



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: Bruce Walden, Chief Administrative Officer

FROM: Elizabeth H. Tyler, AICP, Director

DATE: June 5, 2003

SUBJECT: Annexation of 2506 East Washington Street – Sunny Estates Subdivision

Introduction

Staff is requesting the City Council to consider the attached ordinance on Monday, June 16, 2003 to annex 2506 East Washington Street. The 6.22 acre tract of property is located on the north side of Washington Street east of Scottswood Drive and west of MacArthur Drive. The parcel is currently vacant and planned for a 28-lot single-family residential development to be called Sunny Estates Subdivision. The property is currently owned by Ray Campo, William Campo and Carl Breuckner. The site is covered by an annexation agreement approved by the City Council on April 14, 2003 under Ordinance No. 2003-04-037. The property is contiguous to the corporate limits and the owners have signed and submitted a petition requesting the property be annexed into the City of Urbana. The proposed effective date of the annexation is June 30, 2003.

Background

The approved agreement (Ordinance No. 2003-04-037) provided for the annexation of 2506 East Washington Street. The agreement indicates the intent of the owners to establish a 28-lot single-family detached residential subdivision with homes accessing a new public roadway. The Intergovernmental agreement with the Urbana-Champaign Sanitary District would require annexation of any property in need of a new sanitary sewer connection. Since all of the planned lots would connect to the sanitary district facilities, annexation is required. The parcel is currently contiguous to the corporate limits via at the southwest corner of the site.

Issues and Discussion

The development will provide a new north-south street that will serve the lots and connect with Washington Street. The street will be a dead-end to the north although the right-of-way will extend to the northern property line. This was a request of staff in order to potentially facilitate a connection with

Illinois Street should the property to the north ever be redeveloped. The design of the roadway terminus necessitates a waiver of the Subdivision and Land Development Code since it is not a standard cul-de-sac. The waiver was granted in the annexation agreement and will be shown on the subdivision plats. The developer expects to begin construction of the subdivision this summer. All the new homes will be eligible for the Urbana Tax Rebate Program for new construction.

The site contains a number of existing drainage challenges. The engineers for the project have been coordinating with the Urbana Public Works Department to review preliminary stormwater management plans and to ensure that the development can manage the stormwater within city code requirements. The preliminary and final subdivision plats will be considered at the June 19, 2003 Urbana Plan Commission meeting and the July 7, 2003 Urbana City Council meeting.

Recommendation

Staff recommends that the Committee of the Whole forward the attached ordinance to the City Council's regular meeting scheduled on June 16, 2003 and approve the ordinance to annex the property located at 2506 East Washington Street into the City of Urbana, Illinois effective June 30, 2003 at 12:00P.M.

Prepared by:

Rob Kowalski, Planning Manager

Attachment #1: Draft Ordinance to Annex 2506 East Washington Street
Attachment #2: Location Map
Attachment #3: Annexation Plat Map
Attachment #4: Preliminary Subdivision Plat for Sunny Estates Subdivision
Attachment #5: Ordinance No. 2003-04-037, Annexation Agreement for 2506 East Washington Street

c: Ray Campo

ATTACHMENT #1

ORDINANCE NO. 2003-06-057

**AN ORDINANCE
ANNEXING CERTAIN TERRITORY
TO THE CITY OF URBANA**

(2506 East Washington Street)

WHEREAS, the hereinafter described territory is situated in unincorporated territory adjacent to and contiguous to the City of Urbana, Illinois, and is part of the Edge-Scott Fire Protection District, and includes certain territory within the Urbana Township, and Notice was given to the Trustees of said Fire Protection District, the Board of Township Trustees, and the Township Commissioner of Highways, said notices being mailed on _____ June 4, 2003, that this Ordinance would be voted upon at the regular meeting of this Council at 7:30 p.m., Monday, June 16, 2003, and the Affidavit of mailing such Notices was duly recorded with the Recorder of Deeds of Champaign County, Illinois, on the 5th day of June, 2003; and

WHEREAS, a written petition signed by all of the Owners of Record and at least fifty-one percent (51%) of the electors residing therein, of all land within such territory, has been filed with the City Clerk of the City of Urbana, Illinois, requesting annexation thereof to the City of Urbana; and

WHEREAS, the City Council passed Ordinance No. 2003-04-037 on April 14, 2003 approving and authorizing the execution of an annexation agreement; and

WHEREAS, the territory to be annexed by this Ordinance is presently located within Champaign County's R-2, Single-Family Residence zoning district and upon annexation will be classified R-2, Single-Family Residential upon annexation in accordance with the above-referenced annexation agreement; and

WHEREAS, it has been determined that said petition complies with all requirements of the law therefore; and

WHEREAS, the majority of the Members of the Council are of the opinion that it would be for the best interests of the people of the City of Urbana, Illinois, that said territory be annexed to and made a part of the said City.

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

Section 1. That the following described real estate, viz.:

Part of the East ½ of the Northwest ¼ of Section 15, Township 19 North, Range 9 East of the Third Principal Meridian, described as follows:

The South 943 feet of the East 300 feet of the East ½ of the Northwest ¼ of Section 15, Township 19 North, Range 9 East of the Third Principal Meridian.

Except the Washington Street right-of-way lying within the above described tract

Containing 6.22 acres, more or less, all situated in Urbana Township, Champaign County, Illinois.

Together with the following described adjacent public Right-of-Way which is by operation of the law, automatically annexed with the adoption of an annexation ordinance pertaining to this tract:

That portion of Washington Street right-of-way, lying adjacent to the herein annexed tract, which has not previously been annexed by the City of Urbana, encompassing 0.31 acres, more or less.

commonly known for reference as 2506 East Washington Street, Urbana, Illinois, be and the same is hereby annexed to the City of Urbana, Illinois. The above-described parcels, prior to annexation, have the parcel index numbers 30-21-15-180-021, and following annexation the said parcels should bear the parcel index numbers 91-21-15-180-021.

Section 2. That the City Clerk be authorized and directed to record a certified copy of this Ordinance together with an accurate map of the territory herein above described in the Recorder's Office of Champaign County, Illinois in the Office of the County Clerk and County Election Authority of Champaign County, Illinois.

Section 4. The Zoning Ordinance of the City of Urbana, Illinois, and the Zoning Map of Urbana, Illinois, are hereby amended to classify the real property herein annexed as R-2, Single-Family Residential upon annexation and in accordance with an annexation agreement approved and authorized on April 14, 2003 by Council Ordinance No. 2003-04-037.

Section 5. The territory annexed herein is assigned to City of Urbana Ward 6.

Section 6. To avoid uncertainty regarding public safety responsibilities concerning the property herein annexed, this Ordinance shall take effect at noon on the 30th day of June 2003 following its passage by the Urbana City Council.

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called, of a majority of the members of the Council of the City of Urbana, Illinois, at a regular meeting of said Council on the _____ day of _____, 20_____, A.D.

Ayes:

Nays:

Abstain:

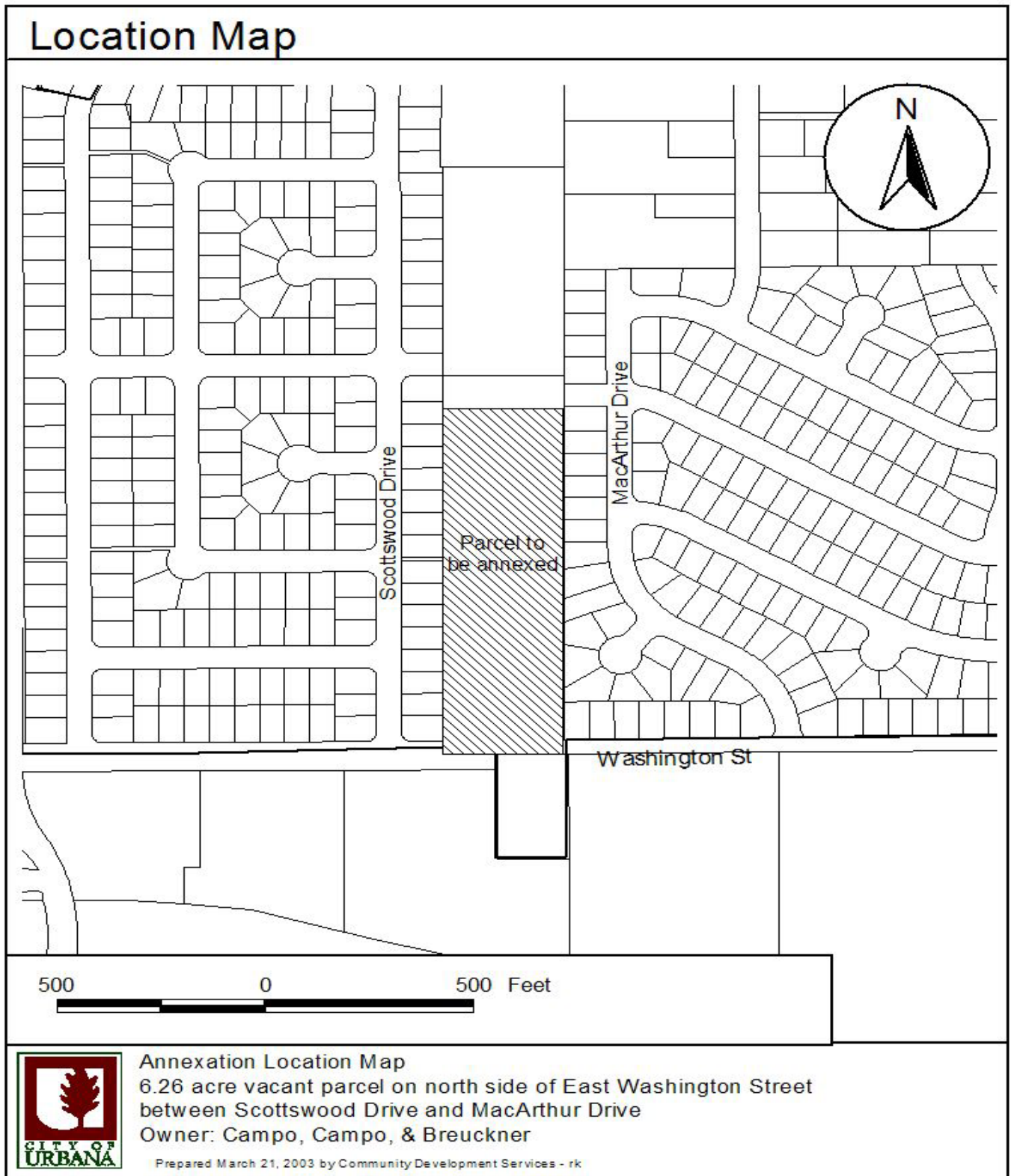
PASSED by the City Council this _____ day of _____, 20____.

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this _____ day of _____, 20____.

Tod Satterthwaite, Mayor

ATTACHMENT #2 – Location Map



ATTACHMENT #3 – Annexation Plat Map

Not available in electronic format

ATTACHMENT #4 – Preliminary Subdivision Plat for Sunny Estates Subdivision

Not available in electronic format

**Sunny Estates Subdivision
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 Ray Campo, William D. Campo and Carl Brueckner (hereinafter referred to as the "Owners"). 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, Ray Campo, William Campo and Carl Brueckner are the Owners of record of a certain tract of real estate located on the North side of East Washington Street between Scottswood Drive and MacArthur Drive, and having a permanent index number 30-21-15-180-021, the legal description of which real estate is set form in 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, the tract is currently zoned R-2, Single-Family Residence in Champaign County and would directly convert to the Urbana R-2, Single-Family Residential Zoning classification upon annexation under the terms and provisions of the Urbana Zoning Ordinance; and

WHEREAS, such annexation will ensure that the City of Urbana will receive real estate taxes and other revenues and will enable the City to continue to enhance its tax base; and

WHEREAS, the Owners desire 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 COVENANTS AND AGREEMENTS SET FORTH HEREIN, THE PARTIES AGREE AS FOLLOWS:

ARTICLE I. REPRESENTATIONS AND OBLIGATIONS OF THE OWNERS

The Owners agree to the following provisions:

Section 1: The Owners represent that they are the sole Owners of the tract described in Exhibit "A" and that they will cause said tract to be annexed to the City of Urbana by filing a legally sufficient annexation petition, signed in compliance with the Illinois Statutes for such tract, as follows: The petition for annexation of the

entire Sunny Estates Subdivision will be filed with the City prior to the sale of any lots in the Subdivision (a copy of which is attached hereto as Exhibit “C”) within 30 days following the Corporate Authorities’ approval of the Preliminary and Final Plat of Sunny Estates Subdivision

The Owners agrees to comply with all applicable development regulations existing at the time of such annexation.

Section 2: The Owners agree to accept the City of Urbana’s R-2, Single-Family Residential Zoning District classification of all the land set out in Exhibit “B”. The Owners agree that, unless changed upon the initiative of the Owners the said City zoning classification for the tract shall remain in effect for the term of this Agreement, subject to the right of the Corporate Authorities to amend the Zoning Ordinance text even if such amendment affects the tract. The Owners agree to use the tract only in compliance with the Urbana Zoning Ordinance as such may be amended from time to time.

Section 3: The Owners agree to cause all new development, construction, or additions on said tract to be in conformance with all City of Urbana building, electrical, fire, and plumbing codes, orders or regulations in effect at the time of annexation. The Owners agree to submit all building construction plans to the City of Urbana for review. The Owners further agree to correct any deficiencies identified in said plan review.

Section 4: The Owners shall take no action or omit to take action during the term of this Agreement which action 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 Owners and the City.

ARTICLE II. REPRESENTATIONS AND OBLIGATIONS OF THE CORPORATE AUTHORITIES

The Corporate Authorities agree to the following provisions:

Section 1: The Corporate Authorities agree to annex said tract subject to the terms and conditions outlined in this Agreement, when properly and effectively requested to do so, by submission of a legally sufficient petition from the Owners, by enacting such ordinances as may be necessary and sufficient to legally and validly annex said tract to the City.

Section 2: The Corporate Authorities agree that the tract will be zoned R-2, Single-Family Residential as provided by the Urbana Zoning Ordinance upon its annexation to the City. The Corporate Authorities agree that all applicable development regulations existing at the time of annexation will apply to said tract. Furthermore, although the Corporate Authorities agree not to rezone the property during the term of this Agreement without a rezoning petition executed by the property Owners requesting said change, the Corporate Authorities reserve the right to amend the Zoning Ordinance text even if such amendment affects the property.

Section 3: The Corporate Authorities agree to grant the following waiver upon the development and/or subdivision of said Tracts as represented in Exhibit “B”:

- a. Waiver of Section 21-36.C.4 to the extent that this section requires cul-de-sac turn-arounds to be designed with a minimum street right-of-way of one hundred (100) feet in diameter and the turn-around pavement to not be less than eighty (80) feet in diameter measure to the back of curb.

Section 4: The Corporate Authorities find that the waivers and deferrals of the City of Urbana's Subdivision and Land Development Code agreed to in Article II, Section 4 herein are supported by the following findings.

- (1) there are conditions of topography or other site specific reasons that make the application of any particular requirement of the Land Development code unnecessary or, in some cases perhaps, even useless;
- (2) the granting of the requested waiver would not harm other nearby properties;
- (3) the waiver would not negatively impact the public health, safety and welfare, including the objectives and goals set forth in the Comprehensive Plan.

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 five (5) 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 five-year term. By mutual agreement, the term of this Agreement may be extended.

If this Agreement imposes any obligation, restraint, or burden (hereinafter called collectively "obligation") on the Owners, their 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 Owners as to all or any part of the tracts, 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 Owners 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 tracts would be a breach of this Agreement without first procuring a written amendment to this Agreement duly executed by both the Owners and the City.

Section 4. Enforcement -- The Owners 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 declare this Agreement null and void in addition to other remedies available. Upon breach by the Owners, 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 Owners 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.

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:**

Tod Satterthwaite, Mayor

Date

Owners:

Ray Campo

Date

William D. Campo

Date

Carl Brueckner

Date

ATTEST:

Phyllis D. Clark
City Clerk

Date

ATTEST:

Notary Public

Date