



* 2 0 0 8 R 4 3 6 1 6 *

2008R43616

11/25/2008 11:37AM

REC FEE: 22.00

REC REST FEE: 4.00

GIS FEE: 9.00

GIS REST FEE: 1.00

TOTAL: \$36.00

PAGES: 11

DELLA

MARY ANN LAMM

SANGAMON COUNTY RECORDER

Ordinance No. 08-39

AN ORDINANCE AUTHORIZING EXECUTION OF AN ANNEXATION AGREEMENT CONCERNING 10136 OLD INDIAN TRAIL ROAD

WHEREAS, it is in the best interests of the Village of Chatham (the "Village"), Sangamon County, Illinois, that a certain Annexation Agreement, a true and correct copy of which is attached hereto and incorporated herein by reference, be entered into; and

WHEREAS, Todd and Lisa J. Dudley (collectively, the "Owners") are ready, willing and able to enter into said Agreement and to perform the obligations as required there under; and

WHEREAS, the statutory procedures provided in 65 ILCS 5/11-15.1-1 et seq. of the Illinois Municipal Code, as amended, have been fully complied with, including a public hearing, which has been conducted before the Corporate Authorities of the Village upon notice given in accordance with the law.

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 the Village President be and is hereby authorized and directed to execute, and the Village Clerk is hereby authorized and directed to attest, duplicate original copies of said Annexation Agreement, a copy of which is attached hereto and made a part hereof as Exhibit A.

SECTION 2: If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.

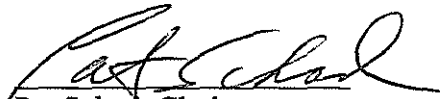
CERTIFICATION

I do hereby certify that I am the duly appointed, acting and qualified Clerk of the Village of Chatham, Sangamon County, Illinois, and that as such Clerk, I am the keeper of the records and minutes and proceedings of the President and Board of trustees of said Village of Chatham.

I do further certify that at a regular meeting of the President and the Board Of Trustees of the Village of Chatham, held on the 23rd day of September, 2008, the foregoing Ordinance entitles An Ordinance Authorizing Execution of an Annexation Agreement Concerning Certain Property Known as 10136 Old Indian Trail Road duly passed by the President and Board of Trustees of the Village of Chatham.

I do further certify that the original, of which the attached is a true and correct copy, is entrusted to me as the Clerk of said village for safekeeping, and that I am the lawful custodian and keeper of the same.

Given under my hand and seal of the Village of Chatham this 23rd day of September, 2008.

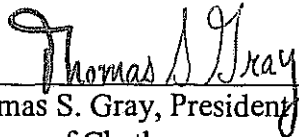


Pat Schad, Clerk
Village of Chatham



SECTION 3: All ordinances or parts if ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 4: This Ordinance shall be in full force and effect upon its passage, approval and publication in pamphlet form (which publication is hereby authorized) as provided by law.


Thomas S. Gray, President
Village of Chatham

ATTEST


Pat Schad, Village Clerk

AYES: 5 DOYLE, HERR, SCHAFERMAN, REYNOLDS, KAUFMAN
NAYS: 0
ABSENT: 1 McGRATH

PASSED: 9-23-08
APPROVED: 9-23-08
PUBLISHED: 9-23-08



return to: Pat Schad
836 Oxford
Chatham, IL 62629

This Space for Recorder

ANNEXATION AGREEMENT

THIS AGREEMENT is made by Todd and Lisa J. Dudley (Owners"), and the Village of Chatham, Illinois (the "Village"), an Illinois municipal corporation, all of Sangamon County, Illinois, and is effective this 23rd day of September, 2008.

WHEREAS, Todd and Lisa J. Dudley are the record Owners of property legally described as 10136 Old Indian Trail Road.

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

WHEREAS, Owner wishes to annex the Property to the Village and obtain an initial zoning of R-1; and

WHEREAS, in accordance with the powers granted to the Village by the provisions of the Illinois Compiled Statutes, 65ILCS 5/11-15.105, inclusive, relating to annexation agreements, the Parties wish to enter into a binding agreement with respect to the annexation of the Property to the Village and to provide for various other matters related directly or indirectly to the annexation of the Property as authorized by the provisions of said statutes; and

WHEREAS, pursuant to due notice and publication in the manner provided by law, the appropriate zoning authorities of the Village have held such public hearing and have taken all

further action required by the provisions of the Illinois Compiled Statutes and the ordinances of the Village relating to the procedure for authorization, approval and execution of this Agreement by the Village.

NOW, THEREFORE, in consideration of the mutual covenants, agreements and conditions herein contained, and by authority of an in accordance with the aforesaid statutes of the State of Illinois, the Parties agree as follows:

1. Owner has petitioned to annex the Property conditional upon this Agreement and zoned R-1; a copy of the petition is attached hereto as Exhibit "A".
2. An Annexation Ordinance shall be enacted by the President and Board of Trustees within 30 days of the property becoming contiguous to the corporate limits of the Village Of Chatham.
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 that lies within the Village's corporate limits. If, during the term of this Agreement, except as otherwise specifically agreed upon in this Agreement, any existing, amended, modified or new ordinances, codes or regulations affecting the zoning, subdivision, development, construction of improvements, buildings or appurtenances, or any other development of any kind or character upon the Property are amended or modified in a manner to impose less restrictive requirements on development of, or construction upon, properties in similarly zoned and developed parcels within the Village not subject to annexation agreements, then the benefit of such less restrictive requirements shall inure to the benefit of the Owner, and anything to the contrary contained herein

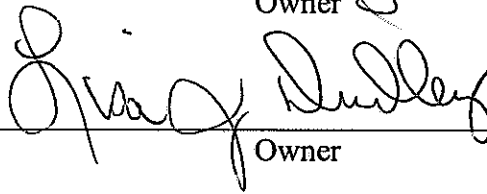
notwithstanding, the Owner may elect to proceed with respect to the development of, or construction upon, the Property with the less restrictive amendment or modification applicable generally to all properties within the Village except those subject to annexation agreements.

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 except as otherwise provided herein. 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 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.

If the performance of any covenant to be performed hereunder by any party is delayed as a result of circumstances that are beyond the reasonable control of such party, the time for such performance shall be extended by the amount of time of such delay. IN WITNESS WHEREOF, the parties have executed this Agreement on this 11th day of SEPT, 2008



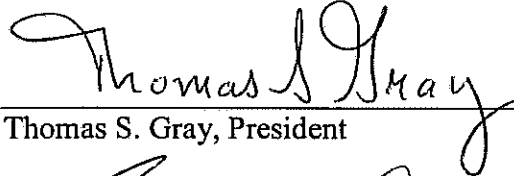
Owner



Owner

VILLAGE OF CHATHAM, ILLINOIS

BY:



Thomas S. Gray, President

Attest:



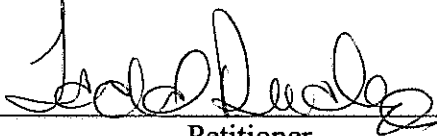
Pat Schad, Village Clerk

PETITION FOR ANNEXATION

Todd and Lisa J. Dudley 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 described as 10136 Old Indian Trail Road. Containing 5.05 acres, more or less, with a Sangamon County tax ID of 29-21.0-100-049. An Annexation map attached hereto marked as Exhibit "A". Petitioner hereby states as follows:

1. The described territory is or will be at the time of annexation contiguous to the Village of Chatham.
2. The 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 comprise 100% of the electors residing therein.

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



Petitioner

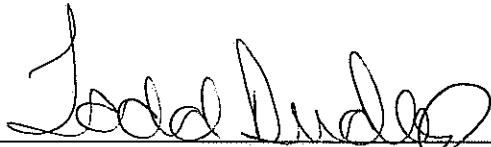


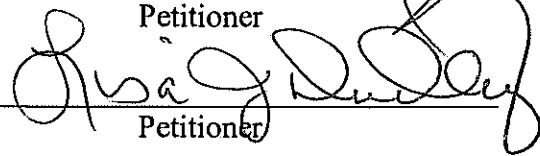
Petitioner

STATE OF ILLINOIS)
) SS.
COUNTY OF SANGAMON)

VERIFICATION

Todd and Lisa J. Dudley 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


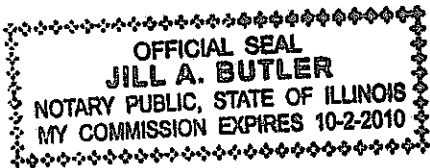
Petitioner

SUBSCRIBED AND SWORN TO before me

this 23rd day of October, 2008.




Notary Public

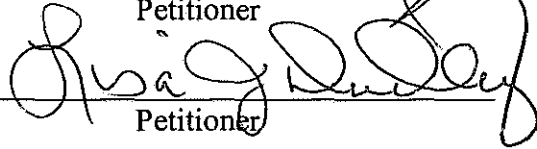


STATE OF ILLINOIS)
) SS.
COUNTY OF SANGAMON)

VERIFICATION

Todd and Lisa J. Dudley 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.



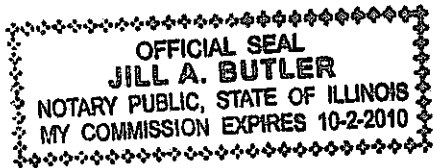
Petitioner


Petitioner

SUBSCRIBED AND SWORN TO before me
this 23rd day of October, 2008.



Notary Public



PETITION FOR ANNEXATION

Todd and Lisa J. Dudley 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 described as 10136 Old Indian Trail Road. Containing 5.05 acres, more or less, with a Sangamon County tax ID of 29-21.0-100-049. An Annexation map attached hereto marked as Exhibit "A". Petitioner hereby states as follows:

1. The described territory is or will be at the time of annexation contiguous to the Village of Chatham.
2. The 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 comprise 100% of the electors residing therein.

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



Petitioner



Petitioner

RECORDING - RESEARCH

NAME: VILLAGE OF CHATHAM
ADDRESS: 116 E. MULBERRY
CITY/STATE/ZIP: CHATHAM 62629
PHONE: (217) 720-3429

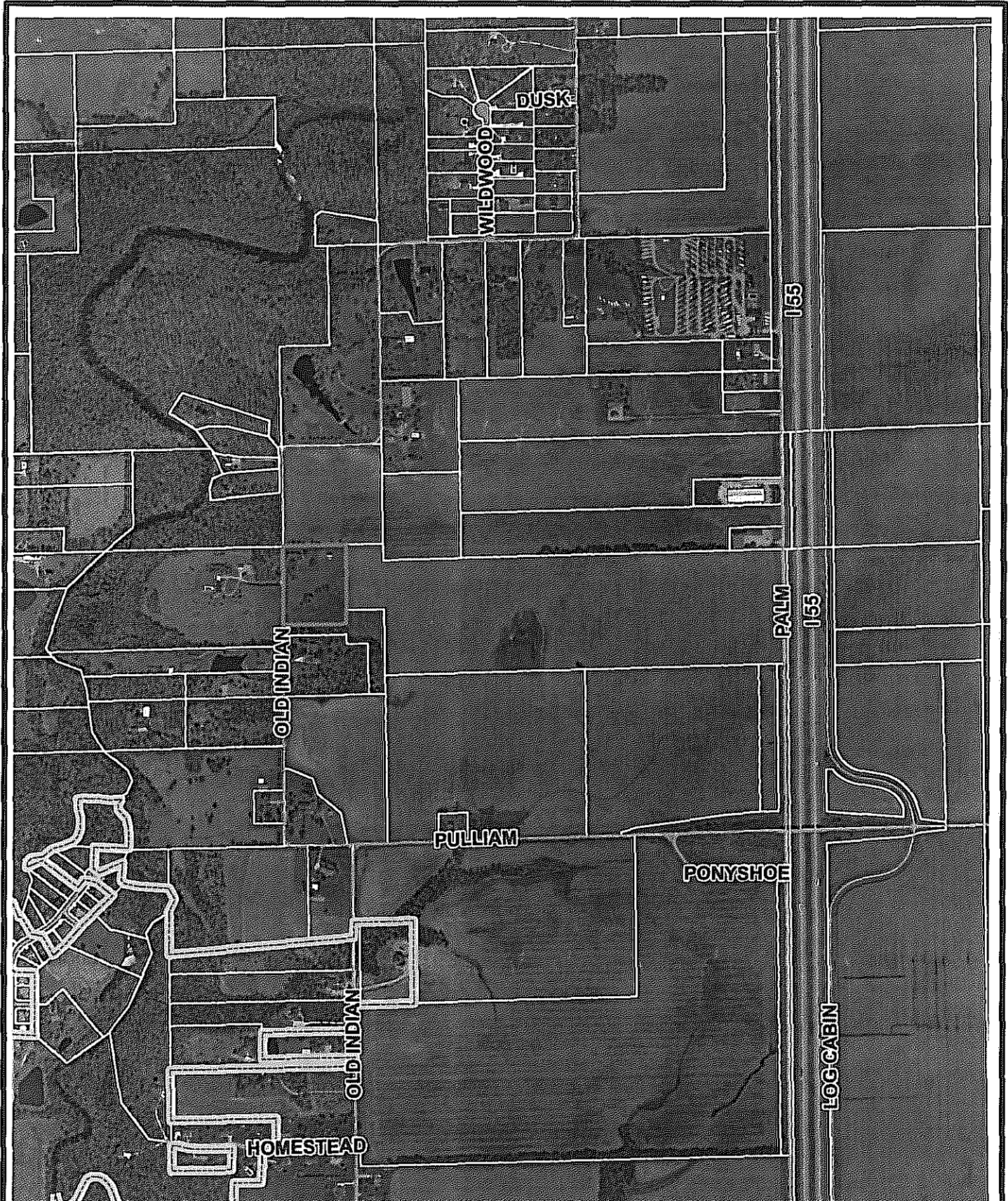
RECEIVED
NOV 21 2008

Recorder's Office

08-39

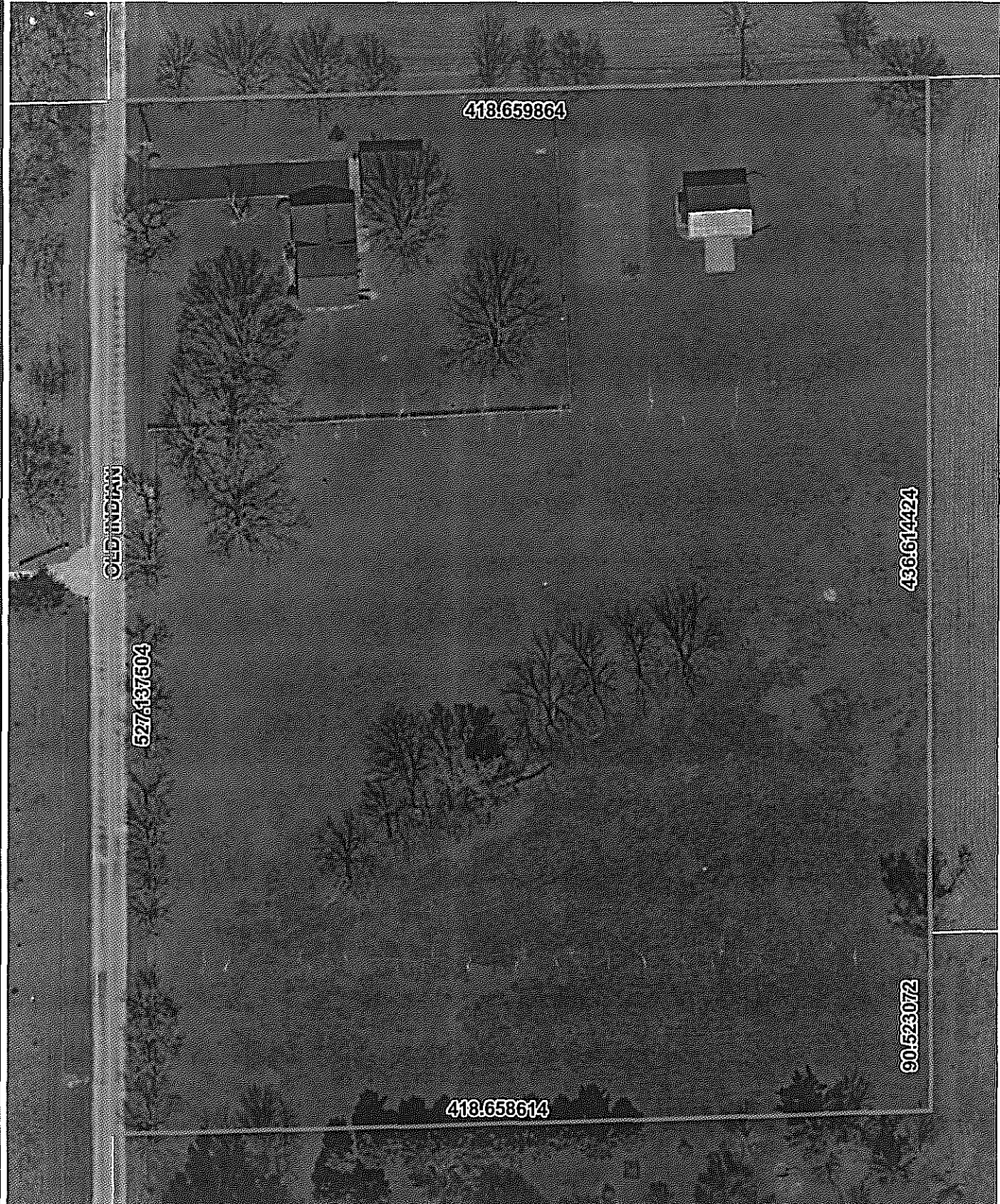
Change

STAFF INITIAL: MA DATE: 11/21/08
MARY ANN LAMM, RECORDER



Dudley Annexation

Village of Chatham
Sangamon County
Illinois



OLD INDIAN

418.659864

527.137504

436.614424

90.523072

418.658614



Dudley Annexation

Village of Chatham
Sangamon County
Illinois