

RESOLUTION NO. 21-327
CITY OF PEORIA.

Peoria, Illinois November 9 2021

A RESOLUTION APPROVING AN ANNEXATION AGREEMENT FOR PROPERTY IDENTIFIED AS PARCEL IDENTIFICATION NUMBER 09-19-100-001, WITH A TEMPORARY ADDRESS OF 12426 N CLINE ROAD, LOCATED WEST OF ALLEN ROAD, EAST OF CLINE ROAD, SOUTH OF CEDAR HILLS ROAD, AND NORTH OF PROPERTY IDENTIFIED AS PARCEL IDENTIFICATION NO. 09-19-100-002, DUNLAP, IL

Resolved

WHEREAS, the Martin Estate LLC., owners 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 October 26, 2021, 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.

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 9th DAY
OF November 2021.

APPROVED:

Rita Ali
Mayor

ATTEST:

Stephanie Love
City Clerk

EXAMINED AND APPROVED

Chrissie L. Kapustka
Corporation Counsel

This Document Prepared By:

Benckendorf & Benckendorf, P.C.
101 NE Randolph Ave
Peoria, IL 61606

Mail To:

City of Peoria
Community Development Department
419 Fulton Street, Room 203
Peoria, Illinois 61602-1217

ANNEXATION AGREEMENT

THIS AGREEMENT (hereinafter referred to as the "Annexation Agreement") is made this 22 day of Sept, 2021, by and between THE CITY OF PEORIA, ILLINOIS, an Illinois municipal corporation, located in Peoria County, Illinois (hereinafter referred to as the "City") and Martin Estate, LLC, (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 non-contiguous with the corporate boundaries of the City; and

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

WHEREAS, the owner has submitted Cedar Hills Plat, attached hereto as "Exhibit B" (hereinafter referred to as the "Plat"), for review;

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 A-1.

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 a private Septic System, 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. The Plat is approved and execution of same may begin.
- E. 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.
- F. 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.
- G. 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.
- H. The parties shall execute and deliver such additional documentation as may be necessary to implement this Agreement.
- I. 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.
- J. This agreement may be amended by mutual consent of the parties.
- K. This annexation agreement shall be in effect for a period of twenty (20) years from the date hereof.

IN WITNESS WHEREOF, the parties have executed this Agreement on the date set forth above.

THE CITY OF PEORIA, a Municipal Corporation

By: Rita Ali

Attest:

By: Stefanie Tarr

Examined and approved by:

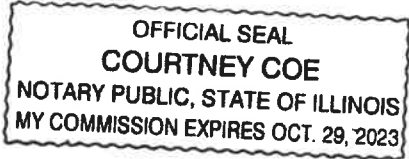
Chrissie L Kapuske
Corporation Counsel

STATE OF ILLINOIS)
) SS.
COUNTY OF PEORIA)

I, the undersigned, a Notary Public, in and for said County, in the State aforesaid, DO HEREBY CERTIFY that Rita Ali, personally known to me to be the Mayor of the City of Peoria, and Stefanie Tarr, personally known to me to be the City Clerk of the City of Peoria, 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 the said instrument as Mayor and as City Clerk of said Municipal Corporation, and caused the seal of said Municipal Corporation to be affixed thereto, pursuant to authority given by the corporate authorities of the City of Peoria for the uses and purposes therein set forth.

Given under my hand and notarial seal, this 9th day of November, 2021

Courtney Coe Notary Public



Linda L. Martin Owner of Record:

By: LINDA L. MARTIN

STATE OF ILLINOIS)
) SS.
COUNTY OF PEORIA)

I, the undersigned, a Notary Public, in and for said County, in the State aforesaid, DO HEREBY CERTIFY that Linda L. Martin, personally known to me to be

the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that she signed, sealed and delivered the said instrument as her free and voluntary act, for the uses and purposes therein set forth.

Given under my hand and notarial seal, this 22nd day of September, 2021.

Cynthia L Barrett Notary Public



Exhibit "A"

A tract described as being the North Half of the West 60 acres of the Northwest Quarter of Section 19, Township 10 North, Range 8 East of the Fourth Principal Meridian, Peoria County, Illinois, more particularly bounded and described as follows and bearings are for the purpose of description only:

Beginning at a Mag Nail at the Northwest Corner of the Northwest Quarter of Section 19; thence North 89 degrees 58 minutes 16 seconds East, along the North line of said Northwest Quarter, a distance of 990.00 feet to a point described as being the Northeast corner of the West 60 acres of said Northwest Quarter; thence South 00 degrees 05 minutes 07 seconds West, along the East line of said 60 acres, a distance of 1339.38 feet to an iron rod at a point described as being the Southeast corner of the North Half of said 60 acres; thence South 89 degrees 56 minutes 42 seconds West, along the South line of said North Half, a distance of 990.00 feet to a railroad spike at the Southwest corner of said North Half and also being on the West line of said Northwest Half; thence North 00 degrees 05 minutes 07 seconds East, along said West line, a distance of 1339.83 feet to the Place of Beginning and containing 30.45 acres, more or less. Subject to the rights-of-way of public roads along the North and West sides of the above described tract and also subject to all easements of record.

Permanent Index No.: 09-19-100-001

Commonly known as: W. Cedar Hills Drive, Dunlap, IL 61525

SURVEYOR'S STATEMENT

STATE OF ILLINOIS 55
COUNTY OF STARK

We, the Wallaces Land Surveying Co., Ltd. do hereby certify that we have surveyed a part of the NW1/4 of Section 19, T10N, R8E of the 4th P.M., Peoria County, Illinois. We further state that the accompanying Plat is a true and correct representation of said survey and that the same is in accordance with the provisions of the Public Land Act of 1820. All distances are given in feet and decimals of feet and bearings are for the purpose of description only. Distances shown in parentheses are for the purpose of identification. All distances are given in feet and decimals of feet and bearings are for the purpose of description only. Distances shown in parentheses are for the purpose of identification. All distances are given in feet and decimals of feet and bearings are for the purpose of description only. Distances shown in parentheses are for the purpose of identification.

WALLACE LINDA I. MURKIN, Ltd.
Professional Surveyor
No. 1339
Illinois
By: *[Signature]*
Professional Surveyor
No. 1339
Illinois

DESCRIPTION FOR 10.45 ACRE TRACT

A tract described as being a part of the NW1/4 of Section 19, T10N, R8E of the 4th P.M., Peoria County, Illinois. More particularly bounded and described as follows and bearings are for the purpose of description only...
Beginning at a Mag Nail at the Northwest Corner of the NW1/4 of said Section 19; Thence N 89°51'01" E, along the North line of said NW1/4, a distance of 339.50 feet; Thence S 0°00'50"7" W, a distance of 1339.67 feet to an iron rod on the South line of the NW1/4 West 60 acres of said NW1/4; Thence S 89°51'01" E, along said South line, a distance of 339.50 feet to the Southeast corner of a 10.00 acre tract described as being a part of the NW1/4 of Section 19, T10N, R8E of the 4th P.M., Peoria County, Illinois; Thence N 0°00'50"7" E, a distance of 1339.67 feet to the Place of Beginning and containing 10.45 acres, more or less. Subject to the right-of-way of Public Roads along the North and West sides of the above described tract and also subject to all easements of record, ALSO SUBJECT to an Easement for Ingress & Egress across the South 30 feet of the above described tract.

DESCRIPTION FOR 10.00 ACRE TRACT

A tract described as being a part of the NW1/4 of Section 19, T10N, R8E of the 4th P.M., Peoria County, Illinois. More particularly bounded and described as follows and bearings are for the purpose of description only...
Beginning at a Mag Nail at the Northwest Corner of the NW1/4 of said Section 19; Thence N 89°51'01" E, along the North line of said NW1/4, a distance of 339.50 feet to the Place of Beginning for the tract described as being a part of the NW1/4 of Section 19, T10N, R8E of the 4th P.M., Peoria County, Illinois; Thence S 0°00'50"7" W, a distance of 1339.67 feet to the Southeast corner of a 10.00 acre tract described as being a part of the NW1/4 of Section 19, T10N, R8E of the 4th P.M., Peoria County, Illinois; Thence N 0°00'50"7" E, a distance of 1339.67 feet to the Place of Beginning and containing 10.00 acres, more or less. Subject to the right-of-way of Public Roads along the North and West sides of the above described tract and also subject to all easements of record, ALSO SUBJECT to an Easement for Ingress & Egress across the South 30 feet of the above described tract.

DESCRIPTION FOR 10.00 ACRE TRACT

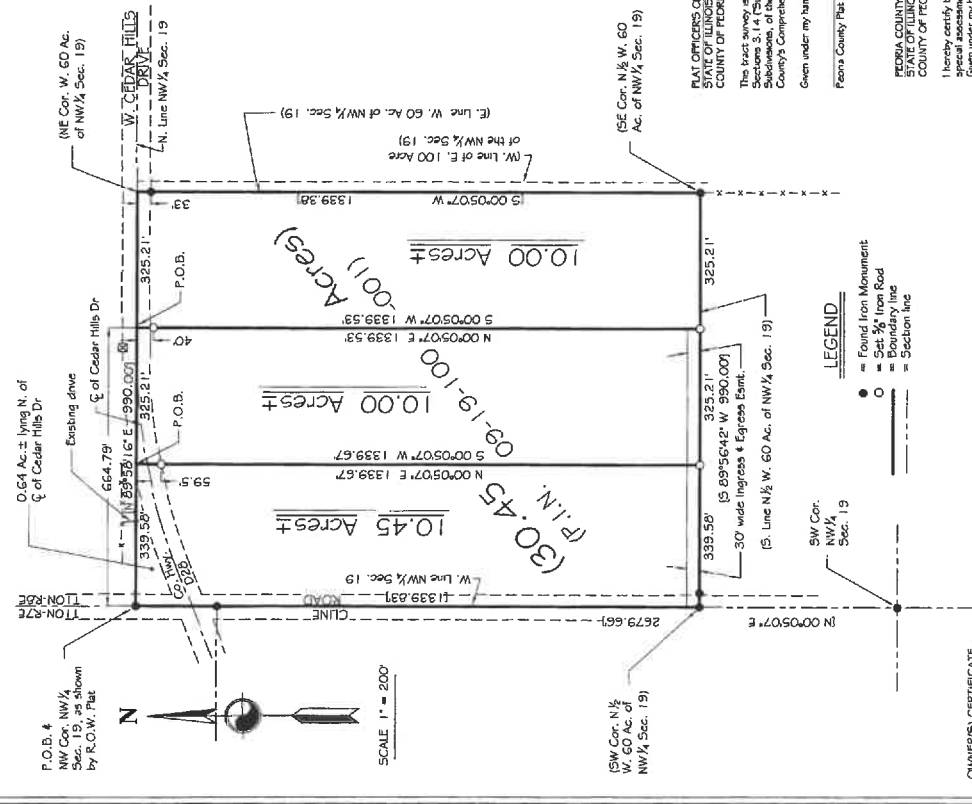
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PEORIA COUNTY ENGINEERS CERTIFICATE
STATE OF ILLINOIS)
COUNTY OF PEORIA 50

PEORIA COUNTY ENGINEERS CERTIFICATE
STATE OF ILLINOIS)
COUNTY OF PEORIA 50

PEORIA COUNTY ENGINEERS CERTIFICATE
STATE OF ILLINOIS)
COUNTY OF PEORIA 50

This plat has been approved by the Peoria County Highway Department with respect to roadway easements pursuant to 705 ILCS 205/2 and Section 3.14 (Subsections) 3.15 (Subsections) Waiver of the provisions of the Public Land Act of 1820, this plat may be recorded in the Public Land Act of 1820. However, a highway permit for access may be required for the purposes of the Public Land Act of 1820. This plat will be allowed by the County in accordance with the policy on permits for access easements to county roadways.

This tract is hereby approved in accordance with the provisions of the Plat Act of Illinois (55 ILCS 5/5 - 0411) and Subsections of the Chapter 20 of the Peoria County Code. It is in compliance with the goals and objectives of the County's Comprehensive Land Use Plan.

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 on the attached plat of survey and description given under my hand and seal the _____ day of _____, 20____.

County Engineer _____
TOWNSHIP ROAD COMMISSIONERS CERTIFICATE
STATE OF ILLINOIS)
COUNTY OF PEORIA 50
TOWNSHIP OF Madras

PEORIA COUNTY CLERK'S CERTIFICATE
STATE OF ILLINOIS)
COUNTY OF PEORIA 50

NOTARY PUBLIC CERTIFICATE
STATE OF ILLINOIS)
COUNTY OF PEORIA 50

This year of survey has been reviewed by the Township Road Commissioner with respect to the roadways and easements and access control standards in Madras Township. The _____ day of _____, 20____.

Peoria County Clerk _____
Peoria County Clerk _____

Notary Public _____
Notary Public _____

Madras Township Road Commissioner - *[Signature]*
CITY OF PEORIA PLAT OFFICERS CERTIFICATE
COUNTY OF PEORIA 55
CITY OF PEORIA

GENERAL NOTES:
1. Field Work Completed: As represented by client. All information is from existing platized dimensions.
2. The surveyor is not responsible for the accuracy of the information provided by the client.
3. It is not warranted that this plat contains complete information regarding easements, encroachments, encroachments, rights-of-way, building lines and other encumbrances. For complete information, an updated title commitment for the insurance should be obtained.
4. The survey was conducted on _____ day of _____, 20____.
5. NOTICE TO THE PUBLIC: The creation of long private easements may result in increased response time or accessibility by emergency service vehicles.
6. On 7-12-2021 this parcel is known to be zoned A-2.
7. The survey was conducted in accordance with the provisions of the Public Land Act of 1820 and the Illinois Surveying Act of 1987.
8. The land is to be used for the purposes of the Comprehensive Zoning Ordinance (CZO) of the City of Peoria.
9. The land is to be used for the purposes of the Comprehensive Zoning Ordinance (CZO) of the City of Peoria.

CLIENT: Linda I. Murkin
DATE: 7-12-2021
JOB#: 21130-001
Prepared for:
Linda I. Murkin
Keller-Williams Premier Realty
242C W. Comptonstone Ct.
Peoria, IL 61614

Wallaces Land Surveying Co. Ltd
PO Box 42
Toulon, Illinois 61483
Phone: 309-277-7255
Fax: 309-277-7255
E-mail: wallacezoe@gmail.com

WALLACE LINDA I. MURKIN, Ltd.
Professional Surveyor
No. 1339
Illinois