

**ORDINANCE NO. 2017-10-062**

**AN ORDINANCE APPROVING A SUBDIVISION ORDINANCE  
WAIVER REGARDING STORMWATER MANAGEMENT**

**(407 North Maple Street / Plan Case No. 2319-S-17)**

**WHEREAS**, the Urbana City Council approved the Final Plat for Carter's First Subdivision on March 15, 1993, in Plan Case 1490-S-92 under Ordinance No. 9293-90; and

**WHEREAS**, Section 21-42 of the Urbana Subdivision and Land Development Code requires new non-residential developments with increases in impervious surfaces of a certain size to submit a stormwater management plan that details how the property will facilitate drainage; and

**WHEREAS**, the applicant, MBR Management Corporation, is requesting a waiver of Sections 21-42.B.1.b and 21-42.B.5.b of the Urbana Subdivision and Land Development Code which require a stormwater management plan and a stormwater runoff release rate after development for a 50-year storm event to not exceed the five-year storm release rate of the site prior to development; and

**WHEREAS**, the applicant is requesting permission to provide drainage directly into the Boneyard Creek; and

**WHEREAS**, the requested waiver would not harm other nearby properties or negatively impact the public health, safety, and welfare, and meets the waiver criteria in Section 21-7 of the Urbana Subdivision and Land Development Code; and

**WHEREAS**, the Urbana Plan Commission met on October 5, 2017, to consider the requested waiver and voted with 7 ayes and 0 nays to recommend that the Urbana City Council approve the waiver of the requirements in Sections 21-42.B.1.b and 21-42.B.5.b of the Urbana Subdivision and Land Development Code with one condition; and

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Urbana, Illinois, as follows:

**Section 1.** In Plan Case Plan Case 2319-S-17, MBR Management Corporation requests a waiver for Urbana Subdivision and Land Development Code requirements in Sections 21-42.B.1.b and 21-42.B.5.b, is hereby approved in the manner proposed in the application and subject to the following condition:

- The storm drainage plan for the site is designed to convey a fifty-year design storm directly to the Boneyard Creek.

The waiver described above shall only apply to the property located at 407 North Maple Street, more particularly described as follows:

Legal Description:

ALL THAT PART OF LOT 7 OF A SUBDIVISION OF THE ESTATE OF WILLIAM T. WEBBER, DECEASED, AS SHOWN BY PLAT APPEARING OF RECORD IN LETTER BOOK "A", PAGE 244 IN THE RECORDER'S OFFICE OF CHAMPAIGN COUNTY, ILLINOIS, LYING SOUTH OF THE GRAVEL ROAD DESCRIBED IN THE DEED RECORDED IN DEED RECORD 186 AT PAGE 369, AND NORTH OF THE RIGHT-OF-WAY OF THE PEORIA AND EASTERN RAILWAY COMPANY (SUCCESSOR IN INTEREST TO THE INDIANAPOLIS, BLOOMING AND WESTERN RAILWAY COMPANY, GRANTEE IN A DEED RECORDED IN DEED RECORD 32 AT PAGE 565) AND EAST OF THE TRACT CONVEYED BY ELIZABETH BARR TO THE PEOPLE OF THE STATE OF ILLINOIS BY THE RIGHT-OF-WAY DEED DATED NOVEMBER 18,1932 FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF DEEDS OF CHAMPAIGN COUNTY, ILLINOIS.

AS SET FORT IN WARRANTY DEED, DATED OCTOBER 6, 1952 AND FILED FOR RECORD OCTOBER 22, 1952 IN BOOK 455, PAGE 339 OF THE RECORDS OF CHAMPAIGN COUNTY, ILLINOIS.

OTHERWISE DESCRIBED AS A RESULT OF A SURVEY PERFORMED BY M.H. KINCH ON NOVEMBER 17, 1952 AS: BEGINNING AT A PONT 100 FEET EAST OF THE CENTERLINE OF VINE STREET AND 50 FEET NORTH OF THE CENTERLINE OF THE NEW YORK CENTRAL RIGHT-OF-WAY; THENCE 226.0 FEET NORTH; THENCE AT AN ANGLE OF 03°2' FOR A CHORD DISTANCE OF 116.5 FEET (CURVE RADIUS EQUAL 1,000 FEET); THENCE EASTERLY AT AN ANGLE OF 103°15' FOR A DISTNACE OF 623.8 FEET; THENCE SOUTHERLY AT 79.08°8' FOR 494.9 FEET; THENCE WESTERLY AT 86°46' FOR 616.1 FEET TO THE POINT OF BEGINNING.

EXCEPT,

A PORTION OF LOT 7 OF A SUBDIVISION OF THE ESTATE OF WILLIAM T. WEBBER, DECEASED, LOCATED IN AND BEING A PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 8, TOWNSHIP 19 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS BOUNDED BY A LINE AS FOLLOWS, TO-WIT:

COMMENCING AT A POINT WHICH IS 200 FEET WEST OF THE WEST LINE OF THE GRAVEL ROAD EXTENDING NORTH AND SOUTH ALONG THE EAST LINE OF SAID LOT 7 (MEASURED AT RIGHT ANGLES TO SAID WEST ROAD LINE) AND 28 FEET NORTH OF THE NORTH LINE OF THE RIGHT-OF-WAY OF THE NEW YORK CENTRAL RAILROAD; THENCE NORTH ALONG A LINE 200 FEET WEST OF AND PARALLEL WITH SAID WEST ROAD LINE A DISTANCE OF 300 FEET THENCE EAST AT RIGHT ANGLES TO SAID LAST MENTIONED LINE A DISTANCE OF 200 FEET TO SAID WEST ROAD LINE; THENCE SOUTH ALONG SAID WEST ROAD LINE A DISTANCE OF 300 FEET TO A POINT WHICH IS 39.53 FEET NORTH OF SAID NORTH RAILROAD RIGHT-OF-WAY LINE; THENCE WEST TO THE PLACE OF BEGINNING, SITUATED IN CHAMPAIGN COUNTY, ILLINOIS, AS SET FORTH IN WARRANTY DEED, DATED JUNE 25, 1954 AND FILED FOR RECORD ON JUNE 26,1954, IN BOOK 500 ON PAGE 344 OF THE RECORDS OF CHAMPAIGN COUNTY, ILLINOIS.

AND ALSO

A PORTION OF THE CONSOLIDATED RAIL CORPORATION RIGHT-OF-WAY HAS BEEN PURCHASED BY THE OWNER AND IS NOW A PART OF THIS SUBDIVISION. THE RIGHT-OF-WAY ACQUIRED IS MORE PARTICULARLY DESCRIBED AS SET FORTH IN THE FOLLOWING DESCRIPTION PROVIDED TO ME AS FOLLOWS:

BEGINNING AT THE POINT OF INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY LINE OF THE CONSOLIDATED RAIL COPORATION RAILROAD – CONRAIL AND THE EAST RIGHT-OF-WAY LINE OF VINE STREET, PROCEED SOUTH 00°00'00" WEST ALONG SAID EAST RIGHT-OF-WAY LINE OF VINE STREET, 25.06 FEET TO POINT BEING 35.00 FEET NORTH OF THE CENTER LINE OF SAID CONSOLIDATED RAIL CORPORATION RAILROAD AS MEASURED PERPENDICULAR TO SAID CENTER LINE; THENCE SOUTH 86°00'35" EAST ALONG A LINE BEING PARALLEL WITH AND 35.00 FEET NORTH OF AS MEASURED PERPENDICULAR TO SAID CENTER LINE, 615.48 FEET TO THE WEST RIGHT-OF-WAY LINE OF MAPLE STREET; THENCE NORTH 00°41'00" EAST ALONG SAID WEST RIGHT-OF-WAY LINE OF MAPLE STREET, 25.02 FEET TO SAID NORTHERLY RIGHT-OF-WAY LINE OF THE CONSOLIDATED RAIL CORPORATION RAILROAD; THENCE NORTH 86°00'35" WEST ALONG SAID NORTHERLY RIGHT-OF-WAY LIEN, 615.78 FEET TO THE POINT OF BEGINNING, ENCOMPASSING 0.353 ACRES MORE OR LESS.

P.I.N.: 91-21-08-476-005


**Section 2.** The Urbana City Clerk is directed to publish this Ordinance in pamphlet form by authority of the Corporate Authorities. This Ordinance shall be in full force and effect from and after its passage and publication in accordance with the terms of Chapter 65, Section 1-2-4 of the Illinois Compiled Statutes (65 ILCS 5/1-2-4).

**PASSED BY THE CITY COUNCIL** this 16<sup>th</sup> day of October, 2017.

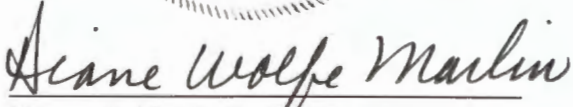
AYES: Ammons, Brown, Hazen, Jakobsson, Miller, Roberts

NAYS:

ABSTENTIONS:

  
Charles A. Smyth, City Clerk

**APPROVED BY THE MAYOR** this 18<sup>th</sup> day of October, 2017.

  
Diane Wolfe Marlin, Mayor



## CERTIFICATE OF PUBLICATION IN PAMPHLET FORM



I, Charles A. Smyth, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois. I certify that on the 16<sup>th</sup> day of October 2017, the City Council of the City of Urbana passed and approved Ordinance No. 2017-10-062, entitled:

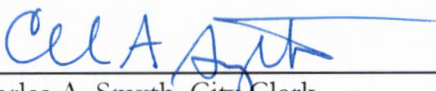
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which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 2017-10-062 was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the 18<sup>th</sup> day of October, 2017, 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 18<sup>th</sup> day of October, 2017.



  
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Charles A. Smyth, City Clerk