

ORDINANCE ANNEXING CERTAIN TERRITORY
TO THE CITY OF URBANA

WHEREAS, the hereinafter described territory is situated in unincorporated territory adjacent to and contiguous to the City of Urbana, Illinois, and includes certain Highways within the Urbana Township, and is included in the Eastern-Prairie Fire Protection District, and Notices were given to the Board of Township Trustees and the Township Commissioner of Highways and the Board of Trustees of Eastern-Prairie Fire Protection District, both said Notices being mailed on June 13, 1979, that this Ordinance would be voted upon at the regular meeting of this Council at 7:30 p.m., Monday, July 2, 1979, and the Affidavit of mailing such notices was duly recorded with the Recorder of Deeds of Champaign County, Illinois, on the 14th day of June, 1979, and

WHEREAS, a written Petition signed by all of the owners of Record and all electors residing therein, of all land within such territory, has been filed with the City Clerk of the City of Urbana, Illinois, requesting annexation thereof to the City of Urbana, and

WHEREAS, it has been determined that said Petition complies with all requirements of the law therefor, and

WHEREAS, the majority of the Members of the Council are of the opinion that it would be for the best interests of the People of the City of Urbana, Illinois, that said territory be annexed to and made a part of the said City,

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS:

Section 1. That the following described real estate, viz:

All of the North one-half (N-1/2) of the Southeast quarter (SE-1/4) of the Southeast quarter (SE-1/4) of the Southeast quarter (SE-1/4) of Section 5, Township 19 North, Range 9 East of the Third Principal Meridian, except the South 57 feet thereof and except the West three acres thereof, and the full street right-of-way of Willow Road, being 60 feet in width, from the North property line to the South property line extended of the above described tract, containing a total of 1.85 acres, more or less, all situated in Champaign County, Illinois,

be and the same is hereby annexed to the City of Urbana, Illinois.

Section 2. That the City Clerk be authorized and directed to file for record a certified copy of this Ordinance together with an accurate map of the territory hereinabove described in the Office of the Recorder of Deeds for Champaign County, Illinois.

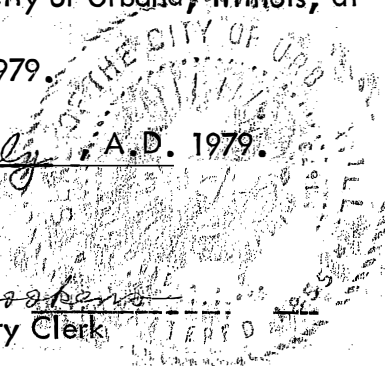
Section 3. This Ordinance shall be in full force and effect from after its passage and recording as provided by law.

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called, of a majority of the members of the Council of the City of Urbana, Illinois, at a regular meeting of said Council on the 2nd day of July, A.D. 1979.

PASSED by the City Council this 2nd day of July, A.D. 1979.

Ruth S. Brookens
Ruth S. Brookens, City Clerk

APPROVED by the Mayor this 9th day of July, A.D. 1979.



CITY OF URBANA, ILL.
RECEIVED
AUG 8 1979

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TO THE CITY OF URBANA

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WHEREAS, it has been determined that said Petition complies with all requirements of the law therefor, and

WHEREAS, the majority of the Members of the Council are of the opinion that it would be for the best interests of the People of the City of Urbana, Illinois, that said territory be annexed to and made a part of the said City,

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS:

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Section 3. This Ordinance shall be in full force and effect from after its passage and recording as provided by law.

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called, of a majority of the members of the Council of the City of Urbana, a regular meeting of said Council on the 2nd day of July, A.D. 1979.

PASSED by the City Council this 2nd day of July, A.D. 1979.

Ruth S. Brookens, City Clerk

APPROVED by the Mayor this 9th day of July, A.D. 1979.

STATE OF ILLINOIS)
)
COUNTY OF CHAMPAIGN) SS.

CLERK'S CERTIFICATE

I, RUTH S. BROOKENS, City Clerk of the City of Urbana, in the County of Champaign and State of Illinois, do hereby certify that the annexed and foregoing is a true and correct copy of that certain Ordinance now on file in my office entitled:

"ORDINANCE ANNEXING CERTAIN TERRITORY TO THE CITY OF URBANA"

which said Ordinance was passed by the Corporate Authorities of the City of Urbana at a regular meeting held on the 2nd day of July, 1979, at which meeting a quorum was present, and approved by the Mayor of the City of Urbana on the 9th day of July, 1979.

I further certify that the vote on the question of the passage of the said Ordinance by the Corporate Authorities of the City of Urbana was taken by Ayes and Nays and recorded in the Journal of the Proceedings of the City Council of the City of Urbana and that the result of said vote was as follows, to wit:

AYES: Castle, Cheverud, Edstrom, Finch, Johnson, Maloney, Stake, Teuscher, Wascher, Whelan and Wort - 11.

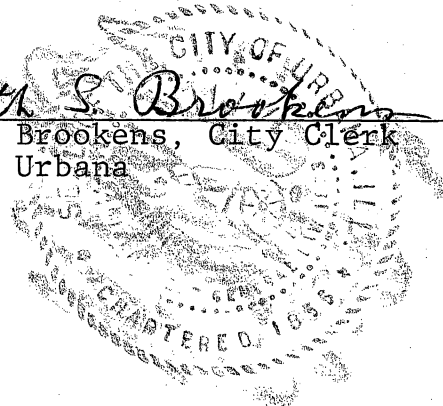
NAYS: Scott - 1.

ABSENT: Peterson and Moore - 2.

I do further certify that the original Ordinance, of which the foregoing is a true copy, is entrusted to my care for safekeeping and that I am the lawful keeper of the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Urbana this 3rd day of August, 1979.


Ruth S. Brookens, City Clerk
City of Urbana



79R15169

STATE OF ILLINOIS }
CHAMPAIGN COUNTY } 58
Filed for record in the Recorder's Office
of said county.

AUG 3 - 1979 - 10 ⁴⁰ AM

Recorded in Book 1203
of Records on Page 467

Robert C. Martin

Recorder of Deeds

INDEXED

Urbana City Clerk

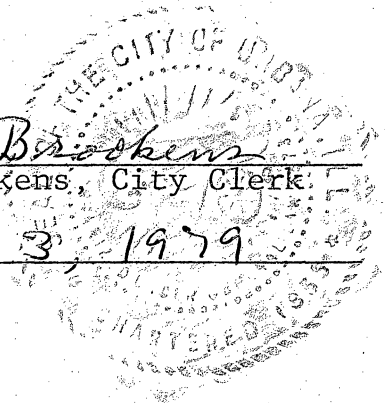
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700
Pd

7980-1

THIS IS THE ATTACHMENT WHICH IS REFERRED TO IN
ORDINANCE NO. 7980-1 AND IS INCORPORATED
THEREIN BY REFERENCE. _____

Ruth S. Brookens
Ruth S. Brookens, City Clerk

August 3, 1979
Date



AMENDED
PRE-ANNEXATION AGREEMENT

THIS AGREEMENT, made and entered into this 9th day of April, 1979, by and between the City of Urbana, Illinois, a municipal corporation, by and through its Mayor and its Aldermen (hereinafter referred to collectively as the "Corporate Authority") and KENT E. STONNER and STEPHEN M. O'BYRNE (hereinafter referred to as "Owners").

WITNESSETH:

WHEREAS, KENT E. STONNER and STEPHEN M. O'BYRNE are the Owners of record of certain real estate, legally described as and hereinafter referred to in its entirety as Parcel 1:

All of the North One-Half (N 1/2) of the Southeast Quarter (SE 1/4) of the Southeast Quarter (SE 1/4) of the Southeast Quarter (SE 1/4) of Section 5, in Township 19 North, Range 9 East of the Third Principal Meridian, except the South 57 feet thereof and except the West three acres thereof, in Champaign County, Illinois.

WHEREAS, the said Parcel 1 is contiguous to the corporate limits of the City of Urbana and may be annexed to the City of Urbana as provided in Article 7 of the Illinois Municipal Code; and

WHEREAS, the Corporate Authority and the Owners desire to have said Parcel 1 annexed to the city of Urbana upon certain terms and conditions hereinafter set forth; and

WHEREAS, the Corporate Authority and Owners realize that the best use of Parcel 1 is a Planned Unit Development under R-1 zoning, which has been approved in a preliminary stage, but because of the uncertainty of the economy and the inability of the Owners to obtain longterm financing, the Owners retain the right, in accordance with the Subdivision ordinance, and without amendment to this agreement, to provide for the possible development of this parcel, not inconsistent with any development permitted under R-1 zoning.

WHEREAS, the surrounding area in the City of Urbana is presently zoned R-1; one and two family residential,

WHEREAS, the neighbors have asked the developers to develop Parcel 1 in two family residential.

NOW, THEREFORE, in consideration of the premises and the mutual covenants and agreements herein contained, IT IS AGREED AS FOLLOWS:

1. This Agreement is made pursuant to, and in accordance with, the provisions of Section 11-15, 1-1, et. seq., of the Illinois Municipal Code. (Chapter 24, Illinois Revised Statutes, 1973.)

2. That the provisions of the Municipal Ordinances, including subdivision control, zoning, planned unit developments, official plan, and related restrictions as applied to the parcel of real estate described herein be continued in effect under the Municipal Ordinances for the duration of the Agreement, and no amendments after the acceptance of this Agreement shall be binding on the Owners with respect to the land described.

3. That the Corporate Authority, in its discretion and for good cause, extends the period of time to file a final plat from 6 months to 2 years dating from November 15, 1978.

4. That the Owners agree to waive the right to have approval of the final plat of the Planned Unit Development for Parcel 1, before Parcel 1 can be annexed into the City, and the Owners desire immediate annexation of Parcel 1 under R-1 zoning.

5. That the corporate authority annex the real estate described herein and enact such lawful ordinances as may be appropriate or required to legally annex said real estate and that upon said annexation the subject real estate shall be zoned R-1, one and two family residential under the terms and provisions of the Zoning Ordinance of Urbana, 1970.

6. That the Owners agree that during the term of this Agreement, neither they, their successors and assigns, will develop or otherwise improve Parcel 1, except pursuant to and in accordance with the present provisions of the Urbana Zoning Ordinance relating to residential Planned Unit Development or the Urbana subdivision ordinance related to individual lot development under the R-1 zon-

7. That in lieu of any bond or cash escrow deposits for public improvements, the Developer, at its election, may furnish to the Corporate Authority irrevocable letter of credit in the form approved by the city attorney, certifying that adequate funds are available, and will remain so, at a sound and reputable banking or financial institution, authorized to do business in the State of Illinois; such an irrevocable letter of credit to be in effect for the length of time required to complete the public improvements,

and in a form to allow corporate authorities to procure the funds irrevocably committed to complete the required public improvements, if construction of said improvements shall be in default.

8. This agreement shall be binding upon the parties hereto and their respective successors and assigns, for a full term of ten (10) years, commencing as of the date hereof, as provided by Statute; and to the extent permitted thereby, it is agreed that in the event the annexation of Owners' real estate or the terms of this Agreement are challenged in any Court proceeding, the period of time during which such litigation is pending should not be included in calculating said ten (10) year term.

IN WITNESS WHEREOF, the Corporate Authority and the Owners have hereunto set their hands and seals, and have caused this instrument to be executed by their duly authorized officials, and the corporate seal affixed hereto, all on the day and year first above written.

City of Urbana, Illinois

Dated: 4/9/79

Jeffery T. McDaniel (Mayor)

ATTEST:

Dated: 4/10/79

Beverly Tombarger (City Clerk)

(Corporate Authority)

Dated: Feb 1979

Kent E. Stonner (Kent E. Stonner)

ATTEST:

Dated: 2/22/79

Danna L. Lory (Notary Public)

Dated: 22 Feb 1979

Stephen M. O'Byrne (Stephen M. O'Byrne)

ATTEST:

Dated: Feb 22, 1979

Danna L. Lory (Notary Public)

(Owners)



ANNEXATION AGREEMENT

THIS AGREEMENT, made and entered into this _____ day of _____ 1978, by and between the City of Urbana, Illinois (hereinafter referred to collectively as the "Corporate Authorities"), and KENT E. STONNER (hereinafter referred to as "Owner").

WITNESSETH:

WHEREAS, KENT E. STONNER is the owner of record of certain real estate, legally described as and hereinafter referred to in its entirety as Parcel 1:

All of the North One-Half ($N\frac{1}{2}$) of the Southeast Quarter ($SE\frac{1}{4}$) of the Southeast Quarter ($SE\frac{1}{4}$) of the Southeast Quarter ($SE\frac{1}{4}$) of Section 5, in Township 19 North, Range 9 East of the Third Principal Meridian, except the South 57 feet thereof and except the West three acres thereof, in Champaign County, Illinois

WHEREAS, the said Parcel 1 is contiguous to the corporate limits of the City of Urbana and may be annexed to the City of Urbana as provided in Article 7 of the Illinois Municipal Code; and

WHEREAS, the owner desires to have said Parcel 1 annexed to the City of Urbana and upon certain terms and conditions hereinafter set forth; and

WHEREAS, Owner, to best utilize Parcel 1, finds it necessary and desirous that the said Parcel 1 be annexed to the City of Urbana simultaneously with the approval of the City of Urbana for the development of said Parcel 1 as a Planned Unit Development under R-1 Zoning.

NOW, THEREFORE, in consideration of the premises and of the mutual covenants and agreements herein contained, IT IS AGREED AS FOLLOWS:

1. This Agreement is made, pursuant to and in accordance with the provision of Section 11-15, 1-1, et seq., of the Illinois Municipal Code (Chapter 24, Illinois Revised Statutes, 1973).

2. The Owner, within a reasonable time after the execution of this Agreement by all parties hereto, shall file with the City of Urbana a petition for a preliminary planned unit development and a proper petition for annexation conditioned upon the terms and provisions of this agreement to annex Parcel 1 to the City of Urbana.

3. The Corporate Authorities shall enact an ordinance annexing the Parcel 1 to the City of Urbana under R-1 Zoning immediately prior to the passage of an ordinance approving the final plat of the Planned Unit Development for Parcel 1.

4. It is expressly understood and agreed that the City shall not annex the territory described as Parcel 1 to the City of Urbana unless

and until the Corporate Authorities of the City of Urbana shall be ready, willing, and able to approve the final plat of the planned unit development as submitted to the proper authorities of the City of Urbana for Parcel 1.

5. The Owner agrees during the term of this Agreement, for itself, its successors and assigns, to not develop or otherwise improve Parcel 1, except pursuant to and in accordance with the present provisions of the Urbana Zoning Ordinance relating to residential planned unit developments.

6. This Agreement shall be binding upon the parties hereto, their respective successors and assigns, for a full term of ten (10) years commencing as of the date hereof, as provided by Statute, and to the extent permitted thereby, it is agreed that in the event the annexation of Owner's real estate or the terms of this Agreement are challenged in any Court proceeding, the period of time during which such litigation is pending should not be included in calculating said ten (10) year term.

IN WITNESS WHEREOF, the Corporate Authorities and Owner have hereunto set their hands and seals, and have caused this instrument to be executed by their duly authorized officials and the corporate seal affixed hereto, all on the day and year first above written.

City of Urbana, Illinois

Mayor

Date

ATTEST:

City Clerk

Date

"Corporate Authorities"

By Kent E. Stonner 5/8/78
Kent E. Stonner Date

"Owner"

ATTEST:

Barbara Butte

5-8-78
Date

