

Ordinance No. 89-29

**AN ORDINANCE ANNEXING CERTAIN PROPERTY TO THE
VILLAGE OF CHATHAM AND ZONING SUCH PROPERTY R-1**

WHEREAS, a Petition for Annexation and a proposed Annexation Agreement have been tendered to the Village of Chatham to annex the following described property (the "Property") according to the terms and conditions of the proposed Annexation Agreement:

The West Half of the East Half of the Northwest Quarter, Section 12, Township 14 North, Range 6 West of the Third Principal Meridian, except the South 672.82 feet thereof; and the East 350 feet of the West half of the Northwest Quarter, Section 12, Township 14 North, Range 6 West of the Third Principal Meridian, in Sangamon County, Illinois.

WHEREAS, the Property is depicted on an annexation plat, Exhibit A hereto.

WHEREAS, all requirements for annexation under Sections 7-1-1 and 7-1-8 of the Illinois Municipal Code, Ill.Rev.Stat. 1987, ch. 24, have been met;

WHEREAS, on July 13, 1989, at 7:30 p.m., a public hearing was conducted by the President and Board of Trustees of the Village of Chatham and by the Planning Commission of the Village of Chatham regarding the proposed annexation, annexation agreement and zoning upon annexation;

WHEREAS, comments from the public were received at such meeting and the Planning Commission recommended zoning the Property to R-1 upon annexation;

WHEREAS, the President and Board of Trustees of the Village of Chatham find it in the best interest of the Village to annex said Property and to zone it R-1.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF CHATHAM, AS FOLLOWS:

SECTION 1. The Property is hereby annexed to the Village of Chatham, Illinois.

SECTION 2. The Property is hereby zoned R-1.

SECTION 3. This annexation and rezoning shall be governed by that certain Annexation Agreement by and between the Village of Chatham and Walter Luedke and Illinois National Bank of Springfield as Trustee of Trust No. 894-6319-002, of even date hereof.

SECTION 4. The Clerk is directed to file with the Recorder of Deeds of Sangamon County a certified copy of this Ordinance, together with the plat of annexation, which is attached hereto as Exhibit A and made a part hereof.

SECTION 5. This Ordinance is effective immediately.

Village President

ATTEST:

Village Clerk

AYES: _____

NAYES: _____

PASSED: _____

APPROVED: _____

CERTIFICATE

STATE OF ILLINOIS)
) SS
COUNTY OF SANGAMON)

I, the undersigned, do hereby certify that I am the duly qualified and acting Village Clerk of the Village of Chatham, Sangamon County, Illinois.

I do further certify that the Ordinance attached hereto is a full, true and exact copy of Ordinance No. 89-_____, adopted by the President and Board of Trustees of said Village on the _____ day of July, 1989, said Ordinance being entitled:

"AN ORDINANCE ANNEXING CERTAIN PROPERTY TO THE VILLAGE OF CHATHAM AND ZONING SUCH PROPERTY R-1"

I do further certify that prior to the making of this certificate, the said Ordinance was spread at length upon the permanent records of said Village, where it now appears and remains.

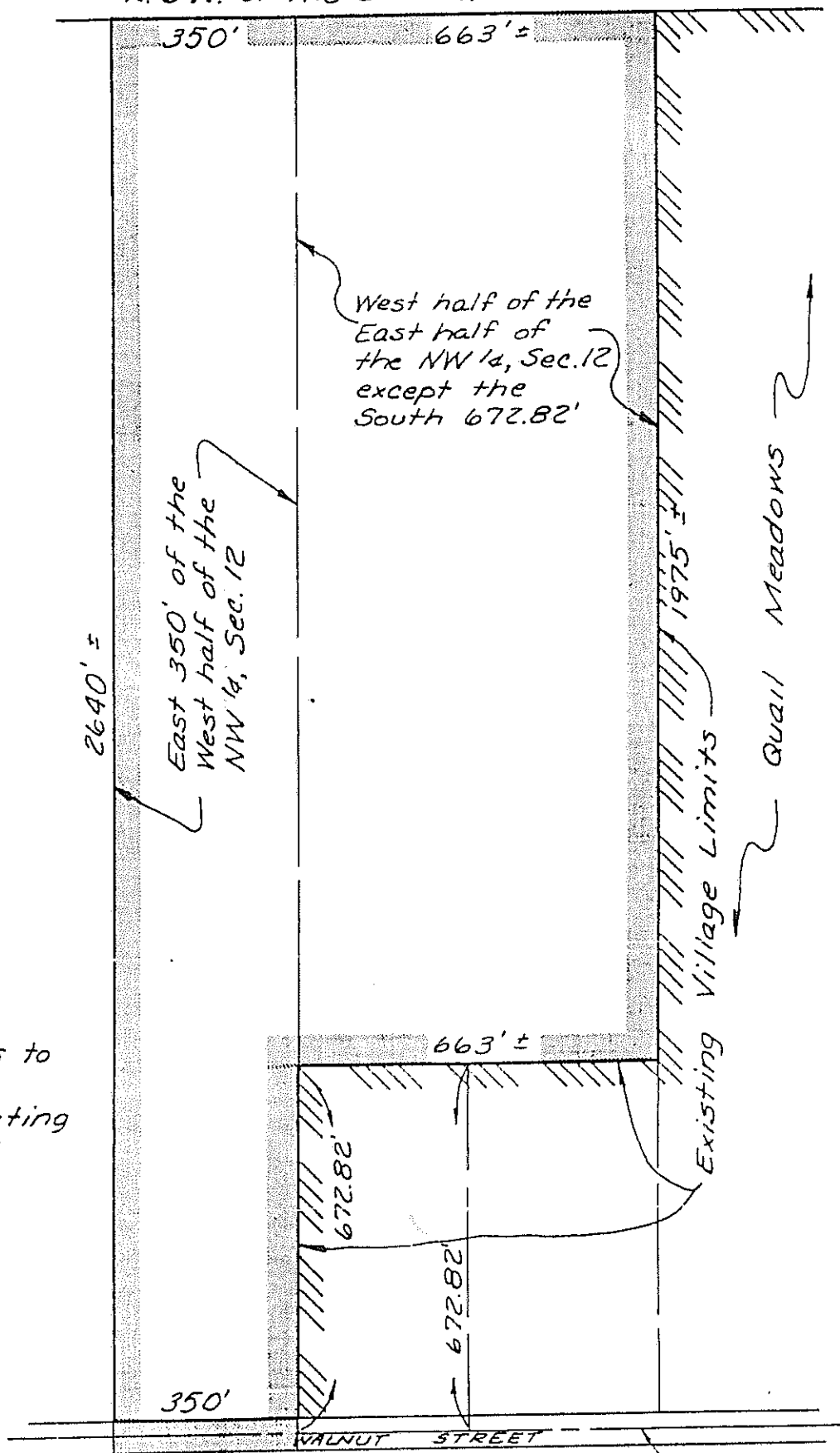
IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said Village this _____ day of July, 1989.

Village Clerk

Prepared By:
John M. Myers
PFEIFER & KELTY, P.C.
1300 South Eighth Street
P.O. Box 1858
Springfield, Illinois 62705
Telephone: (217) 528-5604

Annexation Plat

Part of the NW 1/4, Section 12, T. 14 N,
R. 6 W. of the 3rd. P.M.



West half of the
East half of
the NW 1/4, Sec. 12
except the
South 672.82'

East 350' of the
West half of the
NW 1/4, Sec. 12

Existing Village Limits

Quail Meadows

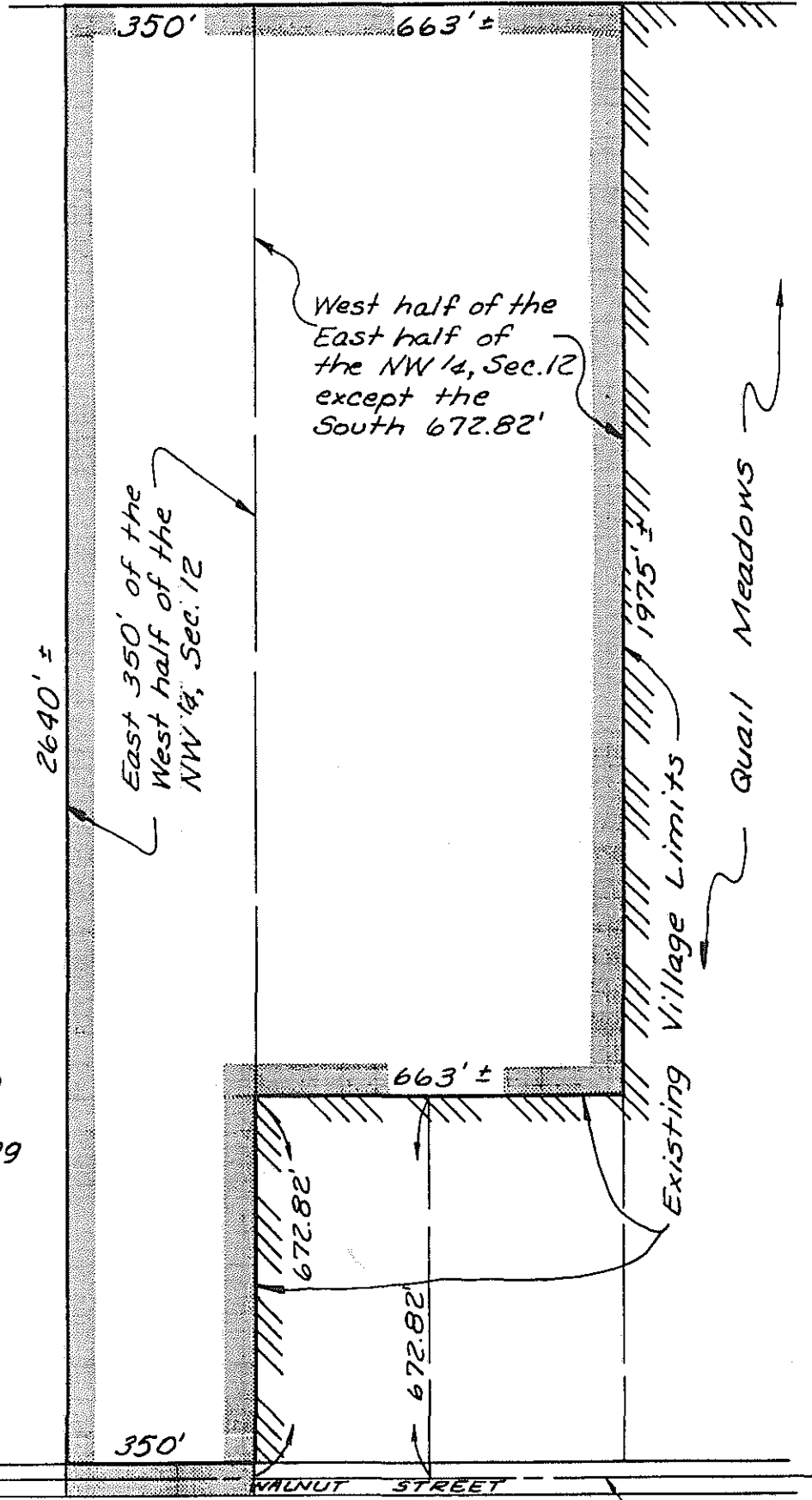
Denotes lands to be annexed

Denotes existing village limits

S. Line NW 1/4

Annexation Plat

Part of the NW 1/4, Section 12, T. 14 N,
R. 6 W. of the 3rd. P.M.



Denotes lands to be annexed

Denotes existing village limits

ANNEXATION AGREEMENT

THIS AGREEMENT, made and executed by and among WALTER LUEDKE, Individually and as Executor of the Estate of Gertrude Luedke, Deceased (hereinafter called "Owner"), and the Illinois National Bank of Springfield, solely as Trustee of Trust Number 894-6319-002, and not individually, as Beneficial Owner (hereinafter called "Trustee") and Village of Chatham, an Illinois municipal corporation (hereinafter called "Chatham"), all of Sangamon County, Illinois, is effective this 25th day of July, 1989;

RECITALS

WHEREAS, Owner is the record owner of the real estate described in Exhibit A, attached hereto, incorporated herein and made a part hereof (the "Real Estate"), which Real Estate currently is outside the corporate limits of Chatham, and legally described as follows:

1. The West Half of the East Half of the Northwest 1/4, Section 12, T. 14N, R. 6W of the Third Principal Meridian, except the South 672.82 feet thereof.
2. The East 350' of the West 1/2 of the Northwest 1/4, Section 12, T. 14N, R. 6W of the Third Principal Meridian.

WHEREAS, Owner proposes to annex such Real Estate to the corporate limits of Chatham and to obtain an initial zoning classification of such real estate of R-1 pursuant to the Chatham Zoning Ordinance and approval of preliminary plats;

WHEREAS, Trustee proposes to acquire the Real Estate and to develop it in accordance with uses permitted by current ordinances of Chatham under an R-1 zoning classification;

WHEREAS, Chatham encourages annexation and development of the Real Estate in the R-1 classification, and expresses its intent to accept the annexation of the Real Estate and to classify such Real Estate in the R-1 classification when annexed, subject to compliance with the presently existing ordinances of Chatham and Division 15.1 of Article 11 of the Illinois Municipal Code, Ill.Rev.Stat., ch. 24, §§11-15.1 et seq.;

WHEREAS, Owner, Trustee and Chatham desire certain provisions of such ordinances due to the nature of the development.

NOW, THEREFORE, in consideration of the foregoing and the mutual covenants herein, the parties agree as follows:

ANNEXATION

1. Owner has petitioned to annex the Real Estate, conditional upon this Agreement.
2. If the petition for annexation complies with the ordinances of Chatham and the Illinois Municipal Code, then the annexation petition as filed shall be recommended and approved by the appropriate administrative and legislative bodies of Chatham; and an annexation ordinance in such form as shall be approved by Owner, shall be enacted by the President and Board of Trustees of Chatham within 13 days of execution of this Agreement.

3. Such annexation shall be expressly conditioned and contingent upon the simultaneous classification of the Real Estate as R-1 under the Zoning Ordinance of Chatham. Any ordinance annexing the Real Estate or any part thereof without simultaneous initial zoning classification of R-1 shall be void unless this Agreement shall have been amended as hereafter provided.

PRELIMINARY PLAT

4. Owner has heretofore filed a preliminary plat. The preliminary plat shall be approved by Chatham, in accordance with law, provided the preliminary plat complies with ordinances of Chatham and statutes of the State of Illinois.

ZONING

5. Upon (i) the enactment of an ordinance annexing the Real Estate; and (ii) approval of the preliminary plat; then, without additional action required of Owner or of Chatham, the Real Estate shall automatically be classified in the R-1 classification under the ordinances of Chatham without any further hearing before any administrative or legislative body whatsoever.

APPROVAL OF FINAL PLATS

6. Upon approval of the preliminary plat, Owner may submit one or more (up to six) final plats of portions of the Real Estate. Plat I shall be approved by ordinance within 45 days of its submission and any subsequent final plat shall be approved by ordinance within 70 days of its submission, provided such plats

comply with applicable law and the ordinances of the Village of Chatham. Owner shall have three years from the date of approval of the preliminary plat to file his final plat; thereafter, Owner may apply for further extensions in accordance with Section IX of the 1989 Subdivision Ordinance.

BUILDING PERMITS

7. Upon final plat approval for any plat, Owner, Trustee or their successors may apply for building permits for such plat. If such applications for building permits comply with the ordinances of Chatham, then the permits shall issue. Upon the issuance of building permits in respect of any subdivided lot, no further authority or permit shall be required or necessary from Chatham to commence and complete upon such lot construction of improvements permitted in the R-1 Zoning District under ordinances of Chatham.

GENERAL

8. Except building codes as set forth below, no amendment to the Municipal Code or ordinances of Chatham after the effective date hereof shall change or alter this Agreement in any respect. The 1989 Subdivision Ordinance and the 1982 Zoning Ordinance shall govern all subdivision plats proposed or adopted pursuant to this Agreement, and all zoning issues with respect to the Real Estate, respectively. Any building code or amendment thereto enacted by Chatham shall take effect, with respect to the Real Estate, three years after its passage and approval as provided by law.

9. Chatham hereby waives all provisions of its ordinances expressly or impliedly inconsistent with this Agreement or the preliminary plat, including but not limited to provisions relating to initial pre-urban zoning upon annexation. Chatham also waives or alters the following provisions of its ordinances:

(a) It will permit a letter of credit in a form satisfactory to its corporate authorities in lieu of a surety or cash bond as set forth in its Subdivision Ordinance;

(b) It waives the 80 foot minimum right of way width for a minor arterial street and accepts a 70 foot right of way for a minor arterial street as depicted on the preliminary plat, with the understanding that any developer who develops to the west of the preliminary plat may be required to grant a 10 foot additional right of way to bring the minor arterial right of way depicted on the preliminary plat to a width of 80 feet;

(c) Where a 20 foot corner lot setback is depicted on the preliminary plat, Chatham waives its 30 foot setback.

10. Owner and Trustee hereby waive any provision in the Comprehensive Plan requiring public money to fund the initial construction of secondary collector streets.

11. All notices and other communication required under this Agreement shall be in writing and delivered either personally or by depositing the same, postage prepaid, in the United States mail addressed to the party hereto to whom the same is directed at the following address:

TO OWNER: Walter G. Luedke
901 West Walnut
Chatham, IL 62629

TO TRUSTEE: c/o Robert G. Neal
2544 South 5th Street
Springfield, IL 62703

TO CHATHAM: c/o Mr. Del McCord
117 East Mulberry
Chatham, IL 62629

WITH COPIES TO: John M. Myers
Pfeifer & Kelty, P.C.
1300 South Eighth Street
P.O. Box 1858
Springfield, IL 62705

12. This Agreement is binding upon the parties hereto, their respective heirs, executors, personal representatives, administrators, successors, and assigns. It shall be effective for twenty years from date of execution.

13. Time shall be the essence of this Agreement.

14. This Agreement shall not be altered, modified or amended in any way without the prior written agreement of Trustee and its successors and assigns and of Chatham, by ordinance duly enacted authorizing such action.

15. Chatham warrants that it will enact such ordinances, execute such documents, and issue such permits and certificates as shall be required by this Agreement and any ordinance adopting it.

16. Chatham hereby agrees to provide electric power within the Real Estate and will bring, at its cost, an electric service line of a capacity capable of serving the Real Estate to a point within 10 feet of the first platted portion of the Real Estate, the precise location of which will be agreed on by Owner's and

Chatham's engineers. In the event the General Assembly of the State of Illinois changes the Electric Supplier Act to attempt to invalidate this paragraph, the parties shall use best efforts to annex the Real Estate before the effective date of such change. Chatham also agrees to supply water to the Real Estate and to bring, at its cost, a water service line of a capacity capable of serving the Real Estate to a location within 10 feet of the first platted portion of the Real Estate, the precise location of which will be agreed on by Owner's and Chatham's engineers.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the 25th day of July, 1989.

Walter G. Luedke
Walter G. Luedke

Walter G. Luedke, Executor
Walter G. Luedke, Executor of the
Estate of Gertrude Luedke,
Deceased

THE ILLINOIS NATIONAL BANK OF
SPRINGFIELD, solely as Trustee of
Trust Number 894-6319-002, and not
individually,

By: Bane C. Smith
Trust Officer

ATTEST:

By: Elizabeth A. Kinnsky

Its TRUST OFFICER

THE VILLAGE OF CHATHAM, ILLINOIS

July 25, 1989
Date

By: Carl D. Oblinger
Village President

ATTEST:

Rose M. Miller
Village Clerk