

URBANA CITY COUNCIL MEETING

URBANA CITY COUNCIL CHAMBERS

Monday, March 19, 2001

7:30 P.M.

A G E N D A

A. MINUTES OF PREVIOUS MEETING

B. ADDITIONS TO THE AGENDA

C. PETITIONS AND COMMUNICATIONS

D. OLD BUSINESS

1. Resolution No. 2001-02-008R: A Resolution Approving and Authorizing the Execution of an Agreement With the Illinois Department of Transportation (Lincoln Avenue and Illinois Street) [Originally on March 5, 2001 Council agenda]
2. Resolution No. 2001-02-009R: A Resolution Providing for the Installation of Traffic Signals at Lincoln Avenue (F.A.U. Route 7177) and Illinois Street [Originally on March 5, 2001 Council agenda]
3. Resolution No. 2001-02-010R: Resolution for Improvement by Municipality Under the Illinois Highway Code (Lincoln Avenue and Illinois Street) [Originally on March 5, 2001 Council agenda]

E. REPORTS OF STANDING COMMITTEE

1. Committee of the Whole

- a. Ordinance No. 2001-03-018: An Ordinance Authorizing the Sale of Certain Mortgage-Backed Certificates Pledged to the Single-Family Mortgage Revenue Bonds, Series 1990
- b. Ordinance No. 2001-03-019: An Ordinance Revising the Annual Budget Ordinance (Thermal Imaging Camera Number 3)
- c. Ordinance No. 2001-03-020: An Ordinance Amending Schedule L of Section 23-187 of the Urbana Local Traffic Code Prohibiting Parking in Specified Places (Harvey Street and Gregory Street)
- d. Ordinance No. 2001-03-021: An Ordinance Amending Chapter 24, Section 38(c) of the Urbana Code of Ordinances (Building Sewers and Connections)

- e. Homebuyer Assistance Programs, Series 2001:
 - 1. Ordinance No. 2001-03-022: An Ordinance Authorizing the Execution and Delivery of an Intergovernmental Cooperation Agreement and Certain Documents in Connection Therewith; and Related Matters (AssistUrbana, Series 2001)
 - 2. Resolution No. 2001-03-011R: Resolution Approving Participation in Illinois Housing Development Authority First-Time Homebuyer Single-Family Program (Below Market Rate Program, Series 2001)
 - 3. Resolution No. 2001-03-012R: Resolution Approving Participation in Illinois Housing Development Authority First-Time Homebuyer Single-Family Program (Help Program, Series 2001)

F. REPORTS OF SPECIAL COMMITTEES

G. REPORTS OF OFFICERS

- 1. Discussion of the University of Illinois Expansion and Tax Base Erosion

H. NEW BUSINESS

- 1. Ordinance No. 2001-03-023: An Ordinance Amending the Zoning Map of the City of Urbana, Illinois (For parcels located at 1106 East Anthony Drive and 2400 North Willow Road – Plan Case No. 1775-M-01)
- 2. Ordinance No. 2001-03-024: An Ordinance Amending the Zoning Ordinance of the City of Urbana, Illinois (With respect to buffer and landscape yard requirements – Plan Case No. 1774-T-01)
- 3. Ordinance No. 2001-03-025: An Ordinance Approving and Causing Publication of the Official Zoning Map of the City of Urbana, Illinois (Plan Case No. 1776-M-01)

I. ADJOURNMENT



MEMORANDUM

TO: Bruce Walden, Chief Administrative Officer
FROM: Glenn Berman, Manager of Engineering and Administration
William R. Gray, Public Works Director
DATE: March 10, 2001
RE: Lincoln Avenue and Illinois Street Traffic Signal Installation
REVISED MEMORANDUM

INTRODUCTION

This item originally appeared on the Council agenda for March 5, 2001. Because of an error in the documents presented by the Illinois Department of Transportation, this item was pulled from the Council agenda and rescheduled for the March 12th meeting. All documents, including this memorandum, have been changed to reflect the correct figures.

The Illinois Department of Transportation (IDOT), the University of Illinois and the City of Urbana have identified the intersection of Lincoln Avenue and Illinois Street as needing traffic signal installation. The proposed work shall primarily consist of installing new traffic signal posts, signal heads, mast arms, detector loops, controller, Emergency Vehicle Preemption system and streetlighting, widening of Lincoln Avenue, resurfacing of Lincoln Avenue and Illinois Street and other miscellaneous improvements. Approximately \$72,000 of the funding for the project is being funded by IDOT. The City of Urbana and the University of Illinois are funding the balance of the costs. Attached is the necessary documentation to complete the project.

ISSUES AND DISCUSSION

This attached City-State Agreement requires three resolutions be passed by the City Council. They are as follows:

1. A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE ILLINOIS DEPARTMENT OF TRANSPORTATION.

This Resolution authorizes the Mayor and City Clerk to execute and deliver the agreement on behalf of the City of Urbana.

2. A RESOLUTION PROVIDING FOR THE INSTALLATION OF TRAFFIC SIGNALS AT LINCOLN AVENUE AND ILLINOIS STREET.

This Resolution sets the amount and how the funds are to be paid for the City's share of the project.

3. A RESOLUTION FOR IMPROVEMENT BY MUNICIPALITY UNDER THE ILLINOIS HIGHWAY CODE

This Resolution appropriates the use of MFT funds to pay for the City's share of the project.

FISCAL IMPACTS

This project is being totally designed and the contract administered by City of Urbana personnel. Therefore, there will be staff impacts for project monitoring and contract execution. There are sufficient personnel to accomplish this construction engineering.

As outlined in the agreement, IDOT's share of the estimated \$390,000 project cost is \$72,000 and the City's share is \$318,000. The City will pay the full cost of resurfacing Illinois Street from Lincoln to Gregory as part of our normal maintenance responsibility. The City of Urbana and the University of Illinois will split evenly the remaining project costs, which are all related to the traffic signal installation. In addition, the University has agreed to reimburse 50% of the City's engineering costs. The total University of Illinois contribution is expected to be approximately \$147,500.

Staff has reviewed the cost breakdowns and finds them satisfactory. Please note that these costs are estimates and may increase or decrease depending on actual bid prices and construction change orders. All City funds are to be Motor Fuel Tax Funds (E09). Sufficient funds are being appropriated to allow for reasonable contingencies.

RECOMMENDATION

It is recommended that the City Council approve the resolutions as outlined herein at its regularly scheduled meeting of March 19, 2001.

Prepared by:

Glenn Berman
Manager of Engineering & Administration

William R. Gray, P.E.
Public Works Director

RESOLUTION NO. _____

**A RESOLUTION
APPROVING AND AUTHORIZING THE EXECUTION OF AN AGREEMENT
WITH THE ILLINOIS DEPARTMENT OF TRANSPORTATION**

(Lincoln Avenue and Illinois Street)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. That an agreement by and between the City of Urbana, Illinois, and the Illinois Department of Transportation, in the form of the copy of said Agreement attached hereto and hereby incorporated, be and the same is hereby authorized and approved.

Section 2. That the Mayor of the City of Urbana, Illinois be and the same is hereby authorized to execute and deliver and the City Clerk of the City of Urbana, Illinois be and the same is hereby authorized to attest to said execution of said Agreement as so authorized and approved for and on behalf of the City of Urbana, Illinois.

PASSED by the City Council this _____ day of _____, 2001.

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this _____ day of _____, 2001.

Tod Satterthwaite, Mayor

Local Agency City of Urbana	 Illinois Department of Transportation Local Agency Agreement for Federal Participation	Section 99-00350-00-TL			
		Fund Type HES			
		State Contract X	Day Labor	Local Contract	RR Force Account

This Agreement is made and entered into between the above local agency (LA) and the state of Illinois, acting by and through its Department of Transportation, hereinafter referred to as "STATE". The STATE and LA jointly propose to improve the designated location as shown below. The improvement shall be constructed in accordance with plans approved by the STATE and the STATE's policies and procedures approved and/or required by the United States Federal Highway Administration hereinafter referred to as FHWA.

Location

Local Name Lincoln Avenue Route FAP 806 Length _____

Termini Intersection of Lincoln Avenue with Illinois Street in Urbana

Current Jurisdiction City of Urbana

Project Description

Existing Str. No. _____

Install fully actuated traffic signals.

Type of Work	Division of Cost				Total		
	FHWA	%	State	%		LA	%
Participating Construction	72,000	(90)	()	()	8,000	(BAL)	80,000
Non-Participating Construction	()	()	()	()	265,000	(100)	265,000
Preliminary Engineering	()	()	()	()	25,000	(100)	25,000
Construction Engineering	()	()	()	()	20,000	(100)	20,000
Right of Way	()	()	()	()	()	()	()
Railroads	()	()	()	()	()	()	()
Utilities	()	()	()	()	()	()	()
TOTAL	\$ 72,000		\$		\$ 318,000.00		\$ 390,000

NOTE: The above costs are approximate and subject to change. The actual costs will be used in the final division of cost for billing and reimbursement. If funding is not a percentage of the total, place an asterisk in the space provided for the percentage and explain below. The Federal share of construction engineering may not exceed 15% of the Federal share of the final construction cost.
 *HES funds not to exceed \$72,000

Local Agency Appropriation

The LA on _____, appropriated, by separate resolution, ordinance or road improvement statement, _____ to pay the LA's share of the cost and will appropriate additional funds, if required to cover the LA's total cost. LA's share of the cost to be paid with MFT Funds Other Funds.

Method of Financing (State Contract Work)

METHOD A---Lump Sum (95% of LA Obligation) _____
 METHOD B--- _____ Monthly Payments of _____
 METHOD C---LA's Share Balance _____ divided by estimated total cost multiplied by actual progress payment.
 (See page two for details of the above methods and the financing of Day Labor and Local Contracts)

Construction		Engineering		Right-of-Way	
Job Number	Project Number	Job Number	Project Number	Job Number	Project Number
C-95-089-99	HS-806(2)				

Agreement Provisions

THE LOCAL AGENCY AGREES:

- (1) To acquire in its name, or in the name of the state if on the state highway system, all right-of-way necessary for this project in accordance with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, and established state policies and procedures. Prior to advertising for bids, the LA shall certify to the STATE that all requirements of Titles II and III of said Uniform Act have been satisfied. The disposition of encroachments, if any, will be cooperatively determined by representatives of the LA, and STATE and the FHWA, if required.
- (2) To provide for all utility adjustments, and to regulate the use of the right-of-way of this improvement by utilities, public and private, in accordance with the current Utility Accommodation Policy for Local Agency Highway and Street Systems.
- (3) To provide for surveys and the preparation of plans for the proposed improvement and engineering supervision during construction of the proposed improvement.
- (4) To retain jurisdiction of the completed improvement unless specified otherwise by addendum (addendum should be accompanied by a location map). If the improvement location is currently under road district jurisdiction, an addendum is required.
- (5) To maintain or cause to be maintained, in a manner satisfactory to the STATE and FHWA, the completed improvement, or that portion of the completed improvement within its jurisdiction as established by addendum referred to in item 4 above.
- (6) To comply with all applicable Executive Orders and Federal Highway Acts pursuant to the Equal Employment Opportunity and Nondiscrimination Regulations required by the U.S. Department of Transportation.
- (7) To maintain, for a minimum of 3 years after the completion of the contract, adequate books, records and supporting documents to verify the amounts, recipients and uses of all disbursements of funds passing in conjunction with the contract; the contract and all books, records and supporting documents related to the contract shall be available for review and audit by the Auditor General and the department; and the LOCAL AGENCY agrees to cooperate fully with any audit conducted by the Auditor General and the department; and to provide full access to all relevant materials. Failure to maintain the books, records and supporting documents required by this section shall establish a presumption in favor of the STATE for the recovery of any funds paid by the STATE under the contract for which adequate books, records and supporting documentation are not available to support their purported disbursement.
- (8) To provide if required, for the improvement of any railroad-highway grade crossing and rail crossing protection within the limits of the proposed improvement;
- (9) To comply with Federal requirements or possibly lose (partial or total) Federal participation as determined by the FHWA;
- (10) (STATE Contracts Only) That the method of payment designated on page one will be as follows:
 - Method A - Lump Sum Payment. Upon award of the contract for this improvement, the LA will pay to the STATE, in lump sum, an amount equal to 95% of the LA's estimated obligation incurred under this Agreement, and will pay to the STATE the remainder of the LA's obligation (including any nonparticipating costs) in a lump sum, upon completion of the project based upon final costs.
 - Method B - Monthly Payments. Upon award of the contract for this improvement, the LA will pay to the STATE, a specified amount each month for an estimated period of months, or until 95% of the LA's estimated obligation under the provisions of the Agreement has been paid, and will pay to the STATE the remainder of the LA's obligation (including any nonparticipating costs) in a lump sum, upon completion of the project based upon final costs.
 - Method C - Progress Payments. Upon receipt of the contractor's first and subsequent progressive bills for this improvement, the LA will pay to the STATE, an amount equal to the LA's share of the construction cost divided by the estimated total cost, multiplied by the actual payment (appropriately adjusted for nonparticipating costs) made to the contractor until the entire obligation incurred under this Agreement has been paid.
- (11) (Day Labor or Local Contracts) To provide or cause to be provided all of the initial funding, equipment, labor, material and services necessary to construct the complete project.
- (12) (Preliminary Engineering) In the event that right-of-way acquisition for, or actual construction of the project for which this preliminary engineering is undertaken with Federal participation is not started by the close of the tenth fiscal year following the fiscal year in which this agreement is executed, the LA will repay the STATE any Federal funds received under the terms of this Agreement.
- (13) (Right-of-Way Acquisition) In the event that the actual construction of the project on this right-of-way is not undertaken by the close of the twentieth fiscal year following the fiscal year in which this Agreement is executed, the LA will repay the STATE any Federal Funds received under the terms of this Agreement.

Local Agency City of Urbana	Section 99-00350-00-TL
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- (14) And certifies to the best of its knowledge and belief its officials:
- (a) are not presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from covered transactions by any Federal department or agency;
 - (b) have not within a three-year period preceding this Agreement been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements receiving stolen property;
 - (c) are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, local) with commission of any of the offenses enumerated in item (b) of this certification; and
 - (d) have not within a three-year period preceding the Agreement had one or more public transactions (Federal, State, local) terminated for cause or default.
- (15) To include the certifications, listed in item 14 above and all other certifications required by State statutes, in every contract, including procurement of materials and leases of equipment.
- (16) (STATE Contracts) That execution of this agreement constitutes the LOCAL AGENCY's concurrence in the award of the construction contract to the responsible low bidder as determined by the STATE.
- (17) That for agreements exceeding \$100,000 in federal funds, execution of this Agreement constitutes the LOCAL AGENCY's certification that:
- (a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress or any employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any cooperative agreement, and the extension, continuation, renewal, amendment or modification of any Federal contract, grant, loan or cooperative agreement.
 - (b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress or an employee of a Member of Congress, in connection with this Federal contract, grant, loan or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying", in accordance with its instructions.
 - (c) The LOCAL AGENCY shall require that the language of this certification be included in the award documents for all subawards at all ties (including subcontracts, subgrants and contracts under grants, loans and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.
- (18) To regulate parking and traffic in accordance with the approved project report.
- (19) To regulate encroachments on public right-of-way in accordance with current Illinois Compiled Statutes.
- (20) To regulate the discharge of sanitary sewage into any storm water drainage system constructed with this improvement in accordance with current Illinois Compiled Statutes.

THE STATE AGREES:

- (1) To provide such guidance, assistance and supervision and to monitor and perform audits to the extent necessary to assure validity of the LA's certification of compliance with Titles II and III requirements.
- (2) (STATE Contracts) To receive bids for the construction of the proposed improvement when the plans have been approved by the STATE (and FHWA, if required) and to award a contract for construction of the proposed improvement, after receipt of a satisfactory bid.
- (3) (Day Labor) To authorize the LA to proceed with the construction of the improvement when Agreed Unit Prices are approved and to reimburse the LA for that portion of the cost payable from Federal and/or State funds based on the Agreed Unit Prices and Engineer's Payment Estimates in accordance with the Division of Cost on page one.
- (4) (LOCAL Contracts) That for agreements with Federal and/or State funds in engineering, right-of-way, utility work and/or construction work:
 - (a) To reimburse the LOCAL AGENCY for the Federal and/or State share on the basis of periodic billings, provided said billings contain sufficient cost information and show evidence of payment by the LOCAL AGENCY.
 - (b) To provide independent assurance sampling, to furnish off-site material inspection and testing at sources normally visited by STATE inspectors of steel, cement, aggregate, structural steel and other materials customarily tested by the STATE.

Local Agency City of Urbana	Section 99-00350-00-TL
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IT IS MUTUALLY AGREED:

- (1) That this agreement and the covenants contained herein shall become null and void in the event that the FHWA does not approve the proposed improvement for Federal-aid participation or the contract covering the construction work contemplated herein is not awarded within three years of the date of execution of this Agreement.
- (2) This Agreement shall be binding upon the parties, their successors and assigns.
- (3) The recipient shall not discriminate on the basis of race, color, national origin or sex in the award and performance of any DOT-assisted contract or in the administration of its DBE program or the requirements of 49 CFR part 26. The recipient shall take all necessary and reasonable steps under 49 CFR part 26 to ensure nondiscrimination in the award and administration of DOT-assisted contracts. The recipient's DBE program, as required by 49 CFR part 26 and as approved by DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the recipient of its failure to carry out its approved program, the department may impose sanctions as provided for under part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31U.S.C. 3801 et seq.).
- (4) This Agreement shall be administered under the provisions of the STATE's federally approved Disadvantaged Business Enterprise Program.
- (5) In cases where the STATE is reimbursing the LOCAL AGENCY, obligations of the STATE shall cease immediately without penalty or further payment being required if, in any fiscal year, the Illinois General Assembly or applicable Federal Funding source fails to appropriate or otherwise make available funds for the work contemplated herein.

ADDENDA

Additional information and/or stipulations are hereby attached and identified below as being a part of this Agreement.

Number 1 Location Map _____

(Insert addendum numbers and titles as applicable)

The LA further agrees, as a condition of payment, that it accepts and will comply with the applicable provisions set forth in this Agreement and all addenda indicated above.

APPROVED

Name _____

Title _____
County Board Chairperson/Mayor/Village President/etc.

Signature _____

Date _____

APPROVED

State of Illinois
Department of Transportation

By _____
Director of Highways

Date _____

NOTE: If signature is by an APPOINTED official, a resolution authorizing said appointed official to execute this agreement is required.

Local Agency City of Urbana
Section 99-00350-00-TL

RESOLUTION NO. _____

**A RESOLUTION PROVIDING FOR THE INSTALLATION OF TRAFFIC SIGNALS AT
LINCOLN (F.A.U. ROUTE 7177) AVENUE AND ILLINOIS STREET**

(Lincoln Avenue and Illinois Street)

WHEREAS, the City of Urbana has entered into an Agreement with the State of Illinois for the installation of the traffic signal at the intersection of Lincoln Avenue (FAU 7177) with Illinois Street; known as City Section 99-00350-00-TL; and

WHEREAS, in compliance with the aforementioned Agreement, it is necessary for the City to appropriate sufficient funds to pay its share of the cost of said improvement.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. That there is hereby appropriated the sum of three hundred eighteen thousand dollars (\$318,000), or so much thereof as may be necessary, from any money now or hereinafter allotted to the City to pay for its share of the cost of this improvement as described in the Agreement.

Section 2. That upon receipt of the contractor's first and subsequent progressive bills for this improvement, the City will pay to the Department of Transportation of the State of Illinois an amount equal to the City's share of the construction cost divided by the estimated total cost, multiplied by the actual payment (appropriately adjusted for any non-participation costs of FAP Projects) made to the contractor until the entire obligation incurred under this agreement has been paid.

Section 3. That the City agrees to pass a supplemental resolution to provide necessary funds for its share of the cost of this improvement if the amount appropriated herein proves to be insufficient to cover said cost.

PASSED by the City Council this _____ day of _____, 2001.

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this _____ day of _____, 2001.

Tod Satterthwaite, Mayor



Resolution for Improvement by Municipality Under the Illinois Highway Code

Lincoln Avenue and Illinois Street

BE IT RESOLVED, by the Council of the City of Urbana Illinois that the following described street(s) be improved under the Illinois Highway Code:

Table with 4 columns: Name of Thoroughfare, Route, From, To. Row 1: Lincoln Avenue, FAH 7177, Illinois Street.

BE IT FURTHER RESOLVED, 1. That the proposed improvement shall consist of Installation of traffic signals, widening and resurfacing Lincoln Avenue

and shall be constructed wide and be designated as Section City Section 99-00350-00-TL

2. That there is hereby appropriated the (additional) sum of Three hundred eighteen thousand dollars Dollars (\$ 318,000.00) for the improvement of said section from the municipality's allotment of Motor Fuel Tax funds.

3. That work shall be done by Contract Specify Contract or Day Labor : and.

BE IT FURTHER RESOLVED, that the Clerk is hereby directed to transmit two certified copies of this resolution to the district office of the Department of Transportation.

APPROVED Date Department of Transportation District Engineer

I, Phyllis D. Clark Clerk in and for the City of Urbana County of Champaign hereby certify the foregoing to be a true, perfect and complete copy of a resolution adopted by the City Council Council or President and Board of Trustees at a meeting on March 19, 2001 Date IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this day of A.D. (SEAL) City Clerk

M E M O R A N D U M

TO: Chief Administrative Officer

FROM: City Comptroller

RE: Restructuring of Collateral on City Bond Issue

DATE: March 2, 2001

Brief Description of Item. In 1990, the City of Urbana participated with Moline and Rock Island in a single-family mortgage revenue bond issue. At that time, it was anticipated that sometime during the life of the bonds, it would be financially advisable to sell the collateral and payoff the bonds. I have been advised by Gates Capital Municipal Finance Corporation that this bond payoff should be completed now. Gates was the same firm that assisted the cities in the initial bond offering in 1990. The transaction has been approved by Chapman and Cutler, Bond Counsel.

This restructuring will generate approximately \$35,000 to each of the 3 cities, including Urbana. Due to changing interest rates, the exact amount will not be precisely known until the day the collateral is sold. Proceeds will be distributed approximately 60 days after approval. There are no limitations on possible uses of this money.

Moline and Rock Island have already approved the transaction. Because of certain fixed annual costs, paying off the bonds will save future expenses related to maintaining the trusts which collected the income and paid off the bonds. While these bonds carry no legal or moral obligation on the part of the City, I believe it is a good idea to pay off the bonds. There is absolutely no impact to the original homebuyers or mortgages.

Fiscal Impact. Receipt of approximately \$35,000. Revenue can be recognized in the upcoming budget.

Recommendation. Approval of the attached ordinance.

ORDINANCE NO. 2001-03-018

AN ORDINANCE authorizing the sale of certain mortgage-backed certificates pledged to the Single Family Mortgage Revenue Bonds (GNMA Mortgage-Backed Securities Program), Series 1990 of the City of Moline, Illinois, the City of Rock Island, Illinois, and the City of Urbana, Illinois, jointly; authorizing the execution and delivery of certain documents in connection therewith; confirming the sale thereof; and related matters.

WHEREAS, the City of Urbana, Illinois (the "*Issuer*") is a home rule unit of government under Section 6 of Article VII of the 1970 Constitution of the State of Illinois; and

WHEREAS, pursuant to the Constitution and the laws of the State of Illinois and particularly Section 6 of Article VII of the 1970 Constitution of the State of Illinois, the Issuer is authorized to issue its revenue bonds for the purpose of financing the acquisition of mortgage loans for residential real property owned by persons of low and moderate income; and

WHEREAS, pursuant to the Constitution and the laws of the State of Illinois, and particularly Section 6 of Article VII of the 1970 Constitution and the laws of the State of Illinois, the Issuer, jointly with the City of Moline, Illinois, and the City of Rock Island, Illinois (collectively, the "*Issuers*"), have previously issued their Single Family Mortgage Revenue Bonds (GNMA Mortgage-Backed Securities Program), Series 1990 (the "*Bonds*") pursuant to the Trust Indenture dated as of September 1, 1990 (the "*Indenture*") by and among the Issuers, jointly, and The First National Bank of Chicago, succeeded in trust by Bank One Trust Company, N.A., as Trustee (the "*Trustee*"), to finance the acquisition of certain mortgage-backed certificates (the "*Securities*") guaranteed by the Government National Mortgage Association ("*GNMA*"); and

WHEREAS, it is now considered necessary, desirable and in the public interest for the Issuers to sell the Securities pledged under the Indenture, as permitted by the Indenture, and to provide for the payment of the principal of, premium, if any, and interest on the outstanding Bonds upon redemption prior to maturity with the proceeds of such sale in accordance with the provisions of the Indenture; and

WHEREAS, it is necessary and desirable in connection with the sale of the Securities to execute certain other documents and instruments, including without limitation one or more purchase contracts (the "*Purchase Contract*") and assignments of the Securities;

WHEREAS, a form of Purchase Contract has been presented to this meeting;

NOW, THEREFORE, Be It Ordained by the City Council of the City of Urbana, Illinois, as follows:

Section 1. That it is the finding and declaration of the Issuer that the sale of the Securities and the provision for the payment of the principal of, premium, if any, and interest on the

Bonds through the sale of the Securities and the redemption of certain of the Bonds prior to maturity is advantageous to the Issuer and therefore serves a valid public purpose.

Section 2. That the Mayor of the Issuer be, and he or she is hereby, authorized, empowered and directed to sell the Securities to one or more purchasers to be selected by the Mayor of the Issuer (the “*Purchaser*”), at a purchase price of not less than 100% of the principal amount thereof and, to provide for the payment of the principal of, premium, if any, and interest on the Bonds upon redemption prior to maturity with the proceeds of such sale in accordance with the provisions of the Indenture; that the form, terms and provisions of the proposed Purchase Contract for the sale of the Securities presented to this meeting be, and they are hereby, in all respects approved; that the Mayor and the City Clerk of the Issuer be, and each of them is hereby, authorized, empowered and directed to execute, and thereupon to cause the Purchase Contract to be delivered to the other Issuers and the Purchaser; that the Purchase Contract is to be in substantially the form presented to this meeting or with such changes therein as shall be approved by the officer of the Issuer executing the Purchase Contract, his or her execution thereof to constitute conclusive evidence of his or her approval of any and all changes or revisions therein from the form of Purchase Contract before this meeting; that from and after the execution and delivery of the Purchase Contract, the officers, officials, agents and employees of the Issuer are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the Purchase Contract, as executed, including without limitation the execution of assignments of the Securities; and that the Purchase Contract shall constitute, and is hereby made, a part of this authorizing ordinance, and a copy of the Purchase Contract shall be placed in the official records of the Issuer and shall be available for public inspection at the principal office of the Issuer; and that from and after the sale of the Securities, the officers, officials, agents and employees of the Issuer are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with such sale of the Securities.

Section 3. That the Mayor and the City Clerk of the Issuer are hereby authorized to pay the costs of selling the Securities providing for the payment of the principal of, premium, if any, and interest on the Bonds in accordance with the provisions of the Indenture and the redemption of the Bonds prior to maturity, from the proceeds of the sale of the Securities.

Section 4. That the Mayor, the City Clerk and the proper officers, officials, agents and employees of the Issuer are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents and certificates, including without limitation the execution of assignments of the Securities, as may be necessary to carry out and comply with the sale of the Securities and the provision for the payment of the principal of, premium, if any, and interest on the Bonds at maturity and upon redemption prior to maturity as herein provided, and to further the purposes and intent of this authorizing ordinance, including the preamble to this authorizing ordinance.

Section 5. That all acts of the officers, officials, agents and employees of the Issuer which are in conformity with the purposes and intent of this authorizing ordinance and in furtherance of the sale of the Securities and the other components of the Trust Estate and the provision for the payment of the principal of, premium, if any, and interest on the Bonds at maturity

and upon redemption prior to maturity as herein provided, and the same hereby are, in all respects, approved and confirmed.

Section 6. That the provisions of this authorizing ordinance are hereby declared to be separable, and if any section, phrase or provision of this authorizing ordinance shall for any reason be declared to be invalid, such declaration shall not affect the validity of the remainder of the sections, phrases and provisions of this authorizing ordinance.

Section 7. That all ordinances, resolutions and orders, or parts thereof, in conflict with the provisions of this authorizing ordinance are, to the extent of such conflict, hereby superseded; and that this authorizing ordinance shall be in full force and effect upon its passage and approval, as provided by law.

Approved and adopted this ____ day of _____, 2001.

Mayor

(SEAL)

Attest:

City Clerk

AYES:

NAYS:

ABSENT OR NOT VOTING:

PURCHASE CONTRACT

_____, 2001

City of Moline, Illinois
619 16th Street
Moline, Illinois 61265

City of Rock Island, Illinois
1528 3rd Avenue
Rock Island, Illinois 61201

City of Urbana, Illinois
400 South Vine Street
Urbana, Illinois 61801

Ladies and Gentlemen:

_____ (the "*Purchaser*"), acting not as fiduciary or agent for you but on its own behalf, offers to enter into this Purchase Contract (the "*Purchase Contract*") on or before 5:00 p.m., Central Time, on the date of this Purchase Contract.

1. *Introductory.* The City of Moline Illinois ("*Moline*"), the City of Rock Island, Illinois ("*Rock Island*"), and the City of Urbana, Illinois ("*Urbana*" and, together with Moline and Rock Island the "*Issuers*") has issued and sold \$18,000,000 initial aggregate principal amount of its Single Family Mortgage Revenue Bonds (GNMA Mortgage-Backed Securities Program), Series 1990 (the "*Bonds*"). The Bonds were secured, in part, by certain mortgage-backed securities guaranteed by the Government National Mortgage Association, currently outstanding in the aggregate principal amount of \$_____ and described in *Exhibit A* attached hereto and made a part hereof (the "*GNMA Securities*").

2. *Purchase, Sale and Delivery of GNMA Securities.* Subject to the terms and conditions herein set forth, the Purchaser hereby agrees to purchase from the Issuers, and the Issuers hereby agree to sell to the Purchaser, the GNMA Securities at a purchase price equal to _____% of the par amount of the GNMA Securities, after taking into account any principal reductions effective prior to the Closing Date (as hereinafter defined), plus accrued interest on the GNMA Securities at a rate of 8.35% up to but not including the date of purchase, such purchase and sale to occur on a date on or before _____, 2001, as shall be mutually acceptable to the Purchaser and the Issuers, such date being hereinafter referred to as the "*Closing Date*." The Issuers will deliver the GNMA Securities to the Purchaser for the account of the Purchaser against payment of the purchase price therefor in immediately available funds at the offices of Chapman and Cutler, Chicago, Illinois, or at such other place as may be mutually agreed upon, at 10:00 a.m., Central Time, on the Closing Date. The payment for and delivery of the GNMA Securities pursuant to this Section 2 is hereinafter referred to as the "*Closing*."

3. *Expenses.* The Issuers shall be responsible for the payment of all fees and expenses, including, but not limited to, the fees and expenses, if any, of Bank One Trust Company, N.A., as successor in trust to The First National Bank of Chicago, as Trustee, the fees and expenses, if any, of any counsel or other experts retained by any Issuer in connection with the sale of the GNMA Securities and including, without limitation the fees and expenses of Bond Counsel, Chapman and Cutler, Columbia Capital Management, LLC, and Gates Capital Corporation. The Issuers will also be responsible for the cost of preparing the assignments of the GNMA Securities to the Purchaser.

4. *Governing Law.* This Purchase Contract shall be governed by the laws of the State of Illinois.

5. *Severability.* If any provision of this Purchase Contract shall be determined to be unenforceable, that shall not affect any other provision of this Purchase Contract.

6. *Counterparts.* This Purchase Contract may be signed in counterparts. Each will be an original, but all of them together will constitute the same instrument.

7. *Effectiveness.* This Purchase Contract shall become effective upon the execution of the acceptance hereof and delivery by all parties to this Purchase Contract.

If the foregoing is in accordance with your understanding of our agreement, please sign and return to us the enclosed copy of this Purchase Contract, whereupon it will become a binding agreement by and between us and the Issuers in accordance with its terms.

Very Truly Yours,

By

Its _____

Accepted as of the date first written above:

CITY OF MOLINE, ILLINOIS

By _____
Mayor

CITY OF ROCK ISLAND, ILLINOIS

By _____
Mayor

CITY OF URBANA, ILLINOIS

By _____
Mayor

EXHIBIT A

GNMA SECURITIES

SECURITY TYPE	POOL NUMBER	CUSIP NUMBER	COUPON	ORIGINAL FACE	CURRENT FACTOR	CURRENT FACE AS OF 1/02/01
GNMA			8.35%	\$		\$
GNMA			8.35%			
GNMA			8.35%			
GNMA			8.35%			
GNMA			8.35%			
GNMA			8.35%			
GNMA			8.35%			
GNMA			8.35%			
				\$_____		\$_____



Urbana Fire Rescue Services

400 South Vine Street
Urbana, Illinois 61801
(217) 384-2420 - Phone
(217) 384-2449 - Fax

TO: Bruce Walden, CAO

FROM: Rex R. Mundt, Fire Chief

DATE: March 8, 2001

SUBJECT: Budget Amendment Approval – Purchase of Thermal Imaging Camera

Issue:

I am pleased to be submitting our second budget amendment under the fire department's Thermal Imaging Camera campaign. As noted in our previous request, it has been the fire department's goal to secure funding for the purchase of Thermal Imaging cameras to be placed on responding fire apparatus. Our previous request sought approval for the purchase of the first two thermal imaging cameras. At this time we are requesting a budget amendment for the purchase of the third camera for the amount of \$17,200.

Background:

As previously explained, Urbana Firefighter David W. Wisher began a personal campaign three (3) years ago in researching the use of Thermal Imaging cameras and how they would benefit UFRS. Due to firefighter Wisher's efforts, to date we have received \$51,600 in donations/contributions.

Thermal Imaging Cameras: At its most basic, a thermal imaging camera relies not on reflective light but on thermal, or infrared heat energy, emitted by all objects. It takes that thermal picture, converts it into an electrical picture and translates it into a video image. Thermal imagers provide vision capability with zero light precisely because they do not need visible light.

Some uses of a Thermal Imaging Camera include, but are not limited to: search and rescue, determining the source of heat, structural stability, spot fires in adjacent structures, how and where to ventilate, best entry to burning structures, locating overloaded electrical circuits, transformer problems, fires in concealed metal ductwork, hidden fires in roofs and basements, victim search in collapsed structures and confined space incidents. Thermal Imaging has proven beneficial in Hazardous Materials incidents, aiding in determining liquid

levels in containers and with detecting vapor clouds. They can also assist fire investigators in finding the point of origin of a fire, and shown promise during training evolutions by providing our firefighters the ability to critique themselves.

Objective

The fire department is seeking approval for the purchase of a third Thermal Imaging Camera at the cost of \$17,200, with a reoccurring cost of \$1,720.

Point of Contact

For further information regarding this request, please feel free to contact me at 384-2421.

ORDINANCE NO. 2001-03-019

AN ORDINANCE
REVISING THE ANNUAL BUDGET ORDINANCE
(Fire Thermal Imaging Camera Number 3)

WHEREAS, the Annual Budget Ordinance of and for the City of Urbana, Champaign County, Illinois, for the fiscal year beginning July 1, 2000, and ending June 30, 2001, (the "Annual Budget Ordinance") has been duly adopted according to sections 8-2-9.1 et seq. of the Illinois Municipal Code (the "Municipal Code") and Division 2, entitled "Budget", of Article VI, entitled "Finances and Purchases", of Chapter 2, entitled "Administration", of the Code of Ordinances, City of Urbana, Illinois (the "City Code"); and

WHEREAS, the City Council of the said City of Urbana finds it necessary to revise said Annual Budget Ordinance by deleting, adding to, changing or creating sub-classes within object classes and object classes themselves; and

WHEREAS, funds are available to effectuate the purpose of such revision; and

WHEREAS, such revision is not one that may be made by the Budget Director under the authority so delegated to the Budget Director pursuant to section 8-2-9.6 of the Municipal Code and section 2-133 of the City Code.

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

Section 1. That the Annual Budget Ordinance be and the same is hereby revised to provide as follows:

FUND:	Vehicle and Equipment Replacement
AMOUNT:	\$17,300
ADD EXPENSE:	Purchase of Third Thermal Imaging Camera
ADD REVENUE:	Donations

Section 2. This Ordinance shall be effective immediately upon passage and approval and shall not be published.

Section 3. This Ordinance is hereby passed by the affirmative vote of two-thirds of the members of the corporate authorities then holding office, the "ayes" and "nays" being called at a regular meeting of said Council.

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

AYES:

NAYS:

ABSTAINED:

Phyllis D. Clark, City Clerk

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

Tod Satterthwaite, Mayor



CITY OF URBANA, ILLINOIS
DEPARTMENT OF PUBLIC WORKS
ADMINISTRATION DIVISION

MEMORANDUM

TO: Bruce Walden, Chief Administrative Officer
FROM: William Gray, Public Works Director
Joseph Smith, Senior Civil Engineer
DATE: February 26, 2001
RE: Ordinance from Traffic Commission

Attached is an ordinance for your approval from action taken by the Traffic Commission.

The ordinance is for the installation of a no parking anytime zone and painting of yellow curb in the 900 blocks of North Harvey and Gregory Streets. These zones are located at the northern end of these two streets where new pavement and three point turnarounds were recently constructed. It is necessary to restrict all parking within 38' of the ends of the turnaround pavement in order for them to function properly. Without appropriate signage (No Parking Anytime) and yellow curbing, vehicles will tend to park in turnarounds as they appear to be parking spaces.

The Traffic Commission has considered and recommends the attached ordinance.

Prepared by: _____

Joseph Smith, P.E.
Senior Civil Engineer

Approved by: _____

William Gray, P.E.
Public Works Director

**AN ORDINANCE AMENDING SCHEDULE L OF SECTION 23-187 OF THE URBANA LOCAL TRAFFIC CODE
PROHIBITING PARKING IN SPECIFIED PLACES**

(Harvey Street and Gregory Street)

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. That Schedule L of Section 23-187, entitled "Parking Prohibited in Specified Places," of Article XIV of the Urbana Local Traffic Code, is hereby amended by ADDING to that schedule the following curbing that is to be painted yellow:

<u>Street</u>	<u>From</u>	<u>To</u>	<u>Side of Street</u>
Harvey Street	From 494 feet north of the centerline		Both Sides
	of Fairview Avenue to 532 feet north		
	of the centerline of Fairview Avenue.		
Gregory Street	From 462 feet north of the centerline		Both Sides
	of Fairview Avenue to 500 feet north		
	of the centerline of Fairview Avenue.		

Section 2. All ordinances, resolutions, motions, or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

Section 3. This Ordinance shall not be construed to affect any suit or proceeding pending in any court, or any rights acquired, or a liability incurred, or any cause or causes of action acquired or existing prior to the effective date of this Ordinance; nor shall any right or remedy of any character be lost, impaired, or affected by this Ordinance.

Section 4. The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities, and this Ordinance shall be in full force and effect from and after its passage and publication in accordance with Section 1-2-4 of the Illinois Municipal Code.

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called, of a majority of the members of the Council of the City of Urbana, Illinois, at a regular meeting of said Council

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

AYES:

NAYS:

ABSTAINS:

Phyllis D. Clark, City Clerk

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

Tod Satterthwaite, Mayor

CERTIFICATE OF PUBLICATION IN PAMPHLET FORM

I, Phyllis D. Clark, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois.

I certify that on the _____ day of _____, the corporate authorities of the City of Urbana passed and approved Ordinance No. _____, entitled "AN ORDINANCE AMENDING SCHEDULE L OF SECTION 23-187 OF THE URBANA LOCAL TRAFFIC CODE PROHIBITING PARKING IN SPECIFIED PLACES (Mathews Avenue)," which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. _____ was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the _____ day of _____, _____, and continuing for at least ten (10) days thereafter. Copies of such Ordinance were also available for public inspection upon request at the Office of the City Clerk.

DATED at Urbana, Illinois, this _____ day of _____, _____.

SEAL

CITY CLERK



**CITY OF URBANA, ILLINOIS
DEPARTMENT OF PUBLIC WORKS**

ADMINISTRATION

M E M O R A N D U M

TO: Bruce Walden, Chief Administrative Officer
FROM: William R. Gray, P.E., Public Works Director
DATE: March 15, 2001
RE: **Building Sewers and Connections**

Per motion at last Monday night's meeting, a revised ordinance is attached that defines a building sewer.

WRG:klf

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 24, SECTION 38(C)
OF THE URBANA CODE OF ORDINANCES
{Building Sewers and Connections }

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. That Section 24-38(c) of Chapter 24 of the Urbana Code of Ordinances is hereby amended to read as follows:

"(c) Installation and maintenance to be borne by owner. All costs and expenses incident to the installation, connection, repair, and maintenance of the building sewer (The building sewer is the pipe that connects a building's plumbing system to the public sewer via a wye or tee connection. The tee or wye is part of the public sewer) shall be borne by the owner, and for such purposes, the owner is granted permission to excavate in the public right-of-way subject to the regulations of the Director of Public Works. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer or any excavations incident to maintenance and repair."

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

AYES:

NAYS:

ABSTAINS:

Phyllis D. Clark, City Clerk

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

Tod Satterthwaite, Mayor



**CITY OF URBANA, ILLINOIS
DEPARTMENT OF PUBLIC WORKS**

ADMINISTRATION

M E M O R A N D U M

TO: Bruce K. Walden, Chief Administrative Officer

FROM: William R. Gray, P.E., Public Works Director

DATE: March 8, 2001

RE: **Sanitary Sewer Service Responsibilities**

INTRODUCTION

The Urbana Code of Ordinances, Section 24-38, specifies the responsibilities for sanitary sewers and their connections to buildings (see attached exhibit). Paragraph (c) specifically states, “*All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner.*” The Public Works Department has historically interpreted this Section 24-38(c) to include the maintenance and repair costs of a building sewer to be borne by the owner.

As building sewers (sanitary sewer service laterals) age, the sewer pipe deteriorates, leading to open joints, cracking, and/or collapsing. Tree or other vegetation roots can penetrate the sewer pipe at open joints or cracks, which can cause blockages. The ground around building sewers sometimes settles, causing the building sewer to sag which can lead to blockages. The maintenance or repair of such circumstances has historically been a homeowner’s responsibility. This practice is not only unique to the City of Urbana but is common in many Illinois municipalities, including Champaign.

The owner’s responsibility begins just beyond the building sewer connection to a public sewer. The City’s responsibility ends at the joint where the building sewer connects to a public sewer.

If a building sewer is damaged by another party through the course of the installation, repair, or maintenance of another sewer, conduit, or utility, the responsibility of the building sewer repair and payment of such costs shall lie with the City or the responsible party.

Failure to clarify Section 24-38(c) could expose the City to being liable for maintenance and repair costs of building sewers.

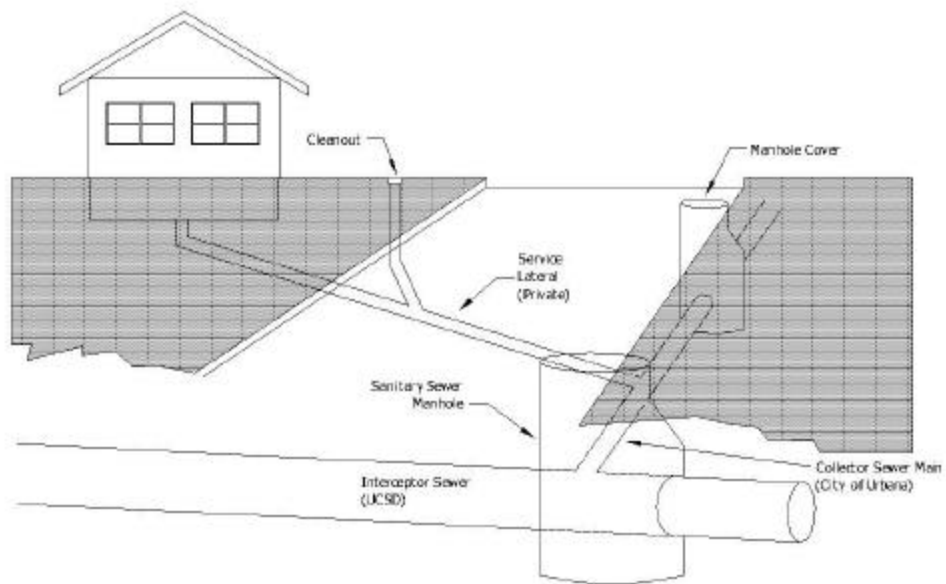
FISCAL IMPACT

The proposed language changes to Section 24-38(c) will have no monetary impact to the City, since this will clarify current practice.

RECOMMENDATION

In order to clarify building sewer maintenance and repair cost responsibilities, it is recommended that “An Ordinance Amending Chapter 24, Section 38(c) of the Urbana Code of Ordinances” be approved.

WRG:kf
Attachments





DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES
ADMINISTRATION AND PLANNING DIVISION
MEMORANDUM

TO: Bruce K. Walden, Chief Administrative Officer
FROM: April D. Getchius, AICP, Director/CD Services
DATE: March 6, 2001
RE: Homebuyer Assistance Programs - Series 2001

Brief Description of the Issue(s)

Included on the March 12 agenda of the Committee of the Whole are three individual homebuyer assistance programs. Issue one is an intergovernmental agreement regarding the implementation of a first-time homebuyer assistance program called *AssistUrbana*. If the proposed agreement were approved by City Council, the city would pool a portion of its 2001 private activity revenue bond authority with other Illinois communities to provide special financing arrangements for households desiring to purchase their first homes in Urbana. Under this program, there would be a fixed mortgage rate and downpayment assistance to homebuyers.

Issue two is a resolution authorizing the city to cede a portion of its 2001 private activity revenue bond authority to the Illinois Housing Development Authority (IHDA) to provide special low-interest rate mortgage financing to households purchasing homes within the city through the "*Below Market Rate Program*."

Issue three is a resolution authorizing the city to cede a portion of its 2001 private activity revenue bond authority to IHDA to fund the "*Help Program*" which will provide lower interest rate mortgages and downpayment assistance to first-time Urbana homebuyers

Identification of the Issue(s) and Any Approvals Required

The issue in these cases is whether the city should participate in the various homebuyer assistance programs proposed by Stern Brothers & Co. and the Illinois Housing Development Authority. Any unused bond authority not ceded for any combination of these programs will be ceded back to the State of Illinois for use by another municipality. To participate in the multi-city programs through Stern Brothers & Co., City Council needs to approve the individual intergovernmental cooperation agreement. To participate in the IHDA programs, City Council needs to approve that attached resolutions ceding a portion of the city's private activity revenue bond authority to IHDA.

Background/Facts

Pursuant to the Internal Revenue Service code, each municipality is allowed to issue private activity revenue bonds up to \$62.50 per capita per year. Based upon the current population of 36,744, the City of Urbana may issue up to \$2,296,500 in private activity revenue bonds this year. The city may utilize its private activity bond authority for one of three activities:

- 1) below-market-rate financing for affordable housing
- 2) mortgage credit certificates in support of homeownership, or

3) below-market-rate financing for limited types of industrial developments

The State of Illinois each year recaptures any bond allocation unused by the city as of May 1. The city may elect to use its allocation, allow its allocation to be recaptured by the state, or voluntarily cede its allocation to the state or to any community. Revenue bond allocations are often transferred from one community to another.

Program 1 - AssistUrbana In recent years, Urbana has used its private activity bond allocation rather than allow it to be recaptured by the state. City Council has used its allocation to assist first-time homebuyers through provision of grants for downpayments and closing costs. The AssistUrbana Program was first started under the name of *AccessUrbana* in 1995 and has subsequently assisted over 130 families purchase homes in Urbana. During 2000, thirty-three families moved into new homes equaling over \$2.2 million in home sales after the City of Urbana ceded over \$871,800 to the bond counsel.

AssistUrbana currently provides 30-year fixed rate FHA/VA mortgage loans at 7.70 percent interest and conventional loans at 7.825 percent interest through Busey Bank, BankIllinois, BankOne, and National City Bank. The program also provides non-repayable, non-taxable grants for downpayment and closing costs up to 4.25 percent of the home mortgage amount. The program has been marketed jointly by the city and bank personnel through direct mailers, seminars, and media advertising.

The bond counsel that helped create the Assist Program statewide for many Illinois communities has notified city staff that it intends to create a new Assist program in 2001, using 2001 bond allocations. Stern Brothers & Co. will be sending staff the 2001 documents in the immediate future.

The 2001 documents will be identical to the 2000 documents, which are attached. The new program would be structured similarly to the 2000 program in that both below-market-rate loans and downpayment grants would be offered. The program would still provide downpayment grants up to 4.25 percent of the home mortgage amounts. However, the program interest rate will probably be lower than the 2000 interest rates. The 2001 program rate is projected at 6.00 - 6.25 percent. The actual interest rate would be established on the date of the bond sale and would depend on market conditions at that time. Also similar to past years are the communities participating in the Assist program; including Urbana, Champaign, Rantoul, Peoria, Springfield, Decatur, Charleston, Danville, and Mattoon.

In order to qualify for the *AssistUrbana* Program, families will need to meet household income and purchase price limits. While the program would be available citywide, the Internal Revenue Service has designated program target areas (see attached map). Income and purchase price limits vary depending on whether the property purchased is located in or out of the target area. Households purchasing within the target areas need not be first-time homebuyers. Income and purchase price limits applicable to the 2001 program are as follows.

<u>Maximum Household Income Limits</u>		
Nontargeted areas	1-2 person household	\$60,300
	3 or more persons	\$69,345
Targeted area	1-2 person household	\$72,360
	3 or more persons	\$84,420
<u>Maximum Purchase Price Limits (single-family home)</u>		
Nontargeted areas	Existing properties	\$93,570

	New construction	\$164,030
Targeted area	Existing properties	\$114,360
	New construction	\$200,480

In previous years, the city has set-aside fifty percent of the bond funds for households earning at or below 80 percent of area median family income. The set-aside would apply during a six-month reservation period; during which time the city's contribution to the bond pool would be available only to Urbana residents.

A community other than Urbana would issue bonds for the 2001 program. To participate in the program, Urbana would transfer all or a portion of its bond allocation to the issuing community. If the city decides to participate in the program, the bond issue would likely occur in late March with loans becoming available around April 15.

Program 2 - Illinois Housing Development Authority *Below Market Rate* Program (BMR)

The Illinois Housing Development Authority (IHDA) has developed a financing program for first-time homebuyers that will provide 30-year mortgages fixed at 1.00-1.50 percent below the market rate. The homebuyer's rate is approximately 5.49-5.99 percent interest today. The market interest rate changes daily. The homebuyer is also eligible for \$1,000 in closing cost assistance for an additional 0.25 percent increase in the interest rate. All IHDA approved lenders are eligible to participate in the program. Homebuyers must meet the same income and purchase price guidelines as the *AssistUrbana* Program.

This program rewards families that have saved a downpayment by offering a lower interest rate mortgage. This program saves the homebuyer considerable amounts of money over the live of the mortgage and helps them build equity in the homes at a faster rate. Homebuyers can purchase homes anywhere within the city and the same target areas as the *Assist* Program apply.

The City of Urbana participated in a similar program during 2000 by ceding \$871,800 in bond cap allocation to IHDA. At that time, the interest rate was fixed at 5.00 percent for 30-years. Thirteen homebuyers generated \$1,080,337 in home sales.

To participate in the program during 2001, the city would need to transfer all or a portion of its bond allocation to the IHDA. If the city decides to participate in this program, loans would be available beginning around May 1.

Program 3 - Illinois Housing Development Authority *Help* Program

IHDA has developed the *Help Program* to assist first-time homebuyers who need assistance obtaining money for their downpayment and closing costs. The *Help Program* provides qualified homebuyers a gift in the amount of 4.25 percent of the purchase price of the house to assist with these costs. The mortgages would be 30-year fixed and loaned at IHDA's regular lending rate, currently 6.99 percent interest. The interest rate varies daily. Homebuyers may purchase a home anywhere within the city and must meet the same income and purchase price limits as shown in the *AssistUrbana* section of this memo. The same target areas also apply to the *Help Program*.

To participate in the program during 2001, the city would need to transfer all or a portion of its bond allocation to the IHDA. If the city decides to participate in this program, loans would be available beginning around May 1.

Fiscal Impact

Other than Community Development staff time to organize and market the programs, there would be no city financial outlay connected to the programs. Program administrative fees incurred by the bond counsels and by the city's bond consultants would be paid with bond proceeds. In all three programs, the city would have no liability for bond repayment since the city would not be the bond issuer and all mortgage repayments would be government-insured.

Recommendation

At their February 27 meeting, the Urbana Community Development Commission (CDC) recommended the City council divide its bond allocation between the *AssistUrbana* Program, IHDA's BMR Program, and IHDA's Help Program. All of the programs provide an opportunity for affordable home ownership in compliance with the goals of the Consolidated Plan. CDC recommended funding the *AssistUrbana* Program with 50% of the bond allocation (\$1,148,250); the BMR Program with 30% of the bond allocation (\$688,950); and the Help Program at 20% of the bond allocation (\$459,300). Staff concurs with the Community Development Commission and also recommends the participation in both programs.

Prepared By: _____

Michael J. Loschen
Grants Coordinator II

- Attachments:
- (1) An Ordinance Authorizing the Execution and Delivery of an Intergovernmental Cooperation Agreement and Certain Documents in Connection Therewith: and Related Matters (AssistUrbana Program - AssistUrbana Series 2001)
 - (2) AssistUrbana-2000 Intergovernmental Cooperation Agreement dated April 1, 2000
 - (3) AssistUrbana Target Area Map
 - (4) A Resolution Approving Participating in Illinois Housing Development Authority First-Time Homebuyer Single-Family Program (Below Market Rate Program - Series 2001).
 - (5) A Resolution Approving Participating in Illinois Housing Development Authority First-Time Homebuyer Single-Family Program (Help Program - Series 2001)

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF AN
INTERGOVERNMENTAL COOPERATION AGREEMENT AND CERTAIN DOCUMENTS IN
CONNECTION THEREWITH; AND RELATED MATTERS

(AssistUrbana, Series 2001)

WHEREAS, pursuant to Section 6(a) of Article VII of the 1970 Constitution of the State of Illinois, the City of Urbana, Champaign county, Illinois, is a municipality and a home rule unit of government duly organized and validly existing under the Constitution and the laws of the State of Illinois (the "*Municipality*"); and

WHEREAS, pursuant to the Constitution and the laws of the State of Illinois, and particularly Section 6(a) of Article VII of the 1970 Constitution of the State of Illinois, the Municipality is authorized to issue its revenue bonds in order to aid in providing an adequate supply of safe, decent and sanitary residential housing for low and moderate income persons and families within the Municipality, which such persons and families can afford, which constitutes a valid public purpose for the issuance of revenue bonds by the Municipality; and

WHEREAS, the Municipality has now determined that it is necessary, desirable and in the public interest to issue revenue bonds to provide an adequate supply of safe, decent and sanitary residential housing for low and moderate income persons and families within the Municipality, which such persons and families can afford; and

WHEREAS, pursuant to Section 10 of Article VII of the 1970 Constitution of the State of Illinois and the Intergovernmental Cooperation Act (5 *Illinois Compiled Statutes* 1998, 220/1 *et seq.*, as supplemented and amended), public agencies may exercise and enjoy with any other public agency in the State of Illinois any power, privilege or authority which may be exercised by such public agency individually, and, accordingly, it is now determined that it is necessary, desirable and in the public interest for the Municipality to enter into an Intergovernmental Cooperation Agreement (the "*Cooperation Agreement*") dated as of March 1, 2001, by and among the Municipality and certain other municipalities named therein (the "*Municipalities*"), to provide for the joint issuance of such revenue bonds to aid in providing an adequate supply of residential housing in such Municipalities (the "*Program*"); and

WHEREAS, to provide for the Program, the City of Aurora, Kane, DuPage, Will and Kendall Counties, Illinois and the City of Springfield, Sangamon County, Illinois (the "*Issuers*") proposes to issue, sell and deliver its Collateralized Single Family Mortgage Revenue Bonds, Series 2001 in an aggregate principal amount not to exceed \$250,000,000 (the "*Bonds*") in one or more series to obtain funds to finance the acquisition of mortgage-backed securities (the "*GNMA Securities*") of the Government National Mortgage Association ("*GNMA*"), evidencing a guarantee by GNMA of timely payment, the acquisition of mortgage-backed securities (the "*FNMA Securities*") of the Federal National Mortgage Association

("FNMA"), evidencing a guarantee by FNMA of timely payment, and the acquisition of mortgage-backed securities (the "*FHLMC Securities*") of the Federal Home Loan Mortgage Corporation ("FHLMC"), evidencing a guarantee by FHLMC of timely payment, of monthly principal of and interest on certain qualified mortgage loans under the Program (the "*Mortgage Loans*"), on behalf of the Municipality and the other Municipalities all under and in accordance with the Constitution and laws of the State of Illinois; and

WHEREAS, the City clerk of the Municipality has caused a notice of public hearing with respect to the plan of finance of the costs of the Program through the issuance of the Bonds to be published in *The News-Gazette*, a newspaper of general circulation in the Municipality, pursuant to Section 147(f) of the Internal Revenue code of 1986, as amended (the "*Code*"), on January 26, 2001, and an appropriately designated hearing officers of the City of Aurora, Kane, DuPage, Will and Kendall Counties, Illinois, the City of Belleville, St. Clair County, Illinois, City of Champaign, Champaign County, Illinois, and the City of East Moline, Rock Island County, Illinois, have conducted said combined public hearing on February 13, 2001; and

WHEREAS, a form of the Cooperation Agreement has been presented to and is before this meeting;

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

Section 1. That it is the finding and declaration of the

City Council of the Municipality that the issuance of the Bonds by the Issuers is advantageous to the Municipality, as set forth in the preamble to this authorizing ordinance, and therefore serves a valid public purpose; that this authorizing ordinance is adopted pursuant to the Constitution and the laws of the State of Illinois, Section 6(a) of Article VII of the 1970 Constitution, Section 10 of Article VII of the 1970 Constitution of the State of Illinois and the Intergovernmental Cooperation Act; and that, by the adoption of this authorizing ordinance, the City Council of the Municipality hereby approves the issuance of the Bonds for the purposes as provided in the preamble hereto, the text hereof and the notice of public hearing referred to in the preamble hereto, which notice is hereby incorporated herein by reference, and which public approval shall satisfy the provisions of Section 147(f) of the Code.

Section 2. That the form, terms and provisions of the proposed Cooperation Agreement be, and they are hereby, in all respects approved; provided, however, that, during the Reservation Period as defined in the Cooperation Agreement, 50 percent of the Program Allocation allocated to the City of Urbana shall be set aside for use in buying securities with mortgage loans made to persons in households earning at or below 80 percent of median family income for Champaign County, Illinois, as periodically determined by the U.S. Department of Housing and Urban Development; that the Mayor of the Municipality be, and is hereby, authorized, empowered and directed to execute, and the City Clerk

of the Municipality be, and is hereby, authorized, empowered and directed to attest and to affix the official seal of the Municipality to the Cooperation Agreement in the name and on behalf of the Municipality, and thereupon to cause the Cooperation Agreement to be delivered to the other Municipalities; that the Cooperation Agreement is to be in substantially the form presented to and before this meeting and hereby approved or with such changes therein as shall be approved by the officer of the municipality executing the Cooperation Agreement, his or her execution thereof to constitute conclusive evidence of his or her approval of any and all changes or revisions therein from the form of Cooperation Agreement before this meeting; that from and after the execution and delivery of the Cooperation Agreement, the officials, agents and employees of the Municipality are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with all things and to execute all such documents as may be necessary to carry out and comply with the provisions of the Cooperation Agreement as executed; and that the Cooperation Agreement shall constitute and is hereby made a part of this authorizing ordinance, and a copy of the Cooperation Agreement shall be placed in the official records of the Municipality, and shall be available for public inspection and the principal office of the Municipality.

Section 3. That the Mayor, the City Clerk and the proper officers, officials, agents and employees of the Municipality are

hereby authorized, empowered and directed to do all such acts and things and to execute all such documents and certificates as may be necessary to carry out and comply with the provisions of the cooperation Agreement and to further the purposes and intent of this authorizing ordinance, including the preamble to this authorizing ordinance.

Section 4. That all acts of the officers, officials, agents and employees of the Municipality heretofore or hereafter taken, which are in conformity with the purposes and intent of this authorizing ordinance and in furtherance of the issuance and sale of the Bonds, and the same hereby are, in all respects, ratified, confirmed and approved, including without limitation the publication of the notice of public hearing.

Section 5. That the Municipality hereby transfers its 2001 unified volume cap in the amount of \$1,148,250.00 to the Issuer, which is hereby allocated by the Municipality to the issuance of the Bonds; and that the Municipality, by adoption of this authorizing ordinance, hereby represents and certifies that such volume cap has not been allocated to any other bond issue or transferred to any other party.

Section 6. That after the Cooperation Agreement is executed by the Municipality, this authorizing ordinance shall be and remain irrevocable until the Bonds and the interest thereon shall have been fully paid, cancelled and discharged.

Section 7. That the provisions of this authorizing ordinance are hereby declared to be separable, and if any section, phrase or

provision of this authorizing ordinance shall for any reason be declared to be invalid, such declaration shall not affect the validity of the remainder of the sections, phrases and provisions of this authorizing ordinance.

Section 8. That all ordinances, resolutions and orders, or parts thereof, in conflict with the provisions of this authorizing ordinance are, to the extent of such conflict, hereby superseded; and that this authorizing ordinance shall be in full force and effect upon its adoption and approval as provided by law.

PASSED by the City Council this _____ day of _____, 2001.

AYES:

NAYS:

ABSTAINS:

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this _____ day of _____, 2001.

Tod Satterthwaite, Mayor

RESOLUTION NO. _____

RESOLUTION APPROVING PARTICIPATION IN
ILLINOIS HOUSING DEVELOPMENT AUTHORITY FIRST-TIME
HOME BUYER SINGLE-FAMILY PROGRAM

(Below Market Rate Program, Series 2001)

WHEREAS, there exists within the borders of the City of Urbana, Illinois (the "Municipality"), a recognized need for decent, safe, sanitary and well-constructed and maintained housing which persons of moderate income can afford; and

WHEREAS, the Municipality is a home rule unit of local government pursuant to Article VII of the Illinois Constitution of 1970 and, as such a home rule unit, the Municipality receives an annual allocation of private activity bond volume cap ("Volume Cap") pursuant to Section 146 of the Internal Revenue Code of 1986, as amended from time to time (the "Code"); and

WHEREAS, Section 143 of the Code (Section 143") authorizes home rule units to issue mortgage revenue bonds ("Revenue Bonds") using Volume Cap, the proceeds of which are to be used to purchase qualified mortgage loans, as defined in Section 143 ("Mortgage Loans") made to homebuyers satisfying the requirements of Section 143 ("Homebuyers"); and

WHEREAS, the Municipality is considering establishing and implementing a mortgage revenue bond program (the "MRB Program") to purchase Mortgage Loans from Homebuyers living within the Municipality, using \$688,950 of its Volume Cap for the year 2001 ("Year 2001 Volume Cap"); and

WHEREAS, the Illinois Housing Development Authority ("IHDA") has offered to create and administer the "Below Market Rate Program"; the Municipality would cede to IHDA a portion of its Year 2001 Volume Cap, and for a period of one (1) year from the commencement date of the "Below Market Rate Program", IHDA would issue Revenue Bonds and use the proceeds to purchase only Mortgage Loans made to Homebuyers living in the Municipality.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

SECTION 1. The Municipality makes the findings and determinations set forth in the preamble. The terms defined in the preamble are adopted for the purposes of this Resolution.

SECTION 2. The Municipality approves and authorizes its participation in the "Below Market Rate Program" and cedes to IHDA \$688,950 of its Year 2001 Volume Cap for purposes of establishing and administering the "Below Market Rate Program".

SECTION 3. The Municipality authorizes and empowers the proper officials, agents and employees of the Municipality to do all acts and things and to execute all documents and instruments as may be necessary to participate in the "Below Market Rate Program" and to carry out and comply with the provisions and intent of this Resolution or to effectuate its purpose.

SECTION 4. This Resolution shall take effect immediately upon its adoption.

PASSED by the City Council this _____ day of _____, 2001.

AYES:

NAYS:

ABSTAINS:

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this _____ day of _____, 2001.

Tod Satterthwaite, Mayor

RESOLUTION NO. _____

RESOLUTION APPROVING PARTICIPATION IN
ILLINOIS HOUSING DEVELOPMENT AUTHORITY FIRST-TIME
HOME BUYER SINGLE-FAMILY PROGRAM

(Help Program, Series 2001)

WHEREAS, there exists within the borders of the City of Urbana, Illinois (the "Municipality"), a recognized need for decent, safe, sanitary and well-constructed and maintained housing which persons of moderate income can afford; and

WHEREAS, the Municipality is a home rule unit of local government pursuant to Article VII of the Illinois Constitution of 1970 and, as such a home rule unit, the Municipality receives an annual allocation of private activity bond volume cap ("Volume Cap") pursuant to Section 146 of the Internal Revenue Code of 1986, as amended from time to time (the "Code"); and

WHEREAS, Section 143 of the Code (Section 143") authorizes home rule units to issue mortgage revenue bonds ("Revenue Bonds") using Volume Cap, the proceeds of which are to be used to purchase qualified mortgage loans, as defined in Section 143 ("Mortgage Loans") made to homebuyers satisfying the requirements of Section 143 ("Homebuyers"); and

WHEREAS, the Municipality is considering establishing and implementing a mortgage revenue bond program (the "Help Program") to purchase Mortgage Loans from Homebuyers living within the Municipality, using \$459,300 of its Volume Cap for the year 2001 ("Year 2001 Volume Cap"); and

WHEREAS, the Illinois Housing Development Authority ("IHDA") has offered to create and administer the "Help Program"; the Municipality would cede to IHDA a portion of its Year 2001 Volume Cap, and for a period of one (1) year from the commencement date of the "Help Program", IHDA would issue Revenue Bonds and use the proceeds to purchase only Mortgage Loans made to Homebuyers living in the Municipality.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

SECTION 1. The Municipality makes the findings and determinations set forth in the preamble. The terms defined in the preamble are adopted for the purposes of this Resolution.

SECTION 2. The Municipality approves and authorizes its participation in the "Help Program" and cedes to IHDA \$459,300 of its Year 2001 Volume Cap for purposes of establishing and administering the "Help Program".

SECTION 3. The Municipality authorizes and empowers the proper officials, agents and employees of the Municipality to do all acts and things and to execute all documents and instruments as may be necessary to participate in the "Help Program" and to carry out and comply with the provisions and intent of this Resolution or to effectuate its purpose.

SECTION 4. This Resolution shall take effect immediately upon its adoption.

PASSED by the City Council this _____ day of _____, 2001.

AYES:

NAYS:

ABSTAINS:

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this _____ day of _____, 2001.

Tod Satterthwaite, Mayor



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning and Economic Development Division

m e m o r a n d u m

TO: Bruce K. Walden, Chief Administrative Officer

FROM: April D. Getchius, AICP, Director

DATE: March 15, 2001

SUBJECT: Plan Case No. 1775-M-01: Request by the Urbana Zoning Administrator to rezone 1106 East Anthony Drive and 2400 North Willow Road from IN, Industrial to B-3, General Business.

Introduction

The Urbana Zoning Administrator is requesting a Zoning Map Amendment to rezone approximately 24 acres of property at 1106 East Anthony Drive and 2400 North Willow Road from IN, Industrial to B-3, General Business. The property at 1106 E. Anthony Drive is owned by Kenneth Valentine, while the property at 2400 North Willow Road is owned by Rudy Frasca.

The proposed rezoning would allow for the development of O'Brien University Auto Park which recently entered into a development agreement with the City of Urbana to relocate their existing business from University Avenue and Cunningham Avenue to this location. On September 7, 1999 the Urbana City Council approved Plan Case 1721-CP-99 and adopted Ordinance 1999-09-088 which amended the Urbana Comprehensive Plan to designate the future land use of this area as Commercial.

Background

The subject site is located in the northwest quadrant of the Interstate 74 and Cunningham Avenue interchange. The rezoning request involves two parcels (see attached exhibit). The southern parcel is owned by Valentine, while the northern parcel is owned by Frasca. The requested rezoning for the Frasca property is proposed to split the property and only encompass the eastern 16.5 acres of the full 29-acre parcel. The western half of the Frasca lot will maintain its industrial zoning. The entire acreage of the 7.5-acre Valentine property is proposed to be rezoned. The Valentine property is vacant, but was previously occupied by Central Waste, Inc. The Frasca property is also currently vacant.

Additional background information on this request is provided in the Plan Commission Memorandum, dated March 2, 2001.

Issues and Discussion

The rezoning is requested in order to begin execution of a development agreement approved by the Urbana City Council in February 2001. Under the agreement, the subject property is to be consolidated with the existing Farm and Fleet site and will be the new home for O'Brien University Auto Park. All existing structures on the site will be removed.

In considering the zoning map amendment for the subject property, the City must consider effects upon the public health, safety, comfort, morals and general welfare of the community. The City's Comprehensive Plan and zoning law decisions in the Illinois Courts provide a framework for this consideration. Relevant Comprehensive Plan goals, objectives, and policies are identified in the Plan Commission Memorandum.

The Plan Commission Memorandum also addresses the factors for evaluating the legal validity of a zoning classification, as identified in the case of *La Salle National Bank v. County of Cook*. These are summarized as follows:

1. *The existing land uses and zoning of the nearby property.*

The proposed rezoning to B-3, General Business, would be consistent with existing B-3 zoning designations and commercial uses to the northeast, south and east of the property. The land uses at the interchange of Interstate 74 and Cunningham Avenue are primarily highway-oriented commercial uses, and consist of restaurants to the south across the Interstate, a "big box" retailer to the northeast, and a large hotel and convention center to the east across Cunningham Avenue.

To the west of the site along Willow Road is vacant property zoned Industrial. The proposed rezoning would be generally consistent with this zoning designation, although it is very likely that the parcels to the west of the property could be considered for commercial uses in the future. The Urbana Comprehensive Plan Future Land Use map indicates this area for commercial use.

2. *The extent to which property values are diminished by the restrictions of the ordinance.*

The subject site is located in an area that is well-suited for commercial development. Interchanges to major interstates are valuable locations for commercial property since there is great opportunity to market to a large group of consumers. Urbana contains two interstate interchanges, one at Lincoln Avenue and one at Cunningham Avenue. Since the Lincoln Avenue interchange contains primarily industrial uses on its north side, the Cunningham Avenue interchange offers the best opportunity for new commercial development. This is also evidenced by the success of the current commercial uses at the interchange. Considering these factors, industrially zoned property at this location would hold less value than property zoned commercial.

It should be noted that City Planning and Economic Development Division staff are not qualified as professional appraisers and that a professional appraiser has not been consulted regarding the impact on the value of the property. Therefore, any discussion pertaining to property values must be considered speculative and inconclusive.

3. *The extent to which the ordinance promotes the health, safety, morals or general welfare of the public.*
4. *The relative gain to the public as compared to the hardship imposed on the individual property owner.*

The current industrial zoning does not present any significant benefits to the public welfare of the community. The site is also currently vacant, which does not contribute to the communities' tax base as well as a commercial development would. The proposed commercial development will contribute to the welfare of the community by offering convenient access to a variety of goods and services. Overall, the proposal serves the community better than vacant property zoned industrial.

5. *The suitability of the subject property for the zoned purposes.*

As stated above, this property is located in an area that is ideal for commercial development and has been planned for such in the Urbana Comprehensive Plan. The specific feature for this property is its location at a key interchange of Interstate 74 and the visibility evident with the location. The subject parcel is in a fully developed portion of Urbana and is adequately served by public streets and utilities. The State of Illinois Department of Transportation (IDOT) is also currently making significant improvements to Cunningham Avenue in this area which will greatly improve the public safety for access to this site. Considering the development pattern of commercial uses in the immediate vicinity, the subject property is well suited for the proposed zoning district.

6. *The length of time the property has been vacant as zoned, considered in the context of land development, in the area, in the vicinity of the subject property.*

The subject site actually contains two separate parcels of land. The northern parcel (owned by Rudy Frasca) has remained vacant for a significant amount of time. The southern parcel (owned by Kenneth Valentine) is currently vacant, but has been recently occupied by Central Waste, Incorporated which is a local solid waste hauler. Pursuant to the Development Agreement for this area, Central Waste has relocated in order to accommodate the proposed commercial development. This action demonstrates the value of a commercial use in this area over an industrial use.

Summary of Findings

1. The proposed B-3, General Business, zoning district for the subject site would be consistent with the proposed Comprehensive Plan commercial designation for the property.
2. The proposed B-3, General Business, zoning district for the subject site would be consistent with current B-3 zoning designations to the northeast, south and east.
3. The location of the site along the Interstate 74 and Cunningham Avenue interchange makes it appropriate for commercial development.
4. The proposed rezoning to the B-3, General Business, zoning district would be consistent with a recent development agreement executed between the City of Urbana and the property owners in which an automobile dealership would locate on the site.
5. The petitioner's request would help accommodate proposed development that would be generally compatible with other commercial uses in the immediate vicinity.
6. The proposed rezoning appears to generally meet the LaSalle Case criteria.

Options

The City Council has the following options in Plan Case No. 1775-M-01:

- a. approve the requested rezoning of 1106 East Anthony Drive and 2400 North Willow Road from IN, Industrial, to B-3, General Business.
- b. deny the requested rezoning of 1106 East Anthony Drive and 2400 North Willow Road from IN, Industrial, to B-3, General Business.

Recommendation

At their March 8, 2001 meeting, the Urbana Plan Commission recommended unanimously (7 to 0) that the City Council approve the requested rezoning to B-3, General Business. Staff concurs with this recommendation.

Prepared by:

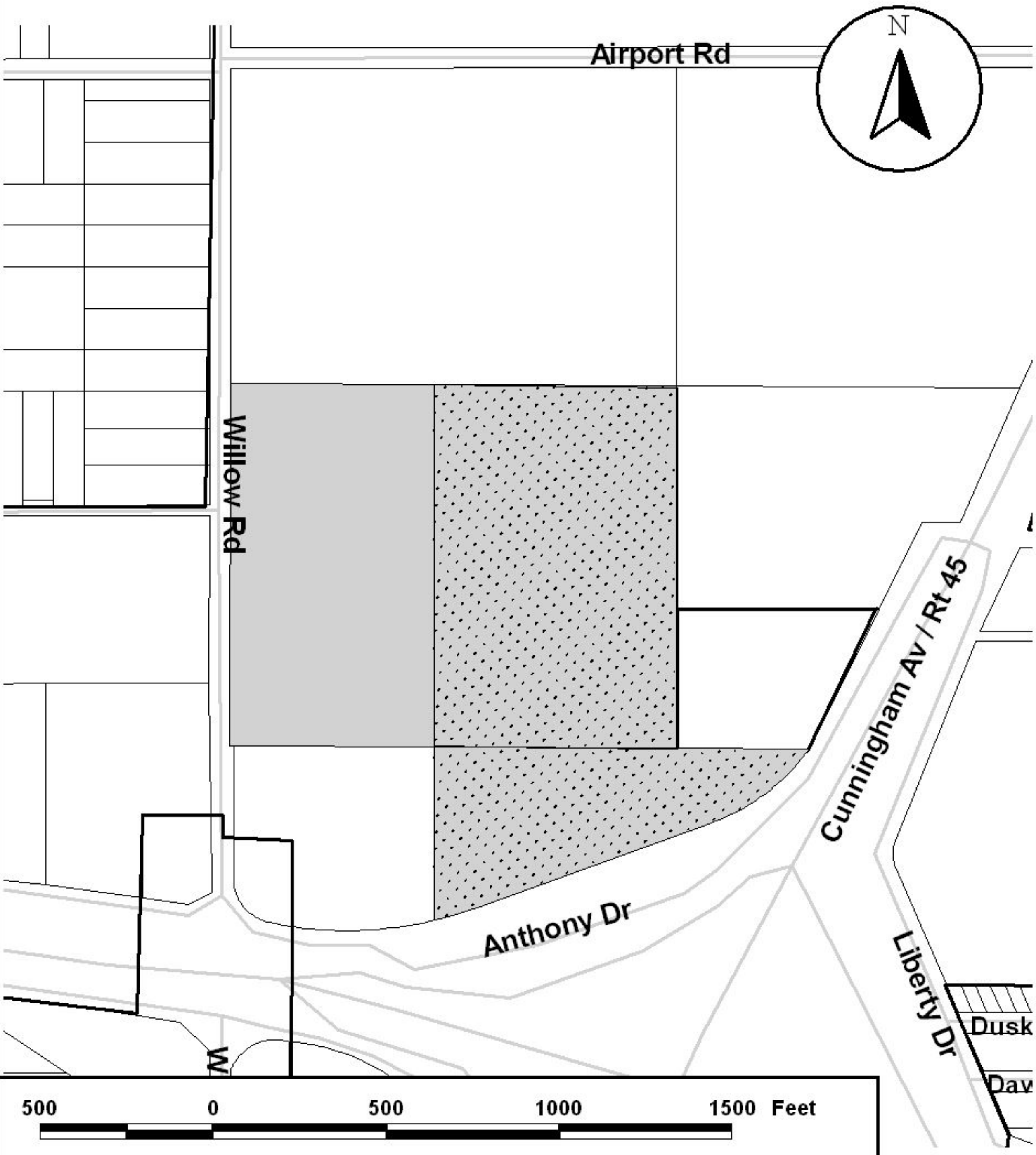
Rob Kowalski, AICP, Senior Planner

c: Kenneth Valentine, 1106 E. Anthony Drive
Rudy Frasca, 2400 N. Willow Road
David Thies

Attachments: Location & Zoning Maps
Draft Ordinance Amending the Zoning Map
Excerpt Draft Minutes from March 8, 2001 Plan Commission meeting

h:\RobK\Plan Commission\1775-M-01\ccmemo.doc

Exhibit "A": Location Map



Plan Case: 1775-M-01
Rezoning 1106 Anthony Drive

Prepared February 26, 2001 by Community Development Services - pal



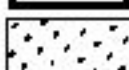
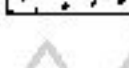
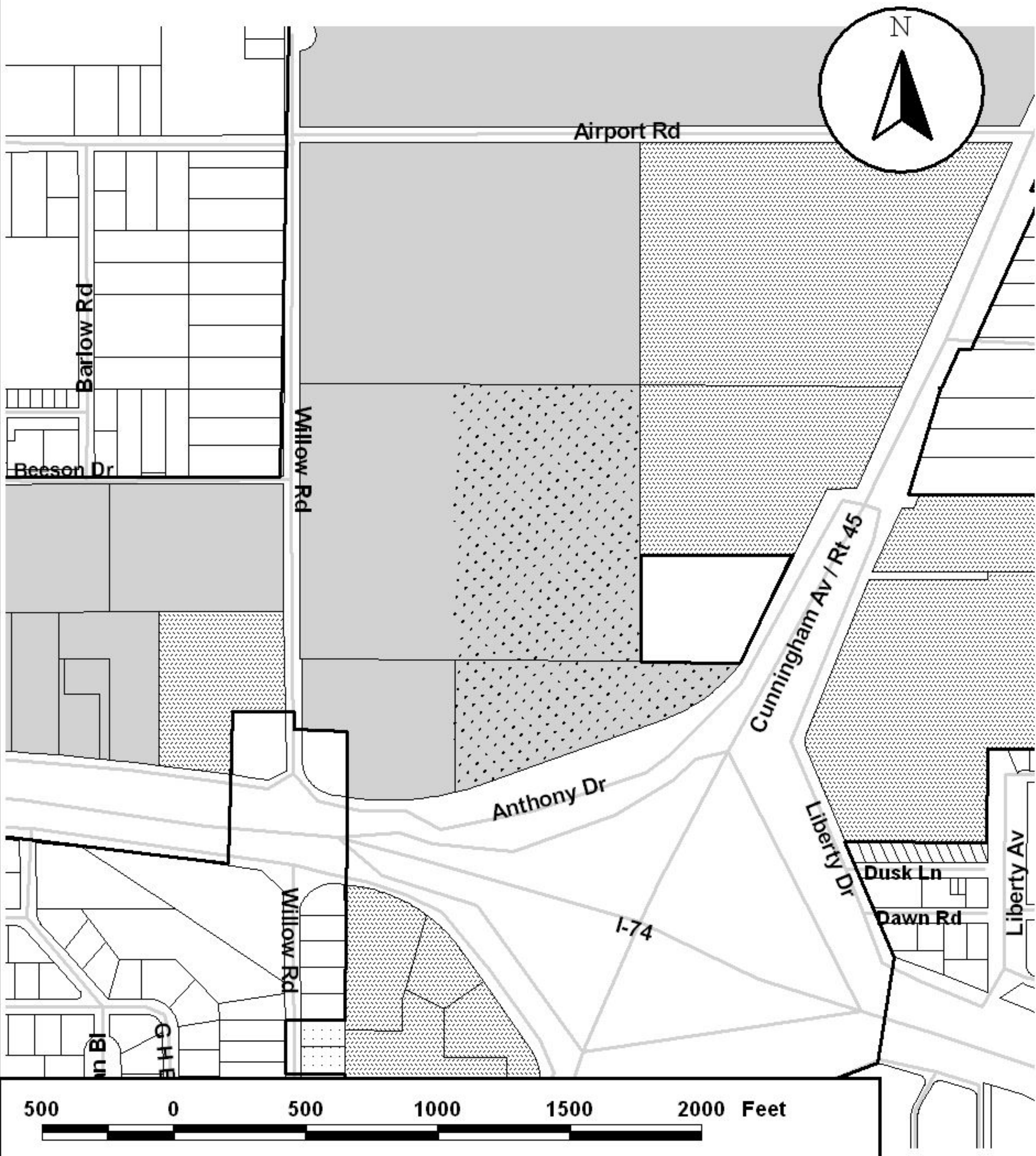
-  Subject Properties
-  City Boundary
-  Area of Rezoning
-  Streets

Exhibit "B": Zoning Map

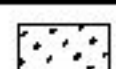

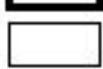
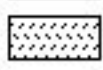




500 0 500 1000 1500 2000 Feet



Plan Case: 1775-M-01
 Rezoning 1106 Anthony Drive

Prepared March 1, 2001 by Community Development Services - pal

-  Area of Rezoning
-  City Boundary
-  ETJ
-  B3 - General Business
-  IN - Industrial
-  Streets

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF URBANA, ILLINOIS

(for parcels located at 1106 East Anthony Drive and 2400 North Willow Road -
Plan Case 1775-M-01)

WHEREAS, after due publication, a public hearing was held by the Urbana Plan Commission on March 8, 2001 concerning the petition filed by the petitioner in Plan Case No. 1775-M-01; and

WHEREAS, the requested rezoning is consistent with the City of Urbana's Official Comprehensive Plan Map and with the goals and objectives of the City of Urbana Comprehensive Plan, as amended; and

WHEREAS, the Urbana Plan Commission voted 7 ayes and 0 nays to forward the case to the Urbana City Council with a recommendation to approve the rezoning request of the properties herein described below and commonly known as 1106 East Anthony Drive and 2400 North Willow Road from IN, Industrial to B-3, General Business; and

WHEREAS, the findings of the Plan Commission indicate that approval of the rezoning request would promote the general health, safety, morals, and general welfare of the public.

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

Section 1. The Zoning Ordinance and Zoning Map of the City of Urbana, Illinois, are herewith and hereby amended to change the zoning classification

of the following described areas commonly known as 1106 East Anthony Drive and 2400 North Willow Road from IN, Industrial to B-3, General Business.

LEGAL DESCRIPTION:

Parcel A

The south 1/2 of the south 1/2 of the NW 1/4 of the NW 1/4 of Section 4, Township 19 North, Range 9 East of the 3rd Principal Meridian, Urbana, Champaign County, Illinois, except the west 607.29 feet thereof; and;

That part of the North 1/2 of the south 1/2 of the NW 1/4 of the NW 1/4 of Section 4, Township 19 North, Range 9 East of the 3rd Principal Meridian, Urbana, Champaign County, Illinois, lying south of the future east-west collector street, except the west 607.29 feet thereof.

Parcel B

The north 1/2 of the SW 1/4 of the NW 1/4 of Section 4, Township 19 North, Range 9 East of the 3rd Principal Meridian, Urbana, Champaign County, Illinois, except the west 607.29 feet thereof.

Parcel F

All of Lot 2 of Reinhold-Lindeman Subdivision as shown on a plat prepared by David P. Phillippe, Illinois Professional Land Surveyor Number 2591, dated July 6, 1988, and recorded August 23, 1988 in Plat Book AA at Page 237 in the Office of the Recorder, Champaign County, Illinois.

Consisting of a total of 24 acres more or less, all situated in the City of Urbana, Champaign County, Illinois.

PERMANENT PARCEL #: 91-21-04-151-002; 91-21-04-100-002

LOCATED AT: 1106 East Anthony Drive and 2400 North Willow Road

The said area above described being represented on the map attached hereto and incorporated herein by reference.

Section 2. The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities. This Ordinance shall be in full force and effect from and after its passage and publication in accordance with the terms of Chapter 65, Section 1-2-4 of the Illinois Compiled Statutes (65 ILCS 5/1-2-4).

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

AYES:

NAYS:

ABSTAINS:

Phyllis D. Clark, City Clerk

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

Tod Satterthwaite, Mayor

CERTIFICATE OF PUBLICATION IN PAMPHLET FORM

I, Phyllis D. Clark, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois.

I certify that on the ____ day of _____, 2001, the corporate authorities of the City of Urbana passed and approved Ordinance No.

_____, entitled "AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF URBANA, ILLINOIS (for parcels located at 1106 East Anthony Drive and 2400 North Willow Road - Plan Case 1775-M-01)" which provided by its terms that it should be published in pamphlet form. The pamphlet form of Ordinance No. _____ was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the _____ day of _____, 2001, and continuing for at least ten (10) days thereafter. Copies of such Ordinance were also available for public inspection upon request at the Office of the City Clerk.

DATED at Urbana, Illinois, this _____ day of _____, 2001.

6. OLD BUSINESS

1775-M-01. Request by the Zoning Administrator to rezone 1106 East Anthony Drive and 2400 North Willow Road from IN, Industrial to B-3, General Business.

Mr. Kowalski presented the summary of the staff report to the Commission. Mr. Kowalski presented an overhead showing the parcel of land. Mr. Kowalski reviewed a previous Comprehensive Plan Amendment on the site from September, 1999. Options to the Plan Commission are to: recommend approval to the City Council, recommend approval with any specific changes, or recommend denial to the City Council. Staff recommended approval.

Mr. Knaap asked if there was an annexation agreement for this parcel.

Mr. Kowalski stated that an agreement was not necessary since the site is already in the City.

Mr. Knaap asked if it was the intention of the owner to split the parcel of land in half.

Mr. Kowalski stated yes, it was the intention of the owner to split the parcel in half.

There were no further questions by the Commission.

Mr. Howell asked for audience participation on this issue. Seeing no questions, Mr. Howell closed the public portion of the discussion.

Mr. Knaap commented that the relocation of the auto dealer was a positive one. Mr. Knaap asked what the old automobile lot would become once vacated.

Ms. Getchius stated there has been quite a bit of interest in development at this location (University Avenue and Cunningham Avenue) because of the high traffic count at that intersection. Mr. Shelby still owns the property at University and Cunningham. Mr. O'Brien leases from Mr. Shelby. Mr. O'Brien will then purchase property from Farm and Fleet and Mr. Frasca. Farm and Fleet will then purchase property to the north of the existing store to build a new store. Mr. O'Brien will then move onto the old Farm and Fleet property and the Frasca property.

Mr. Alix moved the recommendation with approval. The motion was seconded by Ms. Silverman.

Mr. Howell called for a roll call. The vote was as follows:

Knaap	yes	Howell	yes
Kangas	yes	Silverman	yes
Alix	yes	Douglas	yes
Upah-Bant	yes		

The motion carried 7-0. The case will be forwarded with unanimous approval to City Council.



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning and Economic Development Division

m e m o r a n d u m

TO: Bruce K. Walden, Chief Administrative Officer

FROM: April D. Getchius, AICP, Director

DATE: March 15, 2001

SUBJECT: Plan Case No. 1774-T-01: Request by the Zoning Administrator to amend the Urbana Zoning Ordinance with respect to buffer and landscape yard requirements.

Introduction

The Zoning Administrator is requesting an amendment to the Zoning Ordinance to allow parking to encroach ten feet into the required front yard setback in the B-2, B-3U, and IN districts if the encroachment is accompanied by provision of a five-foot wide buffer yard conforming with the buffer and landscape yard requirements of the Zoning Ordinance (Section VI-5.G). Such encroachment is currently allowed in the B-3 district and the proposed amendment would extend this to other commercial and industrial districts.

A second part of this amendment would allow parking to encroach into the required side yard setback in the B-2, B-3, and B-3U Zoning Districts, if the zoning district adjacent to the side yard is designated B-2, B-3 or B-3U and the area adjacent to the encroachment is also in use for parking. (Note that the IN zone does not have a required side yard setback requirement, so this amendment is not proposed here). Buildings would not be allowed to encroach into the setback.

Proposed Amendment

The proposed amendment would be to Section VI-5.G., Buffer and Landscape Yards, and to Section VIII-3.F., Location of Parking Facilities. Proposed amended language is shown with strikeouts and underlining as follows:

Part A (Buffer Yards in the B-2, B-3U, and IN Districts)

Amend Section VI-5, G.2.O, to read as follows:

In the B-2, B-3, B-3U, and IN ~~General Business~~ Zoning Districts, parking is permitted to encroach ten feet (10') into the required ~~fifteen foot (15')~~ front yard setback if the encroachment includes provision of a five-foot (5') buffer yard and conforms to the regulations set forth in the following requirements of the zoning ordinance: Section VI-5 G.2(b); G.2 (h); G.2 (i); G.2 (j); G.2 (l); G.2 (m); and G.2 (n). (Ord. No. 1999-08-079, 08-03-99).

Amend Section VIII-3, F.4. to read as follows:

Parking in a B-2, B-3, B-3U, and IN district may encroach ten feet (10') into the ~~fifteen foot (15')~~ required front yard setback if a five foot (5') buffer yard is maintained in accordance with Section VI-5 G.2o of this ordinance. (Ord. No. 1999-08-079, 08-03-99)

Part B (Parking Encroachment in the Side Yards of B-2, B-3, and B-3U Districts)

Add a new Section VI-5, G.2.P, to read as follows:

In the B-2, B-3, B-3U Zoning Districts, parking is permitted to encroach into the required side yard setback if the zoning district adjacent to the setback is designated B-2, B-3, or B-3U and if the area adjacent to the proposed encroachment is also in use for parking.

Add a new Section VIII-3, F.5, to read as follows:

In the B-2, B-3, B-3U Zoning Districts, parking is permitted to encroach into the required side yard setback if the zoning district adjacent to the setback is designated B-2, B-3, or B-3U and if the area adjacent to the proposed encroachment is also in use for parking.

Issues and Discussion

The five-foot wide buffer yard provision for front yard parking lots in the B-3 zone that was adopted by Council in 1999 (Ordinance No. 1999-08-079) has had the benefit of allowing more efficient use of relatively shallow commercial lots along arterial roads, while softening the visual effect of front yard parking areas. This benefit is visible in many locations in which the buffer yard provision has been used. The proposed amendment would offer this same benefit and opportunity for improvement in the other commercial zones and in the industrial zone. Because the IN zone has a front yard setback of 25 feet, the proposed buffer yard would cover only a portion of the setback.

The second part of the proposed amendment would allow encroachment of parking into the side yard setback of the B-2, B-3, and B-3U zoning districts, if the adjacent parcel is zoned B-2, B-3, or B-3U and if the adjacent area is also in use for parking. In practical terms, this setback requirement is

generally between one commercial parking lot and an adjacent commercial parking lot. The proposed encroachment would allow for more efficient parking lot layout and improved opportunities for shared parking between adjacent uses. In some cases, however, the side yards between parking areas for adjacent commercial uses may be used for landscaping and/or pedestrian circulation purposes, although this is not required.

There was some discussion at the Plan Commission meeting of March 8, 2001 that the second part of the amendment would benefit the subsequent developer of two adjacent commercial parcels more than the initial developer. In these cases, adjoining developers could work together to coordinate timing and placement of parking lots, or the initial developer could seek a variance in anticipation of a subsequent adjoining commercial parking lot. However, it was agreed in discussion that there was no practical way to completely avoid these issues of development timing.

Summary of Staff Findings

1. The proposed amendment would assist in the administration and enforcement of the Zoning Ordinance.
2. The proposed amendment is consistent with the goals and objectives of the Comprehensive Plan calling for development and improvement of commercial and industrial areas.
3. The proposed amendment would extend the benefits of allowing landscaped buffer yards for parking lots in the front yard to the B-2, B-3U, and IN Districts.
4. The proposed amendment would encourage the visual softening of parking areas along commercial arterials and other commercial locations.
5. The proposed amendment would allow for more efficient parking lot layouts in the B-2, B-3, B-3U, and IN districts.
6. The proposed amendment would help to facilitate shared parking arrangements between adjacent commercial uses.

Options

The City Council has the following options for action in Plan Case 1774-T-01:

- a. approve one or both parts of the text amendment to the Zoning Ordinance, as presented herein.
- b. approve one or both parts of the proposed text amendment to the Zoning Ordinance, as modified by specific suggested changes.
- c. deny one or both parts of the proposed text amendment to the Zoning Ordinance.

Recommendation

At their meeting on March 8, 2001, the Plan Commission voted 7 to 0 to recommend **APPROVAL** of both parts of the proposed text amendment as presented herein based on the findings summarized above. Staff concurs with this recommendation.

Prepared by:

Elizabeth H. Tyler, AICP/ASLA
Assistant City Planner

Attachments: Proposed Ordinance to Approve Text Amendment
 Draft excerpt of minutes from March 8, 2001 Plan Commission meeting

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF URBANA, ILLINOIS

(With Respect to Buffer and Landscape Yard Requirements -
Plan Case No. 1774-T-01)

WHEREAS, the City Council of the City of Urbana, Illinois, adopted Ordinance No. 9293-124 on June 21, 1993 consisting of a comprehensive amendment to the 1979 Zoning Ordinance of the City of Urbana, also known as the Urbana Zoning Ordinance; and

WHEREAS, the Urbana Zoning Administrator has submitted a petition to amend Sections VI-5.G.2.0 and VIII-3.F.4 of the Zoning Ordinance to allow parking to encroach ten feet into the required front yard setback in the B-2, B-3U, and IN districts, if the encroachment includes provision of a five-foot buffer yard conforming with the requirements of the zoning ordinance; and to amend Sections VI-5.G.2.P and VIII-3.F.5 to allow parking to encroach into the required side yard setback in the B-2, B-3, and B-3U district if the zoning district adjacent to the setback is designated B-2, B-3, or B-3U and if the area adjacent to the proposed encroachment is also in use for parking; and

WHEREAS, said petition was presented to the Urbana Plan Commission as Plan Case No. 1774-T-01; and

WHEREAS, after due publication in accordance with Section XI-7 of the Urbana Zoning Ordinance and with Chapter 24, Section 11-13-14 of the Illinois Revised Statutes, the Urbana Plan Commission held a public hearing to consider the proposed amendment on March 8, 2001; and

WHEREAS, the Urbana Plan Commission voted 7 ayes and 0 nays to forward both parts of the proposed amendment set forth in Plan Case No. 1774-T-01 to the Urbana City Council with a recommendation for approval; and

WHEREAS, after due and proper consideration, the Urbana City Council has deemed it to be in the best interests of the City of Urbana to amend the text of the Urbana Zoning Ordinance as described herein.

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

Section 1. Section VI-5.G.2.0, Buffer and Landscape Yards, is hereby amended to read as follows:

In the B-2, B-3, B-3U, and IN Zoning Districts, parking is permitted to encroach ten feet (10') into the required front yard setback if the encroachment includes provision of a five-foot (5') buffer yard and conforms to the regulations set forth in the following requirements of the zoning ordinance: Section VI-5 G.2(b); G.2 (h); G.2 (i); G.2 (j); G.2 (l); G.2 (m); and G.2 (n). (Ord. No. 1999-08-079, 08-03-99).

Section 2. A new Section VI-5.G.2.P, Buffer and Landscape Yards, is hereby added to read as follows:

In the B-2, B-3, B-3U Zoning Districts, parking is permitted to encroach into the required side yard setback if the zoning district adjacent to the setback is designated B-2, B-3, or B-3U and if the area adjacent to the proposed encroachment is also in use for parking.

Section 3. Section VIII-3.F.4, Location of Parking Facilities, is hereby amended to read as follows:

Parking in a B-2, B-3, B-3U, and IN district may encroach ten feet (10') into the required front yard setback if a five foot (5') buffer yard is maintained in accordance with Section VI-5 G.2o of this ordinance. (Ord. No. 1999-08-079, 08-03-99)

Section 4. A new Section VIII-3.F.5, Location of Parking Facilities, is hereby added to read as follows:

In the B-2, B-3, B-3U Zoning Districts, parking is permitted to encroach into the required side yard setback if the zoning district adjacent to the setback is designated B-2, B-3, or B-3U and if the area adjacent to the proposed encroachment is also in use for parking.

Section 5. The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities. This Ordinance shall be in full force and effect from and after its passage and publication in accordance with the terms of Chapter 65, Section 1-2-4 of the Illinois Compiled Statutes (65 ILCS 5/1-2-4).

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

AYES:

NAYS:

ABSTAINS:

Phyllis D. Clark, City Clerk

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

Tod Satterthwaite, Mayor

CERTIFICATE OF PUBLICATION IN PAMPHLET FORM

I, Phyllis D. Clark, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois.

I certify that on the ____ day of _____, 2001, the corporate authorities of the City of Urbana passed and approved Ordinance No. _____, entitled "AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF URBANA, ILLINOIS (With Respect to Buffer and Landscape Yard Requirements - Plan Case No. 1774-T-01)" which provided by its terms that it should be published in pamphlet form. The pamphlet form of Ordinance No. _____ was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the ____ day of _____, 2001, and continuing for at least ten (10) days thereafter. Copies of such Ordinance were also available for public inspection upon request at the Office of the City Clerk.

DATED at Urbana, Illinois, this ____ day of _____, 2001.

(SEAL)

Phyllis D. Clark, City Clerk

1774-T-01. Request by Zoning Administrator to amend the Urbana Zoning Ordinance with request to Buffer and Landscape Yards.

Ms. Tyler stated that this proposal is a zoning ordinance text amendment that is broken into two parts, although they are somewhat related. The first would allow parking to encroach ten feet into the front yard setback in B-2, B-3U, and IN districts as long as a five foot landscape buffer is provided. This provision is presently allowed in the B-3 zones and has been successful. Ms. Tyler then presented a photosimulation of a buffer yard. The second part of the amendment would be to allow parking to encroach into the required side yard setback in the B-2, B-3 and B-3U zoning districts if the zoning district adjacent to that side yard is also designated B-2, B-3, and B-3U and is also in use for parking. The options before the Commission would be to forward one or both parts for approval, one or both parts for approval as modified with specific suggested changes, or one or both parts for denial of the text amendment. Staff recommends both parts be approved as recommended.

Mr. Alix asked if the City was creating a “chicken and egg” situation with the second amendment when the first property does not get the setback advantage and the second adjacent property does. Is it possible to have a declaration of intent by the existing landowner regarding parking?

Ms. Tyler stated the “chicken and egg” situation could be avoided in locations where parking is legally non-conforming or where it pre-existed. One could also request a variance on that basis. However, the burden is all on one side in that only the second party would directly benefit from the provision. She did not think there was a way to avoid this.

Mr. Howell asked for audience participation on this issue. There were no comments by the audience.

Mr. Howell then asked for discussion among members. Mr. Howell asked if there were a new development and there were two tracts side by side, can the first developer extend right up to the property line with parking?

Ms. Tyler stated that the first one would have to obey the ten foot setback and the second developer would be able to encroach with parking.

Mr. Kangas moved the case forward with both parts to the City Council with recommendation for approval. Ms. Upah-Bant seconded the motion.

Mr. Howell called for a roll call. The vote was as follows:

Knaap	yes	Howell	yes
Kangas	yes	Silverman	yes
Alix	yes	Douglas	yes
Upah-Bant	yes		

The motion carried 7-0.



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning and Economic Development Division

m e m o r a n d u m

TO: Bruce K. Walden, Chief Administrative Officer

FROM: April D. Getchius, Director

DATE: March 15, 2001

SUBJECT: Plan Case No. 1776-M-01, Annual Update/Review of Official Zoning Map

Introduction

The Illinois Revised Statutes (Ch. 24, Sec. 11-13-19) require municipal authorities to annually publish a new Official Zoning Map by March 31 of each year to reflect annexations, zoning changes, subdivisions and other map corrections. This requirement is also reflected in Section IV-3(B) of the Urbana Zoning Ordinance. The last time the Official Zoning Map was updated was in Plan Case 1739-M-00, which was approved by the Urbana City Council on March 20, 2000. Plan Case 1776-M-01 includes the changes to the Official Zoning Map that occurred between March 2, 2000 and February 28, 2001. It also includes correction of any map errors and nonsubstantive editorial changes that were identified in this time period.

The Plan Commission memorandum dated March 1, 2001 provides a summary of the annexations, rezonings, subdivisions, and other changes that have been incorporated into this Official Zoning Map.

Recommendation

On March 8, 2001, the Urbana Plan Commission voted 7-0 to forward this case to the Urbana City Council with a recommendation for approval.

Both the Plan Commission and staff recommend that the Urbana City Council approve the updated Official Zoning Map.

Prepared by:

Paul Lindahl
Planner Intern

Attachments:

Proposed Zoning Map (oversized enclosure for Mayor and City Councilmembers only)

[Other individuals desiring a copy of this enclosure, please contact our office]

Draft Excerpt of Minutes of the March 8, 2001 Plan Commission meeting

Draft Ordinance Approving and Causing Publication of the Official Zoning Map

1776-M-01. Annual Update/Review of Official Zoning Map.

Ms. Tyler stated that this was the annual update and review of the official Zoning Map. The amendments and changes, that have taken place over the past twelve months, were mapped out by Paul Lindahl, a Planning Intern with the City of Urbana. Ms. Tyler thanked Mr. Lindahl for his work on the map. Ms. Tyler summarized the annexation and subdivision changes that have occurred over this past year. Options in this case would be to forward to the City Council with a recommendation to approve the official zoning map as revised and updated, or to deny approval of the official zoning map. Staff recommends forwarding the map with a recommendation for approval.

Mr. Howell asked for questions. There were none.

Mr. Howell asked for audience participation. There was none.

Mr. Alix moved the Official Zoning Map be forwarded to the City Council with approval of the Plan Commission. The motion was seconded by Mr. Douglas.

Mr. Howell called for a roll call. The vote was as follows:

Knaap	yes	Howell	yes
Kangas	yes	Silverman	yes
Alix	yes	Douglas	yes
Upah-Bant	yes		

The motion carried 7-0.

ORDINANCE NO. _____

**AN ORDINANCE APPROVING AND CAUSING PUBLICATION OF THE OFFICIAL ZONING MAP OF
THE CITY OF URBANA, ILLINOIS**

(Plan Case No. 1776-M-01)

WHEREAS, The Illinois Municipal Code requires the City Council of the City of Urbana, Illinois to cause to be published each year a map showing the existing zoning classifications and revisions made during the preceding calendar year and the map so published shall be the Official Zoning Map for the City of Urbana; and

WHEREAS, the City Council of the City of Urbana last approved an Official Zoning Map on March 20, 2000 by Ordinance No. 2000-03-030; and

WHEREAS, the Urbana Zoning Administrator has submitted a request to approve the revised Official Zoning Map; and

WHEREAS, said request was presented to the Urbana Plan Commission as Plan Case No. 1776-M-01; and

WHEREAS, the Urbana Plan Commission reviewed the proposed new Official Zoning Map on March 8, 2001 and voted to forward Plan Case No. 1776-M-01 to the Urbana City Council with a recommendation for approval of the new Official Zoning Map; and

WHEREAS, after due and proposed consideration, the Urbana City Council has deemed it to be in the best interest of the City of Urbana to approve the new Official Zoning Map.

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

Section 1. The attached map entitled Official Zoning Map of Urbana, Illinois dated March 19, 2001 is hereby approved as the Official Zoning Map of the City of Urbana, Illinois pursuant to the Illinois Municipal Code and Section IV-3 of the Urbana Zoning Ordinance, which said map reflects the correct location of the official zoning districts in the City of Urbana between March 2, 2000 and February 28, 2001.

Section 2. Updated versions of the Official Zoning Map may be printed in the interim between the approval of this Official Zoning Map and the approval of the Official Zoning Map next year.

Section 3. The City Clerk is hereby directed to publish a full-sized copy of the Official Zoning Map and to make copies available in her office for inspection and purchase by the public.

Section 4. The fee to be charged to any person desiring to purchase a full-sized copy of the Official Zoning Map shall be Seven Dollars (\$7.00) per map. The fee to be charged for an updated version of the map that may be printed in the interim between the approval of this Official Zoning Map and the approval of the Official Zoning Map next year shall also be Seven Dollars (\$7.00) per map.

Section 5. The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the Corporate Authorities, and this Ordinance shall be in full force and effect from and after its passage and publication in accordance with the terms of Section 1-2-4 of the Illinois Municipal Code.

PASSED by the City Council this _____ day of _____, 2001.

AYES:

NAYS:

ABSTAINS:

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this _____ day of _____, 2001.

Tod Satterthwaite, Mayor

CERTIFICATE OF PUBLICATION IN PAMPHLET FORM

I, Phyllis D. Clark, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois.

I certify that on the _____ day of _____, 2001, the corporate authorities of the City of Urbana passed and approved Ordinance No. _____, entitled "AN ORDINANCE APPROVING AND CAUSING PUBLICATION OF THE OFFICIAL ZONING MAP OF THE CITY OF URBANA, ILLINOIS (Plan Case No. 1776-M-01)" which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. _____ was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the _____ day of _____, 2001, and continuing for at least ten (10) days thereafter. Copies of such Ordinance were also available for public inspection upon request at the Office of the City Clerk.

DATED at Urbana, Illinois, this _____ day of _____, 2001.

(SEAL)

Phyllis D. Clark, City Clerk