

ORDINANCE NO. 8788-64

**AN ORDINANCE APPROVING AND AUTHORIZING  
THE EXECUTION OF AN AGREEMENT, AS AMENDED**

WHEREAS, an Annexation Agreement, as amended between the City of Urbana, Illinois and Mrs. Mabel Lindeman, has been submitted for Urbana City Council consideration, a copy of which is attached, and designated as Plan Case #1274-A-88; and

WHEREAS, said Agreement governs a 13.57-acre tract generally referred to as 1000 East Anthony Drive, Urbana, Illinois, and is described as follows:

A part of the south half of the south half of the northwest quarter of Section 4 in Township 19 North, Range 9 East of the Third Principal Meridian, containing 13.57 acres, more or less, all in Champaign County, Illinois.

More particularly described as follows:

That part of the south half of the south half of the northwest quarter of Section 4 in Township 19 North, Range 9 East of the Third Principal Meridian, lying east of Willow Road, north of Interstate 74 and west of U.S. Route 45, except the one-acre tract at the southwest corner of the northwest quarter of said Section 4, extending 208 feet east of the center of Willow Road along a line parallel with the south line of said northwest quarter, and extending 248 feet north of the north right-of-way line of Interstate 74 along a line parallel with the west line of said Section 4, encompassing 13.57 acres, more or less, all situated within Champaign County, Illinois (tax parcel #30-21-04-100-003); and

WHEREAS, after due and proper publication, the Urbana Plan Commission held a public hearing on March 10, 1988, which hearing was continued to March 24, 1988 and the Agreement was tabled to the April 7, 1988 meeting; and

WHEREAS, the Urbana Plan Commission recommended approval of said Annexation Agreement as amended; and

WHEREAS, after due and proper publication, the Urbana City Council held a public hearing on April 18, 1988 to consider said Annexation Agreement, as amended; and

WHEREAS, after due consideration the Urbana City Council deems it to be in the best interest of the City of Urbana to approve said Agreement; as amended.

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

Section 1. That the Annexation Agreement between the City of Urbana, Illinois and Mrs. Mabel Lindeman, as sole owner of the subject property, a copy of which is attached and hereby incorporated by reference, be and the same is hereby authorized and approved, as amended.

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 Annexation Agreement, as amended, 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 18th day of April, 1988.

Ruth S. Brookens  
Ruth S. Brookens, City Clerk

APPROVED by the Mayor on this 25th day of April, 1988.

Jeffrey T. Markland  
Jeffrey T. Markland, Mayor

THIS IS THE ATTACHMENT WHICH IS REFERRED TO IN  
ORDINANCE NO. 8788-64 AND IS INCORPORATED  
THEREIN BY REFERENCE.

Ruth S. Brookens  
Ruth S. Brookens City Clerk

April 22, 1988  
Date



## ANNEXATION AGREEMENT

THIS AGREEMENT, made and entered into this 25th, day of April, 1988, by and between the City of Urbana, Illinois (hereinafter sometimes referred to collectively as the "Corporate Authorities"), and Mabel F. Lindeman (hereinafter referred to as the "Owner").

### W I T N E S S E T H:

WHEREAS, Mabel F. Lindeman is the owner of record of certain real estate having a tax parcel number 30-21-04-100-003, the legal description which is set forth below:

A part of the south half of the south half of the northwest quarter of Section 4 in Township 19 North, Range 9 East of the Third Principal Meridian, containing 13.57 acres, more or less, all in Champaign County, Illinois; and

WHEREAS, The map attached and labeled Exhibit A, is a true and accurate representation of said real estate to be annexed to the City of Urbana; and

WHEREAS, Owner to best utilize her property, finds it

desirous that said real estate which is expected to become contiguous in the near future be annexed to the City of Urbana pursuant to, and as provided for in this agreement; and

WHEREAS, approximately 3.36 acres of said real estate is zoned B-3, Highway Business and the remaining 10.21 acres of said real estate is zoned AG-2, Agriculture in Champaign County and pursuant to the Urbana Zoning Ordinance would automatically be zoned B-2, Highway Business and AG, Agriculture, respectively, upon annexation to the City of Urbana; and

WHEREAS, Owner desires to rezone said real estate to the IN - Industrial zoning district in accordance with Urbana's Comprehensive Plan; and

WHEREAS, the Corporate Authorities find such annexation and rezoning reflects and promotes the goals, objectives, and policies set forth in the 1982 Urbana Comprehensive Plan; and

WHEREAS, such annexation and rezoning will ensure the receipt by the City of Urbana of real estate taxes and other revenues, and will enable the City to continue to enhance its tax base; and

WHEREAS, said real estate is the necessary link to other unincorporated territories which desire and seek annexation to the City of Urbana; and

WHEREAS, the Owner desires to have all aforementioned real estate annexed to the City of Urbana upon certain terms and conditions hereinafter set forth.

NOW, THEREFORE, FOR AND IN CONSIDERATION OF THE MUTUAL COVENANTS AND AGREEMENTS SET FORTH HEREIN, THE PARTIES AGREE 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, 1985).

2) The Corporate Authorities, after approval of this Agreement and upon the filing of a proper annexation petition by the Owner, will enact an ordinance annexing said real estate to the City of Urbana.

3) The Owner agrees to promptly file a proper annexation petition for annexation of said real estate within sixty (60) days from the date the City of Urbana provides notice to the Owner that said real estate is contiguous to the City of Urbana corporate limits.

4) Immediately after the passage and approval of an ordinance annexing said real estate described above, the Corporate Authorities shall cause to be adopted an Amendment to the

City of Urbana Zoning Map zoning and classifying said real estate to the IN - Industrial zoning district.

5) This Agreement shall be binding upon the parties hereto, and their respective successors and assigns for a full term of twenty (20) 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 of 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 twenty-year (20-year) term.

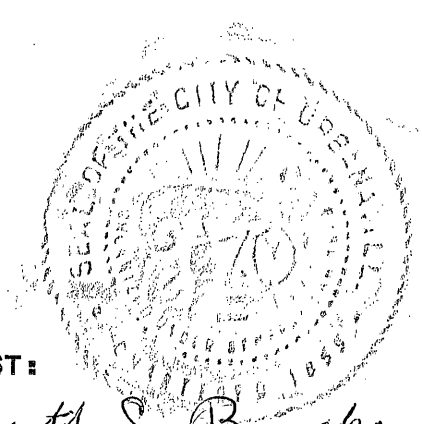
IN WITNESS WHEREOF, the Corporate Authorities and Owners have hereunto set their hands and seals, and have caused this instrument by their duly authorized officials and the corporate seal affixed hereto, all on the day and year first written above.

CORPORATE AUTHORITIES  
CITY OF URBANA

  
\_\_\_\_\_  
Jeffrey T. Markland, Mayor

April 25, 1988  
Date

ATTEST:

  
Ruth S. Brookens  
City Clerk

OWNER

X Mabel F. Lindeman

Mabel F. Lindeman

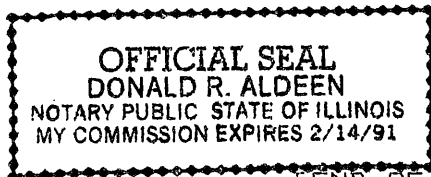
ATTEST:

[Signature]

Notary Public

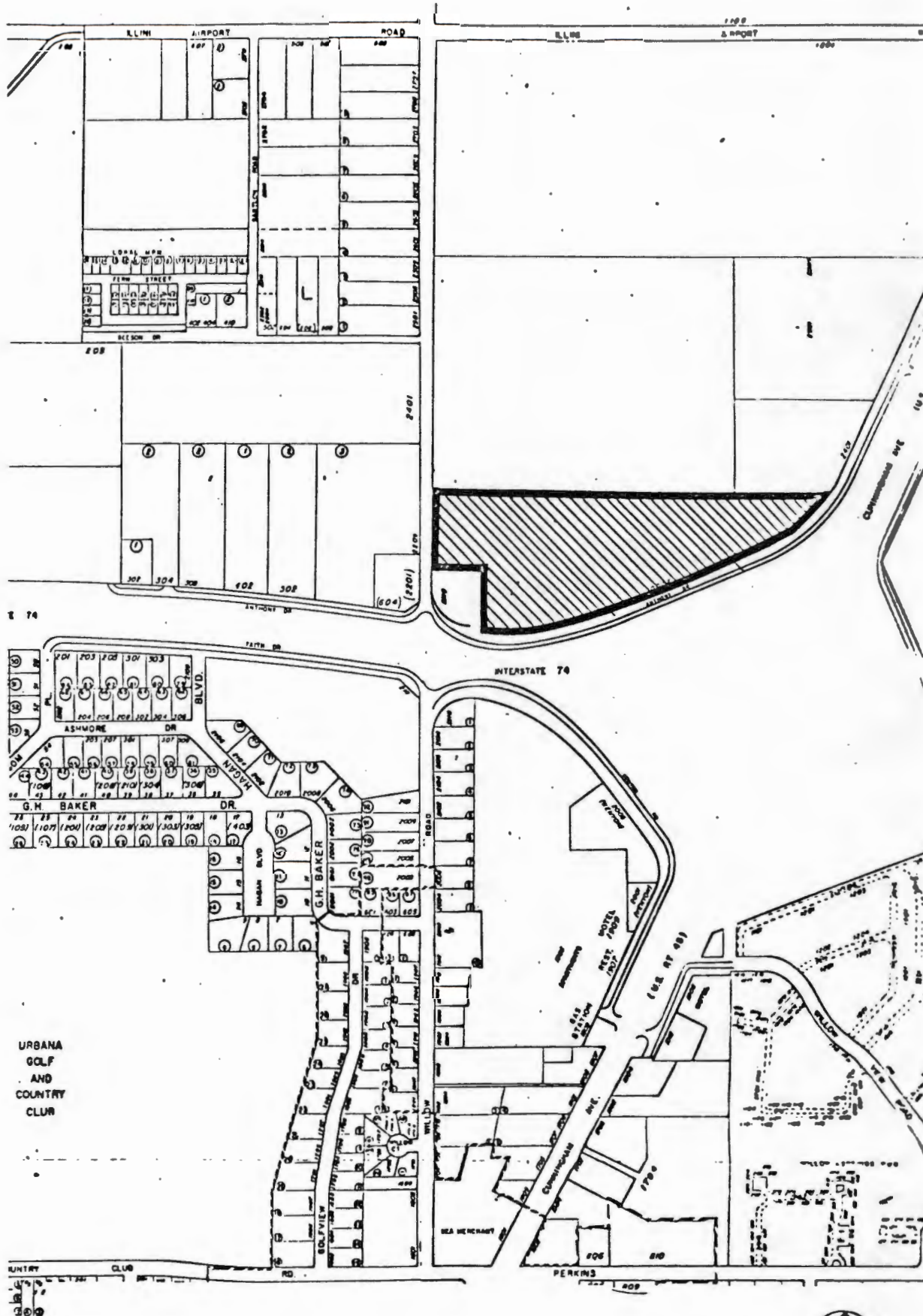
10-5-87

Date



[END OF ANNEXATION AGREEMENT]  
[EXHIBIT A ATTACHED]





## Exhibit A

PRELIMINARY ANNEXATION PLAT

1000 E. Anthony Drive ( Interstate 74 frontage road )  
Tax Parcel Number 30-21-04-100-003

Mabel F. Lindeman, Owner

This map prepared by the City Of Urbana Department of Community Development Services August 21, 1987

NORTH



SCALE : ONE INCH = 400 FEET

Urbana Corporate Limits as of 6-30-87

Area to be annexed

Note: Right-of-way to be annexed not shown

AMENDMENT TO ANNEXATION AGREEMENT

WHEREAS, Mabel F. Lindeman, as owner, previously submitted a certain annexation agreement to the City of Urbana relating to certain real estate owned by her north of Interstate Route 74; and

WHEREAS, after consideration of matters presented at the public hearing before the Urbana Plan Commission, the owner desires to amend her offered annexation agreement.

NOW, THEREFORE, Mabel F. Lindeman hereby amends paragraph 4 of the terms and conditions of her offered annexation agreement to read as follows:

Immediately after the passage and approval of an ordinance annexing said real estate described above, the corporate authorities shall cause to be adopted an Amendment to the City of Urbana Zoning Map zoning and classifying said real estate to the IN (Industrial) Zoning District, except that the following uses shall be prohibited in said district: railroad yards and railroad freight terminals and grain mill products manufacturing and packaging.

The corporate authorities acknowledge receipt of this amendment to the annexation agreement previously submitted by Mabel F. Lindeman and if approved by ordinances shall approve this

instrument by their duly authorized officials and the corporate seal affixed hereto, all on the day and year first written above.

CORPORATE AUTHORITIES

CITY OF URBANA

Jeffrey T. Markland  
Jeffrey T. Markland, Mayor

April 25, 1988  
Date

ATTEST:

Ruth S. Brookens  
City Clerk

OWNER

Mabel F. Linderman  
Mabel F. Lindeman

ATTEST:

Walter Kramers  
Notary Public

3-31-88  
Date

Comm Exp 3-31-92