

ORDINANCE NO. 8990-26

AN ORDINANCE
APPROVING AND AUTHORIZING THE EXECUTION OF
AN OFFER TO PURCHASE CERTAIN REAL ESTATE
FROM THE NORFOLK SOUTHERN CORPORATION

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

Section 1. That an offer from the City of Urbana, Illinois to purchase certain real estate from the Norfolk Southern Corporation, in the form of the Letter of Agreement dated July 25, 1989, from the Norfolk and Western Railway Company, as signed by Robert L. Williams, Senior Real Estate Agent, be and the same is hereby approved.

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

Section 3. From and after the effective date of this Ordinance, the proper officials, agents and employees of the City are hereby authorized, empowered and directed to do all such acts and things and to execute and deliver all such documents as may be necessary to carry out the intent and accomplish the purposes of this Ordinance and the Letter of Agreement.

Section 4. This Ordinance shall become effective immediately upon its passage and approval as required by law.

This ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called, of a majority of the members of the Council of the City of Urbana, Illinois, at a regular meeting of said council.

PASSED by the City Council this 14th day of September,
1989.


Ruth S. Brookens
Ruth S. Brookens, City Clerk

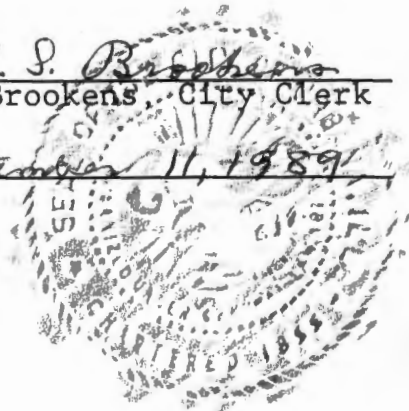
APPROVED by the Mayor this 14th day of September,
1989.

Jeffrey T. Markland
Jeffrey T. Markland, Mayor

THIS IS THE ATTACHMENT WHICH IS REFERRED TO IN
ORDINANCE NO. 8990-26 AND IS INCORPORATED
THEREIN BY REFERENCE.

Ruth S. Brookens
Ruth S. Brookens City Clerk

September 11, 1989
Date





Norfolk Southern Corporation
Real Estate Department
185 Spring Street, S.W.
Atlanta, Georgia 30303

My Direct Line is:

July 25, 1989

FILE: Urbana, IL
City of Urbana - Race St.

Mr. James S. Darling
Director of Public Works
City of Urbana
400 S. Vine St.
P.O. Box 219
Urbana, IL 61801-0219

Dear Mr. Darling:

This refers to the interest of the City of Urbana (hereinafter referred to as "Buyer") in acquiring a portion of Norfolk and Western Railway Company's (hereinafter referred to as "Seller") land (hereinafter referred to as "Premises") at Urbana, IL.

Seller will consider an offer from Buyer to purchase the Premises based on the following:

- 1) The purchase price is \$7,000.00 for 11,761 square feet of land as shown crosshatched on the attached plan dated June 8, 1988. The purchase price shall be payable to Seller in cash, or its equivalent, at the time of closing.
- 2) The exact area for the Premises has been determined by a registered land survey at Buyer's sole cost and expense. The legal description produced from said survey, and the survey itself, once approved by Seller, shall govern conveyance of the Premises.
- 3) The conveyance shall be by Quitclaim Deed subject to any conditions, restrictions, reservations, licenses or easements whether or not of record; rights of public utilities whether or not of record; rights of the public in streets and roadways; and rights which are apparent by visual inspection.
- 4) Buyer will secure, at its expense, any title abstract, guarantee or insurance it may require.
- 5) All property taxes and assessments shall be prorated between Buyer and Seller as of the date of closing. Possession of the Premises shall pass at closing.

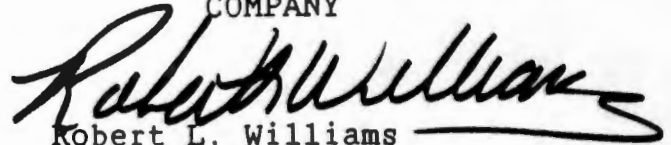
Mr. James Darling
July 25, 1989
Page Two

6) Any and all necessary permits, licenses, approvals and zoning shall be sought by Buyer at Buyer's sole effort and expense.

7) It is agreed that no real estate commissions are due or owed by Seller with respect to this transaction. Buyer hereby agrees to save harmless Seller from and against any and all claims or liabilities for real estate or brokerage fees arising out of this transaction.

If you wish to submit an offer for consideration by our management, please acknowledge in the space provided below, returning the original of this letter to me together with the earnest money deposit set out below and keep the duplicate for your records.

Sincerely,
NORFOLK AND WESTERN RAILWAY
COMPANY


Robert L. Williams
Senior Real Estate Agent

ACKNOWLEDGMENT

The City of Urbana offers to purchase the Premises on the basis outlined and described above. Enclosed is a check in the amount of \$1,000.00 as earnest money deposit which will be deposited and which shall be (1) credited without interest to the purchase price at closing; (2) refunded without interest should said offer not be accepted; or (3) retained by Seller as liquidated damages should said offer be accepted and Buyer not close within sixty (60) days of the receipt from Seller of a copy of the fully-executed Deed conveying the Premises.

This offer made this _____ day of _____, 19__.

WITNESS:

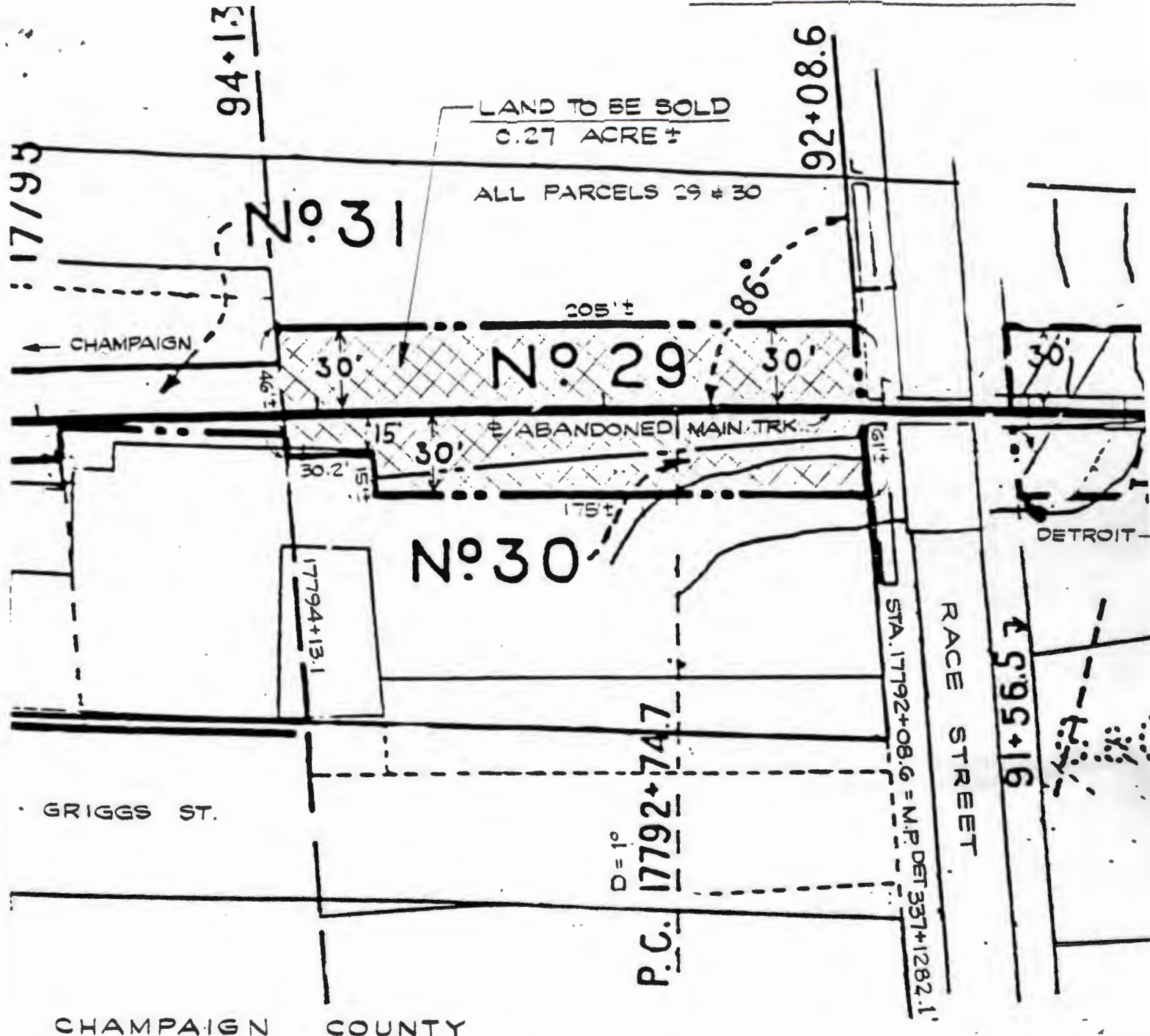
THE CITY OF URBANA

By: _____

By: _____

Title: _____

2498G-111
RLW:dnw



CHAMPAIGN COUNTY

PART PLAN 5-ILL-C/S23a

WABASH RAILROAD COMPANY
NORFOLK AND WESTERN RAILWAY COMPANY
WESTERN REGION DECATUR DIVISION
PROPOSED SALE OF LAND TO
CITY OF URBANA
M.P. DET 337+1282.1'
URBANA, ILLINOIS

