

COPY

ORDINANCE NO. 9596-110

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF URBANA TO CONVEY THE CITY'S INTERESTS IN CERTAIN REAL PROPERTY TO SCHNUCK MARKETS, INC.

WHEREAS, in accordance with and pursuant to the Tax Increment Allocation Redevelopment Act ( 65 ILCS 5/11-74.4) as supplemented and amended (the "TIF Act") and by the power and authority vested unto the City of Urbana (the "City") as a home rule unit under Section 6 of Article VII of the Constitution of the State of Illinois, the City has designated that area of real property bounded on the north by the Penn Central Right of Way, the south by Main Street, the east by Vine Street and the west by Maple Street as a "conservation area" within the meaning of the TIF Act (said area being hereinafter referred to as the "Maple & Vine Redevelopment Project Area"); and,

WHEREAS, the City Council of the City on December 15, 1986, adopted Ordinance No. 8687-45 known as "An Ordinance Approving A Redevelopment Plan And Redevelopment Project; Designating A Redevelopment Project Area; And Adopting Tax Increment Allocation Finance", which ordinance established the Maple & Vine Redevelopment Project Area, Redevelopment Plan, and Redevelopment Project and which ordinance was duly filed with the County Clerk of Champaign County, Illinois; and,

WHEREAS, a "Request For Proposals And Notice" for development of the Maple & Vine Redevelopment Project Area was published pursuant to the requirement of the TIF Act and Schnuck Markets, Inc. was thereafter selected by the City as the Developer of the Maple & Vine Redevelopment Project Area; and,

WHEREAS, the City and Schnuck Markets, Inc., as Developer, subsequently entered into a Redevelopment Agreement pertaining to the Maple & Vine Redevelopment Project Area; and,

WHEREAS, Section 3.2 of the Redevelopment Agreement provides, in part, as follows:

Section 3.2 Conveyance of City Property. Vacation of Roadways. Miscellaneous Property Interests. In addition to the real property within the Maple & Vine Redevelopment Project Area for which Developer has binding contractual rights to acquire, the City Property is located therein. Additionally, various streets and access ways currently exist within the Maple & Vine Redevelopment Project Area, and third parties may currently maintain real property interests (including leaseholds) within the Maple & Vine Redevelopment Project Area. As such, at any time following the acquisition of any real property within the Maple & Vine Redevelopment Project Area by Developer, upon written notice from Developer to the City, the City shall convey and transfer the City Property (to the extent of the ownership interest of the City) to the Developer for One Dollar (the parties acknowledging various obligations and responsibilities herein constitute additional



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valuable consideration). With respect to causing the vacation and /or conveyance of all streets and access ways, and the termination or conveyance to Developer of all property interests of any third parties within the Maple & Vine Redevelopment Project Area, the City will proceed as soon as possible following execution hereof to complete such vacations and termination or conveyance of such third party interests, such that Developer shall obtain ownership of all property interests relating thereto following Developer's acquisition of any other real property within the Maple & Vine Redevelopment Project Area. The legal description, and additional documentation and material, shall be provided by the City as is customary to accommodate issuance of binding unconditional title insurance insuring fee simple ownership in and to Developer.

; and,

WHEREAS, it was the intention of the City and Schnuck Markets, Inc. that the City Property referred to in Section 3.2 of the Redevelopment Agreement include any and all properties within the Redevelopment Project Area that the City had or might have an interest in, including property acquired by the City subsequent to the date of the Redevelopment Agreement; and,

WHEREAS, there are three parcels of real estate, other than street rights of ways and alleys, located within the Maple & Vine Redevelopment Project Area in which the City either has, or may have, an interest:

Parcel A consists of a portion of the abandoned Norfolk & Western rail road right of way on the east edge of the Maple & Vine Redevelopment Project Area that is owned by the City;

Parcel B is a parcel that the City recently acquired from the Urbana Champaign Sanitary District at the City's request; and,

Parcel C is a small triangular parcel located near the east edge of the Maple & Vine Redevelopment Project Area that was once a part of the Norfolk & Western rail road right of way and in which the City may have an interest;

and,

WHEREAS, Schnuck Markets, Inc. has acquired real property within the Redevelopment Project Area and has given the City written notice of such acquisitions; and,

WHEREAS, it is now incumbent upon the City pursuant to section 3.2 of the Redevelopment Agreement to convey to Schnuck Markets, Inc. all real property located within the Maple & Vine Redevelopment Project Area in which the City either has or may have an interest; and,

WHEREAS, Schnuck Markets, Inc., having purchased lots 17, 18, and the west 49 1/2 feet of lot 19 of William T. Webber's Subdivision of Outlots 5, 6, and 7 of the town, now city, of Urbana, the alley located between lots 18 and 19 being the subject of an Agreement Regarding Proposed Public Alley Vacation entered into by and between the City of Urbana and Raymond S. Timpone and Alma Maxine Timpone on March 5, 1973 whereby the Timpone's agreed to convey to the City at no charge the south fifteen feet of that to-be-vacated alley-way as needed for future expansion



of Main Street and to grant to the City an easement up to three feet wide along the south and west boundaries of said properties for the widening of Main Street and Vine Street; and,

WHEREAS, due to the Maple & Vine Redevelopment Project and the associated improvements of Main Street and Vine Street, there will be no additional improvements made to either Main Street or Vine Street in the foreseeable future that would include any portion of the aforesaid vacated alley-way; and,

WHEREAS, Schnuck Markets, Inc. has requested that the aforesaid agreement between the City and the Timpones be rescinded while acknowledging that the City of Urbana reserved an easement in the location of the aforesaid vacated alley for the maintenance of all sewers and public utilities and such easement(s) would be unaffected by the rescission of the aforesaid Agreement; and,

WHEREAS, a public hearing regarding the conveyance of the property authorized by this Ordinance was held before the Urbana City Council on May 6, 1996 pursuant to a notice of such public hearing published in a paper of general circulation in the City of Urbana on April 20, 1996.

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

A. The Mayor of the City of Urbana is hereby authorized to execute deeds on behalf of the City of Urbana to effect the following:

1. Convey to Schnuck Markets, Inc. by warranty deed those parcels of real estate legally described in an attachment to this ordinance as Parcel A and Parcel B.

2. Convey to Schnuck Markets, Inc. by quit claim deed that parcel of real estate legally described in an attachment to this ordinance as Parcel C.

B. The Mayor of the City of Urbana is hereby authorized to enter into An Agreement to Rescind An Agreement Regarding Proposed Public Alley Vacation Between The City Of Urbana And Raymond S. Timpone And Alma Maxine Timpone Dated March 5, 1973, a copy of which is attached hereto.

PASSED by the City Council this 20<sup>th</sup> day of May, 1996.

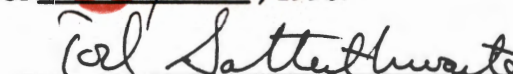
AYES: Hayes, Kearns, Patt, Pollock, Ryan, Taylor, and

NAYS; Mayor Satterthwaite

ABSTAINED;

  
\_\_\_\_\_  
Phyllis C. Clark, City Clerk

APPROVED by the Mayor this 31<sup>st</sup> day of May, 1996.

  
\_\_\_\_\_  
Tod Satterthwaite, Mayor

**PARCEL A**

Part of the South East 1/4 of the South East 1/4 of Section 8, Township 19 North, Range 9 East of the Third Principal Meridian and part of the North East 1/4 of the North East 1/4 of Section 17, Township 19 North, Range 9 East of the Third Principal Meridian, in Champaign County, Illinois, described as follows:

That part of the abandoned Wabash Railroad Company right of way lying West of the Westerly line of Maple Street, East of the West line of the East 1/2 of the East 1/2 of the South East 1/4 of said Section 8, and Easterly of the Northeasterly line of Freeman's Replat, and North of the North line of Main Street;

Except that part described as follows:

Beginning at the South East corner of Lot 4 of Mary Markle's Replat as monumented by M. H. Kinch's survey of Freeman's Replat recorded in Plat Book "J" on Page 25 in the office of the Recorder of Champaign County, Illinois; thence North 02 Degrees, 04 Minutes, 25 Seconds West along the Westerly right-of-way line of the Norfolk and Western Railroad, 55.83 feet; thence South 39 Degrees, 42 Minutes, 15 Seconds East, 73.32 feet; thence North 89 Degrees, 13 Minutes, 03 Seconds West, 44.82 feet to the place of beginning, situated in Urbana, Champaign County, Illinois.

**PARCEL B**

The East 20 feet of Lots 21 and 22 in William T. Webber's Subdivision of outlots 5, 6 and 7 of outlots to the town, now City of Urbana, as per plat recorded in Deed Record "A" at Page 357, in Champaign County, Illinois.

**PARCEL C**

Part of the South East 1/4 of the South East 1/4 of Section 8, Township 19 North, Range 9 East of the Third Principal, described as follows:

Beginning at the South East corner of Lot 4 of Mary Markle's Replat as monumented by M. H. Kinch's survey of Freeman's Replat recorded in Plat Book "J" on Page 25 in the office of the Recorder of Champaign County, Illinois; thence North 02 Degrees, 04 Minutes, 25 Seconds West along the Westerly Right-Of-Way line of the Norfolk and Western Railroad, 55.83 feet; thence South 39 Degrees, 42 Minutes, 15 Seconds East, 73.32 feet; thence North 89 Degrees, 13 Minutes, 03 Seconds West, 44.82 feet to the place of beginning, situated in Urbana, Champaign County, Illinois.



AGREEMENT TO RESCIND AN AGREEMENT REGARDING PROPOSED PUBLIC ALLEY VACATION BETWEEN THE CITY OF URBANA AND RAYMOND S. TIMPONE AND ALMA MAXINE TIMPONE DATED MARCH 5, 1973

This Agreement to Rescind An Agreement Regarding Proposed Public Alley Vacation Between The City Of Urbana And Raymond S. Timpone And Alma Maxine Timpone Dated March 5, 1973 is made and entered into by and between the City of Urbana (the "City") and Schnuck Markets, Inc. ("Schnuck's") as of the 20th day of May, 1996.

WITNESS:

WHEREAS, the City entered into an agreement titled "Agreement Regarding Proposed Public Alley Vacation" dated March 5, 1973, with Raymond S. Timpone and Alma Maxine Timpone; and,

WHEREAS, the stated purpose of said Agreement was to provide for the widening of Main Street and Vine Street; and,

WHEREAS, Schnuck's has purchased from Raymond S. Timpone and Alma Maxine Timpone that property that was the subject of said Agreement; and,

WHEREAS, Schnuck's is the developer of the Maple & Vine Redevelopment Area adjacent to Main Street and Vine Street; and,

WHEREAS, Main Street and Vine Street will be improved in conjunction with the development of the Maple & Vine Redevelopment Area; and,


WHEREAS, such improvements to Main Street and Vine Street are in conformance with the improvements to such streets as contemplated by the City when it entered into the aforesaid Agreement in 1973; and,

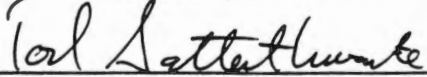
WHEREAS, said Agreement of 1973 has effectively been rendered moot due to said improvements to Main Street and Vine Street;

NOW, THEREFORE, it is hereby agreed by the parties hereto that the Agreement Regarding Proposed Public Alley Vacation dated March 5, 1973, is hereby rescinded, effective the day and year first above stated.

SCHNUCK MARKETS, INC.

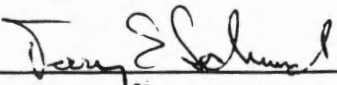
CITY OF URBANA, ILLINOIS


By:   
Name: Craig D. Schnuck  
Title: Chairman of the Board  
and C.E.O.

By:   
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

ATTEST:

ATTEST:

By:   
Name: Terry F. Schnuck  
Title: Secretary

(SEAL)  
  
Phyllis C. Clark, City Clerk

STATE OF MISSOURI )  
 )  
COUNTY OF ST. LOUIS ) ss.

On this 22 day of August, 1996, before me appeared Craig D. Schnuck, to me personally known, who, being by me duly sworn, did say that he is the \*                      of SCHNUCK MARKETS, INC., a corporation of the State of Missouri, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation, and that said instrument was signed and sealed in behalf of said corporation, by authority of its Board of Directors; and said Craig D. Schnuck acknowledged said instrument to be the free act and deed of said corporation. \*Chairman of the Board and C.E.O.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the County and State aforesaid, the day and year first above written.

Mary C. Herman  
Notary Public

My term expires: **MARY C. HERMAN  
NOTARY PUBLIC - COUNTY OF ST. LOUIS  
STATE OF MISSOURI  
MY COMMISSION EXPIRES OCTOBER 26, 1999**

STATE OF ILLINOIS )  
 )  
COUNTY OF CHAMPAIGN ) ss.

On this 3rd day of September, 1996, before me appeared TOD Satterthwaite, to me personally known, who, being by me duly sworn, did say that he is the MAYOR of the CITY OF URBANA, ILLINOIS, a municipal corporation, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation, and that said instrument was signed and sealed in behalf of said corporation, by authority of its City Council; and said MAYOR acknowledged said instrument to be the free act and deed of said corporation. TOD Satterthwaite

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the County and State aforesaid, the day and year first above written.

Linda N. Peterson  
Notary Public

My term expires: 1/30/99

