

VILLAGE OF TOLONO
CHAMPAIGN COUNTY, ILLINOIS

ORDINANCE NO. 2024-O-6

AN ORDINANCE REAFFIRMING THE PRIOR ANNEXATION AND REZONING OF A 7.6
ACRE TRACT OF FARMLAND LOCATED NEAR BOURNE AND BENHAM STREET
CONFIRMING ITS LEGAL DESCRIPTION AND APPROVING AN ANNEXATION PLAT

Adopted by the
Board of Trustees of the Village of Tolono, Illinois
this 2nd day of July, 2024

Published in pamphlet form by authority of the President and Board of Trustees of the Village
of Tolono, Champaign County, Illinois this 2nd day of July, 2024.

VILLAGE OF TOLONO
CHAMPAIGN COUNTY, ILLINOIS

Ordinance No. 2024-O-6

July 2, 2024

AN ORDINANCE REAFFIRMING THE PRIOR ANNEXATION AND REZONING OF A 7.6 ACRE TRACT OF FARMLAND LOCATED NEAR BOURNE AND BENHAM STREET CONFIRMING ITS LEGAL DESCRIPTION AND APPROVING AN ANNEXATION PLAT

WHEREAS, the Village is empowered and authorized to annex property pursuant to 65ILCS5/7-1-1 and other applicable provisions; and

WHEREAS, the Village is further empowered to enter into annexation agreements pursuant to 65ILCS5/11-15; and

WHEREAS, the real estate described on the Annexation Plat, attached hereto as Exhibit B, and by reference incorporated herein, with said parcel described therein being and said Annexation Plat being referred to as "Plat"; and

WHEREAS, the Owner of the Tract previously requested annexation to the Village under the terms of the Annexation Agreement with the Tract being contiguous to the Village; and

WHEREAS, the Village on March 5, 2024 did duly adopt "an Ordinance approving an Annexation Agreement for a tract of farmland southeast of the Village composing 7.6 acres more or less, annexing said property, and rezoning it R1 Residential," hereinafter referred to as "Prior Ordinance;" and

WHEREAS, the Tract has been duly annexed and is rezoned R-1 Residential; and

WHEREAS, the Village commissioned preparation of the Plat which disclosed some clarification of the legal description, attached hereto as Exhibit A, of the Tract; and

WHEREAS, the Village Board of Trustees deems it appropriate to reaffirm its prior annexation and rezoning and the updated legal description and approve the Plat all as provided herein.

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

Section 1. Incorporation Clause.

The President and Board of Trustees of the Village hereby find that all of the recitals hereinbefore stated as contained in the preambles to this Ordinance are full, true and correct and does hereby, by reference, incorporate and make them part of this Ordinance.

Section 2. Purpose.

This ordinance is to reaffirm the prior annexation, Annexation Agreement, and rezoning and approve the legal description and annexation plat as provided herein.

Section 3.

The Prior Ordinance is hereby ratified together with the ratification of the annexation of the Tract as legally described on the Plat, the rezoning of the Tract to R-1 Residential as provided therein and the within approval and ratification of the legal description of the Plat and the approval of the Plat. The legal description contained on Exhibit A is that of the property annexed to the Village and the Plat correctly describes said property and is hereby approved. The County of Champaign, Illinois and any other parties may rely upon this Ordinance and its attached Annexation Plat for purposes of updating public records formally annexing said property to the Village of Tolono, Illinois.

Section 4.

This Ordinance shall be in full force and effect upon passage and shall be published in pamphlet form in accordance with applicable law.

Section 5.

The Village Clerk is hereby directed to file a copy of this ordinance with the County of Champaign, Illinois.

Section 6. Invocation of Authority.

This Ordinance is enacted pursuant to the authority granted to this Village by the Constitution of the State of Illinois and Illinois Compiled Statutes.

Section 7. State law Adopted.

All applicable provisions of the Illinois Compiled Statutes, including the Illinois Municipal Code, as may be amended from time to time, relating to the purposes of this Ordinance are hereby incorporated herein by reference.

Section 8. Approval and Execution of Documents.

The President and Village Clerk are hereby authorized and directed to execute said Agreement and any related exhibits attached thereto and the Village Clerk is authorized and directed to attest, countersign and affix the seal of the Village to such documents and any and all other documents necessary to carry out and give effect to the purpose and intent of this Ordinance.

Section 9. Other Actions Authorized.

That the President and Village Clerk and Village Attorney are hereby authorized and directed to do all things necessary, essential, or convenient to carry out and give effect to the purpose and intent of this Ordinance.

Section 10. Acts of Village Officials.

That all acts and doings of the officials of the Village, past, present and future which are in conformity with the purpose and intent of this Ordinance, are hereby in all respects, ratified, approved, authorized and confirmed.

Section 11. Headings.

The headings for the articles, sections, paragraphs and sub-paragraphs of this Ordinance are inserted solely for the convenience of reference and form no substantive part of this Ordinance nor should they be used in any interpretation or construction of any substantive provisions of this Ordinance.

Section 12. Severability.

The provisions of this ordinance are hereby declared to be severable and should any provision, clause, sentence, paragraph, sub-paragraph, section, or part of this Ordinance be determined to be shall be excluded and deemed inoperative, unenforceable, and as though not provided for herein, and all other provisions shall remain unaffected, unimpaired, valid and in full force and effect. It is hereby declared to be the legislative intent of the Board of Trustees that this Ordinance would have been adopted had not such unconstitutional or invalid provision, clause, sentence, paragraph, sub-paragraph, section, or part thereof had not been included.

Section 13. Superseder and Publication.

All code provisions, ordinances, resolutions and orders, or parts thereof, in conflict herewith, are to the extent of such conflict hereby superseded. A full, true and complete copy of this ordinance shall be published in pamphlet form or in a newspaper published and of general circulation within the Village as provided by the Illinois Municipal Code, as amended.

Section 14. Effective Date.

This Ordinance shall be in full force and effect upon passage and approval, as provided by the Illinois Municipal Code, as amended.

Motioned for approval by Trustee Terrence Stuber

With a second by Trustee Vicki Buffo, roll call vote:

Buffo, Vicki aye

Naas, Jacob aye

Grady, Daniel aye

Robbins, Jared aye

Jack Haluzak, Ann no

Stuber, Terrence aye

SO PASSED, ADOPTED, APPROVED AND ENACTED IN AND AT THE VILLAGE OF
TOLONO, COUNTY OF CHAMPAIGN, STATE OF ILLINOIS, THIS 2ND DAY OF JULY, 2024.

Brandy Dalton
Brandy Dalton, Village Clerk


Robert Murphy, President

(SEAL)

Recorded in the Municipal Records: July 2, 2024
Published in pamphlet form: July 2, 2024

Exhibit A
Legal Description

THAT PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 35, TOWNSHIP 18 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN CHAMPAIGN COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT 4.42 CHAINS SOUTH OF THE NORTHEAST CORNER OF SECTION 35, TOWNSHIP 18 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, THENCE WEST 14.18 CHAINS TO A STONE WHICH HAS BEEN SET IN THE CENTER OF THE PUBLIC HIGHWAY 2.96 CHAINS SOUTHWESTERLY ALONG THE CENTER LINE OF SAID HIGHWAY FROM THE STONE LOCATED IN THE CENTER OF SAID HIGHWAY APPROXIMATELY 96 LINKS WEST OF THE SOUTHWEST CORNER OF THE CATHOLIC CHURCH REFERRED TO IN A DEED FROM JOHN LOUKS AND SARAH B. LOUKS TO JOHN L. SPAULDING; THENCE SOUTHWESTERLY ALONG THE CENTER OF SAID PUBLIC HIGHWAY 13.49 CHAINS; THENCE EAST 15.54 CHAINS TO THE SECTION LINE; THENCE NORTH ALONG THE SECTION LINE TO THE PLACE OF BEGINNING, IN CHAMPAIGN COUNTY, ILLINOIS;

EXCEPT THAT PARCEL DESCRIBED AS:

COMMENCING AT THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF SECTION 35, TOWNSHIP 18 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN CHAMPAIGN COUNTY, ILLINOIS, PROCEED SOUTH 00°37'53" EAST ALONG THE EAST LINE OF SAID NORTHEAST QUARTER, 291.72 FEET (4.42 CHAINS) TO THE TRUE POINT OF BEGINNING; THENCE CONTINUE SOUTH 00°37'53" EAST ALONG SAID EAST LINE, 144.26 FEET; THENCE NORTH 89°19'34" WEST, 303.28 FEET; THENCE NORTH 00°22'50" EAST, 144.26 FEET TO THE SOUTH LINE OF A TRACT OF LAND OWNED BY SAINT PATRICK CHURCH; THENCE SOUTH 89°19'10" EAST ALONG SAID SOUTH LINE, 300.73 FEET TO THE TRUE POINT OF BEGINNING, IN CHAMPAIGN COUNTY, ILLINOIS;

ALSO EXCEPT BATES SUBDIVISION AS RECORDED AS DOCUMENT NUMBER 2011R04209 IN THE OFFICE OF THE CHAMPAIGN COUNTY RECORDER OF DEEDS;

ALSO EXCEPT THAT PART WHICH FALLS WITHIN THE BOUNDARIES OF WWTP SUBDIVISION AS RECORDED AS DOCUMENT NUMBER 2023R08330 IN THE OFFICE OF THE CHAMPAIGN COUNTY RECORDER OF DEEDS.

