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2011R43058

12/19/2011 09:14AM

REC FEE: 33.00

TOTAL: \$33.00

PAGES: 8

ANDREA

JOSHUA A. LANGFELDER
SANGAMON COUNTY RECORDER

This Space for Recorder

Ordinance No. 11- 62

**AN ORDINANCE APPROVING AN ANNEXATION AGREEMENT
WITH CHARLES G. & TARA M. CONWAY**

WHEREAS, on 12-13, 2011, pursuant to notice published as prescribed by statute, the corporate authorities of the Village of Chatham conducted a public hearing regarding an annexation agreement with Charles G. & Tara M. Conway a copy of which is attached hereto.

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 certain Annexation Agreement attached hereto by and between the Village of Chatham and Charles G. & Tara M. Conway is hereby approved.

SECTION 2: The President is authorized and directed to execute said agreement on behalf of the Village, and the proper officers of the Village are authorized to carry out said annexation agreement according to its terms.

SECTION 3: This Ordinance is effective immediately.

PASSED THIS 13 DAY OF DEC, 2011

Thomas S Gray

Thomas S. Gray, President
Village of Chatham



ATTEST:

Pat Schad
Pat Schad, Village Clerk

PASSED: 12-13-11

APPROVED: 12-13-11

AYES: 7 HERR MALL BOYLE GRAY
HOLDEN KAVANAGH SCHATTEMAN

NAYS: 0

ABSENT: 0

This Space for Recorder

ANNEXATION AGREEMENT

THIS AGREEMENT is made by Charles G. & Tara M. Conway, and the Village of Chatham, Illinois (the "Village"), an Illinois municipal corporation, all of Sangamon County, Illinois, and is effective this 13 day of DEC, 2011.

WHEREAS, Charles G. & Tara M. Conway are the record Owners of the property legally described as follows:

The North Half of the South Half of the North Half of the Southeast Quarter of Section 36, Township 14 North, Range 6 West of the Third Principal Meridian

WHEREAS, the Property is located in unincorporated Sangamon County, Illinois, and is non-contiguous to the corporate limits of the Village;

WHEREAS, Owners wish to annex the Property to the Village and obtain an initial zoning upon annexation of P-1;

NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:

1. Owner has petitioned to annex the Property conditional upon this Agreement; a copy of the petition is attached hereto as Exhibit A
2. Such annexation is be expressly conditioned and contingent upon the simultaneous zoning classification of the Property as P-1. Any ordinance annexing the Property or any part thereof without simultaneous initial zoning classification of P-1 shall be void unless

this Agreement has been amended as hereafter provided. Prior to executing this Agreement, this zoning has been considered by the appropriate administrative bodies of the Village.

3. 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.

4. 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.

5. 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.

6. 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.

7. The Village shall, at its expense, record this Agreement with the Sangamon County Recorder of Deeds within 30 days of its execution.

8. 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.

9. 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.

IN WITNESS WHEREOF, the parties have executed this Agreement on this 26th day of October, 2011.

Charles G. & Tara M. Conway

By: *Charles G. Conway*
Owner

By: *Tara M. Conway*
Owner

VILLAGE OF CHATHAM, ILLINOIS

BY: *Thomas S. Gray*
President

Attest: *[Signature]*
Village Clerk



PETITION FOR ANNEXATION

Charles G. & Tara M. Conway hereby petitions 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:

The North Half of the South Half of the North Half of the Southeast Quarter of Section 36, Township 14 North, Range 6 West of the Third Principal Meridian situated in Sangamon County, Illinois

and a plat of which is attached hereto. (Sangamon County tax id no. 28-36.0-300-021)

Petitioners hereby state as follows:

1. The above-described territory is non-contiguous to the Village of Chatham.
2. The above-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 no electors reside therein.

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

CHARLES G. & TARA M. CONWAY

By: 

Petitioner

By: 

Petitioner



STATE OF ILLINOIS)
)
COUNTY OF SANGAMON)

VERIFICATION

Charles G. & Tara M. Conway being duly sworn on their oath, depose and state that they are the owners and that they have reviewed the foregoing Petition for Annexation, and the statements therein made are true and correct.




Charles G. Conway



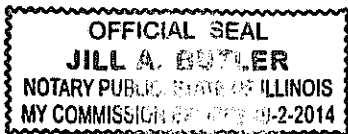
Tara M. Conway

SUBSCRIBED AND SWORN TO before me

this 26th day of October, 2011.



Notary Public



PREPARED BY:
JOHN MYERS

RETURN TO:
PAT SCHAD
VILLAGE CLERK
836 OXFORD
CHATHAM, IL 62629

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. 11- 62, adopted by the President and Board of Trustees of said Village on the 13 day of DEC, 2011, said Ordinance being entitled:

**AN ORDINANCE APPROVING AN ANNEXATION AGREEMENT
WITH CHARLES G. & TARA M. CONWAY**

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 DEC, 2011.



Village Clerk