

**AN ORDINANCE
AUTHORIZING THE EXECUTION OF A FOURTH AMENDMENT TO
THE ANNEXATION AGREEMENT BETWEEN THE VILLAGE AND
HAMPSHIRE WEST, LLC, ET AL.
(Re Annexation Agreement / Crown Developments / April 14, 2005)**

WHEREAS, a written proposal submitted by Hampshire East, LLC on behalf of the owners of the property in question (the "Owners"), and regarding the territory described therein, was filed with the Clerk of the Village of Hampshire, Kane County, Illinois, proposing a Fourth Amendment to the Annexation Agreement previously entered into in regard to the Crown Developments, said Agreement being dated April 14, 2005, and having been recorded as Doc. No. 2005K44725 in the Office of the Kane County Recorder; and

WHEREAS, the Owners have proposed to amend the Annexation Agreement to provide for different requirements for the front yards and rear yards on lots on the affected properties, including all neighborhoods in Prairie Ridge except Neighborhood "O," Oakstead Development, and Tamms Farm Development; and

WHEREAS, the proposal would amend Section 4.3.1 of the Annexation Agreement, to reduce front yards to not less than twenty-five (25') feet, and rear yards to not less than twenty-five (25') feet; and

WHEREAS, pursuant to notice published in the Daily Herald newspaper on November 24, 2018, a public hearing concerning the proposed Fourth Amendment to the Annexation Agreement was conducted before the Village Board of Trustees on December 20, 2018, and the statutory requirements provided in Section 11-15.1-1 et seq. of the Illinois Municipal Code, as amended, have been fully met; and

WHEREAS, following said public hearing, the terms and provisions of such Fourth Amendment have been concluded and finalized between the parties, in accordance with 65 ILCS 5/11-15.1-4; and

WHEREAS, the Owners of said property are ready, willing and able to enter into said Fourth Amendment; and

WHEREAS, the Corporate Authorities deem it to be in the best interests of the Village to approve such Fourth Amendment to the Annexation Agreement.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF HAMPSHIRE, KANE COUNTY, ILLINOIS AS FOLLOWS:

Section 1. The Corporate Authorities of the Village hereby approve the "Fourth Amendment to Annexation Agreement," by and between Hampshire West LLC, and Hampshire East, LLC, and the Village, and relating to the size of front and rear yards described in Section 4.3.1 of the Annexation Agreement, and affecting the properties described in said Amendment; a true and accurate copy of said Fourth Amendment to Annexation Agreement is attached hereto and made a part hereof by this reference.

Section 2. The Village President shall be and is hereby authorized and directed to execute and deliver on behalf of the Village, and the Village Clerk to attest, said Fourth Amendment to Annexation Agreement, upon receipt of an original of said document, duly executed by the Owners.

Section 3. The Village Attorney may approve corrections of any clerical errors contained in said document, if any, and such corrections shall be and are incorporated in the approval evidenced by this Ordinance.

Section 4. The Fourth Amendment to Annexation Agreement shall be recorded by the parties in the Office of the Kane County Recorder, at Owner's expense, promptly after execution thereof by the parties.

Section 5. This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

ADOPTED THIS 20th DAY OF DECEMBER, 2018, pursuant to roll call vote as follows:


AYES: Klein, Koth, Kraus, Reid, Robinson

NAYS: _____

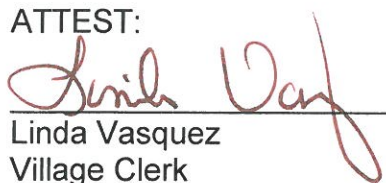
ABSENT: Krajecki

ABSTAIN: _____

APPROVED THIS 20th DAY OF DECEMBER, 2018.



Jeffrey R. Magnussen
Village President

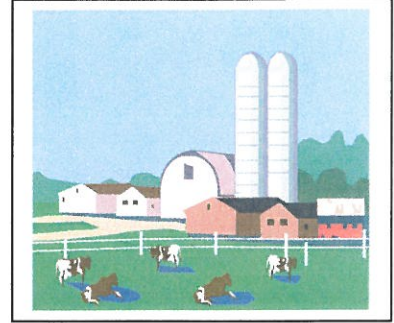
ATTEST:


Linda Vasquez
Village Clerk



**HAMPSHIRE PLANNING
COMMISSION**

Proud Past ~ Promising Future



December 10, 2018

Ms. Linda Vasquez
Village Clerk
Village of Hampshire
234 S. State St.
Hampshire, IL. 60140

Re: Petition for amendment of Final Development Plan and Preliminary Development Plans
Crown - Prairie Ridge / Oakstead / Tamms Farm

Dear Ms. Vasquez:

At the Plan Commission's regularly scheduled meeting on December 10, 2018, the following matter was submitted to the Plan Commission for its consideration:

Consideration and Recommendation regarding the following:

- i) Amendment to the Final Development Plan for Prairie Ridge Development, Neighborhoods "N" and "S."
- ii) Amendment to the Preliminary Development Plan for i) the Prairie Ridge Development, approved by Resolution No. 05-10 on April 14, 2005, for the remainder of the Prairie Ridge development (except Neighborhood "O");
- iii) Amendment to the Preliminary Development Plan for the Oakstead Development, approved by Resolution No. 05-11, on April 14, 2005, and
- iv) Amendment to the Preliminary Development Plan for the Expanded Tamms Farm Development, approved by Resolution No. 07-15 on March 8, 2007.

These amendments if approved would change the minimum front and rear yard size(s) to twenty-five (25') feet for all lots throughout the Prairie Ridge Development (except Neighborhood "O"), the Oakstead Development, and the Expanded Tamms Farm Development.

A public hearing concerning the proposed amendments was conducted by the Plan Commission at the meeting, and after review of the the proposed amendments, and the presentation and comments at the public hearing, and considering the standards for Planned Residential Development Zoning District in the Village Code, on motion duly made and seconded, the Plan Commission determined to recommend approval of the proposed amendment to the Final Development Plan for the Prairie Ridge Development in

the Village, as follows:

A motion to recommend approval of the amendments to the Final Development Plan and the Preliminary Development Plans listed above was approved by a vote of 5 aye – 0 nay.

A copy of this recommendation should be forwarded to the Village President and Board of Trustees.

Respectfully submitted,



William Robinson
Chairman
Hampshire Plan Commission



PREPARED BY AND AFTER
RECORDING RETURN TO:

John H. Mays
Gould & Ratner LLP
222 North LaSalle Street
Chicago, IL 60601

2019K002283
SANDY WEGMAN
RECORDER - KANE COUNTY, IL

RECORDED: 1/16/2019 02:53 PM
REC FEE: \$21.00
PAGES: 6

VILLAGE OF HAMPSHIRE
PO BOX 457
HAMPSHIRE, IL 60140

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This space reserved for Recorder's use only.

FOURTH AMENDMENT TO ANNEXATION AGREEMENT
BY AND BETWEEN HAMPSHIRE WEST ET AL. AND VILLAGE OF HAMPSHIRE

This Fourth Amendment (the "Fourth Amendment") to Annexation Agreement is made and entered into this 20 day of December 2018 between Hampshire East LLC and Hampshire West LLC (collectively, the "Developer") and the Village of Hampshire, a municipal corporation organized and existing under and by virtue of the laws of the State of Illinois (the "Village").

WITNESS:

WHEREAS, the Village and Developer are parties to that certain Annexation Agreement dated April 14, 2005 recorded in the Office of the Kane County Recorder as Document No. 2005K047722 (the "Original Agreement"), which was amended by a First Amendment to Annexation Agreement dated May 14, 2007 by and between the Village, Developer and others recorded in the Office of the Kane County Recorder as Document No. 2007K072733 (the "First Amendment"), and which was further amended by a Second Amendment to the Annexation Agreement dated September 2, 2010 and recorded in the Office of the Kane County Recorder as Doc. No. 2010K058910 (the "Second Amendment"), and which was further amended by a Third Amendment to the Annexation Agreement entered into in 2018 (the Original Annexation Agreement, the First Amendment, the Second Amendment, and the Third Amendment, are collectively referred to herein as the "Annexation Agreement");

WHEREAS, Developer wishes to amend the Annexation Agreement to change the yard requirements within the residential areas of the Prairie Ridge Development (except for Neighborhood "O"), the Oakstead Development, and the Tamms Farm Development, in the Village;

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WHEREAS, the yards are currently required to be as follows, in accordance with Section 4.3.1 of the Annexation Agreement:

Front Yard	30.0'
Side (corner) Yard	
• Without driveway	15.0'
• With driveway	20.0'
Side Yard	7.5'
Rear Yard	30.0'

WHEREAS, the Developer desires to amend the Annexation Agreement to require minimum yards as follows:

Front Yard	25.0'
Side (Corner)	
• Without driveway	15.0'
• With driveway	20.0'
Side Yard	7.5'
Rear Yard	25.0'

WHEREAS, the Village and Developer desire to make this Fourth Amendment to the Annexation Agreement to amend, modify and change Paragraph 4.3.1 of the Annexation Agreement, regarding minimum yard sizes in the Prairie Ridge Development (except for Neighborhood "O"), in the Oakstead Development, and in the Tamms Farm Development, which additions, deletions and revisions are intended to be applicable to the residential areas of said developments;

WHEREAS, in addition, Developer has petitioned to amend the Final Development Plan for the Prairie Ridge Development, Neighborhoods "N," and "S" regarding the yard requirements, together with amendment of the Preliminary Development Plan for Prairie Ridge Development, the Preliminary Development Plan for Oakstead Development, and the Preliminary Development Plan for Tamms Farm Development, to change the yard requirements, and said petition was presented to the Village's Plan Commission and was the subject of a public hearing before the Plan Commission on December 10, 2018, following publication of notice of same as required by law;

WHEREAS, after considering the Petition, the presentation of Petitioner, and the requirements of the Village Code (there being no comments from the public at said public hearing), the Plan Commission has recommended approval of the Petition to allow for changes in the minimum yard sizes, as requested;

WHEREAS, pursuant to the provision of Section 11-15.1.1 et seq. of the Illinois Municipal Code, a proposed Fourth Amendment to the Annexation Agreement was submitted to the Corporate Authorities for review and approval, and a public hearing before the Board of Trustees was held thereon on December 20, 2018, pursuant to notice and advertisement in the manner prescribed by law;

WHEREAS, following said public hearings, the Corporate Authorities, after due and careful consideration, have concluded that the Fourth Amendment to Annexation Agreement will enhance and promote the general welfare and best interests of the Village; and

WHEREAS, the Corporate Authorities of the Village, after due deliberation, by ordinance duly enacted, have approved the execution and delivery of the Fourth Amendment to the Annexation Agreement, and have directed the President and Clerk of the Village to execute the Fourth Amendment on behalf of the Village

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein contain, the parties hereto agree as follows:

1. INCORPORATION OF PREAMBLES AND DEFINED TERMS.

The forgoing Preambles to this Amendment are incorporated herein by reference as though fully set forth herein verbatim. Any capitalized term not defined in this Amendment shall have the meaning given to it in the Original Annexation Agreement.

2. YARDS.

A. Notwithstanding anything to the contrary in Section 4.3.1 of the Annexation Agreement, the Yards in the Residential Areas of the Prairie Ridge Development (except for Neighborhood "O"), the Oakstead Development, and the Tamms Farm Development shall be as follows:

Front Yard	25.0'
Side (Corner)	
• Without driveway	15.0'
• With driveway	20.0'
Side Yard	7.5'
Rear Yard	25.0'

B. The Yards in the Residential Area designated as Prairie Ridge, Neighborhood "O" shall be as follows:

Front Yard	30.0'
Side (Corner)	
• Without driveway	15.0'
• With driveway	20.0'
Side Yard	7.5'
Rear Yard	30.0'

3. GENERAL PROVISIONS.

A. This Amendment shall be binding upon and inure to the benefit of the parties hereto, their successors and assigns.

B. This Amendment shall be enforceable in any court of competent jurisdiction by either party by an appropriate action at law or in equity to secure the performance of the covenants herein described.

C. Except for the provisions of this Amendment, all the terms, covenants and conditions of the Annexation Agreement shall remain in full force and effect, and are not otherwise altered, amended, revised or changed. Village and Developer confirm and ratify the Annexation Agreement and the actions taken to date pursuant to the Annexation Agreement, except to the extent expressly modified by this Amendment. In the event of any conflict between this Amendment and any other provision in the Annexation Agreement or the ordinances of the Village, the provisions of this Amendment shall prevail to the extent of any such conflict or inconsistency.

D. The parties acknowledge that, to the best of their respective knowledge, as of the date of this Amendment, there are no defaults under the Annexation Agreement.

E. This Amendment may be executed in counterparts, each of which shall be deemed to be an original and all of which counterparts taken together shall constitute one and the same agreement.

IN WITNESS WHEREOF, the Corporate Authorities and Developer have caused this instrument to be executed by their respective proper officials, duly authorized to execute the same, on the day and year first above written.

[SIGNATURE PAGES FOLLOW]

SIGNATURE PAGE TO FOURTH AMENDMENT TO ANNEXATION AGREEMENT

VILLAGE:

VILLAGE OF HAMPSHIRE,
an Illinois municipal corporation

By: Jeffrey R. Magnussen
Village President

Attest: Linda Vasquez
Village Clerk

STATE OF ILLINOIS)
)
COUNTY OF KANE) ss.

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, do hereby certify that Jeffrey R. Magnussen, Village President of the Village of Hampshire, Illinois, and Linda Vasquez, Village Clerk of the Village of Hampshire, Illinois, personally known to me to be the same persons whose names are subscribed to the foregoing instrument as such Village President and Village Clerk respectively, appeared before me this day in person and acknowledged that they signed and delivered the same instrument as their own free and voluntary and as the free and voluntary act of said Municipal Corporation, for the uses and purposes therein set forth, pursuant to authority given by the Corporate Authorities, for the uses and purposes therein set forth.

GIVEN under my hand and notarial seal this 11 day of JANUARY, 2018.

M. Brandes
Notary Public

My commission expires: 9-10-19



