



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: Laurel Lunt Prussing, Mayor

FROM: Elizabeth H. Tyler, FAICP, Director

DATE: May 20, 2010

SUBJECT: Annexation Case No. 2010-A-03, Involuntary Annexation of 2507, 2607, 2703 and 2708 North Fieldcrest Drive in the Somerset Subdivision No. 4

Introduction

Staff is requesting that the Committee of the Whole consider the attached ordinance on Monday, May 24, 2010 to annex four properties located in Somerset Subdivision No. 4. (See Exhibit A) The four properties consist of 0.96 acres and are commonly known as 2507, 2607, 2703 and 2708 North Fieldcrest Drive. These properties are wholly surrounded by the City of Urbana’s corporate boundaries and have been developed with single-family homes. The properties are required to be annexed per an annexation agreement between the City of Urbana and the developer of the Somerset Subdivision.

Background and Discussion

As a prerequisite for receiving sanitary sewer to serve the territory to be subdivided as the Somerset Subdivision, the developer was required to enter into an annexation agreement with the City of Urbana. Since the Subdivision has developed in phases, the developer, Donald Flessner/Flessner Development Company, entered into three different annexation agreements with the City of Urbana as follows:

Ordinance No.	Date Passed	Territory Covered
9495-8	July 18, 1994	Somerset Subdivision No. 1, 2, and 3
2002-09-112	October 7, 2002	Somerset Subdivision No. 4
2006-07-085	July 17, 2006	Somerset Subdivision No. 5 and adjacent tracts

The final annexation agreement enacted in 2006 stipulated that the property to be subdivided as Somerset Subdivision No. 5 was to be annexed immediately since the property was contiguous with the corporate boundaries of the City of Urbana. Somerset Subdivision No. 5 lies west of the Landis Farm Subdivision and was annexed on October 16, 2006 (Ordinance No. 2006-10-126). The annexation agreement also stipulated that the undeveloped tracts owned by the developer be annexed to the City of Urbana within 760 days of the recording date of the Final Subdivision Plat of Somerset Subdivision No. 5. The undeveloped tracts bridge the gap between Urbana’s corporate boundaries and the remaining phases of the Somerset Subdivision (Phases No. 1, 2, 3, and 4) and therefore requires the annexation of these properties as well.

The Final Subdivision Plat for the Somerset Subdivision No. 5 was recorded on December 4, 2006. Based on that annexation agreement the properties are subject to annexation by January 14, 2009. Per the annexation agreement, property owners must submit a signed annexation petition to cause annexation of their property. Following preliminary research and Legal consultation concerning the annexation process, city staff initiated the annexation process in August of 2009. The following steps were taken:

- August 13, 2009 - An initial letter was sent to all property owners that outlined the annexation process, provided an annexation information sheet, included an annexation petition, and announced the date of an informational meeting.
- August 25, 2009 - An informational meeting was held to introduce Alderman Dennis Roberts, discuss the annexation process, outline available city services, discuss the impact on property taxes and answer questions. Fourteen property owners attended.
- September 18, 2009 - Deadline for submission of signed petitions.
- October 21, 2009 - Second letter sent to property owners for which signed petitions had not been received.
- November 6, 2010 - Second deadline for submission of signed petitions.
- November 20, 2009 - Third letter, sent by certified mail, to property owners for which signed petitions had not been received.
- December 4, 2009 - Final deadline for submission of signed petitions.
- March 5, 2010 - Letter sent to all property owners indicating City's intent to proceed with annexation and outlining the steps and dates for annexation.

A total of 70 properties are subject to annexation under the above noted annexation agreements. Fifty-five of these properties were annexed to the City of Urbana by the passage of Ordinance No. 2010-04-028 by City Council on May 3, 2010. The property owner's of these 55 properties returned signed petitions for annexation and therefore were annexed under the voluntary annexation process. The annexation of the 55 properties was effective May 13, 2010.

With the annexation of the 55 properties in the Somerset Subdivision and adjacent tracts, the four subject properties became wholly surrounded by Urbana's corporate boundaries. Under Illinois State Statute, the City can involuntary annex properties that are wholly surrounded and that are less than 60 acres in size. To comply with Illinois State Statute concerning involuntary annexations, a "Notice of Intent to Annex" was approved by City Council and published in the News-Gazette on Wednesday, May 12, 2010. In addition, the City Clerk sent a "Notice of Intent to Annex" on May 6, 2010 to the Urbana Township Trustees, Urbana Township Commissioner of Highways and the Trustees of the Carroll Fire Protection District. Community Development Services staff also sent, via certified mail on May 6, 2010, a letter to each owner of the subject properties notifying them of the annexation of their property.

Zoning and Future Land Use

The four properties to be annexed are currently zoned County R-2, Single Family Residence and would automatically convert to City R-2, Single-Family Residential upon annexation. The 2005 Urbana Comprehensive Plan identifies the future land use for these properties as "Residential". The subject properties have been developed with single-family homes. This proposed zoning would be consistent with the use of the property and with the future land use designation of the subject property by the 2005 Urbana Comprehensive Plan.

Fiscal Impact

The City of Urbana will benefit from the annexation of the properties through the receipt of property taxes. City staff is working to annex the properties by June 30, 2010. The City will received property taxes for fiscal year 2010, payable in 2011, for properties annexed and properly recorded with the Champaign County Recorder of Deeds by that date.

Recommendation

Staff recommends that the Committee of the Whole forward the attached ordinance to the City Council's regular meeting on June 7, 2010 and approve the ordinance to annex certain property in the Somerset Subdivision No. 4 into the City of Urbana, Illinois. A public hearing is not required prior to taking action on this case.

Prepared by:

Lisa Karcher, AICP, Planner II

Attachments: Draft Ordinance to Annex
Exhibit A: Annexation Location Map
Exhibit B: Annexation Plat

cc: Property Owners
John Hall, Champaign County Planning and Zoning Department

ORDINANCE NO. 2010-05-037

AN ORDINANCE ANNEXING CERTAIN TERRITORY TO THE CITY OF URBANA

(Involuntary Annexation of Four Lots in Somerset Subdivision No. 4 Wholly Surrounded by Urbana's Corporate Limits/2507, 2607, 2703 and 2708 North Fieldcrest Drive)

WHEREAS, on Monday, May 3, 2010, the Urbana City Council directed the City Clerk to publish a Notice that the annexation of the property therein described was being contemplated and would be considered by the Urbana City Council at its regular meeting on June 7, 2010; and

WHEREAS, the City Clerk of Urbana, Illinois duly published such Notice on May 12, 2010 in the News-Gazette, a newspaper having general circulation in the City of Urbana, Illinois, a Certificate of Publication therefore being on file with the City Clerk's Office; and

WHEREAS, the hereinafter described territory is unincorporated territory wholly surrounded by and contiguous to the City of Urbana, Illinois within the meaning of Section 5/7-1-13 of the Illinois Municipal Code; and

WHEREAS, said unincorporated territory is part of the Carroll Fire Protection District, and includes certain territory within 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, that this Ordinance would be voted upon at the regular meeting of this Council at 7:00 p.m., Monday, June 7, 2010, said notices being mailed on May 6, 2010; and

WHEREAS, the City Council passed the following ordinances approving and authorizing the execution of annexation agreements pertaining to the Somerset Subdivision Nos. 1, 2, 3, and 4, an adjacent tracts; Ordinance No. 9495-8 passed July 18, 1994; Ordinance No. 2002-09-112 passed October 7, 2002; and Ordinance No. 2006-07-085 passed July 17, 2006; and

WHEREAS, the territory to be annexed by this Ordinance is presently located within Champaign County's R-2, Single Family Residence zoning district and upon annexation will be directly converted to City R-2, Single-Family Residential; 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 Urbana City Council finds and determines that the property described below is surrounded by property previously annexed to the City of Urbana, Illinois, within the meaning of Section 5/7-1-13 of the Illinois Municipal Code.

Section 2. That the following described real estate, be and the same are hereby annexed to the City of Urbana, Illinois:

Lots 403, 420, 423, and 429, all in "Somerset Subdivision No. 4", as shown on a plat recorded October 24, 2003 as Document Number 2003R48237 in the Office of the Recorder of Deeds, Champaign County, Illinois.

Said annexation containing 0.958 acres, more or less, all situated in Champaign County, Illinois.

The above described territory is more commonly known by the addresses, and referenced by the Champaign County Parcel Index Number (PIN) as specified in the following table. The table includes the corresponding lot number that is noted in the above legal description.

LOCATION ADDRESS	PIN NUMBER	LOT NUMBER
2708 N FIELDCREST DR	30-21-03-129-029	403
2703 N FIELDCREST DR	30-21-03-130-013	420
2607 N FIELDCREST DR	30-21-03-130-010	423
2507 N FIELDCREST DR	30-21-03-130-004	429

Section 3. 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 before June 30, 2010.

Section 4. 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 5. 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.

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

Section 7. To avoid uncertainty regarding public safety responsibilities concerning the property herein annexed, this Ordinance shall take effect at noon on the 17th day of June, 2010 following its passage by the Urbana City Council.

PASSED by the City Council this _____ day of _____, 2010.

AYES:

NAYS:

ABSTAINS:

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this _____ day of _____, 2010.

Laurel Lunt Prussing, Mayor

Exhibit A: Location Map



SOMERSET SUBDIVISION




Annexation Case: 2010-A-03

Petitioner: City of Urbana

Location: 2507, 2607, 2703 and 2708 North Fieldcrest Drive

PIN Nos.: 30-21-03-130-004, 30-21-03-130-010,
30-21-03-130-013 and 30-21-03-129-029

Prepared 5/2010 by Community Development Services - lkk

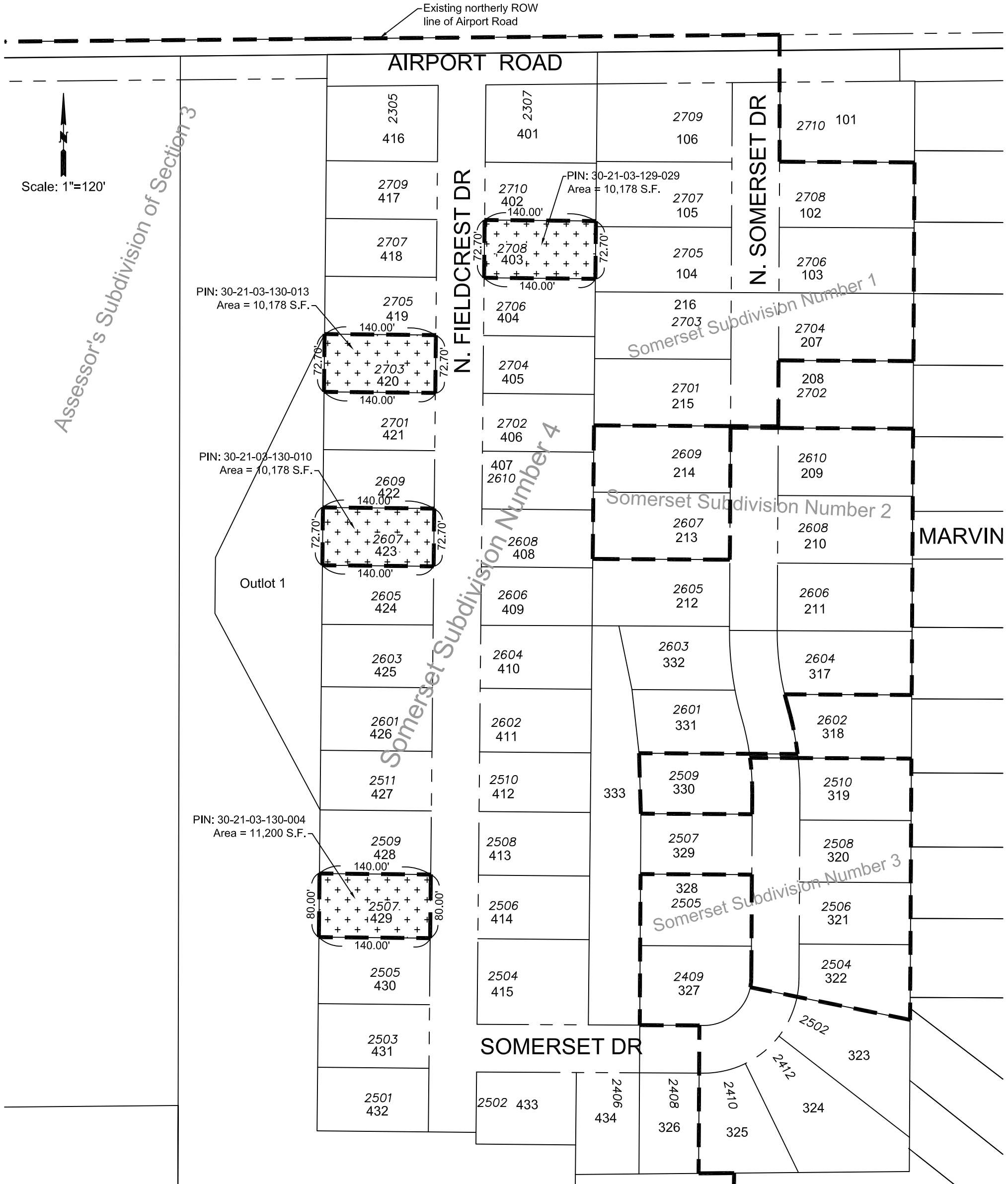
-  Territory to be Annexed
-  Annexed Per Ordinance No. 2010-04-028
-  Corporate Limits



A part of the Northwest Quarter of Section 3, Township 19 North, Range 9 East of the Third Principal Meridian, Urbana Township, Champaign County, Illinois, being more particularly described as follows:

Lots 403, 420, 423, and 429, all in "Somerset Subdivision No. 4", as shown on a plat recorded October 24, 2003 as Document Number 2003R48237 in the Office of the Recorder of Deeds, Champaign County, Illinois.

Said annexation containing 0.958 acres, more or less, all situated in Champaign County, Illinois.



MAP SHOWING AREA ANNEXED BY CITY ORDINANCE #2010-05-XXX
CITY OF URBANA, CHAMPAIGN COUNTY, ILLINOIS
DATE: June X, 2010

AREA OF ANNEXATION	+++++
EXISTING CITY LIMITS	-----
NEW CITY LIMITS	-----
RIGHT OF WAY LINE	-----
PROPERTY ADDRESS	2702
LOT NUMBER	416

ENGINEERING DIVISION

CITY ENGINEER/PUBLIC WORKS DIRECTOR

DRAWN BY: B.W.F. 5/14/2010
CHECKED: W.R.G. 5/20/2010