



Village of South Jacksonville ~ Board of Trustees Meeting  
 Village Hall Board Room  
 301 Dewey Drive, South Jacksonville, Illinois  
**Annexation Public Hearing Minutes**  
 Thursday, June 4, 2015  
 6:45 p.m.

TOPIC	DISCUSSION	ACTION
Call to Order	The Village of South Jacksonville Board of Trustees held an Annexation Public Hearing prior to the regular session of the Board of Trustees meeting on Thursday, June 4, 2015. Mayor Jumper called the hearing to order at 6:49 p.m. at Village Hall.	Noted.
Pledge of Allegiance	The Pledge of Allegiance was led by Sonie Smith.	Noted.
Roll Call	<p><b>Present:</b> Village President Gordon Jumper; Village Clerk Dani Glascock; Trustees: Mike Elliott, John Gotschall, Stacy Pinkerton, Sonie Smith, Steve Waltrip, and Kem Wilson.</p> <p><b>Also present:</b> Superintendent of Public Works John Green, Fire Chief David Hickox, Code Enforcement Officer Wilbur German, and Village Attorney H.Allen Yow.</p> <p><b>Absent:</b> Village Treasurer Linda Douglass.</p>	
Annexation Agreement	<p>Mr. and Mrs. Roger Strang were present, along with their attorney, Tyson Manker.</p> <p>Mayor Jumper stated the Annexation Agreement provided to the Village by Attorney Manker was incomplete as to Exhibit B and Exhibit C. Mr. Manker provided the Board of Trustees a copy of Exhibit B, representing the Plat of Annexation. Mr. Manker further explained that as Exhibit C (Preliminary Engineering Plans) is very expensive, the Strangs are more than happy to provide once they know the property will be annexed into the Village. And, although the agreement does not include Exhibit C, Mr. Manker further stated all of the guarantees and assurances are included in the agreement. The only substantial change made to the agreement was adding language to ensure when the Village wants, either by eminent domain or some other form of negotiation to take the Strang's land, that the Strangs are paid fair market value ("FMV") of their land. Mayor Jumper stated the section entitled "Dedication of Streets and Utility Easements" is precedent-setting language for the Village and this language has not been used in any prior annexation agreement. Those who have annexed in the past have provided the dedication at no cost to the Village and the Village has never paid for land associated with a dedication.</p>	

Mr. Manker clarified that the Strangs promise not to build on the roadway or easement, and then if the Village determines it wants to open up the road, the Strangs would dedicate the land upon receiving FMV of the land. In essence, dedication is the equivalent as a promise not to build.

In response to Mayor Jumper's question, Attorney Manker stated the language on page 10 "Nature, Survival, and Transfer of Obligations" is verbatim to the original agreement provided by the Village.

Mr. Manker reiterated the Strangs are not building a subdivision or commercial lot. The property is going to be zoned as RA (residential and agricultural). And, different terms would apply if they would have been developing a subdivision. In response to Mr. Manker's question, Mayor Jumper confirmed that no other property within the Village of South Jacksonville is zoned as RA. Mr. Manker noted that if the property were to be subdivided at a future date, the property would have to be rezoned and a new hearing scheduled. However, Mayor Jumper stated that would only pertain to the zoning and not the annexation agreement.

Mayor Jumper stated the Village has entered into dozens of other annexations, and in no previous annexations has the Village agreed to pay property owners for use of the land, underlying roads, and public utilities of the Village. Mr. Manker again stated that the Strang's property is not a subdivision, it is a farm, and the Village cannot make a precedent that defies the Illinois Constitution.

Mayor Jumper made an observation using the amount of monies that could potentially be paid as FMV to the Strangs for the dedication of approximately 1.86 acres. According to Mayor Jumper, the Trustees may have an opportunity brought before them in the next several weeks to have Southbrooke Road, west of South Main Street, dedicated to the Village and this would be a wonderful opportunity. Currently, the property is undedicated. Mayor Jumper used the same formula to calculate FMV for the 90,000 square feet of property at \$4 per square foot, and if the same annexation language were to be applied to this transaction, it could cost the Village nearly \$360,000 in land acquisition costs.

Mr. Yow confirmed with Mr. Manker the understanding that if down the road, and if approved, that the Village would pay FMV of the property taken and the Village

	<p>would not have to go through eminent domain. Mr. Manker confirmed the language in the agreement would prevent eminent domain.</p> <p>Mr. Yow noted in this agreement, the Village would provide a temporary license to the Strangs to drive on the undeveloped part of Orlando Street. The Strangs may create a temporary roadway/path. And, if the Village decided to open up the street, the cost of removing the temporary path would now be the expense of the Village. Mr. Manker stated the reasoning behind revising the agreement language was if the Strangs paid for the temporary roadway/path and the Village wanted to develop the roadway, the Strangs shouldn't have to pay the expense to remove what they had paid to put in place as the Village will be using excavation during the construction and could easily remove the roadway.</p> <p>In response to a question, Mayor Jumper stated the Comprehensive 2020 Plan which articulates plans to develop these areas was approved in 2003 and included as a matter of record.</p> <p>Mr. Yow noted the ordinance referenced in the agreement should be Ordinance No. 834 and not 843. Attorney Yow also has some suggested language on the dedication and has created language stating that owners agree upon request of the Village and upon receiving from the Village the value of the property, and that term is defined in the eminent domain act, they shall dedicate and convey to the Village the public street.</p> <p>Mr. Strang indicated that in the 40 foot right-a-way from Victoria Lane on Orlando, he would construct and maintain the 20 foot road in the center out of gravel or ground asphalt. Then, once the house is built, he plans to oil and chip the road so it's dust-free.</p>	
Adjournment	There being no further business for discussion, Steve Waltrip made a motion to adjourn at 7:30 p.m., John Gotschall seconded; and the motion carried unanimously.	Motion carried.

*Dani Glascock*

Dani Glascock, Village Clerk  
(SEAL)

*Steven L. Waltrip*  
~~Gordon B. Jumper, Village President~~  
Steven L. Waltrip, Acting Village President  
(Approved by Board of Trustees on 7/2/15)