

**AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE
AN AGREEMENT WITH EDGE-SCOTT FIRE PROTECTION DISTRICT**

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

Section 1. That An Agreement Between The City of Urbana, Illinois and
Edge-Scott Fire Protection District, in substantially the form of the copy of
said Agreement attached hereto and hereby incorporated by reference, be and
the same is hereby authorized and approved.

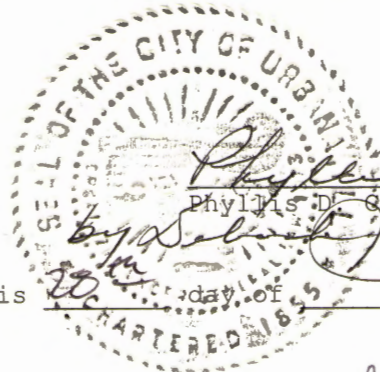
Section 2. That the Mayor of the City of Urbana, Illinois, be and the
same is hereby authorized to execute and deliver and the City Clerk of the
City of Urbana, Illinois, be and the same is authorized to attest to said
execution of said Agreement as so authorized and approved for and on behalf
of the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

PASSED by the City Council this 21st day of February,
2005.

AYES: Alix, Chynoweth, Hayes, Patt, Roberts, Whelan, Wyman

NAYS:

ABSTAINS:



Phyllis D. Clark
Phyllis D. Clark, City Clerk

by Robert J. Roberts
Deputy Clerk

APPROVED by the Mayor this 20th day of February,

2005.

Tod Satterthwaite
Tod Satterthwaite, Mayor



LEGAL DIVISION
(217) 384-2464
FAX: (217) 384-2460

STEPHEN HOLZ
City Attorney
sjholz@city.urbana.il.us

JACK WAALER
Special Counsel
jwaaler@city.urbana.il.us

Memorandum

DATE: March 10, 2005
TO: Phyllis Clark, City Clerk
FROM: Steve Holz
RE: Petitions to Disconnect

Phyllis –

Attached to this memo are two original "Petitions to Disconnect" relating to the Edge-Scott Fire Protection District Agreement and Baker's Lane and a Lot in Beringer Commons. These originals should be retained by your office.

Additionally, I attach one fully-executed original of the Edge Scott Fire Protection District Agreement for your records. I have returned one fully-executed original to the attorney for Edge Scott, and I have retained a copy for my records.

PETITION TO DISCONNECT

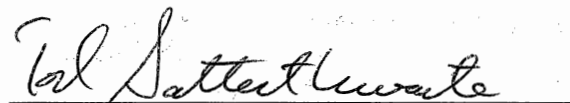
The undersigned, being to wit, the Mayor of the City of Urbana, on behalf of the City of Urbana and pursuant to the agreement between the City of Urbana and the Edge Scott Fire Protection District approved by the City Council in Ordinance No. 2005-02-022, on the 21st day of February, 2005, hereby, as owner of the following described tract, submit this Petition to Disconnect the territory described below, which territory is a part of territory previously annexed to the City of Urbana in Ordinance No. 2000-07-085, and hereby petition the corporate authorities to enact an ordinance to disconnect the territory described below from the City of Urbana, Illinois.

A part of the Northwest Quarter of Section 15, Township 19 North, Range 9 East of the Third Principal Meridian, Urbana, Champaign County, Illinois, being more particularly described as follows:

Beginning at the intersection of the north Right-of-Way line of Illinois Street, with the west line of Scottswood Fourth Subdivision, as shown on a plat recorded in Plat Book "O", at page 11, in the Office of the Recorder, Champaign County, Illinois, said point also being the southwest corner of Lot 148 of said Scottswood Fourth Subdivision; thence, westerly, along the westerly extension of said north Right-of-Way line, a distance of 33.00 feet, to the west line of the East One Rod of the West Half of said Northwest Quarter of Section 15; thence, southerly, along said west line of the East One Rod of the West Half of said Northwest Quarter of Section 15, a distance of 60.00 feet, to the westerly extension of the south Right-of-Way line of said Illinois Street; thence, easterly, along the westerly extension of said south Right-of-Way line, a distance of 33.00 feet, to the west line of said Scottswood Fourth Subdivision, said point also being the northwest corner of Lot 149 of said Scottswood Fourth Subdivision; thence, northerly, along said west line, 60.00 feet, to the Point of Beginning.


The above described tract containing 1, 980 Square Feet, more or less, all situated in the City of Urbana, Champaign County,

Dated this 7th day of March, 2005.



Tod Satterthwaite, Mayor

ATTEST:



Phyllis D. Clark, City Clerk

PETITION TO DISCONNECT

The undersigned, being to wit, the Mayor of the City of Urbana, on behalf of the City of Urbana and pursuant to the agreement between the City of Urbana and the Edge Scott Fire Protection District approved by the City Council in Ordinance No. 2005-02-022, on the 21st day of February, 2005, hereby, as owner of the following described tract, submit this Petition to Disconnect the territory described below, which territory is a part of territory previously annexed to the City of Urbana in Ordinances No. 2000-07-077, 2000-07-095, and 2000-07-096, and hereby petition the corporate authorities to enact an ordinance to disconnect the territory described below from the City of Urbana, Illinois.

Outlot 500C in Beringer Commons V, as per plat recorded as Document No. 2002R37168, situated in Champaign County, Illinois,

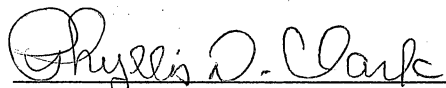
Permanent Parcel Index Number 91-21-10-403-037.

Dated this 7th day of March, 2005.



Tod Satterthwaite, Mayor

ATTEST:



Phyllis D. Clark, City Clerk

**AN AGREEMENT BETWEEN THE CITY OF URBANA, ILLINOIS
and EDGE-SCOTT FIRE PROTECTION DISTRICT**

Now come the parties to this agreement, the Edge-Scott Fire Protection District, an Illinois special district (sometimes called "Edge-Scott" in this agreement), and the City of Urbana, Illinois, a municipal corporation (sometimes called "Urbana" in this agreement), and through their legally-constituted corporate agents, they hereby stipulate, represent, and agree as follows:

A. That Edge-Scott on October 4, 2000, filed a "Petition to Prevent Automatic Disconnection of Property" against the City of Urbana, as case number 00 MC 3, which case is now pending in the Circuit Court of Champaign County, Illinois; and

B. The parties wish to provide for the settlement of this lawsuit in a manner which does not result in a portion of the annexed property included in the Edge-Scott Fire Protection District from being disconnected from the Edge-Scott Fire Protection District, and which does not result in property within the Fire Protection District from being non-contiguous with other property included in the Edge-Scott Fire Protection District; and

C. The City of Urbana has agreed to enact such ordinances as are useful or necessary to disconnect certain territory that was the subject of the lawsuit from the City of Urbana, which ordinances shall be based on the representations and statements of fact set out in this agreement.

Now, therefore, for good and valuable consideration, the receipt and sufficiency of which is acknowledged by each of the parties, the parties stipulate and agree as follows:

I. **SPECIFIC TERMS OF THE AGREEMENT:**

1. Regarding Beringer Commons:

A. The City on August 10, 2000, enacted a certain ordinance annexing certain territory within "Beringer Commons" into the City of Urbana, Illinois.

B. From this tract previously annexed, Urbana will promptly disconnect from the City of Urbana, that area encompassed in what is designated as "Outlot 500C" in the proposed plat of subdivision known as "Beringer Commons Subdivision No. 5", as is more fully shown on the map, which is attached to this agreement as "Exhibit A", and incorporated herein by reference.

C. This disconnection of this five foot strip of even width along the generally northern boundary of "Beringer Commons Subdivision No. 5" will make the territory of Edge-Scott on the east connected with the Edge-Scott territory on the west.

D. The area generally north of "Outlot 500C" is a part of the territory of the Edge-Scott Fire Protection District, to the center line of I-74.

E. The territory of the City of Urbana south of the south boundary of "Outlot 500C" extends across High Cross Road, and includes the right-of-way to the east of High Cross Road. The territory of the City of Urbana does not include that portion of High Cross Road between the north and south boundaries of "Outlot 500C" extended.

F. The five foot strip of even width described as "Outlot 500C" touches the Edge-Scott Fire Protection District at both its east and west boundaries. The disconnection of the five foot strip known as "Outlot 500C" also disconnects the adjacent right-of-way.

G. The west line of "Outlot 500C" of "Beringer Commons Subdivision Number 5" is contiguous to the east line of Edgewood Ninth Subdivision. The east line of "Outlot 500C" is contiguous to the west Right-of-Way line of High Cross Road. Therefore, "Outlot 500C" serves as a connection, without any gap, between the Edgewood Subdivisions on the west and the Edge Scott territory adjoining High Cross Road Right-of-Way on the east.

2. Regarding Baker's Lane:

A. The City on August 10, 2000, enacted a certain ordinance annexing this territory into the City of Urbana, Illinois.

B. From this tract previously annexed, Urbana will promptly disconnect from the City of Urbana, a "gap" in "Baker's Lane" which "gap" is described as follows:

A part of the Northwest Quarter of Section 15, Township 19 North, Range 9 East of the Third Principal Meridian, Urbana, Champaign County, Illinois, being more particularly described as follows:

Beginning at the intersection of the north Right-of-Way line of Illinois Street, with the west line of Scottswood Fourth Subdivision, as shown on a plat recorded in Plat Book "O", at page 11, in the Office of the Recorder, Champaign County, Illinois, said point also being the southwest corner of Lot 148 of said Scottswood Fourth Subdivision; thence, westerly, along the westerly extension of said north Right-of-Way line, a distance of 33.00 feet, to the west line of the East One Rod of the West Half of said Northwest Quarter of Section 15; thence, southerly, along said west line of the East One Rod of the West Half of said Northwest Quarter of Section 15, a distance of 60.00 feet, to the westerly extension of the south Right-of-Way line of said Illinois Street; thence, easterly, along the westerly extension of said south Right-of-Way line, a distance of

33.00 feet, to the west line of said Scottswood Fourth Subdivision, said point also being the northwest corner of Lot 149 of said Scottswood Fourth Subdivision; thence, northerly, along said west line, 60.00 feet, to the Point of Beginning, the above described tract containing 1,980 Square Feet, more or less.

3. Regarding The "Wheatley Residence" (710 Dodson Drive East)

The City on August 10, 2000, enacted a certain ordinance annexing this territory into the City of Urbana, Illinois. This property has later been de-annexed, and returned to the Edge-Scott Fire Protection District by action of the City Council of Urbana, Illinois.

4. Regarding All Three Parcels:

A. Each of these tracts is situated in Champaign County, Illinois.

B. Each of these tracts which the City attempted to disconnect from the fire district as described above is, and shall be, a part of the Edge-Scott Fire Protection District, in the same manner as if the action taken by the City of Urbana to annex these tracts had never taken place.

II. CORPORATE UNDERTAKINGS:

1. Upon the City of Urbana enacting such ordinances as are useful or necessary to disconnect the territories described above, and such ordinance being recorded with the Recorder of Champaign County, the attached stipulation for Dismissal shall be presented to the Champaign County Circuit Court for the Court to enter an order dismissing the action entitled "Edge-Scott Fire Protection District, a municipal corporation, Petitioner, vs. City of Urbana, a municipal corporation, Respondent", cause 00 MC 3, filed in Champaign County Circuit Court on October 4, 2000.

2. The undersigned Edge-Scott Fire Protection District and the City of Urbana, Illinois have adopted this agreement by action of the corporate authorities of the fire district and the city. By signing, each person certifies that he or she has been authorized to sign this document and to bind the municipal corporation represented by that person.

Dated at Urbana, Illinois, on _____, 2003.

City of Urbana, Illinois

By: Tom Sattler
Its mayor

Attest:

Phyllis D. Clark
Its City Clerk

Dated at Urbana, Illinois, on Dec 14th, 200~~3~~⁴.

Edge-Scott Fire Protection District

By: Mark Murphy
Its President

Attest

Locher M. Hunt
Its Secretary

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9/22/03
lw



Scale: 1"=100'

Interstate 74

Proposed City Limits
Existing City Limits

S 88°56'51" W 506.42'

Interstate 74

L=1099.93' R=5185.51'

S 89°21'42" E 871.86'

Outlet 500'

N 00°38'18" W

N 89°21'42" E

6.26'

S 00°38'18" E

S 89°21'42" W

100.26'

Proposed Beringer Commons Subdivision Number 5

Interstate 74

Existing City Limits

N 89°21'42" E 871.86'

S 89°21'42" W 867.12'

Outlet 500'

Proposed R.O.W. Connection

Proposed City Limits

Westerly R.O.W. line of High Cross Road

High Cross Road

City of Urbana/
Edge Scott FPD
Agreement
Date: 9/26/2003

Exhibit "A"