

ORDINANCE NO. 8081-29

AMENDMENT TO A PART OF ZONING ORDINANCE
OF THE CITY OF URBANA, ILLINOIS
AND THE ZONING MAP OF URBANA, ILLINOIS

WHEREAS, after due notice by publication on June 4, 1979, a public hearing was opened and held on June 21, 1979 and closed July 5, 1979, concerning a certain proposed annexation agreement, involving the property described below, and

WHEREAS, a part of the proposed annexation agreement requested that the real estate involved be rezoned to BG (Business, General) now called B-3 General Business District, and

WHEREAS, the said annexation agreement after notice and further public hearing before the corporate authorities was duly entered into with certain modifications and amendments pursuant to ordinance 7980-40 passed by the Urbana City Council and signed by the Mayor on October 15, 1979, and

WHEREAS, the subject real estate was duly annexed to the City of Urbana by ordinance duly passed on August 4, 1980.

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

Section 1. The Zoning Ordinance of the City of Urbana and the Zoning Map of Urbana, Illinois, is herewith and hereby amended to amend the zoning classification of the following described area to that of B-3 General Business District

Commencing at the Northwest corner of the South Half of the Northeast Quarter of Section 21, Township 19 North, Range 9 East of the Third Principal Meridian; thence S 00° 49' 03" E along the West line of the East Half of said Section 21, 833.40 feet for a true place of beginning; thence N 89° 39' 00" E along the South line of Brook's First Subdivision, 394.95 feet; thence N 00° 49' 03" W along the East line of Brook's First Subdivision, 175.00 feet; thence N 89° 39' 00" E along the North line extended of Brook's First Subdivision, 248.9 feet; thence S 00° 49' 03" E 175.00 feet; thence S 89° 39' 03" W, 44.85 feet; thence S 00° 49' 03" E, 416.00 feet; thence S 89° 39' 00" W, 75.00 feet; thence S 00° 49' 03" E, 217.62 feet; thence S 89° 39' 00" W, 524.00 feet to the West line of the East Half of said Section 21; thence N 00° 49' 03" W along the West line of the East Half of said Section 21, 633.62 feet to the place of beginning, situated in Champaign County, Illinois,

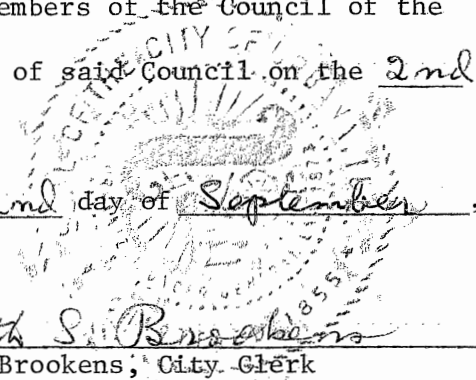
generally located at the Northeast corner of Mumford Street and Philo Road and containing approximately 9.34 acres.

The said area above described being represented on the map attached hereto and incorporated herein by reference.

This Ordinance shall be in full force and effect from and after its passage and publication in accordance with the terms of Section 1-2-4 of the Illinois Municipal Code.

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 September, 1980.

PASSED by the City Council on this 2nd day of September, 1980.

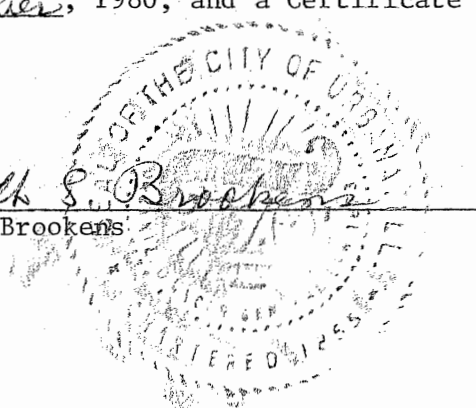

Ruth S. Brookens
Ruth S. Brookens, City Clerk

APPROVED by the Mayor this 9th day of September, 1980.

Jeffrey T. Markland
Jeffrey T. Markland, Mayor

CERTIFICATE OF PUBLICATION

I, Ruth S. Brookens, City Clerk, City of Urbana, Illinois, do herewith certify that I caused the above Ordinance to be duly published in the News-Gazette on the 17th day of September, 1980, and a Certificate of Publication is attached hereto.


Ruth S. Brookens
Ruth S. Brookens

This document prepared by:
Jack Waaler
Corporation Counsel
City of Urbana
2503 South Neil Street
Champaign, Illinois 61820
Telephone: (217) 352-7887

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ZONING ORDINANCE OF THE CITY
OF URBANA, ILLINOIS, AND THE
ZONING MAP OF URBANA,
ILLINOIS.

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generally located at the Northeast corner of Mumford Street and Philo Road and containing approximately 9.34 acres.

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PASSED by the City Council on this 2nd day of September, 1980.

Ruth S. Brookens
City Clerk

APPROVED by the Mayor this 9th day of September, 1980.

This document prepared by:
Jack Waaler
Corporation Counsel
City of Urbana
2503 South Neil Street
Champaign, Illinois 61820
Telephone: (217) 352-7887
2568-Sept. 17, 1980

CITY OF URBANA, ILL.
RECEIVED
SEP 19 1980
CERTIFICATE OF PUBLICATION
IN
CITY CLERK'S OFFICE
The News-Gazette

The undersigned, M. J. Duca, THE CHAMPAIGN NEWS-GAZETTE, INCORPORATED, by its controller, does hereby

certify that said Corporation is the publisher of The News-Gazette and that the same is a daily secular newspaper of general circulation published in Champaign, Champaign County, Illinois, and which said newspaper had been regularly published for more than six months prior to the first publication of the annexed notice; said publisher further certifies that the annexed notice was published once each week for _____ consecutive weeks in said newspaper, namely on the following dates:

Sept 17 , A. D. 19 80

, A. D. 19

, A. D. 19

, A. D. 19

, A. D. 19

Said publisher further certifies that the date of the first paper containing the said notice was on the first date hereinabove set forth, and that the date of the last paper containing the said notice was on the last date hereinabove set forth.

The Champaign News-Gazette, Incorporated

By [Signature]

Controller

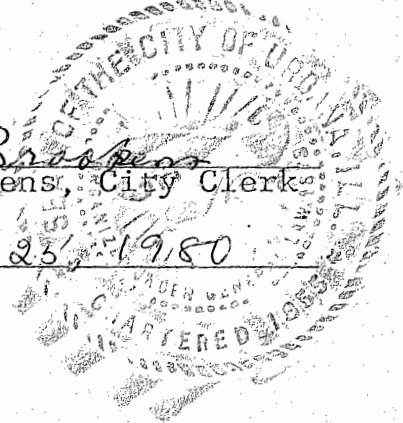
PUBLISHER OF THE NEWS-GAZETTE

Publisher's fee \$ 41.16

THIS IS THE ATTACHMENT WHICH IS REFERRED TO IN
ORDINANCE NO. 8081-29 AND IS INCORPORATED
THEREIN BY REFERENCE.

Ruth S. Brookens
Ruth S. Brookens, City Clerk

November 25, 1980
Date



MEMORANDUM OF INTERPRETATION AND UNDERSTANDING

WHEREAS, the City of Urbana, Illinois and Busey First National Bank as Trustee under Trust No. 151, executed a certain Annexation Agreement dated October 22, 1979, as authorized by Ordinance No. 7980-407, and

WHEREAS, the parties have noted several possible ambiguities in the said Annexation Agreement, and

WHEREAS, the parties desire through this Memorandum of Interpretation and Understanding to clarify the intent of the parties as set forth,

It is agreed by the parties as follows:

1. That instead of rezoning the property "B-G", which designation is no longer in existence under the new Urbana Zoning Ordinance, the parties agree that it may be referred to as "B-3" which is in substantial compliance with the agreement, but the provisions of B-G of the previous ordinance as set forth in the Annexation Agreement shall be controlling.

2. That the space shown on the site development plan (attachment B to the Annexation Agreement) which refers to "The Kroger Company" shall initially be developed and used substantially as a Kroger/Savon food retail store.

3. That although the entire development as set forth on the site development plan must be constructed prior to the expiration of the Annexation Agreement, it is not necessary that the entire development as shown be done at one time; phasing of the development is permissible under the guidelines as set forth as follows:

(a) The parking area, storm drainage, sanitary sewers and landscaping shall be constructed along with the Kroger/Savon retail food store and approximately 9,000 square feet of retail shops in the area designated as "Shops" on the site plan shall be completed in the first phase of the project.

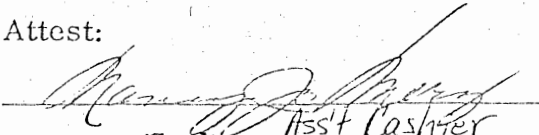
(b) That the remaining space for retail shops shown in the area designated as "Shops" and a development on Lot 2 may be phased over the remaining life of the contract.

(c) On the site plan there is shown to be constructed a retention cell on Lot 3. Since the date of the Annexation Agreement a storm drainage sub-district has been organized and it is possible that the developer will be able to and may construct a tile drainage system from the outlet of the storm drainage system in the proximity of where it is shown to enter Lot 3, extending northward to the storm tile being installed in and by St. Joseph Sub-District No. 3.

IN WITNESS WHEREOF the Trustee has executed this document this ____ day of July, 1980 and the City of Urbana has caused this document to be executed by its proper officers, pursuant to authority.

Dated this 21st day of July, 1980.

Attest:


(Seal) Asst. Cashier

Ruth S. Brookens
Ruth S. Brookens, City Clerk

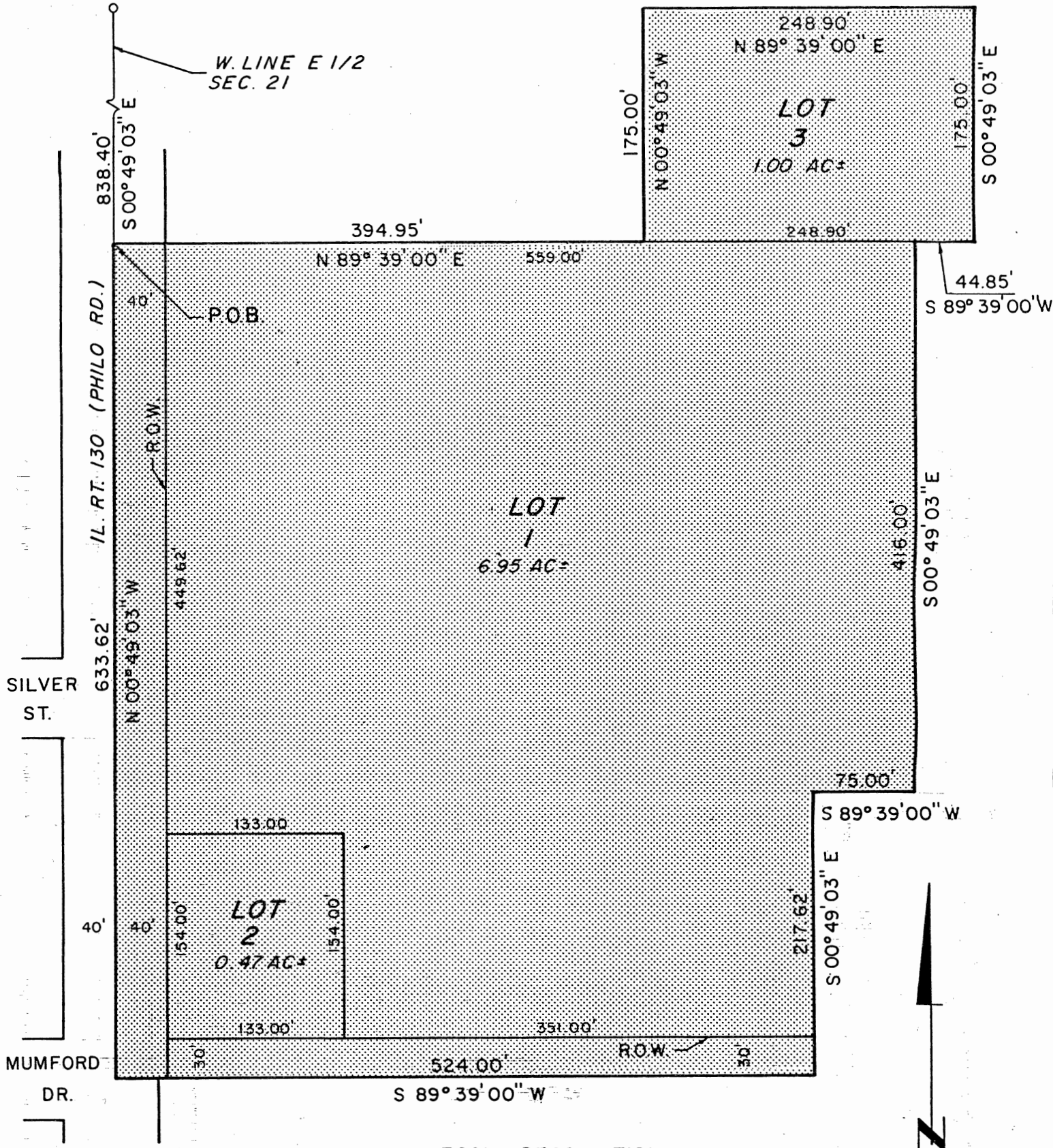
Dated: July 23rd 1980

Exculpatory provisions limiting the liability of Busey First National Bank attached hereto are expressly made a part hereof.
BUSEY FIRST NATIONAL BANK,
Trustee under a Trust Agreement #151
Dated 2/14/69
By Sheep Shepard
Asst. Trust Officer

CITY OF URBANA, ILLINOIS
By Jeffrey T. Markland
Jeffrey T. Markland, Mayor
Dated: July 24th 1980

Excusatory Clause--Miscellaneous Instruments

It is expressly understood and agreed by and between the parties hereto, anything herein to the contrary notwithstanding, that each and all of the warranties, indemnities, representations, covenants, undertakings and agreements herein made on the part of the Trustee while in form purporting to be the warranties, indemnities, representations, covenants, undertakings and agreements of said Trustee are nevertheless each and every one of them, made and intended not as personal warranties, indemnities, representations, covenants, undertakings and agreements by the Trustee or for the purpose or with the intention of binding said Trustee personally but are made and intended for the purpose of binding only that portion of the trust property specifically described herein, and this instrument is executed and delivered by said Trustee not in its own right, but solely in the exercise of the powers conferred upon it as such Trustee; and that no personal liability or personal responsibility is assumed by, nor shall at any time be asserted or enforceable against, the Busey First National Bank, on account of this instrument or on account of any warranty, indemnity, representation, covenant, undertaking, or agreement of the said Trustee in this instrument contained, either expressed or implied, all such personal liability, if any, being expressly waived and released.



LEGAL DESCRIPTION

Commencing at the Northwest corner of the South Half of the Northeast Quarter of Section 21, Township 19 North, Range 9 East of the Third Principal Meridian; thence S 00° 49' 03" E along the West line of the East Half of said Section 21, 838.40 feet for a true place of beginning; thence N 89° 39' 00" E along the South line of Brook's First Subdivision, 394.95 feet; thence N 00° 49' 03" W along the East line of Brook's First Subdivision, 175.00 feet; thence N 89° 39' 00" E along the North line extended of Brook's First Subdivision, 248.9 feet; thence S 00° 49' 03" E 175.00 feet; thence S 89° 39' 03" W, 44.85 feet; thence S 00° 49' 03" E, 416.00 feet; thence S 89° 39' 00" W, 75.00 feet; thence S 00° 49' 03" E, 217.62 feet; thence S 89° 39' 00" W, 524.00 feet to the West line of the East Half of said Section 21; thence N 00° 49' 03" W along the West line of the East Half of said Section 21, 633.62 feet to the place of beginning, situated in Champagn County, Illinois.

AREA AFFECTED BY ORDINANCE NO. 8081-29

	DATE
DESIGNED BY:	
DRAWN BY: T.W.K.	11-21-80
CHECKED BY: R.A.F.	11-21-80
REVISED BY:	

CITY OF URBANA
ENGINEERING DEPARTMENT