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ORDINANCE NO. 9697-140

DOC # _____
CHAMPAIGN COUNTY, ILL

AN ORDINANCE APPROVING AND AUTHORIZING
THE EXECUTION OF AN AMENDMENT TO AN
ANNEXATION AGREEMENT (ARCOLA FIRST
NATIONAL BANK LAND TRUST 278 / FIRST
NATIONAL BANK OF OGDEN, TRUST #83)

'98 OCT 16 PM 12 04

Barbara A. Praca
RECORDER

and

LOCATION MAP / PROPOSED SIDEWALK
VACATION 803 & 901 BRIGHTON DRIVE

and

AN AMENDMENT TO AN ANNEXATION AGREEMENT
LAND TRUST 278 - ARCOLA FIRST NATIONAL
BANK

Prepared for recording by:

Sharon D. Roberts

Deputy Clerk

↓

Return to:

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


CLERK'S CERTIFICATE

STATE OF ILLINOIS)
) SS
 COUNTY OF CHAMPAIGN)

I, PHYLLIS D. CLARK, 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 AMENDMENT TO AN ANNEXATION AGREEMENT (ARCOLA FIRST NATIONAL BANK LAND TRUST 278 / FIRST NATIONAL BANK OF OGDEN, TRUST #83)" [Ord. No. 9697-140]

approved by the City Council of the City of Urbana, Illinois, on the 19th day of May, A.D., 1997, as it appears in the records and files in my office remaining.

Given under my hand and seal of said City of Urbana, Illinois, this 13th day of October, A.D., 1998.



 Phyllis D. Clark, City Clerk



ORDINANCE NO. 9697-140**AN ORDINANCE APPROVING AND AUTHORIZING
THE EXECUTION OF AN AMENDMENT TO AN ANNEXATION AGREEMENT****Arcola First National Bank Land Trust 278
(First National Bank of Ogden, Trust #83)**

WHEREAS, an Annexation Agreement between the City of Urbana, Illinois and the Arcola First National Bank Land Trust 278 was previously approved by the City Council; and

WHEREAS, said agreement governs tracts totaling approximately 56.74 acres generally located at the southwest corner of Florida Avenue extended and Illinois Route 130; and said tract is legally described as follows:

The East ½ of the Northeast 1/4 of Section 22, Township 19 North, Range 9 East of the Third Principal Meridian, situated in Champaign County, Illinois, except that part described as follows:

Beginning at the northeast corner of Section 22, Township 19 North, Range 9 East of the third principal meridian, Champaign County, Illinois; proceed on an Illinois State Plane Coordinate System, East Zone, Grid bearing of South 00 degrees, 57 minutes, 48 seconds east along the east line of said section 22, a distance of 2,656.80 feet to a point on the south line of the northeast 1/4 of said section 22; thence south 89 degrees, 02 minutes, 12 seconds west along said south line of Section 22; a distance of 115.00 feet; thence north 02 degrees, 56 minutes, 00 seconds east 544.46 feet; thence north 02 degrees, 56 minutes, 00 seconds east 544.46 feet; thence north 00 degrees, 10 minutes, 12 seconds west 1300.12 feet; thence north 01 degrees, 40 minutes, 02 seconds west 813.66 feet to a point on the north line of said Section 22, thence north 89 degrees, 02 minutes, 12 seconds east along said north line of Section 22; a distance of 70.00 feet to the point of beginning, being the same lands taken by the Department of Transportation of the State of Illinois in Case No. 86-L-71;

And, also except that part platted as Emergo First Subdivision as per plat recorded in Book "BB" of Plats at Page 281 in the Recorder's Office of Champaign County, Illinois.

WHEREAS, the ownership of said tract has change to the First National Bank of Ogden, Trust #83; and

WHEREAS, an amendment to the original agreement has been submitted for the Urbana City Council's consideration, a copy of which is attached, and designated as Plan Case #1652-A-97; and

WHEREAS, said Amendment to An Annexation Agreement was presented to the Urbana Plan Commission as Plan Case #1552-A-97; and

WHEREAS, the Urbana Plan Commission reviewed the proposed Amendment to An Annexation Agreement on May 8, 1997; and voted to forward Plan Case #1652-A-97 to the Urbana City Council with a recommendation for approval of the Amendment to An Annexation Agreement; and

WHEREAS, the proposed Amendment to An 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 May 5, and May 19, 1997 to consider said Amendment to An Annexation Agreement.

WHEREAS, the Urbana City Council, having duly considered all matters pertaining thereto, finds and determines that the proposed Amendment to An 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.

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

Section 1. That the Amendment to An Annexation Agreement between the City of Urbana, Illinois and Arcola First National Bank Land Trust No. 278, 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 Amendment to An 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 Amendment to An Annexation Agreement herein approved, with the Recorder of Deeds of Champaign County, Illinois.

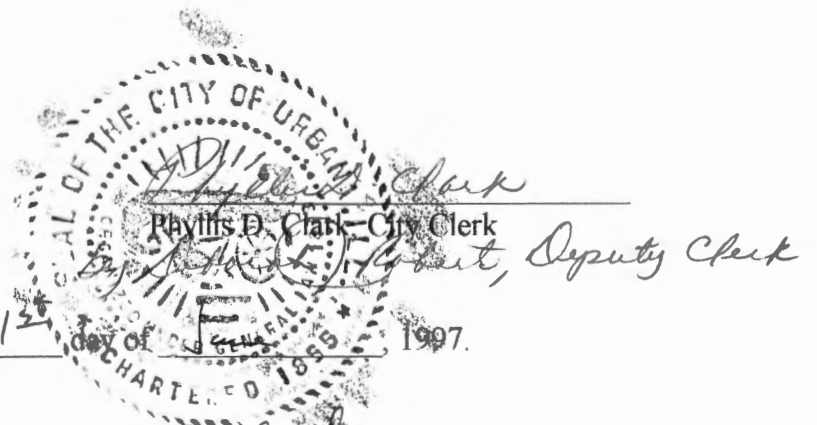
This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called of two-thirds of the members of the Corporate Authorities of the City of Urbana, Illinois, then holding office, at a regular meeting of said Council.

PASSED by the City Council on this 19th day of May, 1997.

AYES: Huth, Kearns, Patt, Taylor, Whelan, Wyman and
Mayor Satterthwaite

NAYS:

ABSTAINED:



Rhynis D. Clark
 Rhynis D. Clark - City Clerk
Deputy Clerk

APPROVED by the Mayor this 12th day of January, 1997.

Tod Satterthwaite
 Tod Satterthwaite, Mayor

**An Amendment to An Annexation Agreement
Land Trust 278 - Arcola First National Bank**

THIS Agreement is made and entered into by and between the City of Urbana, Illinois, (hereinafter sometimes referred to as the "Corporate Authorities" or the "City") and **Arcola First National Bank Land Trust No. 278** (hereinafter referred to as the "Owner"). The effective date of this Agreement shall be the date upon which the Mayor executes said agreement.

WITNESSETH:

WHEREAS, the Urbana City Council approved an agreement entitled "Annexation Agreement (Land Trust 278 - Arcola First National Bank) by approving Ordinance No. 9394-22 on August 23, 1993. Said Annexation Agreement is hereinafter referred to as "the previously approved agreement"; and

WHEREAS, on the 4 day of October, 1995, the First National Bank of Ogden, Trust #83 became the owner of record of said property and succeeded in all respects to the rights of the Arcola First National Bank, including an assignment of all rights under the previously approved agreement; and

WHEREAS, the Owner and the City agree that it is in the best interests of the parties to amend said agreement; and

WHEREAS, this Amendment to the 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, First National Bank of Ogden, Trust #83 is the Owner of record of a certain 76/74-acre parcel of real estate located along Illinois Route 130, and having permanent index number 92-21-22-200-002, the legal description of which real estate is set form in Exhibit A attached hereto and referenced herein as "the tract"; and

WHEREAS, the tract was annexed to the City of Urbana on May 25, 1995; and

WHEREAS, the Urbana Plan Commission considered the terms and conditions herein at a public hearing on May 8, 1997 and recommended the City Council approve said amendment; and

WHEREAS, said Owner finds that in order to best utilize the Owner's property, it is desirous to amend the previously approved annexation agreement as provided for herein; and

WHEREAS, the Corporate Authorities find the amendment of the previously approved annexation agreement reflects the goals, objectives and policies set forth in the City's 1982 Urbana Comprehensive Plan, as amended from time to time; and

NOW, THEREFORE, FOR AND IN CONSIDERATION OF THE MUTUAL PROMISES SET FORTH HEREIN, THE PARTIES AGREE AS FOLLOWS:

Section 1: The parties acknowledge that the tract was zoned AG Agriculture upon its annexation in Ordinance No. _____ pursuant to the previously approved agreement. The parties agree to amend said previously approved agreement to allow for the rezoning of the tract from AG Agriculture to R-4 Medium Density Multiple Family Residential. The Owner acknowledges that the City's Comprehensive Plan designates a portion of this property fronting on Illinois Route 130 as an "Office Park" corridor and agrees to reserve a developable portion of the tract for office park development for a period of five (5) years from the date of this agreement, pending the City's adoption of an Office Park District. If the City of Urbana adopts an amendment to the Urbana Zoning Ordinance to create an Office Park Zoning District, a portion of the tract fronting on Illinois Route 130 will be considered for said zoning upon the submittal of a petition by either the Owner or the Urbana Zoning Administrator. Such a change in zoning to Office Park is in conformance with the City of Urbana Comprehensive Plan. If such portion of the tract is so rezoned, such rezoning shall not be deemed to be a violation of the Agreement. If said property is not rezoned, the Owners and the City agree that the property may either be developed in conformance with the City R-4 Zoning District as it then exists or the Owner is free to seek alternative zoning. In any case, the City agrees to use its best efforts to work with the owner for a proper development of the tract.

Section 2: The parties further agree that the Owner will, at a cost of \$24,195.00 to the city, dedicate easements and right of way as described in Exhibit B to accommodate the relocation of Illinois Power utility poles along the tract's frontage on Illinois Route 130 and right-of-way along the northern property line of said tract as described herein.

Section 3: The parties agree that the Owner will have the right to cultivate said right-of-way along the northern portion of said tract to the extent that said cultivation does not interfere with either the location and maintenance of said Illinois Power poles or with the future construction of Florida Avenue extended. If either occurs, the City will notify the Owner of said conflict and the Owner will vacate said right-of-way upon notice.

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 written below.

**Corporate Authorities
City of Urbana:**

Tod Satterthwaite
Tod Satterthwaite, Mayor

Owner:

First National Bank of Ogden
Trustee for Trust 83
By Dennis Johnson, VP
Owner





Date

ATTEST

Phyllis D. Clark
Phyllis D. Clark by *Deborah J. Roberts*,
City Clerk, Deputy Clerk

1997
Date

Date 8/28/97

ATTEST:

Victoria L. Stewardson
Notary Public

August 28, 1997
Date

Exhibits attached and made a part of this Agreement:

- Exhibit A: Legal Descriptions
- Exhibit B: Easement and right-of-way description



Exhibit A - Legal Description of the Tract

The East ½ of the Northeast 1/4 of Section 22, Township 19 North, Range 9 East of the Third Principal Meridian, situated in Champaign County, Illinois, except that part described as follows:

Beginning at the northeast corner of Section 22, Township 19 North, Range 9 East of the third principal meridian, Champaign County, Illinois; proceed on an Illinois State Plane Coordinate System, East Zone, Grid bearing of South 00 degrees, 57 minutes, 48 seconds east along the east line of said section 22, a distance of 2,656.80 feet to a point on the south line of the northeast 1/4 of said section 22; thence south 89 degrees, 02 minutes, 12 seconds west along said south line of Section 22; a distance of 115.00 feet; thence north 02 degrees, 56 minutes, 00 seconds east 544.46 feet; thence north 02 degrees, 56 minutes, 00 seconds east 544.46 feet; thence north 00 degrees, 10 minutes, 12 seconds west 1300.12 feet; thence north 01 degrees, 40 minutes, 02 seconds west 813.66 feet to a point on the north line of said Section 22, thence north 89 degrees, 02 minutes, 12 seconds east along said north line of Section 22; a distance of 70.00 feet to the point of beginning, being the same lands taken by the Department of Transportation of the State of Illinois in Case No. 86-L-71;

And, also except that part platted as Emergo First Subdivision as per plat recorded in Book "BB" of Plats at Page 281 in the Recorder's Office of Champaign County, Illinois.

98 R 31843

Exhibit B

Easement and Right-of-Way Dedication

PROPOSED UTILITY EASEMENT
OTTO PROPERTY

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A portion of the East one-half of the Northeast Quarter of Section 22, Township 19 North, Range 9 East of the Third Principal Meridian, Champaign County, Illinois, more particularly described as follows:

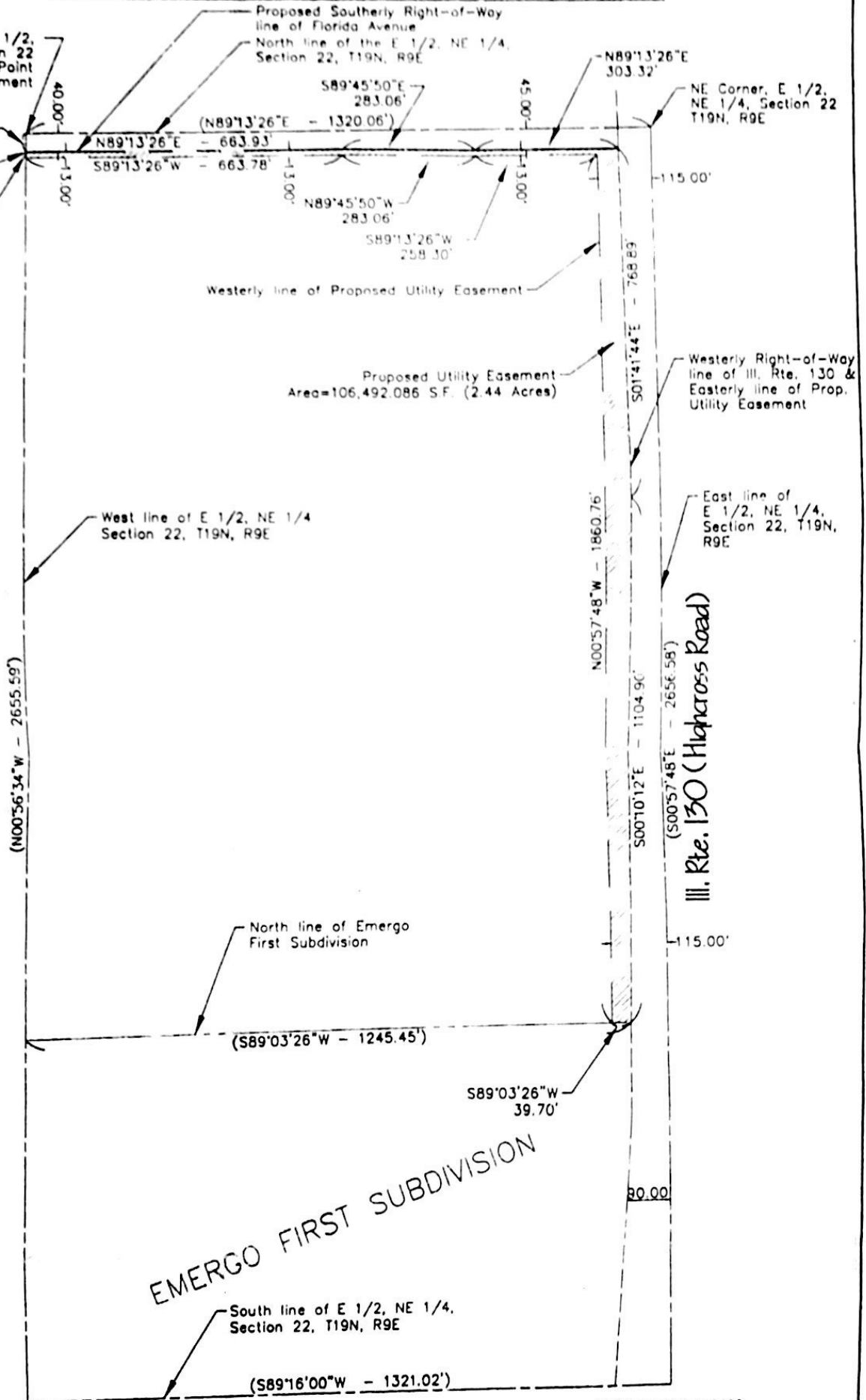
Commencing at the Northwest corner of the East one-half of the Northeast Quarter of said Section 22, thence $S00^{\circ}56'34''E$, along the west line of said East one-half of the Northeast Quarter, 40.00 feet to the Point of Beginning; thence, $N89^{\circ}13'26''E$, along a line parallel with and 40.00 feet southerly of, the north line of said East one-half of the Northeast Quarter, said line also being the proposed southerly Right-of-Way line of Florida Avenue, 663.93 feet; thence, $S89^{\circ}45'50''E$, along said proposed southerly Right-of-Way line, 283.06 feet, to a point 45.00 feet southerly of the north line of said East one-half of the Northeast Quarter; thence, $N89^{\circ}13'26''E$, along a line parallel with and 45.00 feet southerly of, the north line of said East one-half of the Northeast Quarter, said line also being the proposed southerly Right-of-Way line of Florida Avenue, 303.32 feet, to a point on the westerly Right-of-Way line of Illinois Route 130 (Highcross Road); thence, $S01^{\circ}41'44''E$, along said westerly Right-of-Way line, 768.89 feet; thence, continuing along said westerly Right-of-Way line, $S00^{\circ}10'12''E$, 1104.90 feet to the north line of Emergo First Subdivision, as shown on a plat prepared by Edward L. Clancy, IPLS Number 2207 and dated November 16, 1993; thence, $S89^{\circ}03'26''W$, along said north line of Emergo Subdivision, 39.70 feet to a point 115.00 feet westerly of the east line of said East one-half of the Northeast Quarter of Section 22; thence, $N00^{\circ}57'48''W$, along a line parallel with and 115.00 feet westerly of said east line of the East one-half of the Northeast Quarter of Section 22, 1860.76 feet, to a point 58.00 feet southerly of the north line of said East one-half of the Northeast Quarter of Section 22, said point also being 13.00 feet southerly of the proposed southerly Right-of-Way line of Florida Avenue; thence, $S89^{\circ}13'26''W$, along a line parallel with and 13.00 feet southerly of the proposed southerly Right-of-Way line of Florida Avenue, 258.30 feet; thence, $N89^{\circ}45'50''W$, along a line parallel with and 13.00 feet southerly of the proposed southerly Right-of-Way line of Florida Avenue, 283.06 feet; thence, $S89^{\circ}13'26''W$, along a line parallel with and 13.00 feet southerly of the proposed southerly Right-of-Way line of Florida Avenue, 663.78 feet, to the west line of said East one-half of the Northeast Quarter of Section 22; thence, $N00^{\circ}56'34''W$, along said west line of said East one-half of the Northeast Quarter of Section 22, 13.00 feet, to the Point of Beginning. Containing 106,492.086 square feet (2.44 acres), more or less, all situated in Champaign County, Illinois.

PLAT OF EASEMENT DEDICATION

NW Corner, E 1/2, NE 1/4, Section 22, T19N, R9E -- Point of Commencement

S00°56'34"E 40.00'
Point of Beginning
N00°56'34"W 13.00'

Scale: 1" = 200'



NOTES

1. Distances in Parenthesis () are record dimension.
2. All Distances are in feet and decimal parts thereof.



**CITY OF URBANA
PUBLIC WORKS DEPARTMENT
ENGINEERING DIVISION**
DRAWN BY: BWF DATE: 4/19/87