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Recording Cover Sheet

ORDINANCE NO. 2003-04-037

AN ORDINANCE APPROVING AND AUTHORIZING THE
EXECUTION OF AN ANNEXATION AGREEMENT (2506 E.
WASHINGTON STREET / RAY CAMPO, WILLIAM D.
CAMPO, CARL BRUECKNER)

(agreement attached)

2013R17931

REC ON: 07/25/2013 4:06:00 PM
CHAMPAIGN COUNTY

BARBARA A. FRASCA, RECORDER

REC FEE: 32.00
PAGES 11

PLAT ACT: OPLAT PAGE:

Prepared for recording by:

Deborah J. Roberts, Deputy City Clerk

400 S. Vine Street, Urbana, IL 61801

(6)
Return to:

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

**AN ORDINANCE APPROVING AND AUTHORIZING
THE EXECUTION OF AN ANNEXATION AGREEMENT**

(2506 E. Washington Street / Ray Campo, William D. Campo, Carl Brueckner)

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 Ray Campo, William D. Campo, and Carl Brueckner, 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 May,
2003 .

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

NAYS:

ABSTAINS:

APPROVED by the Mayor this 29th day of May,
2003 .



Phyllis D. Clark
Phyllis D. Clark, City Clerk
by D. [Signature]
Deputy Clerk
Tod Satterthwaite
Tod Satterthwaite, Mayor

**Sunny Estates Subdivision
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 Ray Campo, William D. Campo and Carl Brueckner (hereinafter referred to as the "Owners"). 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, Ray Campo, William Campo and Carl Brueckner are the Owners of record of a certain tract of real estate located on the North side of East Washington Street between Scottswood Drive and MacArthur Drive, and having a permanent index number 30-21-15-180-021, the legal description of which real estate is set form in 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, the tract is currently zoned R-2, Single-Family Residence in Champaign County and would directly convert to the Urbana R-2, Single-Family Residential Zoning classification upon annexation under the terms and provisions of the Urbana Zoning Ordinance; 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 Owners desire 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 OWNERS

The Owners agree to the following provisions:

Section 1: The Owners represent that they are the sole Owners of the tract described in Exhibit "A" and that they will cause said tract to be annexed to the City of Urbana by filing a legally sufficient annexation petition, signed in compliance with the Illinois Statutes for such tract, as follows: The petition for annexation of the entire Sunny Estates Subdivision will be filed with the City prior to the sale of any lots in the Subdivision (a copy of which is attached hereto as Exhibit "C") within 30 days following the Corporate Authorities' approval of the Preliminary and Final Plat of Sunny Estates Subdivision

The Owners agrees to comply with all applicable development regulations existing at the time of such annexation.

Section 2: The Owners agree to accept the City of Urbana's R-2, Single-Family Residential Zoning District classification of all the land set out in Exhibit "B". The Owners agree that, unless changed upon the initiative of the Owners the said City zoning classification for the tract shall remain in effect for the term of this Agreement, subject to the right of the Corporate Authorities to amend the Zoning Ordinance text even if such amendment affects the tract. The Owners agree to use the tract only in compliance with the Urbana Zoning Ordinance as such may be amended from time to time.

Section 3: The Owners agree to cause all new development, construction, or additions on said tract to be in conformance with all City of Urbana building, electrical, fire, and plumbing codes, orders or regulations in effect at the time of annexation. The Owners agree to submit all building construction plans to the City of Urbana for review. The Owners further agree to correct any deficiencies identified in said plan review.

Section 4: The Owners 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 Owners and the City.

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 tract subject to the terms and conditions outlined in this Agreement, when properly and effectively requested to do so, by submission of a legally sufficient petition from the Owners, by enacting such ordinances as may be necessary and sufficient to legally and validly annex said tract to the City.

Section 2: The Corporate Authorities agree that the tract will be zoned R-2, Single-Family Residential as provided by the Urbana Zoning Ordinance upon its annexation to the City. The Corporate Authorities agree that all applicable development regulations existing at the time of annexation will apply to said tract. Furthermore, although the Corporate Authorities agree not to rezone the property during the term of this Agreement without a rezoning petition executed by the property Owners requesting said change, the Corporate Authorities reserve the right to amend the Zoning Ordinance text even if such amendment affects the property.

Section 3: The Corporate Authorities agree to grant the following waiver upon the development and/or subdivision of said Tracts as represented in Exhibit "B":

- a. Waiver of Section 21-36.C.4 to the extent that this section requires cul-de-sac turn-arounds to be designed with a minimum street right-of-way of one hundred (100) feet in diameter and the turn-around pavement to not be less than eighty (80) feet in diameter measure to the back of curb.

Section 4: The Corporate Authorities find that the waivers and deferrals of the City of Urbana's Subdivision and Land Development Code agreed to in Article II, Section 4 herein are supported by the following findings.

- (1) there are conditions of topography or other site specific reasons that make the application of any particular requirement of the Land Development code unnecessary or, in some cases perhaps, even useless;
- (2) the granting of the requested waiver would not harm other nearby properties;
- (3) the waiver would not negatively impact the public health, safety and welfare, including the objectives and goals set forth in the Comprehensive Plan.

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 five (5) 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 five-year term. By mutual agreement, the term of this Agreement may be extended.

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 Owners 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 Owners 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 Owners and the City.

Section 4. Enforcement -- The Owners 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 Owners, 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 Owners 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

4/8/03
Date

Owners:

Ray Campo

Ray Campo

3-25-03
Date

William D. Campo

William D. Campo

Mar 25, 2003
Date

Carl Brueckner

Carl Brueckner

March 25, 2003
Date

ATTEST:

Phyllis D. Clark

Phyllis D. Clark
City Clerk

April 8, 2003
Date

ATTEST:

Harold A. Miller

Notary Public

mar 25/03
Date

Exhibits attached and made a part of this Agreement:

- Exhibit "A": Legal Description
- Exhibit "B": Location Map
- Exhibit "C": Preliminary Plat of Sunny Estates Subdivision
- Exhibit "D": Tax Map

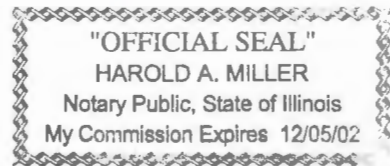


Exhibit "A"

Part of the East ½ of the Northwest ¼ of Section 15, Township 19 North, Range 9 East of the Third Principal Meridian, described as follows:

The South 943 feet of the East 300 feet of the East ½ of the Northwest ¼ of Section 15, Township 19 North, Range 9 East of the Third Principal Meridian.

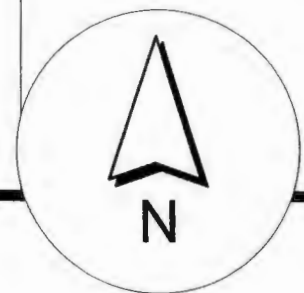
Except the Washington Street right-of-way lying within the above described tract

Containing 6.22 acres, more or less, all situated in Urbana Township, Champaign County, Illinois.


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 Washington Street right-of-way, lying adjacent to the herein annexed tract, which has not previously been annexed by the City of Urbana, encompassing 0.31 acres, more or less.

Exhibit "B": Location Map

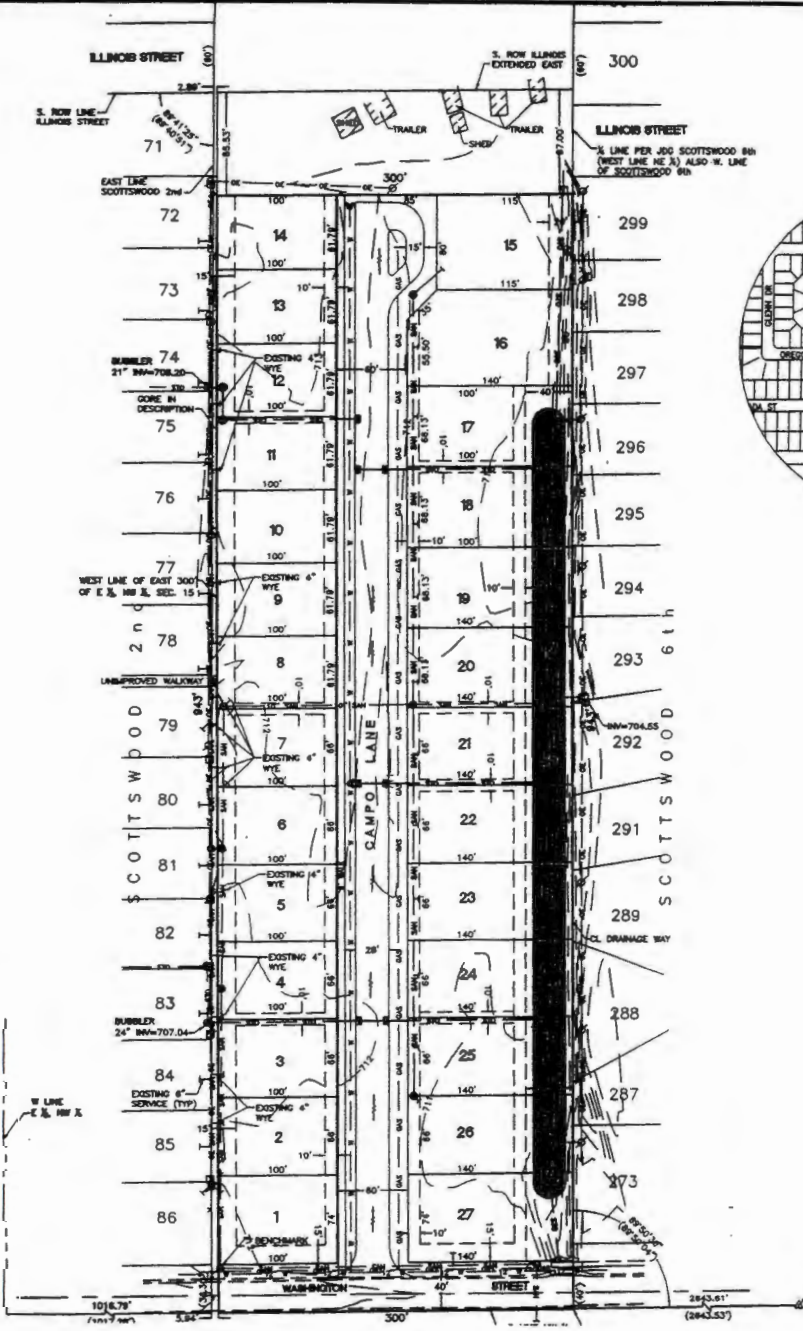


2506 E. Washington Street
Sunny Estates Subdivision
Annexation Agreement
PIN 30-21-15-180-021

 Property to be Annexed

Map prepared March 31, 2003 / rgk

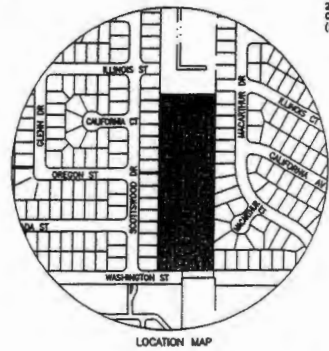
EXHIBIT "C"



**PRELIMINARY PLAT OF
SUNNY ESTATES SUBDIVISION**
PART OF THE EAST 1/2 OF THE NORTHWEST 1/4 SEC. 15
T.19N. R.9E. 3RD P.M.
CHAMPAIGN COUNTY, ILLINOIS

ENGINEER/PLANNER
HOC ENGINEERING
201 N. SPRINGFIELD AVE.
CHAMPAIGN, ILLINOIS 61824
(217) 352-8978

OWNER/DEVELOPER
ROY CAMPO
1001 N. CLUMBERSHAM AVE.
URBANA, I. 61807
AND
CAROL BRIDGES
4008 PINECREST
CHAMPAIGN, ILLINOIS 61822



- LEGEND**
- ▲ BRASS MONUMENT FOUND
 - IRON ROD FOUND
 - ⊙ POWER POLE
 - > GUY ANCHOR
 - EXISTING STORM MANHOLE
 - PROPOSED STORM MANHOLE
 - PROPOSED STORM INLET
 - EXISTING SANITARY MANHOLE
 - PROPOSED SANITARY MANHOLE
 - TELEPHONE PEDESTAL
 - () DIMENSION OF RECORD
 - BOUNDARY OF SUBDIVISION
 - - - EASEMENT LINE
 - OVERHEAD ELECTRIC LINE
 - EXISTING SANITARY LINE
 - PROPOSED SANITARY LINE
 - PROPOSED STORM LINE
 - 6" W PROPOSED 6" WATER LINE

LEGAL DESCRIPTION
PART OF THE EAST 1/2 OF THE NORTHWEST 1/4 OF SECTION 15, TOWNSHIP 19 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:
THE SOUTH 843 FEET OF THE EAST 300 FEET OF THE EAST 1/2 OF THE NORTHWEST 1/4 OF SECTION 15, TOWNSHIP 19 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, ENCOMPASSING 6.8 ACRES IN CHAMPAIGN COUNTY, ILLINOIS.

1. ACREAGE OF TRACT IS 6.491ACRS.
2. BENCHMARK #1: RM OF SANITARY MANHOLE AT SOUTHWEST CORNER OF SITE ELEVATION: 712.41
3. THE SITE IS CURRENTLY ZONED R-2, SINGLE FAMILY RESIDENCE BY THE CHAMPAIGN COUNTY ZONING DEPARTMENT. FRONT SETBACK = 25' SIDE SETBACK = 10' REAR SETBACK = 20' PROPOSED ZONING IS URBANA R-3, SINGLE AND TWO FAMILY RESIDENTIAL.
4. THE PARCEL IS WITHIN THE SALINE BRANCH DRAINAGE DISTRICT.
5. PROPOSED WATER MAINS WILL BE CONSTRUCTED AS PART OF THE SITE IMPROVEMENT PLANS AND WILL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH AND SUBJECT TO THE APPROVAL OF THE CITY OF URBANA, NORTHERN ILLINOIS WATER CORPORATION AND ILLINOIS ENVIRONMENTAL PROTECTION AGENCY.
6. TRACT IS LOCATED IN ZONE "C" AS SHOWN ON FEMA FLOOD MAP PANEL NUMBERS 1708B4 D185 B DATED MARCH 1, 1984.
7. SURROUNDING LAND USE: (PER URBANA COMPREHENSIVE PLAN 2002)
EAST LOW DENSITY RESIDENTIAL
SOUTH MEDIUM DENSITY RESIDENTIAL
WEST LOW DENSITY RESIDENTIAL
NORTH LOW DENSITY RESIDENTIAL
8. EROSION CONTROL WILL BE PROVIDED IN ACCORDANCE WITH STATE REGULATIONS AND AS APPROVED BY THE CITY OF URBANA.
9. SUBJECT TRACT LIES WITHIN ONE AND ONE-HALF (1 1/2) MILES OF THE CORPORATE LIMITS OF THE CITY OF URBANA.
10. ALL PUBLIC IMPROVEMENTS INCLUDING STORM SEWER, STORM WATER MANAGEMENT AND SANITARY SEWER SYSTEMS SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE CURRENT CITY OF URBANA STANDARDS AND SHALL BE CONSTRUCTED WITHIN EASEMENTS AS NECESSARY.
11. ALL CONSTRUCTION WORK AND MATERIALS SHALL MEET OR EXCEED THE ILLINOIS DEPARTMENT OF TRANSPORTATION'S "STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION", CURRENT EDITION, AND ILL. P.A. "STANDARD SPECIFICATIONS FOR WATER AND SEWER MAIN CONSTRUCTION", CURRENT EDITION, AND THE CITY OF URBANA SUBDIVISION REGULATIONS, CURRENT EDITION.
12. STORM WATER BASINS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE CITY OF URBANA SUBDIVISION REGULATIONS.
13. EASEMENTS SHALL BE PROVIDED AT FINAL PLATING TO ACCOMMODATE ALL PUBLIC UTILITIES AND DRAINAGEWAYS.
14. TRACT IS WITHIN THE ST. JOSEPH DRAINAGE DISTRICT 3 AND THOMAS PAINÉ SUBDISTRICT.

APPROVED BY: The Urbana Plan Commission of the City of Urbana, Illinois.
Date: _____ Chairperson: _____

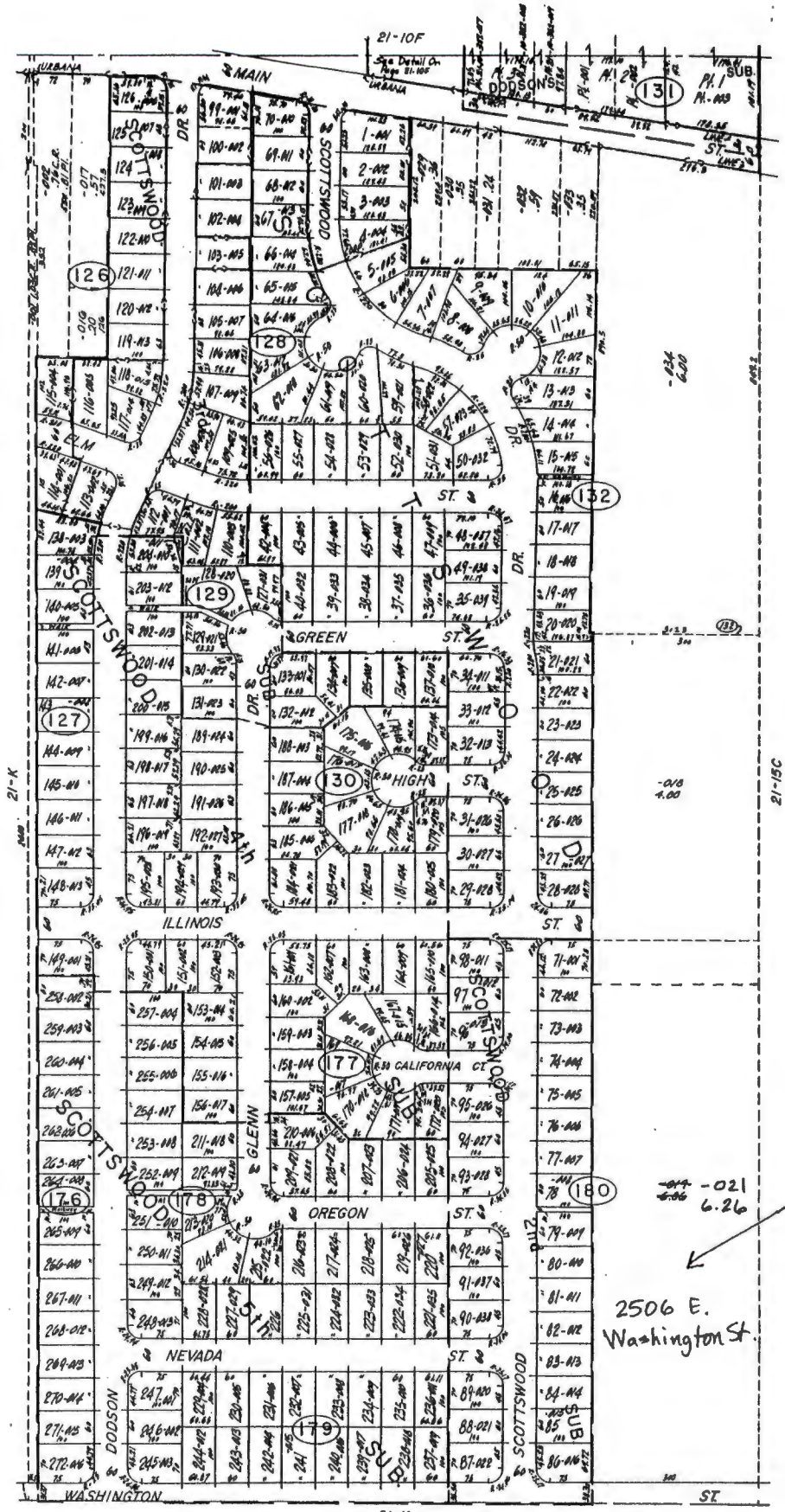
HOC
ENGINEERING
Professional Seal: Roy Campo, P.E., No. 116, Champaign, Illinois 61824-4448
201 N. Springfield Ave., 2nd Fl., Champaign, Illinois 61824-4448
217-352-8978 Fax: 217-352-8979

**SUNNY ESTATES SUBDIVISION
PRELIMINARY PLAT
URBANA, ILLINOIS**

PROJECT NO. 02112	DATE: 8/22/02	CHAMPAIGN COUNTY	CHECKED: WBS
NO.	DATE	BY	REMARKS

EXHIBIT "D"

Revised: Jan 1, 1994



CUNNINGHAM & URBANA TWP.
E. 1/2 N.W. 1/4 SEC. 15 T.19N. R.9E.

SCALE: 1" = 100'