

14



8 0 7 6 8 7 6
Tx:4030497

Recording Cover Sheet

ORDINANCE NO. 2001-11-148

AN ORDINANCE APPROVING AN ANNEXATION AGREEMENT
WITH UNITED FUEL CO., INC. (1802 N. CUNNINGHAM
AVENUE)

(agreement attached)

2013R17930
REC ON: 07/25/2013 4:06:00 PM
CHAMPAIGN COUNTY
BARBARA A. FRASCA, RECORDER
REC FEE: 35.00
PAGES 14
PLAT ACT: OPLAT PAGE:

Prepared for recording by:

Deborah J. Roberts, Deputy City Clerk

400 S. Vine Street, Urbana, IL 61801

(G)

Return to:

Phyllis D. Clark, City Clerk
City of Urbana
400 S. Vine Street
Urbana, IL 61801

ORDINANCE NO. 2001-11-148

**AN ORDINANCE APPROVING AN ANNEXATION AGREEMENT
WITH UNITED FUEL CO., INC.**

(1802 N. Cunningham Avenue)

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 the United Fuel Co., Inc., 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.

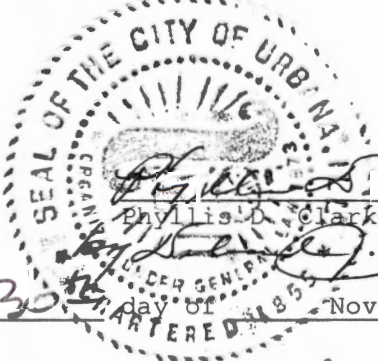
PASSED by the City Council this 19th day of November,
2001 .

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

NAYS:

ABSTAINS:

APPROVED by the Mayor this 30th day of November,
2001 .



Phyllis D. Clark
Phyllis D. Clark, City Clerk
Robert J. Satterthwaite
Deputy Clerk
Tod Satterthwaite
Tod Satterthwaite, Mayor

2001-11-148

FILED

ANNEXATION AGREEMENT

2001 NOV -5 PM 4:00

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 United Fuel Company (hereinafter referred to as the "Owner"). The effective date of this Agreement shall be as provided in Article III, Section 6.

PHILLIS D. CLARK
URBANA CITY CLERK

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 United Fuel Company is the Owner of record of a certain approximately 3.15 acre parcel of real estate located at 1802 N. Cunningham Avenue, and having permanent index number 30-21-04-352-013, 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 B-3 Highway Business in Champaign County; and

WHEREAS, the parties agree that the tract shall be best utilized if rezoned to City B-3 General Business; and

WHEREAS, the Urbana City Council finds annexing said tract as described herein as B-3 General Business reflect 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.

PHILLIS D. CLARK
URBANA CITY CLERK

2001 NOV -5 PM 4:00

FILED

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 it is the sole record Owner of the tract described in Exhibit A and that the Owner agrees to annexation of said tract immediately after the City Council's approval of this Agreement, in accordance with this Agreement and the signed annexation petition attached herein as Exhibit C, all in accordance with Illinois Statutes.

Owner further agrees that the substance of this Section of the 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: The Owner agrees and acknowledges that upon annexation, the tract will be converted from County B-3 Highway Business to City B-3 General Business. Furthermore, the Owner agrees to abide by all applicable development regulations, except as otherwise provided herein.

Section 3. Redevelopment: The Owner agrees and acknowledges that it is in the best interests of the City and the Owner to cooperate in an effort to consider future relocation of the existing storage tanks and redevelopment of the tract for a use that is more compatible in the B-3 General Business district and provides economic benefit for all parties.

Section 4. Code Compliance: The Owner agrees that all buildings and structures existing at the time of annexation shall conform with the City of Urbana codes in a time frame agreed to by the City of Urbana's Community Development Director.

Section 5. Amendments Required: The Owner shall take no action or omit to take action during the term of this Agreement which action or omission, as applied to the tract, would be a breach of this Agreement, without first procuring a written amendment to this Agreement duly executed by both the Owner and the City.

Section 6. Disconnection: The Owners agree and hereby stipulate that the Owners 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 immediately annex said tract subject to the terms and conditions outlined in this Agreement and the attached signed annexation petition from the Owner attached herein as Exhibit C.

Section 2. Zoning: The Corporate Authorities agree that the tract will be zoned City B-3 General Business upon annexation to the City of Urbana.

Section 3. Enterprise Zone: Upon annexation and receiving a letter of intent and financial commitment from an individual or entity proposing to cause a significant industrial project on the tract or portion therein, the City agrees to immediately apply to the State of Illinois to include said tract, or applicable portion therein, within the Urbana Enterprise Zone, and agrees to assist the Owner in obtaining all benefits to which the Owners and/or the tract is entitled and eligible to receive under the Urbana Enterprise Zone Program and the State of Illinois Enterprise Zone Act, so long as the Urbana Enterprise Zone remains in effect.

Section 4. Tax Increment Financing District: Upon annexation, the City agrees to include the tract within the proposed tax increment financing (TIF) district (a.k.a. Cunningham Avenue Corridor Redevelopment Plan).

Section 5. Redevelopment: Upon annexation, the City will work with the Owner to review the economic feasibility of relocation of the existing business and redevelopment of the tract. The City will identify financial incentives that could assist the Owner in said relocation and redevelopment.

Section 6. Code Compliance Fund: Upon annexation, the City will make available five thousand dollars (\$5,000) for direct reimbursement to the Owner for documented costs directly incurred by the Owner for the repair, replacement, or installation of electrical, plumbing, mechanical, building, or structural materials necessary to comply with local and State building, fire safety, and environmental laws. This fund will be made available until June 30, 2003 after which time this reimbursement offer will expire. In such case where there is a remaining fund balance, said remainder shall be transferred to the general fund on or after July 1, 2003, unless directed otherwise by the Corporate Authorities.

Section 7. Sales Tax Reimbursement: The City shall reimburse to the Owner an amount equal to the difference between the total sales tax rate in the unincorporated area of Champaign County and the total sales tax rate in the City of Urbana. Upon presentation of evidence by the Owner to the City Comptroller that sales tax was paid to the State of Illinois (the City Comptroller shall pay) within thirty (30) days of receiving evidence from the Owner of said payment to the State of Illinois) the amount equal to the difference between the sales tax rate in the unincorporated area of Champaign County and the sales tax rate in the City of Urbana that was in effect for the period of time said .

This sales tax reimbursement shall be available to the Owner for ten (10) years after the date of annexation after which time the City shall no longer be obligated to reimburse the Owner as stated in this Section.

Section 8. Real estate tax reimbursement: Upon annexation of said tract, the City of Urbana shall reimburse to the Owner an amount equal to increase in real estate taxes as a result of annexation for a period of five (5) years from the date of annexation based on the assessed value and tax rates in existence at the time this agreement is executed. The annual reimbursement amount shall be paid to the Owner 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:

- a. Annexation of said Tract is necessary to annex other Tracts of unincorporated territory in order to promote the orderly, planned, and controlled growth of the City, and further to promote the safety, health and general welfare of the public.
- b. Annexation of said Tract will have a significantly positive impact on the tax base of the City of Urbana.
- c. But for the reimbursement of property taxes, annexation of said Tract would not otherwise occur in a timely manner.

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 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 Owners, 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 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:

United Fuel Company
c/o Janet Warner
1802 N. Cunningham Avenue
Urbana, Illinois 61802

City:

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

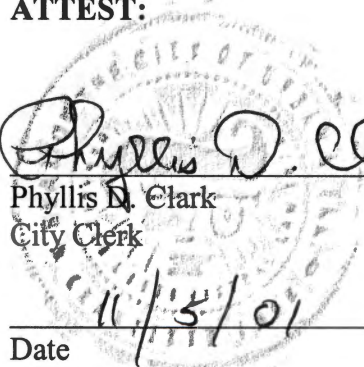
IN WITNESS WHEREOF, the Corporate Authorities and Owner have hereunto set their hands and seals, and have caused this instrument to be signed by their duly authorized officials and the corporate seal affixed hereto, all on the day and year written below.

**Corporate Authorities
City of Urbana:**

Tod Satterthwaite
Tod Satterthwaite, Mayor

11/5/01
Date

ATTEST:


Phyllis D. Clark
Phyllis D. Clark
City Clerk
11/5/01
Date

Owner:
United Fuel Company
an Illinois Corporation

Janet E. Warner, V. Pres.
11/5/01
Date

ATTEST:

[Signature]
~~Notary Public~~
11-5-01
Date

- Exhibits attached and made a part of this Agreement:
- Exhibit A: Legal Description
 - Exhibit B: Location Map
 - Exhibit C: Annexation Petition

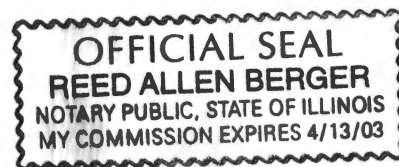


Exhibit A
Legal Description

A tract lying in the Southwest Quarter of the Southwest Quarter of Section Four, Township Nineteen North, Range Nine (9) East of the Third Principal Meridian conveyed in a Warranty Deed, dated September 12, 1985, and recorded October 4, 1988 in Book 1606, at page 440, in the Office of Recorder of Deeds, Champaign County, Illinois, more particularly described as follows:

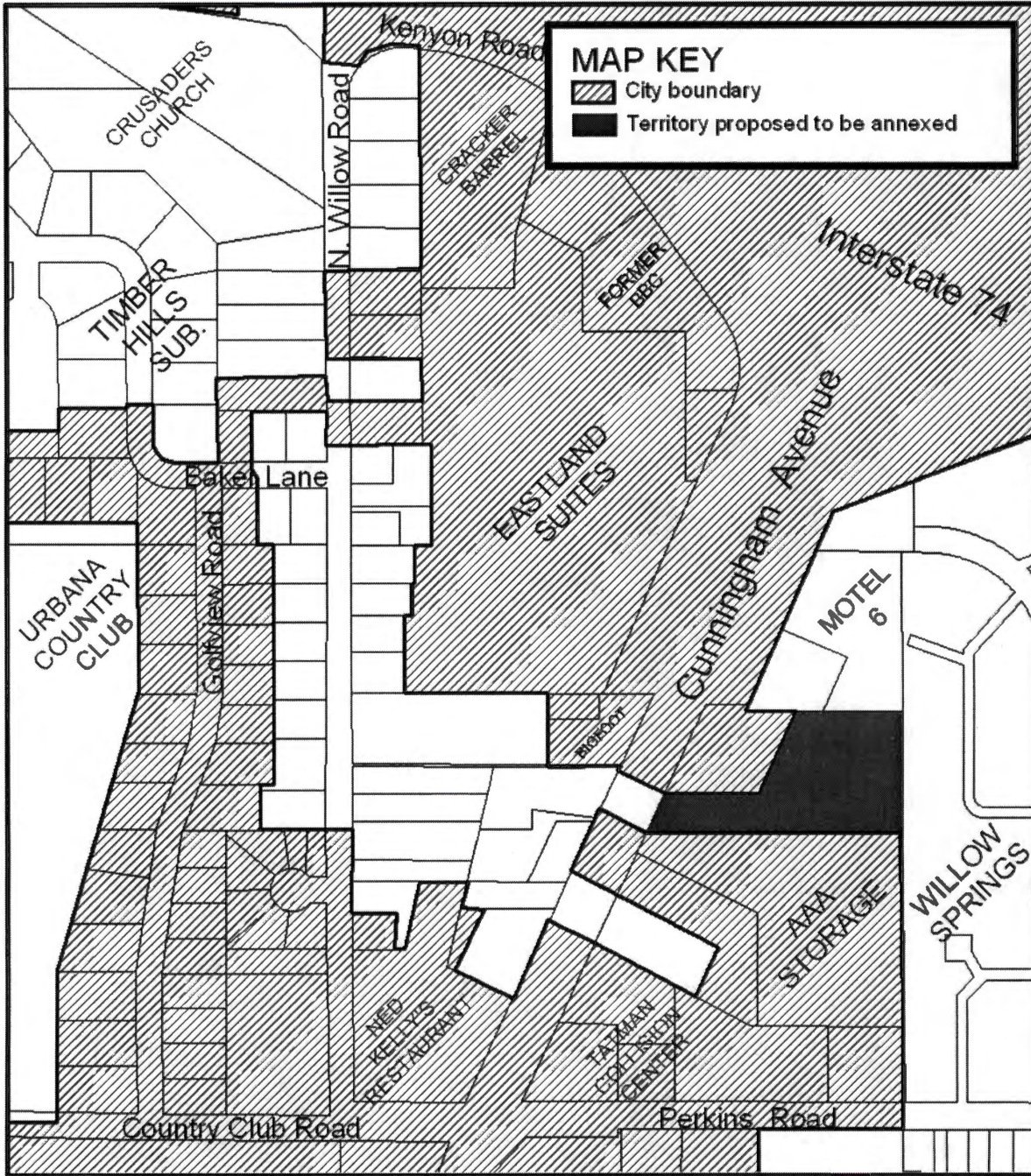
The South 4 acres of the North 4.063 acres of Lot Two (2) of a Subdivision of Lot One (1) of a Subdivision of the Southwest Quarter (SW 1/4) of the Southwest Quarter (SW 1/4) of Section Four (4), Township Nineteen (19) North, Range Nine (9) East of the Third Principal Meridian, per plat recorded in Deed Record Book 32, at page 622, in the Office of Recorder of Deeds, Champaign County, Illinois, situated in Champaign County, Illinois, except the following described tract of ground:

Beginning at the Northwest corner of the above described tract; thence East along the north line of the above described tract 65.72 feet to a tubeco pipe monument No. 1723 [sic] said point being on the East right-of-way line of U.S. Route 45; thence East along said North line 200.00 feet to an iron rod monument; thence Southwesterly parallel with said right-of-way 200.00 feet to an iron rod monument; thence West parallel with said North line 200.00 feet to an iron rod monument said point being on the East right-of-way line of U.S. Route 45; thence West parallel with said North line 66.67 feet to the West line of the above described tract; thence Northeasterly along said west line 200.38 feet to the point of beginning.

Except that part of the Right-of-Way for S.B.I. 25 (U.S. Route 45 and Cunningham Avenue) lying within the above described tract.

All situated in Urbana Township, Champaign County, Illinois and encompassing 3.15 acres, more or less.

Exhibit B Location Map



United Fuel Annexation
1802 N. Cunningham Avenue

prepared September 10, 2001 by RAB - Community Development Services



FILED

Exhibit C

Petition for Annexation

2001 NOV -5 PM 12: 04

to

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

PHILIP D. LARK
URBANA CITY CLERK

The Petitioner, United Fuel Company, 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 tract lying in the Southwest Quarter of the Southwest Quarter of Section Four, Township Nineteen North, Range Nine (9) East of the Third Principal Meridian conveyed in a Warranty Deed, dated September 12, 1985, and recorded October 4, 1988 in Book 1606, at page 440, in the Office of Recorder of Deeds, Champaign County, Illinois, more particularly described as follows:

The South 4 acres of the North 4.063 acres of Lot Two (2) of a Subdivision of Lot One (1) of a Subdivision of the Southwest Quarter (SW 1/4) of the Southwest Quarter (SW 1/4) of Section Four (4), Township Nineteen (19) North, Range Nine (9) East of the Third Principal Meridian, per plat recorded in Deed Record Book 32, at page 622, in the Office of Recorder of Deeds, Champaign County, Illinois, situated in Champaign County, Illinois, except the following described tract of ground:

Beginning at the Northwest corner of the above described tract; thence East along the north line of the above described tract 65.72 feet to a tubeco pipe monument No. 1723 [sic] said point being on the East right-of-way line of U.S. Route 45; thence East along said North line 200.00 feet to an iron rod monument; thence Southwesterly parallel with said right-of-way 200.00 feet to an iron rod monument; thence West parallel with said North line 200.00 feet to an iron rod monument said point being on the East right-of-way line of U.S. Route 45; thence West parallel with said North line 66.67 feet to the West line of the above described tract; thence Northeasterly along said west line 200.38 feet to the point of beginning.

Except that part of the Right-of-Way for S.B.I. 25 (U.S. Route 45 and Cunningham Avenue) lying within the above described tract.

All situated in Urbana Township, Champaign County, Illinois and encompassing 3.15 acres, more or less.

Commonly known as 1802 N. Cunningham Avenue and also identified as Parcel Index Number 30-21-04-352-013.

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'S CONDITIONS PRIOR TO ANNEXATION

This signed and valid petition for annexation is subject to the petitioner and the City of Urbana first executing the annexation agreement to which this petition is attached. If the Urbana City Council does not pass an ordinance approving said annexation agreement prior to January 1, 2002 this petition shall be null and void.

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 immediately after and in accordance with the terms of the annexation agreement to which this annexation petition is attached.

Dated this 5th day of November, 2001

PETITIONER:

United Fuel Company

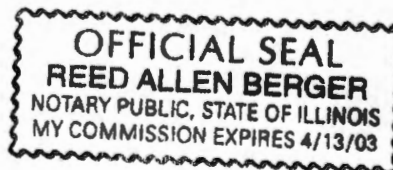
Janet E. Warner, V.P.

Subscribed and sworn to before me this

5th day of November, 2001

[Signature]
NOTARY PUBLIC

My commission expires: _____



FILED

Exhibit C

Petition for Annexation

2001 NOV -5 PM 12: 04

to

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

SHARON LARK
URBANA CITY CLERK

The Petitioner, **United Fuel Company**, 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 tract lying in the Southwest Quarter of the Southwest Quarter of Section Four, Township Nineteen North, Range Nine (9) East of the Third Principal Meridian conveyed in a Warranty Deed, dated September 12, 1985, and recorded October 4, 1988 in Book 1606, at page 440, in the Office of Recorder of Deeds, Champaign County, Illinois, more particularly described as follows:

The South 4 acres of the North 4.063 acres of Lot Two (2) of a Subdivision of Lot One (1) of a Subdivision of the Southwest Quarter (SW 1/4) of the Southwest Quarter (SW 1/4) of Section Four (4), Township Nineteen (19) North, Range Nine (9) East of the Third Principal Meridian, per plat recorded in Deed Record Book 32, at page 622, in the Office of Recorder of Deeds, Champaign County, Illinois, situated in Champaign County, Illinois, except the following described tract of ground:

Beginning at the Northwest corner of the above described tract; thence East along the north line of the above described tract 65.72 feet to a tubeco pipe monument No. 1723 [sic] said point being on the East right-of-way line of U.S. Route 45; thence East along said North line 200.00 feet to an iron rod monument; thence Southwesterly parallel with said right-of-way 200.00 feet to an iron rod monument; thence West parallel with said North line 200.00 feet to an iron rod monument said point being on the East right-of-way line of U.S. Route 45; thence West parallel with said North line 66.67 feet to the West line of the above described tract; thence Northeasterly along said west line 200.38 feet to the point of beginning.

Except that part of the Right-of-Way for S.B.I. 25 (U.S. Route 45 and Cunningham Avenue) lying within the above described tract.

All situated in Urbana Township, Champaign County, Illinois and encompassing 3.15 acres, more or less.

Commonly known as 1802 N. Cunningham Avenue and also identified as Parcel Index Number 30-21-04-352-013.

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'S CONDITIONS PRIOR TO ANNEXATION

This signed and valid petition for annexation is subject to the petitioner and the City of Urbana first executing the annexation agreement to which this petition is attached. If the Urbana City Council does not pass an ordinance approving said annexation agreement prior to January 1, 2002 this petition shall be null and void.

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 immediately after and in accordance with the terms of the annexation agreement to which this annexation petition is attached.

Dated this 5th day of November, 2001

PETITIONER:

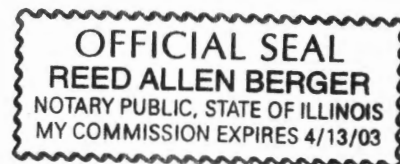
United Fuel Company

Janet E Warner, V.P.

Subscribed and sworn to before me this 5th day of November, 2001

[Signature]
NOTARY PUBLIC

My commission expires: _____



6

2001-11-148

2001R31649

Recording Cover Sheet

RECORDED ON

11-01-2001 4:14:40

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

CHAMPAIGN COUNTY
RECORDER
BARBARA A. FRASCA

1802 N. CUNNINGHAM AVENUE (UNITED FUEL)

REC. FEE: 20.00
REV FEE:
PAGES: 6
PLAT ACT: 0
PLAT PAGE:

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 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 1st day of November, 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
Robert J. Belton, Jr.
Deputy Clerk

Subscribed and sworn to before me this

1st day of November, 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 1st day of November, 2001.

Phyllis D. Clark
Phyllis D. Clark, City Clerk

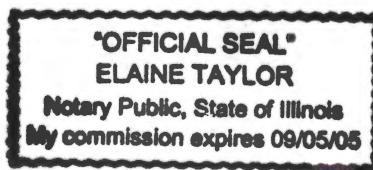
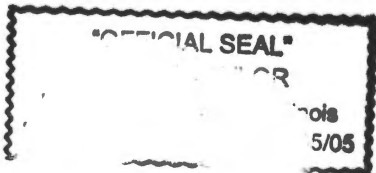


EXHIBIT A
NOTICE OF INTENT TO ANNEX TERRITORY
TO THE CITY OF URBANA

031649

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

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 Street
Urbana, IL 61802

Barney Bryson
2102 E. Barnes Street
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:

A tract lying in the Southwest Quarter of the Southwest Quarter of Section Four, Township Nineteen North, Range Nine (9) East of the Third Principal Meridian conveyed in a Warranty Deed, dated September 12, 1985, and recorded October 4, 1988 in Book 1606, at page 440, in the Office of Recorder of Deeds, Champaign County, Illinois, more particularly described as follows:

The South 4 acres of the North 4.063 acres of Lot Two (2) of a Subdivision of Lot One (1) of a Subdivision of the Southwest Quarter (SW 1/4) of the Southwest Quarter (SW 1/4) of Section Four (4), Township Nineteen (19) North, Range Nine (9) East of the Third Principal Meridian, per plat recorded in Deed Record Book 32, at page 622, in the Office of Recorder of Deeds, Champaign County, Illinois, situated in Champaign County, Illinois, except the following described tract of ground:

Beginning at the Northwest corner of the above described tract; thence East along the north line of the above described tract 65.72 feet to a tube pipe monument No. 1723 [sic] said point being on the East right-of-way line of U.S. Route 45; thence East along said North line 200.00 feet to an iron rod monument; thence Southwesterly parallel with said right-of-way 200.00 feet to an iron rod monument; thence West parallel with said North line 200.00 feet to an iron rod monument said point being on the East right-of-way line of U.S. Route 45; thence West parallel with said North line 66.67 feet to the West line of the above described tract; thence Northeasterly along said west line 200.38 feet to the point of beginning.

Except that part of the Right-of-Way for S.B.I. 25 (U.S. Route 45 and Cunningham Avenue) lying within the above described tract.

All situated in Urbana Township, Champaign County, Illinois and encompassing 3.15 acres, more or less.

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

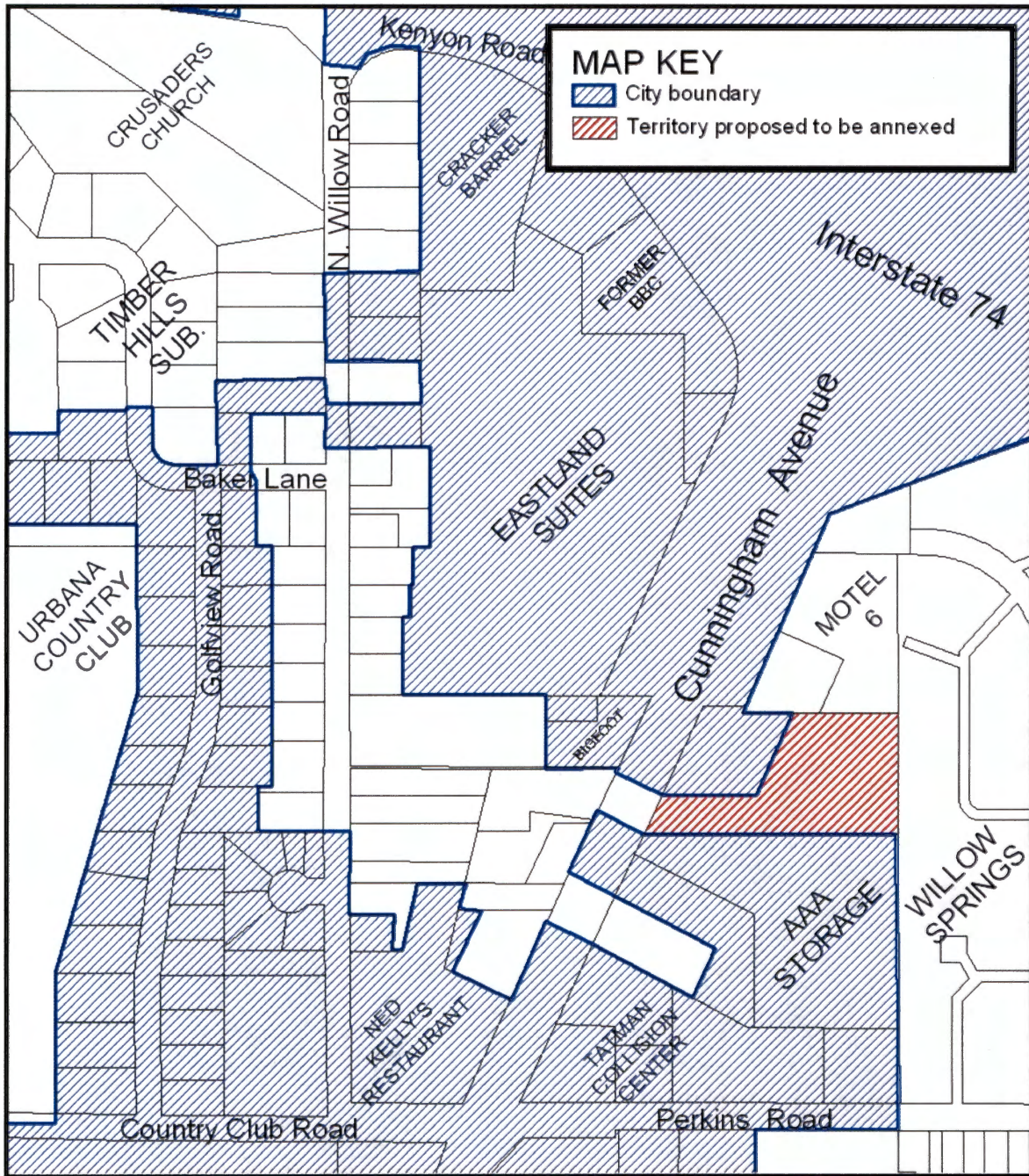
That portion of N. Cunningham Avenue (U.S. Route 45) right-of-way lying adjacent to the herein annexed tract, and not currently within the Urbana City Limits.

031649

commonly known for reference as 1802 N. Cunningham Avenue, Urbana, Illinois, and further referenced as a part of Champaign County permanent parcel number 30-21-04-352-013. 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 Monday, November 19, 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 D. Roberts*
City of Urbana, Illinois *Deputy Clerk*



United Fuel Annexation
1802 N. Cunningham Avenue

prepared September 10, 2001 by RAB - Community Development Services



2001-11-148

FILED

JUL 06 2000

Rhyllis D. Clark
City Clerk

4:34 pm
BR

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

The Petitioner, *gfcw* United Fuel Company, 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 tract lying in the Southwest Quarter of the Southwest Quarter of Section Four, Township Nineteen North, Range Nine (9) East of the Third Principal Meridian conveyed in a Warranty Deed, dated September 12, 1985, and recorded October 4, 1988 in Book 1606, at page 440, in the Office of Recorder of Deeds, Champaign County, Illinois, more particularly described as follows:

The South 4 acres of the North 4.063 acres of Lot Two (2) of a Subdivision of Lot One (1) of a Subdivision of the Southwest Quarter (SW 1/4) of the Southwest Quarter (SW 1/4) of Section Four (4), Township Nineteen (19) North, Range Nine (9) East of the Third Principal Meridian, per plat recorded in Deed Record Book 32, at page 622, in the Office of Recorder of Deeds, Champaign County, Illinois, situated in Champaign County, Illinois, except the following described tract of ground:

Beginning at the Northwest corner of the above described tract; thence East along the north line of the above described tract 65.72 feet to a tubeco pipe monument No. 1723 [sic] said point being on the East right-of-way line of U.S. Route 45; thence East along said North line 200.00 feet to an iron rod monument; thence Southwesterly parallel with said right-of-way 200.00 feet to an iron rod monument; thence West parallel with said North line 200.00 feet to an iron rod monument said point being on the East right-of-way line of U.S. Route 45; thence West parallel with said North line 66.67 feet to the West line of the above described tract; thence Northeasterly along said west line 200.38 feet to the point of beginning.

Except that part of the Right-of-Way for S.B.I. 25 (U.S. Route 45 and Cunningham Avenue) lying within the above described tract.

All situated in Urbana Township, Champaign County, Illinois and encompassing 3.15 acres, more or less.

Commonly known as 1802 N. Cunningham Avenue and also identified as Parcel Index Number 30-21-04-352-013.

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.
4. For and in consideration of \$ 10.00 and other good and valuable consideration, the petitioner agrees that this petition is irrevocable for a period of one (1) year from the date of the petitioner's signature.

PETITIONER'S CONDITIONS PRIOR TO ANNEXATION

1. This petition for annexation is subject to the petitioner and the City of Urbana executing a mutually acceptable annexation agreement passed by the Urbana City Council and approved by the Mayor of the City of Urbana.
2. If said annexation agreement is not signed by petitioner and filed with the City of Urbana within one (1) year from the date this petition is filed in the office of the City Clerk, then said annexation petition shall be null and void.
3. Annexation of said Tract constitutes acceptance by the City of Urbana of the condition imposed by the petitioners that the City of Urbana agrees to hold petitioner and lessee(s), if any, harmless and indemnify him/her for any reasonable costs of legal representation related to challenges to this annexation or the proposed incorporation of any village or city related thereto.

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).

Dated this 6th day of July, 2000

PETITIONER: *qfcl*
United Fuel Company

Janet E. Warner, V.P.

Subscribed and sworn to before me this

6th day of *July*, 2000
[Signature]
NOTARY PUBLIC

My commission expires: _____

