

ORDINANCE NO. 9091-144

**AN ORDINANCE APPROVING AND AUTHORIZING
THE EXECUTION OF AN ANNEXATION AGREEMENT**

Atrium Apartments

WHEREAS, an Annexation Agreement between the City of Urbana, Illinois and Ivan and Mary Richardson has been submitted for the Urbana City Council consideration, a copy of which is attached; and

WHEREAS, said agreement governs two tracts totalling approximately 3.34 acres generally located northeast of the intersection of Sunset Drive and Lincoln Avenue; and said tracts are described as follows:

Tract A: The North 248.76 feet of the South 414.60 feet the Southwest Quarter of the Northwest Quarter of the Northwest Quarter excepting the East 8 rods thereof of Section 8, Township 19 North, Range 9 East of the Third Principal Meridian, in Champaign County, Illinois, containing 2.82 acres, more or less; and

Tract B: The East 137 feet of the West 248.2 feet of the South 165.84 feet of the Southwest Quarter of the Northwest Quarter of the Northwest Quarter of Section 8, Township 19 North, Range 9 East of the Third Principal Meridian, in Champaign County, Illinois, containing 0.52 acre, more or less; and

WHEREAS, said tracts of land are commonly known for reference as 1306 N. Lincoln Avenue - a.k.a. Atrium Apartments (Tract A), and 816 Sunset Drive (Tract B).

WHEREAS, after due and proper publication, the Urbana City Council held a public hearing on June 17, 1991 to consider said Annexation Agreement.

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

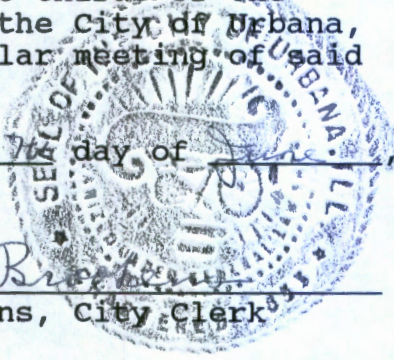
Section 1. That the Annexation Agreement between the City of Urbana, Illinois and Ivan and Mary Richardson, a copy

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 17th day of June, 1991.

A circular seal of the City of Urbana, Illinois, featuring a central emblem and the text "SEAL OF THE CITY OF URBANA, ILLINOIS" around the perimeter.
Ruth S. Brookens
Ruth S. Brookens, City Clerk

APPROVED by the Mayor this 21st day of June, 1991.

Jeffrey T. Markland
Jeffrey T. Markland, Mayor

(IVANORD1.ANX/910610)

**ANNEXATION AGREEMENT
(ATRIUM APARTMENTS)**

THIS AGREEMENT, made and entered into this 21st day of June, 1991, by and between the City of Urbana, Illinois (hereinafter sometimes referred to collectively as the "Corporate Authorities" or the "City") and Ivan D. Richardson and Mary L. Richardson (hereinafter referred to as the "Owner").

W I T N E S E T H:

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, 1990); and

WHEREAS, Ivan D. Richardson is record owner of certain real estate, the legal description of which is set forth below:

Tract A: The North 248.76 feet of the South 414.60 feet the Southwest Quarter of the Northwest Quarter of the Northwest Quarter excepting the East 8 rods thereof of Section 8, Township 19 North, Range 9 East of the Third Principal Meridian, in Champaign County, Illinois, containing 2.82 acres, more or less; and

WHEREAS, Ivan D. Richardson and Mary L. Richardson are record owners of certain real estate, the legal description of which is set forth below:

Tract B: The East 137 feet of the West 248.2 feet of the South 165.84 feet of the Southwest Quarter of the Northwest Quarter of the Northwest Quarter of Section 8, Township 19 North, Range 9 East of the Third Principal Meridian, in Champaign County, Illinois, containing 0.52 acre, more or less; and

WHEREAS, said tracts of land are commonly known for reference as 1306 N. Lincoln Avenue - a.k.a. Atrium Apartments (Tract A) and 816 Sunset Drive (Tract B), and are presently identified as P.I.N. 30-21-08-101-004 (Tract A) and P.I.N. 30-21-08-101-010 (Tract B) according to Champaign County tax records; and

WHEREAS, the map attached and labeled **Exhibit A: Preliminary Annexation Map**, is a true and accurate representation of said tracts which are proposed to be annexed to the City; and

WHEREAS, said tracts are zoned R-4, Multiple Family Residence 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 R-4, Medium Density Multiple Family Residential upon annexation; and

WHEREAS, the Corporate Authorities find such annexation and zoning 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, the Owner, to best utilize the property, finds it desirable to have said tracts annexed to the City of Urbana, pursuant to, and as provided for in this agreement.

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 said tracts within thirty (30) days from the date the City of Urbana approves this Agreement.

**ARTICLE II: Representations and Obligations of Corporate
Authorities**

Section 1. The Corporate Authorities agree to expeditiously annex said tracts 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 tracts to the City.

Section 2. Upon annexation of said tracts to the City, 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"), the Corporate Authorities agree to amend the official Urbana Zoning Map to designate the zoning district classification of said tracts as R-4, Medium Density Multiple Family Residential.

Section 3. Upon annexation of said tracts, the City shall pay to the Owner an amount equal to the estimated real estate taxes for the 1991 revenue year payable in 1992 for said tracts as a result of annexation . The City shall determine the reimbursement amount by subtracting the total tax rate that would otherwise be applied to said tracts if the property remained outside the City, from the total tax rate applied to said tracts in the City for the applicable tax year. The difference between the two tax rates will then be multiplied by the assessed value of said tract 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 reimbursement amount shall be paid in the name of the individual or entity receiving the tax bill on behalf of the Owner, said payment to be mailed to same on or before October 1st of the year the real estate is annexed in accordance with this Agreement.

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

a. Annexation of said tracts is necessary to promote the orderly, planned, and controlled growth of the City, and further to promote the safety, health, and general welfare of the public.

b. But for the reimbursement of property taxes, annexation of real estate would not otherwise occur within the next year.

Section 4. The Corporate Authorities find that if a sprinkler system is approved by the City, installed, and operational by no later than November 1, 1991, then the improvements on said tracts shall be deemed in full compliance with City codes. The Corporate Authorities also find and determine that all existing improvements and uses of said tracts 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 the effective date of this Agreement 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.

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 tracts 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.

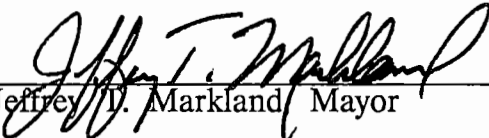
Section 2. The Owners and Corporate Authorities agree and hereby stipulate that any party to this Agreement may, by civil action, mandamus, action for writ of injunction or other proceeding, enforce and compel performance of this Agreement or declare this Agreement null and void in addition to other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

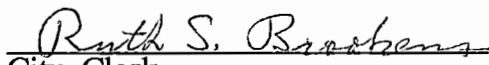


Jeffrey D. Markland Mayor

Date June 21, 1991



ATTEST:



Ruth S. Broshens
City Clerk

OWNER:

Ivan D. Richardson
Ivan D. Richardson

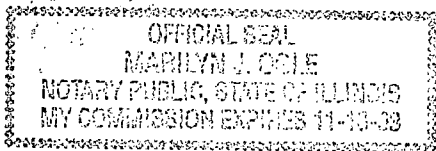
Mary L. Richardson
Mary L. Richardson

5/9/91
Date

Subscribed and sworn to before me

this 9 day of May, 1991.

Marilyn J. Cole
Notary Public



**END OF ANNEXATION AGREEMENT
(ATRIUM APARTMENTS)**

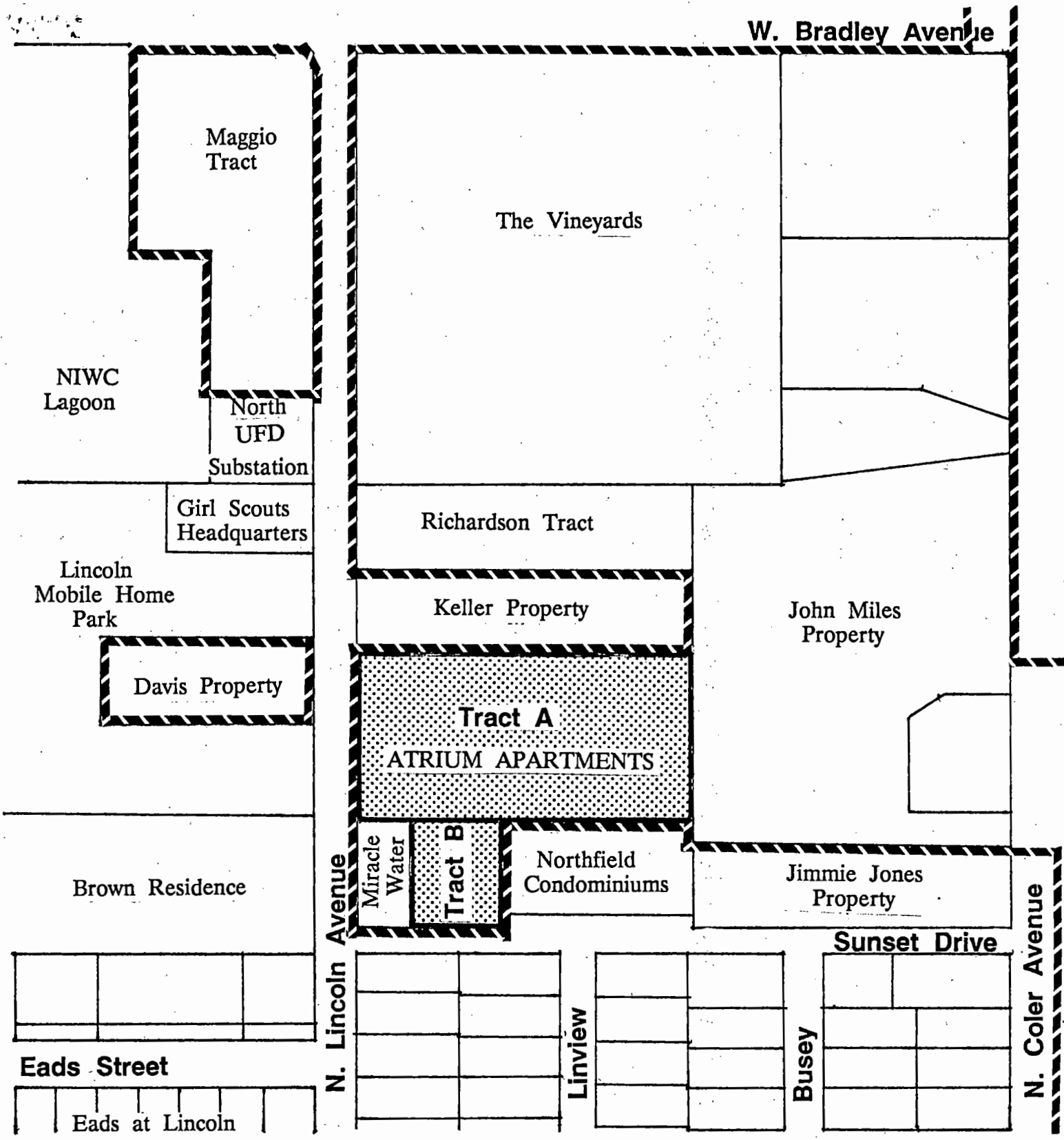


Exhibit A: Preliminary Annexation Map

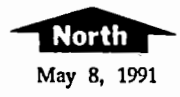
Scale: One Inch = 200 Feet

Atrium Apartments Annexation Agreement

Tract A: 1306 N. Lincoln Avenue / #30-21-08-101-004 / 2.82 acres
 Tract B: 816 Sunset Drive / #30-21-08-101-010 / 0.52 acre

Proposed Annexation = City Limits =

Prepared by the Department of Community Development Services



May 8, 1991

**ANNEXATION AGREEMENT
(ATRIUM APARTMENTS)**

THIS AGREEMENT, made and entered into this 9 day of May, 1991, by and between the City of Urbana, Illinois (hereinafter sometimes referred to collectively as the "Corporate Authorities" or the "City") and Ivan D. Richardson and Mary L. Richardson (hereinafter referred to as the "Owner").

W I T N E S E T H:

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, 1990); and

WHEREAS, Ivan D. Richardson is record owner of certain real estate, the legal description of which is set forth below:

Tract A: Commencing at the Southwest corner of the Northwest Quarter of the Northwest Quarter of Section 8, Township 19 North, Range 9 East of the Third Principal Meridian, in Champaign County, Illinois; thence East 33 feet to the East right-of-way line of Lincoln Avenue; thence Northerly 165.84 feet to the place of beginning; thence continuing Northerly along said East right-of-way line 248.76 feet; thence East 493.16 feet to a line parallel and 8 Rods West of the East line of the Northwest Quarter of the Northwest Quarter of said Section 8; thence Southerly 248.76 feet along said line; thence Westerly 493.16 feet to the place of beginning; containing 2.82 acres, more or less; and

WHEREAS, Ivan D. Richardson and Mary L. Richardson are record owners of certain real estate, the legal description of which is set forth below:

Tract B: The East 137 feet of the West 248.2 feet of the South 165.84 feet of the Southwest Quarter of the Northwest Quarter of the Northwest Quarter of Section 8, Township 19 North, Range 9 East of the Third Principal Meridian, in Champaign County, Illinois, containing 0.52 acre, more or less; and

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

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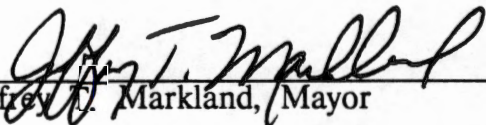
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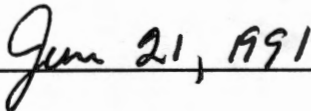
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**CORPORATE AUTHORITIES
CITY OF URBANA**



Jeffrey T. Markland, Mayor



Date

ATTEST:



Ruth S. Brookens
City Clerk

OWNER:

Ivan D. Richardson
Ivan D. Richardson

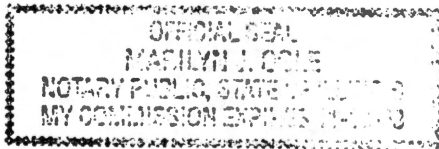
Mary L. Richardson
Mary L. Richardson

0 5/9/91
Date

Subscribed and sworn to before me

this 9 day of May, 1991.

Marilyn J. Cole
Notary Public



**END OF ANNEXATION AGREEMENT
(ATRIUM APARTMENTS)**

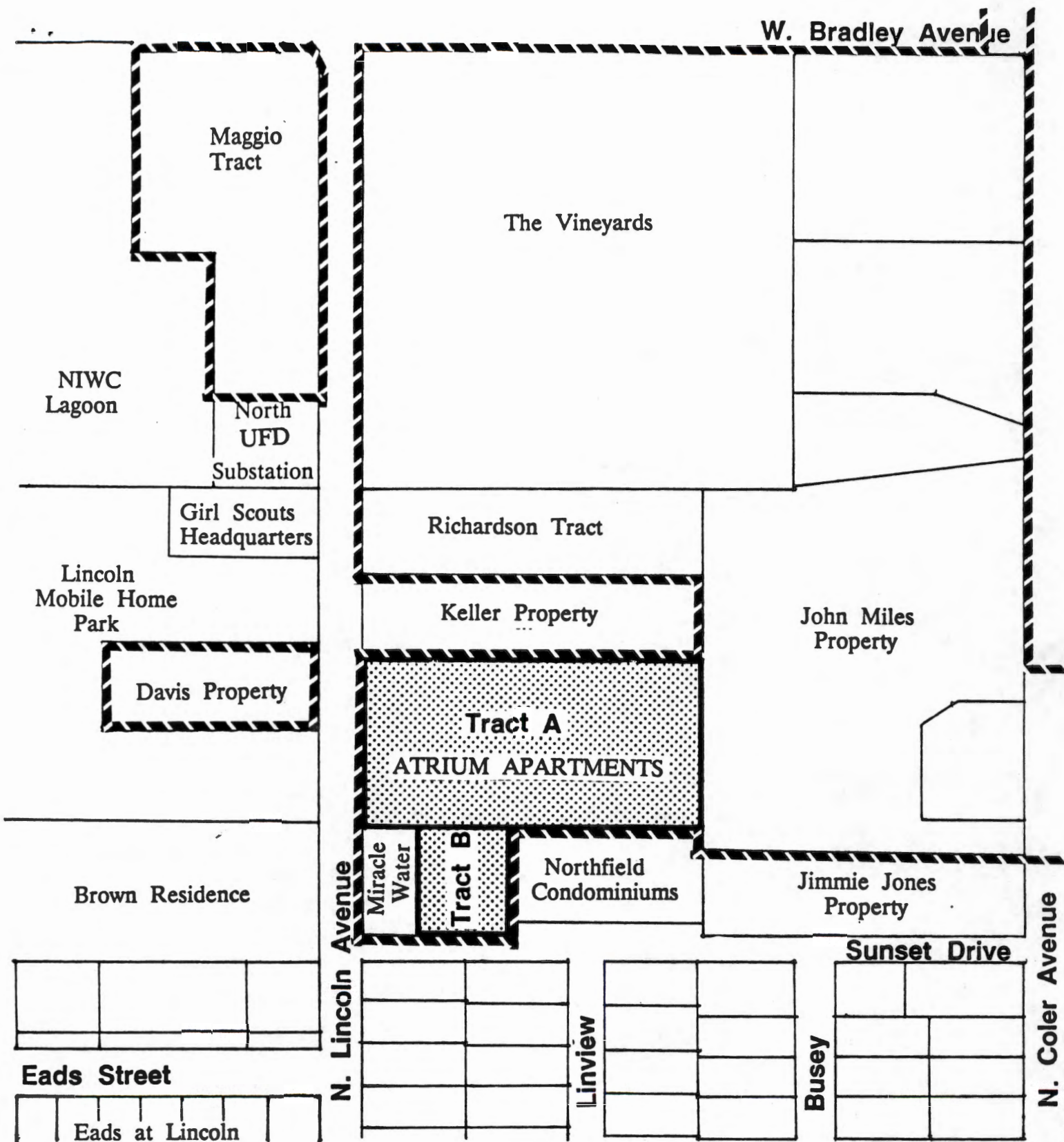


Exhibit A: Preliminary Annexation Map

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Atrium Apartments Annexation Agreement

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