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Cook County Recorder 33.00



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Property of Cook County Clerk's Office

PRE-ANNEXATION AGREEMENT

BETWEEN

THE ILLINOIS STATE TOLL HIGHWAY AUTHORITY

and

THE VILLAGE OF NORTHBROOK, ILLINOIS

May 19, 2000

BOX 337

I hereby certify this to be a true and exact copy of the original.

7/7/00 Lona N. Lewis
Date Village Clerk

PRE-ANNEXATION AGREEMENT

THIS PRE-ANNEXATION AGREEMENT, made this TH 19 day of MAY, 2000, by and between the Village of Northbrook a municipal corporation, hereinafter sometimes referred to as "VILLAGE" and THE ILLINOIS STATE TOLL HIGHWAY AUTHORITY, hereinafter sometimes referred to as 'AUTHORITY':

WITNESSETH:

WHEREAS, the VILLAGE desires to annex that portion of AUTHORITY property described on the attached legal descriptions (the "Property"); and

WHEREAS, the VILLAGE and AUTHORITY desire to enter into an ANNEXATION AGREEMENT.

WHEREAS, the VILLAGE and AUTHORITY have complied with all notice, hearing, and other requirements necessary for the approval of the Agreement pursuant to Section 11-15.1-1 et seq. Of the Illinois Municipal Code 65 ILCS S/11-15.1-1 et seq.;

NOW, therefore, it is agreed between the VILLAGE and AUTHORITY, in consideration of the mutual promises and agreements stated herein as follows:

1. The VILLAGE agrees that it will in no way interfere with the exclusive policing of the Tollway by the AUTHORITY, its agents and the Illinois State Police, and that it will do nothing which would interfere with traffic on the Tollway.
2. The VILLAGE agrees, to the extent the VILLAGE has or in the future secures authority or control thereof, to cause to be made or make existing and/or future water and sewer services available to the AUTHORITY. Upon request by the AUTHORITY, the VILLAGE shall provide such services to the AUTHORITY on the same terms and at the same rates which are in effect for other VILLAGE resident users of such services Any and all permits, connection or other fees related to and installing of such services shall not be assessed against the AUTHORITY or its contractors.

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3. The VILLAGE agrees that it will make existing and/or future fire and ambulance protection services available to the AUTHORITY on the same terms and at the same rates which have been in effect under the agreements between the AUTHORITY and the Northbrook Rural Fire Prevention District.

4. The VILLAGE agrees that the AUTHORITY is an instrumentality and administrative agency of the State of Illinois and the AUTHORITY shall not be subject to local rule, regulation, ordinance or code provisions relating to use or development of the Property.

5. Except for its legal share of any sales tax, the VILLAGE agrees not to impose or levy any tax, special assessment or fee of any nature against the operations or property of The Illinois State Toll Highway Authority or its agents or lessees, which the AUTHORITY, its agents, or lessees would not now or would not hereafter be subject to but for this annexation.

6. The VILLAGE agrees to abide by the AUTHORITY'S standard permit procedures and requirements for any projected work that affects the Property.

7. The VILLAGE agrees that it will not permit any billboards or any other advertising devices on the Property and within a distance of 500 feet of the Tollway right of way lines except for business signs identifying and advertising the business conducted on the Property and "For Sale" or "For Rent" signs related to the Property on which such signs are located.

8. The VILLAGE agrees that it will reimburse the AUTHORITY for all costs that the AUTHORITY incurs in processing this annexation request.

9. The VILLAGE agrees that it will assume full responsibility for compliance with all Illinois laws regarding annexation.

10. The VILLAGE agrees that it will not assess any annexation fees to or against the AUTHORITY as a result of this annexation.

11. VILLAGE and AUTHORITY agree that this ANNEXATION AGREEMENT shall be binding upon and inure to the benefit of the parties hereto, and their successors and assigns.

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12. The AUTHORITY, upon execution of this Agreement, will execute and file with the VILLAGE a proper petition, subject to the terms and conditions of this Agreement, to annex the real estate to the Village of Northbrook, pursuant to the applicable provisions of the Illinois Municipal Code. Upon receipt of the petition, the VILLAGE shall take all required action to annex the subject Property to the VILLAGE, and the AUTHORITY shall not object to such actions by the VILLAGE.

The Illinois State Toll Highway Authority

By *Arthur Philip*

ATTEST:

Martha W. Jumento
Secretary

By *Mad W. Dan*

ATTEST:

Lora N. Louis
Secretary

Approved as to Form and Constitutionality

James E. Ryan RED
Attorney General, State of Illinois

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04/27/00

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RESOLUTION NO. 15598

WHEREAS, The Illinois State Toll Highway Authority (hereinafter the Authority), under the Toll Highway Act, 605 ILCS 10/1 et seq., is granted all powers necessary to carry out its legislative purposes as to the construction, operation, regulation and maintenance of its system of toll highways; and

WHEREAS, the Village of Northbrook, County of Cook, in the State of Illinois, has requested the consent of the Authority to an annexation of a portion of the Edens Spur, subject to customary Authority terms and conditions; and

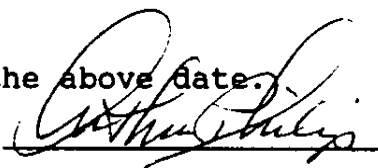
WHEREAS, such an annexation must be approved by the Authority's Board of Directors pursuant to 65 ILCS 5/7-1-2; and

WHEREAS, it is in the best interest of the Authority to consent to said annexation of the aforementioned property and enter into an annexation agreement with the Village of Northbrook with respect to said annexation.

NOW, THEREFORE, BE IT RESOLVED by The Illinois State Toll Highway Authority as follows:

That the Legal Department of the Authority is hereby authorized and directed to prepare an annexation agreement, as well as all other documents necessary to effectuate said annexation with the Village of Northbrook, which provides for consent to annexation of Authority property which will be legally described in the final agreement, and that the Chairman of the Authority, or in the event the Chairman is unable to sign, the Executive Director, is authorized to execute said annexation agreement as well as all other necessary documents therefor on behalf of the Authority.

Passed on the above date.
Approved



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EXHIBIT A

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LEGAL DESCRIPTION OF THE PROPERTY

All that part of the Illinois Tri-State Tollway (Edens Spur), lying east of the east right of way of the Metra tracks (Commuter Rail Division of the Regional Transportation Authority and formerly the Chicago Milwaukee St. Paul & Pacific Railroad) and lying west of the west right of way of Waukegan Road (Route 43) in Section 4, Township 42 North, Range 12 East of the Third Principal Meridian, in Cook County, Illinois.

No PIN: Exempt Road

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RESOLUTION NO. 00-R-100

00533222

(Authorizing the Execution of an Annexation Agreement
for certain property located in unincorporated
Cook County, Illinois and legally described herein)

The Village desires to annex that portion of The Illinois State Toll Highway Authority (Authority) property described on the attached legal description (the Property) and the Authority has agreed to enter into an Annexation Agreement. The proposed Annexation Agreement has been reviewed by Village staff and the Village Attorney and is attached hereto and incorporated herein as Exhibit B.

NOW, THEREFORE, BE IT RESOLVED by the President and Board of Trustees of the Village of Northbrook, County of Cook and State of Illinois, THAT:

Section 1. Pursuant to the provisions of Section 11-15.1-1 *et seq.* of the Illinois Municipal Code, 65 ILCS 5/11-15.1-1 *et seq.*, the proposed Annexation Agreement was submitted to the Corporate Authorities and, pursuant to notice published in the *Northbrook Star* on June 8, 2000, as provided by statute, a public hearing was held thereon by the Corporate Authorities on June 27, 2000.

Section 2. The Annexation Agreement, by, between, and among The Illinois State Toll Highway Authority, and the Village of Northbrook for the Property is hereby approved in substantially the form attached to this Resolution.

Section 3. The Village President and Village Clerk are hereby authorized and directed to execute and seal, on behalf of the Village, said Annexation Agreement only after receipt by the Village of a copy of said Agreement fully executed by all other parties thereto.

Section 4. The Village Manager is hereby directed to record said Annexation Agreement with the Cook County Recorder upon satisfactory completion of all administrative details relating thereto.

PASSED: This 27th day of June, 2000.

AYES: (6) Trustees Jaeger, Frum, Buehler, Donwald and Meek
And Village President Damisch

NAYS: (0)

ABSENT: (1) Trustee Karagianis

ABSTAIN: (0)

/s/ Mark W. Damisch

Village President

ATTEST:

/s/ Lona N. Louis

Village Clerk