

CITY OF LE ROY  
COUNTY OF MC LEAN  
STATE OF ILLINOIS

ORDINANCE NO. 01-11-04-51

AN ORDINANCE APPROVING AN ANNEXATION AGREEMENT  
FOR THE CITY OF LE ROY, MC LEAN COUNTY, ILLINOIS

(TERRITORY BEING ANNEXED LOCATED SOUTHERLY OF AND  
ADJACENT TO LOT 20 IN SUNNYSIDE ADDITION TO THE CITY OF  
LE ROY, IN THE NORTHEAST 1/4 OF SECTION 29, TOWNSHIP 22  
NORTH, RANGE 4 EAST OF THE THIRD PRINCIPAL MERIDIAN,  
MC LEAN COUNTY, ILLINOIS)

ADOPTED BY THE CITY COUNCIL OF THE CITY OF LE ROY  
THIS 19th DAY OF November, 2001

PRESENTED: November 19th, 2001

PASSED: November 19th, 2001

APPROVED: November 19th, 2001

RECORDED: November 19th, 2001

PUBLISHED: November 19th, 2001

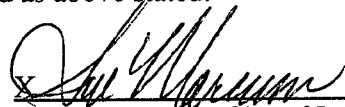
In Pamphlet Form

Voting "Aye" 5

Voting "Nay" 0

The undersigned being the duly qualified and acting City Clerk of the City of LeRoy does hereby certify that this document constitutes the publication in pamphlet form, in connection with and pursuant to Section 1-2-4 of the Illinois Municipal Code, of the above-captioned ordinance and that such ordinance was presented, passed, approved, recorded and published as above stated.

(SEAL)

  
\_\_\_\_\_  
City Clerk of the City of LeRoy,  
McLean County, Illinois

Dated: November 19th, 2001

AN ORDINANCE APPROVING AN ANNEXATION AGREEMENT  
FOR THE CITY OF LE ROY, MC LEAN COUNTY, ILLINOIS

(TERRITORY BEING ANNEXED LOCATED SOUTHERLY OF AND  
ADJACENT TO LOT 20 IN SUNNYSIDE ADDITION TO THE CITY OF  
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NORTH, RANGE 4 EAST OF THE THIRD PRINCIPAL MERIDIAN,  
MC LEAN COUNTY, ILLINOIS)

WHEREAS, the Mayor and City Council of the City of LeRoy, McLean County, Illinois, an Illinois municipal corporation, have determined that it will be in the best interest of the City and its residents to annex that real estate described hereinafter;

WHEREAS, the owner of record of real estate described hereinafter desires to enter into an annexation agreement providing for certain regulations and requirements to pertain to the desired annexation, and the Mayor and City Council of the City of LeRoy have determined that the proposed annexation agreement is in the best interests of the City and its residents, and all proceedings having been taken, including a zoning hearing being held prior to action being taken on the proposed annexation agreement, and a hearing as required by law having been held on the proposed annexation agreement; and

WHEREAS, the annexation agreement, a copy of which is attached hereto, as hereinafter described, was approved, and this ordinance was approved, by a vote of 2/3 of the corporate authorities then holding office, as required by law,

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of LeRoy, McLean County, Illinois, in lawful meeting assembled, as follows:

Section 1: The annexation agreement in the form as attached hereto in Exhibit "A," incorporated herein by reference, proposed to be entered into and providing for the annexation of that real estate as described in Exhibit "B," attached hereto and incorporated herein by reference, is hereby approved.

Section 2: The Mayor and City Clerk of the City of LeRoy are hereby directed to sign the original and two copies of the aforesaid annexation agreement, and, upon the same being signed by Richard W. Drennen, the City Clerk shall cause two signed copies to be returned to the City.

Section 3: This ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as required by law.

PASSED by the City Council of the City of LeRoy, Illinois, upon the motion by Dave  
McClelland, seconded by Gary Koerner, by roll call  
vote on the 19th day of November, 2001, as follows:

Aldermen elected 6 Aldermen present 5

VOTING AYE:

Dave McClelland, Dawn Thompson, Grace Anderson, Gary Koerner, John Haney  
(full names)

VOTING NAY:

None

(full names)

ABSENT:

None

(full names)

ABSTAIN:

None

(full names)

OTHER:

None

(full names)

and deposited and filed in the office of the City Clerk in said municipality on the 19th day of  
November, 2001.

X Sue Marcum

Sue Marcum, City Clerk of the City of LeRoy,  
McLean County, Illinois

APPROVED BY the Mayor of the City of LeRoy, Illinois, this 19th day of November,  
2001.

X Robert Rice

Robert Rice, Mayor of the City of LeRoy,  
McLean County, Illinois

ATTEST: (SEAL)

X Sue Marcum

Sue Marcum, City Clerk of the City  
of LeRoy, McLean County, Illinois

## ANNEXATION AGREEMENT

THIS AGREEMENT is made and entered into this 19th day of November, 2001, between the City of LeRoy, an Illinois municipal corporation, located in McLean County, Illinois, (hereinafter referred to as "CITY"), and RICHARD W. DRENNEN, owner of the real estate hereafter described (hereinafter referred to as "OWNER"), a resident of the City of LeRoy, McLean County, Illinois.

### Recitals

A. OWNER is the record title holder of property that is the subject of this annexation agreement, which property is legally described as follows:

*That part of the following described tract of land:*

*All that part of the North 35 acres of the Northeast 1/4 of the Northeast 1/4 of Section 29, Township 22 North, Range 4 East of the Third Principal Meridian, lying North of that part of said tract conveyed to the State of Illinois, for the use of Public Works and Buildings, by Instrument, dated May 28, 1969, recorded September 18, 1969, as Document No. 69-6697 in McLean County, Illinois,*

*lying South of and adjacent to Lot 20 in Sunnyside Addition to the City of LeRoy in the Southeast 1/4 of Section 20, Township 22 North, Range 4 East of the Third Principal Meridian, and the South end of Sunnyside Court, being a street in Sunnyside Addition to the City of LeRoy and South of Lot 1 in Sunnyside Addition to the City of LeRoy, all lying West of the East line of said Lot 20 extended South and South of the South line of said Lot 20 extended West, in McLean County, Illinois (PIN: [BK. 15] 30-29--200-002) ( See Group Exhibit "A" for map of subject premises).*

B. With respect to the aforesaid real estate, it is the desire of the OWNER to annex the property to CITY in accordance with the terms of this agreement. It is the desire of CITY to annex said property, and to facilitate the further development of said property pursuant to the terms and conditions of this agreement.

C. OWNER has performed and executed, or will perform and execute, all acts required by law to effectuate the annexation contemplated herein. The corporate authorities of CITY did duly fix a time for a public hearing on this agreement and pursuant to legal notice held such hearings thereon, all as required by the provisions of the statutes of the State of Illinois.

D. The real estate described herein is situated in the unincorporated area of McLean County, Illinois, and is contiguous to the incorporated territory of CITY. The corporate authorities of CITY have

considered the annexation of the subject property. OWNER proposes that all of said property described previously herein be classified in the R-1 Residential Zoning District under the zoning ordinances of CITY.

E. CITY desires that the property described herein be developed and further developed in the manner proposed previously and in accordance with the zoning restrictions placed upon R-1 Residential District property. In reliance upon the development of said property in the manner proposed, OWNER has executed all petitions and other documents necessary to accomplish the annexation of the subject property to CITY. It is the desire of CITY and OWNER that the development of the subject property proceed as soon as possible, subject to the ordinances, codes and regulations of CITY.

#### Covenants

1. The preceding recitals are made a part of these covenants.
2. OWNER shall, contemporaneously with the execution of this agreement, file with the Clerk of CITY a duly executed petition (including a recordable annexation map containing the proper legal description of the property proposed to be annexed) pursuant to and in accordance with Illinois Compiled Statutes 2000 State Bar Edition (as amended), Ch. 65 ILCS 5/7-1-2, to annex to CITY the property described previously in the recitals hereto. It is expressly understood and agreed, however, that CITY shall take no action with respect to said annexation petition unless and until said property shall have first been validly zoned and classified under the applicable ordinances of CITY, all as hereinafter provided. It is further understood and agreed that this agreement in its entirety together with the aforesaid petition for annexation shall be null, void and of no force and effect unless said premises are so zoned and classified.
3. CITY agrees to annex the above-described property upon the terms and conditions set forth in this agreement.
4. CITY hereby agrees to classify, zone and district, under the provisions of its zoning ordinances and pursuant to the procedures therein established, the property previously described herein as part of the R-1 Residential Zoning District. CITY represents and warrants that said zoning ordinance, as aforementioned, together with existing ordinances and actions taken by the CITY, will permit the zoning as aforesaid in its entirety. Further, the parties hereto agree the property shall be deemed first to have been designated as zoned A-Agriculture District and that CITY need take no further action after approving this agreement and annexing the property to redesignate it as being zoned R-1 Residential District other than to adopt an appropriate ordinance so designating the property's zoning classification.

5. OWNER agrees to reimburse CITY for its reasonable attorney's fees and costs in annexing the property previously described herein and holding the hearings in regard to this annexation agreement, such costs not to exceed Three Hundred Fifty and No/100 Dollars (\$350.00) attorney's fees, plus all certified mailing expenses, newspaper notice (of hearing), publication fees, and all applicable zoning application fees, as to OWNER's share.

6. This annexation agreement shall be binding upon and inure to the benefit of the parties hereto, successor owners of record of land which is the subject of this agreement, assignees, lessees, and upon any successor municipal authorities of said CITY and successor municipalities for a period of twenty (20) years from the date of execution hereof, and any extended time that may be agreed to by amendments.

7. This agreement shall be enforceable in any court of competent jurisdiction by any of the parties hereto by any appropriate action at law or in equity to secure the performance of the covenants herein contained.

8. OWNER and his successors in interest are hereby exempted from complying with the applicable subdivision ordinances and regulations of the City of Le Roy providing for specific improvements and methods of adopting subdivision plats only insofar as the annexation of the subject territory is concerned. At any future time if the property is resubdivided or if any part of the property described herein is subdivided or resubdivided, such subdivision or resubdivision shall be required to comply with all appropriate and applicable subdivision ordinances and regulations of CITY at such time.

9. If any provision of this agreement is held invalid, such provision shall be deemed to be excised herefrom and the invalidity of such provision shall not affect any of the other provisions contained herein. It is expressly understood that the zoning classification of R-1 Residential District, which has been approved by CITY pursuant to CITY's zoning ordinances, shall survive this agreement and continue to be the zoning classification of the subject premises.

CITY OF LE ROY, an Illinois municipal corporation,

OWNER:

X Robert Rice  
Robert Rice, Mayor, City of LeRoy, McLean County,  
Illinois

\_\_\_\_\_  
Richard W. Drennen

ATTEST:

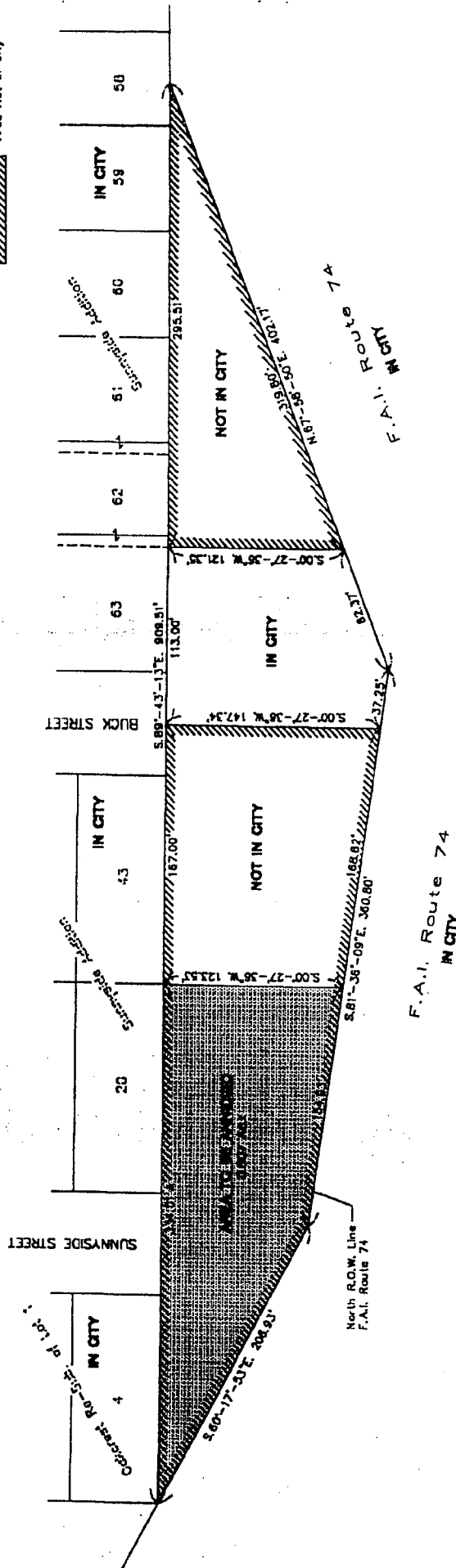
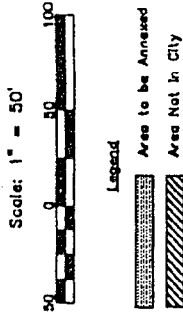
(SEAL)

X \_\_\_\_\_  
Sue Marcum, City Clerk, City of LeRoy,  
McLean County, Illinois



# ANNEXATION PLAT

A part of the E1/2 of the NE1/4 of Section 29,  
T. 22 N., R. 4 E., 3 P.M., McLean County, Illinois



Legal Description of Property to be Annexed to the City of LeRoy

That part of the following described land: All that part of the North 35 Acres of the NE1/4 of the NE1/4 of Section 29, Township 22 North, Range 4 East of the Third Principal Meridian lying North of that part conveyed to the State of Illinois, for the use of public works and buildings, by instrument dated May 24, 1969 and recorded September 18, 1969 as Document No. 69-6897 in McLean County, Illinois; lying South of and adjacent to Lot 20 in Sunnyside Addition to the City of LeRoy; lying South of and adjacent to Lot 20 in Sunnyside Addition; lying South of Lot 4 in Oakcrest Re-Subdivision of Lot 1 in said Sunnyside Addition; all lying West of the east line of said Lot 20 as extended south, containing 0.607 acres, more or less, and being situated in McLean County, Illinois.

Surveyor's Certificate

I, Perry L. Lewis, Illinois Professional Land Surveyor No. 1874, do hereby certify that to the best of my knowledge and belief the plat shown hereon is an accurate representation of lands to be annexed to the City of LeRoy, McLean County, Illinois.

*Perry L. Lewis*  
Perry L. Lewis  
Illinois Professional Land Surveyor No. 1874

10/15/2001  
Date



**Lewis, Yockey & Brown, Inc.**  
Consulting Engineers & Land Surveyors

505 North Main Street  
O'Fallon, Illinois  
Ph. (309) 229-2332

222 East Center Street  
LeRoy, Illinois  
Ph. (309) 962-8151

153 South Elm Street  
O'Fallon, Illinois  
Ph. (309) 327-2532

Ac.	Sq. Ft.	BKS	PL
		bn.	bn.
		sq.	sq.
		pl.	pl.

Annexation Plat  
City of LeRoy

Sheet 1 of 1

Exhibit A

4023.00



*That part of the following described tract of land:*

*All that part of the North 35 acres of the Northeast 1/4 of the Northeast 1/4 of Section 29, Township 22 North, Range 4 East of the Third Principal Meridian, lying North of that part of said tract conveyed to the State of Illinois, for the use of Public Works and Buildings, by Instrument, dated May 28, 1969, recorded September 18, 1969, as Document No. 69-6697 in McLean County, Illinois,*

*lying South of and adjacent to Lot 20 in Sunnyside Addition to the City of LeRoy in the Southeast 1/4 of Section 20, Township 22 North, Range 4 East of the Third Principal Meridian, and the South end of Sunnyside Court, being a street in Sunnyside Addition to the City of LeRoy and South of Lot 1 in Sunnyside Addition to the City of LeRoy, all lying West of the East line of said Lot 20 extended South and South of the South line of said Lot 20 extended West in McLean County, Illinois (PIN: [BK. 15] 30-29--200-002) .*

**EXHIBIT B**

(to City of LeRoy Ordinance Approving Annexation Agreement)

CERTIFICATE

I, Sue Marcum, certify that I am the duly elected and acting municipal clerk of the City of LeRoy, of McLean County, Illinois.

I further certify that on November 19th, 2001, the Corporate Authorities of such municipality passed and approved Ordinance No. 01-11-04-51, entitled:

**AN ORDINANCE APPROVING AN ANNEXATION AGREEMENT  
FOR THE CITY OF LE ROY, MC LEAN COUNTY, ILLINOIS**

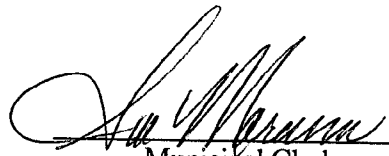
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which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 01-11-04-51, including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted at the municipal building, commencing on November 19th, 2001, and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the municipal clerk.

Dated at LeRoy, Illinois, this 19th day of November, 2001.

(SEAL)

  
\_\_\_\_\_  
Municipal Clerk

STATE OF ILLINOIS        )  
                                  ) SS:  
COUNTY OF McLEAN        )

I, Sue Marcum, do hereby certify that I am the duly qualified and acting City Clerk of the City of LeRoy, McLean County, Illinois, and as such City Clerk that I am the keeper of the records and files of the Mayor and the City Council of said City.

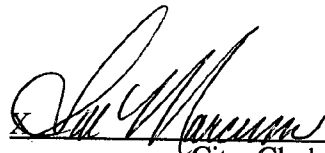
I do further certify that the foregoing is a true, correct and complete copy of an ordinance entitled:

AN ORDINANCE APPROVING AN ANNEXATION AGREEMENT  
FOR THE CITY OF LE ROY, MC LEAN COUNTY, ILLINOIS

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MC LEAN COUNTY, ILLINOIS)

I do further certify said ordinance was adopted by the City Council of the City of LeRoy at a regular meeting on the 19th day of November, 2001, and prior to the making of this certificate the said ordinance was spread at length upon the permanent records of said City where it now appears and remains as a faithful record of said ordinance in the record books.

Dated this 19th day of November, 2001.

  
\_\_\_\_\_  
City Clerk

(SEAL)