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2022R07071

STATE OF ILLINOIS

MADISON COUNTY

03/01/2022 11:32 AM

DEBRA D. MING-MENDOZA

CLERK & RECORDER

REC FEE: 50.00

CO STAMP FEE:

ST STAMP FEE:

FF FEE:

RHSPS FEE:

OF PAGES: 18

ENC.
RETURN TO:

**CITY CLERK
CITY OF TROY
116 E. MARKET
TROY, IL 62294**

50.00 CTY

CITY OF TROY

ORDINANCE NO. 2022 – 05

**AN ORDINANCE AUTHORIZING THE EXECUTION OF A WATER SERVICE
AND PRE-ANNEXATION AGREEMENT**

**ADOPTED BY THE CITY COUNCIL OF THE CITY OF TROY, ILLINOIS
THIS 22nd DAY OF FEBRUARY 2022**

Published in pamphlet form by the authority of the City Council of the City of Troy, Madison
County, Illinois, this 22nd day of February, 2022.

ORDINANCE NO. 2022-05

AN ORDINANCE AUTHORIZING THE EXECUTION OF A WATER SERVICE
AND PRE-ANNEXATION AGREEMENT

WHEREAS, it is in the best interest of the City of Troy ("City"), Madison County, Illinois, to enter into an Agreement for Water Service and Pre-Annexation pertaining to the property owned by Elizabeth Uhrich and Brian Bailey, (Lot 1 of Birkhead Estates Subdivision; PPID 09-2-22-21-00-000-053), and commonly known as 8333 W Kirsch Rd, Troy, Illinois 62294; and

WHEREAS, an Agreement for Water Service and Pre-Annexation has been drafted, a copy of which is attached hereto and incorporated herein; and

WHEREAS, the Petitioner is described in the aforesaid Agreement and/or the legal owner of record of the territory which is the subject of said Agreement is ready, willing, and able to enter said Agreement and to perform the obligations as required thereunder; and

WHEREAS, the City did, on the 22nd day of February, 2022, hold and conduct a public hearing pursuant to notice and statute; and

WHEREAS, all other statutory requirements set forth by 65 ILCS 5/11 pertaining to Annexation Agreements have been met.

NOW, THEREFORE, BE IT ORDAINED by City Council of the City of Troy, Illinois, County of Madison, State of Illinois, as follows:

SECTION 1: That the Mayor is hereby authorized and directed to execute the Agreement for Water Service and Pre-Annexation and the City Clerk is authorized and directed to attest the same and affix thereto the Corporate Seal of the City.

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

PASSED by the City Council on the 22nd day of February, 2022 by a vote of at least two-thirds of the corporate authorities of the City of Troy, Illinois.

Aldermen:

Dan Dawson	<u>AYE</u>	Sam Italiano	<u>AYE</u>	Ayes:	<u>7</u>
Tim Flint	<u>AYE</u>	Debbie Knoll	<u>AYE</u>	Nays:	<u>0</u>
Elizabeth Hellrung	<u>AYE</u>	Tony Manley	<u>ABSENT</u>	Absent:	<u>1</u>
Nathan Henderson	<u>AYE</u>	Troy Turner	<u>AYE</u>	Abstain:	<u>0</u>

APPROVED:

By: David Nonn
DAVID NONN, Mayor
City of Troy, Illinois

ATTEST:
By: Kimberly Thomas
KIMBERLY THOMAS, Clerk
City of Troy, Illinois

8333 W Kirsch Rd



Date: 1/19/2022
Time: 10:15:33 AM



Author: Madison County GIS
Copyright: Madison County Government



PRE-ANNEXATION REQUIREMENTS

Petitioners Must Furnish All of the Following Information with Their Agreement for Water Service and Pre-annexation

- 1) Full names, addresses and phone numbers of **ALL** owners of record. *Please note all owners are required to sign the agreement.*
 - ☐ If property is owned by a corporation, a resolution from the corporation authorizing named individuals to sign the agreement is required.
 - ☐ If the Petitioner is involved in a partnership, all partners are required to sign the agreement.
- 2) A copy of the most recent warranty deed or quit claim deed as evidence demonstrating the owners of record.
- 3) Proper legal description.
- 4) Map of property. *(This will be furnished by the City.)*

Initial water service will be provided upon receipt of completed application for water service. In order for water service to be continued Petitioners have until 11/12/2021 to return the attached "Agreement for Water Service and Pre-annexation" with all required documentation as noted above. If this agreement is not returned by the previously stated date, water service will be discontinued until such time as the completed agreement is returned to the City.

We, the undersigned property owner(s), agree to the foregoing and agree to provide the City of Troy with a completed Agreement for Water Service and Pre-Annexation along with required documentation by 11/12/2021.

Property Address: 8333 W. Kirsch Rd

Signed: _____

(Property Owner)

Dated: 10-11-21

Signed: _____

(Property Owner)

Dated: 10-11-21

Accepted by: Jen Daniel

(City of Troy Representative)

CITY OF TROY, ILLINOIS

AGREEMENT FOR WATER SERVICE AND PRE-ANNEXATION

This Agreement made by and between the City of Troy, Illinois, a municipal corporation, hereinafter referred to as "City" and the undersigned owner(s), hereinafter referred to as "Petitioners".

WHEREAS, Petitioners are the owner(s) of record of all lands within the territory legally described in Exhibit A, which is attached hereto and incorporated herein by reference, and

WHEREAS, Petitioners are desirous of obtaining water from the City and further desirous of annexing said territory to the City as soon as said annexation can be legally and practicably accomplished, all in order that Petitioners can obtain the benefit of various City services, including, but not limited to, police protection, snow removal, water and sewer services and others, and

WHEREAS, the described territory is not now contiguous to the boundaries of the City, thus precluding an immediate annexation of said territory, and

WHEREAS, the City is desirous of expanding its boundaries through annexation, and

WHEREAS, Petitioners have requested that the City execute this Agreement for Water Service and Pre-Annexation and commit itself to the terms and provisions hereof; and

WHEREAS, the Mayor and City Council of the City have determined that the future annexation of the above-referenced territory would benefit the City and its citizens and coincide with the long range planning and development goals of the City, and

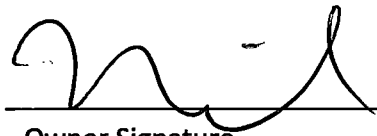
WHEREAS, the City Council of the City did, on the 22 day of February, 2022, hold and conduct a public hearing pursuant to notice and statute at which time any proponents or opponents to the terms of the Agreement for Water Service and Pre-Annexation were heard in such public hearing, and

WHEREAS, at its meeting on the 22 day of February, 2022, the corporate authorities of the City did by vote of 7 to 0, authorize its appropriate officials to execute said Agreement for Water Service and Pre-Annexation on behalf of the City.

NOW, THEREFORE, the parties to this Agreement do hereby mutually acknowledge and agree as follows:

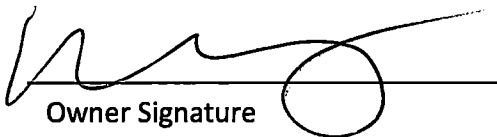
1. That the City of Troy will permit the Petitioners to connect to the water system of the City at the place and at the manner determined by the Water and Sewer Superintendent upon payment of the required fee, charges and deposits.
2. That water will be furnished to Petitioners at the rate as may from time to time be established by the Mayor and City Council of the City.
3. That Petitioners will pay for water furnished by the City at the rates for water service furnished to properties outside the City limits as established by Ordinance as long as this Agreement remains in effect.
4. That the City assumes no liability for either the supply or the pressure of the water to be furnished to the Petitioners.
5. That Petitioners will provide, install and maintain at their own cost and expense all necessary easements, pipes and attachments from the point of tap-on, and the plans and specifications for said work and performance of the same shall be subject to the approval of and done to the satisfaction of the Director of Public Works of the City.
6. That Petitioners shall at no time permit any other person, corporation, partnership or other entity to attach to the pipe or pipes authorized herein.
7. That at such time in the future as the boundaries of the City become contiguous to the territory herein referenced, the undersigned Petitioners, for themselves, their heirs, successors and assigns, in consideration of the foregoing, and the furnishing of water hereunder, that they shall, upon written request of the City, petition the City for annexation and shall execute all documents necessary to effect that end, and the City, by its duly authorized representatives, shall thereupon act as to cause and effect said annexation through Ordinance or otherwise, pursuant to the Illinois Municipal Code, Section 7-1-8 as amended, or by any means or methods of annexation then available and authorized by law.
8. That Petitioners, for themselves, their heirs, successors and assigns, agree that at such time as annexation becomes possible, that Petitioners, for themselves, their heirs, successors and assigns, will be responsible to pay for preparation of the Petitions and all other documents needed to perfect the annexation, including reasonable attorney's fees and a fee for preparation of the annexation map.

9. That this Agreement shall be binding upon the parties hereto, their heirs, successors and assigns, for a period of twenty (20) years from date hereof. This Agreement shall be subject to a request for renewal prior to expiration if Petitioners still require City water.
10. That this Agreement shall constitute a covenant running with the land and shall supersede all previous contracts or agreements between the parties hereto relative to water supply and annexation of Petitioner's property.
11. That upon the execution of the Agreement, a copy thereof, shall be caused to be filed in the office of the Recorder of Deeds, Madison County, Illinois, so as to put on notice any and all persons having an interest herein that this Agreement is intended to, and does in fact constitute a covenant running with the land and is thereby binding upon each of the undersigned, their heirs, agents, assigns, transferees, grantees, and successors.


Owner Signature

Elizabeth Uhrich
Printed Name

10-11-21
Date Signed

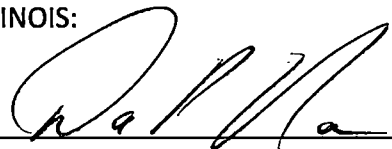

Owner Signature

Brian Bailey
Printed Name

10-11-21
Date Signed

DATED this 22nd day of February, 20 22.

CITY OF TROY, ILLINOIS:


Mayor, City of Troy


City Clerk, City of Troy



WARRANTY DEED

137688

klk

THIS INDENTURE WITNESSETH, that the Grantor, TAMMY BIRKHEAD, surviving joint tenant of DAVID BIRKHEAD, deceased, of the County of *LEE* and State of *FLORIDA*, for and in consideration of the sum of One Dollar and other good and valuable considerations, the receipt of which is hereby acknowledged, CONVEY and WARRANT to ELIZABETH ANN UHRICH,

whose address is:

the following described real estate, to-wit:

Lot 1 in Final Plat of Birkhead Estates Subdivision, according to the plat thereof recorded in Plat Cabinet 66 Page 44, (except coal and other minerals underlying said premises with the right to mine and remove same) in Madison County, Illinois.

Together with an easement for ingress and egress and utilities over a 50 foot wide strip for access and utility easement shown as Blackberry Lane on the Final Plat of Birkhead Estates Subdivision, according to the plat thereof recorded in Plat Cabinet 66 Page 44, in Madison County, Illinois.

Permanent Parcel No. 09-2-22-21-00-000-053

SUBJECT TO THE EASEMENTS, COVENANTS AND RESTRICTIONS OF RECORD.

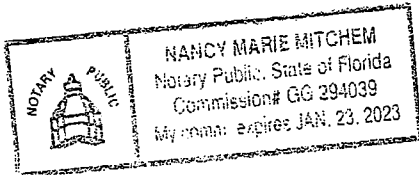
Hereby releasing and waiving all rights under and by virtue of the Homestead Exemption Laws of the State of Illinois.

Dated this 8 day of October, 2021.

Tammy Birkhead
TAMMY BIRKHEAD

STATE OF Florida)
COUNTY OF Lee) SS Bonita Springs

I, the undersigned, a Notary Public in and for said county and state aforesaid, DO HEREBY CERTIFY THAT TAMMY BIRKHEAD, personally known to me to be the same person whose name is subscribed to the foregoing instrument as having executed the same, appeared before me this day in person and acknowledged that they signed, sealed and delivered the said instrument as their free and voluntary act for the uses and purposes therein set forth, including the release and waiver of the right of homestead. Given under my hand and Notarial Seal this 8th day of October, 2021.



Nancy Marie Mitchem
Notary Public Nancy Marie Mitchem

Return Document to:

Future Taxes To Grantee's Address:

This Instrument Prepared By:
Barbara L. Sherer, Attorney at Law
Attorney Registration # 06202620
205 N. Second Street, Suite 102
Edwardsville, Illinois 62025
618/692-6656



AFFIDAVIT FOR PURPOSE OF PLAT ACT REQUIREMENTS (765 ILCS 205)
THIS IS A LEGAL DOCUMENT – CONSULT YOUR PRIVATE ATTORNEY
 (County Zoning & Subdivision Ordinances May Also Apply)

ORIGINAL AFFIDAVIT REQUIRED FOR RECORDING, COPIES WILL NOT BE ACCEPTED

Affiant is the Grantor or is the Grantors authorized representative in a deed transferring interest in the real estate described in the accompanying deed. Affiant further states this transfer is exempt from the Illinois Plat Act because it is:

(Please check all that apply)

☒ A. NOT A DIVISION OF LAND (parcel lines unchanged) () C. DIVISION FOR TAXING PURPOSES ONLY (parcel lines change)

() B. A DIVISION OF LAND THAT MEETS ONE OF THE FOLLOWING EXCEPTIONS TO THE PLAT ACT;

____ 1. A division or subdivision of land into tracts of five (5) acres or more not involving new streets or easements of access with a minimum of five (5) acres residue or Grandfathered under prior approved plat by Land Use Committee.

____ 2. A division of lots or blocks of less than one (1) acre in a recorded subdivision not involving new streets or easements of access.

____ 3. A sale or exchange of land between owners of adjoining and contiguous land.

____ 4. A conveyance of land for use as a right-of-way for public utilities and other pipelines not involving new streets or easements of access.

____ 5. A conveyance of land owned by a public utility not involving new streets or easements of access.

____ 6. A conveyance of land for highway or other public purpose or relating to a dedication of land or for vacation of land subject to a public use.

____ 7. A conveyance made to correct a description in prior conveyance.

____ 8. The sale or exchange of parcels of land following the division into no more than two (2) parts of a parcel existing on July 17, 1959, and not involving any new streets or easements of access.

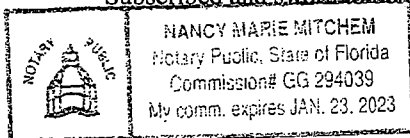
____ 9. The sale of a single lot/tract less than five (5) acres from a larger tract. (Exception only applies to the 1st tract conveyed from a larger tract as it existed on October 1, 1973.) (The single tract of less than five (5) acres must have been surveyed by an Illinois Registered Land Surveyor whose survey must accompany the deed)

IF A IS MARKED ABOVE, APPROVAL BY THE MAPS & PLATS GIS DIVISION IS NOT REQUIRED.
IF B OR C IS MARKED ABOVE, APPROVAL BY THE MAPS & PLATS GIS DIVISION IS REQUIRED.

Under the penalties of perjury I swear that the statements contained here are true and correct.

NAME Tammy Birkhead SIGNATURE: T Birkhead DATE: 10/8, 2021
 (Please Print)

Subscribed and sworn to before me this 8th day of October, 2021



Nancy Marie Mitchem
 Notary Public Nancy Marie Mitchem

All divisions of less than 2 acres within the County jurisdiction must be reviewed by the
Madison County Planning and Development Department

This affidavit only ensures the Recorder's Office compliance with the State Plat Act. If the property is located within a municipality or within 1.5 miles of a municipality, local ordinances may apply. If exception 9 is used, it is required that this land division be reviewed & approved by the participating municipality. Each municipality has five (5) business days to review deed(s) and return. If the five day limit expires, Maps & Plats will process the deed upon proof of date submitted to municipality.

Date Submitted to Municipality (s) _____ (Please check one) () Municipality Jurisdiction () County Jurisdiction

Municipality (s) with Jurisdiction: _____

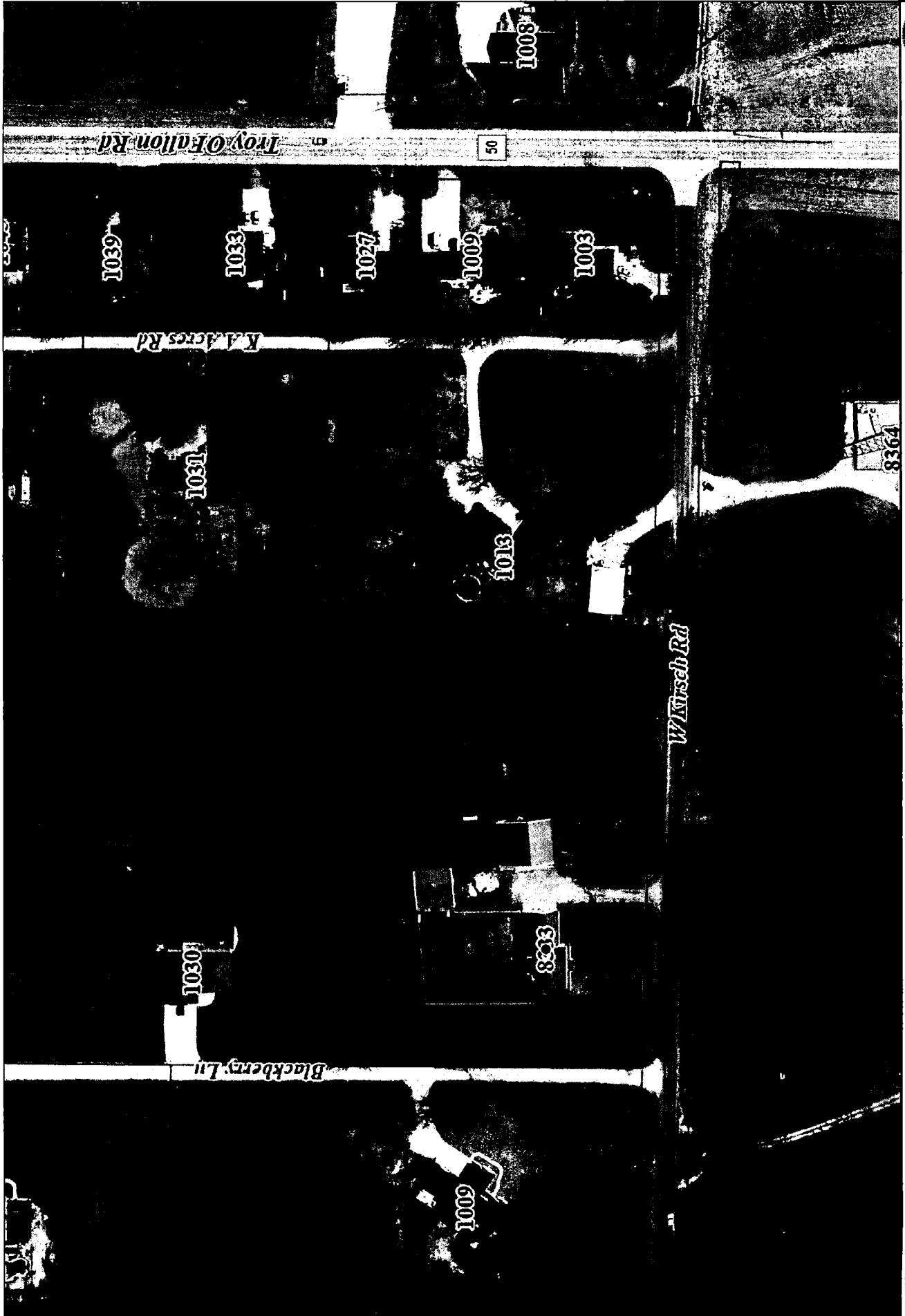
_____ Municipal Planning Official's Signature	_____ Print Name	_____ Date
_____ Municipal Planning Official's Signature	_____ Print Name	_____ Date

(Revised 8/11)



0 2,600 ft

8333 W Kirsch Rd



Date: 1/18/2022
Time: 10:15:33 AM



Author: Madison County GIS
Copyright: Madison County Government

A compass rose showing the cardinal directions: North (N), South (S), East (E), and West (W).

Property Information		
Parcel Number 09-2-22-21-00-000-053	Site Address 8333 W KIRSCH RD TROY, IL 62294	Owner Name & Address BIRKHEAD, DAVID AND TAMMY 8333 W KIRSCH RD TROY, IL, 62294
Tax Year 2020 (Payable 2021) ▼		
Sale Status None	Neighborhood Code 0151	Land Use 0431 - Single Family - Residential
Property Class 0040 - IMPROVED LOTS	Tax Code 364 - #2; TROY FIRE; TRI-TWP PARK; LIB	Tax Status Taxable
Net Taxable Value 158,460	Tax Rate 7.281600	Total Tax \$11,538.40
Township 09-JARVIS	Acres 3.5800	Mailing Address
1977 Assessment 0	Lot Size	TIF Base Value 0
Legal Description FINAL PLAT OF BIRKHEAD ESTATES SUBDIVISION LOT 1 468.50 X 333.19 IRREGULAR		

Billing									
Installment	Date Due	Tax Billed	Penalty Billed	Cost Billed	Drainage Billed	Total Billed	Amount Paid	Date Paid	Total Unpaid
1	07/08/2021	\$2,884.60	\$0.00	\$0.00	\$0.00	\$2,884.60	\$2,884.60	7/6/2021	\$0.00
2	09/08/2021	\$2,884.60	\$0.00	\$0.00	\$0.00	\$2,884.60	\$2,884.60	9/7/2021	\$0.00
3	10/08/2021	\$2,884.60	\$43.27	\$0.00	\$0.00	\$2,927.87	\$2,927.87	10/15/2021	\$0.00
4	12/08/2021	\$2,884.60	\$0.00	\$0.00	\$0.00	\$2,884.60	\$2,884.60	10/15/2021	\$0.00
Total		\$11,538.40	\$43.27	\$0.00	\$0.00	\$11,581.67	\$11,581.67		\$0.00

Payment History			
Tax Year	Total Billed	Total Paid	Amount Unpaid
2020	\$11,581.67	\$11,581.67	\$0.00
2019	\$11,381.60	\$11,381.60	\$0.00
2018	\$11,134.96	\$11,134.96	\$0.00
Show 2 More			

Assessments						
Level	Homesite	Dwelling	Farm Land	Farm Building	Mineral	Total
DOR Equalized	20,520	137,940	0	0	0	158,460
Department of Revenue	20,520	137,940	0	0	0	158,460
Board of Review Equalized	20,520	137,940	0	0	0	158,460
Board of Review	20,100	135,100	0	0	0	155,200
S of A Equalized	20,100	135,100	0	0	0	155,200
Supervisor of Assessments	20,100	135,100	0	0	0	155,200
Township Assessor	20,100	135,100	0	0	0	155,200
Prior Year Equalized	20,100	135,100	0	0	0	155,200

No Exemptions

Market Land Valuation

Property Class	Description	Type	Sq. Ft.	Calc. Acres	Deed Acres
RES - Residential		PRIMARY -	155,945	3.58	0.00

Structure (1 of 1)

No Farmland Information

Parcel Owner Information

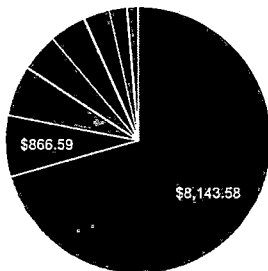
Name	Tax Bill	Address
DAVID AND TAMMY BIRKHEAD	Y	8333 W KIRSCH RD TROY, IL, 62294

Sales History

Year	Document #	Sale Type	Sale Date	Notes	Sold By	Sold To	Price
2021	2021R43732	Valid Sale	10/18/2021		DAVID AND TAMMY BIRKHEAD	ELIZABETH ANN UHRICH	\$600,000.00

Taxing Bodies

District	Tax Rate	Extension
TRIAD CU #2	5.139200	\$8,143.58
MADISON COUNTY	0.546900	\$866.59
SW IL COLLEGE #522	0.446200	\$707.05
TROY FIRE	0.335300	\$531.32
JARVIS ROAD & BRIDGE	0.325000	\$515.00
TRI TOWNSHIP PARK	0.233500	\$370.00
TRI-TWNSHP LIBRARY DIST	0.158900	\$251.79
JARVIS TOWNSHIP	0.096600	\$153.07
TOTAL	7.281600	\$11,538.40



- TRIAD CU #2
- MADISON COUNTY
- SW IL COLLEGE #522
- TROY FIRE
- JARVIS ROAD & BRIDGE
- TRI TOWNSHIP PARK
- TRI-TWNSHP LIBRARY DIST
- JARVIS TOWNSHIP

No Permits

● Legal Information
Legal 1
Legal Description
FINAL PLAT OF BIRKHEAD ESTATES SUBDIVISION LOT 1 468.50 X 333.19 IRREGULAR

Disclaimer

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NOTICE OF A PUBLIC HEARING

A Public Hearing will be held on Tuesday, February 22, 2022 at 7:11 p.m. (or immediately following previous public hearing) at the City Hall Council Chambers, 116 E. Market St., Troy, IL to hear the petition for Water Service and Pre-Annexation submitted by:

Elizabeth Uhrich and Brian Bailey
8333 W. Kirsch Rd.
Troy, IL 62234

At this time any and all proponents or opponents to the terms of the Water Service and Pre-annexation Agreement will be heard.

Linda Taake
Building & Zoning
Administrative Coordinator

Public Notified: 1/31/2022
Media Notified: 1/31/2022

CERTIFICATION OF PUBLICATION

State of Illinois)

County of Madison)

THIS IS TO CERTIFY, that the notice which is a printed copy is hereto annexed, was published 1 times, once in each week for successive weeks in the TIMES-TRIBUNE, a newspaper of general circulation, published in the City of Troy, in said County and State, by Better Newspapers, INC and that the first insertion was made in the paper published on the 3rd day of February 2022 A.D., and the last in the paper published on the 3rd day of February 2022 A.D. and said the newspaper was regularly published for once a week.

Printer's Fees- \$

TIMES - TRIBUNE

By 

Troy, IL February 2nd 2022 A.D.

NOTICE OF A PUBLIC HEARING

A Public Hearing will be held on Tuesday, February 2022 at 7:11 p.m. (or immediately following previous public hearing) at the City Hall Council Chambers, 116 E. Market St., Troy, IL to hear the petition for Water Service and Pre-Annexation submitted by: **Elizabeth Uhrich and Brian Bailey 8333 W. Kirsch Rd. Troy, IL 62234**

At this time any and all proponents or opponents to the terms of the Water Service and Pre-annexation Agreement will be heard.

Linda Taake
Building & Zoning
Administrative Coordinator
2/3c



Tuesday, February 22, 2022
Public Hearing Pre-Annexation of 8333 W Kirsch Road

City of Troy
Public Hearing

The Meeting is held in the Council Chambers, City Municipal Building, 116 East Market Street, Troy, Illinois 62294

7:11pm (or immediately following the previous public hearing)

A. Agenda Items

1. Call to Order and Pledge of Allegiance
2. Roll Call in Alphabetical Order
3. Presentation and Discussion: Pre-Annexation of 8333 W. Kirsch Road (Permanent Parcel Number 09-2-22-21-00-000-053)
4. Request for Anyone Wishing to Speak During the Hearing to Sign In
5. Comments of Petitioner and/or Representative (or Attorney, if Present)
6. Public Comment
7. Discussion by the City Council
8. Adjournment

END OF DOCUMENT