

Ordinance No. 03-68

**AN ORDINANCE APPROVING AN ANNEXATION AGREEMENT
WITH OAKLEY AND CARMEN DELAY**

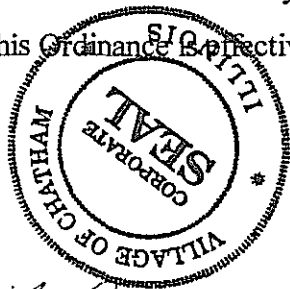
WHEREAS, on December 16, 2003, pursuant to notice published as prescribed by statute, the corporate authorities of the Village of Chatham conducted a public hearing regarding an annexation agreement with Oakley and Carmen DeLay copy of which is attached hereto.

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 and Oakley and Carmen DeLay 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 to carry out said annexation agreement according to its terms.

SECTION 3: This Ordinance is effective immediately.



Thomas S. Gray
Thomas S. Gray, President
Village of Chatham

ATTEST

Pat Schad
Pat Schad, Village Clerk

AYES: 1 HERR MCADAMS BOYLE
NAYS: 0 MCCARTHY McGRATH KAVANAGH
ABSENT: 0

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

This Space for Recorder

ANNEXATION AGREEMENT

THIS AGREEMENT is between Oakley and Carmen DeLay (Owners"), and the Village of Chatham, Illinois (the "Village"), an Illinois municipal corporation, all of Sangamon County, Illinois, and is effective this upon its execution by the Owners and the Village approval of this agreement by Ordinance passed by the Corporate authorities of the Village of Chatham, Illinois.

WHEREAS, Oakley and Carmen DeLay are the owners of record of certain land, the legal description and a plat of which are attached as Exhibit A to an annexation petition signed by the owners, which is attached hereto; (the "Property")

WHEREAS, this Agreement is authorized by Section 11-15.1-1 et seq. of the Illinois Municipal Code;

WHEREAS, Oakley and Carmen DeLay desire annexation of the Property to the Village of Chatham in return for the Village's commitment to provide water service for a main extension fee of \$2,000;

NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:

1. When the property becomes contiguous to the Village, 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.
2. Owners has paid a deposit of \$2,000 to the Village to defray part of the cost of a water main extension to the Property. Within 3 months of signing this Agreement, the Village shall, at no additional cost, provide water utility service to the

boundary of the Property at a location to be determined by the Village. If the Village can obtain the proper regulatory permits and easements, the Village intends to install a water main along the boundary of the Property. A 10 foot wide easement may be needed if the Village requires within the existing roadway dedication.

3. 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.
4. This Agreement shall be effective only when signed by all parties and when approved by Ordinance adopted by the corporate authorities of the Village of Chatham, Illinois. The Village 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 this 16 day of Oct, 2002.

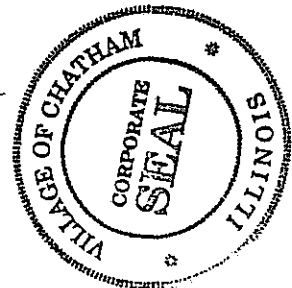
Oakley DeLay
Oakley DeLay

Carmen DeLay
Carmen DeLay

VILLAGE OF CHATHAM, ILLINOIS

BY: Thomas S. Gray
Thomas S. Gray, President
Village of Chatham

ATTEST: Pat Schad
Pat Schad, Village Clerk



PETITION FOR ANNEXATION

Oakley and Carmen DeLay ("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 and plat are attached hereto as Exhibit A hereby state as follow:

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 is 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 attached real estate be annexed to the Village of Chatham, Sangamon County, Illinois.

Oakley DeLay
Oakley DeLay

Carmen DeLay
Carmen DeLay

STATE OF ILLINOIS)
) SS.
COUNTY OF SANGAMON)

VERIFICATION

Oakley and Carmen DeLay being duly sworn on oath, depose and state that he has reviewed the foregoing Petition for Annexation, and the statements therein made are true and correct.

Oakley DeLay
Oakley DeLay

Carmen DeLay
Carmen DeLay

SUBSCRIBED AND SWORN TO before me

this 16th day of Oct, 2002.

Sherry L. Rath
Notary Public

