

ORDINANCE NO. 8485-58

AN ORDINANCE  
APPROVING AN AMENDMENT TO THE ANNEXATION  
AGREEMENT FOR SUNNYCREST APARTMENTS II

WHEREAS, in Ordinance No. 8081-14, passed by the Urbana City Council on August 4, 1980, as amended by Ordinance No. 8081-19, passed by the Urbana City Council on August 19, 1980, as amended by Ordinance No. 8182-76, passed by the Urbana City Council on May 3, 1982, an Annexation Agreement for Sunnycrest Apartments II was approved with certain amendments; and

WHEREAS, the City of Urbana has received a request from William A. Anderson, general partner, Sunnycrest Apartments II, that the Annexation Agreement heretofore entered into be amended in certain respects; and

WHEREAS, pursuant to law, the corporate authorities of the City of Urbana duly held a public hearing on the proposed amendments on January 21, 1985; and

WHEREAS, the Urbana City Council finds that it is in the best interests of the City of Urbana that the said Annexation Agreement for Sunnycrest Apartments II be amended in the manner proposed.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, that the Amended Annexation Agreement for Sunnycrest Apartments II be and the same is hereby amended as follows:

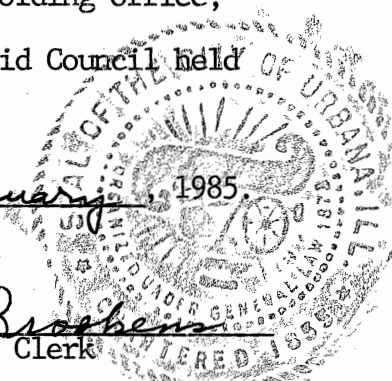
1. In paragraph 5 thereof, the date is changed to September 1, 1987.
2. In paragraph 6 thereof, the date is changed to December 31, 1987.
3. The Mayor of the City of Urbana is hereby authorized to enter into and execute on behalf of the City a memorandum amendment, which said

memorandum shall be affixed to the original of the Sunnycrest Apartments II Amended Annexation Agreement.

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

This Ordinance is hereby passed by the affirmative vote of two-thirds of the members of the corporate authorities then holding office, the "ayes" and "nays" being called at a regular meeting of said Council held on the 18th day of February, 1985.

PASSED by the City Council this 18th day of February, 1985.

  
Ruth S. Brookens  
Ruth S. Brookens, City Clerk

APPROVED by the Mayor this 21<sup>st</sup> day of February, 1985.

Jeffrey T. Markland  
Jeffrey T. Markland, Mayor

AMENDMENT TO ANNEXATION AGREEMENT

WHEREAS, the parties previously entered into an annexation agreement relating to the following described parcel:

The East 520 feet of the Northwest Quarter of the Northeast Quarter of Section Twenty-one, Township Nineteen North, Range Nine East of the Third Principal Meridian, except the North 480 feet thereof, situated in Champaign County, Illinois, and

WHEREAS, the said annexation agreement was previously approved in Ordinance #8081-14, passed by the Urbana City Council on August 4, 1980, and

WHEREAS, the said annexation agreement was previously amended by Ordinance #8081-19, and

WHEREAS, the said agreement was further amended by Ordinance #8182-76, passed by the Urbana City Council on May 3, 1982, and

WHEREAS, the beneficial owner of Champaign National Bank Land Trust #032-563-363 has requested that the annexation agreement be once again amended in paragraph 6 thereof, to provide that the total parcel shall be annexed to the City not later than December 31, 1987, and

WHEREAS, pursuant to statute, the corporate authorities held a public hearing on the question of the amendment to the annexation agreement on January 21, 1985, and

WHEREAS, it appears to be in the best interests of the City of Urbana that the said annexation agreement be further amended.

NOW THEREFORE, THE PARTIES AGREE AS FOLLOWS:

That the original annexation agreement, as amended from time to time as set forth above, is hereby further amended in paragraph 5 thereof to read September 1, 1987 and paragraph 6 is amended to read December 31, 1987 in

place of all previous dates as shown on the original agreement and subsequent amendments prior to this amendment.

IN WITNESS WHEREOF, the parties have caused this instrument to be executed this 28th day of January, 1985.

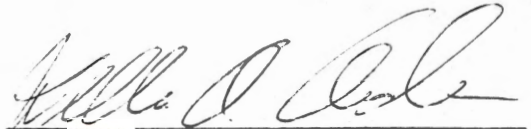
CITY OF URBANA, ILLINOIS,  
a municipal corporation,

By

  
Jeffrey T. Markland, Mayor

SUNNYCREST APARTMENTS II,

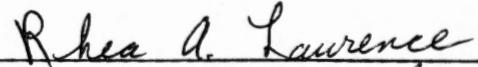
By

  
William A. Anderson,  
General Partner

**See Exculpatory Clause Attached**

CHAMPAIGN NATIONAL BANK, as Trustee  
under Land Trust Agreement dated  
April 22, 1980, Trust #032-563-363,

By

  
Trust Administrator

RIDER ATTACHED TO AND MADE A PART

OF THE Amendment to Annexation Agreement

DATED January 28, 1985 UNDER TRUST NO. 032-563-363

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 are nevertheless each and every one of them, made and intended not as personal warranties, indemnities, representations, covenants, undertakings and agreements by the Trust or for the purpose or with the intention of binding said Trustee personally by 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 CHAMPAIGN NATIONAL BANK 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.