

**An Ordinance Amending a Development Agreement
With Carle Foundation**

(Related to the Demolition and Replacement of a Structure at 809 North Orchard Street, and the Addition of Properties at 701 and 703 North Orchard Street to the Medical Institutional Campus Zoning District for Purposes of Development as a Proposed Guest House for Patient Families/Support Members)

WHEREAS, the City of Urbana and Carle Foundation entered into a Development Agreement which was adopted on December 4, 1995 under Ordinance 9596-49; and

WHEREAS, Carle desires to demolish the residential structure located at 809 North Orchard Street and replace said residential structure with a new residential structure of like kind; and

WHEREAS, Carle desires to add 701 and 703 North Orchard Street to the Medical Institutional Campus Zoning District as provided in Exhibit B of the Development Agreement for use as a guest house for patient families/support members.

WHEREAS, the requested Amendment to the Development Agreement is consistent with the Carle Master Plan including the designation of the subject site within the 5-15 Year Potential Expansion Plan; and

WHEREAS, the City finds the requested Amendment generally reflects the goals, objectives and policies set forth in the 1982 Urbana Comprehensive Plan, as amended from time to time.

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

Section 1. That an Amendment to the Development Agreement by and between the City of Urbana and Carle Foundation, in the form of the copy of said Amendment to the Development Agreement attached hereto and hereby incorporated by reference, be and the same is hereby authorized and approved.

Section 2. That the Mayor of the City of Urbana, Illinois, be and the same is hereby authorized to execute and deliver and the City Clerk of the City of Urbana, Illinois, be and the same is authorized to attest to said execution of said Amendment to the Development Agreement as so authorized and approved for and on behalf of the City of Urbana, Illinois.

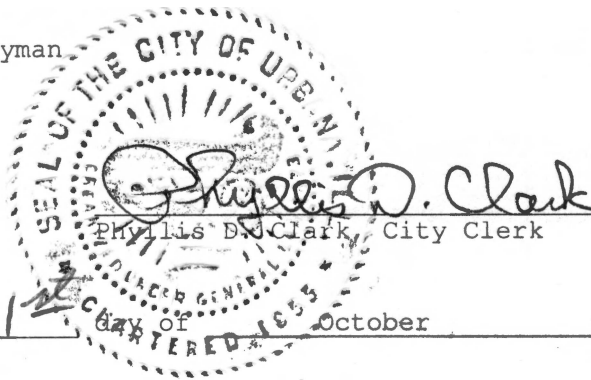
PASSED by the City Council this day of October

2001

AYES: Hayes, Otto, Patt, Whelan

NAYS: Chynoweth, Huth, Wyman

ABSTAINS:



APPROVED by the Mayor this day of October

2001



Tod Satterthwaite, Mayor

AMENDMENT TO DEVELOPMENT AGREEMENT

This Amendment to the Development Agreement dated the 12th day of January, 1996, hereinafter referred to as "Development Agreement", by and between the City of Urbana, an Illinois home-rule municipality, in Champaign County, Illinois (hereinafter referred to as the "City" or "Corporate Authorities", and Carle Foundation (hereinafter referred to as the "Carle", is dated this 31st day of October, 2001.

RECITALS

WHEREAS, the City and Carle entered into a Development Agreement dated the 12th day of January, 1996.

WHEREAS, the Development Agreement restricts the development of certain real estate owned by Carle.

WHEREAS, Carle owns the residential structure located at 809 N. Orchard and owned said residential structure as of the effective date of the Development Agreement.

WHEREAS, the residential structure located at 809 N. Orchard is no longer habitable and should be demolished.

WHEREAS, Carle desires to demolish the residential structure located at 809 N. Orchard and replace said residential structure with a new residential structure of like kind.

WHEREAS, Carle, under Section 3.8 of the Development Agreement agrees not to demolish any residential structure owned by Carle as of the effective date of the Development Agreement lying between the North right of way line of Church Street on the South, Fairview Avenue on the North, Orchard Street on the East and Lincoln Avenue on the West, except those listed in Exhibit G or upon Amendment to the Development Agreement.

WHEREAS, 809 N. Orchard lies within the area described above and is not a residential structure listed on Exhibit G.

WHEREAS, Carle, under Section 3.8.1 of the Development Agreement agrees that any re-use of the property after demolition must be approved by an amendment to the Development Agreement, the Urbana Zoning Ordinance and the Urbana Comprehensive Plan.

WHEREAS, Section 3.8.1 is not applicable since the use shall continue as residential.

WHEREAS, Carle desires to add two properties located north of Church Street on the west side of Orchard Street, to the Medical Institutional Campus Zoning District as provided in Exhibit B of the Development Agreement for use as a guest house for patient families/support members.

NOW, THEREFORE, for and in consideration of the mutual covenants and agreements contained herein, the City and Carle hereby agree as follows:

ARTICLE I

DEMOLITION AND REPLACEMENT OF RESIDENTIAL STRUCTURE AT

809 N. ORCHARD

1.1 The parties agree that Carle shall demolish the residential structure located at 809 N. Orchard as said structure is no longer habitable, and replace said structure with a 2 or 3 bedroom "visitable" home between 1,000-1,200 sq/ft in size in keeping with the character and scale of the local neighborhood. Further the rent for the home will be maintained within the average for 2 or 3 bedroom homes currently rented by Carle.

1.2 The parties further agree that Section 3.8.1 is not applicable since the use shall continue as residential.

ARTICLE II

ADDITION OF PROPERTIES TO MEDICAL INSTITUTIONAL

CAMPUS ZONING DISTRICT

2.1 The parties hereby add to the Medical Institutional Campus Zoning District the properties commonly known as 701 and 703 N. Orchard Street, legally described as follows: Lots 1 and 2 in M. W. & G. W. Busey's Subdivision of Lot B, situated in the City of Urbana, Champaign County, Illinois. The properties at 701 and 703 N. Orchard Street will be developed for a guest house for patient families/support members as defined under the Medical Institutional Campus Zoning District provisions.

2.2 The guest house is intended to be operated as a charitable service with funding to be provided on a voluntary donation and grants basis. Should said guest house convert at any time to a user charge basis, Carle agrees that said use shall pay all applicable taxes, including local hotel/motel and real estate taxes.

ARTICLE III

STABILIZATION OF EAV

3.1 Payment of taxes for specific properties within the "Stable EAV Area", as defined in Section 3.5 of the Development Agreement, and under the terms of said section, shall be adjusted on an annual basis to reflect the increment of change in EAV within the "Stable EAV Area" as a whole as calculated for that year.

ARTICLE IV

NEIGHBORHOOD INPUT TO PROPOSED AMENDMENTS

4.1 Neighborhood Input to Proposed Amendments. The City's Community Development Services Department will establish a planning task force with interested neighbors and Carle to review proposed amendment plans and options as they arise. City Council members or other officials or interested parties may participate as well. The task force may meet prior to and/or during the 45-day notice period specified by the Agreement. Frequency of meetings will be based on mutual consent, with City staff providing support to the task force. All parties in the meetings will work collaboratively.

IN WITNESS WHEREOF, the City and Carle have caused this Agreement to be executed by their duly authorized officers as of the date set forth above.

CITY OF URBANA, ILLINOIS

By: Tal Sattellhwaite
Mayor
Date: 10/31/01

Attest:

Russell D. Clark
City Clerk
Date: 10/31/01

CARLE FOUNDATION

By: James C. Paul
Its: CEO - Pres. Ct
Date: 10/31/01

Attest:

John M. Snyder
Date: 10/31/01