



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES
Economic Development Division

m e m o r a n d u m

TO: Bruce Walden, Chief Administrative Officer

FROM: Reed A. Berger, AICP, Economic Development Coordinator

DATE: January 22, 2002

SUBJECT: **Annexation of Five Lots in Beringer Commons Sub. #3**
(2909–2922 E. Rutherford Dr.)

Introduction

Staff is requesting the City Council to consider annexation of five unincorporated lots located in Beringer Commons Subdivision Number 3 at the regular meeting of the Urbana City Council scheduled for 7:30 pm Monday, February 4, 2002. A map is attached to help illustrate the location of the area proposed to be annexed.

Background

Last summer the City Council amended an annexation agreement between the City of Urbana and the developer of Beringer Commons Subdivision passed by City Council on August 5, 1991 (Council Ordinance No. 9192-20). The original agreement required that these properties be annexed into the City by January 1, 2005. However, a court settlement related to the “Big Grove” initiative provided a seven year property tax reimbursement incentive in return for annexation of the remaining unplatted areas of Beringer Commons. To take advantage of the tax incentives for new home buyers the developer, Ivan Richardson and East Urbana Development Corporation, agreed to annex the five unincorporated lots in Beringer Commons Subdivision #3 a few years early. This provision was outlined in Ordinance No. 2001-08-096 on August 20, 2001 which amended the original annexation agreement and incorporated some of the language from the court settlement.

Issues and discussion

The net result of the accelerated annexation of these five lots benefits both the City and the homeowner. The City receives revenues three years earlier and the homeowner gets the 7 year tax reimbursement vs. the standard 5-year property tax rebate. It should be noted that other properties within Beringer Commons were required to annex more than a year ago in accordance with the annexation agreement. Staff continues to seek voluntary annexation by these other property owners but may soon consider other alternatives to assure obligations set forth in the agreement are complied with..

Staff Recommendation

Staff recommends that Committee of the Whole forward the attached “Ordinance Annexing Certain Territory to the City of Urbana” to the regular City Council meeting scheduled for 7:30 pm Monday, February 4, 2002.

Prepared by: _____
Reed Berger, AICP
Economic Development Coordinator

- c: Mayor Satterthwaite and City Council Members
- City Department Heads
- Petitioners

ORDINANCE NO. 2002-01-005

AN ORDINANCE ANNEXING CERTAIN TERRITORY TO THE CITY OF URBANA

(Beringer Commons Sub. #3 / 2909-2922 E. Rutherford Dr.)

WHEREAS, the hereinafter described territory is situated in unincorporated territory adjacent to and contiguous to the City of Urbana, Illinois, and is part of the Edge-Scott Prairie Fire Protection District, and includes certain territory within the Urbana Township, and Notice was given to the Trustees of said Fire Protection District, the Board of Township Trustees, and the Township Commissioner of Highways, said notices being mailed on January 22, 2002, that this Ordinance would be voted upon at the regular meeting of this Council at 7:30 p.m., Monday, February 4, 2002, and the Affidavit of mailing such Notices was duly recorded with the Recorder of Deeds of Champaign County, Illinois, on the 22nd day of February, 2002; and

WHEREAS, written petitions signed by all of the owners of Record and at least fifty-one percent (51%) of the electors residing therein, of all land within such territory, has been filed with the City Clerk of the City of Urbana, Illinois, requesting annexation thereof to the City of Urbana; and

WHEREAS, the City Council passed Ordinance No. 9192-20 on August 5, 1991 approving and authorizing the execution of an

annexation agreement and amended said agreement by passing Ordinance No. 2001-08-096 on August 20, 2001; and

WHEREAS, the territory to be annexed by this Ordinance is presently located within Champaign County's R-4 Multiple Family Residence zoning district and upon annexation will be classified R-2 Single Family Residential upon annexation in accordance with the above-referenced annexation agreement as amended; and

WHEREAS, it has been determined that said petition complies with all requirements of the law therefore; and

WHEREAS, the majority of the Members of the Council are of the opinion that it would be for the best interests of the people of the City of Urbana, Illinois, that said territory be annexed to and made a part of the said City.

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

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

A portion of the Southeast Quarter of Section 10, Township 19 North, Range 9 East of the Third Principal Meridian, more particularly described as follows:

Lots 302, 303, 304, 305, and 306 of Beringer Commons Subdivision No. 3, Urbana Township, Champaign County, Illinois, as recorded June 19, 1998 as Document No. 98R18228 in the Office of the Recorder, Champaign County, Illinois. Situated in Champaign County, Illinois.

All situated in Urbana Township, Champaign County, Illinois and encompassing 1.38 acres, more or less.

commonly known for reference as 2906 Rutherford Drive, 2910 Rutherford Drive, 2914 Rutherford Drive, 2918 Rutherford Drive, and 2922 Rutherford Drive, Urbana, Illinois, be and the same is hereby annexed to the City of Urbana, Illinois. The above-described parcels, prior to annexation, have the parcel index numbers 30-21-10-406-007, 30-21-10-406-008, 30-21-10-406-009, 30-21-10-406-010, and 30-21-10-406-011, and following annexation the said parcels should bear the parcel index numbers 91-21-10-406-007, 91-21-10-406-008, 91-21-10-406-009, 91-21-10-406-010, and 91-21-10-406-011, respectively.

Section 2. That the City Clerk be authorized and directed to record a certified copy of this Ordinance together with an accurate map of the territory hereinabove described in the Recorder's Office of Champaign County, Illinois.

Section 3. That the City Clerk be authorized and directed to file, for record, a certified copy of this Ordinance together with an accurate map of the territory hereinabove described in the Office of the County Clerk and County Election Authority of Champaign County, Illinois.

Section 4. The Zoning Ordinance of the City of Urbana, Illinois, and the Zoning Map of Urbana, Illinois, are hereby amended to classify the real property herein annexed as R-2 Single Family Residential upon annexation and in accordance with

an annexation agreement approved and authorized on August 5, 1991 by Council Ordinance No. 9192-20 and amended said agreement by passing Ordinance No. 2001-08-096 on August 20, 2001.

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

Section 6. This Ordinance shall take effect at 12:00 p.m. CDT, February 14, 2002.

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 on the ____ day of _____, 2002, A.D.

PASSED by the City Council this __ day of _____, 2002.

AYES:

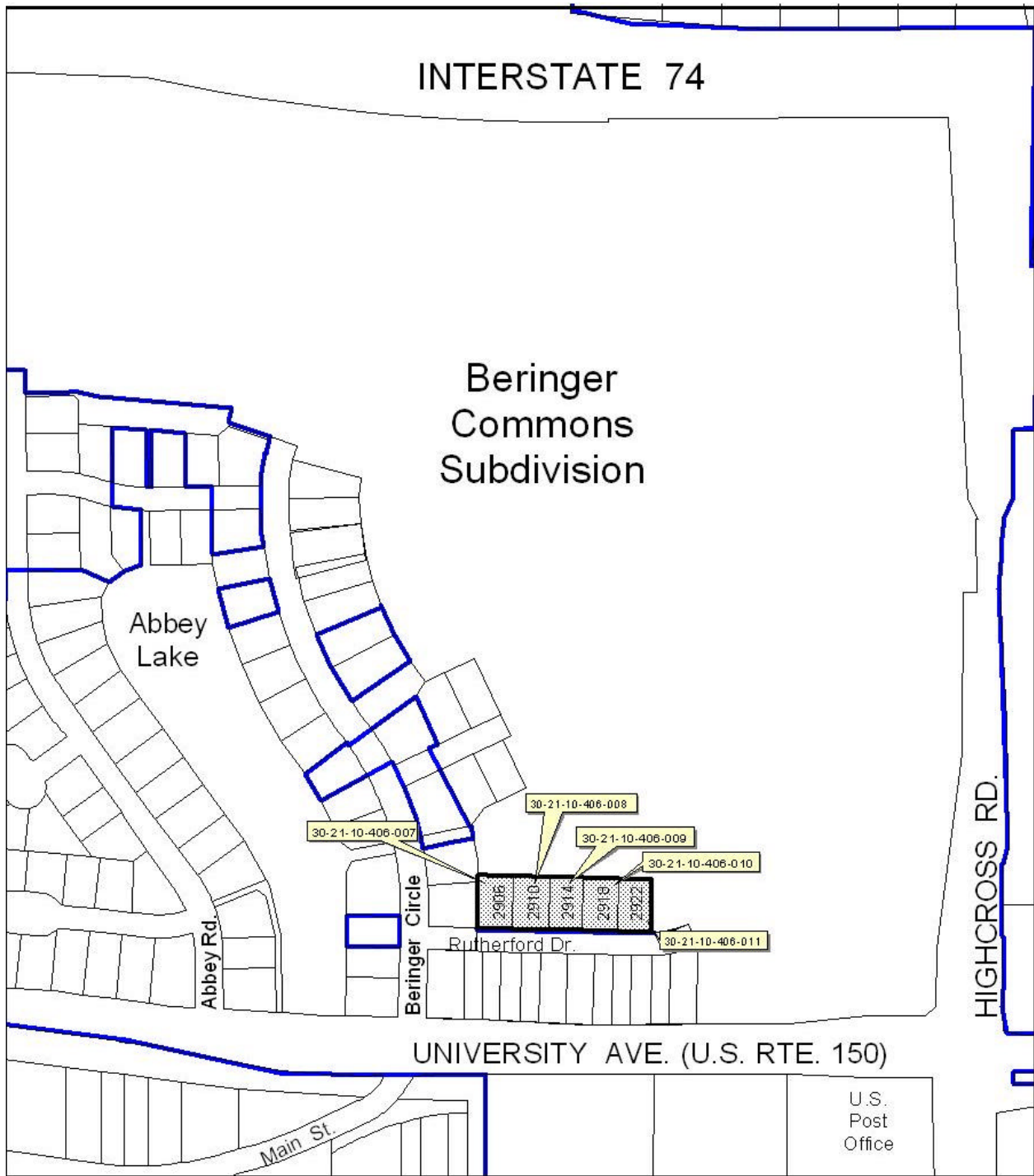
NAYS:

ABSTAINS:

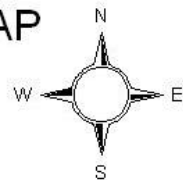
Phyllis D. Clark, City Clerk

APPROVED by the Mayor this _____ day of _____, 2002.

Tod Satterthwaite, Mayor



PROPOSED ANNEXATION - LOCATION MAP
Beringer Commons Subdivision No. 3



prepared January 18, 2001 by Community Development Services - rab