



**DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES**

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

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

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

**DATE:** June 24, 2004

**SUBJECT:** Approval of an Annexation Agreement Scaggs property located at 2410 Sharlyn Drive.

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**Background**

Robert and Shirley Scaggs signed the Scaggs Annexation Agreement on August 21, 2003. Thus, Robert and Shirley Scaggs were allowed to connect to sanitary sewer service per the resolution that allows the Community Development Services Director to authorize emergency sanitary sewer connections with Council approval. The final annexation agreement attached along with the appropriate ordinance is presented for final approval at the July 6, 2004, Council meeting.

**Recommendation**

Based on the information provided in the August 21, 2003, memorandum attached hereto, staff recommends final approval of the Scaggs Annexation Agreement.

Prepared by: \_\_\_\_\_  
John G. Regetz, ED Division Manager

Attachments: Draft Ordinance  
August 21, 2003 Staff Memorandum  
Annexation Agreement

ORDINANCE NO. 2004-06-075

An Ordinance Approving and Authorizing the Execution of an Annexation Agreement

(2410 Sherlyn Drive / Robert and Shirley Scaggs)

WHEREAS, an Annexation Agreement between the City of Urbana, Illinois and Robert and Shirley Scaggs has been submitted for the Urbana City Council's consideration, a copy of which is attached; and,

WHEREAS, said agreement governs a tract totaling approximately 0.21 acres located at 2410 Sherlyn Drive and said tract is legally described as follows:

Lot 10 of Johnson's 2<sup>nd</sup> Subdivision, located in the of E ½ NW ¼ Sec. 3 T19N R9E 3<sup>rd</sup> P.M. Champaign County, IL; and

WHEREAS, the proposed Annexation Agreement is in conformance with the goals and objectives of the City of Urbana's Official Comprehensive Plan; and,

WHEREAS, after due and proper publication, the Urbana City Council held a public hearing on June 28, 2004, to consider said annexation agreement; and

WHEREAS, the Urbana City Council, having duly considered all matters pertaining thereto, finds and determines that the proposed annexation agreement will not negatively impact the City of Urbana and would be in the best interests of the City of Urbana and its citizens;

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

Section 1. That the Annexation Agreement between the City of Urbana, Illinois and Robert and Shirley Scaggs, a copy of which is attached 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 hereby authorized to attest to said execution of said Annexation Agreement, for and on behalf of the City of Urbana, Illinois.

Section 3. The City Clerk is directed to record a certified copy of this Ordinance and the Annexation Agreement herein approved, as amended, with the Recorder of Deeds of Champaign County, Illinois.

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called of two-thirds of the members of the Corporate Authorities of the City of Urbana, Illinois, then holding office, at a regular meeting of said Council.

PASSED by the City Council this 6<sup>th</sup> day of July, 2004.

AYES:

NAYS:

ABSTAINED:

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

APPROVED by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

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

**CERTIFICATE OF PUBLICATION IN PAMPHLET FORM**

I, Phyllis D. Clark, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois. I certify that on the \_\_\_\_\_ day of \_\_\_\_\_, 2004, the corporate authorities of the City of Urbana passed and approved Ordinance No. \_\_\_\_\_, entitled "An Ordinance Approving and Authorizing the Execution of an Annexation Agreement (2410 Sherlyn Drive / Robert and Shirley Scaggs)" which provided by its terms that it should be published in pamphlet form. The pamphlet form of Ordinance No. \_\_\_\_\_ was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the \_\_\_\_\_ day of \_\_\_\_\_, 2004, 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 \_\_\_\_\_ day of \_\_\_\_\_, 2004.



**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:** August 21, 2003

**SUBJECT:** Motion to Allow Sanitary Sewer Connection for 2410 Sharlyn Drive Under the Urgency Provisions of Resolution No. 9394-R13

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**Introduction & Background**

Robert and Shirley Scaggs of 2410 Sharlyn Drive are requesting authorization for an emergency sewer connection to the Urbana-Champaign Sanitary District under the urgency provisions of Resolution No. 9394-R13 (copy attached).

The subject property is located northeast of Urbana off of Brownfield Road. It is not currently located adjacent to the corporate limits of Urbana but is within the mile-and-a-half extraterritorial jurisdictional area. Under an intergovernmental agreement with the UCSD, any property owner outside the corporate limits of Urbana wishing to connect to sanitary sewer service and annex to the UCSD must also agree to annex to the City of Urbana at such time as their property is contiguous. An Annexation Agreement will be prepared for public hearing and presentation to City Council at a later date.

The property information is as follows:

Property Location: 2410 Sharlyn Drive  
Legal Description: Lot 10 of Johnson's 2<sup>nd</sup> Subdivision, located in the of E1/2 NW1/4 Sec. 3  
T19N R9E 3<sup>rd</sup> P.M. Champaign County, IL.  
Acreage: 0.21 acres  
County Zoning: R-1, Single Family Residence  
Urbana Zoning: R-1, Single-Family Residential (upon conversion when property is annexed)  
Current Use: Single-Family Residential  
Comprehensive Plan: Residential (ETJA Plan)

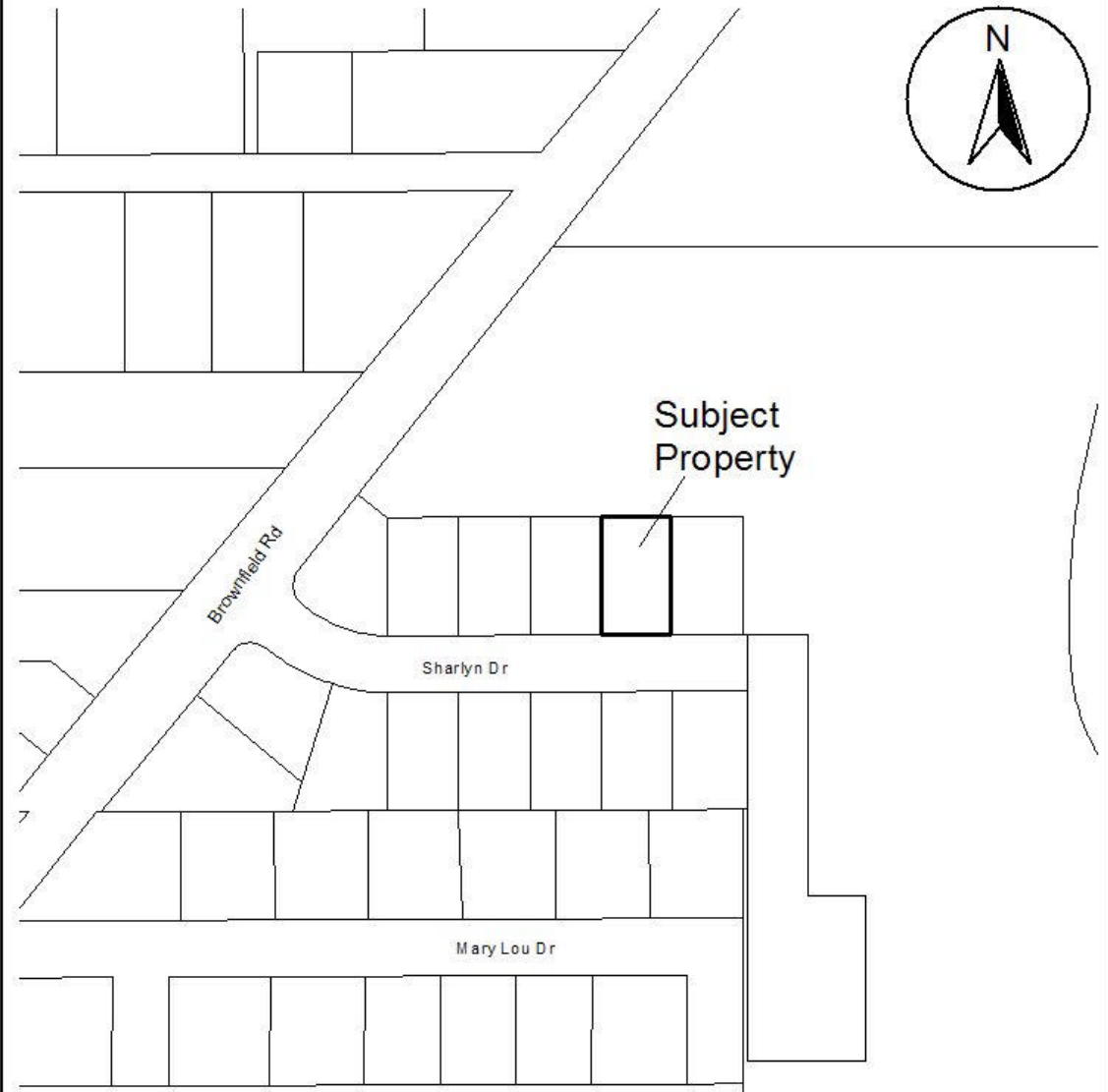
## **Recommendation**

Staff recommends that Council pass a motion allowing the emergency sanitary sewer connection for 2410 Sharlyn Drive and authorizing staff to prepare an annexation agreement with the owners for a future public hearing and presentation to City Council.

Attachments:     Site Location Map  
                      Aerial Photograph  
                      Resolution No. 9394-R13

Cc:                Mike Little, UCSD  
                      Robert and Shirley Scaggs, 2410 Sharlyn Drive

# Exhibit "A": Location Map



2410 Sharlyn Drive (Scagg's)  
Annexation Agreement

Prepared August 20, 2003 by Community Development Services - lk

# Exhibit "E": Aerial



2410 Sharlyn Drive (Scagg's)  
Annexation Agreement

Prepared August 21, 2003 by Community Development Services - lk



# COPY

RESOLUTION NO. 9394-R13

**A RESOLUTION ESTABLISHING PROCEDURES FOR APPROVAL OF ANNEXATION AGREEMENTS FOR THE PURPOSES OF SANITARY SEWER CONNECTION**

WHEREAS, the City of Urbana and the Urbana-Champaign Sanitary District (UCSD) entered into **an** intergovernmental agreement (UCSD Agreement) which provides that UCSD will not permit persons to connect to its sanitary sewer system unless the property to be served is within the City, within a subdivision approved by the city, or is in an area that is the subject of an annexation or development agreement with the City; and

WHEREAS, UCSD and the City desire to implement the UCSD Agreement without causing unnecessary delay for persons who are willing and able to enter into annexation agreements; and

WHEREAS, the City finds that if a person delivers to the City an irrevocable offer to enter into an annexation or development agreement in the form of an annexation agreement or annexation petition, that UCSD should then be authorized to provide sanitary sewer service to the property under the UCSD Agreement.

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

section 1. An annexation agreement or annexation petition may be presented to the City Council or to a Standing Committee of the Whole City Council for review and approval for the purpose of allowing a UCSD sanitary sewer service connection.


Section 2. If the said annexation agreement or annexation petition is acceptable to the City Council or Standing Committee of the Whole City Council, they shall, by motion, direct City staff to inform the UCSD that the City of Urbana has received an annexation agreement or annexation petition in a form acceptable to the City and that said agreement or petition is considered sufficient to authorize UCSD to provides sanitary sewer service to the property.

Section 3., Nothing in this process shall be construed to preempt the requirements of the **Illinois** State Statues governing the approval of annexation agreements nor shall this approval prevent the City Council from amending, modifying, supplementing or repealing an annexation agreement.

PASSED by the City Council this \_\_\_\_\_ day of ~~March~~ 1993.

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

APPROVED by the Mayor this 10th- day of November 1993

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