

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

**AN ORDINANCE  
DISCONNECTING TERRITORY  
FROM THE CITY OF O'FALLON,  
ST. CLAIR COUNTY, ILLINOIS  
(THRELKELD/MAGNA LAND  
TRUST DISCONNECTION)  
CONTAINING IN TOTAL  
APPROXIMATELY 1.52 ACRES**

**WHEREAS**, Petitioner, David Threlkeld, as beneficiary of the land trust with Magna Trust Company, N.A., formerly known as Magna Trust Company, as Trustee of Trust #01-90-W367-00 ("Petitioner"), owns territory specifically described in Exhibit A and depicted in Exhibit B, both attached hereto and made a part hereof ("Property"), and desires to allow the City of O'Fallon to disconnect the Property from its corporate boundaries; and

**WHEREAS**, the Petitioner has filed a duly signed and duly verified Second Amended Petition Requesting Disconnection of Territory from the City of O'Fallon Pursuant to Section 7-1-24 of the Illinois Municipal Code 65 ILCS 5/7-1-24 (1992) ("Petition for Disconnection"; the statutory reference is, sometimes, the "Code"); and

**WHEREAS**, the Petitioner has filed a Petition for Annexation Pursuant to Illinois Compiled Statutes with the Village of Shiloh, Illinois ("Petition to Annex"), requesting that the Village of Shiloh annex the Property; and

**WHEREAS**, the Petition to Annex contains certain conditions of annexation namely, certain set back requirements, that the Storm Water Management Plan conform to the Village of Shiloh Ordinance and that the Property be zoned R-2, pursuant to the Village of Shiloh Development Code adopted June 2, 1986 (collectively, "Annexation Terms"); and

**WHEREAS**, the Petitioner represents at least ½ of the record owners of the Property and at least ½ of the electors residing within the Property; and

**WHEREAS**, the Property is located within the corporate boundaries of the City of O'Fallon, State of Illinois, and is contiguous to the corporate boundaries of the Village of Shiloh, State of Illinois; and

**WHEREAS**, pursuant to the Code, the Property may be disconnected from the City of O'Fallon upon its annexation into the Village of Shiloh; and

**WHEREAS**, the Property consists of approximately 1.52 acres; and

**WHEREAS**, all notices have been served to the affected parties as required by statute;  
and

**WHEREAS**, the Property has been subject to all necessary hearings before the  
appropriate bodies.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY  
COUNCIL OF THE CITY OF O'FALLON, ST. CLAIR COUNTY, ILLINOIS AS  
FOLLOWS:**

**Section 1. Approval for Disconnection.** That upon the Village of Shiloh, St. Clair  
County, Illinois annexing the Property into its corporate boundaries pursuant to the Annexation  
Terms, the Property shall be disconnected from the City of O'Fallon, St. Clair County, Illinois;

**Section 2. Incorporation.** The recitals of this Ordinance are hereby incorporated as a  
material term hereof.

**Section 3 Recording.** That the City Clerk is hereby directed to record a certified copy  
of this Ordinance with the St. Clair County Recorder of Deeds, together with the map of the  
territory disconnected.

**Section 4. Filing.** A Certified Copy of this Ordinance, with all referenced  
attachments, shall be filed with the City Clerk's Office of the City of O'Fallon, Illinois and the  
Village Clerk's Office of the Village of Shiloh, Illinois.

**Section 5. Passage.** This Ordinance shall be in full force and effect from and after its  
passage and approval as provided by law.

Passed by the City Council this \_\_\_\_\_ day of April, 2005.

ATTEST:  
(Seal)

Approved by the Mayor this  
\_\_\_\_\_ day of April, 2005

\_\_\_\_\_  
Philip A. Goodwin, City Clerk

\_\_\_\_\_  
Gary L. Graham, Mayor

<b>ROLL CALL:</b>	Albrecht	Bennett	Cowden	Drolet	Grogan	Schmidt	Medford	<b>SUB TOTALS</b>
<b>Aye</b>								
<b>Nay</b>								
<b>Absent</b>								

<b>ROLL CALL:</b>	Morski	Mouser	Reckamp	Henry	Renner	True	West	<b>SUB TOTALS</b>	<b>SUM OF TOTALS</b>
<b>Aye</b>									
<b>Nay</b>									
<b>Absent</b>									

**EXHIBIT "A"**

**LEGAL DESCRIPTION**

*Part of Lots 8, 9, 10, 11, 12, and 13 of the Fourth Addition to Meadowbrook Garden Estates, as recorded in Plat Book 93, page 68 of the St. Clair County, Illinois records, and part of the Northeast Quarter of Section 35, Township 2 North, Range 8 West of the Third Principal Meridian, St. Clair County, Illinois, described as follows:*

*Beginning at the S.W. corner of Lot 1 of the Second Addition to Meadowbrook Garden Estates, a subdivision as recorded in Plat Book 93, page 14 of the St. Clair County, Illinois records; thence, N.90 00'00"E., (bearing assumed) collinear with the south line of said Lot 1, 488.85 feet to the West R.O.W. line of Hartman Lane, (C.H. #16); thence, S.00 40'00"E., along said West R.O.W. line, 135.12 feet; thence, N.90 00'00"W., 488.85 feet to a point on the East line of Lot 1 of Meadowbrook Garden Estates, a subdivision as recorded in Plat Book 67, page 39 of said St. Clair County, Illinois records; thence, N.00 40'00"W., collinear with said East line of Lot 1, 135.12 feet to the point of beginning, containing 1.52 acres, more or less.*

**EXHIBIT "B"**

**MAP**