



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

M E M O R A N D U M

To: Mayor Laurel Lunt Prussing and Members of the City Council

From: William R. Gray, Public Works Director

Date: September 4, 2008

**Re: Detachment of the Drainage District No. 3 of the Town of St. Joseph
Agreements**

Introduction

For the last several years the commissioners of the St. Joseph Drainage District and city staff have been discussing detachment or transferring all Drainage District facilities and easements west of High Cross Road (IL 130) to the City of Urbana. The reason for this is a majority of the Drainage District's boundary lies within the city limits (see Attachment B). The commissioners and staff thought it best to wait until the Scottswood Area Stormwater Improvement Project (aka Weaver Park Basin) was completed since the local cost share was derived from an assessment the Drainage District levied. This project is complete.

The Drainage District facilities include large diameter storm sewers and a ditch identified on Attachment B. City staff has inspected these facilities and has developed a list of maintenance and repairs that need attention. In recognition of this, the Drainage District is offering \$30,000 to have this work performed. City staff finds this amount acceptable. Attached is a budget amendment ordinance accepting this amount and assigning this money for storm sewer and maintenance repairs on the Drainage District's facilities.

Also attached is an ordinance approving two agreements with the Drainage District. The first agreement is entitled A Master Agreement Providing for the Automatic Detachment of Parcels in the Drainage District No. 3 in the Town of St. Joseph. This agreement provides for any parcels of land that are annexed into the City, lie within the Drainage District, and are located west of High Cross Road will automatically detach from the Drainage District.

The second agreement is entitled an Intergovernmental Agreement Regarding the Detachment of Certain Lands Drainage District No. 3 in the Town of St. Joseph and the City of Urbana. This agreement identifies all the parcels that will be detached as listed in Attachment A; the facilities, ditches, and easements to be conveyed to the City graphically shown on Attachment B and listed on Attachment C; the City will receive \$30,000 for maintenance of drainage ditches and structures; and the City agrees to annually pay an outlet fee to the Drainage District for 40% of their disbursements for maintenance within the balance of the Drainage District No. 3 of the Town of St. Joseph. The last several year's annual disbursements for maintenance have ranged from \$5000 to \$45,000 which in the future would translate into a City 40% share less than \$25,000. If in the future a more significant capital improvement project were to be planned, the Drainage District is required to provide at least eighteen (18) months notice prior to the payment for such project and the City would be provided the opportunity to review and comment on such project plans.

Fiscal Impacts

The City will receive \$30,000 from the Drainage District to address deferred maintenance and repairs to storm sewers as mentioned above. The City will be responsible to pay 40% of the annual disbursements for maintenance which will usually be less than \$25,000. There are no known capital improvements planned with the Drainage District at this time.

Recommendations

It is recommended that an Ordinance Approving two Agreements with the Drainage District No. 3 of the Town of St. Joseph Regarding Detachment of Areas for the Drainage District and an Ordinance Revising the Annual Budget Ordinance (St. Joseph Drainage Improvements) be approved.

ORDINANCE NO. 2008-09-104

AN ORDINANCE APPROVING TWO AGREEMENTS WITH
THE DRAINAGE DISTRICT NO. 3 OF THE
TOWN OF ST. JOSEPH REGARDING DETACHMENT
OF AREAS FROM THE DRAINAGE DISTRICT

WHEREAS, to better coordinate efforts and promote efficient maintenance of the storm water drainage system, it is desirable that the City of Urbana (hereafter "Urbana"), and the Drainage District No. 3 of the Town of St. Joseph (hereafter "Drainage District"), agree to an orderly and expeditious method of detaching from the Drainage District lands that are now or later become part of Urbana, and

WHEREAS, through legislation recently enacted, the parties can, pursuant to a Master Agreement approved by the court, enter into a Master Agreement to provide for future detachments without further court proceedings, and

WHEREAS, Urbana and the Drainage District have developed such a Master Agreement to be submitted to the Circuit Court of Champaign County and if approved by the Court, followed by a second agreement to implement such with respect to specific lands.

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

Section 1. That the attached agreement entitled "A Master Agreement Providing for the Automatic Detachment of Parcels in the Drainage District No. 3 in the Town of St. Joseph" hereafter simply "Master Agreement", attached hereto as Exhibit A, is hereby approved and the Mayor is authorized to execute it and the City Clerk attest to the passage and approval of the agreement.

Section 2. That the agreement entitled "An Intergovernmental Agreement Regarding the Detachment Of Certain Lands Drainage District No. 3 In The Town Of St. Joseph and The City of Urbana" (hereafter "Intergovernmental Agreement"), attached as Exhibit B, is hereby approved and the Mayor is authorized to execute it and the City Clerk attest to the passage and approval of the agreement, however the agreement shall not be effective unless and until the Master Agreement is approved by the Circuit Court of Champaign county.

Section 3. The City Clerk is directed to send to the

Attorneys for the Drainage District, Balbach & Fehr, 102 East Main Street, Suite 301, P.O. Box 217, Urbana, Illinois 61803-0217, a certified copy of this agreement bearing original signatures of the Mayor and City Clerk for use in submitting a petition for approval of the Master Agreement by the Court.

Section 4. This Ordinance takes effect immediately upon passage and approval by the Mayor.

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 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 _____, _____.

Laurel Lunt Prussing, Mayor

EXHIBIT A

A MASTER AGREEMENT PROVIDING FOR THE AUTOMATIC DETACHMENT OF PARCELS IN THE DRAINAGE DISTRICT NO. 3 IN THE TOWN OF ST. JOSEPH

WHEREAS, the City of Urbana (hereinafter sometimes “City”) and Drainage District No. 3 in the Town of St. Joseph (hereinafter sometimes “Drainage District”) recognize that, as the City grows and includes within its corporate limits properties that lie within the Drainage District, it is increasingly difficult to coordinate plans for maintenance and capital improvements for storm drainage in those areas that are both in the City and in the Drainage District. In the interest of efficiency in government, the parties recognize that they need to agree to address these concerns in a mutually beneficial manner; and

WHEREAS, those areas that have been subdivided and developed into urbanized areas should be detached from the Drainage District, and all storm water drains, tiles, pipes, structures, storm sewers, ditches and other drainage facilities of the Drainage District in those areas should be owned, managed, operated and maintained by the City; and

WHEREAS, Section 5/11-15.2-1 of the Illinois Municipal Code provides for the parties to enter into an agreement to provide for the automatic detachment of land that is annexed to a municipality upon approval by the court of an agreement such as this.

NOW THEREFORE, FOR AND IN CONSIDERATION OF THE MUTUAL PROMISES HEREIN SET FORTH, the parties agree as follows:

1. Upon the parties’ agreeing in writing as to specifically described parcels of real estate, payments due to each of the parties for (1) outlet fees, as provided for herein, and (2) the amount, if any, of unrestricted maintenance funds be transferred to the municipality to reimburse the municipality for deferred maintenance, then the parties shall execute the certificate described in Section 5/11-15.2-1 (An Intergovernmental Agreement Regarding The Detachment of Certain Lands Drainage District No. 3 In The Town Of St. Joseph And The City Of Urbana) and cause the same to be filed with the County Clerk and the Drainage District Clerk.

EXHIBIT A

2. It is agreed that, as to such parcels proposed to be disconnected, the parties shall make a specific agreement in accordance with the following: the City and the Drainage District agree to the payment to the Drainage District by the municipality of 40% of the amount of the Drainage District annual disbursements for maintenance as set forth in the most recent Annual Treasurer's Statement. Such payment shall continue for twenty (20) years from the date the certificate referred to in Paragraph 1 is filed with the Champaign County Clerk, and such reimbursement shall be payable within thirty (30) days of receipt by the City of an invoice for the amounts due and payable and a certified true copy of the current fiscal year's Annual Treasurer's Statement of the Drainage District.

3. Upon the filing of the Certificate with the County Clerk as prescribed herein, all drains, drainage structures, and easements, located in the area so detached, if any, shall immediately become the property of the City and the Drainage District shall have no further responsibility for storm water management, drainage, or drain maintenance in the detached lands.

4. The Drainage District shall also provide to the City, a bill of sale for all Drainage District personal property in the area detached and an assignment of all easements for the detached Drainage District area. The City shall also receive copies of easements, as-built plans, and any other information or records relating to the Drainage District's facilities in the area to be detached.

5. Any notice required to be sent under this Agreement, shall be sent to the parties as their address as follows, by first class mail, or such other address as the parties may provide to each other in writing.

City Engineer
Public Works Department
706 South Glover Avenue
Urbana, Illinois 61802

Drainage District No. 3 of the Town of St.
St. Joseph, Champaign County, Illinois

c/o Balbach & Fehr, P.C.
P.O. Box 217
Urbana, Illinois 61803

6. This agreement shall commence upon approval by the Court and shall thereafter continue for twenty (20) years thereafter. After the initial term, this agreement shall automatically renew for a five

EXHIBIT A

(5) year term, unless either party shall give the other notice, in writing, of its intent not renew at least two (2) years in advance of the end of their renewal term. Regardless of the foregoing, this agreement shall terminate upon dissolution of the Drainage District.

7. As part of the agreement regarding the detachment of certain specified areas, the parties shall consider whether any unrestricted maintenance funds should be transferred to the municipality to compensate the municipality for any deferred maintenance on the Drainage District facilities transferred pertaining to such detached tract.

DRAINAGE DISTRICT NO. 3 OF THE
THE TOWN OF ST. JOSEPH, CHAMPAIGN
COUNTY, ILLINOIS

CITY OF URBANA, ILLINOIS

By: _____
Commissioner

By: _____
Mayor

Dated: _____

Dated: _____

By: _____
Commissioner

ATTEST

Dated: _____

City Clerk

By: _____
Commissioner

Dated: _____

EXHIBIT B

AN INTERGOVERNMENTAL AGREEMENT REGARDING THE DETACHMENT OF CERTAIN LANDS DRAINAGE DISTRICT NO. 3 IN THE TOWN OF ST. JOSEPH AND THE CITY OF URBANA

This Agreement made this _____ day of _____, 2008, between the City of Urbana (“City”), a municipal corporation, and Drainage District No. 3 in the town of St. Joseph (“Drainage District”), a drainage district organized and existing under the laws of the State of Illinois and located solely within Champaign County, Illinois.

WHEREAS, City and Drainage District find it to be in the best interest of the Drainage District and the City if those portions of the City which are located within the Drainage District and described below (hereinafter “coterminus area”), where detached from the Drainage District as provided in the “Master Agreement Providing For The Automatic Detachment Of Parcels In The Drainage District No. 3 In The Town Of St. Joseph”, approved by the Circuit Court of Champaign County in Docket Number 97-MC-21, as provided in Section 5/11-15.2-1 of the Illinois Municipal Code.

Now therefore, in consideration of the mutual promises herein, the parties agree as follows:

Section 1. That those lands described in Attachment A shall be detached from the Drainage District effective immediately upon filing of the Certificate provided for in 65 ILCS 5/11-15.2-1 with the County Clerk and Drainage District Clerk.

See Attachment A.

Section 2. The Drainage District represents that based upon the best information available to it, that the Drainage District map attached as Attachment B is a complete list of all Drainage District drains and drainage structures as defined in the Drainage Code (70 ILCS

EXHIBIT B

605/1-2), owned by or under control of the Drainage District as of the date of this Certificate.
Attachment C is a listing of all easements pertaining to the coterminus area.

Section 3. Within thirty (30) days of the date of this certificate, the Drainage District will deliver to the City, the unrestricted maintenance funds from the Thomas Paine subdistrict in the amount of Thirty Thousand Dollars (\$30,000), which represents what the parties agree compensates the City for delayed maintenance of drainage structures in the coterminus area.

Section 4. The City agrees to pay the Drainage District 40% of the amount of disbursements by the Drainage District for maintenance, limited however, to the proportionate share of historical assessments of such parcels in the coterminus area compared to all parcels located west of High Cross Road based on the 2007 Annual Maintenance roll of the Drainage District and continuing for twenty (20) years from the date that the Certificate is filed with the Champaign County Clerk. Such amount should be paid within thirty (30) days of receipt by the City of an invoice for the amount due and payable and a certified true copy of the current fiscal year's Annual Treasurer Statement of the Drainage District.

DRAINAGE DISTRICT NO. 3 OF THE
THE TOWN OF ST. JOSEPH, CHAMPAIGN
COUNTY, ILLINOIS

CITY OF URBANA, ILLINOIS

By: _____
Commissioner

By: _____
Mayor

Dated: _____

Dated: _____

By: _____
Commissioner

ATTEST

Dated: _____

City Clerk

By: _____
Commissioner

Dated: _____

ATTACHMENT A

Attachment A, on file in the City Clerk's office and City Engineer's office, is a multi-page document listing every parcel by name, parcel index number, and address. This information was omitted from your packet due to the large number of pages.

ATTACHMENT C

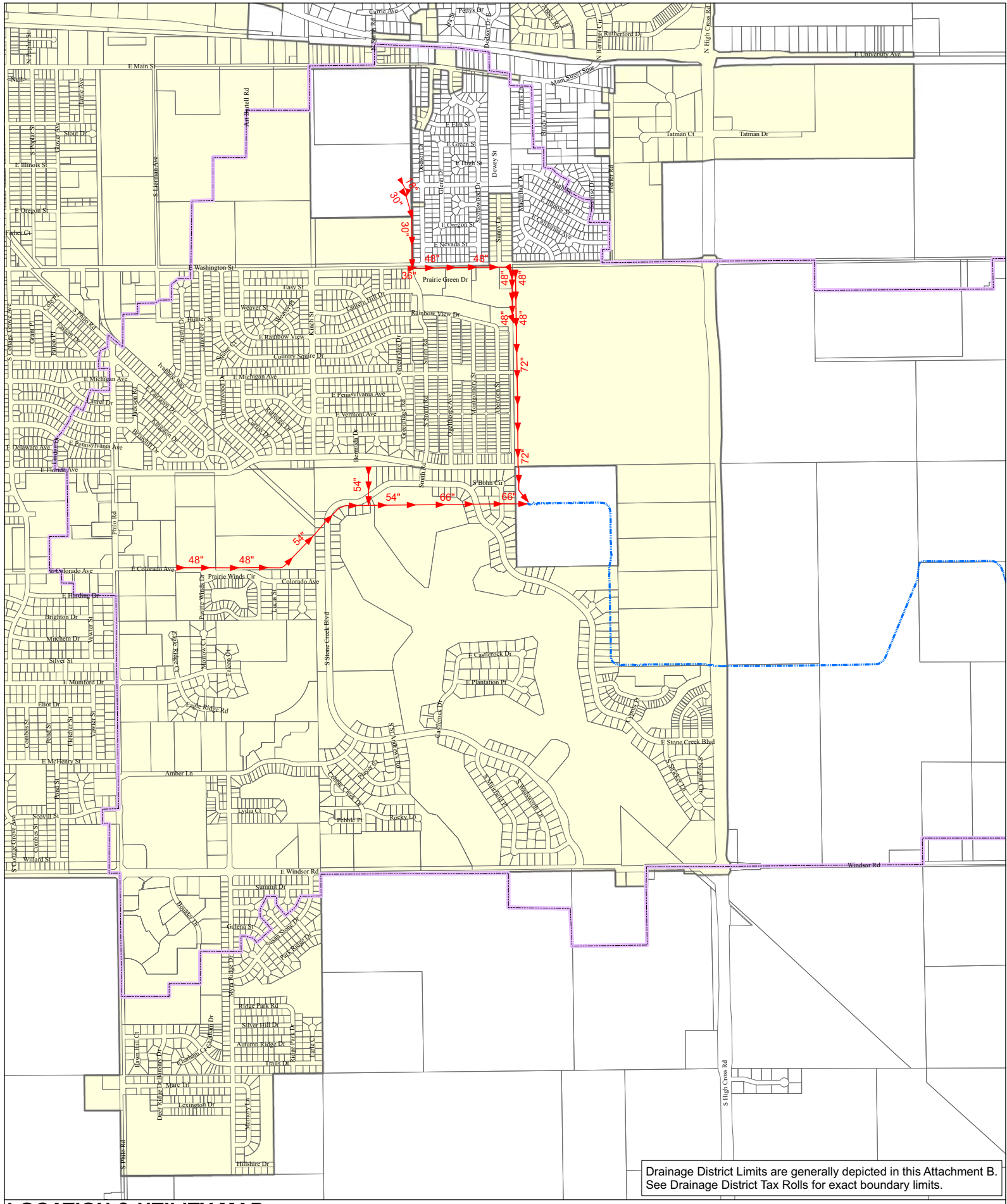
EASEMENT LIST

1980 Project Easements

1.	Jetco Properties (Jewel)	1980 R 20269	Book 1251 Pg. 65
2.	Sunnycrest Apartments	1980 R 20270	Book 1251 Pg. 70
3.	Urbana School District	1980 R 20271	Book 1251 Pg. 75
4.	Joan Miller	1980 R 20272	Book 1251 Pg. 80
5.	Scott Weller	1980 R 20273	Book 1251 Pg. 86
6.	G.H. Baker Trust	1980 R 20274	Book 1251 Pg. 91
7.	Wandell's	1980 R 20278	Book 1251 Pg.109
8.	Noel	1980 R 20279	Book 1251 Pg.120
9.	Joan Miller	1980 R 20280	Book 1251 Pg.125
10.	Henry Green	1980 R 20281	Book 1251 Pg.131
11.	Urbana Park District	1981 R 07330	Book 1261 Pg.753
12.	A. Pfeffer	1980 R 20275	Book 1251 Pg. 97
	B. Pfeffer	1980 R 20276	Book 1251 Pg.101
	C. Pfeffer	1980 R 20277	Book 1251 Pg.105

2006 Scottswood Project Easements

1.	Surbana #1	2006 R 18855	
2.	Surbana #2	2006 R 16828	
3.	Robert Smith	2006 R 16831	
4.	Linda Dulaney	2006 R 16825	
5.	Robert Johnson	2006 R 16832	
6.	Menard's	2006 R 16827	
7.	Urbana Schools	2006 R 16830	
8.	Kenneth Johnson	2006 R 16829	
9.	Dale Newcomb	2006 R 16833	
10.	Urbana Park District	2006 R 18854	
11.	Dan Johnson	2006 R 16826	



Drainage District Limits are generally depicted in this Attachment B. See Drainage District Tax Rolls for exact boundary limits.

**LOCATION & UTILITY MAP
DRAINAGE DISTRICT No. 3
OF THE TOWN OF ST. JOSEPH**

ATTACHMENT B

LEGEND

- Urbana City Limits
- Drainage District Limits
- Drainage District Storm Sewer
- Drainage District Ditch



1 inch equals 800 feet
September 2008