

Resolution No. 17-E

**A RESOLUTION APPROVING AND AUTHORIZING
THE EXECUTION AND DELIVERY OF A
PREANNEXATION AGREEMENT**

WHEREAS, there has been presented to and there is now before the meeting of the City Council of the City of Sullivan, Moultrie County, Illinois, at which this resolution is adopted, the form of Preannexation Agreement to be entered into by and between MICHAEL C. FOWLER and DONNA S. FOWLER, 820 S. Patterson Rd., Sullivan, Illinois 61951 and the City of Sullivan Moultrie County, Illinois, an Illinois municipal corporation of 2 W. Harrison St., Sullivan, Illinois 61951;

NOW, THEREFORE, be it resolved by the Mayor and City Council of the City of Sullivan, Moultrie County, Illinois, as follows:

SECTION 1:

That the form of Preannexation Agreement by and between MICHAEL C. FOWLER and DONNA S. FOWLER and the City in substantially the form thereof, which has been presented to and is now before the meeting of the corporate authorities at which this resolution is adopted, be and the same is hereby authorized and approved.

SECTION 2:

That for and on behalf of the City, the Mayor is hereby authorized to execute and deliver the Preannexation Agreement with MICHAEL C. FOWLER and DONNA S. FOWLER and the City Clerk is hereby authorized to attest to the same.

Adopted this 8th day of MAY 2017, by the corporate authorities of the City of Sullivan by roll call vote as follows:

AYES	<u>5</u>
NAYS	<u>0</u>
ABSENT	<u>0</u>

Approved by the Mayor of the City of Sullivan on this 8th day of may 2017.

ATTEST:

Ann G. Short
Mayor

Monte A. Johnson
City Clerk

PRE-ANNEXATION AGREEMENT

This Agreement dated this 8th day of MAY 2017, by and between the CITY OF SULLIVAN, Moultrie County, Illinois, a Municipal Corporation, (the "City"), and MICHAEL C. FOWLER and DONNA S. FOWLER, 820 S. Patterson Rd., Sullivan, Illinois 61951, (the "Owner"),

WITNESSETH:

WHEREAS, The Owner is the owner of record of property described on Exhibit "A", attached hereto and made a part hereof, (the "Subject Property"); and

WHEREAS, the Subject Property is not within the corporate limits of any municipality, but is presently contiguous to the City; and

WHEREAS, the City has requested and the Owner has agreed to annex the Subject Property to the City; and

WHEREAS, in consideration of Owner annexing said Subject Property to the City, the City shall cause the zoning classification of property to be changed from R-1 Low Density Residence District to R-2 Medium Density Residence District by amendment to the City Zoning Ordinance.

WHEREAS, the parties agree that the annexation of the Subject Property to the City of Sullivan would be beneficial to the Owner and to the City, and would further the planning goals of the City; and

WHEREAS, the parties now desire to enter into this Pre-Annexation Agreement to provide for the annexation of the Subject Property to the City;

NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL PROMISES CONTAINED HEREIN, the parties hereto agree as follows:

1. The Owner shall file a Petition to Annex the Subject Property to the City, which petition shall be substantially in the form of Exhibit "B", attached hereto and made a part hereof.

2. Upon the filing of said petition, the City will take such steps as are necessary to annex the Subject Property to the City.

3. The City shall charge no fee relating to the annexation of the Subject Property.

4. The City, following annexation of the subject property, will cause the necessary hearings to be held and an ordinance to be filed to amend the zoning classification of the subject property to be changed from R-1 Low Density Residence District to R-2 Medium Density Residence District.

5. City shall provide Owner with notice of all hearings on the Petition for Annexation and copies of all ordinances adopted, and documents recorded with the Moultrie County Recorder relating to the annexation of the Subject Property.

6. Notices are deemed given when delivered (if delivered by hand) or when postmarked (if mailed). If mailed, notices shall be addressed as set forth below, unless either party has designated a different address by notice to the other party given in accordance herewith, whereupon the new address specified in such notice shall be the address of such party of all purposes herein, until further changed:

Owner: MICHAEL C. FOWLER and DONNA S. FOWLER
820 S. Patterson Rd.
Sullivan, Illinois 61951

City: City of Sullivan
Attn: Mayor
2 West Harrison
Sullivan, Illinois 61951

7. The amendment of any existing Ordinance of the City, following the adoption of this Agreement, shall be ineffective against the Subject Property, if in conflict with the terms of this Agreement.

8. This Agreement shall be binding on the Owner, their successors and assigns, and upon successor corporate authorities of the City and successor municipal corporations or their governmental forms. This Agreement shall inure to the benefit of the Owner and their heirs.

9. It is agreed that the several provisions of this Agreement shall be severable, and that if any court of competent jurisdiction shall adjudge any provision of this Agreement to be invalid or unenforceable, that judgment shall not affect the validity or enforceability of any other provision of this Agreement.

IN WITNESS WHEREOF, the parties have set their hands and official seals, and in the instance of the City, caused this instrument to be executed by its proper officers duly authorized to execute the same.

Dated this 8th day of May 2017.

CITY OF SULLIVAN,
A Municipal Corporation,

By: Ann Y. Short
Ann Y. Short, Mayor

ATTEST:

Monte a. Johnson
Monte Johnson, City Clerk

- The City -

Michael C. Fowler
MICHAEL C. FOWLER

Donna S. Fowler
DONNA S. FOWLER

- Owner -

EXHIBIT "A"

LEGAL DESCRIPTION

ALL THAT PART OF THE FOLLOWING DESCRIBED PROPERTY LYING 75.00 FEET WEST OF ASA CREEK:

TRACT 1:

ALL THAT PART OF THE FOLLOWING DESCRIBED TRACT LYING SOUTH AND WEST OF THE ILLINOIS CENTRAL RAILROAD RIGHT-OF-WAY AND EAST OF PATTERSON ROAD:

BEGINNING 8 RODS NORTH OF THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION TWELVE, TOWNSHIP THIRTEEN NORTH, RANGE FIVE EAST OF THE THIRD PRINCIPAL MERIDIAN, MOULTRIE COUNTY, ILLINOIS, THENCE EAST 40 RODS; THENCE NORTH 32 RODS; THENCE WEST 40 RODS; THENCE SOUTH 32 RODS TO THE PLACE OF BEGINNING.

TRACT 2:

ALL THAT PART OF THE FOLLOWING DESCRIBED TRACT LYING EAST OF PATTERSON ROAD:

LOT SIX OF THE LANDS OF THE ESTATE OF MARGARET PATTERSON, DECEASED, AS SHOWN BY THE PLAT THEREOF RECORDED IN BOOK 1 OF SURVEYS ON PAGE 139, SAID LAND BEING LOCATED IN SECTION TWELVE, TOWNSHIP THIRTEEN NORTH, RANGE FIVE EAST OF THE THIRD PRINCIPAL MERIDIAN, MOULTRIE COUNTY, ILLINOIS.

TRACT 3:

ALL THAT PART OF THE FOLLOWING DESCRIBED TRACT LYING SOUTH AND WEST OF THE ILLINOIS CENTRAL RAILROAD RIGHT-OF-WAY:

LOT ELEVEN OF THE LANDS OF THE ESTATE OF MARGARET PATTERSON, DECEASED, AS SHOWN BY THE PLAT THEREOF RECORDED IN BOOK 1 OF SURVEYS ON PAGE 139, SAID LAND BEING LOCATED IN SECTION TWELVE, TOWNSHIP THIRTEEN NORTH, RANGE FIVE EAST OF THE THIRD PRINCIPAL MERIDIAN, MOULTRIE COUNTY, ILLINOIS.

TRACT 4:

LOT TWELVE OF THE LANDS OF THE ESTATE OF MARGARET PATTERSON, DECEASED, AS SHOWN BY THE PLAT THEREOF RECORDED IN BOOK 1 OF SURVEYS ON PAGE 139, SAID LAND BEING LOCATED IN SECTION TWELVE, TOWNSHIP THIRTEEN NORTH, RANGE FIVE EAST OF THE THIRD PRINCIPAL MERIDIAN, MOULTRIE COUNTY, ILLINOIS.

AND

A PARCEL OF LAND LOCATED IN THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 13 NORTH, RANGE 5 EAST OF THE THIRD PRINCIPAL MERIDIAN, MOULTRIE COUNTY, ILLINOIS DESCRIBED AS FOLLOWS:

BEGINNING AT THE POINT OF INTERSECTION OF A LINE THAT LIES PARALLEL WITH AND 50 FEET NORMALLY DISTANT SOUTHWESTERLY FROM THE CENTERLINE OF ILLINOIS CENTRAL RAILROAD COMPANY'S DECATUR TO MATTOON, ILLINOIS MAIN TRACT CENTERLINE, AND THE CENTERLINE OF PATTERSON ROAD LOCATED AT RAILROAD VALUATION STATION 7497+36, SAID CENTERLINE OF PATTERSON ROAD ALSO BEING APPROXIMATELY 1,370 FEET NORTHWESTERLY FROM THE EAST LINE OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 12, AS MEASURED ALONG THE LAST SAID PARALLEL LINE; THENCE SOUTHEASTERLY ALONG THE LAST SAID PARALLEL LINE A DISTANCE OF 900 FEET; THENCE NORTHEASTERLY AT RIGHT ANGLES A DISTANCE OF 25 FEET, MORE OR LESS, TO A POINT ON A LINE PARALLEL WITH AND 25 FEET NORMALLY DISTANCE SOUTHWESTERLY FROM SAID RAILROAD COMPANY'S MAIN TRACK CENTERLINE; THENCE, NORTHWESTERLY ALONG THE LAST SAID PARALLEL LINE A DISTANCE OF 900 FEET, MORE OR LESS, TO A POINT ON THE CENTERLINE OF SAID PATTERSON ROAD; THENCE SOUTHWESTERLY ALONG THE CENTERLINE OF SAID PATTERSON ROAD A DISTANCE OF 25 FEET, MORE OR LESS, TO THE POINT OF BEGINNING. CONTAINING 0.52 ACRES, MORE OR LESS.

EXCEPTING THEREFROM, ALL THAT PART OF THE FOLLOWING DESCRIBED TRACT LYING EAST OF PATTERSON ROAD:

LOT SIX OF THE LANDS OF THE ESTATE OF MARGARET PATTERSON, DECEASED, AS SHOWN BY THE PLAT THEREOF RECORDED IN BOOK 1 OF SURVEYS ON PAGE 139, SAID LAND BEING LOCATED IN SECTION TWELVE, TOWNSHIP THIRTEEN NORTH, RANGE FIVE EAST OF THE THIRD PRINCIPAL MERIDIAN, MOULTRIE COUNTY, ILLINOIS.

EXHIBIT "B"

PETITION FOR ANNEXATION

STATE OF ILLINOIS)
)
COUNTY OF MOULTRIE) SS

PETITION FOR ANNEXATION
TO THE CITY OF SULLIVAN,
MOULTRIE COUNTY, ILLINOIS

To: The Mayor and Commissioners
 of the City of Sullivan,
 Moultrie County, Illinois

The undersigned Petitioner (hereinafter referred to as the "Petitioner") respectfully represents:

- 1.) Petitioner is the sole owner of record of the property (hereinafter sometimes referred to as the "Subject Property") hereinafter more particularly described in Exhibit "A", attached hereto.
- 2.) The Subject Property is not situated within the limits of any other municipality, but is contiguous to the City of Sullivan.
- 3.) There are no registered voters (or electors) residing on the Subject Property, except Petitioner.

PETITIONER RESPECTFULLY REQUESTS:

- 1.) That the property described in Exhibit "A", attached hereto, be annexed to the City of Sullivan by ordinance of the Mayor and the Commissioners of the City of Sullivan, pursuant to 65 ILCS 5/7-1-8.
- 2.) That such other action be taken as is appropriate in the premises.

Dated this _____ day of _____ 2017.

MICHAEL C. FOWLER

DONNA S. FOWLER

STATE OF ILLINOIS)
) ss
COUNTY OF MOULTRIE)

I _____, a Notary Public in and for said County, in the State aforesaid, do hereby certify that MICHAEL C. FOWLER and DONNA S. FOWLER, personally known to me to be the same person whose name is subscribed to the foregoing instrument respectfully appeared before me this day and acknowledged she signed and delivered the instrument as her own free and voluntary act for the uses and purposes therein set forth and that the statements made therein are true.

Given under my hand and notarial seal this 16th day of May 2017.

Karen A. Skidis
Notary Public



This instrument prepared by:
WOOD & MAYBERRY
By: Steven K. Wood
200 West Harrison Street
Sullivan, Illinois 61951
(217) 728-7369