

An Amendment to an Annexation Agreement With Rudy Frasca

(To Annex Four Tracts of Property Totaling 116.69 Acres With a Zoning Designation of IN, Industrial - Plan Case No. 1773-A-01)

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

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

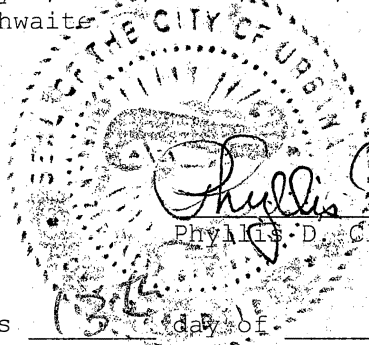
Section 2. That the Mayor of the City of Urbana, Illinois, be and the same is hereby authorized to execute and deliver and the City Clerk of the City of Urbana, Illinois, be and the same is authorized to attest to said execution of said Amended Agreement as so authorized and approved for and on behalf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

PASSED by the City Council this 4th day of June,
2001.

AYES: Chynoweth, Hayes, Huth, Otto, Patt, Wyman, and Mayor Satterthwaite

NAYS: Whelan

ABSTAINS:



Phyllis D. Clark
Phyllis D. Clark, City Clerk

APPROVED by the Mayor this 13th day of June,
2001.

Tod Satterthwaite
Tod Satterthwaite, Mayor

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

TO:

Mr. Joseph C. Irle
2286 County Rd. 1300 E
Champaign, IL 61821

Mr. Perry A. Sage
1451 County Rd. 2400 N
Champaign, IL, 61821

Mr. Ronald Raup
2370 County Rd. 1600 E
Thomasboro, IL 61878

Mr. Bill Ziegler
4704 N. Willow Rd.
Urbana, IL 61802

Somer Township Board of Trustees

and

Mr. Ken Mathis
Somer Township Supervisor
1869 South Forty
Urbana, IL 61802

Mr. Rick Wolken
Somer Township Commissioner of Highways
2294 County Rd. 1600 E
Urbana, IL 61802

and

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

Barney Bryson
2102 E. Barnes
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:

The Southwest Quarter of the Northwest Quarter of Section 33, Township 20 North, Range 9, East of the Third Principal Meridian, situated in Champaign County, Illinois, except the easterly 200.00 feet of even width thereof.

commonly known for reference as 3404 N. Willow Road, Urbana, Illinois, and further referenced as Champaign County permanent parcel number 25-15-33-100-019,

and

The East 30 acres of the North West ¼ of the North West ¼ of Section 33, Township 20 North, Range 9 East of the Third Principal Meridian, in Champaign County, Illinois, except the following described tracts:

1.25 acres in the form of a square in the North West Corner of the East 30 acres of the North West ¼ of the North West ¼ of Section 33, Township 20 North, Range 9 East of the Third Principal Meridian described as follows:

Commencing at the North West corner of said 30 acre tract, then East along the North line of said Section 33, a distance of 233.345 feet; thence South at a right angle to the last described line a distance of 233.345 feet, thence West parallel to the North line of said Section 33, 233.345 feet, thence North to the point of beginning, subject to the rights of the public in portions of the premises used for highway purposes, and except:

Beginning at the North East Corner of the North West ¼ North West ¼ of Section 33, Township 20 North, Range 9 East of the Third Principal Meridian; thence South on the East line of the North West ¼ North West ¼ 208.71 feet; thence West parallel with the North line of said Section 33, 208.71 feet; thence North parallel with the East line of the North West ¼ North ¼ 208.71 feet to the North line of said Section 33; thence East on the North line of said Section 33, 208.71 feet to the point of beginning, Champaign County, Illinois.

commonly known for reference as 813 E. Olympian Drive, and further referenced as Champaign County permanent parcel number 25-15-33-100-013.

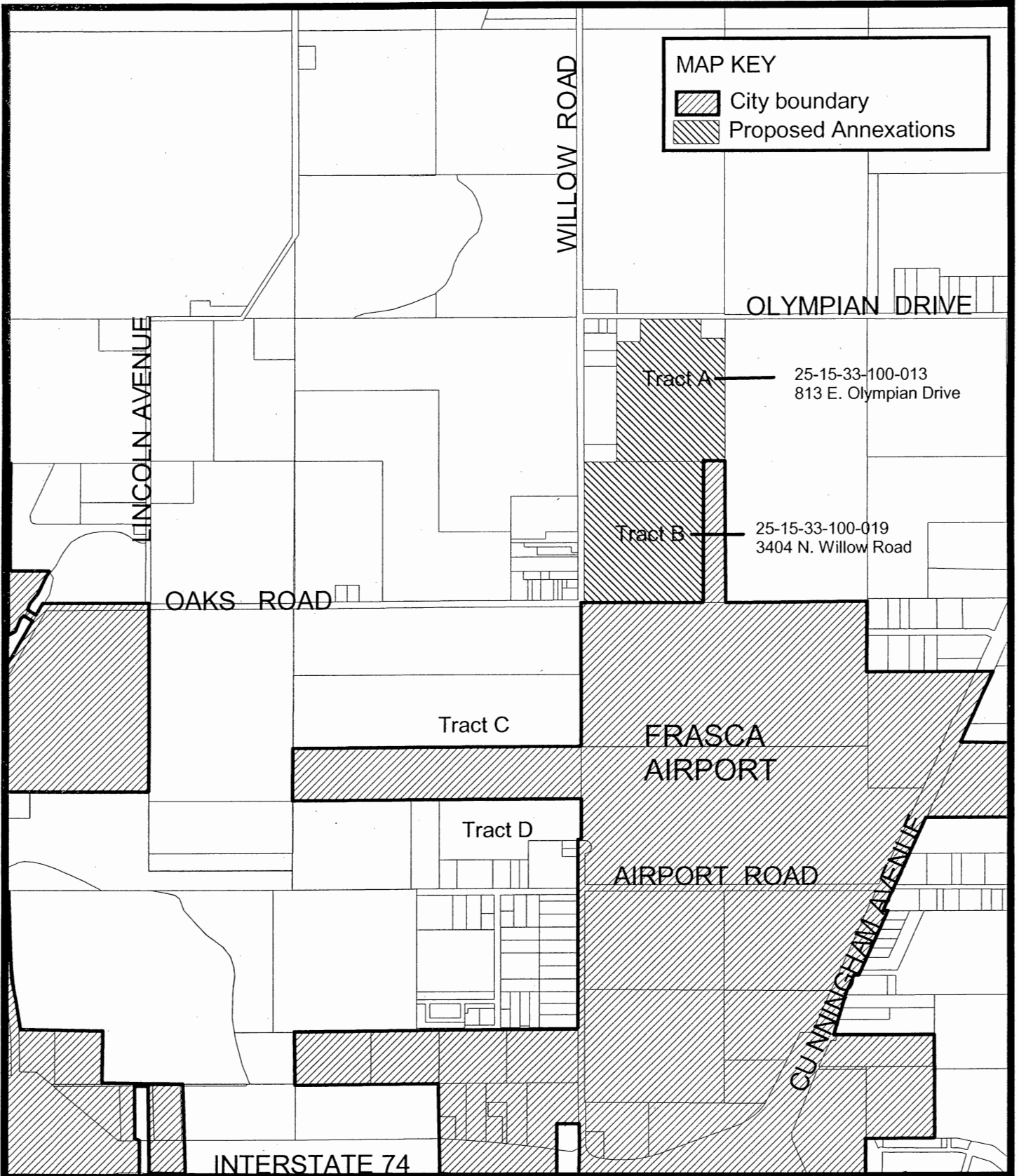
Said territory lies within the boundaries of Carroll Fire Protection District and the Somer Township, and is contiguous to the City of Urbana, Illinois.

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 October 1, 2001 at



7:30 p.m. in the Council Chambers of the City Building located at 400 South Vine Street, Urbana, Illinois. Provided said ordinance is approved by the Council of the City of Urbana as specified above, the proposed date and time said annexation shall take effect is **October 11, 2001** at 12:00 Noon.

Additional information about the proposed annexation can be obtained by contacting Reed Berger, Economic Development Coordinator, City of Urbana, at 217-384-2442.

City Clerk
City of Urbana, Illinois



MAP KEY

-  City boundary
-  Proposed Annexations

Tract A — 25-15-33-100-013
813 E. Olympian Drive

Tract B — 25-15-33-100-019
3404 N. Willow Road

Tract C

Tract D

FRASCA
AIRPORT



Proposed Annexations to City of Urbana

Based on Annexation Agreement approved on June 4, 2001 by Ord. No. 2001-06-054
prepared July 18, 2001 by RAB - Community Development Services



An Amendment to An Annexation Agreement between Frasca Associates and the City of Urbana approved by Ordinance No 9192-64 on January 21, 1992

(Between the City of Urbana and Frasca Associates)

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 the Frasca Associates, an Illinois General Partnership (hereinafter referred to as the "Owner"). The effective date of this Agreement shall be as provided in Article III, Section 5.

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, Frasca and Associates is the Owner of record of a certain parcels of real estate permanent index numbers 25-15-32-426-005, 25-15-32-476-013, 25-15-33-100-019, 25-15-33-100-013, the legal descriptions of which real estate is set forth in Exhibit A attached hereto and referenced herein as "Tract A, Tract B, Tract C and Tract D " or "the tracts".

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

WHEREAS, the Owner previously submitted annexation petitions for said property, said petitions conditioned upon the Owners and the City executing an amendment to an Annexation Agreement between Frasca Associates and the City of Urbana approved by Ordinance No 9192-64 on January 21, 1992 (hereinafter referred to as the "previously approved annexation agreement" and attached hereto as Exhibit C; and

WHEREAS, the tracts are currently zoned I-1 Light Industrial and AG-2 Agriculture in Champaign County and would directly convert to City IN Industrial and AG Agriculture upon annexation under the terms and provisions of the Urbana Zoning Ordinance; and

WHEREAS, the Corporate Authorities find annexing said tracts as described herein entirely as City IN Industrial 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 COVENANTS AND AGREEMENTS SET FORTH HEREIN, THE PARTIES AGREE AS FOLLOWS:

ARTICLE I. REPRESENTATIONS AND OBLIGATIONS OF THE OWNER (S)

The Owner agrees to the following provisions:

Section 1: The Owner represents that the Owner is the sole record Owner of the tracts described in Exhibit B.

Section 2: The Owner acknowledge that Tract A and the approximate northern 500 feet of Tract B will be rezoned from County AG-2 Agriculture to City IN Industrial upon their annexation to the City; the approximate southern 820 feet of Tract B, Tract C and Tract D will directly convert from County I-1 Light Industrial to City IN Industrial upon their annexation to the City.

Section 3: The Owner agrees that Article I, Section C of the previously approved annexation agreement will apply to the tracts described herein.

Section 4: The owner shall submit a Development Sketch Plan for any proposed development on the site except where such development is a restaurant, air plane museum, hangars, airport business office or other uses customarily incidental to an airport which uses the parties agree shall be allowable accessory uses to the principal airport use as a matter of right.

The content of the Development Sketch Plan shall meet the requirements of Section 21-13C in the Urbana Subdivision and Land Development Code and shall be considered by the Urbana Plan Commission and approved by the Urbana City Council prior to the issuance of any building permits.

The purpose of the requirement that the Development Sketch Plan be approved by the Urbana City Council shall be to insure that any development proposed by the Owner will be adequately served by necessary utilities.

This requirement shall expire once the Corporate Authority enacts an amendment to the Urbana Zoning Ordinance creating an Airport Zoning District and the subject parcels are re-zoned to said district as outlined in Article I, Section C of the previously approved annexation agreement.

Section 5: The Owner shall take no action or omit to take action during the term of this Agreement which action or omission, as applied to the tracts, 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. Said action includes petitioning for a county rezoning of said tracts without a written amendment to this Agreement.

ARTICLE II. REPRESENTATIONS AND OBLIGATIONS OF THE CORPORATE AUTHORITIES

The Corporate Authorities agree to the following provisions:

Section 1: The Corporate Authorities agree to annex said tracts subject to the terms and conditions outlined in this Agreement, within thirty (30) days of the effective date of this Agreement per the previously submitted annexation petitions.

Section 2: The Corporate Authorities agree that Tract A and the approximate northern 500 feet of Tract B will be rezoned from County AG-2 Agriculture to City IN Industrial upon their annexation to the City; the approximate southern 820 feet of Tract B, Tract C and Tract D will directly convert from County I-1 Light Industrial to City IN Industrial upon their annexation to the City.

Section 3: The Corporate Authorities agree that Article II, Section B, Section D, Section E, Section G (except there will be no joint general area plan prepared as referenced in Section G), Section K, Section L, Section M, Section N and Section O of the previously approved annexation agreement will apply to the tracts described herein.

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. To the extent permitted thereby, it is agreed that, in the event the annexation of subject 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 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, their 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 tracts, 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 tracts 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 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 5. Effective Date -- The Corporate Authorities and Owner intend that this Agreement shall be recorded in the Office of the Champaign County Recorder with any expenses for said recording to be paid by the Corporate Authorities. The effective date of this Agreement shall be the date it is recorded; or if not recorded for any reason, the effective date shall be the date the Mayor signs the agreement on behalf of the City.

IN WITNESS WHEREOF, the Corporate Authorities and Owner have hereunto set their hands and seals, and have caused this instrument to be signed by their duly authorized officials and the corporate seal affixed hereto, all on the day and year written below.

Corporate Authorities
City of Urbana:

Tod Satterthwaite
Tod Satterthwaite, Mayor

Owner:

Rudy Frasca
Rudy Frasca, Frasca Associates

September 5, 2001
Date

August 18, 2001
Date

ATTEST:

Phyllis D. Clark
Phyllis D. Clark
City Clerk

ATTEST:

Richard L. Thies
Notary Public

9/5/01
Date

8-18-01
Date

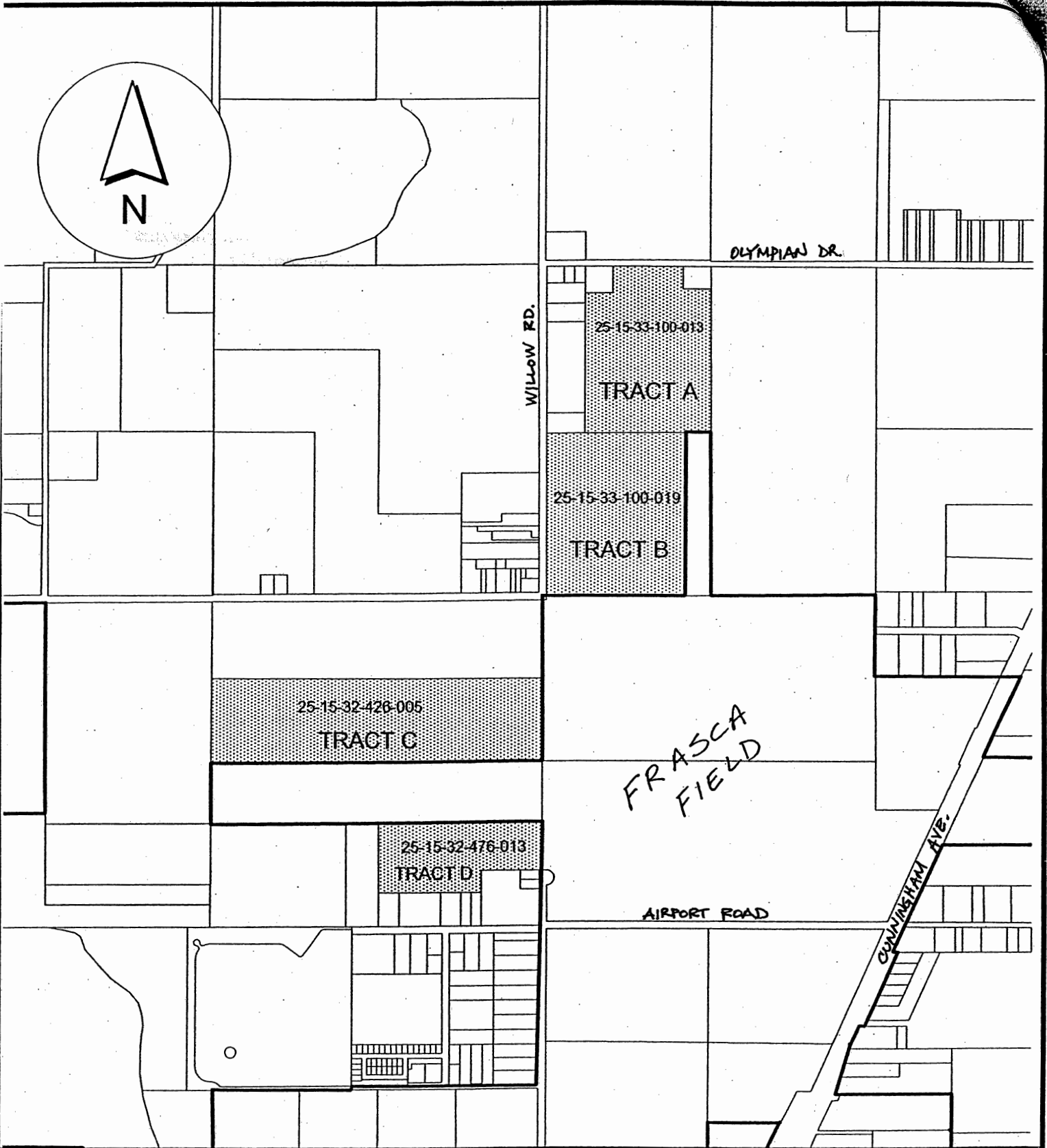


Exhibits attached and made a part of this Agreement:

Exhibit A: Location Map

Exhibit B: Legal Descriptions

Exhibit A: Location Map



Frasca Properties Location



-  Subject Properties
-  City Boundary

Exhibit B

Legal Descriptions

Tract A: PIN: 25-15-33-100-013

The East 30 acres of the Northwest Quarter of the Northwest Quarter of Section 33, Township 20 North, Range 9 East of the Third Principal Meridian, Champaign County, Illinois, except the following described tracts, to wit;

Commencing at the Northwest Corner of said 30-acre tract, then East along the North line of said Section 33, a distance of 233.345 feet; thence South at a right angle to the last described line a distance of 233.345 feet, thence West parallel to the North line of said Section 33, 233.345 feet North to the place of beginning; subject to the rights of the public in portions of the premises used for highway purposes.

And;

Beginning at the Northeast Corner of the Northwest Quarter of the Northwest Quarter of Section 33, Township 20 North, Range 9 East of the Third Principal Meridian; thence South on the East line of the Northwest Quarter of the Northwest Quarter, 208.71 feet; thence West parallel with the North line of said Section 33, 208.71 feet; thence North parallel with the East line of said Section 33, 208.71 feet; thence North parallel with the East line of the Northwest Quarter of the Northwest Quarter, 208.71 feet to the North line of said Section 33; thence East on the North line of said Section 33, 208.71 feet, to the Point of Beginning, all situated in Champaign County, Illinois.

Tract B: PIN: 25-15-33-100-019 (1713/780 & 782) (REVISED)

The Southwest Quarter of the Northwest Quarter of Section 33, Township 20 North, Range 9 East of the Third Principal Meridian, Champaign County, Illinois, except the easterly 200.00 feet of even width thereof.

Tract C: PIN: 25-15-32-426-005 {89R24492 (1667/270)}

The South One-Half of the North One-Half of the Southeast Quarter, Section 32, Township 20 North, Range 9 East of the Third Principal Meridian, Champaign County, Illinois.

Tract D: PIN: 25-15-32-476-013 {91R2946 (1726/744)}

The South East 1/4 of the South East 1/4 of Section 32, Township 20 North, Range 9 East of the Third Principal Meridian, except the North 15 acres thereof and except the South 16 rods of the West 50 rods and except the South 26 and 2/3 rods of the East 30 rods thereof, situated in Champaign County, Illinois

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

The Petitioner, **Frasca Associates, an Illinois General Partnership**, 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(s)), except any public right-of-way property to wit:

The East 30 acres of the North West $\frac{1}{4}$ of the North West $\frac{1}{4}$ of Section 33, Township 20 North, Range 9 East of the Third Principal Meridian, in Champaign County, Illinois, except the following described tracts:

1.25 acres in the form of a square in the North West Corner of the East 30 acres of the North West $\frac{1}{4}$ of the North West $\frac{1}{4}$ of Section 33, Township 20 North, Range 9 East of the Third Principal Meridian described as follows:

Commencing at the North West corner of said 30 acre tract, then East along the North line of said Section 33, a distance of 233.345 feet; thence South at a right angle to the last described line a distance of 233.345 feet, thence West parallel to the North line of said Section 33, 233.345 feet, thence North to the point of beginning, subject to the rights of the public in portions of the premises used for highway purposes, and except:

Beginning at the North East Corner of the North West $\frac{1}{4}$ North West $\frac{1}{4}$ of Section 33, Township 20 North, Range 9 East of the Third Principal Meridian; thence South on the East line of the North West $\frac{1}{4}$ North West $\frac{1}{4}$ 208.71 feet; thence West parallel with the North line of said Section 33, 208.71 feet; thence North parallel with the East line of the North West $\frac{1}{4}$ North $\frac{1}{4}$ 208.71 feet to the North line of said Section 33; thence East on the North line of said Section 33, 208.71 feet to the point of beginning, Champaign County, Illinois.

And also identified as Parcel Index Number **25-15-33-100-013**.

2. Said territory is not situated within the corporate limits of any municipality, but is contiguous to the City of Urbana, Illinois.
3. There are no electors residing in said Tract.

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 for said Tract approved by City Council Ordinance Number 2001-06-054 on June 4, 2001.

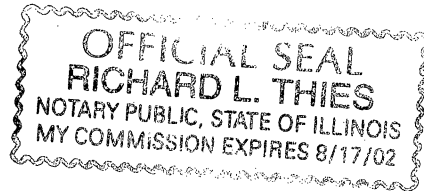
Dated this 18th day of August, 2001.

PETITIONERS:
Frasca Associates
an Illinois General Partnership

Rudolf Frasca
Rudolf Frasca, Partner

Subscribed and sworn to before me this
18th day of August, 2001.

Richard L. Thies
NOTARY PUBLIC



My commission expires: _____

R

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

The Petitioner, **Frasca Associates, an Illinois General Partnership**, 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(s)), except any public right-of-way property to wit:

The Southwest Quarter of the Northwest Quarter of Section 33, Township 20 North, Range 9, East of the Third Principal Meridian, situated in Champaign County, Illinois, except the easterly 200.00 feet of even width thereof.

And also identified as Parcel Index Number **25-15-33-100-019**.

2. Said territory is not situated within the corporate limits of any municipality, but is contiguous to the City of Urbana, Illinois.
3. There are no electors residing in said Tract.

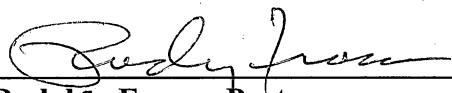
PETITIONER RESPECTFULLY REQUESTS:

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 for said Tract approved by City Council Ordinance Number 2001-06-054 on June 4, 2001.

Dated this 18th day of August, 2001.

PETITIONERS:

**Frasca Associates
an Illinois General Partnership**



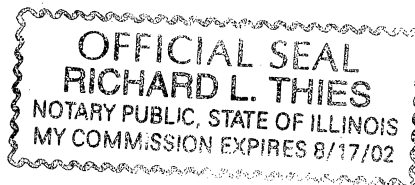
Rudolf Frasca, Partner

Subscribed and sworn to before me this

18th day of August, 2001.



NOTARY PUBLIC



My commission expires: _____

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

The Petitioner, **Frasca Associates, an Illinois General Partnership**, 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(s)), except any public right-of-way property to wit:

**The South Half (S ½) of the North Half (N ½) of the Southeast Quarter (SE ¼),
Section 32, Township 20 North, Range 9 East of the Third Principal Meridian
situated in the County of Champaign, State of Illinois.**

And also identified as Parcel Index Number **25-15-32-426-005**.

2. Said territory is not situated within the corporate limits of any municipality, but is contiguous to the City of Urbana, Illinois.
3. There are no electors residing in said Tract.

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 for said Tract approved by City Council Ordinance Number 2001-06-054 on June 4, 2001.

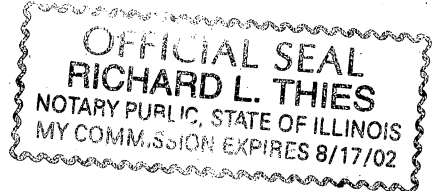
Dated this 18th day of August, 2001.

PETITIONERS:
Frasca Associates
an Illinois General Partnership

Rudolf Frasca
Rudolf Frasca, Partner

Subscribed and sworn to before me this
18th day of August, 2001.

Richard L. Thies
NOTARY PUBLIC



My commission expires: _____

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

The Petitioner, **Frasca Associates, an Illinois General Partnership**, 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(s)), except any public right-of-way property to wit:

The South East ¼ of the South East ¼ of Section 32, Township 20 North, Range 9 East of the Third Principal Meridian, except the North 15 acres thereof, and except the South 16 rods of the West 50 rods, and except the South 26 and 2/3 rods of the East 30 rods thereof, situated in Champaign County, Illinois.

And also identified as Parcel Index Number **25-15-32-476-013**.

2. Said territory is not situated within the corporate limits of any municipality, but is contiguous to the City of Urbana, Illinois.
3. There are no electors residing in said Tract.

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 for said Tract approved by City Council Ordinance Number 2001-06-054 on June 4, 2001.

Dated this 18th day of August, 2001.

PETITIONERS:
Frasca Associates
an Illinois General Partnership



Rudolf Frasca, Partner

Subscribed and sworn to before me this
18th day of August, 2001.



NOTARY PUBLIC

My commission expires: _____

