Gilman Nature Trail (being in the abandoned Elgin, Joliet and Eastern Railway Company right-of-way), then southeasterly along the centerline of said trail approximately 4,700 feet to the south edge of the Commonwealth Edison right-of-way and then to a point east approximately 1,500 feet and then south from that point 1,400 feet passing through a point intersecting the easternmost boundary of the eastern extension of Gastville Avenue and then from the point 1,400 feet south of the Commonwealth Edison right-of-way west to the ~~centerline~~ eastern property line of the Virgil Gilman Trail, and then southeasterly along the ~~centerline~~ eastern property line of said Virgil Gilman Trail approximately 3,850 feet to the centerline of Oswego Road (Wolfs Crossing), and then approximately 250 feet westerly to the centerline of U.S. Route 30, and then southeasterly along said centerline approximately 6,600 feet to the intersection of 111th Street, then easterly along the southern right-of-way of 111th Street to the abandoned Elgin, Joliet and Eastern Railroad right-of-way.

Attached hereto and made a part hereof as ~~Exhibit A~~ Attachment A is a map designating said boundary line.

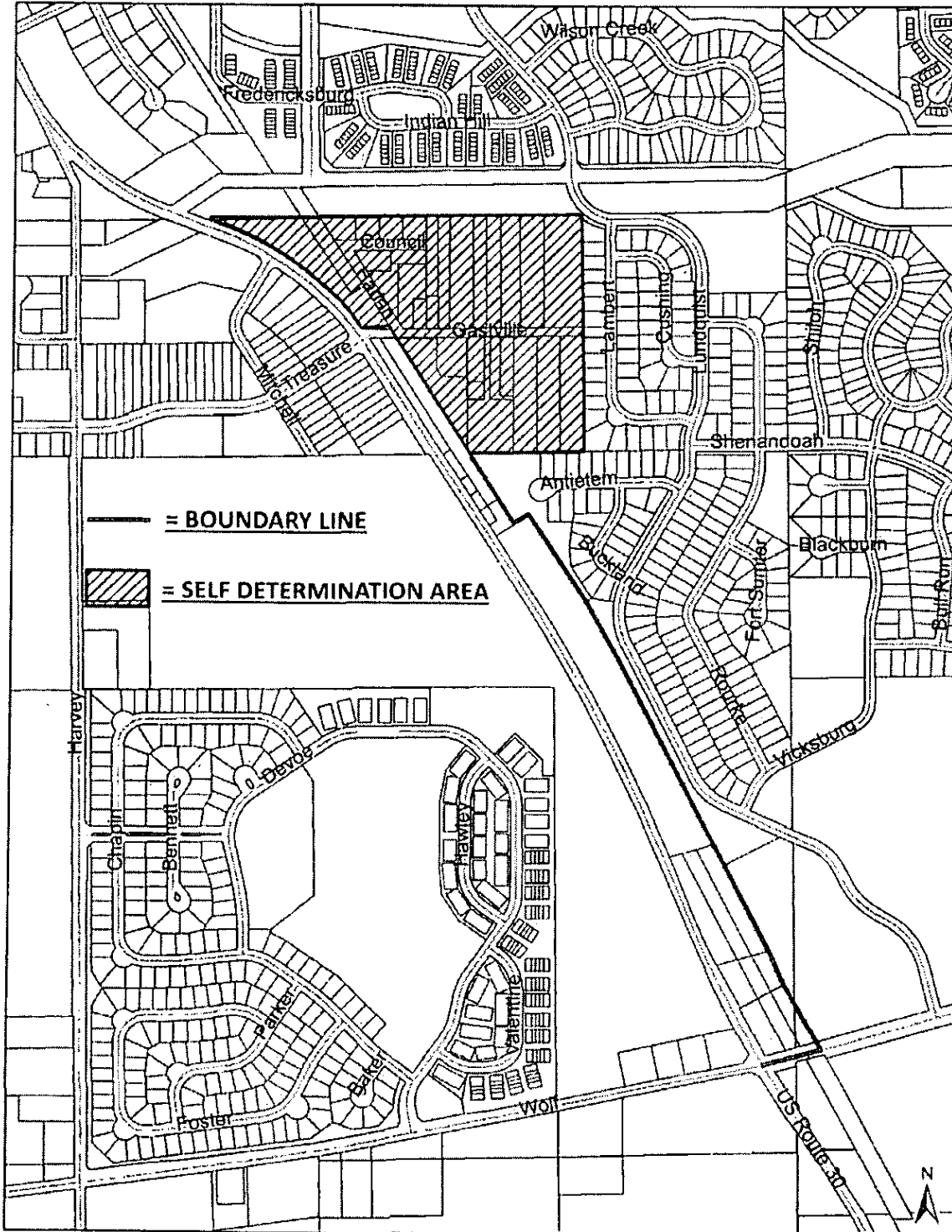
Section Eleven of the Agreement titled Self-determination Area is hereby amended to:

Self-determination Area. The parties agree that the individual owner(s) of the property in the self-determination area identified in the attached ~~Exhibit A~~ Attachment A may choose whether they wish to annex to Oswego or Aurora. Each party agrees that it will not annex any of the property contained within the self-determination area identified in ~~Exhibit A~~ Attachment A without consent of the property owner(s). Except, this prohibition on annexation shall not apply to any parcels of property in the self-determination area which is not contiguous to, and could never be made contiguous to, the non-annexing party.

Exhibit "A" (Page 1 of 2) and Exhibit "A" (Page 2 of 2) is hereby replaced with the following Attachment "A" titled Map of Boundary Line and Self Determination Area:

ATTACHMENT "A"


MAP OF BOUNDARY LINE AND SELF DETERMINATION AREA



With the exception of those modifications to Section One, Section Eleven and Attachment A, as noted above, the remaining provisions of the Boundary Agreement previously approved and adopted by City of Aurora ordinance 002-089 shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have set their hands and seals the day and year written below and the signatories hereto represent that they are duly authorized to execute the Agreement Amendment on behalf of their respective bodies.

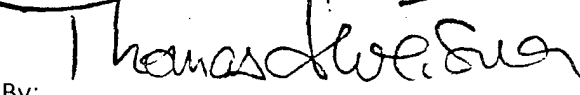
VILLAGE OF OSWEGO,
this 2nd day of October, 2013.

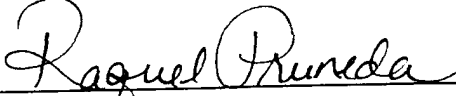
By: 
Village President

Attest:

Village Clerk

CITY OF AURORA,
this 25th day of June, 2013.

By: 
Mayor

Attest:

City Clerk



City of Aurora

Planning and Zoning Division

Mailing Address: 44 E. Downer Place • Aurora, Illinois 60507-2067

Office Location: 1 S. Broadway • Aurora, Illinois 60507-2067

Phone (630) 256-3080 • Fax (630) 256-3089

Stephane A. Phifer, AICP
Director

TO: Mayor Thomas J. Weisner

FROM: Stephane A. Phifer, Planning and Zoning Director

DATE: June 4, 2013

SUBJECT: Referral to Committee Meeting June 13, 2013: **A RESOLUTION AUTHORIZING A REVENUE SHARING AGREEMENT BETWEEN THE CITY OF AURORA AND THE VILLAGE OF OSWEGO;**

AN ORDINANCE APPROVING THE FIRST AMENDMENT TO THE BOUNDARY AGREEMENT BETWEEN THE CITY OF AURORA AND THE VILLAGE OF OSWEGO;

AN ORDINANCE DISCONNECTING TERRITORY FROM THE CITY OF AURORA AT THE NORTHEAST CORNER OF WOLFS CROSSING ROAD AND US ROUTE 30

PURPOSE / BACKGROUND

Aurora and Oswego entered into a twenty-year boundary agreement in 2002 establishing the location of a boundary line between the two municipalities the was approved by Aurora with Ordinance Number 002-089 on August 27, 2002. At the time of the 2002 agreement, the incorporated portions of the two municipalities were still very far apart and it was decide that a certain portion of the boundary line would be left to be determined in the future. This area is located east of Route 30 and north of Wolf's Crossing Road.

At present the municipalities have reached this agreed to boundary line and that portion left for future determination is now intended to be developed. In addition to the "Self Determination Area" set out in the agreement there was also some ambiguity as to the location of the of the agreed to boundary line, caused by a discrepancy between the description and the map included in the agreement. These factors have resulted in confusion for property owners as to which municipality parcels may be annexed into. The three documents being presented would address that confusion.

DISCUSSION

There are three proposals, which would facilitate the development of this corridor in a mutually beneficial way to both municipalities. The first proposal is for a Revenue Sharing Agreement; the second proposal is for a amendment to the Boundary Agreement; with the last step being a disconnection of a portion of property that is currently annexed and zoned in the City of Aurora. With these three proposals the area in question would be on the Oswego side of the Boundary Line for future development and Aurora would share in the sales tax generated by that future development.

Revenue Sharing Agreement: The agreement designates a Revenue Sharing Area, which fronts on U.S. Route 30 and extending north from Wolf's Crossing Road. The proposed agreement would run for 20 years from the date of issuance of the first occupancy permit for any development that occurs in the Revenue Sharing Area. Oswego and Aurora would share the sales tax revenues generated in the Revenue Sharing Area, with Aurora receiving 25% of the Village's share of the sales taxes. These payments will be made annually, and will include the appropriate documentation.

First Amendment to the Boundary Agreement: The Amendment to the Boundary Agreement accomplishes:

- 1) The revision of the Boundary Line description to match the map which represents the line being the eastern property line of the Virgil Gilman Trail instead of the centerline of the trail;
- 2) The reduction of the amount of properties which were previously in the "Self Determination Area" with those properties now being on the Oswego side of the Boundary Line. All other provisions of the Boundary Agreement will stay in full force and effect including the term of the agreement which will not be modified.

Disconnection: There is a portion of property being part of the original Self Determination Area, which was previously annexed and zoned into the City of Aurora. In order to provide an adequate depth along U.S. Route 30 to facilitate commercial development, this property is proposed to be de-annexed from Aurora and annexed into Oswego. This would be done only conditional on the mutual approval of the Revenue Sharing Agreement and the Boundary Agreement Amendment listed above.

RECOMMENDATION

Staff recommends that the Committee recommend approval of the the Sales Tax Revenue Sharing Agreement.

Staff recommends conditional approval of the Boundary Agreement with the following condition:

1. That a Sales Tax Revenue Sharing Agreement approved by The Aurora City Council by Resolution R13-191 be approved and executed by the Village of Oswego.

Staff recommends conditional approval of the Disconnection Ordinance with the following conditions:

1. That the Sales Tax Revenue Sharing Agreement approved by The Aurora City Council by Resolution R13-191 be approved and executed by the Village of Oswego.
2. That the First Amendment to the Boundary Agreement approved by The Aurora City Council by Ordinance O13-034 be approved and executed by the Village of Oswego.

ATTACHMENTS

Draft Revenue Sharing Agreement, Resolution

Draft First Amendment to the Boundary Agreement, Ordinance

Draft Disconnection, Ordinance

CC: Chuck Nelson, Mayor's Office

Forwarded to Committee for Consideration: Chuck Nelson 6/11/13

PD13.033

R E C O M M E N D A T I O N

TO: THE COMMITTEE OF THE WHOLE

FROM: THE PLANNING & DEVELOPMENT COMMITTEE

The Planning & Development Committee at Their Meeting on Thursday, June 13, 2013

Recommended **APPROVAL** Ordinance approving the first amendment to the boundary agreement between the City of Aurora and the Village of Oswego.

VOTE 2-0

Alderman Richard C. Irvin, Excused Absent

Submitted By Michael B. Saville
Alderman Michael Saville, Chairman

Alderman Richard C. Irvin

W. Donnell
Alderman William "Bill" Donnell

Alderman Scheketa Hart-Burns, Alternate

Dated This 14th Day Of June 2013