

RESOLUTION NO. 16-380A
CITY OF PEORIA.

Peoria, Illinois December 13, 2016

A RESOLUTION APPROVING THE ANNEXATION AGREEMENT FOR PROPERTY IDENTIFIED AS PARCEL IDENTIFICATION NUMBERS 14-06-100-003 & -004, WITH AN ADDRESS OF 8603 N ALLEN ROAD, PEORIA, IL

Resolved

WHEREAS, Rudy Eichenberger, James Miller, Linda Geiger and Patty Smith, 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 December 13, 2016, 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.

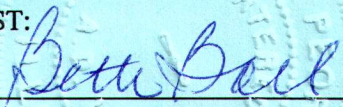
PASSED BY THE CITY COUNCIL OF THE CITY OF PEORIA, ILLINOIS, THIS 13th DAY
OF December 2016.

APPROVED:




Mayor

ATTEST:



City Clerk

EXAMINED AND APPROVED



Corporation Counsel

FILED

DEC 16 2016

STEVE SONNEMAKER
PEORIA COUNTY CLERK

PETITION FOR
ANNEXATION -
PEORIA COUNTY

FILED

DEC 16 2016

CITY CLERK
PEORIA, ILL.

2016 OCT 24 P 2: 16

PREPARED BY &
RETURN TO:

STEVE SONNEMAKER
PEORIA COUNTY CLERK

Beth Ball

CITY OF PEORIA
Community Development Department
419 Fulton Street, Room 300
Peoria, IL 61602-1217

PETITION FOR ANNEXATION

This Petition, dated this _____ day of October, 2016, is made by **PATTY A. SMITH** as to an undivided ¼ interest, **LINDA L. GEIGER** as to an undivided ¼ interest, **JAMES RICHARD MILLER** as to an undivided ¼ interest, **Rudolph J. Eichenberger**, as Administrator of the Estate of **SHARON L. EICHENBERGER** as to an undivided ¼ interest (collectively, the "Owner"), to the City of Peoria, an Illinois municipal corporation (hereinafter referred to as the "City").

RECITALS

WHEREAS, the Owner is the sole owner of certain property located in Peoria County, Illinois, which is legally described as follows and shall hereinafter be referred to as the "Property:"

THE SOUTH 1/2 OF THE NORTHWEST 1/4 OF SECTION 6, TOWNSHIP 9 NORTH, RANGE 9 EAST OF THE FOURTH PRINCIPAL MERIDIAN, PEORIA COUNTY, ILLINOIS

WHEREAS, the Property is an uninhabited parcel of land contiguous to the City; and
WHEREAS, the Property is not presently situated within the limits of any municipality; and
WHEREAS, there are no electors residing within the Property except _____; and

WHEREAS, the Owner desires to annex the Property into the City.

PETITION

NOW, THEREFORE, the owner hereby petitions the City as follows:

1. Subject to the approval by the City of the Annexation Agreement attached hereto as

- Attachment A**, the Owner hereby petitions the City to annex the Property into the City.
2. The Owner requests that the City undertake such actions as may be required to permit acceptance of this Petition and the attached Annexation Agreement, including, without limitation, conducting public hearings, providing notification to required individuals and governmental entities, etc.
 3. This Petition may be signed by in one or more counterparts, all of which taken together shall constitute an original and one and the same document.

DATED THIS 5 DAY OF OCTOBER, 2016.



 PATTY A. SMITH

 LINDA L. GEIGER

 JAMES RICHARD MILLER

 RUDOLPH J. EICHENBERGER AS
 AMINISTRATOR OF THE ESTATE OF
 SHARON L. EICHENBERGER

FILED

DEC 16 2016

STEVE SONNEMAKER
PEORIA COUNTY CLERK

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 Patty A. Smith, 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 5 day of October, 2016.

OFFICIAL SEAL
 RHONDA S. DAVIS
 Notary Public, State of Illinois
 My Commission Expires 05-12-2020

Notary Public

OFFICIAL SEAL
 RHONDA S. DAVIS
 Notary Public, State of Illinois
 My Commission Expires 05-12-2020

- Attachment A**, the Owner hereby petitions the City to annex the Property into the City.
2. The Owner requests that the City undertake such actions as may be required to permit acceptance of this Petition and the attached Annexation Agreement, including, without limitation, conducting public hearings, providing notification to required individuals and governmental entities, etc.
 3. This Petition may be signed by in one or more counterparts, all of which taken together shall constitute an original and one and the same document.

DATED THIS _____ DAY OF OCTOBER, 2016.

PATTY A. SMITH

Linda L. Geiger

LINDA L. GEIGER

JAMES RICHARD MILLER

**RUDOLPH J. EICHENBERGER AS
AMINISTRATOR OF THE ESTATE OF
SHARON L. EICHENBERGER**

STATE OF Fl)
) SS.
COUNTY OF Lee)

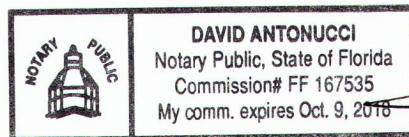
FILED

DEC 16 2016

**STEVE SONNEMAKER
PEORIA COUNTY CLERK**

I, the undersigned, a Notary Public, in and for said County, in the State aforesaid, DO HEREBY CERTIFY that Linda L Geiger, 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 5th day of October, 2016.



Notary Public

[Handwritten Signature]

Attachment A, the Owner hereby petitions the City to annex the Property into the City.

- 2. The Owner requests that the City undertake such actions as may be required to permit acceptance of this Petition and the attached Annexation Agreement, including, without limitation, conducting public hearings, providing notification to required individuals and governmental entities, etc.
- 3. This Petition may be signed by in one or more counterparts, all of which taken together shall constitute an original and one and the same document.

DATED THIS 4th DAY OF OCTOBER, 2016.

PATTY A. SMITH

LINDA L. GEIGER

James Richard Miller

JAMES RICHARD MILLER

**RUDOLPH J. EICHENBERGER AS
ADMINISTRATOR OF THE ESTATE OF
SHARON L. EICHENBERGER**

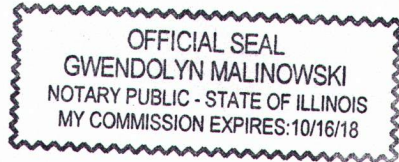
STATE OF ILLINOIS)
) SS.
COUNTY OF DUPAGE)

I, the undersigned, a Notary Public, in and for said County, in the State aforesaid, DO HEREBY CERTIFY that JAMES RICHARD MILLER, 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 4th day of October, 2016.

Gwendolyn Malinowski
Notary Public

FILED
DEC 16 2016
STEVE SONNEMAKER
PEORIA COUNTY CLERK



Attachment A, the Owner hereby petitions the City to annex the Property into the City.

- 2. The Owner requests that the City undertake such actions as may be required to permit acceptance of this Petition and the attached Annexation Agreement, including, without limitation, conducting public hearings, providing notification to required individuals and governmental entities, etc.
- 3. This Petition may be signed by in one or more counterparts, all of which taken together shall constitute an original and one and the same document.

DATED THIS _____ DAY OF OCTOBER, 2016.

PATTY A. SMITH

LINDA L. GEIGER

JAMES RICHARD MILLER

Rudolph J. Eichenberger
**RUDOLPH J. EICHENBERGER AS
 AMINISTRATOR OF THE ESTATE OF
 SHARON L. EICHENBERGER**

STATE OF ARKANSAS)
) SS.
 COUNTY OF COLUMBIA)

I, the undersigned, a Notary Public, in and for said County, in the State aforesaid, DO HEREBY CERTIFY that Rudolph J. Eichenberger, 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 5th day of October, 2016.

Notary Public



Peggy Ann Bridges
 Peggy Ann Bridges
 Notary Public

FILED
 DEC 16 2016
 STEVE SONNEMAKER
 PEORIA COUNTY CLERK

Attachment A

Annexation Agreement

This Document Prepared By:

Nancy J. Novak, Senior Counsel
Meijer, Inc.
2929 Walker Ave NW
Grand Rapids, MI 49544

Mail To:

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

ANNEXATION AGREEMENT

THIS AGREEMENT (hereinafter referred to as the "Annexation Agreement") is made this 13th day of ~~October~~ ^{December}, 2016, by and between **THE CITY OF PEORIA, ILLINOIS**, an Illinois municipal corporation, located in Peoria County, Illinois (hereinafter referred to as the "City") and **PATTY A. SMITH** as to an undivided $\frac{1}{4}$ interest, **LINDA L. GEIGER** as to an undivided $\frac{1}{4}$ interest, **JAMES RICHARD MILLER** as to an undivided $\frac{1}{4}$ interest, **Rudolph J. Eichenberger**, as Administrator of the Estate of **SHARON L. EICHENBERGER** as to an undivided $\frac{1}{4}$ interest (collectively, 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 C-2 Commercial Zoning, however, any undeveloped portions of the Property shall allow the use of farming until such time as the Property is developed.

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, however, the parties acknowledge and agree that Owner is currently under contract to sell the Property to Meijer Stores Limited Partnership, a Michigan limited partnership ("Meijer), and, therefore, the annexation is not valid or effective until such time as Meijer closes on the purchase of the Property from Owner, but no later than September 30, 2017, which is the latest date Meijer has to close pursuant to the contract between Owner and Meijer.
- K. This Annexation Agreement may be executed in counterparts all of which together

shall constitute one document.

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

above.

THE CITY OF PEORIA, a Municipal Corporation

By: Patrick Ulrich

Attest:

By: Boeth Ball

Examined and approved by:

Donald B. Leist

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 Patrick Ulrich, personally known to me to be the Mayor of the City of Peoria, and Boeth Ball, 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 15th day of December, 2016.

Torina D. Bonds

Notary Public



FILED

DEC 16 2016

STEVE SONNEMAKER
PEORIA COUNTY CLERK

FOR OWNER:

Patty A. Smith
PATTY A. SMITH

LINDA L. GEIGER

JAMES RICHARD MILLER

RUDOLPH J. EICHENBERGER AS
ADMINISTRATOR OF THE ESTATE OF
SHARON L. EICHENBERGER

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 Patty A. Smith, 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 5 day of October, 2016.

Notary Public



FILED

DEC 16 2016

STEVE SONNEMAKER
PEORIA COUNTY CLERK

FOR OWNER:

PATTY A. SMITH

Linda L. Geiger

LINDA L. GEIGER

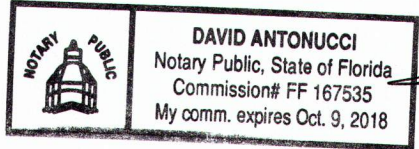
JAMES RICHARD MILLER

RUDOLPH J. EICHENBERGER AS
ADMINISTRATOR OF THE ESTATE OF
SHARON L. EICHENBERGER

STATE OF FL)
) SS.
COUNTY OF Lee)

I, the undersigned, a Notary Public, in and for said County, in the State aforesaid, DO
HEREBY CERTIFY that Linda L Geiger, 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 5th day of October, 2016.



Notary Public
[Signature]

FILED

DEC 16 2016

STEVE SONNEMAKER
PEORIA COUNTY CLERK

FOR OWNER:

PATTY A. SMITH

LINDA L. GEIGER

+ James Richard Miller

JAMES RICHARD MILLER

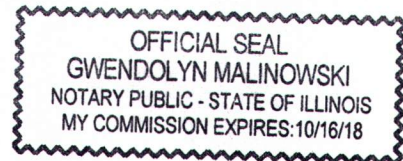
RUDOLPH J. EICHENBERGER AS
ADMINISTRATOR OF THE ESTATE OF
SHARON L. EICHENBERGER

STATE OF ILLINOIS)
) SS.
COUNTY OF DUPAGE)

I, the undersigned, a Notary Public, in and for said County, in the State aforesaid, DO
HEREBY CERTIFY that JAMES RICHARD MILLER, 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 4th day of October, 2016.

[Signature]
Notary Public



FILED

DEC 16 2016

STEVE SONNEMAKER
PEORIA COUNTY CLERK

FOR OWNER:

PATTY A. SMITH

LINDA L. GEIGER

JAMES RICHARD MILLER

Rudolph J. Eichenberger

RUDOLPH J. EICHENBERGER AS
ADMINISTRATOR OF THE ESTATE OF
SHARON L. EICHENBERGER

STATE OF ARKANSAS)
) SS.
COUNTY OF COLUMBIA)

I, the undersigned, a Notary Public, in and for said County, in the State aforesaid, DO
HEREBY CERTIFY that Rudolph J. Eichenberger, 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 ^{he}~~she~~ signed, sealed and delivered the said instrument as ^{his}~~her~~ free and
voluntary act, for the uses and purposes therein set forth.

Given under my hand and notarial seal, this 5th day of October, 2016.

PEGGY ANN BRIDGES
NOTARY PUBLIC-STATE OF ARKANSAS
COLUMBIA COUNTY
My Commission Expires 9-4-2022
Commission # 12388927

Notary Public

Peggy Ann Bridges

Peggy Ann Bridges
Notary Public

FILED
DEC 16 2016
STEVE SONNEMAKER
PEORIA COUNTY CLERK

EXHIBIT A

Legal Description of Owner's Property

THE SOUTH 1/2 OF THE NORTHWEST 1/4 OF SECTION 6, TOWNSHIP 9 NORTH, RANGE
9 EAST OF THE FOURTH PRINCIPAL MERIDIAN, PEORIA COUNTY, ILLINOIS

ANNEXATION MAP CITY OF PEORIA, IL

Exhibit B to Ordinance

ANNEXATION NO. _____
ORDINANCE NO. _____
DATE: _____

 AREA ANNEXED: 78.99 ACRES

PREPARED BY: *John K. [Signature]*

