

**AN ORDINANCE APPROVING TWO AGREEMENTS
WITH DRAINAGE DISTRICT NO. 3 OF THE TOWN OF ST. JOSEPH
REGARDING DETACHMENT OF AREAS FROM THE DRAINAGE DISTRICT**

WHEREAS, to better coordinate efforts and promote efficient maintenance of the storm water drainage system, it is desirable that the City of Urbana (hereafter "Urbana"), and the Drainage District No. 3 of the Town of St. Joseph (hereafter "Drainage District"), agree to an orderly and expeditious method of detaching from the Drainage District lands that are now or later become part of Urbana; and

WHEREAS, through legislation recently enacted, the parties can, pursuant to a Master Agreement approved by the court, enter into a Master Agreement to provide for future detachments without further court proceedings; and

WHEREAS, Urbana and the Drainage District have developed such a Master Agreement to be submitted to the Circuit Court of Champaign County and if approved by the Court, followed by a second agreement to implement such with respect to specific lands.

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

Section 1. That the attached agreement entitled "A Master Agreement Providing for the Automatic Detachment of Parcels in the Drainage District No. 3 in the Town of St. Joseph" hereafter simply "Master Agreement", attached hereto as Exhibit A, is hereby approved and the Mayor is authorized to execute it and the City Clerk attest to the passage and approval of the agreement.

Section 2. That the agreement entitled "An Intergovernmental Agreement Regarding the Detachment Of Certain Lands Drainage District No. 3 In The Town Of St. Joseph and The City of Urbana" (hereafter "Intergovernmental

Agreement"), attached as Exhibit B, is hereby approved and the Mayor is authorized to execute it and the City Clerk attest to the passage and approval of the agreement, however the agreement shall not be effective unless and until the Master Agreement is approved by the Circuit Court of Champaign county.

Section 3. The City Clerk is directed to send to the Attorneys for the Drainage District, Balbach & Fehr, 102 East Main Street, Suite 301, P.O. Box 217, Urbana, Illinois 61803-0217, a certified copy of this agreement bearing original signatures of the Mayor and City Clerk for use in submitting a petition for approval of the Master Agreement by the Court.

Section 4. This Ordinance takes effect immediately upon passage and approval by the Mayor.

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 meeting of said Council.

PASSED by the City Council this 15th day of September
2008

AYES: Barnes, Bowersox, ~~Henry~~, Roberts, Smyth, Stevenson

NAYS:

ABSTAINS:



Philip D. Clark
Philip D. Clark, City Clerk

Robert
Robert, Deputy Clerk

APPROVED by the Mayor this 25th day of September,

2008

Laurel Lunt Prussing
Laurel Lunt Prussing, Mayor

A MASTER AGREEMENT PROVIDING FOR THE AUTOMATIC DETACHMENT OF PARCELS IN THE DRAINAGE DISTRICT NO. 3 IN THE TOWN OF ST. JOSEPH

WHEREAS, the City of Urbana (hereinafter sometimes "City") and Drainage District No. 3 in the Town of St. Joseph (hereinafter sometimes "Drainage District") recognize that, as the City grows and includes within its corporate limits properties that lie within the Drainage District, it is increasingly difficult to coordinate plans for maintenance and capital improvements for storm drainage in those areas that are both in the City and in the Drainage District. In the interest of efficiency in government, the parties recognize that they need to agree to address these concerns in a mutually beneficial manner; and

WHEREAS, those areas that have been subdivided and developed into urbanized areas should be detached from the Drainage District, and all storm water drains, tiles, pipes, structures, storm sewers, ditches and other drainage facilities of the Drainage District in those areas should be owned, managed, operated and maintained by the City; and

WHEREAS, Section 5/11-15.2-1 of the Illinois Municipal Code provides for the parties to enter into an agreement to provide for the automatic detachment of land that is annexed to a municipality upon approval by the court of an agreement such as this.

NOW THEREFORE, FOR AND IN CONSIDERATION OF THE MUTUAL PROMISES HEREIN SET FORTH, the parties agree as follows:

1. Upon the parties' agreeing in writing as to specifically described parcels of real estate, payments due to each of the parties for (1) outlet fees, as provided for herein, and (2) the amount, if any, of unrestricted maintenance funds be transferred to the municipality to reimburse the municipality for deferred maintenance, then the parties shall execute the certificate described in Section 5/11-15.2-1 and cause the same to be filed with the County Clerk and the Drainage District Clerk.

2. It is agreed that, as to such parcels proposed to be disconnected, the parties shall make a specific agreement in accordance with the following: the City and the Drainage District agree to the payment to the Drainage District by the municipality of 40% of the amount of the Drainage District

7. As part of the agreement regarding the detachment of certain specified areas, the parties shall consider whether any unrestricted maintenance funds should be transferred to the municipality to compensate the municipality for any deferred maintenance on the Drainage District facilities transferred pertaining to such detached tract.

DRAINAGE DISTRICT NO. 3 OF THE
THE TOWN OF ST. JOSEPH, CHAMPAIGN
COUNTY, ILLINOIS

CITY OF URBANA, ILLINOIS

By: *C. M. Daly*
Commissioner

Dated: 9/3/08

By: *Alfred A. Eary*
Commissioner

Dated: 9/3/08

By: *Milard E. Hartz*
Commissioner

Dated: 9-3-08

By: *James P. ...*
Mayor
Dated: 9/19/08

ATTEST

Phyllis M. Clark
City Clerk
Michael J. ...
Deputy Clerk