

**ORDINANCE NO. 2022-32**

**AN ORDINANCE AMENDING ORDINANCE NO. 2021-06  
AN ORDINANCE AUTHORIZING THE EXECUTION OF AN ANNEXATION  
AGREEMENT FOR THE VILLAGE OF CHERRY VALLEY, ILLINOIS  
PARTS OF PINS: 07-06-103-003, 05-31-300-027 and 05-31-400-019  
(SOLAR FARM)**

WHEREAS, on April 27, 2021 the Board of Trustees for the Village of Cherry Valley, Illinois did pass Ordinance No. 2021-06 which authorized the execution of an Annexation Agreement and Development Agreement for a solar farm, and,

WHEREAS, the Development Agreement contained provisions regarding the length of time of development including but not limited to variances, special use permits, fence height and location of charging stations for electric autos, and

WHEREAS, additional issues have arisen regarding storage containers and a shed; and relocating the charging stations, and

WHEREAS, the purpose of this document is to address those issues which will require amending the Annexation/Development Agreement, and

WHEREAS, to amend the Annexation Agreement/Development Agreement, it is necessary to comply with 65 ILCS 5/11-15.1-2 which the Village of Cherry Valley has done by having a separate hearing on July 19, 2022 at 6:45 p.m., and,

WHEREAS, paragraph C.8. of the Development Agreement provides that it may be amended only by the mutual consent of the parties, or their successors, by an ordinance, and,

NOW, WHEREFORE, be it ordained by the President and Board of Trustees for the Village of Cherry Valley, Illinois, as follows:

**SECTION 1:** Ordinance No. 2021-06 shall and hereby is amended. Attached hereto as Exhibit "A" is a document entitled *Amendment to Annexation/Development Agreement* which is incorporated herein and made a part hereof by reference.

**SECTION 2:** Except as amended in this Ordinance, Ordinance No. 2022-06, all other terms and conditions contained in both documents shall remain in full force and effect except as changed in Section 1 above.

**SECTION 3:** The property affected by this amendment is described as follows: Parts of PINs: 07-06-103-003, 05-31-300-027, and 05-31-400-019. Said Ordinance No. 2022-06 was recorded in the Recorder's Office for the County of Boone, Illinois as document no. 2021R03890

**SECTION 4:** This Ordinance shall be in full force and effect from and after its approval, passage and publication in pamphlet form.

PASSED UPON MOTION BY: NANCY BELT

SECONDED BY: MIKE NEVILLE

BY ROLL CALL VOTE THIS 1 ST DAY OF AUGUST, 2022

AS FOLLOWS:

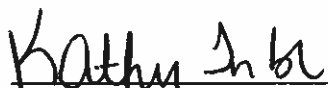
VOTING "AYE": NANCY BELT, JEFF FUSTIN, SALLY HOLLEMBEAK,  
MIKE NEVILLE, BRANDI PEARSE, CARL WEDIG.

VOTING "NAY": NONE.

ABSENT, ABSTAIN, OTHER: NONE.

ATTEST:

APPROVED 1<sup>ST</sup> OF AUGUST, 2022

  
\_\_\_\_\_  
VILLAGE CLERK  
KATHY TRIMBLE

  
\_\_\_\_\_  
VILLAGE PRESIDENT PRO TEM 8/04/22  
JEFFREY B. FUSTIN

## **Exhibit “A”**

**AMENDMENT TO AN ANNEXATION/DEVELOPMENT AGREEMENT**

This Agreement is made and entered into this 1<sup>st</sup> day of August, 2022 by and between the Village of Cherry Valley, Illinois (“Village”) and Cherry Valley Solar Project LLC (“Developer”).

The Annexation/Development Agreement effecting the following property is hereby amended to address the following property: Part of PINs 07-06-103-003, 05-31-300-027, and 05-31-400-019.

A. The Special Use Permit for property is extended to April 27, 2024 in accordance with Ordinance No. 2022-27.

B. Paragraph B(4)(B) the Variance granted allowing a fence height under Ordinance No. 2021-10 is extended to April 27, 2024 and thereafter if constructed.

C. Paragraph B(4) is amended to add subparagraph C which will allow two storage containers (40’ x 8’ x 9.6’) and one shed (height 8’7” x width 8’4½” x depth 10’2¼”) in the areas indicated on Exhibit “A”.

D. Paragraph B(10) Exhibit “F” to the Annexation/Development is replaced by Exhibit “F-1” changing the location of the charging station referenced in Paragraph B(10).

E. Except as modified herein, all other terms of the Annexation/Development Agreement shall remain in full force and effect. In the event of an inconsistency between the original Annexation/Development Agreement and this Amendment, the terms of the Amendment control.

Executed this 1<sup>st</sup> day of August, 2022.

Village of Cherry Valley

Cherry Valley Solar Project, LLC

By: Jeffrey B. Fuster  
Its President Pro Tem 8/01/22

By: hck  
Its Authorized Representative

Attest:

Kathy Inhol  
Village Clerk

**818**

**ATWELL**

14200 W. CENTRAL EXPRESSWAY  
SUITE 200  
DENVER, CO 80202  
303.755.1100  
WWW.ATWELL.COM

**PRELIMINARY SITE PLAN**

DERRY VALLEY SOLAR PROJECT  
BOONE COUNTY, ALABAMA

DATE: 07/27/2021  
DRAWN BY: [Redacted]  
CHECKED BY: [Redacted]  
SCALE: [Redacted]

**SOIL DATA**

CHANCEY AC	12.7800
WINDY HOLLOW AC	1.7200
PERMITS/RECORDS	
DEVELOPER	
CONTRACTOR	
INSTALLER	
INSURANCE	
CONTRACT NO.	
DATE	
PROJECT NO.	
CLIENT	
ADDRESS	
CITY	
STATE	
ZIP	
PROJECT NAME	
DATE	

**LEGEND**

PROJECT SITE

SECTION MARK

SECTION 1000

SECTION 2000

EXISTING TEMPERATURES

PROPOSED FENCE

EXISTING FENCE

PROPOSED SIGN

PROPERTY LINE

ADJACENT ROAD

ADJACENT LOT

ADJACENT PROPERTY

ADJACENT LAND

ADJACENT WATER

ADJACENT AIR

ADJACENT POWER

ADJACENT TELEVISION

ADJACENT CABLE

ADJACENT FIBER

ADJACENT GAS

ADJACENT OIL

ADJACENT COAL

ADJACENT BIOMASS

ADJACENT SOLAR

ADJACENT WIND

ADJACENT HYDRO

ADJACENT GEOTHERMAL

ADJACENT NUCLEAR

ADJACENT FUSION

ADJACENT PLASMA

ADJACENT ANTENNAS

ADJACENT RADAR

ADJACENT SATELLITE

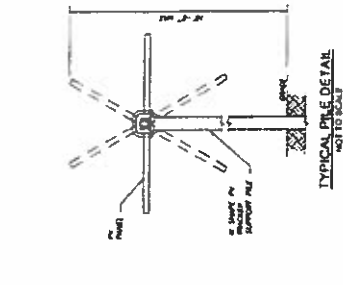
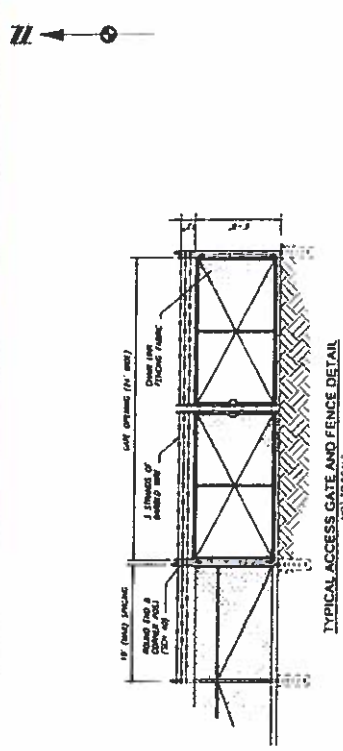
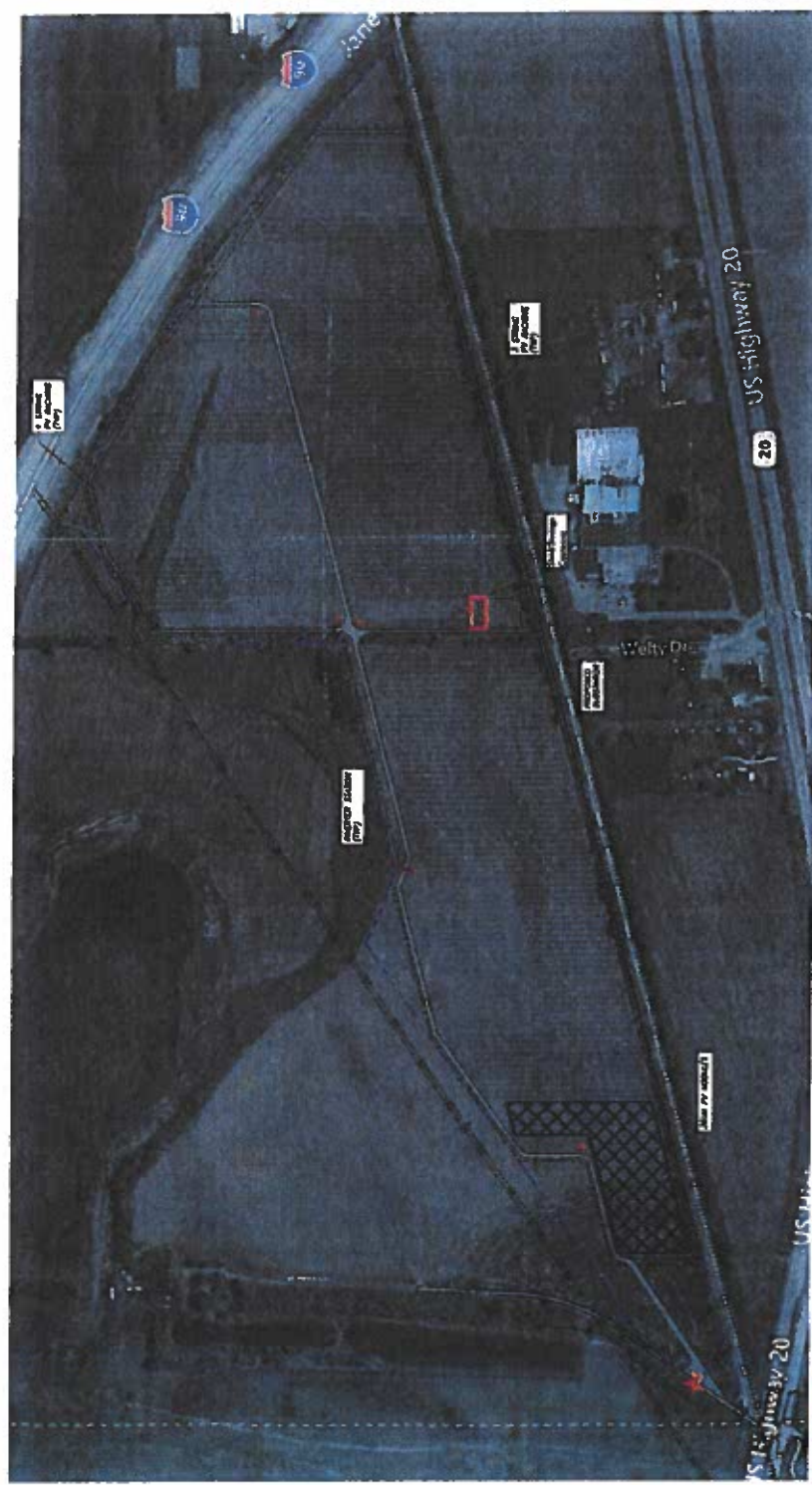
ADJACENT AIRPORT

ADJACENT MILITARY

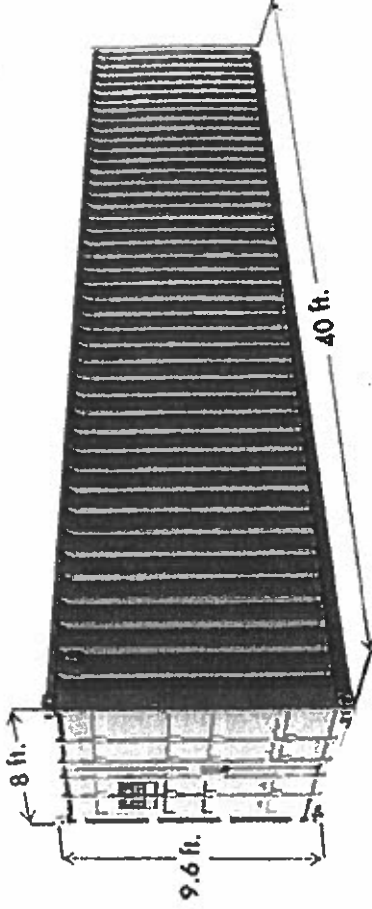
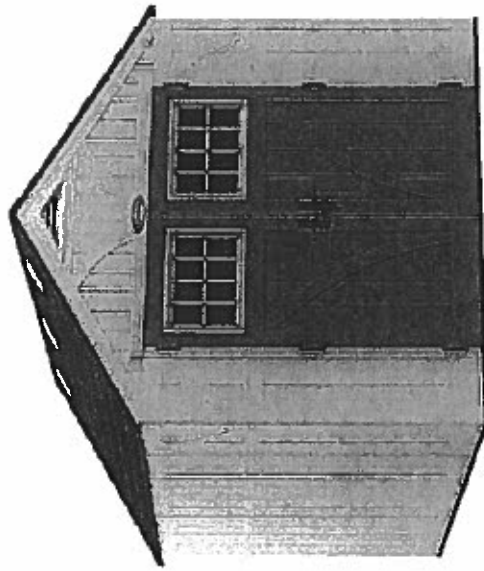
ADJACENT GOVERNMENT

ADJACENT PRIVATE

ADJACENT PUBLIC



# Proposed shed and storage containers



- Overall Height 8 ft 7 in
- Overall Width 8 ft 4-1/2 in
- Overall Depth 10 ft 2-1/4 in

## **Exhibit “F-1”**

104 S. Walnut St  
(2) EV Charging Stalls

