

ORDINANCE NO. 26-2023

**AN ORDINANCE APPROVING
A BOUNDARY LINE AGREEMENT WITH THE VILLAGE OF HUNTLEY, ILLINOIS**

WHEREAS, the Village of Gilberts, Kane County, Illinois, is an Illinois municipality organized and operating under the Illinois Municipal Code, 65 ILCS 5/1-1-1, *et seq.*; and

WHEREAS, the Village of Huntley, Kane and McHenry Counties, Illinois, is an Illinois home-rule municipality organized and operating pursuant to Article VII, Section 6 of the Illinois State Constitution and the Illinois Municipal Code, 65 ILCS 5/1-1-1, *et seq.*; and

WHEREAS, units of local government are enabled by Article VII, Section 10, of the Illinois State Constitution of 1970 to enter into agreements among themselves to obtain or share services and to exercise, combine, or transfer any power or function in a manner not prohibited by law or ordinance; and

WHEREAS, the Illinois Intergovernmental Cooperation Act, 5 ILCS 220/1, *et seq.*, authorizes municipalities to, jointly with any other unit of local government, exercise any power, privilege or authority which may be exercised by a unit of local government individually, and to enter into contracts for the performance of government services, activities, and undertakings; and

WHEREAS, the Illinois Municipal Code authorizes municipalities to enter into boundary line agreements “[i]f unincorporated territory is within one and one-half miles of the boundaries of two or more corporate authorities that have adopted official plans . . .,” 65 ILCS 5/11-12-9; and

WHEREAS, pursuant to and in accordance with this authority, the Village of Gilberts has negotiated the terms and provisions of an Intergovernmental Agreement with the Village of Huntley that establishes the boundary line between the two municipalities which delineates their respective jurisdictions for annexation and land use planning, a copy of which is attached hereto as **Exhibit A** (“Boundary Agreement”); and

WHEREAS, the Village of Gilberts published the required notice relative to the Boundary Agreement on November 3, 2023; and

WHEREAS, the Village President and Board of Trustees of the Village of Gilberts find and determine that it is in the best interest of the Village and its residents that the Boundary Agreement be approved.

NOW THEREFORE, BE IT ORDAINED by the Village President and Board of Trustees of the Village of Gilberts, Kane County, Illinois as follows:

Section 1. Recitals. The recitals are incorporated into this Section 1 as though fully set forth herein.

Section 2. Approval; Authorization. The Village Board of Trustees hereby approves the Boundary Agreement in substantially the form attached hereto as **Exhibit A**. the Village President

and Village Clerk are hereby authorized and directed to execute the Boundary Agreement and all other documents necessary to effectuate the terms and intent of this Ordinance.

Section 3. Recording of Agreement. The Village Clerk is hereby directed to record both this Ordinance and the Boundary Agreement in the office of the Kane County Recorder following its passage and approval by the Village of Gilberts and the Village of Huntley.

Section 4. Severability. In the event a court of competent jurisdiction finds this Ordinance or any provision hereof to be invalid or unenforceable as applied, such finding shall not affect the validity of the remaining provisions of this Ordinance and the application thereof to the greatest extent permitted by law.

Section 5. Repeal and Saving Clause. All ordinances or parts of ordinances in conflict herewith are hereby repealed; provided, however, that nothing herein contained shall affect any rights, actions, or cause of action which shall have accrued to the Village of Gilberts prior to the effective date of this Ordinance.

Section 6. Effective Date. This Ordinance shall be effective from and after its passage and approval according to law.

PASSED BY VOTE OF THE BOARD OF TRUSTEES of the Village of Gilberts, Kane County, Illinois, this 5th day of December, 2023.

	<u>Ayes</u>	<u>Nays</u>	<u>Absent</u>	<u>Abstain</u>
Trustee Robert Vanni	<u>X</u>	_____	_____	_____
Trustee Frank Marino	<u>X</u>	_____	_____	_____
Trustee Brandon Coats	<u>X</u>	_____	_____	_____
Trustee Jeanne Allen	<u>X</u>	_____	_____	_____
Trustee Robert Chapman	<u>X</u>	_____	_____	_____
Trustee Justin Redfield	<u>X</u>	_____	_____	_____
President Guy Zambetti	<u>X</u>	_____	_____	_____

APPROVED THIS 5TH DAY OF DECEMBER, 2023.


 Guy Zambetti, Village President

(SEAL)

ATTEST:


 Lynda Lange, Village Clerk

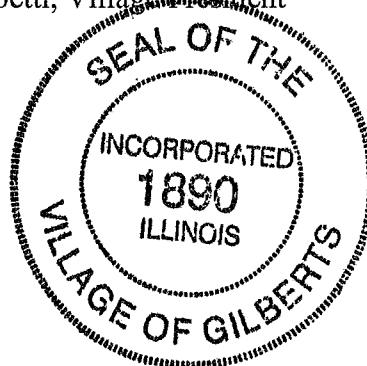


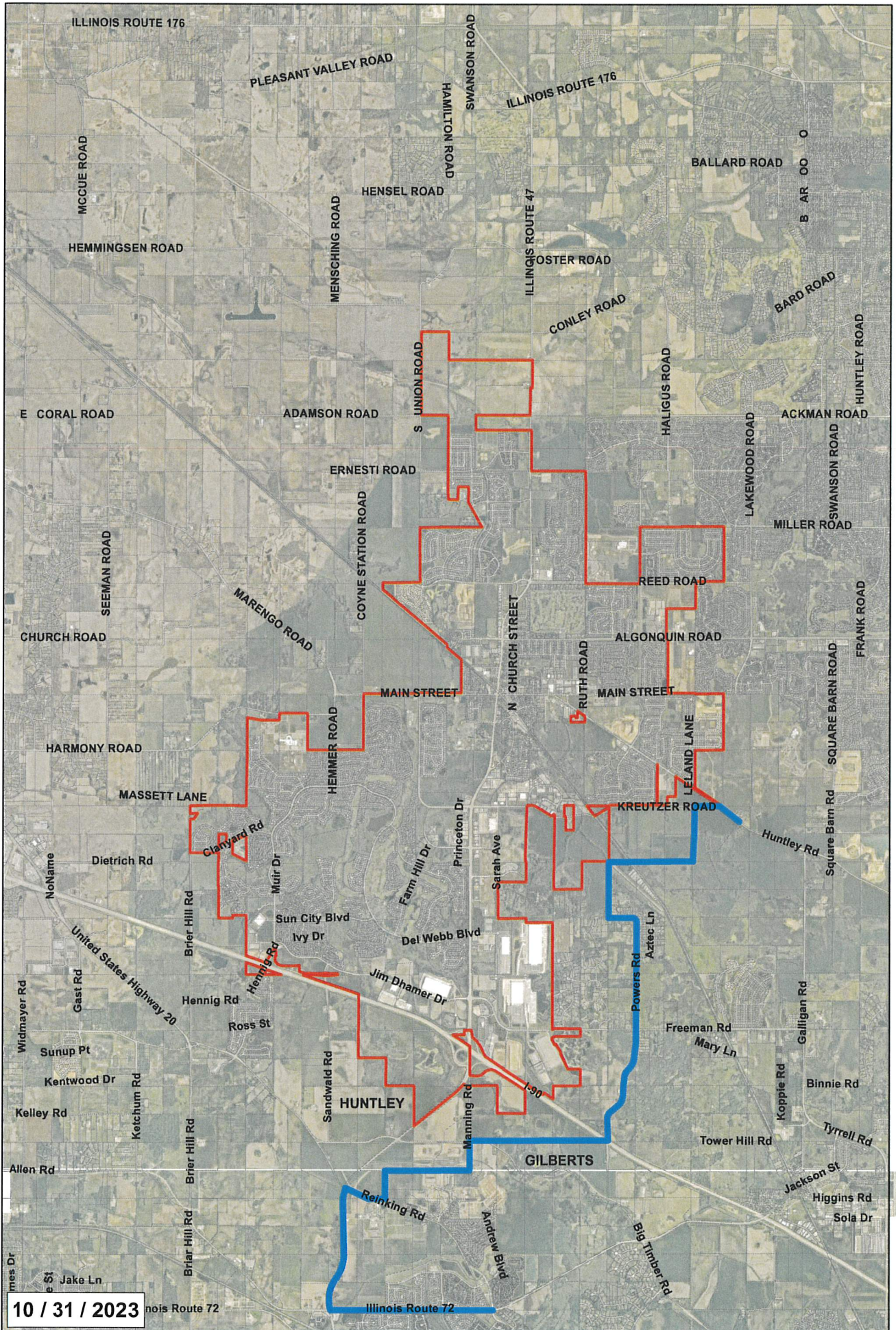
EXHIBIT A

Jurisdictional Boundary Line Map





VILLAGE OF HUNTLEY/VILLAGE OF GILBERTS- BOUNDARY AGREEMENT LINE



10 / 31 / 2023

Illinois Route 72

Illinois Route 72