

**AN ORDINANCE APPROVING A FINAL PLAT
OF RAINBOW SUBDIVISION**

WHEREAS, Champaign National Bank Trust No. 030761011 and Trust No. 030371959 has submitted a Final Plat of the Rainbow Subdivision in substantial conformance with the pertinent ordinances of the City of Urbana, Illinois; and,

WHEREAS, the City Engineer has reviewed and approved the Final Plat of the Rainbow Subdivision; and

WHEREAS, the Final Plat of the Rainbow Subdivision complies with the City of Urbana's Comprehensive Plan, as amended; and

WHEREAS, the Urbana City Council finds that the request to waive the requirements of Sections 21-14 requiring the entire property be included in a preliminary subdivision plat, and Section 21-26.B.8 requiring the construction of a cul-de-sac at the terminus of Smith Road are appropriate in accordance with the following criteria of Chapter 21 of the Urbana Code of Ordinances:

- (1) Due to existing conditions, there are site specific difficulties in complying with these regulations. Smith Road is expected to be extended, possibly through a second phase of the development proposed on Lot 1. It is not necessary to construct a temporary turnaround or cul-de-sac at this time. In addition, the larger tract is not ready for development and does not warrant a preliminary plat at this time; and
- (2) The granting of any waiver will not cause significant adverse effects on the public health, safety and welfare. The waiver of the cul-de-sac construction has been approved by the Public Works Department, the Fire Department and the Community Development Department. The cul-de-sac is not necessary at this time.
- (3) Sufficient evidence is shown to both the Plan Commission and the City Council that the waiver will benefit the public health, safety and welfare. No waivers requested herein will negatively impact the public health, safety and welfare.
- (4) The proposed waivers support and foster implementation of the goals, objectives and policies represented in the Urbana Official Comprehensive Plan, as amended if the proposed conditions regarding further development are imposed. The proposed use is consistent with the Comprehensive Plan designation of "Residential" land use.

(5) The proposed waivers are the minimum deviation from the requirements that will alleviate the difficulties; and

(6) The plight of the applicant is due to the peculiar circumstances not of the applicant's own making.

WHEREAS, in Plan Case No. 1521-S-93, the Urbana Plan Commission, on January 6, 1994, recommended approval of the Final Plat of the Rainbow Subdivision, including the requested waivers of the aforementioned requirements of Chapter 21 of the Code of Ordinances, subject to specific conditions; and

WHEREAS, the City Council has determined that it is appropriate to amend those conditions per the language stated herein.

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

Section 1. The Final Plat of Rainbow Subdivision as attached hereto as Exhibit A is approved as platted subject to the conditions recited in Section 3 of this Ordinance.

Section 2. The following requirements of Chapter 21 of the Urbana Code of Ordinances are hereby waived:

- a. Waiver of the requirements of Section 21-14 requiring the entire property be included in a preliminary plat at this time.
- b. Waiver of the requirements of Section 31-36.B.8 to the extent that this section requires the construction of a cul-de-sac at Smith Road.

Section 3. The approval of the Final Plat of Rainbow Subdivision is conditioned upon the following:

No building permits will be approved for the remaining portion of the 66 acre tract which is classified as R-2 Single Family Residential without further subdivision and that no further development or construction will take place on that remaining portion of the 66 acre tract classified as R-4 Medium Density Multiple Family Residential until such time as a general area plan or preliminary plat is approved by the City Council which illustrates the general development of the R-4 Medium Density Multiple Family Residential site.

Section 4. The Secretary of the Urbana Plan Commission is hereby directed to record said Final Plat with the Champaign County Recorder upon City Council approval of said Plat and the acceptance of required construction bonds.

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called of a majority of the members of the City Council of the City of Urbana, Illinois at a regular meeting of said Council on the 18th day of January, 1994.

PASSED by the City Council on this 17th day of January, 1994.

Phyllis D. Clark
Phyllis D. Clark, City Clerk



APPROVED by the Mayor the 27th day of January, 1994.

Tod Satterthwaite
Tod Satterthwaite, Mayor

1521.ord

THIS IS THE ATTACHMENT WHICH IS REFERRED TO IN ORDINANCE
NO. 9394-61 AND IS INCORPORATED THEREIN BY REFERENCE.


Phyllis D. Clark
Phyllis D. Clark, City Clerk

January 18, 1994
Date

STATE OF ILLINOIS)
)
COUNTY OF ADAMS) SS.

OWNER'S CERTIFICATE

The undersigned, LITTLE RIVER DEVELOPMENT COMPANY L.P., AS GENERAL PARTNER OF RAINBOW APTS., L.P., AN ILLINOIS LIMITED PARTNERSHIP, as the legal owner of a portion of the land described on Exhibit "A", attached hereto and incorporated herein, and, The undersigned, Champaign National Bank, as Trustee of Trust #030761011, created May 7, 1971, and Trust #030371959, created February 26, 1993, (the signature on behalf of Champaign National Bank being by duly authorized Trust Officer of said Bank and Trustee), the owners having caused said land to be surveyed by John Delbert Goodell, Professional Land Surveyor #35-1462. The undersigned do hereby adopt the plat prepared by the said John Delbert Goodell, as a plat and division of the land into two lots and street dedications in Urbana, Illinois.

On the annexed plat are graphically delineated eleven areas for easements. Each area, except area 10, is hereby granted and conveyed to the parties hereafter listed for the purposes listed with each easement subject to the following three conditions, to-wit:

1. Whichever grantee of the easement enters on the easement area shall restore the land, to the extent its permitted purposes allow, to the condition that existed when it entered the land.

2. The facilities of other grantees of the easement which were previously installed are to be preserved and protected.

3. The party constructing or having previously constructed a facility permitted by this grant shall maintain the facility without cost to the landowner or to the other grantees.

Area ten is reserved for future dedication as an easement. It is hereby provided that the other ten easements hereafter described shall run with the land and that all conveyances of property hereafter made by the present or future owners of any of the lots of this replat shall, by adopting the description of said lot or lots or parts thereof, be taken and understood as if incorporating in all such future conveyances, without repeating the same, the following covenants and restrictions as applicable.

1. EASEMENT 1: This easement, across the entire west thirteen and one-half (13 1/2) feet of the South 120.11 feet of Lot Two (2) is dedicated to such public utilities, during the term of a franchise issued to them by the City of Urbana, Illinois, as may be permitted by that franchise.

2. EASEMENT 2: This easement, across the east sixteen and one-half (16 1/2) feet of the West thirty (30) feet of Lot Two (2), exists and is hereby acknowledged for use by The Urbana and Champaign Sanitary District for a gravity sanitary sewer.

3. EASEMENT 3: This easement, being five (5) feet wide north and south across the east fifteen (15) feet of the West Forty-five (45) feet of Lot (2) is dedicated for use by The Urbana and Champaign Sanitary District for maintenance of an adjoining sanitary force main.

4. EASEMENT 4: This easement, being seven and one-half (7 1/2) feet wide across Lot Two (2) adjoining the north lot line of Lot Two (2) from Smith Road westward to a line thirty (30) feet east of the west line of Lot Two (2) is a portion of an existing easement of The Urbana & Champaign Sanitary District for a gravity interceptor sewer recorded in Book 889 at Page 614, as document #790480, in the Office of the Recorder of Champaign County, Illinois.

5. EASEMENT 5: This easement, seven and one-half (7 1/2) feet wide across the north end of newly dedicated Smith Road is a portion of the existing easement of The Urbana & Champaign Sanitary District recorded as document #790480.

6. EASEMENT 6: The northerly twelve and one-half (12 1/2) feet of Lot One (1), measured on a bearing of North 0 43' 10" West, contains a portion of the existing non-exclusive easement of The Urbana & Champaign Sanitary District recorded as document #790480 in the Office of the Recorder of Champaign County, Illinois, and is hereby also dedicated to the City of Urbana for maintenance of a surface drain and for the future construction, maintenance and replacement of a storm water underdrain and for such public utilities, during the term of a franchise issued by said City, as may be permitted by that franchise.

7. EASEMENT 7: This easement, being the southerly seven and one-half (7 1/2) feet of the northerly twenty (20) feet of Lot One (1), is hereby dedicated to the City of Urbana for maintenance of a surface drain and for the future construction, maintenance and replacement of a storm water underdrain and for such public utilities, during the term of a franchise issued by said City, as may be permitted by that franchise.

8. EASEMENT 8: This easement, being fifteen (15) feet wide and located adjoining the east and the south line of Lot One (1) as graphically shown on the Plat of Survey to which this Certificate is attached, is dedicated for such public utilities, during the term of a franchise issued by said City, as may be permitted by that franchise.

9. EASEMENT 9: This non-exclusive easement, being ten (10) feet to fifteen (15) feet wide and extending through Lot One (1) as graphically shown on the Plat to which this Certificate is attached and running from Smith Road to the east line of Lot One (1), is hereby dedicated jointly to Northern Illinois Water Corporation for installation, maintenance, operation and replacement of a single water main not larger than eight (8) inches in diameter with fittings and fire hydrants and to Illinois Power Company for installation, operation, maintenance and replacement of an underground primary and secondary voltage electrical system with surface junction boxes and transformers. This easement shall extend in time to successors of each company and until both utility lines are abandoned.

10. EASEMENT 10: This area, being fifteen (15) feet wide and extending through Lot One (1) from the north line of Lot One (1), to the South line of Lot One (1), as shown graphically on the Plat of Survey to which this Certificate is attached, is hereby reserved for future dedication to the City of Urbana for maintenance operation and replacement of an eight (8) inch internal diameter sanitary sewer with manholes. The dedication will be made upon written request of the City Council containing a commitment of the City to maintain the physical sewerage in area 10, without payment from the City.

11. EASEMENT 11: This non-exclusive easement being fifteen (15) feet wide and extending along the entire west side of Lots One (1) and Three (3) as graphically shown on the Plat to which this Certificate is attached, is hereby dedicated jointly to Northern Illinois Water Corporation for installation of water lines and mains and for replacement of a single water main with fitting, to Ameritech for installation and replacement of a buried electrical lines with surface junction boxes, and to Illinois Power Company for installation and replacement of a single buried cable with surface junction boxes and/or other receiving apparatus. This easement shall extend in time to successors of each company until all utility lines are abandoned. All companies have indicated their agreement to share this easement.

DEDICATION OF STREET RIGHT OF WAY. Land is hereby dedicated to the City of Urbana, Illinois, for maintenance and replacement of sidewalks and pavements and for the future installation, maintenance and replacement of street lights, trees, storm drains and such public utilities as the City customarily allows to be installed in streets, as follows:

A. Seventy-one (71) feet of uniform width for Smith Road from the north to the south lines of the Plat of Subdivision to which this Certificate is attached between Lots One (1) and Lot Two (2).

B. An irregular strip adjoining Lantern Hill Drive being 0.81 feet in greatest depth north and south for purpose of making the south right-of-way line of Lantern Hill Drive concentric with its centerline and being located everywhere south of the south edge of an existing concrete sidewalk.

COVENANTS: The restrictions herein are, and shall be construed as, covenants running with the land, and shall be binding upon all successor owners of each and every lot in said subdivision as they apply to each lot.

SEVERABILITY: Invalidation of any one or part of the covenant by judgment or Court Order shall in no way affect any of the other provisions or parts which shall remain in full force and effect.

IN WITNESS WHEREOF, this instrument has been executed this 17th day of JAN, 1944.

RAINBOW APARTMENTS, L.P.
LITTLE RIVER DEVELOPMENT
COMPANY, GENERAL PARTNER

Attest: J. W. Holliday
J. W. Holliday,
Secretary

By: Lynn Fox
Lynn Fox,
President

I, the undersigned, a Notary Public, in and for the County of Adams, State of Illinois, DO HEREBY CERTIFY THAT the above signed individuals, to me known to be the President and Secretary of Little River Development Company, General Partner of Rainbow Apartments, an Illinois Limited Partnership, and personally known to me to be the same persons who subscribed to the foregoing instrument, appeared

before me this day and acknowledged that they signed and sealed said instrument as the free and voluntary act and deed of said Limited Partnership and Corporation, for the uses and purposes therein set forth.

Given under my hand and seal this 17th day of January, 1994.

Susan F. Mitchell
Notary Public

Commission expires:

2/22/95



Champaign National Bank, Trustee
See Exculpatory Clause Attached

BY Rhea A. Lawrence

Vice President & Trust Officer

STATE OF ILLINOIS)
)
COUNTY OF CHAMPAIGN) SS.

I, the undersigned, a Notary Public, in and for the County of Champaign, State of Illinois, do hereby certify that the above individual, to me known to be officer of Champaign National Bank, who is acting as Trustee of the Trusts above described, and personally known to me to be the same persons who subscribed to the foregoing instrument, appeared before me this day and acknowledged that they signed and sealed said instrument as the free and voluntary act and deed for the uses and purposes therein set forth.

Given under my bond and seal this 18th day of January ____, 1994.

Delores A. Wilson
Notary Public

Commission expires: 10/04/97



EXHIBIT A

SURVEYOR'S REPORT
LAND DESCRIPTION
AND SURVEYOR'S DECLARATION

At the request of Champaign National Bank, Trustee of a trust which holds title to three land parcels, and of Steve Owsley, agent for Little River Development Company, owner of another land parcel, I have surveyed, and prepared a plat of subdivision of the four contiguous parcels that will collectively comprise a new two lot and two public street division of the land all of which is in the Southwest Quarter of Section 15, Township 19 North, Range 9 East of the 3rd Principal Meridian, and being in the City of Urbana, Champaign County, Illinois. The parcel owned by Little River Development Company incorporated into both my survey and plat contains 4.6702 acres; is a portion of Lots 9 and 10 of the Jacob Smith Estate Subdivision as shown on plat in Chancery Court Record Book D at page 224 at the courthouse of Champaign County, Illinois; is currently farmland; and, is part of Permanent Tax Parcel Number 30-21-15-376-004. The description of that parcel is as follows:

A tract of ground containing 4.6702 acres in the northeast quarter of the southwest Quarter of Section 15, Township 19 North, Range 9 East of the 3rd Principal Meridian, and being in the City of Urbana, Champaign County, Illinois, the boundary of which is described as follows:

Commencing at the northwest corner of the Northeast Quarter of said Quarter Section; thence South $00^{\circ}43'10''$ East 384.5 feet along the west line of the northeast quarter of said Quarter Section to a steel rod marker; thence North $89^{\circ}10'19''$ East 95.91 feet to a cross chiseled in a pavement at the true point of beginning; thence continue North $89^{\circ}10'19''$ East 169.09 feet; thence South $85^{\circ}03'13''$ East 298.17 feet; thence South $75^{\circ}23'56''$ East 300.70 feet; thence South $76^{\circ}17'14''$ East 178.00 feet; thence South $00^{\circ}43'46''$ East 224.45 feet; thence North $76^{\circ}17'14''$ West 235.66 feet; thence North $75^{\circ}23'56''$ West 284.03 feet; thence North $85^{\circ}03'13''$ West 272.00 feet; thence South $89^{\circ}16'50''$ West 14.32 feet; thence North $85^{\circ}03'13''$ West 96.26 feet; thence South $00^{\circ}43'10''$ East 7.07 feet; thence South $89^{\circ}16'50''$ West 35.50 feet to a steel rod marker; thence North $00^{\circ}43'10''$ West 150.68 feet to a steel rod marker; thence northwesterly around a curve concave to the west having a radius of 232.37 feet and chord bearing of North $8^{\circ}58'43''$ West an arc distance of 66.99 feet to the true point of beginning.

The Trust was created February 26, 1993, as number 030371959. The land that it owns which is incorporated into both my survey and plat contains 0.65 acres; is fully developed with driveways, lawns and with an existing building containing six, townhouse style, two story, apartments with six garages; is part of Permanent Tax Parcel Number 30-21-15-326-005; and, is

SURVEYOR'S DECLARATION

January 12, 1994

Page 2 of 3

comprised of three parcels described as follows:

Parcel # 1: Outlot A of the Fifth Plat of Country Squire Estates as recorded in the office of the Recorder of Champaign County, Illinois, in book G at page 75; and,

Parcel #2: All of that part of the east thirty feet of the Northwest Quarter of the Southwest Quarter of said Section 15, lying north of the north line extended eastward of Rainbow View Drive except the north 360 feet thereof, except Outlot A of the Fifth Plat of Country Squire Estates and also except that part of the unnamed public street, being 13.5 feet wide, lying south of Lantern Hill Drive extended eastward as both the unnamed street and Lantern Hill Drive were dedicated in the Sixth Plat of Country Squire Estates; and,

Parcel #3: Beginning on the west line of the Northeast Quarter of the Southwest Quarter of said Section 15 south $0^{\circ} 43' 10''$ east distant 384.54 feet from the Northwest corner of said Quarter, Quarter Section; thence north $89^{\circ} 10' 19''$ east 95.91 feet to a steel rod marker; thence southerly around a curve concave to the west with radius of 232.37 feet, and chord bearing of south $8^{\circ} 58' 43''$ east a distance of 66.99 feet to a steel rod marker; thence south $0^{\circ} 43' 10''$ west 150.46 feet to a steel rod marker; thence south $89^{\circ} 16' 50''$ west 105.50 feet to a point both on the west line of said Quarter, Quarter Section and on the north line extended eastward of Rainbow View Drive; thence north $0^{\circ} 43' 10''$ west 216.35 feet to the point of beginning.

This declaration was prepared by me at Urbana, Illinois. I have set or found survey markers at all lot corners and at the ends of all curves. I declare that the surveyed land is shown in a Zone C on the FIRM FLOOD INSURANCE RATE MAP County of Champaign, Panel 185 of 300 with effective date of March 1, 1984 and that there is no zone in Champaign, County designated less susceptible to flooding than Zone C; that the tracts that comprise the entire surveyed area are subject to several existing easements and that they and other easements to be created by the owners upon filing of this Plat are accurately shown graphically on my plat. The portion of land shown as being in Lantern Hill Drive was included

SURVEYOR'S DECLARATION

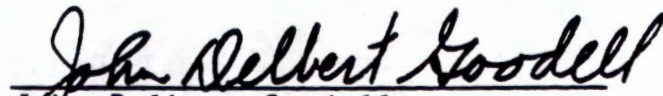
January 12, 1994

Page 3 of 3

accidentally in a Quit Claim deed issued by the City of Urbana and is to be dedicated to make it clear that the present land owner makes no claim to the existing streets right-of-ways. The plat of subdivision is to be known as RAINBOW SUBDIVISION.

This DECLARATION is a part of a plat of RAINBOW SUBDIVISION bearing the same date as this document.

I certify that I am registered by the State of Illinois as Professional Land Surveyor #1462 and that the registration is valid, current and not due for renewal until November 30, 1994; and, that this declaration is signed January 12, 1994.



John Delbert Goodell

JDG/s

**SURVEYOR'S REPORT
LAND DESCRIPTION
AND SURVEYOR'S DECLARATION**

At the request of Champaign National Bank, Trustee of a trust which holds title to three land parcels, and of Steve Owsley, agent for Little River Development Company, owner of another land parcel, I have surveyed, and prepared a plat of subdivision of the four contiguous parcels that will collectively comprise a new two lot and two public street division of the land all of which is in the Southwest Quarter of Section 15, Township 19 North, Range 9 East of the 3rd Principal Meridian, and being in the City of Urbana, Champaign County, Illinois. The parcel owned by Little River Development Company incorporated into both my survey and plat contains 4.6702 acres; is a portion of Lots 9 and 10 of the Jacob Smith Estate Subdivision as shown on plat in Chancery Court Record Book D at page 224 at the courthouse of Champaign County, Illinois; is currently farmland; and, is part of Permanent Tax Parcel Number 30-21-15-376-004. The description of that parcel is as follows:

A tract of ground containing 4.6702 acres in the northeast quarter of the southwest Quarter of Section 15, Township 19 North, Range 9 East of the 3rd Principal Meridian, and being in the City of Urbana, Champaign County, Illinois, the boundary of which is described as follows:

Commencing at the northwest corner of the Northeast Quarter of said Quarter Section; thence South $00^{\circ}43'10''$ East 384.5 feet along the west line of the northeast quarter of said Quarter Section to a steel rod marker; thence North $89^{\circ}10'19''$ East 95.91 feet to a cross chiseled in a pavement at the true point of beginning; thence continue North $89^{\circ}10'19''$ East 169.09 feet; thence South $85^{\circ}03'13''$ East 298.17 feet; thence South $75^{\circ}23'56''$ East 300.70 feet; thence South $76^{\circ}17'14''$ East 178.00 feet; thence South $00^{\circ}43'46''$ East 224.45 feet; thence North $76^{\circ}17'14''$ West 235.66 feet; thence North $75^{\circ}23'56''$ West 284.03 feet; thence North $85^{\circ}03'13''$ West 272.00 feet; thence South $89^{\circ}16'50''$ West 14.32 feet; thence North $85^{\circ}03'13''$ West 96.26 feet; thence South $00^{\circ}43'10''$ East 7.07 feet; thence South $89^{\circ}16'50''$ West 35.50 feet to a steel rod marker; thence North $00^{\circ}43'10''$ West 150.68 feet to a steel rod marker; thence northwesterly around a curve concave to the west having a radius of 232.37 feet and chord bearing of North $8^{\circ}58'43''$ West an arc distance of 66.99 feet to the true point of beginning.

The Trust was created February 26, 1993, as number 030371959. The land that it owns which is incorporated into both my survey and plat contains 0.65 acres; is fully developed with driveways, lawns and with an existing building containing six, townhouse style, two story, apartments with six garages; is part of Permanent Tax Parcel Number 30-21-15-326-005; and, is

SURVEYOR'S DECLARATION

January 12, 1994

Page 2 of 3

comprised of three parcels described as follows:

Parcel # 1: Outlot A of the Fifth Plat of Country Squire Estates as recorded in the office of the Recorder of Champaign County, Illinois, in book G at page 75; and,

Parcel #2: All of that part of the east thirty feet of the Northwest Quarter of the Southwest Quarter of said Section 15, lying north of the north line extended eastward of Rainbow View Drive except the north 360 feet thereof, except Outlot A of the Fifth Plat of Country Squire Estates and also except that part of the unnamed public street, being 13.5 feet wide, lying south of Lantern Hill Drive extended eastward as both the unnamed street and Lantern Hill Drive were dedicated in the Sixth Plat of Country Squire Estates; and,

Parcel #3: Beginning on the west line of the Northeast Quarter of the Southwest Quarter of said Section 15 south $0^{\circ} 43' 10''$ east distant 384.54 feet from the Northwest corner of said Quarter, Quarter Section; thence north $89^{\circ} 10' 19''$ east 95.91 feet to a steel rod marker; thence southerly around a curve concave to the west with radius of 232.37 feet, and chord bearing of south $8^{\circ} 58' 43''$ east a distance of 66.99 feet to a steel rod marker; thence south $0^{\circ} 43' 10''$ west 150.46 feet to a steel rod marker; thence south $89^{\circ} 16' 50''$ west 105.50 feet to a point both on the west line of said Quarter, Quarter Section and on the north line extended eastward of Rainbow View Drive; thence north $0^{\circ} 43' 10''$ west 216.35 feet to the point of beginning.

This declaration was prepared by me at Urbana, Illinois. I have set or found survey markers at all lot corners and at the ends of all curves. I declare that the surveyed land is shown in a Zone C on the FIRM FLOOD INSURANCE RATE MAP County of Champaign, Panel 185 of 300 with effective date of March 1, 1984 and that there is no zone in Champaign, County designated less susceptible to flooding than Zone C; that the tracts that comprise the entire surveyed area are subject to several existing easements and that they and other easements to be created by the owners upon filing of this Plat are accurately shown graphically on my plat. The portion of land shown as being in Lantern Hill Drive was included

SURVEYOR'S DECLARATION

January 12, 1994

Page 3 of 3

accidentally in a Quit Claim deed issued by the City of Urbana and is to be dedicated to make it clear that the present land owner makes no claim to the existing streets right-of-ways. The plat of subdivision is to be known as RAINBOW SUBDIVISION.

This DECLARATION is a part of a plat of RAINBOW SUBDIVISION bearing the same date as this document.

I certify that I am registered by the State of Illinois as Professional Land Surveyor #1462 and that the registration is valid, current and not due for renewal until November 30, 1994; and, that this declaration is signed January 12, 1994.


John Delbert Goodell
JDG/s



RIDER ATTACHED TO AND MADE A PART OF THE

OWNER'S CERTIFICATE

DATED 01/18/94

UNDER TRUST NO. 030-761/011/030/371/959

It is expressly understood and agreed by and between the parties hereto, anything herein to the contrary notwithstanding, that each and all of the warranties, indemnities, representations, covenants, undertakings and agreements herein made on the part of the Trustee are nevertheless each and every one of them, made and intended not as personal warranties, indemnities, representations, covenants, undertakings and agreements by the Trust or for the purpose or with the intention of binding said Trustee personally by are made and intended for the purpose of binding only that portion of the trust property specifically described herein, and this instrument is executed and delivered by said Trustee not in its own right, but solely in the exercise of the powers conferred upon it as such Trustee; and that no personal liability or personal responsibility is assumed by nor shall at any time be asserted or enforceable against the CHAMPAIGN NATIONAL BANK on account of any warranty, indemnity, representation, covenant, undertaking or agreement of the said Trustee in this instrument contained, either expressed or implied, all such personal liability, if any, being expressly waived and released.