



**DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES**

*Planning Division*

**m e m o r a n d u m**

**TO:** Bruce Walden, Chief Administrative Officer

**FROM:** Elizabeth Tyler, AICP, Director

**DATE:** March 24, 2006

**SUBJECT:** Involuntary Annexation of 801 Kerr Avenue – Greenwood Cemetery

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**Introduction and Background**

City staff are requesting the City Council consider the attached notice of intent to annex for 801 E. Kerr Avenue. The 1.82-acre tract of property is known as Greenwood Cemetery, and is immediately east of East Lawn Cemetery (though the two cemeteries are not associated). Staff has been unable to locate an owner of the property, but the American Legion Post 71 has maintained the grounds for the past several years. The right-of-way in front of the property has already been annexed into the City.

**Issues and Discussion**

The property is located on Kerr Avenue immediately east of Cunningham Avenue and east of the East Lawn Cemetery, and is one of several in the City that is wholly surrounded and is less than 60 acres in size. Under Illinois State Statute, the City can involuntarily annex such properties. The City has been pursuing “filling in” these gaps in order to provide improved emergency response and to reduce confusion for service providers, such as police, fire, and public works. Staff has decided to involuntarily annex the property since an owner has not been located. The American Legion Post 71 has requested that they be kept informed about the property, but have not voiced any objections to annexation. There would be no fiscal impact for annexation, as cemeteries are exempt from property taxes.

The property is currently zoned Champaign County R-3, Two Family Residence, and will automatically convert to City R-3, Single and Two-Family zoning upon annexation. Once the property is annexed, staff will pursue a zoning map amendment to AG, Agriculture to ensure the property conforms to the Zoning Ordinance and is consistent with the Future Land Use identified in the 2005 Urbana Comprehensive Plan.

## **Involuntary Annexation Procedure**

Per Illinois State Statute, a “Notice of Intent to Annex” (see Exhibit B) must be approved by the City Council prior to submittal of an annexation petition. The Committee of the Whole must consider whether or not to forward the notice to City Council, which would then vote whether or not to approve the notice. Once the notice is approved, the City Clerk will publish the notice in the News-Gazette at least 10 days before the Committee of the Whole meeting where the annexation petition will be considered. The remainder of the annexation process is then the same as a voluntary annexation petition (the Committee of the Whole would consider the annexation petition, and if forwarded, would be voted on by the City Council).

## **Recommendation**

Staff recommends that the Committee of the Whole forward the attached “Notice of Intent to Annex” to the City Council’s regular meeting on April 3, 2006.

Prepared by:

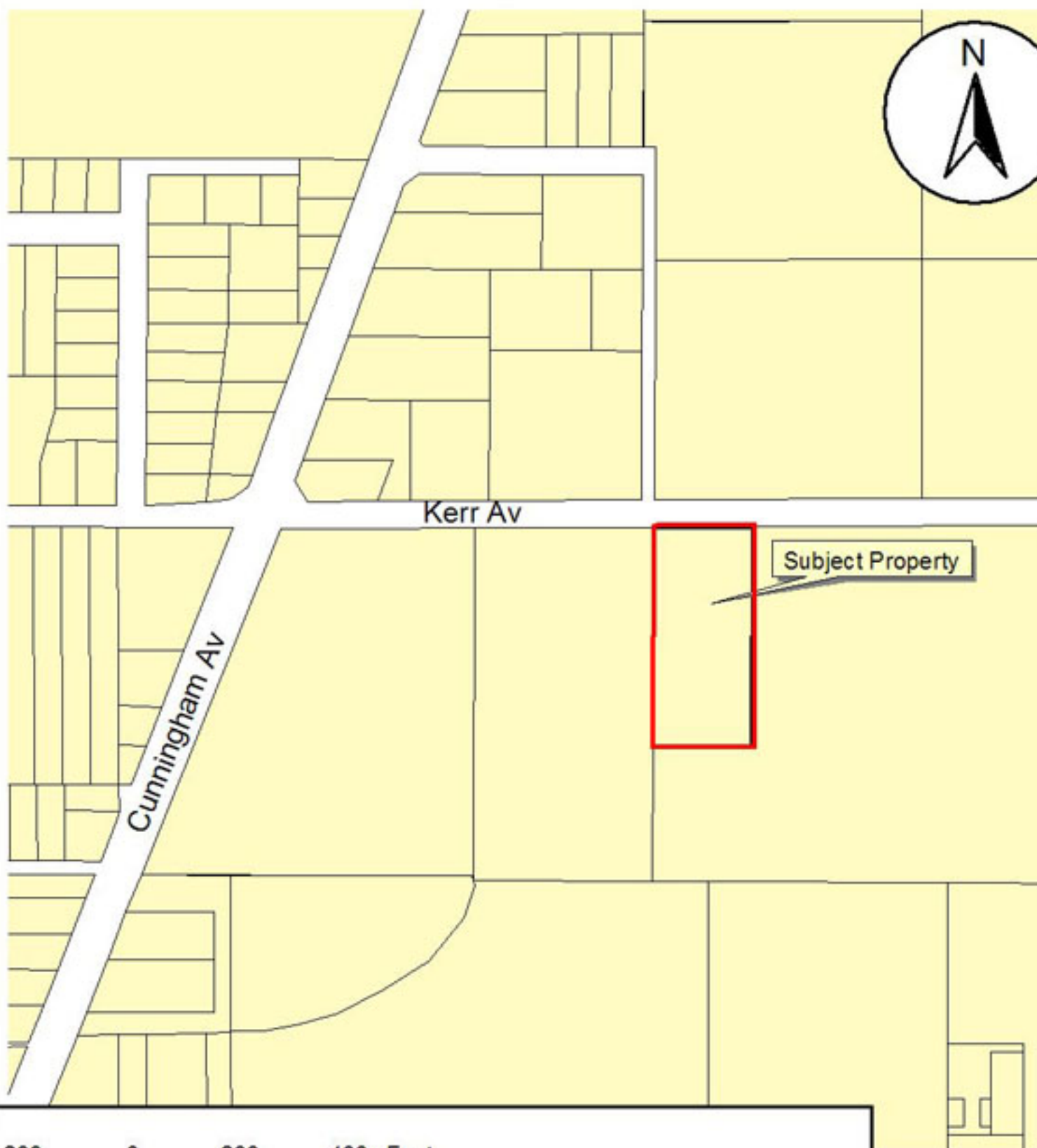
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Matt Wempe, Planner I

Cc: American Legion Post 71  
107 N. Broadway  
Urbana, IL 61801

Exhibit A: Location Map  
Exhibit B: Notice of Intent to Annex

# Exhibit A: Location Map



200 0 200 400 Feet



Plan Case: 2006-A-04  
Petitioner: City of Urbana  
Location: Kerr Avenue, east of Cunningham Avenue  
Description: Involuntary Annexation Petition for 801 E. Kerr

Prepared 3/14/2006 by Community Development Services - mhw



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES  
Planning Division  
400 S. Vine  
P.O. Box 946  
Urbana, IL 61801  
(217) 384-2439

April XX, 2006

**NOTICE OF INTENT TO ANNEX**

Pursuant to the Illinois Municipal Code, notice is hereby given that the annexation of the territory described below is contemplated by the Corporate Authorities of the City of Urbana, Illinois, and that they propose to consider and take action on an ordinance annexing such territory at a regular meeting of the Urbana City Council on May 1, 2006.

The property under consideration is a tract of property totaling approximately 1.82 acres and being located at 801 E. Kerr Avenue. Legally described as follows:

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

**All of Greenwood Cemetery as platted in Deed Record Book 19 at page 480, in the Office of the Recorder of Deeds, Champaign County, Illinois.**

**And;**

**All of William Harvey's 1<sup>st</sup> Addition to Greenwood Cemetery as platted in Plat Book "A" at page 263 in the Office of the Recorder of Deeds, Champaign County, Illinois.**

**Containing 1.78 acres, more or less, all situated in Urbana Township, Champaign County, Illinois.**

The attached map indicates the location of the property. If you have any questions regarding the annexation or subdivision, please contact Matt Wempe, Planner I at 384-2440.

Thank you.

Phyllis D. Clark, City Clerk  
Enclosure



**NOTICE OF INTENT TO ANNEX TERRITORY TO THE CITY OF URBANA**

**TO:**

**Urbana Township Board of Trustees**

**Donald Smith**  
4006 E. Anthony Drive  
Urbana, IL 61802

**Lucinda Collins**  
2010 Prairie View  
Urbana, IL 61802

**Jack Price**  
504 McGee Circle  
Urbana, IL 61802

**Greg Foster**  
310 Yankee Ridge Lane  
Urbana, IL 61802

**Urbana Township Supervisor**

**Mr. Don Flessner**  
2312 E. Perkins Road  
Urbana, IL 61801

**Urbana Township Commissioner of Highways**

**Jim Prather**  
2312 E. Perkins Road  
Urbana, IL 61801

**and**

**Trustees of Carroll Fire Protection District**

**Tom Harnsberger**  
2104 East Barnes Street  
Urbana, IL 61802

**Duane Northrup**  
2412 Somerset Drive  
Urbana, IL 61802

**Byron Bryson**  
2102 East Barnes Street  
Urbana, IL 61802

**Ricardo Ohmit**  
1101 Brad Drive  
Urbana, IL 61802

**Derald Seeds**  
2005 Barnes Street  
Urbana, IL 61802

**Steve Thuney, Chief**  
1811 North Brownfield Road  
Urbana, IL 61802

**NOTICE IS HEREBY GIVEN**, pursuant to the provisions of pursuant to Section 5/7-1-1 of the Municipal Code of the State of Illinois, as amended (65 ILCS 5/7-1-1), that the Council of the City of Urbana, Illinois will consider a motion to publish a “Notice of Intent to Annex” territory to the City of Urbana as described below:

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

All of Greenwood Cemetery as platted in Deed Record Book 19 at page 480, in the Office of the Recorder of Deeds, Champaign County, Illinois.

And;

All of William Harvey’s 1<sup>st</sup> Addition to Greenwood Cemetery as platted in Plat Book “A” at page 263 in the Office of the Recorder of Deeds, Champaign County, Illinois.

Containing 1.78 acres, more or less, all situated in Urbana Township, Champaign County, Illinois.

commonly known for reference as 801 E. Kerr Avenue, Urbana, Illinois, and further referenced as Champaign County permanent parcel number 30-21-09-152-002. This property is located on Kerr Avenue east of Cunningham Avenue/US Route 45. Said territory lies within the boundaries of Carroll Fire Protection District and the Urbana Township, and is contiguous to the City of Urbana, Illinois.

The Council of the City of Urbana will consider said motion at its regular meeting on April 3, 2006 at 7:00pm in the Council Chambers of the City Building located at 400 South Vine Street, Urbana, Illinois.

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Phyllis D. Clark, Clerk  
City of Urbana