

chubbuck

CITY OF LeROY
ILLINOIS

ORDINANCE NO. 226

AN ORDINANCE AUTHORIZING AND DIRECTING EXECUTION OF A PRE-ANNEXATION AGREEMENT BETWEEN THE CITY OF LeROY, ILLINOIS, AND JUDSON CHUBBUCK III AND EVELYN CHUBBUCK.

ADOPTED BY THE
CITY COUNCIL
OF THE
CITY OF LeROY

THIS 10th DAY OF December, 19 84.

Published in pamphlet form by authority of the City Council of the City of LeRoy, McLean County, Illinois, this 10th day of December,
19 84.

AN ORDINANCE AUTHORIZING AND DIRECTING EXECUTION OF A PRE-ANNEXATION AGREEMENT BETWEEN THE CITY OF LeROY, ILLINOIS, AND JUDSON CHUBBUCK III AND EVELYN CHUBBUCK.

Whereas, the City Council of the City of LeRoy, McLean County, Illinois, an Illinois municipal corporation, has determined that it will be in the best interests of the city and its residents to annex that territory contiguous to the city as described hereinafter; and

Whereas, the owners of the property described hereinafter have proposed that a Pre-Annexation Agreement be entered into between themselves and the City of LeRoy, Illinois; and

Whereas, Chapter 24, Paragraph 11-15.1-1, et seq., Illinois Revised Statutes 1983 (as amended), provides for the adoption of a Pre-Annexation Agreement between the owner of property and an Illinois municipal corporation; and

Whereas, in accordance with the requirements of Chapter 24, Paragraph 11-15.1-3, Illinois Revised Statutes 1983 (as amended), a public hearing was held by the corporate authorities of the City of LeRoy, Illinois at 7:30 p.m. on December 3, 1984, at the City Hall in LeRoy, Illinois, said hearing being held upon the proposed Annexation Agreement filed by Judson Chubbuck III and Evelyn Chubbuck with the city, notice having been given in the LeRoy Journal on November 15, 1984, being not more than 30 days before the aforesaid hearing date and not less than 15 days before the aforesaid public hearing date; and

Whereas, the corporate authorities of the City of LeRoy, after reviewing the proposed agreement, considering all matters submitted and discussed at the public hearing, and finding the proposed Annexation Agreement, as amended, and in the form attached hereto as Exhibit 1 to be in the best interests of the City of LeRoy and its residents,

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of LeRoy, Illinois, in lawful meeting assembled;

Section 1. That the PRE-ANNEXATION AGREEMENT attached hereto as Exhibit 1 is hereby adopted by the City of LeRoy, Illinois, and the Mayor and City Clerk are hereby authorized and directed to execute the original and one copy of the same, and to return an executed copy of the Annexation Agreement to Judson Chubbuck III and Evelyn Chubbuck.

Section 2. That this ordinance shall be in full force and effect from and after its approval, passage and publication in pamphlet form as provided by law.

PASSED by the Mayor and City Council of the City of LeRoy, Illinois, on the 10th day of December, 1984 .

Aldermen elected 6

Aldermen present 6

AYES Patrick Derby, Michael Hanafin, Jon Winston, Michael Hillard, David King

NAYS Gary Builta

Juanita Ogley
City Clerk of the City of LeRoy, Illinois

By She Marcum
Assistant City Clerk

Approved by the Mayor of the City of LeRoy, Illinois, this 10th day of
December, 19 84.

Jakub Moss

Mayor of the City of LeRoy, Illinois

Attest:

(seal)

Juanita Dagley
City Clerk of the City
of LeRoy, Illinois

By *Sue Marcum*,
Assistant City Clerk

PRE-ANNEXATION AGREEMENT

THIS AGREEMENT is entered into by and between the CITY OF LEROY, McLEAN COUNTY, ILLINOIS, hereinafter referred to as "CITY" and JUDSON CHUBBUCK III AND EVELYN CHUBBUCK hereinafter referred to as "OWNERS". The parties agree that this Pre-Annexation Agreement shall be effective this 10th day of December, 1984.

RECITALS

- A. OWNERS are the owner of record of the premises hereinafter described in Exhibit 1 attached hereto and incorporated by reference herein.
- B. CITY is desirous of having the property annexed to CITY and developed by OWNERS. OWNERS are desirous of annexing to CITY under the terms and conditions of this Agreement and existing City Ordinances, codes and regulations whose terms are a condition of OWNERS' annexation.
- C. The subject premises are not within the corporate limits of CITY or within the corporate limits of any other municipality but are contiguous to the municipal limits of CITY.
- D. OWNERS are desirous of having the premises zoned A, Agricultural, with additional permitted uses or special uses permitted within this zoning classification to allow the following uses:

Private recreation and park area including lodging facilities, camping sites, fishing and recreation lakes or ponds, dining areas, sports arena, running track and playing fields; Excavation, cleaning, crushing, mixing and grading of sand, gravel and top soil; construction of lakes and ponds after such excavation; exploration for other minerals, oil and gas and production thereof; construction of snow skiing hills and trails, hiking trails and ice ponds for skating.

CITY finds it is in the best interests of CITY to grant such zoning classification with additional permitted uses or special uses to be

of the same general character as other uses permitted in the A, Agricultural District, and further that this area is not expected to develop in intensive urban uses within the near future.

- E. The subject premises are currently used for pasturing cattle and the raising of limited amounts of agricultural crops and such uses will continue to the extent permitted by current city ordinances until development as set forth previously in these Recitals shall occur.
- F. The subject premises could be developed in McLean County rather than CITY and without the benefit to CITY of CITY'S control of the development and use, and without the development and extension of CITY'S public utilities, and without the benefit to CITY of real estate taxes or Municipal Retailer's Occupation or Use Taxes.
- G. OWNERS desire to amend the zoning from time to time without the necessity of amending this Pre-Annexation Agreement and by filing such requests with CITY as may be required pursuant to its zoning ordinances.
- H. OWNERS have caused to be given all notices required under Section 7-1-1 of the Illinois Municipal Code (Illinois Revised Statutes 1983 (as amended), Chapter 24, Section 7-1-1).

AGREEMENT

THEREFORE, the parties hereto agree as follows:

- 1. CITY agrees to annex the subject premises and adjacent highway right-of-way, if any, to CITY pursuant to state statutes.
- 2. CITY agrees to zone said premises A-Agricultural District, with additional permitted uses as may be allowed within this zoning classification and specifically to allow the following uses:

Private recreation and park area including lodging facilities, camping sites, fishing and recreation lakes or ponds, dining areas, sports arena, running track and playing fields; Excavation, cleaning, crushing, mixing and grading of sand, gravel and top soil; construction of lakes and ponds after such excavation; exploration for other minerals,

oil and gas production thereof; construction of snow skiing hills and trails, hiking trails and ice ponds for skating,

and not to change or alter the zoning and permitted uses under the A-Agricultural District unless requested by OWNERS or with OWNERS' consent during the period of this Agreement.

3. In connection with the additional permitted uses as set forth in the preceding paragraph 2 of this Agreement, the following conditions are hereby made conditions of the additional permitted uses:

- (a) The additional permitted uses set forth herein may be utilized as to the real estate the subject of this Agreement for 10 years from the date of this Agreement, and such additional permitted uses may be extended as to the subject property for any period of time in addition to the said 10 years upon application by OWNERS or their agent for an extension of the period during which the additional permitted uses may be made of the property insofar as the use being made of the property is the excavation, cleaning, crushing, mixing and grading of sand, gravel and top soil, exploration for other minerals, oil and gas and production thereof.
- (b) The application for any such extension as set forth in subparagraph 3A herein must be filed with the City Clerk of the City of LeRoy not less than one year before the end of the 10 years of this Agreement.
- (c) The 10 year limitation upon the additional permitted uses set forth in subparagraph 3A shall not apply to those additional permitted uses set forth in paragraph 2 of this Agreement other than as to the aforesaid excavation, cleaning, crushing, mixing

and grading of sand, gravel and top soil, exploration for other minerals, oil and gas, and production thereof.

- (d) Exhibits number 2 and 3 to this Agreement are incorporated herein by reference, Exhibit 2 being a letter dated October 17, 1984, from Thomas N. Jacob to Alan Keller, Manager, Watershed Unit, Permit Section, Division of Water Pollution Control, Illinois Environmental Protection Agency, setting forth the conditions under which an exemption from a permit to operate a gravel pit under the State of Illinois Environmental Protection Agency regulations was requested. Exhibit 3 being a reply to the letter set forth in Exhibit 1 from the Manager, Permit Section, Division of Water Pollution Control, Illinois Environmental Protection Agency setting forth certain conditions under which the gravel pit operation and excavation, cleaning, crushing, mixing and grading of sand, gravel and top soil is to be conducted. The terms of both Exhibits are hereby made conditions of the operation of any activity having as a use thereof the excavation, cleaning, crushing, mixing and/or grading of sand, gravel and top soil from any part or all of the subject premises. Reclamation of any of the subject premises upon which gravel or other minerals, sand or top soil is extracted or otherwise removed shall be completed as to all such portions of the subject premises by the end of 10 years from the date of this Agreement or in accordance with any extension of this Agreement and any conditions placed thereon.
- (e) Removal of gravel, sand and top soil after its extraction and

processing upon the subject premises may be made by any means convenient to the OWNERS, but shall not be removed by way of any public roads located in Pleasant Valley Subdivision to the City of LeRoy, McLean County, Illinois.

- (f) Reclamation of any of the subject premises as required herein shall be made by returning the surface of the property to a reasonable grade in order to prevent soil erosion and to control silting and sedimentation of any drainage ways or water courses, and shall further require a suitable thickness of top soil, and seeding at a reasonable rate of grass or other appropriate vegetation in order to control erosion by wind and water and to reduce any possible unsightliness of that portion or those portions of the subject premises utilized for activities such as excavation, cleaning, crushing, mixing and grading of sand, gravel and top soil, and exploration for other minerals, oil and gas and production thereof.

4. Additional permitted uses as previously set forth herein other than excavation, cleaning, crushing, mixing and grading of sand, gravel and top soil, and exploration for other minerals, oil and gas and production thereof, may be incorporated into the subject premises at any time including beyond the 10 year limitation placed upon the use of the property for excavation, cleaning, crushing, mixing and grading of sand, gravel and top soil, and exploration for other minerals, oil and gas and production thereof. To the extent that the subject premises are used for such other additional permitted uses as previously stated, OWNERS or their successors in interest shall provide suitable sanitation facilities, lighting, parking with adequate provision for parking and maneuvering of recreational vehicles and cars towing trailers, and suitable roadways, trailways and other such pedestrian and

vehicular ways as necessary for the safe conduct of pedestrians and vehicles throughout the premises for the uses as permitted herein by additional permitted use. Further, the additional permitted uses as set forth herein shall not be construed to permit riding stables, petting zoos, or any other similar use of the subject premises where such use may involve the keeping or boarding of animals upon the subject premises, or the placement for viewing or recreational purposes of animals upon the subject premises from time to time, other than to the extent city ordinances permit the same, without further application in writing to the zoning board and city council of the City of LeRoy for appropriate hearing thereon, the favorable response to which application shall not be unreasonably withheld by CITY when such application requests that riding stables, petting zoos, or other similar uses of the premises may be made for the premises when such uses involving animals shall be in furtherance of the recreational uses set forth herein as additional permitted uses for the subject premises.

5. OWNERS may not change or alter the zoning and permitted uses unless upon proper petition filed with the Zoning Board of the City of LeRoy and in accordance with the procedures set forth by the City of LeRoy for rezoning property or other relief as may be permitted under the city ordinances and zoning code.

6. This Agreement shall be binding on all parties hereto, their successors and assigns. This Agreement shall be in effect for 10 years from the date first written above, and the parties hereto acknowledge that this Agreement shall be a covenant running with the land.

WHEREFORE, the parties hereto have set their hands and seals the day and year

first above written.

CITY OF LeROY, ILLINOIS

By: Jack Moss
Jack Moss, Mayor

Attest:

(seal)

Juanita Dagley
Juanita Dagley, City Clerk of
City of LeRoy

By Sue Marcum
Assistant City Clerk

Judson Chubbuck III

Evelyn Chubbuck

PARCEL NO. 1:

The East one-half of the Northwest Quarter of the Northwest Quarter of Section 32, the South 108 rods of the West one-half of the West one-half of the Northwest Quarter of Section 32, all in Township 22 North, Range 4 East of the Third Principal Meridian, in McLEAN COUNTY, ILLINOIS

PARCEL NO. 2:

The West one-half of the Southeast Quarter of Section 29, except all that part thereof lying North and West of the public road

running through the Northwest corner of said quarter section; the Northeast Quarter of the Northwest Quarter of Section 32, Lots 7, 8 and 9 of the Northeast Quarter of Section 32, all in Township 22 North, Range 4 East of the Third Principal Meridian, in McLEAN COUNTY, ILLINOIS.

EXCEPT FROM THE ABOVE the following 3 parcels:

EXCEPTION NO. 1:

That part of the West half of the Southeast Quarter of Section 29, Township 22 North, Range 4 East of the Third Principal Meridian, described as follows: Beginning at the intersection of the West line of the West half of the said Southeast Quarter and the Southerly right of way line F. A. Route 119; thence North $64^{\circ}-07'$ East 46.42 feet on said right of way; thence North $70^{\circ}-06'$ East 306.90 feet on said right of way; thence North $54^{\circ}-38'$ East 205.10 feet on said right of way; thence North $62^{\circ}-54'$ East 261.93 feet on said right of way; thence South $0^{\circ}-02'$ West 420.0 feet thence South $75^{\circ}-18'$ West 90.0 feet; thence South $14^{\circ}-42'$ East 28.23 feet; thence South $65^{\circ}-24'-44''$ West 140.0 feet; thence South $29^{\circ}-34'-14''$ East 50.0 feet; thence South $59^{\circ}-27'-16''$ West 100.00 feet; thence South $22^{\circ}-50'-25''$ West 208.09 feet; thence South $17^{\circ}-11'-41''$ East 120.73 feet; thence South $35^{\circ}-16'$ East 240.0 feet; thence South $60^{\circ}-27'-45''$ West 206.33 feet to a point of curvature; thence on a curve bearing to the left having a radius of 333.0 feet an arc distance of 100.0 feet (chord South $51^{\circ}-51'-35''$ West 99.62 feet); thence North $38^{\circ}-23'-15''$ West 130.33 feet; thence South $62^{\circ}-37'-20''$ West 127.17 feet; thence North $57^{\circ}-32'-58''$ West 128.75 feet to the West line of the West half of the said Southeast Quarter; thence North $0^{\circ}-21'-50''$ East 814.19 feet on the West line of the West half of the said Southeast Quarter to the Point of Beginning, all being situated in the City of LeRoy, McLean County, Illinois, also known as Lots 1 through 28, both inclusive, in Pleasant Valley Subdivision - Phase I, being a part of the West $\frac{1}{2}$ of the South East $\frac{1}{4}$ of Section 29, Township 22 North, Range 4 East of the Third Principal Meridian, according to the Plat thereof recorded April 6, 1981 as Document No. 81-3120, in McLEAN COUNTY, ILLINOIS ALSO EXCEPT all of PLEASANT VALLEY SUBDIVISION

EXCEPTION NO. 2:

The South 462 feet of the West $\frac{1}{2}$ of the North West $\frac{1}{4}$ of the North West $\frac{1}{4}$ of Section 32, Township 22 North, Range 4 East of the Third Principal Meridian, except the East 66 feet of the South 266 feet thereof, in McLEAN COUNTY, ILLINOIS.

EXCEPTION NO. 3:

That part of the West half of the Southeast Quarter of Section 29, Township 22 North, Range 4 East of the Third Principal Meridian, described as follows: Beginning at the Northeast corner of the West half of the said Southeast Quarter; thence due West 375.55 feet on the North line of the said Southeast Quarter to the Southerly right of way line of State Route 119; thence South $51^{\circ}-30'$ West 54.45 feet on said right of way line; thence South $62^{\circ}-41'$ West 70.00 feet on said right of way line; thence South $0^{\circ}-11'$ East 425.17 feet on a line parallel with the East line of the West half of the said Southeast Quarter; thence due East on a line parallel with the North line of the said Southeast Quarter a distance of 480.89 feet to the East line of the West half of the said Southeast

Quarter; thence North $0^{\circ}-11'$ West 491.35 feet on the East line of the West half of the said Southeast Quarter to the Point of Beginning, all being situated in McLEAN COUNTY, ILLINOIS.

EXCEPTION NO. 4:

The North 550 feet of Lots 7, 8 and 9 in the Subdivision of the Northeast Quarter of Section 32, Township 22 North, Range 4 East of the Third Principal Meridian;

The East 500 feet of the North 550 feet of the Northwest Quarter of Section 32, Township 22 North, Range 4 East of the Third Principal Meridian
ALL IN McLEAN COUNTY, ILLINOIS.

THOMAS N. JACOB & ASSOCIATES

ATTORNEYS AT LAW
SUITE 4A - HUNDMAN BUILDING
200 WEST FRONT STREET
BLOOMINGTON, ILLINOIS 61701

Thomas N. Jacob

James D. Bass

AREA CODE 309
TELEPHONE 827-6041

October 17, 1984

Mr. Alan Keller
Manager, Watershed Unit
Permit Section
Division of Water Pollution Control
Illinois Environmental Protection Agency
2200 Churchill Road
Springfield, IL 62706

RE: LeRoy Gravel Pit
Judson Chubbuck and
Pleasant Valley Land Company, owner and operator

Dear-Mr. Keller:

Please accept this letter as my clients' application for a Permit Exemption under the Environmental Protection Act to operate a small gravel pit on his land.

I am enclosing a copy of a Plat Map of McLean County showing the location of the proposed pit.

We believe an Exemption from a Permit should be granted for the following reasons:

1. There will be no water pollution associated with the operation. No pit water, machine residue or operational liquid or other water will be discharged into any stream.
2. It is expected that an area no larger than 100 yards by 100 yards will be used annually. Most of the gravel will be used on an adjacent subdivision project of the applicants for road and parking lot gravel.
3. After excavation is completed the small pond created will be used for private recreation purposes with the banks seeded and any residue spoil leveled out and seeded as well to stabilize the soil.

Page #2 - Alan Keller

Should you have any questions, please don't hesitate to call me.
If you would like to visit the site at any time, I would be
happy to meet you there.

Very truly yours,



THOMAS N. JACOB

TNJ:av
Enclosure



217/782-0610

Judson Chubbuck and Pleasant Valley Land Company -- LeRoy Gravel Pit
EXEMPTION FROM A STATE MINING PERMIT

November 7, 1984

Judson Chubbuck & Pleasant Valley Land Co.
c/o Thomas N. Jacob and Associates
Suite 4A, 200 West Front Street
Bloomington, Illinois 61701

Gentlemen:

The Illinois Environmental Protection Agency has reviewed your request for exemption from a state mining permit which was received on October 18, 1984. Based on the information submitted and Agency inspection of the site, it is our engineering judgement that the LeRoy Gravel Pit may be operated without causing water pollution as defined in the Illinois Environmental Protection Act.

The subject facility complies with conditions for exemption set forth in 35 Ill. Adm. Code 404.103 of Subtitle D: Mine Related Water Pollution Rules and Regulations of the Illinois Pollution Control Board.

This Agency hereby grants exemption from a state mining permit to Judson Chubbuck and Pleasant Valley Land Company for the mine and mine refuse area described as follows:

A sand and gravel pit occupying 2 acres in Sections 29 and 32, T22N, R4E of the 3rd P.M., McLean County. The LeRoy Gravel Pit is located one mile southwest of LeRoy, Illinois.

For the purpose of this exemption:

1. No processing of material that will generate wastewater shall be conducted at the subject facility.
2. There shall be no discharge from the subject facility to waters of the State.
3. Mining activities at the LeRoy Gravel Pit shall not affect more than 10 acres of land per year.
4. The permittee shall notify the Agency in writing by certified mail within thirty days of abandonment; or cessation or suspension of active mining for thirty days or more unless caused by a labor dispute.



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5. The permittee shall maintain a sufficient buffer zone between the facility and the West Fork of Salt Creek to prevent adversely impacting the stream.

Application and supporting documents as submitted and approved shall constitute part of this exemption and are identified in the records of the Illinois Environmental Protection Agency by the applicant and dates designated above.

Very truly yours,

Thomas G. McSwiggin
Thomas G. McSwiggin, P.E.
Manager, Permit Section
Division of Water Pollution Control

by A.L. Keller

TGM:BY:ct/1980D,41-42

cc: IEPA, DWPC, Records Unit
IEPA, DWPC, FOS, Region 4
Thomas N. Jacob and Assoc.

CERTIFICATE

I, Juanita Dagley, certify that I am the duly elected and acting municipal clerk of the City of LeRoy, McLean County, Illinois.

I further certify that on December 10th, 1984, the Corporate Authorities of such municipality passed and approved Ordinance No. 226, entitled:

AN ORDINANCE AUTHORIZING AND DIRECTING EXECUTION OF A PRE-ANNEXATION AGREEMENT BETWEEN THE CITY OF LeROY, ILLINOIS, AND JUDSON CHUBBUCK III AND EVELYN CHUBBUCK,

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 226, including the Ordinance and a cover sheet thereof was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on December 10th, 1984, and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the municipal clerk.

Dated at LeRoy, Illinois, this 10th day of December, 1984.

(seal)

Juanita Dagley
Municipal Clerk

By Sue Marcum
Assistant City Clerk

STATE OF ILLINOIS)
)SS
COUNTY OF MC LEAN)

I, Juanita Dagley, do hereby certify
that I am the duly qualified and acting City Clerk of
the City of LeRoy, McLean County, Illinois, and as such
City Clerk that I am the keeper of the records and files
of the Mayor and the City Council of said City.

I do further certify that the foregoing is a true,
correct and complete copy of an ordinance entitled:

AN ORDINANCE AUTHORIZING AND DIRECTING EXECUTION OF A PRE-
ANNEXATION AGREEMENT BETWEEN THE CITY OF LeROY, ILLINOIS,
AND JUDSON CHUBBUCK III AND EVELYN CHUBBUCK.

That said ordinance was adopted by the Mayor and
City Council of the City of LeRoy at a regular meeting
on the 10th day of December, 1984,
and that a faithful record of said ordinance has been
made in the record books.

Dated this 10th day of December, 1984.

(seal)

Juanita Dagley
City Clerk
By Shirley Marcum,
Assistant City Clerk