



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: July 8, 2010

SUBJECT: Annexation Case 2010-A-07, Voluntary Annexation of 2412, 2502 and 2505 Somerset Drive in Somerset Subdivision No. 3

Introduction

Staff is requesting that the Committee of the Whole consider the attached petitions and ordinance for the annexation of 2412, 2502 and 2505 Somerset Drive in Somerset Subdivision No. 3. (See Exhibit A) Together, the three properties consist of 1.101 acres and have been developed with single-family homes. The Somerset Drive right-of-way immediately adjacent to the subject properties, and not already a part of the Urbana corporate boundaries, will also be annexed. The right-of-way to be annexed totals 0.114 acres. (See Exhibit B) The properties are required to be annexed per an adopted annexation agreement between the City of Urbana and the developer of the Somerset Subdivision. Should the annexation of subject properties be approved, the effective date of the annexation would be July 29, 2010.

Background

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. The last of the three annexation agreements stipulated a date upon which undeveloped land west of the Somerset Subdivision was to be annexed into the City of Urbana. The undeveloped tracts bridged the gap between Urbana's corporate boundaries and the remaining phases of Somerset Subdivision (Phases No. 1, 2, 3, and 4) and therefore required the annexation of these intervening properties as well.

Per the annexation agreements, 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 of the Somerset Subdivision in August of 2009. This process included sending an initial informational letter to all property owners, holding an informational meeting, and sending follow-up letters to property owners.

A total of 70 properties were subject to annexation under the annexation agreements for Somerset Subdivision. Since signed annexation petitions were not received from all of the 70 property owners, not all of the properties subject to annexation could be annexed. The property owners of 55 of the

properties returned signed petitions for annexation and therefore were annexed under the voluntary annexation process. These 55 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 annexation of these 55 properties was effective May 13, 2010. With the annexation of the 55 properties in the Somerset Subdivision and adjacent tracts, four properties became wholly surrounded by Urbana's corporate boundaries. In accordance with State statutes, these four properties were annexed under the involuntary annexation process by the passage of Ordinance No. 2010-05-037 by City Council on June 7, 2010. The annexation of these four properties was effective June 17, 2010.

Discussion

Of the 70 properties subject to annexation, 11 have not been annexed to date. Signed annexation petitions have now been received for three of these 11 properties and are being presented to the Committee of the Whole for consideration at this time. Once these three properties are annexed a total of eight properties will remain to be annexed. Since signed annexation petitions have not yet been received for these eight properties, City Legal staff will be seeking legal action to bring them into compliance with the approved annexation agreement.

Zoning and Future Land Use

The three properties to be annexed are currently zoned County R-1, Single Family Residence and would automatically convert to City R-1, 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.

Recommendation

Staff recommends that the Committee of the Whole forward the attached ordinance to the City Council's regular meeting on July 19, 2010 and approve the ordinance to annex the properties located at 2412, 2502 and 2505 Somerset Drive in the Somerset Subdivision No. 3 into the City of Urbana, Illinois, effective July 29, 2010 at noon.

Prepared by:

Lisa Karcher, AICP, Planner II

Attachments: Draft Ordinance to Annex
Exhibit A: Annexation Location Map
Exhibit B: Annexation Plat
Exhibit C: Annexation Petitions submitted by the property owners

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

ORDINANCE NO. _____

AN ORDINANCE ANNEXING CERTAIN TERRITORY TO THE CITY OF URBANA

(Annexation of Three Lots in Somerset Subdivision No. 3 / 2412, 2502 and 2505
Somerset Drive)

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 Carroll Fire Protection District, and includes certain territory within Urbana Township; and

WHEREAS, a 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 June 24, 2010 notifying them that this Ordinance would be voted upon at the regular meeting of this Council at 7:00 p.m., Monday, July 19, 2010; 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 the following ordinances approving and authorizing the execution of annexation agreements pertaining to Somerset Subdivision Nos. 1, 2, 3, and 4, and 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 in Somerset Subdivision No. 3 is presently located within Champaign County's R-1, Single Family Residence Zoning District and upon annexation will be directly converted to City R-1, Single-Family Residential Zoning District; and

WHEREAS, it has been determined that said petitions comply 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, be and the same are hereby annexed to the City of Urbana, Illinois:

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

Lots 323, 324 and 328, all in "Somerset Subdivision No. 3 and a Replat of Tract B of Brownfield Subdivision 1st Plat and Tract E of Brownfield Subdivision 2nd Plat", as shown on a plat recorded November 4, 1998, as Document Number 1998R33828 in the Office of the Recorder of Deeds, Champaign County, Illinois.

Said annexation containing 1.101 acres, more or less, all situated in Urbana Township, 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 these tracts:

That portion of the Somerset Drive right-of-way, not previously annexed to the City of Urbana, lying adjacent to the herein annexed tracts, being sixty feet (60') in width and encompassing 0.114 acres, more or less.

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
2412 SOMERSET DR	30-21-03-126-029	324
2502 SOMERSET DR	30-21-03-126-028	323
2505 SOMERSET DR	30-21-03-129-011	328

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.

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-1, 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 29th day of July, 2010 following its passage by the Urbana City Council.

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

AYES:

NAYS:

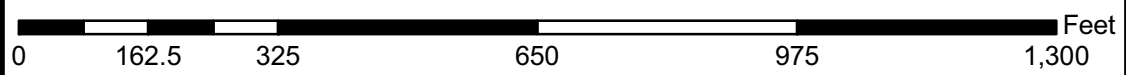
ABSTAINS:

Phyllis D. Clark, City Clerk

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


Laurel Lunt Prussing, Mayor

Exhibit A: Location Map



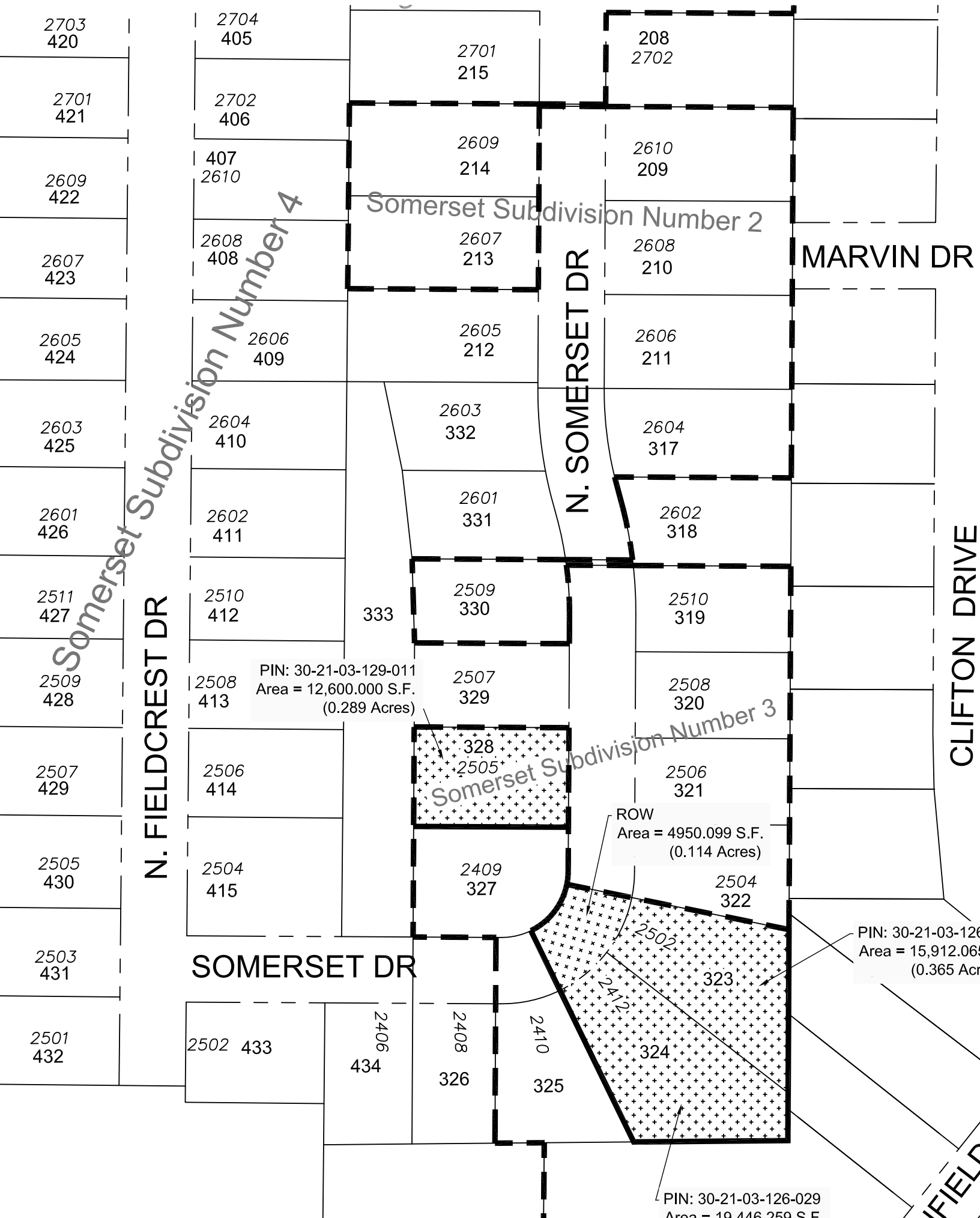
SOMERSET SUBDIVISION

Annexation Case: 2010-A-07
Petitioner: City of Urbana
Location: 2412, 2502, and 2505 Somerset Drive
PIN Nos.: 30-21-03-126-029, 30-21-03-126-028
 and 30-21-03-129-011

 Territory to be Annexed



being sixty feet (60') in width and encompassing 0.114 acres, more or less.



Petition for Annexation
To
THE CITY COUNCIL OF THE CITY OF URBANA
CHAMPAIGN COUNTY, ILLINOIS

The Petitioners, **DUANE and CHRISTINE NORTHRUP**, respectfully state under oath:

1. Petitioners are the sole owners of record of the following legally described tract of land, except any public right-of-way property to wit:

Lot 324 in Somerset Subdivision No. 3, Urbana Township, Champaign County, Illinois, per plat recorded November 4, 1998 as Document No. 98R22828, in the Office of the Recorder, Champaign County, Illinois.

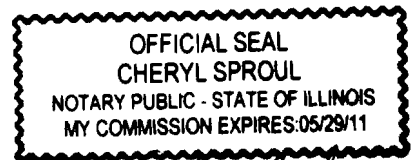
Parcel No. 30-21-03-126-029
Address: 2412 Somerset Drive

2. Said Tract is not situated within the corporate limits of any municipality, but together with other tracts is contiguous to the City of Urbana, Illinois at the time of annexation.
3. At least fifty-one percent (51%) of all electors (registered voters) residing in said Tract have signed this petition.

PETITIONERS RESPECTFULLY REQUEST:

1. That said Tract described above herein be annexed to the City of Urbana, Illinois pursuant to Section 5/7-1-8 of the Municipal Code of the State of Illinois, as amended (65 ILCS 5/7-1-8).
2. That said Tract be annexed in accordance with the terms of the annexation agreements passed by the Urbana City Council on July 18, 1994 as Ordinance No. 9495-8 and July 17, 2006 as Ordinance No. 2006-07-085 and approved by the Mayor of the City of Urbana.

Dated this 18 day of December, 2009.



Cheryl Sproul

PETITIONER:

Duane E. Northrup
Duane Northrup
Christine Northrup
Christine Northrup

12/18/09
Date
12/18/09
Date

Petition for Annexation
To
THE CITY COUNCIL OF THE CITY OF URBANA
CHAMPAIGN COUNTY, ILLINOIS

The Petitioners, **MARCIA CLARK and SHAUN THOMPSON**, respectfully state under oath:

1. Petitioners are the sole owners of record of the following legally described tract of land, except any public right-of-way property to wit:

Lot 323 in Somerset Subdivision No. 3, Urbana Township, Champaign County, Illinois, per plat recorded November 4, 1998 as Document No. 98R22828, in the Office of the Recorder, Champaign County, Illinois.

Parcel No. 30-21-03-126-028
Address: 2502 Somerset Drive

2. Said Tract is not situated within the corporate limits of any municipality, but together with other tracts is contiguous to the City of Urbana, Illinois at the time of annexation.
3. At least fifty-one percent (51%) of all electors (registered voters) residing in said Tract have signed this petition.

PETITIONERS RESPECTFULLY REQUEST:

1. That said Tract described above herein be annexed to the City of Urbana, Illinois pursuant to Section 5/7-1-8 of the Municipal Code of the State of Illinois, as amended (65 ILCS 5/7-1-8).
2. That said Tract be annexed in accordance with the terms of the annexation agreements passed by the Urbana City Council on July 18, 1994 as Ordinance No. 9495-8 and July 17, 2006 as Ordinance No. 2006-07-085 and approved by the Mayor of the City of Urbana.

Dated this 11 day of June, ~~2009~~ ²⁰¹⁰.

PETITIONER:

Marcia Clark
Marcia Clark

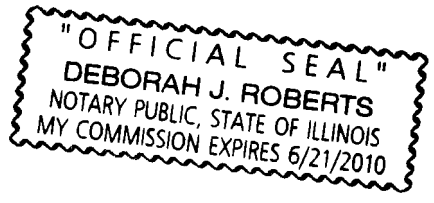
6-11-2010
Date

Shaun Thompson
Shaun Thompson

6-11-2010
Date

Subscribed and sworn to before me this 11th day of June, 2010, 2009.

[Signature]
Notary Public



My Commission Expires _____

ELECTORS:

The undersigned, being electors (registered voters) residing in said Tract, respectfully state under oath:

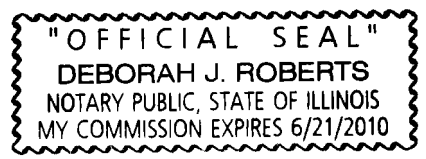
1. I am currently registered to vote in Champaign County, Illinois and currently reside at said Tract.
2. I have read and understand the petition to annex said tract and hereby and herewith join in the petition for annexation of said Tract to the City of Urbana.

<u>PRINTED NAME</u>	<u>SIGNATURE</u>
1. <u>Marcia Clark</u>	<u>[Signature]</u>
2. <u>SHAWN THOMPSON</u>	<u>[Signature]</u>
3. _____	_____
4. _____	_____

COUNTY OF CHAMPAIGN)
) SS
STATE OF ILLINOIS)

I, Deborah J. Roberts, Notary Public in the aforesaid County and State, do hereby certify that each of the persons who signed this petition above as an elector, personally appeared before me and acknowledged that they signed the said petition as their free and voluntary act for the uses and purposes set forth therein.

[Signature]
Notary Public



My Commission Expires _____

Petition for Annexation
To
THE CITY COUNCIL OF THE CITY OF URBANA
CHAMPAIGN COUNTY, ILLINOIS

The Petitioners, **JACK and TERRI SMART**, respectfully state under oath:

1. Petitioners are the sole owners of record of the following legally described tract of land, except any public right-of-way property to wit:

Lot 328 in Somerset Subdivision No. 3, Urbana Township, Champaign County, Illinois, per plat recorded November 4, 1998 as Document No. 98R22828, in the Office of the Recorder, Champaign County, Illinois.

Parcel No. 30-21-03-129-011
Address: 2505 Somerset Drive

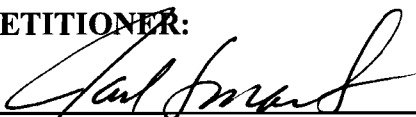
2. Said Tract is not situated within the corporate limits of any municipality, but together with other tracts is contiguous to the City of Urbana, Illinois at the time of annexation.
3. At least fifty-one percent (51%) of all electors (registered voters) residing in said Tract have signed this petition.

PETITIONERS RESPECTFULLY REQUEST:

1. That said Tract described above herein be annexed to the City of Urbana, Illinois pursuant to Section 5/7-1-8 of the Municipal Code of the State of Illinois, as amended (65 ILCS 5/7-1-8).
2. That said Tract be annexed in accordance with the terms of the annexation agreements passed by the Urbana City Council on July 18, 1994 as Ordinance No. 9495-8 and July 17, 2006 as Ordinance No. 2006-07-085 and approved by the Mayor of the City of Urbana.

Dated this _____ day of _____, 2009.

PETITIONER:



Jack Smart

5/13/10
Date



Terri Smart

5/13/10
Date

Subscribed and sworn to before me this 13 day of May, ~~2009~~ ²⁰¹⁰



Doris J Retter
Notary Public

3-15-14
My Commission Expires

ELECTORS:

The undersigned, being electors (registered voters) residing in said Tract, respectfully state under oath:

1. I am currently registered to vote in Champaign County, Illinois and currently reside at said Tract.
2. I have read and understand the petition to annex said tract and hereby and herewith join in the petition for annexation of said Tract to the City of Urbana.

PRINTED NAME

SIGNATURE

1. JACK SMART

2. TERRI SMART

3. _____

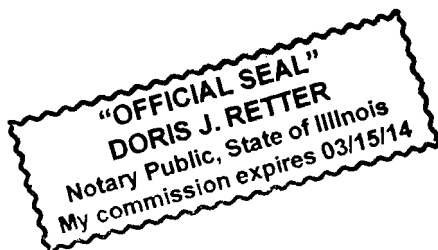
4. _____

JACK SMART

TERRI SMART

COUNTY OF CHAMPAIGN)
) SS
 STATE OF ILLINOIS)

I, DORIS J. RETTER, Notary Public in the aforesaid County and State, do hereby certify that each of the persons who signed this petition above as an elector, personally appeared before me and acknowledged that they signed the said petition as their free and voluntary act for the uses and purposes set forth therein.



Doris J Retter
Notary Public

3-15-14
My Commission Expires