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Recording Cover Sheet

ORDINANCE NO. 1999-09-098

"AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE
AN ANNEXATION AGREEMENT WITH THE WEISIGER
FAMILY TRUST (PLAN CASE NO. 1728-A-99"

and

"LANDIS FARM ANNEXATION AGREEMENT"

99R30952

DOC # _____
CHAMPAIGN COUNTY, ILL

'99 OCT 21 PM 2 30

Barbara A. Draca
RECORDER

Prepared for recording by:

Deborah J. Roberts, Deputy 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

99R30952
99R30952

ORDINANCE NO. 1999-09-098

AN ORDINANCE AUTHORIZING THE MAYOR
TO EXECUTE AN ANNEXATION AGREEMENT WITH THE
WEISIGER FAMILY TRUST
(Plan Case No. 1728-A-99)

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

Section 1. That the Landis Farm Annexation Agreement, in the form of a copy of said Agreement attached hereto 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 Agreement as so authorized and approved for and on behalf of the City of Urbana, Illinois.

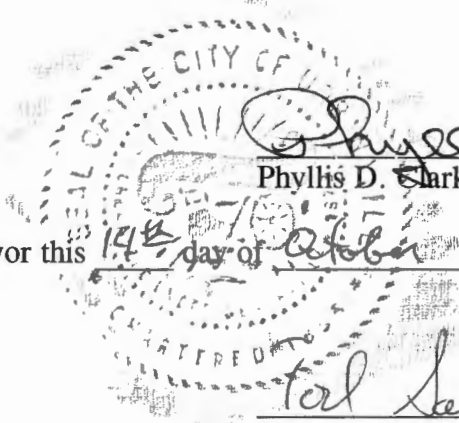
PASSED by the City Council this 4th day of October, 1999

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

NAYS:

ABSTAINED:

APPROVED by the Mayor this 14th day of October, 1999


Phyllis D. Clark
Phyllis D. Clark, City Clerk

Tod Satterthwaite
Tod Satterthwaite, Mayor

LANDIS FARM ANNEXATION AGREEMENT

SENT 30952
99R30952

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 Weisiger Family Trust (hereinafter referred to as the "Owner(s)"). The effective date of this Agreement shall be as provided in Article III, Section 6.

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, the Weisiger Family Trust is the owner of record of a certain 29.920 acre parcel of real estate located on Airport Road, East of U.S. Route 45, and having permanent index number 30-21-04-226-003, the legal description of which real estate is set forth in Exhibit A, attached hereto, as "the tract" to be annexed under this agreement; and

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

WHEREAS, Lot 21 and the West 25.5 feet of Lots 1 through 8 of the Landis Farm Preliminary Plat are zoned R-5 (mobile home parks) under the Zoning Ordinance of Champaign County, and the remaining portions of the Landis Farm Preliminary Plat are zoned R-2 under the Zoning Ordinance of Champaign County. Land zoned R-5 under County zoning would convert to AG Agriculture zoning under the City of Urbana Zoning Ordinance and the R-2 County zoned land would convert to R-2 (Single Family Residence) upon annexation to the City of Urbana; 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 will develop said tract as illustrated in Exhibit B entitled "Landis Farm Preliminary Plat"; and

WHEREAS, the Owner desires to have the aforementioned real estate annexed to the City of Urbana upon certain terms and conditions hereinafter set forth in this Agreement; and

WHEREAS, the City and the Owner find it necessary and desirable that both tracts be annexed to the City with a single zoning classification of R-2 Single Family Residential, under the terms and provision of the Urbana Zoning Ordinance in effect upon the date of annexation, 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.

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 OWNER(S)

The Owner agrees to the following provisions:

Section 1-The Owner represents that he is the sole Owner of record of the tract described in Exhibit A, and that he will cause said tract to be annexed to the City of Urbana by filing a legally sufficient annexation petition, signed in compliance with the Illinois Statutes for such tract, as follows:

The petition for annexation of the entire Landis Farm Subdivision will be filed with the City prior to the sale of any lots in the Subdivision within 30 days following the Corporate Authorities' approval of the Preliminary Plat of Landis Farm Subdivision.

Owner agrees to comply with all applicable development regulations existing at the time of such annexation.

Section 2-The Owner agrees to accept the City of Urbana's R-2 zoning classification of all the land set out in Exhibit B.

Section 3-The Owner agrees to cause all new development, construction, or additions on said tract to be in conformance with all City of Urbana building, electrical, fire, and plumbing codes, orders or regulations in effect at the time of annexation. The Owner agrees to submit all building construction plans to the City of Urbana for review. The Owner further agrees to correct any deficiencies identified in said plan review.

Section 4-The Owner shall take no action or omit to take action during the term of this Agreement, which action or omission as applied to the tract, would be a breach of this agreement, without first procuring a written amendment to this Agreement duly executed by both the Owner and the City.

ARTICLE II. REPRESENTATIONS AND OBLIGATIONS OF THE CORPORATE AUTHORITIES

The Corporate Authorities agree to the following provisions:

Section 1-The Corporate Authorities agree to annex said tract 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 Owner, by enacting such ordinances as may be necessary and sufficient to legally and validly annex said tract to the City.

Section 2-The Corporate Authorities agree that the tract will be zoned R-2 Single Family Residence City of Urbana zoning classification as provided for by the Urbana Zoning Ordinance. The Corporate Authorities agree that all applicable development regulations existing at the time of annexation will apply to said tract. Furthermore, although the Corporate Authorities agree not to rezone the property during the term of this Agreement without a rezoning petition executed by the property owner requesting said change, the Corporate Authorities reserve the right to amend the Zoning Ordinance text, even if such amendment affects the property.

Section 3-The Corporate Authorities agree to grant special use permits for the ponds shown on lot 21 and 84 of Exhibit B.

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 five (5) years commencing as of the effective date of this Agreement 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 five-year term. By mutual agreement, the term of this Agreement may be extended.

If this Agreement imposes any obligation, restraint, or burden (hereinafter called collectively "obligation") on the Owner, his successors or assigns, which obligation extends beyond the termination date of this Agreement, such obligation may be released by the Urbana City Council enacting an Ordinance releasing such obligation by a majority vote of all Alderpersons then holding office and the recording of such Ordinance in the Champaign County Recorder's Office, Champaign County, Illinois.

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

Section 3. Binding Agreement upon Parties-The Corporate Authorities and Owner agree that neither party will take action or omit to take action during the term of this Agreement which act or omission as applied to the tract would be a breach of this Agreement without first procuring a written amendment to this Agreement duly executed by both the Owner and the City.

Section 4. Enforcement-The Owner and Corporate Authorities agree and hereby stipulate that either 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 and authorizations relating to development of the tract.

Section 5. 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 even without the invalid provision.

Section 6. Effective Date-The Corporate Authorities and Owner 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; or if not recorded for any reason, the effective date shall be the date the Mayor signs the Agreement on behalf of the City.

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:

By:

Tal Satterthwaite

Todd Satterthwaite, Mayor

Date

10/14/99

ATTEST:

Phyllis D. Clark

Phyllis D. Clark, City Clerk

Date

Exhibits attached and made a part of this Agreement:

Exhibit A: Legal Description

Exhibit B: Map

Owner:

Weisiger Family Trust

By:

James G. Weisiger, Trustee

James G. Weisiger, Trustee

Date

9/29/99

ATTEST:

Kimm Allen

Notary Public

Date

9/29/99

" OFFICIAL SEAL "

Kimm Allen

Notary Public, State of Illinois
My Commission Expires 1/8/00

Legal description of the land included in the Landis Farm Subdivision as shown on Exhibit B.

A tract of land being a part of the Northeast Quarter of Section 4, Township 19 North, Range 9 East of the Third Principal Meridian, the boundary of which is described as follows:

Beginning at the Northeast corner of the Northeast Quarter of Section 4, Township 19 North, Range 9 East of the Third Principal Meridian, proceed on an assumed bearing of North 89° 26' 23" West 684.95 feet along the North line of the Northeast Quarter of said Section 4; thence South 29° 04' 14" West 406.11 feet; thence South 01° 01' 12" West 1290.78 feet; thence East 875.90 feet to the East line of the Northeast Quarter of said Section 4; thence North 01° 01' 12" East 1654.7 feet along the East line of the Northeast Quarter of said Section 4 to the Point of Beginning, excepting therefrom the North 660.00 feet of the East 165.00 feet of the Northeast Quarter of the Northeast Quarter of said Section 4, encompassing a net 29.92 acres, more or less, in Champaign County, Illinois

Exhibit B

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EAST LINE NE 1/4, SEC. 4-T19N-R9E

