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REC FEE: 39.00

TOTAL: \$39.00

PAGES: 14

CHRISTINE

JOSHUA A. LANGFELDER
SANGAMON COUNTY RECORDER

Please Invoice and send back to:

Village of Chatham
Attn: Patrick McCarthy
117 E. Mulberry St.
Chatham, IL 62629

Document Title: Ordinance 18-3

SANGAMON COUNTY, ILLINOIS

ORDINANCE
NUMBER 18 - 3

**AN ORDINANCE ANNEXING CERTAIN PROPERTY TO
THE VILLAGE OF CHATHAM**

DAVE KIMSEY, Village President
AMY DAHLKAMP, Village Clerk

TERRY FOUNTAIN
BRETT GERGER
NINA LINDHORST
RYAN MANN
MATT MAU
PAUL SCHERSCHEL
Village Trustees

Published in pamphlet form by authority of the President and Board of Trustees of the Village of Chatham
on January 9th, 2018

Sorling Northrup – 1 N. Old State Capitol Plaza, Suite 200, P.O. Box 5131, Springfield, IL 62705

ORDINANCE NO. 18 - 3

**AN ORDINANCE ANNEXING CERTAIN PROPERTY TO
THE VILLAGE OF CHATHAM**

WHEREAS, the Village of Chatham (hereinafter “Village”) is an Illinois Municipal Corporation existing and operating under the Illinois Municipal Code and the laws of the State of Illinois; and

WHEREAS, in August of 1998, the David R. Inslee and Dena M. Inslee (hereinafter “Owners”) were the owners of record of certain real property, legally described on **Exhibit 1** to this Ordinance (hereinafter “Unincorporated Territory”); and

WHEREAS, in April of 1998, Owners filed with the Village Clerk a duly executed Petition for Annexation (hereinafter “Petition”) (**Exhibit 2**), pursuant to 65 ILCS 5/7-1-8, requesting that the Unincorporated Territory be annexed to the Village; and

WHEREAS, on or about August 13, 1998, the Planning Commission held a duly noticed hearing on Owner’s Petition and Annexation Agreement (**Exhibit 3**); and

WHEREAS, on or about August 25, 1998, the Village Board held a duly noticed hearing on Owners’ Petition and Annexation Agreement, and in Ordinance No. 98-56 (**Exhibit 4**) the Board voted unanimously in favor of approving said Petition and Annexation Agreement in accordance with the Annexation Agreement; and

WHEREAS, on or about August 25, 1998, the Annexation Agreement between Owners and the Village was approved, executed, and became effective; and

WHEREAS, said Annexation Agreement is conditioned upon the Unincorporated Territory becoming contiguous to the Village and is conditioned on a twenty-year term; and

WHEREAS, Article 11 Division 15.1 of the Illinois Municipal Code of 1961 as amended (65 ILCS 5/11-15.1-1 et seq.) provides that corporate authorities may enter into annexation agreements with owners of land of unincorporated territory, and that any such agreements shall be binding upon the successor owners of record; and,

WHEREAS, the Village is authorized to annex the Unincorporated Territory pursuant to the Illinois Municipal Code, 65 ILCS 5/7-1-1 et seq; and

WHEREAS, the Unincorporated Territory is not within the corporate limits of any municipality; and

WHEREAS, the Unincorporated Territory is contiguous to the Village; and

WHEREAS, at the time the valid and existing Annexation Agreement was executed, there were no electors residing in the Unincorporated Territory; and

WHEREAS, the Unincorporated Territory is currently within a fire protection district and public library district; however, the Village does not provide either fire protection services or a public library; and

WHEREAS, the President and Board of Trustees of the Village have determined it to be in the best interest of the Village to annex the Unincorporated Territory in accordance with the Annexation Agreement 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. Recitals. The foregoing recitals shall be and are hereby incorporated into and made a part of this Ordinance as if fully set forth in this Section 1.

Section 2. Annexation. The property described in **Exhibit 1** shall be, and is hereby, annexed to the Village of Chatham in accordance with the Annexation Agreement.

Section 3. Authorization. The Village Clerk shall be, and is hereby, authorized and directed to record in the Office of the Sangamon County Recorder of Deeds promptly after the effective date of this Ordinance, a certified copy of this Ordinance, including an accurate map of the annexed territory in compliance with the Municipal Code, and any other documents as required by law including affidavits of service as may be required by law. The Village Manager shall be, and is hereby, authorized and directed to notify the Election Authorities, as defined in Section 7-1-1 of the Illinois Municipal Code, 65 ILCS 5/7-1-1, and the United States Post Office branches serving the Parcel of the annexation by registered or certified mail within 30 days after the effective date of this Ordinance. A document of annexation shall also be filed with the County Clerk as required by law.

Section 4. Severability. In the event that any section, clause, provision, or part of this Ordinance shall be found and determined to be invalid by a court of competent jurisdiction, all valid parts that are severable from the invalid parts shall remain in full force and effect.

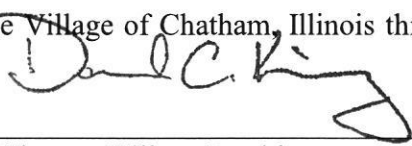
Section 5. Repeal and Savings Clause. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed; provided, however, that nothing herein contained shall affect any rights, action, or causes of action which shall have accrued to the Village of Chatham prior to the effective date of this Ordinance.

Section 6. Effectiveness. This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

PASSED this ___ day of January 9th, 2018.

	YES	NO	ABSENT	PRESENT
TERRY FOUNTAIN			X	
BRETT GERGER	X			
NINA LINDHORST	X			
RYAN MANN	X			
MATT MAU	X			
PAUL SCHERSCHEL	X			
DAVE KIMSEY			X	
TOTAL	5	0	2	

APPROVED by the President of the Village of Chatham, Illinois this 9th day of January, 2018.



Dave Kimsey, Village President

Attest:


Amy Dahlkamp, Village Clerk

EXHIBIT 1
LEGAL DESCRIPTION

PART OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 14 NORTH, RANGE 5 WEST OF THE THIRD PRINCIPAL MERIDIAN, SANGAMON COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS:

FROM THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 9, WEST ALONG THE QUARTER QUARTER SECTION LINE, 635.77 FEET TO THE POINT OF BEGINNING; THENCE DEFLECTING TO THE LEFT 90 DEGREES 202.20 FEET; THENCE DEFLECTING TO THE RIGHT 90 DEGREES, 150 FEET; THENCE DEFLECTING TO THE RIGHT 90 DEGREES, 202.20 FEET; THENCE DEFLECTING TO THE RIGHT 90 DEGREES, 150.00 TO THE POINT OF BEGINNING, CONTAINING .696 ACRES, MORE OR LESS.

29-09-300-017

PETITION FOR ANNEXATION

David R. Inslee and Dena M. Inslee ("Petitioners"), being duly sworn on his 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 Southeast Quarter of the Southwest Quarter of Section 9, Township 14 North, Range 5 West of the Third principal meridian, Sangamon County, Illinois, described as follows:

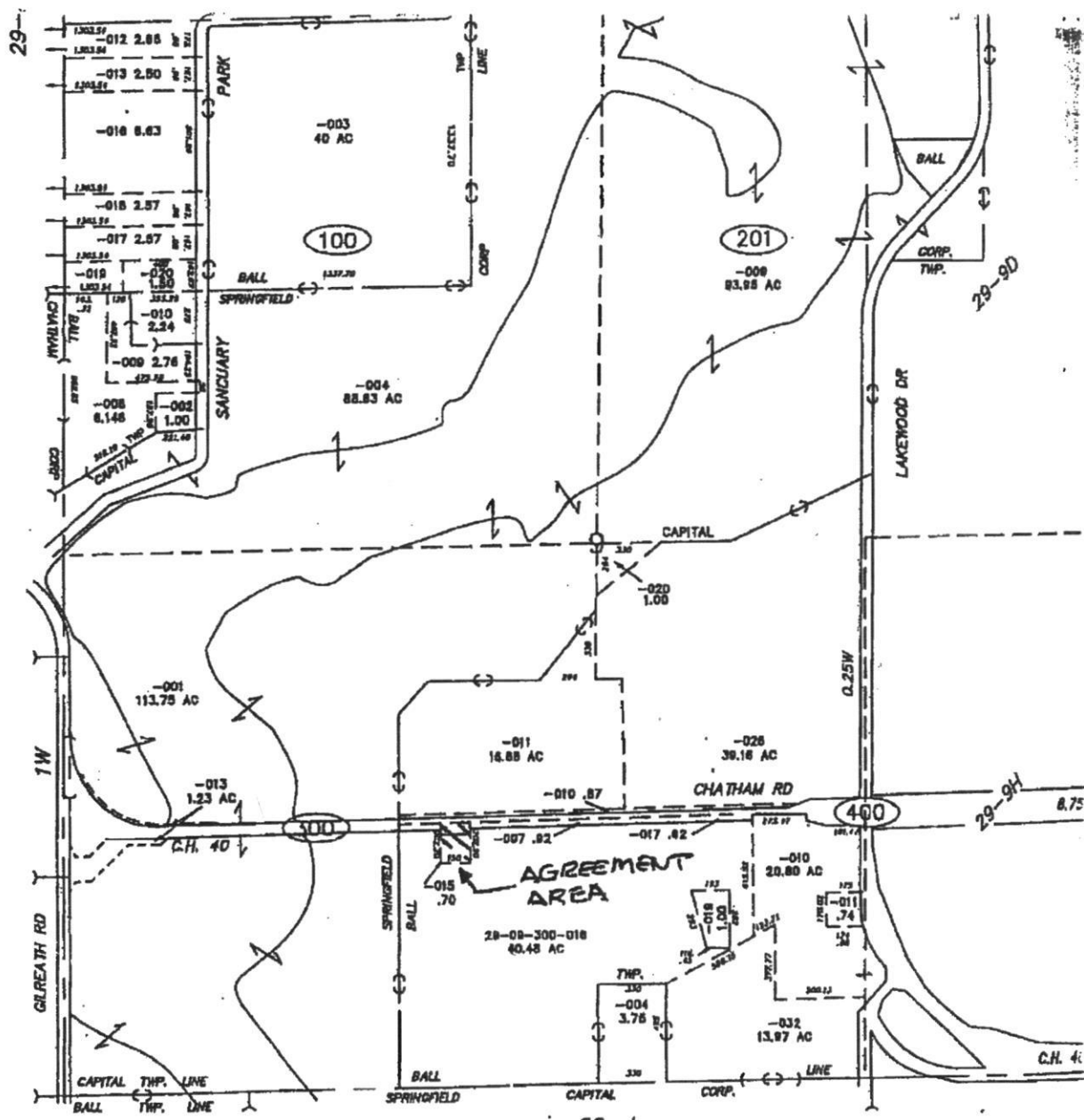
From the Northeast corner of the Southeast Quarter of the Southwest Quarter of said Section 9, West along the Quarter Quarter Section line, 635.77 feet to the point of beginning; Thence deflecting to the left 90 degrees, 202.20 feet; Thence deflecting to the right 90 degrees, 150 feet; thence deflecting to the right 90 degrees, 202.20 feet; Thence deflecting to the right 90 degrees, 150.00 to the point of beginning, containing 0.696 acres, more or less 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 Petitioners, hereby request that the above-described real estate be annexed to the Village of Chatham, Sangamon County, Illinois.


Petitioner


Petitioner



400'
 REVISION 7/97
 29-C

29-J
 BALL & CAPITAL TWPS.
 SECS. 4 & 9 T.14N. R.5W.

000555

STATE OF ILLINOIS)
) SS.
COUNTY OF SANGAMON)

VERIFICATION

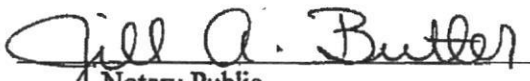
David R. Inslee and Dena M. Inslee being duly sworn on oath, depose and state that they have reviewed the foregoing Petition for Annexation, and the statements therein made are true and correct.


Petitioner


Petitioner

✓(6) SUBSCRIBED AND SWORN TO before me

this 30th day of April, 1998.


Notary Public



⑤ 18
njo

SANGAMON COUNTY
ILLINOIS

98-45360

98 AUG 28 PM 12:33

98-56

Mary Ann Sammel
RECORDER

This Space for Recorder

ANNEXATION AGREEMENT

THIS AGREEMENT is made by David R. Inslee and Dena M. Inslee ("Owners"), and the Village of Chatham, Illinois (the "Village"), an Illinois municipal corporation, all of Sangamon County, Illinois, and is effective this 25 day of August, 1998.

WHEREAS, David R. Inslee and Dena M. Inslee are the record Owners of property legally described as follows:

Part of the Southeast Quarter of the Southwest Quarter of Section 9, Township 14 North, Range 5 West of the Third principal meridian, Sangamon County, Illinois, described as follows:

From the Northeast corner of the Southeast Quarter of the Southwest Quarter of said Section 9, West along the Quarter Quarter Section line, 635.77 feet to the point of beginning; Thence deflecting to the left 90 degrees, 202.20 feet; Thence deflecting to the right 90 degrees, 150 feet; thence deflecting to the right 90 degrees, 202.20 feet; Thence deflecting to the right 90 degrees, 150.00 to the point of beginning, containing 0.696 acres, more or less.

WHEREAS, the Property is located in unincorporated Sangamon County, Illinois, but is not yet 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;

WHEREAS, Owner wishes to receive the inside Village rate for water;

WHEREAS, the owners desire to have the option to void this agreement should another Municipality block Chatham from becoming contiguous;

RETURN TO:
ROBERT A. KRUEGER
VILLAGE CLERK
116 EAST MULBERRY
CHATHAM, IL 62629

000550

Ordinance No. 98-56

AN ORDINANCE APPROVING AN ANNEXATION AGREEMENT
WITH DAVID R. & DENA M. INSLEE

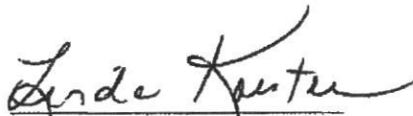
WHEREAS, on August 13th, 1998, pursuant to notice published as prescribed by statute, the corporate authorities of the Village of Chatham conducted a public hearing regarding an annexation agreement David R. & Dena M. Inslee copy of which is attached hereto.

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

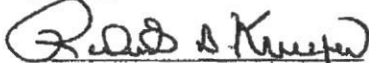
SECTION 1: That certain annexation agreement attached hereto by and between the Village of Chatham and David R. & Dena M. Inslee is hereby approved.

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.


Linda L. Koester, President
Village of Chatham

ATTEST


Robert A. Krueger, Village Clerk

AYES: 6
NAYS: 0
ABSENT: 0

PASSED: 8/25/98
APPROVED: 8/25/98

000551

NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:

1. Owner has 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, should another Municipality block the Village of Chatham from becoming contiguous to the Village, the Village, at the owners request, shall pass such Ordinances necessary to void this agreement.

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 water services at the inside Village 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.

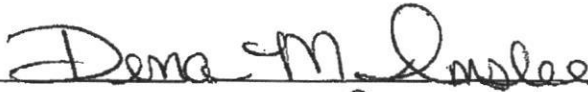
9. If the performance of any covenant to be performed hereunder by any party is delayed as a result of circumstances which are beyond the reasonable control of such party, the time for such performance shall be extended by the amount of time of such delay.

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 25 day of August, 1998.

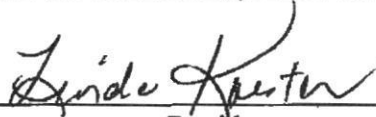


Owner



Owner

VILLAGE OF CHATHAM, ILLINOIS

BY: 

President

Attest: 

Village Clerk

