URBANA CITY COUNCIL MEETING

URBANA CITY COUNCIL CHAMBERS
Monday, April 16, 2001
7:30 P.M.
A G E N D A

A. MINUTES OF PREVIOUS MEETING

B. ADDITIONS TO THE AGENDA

C. PETITIONS AND COMMUNICATIONS

D. OLD BUSINESS

1. Ordinance No. 2001-04-032: An Ordinance Approving a Major Variance (Reduction of the Required Side Yard Setback in the City's R-2, Single-Family Residential, Zoning District, From Five Feet to Two Feet / 105 W. Florida Avenue – Case No. ZBA-01-MAJ-2)

2. Ordinance No. 2001-04-033: An Ordinance Approving a Major Variance (Reduction of the Required Rear Yard Setback in the City's R-2, Single-Family Residential, Zoning District, From Ten Feet to One Foot / 105 W. Florida Avenue – Case No. ZBA-01-MAJ-3)

3. Ordinance No. 2001-03-026: An Ordinance Approving an Application for Site Approval of a Regional Pollution Control Facility (Siting of the Central Waste Transfer and Recycling Facility)

E. REPORTS OF STANDING COMMITTEE

1. **Committee of the Whole**

   a. Ordinance No. 2001-04-034: An Ordinance Providing for the Refinancing by the City of Urbana, Illinois of a Residential Rental Project by the Refunding of Prior Bonds for Village Community Partners I, L.P. (The "Borrower"); Authorizing the Issuance of its $1,700,000 Adjustable Rate Multi-Family Housing Revenue Bonds, Series 2001 (Village Community Partners I, L.P. – Prairie Green Apartments), in Connection Therewith; Authorizing the Execution and Delivery of a Loan Agreement Between the City of Urbana, Illinois and the Borrower; Authorizing the Execution and Delivery of a Trust Indenture Securing Said Bonds; and Authorizing the Execution of a Bond Purchase Agreement Providing for the Sale of Said Bonds to the Purchaser Thereof and Related Matters

b. Ordinance No. 2001-04-035: An Ordinance Amending Section 1-16 of Chapter One of the Urbana Code of Ordinances Relating to Checks Returned for Insufficient Funds

c. Ordinance No. 2001-03-030: An Ordinance Approving and Authorizing the Execution of an Amended and Restated Boundary Development Area Agreement (Metrozone)

d. Ordinance No. 2001-04-037: An Ordinance Disconnecting 710 Dodson Drive, Urbana (Harold D. Wheatley and Helen L. Wheatley)

e. Ordinance No. 2001-04-039: An Ordinance Amending Chapter Eleven of the Code of Ordinances, City of Urbana, Illinois, Regulating Health and Sanitation (Summary Abatement)

f. Ordinance No. 2001-04-040: An Ordinance Amending Chapter Twenty-Five of the Code of Ordinances, City of Urbana, Illinois, Regulating Vegetation

F. REPORTS OF SPECIAL COMMITTEES

G. REPORTS OF OFFICERS

H. NEW BUSINESS

1. Closed Session: Fee Determination for Sale of Right-Of-Way

I. ADJOURNMENT

APPROVED MINUTES OF THE PREVIOUS MEETING WILL BE AVAILABLE ON THE CITY'S WEB PAGE APPROXIMATELY SEVEN DAYS AFTER APPROVAL.

DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning and Economic Development Division

m e m o r a n d u m

TO: Bruce K. Walden, CAO

FROM: Rob Kowalski, AICP, Senior Planner

DATE: April 11, 2001

SUBJECT: ZBA 01-MAJ-2 & ZBA 01-MAJ-3, Request for two major variances filed by Susan Pryde of 105 West Florida Avenue. The petitioner proposes a reduction in the required side yard setback from five feet to two feet and a reduction in the required rear yard setback from ten feet to one foot.

Update

This case was continued from the April 2, 2001 City Council Meeting so additional languge could be added to the ordinances related to the application of the two variances on the property. Specifically, City Council desired language that would permit the variances only for the footprint of the existing garage structure and not for the entire length of the east and south property lines.

Following discussion with City legal counsel, additional language is proposed in the ordinances for cases ZBA-01-MAJ-2 and ZBA-01-MAJ-3. This proposed language is presented on page 3 on both attached ordinances in an underline and strikethrough format.

For further background on the case including a summary of the ZBA and staff findings, please consult the original staff case memo from the April 2, 2001 City Council meeting.

Recommendation

At the March 15, 2001 Zoning Board of Appeals meeting, the ZBA recommended approval of the two variances by a 4-0 vote. Based on the findings outlined in the staff report presented at the April 2, 2001 City Council meeting and with the proposed changes to the ordinances as discussed at that

meeting, staff concurs with the ZBA and recommends that City Council **GRANT** the variances as requested.

Attachments: Proposed Ordinances

c: Susan Pryde, Applicant

Prepared by:

_____

Rob Kowalski, AICP
Senior Planner

ORDINANCE NO. 2001-04-032_____

AN ORDINANCE APPROVING A MAJOR VARIANCE

(Reduction Of The Required Side Yard Setback In The City's R-2, Single Family Residential Zoning District, From Five Feet to Two Feet / 105 W. Florida Avenue -- Case No. ZBA-01-MAJ-2)

WHEREAS, the Zoning Ordinance provides for a major variance procedure to permit the Zoning Board of Appeals and the City Council to consider criteria for major variances where there are special circumstances or conditions with the parcel of land or the structure; and

WHEREAS, the owner of the subject property, Susan Pryde, has submitted a petition requesting a major variance to allow the reduction of the required side yard setback on the east side of the subject property; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in Case #ZBA-01-MAJ-2; and

WHEREAS, after due publication in accordance with Section XI-10 of the Urbana Zoning Ordinance and with Chapter 65, Section 5/11-13-14 of the Illinois Compiled Statutes (65 ILCS 5/11-13-14), the Urbana Zoning Board of Appeals (ZBA) held a public hearing on the proposed major variance on March 15, 2001, and the ZBA by a unanimous vote of its members recommend

to the City Council approval of the requested variance; and

WHEREAS, after due and proper consideration, the City Council of the City of Urbana has determined that the major variance referenced herein conforms with the major variance procedures in accordance with Article XI, Section XI-3.C.3.d of the Urbana Zoning Ordinance; and

WHEREAS, the City Council agrees with the following findings of fact adopted by the ZBA in support of its recommendation to approve the application for a major variance:

1. There are special circumstances related to the layout of the site. Although the lot is approximately 8,700 square feet, the house was built in the far southeast corner of the lot making any expansion or improvements nearly impossible without a variance for setback.

2. The proposed variance will not serve as a special privilege because the structure involved was originally built in an area on the lot which makes it difficult for conversion or expansion without a variance.

3. The proposed variance would not cause a negative impact to the immediate area because an existing garage is already

built in this location. By converting the garage from an accessory use to a principal use, the setback requirement changes and the variance is needed although the petitioner is not proposing any expansion to the existing footprint of the garage structure.

4. The proposal will not cause a negative impact to the neighboring properties because the adjacent properties will not realize any greater setback than is currently evident with the existing garage.

5. The proposal meets all other requirements established by the Urbana Zoning Ordinance including the requirement for the granting of a conditional use permit (Case #ZBA 01-C-2)to have two principal uses on one lot. On March 15, 2001, the Zoning Board of Appeals granted the conditional use permitting the establishment of a dwelling unit above the existing detached garage.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

The major variance request by Susan Pryde, in Case #ZBA-01-MAJ-2 is hereby approved to allow the reduction of the required side yard setback from five feet to two feet. The variance shall only apply to the area along the east footprint of the existing concrete block detached garage as illustrated in Exhibit "A". The variance does not apply to any addition to the footprint of the existing structure. Should the existing structure be removed for any reason, the variance shall expire and cannot be applied to a new structure.

The major variance described above shall only apply to

the property located at 105 W. Florida Avenue, Urbana, Illinois, more particularly described as follows:

LEGAL DESCRIPTION:

Lot 2 of the Raymond Subdivision as recorded at the Champaign County Recorders Office, situated in the City of Urbana, in Champaign County, Illinois.

PERMANENT PARCEL #: 93-21-20-201-009

The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities. This Ordinance shall be in full force and effect from and after its passage and publication in accordance with the terms of Chapter 65, Section 1-2-4 of the Illinois Compiled Statutes (65 ILCS 5/1-2-4).

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called of a majority of the members of the City Council of the City of Urbana, Illinois, at a regular meeting of said Council on the _____ day of _____, 2001.

PASSED by the City Council this _____ day of _____, _____.

AYES:

NAYS:

ABSTAINS:

_____
Phyllis D. Clark, City Clerk

APPROVED by the Mayor this _____ day of

_____, _____.

_____
Tod Satterthwaite, Mayor

CERTIFICATE OF PUBLICATION IN PAMPHLET FORM

I, Phyllis D. Clark, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois.

I certify that on the _____ day of _____, 2001,the corporate authorities of the City of Urbana passed and approved Ordinance No. _____, entitled "AN ORDINANCE APPROVING A MAJOR VARIANCE

"(Reduction Of The Required Side Yard Setback In The City's R-2, Single Family Residential Zoning District, From Five Feet to Two Feet / 105 W. Florida Avenue -- Case No. ZBA-01-MAJ-2)" which provided by its terms that it should be published in pamphlet form. The pamphlet form of Ordinance No. _____ was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the _____ day of _____, 2001, and continuing for at least ten (10) days thereafter. Copies of such Ordinance were also available for public inspection upon request at the Office of the City Clerk.

DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning and Economic Development Division

m e m o r a n d u m

TO: Bruce K. Walden, CAO

FROM: Rob Kowalski, AICP, Senior Planner

DATE: April 11, 2001

SUBJECT: ZBA 01-MAJ-2 & ZBA 01-MAJ-3, Request for two major variances filed by Susan Pryde of 105 West Florida Avenue. The petitioner proposes a reduction in the required side yard setback from five feet to two feet and a reduction in the required rear yard setback from ten feet to one foot.

Update

This case was continued from the April 2, 2001 City Council Meeting so additional languge could be added to the ordinances related to the application of the two variances on the property. Specifically, City Council desired language that would permit the variances only for the footprint of the existing garage structure and not for the entire length of the east and south property lines.

Following discussion with City legal counsel, additional language is proposed in the ordinances for cases ZBA-01-MAJ-2 and ZBA-01-MAJ-3. This proposed language is presented on page 3 on both attached ordinances in an underline and strikethrough format.

For further background on the case including a summary of the ZBA and staff findings, please consult the original staff case memo from the April 2, 2001 City Council meeting.

Recommendation

At the March 15, 2001 Zoning Board of Appeals meeting, the ZBA recommended approval of the two variances by a 4-0 vote. Based on the findings outlined in the staff report presented at the April 2, 2001 City Council meeting and with the proposed changes to the ordinances as discussed at that

meeting, staff concurs with the ZBA and recommends that City Council **GRANT** the variances as requested.

Attachments: Proposed Ordinances

c: Susan Pryde, Applicant

Prepared by:

_____

Rob Kowalski, AICP
Senior Planner

ORDINANCE NO. 2001-04-033_____

AN ORDINANCE APPROVING A MAJOR VARIANCE

(Reduction Of The Required Rear Yard Setback In The City's R-2, Single Family Residential Zoning District, From Ten Feet to One Foot / 105 W. Florida Avenue -- Case No. ZBA-01-MAJ-3)

WHEREAS, the Zoning Ordinance provides for a major variance procedure to permit the Zoning Board of Appeals and the City Council to consider criteria for major variances where there are special circumstances or conditions with the parcel of land or the structure; and

WHEREAS, the owner of the subject property, Susan Pryde, has submitted a petition requesting a major variance to allow the reduction of the required rear yard setback on the south side of the subject property; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in Case #ZBA-01-MAJ-3; and

WHEREAS, after due publication in accordance with Section XI-10 of the Urbana Zoning Ordinance and with Chapter 65, Section 5/11-13-14 of the Illinois Compiled Statutes (65 ILCS 5/11-13-14), the Urbana Zoning Board of Appeals (ZBA) held a public hearing on the proposed major variance on March 15, 2001, and the ZBA by a unanimous vote of its members recommend

to the City Council approval of the requested variance; and

WHEREAS, after due and proper consideration, the City Council of the City of Urbana has determined that the major variance referenced herein conforms with the major variance procedures in accordance with Article XI, Section XI-3.C.3.d of the Urbana Zoning Ordinance; and

WHEREAS, the City Council agrees with the following findings of fact adopted by the ZBA in support of its recommendation to approve the application for a major variance:

1. There are special circumstances related to the layout of the site. Although the lot is approximately 8,700 square feet, the house was built in the far southeast corner of the lot making any expansion or improvements nearly impossible without a variance for setback.

2. The proposed variance will not serve as a special privilege because the structure involved was originally built in an area on the lot which makes it difficult for conversion or expansion without a variance.

3. The proposed variance would not cause a negative impact to the immediate area because an existing garage is already

built in this location. By converting the garage from an accessory use to a principal use, the setback requirement changes and the variance is needed although the petitioner is not proposing any expansion to the existing footprint of the garage structure.

4. The proposal will not cause a negative impact to the neighboring properties because the adjacent properties will not realize any greater setback than is currently evident with the existing garage.

5. The proposal meets all other requirements established by the Urbana Zoning Ordinance including the requirement for the granting of a conditional use permit (Case #ZBA 01-C-2)to have two principal uses on one lot. On March 15, 2001, the Zoning Board of Appeals granted the conditional use permitting the establishment of a dwelling unit above the existing detached garage.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

The major variance request by Susan Pryde, in Case #ZBA-01-MAJ-3 is hereby approved to allow the reduction of the required rear yard setback from ten feet to one foot. The variance shall only apply to the area along the south footprint of the existing concrete block detached garage as illustrated in Exhibit "A". The variance does not apply to any addition to the footprint of the existing structure. Should the existing structure be removed for any reason, the variance shall expire and cannot be applied to a new structure.

The major variance described above shall only apply to

the property located at 105 W. Florida Avenue, Urbana, Illinois, more particularly described as follows:

LEGAL DESCRIPTION:

Lot 2 of the Raymond Subdivision as recorded at the Champaign County Recorders Office, situated in the City of Urbana, in Champaign County, Illinois.

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This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called of a majority of the members of the City Council of the City of Urbana, Illinois, at a regular meeting of said Council on the _____ day of _____, 2001.

PASSED by the City Council this _____ day of _____, _____.

AYES:

NAYS:

ABSTAINS:

_____
Phyllis D. Clark, City Clerk

APPROVED by the Mayor this _____ day of

_____, _____.

_____
Tod Satterthwaite, Mayor

CERTIFICATE OF PUBLICATION IN PAMPHLET FORM

I, Phyllis D. Clark, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois.

I certify that on the _____ day of _____, 2001,the corporate authorities of the City of Urbana passed and approved Ordinance No. _____, entitled "AN ORDINANCE APPROVING A MAJOR VARIANCE

"(Reduction Of The Required Rear Yard Setback In The City's R-2, Single Family Residential Zoning District, From Ten Feet to One Foot / 105 W. Florida Avenue -- Case No. ZBA-01-MAJ-3)" which provided by its terms that it should be published in pamphlet form. The pamphlet form of Ordinance No. _____ was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the _____ day of _____, 2001, and continuing for at least ten (10) days thereafter. Copies of such Ordinance were also available for public inspection upon request at the Office of the City Clerk.

CITY OF URBANA, ILLINOIS
DEPARTMENT OF PUBLIC WORKS

ENVIRONMENTAL MANAGEMENT DIVISION

MEMORANDUM

TO: **Bruce Walden, Chief Administrative Officer**

FROM: **Bill Gray, Public Works Director**
Rod Fletcher, Environmental Manager

DATE: **March 29, 2001**

RE: **Site Location Approval Request of a Transfer/Recycling Facility, Allied Waste Transportation, Inc. d/b/a Central Waste Services**

Action Requested

Adoption of the attached ordinance granting site location approval.

Backround

Each Council member has received a certified copy of the record of the public hearing proceedings regarding the site location request. At the Committee of the Whole meeting on March 26, 2001, Council had three questions. The following are those questions and responses.

1. Regarding projected cost savings: *Who would realize projected savings ?*

A response can be found in Exhibit A, in the Economic Impacts of the Proposed Facility, pages 80 and 81 of the Application.

2. Clarification regarding drainage, two comments found on page 8 of the Berns, Clancy and Associates (BCA) Review: *Would recommendations be required of the City and what would be the cost ?*

The two comments made, concern minor changes to the preliminary design of drainage channels on the proposed site. The Applicant would be responsible to make these changes during development of the site. Nothing would be required of the City.

3. Clarification regarding maintenance/construction (Lincoln Av.) comments found on page 15 of the BCA Review. *What needs to be done by the City ?*

The City has previously adopted two Ordinances, one with Champaign County and another with University Construction in regard to Lincoln Av. improvements. Adoption of two Ordinances (#2001-03-027 and #2001-03-028) that would amend those agreements is now before Council and would address these concerns.

Recommendation

Council is required to either approve or disapprove the Applicants request within 180 days of filing or a decision must be made by Monday, April 30. If no decision is made by this date, state law provides that the Applicant may deem the request approved.

ORDINANCE NO. 2001-03-026

AN ORDINANCE APPROVING AN APPLICATION FOR SITE APPROVAL
OF A REGIONAL POLLUTION CONTROL FACILITY

(SITING OF THE CENTRAL WASTE TRANSFER AND RECYCLING FACILITY)

WHEREAS, Allied Waste Transportation, Inc. d/b/a Central Waste Services (hereinafter called Central Waste Services) has filed an application on November 1, 2000 for site approval for a waste transfer and recycling facility to be located at 921 W. Saline Court, Urbana, IL; and

WHEREAS, the proposed facility falls within the definition of a "regional pollution control facility" under the Illinois Environmental Protection Act and, as such, requires site location approval by the municipality in which the proposed facility will be located pursuant to 415 ILCS 5/39.2; and

WHEREAS, the City of Urbana is the municipality in which the proposed facility will be located if approved and the City of Urbana has adopted Ordinance No. 2000-02-022 as amended to govern the siting process; and

WHEREAS, notice of the filing of the application and notice of the public hearing held in this matter were given as required pursuant to Statute and Ordinance; and

WHEREAS, a public hearing on Central Waste Services' application for siting was conducted on February 6, 2001 in accordance with the provisions of Section 39.2 of the Illinois Environmental Protection Act and Ordinance No. 2000-02-022 as amended of the City of Urbana; and

WHEREAS, the record for the siting proceeding has been prepared and which record conforms with Statutory requirements and the requirements of Ordinance No. 2000-02-022 as amended of the City of Urbana; and

WHEREAS, pursuant to the requirements of Ordinance No. 2000-02-022 as amended of the City of Urbana the certified record of the siting proceedings has been available to the Mayor and Urbana City Council since March 26, 2001; and

WHEREAS, the City Council, after having reviewed the record have determined that Central Waste Services has met its burden of proof to establish compliance with the nine statutory criteria set forth in Section 39.2 of the Environmental Protection Act and the additional requirements of Ordinance No. 2000-02-022 as amended of the City of Urbana and that the application for siting approval should be approved; and

WHEREAS, this Ordinance is intended to serve as the written decision of the City Council on the Central Waste Services siting application as required by Section 39.2 of the Environmental Protection Act and Ordinance No. 2000-02-022 as amended of the City of Urbana.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, AS FOLLOWS:

SECTION 1: Site approval is hereby granted for the Central Waste Services Transfer and Recycling Facility (a regional pollution control facility) for the 11.3 acre site commonly known as 921 W. Saline Drive, Urbana, IL. The legal description of the site being:

PART OF THE EAST ½ OF SECTION 31, T. 20 N., R. 9 E. OF THE 3RD P.M., CITY OF URBANA, CHAMPAIGN COUNTY, ILLINOIS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE NE 1/4 OF SECTION 31, T. 20 N., R. 9 E. OF THE 3RD P.M., THENCE N. 00°13'21" E., A BEARING BASED ON THE CITY OF URBANA HORIZONTAL CONTROL DATUM, ALONG THE EAST LINE OF THE NE 1/4 OF SAID SECTION 31, 330.51 FEET TO THE NORTH LINE OF THE SOUTH 330.50 FEET OF THE NE 1/4 OF SAID SECTION 31; THENCE S. 89°43'10" W., 366.01 FEET TO THE TRUE POINT OF BEGINNING; THENCE
S. 00°13'21" W., 50.00 FEET TO A POINT OF CURVATURE; THENCE SOUTHERLY ALONG A CURVE TO THE LEFT, CONVEX TO THE WEST WITH A RADIUS OF 283.00 FEET, A DISTANCE OF 141.29 FEET; THENCE S. 61°37'00" W., 388.68 FEET; THENCE N. 49°00'00" W., 50.00 FEET; THENCE N. 69°00'00" W., 375.00 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF THE ILLINOIS CENTRAL RAILROAD; THENCE N. 17°39'30" E., ALONG SAID EASTERLY RIGHT-OF-WAY LINE; 210.00 FEET TO THE AFORESAID NORTH LINE OF THE SOUTH 330.50 FEET OF THE NE 1/4 OF SAID SECTION 31; THENCE S. 89°43'10" W., ALONG SAID LINE AND EASTERLY RIGHT-OF-WAY LINE OF THE ILLINOIS CENTRAL RAILROAD, 296.36 FEET; THENCE N. 17°39'30" E., ALONG SAID EASTERLY RIGHT-OF-WAY LINE, 370.00 FEET; THENCE S. 89°46'39" E., 817.72 FEET; THENCE S. 00°13'21" W., 344.84 FEET TO THE POINT OF BEGINNING, CONTAINING 11.367 ACRES, MORE OR LESS AND ALL SITUATED WITHIN THE CITY OF URBANA, CHAMPAIGN COUNTY, ILLINOIS.

SECTION 2: The City Council make the following findings of fact with respect to the application for siting approval filed by Central Waste Services:

(1) The facility is necessary to accommodate the waste needs of the area it is intended to serve.

There is no landfill capacity in the service area (and the number of landfills outside the service area is declining), and there are no transfer stations available for public use for waste disposal in this area. The proposed facility will enable waste transportation to be accomplished in the most economical and environmentally safe manner. Additionally, the proposed facility will help assure competitive disposal costs, provide an effective means for waste screening before ultimate disposal, recover recyclables, assist municipalities in meeting their waste diversion goals and is consistent with the City of Urbana's Solid Waste Management Planning Goals and Objectives.

(2) The facility is so designed, located and proposed to be operated that the public health, safety and welfare will be protected.

The facility is located in an area zoned industrial by the City of Urbana, which is compatible with the proposed operation. The limits of the site are outside the one thousand (1000) foot residential setback, as required under Section 22.14 of the Illinois Environmental Protection Act. The design of the facility meets or exceeds the requirements set forth in all applicable laws and regulations. The design includes, among other features, a stormwater management system, secondary containment system, leachate management and collection system, and site security measures.

There are no jurisdictional wetlands or waters of the United States within the proposed facility limits and there are no records of State listed threatened or endangered species, no dedicated nature preserves at the proposed site and the site is in compliance with the National Wild and Scenic Rivers Act. Additionally, no archaeological sites or artifacts were found during a Phase 1 Archaeological and Historic Survey.

The plan of operations for the facility includes specific procedures, training and equipment so that the public health, safety and welfare will be protected. Specific measures will be implemented by Central Waste Services to control dust, odors, vectors and litter at the site. Strict screening procedures, encompassed in a load checking program, will be in place to ensure that hazardous wastes and other prohibited materials are not processed through the transfer station and a Contingency Plan has been delineated to address any potential issues with fire, hazardous material control, or potential operational accidents. The proposed facility has been designed with numerous control measures to minimize any potential danger to the public and those using the facility.

(3) The facility is located so as to minimize incompatibility with the character of the surrounding area and to minimize the effect on the value of the surrounding property.

The area surrounding the site is generally zoned industrial and primarily consists of industrial uses. The adjacent parcel to the south of the proposed facility site is operated by University Asphalt Company as an asphalt plant site. The contiguous property to the south and west of the site is owned by University Asphalt Company, and functions presently as a concrete recycling site. To the north and east of the proposed facility site is agricultural land and the Illinois Central Gulf Railroad tracks provide a boundary on the west of the site, with uses west of the Railroad site being industrial in nature, including Clifford Jacobs Foundry and Apollo Industrial Subdivision. The nearest parcel with a dwelling is located greater than 1000 feet from the site, as required by the Environmental Protection Act, upon ground zoned I-2 Heavy Industrial, and there are only fives residences with in a 2500 foot radius from this site.

The appreciation of property values in the proposed area will not differ from other areas of Urbana or neighboring communities if the facility is sited. The proposed facility is in keeping with the industrial character of the surrounding area and the location of this facility will not impact adversely on property values.

(4) The facility is located outside the boundary of the 100-year floodplain or the site is floodproofed. The proposed facility is located outside the boundary of the 100-year floodplain.

(5) The plan of operation for the facility is designed to minimize the danger to the surrounding area from fire, spills or other operational accidents.

The Plan of Operations and Contingency Plan for the proposed facility which will assist facility personnel in managing daily activities and will provide an organized course of action to be taken in responding to contingencies which might arise during the operation of the facility. A waste screening program will be

employed to ensure that unacceptable waste is not improperly disposed of. In addition to providing an affidavit stating that the proposed facility will not treat, store or dispose of hazardous waste, the Applicant has a comprehensive load checking program and plan of operations to address the Applicant's plan to exclude acceptance of unauthorized waste.

A Contingency Plan will be implemented in the unlikely event that an emergency situation would develop which could endanger the public health and safety or the environment. Those potential situations, which are specifically addressed in the Contingency Plan, include fire, spills, hazardous materials, equipment malfunction and medical attention. The Contingency Plan also contains an emergency equipment list, plan for evacuation and post emergency follow-up procedures. All facility personnel will be trained in emergency procedures and the facility's operations manager will be responsible for overseeing and implementing the Contingency Plan and training personnel.

(6) The traffic patterns to or from the facility are so designed as to minimize the impact on existing traffic flows.

Facility peak hours do not conflict with the existing or proposed adjacent street system peak hours. Capacity of Lincoln Avenue (with additional structural improvements north of Somer Drive and structural improvements From Wilbur Road to Somer Drive) and the proposed re-aligned Lincoln Avenue is judged adequate to accommodate the additional facility traffic.

Facility traffic is estimated to be less than or approximately a one percent increase in traffic at the Lincoln Avenue and I-74 interchange, with negligible effect on the frontage road signalized intersections. The facility entrance location on a minor cul-de-sac street is designed in accordance with the required IDOT setback offset distance for major regional arterials. There is more than adequate sight distance at the intersection of the proposed minor street intersection with the adjacent arterial of North Lincoln Avenue.

(7) If the facility will be treating, storing or disposing of hazardous wastes, an emergency response plan for the facility.

The facility will not knowingly treat, store or dispose of hazardous waste. It is, however, perhaps inevitable, that during the course of operation hazardous wastes will be encountered at the facility. A contingency plan to respond to such situations shall be implemented to mitigate the situation.

(8) The facility is consistent with the Champaign County Solid Waste Management Plan.

Confirmed by a letter written by Champaign County stating that the proposed Central Waste Transfer and Recycling Facility is consistent with that plan.

(9) If the facility will be located within a regulated recharge area, proof that any and all applicable requirements specified by the Illinois Pollution Control Board for such area have been met.

The proposed Central Waste Transfer and Recycling Facility is not located in a regulated recharge area.

SECTION 3: The City of Urbana reserves the right to make periodic inspections of the facility to assure operation is being conducted in compliance with the Siting Application documents, Article III, of Chapter 10, and other applicable Sections of the Urbana Municipal Code, and any Illinois Environmental Protection Agency operating permit(s).

SECTION 4: That transfer trailers to be used in the transportation of waste or recyclable materials generated from this facility by Central Waste Services, and its successors and assigns, shall be restricted to use only roadways within Champaign County that have been designed to support the weight of such transfer trailers. Failure to comply with this section will subject Central Waste Services, and its successors and assigns, to penalties as may be provided in Article III, Chapter 10, of the Urbana Municipal Code.

SECTION 5: The City Clerk is hereby authorized to transmit this Ordinance to the Illinois Environmental Protection Agency along with any other forms required by the Agency to certify siting approval.

SECTION 6: This Ordinance shall be in effect from its passage and approval.

PASSED by the Urbana City Council this _____day of April, 2001

_____
Phyllis D. Clark
City Clerk

AYES: _____

NAYS: _____

ABSTAINS: _____

APPROVED by the Mayor this _____day of April, 2001.

_____
Tod Satterthwaite, Mayor

M E M O R A N D U M

TO: Chief Administrative Officer

FROM: City Comptroller

RE: Refinancing of the Housing Revenue Bonds for Prairie Green

DATE: March 27, 2001

Brief Description of Item. In June 1994, the City of Urbana issued $2 million in Housing Revenue Bonds for the Prairie Green Apartments Project (Village Community Partners LLP).

Because interest rates have dropped recently, the attorney for Village Green Partners have requested that the City allow Village Green to issue new bonds and use these bonds to payoff the original bonds. This will provide a lowest interest rate and thus lower future debt service payments by Village Green Partners.

The attached ordinance was prepared by the firm of Ice Miller, which is a bond counsel firm in Indianapolis. Ken Beth has examined and approved these documents.

Fiscal Impact. The City of Urbana will receive approximately $8,000 as payment for it's part in the refinancing. There are no limits on how the City can spend this $8,000. Like the original bonds, there is no liability whatsoever on the part of the City of Urbana for repaying of the bonds.

Recommendation. Approval of the attached ordinance.

ORDINANCE NO. 2001-04-034

AN ORDINANCE PROVIDING FOR THE REFINANCING BY THE CITY OF URBANA, ILLINOIS OF A RESIDENTIAL RENTAL PROJECT BY THE REFUNDING OF PRIOR BONDS FOR VILLAGE COMMUNITY PARTNERS I, L.P. (THE "BORROWER"); AUTHORIZING THE ISSUANCE OF ITS $1,700,000 ADJUSTABLE RATE MULTIFAMILY HOUSING REVENUE BONDS, SERIES 2001 (VILLAGE COMMUNITY PARTNERS I, L.P. -- PRAIRIE GREEN APARTMENTS), IN CONNECTION THEREWITH; AUTHORIZING THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT BETWEEN THE CITY OF URBANA, ILLINOIS AND THE BORROWER; AUTHORIZING THE EXECUTION AND DELIVERY OF A TRUST INDENTURE SECURING SAID BONDS; AND AUTHORIZING THE EXECUTION OF A BOND PURCHASE AGREEMENT PROVIDING FOR THE SALE OF SAID BONDS TO THE PURCHASER THEREOF AND RELATED MATTERS.

WHEREAS, the City of Urbana, Illinois, a home rule unit and municipality existing under the Constitution and laws of the State of Illinois (the "Issuer") is authorized and empowered by the provisions of Ordinance No. 7475-3, as amended and supplemented by Ordinance No. 8081-37 (collectively, the "Act") to issue its revenue bonds to finance the costs of any project to the end that the Issuer may be able to relieve conditions of unemployment, to maintain existing levels of employment and to encourage the increase of commerce and industry within the City of Urbana, Illinois, thereby reducing the evils attendant upon unemployment and provide for the increased welfare and prosperity of the residents of the City of Urbana; and

WHEREAS, on June 29, 1994, the Issuer issued its $2,000,000 Adjustable Rate Multifamily Housing Revenue Bonds, Series 1994 (Village Community Partners I, L.P. -- Prairie Green Apartments) (the "Prior Bonds"); and

WHEREAS, as a result of negotiations between the Issuer and Village Community Partners I, L.P., an Indiana limited partnership (the "Borrower"), the Borrower has made arrangements, with the assistance and cooperation of the Issuer, to prepay the loan (the "Prior Loan") financed with the proceeds of the Prior Bonds and to correspondingly refund the Prior Bonds, and the Issuer is willing to issue its revenue bonds to

refund the Prior Bonds and to enter into a Loan Agreement, which includes the form of the Borrower's Note (the "Loan Agreement"), dated as of May 1, 2001, between the Issuer and the Borrower, upon terms which will produce revenues and receipts sufficient to provide for the prompt payment at maturity of the principal and interest on such revenue bonds, all as set forth in the details and provisions of the Loan Agreement hereinafter identified; and

WHEREAS, it is necessary and proper for the Issuer, for the benefit of the inhabitants within the Issuer, to authorize the refunding of the Prior Bonds and the issuance of the Issuer's Adjustable Rate Multifamily Housing Revenue Bonds, Series 2001 (Village Community Partners I, L.P. -- Prairie Green Apartments) in the aggregate principal amount not to exceed $1,700,000 (the "Bonds"); and

WHEREAS, the Bonds will be secured by a letter of credit to be issued by the Federal Home Loan Bank of Chicago; and

WHEREAS, City Securities Corporation and U.S. Bancorp Piper Jaffray Inc. (collectively, the "Underwriter"), have indicated their willingness to purchase the Bonds; and

WHEREAS, it is necessary to authorize the execution of the Loan Agreement with respect to the Bonds, under which the payments to be paid by the Borrower to the Issuer in repayment of the loan of the proceeds of the Bonds are intended to be sufficient to pay the principal of, premium, if any, and interest on the Bonds; and

WHEREAS, it is necessary for the Issuer to execute and deliver a Trust Indenture dated as of May 1, 2001 (the "Indenture"), between the Issuer and the Trustee, setting forth terms and conditions of, and security for, the Bonds and containing the form of the Bonds, for the benefit of holders from time to time of the Bonds, pursuant to which the Bonds will be issued; and

WHEREAS, it is necessary to authorize the sale of the Bonds and to execute a Bond Purchase Agreement (the "Purchase Contract"), among the Issuer, the Borrower and the Underwriter in connection therewith; and

WHEREAS, it is necessary to authorize the execution and delivery of an Amended and Restated Land Use Restriction Agreement dated as of May 1, 2001, by and among the Issuer, the Trustee and the Borrower (the "Regulatory Agreement"); and

WHEREAS, an Official Statement (the "Official Statement") has been prepared and presented to this meeting; and

WHEREAS, the Issuer has caused to be prepared and presented to this meeting the following documents, which the Issuer proposes to enter into:

1. The Loan Agreement;

2. The Indenture;

3. The Purchase Contract; and

4. The Regulatory Agreement; and

WHEREAS, the Mayor and City Council of the Issuer held a Public Hearing pursuant to Section 147(f) of the Internal Revenue Code of 1986, as amended, on April 16, 2001;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF URBANA, CHAMPAIGN COUNTY, ILLINOIS, AS FOLLOWS:

Section 1. That the form, terms and provisions of the proposed Loan Agreement and Indenture be, and they hereby are, in all respects approved, and that the Mayor and the City Clerk of the Issuer be, and they are hereby authorized, empowered and directed to execute and deliver such instruments in the name and on behalf of the Issuer, to cause the Loan Agreement to be delivered to the Borrower and to cause the

Indenture to be delivered to the Trustee; that the Indenture shall constitute a lien for the security of the Bonds upon all right, title and interest of the Issuer in and to the Loan Agreement (except for certain rights of the Issuer to indemnification and payment of expenses) and in and to the payments, revenues and receipts payable to the Issuer pursuant thereto, and said revenues are hereby and in the Indenture pledged for such purpose; that the Loan Agreement and the Indenture are to be in substantially the respective forms submitted to this meeting and hereby approved, with such changes therein as shall be approved by the officials of the Issuer executing the same, their execution thereof to constitute conclusive evidence of their approval of any and all changes or revisions therein from the forms of the Loan Agreement and the Indenture as hereby approved; and that from and after the execution and delivery of such instruments, the officials, agents and employees of the Issuer are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of such instrument as executed.

Section 2. That the forms, terms and provisions of the proposed Purchase Contract and Regulatory Agreement, copies of which are before this meeting, be, and they hereby are, in all respects approved, and that the Mayor and the City Clerk of the Issuer be, and they hereby are, authorized, empowered and directed to execute and deliver the Purchase Contract and the Regulatory Agreement in the name and on behalf of the Issuer and thereupon to cause the Purchase Contract and the Regulatory Agreement to be delivered to the other parties thereto; that the Purchase Contract and the Regulatory Agreement are to be in substantially the forms thereof submitted to this meeting and hereby approved, with such changes therein as shall be approved by the officials of the Issuer executing the same, their execution thereof to constitute conclusive evidence of their approval of any and all changes or revisions therein from the forms of such instruments as hereby approved; and that from and after the execution and delivery of such instruments, the

officials, agents and employees of the Issuer are hereby authorized, empowered and directed to do all such acts and things necessary to carry out and comply with the provisions of such instruments as executed.

Section 3. That the issuance of the Bonds in the aggregate principal amount not to exceed $1,700,000 maturing on or before **[December 1, ____]**, and bearing interest at the rates per annum set forth in the Indenture is hereby authorized and approved; that the Bonds shall initially bear interest at a variable interest rate, such rate not to exceed 6.50%, is hereby authorized and approved, and the Mayor and the City Clerk of the Issuer be and are hereby authorized, empowered and directed to cause to be prepared the Bonds in the form and having the other terms and provisions specified in the Indenture (as executed and delivered); that the Bonds shall be executed in the name of the Issuer with the manual or facsimile signature of its Mayor and the manual or facsimile signature of its City Clerk and the seal of the Issuer shall be impressed or reproduced thereon, and that the Mayor or any other officer of the Issuer shall cause the Bonds, as so executed and attested, to be delivered to the Trustee for authentication and the Trustee is hereby requested to authenticate the $1,700,000 aggregate principal amount of Bonds; and the forms of the Bonds submitted to this meeting as the same appears in the Indenture, subject to appropriate insertion and revision in order to comply with the provisions of said Indenture be, and the same hereby are, approved, and when the same shall be executed on behalf of the Issuer in the manner contemplated by the Indenture and this Ordinance in the aggregate principal amount of $1,700,000, they shall represent the approved forms of the Bonds of the Issuer.

Section 4. That the distribution and use of the Official Statement, substantially in the form thereof submitted to this meeting by the Underwriter, are hereby authorized and approved. The Mayor is hereby authorized, empowered and directed to certify that the portions of the Official Statement under the headings

"THE ISSUER" and "LITIGATION, The Issuer" are in a form "deemed final" by the Issuer for purposes of Rule 15c2-12 under the Securities Exchange Act of 1934.

Section 5. That the sale of the Bonds to the Underwriter, upon the terms and conditions set out in the Purchase Contract, be, and is, in all respects authorized and approved.

Section 6. That from and after the execution and delivery of said documents, the proper officials, agents and employees of the Issuer are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents and certificates and make all such changes as may be necessary to carry out and comply with the provisions of said documents as executed and to further the purposes and intent of this Ordinance, including the preamble hereto.

Section 7. That all acts and doings of the officials of the Issuer which are in conformity with the purposes and intent of this Ordinance and in furtherance of the issuance and sale of the Bonds in the aggregate principal amount of $1,700,000 and the refunding of the Prior Bonds be, and the same hereby are, in all respects, authorized, approved, ratified and confirmed.

Section 8. That approval is hereby granted for the issuance of the Bonds pursuant to Section 147(f) of the Code.

Section 9. The Bonds shall be a limited obligation of the Issuer payable solely out of the revenues and receipts to be derived from the Loan Agreement. No holder of any Bond shall ever have the right to compel any exercise of the taxing power of the Issuer to pay the Bonds or the interest or premium, if any, thereon and the Bonds shall not constitute an indebtedness of the Issuer or a loan of credit thereof within the meaning of any constitutional or statutory provision. It shall be plainly stated on the face of each Bond that it has been issued under the provisions of the Act and that it does not constitute an indebtedness of the Issuer or a loan of credit thereof within the meaning of any constitutional or statutory provisions.

Nothing in this Ordinance, the Loan Agreement or the Indenture shall be construed as an obligation or commitment by the Issuer to expend any of its funds other than (i) the proceeds of the sale of the Bonds, (ii) the revenues and receipts to be derived from the Loan Agreement, or (iii) any moneys arising out of the investment or reinvestment of said proceeds, revenues or moneys.

Section 10. The Bonds shall be issued in compliance with and under the authority of the provisions of the Act, this Ordinance and the Indenture.

Section 11. That the provisions of this Ordinance are hereby declared to be separable, and if any section, phrase or provision shall, for any reason, be declared to be invalid, such declaration shall not affect the validity of the remainder of the sections, phrases or provisions.

Section 12. That all ordinances, resolutions, orders or parts thereof in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby superseded.

Section 13. This Ordinance shall be in full force and effect from and after its passage, approval and publication, in accordance with law.

ADOPTED, this 16th day of April, 2001

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED by me this 16th day of April, 2001.

_____
Mayor

ATTEST:

_____
City Clerk

773163.2

FINANCE DEPARTMENT
MUNICIPAL COLLECTOR'S DIVISION
M E M O R A N D U M

TO: Bruce Walden, Chief Administrative Officer

FROM: Delora Siebrecht, Office Manager

DATE: April 2, 2001

RE: Returned Check Ordinance

Brief Description of the item

The section authorizing a service charge for a returned check, and the amount of the service charge, is located in the General Provisions chapter of our Municipal Code. The attached amending ordinance moves the amount of the service charge to the Schedule of Fees.

Identification of the Issues and any approvals required

The annual review of the Schedule of Fees allows the City to keep pace with the costs of providing the services related to the fees in the schedule. Moving the returned check service charge in the schedule provides uniformity and periodic reviews of all fees.

City Council approval required.

Recommendation

Staff recommends approval of the attached ordinance moving the returned check service charge into the Schedule of Fees.

ORDINANCE NO. 2001-04-035

AN ORDINANCE AMENDING SECTION 1-16 OF CHAPTER ONE OF THE URBANA CODE OF ORDINANCES RELATING TO CHECKS RETURNED FOR INSUFFICIENT FUNDS

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. The following section of the Urbana City Code is amended to read as indicated below:

"Sec. 1-16. Service charge for returned checks.

Any person who tenders a check or other order to the city in payment of or for a permit, license, fee, fine, tax or service as required by this Code or otherwise by law, which check or other order is not then paid by the depository for any reason, is subject to a service charge payable to the city in the amount noted in the Schedule of Fees."

Section 2. The fee to be charged for returned checks shall be added to the Schedule of Fees as (B) General, (4) Miscellaneous, (i).

PASSED by the City Council this _____ day of _____, _____.

AYES:

NAYS:

ABSTAINS:

_____
Phyllis D. Clark, City Clerk

APPROVED by the Mayor this _____ day of _____, _____.

_____
Tod Satterthwaite, Mayor

ORDINANCE NO. 2001-03-030

AN ORDINANCE APPROVING AND AUTHORIZING THE EXECUTION OF AN AMENDED AND RESTATED BOUNDARY DEVELOPMENT AREA AGREEMENT

(Metrozone)

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. That an Amended and Restate Boundary Development Area Agreement between the City of Urbana, Illinois and the City of Champaign, Illinois, in the form of the copy of said Agreement attached hereto and hereby incorporated by reference, be and the same is hereby authorized and approved.

Section 2. That the Mayor of the City of Urbana, Illinois, be and the same is hereby authorized to execute and deliver and the City Clerk of the City of Urbana, Illinois, be and the same is authorized to attest to said execution of said Agreement as so authorized and approved for and on behalf of the City of Urbana, Illinois.

PASSED by the City Council this _____ day of _____, _____.

AYES:

NAYS:

ABSTAINS:

_____
Phyllis D. Clark, City Clerk

APPROVED by the Mayor this _____ day of _____, _____.

_____
Tod Satterthwaite, Mayor

MENDED AND RESTATED
BOUNDARY DEVELOPMENT AREA AGREEMENT

WHEREAS, the City of Champaign, Illinois, a municipal corporation (hereafter "Champaign") and the City of Urbana, Illinois, a municipal corporation (hereafter "Urbana") as home rule units of local government, are authorized by Article 7, Section 6, of the 1970 Constitution of the State of Illinois to exercise any power and perform any function pertaining to their government and affairs; and

WHEREAS, the attraction of commercial and industrial enterprises to the community by providing necessary facilities and inducements for them to locate in the Champaign-Urbana area is a matter pertaining to the government and affairs of Champaign and Urbana; and

WHEREAS, Champaign and Urbana are authorized by Article 7, Section 10, of the 1970 Constitution to contract or otherwise associate among themselves to exercise jointly any power or powers, privileges, or authority exercised or which may be exercised by said municipality individually in any manner not prohibited by law; and

WHEREAS, Champaign and Urbana have both previously passed resolutions which recognized the east right-of-way line of the original 200-foot Illinois Central Railroad right-of-way as an appropriate line for various purposes, Champaign in resolution No. 360, passed and approved on June 19, 1962; Urbana in a resolution dated March 19, 1962; and

WHEREAS, Champaign and Urbana have established a boundary beyond which each shall in the future not annex territory by agreement signed by Urbana on December 21, 1990, and signed by Champaign on January 4, 1991; and

WHEREAS, Champaign and Urbana desire to continue to contract and associate for the purpose of providing orderly and planned growth and development of an area designated as the Northern Boundary Development Area ("NEDA") and the Southern Boundary Development Area ("SEDA") which purpose includes, but is not limited to, providing for the following as needed:

1. Annexation of land;

2. Acquisition of land;

3. Construction and availability of infrastructure improvements as defined herein;

4. Delivery of general municipal services, including but not limited to police protection, fire protection, public infrastructure construction and maintenance, solid waste services, and other health and safety protections and services;

5. Payment for general municipal services and incentives;

6. Apportionment of revenue generated from taxes from development within the NBDA or SEDA as set forth herein; and

WHEREAS, implementation of the prior agreement has shown it to contain ambiguities and difficulty in administrating; and

WHEREAS, it is in the best interests of both municipalities to enter into this Intergovernmental Agreement.

NOW, THEREFORE, IT IS HEREBY AGREED by and between the City of Champaign and City of Urbana as follows:

Section 1. Definitions. As used in this Agreement, the following terms shall have the meanings given in this section:

(a) Northern Boundary Line. Beginning at a point where the north line of Carver Park Subdivision extended west intersects the center line of the original 200-foot wide right-of-way of the Canadian National (formerly Illinois Central Railroad); thence northeasterly along said line to the northerly right-of-way line of Township Road 2000 North (Ford Harris Road); thence West along said line to the west line of Section 20, Township 20 North, Range 9 East of the Third P.M. in Somer Township; thence North along said line to the south right-of-way line of Township Road 2200 North, then as the parties have agreed in Section 7(b) of this Agreement as shown in Exhibit A, which is attached hereto and incorporated by reference herein.

(b) Southern Boundary Line. That line south of the point where the Champaign and Urbana city limits meet on Wright Street extended and St. Mary's Road on the effective date of this Agreement, thence south along the center line of Wright Street extended, said line shown in Exhibit B.

(c) Northern Boundary Development Area ("NBDA"). That area north of the northern line of the right-of-way of Interstate 74, and within Somer Township as depicted on the map attached hereto and incorporated by reference herein as Exhibit A.

(1) Area 1 (South of TR 2000 Ford Harris Road): The West Half of Section 29 and all that part of the East Half of Section 30 lying west and north of the right-of-way line of Township Road 1350 East (Lincoln Avenue) and lying east of the easterly right-of-way line of the Canadian National (Illinois Central Railroad); also, the Northeast Quarter of the Northeast Quarter of Section 31 lying east of said railroad right-of-way line all in Township 20 North, Range 9 east of the Third P.M. and together with the following described property being on the west side of the Canadian National (Illinois Central Railroad): The South Half of the Southwest Quarter of Section 30, except the right-of-way of Township Road 1200 East, (Market Street) commonly known as Leverett Road. Also the Southeast Quarter of said section lying west of the west right-of-way line of the Canadian National (Illinois Central Railroad). Also that part of Section 31 lying north of the north line of Wilbur Heights Subdivision, east of the east right-of-way line of Township Road 1200 East, Market Street) West of the west right-of-way line of the Canadian National (Illinois Central Railroad), except that part of the Southeast Quarter of said section lying west of the west right-of-way line of said railroad, all in Township 20 North, Range 9 East of the Third P.M.; also

(2) Area 2 (North of TR 2000 –Ford Harris Road). That area bounded on the south by the north right-of-way line of Township Road 2000 North (Ford Harris Road); on the west by the east right-of-way line of Township Road 1300 East (Martin Road); on the north by

the north line of Section 20; and on the east by the west right-of-way of the original 200-foot right-of-way of the Canadian National (Illinois Central Railroad).

(d) Southern Boundary Development Area ("SBDA"). All that property south of the south right-of-way line of St. Mary's Road, east of the original 200-foot wide right-of-way for the Canadian National (Illinois Central Railroad), north of the south right-of-way line of Curtis Road and west of the east right-of-way line of Race Street (existing or extended), and as shown on Exhibit A, which is attached hereto and incorporated by reference herein.

(e) Infrastructure Improvements. Any and all publicly owned or controlled improvements to property, including but not limited to streets, sidewalks, sanitary sewers, storm sewers, water mains, drainage improvements or detention facilities, bridges, railroad crossings, utility poles, traffic signals, street lights, and other structures, fixtures or land appurtenances which are or are intended to be dedicated to Champaign or Urbana or to the public generally.

(f) Tax Revenue. The actual tax monies received by the taxing municipality from the following taxes, if imposed, by that municipality: general real property taxes, Hotel/Motel Taxes, Utility Taxes and Sales Taxes listed in Exhibit B. Taxes imposed by either municipality after the date of this agreement are not included in this definition without further express agreement; if a new tax is imposed by a party, the parties shall meet and confer concerning said taxes. All tax receipts are included regardless of any rate differential between the municipalities. An increase in rates shall not be considered a new tax.

(g) Incentive. An "incentive" for the purposes of this agreement is some form of financial assistance given to a person by either of the Cities by ordinance, resolution or written agreement in order to promote a development on property within the NBDA or SBDA.

(h) "Financial Assistance" for the purpose of this Agreement shall be one or any combination of the following:

(1) money;

(2) abatement of tax revenue as tax revenue is defined in Section 1(f);

(3) the difference between the cost of real property purchased by the City and the cost at which it is conveyed for use of the development, if less than cost of purchase;

(4) enterprise zone benefits;

(5) tax increment benefits;

(6) waiver of infrastructure improvements otherwise required to be constructed by a developer by the ordinance of the City in which it is located but only if the City incurs a cost constructing such infrastructure improvements;

(7) that portion of the construction of local sanitary sewers, storm sewers, streets and traffic related improvements uniquely attributable to the development constructed or paid for by the City;

(8) the waiver of costs, assessments or impact fees for infrastructure improvements constructed prior to or at the time of development, provided that such costs are uniquely attributable to the real property on which the development takes place; or

(9) money paid pursuant to an adopted City economic development policy to a developer attributable to a project on a specified designated tract within the NBDA or SBDA.

(10) In addition to any other items listed, anything of value agreed by both of the Cities to be offered to a developer.

(i) Foregone revenue are taxes which are either abated or rebated.

(j) "Agreement" means this Amended and Restated Boundary Development Area Agreement.

(k) "Subject Parcel" means the parcel which is within either the Northern Boundary Development Area or Southern Boundary Development Area as described in the Agreement which parcel is the subject of incentives offered by either City or on which development of the Agreement occurs.

(l) "Host City" means the city in which the subject parcel is located, or if not within the City limits of either City, the City to which the unincorporated area where the subject parcel is located is assigned under the Agreement.

(m) "Non-Host City" is the city that is party to the Agreement in which the subject parcel is not located, or if not within the City limits of either City, the City to which the unincorporated area where the subject parcel is not assigned under this Agreement.

(n) "Baseline Municipal Services" means the basic police, fire, and public work services that are provided to all parcels in the community as a whole.

(o) "Baseline Revenue" means that portion of the general real estate taxes which are levied pursuant to the Host City's levy each year against the subject parcel on the assessed land value only without building improvements regardless of when constructed. For this purpose the official assessment of the township assessor are controlling.

(p) "Calculated Baseline Revenue" is a concept to calculate Baseline Revenue for tax exempt parcels. It means a calculation of how much in general real estate taxes would be generated each year if the real estate tax levy of the Host City were applied to the land value of the subject parcel based upon its value as determined by a professional appraiser, or by agreement of the parties.

(q) "Equalized Assessed Value" means equalized assessed valuation as determined and authorized by the Champaign County assessing officials in accordance with the procedures set forth in the Property Tax Code, as supplemented and amended.

(r) "Utility Tax Revenue" shall mean all taxes received for taxes imposed on electricity, water, gas or telecommunications by City ordinances under authority of the statutes listed in Appendix A, either as reflected in actual revenues attributable to the development or based upon estimated revenues as agreed to by the City's Chief Financial Officers.

(s) "Development" shall mean the construction of structures designed for any use other than residential uses.

Section 2. Annexation and Development Review.

(a) Champaign and Urbana may continue to annex property as permitted by statute and pursuant to the Boundary Line Agreement in Section 6 hereof between Champaign and Urbana.

(b) The parties recognize that the decision of a Non-Host City of whether to participate in the costs of an incentive can be a major undertaking involving considerable analysis and budgetary planning. Therefore, the City Manager or Chief Administrative Officer shall notify the City Manager or Chief Administrative Officer of the Non-Host City of the substance of any initial meeting that the City Manager or Chief Administrative Officer reasonably believes may lead to the offer of incentives ("notice to Non-Host City"). Such notice shall be given within 14 days of such meeting. Notice need not be given if the only incentive reasonably anticipated is foregone revenue. In no event shall any action by the Host City Council be taken respecting a development covered by this agreement in less than 14 days following the notice to the Non-Host City. Notice of all zoning petitions including, but not limited to, petitions to change the zoning map, ordinances to permit new uses, or for special or conditional uses, all subdivisions or land development plat requests for property located within the NBDA or SBDA shall be sent to the Planning Department Director or Community Development Department Director through notification of Plan Commission agendas.

(c) Neither City shall provide police or fire services to any property that such City is not permitted to annex under Section 6 of this Agreement unless pursuant to further written agreement of the parties.

Section 3. Tax Revenue Sharing.

(a) Revenue Split. To the extent such exceeds the baseline revenue (or calculated baseline revenue), Municipal tax revenue, as defined in Section 1(f), actually collected from a Development, within the Northern or Southern Boundary Development Areas shall be shared between the parties as follows:

Northern Boundary Development Area

70% to Champaign; 30% to Urbana, for land to the west of the Northern Boundary line;

70% to Urbana; 30% to Champaign, for land to the east of the Northern Boundary line.

Southern Boundary Development Area

50% to Champaign; 50% to Urbana.

(b) Savoy Participation. If the Village of Savoy ("Savoy") and the Cities of Champaign and Urbana all agree to participate in the Southern Boundary Development Area, revenues and expenses shared with Savoy will come equally from the shares of Champaign and Urbana, if all three entities enter into joint agreement so providing.

(c) Deduction for Costs for Baseline Municipal Services. Baseline Municipal Services, if provided to the parcel, are assumed to be funded from Baseline Municipal Revenue or excused if tax exempt. Baseline Revenue shall not be subject to revenue sharing under this Agreement. In return, no payment shall be due from the Non-Host City for Baseline Municipal Services.

(d) Payment of Revenue Above Baseline.

(1) Revenue Above Baseline. Unless the Non-Host City declines to participate in sharing the cost of the incentive(s) as provided for in Section 4 hereof, municipal tax revenues as defined herein actually collected from a development which exceed the base line revenue (or calculated base line revenue) are to be shared as provided in Section 3 hereof. No revenue attributable to a development is due until a structure is occupied in a development within the NBDA or SEDA.

(2) Real Estate Payments. Payment by the Host City to the Non-Host City of real estate taxes shall be made on or before November 15 of each year that such payments are received.

(3) Other Taxes. Other municipal tax revenues which are received by the Host City and shared under this Agreement shall be calculated quarterly and paid within 60 days of such calculation.

(4) Enterprise Zone Payments. When a subject parcel is in an Enterprise Zone and a portion of the real estate taxes are thereby abated, then during the period of

abatement there shall be no sharing of real estate tax revenue generated from the subject parcel on that portion of EAV subject to abatement, regardless of whether development is complete. The amount abated is foregone revenue and not received by the Host City. Other tax revenues shall be shared according to this agreement.

(e) Post Development Municipal Costs. After issuance of any building permit required for the initial structure which was the subject of incentives, no actions which may otherwise be considered to be financial assistance shall be considered to be an incentive unless such is offered to induce or aid in an expansion of the initial structure or the addition of new structures and all of the procedures prescribed herein for offering initial incentives are followed ("subsequent incentives"), even if the Non-Host City did not previously participate in incentives. As to subsequent incentives, if the Non-Host City decides to participate in the costs thereof, all future revenues received after the incentive is given, which are attributable to the expansion or additions, shall be shared in the same ratio as the participation in the cost of subsequent incentives given. If the Non-Host City declines to participate in such subsequent incentive, all revenues attributable to the expansion or addition shall belong exclusively to the Host City and only those revenues attributable to the development prior to the expansion or addition are continued to be shared as before the subsequent incentives came into play. If no incentives are involved in an expansion or addition, revenues shall continue to be shared in the same percentage as they were prior to such expansion or addition.

Section 4. Incentive Cost Sharing.

(a) Incentives Shared.

Incentive Ratio. Unless otherwise agreed, the costs of such incentives in connection with a Development within the NBDA or SBDA shall be shared between the parties in the same ratio as revenues are provided to be shared under this Agreement. Incentive payments, if the Non-Host City agrees to participate, are required to the extent that financial

assistance in the form of actual monetary costs have been incurred by the Host City.. To the extent that foregone revenue is the cost of the incentive, it need not be counted, calculated or shared, and notice of the offer of such incentive need not be given. For example, Enterprise Zone Benefits are foregone real property taxes. The foregone revenue, which the Non-Host City did not receive, would equal the incentive. Therefore, the transaction is a wash and need not be counted.

(b) Commitment for Incentive Cost-Sharing. The Host City shall request participation in cost for each specific incentive in writing. The Non-Host City shall respond within forty-five (45) days after a written request to do so. If the Non-Host City fails to agree to the incentive within such time limit, there shall be no obligation to share any revenues from the subject parcel after such incentives are actually given or provided in substantially the same form as stated in the request. Neither City shall be required to agree to share the cost of incentives. Each request shall specify the costs of incentives requested to be shared in detail, and include an estimated time schedule when the costs are expected to be incurred. The Non-Host City that receives a written request for incentive cost sharing may agree to such cost sharing by sending a written and unconditional consent to the Host City.

(c) Incentive Payments. Payment for a municipality's share of incentives by the Non-Host City may be made as follows, as decided by the Non-Host City:

(1) By way of an offset against incentives incurred by the other municipality;

(2) By an allocation and an offset of Northern or Southern Boundary Development Area revenue other than as provided in Section 3 above; or

(3) By cash payment; or

(4) By any other manner agreed between the parties.

(d) Notification and Payment. The Non-Host City, in writing, shall notify the Host City whether it has selected offsets or cash. Cash payments for a Non-Host City's share of the cost of incentives, shall be payable within sixty (60) calendar days after written notice that such costs

have been paid by the Host City. If the offset method has been selected, the Non-Host City shall pay, in any case, its share of incentives within a year of the last payment made by the Host City to or on behalf of a developer.

(e) Incentives Repaid. The repayment of an incentive by a developer or successor to a developer other than through payment of taxes shall be shared in the same ratio as the cost of the incentive was shared.

Section 5. Rail Crossing.

(a) The parties acknowledge that an improved or new road designated as Olympian Drive which crosses the Canadian National (Illinois Central Railroad) Railroad right-of-way somewhere between Wilbur Road and the northernmost portion of the NBDA would promote economic development of the area and represent good transportation planning.

(b) In accordance with the terms of the original Boundary Agreement, there has been progress locating and designing Olympian Drive. The parties recognize that such project is of such scope that it will require federal, state and/or county participation in funding. In anticipation of the eventuality of such federal, state and/or county funding, the parties agree to anticipate funding their portion of the Olympian Drive Project in their Capital Improvement Plans, and to include the railroad crossing section of Olympian Drive in the CUUATS priority process. Urbana agrees to proceed in a timely way with improvements to Lincoln Avenue in anticipation of the Olympian Drive Project. Champaign agrees to proceed in a timely way with planning and construction of the west section of Olympian Drive.

(c) Irrespective of the timetable for the construction of the rail crossing, both cities shall plan and promote development in the NBDA in accordance with the completed location studies for both Olympian Drive and Lincoln Avenue.

Section 6. Boundary Line Agreement.

Unless otherwise mutually agreed in the case of any individual parcel, Champaign and Urbana hereby agree that the boundary line of each community shall be the line depicted on Exhibit A to

the North of the present Champaign-Urbana corporate boundaries and the line depicted on Exhibit B to the south of the present Champaign-Urbana corporate limits. The line so established shall be the boundary for planning, subdivision or development approval, zoning and annexation purposes. Champaign and Urbana shall only annex or enter into annexation agreements for such property as is on the west side of the respective boundary line for Champaign and as is on the east side of the respective boundary line for Urbana. Neither City shall annex, enter into annexation agreements, attempt to annex or attempt to enter into an annexation agreement with any person in violation of this provision.

Section 7. Duration.

(a) This agreement shall be binding on the parties hereto for twenty (20) years from the last date set forthin Section 13; provided, however, that this Agreement shall be renewed and extended automatically for successive twenty-year periods unless there is mutual agreement to cancel or revise this Agreement by both Champaign and Urbana before the end of the initial and each successive term at least ninety (90) days prior to the date of termination.

(b) Notwithstanding the above, extension of the terminus of the Northern Boundary Line to the north of the intersection of T.R. 1300E (Martin Road) with the south right-of-way line of Interstate 57 shall be negotiated when either city annexes territory up to the south right-of-way line of Township Road 2100 North (Leverett Road). Neither City may annex north of Township Road 2200 North until it has notified the other City in writing and there is an opportunity to negotiate the extension of the line. In the event the Cities fail to agree on such extension within ninety (90) days of the notice, the boundary agreement and all elements of this agreement shall continue, except that, in absence of written agreement to the contrary:

(1) In no event shall Urbana annex territory west of Interstate 57 north of the intersection of T.R. 1300E (Martin Road) with Interstate 57; and

(2) In no event shall Champaign annex territory north of T.R. 2200N and east of Wright Street extended.

Section 8. Recording.

The Clerks of the respective Cities shall supply to the other city two (2) copies of this Agreement, executed and certified as to adoption. The Clerk of the City of Champaign shall file a copy of the executed Agreement, so certified as to adoption by both clerks, with the Champaign County Recorder's Office, and shall notify the Clerk of Urbana as to the date of recording and the recording number.

Section 9. Action Contrary to Law.

Nothing contained herein shall require either of the Cities to take any action which would be a violation of law or would cause a default on any obligation or debt instrument.

Section 10. Notices.

Notice hereunder shall be considered delivered with delivered personally or sent by certified mail, postage prepaid, to:

Champaign	Urbana
City Manager	Mayor
City of Champaign	City of Urbana
102 North Neil Street	400 South Vine Street
Champaign, IL 61820	Urbana, IL 61801

Section 11. Approvals.

When something in this agreement requires the agreement or approval of one or both Cities, such agreement or approval shall be evidenced in writing and signed by the City Manager for the City of Champaign and the Mayor of the City of Urbana.

Section 12. Prior Agreement Rescinded. Immediately upon signature of the second party to this agreement to sign, this Amended and Restated Boundary Development Area Agreement shall completely replace the previous agreement signed by Urbana on December 21, 1990, and by Champaign on January 4, 1991, provided that incentives incurred under the previous agreement and revenue to be shared from development under the previous agreement shall continue under the terms and conditions herein. The incentives previously incurred and parcels from which revenue is to be shared under the prior Agreement are listed in Exhibit C.

Section 13. Date of this Agreement. The effective date of this Agreement shall be the date of the last party to sign.

CITY OF CHAMPAIGN

By:_____
City Manager

ATTEST:

By:_____
City Clerk

Date:_____

APPROVED AS TO FORM:

By:_____
City Attorney

CITY OF URBANA

By:_____
Mayor

ATTEST:

By:_____
City Clerk

Date:_____

APPROVED AS TO FORM:

By:_____
City Attorney

EXHIBIT B

1. Utility Taxes. On the date hereof, taxes imposed by each City pursuant to any of the following state statutory authority:

a) 35 ILCS 635 – Telecommunications Municipal Infrastructure Maintenance Fee Act

b) 35 ILCS 640 – Electricity Excise Tax Law

c) 35 lLCS 645 – Electricity Infrastructure Maintenance Fee Law

d) 65 ILCS 5/8 – 11-2 – Municipal Utility Tax

e) 65 ILCS 5/8 – 11-17 – Municipal Telecommunications Tax

2. Sales Taxes:

On the date hereof, such taxes are collected by the Department of Revenue pursuant to Sections 35 ILCS 115/1 (Service Occupation Tax) and 35 ILCS 120/1 (Retail Occupation Tax) and 65 ILCS 8-11-1 (Home Rule Municipal Retailers Occupation Tax Act) and 65 ILCS 5/8-11-5 (Home Rule Municipal Service Occupation Tax).

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Memorandum

DATE: April 13, 2001

TO: Bruce Walden

FROM: Jack Waaler

RE: Disconnection 710 Dodson Drive

BACKGROUND: When the Petition to Incorporate Big Grove was being organized in the Summer of 2000, the City stepped up its activity to annex various tracts in order to position ourselves so as not to be harmed should Big Grove become incorporated.

One of the annexations we sought was a single-family residence owned by Mr. and Mrs. Wheatley at 710 Dodson Drive. At the time they agreed to annex, they were somewhat uncertain about the matter, but agreed to do so for the benefit of the City.

Their home is on the border of the City and their disconnection from the City would have no negative impact on any other property.

Furthermore, if they are disconnected from the City, that will eliminate one of the complaints of Edge Scott Fire Protection District. I recommend the disconnection ordinance be adopted.

ORDINANCE NO. 2001-04-037

AN ORDINANCE DISCONNECTING 710 DODSON DRIVE, URBANA

WHEREAS, in Ordinance No. 2000-07-076, passed by the Urbana City Council on August 7, 2000, which ordinance was in response to a petition to annex the subject tract signed by the owners of the tract, Harold D. Wheatley and Ellen L. Wheatley, lot 69 of Edgewood Ninth Subdivision, commonly known as 710 Dodson Drive was annexed; and

WHEREAS, the said Harold D. Wheatley and Helen L. Wheatley have since petitioned to have the subject tract disconnected from the City of Urbana, and which petition was filed with the City Clerk on the 26th day of October, 2000; and

WHEREAS, as is required by law, the certificate of the County Clerk showing no taxes are due on the subject tract has also been filed with the City Clerk; and

WHEREAS, the subject tract lies on the border of the corporate limits of the City and disconnecting such tract will not make other lands noncontiguous; and

WHEREAS, the Edge Scott Fire Protection District has objected to the subject tract being disconnected from the Edge Scott Fire Protection District,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. That the following-described tract and the adjacent right-of-way which was annexed in Ordinance No. 2000-07-076, is hereby disconnected from the City of Urbana, Illinois:

> Lot 69 of Edgewood Ninth Subdivision, Champaign County, Illinois, as shown on a plat recorded in Plat Book “U”, at Page 28 in the Office of the Recorder of Deeds, Champaign County, Illinois, and containing 0.28 Acres (12,194 S.F.) more or less.

All situated in Urbana Township, Champaign County, Illinois.

Together with the following described adjacent public right-of-way, which by operation of the law is automatically annexed with the adoption of an Annexation Ordinance pertaining to this tract;

Dodson Drive East

Situated in Urbana Township, Champaign County, Illinois and encompassing 0.145 acres, more or less.

Commonly known as 710 Dodson Drive East.

Section 2. This ordinance shall be effective on the 10th day following its passage by the Urbana City Council.

PASSED by the City Council this _____ day of _____, _____.

AYES:

NAYS:

ABSTAINS:

_____
Phyllis D. Clark, City Clerk

APPROVED by the Mayor this _____ day of _____, _____.

_____
Tod Satterthwaite, Mayor

CITY OF URBANA, ILLINOIS
DEPARTMENT OF PUBLIC WORKS

ENVIRONMENTAL MANAGEMENT DIVISION

MEMORANDUM

TO: **Bruce Walden, Chief Administrative Officer**

FROM: **Bill Gray, Public Works Director**

Rod Fletcher, Environmental Manager

DATE: **April 5, 2001**

RE: **Nuisance Ordinance – Addition of Division 3 "Landscape Management"**

Action Requested

Consideration of the attached ordinance adding Division 3, "Landscape Management", to Article IV "Nuisances", Chapter 11, of the Municipal Code.

Discussion

The proposed ordinance will repeal the existing "Noxious Weeds" Article in Chapter 25 entitled "Vegetation". This Article set forth provisions that were previously enforced concerning vegetation nuisances – weeds, allowable height for vegetation, and managed landscape plan permit provisions.

Certain sections of previous provisions, have in large part, been retained. Those include specifically defined nuisances, compliance with state laws, and managed landscape permit language. Council has recently adopted the new Nuisance Article, which contains Division 1 – which sets forth the overall procedures for nuisances (i.e., violation, notice, abatement, fines and appeal procedures), and Division 2, which sets forth "Municipal Waste" nuisances.

The proposed ordinance will incorporate Division 3, "Landscape Management" nuisances. Division 1 procedures will apply for nuisance violations pertaining to the new landscape management division. For Council reference, a copy of a brochure that summarizes overall nuisance procedures and municipal waste violations is attached.

Recommendation

Adoption of the attached ordinance.

ORDINANCE NO. 2001-04-039

AN ORDINANCE AMENDING CHAPTER TWENTY-FIVE OF THE CODE OF ORDINANCES, CITY OF URBANA, ILLINOIS REGULATING VEGETATION.

WHEREAS, the Illinois Municipal Code (65 ILCS 5/11-60, et. seq.) states that the corporate authorities of each municipality may define, prevent, and abate nuisances; and

WHEREAS, the Illinois Municipal Code (65ILCS 5/11-20, et. seq.) states that the corporate authorities may provide for the destruction of weeds; and

WHEREAS, the City Council has adopted codes regulating vegetation and finds that it is in the best interests of the health, safety, and welfare of the citizens of Urbana to amend the regulations concerning vegetation.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. That existing Article III, "Noxious Weeds" of Chapter 25, "Vegetation", of the Code of Ordinances, City of Urbana, Illinois, is hereby repealed in it's entirety.

Section 2. That new Division 3, "Landscape Management", is hereby added to Article IV, "Nuisances", Chapter 11, "Health and Sanitation", of the Code of Ordinances, City of Urbana, Illinois, to read as follows:

Sec. 11-61. Definitions.

The following words and phrases, when used in this division, shall have the meanings respectively ascribed to them:

Vegetation means all species of woody or herbaceous plants, vines, flowers, vegetables, herbs, fruit, ornamentals, or accumulations thereof, whether alive or dead, including trees and shrubs which are not intentionally planted and regularly maintained.

Sec. 11-62. Nuisances, specifically defined.

Under this division, public nuisances shall include, but not be limited to the following acts, conducts, omissions, conditions or things found on any premises:

(A) Vegetation which may reasonably be expected to injure other forms of life such as: jimson weed (*Datura stramonium L.*), poison hemlock (*Conium maculatum L.*), and poison ivy (*Rhus radicans L.*);

(B) The occurrence of plants defined as noxious plants in the Illinois Noxious Weed Law: johnson grass and all perennial sorghums (*Sorghum halepense (L.) Pers*.), Canada thistle (*Cirsium arvense (L). Scop*.), and perennial (*nutans L*.), Marijauna (*Cannabis sativa L*.), and perennial sow thistle (*Sonchus arvensis L*.);

(C) Vegetation which aid or may aid in the breeding or harboring of rats, or other vermin, or insects which may reasonably be expected to injure or harm human life;

(D) Vegetation which hinders the expedient removal of municipal waste or any nuisance abatement measures;

(E) Vegetation, or portions thereof, constituting an imminent hazard;

(F) Vegetation which prevents the free an unobstructed travel of pedestrians upon sidewalks or which otherwise negatively affect traffic or pedestrian safety by impairing the visibility of pedestrians or vehicles;

(G) The occurrence of vegetation in excess of eight (8) inches in height, except the following:

(1) Trees, shrubs, vines and annual and perennial herbaceous ornamental plants intentionally planted and regularly maintained which are allowed under this division;

(2) Edible vegetation that constitutes part of a managed crop or vegetable garden, provided such crop or vegetable garden is not considered a nuisance as provided herein;

(3) Vegetation allowed under the managed landscape plan permit;

(4) Land zoned agriculture (AG) or conservation-recreation-education (CRE) as shown and designated on the official zoning map of the city, provided however, that the portions of those lands exempted by this subsection which are within twelve (12) feet of the property line or the right-of-way of a street or alley, must be maintained at a height of eight (8) inches or less;

(H) Vegetation which can be aggressively invasive, as determined by the arborist, such as: japanese honeysuckle (*Lonicera japonica*), ribbongrass (*Pharlaris arundinacea*) or purple loosestrife (*Lythrum salicaria*);

(I) Vegetation which by reason of the manner, location, or condition of such result in visual or other blight.

Violation(s) of this section is declared to be a class 1 offense.

Section 11-63. Compliance with state laws.

Nothing in this division shall be construed as relieving any person of responsibility for complying with any state laws pertaining to noxious weeds and control thereof.

Section 11-64. Managed landscape plan permit.

(A) *Application for permit.*

Any person who controls land in the city may apply for approval of a managed landscape plan, where the vegetation exceeds eight (8) inches in height, with the public works department.

(B) *Plan description.*

Managed landscape plan means a written plan relating to management of the vegetation within the area described together with a statement of intent and purpose of such area and a

general description of the vegetational types, plants and plant succession involved and the specific management and maintenance techniques to be employed. The plan must include provisions for cutting and maintaining vegetation at a length not greater than eight (8) inches for that portion between the sidewalk and the street or a strip of not less than four (4) feet adjacent to the street where there is no sidewalk, and at least a three-foot strip adjacent to neighboring property lines unless waived by the abutting property owner on the side so affected.

(C) *Form and submission of application.*

Each application for a managed landscape plan permit shall be submitted on a form provided by the public works department. If the lot(s) for which a permit is sought is located in a R-1, R-2, or R-3 zoning district, the city shall, seven (7) days prior to issuing the permit, send by 1st class mail a copy of the application to each of the property owners immediately adjacent to such lot(s). A managed landscape plan permit shall be valid for one year from date of issuance unless sooner revoked. Mailing copies of the application to adjacent property owners shall not be required if the renewal application is unchanged from the previous year.

(D) *Revocation of permit.*

The permit issued hereunder may be revoked by the public works for failure to comply with the conditions of the permit or the provisions of this division. Seven (7) days after issuance of a managed landscape plan permit, an inspection will be made to ensure compliance with the plan. If the permit holder has not complied with the proposed plan, the permit may be immediately revoked. Notice of revocation shall be mailed to the permit holder by first class mail. The permit holder may appeal such decision to revoke the permit to the chief administrative officer or designee by mailing a notice of appeal within seven (7) days of the date of the notice of revocation. If no notice of appeal is submitted within seven (7) days of the date of the notice of revocation and the property still constitutes a nuisance as defined in this division, the city or designated agent may take steps to bring the property into conformity with this division.

(E) *Denial of permit.*

(1) If, after due consideration of the information in the application the public works department determines that the plan is unsatisfactory, the application will be denied and a permit will not be issued. A notice of denial will be sent to the applicant by certified mail within fifteen (15) days.

(2) Denial of issuance of a permit may be appealed by mailing to the chief administrative officer or designee a notice of appeal within seven (7) days of receipt of notice of denial. A hearing on this appeal shall take place not less than fifteen (15) days after receipt of the request for hearing.

(3) Where a permit is denied following application after notice of a nuisance is provided, and such nuisance has not been abated, the denial of a permit shall function as renotice requiring abatement of the nuisance within seven (7) days of receipt of such denial unless an appeal is sought. When an appeal has been sought and the hearing affirms to uphold denial of the permit, such affirmation shall function as renotice requiring abatement of the nuisance within seven (7) days of the mailing of notice of the denial of the appeal.

Sections 11-65 – 11-70 Reserved.

PASSED by the City Council on this __day of _____, 2001.

AYES:

NAYS:

ABSTAINED:

_____
Phyllis D. Clark, City Clerk

Approved by the Mayor this _____day of _____, 2001

_____
Tod Satterthwaite, Mayor

CITY OF URBANA, ILLINOIS
DEPARTMENT OF PUBLIC WORKS

ENVIRONMENTAL MANAGEMENT DIVISION

MEMORANDUM

TO: **Bruce Walden, Chief Administrative Officer**

FROM: **Bill Gray, Public Works Director**

Rod Fletcher, Environmental Manager

DATE: **April 12, 2001**

RE: **Amendments to proposed Division 3 "Landscape Management", Nuisance Ordinance**

Action Requested

Consideration of the attached ordinance amending the proposed Division 3, "Landscape Management", to Article IV "Nuisances", Chapter 11, of the Municipal Code.

Discussion

Pursuant to Council direction at the Committee of the Whole meeting of April 9, the following changes have been made:

1. Section 11-62 (G)(1) Regarding exceptions to vegetation in excess of 8" in height:
   Vegetation intentionally planted does not have to be regularly maintained, however vegetation needs to be maintained so as to not be considered a nuisance.

2. Section 11-64 Managed landscape permit – Appeal
   Subsections (D) and (E) regarding revocation and denial of permits, have been rewritten to provide that appeals will be brought to and decided by council committee. This language is similar to existing provisions.

An underline/strikeout version of the ordinance is being submitted for council convenience.

Recommendation

Adoption of the attached ordinance.

ORDINANCE NO. 2001-04-040_____

AN ORDINANCE AMENDING CHAPTER TWENTY-FIVE AND CHAPTER ELEVEN OF THE CODE OF ORDINANCES, CITY OF URBANA, ILLINOIS REGULATING VEGETATION.

WHEREAS, the Illinois Municipal Code (65 ILCS 5/11-60, et. seq.) states that the corporate authorities of each municipality may define, prevent, and abate nuisances; and

WHEREAS, the Illinois Municipal Code (65ILCS 5/11-20, et. seq.) states that the corporate authorities may provide for the destruction of weeds; and

WHEREAS, the City Council has adopted codes regulating vegetation and finds that it is in the best interests of the health, safety, and welfare of the citizens of Urbana to amend the regulations concerning vegetation.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. That existing Article III, "Noxious Weeds" of Chapter 25, "Vegetation", of the Code of Ordinances, City of Urbana, Illinois, is hereby repealed in it's entirety.

Section 2. That new Division 3, "Landscape Management", is hereby added to Article IV, "Nuisances", Chapter 11, "Health and Sanitation", of the Code of Ordinances, City of Urbana, Illinois, to read as follows:

DIVISION 3. LANDSCAPE MANAGEMENT

Sec. 11-61. Definitions.

The following words and phrases, when used in this division, shall have the meanings respectively ascribed to them:

Vegetation means all species of woody or herbaceous plants, vines, flowers, vegetables, herbs, fruit, ornamentals, or accumulations thereof, whether alive or dead, including trees and shrubs which are not intentionally planted and regularly maintained.

Sec. 11-62. Nuisances, specifically defined.

Under this division, public nuisances shall include, but not be limited to the following acts, conducts, omissions, conditions or things found on any premises:

(A) Vegetation which may reasonably be expected to injure other forms of life such as: jimson weed (*Datura stramonium L.*), poison hemlock (*Conium maculatum L.*), and poison ivy (*Rhus radicans L.*);

(B) The occurrence of plants defined as noxious plants in the Illinois Noxious Weed Law: johnson grass and all perennial sorghums (*Sorghum halepense (L.) Pers.*), Canada thistle (*Cirsium arvense (L). Scop.*), and perennial (*nutans L.*), Marijauna (*Cannabis sativa L.*), perennial sow thistle (*Sonchus arvensis L.*), Giant Ragweed (Ambrosia trifida L.), and Common Ragweed (Ambrosia artemisiifolia, L.);

(C) Vegetation which aid or may aid in the breeding or harboring of rats, or other vermin, or insects which may reasonably be expected to injure or harm human life;

(D) Vegetation which hinders the expedient removal of municipal waste or any nuisance abatement measures;

(E) Vegetation, or portions thereof, constituting an imminent hazard;

(F) Vegetation which prevents the free an unobstructed travel of pedestrians upon sidewalks or which otherwise negatively affect traffic or pedestrian safety by impairing the visibility of pedestrians or vehicles;

(G) The occurrence of vegetation in excess of eight (8) inches in height, except the following:

(1) Trees, shrubs, vines and annual and perennial herbaceous ornamental plants intentionally planted and maintained in such a manner so as to not be considered a nuisance as provided herein;

(2) Edible vegetation that constitutes part of a managed crop or vegetable garden, provided such crop or vegetable garden is not considered a nuisance as provided herein;

(3) Vegetation allowed under the managed landscape plan permit;

(4) Land zoned agriculture (AG) or conservation-recreation-education (CRE) as shown and designated on the official zoning map of the city, provided however, that the portions of those lands exempted by this subsection which are within twelve (12) feet of the property line or the right-of-way of a street or alley, must be maintained at a height of eight (8) inches or less;

(H) Vegetation which can be aggressively invasive, as determined by the arborist, such as: japanese honeysuckle (*Lonicera japonica*), ribbongrass (*Pharlaris arundinacea*) or purple loosestrife (*Lythrum salicaria*);

(I) Vegetation which by reason of the manner, location, or condition of such result in visual or other blight.

Violation(s) of this section is declared to be a class 1 offense.

Section 11-63. Compliance with state laws.

Nothing in this division shall be construed as relieving any person of responsibility for complying with any state laws pertaining to noxious weeds and control thereof.

Section 11-64. Managed landscape plan permit.

(A) *Application for permit.*

Any person who controls land in the city may apply for approval of a managed landscape plan, where the vegetation exceeds eight (8) inches in height, with the public works department.

(B) *Plan description.*

Managed landscape plan means a written plan relating to management of the vegetation within the area described together with a statement of intent and purpose of such area and a general description of the vegetational types, plants and plant succession involved and the specific management and maintenance techniques to be employed. The plan must include provisions for cutting and maintaining vegetation at a length not greater than eight (8) inches for that portion between the sidewalk and the street or a strip of not less than four (4) feet adjacent to the street where there is no sidewalk, and at least a three-foot strip adjacent to neighboring property lines unless waived by the abutting property owner on the side so affected.

(C) *Form and submission of application.*

Each application for a managed landscape plan permit shall be submitted on a form provided by the public works department. If the lot(s) for which a permit is sought is located in a R-1, R-2, or R-3 zoning district, the city shall, seven (7) days prior to issuing the permit, send by 1st class mail a copy of the application to each of the property owners immediately adjacent to such lot(s). A managed landscape plan permit shall be valid for one year from date of issuance unless sooner revoked. Mailing copies of the application to adjacent property owners shall not be required if the renewal application is unchanged from the previous year.

(D) *Revocation of permit.*

The permit issued hereunder may be revoked by the public works department for failure to comply with the conditions of the permit or the provisions of this division. Within twenty-one (21) days after issuance of a managed landscape plan permit, an initial inspection will be made to ensure compliance with the plan. Periodic inspections shall also be made to determine if the permit holder has complied with the plan and if the permit holder has not complied with the proposed plan, the permit may be immediately revoked. Notice of revocation shall be mailed to the permit holder by first class mail. The permit holder may appeal such decision to revoke the permit to a committee of the city council by mailing a notice of appeal within seven (7) days of the date of the notice of revocation to the environmental manager of the public works department. Hearing of the appeal shall follow the procedures for hearing an appeal as provided in subsection (E). If no notice of appeal is submitted within seven (7) days of the date of the notice of revocation and the property still constitutes a nuisance as defined in this division, the city or designated agent may take steps to bring the property into conformity with this division.

(E) *Denial of permit.*

(1) If, after due consideration of the information in the application the public works department determines that the plan is unsatisfactory, the application will be denied and a permit will not be issued. A notice of denial will be sent to the applicant by first class mail within fifteen (15) days.

(2) Denial of issuance of a permit may be appealed by mailing to the environmental manager of the public works department a notice of appeal within seven (7) days of receipt of notice of denial. A hearing on this appeal shall take place at a regularly scheduled city council committee meeting, not less than fifteen (15) days after receipt of the request for hearing.

(3) At the conclusion of this hearing, the decision of whether denial of the permit (or revocation of the permit, as the case may be) should be upheld, shall be decided by a majority vote of those city council members present.

(4) Where a permit is denied following an application for such and the nuisance(s) has not been abated, the denial of a permit shall function as renotice requiring abatement of the nuisance within seven (7) days of receipt of such denial unless an appeal is sought. When an appeal has been sought and the council committee affirms to uphold denial of the permit, such affirmation shall function as renotice requiring abatement of the nuisance within seven (7) days of the mailing of notice of the denial of the appeal.

Sections 11-65 – 11-70 Reserved.

PASSED by the City Council on this __day of _____, 2001.

AYES:

NAYS:

ABSTAINED:

_____

Phyllis D. Clark, City Clerk

Approved by the Mayor this _____day of _____, 2001

_____

Tod Satterthwaite, Mayor