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Recording Cover Sheet

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PLAT ACT: 0PLAT PAGE:

AN ORDINANCE APPROVING AN AMENDMENT TO
AN ANNEXATION AGREEMENT (2707 EAST
AIRPORT ROAD / TERRANCE A. BIALESCHKI)
[Ord. No. 2017-08-045]

*ORDINANCE

*AMENDMENT

Prepared for recording by:
Kay Meharry, Adm. Asst.

400 S. Vine Street, Urbana, IL 61801

Return to:

(9)

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

ORDINANCE NO. 2017-08-045

**AN ORDINANCE APPROVING AN AMENDMENT TO
AN ANNEXATION AGREEMENT**

(2707 East Airport Road / Terrance A. Bialeschki)

WHEREAS, on September 18, 2009, Ordinance No. 2009-08-094 approved an Annexation Agreement between the City of Urbana, Illinois, and Terrance A. Bialeschki; and

WHEREAS, said agreement governs a tract totaling approximately 0.65 acres located at 2707 East Airport Road, and said tract is legally described as follows:

Tracts One (1) and Two (2) of Jacob H. Henning's Resurvey and Replat situated in the Northwest Quarter of the Northeast Quarter of Section Three (3) in Township Nineteen (19) North, Range Nine (9) East of the Third Principal Meridian as per plat recorded in Plat Book "F" at page 267 and 268, situated in the County of Champaign and the State of Illinois.

and

WHEREAS, Terrance A. Bialeschki has requested to amend said Annexation Agreement to allow for construction of a garage that is up to 1,080 square feet; and

WHEREAS, an Amendment No. 1 to Annexation Agreement between the City of Urbana, Illinois, and Terrance A. Bialeschki has been submitted for the Urbana City Council's consideration; and

WHEREAS, the City Clerk duly published notice on the 29th day of July, 2017 in *The News-Gazette*, a newspaper of general circulation in the City of Urbana, that a public hearing would be held before the Urbana City Council on the matter of the proposed Amendment No. 1 to Annexation Agreement on the 14th day of August, 2017; and

WHEREAS, the City Clerk also mailed notice of the public hearing to each of the Trustees of the Carroll Fire Protection District on the 7th day of August, 2017; and

WHEREAS, on the 14th day of August, 2017, the Urbana City Council held a public hearing on the proposed Amendment No. 1 to Annexation Agreement; and

WHEREAS, the Urbana City Council has determined that the proposed Amendment No. 1 to Annexation Agreement is in conformance with the goals and objectives of the City of Urbana's 2005 Comprehensive Plan; and,

WHEREAS, the 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, Champaign County, Illinois, as follows:

Section 1. The Amendment No. 1 to Annexation Agreement between the City of Urbana, Illinois and Terrance A. Bialeschki, in substantially the form of the copy of said amendment 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 hereby authorized to attest to said execution of said Amendment No. 1 to 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 Amendment No. 1 to 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 August, 2017.


AYES: Ammons, Brown, Hazen, Miller, Roberts, Wu, Marlin

NAYS:

ABSTENTIONS:


Charles A. Smyth, City Clerk

APPROVED BY THE MAYOR this 23rd day of August, 2017.


Diane Wolfe Marlin, Mayor

This instrument was prepared by:

~~Curt Borman
Assistant City Attorney
City of Urbana
400 S. Vine Street
Urbana, IL 61801~~

CAB

Mail recorded document to:

~~City of Urbana
Planning Division Manager
400 S. Vine Street
Urbana, IL 61801~~

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City of Urbana – Champaign County

AMENDMENT NO. 1 TO ANNEXATION AGREEMENT

**Terrance A. Bialeschki
2707 East Airport Road
Urbana, IL 61802-7554**

AMENDMENT NO. 1 TO ANNEXATION AGREEMENT

Terrance A. Bialeschki (the "Owner") and the City of Urbana (the "Corporate Authorities") mutually agree to the following amendment to the Annexation Agreement authorized by Ordinance No. 2009-08-094 and entered into on September 18, 2009:

Article II, "Representations and Obligations of the Corporate Authorities," is hereby amended by the addition of the following section thereto:

Section 3: Development Regulations. The Corporate Authorities agree that all applicable development regulations in force as of the date hereof will apply to the tract, except that the Corporate Authorities hereby grant a variance from Urbana Zoning Ordinance Section V-2(D)(7)(b) (maximum permitted area of an accessory building) to allow the Owner to construct a detached garage not to exceed 1,080 square feet.

All other terms and conditions of the agreement remain in full force and effect.

This amendment will take effect upon execution by the Owner and the Corporate Authorities.

[Signature page follows]

The parties are signing this agreement on the dates indicated below their signatures.

Terrance A. Bialeschki

City of Urbana, Illinois

Terrance Bialeschki

By: Diane Wolfe Marlin

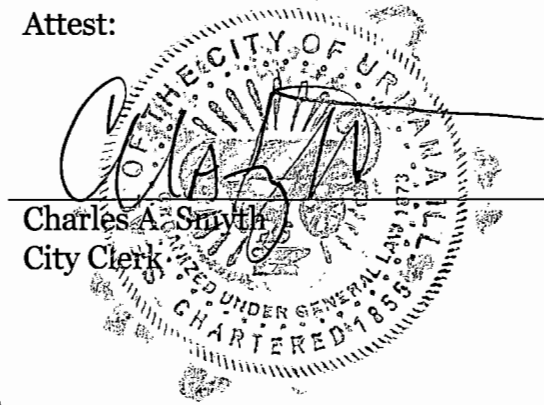
Diane Wolfe Marlin

Date: 8/29/2017, 2017

Mayor

Date: 30 August, 2017

Attest:



Charles A. Smyth
City Clerk

STATE OF ILLINOIS)
)
COUNTY OF CHAMPAIGN) ss.

I, the undersigned, a notary public in and for the said County, in the State aforesaid do hereby certify that Terrance A. Bialeschki, personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that he signed, sealed and delivered the said instrument as his free and voluntary act for the uses and purposes therein set forth.

GIVEN under my hand and official seal, this 29th day of August 2017.



Teri Andel
Notary Public