Village of Lemont

PLANNING AND ZONING COMMISSION
March 6, 2024 – 6:30 PM
Village Hall - Village Board Room
418 Main Street, Lemont, IL 60439
AGENDA

I. CALL TO ORDER

- I.A Pledge of Allegiance
- I.B Verify Quorum
- I.C Approval of Minutes

II. CHAIRMAN'S COMMENTS

III. PUBLIC HEARINGS

- III.A Case 2024-02 Citgo Annexation & Rezoning

IV. ACTION ITEMS

V. GENERAL DISCUSSION

VI. AUDIENCE PARTICIPATION

VII. ADJOURNMENT

Village of Lemont
Planning and Zoning Commission
Regular Meeting of January 10, 2024

A regular meeting of the Plan Commission for the Village of Lemont was held at 6:30 p.m. on Wednesday, January 10, 2024, in the second floor Board Room of the Village Hall, 418 Main Street, Lemont, Illinois.

I. CALL TO ORDER

A. Pledge of Allegiance

Chairman Studebaker called the meeting to order at 6:30 p.m. He then led the Pledge of Allegiance.

B. Verify Quorum

Upon roll call the following were:
Present: Cunningham, Carmody, McGleam, Pawlak, Zolecki, Studebaker
Absent: O'Connor

Community Development Director Jason Berry, Consulting Planner Jamie Tate, and Village Trustee Ron Stapleton were also present.

C. Approval of Minutes

Commissioner McGleam made a motion, seconded by Commissioner Cunningham to approve the minutes from the December 6, 2023 meeting with no changes. A roll call vote was taken:
Ayes: McGleam, Cunningham, Carmody, Pawlak, Zolecki, Studebaker
Nays: None
Motion passed

II. CHAIRMAN'S COMMENTS

Chairman Studebaker greeted the audience and asked anyone in the audience who was planning on speaking to stand and raise his/her right hand. He then administered the oath.

III. PUBLIC HEARINGS

A. 2024-01 – OZINGA (FINAL PLANNED UNIT DEVELOPMENT)

Chairman Studebaker called for a motion to open the public hearing.

Commissioner McGleam made a motion, seconded by Commissioner Zolecki to open the public hearing for Case #2024-01. A roll call vote was taken:
Ayes: McGleam, Zolecki, Carmody, Cunningham, Pawlak, Studebaker
Nays: None
Motion passed

Staff Presentation

Jamie Tate, Consulting Planner, said the applicant is requesting approval of a Final Planned Unit Development (PUD) to create an overall development plan to include exceptions that would be specific to Ozinga. The PUD was initiated by Ozinga for requesting the addition of another silo on the property which would be greater than 35 feet. The proposed silo would be 12 feet in diameter and 72 feet tall. Two existing silos are on the property now that project from the white metal building. The additional silo would be on the north side of the existing building. The proposed silo is being repurposed from another Ozinga site and the purpose is to store material to produce concrete.

The location of the proposed silo is in the M-3 portion which is the heavy manufacturing district. The property is located in the Canal Overlay District which allows for additional uses that support the canal businesses. The property is owned and leased by MWRD. In 2018, there was a request for a 130-foot silo that never went through. There was a variance proposal for a silo in June of 2022 and in May of 2023 that went through the Plan Commission but never came before the Village Board. There was a lot of discussion on how best to proceed with either through a variance or they look at the property as a whole.

Mrs. Tate stated in the Comprehensive Plan the property is shown as Industrial and it does meet the Future Land Use. In the plan, it talks about future development so if the site was to be redeveloped they would like to see suitable buildings with modern features, screening for any outdoor storage, and equipment and landscaping to create street-side curb appeal. There is no change in the use and they do lease the property from MWRD. There are three different parcels that they lease and the earliest ending date is in 2050 so the probability of any redevelopment is not likely. There are a couple of temporary trailers located in the center of the property and there is a newly poured concrete pad there. There are jersey barriers used throughout the site instead of curbing and fencing. There are several stock-piles located on the property. They do not have a special use for the stock-piles and they have been there for over 20 years. Over the last ten years, the business has increased and the number and height of the stock-piles have increased. The temporary trailers and jersey barriers do not meet the standards in the UDO and redevelopment of the site would not allow for any more temporary structures. The redevelopment would include site standards such as curbs, pavement, and appropriate screening. It was discussed with the PUD approach that it would be best to acknowledge these UDO discrepancies with their existing business while considering the allowance of the additional silo they are requesting.

With a PUD, you look at all the uses on the property, the different parcels, and the zoning districts and consider it as one business. When you look at the PUD you can weigh uniqueness versus discrepancies in the code. The property does fall within the expected land use for the Comprehensive Plan. There is the opportunity within the PUD to create some sort of phasing plan or possibly make some improvements to create more inviting gateways to meet the code.

Mrs. Tate said some deviations that they are requesting include the use of the trailers as office and bathroom, temporary trailers without landscaping, outdoor storage, no striping for trucks, the existing silos on the property, no curbs or sidewalks, the mix of solid pavement on the site, the use of jersey barriers, no landscaping, no Village utilities, and no drive aisles. In the B-4 District, which is generally found along the canal, it does state that you are allowed to have temporary trailers to be used for office only. The reason why it is included here is because the trailers are located on the M-3 portion. Ozinga presents a unique circumstance in terms of the location, how long they have been there, and access. The property does fall in the Canal Overlay District which the Village created to encourage water transportation businesses and allow certain special uses, requirements, and exceptions so they can operate their business.

Nothing has changed in regard to the silo. They want to keep it the same color as the existing building. They just want to incorporate everything else they do with the site. There is a temporary silo that will be removed. The silo will allow for better efficiency with the existing trucks that they have on the property. In conclusion, staff is recommending approval with conditions that are listed in staff's report. Several of the conditions were found from the previous variance request. She then read through the conditions.

Chairman Studebaker asked the Commission if they had any questions for staff at this time.

Commissioner Cunningham asked if the trailers are temporary and then what is the time frame allowed for offices in temporary trailers.

Mrs. Tate stated in B-4 it states that construction trailers can be used for offices only and it does not give a time frame. B-4 is found primarily along the canal.

Commissioner McGleam said what he is seeing is a proposal for a new silo under a PUD. He knows there is a lot of information related to additional improvements. He asked if this is approved, then the applicant has an approved PUD for a silo and they would not be required to do any additional improvements.

Mrs. Tate stated at this point yes. The addition of the silo triggered the process of the PUD. The discussion that was coming from the Committee of the Whole was that the variance criteria were not being met for the property. The site never had approvals previously so it would be approving the site as is.

Commissioner McGleam asked if the PUD is approved then they are under no requirement to do anything else.

Mrs. Tate said correct unless there were conditions put in the PUD that would require it.

Chairman Studebaker asked if there were any further questions from the Commission for staff. None responded. He then asked for the applicant to come up and make a presentation.

Applicant Presentation

Rich Slager, Ozinga, thanked staff for their thorough presentation. He stated when you look at the entrance to the site they did try and dress up the area with some of their decorative blocks and added a curve to the area. The purpose of the silo is to increase their inventory and increase production. He asked if the Commission had any questions.

Commissioner Cunningham said there is a sign at the entryway of the property where it states "Ozinga equipment has the right-of-way". He asked what is the meaning of the sign.

Mr. Slager stated there was a safety concern there. They have a straight access. The bikes are crossing traffic and there is a lot of traffic that merges there.

Commissioner Cunningham clarified that it is a public right-of-way.

Mrs. Tate said that the whole area needs a good study.

Jason Berry, Community Development Director, stated the Village has finished Phase One engineering on the Centennial Trail connection from that side of the canal to the downtown. They are waiting on IDOT concurrence of their engineer to do Phase Two. That is when they are expected to work with Ozinga and canal operators to address the concerns about the height of the bridge. There are a lot of traffic concerns in that area that need to be addressed. One of the conditions is for Ozinga to continue to work with the Village on addressing the safety of the area.

Commissioner Pawlak asked since the silo is external from the building is there any concern about environmental issues and dust.

Mr. Slager said there is a screw auger that goes into the plant right on the bottom of the silo to the weigh batcher. There are also dust collectors on the top.

Chairman Studebaker asked if there were any further questions from the Commission for the applicant. None responded. He then asked if there was anyone in the audience who wanted to speak in regard to this public hearing.

Public Comment

None responded.

Chairman Studebaker called for a motion to close the public hearing.

Commissioner McGleam made a motion, seconded by Commissioner Carmody to close the public hearing. A roll call vote was taken:
Ayes: McGleam, Carmody, Cunningham, Pawlak, Zolecki, Studebaker
Nays: None
Motion passed

Plan Commission Discussion

Chairman Studebaker asked if there were any further questions or comments from the Commission. None responded. He then called for a motion for a recommendation.

Plan Commission Recommendation

Commissioner Zolecki made a motion, seconded by Commissioner Carmody to recommend to the Mayor and Board of Trustees approval of Case #2024-01 – Ozinga Final Planned Unit Development with the following conditions:

1. The new silo should be painted a neutral color along with the existing silos and building to create a cohesive environment.
2. The Ozinga property should make an effort to reduce the amount of gravel, dirt, and debris run off onto adjacent roads and right-of-ways.
3. A phasing plan should be explored to attempt at bringing the site into greater compliance with the UDO.
4. Engineering and grading should be done on the property as so much clearing and disturbance has been done over the years.
5. Ozinga and the Village should work together to address the entrance to their property in relation to pedestrian and vehicular safety. Signs such as "Ozinga Equipment has the right-of-way" at the entrance to their property on stacked jersey barriers and next to a parking area that pedestrians and bikers use to access the trails should be a part of a "study" of the Canal Bank Road area.

A roll call vote was taken:
Ayes: Zolecki, Carmody, Cunningham, McGleam, Pawlak, Studebaker
Nays: None
Motion passed

Commissioner McGleam made a motion, seconded by Commissioner Cunningham to authorize the Chairman to approve the Findings of Fact for Case #2024-01 as prepared by staff. A roll call vote was taken:
Ayes: McGleam, Cunningham, Carmody, Pawlak, Zolecki, Studebaker
Nays: None
Motion passed

B. CASE 2023-12 – STATE EXPRESS (PRELIMINARY PLANNED UNIT DEVELOPMENT)

Chairman Studebaker called for a motion to open the public hearing.

Commissioner Carmody made a motion, seconded by Commissioner McGleam to open the public hearing for Case #2023-12. A roll call vote was taken:
Ayes: Carmody, McGleam, Cunningham, Pawlak, Zolecki, Studebaker
Nays: None
Motion passed

Staff Presentation

Mrs. Tate said State Express is proposing a Preliminary Planned Unit Development to be located at 10800 Route 83 which is located in the Village of Lemont. They have been operating their general freight and logistics company from the former B-3 zoned Meno Stone office/showroom building. They purchased the property in May of 2021. Adjacent to the office building is an accessory building that is located on the M-2 zoned lot that they wish to utilize for repairs and maintenance of their fleet. The parking of trucks and trailers accompanies the State Express business and this requires a special use for outdoor storage and/or freight transportation terminal. Due to the generality of the industrial uses in the UDO, the PUD approach would be best to allow them to fully operate their trucking and logistics company on B-3, M-1, and M-2 zoned properties. A PUD would allow for all these uses associated with the trucking business, whether permitted or special, to be discussed, defined, rejected, or entitled in the PUD ordinance. The property is approximately 17.23 acres and the applicant is proposing to upgrade the property with pavement, curbs, stormwater detention, and landscaping while requesting an exception to not connect and extend Village utilities.

The site is zoned M-2 which is the medium general manufacturing district, M-2 which is located along Main Street, and then B-3 which is the former showroom/office. It is surrounded generally by manufacturing uses. The property was owned and operated by Meno Stone for over 30 years and was used for stone and steel fabrication. State Express purchased the property in 2021 and operated its freight logistics company out of the showroom. Trucks and trailers are parked on the property and have increased since occupying the office building. This has been done without proper Village approval resulting in tickets and fines through the code enforcement process. The office building did obtain occupancy on July 22, 2022.

Mrs. Tate stated in 2020 a proposal for a different trucking and logistics company came before this Commission. It had a similar business model and was prior to the sale of Meno Stone. The Plan Commission and Village Board did provide feedback to the applicant and Meno Stone requesting similar improvements that are being requested of the applicant. They did not move forward with the purchase.

The Comprehensive Plan designation for the property is Future Land Use Center. It does not meet the Comprehensive Plan with an industrial type use. In the Comprehensive

Plan, it talks about developing inviting gateways into the Village. Improvements with landscaping can be done through a redevelopment process and that is what should be focused on with the redevelopment of this site. In their proposal, the M-2 was the focus and they are looking to obtain occupancy of that accessory building for their fleet maintenance and repair. There will be concrete payment with curbs and striping. The accessory building is currently under review with the Fire District and the Building Department. There will be 92 tractor parking stalls, 61 trailer parking stalls, and 71 vehicle parking stalls which will all meet code regulations. In the review, staff did ask for a circulation plan to make sure the plan works for the trucks they proposing.

Mrs. Tate said for the landscape plan they are showing an eight-foot fence along Route 83. Staff did ask for a berm and landscaping improvements along there to help screen the trailer parking. The current buffer is located off their site so there is an opportunity to create a buffer on their property. The parking and pavement could be pushed more to the west and create space for the fencing and berm. A traffic study was done by KLOA that their engineer provided. The access to the facility for the trucks is being shown on Main Street. The access to the office building will be along Route 83. They are planning on being open from 8 a.m. to 6 p.m. Monday through Friday. There will be about 30 office employees and 20 maintenance employees. The facility is planning on generating 15 to 20 truck trips on a typical day that will be distributed throughout the day. The traffic study recommendations did not include anything that they would have to do. The Village's traffic consultant did review the study and the applicant has been provided with the comments. One recommendation is to obtain IDOT's approval and comments in order to proceed. The Main Street access is not improved with any safety measures. The access drive is currently gravel and asphalt grindings that are spilling out onto the solid surface. If this does get approved a condition by staff is to have a left turn only out of the site. The traffic consultant did question the interior truck turning movements and would like to see an exhibit.

The Village Engineer did look at the plans and provided a review letter. He is requesting stormwater detention calculations with the next review. Also, to obtain approval from the Cook County Health Department if they are planning on continuing to use the existing well and septic. He understands the request for not connecting to Village utilities but feels it is not ideal. Since 2014, MWRD has considered grindings to be impervious so therefore that needs to be taken into consideration for any stormwater calculations.

Mrs. Tate stated there are some different buildings on the site that they plan on keeping. Staff has requested to find out what the purpose is for those buildings and how they plan on using them. Staff does want to see a significant landscape buffer so they don't have to see what they are doing behind that buffer. In July, the applicant did go before the Technical Review Committee. The plan has not changed much besides the height of the fence. For the M-1 parcel the applicant does not have any intentions for the property at this time. There is an easement there for trucks to get out onto Main Street. The applicant has hinted that in the future they may want to put a building on the M-1 parcel, but it was not included in the PUD. Staff is looking for any clarification tonight from the

applicant as to the future use of that parcel. Since the TRC meeting, the parcel is currently being used for truck parking when it is not supposed to be used since there are no approvals. Since the staff report, the Fire Department did submit comments and they are requiring sprinklers on the building. The applicant might have to provide a report that the well can handle the sprinkler system otherwise they might have to provide an underground tank. In conclusion, staff is recommending approval but with conditions. She then read the conditions to the Commission.

Chairman Studebaker asked if any of the Commissioners had any questions for staff.

Commissioner McGleam asked if the new proposed drive of Main Street was east of the common easement and the Gas N Wash was east of that.

Mrs. Tate said yes.

Mr. Berry stated there is an existing curb cut there and Meno Stone did use it to access the site. There is a cross-access easement agreement. They could put the whole driveway on their property but then they would have to deal with IDOT and a curb cut issue. They do have a right to use it as is.

Mrs. Tate said 15 feet is on their property and 15 feet is on the Gas N Wash property.

Commissioner McGleam asked for conditions two and three how will it be monitored that the repair building and parking spaces will only be used for State Express trucks.

Mrs. Tate stated it will be the same for any other business, through visibility and complaint driven.

Mr. Berry said a lot of those conditions were the same ones that were put on J.B. Hunt.

Commissioner McGleam stated there is a concern about truck traffic heading west on Main Street. As he was getting out of his car this evening, there was a State Express truck going west down Main Street. He asked if there was any discussion about not allowing trucks to exit onto Main Street and restricting them to Route 83.

Mrs. Tate said it was not discussed because there is a curb cut already there on Main Street. Plus it might be difficult with all the traffic on Route 83.

Chairman Studebaker asked if the vacant property that has the storage of trailers was part of this.

Mrs. Tate stated the M-1 parcel from the beginning was requested to be part of the PUD so there can be talk about the future of that piece. The applicant said they are not ready to develop that piece but it is listed on the application but no improvement plan is provided. However, asphalt grindings have been put down and they are utilizing the

property. The Village is taking the time to address the issue through the code enforcement process, but it does need to be looked at this evening.

Chairman Studebaker asked if there were any further questions from the Commission for staff. None responded. He then asked for the applicant to come up and make a presentation.

Applicant Presentation

John Antonopoulos, Attorney for the applicant, said he asked Village staff at the time his client was going to buy the property as to what the zoning classification was for truck repair and parking and staff had emailed him back it was permitted so they went ahead and bought the property. His client started to do work on the building without permits and when they got caught he advised them that they needed to file for a PUD and work with the Village. State Express has an office in Europe and the United States. The inside of the Meno Stone building is beautiful.

This trucking repair facility is different than any other repair facility in Lemont. This location is not a terminal but a truck repair facility. They have 48 tractors and 60 trailers that are going to need repairs. One of the benefits of having this company is having the cooperation with the adjoining parcel. They will be using the current curb cut on Main Street. The trucks will all head east out of the facility and the company has GPS equipment to track their drivers. A benefit to the community is that this is a repair facility that will be buying parts and Lemont just opened a Napa parts store in the plaza. The trucks will be utilizing the Gas N Wash next door. They spent a lot of time on the buffer so you will not be able to see the trucks. Again, the only trucks that will be utilizing the site are their trucks so they can control the access and the volume. He will now have Mr. Thaete come up and speak.

Fred Thaete, Cage Engineering, stated he was the engineer that represented the Gas N Wash so he is familiar with the area and traffic. The zoning on the property has the M-2 to the north, then the B-3 and the M-1 to the south. They are not sure what they want to do with the M-1 property. They don't want to put something there and they change their minds only to have to come back. They do know they will have to do an amendment to the PUD down the road if they develop that area.

They have made a couple of adjustments since staff's comments have come out. They looked at the circulation on the site and how the tractors and trailers are organized. They feel it is a lot more organized and uniform at this time. They did increase the buffer along Route 83 and will be providing the 40-foot buffer. The office building and parking on the B-3 lot will remain the same. Three buildings will be left on site. One will be the maintenance building and the other two will be used for parts and storage. Instead of ripping them out and tearing down buildings, they would rather use them.

Mr. Thaete said the stormwater facility which is located at the north end of the site is sized to accommodate the entire ownership piece. This would include if they are going to

leave part of the site undeveloped. He told the owner the best thing they could do was calculate the stormwater detention as if they were going to pave the entire site. They are going to go to MWRD and the Village's engineering consultant and provide them with calculations to get the entire parcel permitted today so they don't have to expand the stormwater in the future. A year and a half ago, State Express had contacted him when he was working on the Gas N Wash to see if they wanted to take the entire corner and create one regional detention basin and put it at the far north end. That idea has gone away and the Gas N Wash has its own detention.

They want traffic to come out on Main Street versus Route 83 primarily because there are about 26,000 vehicles that go north/south on Route 83. There are only 8,000 vehicles a day that go east/west on Main Street so it is a safety issue. Most of the employees will access the site from Route 83. There are about 15 to 20 trucks a day and during the peak hour it is about two trucks entering and two trucks leaving. This is not a facility where everyone arrives in the morning and they are leaving at the same time. There are controls that they can enforce to make sure their trucks head east onto Main Street.

Mr. Thaete stated they will have beautiful landscaping around the detention basin. They will be enhancing the landscaping around the office building to make sure it is brought up to code. Again, they pushed the pavement away from Route 83 and created that 40-foot strip. They will have an earth and berm but they can only get about four feet in height and a small flat surface at the top that will allow them to put some type of an opaque fence. They will work with staff and their arborist to create the gateway that Lemont is looking for. The roadway is about the same elevation as the truck parking lot.

When they revised the site plan they did look at the traffic flow on the lot. Things were a little disjointed and with the new plan they did lose some parking spots. However, they made it much more uniform. He does have exhibits that they can provide to staff showing trucks getting in and out of stalls and going through the site. He then showed the inside of the office building and the work that had been done.

Chairman Studebaker asked if any of the Commissioners had any questions for the engineer.

Commissioner Zolecki asked what additional impervious did they assume when calculating the detention buildout.

Mr. Thaete said he thinks they assumed a 90% impervious surface. He likes to make sure that he is overly conservative rather than having to come back.

Commissioner Zolecki asked for the M-1 parcel, how much is already assumed impervious.

Mr. Thaete stated the northern half where the grindings were put on would be considered completely impervious. That area does get beat up and it has been compacted gravel since Meno Stone has been there. Every time it rains or snows they get potholes out

there. They filled it in with grindings and as of yesterday, there are potholes being created today. Once they get approval they want to build a nice roadway and bring it up to quality standards.

Commissioner McGleam asked if they had a signage package for the signs accessing off of Main Street.

Mr. Thaete said they will work with staff on how big they want it and what to put on it. They can also do stripping on the pavement.

Commissioner Cunningham asked if the drivers were employees of State Express.

Mr. Antonopoulos stated they are all State Express employees.

Chairman Studebaker asked if the lighting has an effect as you come over the bridge.

Mr. Thaete said their intention on all of the lighting is to meet code standards. They cannot have light spill over and they are proposing 30-foot poles.

Mrs. Tate stated with the updated plan they will look at it closely.

Simon Batistich, Architect, said he has been working with the owners on this project. The repair facility is the building where Meno Stone did all their stone cutting. The building structure is in good shape so they will just be revising the inside for what they want to do. The east side, which is about 15% of the building, is an office and will remain the same. There are no updates that will be done to the building to where any updates would need to be done to the water or septic. They will keep a few of the overhead doors that are there and reinstall some doors that were there but removed. They will be adding two overhead doors. All repairs will be done on the inside. There will be some additional landscaping added to the office area.

Trustee Stapleton asked if they would be washing any trucks at the facility.

Mr. Batistich stated there would be no truck washing. There is a trench drain though down the middle of the building.

Trustee Stapleton asked if the Fire Department was requiring sprinklers.

Mr. Batistich said he is not sure, but if it is required there are ways to do it with a well.

David Apanavicius, Operations Manager, stated they want to be a part of Lemont. They intend to meet all their requirements and they want to be the gateway into Lemont. Having a pristine facility will help them employ good employees which is important for them. They are not looking to have a storage facility but rather a state-of-the-art maintenance facility where they can attract top-of-the-line mechanics who want to work for them.

Commissioner Cunningham said he was asking who the drivers were employed by. The purpose was in regard to the transit through downtown Lemont. There is traffic that will be heading to their facility from southbound Lemont Road and through the downtown. He would like to know what company policies they have to train employees and how is the GPS controlled. Most GPS systems are going to give you the quickest route to the location. If I55 is backed up from Route 83 to Lemont Road it is going to tell them to take Lemont Road south, to Main Street, and then to the facility. He asked how that would be controlled.

Mr. Apanavicius stated they will have their own drivers and he has been working in this industry for 20 years. He believes the best way is to speak with the drivers. Every time the keys are given back to the driver they are conversing with a service rider. That person will make sure to guide them to head east to Route 83 and out. He feels this will solve 90% of the problems. They will have signage and training when hiring the employees stating how to enter the facility and leave. Currently, they do not have anything to direct the drivers. They do not want to go through Lemont because there is a safety concern and there is a slower speed limit.

Commissioner Cunningham said he agrees that the streets are not the right size for today's semi-trucks. It is very important that it is followed and there are repercussions if an employee does not follow it.

Mr. Apanavicius stated just like J.B. Hunt their trucks are clearly labeled. It takes time to train but once they are established they will make sure their drivers are trained. The trucks that are on the M-1 property will be removed. They are in the process of updating their GPS devices and equipment so they are here temporarily. They used the vacant land to do those updates. The reason why they put the grindings in there was to make it look more uniform. They do not like it messy and they are not there for them to park the trailers. They do not plan on using that parcel for trailer storage. They currently have about 500 trucks and 600 trailers. Ten percent of them will need maintenance every month and it is spread out over the month. Some of them might have to be stored while they are waiting for the parts. The storage they are asking for is solely for the equipment that is being repaired. Their trucks are typically only five years old and their trailers are no more than seven. The old equipment is sold and all the new equipment is uniformed.

Commissioner Zolecki said it was stated that the best way to control the traffic from coming into the downtown was through direct communication with the drivers. He asked if there was a reason why that can't be happening today.

Mr. Apanavicius stated they do not have a maintenance facility currently where they can talk with the drivers.

Commissioner Cunningham asked if they had fleet monitoring.

Mr. Apanavicius said yes but there is nothing set up currently. Currently, their trucks are being serviced in Romeoville. The way they take there is Lemont Road to International Parkway. As soon as they have their facility the trucks should not be heading that way.

Commissioner Cunningham asked if their fleet monitoring shows the routes that the drivers take.

Mr. Apanavicius stated no but it does have the possibility to set up a micro zone if you mark it off to identify. So what happens is once the GPS hits that zone it will set out an alert to them. They are working with the developer to get that working.

Commissioner Cunningham said he feels that would be the best tool to control the drivers. He agrees that communication is important but if they do it and it is not known then it is useless.

Mr. Apanavicius stated they did not know that there was a significant number of drivers going that way. Once they leave here this evening they will take action.

Commissioner McGleam asked if MWRD requires a water separator before it goes into the detention pond.

Mr. Thaete said he is not sure if they do. If it was draining into a sanitary sewer because of the nature of the facility they would have one. The way the detention basin is going to be designed is it will have a soil medium mixed with vegetation which will act as a filtration. With this being a truck facility, if it is in the MWRD code then they will comply.

Chairman Studebaker asked if there was a plan coming showing the density of the landscaping and sight line.

Mr. Thaete stated with the staff comments that came out they did push that pavement over and are putting the berm in there. They now have the opportunity to enhance that area and they will do that. This is preliminary and if it is a requirement that they have it done before going to Village Board then they will make sure it does.

Commissioner McGleam asked if they are committing to the landscaping setback for the buffer and the cross-section.

Mr. Apanavicius said for the fence they were thinking of having one of the concrete plastic fences that you see along the highway. It will look nice and presentable. They are willing to work with the Village to figure out what will look best for the gateway with a reasonable amount.

Mrs. Tate stated looking at this an important part would be having to look at the backs of the trailers that are on the north side. They need to make sure the visibility from there is

also addressed. She is happy to see the cooperation with this but they need to make sure there are all-season plantings.

Mr. Thaete said he believes vegetation is what is needed in that area. When you go north on 83 you start to climb uphill so vegetation might soften it.

Mr. Antonopoulos stated this would conclude their presentation.

Commissioner Zolecki asked if anybody had seen what was presented by the applicant this evening.

Mrs. Tate said no and this is all brand new.

Chairman Studebaker asked if there were any further questions from the Commission for the applicant. None responded. He then asked if there was anyone in the audience who wanted to speak in regard to this public hearing.

Public Comment

None responded.

Chairman Studebaker called for a motion to close the public hearing.

Commissioner McGleam made a motion, seconded by Commissioner Carmody to close the public hearing for Case #2023-12. A roll call vote was taken:
Ayes: McGleam, Carmody, Cunningham, Pawlak, Zolecki, Studebaker
Nays: None
Motion passed

Plan Commission Discussion

Commissioner Zolecki said this is great information but even staff has not seen this information. It is disappointing that it was not included in the preliminary so all collective bodies could provide input. He feels he can't consider any of this other than it is a great idea and hopefully, the applicant continues to work with staff to live up to all these expectations. He finds it disappointing especially when they had already gone through this previously with a different applicant regarding that berm along Route 83.

Commissioner McGleam asked if their review of this should include the landscaping and berm information that they presented tonight.

Mrs. Tate stated the recommendation could reference the diagram that they presented. Visibly it looks great but she needs to have their engineering and traffic consultant look at the maneuvering on the site. This is a type of diagram that would be present at a TRC meeting and then they would let them know what they want to see for a preliminary PUD submittal.

Commissioner Zolecki asked if there was a reason as to why it did not happen.

Mrs. Tate said the TRC meeting was in July and the comment letter was in there. Sometimes the public process helps and looking at the J.B. Hunt proposal helped.

Chairman Studebaker stated the question is whether they have enough information to move this forward for a vote.

Commissioner McGleam said if they are supposed to consider their information today then he will consider it. If they are not supposed to consider it because it was not included in the package then they should continue it.

Commissioner Zolecki stated it is subject to detailed coordination, but now it would be up to the applicant to work with staff and follow through with all the things they have stated. Since it is a PUD it is unique and customized to this property. All good things have been said but to manage expectations he would urge the applicant to work very closely with staff. This is so they don't get too far ahead on something that could misaligned with expectations because there is very little drawing in development to date.

Chairman Studebaker asked staff about their preference.

Mrs. Tate said she did not send the preliminary drawings to the arborist because she did not want to waste the Village's money. She would like to have something to send to the arborist because with the 2020 plan, they did provide more detail. She could send this along with the recommendation to work with staff and the arborist to come up with the best solution.

Chairman Studebaker asked if that could be accomplished if they continued the meeting.

Mrs. Tate stated yes

Discussion continued regarding the next meeting date for the Committee of the Whole and the Planning and Zoning Commission.

Mrs. Tate said if the Commission decides to vote on this tonight it would be relied upon by the Committee of the Whole and staff. More detailed drawings are going to have to be included in the PUD ordinance.

Commissioner Pawlak stated the two biggest things are not getting the drivers to drive through the downtown and not seeing the trucks when they drive into town. He would recommend increasing the landscaping so you cannot see the trucks and there is some type of monitoring on the trucks.

Commissioner Zolecki said they can only speak to what they have seen. They can hand it off to staff and the Committee of the Whole to take it through.

Chairman Studebaker stated it puts a burden on staff.

Mrs. Tate said she knows what is important to this Commission and it is also important to the Village Board.

Chairman Studebaker asked if there were any further comments from the Commission. None responded. He then called for a motion for a recommendation.

Plan Commission Recommendation

Commissioner McGleam made a motion, seconded by Commissioner Pawlak to recommend to the Mayor and Board of Trustees approval of Case #2023-12 State Express Preliminary Planned Unit Development with the following conditions:

1. The special use for a Planned Unit Development is granted to State Express exclusively. If the property is purchased by another user within the time frame of the special use being approved, the use must follow the UDO procedures.
2. The maintenance and repair building is for State Express trucks only and cannot accept any other truck company for repair or maintenance.
3. Tractor and trailer parking spaces are for State Express ONLY and cannot be leased or sold to independent contractors or similar.
4. Provide a landscape plan within the 40-foot setback line along Route 83 that will include significant landscaping, berming and fencing. In previous projects, the Village Arborist has suggested staggering the landscaping with fence panels to create an interesting and effective screening wall. Work with the Village Arborist and Consulting Planner to create the most effective and appealing plan for this area. A sight line exhibit should be provided to verify effectiveness.
5. All truck traffic must travel east. Signs should be posted and this should be relayed to all drivers on a consistent basis. State Express trucks visible in the downtown may result in the revocation of the special use.
6. Update the traffic study to reflect all truck traffic traveling east on Main Street.
7. Submit to Illinois Department of Transportation for the review of the change in use and Main Street access. The access point should be improved prior to use. The change in material from asphalt grindings and gravel to the solid pavement on Main Street is messy and dangerous.
8. Provide agreement and communication between adjacent property owner for construction and maintenance of the proposed access road to Main Street. A valid agreement must be provided to the Village for any gate or fence that will block access.
9. Address and remediate all outstanding code violations for properties owned and associated by State Express or Greenway Holdings LLC prior to Village Board approval of the Preliminary PUD.
10. Obtain and provide wall and septic report.
11. Verify no tractor or trailer parking stalls encroach into the B-3 zoned property. The site plan shows some tractor parking stalls to be on existing pavement and it is unclear if this is a B-3 zoned property.

12. Address any outstanding comments from staff and consultants, including the Fire District, Village Engineer, Village Arborist, Village Ecologist, Village Traffic Consultant and Consulting Planner.
13. The applicant needs to provide the description of the software application that they are going to deploy to ensure that there won't be any truck traffic going west on Main Street and traveling through the downtown of Lemont.
14. The Planning and Zoning Commission was only able to review the conception materials that were provided by the applicant and they are in support of the conceptual information. The applicant needs to provide a lot of additional details before it is reviewed by the Village Board. Specifically, additional engineering related to fencing, berming, and landscaping along Route 83 and the south end of the proposed detention pond.

A roll call vote was taken:
Ayes: McGleam, Pawlak, Carmody, Zolecki, Studebaker
Nays: Cunningham
Motion passed

Commissioner McGleam made a motion, seconded by Commissioner Zolecki to authorize the Chairman to approve the Findings of Fact for Case #2023-12 as prepared by staff. A roll call vote was taken:
Ayes: McGleam, Zolecki, Carmody, Cunningham, Pawlak, Studebaker
Nays: None
Motion passed

IV. ACTION ITEMS

A. 2021-11 – GLENEAGLES (MAJOR AMENDMENT TO PUD)

Mrs. Tate said Pulte Homes is currently developing the Gleneagles Subdivision. The Final PUD was approved in 2022 along with some phased plats. Right now what is under development is the Phase 1A. The UDO depicts certain thresholds for major amendments versus minor. There were engineering concerns that were noted during some individual lot grading reviews that they found certain homes adjacent to an overflow drainage route that did not meet the code. In a 100-year event, ponding was greater than two inches in the streets. The Village's engineer has been working with the applicant's engineer to modify the plans and make sure these areas meet the code. Through several reviews and discussions, the Village's engineer approved the updated engineering plans and both entities have agreed upon all the modifications. A major modification is needed in order to make sure they have the appropriate documents that are attached to the PUD ordinance for future reviews. They will also be modifying the future phase plats, re-recording them, and then modifying the HOA declarations.

Their anticipated completion date for the entire subdivision is 2029. They have sold 61 homes so far and plan on selling 60 more this year. They have completed the park as well. Staff did let them know that they did not need to come tonight to present. It is a

change to the engineering plans and making sure the correct ones are in there for review. This would conclude staff's presentation.

Commissioner McGleam stated the plans showed drainage swales intersecting sidewalks. This would be areas between the homes and then intersecting the sidewalks at a 90-degree angle. What he read in the package was that they were proposing to lower the elevations of the sidewalks to allow that drainage to get to a swale back of curb. In his subdivision, there were areas where the sidewalk was depressed to support drainage. What happened was water ponded on the sidewalks and then froze which created a slip and fall hazard. It was rectified where they went in and put inlets upstream of the sidewalk, piped it under the sidewalk, and connected it to the storm sewer. This is a risk if this is what they are planning. If they are planning on doing this then they need to put inlets upstream from the sidewalk.

Mr. Berry said they could include this as a comment. He knows they had to put in significantly more stormwater infrastructure because the infrastructure that was in there was undersized to handle the storms.

Chairman Studebaker asked if there were any further comments from the Commission. None responded. He then called for a motion for a recommendation.

Plan Commission Recommendation

Commissioner McGleam made a motion, seconded by Commissioner Carmody to recommend to the Mayor and Board of Trustees approval of Case #2021-11 – Gleneagles Subdivision Major Amendment with the following condition:

1. Inlets should be provided upstream of all sidewalks that are depressed for the effort of routing drainage and be connected to the storm sewer system.

A roll call vote was taken:
Ayes: McGleam, Carmody, Cunningham, Pawlak, Zolecki, Studebaker
Nays: None
Motion passed

V. GENERAL DISCUSSION

Commissioner Cunningham said they have seen a lot of cases with truck storage, truck lots, or truck maintenance. Traffic through the downtown always comes up. Fleet management software is out there. All of these companies have the technology to monitor their drivers and know who is doing it to take disciplinary actions. He asked why they cannot put that as a clause for all of these companies that they have to use their fleet management tool to identify drivers that are violating this.

Mr. Berry stated it was a good question for the Police Chief. It might not be something that ends up in the zoning code but in the traffic chapter. Staff can look into it and bring it up at the Committee of the Whole meeting.

Commissioner Cunningham said even though it is a truck route the street was not designed for these trucks.

Commissioner McGleam asked if there was a way to change the classification.

Mr. Berry stated it is an IDOT road. Staff has requested some funding to fix the sidewalks on Illinois Street. They are hoping it will get their attention to come and look at the road.

Discussion continued regarding truck traffic through the downtown.

VI. AUDIENCE PARTICIPATION

John Avelar, 16430 New Avenue, said he owns J. Ave Development and he built the facility a couple of years ago. As he was building the prices for everything went up and it was hard for him to keep up with it. He has someone that wants to rent from him. They did a traffic study but they have not received the final report. They are proposing about five to ten trucks a day and his business has about ten trucks a day.

Mrs. Tate stated he would have to apply for a separate special use for this use. The property was annexed, rezoned, and a special use for his operation only. In order to occupy the space they would have to come through for a special use.

VII. ADJOURNMENT

Chairman Studebaker called for a motion to adjourn the meeting.

Commissioner McGleam made a motion, seconded by Commissioner Carmody to adjourn the meeting. A voice vote was taken:
Ayes: All
Nays: None
Motion passed

Minutes prepared by Peggy Billig

418 Main Street | Lemont, IL 60439

TO: Planning and Zoning Commission
FROM: Jamie Tate, Community Development
THROUGH:
SUBJECT: Case 2024-02 Citgo Annexation & Rezoning
DATE: March 6, 2024

SUMMARY/BACKGROUND

ANALYSIS

Consistency with Village Policy

STAFF RECOMMENDATION

BOARD ACTION REQUESTED

ATTACHMENTS
PZC Memo, Analysis and Attachments for CITGO Annexation and Rezoning

STAFF REPORT
TO: Planning & Zoning Commission
FROM: Jamie Tate, AICP, Consulting Planner
THRU: Jason Berry, CEcD, AICP, Economic & Community Development Director

CASE NUMBER & NAME	**APPLICANT/PROPERTY OWNER**
2024-02 Citgo Annexation & Rezoning	PDV Midwest Refining, L.L.C. / James Christian, Vice President
DATE	**PROPERTY ADDRESS/LOCATION**
March 6, 2024	Parcel northwest of Smith Road and 135th Street / PIN: 12-02-36-400-010

BRIEF SUMMARY OF REQUEST

PDV Midwest Refining L.L.C, known as CITGO and the owner of the subject property and represented by Elrod Friedman LLP, is requesting annexation into the Village of Lemont with rezoning to Open Lands (OL) District for the 9.3-acre subject property, highlighted in the image.

The property is currently zoned A-1, Agricultural in Unincorporated Will County and appears to be farmed and maintained in the warmer months. There are no development plans for this vacant land at this time and the property shall continue to exist as it has following annexation into the Village.


Source: Will County GIS

EXISTING ZONING	EXISTING LAND USE	SURROUNDING ZONING & LAND USE	REQUESTED ACTIONS	SIZE OF PROPERTY
Unincorporated Will County A-1, Agriculture	Vacant land	The Old Orchard Subdivision is to the west and zoned R-3 with detached single-family homes. Village of Lemont OL District is to the north and Unincorporated Will County A-1 is to the south and east. Across Smith Road is unincorporated Cook County.	Annexation and Rezoning	9.3 acres

PROPERTY HISTORY

The Village Board approved an Annexation Agreement on 1/23/2023 (O-54-22) between PDV Midwest Refining and the Village that provides directive to annex the subject property into the Village of Lemont with rezoning to Open Lands District. Prior to this requested annexation, other vacant CITGO owned parcels were annexed to the north of the subject property along with Bambrick Park, providing continuity to the subject property. This is the last parcel to be annexed for CITGO under the Annexation Agreement.

COMPATIBILITY with the COMPREHENSIVE PLAN	**COMPATIBILITY** with the UNIFIED DEVELOPMENT ORDINANCE
The subject property's future land use in the Lemont 2030 Comprehensive Plan is Open Space and Recreation.	The proposal is compatible with the UDO as there are no improvements planned following annexation and rezoning.

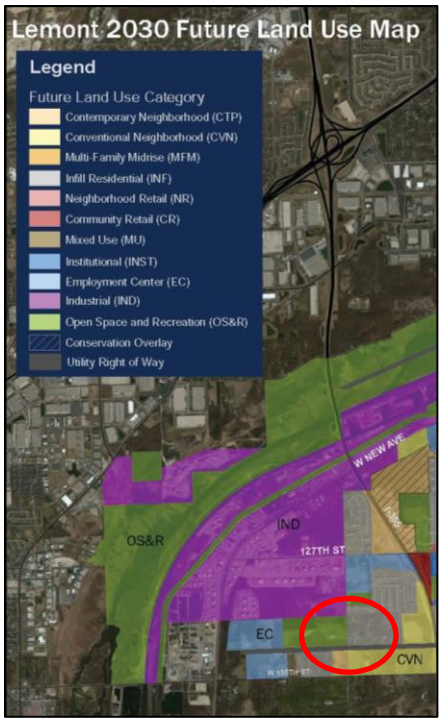
STAFF RECOMMENDATION: **APPROVE** **APPROVAL WITH CONDITIONS** **DENY**

ATTACHMENTS

1. Staff Analysis
2. Site Photograph
3. Annexation Application & Petition
4. Plat of Annexation
5. Annexation Agreement (O-54-22)

Attachment 1 – Staff Analysis – Citgo Annexation and Rezoning

Comprehensive Plan. The Lemont 2030 Comprehensive Plan identifies the subject property's future land use as Open Space & Recreation.



The Open Space and Recreation District in the Comprehensive Plan is characterized by large parks, open green spaces, and outdoor commercial recreation, such as golf courses. Although most of the land in this area will remain open, structures such as parking facilities, recreation equipment, and buildings to support recreation uses will be present on sites in this district. Sites may range in size from a 25+ acre community park to large regional open space facilities over 100 acres. Smaller Park sites that primarily serve the surrounding neighborhood are not included in this district.; park sites are considered a component of a residential neighborhood.

Also within the 2030 Plan are goals, objectives and implementation actions that apply to the proposed annexation and rezonings such as:

- Annex Economic Activity Centers that are not already within the Village. The CITGO campus is an Economic Activity Center within the plan.

REZONING ANALYSIS

The purpose of the Open Lands District (OL) district in the UDO is the following:

"The OL Open Lands District is intended to recognize the existence of major open lands and recreational areas in the Village. The Open Lands District is intended for the designation and protection of open lands, farms and parks as well as public recreational facilities, including both active and passive recreation areas and certain ancillary uses."

STANDARDS FOR REZONING

Illinois courts have used an established set of criteria when evaluating the validity of zoning changes. The criteria are known as the LaSalle factors serve as a useful guide to planners and appointed and elected officials who are contemplating zoning changes. The LaSalle factors are as follows:

1. *The compatibility with the existing use and zoning of nearby property;*

2. *The extent to which property values of the subject property are diminished by the existing zoning restrictions;*

3. *The extent to which the proposed amendment promotes the public health, safety, and welfare of the Village;*

4. *The relative gain to the public, as compared to the hardship imposed upon the applicant;*

5. *The suitability of the subject property for the purposes for which it is presently zoned;*

6. *The length of time that the subject property in question has been vacant, as presently zoned, considered in the context of development in the area where the property is located;*

7. *The public need for the proposed use; and*

8. *The thoroughness with which the municipality has planned and zoned its land use.*

The rezoning of the vacant parcel from A-1 (Agricultural) in the county to Open Lands (OL) in the Village of Lemont adequately meets the LaSalle standards. The rezoning is in agreement with the Lemont 2030 Comprehensive plan and the parcel will not change its use following annexation and rezoning.

CONCLUSIONS & RECOMMENDATIONS

The Annexation Agreement between the Village of Lemont and PDV Midwest Refining approved on January 23, 2023 gives direction to the Village to annex the subject property with rezoning to Open Lands District. The annexation and rezoning aligns with the Lemont 2030 Comprehensive Plan and anticipated future land use of the area. The annexation and rezoning will bring the property within the Village's municipal limits allowing for more control and oversight now and in the future. Staff is recommending approval of Case 2024-02 Citgo Annexation with the rezoning in the Village of Lemont.

Attachment 2 - Site Photographs



Figure 1. Subject property looking west from Smith Road.

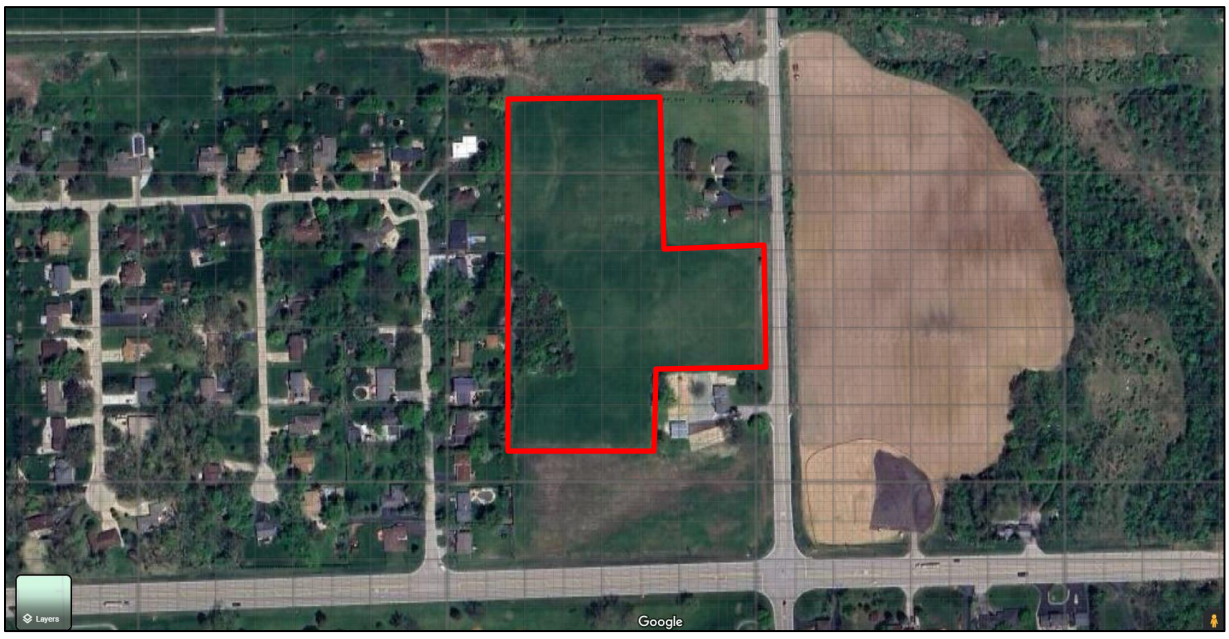


Figure 2. Aerial image of subject property outlined in red.

Village of Lemont
Community Development Department
418 Main Street Lemont, Illinois 60439
phone (630) 257-1595
fax (630) 257-1598

Annexation Application Form (with or without Rezoning)

TYPE OF APPROVAL REQUESTED

CHECK ALL THAT APPLY:

_X_ Annexation and Annexation Agreement
_X_ Rezoning

APPLICANT INFORMATION

PDV Midwest Refining, L.L.C.
Applicant Name

Attn: James Cristman, Vice President
Company/Organization

135th Street and New Avenue, Lemont, IL 60439
Applicant Address

P: (630) 257-4300
Telephone & Fax

jcristm@citgo.com
E-mail

CHECK ONE OF THE FOLLOWING:

_X_ Applicant is the owner of the subject property and is the signer of this application.
_____ Applicant is the contract purchaser of the subject property.
_____ Applicant is acting on behalf of the beneficiary of a trust.
_____ Applicant is acting on behalf of the owner.

PROPERTY INFORMATON

Address of Subject Property/Properties

12-02-36-400-010 — Parcel Identification Number of Subject Property/Properties

9.3 Acres — Size of Subject Property/Properties

DESCRIPTION OF REQUEST

Annexation and rezoning as contemplated by 1/23/23 Annexation Agreement
Brief description of the proposed annexation/rezoning

REQUIRED DOCUMENTS

See Form 506-A, *Annexation Application Checklist of Required Materials,* for items that must accompany this application.

FOR OFFICE USE ONLY

Application received on: _____ By: _____

Application deemed complete on: _____ By: _____

Current Zoning: _____

Fee Amount Enclosed: _____ Escrow Amount Enclosed: _____

Annexation Application Form

Village of Lemont

APPLICATION FEE & ESCROW

Rezoning Application Fee (based on size of property to be rezoned):

< 2 acres = $300
2 to < 5 acres = $500
5 to < 10 acres = $750
10 to < 20 acres = $1,000
20 acres or more = $1,250

Annexation Application Fee = $250 (per zoning lot)

Fee is non-refundable. A zoning lot is defined as "a single tract of land located within a single block that (at the time of filing for a building permit) is designated by its owner or developer as a tract to be used, developed, or built upon, under single ownership or control" (Unified Development Ordinance Chapter 17.02).

Required Escrow = $750 for annexation, plus $500 for rezoning

At the time of application, the applicant shall submit a check for the establishment of an escrow account. The escrow money shall be used to defray costs of public notice, consultants, or other direct costs incurred by the Village in association with the annexation application. Additionally, should the applicant fail to remove the required public notice sign in a timely manner, the escrow account may be used to defray the costs of the sign's removal. After completion of the annexation review process, any unused portion of the escrow account will be refunded upon request.

AFFIRMATION

I hereby affirm that I have full legal capacity to authorize the filing of this application and that all information and exhibits herewith submitted are true and correct to the best of my knowledge. I permit Village representatives to make all reasonable inspections and investigations of the subject property during the period of processing of this application. I understand that as part of this application I am required to establish an escrow account to pay for direct costs associated with the approval of this application, such as the fulfillment of public notice requirements, removal of the public notice sign, taking of minutes at the public hearing and fees for consultants hired by the Village to evaluate this application. I understand that the submitted fee is non-refundable and that any escrow amount leftover upon project completion will be refunded upon request. I understand that I am responsible for the posting of a public hearing sign and for the mailing of legal notice to all surrounding property owners as required by Village ordinances and state law.

James A. Cristman — 1-11-24

Signature of Applicant — Date

Illinois — Will

State — County

I, the undersigned, a Notary Public in and for the aforesaid County and State, do hereby certify that James A. Cristman is personally known to me to be the same person whose name is subscribed to the foregoing instrument, and that said person signed, sealed and delivered the above petition as a free and voluntary act for the uses and purposes set forth.

Patricia L. Moore

Notary Signature

Given under my hand and notary seal this 11th day of January A.D. 20 24.

My commission expires this 19th day of October A.D. 20 24.

Official Seal
Patricia L Moore
Notary Public State of Illinois
My Commission Expires 10/19/2024

STATE OF IILLINOIS)
) SS.
COUNTY OF _____)

IRREVOCABLE PETITION REQUESTING ANNEXATION
TO THE VILLAGE OF LEMONT

TO: THE VILLAGE CLERK, VILLAGE OF LEMONT, ILLINOIS

We, the undersigned Petitioners, owners of record of all of the land herein requesting to be annexed, respectfully represent, under oath, that all conditions required for annexation to the Village of Lemont pursuant to and in accordance with Illinois Municipal Code Chapter 65 Illinois Compiled Statutes Section 5/7-1-8 do hereby state under oath to wit:

1. That the territory requested to be annexed is described as follows:

(See legal description attached hereto on Exhibit A and made a part hereof)

2. That the described territory is not within the corporate limits of any municipality but is contiguous to the Village of Lemont, a municipality organized and existing under the laws of the State of Illinois.

3. That a Plat of Annexation showing the described territory is attached hereto and made a part of this Petition or will be provided prior to adoption of the Ordinance annexing said territory.

4. That this Petition is signed by all of the owners of record of all land in the described territory and at least 51% of the electors residing in the described territory.

5. That this Petition is irrevocable once signed and submitted to the Village of Lemont by the owner(s) of record.

WHEREFORE, your Petitioners respectfully request the Corporate Authorities of the Village of Lemont to annex the above described territory to the Village of Lemont.

NAME (Printed & Signed)	ADDRESS	OWNER (Check all that apply)	ELECTOR
[signature]	135th Street & New Avenue Lemont IL 60439	X	
PDV Midwest Refining, L.L.C.	2651 Warrenville Road Downers Grove, IL 60518	X	

STATE OF ILLINOIS)
)
COUNTY OF Will)

I, the undersigned, a Notary Public DO HEREBY CERTIFY that James A. Crisfman, personally known to me to be the person whose name is subscribed to the foregoing Petition for Annexation, appeared before me this day in person and acknowledged that he/she, being thereunto duly authorized, signed and delivered said Petition for Annexation as his/her own free and voluntary act, for the uses and purposes therein set forth.

GIVEN under my hand and official seal this 11th day of January, 20 24.

Patricia L. Moore
Notary Public

Official Seal
Patricia L Moore
Notary Public State of Illinois
My Commission Expires 10/19/2024

STATE OF ILLINOIS)
)
COUNTY OF _____)

I, the undersigned, a Notary Public DO HEREBY CERTIFY that _____, personally known to me to be the person whose name is subscribed to the foregoing Petition for Annexation, appeared before me this day in person and acknowledged that he/she, being thereunto duly authorized, signed and delivered said Petition for Annexation as his/her own free and voluntary act, for the uses and purposes therein set forth.

GIVEN under my hand and official seal this _____ day of _____, 20____.

_____
Notary Public

P.I.N. 12-02-36-400-010

PLAT OF ANNEXATION

TO

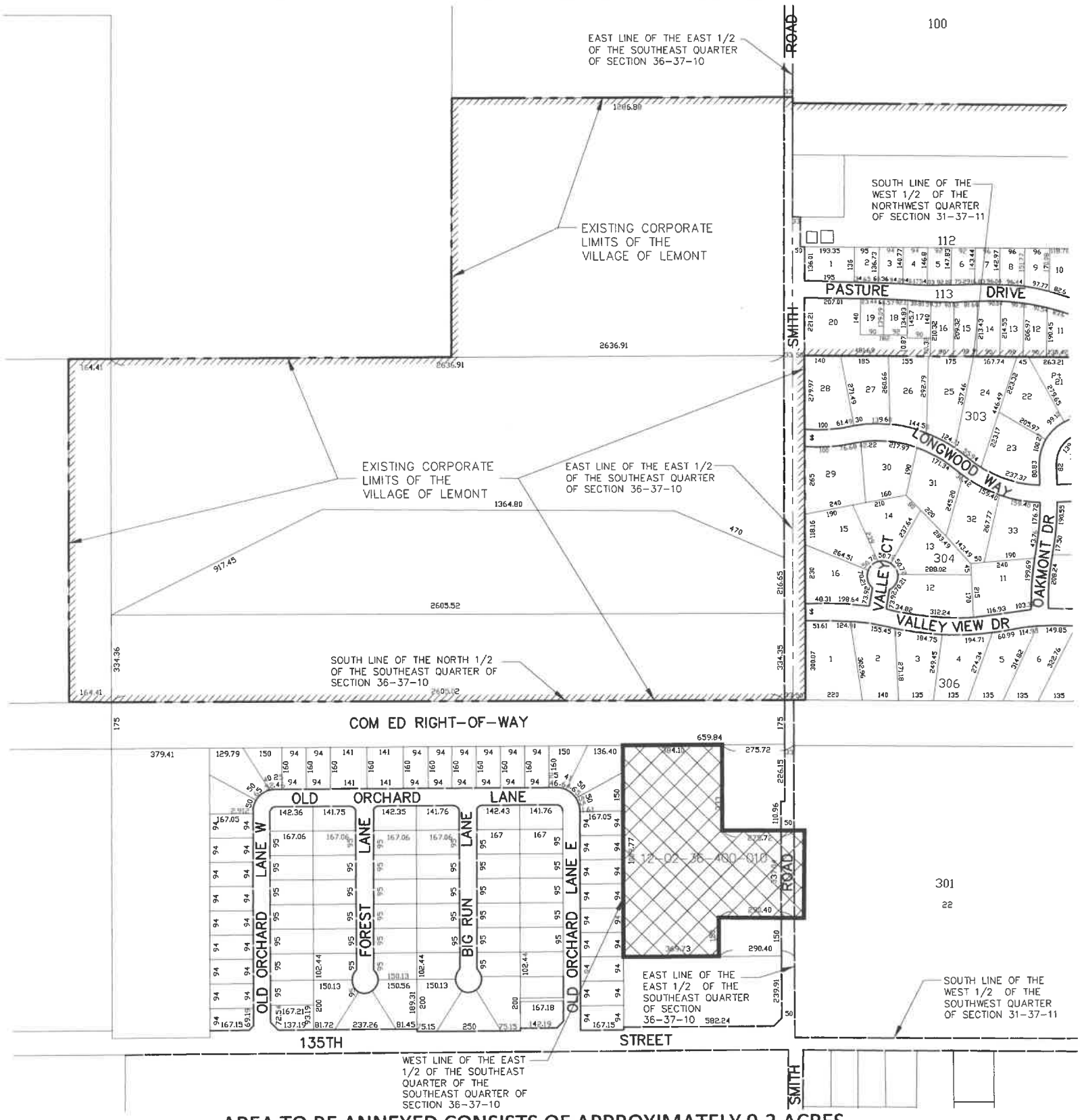
VILLAGE OF LEMONT

OF

SCALE: 1" =500'

THAT PART OF THE EAST 1/2 OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 36, TOWNSHIP 37 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, EXCEPT THE NORTH 175 FEET, AND ALSO EXCEPT THE SOUTH 5 ACRES, DESCRIBED AS FOLLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID TRACT, THENCE NORTH 1 DEGREE 06'50" WEST, ALONG THE EAST LINE OF SAID SOUTHEAST 1/4 OF SECTION 36, A DISTANCE OF 150 FEET TO POINT OF BEGINNING OF THE HEREIN DESCRIBED TRACT; THENCE SOUTH 88 DEGREES 16'46" WEST, ALONG A LINE DRAWN PARALLEL WITH THE NORTH LINE OF THE AFORESAID SOUTH 5 ACRES, 290.40 FEET; THENCE SOUTH 1 DEGREE 06'50" EAST, 150 FEET; THENCE SOUTH 88 DEGREES 16'46" WEST, ALONG THE NORTH LINE OF THE AFORESAID SOUTH 5 ACRES, 369.73 FEET TO THE POINT OF INTERSECTION WITH THE WEST LINE OF THE AFORESAID EAST 1/2 OF THE SOUTHEAST 1/4 OF SOUTHEAST 1/4 OF SECTION 36; THENCE NORTH 1 DEGREE 05'32", ALONG SAID WEST LINE, 820.13 FEET OF THE SOUTH LINE OF THE AFORESAID NORTH 175 FEET OF THE SOUTHEAST 1/4 TO THE SOUTHEAST 1/4 OF SECTION 36; THENCE NORTH 88 DEGREES 16'51" EAST, ALONG SAID SOUTH LINE, 384.10 FEET TO A POINT WHICH 275.72 FEET WEST OF THE AFORESAID EAST LINE OF THE SOUTHEAST 1/4 OF SECTION 36; THENCE SOUTH 1 DEGREE 06'50" WEST, ALONG A LINE DRAWN PARALLEL WITH SAID EAST LINE 333.00 FEET; THENCE NORTH 88 DEGREES 16'51" EAST, ALONG A LINE DRAWN PARALLEL WITH THE AFORESAID SOUTH LINE OF THE NORTH 17 FEET, 275.72 FEET TO THE POINT OF INTERSECTION WITH THE AFORESAID EAST LINE OF THE SOUTHEAST 1/4 OF SECTION 36; THENCE SOUTH 1 DEGREE 06'50" EAST, ALONG SAID EAST LINE, 337.11 FEET TO THE HEREIN ABOVE DESCRIBED POINT OF BEGINNING (EXCEPT THAT PART TAKEN FOR ROAD WIDENING PER R2010-026964),
IN WILL COUNTY, ILLINOIS.

THE NEW BOUNDARY OF THE AREA ANNEXED SHALL EXTEND TO THE FAR SIDE OF ANY ADJACENT HIGHWAY AND SHALL INCLUDE ALL OF EVERY HIGHWAY WITHIN THE AREA ANNEXED.



AREA TO BE ANNEXED CONSISTS OF APPROXIMATELY 9.3 ACRES

LEGEND

DENOTES HEREBY ANNEXED

AFTER RECORDING PLEASE RETURN TO:
THE VILLAGE OF LEMONT
418 MAIN STREET
LEMONT, ILLINOIS 60439

STATE OF ILLINOIS)
COUNTY OF COOK)

APPROVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LEMONT, COOK, WILL, AND DuPAGE COUNTY, ILLINOIS AT A MEETING HELD ON THIS

____ DAY OF _____ A.D., 2022.

BY; _____
PRESIDENT

ATTEST; _____
CLERK

STATE OF ILLINOIS)
COUNTY OF DuPAGE) S.S

I, JAMES L. CAINKAR, AN ILLINOIS PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE PLAT AS HEREON DRAWN IS A CORRECT REPRESENTATION OF THE PROPERTY DESCRIBED IN THE FOREGOING CAPTION.

DATED AT WILLOWBROOK, ILLINOIS, THIS 4th DAY OF OCTOBER A.D., 2022.

JAMES L. CAINKAR
ILLINOIS PROFESSIONAL LAND SURVEYOR
No. 2656
EXPIRES 11-30-22

STATE OF ILLINOIS
JAMES LOUIS CAINKAR 2656
PROFESSIONAL LAND SURVEYOR

JAMES L. CAINKAR, P.E.
IL. P.L.S. NO. 2656
EXPIRES 11-30-22

500 0 500
GRAPHIC SCALE
IN FEET

DATE: 10/04/22 JECT NO. 19391 (4)

VILLAGE OF LEMONT

ORDINANCE
NUMBER O-54-22

AN ORDINANCE AUTHORIZING THE EXECUTION OF AN ANNEXATION AGREEMENT FOR 104.7 ACRES OF PROPERTY LOCATED WEST OF SMITH ROAD IN LEMONT, ILLINOIS
(PDV Midwest Refining L.L.C.)

JOHN EGOFSKE, Village President
CHARLENE M. SMOLLEN, Clerk

JANELLE KITTRIDGE
DAVE MAHER
KEN MCCLAFFERTY
KEVIN SHAUGHNESSY
RICK SNIEGOWSKI
RON STAPLETON
Trustees

Published in pamphlet form by authority of the Village President and Board of Trustees of the Village of Lemont on 11 14 2022

ORDINANCE NO. O-54-22

AN ORDINANCE AUTHORIZING THE EXECUTION OF AN ANNEXATION AGREEMENT FOR 104.7 ACRES OF PROPERTY LOCATED WEST OF SMITH ROAD IN LEMONT, ILLINOIS
(PDV Midwest Refining L.L.C.)

WHEREAS the Village of Lemont, Counties of Cook, Will and DuPage, Illinois, ("the Village") is a municipality in the state of Illinois with full powers to enact ordinances and adopt resolutions for the benefit of the residents of the Village; and

WHEREAS, the Village of Lemont desires to enter into an Annexation Agreement with PDV Midwest Refining L.L.C., for the subject property described and depicted in Exhibit A attached hereto and made a part hereof: and

WHEREAS, PDV Midwest Refining L.L.C is the owner of the territory subject to said Annexation Agreement and is ready, willing and able to enter into said Annexation Agreement and to perform the obligations required hereunder; and

WHEREAS, the statutory procedures provided for in the Illinois Municipal Code for the approval and execution of said Annexation Agreement have been fully complied with, including but not limited to, the holding of a public hearing on November 14, 2022 before the corporate authorities of the Village of Lemont and the passage of this ordinance by a 2/3 affirmative vote.

NOW, THEREFORE BE IT ORDAINED by the Village President and Board of Trustees of the Village of Lemont, Counties of Cook, DuPage, and Will, Illinois as follows:

SECTION ONE: That the President or his designee is hereby authorized to execute the Agreement in substantially the form attached hereto. The Village President is hereby authorized to make such changes in the Agreement as approved by the Village Attorney, provide that the changes are minor in nature and such changes are reported to the Board of Trustees after the execution thereof.

SECTION TWO: The Village Clerk is authorized and directed to record a certified copy of the Annexation Agreement for the Subject Property in the office of the Will County Recorder of Deeds after its execution and the attachment of all appropriate exhibits.

SECTION THREE: That this Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

ADOPTED AND APPROVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LEMONT, COUNTIES OF COOK, WILL, AND DUPAGE, ILLINOIS, ON THIS 14 DAY OF November 2022.

PRESIDENT AND VILLAGE BOARD MEMBERS:

	AYES:	NAYS:	ABSENT:	ABSTAIN:
Janelle Kittridge	✓			
Dave Maher	✓			
Ken McClafferty	✓			
Kevin Shaughnessy	✓			
Rick Sniegowski	✓			
Ron Stapleton	✓			

John Egofske, Village President

Attest:

Charlene Smollen

Charlene M. Smollen, Village Clerk

by Deputy Clerk
Janet Schatz

VILLAGE OF LEMONT
SEAL
ILLINOIS

Exhibit A
Plat of Survey

Exhibit B
Annexation Agreement

P.I.N. 12-02-36-200-003
P.I.N. 12-02-36-400-011
P.I.N. 12-02-36-400-013

PLAT OF ANNEXATION

TO

VILLAGE OF LEMONT

OF

PARCEL ONE

P.I.N. 12-02-36-200-003

THE SOUTH 30 ACRES OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF SECTION 36, TOWNSHIP 37 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN WILL COUNTY, ILLINOIS

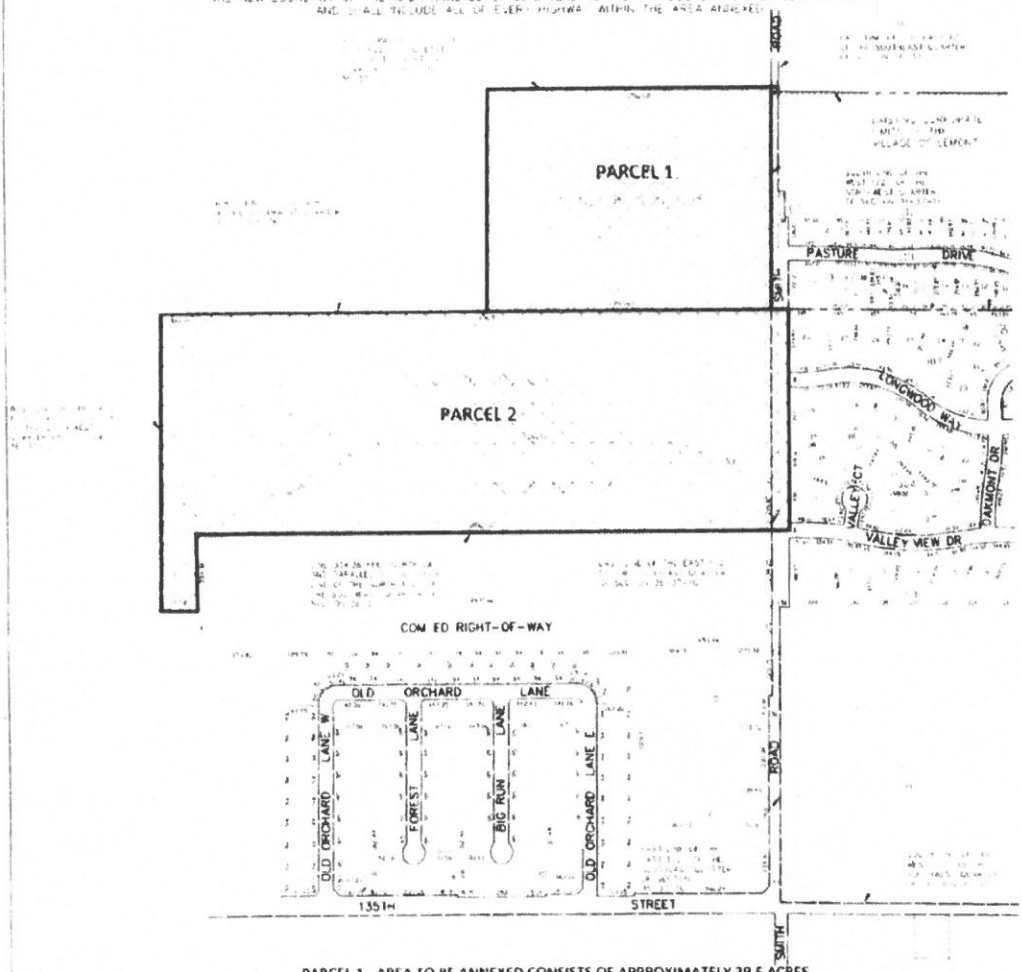
PARCEL TWO

P.I.N. 12-02-36-400-011

P.I.N. 12-02-36-400-013

THE NORTH 1/2 OF THE SOUTHEAST 1/4 OF SECTION 36, TOWNSHIP 37 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN AND THE EAST 5 ACRES OF THE NORTH 1/2 OF THE SOUTHWEST 1/4 OF SECTION 36, TOWNSHIP 37 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN (EXCEPT BEGINNING AT A POINT OF INTERSECTION OF THE SOUTH LINE OF THE NORTH 1/2 OF THE SOUTHEAST 1/4 OF SECTION 36, TOWNSHIP 37 NORTH, RANGE 10 EAST, WITH A LINE 33 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF THE SOUTHEAST 1/4 OF SECTION 36 AFORESAID; THENCE SOUTH 88 DEGREES 16' 51" WEST, ALONG SAID SOUTH LINE, 2605.02 FEET TO THE WEST LINE OF THE SOUTHEAST 1/4 OF SECTION 36 AFORESAID; THENCE NORTH 1 DEGREE 01' 38" WEST ALONG THE AFORESAID WEST LINE, 334.36 FEET TO A POINT ON A LINE DRAWN 334.33 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF THE NORTH 1/2 OF SAID SOUTHEAST 1/4; THENCE NORTH 88 DEGREES 16' 51" EAST, ALONG THE AFORESAID PARALLEL LINE, 2605.52 FEET TO A POINT ON A LINE DRAWN 33 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID SOUTHEAST 1/4; THENCE SOUTH 1 DEGREE 06' 50" EAST ALONG THE AFORESAID PARALLEL LINE, 334.35 FEET TO THE HEREINABOVE DESIGNATED POINT OF BEGINNING) IN WILL COUNTY, ILLINOIS.

THE NEW BOUNDARY OF THE AREA ANNEXED SHALL EXTEND TO THE FAR SIDE OF ANY ADJACENT HIGHWAY AND SHALL INCLUDE ALL OF EVERY HIGHWAY WITHIN THE AREA ANNEXED.



LEGEND

DENOTES HEREBY ANNEXED

PARCEL 1 - AREA TO BE ANNEXED CONSISTS OF APPROXIMATELY 29.5 ACRES
PARCEL 2 - AREA TO BE ANNEXED CONSISTS OF APPROXIMATELY 65.9 ACRES
TOTAL AREA TO BE ANNEXED APPROXIMATELY= 95.40 ACRES

AFTER RECORDING PLEASE RETURN TO:
THE VILLAGE OF LEMONT
418 MAIN STREET
LEMONT, ILLINOIS 60439

STATE OF ILLINOIS)
COUNTY OF COOK)

APPROVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LEMONT, COOK, WILL AND DUPAGE COUNTY, ILLINOIS AT A MEETING HELD ON THIS

___ DAY OF ___ A.D. 2022

BY: ___ PRESIDENT

ATTEST: ___ CLERK

STATE OF ILLINOIS)
COUNTY OF COOK)

JAMES L. CAINKAR, AN ILLINOIS PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE PLAT AS HEREON DRAWN IS A CORRECT REPRESENTATION OF THE PROPERTY DESCRIBED IN THE FOREGOING CAPTION.

DATED AT WILLOWBROOK, ILLINOIS, THIS 4TH DAY OF OCTOBER A.D. 2022

JAMES L. CAINKAR
ILLINOIS PROFESSIONAL LAND SURVEYOR
NO. 2656
EXPIRES 11-30-22

GRAPHIC SCALE

STATE OF ILLINOIS
JAMES LOUIS CAINKAR 2656
PROFESSIONAL LAND SURVEYOR

JAMES L. CAINKAR, P.E.
IL. P.L.S. NO. 2656
EXPIRES 11-30-22

DATE: 10/04/22
PROJECT NO. 19391-PLAT 1 AND 2

P.I.N. 12-02-36-400-010

PLAT OF ANNEXATION

TO

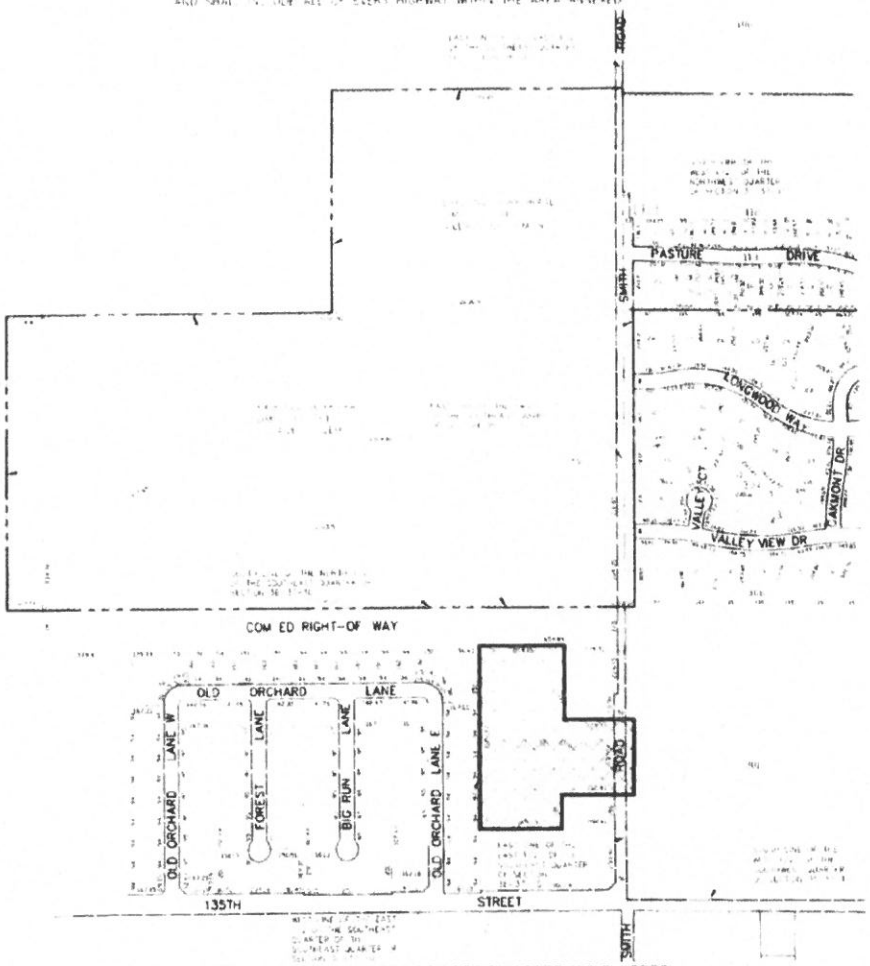
VILLAGE OF LEMONT

OF

THAT PART OF THE EAST 1/2 OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 36, TOWNSHIP 37 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, EXCEPT THE NORTH 175 FEET, AND ALSO EXCEPT THE SOUTH 5 ACRES, DESCRIBED AS FOLLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID TRACT; THENCE NORTH 1 DEGREE 06'50" WEST, ALONG THE EAST LINE OF SAID SOUTHEAST 1/4 OF SECTION 36, A DISTANCE OF 150 FEET TO POINT OF BEGINNING OF THE HEREIN DESCRIBED TRACT; THENCE SOUTH 88 DEGREES 16'46" WEST, ALONG A LINE DRAWN PARALLEL WITH THE NORTH LINE OF THE AFORESAID SOUTH 5 ACRES, 290.40 FEET; THENCE SOUTH 1 DEGREE 06'50" EAST, 150 FEET; THENCE SOUTH 88 DEGREES 16'46" WEST, ALONG THE NORTH LINE OF THE AFORESAID SOUTH 5 ACRES, 369.73 FEET TO THE POINT OF INTERSECTION WITH THE WEST LINE OF THE AFORESAID EAST 1/2 OF THE SOUTHEAST 1/4 OF SOUTHEAST 1/4 OF SECTION 36; THENCE NORTH 1 DEGREE 05'32" ALONG SAID WEST LINE, 820.13 FEET OF THE SOUTH LINE OF THE AFORESAID NORTH 175 FEET OF THE SOUTHEAST 1/4 TO THE SOUTHEAST 1/4 OF SECTION 36; THENCE NORTH 88 DEGREES 16'51" EAST, ALONG SAID SOUTH LINE, 384.19 FEET TO A POINT WHICH 275.72 FEET WEST OF THE AFORESAID EAST LINE OF THE SOUTHEAST 1/4 OF SECTION 36; THENCE SOUTH 1 DEGREE 06'50" WEST, ALONG A LINE DRAWN PARALLEL WITH SAID EAST LINE 333.00 FEET; THENCE NORTH 88 DEGREES 16'51" EAST, ALONG A LINE DRAWN PARALLEL WITH THE AFORESAID SOUTH LINE OF THE NORTH 17 FEET, 275.72 FEET TO THE POINT OF INTERSECTION WITH THE AFORESAID EAST LINE OF THE SOUTHEAST 1/4 OF SECTION 36; THENCE SOUTH 1 DEGREE 06'50" EAST, ALONG SAID EAST LINE, 337.11 FEET TO THE HEREIN ABOVE DESCRIBED POINT OF BEGINNING (EXCEPT THAT PART TAKEN FOR ROAD WIDENING PER R2010-026984).

IN WILL COUNTY, ILLINOIS

THE NEW BOUNDARY OF THE AREA ANNEXED SHALL EXTEND TO THE FAR SIDE OF ANY ADJACENT HIGHWAY AND SHALL INCLUDE ALL OF EVERY HIGHWAY WITHIN THE AREA ANNEXED.



AREA TO BE ANNEXED CONSISTS OF APPROXIMATELY 9.3 ACRES

LEGEND

DENOTES HEREBY ANNEXED

AFTER RECORDING PLEASE RETURN TO:
THE VILLAGE OF LEMONT
418 MAIN STREET
LEMONT, IL 60439

STATE OF ILLINOIS)
COUNTY OF COOK)

APPROVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LEMONT, COOK, WILL AND DUPAGE COUNTY, ILLINOIS AT A MEETING HELD ON THIS

DAY OF A.D. 2022

BY

PRESIDENT

ATTEST

CLERK

STATE OF ILLINOIS)
COUNTY OF DUPAGE)

I, JAMES L. CAINKAR, AN ILLINOIS PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE PLAT AS HEREON DRAWN IS A CORRECT REPRESENTATION OF THE PROPERTY DESCRIBED IN THE FOREGOING CAPTION.

DATED AT WILLOWBROOK, ILLINOIS THIS 4TH DAY OF OCTOBER A.D.

JAMES L. CAINKAR
ILLINOIS PROFESSIONAL LAND SURVEYOR
NO. 2656
EXPIRES 11-30-22

STATE OF ILLINOIS
JAMES LOUIS CAINKAR 2656
PROFESSIONAL LAND SURVEYOR

JAMES L. CAINKAR, P.E.
IL. P.L.S. NO. 2656
EXPIRES 11-30-22

GRAPHIC SCALE

DATE 10/04/22 PROJECT NO. 19391 (4)

ANNEXATION AGREEMENT

THIS AGREEMENT (hereinafter "Agreement"), is made and entered into this 23rd day of January, 2023 ("Effective Date"), between the Village of Lemont, an Illinois municipal corporation located in Cook, DuPage, and Will Counties, Illinois (hereinafter "Village") and PDV Midwest Refining L.L.C. (hereinafter "*Owner*").

WITNESSETH

WHEREAS, the Owner is the owner of the property legally described in the Plat of Survey, attached hereto as Exhibit A and made a part hereof (hereinafter referred to as the "*Subject Property*"), which property is subject to this Agreement; and

WHEREAS, the Subject Property constitutes an area that is contiguous to the Village, as provided under the Illinois Municipal Code, 65 ILCS 5/7-1-1, *et seq.*; and

WHEREAS, the parties hereto wish to enter into a binding agreement with respect to the annexation of the Subject Property by the Village, and the zoning, development, and other related matters concerning the Subject Property, all pursuant to the provisions of Division 15.1 of Article Eleven of Chapter 65 of the Illinois Compiled Statutes, upon the terms and conditions contained in this Agreement; and

WHEREAS, all public hearings as required by law have been held by the appropriate departments, commissions, boards, and other governmental bodies of the Village, and each has submitted various reports and recommendations, or both, required of them; and

WHEREAS, the annexation of the Subject Property to the Village will be beneficial to the Village, will properly and beneficially extend the corporate limits and the jurisdiction of the

Village, will permit the sound planning and development of the Village, and will otherwise promote the proper growth and general welfare of the Village; and

WHEREAS, the corporate authorities of the Village have been authorized to execute this Agreement.

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

1. LEGAL CONFORMANCE WITH LAW. This Agreement is made pursuant to, and in accordance with, the provisions of the Lemont Municipal Code and applicable provisions of the Illinois Compiled Statutes and the Illinois Constitution.

2. PETITION TO ANNEX. The Owner agrees to file with the Village Clerk of the Village a duly executed petition, pursuant to and in accordance with the provisions of Section 5/7-1-8 of Chapter 65, Illinois Compiled Statutes, to annex the Subject Property to the Village.

3. ANNEXATION. Within 30 days after the Effective Date of this Agreement, the Village hereby agrees to annex the Subject Property upon the terms and conditions of this Agreement, and the parties respectively agree to do all things necessary and appropriate to cause the Subject Property to be duly and validly annexed to the Village.

4. REZONING.

A. Concurrently with the annexation of the Subject Property to the Village, the Village hereby agrees to adopt the necessary ordinances to zone parcel 12-02-36-200-003 into the M-3 District and 12-02-36-400-011 and 12-02-36-400-010 into the OL District in conformance with the Village of Lemont Unified Development Ordinance ("*UDO*"), except for development parcel specified in 4(B).

B. The Village further agrees that, except as provided in Section 4(C) of this Agreement, it will zone into the OL District (collectively, the "Surrounding Area"): (1) any real property south of 135th Street, including, but not limited to the Big Run Golf Club, designated by property tax identification numbers 11-04-01-200-001-0000, 11-04-01-200-002-0000, and 11-04-01-101-007-0000, that is annexed into the Village during the term of this Agreement; and (2) any other real property that is annexed into the Village during the term of this Agreement that is located in the area bounded by Smith Road to the east, 135th Street to the south, New Avenue to the west, and 127th Street to the north, with the exception of development parcel designated by property tax identification numbers 1202363000190000 and 1202364000030000, which is expected to be rezoned M1-PUD ("Adjacent Development Parcel"). The Village further agrees that, except as provided in Section 4(C) of this Agreement, it will not annex any portion of the Surrounding Area, if the owners thereof do not consent to rezoning into the OL District.

C. Notwithstanding Section 4(B) of this Agreement, the Village may annex a parcel or portion of the Surrounding Area, and zone it into the M-1 District or the M-3 District, but only if both the owner of such property, and the Owner, issues their prior written consent to: (1) rezone that parcel or portion into the M-1 District or the M-3 District, as the case may be; and (2) prohibit truck parking uses on any parcel or portion zoned into the M-3 District. The Owner may refuse to grant its consent to rezoning all or any portion of the Surrounding Area into the M-1 District or the M-3 District, in its sole and absolute discretion.

D. The Parties acknowledge that, as of the date of this Agreement, that portion of the Surrounding Area that is located south of 135th Street is subject to an existing boundary agreement between the Village and the City of Lockport ("Lockport Boundary Agreement"). The Parties further acknowledge that this Agreement does not permit, and should not be deemed or

interpreted as permitting or requiring, annexation by the Village of any property that the Village may not annex pursuant to the Lockport Boundary Agreement. This Agreement only applies to those properties subject to the Lockport Boundary Agreement upon the termination or expiration of the Lockport Boundary Agreement.

5. DEVELOPMENT/CONSTRUCTION STANDARDS. Any future development of or construction on the Subject Property shall be in full compliance with the Village of Lemont's UDO, Subdivision Regulations, Building Code and other ordinances, codes, rules and regulations of the Village pertaining to the development of the Subject Property, except as may be specifically amended pursuant to the terms of this Agreement.

6. OWNER'S REQUIREMENTS. The following requirements shall apply to the development of the Subject Property:

A. Prior to the issuance of any building permit for the Subject Property, the Owner shall dedicate to the Village as right-of-way or grant of easement that 20 feet-wide portion of the Subject Property that abuts Smith Road and that 20 feet-wide portion of the Subject Property that abuts the Com-Ed Right-of-Way to the Village, pursuant to appropriate plans and plats to be approved by the Village Engineer and the Village Board of Trustees, as depicted in the plat attached to this Agreement as Exhibit B ("Plat of Easement");

B. Reserved; and

C. At such time as the Village extends its sanitary sewer at or beyond the Subject Property, the Owner may, in its discretion, connect the Subject Property to the Village's sanitary sewer and decommission Owner's onsite septic system.

The Village is responsible for all costs incurred pursuant to this Section 6, including, without limitation, all costs of construction, installation, and connection of any improvements or utilities, and of preparation of plans or plats, and of third-party fees reasonably necessary to comply with

this Section 6. The Village will reimburse any such costs incurred by the Owner within 30 days after receipt of an invoice therefor.

7. VARIATIONS IN LOCAL CODES. Unless stated in the annexation or rezoning ordinances pertaining to the Subject Property, there shall be no specific variations from the Village's ordinances, rules and codes which have been requested or which are permitted with respect to the development/construction of the Subject Property. The Owner may subsequently apply for specific variations from the Village's ordinances, rules and codes without amending this Agreement, provided, however, such applications shall satisfy all standards related to variations.

8. UTILITIES/SERVICES AND PUBLIC IMPROVEMENTS.

A. The Village agrees to provide water service and sewer service to the Subject Property upon receipt of a written request from the Owner therefor. The Owner understands that any connection to these Village utilities, public services and improvements shall be done in accordance with applicable Village engineering standards and the Village Code. All costs related to the provision of such services, including, without limitation, the construction and installation of any physical improvements or utilities necessary for such services, shall be the responsibility of the Village.

B. The Village agrees not to extend any water, sewer, or other utilities south of 135th Street, or otherwise to serve any portion of the Surrounding Area located south of 135th Street, during the Term of this Agreement, except that the Village may provide potable water to those portions of the Surrounding Area located south of 135th Street that are annexed into the Village and that are zoned and used consistent with the provisions of Section 4 of this Agreement.

9. EASEMENTS AND UTILITIES. The Owner agrees to grant to the Village all necessary easements for the extension, maintenance, replacement and repair of sanitary sewer,

storm sewer, water, street, or other utilities, or for other improvements, subject to the provisions of the Unified Development Ordinance, which may serve not only the Subject Property, but other property in the general area, if requested by the Village, which are specified in the Plat of Easement. Concurrently with the annexation of the Subject Property to the Village, the Owner and the Village agree to take all steps necessary to approve, and to execute, the Plat of Easement.

All such easements to be granted shall name the Village and/or other appropriate entities designated by the Village as grantee thereunder. It shall be the responsibility of the Owner to obtain all easements, both onsite and offsite, necessary to serve the Subject Property.

All electricity, telephone, cable television and gas lines shall be installed underground, the location of which underground utilities shall be at the Owner's option, upon approval of the respective utility companies.

10. FEES AND TAXES.

A. The Village agrees to waive in full the amount of any annexation permit, building permit, license, inspection, tap-on, recapture or connection fees imposed by the Village on the Subject Property, which are applicable to, or required by, Village Ordinances or Resolutions.

B. The Village agrees not to impose any special service area, special assessment, or tax-increment financing (TIF) district on the Subject Property unless either: (1) in its sole and absolute discretion, the Owner has granted its written consent to imposition of a special service area, special assessment, or TIF District; or (2) in connection with the imposition by the Village of a TIF District on all of the Adjacent Development Parcel, the Village must include all or a portion of the Subject Property in order to satisfy the contiguity requirements of the Illinois Tax Increment Allocation Redevelopment Act, in which event the Village must refund or abate in

full any increase in property taxes imposed upon the Subject Property due to the imposition of the TIF District.

11. CONFLICT IN REGULATIONS.

A. The provisions of this Agreement shall supersede the provisions of any ordinances, codes or regulations of the Village, which may be in conflict with the provisions of this Agreement.

B. If during the term of this Agreement, any existing, amended, modified or new ordinances, codes or regulations of general applicability throughout the community to a land developer or subdivider affecting the installation of land improvements (streets, underground utilities, sidewalks, curbs and gutters) upon the Subject Property are amended or modified in any manner to impose additional requirements on the installation of land improvements within the Village that are more stringent or restrictive than those in effect as of the Effective Date of this Agreement or as provided by this Agreement, the burden of such additional requirements shall not apply to the Subject Property.

C. If, during the term of this Agreement, any existing, amended, modified or new ordinances, codes or regulations affecting the zoning, subdivision, development, construction of improvements, buildings or appurtenances or other regulatory ordinances regarding the public health, safety and welfare are amended or modified in any manner to impose less stringent or restrictive requirements on the development of, or construction upon, properties within the Village than those in effect as of the Effective Date of this Agreement or as provided by this Agreement, then the benefit of such less stringent or restrictive requirements shall inure to the benefit of the Owner, and anything to the contrary contained herein notwithstanding, the Owner may elect to proceed with respect to the development of, or construction upon, the Subject Property upon the less stringent or restrictive amendment or modification applicable generally to all properties within the Village.

12. AMENDMENT OF ANNEXATION AGREEMENT. This Agreement and any exhibits attached hereto may be amended pursuant to the provisions of the Lemont Municipal Code, UDO, and Illinois Municipal Code.

13. INVALIDITY. If any provision of this Agreement, or any section, sentence, clause, phrase, or word, or the application thereof in any circumstances is held invalid, the validity of the remainder of this Agreement and the application of such provisions, section, sentence, clause, phrase or word in any other circumstances shall not be affected thereby.

14. TERM OF AGREEMENT. This Agreement shall be binding for a full term of twenty (20) years from the date of this Agreement. Absent good cause from either party, this Agreement shall renew for successive twenty-year periods.

15. RECORDING. This Agreement shall be recorded by the Village Clerk in the Will County Recorder's Office at the expense of the Village.

16. APPROVAL. This Agreement shall not be effective until the Owner of the Subject Property affixes a signature to a true and correct copy of this Agreement, acknowledging that it has reviewed and accepts the provisions of this Agreement. Failure of the Owner to execute this Agreement shall void the annexation of this property.

17. DEFEND AND HOLD HARMLESS. The Village agrees to defend and hold the Owner harmless from any and all actions, causes of action, claims, litigation in law or chancery, attorney's fees, costs required to defend against efforts by anyone to set aside this annexation or the terms of this Agreement.

18. BREACH.

A. The Village agrees that it will have a continuing obligation to provide sewer service, water, other Village utilities, and police protection to the Subject Property even if the

Owner fails to comply with all the terms, conditions and covenants contained in this Agreement. In the instance of a breach of this Agreement by the Owner, the Village's sole remedy will be to seek specific performance of this Agreement in a court of competent jurisdiction.

B. In the event of a breach of this Agreement by the Village, in addition to every other legal and equitable remedy available to the Owner, the Owner will have the absolute right to disconnect the Subject Property from the corporate boundaries of the Village.

19. NOTICES. Notices or other writings which any party is required to, or may wish to serve upon any other party in connection with this Agreement, shall be in writing and shall be delivered personally or sent by certified or registered mail, return receipt requested, postage prepared, to the other parties of this Agreement.

20. SUCCESSORS. This Agreement shall insure the benefit of, and be binding upon, the successors in title of the Owner, and each of them, their respective successors, grantees, lessees, and assigns, and upon successor corporate authorities of the Village and successor municipalities. It is understood that this Agreement shall run with the land and, as such, shall be assignable to and binding upon subsequent grantees, lessees, and successors in interest of the Owner, and each of them, and, as such, this Agreement and all exhibits hereto shall be recorded with the Recorder of Deeds of Will County, Illinois.

IN WITNESS WHEREOF, the Parties hereto have hereunder set their hands and seals on the day and year first above written.

VILLAGE OF LEMONT

Mayor, Village of Lemont

Attest:

Village Clerk

by Deputy Clerk

Date: 1-23-23

OWNER:

By: 1/30/23

Title: Vice President

POV Midwest Refining L.L.C.

CITGO Legal Dept. Approved As To Form

VILLAGE OF LEMONT SEAL ILLINOIS

KIMBERLY A HENDRICK
Official Seal
Notary Public - State of Illinois
My Commission Expires Sep 15, 2025

1-30-23

STATE OF ILLINOIS, County of _____ SS

I, the undersigned, a Notary Public in and for the said County, in the State aforesaid, DO HEREBY CERTIFY that John Egofske is personally known to me to be the same persons whose name is subscribed to the foregoing instrument as such John Egofske appeared before me this day in person and acknowledged that he signed and delivered the said instrument at his own free and voluntary act and as the free and voluntary act of said corporation, for the uses and purposes therein set forth, and the said, as custodian of the corporate seal of said corporation, did affix the corporate seal of said corporation to said instrument, as his own free and voluntary act and as the free and voluntary act of said corporation, for the uses and purposed therein set forth.

GIVEN under my hand and Notary Seal this 23 day of January 2023.

OFFICIAL SEAL
KAY C. ARGO
Notary Public - State of Illinois
My Commission Expires 06/19/2026

K C. Argo
Notary Public