



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: Laurel Lunt Prussing, Mayor

FROM: Elizabeth H. Tyler, FAICP, Director

DATE: March 6, 2014

SUBJECT: Annexation Petition for 3101 East Anthony Drive (Annexation Case 2014-A-04)

Introduction

Staff is requesting that the City Council consider the attached petition and ordinance to annex 3101 East Anthony Drive in the Wildberry Acres Subdivision into the Urbana corporate limits. The parcel to be annexed is a single-family lot owned by Patrick and Stephanie Funkhouser.

The parcel totals 0.788 acres in area, and an additional 1.052 acres of adjacent right-of-way will be annexed along with the tract. The petition fulfills an adopted annexation agreement between the City of Urbana and the developer of the six-lot Wildberry Acres Subdivision (See Exhibit C: Ordinance No. 9394-89, adopted April 18, 1994). Should the annexation of the subject properties be approved, the effective date of the annexation would be March 27, 2014 at noon.

Background

Edwin and Marylin Buxton, developers of Wildberry Acres Subdivision, voluntarily entered into an annexation agreement with the City in April 1994, shortly following the city's approval of the six-lot subdivision in December 1993. The annexation agreement encompasses 5.54 acres and is located to the northeast of the corporate limits of the City of Urbana, on the north side of Interstate 74. According to a December 16, 1993 Memorandum to City Council from April Getchius, as Secretary of the Urbana Plan Commission, the Buxton's had agreed to sign an annexation agreement even though they would not be connecting to a sanitary sewer.

According to an April 13, 1994 Council memorandum from April Getchius, the Annexation Agreement was recommended for approval because of its consistency with the intent of the intergovernmental agreements pertaining to annexation and with the goals of the 1982 Comprehensive Plan and the 1993 Extraterritorial Jurisdictional Area Plan, which pertained at the time. Among the policies of the 1982 Comprehensive Plan, was the following:

Policy 5.131 Encourage new residential development to occur contiguous to existing development and within municipal boundaries or in areas that can be annexed.

According to the Annexation Agreement, the obligation to annex shall be included in any sales contracts for land within the Tract and will constitute an obligation upon subsequent owners to annex in the City of Urbana. The provision governing annexation and future obligations shall be included in covenants and shall run with the land. The City was further obligated under the terms of the Agreement to annex said Tract. The annexation agreement was duly recorded by the Champaign County Recorder and should appear as part of due diligence for any real estate transaction.

Wildberry Acres became contiguous to the City when the final portion of Beringer Commons and adjacent I-74 right-of-way was annexed into the City on August 7, 2000. However, action on the annexation could not then take place due to City boundary changes arising from a lawsuit by the local fire district and an effort by surrounding townships to incorporate in the area. These matters have now been resolved. City staff have determined that the annexation requirement provision of the Wildberry Acres agreement may now take place since contiguity had been established along the western and southern edges of the subdivision, which touch the Interstate 74 right-of-way. In conformance with the agreement, City staff initiated the annexation process for the entire Wildberry Acres Subdivision in 2011. This formal process included sending an initial informational letter to all property owners, holding an informational meeting, and sending follow-up letters to property owners. Thus far, four of the six properties have been annexed. After this petition is acted upon there will be one remaining.

Discussion

A total of six properties are subject to annexation under the annexation agreements for Wildberry Acres Subdivision. 2911 East Anthony Drive was annexed into the city on January 31, 2014, and 3001, 3009, and 3103 East Anthony were annexed on February 27, 2014. After the current petition is approved there will be one property remaining to be annexed. The City of Urbana Legal Division is working to have the owner of the final property, 3005 East Anthony Drive, submit the last required annexation petition.

The 2005 Urbana Comprehensive Plan identifies the future land use for the Wildberry Acres Subdivision, including the subject property as "Rural Residential." The Wildberry Acres subdivision, including the property to be annexed, is currently zoned County AG-2, Agricultural, and would automatically convert to City AG, Agriculture District, upon annexation. This proposed zoning would be consistent with the single family residential use of the property and with the future land use designation of the subject properties.

Fiscal Impacts

Estimates of the property tax changes on the subject properties in the subdivision were provided to the property owners in a mailing on September 20, 2013. For all six properties in Wildberry Acres, an additional annual total increase of the following amounts would go to these taxing agencies:

| Taxing Body | Increased Annual Taxes from Wildberry Acres |
|----------------------|--|
| City of Urbana | \$3,605 |
| Urbana Park District | \$2,691 |
| Cunningham Township | \$ 576 |
| CU Public Health | \$ 309 |
| TOTAL | \$7,181 |

Recommendation

Staff recommends that the Committee of the Whole forward this petition and ordinance to the March 17, 2014 City Council meeting with a recommendation for approval. Annexation would become effective March 27, 2014 at noon.

Prepared by:

Jeffrey Engstrom, AICP, Planner II

Attachments: Draft Ordinances to Annex & Plat
 Exhibit A: Annexation Location Map
 Exhibit B: Annexation Petition submitted by the property owner
 Exhibit C: Wildberry Acres Annexation Agreement

cc: Patrick and Stephanie Funkhouser, 3101 E. Anthony Drive
 John Hall, Champaign County Planning and Zoning Department

ORDINANCE NO. 2014-03-026

AN ORDINANCE ANNEXING CERTAIN TERRITORY TO THE CITY OF URBANA

(3101 East Anthony Drive / Patrick and Stephanie Funkhouser)

WHEREAS, the hereinafter described territory is situated in unincorporated territory adjacent to and contiguous to the City of Urbana, Illinois, and is part of the Carroll Fire Protection District, and includes certain territory within Urbana Township; and

WHEREAS, a Notice was given to the Trustees of said Fire Protection District, the Board of Township Trustees, and the Township Commissioner of Highways, said notices being mailed on February 26, 2014 stating that this Ordinance would be voted upon at the regular meeting of this Council at 7:00 p.m., Monday, March 17, 2014; and

WHEREAS, a written petition signed by all of the Owners of Record and at least fifty-one percent (51%) of the electors residing therein, of all land within such territory, has been filed with the City Clerk of the City of Urbana, Illinois, requesting annexation thereof to the City of Urbana; and

WHEREAS, the City Council passed Ordinance No. 9394-89 on April 18, 1994, approving and authorizing the execution of annexation agreement pertaining to Wildberry Acres Subdivision; and

WHEREAS, the territory to be annexed by this Ordinance in Wildberry Acres Subdivision is presently located within Champaign County's AG-1, Agricultural Zoning District and upon annexation will be directly converted to City AG, Agriculture Zoning District; and

WHEREAS, it has been determined that said petitions comply with all requirements of the law therefore; and

WHEREAS, the majority of the Corporate Authorities are of the opinion that it would be for the best interests of the people of the City of Urbana, Illinois, that said territory be annexed to and made a part of the said City.

NOW, THEREFORE, BE IT ORDAINED BY THE CORPORATE AUTHORITIES OF THE CITY OF URBANA, ILLINOIS:

Section 1. That the following described real estate, be and the same are hereby annexed to the City of Urbana, Illinois:

A part of the Northeast Quarter of Section 10, Township 19 North, Range 9 East of the Third Principal Meridian, Champaign County, Illinois, being described as follows:

Lot 2 in Wildberry Acres Subdivision, as per plat recorded in Plat Book "BB" at page 285, situated in Champaign County, Illinois.

Said annexation containing 0.788 acres, more or less, all situated in Urbana Township, Illinois, being commonly known for reference as 3101 East Anthony Drive and also identified as Parcel Index Number 30-21-10-200-047.

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 this tract:

That portion of the Anthony Drive right-of-way lying adjacent to the herein annexed tract, being more particularly described as follows:

Beginning at the northwest corner of Lot 2 of Wildberry Acres Subdivision, as shown on a plat prepared by Edwin Dale Buxton, Illinois Professional Land Surveyor Number 1981, and recorded March 7, 1994 as Document Number 1994R06235 in the Office of the Recorder of Deeds, Champaign County, Illinois; thence, NORTH 01 DEGREES 07 MINUTES 20 SECONDS WEST, along the northerly extension of the west line of said Lot 2, a distance of 35.00 feet, to the northerly line of said Wildberry Acres Subdivision; thence, continuing NORTH 01 DEGREES 07 MINUTES 20 SECONDS WEST, along the northerly extension of the west line of said Lot 2, a distance of 33.00 feet, to the northerly right-of-way line of Anthony Drive; thence NORTH 88 DEGREES 52 MINUTES 37 SECONDS EAST, along said northerly right-of-way line, a distance of 50.00 feet, to the southerly extension of the west line of Lot 2 of Tichner's Subdivision, as shown on a plat recorded as Document Number 1986R10202 in Plat Book "AA" at page 36 in the Office of the Recorder of Deeds, Champaign County, Illinois; thence, NORTH 01 DEGREES 07 MINUTES 20 SECONDS WEST, along said southerly extension of the west line of Lot 2 of Tichner's Subdivision, a distance of 21.40 feet, to the southwest corner of said Lot 2 of Tichner's Subdivision; thence, NORTH 88 DEGREES 25 MINUTES 12 SECONDS EAST, along the southerly line of said Lot 2 of Tichner's Subdivision, a distance of 78.07 feet, to the southeasterly corner of said Lot 2 of Tichner's Subdivision; thence, SOUTH 14 DEGREES 49 MINUTES 04 SECONDS EAST, a distance of 92.65 feet, to the northeast corner of said Lot 2 of Wildberry Acres Subdivision; thence, SOUTH 88 DEGREES 52 MINUTES 37 SECONDS WEST, along the northerly line of said Lot 2, a distance of 150.00 feet, to the point of beginning, having an area of 0.261 acres, more or less.

Also;

That portion of the Federal Aid Interstate 05 (Interstate 74) right-of-way lying adjacent to the herein annexed tract, containing 0.791 acres, more or less.

Said territory lies within the boundaries of the Carroll Fire Protection District and Urbana Township, and is contiguous to the City of Urbana, Illinois.

Section 2. That the City Clerk be authorized and directed to record a certified copy of this Ordinance together with an accurate map of the territory herein above described in the Recorder's Office of Champaign County, Illinois.

Section 3. The Zoning Ordinance of the City of Urbana, Illinois, and the Zoning Map of Urbana, Illinois, are hereby amended to classify the real property herein annexed as AG, Agriculture District.

Section 4. The territory annexed herein is assigned to City of Urbana Ward 5.

Section 5. To avoid uncertainty regarding public safety responsibilities concerning the property herein annexed, this Ordinance shall take effect at noon on the 27th day of March, 2014 following its passage by the Urbana City Council.

PASSED by the Urbana Corporate Authorities this _____ day of _____, 2014.

AYES:

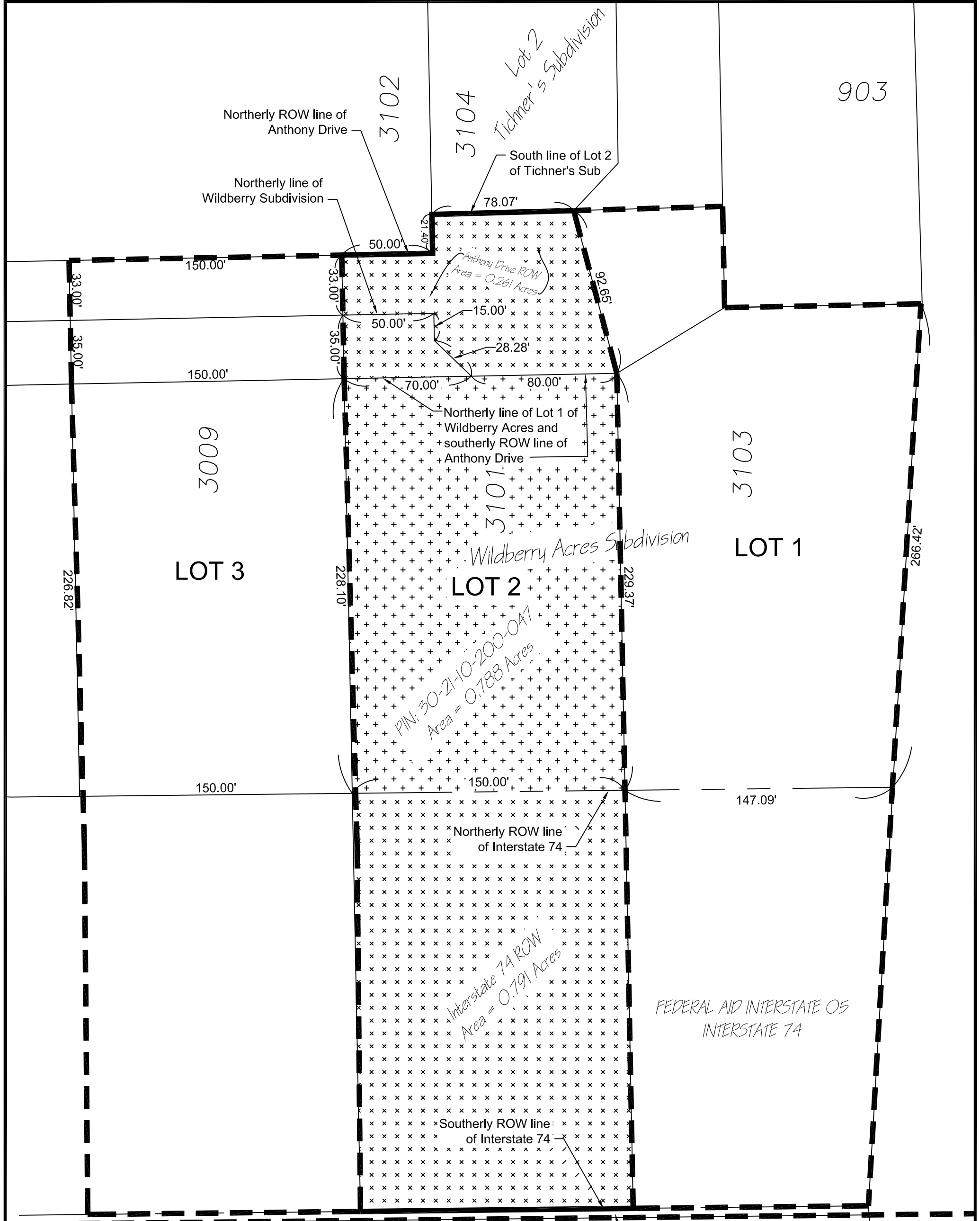
NAYS:

ABSTAINS:

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this _____ day of _____, 2014.

Laurel Lunt Prussing, Mayor



3102
3104
903
3103
3009
LOT 3
LOT 2
LOT 1

Northerly ROW line of Anthony Drive
Northerly line of Wildberry Subdivision
78.07'
50.00'
21.40'
33.00'
150.00'
50.00'
15.00'
28.28'

Anthony Drive ROW
Area = 0.261 Acres
Northerly line of Lot 1 of Wildberry Acres and southerly ROW line of Anthony Drive
70.00'
80.00'

Wildberry Acres Subdivision
PIN: 30-21-10-200-047
Area = 0.788 Acres
228.10'
229.37'
150.00'

Northerly ROW line of Interstate 74
Interstate 74 ROW
Area = 0.791 Acres
147.09'

Southerly ROW line of Interstate 74
FEDERAL AID INTERSTATE 05
INTERSTATE 74
266.42'

Beringer Commons Subdivision No. 5
Outlot 500C in Beringer Commons Subdivision No. 5

Scale: 1"=50'

MAP SHOWING AREA ANNEXED BY CITY ORDINANCE #2014-XX-XXX
CITY OF URBANA, CHAMPAIGN COUNTY, ILLINOIS
DATE: March XX, 2014

| | |
|----------------------|------|
| AREA OF ANNEXATION | |
| EXISTING CITY LIMITS | |
| NEW CITY LIMITS | |
| RIGHT OF WAY LINE | |
| PROPERTY ADDRESS | 2702 |
| LOT NUMBER | 416 |

ENGINEERING DIVISION

CITY ENGINEER/PUBLIC WORKS DIRECTOR

DRAWN BY: B.W.F. 2/3/2014
CHECKED: W.R.G. 2/28/2014

Page 1 of 2

A part of the Northeast Quarter of Section 10, Township 19 North, Range 9 East of the Third Principal Meridian, Champaign County, Illinois, being described as follows:

Lot 2 in Wildberry Acres Subdivision, as per plat recorded in Plat Book "BB" at page 285, situated in Champaign County, Illinois.

Said annexation containing 0.788 acres, more or less, all situated in Urbana Township, Illinois, being commonly known for reference as 3101 East Anthony Drive and also identified as Parcel Index Number 30-21-10-200-047.

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 this tract:

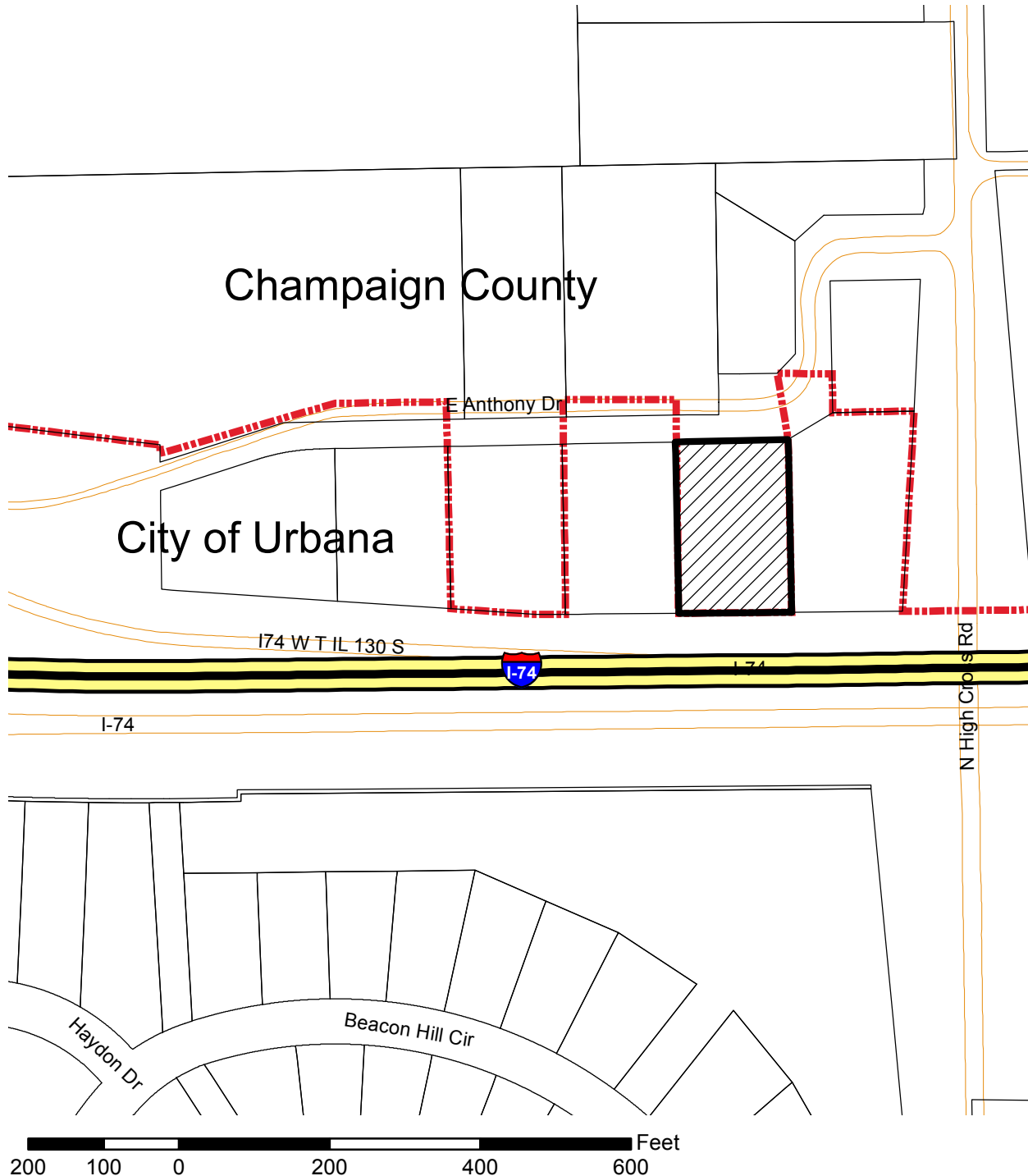
That portion of the Anthony Drive right-of-way lying adjacent to the herein annexed tract, being more particularly described as follows:

Beginning at the northwest corner of Lot 2 of Wildberry Acres Subdivision, as shown on a plat prepared by Edwin Dale Buxton, Illinois Professional Land Surveyor Number 1981, and recorded March 7, 1994 as Document Number 1994R06235 in the Office of the Recorder of Deeds, Champaign County, Illinois; thence, NORTH 01 DEGREES 07 MINUTES 20 SECONDS WEST, along the northerly extension of the west line of said Lot 2, a distance of 35.00 feet, to the northerly line of said Wildberry Acres Subdivision; thence, continuing NORTH 01 DEGREES 07 MINUTES 20 SECONDS WEST, along the northerly extension of the west line of said Lot 2, a distance of 33.00 feet, to the northerly right-of-way line of Anthony Drive; thence NORTH 88 DEGREES 52 MINUTES 37 SECONDS EAST, along said northerly right-of-way line, a distance of 50.00 feet, to the southerly extension of the west line of Lot 2 of Tichner's Subdivision, as shown on a plat recorded as Document Number 1986R10202 in Plat Book "AA" at page 36 in the Office of the Recorder of Deeds, Champaign County, Illinois; thence, NORTH 01 DEGREES 07 MINUTES 20 SECONDS WEST, along said southerly extension of the west line of Lot 2 of Tichner's Subdivision, a distance of 21.40 feet, to the southwest corner of said Lot 2 of Tichner's Subdivision; thence, NORTH 88 DEGREES 25 MINUTES 12 SECONDS EAST, along the southerly line of said Lot 2 of Tichner's Subdivision, a distance of 78.07 feet, to the southeasterly corner of said Lot 2 of Tichner's Subdivision; thence, SOUTH 14 DEGREES 49 MINUTES 04 SECONDS EAST, a distance of 92.65 feet, to the northeast corner of said Lot 2 of Wildberry Acres Subdivision; thence, SOUTH 88 DEGREES 52 MINUTES 37 SECONDS WEST, along the northerly line of said Lot 2, a distance of 150.00 feet, to the point of beginning, having an area of 0.261 acres, more or less.

Also;

That portion of the Federal Aid Interstate 05 (Interstate 74) right-of-way lying adjacent to the herein annexed tract, containing 0.791 acres, more or less.

Exhibit A: Location Map



Case: 2014-A-04
Subject: Annexation Petition
Location: 3101 East Anthony Drive, Urbana
Petitioner: Patrick and Stephanie Funkhouser



Subject Property



Urbana Corporate Limits

Petition for Annexation
To
THE CITY COUNCIL OF THE CITY OF URBANA
CHAMPAIGN COUNTY, ILLINOIS

The Petitioner, Patrick M. Funkhouser, respectfully states under oath:

1. Petitioner is the sole owner of record of the following legally described tract of land, except any public right-of-way property to wit:

Lot 2 in Wildberry Acres, as per plat recorded in Plat Book "BB" at Page 285,
situated in Champaign County, Illinois.

Parcel No. 30-21-10-200-047

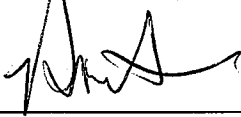
Address: 3101 E. Anthony Drive, Urbana, IL 61802-7781

2. Said Tract is not situated within the corporate limits of any municipality, but is contiguous to the City of Urbana, Illinois at the time of annexation.
3. At least fifty-one percent (51%) of all electors (registered voters) residing in said tract have signed this petition.

PETITIONER RESPECTFULLY REQUESTS:

1. That said Tract described above herein be annexed to the City of Urbana, Illinois pursuant to Section 5/7-1-8 of the Municipal Code of the State of Illinois, as amended (65 ILCS 5/7-1-8).
2. That said Tract be annexed in accordance with the terms of the annexation agreement passed by the Urbana City Council on April 18, 1994, as Ordinance No. 9394-89 and approved by the Mayor of the City of Urbana.

Owner:

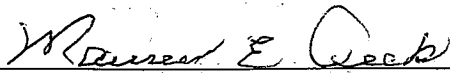


Patrick M. Funkhouser

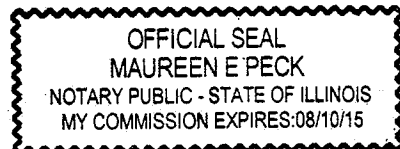
02/10/14

Date

Subscribed and sworn to before me this 10 day of Feb., 2014.



Notary Public



The undersigned, being electors (registered voters) residing in said Tract, respectfully state under oath:

1. I am currently registered to vote in Champaign County, Illinois, and currently reside in said Tract.
2. I have read and understand the petition to annex said Tract and hereby and herewith join in the petition for annexation of said Tract to the City of Urbana.

ELECTORS:

| SIGNATURE | ADDRESS (PLEASE PRINT) |
|---|---|
| 1. <u><i>Stephanie A. Funkhouser</i></u> Stephanie A. Funkhouser | <u>3101 E. Anthony Dr. Urbana, IL</u> <u>61802</u> |
| 2. _____ | _____ |
| 3. _____ | _____ |
| 4. _____ | _____ |

COUNTY OF CHAMPAIGN)
) SS
 STATE OF ILLINOIS)

I, *Maureen E Peck*, Notary Public in the aforesaid County and State, do hereby certify that each of the persons who signed this petition personally appeared before me and acknowledged that they signed the said petition as their free and voluntary act for the uses and purposes set forth therein.

Maureen E Peck
 Notary Public



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EXHIBIT C

DOC # _____
CHAMPAIGN COUNTY, ILL

CLERK'S CERTIFICATE

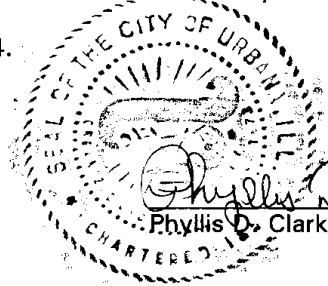
'94 MAY 20 PM 2 26

Neomi D. Jakobson
RECORDER

STATE OF ILLINOIS)
) SS
COUNTY OF CHAMPAIGN)

I, Phyllis D. Clark, 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 AND AUTHORIZING THE EXECUTION OF AN ANNEXATION AGREEMENT (Edwin and Marilyn Buxton)" adopted by the City Council of the City of Urbana, Illinois, on the 18th day of April, A.D. 1994, as appears in the records and files in my office remaining.

Given under my hand and seal of said City of Urbana, Illinois, this 20th day of May, A.D. 1994.



Phyllis D. Clark
Phyllis D. Clark, City Clerk

Return to:
Phyllis D. Clark
400 S. Vine
Urbana, IL 61801

AN ORDINANCE APPROVING AND AUTHORIZING
THE EXECUTION OF AN ANNEXATION AGREEMENT

Edwin and Marilyn Buxton

WHEREAS, an Annexation Agreement between the City of Urbana, Illinois and Edwin and Marilyn Buxton has been submitted for the Urbana City Council's consideration, a copy of which is attached; and

WHEREAS, said agreement governs tract totalling approximately 5.54 acres located immediately north of Interstate 74 and west of High Cross Road and said tract is legally described as follows:

A part of the south 1/2 of the south 1/2 of the northeast 1/4 of Section 10. Township 19 north, Range 9 east of the third principal meridian, as shown on the subdivision plat of Wildberry Acres, prepared by Edwin D. Buxton, Illinois Professional Land Surveyor #1981, and recorded in Plat Book 1950 at page 0442, in the Office of the Recorder, Champaign County, Illinois, being described as follows:

Commencing at a chiseled "x" survey monument found at the southeast corner of the northeast 1/4 of Section 10, Township 19 north, Range 9 east of the third principal meridian, Champaign County Illinois; thence north $00^{\circ} 18' 03''$ west, as referenced from an Illinois Department of Transportation right-of-way survey for federal aid Interstate Route 808 (Illinois Route 130) dated August 20, 1985, along the east line of the northeast 1/4 of said Section 10, a distance of 330.82 feet to an iron pipe survey monument found at the northeast corner of the south 1/2 of the south 1/2 of the southeast 1/4 of the northeast 1/4 of said section 10; thence south $88^{\circ} 52' 37''$ west along the north line of the south 1/2 of the south 1/2 of the southeast 1/4 of the northeast 1/4 of said Section 10. A distance of 60,000 feet to an iron pipe survey monument found on the westerly right-of-way line of High Cross Road (Township Road 1600E) for the point of beginning; thence south $03^{\circ} 22' 44''$ west along the westerly right-of-way line of said High Cross Township Road (1600E). A distance of 266.42 feet to the northerly right-of-way line of federal aid Interstate Route 05 (Interstate Route 74) to an iron pipe survey monument set; thence south $89^{\circ} 21' 42''$ west along the northerly right-of-way line of said federal aid Interstate Route 05 (Interstate Route 74). A distance of 485.01 feet to a chiseled "x" survey monument found on an existing concrete right-of-way marker; thence north $86^{\circ} 01' 36''$ west along the northerly right-of-way line of said federal aid Interstate Route 05 (Interstate Route 74). A distance of 497.51 feet to an iron pipe survey monument found at a jog in the northerly right-of-way line of said federal aid Interstate Route 05 (Interstate Route 74); thence north $0^{\circ} 38' 18''$ west

along the jog in the northerly right-of-way line of said federal aid Interstate Route 05 (Interstate Route 74). A distance of 173.50 feet to an iron pipe survey monument found on the north side of Anthony Drive; thence north 72° 12'11" east along said Anthony Drive. A distance of 152.70 feet to an iron pipe survey monument found on the north line of the south 1/2 of the south 1/2 of the southeast 1/4 of the northeast 1/4 of said Section 10; thence north 88° 52'37" east along the north line of the south 1/2 of the south 1/2 of the southeast 1/4 of the northeast 1/4 of said Section 10. A distance of 585.71 feet to an iron pipe survey monument found on the west line of an Illinois Department of Transportation right-of way acquisition for Anthony Drive; thence south 01° 07'29" east along the southerly right-of-way of said Anthony Drive, a distance of 15.00 feet to an iron pipe survey monument found; thence south 46° 07'29" east along the southerly right-of-way line of said Anthony Drive, a distance of 28.28 feet to an iron pipe survey monument found; thence north 88° 52'31" east along the southerly right-of-way line of said Anthony Drive. A distance of 80.00 feet to an iron pipe survey monument found; thence north 58° 37'31" east along the southerly right-of-way line of said Anthony Drive, distance of 69.46 feet to an iron pipe survey monument found on the north line of the south 1/2 of the south 1/2 of the southeast 1/4 of the northeast 1/4 of said Section 10; thence north 88° 52'37" east along the north line of the south 1/2 of the south 1/2 of the southeast 1/4 of the northeast 1/4 of said section 10. A distance of 108.00 feet to the point of beginning, all situated in Champaign County, Illinois. Said tract containing 5.544 acres, more or less.

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Said parcel containing 5.54 Acres, more or less, all situated in Champaign County, Illinois.

WHEREAS, the proposed Annexation Agreement is in conformance with the goals and objectives of the City of Urbana's Official Comprehensive Plan; and

WHEREAS, after due and proper publication, the Urbana City Council held a public hearing on April 18, 1994 to consider said Annexation Agreement.

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 if it is approved subject to the condition outlined by the Urbana Plan Commission.

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 Edwin and Marilyn Buxton, 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.

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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.

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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 on this 18th day of April, 1994.

AYES: Hayes, Patt, Pollock, Ryan, Singer, Taylor and Mayor Satterthwaite

NAYS: None

ABSTAINED: None

Phyllis D. Clark
Phyllis D. Clark, City Clerk

APPROVED by the Mayor this 27th day of April, 1994.

Tod Satterthwaite
Tod Satterthwaite, Mayor

ANNEXATION AGREEMENT

EXHIBIT C

(Edwin and Marilyn Buxton)

THIS AGREEMENT is made and entered into by and between the City of Urbana, Illinois (hereinafter sometimes referred to collectively as the "Corporate Authorities" or the "City") and Edwin and Marilyn Buxton (hereinafter referred to as the "Owners"). The effective date of this Agreement shall be the date the Agreement is recorded in the Office of the Champaign County Recorder, as set forth below in Article III, Section 5.

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WITNESSETH:

WHEREAS, this Agreement is made pursuant to and in accordance with the provisions of Section 11-15.1-1 et seq., of the Illinois Municipal Code (65 ILCS 5/11-15.1-1); and

WHEREAS, pursuant to notice, as required by statute, the Corporate Authorities have held a proper public hearing on this Annexation Agreement on March 30, 1994; and

WHEREAS, Edwin and Marilyn Buxton are the Owners of Record of a certain 5.54 acre parcel of real estate located north of Interstate 74, south of Anthony Drive and west of High Cross Road and having tax parcel number 30-21-10-100-002, the legal description of which real estate is set forth below and in Exhibit A attached hereto.

WHEREAS, the attached map, labeled Exhibit B, is a true and accurate representation of the Tracts to be annexed to the City of Urbana under the provisions of this Agreement;

WHEREAS, although the Tracts are not yet contiguous to the City of Urbana, said Owners, in order to best utilize their property, find it desirable to annex the Tracts to the City of Urbana when said Tracts become contiguous to the City, pursuant to, and as provided for in this Annexation Agreement; and

WHEREAS, the City and the Owners find it necessary and desirable that the Tract be annexed to the City with a zoning classification of AG Agriculture, under the terms and provisions of the Urbana City Code of Ordinances, as amended, and subject to the terms and conditions set forth in this Agreement; and

WHEREAS, the Corporate Authorities find annexation of the Tracts as described herein reflects the goals, objectives and policies set forth in the City's 1982 Urbana Comprehensive Plan, as amended from time to time; and

WHEREAS, such annexation will ensure that the City of Urbana will receive real estate taxes and other revenues and will enable the City to continue to enhance its tax base; and

WHEREAS, the Owners desire to have the aforementioned real estate annexed to the City of Urbana upon certain terms and conditions hereinafter set forth in this Agreement.

NOW, THEREFORE, FOR AND IN CONSIDERATION OF THE MUTUAL COVENANTS AND AGREEMENTS SET FORTH HEREIN, THE PARTIES AGREE AS FOLLOWS:

ARTICLE I. REPRESENTATIONS AND OBLIGATIONS OF THE OWNERS

The Owners agree to the following provisions:

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Section 1: Owners represent that they are the sole record owners of the Tract described in Exhibit A and that it shall, within thirty (30) days of the property becoming contiguous to the Urbana City limits cause Tract to be annexed to the City of Urbana by filing a legally sufficient annexation petition all in accordance with the Illinois Statutes and shall, until annexation of Tract described above occurs, require that any persons intending to reside on Tract described above, prior to residing thereon, to agree to join in and consent to any petition for annexation of such Tract.

Section 2. The Owners shall take no action or omit to take action during the term of this Agreement which action or omission, as applied to the Tract, would be a breach of this Agreement, without first procuring a written amendment to this Agreement duly executed by both the Owners and the City.

Section 3. The Owners agree and hereby stipulate that the City, by its approval, execution or delivery of this Agreement does not in any way relinquish or waive any authority it may have to annex the Tracts in the absence of this Agreement.

Section 4. The Owners agree to submit a subdivision plat in a form suitable to the City and record an approved final subdivision plat for the Tract in accordance with Chapter 21 of the City's Code of Ordinances prior to any further development of the tract.

Section 5. The Owners agree to cause all development and construction on said Tract to be in conformance with all City codes, ordinances, orders or regulations in effect at the time of annexation, except as otherwise stipulated herein.

ARTICLE II. REPRESENTATIONS AND OBLIGATIONS OF THE CORPORATE AUTHORITIES

EXHIBIT C

The Corporate Authorities agree to the following provisions:

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Section 1. The Corporate Authorities agree to expeditiously annex said Tract, subject to the terms and conditions outlined in this Agreement, when properly and effectively requested to do so, by submission of a legally sufficient petition from the Owners, by enacting such ordinances as may be necessary and sufficient to legally and validly annex said Tract to the City. The Corporate Authorities further agree that this section governing annexation shall be included in any sales contracts for land within the Tract and will constitute an obligation upon subsequent owners to annex into the City of Urbana. This provision governing annexation and future obligations shall be included in covenants and shall run with the land. The Corporate Authorities agree that nothing in this Agreement shall preclude the voluntary annexation of property by subsequent property owners.

Section 2. The Corporate Authorities agree that the City will take any action necessary to zone the Tract to AG, Agriculture in accordance with the provision contained with the City of Urbana Zoning Ordinance, subject to the terms and conditions set forth in this agreement.

Section 3. The Corporate Authorities agree that the City shall take no action or omit to take action during the term of this Agreement which act or omission as applied to the Tracts would be a breach of this Agreement without first procuring a written amendment to this Agreement duly executed by both the Owners and the City.

ARTICLE III: GENERAL PROVISIONS

Section 1. Term of this Agreement -- This Agreement shall be binding upon the parties hereto, and their respective successors and assigns, for a full term of twenty (20) years commencing as of the effective date hereof as provided by the Illinois State Statutes. To the extent permitted thereby, it is agreed that, in the event the annexation of subject Tract under the terms and conditions of this Agreement is challenged in any court proceeding, the period of time during which such litigation is pending shall not be included in calculating said twenty-year term.

Section 2. Covenant running with land -- The terms of this Agreement constitute a covenant running with the land and are hereby expressly made binding upon all heirs, grantees, lessees, executors, assigns and successors in interest of the Owners as to all or any part of the Tracts, and are further expressly made binding upon said City and the duly elected or appointed successors in office of its Corporate Authorities.

Section 3. Enforcement -- The Owners and Corporate Authorities agree and hereby stipulate that any party to this Agreement may, by civil action, mandamus, action for writ of injunction or other proceeding, enforce and compel performance of this Agreement or declare this Agreement null and void in addition to other remedies available. Upon breach by the Owners, the City may refuse the issuance of any permits or other approvals or authorizations relating to development of the Tract.

Section 4. Severability -- If any provision of this Agreement is rendered invalid for any reason, such invalidation shall not render invalid other provisions of this Agreement which can be given effect without the invalid provision.

Section 5. Effective Date -- The Corporate Authorities and Owners intend that this Agreement shall be recorded in the Office of the Champaign County Recorder with any expenses for said recording to be paid by the Corporate Authorities. The effective date of this Agreement shall be the date it is recorded.

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

**CORPORATE AUTHORITIES
CITY OF URBANA**

Tod Satterthwaite
Tod Satterthwaite, Mayor

4/27/94
Date

Date _____

ATTEST:

Phyllis D. Clark
Phyllis D. Clark
CITY CLERK

April 27, 1994
Date

OWNER:

Edwin Burton

OWNER:

Marilyn S. Burton

ATTEST:
" OFFICIAL SEAL "
MICKI RAPPE
NOTARY PUBLIC, STATE OF ILLINOIS
MY COMMISSION EXPIRES 8/25/98
Micki Rappe
Notary Public

1-24-94
Date

EXHIBIT "A"

A PART OF THE SOUTH 1/2 OF THE SOUTH 1/2 OF THE NORTHEAST 1/4 OF SECTION 10. TOWNSHIP 19 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, AS SHOWN ON THE SUBDIVISION PLAT OF WILDBERRY ACRES, PREPARED BY EDWIN D. BUXTON, ILLINOIS PROFESSIONAL LAND SURVEYOR #1981, AND RECORDED IN PLAT BOOK 1950 AT PAGE 0442, IN THE OFFICE OF THE RECORDER, CHAMPAIGN COUNTY, ILLINOIS, BEING DESCRIBED AS FOLLOWS:

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COMMENCING AT A CHISELED "X" SURVEY MONUMENT FOUND AT THE SOUTHEAST CORNER OF THE NORTHEAST 1/4 OF SECTION 10, TOWNSHIP 19 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, CHAMPAIGN COUNTY ILLINOIS; THENCE NORTH $00^{\circ} 18'03''$ WEST, AS REFERENCED FROM AN ILLINOIS DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY SURVEY FOR FEDERAL AID INTERSTATE ROUTE 808 (ILLINOIS ROUTE 130) DATED AUGUST 20, 1985, ALONG THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 10, A DISTANCE OF 330.82 FEET TO AN IRON PIPE SURVEY MONUMENT FOUND AT THE NORTHEAST CORNER OF THE SOUTH 1/2 OF THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 10; THENCE SOUTH $88^{\circ}52'37''$ WEST ALONG THE NORTH LINE OF THE SOUTH 1/2 OF THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 10. A DISTANCE OF 60,000 FEET TO AN IRON PIPE SURVEY MONUMENT FOUND ON THE WESTERLY RIGHT-OF-WAY LINE OF HIGH CROSS ROAD (TOWNSHIP ROAD 1600E) FOR THE POINT OF BEGINNING; THENCE SOUTH $03^{\circ} 22'44''$ WEST ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID HIGH CROSS TOWNSHIP ROAD (1600E). A DISTANCE OF 266.42 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF FEDERAL AID INTERSTATE ROUTE 05 (INTERSTATE ROUTE 74) TO AN IRON PIPE SURVEY MONUMENT SET; THENCE SOUTH $89^{\circ}21'42''$ WEST ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID FEDERAL AID INTERSTATE ROUTE 05 (INTERSTATE ROUTE 74). A DISTANCE OF 485.01 FEET TO A CHISELED "X" SURVEY MONUMENT FOUND ON AN EXISTING CONCRETE RIGHT-OF-WAY MARKER; THENCE NORTH $86^{\circ} 01'36''$ WEST ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID FEDERAL AID INTERSTATE ROUTE 05 (INTERSTATE ROUTE 74). A DISTANCE OF 497.51 FEET TO AN IRON PIPE SURVEY MONUMENT FOUND AT A JOG IN THE NORTHERLY RIGHT-OF-WAY LINE OF SAID FEDERAL AID INTERSTATE ROUTE 05 (INTERSTATE ROUTE 74); THENCE NORTH $0^{\circ} 38'18''$ WEST ALONG THE JOG IN THE NORTHERLY RIGHT-OF-WAY LINE OF SAID FEDERAL AID INTERSTATE ROUTE 05 (INTERSTATE ROUTE 74). A DISTANCE OF 173.50 FEET TO AN IRON PIPE SURVEY MONUMENT FOUND ON THE NORTH SIDE OF ANTHONY DRIVE; THENCE NORTH $72^{\circ} 12'11''$ EAST ALONG SAID ANTHONY DRIVE. A DISTANCE OF 152.70 FEET TO AN IRON PIPE SURVEY MONUMENT FOUND ON THE NORTH LINE OF THE SOUTH 1/2 OF THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 10; THENCE NORTH $88^{\circ} 52'37''$ EAST ALONG THE NORTH LINE OF THE SOUTH 1/2 OF THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 10. A DISTANCE OF 585.71 FEET TO AN IRON PIPE SURVEY MONUMENT FOUND ON THE WEST LINE OF AN ILLINOIS DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY ACQUISITION FOR ANTHONY DRIVE; THENCE SOUTH $01^{\circ} 07'29''$ EAST ALONG THE SOUTHERLY RIGHT-OF-WAY OF SAID ANTHONY DRIVE, A DISTANCE OF 15.00 FEET TO AN IRON PIPE SURVEY MONUMENT FOUND; THENCE SOUTH $46^{\circ} 07'29''$ EAST ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID ANTHONY DRIVE, A DISTANCE OF 28.28 FEET TO AN IRON PIPE SURVEY MONUMENT

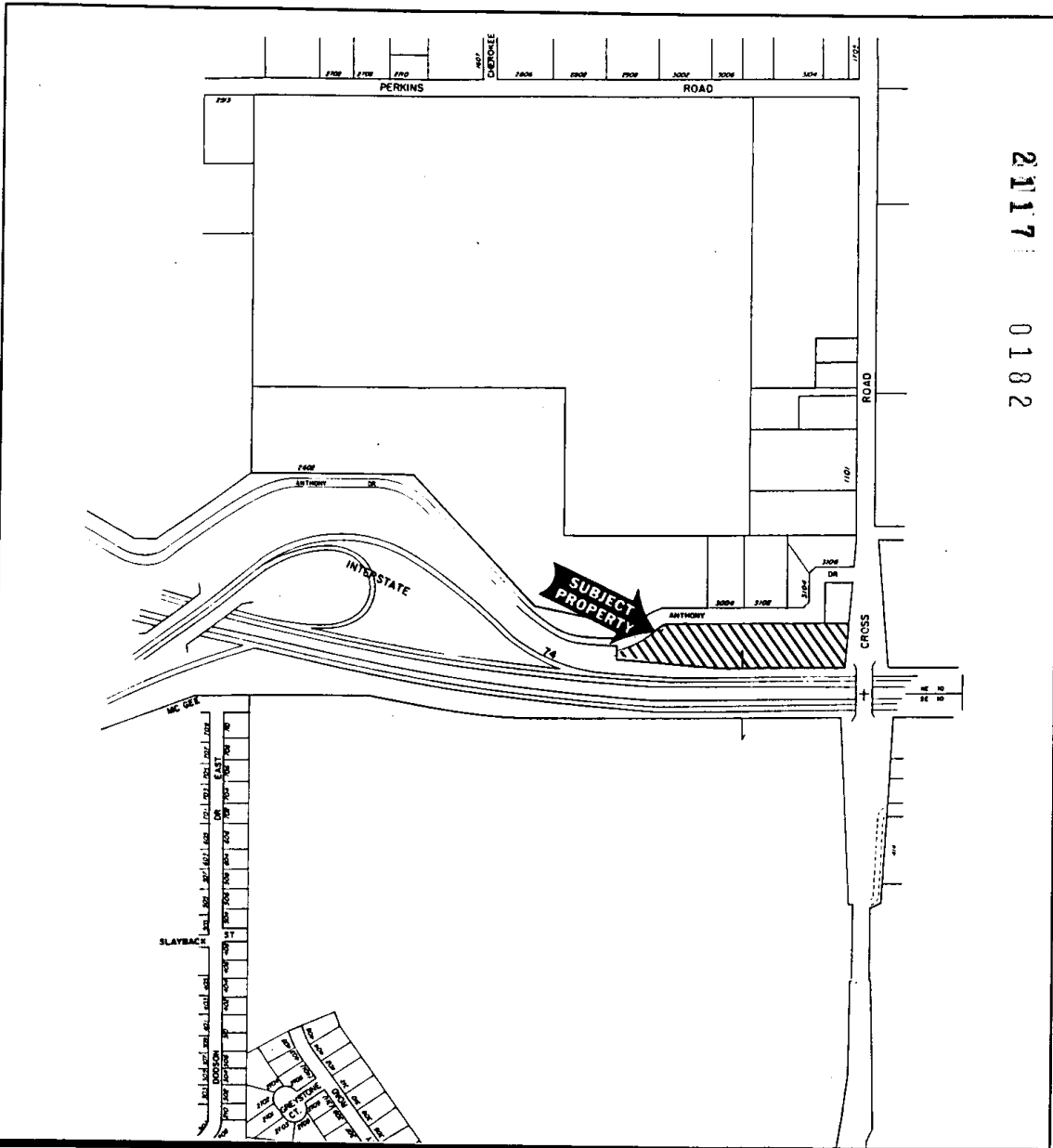
FOUND; THENCE NORTH 88° 52'31" EAST ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID ANTHONY DRIVE. A DISTANCE OF 80.00 FEET TO AN IRON PIPE SURVEY MONUMENT FOUND; THENCE NORTH 58° 37'31" EAST ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID ANTHONY DRIVE, DISTANCE OF 69.46 FEET TO AN IRON PIPE SURVEY MONUMENT FOUND ON THE NORTH LINE OF THE SOUTH 1/2 OF THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 10; THENCE NORTH 88° 52'37" EAST ALONG THE NORTH LINE OF THE SOUTH 1/2 OF THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 10. A DISTANCE OF 108.00 FEET TO THE POINT OF BEGINNING, ALL SITUATED IN CHAMPAIGN COUNTY, ILLINOIS. SAID TRACT CONTAINING 5.544 ACRES, MORE OR LESS.

(LEGALS/1518CAP.LGL)

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Exhibit B

EXHIBIT C



2117 0182

CITY OF URBANA
COMMUNITY DEVELOPMENT SERVICES
PLANNING DIVISION



TITLE: Buxton Annexation Agreement,
 Wildberry Acres Subdivision



DATE: April 18, 1994