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Prepared by:

CLERK, CITY OF TROY
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TROY, IL 62294

EW.

2022R36326
STATE OF ILLINOIS
MADISON COUNTY
11/15/2022 09:23 AM
DEBRA D. MING-MENDOZA
CLERK & RECORDER
REC FEE: 50.00
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OF PAGES: 10

CITY OF TROY

50.00 CTU

ORDINANCE 2022 – 39

**AN ORDINANCE AUTHORIZING THE EXECUTION OF A WATER SERVICE AND
PRE-ANNEXATION AGREEMENT (112 Melanie Lane, Collinsville)**

**ADOPTED BY THE CITY COUNCIL OF THE CITY OF TROY, ILLINOIS
THIS 19th DAY OF SEPTEMBER, 2022**

[Handwritten signature]

ORDINANCE NO. 2022-39

**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 DJ Marie Moore (PT N1/2 NE SE ; PPID 13-1-21-13-00-000-016.002), and commonly known as 112 Melanie Lane Collinsville, IL; 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 19th 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 19th 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>7</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>ABSENT</u>			


APPROVED by the Mayor of the City of Troy, Illinois, the 19th day of September, 2022.

ATTEST:


Kim Thomas
City Clerk, City of Troy, Illinois

(SEAL)

APPROVED:


David Nonn
Mayor, City of Troy, Illinois

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

Property Address: 112 Melanie Lane

Resident: DS Moore

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 19TH 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 19TH day of SEPTEMBER, 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 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.



Owner Signature



Printed Name



Date Signed

Owner Signature

Printed Name


Date Signed

DATED this 19TH day of SEPTEMBER, 2022.

CITY OF TROY, ILLINOIS:



Mayor, City of Troy



City Clerk, City of Troy

TRUSTEE'S DEED

The Grantor, TODD K. OLSON, TRUSTEE OF THE TODD K. OLSON LIVING TRUST DATED SEPTEMBER 16, 2019, whose address is 112 Melanie Lane, Collinsville, IL 62234 for and in consideration of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, and by the power conferred by such Trust and every other power hereby, CONVEYS and QUIT CLAIMS to the Grantee, DJ MARIE MOORE, a married person, whose address is 2960 Kobe Drive, San Diego, CA 92123, all interest in the following described Real Estate situated in the County of Madison in the State of Illinois, to wit:

See Exhibit "A" attached hereto and made a part hereof

SUBJECT TO: Covenants, conditions, and restrictions of record.

Permanent Real Estate Index Number: 13-1-21-13-00-000-016.002

Address of Real Estate: 112 Melanie Lane, Collinsville, IL 62234

The undersign certifies that (i) the above mentioned Trust is in full force and effect, (ii) this instrument is executed in accordance with the trust, conditions and limitations contained therein or in any amendments thereof and binding upon all beneficiaries, and (iii) the undersigned is duly authorized and empowered to execute and deliver this instrument.

Dated this 12 day of July, 2022.

EXHIBIT A

A tract of land in the Southeast Quarter of Section 13, Township 3 North, Range 8 West of the Third Principal Meridian, Madison County, Illinois, being more particularly described as follows:


Beginning at the Southwest corner of that tract described by deed recorded in Book 3103 on Page 1, of the Madison County records; thence North 0 degrees 11 minutes 43 seconds East along the West line of the Northeast Quarter of the Southeast Quarter of Section 13 a distance of 451.78 feet to an iron rod; thence South 45 degrees 53 minutes 56 seconds East 370.89 feet to an iron rod at the Northwest corner of Melanie Lane; thence South 0 degrees 05 minutes 39 seconds West along the West line of Melanie Lane and the West line of Lot 13 in Country Side Estates as shown by the Plat thereof recorded in Plat Cabinet 49 on Page 129, of the Madison County records, 200.01 feet to the Southwest corner of Lot 13; thence North 88 degrees 38 minutes 28 seconds West 267.63 feet to the point of beginning.

Excepting coal, gas and other mineral rights conveyed, excepted or reserved in prior conveyances.

Situated in the County of Madison and State of Illinois.

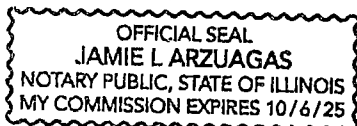
Permanent Parcel No.: 13-1-21-13-00-000-016.002

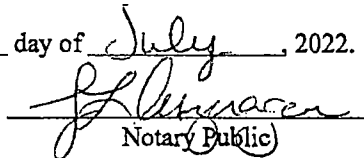
GRANTOR:


TODD K. OLSON, TRUSTEE OF THE TODD K. OLSON LIVING TRUST DATED
SEPTEMBER 16, 2019

I, the undersigned, a Notary Public, in and for said County in the State aforesaid, CERTIFY THAT, Todd K. Olson, personally known to me to be the Trustee of the Todd K. Olson Living Trust dated September 16, 2019, being the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that he/she signed, sealed and delivered the said instrument as his/her free and voluntary act as such Trustee, for the use and purposes therein set forth.

Given under my hand and official seal this 12 day of July, 2022.




Notary Public

Prepared by: John W. McCracken, Attorney, McCracken Law Firm, LLC., 1 Country Club View, Suite 201, Edwardsville, IL 62025, john@mccrackenlaw.com, 618-685-1200

After Recording Mail to: DJ Marie Moore, 112 Melanie Lane, Collinsville, IL 62234

Name and Address of Taxpayer: DJ Marie Moore, 112 Melanie Lane, Collinsville, IL 62234



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.

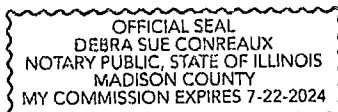
____ 9. The sale of a single lot/tract less than five (5) acres from a larger tract. (Exception only applies to the 1st tract conveyed from a larger tract as it existed on October 1, 1973.) (The single tract of less than five (5) acres must have been surveyed by an Illinois Registered Land Surveyor whose 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 Janie L. Acunagas (Please Print) SIGNATURE: [Signature] DATE: July 14, 2022

Subscribed and sworn to before me this 14th day of July, 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)

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 1st day of September 2022 A.D., and the last in the paper published on the 1st day of September 2022 A.D. and said the newspaper was regularly published for once a week.

Printer's Fees- \$ 17.60

TIMES - TRIBUNE

By Allison Kinney
Troy, IL September 1 2022 A.D.

*****NOTICE OF PUBLIC HEARING*****
A Public Hearing will be held on Monday, September 19th, 2022 at 6:17 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: DJ Marie Moore, 112 Melanie Lane, Collinsville, IL 62234 (Parcel no 13-1-21-13-00-000-016.002). 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
9/1C

END OF DOCUMENT