

ORDINANCE NO. _____

**AN ORDINANCE
DISCONNECTING TERRITORY
FROM THE CITY OF O'FALLON,
ST. CLAIR COUNTY, ILLINOIS
(DAN L. SHEILS, LLC, an Illinois
limited liability company)
CONTAINING IN TOTAL
APPROXIMATELY 2.83 ACRES**

WHEREAS, Petitioner, DAN L. SHEILS, LLC, an Illinois limited liability company (“Petitioner”), owns territory specifically described in Exhibit A and depicted in Exhibit B, both attached hereto and made a part hereof (“Property”), and desires that the City of O’Fallon to disconnect the Property from its corporate boundaries; and

WHEREAS, the Petitioner has filed a duly signed and duly verified Petition Requesting Disconnection of Territory from the City of O’Fallon Pursuant to Section 7-3-4 of the Illinois Municipal Code 65 ILCS 5/7-3-4 (1992) (“Petition for Disconnection”; the statutory reference is, sometimes, the “Code”); and

WHEREAS, the Petitioner has filed more than thirty days prior to the date of consideration hereof a Petition for Annexation Pursuant to Illinois Compiled Statutes with the Village of Swansea, Illinois (“Petition to Annex”), requesting that the Village of Swansea annex the Property; and

WHEREAS, the Petition for Disconnection contains certain conditions of annexation namely, planting 4-5 foot tall Scotch Pine Trees every fifteen (15) feet along the entire north border of the Property (collectively, “Annexation Terms”); and

WHEREAS, the Petitioner represents a majority of the record owners of the Property and also a majority of the electors residing within the Property; and

WHEREAS, the Property is located within the corporate boundaries of the City of O’Fallon, State of Illinois, and is contiguous to the corporate boundaries of the Village of Swansea, State of Illinois; and

WHEREAS, pursuant to the Code, the Property may be disconnected from the City of O’Fallon and by this ordinance such disconnection shall be conditioned upon its annexation into the Village of Swansea; and

WHEREAS, the Property consists of approximately 2.83 acres; and

WHEREAS, the Petition has attached to its Petition for Disconnection a statement from the St. Clair County Clerk, which shows that all its taxes or assessments due up to the time of presenting the Petition for Disconnection were fully paid; and

WHEREAS, the Petitioner has agreed to the terms of the Development Agreement and the Petitioner has paid to the City the payment required therein subject to the terms of such Development Agreement; and

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF O'FALLON, ST. CLAIR COUNTY, ILLINOIS AS FOLLOWS:

Section 1. Approval Development Agreement. The Mayor is hereby authorized to execute the Development Agreement between the City of O'Fallon, Illinois and DAN L. SHEILS, LLC, as executed by the Petitioner and attached hereto and incorporated herein.

Section 2. Disconnection.The City Council hereby authorizes the disconnection of the Property as set forth in the Attached Petition for Disconnection, incorporated herein effective effective immediately upon annexation of the Property by the Village of Swansea; and further provided that this section shall be null and void if the Village of Swansea shall not have annexed the Property within 45 days after the Effective Date wherein in such case (1) the City shall promptly return to the Developer the payment made to the City pursuant to the Development Agreement upon written certification by the Village Clerk that no such annexation has occurred, (2) the Property shall be continue to remain with the jurisdiction of the City, and (3) the Development Agreement shall then terminate and be of no further force and effect.

Section 3 Recording. That the City Clerk is hereby directed to record a certified copy of this Ordinance with the St. Clair County Recorder of Deeds, together with the map of the territory disconnected.

Section 4. Filing. A Certified Copy of this Ordinance, with all referenced attachments, shall be filed with the City Clerk's Office of the City of O'Fallon, Illinois and the Village Clerk's Office of the Village of Swansea, Illinois.

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

Passed by the City Council this _____ day of _____, 20____.

ATTEST:
(Seal)

Approved by the Mayor this
___ day of _____, 20__.

Philip A. Goodwin, City Clerk

Gary L. Graham, Mayor

F:\wp50\Sheils\DOCS\Deannexation Ordinance - Draft #1-MINDY070524.doc

ROLL CALL:	Engler	Mouser	Reckamp	Polites	Renner	True	West	SUB TOTALS	SUM OF TOTALS
Aye									
Nay									
Absent									

ROLL CALL:	Albrecht	Bennett	Drolet, J.	Drolet, N.	Grogan	Schmidt	Medford	SUB TOTALS
Aye								
Nay								
Absent								

EXHIBIT "A"

LEGAL DESCRIPTION

Part of Lot 2 of "K. OF C. SUBDIVISION;" reference being had to the plat thereof recorded in the Recorder's Office of St. Clair County, Illinois in Book of Plats "89" on page 9, and being more particularly described as follows:

The Easterly 450 feet of said Lot 2.

Except coal, gas and other mineral rights excepted or reserved in prior conveyances.

EXHIBIT "B"

MAP