



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Economic Development Division

memorandum

TO: Laurel Lunt Prussing, Mayor

FROM: Elizabeth H. Tyler, AICP, Director, Community Development Services

DATE: May 12, 2008

SUBJECT: An Annexation Petition from Illinois Power Company (AmerenIP) for a 7.94 acre tract of land located at 3010 E. Windsor Road. (Plan Case 2006-A-08)

Introduction

Over the past few years, the City of Urbana has been undertaking a number of minor annexations to incorporate wholly surrounded tracts within the City and to adjust the corporate boundaries in order to provide for improved emergency response. The subject site contains an AmerenIP substation and is a “gap tooth” along the southeastern edge of the City. By annexing the subject site, all of the properties along the north side of Windsor Road will be located within the City limits, providing for more coherent emergency response by providers.

In addition, the subject annexation provides an opportunity to gain dedication of additional right-of-way along this section of Windsor Road. AmerenIP has been responsive to the City’s request to annex the subject property and has submitted an annexation petition with the City (Memorandum Exhibit “A” Draft Ordinance with attached Annexation Petition). An agreement previously approved by Council provides for the desired right-of-way and allows AmerenIP its continued use of the site by means of a special use permit. The annexation agreement also allows for continued security at the site, but does not impose any additional requirements with respect to screening or fencing.

Background

In 1974, Illinois Power Company gained approval by the Champaign County Zoning Board of Appeals to construct an electrical substation at the subject site more commonly referred to as 3010 East Windsor Road. At the suggestion of the City, Illinois Power Company (AmerenIP) has now requested annexation of this 7.94 acre tract of land that is currently being used as an electrical substation on the north side of Windsor Road and about 500 feet west of High Cross Road (Memorandum Exhibit “B” Location Map). The current Champaign County zoning designation for the site (known as Tract “A”) is AG-2, Agriculture. The Urbana Zoning Ordinance Table IV-1 calls for direct conversion of property zoned County AG-2 to City AG zoning upon annexation. The annexation agreement includes the provision for a special use permit to allow the existing use of an electrical substation on the site as well as a dedication of right-of-way for Windsor Road. Under Section XI-14 of the Urbana Zoning Ordinance, the City

Council may grant the special use permit through an annexation agreement without the need for a separate public hearing or recommendation by the plan commission.

Description of the Area

The site is located at 3010 East Windsor Road, on the north side of Windsor Road approximately 500 feet west of High Cross Road. Immediately to the south across Windsor Road is the A & E Animal Hospital and undeveloped farmland. To the north and west is a portion of the Stone Creek golf course and to the east lies an undeveloped commercial tract that is zoned for B-3, General Business use according to the 2008 Official Zoning Map.

Issues and Discussion

On April 21, 2008, the Urbana City Council approved an Annexation Agreement (Ordinance 2008-04-025) with Illinois Power Company/AmerenIP for the 7.94 acre area. The 7.94 acre tract currently under petition is part of that Agreement. Specific conditions approved as part of the annexation agreement include:

- The property owner agrees to Dedicate approximately 55 feet of right-of-way along the north side of Windsor Road to the City for future road widening. This dedication is set forth in the Legal Description of Right-of-Way Dedication (Exhibit “C” of the Annexation Agreement) and graphically depicted in the Map of Right-of-Way Dedication (Exhibit “D” of the Annexation Agreement).
- The City agreed to grant a Special Use Permit to allow an electrical substation on the site. As part of the Special Use Permit, the property owner has agreed to the following conditions:
 1. Continue to adhere to the Site Plan, Landscape Plan, and the drainage pattern set forth in the “County SUP”, the Special Use Permit approved by the Champaign County Zoning Board of Appeals in Case #55-S-74, Illinois Power Company, Urbana Twp., Section 22. Special Use to Construct an Electrical Substation on October 10, 1974, and not alter them without amendment to the City Special Use Permit.
 2. Agrees to maintain the six (6) ft chain link fence with the forty-five degree (45°) three (3) strand barbwire extension as approved and shown in the original County SUP approved in 1974.

Options

1. Forward the ordinance to City Council with a recommendation for approval.
2. Do not forward the ordinance to City Council.

Recommendation

Staff recommends that the Committee of the Whole forward the attached ordinance to the City Council's regular meeting on May 19, 2008 with a recommendation for approval.

To avoid uncertainty regarding public safety responsibilities concerning this property, the annexation Ordinance would take effect at 12 p.m. on May 20, 2008.

Prepared by:

Ryan Brault, Redevelopment Specialist

Attachments:

Exhibit A: Draft Ordinance with attached Annexation Petition and Plats
Exhibit B: Location Map

Cc: Jason Zumwalt
Real Estate Agent
Ameren Services
P.O. Box 17070
Urbana, IL 61803-7070

ORDINANCE NO. 2008-05-036

AN ORDINANCE
ANNEXING CERTAIN TERRITORY
TO THE CITY OF URBANA

(3010 E. Windsor Road / Illinois Power Substation)

WHEREAS, the hereinafter described territory is situated in unincorporated territory adjacent to and contiguous to the City of Urbana, Illinois, and is part of the Philo Fire Protection District, and includes certain territory within 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 April 30th, 2008 that this Ordinance would be voted upon at the regular meeting of this Council at 7:30 p.m., Monday, May 19, 2008; and

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

WHEREAS, the territory to be annexed by this Ordinance is presently located within Champaign County's AG-2, Agriculture zoning district and upon annexation will be directly converted to City AG, Agriculture under the terms of an annexation agreement previously approved by this Council that allowed a Special Use Permit; 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.

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

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

A part of the Southeast Quarter of Section 22, Township 19 North, Range 9 East of the Third Principal Meridian, Champaign County, Illinois, being more particularly described as follows:

Tract "A"

Commencing at the Southeast corner of Section 22, Township 19 North, Range 9 East of the Third Principal Meridian; thence, S

89° 10' 4" W along the South line of said Section 22, 452.51 feet for a true point of beginning, said point being the intersection of the South line of said Section 22 with the Westerly right-of-way line of the Norfolk and Western Railroad; thence S 89° 10' 14" W along said south line, 562.83 feet; thence N 00° 49' 46" W, 338.71 feet; thence N 89° 10' 14" E, 202.58 feet to the intersection with the Westerly right-of-way line of the Norfolk and Western Railroad; thence S 47° 37' 11" E along said right-of-way line 494.60 feet to the place of beginning, said tract containing 2.98 acres, more or less, situated in Champaign County, Illinois.

Tract "B"

All that part of the Southeast Quarter of the Southeast Quarter of Section 22, Township 19 North, Range 9 East of the Third Principal Meridian, Champaign County, Illinois lying South and West of the Southwesterly right-of-way line of the Norfolk and Western Railroad, except Tract "A". Said net tract containing 5.2 acres, more or less, situated in Champaign County, Illinois.

Except:

That portion of the Windsor Road right-of-way, lying within the above described tracts, containing 35,921 S.F., more or less.

Together with the following described adjacent public right-of-way which is by operation of the law, automatically annexed with the adoption of an annexation ordinance pertaining to these tracts:

That portion of the Windsor Road right-of-way, not previously annexed to the City of Urbana, lying adjacent to the herein annexed tracts, encompassing 25,530 S.F., more or less.

commonly known for reference as 3010 East Windsor Road, Urbana, Illinois, be and the same is hereby annexed to the City of Urbana, Illinois. The above-described parcel, prior to annexation, has the parcel index numbers 30-21-22-400-005, and following annexation the said parcel should bear the parcel index numbers 91-21-22-400-005.

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

Section 4. The Zoning Ordinance of the City of Urbana, Illinois, and the Zoning Map of Urbana, Illinois, are hereby amended to classify the real property herein annexed as AG, Agriculture.

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

Section 6. To avoid uncertainty regarding public safety responsibilities concerning the property herein annexed, this Ordinance shall take effect at noon on the 20th day of May 2008 following its passage by the Urbana City Council.

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

AYES:

NAYS:

ABSTAINS:

Phyllis D. Clark, City Clerk

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

Laurel Lunt Prussing, Mayor



Petition for Annexation

Annexation

To the City Council of the City of Urbana

Champaign County, Illinois

The Petitioner, Illinois Power Company, d/b/a AmerenIP, an Illinois Corporation; respectfully states under oath:

That Illinois Power Company, d/b/a AmerenIP, an Illinois Corporation (*petitioner*), the sole owner of record of the following legally described land (hereinafter sometimes referred to as the "Tract"), except any public right-of-way property wit: (*Insert Legal Description*)

See Exhibit "A"

All situated in Champaign County, Illinois.

Together with the following described adjacent public right-of-way which is by operation of the law, automatically annexed with the adoption of an Annexation Ordinance pertaining to this parcel:

CIT TO PROVIDE DESCRIPTION

Also known for reference as 3010 East Windsor Road,

Urbana, (*street address*)

Illinois, having permanent identification number (PIN) 30-21-22-400-005

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

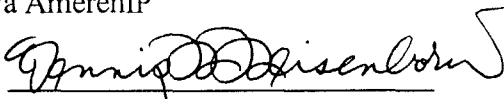
That at least fifty-one percent (51%) of all electors residing in said Tract have signed this petition.

PETITIONER(S) RESPECTFULLY REQUESTS:

1. That the above described Tract(s) be annexed to the City of Urbana by Ordinance of the Mayor and City Council of the City of Urbana, pursuant to Section 7-1-8 of Chapter 24 of the Illinois Municipal Code of the State of Illinois, as amended.

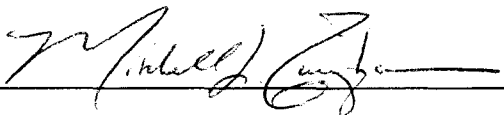
Dated this 26 day of MAY, 2006.

OWNER(S):
Illinois Power Company
d/b/a AmerenIP

By: 

Dennis Weisenborn
Vice President – Supply Services

Subscribed and sworn to before me this 26 day of MAY, 2006.


Notary Public

(seal)

My Commission Expires: 20 day of FEBRUARY, 2010.

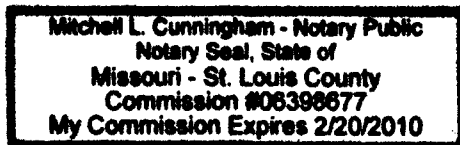


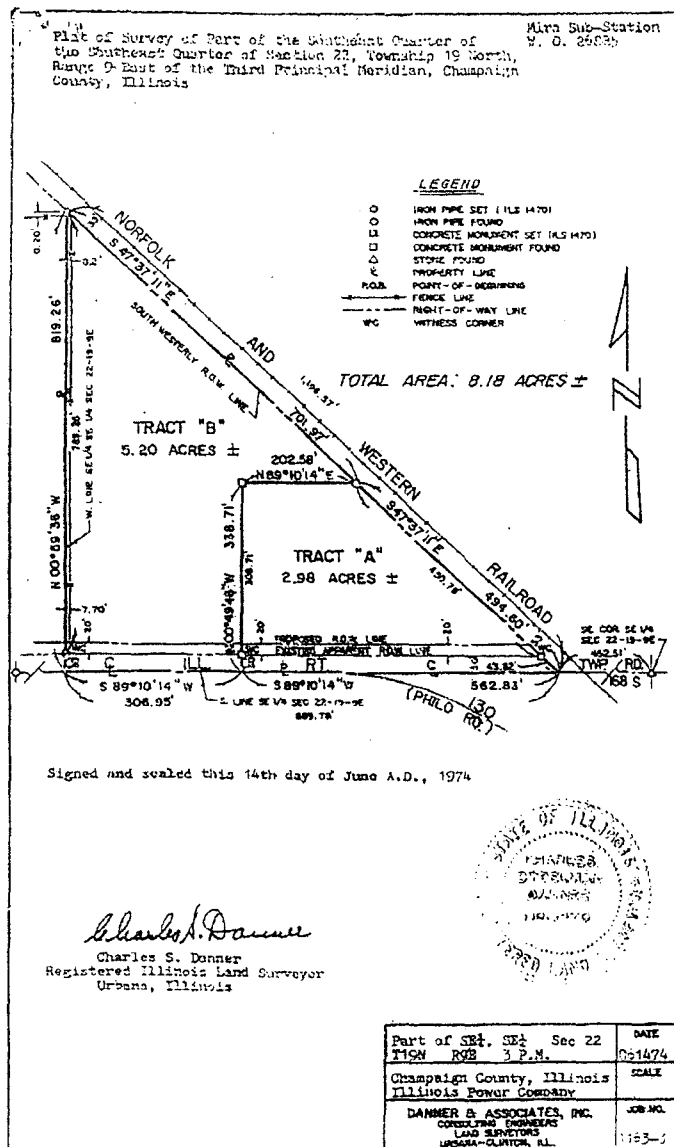
Exhibit "A"

Tract "A"

Commencing at the Southeast corner of Section 22, Township 19 North, Range 9 East of the Third Principal Meridian; thence S 89° 10' 4" W along the South line of said Section 22, 452.51 feet for a true point of beginning, said point being the intersection of the South line of said Section 22 with the Westerly right-of-way line of said Section 22 with the Westerly right-of-way line of the Norfolk and Western Railroad; thence S 89° 10' 14" W along said south line, 562.83 feet; thence N 00° 49' 46" W, 338.71 feet; thence N 89° 10' 14" E, 202.58 feet to the intersection with the Westerly right-of-way line of the Norfolk and Western Railroad; thence S 47° 37' 11" E along said right-of-way line 494.60 feet to the place of beginning, said tract containing 2.98 acres, more or less, situated in Champaign County, Illinois.

Tract "B"

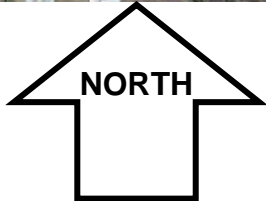
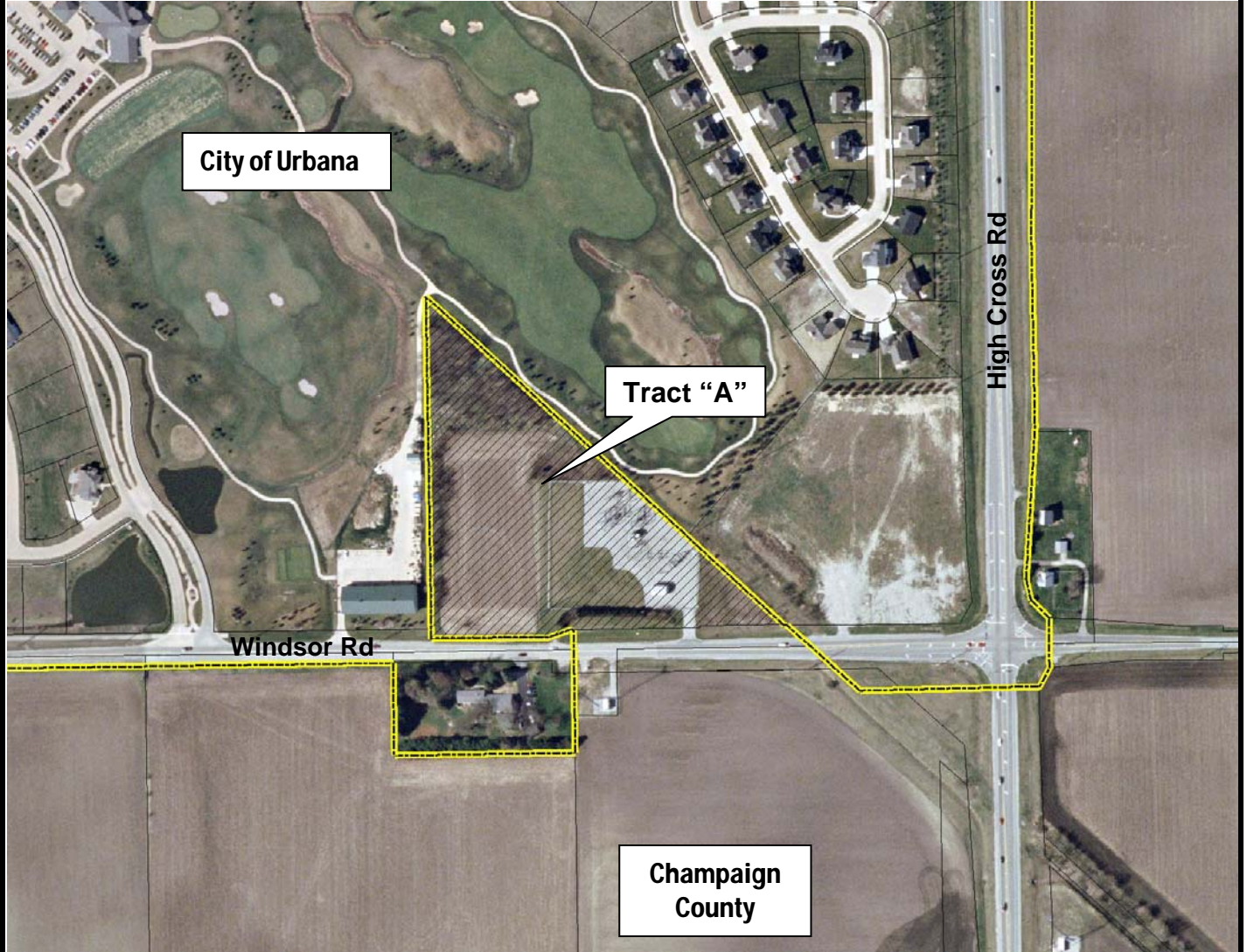
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Annexation Petition

Aerial Map

Exhibit "B"



Plan Case 2006-A-09:
An Annexation Petition for a legal tract totaling 7.94 acres of land.

Petitioner: Ameren-IP
Location: North side of Windsor Road approximately 372 feet west of High Cross Road (IL 130) at the southeast corner of the City of Urbana

Prepared 5/7/08 by Community Development Services - RLB

Tract "A" = Parcel to be annexed

City Limits 