

ORDINANCE NO. 8990-21

AN ORDINANCE
APPROVING AND AUTHORIZING
THE EXECUTION OF AN ANNEXATION AGREEMENT

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

Section 1. That an Annexation Agreement by and among the City of Urbana, Illinois, Clara Alma Dunn and Nancy L. Flach, a copy of which said Annexation 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 Annexation Agreement for and on behalf of the City of Urbana, Illinois.

This Ordinance is hereby passed by the affirmative vote, the "ayes" and the "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 5th day of September,
1989.


Ruth S. Brookens, City Clerk

APPROVED by the Mayor this 11th day of September,
1989.


Jeffrey T. Markland, Mayor

1663 0363

89R22509

DOC # _____
CHAMPAIGN COUNTY, ILL

CLERK'S CERTIFICATE

'89 NOV 13 PM 2 36

James A. Galasso

RECORDER

INDEXED

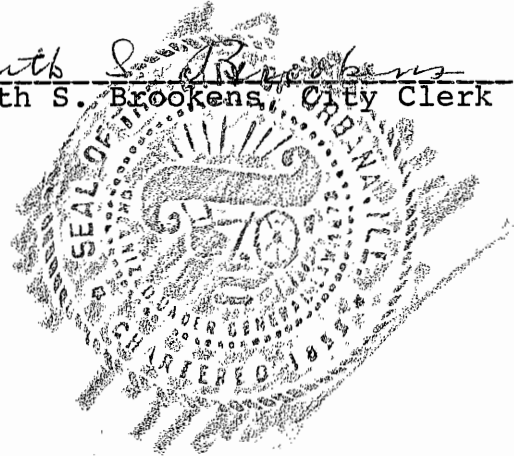
STATE OF ILLINOIS)
) SS
COUNTY OF CHAMPAIGN)

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" adopted by the City Council of the City of Urbana, Illinois on the 5th day of September, A.D. 1989, as appears in the records and files in my office remaining.

Given under my hand and seal of said City of Urbana, Illinois, this 13th day of November, A.D. 1989.

Ruth S. Brookens

Ruth S. Brookens, City Clerk



THIS IS THE ATTACHMENT WHICH IS REFERRED TO IN
ORDINANCE NO. 8990-21 AND IS INCORPORATED
THEREIN BY REFERENCE.

Ruth S. Brookens
Ruth S. Brookens, City Clerk

September 8, 1989
Date



PHEBUS, TUMMELSON, BRYAN & KNOX

LAW OFFICES

136 WEST MAIN STREET

P.O. BOX 1008

URBANA, ILLINOIS 61801

TELEPHONE (217) 337-1400

FAX: (217) 337-1607

FORMERLY:

F.M. & H.I. GREEN, 1895-1911

GREEN & PALMER, 1912-1942

HENRY I. GREEN LAW OFFICES,
1942-1956

BARTH, PHILLIPS, PHEBUS &
TUMMELSON, 1957-1961

PHILLIPS, PHEBUS & TUMMELSON,
1962-1964; 1969

PHILLIPS, PHEBUS, TUMMELSON &
BARTH, 1965-1968

PHILLIPS, PHEBUS, TUMMELSON &
BRYAN, 1970-1978

DARIUS E. PHEBUS
HURSHAL C. TUMMELSON
GEORGE G. BRYAN
JOSEPH W. PHEBUS
E. PHILLIPS KNOX
BETSY PENDLETON WONG
JOHN F. BRAMFELD
JEFFREY W. TOCK
ALLEN E. VERCHOTA, III

September 5, 1989

Mr. Reed Berger, Development Coordinator
Department of Community Development Services
City of Urbana
P. O. Box 946
Urbana, Illinois 61801

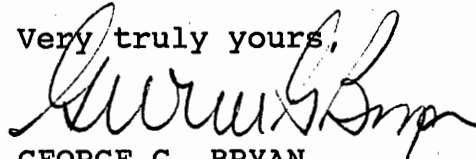
Dear Reed:

Re: Proposed Annexation - "Dunn Tract"

As requested, we enclose an Annexation Agreement on the
Dunn Farm in triplicate. These have been signed by Mrs. Dunn and
Mrs. Flach.

If the City Council approves the Annexation Agreement,
would you please see that two completed copies are returned to me.

Very truly yours,



GEORGE G. BRYAN

GGB:rs
Enclosures

Reed Berger picked them up 11/3/89

ANNEXATION AGREEMENT

(DUNN FARM)

THIS AGREEMENT, made and entered into this 11~~th~~ day of September, 1989, by and between the City of Urbana, Illinois (hereinafter sometimes referred to collectively as the "Corporate Authorities" or the "City") and Clara Alma Dunn and Nancy L. Flach, formerly known as Nancy Lou Dunn Kelley (hereinafter referred to as the "Owners").

W I T N E S S E T H:

WHEREAS, Clara Alma Dunn and Nancy L. Flach are the owners of record of certain real estate, the legal description and Champaign County property tax identification number of which are set forth below:

TRACT A: Tax Parcel Number 25-15-32-300-002

Beginning at a point 915.18 feet North of the Southwest corner of Section 32, Township 20 North, Range 9 East of the Third Principal Meridian and running thence North along the West line of said Section 32, to the center of the wagon road running Southwesterly and Northeasterly across the Northwest corner of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said Section 32, thence running in a Northeasterly direction along the center line of said wagon road to the North line of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said Section 32, thence running East along the center line of said Section 32 to the Northeast corner of said NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said Section 32, and thence running South along the East line of the W $\frac{1}{2}$ of the SW $\frac{1}{4}$ of said Section 32 to a point on said East line 915.18 feet North of the South line of said Section 32 and thence running West on a line parallel with

the South line of said Section 32 to the point of beginning, in Champaign County, Illinois, said Tract encompassing 46.41 acres, more or less; and

WHEREAS, Exhibit A: Preliminary Annexation Plat is herein attached and is a true and accurate representation of Tract A, which is proposed to be annexed to the City as a part of this Agreement; and

WHEREAS, 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); and

WHEREAS, pursuant to notice as required by Statute, the Corporate Authorities held a proper public hearing on the Annexation Agreement, on August 21, 1989; and

WHEREAS, said Tract is contiguous to the City of Urbana; and

WHEREAS, Tract A is zoned I-1, Light Industrial, in Champaign County and pursuant to Article IV, Section IV-5, Appendix A of the Code of Ordinances entitled "Zoning" (hereinafter referred to as the "Urbana Zoning Ordinance") would automatically be zoned IN, Industrial, in the City of Urbana upon annexation; and

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

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

WHEREAS, Tract A is a necessary link to other unincorporated territories which desire and seek annexation to the City of Urbana; and

WHEREAS, the Owners desire 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:

ARTICLE I: Representations and Obligations of Owners

Section 1. The Owners agree to file a proper annexation petition for Tract A within sixty (60) days of receiving notice from the City of Urbana with a true copy of the Council Ordinance approving an annexation agreement to annex all or at a minimum

the south fifty (50) acres of certain real estate commonly referred to as the Kuhlman Farm, the description of which is generally described below and illustrated in Exhibit B herein attached.

All of the Northeast Quarter of the Southwest Quarter of Section Thirty-two (32), Township Twenty (20) North, Range Nine (9) East, of the Third Principal Meridian; and the North Thirty (30) acres of the Southeast Quarter of the Southwest Quarter, all in Section Thirty-two (32), Township Twenty (20) North, Range Nine (9) East, of the Third Principal Meridian, in Champaign County, Illinois, encompassing 70.00 acres, more or less.

ARTICLE II: Representations and Obligations of Corporate Authorities

Section 1. The Corporate Authorities agree to expeditiously annex Tract A when properly and effectively requested to do so by submission of a legally sufficient petition by Owner by enacting such ordinances as may be necessary and sufficient to legally and validly annex said Tract to the City.

Section 2. The Corporate Authorities agree that in accordance with Article IV, Section IV-5 of the Urbana Zoning Ordinance the property will be zoned IN, Industrial, upon annexation.

Section 3. If the City fails to approve an annexation agreement with the owners of Kuhlman Farm within ten (10) years from the effective date of this Agreement in accordance with Article I above, then the Owners shall be released from their obligation to file an annexation petition and this Agreement shall become null and void.

Section 4. Upon annexation of Tract A the City shall make annual payments to the Owners in an amount equal to the estimated increase in real estate taxes for Tract A as a result of annexation. The City shall determine reimbursement amount each year by subtracting the total tax rate that would otherwise be applied to Tract A if the property remained outside the City, from the total tax rate applied to Tract A within the City for the applicable tax year. The difference between the two tax rates will then be multiplied by the assessed value of Tract A as found in the Champaign County Supervisor of Assessments Office records for the revenue year which corresponds to the applicable tax year. Except as otherwise provided for in this Agreement, the annual reimbursement amount shall be paid to the Owners on or before October 1st of each respective year the real estate tax is paid in full for the term of this Agreement.

It is further understood that this annual reimbursement amount is offered by the Corporate Authorities in careful consideration of the following findings:

a. Annexation of Tract A is necessary in order to achieve contiguity with other tracts of land, which owners of said tracts desire and seek to annex to the City of Urbana.

b. Annexation of Tract A is necessary to annex other tracts of unincorporated territory in order to promote the orderly, planned, and controlled growth of the City, and further to promote the safety, health, and general welfare of the public.

c. Annexation of Tract A is necessary in order to achieve contiguity with several tracts of land, the annexation of which will have a significantly positive impact on the tax base of the City of Urbana.

Section 5. At such time that the undersigned Owners or their beneficiaries of Tract A do not have a majority interest in the ownership of Tract A or any portion thereof, or no longer use Tract A or any portion thereof for farm land purposes, then the City shall be released from making any further payments required by Section 4 above. It is further understood that the City shall continue to pay a portion of the reimbursement amount to the Owners or their beneficiaries which shall hereby be adjusted by the City to correspond to the portion of Tract A in which Owners, or their beneficiaries retain a majority ownership interest, and

continue to use for farm land purposes. For the purpose of this Agreement, farm land shall have the same meaning as, and refer to, the classification of "farm land" as applied by the Cunningham Township Assessor's Office.

Section 6. Upon request of the Owners, the Corporate Authorities agree to request the State of Illinois to extend the Urbana Enterprise Zone boundaries so as to include Tract A within the Zone provided a qualified and taxable development project has a commitment to locate on Tract A.

Section 7. The Corporate Authorities agree that upon execution of this annexation agreement the City will include Tract A on its industrial sites inventory and actively assist the Owners to market the site for industrial development.

ARTICLE III: General Provisions

Section 1. 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 the Illinois State Statutes, and to the extent permitted thereby it is agreed that, in the event the annexation of Tract A under the terms and conditions of this Agreement is 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.

Section 2. The Owners and Corporate Authorities agree and hereby stipulate that any party to this Agreement may, by civil action, mandamus, action for writ of injunction or other proceeding, enforce and compel performance of this Agreement or declare this Agreement null and void in addition to other remedies available. Upon breach by the Owners, the City may refuse the issuance of any permits or other approvals or authorizations relating to development of Tract A.

Section 3. If any provision of this Agreement is rendered invalid for any reason, such invalidation shall not render invalid other provisions of this Agreement which can be given effect without the invalid provision.

Section 4. The Corporate Authorities and Owners intend that this Agreement shall be recorded in the Office of the Champaign County Recorder.

IN WITNESS WHEREOF, the Corporate Authorities and Owners have hereunto set their hands and seals, and have caused this instrument to be signed 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

9-11-89
Date

ATTEST:

Ruth S. Brookens
City Clerk

OWNERS

Clara Alma Dunn
Clara Alma Dunn

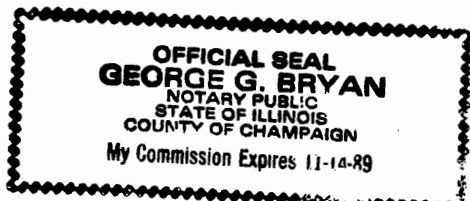
Aug 30, 89
Date

Nancy L. Flach
Nancy L. Flach (formerly known as
Nancy Lou Dunn Kelley)

8-30-89
Date

Subscribed and sworn to before me
this 30 day of Aug, 1989.

George G. Bryan
Notary Public



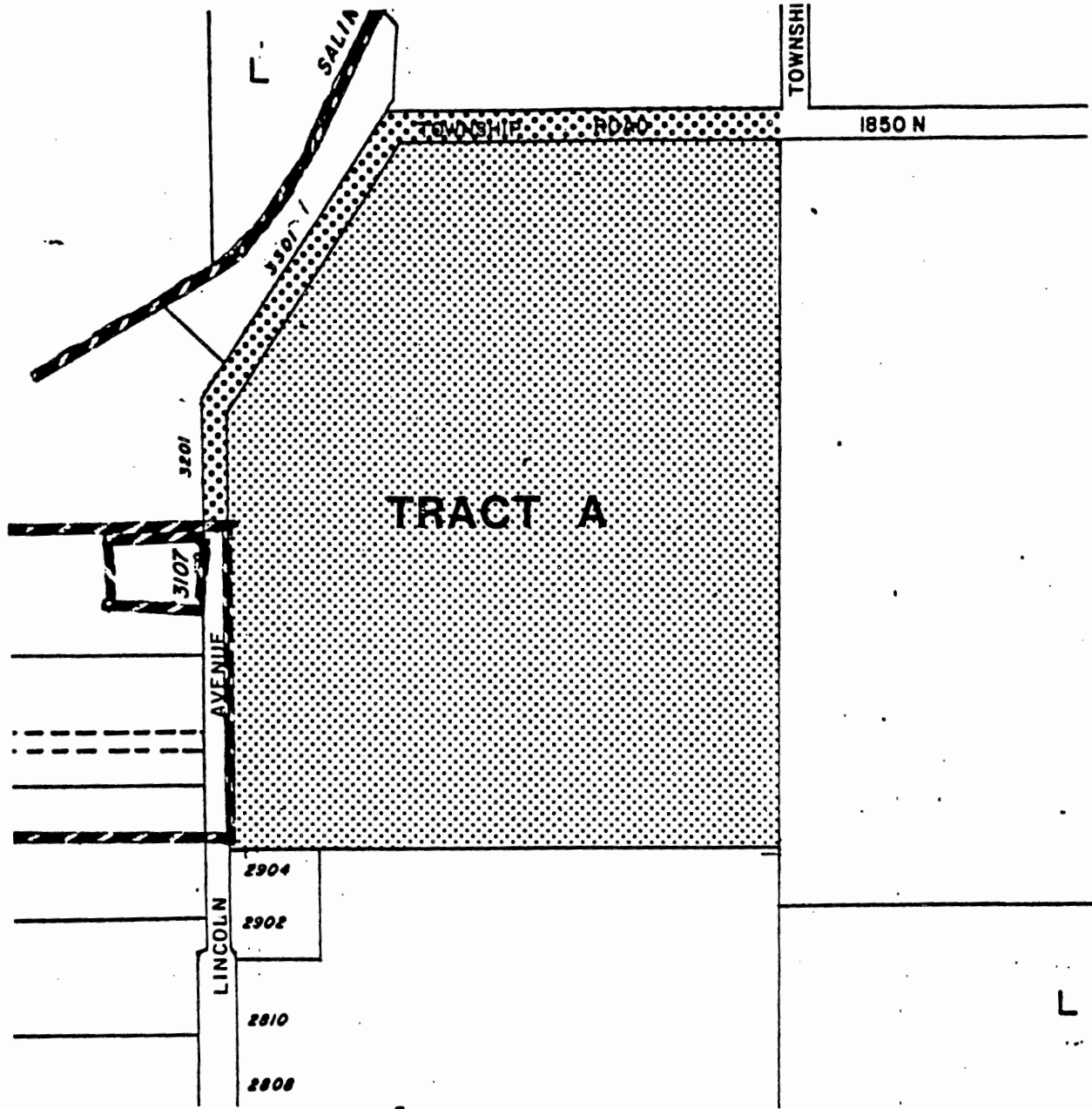
END OF ANNEXATION AGREEMENT
DUNN TRACT

Prepared by:
Jack Waaler
2503 S. Neil St.
Champaign, IL

Exhibit A
 PRELIMINARY ANNEXATION PLAT
 DUNN TRACT
 3200 N. Lincoln Avenue
 P.I. # 25-15-32-300-002




1663

0374



LEGEND

SCALE: ONE INCH = 400 FEET

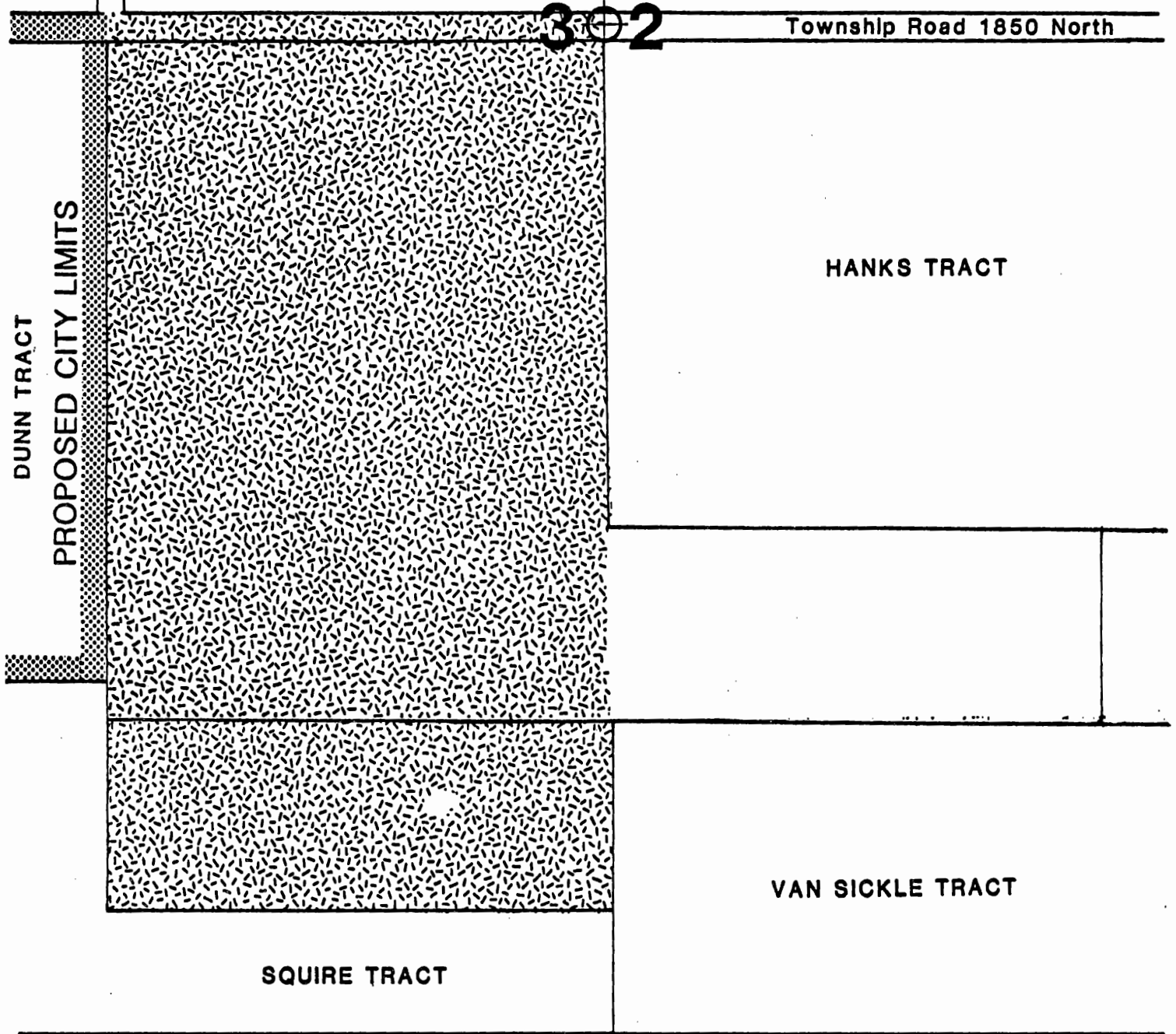
-  City of Urbana Corporate Limits
-  Property proposed to be annexed
-  Right-of-way to be annexed



Prepared by the City of Urbana
 Department of Community Development Services
 December 16, 1988

RAB

KUHLMAN FARM ANNEXATION AGREEMENT



LEGEND

SCALE: ONE INCH = 400'



Area proposed to be annexed

Prepared by the City of Urbana
Department of Community Development Services

