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Recording Cover Sheet

2017R21341

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CHAMPAIGN COUNTY

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PAGES 7

PLAT ACT: OPLAT PAGE:

AN ORDINANCE APPROVING A FIRST AMENDMENT
TO AN ANNEXATION AGREEMENT (1901 S. High
Cross Road/ Riggs Land Holdings, LLC and
Charles L. Wendling) [Ord. No. 2017-10-
063]

*AMENDMENT NO. 1 TO ANNEXATION AGREEMENT

Prepared for recording by:

Kay Meharry, Adm. Asst.

400 S. Vine Street, Urbana, IL 61801

(G)

Return to:

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

Passed: November 6, 2017

Signed: November 8, 2017

FILED

NOV 13 2017

Angie Miller
CHAMPAIGN COUNTY CLERK

ORDINANCE NO. 2017-10-063

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

(1901 S. High Cross Road | Riggs Land Holdings, LLC and Charles L. Wendling)

WHEREAS, on March 31, 2005, the City of Urbana (“City”), pursuant to Ordinance No. 2005-03-036, entered into an annexation agreement with Wendl, Inc. for a tract totaling approximately 20.76 acres and generally located at 1901 South High Cross Road; and

WHEREAS, such tract subsequently was annexed into the City, subdivided into three parcels, and transferred to new owners; and

WHEREAS, Riggs Land Holdings, LLC (“Riggs”) is the new owner of the parcels with permanent index numbers 93-21-22-280-002 and 93-21-22-280-003, and Charles L. Wendling (“Wendling”) is the new owner of the parcel with permanent index number 93-21-22-280-004; and

WHEREAS, Riggs, Wendling, and the City have determined that the best interests of all parties are served by making and entering into an amendment to said agreement as herein provided; and

WHEREAS, on September 22, 2017, the City Clerk duly published notice in *The News-Gazette*, a newspaper having general circulation in the City of Urbana, Illinois, that a public hearing would be held before the Urbana City Council on the matter of the proposed amendment on October 9, 2017; and

WHEREAS, on October 12, 2017, the City Clerk mailed notice of the public hearing to each of the Trustees of the Philo Fire Protection District, each Board of Urbana Township Trustee, and the Urbana Township Clerk, Supervisor, and Commissioner of Highways; and

WHEREAS, on October 9, 2017, and October 23, 2017, the Urbana City Council held a public hearing on the proposed amendment; and

WHEREAS, the City Council has determined that the proposed amendment 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 amendment 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.

Amendment No. 1 to "T.K. Wendl's" Annexation Agreement between Riggs Land Holdings, LLC, Charles L. Wendling, and the City of Urbana, Illinois, 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.

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 as so authorized and approved for and on behalf of the City of Urbana, Illinois.

Section 3.

The City Clerk is authorized and directed to record in the Office of the Recorder of Deeds and to file with the Champaign County Clerk a certified copy of this Ordinance.

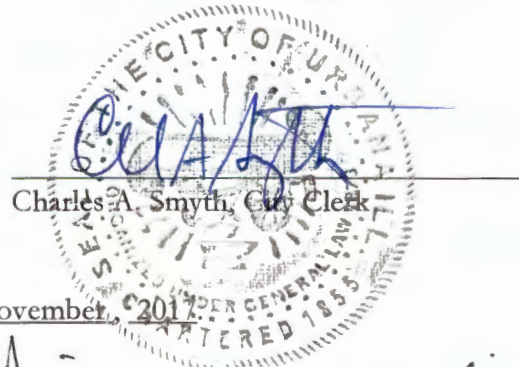
This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called, of two-thirds of the corporate authorities then holding office (6 of 8 votes) of the City of Urbana, Illinois, at a meeting of the corporate authorities.

PASSED BY THE CITY COUNCIL this 6th day of November, 2017.

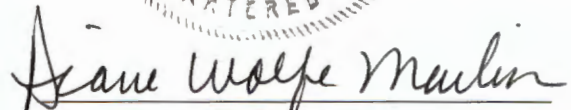
AYES: Ammons, Brown, Hazen, Jakobsson, Miller, Roberts, Wu

NAYS:

ABSTENTIONS:


Charles A. Smyth, City Clerk

APPROVED BY THE MAYOR this 8th day of November, 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

Mail recorded document to:

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

City of Urbana – Champaign County

AMENDMENT NO. 1 TO “T.K. WENDL’S” ANNEXATION AGREEMENT

Riggs Land Holdings, LLC
1901 South High Cross Road
Urbana, IL 61802-7843

Charles L. Wendling
437 County Road 2200 East
Broadlands, IL 61816-9728

AMENDMENT NO. 1 TO "T.K. WENDL'S" ANNEXATION AGREEMENT

Riggs Land Holdings, LLC, the current owner of real estate parcels with permanent index numbers 93-21-22-280-002 and 93-21-22-280-003, Charles L. Wendling, the current owner of a real estate parcel with permanent index number 93-21-22-280-004 (collectively, the "Owner") and the City of Urbana (the "Corporate Authorities") mutually agree to the following amendment to the Annexation Agreement authorized by Ordinance No. 2005-03-036 and entered into between Wendl, Inc. and the Corporate Authorities on March 31, 2005:

1. Article I, "Representations and Obligations of the Owner," Section 5, is hereby replaced in its entirety by the following:

Section 5: The Owner shall comply with Urbana City Code Chapter 14, "Licenses and Permits," Article II, "Public Events," as amended from time to time.

2. Article I, "Representations and Obligations of the Owner," Section 6, is hereby replaced in its entirety by the following:

Section 6: The Owner shall comply with Urbana Zoning Ordinance Section VI-8, "Outdoor Lighting Standards," as amended from time to time. Violation of this Section shall result in a delay of the tax rebate provisions included in Article II, Section 7 of this Agreement and may further be deemed a violation of the City's Zoning Ordinance provisions protecting residential areas from intrusive lighting.

3. Exhibit D, "Site Plan Showing Special Events Area" and Exhibit E, "Special Events Policy," are hereby deleted in their entirety.

4. The parties may sign this amendment in one or more counterparts, each of which will be deemed an original, but all of which together will constitute one and the same instrument. Signatures delivered by email in Adobe Portable Document Format (PDF) or by facsimile will be deemed original signatures for all purposes.

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

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



City of Urbana
400 South Vine Street
Urbana, IL 61801

CLERK'S CERTIFICATE

STATE OF ILLINOIS)
) SS
COUNTY OF CHAMPAIGN)

I, CHARLES A. SMYTH, City Clerk of the City of Urbana, Illinois, and keeper of the records, files and seal of said City, do hereby certify that the foregoing is a true and exact copy of an ordinance entitled:

“AN ORDINANCE APPROVING A FIRST AMENDMENT TO AN ANNEXATION AGREEMENT” (1901 S. HIGH CROSS ROAD / RIGGS LAND HOLDINGS, LLC AND CHARLES L. WENDLING – CASE NO. 2017-A-04) [ORD. 2017-10-063].

Adopted by the City Council of the City of Urbana, Illinois, on the 6th day of November, AD, 2017, as it appears in the records and files in my office remaining.

Given under my hand and seal of said City of Urbana, Illinois, this 8th day of November, AD, 2017.



Charles A. Smyth, City Clerk

