



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: Laurel Lunt Prussing, Mayor

FROM: Elizabeth H. Tyler, FAICP, Director

DATE: April 22, 2010

SUBJECT: Involuntary Annexation of 2507, 2607 and 2708 North Fieldcrest Drive in the Somerset Subdivision No. 4

Introduction

Staff is requesting that the City Council consider the attached notice of intent to annex 2507, 2607, and 2708 North Fieldcrest Drive. A notice of intent is required because the properties are proposed to be annexed under the “non-voluntary annexation” process. The properties contain 0.724 acres and are located in Somerset Subdivision No. 4. The properties are required to be annexed per an annexation agreement between the City of Urbana and the developer of the Somerset Subdivision. Each of the lots has been developed with a single-family home.

Background

As a prerequisite for receiving sanitary sewer to serve the territory to be subdivided as the Somerset Subdivision, the developer was required to enter into an annexation agreement with the City of Urbana. Since the Subdivision has developed in phases, the developer, Donald Flessner/Flessner Development Company, entered into three different annexation agreements with the City of Urbana as follows:

Ordinance No.	Date Passed	Territory Covered
9495-8	July 18, 1994	Somerset Subdivision No. 1, 2, and 3
2002-09-112	October 7, 2002	Somerset Subdivision No. 4
2006-07-085	July 17, 2006	Somerset Subdivision No. 5 and adjacent tracts

The final annexation agreement enacted in 2006 stipulated that the property to be subdivided as Somerset Subdivision No. 5 was to be immediately annexed since the property was contiguous with the corporate boundaries of the City of Urbana. Somerset Subdivision No. 5 lies west of the Landis Farm Subdivision and was annexed on October 16, 2006 (Ordinance No. 2006-10-126). The annexation agreement also stipulated that the undeveloped tracts owned by the developer be annexed to the City of Urbana within 760 days of the recording date of the Final Subdivision Plat of Somerset Subdivision No. 5. The undeveloped tracts bridge the gap between Urbana’s corporate boundaries and the remaining

phases of the Somerset Subdivision (Phases No. 1, 2, 3, and 4) and therefore require the annexation of these properties as well.

The Final Subdivision Plat for the Somerset Subdivision No. 5 was recorded on December 4, 2006. Based on that annexation agreement the properties are subject to annexation by January 14, 2009, which is 760 days from the date of recording of the final subdivision plat. Per the annexation agreement, property owners must submit a signed annexation petition to cause annexation of their property. Following preliminary research and Legal consultation concerning the annexation process, city staff initiated the annexation process in August of 2009. The following steps were taken:

- August 13, 2009 - An initial letter was sent to all property owners that outlined the annexation process, provided an annexation information sheet, included an annexation petition, and announced the date of an informational meeting.
- August 25, 2009 - An informational meeting was held to introduce Alderman Dennis Roberts, discuss the annexation process, outline available city services, discuss the impact on property taxes and answer questions. Fourteen property owners were in attendance.
- September 18, 2009 - Deadline for submission of signed petitions.
- October 21, 2009 - Second letter sent to property owners for which signed petitions had not been received.
- November 6, 2010 - Second deadline for submission of signed petitions.
- November 20, 2009 - Third letter, sent by certified mail, to property owners for which signed petitions had not been received.
- December 4, 2009 - Final deadline for submission of signed petitions.
- March 5, 2010 - Letter sent to all property owners indicating City's intent to proceed with annexation and outlining the steps and dates for annexation.

Discussion

A total of 70 properties are subject to annexation under the above noted annexation agreements. Signed petitions have been received for 57 or 81% of the 70 properties. All but one of these 57 properties (2412 Somerset Drive) are to be annexed through the "voluntary annexation" process. Staff has prepared a separate memorandum included in Council's packet to address the annexation of these properties. The property known as 2412 Somerset Drive cannot yet be annexed, because it will not be contiguous to the corporate boundaries of Urbana, based on the annexation petitions received. Once contiguous, staff will proceed with annexation of this property.

Signed petitions have not yet been received from 13 property owners. Three of these properties (2507, 2607, and 2708 North Fieldcrest Drive) will be wholly surrounded once the subject 56 properties are annexed. Staff is proposing that these three properties be considered by City Council for annexation through the "non-voluntary annexation" process. Under Illinois State Statute, the City can involuntarily annex properties that are wholly surrounding and that are less than 60 acres in size.

To comply with Illinois State Statute concerning involuntary annexations, a "Notice of Intent to Annex" (See Exhibit B) must be approved by the City Council prior to submittal of an annexation petition. The Committee of the Whole must consider whether or not to forward the notice to City Council, which would then vote whether or not to approve the notice. Once the notice is approved, the City Clerk will publish the notice in the News-Gazette at least 10 days prior the Committee of the Whole meeting when

the annexation petition will be considered. The remainder of the annexation process is then the same as a voluntary annexation process. Staff is anticipating that the three subject properties will be presented for annexation to the Committee of the Whole for review and discussion on May 24, 2010 and forwarded to City Council for action of June 7, 2010.

Once these 60 properties have been annexed, 10 properties will remain to be annexed in conformance with the approved annexation agreement. City Legal staff will be seeking legal action to bring these 10 properties into compliance with the approved annexation agreement.

Fiscal Impact

The City of Urbana will benefit from the annexation of the properties through the receipt of property taxes. City staff is working to annex the properties by June 30, 2010. The City will receive property taxes for fiscal year 2010 payable in 2011 for properties annexed and properly recorded with the Champaign County Recorder of Deeds by that date.

Recommendation

Staff recommends that the Committee of the Whole move to forward the attached “Notice of Intent to Annex” concerning 2507, 2607 and 2708 North Fieldcrest Drive to the City Council’s regular meeting on May 3, 2010.

Prepared by:

Lisa Karcher, AICP, Planner II

Attachments: Exhibit A: Location Map
Exhibit B: Notice of Intent to Annex

cc: Julia Beerli, 2708 North Fieldcrest Drive, Urbana, IL 61802
Glenett Gibb, 2607 North Fieldcrest Drive, Urbana, IL 61802
Cory and Sara Coffey, 2507 North Fieldcrest Drive, Urbana, IL 61802
John Hall, Champaign County Planning and Zoning Department

Exhibit A: Location Map



SOMERSET SUBDIVISION

- Somerset Subdivision No. 1
- Somerset Subdivision No. 2
- Somerset Subdivision No. 3
- Somerset Subdivision No. 4
- Flessner Tracts
- Signed Petition Received
- Petition Not Received
- Involuntary Annexation
- Corporate Limits





DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division
City of Urbana
400 South Vine Street
Urbana, IL 61801
217-384-2440

April XX, 2010

NOTICE OF INTENT TO ANNEX

Pursuant to the Illinois Municipal Code, notice is hereby given that the annexation of the territory described below is contemplated by the Corporate Authorities of the City of Urbana, Illinois, and that they propose to consider and take action on an ordinance annexing such territory at a regular meeting of the Urbana City Council on June 7, 2010.

The territory under consideration consists of three tracts of property totaling approximately 0.724 acres and being more commonly known as 2507 North Fieldcrest Drive (PIN #30-21-03-130-004), 2607 North Fieldcrest Drive (PIN #30-21-03-130-010), and 2708 North Fieldcrest Drive (PIN #30-21-03-129-029). The territory to be annexed is legally described as follows:

Lots 403, 423, and 429, all in “Somerset Subdivision No. 4”, as shown on a plat recorded October 24, 2003 as Document Number 2003R48237 in the Office of the Recorder of Deeds, Champaign County, Illinois.

Said annexation containing 0.724 acres, more or less, all situated in Champaign County, Illinois.

If you have any questions regarding the annexation, please contact Lisa Karcher at 217-384-2440 or lkkarcher@city.urbana.il.us.

Thank you.

Phyllis D. Clark, City Clerk