



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: Laurel Lunt Prussing, Mayor

FROM: Elizabeth H. Tyler, FAICP, Director

DATE: June 2, 2011

SUBJECT: Annexation Case 2011-A-02, Voluntary Annexation of 2410 Somerset Drive in Somerset Subdivision No. 3

Introduction

Staff is requesting that the Committee of the Whole consider the attached petition and ordinance to annex 2410 Somerset Drive in Somerset Subdivision No. 3. (See Exhibit A.) The property consists of 0.279 acres and has been developed with a single-family home. The Somerset Drive right-of-way immediately adjacent to the subject property, and not already a part of the Urbana corporate boundaries, will also be annexed. The right-of-way to be annexed totals 0.064 acres. (See Exhibit B.) The property is required to be annexed per an adopted annexation agreement between the City of Urbana and the developer of the Somerset Subdivision. Should the annexation of subject property be approved, the effective date of the annexation would be June 16, 2011 at noon.

Background

As a prerequisite for receiving sanitary sewer to serve the territory to be subdivided as the Somerset Subdivision, the developer was required to enter into an annexation agreement with the City of Urbana. Since the Subdivision has developed in phases, the developer, Donald Flessner/Flessner Development Company, entered into three different annexation agreements with the City of Urbana. The last of the three annexation agreements stipulated a date upon which undeveloped land west of the Somerset Subdivision was to be annexed into the City of Urbana. The undeveloped tracts bridged the gap between Urbana's corporate boundaries and the remaining phases of Somerset Subdivision (Phases No. 1, 2, 3, and 4) and therefore required the annexation of these intervening properties as well.

Per the annexation agreement, subsequent property owners must submit a signed annexation petition to cause annexation of their property. Following preliminary research and legal consultation concerning the annexation process, city staff initiated the annexation process of the Somerset Subdivision in August of 2009. This process included sending an initial informational letter to all property owners, holding an informational meeting, and sending follow-up letters to property owners.

A total of 70 properties were subject to annexation under the annexation agreements for Somerset Subdivision. Since signed annexation petitions were not received from all of the 70 property owners,

not all of the properties subject to annexation could be annexed. The property owners of 55 of the properties returned signed petitions for annexation and therefore were annexed under the voluntary annexation process. These 55 properties were annexed to the City of Urbana by the passage of Ordinance No. 2010-04-028 by City Council on May 3, 2010 (and effective May 13, 2010). With the annexation of the 55 properties in the Somerset Subdivision and adjacent tracts, four properties became wholly surrounded by Urbana's corporate boundaries. In accordance with State statutes, these four properties were annexed under the involuntary annexation process by the passage of Ordinance No. 2010-05-037 by City Council on June 7, 2010 (and effective June 17, 2010).

Discussion

Of the 70 properties subject to annexation, eight have not been annexed to date. The property now under petition for annexation is one of the eight outstanding properties subject to the annexation agreement. City Legal staff has been following up with owners of these eight properties to gain compliance with the approved annexation agreement. Once this property is annexed a total of seven properties will remain to be annexed.

Zoning and Future Land Use

The property to be annexed is currently zoned County R-1, Single Family Residence, and would automatically convert to City R-1, Single-Family Residential upon annexation. The 2005 Urbana Comprehensive Plan identifies the future land use for these properties as "Residential." The subject properties have been developed with single-family homes. This proposed zoning would be consistent with the use of the property and with the future land use designation of the subject property by the 2005 Urbana Comprehensive Plan.

Recommendation

Staff recommends that City Council approve the ordinance to annex the property located at 2410 Somerset Drive in the Somerset Subdivision No. 3 into the City of Urbana, Illinois, effective June 16, 2011 at noon.

Prepared by:

Robert Myers, AICP, Planning Manager

Attachments: Draft Ordinance to Annex
Exhibit A: Annexation Location Map
Exhibit B: Annexation Plat
Exhibit C: Annexation Petition submitted by the property owner

cc: Property Owner
John Hall, Champaign County Planning and Zoning Department

ORDINANCE NO. 2011-06-044

AN ORDINANCE ANNEXING CERTAIN TERRITORY TO THE CITY OF URBANA

(2410 Somerset Drive / Regina Wiese)

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 Urbana Township; and

WHEREAS, a 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 May 27, 2011 notifying them that this Ordinance would be voted upon at the regular meeting of this Council at 7:00 p.m., Monday, June 6, 2011; 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 the following ordinances approving and authorizing the execution of annexation agreements pertaining to Somerset Subdivision Nos. 1, 2, 3, and 4, and adjacent tracts: Ordinance No. 9495-8 passed July 18, 1994; Ordinance No. 2002-09-112 passed October 7, 2002; and Ordinance No. 2006-07-085 passed July 17, 2006; and

WHEREAS, the territory to be annexed by this Ordinance in Somerset Subdivision No. 3 is presently located within Champaign County's R-1, Single Family Residence Zoning District and upon annexation will be directly converted to City R-1, Single-Family Residential Zoning District; and

WHEREAS, it has been determined that said petitions comply 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.

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

Section 1. That the following described real estate, be and the same are hereby annexed to the City of Urbana, Illinois:

A part of Section 3, Township 19 North, Range 9 East of the Third Principal Meridian, Champaign County, Illinois, being more particularly described as follows:

Lots 325 of "Somerset Subdivision No. 3 and a Replat of Tract B of Brownfield Subdivision 1st Plat and Tract E of Brownfield Subdivision 2nd Plat", as shown on a plat recorded November 4, 1998, as Document Number 1998R33828 in the Office of the Recorder of Deeds, Champaign County, Illinois.

Said annexation containing 0.279 acres, more or less, all situated in Urbana Township, Champaign County, Illinois.

Together with the following described adjacent public Right-of-Way which is by operation of the law, automatically annexed with the adoption of an annexation ordinance pertaining to this tract:

That portion of the Somerset Drive right-of-way, not previously annexed to the City of Urbana, lying adjacent to the herein annexed tracts, being 60 feet (60') in width and encompassing 0.064 acres, more or less.

The above described territory is more commonly known as 2410 Somerset Drive, Urbana, Illinois, and referenced by the Champaign County Parcel Index Number 30-21-03-126-030.

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.

Section 3. That the City Clerk be authorized and directed to file, for record, a certified copy of this Ordinance together with an accurate map of the territory hereinabove described 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-1, Single-Family Residential.

Section 6. The territory annexed herein is assigned to City of Urbana Ward 5.

Section 7. To avoid uncertainty regarding public safety responsibilities concerning the property herein annexed, this Ordinance shall take effect at noon on the 16th day of June, 2011 following its passage by the Urbana City Council.

PASSED by the City Council this _____ day of _____,
2011.

AYES:

NAYS:

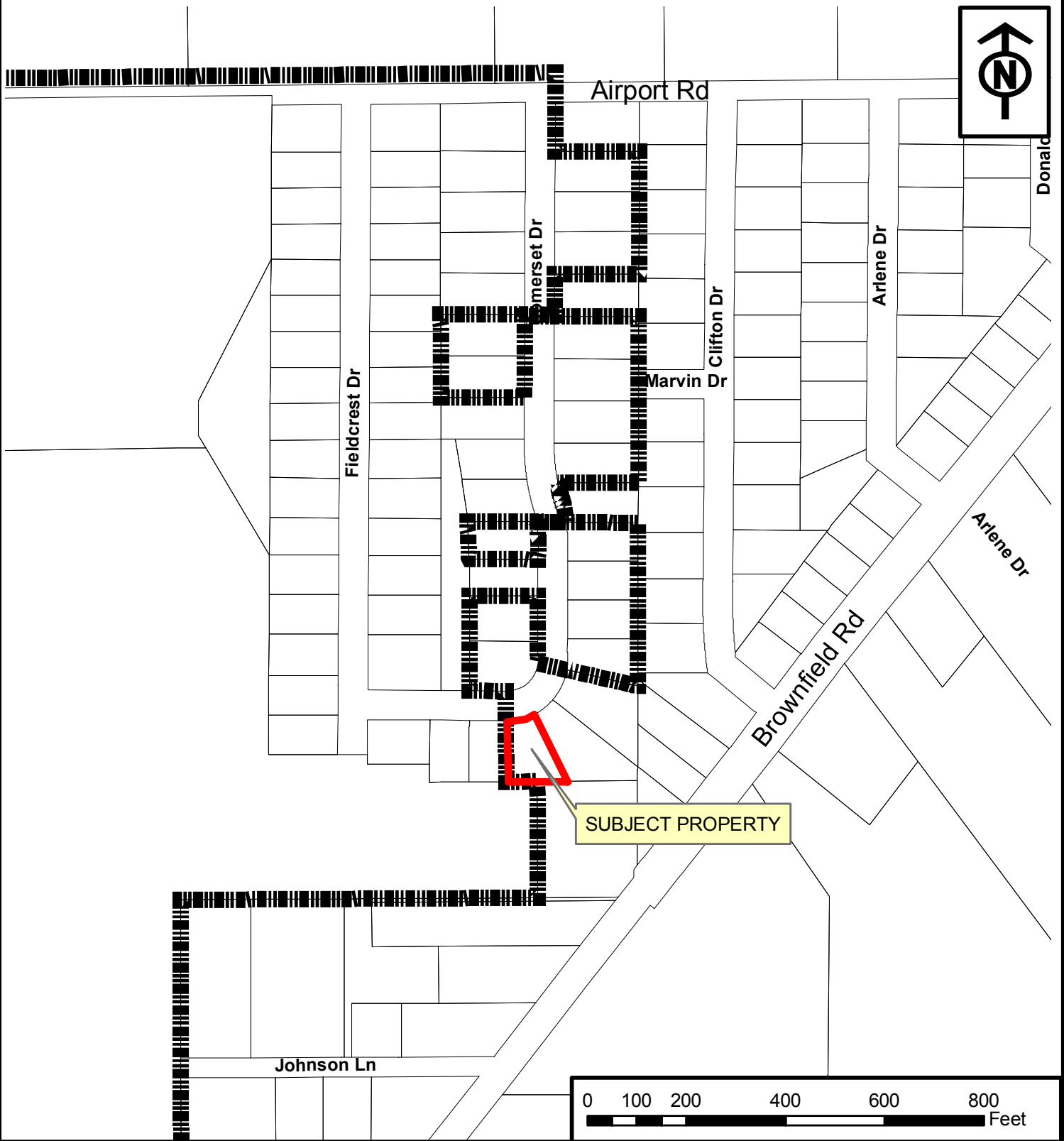
ABSTAINS:

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this _____ day of _____,
2011.

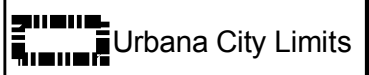
Laurel Lunt Prussing, Mayor

Exhibit A: Location Map



Petitioner: Regina Wiese
Location: 2410 Somerset Drive
PIN No.: 30-21-03-126-030

Prepared 05/11 by Community Development Services -jme



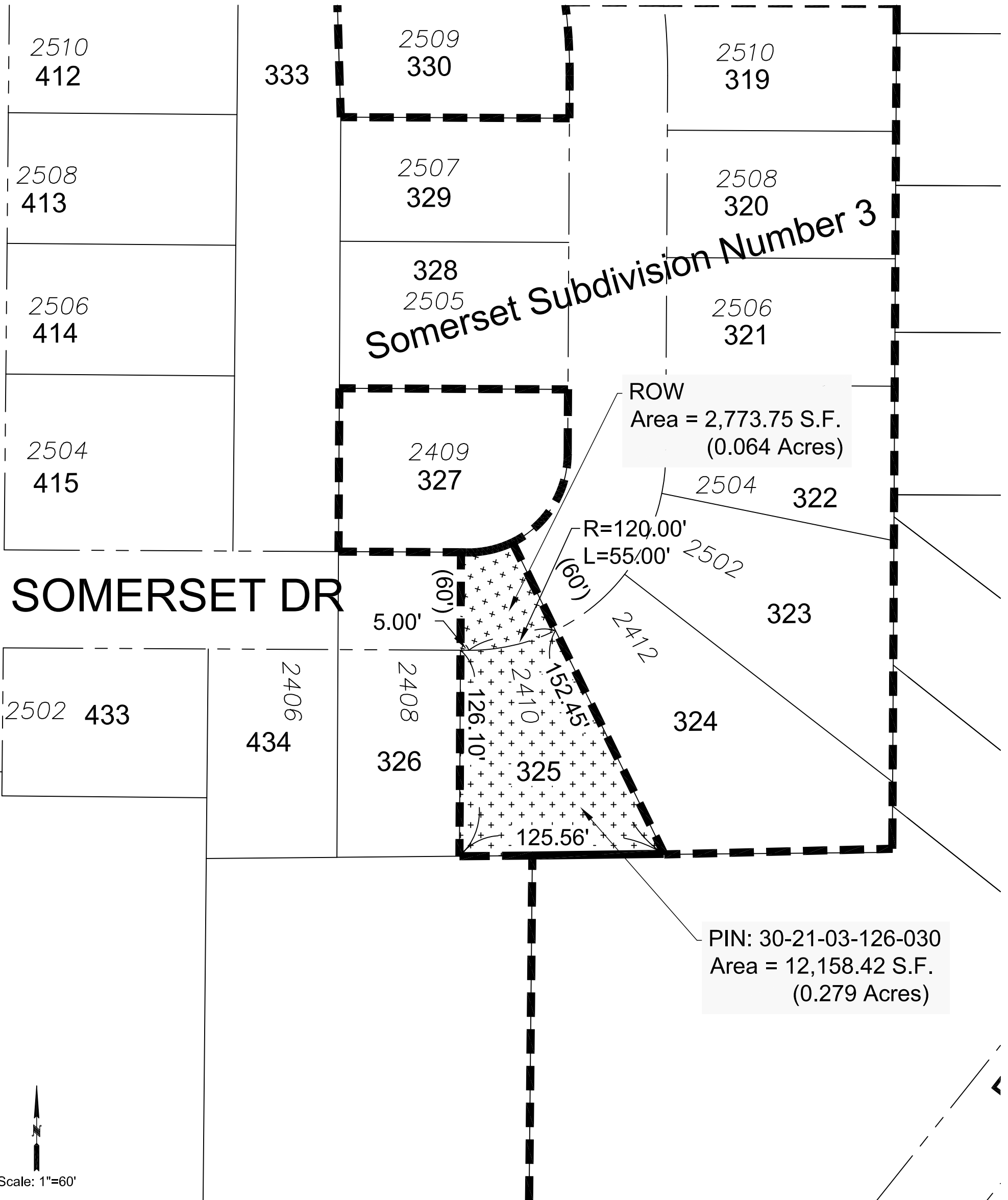
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Said annexation containing 0.279 acres, more or less, all situated in Urbana Township, Champaign County, Illinois.

Together with the following described adjacent public Right-of-Way which is by operation of the law, automatically annexed with the adoption of an annexation ordinance pertaining to these tracts:


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MAP SHOWING AREA ANNEXED BY CITY ORDINANCE #2011-XX-XXX
 CITY OF URBANA, CHAMPAIGN COUNTY, ILLINOIS
 DATE: June XX, 2011

AREA OF ANNEXATION	
EXISTING CITY LIMITS	
NEW CITY LIMITS	
RIGHT OF WAY LINE	
PROPERTY ADDRESS	2702
LOT NUMBER	416

ENGINEERING DIVISION



CITY ENGINEER/PUBLIC WORKS DIRECTOR

DRAWN BY: B.W.F. 5/16/2011
 CHECKED: W.R.G. 5/XX/2011

Petition for Annexation
To
THE CITY COUNCIL OF THE CITY OF URBANA
CHAMPAIGN COUNTY, ILLINOIS

The Petitioners, **DAVID L. and REGINA R. WIESE**, respectfully state under oath:

1. Petitioners are the sole owners of record of the following legally described tract of land, except any public right-of-way property to wit:

Lot 325 in Somerset Subdivision No. 3, Urbana Township, Champaign County, Illinois, per plat recorded November 4, 1998 as Document No. 98R33828, in the Office of the Recorder, Champaign County, Illinois.

Parcel No. 30-21-03-126-030
Address: 2410 Somerset Drive

2. Said Tract is not situated within the corporate limits of any municipality, but together with other tracts is contiguous to the City of Urbana, Illinois at the time of annexation.
3. At least fifty-one percent (51%) of all electors (registered voters) residing in said Tract have signed this petition.

PETITIONERS RESPECTFULLY REQUEST:

1. That said Tract described above herein be annexed to the City of Urbana, Illinois pursuant to Section 5/7-1-8 of the Municipal Code of the State of Illinois, as amended (65 ILCS 5/7-1-8).
2. That said Tract be annexed in accordance with the terms of the annexation agreements passed by the Urbana City Council on July 18, 1994 as Ordinance No. 9495-8 and July 17, 2006 as Ordinance No. 2006-07-085 and approved by the Mayor of the City of Urbana.

Dated this 11 day of May, 2011.

PETITIONER:

Deceased
David L. Wiese

Regina R. Wiese
Regina R. Wiese

Date

5/11/2011
Date

Subscribed and sworn to before me this 11th day of May, 2011.

Betsy Dickerson
Notary Public

My Commission Expires



ELECTORS:

The undersigned, being electors (registered voters) residing in said Tract, respectfully state under oath:

1. ~~I am currently registered to vote in Champaign County, Illinois and currently reside at said Tract.~~
2. I have read and understand the petition to annex said tract and hereby and herewith join in the petition for annexation of said Tract to the City of Urbana.
I AM SIGNING THIS AGREEMENT UNDER PROTEST.

PRINTED NAME

SIGNATURE

1. REGINA R. WIESE

2. _____

3. _____

4. _____

Regina R. Wiese

COUNTY OF CHAMPAIGN)
) SS
 STATE OF ILLINOIS)

I, Betsy Dickerson, Notary Public in the aforesaid County and State, do hereby certify that each of the persons who signed this petition above ~~XXXX~~ ~~XXXXXX~~, personally appeared before me and acknowledged that they signed the said petition as their free and voluntary act for the uses and purposes set forth therein.

Betsy Dickerson
Notary Public

My Commission Expires

