

AN ORDINANCE APPROVING A PRELIMINARY AND FINAL PLAT

REPLAT OF LOT 2 AND PART OF LOT 1 HARRY GILL SECOND SUBDIVISION

WHEREAS, American Software and Hardware Distributors, Inc. has submitted a Preliminary Plat and Final Plat of the Replat of Lot 2 and Part of Lot 1 Harry Gill Second Subdivision is in substantial conformance with the pertinent ordinances of the City of Urbana, Illinois; and

WHEREAS, the City Engineer has reviewed and approved the Preliminary Plat and Final Plat of the Replat of Lot 2 and Part of Lot 1 Harry Gill Second Subdivision; and

WHEREAS, the City Council previously approved a Replat of Lot 1 Harry Gill Second Subdivision by passing Ordinance No. 8889-73 on May 1, 1989; and

WHEREAS, said approval of the Replat of Lot 1 Harry Gill Second Subdivision lapsed and said replat became null and void; and

WHEREAS, the Preliminary Plat and Final Plat of the Replat of Lot 2 and Part of Lot 1 Harry Gill Second Subdivision complies with the City of Urbana's Comprehensive Plan, as amended; and

WHEREAS, the Urbana City Council finds that the request to waive the requirements of Sections 21-14 requiring the entire property of Lot 1 Harry Gill Second Subdivision be included in a subdivision plat and a deferral of the requirements of Section 21-37 to construct sidewalks on the north side of Anthony Drive adjacent to the subject subdivision are appropriate in accordance with the following criteria of Chapter 21 of the Urbana Code of Ordinances:

(1) Due to existing conditions, there are site specific difficulties in complying with these regulations. Lot 1 Harry Gill Second Subdivision has had a division of ownership that makes inclusion of the entire original lot impossible at this time. American Software and Hardware, Inc. is platting the remainder of the property under their control in compliance with the City of Urbana Code and Ordinances; and

(2) The granting of any waiver will not cause significant adverse effects on the public health, safety and welfare; and

(3) Sufficient evidence is shown to both the Plan Commission and the City Council that the waiver will benefit the public health, safety and welfare. No waivers or deferrals requested herein will negatively impact the public health, safety and welfare. The waiver will allow the majority of the property

to be properly platted and correct outstanding drainage and lot line problems.

(4) The proposed waivers support and foster implementation of the goals, objectives and policies represented in the Urbana Official Comprehensive Plan, as amended since it allows the further development of an site designated as industrial land use; and

(5) The proposed waivers are the minimum deviation from the requirements that will alleviate the difficulties; and

(6) The plight of the applicant is due to the peculiar circumstances not of the applicant's own making because the conveyance of portions of Lot 1 Harry Gill Second Subdivision took place prior to American Software and Hardware, Inc. acquiring the described portion of the property.

WHEREAS, in Plan Case No. 1510-S-93, the Urbana Plan Commission, on July 8, 1993, recommended approval of the Preliminary Plat and Final Plat of the Replat of Lot 2 and Part of Lot 1 Harry Gill Second Subdivision, including the requested deferral and waiver of the aforementioned requirements of Chapter 21 of the Code of Ordinances.

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

Section 1. The Preliminary Plat and Final Plat of the Replat of Lot 2 and Part of Lot 1 Harry Gill Second Subdivision as attached hereto as Exhibit A is approved as platted.

Section 2. The following requirements of Chapter 21 of the Urbana Code of Ordinances are hereby deferred or waived:

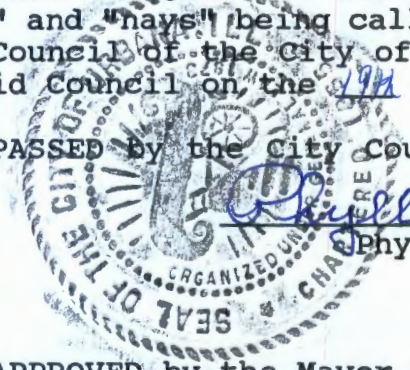
a. Waiver of the requirements of Sections 21-14 requiring the entire property of Lot 1 Harry Gill Second Subdivision be included in a subdivision plat.

b. Deferral of the requirements of Section 21-37 to construct sidewalks on the north side of Anthony Drive adjacent to the subject subdivision until the City of Urbana City Engineer requests such construction in writing. Said sidewalk construction will take place within ninety (90) days of such request or in conformance with arrangements satisfactory to the Urbana City Council.

Section 3. The Secretary of the Urbana Plan Commission is hereby directed to record said Final Plat with the Champaign County Recorder upon City Council approval of said Plat.

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called of a majority of the members of the City Council of the City of Urbana, Illinois at a regular meeting of said Council on the 19th day of July, 1993.

PASSED by the City Council on this 19th day July, 1993.



Phyllis D. Clark
Phyllis D. Clark, City Clerk

APPROVED by the Mayor the 29th day of July, 1993.

Tod Satterthwaite
Tod Satterthwaite, Mayor

1510.ord