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CHAMPAIGN COUNTY

RECORDER

BARBARA A. FRASCA

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RHSPS Fee:

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**Recording Cover Sheet**

ORDINANCE NO. 2005-09-140

AN ORDINANCE REQUIRING PAYMENT OF A STORMWATER DRAINAGE CONNECTION FEE RELATING TO A CERTAIN TRACT (PIN 91-21-06-426-004 and 91-21-06-426-009 / MARATHON TRACT)

Prepared for recording by:

Deborah J. Roberts, Deputy City Clerk

400 S. Vine Street, Urbana, IL 61801

Return to:

Phyllis D. Clark, City Clerk  
City of Urbana  
400 S. Vine Street  
Urbana, IL 61801

ORDINANCE NO. 2005-09-140

**FILED**  
OCT 28 2005  
*Mark Sheldon*  
CHAMPAIGN COUNTY CLERK

**AN ORDINANCE REQUIRING PAYMENT OF A STORMWATER DRAINAGE  
CONNECTION FEE RELATING TO A CERTAIN TRACT**

(PIN 91-21-06-426-004 and 91-21-06-426-009 / Marathon Tract)

WHEREAS, for a number of years, although the area encompassed by Bradley Avenue, Lincoln Avenue, Interstate 74, and the city limits of the City of Champaign seemed to be a desirable location for development, the area had not been developed in part because of drainage problems that required a "regional" solution; and

WHEREAS, on September 19, 1996, the City of Urbana received from Berns & Clancy, Engineers, a report outlining an approach towards solving the drainage problem in the area to address the needs of anticipated commercial and residential development which was about to occur in the encompassed area, and which plan would provide for the accommodation of other future developments respecting storm water drainage, including the tract owned by the Marathon Oil Company (hereinafter simply "Marathon Tract"); and

WHEREAS, thereafter, the City and the State of Illinois entered into an agreement which was approved by the Urbana City Council, providing for the City to construct a stormwater detention basin to serve the stormwater drainage needs of the Tawney Tract, and which agreement provided for the detention basin (hereinafter simply "Goodwin Avenue Detention Basin"), to be placed on state-owned right-of-way, thereby relieving the owners of the properties benefited of the need to utilize otherwise valuable property for stormwater detention; and

WHEREAS, in conjunction with the development and construction of the Goodwin Avenue Detention Basin, the City also approved a plan wherein the costs of the said basin were allocated and distributed among the landowners

of the sub-water sheds tributary to the stormwater detention basin in such a manner that the amount of each share was based upon the volume of stormwater runoff contributed by a particular tract (fully developed in accordance with permitted zoning) to be stored in the detention basin; and

WHEREAS, on the 19th day of December, 1994, the City entered into a development agreement with A. G. Venture, Inc. (Holiday Inn), which agreement provided (among other matters) for the portion of the Tawney Tract to be occupied by the Holiday Inn development to utilize the Goodwin Avenue Detention Basin to be constructed to serve the drainage needs of the Holiday Inn tract; and

WHEREAS, on the 12th day of August, 1996, the City of Urbana entered into a development agreement with Integroup Inc., which agreement provided (among other matters) for the utilization of the Goodwin Avenue Detention Basin to serve the stormwater drainage needs of that portion of the Tawney Tract which had been purchased by Integroup Inc., and upon which they had planned extensive development; and

WHEREAS, the said detention basin has been constructed and was fully functional by the 26th day of November, 1997, at a total cost of Six Hundred Sixty-Seven Thousand Fifty-Seven Dollars (\$667,057.00); and

WHEREAS, the owners of all parcels reasonably expected to be benefited by the detention basin improvement were all provided information and consulted at all times, including the owners of the Marathon tract; and

WHEREAS, the owners of all the tracts benefited by the construction of the stormwater detention pond have either paid their proportionate share as calculated or have entered into an agreement with the City to pay their proportionate share as calculated and determined, excepting only the tracts legally described as:

**Existing Marathon Station Site (91-21-06-426-004)**

Being a parcel of land situated in Southeast 1/4 of Section 6, Township 19 North, Range 9 East of the Third Principal Meridian, County of Champaign, State of Illinois and being more particularly described as follows:

Commencing at the Southeast corner of Section 6, then on and along the centerline of Lincoln Avenue (East line of said Section 6), a distance of 1441.15 feet to a point;

Then at a right angle to and 33.0 feet West of said line to the West right-of-way line of Lincoln Avenue and the "True Point of Beginning" for the land herein described:

Thence North on and along the said West right-of-way line, a distance of 195.00 feet to a point;

Thence West with an internal angle of  $90^{\circ} 00'00''$ , a distance of 185.00 feet to a point;

Thence South with an internal angle of  $90^{\circ} 00'00''$  and being parallel to the East line of said Section 6, a distance of 195.00 feet to a point;

Thence East with an internal angle of  $90^{\circ} 00'00''$ , a distance of 185.00 feet to the point of beginning. Containing 0.8282 acres more or less.

excepting the following tract which is conveyed to IDOT April 4, 1989:

A parcel of land in the East Half of the Southeast Quarter of Section 6, Township 19 North, Range 9 East of the Third Principal Meridian lying West of Lincoln Avenue in Champaign County, Illinois, described as follows:

Commencing at the Southeast corner of the Southeast Quarter of said Section 6; thence North 0 degrees 00 minutes 48 seconds West along the East line of said Southeast Quarter 1441.14 feet; thence Westerly along a line perpendicular to said East line 33.00 feet to the place of beginning; thence South 89 degrees 57 minutes 39 seconds West along the South property line 7.00 feet; thence North 0 degrees 00 minutes 48 seconds West along a line 40.00 feet West of and parallel to said East line 69.18 feet; thence North 89 degrees 59 minutes 12 seconds East along a line perpendicular to said East line 4.00 feet; thence North 00 degrees 00 minutes 48 seconds West along a line 36.00 feet West of and parallel to said East line 50.00 feet; thence South 89 degrees 59 minutes 12 seconds West along a line perpendicular to said East line 4.31 feet; thence

North 3 degrees 33 minutes 12 seconds West 75.97 feet to a point on the North property line 45.00 feet West of said East line; thence North 89 degrees 57 minutes 39 seconds East along said North property line 12.00 feet to a point on the existing West right-of-way line of Lincoln Avenue; thence South 00 degrees 00 minutes 48 seconds East along said existing right-of-way line, which is 33.00 feet West of and parallel to said East line, 195.00 feet to the place of beginning, containing 0.031 acres, more or less.

and

**Marathon Tract (91-21-06-426-009)**

Part of the Southeast Quarter of Section 6, Township 19 North, Range 9 East of the Third Principal Meridian, City of Urbana, County of Champaign, State of Illinois and being more particularly described as follows:

Commencing at an Illinois Department of Transportation brass survey monument found at the Southeast corner of said Section 6, thence upon the east line of said Section 6, N 00°00'48" W a distance of 1241.15 feet; thence S 89°57'39" W a distance of 40.00 feet to an iron pin survey monument found on the western right-of-way line of Lincoln Avenue and being the "TRUE POINT OF BEGINNING".

Thence continuing S 89°57'39" W a distance of 392.74 feet (per deed 392.85 calc.) to an iron pipe survey monument.

Thence N 00°01'57" E a distance of 563.63 feet (per deed 563.77 calc.) to an iron pipe survey monument set on the southern right-of-way of Killarney Street.

Thence upon said southern right-of-way N 89°59'12" E a distance of 377.40 feet to a point being the intersection with the western right-of-way line of Lincoln Avenue.

Thence upon said western right-of-way line S 03°24'28" E a distance of 168.89 feet to a point being the intersection with the north line of a parcel being now or formerly owned by Emro Marketing Company.

Thence upon the north line of said parcel S 89°57'39" W a distance of 173.00 feet.

Thence upon the west line of said parcel S 00°00'48" E a distance of 195.00 feet.

Thence upon the south line of said parcel N 89°57'39" E a distance of 178.00 feet to a point being the

intersection with the western right-of-way line of  
Lincoln. Avenue.  
Thence upon said western right-of-way line S  
00°00'48" E a distance of 200.00 feet to the point of  
beginning and containing 4.245 acres, more or less.

WHEREAS, due to the planning for the area, the Marathon Tract is greatly benefited in that the stormwater runoff for the Marathon Tract can be accommodated in the Goodwin Avenue Detention Basin, and thus would allow the entire Marathon Tract to be fully utilized for improvements rather than storage of stormwater, thereby making the tract more valuable.

NOW THEREFORE, BE IT ORDAINED BY THE URBANA CITY COUNCIL that:

Section 1. The City Council, being fully familiar with all of the aforementioned recitals, finds that all factual matters recited in the preamble to this ordinance are in fact true and correct and make such a part of this ordinance as a legislative finding.

Section 2. Unless and until the sum of Seventy-Four Thousand Three Hundred Sixty-Two Dollars (\$74,362.00) plus simple interest at five percent (5%), calculated from the date this ordinance is approved by the Mayor, is paid to the City, no stormwater drainage connection shall be permitted to outlet stormwaters from the above-described "Marathon tract" to the Goodwin Avenue Detention Basin.

Section 3. The City Clerk is directed to record a certified copy of this ordinance and to mail a certified copy of this ordinance to the person who last paid the general taxes on the subject property.

Section 4. Recording of a receipt signed by the City Clerk indicating payment of the amount due under this ordinance to the City, shall be conclusive evidence that the condition set forth in Section 2 of this ordinance has been satisfied.

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called, of a majority of the members of the Urbana City Council then holding office at a regularly scheduled meeting of said Council.

PASSED by the City Council this 3rd day of October,  
2005 .

AYES: Barnes, Bowersox, Chynoweth, Lewis, Roberts, Smyth, Stevenson

NAYS:

ABSTAINS:

APPROVED by the Mayor this 14th day of October,

2005 .

