

RESOLUTION NO. 17-322-A
CITY OF PEORIA.

Peoria, Illinois October 24 2017

A RESOLUTION APPROVING THE ANNEXATION AGREEMENT FOR PROPERTY IDENTIFIED AS PART OF PARCEL IDENTIFICATION NUMBER 08-35-100-033, WITH AN ADDRESS OF W GRANGE HALL ROAD, PEORIA, IL

Resolved

WHEREAS, Mark Larson, owner of certain real estate located near the corporate limits of the City of Peoria, is desirous of entering into an agreement providing for the annexation of this property to the City of Peoria upon certain conditions; and

WHEREAS, the City of Peoria is desirous of entering into an agreement providing for the annexation of this real estate, said agreement attached hereto as "Attachment A"; and

WHEREAS, the City Council of the City of Peoria believes that the vicinity and general welfare of the City will be served by entering into this agreement which establishes various conditions relating to, but not limited to, zoning and land use; and

WHEREAS, a public hearing upon said Annexation Agreement was conducted, with proper notice, by the City Council on June 27, 2017, and there has been compliance with all provisions of 65 ILCS 5/7-1 *et seq.*

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PEORIA, ILLINOIS:

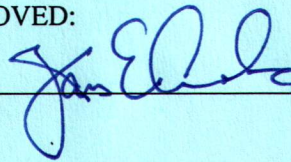
Section 1. That the Mayor is hereby authorized to execute the Annexation Agreement attached hereto as "Attachment A" with the petitioner, and the City Clerk is hereby authorized to attest said agreement subject to the following condition:

Section 2. This resolution shall be effective upon passage and approval according to law.

PASSED BY THE CITY COUNCIL OF THE CITY OF PEORIA, ILLINOIS, THIS 24th DAY OF October 2017.

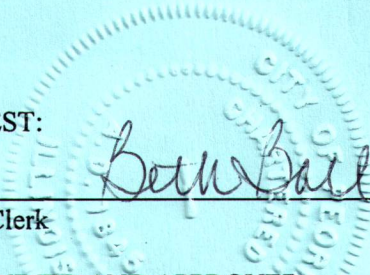
APPROVED:

Mayor



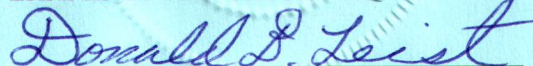
ATTEST:

City Clerk



EXAMINED AND APPROVED

Corporation Counsel



FILED

NOV 22 2017

**R. STEVE SONNEMAKER
PEORIA COUNTY CLERK**

This Document Prepared By:

Ted Clark, Architect
225 Deer Lakes Dr.
Goodfield, IL 61742
309-242-2047

CITY CLERK
PEORIA, ILL.

2017 JUN -9 P 2: 37

Beth Ball

Mail To:

City of Peoria
Community Development Department
419 Fulton Street, Room 300
Peoria, Illinois 61602-1217

FILED

NOV 22 2017

**R. STEVE SONNEMAKER
PEORIA COUNTY CLERK**

ANNEXATION AGREEMENT

THIS AGREEMENT (hereinafter referred to as the "Annexation Agreement") is made this Thirtieth day of May, 2017, by and between THE CITY OF PEORIA, ILLINOIS, an Illinois municipal corporation, located in Peoria County, Illinois (hereinafter referred to as the "City") and Mark Larson (hereinafter referred to as the "Owner").

RECITALS

WHEREAS, the owner is the sole owner of record of the following described property attached hereto as "Exhibit A" (hereinafter referred to as the "Property"):

WHEREAS, the Property is located within the County of Peoria, Illinois ("County") and is contiguous with the corporate boundaries of the City; and

WHEREAS, there are no electors residing within the Property; and

WHEREAS, this Annexation agreement was submitted to the corporate authorities for public hearing as required by law; and

WHEREAS, due notice as required by law has been sent to and received by all entities entitled to such notice as required by law; and

WHEREAS, all conditions precedent to entering into this Annexation Agreement have been undertaken and satisfied as required by law; and

WHEREAS, the corporation authorities of the City after due deliberation have, by resolution or ordinance, duly adopted and approved this Annexation Agreement as required by law.

NOW, THEREFORE, in consideration of the promises and the mutual covenants and agreements provided for herein, it is hereby agreed as follows:

1. Annexation. The City shall adopt such resolutions or ordinances as are required to annex the Property as provided for under the laws of the State of Illinois. No other request or petition for annexation shall be required as to this Property to complete the annexation.

2. Zoning. Upon the annexation of the Property to the City, the Property shall be classified in the following described zoning classification as set forth in the Zoning Ordinance of the City according to the terms of the Zoning Ordinance that exists on the date hereof.

A. The Property shall be classified as C1, Commercial.

3. General Provisions.

A. The provisions of this Annexation Agreement shall control over the provisions of any Ordinances, Codes or Regulations which are in conflict herewith.

B. This Annexation Agreement shall be binding upon the successor owners of record of the Property, electors residing within the Property, and upon successor municipal and governmental authorities.

C. Non-agricultural development of the site will require connection to public water and public sewer, adherence to County and/or City erosion control regulations, and other regulations affecting property within the City, i.e. building codes and subdivision requirements.

- D. This Annexation Agreement and the rights of the parties hereto shall be interpreted, construed and enforced in accordance with the laws of the State of Illinois. Any litigation concerning this Annexation Agreement shall be commenced in Peoria County, Illinois.
- E. In the event that either party or their successor should find it necessary to retain an attorney for the enforcement of any provisions hereunder occasioned by the default of the other party, the party not in default shall be entitled to recover reasonable attorney's fees and court costs incurred whether the attorneys' fees are incurred for the purpose of negotiations, trial, appellate or other services.
- F. This Annexation Agreement may be enforced as provided by law and the parties may by civil action, mandamus, injunction or other proceedings, enforce and compel performance of this Annexation Agreement.
- G. The parties shall execute and deliver such additional documentation as may be necessary to implement this Agreement.
- H. This Agreement shall inure to the benefit of and be binding upon the parties hereto and their respective heirs, executors, administrators, successors, grantees and assigns.
- I. This agreement may be amended by mutual consent of the parties.
- J. This annexation agreement shall be in effect for a period of twenty (20) years from the date hereof.
- K. The "Batting Cages" can be expanded into the area defined by dashed lines on Site Plan dated 5/30/2017.
- L. Areas defined as "Mini-Putt #2", "Minor Activity", and "Batting Cages Expansion Area" can be used for Toddler Kart Track, Inflatable Attraction, SuperSlide, PlayGround, Climbing Gym, Obstacle Course, and similar attractions.
- J. Kart Track layouts can be modified but paved area will not increase.

- K. "Pit Canopy" may have a gable roof with a pitch less than 6.
- L. The "Go Kart Track #2", or portions of "Go Kart Track #2" can be used as a "Dune Buggy Course".
- M. Waiver for a side yard fence height limitation for the "Batting Cages" enclosure adjacent to the property line.
- N. The "Batting Cages" may include a rain shedding roof over Batter's Plate.
- O. Waiver for the Light Pole Height for the "Go Kart Tracks" to be equal to Light Pole Height limitations for "Vehicular Areas".
- P. Attachments to this agreement are Site Plan, Elevations, Batting Cage Illustration, and Site Plan Data Summary.

FILED

NOV 22 2017

**R. STEVE SONNEMAKER
PEORIA COUNTY CLERK**

LEGAL DESCRIPTION OF "ORANGE PRAIRIE KART'S"

PART OF THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE FOURTH PRINCIPAL MERIDIAN, PEORIA COUNTY, ILLINOIS; MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID NORTHWEST QUARTER OF SECTION 35, THENCE NORTH 00 DEGREES 11 MINUTES 24 SECONDS EAST, (BEARINGS ARE FOR DESCRIPTION PURPOSES ONLY) ALONG THE WEST LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 778.47 FEET; THENCE SOUTH 89 DEGREES 47 MINUTES 24 SECONDS EAST, A DISTANCE OF 70.00 FEET, TO THE EAST RIGHT OF WAY LINE OF ORANGE PRAIRIE ROAD AND THE POINT OF BEGINNING OF THE TRACT TO BE DESCRIBED:

FROM THE POINT OF BEGINNING; (THE FOLLOWING 3 COURSES ARE ALONG SAID EAST RIGHT OF WAY LINE) THENCE NORTH 00 DEGREES 11 MINUTES 24 SECONDS EAST, A DISTANCE OF 76.51 FEET; THENCE SOUTH 89 DEGREES 47 MINUTES 22 SECONDS EAST, A DISTANCE OF 5.00 FEET; THENCE NORTH 00 DEGREES 11 MINUTES 24 SECONDS EAST, A DISTANCE OF 276.02 FEET; THENCE SOUTH 89 DEGREES 46 MINUTES 23 SECONDS EAST, A DISTANCE OF 615.00 FEET; THENCE SOUTH 00 DEGREES 11 MINUTES 24 SECONDS WEST, A DISTANCE OF 352.35 FEET; THENCE NORTH 89 DEGREES 47 MINUTES 24 SECONDS WEST, A DISTANCE OF 620.00 FEET, TO THE POINT OF BEGINNING, CONTAINING 4.985 ACRES, MORE OR LESS, SUBJECT TO ANY EASEMENTS, RESTRICTIONS AND RIGHT OF WAY OF RECORD.

Site Plan Data Summary, Amusement Park

Lot Size: 5 Acres

Setbacks

Front: 20'
Sides & Rear 0'

Parking:

Provided Spaces: 75
Spaces at 8 1/2' x 18 1/2' 72
Accessible Spaces 3
Aisle width 24'
Bike Spaces 3+

Calculation Summary:

2100 SF Ice Cream = 21 spaces
Staff = 4 spaces

Patrons:

Mini Putt 72
Batting Cages 18
Karts 60
 $150 / 3 = 50$ spaces

Total Required Spaces = 75

Landscaping

Front $352.39' / 2 = 176$ points required
Intermediate Shade Trees 15 pts x 12 = 180 pts

Parking Lot: 75 points required
Intermediate Shade Trees 15 pts x 5 = 75 pts

Lighting Requirements:

Parking Lot:

Surface Minimum 1/2 fc
Average-to-Minimum uniformity ratio 5:1

Pedestrian Areas:

Average at ground level: 3 fc
Canopy maximum lighting: 25 fc

Maximum Level at Lot Line: 1/2 fc

Luminaire Control Specification:

-Pole-Mounted: "Full Cut-Off"
-40' at Parking Lot and Kart Tracks
-15' at pedestrian walkways and Mini-Putt
-Wall Packs; "Shielded"

Estimated Traffic Generation:

-35 Car Arrivals/Hour
-35 Car Departures/Hour

Requested Waivers

From Annexation Agreement

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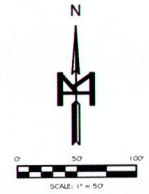
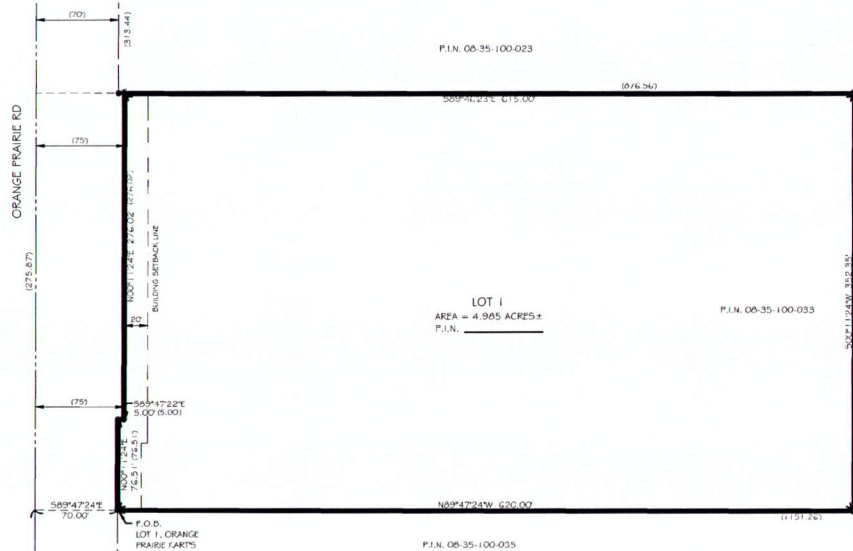
N. The "Batting Cages" may include a rain shedding roof over Batter's Plate.

O. Waiver for the Light Pole Height for the "Go Kart Tracks" to be equal to Light Pole Height limitations for "Vehicular Areas".

P. Attachments to this agreement are Site Plan, Elevations, Batting Cage Illustration, and Site Plan Data Summary.

**FINAL PLAT OF
ORANGE PRAIRIE KART'S**

PART OF THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE FOURTH PRINCIPAL MERIDIAN, PEORIA COUNTY, ILLINOIS.



LEGEND

	— CREED LINE
	- - - SECTION LINE
	· · · ADJACENT PROPERTY LINE
	- - - - - RIGHT-OF-WAY LINE
	- - - - - BUILDING SETBACK LINE
	- - - - - MEASURED BEARING & DISTANCE
	- - - - - RECORD DISTANCE
	○ POUND IRON ROD / PIPE / REBAR
	● SET IRON ROD 1/2\"/>
	○ P.O.B.
	→ NOT TO SCALE

- NOTES:**
1. PROPERTY BEING SUBDIVIDED IS PART OF P.L.N. 05-35-100-033.
 2. BEARINGS ARE ASSUMED FOR PURPOSE OF DESCRIPTION ONLY.
 3. TOTAL AREA SURVEYED IS 4.985 ACRES±.
 4. THIS PROPERTY IS ZONED C-1.
 5. OWNER/DEVELOPER IS: MARK LARSON, 300 E. COURTLAND ST., MORTON, IL 61550.
 6. PROPERTY OWNERS IN THIS SUBDIVISION MAY NOT PARTICIPATE IN THE CITY OF PEORIA'S DRAINAGE ASSISTANCE PROGRAM.
 7. THIS PROPERTY IS LOCATED IN FLOOD ZONE "X", AREAS OF MINIMAL FLOODING BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) AND SHOWN ON FLOOD INSURANCE RATE MAP (FIRM) COMMUNITY PANEL No. 170523-0125 B, WHICH BEARS A REVISED DATE OF JUNE 1, 1983.
 8. IT IS NOT WARRANTED THAT THIS FINAL PLAT CONTAINS COMPLETE INFORMATION REGARDING EASEMENTS, RESERVATIONS, RESTRICTIONS, RIGHT OF WAYS, BUILDING SETBACK LINES OR OTHER ENCUMBRANCES. FOR COMPLETE INFORMATION A TITLE OPINION OR OTHER COMMITMENT FOR TITLE INSURANCE SHOULD BE OBTAINED.

DESCRIPTION OF "ORANGE PRAIRIE KART'S"

A PART OF THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE FOURTH PRINCIPAL MERIDIAN, PEORIA COUNTY, ILLINOIS; MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID NORTHWEST QUARTER OF SECTION 35, THENCE NORTH 00 DEGREES 11 MINUTES 24 SECONDS EAST, (BEARINGS ARE FOR DESCRIPTION PURPOSES ONLY) ALONG THE WEST LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 776.47 FEET; THENCE SOUTH 69 DEGREES 47 MINUTES 24 SECONDS EAST, A DISTANCE OF 70.00 FEET, TO THE EAST RIGHT OF WAY LINE OF ORANGE PRAIRIE ROAD AND THE POINT OF BEGINNING OF THE TRACT; TO BE DESCRIBED:

FROM THE POINT OF BEGINNING OF THE TRACT TO BE DESCRIBED, (THE FOLLOWING 3 COURSES ARE ALONG SAID EAST RIGHT OF WAY LINE) THENCE NORTH 00 DEGREES 11 MINUTES 24 SECONDS EAST, A DISTANCE OF 76.51 FEET; THENCE SOUTH 69 DEGREES 47 MINUTES 22 SECONDS EAST, A DISTANCE OF 9.00 FEET; THENCE NORTH 00 DEGREES 11 MINUTES 24 SECONDS EAST, A DISTANCE OF 276.02 FEET; THENCE SOUTH 69 DEGREES 46 MINUTES 23 SECONDS EAST, A DISTANCE OF 615.00 FEET; THENCE SOUTH 00 DEGREES 11 MINUTES 24 SECONDS WEST, A DISTANCE OF 352.35 FEET; THENCE NORTH 69 DEGREES 47 MINUTES 24 SECONDS WEST, A DISTANCE OF 620.00 FEET, TO THE POINT OF BEGINNING, CONTAINING 4.985 ACRES, MORE OR LESS, SUBJECT TO ANY EASEMENTS, RESTRICTIONS AND RIGHT OF WAY OF RECORD.

COMMUNITY DEVELOPMENT CERTIFICATE

STATE OF ILLINOIS) ss
COUNTY OF PEORIA)

I HEREBY CERTIFY THAT THIS FINAL PLAT OF "ORANGE PRAIRIE KART'S SUBDIVISION" IS APPROVED THIS _____ DAY OF _____, 2017.

PEORIA COUNTY CLERK'S CERTIFICATE

STATE OF ILLINOIS) ss
COUNTY OF PEORIA)

I HEREBY CERTIFY THAT I FIND NO DELINQUENT TAXES, UNPAID CURRENT TAXES, DELINQUENT SPECIAL ASSESSMENTS OR UNPAID CURRENT SPECIAL ASSESSMENTS AGAINST ANY OF THE REAL ESTATE EMBRACED IN THE ATTACHED FINAL PLAT OF "ORANGE PRAIRIE KART'S SUBDIVISION" AND DESCRIPTION.

GIVEN UNDER MY HAND AND SEAL THIS _____ DAY OF _____, 2017.

PEORIA COUNTY CLERK

PEORIA COUNTY DEPUTY CLERK

SURVEYORS CERTIFICATE

STATE OF ILLINOIS) ss
COUNTY OF PEORIA)

WE, MOHR & KERR ENGINEERING AND LAND SURVEYING, P.C. DO HEREBY STATE THAT WE HAVE SURVEYED AND SUBDIVIDED A PART OF THE NORTHWEST QUARTER OF SECTION 35 IN TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE FOURTH PRINCIPAL MERIDIAN, PEORIA COUNTY, ILLINOIS, TO BE KNOWN AS "ORANGE PRAIRIE KART'S SUBDIVISION" AND WE FURTHER STATE THAT THE ABOVE SURVEY IS LOCATED WITHIN THE CORPORATE LIMITS OF AN INCORPORATED CITY, WHICH HAS ADOPTED A CITY PLAN AND IS EXERCISING THE SPECIAL POWERS AUTHORIZED BY DIVISION 1-2 OF ARTICLE 1.1 OF THE ILLINOIS MUNICIPAL CODE AS NOW OR HEREAFTER AMENDED. WE FURTHER STATE THAT THIS SUBDIVISION IS NOT WITHIN 500 FEET OF ANY DRAINAGE COURSE DRAINING 640 ACRES OR MORE AND TO THE BEST OF OUR KNOWLEDGE AND BELIEF, THE ATTACHED PLAT IS A TRUE AND CORRECT REPRESENTATION OF SAID SURVEY AS DRAWN TO A SCALE OF 1 INCH = 50 FEET.

WE FURTHER STATE THAT THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

DATED THIS 7th DAY OF JUNE, 2017.

MOHR & KERR ENGINEERING AND LAND SURVEYING, P.C.



JEFFREY E. FRANKLIN
ILLINOIS REGISTERED PROFESSIONAL LAND SURVEYOR #035-3230
MOHR & KERR ENGINEERING & LAND SURVEYING, P.C.
3001 N. PROSPECT RD., SUITE 605, PEORIA, IL 61614
PHONE: (309)992-8500, WEB SITE: WWW.MOHRANDKERR.COM
JEFRANKLIN@MOHRANDKERR.COM

**FINAL PLAT OF
ORANGE PRAIRIE KART'S**

OWNERS CERTIFICATE

STATE OF ILLINOIS) ss
COUNTY OF PEORIA)

WE, OWNERS AND PROPRIETORS OF THE LAND SHOWN ON THE ABOVE PLAT, DO HEREBY CERTIFY THAT WE HAVE CAUSED SAID SURVEY AND SUBDIVISION, KNOWN AS "ORANGE PRAIRIE KART'S SUBDIVISION" TO BE MADE AS SHOWN ON THE ACCOMPANYING PLAT AND ACKNOWLEDGE SAID SURVEY AND SUBDIVISION TO BE CORRECT TO THE BEST OF OUR KNOWLEDGE AND BELIEF. EACH LOT OR PART THEREOF IN SAID SUBDIVISION SHALL BE SUBJECT TO RESTRICTIONS TO BE FILED IN THE OFFICE OF THE COUNTY RECORDER OF DEEDS, WHICH RESTRICTIONS SHALL RUN WITH THE LAND AND BE SPECIFICALLY ENFORCEABLE.

WE FURTHER CERTIFY THAT, TO THE BEST OF OUR KNOWLEDGE AND BELIEF, THIS PROPERTY IS LOCATED IN THE DUNLAP UNIT SCHOOL DISTRICT 323.

IN WITNESS WHEREOF, THE UNDERSIGNED OWNERS AND PROPRIETORS HAVE CAUSED THIS CERTIFICATE TO BE SUBSCRIBED BY THEM THIS _____ DAY OF _____, 2017.

OWNER _____

NOTARY PUBLIC CERTIFICATE

STATE OF ILLINOIS) ss
COUNTY OF PEORIA)

I, THE UNDERSIGNED, NOTARY PUBLIC IN AND FOR THE SAID COUNTY IN THE STATE, AFORESAID, DO HEREBY CERTIFY THAT THE ABOVE UNDERSIGNED ARE PERSONALLY KNOWN TO ME TO BE THE SAME PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE FOREGOING INSTRUMENT, APPEARED BEFORE ME THIS DAY IN PERSON AND ACKNOWLEDGED THAT THEY SIGNED, SEALED AND DELIVERED THE SAID INSTRUMENT AS THEIR FREE AND VOLUNTARY ACT FOR THE USES AND PURPOSES SET FORTH, AND ON THEIR OATH STATED THAT THEY ARE DULY AUTHORIZED TO EXECUTE SAID INSTRUMENT.

GIVEN UNDER MY HAND AND SEAL THIS _____ DAY OF _____, 2017.

NOTARY PUBLIC _____ COMMISSION EXPIRES _____

M MOHR & KERR ENGINEERING & LAND SURVEYING, P.C.
3601 N. Prospect Road, Suite 605
Peoria, Illinois 61614
www.mohrandkerr.com

Office: (309) 992-8500
Fax: (309) 992-8501
Professional Design Firm #184-005091

DATE	11-13-17	PROJECT	ORANGE PRAIRIE KART'S
DRAWN	JEF	CHECKED	MMW
SCALE	1" = 50'	DATE	6/07/17
FILE NAME: 11-13-17 ORANGE PRAIRIE KART'S.dwg Jun 07 2017			

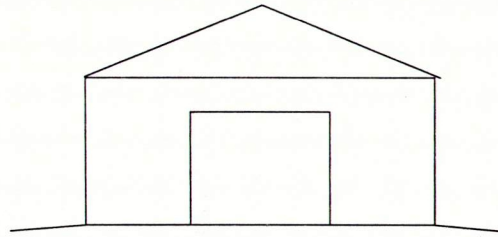
MARK LARSON

FILE PART OF THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE FOURTH PRINCIPAL MERIDIAN, PEORIA COUNTY, ILLINOIS.

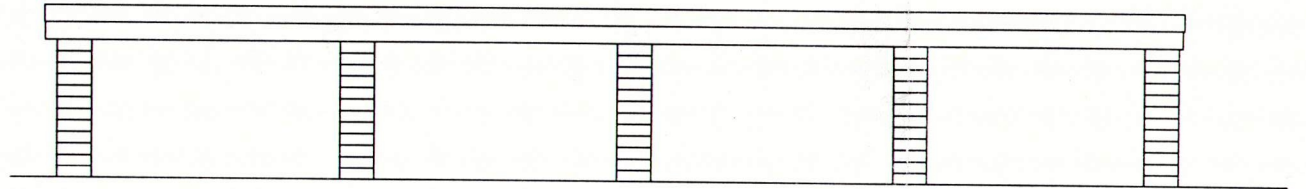
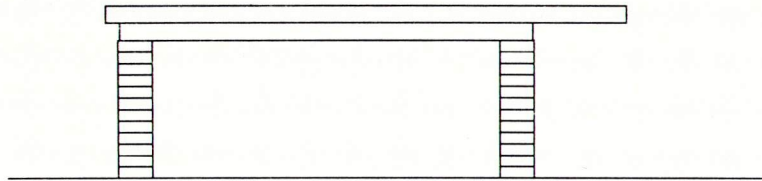
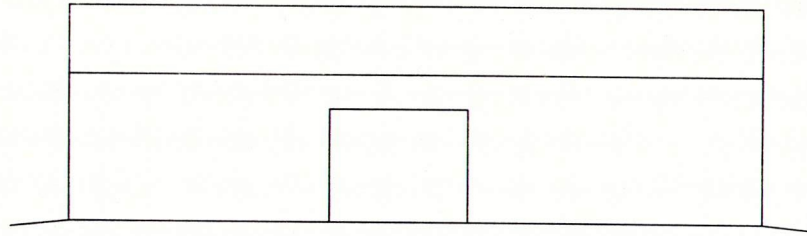
PLAT 17-137

SHEET 1 OF 1

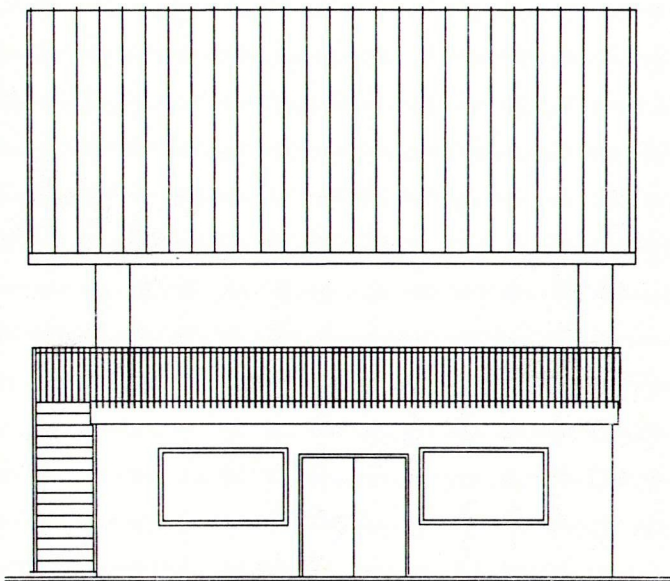
DRAWING NO. 1



MAINTENANCE SHED (20' X 40')

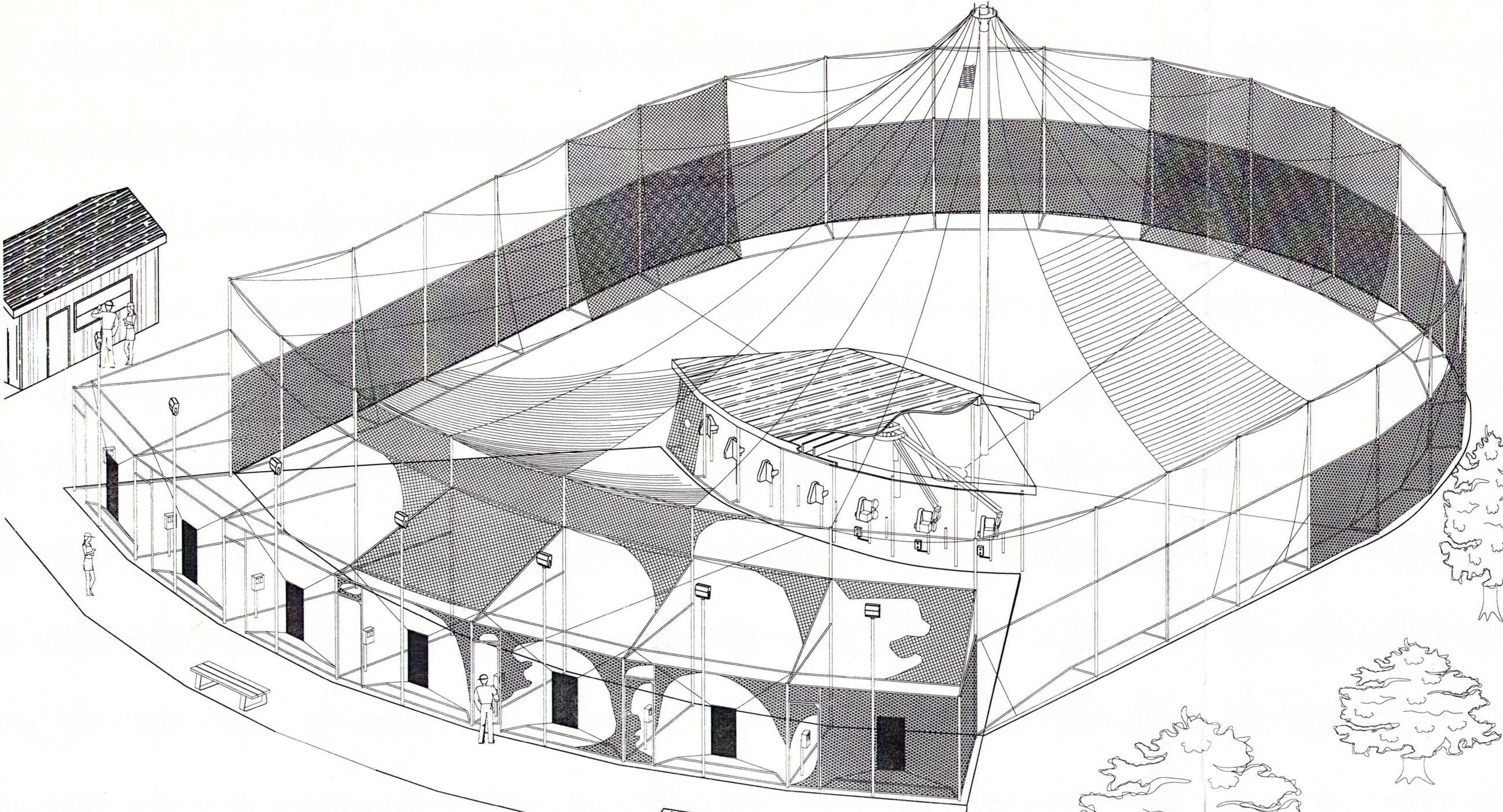


PIT CANOPY (30' X 66')



ICE CREAM/SALES (30' X 70')

WATED BAITING CAGES



EXISTING TREE LINE

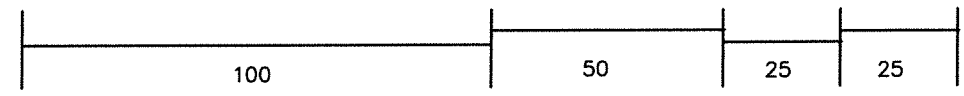
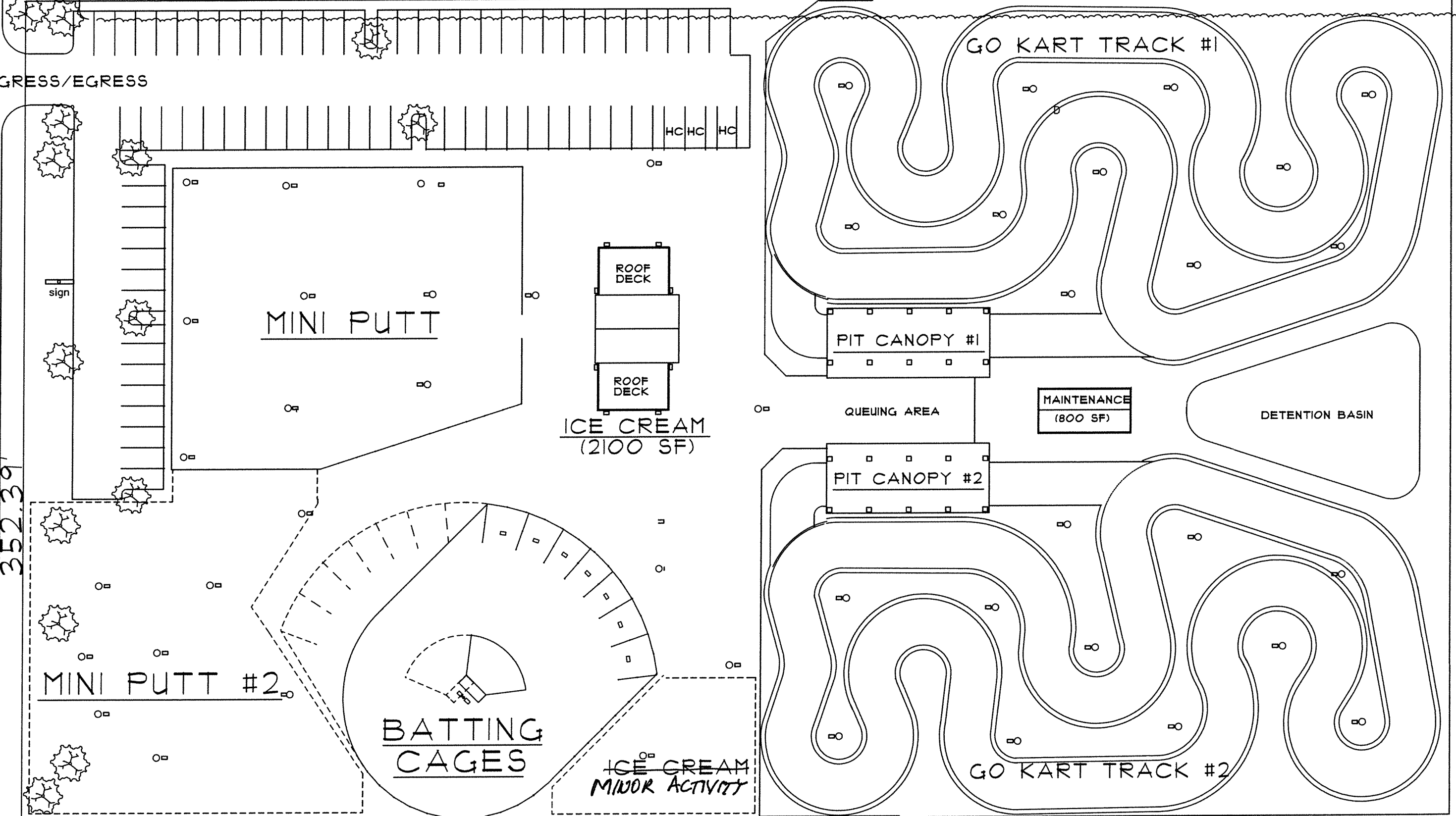
615.0'

SEE SITE PLAN DATA SUMMARY FOR LIGHTING SPECIFICATIONS

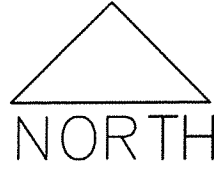
INGRESS/EGRESS

ORANGE PRAIRIE

352.39'



SCALE: 1" = 40'



AMUSEMENT PARK with
 GO KART, BATTING CAGES,
 MINI-PUTT and ICE CREAM