

AUG - 6 2007

ORDINANCE NO. 2579

AN ORDINANCE AUTHORIZING THE EXECUTION OF A FIRST AMENDED ANNEXATION AGREEMENT BETWEEN THE CITY OF COLUMBIA, ILLINOIS; THE VIRGINIA PAYNE TRUST AND PANGEA DEVELOPMENT, L.L.C., FOR THE ANNEXATION AND ZONING OF A TRACT OF REAL ESTATE COMPRISING 42.56 ACRES, MORE OR LESS, HAVING NO ASSIGNED ADDRESS, WHICH PROPERTY IS LOCATED ON RUECK ROAD IN MONROE COUNTY, ILLINOIS NORTH OF PALMER ROAD AND THE QUARRY ROAD AND BELONGS TO THE VIRGINIA PAYNE TRUST


City Clerk

WHEREAS, the City Council as the Corporate Authority (comprised of a Mayor and eight [8] Aldermen) of the City of Columbia, Illinois (the "City") has found and determined and does hereby declare that it is in the welfare and best interests of the City that a certain First Amended Annexation Agreement be made and entered into pertaining to a tract of property in Monroe County, Illinois belonging to the Virginia Payne Trust, comprising 42.56 acres, more or less, which tract of real estate is contiguous to the corporate limits of the City and is not situated within the corporate limits of any municipality;

WHEREAS, said written First Amended Annexation Agreement has been prepared and a copy of the same is attached hereto;

WHEREAS, the proposed annexation was referred to the City's Planning Commission in accordance with the requirement of Section 17.50.010 of the City's Municipal Code for their investigation: (i) as to the manner in which the proposed location and character of the property sought to be annexed to the City will effect the Comprehensive Community Plan; (ii) for the Plan Commission's recommended zoning classification for the land upon annexation; and, (iii) pre-annexation recommendations of the Plan Commission to be incorporated in the Pre-annexation Agreement and the Plan Commission as of May 29, 2007 has recommended approval of the First Amended Annexation Agreement as proposed by the annexation petitioner, including the zoning of the annexation tract as R-2 (One Family Dwelling District) and for the uses and purposes therein authorized;

WHEREAS, the R-2 District Zoning proposed by the First Amended Annexation Agreement was referred to the City's Zoning Board of Appeals for public hearing and the Zoning Board's recommendation regarding the zoning and following publication of notice of the hearing as required by law and ordinance a public hearing was conducted by the City's Zoning Board of Appeals on July 11, 2007 and the Zoning Board of Appeals has recommended the requested R-2 Zoned District Classification be granted as requested and as is more particularly set forth in the attached First Amended Annexation Agreement.

WHEREAS, the City Council of the City has reviewed and approved the First Amended Annexation Agreement, following a public hearing pertaining thereto which was held before the City's City Council on August 6, 2007 pursuant to publication of proper legal notice thereof, all in accordance with the requirements of Section 11-15.1-3 (PROCEDURE) of Division 15.1 (ANNEXATION AGREEMENTS) of the Illinois Municipal Code, as amended (65 ILCS 5/11-15.1-3);

WHEREAS, there are no electors residing on the Annexation Tract and a First Amended Petition for Annexation of the Annexation Tract has been filed with the City Clerk, in due form, and signed by the owner of record of said property requesting that the tract of property be annexed to the City subject to the First Amended Annexation Agreement that is authorized by this Ordinance;

WHEREAS, the City's City Council has found and determined and does hereby declare, that the annexation of the subject Annexation Tract to the City on the terms and conditions provided in the First Amended Annexation Agreement will further the orderly growth and development of the City, enable the City to control the development of the area, and serve the best interests and welfare of the citizens of the City; and,

WHEREAS, the requirements of Section 11-15.1-3 of Division 15.1 (ANNEXATION AGREEMENTS) of the Illinois Municipal Code (65 ILCS 5/11-15.1-3) having been fully complied with regarding making and entering into annexation agreements for the annexation of real estate to municipalities in the State of Illinois and it is necessary and appropriate that the City enact this Ordinance to authorize and approve the First Amended Annexation Agreement and authorize the Mayor to make and enter into the First Amended Annexation Agreement for and on behalf of the City.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Columbia, Illinois, as follows:

Section 1. The recitals contained above in the preamble of this Ordinance are hereby incorporated herein by reference, the same as if set forth in this Section of this Ordinance verbatim, as findings of the City Council of the City of Columbia, Illinois.

Section 2. The Mayor is hereby authorized and directed to execute and deliver the First Amended Annexation Agreement for and on behalf of the City, in the form attached hereto, which agreement is hereby approved as to form, in as many counterparts as the Mayor shall determine; and, the City Clerk is hereby authorized and directed to attest the same and affix thereto the Corporate Seal of the City.

Section 3. This Ordinance shall be in full force and effect from and after its passage and approval, as provided by law.

Section 4. The City Attorney is authorized and directed to record in the office of

the Recorder of Deeds in and for Monroe County, Illinois, a copy of the fully executed First Amended Annexation Agreement, with a certified true copy of this Ordinance attached thereto.

Alderman Ebersohl moved the adoption of the above and foregoing Ordinance; the motion was seconded by Alderman Agne, and the roll call vote was as follows:

YEAS: Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row, Hejna, Oberkfell, Stumpf and Mayor Hutchinson.

NAYS: None.

ABSENT: None.

ABSTENTIONS: None.

PASSED by the City Council and APPROVED by the Mayor this 6th day of August, 2007.

APPROVED:



KEVIN B. HUTCHINSON, Mayor

ATTEST:



WESLEY J. HOEFFKEN, City Clerk

(SEAL)

STATE OF ILLINOIS)
) SS
COUNTY OF MONROE)

CERTIFICATE OF TRUE COPY

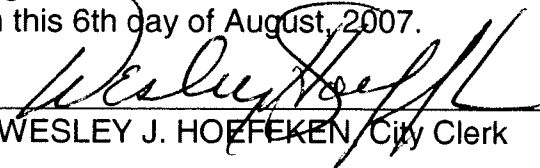
I, Wesley J. Hoeffken, hereby certify that I am the duly elected and acting City Clerk of the City of Columbia, Illinois, and as such I am the keeper of the books, records, file and corporate seal of said City.

I further certify that Ordinance No. 2579, entitled:

"AN ORDINANCE AUTHORIZING THE EXECUTION OF A FIRST AMENDED ANNEXATION AGREEMENT BETWEEN THE CITY OF COLUMBIA, ILLINOIS; THE VIRGINIA PAYNE TRUST AND PANGEA DEVELOPMENT, L.L.C., FOR THE ANNEXATION AND ZONING OF A TRACT OF REAL ESTATE COMPRISING 42.56 ACRES, MORE OR LESS, HAVING NO ASSIGNED ADDRESS, WHICH PROPERTY IS LOCATED ON RUECK ROAD IN MONROE COUNTY, ILLINOIS NORTH OF PALMER ROAD AND THE QUARRY ROAD AND BELONGS TO THE VIRGINIA PAYNE TRUST"

to which this Certificate is attached, is a true, perfect, complete and correct copy of said Ordinance as enacted at a regular meeting of the City Council held on the 6th day of August, 2007, and as appears of record in the files and records of the City.

IN WITNESS WHEREOF, I have signed, sealed and delivered this Certificate for the uses and purposes hereinabove set forth this 6th day of August, 2007.


WESLEY J. HOEFFKEN, City Clerk

(SEAL)