

Return to \$

PREPARED BY:

CITY OF TROY  
116 E. MARKET  
TROY, IL 62294

EW.



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2022R32929  
STATE OF ILLINOIS  
MADISON COUNTY  
10/11/2022 10:50 AM  
DEBRA D. MING-MENDOZA  
CLERK & RECORDER  
REC FEE: 50.00  
CO STAMP FEE:  
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RHSPS FEE:  
# OF PAGES: 11

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CITY OF TROY

ORDINANCE 2022 – 35

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AN ORDINANCE AUTHORIZING THE EXECUTION OF A WATER SERVICE AND  
PRE-ANNEXATION AGREEMENT (521 Coventry Road)

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ADOPTED BY THE CITY COUNCIL OF THE CITY OF TROY, ILLINOIS  
THIS 6<sup>th</sup> DAY OF SEPTEMBER, 2022

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ORDINANCE NO. 2022-35

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 Brent Loepker (BETHANY FARMS LOT 16; PPID 09-2-22-10-00-000-029), and commonly known as 521 Coventry Road, Troy, IL 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 6<sup>th</sup> day of September, 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 THE MAYOR AND CITY COUNCIL OF THE CITY OF TROY, 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 of the City of Troy, Illinois, the 6<sup>th</sup> day of September, 2022 by at least a vote of two-thirds of the corporate authorities of the City of Troy, Illinois.


Aldermen:	Dawson	<u>AYE</u>	Italiano	<u>AYE</u>	Total:	<u>8</u> Ayes
	Flint	<u>AYE</u>	Knoll	<u>AYE</u>		
	Hellrung	<u>AYE</u>	Manley	<u>AYE</u>		<u>0</u> Nays
	Henderson	<u>AYE</u>	Turner	<u>AYE</u>		

**APPROVED** by the Mayor of the City of Troy, Illinois, the 6<sup>th</sup> day of September, 2022.

**ATTEST:**

  
Kimberly Thomas  
City Clerk, City of Troy, Illinois

**APPROVED:**

  
David Nonn  
Mayor, City of Troy, Illinois

(SEAL)

1892

ILLINOIS



**Tuesday, September 6, 2022**  
**Public Hearing Pre-Annexation #4 - 521 Coventry Road**

**City of Troy**

**Public Hearing**

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

**6:18 pm (or immediately following the previous public hearing)**

**A. Agenda Items**

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1. Call to Order and Pledge of Allegiance
2. Roll Call in Alphabetical Order
3. Presentation and Discussion: Pre-Annexation of 521 Coventry Road (Permanent Parcel Number 09-2-22-10-00-000-029)
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

**CITY OF TROY, ILLINOIS**  
**AGREEMENT FOR WATER SERVICE AND PRE-ANNEXATION**

Property Address: 521 Coventry Road

Resident: Brent Loepker

Resident: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Email: \_\_\_\_\_

Email: \_\_\_\_\_

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 6th day of September, 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 6th day of September, 2022, the corporate authorities of the City did by vote of 8 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 attorneys 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.

Brent Loepke  
Owner Signature

Brent Loepke  
Printed Name

6-17-22  
Date Signed

\_\_\_\_\_  
Owner Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date Signed

DATED this 6th day of September, 20 22.

CITY OF TROY, ILLINOIS:

[Signature]  
Mayor, City of Troy

[Signature]  
City Clerk, City of Troy



(Unrecorded copy)

Deed prepared by:

Paul H. Lauber  
Attorney at Law  
#3B Club Centre Court  
Edwardsville, IL 62025  
(618) 692-9080

**TRUSTEE'S DEED**

**HERBERT L. LOEPKER, Trustee** under that certain **Declaration of Trust of Herbert L. Loepker Dated February 12, 2018**,

Does hereby grant, bargain, sell, and convey unto

**BRENT AARON LOEPKER**, an unmarried person, the following described real estate, to-wit:

**Lot 16 in Bethany Farms, a subdivision in the Southeast Quarter of Section 10, Township 3 North, Range 7 West of the Third Principal Meridian, according to the plat thereof recorded in Plat Book 46 Page 101, in Madison County, Illinois;**

Situated in the County of Madison, in the State of Illinois;

Subject to agreements, building lines, conditions, covenants, declarations, grants, easements, exceptions, ordinances, plats, reservations, restrictions, rights-of-way, and zoning regulations, of record; subject to taxes for the year 2022 and following;

**COMMON ADDRESS: 521 Coventry Road, Troy, Illinois 62294;**

**PARCEL ID NUMBER: 09-2-22-10-00-000-029.**

The undersigned Trustee represents that the above-mentioned Trust is still in full force and effect, and that he the duly appointed, current, Trustee.

Dated: MAY 12, 2022

**The Herbert L. Loepker Trust,**

By: Herbert L. Loepker  
**Herbert L. Loepker, not individually but as Trustee**

Exempt under provisions of Paragraph e, Section 21-45 of the  
Real Estate Transfer Tax Law (35 ILCS 200/31-45).

5/12/22  
(Date)

Herbert L. Loepker  
Seller, Buyer, or Representative

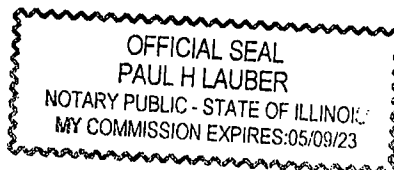
STATE OF ILLINOIS     )  
                                      ) SS.  
COUNTY OF MADISON )

I, the undersigned, a Notary Public of the State of Illinois, certify that **HERBERT L. LOEPKER**, personally known to me to be the Trustee of the aforementioned Trust created under instrument dated **February 12, 2018**, and personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that he signed and delivered the instrument as his free and voluntary act, for the uses and purposes therein set forth.

Dated May 12, 2022.

Paul H. Lauber  
Notary Public

Future Taxes to:  
Brent Aaron Loepker  
521 Coventry Road  
Troy, Illinois 62294



Return to:  
PAUL H. LAUBER  
3 B Club Centre Court  
Edwardsville, IL 62025





**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.

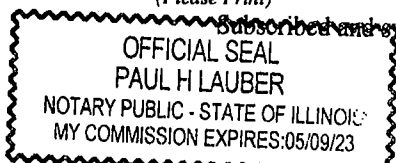
\_\_\_ 8. The sale or exchange of parcels of land following the division into no more than two (2) parts of a parcel existing on July 17, 1959, and not involving any new streets or easements of access.

\_\_\_ 9. The sale of a single lot/tract less than five (5) acres from a larger tract. (Exception only applies to the 1<sup>st</sup> 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 Herbert Loepke (Please Print) SIGNATURE: [Signature] DATE: May 12, 2022



Subscribed and sworn to before me this 12 day of May, 2022

[Signature]  
Notary Public

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.**

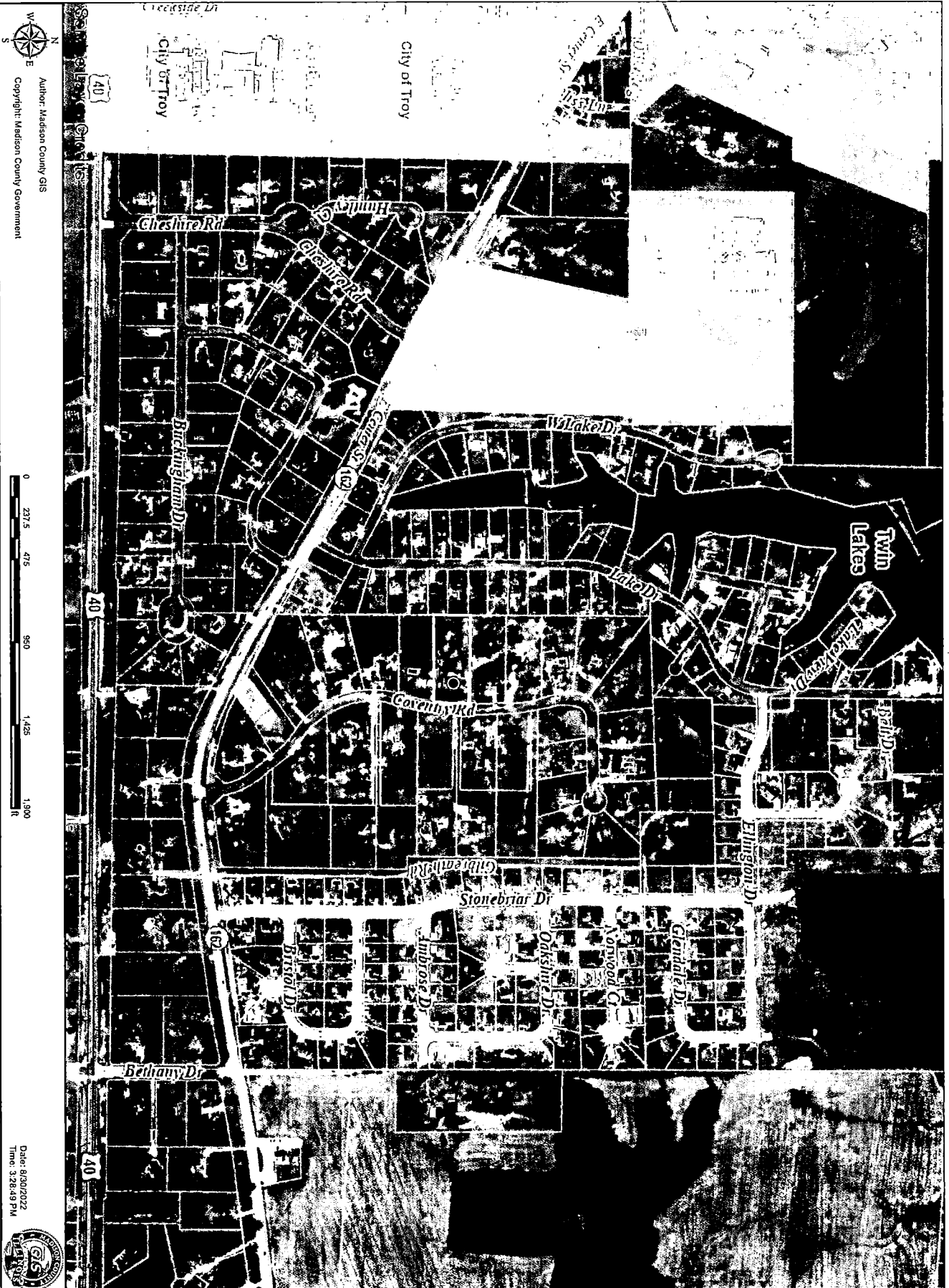
Date Submitted to Municipality (s) \_\_\_\_\_ (Please check one) ( ) Municipality Jurisdiction ( ) County Jurisdiction

Municipality (s) with Jurisdiction: \_\_\_\_\_

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

(Revised 8/11)

# 521 Coventry



## CERTIFICATION OF PUBLICATION

State of Illinois       )  
County of Madison    )

THIS IS TO CERTIFY, that the notice which is published 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 18<sup>th</sup> day of August 2022 A.D., and the last in the paper published on the 18<sup>th</sup> day of August 2022 A.D. and said the newspaper was regularly published for once a week.

Printer's Fees- \$

### TIMES - TRIBUNE

By Allison Kinney  
Troy, IL August 18<sup>th</sup> 2022 A.D.

#### \*\*\*NOTICE OF PUBLIC HEARING\*\*\*

A Public Hearing will be held on Tuesday, September 6, 2022 at 6:18 p.m. (or immediately following the previous public hearing) at Troy City Hall, 116 E. Market Street, Troy, IL to hear the petition for Water Service and Pre-Annexation submitted by: Brent Loepker, 521 Coventry Road, Troy, IL 62294. (Parcel no. 08-2-22-10-00-000-029). At this time any and all proponents or opponents to the terms of the Water Service and Pre-annexation Agreement will be heard.

City Clerk  
Kimberly Thomas  
8/18C

# END OF DOCUMENT