

ORDINANCE NO. 509

VILLAGE OF BELLEVUE, ILLINOIS

AN ORDINANCE AUTHORIZING THE  
EXECUTION OF AN ANNEXATION AGREEMENT FOR  
PROPERTY OWNED BY P & W BUILDERS, INC. AND  
N.E. WHITEHURST, AS TRUSTEE

WHEREAS, the Village Board of Trustees has determined that it is in the best interests of the Village to enter into an Annexation Agreement with P & W Builders, Inc. and N.E. Whitehurst, as Trustee ("Owner") pertaining to property owned by the Owner; and

WHEREAS, an Annexation Agreement for such purpose has been drafted, a copy of which is attached hereto and made a part hereof; and

WHEREAS, the Agreement calls for rezoning of the property involved, once annexed, and the Village Zoning Commission has recommended in favor of such rezoning; and

WHEREAS, the legal owner of record of the territory which is the subject of said Agreement, the Owner, is ready, willing and able to enter into said Agreement and to perform the obligations as required thereunder; and

WHEREAS, the statutory procedures provided in Division 15.1 of Article 11 of the Illinois Municipal Code, as amended, for the execution of said Annexation Agreement have been fully complied with;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF BELLEVUE, PEORIA COUNTY, ILLINOIS, AS FOLLOWS:

Section 1: It is hereby determined that it is advisable, necessary and in the public interest that the Village enter into an Annexation Agreement with the Owner covering the property more particularly described in Exhibit A to the form of Agreement attached hereto.

Section 2: Said Agreement shall be substantially in the form of the Agreement attached hereto and made a part hereof.

Section 3: From and after the effective date of this Ordinance, the President and Clerk of the Village are hereby authorized and directed to execute said Agreement herein provided for, and to do all things necessary and essential, including the execution of any documents and certificates, necessary to carry out the provisions of said Agreement.

PASSED AND APPROVED THIS 22<sup>ND</sup> DAY OF April, 2002.

15 AYES

0 NAYS

1 ABSENT

VILLAGE OF BELLEVUE, ILLINOIS

By: Ralph E. Wilson  
Ralph E. Wilson, President

Attest: Carol A. Payne  
Carol A. Payne, Clerk

302-022

## ANNEXATION AGREEMENT

THIS AGREEMENT is made by and between the Village of Bellevue, Peoria County, Illinois, a municipal corporation (hereinafter the "Village"), and P&W Builders, Inc. and N.E. Whitehurst, as Trustee of the Maxwell Road Land Trust dated August 24, 2001 (hereinafter "Petitioner").

### RECITALS

WHEREAS, Petitioner owns certain parcels of real estate which lie in unincorporated Peoria County, Illinois, immediately adjacent and contiguous to the Village, more particularly described on the attached Exhibit A (the "Property");

WHEREAS, the Petitioner proposes to develop the real estate described on Exhibit B attached hereto and made a part hereof (the "Project Site"), which includes the Property, into a single-family and two-family residential subdivision;

WHEREAS, it is the desire of Petitioner to annex the Property to the Village; and

WHEREAS, it is the desire of the Village to annex the Property and facilitate its development; and

WHEREAS, the Village Board of the Village, after due and careful consideration, has concluded that the annexation of the Property would further the growth of the Village, enable the Village to control the development of the area, increase the taxable value of the property within the Village, extend the corporate limits and jurisdiction of the Village, permit the sound planning and development of the Village and serve the best interests of the Village and its residents; and

WHEREAS, pursuant to the provisions of Section 11-15.1-1, et seq. of the Illinois Municipal Code (65 ILCS 5/11-15.1-1 et seq.), this proposed Annexation Agreement was submitted to the Village Board for the Village and a public hearing was held thereon pursuant to notice, as provided by statute;

NOW, THEREFORE, in consideration of the premises and of the mutual covenants and agreements herein contained, IT IS HEREBY AGREED as follows:

1. Annexation. Petitioner agrees to execute and deliver to the Village a Petition for Annexation requesting annexation of the Property to the Village, contingent on the approval and execution of this Agreement by the Village. The Village agrees to annex the Property to the Village, upon compliance with all applicable procedural requirements.

2. Rezoning. Immediately upon annexation of the Property, the Village agrees to adopt an ordinance amending the zoning map of the Village to rezone the property to the R-1, General Residential District.

3. Contribution Toward Public Improvements. The Village agrees to reimburse Petitioner the sum of \$50,000 spent by the Redeveloper on public improvements in the development of the Project Site as a single-family and two-family residential subdivision. The Village shall set off against such amount the sum of \$1,000, the amount due to the Village for the vacation of right of way within the Property. The balance of \$49,000 shall be paid to Petitioner as follows: \$16,000 at the time of the first payment by Petitioner for construction costs on public improvements in the development of the Project Site, \$16,000 at the time of the second such payment, and \$17,000 at the time of the third such payment. Notwithstanding the foregoing, the Village shall not be obligated to make any payment until it receives approval from a professional engineer satisfactory to the Village of the public improvements constructed to date and a certificate from said engineer that the value of the improvements constructed to date exceeds the total of the proposed draw plus any amounts previously paid by the Village.

IN WITNESS WHEREOF, the Village and Petitioner have caused this Annexation Agreement to be executed as of 4/22, 2002.

P&W BUILDERS, INC.

VILLAGE OF BELLEVUE, ILLINOIS

By: *N.E. Whitehurst*  
Its: PRESIDENT

By: *Ralph E. Wilson*  
Ralph E. Wilson, President

*N.E. Whitehurst*  
N.E. Whitehurst, as Trustee as aforesaid

ATTEST: *Carol A. Payne*  
Carol A. Payne, Village Clerk

302-203

