



**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:** July 7, 2011

**SUBJECT:** Annexation of 2602 Somerset Drive in Somerset Subdivision No. 3 (Annexation Case 2011-A-06)

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**Introduction**

City staff requests that the Committee of the Whole review and approve the attached petition and ordinance to annex 2602 Somerset Drive in Somerset Subdivision No. 3. (See Exhibit A.) The property 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 total area to be annexed comprises approximately 0.28 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 the subject property be approved, the effective date of the annexation would be July 29, 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 these annexation agreements, subsequent property owners have been obligated to submit a signed annexation petition to cause annexation of their property, and the City of Urbana is obligated to annex and provide City services. In conformance with these agreements, 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. 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**

The City is currently seeking compliance with the agreement for the remaining properties not yet annexed to date. The property now under petition for annexation is one of the outstanding properties subject to the annexation agreement. City Legal staff has been following up with owners of these properties to gain compliance with the approved annexation agreement. Once this property is annexed a total of six 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 the Committee of the Whole forward this ordinance to the July 18, 2011 City Council meeting with a recommendation for approval. If approved, annexation would become effective July 29, 2011 at noon.

Prepared by:

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Rebecca Bird, Planner I

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. 2011-07-081**

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

(2602 Somerset Drive / John O. Anindo)

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 June 24, 2011 notifying them that this Ordinance would be voted upon at the regular meeting of this Council at 7:00 p.m., Monday, July 18, 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 CORPORATE AUTHORITIES 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 the Northwest Quarter of Section 3, Township 19 North, Range 9 East of the Third Principal Meridian, Champaign County, Illinois, being more particularly described as follows:

Lot 318 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.

Said annexation containing 11,999.0835 S.F. (0.276 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 tract, being sixty feet (60') in width and encompassing 300.000 S.F. (0.0069 acres), more or less.

The above described territory is more commonly known as 2602 Somerset Drive, Urbana, Illinois, and referenced by the Champaign County Parcel Index Number 30-21-03-126-003.

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 29th day of July, 2011 following its passage by the Urbana Corporate Authorities.

PASSED by the Urbana Corporate Authorities this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

AYES:

NAYS:

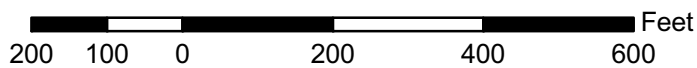
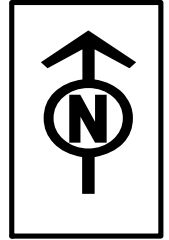
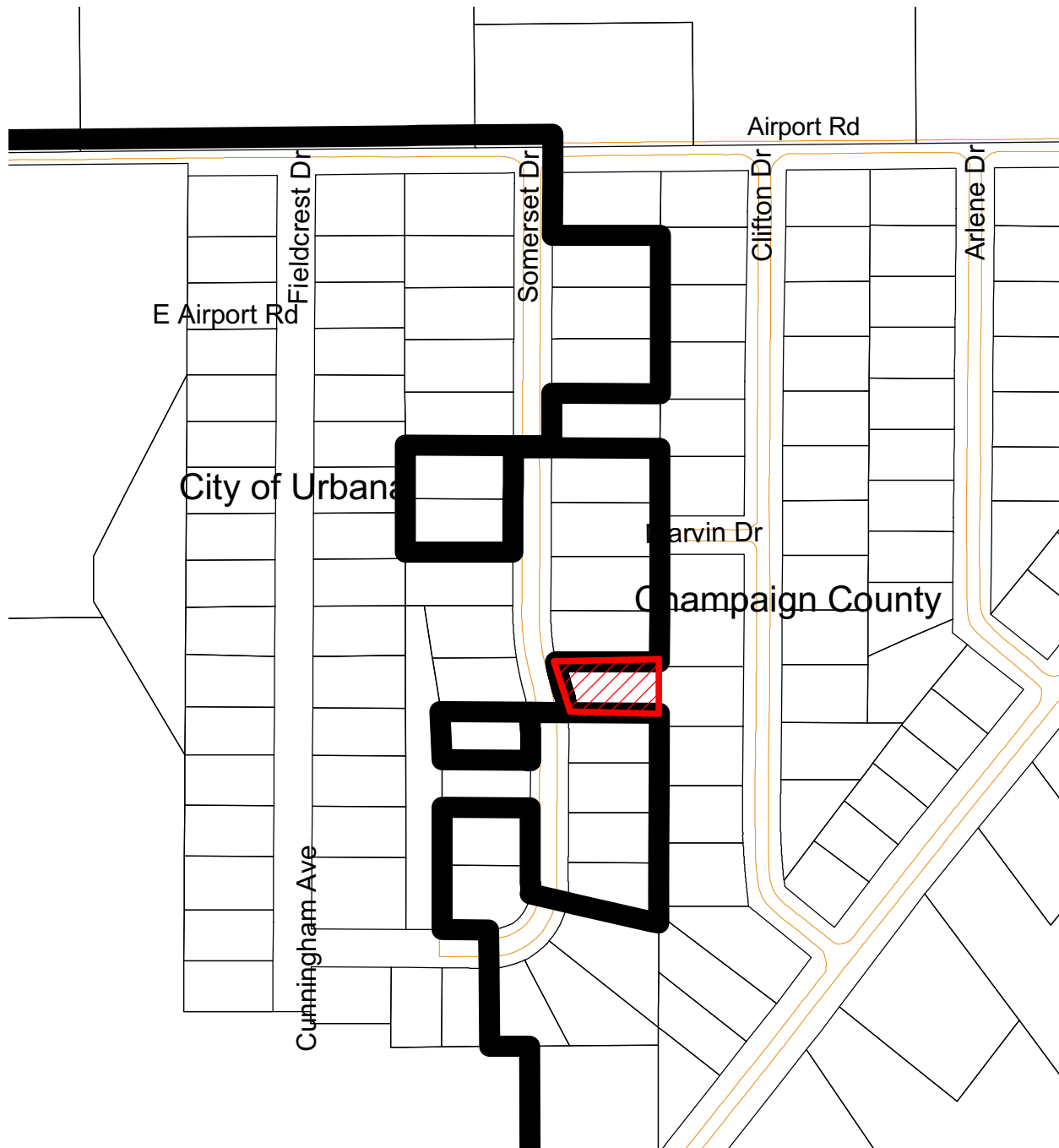
ABSTAINS:

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

APPROVED by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_,  
2011.

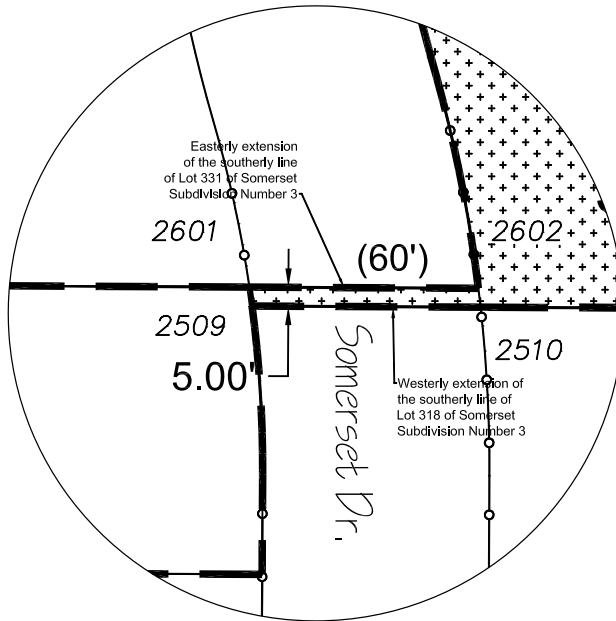
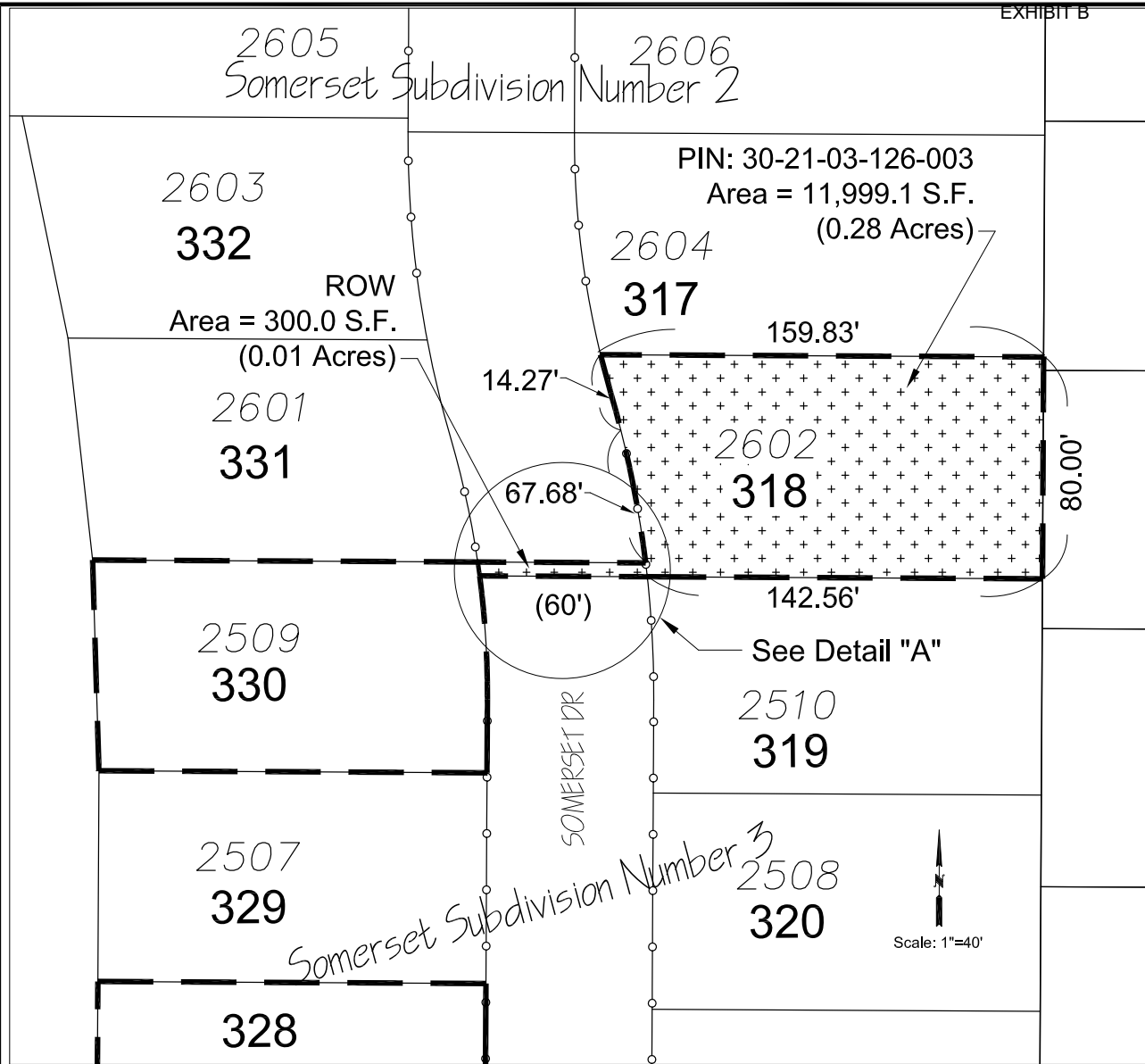
\_\_\_\_\_  
Laurel Lunt Prussing, Mayor

# Exhibit A: Location Map



Case: 2011-A-06  
Subject: Annexation Petition  
Location: 2602 Somerset Drive  
Petitioner: John O. Anindo

 Subject Property  
 Corporate Limits



Detail "A"

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

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

**ENGINEERING DIVISION**

CITY ENGINEER/PUBLIC WORKS DIRECTOR  
DRAWN BY: B.W.F. 6/30/2011  
CHECKED: W.R.G. 7/05/2011

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

Lot 318 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.

Said annexation containing 11,999.1 S.F. (0.28 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 tract, being sixty feet (60') in width and encompassing 300.0 S.F. (0.01 acres), more or less.



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

The Petitioner, **JOHN O. ANINDO**, respectfully states under oath:

1. Petitioner is the sole owner of record of the following legally described tract of land, except any public right-of-way property to wit:

Lot 318 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.

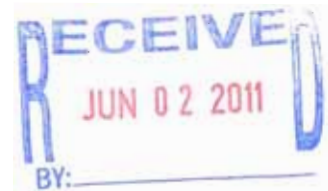
Parcel No. 30-21-03-126-023  
Address: 2602 Somerset Drive

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.

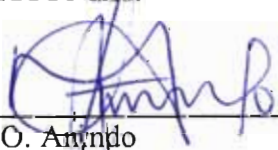
PETITIONER RESPECTFULLY REQUEST:

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 31 day of May, 2011.



**PETITIONER:**

  
\_\_\_\_\_  
John O. Anindo

05/31/2011  
Date

