

AN ORDINANCE APPROVING THE
LINCOLN CENTRE SUBDIVISION ANNEXATION AGREEMENT

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

1. That the Annexation Agreement between the City of Urbana, Illinois and The Champaign National Bank, Trustee under Trust No. 031-415-003 regarding the annexation of the Lincoln Centre Subdivision, a copy of which said Annexation Agreement is attached hereto and hereby incorporated herein by reference, be and the same is hereby approved.

2. That the Mayor of the City of Urbana be and the same is hereby authorized to execute said Annexation Agreement for and on behalf of the City of Urbana.

This Ordinance is hereby passed by a two-thirds vote, the "ayes" and "nays" being called, of the Members of the Council of the City of Urbana, Illinois, at a regular meeting of said Council on the 4th day of December, 1978.

PASSED by the City Council this 4th day of December, 1978.


Beverly Umbarger
Beverly Umbarger, Acting City Clerk

APPROVED by the Mayor this 19th day of December, 1978.

Jeffrey T. Markland
Jeffrey T. Markland, Mayor

7879-61

THIS IS THE ATTACHMENT WHICH IS REFERRED TO IN ORDINANCE
NO. 7879-61 AND IS INCORPORATED THEREIN BY REFERENCE.

Beverly Umbarger, Acting City
Clerk

Date

Managing Agents for:
HUNTINGTON TOWERS
DEVONSHIRE SUBDIVISION
ROUND BARN WEST
ROYAL PLAZA
STRATFORD CORPORATION
WATTERSON PLACE



DEVONSHIRE REALTY

201 WEST SPRINGFIELD AVENUE - SUITE 304
CHAMPAIGN, ILLINOIS 61820
PHONE (217) 352-7712

January 18, 1979

Jack Waaler
City Attorney
City Building
Urbana, Illinois 61801

Dear Mr. Waaler:

Enclosed herewith are three copies of the annexation agreement for Lincoln Centre Subdivision which have been executed by the Trust.

Would you please let me know where we stand with regard to the problem that surfaced concerning Kettering Park Drive.

Thank you.

Very truly yours,

DEVONSHIRE REALTY

A handwritten signature in dark ink, appearing to read 'T. E. Harrington Jr.', written in a cursive style.

Thomas E. Harrington Jr.

TEHJ:shg
Enc.

ANNEXATION AGREEMENT

THIS AGREEMENT, made and entered into this 4th day of December, 1978, by and between the City of Urbana, Illinois (hereinafter referred to collectively as the "Corporate Authorities"), and The Champaign National Bank, Trustee under Trust No. 031-415-003 (hereinafter referred to as "Owner").

WITNESSETH:

WHEREAS, The Champaign National Bank, Trustee under Trust No, 031-415-003 is the owner of record of certain real estate which has been platted and is now known as Lincoln Centre Subdivision; hereinafter referred to in its entirety as Lincoln Centre Subdivision and which real estate is contiguous to the corporate limits of the City of Urbana; and

WHEREAS, Lincoln Centre Subdivision is contiguous to and may be annexed to the City of Urbana, as provided in Article 7 of the Illinois Municipal Code (Chapter 24, Illinois Revised Statutes, 1975); and

WHEREAS, subject property has heretofore been zoned light industrial under the Zoning Ordinance of Urbana when the Corporate Authorities had jurisdiction over such property under the extraterritory of its Zoning Ordinance, prior to the adoption of the Champaign County Zoning Ordinance; and

WHEREAS, the subject property on the Urbana Comprehensive Plan indicates the future use shows highway business; and

WHEREAS, the City of Urbana has no highway commercial zoning classification as of this time; and

WHEREAS, it is clearly more appropriate and productive to have Lots one (1) and three (3) of the property used for general business purposes and Lots two (2) and four (4) through sixteen (16) of ^{the} property used for commercial and industrial purposes; and

WHEREAS, Owner, to best utilize its total property, finds it necessary and desirous that the real estate described herein be annexed and rezoned B-G (Business, General) for Lots one (1) and three (3) and I-1 (light Industrial) on Lots two (2) and four (4) through sixteen (16); and

WHEREAS, such annexation and rezoning shall ensure the receipt by the City of Urbana of any increased sales and real estate tax revenues accruing to the operation of business; and

WHEREAS, the Owner desires to have said Lincoln Centre Subdivision annexed to the City of Urbana and upon certain terms and conditions hereinafter set forth; and

WHEREAS, the Corporate Authorities, after due and careful consideration, have concluded that the Annexation of said real estate to the City on the terms and conditions hereinafter set forth would further the controlled growth of the City, assist the City in controlling the development of the area, and generally subserve the best interests of the City; and

WHEREAS, pursuant to the provisions of Section 11-15, et seq., of the Illinois Municipal Code (Chapter 24, Illinois Revised Statutes, 1975), a proposed annexation agreement in substance and in form the same as this Agreement was submitted to the Corporate Authorities and a public hearing was held thereon pursuant to notice, as provided by statute; and

WHEREAS, pursuant to notice, as required by statute and ordinance, a public hearing was held by the Corporate Authorities of the City on the proposed annexation agreement.

NOW THEREFORE, the consideration of the premises and of the mutual covenant and agreements herein contained, IT IS HEREBY AGREED AS FOLLOWS:

1. This Agreement is made, pursuant to and in accordance with the provision of Section 11-15, 1-1 et seq., of the Illinois Municipal Code (Chapter 24, Illinois Revised Statutes, 1977).

2. The Owner, upon execution of this Agreement, will file with the City Authorities a proper petition conditioned on the terms and provisions of this Agreement, to annex Lincoln Centre Subdivision to the City of Urbana. The subdivision was approved by the Urbana City Council on the 6th day of November, 1978.

3. The Corporate Authorities, upon the execution of this Agreement and upon the filing of a proper petition by the Owner, as hereinabove provided, will enact an ordinance annexing the Lincoln Centre Subdivision.

4. Immediately after the passage and approval of the ordinance annexing the Lincoln Centre Subdivision, the Corporate Authorities shall cause to be adopted an Amendment to the City Zoning Ordinance, zoning and classifying Lots one (1) and three (3) as B-G (General Business) and Lots two (2) and four (4) through sixteen (16) as I-1 (Light Industrial).

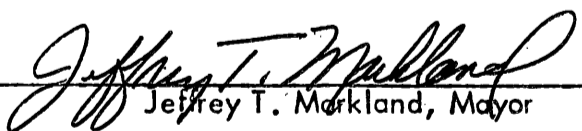
5. The Owner agrees during the term of this Agreement, for itself, its successors and assigns, not to develop or otherwise improve Lots one (1) and three (3), except pursuant to and in accordance with those present provisions of the Urbana Zoning Ordinance relating to general business use, as set forth in Article XXVII of said Ordinance.

6. The Owner agrees during the term of this Agreement, for itself, its successors and assigns, not to develop or otherwise improve Lots two (2) and four (4) through sixteen (16) except pursuant to and in accordance with those present provisions of the Urbana Zoning Ordinance relating to light industrial use, as set forth in Article IX of said Ordinance.

7. This Agreement shall be binding upon the parties hereto, their respective successors and assigns, for a full term of ten (10) years commencing as of this date hereof, as provided by statute, and to the extent permitted thereby it is agreed that in the event the annexation of Owner's real estate on the terms of this Agreement are challenged in any Court proceeding, the period of time during which such litigation is pending should not be included in calculating said ten (10) year term.

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

CITY OF URBANA, ILLINOIS



Jeffrey T. Markland, Mayor



Date

ATTEST:

Beverly Tombarger
 Acting City Clerk

2-13-79
 Date

"CORPORATE AUTHORITIES"

The Champaign National Bank, Trustee under
Trust No. 031-415-003

BY: *B. Thomas Newbold*
 VICE PRESIDENT

1-17-79
 Date

ATTEST:

A. E. Pannone
 ASSIST. SECRETARY

1-17-79
 Date