

CITY OF LEROY
COUNTY OF MC LEAN
STATE OF ILLINOIS

ORDINANCE NO. 695

AN ORDINANCE FOR THE APPROVAL OF A
SUBDIVISION AGREEMENT AND BOND

ADOPTED BY THE CITY COUNCIL OF THE CITY OF LE ROY
THIS 19th DAY OF August, 1996

PRESENTED: August 19, 1996

PASSED: August 19, 1996

APPROVED: August 19, 1996

RECORDED: August 19, 1996

PUBLISHED: August 19, 1996

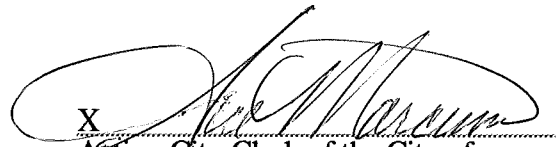
In Pamphlet Form

Voting "Aye" 5

Voting "Nay" 0

The undersigned being the duly qualified and acting City Clerk of the City of LeRoy does hereby certify that this document constitutes the publication in pamphlet form, in connection with and pursuant to Section 1-2-4 of the Illinois Municipal Code, of the above-captioned ordinance and that such ordinance was presented, passed, approved, recorded and published as above stated.

(SEAL)

X 
Acting City Clerk of the City of
LeRoy, McLean County, Illinois

Dated: August 19, 1996.

ORDINANCE NO. 695

WHEREAS, the Mayor and City Council of the City of LeRoy, Illinois, an Illinois municipal corporation, have reviewed an amendment to a subdivision agreement and bond, and accompanying amended escrow agreement, all submitted by Wendell Crumbaugh, Trustee of Land Trust No. 299, OWNER/DEVELOPER of the Crumbaugh 4th Addition to the City of LeRoy, and

WHEREAS, the Mayor and City Council deem it to be in the best interests of the City of LeRoy to approve said amendment to subdivision agreement and bond in order to enable the finalization of the proposed final plat of the aforesaid subdivision,

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of LeRoy, in lawful meeting assembled, as follows:

Section 1. The amendment to the subdivision agreement and bond, a copy of which is attached hereto, labeled Exhibit A, and incorporated herein by reference, is hereby approved.

Section 2. The Mayor and City Clerk of the City of LeRoy are hereby directed to sign the aforesaid amendment to subdivision agreement and bond, including as many copies as may be appropriate, and the City Clerk is hereby directed to file a complete copy of said amendment to subdivision agreement and bond in the permanent records of the City.

Section 3. This ordinance shall be in full force and effect immediately upon its passage and approval as required by law.

PASSED by the City Council of the City of LeRoy, Illinois, upon the motion by Ron Litherland, seconded by Dave McClelland by roll call vote on the 19th day of August, 1996, as follows:

Aldermen elected 6 Aldermen present 5

VOTING AYE:

Ron Litherland, Dave McClelland, Lois Parkin, Fred Dodson, Dawn Thompson (full names)

VOTING NAY:

none

.....
(full names)

ABSENT, ABSTAIN, OTHER:

Bill Swindle absent

.....
(full names)

and deposited and filed in the office of the City Clerk in said municipality on the 19th day of

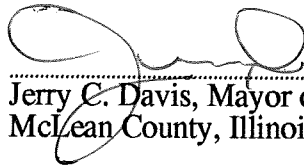
August, 1996.



.....
Sue Marcum, Acting City Clerk of the City of
LeRoy, McLean County, Illinois

APPROVED BY the Mayor of the City of LeRoy, Illinois, this 19th day of

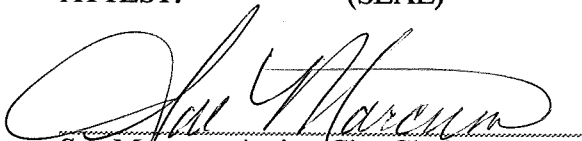
August, 1996.



.....
Jerry C. Davis, Mayor of the City of LeRoy,
McLean County, Illinois

ATTEST:

(SEAL)



.....
Sue Marcum, Acting City Clerk,
City of LeRoy, McLean County, Illinois

AMENDMENT TO
SUBDIVISION AGREEMENT AND BOND

LAND TRUST NO. 299, by its Trustee, Wendell Crumbaugh, said Land Trust being hereinafter referred to as "OWNER/DEVELOPER," is held and firmly bound unto the City of LeRoy, McLean County, Illinois, an Illinois municipal corporation, hereinafter referred to as "CITY," in the penal sum of Fifty-Nine Thousand, Two Hundred Fifty-five and No/100 --- Dollars (\$59,255.00), lawful money of the United States, for which the undersigned bind themselves as Principal and Surety to be truly made by them, their heirs, executors, administrators, assigns and successors in interest, jointly and severally, in the following manner.

SEALED AND DATED this 13th day of Aug, 1996, at LeRoy, McLean County, Illinois.

WHEREAS, a request has heretofore been filed with the City Council of the City of LeRoy, McLean County, Illinois, for the acceptance of a tract of land as a subdivision to the City of LeRoy, under the name and title of "Crumbaugh 4th Addition," per plat of Perry Lewis, Registered Illinois Land Surveyor No. 1874, consisting of 14 numbered lots and streets, dated June 27, 1996, the plan of which plat has received preliminary approval by the City Council of the City of LeRoy, Illinois, or which preliminary approval has been waived, and which plat will be finalized upon OWNER/DEVELOPER's meeting the further requirements of the subdivision ordinance of the City of LeRoy, and

WHEREAS, the legal description of the property sought to be subdivided, for which a final plat will be presented and for which property this bond is given, is as follows, to-wit:

A part of the Northeast 1/4 of Section 21, Township 22 North, Range 4 East of the Third Principal Meridian, City of LeRoy, McLean County, Illinois, more particularly described as follows: Beginning at the Northeast corner of Lot 27 in Crumbaugh's 2nd Addition to the City of LeRoy; thence South 72 degrees 59 minutes 07 seconds East 540.00 feet; thence South 00 degrees 39 minutes 20 seconds East 95.39 feet; thence North 89 degrees 20 minutes 40 seconds East 66.00 feet; thence Southwesterly 9.17 feet on a non-tangential curve concave to the Northwest having a central angle of 05 degrees 28 minutes 23 seconds, a radius of 96.00 feet and a chord of 9.17 feet bearing South 02 degrees 04 minutes 52 seconds West from the last described course; thence South 85 degrees 10 minutes 57 seconds East 132.89 feet to the East line of the West 1/2 of the said Northeast 1/4 of Section 21; thence South 00 degrees 39 minutes 20

seconds East 274.08 feet on the East line of the West 1/2 of the said Northeast 1/4 of Section 21 to the North right-of-way line of the former I.C.G. Railroad; thence Northwesterly on the said North right-of-way line of the former I.C.G. Railroad 184.23 feet on a non-tangential curve concave to the Northeast having a central angle of 08 degrees 05 minutes 35 seconds, a radius of 1304.28 feet and a chord of 184.08 feet bearing North 77 degrees 06 minutes 00 seconds West from the last described course; thence North 72 degrees 59 minutes 07 seconds West on the said North right-of-way line of the former I.C.G. Railroad 613.65 feet; thence Northwesterly on the said North right-of-way line of the former I.C. G. Railroad 35.07 feet on a tangential curve concave to the Northeast having a central angle of 00 degrees 57 minutes 58 seconds, a radius of 2079.74 feet and a chord of 35.07 feet bearing North 72 degrees 13 minutes 24 seconds West from the last described course, said point also being the Southeast corner of Lot 34 in Crumbaugh's 3rd Addition to the City of LeRoy; thence North 17 degrees 00 minutes 53 seconds East on the East line of the said Lot 34 in Crumbaugh's 3rd Addition 129.53 feet to the Northeast corner of the said Lot 34 in Crumbaugh's 3rd Addition; thence North 72 degrees 59 minutes 07 seconds West on the North line of the said Lot 34 in Crumbaugh's 3rd Addition 14.98 feet; thence North 17 degrees 00 minutes 53 seconds East 196.00 feet on the East line of the said Lot 27 in Crumbaugh's 2nd Addition as extended and on the East line of the said Lot 27 to the Point of Beginning,

and

WHEREAS, said OWNER/DEVELOPER promises and guarantees that all construction on said proposed subdivision improvements shall be done in a workmanlike manner and in compliance with the subdivision ordinance of the City of LeRoy and subject at all times to inspection and approval by CITY or its appropriate agent(s), and shall be completed on or before August 1, 1998, and upon the further guarantee that all damage or liability incurred by CITY, its agents, officers, independent contractors, and/or employees, which damage or liability is caused or results from construction operations or repairs made by OWNER/DEVELOPER to said improvements, pursuant to the terms of the aforesaid plans and specifications, will be repaired by OWNER/DEVELOPER, and CITY, its agents, officers, independent contractors, and/or employees, shall each and every one be held and saved harmless from any and all claims whatsoever arising from the operations of OWNER/DEVELOPER for and during the period from the acceptance of this agreement and bond by CITY of all matters and things required by the aforesaid subdivision ordinance and herein bonded to be done; and

WHEREAS, OWNER/DEVELOPER, by execution of this agreement and bond, promises and guarantees to pay to CITY the penal sum set forth in this bond and agreement as secured by an amendment to escrow agreement with Busey Bank of McLean County, dated Aug 13, 1996, and incorporated herein by reference, as a contribution to the cost of constructing said subdivision improvements as more fully detailed in Exhibit "A," attached hereto and incorporated herein by reference, upon receipt within two years from the date hereof of a certificate of completion signed by the City Engineer of CITY certifying that the construction of the aforesaid subdivision improvements is not less than the standards set forth by CITY and has been completed,

NOW, THEREFORE, the condition of this obligation is such that if the above bonded OWNER/DEVELOPER shall well and truly keep, do and perform each and every, all and singular, the matters and things set forth and specified in this agreement and bound to be done by OWNER/DEVELOPER and performed by OWNER/DEVELOPER at the time and in the manner as in the obligation and the subdivision ordinance terms of CITY specified, or shall pay over, make good, reimburse and save CITY harmless from all loss and damage which CITY may sustain by reason of failure or default on the part of said OWNER/DEVELOPER so to do, then this obligation shall be null and void. Otherwise, the same will remain in full force and effect.

No surety. Escrow of stock accepted in lieu thereof. Escrow pledge attached.

LAND TRUST NO. 299, Principal

By: Wendell Crumbaugh
Wendell Crumbaugh, Trustee

CITY OF LEROY, McLean County, Illinois

By: _____
Jerry C. Davis, Mayor, City of LeRoy,
McLean County, Illinois

ATTEST:
(SEAL)

Sue Marcum, Acting City Clerk, City
of LeRoy, McLean County, Illinois

STATE OF ILLINOIS)
) SS.
COUNTY OF McLEAN)

I, the undersigned, a Notary Public in and for the said county and state aforesaid, do hereby certify that Wendell Crumbaugh, personally known to me to be Trustee of Land Trust No. 299, whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that as such Trustee he subscribed his name to the foregoing instrument, and signed, sealed and delivered the said instrument as his free and voluntary act and as the free and voluntary act and deed of Land Trust No. 299, an Illinois land trust, as aforesaid, including the release and waiver of homestead.

Given under my hand and notarial seal this 13th day of August, 1996.

Hunt Henderson
Notary Public

My Commission expires: December 2, 1997



STATE OF ILLINOIS)
) SS.
COUNTY OF MCLEAN)

I, the undersigned, a Notary Public in and for said county and state aforesaid, do hereby certify that Jerry C. Davis, personally known to me to be the Mayor of the City of LeRoy, and Sue Marcum, personally known to me to be the City Clerk of said City, whose names are subscribed to the foregoing instrument, appeared before me this day in person and severally acknowledged that as such Mayor and City Clerk, they signed and delivered said instrument of writing as Mayor and as City Clerk of said City, and caused the seal of the City of LeRoy to be affixed thereto, pursuant to authority given by the City Council of said City as their free and voluntary act, and the free and voluntary act and agreement of the City of LeRoy for the uses and purposes therein set forth.

Given under my hand and notarial seal, this day of, 1996.

..... My Commission expires:
Notary Public

Prepared by: Hunt Henderson, Attorney at Law, Atty. No. 01186256, 112 E. Center Street, LeRoy, Illinois 61752

ESCROW RECEIPT

THE UNDERSIGNED financial institution, by its duly authorized officers and agents, did acknowledge and certify to Wendell Crumbaugh, Trustee of Land Trust 299 (hereinafter called "OWNER/DEVELOPER"), and to the City of LeRoy, McLean County, Illinois (hereinafter called "CITY"), effective September 14, 1994, that said financial institution would hold in escrow certain assets having a then estimated value of an amount as set forth in the aforesaid escrow receipt, bearing the effective date September 14, 1994, a copy of which escrow receipt is attached hereto, labeled Exhibit "A," and incorporated herein by reference. OWNER/DEVELOPER has annexed additional land into the CITY and has proposed that it be subdivided, said subdivision to be known as "Crumbaugh 4th Addition to the City of LeRoy, Illinois," and the CITY has agreed to accept said final plat, contingent upon amendment to the escrow agreement between the parties.

The undersigned financial institution, by its duly authorized officers and agents, acknowledges and certifies to OWNER/DEVELOPER and to CITY effective this 13th day of Aug, 1996, as follows:

1. It still maintains a regular office for the transaction of its business in McLean County, Illinois;
2. Said financial institution still holds in escrow pursuant to the terms of an escrow effectively dated September 14, 1994, five thousand, nine hundred twenty-one (5,921) shares of Archer Daniels Midland Company's stock, received from OWNER/DEVELOPER (representing in excess of 100% of estimated construction costs of all subdivision improvements for Crumbaugh's 2nd Addition and for Crumbaugh's 4th Addition, as established by Schedule I, attached hereto);
3. The escrow account was established by OWNER/DEVELOPER as security for the "Subdivision Agreement and Bond" filed with the CITY pursuant to the subdivision ordinance of CITY, and then pertaining specifically to Crumbaugh's 2nd Addition, said agreement being dated September 19, 1994, and continues to be held and remaining to be disbursed in accordance with the bond and ordinance as aforesaid.
4. OWNER/DEVELOPER and CITY have agreed that, by amendment of this escrow receipt, OWNER/DEVELOPER shall be considered to have also made a pledge of the aforesaid shares of stock as collateral to secure the performance of the Subdivision Agreement dated ^{subsequent} to this receipt, being specifically in regard to Crumbaugh's 4th Addition, and that the original escrow receipt and subdivision agreement related thereto shall continue in full force and effect as to Crumbaugh's 2nd Addition to the City of LeRoy. Further, OWNER/DEVELOPER has agreed the escrow recited herein shall not be terminated until such time as compliance with the original receipt has been made, and compliance with the terms of said receipt have been made in regard to the improvements to be made to Crumbaugh 4th Addition to the City of LeRoy, including no

Exhibit X

withdrawals from the aforesaid escrow account until such time as approval by the city engineer for CITY has been made and CITY has agreed to release of the stock.

5. Upon completion of the improvements and written acceptances in full thereof, by the city engineer of CITY, the total amount of five thousand, nine hundred twenty-one (5,921) shares of Archer Daniels Midland Company's stock, or any amount remaining thereof after release of shares prior to the final completion date, with the approval of the city engineer, and upon completion of all improvements and written acceptances in full thereof, in regard not only to Crumbaugh's 2nd Addition to the City of LeRoy, but also in regard to Crumbaugh 4th Addition to the City of LeRoy, have been made, shall be released. Said stock may be released and the escrow account closed upon final approval by the city engineer of all improvements.

BUSEY BANK, formerly known as
Busey Bank of McLean County,

By: *Ron Wesley*

ATTEST:

[Signature]
senior vice Pres ~~cashier~~

Dated this 13th day of August, 1996

LAND TRUST NO. 299
OWNER/DEVELOPER

By: *Wendell Crumbaugh*
Wendell Crumbaugh, Trustee

Dated this 14th day of August, 1996

Approved as to form:

Hunt Henderson
Hunt Henderson, Attorney for the
City of LeRoy, McLean County, Illinois

Prepared by: Hunt Henderson
Attorney at Law
112 East Center Street
LeRoy, Illinois 61752
(309) 962-2791

Crumbaugh 4th Addition
Subdivision Quantities
July 1, 1996

Sanitary Sewer

<u>No.</u>	<u>Item</u>	<u>Quantity</u>	<u>Unit</u>	<u>Price</u>	<u>Extension</u>
1.	8" Dia. V.C.P. Sewer	737	L.F.	18.00	13266.00
2.	6" Dia. P.V.C. Service	584	L.F.	13.00	7592.00
3.	4' Dia. Manhole, TY-A	2	Each	1375.00	2750.00
4.	6" Dia. Plug	15	Each	10.00	150.00
5.	Granular Trench Backfill	255	L.F.	5.00	1275.00
6.	8" X 6" TIE	15	EACH	80.00	1200.00
<i>SUB-TOTAL</i>					<u>26233.00</u>

Watermain

<u>No.</u>	<u>Item</u>	<u>Quantity</u>	<u>Unit</u>	<u>Price</u>	<u>Extension</u>
1.	6" Dia. SDR 26 Watermain	841	L.F.	8.20	6896.20
2.	4" Dia. SDR 26 Watermain	30	L.F.	5.75	172.50
3.	6" Dia. Gate Valve w/ Box	1	Each	375.00	375.00
4.	4" Dia. Gate Valve w/ Box	1	Each	325.00	325.00
5.	6" X 4" Tee	2	Each	80.00	160.00
6.	Fire Hydrant Complete	2	Each	1100.00	2200.00
7.	1" Dia. Water Service	441	L.F.	2.70	1190.70
8.	1" Corp. Stop & Box	15	Each	120.00	1800.00
9.	Granular Trench Backfill	144	L.F.	5.00	720.00
<i>SUB-TOTAL</i>					<u>13839.40</u>

Streets

<u>No.</u>	<u>Item</u>	<u>Quantity</u>	<u>Unit</u>	<u>Price</u>	<u>Extension</u>
1.	8" Aggregate Base Course	734	Tons	10.00	7340.00
2.	A-3 Bituminous Surface	1610	S.Y.	4.25	6842.00
3.	GRADING				5000.00
<i>SUB-TOTAL</i>					<u>19182.00</u>

GRAND TOTAL - \$ 59254.40

Prepared By Perry L. Lewis
I.R.P.E. # 25976

4538.01

Schedule I

(to Subdivision Agreement & Bond)

CERTIFICATE

I, Sue Marcum, certify that I am the duly appointed and acting municipal clerk of the City of LeRoy, of McLean County, Illinois.

I further certify that on August 19, 1996, the Corporate Authorities of such municipality passed and approved Ordinance No. 695, entitled:


**AN ORDINANCE FOR THE APPROVAL OF A
SUBDIVISION AGREEMENT AND BOND,**

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

The pamphlet form of Ordinance No. 695, including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted at the municipal building, commencing on August 19, 1996, 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 19th day of August, 1996.

(SEAL)


.....
Acting Municipal Clerk

STATE OF ILLINOIS)
) SS:
COUNTY OF McLEAN)


I, Sue Marcum, 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 FOR THE APPROVAL OF A
SUBDIVISION AGREEMENT AND BOND.**

I do further certify said ordinance was adopted by the City Council of the City of LeRoy at a regular meeting on the 19th day of August , 1996, and prior to the making of this certificate the said ordinance was spread at length upon the permanent records of said City where it now appears and remains as a faithful record of said ordinance in the record books.

Dated this 19th day of August , 1996.



Acting City Clerk

(SEAL)

