

2000R18648

RECORDED ON

08-10-2000 4:24:48

CHAMPAIGN COUNTY  
RECORDER  
BARBARA A. FRASCA

REC. FEE: 19.00

REV FEE:

PAGES: 8

PLAT ACT: 0

(A)  
Recording Cover Sheet

ORDINANCE NO. 2000-07-077

AN ORDINANCE ANNEXING CERTAIN TERRITORY TO THE  
CITY OF URBANA (A STRIP OF LAND IN THE  
UNPLATTED PORTION OF BERINGER COMMONS  
SUBDIVISION)

and

MAP SHOWING AREA ANNEXED BY CITY ORDINANCE  
#2000-07-077 (2 PAGES)

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

**FILED**ORDINANCE NO. 2000-07-077

AUG 10 2000

**AN ORDINANCE  
ANNEXING CERTAIN TERRITORY TO THE CITY OF URBANA**

*Mark Sheldon*  
CHAMPAIGN COUNTY CLERK

(A strip of land in the unplatted portion of Beringer Commons Subdivision)

WHEREAS, the hereinafter described territory is situated in unincorporated territory adjacent to and contiguous to the City of Urbana, Illinois, and is part of the Edge-Scott Fire Protection District, and includes certain territory within the Urbana Township, and Notice was given to the Trustees of said Fire Protection District, the Board of Township Trustees, and the Township Commissioner of Highways, said notices being mailed on July 26, 2000, that this Ordinance would be voted upon at the regular meeting of this Council at 7:30 p.m., Monday, August 7, 2000, and the Affidavit of mailing such Notices was duly recorded with the Recorder of Deeds of Champaign County, Illinois, on the 4th day of August, 2000; and

WHEREAS, a written petition signed by all of the owners of Record of all land within such territory has been filed with the City Clerk of the City of Urbana, Illinois, requesting annexation thereof to the City of Urbana; and

WHEREAS, there are no electors residing within said territory; and

WHEREAS, the City Council passed Ordinance No. 9192-20 on August 5, 1991 approving and authorizing the execution of an annexation agreement wherein the City may request annexation of a strip of land not less than 300 feet in width; and

WHEREAS, the territory to be annexed by this Ordinance is presently located within Champaign County's R-4 Multiple Family Residence zoning district and upon annexation will be classified R-2 Single Family Residential upon annexation in accordance with the above-referenced annexation agreement; and

WHEREAS, it has been determined that said petitions comply with all requirements of the law therefore; and

WHEREAS, the majority of the Members of the Council are of the opinion that it would be for the best interests of the people of the City of Urbana, Illinois, that said territory be annexed to and made a part of the said City.

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

Section 1. That the following described real estate, viz:

A portion of the Southeast Quarter of Section 10, Township 19 North, Range 9 East of the Third Principal Meridian, more particularly described as follows:

Beginning at the east corner of Lot 246 in Beringer Commons Subdivision No. 2B, Urbana Township, Champaign County, Illinois, per plat recorded in Plat Book CC at page 143, in the Office of Recorder of Deeds, Champaign County, Illinois; thence, North  $64^{\circ}-36'-25''$  East, along the northerly lines of Lots 248 and 249 of said Beringer Commons Subdivision No. 2B and along a northeasterly extension of the northerly line of said Lot 249, 300.00 feet; thence North  $08^{\circ}-24'-48''$  West, parallel with the easterly line of Lot 241 in said Beringer Commons Subdivision No. 2B, 731.79 feet to a line parallel with and 400 feet, by perpendicular measurement, northeasterly of the northerly line of Lot 239; thence, North  $75^{\circ}-16'-45''$  West, along said parallel line, 773.53 feet to a line parallel with and 300 feet, by perpendicular measurement, northerly of a northerly line of a Commons Lot in said Beringer Commons Subdivision No. 2B; thence, North  $89^{\circ}-21'-15''$  West along said parallel line, 356.73 feet to a line parallel with and 300 feet, measured perpendicularly, easterly of the west line of the Southeast Quarter of Section 10, Township 19 North, Range 9 East of the Third Principal Meridian; thence, N  $00^{\circ}-38'-45''$  West, parallel with said west line, 226.21 feet to a line parallel with and 300 feet, by perpendicular measurement, southerly of the southerly Right-of-Way line FAI-05 (Interstate 74); thence, North  $89^{\circ}-17'-07''$  East, parallel with said southerly Right-of-Way line, 168.21 feet; thence, Southeasterly, parallel with said southerly Right-of-Way line, along a curve concave to the northeast, and having a radius

of 5485.51 feet, for an arc distance of 1130.07 feet; thence, North 89°-41'-58" East, parallel with said southerly Right-of-Way line, 983.00 feet; to the west Right-of-Way line of High Cross Road; thence, North 03°-13'-57" West, along said west Right-of-Way line, 310.41 feet to said southerly Right-of-Way line of FAI-05; thence, South 89°-41'-58" West, along said southerly Right-of-Way line, 871.86 feet; thence, South 00°-18'-02" East, along said southerly Right-of-Way line, 10.00 feet; thence, South 89°-41'-58" West, along said southerly Right-of-Way line, 95.26 feet; thence, along said southerly Right-of-Way line, along a curve concave to the northeast, and having a radius of 5185.51 feet, for an arc distance of 1099.93 feet; thence, South 89°-17'-07" West, , along said southerly Right-of-Way line, 500.41 feet, to the west line of said Southeast Quarter of Section 10; thence, South 00°-38'-45" East, along said west line, 770.85 feet to the northwest corner of said Beringer Commons Subdivision No. 2B; thence, North 89°-21'-15" East, along the boundary of said Beringer Commons Subdivision No. 2B, 150.00 feet; thence, North 89°-21'-15" East, along the boundary of said Beringer Commons Subdivision No. 2B, 60.00 feet; thence, South 00°-38'-45" East, along the boundary of said Beringer Commons Subdivision No. 2B, 55.00 feet; thence, North 89°-21'-15" East, along the boundary of said Beringer Commons Subdivision No. 2B, 135.00 feet; thence, South 77°-26'-22" East, along the boundary of said Beringer Commons Subdivision No. 2B, 56.98 feet; thence, South 84°-51'-17" East, 340.31 feet; thence, South 10°-26'-06" West, along the boundary of said Beringer Commons Subdivision No. 2B, 38.58 feet; thence, South 71°-20'-18" East, along the boundary of said Beringer Commons Subdivision No. 2B, 113.24 feet; thence, South 70°-03'-13" East, along the boundary of said Beringer Commons Subdivision No. 2B, 72.00 feet; thence, Southwesterly, along the boundary of said Beringer Commons Subdivision No. 2B, along a curve concave to the southeast and having a radius of 374.00 feet, for an arc distance of 34.11 feet; thence, South 75°-16'-45" East, along the boundary of said Beringer Commons Subdivision No. 2B, 185.00 feet; thence, South 07°-03'-39" West, along the boundary of said Beringer Commons Subdivision No. 2B, 50.38 feet; thence, South 03°-05'-40" East, along the boundary of said Beringer Commons Subdivision

No. 2B, 67.84 feet; thence, South 08°-24'-48" East, along the boundary of said Beringer Commons Subdivision No. 2B, 76.74 feet; thence, South 13°-54'-40" East, along the boundary of said Beringer Commons Subdivision No. 2B, 72.20 feet; thence, South 19°-03'-51" East, along the boundary of said Beringer Commons Subdivision No. 2B, 72.20 feet; thence, South 24°-45'-29" East, along the boundary of said Beringer Commons Subdivision No. 2B, 76.74 feet; thence, South 30°-33'-11" East, along the boundary of said Beringer Commons Subdivision No. 2B, 80.77 feet; thence, South 35°-53'-55" East, along the boundary of said Beringer Commons Subdivision No. 2B, 64.60 feet to the Point of Beginning.

All situated in Urbana Township, Champaign County, Illinois and encompassing 34.55 Acres, more or less.

Together with the following described adjacent public Right-of-Way, which by operation of the law is automatically annexed with the adoption of an Annexation Ordinance pertaining to this tract;

Federal Aid Interstate 05 (Interstate 74) and High Cross Road.

Situated in Urbana Township, Champaign County, Illinois and encompassing 36.84 Acres, more or less.

commonly known for reference as a strip of land in the unplatted portion of Beringer Commons Subdivision, Urbana, Illinois, be and the same is hereby annexed to the City of Urbana, Illinois. The above-described parcel, prior to annexation, has the parcel index number 30-21-10-400-008 and following annexation the said parcel should bear the parcel index number 91-21-10-400-008.

Section 2. That the City Clerk be authorized and directed to record a certified copy of this Ordinance together with an accurate map of the territory hereinabove described in the Recorder's Office of Champaign County, Illinois.

Section 3. That the City Clerk be authorized and directed to file, for record, a certified copy of this Ordinance together with an accurate map of

the territory hereinabove described in the Office of the County Clerk and County Election Authority of Champaign County, Illinois.

Section 4. The Zoning Ordinance of the City of Urbana, Illinois, and the Zoning Map of Urbana, Illinois, are hereby amended to classify the real property herein annexed as R-2 Single Family Residential upon annexation and in accordance with an annexation agreement approved and authorized on August 5, 1991 by Council Ordinance No. 9192-20.

Section 5. The territory annexed herein is assigned to City of Urbana Ward 5.

Section 6. This Ordinance shall take effect at 12:00 p.m. CDT, August 8, 2000.

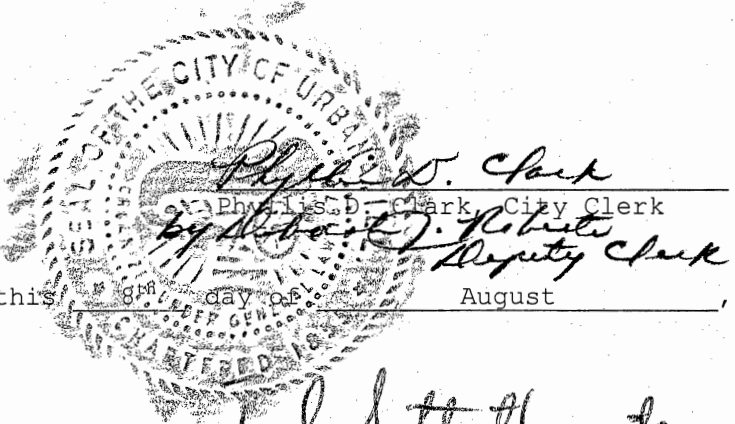
This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called, of a majority of the members of the Council of the City of Urbana, Illinois, at a regular meeting of said Council on the 7<sup>th</sup> day of August, 2000, A.D.

PASSED by the City Council this 7<sup>th</sup> day of August, 2000.

AYES: Hayes, Huth, Kearns, Patt, Taylor, Wyman

NAYS:

ABSTAINS:



Phyllis D. Clark  
Phyllis D. Clark, City Clerk  
Robert J. Roberts  
Deputy Clerk

APPROVED by the Mayor this 8<sup>th</sup> day of August,

2000.

Tod Satterthwaite  
Tod Satterthwaite, Mayor

2000R18112

RECORDED ON

08-04-2000 4:01:26

CHAMPAIGN COUNTY  
RECORDER  
BARBARA A. FRASCA

REC. FEE: 16.00  
REV FEE:  
PAGES: 5  
PLAT ACT: 0

5  
**Recording Cover Sheet**

AFFIDAVIT OF MAILING NOTICE OF INTENT TO ANNEX  
TERRITORY TO THE CITY OF URBANA

(A STRIP OF LAND IN THE UPLATTED PORTION OF  
BERINGER COMMONS SUBDIVISION)

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

**AFFIDAVIT OF MAILING NOTICE OF INTENT  
TO ANNEX TERRITORY TO THE CITY OF URBANA**

STATE OF ILLINOIS )  
 ) SS.  
COUNTY OF CHAMPAIGN )

Phyllis D. Clark, being first duly sworn on oath, states that she is the duly elected and qualified City Clerk of the City of Urbana, Illinois; and

That she gave notice of the pending action to be taken on an Ordinance annexing certain territory lying within the Urbana Township, in compliance with the provisions of Section 5/7-1-1 of the Municipal Code of the State of Illinois, as amended (65 ILCS 5/7-1-1), by sending a notice by certified mail, postpaid, to each of the Board of Township Trustees and the Township Commissioner of Highways, indicated on the copy of said notice hereto attached, made a part of this Affidavit, and marked "Exhibit A"; and that she gave notice of the pending action to be taken on an Ordinance annexing certain territory lying within the boundaries of Edge-Scott Fire Protection District to the City of Urbana, Illinois, in compliance with the provisions of Section 5/7-1-1 of the Municipal Code of the State of Illinois, as amended (65 ILCS 5/7-1-1), by sending a notice by certified mail, postpaid to each of the Trustees of Edge-Scott Fire Protection District at the addresses indicated on the copy of said notice hereto attached, all notices being mailed on the 26<sup>th</sup> day of July, 2000, by this Affiant, at the Post Office in the City of Urbana, Illinois, being more than ten (10) days prior to the time mentioned in said notice as the time at which the Council of the City of Urbana would take action on the proposed Ordinance of Annexation; and

That a copy of said notice so mailed, as aforesaid, is hereto attached, made a part of this Affidavit, and marked "Exhibit A."

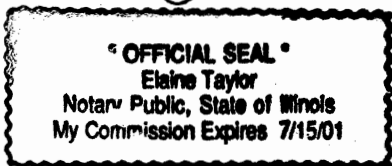
*Phyllis D. Clark*  
City Clerk  
*Robert [unclear]*  
Deputy Clerk  
CITY OF URBANA  
ILLINOIS

Subscribed and sworn to before me this  
26<sup>th</sup> day of July, 2000.

*Elaine Taylor*  
Notary Public

I certify this is a true copy of the Affidavit I recorded in the Recorder's Office, Champaign County, Illinois, on the 4<sup>th</sup> day of August, 2000.

*Phyllis D. Clark*  
Phyllis D. Clark, City Clerk





**EXHIBIT A****NOTICE OF INTENT TO ANNEX TERRITORY  
TO THE CITY OF URBANA****TO:**

Paul Tatman  
2802 E. Slayback Road  
Urbana, IL 61802

Paul Tatman  
3103 Tatman Court, Suite 104  
Urbana, IL 61802

Ken Buchanan  
501 McGee Road  
Urbana, IL 61802

Gregory F. Foster  
310 Yankee Ridge Lane  
Urbana, IL 61802

David Lemke  
1781 Independence  
Urbana, IL 61802

**Urbana Township Board of Trustees**

and

Jim Prather  
**Urbana Township Commissioner of Highways**  
2312 E. Perkins Road  
Urbana, IL 61802

and

Dorthea Hunt  
405 Ira Street  
Urbana, IL 61802

Dale Hubert  
2706 E. Main Street  
Urbana, IL 61802

Linda Barcus  
2605 E. California Avenue  
Urbana, IL 61802

**Trustees of Edge-Scott Fire Protection District**

NOTICE IS HEREBY GIVEN, pursuant to the provisions of Section 5/7-1-1 of the Illinois Municipal Code, as amended (65 ILCS 5/7-1-1), that the Council of the City of Urbana, Illinois, will consider passage of an Ordinance annexing the following described territory to the City of Urbana:

**A portion of the Southeast Quarter of Section 10, Township 19 North, Range 9 East of the Third Principal Meridian, more particularly described as follows:**

**Beginning at the east corner of Lot 246 in Beringer Commons Subdivision No. 2B, Urbana Township, Champaign County, Illinois, per plat recorded in Plat Book CC at page 143, in the Office of Recorder of Deeds, Champaign County, Illinois; thence, North  $64^{\circ}-36'-25''$  East, along the northerly lines of Lots 248 and 249 of said Beringer Commons Subdivision No. 2B and along a northeasterly extension of the northerly line of said Lot 249, 300.00 feet; thence North  $08^{\circ}-24'-48''$  West, parallel with the easterly line of Lot 241 in said Beringer Commons Subdivision No. 2B, 731.79 feet to a line parallel with and 400 feet, by perpendicular measurement, northeasterly of the northerly line of Lot 239; thence, North  $75^{\circ}-16'-45''$  West, along said parallel line, 773.53 feet to a line parallel with and 300 feet, by perpendicular measurement, northerly of a northerly line of a Commons Lot in said Beringer Commons Subdivision No. 2B; thence, North  $89^{\circ}-21'-15''$  West along said parallel line, 356.73 feet to a line parallel with and 300 feet, measured perpendicularly, easterly of the west line of the Southeast Quarter of Section 10, Township 19 North, Range 9 East of the Third Principal Meridian; thence, N  $00^{\circ}-38'-45''$  West, parallel with said west line, 226.21 feet to a line parallel with and 300 feet, by perpendicular measurement, southerly of the southerly Right-of-Way line FAI-05 (Interstate 74); thence, North  $89^{\circ}-17'-07''$  East, parallel with said southerly Right-of-Way line, 168.21 feet; thence, Southeasterly, parallel with said southerly Right-of-Way line, along a curve concave to the northeast, and having a radius of 5485.51 feet, for an arc distance of 1130.07 feet; thence, North  $89^{\circ}-41'-58''$  East, parallel with said southerly Right-of-Way line, 983.00 feet; to the west Right-of-Way line of High Cross Road; thence, North  $03^{\circ}-13'-57''$  West, along said west Right-of-Way line, 310.41 feet to said southerly Right-of-Way line of FAI-05; thence, South  $89^{\circ}-41'-58''$  West, along said southerly Right-of-Way line, 871.86 feet; thence, South  $00^{\circ}-18'-02''$  East, along said southerly Right-of-Way line, 10.00 feet; thence, South  $89^{\circ}-41'-58''$  West, along said southerly Right-of-Way line, 95.26 feet; thence, along said southerly Right-of-Way line, along a curve concave to the northeast, and having a radius of 5185.51 feet, for an arc distance of 1099.93 feet; thence, South  $89^{\circ}-17'-07''$  West, , along said southerly Right-of-Way line, 500.41 feet, to the west line of said Southeast Quarter of Section 10; thence, South  $00^{\circ}-38'-45''$  East, along said west line, 770.85 feet to the northwest corner of said Beringer Commons Subdivision No. 2B; thence, North  $89^{\circ}-21'-15''$  East, along the boundary of said Beringer Commons Subdivision No. 2B, 150.00 feet; thence, North  $89^{\circ}-21'-15''$  East, along the boundary of said Beringer Commons Subdivision No. 2B, 60.00 feet; thence, South  $00^{\circ}-38'-45''$  East, along the boundary of said Beringer Commons Subdivision No. 2B, 55.00 feet; thence, North  $89^{\circ}-21'-15''$  East, along the boundary of said Beringer Commons Subdivision No. 2B, 135.00 feet; thence, South  $77^{\circ}-26'-22''$  East, along the boundary of said Beringer Commons Subdivision No. 2B, 56.98 feet; thence, South  $84^{\circ}-51'-17''$**

East, 340.31 feet; thence, South 10°-26'-06" West, along the boundary of said Beringer Commons Subdivision No. 2B, 38.58 feet; thence, South 71°-20'-18" East, along the boundary of said Beringer Commons Subdivision No. 2B, 113.24 feet; thence, South 70°-03'-13" East, along the boundary of said Beringer Commons Subdivision No. 2B, 72.00 feet; thence, Southwesterly, along the boundary of said Beringer Commons Subdivision No. 2B, along a curve concave to the southeast and having a radius of 374.00 feet, for an arc distance of 34.11 feet; thence, South 75°-16'-45" East, along the boundary of said Beringer Commons Subdivision No. 2B, 185.00 feet; thence, South 07°-03'-39" West, along the boundary of said Beringer Commons Subdivision No. 2B, 50.38 feet; thence, South 03°-05'-40" East, along the boundary of said Beringer Commons Subdivision No. 2B, 67.84 feet; thence, South 08°-24'-48" East, along the boundary of said Beringer Commons Subdivision No. 2B, 76.74 feet; thence, South 13°-54'-40" East, along the boundary of said Beringer Commons Subdivision No. 2B, 72.20 feet; thence, South 19°-03'-51" East, along the boundary of said Beringer Commons Subdivision No. 2B, 72.20 feet; thence, South 24°-45'-29" East, along the boundary of said Beringer Commons Subdivision No. 2B, 76.74 feet; thence, South 30°-33'-11" East, along the boundary of said Beringer Commons Subdivision No. 2B, 80.77 feet; thence, South 35°-53'-55" East, along the boundary of said Beringer Commons Subdivision No. 2B, 64.60 feet to the Point of Beginning,

All situated in Urbana Township, Champaign County, Illinois and encompassing 34.55 Acres, more or less.

commonly known for reference as **a strip of land in the unplatted portion of Beringer Commons Subdivision**, Urbana, Illinois, and further referenced as Champaign County permanent parcel number **30-21-10-400-008**. Said territory lies within the boundaries of Edge-Scott Fire Protection District and the Urbana Township, and is contiguous to the City of Urbana, Illinois.

Notice is further given that the Council of the City of Urbana will vote on an Ordinance annexing said territory to the City at its regular meeting **August 7, 2000** at 7:30 p.m. in the Council Chambers of the City Building located at 400 South Vine Street, Urbana, Illinois.

*Phyllis D. Clark*  
 City Clerk *by [Signature]* *Robert [Signature]*  
 City of Urbana, Illinois Deputy Clerk

2000R18640

RECORDED ON

08-10-2000 4:25:39

CHAMPAIGN COUNTY  
RECORDER  
BARBARA A. FRASCA

REC. FEE: 16.00  
REV FEE:  
PAGES: 5  
PLAT ACT: 0

5  
Recording Cover Sheet

AFFIDAVIT OF MAILING NOTICE OF INTENT TO ANNEX  
TERRITORY TO THE CITY OF URBANA

(A PART OF THE UNPLATTED PORTION OF BERINGER  
COMMONS SUBDIVISION)

2000-07-077

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



**EXHIBIT A****NOTICE OF INTENT TO ANNEX TERRITORY  
TO THE CITY OF URBANA****TO:**

Ken Buchanan  
501 McGee Road  
Urbana, IL 61802

Paul Tatman  
3103 Tatman Court, Suite 104  
Urbana, IL 61802

Gregory F. Foster  
310 Yankee Ridge Lane  
Urbana, IL 61802

David Lemke  
1781 Independence  
Urbana, IL 61802

**Urbana Township Board of Trustees**

and

Jim Prather  
**Urbana Township Commissioner of Highways**  
2312 E. Perkins Road  
Urbana, IL 61802

and

Dorthea Hunt  
405 Ira Street  
Urbana, IL 61802

Dale Hubert  
2706 E. Main Street  
Urbana, IL 61802

Linda Barcus  
2605 E. California Avenue  
Urbana, IL 61802

**Trustees of Edge-Scott Fire Protection District**

NOTICE IS HEREBY GIVEN, pursuant to the provisions of Section 5/7-1-1 of the Illinois Municipal Code, as amended (65 ILCS 5/7-1-1), that the Council of the City of Urbana, Illinois, will consider passage of an Ordinance annexing the following described territory to the City of Urbana:

All of the Southeast Quarter of Section 10 Township 19 North, Range 9 East of the Third Principal Meridian, lying north of the northerly Right-of-Way line of University Avenue (FA 808, U.S. 150 and Illinois Route 130), west of the westerly Right-of-Way line of High Cross Road, and south of the southerly Right-of-Way line of FAI 05 (Interstate 74);

Except,

All of Beringer Commons Subdivision No. 1, Urbana Township, Champaign County, Illinois, per plat recorded in Plat Book BB, at page 143;

And,

All of Beringer Commons Subdivision No. 2a, Urbana Township, Champaign County, Illinois, per plat recorded in Plat Book CC, at page 30;

And,

All of Beringer Commons Subdivision No. 2b, Urbana Township, Champaign County, Illinois, per plat recorded in Plat Book CC, at page 63, and A Replat of Lots 242, 243, and 244 of Beringer Commons Subdivision No. 2b, Urbana Township, Champaign County, Illinois, per plat recorded as Document Number 1999R25805;

And,

All of Beringer Commons Subdivision No. 3, Urbana Township, Champaign County, Illinois, per plat recorded as Document Number 1998R18228;

And,

That part of the following described tract not included in said Beringer Commons Subdivision No. 3:

All of Lot 620 of proposed Beringer Commons 6 and all of proposed Rutherford Drive lying adjacent to proposed Lot 620, more particularly described as follows: Beginning at a point on the South Right-of-Way line of Rutherford Drive and the East Right-of-Way line of Beringer Circle; thence, easterly along said South line, 125.62 feet to the east line of Beringer Commons Subdivision No. 2B, Urbana Township, Champaign County, Illinois, per plat recorded in Plat Book CC, at page 63, in the Office of the Recorder, Champaign County, Illinois; thence, Northerly, along said east line, 60.00 to the southeast corner of Lot 254 of said Subdivision; thence Easterly along the proposed north Right-of-Way line of Rutherford Drive, 445.21 feet; thence, continuing along said proposed north Right-of-Way line,

around a curve to the left, having a radius of 220.00 feet, said curve being tangent to the previous described course, an arc distance of 99.78 feet; thence, southeasterly, radial to the above described curve, 60.00 feet to the northeast corner of said Lot 620 of proposed Beringer Commons 6; thence, southerly, along the east line of said proposed Lot 620, 201.34 feet to the southeast corner of said proposed Lot 620, said point also being on the north Right- of-Way line of University Avenue (U.S. Route 150 and Illinois Route 130); thence, westerly, along said north Right-of-Way line, 260.03 feet; thence, continuing northwesterly, along said north Right-of-Way line, 300.38 feet; thence, continuing northwesterly, along said north Right-of-Way line, 133.38 feet to the southwest corner of said proposed Lot 620; thence, North, along the west line of said Proposed Lot 620, 175.07 feet to the point of beginning, said tract being previously annexed to the City of Urbana on June 19, 1995 by Ordinance Number 9495-112

All situated in Champaign County, Illinois.

commonly known for reference as a part of the unplatted portion of Beringer Commons Subdivision, Urbana, Illinois, and further referenced as a part of Champaign County permanent parcel number 30-21-10-400-008. Said territory lies within the boundaries of Edge-Scott Fire Protection District and the Urbana Township, and is contiguous to the City of Urbana, Illinois.

Notice is further given that the Council of the City of Urbana will vote on an Ordinance annexing said territory to the City at its regular meeting August 21, 2000 at 7:30 p.m. in the Council Chambers of the City Building located at 400 South Vine Street, Urbana, Illinois.

*Phyllis S. Clark*  
 City Clerk *by Deborah J. Roberts*  
 City of Urbana, Illinois *Deputy Clerk*





LEGAL DIVISION  
(217) 384-2464  
FAX: (217) 384-2460

JACK WAALER  
City Attorney

STEPHEN HOLZ  
Assistant City Attorney

## Memorandum

**DATE:** August 18, 2000  
**TO:** Phyllis Clark  
**FROM:** Steve Holz  
**RE:** Petitions for Annexation Filed July 6, 2000  
(Beringer Commons Tract IV and Beringer  
Commons 300' Strip)

This memo is intended to explain the dating on the above-referenced Petitions. Both of those Petitions were originally filed by the City on July 6, 2000, without signature by the Petitioners. The City had previously made demand upon the Petitioners to sign the Petitions, but the Petitioners declined. Upon the Petitioners' failure to sign, I asked Bruce Walden to file the unsigned Petitions, which he did, together with a cover note to your office to the effect that litigation was anticipated to compel the signing of the Petitions.

That litigation was filed (Champaign County Circuit Court Case No. 00-CH-110), and has since also been settled. Part of the settlement of that litigation was an agreement by the Petitioners, Ivan Richardson and Don Flessner, on behalf of the East Urbana Development Corporation, to come back and sign the unsigned Petitions that had been previously filed on July 6, 2000. They did that on August 1, 2000. Hence, the difference in dates on those Petitions: they were signed and notarized several weeks after they were initially placed on file.

I attach to this memo a copy of the Stipulation and Consent Decree that was agreed to by the parties in the lawsuit, and was entered by the Court (Associate Judge Jeffrey Ford) as an order in that case.

**Cc:** Jack Waaler  
Bruce Walden

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT  
CHAMPAIGN COUNTY, ILLINOIS

**FILED**  
SIXTH JUDICIAL CIRCUIT

AUG 01 2000

CITY OF URBANA, ILLINOIS, )  
Plaintiff, )  
)  
vs. )  
)  
THE EAST URBANA DEVELOPMENT )  
CORPORATION and IVAN )  
RICHARDSON and DON FLESSNER )  
Defendants. )

No. 00-CH-110

*Linda S. F...*  
CLERK OF THE CIRCUIT COURT  
CHAMPAIGN COUNTY, ILLINOIS

**STIPULATION AND CONSENT DECREE**

NOW COME the parties to the above-entitled matter, the City of Urbana, Illinois, (“the City”) the East Urbana Development Corporation, Ivan D. Richardson, and Don Flessner, (the Developers”) and state to the Court that they have reached a settlement resolving all matters in this case, such settlement to be implemented by judgment and decree of the court with the consent of the parties, as follows:

1. The Court has jurisdiction over all matters in the Complaint filed by the City in this matter against the Developers, and over all matters in this Judgment and Decree.
2. The Annexation Agreement referred to in paragraph 5 of the Complaint and attached to the Complaint as an exhibit was and is valid and governed the relationship of the City and the Developers with respect to the property described in it.
3. Pursuant to the annexation agreement, the Petition for Annexation of Tract IV (“the Petition to Annex Tract IV”), as referred to in paragraph 15 of the Complaint, and the

Petition for Annexation of a 300' strip of property, as referred to in paragraph 21 of the Complaint, ("the Petition to Annex the 300' Strip"), both of which were attached as exhibits to the Complaint, were properly drawn and presented to the Developers by the City on July 6, 2000. Those actions by the City constituted a sufficient, proper, and complete demand to the Developers to submit the Petitions to Annex Tract IV and the 300' Strip, in accordance with the Annexation Agreement.

4. The Developers failed to sign the Petition to Annex Tract IV and the Petition to Annex the 300' Strip, and the failure to sign those petitions was because of the reasons alleged in the Complaint. The failure of the Developers to sign those Petitions on July 6, 2000 constituted a breach of the Developers' obligations under the Annexation Agreement.
5. Upon the failure of the Developers to sign the Petition to Annex Tract IV and the Petition to Annex the 300' Strip, the City caused those Petitions to be placed on file, unsigned, with the Urbana City Clerk on July 6, 2000.
6. The Petition to Annex Tract IV and the Petition to Annex the 300' Strip were, and are, required to be signed and otherwise properly executed by the Developers, on or before July 6, 2000, and before they were placed on file with the Urbana City Clerk by the City, in accordance with the Annexation Agreement.

7. The Developers have signed and properly executed, contemporaneously with the signing of this Stipulation and Consent Decree by the parties, the Petition to Annex Tract IV and the Petition to Annex the 300' Strip that were previously placed on file on July 6, 2000, and which should have been executed by the Corporation on or before July 6, 2000. Copies of the executed petitions are attached to this Stipulation and Consent Decree as Attachments "A" and "B".
8. For all intents and purposes, the Petitions to Annex Tract IV and the 300' Strip are effective as of July 6, 2000, nunc pro tunc.
9. The Developers agree to timely file a formal objection to inclusion within the legal description and territory of a proposed new village which is the subject of the matter filed in the Champaign County Circuit Court as 00-MC-01, In the Matter of a Petition to Incorporate the Village of Big Grove, on the basis that the Petitions to Annex Tract IV and the 300' Strip have priority over the petition to incorporate the proposed new village, and to pursue and maintain that objection through all appeals and proceedings relating to inclusion of Tract IV and the 300' Strip in the proposed new municipality, or to join in and consent to the City's objection on that basis and to join in and consent to the City maintaining all such appeals and proceedings relating thereto.
10. The parties to this Stipulation and Consent Decree stipulate that the Petitions to Annex Tract IV and the 300' Strip to the City of Urbana have priority over the petition to incorporate the proposed new village and therefor may not, under relevant

case law, be included in the territory of the proposed new village and must be annexed to the City of Urbana in accordance with the Petitions to Annex Tract IV and the 300' Strip.

11. Because of the breaches set forth in the Complaint, the entire Annexation Agreement has been breached. The Court therefore has jurisdiction over the entire Annexation Agreement, and all matters relating to the breach of the Annexation Agreement shall be resolved in accordance with this paragraph.

(a) The following subparagraphs (b), (c), and (d) apply only to those portions of the Beringer Commons Subdivision property that are contained in Tract IV, the 300' Strip, or the Petition to Annex the Remainder of Beringer Commons (referred to in sub-paragraph (b) below). Specifically excluded from application of subparagraphs (b), (c), and (d) are those properties that:

(1) have already been annexed by the City pursuant to the Annexation Agreement; or

(2) have petitions for annexation owing under the Annexation Agreement, as set forth in the attachment to this Stipulation and Consent Decree (Attachment "C");

(b) Article I Section 6 of the Annexation Agreement notwithstanding, the Defendants have submitted to the City a signed and otherwise properly executed Petition to Annex into the City all the remaining property or Beringer Commons ("the

Petition to Annex the Remainder of Beringer Commons”), a copy of which is attached to this Stipulation and Consent Decree (Attachment “D”);

- (c) Effective July 6, 2000, and Article I Section 4 and Article II Section 4 of the Annexation Agreement notwithstanding, the following language shall apply:

All construction shall be in conformance with the City of Urbana building codes and Owner shall apply for all building and construction permits as required by City of Urbana Code of Ordinances. If, however there is disagreement between City staff and the developer or builder regarding the code’s interpretation or application, the Developer, Builder or Owner shall have the right to appeal to the City of Urbana’s Chief Administrative Officer for determination prior to or instead of exercising any formal appeal process provided for by Ordinance. Furthermore, all permit fees shall not exceed the cost of fees charged by Champaign County, as amended from time to time for single-family zoning permits.

- (d) Effective July 6, 2000, and Article II Section 3 of the Annexation Agreement notwithstanding, the following language shall apply:

The Corporate authorities shall by October 1<sup>st</sup> of each year reimburse Owner (Developer) by a payment equal to the difference between the City of Urbana tax rate and the unincorporated rate on such parcels until the sale of an individual lot to an individual home owner or builder, at which time the payments to Owner (Developer) shall cease as to such lot, but the Corporate authorities shall

reimburse the then owner of each such individual lot the difference between the City of Urbana tax rate and the unincorporated rate for seven (7) consecutive years after such sale as determined annually.

The sale of a lot shall be evidenced by the date of the deed transferring ownership from the Developer to the homeowner. It shall be the responsibility of the homeowner to initially request the tax rebate and to notify the City of any sale of the property during the seven (7) year rebate period.

12. The City of Urbana shall participate with the Regional Planning Commission on studying urban fringe issues and concerns. Furthermore, the City of Urbana agrees to advertise and organize a series of meetings, to be held in the fall of 2000, with developers, builders, realtors, and potential residents to explore Urbana tax and building code issues as well as to generally market the City of Urbana. The City shall budget and expend up to \$2000.00 (two thousand dollars) to conduct such meetings.

13. The East Urbana Development Corporation is the sole owner of the property described in the Petition to Annex the 300' Strip, The Petition to Annex Tract IV, and the Petition to Annex the Remainder of Beringer Commons subdivision. The defendants Ivan Richardson and Don Flessner have the authority to act on behalf of the East Urbana Development Corporation for all purposes, including those set forth in this stipulation and consent decree and the East Urbana Development Corporation

is and shall be so bound.

14. This Stipulation and Consent Decree shall be effective upon entry by the court.

Jurisdiction shall be retained by the court for the purposes of enabling any of the parties to this Consent Decree to apply to the court at any time for such further orders and directions as may be necessary or appropriate for the construction or carrying out of this Consent Decree or for enforcement of compliance with it.

CITY OF URBANA, ILLINOIS  
A municipal corporation,

By: Jack Waaler  
JACK WAALER  
City Attorney  
City of Urbana

EAST URBANA DEVELOPMENT  
CORPORATION,

By: Ivan D. Richardson  
IVAN D. RICHARDSON, Defendant,  
President, East Urbana Development  
Corporation

ATTEST: Don Flessner  
DON FLESSNER, Defendant, Secretary,  
East Urbana Development Corporation

By: Richard C. Kirby  
RICHARD C. KIRBY, Attorney for the  
Defendants

**ORDER**

The Court, being fully advised in the premises and having considered all matters relevant thereto, hereby enters the agreement set forth above as the Judgment and Decree of this Court.

SO ORDERED:

DATE: Aug 1, 2000

Jeffrey B. Ford  
Judge Jeffrey B. Ford



PREPARED BY:  
Legal Department  
400 South Vine Street  
Urbana, IL 61801  
(217) 384-2464

The file date  
and signature  
are different.  
The petition  
was not signed  
when filed.  
The petitioner  
was forced to  
sign as a  
result of Court  
action ET

City of Urbana  
400 South Vine Street  
Urbana, IL 61801  
(217)384-2362  
FAX (217)384-2301

PERSONAL DELIVERY

July 6, 2000

**FILED**

JUL 06 2000

Phyllis D. Clark  
City Clerk

1:05 pm  
DK

East Urbana Development Corporation,  
Ivan Richardson, President  
1606 N. Willow View Road, Ste. # 1A  
Urbana, Illinois 61802-7446

Re: Request to Annex 300' strip of Beringer Commons

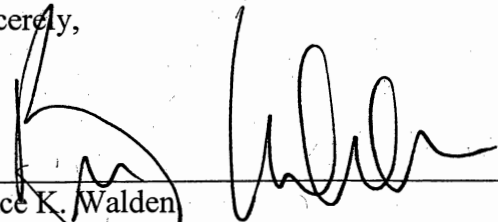
Dear Ivan:

At lunch on June 29, 2000, I presented you a map and legal description of a strip of land no less than 300' wide that the City of Urbana requests be annexed into the City. At the same meeting I presented to you a Petition for Annexation, for you to sign on behalf of the East Urbana Development Corporation. You indicated that you would not sign the Petition.

This is my final request on behalf of the City of Urbana that the East Urbana Development Corporation comply with our Annexation Agreement of August 12, 1991 (copy attached), by executing the Petition to annex that strip of land to the City of Urbana. I enclose two additional copies of the map, legal description, and Petition for Annexation – one set for you to execute on behalf of the Corporation, and the other set for your company's records.

The Petition for Annexation complies with the requirements of Article I, Section 6.c of the Annexation Agreement. East Urbana Development Corporation must annex the described property to the City of Urbana by executing the attached Petition for Annexation and returning it to me.

Sincerely,



Bruce K. Walden  
CHIEF ADMINISTRATIVE OFFICER

BKW:ss



**FILED**

JUL 06 2000

Phyllis D. Clark  
City Clerk

1:05 PM  
P

**Petition for Annexation**  
to  
**THE CITY COUNCIL OF THE CITY OF URBANA**  
**CHAMPAIGN COUNTY, ILLINOIS**

The Petitioner, East Urbana Development Corporation, an Illinois Corporation, respectfully states under oath:

1. Petitioner is the sole owner of record of the following legally described land (hereinafter sometimes referred to as the Tract), except any public right-of-way property to wit:

**A portion of the Southeast Quarter of Section 10, Township 19 North, Range 9 East of the Third Principal Meridian, more particularly described as follows:**

**Beginning at the east corner of Lot 246 in Beringer Commons Subdivision No. 2B, Urbana Township, Champaign County, Illinois, per plat recorded in Plat Book CC at page 143, in the Office of Recorder of Deeds, Champaign County, Illinois; thence, North 64°-36'-25" East, along the northerly lines of Lots 248 and 249 of said Beringer Commons Subdivision No. 2B and along a northeasterly extension of the northerly line of said Lot 249, 300.00 feet; thence North 08°-24'-48" West, parallel with the easterly line of Lot 241 in said Beringer Commons Subdivision No. 2B, 731.79 feet to a line parallel with and 400 feet, by perpendicular measurement, northeasterly of the northerly line of Lot 239; thence, North 75°-16'-45" West, along said parallel line, 773.53 feet to a line parallel with and 300 feet, by perpendicular measurement, northerly of a northerly line of a Commons Lot in said Beringer Commons Subdivision No. 2B; thence, North 89°-21'-15" West along said parallel line, 356.73 feet to a line parallel with and 300 feet, measured perpendicularly, easterly of the west line of the Southeast Quarter of Section 10, Township 19 North, Range 9 East of the Third Principal Meridian; thence, N 00°-38'-45" West, parallel with said west line, 226.21 feet to a line parallel with and 300 feet, by perpendicular measurement, southerly of the southerly Right-of-Way line FAI-05 (Interstate 74); thence, North 89°-17'-07" East, parallel with said southerly Right-of-Way line, 168.21 feet; thence, Southeasterly, parallel with said southerly Right-of-Way line, along a curve concave to the northeast, and having a radius of 5485.51 feet, for an arc distance of 1130.07 feet; thence, North 89°-41'-58" East, parallel with said southerly Right-of-Way line, 983.00 feet; to the west Right-of-Way line of High Cross Road; thence, North 03°-13'-57" West, along said west Right-of-Way line, 310.41 feet to said southerly Right-of-Way line of FAI-05; thence, South 89°-41'-58" West, along said southerly Right-of-Way line, 871.86 feet; thence, South 00°-18'-02" East, along said southerly Right-of-Way line, 10.00 feet; thence, South 89°-41'-58" West, along said southerly Right-of-Way line, 95.26 feet; thence, along said southerly Right-of-Way line, along a curve concave to the northeast, and having a**

**FILED**

JUL 06 2000

radius of 5185.51 feet, for an arc distance of 1099.93 feet; thence, South 89°-15'-07" West, along said southerly Right-of-Way line, 500.41 feet, to the west line of said Southeast Quarter of Section 10; thence, South 00°-38'-45" East, along said west line, 770.85 feet to the northwest corner of said Beringer Commons Subdivision No. 2B; thence, North 89°-21'-15" East, along the boundary of said Beringer Commons Subdivision No. 2B, 150.00 feet; thence, North 89°-21'-15" East, along the boundary of said Beringer Commons Subdivision No. 2B, 60.00 feet; thence, South 00°-38'-45" East, along the boundary of said Beringer Commons Subdivision No. 2B, 55.00 feet; thence, North 89°-21'-15" East, along the boundary of said Beringer Commons Subdivision No. 2B, 135.00 feet; thence, South 77°-26'-22" East, along the boundary of said Beringer Commons Subdivision No. 2B, 56.98 feet; thence, South 84°-51'-17" East, 340.31 feet; thence, South 10°-26'-06" West, along the boundary of said Beringer Commons Subdivision No. 2B, 38.58 feet; thence, South 71°-20'-18" East, along the boundary of said Beringer Commons Subdivision No. 2B, 113.24 feet; thence, South 70°-03'-13" East, along the boundary of said Beringer Commons Subdivision No. 2B, 72.00 feet; thence, Southwesterly, along the boundary of said Beringer Commons Subdivision No. 2B, along a curve concave to the southeast and having a radius of 374.00 feet, for an arc distance of 34.11 feet; thence, South 75°-16'-45" East, along the boundary of said Beringer Commons Subdivision No. 2B, 185.00 feet; thence, South 07°-03'-39" West, along the boundary of said Beringer Commons Subdivision No. 2B, 50.38 feet; thence, South 03°-05'-40" East, along the boundary of said Beringer Commons Subdivision No. 2B, 67.84 feet; thence, South 08°-24'-48" East, along the boundary of said Beringer Commons Subdivision No. 2B, 76.74 feet; thence, South 13°-54'-40" East, along the boundary of said Beringer Commons Subdivision No. 2B, 72.20 feet; thence, South 19°-03'-51" East, along the boundary of said Beringer Commons Subdivision No. 2B, 72.20 feet; thence, South 24°-45'-29" East, along the boundary of said Beringer Commons Subdivision No. 2B, 76.74 feet; thence, South 30°-33'-11" East, along the boundary of said Beringer Commons Subdivision No. 2B, 80.77 feet; thence, South 35°-53'-55" East, along the boundary of said Beringer Commons Subdivision No. 2B, 64.60 feet to the Point of Beginning,

All situated in Urbana Township, Champaign County, Illinois and encompassing 34.55 Acres, more or less.

Commonly known as a strip of land in the unplatted portion of Beringer Commons Subdivision and also identified as a part of Parcel Index Number 30-21-10-400-008.

2. Said Tract is not situated within the corporate limits of any municipality, but together with other tracts, shall be contiguous to the City of Urbana, Illinois at the time said tract is annexed to the City of Urbana.

3. There are no electors residing in said Tract.

**FILED**

JUL 06 2000

Phyllis D. Clark  
City Clerk

1:05 pm  
150

PETITIONER RESPECTFULLY REQUESTS:

1. That said Tract described above herein be annexed to the City of Urbana, Illinois pursuant to Section 5/7-1-8 of the Municipal Code of the State of Illinois, as amended (65 ILCS 5/7-1-8).

2. That said Tract be annexed in accordance with the terms of the annexation agreement passed by the Urbana City Council on August 5, 1991 as Ordinance No. 9192-20 and approved by the Mayor of the City of Urbana.

Dated this 1st day of August, 2000.

**PETITIONER:**

East Urbana Development Corporation,  
an Illinois Corporation

Iron Richardson  
President

Attest:

Wesley Messer  
Secretary

Subscribed and sworn to before me this

1st day of August, 2000, A.D.

Linda N. Peterson  
Notary Public

My Commission Expires: January 30, 2003







**FILED**

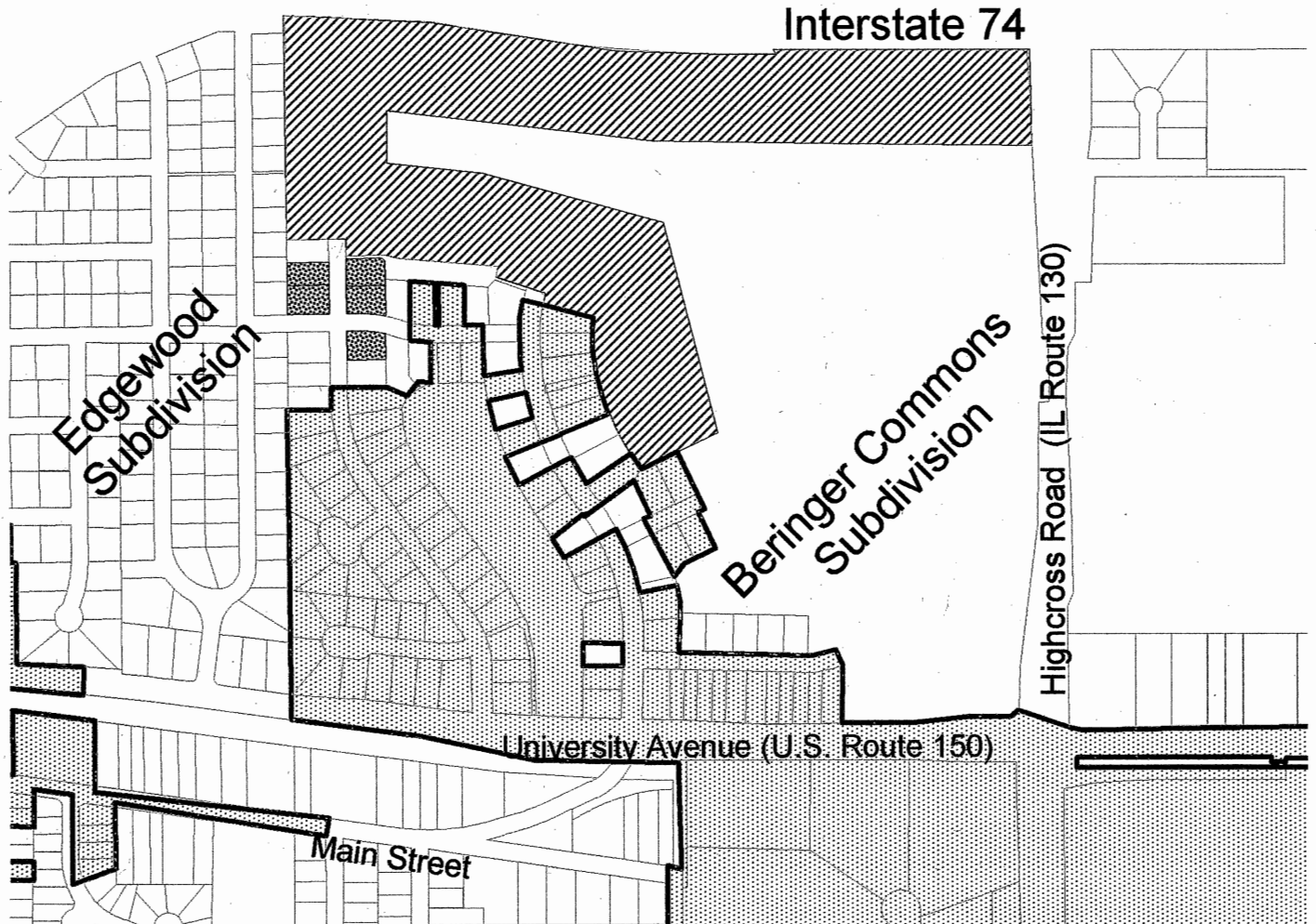
JUL 06 2000

Phyllis D. Clark  
City Clerk

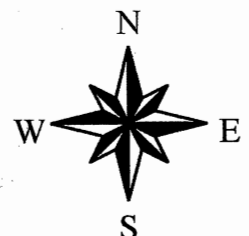
*1:05 PM*

### MAP LEGEND

-  City boundary
-  Proposed Annexation
-  Petition filed
-  Wildberry Acres



**Proposed Annexation**  
**Beringer Commons Subdivision**  
**Connection to Wildberry Acres**



ANNEXATION AGREEMENT  
(Beringer Commons)

FILED

JUL 06 2000

THIS AGREEMENT, made and entered into this 12 <sup>Phyllis D. Clark</sup>  
AUGUST, 19 91, by and between the City of Urbana, <sup>City Clerk</sup> 1:05 pm  
Illinois (hereinafter sometimes referred to collectively as the  
"Corporate Authorities" or the "City") and East Urbana Development  
Corporation, (hereinafter referred to as the "Owner").

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 (Chapter 24, Illinois Revised Statutes, 1985); and

WHEREAS, pursuant to notice, as required by statute, the Corporate Authorities held a proper public hearing on the annexation agreement on August 5, 1991; and

WHEREAS, the East Urbana Development Corporation is the Owner of record of certain real estate having tax parcel number 30-21-10-400-001, the legal description which is set forth on the Preliminary Plat of Beringer Commons, attached here as Exhibit A and described below as four separate tracts:

TRACT I:

Known as Lots 101 through 124, Lots 301 through 307, Lots 501 through 509 of the Preliminary Plat of Beringer Commons Subdivision, attached as Exhibit A hereto.

TRACT II:

Known as Lots 125 through 137, Lots 201 through 222, Lots 308 through 329, Lots 401 through 440, Lots 510 through 529, Lots 601 through 617, Lots 701 through 729, Lots 801 through 834 and commons area of the Preliminary Plat of Beringer Commons Subdivision attached as Exhibit A hereto.

TRACT III:

Known as Lots 441, 618, 619 and 620 of the Preliminary Plat of Beringer Commons Subdivision attached as Exhibit A hereto.

Tract IV:

PART OF THE SE 1/4 OF SECTION 10, T. 19 N., R. 9 E. OF THE 3RD P.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE SE 1/4 OF SECTION 10, T. 19 N., R. 9 E. OF THE 3RD P.M.; THENCE S. 00°56'34" E., AS REFERENCED FROM AN ILLINOIS DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY SURVEY FOR FEDERAL AID ROUTE 808 (ILLINOIS ROUTE

JUL 06 2000

2

Phyllis D. Clark  
City Clerk

130) DATED AUGUST 20, 1985, ALONG THE EAST LINE OF SAID SECTION 10, 1,195.53 FEET TO AN IRON PIPE MONUMENT ON THE SOUTH LINE OF AN ILLINOIS DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY ACQUISITION FOR FEDERAL AID INTERSTATE ROUTE 05; THENCE CONTINUING S. 00°56'34" E., ALONG THE EAST LINE OF SAID SE 1/4 OF SECTION 10, 187.34 FEET TO AN IRON PIPE MONUMENT ON THE NORTH LINE OF SAID ILLINOIS DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY ACQUISITION FOR FEDERAL AID ROUTE 808 (ILLINOIS ROUTE 130); THENCE S. 89°03'13" W., ALONG THE NORTH LINE OF SAID ILLINOIS DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY ACQUISITION FOR FEDERAL AID ROUTE 808 (ILLINOIS ROUTE 130), 40.14 FEET TO AN IRON PIPE MONUMENT ON THE WESTERLY RIGHT-OF-WAY LINE OF HIGH CROSS ROAD (TOWNSHIP ROAD 1600E); THENCE S. 00°18'26" W., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, 446.73 FEET TO AN IRON PIPE MONUMENT; THENCE S. 06°50'41" W., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, 93.26 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING S. 06°50'41" W., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, 411.02 FEET TO AN IRON PIPE MONUMENT; THENCE S. 01°18'01" W., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, 150.88 FEET TO AN IRON PIPE MONUMENT; THENCE S. 48°57'05" W., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, 32.73 FEET TO AN IRON PIPE MONUMENT AT THE INTERSECTION OF SAID WESTERLY RIGHT-OF-WAY LINE AND THE NORTHERLY RIGHT-OF-WAY LINE OF FEDERAL AID ROUTE 808 (U.S. ROUTE 150 - SBI ROUTE 10); THENCE S. 89°39'50" W., ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, 150.00 FEET TO AN IRON PIPE MONUMENT; THENCE S. 83°57'12" W., ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, 201.00 FEET TO AN IRON PIPE MONUMENT; THENCE S. 89°05'28" W., ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, 225.62 FEET; THENCE N. 00°56'34" W., 247.26 FEET; THENCE N. 49°32'35" E., 550.87 FEET; THENCE N. 89°39'50" E., 237.48 FEET TO THE POINT OF BEGINNING, CONTAINING 6.744 ACRES, MORE OR LESS, ALL SITUATED IN URBANA TOWNSHIP, CHAMPAIGN, COUNTY, ILLINOIS.

Also, for reference known as Lots 901 and 902 of the Preliminary Plat of Beringer Commons Subdivision, attached as Exhibit A, hereto.

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

WHEREAS, said Tracts are not yet contiguous to the City of Urbana, but said Owner, in order to best utilize the property, find it desirable 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 agreement; and

WHEREAS, the Owner's representative has petitioned Champaign County to rezone a portion of Tract I from R-1 Single Family Residence to R-4 Multiple Family Residence; Tract II and Tract III from R-1 Single Family Residence and AG-2 Agriculture to R-4



JUL 06 2000

Phyllis D. Clark  
City Clerk

1:05 PM  
PDC

Multiple Family Residence; and to rezone Tract IV from R-1 Single Family Residence to B-2 Neighborhood Business as described in Champaign County Zoning Board of Appeals (CCZBA) Case No. 763-AM-91; and

WHEREAS, if the Champaign County Board approves the rezonings requested in CCZBA Case No. 763-AM-91, said Tracts would automatically be rezoned upon annexation as follows pursuant to Article IV, Section IV-5 Appendix A of the City of Urbana Code of Ordinances entitled "Zoning" (hereinafter referred to as the "Urbana Zoning Ordinance"):

A portion of Tract I rezoned from County R-1 Single Family Residence to City R-1 Single Family Residential and a portion rezoned from County R-4 Multiple Family Residential to City R-4 Medium Density Multiple-Family Residential;

Tract II rezoned from County R-4 Multiple Family Residence to City R-4 Medium Density Multiple-Family Residential

Tract III rezoned from County R-4 Multiple Family Residence to City R-4 Medium Density Multiple-Family Residential

Tract IV rezoned from County B-2 Neighborhood Business to City B-1 Neighborhood Business.

WHEREAS, the Corporate Authorities find annexing Tract I and Tract II as described herein as City R-2 Single Family Residential; and Tract III as City R-4 Medium Density Multiple Family Residential and Tract IV as City B-1 Neighborhood Business reflect the goals, objectives and policies set forth in the 1982 Urbana Comprehensive Plan, as amended; 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 Owner desires to have all aforementioned real estate annexed to the City of Urbana upon certain terms and conditions hereinafter set forth.

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

Section 1. Owner represents that it is the sole owner of record of the Tracts, and said Owner agrees to annex the Tracts to the City subject and pursuant to the provisions of this Agreement.

**FILED**

JUL 06 2000

4

Phyllis D. Clark

City Clerk

1:05 pm  
PT

**Section 2.** Owner agrees that it will cause all of said Tracts to be annexed to the City by filing a proper annexation petition for said Tracts pursuant to Chapter 24, Section 7-1-1 et seq. of the Illinois Revised Statutes and in accordance with the provisions of this agreement. As of the date of this Agreement, the Owner acknowledges that there are no electors residing on the Tracts governed herein.

**Section 3.** The Owner acknowledges that upon annexation, Tract I as described herein will be automatically converted from County R-1 Single Family Residence and R-4 Multiple Family Residential to City R-2 Single Family Residential; Tract II will be automatically converted from County R-4 Multiple Family Residence to City R-2 Single Family Residential; Tract III will be automatically converted from County R-4 Multiple Family Residential to City R-4 Medium Density Multiple Family Residence; and Tract IV shall be automatically converted from County B-2 Neighborhood Business to City B-1 Neighborhood Business.

**Section 4.** The Owner agrees that all residential units shall be constructed in conformance with the City of Urbana Building Codes except that no City of Urbana building permit shall be required unless such units are constructed within the City limits. The Owner agrees, however, to submit courtesy copies of the single family detached and attached residential units model building plans to the City of Urbana Building Safety Division for review. The Owner further agrees to allow the City of Urbana Building Code inspectors to conduct random selective inspections of said residential units while under construction. The Owner will not, however, be required to have such inspections and the City will not charge plan review or building permit fees to the Owner. The City will notify the owners listed herein and the building contractors of any discrepancies identified between the model homes plans, random selective inspections and the City of Urbana ordinances and any deficiencies noted in the random selective inspections provided for herein.

**Section 5.** The Owner agrees that all commercial structures shall be constructed in conformance to the City of Urbana Building Codes. The Owner further agrees all construction plans for commercial structures shall be submitted to the City of Urbana Building Safety Division for review and approval. Said plans shall carry the seal of a professional architect or engineer registered in the State of Illinois. The City shall notify the Owner of any deficiencies in the plans which the Owner agrees to correct. The Owner further agrees to pay a building permit fee to the City of Urbana and to allow City Building Code Officials on the site for inspection of the commercial structures to confirm code compliance. Said fees, plan review, code compliance and inspections shall be conducted in accordance with the regulations, ordinances and procedures of the City of Urbana as though said commercial structures were being constructed within the Urbana City limits.

**FILED**

5

JUL 06 2000

**Section 6.** The Owner agrees that :

Phyllis D. Clark  
City Clerk

1.05  
PM

a. Tracts I, II and III shall be annexed five (5) years from the date of recording with the Champaign County Recorder's Office, of each final plat of the phases illustrated on the Beringer Commons Preliminary Plat attached hereto as Exhibit A but in any case all three tracts shall be annexed whether final platted or not no later than January 1, 2005. All property within final plats will be annexed in their entirety.

b. Tract IV shall be annexed upon such tract becoming contiguous to the Urbana City limits.

c. In any case, however, the Owner further agrees to annex property a minimum of 300 feet wide or sufficient to include buildable lots and adjoining right-of-way, as identified by the City of Urbana, within thirty (30) days of the City's request to do so. The Owner further agrees that if the 300 foot strip other than that portion located on Tract IV is annexed prior to the timeframe in Article I, Section 6.a governing the annexation of properties included on final plats of the Tracts, or January 1, 2005, whichever is sooner, the Corporate Authorities shall reimburse the Owner by an annual payment equal to the difference between the incorporated and unincorporated real estate taxes on such tract until the tract was due to be annexed under Article I, Section 6.a or January 1, 2005, whichever is sooner. The real estate tax rate reimbursement shall be based upon the then current real estate tax rate of properties in the Urbana City limits and properties in Urbana Township outside of the Urbana City limits and shall be calculated upon the equalized assessed valuation of the property at the time of its annexation.

c. The Owner further agrees that this section governing annexation shall be included in any sales contracts for residential or commercial lots within the real estate covered by this Agreement and will constitute an obligation of subsequent owners to sign a petition for annexation and/or all needful documents to accomplish annexation. This provision governing annexation and future obligation will be included in the covenants in the final plat governing said Tracts and will constitute a covenant running with the land. The Owner agrees that nothing in this section shall preclude the voluntary annexation of property by subsequent property owners earlier than would otherwise be required.

**Section 7.** The Owner agrees to properly subdivide all Tracts in conformance with Chapter 21 of the Urbana Code of Ordinances

**FILED**

JUL 06 2000

6

Phyllis D. Clark  
City Clerk

1:05 pm  
HPC

entitled "Subdivision and Land Development Code" (hereinafter referred to as the "Subdivision Code"), except as otherwise provided herein. Said subdivision shall be in substantial conformance to the Beringer Commons Preliminary Plat attached hereto as Exhibit A.

**Section 8.** The Owner will take no action nor 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 duly executed by the Owner and the City.

**Section 9.** Owner agrees that upon the approval of the final plat of the first Phase of said Tracts, it will establish a Beringer Commons Home Owners Association for the purposes, among others, of maintaining common areas, storm water retention facilities, boulevard islands and bike or pedestrian trails. Owner agrees that all phases of said Beringer Commons Subdivision shall include membership in the Home Owners Association as a requirement of lot ownership. Maintenance incidental to storm water detention facilities, common areas and bike or pedestrian trails shall be the sole responsibility of the Owner, and will be provided for through an assessment procedure set forth in the Owner's Certificate recorded in connection with the platting of any Tracts or portions thereof. Owner agrees that before the ownership of, or any maintenance responsibility for, such retention basins is transferred to a Home Owners association or other entity or person, the retention basins shall be inspected and certified by the Owner's engineer, and such certification shall state that the detention basin is functioning to the same standards of capacity and release rate as originally designed and as approved by the City Engineer, and a copy of such certification shall be given to the City Engineer prior to any such transfer. When the original Owner conveys the Tracts or a part of the Tracts to another person or entity, the obligations of the original Owner, under this subsection shall cease as to the part of the Tract conveyed, however, all other owners are and will be obligated to the City to undertake those obligations.

**Section 10.** Owner agrees that all common areas, landscape easements along Interstate 74, bike and pedestrian paths located on other than public street frontage and within the right-of-way shall be maintained by the Beringer Commons Home Owners Association.

**Section 11.** Owner agrees that the Home Owners Association will maintain all plant materials and turf in all islands and medians located within the public right-of-way on said Tracts, and that such areas will be maintained, including mowing, to the same degree of quality as the lawns and trees on private property on the Tracts.

**Section 12.** The Owner further agrees that it will assume all maintenance responsibility outlined in Article I, Sections 9, 10

**FILED**

JUL 06 2000

7

Phyllis D. Clark  
City Clerk

1:05 PM  
AK

and 11 until the Home Owners Association is established and assumes these responsibilities. In addition, the Owner further agrees that these maintenance responsibilities will be stated in the covenants governing said Tracts.

**Section 13.** Owner agrees that the residential density of any development on Lots 441, 618, 619 and 620 as illustrated on Exhibit A, regardless of densities allowed by zoning ordinance regulation, shall not exceed 10 dwelling units per net acre of said lots.

**Section 14.** The Owner agrees that Lots 101 through 137; Lots 201 through 222; Lots 301 through 329; Lots 401 through 440; Lots 501 through 529; Lots 601 through 617; Lots 701 through 729; Lots 801 through 834 shall be restricted to single family detached housing only. The Owner further agrees that any change in use as described herein shall constitute an amendment to this Agreement and require a public hearing before the Urbana Plan Commission, notification of adjoining property owners within 250 feet of Tracts I, II, III, and IV and approval of the Urbana City Council.

**Section 15.** The Owner agrees that the total square footage of the commercial structure to be located on Lot 901 of Exhibit A shall not exceed approximately 50,000 square feet of leasable space. Development of Lot 902 on Exhibit A shall be governed by the development regulations of the zoning district imposed upon Lot 902 upon which time said lots will be considered in conformance with the City of Urbana Zoning Ordinance and Subdivision Code..

**Section 16.** The Owner acknowledges that attached single family housing constructed as zero lot line homes shall be accepted by the City as legally nonconforming lots until such time as the City amends the Urbana Zoning Ordinance and Subdivision Code to allow the creation of zero lot line lots upon platting.

**Section 17.** The Owner agrees, at a minimum, to landscape the parking lot of the commercial center on Tract IV in conformance with the City of Urbana Zoning Ordinance.

**Section 18.** The Owner agrees to construct design intersection improvements recommended by the City's Engineering Department for streets within the development intersecting Route 150 and High Cross Road.

**Section 19.** The Owner agrees that storm water detention will be designed in compliance with the design criteria outlined in the City of Urbana's Subdivision and Land Development code, dated November, 1988.

**ARTICLE II. Representations and Obligations of Corporate Authorities**

**FILED**

JUL 06 2000

8

Phyllis D. Clark

City Clerk

1:05 pm  
JTC

**Section 1.** The Corporate Authorities agree, that upon annexation, Tracts I, II, III, and IV shall be classified with the following zoning:

Tract I as described herein will be automatically converted from County R-1 Single Family Residence and R-4 Multiple Family Residential to City R-2 Single Family Residential;

Tract II will be automatically converted from County R-4 Multiple Family Residence to City R-2 Single Family Residential;

Tract III will be automatically converted from County R-4 Multiple Family Residential to City R-4 Medium Density Multiple Family Residence; and

Tract IV shall be automatically converted from County B-2 Neighborhood Business to City B-1 Neighborhood Business.

**Section 2.** The Corporate Authorities agree to expeditiously annex said Tracts when properly and effectively requested to do so by submission of a legally sufficient petition by Owner by enacting such ordinances as may be necessary and sufficient to legally and validly annex said Tracts to the City and in conformance with Article II, Section 3 of this Agreement.

**Section 3.** The Corporate Authorities agree and acknowledge the responsibility of the Corporate Authorities set forth in Article I, Section 6 of this Agreement to reimburse the Owner for real estate taxes if property is annexed as set forth therein.

**Section 4.** The Corporate Authorities agree that all residential units shall be constructed in conformance with the City of Urbana Building Codes except that no City of Urbana building permit shall be required unless units are constructed within the City limits. The Corporate Authorities acknowledge that the Owner will submit courtesy copies of the single family detached and attached residential units model building plans to the City of Urbana Building Safety Division for review. The Corporate Authorities further acknowledge that the Owner agrees to allow the City of Urbana Building Code inspectors to conduct selective inspections of said residential units under construction. The Corporate Authorities agree, however, that the Owner will not be required to have such inspections and the City will not charge plan review or building permit fees to the Owner. The City will notify the owners listed herein and the building contractors of any discrepancies identified between the model homes plans, spot inspections and the City of Urbana ordinances.

**Section 5.** The Corporate Authorities agree that storm water detention will be designed in compliance with the design criteria

**FILED**

9

JUL 06 2000

1:05 pm  
JPC

outlined in the City of Urbana's Subdivisions and Land Development code, dated November, 1988.

Phyllis Donnell  
City Clerk

**Section 6.** The Corporate Authorities find that the waivers and deferrals of the Subdivision and Land Development Code agreed to in Article II, Section 7 herein are supported by the following findings:

- a. Due to existing conditions, there are site specific difficulties in complying with these regulations, such as the unique structure of the High Cross Road overpass; and
- b. The granting of the following waivers will not cause significant adverse effects on the public health, safety and welfare; and
- c. Sufficient evidence is shown to both the Plan Commission and City Council that the waivers will benefit the public health, safety and welfare and the alternatives described herein better serve the public's interest, since the City's does not have the ability to participate in adjoining street construction along High Cross Road at this point in time; and
- d. The proposed waivers support and foster implementation of the goals, objective and policies represented in the Urbana Official Comprehensive Plan, as amended; and
- e. The proposed waivers are the minimum deviation from the requirements that will alleviate the difficulties; and
- f. The plight of the applicant is due to peculiar circumstances not of the applicant's own making.

**Section 7.** The Corporate Authorities agree to grant the following waivers upon the development and/or subdivision of said Tract as represented in Exhibit A:

- a. Waiver of Sec. 21-38 requiring the construction of adjoining substandard street improvements for Illinois Route 150 and High Cross Road.
- b. Waiver of Section 21-38 requiring the extension of McGee Road.
- c. Waiver of Section 21-37 to the extent that this section requires the construction of sidewalks north of Beringer Circle along High Cross Road.

**Section 8.** The Corporate Authorities agree to provide the Owner with intersection designs for those streets within the development which intersect with Route 150 and High Cross Road.

**FILED**

10

JUL 06 2000

Phyllis D. Clark  
City Clerk

1:05 pm  
PC

**Section 9.** The Corporate Authorities agree to expeditiously approve any final plat of said development which conforms to the requirements of the City's Subdivision Ordinance or the terms and conditions agreed to herein.

**Section 10.** The Corporate Authorities agree to require construction bonding for the work above the permanent pool of the detention basins, only. All other construction bonding shall apply as outlined in the Subdivision Code.

**Section 11.** The Corporate Authorities agree to grant an extended approval of the preliminary plat of said development. The preliminary plat of said development shall be valid for a period of ten (10) years from the date of its approval. The Administrative Review Committee may approve minor amendments to said preliminary plat that otherwise substantially conform to the design and intent of the original preliminary plat.

**Section 12.** The Corporate Authorities agree to create a Class A liquor license for use in the Neighborhood Commercial development illustrated on Lot 901 of the attached preliminary plat.

**Section 13.** The Corporate Authorities agree to provide complimentary fire and police protection secondary to those jurisdictions which currently serve the development in the unincorporated area for the term of this agreement.

### ARTICLE III. General Provisions

**Section 1.** This Agreement shall be binding upon the parties hereto, and their respective successors and assigns, including future owners of any or all of said Tracts for a full term of twenty (20) years commencing as of the date hereof, as provided by the Illinois Revised Statutes, and to the extent permitted thereby, it is agreed that, in the event the annexation of said Tracts under the terms and conditions of this Agreement is challenged in any court proceeding, the period of time during which such litigation is pending should not be included in calculating said twenty-year (20-year) term.

**Section 2.** The Owner 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 Owner, the City may refuse the issuance of any permits or other approvals or authorizations relating to development of the Tracts.

**Section 3.** If any provision of this Agreement is rendered invalid for any reason, such invalidation shall not render invalid



**FILED**

11

JUL 06 2000

other provisions of this Agreement which can be given effect without the invalid provision.

Phyllis D. Clark  
City Clerk 10511

**Section 4.** The Corporate Authorities and Owner intend that this Agreement shall be recorded in the office of the Champaign County Recorder.

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 first written above.

CORPORATE AUTHORITIES  
CITY OF URBANA

Jeffrey T. Markland  
Jeffrey T. Markland, Mayor  
8-12-91  
Date

ATTEST:

Ruth S. Brookens  
CITY CLERK

OWNER:

East Urbana Development Corporation

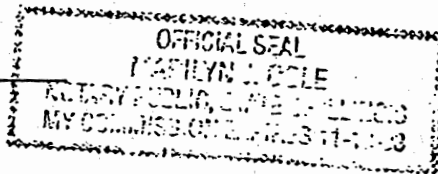
By: Ivan Richardson 7/18/91  
Ivan Richardson, President Date

ATTEST:

Donald Flessner 7-18-91  
Donald Flessner, Secretary Date

ATTEST:

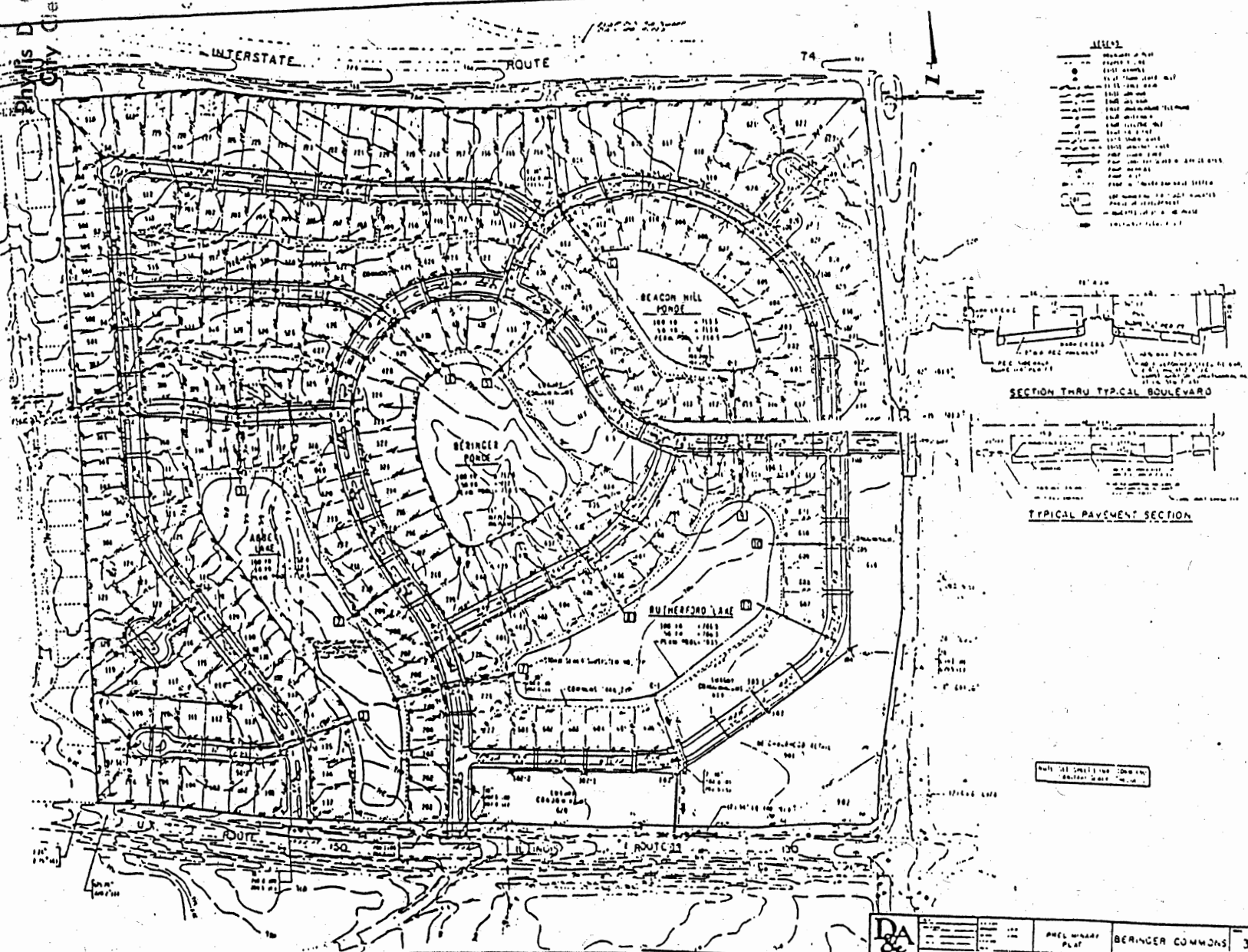
Marilyn J. Cole  
Notary Public



FILED

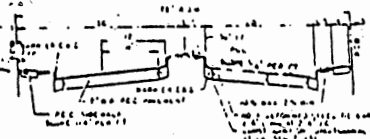
JUL 06 2000

Phyllis D. Clark  
City Clerk

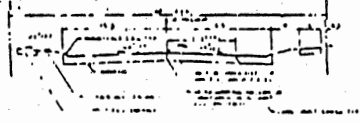


LEGEND

[Symbol]	Proposed Building Footprint
[Symbol]	Proposed Driveway
[Symbol]	Proposed Walkway
[Symbol]	Proposed Utility Line
[Symbol]	Proposed Easement
[Symbol]	Proposed Right-of-Way
[Symbol]	Proposed Street
[Symbol]	Proposed Alley
[Symbol]	Proposed Parking Space
[Symbol]	Proposed Landscape Area
[Symbol]	Proposed Water Feature
[Symbol]	Proposed Fencing
[Symbol]	Proposed Signage
[Symbol]	Proposed Security System
[Symbol]	Proposed Stormwater Management
[Symbol]	Proposed Energy System
[Symbol]	Proposed Other



SECTION THRU TYPICAL BOULEVARD

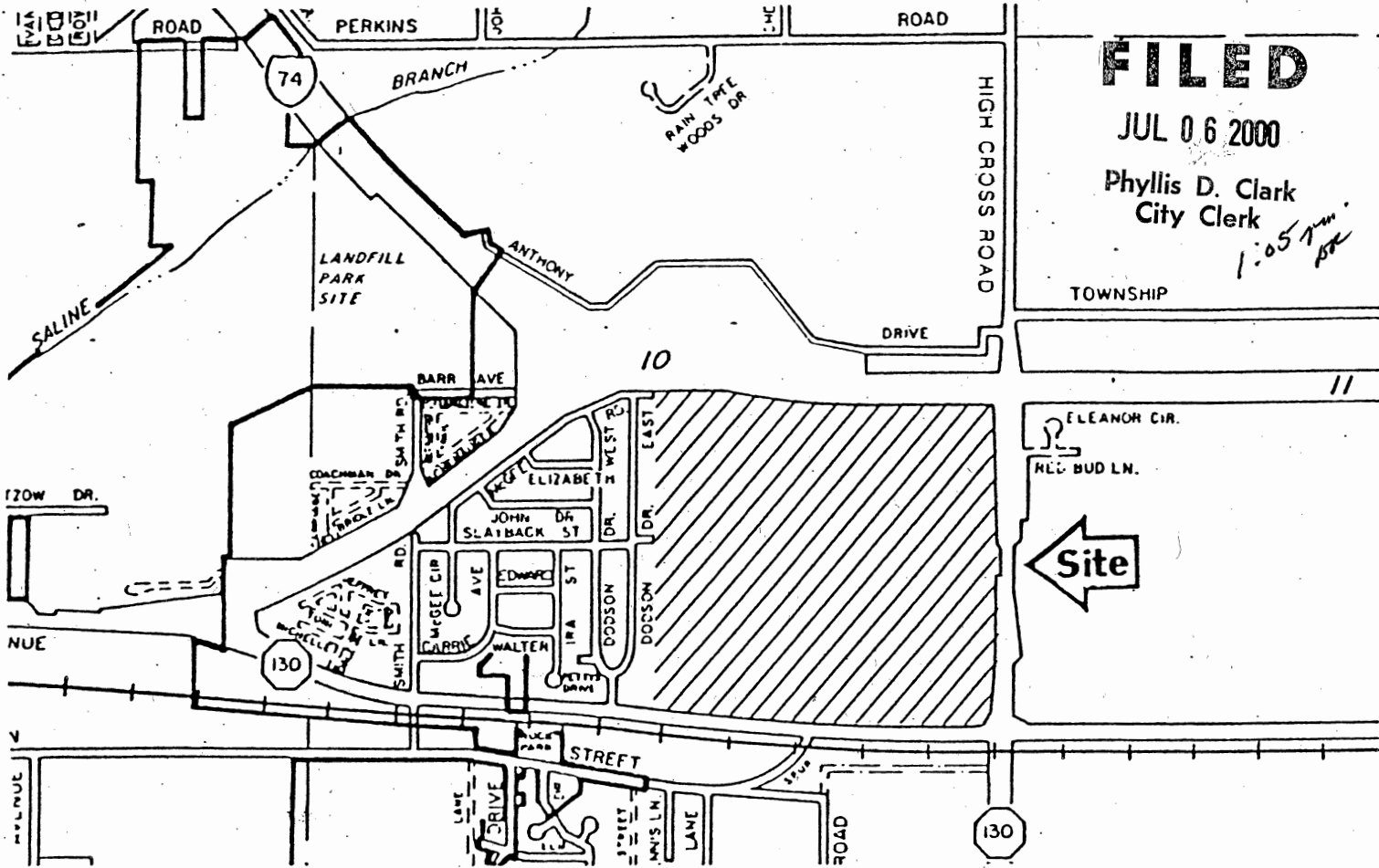


TYPICAL PAVEMENT SECTION

DATE: 07/06/00  
DRAWN BY: [Name]

Exhibit A

# GENERAL LOCATION MAP



**FILED**

JUL 06 2000

Phyllis D. Clark  
City Clerk

*1:05 pm  
PDC*

TOWNSHIP

ELEANOR CIR.  
REC. BUD LN.



LEGEND:



SITE



CORPORATE LIMITS

## LEGAL DESCRIPTION:

PART OF THE SE 1/4 OF SECTION 10, T. 19 N., R. 9 E. OF THE 3RD P.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE SE 1/4 OF SECTION 10, T. 19 N., R. 9 E. OF THE 3RD P.M.; THENCE S. 00°56'34" E., AS REFERENCED FROM AN ILLINOIS DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY SURVEY FOR FEDERAL AID ROUTE 808 (ILLINOIS ROUTE 130) DATED AUGUST 20, 1985, ALONG THE EAST LINE OF SAID SE 1/4 OF SECTION 10, 1,195.53 FEET TO AN IRON PIPE MONUMENT ON THE SOUTH LINE OF AN ILLINOIS DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY ACQUISITION FOR FEDERAL AID INTERSTATE ROUTE 05, SAID POINT BEING THE TRUE POINT OF BEGINNING; THENCE CONTINUING S. 00°56'34" E., ALONG THE EAST LINE OF SAID SE 1/4 OF SECTION 10, 187.34 FEET TO AN IRON PIPE MONUMENT ON THE NORTH LINE OF SAID ILLINOIS DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY ACQUISITION FOR FEDERAL AID ROUTE 808 (ILLINOIS ROUTE 130); THENCE S. 89°03'13" W., ALONG THE NORTH LINE OF SAID ILLINOIS DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY ACQUISITION FOR FEDERAL AID ROUTE 808 (ILLINOIS ROUTE 130), 49.14 FEET TO AN IRON PIPE MONUMENT ON THE WESTERLY RIGHT-OF-WAY LINE OF HIGH CROSS ROAD (TOWNSHIP ROAD 1600E); THENCE S. 00°18'26" W., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, 448.73 FEET TO AN IRON PIPE MONUMENT; THENCE S. 06°50'41" W., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, 504.20 FEET TO AN IRON PIPE MONUMENT; THENCE S. 01°18'01" W., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, 150.00 FEET TO AN IRON PIPE MONUMENT; THENCE S. 48°57'05" W., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, 32.73 FEET TO AN IRON PIPE MONUMENT AT THE INTERSECTION OF SAID WESTERLY RIGHT-OF-WAY LINE AND THE NORTHERLY RIGHT-OF-WAY LINE OF FEDERAL AID ROUTE 808 (U.S. ROUTE 130 - SR ROUTE 10), THENCE S. 89°39'50" W., ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, 150.00 FEET TO AN IRON PIPE MONUMENT, THENCE S. 83°57'17" W., ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, 701.00 FEET TO AN IRON PIPE MONUMENT; THENCE S. 89°05'20" W., ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, 500.07 FEET TO AN IRON PIPE MONUMENT; THENCE

N. 87°28'25" W., ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, 300.37 FEET TO AN IRON PIPE MONUMENT, THENCE N. 88°51'34" W., ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, 194.46 FEET TO AN IRON PIPE MONUMENT; THENCE N. 86°56'54" W., ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, 395.70 FEET TO AN IRON PIPE MONUMENT; THENCE N. 82°41'24" W., ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, 300.00 FEET TO AN IRON PIPE MONUMENT, THENCE N. 86°32'42" W., ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, 267.73 FEET TO AN IRON PIPE MONUMENT AT THE INTERSECTION OF SAID NORTHERLY RIGHT-OF-WAY LINE AND THE WEST LINE OF THE SE 1/4 OF SAID SECTION 10, THENCE N. 00°59'01" W., ALONG SAID WEST LINE, 2,244.55 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF FEDERAL AID INTERSTATE ROUTE 05 (INTERSTATE ROUTE 74); THENCE N. 08°56'51" E., ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, 500.41 FEET TO AN IRON PIPE MONUMENT AT A POINT ON CURVE, THENCE EASTERLY, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, A CURVE TO THE LEFT, CONVEX TO THE SOUTH, WITH A RADIUS OF 5,185.51 FEET AND AN INITIAL TANGENT BEARING S. 78°29'06" E., A DISTANCE OF 1,099.93 FEET TO AN IRON PIPE MONUMENT AT A POINT OF TANGENCY; THENCE N. 89°21'42" E., ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, 95.26 FEET TO A CHISELED "X" SURVEY MONUMENT SET ON TOP OF AN EXISTING CONCRETE RIGHT-OF-WAY MARKER; THENCE N. 00°38'18" W., ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, 10.00 FEET TO AN IRON PIPE MONUMENT; THENCE N. 89°21'42" E., ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, 871.86 FEET TO AN IRON PIPE MONUMENT AT THE INTERSECTION OF SAID SOUTHERLY RIGHT-OF-WAY LINE AND THE WESTERLY RIGHT-OF-WAY LINE OF THE AFORESAID HIGH CROSS ROAD (TOWNSHIP ROAD 1600E); THENCE S. 03°34'13" E., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, 981.61 FEET TO AN IRON PIPE MONUMENT; THENCE S. 77°30'28" E., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, 55.90 FEET TO AN IRON PIPE MONUMENT, THENCE N. 89°03'26" E., 25.00 FEET TO THE POINT OF BEGINNING, CONTAINING 139.826 ACRES, MORE OR LESS, ALL SITUATED IN URBANA TOWNSHIP, CHAMPAIGN COUNTY, ILLINOIS.

CITY OF URBANA  
COMMUNITY DEVELOPMENT SERVICES  
Planning Division

Exhibit B

Title: *Berringer Commons Annex Agreement*

Plan case no.: *11449-A-91*

Date: *7/9/01*

NORTH