This Space for Recorder of Deeds

Ordinance No. 99-

AN ORDINANCE APPROVING AN AMENDED AND RESTATED ANNEXATION AGREEMENT WITH HENRIETTA M. AND DONALD L. HASHMAN

BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF CHATHAM, AS FOLLOWS:

SECTION 1: The Amended and Restated Annexation Agreement attached hereto by and between the Village of Chatham, Illinois and Henrietta M. and Donald L. Hashman, 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. The Clerk shall record the signed original of the signed agreement and its accompanying exhibits, along with a certified copy of this ordinance, with the Recorder of Deeds of Sangamon County.

SECTION 3: This Ordinance is effective immediately.

PASSED this 28 day of Septimber, 1999.

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 Loami, Sangamon County, Illinois.
I do further certify that the ordinance attached hereto is a full, true, and exact copy
of Ordinance No. 99, adopted by the President and Board of Trustees of said Village on
the day of, 1999, said Ordinance being entitled:
AN ORDINANCE APPROVING AN AMENDED AND RESTATED ANNEXATION AGREEMENT WITH HENRIETTA M. AND DONALD L. HASHMAN
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 day of, 1999.
Village Clerk

This Space for Recorder of Deeds

AMENDED AND RESTATED ANNEXATION AGREEMENT

THIS AGREEMENT is made by Henrietta M. and Donald L. Hashman ("Owners"), and the Village of Chatham, Illinois (the "Village"), an Illinois municipal corporation, all of Sangamon County, Illinois, and is effective this ____ day of September, 1999.

WHEREAS, Owners are the record owners of property legally described in Exhibit A hereto and depicted on a map, Exhibit B hereto; (the "Property")

WHEREAS, the Property comprises a portion of Wildwood Subdivision, as set forth in a Plat of Subdivision recorded on August 28, 1998 with the Recorder of Deeds of Sangamon County, Illinois as document no. 98-45098., a copy of which is attached hereto as Exhibit C;

WHEREAS, the Property is the subject of an existing annexation agreement between the Village and "Hashman Trust #2872", which was recorded with the Recorder of Deeds of Sangamon County, Illinois on January 30, 1996 as Document Number 96-03781 (the

"Original Agreement");

WHEREAS, pursuant to a deed dated October 3, 1998, the Property was deeded out of trust to Owners;

WHEREAS, the parties desire to amend and restate the Original Agreement for, among other things, a defective legal description;

WHEREAS, the Property is located in unincorporated Sangamon County, Illinois, but is not yet contiguous to the corporate limits of the Village;

WHEREAS, Owners wishes to receive Police protection from the Village upon execution of this annexation agreement;

WHEREAS, Owners wishes to receive an Electric rate not to exceed Two cents per kilowatt hour above the Village rate to its customers for the same service;

WHEREAS, Owners desire to receive the inside village rate for water;

WHEREAS, Section 11-15.1-2 of the Municipal Code specifically allows annexation agreements to provide for "the continuation in effect, or amendment, or continuation in effect as amended, of any ordinance relating to subdivision controls, zoning, official plan, and building, housing and related restrictions; provided, however that any public hearing required by law to be held before the adoption of any ordinance amendment provided in such agreement shall be held prior to the execution of the agreement;" and Section 11-15.1-1 and Section 11-15.1-2.1 provide specifically for the extraterritorial effect of annexation agreements pertaining to noncontiguous property;

WHEREAS, the Owners desire to have portions of the Property zoned R-1 under the

Zoning Ordinance of the Village of Chatham; and the Planning Commission of the Village of Chatham has conducted a public hearing after notice provided by law, and has considered the zoning provisions contained in this Agreement and rendered a report to the corporate authorities of the Village and has recommended the proposed rezoning;

NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:

- 1. Owners have 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.
- 2. When the Property becomes contiguous to the Village, then an ordinance annexing the Property, together with all public roadways contained therein or adjacent thereto, shall be enacted by the President and Board of Trustees within 30 days of the Property becoming contiguous.
- 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 police protection and water at the inside Village rate. Electric service will be provided by Rural Electric Convenience Cooperative ("RECC") at a rate not to exceed Two cents per kilowatt hour above the Village's electric rate to its residential customers. Such annexation shall be expressly conditioned and contingent upon RECC granting the special 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. Portions of the Property, specifically, those denoted as lots 1 through 12, 18 and 19 as shown on the Plat of Subdivision of Wildwood Subdivision, Exhibit C hereto, shall be zoned R-1 upon approval of this annexation agreement pursuant to the Zoning Ordinance of the Village of Chatham; the remainder of the Property shall be zoned as P-1. In the event any court of law should determine that the Village lacks jurisdiction to zone those portions of the Property pursuant to this Agreement prior to their annexation, then those portions of the Property shall be zoned R-1 upon their annexation to the Village.
- 5. Within 30 days of approval of this Agreement, Owners shall submit a revised Plat of Subdivision of Wildwood Subdivision to the Village for approval; the revision shall consist of the merger of lot 15 and 16 into a single lot 15, and the renumbering of lots 17, 18, 19, and 20 as lots 16, 17, 18 and 19, respectively; and the Village agrees to approve the revised Plat of Subdivision in accordance with its Subdivision Ordinance.
- 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. Owners agree to record subdivision covenants governing Wildwood Estates Subdivision which provide the following, in perpetuity:
- a. That all septic systems installed in the Subdivision after the date of this Agreement shall be subject to the terms and conditions of the Illinois Private Sewage Disposal Code and permits by the Sangamon County Public Health Department or the

Village of Chatham Public Health Department, should the Village ever create such a health department;

- b. That all such septic systems shall be subject to an annual inspection by a qualified inspector to ensure that they are functioning properly, and if they are not functioning properly, shall be promptly repaired; and a copy of each inspection report shall be provided to the Village of Chatham;
- c. That should public sewers become available within 300 feet of any point in the Wildwood Estates Subdivision of capacity sufficient to serve the subdivision, all owners of lots within the subdivision shall be required to connect, with the cost of any mains within the subdivision to be split equally among the lots;
- d. That the Village of Chatham shall be a third party beneficiary of all covenants relating to septic systems.
- 8. 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.
- 9. 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.

- 10. 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.
- 11. The Village shall, at its expense, record this Agreement with the Sangamon County Recorder of Deeds within 30 days of its execution.
- 12. 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.
- 13. 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.
- 14. To the extent this Agreement is inconsistent with the Original Agreement, it supercedes the Original Agreement.

IN WITNESS WHEREOF, the parties have executed this Agreement on this ____ day of September, 1999.

 Henrietta M. Hashman, Owner
Donald L. Hashman, Owner

VILLAGE OF CHATHAM, ILLINOIS

By:		
	Village President	
Attest:		
	Village Clerk	

Legal Description-Hashman Property

Part of the East Three-Quarters of the Northwest Quarter of the Southeast Quarter of Section 16, Township 14 North, Range 5 West of the Third Principal Meridian, Sangamon County, Illinois, described as follows: Beginning at the stone at the Southeast Corner of the Northwest Quarter of the Southeast Quarter of said Section; thence North on the Quarter Quarter Section line 1152.31 feet; thence West at right angles 1007.19 feet to the West line of said East Three-Quarters; thence South on aforesaid West line 1140.74 feet to the Quarter Quarter Section line; thence East 1007.10 feet to the point of beginning, excepting the following described parcels:

PARCEL I: Beginning at the stone at the Southeast Corner of the Northwest Quarter of the Southeast Quarter of said Section; thence North on Quarter Quarter Section line 752.31 feet to the point of beginning; thence West at right angles 290.50 feet; thence North at right angles 150.00 feet; thence East at right angles 290.50 feet; thence South at right angles 150.00 feet to the point of beginning. Containing 1.00 acres, more or less.

PARCEL II: Beginning at a stone at the Southeast Corner of said Northwest Quarter, Southeast Quarter, Section 16, thence North on the East line of said Northwest Quarter, Southeast Quarter, 602.31 feet to a set pin marking the point of beginning, thence West at right angles 290.50 feet to a set pin; thence North at right angles 150.00 feet to a found pipe; thence East at right angles 290.5 feet to a found pipe on the East line of said Northwest Quarter, Southeast Quarter; thence South at right angles 150.00 feet to the point of beginning. Containing 1.00 acres, more or less.

PARCEL III: Beginning at a stone at the Southeast Corner of said Northwest Quarter, Southeast Quarter Section 16; thence North on the East line of Northwest Quarter, Southeast Quarter 452.31 feet to a set pin marking the point of beginning; thence West at right angles 290.50 feet to a set pin; thence North at right angles 150.00 feet to a found pin; thence East at right angles 290.50 feet to a found pin on the East line of said Northwest Quarter, Southeast Quarter; thence South at right angles 150.00 feat to the point of beginning. Containing 1.00 acres, more or less.

PARCEL IV: Commencing at a stone at the Southeast Corner of said Northwest Quarter; Southeast Quarter Section 16; thence North on the East line of said Northwest Quarter, Southeast Quarter, 1152.31 feet to a found pipe marking the point of beginning; thence South along the East line of said Northwest Quarter, Southeast Quarter, 200.00 feet to a set iron pin; thence West at right angles 290.50 feet to a set iron pin; thence North at right angles 198.66 feet to a set iron pin; thence deflect 59 degrees 44 minutes 08 seconds to the right and measure 290.50 feet to the point of beginning. Containing 1.33 acres, more or less.

PARCEL V: Commencing at an iron pin marking the Southwest Corner of said Northwest Quarter, Southeast Quarter, thence Easterly 334.0 feet along the South line of said Northwest Quarter, Southeast Quarter to a found pipe lying on the West line of the East 3/4 of said Northwest Quarter, Southeast Quarter, said pipe being the point of beginning; thence Northerly 290.5 feet along said West line, East 3/4, Northwest Quarter, Southeast Quarter, to a set iron pin; thence Easterly and parallel with the South line of said Northwest Quarter, Southeast Quarter, 150 feet to a set iron pin; thence Southerly and parallel with the West line of said East 3/4, Northwest Quarter, Southeast Quarter, 290.5 feet to a set iron pin on the South line of said Northwest Quarter, Southeast Quarter; thence easterly 150.0 feet along the South line of said Northwest Quarter, Southeast Quarter, to the point of beginning. Containing 1.0 acres, more or less.

PARCEL VI: Commencing at an iron pin marking the Southwest Corner of said Northwest Quarter, Southeast Quarter, thence North 09 degrees 20 minutes 54 seconds East, 334.00 feet along the South line of said Northwest Quarter, Southeast Quarter, to a found pipe lying on the West line of the East 3/4 of said Northwest Quarter, Southeast Quarter; thence North 00 degrees 03 minutes West, 463.76 feet along the West line of said Northwest Quarter, Southeast Quarter; to a set iron pin marking the point of beginning; thence North 00 degrees 03 minutes West, 150.00 feet along said West line to a set iron pin; thence North 90 degrees 00 minutes East, 376.71 feet to a set iron pin; thence South 00 degrees 00 minutes East, 150.00 feet to a set iron pin; thence South 90 degrees 00 minutes West, 376.48 feet to the point of beginning. Containing 1.297 acres, more or less.

PARCEL VII: Commencing at a stone at the Southeast Corner of said Northwest Quarter, Southeast Quarter, thence North 00 degrees 00 minutes East, 1152.31 feet along the East line of said Northwest Quarter, Southeast Quarter, to a found pin; thence Westerly 718 feet to an iron pin marking the point of beginning; thence South 00 degrees 03 minutes West, 200.00 feet to an iron pin; thence South 89 degrees 43 minutes 38 seconds West, 190.5 feet to an iron pin; thence North 60 degrees 32 minutes 07 seconds West, 114.91 feet to an iron pin on the West line of said East 3/4, Northwest Quarter, Southeast Quarter; thence North 00 degrees 03 minutes West, 143.00 feet along said West line to an iron pin; thence North 89 degrees 43 minutes 38 seconds East, 290.5 feet to the point of beginning. Containing 1.268 acres, more or less.

Situated in SANGAMON COUNTY, ILLINOIS.

<u>PETITION FOR ANNEXATION</u>

Henrietta M. and Donald L. Hashman ("Petitioners"), being duly sworn on their 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 East Three-Quarters of the Northwest Quarter of the Southeast Quarter of Section 16, Township 14 North, Range 5 West of the Third Principal Meridian, Sangamon County, Illinois, described as follows:

Beginning at the stone at the Southeast Cornerof the Northwest Quarter of the Southeast Quarter of said Section; thence North on the Quarter Quarter Section line 1152.31 feet; thence West at right angles 1007.19 feet to the West line of said East Three-Quarters; thence South on aforesaid West line 1140.74 feet to the Quarter Quarter Section line; thence East 1007.10 feet to the point of beginning, excepting the following described parcels:

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PARCEL II: Beginning at a stone at the Southeast Corner of said Northwest Quarter, Southeast Quarter, Section 16, thence North on the East line of said Northwest Quarter, Southeast Quarter, 602.31 feet to a set pin marking the point of beginning, thence West at right angles 290.50 feet to a set pin; thence North at right angles 150.00 feet to a found pipe; thence East at right angles 290.5 feet to a found pipe on the East line of said Northwest Quarter, Southeast Quarter; thence South at right angles 150.00 feet to the point of beginning. Containing 1.00 acres, more or less.

PARCEL III: Beginning at a stone at the Southeast Corner of said Northwest Quarter, Southeast Quarter Section 16; thence North on the East line of Northwest Quarter, Southeast Quarter 452.31 feet to a set pin marking the point of beginning; thence West at right angles 290.50 feet to a set pin; thence

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PARCEL IV: Commencing at a stone at the Southeast Corner of said Northwest Quarter; Southeast Quarter Section 16; thence North on the East line of said Northwest Quarter, Southeast Quarter, 1152.31 feet to a found pipe marking the point of beginning; thence South along the East line of said Northwest Quarter, Southeast Quarter, 200.00 feet to a set iron pin; thence West at right angles 290.50 feet to a set iron pin; thence North at right angles 190.66 feet to a set iron pin; thence deflect 59 degrees 44 minutes 08 seconds to the right and measure 29.50 feet to the point of beginning. Containing 1.33 acres, more or less.

PARCEL V: Commencing at an iron pin marking the Southwest Corner of said Northwest Quarter, Southeast Quarter, thence Easterly 334.0 feet along the South line of said Northwest Quarter, Southeast Quarter to a found pipe lying on the West line of the East 3/4 of said Northwest Quarter, Southeast Quarter, said pipe being the point of beginning; thence Northerly 290.5 feet along said West line, East 3/4, Northwest Quarter, Southeast Quarter, to a set iron pin; thence Easterly and parallel with the South line of said Northwest Quarter, Southeast Quarter, 150 feet to a set iron pin; thence Southerly and parallel with the West line of said East 3/4, Northwest Quarter, Southeast Quarter, 290.5 feet to a set iron pin on the South line of said Northwest Quarter, Southeast Quarter; thence easterly 150.0 feet along the South line of said Northwest Quarter, Southeast Quarter, to the point of beginning. Containing 1.0 acres, more or less.

PARCEL VI: Commencing at an iron pin marking the Southwest Corner of said Northwest Quarter, Southeast Quarter, thence North 09 degrees 20 minutes 54 seconds East, 334.00 feet along the South line of said Northwest Quarter, Southeast Quarter, to a found pipe lying on the West line of the East 3/4 of said Northwest Quarter, Southeast Quarter; thence North 00 degrees 03 minutes West, 463.76 feet along the West line of said Northwest Quarter, Southeast Quarter; to a set iron pin marking the point of beginning; thence North 00 degrees 03 minutes West, 150.00 feet along said West line to a set iron pin; thence North 90 degrees 00 minutes East, 376.71 feet to a set iron pin; thence South 90 degrees 00 minutes East, 150.00 feet to a set iron pin; thence South 90 degrees 00 minutes West, 376.40 feet to the point of beginning. Containing 1.297 acres, more or less.

PARCEL VII: Commencing at a stone at the Southeast Corner of said Northwest Quarter, Southeast Quarter, thence North 00 degrees 00 minutes East, 1152.31 feet along the East line of said Northwest Quarter, Southeast Quarter, to a found pin; thence Westerly 710 feet to an iron pin marking the point of beginning; thence South 00 degrees 03 minutes Nest, 200.00 feet to an iron pin; thence South 89 degrees 43 minutes 38 seconds West, 190.5 feet to an iron pin; thence North 60 degrees 32 minutes 07 seconds West, 114.91 feet to an iron pin on the West line of said East 3/4, Northwest Quarter, Southeast Quarter; thence North 00 degrees 03 minutes West, 143.00 feet along said West line to an iron pin; thence North 89 degrees 43 minutes 30 seconds East, 290.5 feet to the point of beginning. Containing 1.260 acres, more or less.

Situated in SANGAMON COUNTY, ILLINOIS.

and a map of which is attached hereto, together with all public roadways contained therein or adjacent thereto. Petitioners hereby state as follows:

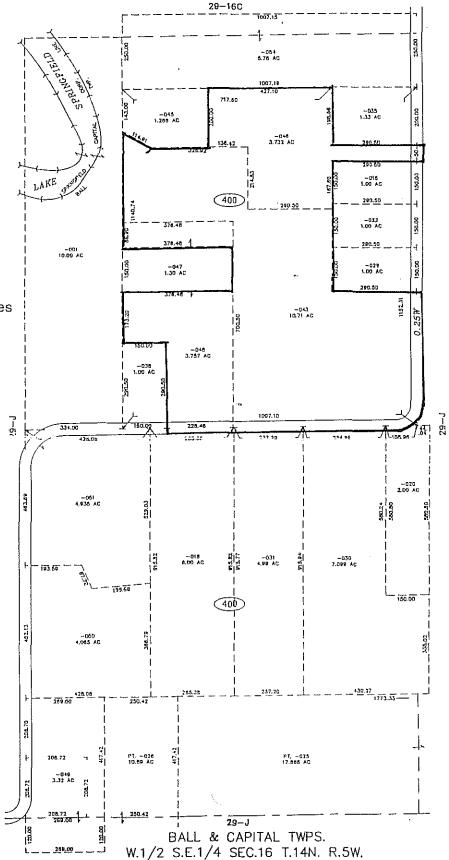
- a. The above-described territory is not yet contiguous to the Village of Chatham, but will be contiguous at the time of annexation.
- b. The above-described territory is not within the corporate limits of any other municipality.
- c. The Petitioners are the sole Owners of record of the property, and they comprise at least 51% of the electors residing therein.
- d. This Petition is conditional upon an annexation agreement between Petitioners and the Village of Chatham of even date herewith.

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

Henrietta	M.	Hashman,	P	etitioner
TIOMITICULE	***	r ruorman,	•	O CLUIOTION

Donald L. Hashman, Petitioner

STATE OF ILLINOIS)
COUNTY OF SANGAMON) SS.)
	VERIFICATION
	VERIFICATION
Henrietta M. Hashman, be	eing duly sworn on oath, deposes and state that she has
reviewed the foregoing Petition for	r Annexation, and the statements therein made are true and
correct.	
	Petitioner
SUBSCRIBED AND SWORN TO this day of, 19	
Notary Public	



Boundary of area to be annexed is denoted by dark solid line, and includes area legally described in the petition plus adjacent roadways.

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29-16G

EXHIBIT C

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Situated in SANGAMON COUNTY, ILLINOIS.

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- a. The above-described territory is not yet contiguous to the Village of Chatham, but will be contiguous at the time of annexation.
- b. The above-described territory is not within the corporate limits of any other municipality.
- c. The Petitioners are the sole Owners of record of the property, and they comprise at least 51% of the electors residing therein.
- d. This Petition is conditional upon an annexation agreement between Petitioners and the Village of Chatham of even date herewith.

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

Henrietta M. Hashman, Petitioner

Donald L. Hashman, Petitioner

STATE OF ILLINOIS) SS.
COUNTY OF SANGAMON)
	<u>VERIFICATION</u>
TI Care M. III-dan L.	
Henrietta M. Hashman, be	eing duly sworn on oath, deposes and state that she has
reviewed the foregoing Petition for	or Annexation, and the statements therein made are true and
correct.	
	Petitioner
SUBSCRIBED AND SWORN TO	O before me
this day of, 19	
Notary Public	
. · · · · · · · · · · · · · · · · · · ·	