

ORDINANCE NO. 8990-127

**AN ORDINANCE APPROVING AND AUTHORIZING
THE EXECUTION OF AN ANNEXATION AGREEMENT
(903 Timothy Trail Drive)**

WHEREAS, an Annexation Agreement between the City of Urbana, Illinois and Ms. Mary Elizabeth Hand has been submitted for the Urbana City Council consideration, a copy of which is attached, and designated as Plan Case #1353-A-90; and

WHEREAS, said agreement governs tracts totalling approximately .149 acres generally located in Country Squires Estates Subdivision; and said tracts are described as follows:

Tract I.

Lot 1301 in Sixth Plat of Country Squire Estates, Champaign County, Illinois, as per plat recorded in Plat Book "P" on page 52, situated in Champaign County, Illinois.

Tract II.

The South 5 feet of Lot 1419 in Ninth Plat of Country Squire Estates, Champaign County, Illinois, as per plat recorded in Plat Book "Y" on page 299, situated in the City of Urbana, in Champaign County, Illinois.

and for reference commonly known as 903 Timothy Trail, Permanent Parcel No. 30-21-15-301-012.

WHEREAS, after due and proper publication, the Urbana Plan Commission held a public hearing on the 10 day of May, 1990; and

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

WHEREAS, the proposed Annexation Agreement is in compliance with the City of Urbana's Official Comprehensive Plan; and

WHEREAS, after due and proper publication, the Urbana City Council held a public hearing on May 21, 1990 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 Mary Elizabeth Hand 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.

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called of two-thirds 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 on this 21st day of May, 1990.


Ruth S. Brookens
Ruth S. Brookens, City Clerk

APPROVED by the Mayor this 25th day of May, 1990.

Jeffrey T. Markland
Jeffrey T. Markland, Mayor

THIS IS THE ATTACHMENT WHICH IS REFERRED TO IN
ORDINANCE NO. 8990-127 AND IS INCORPORATED
THEREIN BY REFERENCE.

Ruth S. Brookens
Ruth S. Brookens City Clerk

May 23 1990
Date



ANNEXATION AGREEMENT

THIS AGREEMENT, made and entered into this 9th day of April, 1990, by and between the City of Urbana, Illinois (hereinafter sometimes referred to collectively as the "Corporate Authorities" or the "City") and Mary Elizabeth Hand (hereinafter referred to as the "Owner").

WITNESSETH:

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; and

WHEREAS, Mary Elizabeth Hand is the owner of record of certain real estate having tax parcel number 30-21-15-301-012, the legal description which is set forth below and hereinafter referred to as the Tract; and

LEGAL DESCRIPTION:

Tract I:

Lot 1301 in Sixth Plat of Country Squire Estates, Champaign County, Illinois, as per plat recorded in Plat Book "P" on page 52, situated in Champaign County, Illinois.

Tract II:

The South 5 feet of Lot 1419 in Ninth Plat of Country Squire Estates Champaign County, Illinois, as per plat recorded in Plat Book "Y" on page 299, situated in the City of Urbana, in Champaign County, Illinois.

WHEREAS, the map attached and above legal description, are true and accurate representations of said real estate to be annexed to the City of Urbana; and

WHEREAS, the Owner, to best utilize the property, finds it desirable that said real estate which is contiguous to the City of Urbana be annexed to the City of Urbana pursuant to, and as provided for in this agreement; and

WHEREAS, said real estate is zoned R-2 Single Family Residential zoning in Champaign County and pursuant to the Urbana Zoning Ordinance would automatically be zoned R-2 Single Family Residential upon annexation to the City of Urbana; and

WHEREAS, the Owner desires to rezone said real estate to the City of Urbana's R-3 Single/Two Family Residential zoning district; and

WHEREAS, the Corporate Authorities find such annexation and rezoning pursuant to, and as provided for in this agreement, reflect and promote the goals, 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.

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 Owner

The Owner agrees to file a proper annexation petition for the Tract within sixty (60) days from the date the City of Urbana provides notice of the Corporate Authorities approval of this annexation agreement.

ARTICLE II. Representations and Obligations of Corporate Authorities

The Corporate Authorities agree to expeditiously annex the Tract for which Owner submits a proper petition 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 and said tracts to be designated as City of Urbana R-3 Single/Two Family Residential Classification.

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 the tract 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 Owner and Corporate Authorities agree and hereby stipulate that nay 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 Owner, the City may refuse the issuance of any permits or other approvals or authorizations relating to development of the tract.

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 Owner intend that this Agreement shall be recorded in the Office of the Champaign County Recorder.

IN WITNESS WHEREOF, the Corporate Authorities and Owner 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

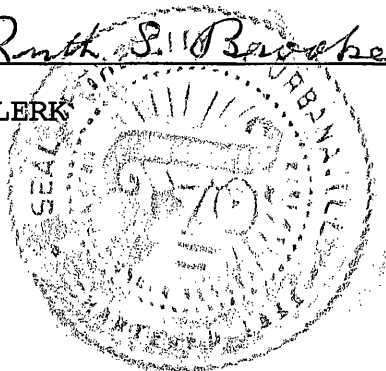
Jeffrey T. Markland
Jeffrey T. Markland, Mayor

May 29, 1990
Date

ATTEST:

Ruth S. Bascobens
CITY CLERK

(hand.anx)



OWNER:

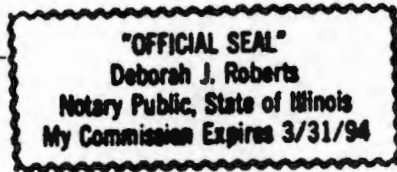
Mary Elizabeth Hand

5-3-90

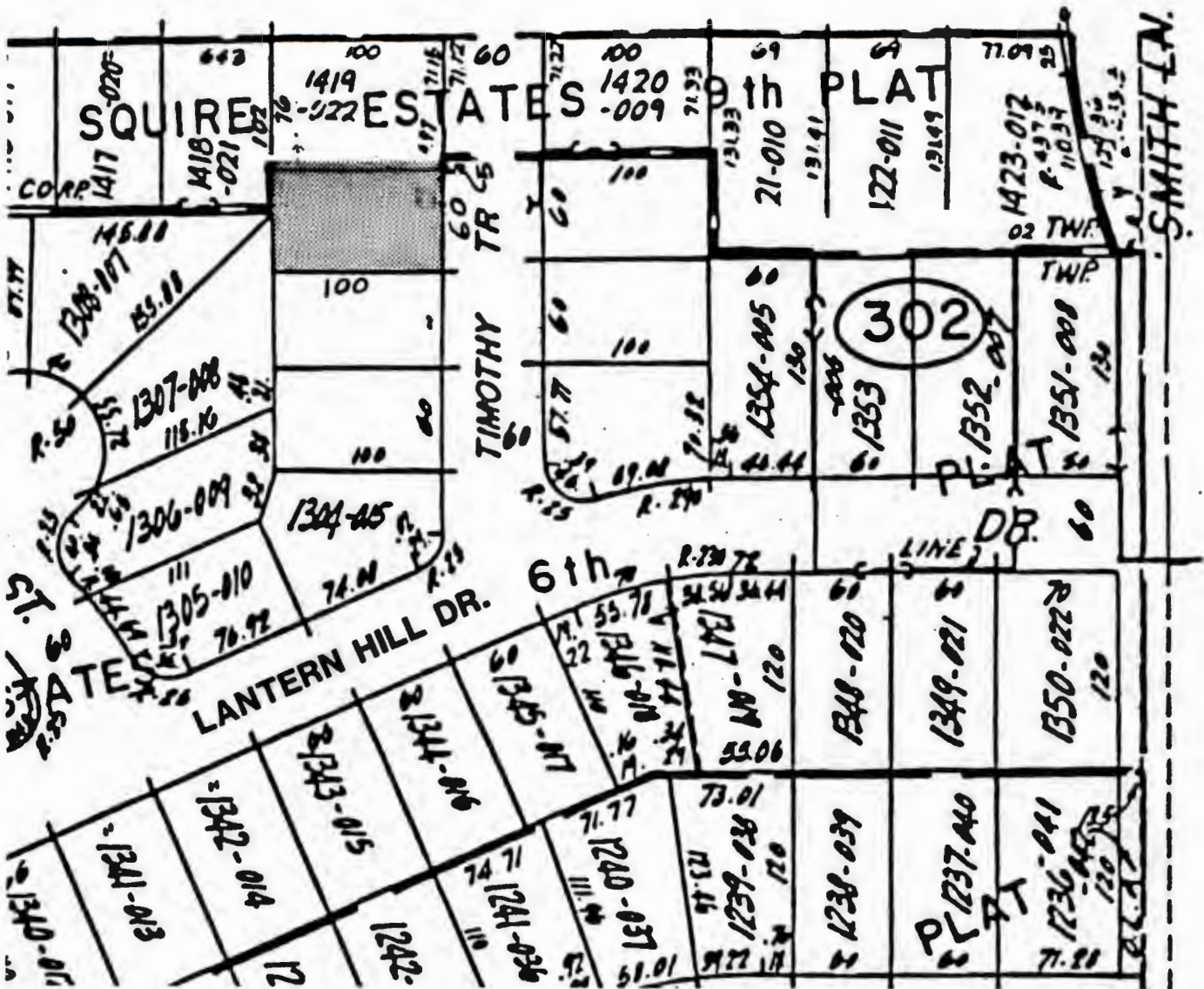
DATE

Subscribed and sworn to before me
this 3rd day of May, 1990

Deborah J. Roberts
Notary Public



GENERAL LOCATION MAP



 SITE

LEGAL DESCRIPTION

Tract I:

Lot 1301 in Sixth Plat of Country Squire Estates, Champaign County, Illinois, as per plat recorded in Plat Book "P" on page 52, situated in Champaign County, Illinois.

Tract II:

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CITY OF URBANA
COMMUNITY DEVELOPMENT SERVICES
Planning Division



Title: ANNEXATION AGREEMENT
903 TIMOTHY TRAIL

Ordinance #

Plan case # 1353-A-90

Date: 5/16/90