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Eugene "Gene" Moore
Cook County Recorder of Deeds
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After recording, return to:

Recorder's Box 337

PRE-ANNEXATION AGREEMENT

BY AND BETWEEN

THE VILLAGE OF NORTHBROOK, ILLINOIS

AND

Eugene Raykman and Natasha Peresyphina

3841 Oak Avenue

Northbrook, Illinois 60062

Property of Cook County Clerk's Office

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PRE-ANNEXATION AGREEMENT

THIS AGREEMENT is dated as of the 13th day of MAY, 2008, and is by and between the **VILLAGE OF NORTHBROOK**, an Illinois home rule municipal corporation ("**Village**"), and **Eugene Raykhman and Natasha Peresykina** ("**Owner**").

IN CONSIDERATION of the covenants and agreements set forth below, the Village and Owner agree as follows:

Section 1. Background.

- A. Owner is the owner of record of the real property located at **3841 Oak Avenue** in unincorporated Cook County ("**Property**"). The Property is legally described on Exhibit A attached to this Agreement.
- B. Owner is/are the sole elector/electors residing on the Property.
- C. Owner desires (i) to connect a dwelling unit on the Property to the Village's Lake Michigan water distribution system in the Mission Hill Estates area ("**Mission Hills Water System Expansion**"), and (ii) to annex the Property to the Village in the future when the Property becomes contiguous to the corporate limits of the Village.
- D. The Village has constructed and installed the Mission Hills Water System Expansion to serve the Property and other real estate in the area on a shared cost basis, and has adopted its Ordinance No. 08-06 to establish a method for the recapture of each parcel's fair share of the cost of the Expansion ("**Recapture Ordinance**").
- E. Owner and the Village desire to enter into this Agreement setting forth the conditions pursuant to which the Property would be able to obtain Lake Michigan water from the Village and the Property would be annexed to the Village, and other conditions relating to the use of the Property.
- F. The Village has conducted all procedures required by law to approve and implement this Agreement, and this Agreement has been drafted, considered, and approved in

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accordance with the Village's home rule authority and 65 ILCS 5/11-15.1-1 *et seq.* ("**Illinois Annexation Statute**"), and all other applicable laws.

Section 2. Connection to Mission Hills Water System Expansion. The Owner agrees to pay all recapture amounts due under the Recapture Ordinance within 30 days after the approval of this Agreement by the Village. The Owner further agrees to apply for a permit to connect to the Mission Hills Water System Expansion and to pay to the Village all applicable permit fees required by applicable law at the time of making the application and to connect to the Mission Hills Water System following issuance of the permit. The Owner will be responsible to install, at its sole cost and expense, all necessary service lines and appurtenances to connect the single-family dwelling on the Property, as well as any accessory structures requiring water supply, to the Mission Hills Water System Expansion.

Section 3. Annexation to the Village. Owner shall file a written petition with the Village, in accordance with applicable law and in the form attached hereto as Exhibit B ("**Petition**"), requesting annexation of the Property to the Village either: (A) concurrent with the execution of this Agreement, if the Property is contiguous to the Village at that time, or (B) within 30 days after notice by the Village to the Owner that the Property has become contiguous to the Village. Upon receipt of the Petition, the Village agrees to take all required action to annex the Property to the Village, subject to the terms of this Agreement. During the term of this Agreement, Owner shall not seek annexation of the Property to any municipality other than the Village.

Section 4. Zoning of the Property Upon Annexation. Upon annexation of the Property to the Village, the Property shall be zoned in the Village's R-3 Single Family Residential zoning district ("**R-3 District**") pursuant to Section 2-104 of the Village's Zoning Code without holding any hearing, if permitted by applicable law. If Owner desires that the Property be zoned in any other district, Owner must seek such other zoning through the Village

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rezoning procedures applicable at that time. However, the Village shall have no obligation to zone the Property to any district other than the R-3 District.

Section 5. Use of the Property.

A. Prior to Annexation. At all times prior to annexation, Owner agrees to use the Property only in accordance with the provisions of the R-3 District as it may be amended from time to time. Specifically, no uses or structures shall be allowed on the Property other than those allowed in the R-3 District, irrespective of any otherwise applicable zoning or building code provisions, however, Owner shall be allowed to continue to retain any structures on the Property that are in existence as of the date of this Agreement even if such structures do not comply with the R-3 District and Owner shall cease all nonconforming uses within one year following execution of this Agreement. Owner agrees that the construction of any new development, building, or structure on the Property, or the reconstruction or substantial change of any existing building or structure on the Property shall comply with all applicable provisions of the R-3 District and the Village's Zoning Code, and agrees to submit to the Village a copy of any permit application submitted to the County of Cook for such construction, reconstruction or other substantial change to enable the Village to make a determination of compliance with the Village's Zoning Code. Owner agrees to provide a copy of a current plat of survey of the Property, showing current conditions on the Property, and to cooperate with the Village in performing an inspection of the Property to determine or create a "baseline" survey of the uses and structures existing on the Property as of the date of this Agreement.

B. After Annexation. Upon annexation of the Property to the Village, the Property shall be subject to all applicable provisions of the Village's Zoning Code, including the provisions relating to non-conforming structures and uses.

Section 6. Amendment. This Agreement shall not be amended or terminated without the written consent of both parties to this Agreement.

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Section 7. Entire Agreement. This Agreement is the full, complete and entire agreement of the parties.

Section 8. Term. This Agreement shall be in full force and effect from and after its execution by all parties for the maximum term allowed by the Illinois Annexation Statute, which, as of the date of this Agreement, is 20 years.

Section 9. Successors; Recording. This Agreement shall run with and bind the Property, and shall obligate and benefit the parties hereto and their respective legal representatives, heirs, grantees, successors, and assigns. This Agreement shall be recorded in the office of the Cook County Recorder of Deeds.

IN WITNESS WHEREOF, the parties have caused their duly authorized representatives to execute this Agreement as of the date on the first page of this Agreement.

ATTEST:

VILLAGE OF NORTHBROOK

By: _____

Village Clerk

By: _____

Village President

ATTEST/WITNESS: _____

OWNER

Eugene Raykman
W. Pumper

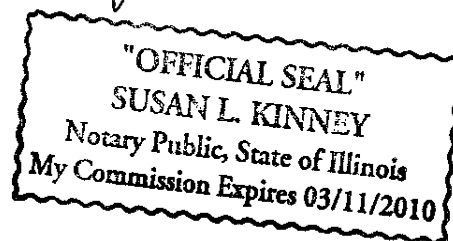
UNOFFICIAL COPY**ACKNOWLEDGEMENT**

STATE OF ILLINOIS)
) SS
 COUNTY OF COOK)

This instrument was acknowledged before me on June 2, 2008, by EUGENE MARKS, the Village President of the **VILLAGE OF NORTHBROOK**, an Illinois home rule municipal corporation, and by DEBRA J. FORD, the Village Clerk of said municipal corporation.

Susan L. Kinney
 Signature of Notary

SEAL:

My Commission expires: 3/11/2010**ACKNOWLEDGEMENT**

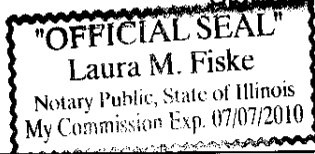
STATE OF ILLINOIS)
) SS
 COUNTY OF COOK)

This instrument was acknowledged before me on April 14, 2008 by Eugene Raykhman and Natasha Peresyphkina, known to me to be the persons whose names are subscribed to the foregoing instrument and who did acknowledge that they executed the above instrument, duly authorized, voluntarily and as their free act and deed.

Laura M. Fiske
 Signature of Notary

SEAL:

My Commission expires: _____



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EXHIBIT A

LEGAL DESCRIPTION OF PROPERTY

Lot 2 in Block 4 in "Arthur T. McIntosh and Company's Mission Hills Estates", being a Subdivision of the South half of the southeast quarter and that part of the south half of the southwest quarter which lies east of Sanders Road of Section 7, Township 42 North, Range 12, east of the Third Principal Meridian, in Cook County, Illinois, According to the Plat Registered as Document No. 1282197

Commonly known as 3841 Oak Avenue, Northbrook, Cook County, Illinois

Permanent Real Estate Index No.: 04-07-406-012-0000

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EXHIBIT B

FORM OF PETITION FOR ANNEXATION PURSUANT TO SECTION 7-1-8 OF THE ILLINOIS MUNICIPAL CODE

TO: THE PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE NORTHBROOK, COOK COUNTY, ILLINOIS

THIS PETITION is filed pursuant to Section 7-1-8 of the Illinois Municipal Code (65 ILCS 5/7-1-8 (2006)).

_____ ("**Petitioners**"), being first sworn on oath, state the following.

1. Petitioners are the sole owners of record of the territory legally described on Exhibit A attached to and made a part of this Petition by this reference ("**Property**").
2. Petitioners are at least 51% of the electors residing on the Property.
3. No part of the Property is within the corporate limits of any municipality.
4. The Property is contiguous to the Village of Northbrook ("**Village**").
5. The Petitioners hereby request that the Village annex the Property, together with all highways adjacent to or within the Property that are not within the corporate limits of any municipality, by an ordinance passed and approved by the corporate authorities of the Village, pursuant to Section 7-1-8 of the Illinois Municipal Code, which annexation shall be subject to that certain "Annexation Agreement by and between the Village of Northbrook, Illinois and _____," executed on or about _____, 20____, and recorded with the Cook County Recorder of Deeds as Document No. _____.

DATED this _____ day of _____, 20____.

Petitioners:

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

This instrument was acknowledged before me on _____, 20____, by _____, known to me to be the person(s) whose name(s) (is) (are) subscribed to the foregoing instrument and who did acknowledge that (he) (she) (they) executed the above instrument, duly authorized, voluntarily and as (his) (her) (their) free act and deed.

Signature of Notary

SEAL:
My Commission expires: _____

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RESOLUTION NO. 08-R-78

(Authorizing the Approval and Execution of the
Pre-Annexation Agreement by and between Village of Northbrook and
Eugene Raykhman and Natasha Peresyphkina for 3841 Oak Avenue)

Eugene Raykhman and Natasha Peresyphkina (collectively, the "**Owners**") are the owners of record of a parcel of real estate ("**Property**") located in unincorporated Cook County and commonly known as 3841 Oak Avenue.

The Village has constructed and installed an extension to its water distribution system to service the Property and other real estate in the area on a shared cost basis.

The Village and the Owners desire to enter into a Pre-Annexation Agreement ("**Pre-Annexation Agreement**") to establish conditions on the connection of the Property to the Village's water distribution system as well as the subsequent development, annexation and zoning of the Property.

Pursuant to notice published in the *Northbrook Star* on April 24, 2008, as required by Section 11-15.1-1 of the Illinois Municipal Code, 65 ILCS 5/11-15.1-1 *et seq.*, the Village Board held a public hearing on May 13, 2008, regarding the Pre-Annexation Agreement.

Pursuant to Section 11-15.1-3 of the Illinois Municipal Code, approval of the Pre-Annexation Agreement will require a two-thirds vote of the corporate authorities holding office.

The Village of Northbrook and the Owners have agreed on the terms and conditions of the Pre-Annexation Agreement and the corporate authorities, after due and careful consideration, have concluded that the annexation, zoning and use of the Property pursuant to and in accordance with the Pre-Annexation Agreement would further enable the Village to control the development of the area and would serve the best interests of the Village.

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. The Pre-Annexation Agreement by and between the Village of Northbrook and Eugene Raykhman and Natasha Peresyphkina shall be, and is hereby, approved in substantially the form presented to the President and Board of Trustees at the public hearing.

Section 2. The Village President and the Village Clerk are hereby authorized and directed to execute and seal, on behalf of the Village, the Pre-Annexation Agreement.

Section 3. The Village Attorney is hereby authorized and directed to cause the Pre-Annexation Agreement to be recorded with the Office of the Cook County Recorder of Deeds, following execution of the document by the Village and the Owners.

Section 4. The approval in Section 1 of this Resolution, and the authorization and direction in Sections 2 and 3 of this resolution, are conditioned on and subject to the receipt by the Village Clerk of satisfactory evidence of title demonstrating that the Property is owned by the Owners and at least two original copies of the Pre-Annexation Agreement executed by the Owners. In the event such evidence of title and original copies are not so received by the Village Clerk within 60 days after the date of adoption of this Resolution, the Resolution and the authority granted herein shall, at the option of the President and Board of Trustees, be null and void and of no force or effect.

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PASSED: This 13th day of May, 2008

AYES: (5) Trustees Frum, Buehler, Scolaro, Heller, and Kole

NAYS: (0)

ABSENT: (1) Trustee Karagianis

ABSTAIN: (0)

/s/ Eugene Marks
Village President

ATTEST:

/s/ Debra J. Ford
Village Clerk

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Property of Cook County Clerk's Office

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

6-15-08
Date

Debra J. Ford
Village Clerk

