

ORDINANCE NO. 97- 27

AN ORDINANCE APPROVING AN ANNEXATION AGREEMENT WITH  
Chris and Mike Smith

WHEREAS, on June 24, 1997, pursuant to notice prescribed by statute, the corporate authorities of the Village of Chatham conducted a public hearing regarding an annexation agreement with Chris and Mike Smith, a copy of which is attached hereto:

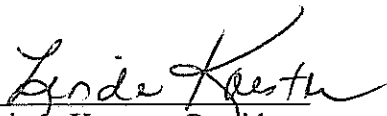
NOW THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF CHATHAM, SANGAMON COUNTY, ILLINOIS, AS FOLLOWS:

SECTION 1: That certain annexation agreement attached hereto by and between the Village of Chatham, Illinois, and Chris and Mike Smith, is hereby approved.

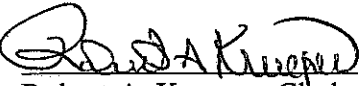
SECTION 2: The President is directed to execute said agreement on behalf of the Village, and the proper officers of the Village are authorized and directed to carry out said annexation agreement according to its terms.

SECTION 3: This Ordinance is effective immediately.

PASSED this 24<sup>th</sup> day of June, 1997.

  
Linda Koester, President  
Village of Chatham

ATTEST:

  
Robert A. Krueger, Clerk

Ayes: 5  
Nays: 0

Absent: Gray  
Abstain: 0

This Space for Recorder

**ANNEXATION AGREEMENT**

THIS AGREEMENT is made by Chris and Mike Smith ("Owners"), and the Village of Chatham, Illinois (the "Village"), an Illinois municipal corporation, all of Sangamon County, Illinois, and is effective this 24 day of June, 1997.

WHEREAS, Chris and Mike Smith are the record owners of property legally described as follows:

**Part of the West Half of the Northwest Quarter Lying North of  
Lots 20-22 of Covered Bridge Acres Plat 1. 150.01 x 330.01  
containing 2.13 acres. County index number 29-28-1-1-056**

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:*

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.

IN WITNESS WHEREOF, the parties have executed this Agreement on this \_\_\_\_ day of \_\_\_\_\_, 1997.

\_\_\_\_\_  
Owner

\_\_\_\_\_  
Owner

VILLAGE OF CHATHAM, ILLINOIS

BY: \_\_\_\_\_

*Linda Kester*  
President

Attest: \_\_\_\_\_

*Robert A. Kueper*  
Village Clerk

**PETITION FOR ANNEXATION**

Chris and Mike Smith ("Petitioner"), 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:

**Part of the West Half of the Northwest Quarter Lying North of  
Lots 20-22 of Covered Bridge Acres Plat 1. 150.01 x 330.01  
containing 2.13 acres. County index number 29-28-1-1-056**

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

1. The above-described territory is not yet contiguous to the Village of Chatham, but will be contiguous at the time of annexation.
2. The above-described territory is not within the corporate limits of any other municipality.
3. 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 Petitioner, hereby request that the above-described real estate together with all public roads, be annexed to the Village of Chatham, Sangamon County, Illinois.

\_\_\_\_\_  
Petitioner

\_\_\_\_\_  
Petitioner

STATE OF ILLINOIS        )  
                                  ) SS.  
COUNTY OF SANGAMON )

**VERIFICATION**

Chris and Mike Smith 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 \_\_\_\_ day of \_\_\_\_\_, 1997.

\_\_\_\_\_  
Notary Public

TAXING DISTRICT	1993 RATE	1994 RATE	1993 TAXES	1994 TAXES	DIFFERENCE	PENSIONS *	FORMULA FOR TAX CALCULATION
S.D. #5		41069		208536	208536	11709	FAIR MARKET VALUE = 152331
J.C. #526		3538		17965	17965		ASSESSED VALUE = 50777
BALL TWP		1203		6108	6108	305	TOWNSHIP MULTIP x = 1.00000
BALL R&B		3609		18325	18325	421	AV AFTER TW MULTIP = 50777
CHATHM FPD		376		12065	12065		COUNTY MULTIPLIER x = 1.00000
CHATHM LIB		416		12065	12065		EQUALIZED VALUE = 50777
COUNTY		7682		39007	39007	7094	HOMESTEAD EXEMPT -
							SR. CITIZEN EXEMPT -
							VALUE AFTER EXEMPT = 50777
							TAX RATE x = 6.1893
							TOTAL TAX = 3142.74
TOTALS		61893		314274	314274	19529	CREDITS - 3308.38
							NET DUE = 165.64
							1ST INSTALLMENT
							SEPT INSTALLMENT
							FORFEITED TAXES

PT 01/2 NW1/4 LYING N OF  
 LOTS 20-22 COVERED BRIDGE  
 ACRES PLAT 1 28-14-5  
 150.01 X 330.01

DO NOT PAY THIS BILL,  
 YOU OWE NO TAXES.

YOU ARE DUE A REFUND  
 KEEP THIS PORTION FOR YOUR RECORDS. YOUR CANCELLED CHECK IS YOUR RECEIPT.  
 \$10.00 CHARGE IF CHECK FAILS TO CLEAR.  
 \* THIS IS THE DOLLAR AMOUNT OF TAXES ALLOCATED TO PENSIONS

1.14 ACRES

SMITH MICHAEL  
 PO BOX 135  
 CHATHAM IL 62629

-CORRECTED BILL- 0825 V 0115

IF PROPERTY HAS BEEN SOLD, RETURN  
 BILL OR FORWARD TO NEW OWNER

TAXES PAYABLE IN

TAX CODE	TOTAL TAX PREPAYMENT
INDEX NUMBER	NET DUE
U/C	1ST INSTALLMENT
TOWNSHIP	FORFEITED TAXES

PENALTY DUE IF PAID AFTER:

RETURN THIS STUB

MAKE PAYABLE AND MAIL TO:  
 TOWN COLLECTOR

*mailed info in on 9-19-95*

ENTER INDEX NUMBER(S) ON CHECK  
 \$10.00 CHARGE IF CHECK FAILS TO CLEAR.  
 PENALTY BASED ON DATE OF POSTMARK

TAXES PAYABLE IN

TAX CODE	TOTAL TAX PREPAYMENT
INDEX NUMBER	NET DUE
U/C	SEPT. INSTALLMENT
TOWNSHIP	

PENALTY DUE IF PAID AFTER:

RETURN THIS STUB

MAKE PAYABLE AND MAIL TO:  
 COUNTY COLLECTOR  
 COUNTY BUILDING  
 SPRINGFIELD, IL 62701  
 PHONE: 753-6800

ENTER INDEX NUMBER(S) ON CHECK  
 \$10.00 CHARGE IF CHECK FAILS TO CLEAR.  
 PENALTY BASED ON DATE OF POSTMARK