(Revised 2/20/89)

ORDINANCE NO. 8889-59

AN ORDINANCE APPROVING AND AUTHORIZING

THE EXECUTION OF AN ANNEXATION AGREEMENT

(Harry Gill Company)

WHEREAS, an Annexation Agreement between the City of Urbana, Illinois and the Harry Gill Company has been submitted for Urbana City Council consideration, a copy of which is attached, and designated as Plan Case #1300-A-89; and

WHEREAS, said Agreement governs tracts totaling approximately 29.47 acres generally located north of Anthony Drive and west of North Willow Road, commonly known as 2401 North Willow Road and said tracts are described as follows:

Tract 1 (Tax Parcel No. 30-21-05-251-001). The West 1/2 of the North 495 feet of the Southwest Quarter of the Northeast Quarter of Section 5, Township 19 North, Range 9 East of the Third Principal Meridian containing 7.53 acres, more or less, situated in Champaign County, Illinois; and

Tract 2 (Tax Parcel No. 30-21-05-251-002). The East 1/2 of the North 495 feet of the Southwest Quarter of the Northeast Quarter of Section 5, Township 19 North, Range 9 East of the Third Principal Meridian, containing 7.53 acres, more ore less, situated in Champaign County, Illinois, and

Tract 3 (Tax Parcel No. 30-21-05-276-001). The North 486.74 feet of the Southeast Quarter of the Northeast Quarter of Section 5, Township 19 North, Range 9 East of the Third Principal Meridian, except the East 30 feet thereof, which is public right-of-way commonly known as Willow Road, containing 14.41 acres, more ore less, situated in Champaign County, Illinois.

WHEREAS, the Urbana City Council approved Ordinance No. 8485-40 on December 3, 1984 authorizing and approving a previous Annexation Agreement for this property; and

WHEREAS, after due and proper publication, the Urbana Plan Commission held a public hearing to consider the attached Annexation Agreement on February 9, 1989; and

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

WHEREAS, after due and proper publication, the Urbana City Council held a public hearing on February 20, 1989 to consider said Annexation Agreement; 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.

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 The Harry Gill Company, a copy of which is attached 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 Annexation Agreement, for and on behalf of the City of Urbana, Illinois.

Section 3. That this ordinance hearby repeals Ordinance No. $8485-\overline{40}$ and that the prior Annexation Agreement approved and authorized by Ordinance No. 8485-40 is hereby rescinded by agreement of the parties and City Council approval and authorization of the attached Annexation Agreement.

This ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called, of two-thirds (2/370s) 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 201 day of John 1989.

Ruth S. Brookens, City Clerk

APPROVED by the Mayor on this 23 day of February

7. Markland, Mayor

THIS IS THE ATTACHMENT WHICH IS REFERRED TO IN ORDINANCE NO. 8889-59 AND IS INCORPORATED THEREIN BY REFERENCE.

Ruth S. Brookens, City Cleok

Date

ANNEXATION AGREEMENT

THIS AGREEMENT, made and entered into this 27 day of learners, 1988 by and between the City of Urbana, Illinois (hereinafter referred to collectively as the "Corporate Authorities"), and The Harry Gill Company, a Delaware Corporation (hereinafter referred to as "Owner"), and authorized by Council Ordinance No. 8889-59

WITNESSETH:

WHEREAS, The Harry Gill Company, a Delaware Corporation, is the owner of record of certain real estate commonly known for reference as 2401 North Willow Road, the legal description of which is set forth below:

Tract 1 (Tax Parcel No. 30-21-05-251-001)
The West 1/2 of the North 495 feet of the Southwest Quarter of the Northeast Quarter of Section 5, Township 19 North, Range 9 East of the Third Principal Meridian containing 7.53 acres, more or less, situated in Champaign County, Illinois; and

Tract 2 (Tax Parcel No. 30-21-05-251-002)
The East 1/2 of the North 495 feet of the Southwest Quarter of the Northeast Quarter of Section 5, Township 19 North, Range 9 East of the Third Principal Meridian, containing 7.53 acres, more or less, situated in Champaign County, Illinois; and

Tract 3 (Tax Parcel No. 30-21-05-276-001)
The North 486.74 feet of the Southeast Quarter of the Northeast Quarter of Section 5, Township 19 North, Range 9 East of the Third Principal Meridian, except the East 30 feet thereof, which is public right-of-way commonly known as Willow Road, containing 14.41 acres, more or less, situated 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, said tracts are so situated as to very likely be contiguous to the City of Urbana within a short time; and

WHEREAS, the Corporate Authorities previously authorized the execution of an annexation agreement for the above described real estate under Ordinance No. 8485-40 on December 3, 1984; and

WHEREAS, said annexation agreement provided for the rezoning of the real estate to the R-4 (Medium Density Multiple Family Residential) Zoning District upon annexation; and

WHEREAS, the Owner, to best utilize the property, finds it necessary and desirous that said real estate be rezoned to the IN (Industrial) Zoning District; and

WHEREAS, the Corporate Authorities, after due and careful consideration, have concluded that the annexation of said real estate to the City of Urbana on the terms and conditions hereinafter set forth would further the controlled growth of the City and generally serve the best interests of the City of Urbana; 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 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, the Owner desires to have said real estate annexed to the City of Urbana upon certain terms and conditions hereinafter set forth.

NOW, THEREFORE, FOR AND IN CONSIDERATION OF THE PREMISES
AND OF THE MUTUAL COVENANTS AND AGREEMENT SET FORTH HEREIN, IT IS
HEREBY 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, <u>Illinois Revised Statutes</u>, 1985) and supersedes the Annexation Agreement between the Owner and Corporate Authorities authorized by Ordinance No. 8485-40 on December 3, 1984 which is hereby repealed and void.
- 2) Owner covenants and agrees to promptly file with the Corporate Authorities, a proper petition to annex the real estate in its entirety as described above when said real estate becomes

contiguous to the City, but no later than sixty (60) days from the date the Owner receives notice of contiguity from the City.

- 3) The Corporate Authorities of the City of Urbana shall, within sixty (60) days after receipt of the petition for annexation from The Harry Gill Company, a Delaware Corporation (Owner), or its successor in title, enact an ordinance annexing the said real estate to the City of Urbana, and immediately thereafter shall enact an ordinance classifying the real estate described above (and as illustrated in Exhibit B: Proposed Zoning) to IN—Industrial.
- 4) Within sixty (60) days after annexation the Owner agrees to cause the dedication of the north 30 feet of Tracts 1, 2 and 3 as described above for the purpose of public right-of-way. The Owner shall submit to the City Engineer a proper plat of dedication, including a legal description of said public right-of-way, similar to the map and legal description attached herein and labeled Exhibit C.

Within (60) days of receiving a proper plat of dedication, the Corporate Authorities shall accept said plat of dedication.

5) Upon issuance of a building permit and/or the improvement of Tracts 1, 2 or 3, the Owner covenants and agrees to install plant materials of a sufficient height and density so as to effectively buffer and screen industrial uses and

said tracts from residential uses and improvements on improvements north of the property.

Furthermore, the Owner agrees that said screen shall comply with the following standards:

- a) Owner shall install plant materials which will provide effective screening at all times of the year.
- Owner agrees to install plant materials at or b) greater than the minimum size necessary to achieve a height of 5 feet within three years of installation.
- c) Owner agrees to maintain or replace plant materials used for screening so as to maintain an effective screen for the life of the industrial uses improvements.
- d) The area within which said plant material shall be installed and maintained by the Owner is as follows: rectangular area contiguous to and 25 feet south of the dedicated south right-of-way line described in paragraph 4 above (commonly known as Beeson Road), said area beginning at the west right-of-way line of North Willow Road and extending west for a distance of 1,300 feet.

Owner acknowledges the landscape plan attached herein as Exhibit D which generally illustrates the intent of this paragraph. Owner may modify said landscape plan at a later time according to the provisions of this section. Other screening materials including solid walls and fences may be substituted for plant materials provided the screen complies with City Codes and Ordinances.

6) 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.

	Jeffrey T. Markland, Mayor
	Date
ATTEST:	
City Clerk	
arty creek	
Date	
	OWNER The Harry Gill Company, a Delaware Corporation
	President
	1.2
	Date

Secretary G. Rec 27 1988

End of Annexation Agreement

Exhibits A, B, C, D, and E attached.

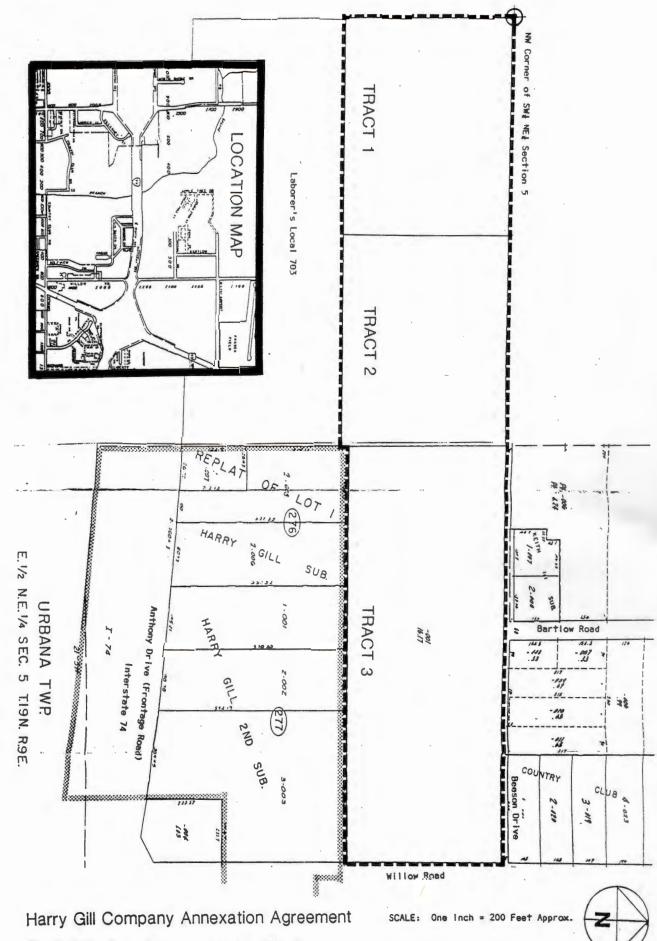


Exhibit A: Annexation Plat

Prepared by Community Development Services

Area to be annexed

City of Urbana Corporate Limits (Proposed)

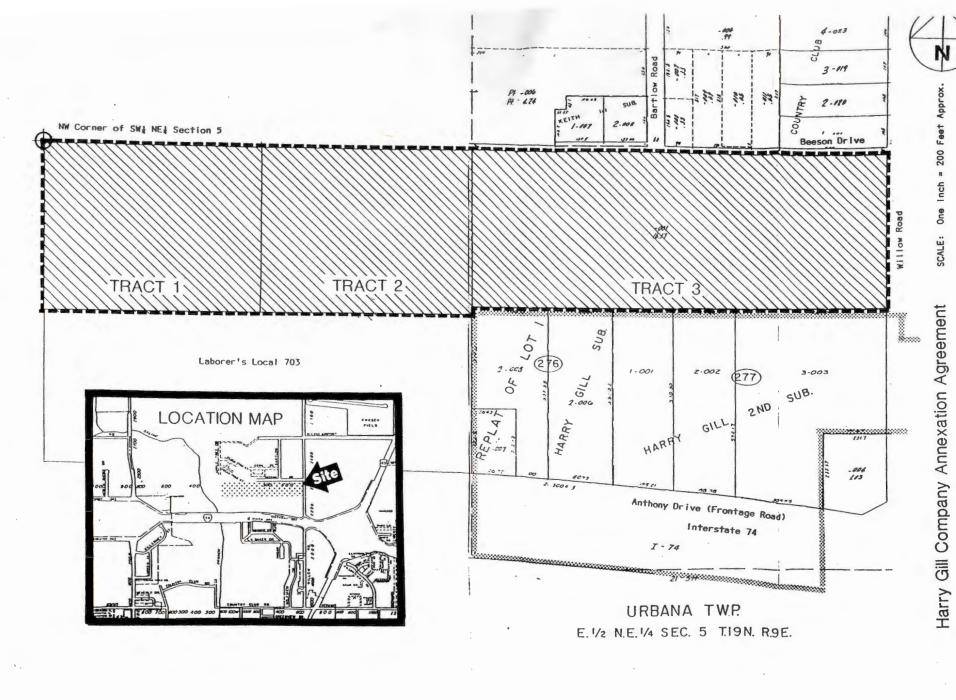


Exhibit B: Proposed Zoning

Prepared by Community Development Services

Area to be classified IN-Industrial zonion di

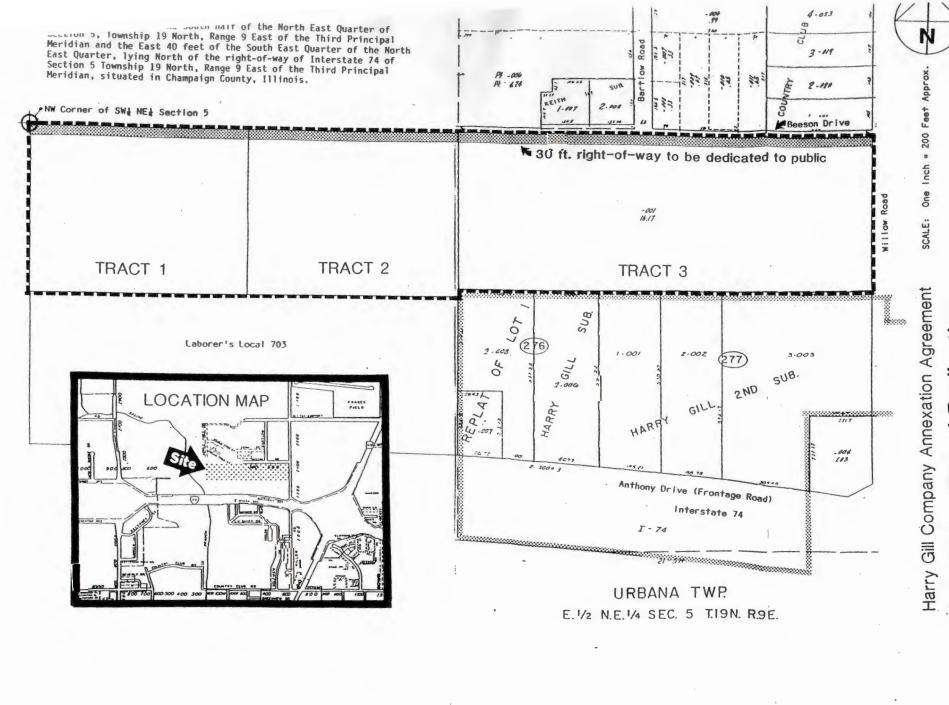
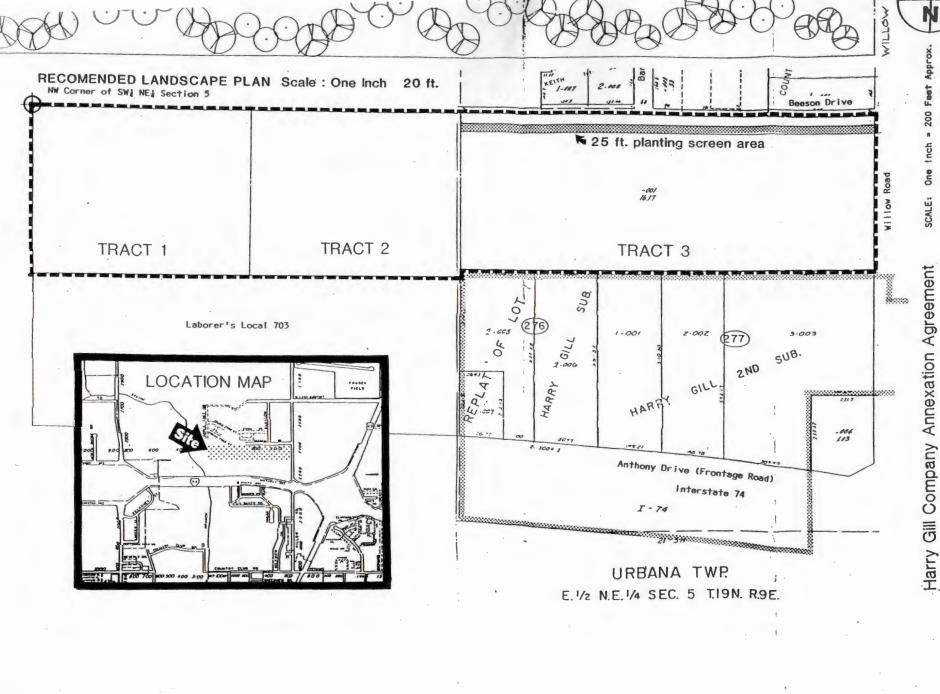


Exhibit C: Plat of Dedication

spared by Community Development Services



andscape Plan

Prepared by Community Development Services Urbane, Illinois February 1988 RAB

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RECORDER

CLERK'S CERTIFICATE

STATE OF ILLINOIS)
) SS
COUNTY OF CHAMPAIGN)

I, Ruth S. Brookens, City Clerk of the City of Urbana, Illinois, and keeper of the records, files and seal of said City, do hereby certify that the foregoing is a true and exact copy of an ordinance entitled "An Ordinance Approving And Authorizing The Execution Of An Annexation Agreement (Harry Gill Company)" adopted by the City Council of the City of Urbana, Illinois on the 20th day of February, A.D. 1989, as appears in the records and files in my office remaining.

Ruth S. Brookens, City Clerk

(Revised 2/20/89)

ORDINANCE NO. 8889-59

AN ORDINANCE APPROVING AND AUTHORIZING

THE EXECUTION OF AN ANNEXATION AGREEMENT

(Harry Gill Company)

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WHEREAS, the Urbana City Council approved Ordinance No. 8485-40 on December 3, 1984 authorizing and approving a previous Annexation Agreement for this property; and

WHEREAS, after due and proper publication, the Urbana Plan Commission held a public hearing to consider the attached Annexation Agreement on February 9, 1989; and

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

WHEREAS, after due and proper publication, the Urbana City Council held a public hearing on February 20, 1989 to consider said Annexation Agreement; 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.

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Section 3. That this ordinance hearby repeals Ordinance No. $8485-\overline{40}$ and that the prior Annexation Agreement approved and authorized by Ordinance No. 8485-40 is hereby rescinded by agreement of the parties and City Council approval and authorization of the attached Annexation Agreement.

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 20th day of Tebruary,

Ruth S. Brookens, City Clerk

APPROVED by the Mayor on this 23 day of Fibruary

Markland, Mayor

RECTO DEC 2 8 1988

ANNEXATION AGREEMENT

THIS AGREEMENT, made and entered into this day of thorwary, 1985 by and between the City of Urbana, Illinois (hereinafter referred to collectively as the "Corporate Authorities"), and The Harry Gill Company, a Delaware Corporation (hereinafter referred to as "Owner"), and authorized by Council Ordinance No. 8889-59

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- 2 -

Harry Gill Co.

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, said tracts are so situated as to very likely be contiguous to the City of Urbana within a short time; and

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WHEREAS, said annexation agreement provided for the rezoning of the real estate to the R-4 (Medium Density Multiple Family Residential) Zoning District upon annexation; and

WHEREAS, the Owner, to best utilize the property, finds it necessary and desirous that said real estate be rezoned to the IN (Industrial) Zoning District; and

WHEREAS, the Corporate Authorities, after due and careful consideration, have concluded that the annexation of said real estate to the City of Urbana on the terms and conditions hereinafter set forth would further the controlled growth of the City and generally serve the best interests of the City of Urbana; and

- 4 -

Harry Gill Co.

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

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- 2) Owner covenants and agrees to promptly file with the Corporate Authorities, a proper petition to annex the real estate in its entirety as described above when said real estate becomes

Annexation Agreement

- 5 -

Harry Gill Co.

contiguous to the City, but no later than sixty (60) days from the date the Owner receives notice of contiguity from the City.

- 3) The Corporate Authorities of the City of Urbana shall, within sixty (60) days after receipt of the petition for annexation from The Harry Gill Company, a Delaware Corporation (Owner), or its successor in title, enact an ordinance annexing the said real estate to the City of Urbana, and immediately thereafter shall enact an ordinance classifying the real estate described above (and as illustrated in Exhibit B: Proposed Zoning) to IN -Industrial.
- 4) Within sixty (60) days after annexation the Owner agrees to cause the dedication of the north 30 feet of Tracts 1, 2 and 3 as described above for the purpose of public right-ofway. The Owner shall submit to the City Engineer a proper plat of dedication, including a legal description of said public right-of-way, similar to the map and legal description attached herein and labeled Exhibit C.

Within (60) days of receiving a proper plat of dedication, the Corporate Authorities shall accept said plat of dedication.

5) Upon issuance of a building permit and/or improvement of Tracts 1, 2 or 3, the Owner covenants and agrees to install plant materials of a sufficient height and density so to effectively buffer and screen industrial uses and

Annexation Agreement

- 6 -

Harry Gill Co.

improvements on said tracts from residential uses and improvements north of the property.

Furthermore, the Owner agrees that said screen shall comply with the following standards:

- a) Owner shall install plant materials which will provide effective screening at all times of the year.
- b) Owner agrees to install plant materials at or greater than the minimum size necessary to achieve a height of 5 feet within three years of installation.
- c) Owner agrees to maintain or replace plant materials used for screening so as to maintain an effective screen for the life of the industrial uses and improvements.
- d) The area within which said plant material shall be installed and maintained by the Owner is as follows: The rectangular area contiguous to and 25 feet south of the dedicated south right-of-way line described in paragraph 4 above (commonly known as Beeson Road), said area beginning at the west right-of-way line of North Willow Road and extending west for a distance of 1,300 feet.

Annexation Agreement

- 7 -

Harry Gill Co.

Owner acknowledges the landscape plan attached herein as Exhibit D which generally illustrates the intent of this paragraph. Owner may modify said landscape plan at a later time according to the provisions of this section. Other screening materials including solid walls and fences may be substituted for plant materials provided the screen complies with City Codes and Ordinances.

6) 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.

Annexation	n Agreement
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- 8 -

Harry Gill Co.

Jeffrey Markland, Mayor
Jeffreyll. Markland, Mayor
2/23/89
Date
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ATTEST:		
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OWNER	
The Harry Gill Company, a	•
Delaware Corporation	
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President	,
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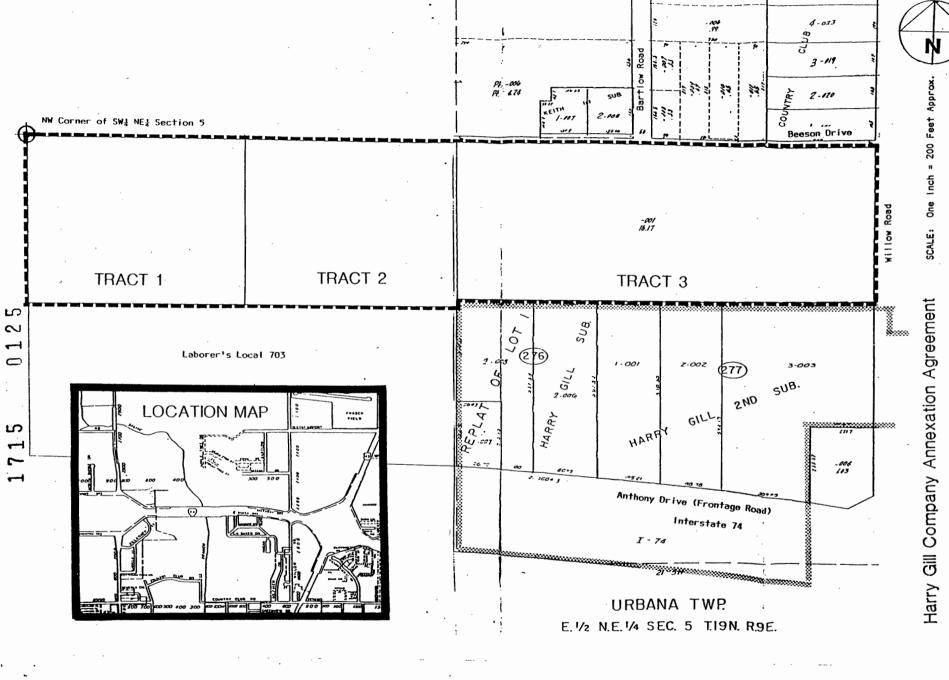
Date

Secretary

Lon 27 1988

Date

/////////////////////////////
End of Annexation Agreement
Exhibits A, B, C, D, attached.



Annexation

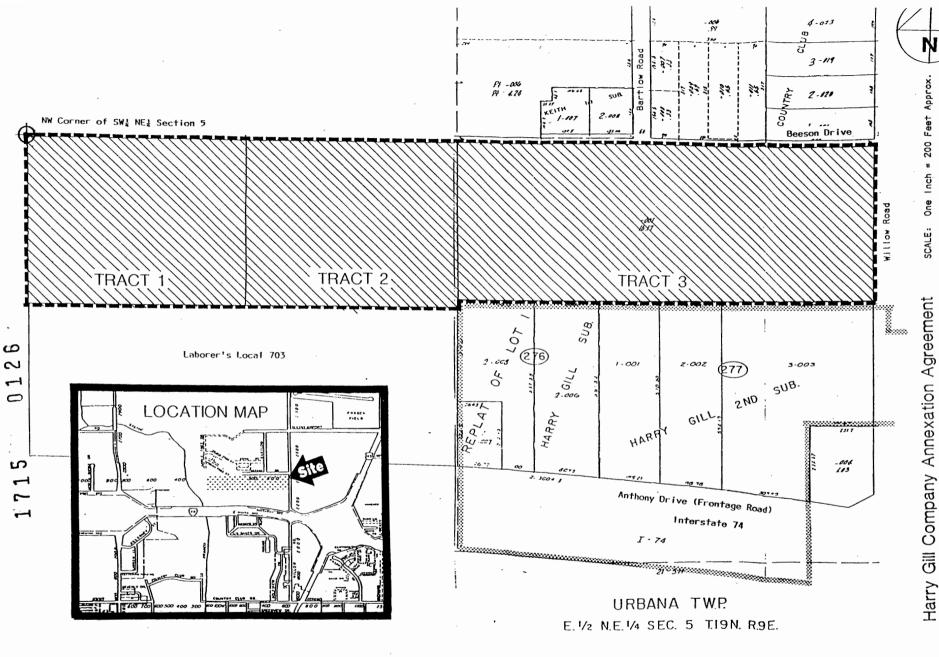
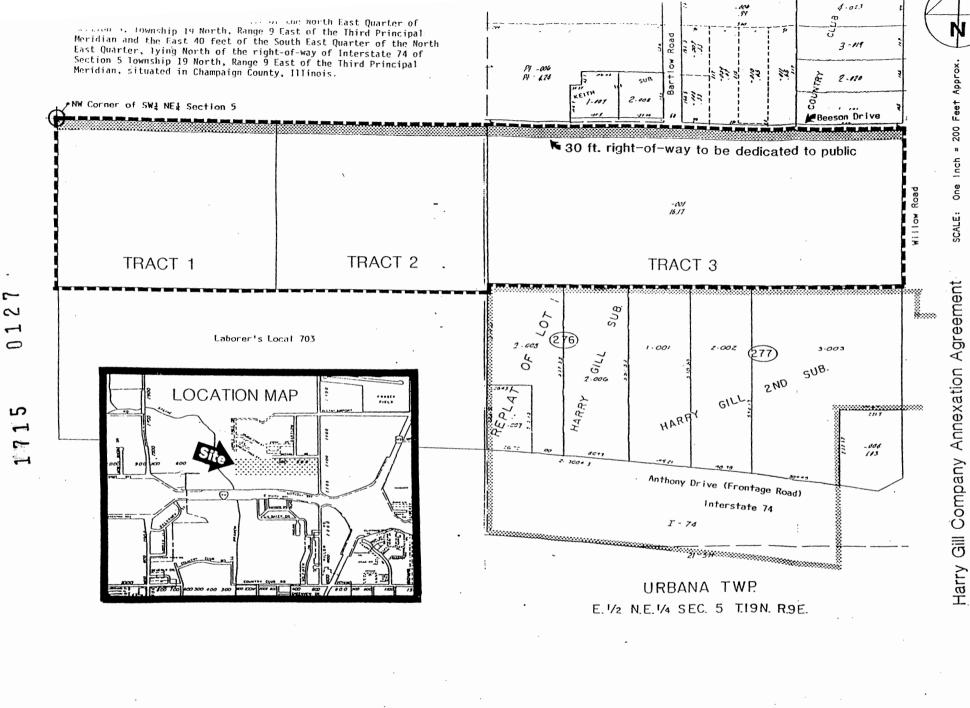


Exhibit B: Proposed Zoning

Enter Area to be classified IN-Industrial zoming di



Dedication of





