



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: February 9, 2012

SUBJECT: Annexation Petition for 2702 Somerset Drive (Annexation Case 2011-A-10)

Introduction

Staff is requesting that the City Council consider the attached petition and ordinance to annex 2702 Somerset Drive in Somerset Subdivision into the Urbana corporate limits. (See Exhibit A.) The petitioners are Victor and Laura Christman. The area to be annexed is single-family lot, 0.33 acres in area and two feet of the adjacent Airport Road right-of-way. The rest of the adjacent Airport Road right-of-way is already in the City. The petition fulfills an adopted annexation agreement between the City of Urbana and the developer of the Somerset Subdivision (Ordinance No. 9495-8, adopted July 18, 1994). Should the annexation of the subject property be approved, the effective date of the annexation would be March 1, 2012 at noon.

Background

As a prerequisite for receiving sanitary sewer service for the territory to be subdivided as the Somerset Subdivision, the developer was required to enter into an annexation agreement with the City of Urbana in 1994. Since the Subdivision was developed in phases, the developer, Donald Flessner/Flessner Development Company, entered into three separate annexation agreements with the City of Urbana. The last of the three annexation agreements stipulated a date upon which undeveloped land west of the Somerset Subdivision was to be annexed into the City of Urbana. The undeveloped tracts bridged the gap between Urbana's corporate boundaries and the remaining phases of Somerset Subdivision (Phases No. 1, 2, 3, and 4) and therefore required the annexation of these intervening properties as well.

Per these annexation agreements, subsequent property owners have been obligated to submit a signed annexation petition to cause annexation of their property, and the City of Urbana is obligated to annex and provide City services. In conformance with these agreements, City staff initiated the annexation process for the entire Somerset Subdivision in August of 2009. This process included sending an initial informational letter to all property owners, holding an informational meeting, and sending follow-up letters to property owners.

A total of 70 properties have been subject to annexation under the annexation agreements for Somerset Subdivision. The property owners of 55 of the properties returned signed petitions for annexation and were annexed into the City of Urbana by Ordinance No. 2010-04-028, adopted by the City Council on May 3, 2010 (and effective May 13, 2010). Four properties thereby became wholly surrounded by Urbana's corporate boundaries. In accordance with State statutes, these four properties were annexed under the involuntary annexation process by the passage of Ordinance No. 2010-05-037 by City Council on June 7, 2010 (and effective June 17, 2010). Another four properties submitted petitions and were annexed in 2011. After the annexation of 2702 Somerset, there will be three properties remaining that need to be annexed (2409, 2607, and 2609 Somerset), as shown on Exhibit A. Should this annexation be approved, the three remaining properties will be wholly surrounded. Section 7-1-13 of the Illinois Municipal Code permits a municipality to annex unincorporated territory of 60 acres or less that is wholly surrounded by the corporate boundaries of the municipality. Annexation of these three properties would complete the annexation of the entire subdivision.

Discussion

The City is currently seeking compliance with the agreement for the remaining properties that have not yet been annexed to date. The property now under petition for annexation is one of the outstanding properties subject to the annexation agreement. City Legal staff has been following up with owners of these properties to gain compliance with the approved annexation agreement.

Zoning and Future Land Use

The property to be annexed is currently zoned County R-1, Single Family Residence, and would automatically convert to City R-1, Single-Family Residential, upon annexation. The 2005 Urbana Comprehensive Plan identifies the future land use for this property as "Residential." The subject property has been developed with a single-family home. This proposed zoning would be consistent with the use of the property and with the future land use designation of the subject property by the 2005 Urbana Comprehensive Plan.

Recommendation

Staff recommends that the Committee of the Whole forward this petition and ordinance to the February 20, 2012 City Council meeting with a recommendation for approval. Annexation would become effective March 1, 2012 at noon.

Prepared by:

Rebecca Bird, AICP, Planner II

Attachments: Draft Ordinance to Annex & Plat
 Exhibit A: Annexation Location Map
 Exhibit B: Annexation Petition submitted by the property owner

cc: Victor & Laura Christman, 2702 Somerset Drive
 John Hall, Champaign County Planning and Zoning Department

ORDINANCE NO. 2012-02-012

AN ORDINANCE ANNEXING CERTAIN TERRITORY TO THE CITY OF URBANA

(2702 Somerset Drive / Victor and Laura Christman)

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 Carroll Fire Protection District, and includes certain territory within Urbana Township; and

WHEREAS, a 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 February 8, 2012 stating that this Ordinance would be voted upon at the regular meeting of this Council at 7:00 p.m., Monday, February 20, 2012; 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 the following ordinances approving and authorizing the execution of annexation agreements pertaining to Somerset Subdivision Nos. 1, 2, 3, and 4, and adjacent tracts: Ordinance No. 9495-8 passed July 18, 1994; Ordinance No. 2002-09-112 passed October 7, 2002; and Ordinance No. 2006-07-085 passed July 17, 2006; and

WHEREAS, the territory to be annexed by this Ordinance in Somerset Subdivision No. 2 is presently located within Champaign County's R-1, Single Family Residence Zoning District and upon annexation will be directly converted to City R-1, Single-Family Residential Zoning District; and

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

WHEREAS, the majority of the Corporate Authorities 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.

NOW, THEREFORE, BE IT ORDAINED BY THE CORPORATE AUTHORITIES OF THE CITY OF URBANA, ILLINOIS:

Section 1. That the following described real estate, be and the same are hereby annexed to the City of Urbana, Illinois:

A part of the Northwest Quarter of Section 3, Township 19 North, Range 9 East of the Third Principal Meridian, Champaign County, Illinois, being more particularly described as follows:

Lot 208 in "Somerset Sub No 2 and a Replat Tract E of Brownfield Subdivision 2nd Plat", Champaign County, Illinois, as per plat recorded February 14, 1996, in Plat Book "CC" at page 154 as Document No. 1996R03310.

Said annexation containing 14,422.80 S.F. (0.331 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 the Somerset Drive right-of-way, not previously annexed to the City of Urbana, lying adjacent to the herein annexed tract, being sixty feet (60') in width and encompassing 120.000 S.F. (0.0028 acres), more or less.

The above described territory is more commonly known as 2702 Somerset Drive, Urbana, Illinois, and referenced by the Champaign County Parcel Index Number 30-21-03-126-017.

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.

Section 3. That the City Clerk be authorized and directed to file, for record, a certified copy of this Ordinance together with an accurate map of the territory hereinabove described 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-1, Single-Family Residential.

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

Section 7. To avoid uncertainty regarding public safety responsibilities concerning the property herein annexed, this Ordinance shall take effect at noon on the 1st day of March 2012 following its passage by the Urbana City Council.

PASSED by the Urbana Corporate Authorities this _____ day of _____, 2012.

AYES:

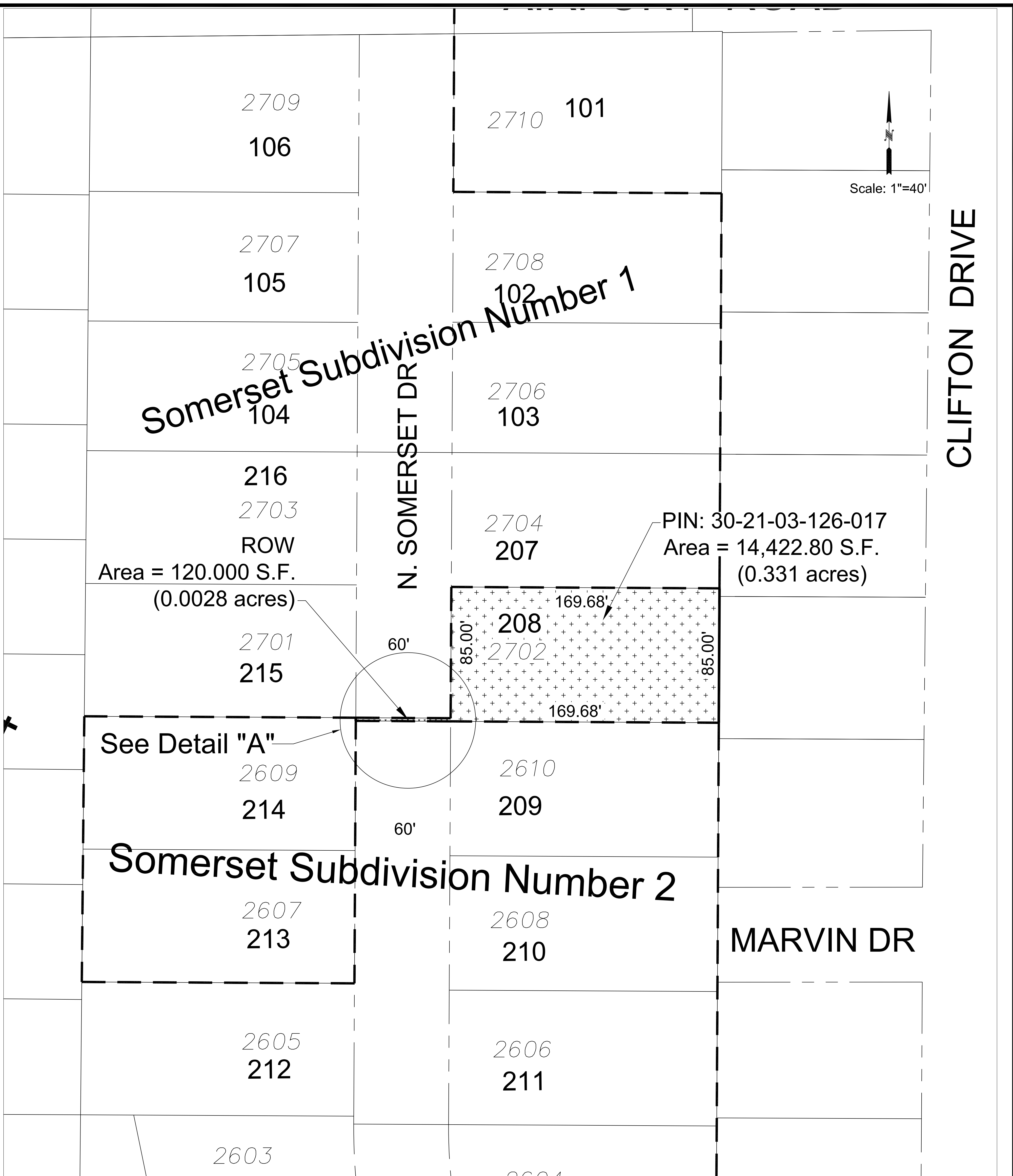
NAYS:

ABSTAINS:

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this _____ day of _____,
2012.

Laurel Lunt Prussing, Mayor



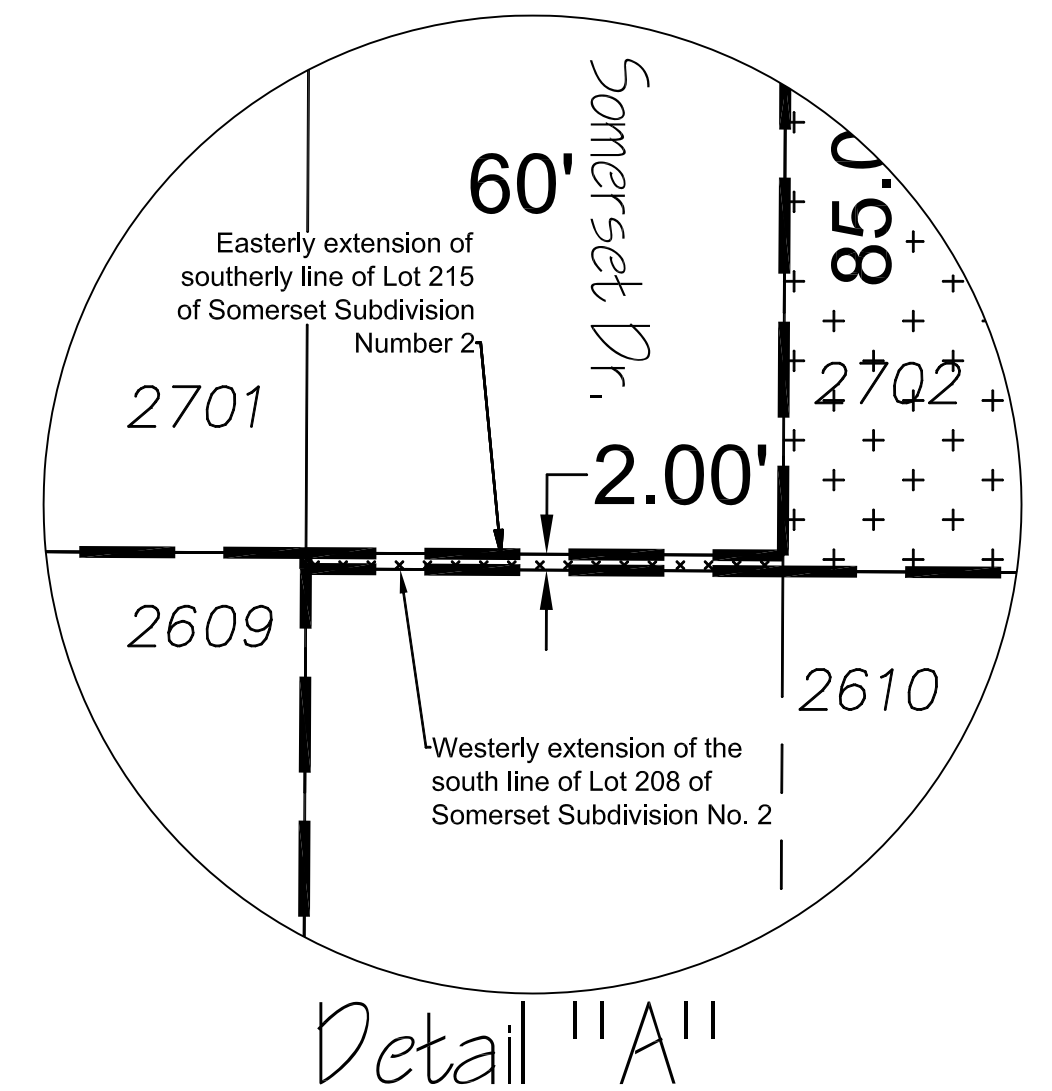
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MAP SHOWING AREA ANNEXED BY CITY ORDINANCE #2012-XX-XXX
 CITY OF URBANA, CHAMPAIGN COUNTY, ILLINOIS
 DATE: February XX, 2012

AREA OF ANNEXATION	++++
EXISTING CITY LIMITS	----
NEW CITY LIMITS	----
RIGHT OF WAY LINE	----
PROPERTY ADDRESS	2702
LOT NUMBER	416

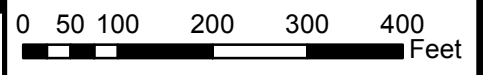
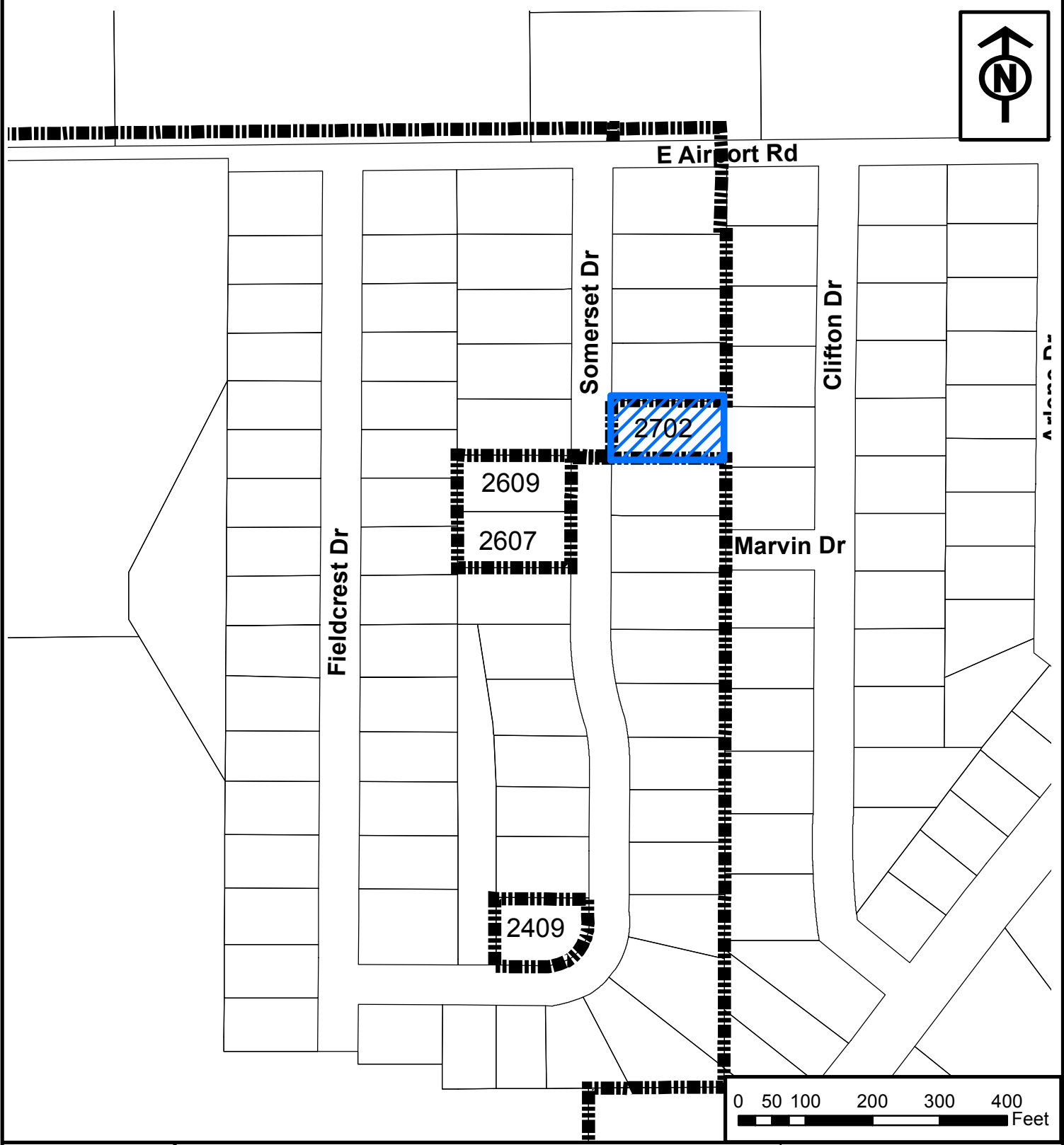
ENGINEERING DIVISION





CITY ENGINEER/PUBLIC WORKS DIRECTOR

DRAWN BY: B.W.F. 2/07/2012
 CHECKED: W.R.G. 2/08/2012

Exhibit A: Location Map



Petitioner: Victor & Laura Christman
Location: 2702 Somerset Dr
PIN No.: 30-21-03-126-017

-  Urbana City Limits
-  Subject Property

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

The Petitioners, **VICTOR AARON CHRISTMAN** and **LAURA J. CHRISTMAN**, respectfully states under oath:

1. Petitioners are the sole owners of record of the following legally described tract of land, except any public right-of-way property to wit:

Lot 208 in Somerset Subdivision No. 2, as per Plat recorded in Plat Book "CC" at Page 154, situated in Champaign County, Illinois.

Parcel No. 30-21-03-126-017
Address: 2702 Somerset Drive

2. Said Tract is not situated within the corporate limits of any municipality, but together with other tracts is contiguous to the City of Urbana, Illinois at the time of annexation.
3. At least fifty-one percent (51%) of all electors (registered voters) residing in said Tract have signed this petition.

PETITIONER RESPECTFULLY REQUEST:

1. That said Tract described above herein be annexed to the City of Urbana, Illinois 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 agreements passed by the Urbana City Council on July 18, 1994 as Ordinance No. 9495-8 and July 17, 2006 as Ordinance No. 2006-07-085 and approved by the Mayor of the City of Urbana.

Dated this _____ day of _____, 2011.

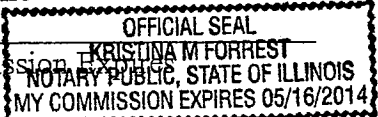
PETITIONERS:

Victor A. Christman
Victor Aaron Christman

9-06-2011
Date

Subscribed and sworn to before me this 9th day of September, 2011.

Kristina M Forrest
Notary Public

My Commission Expires _____


Laura J. Christman

Date

Subscribed and sworn to before me this _____ day of _____, 2011.

Notary Public

My Commission Expires

ELECTORS:

The undersigned, being electors (registered voters) residing in said Tract, respectfully state under oath:

1. I am currently registered to vote in Champaign County, Illinois and currently reside at said Tract.
2. I have read and understand the petition to annex said tract and hereby and herewith join in the petition for annexation of said Tract to the City of Urbana.

PRINTED NAME

SIGNATURE

1. _____
 2. _____
 3. _____
 4. _____

COUNTY OF CHAMPAIGN)
) SS
 STATE OF ILLINOIS)

I, _____, Notary Public in the aforesaid County and State, do hereby certify that each of the persons who signed this petition personally appeared before me and acknowledged that they signed the said petition as their free and voluntary act for the uses and purposes set forth therein.

Notary Public

My Commission Expires

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Dated this 22 day of December, 2011.

PETITIONER:

NA

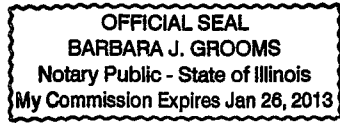
Victor Aaron Christman
Laura J. Christman

Laura J. Christman

Date
12/22/11

Date

Subscribed and sworn to before me this 22nd day of December, 2011.



Barbara J. Grooms
Notary Public
1/26/2013
My Commission Expires

ELECTORS:

The undersigned, being electors (registered voters) residing in said Tract, respectfully state under oath:

1. I am currently registered to vote in Champaign County, Illinois and currently reside at said Tract.
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PRINTED NAME

SIGNATURE

1. _____	_____
2. _____	_____
3. _____	_____
4. _____	_____

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) SS
 STATE OF ILLINOIS)

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Notary Public

My Commission Expires