

1954320



Macon Co., Illinois
S.S. by Mary A. Eaton, Recorder

Book: 4710 Page: 808

Receipt #: 103035
Pages Recorded: 9

Recording Fee: \$53.00

Authorized By *Mary A. Eaton*

Date Recorded: 11/22/2019 10:33:51 AM

**VILLAGE OF MT. ZION
MACON COUNTY, ILLINOIS**

Ordinance No.
2019-18

AN ORDINANCE AUTHORIZING THE ANNEXATION AND THE EXECUTION OF AN ANNEXATION AGREEMENT FOR THE ANNEXATION OF CERTAIN PROPERTY TO THE VILLAGE OF MT. ZION, MACON COUNTY, ILLINOIS

CERTIFICATE

State of Illinois)
)
)
County of Macon)

I, Dawn Reynolds, duly appointed Village Clerk of the Village of Mt. Zion, Macon County, State of Illinois, and as such, custodian of all Village records, do hereby certify that the attached Ordinance No. 2019-18, is a true and correct copy of AN APPROVED ORDINANCE OF THE VILLAGE OF MT. ZION, MACON COUNTY, ILLINOIS that was adopted by the Mt. Zion Village Board on November 18, 2019.

In witness whereof, I hereby set my hand and affix the seal of the Village of Mt. Zion on this 18th day of November, 2019.

Seal

Dawn Reynolds

Dawn Reynolds, Village Clerk

ORDINANCE 2019-18

**AN ORDINANCE AUTHORIZING THE ANNEXATION AND THE EXECUTION
OF AN ANNEXATION AGREEMENT OF CERTAIN PROPERTY TO
THE VILLAGE OF MT. ZION, MACON COUNTY, ILLINOIS**

WHEREAS, the Village of Mt. Zion (“Village”) County of Macon, is a non-home rule body politic and corporate, organized and existing pursuant to the Illinois Municipal Code, 65 ILCS 5/1-1-1, et seq.; and

WHEREAS, pursuant to the provisions of the Illinois Municipal Code, 65 ILCS 5/11-15.1-1, the Village is empowered to enter into Annexation Agreements with the owners of record of unincorporated territory; and

WHEREAS, the Landowners of certain parcels of land with property identification numbers (referred to as “the Landowners”) have initiated a petition to annex and rezone 10 acres of property located at 5966 Traughber Road and legally described as follows:

Part of Southeast Quarter of the Northeast Quarter of Section Eight (8), Township Fifteen (15) North, Range Three (3) East of the Third Principal Meridian, Macon County, Illinois, and more particularly described as follows: The South 10 acres of the Southeast Quarter of the Northeast Quarter of Section (8), Township Fifteen (15) North, Range Three (3) East of the Third Principal Meridian, Macon County, Illinois except that part lying West of the Centerline of Traughber Road; and

WHEREAS, the Landowners and the Village of Mt. Zion choose to enter into an Annexation Agreement as set forth in Exhibit A; and

WHEREAS, upon proper notice a public hearing was held on the proposed Annexation Agreement on November 18, 2019;

WHEREAS, the Mayor and Village Board have determined that it is in the best interest of the Village of Mt. Zion that the Village enter into this Annexation Agreement; and

NOW THEREFORE BE IT ORDAINED by the Mayor and Village Board of the Village of Mt. Zion, Macon County, Illinois, as follows:

Section 1. The proposed Annexation Agreement between the Landowners and the Village of Mt. Zion for property (Exhibit “A”) located in Macon County, Illinois, is approved.

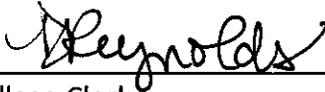
Section 2. The above-described property shall be zoned VA-1 Agricultural in accordance with the existing land use and adjacent land uses.

Section 3. The Village Administrator is authorized to execute the Annexation Agreement on behalf of the Village and to thereafter record it in the office of the Macon County Recorder.

Section 4. This ordinance shall be in full force and effect from and after its passage, approval, and publication as provided by law.

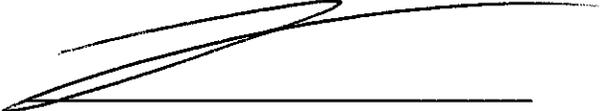
PASSED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF MT. ZION, MACON COUNTY, ILLINOIS, ON THE 18th DAY OF NOVEMBER 2019.

FRITZSCHE	<u>YEA</u>	KERNAN	<u>YEA</u>
SCALES	<u>YEA</u>	SUIDYLA	<u>YEA</u>
MOSE	<u>ABSENT</u>	RITCHIE	<u>YEA</u>



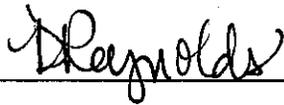
 Village Clerk

APPROVED:



Village President

ATTEST:



Village Clerk

“EXHIBIT A”

ANNEXATION AGREEMENT

This Annexation Agreement (the Agreement) is made and entered into this 18th day of November 2019 by and between David and Jannette Elliott (Owners) and the Village of Mt. Zion, an Illinois municipal corporation (Village) by and through its President and Board of Trustees (collectively, the Corporate Authorities).

RECITALS

- A. David and Jannette Elliott are the Owners of a certain parcel of real property (Elliott Property) situated in Macon County, Illinois, which is more particularly described in Exhibit A attached hereto, which parcel consists of approximately 10 acres and adjoins, abuts and is contiguous with the corporate limits of the Village.
- B. The Elliott Property has not been annexed to any municipality.
- C. The Elliott Property constitutes territory that is contiguous to and may be annexed to the Village as provided under the Illinois Municipal Code, 65 ILCS 5/7-1-1 et seq.
- D. The Owners desire to have the Elliott Property annexed to the Village of Mt. Zion.
- E. The Corporate Authorities, after due careful consideration, have concluded that the annexation of the Elliott Property to the Village would further the orderly growth of the Village.
- F. Any fire protection district, library district or any other entity or person entitled to notice prior to annexation of the Elliott Property to the Village has been given notice thereof by the Village. The respective districts have not objected to the annexation proposed by the Agreement.

NOW, THEREFORE, in consideration of the premises and the mutual covenants and agreements therein contained, and in reliance on the ordinances of the Village in effect as of the date hereof and the statutes for the State of Illinois, the parties hereby agree as follows:

- 1. **STATUTORY AUTHORITY.** The parties enter into this Agreement pursuant to and in accordance with the provisions of Illinois Municipal Code as cited above and the Code of Ordinances of the Village of Mt. Zion.
- 2. **ANNEXATION.**
 - (a) The Owners have filed with the Village Clerk a Petition for Annexation of the Elliott Property to the Village of Mt. Zion, which Petition has been prepared, executed and filed in accordance with the Illinois Municipal

Code 65 I LCS 5/7-1-8 and the Ordinances and other requirements of the Village. A copy of said Petition is attached hereto as Exhibit B and made a part hereof.

- (b) The Owner has filed with the Village Clerk an accurate map of the Elliott Property for annexation which contains an accurate map of the Elliott Property, which map is attached hereto marked Exhibit C and made part hereof.
- (c) Upon satisfactory performance of all conditions, the Corporate Authorities will enact an Ordinance to approve the terms of this Agreement and adopt the terms herein by reference; the Ordinance will include the map of annexation as set forth in Exhibit C and shall become effective immediately upon passage.

3. ZONING. The Elliott Property shall be zoned "VA-1" for agricultural use. The contiguous property is zoned for single family use.

4. WATER MAIN EXTENSION. The Village agrees to provide a water service extension to the Elliott Property. This water service will be available for the Owners to tap for service to the Elliott Property.

5. MISCELLANEOUS.

- (a) Where this Agreement is silent, the Village Code of Ordinance shall apply and control.
- (b) This Agreement shall bind the heirs, successors, and assigns of the Village, the Corporate Authorities and their successors in office. This Agreement shall inure to the benefit of the parties hereto and their successors and assigns, and Elliott may assign this Agreement in connection with the conveyance of any or all portion of the Elliott Property.
- (c) Within thirty (30) days after the execution hereof, the text of this Agreement shall be recorded at the office of the Macon County Recorder of Deeds at the sole cost and expense of the Village of Mt. Zion, an Illinois Municipal Corporation: A certified copy of the Ordinance adopting this Agreement shall be filed with the Macon County Clerk.
- (d) In the event any portion of this Agreement or part thereof shall be deemed invalid, such invalidity of said provision or part thereof shall not affect the validity of the other provisions hereof. Further, if for any reason the annexation of this property is declared invalid, Elliott, or subsequent owners of the Elliott Properties, hereby agree that this Agreement shall run with the land and that any present or future owners shall immediately annex any property contained within the boundaries of the property set

forth in this Agreement to the Village of Mt. Zion pursuant to the annexation laws in full force and effect at that time.

- (e) Unless stated otherwise elsewhere herein, any notice required or necessary pursuant to this Agreement shall be in writing and shall be deemed given when mailed by registered mail, return receipt requested.

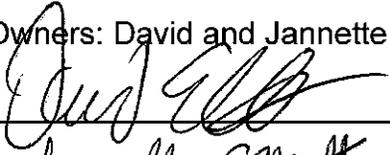
If to the Owners:
David and Jannette Elliott
5966 Traugber Road
Decatur, IL 62521

If to the Village:
Village Administration
1400 Mt. Zion Parkway
Mt. Zion, IL 62549

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed as of the day and year first above written.

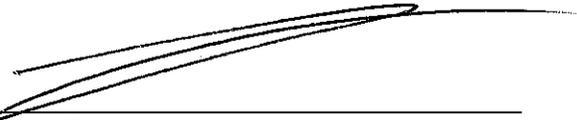
Village of Mt. Zion
A Municipal Corporation
County of Macon
State of Illinois

Owners: David and Jannette Elliott



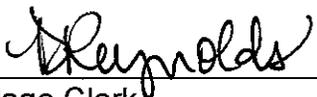


By:



Village President

ATTEST:



Village Clerk

"EXHIBIT B"



ANNEXATION APPLICATION
(OCCUPIED)

TO BE COMPLETED BY THE APPLICANT:

Is the requested annexation (check one)

Fees Paid: \$ 150.00

Location of Subject Property (please provide all three)

- 1. Address: 5966 Traugber Rd.
- 2. PIN Number: _____
- 3. Legal Description (Attached, as additional page and email a copy (Microsoft Word) to applicable Planning Staff)

Present Use of Subject Property: Residence

Present Zoning District: CA-1

Proposed Zoning District: VA-2

Has the property ever been part of a force annexation petition? Yes No

Applicant(s) Name: DAVE ELLIOTT

Address: 5966 TRAUGBER RD.

Phone Number: 217-519-0560 Fax: _____

Email: davehunting1958@gmail.com

Owner(s) Name (if different than applicant)

Name: _____

Owner Address: _____

Phone Number: _____ Fax: _____

Email: _____

Proof of Standing provided: _____

(Please attach proof of ownership, control, authorization, etc.)

TO THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF MT. ZION, ILLINOIS:

The undersigned, under oath, respectfully represent as follows:

- 1. That he is the owner of record of all the territory herein described.
- 2. That at least 51% of the electors who reside on the territory herein described have signed and do join in this petition.
- 3. That the territory herein described is not within the corporate limits of any municipality.
- 4. That the territory herein described is contiguous to the Village of Mt. Zion, a municipal corporation.
- 5. That the petitioner requests that the Village of Mt. Zion, a municipal corporation, annex the following described property: (LEGAL)

(LEGAL ATTACHED)

WHEREFORE, the petitioner(S), David and Jannette Elliott prays that the above described property will be annexed to the Village of Mt. Zion, a municipal corporation, in accordance with the Statutes in such case made and provided.

[Signature]
Owner

[Signature]
Owner

Signed and sworn to before me

Oct. 28th, 2019

[Signature]
Notary Public



