ORDINANCE NO. 2018-25

AMENDMENT TO AN ANNEXATION AGREEMENT DATED JANUARY 20, 2009
(6924 CARMAN DRIVE, ROCKFORD, IL)

WHEREAS, on January 20, 2009, the Village of Cherry Valley entered into an Annexation Agreement with the owners of property along Perryville Road known as Ordinance No. 2009-20; and

WHEREAS, those Annexation Agreements provided for the construction of a roadway running north and south within property described in “Exhibit C” to provide access to the properties described in “Exhibits A and B” for their contemporaneously commercial development of all of their properties; and

WHEREAS, the owners of the properties described in “Exhibits A and B” have not developed their properties commercially; and

WHEREAS, the owner of the property described in “Exhibit C” is currently developing a Circle K gas station and convenience store; and

WHEREAS, the original Annexation Agreement provided in pertinent parts in paragraphs 4 and 5 that when the property described in “Exhibit C” was developed that the owner of “Exhibit C” would construct a roadway from Charles Street South to the northern most boundaries of the properties described in “Exhibits A and B”; and

WHEREAS, the property described in “Exhibit C” is being developed, and the Village of Cherry Valley, Illinois, has met with the property owners of the properties described in “Exhibits A and B” and has renegotiated the terms of said Annexation Agreement to void paragraphs 4 and 5 of the Annexation Agreement and revise the Annexation Agreement; and

WHEREAS, said revisions identify the location of a new easement for a potential future roadway and clarifies that the current owners of the properties described in “Exhibits A and B” will not be responsible for the construction of the roadway when and if it is constructed but rather, the
PASSED UPON MOTION BY: NANCY BELT
SECONDED BY: SALLY HOLLEMBEAK
BY ROLL CALL VOTE THIS 18TH DAY OF DECEMBER, 2018
AS FOLLOWS:
VOTING “AYE”: NANCY BELT, JEFF FUSTIN, SALLY HOLLEMBEAK, JEFF O’HARA, DAVID SCHROEDER
VOTING “NAY”: NONE
ABSENT, ABSTAIN, OTHER: STEPHEN APPELL
ATTEST: VILLAGE CLERK, KATHY TRIMBLE
APPROVED: DECEMBER 18, 2018
VILLAGE PRESIDENT, JIM E. CLAEYSSEN