



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: Laurel Lunt Prussing, Mayor

FROM: Elizabeth H. Tyler, FAICP, Community Development Director

DATE: January 21, 2010

SUBJECT: **Annexation Case 2009-A-08:** Annexation of 1102 W. Saline Court / Champaign Asphalt Company, LLC

Introduction and Background

Staff is requesting the Committee of the Whole consider the attached petition and draft ordinance for the annexation of 1102 W. Saline Court. The 22.736-acre tract, adjacent to a 0.388-acre portion of Saline Court right-of-way, is owned by Champaign Asphalt Company, LLC and is currently vacant. On December 17, 2007, the Urbana City Council approved an annexation agreement by Ordinance No. 2007-12-140 with Champaign Asphalt Company, LLC regarding the subject parcel (copy attached).

Issues and Discussion

The property is located north of Saline Court, which is generally north of Oaks Road, and west of Lincoln Avenue and the Saline Branch drainage ditch. Immediately to the south and west is the Emulsicoat Asphalt plant. To the north and east are undeveloped agricultural lands which are part of the Squire Farm. It is contiguous to the city limits to the south and west. (See Exhibit A.)

The property is currently zoned County AG-2, Agriculture. The annexation agreement for this property includes provisions to rezone the property from County AG-2, Agriculture to City IN, Industrial upon annexation and a special use permit to allow the production of asphalt. This is consistent with the Future Land Use identified in the 2005 Urbana Comprehensive Plan.

The property is currently vacant and the property owner has no immediate development plans but future development under the terms of the annexation agreement is anticipated. As the lot is vacant, city services will not immediately be affected. Per the annexation agreement, the property owner has agreed to petition for the disconnection of the property from Champaign School District Unit #4 and to request annexation to Urbana School District #116 per Illinois State Statute within 60 days of annexation.

Recommendation

Staff recommends the Committee of the Whole forward the attached ordinance to the City Council's regular meeting on February 1, 2010 with a recommendation for approval. Following approval, annexation would become effective February 11, 2010 at 12:00P.M.

Prepared by:

Rebecca Bird, Planner I

Attachments: Exhibit A: Draft Ordinance and Annexation Plat
 Exhibit B: Location Map
 Exhibit C: Annexation Petition
 Exhibit D: Annexation Agreement

Cc:

Champaign Asphalt Ted Combes, Vice-President 1414 W Anthony Drive Urbana, IL 61802	
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ORDINANCE NO. 2010-01-004

**AN ORDINANCE
ANNEXING CERTAIN TERRITORY
TO THE CITY OF URBANA**

(1102 W. Saline Court / Champaign Asphalt Company, LLC)

WHEREAS, the hereinafter described territory is situated in unincorporated territory adjacent to and contiguous to the City of Urbana, Illinois, and is part of the Eastern Prairie Fire Protection District, and includes certain territory within the Somer Township, and Notice was given to the Trustees of said Fire Protection District, the Board of Township Trustees, and the Township Commissioner of Highways, said notices being mailed on January 5, 2010 that this Ordinance would be voted upon at the regular meeting of this Council at 7:00 p.m., Monday, February 1, 2010; and

WHEREAS, a written petition signed by all of the Owners of Record and at least fifty-one percent (51%) of the electors residing therein, of all land within such territory, has been filed with the City Clerk of the City of Urbana, Illinois, requesting annexation thereof to the City of Urbana; and

WHEREAS, the property is subject to an adopted annexation agreement, which includes a special use permit, between Champaign Asphalt Company, LLC and the City of Urbana adopted at the regular meeting of the Urbana City Council on December 17, 2007 under Ordinance Number 2007-12-140; and

WHEREAS, the territory to be annexed by this Ordinance is presently located within Champaign County's AG-2, Agriculture zoning district and upon annexation will be converted to City IN, Industrial; and

WHEREAS, it has been determined that said petition complies with all requirements of the law therefore; and

WHEREAS, the majority of the Members of the Council are of the opinion that it would be for the best interests of the people of the City of Urbana, Illinois, that said territory be annexed to and made a part of the said City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS:

Section 1. That the following described real estate, to wit, commonly known for reference as 1102 W. Saline Court, Urbana, Illinois, be and the same is hereby annexed to the City of Urbana, Illinois:

A PORTION OF THE NORTHEAST QUARTER (NE ¼) OF SECTION 31, TOWNSHIP 20 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, SOMER TOWNSHIP, CHAMPAIGN COUNTY, ILLINOIS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LOT 101 OF SQUIRE FARM SUBDIVISION NUMBER 1, AS SHOWN ON A PLAT RECORDED JUNE 23, 2009 AS DOCUMENT NUMBER 2009R18497 IN THE OFFICE OF THE RECORDER OF DEEDS, CHAMPAIGN COUNTY, ILLINOIS.

CONTAINING 22.736 ACRES, MORE OR LESS, ALL SITUATED IN SOMER TOWNSHIP, CHAMPAIGN COUNTY, ILLINOIS

TOGETHER WITH THE FOLLOWING DESCRIBED ADJACENT PUBLIC RIGHT-OF-WAY WHICH IS BY OPERATION OF THE LAW, AUTOMATICALLY ANNEXED WITH THE ADOPTION OF AN ANNEXATION ORDINANCE PERTAINING TO THIS TRACT:

THAT PORTION OF SALINE COURT RIGHT-OF-WAY LYING ADJACENT TO THE HEREIN ANNEXED TRACT, ENCOMPASSING 0.388 ACRES (16,900 S.F.), MORE OR LESS.

The above-described parcel, prior to January 1, 2010, had the parcel index number 25-15-31-200-001 and after January 1, 2010, the said parcel should bear the parcel index number 25-15-31-226-001.

Section 2. That the City Clerk be authorized and directed to record a certified copy of this Ordinance together with an accurate map of the territory herein above described in the Recorder's Office of Champaign County, Illinois in the Office of the County Clerk and County Election Authority of Champaign County, Illinois.

Section 3. The Zoning Ordinance of the City of Urbana, Illinois, and the Zoning Map of Urbana, Illinois, are hereby amended to classify the real property herein annexed as IN, Industrial District with a special use permit to allow the production of asphalt.

Section 4. The territory annexed herein is assigned to City of Urbana Ward 3.

Section 5. To avoid uncertainty regarding public safety responsibilities concerning the property herein annexed, this Ordinance shall take effect at noon on the 11th day of February, 2010 following its passage by the Urbana City Council.

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called, of a majority of the members of the Council of the City of Urbana, Illinois, at a regular meeting of said Council on the _____ day of _____, 2010, A.D.

Ayes:

Nays:

Abstain:

PASSED by the City Council this _____ day of _____, 2010.

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this _____ day of _____, 2010.

Laurel Lunt Prussing, Mayor

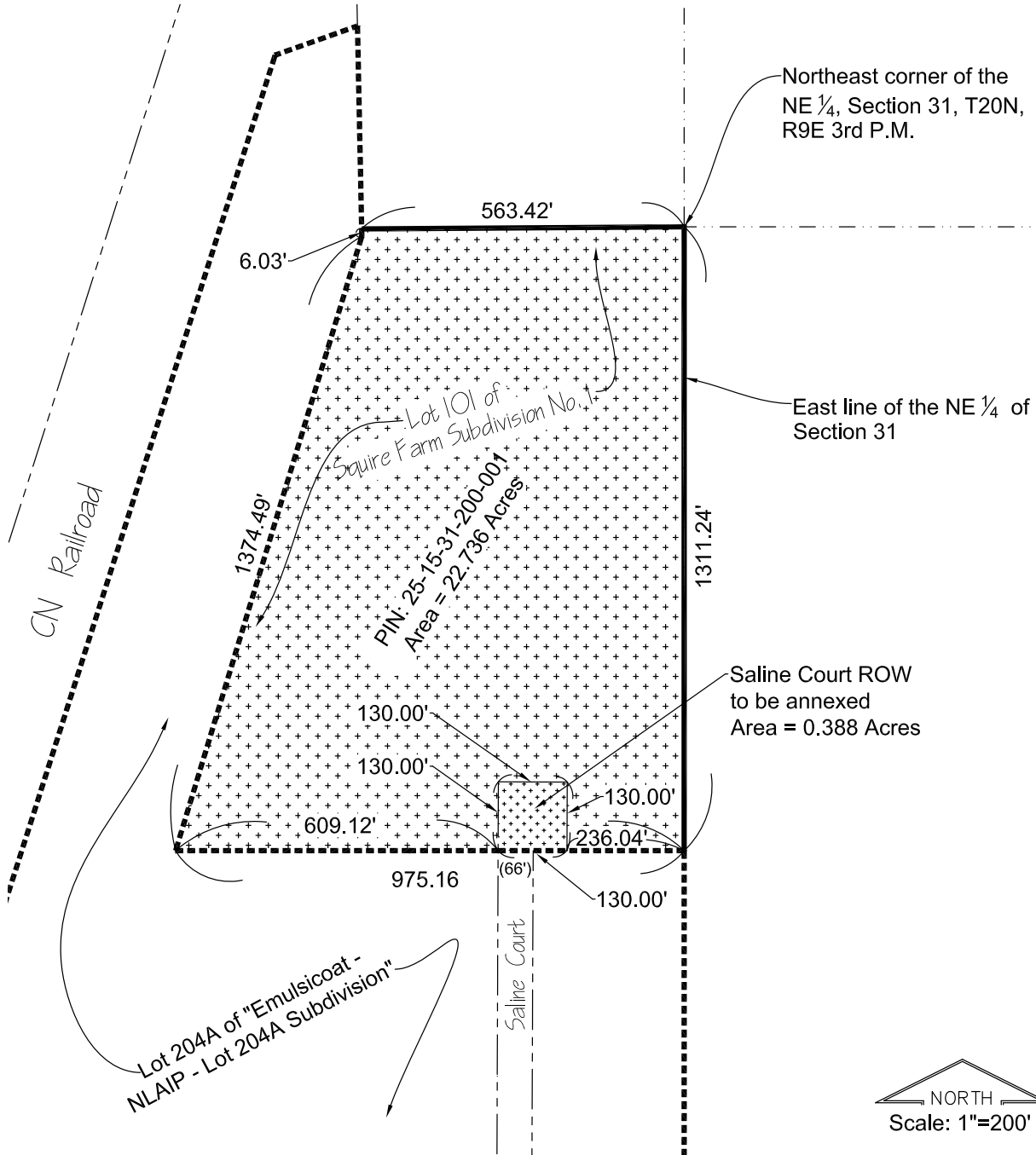
A PORTION OF THE NORTHEAST QUARTER (NE ¼) OF SECTION 31, TOWNSHIP 20 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, SOMER TOWNSHIP, CHAMPAIGN COUNTY, ILLINOIS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

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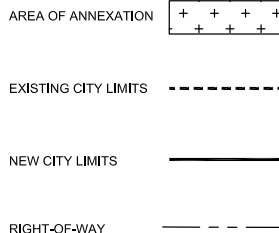
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THAT PORTION OF SALINE COURT RIGHT-OF-WAY LYING ADJACENT TO THE HEREIN ANNEXED TRACT, ENCOMPASSING 0.388 ACRES (16,900 S.F.), MORE OR LESS.



MAP SHOWING AREA ANNEXED BY CITY ORDINANCE #2009-XX-XXX CITY OF URBANA, ILLINOIS CHAMPAIGN COUNTY DATE: XXXXX XX, 2009



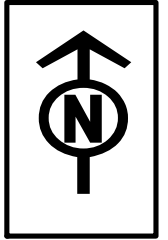
ENGINEERING DIVISION



CITY ENGINEER/PUBLIC WORKS DIRECTOR

CAD: B.W.F. 12/11/09
CHECKED: W.R.G. 12/14/09

Location Map & Aerial Photo



0 295 590 1,180 1,770 2,360 Feet



Plan Case: 2009-A-08
Description: Champaign Asphalt Annexation Petition
Location: 1102 W. Saline Court

 Subject Property

 City of Urbana



Petition for Annexation

Annexation

DO NOT WRITE IN THIS SPACE - FOR OFFICE USE ONLY

Date Request Filed _____ Annexation Case No. _____

PLEASE PRINT OR TYPE THE FOLLOWING INFORMATION

- 1. Location of Subject Site 1102 W. Saline Court, Urbana, IL
- 2. PIN # of Location 25-15-31-200-001
- 3. Name of Applicant/Petitioner(s) Champaign Asphalt Company, LLC Phone 217/356-7280
 Address 1414 W. Anthony Drive, Urbana, IL 61802
 (street/city) (state) (zip)

Property interest of Applicant(s) Owner
(owner, contract buyer, etc)

- 4. Name of Owner(s) Champaign Asphalt Company, LLC Phone 217/356-7280
 Address 1414 W. Anthony Drive, Urbana, IL 61802
 (street/city) (state) (zip)

If there are additional owners, please attach extra pages to the application.

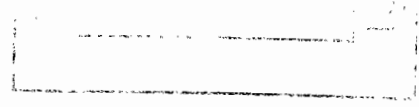
SIZE, USE, AND ZONING OF PROPERTY

Lot Size _____ feet x _____ feet = 22.736 acres +/- square feet

Present Use of Property Vacant
(vacant, residence, grocery, factory, etc)

Present Zoning Designation AG-2

DEC 11 2009



To the City Council of the City of Urbana

Champaign County, Illinois

The Petitioner, Champaign Asphalt Company, LLC; respectfully states under oath:

That ~~X~~ ^{LLC} ~~We Champaign Asphalt Company/ (petitioner)~~, am the sole owner of record of the following legally described land (hereinafter sometimes referred to as the "Tract"), except any public right-of-way property wit: *(Insert Legal Description)*

Lot 101 of Squire Subdivision No. 1 in Champaign
County, Illinois, as per plat recorded as Document
#2009 R 18497 in the office of the Champaign County
Recorder of Deeds

All situated in Champaign County, Illinois.

Together with the following described adjacent public right-of-way which is by operation of the law, automatically annexed with the adoption of an Annexation Ordinance pertaining to this parcel:
Saline Court

Also known for reference as 1102 W. Saline Court Urbana, Illinois,
(street address)

having permanent identification number (PIN) 25-15-31-200-001

That said territory is not situated within the corporate limits of any municipality, but is contiguous to the City of Urbana, Illinois.

That at least fifty-one percent (51%) of all electors residing in said Tract have signed this petition.

PETITIONER(S) RESPECTFULLY REQUESTS:

1. That the above described Tract(s) be annexed to the City of Urbana by Ordinance of the Mayor and City Council of the City of Urbana, pursuant to Section 7-1-8 of Chapter 24 of the Illinois Municipal Code of the State of Illinois, as amended.
2. That said Tract be annexed in accordance with the terms of the annexation agreement passed by the City Council on December 17, 2007 as Ordinance No. 2007-12-140 and approved by the Mayor of the City of Urbana.

Dated this _____ day of December, 2009

OWNER(S): CHAMPAIGN ASPHALT COMPANY, LLC

By Joseph F. Lamb
Joseph F. Lamb, President

Subscribed and sworn to before me this 10th day of December, 2009.

Betsy Dickerson
Notary Public



My Commission Expires: 26th day of August, 2010.

DEC 11 2009

COPY

ORDINANCE NO. 2007-12-140

AN ORDINANCE APPROVING AND AUTHORIZING THE EXECUTION OF AN ANNEXATION AGREEMENT

(23.124-Acre Tract of Land Located North of Saline
Court / Champaign Asphalt, LLC, Plan Case 2007-A-03a)

WHEREAS, an Annexation Agreement between the City of Urbana, Illinois and Champaign Asphalt, LLC has been submitted for the Urbana City Council's consideration, a copy of which is attached; and

WHEREAS, said agreement governs a tract of land totaling approximately 13.89 acres located approximately 325 feet north of Saline Court, and is legally described as follows:

TRACT "A"

PART OF THE NORTH 1311.10 FEET OF THE NE ¼ OF THE NE ¼ OF SECTION 31, T. 20 N., R. 9 E. OF THE 3RD P.M., CHAMPAIGN COUNTY, ILLINOIS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE NE 1/4 OF SECTION 31, T. 20 N., R. 9 E. OF THE 3RD P.M.; THENCE S. 00°13'21" W., (URBANA HORIZONTAL CONTROL BEARING) ALONG THE EAST LINE OF SAID NE 1/4 OF SECTION 31, 1311.24 FEET TO THE SOUTH LINE OF THE NORTH 1311.10 FEET OF THE NE 1/4 OF THE NE 1/4 OF SAID SECTION 31; THENCE S. 89°22'19" W., ALONG SAID SOUTH LINE, 366.04 FEET TO THE NORTHEAST CORNER OF LOT 204A OF EMULSICOAT-NLAIP-LOT 204A SUBDIVISION, RECORDED MAY 25, 2006 AS DOCUMENT NO. 2006R13247 IN THE OFFICE OF THE RECORDER, CHAMPAIGN COUNTY, ILLINOIS; THENCE CONTINUING S. 89°22'19" W., ALONG SAID SOUTH LINE AND NORTH LINE OF SAID LOT 204A, 609.12 FEET TO A CORNER OF SAID LOT 204A, SAID CORNER LYING 500.00 FEET NORMAL DISTANCE EASTERLY OF THE CENTERLINE SOUTHBOUND MAIN TRACK OF THE CN-IC RAILROAD; THENCE N. 17°39'30" E., ALONG THE EAST LINE OF SAID LOT 204A, SAID LINE LYING 500.00 FEET NORMAL DISTANCE EASTERLY OF AND PARALLEL TO SAID CENTERLINE, 1374.49 FEET; THENCE N. 01°13'35" W., ALONG SAID EAST LINE OF LOT 204A, 6.03 FEET TO THE NORTH LINE OF SAID NE 1/4 OF SECTION 31; THENCE N. 89°22'19" E. ALONG SAID NORTH LINE, 563.42 FEET TO THE POINT OF BEGINNING, CONTAINING 23.124 ACRES, MORE OR LESS, CHAMPAIGN COUNTY, ILLINOIS.

COPY

WHEREAS, the City Clerk of Urbana, Illinois, duly published notice on the 2nd day of December, 2007 in the News-Gazette, a newspaper of general circulation in the City of Urbana, that a public hearing would be held with the City Council of Urbana on the matter of the proposed Annexation Agreement and the proposed rezoning of the tract; and

WHEREAS, the City of Urbana, Illinois also mailed notice of the public hearing to each of the Trustees of the Eastern Prairie Fire Protection District on the matter; and

WHEREAS, on the 17th day of December, 2007, the Urbana City Council held a public hearing on the proposed Annexation Agreement; and

WHEREAS, prior to the aforesaid public hearing held by the Urbana City Council, after due and proper notice, a public hearing was held before the Urbana Plan Commission on the 6th day of December, 2007, to consider the proposed Annexation Agreement and the rezoning from Champaign County AG-2, Agriculture to City IN, Industrial Zoning District upon annexation in Plan Cases No. 2007-A-03a and 2056-M-07; and

WHEREAS, The Urbana City Council has determined that the proposed Annexation Agreement is in conformance with the goals and objectives of the City of Urbana's Official Comprehensive Plan; and

WHEREAS, the Urbana City Council, having duly considered all matters pertaining thereto, finds and determines that the proposed annexation agreement will not negatively impact the City of Urbana and would be in the best interests of the City of Urbana and its citizens.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. That the Annexation Agreement between the City of Urbana and Champaign Asphalt, LLC, a copy of which is attached and hereby incorporated by reference, is hereby authorized and approved.

COPY

Section 2. That the Mayor of the City of Urbana, Illinois, is hereby authorized to execute and deliver, and the City Clerk of the City of Urbana, Illinois, is hereby authorized to attest to said execution of said Annexation Agreement, for and on behalf of the City of Urbana, Illinois.

Section 3. The City Clerk is directed to record a certified copy of this Ordinance and the Annexation Agreement herein approved, as amended, with the Recorder of Deeds of Champaign County, Illinois.

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called of two-thirds of the members of the Corporate Authorities of the City of Urbana, Illinois, then holding office, at a regular meeting of said Council.

PASSED by the City Council this 17th day of December,
2007 .

AYES: Barnes, Bowersox, Chynoweth, Lewis, Roberts, Smyth, Stevenson

NAYS:

ABSTAINS:



APPROVED by the Mayor this 28th day of December,
2007 .

Laurel Lunt Prussing
Laurel Lunt Prussing, Mayor

Annexation Agreement

(Champaign Asphalt)

THIS Agreement is made and entered into by and between the **City of Urbana**, Illinois, (hereinafter sometimes referred to as the "Corporate Authorities" or the "City") and **Champaign Asphalt, LLC** (hereinafter referred to as the "Owner"). The effective date of this Agreement shall be as provided in Article III, Section 6.

WITNESSETH:

WHEREAS, this Agreement is made pursuant to and in accordance with the provisions of Section 11-15.1-1 et seq., of the Illinois Municipal Code (65 ILCS 5/11-15.1-1); and

WHEREAS, Champaign Asphalt, LLC is the Owner of record of a certain parcel of real estate located at the north end of Saline Court, the legal description of which real estate is set forth in Exhibit A attached hereto and referenced herein as Tract "A", or "the tract", which was subdivided as Lot 101 from the Squires Tract; and

WHEREAS, the attached map, labeled Exhibit B, is a true and accurate representation of the tract to be annexed to the City of Urbana under the provisions of this agreement; and

WHEREAS, the tract is contiguous to the City of Urbana and may be immediately annexed; and

WHEREAS, the tract is currently zoned Champaign County AG-2, Agriculture in Champaign County and the City and the Owners find it necessary and desirable that the tract be annexed to the City with a zoning classification of IN, Industrial, under the terms and provisions of the Urbana Zoning Ordinance in effect upon the date of annexation, as amended, and subject to the terms and conditions set forth in this Agreement; and

WHEREAS, the Corporate Authorities find annexation of the tract as described herein as IN, Industrial generally reflects the goals, objectives and policies set forth in the City's 2005 Urbana Comprehensive Plan, as amended from time to time; and

WHEREAS, the Owner desires to have the aforementioned real estate annexed to the City of Urbana upon certain terms and conditions hereinafter set forth in this Agreement.

NOW, THEREFORE, FOR AND IN CONSIDERATION OF THE MUTUAL COVENANTS AND AGREEMENTS SET FORTH HEREIN, THE PARTIES AGREE AS FOLLOWS:

ARTICLE I. REPRESENTATIONS AND OBLIGATIONS OF THE OWNER

The Owner agrees to the following provisions:

Section 1. Ownership and Annexation. The Owner represents that the Owner is the sole record Owner of the property described in Exhibit A and that the Owner shall, within thirty (30) days of the approval of this agreement cause the tracts to be annexed to the City of Urbana by filing a legally sufficient annexation petition with all required signatures thereon, all in accordance with Illinois Statutes.

The Owner further agrees that the substance of this Section of the Annexation Agreement shall be included in any sales contract for the sale of any portion of the subject property. If the subject tract is to be platted for subdivision, the Owner agrees that the substance of this provision regarding annexation shall be included in the subdivision covenant and such will constitute a covenant running with the land. The Owner agrees for itself, successor and assigns, and all other persons intended herein to be obligated to consent to annexation, to cooperate in signing or joining in any petition for annexation for the subject tract and that mandamus would be an appropriate remedy in the event of refusal so to do, and, if the City has to resort to Court proceedings to enforce this obligation, the City shall be entitled to recover reasonable attorney's fees. The Parties agree that nothing in this section shall preclude the voluntary annexation of the subject tract or any portion thereof earlier than would otherwise be required.

Section 2. Authority to Annex. The Owner agrees and hereby stipulates that the City, by its approval, execution or delivery of this Agreement does not in any way relinquish or waive any authority it may have to annex the tract in the absence of this Agreement.

Section 3. Zoning. The Owner acknowledges that upon annexation, the tract will be rezoned from Champaign County AG-2, Agriculture to City IN, Industrial Zoning District. The Owner agrees that, unless changed upon the initiative of the Owner, the said City zoning classifications for said tract shall remain in effect for the term of this Agreement, subject to the right of the Corporate Authorities to amend the Zoning Ordinance text even if such amendment affects the tract. The Owner agrees to use the tract only in compliance with the Urbana Zoning Ordinance and this agreement as such may be amended from time to time.

Section 4. Special Use Permit: The Owner agrees to the following conditions of a Special Use Permit granted by Article II Section 3 of this Agreement, which will allow an asphalt blending, storage and distribution plant in the IN, Industrial zoning district as an "All Other Industrial Use" which is permitted by Urbana Zoning Ordinance Table IV-1.

1. This Special Use Permit shall be applicable only to the confines of Tract "A" as depicted in the attached Exhibit "B" Map, and legally described in Exhibit "A"

2. The Special Use Permit is applicable only to the asphalt blending, storage, and distribution plant proposed in the application and depicted in the attached Exhibit "C" Site Diagram.
3. The layout of the site shall be in substantial conformity with Exhibit "C" Site Diagram. Any significant deviation from this Site Diagram shall require an amendment to the Special Use Permit granted herein and shall include review by the Urbana Plan Commission and approval by the Urbana City Council.
4. The Owner shall install an additional entrance on the eastern edge of the property when the adjacent tract is developed and access becomes available.
5. The Owner agrees that all operations, development, construction, or additions to its asphalt blending, storage and distribution plant on Tract "A" as depicted in the attached Exhibit "B" Map, and legally described in Exhibit "A" shall be in conformity with all applicable State and Federal regulations including Illinois Environmental Protection Agency regulations pertaining to chemical emissions, particulate emissions, dust, noise, odor, and ground water protection.

Section 5. Land Uses. The Owner agrees that the uses of the tract shall be limited to those allowed within the IN, Industrial Zoning District and as allowed by the Special Use Permit.

Section 6. Building Code Compliance. The Owner agrees to cause all new development, construction, remodeling or building additions on said tracts to be in conformance with all applicable City of Urbana codes and regulations including building, zoning and subdivision codes.

Section 6. School District Petition: The Owner agrees to petition for the disconnection of said Tract "A" from Champaign School District Unit #4 and request annexation to Urbana School District #116 per the Illinois State Statute, within 60 days of the approval of this agreement.

Section 7. Amendments Required. The Owner shall take no action or omit to take action during the term of this Agreement which action or omission, as applied to the tract, would be a breach of this Agreement, without first procuring a written amendment to this Agreement duly executed by the Owner and the City. Said action includes petitioning for a county rezoning of said tracts without written amendment to this Agreement.

ARTICLE II. REPRESENTATIONS AND OBLIGATIONS OF THE CORPORATE AUTHORITIES

The Corporate Authorities agree to the following provisions:

Section 1. Annexation. The Corporate Authorities agree to annex said tract subject to the terms and conditions outlined in this Agreement, when properly and effectively requested

to do so, by submission of a legally sufficient petition from the Owner, by enacting such ordinances as may be necessary and sufficient to legally and validly annex said tract to the City.

Section 2. Zoning. The Corporate Authorities agree to annex the tract with a zoning classification of IN, Industrial.

Section 3. Special Use Permit: The Corporate Authorities agree with this annexation agreement to grant a Special Use Permit to allow the Owners to construct an asphalt production facility use on the subject property under the "All Other Industrial Uses" land use category in the IN, Industrial Zoning District. The Corporate Authorities further agree that the granting of the Special Use Permit is consistent with the established criteria identified in Section VII-6 of the Urbana Zoning Ordinance in that the asphalt production facility use:

- a. will be conducive to the public convenience at this location;
- b. will be designed, located, and proposed to be operated so that it will not be unreasonably injurious or detrimental to the district in which it will be located, or otherwise injurious or detrimental to the public welfare; and
- c. will conform to the applicable regulations and standards of, and preserves the essential character of, the district in which is shall be located.

Section 4. Enterprise Zone. The City will submit application to the State of Illinois to request the subject tract to be added to the Urbana Enterprise Zone pursuant to the Illinois Enterprise Zone Act (20 ILCS 655/1 et seq.) no later than 90 days after the effective date of this agreement, or the date all property is located within the City of Urbana, whichever is later.

Section 5. Amendments. The City shall take no action nor omit to take action during the term of this Agreement which act or omission, as applied to the tract, would be a breach hereof, without first procuring a written amendment to this Agreement duly executed by the Owner, or the Owner's successors or assigns, of the portion of the tract which is directly the subject of the amendment.

ARTICLE III: GENERAL PROVISIONS

Section 1. Term of this Agreement. This Agreement shall be binding upon the parties hereto, and their respective successors and assigns, for a full term of twenty (20) years commencing as of the effective date of this Agreement as provided by the Illinois State Statutes, unless other provisions of this Agreement specifically apply a different term. To the extent permitted thereby, it is agreed that, in the event the annexation of subject

tract under the terms and conditions of this Agreement is challenged in any court proceeding, the period of time during which such litigation is pending shall not be included in calculating said twenty-year term. By mutual agreement, the term of this Agreement may be extended.

If this Agreement imposes any obligation, restraint, or burden (hereinafter called collectively "obligation") on the Owner or the Owner's successors or assigns, which obligation extends beyond the termination date of this Agreement, such obligation may be released by the Urbana City Council enacting an Ordinance releasing such obligation by a majority vote of all Alderpersons then holding office and the recording of such Ordinance in the Champaign County Recorder's Office, Champaign County, Illinois.

Section 2. Covenant running with the land. The terms of this Agreement constitute a covenant running with the land for the life of this Agreement unless specific terms are expressly made binding beyond the life of this Agreement. Furthermore, the terms herein are hereby expressly made binding upon all heirs, grantees, lessees, executors, assigns and successors in interest of the Owner as to all or any part of the tracts, and are further expressly made binding upon said City and the duly elected or appointed successors in office of its Corporate Authorities.

Section 3. Binding Agreement upon parties. The Corporate Authorities and Owner agree that no party will take action or omit to take action during the term of this Agreement which act or omission as applied to the tracts would be a breach of this Agreement without first procuring a written amendment to this Agreement duly executed by the Owner and the City.

Section 4. Enforcement. The Owner and Corporate Authorities agree and hereby stipulate that any party to this Agreement may, by civil action, mandamus, action for writ of injunction or other proceeding, enforce and compel performance of this Agreement or the party not in default may declare this Agreement null and void in addition to other remedies available. Upon breach by the Owner, the City may refuse the issuance of any permits or other approvals or authorizations relating to development of the tract.

Section 5. Severability. If any provision of this Agreement is rendered invalid for any reason, such invalidation shall not render invalid other provisions of this Agreement which can be given effect even without the invalid provision.

Section 6. Effective Date. The Corporate Authorities and Owner intend that this Agreement shall be recorded in the Office of the Champaign County Recorder with any expenses for said recording to be paid by the Corporate Authorities. The effective date of this Agreement shall be the date it is recorded; or if not recorded for any reason, the effective date shall be the date the Mayor signs the agreement on behalf of the City.

IN WITNESS WHEREOF, the Corporate Authorities and Owner have hereunto set their hands and seals, and have caused this instrument to be signed by their duly authorized officials and the corporate seal affixed hereto, all on the day and year written below.

Corporate Authorities
City of Urbana:

Laurel Lunt Prussing
Laurel Lunt Prussing
Mayor

Owner:
Joseph S. Lamb

9/1/09
Date

Date

ATTEST:

Phyllis D. Clark
Phyllis D. Clark
City Clerk

9/1/09
Date

ATTEST:

Angella M. Johnson
Notary Public

9-1-09
Date

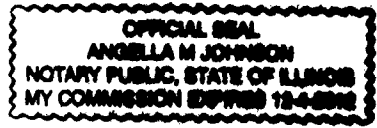


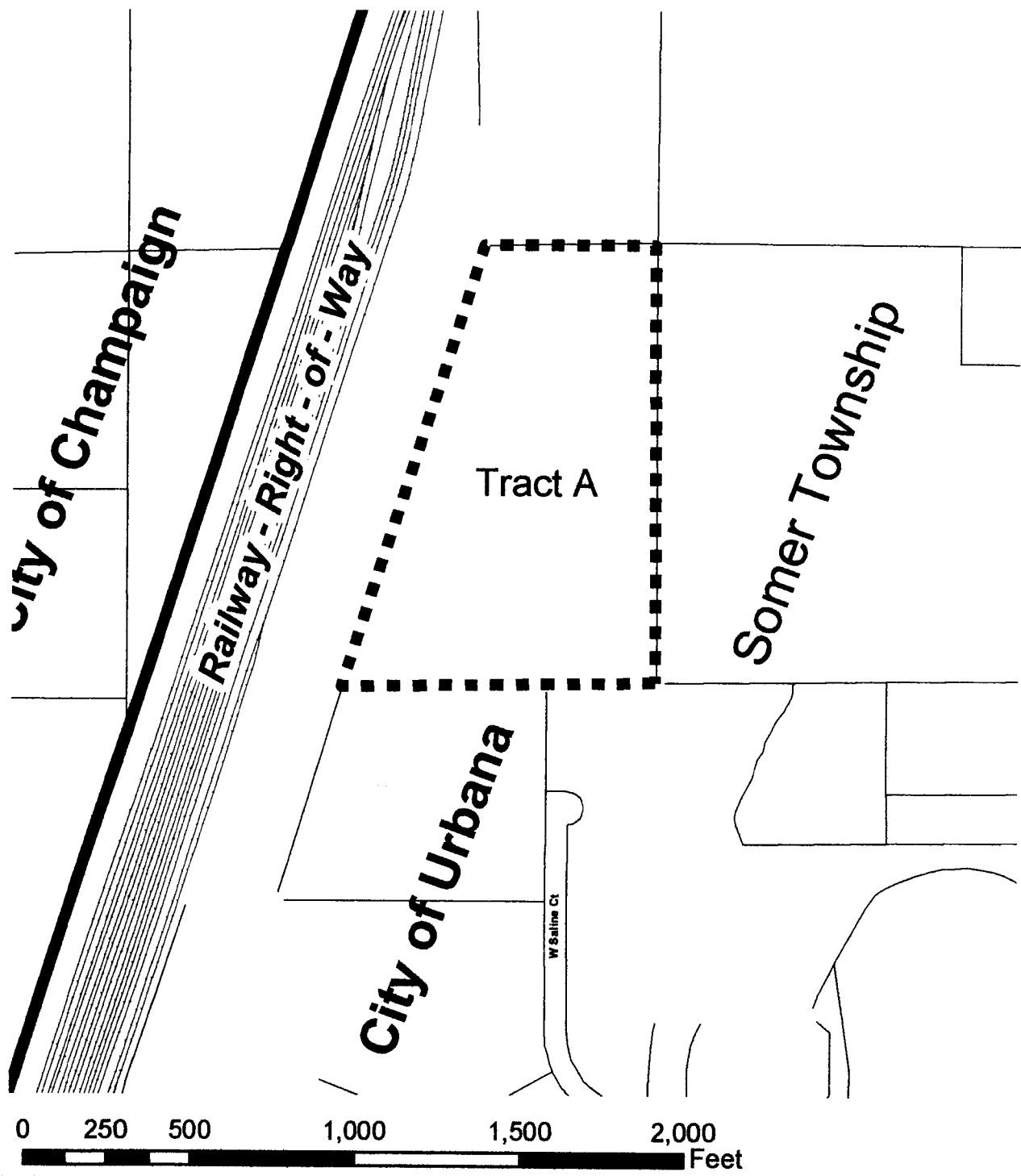
Exhibit A

Legal Description

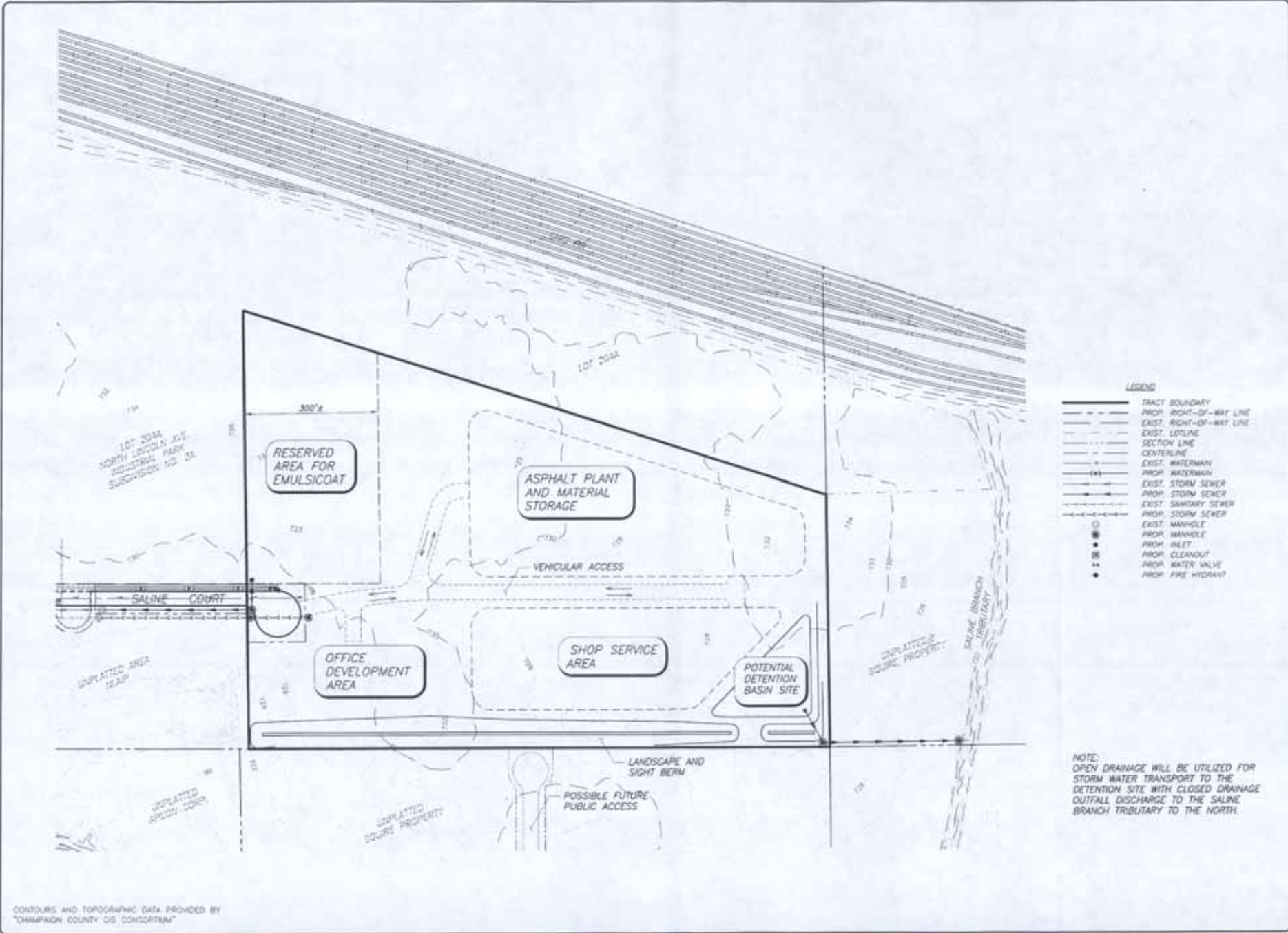
PART OF THE NORTH 1311.10 FEET OF THE NE ¼ OF THE NE ¼ OF SECTION 31, T. 20 N., R. 9 E. OF THE 3RD P.M., CHAMPAIGN COUNTY, ILLINOIS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE NE 1/4 OF SECTION 31, T. 20 N., R. 9 E. OF THE 3RD P.M.; THENCE S. 00°13'21" W., (URBANA HORIZONTAL CONTROL BEARING) ALONG THE EAST LINE OF SAID NE 1/4 OF SECTION 31, 1311.24 FEET TO THE SOUTH LINE OF THE NORTH 1311.10 FEET OF THE NE 1/4 OF THE NE 1/4 OF SAID SECTION 31; THENCE S. 89°22'19" W., ALONG SAID SOUTH LINE, 366.04 FEET TO THE NORTHEAST CORNER OF LOT 204A OF EMULSICOAT-NLAIP-LOT 204A SUBDIVISION, RECORDED MAY 25, 2006 AS DOCUMENT NO. 2006R13247 IN THE OFFICE OF THE RECORDER, CHAMPAIGN COUNTY, ILLINOIS; THENCE CONTINUING S. 89°22'19" W., ALONG SAID SOUTH LINE AND NORTH LINE OF SAID LOT 204A, 609.12 FEET TO A CORNER OF SAID LOT 204A, SAID CORNER LYING 500.00 FEET NORMAL DISTANCE EASTERLY OF THE CENTERLINE SOUTHBOUND MAIN TRACK OF THE CN-IC RAILROAD; THENCE N. 17°39'30" E., ALONG THE EAST LINE OF SAID LOT 204A, SAID LINE LYING 500.00 FEET NORMAL DISTANCE EASTERLY OF AND PARALLEL TO SAID CENTERLINE, 1374.49 FEET; THENCE N. 01°13'35" W., ALONG SAID EAST LINE OF LOT 204A, 6.03 FEET TO THE NORTH LINE OF SAID NE 1/4 OF SECTION 31; THENCE N. 89°22'19" E. ALONG SAID NORTH LINE, 563.42 FEET TO THE POINT OF BEGINNING, CONTAINING 23.124 ACRES, MORE OR LESS, CHAMPAIGN COUNTY, ILLINOIS.

F



Plan Case: 2007-A-03
Subject: Annexation Agreement with Rezoning to IN, Industrial
Location: North of Saline Court and west of North Lincoln Avenue
Zoning District: County AG-2
Petitioner: Champaign Asphalt, LLC / Emulsicoat, Inc



- LEGEND**
- TRACT BOUNDARY
 - PROP. RIGHT-OF-WAY LINE
 - EXIST. RIGHT-OF-WAY LINE
 - EXIST. LOTLINE
 - SECTION LINE
 - CENTERLINE
 - EXIST. WATERWAY
 - PROP. WATERWAY
 - EXIST. STORM SEWER
 - PROP. STORM SEWER
 - EXIST. SANITARY SEWER
 - PROP. SANITARY SEWER
 - EXIST. MANHOLE
 - PROP. MANHOLE
 - EXIST. CLEANOUT
 - PROP. CLEANOUT
 - ◆ EXIST. WATER VALVE
 - ◆ PROP. WATER VALVE
 - ◆ EXIST. FIRE HYDRANT
 - ◆ PROP. FIRE HYDRANT

NOTE:
 OPEN DRAINAGE WILL BE UTILIZED FOR STORM WATER TRANSPORT TO THE DETENTION SITE WITH CLOSED DRAINAGE OUTFALL DISCHARGE TO THE SALINE BRANCH TRIBUTARY TO THE NORTH.

CONTOURS AND TOPOGRAPHIC DATA PROVIDED BY CHAMPAIGN COUNTY GIS CONSORTIUM

Foth
 Foth Infrastructure & Environment, LLC
 1415 S. UNIVERSITY AVE.
 CHAMPAIGN, IL 61821
 PHONE: 309.735.4000 FAX: 309.735.4001
 PROJECT NO. 17-000001-001
 SHEET NO. 1 OF 1

SQUIRE FARM SUBDIVISION NO. 1
 CITY OF URBANA
 CHAMPAIGN COUNTY, ILLINOIS

NO.	DATE	DESCRIPTION
1		ISSUED FOR PERMITTING
2		ISSUED FOR CONSTRUCTION
3		ISSUED FOR RECORD

DATE OF PREPARATION	BY	DATE

LOT 101 SCHEMATIC SITE PLAN

→ HORIZONTAL SCALE
 PROJECT NO. 17-000001-001
1
 SHEET 1 OF 1