

Minutes
SPECIAL VILLAGE BOARD MEETING
Village Hall – 418 Main Street, Lemont, IL 60439
October 1, 2018
6:30 p.m.

A special meeting of the Lemont Village Board was held on Monday, October 1, 2018 at 6:30 p.m., with Mayor John Egofske presiding.

ROLL CALL: Blatzer, Maher, McClafferty, Sniegowski and Stapleton; present. Kwasneski absent.

III. PUBLIC COMMENT- None

IV. EXECUTIVE SESSION for Discussion Under Chapter 5 ILCS 120 of the Open Meetings Act

- A.** Pending Litigation 2(c)11
- B.** The Purchase or Lease of Real Property for the Use of the Village 2(c)5

Motion by Maher, seconded by McClafferty, to move into the Executive Session. Roll call: Blatzer, Maher, McClafferty, Sniegowski and Stapleton; 5 ayes. Kwasneski absent. Motion passed.

V. CLERK'S REPORT

Consideration of a Proposed Settlement Agreement in People vs. Village of Lemont, 16 CH 8752. Motion by Maher, seconded by Blatzer to authorize the Village President and the attorneys of Tressler LLP to enter into an agreed final judgement order substantially in the form presented at this meeting of Village President and Board of Trustees and to authorize the village president to make changes to the document prior to its execution and entry by the court, so long as those changes do not materially affect the obligations of the village of Lemont as presented here tonight. I further move that the draft agreed judgement order be placed in the minutes of this meeting. Roll call: Blatzer, Maher, McClafferty, Sniegowski and Stapleton; 5 ayes. Kwasneski absent. Motion passed.

XIV. MOTION TO ADJOURN

There being no further business, a motion was made by Maher, seconded by Blatzer, to adjourn the meeting at 7:28 p.m. VV 5 ayes. Kwasneski; absent. Motion passed.

IN THE CIRCUIT COURT OF COOK COUNTY
COUNTY DEPARTMENT, CHANCERY DIVISION

PEOPLE OF THE STATE OF ILLINOIS)	
ex rel. KIMBERLY M. FOXX, State’s Attorney)	
of Cook County,)	
)	
Plaintiff,)	
v.)	NO. 16 CH 8752
)	
VILLAGE OF LEMONT, an Illinois Municipal)	
Corporation,)	
)	
Defendant.)	
)	

Agreed Judgment Order

This cause coming to be heard on the parties’ agreed motion for entry of judgment, the court being fully advised, finds as follows:

1. The Parties have agreed to the Court’s findings below and to the entry of this order.
2. The Court has reviewed the People’s Second Amended Complaint (“Complaint”) and the Village of Lemont’s Second Amended Affirmative Defenses (“Affirmative Defenses”).
3. In their Complaint, the People challenge the validity of the annexations of 17 large parcels of land by the Village of Lemont (“Lemont”) over the period of time from 1996 through 2010. The parcels of land which are the subject of the Complaint, whether identified by common description, legal description, permanent index number (PIN), drawing, ordinance or otherwise are referred to in this order as the Territory.
4. In its Affirmative Defenses, Lemont asserts that irrespective of the statutory, technical validity of the annexations of any portion of the Territory at the time of any of the respective annexations, equity requires that the Court find that the People have ignored these technical deficiencies over time and that more public harm than public good will result from an order ousting the Village of Lemont from the Territory and rendering the Territory unincorporated.
5. Lemont stipulates that at least one of the challenged annexations is statutorily defective; and the People maintain that all of the challenged annexations are statutorily defective; and the Court finds that but for the findings in paragraph 6 below; it is within the Court’s power to declare as void any statutorily defective annexation.
6. The Court further finds that notwithstanding the findings of paragraph 5 above; and notwithstanding any statutory defects; and in light of the allegations of the Affirmative

Defenses, equity requires the Court to order that all of the annexations of the Territory shall remain within the corporate limits of the Village of Lemont, shall not be deemed to be unincorporated Cook County, and that a judgment of ouster is not appropriate in this matter and shall not be ordered in this matter.

7. Because of the settlement of this matter and agreement to the above findings by the parties and the entry of this final order, all pending petitions to intervene are moot and the court need not consider the various petitions to intervene now pending in this matter.

IT IS HEREBY ORDERED:

- A. The several Petitions to Intervene filed by Lemont Township, Lemont Township High School District 210, and Beechen and Dill Homes, Inc. are hereby stricken;
- B. Lemont shall pay a civil penalty of \$50,000 to the Clerk of the Circuit Court, in lieu of ouster, within 45 days from the entry of this order;
- C. The Territory, and each and every parcel within the Territory, shall be and remain within the corporate limits of the Village of Lemont and shall be and remain territory of the Village of Lemont for any and all lawful purposes, except as provided in paragraph D below.
- D. For the period beginning on the date this order is entered and continuing until 11:59 PM on the date one year after this order is entered, Lemont is enjoined from adopting an ordinance purporting to annex any land which would be contiguous to Lemont solely by such land's touching of the Territory. After such one-year period, this paragraph D shall be of no further force and effect.
- E. This Court shall retain jurisdiction over this matter for the sole purpose of enforcing the terms of this judgment order.
- F. This order disposes of all legal issues, claims and parties in this matter and is final and appealable.
- G. This matter is dismissed with prejudice.

Judge

Date

Agreed for Village of Lemont:

Agreed for the People:

Michael F. Zimmermann (ARDC 6226440)
Nicholas J. Daly (ARDC 6321972)
TRESSLER LLP
Attorneys for Village of Lemont
233 South Wacker Drive, 22nd Floor
Chicago, Illinois 60606-6399
(312) 627-4000
mzimmermann@tresslerllp.com
ndaly@tresslerllp.com
Firm ID: 46239

Kimberly Foxx, Cook County State's Attorney
By Jayman Avery, III, Assistant State's Attorney
500 Daley Center
Chicago, Illinois 60602
jayman.avery@cookcountyil.gov