

ORDINANCE NO. 9394-88

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

Edmund G. Keller and Vicki M. Keller

WHEREAS, an Annexation Agreement between the City of Urbana, Illinois and Edmund G. Keller and Vicki M. Keller and joined by subsequent purchaser Marianna H. Fielding has been submitted for the Urbana City Council's consideration, a copy of which is attached; and

WHEREAS, said agreement governs tracts totalling approximately 0.87 acres located at 2704 Cunningham Avenue and said tracts are legally described as follows:

Lots 1 and 2 of Huddleston Subdivision, Section 4 of Urbana Township, commonly known as 2704 Cunningham Avenue, Urbana, Illinois, situated in the County of Champaign, in the State of Illinois.

Said parcels containing 0.87 Acres, more or less, all situated in Champaign County, Illinois.

WHEREAS, the proposed Annexation Agreement is in conformance with the goals and objectives of 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 18, 1994 to consider said Annexation Agreement.

WHEREAS, the Urbana City Council, having duly considered all matters pertaining thereto, finds and determines that the proposed Annexation Agreement will not negatively impact the City of Urbana and would be in the best interests of the City of Urbana and its citizens if it is approved subject to the condition outlined by the Urbana Plan Commission.

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 Edmund G. Keller and Vicki M. Keller, 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. The City Clerk is directed to record a certified copy of this Ordinance and the Annexation Agreement herein approved, as amended, with the Recorder of Deeds of Champaign County, 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 18th day of April, 1994.

AYES: Hayes, Patt, Pollock, Ryan, Singen, Taylor and Mayor Satterthwaite

NAYS: None

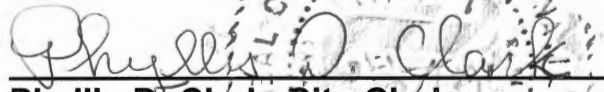
ABSTAINED: None

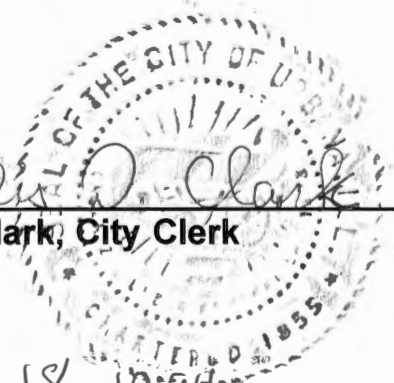
A circular seal of the City of Urbana, Illinois, featuring a central emblem and the text "SEAL OF THE CITY OF URBANA, ILLINOIS" around the perimeter.
Phyllis D. Clark
Phyllis D. Clark, City Clerk

APPROVED by the Mayor this 27th day of April, 1994.

Tod Satterthwaite
Tod Satterthwaite, Mayor

**THIS IS THE ATTACHMENT WHICH IS REFERRED TO IN ORDINANCE
NO. 9394-88 AND IS INCORPORATED THEREIN BY REFERENCE.**


Phyllis D. Clark, City Clerk


April 18, 1994
Date

2004R19705

RECORDED ON

06/25/2004 04:25:14PM

CHAMPAIGN COUNTY
RECORDER
BARBARA A. FRASCA

REC FEE: 31.00

REV FEE:

PAGES: 10

PLAT ACT: 0

10
Recording Cover Sheet

ORDINANCE NO. 9394-88

AN ORDINANCE APPROVING AND AUTHORIZING THE
EXECUTION OF AN ANNEXATION AGREEMENT (EDMUND G.
KELLER AND VICKI M. KELLER)

[NOTE TO RECORDER: THIS DOCUMENT IS BEING RE-
RECORDED DUE TO ERROR. PAGE 4 OF THIS DOCUMENT
WAS NOT RECORDED WHEN ORIGINALLY SUBMITTED.]

Prepared for recording by:

Deborah J. Roberts, Deputy City Clerk

400 S. Vine Street, Urbana, IL 61801

Return to:

Phyllis D. Clark, City Clerk
City of Urbana
400 S. Vine Street
Urbana, IL 61801

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THE EXECUTION OF AN ANNEXATION AGREEMENT**

Edmund G. Keller and Vicki M. Keller

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Said parcels containing 0.87 Acres, more or less, all situated in Champaign County, Illinois.

WHEREAS, the proposed Annexation Agreement is in conformance with the goals and objectives of 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 18, 1994 to consider said Annexation Agreement.

WHEREAS, the Urbana City Council, having duly considered all matters pertaining thereto, finds and determines that the proposed Annexation Agreement will not negatively impact the City of Urbana and would be in the best interests of the City of Urbana and its citizens if it is approved subject to the condition outlined by the Urbana Plan Commission.

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 Edmund G. Keller and Vicki M. Keller, 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. The City Clerk is directed to record a certified copy of this Ordinance and the Annexation Agreement herein approved, as amended, with the Recorder of Deeds of Champaign County, 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 18th day of April, 1994.

AYES: Hayes, Patt, Pollock, Ryan, Singer, Taylor and Mayor Satterthwaite

NAYS: None

ABSTAINED: None

Phyllis D. Clark
Phyllis D. Clark, City Clerk

APPROVED by the Mayor this 27th day of April, 1994.

Tod Satterthwaite
Tod Satterthwaite, Mayor

STANDARD ANNEXATION AGREEMENT

Keller Annexation Agreement

THIS AGREEMENT is made and entered into by and between the City of Urbana, Illinois (hereinafter sometimes referred to collectively as the "Corporate Authorities" or the "City") and Mr. Edmund G. Keller and Mrs. Vicki M. Keller (hereinafter referred to as the "Owners"). The effective date of this Agreement shall be the date the Agreement is recorded in the Office of the Champaign County Recorder, as set forth below in Article III, Section 5.

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 (65 ILCS 5/11-15.1-1); and

WHEREAS, pursuant to notice, as required by statute, the Corporate Authorities have held a proper public hearing on this Annexation Agreement on March 30, 1994; and

WHEREAS, Mr. Edmund G. Keller and Mrs. Vicki M. Keller are the Owners of Record of certain parcels of real estate totaling 0.87 acres located at 2704 Cunningham Avenue and having tax parcel numbers 30-21-04-201-021 and 30-21-04-201-022 the legal description of which real estate is set forth below and in Exhibit A attached hereto.

WHEREAS, the attached map, labeled Exhibit B, is a true and accurate representation of the Tracts to be annexed to the City of Urbana under the provisions of this Agreement;

WHEREAS, although the Tracts are not yet contiguous to the City of Urbana, said Owners, in order to best utilize their property, find it desirous to annex the Tracts to the City of Urbana when said Tracts become contiguous to the City, pursuant to, and as provided for in this Annexation Agreement; and

WHEREAS, the City and the Owners find it necessary and desirable that the Tracts be annexed to the City with a zoning classification of B-3 General Business, under the terms and provisions of the Urbana City Code of Ordinances, as amended, and subject to the terms and conditions set forth in this Agreement; and

WHEREAS, the Corporate Authorities find annexation of the Tracts as described herein reflects the goals, objectives and policies set forth in the City's 1982 Urbana Comprehensive Plan, as amended from time to time; 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 the aforementioned real estate annexed to the City of Urbana upon certain terms and conditions hereinafter set forth 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 THE OWNERS

The Owners agree to the following provisions:

Section 1: Owners represent that they are the sole record owners of the Tracts described in Exhibit A and that they shall, within thirty (30) days of the property becoming contiguous to the Urbana City limits cause the Tracts to be annexed to the City of Urbana by filing a legally sufficient annexation petition all in accordance with the Illinois Statutes and shall, until annexation of Tracts described above occurs, require that any persons intending to reside on the Tracts described above, prior to residing thereon, to agree to join in and consent to any petition for annexation of such tracts. Owners agree to pay twenty-five (25) dollars to the City as liquidated damages for each day the Owners fail to deliver said petition to annex after thirty (30) days from the date the property becomes contiguous or the date fourteen (14) days after the City sends notice to the Owners by certified mail that the property is contiguous, whichever is later.

Section 2. The Owners shall take no action or omit to take action during the term of this Agreement which action or omission, as applied to the Tracts, would be a breach of this Agreement, without first procuring a written amendment to this Agreement duly executed by both the Owners and the City.

Section 3. The Owners agree and hereby stipulate that the City, by its approval, execution or delivery of this Agreement does not in any way relinquish or waive any authority it may have to annex the Tracts in the absence of this Agreement.

Section 4. The Owners agree to cause all development and construction on said Tracts to be in conformance with all City codes, ordinances, orders or regulations in effect at the time of annexation, except as otherwise stipulated herein. The Owners agree to submit all building construction plans to the City of Urbana for review and further agree to pay the building permit fee

just as though the construction were taking place within the Urbana City limits. The Owners further agree to correct any deficiencies identified in said plan review. In addition, the Owners agree that all construction will be subject to the same building and construction inspection requirements as construction projects within the City.

Section 5. The Owners agree to provide the City with sales tax information reasonably necessary for the City to determine payments owed by the City to Champaign County, if any, as the result of annexation of the Tracts.

ARTICLE II. REPRESENTATIONS AND OBLIGATIONS OF THE CORPORATE AUTHORITIES

The Corporate Authorities agree to the following provisions:

Section 1. The Corporate Authorities agree to expeditiously annex said Tracts, subject to the terms and conditions outlined in this Agreement, when properly and effectively requested to do so, by submission of a legally sufficient petition from the Owners, by enacting such ordinances as may be necessary and sufficient to legally and validly annex said Tracts to the City but only if the Corporate Authorities are assured that the City can safely and effectively provide essential services such as fire protection in a manner that complies with generally accepted professional standards for public safety. The Corporate Authorities further agree that this section governing annexation shall be included in any sales contracts for land within the Tracts and will constitute an obligation upon subsequent owners to annex into the City of Urbana. This provision governing annexation and future obligations shall be included in covenants and shall run with the land. The Corporate Authorities agree that nothing in this Agreement shall preclude the voluntary annexation of property by subsequent property owners.

Section 2. The Corporate Authorities agree that the City will take any action necessary to zone the Tracts to B-3, General Business in accordance with the provision contained with the City of Urbana Zoning Ordinance, subject to the terms and conditions set forth in this agreement.

Section 3. The Corporate Authorities agree that the City shall take no action or omit to take action during the term of this Agreement which act or omission as applied to the Tracts would be a breach of this Agreement without first procuring a written amendment to this Agreement duly executed by both the Owners and the City.

Section 4. The Corporate Authorities agree to expeditiously approve any final subdivision plats of said Tracts that may be submitted by the Owners in the future and which conform to the requirements of the City's Subdivision Code.

Section 5. The Corporate Authorities find and determine that all existing improvements and land uses on the Tracts when they are annexed under the terms of this Agreement, and lawfully existing under the provisions of the Champaign County Zoning Ordinance applicable thereto prior to the annexation of the Tracts, shall be considered lawful during the term of this Agreement pursuant to the provisions of Article X, Section X-1 of the Urbana Zoning Ordinance. In addition, any such improvements and land uses may continue 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, the provisions of Article X, Section X-8 of the Urbana Zoning Ordinance notwithstanding.

ARTICLE III: GENERAL PROVISIONS

Section 1. Term of this Agreement -- 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 effective date hereof as provided by the Illinois State Statutes. To the extent permitted thereby, it is agreed that, in the event the annexation of subject 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 shall not be included in calculating said twenty-year term.

Section 2. Covenant running with land -- The terms of this Agreement constitute a covenant running with the land and are hereby expressly made binding upon all heirs, grantees, lessees, executors, assigns and successors in interest of the Owners as to all or any part of the Tracts, and are further expressly made binding upon said City and the duly elected or appointed successors in office of its Corporate Authorities.

Section 3. Enforcement -- 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 Owners, the City may refuse the issuance of any permits or other approvals or authorizations relating to development of the Tracts.

Section 4. Severability -- 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 5. Effective Date -- The Corporate Authorities and Owners intend that this Agreement shall be recorded in the Office of the Champaign County Recorder with any expenses for said recording to be paid by the Corporate Authorities. The effective date of this Agreement shall be the date it is recorded.

IN WITNESS WHEREOF, the Corporate Authorities and Owners 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 written below.

**CORPORATE AUTHORITIES
CITY OF URBANA**

Tod Satterthwaite
Tod Satterthwaite, Mayor

4/27/94
Date

OWNERS:

Edmund S. Keller

3/10/94
Date

Vicki M. Keller

3/10/94
Date

ATTEST:

Phyllis D. Clark
Phyllis D. Clark
CITY CLERK

April 27, 1994
Date

ATTEST:

Eleanor Hagerman
Notary Public
"OFFICIAL SEAL"
Eleanor Hagerman
Notary Public, State of Illinois
My Commission Expires 6/13/95

march 10, 1994
Date

(annex\kel03214.agr)

ATTEST:

Deborah J. Roberts 3/31/94
Notary Public Date

"OFFICIAL SEAL"
Deborah J. Roberts
Notary Public, State of Illinois
My Commission Expires 3/31/94

Marianna H. Fielding joins in this agreement and adopts it as her own.

Marianna H. Fielding 3/21/94
Date

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~~0109~~
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EXHIBIT A

KELLER ANNEXATION AGREEMENT

Legal Description

The legal description of the subject property is as follows:

Lots 1 and 2 of Huddleston Subdivision, Section 4 of Urbana
Township, Urbana, Illinois,
commonly known as 2704 Cunningham Avenue, Urbana.

~~2119~~
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