

ORDINANCE NO. 8687-39

AN ORDINANCE
APPROVING AND AUTHORIZING THE EXECUTION
OF AN ANNEXATION PETITION AGREEMENT

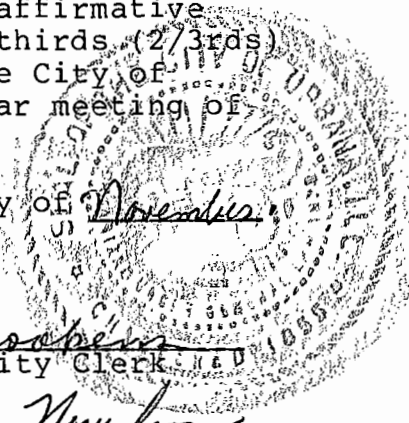
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. That an Annexation Petition Agreement by and between the City of Urbana, Illinois, and the University of Illinois Foundation, a copy of which said Agreement is attached hereto and hereby incorporated by reference, be and the same is hereby authorized and approved.

Section 2. That the Mayor of the City of Urbana, Illinois, be and the same is hereby authorized to execute and deliver and the City Clerk of the City of Urbana, Illinois, be and the same is hereby authorized to attest to said execution of said Agreement for and on behalf of the City of Urbana, Illinois.

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called, of two-thirds (2/3rds) of the members of the corporate authorities of the City of Urbana, Illinois, then holding office, at a regular meeting of said Council.

PASSED by the City Council this 3rd day of November,
1986.


Ruth S. Brookens
Ruth S. Brookens, City Clerk

APPROVED by the Mayor this 14th day of November,
1986.

Jeffrey T. Markland
Jeffrey T. Markland, Mayor

THIS IS THE ATTACHMENT WHICH IS REFERRED TO IN
ORDINANCE NO. 8687-39 AND IS INCORPORATED
THEREIN BY REFERENCE.

Ruth S. Brookens
Ruth S. Brookens, City Clerk

November 5, 1986
Date



ANNEXATION PETITION AGREEMENT

WHEREAS, the City of Urbana, Illinois, a municipal corporation and a Home Rule Unit, hereinafter called "City", has requested the University of Illinois Foundation, a not-for-profit corporation of the State of Illinois, hereinafter called "Foundation", to submit a petition for annexation of certain property owned by the Foundation to be annexed to the City of Urbana; and

WHEREAS, the Foundation is willing to cooperate with the City to allow future growth of the City; and

WHEREAS, the parties each acknowledge that they have differing views of whether and to what extent ordinances of the City of Urbana are legally enforceable against the University of Illinois Foundation, its Board of Directors or the property owned by the University of Illinois Foundation. Each party expressly acknowledges that by submitting this petition neither party intends thereby to waive in any respect their right to assert their position in any court or elsewhere regarding the legal question of whether and to what extent ordinances of the City of Urbana are binding upon or legally enforceable against the University of Illinois Foundation, its Board of Directors or its property. Each party expressly acknowledges that this important legal question remains to be resolved and that the submission of

this petition should not be construed as any waiver by the University of Illinois Foundation of its legal position on this question and that this agreement or annexation may not be introduced in any legal proceeding in which the City is attempting to enforce its ordinances against the University of Illinois Foundation; and

IT IS HEREBY AGREED AS FOLLOWS:

The Board of Directors of the University of Illinois Foundation, being the owner of the following-described land, hereby consents to the request of the City of Urbana to annex said described land provided the requisite number of electors residing on the premises also petition the City to annex the described land, to-wit:

A part of the SW 1/4, Section 5, Township 19 North, Range 9 East, of the Third Principal Meridian, in Champaign County, Illinois, bounded on the West by Coler Avenue extended, on the North by the center line of Country Club Road lying South of Woodlawn Cemetery, on the East by the center line of Section 5 and on the South by the center line of Bradley Avenue extended East, and Lot 1 of a Sub. of the NE 1/4, NW 1/4 of Section 8, and the East 1/2, NW 1/4, NW 1/4 of Section 8, except the North 17 rods of the West 19 1/2 rods thereof, further described as follows:

Commencing at an iron pin monument inscribed "ILS 1684", the Southeast Corner of the Southwest Quarter of Section 5, Township 19 North, Range 9 East of the Third Principal Meridian;

thence South 0 degrees 31 minutes 53 seconds West (Assumed Bearing) 896.94 feet, on the East Line of the Northwest Quarter of Section 8, Township 19 North, Range 9 East of the Third Principal Meridian, to an iron pin monument inscribed "ILS 1684" for a true point of beginning;

Thence North 88 degrees 55 minutes 14 seconds West 1621.04 feet, on the South Line of said Lot 1, to an iron pin monument; thence North 0 degrees 37 minutes 38 seconds East 896.94 feet to an iron pipe monument found on the South line of said Section 5 and being on the centerline of Bradley Avenue extended East; thence North 88 degrees 55 minutes 14 seconds West 12.00 feet on said South line of Section 5 to a point; thence North 16 degrees 9 minutes 34 seconds West 314.10 feet on the centerline of Coler Avenue; thence South 88 degrees 55 minutes 14 seconds East 1271.75 feet; thence South 0 degrees 31 minutes 53 seconds West 896.94 feet; thence South 88 degrees 55 minutes 14 seconds East 450 feet to the East line of the Northwest Quarter of Said Section 8; thence South 0 degrees 31 minutes 53 seconds West 300 feet to the point of beginning, encompassing 35.64 Acres, more or less; all situated in Sections 5 and 8, Township 19 North, Range 9 East of the Third Principal Meridian, Champaign County, State of Illinois, commonly known for reference as a portion of Busey Woods.

In the event of a violation of this agreement to not introduce into evidence this agreement or annexation, the University of Illinois Foundation will be entitled to recover all reasonable attorneys' fees and costs from the City of Urbana arising from such violation.

The City agrees that it will not use its eminent domain power to acquire any of the described land for a new roadway

through the described parcel without the Foundation's consent.

Respectfully submitted,

UNIVERSITY OF ILLINOIS FOUNDATION

ATTEST: Christie L. Espinola
Assistant Secretary

By Craig S. Bazzani
Treasurer

SEAL

STATE OF ILLINOIS)
) SS.
COUNTY OF CHAMPAIGN)

I, Timothy O. Madzler, a Notary Public in aforesaid county in the state aforesaid, do hereby certify that Craig S. Bazzani, Treasurer and Christie L. Espinola, Assistant Secretary of the University of Illinois Foundation, personally known to me to be the said persons whose names are subscribed to the foregoing instrument as such Treasurer and Assistant Secretary here and before me this 20th day of October 1986, in person and acknowledged that they signed, sealed and delivered the said agreement as their own free and voluntary act as said officers of said corporation and as the free and voluntary act of said corporation for the uses and purposes therein set forth. They also acknowledged that the corporate seal of said corporation was affixed thereto as the free and voluntary act of said corporation for the uses and purposes therein set forth.

Given under my notarial seal this 20th day of ~~September~~ October 1986.

By *Samuel O. Madigan*
NOTARY PUBLIC

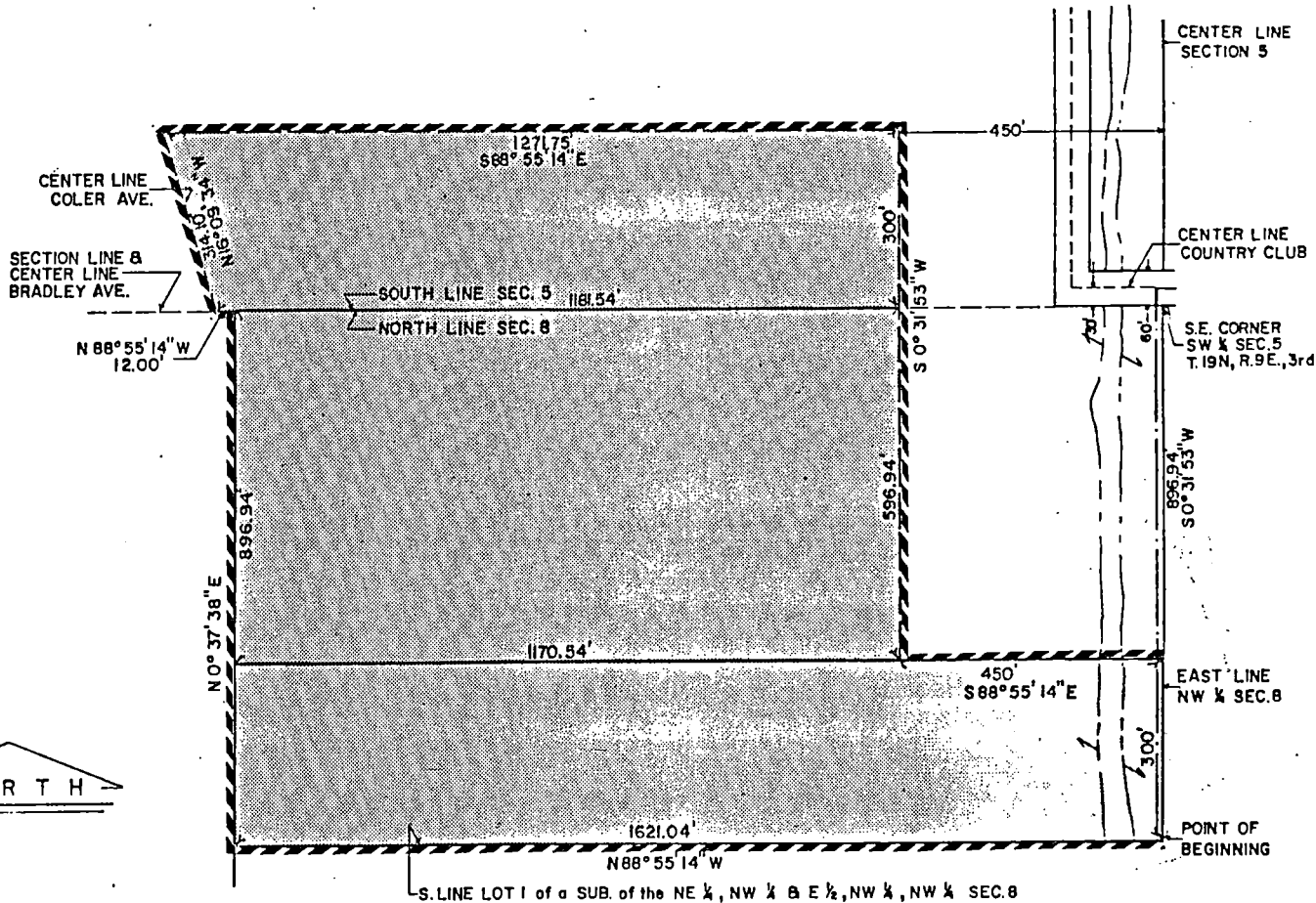
CITY OF URBANA, ILLINOIS

By: *Jeffrey T. Markland*
Jeffrey T. Markland, Mayor



Ruth S. Brookens
Ruth S. Brookens, City Clerk

11/23/86



A part of the SW 1/4, Section 5, Township 19 North, Range 9 East, of the Third Principal Meridian, in Champaign County, Illinois, bounded on the West by Coler Avenue extended, on the North by the center line of Country Club Road lying South of Woodlawn Cemetery, on the East by the center line of Section 5 and on the South by the center line of Bradley Avenue extended East, and lot 1 of a Sub. of the NE 1/4, NW 1/4 of Section 8, and the East 1/2, NW 1/4, NW 1/4 of Section 8 except the North 17 rods of the West 19 1/2 rods thereof, further described as follows:

Commencing at an iron pin monument inscribed "ILS 1684", the Southeast Corner of the Southwest Quarter of Section 5, Township 19 North, Range 9 East of the Third Principal Meridian; thence South 0 degrees 31 minutes 53 seconds West (Assumed Bearing) 896.94 feet, on the East Line of the Northwest Quarter of Section 8, Township 19 North, Range 9 East of the Third Principal Meridian, to an iron pin monument inscribed "ILS 1406" for a true point of beginning;

Thence North 88 degrees 55 minutes 14 seconds West 1621.04 feet, on the South Line of said Lot 1, to an iron pin monument; thence North 0 degrees 37 minutes 29 seconds East 896.94 feet to an iron pipe monument found on the South line of said Section 5 and being on the center line of Bradley Avenue extended East; thence North 88 degrees 55 minutes 14 seconds West 12.00 feet on said South line of Section 5 to a point; thence North 16 degrees 9 minutes 34 seconds West 314.10 feet on the center line of Coler Avenue; thence South 88 degrees 55 minutes 14 seconds East 1271.75 feet; thence South 0 degrees 31 minutes 53 seconds West 896.94 feet; thence South 88 degrees 55 minutes 14 seconds East 450 feet to the East line of the Northwest Quarter of said Section 8; thence South 0 degrees 31 minutes 53 seconds West 300 feet to the point of beginning, encompassing 35.64 Acres, more or less; all situated in Sections 5 and 8, Township 19 North, Range 9 East of the Third Principal Meridian, Champaign County, State of Illinois.

commonly known for reference as a portion of Bury Woods.

MAP SHOWING AREA ANNEXED
 BY CITY ORDINANCE NO.
 CITY OF URBANA, ILLINOIS
 CHAMPAIGN COUNTY
 DATE:

SCALE 200 100 0 200

AREA OF ANNEXATION

PRESENT CITY LIMITS

NEW CITY LIMIT LINE

DRAWN BY: DES

CHECKED BY: RS

CITY OF URBANA
 ENGINEERING DEPARTMENT
 CITY ENGINEER