

**AN ORDINANCE APPROVING  
AN ANNEXATION AGREEMENT WITH JACK O. SNYDER**

(2210 North Willow Road - Plan Case No. 1769-A-00)

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

Section 1. That an agreement by and between the City of Urbana and Jack O. Snyder, in the form of the copy of said Agreement attached hereto and hereby incorporated by reference, be and the same is hereby authorized and approved.

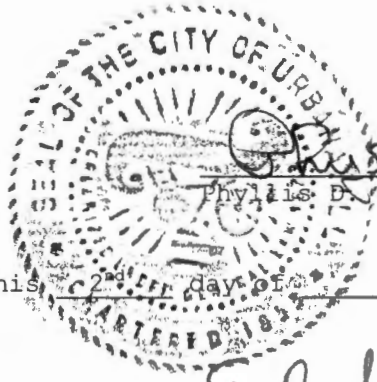
Section 2. That the Mayor of the City of Urbana, Illinois, be and the same is hereby authorized to execute and deliver and the City Clerk of the City of Urbana, Illinois, be and the same is authorized to attest to said execution of said Agreement as so authorized and approved for and on behalf of the City of Urbana, Illinois.

PASSED by the City Council this 19<sup>th</sup> day of February, 2001.

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

NAYS:

ABSTAINS:



Phyllis D. Clark  
Phyllis D. Clark, City Clerk

APPROVED by the Mayor this 2<sup>nd</sup> day of March, 2001.

Tod Satterthwaite  
Tod Satterthwaite, Mayor

## ANNEXATION AGREEMENT

THIS Agreement, made and entered into by and between the City of Urbana, Illinois, (herein after sometimes referred to collectively as the "Corporate Authorities" or the "City") and Jack Snyder (hereinafter referred to as the "Owner"). 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, Jack O. Snyder is the Owner of record of a certain approximately 1.00 acre parcel of real estate located at 2210 North Willow Road, and having permanent index number 30-21-04-100-004, the legal description of which real estate is set forth Exhibit A attached hereto and referenced herein as the "tract".

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.

WHEREAS, said Owner finds that in order to best utilize the Owner's property, it is desirous to annex the tract to the City of Urbana pursuant to, and as provided for in this Annexation Agreement; and

WHEREAS, the tract is currently zoned AG-2, Agriculture in Champaign County and the City and the Owner find it necessary and desirable that the tract be annexed to the City with a zoning classification of B-3, General Business, under the terms and provisions 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 annexing said tract as described herein as City B-3, General Business, reflects the goals, objectives and policies set forth in the 1982 Urbana Comprehensive Plan, as amended from time to time; and

WHEREAS, such annexation will ensure that the City of Urbana will receive real estate taxes and other revenues and will enable the City to continue to enhance its tax base; and

WHEREAS, the 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.

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

**ARTICLE I. REPRESENTATIONS AND OBLIGATIONS OF THE OWNER**

The Owner agrees to the following provisions:

**Section 1. Annexation:** The Owner represents that he is the sole record Owner of the tract described in Exhibit A and the Owner acknowledges that immediately after the City Council's approval of this Agreement, the City shall act on the signed annexation petition, labeled Exhibit C, to cause said tract to be annexed to the City of Urbana.

The Owner further agrees that this Annexation Agreement shall be included in any sales contract for the sale of any portion of the subject tract. If the subject tract is to be platted for subdivision, the Owner agrees that the substance of these provisions regarding annexation shall be included in the subdivision covenants and such will constitute a covenant running with the land.

**Section 2. Zoning Classification:** The Owner agrees to accept the City of Urbana zoning classification of B-3, General Business, as provided for in Section IV-5 of the Urbana Zoning Ordinance. The Owner further agrees to abide by all applicable development regulations existing at the time of annexation.

**Section 3. Disconnection:** The Owner agrees and hereby stipulates that the Owner shall not take any action to disconnect the tract from the City once it is annexed during the 20-year term of this agreement.

**ARTICLE II. REPRESENTATIONS AND OBLIGATIONS OF THE CORPORATE AUTHORITIES**

The Corporate Authorities agree to the following provisions:

**Section 1. Annexation:** The Corporate Authorities agree to act immediately to annex said tract subject to the terms and conditions outlined in this Agreement by enacting such ordinances as may be necessary and sufficient to legally and validly annex said tract to the City.

**Section 2. Zoning Classification:** The Corporate Authorities agree that the tracts will be zoned B3, General Business in accordance with Article IV, Section IV-5 of the Urbana Zoning Ordinance upon annexation and as defined in the City of Urbana Zoning Ordinance as such exists at the time of annexation of tract. The Corporate Authorities agree that all applicable development regulations will apply to said tract, except as otherwise provided herein.

**Section 3. Tax Increment Financing District:** Upon annexation, the City agrees to include the tract within the proposed tax increment financing district number 4 (a.k.a. North Urbana Redevelopment Plan) if it qualifies as a part of said district and said district is approved by the City of Urbana and the State of Illinois.

**Section 4. Enterprise Zone.** The City will submit application to the State of Illinois to request the subject tract to be added to Urbana Enterprise Zone pursuant to the Illinois Enterprise Zone Act (20 ILCS 655/1 et seq.) no later than 30 days after the effective date of this agreement, or the date all property is located within the City of Urbana, whichever is later.

### **ARTICLE III: GENERAL PROVISIONS**

**Section 1. Term of this Agreement:** This Agreement shall be binding upon the parties hereto, and their respective successors and assigns, for a full term of twenty (20) years commencing as of the effective date of this Agreement as provided by the Illinois State Statutes, unless other provisions of this Agreement specifically apply a different term. To the extent permitted thereby, it is agreed that, in the event the annexation of subject tract under the terms and conditions of this Agreement is challenged in any court proceeding, the period of time during which such litigation is pending shall not be included in calculating said twenty-year term.

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.

**Section 2. Covenant running with the land:** The terms of this Agreement constitute a covenant running with the land for the life of this Agreement unless specific terms are expressly made binding beyond the life of this Agreement. Furthermore, the terms herein are hereby expressly made binding upon all heirs, grantees, lessees, 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 no 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 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 the non-defaulting party may 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 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.

**Section 7. Notices:** Notices under the terms of this Agreement shall be considered given when deposited in the U.S. Mail, postage prepaid, first class certified, or delivered personally to:

**Owner:**

Jack O. Snyder  
204 North Prospect  
Bloomington, Illinois 61704

**with a copy to:**

Mercer Turner  
202 North Prospect, Ste. 202  
Bloomington, IL 61704

**City:**

Bruce K. Walden  
Chief Administrative Officer  
City of Urbana  
400 South Vine Street  
Urbana, Illinois 61801

Any change of address to which said Notice shall be delivered shall be provided in writing to all parties of this Agreement.

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:**

**Owner:**

Tod Satterthwaite  
Tod Satterthwaite, Mayor

Jack O. Snyder  
Jack O. Snyder

2/8/02  
Date

2/5/02  
Date

**ATTEST:**

**ATTEST:**

Phyllis D. Clark  
Phyllis D. Clark  
City Clerk

Janet S. Evans  
Notary Public

2/8/02  
Date

2/5/02  
Date

Exhibits attached and made a part of this Agreement:

- Exhibit A: Legal Description
- Exhibit B: Location Map
- Exhibit C: Annexation Petition



2001 R03324

Recording Cover Sheet

RECORDED ON

02-15-2001 3:21:50

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

CHAMPAIGN COUNTY  
RECORDER  
BARBARA A. FRASCA

(2210 N. WILLOW ROAD)

REC. FEE: 18.00  
REV FEE:  
PAGES: 4  
PLAT ACT: 0  
PLAT PAGE:

2001-02-012

Prepared for recording by:

Deborah J. Roberts

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 did cause the attached notice of the pending action to be taken on an Ordinance annexing certain territory lying within the Urbana Township, to be served 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 each of them, 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 did cause the attached notice of the pending action to be taken on an Ordinance annexing certain territory lying within the boundaries of Carroll Fire Protection District to the City of Urbana, Illinois, to be served 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 Carroll Fire Protection District and each of them, at the addresses indicated on the copy of said notice hereto attached, all notices being mailed on the 9<sup>th</sup> day of February, 2001, 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."

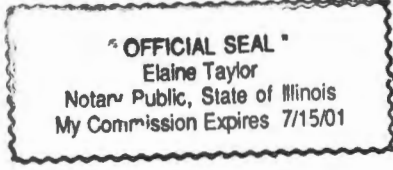
*Phyllis D. Clark*  
City Clerk  
City of Urbana  
*Deborah J. Roberts*  
Deputy Clerk

Subscribed and sworn to before me this  
9<sup>th</sup> day of February, 2001.

*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 15<sup>th</sup> day of February, 2001. 2/15/01

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





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

003324

**TO:**

**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

**Paul Tatman**  
2802 E. Slayback Road  
Urbana, IL 61802

**Urbana Township Board of Trustees**

and

**Mr. Don Flessner**  
**Urbana Township Supervisor**  
2312 E. Perkins Road  
Urbana, IL 61802

and

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

and

**Thomas E. Harnsberger**  
2104 E. Barnes  
Urbana, IL 61802

**Glen Mueller**  
2408 E. Airport Road  
Urbana, IL 61802

**Robert Venable**  
1912 Kenneth Street  
Urbana, IL 61802

**Trustees of Carroll Fire Protection District**

You and each of you are hereby notified, 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:

**Beginning at a point on the West line of Section 4, Township 19 North, Range 9 East of the Third Principal Meridian, which is 2,256.41 feet South of the Northwest corner thereof; thence East 208.00 feet; thence South 248.36 feet more or less to the intersection with the Northerly right of way line of FAI 74; thence Westerly along said right of way line along a curve to the right whose radius is 1,090 feet, 37.84 feet to the Point of Curvature of said curve; thence North 78° 05' West, 48.70 feet to the point of tangency of another curve to the right whose radius is 130.00 feet; thence along said curve to the right, 179.10 feet; thence West 17.15 feet to the West line of said Section 4; thence North along said West line 105.05 feet to the point of beginning, situated in Champaign County, Illinois.**

**Being the same tract described on a Deed recorded March 9, 1990 in Book 1677 at Page 627 in the Office of the Recorder of Deeds, Champaign County, Illinois.**

commonly known for reference as 2210 N. Willow Road, Urbana, Illinois, and further referenced as Champaign County permanent parcel number 30-21-04-100-004. Said territory lies within the boundaries of Carroll 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 consider an Ordinance annexing the above-described territory to the City at its regular meeting March 5, 2001 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 Deborah J. Roberts*  
 City of Urbana, Illinois *Deputy Clerk*