

ORDINANCE NO. 9293-29

AN ORDINANCE AMENDING THE URBANA CITY CODE,
BY THE ADDITION OF ARTICLE III TO CHAPTER 18
(PLANNING)

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

Section 1. That Chapter 18 "Planning" of the Code of Ordinances, City of Urbana, Illinois, is hereby amended to add a new Article III to read as follows:

**Article III. Disconnection of Territory
from the City**

Sections 18-22 - 18-35. Reserved.

Section 18-36. Division 3 of Article 7 of the Illinois Municipal Code superseded.

The provisions of this Article shall supersede the disconnection provisions of Division 3 of Article 7 of the Illinois Municipal Code, Ill.Rev.Stat., 1991, Ch. 24, Par. 7-3-1, et seq., as now or hereafter amended and the provisions of this Article shall be the exclusive means by which property may be disconnected from the City of Urbana. No territory shall be disconnected from the City unless the conditions set forth in this Article are met.

Section 18-37. Disconnection by City Council - Procedure

Any territory within the City, which is upon the border but ~~within~~ the boundary of the City may be disconnected from the City, in the discretion of the City Council as follows:

A written petition, signed by owners of record representing a majority of the area of land in such territory, shall be filed with the City Clerk, requesting that the specified territory be disconnected from the City of Urbana. The petition shall be filed at least twenty-eight (28) days before it is considered by the City Council. The petition shall be accompanied with the certificate of the Champaign County Clerk, showing that all City taxes or assessments due up to the time of presenting the petition are fully paid. The City Council, in their discretion, may disconnect the territory from the municipality, by an ordinance passed by a majority of the members elected to the City Council.

Section 18-38. Definitions.

- (a) For purposes of this Article, the following terms when used in this Article shall have the meanings ascribed in this Section.
- (b) "Isolation" means any parcel will be more difficult for the City to serve solely by means of infrastructure located in the City, or any parcel will become non-contiguous to the City by reason of the disconnection. Service to be considered includes but is not limited to police; fire; sanitary sewers; storm sewer and drainage; street maintenance, including but not limited to snow and ice removal, pedestrian sidewalk system and public street system.
- (c) "Unreasonably disrupted" and "substantially disrupted" means:
 - (i) that City services cannot reasonably be provided to any area without additional cost to the City, or
 - (ii) that the distance from the City's boundaries to another parcel will increase by more than five hundred (500) feet due to the disconnection, or
 - (iii) that the future ability of property in or within one and one-half (1-1/2) miles of the City to receive urban services from the City or to annex to the City will likely be impeded or delayed or
 - (iv) that any plan for any municipal services, which has relied on the inclusion of the territory within municipal boundaries, has been rendered less effective or less efficient.
- (d) "Urban Area" means any subdivision or tract of land or area which is so developed that at least fifty-one percent (51%) of the total number of lots or tracts are not used for farm purposes; and the lots used for residential purposes are less than five (5) acres in size.

- (e) "Planned Municipal Services" means services for which preliminary engineering design has been completed and construction of the service is budgeted in the City's capital improvement budget to occur within five (5) years and the City Council certifies that it will use its best efforts to commence construction of such service within five (5) years; or final engineering or construction of the service is budgeted to commence within the same year as the petition is filed.

Section 18-39. Disconnection by Court Order - Factors to Consider

- (a) Should a court of final jurisdiction rule that Section 18-36 or Section 18-37 of this Code do not prevent the court from authorizing disconnection of property from the City or a court rule upon a petition to disconnect pursuant to Section 7-3-6 of the Illinois Municipal Code, Ill.Rev.Stat., Ch. 24, par. 7-3-6, then the court shall find the factors listed in subparagraph (b) of this Section and the definitions in Section 18-38 to be proved in deciding whether to grant the petition to disconnect.
- (b) Only if a court rules upon a petition to disconnect pursuant to Section 7-3-6 of the Illinois Municipal Code, Ill.Rev.Stat., Ch. 24, par. 7-3-6, despite the provisions of Sections 18-36 and 18-37, as provided herein, then the owner or owners of record of any area of land consisting of one or more tracts, lying within the corporate limits of the City may have such territory disconnected only if such territory:
- (1) contains twenty (20) or more acres;
 - (2) is located on the border of the municipality;
 - (3) if disconnected, will not result in the isolation of any part of the municipality from the remainder of the municipality;
 - (4) if disconnected, the growth prospects and plan and zoning ordinances, if any, of such municipality will not be unreasonably disrupted;

- (5) if disconnected, no substantial disruption will result to existing municipal service facilities, such as, but not limited to, sewer systems, street lighting, water mains, garbage collection, storm water drainage and drainage systems, street system, police protection, and fire protection;
- (6) if disconnected the municipality will not be unduly harmed through loss of tax revenue in the future;
- (7) if disconnected, will cause a diminution of the equalized assessed valuation of the City of less than one (1) percent;
- (8) the disconnection petition has been filed more than one (1) year after a denial of any request to the City for rezoning, special use or plan approval;
- (9) no public improvement has been constructed by a City special assessment proceeding, pursuant to the Local Improvement Act (Section 9-2-1 et seq. of the Illinois Municipal Code) benefitting any portion of the land to be disconnected;
- (10) no portion of the land to be disconnected has ever been included within any City Special Service Area created pursuant to Section 1301 et seq. of Chapter 120 of the Illinois Revised States;
- (11) no portion of the land to be disconnected has ever been included within any Tax Increment Financing District created by the City pursuant to Section 11-74.4-1 et seq. of the Illinois Municipal Code;
- (12) no Industrial Revenue Bonds have ever been issued by the City for the benefit of any portion of the land to be disconnected;
- (13) if disconnected, the owner or owners of record shall pay all required fees required of the property as if developed within that municipality prior to recording the plat of disconnection; and

(14) if disconnected, will not result in the isolation of any urban area from the City.

Section 18-40. Recording Ordinance.

A copy of the Ordinance disconnecting territory from the City, certified by the City Clerk shall, within ninety (90) days be filed for recordation in the Recorder's Office and with the Champaign County Clerk.

Section 2. All ordinances, resolutions or motions or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

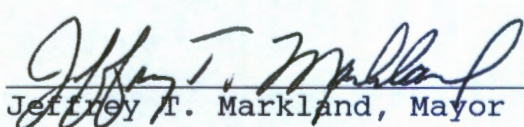
Section 3. This Ordinance shall be in full force and effect on December 1, 1992 and the City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities and in accordance with Section 1-2-4 of the Illinois Municipal Code.

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.

PASSED by the City Council this 5th day of October, 1992.

The seal of the City of Urbana, Illinois, is circular with the text "SEAL OF THE CITY OF URBANA, ILLINOIS" around the perimeter. In the center, it says "HONORABLE JAMES H. HARRIS" and "GENERAL" below it. The seal is partially obscured by the signature of Ruth S. Brookens.
Ruth S. Brookens
Ruth S. Brookens, City Clerk

APPROVED by the Mayor this 14th day of October, 1992.

A handwritten signature in blue ink, reading "Jeffrey T. Markland".
Jeffrey T. Markland
Jeffrey T. Markland, Mayor

CERTIFICATE OF PUBLICATION IN PAMPHLET FORM

I, Ruth S. Brookens, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois.

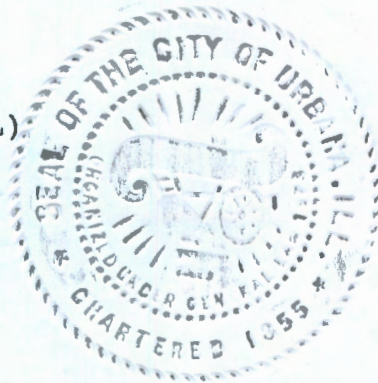
I certify that on the 5th day of October, 1992, the corporate authorities of the City of Urbana passed and approved Ordinance No. 9293-29, entitled An Ordinance Amending The Urbana City Code, By The Addition Of Article III To Chapter 18 (Planning)

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 9293-29 was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the 20th day of October, 1992, 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.

DATED at Urbana, Illinois, this 2nd day of November, 1992.

(SEAL)



Ruth S. Brookens
CITY CLERK