



# Memorandum

To: Economic Development Committee  
From: Krysti J. Barksdale-Noble, Community Development Director  
CC: Bart Olson, City Administrator  
Date: September 8, 2020  
Subject: Village of Plainfield Boundary Agreement – Update and Extension

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## Summary

Per the 2016 Comprehensive Plan Update, a short-term goal of the City is to pursue new and extend existing boundary agreements with neighboring communities in an effort to promote and implement effective growth management practices. The proposed boundary agreement extension with the Village of Plainfield, which expires on January 30, 2021, would now expire in the year 2041 and is the third of several existing agreements that are up for renewal and will be presented to the City Council for reconsideration. The City previously approved similar boundary agreement extensions with the municipalities of Sugar Grove in 2016 and the Plano in 2019.

## Background

Illinois statute allows municipalities with adopted official plans (comprehensive plans) to enter into a boundary agreement when unincorporated territory is within 1½ miles of the boundaries of two or more corporate authorities. The United City of Yorkville has current boundary agreements with Montgomery, Oswego, Plano, Plainfield and Sugar Grove (refer to attached map).

Other municipalities currently overlapping 1½ mile jurisdiction with Yorkville with whom the City does not have boundary agreements with include Millbrook and Newark. Municipalities that are beyond the contiguous 1½ mile jurisdiction with Yorkville, but likely to encroach this jurisdiction based on their current future planning areas, include Joliet, Lisbon, Millington and Plattville.

The intent of the boundary agreement is to delineate a line which shall mark the boundaries of the respective jurisdiction and agree not to annex any unincorporated land which lies within the jurisdiction of the other municipality as established by such line. Further, Illinois statute requires boundary agreements to:

- Consider the natural flow of storm water drainage of the area;
- Include the entire area of a single tract having common ownership within one jurisdiction, when practical.
- Not exceed a term of 20 years, however, following the expiration of the term it may be extended, renewed, or revised as the parties agree.

## Advantages and Disadvantages

Boundary agreements create the opportunity for meaningful future land planning and establish proposed locations of different types of land uses. In addition, boundary agreements can specify infrastructure needs and responsibilities between corporate authorities so that development within the area between each municipality is orderly and efficient. However, there are other advantages and disadvantages to be considered.

*The advantages of entering into boundary agreements include:*

- Eliminating the risk of developers/property owners' ability to obtain concessions from a municipality by pitting neighboring communities against one another;
- Allowing for better land use and infrastructure planning for the area. A determined boundary prevents a municipality from over or undersizing water and sewer lines, for example;
- Reducing negative aspects of 'competing' with neighboring municipalities for territory;
- Allowing for proactive versus reactive planning. While annexation and incorporation put communities in a reactive mode (reacting to a petition from a developer/property owner), cooperative boundary agreements enable communities to proactively guide their future.

*Potential disadvantages to Boundary Agreements include:*

- Agreement obligates future City Council officials to abide by the terms set forth in the boundary agreement for a period of up to twenty (20) years. As witnessed in this region, many changes have occurred over the last 20 years with population growth in the late 1990's early 2000's and then the economic/housing crisis in the mid 2000's, both of which could not have been foreseen by city leaders during either time period.
- Limitation and restriction of property owner's choices as a result of boundary agreements. As stated above, one of the main purposes of entering into an agreement is to prevent property owners from 'pitting' municipalities against one another, however, this also means determining in the agreement what jurisdiction the territory will ultimately be annexed to – thus eliminating the property owners' choice of community.
- Level of compromise. Some concessions may need to be given in order to 'compromise' with a neighboring community in a boundary agreement.

### **Original Village of Plainfield Boundary Agreement**

The original boundary agreement between the United City of Yorkville and the Village of Plainfield, was executed on January 25, 2001 (agreement recorded in February 2001 and ordinance recorded in January 2006), established the following considerations for future development for the unincorporated area between the two communities:

- **The agreed upon boundary between Yorkville and Plainfield would be Grove Road (see attached map).**
  - o The boundary line basically runs north/south beginning at the northern limits of Na-Au-Say Township continuing down the centerline of Grove Road and terminating at Van Dyke Road.
  - o This approximately seven (7) mile boundary has primarily agriculture/farm land with some scattered residential homes on both the Plainfield and Yorkville sides of the boundary. A majority of the land is identified as having a future land use designation of "Agricultural Zone (AZ)" and "Estate/Conservation Residential (ECR)" in Yorkville's 2016 Comprehensive Plan Update.

- **The agreement does not limit or adversely affect either municipality from filing a statutory objection to a proposed rezoning within one and one-half mile (1½) of its corporate boundary.**
  - Since this agreement's execution, staff is not aware of any 1.5-mile reviews that Yorkville or Plainfield has statutorily objected to as part of either's extraterritorial jurisdictional authority.
- **In the event that the Village of Plainfield or the City of Yorkville is better able to provide municipal water or sewer service to a particular parcel or land lying outside its City limits, and annexed or to be annexed to the other City, the municipality better able to provide service shall not refuse service simply because the parcel is not within its City limits and shall not require annexation, but shall, subject to availability and capacity, allow connection to and service from its utility system, subject at all times to the ordinances, fees and charges (uniformly applied) applicable to the providing of services to lands outside of the municipality.**
  - Neither the City of Yorkville nor the Village of Plainfield have utilized this option, but we intend to keep this provision.
- **Both municipalities agree to not file any formal objection with the Chicago Metropolitan Agency for Planning (CMAP – formally Northern Illinois Planning Commission), or other governing body, relative to Facility Planning Area Amendments as long as the proposed amendment does not contradict the Boundary established in the agreement.**
  - Neither the City of Yorkville nor the Village of Plainfield have utilized this option, it is not anticipated that this would be applicable to this agreement since there are few, if any, facility planning area plans that overlap the two (2) municipalities.
- **Both municipalities shall adopt appropriate Ordinances for the protection of well sites and ground water.**
  - Yorkville has adopted numerous ordinances related to the protection of well sites and ground water since the adoption of the boundary agreement in 2001. Those have included:
    - Community Well Protection Ordinance (Ord. 2001-6)
    - Soil Erosion and Sediment Control Ordinance (Ord. 2003-19)
    - Wetland Protection Regulations for Water Quality and Stormwater Management (Ord. 2008-01)
    - Ordinance Prohibiting the Use of Groundwater within the Corporate Limits by the Installation or Drilling of Wells (Ord. 2008-78)
    - Fox River Watershed Ordinance (2009-48)
    - Ordinance Regulating the Illicit Discharge and Connections to the Municipal Separate Storm Sewer System (Ord. 2010-05)
    - Stormwater Management Program Plan (Ord. 2010-13)
    - Blackberry Creek Watershed Ordinance (Res. 2012-17)
    - Stormwater Management Ordinance (Res. 2012-30)
  - It is staff's recommendation that this provision can be deleted in its entirety.

- **Design and future maintenance of Grove Road.**

- Language within the boundary agreement stated the City of Yorkville and the Village of Plainfield would require full improvements to Grove Road as development occurs adjacent to the right-of-way via recapture agreements on a front-foot basis with the property’s developers. Additionally, each municipality would coordinate review and design of the roadway.
- Major repairs or maintenance of Grove Road to which both municipalities are contiguous are the time of repair would be on a 50%/50% cost sharing basis.
  - Kendall County has jurisdiction over Grove Road (County Highway 2). According to the Kendall County Highway Department’s 2019-2039 Long Range Plan, “it assumes financial cooperation of future developments for capacity improvements of several roadways, including Grove Road. These funds are anticipated through county/municipal cooperation during the annexation phase and can generally be described as development fees. It is the general belief that municipalities will begin to require developers to set aside funds for the future improvement of county transportation corridors that will affect their developments, or they will simply require developers to actually construct the improvements to the County Highway System.”<sup>1</sup>
  - According to the Kendall County Highway Department’s 2019-2039 Long Range Plan, the County has estimated \$6 million in improvements to Grove Road which includes:

IMPROVEMENT	EST. COST	STATUS
Bridge Replacement south of Van Dyke	\$3,000,000	Ongoing (est. completion 2020)
Intersection Improvement at IL Route 126 (traffic signal)	\$500,000	Programmed for 2023
Intersection Improvement at U.S. Route 52 (turning lanes and traffic signals)	\$1,000,000	Planned to Let in 2021
Intersection Improvement as Reservation with Realignment	\$1,500,000	Programmed for 2024

- Of the approved planned improvements to Grove Road in the Kendall County Highway Department’s 2019-2039 Long Range Plan, only IL Route 126 is within the proposed boundary agreement’s scope.
- Both the City of Yorkville and the Village of Plainfield agree this provision can be removed from the agreement, as annexation agreements would dictate the contribution towards roadway improvements or construction of required improvements would be completed by developer.

<sup>1</sup> <https://www.co.kendall.il.us/Home/ShowDocument?id=599>

## **Proposed New Plainfield Boundary Agreement**

The proposed updated boundary agreement between the City of Yorkville and the Village of Plainfield would be extended for another twenty (20) year term, or until 2041, and continue most of the same provisions of the exiting agreement. The following are revisions to the current boundary agreement that have been made under the proposed new agreement:

- Paragraph #1 of Original Agreement – Proposed revision states in the new boundary line will extend south from the northernly limit of Na-Au-Say Township, Kendall County, Illinois to Van Dyke Road. This is approximately 0.35 miles south of the previous boundary limits of Chicago Road. This proposed extension of the boundary line’s terminus is to remain consistent with the established Oswego/Yorkville boundary line.
- Paragraph #4 of Original Agreement– Proposed revision proposes to remove this section in its entirety, as it is not anticipated that this would be applicable to this agreement since there are few, if any, facility planning area plans that overlap the two (2) municipalities.
- Paragraph #6 of Original Agreement – Proposed revision removes this section in its entirety, as both municipalities have adopted appropriate well sites and groundwater protection ordinances.
- Paragraph #8 and #9 of Original Agreement – Proposed deletion of these paragraphs in their entirety regarding Grove Road as both municipalities’ annexation agreements would dictate the contribution towards roadway improvements or construction of required improvements would be completed by developer.

## **Staff Comments & Recommendation**

Staff **recommends adoption** of the proposed Village of Plainfield Boundary Agreement extension for a period of twenty (20) years, or until 2041. This is consistent with the goals of the Comprehensive Plan Update and sound planning practices.

Per the Illinois Statutes, both corporate authorities are required to provide a public notice of the proposed boundary agreement for no less than 15 days at the location where notices are posted for any village board or city council meetings as well as publication within the local newspaper. Staff anticipates publishing a notice in the **October 16th** edition of the Beacon News for a public hearing at the **November 10<sup>th</sup>** City Council meeting. Staff is looking forward to getting the EDC’s feedback on this matter and answering any questions at Tuesday night’s meeting.