

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

(3010 East Windsor Road / Illinois Power Substation)

WHEREAS, an Annexation Agreement between the City of Urbana, Illinois, and Illinois Power Company 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 7.94 acres located on the north side of Windsor Road more commonly referred to as 3010 East Windsor Road, legally described as follows:

A part of the Southeast Quarter of Section 22, Township 19 North, Range 9 East of the Third Principal Meridian, Champaign County, Illinois, being more particularly described as follows:

Tract "A"

Commencing at the Southeast corner of Section 22, Township 19 North, Range 9 East of the Third Principal Meridian; thence, S 89° 10' 4" W along the South line of said Section 22, 452.51 feet for a true point of beginning, said point being the intersection of the South line of said Section 22 with the Westerly right-of-way line of the Norfolk and Western Railroad; thence S 89° 10' 14" W along said south line, 562.83 feet; thence N 00° 49' 46" W, 338.71 feet; thence N 89° 10' 14" E, 202.58 feet to the intersection with the Westerly right-of-way line of the Norfolk and Western Railroad; thence S 47° 37' 11" E along said right-of-way line 494.60 feet to the place of beginning, said tract containing 2.98 acres, more or less, situated in Champaign County, Illinois.

Tract "B"

All that part of the Southeast Quarter of the Southeast Quarter of Section 22, Township 19 North, Range 9 East of the Third Principal Meridian, Champaign County, Illinois lying South and West of the Southwesterly right-of-way line of the Norfolk and Western Railroad, except Tract "A". Said net tract containing 5.2 acres, more or less, situated in Champaign County, Illinois.

Except:

That portion of the Windsor Road right-of-way, lying within the above described tracts, containing 35,921 S.F., 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 these tracts:

That portion of the Windsor Road right-of-way, not previously annexed to the City of Urbana, lying adjacent to the herein annexed tracts, encompassing 25,530 S.F., more or less.

WHEREAS, the City Clerk of Urbana, Illinois, duly published notice on the 21st day of April, 2008 in the News-Gazette, a newspaper of general circulation in the City of Urbana, that a public hearing would be held on the matter of the proposed Annexation Agreement; and

WHEREAS, the City of Urbana, Illinois also mailed notice of the public hearing to each of the Trustees of the Philo Fire Protection District on the 15th day of March, 2008; and

WHEREAS, on the 21st day of April, 2008, the Urbana City Council held a public hearing on the proposed Annexation Agreement; 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 Illinois Power Company, 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.

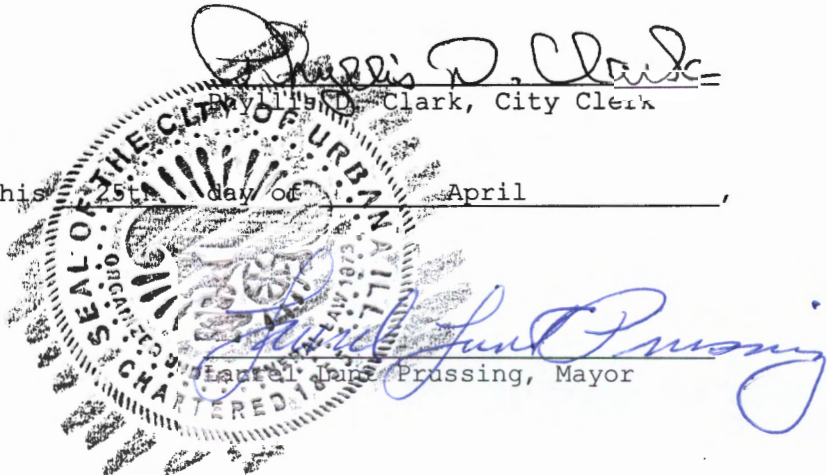
PASSED by the City Council this 21st day of April,
2008.

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

NAYS:

ABSTAINS:

APPROVED by the Mayor this 25th day of April,
2008.



6W

2008-04-026



* 2 0 0 9 R 0 8 7 9 1 6 *

2009R08791

RECORDED ON
04/02/2009 08:06:16AM
CHAMPAIGN COUNTY
RECORDER
BARBARA A. FRASCA
REC FEE: 27.00
RHSPS Fee:
REV FEE:
PAGES 6
PIAT ACT: 0
PIAT PAGE:

DEDICATION OF RIGHT OF WAY FOR PUBLIC ROAD PURPOSES

THIS INDENTURE WITNESSETH, that the Grantor, ILLINOIS POWER COMPANY, d/b/a AmerenIP, an Illinois corporation, for and in consideration of the benefits resulting from the construction and maintenance of the public roadway herein referred to, and other good and valuable consideration, does by these presents, hereby grant and dedicate to the Grantee, the CITY OF URBANA, ILLINOIS, a municipal corporation, for the purpose of a public right of way for public road purposes, a tract of land situated in the County of Champaign and State of Illinois, and as described on **Exhibit A** and as shown hachured on the drawing marked **Exhibit B**, attached hereto and made a part hereof.

Grantor and Grantee further, as a part of this dedication, agree that Grantee's officials having authority as to public roadways, and its representatives, engineers, agents, contractors and employees are hereby authorized to enter into and take full and complete possession of the said tract, subject to the following terms and conditions.

1. This Dedication is granted with the express understanding that Grantor shall have continual twenty four (24) hour access to its adjoining property and its electrical substation, electric lines and facilities at all times.

2. Grantee is hereby advised that energized electric lines and electrical substation facilities, which must be avoided, are or may be installed in, upon or in the vicinity of the above described premises. As and to the extent applicable, Grantee shall comply with and shall require all persons acting under Grantee, including without limitation agents, contractors and employees, to comply with all applicable laws, regulations, and codes, including without limitation applicable provisions of the latest edition of the National Electrical Safety Code; 220 ILCS 20 ("Illinois Gas Pipeline Safety Act"); 220 ILCS 50 ("Illinois Underground Utility Facilities Damage Prevention Act"); 220 ILCS 725 ("Illinois Oil and Gas Act") and 765 ILCS 140 ("Adjacent Landowner Excavation Protection Act") (collectively "Laws"), as such Laws may be amended from time to time. Nothing herein shall be construed to relieve Grantee from the duty to comply with Laws; but if and to the extent that this instrument requires precautions or specific clearances which are greater than those imposed by Laws, such greater precautions or clearances

provided for in this instrument shall be binding on Grantee and any such person(s) acting under Grantee.

3. Grantee shall warn and instruct each and every person engaged in or in any way connected with any work conducted hereunder as to the existence, location, and nature of Grantor's electrical substation, electric lines and facilities. Grantee shall at all times maintain a minimum clearance of ten (10) feet from Grantor's overhead electric lines and overhead facilities. Any such work is undertaken with full knowledge and awareness of and assumption of the risk involved in performing the work in the vicinity of the energized electric lines and substation facilities. Grantee shall use and cause others to use extreme caution in any activities conducted hereunder, when adjacent to, over, under, or near Grantor's underground and overhead electric lines and shall maintain proper support and stabilization for Grantor's underground or overhead electric lines and shall prevent damage or collapse due to undermining. No fill is to be placed under Grantor's overhead conductors without prior approval from Grantor.

4. All construction work done in connection with said Road Project shall be at Grantee's own cost and expense and performed in such a manner that it will not endanger or interfere with Grantor's operation and maintenance of its electrical substation, electric lines and related facilities. In the event installation or construction of said Road Project requires the use of cranes, hoists, or other devices, Grantee shall maintain a minimum of ten (10) feet radial clearance in any area directly under or adjacent to any of Grantee's overhead electrical facilities.

5. All cuts, ditches, trenches, ruts, or excavations made by Grantee, its agents, employees, contractors, or their representatives, in connection with the construction of said Road Project shall be refilled to and maintained at the level of the adjoining ground. Upon completion of the said Road Project, Grantee shall restore the above described property to a condition comparable to that prior to the beginning of Grantee's work.

6. Grantee shall save harmless Grantor's property from and against any and all liens arising out of Grantee's exercise of its rights and performance of its duties hereunder, including, without limitation, mechanic's or materialmen's liens.

7. To the extent permitted by law, and without waiving or releasing any claim to sovereign immunity, Grantee covenants and agrees to assume the risk of liability for and to protect, indemnify, defend and save harmless Grantor, its successors, and assigns, from and against any and all liability, losses, demands, claims, damages, recoveries, actions, causes of action, costs and expenses (including without limitation attorneys fees) for injury to or death of any persons whomsoever or loss or destruction of or damage to any property whatsoever, including without limitation property of both Grantee and Grantor by reason of Grantee's exercise of rights granted pursuant to this Dedication.

8. In order to protect Grantor against liabilities which would not arise except for the use of the above described premises hereunder by Grantee, Grantee shall require its contractors, subcontractors or heir representatives whomsoever to carry insurance; the amount of insurance covering such liability shall not be less than:

Commercial General Liability Insurance with a combined single limit of not less than One Million Dollars (\$1,000,000) as to any one occurrence and Two Million Dollars (\$2,000,000) in the aggregate.

Workers' Compensation Insurance shall be provided according to the provisions of the Illinois Worker's Compensation Act, as amended. Notwithstanding the rating and financial size categorized stated in Article 107.27 of the Illinois Department of Transportation Standard Specifications for Road and Bridge Construction, adopted January 1, 2007 or current edition, coverage may be provided by a group self-insurer authorized in Section 4(a) of the Act and approved pursuant to the rules of the Illinois Department of Insurance.

Business Automobile Liability Insurance for coverage of owned, non-owned and hired vehicles with a minimum combined single limit of One Million Dollars (\$1,000,000) per occurrence for bodily injury, including death, and property damage.

Umbrella Liability. Any policy shall provide excess limits over and over the other insurance limits stated in Article 107.27 of the Illinois Department of Transportation Standard Specifications for Road and Bridge Construction, adopted January 1, 2007 or current edition. The Contractor may purchase insurance for the full limits required or by a combination of primary policies for lesser limits and remaining limits provided by the umbrella policy.

If requested by Grantor, certificates of insurance shall be provided to Grantor signed by an authorized representative evidencing the coverages, limits, endorsements, and extensions required herein. Grantee may self-insure as to any of the insurance coverages required under this section, except where prohibited by law.

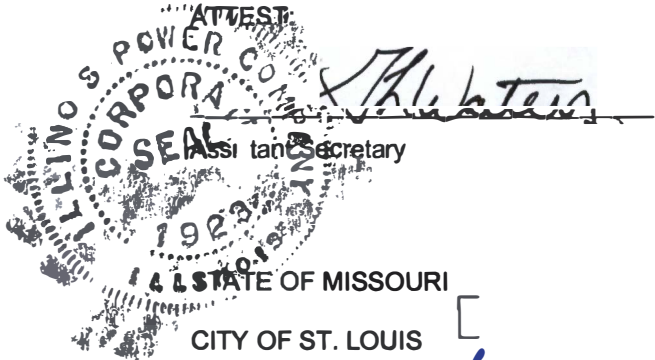
Nothing contained in these insurance requirements is to be construed as limiting the extent of the Grantee' obligation or responsibility for payment of damages, or limiting, diminishing, or waiving the Grantee' obligation to indemnify, defend, and save Grantor harmless in accordance with the provisions of this Agreement.

IN WITNESS WHEREOF, the parties hereto have executed these presents on the day and year first above mentioned.

ILLINOIS POWER COMPANY, d/b/a AmerenIP

By: *Dennis W. Weisenborn*

Dennis W. Weisenborn, Vice President



Assistant Secretary

STATE OF MISSOURI

CITY OF ST. LOUIS

On this 19th day of March 2009, before me appeared Dennis W. Weisenborn to me personally known, who, being by me duly sworn, did say that he is a Vice President of ILLINOIS POWER COMPANY d/b/a AmerenIP, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that such instrument was signed and sealed in behalf of said corporation by authority of its Board of Directors and said Dennis W. Weisenborn acknowledged said instrument to be the free act and deed of said corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in my office in the City of St. Louis, Missouri, the day and year first above written.

My Commission expires _____

Genetra L. Bower
Notary Public



Accepted by the City of Urbana.

BY: *William R. Gray*
William R. Gray
Public Works Director/City Engineer

Date: 3/10/09

Prepared By:

Illinois Power Company
Rick D. Trelz
370 South Main Street
Decatur, Illinois 62523

Return To:

Ben Fisher
706 S. Glover Ave.
Urbana, IL 61802
(217) 384-2396

(19)

EXHIBIT A

A part of the Southeast Quarter of Section 22, Township 19 North, Range 9 East of the Third Principal Meridian, Champaign County, Illinois, being more particularly described as follows:

The southerly Fifty-five feet (55.00') of even and equal width of the following described tracts:

Tract "A"

Commencing at the Southeast corner of Section 22, Township 19 North, Range 9 East of the Third Principal Meridian; thence, S 89° 10' 4" W along the South line of said Section 22, 452.51 feet for a true point of beginning, said point being the intersection of the South line of said Section 22 with the Westerly right-of-way line of the Norfolk and Western Railroad; thence S 89° 10' 14" W along said south line, 562.83 feet; thence N 00° 49' 46" W, 338.71 feet; thence N 89° 10' 14" E, 202.58 feet to the intersection with the Westerly right-of-way line of the Norfolk and Western Railroad; thence S 47° 37' 11" E along said right-of-way line 494.60 feet to the place of beginning, said tract containing 2.98 acres, more or less, situated in Champaign County, Illinois.

Tract "B"

All that part of the Southeast Quarter of the Southeast Quarter of Section 22, Township 19 North, Range 9 East of the Third Principal Meridian, Champaign County, Illinois lying South and West of the Southwesterly right-of-way line of the Norfolk and Western Railroad, except Tract "A". Said net tract containing 5.2 acres, more or less, situated in Champaign County, Illinois.

EXCEPT, that portion of the above described Tracts "A" and "B" deeded by Quit Claim Deed dated October 17, 1985 and recorded January 15, 1986, in Book 1437 at page 757 in the Office of the Recorder of Deeds, Champaign County, Illinois, being more particularly described as follows:

A part of the following described tract of land:

The Southeast Quarter (SE 1/4) of the Southeast Quarter (SE 1/4) of Section 22. Township 19 North. Range 9 East of the Third Principal Meridian, lying South of the Norfolk and Western Railroad, in Champaign County. Illinois.

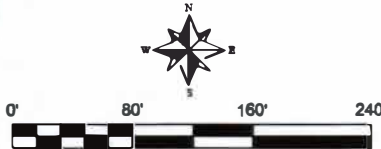
Said part being more particularly described as follows:

Commencing at the southeast corner of the Section 22. Township 19 North. Range 9 East of the Third Principal Meridian. Champaign County, Illinois, proceed on an Illinois State Plane Coordinate System, East Zone Grid Bearing of South 89 degrees 18 minutes 23 seconds West along the south line of said Section. 22, a distance of 484.92 feet; thence North 00 degrees 41 minutes 37 seconds West along a line perpendicular to the last described line 30.00 feet to the point of beginning. said point also being the intersection of the north right-of-way line of F.A. 524 and the southwesterly right-of-way line of the Norfolk and Western Railroad; thence South 89 degrees 18 minutes 23 seconds West along said north right-of-way line of F.A. 524, a distance of 565.16 feet; thence North 70 degrees 17 minutes 00 seconds East 52.83 feet; thence North 89 degrees 08 minutes 50 seconds East 300.00 feet; thence North 00 degrees 51 minutes 13 seconds West 5.00 feet; thence North 89 degrees 08 minutes 50 seconds East 190.06 feet to a point on said southwesterly right-of-way line of the Norfolk and Western Railroad; thence South 47 degrees 33 minutes 41 seconds East along said southwesterly right-of-way line of the Norfolk and Western Railroad 34.49 feet to the point of beginning.

Said parcel containing 0.629 acres more or less.

Said dedication containing 35,771 S.F. (0.821 acre), more or less, all situated in the City of Urbana, Champaign County, Illinois and being as shown by the plat hereto attached and considered a part hereof. Being a portion of Permanent Parcel No. 30-21-22-400-005

RESERVING, however, unto Grantor, its successors and assigns, the right, privilege and authority to the continued use and occupancy of the above described premises for Grantor's electrical substation, electric lines, gas lines, and facilities and any additions thereto over, under and upon the above described premises. In the event Grantee requires Grantor to relocate its facilities on or from said premises, Grantee agrees to pay Grantor's reasonable costs to do so.



Tract "B"

Tract "A"

Westerly line of Tract "B"

Proposed ROW Acquisition Area = 35,771 S.F. (0.821 Acre)

Proposed North right-of-way line

Existing North right-of-way line of Windsor Road

Southwesterly ROW line of Norfolk & Western RR (abandoned)

N 00°34'01" W 25.00'
N 00°34'01" W 30.00'

N 89°18'23" E 272.54'

N 70°17'00" E 52.83'

N 89°18'23" E 810.96'
N 89°08'50" E 300.00'

N 00°51'13" W 5.00'

N 89°08'50" E 190.06'

S 47°33'41" E 2.07'

S 47°33'41" E 34.49'

POB of exception

Undocumented northerly ROW line of Windsor Road per Illinois Dept. of Transportation

Exception as conveyed by Quit Claim Deed recorded January 15, 1986 in Book 1437 at page 757

South line of SE 1/4 of Section 22

Windsor Rd.

PROPOSED ROW ACQUISITION AMEREN/IP

City of Urbana
Public Works Department
Engineering Division

Date: 9/24/2008 Drawn by: BWF





DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES
Economic Development Division
400 S. Vine
Urbana, IL 61801
(217) 384-2444

April 29, 2008

Notice to Fire Protection District of Public Hearing on Annexation Agreement

TO: Trustees of the Philo Fire Protection District

Mike McHenry, Chief
Philo Fire Protection District
1670 North County Road, 600
Philo, IL 61864

John Godsell, Trustee
Philo Fire Protection District
Rural Route #3
Urbana, IL 61803

Clifford Gorman, Trustee
Philo Fire Protection District
509 S. Cleveland Street
Philo, IL 61864

Richard Kirby, Trustee
Philo Fire Protection District
111 South Harrison Street
Philo, IL 61864

NOTICE IS HEREBY GIVEN, pursuant to 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), that the Urbana City Council will discuss an annexation petition for the property described below on May 12, 2008 at 7:30 P.M. at the City of Urbana Council Chambers, 400 South Vine Street, Urbana, Illinois:

A part of the Southeast Quarter of Section 22, Township 19 North, Range 9 East of the Third Principal Meridian, Champaign County, Illinois, being more particularly described as follows:

Tract "A"

Commencing at the Southeast corner of Section 22, Township 19 North, Range 9 East of the Third Principal Meridian; thence, S 89° 10' 4" W along the South line of said Section 22, 452.51 feet for a true point of beginning, said point being the intersection of the South line of said Section 22 with the Westerly right-of-way line of the Norfolk and Western Railroad; thence S 89° 10' 14" W along said south line, 562.83 feet; thence N 00° 49' 46" W, 338.71 feet; thence N 89° 10' 14" E, 202.58 feet to the intersection with the Westerly right-of-way line of the Norfolk and Western Railroad; thence S 47° 37' 11" E along said right-of-way line 494.60 feet to the place of beginning, said tract containing 2.98 acres, more or less, situated in Champaign County, Illinois.

Tract "B"

All that part of the Southeast Quarter of the Southeast Quarter of Section 22, Township 19 North, Range 9 East of the Third Principal Meridian, Champaign County, Illinois lying South and West of the Southwesterly right-of-way line of the Norfolk and Western Railroad, except Tract "A". Said net tract containing 5.2 acres, more or less, situated in Champaign County, Illinois.

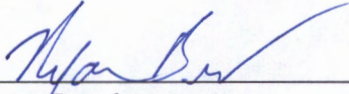
Except:

That portion of the Windsor Road right-of-way, lying within the above described tracts, containing 35,921 S.F., 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 these tracts:

That portion of the Windsor Road right-of-way, not previously annexed to the City of Urbana, lying adjacent to the herein annexed tracts, encompassing 25,530 S.F., more or less.

The tract contains approximately 7.94 acres of property and is located at 3010 East Windsor Road (AmerenIP substation) on the north side of Windsor Road and approximately 500 feet west of High Cross Road (Route 130). Said territory lies within the Urbana Township, and is contiguous to the City of Urbana, Illinois.



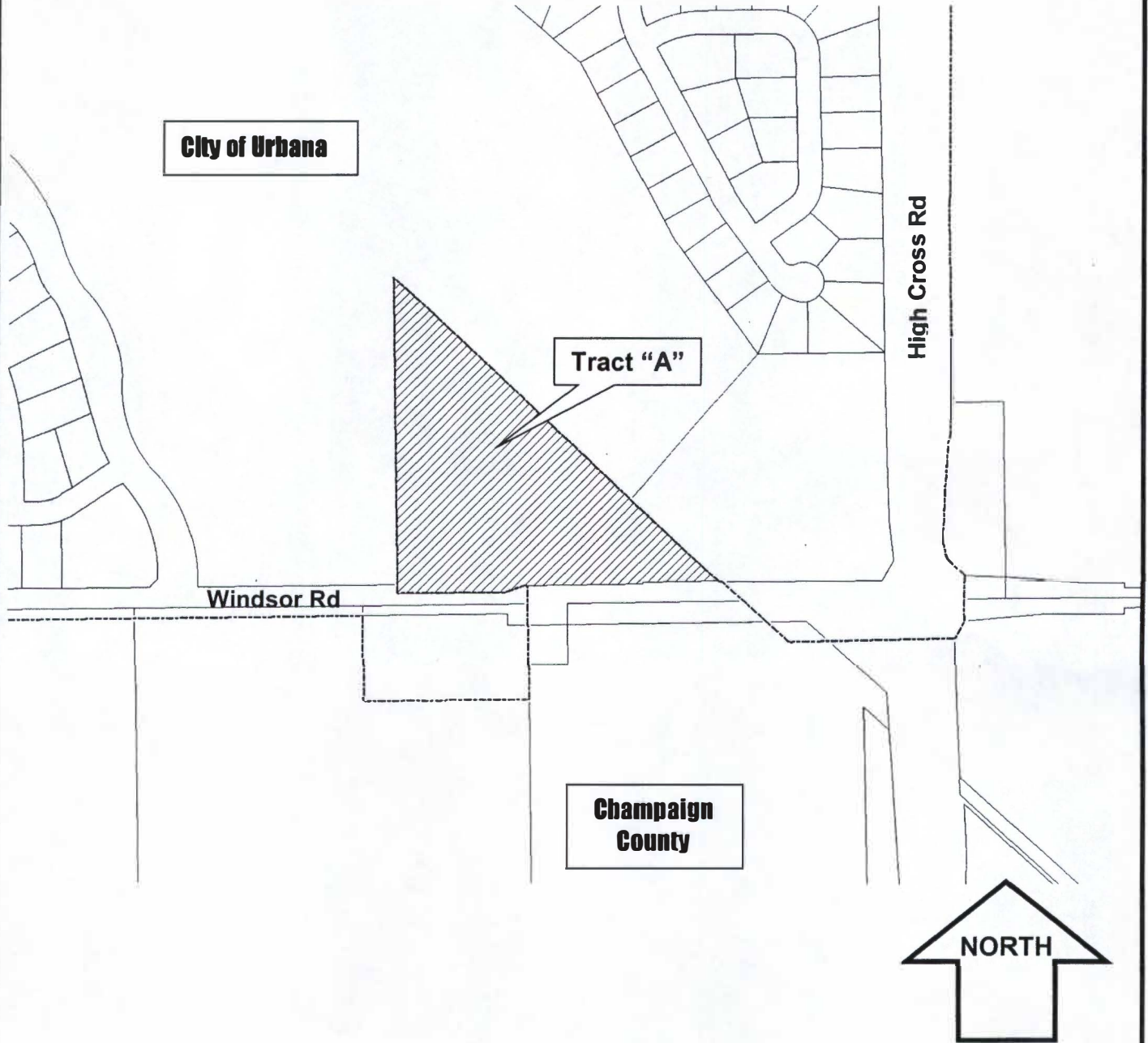
Ryan Brault
Redevelopment Specialist
City of Urbana, Illinois

Attachment: Map of tract proposed for an annexation agreement

Annexation Petition

Location Map

Exhibit "A"



Plan Case 2006-A-09:
An Annexation Petition for a legal tract totaling 7.94 acres of land.

Petitioner: Ameren-IP
Location: North side of Windsor Road approximately 372 feet west of High Cross Road (IL 130) at the southeast corner of the City of Urbana

Prepared 3/27/08 by Community Development Services - RLB

Tract "A" = Parcel to be annexed

City Limits

2008-04-028

**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, Township Supervisor, 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 Fire Protection District at the addresses indicated on the copy of said notice hereto attached, all notices being mailed on the 30th day of April, 2008, 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

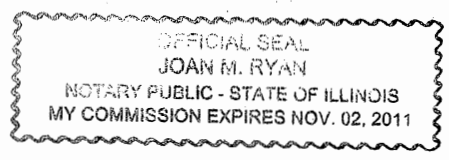
That a copy of said notice so mailed, as aforesaid, is hereto attached, made a part of this Affidavit, and marked "Exhibit A."

Phyllis D. Clark
Phyllis D. Clark, City Clerk
City of Urbana *by Debra J. Bohm Deputy Clerk*

Subscribed and sworn to before me this

30 day of April, 2008.

Joan M. Ryan
Notary Public



NOTICE OF INTENT TO ANNEX TERRITORY TO THE CITY OF URBANA

TO:

Urbana Township Board of Trustees

Lucinda Collins
2010 Prairie View Dr.
Urbana, IL 61802

Greg Foster
310 Yankee Ridge Lane
Urbana, IL 61802

Jeffory Johnstone
2005 Burwell St.
Urbana, IL 61802

Jack Price
405 McGee Circle
Urbana, IL 61802

Urbana Township Supervisor

Donald Smith
2312 E. Perkins Road
Urbana, IL 61802

Urbana Township Commissioner of Highways

Jim Prather
2312 E. Perkins Road
Urbana, IL 61802

Urbana Township Clerk

Kathy Pew
2312 E. Perkins Road
Urbana, IL 61802

Trustees of Philo Fire Protection District

John T. Godsell
1429 County Road 1100 N
Philo, IL 61802

Clifford Gorman
509 S. Cleveland
Philo, IL 61864

Richard D. Kirby
111 S. Harrison
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:

A part of the Southeast Quarter of Section 22, Township 19 North, Range 9 East of the Third Principal Meridian, Champaign County, Illinois, being more particularly described as follows:

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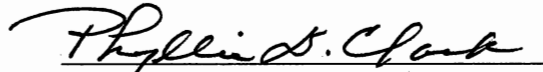
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commonly known for reference as 3010 East Windsor Road, Urbana, Illinois, and further referenced as Champaign County permanent parcel number 30-21-22-400-005. This property is located on Windsor Road approximately 500 feet west of High Cross Road. 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 at 7:00 p.m. on May 19, 2008 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