



Planning and Zoning Commission Agenda

City Council Chambers

July 21, 2026

5:30 p.m.

Call to Order

Approve Minutes of the June 23, 2026 meeting

Update Past Planning and Zoning Commission items

Receive General citizen comments

PZ-26-0701 Public Hearing Variance for two wall signs, increased size and not facing a street, located at 247 S Seminary St

PZ-26-0702 Public Hearing Preannexation Agreement for Property Identification Numbers 95-34-301-001 and 05-34-301-003, generally located east of 531 W Carl Sandburg Dr and west of 3175 N Henderson St

PZ-26-0703 Public Hearing Preannexation Agreement for Property Identification Numbers 09-04-300-018 and 09-04-100-006, generally located in the 1600 block of W Carl Sandburg Dr.

Adjournment

COMMISSION MEMBERS: PLEASE NOTIFY ME IF YOU ARE UNABLE TO ATTEND AT 345-3619.



**PLANNING AND ZONING COMMISSION
MEETING MINUTES
COUNCIL CHAMBERS OF GALESBURG CITY HALL
55 W TOMPKINS ST, GALESBURG, IL
Tuesday, June 23, 2026 at 5:30 p.m.**

MEMBERS Katina Cochran, Mark Lee, Carla Markwart, Jason Paulsgrove,
PRESENT: Dusty Scott, 5.
MEMBERS Ardennia Leahy, Steve McKelvie, Mark Thomas, 3.
ABSENT:
OTHERS
PRESENT: Steve Gugliotta AICP-Director of Community Development.

Chairperson declared quorum present.

Approve Minutes of the May 19, 2026 meeting

Member Lee moved to approve the minutes, seconded by Member Markwart.

Minutes were approved by voice vote.

Update Past Planning and Zoning Commission items

- Minor Plat of Fieldview Subdivision, 119 Knox Road 1300 N. was recommended for approved at the last Planning & Zoning Commission meeting and City Council approved at their June 1st meeting.
- Minor Plat of Prina2 Resubdivision, 2320 Grand Avenue was recommended for approved at the last Planning & Zoning Commission meeting and City Council approved at their June 1st meeting.

Receive Citizen Comment

None Received.

**PZ-26- Public Amendment to Flood Damage Prevention
0601 Hearing Ordinance**

The Commission members considered the following items:

- The proposed ordinance will keep the city consistent with current Federal Emergency Management Agency (FEMA) requirements and National Flood Insurance Program (NFIP) regulations.
- The ordinance does not expand mapped floodplain boundaries or create new flood hazard areas.
- Adoption of the proposed ordinance is necessary to maintain the City's continued eligibility and good standing in the NFIP, which allows property owners within the community to obtain federally backed flood insurance and ensures continued compliance with state and federal floodplain management standards.
- The Development Review Committee reviewed the request at their June 3, 2026 meeting and recommended approval.

Member Markwart moved, seconded by Member Scott to recommend approval.

Roll Call #1

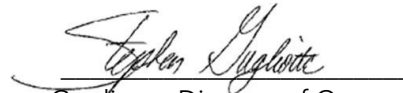
Ayes: Cochrane, Lee, Markwart, Paulsgrove, Scott, 5.

Nays: None.

Abstentions: None.

Chairperson declared the motion approved

There being no further business, the meeting adjourned at 5:44 p.m.

A handwritten signature in cursive script, appearing to read "Steve Gugliotta", written over a horizontal line.

Steve Gugliotta, Director of Community Development



Planning & Zoning Commission Meeting

Agenda Item Overview

July 21, 2026

AGENDA ITEM: PZ-26-0701 Variance to allow two wall signs, increased size and not facing a street for the National Railroad Hall of Fame, located at 247 S Seminary St.

SUMMARY RECOMMENDATION: The Development Review Committee members considered the variance request at its July 1, 2026 meeting and recommended approval of the variances.

BACKGROUND: The applicant is seeking a variance of Section 152.231 (B) (1) to increase the number of allowable on-premises wall signs to 2; a variance of Section 152.231 (B) (2) to increase the total sign area from no greater than 5% of the wall area to 14.5% of the wall area and a variance of Section 152.231 (B) (3) to allow one of the proposed signs to not face a street.

The submitted reasoning for the variance request is to increase visibility for visitors coming by both car and rail and keeping consistent with neighboring attractions and retail. The north elevation is 23 ft by 80 ft, and the sign for the north elevation is 12 ft by 14.17 ft, resulting in a sign that covers approximately 10.8% of the wall area. The east elevation is also 23 ft by 80 ft, and the sign for the east elevation is 7 ft by 18.1 ft, resulting in a sign that covers approximately 14.5% of the wall area.

GALESBURG Zoning		Land Use
North	I, Institutional	Amtrak Station
West	M-1, Light Industrial	Penn's Furniture
East	I, Institutional	Icehouse Park
South	M-1, Light Industrial	Railroad tracks

SUPPORTING DOCUMENTS:

1. Standards for granting sign variances
2. Aerial - General location
3. Application

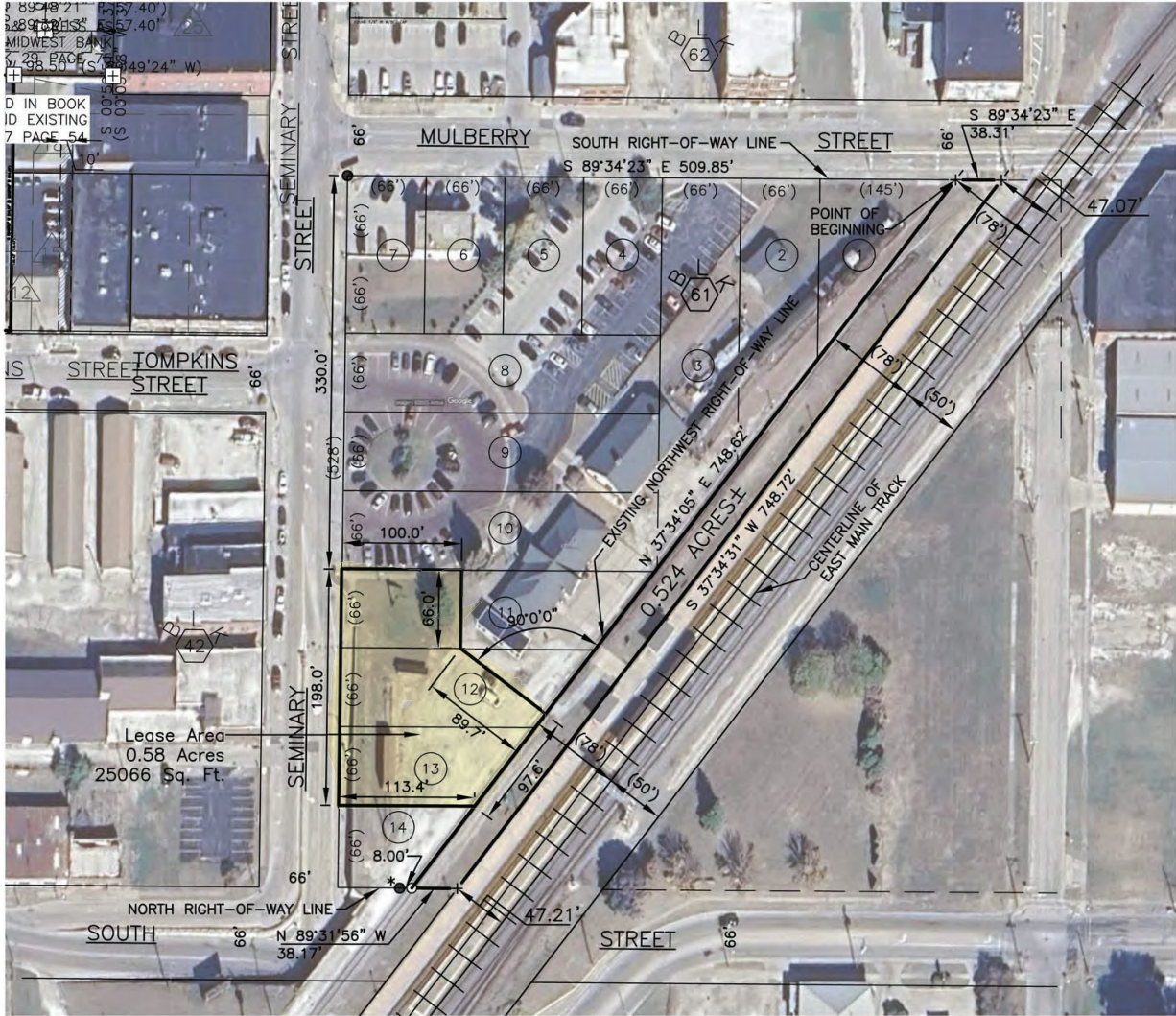
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(C) *Standards for granting variances.*

- (1) The Planning and Zoning Commission shall not vary the provisions of this chapter as authorized in this section unless it shall have made affirmative findings based upon the evidence presented to it in each of the following specific cases:
 - (a) That the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations governing the district in which it is located. Applicants must submit evidence identifying the price paid for the property. Paying more for the property than it is worth, purchasing it at a price which anticipates and obtains variances, or showing that the property would be worth more if a variance is granted is not evidence of lack of a reasonable return;
 - (b) That the situation of the owner is due to unique physical circumstances of the property; and
 - (c) That the variance, if granted, will not alter the essential character of the neighborhood.
- (2) For the purpose of supplementing the above standards, the Planning and Zoning Commission, in making this determination whenever there are practical difficulties or particular hardships, shall also take into consideration the extent to which the following facts, favorable to the applicant, have been established by the evidence:
 - (a) That the particular physical surroundings, shape or topographical conditions of the specific property involved would bring a particular hardship upon the owner as distinguished from a mere inconvenience if the strict letter of the regulation were to be carried out;
 - (b) That the conditions upon which the petition for variance is based would not be applicable generally to other property within the same zoning classification;
 - (c) That the purpose of the variance is not based exclusively upon a desire to make more money out of the property;
 - (d) That the alleged difficulty or hardship has not been created by any person presently having an interest in the property;
 - (e) That the granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located; and
 - (f) That the proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the danger of fire, otherwise endanger the public safety, or substantially diminish or impair property values within the neighborhood.
- (3) The Planning and Zoning Commission may require conditions and restrictions upon the premises benefited by a variance as may be necessary to comply with the standards set forth in this division (C) to reduce or minimize the injurious effect of the variance upon other property in the neighborhood, and to implement the general purpose and intent of this chapter.

Scale: 1" = 100'



VARIANCE APPLICATION

PETITION/DEVELOPMENT NAME (if applicable):

National Railroad Hall of Fame - 247 S Seminary St., Galesburg, IL 61401

PETITIONER INFORMATION:

Julie King	161 S Cherry Street, Suite 206	Galesburg, Illinois 61401
Primary contact name	Mailing address	City, State, Zip
309-368-7842		king@nrrhof.org
Phone	Fax	Email

OTHER APPLICANTS AND INTERESTED PARTIES:

Relationship	Name	Company	Mailing Address	Phone #
Applicant	Julie King	National Railroad Hall of Fame	161 S Cherry Street, Suite 206 Galesburg, Illinois 61401	309-368-7842
Owner(s)	Julie King	National Railroad Hall of Fame	161 S Cherry Street, Suite 206 Galesburg, Illinois 61401	309-368-7842
Developer(s)				
Engineer				
Surveyor				
Agent/Attorney				

SITE INFORMATION:

0.58 Acres, 25,066 SQFT	247 S Seminary St, Galesburg, IL 61401	Parcel ID #: 99-14-104-006
Acres	Site address or location	Property Identification Number (PIN)

WHAT SPECIFIC ORDINANCE SECTION(S) ARE YOU REQUESTING A VARIANCE:

Table 152.231 (B) (1) Maximum of one sign per business

Table 152.231 (B) (2) Total area of sign shall be no greater than 5% of the wall area on which the sign is to be placed

ZONING INFORMATION:

Institutional (I)

Current Zoning

Existing site is a vacant lot adjacent to the Amtrak station

Existing Land Use

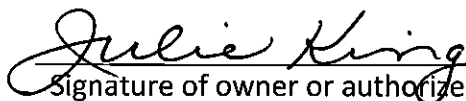
EXPLAIN THE REASON FOR THE VARIANCE REQUEST:

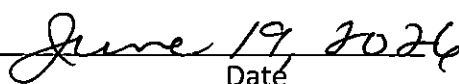
The NRRHoF requests two, wall mounted signs to provide necessary wayfinding for visitors arriving by Amtrak on the east and by car from the north. The variance would be consistent with neighboring attractions, retail, and Amtrak, a majority of which have signs on multiple sides. Both signs were submitted on our city-approved site plan. They are only modestly larger than that allowed by ordinance and will be easily visible by approximately 500,000 state and national Amtrak network passengers annually, all potential Galesburg Visitors

Description why the applicant is not able to comply with the code requirement.

I hereby affirm that I have full legal capacity to authorize the filing of this Petition and that all information and exhibits herewith submitted are true and correct to the best of my knowledge. The Authorized Signer invites City representatives to make all reasonable inspections, investigations, and pictures of the subject property during the processing period of the application. I agree to pay all fees consistent with the City payment policies and comply with City codes. I understand these fees will include publication and processing expenses and are non-refundable.

I understand that all correspondence from the City staff will be directed to the Primary Contact. It will be the Primary Contact's responsibility to inform all other interested parties of any correspondence and the status of the application.


Signature of owner or authorized agent


Date

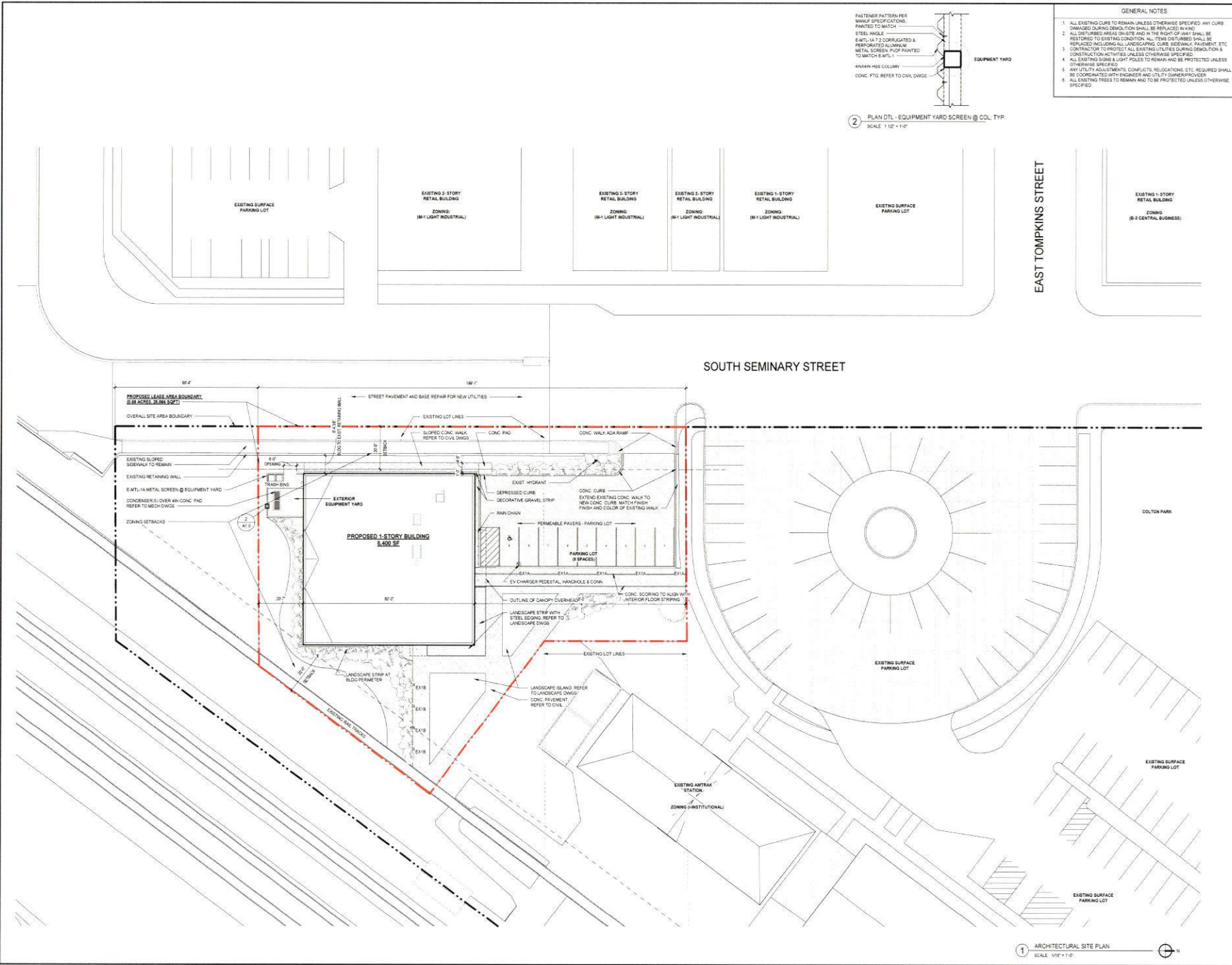
CHECKLIST OF REQUIRED VARIANCE APPLICATION ITEMS:

- ☒ A completed variance application form.
- ☒ Payment of a \$100 non-refundable filing fee. Checks should be made payable to "City of Galesburg".
- ☒ An electronic copy of the site plan addressing all required items as listed in subsection 152.134 C of the Development Ordinance. In general, subsection 152.134 C seeks to preserve existing trees, minimize cut and fill, avoid unnecessary impervious cover, prevent flooding and pollution, provide adequate access to lots and sites and mitigate adverse effects of shadow, noise, odor, traffic, drainage and utilities on neighboring properties.
- ☒  Authorized Signature Acknowledgement. If the owner(s) of the property in question will not be the primary contact or is not the applicant, then an acknowledgement must be signed by the property owner(s) designating an authorized agent for the petition. It shall state the authorized agent has the authority to deal with the property in all aspects with regards to the petition.
- ☒ Attachments such as building layouts or elevations, etc. depicting compliance with the standards for granting variances are recommended in order to provide accurate and sufficient information for consideration by the Development Review Committee and Planning and Zoning Commission.
- ☒ The petitioner(s) or authorized agent must be present at the Planning and Zoning Commission meeting to address any questions that may arise.





8/25/2022 11:13:08 AM
Autodesk Docs (National Railroad Hall of Fame - ARCH) - 250022
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NATIONAL RAILROAD HALL OF FAME

Wight

Wight & Company
wightco.com
211 North Clinton Street
Suite 300N
Chicago, IL 60661
P 312.261.5700 F 312.261.5701

**NOT FOR
CONSTRUCTION**

REV	VARIANCE SUBMISSION DESCRIPTION	11/19/2022 DATE
1		

**NATIONAL RAILROAD
HALL OF FAME - NEW
FACILITY**

225 S SEMINARY STREET,
GALESBURG, IL 61401

**ARCHITECTURAL SITE
PLAN & DETAILS**

Project Number:
250022
Drawn By:
Green

A1.0


NATIONAL RAILROAD HALL OF FAME


Wight

Wight & Company
wightco.com
211 North Clinton Street
Suite 300N
Chicago, IL 60661
P 312.261.5700 F 312.261.5701



REV _____ VARIANCE SUBMISSION _____ 11/19/02
DESCRIPTION _____ DATE _____

**NATIONAL RAILROAD
HALL OF FAME - NEW
FACILITY**

225 S SEMINARY STREET,
GALESBURG, IL 61401

**EXTERIOR ELEVATIONS &
BLDG SECTIONS**

Project Number _____
250022
Created By _____
Drawn By _____
Sheet _____

A4.0



Planning & Zoning Commission Meeting

Agenda Item Overview

July 21, 2026

AGENDA ITEM: PZ-26-0702 Preannexation Agreement for Property Identification Numbers 95-34-301-001 and 05-34-301-003, generally located east of 531 W Carl Sandburg Dr and west of 3175 N Henderson St.

SUMMARY RECOMMENDATION: The Development Review Committee members considered the request at its July 1, 2026 meeting and recommended approval.

BACKGROUND: The owner, MSM Family Investments, LLC has submitted an annexation petition (no electors) and a pre-annexation agreement for parcels 95-34-301-001 and 05-34-301-003, which contain approximately 69.60 acres.

The owner is proposing to lease the property to Barber Pole Solar, LLC for the development of a commercial solar energy system, which may be done in phases. This project would require a special use permit.

A Preannexation Agreement has been drafted and contains the following main provisions:

1. The property will be zoned B1, Neighborhood Business, at the time of annexation.
2. All parties acknowledge that all Special Uses listed in the B1, Neighborhood Business zoning district require a site plan review process for all new construction or additions and changes in the use of existing buildings or parking lots which result in any exterior alteration or construction.
3. The proposed solar facility development would be located on the portion of the parcel that is south of US 34.
4. OWNER and DEVELOPER agree to submit a drainage plan that complies with CITY'S storm water drainage control requirements to the City Engineer's office for review and approval as part of DEVELOPER's construction permit application.
5. In the event DEVELOPER fails to submit for a construction permit by five years from the date of issuance of the SUP, then OWNER may file a petition pursuant to 65 ILCS 5/7-3-4 requesting that PARCEL I and PARCEL II be disconnected from the CITY.

The parcel is currently zoned KNOX COUNTY R, Residential and it is proposed in the pre-annexation agreement that the zoning change to B-1, Neighborhood Commercial.

GALESBURG Zoning		Land Use
North	R-1A, Single Family Residential	SF Residential
West	B-1, Neighborhood Commercial and R-1A, Single Family Residential	Lowe's, Shopko, Agriculture
East	R-1A, Single Family Residential	SF Residential
South	B-1, Neighborhood Commercial and R-1A, Single Family Residential	US-34 / US-150 junction and plant lot

It is anticipated the Planning & Zoning Commission recommendation would go before City Council on first reading at their August 3rd, 2026 meeting and on final reading at their August 17th, 2026 meeting.

SUPPORTING DOCUMENTS:

1. Aerial - General location
2. Annexation Plat
3. Preannexation Agreement

cc: File Copy



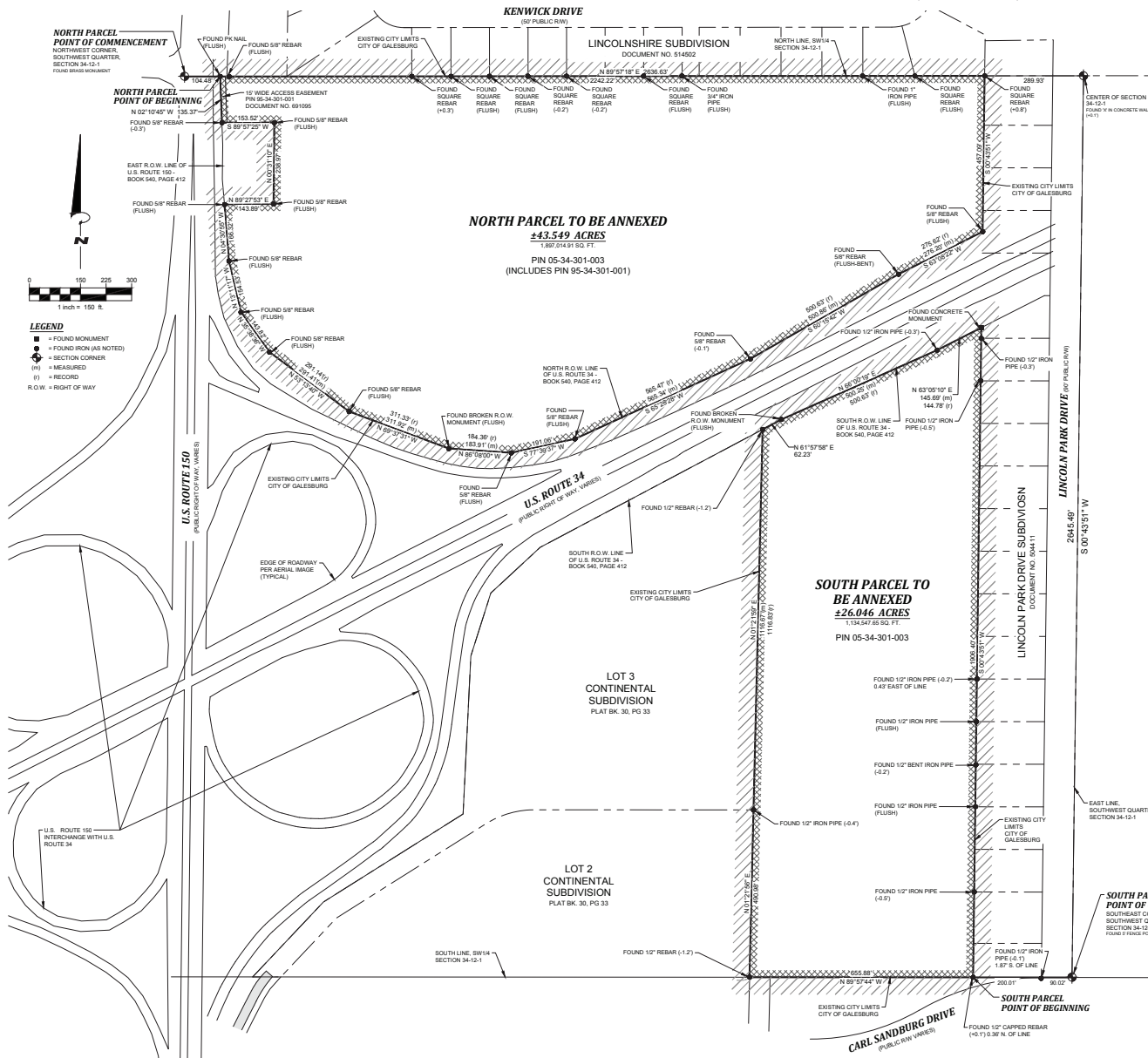
Community Development Department
Community Development Department

Proposed Annexation

Barber Pole Solar Project



PLAT OF ANNEXATIONS
PART OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 12 NORTH, RANGE 1
EAST OF THE FOURTH PRINCIPAL MERIDIAN, KNOX COUNTY, ILLINOIS



LEGAL DESCRIPTION OF NORTH PARCEL TO BE ANNEXED AS DEPICTED HEREON:

A PORTION OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 12 NORTH, RANGE 1 EAST OF THE FOURTH PRINCIPAL MERIDIAN, KNOX COUNTY, STATE OF ILLINOIS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID SOUTHWEST QUARTER OF SECTION 34, BEING A BRASS MONUMENT, THENCE NORTH 87°51'31" EAST 104.48 FEET ON THE NORTH LINE OF SAID SOUTHWEST QUARTER OF SECTION 34 TO THE POINT OF BEGINNING OF THE LAND HEREIN DESCRIBED, BEING A FOUND PK NAIL, THENCE CONTINUING ALONG SAID NORTH LINE OF THE SOUTHWEST QUARTER OF SECTION 34, SAID LINE ALSO BEING THE SOUTHERLY BOUNDARY OF LINCOLNSHIRE SUBDIVISION, RECORDED AS DOCUMENT NUMBER 544502, NORTH 87°51'31" EAST 242.22 FEET TO A POINT ON THE WEST BOUNDARY OF LINCOLN PARK DRIVE SUBDIVISION, RECORDED AS DOCUMENT NUMBER 544502, NORTH 87°51'31" EAST 242.22 FEET TO A POINT ON THE WEST BOUNDARY OF LINCOLN PARK DRIVE SUBDIVISION, SOUTH 89°55'17" WEST 429.88 FEET TO A POINT OF THE NORTHERLY RIGHT OF WAY OF U.S. ROUTE 34, BEING A FOUND SIF REBAR, THENCE THE FOLLOWING TEN COURSES ALONG SAID NORTHERLY RIGHT OF WAY OF U.S. ROUTE 34 AND THE EASTERLY RIGHT OF WAY OF U.S. ROUTE 150: (1) SOUTH 89°55'17" WEST 278.20 FEET TO A FOUND SIF REBAR; (2) SOUTH 89°55'17" WEST 288.88 FEET TO A FOUND SIF REBAR; (3) SOUTH 89°55'17" WEST 288.88 FEET TO A FOUND SIF REBAR; (4) SOUTH 89°55'17" WEST 101.36 FEET TO A FOUND SIF REBAR; (5) NORTH 89°55'17" WEST 101.36 FEET TO A FOUND BROKEN R.O.W. MONUMENT; (6) NORTH 89°55'17" WEST 311.92 FEET TO A FOUND SIF REBAR; (7) NORTH 83°14'45" WEST 291.41 FEET TO A FOUND SIF REBAR; (8) NORTH 89°55'17" WEST 143.88 FEET TO A FOUND SIF REBAR; (9) NORTH 81°17'11" WEST 154.33 FEET TO A FOUND SIF REBAR; (10) NORTH 89°55'17" WEST 168.30 FEET TO A FOUND SIF REBAR, THENCE NORTH 89°55'17" EAST 143.88 FEET TO A FOUND SIF REBAR, THENCE NORTH 89°55'17" EAST 238.97 FEET TO A FOUND SIF REBAR, THENCE SOUTH 89°55'17" WEST 168.30 FEET TO A POINT ON SAID EASTERLY RIGHT OF WAY OF U.S. ROUTE 150, BEING A FOUND SIF REBAR, THENCE ON SAID EASTERLY RIGHT OF WAY OF U.S. ROUTE 150 NORTH 02°14'45" WEST 135.37 FEET TO THE POINT OF BEGINNING, CONTAINING 1897014.91 SQ. FT. OR 43.549 ACRES.

BEARINGS ARE RELATED TO THE ILLINOIS STATE PLANE COORDINATE SYSTEM, WEST ZONE.

LEGAL DESCRIPTION OF SOUTH PARCEL TO BE ANNEXED AS DEPICTED HEREON:

A PORTION OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 12 NORTH, RANGE 1 EAST OF THE FOURTH PRINCIPAL MERIDIAN, KNOX COUNTY, STATE OF ILLINOIS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHWEST QUARTER OF SECTION 34, BEING A FOUND 5-FT FENCEPOST IN CONCRETE, THENCE NORTH 89°57'44" WEST 290.03 FEET ON THE SOUTH LINE OF SAID SOUTHWEST QUARTER OF SECTION 34 TO THE POINT OF BEGINNING OF THE LAND HEREIN DESCRIBED, BEING A FOUND 12" CAPTED REBAR, THENCE CONTINUING ALONG SAID SOUTH LINE OF THE SOUTHWEST QUARTER OF SECTION 34 NORTH 89°57'44" WEST 668.88 FEET TO A FOUND 12" REBAR, THENCE ON THE EAST LINE OF LOT 2 OF CONTINENTAL SUBDIVISION RECORDED IN PLAT BOOK 30, PAGE 33 NORTH 01°15'15" EAST 498.98 FEET TO A FOUND 12" REBAR, THENCE ON THE EAST LINE OF LOT 3 OF CONTINENTAL SUBDIVISION RECORDED IN PLAT BOOK 30, PAGE 33 NORTH 01°21'55" EAST 1118.67 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY OF U.S. ROUTE 34, BEING A FOUND 12" REBAR, THENCE THE FOLLOWING THREE COURSES ALONG SAID SOUTHERLY RIGHT OF WAY OF U.S. ROUTE 34: (1) NORTH 81°57'58" EAST 62.23 FEET TO A FOUND BROKEN R.O.W. MONUMENT; (2) NORTH 89°00'19" EAST 50.05 FEET TO A FOUND 12" IRON PIPE; (3) NORTH 89°00'19" EAST 145.88 FEET TO A POINT ON THE WESTERN BOUNDARY OF LINCOLN PARK DRIVE SUBDIVISION, RECORDED AS DOCUMENT NUMBER 544411, BEING A FOUND CONCRETE MONUMENT, THENCE ON SAID WESTERN BOUNDARY OF LINCOLN PARK DRIVE SUBDIVISION SOUTH 04°45'15" WEST 168.44 FEET TO THE POINT OF BEGINNING, CONTAINING 1134745.52 SQ. FT. OR 26.046 ACRES.

BEARINGS ARE RELATED TO THE ILLINOIS STATE PLANE COORDINATE SYSTEM, WEST ZONE.

SURVEYOR'S NOTES:

- PIN 95-34-301-003 IS COMPRISED OF BOTH THE NORTH AND SOUTH PARCELS AS DEPICTED HEREON.
- PIN 95-34-301-001 IS A 15' WIDE ACCESS EASEMENT, DESCRIBED IN DOCUMENT NO. 891098, LOCATED IN THE NORTHWEST CORNER OF THE NORTH PARCEL AS DEPICTED HEREON.

SURVEYOR'S CERTIFICATION

I DO HEREBY STATE TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT THIS PLAT IS A TRUE AND CORRECT REPRESENTATION OF A SURVEY MADE BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION, OF THE ABOVE DESCRIBED PROPERTY. I FURTHER STATE THAT THE SURVEYED PARCELS LIE WITHIN ZONE X, AS HAS BEEN DETERMINED TO BE OUTSIDE THE 2-D ANNUAL CHANGE FLOODPLAIN PER FEMA FLOOD INSURANCE RATE MAPS COMMUNITY PANEL 1709620006, EFFECTIVE DATE AUGUST 3, 2011 AND COMMUNITY PANEL 1709620006, EFFECTIVE DATE AUGUST 2, 2011. THE FIELDWORK WAS COMPLETED ON MAY 21, 2020. DATE OF PLAT OR MAP: JUNE 11, 2020.

GREG WALSH
gwalsh@wightman.com
PS-035-004141
2020-0427-0000
LICENSE EXPIRES: 11/30/2026



JUNE 11, 2026 DATE



433 E. RANSOM ST.
KALAMAZOO, MI 49007
269.327.3532

www.gwightman.com

PROJECT NAME:
BARBER POLE SOLAR
GALESBURG, IL 61401

BARBER POLE
SOLAR, LLC
P.O. BOX 310
HIGHLAND PARK, IL 60035

REVISIONS

DATE: 6/11/2026
SCALE: 1" = 150'
DRAWN BY: SG
CHECKED BY: GV

PLAT OF
ANNEXATIONS TO THE
CITY OF GALESBURG

JOB No. 280320
1 OF 1

**CITY OF GALESBURG
ANNEXATION AGREEMENT
Galesburg, IL**

SHORT LEGAL DESCRIPTION (See full legal description on Exhibit A):

Parcel I: PIN 05-34-301-003: SW (EX BEG INT N LN & E LN US 150 E15' S135.6' E138' SW 239' W155' N TO POB & EX E 245' & EX HWYS & EX PT IN 1867-114)

BARBER POLE SOLAR GENERAL LOCATION: Land along US Highway 34, east of State Route 150 N. Henderson Street, north of W Carl Sandberg Drive in Knox County, IL

Submitted by:
Kelli R. Bennewitz
City Clerk
City of Galesburg

Return to:
Kelli R. Bennewitz
City Clerk
City of Galesburg
P.O. Box 1387
Galesburg, IL 61401

THIS AGREEMENT, entered into on or as of the ____ day of _____, 2026, by and between the City of Galesburg, Knox County, Illinois, a municipal corporation, whose principal business address is 55 West Tompkins Street, Galesburg, Illinois, 61401, hereinafter referred to as "CITY", Barber Pole Solar, LLC, a Delaware limited liability company, whose mailing address is P.O. Box 310, Highland Park, Illinois 60035, hereinafter referred to as "DEVELOPER", and MSM Family Investments, LLC, whose principal address is 105 Fairhaven Lane, Peoria Heights, IL 61616, hereinafter referred to as "OWNER"; and

WHEREAS, OWNER and DEVELOPER are desirous of annexing to the City of Galesburg the real estate (PIN 05-34-301-003), as further described in Exhibit A and mapped on Exhibit C, located in Galesburg Township, Knox County, Illinois, presently owned by OWNER, hereinafter referred to as PARCEL I; and

WHEREAS, OWNER intends to lease PARCEL I to DEVELOPER; and

WHEREAS, OWNER intends to also lease to DEVELOPER additional real estate (PIN 95-34-351-003), which is already within the corporate boundaries of the City of Galesburg, as further described in Exhibit B and mapped on Exhibit D, and hereinafter referred to as PARCEL II; and

WHEREAS, DEVELOPER intends to develop PARCEL I and PARCEL II for the purposes of a community solar facility (the "SOLAR FACILITY"), in general accordance with the general site plan attached as Exhibit E; and

WHEREAS, CITY desires to annex PARCEL I, as described in Exhibit A and mapped on Exhibit B; and

WHEREAS, all parties, DEVELOPER, OWNER, and CITY, have reached an agreement so as to insure to all parties that when PARCEL I is annexed and the development of PARCEL I and PARCEL II are started, as well as completed, said development conforms to the rules, regulations, and ordinances of the City of Galesburg and the provisions in this AGREEMENT, and that all services provided by CITY shall be available to PARCEL I if requested by DEVELOPER and OWNER.

In consideration of the mutual promises herein contained, DEVELOPER, OWNER, and CITY agree as follows:

I. ZONING

- A. PARCEL I is currently zoned Residential R-1 in the County. PARCEL I will be zoned B1 Neighborhood Business District upon annexation to the City of Galesburg.
- B. The parties to this AGREEMENT acknowledge the SOLAR FACILITY will be developed on two parcels (PARCEL I and PARCEL II). PARCEL I is the property to be annexed, as described in

Exhibit A and mapped on Exhibit C. PARCEL II is located within the limits of the City of Galesburg as described in Exhibit B and mapped on Exhibit D.

- C. DEVELOPER agrees to develop, install, construct and operate the SOLAR FACILITY on PARCEL I and PARCEL II in compliance with Galesburg City Code, including without limitation Section 152.123.

II. SITE PLAN DEVELOPMENT

- A. Development of PARCEL I and PARCEL II shall be generally in compliance with the general site plan in Exhibit E.
- B. Any material changes to the site plan shall be submitted to the City Council for their review, consideration, and approval pursuant to a separate, Special Use process described more fully below. If approval is required, it shall not be withheld unreasonably or delayed unreasonably.
- C. CITY acknowledges development of the SOLAR FACILITY will be accomplished in phases as determined by the OWNER and DEVELOPER.
- D. DEVELOPER, OWNER, and CITY acknowledge all Special Uses in the B1 Neighborhood Business District require a site plan review process for all new construction or additions and changes in the use of existing buildings or parking lots which result in any exterior alteration or construction.
- E. DEVELOPER intends to submit a complete application for a Special Use Permit ("SUP") for the SOLAR FACILITY contemporaneously with this AGREEMENT. If DEVELOPER so submits, CITY agrees to consider and decide in accordance with Galesburg City Code, including without limitation Section 152.123, if the SUP shall be issued or denied contemporaneously with its consideration of this AGREEMENT. If CITY denies the SUP, the annexation of PARCEL I shall be void (if granted), and CITY shall take steps to memorialize a disconnection of PARCEL I from the CITY, if necessary.

III. ACCESS TO PROPERTY

- A. CITY agrees to allow DEVELOPER to construct an access road to provide access to PARCEL I for purposes of development, installation, construction, and operation of the SOLAR FACILITY from Field Drive, off of West Carl Sandburg Drive.
- B. OWNER and DEVELOPER understand no additional roads or driveways will be allowed to access PARCEL I.

IV. WATER LINES

- A. Existing telephone lines, telephone easement, water easement and water line bisect PARCEL II ("EXISTING UTILITIES") as shown in the Survey attached as Exhibit D (the "SURVEY") running from US Route 34 to the southern property line adjacent to the Lowes Home Center. CITY, OWNER and DEVELOPER acknowledge that the SOLAR FACILITY may need to cross such EXISTING UTILITIES and CITY shall consider, deliberate and approve crossing agreements duly submitted by DEVELOPER so as to allow the SOLAR FACILITY to cross such EXISTING UTILITIES with an electric feeder, fencing, internal access and such other components of the SOLAR FACILITY as is reasonably necessary.
- B. CITY, OWNER, and DEVELOPER acknowledge that no water line extensions are planned in connection with the installation, construction and operation of the SOLAR FACILITY.
- C. If any water line extension or expansion is desired by DEVELOPER for use in connection with the SOLAR FACILITY, such extension or expansion shall be at DEVELOPER's sole cost and expense and shall comply will all applicable laws, codes, and regulations.

V. FIRE PROTECTION

- A. Fire hydrants are present on the PROPERTY as set forth on the SURVEY.
- B. CITY, OWNER, and DEVELOPER acknowledge that no additional fire hydrants are planned in connection with the installation, construction, and operation of the SOLAR FACILITY.
- C. If any fire hydrant installation is desired by DEVELOPER for use in connection with the SOLAR FACILITY, such installation shall be at DEVELOPER's sole cost and expense and shall comply will all applicable laws, codes, and regulations.

VI. SANITARY SEWERS

- A. OWNER and DEVELOPER acknowledge the sanitary sewer system is operated by the Galesburg Sanitary District and CITY has no responsibility or control over the provision of sanitary sewers to serve PARCEL I.
- B. CITY, OWNER and DEVELOPER acknowledge that no sanitary sewer system is planned in connection with the installation, construction and operation of the SOLAR FACILITY.
- C. If OWNER desires sanitary sewer system service to PARCEL I, OWNER agrees to contact the Galesburg Sanitary District directly and work with the District on how PARCEL I will be served by the sanitary sewer system.

VII. UTILITY INSTALLATION/EASEMENTS

- A. All parties agree that any needed utility services required for the SOLAR FACILITY shall come off of Field Drive (or such other location as required by the distribution utility) and the configuration of such utility service shall be determined in consultation with the distribution utility.
- B. OWNER and DEVELOPER agree that all utilities serving PARCEL I and PARCEL II shall be placed and installed in accordance with the Galesburg City Solar Ordinance, Galesburg City Code Section 152.123.

VIII. SIGNS

- A. OWNER and DEVELOPER agree that no off-premises signs (billboard signs) as described in Section 152.005 and 152.209 of the Galesburg Municipal Code will be constructed on PARCEL I or PARCEL II.
- B. OWNER and DEVELOPER agree that the “no off-premises sign restriction” in Section VIII. A. shall be deemed to run with the land and be binding upon all successors and assigns; and that upon execution, this annexation agreement may be recorded in the Knox County Recorder’s office.
- C. OWNER and DEVELOPER agree that the consideration for its agreement that no off-premises signs shall be allowed to be constructed on said real estate is the annexation by CITY of said real estate and the covenants and agreements of CITY contained herein, the receipt and sufficiency of said consideration being hereby acknowledged by OWNER and DEVELOPER.

IX. STORMWATER DRAINAGE

- A. OWNER and DEVELOPER agree to submit a drainage plan that complies with CITY’S storm water drainage control requirements to the City Engineer’s office for review and approval as part of DEVELOPER’s construction permit application. No construction permits will be issued until the drainage plan has been approved by the City Engineer’s office.
- B. OWNER and DEVELOPER agree that at the time said drainage plan is submitted, the developer or owner of the project shall construct and maintain the private storm water drainage lines and detention facilities, if any, as approved in the drainage plan.
- C. DEVELOPER and OWNER are responsible for obtaining a National Pollutant Discharge Elimination System (NPDES) permit from the Illinois Environmental Protection Agency (IEPA) for construction anytime there will be a disturbance of more than one (1) acre of land. As part of the IEPA requirements, DEVELOPER and OWNER are responsible for

preparing a storm water pollution prevention plan (SWPPP). The SWPPP shall be approved by CITY prior to construction.

- D. OWNER and DEVELOPER shall be required to meet all state and local requirements with regard to diversion of stormwater.
- E. The OWNER and DEVELOPER are responsible for determining the location of any run-off coming from offsite and designing its drainage plan to accommodate such run-off in accordance with the requirements of the CITY.

X. DISCONNECTION; REIMBURSEMENT TO THE CITY

- A. In the event DEVELOPER fails to submit for a construction permit by five years from the date of issuance of the SUP, then OWNER may file a petition pursuant to 65 ILCS 5/7-3-4 requesting that PARCEL I be disconnected from the CITY. The petition shall be accompanied by the following:
 - 1. Certificate from the Knox County Clerk showing that all CITY taxes or assessments due up to the date of the petition are fully paid; and
 - 2. The payment by DEVELOPER to the CITY of the sum of FIVE THOUSAND & 00/100 (\$5,000.00) DOLLARS in recognition of the time and expense incurred by the CITY in connection with this AGREEMENT.
- B. Upon satisfaction of these conditions and upon the expiration of thirty (30) days after the satisfaction of these conditions, the CITY will adopt an ordinance disconnecting PARCEL I from the CITY as permitted under 65 ILCS 5/7-3-4.

XI. MISCELLANEOUS

- A. This annexation agreement shall be deemed to run with the land and be binding upon the parties and their successors and assigns.

[Signature Pages Follow]

OWNER: MSM FAMILY INVESTMENTS, LLC

MSM FAMILY INVESTMENTS, LLC

BY SCHACHTRUP FARMS, INC., ITS MANAGER

BY: _____

NAME: F. MICHAEL SCHACHTRUP

TITLE: PRESIDENT

ACKNOWLEDGEMENT

STATE OF _____)
) ss
_____ COUNTY)

Personally came before me this _____ day of _____, 20____, the above named _____ to me known to be the person who executed the foregoing instrument and acknowledge the same.

Notary Signature

Notary Public _____ County, State of _____

My Commission expires: _____

DEVELOPER:
Barber Pole Solar, LLC

By: _____
NAME: Jonathan K. Carson
TITLE: Authorized Representative

ACKNOWLEDGEMENT

STATE OF _____)
 _____) ss
 _____ COUNTY)

Personally came before me this _____ day of _____, 20____, the above named _____ to me known to be the person who executed the foregoing instrument and acknowledge the same.

Notary Signature

Notary Public _____ County, State of _____
My Commission expires: _____

Exhibit A

LEGAL DESCRIPTION OF PARCEL I (PROPERTY TO BE ANNEXED)

PROPERTY IDENTIFICATION NUMBER: 05-34-301-003

GENERAL LOCATION: Land along US Highway 34, east of State Route 150 N. Henderson Street, north of W Carl Sandberg Drive in Knox County, IL

That portion of the following described land **that is not currently within** the boundaries of the City of Galesburg:

THE SOUTHWEST QUARTER OF SECTION 34, EXCEPTING THE EAST 290 FEET OF SAID SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 12 NORTH, RANGE 1 EAST OF THE FOURTH PRINCIPAL MERIDIAN, KNOX COUNTY, ILLINOIS, AND ALSO EXCEPTING THAT PART OF THE SOUTH 239 FEET OF THE NORTH 374.5 FEET OF THE WEST 265 FEET OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 12 NORTH, RANGE 1 EAST OF THE FOURTH PRINCIPAL MERIDIAN, KNOX COUNTY, ILLINOIS, LYING EAST OF THE RIGHT OF WAY LINE OF U.S. ROUTE 150, WHICH RIGHT OF WAY IS SHOWN IN PLAT RECORDED IN VOLUME 494 OF RECORDS, PAGE 313, CONTAINING 0.823 ACRES; AND ALSO EXCEPTING THAT PART DEEDED TO THE STATE OF ILLINOIS IN VOLUME 540 OF RECORDS, PAGE 412.

EXCEPTING THEREFROM:

A PART OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 12, RANGE 1 EAST OF THE FOURTH PRINCIPAL MERIDIAN, KNOX COUNTY, ILLINOIS, MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS: COMMENCING AT A POINT ON THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 34 THAT IS 655.82 FEET WESTERLY OF THE POINT OF INTERSECTION OF THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 34 WITH THE WEST LINE OF LINCOLN PARK DRIVE SUBDIVISION, EXTENDED SOUTHERLY, AS THE POINT OF BEGINNING OF THE TRACT OF LAND TO BE DESCRIBED; THENCE SOUTH 89 DEGREES 25 MINUTES 50 SECONDS WEST, ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 34, A DISTANCE OF 1,375.07 FEET, TO A POINT THAT IS 60.00 FEET NORMAL DISTANCE SOUTHEASTERLY FROM THE SOUTHERLY RIGHT OF WAY LINE OF F.A. ROUTE 29; THENCE NORTH 42 DEGREES 44 MINUTES 50 SECONDS EAST, PARALLEL TO AND 60.00 FEET NORMAL DISTANCE SOUTHEASTERLY FROM THE SOUTHERLY RIGHT OF WAY LINE OF F.A. ROUTE 29, A DISTANCE OF 237.98 FEET; THENCE NORTH 57 DEGREES 07 MINUTES 13 SECONDS EAST, PARALLEL TO AND 60.00 FEET NORMAL DISTANCE OF SOUTHEASTERLY FROM THE SOUTHERLY RIGHT OF WAY LINE OF F.A. ROUTE 29, AND SAID LINE EXTENDED, A DISTANCE OF 516.62 FEET; THENCE NORTHEASTERLY, ON A CURVE TO THE RIGHT, HAVING A RADIUS OF 270.00 FEET, FOR AN ARC DISTANCE OF 152.18 FEET; THENCE NORTH 89 DEGREES 24 MINUTES 50 SECONDS EAST, A DISTANCE OF 642.18 FEET; THENCE SOUTH 00 DEGREES 44 MINUTES 30 SECONDS WEST, A DISTANCE OF 491.00 FEET, TO THE POINT OF BEGINNING.

Exhibit B

LEGAL DESCRIPTION OF PARCEL II (PROPERTY WITHIN LIMITS OF THE CITY OF GALESBURG)

PROPERTY IDENTIFICATION NUMBER: 95-34-351-003

GENERAL LOCATION: Land along US Highway 34, east of State Route 150 N. Henderson Street, north of W Carl Sandberg Drive in Knox County, IL

That portion of the following described land that is within the boundaries of the City of Galesburg:

THE SOUTHWEST QUARTER OF SECTION 34, EXCEPTING THE EAST 290 FEET OF SAID SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 12 NORTH, RANGE 1 EAST OF THE FOURTH PRINCIPAL MERIDIAN, KNOX COUNTY, ILLINOIS, AND ALSO EXCEPTING THAT PART OF THE SOUTH 239 FEET OF THE NORTH 374.5 FEET OF THE WEST 265 FEET OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 12 NORTH, RANGE 1 EAST OF THE FOURTH PRINCIPAL MERIDIAN, KNOX COUNTY, ILLINOIS, LYING EAST OF THE RIGHT OF WAY LINE OF U.S. ROUTE 150, WHICH RIGHT OF WAY IS SHOWN IN PLAT RECORDED IN VOLUME 494 OF RECORDS, PAGE 313, CONTAINING 0.823 ACRES; AND ALSO EXCEPTING THAT PART DEEDED TO THE STATE OF ILLINOIS IN VOLUME 540 OF RECORDS, PAGE 412.

EXCEPTING THEREFROM:

A PART OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 12, RANGE 1 EAST OF THE FOURTH PRINCIPAL MERIDIAN, KNOX COUNTY, ILLINOIS, MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS: COMMENCING AT A POINT ON THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 34 THAT IS 655.82 FEET WESTERLY OF THE POINT OF INTERSECTION OF THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 34 WITH THE WEST LINE OF LINCOLN PARK DRIVE SUBDIVISION, EXTENDED SOUTHERLY, AS THE POINT OF BEGINNING OF THE TRACT OF LAND TO BE DESCRIBED; THENCE SOUTH 89 DEGREES 25 MINUTES 50 SECONDS WEST, ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 34, A DISTANCE OF 1,375.07 FEET, TO A POINT THAT IS 60.00 FEET NORMAL DISTANCE SOUTHEASTERLY FROM THE SOUTHERLY RIGHT OF WAY LINE OF F.A. ROUTE 29; THENCE NORTH 42 DEGREES 44 MINUTES 50 SECONDS EAST, PARALLEL TO AND 60.00 FEET NORMAL DISTANCE SOUTHEASTERLY FROM THE SOUTHERLY RIGHT OF WAY LINE OF F.A. ROUTE 29, A DISTANCE OF 237.98 FEET; THENCE NORTH 57 DEGREES 07 MINUTES 13 SECONDS EAST, PARALLEL TO AND 60.00 FEET NORMAL DISTANCE OF SOUTHEASTERLY FROM THE SOUTHERLY RIGHT OF WAY LINE OF F.A. ROUTE 29, AND SAID LINE EXTENDED, A DISTANCE OF 516.62 FEET; THENCE NORTHEASTERLY, ON A CURVE TO THE RIGHT, HAVING A RADIUS OF 270.00 FEET, FOR AN ARC DISTANCE OF 152.18 FEET; THENCE NORTH 89 DEGREES 24 MINUTES 50 SECONDS EAST, A DISTANCE OF 642.18 FEET; THENCE SOUTH 00 DEGREES 44 MINUTES 30 SECONDS WEST, A DISTANCE OF 491.00 FEET, TO THE POINT OF BEGINNING.

EXHIBIT C

LOCATION MAP OF PARCEL I (PROPERTY TO BE ANNEXED)



EXHIBIT D

LOCATION MAP OF PARCEL II (PROPERTY CURRENTLY IN GALESBURG CITY LIMITS)



Exhibit E

PLANNED LOCATION OF BARBER POLE SOLAR

SOLAR PROJECT (white crosshatching) WILL BE SOUTH OF HWY 34, LOCATED ON BOTH:
PARCEL II, PIN: 95-34-351-003 WITHIN GALESBURG CITY LIMITS (outlined in green); AND
PARCEL I, PIN: 05-34-301-003 TO BE ANNEXED (outlined in purple) BUT WILL NOT BE
NORTH OF HWY 34 (area shown **without** white crosshatching).

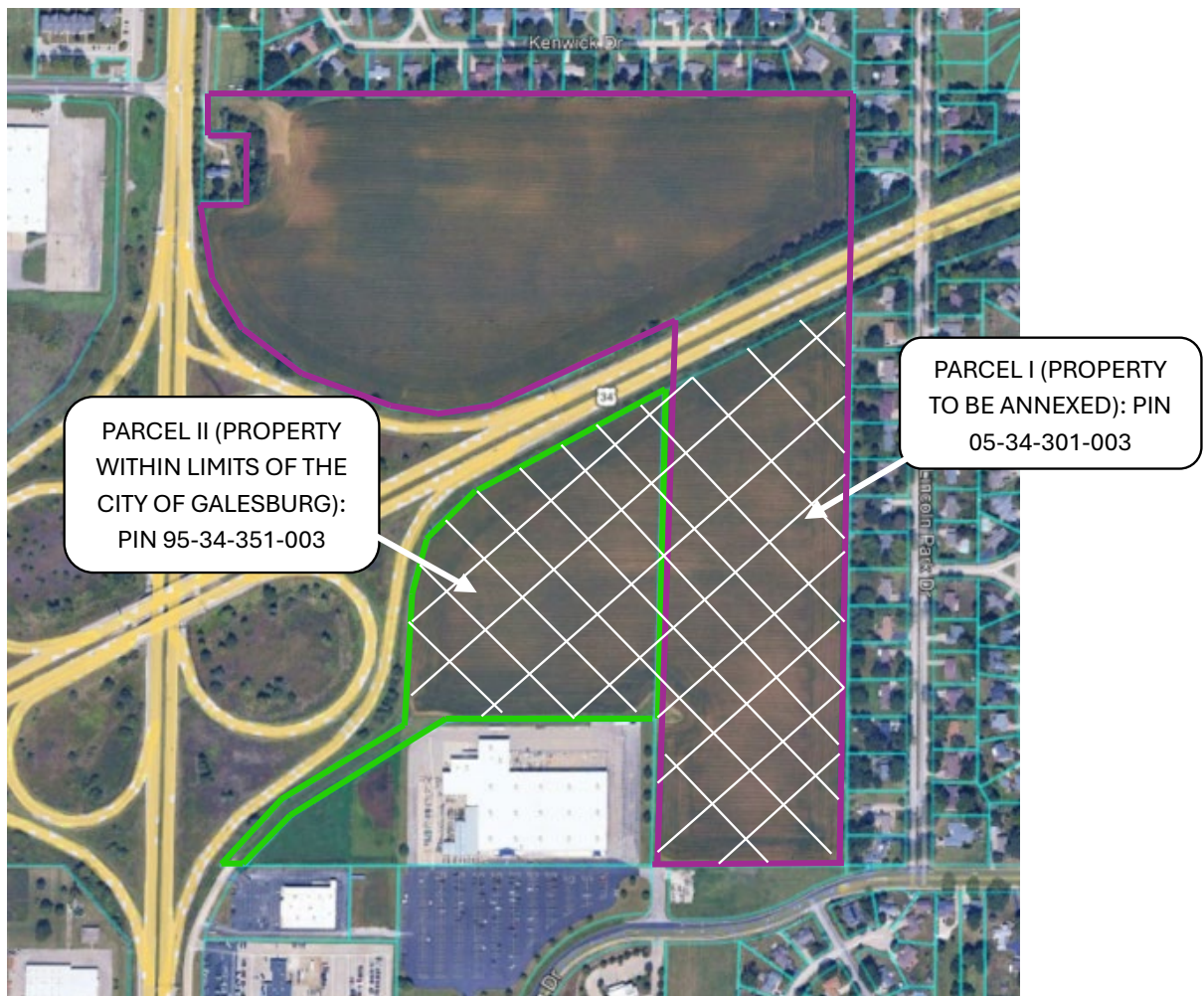


Exhibit F

ALTA SURVEY PARCEL I AND PARCEL II
(PROPERTY TO BE DEVELOPED AS SOLAR FACILITY)

See Attached



Planning & Zoning Commission Meeting

Agenda Item Overview

July 21, 2026

AGENDA ITEM: PZ-26-0703 Preannexation Agreement for Property Identification Numbers 09-04-300-018 and 09-04-100-006, generally located in the 1600 block of West Carl Sandburg Drive.

SUMMARY RECOMMENDATION: The Development Review Committee members considered the request at its July 1, 2026 meeting and recommended approval.

BACKGROUND: The owner, MSM Family Investments, LLC has submitted an annexation petition (no electors) and a pre-annexation agreement for parcels 09-04-300-018 and 09-04-100-006, which contain approximately 71.61 acres.

The owner is proposing to lease the property to Corn Maze Solar, LLC for the development of a commercial solar energy system, which may be done in phases. This project would require a special use permit.

A Preannexation Agreement has been drafted and contains the following main provisions:

1. The property will be zoned AG, Agricultural, at the time of annexation.
2. All parties acknowledge that all Special Uses listed in the A, Agricultural, zoning district require a site plan review process for all new construction or additions and changes in the use of existing buildings or parking lots which result in any exterior alteration or construction.
3. The proposed solar facility development will be accomplished in phases. Phase 1 is planned for that part of PARCEL I south of West Carl Sandburg Drive. Phase 2 is planned for that part of PARCEL I north of West Carl Sandburg Drive and PARCEL II.
4. OWNER and DEVELOPER agree to submit a drainage plan that complies with CITY'S storm water drainage control requirements to the City Engineer's office for review and approval as part of DEVELOPER's construction permit application.
5. In the event DEVELOPER fails to submit for a construction permit by five years from the date of issuance of the SUP, then OWNER may file a petition pursuant to 65 ILCS 5/7-3-4 requesting that PARCEL I and PARCEL II be disconnected from the CITY.

The parcel is currently zoned KNOX COUNTY R, Residential and it is proposed in the pre-annexation agreement that the zoning change to AG, Agricultural.

	KNOX COUNTY / GALESBURG Zoning	Land Use
North	KNOX COUNTY R, Residential	Agriculture
West	KNOX COUNTY R, Residential and R-3A, Multi-family Residential	Agriculture and Apartment complex
East	I, Institutional; CPD, Comprehensive Planned Development; and B-2, General Commercial	High School athletic fields, YMCA fields, movie theater, and apartment complex
South	R-3A, Multi-family Residential and I, Institutional	SF Residential and Fire station

It is anticipated the Planning & Zoning Commission recommendation would go before City Council on first reading at their August 3rd, 2026 meeting and on final reading at their August 17th, 2026 meeting.

SUPPORTING DOCUMENTS:

1. Aerial - General location
2. Annexation Plat
3. Preannexation Agreement

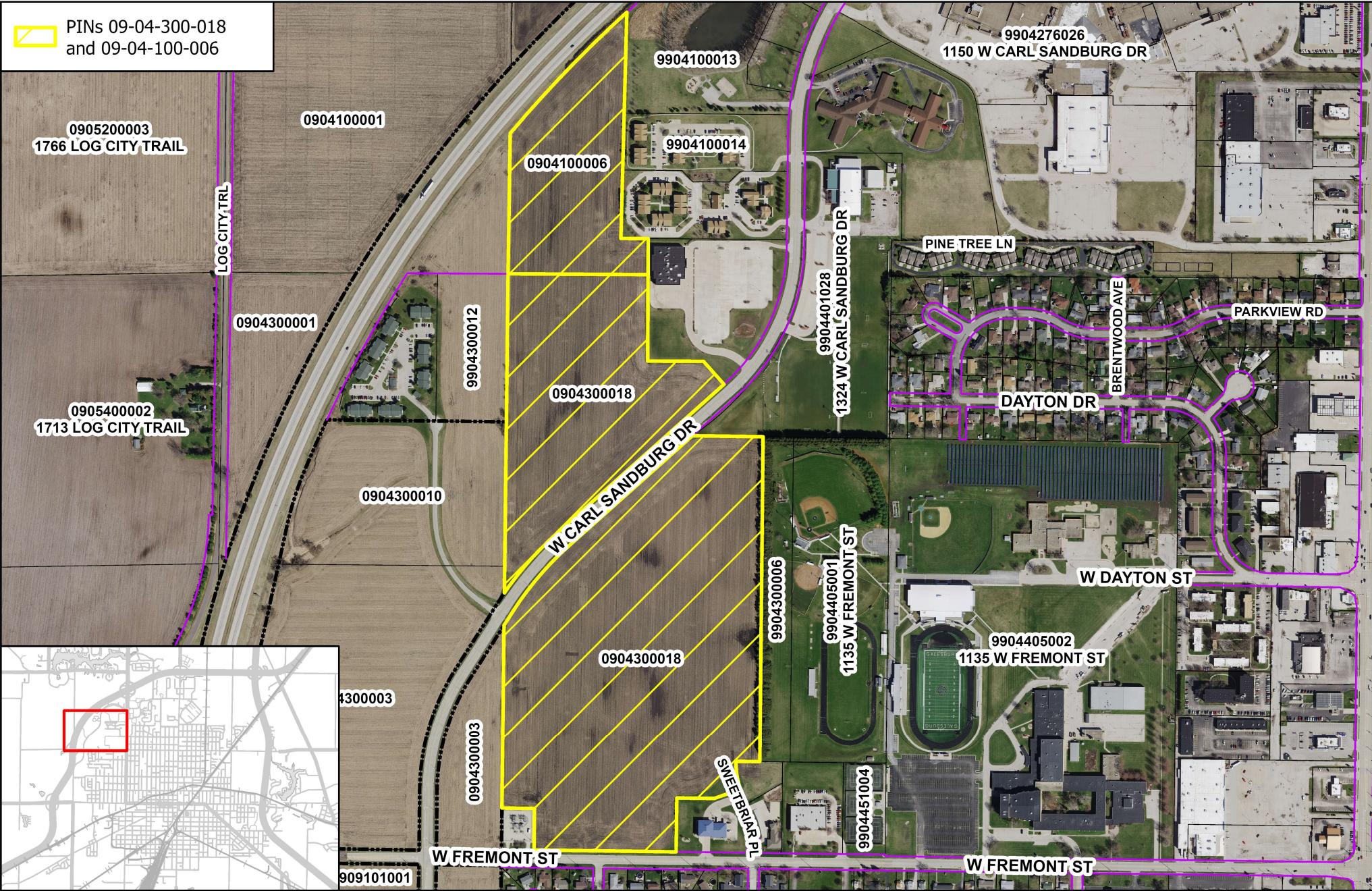
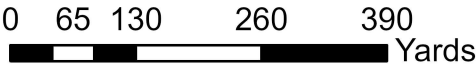
cc: File Copy



Community Development Department
Community Development Department

Proposed Annexation

Corn Maze Solar Project



The information included in this map is intended to be advisory only and is NOT designed or intended to be used as a substitute for an accurate field survey, as performed by a Registered Land Surveyor, to determine precise property location

May 26, 2026

CORN MAZE SOLAR

**CITY OF GALESBURG
ANNEXATION AGREEMENT
Galesburg, IL**

SHORT LEGAL DESCRIPTION (See full legal descriptions on Exhibit A):

Parcel I: PIN 09-04-300-018: E1/2 SW (EX SUBS & EX RDS & EX S231' W150' & EX N1499.32' S1959.3' W139.56' & EX PT LYG IN TR1) SEC 4 T11 R1

Parcel II: PIN 09-04-100-006: E1/2 NW LYG S OF HWY(EX PT AS IN 30-32 & EX PT AS IN 1962- 286) S4 T11 R1

CORN MAZE SOLAR GENERAL LOCATION: Land south of US Highway 34, north of W Fremont Street, either side of W Carl Sandberg Drive in Knox County, IL

Submitted by:
Kelli R. Bennewitz
City Clerk
City of Galesburg

Return to:
Kelli R. Bennewitz
City Clerk
City of Galesburg
P.O. Box 1387
Galesburg, IL 61401

THIS AGREEMENT, entered into on or as of the ____ day of _____, 2026, by and between the City of Galesburg, Knox County, Illinois, a municipal corporation, whose principal business address is 55 West Tompkins Street, Galesburg, Illinois, 61401, hereinafter referred to as “CITY”, Corn Maze Solar, LLC, a Delaware limited liability company, whose mailing address is P.O. Box 310, Highland Park, Illinois 60035, hereinafter referred to as “DEVELOPER”, and MSM Family Investments, LLC, whose principal address is 105 Fairhaven Lane, Peoria Heights, IL 61616, hereinafter referred to as “OWNER”; and

WHEREAS, OWNER and DEVELOPER are desirous of annexing to the City of Galesburg the real estate (PIN 09-04-300-018), as further described in Exhibit A and mapped on Exhibit B, located in Galesburg Township, Knox County, Illinois, presently owned by OWNER, hereinafter referred to as PARCEL I; and

WHEREAS, OWNER and DEVELOPER are desirous of annexing to the City of Galesburg the real estate (PIN 09-04-100-006), as further described in Exhibit A and mapped on Exhibit B, located in Galesburg Township, Knox County, Illinois, presently owned by OWNER, hereinafter referred to as PARCEL II; and

WHEREAS, OWNER intends to lease PARCEL I and PARCEL II to DEVELOPER; and

WHEREAS, DEVELOPER intends to develop PARCEL I and PARCEL II for the purposes of one or more community solar facilities (individually and collectively, the “SOLAR FACILITY”), in general accordance with the general site plan attached as Exhibit C; and

WHEREAS, CITY desires to annex PARCEL I and PARCEL II, as described in Exhibit A and mapped on Exhibit B; and

WHEREAS, all parties, DEVELOPER, OWNER, and CITY, have reached an agreement so as to insure to all parties that when PARCEL I is annexed and the development of PARCEL I and PARCEL II are started, as well as completed, said development conforms to the rules, regulations, and ordinances of the City of Galesburg and the provisions in this AGREEMENT, and that all services provided by CITY shall be available to PARCEL I if requested by DEVELOPER and OWNER.

In consideration of the mutual promises herein contained, DEVELOPER, OWNER, and CITY agree as follows:

I. ZONING

- A. Each of PARCEL I and PARCEL II is currently zoned Residential R-1 in the County. PARCEL I and PARCEL II will be zoned AG Agricultural upon annexation to the City of Galesburg.

- B. The parties to this AGREEMENT acknowledge the SOLAR FACILITY will be developed on two parcels (PARCEL I and PARCEL II). Each of PARCEL I and PARCEL II is the property to be annexed, as described in Exhibit A and mapped on Exhibit B.
- C. DEVELOPER agrees to develop, install, construct and operate the SOLAR FACILITY on PARCEL I and PARCEL II in compliance with Galesburg City Code, including without limitation Section 152.123.

II. SITE PLAN DEVELOPMENT

- A. Development of PARCEL I and PARCEL II shall be generally in compliance with the general site plan in Exhibit C.
- B. Any material changes to the site plan shall be submitted to the City Council for their review, consideration, and approval pursuant to a separate, Special Use process described more fully below. If approval is required, it shall not be withheld unreasonably or delayed unreasonably.
- C. CITY acknowledges development of the SOLAR FACILITY will be accomplished in phases as determined by the OWNER and DEVELOPER. Phase 1 is planned for that part of PARCEL I south of West Carl Sandburg Drive. Phase 2 is planned for that part of PARCEL I north of West Carl Sandburg Drive and PARCEL II.
- D. DEVELOPER, OWNER, and CITY acknowledge all Special Uses in the AG Agricultural District require a site plan review process for all new construction or additions and changes in the use of existing buildings or parking lots which result in any exterior alteration or construction.
- E. DEVELOPER intends to submit a complete application for a Special Use Permit ("SUP") for the SOLAR FACILITY contemporaneously with this AGREEMENT. If DEVELOPER so submits, CITY agrees to consider and decide in accordance with Galesburg City Code, including without limitation Section 152.123, if the SUP shall be issued or denied contemporaneously with its consideration of this AGREEMENT. If CITY denies the SUP, the annexation of PARCEL I and PARCEL II shall be void (if granted), and CITY shall take steps to memorialize a disconnection of PARCEL I and PARCEL II from the CITY, if necessary.

III. ACCESS TO PROPERTY

- A. CITY agrees to allow DEVELOPER to construct an access road to provide access to that part of PARCEL I south of West Carl Sandburg Drive for purposes of development, installation, construction, and operation of the SOLAR FACILITY from West Fremont Street south of PARCEL I.

- B. CITY agrees to allow DEVELOPER to construct an access road to provide access to that part of PARCEL I north of West Carl Sandburg Drive and PARCEL II for purposes of development, installation, construction, and operation of the SOLAR FACILITY from West Carl Sandberg Drive.
- C. OWNER and DEVELOPER understand no additional roads or driveways will be allowed to access PARCEL I or PARCEL II.

IV. WATER LINES

- A. CITY, OWNER, and DEVELOPER acknowledge that no water line extensions are planned in connection with the installation, construction and operation of the SOLAR FACILITY.
- B. If any water line extension or expansion is desired by DEVELOPER for use in connection with the SOLAR FACILITY, such extension or expansion shall be at DEVELOPER's sole cost and expense and shall comply will all applicable laws, codes, and regulations.

V. FIRE PROTECTION

- A. No fire hydrants are present on PARCEL I or PARCEL II.
- B. CITY, OWNER, and DEVELOPER acknowledge that no additional fire hydrants are planned in connection with the installation, construction, and operation of the SOLAR FACILITY.
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- A. OWNER and DEVELOPER acknowledge the sanitary sewer system is operated by the Galesburg Sanitary District and CITY has no responsibility or control over the provision of sanitary sewers to serve PARCEL I and PARCEL II.
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- C. If OWNER desires sanitary sewer system service to PARCEL I and PARCEL II, OWNER agrees to contact the Galesburg Sanitary District directly and work with the District on how PARCEL I and PARCEL II will be served by the sanitary sewer system.
- D. CITY shall make reasonable efforts to provide information regarding existing sanitary sewer facilities and easements that may interfere with the SOLAR PROJECT and to facilitate any easement terminations and/or crossing agreement(s) as may be needed for the SOLAR

PROJECT in relation to the access, utility connection, construction and operation of the SOLAR PROJECT.

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- A. All parties agree that any needed utility services required for the SOLAR FACILITY shall come off of W Fremont Street (Phase 1) and W Carl Sandberg Dr (Phase 2) (or such other location as required by the distribution utility) and the configuration of such utility service shall be determined in consultation with the distribution utility.
- B. OWNER and DEVELOPER agree that all utilities serving PARCEL I and PARCEL II shall be placed and installed in accordance with the Galesburg City Solar Ordinance, Galesburg City Code Section 152.123.

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- A. OWNER and DEVELOPER agree that no off-premises signs (billboard signs) as described in Section 152.005 and 152.209 of the Galesburg Municipal Code will be constructed on PARCEL I or PARCEL II.
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- C. OWNER and DEVELOPER agree that the consideration for its agreement that no off-premises signs shall be allowed to be constructed on said real estate is the annexation by CITY of said real estate and the covenants and agreements of CITY contained herein, the receipt and sufficiency of said consideration being hereby acknowledged by OWNER and DEVELOPER.

IX. STORMWATER DRAINAGE

- A. OWNER and DEVELOPER agree to submit a drainage plan that complies with CITY’S storm water drainage control requirements to the City Engineer’s office for review and approval as part of DEVELOPER’s construction permit application. No construction permits will be issued until the drainage plan has been approved by the City Engineer’s office.
- B. OWNER and DEVELOPER agree that at the time said drainage plan is submitted, the developer or owner of the project shall construct and maintain the private storm water drainage lines and detention facilities, if any, as approved in the drainage plan.
- C. DEVELOPER and OWNER are responsible for obtaining a National Pollutant Discharge Elimination System (NPDES) permit from the Illinois Environmental Protection Agency

(IEPA) for construction anytime there will be a disturbance of more than one (1) acre of land. As part of the IEPA requirements, DEVELOPER and OWNER are responsible for preparing a storm water pollution prevention plan (SWPPP). The SWPPP shall be approved by CITY prior to construction.

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- E. The OWNER and DEVELOPER are responsible for determining the location of any run-off coming from offsite and designing its drainage plan to accommodate such run-off in accordance with the requirements of the CITY.
- F. CITY shall make reasonable efforts to provide information regarding existing storm water drainage facilities and easements that may interfere with the SOLAR PROJECT and to facilitate any easement terminations and/or crossing agreement(s) as may be needed for the SOLAR PROJECT in relation to the access, utility connection, construction and operation of the SOLAR PROJECT.

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- A. In the event DEVELOPER fails to submit for a construction permit by five years from the date of issuance of the SUP, then OWNER may file a petition pursuant to 65 ILCS 5/7-3-4 requesting that PARCEL I and PARCEL II be disconnected from the CITY. The petition shall be accompanied by the following:
 - 1. Certificate from the Knox County Clerk showing that all CITY taxes or assessments due up to the date of the petition are fully paid; and
 - 2. The payment by DEVELOPER to the CITY of the sum of FIVE THOUSAND & 00/100 (\$5,000.00) DOLLARS in recognition of the time and expense incurred by the CITY in connection with this AGREEMENT.
- B. Upon satisfaction of these conditions and upon the expiration of thirty (30) days after the satisfaction of these conditions, the CITY will adopt an ordinance disconnecting PARCEL I from the CITY as permitted under 65 ILCS 5/7-3-4 .

XI. MISCELLANEOUS

- A. This annexation agreement shall be deemed to run with the land and be binding upon the parties and their successors and assigns.

[Signature Pages Follow]

OWNER:

MSM FAMILY INVESTMENTS, LLC

BY SCHACHTRUP FARMS, INC., ITS MANAGER

BY: _____

NAME: F. MICHAEL SCHACHTRUP

TITLE: PRESIDENT

ACKNOWLEDGEMENT

STATE OF _____)

) ss

_____ COUNTY)

Personally came before me this _____ day of _____, 20____, the
above named _____ to me known to be the person who executed the foregoing
instrument and acknowledge the same.

Notary Signature

Notary Public _____ County, State of _____

My Commission expires: _____

DEVELOPER:
Corn Maze Solar, LLC

By: _____
NAME: Jonathan K. Carson
TITLE: Authorized Representative

ACKNOWLEDGEMENT

STATE OF _____)
 _____) ss
 _____ COUNTY)

Personally came before me this _____ day of _____, 20____, the above named _____ to me known to be the person who executed the foregoing instrument and acknowledge the same.

Notary Signature _____

Notary Public _____ County, State of _____

My Commission expires: _____

Exhibit A

LEGAL DESCRIPTION OF PARCEL I (PROPERTY TO BE ANNEXED)

PROPERTY IDENTIFICATION NUMBER: PIN 09-04-300-018

GENERAL LOCATION: Land south of US Highway 34, north of W Fremont Street, either side of W Carl Sandberg Drive in Knox County, IL

THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 4, TOWNSHIP 11 NORTH, RANGE 1 EAST OF THE FOURTH PRINCIPAL MERIDIAN, KNOX COUNTY, ILLINOIS, EXCEPTING THAT PART CONTAINING 4.67 ACRES, MORE OR LESS, DEEDED TO KNOX COUNTY BOARD OF SCHOOL TRUSTEES FOR THE USE OF COMMUNITY UNIT SCHOOL DISTRICT NO. 205, KNOX AND WARREN COUNTIES, ILLINOIS, AS RECORDED IN VOLUME 665 OF RECORDS, PAGE 53, AND EXCEPT THAT PART CONTAINING 0.658 ACRES, MORE OR LESS, DEEDED TO THE ILLINOIS POWER COMPANY, AS RECORDED IN VOLUME 677 OF RECORDS, PAGE 282, AND ALSO EXCEPTING THAT PART CONTAINING 4.106 ACRES, MORE OR LESS, DEEDED TO THE LASALLE NATIONAL BANK, AS TRUSTEE AS RECORDED IN VOLUME 764 OF RECORDS, PAGE 249, CONTAINING 70.42 ACRES, MORE OR LESS; AND EXCEPT LOT 1 IN SCHACHTRUP ACRES, BEING A SUBDIVISION OF PART OF THE WEST 1/2 OF SECTION 4, TOWNSHIP 11 NORTH, RANGE 1 EAST OF THE THIRD PRINCIPAL MERIDIAN, KNOX COUNTY, ILLINOIS, AS SHOWN ON PLAT RECORDED SEPTEMBER 5, 1996 IN PLAT BOOK 30 OF PLATS PAGE 66; AND EXCEPT LOTS 1, 2 AND 3 IN SCHACTRUP ACRES NO. 4, BEING A SUBDIVISION OF PART OF THE SOUTHWEST QUARTER OF SECTION 4, TOWNSHIP 11 NORTH, RANGE 1 EAST OF THE FOURTH PRINCIPAL MERIDIAN, KNOX COUNTY, ILLINOIS, AS SHOWN ON PLAT RECORDED DECEMBER 10, 2001 IN PLAT BOOK 35, PAGE 39.

LEGAL DESCRIPTION OF PARCEL II (PROPERTY TO BE ANNEXED)

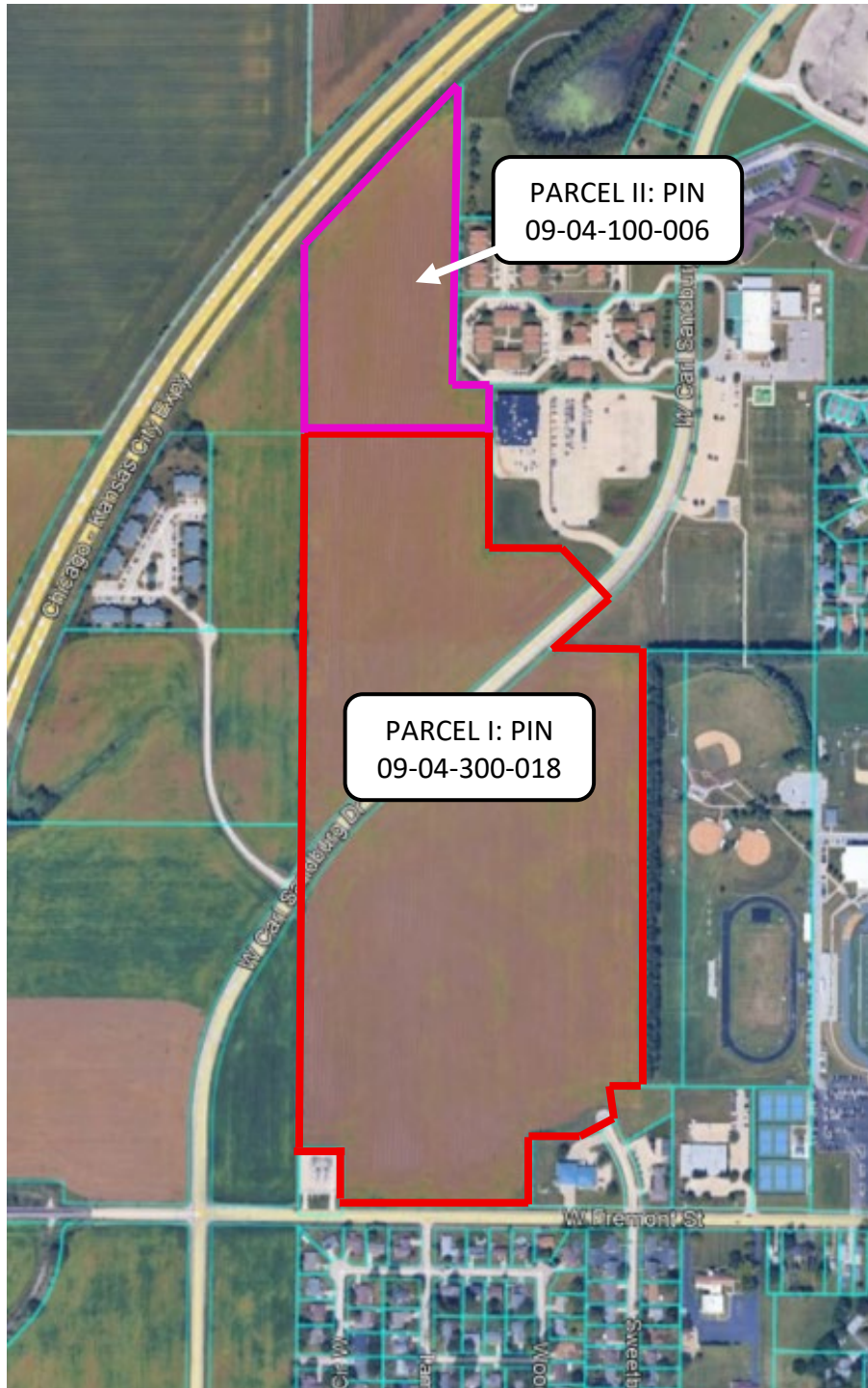
PROPERTY IDENTIFICATION NUMBER: PIN 09-04-100-006

GENERAL LOCATION: Land south of US Highway 34, north of W Carl Sandberg Drive in Knox County, IL

ALL THAT PART OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 11 NORTH, RANGE 1 EAST OF THE FOURTH PRINCIPAL MERIDIAN, LYING SOUTH AND EAST OF THE SOUTH BOUNDARY LINE OF THE RIGHT OF WAY OF U.S. ROUTE 34; EXCEPT THAT PART DEEDED TO THE LASALLE NATIONAL BANK AS TRUSTEE, AS RECORDED IN VOL. 757, PAGE 617, AND EXCEPTING THAT PART TAKEN FOR HIGHWAY PURPOSES IN KNOX COUNTY CIRCUIT COURT PROCEEDINGS NO. 64-G-340, AND ALSO EXCEPTING THAT PART DEEDED TO LASALLE NATIONAL BANK, AS TRUSTEE, AS RECORDED IN VOLUME 764 OF RECORDS, PAGE 249, CONTAINING 15 ACRES, MORE OR LESS; ALL SITUATED IN COUNTY OF KNOX AND STATE OF ILLINOIS.

Exhibit B

LOCATION MAP OF PARCEL I AND PARCEL II (PROPERTY TO BE ANNEXED)



SITE PLAN OF PARCEL I AND PARCEL II TO BE DEVELOPED AS THE SOLAR FACILITY

