

ORDINANCE NO. 560

AN ORDINANCE FOR THE APPROVAL OF A SUBDIVISION AGREEMENT
AND BOND

ADOPTED BY THE CITY COUNCIL OF THE CITY OF LE ROY THIS 3rd
DAY OF October, 1994.

PRESENTED: October 3, 1994

PASSED: October 3, 1994

APPROVED: October 3, 1994

RECORDED: October 3, 1994

PUBLISHED: October 3, 1994

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)

X Juanita Ogley
City Clerk of the City of LeRoy,
McLean County, Illinois

Dated: October 3, 1994.

ORDINANCE NO. 560

AN ORDINANCE FOR THE APPROVAL OF A SUBDIVISION AGREEMENT AND BOND

WHEREAS, the Mayor and City Clerk of the City of LeRoy, Illinois, an Illinois municipal corporation, have reviewed a subdivision agreement and bond, and accompanying escrow agreement, all submitted by Wendell Crumbaugh, Trustee of Land Trust No. 299, OWNER/DEVELOPER of the proposed Crumbaugh Second Addition to the City of LeRoy, and

WHEREAS, the Mayor and City Council deem it to be in the best interests of the City of LeRoy to approve said subdivision agreement and bond in order to enable the finalization of the proposed final plat of the aforesaid subdivision,

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

Section 1. That subdivision agreement and bond, a copy of which is attached hereto labeled Exhibit A, 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 aforesaid subdivision agreement and bond, including as many copies as may be appropriate, and the City Clerk is hereby directed to file a complete copy of said subdivision agreement and bond in the permanent records of the City.

Section 3. This ordinance shall be in full force and effect immediately upon its passage and approval as required by law.

PASSED by the City Council of the City of LeRoy, Illinois, upon the motion by

Randy Zimmerman, seconded by Robert D. Johnson

_____ , by roll call vote on the 3rd day of October, 1994, as follows:

Aldermen elected 6

Aldermen present 5

VOTING AYE:

Randy Zimmerman, Lois Parkin, Robert D. Johnson, Ronnie Litherland
(full names) David McClelland

VOTING NAY:

None

(full names)

ABSENT, ABSTAIN, OTHER:

Patrick Beaty absent

(full names)

and deposited and filed in the office of the City Clerk in said municipality on the 3rd day of
October, 1994.

X Juanita Dagley
Juanita Dagley, City Clerk of the City of LeRoy,
LeRoy, McLean County, Illinois

APPROVED BY the Mayor of the City of LeRoy, Illinois, this 3rd day of

October, 1994.

X Jerry C. Davis
Jerry C. Davis, Mayor of the City of LeRoy,
McLean County, Illinois

ATTEST: (SEAL)

X Juanita Dagley
Juanita Dagley, City Clerk, City of LeRoy,
LeRoy, McLean County, Illinois

SUBDIVISION AGREEMENT AND BOND

Land Trust No. 299, by its Trustee, Wendell Crumbaugh, said Land Trust being hereinafter referred to as "OWNER/DEVELOPER," held and firmly bound unto the City of LeRoy, McLean County, Illinois, an Illinois municipal corporation, hereinafter referred to as "CITY," in the penal sum of one hundred forty-one thousand, three hundred dollars (\$141,300.00), lawful money of the United States, for which the undersigned bind themselves as Principal and Surety to be truly made by them, their heirs, executors, administrators, assigns and successors in interest, jointly and severally, in the following manner.

SEALED AND DATED this _____ day of _____, 1994, at LeRoy, McLean County, Illinois.

WHEREAS, a request has heretofore been filed with the City Council of the City of LeRoy, McLean County, Illinois, for the acceptance of a tract of land as a subdivision to the City of LeRoy, under the name and title of "Crumbaugh Second Addition," per plat of Perry Lewis, Registered Illinois Land Surveyor Number _____, consisting of _____ numbered lots and streets, dated _____, 1994, the plan of which plat has received preliminary approval by the City Council of the City of LeRoy, Illinois, or which preliminary approval has been waived and which plat will be finalized upon OWNER/DEVELOPER's meeting the further requirements of the subdivision ordinance of the City of LeRoy, and

WHEREAS, the legal description of the property sought to be subdivided, for which a final plat will be presented and for which property this bond is given, is as follows, to-wit:

(See attached Exhibit A.)

and

WHEREAS, said OWNER/DEVELOPER promises and guarantees that all construction on said proposed subdivision improvements shall be done in a workmanlike manner and in compliance with the

subdivision ordinance of the City of LeRoy and subject at all times to inspection and approval by CITY or its appropriate agent(s), and shall be completed on or before _____, 199____, and upon the further guarantee that all damage or liability incurred by CITY, its agents, officers, independent contractors, and/or employees, which damage or liability is caused or results from a construction operation or repairs made by OWNER/DEVELOPER to said improvements, pursuant to the terms of the aforesaid plans and specifications, will be repaired by OWNER/DEVELOPER, and CITY, its agents, officers, independent contractors, and/or employees, shall each and everyone be held and saved harmless from any and all claims whatsoever arising from the operations of OWNER/DEVELOPER for and during the period from the acceptance of this agreement and bond by CITY of all matters and things required by the aforesaid subdivision ordinance and herein bonded to be done; and

WHEREAS, OWNER/DEVELOPER, by execution of this agreement and bond, promises and guarantees to pay to CITY the penal sum set forth in this bond and agreement as secured by an escrow agreement with Busey Bank of McLean County, dated _____, 1994, and incorporated herein by reference, as a contribution to the cost of constructing said subdivision improvements as more fully detailed in Exhibit B, attached hereto and incorporated herein by reference, upon receipt within two years from the date hereof of a certificate of completion signed by the City Engineer of CITY certifying that the construction of the aforesaid subdivision improvements is not less than the standards set forth by CITY and has been completed,


NOW, THEREFORE, the condition of this obligation is such that if the above bonded OWNER/DEVELOPER shall well and truly keep, do and perform each and every, all and singular, the matters and things set forth and specified in this agreement and bound to be done by OWNER/DEVELOPER and performed by OWNER/DEVELOPER at the time and in the manner as in the obligation and the subdivision ordinance terms of CITY specified, or shall pay over, make good, reimburse and save CITY harmless from all loss and damage which CITY may sustain by reason of failure or default on the part of said OWNER/DEVELOPER so to do, then this obligation shall be null and void. Otherwise, the same will remain in full force and effect.

No surety. Escrow of stock accepted in lieu thereof. Escrow pledge attached.

LAND TRUST NO. 299, Principal

BY: _____
Wendell Crumbaugh, Trustee

CITY OF LEROY, MCLEAN COUNTY, ILLINOIS

BY:  _____
Jerry C. Davis, Mayor, City of LeRoy,
McLean County, Illinois

ATTEST:

(SEAL)

Juanita Dagley, City Clerk, City of LeRoy,
McLean County, Illinois

STATE OF ILLINOIS)
) SS.
COUNTY OF MCLEAN)

I, the undersigned, a Notary Public in and for the said county and state aforesaid, do hereby certify that Wendell Crumbaugh, personally known to me to be Trustee of Land Trust No. 299, whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that as such Trustee he subscribed his name to the foregoing instrument, and signed, sealed and delivered the said instrument as his free and voluntary act and as the free and voluntary act and deed of Land Trust No. 299, an Illinois land trust, as aforesaid, including the release and waiver/homestead.

Given under my hand and notarial seal this _____ day of _____, 1994.

_____ My commission expires: _____
Notary Public

STATE OF ILLINOIS)
) SS.
COUNTY OF MC LEAN)

I, the undersigned, a Notary Public in and for said county and state aforesaid, do hereby certify that Jerry C. Davis, personally known to me to be the Mayor of the City of LeRoy, and Juanita Dagley, personally known to me to be the City Clerk of said City, whose names are subscribed to the foregoing instrument, appeared before me this day in person and severally acknowledged that as such Mayor and City Clerk they signed and delivered said instrument of writing as Mayor and as City Clerk of said City, and caused the seal of the City of LeRoy to be affixed thereto, pursuant to authority given by the City Council of said City as their free and voluntary act, and as the free and voluntary act and agreement of the City of LeRoy for the uses and purposes therein set forth.

Given under my hand and notarial seal, this ___ day of _____, 1994.

_____ My commission expires: _____
Notary Public

This instrument was prepared by: Hunt Henderson, Attorney at Law, Attny No. 01186256, 112 East Center Street, LeRoy, Illinois 61752

STATE OF ILLINOIS)
) SS:
COUNTY OF McLEAN)

I, Juanita Dagley, 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 FOR THE APPROVAL OF A SUBDIVISION AGREEMENT AND BOND.

I do further certify said ordinance was adopted by the City Council of the City of LeRoy at a regular meeting on the 3rd day of October, 1994, 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 3rd day of October, 1994.

X Juanita Dagley
 City Clerk

(SEAL)