

**ORDINANCE NO. 1584**

**AN ORDINANCE AUTHORIZING THE EXECUTION OF AN ANNEXATION AGREEMENT FOR THE ANNEXATION OF 6.79 ACRES, MORE OR LESS, OF REAL ESTATE OWNED BY DONALD G. GEBHART AND AGNES A. GEBHART LOCATED IN THE COUNTY OF ST. CLAIR, STATE OF ILLINOIS**

WHEREAS, at least two-thirds (2/3) of the corporate authorities holding office believe it is in the best interest of the Village of Freeburg, St. Clair County, Illinois, to enter into a certain Annexation Agreement pertaining to property consisting of approximately 6.79 acres more or less as described in the Annexation Agreement attached as "Exhibit A" and commonly known as the Gebhart property; and

WHEREAS, an Annexation Agreement has been drafted, a copy of which Agreement is attached hereto and incorporated herein as "Exhibit A;" and

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

WHEREAS, the Village did, on the 2nd day of May, 2016, hold and conduct a public hearing pursuant to notice and statute to discuss the Annexation Agreement; and

WHEREAS, all other statutory procedures provided in Division 15.1 of Article II of the Illinois Municipal Code, as amended, for the execution of said Agreement have been fully complied with.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF FREEBURG, COUNTY OF ST. CLAIR, STATE OF ILLINOIS, as follows:

SECTION 1: The recitals set forth above are true and accurate and incorporated herein by reference.

SECTION 2: That the Village hereby adopts and enters into the Annexation Agreement and the Village President be and he is hereby authorized and directed to execute, and the Village Clerk is directed to attest the Annexation Agreement attached hereto dated the 2nd of May, 2016 (a copy of which is attached hereto and made a part hereof as "Exhibit A).

ORDINANCE NO. 1584 cont.

SECTION 3: 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 Board of Trustees of the Village of Freeburg, Illinois, this 2nd day of May, 2016.

AYES \_\_\_\_\_ NAYS \_\_\_\_\_ ABSENT \_\_\_\_\_

Vote recorded by: \_\_\_\_\_  
Jerry Menard, Village Clerk

Approved by the Village President of the Village of Freeburg, St. Clair County, Illinois, this 2nd day of May, 2016.

\_\_\_\_\_  
Seth E. Speiser, Village President

ATTEST:

\_\_\_\_\_  
Jerry Menard, Village Clerk

Approved as to Legal Form:

\_\_\_\_\_  
Village Attorney

ANNEXATION AGREEMENT

THIS ANNEXATION AGREEMENT ("Agreement") is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2016, by and between Donald G. Gebhart and Agnes A. Gebhart, 6343 Countryside Lane, Freeburg, Illinois, (hereinafter referred to as "Owners") and the VILLAGE OF FREEBURG ("Village"), a municipal corporation organization and existing under and by virtue of the laws of the State of Illinois by and through its Mayor and Village Trustees (collectively, "Corporate Authorities").

**RECITALS**

- A. Owners are the owner of record of certain parcels of real property situated in St. Clair County, Illinois, which are adjacent to the Village and are more particularly described in Exhibit "A," the legal description, attached hereto and made a part hereof (the "Parcels").
- B. The Parcels consist of approximately 6.79 acres and adjoin, abuts, and are contiguous to the corporate limits of the Village.
- C. The Parcels have not been annexed to any municipality and are currently situated within unincorporated St. Clair County, Illinois.
- D. The Parcels constitute territory that is contiguous to and may be annexed to the Village, as provided under Section 7-1-1, *et seq.*, of the Illinois Municipal Code, 65 ILCS 5/7-1-1, *et seq.*
- E. Owners desire to have the Parcels annexed to the Village, on the terms and conditions provided herein and to qualify for such benefits or services as such annexation may so entitle it.
- F. The Corporate Authorities, after due and careful consideration, have concluded that the annexation of the Parcels to the Village would further the orderly growth of the Village, enable the Village to control the development of the Parcels, and serve the best interests of the Village.
- G. Pursuant to the provisions of 65 ILCS 5/11-15.1-1, *et seq.*, a proposed Annexation Agreement, in substance and form the same as this Agreement, was submitted to the Corporate Authorities and a public hearing was held on \_\_\_\_\_ pursuant to notice, all as provided by statute and the ordinances of the Village.
- H. Any fire protection district, library district and other entity or person entitled to notice prior to annexation of the Parcels to the Village have been given notice thereof by the Village as required by law.

**NOW, THEREFORE**, in consideration of the promises and the mutual covenants and agreements herein contained, and in compliance with ordinances, codes, and regulations of the Village in effect as of the date of this Agreement, or as may hereinafter be enacted, subsequently, the Parties hereto hereby agree as follows:

1. **Statutory Authority.** The Parties hereto enter into this Agreement pursuant to and in accordance with the provisions of 65 ILCS 5/11-15.1-1, *et seq.*

2. **Annexation.**

- a) Concurrent with this Agreement, Owners have filed with the Village Clerk a Petition for Annexation of the Parcels to the Village, conditioned on the terms and provisions of this Agreement, which petition has been prepared, executed and filed in accordance with 65 ILCS 5/7-1-8, and the ordinances and other requirements of the Village. A copy of said Petition is attached hereto and made a part hereof as Exhibit "B."
- b) Owners have filed with the Village Clerk a Plat of Annexation which contains an accurate map of the Parcels, illustrated with the zoning district(s) Owners are seeking as a condition of annexation, which is attached hereto and made a part hereof as Exhibit "C" ("Annexation Plat").
- c) Subject to the terms of this Agreement, the Corporate Authorities shall hereinafter enact an ordinance annexing the Parcels to the Village ("Annexation Ordinance") which ordinance shall attach the Annexation Plat.

3. **Rezoning.** Upon the Effective Date of the Annexation Ordinance as set forth herein, the Village shall do the following:

- a) The Village shall adopt an ordinance zoning and classifying the Parcels as follows: "A"(Agricultural Use). The Parties acknowledge that prior to the effective date and execution of this Agreement, such public hearings as are necessary to enable the Village lawfully to grant said zoning classification as to the Parcels will have been conducted upon proper notice.
- b) Except as provided herein, all future changes in land use or related activity on the Parcels, if any, shall be subject to the applicable ordinances and laws authorizing or regulating such change or activity now in effect or as amended from time to time.

4. **Water Supply/Sanitary Sewer/Electrical Service.**

- a) The Village agrees to allow the Owners to connect to the Village water system and to make that utility reasonably available to the Parcel. The Village agrees to extend a municipal water main to that area for the purpose of using said system to serve the Owners' primary residence only, via a private water line constructed by the Owners from the Parcel to the municipal water main. Said private water line construction shall comply with all standards set by the Village, and Village's Engineer of Record, IEPA, the American Water Works

Association Standards of Denver, Colorado as amended from time to time, and/or other state, federal or local regulatory agencies in effect as of the date of this agreement, and further provided the Owner bears all costs related to construction of the private line including, but not limited to, cost of labor, material, design and engineering, easement acquisition and tap-in fees.

In the event that it is determined that the Village is prohibited from extending a municipal water main to the Parcel, Owners shall have 90 days from notice of the prohibition to terminate this agreement and to file a petition to disconnect and the Village shall consent to the petition to disconnect.

- b) During the term of this Agreement, the Village agrees to allow the Owner to connect to the Village sanitary sewer system at Owner's option and Owner's expense, if and when sanitary sewer service becomes available to the Parcels. Upon expiration of this Agreement, Owner's connection obligations shall be governed by the applicable Village ordinances and policies. Any conflicting federal or state laws governing sanitary sewer connection shall supersede this paragraph.
- c) During the term of this Agreement, the Village agrees to allow the Owner to connect to the Village electric system at Owner's option and Owner's expense, if and when electric service becomes available to the Parcels. Upon expiration of this Agreement, Owner's connection obligations shall be governed by the applicable Village ordinances and policies. Any conflicting federal or state laws governing electric system connection shall supersede this paragraph.
- d) The Village shall not be held responsible for its inability to install any utility, or for any loss or damage including consequential damage, or delay in installation, caused by strikes, riots, elements, embargoes, failure of carriers, inability to obtain material, or other acts of God, or any other cause beyond Village's reasonable control, including but not limited to the acquisition of easements, modifications of Facilities Planning Area boundaries, Illinois Environmental Protection Agency permits or any other governmental or regulatory permit or approval.

5. **Subdivision/Dedication of Improvements.**

- a) In the event the Owners subdivide or otherwise develop the Parcels, the Owners shall dedicate to the Village, the roadways, the public improvements, the water lines, sanitary sewers and the storm sewers by recording with the St. Clair County, Illinois Recorder, in a form acceptable to the Village, the appropriate subdivision plat which dedicates the public improvements as provided herein. Nothing herein shall require the Village to accept such improvements for maintenance or liability that are not in satisfaction of the

Village's specifications or that have not been inspected, approved and accepted by the Village.

- b) The Owners shall grant to the Village nonexclusive utility easements ("Utility Easements") for maintenance and repair of the aforesaid utilities to be constructed on the Parcels and dedicated to the Village as shown on the Final Plat, and any other easements the Village may reasonably require for municipal purposes.
- c) The Owners shall pay all development fees including but not limited to green space fees, plat review fees, completion and maintenance security for dedicated public improvements and normal and customary building permits, relative to development of the Parcels as set forth in the Code of Ordinances of the Village of Freeburg, as amended from time to time.

6. Miscellaneous.

- a) Notwithstanding any other provision contained herein to the contrary, with respect to the Parcels, this Agreement shall be effective for a term of ten (10) years from the date hereof, provided that any continuing obligations to the Village shall survive any termination or expiration to the extent consistent with 65 ILCS 5/11-15.1-1.
- b) This Agreement shall bind the heirs, successors, and assigns of the Owners, the Village, the Corporate Authorities and their successors in office. This Agreement shall inure to the benefit of the Parties hereof, their successors and assigns. This Agreement and the obligations of Owners hereunder shall be a covenant that shall run with the land, shall be a provision of any sale or other contract for transfer of interest in the Parcels, and may be recorded. Upon annexation, Owners shall comply with all ordinances of the Village, as adopted or amended from time to time.
- c) Nothing herein shall in any way prevent the alienation, encumbrance or sale of the Parcels or any portion thereof, and the new owner or owners shall be both benefited and bound by the conditions and restrictions herein expressed.
- d) Within thirty (30) days after the passage, approval and adoption of an ordinance of annexation by the Village, the text of this Agreement (or a suitable memorandum hereof) shall be recorded at the sole cost and expense of the Village in the Office of the Recorder of St. Clair County, Illinois.
- e) Except as otherwise expressly provided herein, Owners shall comply in all respects with the applicable provisions of the Village of Freeburg Municipal Code, whether or not any of such ordinances are amended after the date hereof.

- f) It is further agreed that any party to this Agreement, either in law or in equity, by suit, action, mandamus or other proceeding may enforce or compel the performance of this Agreement, or have other such relief for the breach thereof as may be authorized by law or that by law or in equity is available to them.
- g) It is understood by the Parties hereto that time is of the essence. It is further understood that upon the occurrence of a default of any of the provisions of this Agreement, which default continues for ten (10) days after a notice specifying such default is given the defaulting party, the injured party hereto may in law or in equity, by suit, action, mandamus or other proceeding, including specific performance, enforce or compel the performance of this Agreement by such defaulting party.
- h) The undersigned persons, whether signing individually, on behalf of a municipal corporation, or by an attorney-in-fact warrant themselves: (i) to be of lawful age, (ii) to be legally competent to execute this Agreement, (iii) to be fully authorized to execute this Agreement on behalf of themselves or the municipal corporation or other entity indicated below, and (iv) to have signed this Agreement on their own behalf or on behalf of such municipal corporation or other entity as their own free acts and deeds and/or the free acts and deeds of such municipal corporation or other entity after opportunity to consult with legal counsel.
- i) In the event any portion of this Agreement or part thereof shall be deemed invalid, such invalidity of said provision or part thereof shall not affect the validity of any other provision hereof.
- j) Unless stated otherwise herein, any notice required or permitted under this Agreement shall be in writing and shall be deemed given when mailed by registered or certified mail, return receipt requested, to the respective parties at their addresses listed below:

If to the Village:

Village of Freeburg, Illinois  
Freeburg Municipal Center  
14 Southgate Center  
Freeburg, IL 62243  
Attention: Mayor

With a copy to:

Mr. Brian Manion  
Weilmuenster & Keck, P.C.  
3201 W. Main Street  
Belleville, IL 62226

If to the Owner:

Mr. and Mrs. Donald G. and Agnes A. Gebhart  
6343 Countryside Lane  
Freeburg, IL 62243

IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be executed as of the day and year first above written.

**VILLAGE:**

VILLAGE OF FREEBURG  
A Municipal Corporation,  
County of St. Clair  
State of Illinois

ATTEST:

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Jerry Menard  
Village Clerk

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Seth E. Speiser  
Village President

**OWNERS:**

  
Donald G. Gebhart, Trustee  
of the Donald Gebhart Self Declaration  
of Trust Dated October 27, 1994

  
Agnes A. Gebhart, Trustee  
of the Agnes A. Gebhart Self Declaration  
of Trust Dated October 27, 1994

## LIST OF EXHIBITS

- A. Legal Description of Parcel
- B. Petition for Annexation
- C. Annexation Plat

## EXHIBIT A

### Legal Description of Parcel

6343 Countryside Lane  
Freeburg, Illinois  
P.I.N.: 13-14.0-100-006TR and 13-14.0-100-008TR

Parcel 1: Being part of the Northeast 1/4 of the Northwest 1/4 of Section 14, Township 1 South, Range 8 West, of the Third Principal Meridian, all in St. Clair County, Illinois, being more particularly described as follows, to-wit:

Commencing at a stone marking the Southwest corner of the Northwest 1/4 of the Northwest 1/4 of Section 14, Township 1 South, Range 8 West, of the Third Principal Meridian, running thence Easterly along the South line of said Northeast 1/4 of the Northwest 1/4 of Section 14 a distance of 692.63 feet to a point, said point being the point of beginning of the tract herein described; continuing thence Easterly along the South line of said Northeast 1/4 of the Northwest 1/4 having assumed bearing of South 89 degrees 39 minutes East a distance of 240.00 feet to a point, running thence North 0 degrees 19 minutes West a distance of 515.00 feet to a point; running thence North 32 degrees 22 minutes East a distance of 301.71 feet to a point; running thence North 68 degrees 19 minutes West a distance of 218.50 feet to a point; running thence North 59 degrees 15 minutes West a distance of 24.02 feet to a point; running thence South 31 degrees 51 minutes West a distance of 344.17 feet to a point; running thence South 0 degrees 19 minutes East a distance of 567.25 feet to a point, said point being the point of beginning of the tract herein described.

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

Parcel Number: 13-14.0-100-006 TR

Property Address: 6343 Country Side Lane, Freeburg, IL 62243

Parcel 2: Part of the Northeast Quarter of the Northwest Quarter of Section 14 in Township 1 South Range 8 West of the Third Principal Meridian, St. Clair County, Illinois, and being more particularly described as follows, to-wit: Comencing the survey thereof at an old stone which marks the Southwest corner of the Northeast Quarter of the Northwest Quarter of said Section 14, running thence in an Easterly direction along the South line of the said Northeast Quarter of the Northwest Quarter of Section 14 a distance of 932.63 feet to a point; said point being the point of beginning of the tract herein being described; continuing thence Easterly along the South line of the Northeast Quarter of the Northwest Quarter of said Section 14 having an assumed bearing of South 89 degrees 39 minutes East a distance of 125.0 feet to a point; running thence North 02 degrees 30 minutes 06 seconds East a distance of 771.33 feet to a point; running thence South 32 degrees 22 minutes West a distance of 301.71 feet to a point; running thence South 00 degrees 19 minutes East a distance of 515.0 feet to the point of beginning. Except coal, gas and other mineral rights excepted or reserved in prior conveyances.

Parcel Number: 13-14.0-100-008TR

Property Address: Country Side Lane, Freeburg, IL 62243

**PETITION FOR ANNEXATION (Gebhart)**

To: The Mayor and Board of Trustees  
of the Village of Freeburg  
St. Clair County, Illinois

The Petitioners, Donald G. Gebhart, Trustee and Agnes A. Gebhart, Trustee, respectively state under oath:

1. Petitioners are the sole legal and equitable owners of record of the following described land (hereinafter sometimes referred to as the "Tract"), to-wit:

Parcel 1:

Being part of the Northeast 1/4 of the Northwest 1/4 of Section 14, Township 1 South, Range 8 West, of the Third Principal Meridian, all in St. Clair County, Illinois, being more particularly described as follows, to-wit:

Commencing at a stone marking the Southwest corner of the Northwest 1/4 of the Northwest 1/4 of Section 14, Township 1 South, Range 8 West, of the Third Principal Meridian, running thence Easterly along the South line of said Northeast 1/4 of the Northwest 1/4 of Section 14 a distance of 692.63 feet to a point, said point being the point of beginning of the tract herein described; continuing thence Easterly along the South line of said Northeast 1/4 of the Northwest 1/4 having assumed bearing of South 89 degrees 39 minutes East a distance of 240.00 feet to a point, running thence North 0 degrees 19 minutes West a distance of 515.00 feet to a point; running thence North 32 degrees 22 minutes East a distance of 301.71 feet to a point; running thence North 68 degrees 19 minutes West a distance of 218.50 feet to a point; running thence North 59 degrees 15 minutes West a distance of 24.02 feet to a point; running thence South 31 degrees 51 minutes West a distance of 344.17 feet to a point; running thence South 0 degrees 19 minutes East a distance of 567.25 feet to a point, said point being the point of beginning of the tract herein described.

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

Parcel Number: 13-14.0-100-006 TR

Property Address: 6343 Country Side Lane, Freeburg, IL 62243

Parcel 2:

Part of the Northeast Quarter of the Northwest Quarter of Section 14 in Township 1 South Range 8 West of the Third Principal Meridian, St. Clair County, Illinois, and being more particularly described as follows, to-wit: Comencing the survey thereof at an old stone which marks the Southwest corner of the Northeast Quarter of the Northwest Quarter of said Section 14, running thence in an Easterly direction along the South line of the said Northeast Quarter of the Northwest Quarter of Section 14 a distance of 932.63 feet to a point; said point being the point of beginning of the tract herein being described; continuing thence Easterly along the South line of the Northeast Quarter of the Northwest Quarter of said Section 14 having an assumed bearing of South 89 degrees 39 minutes East a distance of 125.0 feet to a point; running thence North 02 degrees 30 minutes 06 seconds East a distance of 771.33 feet to a point; running thence South 32 degrees 22 minutes West a distance of 301.71 feet to a point; running thence South 00 degrees 19 minutes East a distance of 515.0 feet to the point of beginning. Except coal, gas and other mineral rights excepted or reserved in prior conveyances.

Parcel Number: 13-14.0-100-008TR

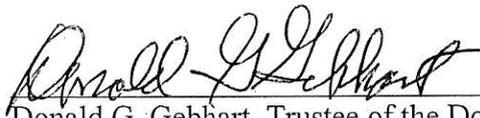
Property Address: Country Side Lane, Freeburg, IL 62243

2. The tract is not situated within the limits of any municipality but is contiguous to the Village of Freeburg.
3. That Petitioners represent are the sole electors residing on the tract.
4. It is the desire of the Petitioners and it would be in the best interest of the Village of Freeburg, Illinois, that said tract be annexed to the Village of Freeburg, Illinois, and made a part thereof, with the zoning classification of "A" (Agricultural District).

WHEREFORE PETITIONERS REPSECTFULLY REQUEST:

1. That the above described tract be annexed to the Village of Freeburg by ordinance of the President and Board of Trustees of the Village of Freeburg pursuant to Section 7-1-8 of the Illinois Municipal Code of the State of Illinois as amended (65 ILCS 5/6-1-8).
2. That such other action be taken as is appropriate in the premises.

Dated this 1 day of Oct, 2014.

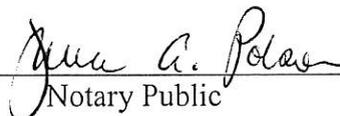
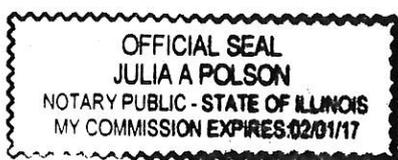


Donald G. Gebhart, Trustee of the Donald Gebhart Self Declaration of Trust Dated October 27, 1994,



Agnes A. Gebhart, Trustee of the Agnes A. Gebhart Self Declaration of Trust Dated October 27, 1994

Subscribed to and sworn to before me this 1<sup>st</sup> day of October, 2014.



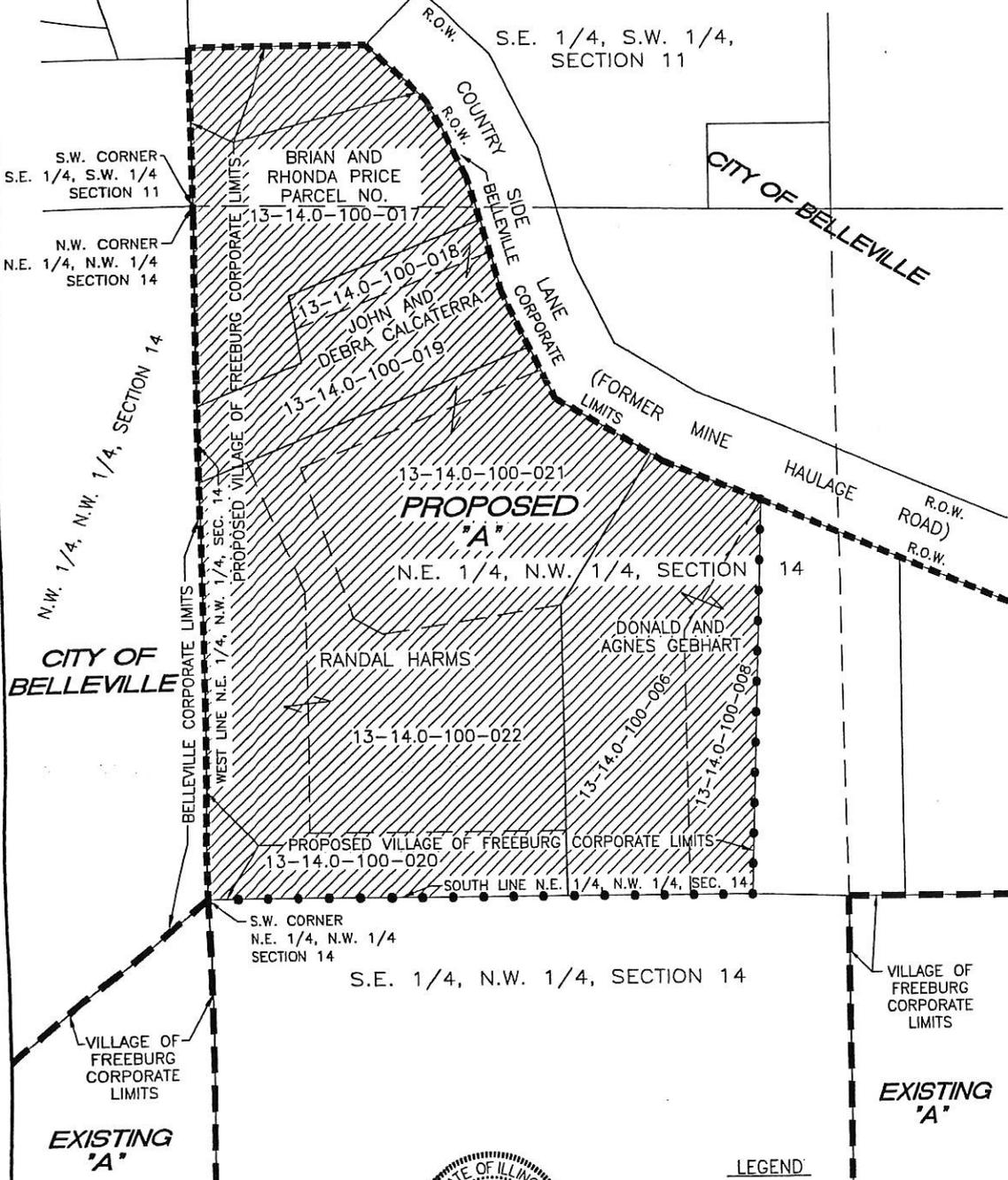
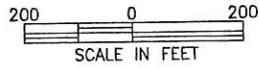
Notary Public

# ANNEXATION PLAT

ORDINANCE NO. \_\_\_\_\_

FREEBURG, ILLINOIS

PART OF THE S.E. 1/4 OF THE S.W. 1/4 OF SECTION 11 AND  
PART OF THE N.E. 1/4 OF THE N.W. 1/4 OF SECTION 14  
T. 1 S., R. 8 W. OF THE 3RD P.M.  
ST. CLAIR COUNTY, ILLINOIS



K:\30216\_Freeburg\_2016\_Surveys\Annexations\COUNTRYSIDE LANE ANNEX-REVISED.dwg, 4/7/2016 10:34:08 AM

I DO HEREBY CERTIFY THAT THIS  
ANNEXATION PLAT HAS BEEN PREPARED  
UNDER MY DIRECT SUPERVISION

*Gale E. Hake* April 7, 2016  
GALE E. HAKE, I.P.L.S. NO. 2579 DATE  
LICENSE EXPIRATION DATE: 11/30/2016



### LEGEND

- EXISTING FREEBURG CORPORATE LIMITS
- EXISTING BELLEVILLE CORPORATE LIMITS
- PROPOSED FREEBURG CORPORATE LIMITS
- PROPOSED FREEBURG ANNEXATION



RHUTASEL and ASSOCIATES, INC.  
CONSULTING ENGINEERS • LAND SURVEYORS  
FREEBURG, ILLINOIS • CENTRALIA, ILLINOIS  
(618) 539-3178 (618) 532-1992  
IL LICENSE NO. 184-000287

**ORDINANCE NO. 1585**

**AN ORDINANCE ANNEXING CERTAIN TERRITORY COMMONLY KNOWN AS THE “GEBHART” PROPERTY” TO AND IN THE VILLAGE OF FREEBURG, ST. CLAIR COUNTY, ILLINOIS**

WHEREAS, the property owners of certain territory, which is not within the corporate limits of any municipality, but which is contiguous to the Village of Freeburg, has filed a written Petition with the Village of Freeburg requesting that said territory be annexed to the Village of Freeburg, Illinois, a copy of which is attached hereto as “Exhibit A;” and

WHEREAS, the property owners are all of the electors, and, only electors Donald G. Gebhart, Trustee, and Agnes A. Gebhart, Trustee, are residing on said territory; and

WHEREAS, the map attached hereto, marked “Exhibit B,” is an accurate map of said territory so sought to be annexed; and

WHEREAS, in compliance with the Laws of the State of Illinois providing therefore, notice was given to the Trustees of the Freeburg Fire Protection District, the Smithton Township Supervisor, the Trustees of Smithton Township and the Highway Commissioner of Smithton Township, in the manner provided by Statute, and all required notices have heretofore been given as required by law concerning the petition for annexation of this territory to the Village of Freeburg;

WHEREAS copies of such notices and affidavits of service of notices will be recorded in the Office of the Recorder of Deeds of St. Clair County; and

WHEREAS, all petitions, documents, and other necessary legal requirements are in full compliance with the statutes of the State of Illinois, specifically 65 ILCS, para. 5/7-1-1.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF FREEBURG, COUNTY OF ST. CLAIR, STATE OF ILLINOIS, as follows:

SECTION 1: That the following territory be and the same is hereby annexed and made a part of the Village of Freeburg, Illinois, in accordance with the Petition duly filed with the Village of Freeburg, requesting annexation:

See legal description attached hereto as “Exhibit C”

SECTION 2: That the described territory of land be and the same is hereby established in the zoning classification of “SR-1” as an automatic zoning classification upon annexation. Said classification shall apply to the territory described as it has been established and is classified for zoning in the Village of Freeburg, St. Clair County, Illinois. The Village shall, however, as a condition of annexation pass and approve an ordinance rezoning the territory “A” (Agricultural).

**ORDINANCE NO. 1585**

SECTION 3: That the map attached hereto marked "Exhibit B," and made a part hereof, which is found to be an accurate map of the annexed territory, shall be filed of record with this Ordinance.

SECTION 4: That the Village Clerk is hereby directed to record with the St. Clair County Recorder of Deeds and to file with the County Clerk a certified copy of this Ordinance, together with the exhibits appended to this Ordinance.

SECTION 5: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 6: This Ordinance shall be in full force and effect from and after its passage, approval and publication as required by law.

PASSED by the Board of Trustees of the Village of Freeburg, Illinois, this 2nd day of May, 2016.

AYES _____	NAYS _____	ABSENT _____
AYES _____	NAYS _____	ABSENT _____
AYES _____	NAYS _____	ABSENT _____
AYES _____	NAYS _____	ABSENT _____
AYES _____	NAYS _____	ABSENT _____
AYES _____	NAYS _____	ABSENT _____

Vote recorded by:

\_\_\_\_\_  
Jerry Menard, Village Clerk

Approved by the Village President of the Village of Freeburg, St. Clair County, Illinois, this 2nd day of May, 2016.

\_\_\_\_\_  
Seth E. Speiser, Village President

ATTEST:

Approved as to Legal Form:

\_\_\_\_\_  
Jerry Menard, Village Clerk

\_\_\_\_\_  
Village Attorney

PETITION FOR ANNEXATION (Gebhart)

To: The Mayor and Board of Trustees  
of the Village of Freeburg  
St. Clair County, Illinois

The Petitioners, Donald G. Gebhart, Trustee and Agnes A. Gebhart, Trustee, respectively state under oath:

1. Petitioners are the sole legal and equitable owners of record of the following described land (hereinafter sometimes referred to as the "Tract"), to-wit:

Parcel 1:

Being part of the Northeast 1/4 of the Northwest 1/4 of Section 14, Township 1 South, Range 8 West, of the Third Principal Meridian, all in St. Clair County, Illinois, being more particularly described as follows, to-wit:

Commencing at a stone marking the Southwest corner of the Northwest 1/4 of the Northwest 1/4 of Section 14, Township 1 South, Range 8 West, of the Third Principal Meridian, running thence Easterly along the South line of said Northeast 1/4 of the Northwest 1/4 of Section 14 a distance of 692.63 feet to a point, said point being the point of beginning of the tract herein described; continuing thence Easterly along the South line of said Northeast 1/4 of the Northwest 1/4 having assumed bearing of South 89 degrees 39 minutes East a distance of 240.00 feet to a point, running thence North 0 degrees 19 minutes West a distance of 515.00 feet to a point; running thence North 32 degrees 22 minutes East a distance of 301.71 feet to a point; running thence North 68 degrees 19 minutes West a distance of 218.50 feet to a point; running thence North 59 degrees 15 minutes West a distance of 24.02 feet to a point; running thence South 31 degrees 51 minutes West a distance of 344.17 feet to a point; running thence South 0 degrees 19 minutes East a distance of 567.25 feet to a point, said point being the point of beginning of the tract herein described.

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

Parcel Number: 13-14.0-100-006 TR

Property Address: 6343 Country Side Lane, Freeburg, IL 62243

Parcel 2:

Part of the Northeast Quarter of the Northwest Quarter of Section 14 in Township 1 South Range 8 West of the Third Principal Meridian, St. Clair County, Illinois, and being more particularly described as follows, to-wit: Comencing the survey thereof at an old stone which marks the Southwest corner of the Northeast Quarter of the Northwest Quarter of said Section 14, running thence in an Easterly direction along the South line of the said Northeast Quarter of the Northwest Quarter of Section 14 a distance of 932.63 feet to a point; said point being the point of beginning of the tract herein being described; continuing thence Easterly along the South line of the Northeast Quarter of the Northwest Quarter of said Section 14 having an assumed bearing of South 89 degrees 39 minutes East a distance of 125.0 feet to a point; running thence North 02 degrees 30 minutes 06 seconds East a distance of 771.33 feet to a point; running thence South 32 degrees 22 minutes West a distance of 301.71 feet to a point; running thence South 00 degrees 19 minutes East a distance of 515.0 feet to the point of beginning. Except coal, gas and other mineral rights excepted or reserved in prior conveyances.

Parcel Number: 13-14.0-100-008TR

Property Address: Country Side Lane, Freeburg, IL 62243

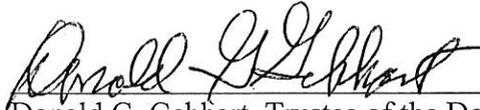
2. The tract is not situated within the limits of any municipality but is contiguous to the Village of Freeburg.
3. That Petitioners represent are the sole electors residing on the tract.
4. It is the desire of the Petitioners and it would be in the best interest of the Village of Freeburg, Illinois, that said tract be annexed to the Village of Freeburg, Illinois, and made a part thereof, with the zoning classification of "A" (Agricultural District).

WHEREFORE PETITIONERS REPSECTFULLY REQUEST:

1. That the above described tract be annexed to the Village of Freeburg by ordinance of the President and Board of Trustees of the Village of Freeburg pursuant to Section 7-1-8 of the Illinois Municipal Code of the State of Illinois as amended (65 ILCS 5/6-1-8).

2. That such other action be taken as is appropriate in the premises.

Dated this 1 day of Oct, 2014.

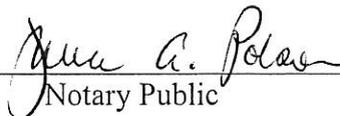
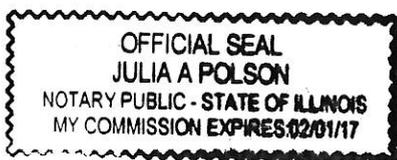


Donald G. Gebhart, Trustee of the Donald Gebhart Self Declaration of Trust Dated October 27, 1994,



Agnes A. Gebhart, Trustee of the Agnes A. Gebhart Self Declaration of Trust Dated October 27, 1994

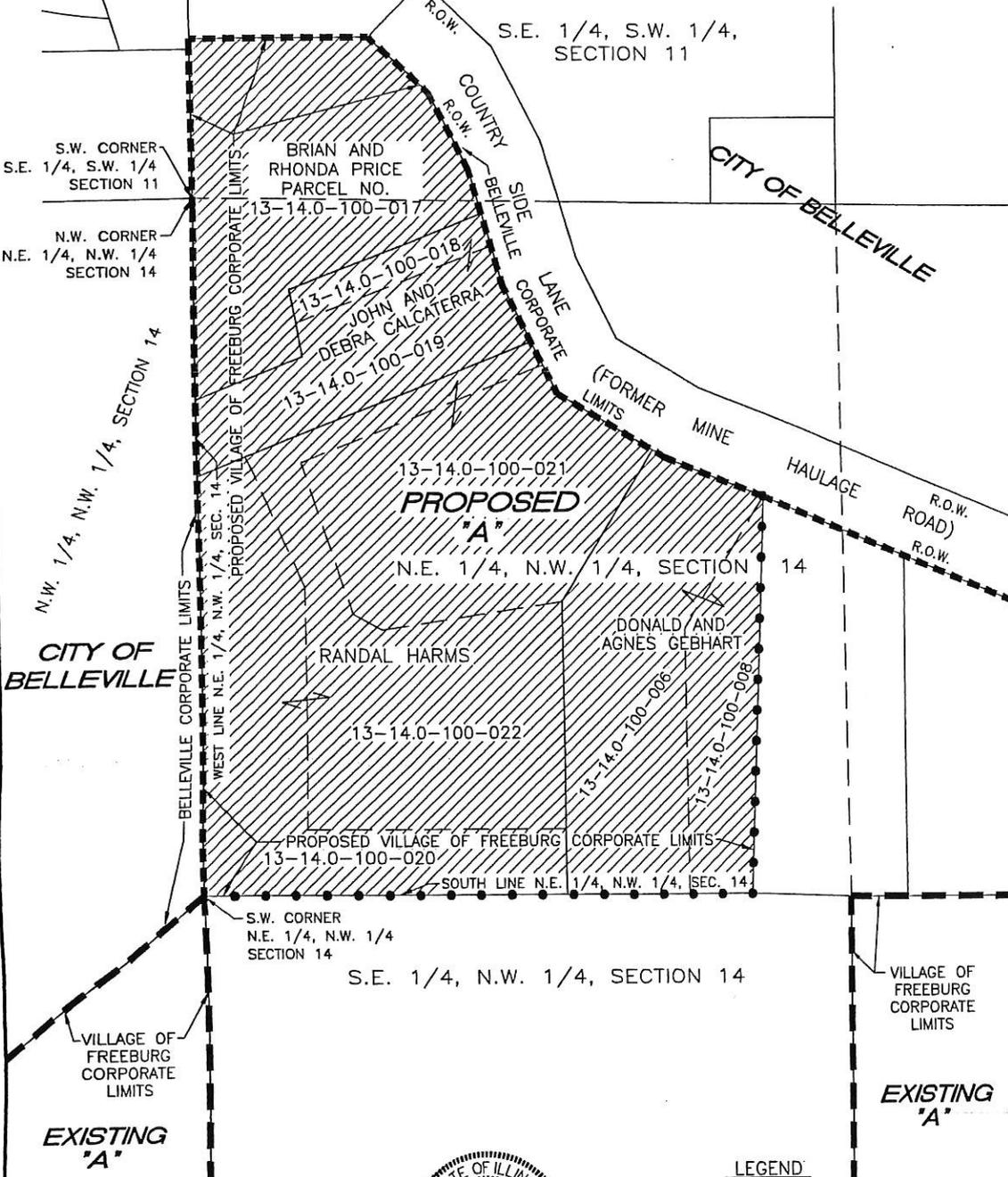
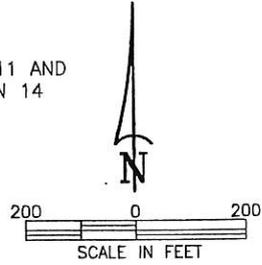
Subscribed to and sworn to before me this 1<sup>st</sup> day of October, 2014.



Notary Public

**ANNEXATION PLAT  
ORDINANCE NO. 1585  
FREEBURG, ILLINOIS**

PART OF THE S.E. 1/4 OF THE S.W. 1/4 OF SECTION 11 AND  
PART OF THE N.E. 1/4 OF THE N.W. 1/4 OF SECTION 14  
T. 1 S., R. 8 W. OF THE 3RD P.M.  
ST. CLAIR COUNTY, ILLINOIS



K:\30216\_Freeburg\_2016\_Surveys\Annexations\COUNTRYSIDE LANE ANNEX-REVISED.dwg, 4/7/2016 10:34:08 AM

I DO HEREBY CERTIFY THAT THIS  
ANNEXATION PLAT HAS BEEN PREPARED  
UNDER MY DIRECT SUPERVISION

*Gale E. Hake* April 7, 2016  
GALE E. HAKE, I.P.L.S. NO. 2579 DATE  
LICENSE EXPIRATION DATE: 11/30/2016



**LEGEND**

- EXISTING FREEBURG CORPORATE LIMITS
- EXISTING BELLEVILLE CORPORATE LIMITS
- PROPOSED FREEBURG CORPORATE LIMITS
- PROPOSED FREEBURG ANNEXATION



**RHUTASEL and ASSOCIATES, INC.**  
CONSULTING ENGINEERS • LAND SURVEYORS  
FREEBURG, ILLINOIS CENTRALIA, ILLINOIS  
(618) 539-3178 (618) 532-1992  
IL LICENSE NO. 184-000287

## EXHIBIT C

### Legal Description of Parcel

6343 Countryside Lane  
Freeburg, Illinois  
P.I.N.: 13-14.0-100-006TR and 13-14.0-100-008TR

Parcel 1: Being part of the Northeast 1/4 of the Northwest 1/4 of Section 14, Township 1 South, Range 8 West, of the Third Principal Meridian, all in St. Clair County, Illinois, being more particularly described as follows, to-wit:

Commencing at a stone marking the Southwest corner of the Northwest 1/4 of the Northwest 1/4 of Section 14, Township 1 South, Range 8 West, of the Third Principal Meridian, running thence Easterly along the South line of said Northeast 1/4 of the Northwest 1/4 of Section 14 a distance of 692.63 feet to a point, said point being the point of beginning of the tract herein described; continuing thence Easterly along the South line of said Northeast 1/4 of the Northwest 1/4 having assumed bearing of South 89 degrees 39 minutes East a distance of 240.00 feet to a point, running thence North 0 degrees 19 minutes West a distance of 515.00 feet to a point; running thence North 32 degrees 22 minutes East a distance of 301.71 feet to a point; running thence North 68 degrees 19 minutes West a distance of 218.50 feet to a point; running thence North 59 degrees 15 minutes West a distance of 24.02 feet to a point; running thence South 31 degrees 51 minutes West a distance of 344.17 feet to a point; running thence South 0 degrees 19 minutes East a distance of 567.25 feet to a point, said point being the point of beginning of the tract herein described.

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

Parcel Number: 13-14.0-100-006 TR

Property Address: 6343 Country Side Lane, Freeburg, IL 62243

Parcel 2: Part of the Northeast Quarter of the Northwest Quarter of Section 14 in Township 1 South Range 8 West of the Third Principal Meridian, St. Clair County, Illinois, and being more particularly described as follows, to-wit: Commencing the survey thereof at an old stone which marks the Southwest corner of the Northeast Quarter of the Northwest Quarter of said Section 14, running thence in an Easterly direction along the South line of the said Northeast Quarter of the Northwest Quarter of Section 14 a distance of 932.63 feet to a point; said point being the point of beginning of the tract herein being described; continuing thence Easterly along the South line of the Northeast Quarter of the Northwest Quarter of said Section 14 having an assumed bearing of South 89 degrees 39 minutes East a distance of 125.0 feet to a point; running thence North 02 degrees 30 minutes 06 seconds East a distance of 771.33 feet to a point; running thence South 32 degrees 22 minutes West a distance of 301.71 feet to a point; running thence South 00 degrees 19 minutes East a distance of 515.0 feet to the point of beginning. Except coal, gas and other mineral rights excepted or reserved in prior conveyances.

Parcel Number: 13-14.0-100-008TR

Property Address: Country Side Lane, Freeburg, IL 62243

**ORDINANCE NO. 1586****AN ORDINANCE AMENDING THE FREEBURG ZONING ORDINANCE  
FOR THE PURPOSE OF REZONING CERTAIN PROPERTY  
COMMONLY KNOWN AS THE GEBHART PROPERTY**

**WHEREAS**, the Village of Freeburg, St. Clair County, State of Illinois, presently has in force The Freeburg Zoning Ordinance, which is contained in the Freeburg Municipal Code, as amended from time to time; and

**WHEREAS**, the Village Plan Commission has complied with the provisions of 65 ILCS 5/11-13-14 and Article 40-23-1 of the Freeburg Zoning Ordinance regarding amendments of regulations and zoning districts by holding a public hearing on April 26, 2016 to consider the request for a rezoning of certain property owned by Donald G. Gebhart, Trustee, and Agnes A. Gebhart, Trustee pursuant to notice as required by statute; and

**WHEREAS**, the property owner of certain property commonly known as the Gebhart Property consisting of 6.79 acres in the Village of Freeburg, Illinois have filed an application for rezoning the Property from SR-1 to A (Agricultural);

**WHEREAS**, the map attached hereto, marked Exhibit A, is an accurate map of the property so sought to be rezoned and such rezoning shall be in accordance with the boundaries indicated on the map;

**WHEREAS**, as a result of said hearing, the Plan Commission has made a recommendation to the Village Board that it approve the request for rezoning to A;

**WHEREAS**, the Board of Trustees has considered the recommendation of the Plan Commission and has determined that it is in the best interest of the public health, safety and welfare and in compliance with the powers conferred upon the Village and the objectives and purposes set out in 65 ILCS 5/11-13-1, to adopt an amendment to the Freeburg Zoning Ordinance for the purpose of rezoning the Gebhart Property to allow A uses in accordance with the map attached hereto as Exhibit A; and

**NOW THEREFORE BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF FREEBURG, ST. CLAIR, COUNTY, ILLINOIS, AS FOLLOWS:**

**Section 1:** The Village of Freeburg Zoning Ordinance is hereby amended to change the zoning classification from Residential (SR-1) to A (Agricultural) on a tract of land consisting of approximately 6.79 acres in accordance with the map attached hereto as Exhibit A and as more particularly described herein on Exhibit B.

See legal description attached hereto as Exhibit B and incorporated herein as if fully set forth.

**Section 2:** That all other provisions of said Zoning Ordinance, as amended from time to time, shall remain unchanged and in full force and effect except as specifically amended by this Ordinance.

**ORDINANCE NO. 1586 cont.**

**Section 3:** If a court of competent jurisdiction declares any provision of this Ordinance unconstitutional or invalid, that decision shall not affect the validity of the remainder of this Ordinance.

**Section 4:** This Ordinance shall be effective upon its passage, signing and publication as required by law.

PASSED by the Board of Trustees of the Village of Freeburg, Illinois, this 2nd day of May, 2016.

AYES \_\_\_\_\_  
\_\_\_\_\_  
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\_\_\_\_\_  
\_\_\_\_\_

NAYS \_\_\_\_\_  
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\_\_\_\_\_  
\_\_\_\_\_

ABSENT \_\_\_\_\_  
\_\_\_\_\_

ABSTAIN \_\_\_\_\_  
\_\_\_\_\_

Approved this 2nd day of May, 2016.

\_\_\_\_\_  
Seth E. Speiser  
Village President

ATTEST:

\_\_\_\_\_  
Jerry Menard, Village Clerk

Approved as to Legal Form:

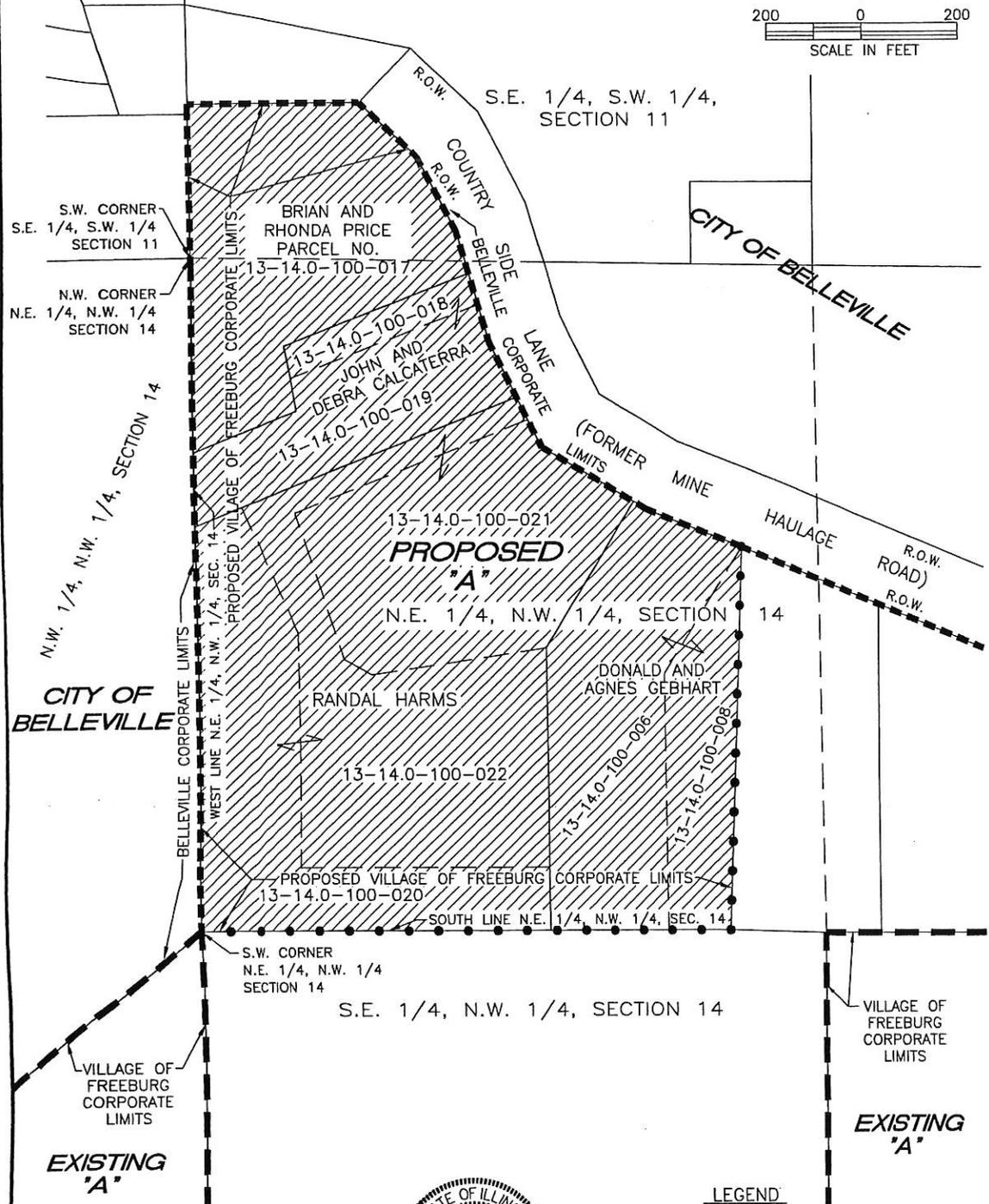
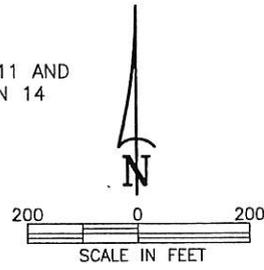
\_\_\_\_\_  
Village Attorney

# ANNEXATION PLAT

ORDINANCE NO. \_\_\_\_\_

FREEBURG, ILLINOIS

PART OF THE S.E. 1/4 OF THE S.W. 1/4 OF SECTION 11 AND  
 PART OF THE N.E. 1/4 OF THE N.W. 1/4 OF SECTION 14  
 T. 1 S., R. 8 W. OF THE 3RD P.M.  
 ST. CLAIR COUNTY, ILLINOIS



K:\30216\_Freeburg\_2016\_Surveys\Annexations\COUNTRYSIDE LANE ANNEX-REVISED.dwg, 4/7/2016 10:34:08 AM

I DO HEREBY CERTIFY THAT THIS ANNEXATION PLAT HAS BEEN PREPARED UNDER MY DIRECT SUPERVISION

*Gale E. Hake* April 7, 2016  
 GALE E. HAKE, I.P.L.S. NO. 2579 DATE  
 LICENSE EXPIRATION DATE: 11/30/2016



- LEGEND**
- EXISTING FREEBURG CORPORATE LIMITS
  - EXISTING BELLEVILLE CORPORATE LIMITS
  - PROPOSED FREEBURG CORPORATE LIMITS
  - PROPOSED FREEBURG ANNEXATION



**RHUTASEL and ASSOCIATES, INC.**  
 CONSULTING ENGINEERS • LAND SURVEYORS  
 FREEBURG, ILLINOIS CENTRALIA, ILLINOIS  
 (618) 539-3178 (618) 532-1992  
 IL. LICENSE NO. 184-000287

## EXHIBIT B

### Legal Description of Parcel

6343 Countryside Lane  
Freeburg, Illinois  
P.I.N.: 13-14.0-100-006TR and 13-14.0-100-008TR

Parcel 1: Being part of the Northeast 1/4 of the Northwest 1/4 of Section 14, Township 1 South, Range 8 West, of the Third Principal Meridian, all in St. Clair County, Illinois, being more particularly described as follows, to-wit:

Commencing at a stone marking the Southwest corner of the Northwest 1/4 of the Northwest 1/4 of Section 14, Township 1 South, Range 8 West, of the Third Principal Meridian, running thence Easterly along the South line of said Northeast 1/4 of the Northwest 1/4 of Section 14 a distance of 692.63 feet to a point, said point being the point of beginning of the tract herein described; continuing thence Easterly along the South line of said Northeast 1/4 of the Northwest 1/4 having assumed bearing of South 89 degrees 39 minutes East a distance of 240.00 feet to a point, running thence North 0 degrees 19 minutes West a distance of 515.00 feet to a point; running thence North 32 degrees 22 minutes East a distance of 301.71 feet to a point; running thence North 68 degrees 19 minutes West a distance of 218.50 feet to a point; running thence North 59 degrees 15 minutes West a distance of 24.02 feet to a point; running thence South 31 degrees 51 minutes West a distance of 344.17 feet to a point; running thence South 0 degrees 19 minutes East a distance of 567.25 feet to a point, said point being the point of beginning of the tract herein described.

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

Parcel Number: 13-14.0-100-006 TR

Property Address: 6343 Country Side Lane, Freeburg, IL 62243

Parcel 2: Part of the Northeast Quarter of the Northwest Quarter of Section 14 in Township 1 South Range 8 West of the Third Principal Meridian, St. Clair County, Illinois, and being more particularly described as follows, to-wit: Commencing the survey thereof at an old stone which marks the Southwest corner of the Northeast Quarter of the Northwest Quarter of said Section 14, running thence in an Easterly direction along the South line of the said Northeast Quarter of the Northwest Quarter of Section 14 a distance of 932.63 feet to a point; said point being the point of beginning of the tract herein being described; continuing thence Easterly along the South line of the Northeast Quarter of the Northwest Quarter of said Section 14 having an assumed bearing of South 89 degrees 39 minutes East a distance of 125.0 feet to a point; running thence North 02 degrees 30 minutes 06 seconds East a distance of 771.33 feet to a point; running thence South 32 degrees 22 minutes West a distance of 301.71 feet to a point; running thence South 00 degrees 19 minutes East a distance of 515.0 feet to the point of beginning. Except coal, gas and other mineral rights excepted or reserved in prior conveyances.

Parcel Number: 13-14.0-100-008TR

Property Address: Country Side Lane, Freeburg, IL 62243

PETITION FOR ANNEXATION )  
OF TERRITORY KNOWN AS THE )  
GEBHART PROPERTY )  
6343 COUNTRYSIDE LANE )  
TO THE VILLAGE ) ORDINANCE NO.  
OF FREEBURG, ILLINOIS )

**AFFIDAVIT**

STATE OF ILLINOIS )  
 ) ss.  
COUNTY OF ST. CLAIR )

Affiant, JULIE POLSON, being first duly sworn on her oath, states:

1. That she is the Office Manager for the Village of Freeburg, Illinois.
2. That the territory sought to be annexed and fully described in Exhibit "A" lies within the following fire protection district: Freeburg Fire Protection District.
3. That on April 7, 2016, Affiant sent notices in writing by certified mail to the following Smithton Board of Township Trustees:  
  
Donald Barkau, 6940 Holcolm School Road, Freeburg, IL 62243  
Mark Rodriguez, 606 Klein Drive, Smithton, IL 62285  
Neil Espenscheid, 5120 Kraft Road, Freeburg, IL 62243  
Quentin Grommet, 3880 High Prairie School Road, Belleville, IL 62220
4. That on April 7, 2016, Affiant sent a notice in writing by certified mail to the Township Supervisor: William Weber, 203 N. Main St., Smithton, IL 62285;
5. That on April 7, 2016, Affiant sent a notice in writing by certified mail to the Township Clerk: Reynold Ledbetter, 4405 Wildhorse Road, Smithton, IL 62285;
6. That on April 7, 2016, Affiant sent a notice in writing by certified mail to the Township Highway Commissioner: Pat Nichols, 5 Adams St., Smithton, IL 62285;
7. That on April 7, 2016, Affiant sent a notice in writing by certified mail to the

Freeburg Area Library: 407 S. Belleville, Freeburg, IL 62243;

9. That on April 13, 2016, Affiant sent a notice in writing by certified mail to the Freeburg Fire Protection District: 410 W. High Street, Freeburg, IL 62243;

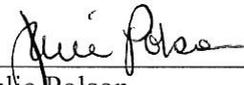
10. That receipts were returned to Affiant showing delivery of notices to William Weber, Mark Rodriguez, Neil Espenscheid and Quentin Grommet on April 9, 2016.

8. That receipts were returned to Affiant showing delivery of notices to Donald Barkau and Freeburg Area Library on April 11, 2016.

9. That receipts were returned to Affiant showing delivery of notice to Pat Nichols and Freeburg Fire Protection District on April 15, 2016.

10. That a receipt was returned to Affiant showing delivery of notice to Reynold Ledbetter on April 16, 2016.

Further Affiant sayeth naught.



Julie Polson  
Office Manager

Subscribed and sworn to before me this 29<sup>th</sup> day of April, 2016.

  
Notary Public

**ORDINANCE NO. 1587**

**AN ORDINANCE AUTHORIZING THE EXECUTION OF AN ANNEXATION AGREEMENT FOR THE ANNEXATION OF 3.20 ACRES, MORE OR LESS, OF REAL ESTATE OWNED BY DEBORAH K. CALCATERRA AND JOHN A. CALCATERRA, LOCATED IN THE COUNTY OF ST. CLAIR, STATE OF ILLINOIS**

WHEREAS, at least two-thirds (2/3) of the corporate authorities holding office believe it is in the best interest of the Village of Freeburg, St. Clair County, Illinois, to enter into a certain Annexation Agreement pertaining to property consisting of approximately 3.20 acres more or less as described in the Annexation Agreement attached as "Exhibit A" and commonly known as the Calcaterra property; and

WHEREAS, an Annexation Agreement has been drafted, a copy of which Agreement is attached hereto and incorporated herein as "Exhibit A;" and

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

WHEREAS, the Village did, on the 2nd day of May, 2016, hold and conduct a public hearing pursuant to notice and statute to discuss the Annexation Agreement; and

WHEREAS, all other statutory procedures provided in Division 15.1 of Article II of the Illinois Municipal Code, as amended, for the execution of said Agreement have been fully complied with.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF FREEBURG, COUNTY OF ST. CLAIR, STATE OF ILLINOIS, as follows:

SECTION 1: The recitals set forth above are true and accurate and incorporated herein by reference.

SECTION 2: That the Village hereby adopts and enters into the Annexation Agreement and the Village President be and he is hereby authorized and directed to execute, and the Village Clerk is directed to attest the Annexation Agreement attached hereto dated the 2nd of May, 2016 (a copy of which is attached hereto and made a part hereof as "Exhibit A).

ORDINANCE NO. 1587 cont.

SECTION 3: 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 Board of Trustees of the Village of Freeburg, Illinois, this 2nd day of May, 2016.

AYES _____	NAYS _____	ABSENT _____
AYES _____	NAYS _____	ABSENT _____
AYES _____	NAYS _____	ABSENT _____
AYES _____	NAYS _____	ABSENT _____
AYES _____	NAYS _____	ABSENT _____
AYES _____	NAYS _____	ABSENT _____

Vote recorded by:

\_\_\_\_\_  
Jerry Menard, Village Clerk

Approved by the Village President of the Village of Freeburg, St. Clair County, Illinois, this 2nd day of May, 2016.

\_\_\_\_\_  
Seth E. Speiser, Village President

ATTEST:

\_\_\_\_\_  
Jerry Menard, Village Clerk

Approved as to Legal Form:

\_\_\_\_\_  
Village Attorney

**ANNEXATION AGREEMENT**

THIS ANNEXATION AGREEMENT ("Agreement") is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2016, by and between Deborah K. Calcaterra and John A. Calcaterra, Jr., 6363 Countryside Lane, Freeburg, Illinois, (hereinafter referred to as "Owners") and the VILLAGE OF FREEBURG ("Village"), a municipal corporation organization and existing under and by virtue of the laws of the State of Illinois by and through its Mayor and Village Trustees (collectively, "Corporate Authorities").

**RECITALS**

- A. Owners are the owner of record of certain parcels of real property situated in St. Clair County, Illinois, which are adjacent to the Village and are more particularly described in Exhibit "A," the legal description, attached hereto and made a part hereof (the "Parcels").
- B. The Parcels consist of approximately 3.20 acres and adjoin, abuts, and are contiguous to the corporate limits of the Village.
- C. The Parcels have not been annexed to any municipality and are currently situated within unincorporated St. Clair County, Illinois.
- D. The Parcels constitute territory that is contiguous to and may be annexed to the Village, as provided under Section 7-1-1, *et seq.*, of the Illinois Municipal Code, 65 ILCS 5/7-1-1, *et seq.*
- E. Owners desire to have the Parcels annexed to the Village, on the terms and conditions provided herein and to qualify for such benefits or services as such annexation may so entitle it.
- F. The Corporate Authorities, after due and careful consideration, have concluded that the annexation of the Parcels to the Village would further the orderly growth of the Village, enable the Village to control the development of the Parcels, and serve the best interests of the Village.
- G. Pursuant to the provisions of 65 ILCS 5/11-15.1-1, *et seq.*, a proposed Annexation Agreement, in substance and form the same as this Agreement, was submitted to the Corporate Authorities and a public hearing was held on \_\_\_\_\_ pursuant to notice, all as provided by statute and the ordinances of the Village.

H. Any fire protection district, library district and other entity or person entitled to notice prior to annexation of the Parcels to the Village have been given notice thereof by the Village as required by law.

**NOW, THEREFORE**, in consideration of the promises and the mutual covenants and agreements herein contained, and in compliance with ordinances, codes, and regulations of the Village in effect as of the date of this Agreement, or as may hereinafter be enacted, subsequently, the Parties hereto hereby agree as follows:

1. **Statutory Authority.** The Parties hereto enter into this Agreement pursuant to and in accordance with the provisions of 65 ILCS 5/11-15.1-1, *et seq.*

2. **Annexation.**

- a) Concurrent with this Agreement, Owners have filed with the Village Clerk a Petition for Annexation of the Parcels to the Village, conditioned on the terms and provisions of this Agreement, which petition has been prepared, executed and filed in accordance with 65 ILCS 5/7-1-8, and the ordinances and other requirements of the Village. A copy of said Petition is attached hereto and made a part hereof as Exhibit "B."
- b) Owners have filed with the Village Clerk a Plat of Annexation which contains an accurate map of the Parcels, illustrated with the zoning district(s) Owners are seeking as a condition of annexation, which is attached hereto and made a part hereof as Exhibit "C" ("Annexation Plat").
- c) Subject to the terms of this Agreement, the Corporate Authorities shall hereinafter enact an ordinance annexing the Parcels to the Village ("Annexation Ordinance") which ordinance shall attach the Annexation Plat.

3. **Rezoning.** Upon the Effective Date of the Annexation Ordinance as set forth herein, the Village shall do the following:

- a) The Village shall adopt an ordinance zoning and classifying the Parcels as follows: "A"(Agricultural Use). The Parties acknowledge that prior to the effective date and execution of this Agreement, such public hearings as are necessary to enable the Village lawfully to grant said zoning classification as to the Parcels will have been conducted upon proper notice.
- b) Except as provided herein, all future changes in land use or related activity on the Parcels, if any, shall be subject to the applicable ordinances and laws authorizing or regulating such change or activity now in effect or as amended from time to time.

4. Water Supply/Sanitary Sewer/Electrical Service.

- a) The Village agrees to allow the Owners to connect to the Village water system and to make that utility reasonably available to the Parcel. The Village agrees to extend a municipal water main to that area for the purpose of using said system to serve the Owners' primary residence only, via a private water line constructed by the Owners from the Parcel to the municipal water main. Said private water line construction shall comply with all standards set by the Village, and Village's Engineer of Record, IEPA, the American Water Works Association Standards of Denver, Colorado as amended from time to time, and/or other state, federal or local regulatory agencies in effect as of the date of this agreement, and further provided the Owner bears all costs related to construction of the private line including, but not limited to, cost of labor, material, design and engineering, easement acquisition and tap-in fees.

In the event that it is determined that the Village is prohibited from extending a municipal water main to the Parcel, Owners shall have 90 days from notice of the prohibition to terminate this agreement and to file a petition to disconnect and the Village shall consent to the petition to disconnect.

- b) During the term of this Agreement, the Village agrees to allow the Owner to connect to the Village sanitary sewer system at Owner's option and Owner's expense, if and when sanitary sewer service becomes available to the Parcels. Upon expiration of this Agreement, Owner's connection obligations shall be governed by the applicable Village ordinances and policies. Any conflicting federal or state laws governing sanitary sewer connection shall supersede this paragraph.
- c) During the term of this Agreement, the Village agrees to allow the Owner to connect to the Village electric system at Owner's option and Owner's expense, if and when electric service becomes available to the Parcels. Upon expiration of this Agreement, Owner's connection obligations shall be governed by the applicable Village ordinances and policies. Any conflicting federal or state laws governing electric system connection shall supersede this paragraph.
- d) The Village shall not be held responsible for its inability to install any utility, or for any loss or damage including consequential damage, or delay in installation, caused by strikes, riots, elements, embargoes, failure of carriers, inability to obtain material, or other acts of God, or any other cause beyond Village's reasonable control, including but not limited to the acquisition of easements, modifications of Facilities Planning Area boundaries, Illinois Environmental Protection Agency permits or any other governmental or regulatory permit or approval.

5. **Subdivision/Dedication of Improvements.**

- a) In the event the Owners subdivide or otherwise develop the Parcels, the Owners shall dedicate to the Village, the roadways, the public improvements, the water lines, sanitary sewers and the storm sewers by recording with the St. Clair County, Illinois Recorder, in a form acceptable to the Village, the appropriate subdivision plat which dedicates the public improvements as provided herein. Nothing herein shall require the Village to accept such improvements for maintenance or liability that are not in satisfaction of the Village's specifications or that have not been inspected, approved and accepted by the Village.
- b) The Owners shall grant to the Village nonexclusive utility easements ("Utility Easements") for maintenance and repair of the aforesaid utilities to be constructed on the Parcels and dedicated to the Village as shown on the Final Plat, and any other easements the Village may reasonably require for municipal purposes.
- c) The Owners shall pay all development fees including but not limited to green space fees, plat review fees, completion and maintenance security for dedicated public improvements and normal and customary building permits, relative to development of the Parcels as set forth in the Code of Ordinances of the Village of Freeburg, as amended from time to time.

6. **Miscellaneous.**

- a) Notwithstanding any other provision contained herein to the contrary, with respect to the Parcels, this Agreement shall be effective for a term of ten (10) years from the date hereof, provided that any continuing obligations to the Village shall survive any termination or expiration to the extent consistent with 65 ILCS 5/11-15.1-1.
- b) This Agreement shall bind the heirs, successors, and assigns of the Owners, the Village, the Corporate Authorities and their successors in office. This Agreement shall inure to the benefit of the Parties hereof, their successors and assigns. This Agreement and the obligations of Owners hereunder shall be a covenant that shall run with the land, shall be a provision of any sale or other contract for transfer of interest in the Parcels, and may be recorded. Upon annexation, Owners shall comply with all ordinances of the Village, as adopted or amended from time to time.

- c) Nothing herein shall in any way prevent the alienation, encumbrance or sale of the Parcels or any portion thereof, and the new owner or owners shall be both benefited and bound by the conditions and restrictions herein expressed.
- d) Within thirty (30) days after the passage, approval and adoption of an ordinance of annexation by the Village, the text of this Agreement (or a suitable memorandum hereof) shall be recorded at the sole cost and expense of the Village in the Office of the Recorder of St. Clair County, Illinois.
- e) Except as otherwise expressly provided herein, Owners shall comply in all respects with the applicable provisions of the Village of Freeburg Municipal Code, whether or not any of such ordinances are amended after the date hereof.
- f) It is further agreed that any party to this Agreement, either in law or in equity, by suit, action, mandamus or other proceeding may enforce or compel the performance of this Agreement, or have other such relief for the breach thereof as may be authorized by law or that by law or in equity is available to them.
- g) It is understood by the Parties hereto that time is of the essence. It is further understood that upon the occurrence of a default of any of the provisions of this Agreement, which default continues for ten (10) days after a notice specifying such default is given the defaulting party, the injured party hereto may in law or in equity, by suit, action, mandamus or other proceeding, including specific performance, enforce or compel the performance of this Agreement by such defaulting party.
- h) The undersigned persons, whether signing individually, on behalf of a municipal corporation, or by an attorney-in-fact warrant themselves: (i) to be of lawful age, (ii) to be legally competent to execute this Agreement, (iii) to be fully authorized to execute this Agreement on behalf of themselves or the municipal corporation or other entity indicated below, and (iv) to have signed this Agreement on their own behalf or on behalf of such municipal corporation or other entity as their own free acts and deeds and/or the free acts and deeds of such municipal corporation or other entity after opportunity to consult with legal counsel.
- i) In the event any portion of this Agreement or part thereof shall be deemed invalid, such invalidity of said provision or part thereof shall not affect the validity of any other provision hereof.

- j) Unless stated otherwise herein, any notice required or permitted under this Agreement shall be in writing and shall be deemed given when mailed by registered or certified mail, return receipt requested, to the respective parties at their addresses listed below:

If to the Village: Village of Freeburg, Illinois  
Freeburg Municipal Center  
14 Southgate Center  
Freeburg, IL 62243  
Attention: Mayor

With a copy to: Mr. Brian Manion  
Weilmuenster & Keck, P.C.  
3201 W. Main Street  
Belleville, IL 62226

If to the Owner: Mr. and Mrs. John Calcaterra  
6363 Countryside Lane  
Freeburg, IL 62243

**IN WITNESS WHEREOF**, the Parties hereto have caused this Agreement to be executed as of the day and year first above written.

**VILLAGE:**

VILLAGE OF FREEBURG  
A Municipal Corporation,  
County of St. Clair  
State of Illinois

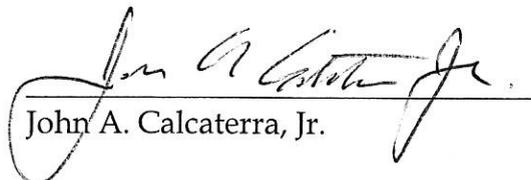
ATTEST:

\_\_\_\_\_  
Jerry Menard  
Village Clerk

\_\_\_\_\_  
Seth E. Speiser  
Village President

**OWNERS:**

  
\_\_\_\_\_  
Deborah K. Calcaterra

  
\_\_\_\_\_  
John A. Calcaterra, Jr.

## LIST OF EXHIBITS

- A. Legal Description of Parcel
- B. Petition for Annexation
- C. Annexation Plat

## EXHIBIT A

**Legal Description of Parcel**  
**6363 Countryside Lane**  
**Freeburg, Illinois**  
**P.I.N.: 13-14.0-100-018 and 13-14.0-100-019**

### **Parcel One:**

Part of the Northeast  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 14 in Township 1 South Range 8 West of the Third Principal Meridian, St. Clair County, Illinois, and being more particularly described as follows, to-wit: Commencing the survey thereof at the Northwest corner of the Northeast  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of said Section 14; running thence South along the West line of said Quarter Section a distance of 320.53 feet to a point; said point being the point of beginning of the tract herein being described; continuing thence Southerly along said last described course a distance of 217.33 feet to a point; running thence Northeasterly along a line making a clockwise angle with the last described course of 68 degrees 47 minutes 24 seconds a distance of 691.1 feet to a point in the Southwesterly right-of-way line of a mine haulage road; running thence Northwesterly along said right-of-way line and making a clockwise angle with the last described course of 85 degrees 26 minutes 59 seconds a distance of 122.1 feet to a point; continuing thence Northwesterly along said right-of-way line and making a clockwise angle with the last described course of 190 degrees 05 minutes a distance of 80.0 feet to a point; running thence Southwesterly along a line making a clockwise angle with the last described of 84 degrees 35 minutes 06 seconds a distance of 610.51 feet to the point of beginning.

Except the coal, oil and gas underlying the surface of said land and all rights and easements in favor of the estate of said coal, oil and gas.

Excepting from Parcel One the following described parcel: Part of the Northeast Quarter of the Northwest Quarter of Section 14 in Township 1 South, Range 8 West, 3<sup>rd</sup> P.M., St. Clair County, Illinois, more particularly described as follows:

Commencing at the Northwest corner of the Northeast Quarter of the Northwest Quarter of Section 14; Thence, South along the West line of the Northeast Quarter of the Northwest Quarter of said Section 14 a distance of 320.47 feet to a point, said point being the point of beginning of the tract herein conveyed; Thence Northeast along a line making a clockwise angle with the last described course of 68 degrees, 54 minutes, 29 seconds, a distance of 209.31 feet; Thence, South along a line making an interior angle with the last described course of 79 degrees 14 minutes a distance of 81.16 feet to a point; Thence Southwest along the line making an interior angle of 100 degrees 46 minutes with the last described course to the West line of the Northeast Quarter of the Northwest Quarter of said Section 14; Thence, North along the said West line of the Northeast Quarter of the Northwest Quarter of Section 14 to the point of beginning.

## EXHIBIT A

## Legal Description of Parcel

6363 Countryside Lane  
Freeburg, Illinois  
P.I.N.: 13-14.0-100-018 and 13-14.0-100-019  
Continued

Except the coal, oil, gas and other minerals underlying same. Subject to conditions, restrictions and easements of record.

### **Parcel Two:**

Part of the Northeast Quarter of the Northwest Quarter of Section 14 in Township One South Range Eight West of the Third Principal Meridian, St. Clair County, Illinois and being more particularly described as follows, to-wit:

Commencing at the Northwest corner of the Northeast Quarter of the Northwest Quarter of Section 14, running thence Southerly along the West line of the Northeast Quarter of the Northwest Quarter of said Section 14 a distance of 320.47 feet to a point, running thence Northeasterly along a line making a clockwise angle from the last described course of  $68^{\circ} 54' 29''$  a distance of 209.31 feet to a point, said point being the point of beginning of the tract herein being described, continuing thence Northeasterly along said last described course a distance of 401.36 feet to a point on the Southwest Right of Way line of "Mine Haul Road," running thence Northwesterly along said Right of Way line and making a clockwise angle from the last described course of  $95^{\circ} 24' 54''$  a distance of 65.29 feet to a point, running thence Southwesterly along a line making a clockwise angle from the last described course of  $84^{\circ} 35' 06''$  a distance of 395.16 feet to a point, running thence Southeasterly along a line making a clockwise angle from the last described course of  $100^{\circ} 46''$  a distance of 66.16 feet to the point of beginning and containing 0.5947 Acres more or less.

Situated in St. Clair County, Illinois, hereby releasing and waiving all rights under and by virtue of the homestead exemption laws of this state: Subject to real estate taxes for 2001, payable in 2002, and for subsequent years.

PINs: 13-14.0-100-018 and 13-14.0-100-019

**PETITION FOR ANNEXATION (Calcaterra)**

To: The Mayor and Board of Trustees  
of the Village of Freeburg  
St. Clair County, Illinois

The Petitioners, Deborah K. Calcaterra and John A. Calcaterra, Jr., respectively state under oath:

1. Petitioners are the sole legal and equitable owners of record of the following described land (hereinafter sometimes referred to as the "Tract"), to-wit:

**Parcel One:**

Part of the Northeast  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 14 in Township 1 South Range 8 West of the Third Principal Meridian, St. Clair County, Illinois, and being more particularly described as follows, to-wit: Commencing the survey thereof at the Northwest corner of the Northeast  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of said Section 14; running thence South along the West line of said Quarter Section a distance of 320.53 feet to a point; said point being the point of beginning of the tract herein being described; continuing thence Southerly along said last described course a distance of 217.33 feet to a point; running thence Northeasterly along a line making a clockwise angle with the last described course of 68 degrees 47 minutes 24 seconds a distance of 691.1 feet to a point in the Southwesterly right-of-way line of a mine haulage road; running thence Northwesterly along said right-of-way line and making a clockwise angle with the last described course of 85 degrees 26 minutes 59 seconds a distance of 122.1 feet to a point; continuing thence Northwesterly along said right-of-way line and making a clockwise angle with the last described course of 190 degrees 05 minutes a distance of 80.0 feet to a point; running thence Southwesterly along a line making a clockwise angle with the last described of 84 degrees 35 minutes 06 seconds a distance of 610.51 feet to the point of beginning.

Except the coal, oil and gas underlying the surface of said land and all rights and easements in favor of the estate of said coal, oil and gas.

Excepting from Parcel One the following described parcel: Part of the Northeast Quarter of the Northwest Quarter of Section 14 in Township 1 South, Range 8 West, 3<sup>rd</sup> P.M., St. Clair County, Illinois, more particularly described as follows:

Commencing at the Northwest corner of the Northeast Quarter of the Northwest Quarter of Section 14; Thence, South along the West line of the Northeast Quarter of the Northwest Quarter of said Section 14 a distance of 320.47 feet to a point, said point being the point of beginning of the tract herein conveyed; Thence Northeast along a line making a clockwise angle with the last described course of 68 degrees, 54 minutes, 29 seconds, a distance of 209.31 feet; Thence, South along a line making an interior angle with the last described course of 79 degrees 14 minutes a distance of 81.16 feet to a point; Thence Southwest along the line making an interior angle of 100 degrees 46 minutes with the last described course to the West line of the Northeast Quarter of the Northwest Quarter of said Section 14; Thence, North along the said West line of the Northeast Quarter of the Northwest Quarter of Section 14 to the point of beginning.

Except the coal, oil, gas and other minerals underlying same. Subject to conditions, restrictions and easements of record.

**Parcel Two:**

Part of the Northeast Quarter of the Northwest Quarter of Section 14 in Township One South Range Eight West of the Third Principal Meridian, St. Clair County, Illinois and being more particularly described as follows, to-wit:

Commencing at the Northwest corner of the Northeast Quarter of the Northwest Quarter of Section 14, running thence Southerly along the West line of the Northeast Quarter of the Northwest Quarter of said Section 14 a distance of 320.47 feet to a point, running thence Northeasterly along a line making a clockwise angle from the last described course of  $68^{\circ} 54' 29''$  a distance of 209.31 feet to a point, said point being the point of beginning of the tract herein being described, continuing thence Northeasterly along said last described course a distance of 401.36 feet to a point on the Southwest Right of Way line of "Mine Haul Road," running thence Northwesterly along said Right of Way line and making a clockwise angle from the last described course of  $95^{\circ} 24' 54''$  a distance of 65.29 feet to a point, running thence Southwesterly along a line making a clockwise angle from the last described course of  $84^{\circ} 35' 06''$  a distance of 395.16 feet to a point, running thence Southeasterly along a line making a clockwise angle from the last described course of  $100^{\circ} 46''$  a distance of 66.16 feet to the point of beginning and containing 0.5947 Acres more or less.

Situated in St. Clair County, Illinois, hereby releasing and waiving all rights under and by virtue of the homestead exemption laws of this state: Subject to real estate taxes for 2001, payable in 2002, and for subsequent years.

PIN: 13-14.0-100-018 and 13-14.0-100-019

2. The tract is not situated within the limits of any municipality but is contiguous to the Village of Freeburg.
3. That Petitioners represent are the sole electors residing on the tract.
4. It is the desire of the Petitioners and it would be in the best interest of the Village of Freeburg, Illinois, that said tract be annexed to the Village of Freeburg, Illinois, and made a part thereof, with the zoning classification of "A" (Agricultural District).

WHEREFORE PETITIONERS REPSECTFULLY REQUEST:

1. That the above described tract be annexed to the Village of Freeburg by ordinance of the President and Board of Trustees of the Village of Freeburg pursuant to Section 7-1-8 of the Illinois Municipal Code of the State of Illinois as amended (65 ILCS 5/6-1-8).
2. That such other action be taken as is appropriate in the premises.

Dated this 22<sup>nd</sup> day of September, 2014.

Deborah K. Calcaterra

Deborah K. Calcaterra, Trustee of the  
Deborah K. Calcaterra Living Trust  
dated February 24, 2000

John A. Calcaterra, Jr.

John A. Calcaterra, also known as  
John A. Calcaterra, Jr., Trustee of the  
Deborah K. Calcaterra Living Trust  
dated February 24, 2000

Subscribed to and sworn to before me this 22<sup>nd</sup> day of September, 2014.

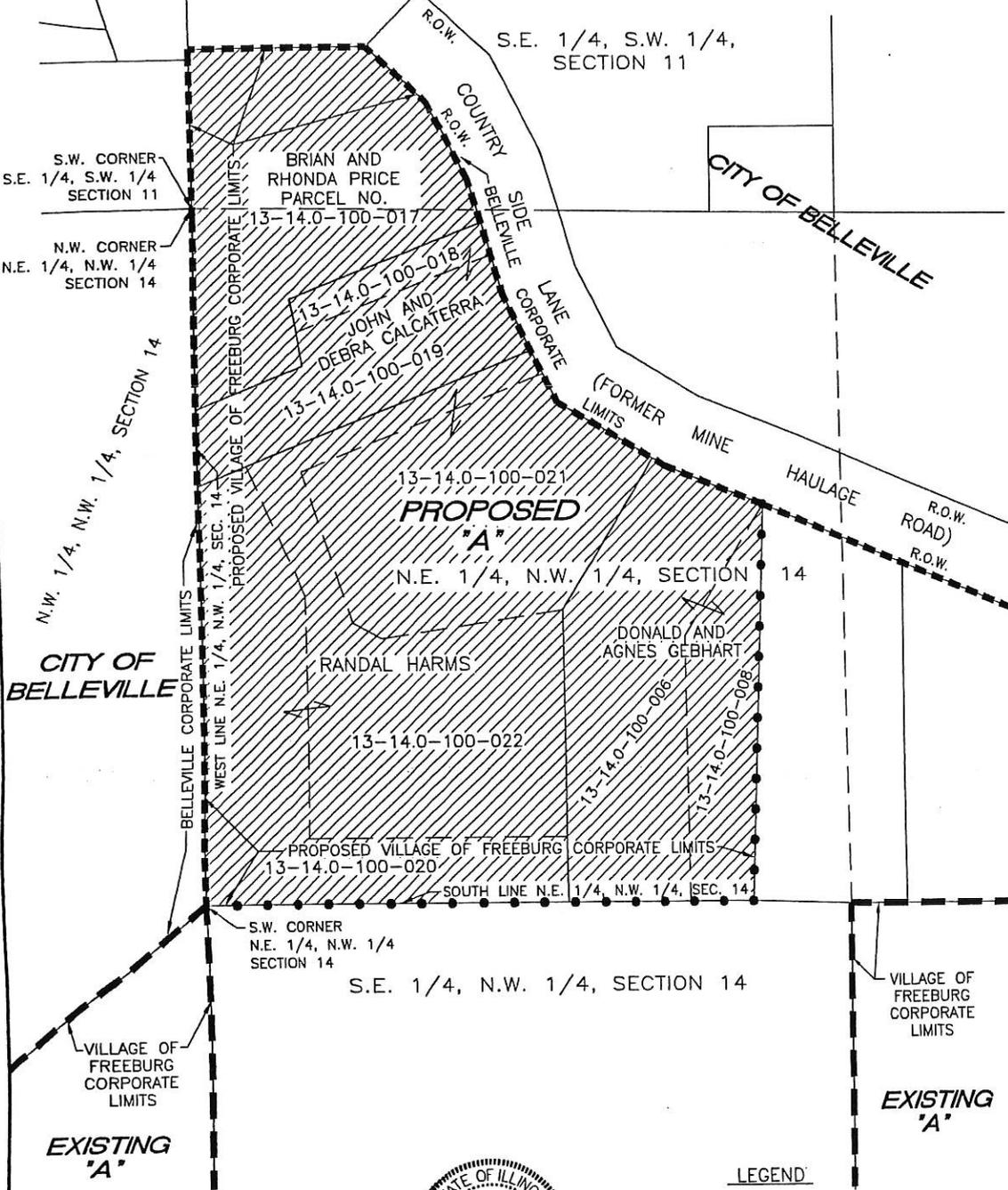
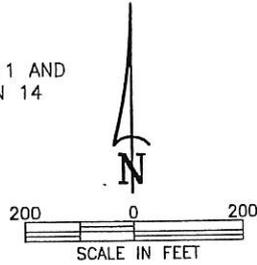
Julia A. Polson  
Notary Public



**ANNEXATION PLAT**

ORDINANCE NO. \_\_\_\_\_  
 FREEBURG, ILLINOIS

PART OF THE S.E. 1/4 OF THE S.W. 1/4 OF SECTION 11 AND  
 PART OF THE N.E. 1/4 OF THE N.W. 1/4 OF SECTION 14  
 T. 1 S., R. 8 W. OF THE 3RD P.M.  
 ST. CLAIR COUNTY, ILLINOIS



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I DO HEREBY CERTIFY THAT THIS ANNEXATION PLAT HAS BEEN PREPARED UNDER MY DIRECT SUPERVISION

*Gale E. Hake* April 7, 2016  
 GALE E. HAKE, I.P.L.S. NO. 2579 DATE  
 LICENSE EXPIRATION DATE: 11/30/2016



**LEGEND**

- EXISTING FREEBURG CORPORATE LIMITS
- EXISTING BELLEVILLE CORPORATE LIMITS
- PROPOSED FREEBURG CORPORATE LIMITS
- ▨ PROPOSED FREEBURG ANNEXATION



**RHUTASEL and ASSOCIATES, INC.**  
 CONSULTING ENGINEERS • LAND SURVEYORS  
 FREEBURG, ILLINOIS CENTRALIA, ILLINOIS  
 (618) 539-3178 (618) 532-1992  
 IL LICENSE NO. 184-000287

**ORDINANCE NO. 1588****AN ORDINANCE ANNEXING CERTAIN TERRITORY COMMONLY KNOWN AS THE "CALCATERRA" PROPERTY" TO AND IN THE VILLAGE OF FREEBURG, ST. CLAIR COUNTY, ILLINOIS**

WHEREAS, the property owners of certain territory, which is not within the corporate limits of any municipality, but which is contiguous to the Village of Freeburg, has filed a written Petition with the Village of Freeburg requesting that said territory be annexed to the Village of Freeburg, Illinois, a copy of which is attached hereto as "Exhibit A;" and

WHEREAS, the property owners are all of the electors, and, only electors Deborah K. Calcaterra, Trustee, and John A. Calcaterra, Trustee, are residing on said territory; and

WHEREAS, the map attached hereto, marked "Exhibit B," is an accurate map of said territory so sought to be annexed; and

WHEREAS, in compliance with the Laws of the State of Illinois providing therefore, notice was given to the Trustees of the Freeburg Fire Protection District, the Smithton Township Supervisor, the Trustees of Smithton Township and the Highway Commissioner of Smithton Township, in the manner provided by Statute, and all required notices have heretofore been given as required by law concerning the petition for annexation of this territory to the Village of Freeburg;

WHEREAS copies of such notices and affidavits of service of notices will be recorded in the Office of the Recorder of Deeds of St. Clair County; and

WHEREAS, all petitions, documents, and other necessary legal requirements are in full compliance with the statutes of the State of Illinois, specifically 65 ILCS, para. 5/7-1-1.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF FREEBURG, COUNTY OF ST. CLAIR, STATE OF ILLINOIS, as follows:

SECTION 1: That the following territory be and the same is hereby annexed and made a part of the Village of Freeburg, Illinois, in accordance with the Petition duly filed with the Village of Freeburg, requesting annexation:

See legal description attached hereto as "Exhibit C"

SECTION 2: That the described territory of land be and the same is hereby established in the zoning classification of "SR-1" as an automatic zoning classification upon annexation. Said classification shall apply to the territory described as it has been established and is classified for zoning in the Village of Freeburg, St. Clair County,

**ORDINANCE NO. 1588 cont.**

Illinois. The Village shall, however, as a condition of annexation pass and approve an ordinance rezoning the territory "A" (Agricultural).

SECTION 3: That the map attached hereto marked "Exhibit B," and made a part hereof, which is found to be an accurate map of the annexed territory, shall be filed of record with this Ordinance.

SECTION 4: That the Village Clerk is hereby directed to record with the St. Clair County Recorder of Deeds and to file with the County Clerk a certified copy of this Ordinance, together with the exhibits appended to this Ordinance.

SECTION 5: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 6: This Ordinance shall be in full force and effect from and after its passage, approval and publication as required by law.

PASSED by the Board of Trustees of the Village of Freeburg, Illinois, this 2nd day of May, 2016.

AYES _____	NAYS _____	ABSENT _____
AYES _____	NAYS _____	ABSENT _____
AYES _____	NAYS _____	ABSENT _____
AYES _____	NAYS _____	ABSENT _____
AYES _____	NAYS _____	ABSENT _____
AYES _____	NAYS _____	ABSENT _____

Vote recorded by:

\_\_\_\_\_  
Jerry Menard, Village Clerk

Approved by the Village President of the Village of Freeburg, St. Clair County, Illinois, this 2nd day of May, 2016.

\_\_\_\_\_  
Seth E. Speiser, Village President

ATTEST:

Approved as to Legal Form:

\_\_\_\_\_  
Jerry Menard, Village Clerk

\_\_\_\_\_  
Village Attorney

PETITION FOR ANNEXATION (Calcaterra)

To: The Mayor and Board of Trustees  
of the Village of Freeburg  
St. Clair County, Illinois

The Petitioners, Deborah K. Calcaterra and John A. Calcaterra, Jr., respectively state under oath:

1. Petitioners are the sole legal and equitable owners of record of the following described land (hereinafter sometimes referred to as the "Tract"), to-wit:

**Parcel One:**

Part of the Northeast  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 14 in Township 1 South Range 8 West of the Third Principal Meridian, St. Clair County, Illinois, and being more particularly described as follows, to-wit: Commencing the survey thereof at the Northwest corner of the Northeast  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of said Section 14; running thence South along the West line of said Quarter Section a distance of 320.53 feet to a point; said point being the point of beginning of the tract herein being described; continuing thence Southerly along said last described course a distance of 217.33 feet to a point; running thence Northeasterly along a line making a clockwise angle with the last described course of 68 degrees 47 minutes 24 seconds a distance of 691.1 feet to a point in the Southwesterly right-of-way line of a mine haulage road; running thence Northwesterly along said right-of-way line and making a clockwise angle with the last described course of 85 degrees 26 minutes 59 seconds a distance of 122.1 feet to a point; continuing thence Northwesterly along said right-of-way line and making a clockwise angle with the last described course of 190 degrees 05 minutes a distance of 80.0 feet to a point; running thence Southwesterly along a line making a clockwise angle with the last described of 84 degrees 35 minutes 06 seconds a distance of 610.51 feet to the point of beginning.

Except the coal, oil and gas underlying the surface of said land and all rights and easements in favor of the estate of said coal, oil and gas.

Excepting from Parcel One the following described parcel: Part of the Northeast Quarter of the Northwest Quarter of Section 14 in Township 1 South, Range 8 West, 3<sup>rd</sup> P.M., St. Clair County, Illinois, more particularly described as follows:

Commencing at the Northwest corner of the Northeast Quarter of the Northwest Quarter of Section 14; Thence, South along the West line of the Northeast Quarter of the Northwest Quarter of said Section 14 a distance of 320.47 feet to a point, said point being the point of beginning of the tract herein conveyed; Thence Northeast along a line making a clockwise angle with the last described course of 68 degrees, 54 minutes, 29 seconds, a distance of 209.31 feet; Thence, South along a line making an interior angle with the last described course of 79 degrees 14 minutes a distance of 81.16 feet to a point; Thence Southwest along the line making an interior angle of 100 degrees 46 minutes with the last described course to the West line of the Northeast Quarter of the Northwest Quarter of said Section 14; Thence, North along the said West line of the Northeast Quarter of the Northwest Quarter of Section 14 to the point of beginning.

Except the coal, oil, gas and other minerals underlying same. Subject to conditions, restrictions and easements of record.

**Parcel Two:**

Part of the Northeast Quarter of the Northwest Quarter of Section 14 in Township One South Range Eight West of the Third Principal Meridian, St. Clair County, Illinois and being more particularly described as follows, to-wit:

Commencing at the Northwest corner of the Northeast Quarter of the Northwest Quarter of Section 14, running thence Southerly along the West line of the Northeast Quarter of the Northwest Quarter of said Section 14 a distance of 320.47 feet to a point, running thence Northeasterly along a line making a clockwise angle from the last described course of 68° 54' 29" a distance of 209.31 feet to a point, said point being the point of beginning of the tract herein being described, continuing thence Northeasterly along said last described course a distance of 401.36 feet to a point on the Southwest Right of Way line of "Mine Haul Road," running thence Northwesterly along said Right of Way line and making a clockwise angle from the last described course of 95° 24' 54" a distance of 65.29 feet to a point, running thence Southwesterly along a line making a clockwise angle from the last described course of 84° 35' 06" a distance of 395.16 feet to a point, running thence Southeasterly along a line making a clockwise angle from the last described course of 100° 46" a distance of 66.16 feet to the point of beginning and containing 0.5947 Acres more or less.

Situated in St. Clair County, Illinois, hereby releasing and waiving all rights under and by virtue of the homestead exemption laws of this state: Subject to real estate taxes for 2001, payable in 2002, and for subsequent years.

PIN: 13-14.0-100-018 and 13-14.0-100-019

2. The tract is not situated within the limits of any municipality but is contiguous to the Village of Freeburg.
3. That Petitioners represent are the sole electors residing on the tract.
4. It is the desire of the Petitioners and it would be in the best interest of the Village of Freeburg, Illinois, that said tract be annexed to the Village of Freeburg, Illinois, and made a part thereof, with the zoning classification of "A" (Agricultural District).

WHEREFORE PETITIONERS REPSECTFULLY REQUEST:

1. That the above described tract be annexed to the Village of Freeburg by ordinance of the President and Board of Trustees of the Village of Freeburg pursuant to Section 7-1-8 of the Illinois Municipal Code of the State of Illinois as amended (65 ILCS 5/6-1-8).
2. That such other action be taken as is appropriate in the premises.

Dated this 22<sup>nd</sup> day of September, 2014.

Deborah K. Calcaterra

Deborah K. Calcaterra, Trustee of the  
Deborah K. Calcaterra Living Trust  
dated February 24, 2000

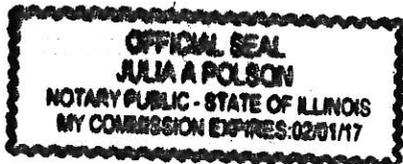
John A. Calcaterra Jr.

John A. Calcaterra, also known as  
John A. Calcaterra, Jr., Trustee of the  
Deborah K. Calcaterra Living Trust  
dated February 24, 2000

Subscribed to and sworn to before me this 22<sup>nd</sup> day of September, 2014.

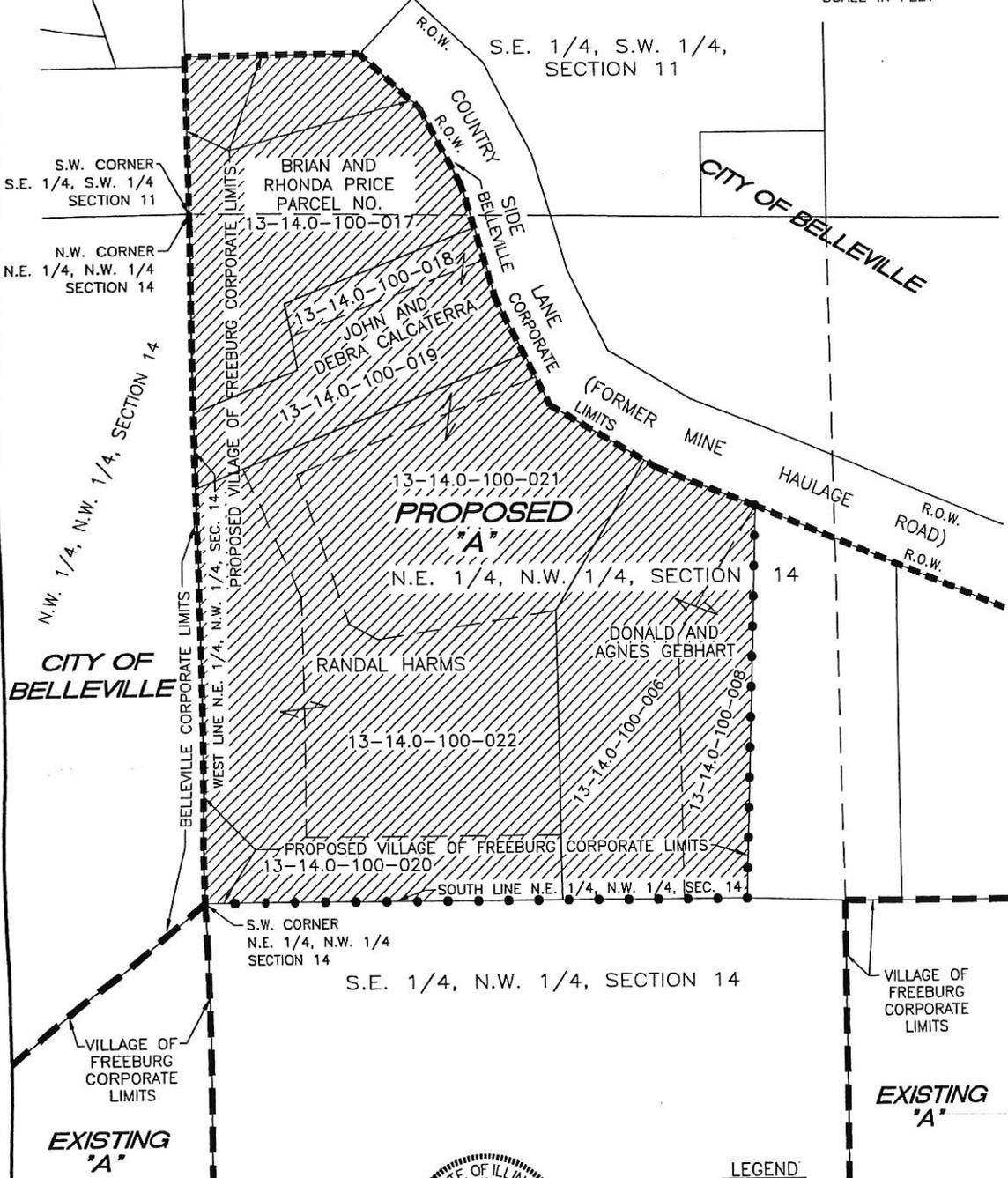
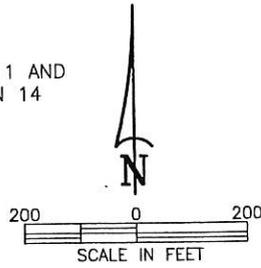
Julia A. Polson

Notary Public



**ANNEXATION PLAT**  
**ORDINANCE NO. 1588**  
**FREEBURG, ILLINOIS**

PART OF THE S.E. 1/4 OF THE S.W. 1/4 OF SECTION 11 AND  
 PART OF THE N.E. 1/4 OF THE N.W. 1/4 OF SECTION 14  
 T. 1 S., R. 8 W. OF THE 3RD P.M.  
 ST. CLAIR COUNTY, ILLINOIS



I DO HEREBY CERTIFY THAT THIS ANNEXATION PLAT HAS BEEN PREPARED UNDER MY DIRECT SUPERVISION

*Gale E. Hake* April 7, 2016  
 GALE E. HAKE, I.P.L.S. NO. 2579 DATE  
 LICENSE EXPIRATION DATE: 11/30/2016

- LEGEND**
- EXISTING FREEBURG CORPORATE LIMITS
  - - - EXISTING BELLEVILLE CORPORATE LIMITS
  - PROPOSED FREEBURG CORPORATE LIMITS
  - ▨▨▨ PROPOSED FREEBURG ANNEXATION



**RHUTASEL and ASSOCIATES, INC.**  
 CONSULTING ENGINEERS • LAND SURVEYORS  
 FREEBURG, ILLINOIS CENTRALIA, ILLINOIS  
 (618) 539-3178 (618) 532-1992  
 IL LICENSE NO. 184-000287

K:\30216\_Freeburg\_2016\_Surveys\Annexations\COUNTRYSIDE LANE ANNEX-REVISED.dwg, 4/7/2016 10:34:08 AM

## EXHIBIT C

### Legal Description of Parcel

6363 Countryside Lane  
Freeburg, Illinois  
P.I.N.: 13-14.0-100-018 and 13-14.0-100-019  
Continued

Except the coal, oil, gas and other minerals underlying same. Subject to conditions, restrictions and easements of record.

#### **Parcel Two:**

Part of the Northeast Quarter of the Northwest Quarter of Section 14 in Township One South Range Eight West of the Third Principal Meridian, St. Clair County, Illinois and being more particularly described as follows, to-wit:

Commencing at the Northwest corner of the Northeast Quarter of the Northwest Quarter of Section 14, running thence Southerly along the West line of the Northeast Quarter of the Northwest Quarter of said Section 14 a distance of 320.47 feet to a point, running thence Northeasterly along a line making a clockwise angle from the last described course of 68° 54' 29" a distance of 209.31 feet to a point, said point being the point of beginning of the tract herein being described, continuing thence Northeasterly along said last described course a distance of 401.36 feet to a point on the Southwest Right of Way line of "Mine Haul Road," running thence Northwesterly along said Right of Way line and making a clockwise angle from the last described course of 95° 24' 54" a distance of 65.29 feet to a point, running thence Southwesterly along a line making a clockwise angle from the last described course of 84° 35' 06" a distance of 395.16 feet to a point, running thence Southeasterly along a line making a clockwise angle from the last described course of 100° 46" a distance of 66.16 feet to the point of beginning and containing 0.5947 Acres more or less.

Situated in St. Clair County, Illinois, hereby releasing and waiving all rights under and by virtue of the homestead exemption laws of this state: Subject to real estate taxes for 2001, payable in 2002, and for subsequent years.

PINs: 13-14.0-100-018 and 13-14.0-100-019

**ORDINANCE NO. 1589****AN ORDINANCE AMENDING THE FREEBURG ZONING ORDINANCE  
FOR THE PURPOSE OF REZONING CERTAIN PROPERTY  
COMMONLY KNOWN AS THE CALCATERRA PROPERTY**

**WHEREAS**, the Village of Freeburg, St. Clair County, State of Illinois, presently has in force The Freeburg Zoning Ordinance, which is contained in the Freeburg Municipal Code, as amended from time to time; and

**WHEREAS**, the Village Plan Commission has complied with the provisions of 65 ILCS 5/11-13-14 and Article 40-23-1 of the Freeburg Zoning Ordinance regarding amendments of regulations and zoning districts by holding a public hearing on April 26, 2016 to consider the request for a rezoning of certain property owned by Deborah K. Calcaterra and John A. Calcaterra, Jr., pursuant to notice as required by statute; and

**WHEREAS**, the property owner of certain property commonly known as the Calcaterra Property consisting of 3.20 acres in the Village of Freeburg, Illinois have filed an application for rezoning the Property from SR-1 to A (Agricultural);

**WHEREAS**, the map attached hereto, marked Exhibit A, is an accurate map of the property so sought to be rezoned and such rezoning shall be in accordance with the boundaries indicated on the map;

**WHEREAS**, as a result of said hearing, the Plan Commission has made a recommendation to the Village Board that it approve the request for rezoning to A;

**WHEREAS**, the Board of Trustees has considered the recommendation of the Plan Commission and has determined that it is in the best interest of the public health, safety and welfare and in compliance with the powers conferred upon the Village and the objectives and purposes set out in 65 ILCS 5/11-13-1, to adopt an amendment to the Freeburg Zoning Ordinance for the purpose of rezoning the Gebhart Property to allow A uses in accordance with the map attached hereto as Exhibit A; and

**NOW THEREFORE BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF FREEBURG, ST. CLAIR, COUNTY, ILLINOIS, AS FOLLOWS:**

**Section 1:** The Village of Freeburg Zoning Ordinance is hereby amended to change the zoning classification from Residential (SR-1) to A (Agricultural) on a tract of land consisting of approximately 3.20 acres in accordance with the map attached hereto as Exhibit A and as more particularly described herein on Exhibit B.

See legal description attached hereto as Exhibit B and incorporated herein as if fully set forth.

**Section 2:** That all other provisions of said Zoning Ordinance, as amended from time to time, shall remain unchanged and in full force and effect except as specifically amended by this Ordinance.

**ORDINANCE NO. 1589 cont.**

**Section 3:** If a court of competent jurisdiction declares any provision of this Ordinance unconstitutional or invalid, that decision shall not affect the validity of the remainder of this Ordinance.

**Section 4:** This Ordinance shall be effective upon its passage, signing and publication as required by law.

PASSED by the Board of Trustees of the Village of Freeburg, Illinois, this 2nd day of May, 2016.

AYES \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

NAYS \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ABSENT \_\_\_\_\_  
\_\_\_\_\_

ABSTAIN \_\_\_\_\_  
\_\_\_\_\_

Approved this 2nd day of May, 2016.

ATTEST:

\_\_\_\_\_  
Jerry Menard, Village Clerk

\_\_\_\_\_  
Seth E. Speiser  
Village President

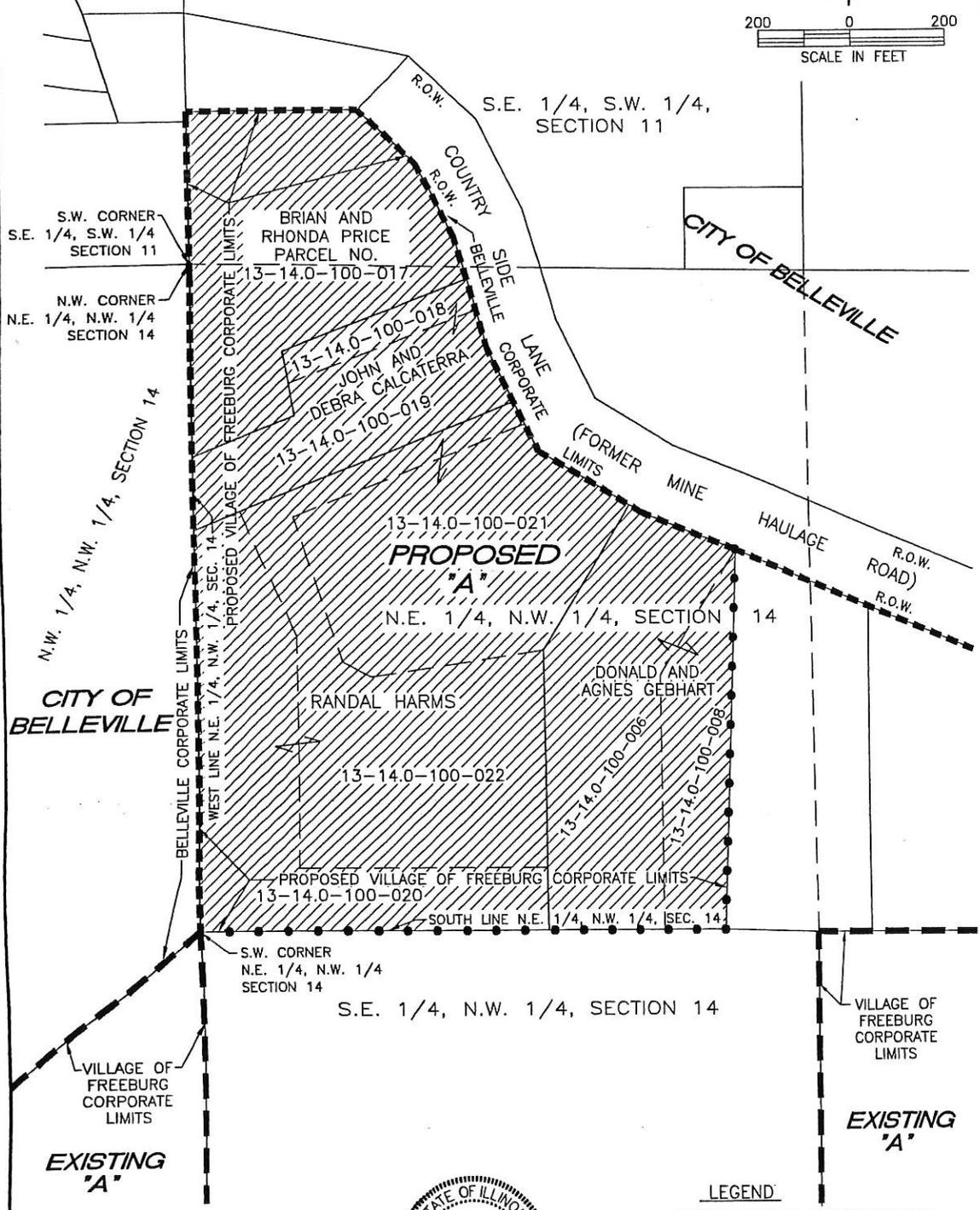
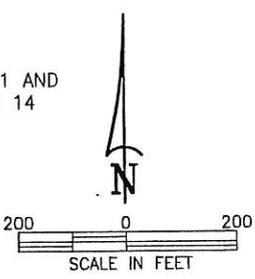
Approved as to Legal Form:

\_\_\_\_\_  
Village Attorney

**ANNEXATION PLAT**

ORDINANCE NO. \_\_\_\_\_  
 FREEBURG, ILLINOIS

PART OF THE S.E. 1/4 OF THE S.W. 1/4 OF SECTION 11 AND  
 PART OF THE N.E. 1/4 OF THE N.W. 1/4 OF SECTION 14  
 T. 1 S., R. 8 W. OF THE 3RD P.M.  
 ST. CLAIR COUNTY, ILLINOIS



K:\30216\_Freeburg\_2016\_Surveys\Annexations\COUNTRYSIDE LANE ANNEX-REVISED.dwg, 4/7/2016 10:24:08 AM

I DO HEREBY CERTIFY THAT THIS ANNEXATION PLAT HAS BEEN PREPARED UNDER MY DIRECT SUPERVISION

*Gale E. Hake*  
 GALE E. HAKE, I.P.L.S. NO. 2579 DATE April 7, 2016  
 LICENSE EXPIRATION DATE: 11/30/2016



**LEGEND**

- EXISTING FREEBURG CORPORATE LIMITS
- - - EXISTING BELLEVILLE CORPORATE LIMITS
- PROPOSED FREEBURG CORPORATE LIMITS
- ▨ PROPOSED FREEBURG ANNEXATION



**RHUTASEL and ASSOCIATES, INC.**  
 CONSULTING ENGINEERS • LAND SURVEYORS  
 FREEBURG, ILLINOIS CENTRALIA, ILLINOIS  
 (618) 539-3178 (618) 532-1992  
 IL LICENSE NO. 184-000287

## EXHIBIT B

### Legal Description of Parcel

6363 Countryside Lane  
Freeburg, Illinois  
P.I.N.: 13-14.0-100-018 and 13-14.0-100-019  
Continued

Except the coal, oil, gas and other minerals underlying same. Subject to conditions, restrictions and easements of record.

#### **Parcel Two:**

Part of the Northeast Quarter of the Northwest Quarter of Section 14 in Township One South Range Eight West of the Third Principal Meridian, St. Clair County, Illinois and being more particularly described as follows, to-wit:

Commencing at the Northwest corner of the Northeast Quarter of the Northwest Quarter of Section 14, running thence Southerly along the West line of the Northeast Quarter of the Northwest Quarter of said Section 14 a distance of 320.47 feet to a point, running thence Northeasterly along a line making a clockwise angle from the last described course of 68° 54' 29" a distance of 209.31 feet to a point, said point being the point of beginning of the tract herein being described, continuing thence Northeasterly along said last described course a distance of 401.36 feet to a point on the Southwest Right of Way line of "Mine Haul Road," running thence Northwesterly along said Right of Way line and making a clockwise angle from the last described course of 95° 24' 54" a distance of 65.29 feet to a point, running thence Southwesterly along a line making a clockwise angle from the last described course of 84° 35' 06" a distance of 395.16 feet to a point, running thence Southeasterly along a line making a clockwise angle from the last described course of 100° 46" a distance of 66.16 feet to the point of beginning and containing 0.5947 Acres more or less.

Situated in St. Clair County, Illinois, hereby releasing and waiving all rights under and by virtue of the homestead exemption laws of this state: Subject to real estate taxes for 2001, payable in 2002, and for subsequent years.

PINs: 13-14.0-100-018 and 13-14.0-100-019

PETITION FOR ANNEXATION )  
OF TERRITORY KNOWN AS THE )  
CALCATERRA PROPERTY )  
6363 COUNTRYSIDE LANE )  
TO THE VILLAGE ) ORDINANCE NO.  
OF FREEBURG, ILLINOIS )

**AFFIDAVIT**

STATE OF ILLINOIS )  
 ) ss.  
COUNTY OF ST. CLAIR )

Affiant, JULIE POLSON, being first duly sworn on her oath, states:

1. That she is the Office Manager for the Village of Freeburg, Illinois.
2. That the territory sought to be annexed and fully described in Exhibit "A" lies within the following fire protection district: Freeburg Fire Protection District.
3. That on April 7, 2016, Affiant sent notices in writing by certified mail to the following Smithton Board of Township Trustees:  
  
Donald Barkau, 6940 Holcolm School Road, Freeburg, IL 62243  
Mark Rodriguez, 606 Klein Drive, Smithton, IL 62285  
Neil Espenscheid, 5120 Kraft Road, Freeburg, IL 62243  
Quentin Grommet, 3880 High Prairie School Road, Belleville, IL 62220
4. That on April 7, 2016, Affiant sent a notice in writing by certified mail to the Township Supervisor: William Weber, 203 N. Main St., Smithton, IL 62285;
5. That on April 7, 2016, Affiant sent a notice in writing by certified mail to the Township Clerk: Reynold Ledbetter, 4405 Wildhorse Road, Smithton, IL 62285;
6. That on April 7, 2016, Affiant sent a notice in writing by certified mail to the Township Highway Commissioner: Pat Nichols, 5 Adams St., Smithton, IL 62285;
7. That on April 7, 2016, Affiant sent a notice in writing by certified mail to the

Freeburg Area Library: 407 S. Belleville, Freeburg, IL 62243;

9. That on April 13, 2016, Affiant sent a notice in writing by certified mail to the Freeburg Fire Protection District: 410 W. High Street, Freeburg, IL 62243;

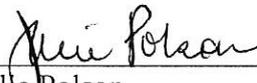
10. That receipts were returned to Affiant showing delivery of notices to William Weber, Mark Rodriguez, Neil Espenscheid and Quentin Grommet on April 9, 2016.

8. That receipts were returned to Affiant showing delivery of notices to Donald Barkau and Freeburg Area Library on April 11, 2016.

9. That receipts were returned to Affiant showing delivery of notice to Pat Nichols and Freeburg Fire Protection District on April 15, 2016.

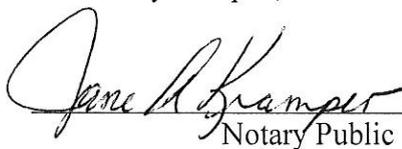
10. That a receipt was returned to Affiant showing delivery of notice to Reynold Ledbetter on April 16, 2016.

Further Affiant sayeth naught.



Julie Polson  
Office Manager

Subscribed and sworn to before me this 29<sup>th</sup> day of April, 2016.

  
Notary Public