

Ordinance No. 95-27

**AN ORDINANCE APPROVING AN AMENDMENT TO ANNEXATION AGREEMENT
WITH THE STATE BANK OF AUBURN AS TRUSTEE OF TRUST 94-195**

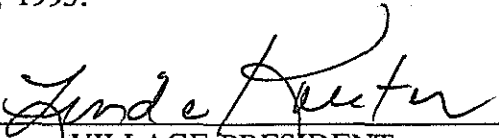
*BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE
VILLAGE OF CHATHAM, SANGAMON COUNTY, ILLINOIS, AS FOLLOWS:*

SECTION 1: That certain Amendment to Annexation Agreement attached hereto by and between the Village of Chatham, Illinois and The State Bank of Auburn, as Trustee of Trust 94-195, is hereby approved.

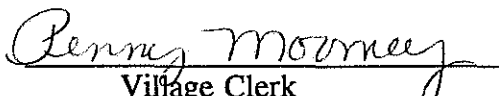
SECTION 2: The President is directed to execute said Amendment to Annexation Agreement as amended on behalf of the Village, and the proper officers of the Village are authorized and directed to carry out said Amendment to Annexation Agreement according to its terms.

SECTION 3: This Ordinance is effective immediately.

PASSED this 4 day of May, 1995.


VILLAGE PRESIDENT

ATTEST:


Village Clerk

AYES: 6
NAYS: 0
PASSED: 5-4-95
APPROVED: 5-4-95
ABSENT: 0

This Space for Recorder's Use

AMENDMENT TO ANNEXATION AGREEMENT

WHEREAS, on 4-May 95 an annexation agreement was entered into between THE STATE BANK OF AUBURN as Trustee of TRUST 94-195 ("Trust") and the Village of Chatham, Illinois (the "Village"), an Illinois municipal corporation, both of Sangamon County, Illinois, and said agreement was recorded with the Recorder of Deeds of Sangamon County on _____ as document number _____;

WHEREAS, Trust is the record owner of property legally described on Exhibit A attached hereto ("the Property"), which is the subject of the Annexation Agreement;

WHEREAS, due to the topography of the Property and the Village's need for an east-west arterial thoroughfare north of the Village, development of the Property presents unique infrastructure problems and issues for the Village and the Trust;

WHEREAS, unanticipated policy changes of the Illinois Department of Transportation with respect to planned improvements along Illinois Route 4 have necessitated renegotiation of certain covenants contained in the Annexation Agreement,

NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:

1. Paragraph 6a is hereby added to the Annexation Agreement, to state as follows:

"6a. The Village hereby waives its usual and customary charges for construction of an electrical distribution system as to the first two hundred and twenty lots developed by Trust which are located in areas zoned residential under the Village Zoning Ordinance. The Village will construct the usual and customary electrical distribution systems for such lots at its own expense without prepayment by Trust; Trust waives all rights to rebates of electric system costs associated with such 220 lots under existing or future Village Electric System policies."

2. Paragraph 16 and Exhibit H of the Annexation Agreement, which relate to the purchase by the Village of certain lots from Trust, are deleted in their entirety.

3. Paragraph 26 of the Annexation Agreement, which relates to termination thereof under certain conditions is deleted therefrom, and a new paragraph 26 is inserted therein, to state as follows:

"26. In the event that RLP Development Company does not participate in construction of improvements to Illinois Route 4 as currently anticipated, either party to this agreement may request further negotiations regarding the financial aspects of this agreement or any amendment thereto, and the other party shall enter into such negotiations in good faith."

4. This Amendment to Agreement is binding upon the parties hereto, their respective heirs, executors, personal representatives, corporate authorities, administrators, successors and assigns. It shall be effective for the duration of the Annexation Agreement. The covenants contained herein shall run with the land legally described in Exhibit A.

5. All provisions of the Annexation Agreement shall remain in full force and effect except as specifically amended or deleted by this Agreement, and all covenants therein not deleted by or inconsistent with this Amendment shall apply to this Amendment.

6. This Agreement shall only be amended in writing, signed by the parties and approved by the Village by ordinance.

7. Trust shall, at its expense, record this Agreement with the Sangamon County Recorder of Deeds within 30 days of its execution.

IN WITNESS WHEREOF, the parties have executed this Agreement on the 7 day of May, 1995.

STATE BANK OF AUBURN TRUST 94-195

BY: _____
TRUSTEE

VILLAGE OF CHATHAM, ILLINOIS

BY: Linda Koester
LINDA KOESTER, President

ATTEST: [Signature]
VILLAGE CLERK

PARCEL 2
EAST BOUNDARY ANNEXATION

Part of the South Half of Section 6 and part of the Southwest Quarter of Section 5 all in Township 14 North, Range 5 West of the Third Principal Meridian, described more particularly as follows:

Beginning at a stone at the Southeast corner of the aforementioned Section 6; thence North 89 degrees 33 minutes 01 seconds West along the section line a distance of 1331.92 feet to a stone at the quarter, quarter corner, thence North 89 degrees 39 minutes 35 seconds West along the section line a distance of 668.54 feet to an axle, thence North 89 degrees 31 minutes 35 seconds West along the section line a distance of 664.15 feet to an iron pin at the quarter corner, thence North 89 degrees 50 minutes 14 seconds West along the section line a distance of 816.97 feet to an iron pipe on the Easterly Right-of-Way Line of the Southern Pacific Railroad, thence North 20 degrees 51 minutes 03 seconds East along the aforementioned right-of-way line a distance of 1417.25 feet to an iron pipe, thence South 89 degrees 49 minutes 16 seconds East along the quarter, quarter section line a distance of 310.32 feet to an iron pipe at the quarter, quarter corner, thence South 89 degrees 36 minutes 46 seconds East along the quarter, quarter section line a distance of 1329.23 feet to an axle at the quarter, quarter corner, thence South 89 degrees 37 minutes 39 seconds East along the quarter, quarter section line a distance of 1331.52 feet to a stone at the quarter, quarter corner, thence South 89 degrees 53 minutes 37 seconds East along the quarter, quarter section line, a distance of 66.00 feet to an iron pipe, thence South 00 degrees 15 minutes 40 seconds East a distance of 664.04 feet to an iron pipe, thence South 89 degrees 53 minutes 50 seconds East a distance of 1226.60 feet to an iron pipe on the West Right-of-Way Line of Sangamon County Route 22, thence South 00 degrees 03 minutes 06 seconds East along the aforementioned right-of-way line a distance of 663.95 feet to the section line, thence North 89 degrees 54 minutes 03 seconds West along the section line a distance of 1290.17 feet to the point of beginning. Said tract contains 118.945 acres, more or less, all in the County of Sangamon, State of Illinois.

Basis of bearing is North 89 degrees 33 minutes 01 seconds West along the South Line of Section 6.

Together with public highway (Gordon Drive - County Highway 22) adjacent thereto.

EXHIBIT A

000351

PARCEL 3
WEST BOUNDARY & WEST BOUNDARY ANNEXATION

Part of the Southwest Quarter of Section 6, Township 14 North, Range 5 West of the Third Principal Meridian, described more particularly as follows:

Commencing at a PK Nail marking the Southwest corner of the Southwest Quarter of the aforementioned Section 6, thence South 89 degrees 50 minutes 14 seconds East along the section line a distance of 70.64 feet to the true point of beginning, marked by an iron pipe being on the East Right of Way Line of Illinois Route 4, thence North 00 degrees 29 minutes 55 seconds West along the aforementioned right-of-way line a distance of 536.54 feet to a concrete right-of-way marker, thence North 00 degrees 25 minutes 09 seconds West along the aforementioned right-of-way line a distance of 154.45 feet to a concrete right-of-way marker, thence North 02 degrees 05 minutes 15 seconds East along said right of way line a distance of 132.04 feet to a concrete right of way marker, thence North 00 degrees 48 minutes 13 seconds West along the aforementioned right of way line a distance of 113.06 feet to an iron pipe, thence South 89 degrees 49 minutes 16 seconds East a distance of 224.06 feet to an existing iron rod, thence North 00 degrees 28 minutes 56 seconds West a distance of 390.54 feet to an iron pipe being on the quarter, quarter section line, thence South 89 degrees 49 minutes 16 seconds East along the aforementioned quarter, quarter section line a distance of 1795.19 feet to an existing iron pipe, being on the former Westerly Right-of-Way Line of the Illinois Terminal Railroad, thence South 20 degrees 51 minutes 03 seconds West along the aforementioned right-of-way line a distance of 1417.30 feet to an iron pipe on the aforementioned section line, thence North 89 degrees 50 minutes 14 seconds West along the section line a distance of 1508.92 feet to the point of beginning. Said tract contains 51.712 acres, more or less, all in the County of Sangamon, State of Illinois.

Basis of bearing is North 89 degrees 50 minutes 14 seconds West along the section line.

Together with public highway (IL Rt. 4 - FAP 662) adjacent thereto.

EXHIBIT A

000352

ORDINANCE 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. 95-____, adopted by the President and Board of Trustees of said Village on the _____ day of May, 1995, said Ordinance being entitled:

AN ORDINANCE APPROVING AN AMENDMENT TO ANNEXATION AGREEMENT WITH THE STATE BANK OF AUBURN AS TRUSTEE UNDER TRUST NO. 94-195

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 _____, 1995.

Village Clerk

ORDINANCE 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. 95-29, adopted by the President and Board of Trustees of said Village on the 4th day of May, 1995, said Ordinance being entitled:

**AN ORDINANCE APPROVING THE PLAT OF SUBDIVISION
OF MANSION VIEW MINOR SUBDIVISION**

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 4th day of May, 1995.

Penny Mooney
Village Clerk