

ORDINANCE NO. 93 - 14

**AN ORDINANCE APPROVING THE ANNEXATION
AGREEMENT WITH ROBERT MAU, DOROTHY MAU,
CHARLES E. ROBBINS AND MAURICE E. TIPPETT**

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, Illinois and Robert
Mau, Dorothy Mau, Charles E. Robbins and Maurice E. Tippett 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 and directed to carry out said
annexation agreement according to its terms.

SECTION 3: This Ordinance is effective immediately.

PASSED this 13 day of APRIL, 1993.

Carl D. Oblinger
CARL OBLINGER, VILLAGE PRESIDENT

ATTEST:

Patsch
Village Clerk

AYES: 5
NAYES: 0

PASSED: 4-13-93
APPROVED: 4-13-93

ABSENT: 0

ABSTAIN: 1

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. 93-14, adopted by the President and Board of Trustees of said Village on the 13 day of APRIL, 1993, said Ordinance being entitled:

**AN ORDINANCE APPROVING THE ANNEXATION
AGREEMENT WITH ROBERT MAU, DOROTHY MAU,
CHARLES E. ROBBINS AND MAURICE E. TIPPETT**

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 13 day of APRIL, 1993.



Village Clerk

ANNEXATION AGREEMENT

THIS AGREEMENT is made and executed by and between Robert Mau, Dorothy Mau, Charles E. Robbins and Maurice E. Tippet ("Owners") and the Village of Chatham, Illinois, an Illinois municipal corporation ("Chatham") and is effective this 13 day of APRIL, 1993;

WHEREAS, Owners are the record owner of certain real estate, the legal description of which is set forth in Exhibit A, attached hereto, and a plat of which is attached hereto as Exhibit B ("the Property");

WHEREAS, there are no electors residing on the Property;

WHEREAS, the Property is currently outside the corporate limits of the Village, and Owners propose to annex the property to the Village with a zoning classification of R-1 with variances as to certain lots and to permit use of the Property as agricultural land pending its development;

WHEREAS, in the absence of an annexation agreement, the property would have the P-1 zoning classification upon annexation;

WHEREAS, pursuant to Section 11-15.1-1 of the Illinois Municipal Code, the Village and Owner may enter into an annexation agreement pertaining to the property;

WHEREAS, the requisite notice of a hearing regarding this annexation agreement and the requested rezoning was published in the Chatham Clarion on February 25, 1993, the requisite hearings on this annexation agreement and the requested rezoning were held on March 18, 1993;

NOW THEREFORE, in consideration of the foregoing and of the mutual covenants herein, the parties agree as follows:

1. Owners have petitioned to annex the Property, conditional on this Agreement.

2. If the petition for annexation complies with the ordinances of Chatham and the Illinois Municipal Code, then the annexation petition as filed shall be recommended and approved by the appropriate administrative and legislative bodies of the Village, and annexation ordinance annexing the property shall be approved within thirty (30) days of this Agreement.

3. The annexation of the property shall be conditioned and contingent upon (a) the simultaneous classification of the property as R-1 under the zoning ordinance of the Village of Chatham; (b) grant of variances to permit a twenty foot side yard on the corner lots facing Mau Drive and Stonehaven Drive, those lots having numbers 1, 11, 12, 24, 25, 41, 42, 63, 64, 54, 72, 73, 80, 81, 87, 88, 93, 94, 99 and 100 on the approved preliminary plat; and (c) grant variance to allow use of the Property for agriculture pending approval by the Village Board of a final plat with respect to the Property. In the event a final plat is approved with respect to less than the entire Property, the variance shall cease only with respect to portions of the Property in the final plat and shall remain in effect as to portions of the Property which are not in the final plat or some previous final plat. Any ordinance annexing or zoning the Property or any part thereof without simultaneous initial zoning

classification of R-1 and the requested zoning variances shall be void.

4. This is the entire agreement between the parties and all prior and contemporaneous oral or written representations regarding the subject matter hereof are hereby expressly disclaimed. This Agreement shall be construed under Illinois law and shall be enforced only in the Circuit Court of the Seventh Judicial Circuit, Sangamon County, Illinois. This Agreement shall be effective only upon its execution by a duly authorized officer of each of the parties hereto, and its approval by ordinance of the corporate authority of the Village. Modifications to this Agreement shall be effective only if in writing, signed by the proper officers of the parties and approved by ordinance or resolution of the corporate authorities of the Village. The parties hereto recognize that the subject matter of this Agreement is unique and that breaches or failure to perform may not be fully compensable in monetary terms. In the event of a breach, the nonbreaching party may therefor, in addition to any other remedies at law or in equity, apply to the Circuit Court for specific performance of the other party's duties under this Agreement.

VILLAGE OF CHATHAM

Date: 4-13-93

By: Carl P. Olger
President

Attest:
Pat School
Village Clerk

April 13-1993

~~Robert Mau~~
Date

April 13, 1993
Date

April 13, 1993
Date

April 13, 1993
Date

Robert Mau
Robert Mau

Dorothy Mau
Dorothy Mau

Maurice Tippett
Maurice Tippett

Charles E. Robbins
Charles E. Robbins

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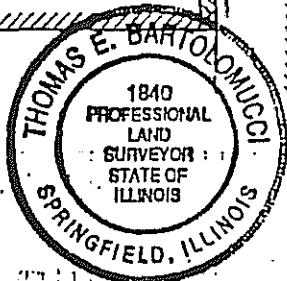
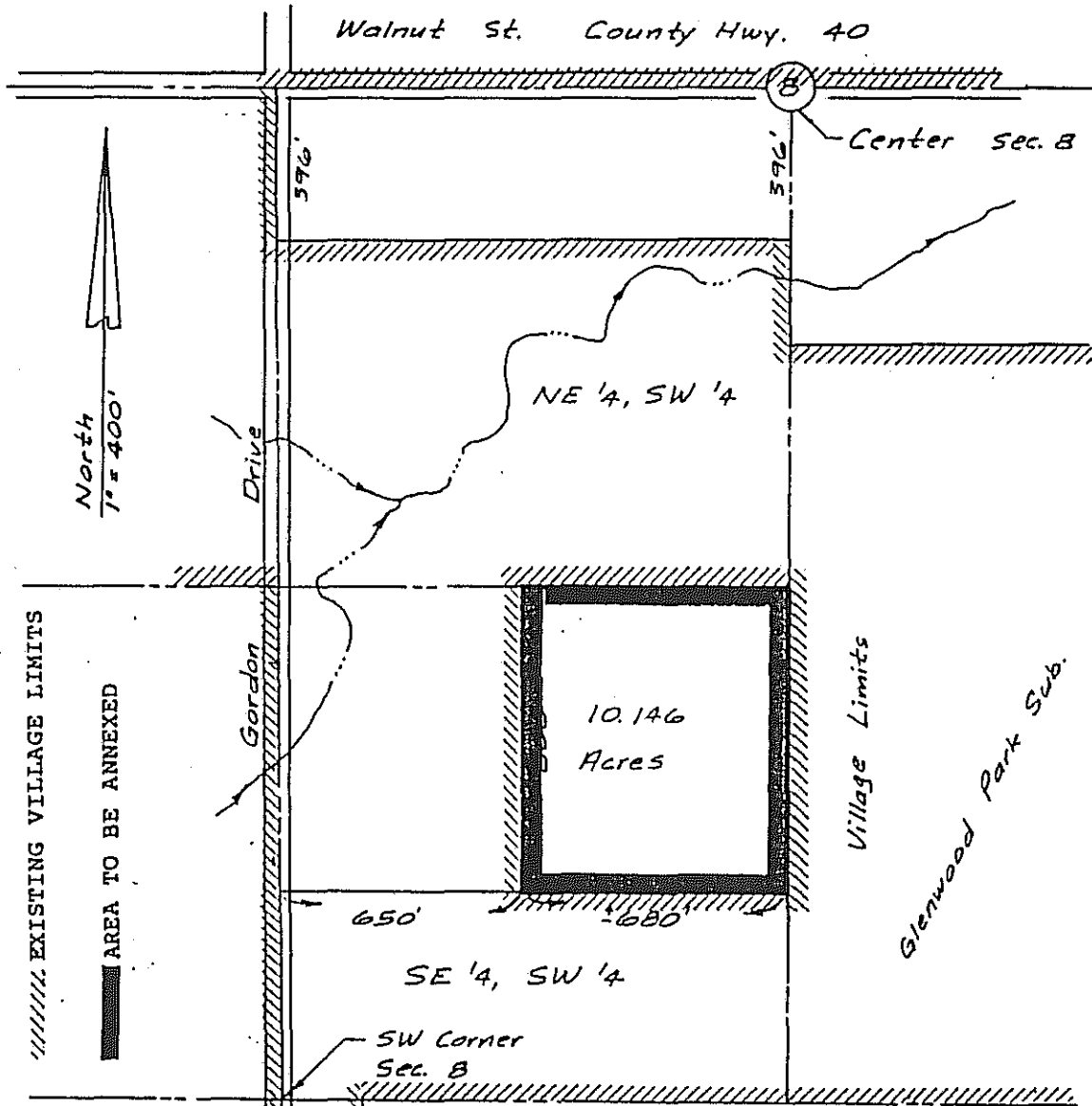
EXHIBIT A

The north 800 feet, except the west 650 feet thereof, of the southeast quarter of the southwest quarter of Section 8, Township 14 North, Range 5 West of the Third Principal Meridian, Sangamon County, Illinois, containing 10.146 acres more or less.

ANNEXATION PLAT

(TO THE VILLAGE OF CHATHAM)

THE NORTH 900 FEET, EXCEPT THE WEST 650 FEET THEREOF, OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 8, TOWNSHIP 14 NORTH, RANGE 5 WEST OF THE THIRD PRINCIPAL MERIDIAN, SANGAMON COUNTY, ILLINOIS. CONTAINING 10.146 ACRES, MORE OR LESS.



I HEREBY CERTIFY THAT THE ABOVE PLAT CORRECTLY REPRESENTS LANDS TO BE ANNEXED TO THE VILLAGE OF CHATHAM, ILLINOIS.

Thomas E. Bartolomucci Nov 23, 1992
 THOMAS E. BARTOLOMUCCI DATE
 ILL. PROFESSIONAL LAND SURVEYOR
 NO. 1840

EXHIBIT
B



auby, oglesby & bartolomucci

consulting
 land surveyors - planners

1323 south first street / springfield, illinois 62704 / area code 217 / 644-8477

FIELD BOOK

CLIENT

DATE

JOB NO.