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Recording Cover Sheet

**AN ORDINANCE APPROVING AND
AUTHORIZING THE EXECUTION OF AN
ANNEXATION AGREEMENT [ORDINANCE NO.
2006-05-059]**

2019R02436
REC ON: 02/22/2019 01:20:18 PM
CHAMPAIGN COUNTY
MARK SHELDEN
REC FEE: 51.00
RHSPS Fee:
REV FEE:
PAGES 11
PLAT ACT: 0 PLAT PAGE:

*ORDINANCE
*AGREEMENT

Prepared for recording by:

Wendy M. Hundley, Deputy City Clerk

400 S. Vine St., Urbana, IL 61801

(G)

Return to:

Charles A. Smyth, City Clerk
City of Urbana
400 S. Vine Street
Urbana, IL 61801

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

(2004 S. Philo Road / Grace United Methodist Church)

WHEREAS, an Annexation Agreement between the City of Urbana, Illinois and Grace United Methodist Church has been submitted for the Urbana City Council's consideration, a copy of which is attached; and,

WHEREAS, said agreement governs a tract totaling approximately three acres located at 2004 S. Philo Road and said tract is legally described as follows:

The South three acres of the East six acres of the following tract:

The North 661.75 feet of the West 789.90 feet of the South $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of Section 21, Township 19, Range 9 East of the Third Principal Meridian, in Champaign County, Illinois.

WHEREAS, The City Clerk of Urbana, Illinois, duly published notice on the 30th day of April, 2006 in the News-Gazette, a newspaper of general circulation in the City of Urbana, that a public hearing would be held with the City Council of Urbana on the matter of the proposed Annexation Agreement and the proposed rezoning of the tract; and

WHEREAS, the City of Urbana, Illinois also mailed notice of the public hearing to each of the Trustees of the Carroll Fire Protection District on the matter; and

WHEREAS, on the 15th day of May, 2006, the Urbana City Council held a public hearing on the proposed Annexation Agreement; and

WHEREAS, prior to the aforesaid public hearing held by the Urbana City Council, after due and proper notice, a public hearing was held before the Urbana Plan Commission on the 20th day of April, 2006, to consider the

proposed Annexation Agreement and the rezoning from Champaign County R-2, Single-Family to the City R-4, Medium Density Multiple Family Residential Zoning District upon annexation in Plan Case No. 2006-A-02 and 1983-M-06; and

WHEREAS, the Urbana City Council has determined that the proposed Annexation Agreement is in conformance with the goals and objectives of the City of Urbana's Official Comprehensive Plan; and,

WHEREAS, the Urbana City Council, having duly considered all matters pertaining thereto, finds and determines that the proposed annexation agreement will not negatively impact the City of Urbana and would be in the best interests of the City of Urbana and its citizens.

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

Section 1. That the Annexation Agreement between the City of Urbana, Illinois and Grace United Methodist Church, a copy of which is attached 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 hereby authorized to attest to said execution of said Annexation Agreement, for and on behalf of the City of Urbana, Illinois.

Section 3. The City Clerk is directed to record a certified copy of this Ordinance and the Annexation Agreement herein approved, as amended, with the Recorder of Deeds of Champaign County, Illinois.

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called of two-thirds of the members of the Corporate Authorities of the City of Urbana, Illinois, then holding office, at a regular meeting of said Council.

PASSED by the City Council this 15th day of May,
2006 .

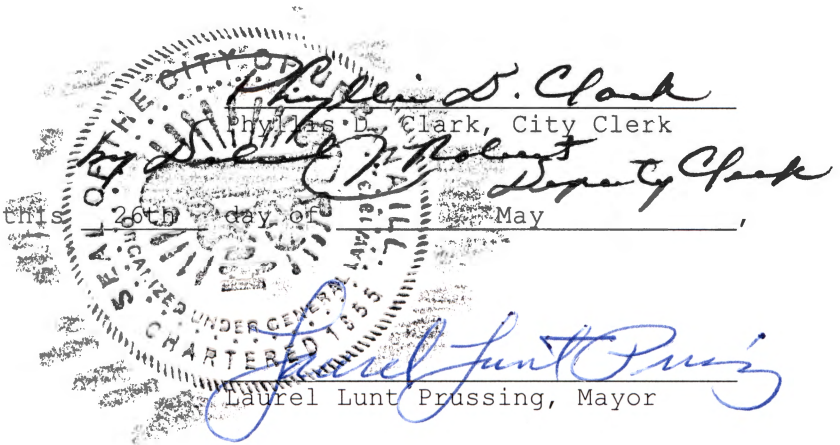
AYES: Bowersox, Chynoweth, Lewis, Roberts, Smyth, Stevenson, and
Mayor Prussing

NAYS:

ABSTAINS:

APPROVED by the Mayor this 26th day of May,

2006 .



2006-05-05

Annexation Agreement

(2004 South Philo Road / Grace United Methodist Church)

THIS Agreement is made and entered into by and between the **City of Urbana**, Illinois, (hereinafter sometimes referred to as the "Corporate Authorities" or the "City") and **Grace United Methodist Church** (hereinafter referred to as the "Owner"). 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, Grace United Methodist Church is the Owner of record of a certain parcel of real estate located at 2004 South Philo Road, the legal description of which real estate is set forth in Exhibit A attached hereto and referenced herein as "the tract"; and

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; and

WHEREAS, the tract is wholly surrounded by the City of Urbana, and both the Owner and the City determine that annexation of the tract is in the best interest of all parties; and

WHEREAS, the tract is currently zoned R-2, Single-Family in Champaign County and the City and the Owners find it necessary and desirable that the tract be annexed to the City with a zoning classification of R-4, Medium Density Multiple Family Residential, 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 annexation of the tract as described herein as R-4, Medium Density Multiple Family Residential reflects the goals, objectives and policies set forth in the City's 2005 Urbana Comprehensive Plan, as amended from time to time; and

WHEREAS, such annexation and zoning designation will allow the Owner to continue to utilize the tract for farming related to the church's mission and potential future expansion of the church building ; 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

The Owner agrees to the following provisions:

Section 1. Ownership and Annexation. The Owner represents that the Owner is the sole record Owner of the property described in Exhibit A and that the Owner shall, within thirty (30) days of the approval of this agreement cause the tracts to be annexed to the City of Urbana by filing a legally sufficient annexation petition with all required signatures thereon, all in accordance with Illinois Statutes.

The 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 property. If the subject tract is to be platted for subdivision, the Owner agrees that the substance of this provision regarding annexation shall be included in the subdivision covenant and such will constitute a covenant running with the land. The Owner agrees for itself, successor and assigns, and all other persons intended herein to be obligated to consent to annexation, to cooperate in signing or joining in any petition for annexation for the subject tract and that mandamus would be an appropriate remedy in the event of refusal so to do, and, if the City has to resort to Court proceedings to enforce this obligation, the City shall be entitled to recover reasonable attorney's fees. The Parties agree that nothing in this section shall preclude the voluntary annexation of the subject tract or any portion thereof earlier than would otherwise be required.

Section 2. Authority to Annex. The Owner agrees and hereby stipulates that the City, by its approval, execution or delivery of this Agreement does not in any way relinquish or waive any authority it may have to annex the tract in the absence of this Agreement.

Section 3. Zoning. The Owner acknowledges that upon annexation, the tract will be rezoned from Champaign County R-2, Single-Family Zoning District to City R-4, Medium Density Multiple-Family Residential Zoning District. The Owner agrees that, unless changed upon the initiative of the Owner, the said City zoning classifications for said 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 Owner agrees to use the tract only in compliance with the Urbana Zoning Ordinance and this agreement as such may be amended from time to time.

Section 4. Land Uses. The Owner agrees that the uses of the tract shall be limited to those allowed within the R-4, Medium Density Multiple-Family Residential Zoning District, except that the continued use of the tract for agricultural cropping and related uses shall be permitted.

Section 5. Building Code Compliance. The Owner agrees to cause all new development, construction, remodeling or building additions on said tracts to be in conformance with all applicable City of Urbana codes and regulations including building, zoning and subdivision codes.

Section 6. 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 the Owner and the City. Said action includes petitioning for a county rezoning of said tracts without written amendment to 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 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 Owner, by enacting such ordinances as may be necessary and sufficient to legally and validly annex said tract to the City.

Section 2. Zoning. The Corporate Authorities agree to annex the tract with a zoning classification of R-4, Medium Density Multiple-Family Residential.

Section 3. Land Uses. The Corporate Authorities agree to permit the continued use of the tract for agricultural cropping and related uses.

Section 4. Amendments. The City shall take no action nor omit to take action during the term of this Agreement which act or omission, as applied to the tract, would be a breach hereof, without first procuring a written amendment to this Agreement duly executed by the Owner, or the Owner's successors or assigns, of the portion of the tract which is directly the subject of the amendment.

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 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 twenty-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 Owner or the Owner's 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 no party will take 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 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 the party not in default may 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.

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:

Laurel Lunt Prussing
Laurel Lunt Prussing
Mayor

April 26, 2007
Date

Owner:

Walter C. Crackel
Grace United Methodist Church
choir trustees

4-25-07
Date

ATTEST:

Phyllis D. Clark
Phyllis D. Clark
City Clerk
by Debra J. Clark
Deputy Clerk
Date

ATTEST:

Anthony C. Weck
Notary Public
4/25/07
Date



"OFFICIAL SEAL"
ANTHONY C. WECK
Notary Public, State of Illinois
My commission expires 06/05/09

Exhibit A

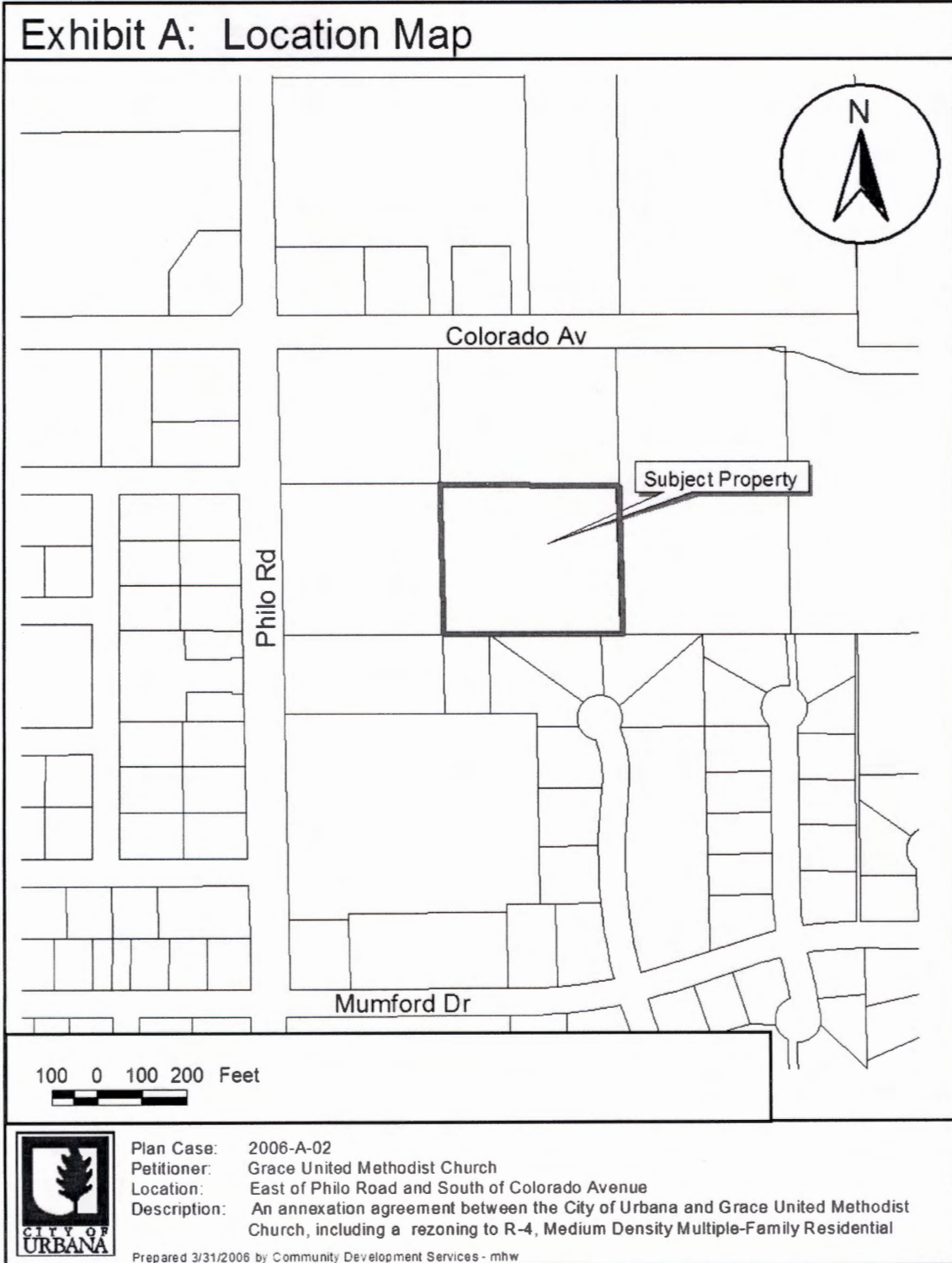
Legal Description

The South three acres of the East six acres of the following tract:

The North 661.75 feet of the West 789.90 feet of the South $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of Section 21, Township 19, Range 9 East of the Third Principal Meridian, in Champaign County, Illinois.

Exhibit B

Map of Tract





* 2 0 0 6 R 1 7 5 5 6 4 *

2006R17556

RECORDED ON

07/03/2006 03:08:32PM

CHAMPAIGN COUNTY

RECORDER

BARBARA A. FRASCA

REC FEE: 25.00

RHSPS Fee:

REV FEE:

PAGES 4

PIAT ACT: 0

PIAT PAGE:

4

Recording Cover Sheet

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

(2004 S. PHILO ROAD, #30-21-21-200-027)

2006-05-059

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)

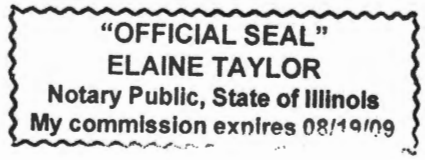
Phyllis D. Clark, states that she gave notice of the pending action to be taken on an Ordinance annexing certain territory lying within the Urbana Township, in compliance with the provisions of Section 5/7-1-1 of the Municipal Code of the State of Illinois, as amended (65 ILCS 5/7-1-1), by sending a notice by certified mail, postpaid, to each of the Board of Township Trustees and 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 that she gave notice of the pending action to be taken on an Ordinance annexing certain territory lying within the boundaries of Philo Fire Protection District to the City of Urbana, Illinois, 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 the Philo Fire Protection District at the addresses indicated on the copy of said notice hereto attached, all notices being mailed on the 19th day of May, 2006, 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
Phyllis D. Clark, City Clerk
City of Urbana
Robert Clark
Deputy Clerk

Subscribed, and sworn to before me this
19th day of May, 2006.

Elaine Taylor
Notary Public



NOTICE OF INTENT TO ANNEX TERRITORY TO THE CITY OF URBANA

TO:

Urbana Township Board of Trustees

Donald Smith
4006 E. Anthony Drive
Urbana, IL 61802

Lucinda Collins
2010 Prairie View
Urbana, IL 61802

Jack Price
504 McGee Circle
Urbana, IL 61802

Greg Foster
310 Yankee Ridge Lane
Urbana, IL 61802

Urbana Township Supervisor

Mr. Don Flessner
2312 E. Perkins Road
Urbana, IL 61801

Urbana Township Commissioner of Highways

Jim Prather
2312 E. Perkins Road
Urbana, IL 61801

and

Trustees of the Philo Fire Protection District

John Godsell
1429 County Road, 1100 North
Philo, IL 61864

Donald Hewing
209 Eisenhower Drive
Philo, IL 61864

Richard Kirby
111 S. Harrison Street
Philo, IL 61864

Chief of the Philo Fire Protection District

Mike McHenry
1670 North County Road, 600
Philo, IL 61864


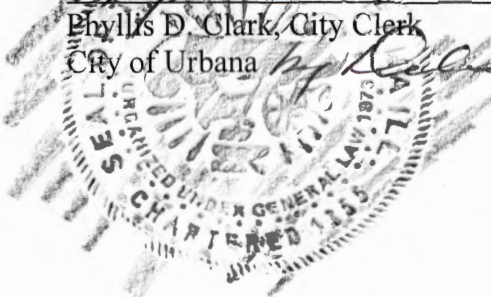
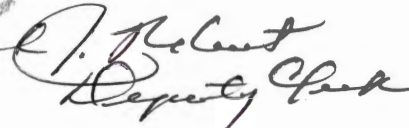
NOTICE IS HEREBY GIVEN, pursuant to the provisions of pursuant to Section 5/7-1-1 of the Municipal Code of the State of Illinois, as amended (65 ILCS 5/7-1-1), that a Petition has been received praying that the Council of the City of Urbana, Illinois, pass an Ordinance annexing the following described territory to the City of Urbana:

The South three acres of the East six acres of the following tract:

The North 661.75 feet of the West 789.90 feet of the South ½ of the Northeast ¼ of Section 21, Township 19, Range 9 East of the Third Principal Meridian, in Champaign County, Illinois.

commonly known for reference as 2004 S. Philo Road, Urbana, Illinois, and further referenced as Champaign County permanent parcel number 30-21-21-200-027. This property is located on Philo Road south of Colorado Avenue. Said territory lies within the boundaries of Philo 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 vote on an Ordinance annexing said territory to the City at its regular meeting on June 5, 2006 in the Council Chambers of the City Building located at 400 South Vine Street, Urbana, Illinois.


Phyllis D. Clark, City Clerk
City of Urbana


Deputy Clerk

2006-05-059

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

STATE OF ILLINOIS)
) SS.
COUNTY OF CHAMPAIGN)

Phyllis D. Clark, states that she gave notice of the pending action to be taken on an Ordinance annexing certain territory lying within the Urbana Township, 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 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 that she gave notice of the pending action to be taken on an Ordinance annexing certain territory lying within the boundaries of Philo Fire Protection District to the City of Urbana, Illinois, 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 the Philo Fire Protection District at the addresses indicated on the copy of said notice hereto attached, all notices being mailed on the 19~~th~~ day of May, 2006, 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

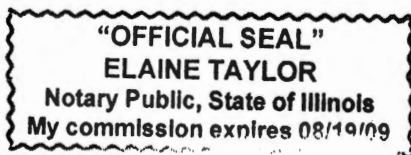
That a copy of said notice so mailed, as aforesaid, is hereto attached, made a part of this Affidavit, and marked "Exhibit A."

Phyllis D. Clark
Phyllis D. Clark, City Clerk
City of Urbana
by [Signature] Deputy Clerk

Subscribed and sworn to before me this

19~~th~~ day of May, 2006.

Elaine Taylor
Notary Public



NOTICE OF INTENT TO ANNEX TERRITORY TO THE CITY OF URBANA

TO:

Urbana Township Board of Trustees

Donald Smith
4006 E. Anthony Drive
Urbana, IL 61802

Lucinda Collins
2010 Prairie View
Urbana, IL 61802

Jack Price
504 McGee Circle
Urbana, IL 61802

Greg Foster
310 Yankee Ridge Lane
Urbana, IL 61802

Urbana Township Supervisor

Mr. Don Flessner
2312 E. Perkins Road
Urbana, IL 61801

Urbana Township Commissioner of Highways

Jim Prather
2312 E. Perkins Road
Urbana, IL 61801

and

Trustees of the Philo Fire Protection District

John Godsell
1429 County Road, 1100 North
Philo, IL 61864

Donald Hewing
209 Eisenhower Drive
Philo, IL 61864

Richard Kirby
111 S. Harrison Street
Philo, IL 61864

Chief of the Philo Fire Protection District

Mike McHenry
1670 North County Road, 600
Philo, IL 61864

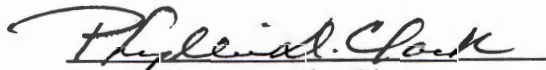
NOTICE IS HEREBY GIVEN, pursuant to the provisions of pursuant to Section 5/7-1-1 of the Municipal Code of the State of Illinois, as amended (65 ILCS 5/7-1-1), that a Petition has been received praying that the Council of the City of Urbana, Illinois, pass an Ordinance annexing the following described territory to the City of Urbana:

The South three acres of the East six acres of the following tract:

The North 661.75 feet of the West 789.90 feet of the South ½ of the Northeast ¼ of Section 21, Township 19, Range 9 East of the Third Principal Meridian, in Champaign County, Illinois.

commonly known for reference as 2004 S. Philo Road, Urbana, Illinois, and further referenced as Champaign County permanent parcel number 30-21-21-200-027. This property is located on Philo Road south of Colorado Avenue. Said territory lies within the boundaries of Philo 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 vote on an Ordinance annexing said territory to the City at its regular meeting on June 5, 2006 in the Council Chambers of the City Building located at 400 South Vine Street, Urbana, Illinois.



Phyllis D. Clark, City Clerk

City of Urbana


Deputy Clerk