

RESOLUTION

WHEREAS, Paul Tatman and Cody Abbott, owners of a certain parcel of real estate, have submitted a proposed Annexation Agreement to the City of Urbana, and,

WHEREAS, notice of a public hearing thereon was published in the newspaper of general circulation in the City of Urbana on February 9, 1977, and

WHEREAS, a joint public hearing of the City Council of the City of Urbana and the Urbana Plan Commission was held on February 24, 1977, and

WHEREAS, in Plan Commission Case No. 1002 the Urbana Plan Commission recommended to the City Council that with respect to the rezoning matter contained in the Petition, they recommended that it be approved provided the Agreement be amended to require the owners to provide the City with certified engineering plans of the proposed parking lot, which said plans should provide reasonable assurance that the proposed parking lot will not cause water runoff damage to the surrounding property.

THEREFORE BE IT RESOLVED:

1. That the City Council of the City of Urbana herewith and hereby approves the attached Annexation Agreement, and
2. That the Mayor of the City of Urbana is authorized to execute the said Agreement on behalf of the City of Urbana.

PASSED by the City Council this 21st day of March, 1977.

Duane Eckerty
Duane Eckerty, City Clerk

APPROVED by the Mayor this 28 day of March, 1977.

Hiram Paley
Hiram Paley, Mayor



7677 1.1

ANNEXATION AGREEMENT

THIS AGREEMENT, made and entered into this 10 day of July, 1977, by and between the City of Urbana, Illinois (hereinafter referred to collectively as the "Corporate Authorities"), and Paul Tatman and Cody Abbott, (hereinafter referred to collectively as "owners").

WITNESSETH:

WHEREAS, Paul Tatman and Cody Abbott are the owners of record of certain real estate, the legal description of which is set forth in detail hereafter (which real estate is hereinafter referred to in its entirety as Parcel 2) and which real estate is contiguous to the corporate limits of the City of Urbana, and

WHEREAS, Parcel 2 is contiguous to and may be annexed to the City of Urbana, as provided in Article 7 of the Illinois Municipal Code (Chapter 24, Illinois Revised Statutes, 1975), and

WHEREAS, the Owners desire to have said Parcel 2 annexed to the City of Urbana upon certain terms and conditions hereinafter set forth, and

WHEREAS, the property herein described lies immediately adjacent to property already purchased by Owners and used by them for business purposes, and which, furthermore, has heretofore been annexed by the Corporate Authorities and rezoned to I-1, and

WHEREAS, Owners, to best utilize their total property, find it necessary and desirous that the real estate described herein be annexed and rezoned with the I-1 designation, as is their other property, for the following reasons:

A. Such annexation and rezoning shall ensure the receipt by the City of Urbana of any increased sales and real estate tax revenues accruing to the operation of the business;

B. It is clearly more appropriate and productive to have the total property used for business purposes zoned similarly; and

WHEREAS, the Corporate Authorities, after due and careful consideration, have concluded that the Annexation of said real estate to the City on the terms and conditions hereinafter set forth would further the growth of the City, assist the City in controlling the development of the area, and generally subserve the best interests of the City, and

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WHEREAS, pursuant to the provisions of Section 11-15, et seq., of the Illinois Municipal Code (Chapter 24, Illinois Revised Statutes, 1975), a proposed annexation agreement in substance and in form the same as this Agreement was submitted to the Corporate Authorities and a public hearing was held thereon pursuant to notice, as provided by statute, and

WHEREAS, pursuant to notice, as required by statute and ordinance, a joint public hearing was held on February 24, 1977, by the Planning Commission of the City and the City Council of the City of Urbana, on the requested zoning classification of Parcel 2, and recommendations made by said commission were submitted to the Corporate Authorities on March 21, 1977, and

WHEREAS, the Urbana City Council at its regular meeting of March 21, 1977, voted to approve the following Annexation Agreement and authorized the Mayor to execute same on behalf of the said City.

NOW, THEREFORE, in consideration of the premises and of the mutual covenants and agreements herein contained, IT IS HEREBY AGREED, AS FOLLOWS:

1. This Agreement is made, pursuant to and in accordance with the provision of Section 11-15, 1-1, et seq., of the Illinois Municipal Code (Chapter 24, Illinois Revised Statutes, 1973).

2. The Owners, upon execution of this Agreement, will file with the City Authorities a proper petition conditioned on the terms and provisions of this Agreement, to annex Parcel 2 to the City of Urbana. The legal description of Parcel 2 is as follows:

A part of Lot 2 of a Subdivision of the West Half (W 1/2) of the Northwest Quarter (NW 1/4) of said Section 9, Township 19 North, Range 9 East of the Third Principal Meridian, described as follows: Beginning at the Northeast corner of said Lot 2 and running thence West 184 feet, thence South 165 feet, thence East 184 feet to the East line of said Lot 2, thence North 165 feet on the East line of said Lot 2 to the place of beginning, all situated in Champaign County, Illinois.

3. The Corporate Authorities, upon the execution of this Agreement and upon the filing of a proper petition by the Owners, as hereinabove provided, will enact an ordinance annexing the real estate described in Exhibit A as Parcel 2 to the City.

4. Immediately after the passage and approval of the ordinance annexing the real estate described as Parcel 2, the Corporate Authorities shall cause to be adopted an Amendment to the City Zoning Ordinance, zoning and classifying such property as 1-1.

5. The Owners agree during the term of this Agreement, for themselves, their successors and assigns, not to develop or otherwise improve Parcel 2, except pursuant to and in accordance with those present provisions of the Urbana Zoning Ordinance relating to light industrial use, as set forth in Article IX of said Ordinance.

6. That Owners shall provide at their cost, certified engineering plans for the proposed parking lot which said plans shall reasonably insure that the proposed parking lot will not cause water runoff damage to surrounding property.

7. This Agreement shall be binding upon the parties hereto, their respective successors and assigns, for a full term of five (5) years commencing as of the date hereof, as provided by statute, and to the extent permitted thereby, it is agreed that in the event the annexation of Owner's real estate or the terms of this Agreement are challenged in any Court proceeding, the period of time during which such litigation is pending should not be included in calculating said five-year term.

IN WITNESS WHEREOF, the Corporate Authorities and Owners have hereunto set their hands and seals, and have caused this instrument to be executed by their duly authorized officials and the corporate seal affixed hereto, all on the day and year first above written.

CITY OF URBANA, ILLINOIS

Jim Salay
Mayor

3/28/77
Date

Paul Tatman
Paul Tatman

4-4-77
Date

Attest: *Duan Clute*
City Clerk

3/29/77
Date

Cody Abbott
Cody Abbott

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Date