



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: April 21, 2006

SUBJECT: Involuntary Annexation of 801 Kerr Avenue – Greenwood Cemetery

Introduction and Background

City staff are requesting the City Council consider annexation of 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 cemetery is located on Kerr Avenue immediately east of Cunningham Avenue and east of the East Lawn Cemetery, and is one of several “island” properties within 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 rezone the property 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, the “Notice of Intent to Annex” approved by the City Council was published in the News-Gazette on Sunday, April 9, 2006. Since the notice has been published, 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 ordinance to the City Council’s regular meeting on May 1, 2006.

Prepared by:

Matt Wempe, Planner II

Attachments: Exhibit A: Location Map
 Exhibit B: Annexation Plat
 Exhibit C: Draft Ordinance

ORDINANCE NO. 2006-04-052

AN ORDINANCE
ANNEXING CERTAIN TERRITORY
TO THE CITY OF URBANA

(801 E. Kerr / Involuntary)

WHEREAS, on Monday, April 3, 2006, the Urbana City Council directed the City Clerk to publish Notice that the annexation of the property therein described was being contemplated and would be considered by the Urbana City Council at its regular meeting on May 1, 2006; and

WHEREAS, the City Clerk of Urbana, Illinois duly published such Notice on April 9, 2006 in the News-Gazette, a newspaper having general circulation in the City of Urbana, Illinois, a Certificate of Publication therefore being on file with the City Clerk's Office; and

WHEREAS, the hereinafter described territory is unincorporated territory wholly surrounded by and contiguous to the City of Urbana, Illinois within the meaning of Section 5/7-1-13 of the Illinois Municipal Code; and

WHEREAS, said unincorporated territory 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 April __, 2006 that this Ordinance would be voted upon at the regular meeting of this Council at 7:00 p.m., Monday, May 1, 2006; and

WHEREAS, the territory to be annexed by this Ordinance is presently located within Champaign County's R-3, Two Family Residence zoning district and upon annexation will be directly converted to City R-3, Single and Two-Family Residential; 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.

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

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

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, Urbana, Illinois, be and the same is hereby annexed to the City of Urbana, Illinois. The above-described parcel, prior to annexation, has the parcel index numbers 30-21-09-152-002, and following annexation the said parcel should bear the parcel index numbers 91-21-09-152-002.

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 R-3, Single and Two-Family Residential.

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 2nd day of May 2006 following its passage by the Urbana City Council.

PASSED by the City Council this _____ day of _____, _____.

AYES:

NAYS:

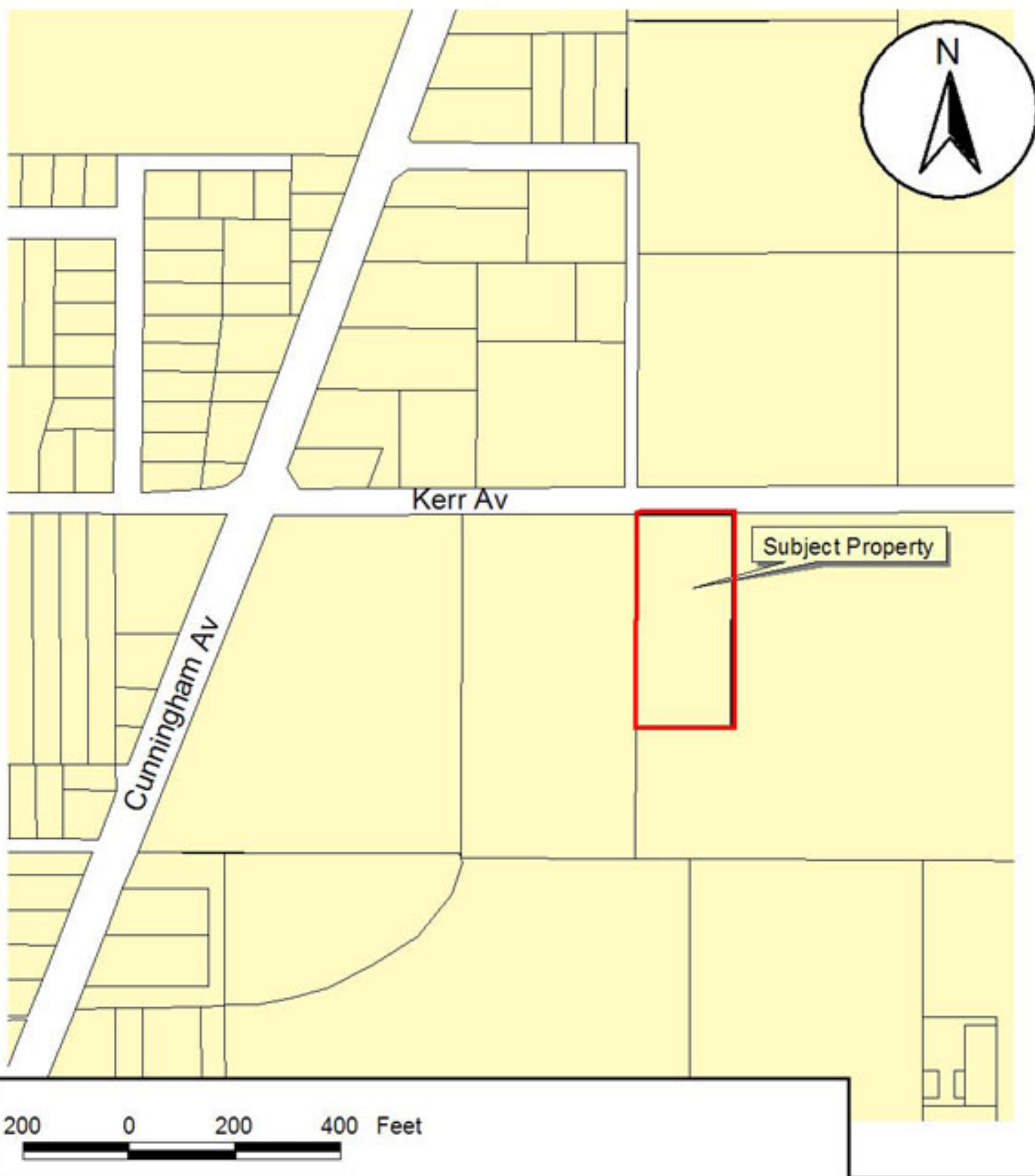
ABSTAINS:

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this _____ day of _____, _____.

Laurel Lunt Prussing, Mayor

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