



**DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES**

Planning Division

**m e m o r a n d u m**

**TO:** Bruce Walden, Chief Administrative Officer

**FROM:** Elizabeth H. Tyler, AICP, Director

**DATE:** June 5, 2003

**SUBJECT:** Annexation of 1702 North Cunningham Avenue – Shamrock Tavern

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**Introduction**

Staff is requesting the City Council to consider the attached ordinance on Monday, June 16, 2003 to annex 1702 North Cunningham Avenue. The 0.755 acre tract of property is currently owned by James Burch and includes the Shamrock Tavern. The site is covered by an annexation agreement approved by the City Council on May 17, 1999 under Ordinance No. 1999-05-035. Mr. Burch signed a petition requesting the property now be annexed into the City of Urbana. The proposed effective date of the annexation is June 30, 2003.

**Background**

The approved annexation agreement (Ordinance No. 1999-05-035) provided for the annexation of 1702, 1704 and 1706 North Cunningham Avenue. The properties of 1704 and 1706 North Cunningham were annexed in June of 1999 and are currently located in the City of Urbana. The agreement stipulated that the Shamrock Tavern at 1702 North Cunningham Avenue would not be subject to immediate annexation but that the annexation can occur when the City elects, but no sooner than three years. The three-year period ended in May of 2002.

**Issues and Discussion**

The annexation agreement stipulated that a Class A Liquor License would be made available to the owner of the Shamrock Tavern and the property would be directly converted to the City's B-3, General Business Zoning District. The owner of the Shamrock Tavern has submitted the necessary paperwork to the Liquor Commissioner in order to execute a liquor license commencing on July 1, 2003.

On May 8, 2003 the City of Urbana Community Development Services Department inspected the Shamrock Tavern and did not find any major building code or zoning ordinance violations that will present a problem upon annexation.

**Recommendation**

Staff recommends that the Committee of the Whole forward the attached ordinance to the City Council's regular meeting scheduled on June 16, 2003 and approve the ordinance to annex the property located at 1702 North Cunningham Avenue into the City of Urbana, Illinois effective June 30, 2003 at 12:00P.M.

Prepared by:

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Rob Kowalski, Planning Manager

- Attachment #1: Draft Ordinance to Annex 1702 North Cunningham Avenue
- Attachment #2: Location Map
- Attachment #3: Annexation Plat Map
- Attachment #4: Ordinance No. 1999-05-035, Annexation Agreement for 1702, 1704, 1706 North Cunningham Avenue

c: James Burch  
Charles Warmbrunn

**ATTACHMENT #1**

**ORDINANCE NO. 2003-06-058**

**AN ORDINANCE  
ANNEXING CERTAIN TERRITORY  
TO THE CITY OF URBANA**

**(1702 North Cunningham Avenue)**

WHEREAS, the hereinafter described territory is situated in unincorporated territory adjacent to and contiguous to the City of Urbana, Illinois, and is part of the Carroll Fire Protection District, and includes certain territory within the Urbana Township, and Notice was given to the Trustees of said Fire Protection District, the Board of Township Trustees, and the Township Commissioner of Highways, said notices being mailed on June 4, 2003, that this Ordinance would be voted upon at the regular meeting of this Council at 7:30 p.m., Monday, June 16, 2003, and the Affidavit of mailing such Notices was duly recorded with the Recorder of Deeds of Champaign County, Illinois, on the 5<sup>th</sup> day of June, 2003; and

WHEREAS, a written petition signed by all of the Owners of Record and at least fifty-one percent (51%) of the electors residing therein, of all land within such territory, has been filed with the City Clerk of the City of Urbana, Illinois, requesting annexation thereof to the City of Urbana; and

WHEREAS, the City Council passed Ordinance No. 1999-05-035 on May 17, 1999 approving and authorizing the execution of an annexation agreement; and

WHEREAS, the territory to be annexed by this Ordinance is presently located within Champaign County's B-4, General Business zoning district and upon annexation will be classified B-3, General Business upon annexation in accordance with the above-referenced annexation agreement; and

WHEREAS, it has been determined that said petition complies with all requirements of the law therefore; and

WHEREAS, the majority of the Members of the Council are of the opinion that it would be for the best interests of the people of the City of Urbana, Illinois, that said territory be annexed to and made a part of the said City.

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

Section 1. That the following described real estate, viz.:

A tract of land being a part of the Southwest Quarter of the Southwest Quarter of Section 4, Township 19 North, Range 9 East of the Third Principal Meridian, the

boundary of which is described as follows:

Beginning at the Southeast corner of the Southwest Quarter of the Southwest Quarter of said Section 4, proceed North 01 degree 27 minutes 43 seconds West 210.54 feet along the East line of the Subdivision of "Lot 1 of a subdivision of the Southwest Quarter of the Southwest Quarter of Section 4" thence South 89 degrees 04 minutes 42 seconds West 362.10 feet; thence North 66 degrees 08 minutes 00 seconds West 149.52 feet to the True Point of Beginning; thence North 66 degrees 08 minutes 00 seconds West 263.00 feet to the Easterly right-of-way line of U.S. Route 45 (Cunningham Avenue); thence North 23 degrees 52 minutes 00 seconds East 125.00 feet along the said Easterly right-of-way line; thence South 66 degrees 08 minutes 00 seconds East 263.00 feet; thence South 23 degrees 52 minutes 00 seconds West 125.00 feet to the True Point of Beginning, encompassing 0.755 acres more or less in Champaign County, Illinois.

commonly known for reference as 1702 North Cunningham Avenue, Urbana, Illinois, be and the same is hereby annexed to the City of Urbana, Illinois. The above-described parcels, prior to annexation, have the parcel index numbers 30-21-04-352-023, and following annexation the said parcels should bear the parcel index numbers 91-21-04-352-023.

Section 2. That the City Clerk be authorized and directed to record a certified copy of this Ordinance together with an accurate map of the territory herein above described in the Recorder's Office of Champaign County, Illinois in the Office of the County Clerk and County Election Authority of Champaign County, Illinois.

Section 4. The Zoning Ordinance of the City of Urbana, Illinois, and the Zoning Map of Urbana, Illinois, are hereby amended to classify the real property herein annexed as B-3, General Business upon annexation and in accordance with an annexation agreement approved and authorized on May 17, 1999 by Council Ordinance No. 1999-05-035.

Section 5. The territory annexed herein is assigned to City of Urbana Ward 5.

Section 6. To avoid uncertainty regarding public safety responsibilities concerning the property herein annexed, this Ordinance shall take effect at noon on the 30<sup>th</sup> day of June 2003 following its passage by the Urbana City Council.

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 regular meeting of said Council on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, A.D.

Ayes:

Nays:  
Abstain:

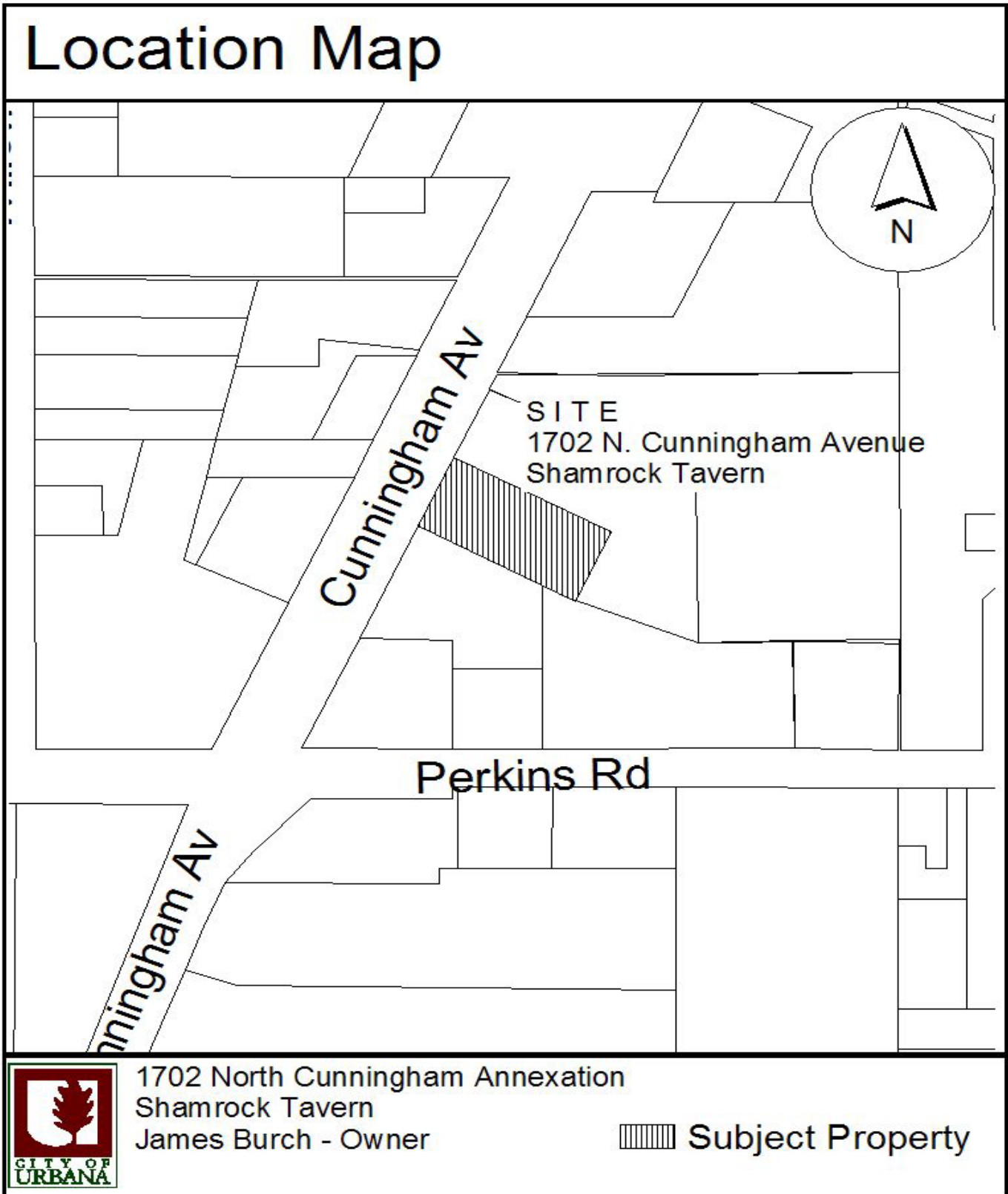
PASSED by the City Council this \_\_\_\_\_ day of \_\_\_\_  
\_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Phyllis D. Clark, City Clerk

APPROVED by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_  
\_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Tod Satterthwaite, Mayor

ATTACHMENT #2 – Location Map



**ATTACHMENT #3 – Annexation Plat Map**

Not available in electronic format

**ATTACHMENT #4 – Ordinance No. 1999-05-035, Annexation Agreement for 1702, 1704,  
1706 North Cunningham Avenue**

Not available in electronic format