



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: October 18, 2012

SUBJECT: Annexation petition for 2202 S. High Cross Road (Birkey's Farm Store)
(Annexation Case No. 2012-A-03)

Description

The applicant has petitioned the Urbana City Council to annex 2202 S. High Cross Road into the Urbana corporate limits. (See Exhibit A.) The area to be annexed is 20 acres (more or less) and is currently in crop production. The owner, Birkey's Farm Store, plans to relocate to the lot. The relocation will allow for the store to expand and stay in Urbana. The property is required to be annexed as per a recently adopted annexation agreement between the City of Urbana, Richard M. Noel and Birkey's Farm Store Inc. Should the annexation of the subject property be approved, the effective date of the annexation would be November 15, 2012 at noon.

An annexation agreement for the subject property was approved by the City Council on June 4, 2012. (See Ordinance No. 2012-06-054.)

Discussion

The subject property is a 20-acre parcel located east of High Cross Road and north of Windsor Road, and is contiguous to the City of Urbana to the west. Benefits of bringing the subject property into the City include the facilitation of compact, contiguous development, future tax revenues, and the ability to ensure code compliance and safety.

The property is currently zoned AG-2, Agricultural in Champaign County and a recently adopted annexation agreement stipulates that the property will be rezoned to City AG, Agriculture zoning upon annexation. The proposed rezoning was requested by the owner, Birkey's Farm Store to enable relocation and expansion of their business. The Urbana Zoning Ordinance specifies that a "Farm Equipment Store" is permitted by right in the City AG District.

Options

1. Approve the annexation petition.
2. Deny the annexation petition.

Fiscal Impact

The proposed annexation would have a positive fiscal impact upon the City as it would generate additional sales, utility, and property tax revenues. Additional demand for City services as a result of the annexation are not expected to be significant.

Recommendation

Staff recommends that the Committee of the Whole forward the attached ordinance to the City Council's regular meeting on November 5, 2012 for approval.

Prepared By:

Aditi Kambuj, Planner I

cc:

Ron Birkey
Birkey's Farm Store
1120 Veteran's Pkwy
Rantoul, IL 61866

Richard Noel
c/o Dan Noel
P.O. Box 625
Champaign, IL 61824

Pat Moone
Farnsworth Group
1819 S Neil St
Champaign, IL 61820

Jeffrey D. Hedges
Birkey's Farm Store
1120 Veteran's Pkwy
Rantoul, IL 61866

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

ORDINANCE NO. 2012-10-100

AN ORDINANCE ANNEXING CERTAIN TERRITORY TO THE CITY OF URBANA

(2202 S. High Cross Road / Birkey's Farm Store Inc.)

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 Philo 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 October 5, 2012 stating that this Ordinance would be voted upon at the regular meeting of this Council at 7:00 p.m., Monday, November 5, 2012; 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, on June 4, 2012 the City Council passed Ordinance No. 2012-06-054 approving and authorizing the execution of an annexation agreement pertaining to the property; and

WHEREAS, the territory to be annexed by this Ordinance is presently located within Champaign County's AG-2 Agricultural upon annexation will be rezoned to City AG, Agricultural 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 Corporate Authorities 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:

Lot 1 of DMT First Subdivision, as shown on a plat recorded August 30, 2012, as Document Number 2012R22036 in the Office of the Recorder of Deeds, Champaign County, Illinois, containing 19.90 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 Stone Creek Boulevard Right-of-Way adjacent to the herein annexed tract, as dedicated on plat of said DMT First Subdivision, being 33 feet in width and encompassing 4,356 square feet (0.10 acres), more or less.

Said annexation containing 871,200 S.F. (20.0 acres), more or less, all situated in Urbana Township, Champaign County, Illinois.

The above described territory is more commonly known as 2205 S. High Cross Road, Urbana, Illinois, and referenced by the Champaign County Parcel Index Number 30-21-23-300-005.

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 AG, Agriculture.

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

Section 6. To avoid uncertainty regarding public safety responsibilities concerning the property herein annexed, this Ordinance shall take effect at noon on the 15th day of November 2012 following its passage by the Urbana City Council.

PASSED by the Urbana Corporate Authorities this _____ day of _____, 2012.

AYES:

NAYS:

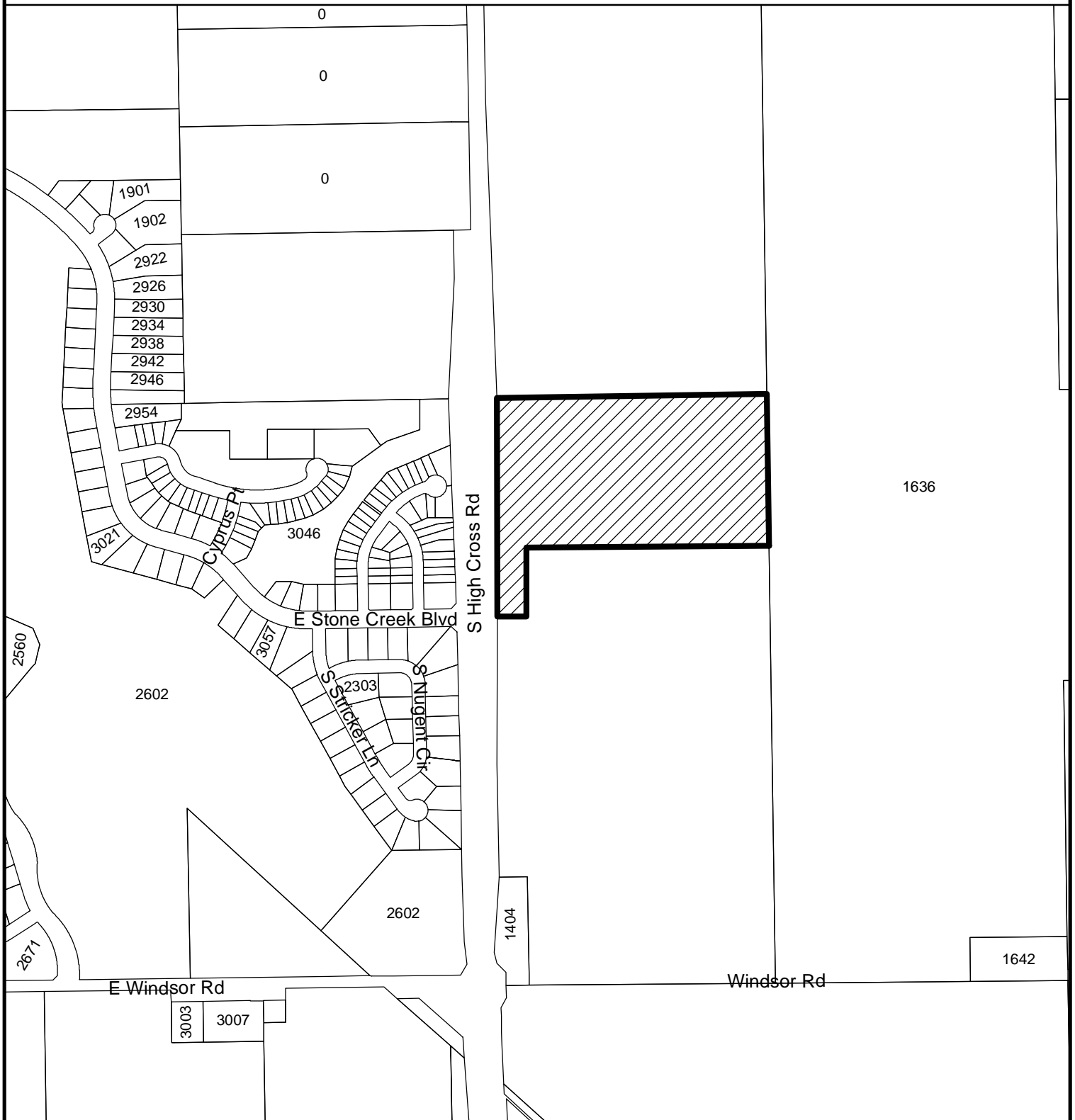
ABSTAINS:

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this _____ day of _____, 2012.

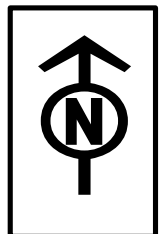
Laurel Lunt Prussing, Mayor

Location Map



Case: 2012-A-03
Subject: Annexation Petition
Location: 2202 S. High Cross Road, Urbana, IL
Petitioner: Birkey's Farm Store Inc.

 Subject Properties





Petition for Annexation

Annexation

DO NOT WRITE IN THIS SPACE - FOR OFFICE USE ONLY

Date Request Filed 9/18/2012 Annexation Case No. 2012-A-03

PLEASE PRINT OR TYPE THE FOLLOWING INFORMATION

1. APPLICANT CONTACT INFORMATION

Name of Applicant(s): **Birkey's Farm Store, Inc.** Phone: (217) 827-0520
Address (street/city/state/zip code): **1120 Veterans Pkwy, P.O. Box 900, Rantoul, IL 61866**
Email Address: **jhedge@birkeys.com**
Property Interest of Applicant(s) (Owner, Contract Buyer, etc.): **Owner**

2. OWNER INFORMATION

Name of Owner(s): **Same As Above** Phone:
Address (street/city/state/zip code):
Email Address:
Is this property owned by a Land Trust? Yes No
If yes, please attach a list of all individuals holding an interest in said Trust.

3. PROPERTY INFORMATION

Location of Subject Site: **Lot 1 In DMT First Subdivision**
PIN # of Location: **PART OF 30-21-23-300-004**
Lot Size: ~20 acres
Current Zoning Designation: **AG-2**
Proposed Zoning Designation: **CITY AG**
Current Land Use (vacant, residence, grocery, factory, etc): **Vacant**
Proposed Land Use: **Birkey's Farm Store, Inc.**
Present Comprehensive Plan Designation:
Legal Description: Lot 1 In Dmt First Subdivision, As Per Plat Recorded As Document Number 2012r22036, Situated In Champaign County, Illinois.

To the City Council of the City of Urbana

Champaign County, Illinois

The Applicant, Birkey's Farm Store, Inc., A Delaware Corporation
_____; respectfully states under oath:

That I, Birkey's Farm Store, Inc., A Delaware Corporation
(applicant), am either the sole owner or am authorized by the owner(s) of record of the following
legally described land (hereinafter sometimes referred to as the "Tract"), except any public right-of-
way property wit: *(Insert Legal Description)*

Lot 1 In DMT First Subdivision, As Per Plat Recorded As Document Number 2012R22036,

Situated In Champaign County, Illinois.

All situated in 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 parcel:

Also known for reference as _____ Urbana, Illinois,
(street address)

having permanent identification number (PIN) part of 30-21-23-300-004

That said territory is not situated within the corporate limits of any municipality, but is contiguous to the City of Urbana, Illinois.

That at least fifty-one percent (51%) of any and all electors (registered voters) residing in said Tract have signed this petition.

APPLICANT(S) RESPECTFULLY REQUESTS:

1. That the above described Tract(s) be annexed to the City of Urbana by Ordinance of the Mayor and City Council of the City of Urbana, pursuant to Section 7-1-8 of Chapter 24 of the Illinois Municipal Code of the State of Illinois, as amended.
2. That said Tract be annexed in accordance with the terms of the annexation agreement passed by the City Council on _____, 20 12 as Ordinance No. _____ and approved by the Mayor of the City of Urbana.

NOTE: All property owners must sign this annexation petition. In the case of corporate ownership, the person(s) signing must be authorized to do so by the corporation board.

Dated this 17th day of September, 20 12

OWNER(S): Birkey's Farm Store, Inc.

By: [Signature] VP
By: Jeffrey Hedge, Vice-President

By: _____

By: _____

Subscribed and sworn to before me this 17th day of Sept, 20 12

[Signature]
Notary Public



My Commission Expires: 20th day of September, 20 12

My Commission expires the _____ day of _____, 20_____.

PLEASE RETURN THIS FORM ONCE COMPLETED TO:

City of Urbana
Community Development Department Services
Planning Division
400 South Vine Street, Urbana, IL 61801
Phone: (217) 384-2440
Fax: (217) 384-2367

BIRKEY'S FARM STORE, INC.,
a Delaware corporation

**UNANIMOUS WRITTEN CONSENT IN LIEU
OF MEETING OF THE BOARD OF DIRECTORS**

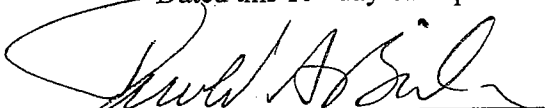
The undersigned, being all Directors of Birkey's Farm Store, Inc., a Delaware corporation (the "Corporation"), do hereby adopt the following resolution and take and consent to the following action by this written consent:


1. RESOLVED, that it is deemed to be in the Corporation's best interest to annex into the City of Urbana for that certain property located in Champaign County, Illinois, legally described as:

Lot 1 in DMT First Subdivision, as per Plat recorded as document number 2012R22036, situated in Champaign County, Illinois.

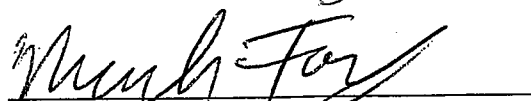
2. RESOLVED, that the Corporation be and it hereby is authorized to enter into and execute any and all documents and take such further actions as may be necessary or proper for said annexation, including but not limited to the petition for annexation.
3. RESOLVED, that the Corporation's Vice-President, Jeffrey D. Hedge, and/or any other officers of the Corporation, be and they hereby are authorized to execute any and all other documents and/or take such further actions as may be necessary or proper for said annexation, including but not limited to the petition for annexation.

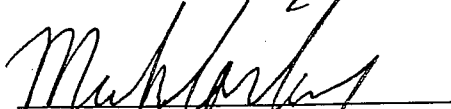
Dated this 10th day of September, 2012.


RONALD A. BIRKEY, Director


JEFFREY D. HEDGE, Director


MICHAEL J. HEDGE, Director

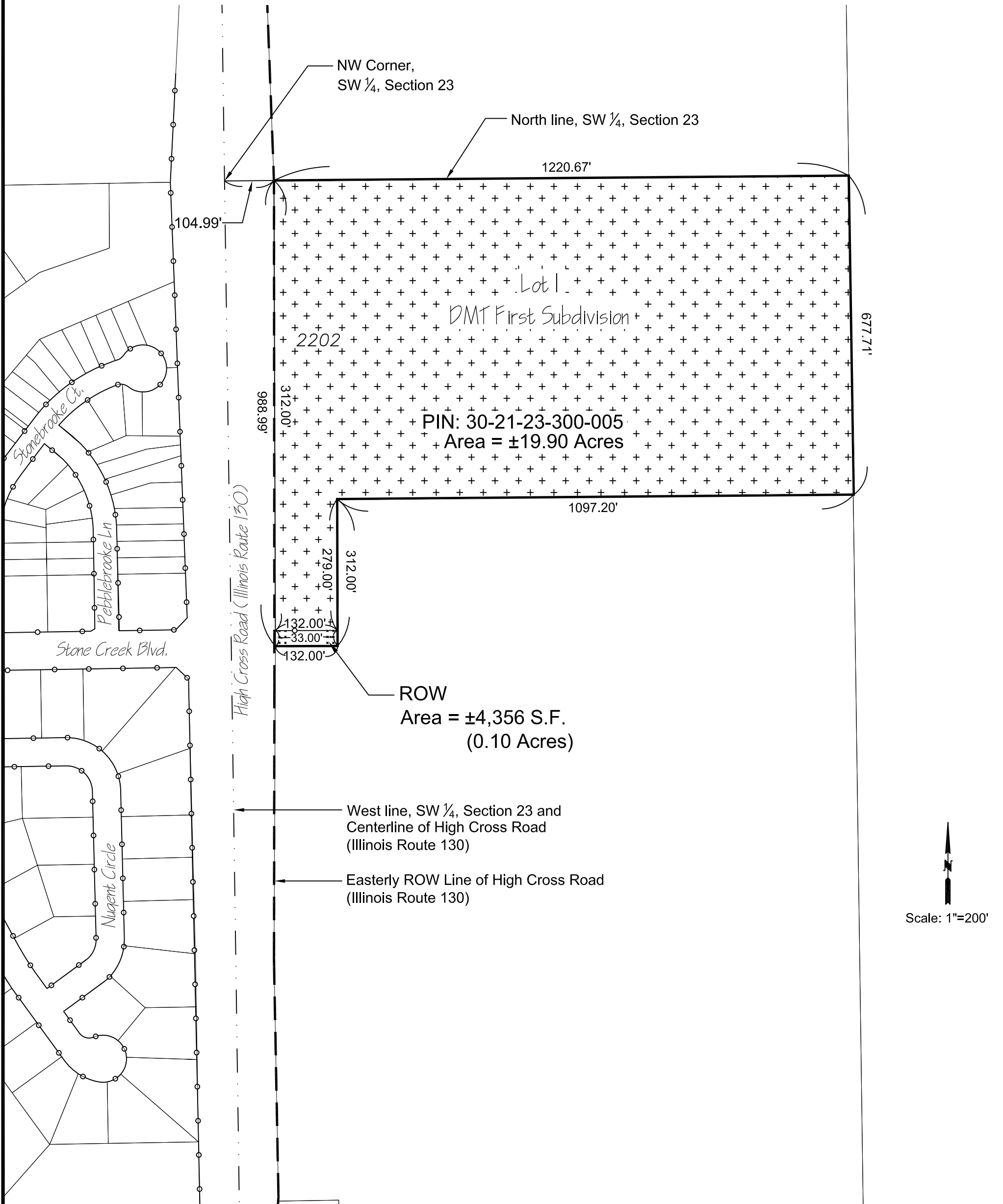

MARK FOSTER, Director


MICHAEL CARLEY, Director

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MAP SHOWING AREA ANNEXED BY CITY ORDINANCE #2012-10-XXX
 CITY OF URBANA, CHAMPAIGN COUNTY, ILLINOIS
 DATE: October XX, 2012

AREA OF ANNEXATION	++++
EXISTING CITY LIMITS	-----
NEW CITY LIMITS	-----
RIGHT OF WAY LINE	—○—
PROPERTY ADDRESS	2702

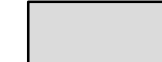
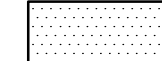

ENGINEERING DIVISION

CITY ENGINEER/PUBLIC WORKS DIRECTOR

DRAWN BY: B.W.F. 10/12/2012
 CHECKED: W.R.G. 10/15/2012

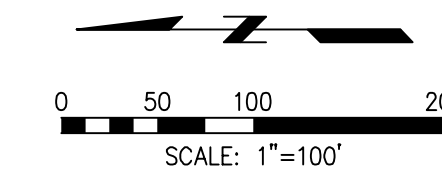


LEGEND

-  PAVEMENT SURFACE
-  GRAVEL SURFACE
-  BUILDING

Notes:

1. Existing topography and boundary on the proposed Birkey Farm Store Parcel is based upon a field survey performed by The Farnsworth Group Inc.
2. Existing boundary information for the remainder of the Richard Noel property is based upon a field survey performed by The Farnsworth Group Inc.
3. Topography information outside of the proposed Birkey Farm Store project limits, is from the Champaign County, IL GIS Office.
4. Water and sanitary sewer services for the Birkey Farm Store shall be bored under High Cross Road (SR130). No main line extensions are proposed for this project.
5. No proposed development other than the Birkey Farm Store is proposed.
6. The proposed buildings on Lot 1 shall be used as office/sales space, display area and repair of farm and construction equipment.
7. Sidewalk construction along Stone Creek Boulevard is to be deferred until the remainder of the general area plan is to be developed.



P.= Future Public Street Connection
 A.= Private Access Drive
 ——— Future sanitary interceptor per Map 6
 UCSD Long Range Facility Plan

Revisions	Date:	Initials:

Farnsworth GROUP
 1819 S. NEIL STREET, SUITE F
 CHAMPAIGN, ILLINOIS 61820
 (217) 352-7408 / (217) 352-7409 Fax
 www.f-w.com

Drawn: SDS Date: 05-08-12
 Designed: PJM Checked: PJM

BIRKEY'S
 CITY OF URBANA
 CHAMPAIGN COUNTY, ILLINOIS

GENERAL AREA PLAN

Book No.: - Sheet No.: 1 OF 1
 Project No.: 0120421.00