



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning and Economic Development Division

m e m o r a n d u m

TO: Bruce K. Walden, Chief Administrative Officer

FROM: Elizabeth H. Tyler, AICP, Planning Manager

DATE: November 16, 2001

SUBJECT: Plan Case No. 1803-A-01: Request by the Urbana & Champaign Sanitary District to annex 61.76 ± acres at 1501 East Perkins Road to the City of Urbana with a zoning designation of CRE, Conservation-Recreation-Education

Introduction

Dennis Schmidt, on behalf of the Urbana & Champaign Sanitary District (UCSD), has petitioned the City of Urbana to annex the subject 61.76 ± acre property, located at 1501 East Perkins Road, with a zoning designation of CRE, Conservation-Recreation-Education, to allow future development of public park uses at the site, including a “dog park” and prairie creation. These park uses would occur under a lease agreement with the Urbana Park District. The current Champaign County zoning designation for the site is AG-2, Agriculture (northern portion) and I-2, Heavy Industry (southern portion). UCSD has for several years used the southern portion of the site for biosolids storage on an as-needed basis. A copy of the proposed Annexation Agreement is attached to this memorandum. It includes a provision to allow UCSD to continue to utilize a specified portion of the site for biosolids storage. This biosolids storage is authorized by a permit from the Illinois Environmental Protection Agency and is limited to one pond area.

Background

The subject property is located on the south side of Perkins Road, generally between the Carroll Addition residential neighborhood and Brownfield Road. The Saline Drainage Ditch extends along the southern boundary of the site. The site is currently in use for Urbana Park District storage and maintenance activities. UCSD-related storage and maintenance activities also occur on the site. The annexation petition was submitted by UCSD at the request of the Urbana Park District and the City of Urbana because annexation to the City would help to facilitate implementation of the proposed park improvements by means of a proposed tax increment financing district. The park improvements are included as a project in the Draft Redevelopment Plan for the North Cunningham Avenue Corridor. A public hearing on the Draft Plan before the Urbana City Council is set for December 3, 2001 at 7:15

p.m. The Board of the Urbana & Champaign Sanitary District reviewed the proposed Annexation Agreement at a meeting on November 13, 2001 and voted unanimously to authorize the Executive Director to enter into the Annexation Agreement with the City of Urbana.

Surrounding the site are single family and multiple family residential uses to the west and north, agricultural and vacant uses to the east, and a portion of the now closed municipal landfill to the south. Directly east of the site is the Judge Webber Park Site, which is currently being leased by an archery club.

The 1993 Extra-Territorial Jurisdiction Plan Land Use Guide shows the site as being designated for residential use in the northern portion, light industrial use in the southern portion, and conservation along the Saline Drainage Ditch. The proposed rezoning to CRE, Conservation-Recreation-Education, would be more consistent with the planned use of the site as a public park and with the surrounding land use designations of CRE to the south and east of the site. The future land use designation for the site should be appropriately modified as a part of the City's ongoing Comprehensive Plan Update process.

Please refer to the staff memorandum to the Plan Commission dated November 2, 2001 for further information.

Issues and Discussion

The petitioner is requesting to be annexed into the City of Urbana under the terms of the attached proposed Annexation Agreement. Among the provisions of the Annexation Agreement is the designation of the site as CRE, Conservation-Recreation-Education and an allowance for continued biosolids storage by UCSD at a specified location in the southern portion of the site.

In considering the proposed zoning designation, the City must consider effects upon the public health, safety, comfort, morals and general welfare of the community. The City's Comprehensive Plan and zoning law decisions in the Illinois Courts provide a framework for this consideration. The staff memorandum to the Plan Commission includes a number of relevant goals, objectives and policies of the 1982 Urbana Comprehensive Plan and the 1993 Extra-Territorial Jurisdictional Area Plan that relate to this case, including those pertaining to annexation and the provision of park and recreation facilities.

The La Salle National Bank Criteria

In the case of *La Salle National Bank v. County of Cook* (the "La Salle" case), the Illinois Supreme Court developed a list of factors that are paramount in evaluating the legal validity of a zoning classification for a particular property. Each of these factors will be discussed as they pertain to a comparison of the existing zoning with that proposed by the Petitioner.

1. *The existing land uses and zoning of the nearby property.*

The proposed rezoning to CRE would be consistent with existing CRE zoning designations to the south of the site and would also be compatible with residential and agriculturally zoned property to the north, east and west. The proposed use of the site as a park will provide an amenity for nearby residential areas. The proposed designation of CRE would be more consistent with surrounding zoning designations and land uses than are the current zoning designations of AG-2, Agriculture and I-2, Heavy Industry.

2. *The extent to which property values are diminished by the restrictions of the ordinance.*

The value of the petitioner's property is diminished by its existing County agricultural and heavy industry zoning. The site does not appear to have been cultivated very recently and has never been used for heavy industry purposes. The value of the property could be enhanced by its rezoning to a designation that permits the proposed public park use by right.

3. *The extent to which the ordinance promotes the health, safety, morals or general welfare of the public.*

4. *The relative gain to the public as compared to the hardship imposed on the individual property owner.*

As the subject property is not currently in active use for agriculture or heavy industry, it is difficult to argue that the present zoning of the subject parcel particularly promotes the health, safety, morals or general welfare of the public. Under the current zoning, the petitioner may experience some hardship or uncertainty associated with zoning designations for uses that do not currently exist and which are not planned. This hardship and uncertainty would seem to outweigh any detriment to the public they may result from the proposed rezoning.

5. *The suitability of the subject property for the zoned purposes.*

The subject parcel is adjacent to other developed urban uses to the north and west and with parkland and closed landfill/open space to the east and south. The subject parcel is very well suited to development as a public park under the proposed zoning designation. It has natural assets associated with wooded areas and the Saline Drainage Ditch, good access from Perkins Road, and is proximate to several residential neighborhoods that can benefit from the proposed park.

6. *The length of time the property has been vacant as zoned, considered in the context of land development, in the area, in the vicinity of the subject property.*

The northern portion of the subject parcel has previously been in use for agricultural purposes and the southern portion has been largely vacant, but has been in intermittent use for UCSD storage and maintenance activities for a number of years.

The request was considered by the Plan Commission at a special meeting on November 15, 2001. At this meeting, staff from the Urbana Park District presented a master plan for development of the Judge Webber Park, including the subject site plus adjacent land to the east. This park is proposed to

contain a 10-acre fenced “leash-free” dog park, a picnic grove, playground, walking and bicycle trails, a dry prairie area, and a wet prairie area featuring lagoons and a natural area. Walkways would also be constructed along the Saline Ditch. The dog park would be operated on a user-fee membership basis and would be patrolled by volunteers. Safe and sanitary disposal of dog waste would be required. The Park District would enter into a 99-year lease for use of the property. Park District staff did not believe that there would be a negative impact upon wildlife that currently use the site as a result of the park development.

Some nearby neighbors were not opposed to the Conservation zoning, but would like to see the site maintained as a wilderness preserve, rather than being developed as a park. There was concern about possible contamination on the site due to past dumping activities and storage of sludge on a large portion of the site. The safety of the site and suitability for development as a park was questioned. One neighbor spoke in favor of the agreement, but requested specific changes to the language of the agreement to provide more protection for neighboring properties. Another neighbor questioned how the Park District could maintain this park, since they have not even placed swings at Chief Shemauger Park.

There was an extended discussion by the Plan Commission on the safety of the biosolids that currently exist on the site and the wisdom of allowing the Sanitary District to continue the possibility of this storage. Staff pointed out that the Sanitary District is currently permitted to store biosolids on the site and have requested, as a condition of the annexation, that they continue to be allowed to do so. Park District staff pointed out that the actual likelihood of the storage was small because the District has a storage pad at the Northeast Treatment Plant that is proposed to be extended and it would be expensive to truck the biosolids to the subject site. City staff was unable to respond to several questions about the extent of any contamination on the site and the risk and safety posed by biosolids. It was suggested that staff of the Sanitary District be requested to attend either a continuation of the public hearing before the Plan Commission or the public hearing scheduled before the City Council on November 19, 2001 at 7:20 p.m. Staff suggested that the Sanitary District would likely be willing to limit and identify the geographic location of the biosolids storage as an exhibit to the annexation agreement.

The Plan Commission considered continuing the public hearing to learn more about the biosolids concerns, but due to timing constraints posed by the holidays and the TIF adoption schedule, they voted 6 to 1 to recommend approval of the Annexation Agreement with the deletion of Section 3, entitled “Continuation of Biosolids Storage Use”. Several Commissioners wished Council to be instructed as to the specific questions and concerns regarding this provision, and indicated that Council could continue to examine this question for possible inclusion in the Annexation Agreement in a modified form.

City staff have subsequently contacted Sanitary District staff. A representative will be available at the November 19, 2001 City Council meeting to respond to questions and concerns regarding previous and possible future biosolids storage at the site. District staff explained that this activity is controlled by a permit that they have received from the Illinois Environmental Protection Agency. The storage area is limited to one pond in the southern portion of the site. The District is willing to agree to a revision to the Annexation Agreement to include an exhibit showing a specific delimitation for the possible biosolids storage. District staff also noted that there could be land use compatibility

concerns posed by development of park uses adjacent to this storage site. Their understanding is that this park development would not occur for some time and not until after the northern portion of the park is developed. At the time that park uses are proposed nearby the storage site, special provisions for fencing or other controls would be necessary. Review and permission by the Illinois Environmental Protection Agency would also likely be required.

Summary of Findings

1. Annexation of the site with a zoning designation of CRE, Conservation-Recreation-Education, is consistent with the overall Comprehensive Plan designations nearby the site of Conservation and Residential.
2. Annexation of the site with a zoning designation of CRE, Conservation-Recreation-Education, is consistent with the proposed use of the site as a public park and for continued UCSD biosolids storage on an as-needed basis at one specified location.
3. Annexation of the site would facilitate the improvement of the site for Urbana Park District purposes by means of a proposed tax increment financing district proposed for the area.
4. Annexation of the site with a zoning designation of CRE and planned use as a public park would help meet a number of the goals, objectives, and policies of the Urbana Comprehensive Plan.
5. The proposed CRE zoning for the site would be consistent with existing and planned land uses in the vicinity.
6. The proposed zoning designation appears to generally meet the LaSalle Case criteria.

Options

In Plan Case 1803-A-01, the City Council may:

- a. Approve the proposed Annexation Agreement, including a zoning designation of CRE for the site and allowance for continued biosolids storage on a specified portion of the site on an as-needed basis.
- b. Approve of the proposed Annexation Agreement, including a zoning designation of CRE for the site and allowance for continued biosolids storage on a specified portion of the site on an as-needed basis, subject to recommended changes. (Note that because this is an

annexation agreement between the City and the Owner, the property owner would have to agree to recommend changes).

- c. Deny the proposed Annexation Agreement.

Recommendations

As noted above, the Plan Commission recommended by a vote of 6 to 1 that the City Council approve the proposed Annexation Agreement with the exception of Section 3, entitled “Continuation of Biosolids Storage Use” and with the further recommendation that the City Council request additional information on the safety of biosolids storage and its compatibility with the proposed park use.

City staff recommends that the City Council approve the proposed Annexation Agreement including Section 3, as modified to limit the possible biosolids storage to one specific location as identified on the attached map exhibit and as consistent with the existing IEPA permit. As noted above, continued allowance of this activity is essential to Sanitary District concurrence with the Annexation Agreement. Unless the subject site is annexed into the City of Urbana, it will not be able to benefit from Redevelopment Funds. The Cunningham Avenue Corridor Redevelopment Plan budget includes up to \$2,250,000 for Judge Webber Park site improvements.

- c: Dennis Schmidt, UCSD
Tim Bartlett/Robin Hall, Urbana Park District

Attachments: Zoning Map
 Aerial Photo
 Draft Ordinance
 Proposed Annexation Agreement with Petition for Annexation
 Storage Site Location Exhibit

ehtyler/annexations/dogpark.ccmem.doc

ANNEXATION AGREEMENT

THIS Agreement, made and entered into by and between the City of Urbana, Illinois, (herein after sometimes referred to collectively as the "Corporate Authorities" or the "City") and Urbana & Champaign Sanitary District (hereinafter referred to as the "Owner"). The effective date of this Agreement shall be as provided in Article III, Section 6.

WITNESSETH:

WHEREAS, this Agreement is made pursuant to and in accordance with the provisions of Section 11-15.1-1 et seq., of the Illinois Municipal Code (65 ILCS 5/11-15.1-1); and

WHEREAS, the Urbana & Champaign Sanitary District is the Owner of record of a certain 61.76-acre parcel of real estate located at 1501 East Perkins Road, and having permanent index number 30-21-09-200-001, the legal description of which real estate is set forth Exhibit A attached hereto and referenced herein as the "tract".

WHEREAS, the attached map, labeled Exhibit B, is a true and accurate representation of the tract to be annexed to the City of Urbana under the provisions of this agreement.

WHEREAS, said Owner finds that in order to best utilize the Owner's property for future public park use under a lease agreement with the Urbana Park District, it is desirous to annex the tract to the City of Urbana pursuant to, and as provided for in this Annexation Agreement; and

WHEREAS, the tract is currently zoned AG-2, Agriculture and I-2, Heavy Industry in Champaign County and the City and the Owner find it necessary and desirable that the tract be annexed to the City with a zoning classification of CRE, Conservation-Recreation-Education, under the terms and provisions of the Urbana Zoning Ordinance in effect upon the date of annexation, as amended, and subject to the terms and conditions set forth in this Agreement; and

WHEREAS, the Corporate Authorities find annexing said tract as described herein as City CRE, Conservation-Recreation-Education, reflects the goals, objectives and policies set forth in the 1982 Urbana Comprehensive Plan, as amended from time to time; and

WHEREAS, such annexation and zoning designation will assist the Owner and the Urbana Park District in developing the site for future public park use; and

WHEREAS, the Owner desires to have the aforementioned real estate annexed to the City of Urbana upon certain terms and conditions hereinafter set forth in this Agreement.

NOW, THEREFORE, FOR AND IN CONSIDERATION OF THE MUTUAL

PROMISES SET FORTH HEREIN, THE PARTIES AGREE AS FOLLOWS:

ARTICLE I. REPRESENTATIONS AND OBLIGATIONS OF THE OWNER

The Owner agrees to the following provisions:

Section 1. Annexation: The Owner represents that it is the sole record Owner of the tract described in Exhibit A and the Owner acknowledges that immediately after the City Council's approval of this Agreement, the City shall act on the signed annexation petition, labeled Exhibit C, to cause said tract to be annexed to the City of Urbana.

The Owner further agrees that this Annexation Agreement shall be included in any sales contract for the sale of any portion of the subject tract. If the subject tract is to be platted for subdivision, the Owner agrees that the substance of these provisions regarding annexation shall be included in the subdivision covenants and such will constitute a covenant running with the land.

Section 2. Zoning Classification: The Owner agrees to accept the City of Urbana zoning classification of CRE, Conservation Recreation Education, as provided for in Article IV of the Urbana Zoning Ordinance, except that the storage of biosolids shall be allowed to continue at the site and a Special Use Permit shall not be required for said use.

Section 3. Development and Building Regulations: The Owner agrees to abide by all applicable City of Urbana development and building regulations existing at the time of annexation, except as otherwise provided herein.

Section 4. Disconnection: The Owner agrees and hereby stipulates that the Owner shall not take any action to disconnect the tract from the City once it is annexed during the 20-year term of this agreement.

ARTICLE II. REPRESENTATIONS AND OBLIGATIONS OF THE CORPORATE AUTHORITIES

The Corporate Authorities agree to the following provisions:

Section 1. Annexation: The Corporate Authorities agree to act immediately to annex said tract subject to the terms and conditions outlined in this Agreement by enacting such ordinances as may be necessary and sufficient to legally and validly annex said tract to the City.

Section 2. Zoning Classification: The Corporate Authorities agree that the tract will be zoned CRE, Conservation-Recreation-Education, in accordance with Article IV, Section IV-5 of the Urbana Zoning Ordinance upon annexation and as defined in the City of Urbana Zoning Ordinance as such exists at the time of annexation of tract. According to Table V-1, Table of Uses, of the Urbana Zoning Ordinance, the CRE, Conservation-Recreation-Education, zoning classification

allows public park as a permitted use.

Section 3. Continuation of Biosolids Storage Use: The Owner has historically utilized a portion of the site for the storage of biosolids on an as-needed basis. In accordance with Section XI-14 of the Zoning Ordinance, the Corporate Authorities agree to allow the continuation of this use in the specific area indicated on the attached Exhibit D and will not require the obtaining of a Special Use Permit for such use at the indicated location. Other additional or expanded uses associated with the sanitary district facilities shall require the obtaining of a Special Use Permit under Article VII of the Zoning Ordinance.

Section 4. Development and Building Regulations: The Corporate Authorities agree that all applicable development and building regulations will apply to said tract, except as otherwise provided herein.

Section 5. Nonconformity of Existing Development: The existing development of the tract, including, but not limited to, placement of structures, parking lot surfacing, and signage, may contain zoning nonconformities, insofar as such improvements were constructed under the jurisdiction of the Champaign County Zoning Ordinance and may not completely reflect the requirements of the Urbana Zoning Ordinance. Said nonconformities are as defined and regulated by Article X of the Urbana Zoning Ordinance, and may be continued indefinitely under the terms of this Agreement. However, any addition to these uses or further improvement of the tract shall comply with the requirements of the Urbana Zoning Ordinance and other applicable development regulations.

ARTICLE III: GENERAL PROVISIONS

Section 1. Term of this Agreement: This Agreement shall be binding upon the parties hereto, and their respective successors and assigns, for a full term of twenty (20) years commencing as of the effective date of this Agreement as provided by the Illinois State Statutes, unless other provisions of this Agreement specifically apply a different term. To the extent permitted thereby, it is agreed that, in the event the annexation of subject tract under the terms and conditions of this Agreement is challenged in any court proceeding, the period of time during which such litigation is pending shall not be included in calculating said twenty-year term.

If this Agreement imposes any obligation, restraint, or burden (hereinafter called collectively "obligation") on the Owner, its successors or assigns, which obligation extends beyond the termination date of this Agreement, such obligation may be released by the Urbana City Council enacting an Ordinance releasing such obligation by a majority vote of all Alderpersons then holding office and the recording of such Ordinance in the Champaign County Recorder's Office, Champaign County, Illinois.

Section 2. Covenant running with the land: The terms of this Agreement constitute a covenant running with the land for the life of this Agreement unless specific terms are expressly made

binding beyond the life of this Agreement. Furthermore, the terms herein are hereby expressly made binding upon all heirs, grantees, lessees, executors, assigns and successors in interest of the Owner as to all or any part of the tract, and are further expressly made binding upon said City and the duly elected or appointed successors in office of its Corporate Authorities.

Section 3. Binding Agreement upon parties: The Corporate Authorities and Owner agree that neither party will take no action or omit to take action during the term of this Agreement which act or omission as applied to the tract would be a breach of this Agreement without first procuring a written amendment to this Agreement duly executed by both the Owner and the city.

Section 4. Enforcement: The Owner and Corporate Authorities agree and hereby stipulate that any party to this Agreement may, by civil action, mandamus, action for writ of injunction or other proceeding, enforce and compel performance of this Agreement or the non-defaulting party may declare this Agreement null and void in addition to other remedies available. Upon breach by the Owner, the City may refuse the issuance of any permits or other approvals or authorizations relating to development of the tract.

Section 5. Severability: If any provision of this Agreement is rendered invalid for any reason, such invalidation shall not render invalid other provisions of this Agreement which can be given effect even without the invalid provision.

Section 6. Effective Date: The Corporate Authorities and Owner intend that this Agreement shall be recorded in the Office of the Champaign County Recorder with any expenses for said recording to be paid by the Corporate Authorities. The effective date of this Agreement shall be the date it is recorded; or if not recorded for any reason, the effective date shall be the date the Mayor signs the agreement on behalf of the City.

Section 7. Notices: Notices under the terms of this Agreement shall be considered given when deposited in the U.S. Mail, postage prepaid, first class certified, or delivered personally to:

Owner:

Dennis Schmidt, Executive Director
Urbana & Champaign Sanitary District
P.O. Box 669
1100 E. University Avenue
Urbana, IL 61803

City:

Bruce K. Walden

Chief Administrative Officer
City of Urbana
400 South Vine Street
Urbana, Illinois 61801

Any change of address to which said Notice shall be delivered shall be provided in writing to all parties of this Agreement.

IN WITNESS WHEREOF, the Corporate Authorities and Owner have hereunto set their hands and seals, and have caused this instrument to be signed by their duly authorized officials and the corporate seal affixed hereto, all on the day and year written below.

Corporate Authorities
City of Urbana:

Owner:

Tod Satterthwaite, Mayor

Dennis Schmidt,
Executive Director
Urbana & Champaign Sanitary
District

Date

Date

ATTEST:

ATTEST:

Phyllis D. Clark
City Clerk

Notary Public

Date

Date

Exhibits attached and made a part of this Agreement:

Exhibit A: Legal Description

Exhibit B: Location Map
Exhibit C: Annexation Petition
Exhibit D: Biosolids Storage Site Location

Exhibit A

Legal Description of Tract

Tract "A"

Beginning at the Northwest corner of the Northeast Quarter of Section 9, Township 19 North, Range 9 East of the Third Principal Meridian, Champaign County, Illinois; thence South 00 degrees 39 minutes 48 seconds East along the West line of the Northeast Quarter of said Section 9, 814.89 feet; thence South 89 degrees 47 minutes 06 seconds East, 930.08 feet; thence North 00 degrees 32 minutes 23 seconds West, 814.84 feet to the North line of said Section 9; thence North 89 degrees 47 minutes 06 seconds West along the North line of said Section 9, 931.83 feet, more or less, to the place of beginning, said tract containing 17.43 acres, more or less.

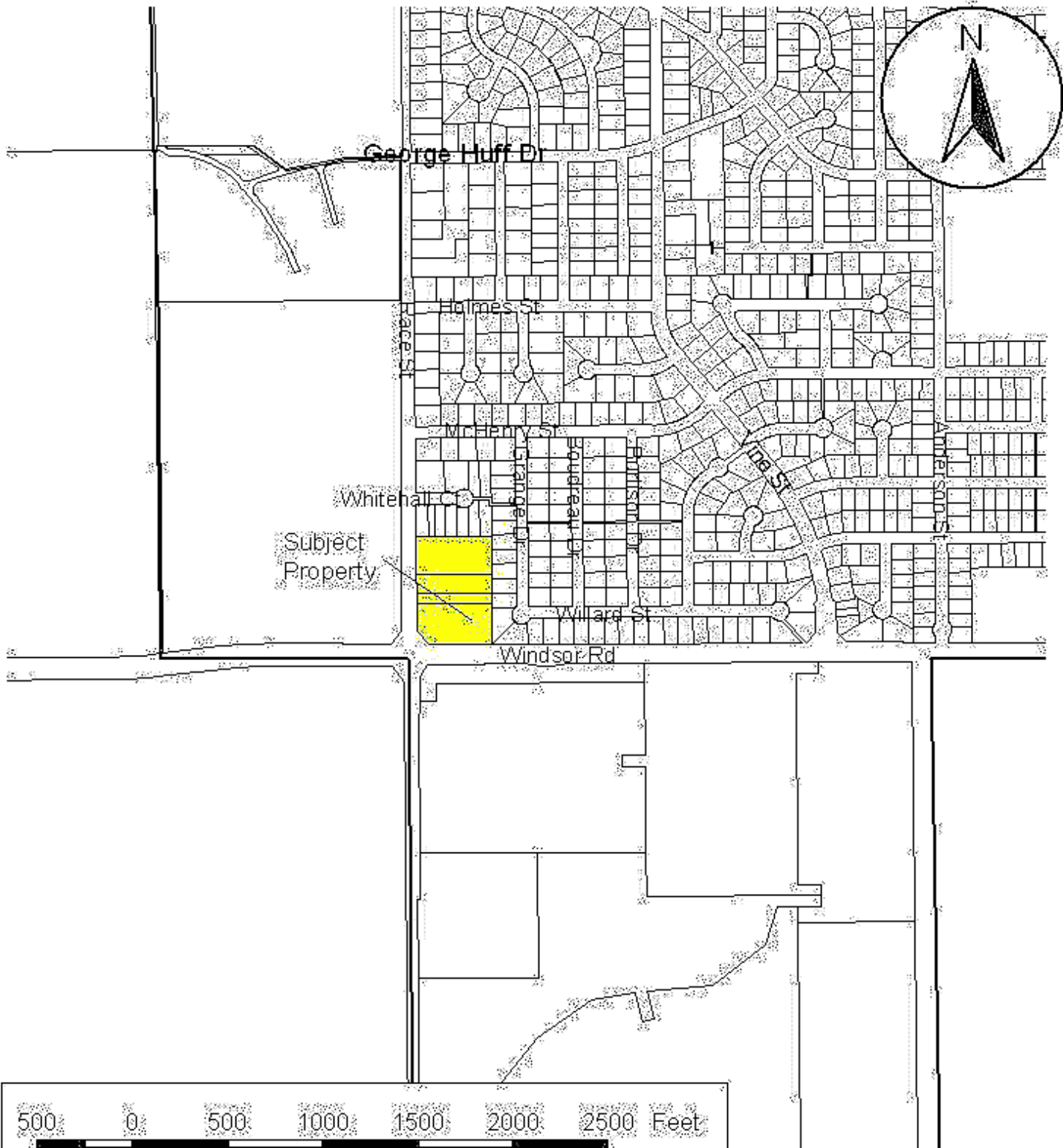
and

Tract "B"

The West Half of the Northeast Quarter of Section 9 lying North of the centerline of the Saline Branch Drainage Ditch, EXCEPT, commencing at its Northeast corner of said West half of the Northeast Quarter of Section 9; thence South 16.07 chains; thence North 63 degrees West, 6.50 chains; thence North 13.29 chains to the North line of said Section 9; thence East 5.93 chains to the place of beginning, ALSO, all the West 30 rods of the North 27 rods of the South 71 rods of the Southeast Quarter of the Northeast Quarter of Section 9 lying North of the centerline of Saline Branch Drainage Ditch, all in Township 19 North, Range 9 East of the Third Principal Meridian, Champaign County, Illinois, EXCEPT, beginning at the Northwest corner of the Northeast Quarter of Section 9; thence South 00 degrees 39 minutes 48 seconds East along the West line of the Northeast Quarter of said Section 9, 814.89 feet; thence South 89 degrees 47 minutes 06 seconds East, 930.08 feet; thence North 00 degrees 32 minutes 23 seconds West, 814.84 feet to the North line of said Section 9; thence North 89 degrees 47 minutes 06 seconds West along the North line of said Section 9, 931.83 feet, more or less, to the place of beginning, said tract containing 44.33 acres, more or less, situated in Champaign County, Illinois.

Tax Parcel # 30-21-09-200-001

Exhibit "A": Location Map



Plan Case # 1804-SU-01
Special Use Permit
Expansion of Parking Lot at 2502 S. Race St.
Urbana Assembly of God

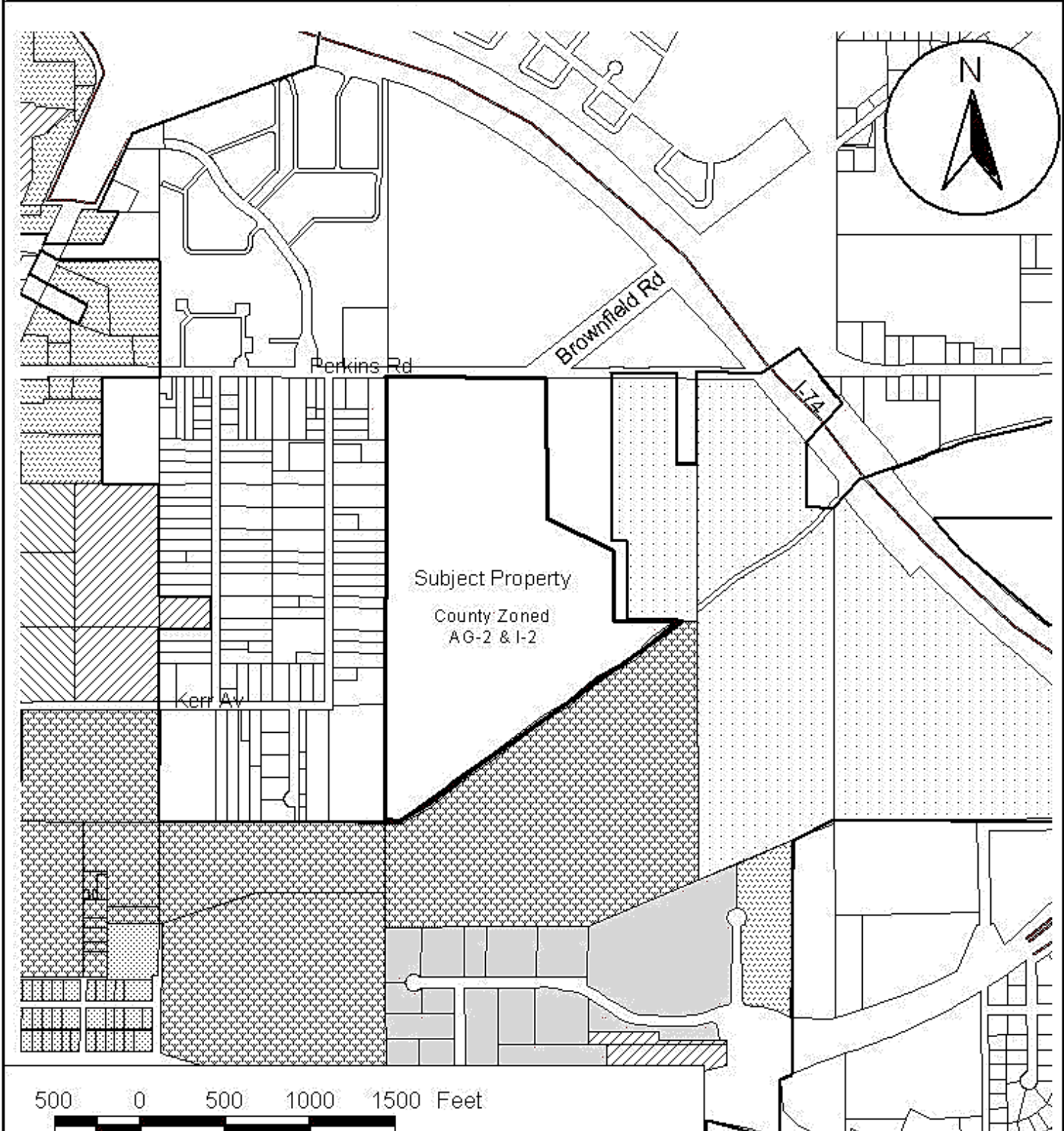
Prepared: October 26, 2001 by Community Development Services (tdr)

 Subject Area

Exhibit B

Map of Tract

Exhibit "B": Zoning Map

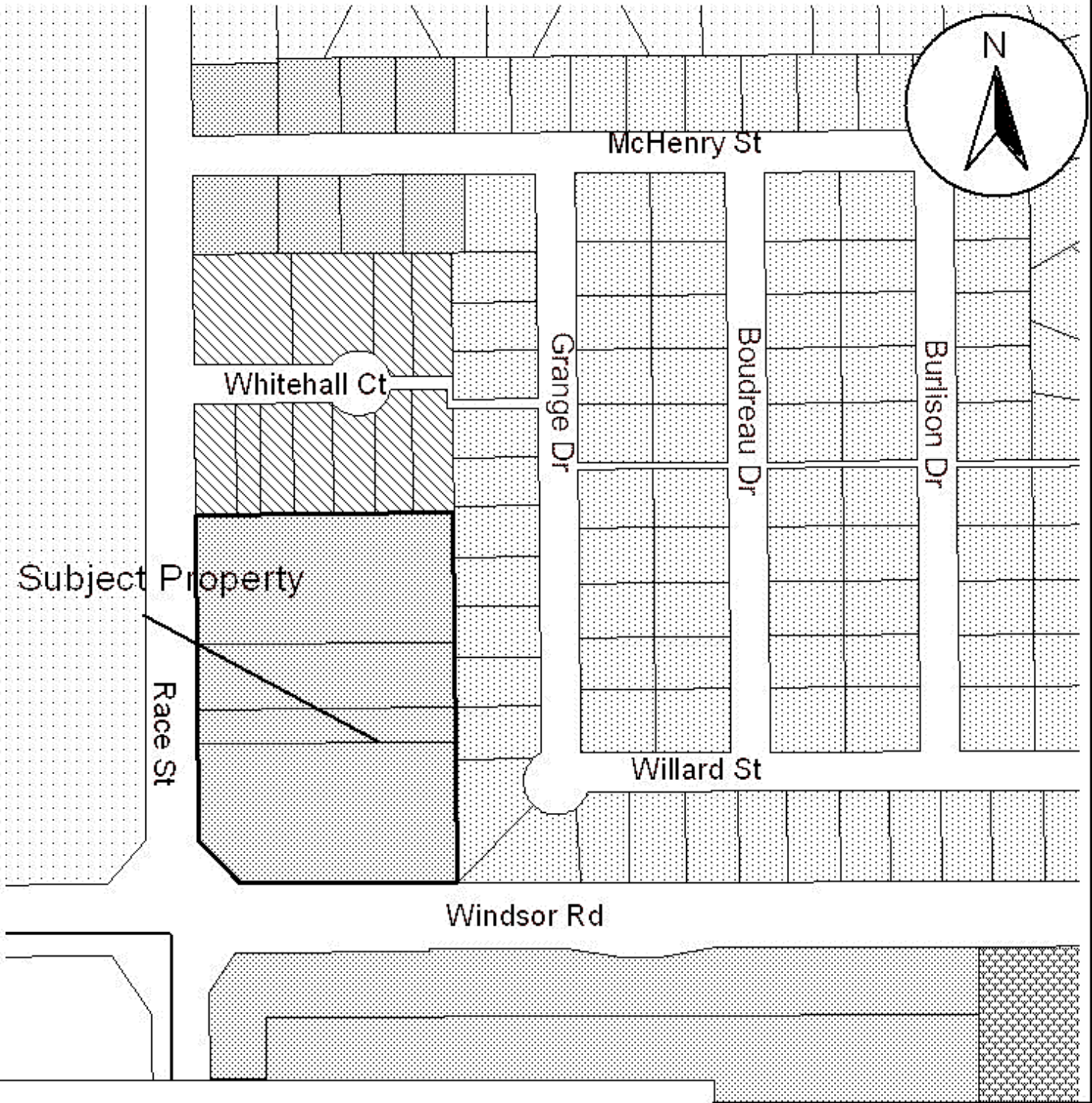




UCSD Property at 1501 E. Perkins
1803-A-01 Annexation Agreement

Prepared November 2, 2001 by Community Development Services - lk

- City Boundary
- AG - Agriculture
- IN - Industrial
- B3 - General Business
- CRE - Conservation-Recreation-Education
- R4 - Medium Density Multi-Family Residential

Exhibit "B": Zoning Map



-  AG - Agriculture
-  CRE - Conservation-Recreation-Education
-  R2 - Single Family Residential
-  R3 - Single- and Two-Family
-  R5 - Medium High Density Multiple-Family



Urbana Assembly of God
 2502 S. Race St.
 1804-SU-01

Prepared November 2, 2001 by Community Development Services - lk

Exhibit C

Annexation Petition

Petition for Annexation
to
THE CITY COUNCIL OF THE CITY OF URBANA
CHAMPAIGN COUNTY, ILLINOIS

The Petitioner, **Dennis Schmidt, Executive Director, Urbana & Champaign Sanitary District,** respectfully states under oath:

1. The Urbana & Champaign Sanitary District is the sole owner of record of the following legally described land (hereinafter sometimes referred to as the Tract), except any public right-of-way property to wit:

[INSERT LEGAL DESCRIPTION HERE]

Commonly known as **1501 East Perkins Road** and also identified as Parcel Index Number **30-21-09-200-001**.

2. Said territory is not situated within the corporate limits of any municipality, but is contiguous to the City of Urbana, Illinois.
3. There are no electors residing in said Tract.

PETITIONER RESPECTFULLY REQUESTS:

1. That said Tract described above herein be annexed to the City of Urbana, Illinois in accordance with all of the aforesaid conditions herein and pursuant to Section 5/7-1-8 of the Municipal Code of the State of Illinois, as amended (65 ILCS 5/7-1-8).
2. That said Tract be annexed in accordance with the terms of the annexation agreement passed by the Urbana City Council on _____, 2001 as Ordinance No. _____ and approved by the Mayor of the City of Urbana.

Dated this _____ day of _____, 2001.

PETITIONER:

**Dennis Schmidt, Executive Director
Urbana & Champaign Sanitary District**

Subscribed and sworn to before me this

____ day of _____, 2001

NOTARY PUBLIC

My commission expires: _____

Exhibit D

Biosolids Storage Site Location

ORDINANCE NO. 2001-11-146

**AN ORDINANCE APPROVING AN ANNEXATION AGREEMENT WITH THE URBANA & CHAMPAIGN
SANITARY DISTRICT**

(To annex 61.76+ acres at 1501 East Perkins Road - Plan Case No. 1803-A-01)

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

Section 1. That an agreement by and between the City of Urbana and the Urbana & Champaign Sanitary District, 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