

## Recording Cover Sheet

ORDINANCE NO. 2001-06-068

AN ORDINANCE ANNEXING CERTAIN TERRITORY TO THE CITY OF URBANA (SYLVIA G. DOUGLAS TRUST, RAYMOND G. DOUGLAS TRUST, CARL HILL, AND H. ALLEN DOOLEY / SOUTHRIDGE SUBDIVISION"

and

MAP SHOWING AREA ANNEXED BY CITY

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 2002R01782

RECORDED ON

01-14-2002 8:10:08

CHAMPAIGN COUNTY RECORDER BARBARA A. FRASCA

REC. FEE: 19.00 REV FEE: PAGES: 5 PLAT ACT: 0 PLAT PAGE:

CHAMPAIGN COUNTY CLERK

ORDINANCE NO. 2001-06-068

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

(Sylvia G. Douglas Trust, Raymond G. Douglas Trust, Carl Hill, and H. Allen Dooley / Southridge 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 Philo 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 June 7, 2001, that this Ordinance would be voted upon at the regular meeting of this Council at 7:30 p.m., Monday, July 2, 2001, and the Affidavit of mailing such Notices was duly recorded with the Recorder of Deeds of Champaign County, Illinois, on the 8th day of June, 2001; and

WHEREAS, there are no electors residing within such territory; and
WHEREAS, the City Council passed Ordinance No. 2001-05-045 on May 7,
2001 approving and authorizing the execution of an annexation agreement; and

WHEREAS, the territory to be annexed by this Ordinance is presently located within Champaign County's AG-2, Agriculture zoning district and upon annexation will be classified R-2, Single Family Residential; and R-3, Single and Two-Family Residential, in accordance with the above-referenced annexation agreement; and

WHEREAS, it has been determined that said petition complies 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:

The west 60.0 acres of the North Half of the Southeast Quarter of Section 28 in Township 19 North, Range 9 East, of the Third Principal Meridian, in Champaign County, Illinois.

Together with the adjacent unincorporated public Rights-of-Way, which are by operation of the law automatically annexed with the adoption of an Annexation Ordinance pertaining to this parcel, described as follows:

That portion of Philo Road Right-of-Way, which lies adjacent to the above described tract. Said Right-of-Way contains 1.24 Acres, more or less, all situated in Champaign County, Illinois.

South of Baronry Drive, Myra Ridge Drive, and Ridge Park Drive, 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

30-21-28-400-001 and part of 30-21-28-300-001.

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; and R-3, Single and Two-Family Residential, upon annexation and in accordance with Ordinance

No. 2001-05-045 passed by the Urbana City Council on May 7, 2001, approving and authorizing the execution of an annexation agreement for said territory.

Section 5. The territory annexed herein is assigned to City of Urbana Ward 6.

Section 6. This Ordinance shall take effect at 12:00 p.m. CDT, July 12, 2001.

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 \_\_2nd\_\_ day of \_\_\_\_\_\_\_, \_\_2001, A.D.

PASSED by the City Council this 2<sup>nd</sup> day of July,
2001.

AYES:

Chynoweth, Hayes, Huth, Otto, Patt, Whelan

NAYS:

ABSTAINS:

APPROVED by the Mayor this

2001.

Tod Satterthwaite, Mayor

2001-06-068

# ANNEXATION AGREEMENT May 3, 2001

2001 JUL -2 PM 4: 36

THIS Agreement is 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 Trustees of the Sylvia G. Douglas Trust, the Trustees of the Raymond G. Douglas Trust, and Carl Hill and H. Allen Dooley (hereinafter referred to as the "Owner"). Carl Hill and H. Allen Dooley are partial owners and proposed Developers of the Tract (hereinafter referred to as the "Developer") and are authorized to act on behalf of the current Owners under the terms of a Contract to Purchase the entire subject tract. The effective date of this Agreement shall be as provided in Article III, Section 6.

#### WITNESSETH:

WHEREAS, this Agreement is made pursuant to and in accordance with the provisions of Section 11-15.1-1 et seq., of the Illinois Municipal Code (65 ILCS 5/11-15.1-1); and

WHEREAS, the Trustees of the Sylvia G. Douglas Trust, the Trustees of the Raymond G. Douglas Trust, Carl Hill and H. Allen Dooley are the Owners of a certain approximately 60.00 acre parcel of real estate located along the east side of Philo Road to the south of Baronry Drive, Myra Ridge Drive, and Ridge Park Drive and having permanent index numbers 30-21-28-400-001 and 30-21-28-300-001 (part), 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 tract, 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, Owner, and the Developer find it necessary and desirable that the tract be annexed to the City with zoning classifications of R-2, Single Family Residential and R-3, Single and Two-Family Residential, as set forth in the attached map, labeled Exhibit C, 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 R-2 and R-3, 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

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

The Corporate Authorities agree to the following provisions:

<u>Section 1. Annexation:</u> 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.

<u>Section 2. Zoning Classification:</u> The Corporate Authorities agree that the tract will be zoned R-2, Single Family Residential and R-3, Single and Two-Family Residential, as depicted in Exhibit C and as provided for in Article V of the Urbana Zoning Ordinance, as such exists at the time of annexation of the tract.

<u>Section 3. Development Regulations:</u> The Corporate Authorities agree that all applicable development regulations will apply to said tract, except as otherwise provided herein.

<u>Section 4. Preliminary Plan</u>: The Corporate Authorities agree to grant approval for development of the Tract in substantial conformance with the uses and layout shown in Exhibit E, and as consistent with the Urbana Land Development and Subdivision Code and other applicable regulations.

Section 5. Real Estate Tax Reimbursement: The City agrees to pay the Record Owner of the Tract at the time such payment is due, an amount equal to the difference between the real estate taxes which would be paid for the Tract if it was located outside the City and the amount paid as real estate taxes for the Tract when annexed to the City, as long as the Tract or subject portion of the Tract remains in agricultural use or until such time as a final plat is recorded for any portion of said Tract or for a period not to exceed twenty (20) years from the date of the City Council's approval of this Agreement, whichever occurs first. At such time as a final plat is recorded for a portion of the Tract or a portion of the Tract is used for other than agricultural use, or if the Record Owner of the Tract at the time sells any portion of the Tract, said Record Owner shall not be entitled to any payment for the tax liability which accrues on that portion of the Tract, but shall be entitled to payment for the portion of the Tract remaining in ownership of the Record Owner, their heirs, or beneficiaries.

The annual reimbursement amount shall be paid to the Record Owner of the Tract at the time, their heirs, or beneficiaries, on or before October 1 of each respective year the real estate tax is paid in full. It is further understood that this refund amount is offered by the Corporate Authorities in careful consideration of the following findings:

by the Owner, the City may refuse the issuance of any permits or other approvals or authorizations relating to development of the tract.

<u>Section 5. Severability</u>: 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.

<u>Section 6.</u> <u>Effective Date:</u> 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.

<u>Section 7. Notices:</u> 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:

Trustees of the Sylvia G. Douglas Trust c/o Stuart Mamer Thomas, Mamer & Haughey Fifth Floor, National City Bank Building 30 Main Street Champaign, Illinois 61820

Trustees of the Raymond G. Douglas Trust c/o Stuart Mamer Thomas, Mamer & Haughey Fifth Floor, National City Bank Building 30 Main Street Champaign, Illinois 61820

#### Owner/Developer:

Carl Hill 1913 Trails Drive Urbana, Illinois 61802

H. Allen Dooley Lexington Construction Co. 1209 East University Urbana, Illinois 61802 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.

officials and the corporate seal affixed hereto, all o	n the day and year written below.
Corporate Authorities City of Urbana:	Owner (Sylvia G. Douglas Trust):
Tod Satterthwaite, Mayor	Raymond R. G. Douglas
Date 6/6/01	4/5/0/ Date
ATTEST:	ATTEST: OFFICIAL SEAL PATRICIA A KRASNOWSKI
Phyllis D. Clark City Clerk  Date  Of Date	Notary Public  4/5/01  Date
	Rebecca Kay Matthews
	4/5/01 Date
	ATTEST: OFFICIAL SEAL  PATRICIA A KRASNOWSKI  NOTARY PUBLIC, STATE OF ILLINOIS MY COMMISSION EXPIRES: 12/12/01
	Notary Public
	4/5/01

Date

Came	Pale
James P. Dou	
4/5/01	
Date	OFFICIAL SEAL
ATTEST:	PATRICIA A KRASNOWSKI NOTARY PUBLIC, STATE OF ILLINOIS MY COMMISSIC & EXPRES: 12/12/01
2 triin	ANIEMA
Notary Public	
4/5/01	
Date	
Deborah M. E	
March Date	04,01
ATTEST:	6 9
any	la V Dulva
Notary Public	
31	2401
Date	

ANGELA K. HALVERSON NOTARY PUBLIC STATE OF INDIANA MY COMMISSION EXPIRES DEC. 14, 2008

Raymond R. G. Douglas Date ATTEST: Notary Public Rebecca Kay Matthews ATTEST: Notary Public

Owner

(Raymond G. Douglas Trust)

	Pan Palala
	James P. Douglas
	415/01
	Date
	ATTEST: OFFICIAL SEAL PATRICIA A KRASNOWSKI NOTARY PUBLIC, STATE OF JULINOIS
(	Notary Public  MX COMMISSION EXPIRES: 12/12/01
	4/5/01 Date
	0
	Deborah M. Bonner
6	March 24 '01 Date
	ATTEST:  Anyla & Maluer
	Notary Public
	3/24/01
	Date

ANGELA K. HALVERSON NOTARY PUBLIC STATE OF INDIANA MY COMMISSION EXPIRES DEC. 14, 2008

Owner/Devel	loper
Carl Hill	All
3-19-	01
Date	
ATTEST:	"OFFICIAL SEAL" RUTH ANN WARF Notary Public, State of Illinois My Commission Expires 10/27/2003
Rotary Public	w Way
3-19-01 Date	·
7+ alla H. Allen Dool	
Date	
ATTEST:	"OFFICIAL SEAL" RUTH ANN WARF Notary Public, State of Illinois My Commission Expires 10/27/2003
Notary Public	s (esails
3-19-01 Date	

Exhibits attached and made a part of this Agreement:

Exhibit A: Legal Description Exhibit B: Location Map

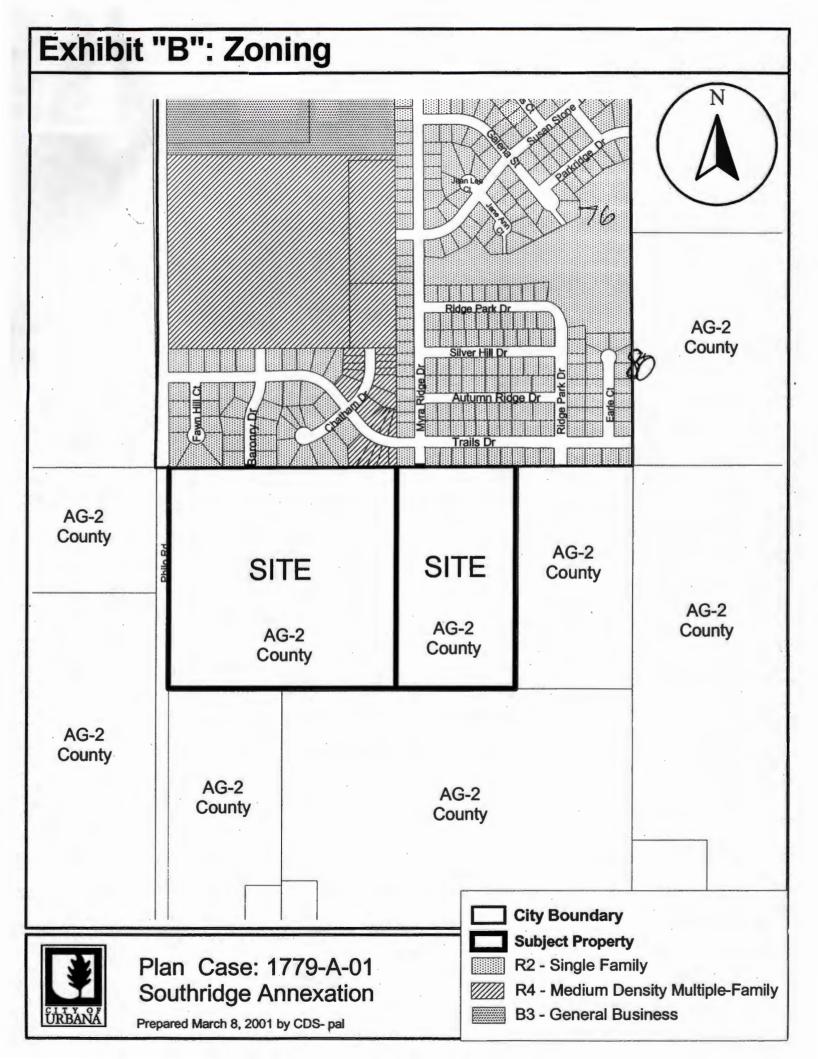
Exhibit C: Proposed Zoning Areas and Associated Legal Descriptions

Exhibit D: Annexation Petition

## Exhibit A

## Legal Description of Tract

The west 60.0 acres of the North Half of the Southeast Quarter of Section 28 in Township 19 North, Range 9 East, of the Third Principal Meridian, in Champaign County, Illinois.



## Exhibit A R-2 Zoning

The west 60 (sixty) acres of the North ½ of the Southeast Quarter of Section 28, T.19N., R.9E. of the 3<sup>rd</sup> P.M.. Champaign County, Illinois, excepting therefrom the following described Tract A, and the remaining area containing 38.979 acres, more or less.

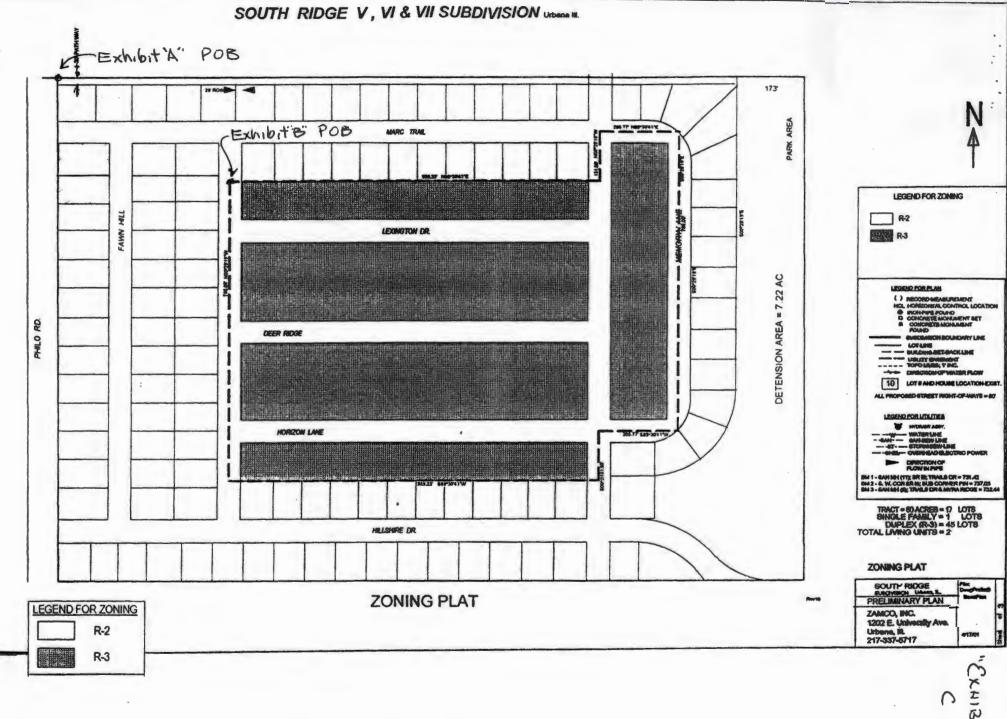
### Tract A

Commencing at the Northwest corner of the Southeast Quarter of said Section 28, and running 489.00 feet Easterly along the North line of said Southeast Quarter to a point; thence S.0 29'19"E.,279.70 feet to the true Point of Beginning; thence N.89 30'41"E., 959.23 feet; thence N.0 29'19"W., 131.00 feet; thence N.89 30'41"E., 205.77 feet; thence S.0 29'19"E., 786.00 feet; thence S.89 30'41"W., 205.77 feet; thence S.0 29'19"E., 131.00 feet; thence S.89 30'41"W., 959.23 feet; thence N.0 29'19"W., 786 feet to the Point of Beginning, containing 21.021 acres, more or less, situated in Champaign County, Illinois,

### Exhibit B R-3 Zoning

A part of the Northwest Quarter of the Southeast Quarter of Section 28, T.19N., R.9E. of the 3<sup>rd</sup> P.M.. more fully described as follows:

Commencing at the Northwest corner of the Southeast Quarter of said Section 28, and running 489.00 feet Easterly along the North line of said Southeast Quarter to a point; thence S.0 29'19"E.,279.70 feet to the true Point of Beginning; thence N.89 30'41"E., 959.23 feet; thence N.0 29'19"W., 131.00 feet; thence N.89 30'41"E., 205.77 feet; thence S.0 29'19"E., 786.00 feet; thence S.89 30'41"W., 205.77 feet; thence S.0 29'19"E., 131.00 feet; thence S.89 30'41"W., 959.23 feet; thence N.0 29'19"W., 786 feet to the Point of Beginning, containing 21.021 acres, more or less, situated in Champaign County, Illinois.



#### Exhibit D

### **Petition for Annexation**

to

## THE CITY COUNCIL OF THE CITY OF URBANA CHAMPAIGN COUNTY, ILLINOIS

The Petitioner, CarlE Hill, et al., 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:

The west 60.0 acres of the North Half of the Southeast Quarter of Section 28 in Township 19 North, Range 9 East, of the Third Principal Meridian, in Champaign County, Illinois.

Commonly known as a Tract along the East side of Philo Road and South of Baronry Drive, Myra Ridge Drive, and Ridge Park Drive and also identified as Parcel Index Number 30-21-28-400-001 and part of 30-21-28-300-001.

- 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 in accordance with all of the aforesaid conditions herein and 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 Mon 7, 2001 as Ordinance No. 2001.05.045 and approved by the Mayor of the City of Urbana.

Dated this	4 xh	day of	June	, 2001
		_	0	

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Sylvia G. Douglas Trust:	•
Raymond R. G. Douglas	
4/5/01	. 99 %
Date	
Subscribed and sworn to before me this  574 day of April , 2001	OFFICIAL SEAL  PATRICIA A KRASNOWSKI  NOTARY PUBLIC, STATE OF ILLINOIS MY COMMISSION EXPIRES: 12/12/01
NOTARY PUBLIC	MY COMMISSION TO ANALYSIA STANDARD TO ANALYSIA STAN
My commission expires:	· ·
Rebecca Kay Matthews	
4/5/01	
Date	
	FICIAL SEAL
Subscribed and sworn to before me this	PATRICIA A KRASNUWSKI
<u>3</u> day of <u>agril</u> , 2001	NOTARY PUBLIC, STATE OF ILLUMON NOTARY PUBLIC, STATE OF ILLUMO
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My commission expires:	· · · · · · · · · · · · · · · · · · ·

<u>4/5/0/</u> Date
Subscribed and sworn to before me this
570 day of April , 2001
Satricio A Krasnoudi NOTARY PUBLIC
My commission expires:
Oborah M. Bonner  Deborah M. Bonner
March 24'01 Date
Subscribed and sworn to before me this
24 day of March, 2001
Morary Public
My commission expires: 12-14-2008

James P. Douglas

OFFICIAL SEAL

PATRICIA A KRASNOWSKI NOTARY PUBLIC, STATE OF ILLINOIS MY COMMISSION EXPIRES: 12/12/01

## Raymond G. Douglas Trust

My commission expires:

Raymond R. G. Douglas  4/5/0/ Date	
Subscribed and sworn to before me this  5 day of April , 2001  Saturio A Krasnoudi  NOTARY PUBLIC	OFFICIAL SEAL PATRICIA A KRASNOWSKI NOTARY PUBLIC, STATE OF ILLINOIS MY COMMISSION FX PRES: 12/12/01
Rebecca Kay Matthews  4/5/01  Date	
Subscribed and sworn to before me this  5 day of April , 2001  Student A Kusmouch,  NOTARY PUBLIC	OFFICIAL SEAL  PATRICIA A KRASNOWSKI  NOTARY PUBLIC, STATE OF ILLINOIS MY COMMISSION EXPIRES: 12/12/01

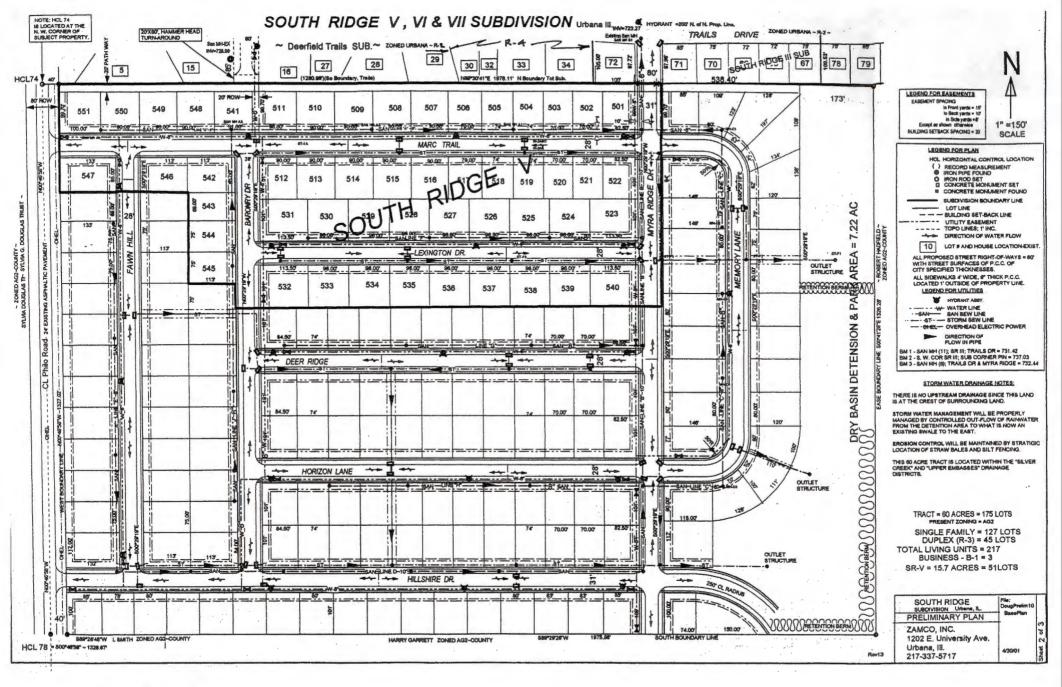
Subscribed and sworn to before me this
3th day of Agril, 2001
Patiera A flomondo NOTARY PUBLIC
My commission expires:
Deborah M. Benner  March 24, 01  Date
Subscribed and sworn to before me this
24 day of March , 2001
Angle & Dalvuson NOTARY PUBLIC
My commission expires: 12-14-2008

James P. Douglas

 $\frac{y-5-0/}{\text{Date}}$ 

Carl Hill	
3-19-01 Date	
Subscribed and sworn to before me the	is
19th day of March	2001
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NOTARY PUBLIC V	My Commission Expires 10/27/2003
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wy commission expires	<i>03</i>
•	
H. Allen Dooley	
3-19-01 Date	
Date	•
Subscribed and sworn to before me thi	s
19th day of march.	2001
NOTARY PUBLIC	
My commission expires:	2003
POESICIAL SEALS	

"OFFICIAL SEAL"
RUTH ANN WARF
Notary Public, State of Illinois
My Commission Expires 10/27/2003



" EXHIBIT E"

Note: Barony Drive may be extended northward depending upon Subdivision review "3-1" lots recommended to be Simple Family Lots