



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 Tyler, AICP, Director

DATE: March 24, 2006

SUBJECT: Involuntary Annexation of 801 Kerr Avenue – Greenwood Cemetery

Introduction and Background

City staff are requesting the City Council consider the attached notice of intent to annex for 801 E. Kerr Avenue. The 1.82-acre tract of property is known as Greenwood Cemetery, and is immediately east of East Lawn Cemetery (though the two cemeteries are not associated). Staff has been unable to locate an owner of the property, but the American Legion Post 71 has maintained the grounds for the past several years. The right-of-way in front of the property has already been annexed into the City.

Issues and Discussion

The property is located on Kerr Avenue immediately east of Cunningham Avenue and east of the East Lawn Cemetery, and is one of several in the City that is wholly surrounded and is less than 60 acres in size. Under Illinois State Statute, the City can involuntarily annex such properties. The City has been pursuing “filling in” these gaps in order to provide improved emergency response and to reduce confusion for service providers, such as police, fire, and public works. Staff has decided to involuntarily annex the property since an owner has not been located. The American Legion Post 71 has requested that they be kept informed about the property, but have not voiced any objections to annexation. There would be no fiscal impact for annexation, as cemeteries are exempt from property taxes.

The property is currently zoned Champaign County R-3, Two Family Residence, and will automatically convert to City R-3, Single and Two-Family zoning upon annexation. Once the property is annexed, staff will pursue a zoning map amendment to AG, Agriculture to ensure the property conforms to the Zoning Ordinance and is consistent with the Future Land Use identified in the 2005 Urbana Comprehensive Plan.

Involuntary Annexation Procedure

Per Illinois State Statute, a “Notice of Intent to Annex” (see Exhibit B) must be approved by the City Council prior to submittal of an annexation petition. The Committee of the Whole must consider whether or not to forward the notice to City Council, which would then vote whether or not to approve the notice. Once the notice is approved, the City Clerk will publish the notice in the News-Gazette at least 10 days before the Committee of the Whole meeting where the annexation petition will be considered. The remainder of the annexation process is then the same as a voluntary annexation petition (the Committee of the Whole would consider the annexation petition, and if forwarded, would be voted on by the City Council).

Recommendation

Staff recommends that the Committee of the Whole forward the attached “Notice of Intent to Annex” to the City Council’s regular meeting on April 3, 2006.

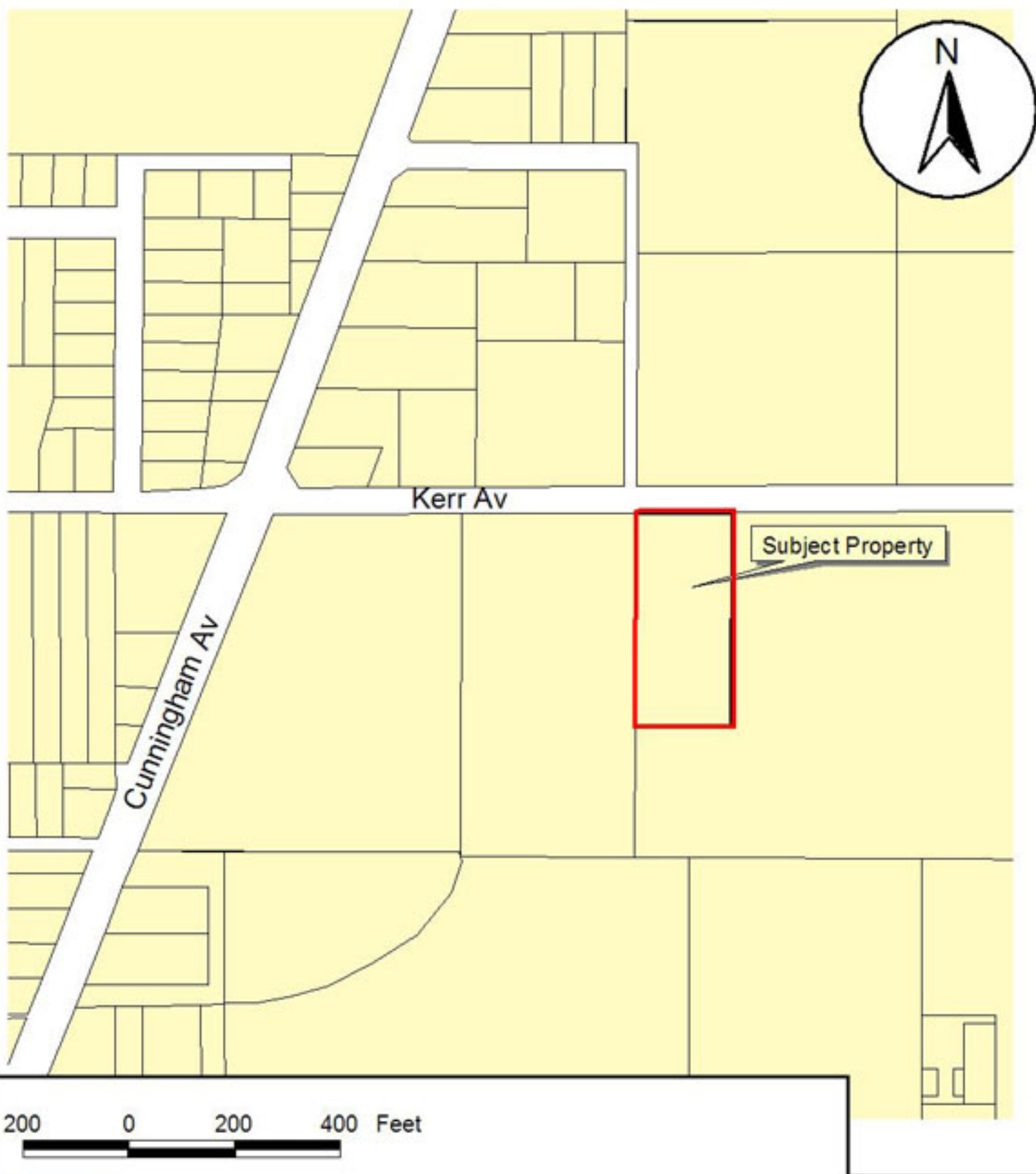
Prepared by:

Matt Wempe, Planner I

Cc: American Legion Post 71
107 N. Broadway
Urbana, IL 61801

Exhibit A: Location Map
Exhibit B: Notice of Intent to Annex

Exhibit A: Location Map



Plan Case: 2006-A-04
Petitioner: City of Urbana
Location: Kerr Avenue, east of Cunningham Avenue
Description: Involuntary Annexation Petition for 801 E. Kerr



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES
Planning Division
400 S. Vine
P.O. Box 946
Urbana, IL 61801
(217) 384-2439

April XX, 2006

NOTICE OF INTENT TO ANNEX

Pursuant to the Illinois Municipal Code, notice is hereby given that the annexation of the territory described below is contemplated by the Corporate Authorities of the City of Urbana, Illinois, and that they propose to consider and take action on an ordinance annexing such territory at a regular meeting of the Urbana City Council on May 1, 2006.

The property under consideration is a tract of property totaling approximately 1.82 acres and being located at 801 E. Kerr Avenue. Legally described as follows:

A part of the Northwest Quarter of Section 9, Township 19 North, Range 9 East of the Third Principal Meridian, Champaign County, Illinois, being more particularly described as follows:

All of Greenwood Cemetery as platted in Deed Record Book 19 at page 480, in the Office of the Recorder of Deeds, Champaign County, Illinois.

And;

All of William Harvey's 1st Addition to Greenwood Cemetery as platted in Plat Book "A" at page 263 in the Office of the Recorder of Deeds, Champaign County, Illinois.

Containing 1.78 acres, more or less, all situated in Urbana Township, Champaign County, Illinois.

The attached map indicates the location of the property. If you have any questions regarding the annexation or subdivision, please contact Matt Wempe, Planner I at 384-2440.

Thank you.

Phyllis D. Clark, City Clerk
Enclosure

**AFFIDAVIT OF MAILING NOTICE OF INTENT
TO ANNEX TERRITORY TO THE CITY OF URBANA**

STATE OF ILLINOIS)
) SS.
COUNTY OF CHAMPAIGN)

Phyllis D. Clark, states that she gave notice of the pending action to be taken on an Ordinance annexing certain territory lying within the Urbana Township, in compliance with the provisions of Section 5/7-1-1 of the Municipal Code of the State of Illinois, as amended (65 ILCS 5/7-1-1), by sending a notice by certified mail, postpaid, to each of the Board of Township Trustees and the Township Commissioner of Highways, indicated on the copy of said notice hereto attached, made a part of this Affidavit, and marked "Exhibit A"; and that she gave notice of the pending action to be taken on an Ordinance annexing certain territory lying within the boundaries of Carroll Fire Protection District to the City of Urbana, Illinois, in compliance with the provisions of Section 5/7-1-1 of the Municipal Code of the State of Illinois, as amended (65 ILCS 5/7-1-1), by sending a notice by certified mail, postpaid to each of the Trustees of the Fire Protection District at the addresses indicated on the copy of said notice hereto attached, all notices being mailed on the _____ day of _____, 2006, by this Affiant, at the Post Office in the City of Urbana, Illinois, being more than ten (10) days prior to the time mentioned in said notice as the time at which the Council of the City of Urbana would take action on the proposed Ordinance of Annexation; and

That a copy of said notice so mailed, as aforesaid, is hereto attached, made a part of this Affidavit, and marked "Exhibit A."

Phyllis D. Clark, City Clerk
City of Urbana

Subscribed and sworn to before me this
____ day of _____, 2006.

Notary Public

NOTICE OF INTENT TO ANNEX TERRITORY TO THE CITY OF URBANA

TO:

Urbana Township Board of Trustees

Donald Smith
4006 E. Anthony Drive
Urbana, IL 61802

Lucinda Collins
2010 Prairie View
Urbana, IL 61802

Jack Price
504 McGee Circle
Urbana, IL 61802

Greg Foster
310 Yankee Ridge Lane
Urbana, IL 61802

Urbana Township Supervisor

Mr. Don Flessner
2312 E. Perkins Road
Urbana, IL 61801

Urbana Township Commissioner of Highways

Jim Prather
2312 E. Perkins Road
Urbana, IL 61801

and

Trustees of Carroll Fire Protection District

Tom Harnsberger
2104 East Barnes Street
Urbana, IL 61802

Duane Northrup
2412 Somerset Drive
Urbana, IL 61802

Byron Bryson
2102 East Barnes Street
Urbana, IL 61802

Ricardo Ohmit
1101 Brad Drive
Urbana, IL 61802

Derald Seeds
2005 Barnes Street
Urbana, IL 61802

Steve Thuney, Chief
1811 North Brownfield Road
Urbana, IL 61802

NOTICE IS HEREBY GIVEN, pursuant to the provisions of pursuant to Section 5/7-1-1 of the Municipal Code of the State of Illinois, as amended (65 ILCS 5/7-1-1), that the Council of the City of Urbana, Illinois will consider a motion to publish a “Notice of Intent to Annex” territory to the City of Urbana as described below:

A part of the Northwest Quarter of Section 9, Township 19 North, Range 9 East of the Third Principal Meridian, Champaign County, Illinois, being more particularly described as follows:

All of Greenwood Cemetery as platted in Deed Record Book 19 at page 480, in the Office of the Recorder of Deeds, Champaign County, Illinois.

And;

All of William Harvey’s 1st Addition to Greenwood Cemetery as platted in Plat Book “A” at page 263 in the Office of the Recorder of Deeds, Champaign County, Illinois.

Containing 1.78 acres, more or less, all situated in Urbana Township, Champaign County, Illinois.

commonly known for reference as 801 E. Kerr Avenue, Urbana, Illinois, and further referenced as Champaign County permanent parcel number 30-21-09-152-002. This property is located on Kerr Avenue east of Cunningham Avenue/US Route 45. Said territory lies within the boundaries of Carroll Fire Protection District and the Urbana Township, and is contiguous to the City of Urbana, Illinois.

The Council of the City of Urbana will consider said motion at its regular meeting on April 3, 2006 at 7:00pm in the Council Chambers of the City Building located at 400 South Vine Street, Urbana, Illinois.

Phyllis D. Clark, Clerk
City of Urbana