

ORDINANCE NO. 9091-63

AN ORDINANCE APPROVING AND AUTHORIZING  
THE EXECUTION OF AN ANNEXATION AGREEMENT

Harlan Lee and Vivian Lee

WHEREAS, an Annexation Agreement between the City of Urbana, Illinois and Harlan Lee and Vivian Lee has been submitted for the Urbana City Council consideration, a copy of which is attached, and designated as Plan Case #1392-A-90; and

WHEREAS, said agreement governs tracts totalling approximately 5.00 acres generally located on TR1475E and west of U.S. Route 45; and said tracts are described as follows:

Tract 1

A part of the Southwest Quarter of the Northeast Quarter of Section 33, Township 20 North, Range 9 East of the Third Principal Meridian, Somer Township, Champaign County, Illinois, described as follows:

Beginning at an iron pipe survey monument found at the Southeast corner of the southwest Quarter of the Northeast Quarter of Section 33, Township 20 North, Range 9 East of the Third Principal Meridian, Somer Township, Champaign County, Illinois; thence on an assumed bearing of North 00 degrees--00 Minutes - 00 Seconds East along the East line of the Southwest Quarter of the Northeast Quarter of said Section 33 a distance of 276.00 feet to an iron pipe monument set; thence North 88°43'07" West a distance of 763.02 feet to an iron pipe survey monument set; thence South 00°00'00" West parallel with the East line of the Southwest Quarter of the Northeast Quarter of said Section 33 a distance of 295.03 feet to an iron pipe monument set on the South line of the Southwest Quarter of the Northeast Quarter of said Section 33, said line also being the North line of Triumph Industrial Park; thence North 89°51'07" East along the South line of the Southwest Quarter of the Northeast Quarter of said Section 33, said line also being the North line of said Triumph Industrial Park a distance of 762.83 feet to the point of beginning, all as shown on the Plat of Survey, said Tract A: containing 5.00 acres (4.81 net acres) more or less, all situated in Champaign County, Illinois; according the survey thereof prepared by Edward L. Clancy, Registered Illinois Land Surveyor No. 2207, dated November 8, 1988;

Part of permanent parcel number 30-15-33-251-002.

WHEREAS, after due and proper publication, the Urbana Plan Commission held a public hearing on the 8 day of November, 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 November 19, 1990 to consider said Annexation 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 Harlan Lee and Vivian Lee, 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 19th day of November, 1990.

  
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Ruth S. Brookens, City Clerk

APPROVED by the Mayor this 27th day of November, 1990.

  
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Jeffrey T. Markland, Mayor



## ANNEXATION AGREEMENT

(HARLAN AND VIVIAN LEE)

THIS AGREEMENT, made and entered into this 4<sup>th</sup> day of OCTOBER, 1990, by and between the City of Urbana, Illinois (hereinafter sometimes referred to collectively as the "Corporate Authorities" or the "City") and Vivian and Harlan D. Lee (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, Vivian Lee and Harlan D. Lee are the owners of record of certain real estate, the legal description which is set forth below:

A part of the Southwest Quarter of the Northeast Quarter of Section 33, Township 20 North, Range 9 East of the Third Principal Meridian, Somer Township, Champaign County, Illinois, described as follows:

Beginning at an iron pipe survey monument found at the Southeast corner of the southwest Quarter of the Northeast Quarter of Section 33, Township 20 North, Range 9 East of the Third Principal Meridian, Somer Township, Champaign County, Illinois; thence on an assumed bearing of North 00 degrees- 00 Minutes - 00 Seconds East along the East line of the Southwest Quarter of the Northeast Quarter of said Section 33 a distance of 276.00 feet to an iron pipe monument set; thence North 88°43'07" West a distance of 763.02 feet to an iron pipe survey monument set; thence South 00°00'00" West parallel with the East line of the Southwest Quarter of the Northeast Quarter of said Section 33 a distance of 295.03 feet to an iron pipe monument set on the South line of the Southwest Quarter of the Northeast Quarter of said Section 33, said line also being the North line of Triumph industrial Park; thence North 89°51'07" East along the South line of the Southwest Quarter of the Northeast Quarter of said Section 33, said line also being the North line of said Triumph Industrial Park a distance of 762.83 feet to the point of beginning, all as shown on the Plat of

Survey, said Tract "A: containing 5.00 acres (4.81 net acres) more or less, all situated in Champaign County, Illinois; according the survey thereof prepared by Edward L. Clancy, Registered Illinois Land Surveyor No. 2207, dated November 8, 1988;

and hereinafter referred to as the "Tract"; and

WHEREAS, Robert A. Smith has secured a contract to purchase said tract subject to the approval of rezoning of the property to County B-4 General Business as described in Champaign County Zoning Board of Appeals Case No. 727-AM-90; and

WHEREAS, Robert A. Smith currently has a petition before the Champaign County Zoning Board of Appeals for the rezoning of said tract from County I-1 Light Industry to B-4 General Business in County Case Number 727-AM-90; and

WHEREAS, although said Tract is not yet contiguous to the City of Urbana, but said Owner, in order to best utilize his property, finds it desirous to annex Tract to the City of Urbana; when said tracts become contiguous to the City, pursuant to, and as provided for in this agreement; and

WHEREAS, if said Tract is rezoned from County I-1 Light Industrial to County B-4 General Business 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 B-3 General Business in the City of Urbana upon annexation; and

WHEREAS, the Corporate Authorities find such annexation reflects the goals, objectives and policies set forth in the 1982 Urbana Comprehensive Plan except that the IN Industrial zoning is more appropriate than B-3 General Business for said tract; 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, 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:

Section 1. If and when the Champaign County Board grants the request to rezone said property from I-1 Light Industrial to B-4 General Business as outlined in County Zoning Case Number 727-AM-90, the Owner agrees:

a. To file a proper annexation petition for said Tract within thirty (30) days of said tracts becoming contiguous to the City limits of Urbana;

b. To accept the direct conversion of said Tract from County B-4 General Business to City IN Industrial zoning classification upon its annexation;

c. To cause said Tract and any property of which said tract is a portion to be subdivided and platted in accordance with Chapter 21 of the Urbana City Code of Ordinances, as it may be amended.

ARTICLE II. Representations and Obligations of Corporate Authorities

Section 1. If and when the Champaign County Board approves the rezoning of said Tract in accordance with the request outlined in County Zoning Case Number 727-AM-90, the Corporate Authorities agree to the following:

a. The Corporate Authorities agree to expeditiously annex said 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.

c. The Corporate Authorities agree that said Tract will be zoned IN Industrial upon annexation.

d. The Corporate Authorities find and determine that all existing improvements and uses of said tracts when annexed under the terms and conditions of this Agreement and lawfully existing under the provisions of the Champaign County Zoning Ordinance applicable thereto prior to annexation of said tract shall be, pursuant to the provisions of Article X, Section X-1, of the Urbana Zoning Ordinance, considered lawful during the term of this Agreement. In addition, any such improvements and uses may continue under the provision of said Urbana Zoning Ordinance and shall be permitted to be reconstructed at the same location and size if damaged by fire, explosion, Act of God, or other sudden damage or destruction, Article X, Section X-8 of the Urbana Zoning Ordinance notwithstanding, during

the term of this Agreement and as provided in this Agreement.

Section 6. The Corporate Authorities agree to expeditiously approve final plats of said Tract which the Owner submits and provided said plats are in substantial conformance with Chapter 21 of the City Code of Ordinances entitled "Land Development Code".

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 said 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 tracts.

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.

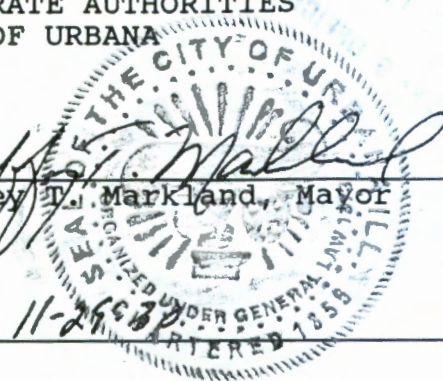
Section 5. This agreement shall become null and void if the Champaign County Board does not approve the rezoning requested in the petition outlined in Champaign County Zoning Case Number 727-AM-90.

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

11-29-90  
Date



ATTEST:

Ruth S. Brooking  
CITY CLERK

OWNER:

Harlan D. Lee  
Harlan D. Lee

Vivian Lee  
Vivian Lee

10/4/90  
Date

ATTEST:

Timothy P. Amos  
Notary Public



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DOC # \_\_\_\_\_  
CHAMPAIGN COUNTY, ILL

'90 DEC 11 PM 3 45

*Naomi A. Jablonski*

RECORDER.

INDEXED

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 (Harlan Lee and Vivian Lee)" adopted by the City Council of the City of Urbana, Illinois on the 19th day of November, A.D, 1990, as appears in the records and files in my office remaining.

Given under my hand and seal of said City of Urbana, Illinois, this 11th day of December, A.D. 1990.

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



This document prepared by Jack Waaser, Corporation Counsel, City of Urbana, Ill.