

ORDINANCE NO. 8990-133

**AN ORDINANCE APPROVING AND AUTHORIZING  
THE EXECUTION OF AN ANNEXATION AGREEMENT  
(N. Lincoln Avenue Industrial Park)**

WHEREAS, an Annexation Agreement between the City of Urbana, Illinois and First National Bank Land Trust No. 980, First National Bank Land Trust No. 1223 and Barber and DeAtley, Inc. has been submitted for the Urbana City Council consideration, a copy of which is attached, and designated as Plan Case #1343-A-90; and

WHEREAS, said agreement governs tracts totalling approximately 27.92 acres generally located on North Lincoln Avenue and west of Township Road 1325E; and said tracts are described as follows:

**Tract I**

All that part of the NE 1/4, NE 1/4 of Section 31 lying east of the right-of-way of the Illinois Central Railroad Company, except the north 1311.1 feet thereof; also the S 1/2 of the NE 1/4 of Section 31 lying east of the right-of-way of the Illinois Central Railroad, except the south 330.5 feet thereof, all in T. 20 N., R. 9 E. of the 3rd P.M., except a strip of land adjoining the east line of the original right-of-way of the Illinois Central Railroad Company that is 400 feet wide, at right angles to the right-of-way of said railroad company, and lying south of the north line extended of said two tracts and lying north of the south line extended of said two tracts, situated in Champaign County, Illinois, containing 26.75 acres, more or less, and contiguous to the Urbana City limits.

Commencing at the South corner of Lot 8 of a survey for the Illinois Central Railroad Company of parts of the East half of the Southeast Quarter of Section 31 and the West half of the Southwest Quarter of Section 32, Township 20 North Range 9 East of the Third Principal Meridian, thence N. 31°11'51" E., along the northwesterly right-of-way line of the County Road, 560 feet, more or less, to the point of beginning; thence N. 58°48'09" W., 105 feet, more or less, to the centerline of the Saline Branch Drainage Ditch; thence northeasterly, along said centerline, 68 feet, more or less; thence S. 58°48'09" E., 115 feet, more or less, to the aforesaid northwesterly right-of-way line of the County Road; thence S. 31°11'51" W., along said right-of-way line, 66.00 feet to the point of beginning, containing 7,260 square feet (0.17 acres), more or less, all situated in Champaign County, Illinois, contiguous to the City of Urbana.

**TRACT II**

That part of the legal below that is not presently in the City of Urbana.

Part of the SE 1/4 of Section 31, T. 20 N., R. 9 E. of the 3rd P.M., more particularly described as follows:

Commencing at a brass plug found at the southeast corner of Section 31, T. 20 N., R. 9 E. of the 3rd P.M., Champaign County, Illinois; thence S. 90°00'00" W., along the south line of the SE 1/4 of said Section 31, 2010.31 feet; thence N. 20°56'10" E., 631.18 feet for a true point of beginning, said point of beginning being otherwise described as follows:

Commencing at mile post 126 on the centerline of Illinois Central Railroad - southbound Main Track; thence N. 17°56'20" E., along the centerline of the Illinois Central Railroad - southbound main track, 781.00 feet; thence S. 72°03'40" E., 779.75 feet; thence S. 20°56'10" W., 120.25 feet for a true point of beginning; thence N. 20°56'10" E., 480.39 feet; thence N. 18°49'10" E., 340.72 feet; thence S. 72°03'40" E., 652.70 feet, more or less, to the centerline of Saline Drainage Ditch; thence southerly, along the centerline of said Saline Drainage Ditch, 649 feet, more or less; thence westerly, along the centerline of a drainage ditch tributary to the Saline Drainage Ditch, 782.0 feet, more or less, to the centerline of a drainage ditch tributary to said drainage ditch tributary to the Saline Drainage Ditch, said centerline of Saline Drainage Ditch and drainage ditch tributary to the Saline Drainage Ditch are witnessed by a meander line, all as shown on a plat by C.S. Danner ILS 1470, dated January 12, 1972; thence N. 69°03'50" W., 180.67 feet, more or less to the place of beginning, said tract containing 12.47 acres, more or less, all situated in Champaign County, Illinois, and partially in the limits of the City of Urbana.

Permanent parcel number 30-15-31-400-021, part of parcel number of 30-13-31-400-019, and permanent parcel number 30-15-31-200-002.

WHEREAS, after due and proper publication, the Urbana Plan Commission held a public hearing on the 22 day of February, 1990 and 8 day of March, 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 April 2, 1990 to consider said Annexation Agreement; and

WHEREAS, the Urbana City Council previously enacted Ordinance 8990-113 which approved the same agreement but which ordinance inadvertently incorporated an incorrect legal description so that it is necessary to enact this ordinance to correct such error, and thus 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 First National Bank Land Trust No. 980, First National Bank Land Trust No. 1223 and Barber and DeAtley, Inc., 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. Ordinance 8990-113 which purportedly approved the same annexation agreement but which ordinance inadvertently incorporated an incorrect legal description, is hereby repealed.

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 18<sup>th</sup> day of June, 1990.

  
Ruth S. Brookens  
Ruth S. Brookens, City Clerk

APPROVED by the Mayor this 28<sup>th</sup> day of June, 1990.

Jeffrey T. Markland  
Jeffrey T. Markland, Mayor

THIS IS THE ATTACHMENT WHICH IS REFERRED TO IN  
ORDINANCE NO. 8990-133 AND IS INCORPORATED  
THEREIN BY REFERENCE.

*Ruth S. Brookens*  
Ruth S. Brookens, City Clerk

*June 22, 1990*  
Date



**ANNEXATION AGREEMENT**

THIS AGREEMENT, made and entered into this 7th day of March 1990, by and between the City of Urbana, Illinois (hereinafter sometimes referred to collectively as the "Corporate Authorities" or the "City") and First National Bank Land Trust No. 980, First National Bank Land Trust 1223, and Barber and DeAtley, Inc. (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 on April 2, 1990; and

WHEREAS, First National Bank Land Trust No. 980, First National Bank Land Trust No. 1223, and Barber and DeAtley, Inc. are the owner of record of certain real estate having tax parcel numbers 30-15-31-200-002, part of 30-15-31-400-010, part of 30-15-31-400-019, the legal description which is set forth in Exhibit A and hereinafter referred to as the Tract; and

WHEREAS, the map attached and labeled Exhibit B, is a true and accurate representation 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 CR Conservation Recreation and AG-2 Agriculture Zoning in Champaign County and pursuant to the Urbana Zoning Ordinance would automatically be zoned CRE Conservation-Recreation-Education and AG Agriculture, respectively, upon annexation to the City of Urbana; and

WHEREAS, the Owner desires to rezone said real estate to the City of Urbana's IN Industrial 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

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

Section 1. 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.

Section 2. The owner agrees to submit a general area plan or preliminary plat for all of said Tract and any additional real estate said tract is divided from.

ARTICLE II. Representations and Obligations of Corporate Authorities

Section 1. 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 IN Industrial Zoning Classification.

Section 2. The Corporate Authorities agree to expeditiously approve final plats of said Tract which the owner submits.

### 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 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 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

6/28/90  
Date



ATTEST:

Ruth S. Brochman

CITY CLERK

EACH AND EVERY PLACE ON THIS DOCUMENT  
WHEREIN THE NAME  
FIRST NATIONAL BANK IN CHAMPAIGN  
APPEARS, THE FOLLOWING IS TO BE SUBSTITUTED  
First of America Bank - Champaign County, N.A.

OWNER:

FIRST NATIONAL BANK IN CHAMPAIGN, NOW  
FIRST OF AMERICA BANK - CHAMPAIGN COUNTY, TRUSTEES  
LAND TRUST No. 980

By Jack King Sec. V.P. Jack King

3/8/90

DATE

ATTEST

Mary R Millage

Just Officer

Mary R Millage

EACH AND EVERY PLACE ON THIS DOCUMENT  
WHEREIN THE NAME  
FIRST NATIONAL BANK IN CHAMPAIGN  
APPEARS, THE FOLLOWING IS TO BE SUBSTITUTED  
First of America Bank - Champaign County, N.A.

OWNER:

First National Bank in Champaign, now  
First of America Bank - Champaign County, Trustee  
LAND TRUST No. 1223

By Jack Sij Sr. Vice President

Jack Sij

3/8/90

DATE

ATTEST

Mary R Millage  
Trust Officer  
Mary R Millage

OWNER:

BARBER AND DeATLEY, INC.

BY: *John W. DeAtley* President TITLE  
DATE 6/8/90


 *John W. DeAtley* Secretary

EXHIBIT A

TRACT I

ALL THAT PART OF THE NE 1/4, NE 1/4 OF SECTION 31 LYING EAST OF THE RIGHT-OF-WAY OF THE ILLINOIS CENTRAL RAILROAD COMPANY, EXCEPT THE NORTH 1311.1 FEET THEREOF; ALSO THE S 1/2 OF THE NE 1/4 OF SECTION 31 LYING EAST OF THE RIGHT-OF-WAY OF THE ILLINOIS CENTRAL RAILROAD, EXCEPT THE SOUTH 330.5 FEET THEREOF, ALL IN T. 20 N., R. 9 E. OF THE 3RD P.M., EXCEPT A STRIP OF LAND ADJOINING THE EAST LINE OF THE ORIGINAL RIGHT-OF-WAY OF THE ILLINOIS CENTRAL RAILROAD COMPANY THAT IS 400 FEET WIDE, AT RIGHT ANGLES TO THE RIGHT-OF-WAY OF SAID RAILROAD COMPANY, AND LYING SOUTH OF THE NORTH LINE EXTENDED OF SAID TWO TRACTS AND LYING NORTH OF THE SOUTH LINE EXTENDED OF SAID TWO TRACTS, SITUATED IN CHAMPAIGN COUNTY, ILLINOIS, CONTAINING 26.75 ACRES, MORE OR LESS, AND CONTIGUOUS TO THE URBANA CITY LIMITS.

Exhibit A, Cont.

Commencing at the South corner of Lot 8 of a survey for the Illinois Central Railroad Company of parts of the East half of the Southeast Quarter of Section 31 and the West half of the Southwest Quarter of Section 32, Township 20 North Range 9 East of the Third Principal Meridian, thence N. 31°11'51" E., ALONG THE NORTHWESTERLY RIGHT-OF-WAY LINE OF THE COUNTY ROAD, 560 FEET, MORE OR LESS, TO THE POINT OF BEGINNING; THENCE N. 58°48'09" W., 105 FEET, MORE OR LESS, TO THE CENTERLINE OF THE SALINE BRANCH DRAINAGE DITCH; THENCE NORTHEASTERLY, ALONG SAID CENTERLINE, 68 FEET, MORE OR LESS; THENCE S. 58°48'09" E., 115 FEET, MORE OR LESS, TO THE AFORESAID NORTHWESTERLY RIGHT-OF-WAY LINE OF THE COUNTY ROAD; THENCE S. 31°11'51" W., ALONG SAID RIGHT-OF-WAY LINE, 66.00 FEET TO THE POINT OF BEGINNING, CONTAINING 7,260 SQUARE FEET (0.17 ACRES), MORE OR LESS, ALL SITUATED IN CHAMPAIGN COUNTY, ILLINOIS, CONTIGUOUS TO THE CITY OF URBANA, |

That part of the legal below that is not presently in the City of Urbana.

PART OF THE SE 1/4 OF SECTION 31, T. 20 N., R. 9 E. OF THE 3RD P.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A BRASS PLUG FOUND AT THE SOUTHEAST CORNER OF SECTION 31, T. 20 N., R. 9 E. OF THE 3RD P.M., CHAMPAIGN COUNTY, ILLINOIS; THENCE S. 90°00'00" W., ALONG THE SOUTH LINE OF THE SE 1/4 OF SAID SECTION 31, 2010.31 FEET; THENCE N. 20°56'10" E., 631.18 FEET FOR

A TRUE POINT OF BEGINNING, SAID POINT OF BEGINNING BEING OTHERWISE DESCRIBED AS FOLLOWS:

COMMENCING AT MILE POST 126 ON THE CENTERLINE OF ILLINOIS CENTRAL RAILROAD- SOUTHBOUND MAIN TRACK; THENCE N.  $17^{\circ}56'20''$  E., ALONG THE CENTERLINE OF THE ILLINOIS CENTRAL RAILROAD- SOUTHBOUND MAIN TRACK, 781.00 FEET; THENCE S.  $72^{\circ}03'40''$  E., 779.75 FEET; THENCE S.  $20^{\circ}56'10''$  W., 120.25 FEET FOR A TRUE POINT OF BEGINNING; THENCE N.  $20^{\circ}56'10''$  E., 480.39 FEET; THENCE N.  $18^{\circ}49'10''$  E., 340.72 FEET; THENCE S.  $72^{\circ}03'40''$  E., 652.70 FEET, MORE OR LESS, TO THE CENTERLINE OF SALINE DRAINAGE DITCH; THENCE SOUTHERLY, ALONG THE CENTERLINE OF SAID SALINE DRAINAGE DITCH, 649 FEET, MORE OR LESS; THENCE WESTERLY, ALONG THE CENTERLINE OF A DRAINAGE DITCH TRIBUTARY TO THE SALINE DRAINAGE DITCH, 782.0 FEET, MORE OR LESS, TO THE CENTERLINE OF A DRAINAGE DITCH TRIBUTARY TO SAID DRAINAGE DITCH TRIBUTARY TO THE SALINE DRAINAGE DITCH, SAID CENTERLINE OF SALINE DRAINAGE DITCH AND DRAINAGE DITCH TRIBUTARY TO THE SALINE DRAINAGE DITCH ARE WITNESSED BY A MEANDER LINE, ALL AS SHOWN ON A PLAT BY C.S. DANNER ILS 1470, DATED JANUARY 12, 1972; THENCE N.  $69^{\circ}03'50''$  W., 180.67 FEET, MORE OR LESS TO THE PLACE OF BEGINNING, SAID TRACT CONTAINING 12.47 ACRES, MORE OR LESS, ALL SITUATED IN CHAMPAIGN COUNTY, ILLINOIS, AND PARTIALLY IN THE LIMITS OF THE CITY OF URBANA.

**TRACT 1**  
 ALL THAT PART OF THE NE 1/4, NE 1/4 OF SECTION 31 LYING EAST OF THE RIGHT-OF-WAY OF THE ILLINOIS CENTRAL RAILROAD COMPANY, EXCEPT THE NORTH 1311.1 FEET THEREOF; ALSO THE S 1/2 OF THE NE 1/4 OF SECTION 31 LYING EAST OF THE RIGHT-OF-WAY OF THE ILLINOIS CENTRAL RAILROAD, EXCEPT THE SOUTH 330.5 FEET THEREOF, ALL IN T. 20 N., R. 9 E. OF THE 3RD P.M., EXCEPT A STRIP OF LAND ADJOINING THE EAST LINE OF THE ORIGINAL RIGHT-OF-WAY OF THE ILLINOIS CENTRAL RAILROAD COMPANY THAT IS 400 FEET WIDE, AT RIGHT ANGLES TO THE RIGHT-OF-WAY OF SAID RAILROAD COMPANY, AND LYING SOUTH OF THE NORTH LINE EXTENDED OF SAID TWO TRACTS AND LYING NORTH OF THE SOUTH LINE EXTENDED OF SAID TWO TRACTS, SITUATED IN CHAMPAIGN COUNTY, ILLINOIS, CONTAINING 26.75 ACRES, MORE OR LESS, AND CONTIGUOUS TO THE URBANA CITY LIMITS;

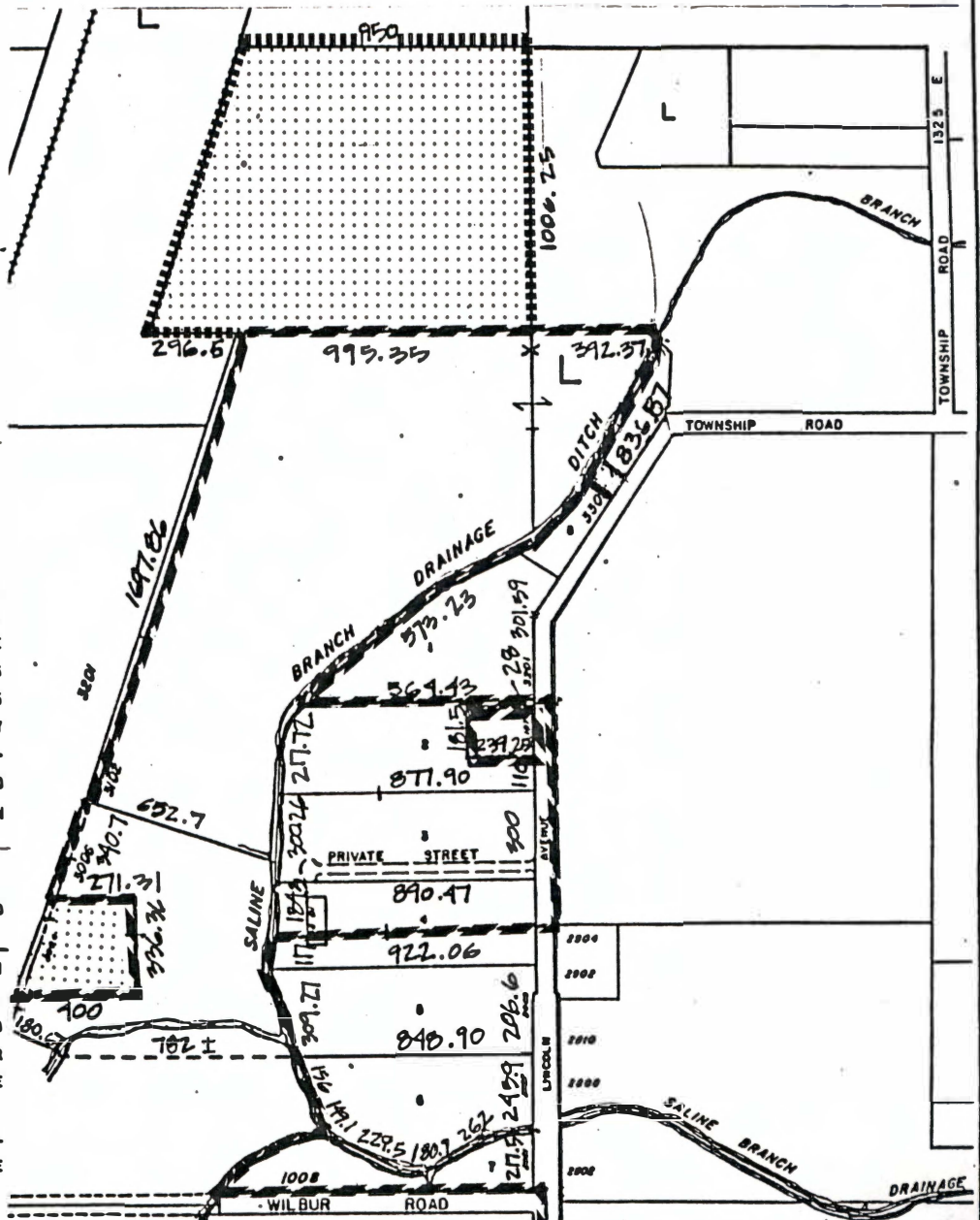
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site



present CITY LIMITS



new CITY LIMITS - ANNEXATION

CITY OF URBANA  
 COMMUNITY DEVELOPMENT SERVICES  
 Planning Division

Exhibit B



Title: N. LINCOLN AVE.

Ordinance#

Plan case# 1343-A-90

Date: 3-28-90