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1806

SANGAMON COUNTY
ILLINOIS

96-15863

96 APR 23 PM 4:38

Mary Ann Samuel
RECORDER

ORDINANCE NO. 96- 77

**AN ORDINANCE APPROVING AN ANNEXATION AGREEMENT WITH
THOMAS C. & SUE A. CUNNINGHAM**

WHEREAS, on April 18, 1996, pursuant to notice published as prescribed by statute, the corporate authorities of the Village of Chatham conducted a public hearing regarding an annexation agreement with Thomas C. & Sue A. Cunningham copy of which is attached hereto;

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

SECTION 1: That certain annexation agreement attached hereto by and between the Village of Chatham, Illinois and Thomas C. & Sue A. Cunningham is hereby approved.

SECTION 2: The President is directed to execute said agreement on behalf of the Village, and the proper officers of the Village are authorized and directed to carry out said annexation agreement according to its terms.

SECTION 3: This Ordinance is effective immediately.

PASSED this 18 day of April, 1996.

Linda Koester

VILLAGE PRESIDENT

ATTEST:

Barbara Bickhaus

Village Clerk *Deputy*

AYES: 5

NAYS: 0

ABSENT: 1

PASSED: 4-18-96

APPROVED: 4-18-96

This Space for Recorder

ANNEXATION AGREEMENT

THIS AGREEMENT is made by Thomas C. & Sue A. Cunningham ("Owners"), and the Village of Chatham, Illinois (the "Village"), an Illinois municipal corporation, all of Sangamon County, Illinois, and is effective this 18 day of April, 1996.

WHEREAS, Thomas C. & Sue A. Cunningham are the record owners of property legally described as follows:

Lot 26, Sugar Creek Estates Subdivision, Sangamon County, Illinois;

WHEREAS, the Property is located in unincorporated Sangamon County, Illinois, but is not yet contiguous to the corporate limits of the Village;

WHEREAS, Owners wishes to receive Police protection from the Village upon execution of this annexation agreement;

WHEREAS, Owners wishes to receive an Electric rate not to exceed Two cents per kilowatt hour above the Village rate to its customers for the same service;

NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:

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1. Owners have petitioned to annex the Property conditional upon this Agreement and the Property becoming contiguous to the Village; a copy of the petition is attached hereto as Exhibit A.

2. When the Property becomes contiguous to the Village, then an annexation ordinance in such form as shall be approved by counsel for the Village, shall be enacted by the President and Board of Trustees within 30 days of the Property becoming contiguous.

3. As provided in Section 11-15.1-2.1 of the Illinois Municipal Code, the Property shall be subject to the ordinances, control and jurisdiction of the Village in all respects the same as property which lies within the Village's corporate limits. Pending annexation, the Village shall provide police protection. Electric service will be provided by Rural Electric Convenience Cooperative ("RECC") at a rate not to exceed Two cents per kilowatt hour above the Village's electric rate to its residential customers. Such annexation shall be expressly conditioned and contingent upon RECC granting the special rate. Any ordinance annexing the Property or any part thereof without such rate shall be void unless this Agreement has been amended as hereafter provided.

4. This Agreement shall not be construed as a limitation on the Village's right to adopt or amend ordinances of general applicability, including the zoning and subdivision ordinances, or the applicability of such ordinances to the Property. However, in the event of a conflict between the Village ordinances and this Agreement, this Agreement shall prevail.

5. This Agreement is binding upon the parties hereto, their respective heirs, executors, personal representatives, corporate authorities, administrators, successors and assigns. This Agreement and all provisions herein shall be a covenant running with the land legally described herein. This Agreement shall be effective for twenty years from the date of execution.

6. This Agreement shall only be amended by a writing, signed by the parties and approved by the Village by ordinance. After execution of this agreement, changes in zoning or variances requested and granted pursuant to Village Ordinances shall not require formal amendment of this Agreement.

7. The Village shall enact such ordinances, execute such documents, and issue such permits and certificates as shall be required by this Agreement and any ordinance adopting it.

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

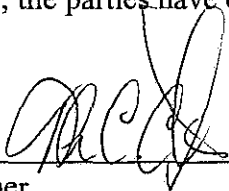
9. If the performance of any covenant to be performed hereunder by any party is delayed as a result of circumstances which are beyond the reasonable control of such party, the time for such performance shall be extended by the amount of time of such delay.

10. In the event of litigation brought by any other governmental entity involving questions of jurisdiction over the Property, the Village shall at its expense retain counsel to represent the interests of Owners. The parties anticipate that counsel for the Village and Owners shall be the same person. However, Owners may retain separate counsel at their expense to represent their interests.

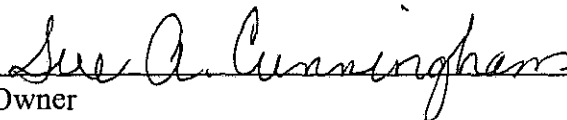
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IN WITNESS WHEREOF, the parties have executed this Agreement on this 18 day of

April 1996.



Owner



Owner

Owner

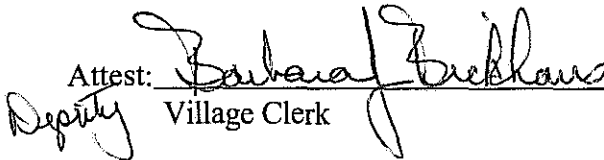
VILLAGE OF CHATHAM, ILLINOIS

BY:



President

Attest:



Deputy Village Clerk

PETITION FOR ANNEXATION

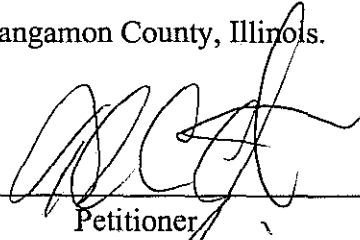
Thomas C. & Sue A. Cunningham ("Petitioners"), being duly sworn on their oath, hereby petition the Village of Chatham, Sangamon County, Illinois, pursuant to Section 7-1-8 of the Illinois Municipal Code, to annex within its corporate limits certain real estate, the legal description of which is as follows:

Lot 26, Sugar Creek Estates Subdivision, Sangamon County, Illinois,

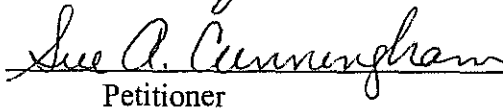
and a map of which is attached hereto. Petitioners hereby states as follows:

- a. The above-described territory is not yet contiguous to the Village of Chatham, but will be contiguous at the time of annexation.
- b. The above-described territory is not within the corporate limits of any other municipality.
- c. The Petitioners Are the sole Owners of record of the property, and they comprise at least 51% of the electors residing therein.

WHEREFORE, the undersigned Petitioners, hereby request that the above-described real estate be annexed to the Village of Chatham, Sangamon County, Illinois.



Petitioner




Petitioner

Petitioner

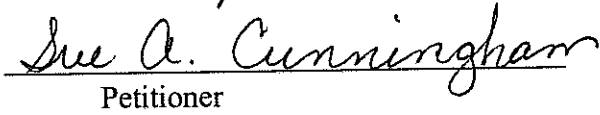
STATE OF ILLINOIS)
) SS.
COUNTY OF SANGAMON)

VERIFICATION

Thomas C. & Sue A. Cunningham being duly sworn on oath, depose and state that they have reviewed the foregoing Petition for Annexation, and the statements therein made are true and correct.



Petitioner

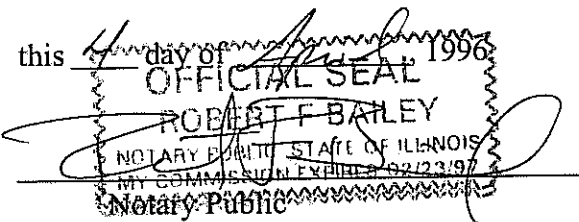


Petitioner

Petitioner

SUBSCRIBED AND SWORN TO before me

this 4th day of April 1996


OFFICIAL SEAL
ROBERT F. BAILEY
NOTARY PUBLIC STATE OF ILLINOIS
MY COMMISSION EXPIRES 02/23/97
Notary Public



ATTN: DEL M^CCORD
VILLAGE OF CHATHAM
110 E. MULBERRY
CHATHAM, IL 62629

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