



COMMITTEE OF THE WHOLE MEETING
MONDAY, APRIL 1, 2019
(Immediately following the Village Board Meeting)

AGENDA

CALL TO ORDER

ROLL CALL

AUDIENCE COMMENTS

TRUSTEE COMMENTS

DISCUSSION

1. Sugar Grove Boundary Line Agreement

EXECUTIVE SESSION

ADJOURN

Initials _____

Handwritten initials in blue ink, appearing to be "SB", written over a horizontal line.

**VILLAGE OF NORTH AURORA
BOARD REPORT**

TO: VILLAGE PRESIDENT & BOARD OF TRUSTEES
CC: STEVE BOSCO, VILLAGE ADMINISTRATOR
FROM: MIKE TOTH, COMMUNITY & ECONOMIC DEVELOPMENT DIRECTOR
SUBJECT: SUGAR GROVE BOUNDARY AGREEMENT
AGENDA: 4/1/2019 COMMITTEE OF THE WHOLE MEETING

DISCUSSION

Staff is in the process of updating the jurisdictional boundary line agreements with Aurora and Batavia. On September 21, 2015, the Village Board approved an ordinance authorizing the execution of an amendment to the jurisdictional boundary line agreement with the Village of Sugar Grove. Staff has also been discussing the renewal of the jurisdictional boundary line agreement with Sugar Grove in order to sync the term of the boundary line agreements with the Batavia and Aurora agreements and provide clarity to the boundaries between North Aurora, Sugar Grove and Batavia. The jurisdictional boundary line agreement with Sugar Grove includes a 20-year term, which is set to expire in 2035. A new agreement would establish a new 20-year term.

The current jurisdictional boundary line with Sugar Grove borders the western boundary of North Aurora and is divided by the Lake Run Creek. The proposed agreement would extend the current boundary line to the north by following Norris Road and Bliss Road to the intersection of Main Street and Bliss Road.

A draft agreement has been provided by the Village of Sugar Grove. As drafted, there appears to be no changes to the terms of the current boundary agreement.

Attachment:

1. Draft Intergovernmental Agreement between the Village of North Aurora and the Village of Sugar Grove relating to Jurisdictional Boundaries

DRAFT 3/19/2019

INTERGOVERNMENTAL AGREEMENT

between the
Village of North Aurora
and the
Village of Sugar Grove
relating to
Jurisdictional Boundaries

This Agreement, made this ____ day of _____, 2019 in duplicate original, by and between the Village of North Aurora, a Municipal Corporation ("North Aurora") and the Village of Sugar Grove, a Municipal Corporation, ("Sugar Grove"), both bodies being hereafter referred to collectively as "Parties."

WHEREAS, North Aurora is not a home rule unit and possesses the powers granted to them by the Constitution and laws of Illinois and those which may be necessarily inferred from such powers; and

WHEREAS, Sugar Grove is not a home rule unit and possesses the powers granted to them by the Constitution and laws of Illinois and those which may be necessarily inferred from such powers; and

WHEREAS, Article VII, Section X of the Constitution authorizes units of local government contract or otherwise associate among themselves to obtain or share services and to exercise, combine, or transfer any power or function, in any manner not prohibited by law or by ordinance; and

WHEREAS, the Illinois Intergovernmental Cooperation Act further defines such intergovernmental cooperation;

WHEREAS, the Village of North Aurora and the Village of Sugar Grove entered into an Intergovernmental Agreement dated September 21, 2015 ("Boundary Agreement"), recorded as document 2015K057692 in Kane County, Illinois; and

WHEREAS, the Boundary Agreement has served a valuable purpose for both North Aurora and Sugar Grove; and

WHEREAS, the Boundary Agreement expires on September 21, 2035 and the Parties recognize the ongoing benefits, and desire to extend the Boundary Agreement for a period of twenty (20) years from the date hereof, and for such further additional time as the Parties may hereafter mutually agree; and

NOW, THEREFORE, upon the consideration of the mutual promises contained herein, and upon further consideration of the recitals herein set forth, it is hereby agreed between the parties to this agreement as follows:

1. The Intergovernmental Agreement dated September 21, 2015 ("Boundary Agreement"), recorded as document 2015K057692 in Kane County, Illinois, between the Village of North Aurora ("Village"), and the Village of Sugar Grove, is hereby repealed and replaced by this Agreement.
2. The recitals set forth above are deemed a part of the terms of this Agreement, and are incorporated herein by reference.
3. A jurisdictional boundary line between North Aurora and Sugar Grove for municipal government planning, zoning, annexation, subdivision control and municipal purposes, is shown on the map which is attached hereto and incorporated herein as Exhibit "A", and as also set forth in the legal description of said jurisdictional boundary line which is attached hereto and incorporated herein as Exhibit "B".
4. Except as otherwise provided herein, North Aurora shall have jurisdiction with respect to property lying easterly of the above-described boundary line, and Sugar Grove shall have jurisdiction with respect to property lying westerly of the above-described boundary line. Commencing with the date of this Agreement, neither party shall annex territory, exercise or attempt to exercise, (including but not limited to conducting hearings on annexation or zoning of property) or enforce any zoning, subdivision control, official map, or other municipal authority which lies within the jurisdiction of the other Municipality (as established by such boundary line), unless otherwise agreed to in writing by both Municipalities.
5. This Agreement shall not be construed so as to limit or adversely affect the right of either Municipality to file a statutory objection to proposed zoning changes within one and one-half miles of its corporate limits, as provided for by State law.
6. Neither Municipality shall object to the other Municipality's request for an amendment of its facilities planning area with respect to land located on the requesting Municipality's side of the jurisdictional boundary line.
7. Each Municipality agrees to actively oppose any attempt by a land owner to effectuate an

involuntary annexation to its respective Municipality if such annexation would have the effect of annexing land within one Municipality's jurisdiction to the other Municipality. Neither party shall either directly or indirectly seek any specific addition, deletion or modification to this Agreement through judicial action in the circuit court.

8. This Agreement shall be in full force and effect for a period of twenty (20) years from the date hereof, and for such further and additional time as the parties may hereafter mutually agree to by amendment to this Agreement, from time to time. All modifications to this Agreement must be in writing and must be signed by each party.
9. This Agreement shall be construed in accordance with the laws of the State of Illinois, and shall be published by the respective Municipalities and recorded or filed with appropriate County Recorders, County Clerks and others as their interest may appear.

IN WITNESS WHEREOF, the undersigned governmental units have caused this Agreement to be duly executed on the day and date first above written.

VILLAGE OF NORTH AURORA, an Illinois
Municipal Corporation,

VILLAGE OF SUGAR GROVE,
an Illinois Municipal Corporation,

By: _____
Its Mayor

By: _____
Its President

Attest:

Attest:

By: _____
Its Village Clerk

By: _____
Its Village Clerk

EXHIBIT "A"

(Map of North Aurora-Sugar Grove Jurisdictional Boundary Line)

Proposed Sugar Grove-North Aurora Boundary Agreement



Legend

-  Current Sugar Grove-North Aurora Agreement
-  Proposed Sugar Grove-North Aurora Boundary Agreement



EXHIBIT "B"

(Legal Description of North Aurora-Sugar Grove Jurisdictional Boundary Line)

[TO BE INSERTED]