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2011R20892

07/07/2011 04:08PM

REC FEE: 36.00

TOTAL: \$36.00

PAGES: 11

ANDREA

JOSHUA A. LANGFELDER  
SANGAMON COUNTY RECORDER

*This Space for Recorder*

Ordinance No. 11- 11

**AN ORDINANCE APPROVING AN ANNEXATION AGREEMENT  
WITH ROBERT AND LAURA KINNEY**

WHEREAS, on March 8<sup>th</sup>, 2011, 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 Robert and Laura Kinney 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 and the Robert and Laura Kinney is hereby approved.

**SECTION 2:** The President is authorized and 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.

return to: Prepared by:  
VILLAGE OF CHATHAM  
116 E. MULBERRY ST.  
CHATHAM, ILLINOIS 62629

PASSED THIS 8TH DAY OF MARCH, 2011

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



ATTEST:

Pat Schad, BY Karl E. Todd, DEPUTY CLERK  
Pat Schad, Village Clerk

PASSED: 3/8/2011

APPROVED: 3/8/2011

AYES: 6 HERR, MAU, BOYLE, REYNOLDS, SCHATEMAN, KAVANAGH

NAYS: 0

ABSENT: 0

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*This Space for Recorder*

**ANNEXATION AGREEMENT**

THIS AGREEMENT is made by Robert and Laura Kinney, and the Village of Chatham, Illinois (the "Village"), an Illinois municipal corporation, all of Sangamon County, Illinois, and is effective this 8<sup>th</sup> day of March, 2011.

WHEREAS, Robert and Laura Kinney is the record Owners of property legally described as follows:

Part of the West half of the Northwest Quarter of Section 16, Township 14 North, Range 5 West of the Third Principal Meridian in Sangamon County, Illinois; described more particularly as follows: commencing at a stone marking the Southwest Corner of the Northwest Quarter of the aforementioned Section 16, thence North 00 degrees 57 minutes 26 seconds West along the Section line a distance of 782.77 feet to an iron pipe marking the true point of beginning, thence continuing North 00 degrees 57 minutes 26 seconds West along the Section line a distance of 744.70 feet to an iron pipe, thence South 89 degrees 24 minutes 18 Seconds East 325.08 feet, thence South 00 degrees 57 minutes 26 seconds East 731.00 feet, thence South 88 Degrees 10 minutes 45 seconds West 325.00 feet to the true point of beginning, said parcel contains 5.504 acres, more or less

WHEREAS, the Property is located in unincorporated Sangamon County, Illinois, and is 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 P-1;

NOW, THEREFORE, 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. Such annexation is be expressly conditioned and contingent upon the simultaneous zoning classification of the Property as P-1. Any ordinance annexing the Property or any part thereof without simultaneous initial zoning classification of P-1 shall be void unless this Agreement has been amended as hereafter provided. Prior to executing this Agreement, this zoning has been considered by the appropriate administrative bodies of the Village.

3. Owners wish to receive an Electric rate not to exceed Two cents per kilowatt hour above the Village Rate to its customers for the same service.

4. Owners wish to receive the inside Village rate for Water Service.

5. The Village agrees to apply for all required IEPA permits for the installation of the water line to this property.

6. 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.

7. 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.

8. 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.

9. 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.

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

11. 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.

12. 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 8<sup>th</sup> day of March, 2011

ROBERT KINNEY

By: Robert Kinney  
Owner

LAURA KINNEY

By: Laura Kinney  
Owner

VILLAGE OF CHATHAM, ILLINOIS

BY: Thomas Gray  
President

Attest: Pat Schod BY Karl E. Tost, DEPUTY CLERK  
Village Clerk

## PETITION FOR ANNEXATION

Robert and Laura Kinney hereby petitions 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 of Section 16, Township 14 North, Range 5 West of the Third Principal Meridian in Sangamon County, Illinois; described more particularly as follows: commencing at a stone marking the Southwest Corner of the Northwest Quarter of the aforementioned Section 16, thence North 00 degrees 57 minutes 26 seconds West along the Section line a distance of 782.77 feet to an iron pipe marking the true point of beginning, thence continuing North 00 degrees 57 minutes 26 seconds West along the Section line a distance of 744.70 feet to an iron pipe, thence South 89 degrees 24 minutes 18 Seconds East 325.08 feet, thence South 00 degrees 57 minutes 26 seconds East 731.00 feet, thence South 88 Degrees 10 minutes 45 seconds West 325.00 feet to the true point of beginning, said parcel contains 5.504 acres, more or less situated in Sangamon County, Illinois

and a plat of which is attached hereto. (Sangamon County tax id no. 29 610 100 007)

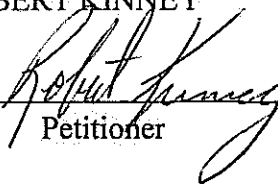
Petitioners hereby states as follows:

1. The above-described territory is contiguous to the Village of Chatham.
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 no electors reside therein.

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

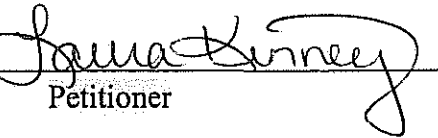
ROBERT KINNEY

By:

  
Petitioner

LAURA KINNEY

By:

  
Petitioner

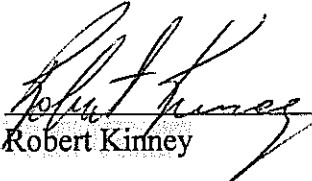
2/14/2011

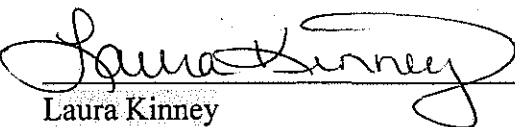


STATE OF ILLINOIS            )  
  )  
COUNTY OF SANGAMON        )

VERIFICATION

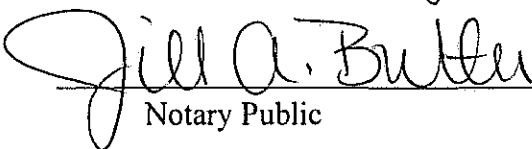
Robert and Laura Kinney being duly sworn on his oath, deposes and states that he is the owner and that he has reviewed the foregoing Petition for Annexation, and the statements therein made are true and correct.

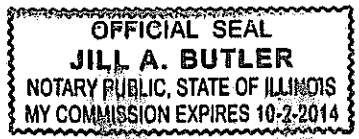
  
\_\_\_\_\_  
Robert Kinney

  
\_\_\_\_\_  
Laura Kinney

SUBSCRIBED AND SWORN TO before me

this 14<sup>th</sup> day of February, 2010.

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

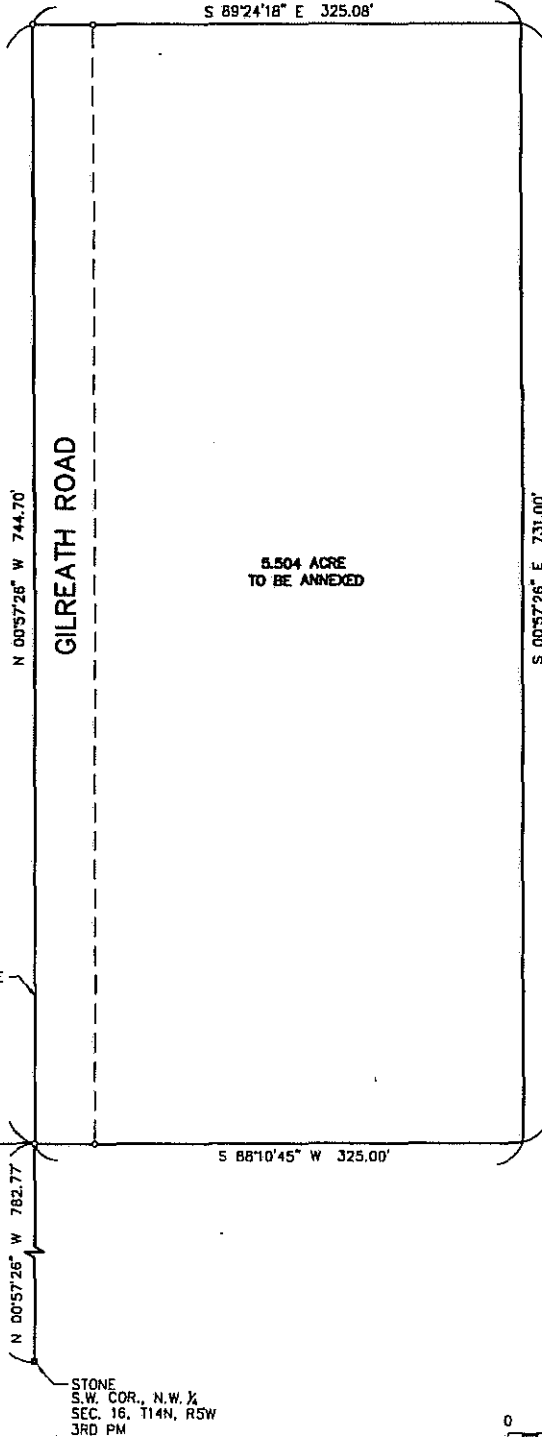


# PLAT OF ANNEXATION

## LEGAL DESCRIPTION

### ANNEXATION

PART OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 14 NORTH, RANGE 5 WEST OF THE THIRD PRINCIPAL MERIDIAN IN SANGAMON COUNTY, ILLINOIS; DESCRIBED MORE PARTICULARLY AS FOLLOWS: COMMENCING AT A STONE MARKING THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF THE AFOREMENTIONED SECTION 16, THENCE NORTH 00 DEGREES 57 MINUTES 26 SECONDS WEST ALONG THE SECTION LINE A DISTANCE OF 782.77 FEET TO AN IRON PIPE MARKING THE TRUE POINT OF BEGINNING, THENCE CONTINUING NORTH 00 DEGREES 57 MINUTES 26 SECONDS WEST ALONG THE SECTION LINE A DISTANCE OF 744.70 FEET TO AN IRON PIPE, THENCE SOUTH 89 DEGREES 24 MINUTES 18 SECONDS EAST 325.08 FEET, THENCE SOUTH 00 DEGREES 57 MINUTES 26 SECONDS EAST 731.00 FEET, THENCE SOUTH 88 DEGREES 10 MINUTES 45 SECONDS WEST 325.00 FEET TO THE TRUE POINT OF BEGINNING. SAID PARCEL CONTAINS 5.504 ACRES, MORE OR LESS.



### LEGEND

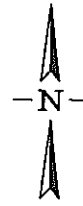
- IRON PIPE ○
- STONE ■

THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

*Richard Tonnello*  
 ILLINOIS PROFESSIONAL LAND SURVEYOR # 2590  
 DATE SIGNED 10/25/10



EXPIRES: 11/30/12



0 50 100  
 SCALE IN FEET

REVISIONS	DATE	BY



**GREENE & BRADFORD, INC.**  
 OF SPRINGFIELD

CONSULTING ENGINEERS  
 3501 CONSTRUCTION DRIVE  
 SPRINGFIELD, ILLINOIS 62711  
 (317) 783-8844, (317) 783-8227 FAX

PROFESSIONAL LAND SURVEYING FIRM NO. 040-000028

DATE	10/27/10
DRAWN	COADY
PROJ. NO.	10001.19
FIELD BOOK	X
COMPUTER FILE NO.	
Plot Scale	1" = 100'

**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. 11- 11, adopted by the President and Board of Trustees of said Village on the 8<sup>th</sup> day of March, 2011, said Ordinance being entitled:

**AN ORDINANCE APPROVING AN ANNEXATION AGREEMENT  
WITH ROBERT AND LAURA KINNEY**

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 8<sup>th</sup> day of March, 2011.

*Prof School BY Karl E. Tack, DEPUTY CLERK*  
Village Clerk