

Ordinance No. 03-59

**AN ORDINANCE AUTHORIZING EXECUTION OF AN ANNEXATION AGREEMENT
CONCERNING CERTAIN PROPERTY KNOWN AS THE FRANCIS PARCEL**

WHEREAS, it is in the best interests of the Village of Chatham (the "Village"), Sangamon County, Illinois, that a certain Annexation Agreement, a true and correct copy of which is attached hereto and incorporated herein by reference, be entered into; and

WHEREAS, Jerry L. and Jeri L. Francis (collectively, the "Owners") are ready, willing and able to enter into said Agreement and to perform the obligations as required thereunder; and

WHEREAS, the statutory procedures provided in 65 ILCS 5/11-15.1-1 et seq. of the Illinois Municipal Code, as amended, have been fully complied with, including a public hearing, which has been conducted before the Corporate Authorities of the Village upon notice given in accordance with the law.

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 the Village President be and is hereby authorized and directed to execute, and the Village Clerk is hereby authorized and directed to attest, duplicate original copies of said Annexation Agreement, a copy of which is attached hereto and made a part hereof as Exhibit A.

SECTION 2: If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.

SECTION 3: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 4: This Ordinance shall be in full force and effect upon its passage, approval and publication in pamphlet form (which publication is hereby authorized) as provided by law.



Thomas S. Gray

Thomas S. Gray, President
Village of Chatham

ATTEST

Pat Schad

Pat Schad, Village Clerk

AYES: 6 HERR McADAMS BOYLE
NAYS: 0 MCCARTHY McGRATH KAVANAUGH
ABSENT: 0

PASSED: 12-16-03
APPROVED: 12-16-03
PUBLISHED: 12-16-03

CERTIFICATION


I do hereby certify that I am the duly appointed, acting and qualified Clerk of the Village of Chatham, Sangamon County, Illinois, and that as such Clerk, I am the keeper of the records and minutes and proceedings of the President and Board of trustees of said Village of Chatham.

I do further certify that at a regular meeting of the President and the Board Of Trustees of the Village of Chatham, held on the 16 day of Dec, 2003, the foregoing Ordinance entitles An Ordinance Authorizing Execution of an Annexation Agreement Concerning Certain Property Known as the Francis Parcel was duly passed by the President and Board of Trustees of the Village of Chatham.

I do further certify that the original, of which the attached is a true and correct copy, is entrusted to me as the Clerk of said village for safekeeping, and that I am the lawful custodian and keeper of the same.

Given under my hand and seal of the Village of Chatham this 16 day of Dec, 2003.




Pat Schad, Clerk
Village of Chatham

This Space for Recorder

ANNEXATION AGREEMENT

THIS AGREEMENT is made by Jerry L. & Jeri L. Francis (Owners"), and the Village of Chatham, Illinois (the "Village"), an Illinois municipal corporation, all of Sangamon County, Illinois, and is effective this 16 day of DEC, 2003.

WHEREAS, Jerry L. & Jeri L. Francis are the record Owners of property legally described as Part of the Southeast Quarter of the Southeast Quarter of Section 16, Township 14 North, Range 5 West of the Third Principal Meridian, Sangamon County, Illinois, Described as follows: Commencing at a stone marking the Northwest corner of foresaid Southeast Quarter of the Southeast Quarter, thence East along the north line of said Southeast Quarter of the Southeast Quarter, 44.04 feet to a found pipe, said pipe being 1236.66 feet west of the west Right Of Way line of Interstate55, thence south parallel with aforesaid right of way line 704.48 feet to a set pin marking the point of beginning; thence east parallel with the north line of aforesaid southeast quarter of the southeast quarter 1236.66 feet to a set pin on the aforesaid west right of way line, thence south on aforesaid right of way line 211.34 feet to a found pipe, thence west parallel with the north line of aforesaid Southeast quarter of the southeast quarter 1236.66 feet to a found pin, thence north parallel with aforesaid west right of way line 211.34 feet to the point of beginning,

except the east 325 feet thereof. Containing the Sangamon County tax ID of 29-16-400-033. WHEREAS, the Property is located in unincorporated Sangamon County, Illinois, and is not contiguous to the corporate limits of the Village;

WHEREAS, Owner wishes to annex the Property to the Village and obtain an initial zoning upon annexation of B-1; and

WHEREAS, in accordance with the powers granted to the Village by the provisions of the Illinois Compiled Statutes, 65ILCS 5/11-15.105, inclusive, relating to annexation agreements, the Parties wish to enter into a binding agreement with respect to the annexation of the Property to the Village and to provide for various other matters related directly or indirectly to the annexation of the Property as authorized by the provisions of said statutes; and

WHEREAS, pursuant to due notice and publication in the manner provided by law, the appropriate zoning authorities of the Village have held such public hearing and have taken all further action required by the provisions of the Illinois Compiled Statutes and the ordinances of the Village relating to the procedure for authorization, approval and execution of this Agreement by the Village.

NOW, THEREFORE, in consideration of the mutual covenants, agreements and conditions herein contained, and by authority of an in accordance with the aforesaid statutes of the State of Illinois, the Parties agree as follows:

1. Owner has petitioned to annex the Property conditional upon this Agreement; a copy of the petition is attached hereto as Exhibit "A".
2. An Annexation Ordinance shall be enacted by the President and Board of Trustees within 30 days of the property becoming contiguous to the corporate limits of the Village Of Chatham.

3. Annexation shall be expressly conditioned and contingent upon the simultaneous zoning classification of the Property as B-1. Any ordinance annexing the Property or any part thereof without simultaneous initial zoning classification of B-1 shall be void unless this Agreement has been amended as hereafter provided.
4. 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 that lies within the Village's corporate limits. If, during the term of this Agreement, except as otherwise specifically agreed upon in this Agreement, any existing, amended, modified or new ordinances, codes or regulations affecting the zoning, subdivision, development, construction of improvements, buildings or appurtenances, or any other development of any kind or character upon the Property are amended or modified in a manner to impose less restrictive requirements on development of, or construction upon, properties in similarly zoned and developed parcels within the Village not subject to annexation agreements, then the benefit of such less restrictive requirements shall inure to the benefit of the Owner, and anything to the contrary contained herein notwithstanding, the Owner may elect to proceed with respect to the development of, or construction upon, the Property with the less restrictive amendment or modification applicable generally to all properties within the Village except those subject to annexation agreements.
5. 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

except as otherwise provided herein. However, in the event of a conflict between the Village ordinances and this Agreement, this Agreement shall prevail.

6. The Village agrees to execute applications for the Illinois Environmental Protection Agency ("IEPA") permits for the extension of municipal utilities upon submittal by the Owner of final engineering plans with the understanding that the execution of said application shall not be considered an approval of final engineering and that no construction shall commence until final engineering and the final plat have been approved by the Village.
7. The owner agrees to grant to the Village easements required from time to time, for the benefit of the Property, at locations mutually satisfactory to the Village and the Owner. The Village further agrees that, in the event that Owner is unable to obtain utility easements over, under, across or through Property which may be necessary or appropriate for the development of the Property, in conditions acceptable to the Owner, the Village will use its powers of condemnation to acquire such easements. The Owner shall pay for all reasonable costs and expenses incurred by the Village in securing of such easements on behalf of the Owner.
8. 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.
9. This Agreement shall only be amended by 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.

10. 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.
11. The Village shall, at its expense, record this Agreement with the Sangamon County Recorder of Deeds within 30 days of its execution.

If the performance of any covenant to be performed hereunder by any party is delayed as a result of circumstances that are beyond the reasonable control of such party, the time for such performance shall be extended by the amount of time of such delay. IN WITNESS WHEREOF, the parties have executed this Agreement on this 16 day of DEC, 2003.

Owner

Owner

VILLAGE OF CHATHAM, ILLINOIS



Thomas S. Gray

Thomas S. Gray, President

Pat Schad

Pat Schad, Village Clerk

PETITION FOR ANNEXATION

Jerry L. & Jeri L. Francis 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 Part of the Southeast Quarter of the Southeast Quarter of Section 16, Township 14 North, Range 5 West of the Third Principal Meridian, Sangamon County, Illinois, Described as follows: Commencing at a stone marking the Northwest corner of foresaid Southeast Quarter of the Southeast Quarter, thence East along the north line of said Southeast Quarter of the Southeast Quarter, 44.04 feet to a found pipe, said pipe being 1236.66 feet west of the west Right Of Way line of Interstate55, thence south parallel with aforesaid right of way line 704.48 feet to a set pin marking the point of beginning; thence east parallel with the north line of aforesaid southeast quarter of the southeast quarter 1236.66 feet to a set pin on the aforesaid west right of way line, thence south on aforesaid right of way line 211.34 feet to a found pipe, thence west parallel with the north line of aforesaid Southeast quarter of the southeast quarter 1236.66 feet to a found pin, thence north parallel with aforesaid west right of way line 211.34 feet to the point of beginning, except the east 325 feet thereof. Containing the Sangamon County tax ID of 29-16-400-033. An Annexation map attached hereto marked as Exhibit "A". Petitioner hereby states as follows:

1. The described territory is or will be at the time of annexation contiguous to the Village of Chatham.
2. The 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 comprise 100% of the electors residing therein.

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

Petitioner

Petitioner

STATE OF ILLINOIS)
) SS.
COUNTY OF SANGAMON)

VERIFICATION

Jerry L. and Jeri L. Francis 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

SUBSCRIBED AND SWORN TO before me

this ____ day of _____, 2003.

Notary Public