

RESOLUTION NO. 7879-R63

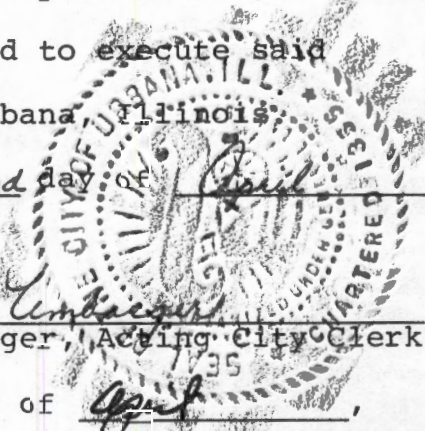
A RESOLUTION APPROVING AND AUTHORIZING  
THE EXECUTION OF AN AGREEMENT RELATIVE TO SPECIAL  
SERVICE AREA NUMBER TWO OF THE CITY OF  
URBANA, ILLINOIS AND LOCAL IMPROVEMENT PROJECT 186-CS

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF URBANA,  
ILLINOIS, as follows:

Section 1. That "An Agreement Relative to Special  
Service Area Number Two of the City of Urbana, Illinois and  
Local Improvement Project 186-CS", a copy of which said Agreement  
is attached hereto and incorporated by reference, be and the same  
is hereby approved.

Section 2. That the Mayor of the City of Urbana,  
Illinois, be and the same is hereby authorized to execute said  
Agreement for and on behalf of the City of Urbana, Illinois;

PASSED by the City Council this 2nd day of April,  
1979.

  
Beverly Umbarger  
Beverly Umbarger, Acting City Clerk

APPROVED by the Mayor this 9<sup>th</sup> day of April,  
1979.

Jeffrey T. Markland  
Jeffrey T. Markland, Mayor

AN AGREEMENT RELATIVE TO SPECIAL  
SERVICE AREA NUMBER TWO OF THE CITY OF  
URBANA, ILLINOIS AND LOCAL IMPROVEMENT PROJECT 186-CS

THIS AGREEMENT, made and entered into as of the \_\_\_\_\_ day of \_\_\_\_\_, 1979, by and between the CITY OF URBANA, ILLINOIS, a Municipal Corporation of the State of Illinois, hereinafter referred to as the "City", and FIRST NATIONAL BANK IN CHAMPAIGN, as Trustee under a Trust Agreement known as Trust No. 596, FINANCIAL PROPERTIES INC., BUSEY FIRST NATIONAL BANK, as Trustee under a Trust Agreement known as Trust No. 274, CHAMPAIGN NATIONAL BANK, as Trustee under a Trust Agreement known as Trust No. 032-561-003, BUSEY FIRST NATIONAL BANK, as Trustee under a Trust Agreement known as Trust No. 1-414, BUSEY FIRST NATIONAL BANK, as Trustee under a Trust Agreement known as Trust No. 1-444, BUSEY FIRST NATIONAL BANK, as Trustee under a Trust Agreement known as Trust No. 1-555, CHAMPAIGN LOAN & BUILDING ASSOCIATION, FIRST NATIONAL BANK IN CHAMPAIGN, as Trustee under a Trust Agreement known as Trust No. 404, and DOUGLAS G. KURASEK, JERRY A. KURASEK and KEVIN MARTINDALE, and all beneficial interest holders under said trusts, and all of said parties successors and transferees, hereinafter referred to as "Property Owners".

W I T N E S S E T H:

WHEREAS, the City Council of the City of Urbana, Illinois, by Ordinance Number 7677-25, entitled, "An Ordinance Establishing City of Urbana Special Service Area Number Two", which said Ordinance was passed by the City Council on the 7th day of September, 1976, and approved by the Mayor on the 8th day of September, 1976, established a special service area to be known and designated as Special Service Area Number Two of the City of Urbana, Illinois, to pay part of the costs of construction of local improvement project 186-CS, which said local improvement project involved the improvement at the intersection of Philo Road and Florida Avenue and extended generally in each direction from said intersection, and other public improvements to date which have included construction of sidewalks, streetlighting and landscaping; and

WHEREAS, the said Special Service Area Number Two of the City of Urbana, Illinois was so established to consist of certain territory more particularly described in Exhibit A of this Agreement; and

WHEREAS, The First National Bank in Champaign, a National Banking Association, as Trustee of its Trust Number 404, which is the owner of property within the boundaries of the said Special Service Area Number Two, has, on the 20th day of October, 1976, commenced an action as Plaintiff in the Circuit Court of the Sixth Judicial Circuit, Champaign County, Illinois, under Docket Number 76-C-1045, seeking, among other things, to have the said Ordinance Number 767725 declared wholly void and of no force and effect; and,

WHEREAS, The Busey First National Bank, a National Banking Association, as Trustee of its Trust Number 1-414, which is the owner of property within the boundaries of the said Special Service Area Number Two, has, on the 24th day of February, 1977, commenced an action as Plaintiff in the Circuit Court of the Sixth Judicial Circuit, Champaign County, Illinois, under Docket Number 77-C-156, seeking, among other things, to have the said Ordinance Number 7677-25 declared wholly void and of no force and effect; and,

WHEREAS, included in the said Special Service Area is real estate of the Property Owners,

NOW, THEREFORE, for and in consideration of the amounts herein-after set forth and the mutual promises made to each other, the parties hereby do mutually covenant and agree as follows:

Section 1. The City agrees to refrain from levying, assessing or otherwise collecting costs of construction, or imposing any tax or assessment, related to the costs of construction of all existing public improvements except as listed on the attached Exhibit C, existing within fourteen hundred feet of the intersection of Philo Road and Florida Avenue in Urbana, Illinois, including local improvement project 186-CS, against or upon the real estate described in Exhibit B and Property Owners thereof. The acceptance by the City of the amount hereinafter set forth shall be in full compromise settlement and satisfaction of, and as sole consideration for the final release and discharge of, all actions, claims and demands whatsoever, that now exist,

or may hereafter accrue, against those said described properties in conjunction with all costs of construction of the said local improvement projects.

It is specifically recognized and agreed by and between the parties to this Agreement, however, that the City hereby reserves and does not in any manner waive any and all rights and authority that may now exist or hereafter accrue to levy, assess, or otherwise impose and collect any tax or assessment as listed on the attached Exhibit C, and in conjunction with the costs of construction of the said Local Improvement Project 186-CS upon any and all properties except those described in Exhibit B. The City agrees to indemnify and save harmless, including attorney fees and costs, the real estate described in Exhibit B, and the Property Owners thereof, from and against all actions, claims and demands whatsoever, that now exist or may hereafter accrue for all public improvements located within fourteen hundred feet of the intersection of Philo Road and Florida Avenue in Urbana, Illinois, in existence as of this date, to include all costs of construction of the said Local Improvement Project 186-CS, and excepting those projects listed on the attached Exhibit C.

Section 2. Property Owners hereby agree to pay to the City, upon execution and delivery of this Agreement, the sum of One Hundred Fifty Thousand Dollars (\$150,000.00).

Section 3. The parties to this Agreement further recognize and agree that this Agreement shall likewise serve as an agreement of compromise and settlement to the legal actions heretofore filed in the Circuit Court, Champaign County, Illinois, under Docket Number 76-C-1045 and Docket Number 77-C-156, and that those two (2) said legal actions shall be forthwith dismissed with prejudice following the execution of this Agreement; and that all previous agreements relating to said public improvements between the parties are settled, compromised and included in this agreement.

Section 4. This instrument may be pleaded as a complete and full satisfaction and release of all claims of the City of Urbana and any party claiming through the City of Urbana against the real estate described in Exhibit B, and the Property Owners thereof, for all matters compromised and settled by the terms hereof.

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed as of the day and year first written above.

CLIVE FOLLMER

CITY OF URBANA, ILLINOIS

Clive Follmer, As Attorney and Authorized Agent for FIRST NATIONAL BANK IN CHAMPAIGN, as Trustee under a Trust Agreement known as Trust No. 596, FINANCIAL PROPERTIES, INC., BUSEY FIRST NATIONAL BANK, as Trustee under a Trust Agreement known as Trust No. 274, CHAMPAIGN NATIONAL BANK, as Trustee under a Trust Agreement known as Trust No. 032-561-003, BUSEY FIRST NATIONAL BANK, as Trustee under a Trust Agreement known as Trust No. 1-414, BUSEY FIRST NATIONAL BANK, as Trustee under a Trust Agreement known as Trust No. 1-444, BUSEY FIRST NATIONAL BANK, as Trustee under a Trust Agreement known as Trust No. 1-555, and CHAMPAIGN LOAN & BUILDING ASSOCIATION.

By: Jeffrey T. Markland  
Jeffrey T. Markland, Mayor

ATTEST:

Beverly Umbarger,  
Acting City Clerk

JOHN C. HIRSCHFELD

John C. Hirschfeld, as Attorney and Authorized Agent for FIRST NATIONAL BANK IN CHAMPAIGN, as Trustee under a Trust Agreement known as Trust No. 404 and DOUGLAS G. KURASEK, JERRY A. KURASEK and KEVIN MARTINDALE.

EXHIBIT A ATTACHMENT TO: AN AGREEMENT RELATIVE TO SPECIAL SERVICE AREA  
NUMBER TWO OF THE CITY OF URBANA, ILLINOIS AND  
LOCAL IMPROVEMENT PROJECT 186-CS

Beginning at the Northwest corner of Lot 75 of Fairlawn Park Sixth Addition in Section 16, Township 19 North, Range 9 East of the Third Principal Meridian; thence Southerly along the east right-of-way line of Cottage Grove Avenue across Florida Avenue to a point 412 feet south of the North line of Section 21; thence easterly along a line parallel to the North line of the Northwest Quarter of Section 21 to a point 600 feet west of the east line of the Northwest Quarter of Section 21; thence southerly along a line parallel to the east line of the Northwest Quarter of Section 21 to a point 677.35 feet south of the north line of the Northwest Quarter of Section 21; thence easterly along a line parallel to the north line of the Northwest Quarter of Section 21 to the east line of the Northwest Quarter of Section 21; thence along the west line of the Northeast Quarter of Section 21 to a point 660 feet from the Southwest corner of the Northwest Quarter of the Northeast Quarter of Section 21; thence easterly along a line parallel to the southline of the Northeast Quarter of Section 21 to a point 520 feet west of the east line of the Northwest Quarter of the Northeast Quarter of Section 21; thence northerly to the Southwest corner of the east 520 feet of the north 480 feet of the Northwest Quarter of the Northeast Quarter of Section 21; thence easterly along a line parallel to the north line of the Northeast Quarter of Section 21 to the southeast corner of the north 480 feet of the Northwest Quarter of the Northeast Quarter of Section 21; thence northerly along the east line of the Northwest Quarter of the Northeast Quarter of Section 21 to the south right-of-way line of Florida Avenue; thence easterly along the south right-of-way of Florida Avenue to the point of intersection with the eastern line extended of Lot 4 of Weller's Lincolnwood Manor; thence northerly along the eastern line extended of said Lot 4 to the Southeast corner of said Lot 4; thence northerly along the eastern line of said Lot 4 to the northeast corner of said Lot 4; thence westerly along the northern lines of Lots 4 and 1 of Weller's Lincolnwood Manor, to the northwest corner of said Lot 1; thence southerly along the western line extended of said Lot 1 to the southeast corner of Lot 12, Block 17 of Champaign-Urbana Amvets Subdivision; thence westerly along the southern line of Champaign-Urbana Amvets Subdivision to the southwest corner of Lot 5, Block 16 of Champaign-Urbana Amvets Subdivision; thence northerly along the western line of Block 16 of Champaign-Urbana Amvets Subdivision to the northwest corner of Lot 1 of said Block 16; thence westerly along the southern line extended of Block 15 of Champaign-Urbana Amvets Subdivision to a point on the east right-of-way line of Philo Road; thence southerly along the east right-of-way line of Philo Road to the point of intersection with the Northern line extended of Lot 88 of Fairlawn Park Sixth Addition; thence westerly along the northern line extended of Lot 88 of Fairlawn Park Sixth Addition to the northwest corner of Lot 88; thence westerly along the northern lines of Lots 89, 90, 91, 92, 93, 94, 95, 96, 97 and 98 of Fairlawn Park Sixth Addition to the northwest corner of said Lot 98; thence southerly along the western line of said Lot 98 to the point of intersection with the northern line extended of Lot 67 of Fairlawn Park Sixth Addition; thence westerly along the northern line extended of said Lot 67 to the northwest corner of said Lot 67; thence westerly along the northern lines of Lots 68, 69, 70, 71, 72, 73, and 75 of Fairlawn Park Sixth Addition to the northwest corner of said Lot 75, said corner of Lot 75 being the point of beginning.

All located in Sections 16 and 21 of Township 19 North, Range 9 East of the Third Principal Meridian, Champaign County, Illinois.

EXHIBIT B ATTACHMENT TO: AN AGREEMENT RELATIVE TO SPECIAL SERVICE AREA  
NUMBER TWO OF THE CITY OF URBANA, ILLINOIS AND  
LOCAL IMPROVEMENT PROJECT 186-CS

The South 360 feet of the West 390 feet of the Southeast  
Quarter of Section 16, Township 19 North, Range 9 East of  
the Third Principal Meridian, Champaign County, Illinois;

and all real estate located south of the south line of said  
Section 16, Township 19 North, Range 9 East of the Third  
Principal Meridian, Champaign County, Illinois, except the  
North 190 feet of the East 190 feet of the Northeast Quarter  
of the Northwest Quarter of Section 21, Township 19 North,  
Range 9 East of the Third Principal Meridian, Champaign County,  
Illinois.

EXHIBIT C ATTACHMENT TO: AN AGREEMENT RELATIVE TO SPECIAL SERVICE  
AREA NUMBER TWO OF THE CITY OF URBANA,  
ILLINOIS AND LOCAL IMPROVEMENT PROJECT 186-CS

EXCEPTED LOCAL IMPROVEMENT PROJECTS

- 289 Amvet S. S. (Sanitary Sewer)
- 137 C.S. Amvets Pavement (Street)
- 169 Ord. Philo Road Sidewalk