

ORDINANCE NO. 2440

AN ORDINANCE
APPROVING AN AMENDMENT TO AN ANNEXATION AGREEMENT
(COSTLY ACRES SUBDIVISION)

WHEREAS, the Village of Rantoul, Champaign County, Illinois (the “Village”) and Toni Oliger and Julie M. Hemrich, jointly and severally, as owner and developer (the “Developer”) have entered into an Annexation Agreement dated as of May 1, 2004 (the “Annexation Agreement”); and

WHEREAS, the Developer, by and through their attorney, has submitted a Petition dated July 15, 2015 (the “Petition”) requesting that paragraph (1) of Section 2.4 of the Annexation Agreement be amended in the manner set forth in such Petition; and

WHEREAS, the form of a certain Amendment to Annexation Agreement, dated as of August 1, 2015, which includes the amendment as requested in the Petition, has been presented to and is now before the meeting of the President and Board of Trustees at which this Ordinance is adopted.

NOW THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF RANTOUL, CHAMPAIGN COUNTY, ILLINOIS, as follows:

Section 1. Approval. The form of the Amendment to Annexation Agreement be and the same is hereby approved.

Section 2. Authority to Execute and Record Annexation Agreement. The Village President and the Village Clerk are hereby authorized to execute the Amendment to Annexation Agreement for and on behalf of the Village, with such changes therein as may be authorized by such Village President. Upon the receipt from the Developer of the correct fee to record the Amendment to Annexation Agreement in the office of the Recorder of Deeds, Champaign County, Illinois, (the “Recorder”), the Village Clerk, or his designee, shall record or cause to be recorded the Amendment to Annexation Agreement in the office of the Recorder.

Section 3. Supplemental Authority. From and after the effective date of this Ordinance, the proper officers, employees, and agents of the Village are hereby authorized, empowered and directed to do all such acts and things and to execute and to record, if appropriate, all such supplemental documents and instruments as may be necessary to carry out the intent and accomplish the purposes of this Ordinance in order to comply with and make effective the provisions of the Amendment to Annexation Agreement, as approved or required by this Ordinance.

Section 4. Effective Date. This Ordinance shall become effective immediately upon its passage and approval as required by law.

This Ordinance is hereby passed, the "ayes" and "nays" being called, by a roll call vote of two-thirds of the Corporate Authorities then holding office as follows:

"Ayes" Brown, Wilson, Turner, Fox, Smith

"Nays" _____

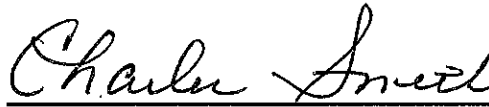
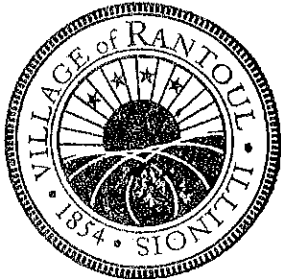
"Absent" Gamel

PASSED this 11th day of August, 2015.



Village Clerk

APPROVED this 11th day of August, 2015.



Village President

AMENDMENT TO ANNEXATION AGREEMENT
(COSTLY ACRES SUBDIVISION)

THIS AMENDMENT TO ANNEXATION AGREEMENT (this "**Amendment**") is made as of the 1st day of August, 2015, by and between the Village of Rantoul, Champaign County, Illinois, an Illinois municipal corporation ("**Village**"), and Toni Oliger and Julie M. Hemrich, jointly and severally (the "**Developer**"), with respect to that certain Annexation Agreement dated as of May 1, 2004 (the "**Agreement**"), by and between the Village and the Developer. All capitalized words, terms and phrases as used in this Amendment shall have the same meanings as respectively ascribed to them in the Agreement.

RECITAL:

The Agreement was duly recorded with the Recorder of Deeds, Champaign County, Illinois, on January 18, 2005, as Document Number 2005R01675, and was made in connection with the Real Estate described on Exhibit A attached hereto and made a part hereof.

The Village, at the request of the Developer, is willing to amend the Agreement by this Amendment in order to add two additionally-named individuals to the condition specified in paragraph (1) of Section 2.5 of the Agreement.

NOW, THEREFORE, in consideration of the agreements, covenants, representations and undertakings by the Village and the Developer as parties to the Agreement, including those as contained in this Amendment to the Annexation Agreement, the Village and the Developer hereby further agree, covenant, represent and undertake as follows:

Section 1. Paragraph (1) of Section 2.5, entitled "Development of Real Estate", of the Agreement is hereby amended as set forth below:

(1) The Developer, for and on behalf of themselves and the Owners, represent and warrant to the Village that the existing single-family residential structure upon Lot 1 of the Subdivision Lots will be demolished and removed from such Lot 1 within a period not more than 365 days from and after such time as such residential structure is no longer permanently occupied by any of Corrine Hemrich, Toni Oliger or Julie M. Hemrich personally; and

Section 2. Except as expressly supplemented and amended as provided in Section 1 of this Amendment above, all other provisions of the Agreement shall be and remain in full force and effect. The provisions of the Agreement, as now supplemented and amended by this Amendment, are hereby ratified, confirmed and approved by both the Village and the Developer.

IN WITNESS WHEREOF, each of the parties hereto have caused this Amendment to be executed by proper officers duly authorized to execute the same as of the date set forth beneath their respective signatures set forth below.

VILLAGE:

**VILLAGE OF RANTOUL,
CHAMPAIGN COUNTY, ILLINOIS**

By *Paul Smith*
Village President

(SEAL)

ATTEST:

Mike Graham
Village Clerk

Date: 8-11-2015

DEVELOPER:

TONI OLIGER and JULIE M. HEMRICH

Toni Oliger

Julie M. Hemrich

Date: _____



EXHIBIT A

Legal Description of Real Estate

Beginning at the South Quarter Corner of Section 6, Township 21 North of the Base Line, Range 9 East of the Third Principal Meridian; thence North 90 degrees 00.0 minutes West (N90°00.0'W) a distance of 64.6 feet on the South Line of the Southwest Quarter of said Section; thence N00°10.4'W 659.1 feet; thence S89°59.6'E 176.2 feet; thence S00°09.8'E 659.1 feet; and thence N90°00.0'W 111.5 feet on the South Line of the Southeast Quarter of said Section to the point of beginning, encompassing 2.665 acres, situated in Champaign County, Illinois