



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: Mayor Diane Wolfe Marlin and City Council

FROM: John A. Schneider, MPA, Director, Community Development Services Department

DATE: August 23, 2018

SUBJECT: **An Ordinance Approving an Annexation Agreement** (A Real Estate Parcel with Permanent Index Number 30-21-06-326-015 / Judy Heimburger Trust and Trinitas Development LLC)

An Ordinance Amending the Urbana Zoning Map (Rezoning a Real Estate Parcel with Permanent Index Number 91-21-06-451-005 from R-3 to R-4 / Judy Heimburger Trust)

An Ordinance Annexing Certain Territory to the City of Urbana (A Real Estate Parcel with Permanent Index Number 30-21-06-326-015 / Judy Heimburger Trust)

Trinitas Development LLC (“Trinitas”) has submitted applications that are part of a series of necessary approvals that would allow them to develop 40 acres (four parcels) of farmland into a 406-unit multi-family residential development, part in Urbana and part in Champaign. One of the four parcels is in Urbana and is subject to a rezoning request (PC 2348-M-18); one parcel is in the county and is subject to a request to approve an annexation agreement and rezoning (PC 2018-A-01 & 2347-M-18), and would be immediately annexed into Urbana; the remaining two parcels are in Champaign and will require zoning approvals from the City of Champaign in addition to the requested approvals from Urbana.

The City Council must review the applications and approve or deny the requests. The Plan Commission will hold a public meeting on these cases on August 23, 2018. At the time of this writing, the outcome of that meeting and the Plan Commission’s recommendation are not known.

Background

The entire 40-acre, four parcel site has been farmland for as far back as City records show. Trinitas’ market research indicates that the site is suitable for a type of housing development aimed at students and young professionals that they have been successful building and managing in other cities. The proposed development would include duplex and townhouse units, which would provide an alternative to the existing mix of apartment and rental housing currently available in Urbana and Champaign. The proposal includes 406 units and could house more than 1,100 people. The current owner of the land, the Judy Heimburger Trust, is willing to sell it to Trinitas if they are successful in getting the zoning approvals they need for the proposed development.

For the remainder of this memorandum, when necessary the site will be referred to by its component

parts, as “Site A”, “Site B”, and “Site C”, as depicted in the map below. Site A is the easternmost site and is approximately 11.3 acres. It is already in Urbana and is subject to the rezoning request (R-3 to R-4). Site B is approximately 8.4 acres, lies in the county, and is subject to the annexation agreement with rezoning (County I-2 to City R-4) and annexation requests. Site C is in Champaign.



Land Uses and Zoning Designations

Surrounding the entire site are industrial uses to the north; the Carver Park neighborhood (Champaign) to the south; vacant, residentially-zoned land to the east; and one single-family home to the west along Oak Street, followed by a wide railroad right-of-way. Two churches, the Church of the Living God and the Pilgrim Missionary Baptist Church, are to the south of the site.

| | Zoning | Existing Land Use |
|---------------|--|---------------------------------|
| Site A | R-3, Single- and Two-Family Residential | Agricultural |
| North | IN-1, Light Industrial/Office | Office, Vacant |
| East | R-4, Medium-Density Multiple-Family Res. | Vacant |
| South | SF1, Single-Family District | Single-Family Residential |
| West | SF1, Single-Family District | Agricultural (Site C), Church |
| Site B | I-2, Heavy Industrial (County) | Agricultural |
| North | IN-1, Light Industrial | Construction Equipment Supplier |
| East | IN-1, Light Industrial | Office, Vacant |
| South | SF1, Single-Family District | Agricultural (Site C) |
| West | I-2, Heavy Industrial (County) | Single-Family Res., Office |

Proposed Use

The proposed use for the entire 40-acre site is a mixture of duplexes and townhouses, with a total of 406 units and 1,154 beds.

Comprehensive Plan

In 2005, when the Comprehensive Plan was adopted, the entire 40-acre site was being used for farmland. The Comprehensive Plan shows Site A as “Institutional” in Future Land Use Map #3, noting that the site was approved for a church in 2002. The proposed church was never constructed, and both sites have remained agricultural, as they were in 2005. Site B is not shown on any future land map in the Comprehensive Plan. The future land uses of surrounding areas were identified as “Industrial” (to the north) and “Multi-Family” (to the east). The proposed multi-family use would be compatible with these adjacent future land uses.

The following Comprehensive Plan Goals and Objectives also pertain to the requests:

Goal 15.0 Encourage compact, contiguous and sustainable growth patterns.

Objectives

- 15.1 Plan for new growth and development to be contiguous to existing development where possible in order to avoid “leapfrog” development.
- 15.3 Pursue annexation strategies that promote orderly development.
- 15.5 Promote intergovernmental cooperation on development and growth issues.

Goal 16.0 Ensure that new land uses are compatible with and enhance the existing community.

Objectives

- 16.3 Encourage development in locations that can be served with existing or easily extended infrastructure and city services.
- 16.5 Consider the impact of new development on public services and the ability to provide those services cost effectively.

Goal 18.0 Promote infill development.

Goal 19.0 Provide a strong housing supply to meet the needs of a diverse and growing community.

Goal 21.0 Identify and address issues created by overlapping jurisdictions in the one-and-one-half mile Extraterritorial Jurisdictional area (ETJ).

Objective

- 21.2 Work with other units of government to resolve issues of urban development in unincorporated areas.

Goal 28.0 Develop a diversified and broad, stable tax base.

Objective

28.2 Promote appropriate development opportunities through annexation, development agreements, and, where appropriate, economic incentives.

Goal 34.0 Encourage development in areas where adequate infrastructure already exists.

Goal 38.0 Ensure that future annexations or developing municipal territory has adequate municipal services.

Objectives

38.1 Assess the impacts of new development on needed services when considering new areas for development.

38.4 Concentrate new development in locations where adequate fire and police protection and other community services are available.

38.6 Ensure accessibility of all new development to emergency vehicles.

Discussion

Annexation Agreement and Petition

Staff created a standard Annexation Agreement (attached as Exhibit E) for Site B that includes rezoning from County I-2, Heavy Industrial to City R-4, Medium-Density Multiple-Family Residential. The parties to the agreement are the City of Urbana, Trinitas Development LLC, and the Judy Heimburger Trust (the current property owner). The city has also received an application for an annexation petition, which will be executed if the annexation agreement is approved. Site B would then be annexed into Urbana.

Fiscal Impacts of Annexation

Site B is currently assessed as farmland, with a taxing value of \$4,630. The total tax due on the parcel in 2018 was \$363.64. Since the site is in the county, Urbana received none of the tax revenue. If the property is developed as proposed, it is conservatively estimated that the taxing value of the land would be \$1,500,000, and Urbana's share of tax revenue would be approximately \$20,000 per year. It is estimated that to provide police and fire services to the newly-developed Site B would cost between \$10,000 and \$13,000 per year. There are no public improvements proposed for Site B, so the cost of new infrastructure would be zero. Overall, the net estimated fiscal impacts of annexing and developing Site B would be a positive \$7,000 to \$10,000 per year to the City of Urbana.

Rezoning

Trinitas requests the rezoning of Sites A and B to R-4, Medium-Density Multiple-Family Residential to accommodate their proposed duplex and townhouse development.

Evaluation Criteria

In the case of *La Salle National Bank v. County of Cook* (the "La Salle" case), the Illinois Supreme Court developed a list of factors that are used to evaluate the legal validity of a zoning classification for a particular property. In addition to the six La Salle Criteria, the court developed two more factors in

the case of *Sinclair Pipe Line Co. v. Village of Richton Park*. Together, all eight factors are discussed below to compare the current zoning to the proposed zoning.

1. The existing land uses and zoning of the nearby property.

The land is currently used as farmland, which is compatible with the adjacent properties. The proposed use, a multi-family duplex and townhouse development, would also be compatible with the surrounding area. Multi-family uses are suitable for areas where one type of land use transitions to another. In this case, the area to the south is predominantly single-family, while the area to the north is industrial/office. The site is well-suited for the type of lower-density multi-family residential that is proposed, and the requested R-4 zoning is the lowest-intensity zoning district that would allow the proposed development.

2. The extent to which property values are diminished by the restrictions of the ordinance.¹

Rezoning Site A to R-4 from R-3 would likely have little impact on neighboring property values. The majority of Site A is proposed to be developed with duplexes, which are currently allowed under the R-3 zoning. Rezoning to R-4 would allow townhouse units, which are proposed for the northern edge of the site. While the additional units allowed may generate more traffic through the adjacent Carver Park than a duplex-only development, the effect on property values is likely minimal. Rezoning Site A from R-3 to R-4 would likely have no impact on the other surrounding properties.

Rezoning Site B from County I-2 to R-4 would likely have little impact on neighboring property values as well. In general, being next to a heavy industrial parcel is less desirable than being next to a residential parcel. If surrounding residential property values are affected by the rezoning, it will likely be in a positive way. However, for surrounding industrial properties it is possible that rezoning the site to residential will decrease their property values, as being close to residential properties may impose restrictions on the intensity of activities that would be allowed on the industrial parcels, making them less valuable (e.g. there may be noise restrictions or screening requirements if the property is rezoned to residential).

3. The extent to which the ordinance promotes the health, safety, morals or general welfare of the public.

Rezoning to R-4 will not affect the health, safety, morals, or general welfare of the public in any foreseeable way. There is no discernible difference between the current zoning and the proposed rezoning in this regard.

4. The relative gain to the public as compared to the hardship imposed on the individual property owner

There appears to be no relative gain to the public in maintaining the current zoning designations over allowing the rezoning to take place. The proposal for Site A includes mostly duplexes, which is allowed under the current zoning, plus a row of townhouses on the northern edge of the property. As currently zoned, Site B could be developed as a heavy industrial site, which has a greater potential for negative impacts than the proposed rezoning and use of the site.

¹ It should be noted that the Urbana City Planning Division staff are not qualified as professional appraisers and that a professional appraiser has not been consulted regarding the impact on the value of the property. Therefore, any discussion pertaining to property values must be considered speculative and inconclusive.

5. The suitability of the subject property for the zoned purposes.

The site is well-suited to the proposed use. There is excellent access from 4th Street, 5th Street, Carver Drive, and Federal Drive. It is relatively close to the University of Illinois campus, and is close to I-74 and commercial areas on Lincoln Avenue.

6. The length of time the property has been vacant as zoned, considered in the context of land development, in the area, in the vicinity of the subject property.

The property has been in productive agricultural use for decades, so it is not “vacant” in the strictest sense. However, the site is within an urban area and is well-served by public infrastructure. The surrounding area is almost completely developed. Given the surrounding context, the highest and best use for the property in the long-term is likely to be some form of residential or industrial/office development. Site A is currently zoned R-3, Single- and Two-Family residential, and Site C, in Champaign, is similarly zoned, but there have been no plans that staff is aware of to develop the land as single- or two-family homes exclusively. Site B is zoned for heavy industrial use in the county, but it too has only been used for agricultural uses for decades. Rezoning to R-4 would allow the land to be developed into a more productive use, given the context of the land.

7. The community’s need for more of the proposed use.

While students and young professionals have many housing choices in Urbana and Champaign, most of their options are limited to living in apartment buildings or in older rental houses. The developer feels that there is a market for the type of housing that they are proposing and that they have been effective at marketing and managing in other cities. A variety of housing options is desirable, and the proposed development would add to Urbana’s diversity of housing types.

8. The care with which the community has planned its land use development.

When the City adopted its Comprehensive Plan in 2005, it was thought that Site A would be the future site of the Church of the Living God, which had been granted a Special Use Permit in 2002 to build a church on the site. Although the Church of the Living God received permission to build their church on Site A, they eventually built their new church nearby, on Bradley Avenue and Oak Street in Champaign, just south and west of the 40-acres now under consideration. Since there have been no new plans undertaken for the area since 2005, the future land use designation has not been reevaluated or updated. It is highly unlikely that the future land use would be identified as “Institutional” if the area were reevaluated.

Public Outreach

Trinitas held two public meetings about the proposed development at the Church of the Living God on May 3, 2018, and August 6, 2018. A small number of people attended each meeting. Those who attended were generally supportive of the project.

Plan Commission

The Plan Commission will hold a public hearing on the annexation agreement and rezoning cases at 7:00PM on September 6, 2018. At the time this memorandum was produced, the outcome of that meeting was unknown. Staff will provide a summary of the public hearing to the Committee of the Whole. Annexation petitions are not considered by Plan Commission, but rather by Committee of the Whole and then City Council.

Summary of Findings

1. Trinitas Development LLC has submitted applications to rezone one parcel in Urbana from R-3 to R-4 (PC 2348-M-18); to approve an annexation agreement for one parcel currently in the county, to rezone that parcel from County I-2 to City R-4 (PC 2018-A-01 & 2347-M-18); and, to approve an annexation petition.
2. The properties are located east of Oak Street, south of Federal Drive, and north of 4th Street, 5th Street, 6th Street, Carver Drive, and Dorie Miller Drive.
3. The requests would allow the conversion of 40 acres (approximately 19 acres in Urbana) of farmland into a residential development with duplexes and townhouses.
4. The zoning change requests generally conform to the LaSalle and Sinclair Criteria.
5. The annexation petition is consistent with the provisions of the annexation agreement.

Options

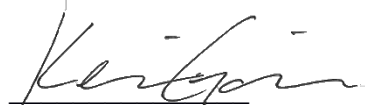
The City Council has the following options:

1. Approve the requests as presented; or
2. Deny the requests.

Recommendation

Without the benefit of considering additional evidence that may be presented at the public hearing on September 6, 2018, and without knowing the Plan Commission's recommendation, there is no recommendation at this time. Staff will provide the Plan Commission's recommendation to the Committee of the Whole for their consideration.

Prepared by:



Kevin Garcia, Planner II

Attachments: Exhibit A: Location and Existing Land Use Map
Exhibit B: Zoning Map
Exhibit C: Future Land Use Map
Exhibit D: Application

CC: Kimberly Hansen (Trinitas Development LLC)

Exhibit A: Location & Existing Land Use Map



Case: 2347-M-18 2348-M-18 2349-S-18
 Subject: Annexation Agreement and Rezoning
 Location: East of Oak St., north of Bradley Ave.
 Petitioner: Trinitas Development LLC


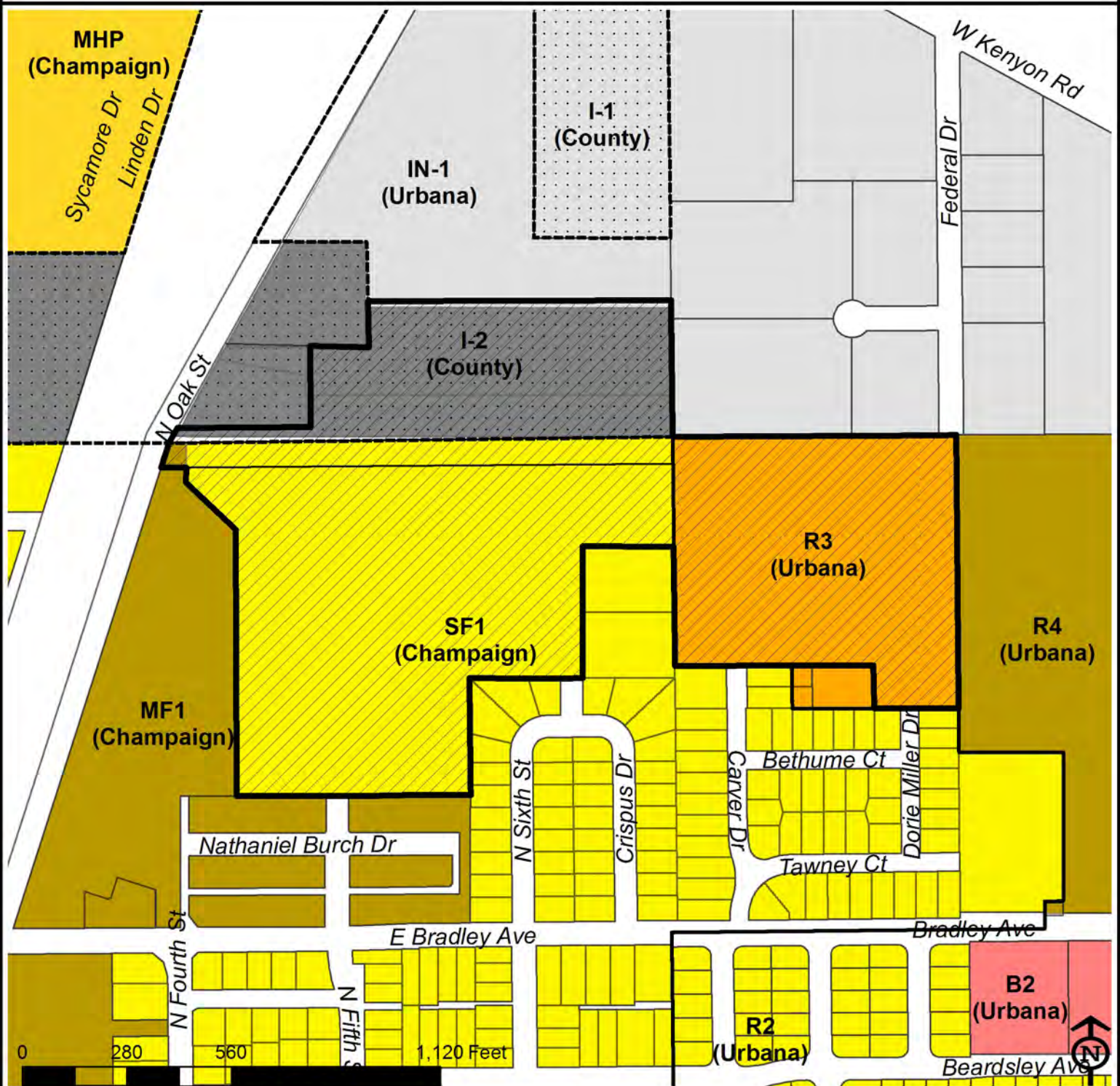
 Subject Property

Exhibit B: Zoning Map



Case: 2347-M-18 2348-M-18 2349-S-18
 Subject: Annexation Agreement and Rezoning
 Location: East of Oak St., north of Bradley Ave.
 Petitioner: Trinitas Development LLC









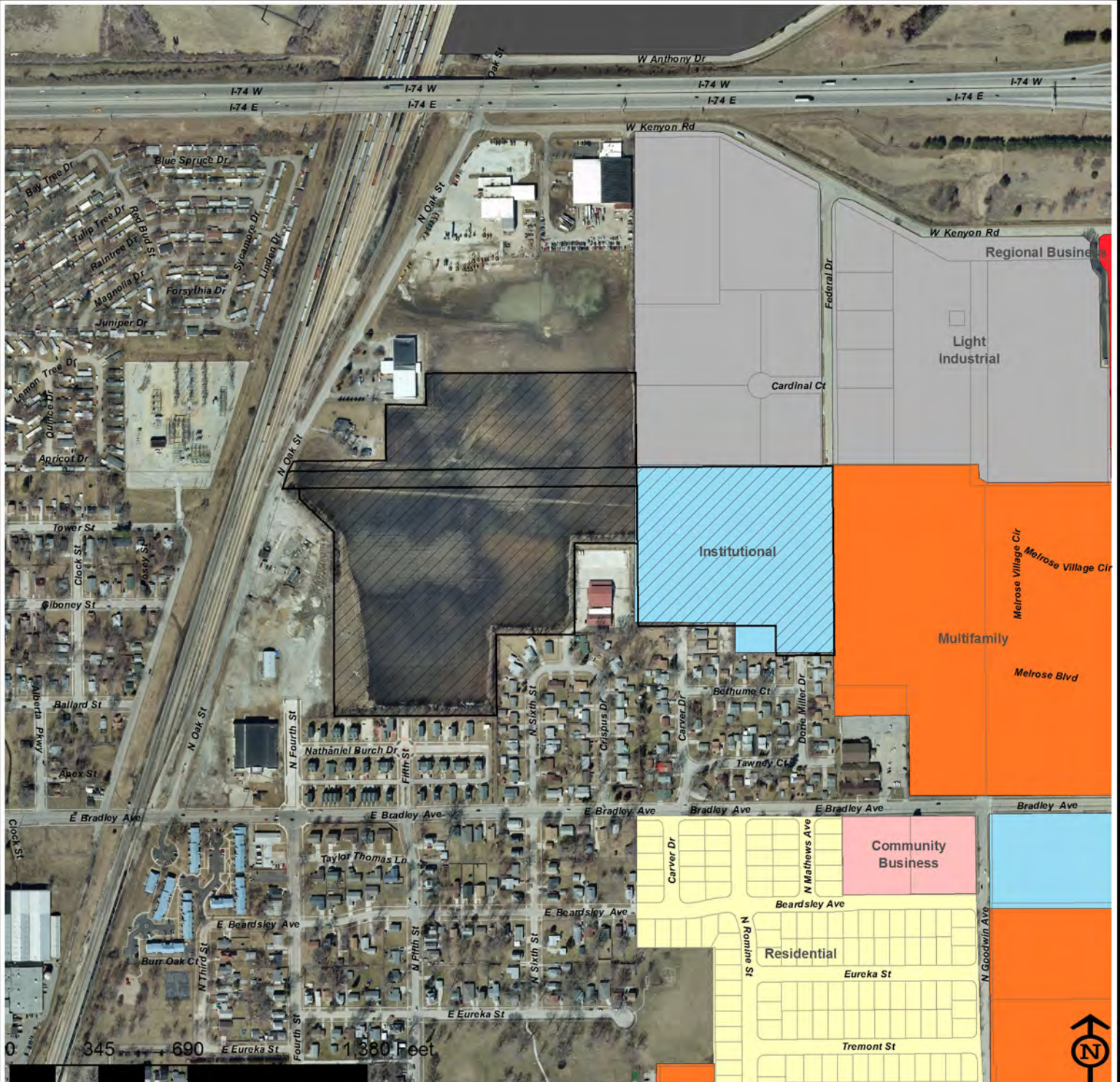
| | | | |
|---|--------|---|------------------|
|  | B2 |  | R4/MF1 |
|  | IN-1 |  | I-1 (County) |
|  | R2/SF1 |  | I-2 (County) |
|  | R3 |  | Subject Property |



Exhibit C: Future Land Use Map



Case: 2347-M-18 2348-M-18 2349-S-18
 Subject: Annexation Agreement and Rezoning
 Location: East of Oak St., north of Bradley Ave.
 Petitioner: Trinitas Development LLC

- Residential
- Multi-Family Residential
- Regional Business
- Community Business
- Light Industrial/Office
- Institutional
- Subject Property



**Application for Zoning
Map Amendment**

**PLAN
COMMISSION**

The application fee must accompany the application when submitted for processing. Please refer to the City's website at <http://www.urbanaininois.us/fees> for the current fee associated with this application. **The Applicant is also responsible for paying the cost of legal publication fees.** Estimated costs for these fees usually run between \$75.00 and \$225.00. The applicant will be billed separately by the News-Gazette.

DO NOT WRITE IN THIS SPACE - FOR OFFICE USE ONLY

Date Request Filed 07-31-2018 Plan Case No. 2347-M-18 Annexation Rezoning
2348-M-18 Union Gardens Develop
 Fee Paid - Check No. _____ Amount _____ Date _____ ment Rezoning

PLEASE PRINT OR TYPE THE FOLLOWING INFORMATION

1. APPLICANT CONTACT INFORMATION

Name of Applicant(s): Trinitas Development, LLC Phone: (317) 507-7142
Kimberly Hanien - primary contact
 Address (street/city/state/zip code): 201 main street ste 1000 Lafayette, IN
47901
 Email Address: khansen@trinitas.ventures
 Property interest of Applicant(s) (Owner, Contract Buyer, etc.): Contract Buyer

2. OWNER INFORMATION

Name of Owner(s): Judy Heimbürger Phone: (217) 898-7265
 Address (street/city/state/zip code): 2934 E. Stone Creek Blvd Urbana IL
61802
 Email Address: _____

Is this property owned by a Land Trust? Yes No

If yes, please attach a list of all individuals holding an interest in said Trust. Judy is sole Beneficiary.

3. PROPERTY INFORMATION

Address/Location of Subject Site: 1402 N. Fourth Street Champaign, IL
 PIN # of Location: 30-21-06-326-015 ; 91-21-06-451-005 (proposed dev address)
 Lot Size: 8.16 acres 11.33 acres
 Current Zoning Designation: IN-1 (to be annexed) R-3
 Proposed Zoning Designation: R-4 R-4
 Current Land Use (vacant, residence, grocery, factory, etc): farmland
 Proposed Land Use: multifamily
 Present Comprehensive Plan Designation: N/A

How does this request conform to the Comprehensive Plan? N/A

Legal Description (If additional space is needed, please submit on separate sheet of paper):

please see attached

4. CONSULTANT INFORMATION

Name of Architect(s): Barry Knechtel Phone: (765) 497-4598

Address (street/city/state/zip code): 527 Sagamore PKway W Ste 101 W. Lafayette, IN 47906

Email Address: barry@kjjgarchitecture.com

Name of Engineers(s): Nicholas Varchetto, P.E. Phone: (630) 393-3060

Address (street/city/state/zip code): 35701 West Avenue, Ste 150 Warrenville, IL 60555

Email Address: nvarchetto@eraconsultants.com

Name of Surveyor(s): Timothy B. Martinez Phone: (630) 393-3060

Address (street/city/state/zip code): 35701 West Avenue, Ste 150 Warrenville, IL 60555

Email Address: nvarchetto@eraconsultants.com

Name of Professional Site Planner(s): N/A Phone:

Address (street/city/state/zip code):

Email Address:

Name of Attorney(s): Chris Stoker Phone: (765) 807-2716

Address (street/city/state/zip code): 201 main Street, Ste 600 Lafayette, IN 47901

Email Address: cstoker@trinitas.ventures

5. REASONS FOR MAP AMENDMENT:

What error in the existing Zoning Map would be corrected by the Proposed Amendment?

This is a request for rezoning. There is no existing error.

What changed or changing conditions warrant the approval of this Map Amendment?

We are proposing a new multifamily housing development with a density of approximately 10 units/acre.

Explain why the subject property is suitable for the proposed zoning.

Adjacent properties will be of similar residential uses. Land is currently used as farmland which does not represent the highest and best use of this land.

What other circumstances justify the zoning map amendment

We are seeking a rezone in Champaign for 2 parcels to MF-1 as part of this proposed development.

Time schedule for development (if applicable)

~~Construction start Spring 2019~~
Construction start Spring 2019

Additional exhibits submitted by the petitioner.

N/A

NOTE: If additional space is needed to accurately answer any question, please attach extra pages to the application.

By submitting this application, you are granting permission for City staff to post on the property a temporary yard sign announcing the public hearing to be held for your request.

CERTIFICATION BY THE APPLICANT

I certify all the information contained in this application form or any attachment(s), document(s) or plan(s) submitted herewith are true to the best of my knowledge and belief, and that I am either the property owner or authorized to make this application on the owner's behalf.

Kimberly Hansen
Applicant's Signature

7/30/18
Date

PLEASE RETURN THIS FORM ONCE COMPLETED TO:

City of Urbana
Community Development Department Services
Planning Division
400 South Vine Street, Urbana, IL 61801
Phone: (217) 384-2440
Fax: (217) 384-2367

ORDINANCE NO. 2018-09-058

AN ORDINANCE APPROVING AN ANNEXATION AGREEMENT

**(A Real Estate Parcel with Permanent Index Number 30-21-06-326-015 /
Judy Heimburger Trust and Trinitas Development LLC)**

WHEREAS, an annexation agreement between the City of Urbana, Illinois, the Judy Heimburger Trust, and Trinitas Development LLC has been submitted for the Urbana City Council's consideration; and

WHEREAS, said agreement governs a tract totaling approximately 8.38 acres located east of N. Oak Street, west of Cardinal Court, and north of N. Sixth Street, and said tract is legally described as follows:

A portion of the Southwest Quarter of Section 6, Township 19 North, Range 9 East of the Third Principal Meridian, Champaign County, Illinois, more particularly described as follows:

Lot 2 of the Bishop Crawford Subdivision recorded as document number 2013R27410, dated November 21, 2013, in the office of the recorder of Champaign County, Illinois.

Except the following:

The south 66 feet of even width of Lot 2 of the Bishop Crawford Subdivision recorded as document number 2013R27410, dated November 21, 2013, in the office of the recorder of Champaign County, Illinois.

All situated in Champaign County, Illinois and containing 8.38 acres, 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 this parcel:

That part of Oak Street right-of-way being 50 feet in width as described in a right-of-way dedication recorded in Deed Record Book 789 at Page 370, that lies adjacent to the above described parcel.

All situated in Champaign County, Illinois and containing 0.05 acres, more or less; located east of Oak Street and north of Bradley Avenue, and further referenced as Champaign County permanent index number 30-21-06-326-015; and

WHEREAS, on August 8, 2018, the City Clerk duly published notice in *The News-Gazette*, a newspaper having general circulation in the City of Urbana, Illinois, that a public hearing would be held before the Urbana City Council on the matter of the proposed annexation agreement; and

WHEREAS, on August 27, 2018, the City Clerk also mailed notice of the public hearing to each of the Trustees of the Eastern Prairie Fire Protection District, each Board of Urbana Township Trustee, and the Urbana Township Clerk, Supervisor, and Commissioner of Highways; and

WHEREAS, on September 6, 2018, after due and proper notice, the Urbana Plan Commission held a public hearing to consider the proposed annexation agreement in Case No. 2018-A-01; and

WHEREAS, the Urbana Plan Commission voted {TBD} ayes and {TBD} nays to forward a recommendation of {TBD} to the Urbana City Council; and

WHEREAS, on September 10, 2018, the Urbana City Council held a public hearing on the proposed annexation agreement; and

WHEREAS, the City Council has determined that the proposed annexation agreement is in conformance with the goals and objectives of the City of Urbana’s 2005 Comprehensive Plan; and

WHEREAS, the City Council, having duly considered all matters pertaining thereto, finds and determines that the proposed annexation agreement will not negatively impact the City of Urbana and would be in the best interests of the City of Urbana and its citizens.

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

Section 1.

An annexation agreement between the City of Urbana, Illinois, the Judy Heimburger Trust, and Trinitas Development LLC, in substantially the form of the copy of said agreement attached hereto and hereby incorporated by reference, be and the same is hereby authorized and approved.

Section 2.

The Mayor of the City of Urbana, Illinois, be and the same is hereby authorized to execute and deliver and the City Clerk of the City of Urbana, Illinois, be and the same is hereby authorized to attest to said execution of said annexation agreement as so authorized and approved for and on behalf of the City of Urbana, Illinois.

Section 3.

The City Clerk is authorized and directed to record in the Office of the Recorder of Deeds and to file with the Champaign County Clerk a certified copy of this Ordinance.

This Ordinance is hereby passed by the affirmative vote, the “ayes” and “nays” being called, of two-thirds of the corporate authorities then holding office (6 of 8 votes) of the City of Urbana, Illinois, at a meeting of the corporate authorities.

PASSED BY THE CITY COUNCIL this ___ day of _____, _____.

AYES:

NAYS:

ABSTENTIONS:

Charles A. Smyth, City Clerk

APPROVED BY THE MAYOR this ___ day of _____, _____.

Diane Wolfe Marlin, Mayor

Annexation Agreement

This annexation agreement is made between the City of Urbana, Illinois ("Urbana"), the Judy Heimburger Trust (the "Owner"), and Trinitas Development LLC, an Indiana limited liability company (the "Developer"), each a "party" and together the "parties," and is effective on the last date signed by a party hereto. The parties agree as follows:

1. **The Property.** The Owner is the owner of record of the real property having permanent index number 30-21-06-326-015, consisting of approximately 8.38 acres in unincorporated Champaign County (the "Property"). The Property is legally described on Exhibit A. Exhibit B is a true and accurate representation of the Property. The Developer proposes to purchase the Property from the Owner for development purposes. Exhibit C is a general area plan showing the Developer's intended use of the Property.
2. **Annexation.**
 - A. The Owner, Developer, and Urbana shall take all actions necessary or appropriate to cause the Property to be validly annexed to Urbana as provided in this agreement and pursuant to the provisions of 65 ILCS 5/11-15.1-1 *et seq.*, as amended. The Property is contiguous to Urbana and may be immediately annexed.
 - B. The Owner and Developer hereby waive all rights to disconnect the Property from Urbana during the term of this agreement.
3. **Zoning.**
 - A. Classification. Upon passage of the ordinance annexing the Property to Urbana, Urbana shall classify the Property as part of the R-4 Medium Density Multiple-Family Residential zoning district. Urbana shall not rezone the Property during the term of this agreement except upon a written amendment to this agreement.
 - B. Ordinance amendments. Urbana reserves the right to amend the Urbana City Code and the Urbana Zoning Ordinance even if such amendments affect the Property. During the 20 years following the effective date of this agreement, unless the Owner, Developer, or successor or successors in title consent, Urbana shall not enforce any ordinance applicable to the Property relating to subdivision controls, zoning, official plans, or occupancy permits and related restrictions that is more restrictive or that imposes greater obligations than (1) the ordinances of Urbana in force on the effective date of this agreement; or (2) the terms of this agreement.
 - C. Rezoning. Neither the Owner nor the Developer shall petition for Champaign County rezoning of the Property without a written amendment to this agreement.
4. **Owner's and Developer's duties.**
 - A. Before annexation. At all times prior to annexation, the Owner and Developer shall have the following duties.
 - (1) Compliance with law. Except as otherwise provided in this agreement, the Owner and Developer shall use the Property in compliance with all applicable federal and state laws and all Urbana zoning and building codes and regulations in effect on the effective date of this agreement or an amendment thereto.

MEMO ATTACHMENT - ANNEXATION AGREEMENT

- (2) Annexation petition upon transfer. As a condition of a transfer of ownership of the whole or any part of the Property, the Owner shall require the new owner and all electors who will reside on the Property so conveyed to sign a legally sufficient irrevocable petition for annexation. Not more than 10 days after the transfer occurs, the Owner shall deliver such petition to Urbana's Planning Division Manager. As a condition of any subsequent sale of the whole or any part of the Property, the Owner shall also require the subsequent owner to obtain an irrevocable petition for annexation from succeeding buyers and electors who will reside on the Property and to deliver such petition to Urbana's Planning Division Manager not more than 10 days after the transfer occurs, for as long as this agreement is in effect. If the Owner fails to comply with this subsection, and if annexation of the Property or any part of it is delayed or contested by any subsequent owner as a result, the Owner will be liable to Urbana for all real estate taxes and other taxes that would have been due to Urbana had annexation been completed as provided in this agreement.
- (3) Recording of covenants. If Urbana has not already annexed the Property, the Owner shall record covenants in a form approved by Urbana's Legal Division containing notice that each subsequent owner and elector residing on the Property is required to sign a petition for annexation at Urbana's request. In addition to recording this notice in the covenants applicable to the whole Property, the Owner shall record this notice in the chain of title of each individual permanent index number assigned to any division of the Property.

B. After annexation. At all times after annexation, the Owner and Developer shall have the following duties.

- (1) Zoning designation. The Owner and Developer shall comply with all applicable provisions of the Urbana Zoning Ordinance, including those relating to non-conforming structures and uses. The Owner and Developer shall accept the Urbana R-4 Medium Density Multiple-Family Residential zoning classification, as provided for in the Urbana Zoning Ordinance, as amended.
- (2) Code compliance. The Owner and Developer shall comply with all Urbana ordinances in effect unless expressly waived or varied in this agreement. The Owner and Developer shall cause all new development, construction, or additions on the Property to comply with the approved site plan for the Property, if any, and all codes, rules, regulations, orders, and other requirements of Urbana. The Owner and Developer shall submit all building construction and landscaping plans to Urbana for review and shall pay all building permit fees.

5. **Urbana's duties.** Urbana shall annex the Property in accordance with the terms and conditions set forth in this agreement. Urbana shall enact all ordinances and resolutions necessary to effectuate this agreement.

6. **Owner's and Developer's representations.** The Owner and Developer represent to Urbana as follows.

- A. Consent of lender. If a mortgage or other lien encumbers the Property, the Owner has provided Urbana with a written acknowledgement from each mortgagee, lienholder, and holder of any security interest affecting title to the Property, or any part thereof, that this agreement will at all times inure to the benefit of and be binding upon such mortgagee, lienholder, or other person having an interest in the Property.
- B. Authority. The persons signing this agreement on behalf of the Owner and Developer have been authorized and empowered to enter into this agreement by and on behalf of such

MEMO ATTACHMENT - ANNEXATION AGREEMENT

Owner and Developer, and this agreement is a legal, valid, and binding obligation of the Owner and Developer, enforceable against the Owner and Developer in accordance with its terms.

- C. Petition for annexation. The Owner has filed with Urbana a written petition signed by the Owner and all electors residing on the Property requesting annexation of the Property to Urbana and being in proper form to allow annexation of the Property pursuant to the Illinois Municipal Code, as amended.

7. **Urbana's representations.** Urbana represents to the Owner and Developer as follows:

- A. Authority. The person signing this agreement on behalf of Urbana has been authorized and empowered to enter into this agreement by and on behalf of Urbana; and Urbana has taken or will take all actions necessary to authorize the execution, delivery, and performance of this agreement.
- B. Public hearings. Prior to execution of this agreement, Urbana has held all public hearings required by law.

8. **Term.** This agreement will be binding upon the parties and their respective successors and assigns for 20 years commencing as of the effective date of this agreement. If any of the terms of this agreement, or the annexation or zoning of the Property, is challenged in any court proceeding, or if Urbana files a court action to enforce this agreement, then, to the extent permitted by law, the period of time during which such litigation is pending will not be included in calculating the term of this agreement. The expiration of the term of this agreement will not affect the continuing validity of the zoning of the Property or any ordinance enacted by Urbana pursuant to this agreement.

9. **Enforcement.** Any party, or the successor or successors in title of any party hereto, may either in law or in equity, by suit, action, mandamus, injunction, or other proceedings enforce, and compel performance of this agreement. Upon breach by the Owner or Developer, or the successor or successors in title of the Owner or Developer, Urbana may refuse the issuance of any permits or other approvals or authorizations relating to development of or construction on the Property.

10. **Indemnification.** The Owner and Developer shall indemnify and defend Urbana, its officers, employees, and agents against all claims, liability, or damage, including without limitation attorney's fees, arising from or in any way related to the performance or failure to perform the provisions of this agreement, except to the extent caused by the gross negligence or willful misconduct of Urbana, its officers, employees, or agents. This section will survive the termination of this Agreement.

11. **Entire agreement; amendments.** This agreement constitutes the entire agreement between the parties, supersedes all other agreements or understandings between them pertaining to the matter of this agreement, and may not be modified or rescinded except by a writing signed by all parties.

12. **Assignment.** The Owner's and Developer's rights and privileges provided pursuant to this agreement are personal to the Owner and Developer and are not assignable or voluntarily transferable by the Owner or Developer without the express written consent of Urbana, which consent shall not be unreasonably withheld. Such consent will not constitute an amendment to this agreement and may be given without the requirement of notice or a public hearing, except as required by the Illinois Open Meetings Act. The Owner's and Developer's obligations, undertakings, and guarantees specifically made in this agreement will continue in full force and effect and will not be affected insofar as Urbana is concerned by any sale, transfer, or assignment of any interest in any portion of the Property. Notwithstanding anything contained herein to the contrary, Developer may assign this agreement to a Developer Affiliate without Urbana's consent so long as such applicable assignee complies with the requirements of Section 4 hereof. For purposes of this Section 12, the term "Developer's Affiliate" shall mean any entity that controls or is controlled by or is under common control with Developer and whose

MEMO ATTACHMENT - ANNEXATION AGREEMENT

members have at least a 50% common economic interest (based on projected future cash flows) as Developer.

13. **Notices.** Except where the terms of this agreement expressly provide otherwise, the parties shall give all notices required or permitted by this agreement in writing, addressed as set forth below, unless another address is provided in writing. Notices will be deemed given when personally delivered; deposited in the U.S. mail, postage prepaid, first class; or delivered to a commercial courier.

Urbana: City of Urbana Planning Division Manager, 400 S. Vine Street, Urbana, Illinois 61801

Owner: Judy Heimbürger Trust, 2934 E. Stone Creek Blvd.; Urbana, Illinois 61802

Developer: Trinitas Development LLC, c/o Trinitas Ventures LLC, 201 Main Street, Suite 1000, Lafayette, Indiana 47901

14. **Waiver.** The failure of any party to insist upon the strict and prompt performance of any term, covenant, or condition of this agreement will not be deemed to waive or to relinquish that party's right thereafter to enforce any such term, covenant, or condition unless the party's waiver is in writing.

15. **Severability.** If any court of competent jurisdiction invalidates any provision of this agreement, other than the provisions relating to the requested zoning changes and the ordinances adopted in connection therewith, such provision will be deemed to be excised here from, and the invalidity thereof will not affect any of the other provisions contained in this agreement.

16. **No presumption.** The parties have had full opportunity to review and to participate in the drafting of this agreement and all documents attached as exhibits. Accordingly, the parties shall construe this agreement without regard to any presumption or other rule of construction whereby any ambiguities within this agreement would be construed or interpreted against the party causing the document to be drafted.

17. **City Council approval.** This agreement will be valid only after the Urbana City Council approves it by resolution or ordinance.

18. **Covenant running with the land.** The terms of this agreement constitute a covenant running with the land and will inure to the benefit of and be binding upon the successors in title and assigns of the Owner and Developer and each of them, as to all or any part of the Property, and upon the successor municipalities of Urbana and the successor corporate authorities of each of them.

19. **Recording of agreement.** Not more than 30 days after the effective date of this agreement, Urbana shall record this agreement, or a suitable memorandum hereof, in the Champaign County Office of the Recorder of Deeds at the Owner's sole cost and expense.

20. **Exhibits.** All exhibits and schedules attached to this agreement are incorporated into this agreement and are made a part of this agreement by this reference.

21. **Third-party beneficiaries.** This agreement is made for the mutual benefit of the parties hereto and is not intended to confer any rights to any third party. No third party may bring any action to enforce any of the terms in this agreement.

[Signature page follows]

MEMO ATTACHMENT - ANNEXATION AGREEMENT

City of Urbana, Illinois

By: _____
Diane Wolfe Marlin
Mayor

Date: _____, 2018

Attest:

Charles A. Smyth
City Clerk

Attachments: Exhibit A Legal Description
 Exhibit B Annexation Plat

MEMO ATTACHMENT - ANNEXATION AGREEMENT

EXHIBIT A – LEGAL DESCRIPTION

A portion of the Southwest Quarter of Section 6, Township 19 North, Range 9 East of the Third Principal Meridian, Champaign County, Illinois, more particularly described as follows:

Lot 2 of the Bishop Crawford Subdivision recorded as document number 2013R27410, dated November 21, 2013, in the office of the recorder of Champaign County, Illinois.

Except the following:

The south 66 feet of even width of Lot 2 of the Bishop Crawford Subdivision recorded as document number 2013R27410, dated November 21, 2013, in the office of the recorder of Champaign County, Illinois.

All situated in Champaign County, Illinois and containing 8.38 acres, 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 this parcel:

That part of Oak Street right-of-way being 50 feet in width as described in a right-of-way dedication recorded in Deed Record Book 789 at Page 370, that lies adjacent to the above described parcel.

All situated in Champaign County, Illinois and containing 0.05 acres, more or less; located east of Oak Street and north of Bradley Avenue.

A portion of the Southwest Quarter of Section 6, Township 19 North, Range 9 East of the Third Principal Meridian, Champaign County, Illinois, more particularly described as follows:

Lot 2 of the Bishop Crawford Subdivision recorded as document number 2013R27410, dated November 21, 2013, in the office of the recorder of Champaign County, Illinois.

Except the following:

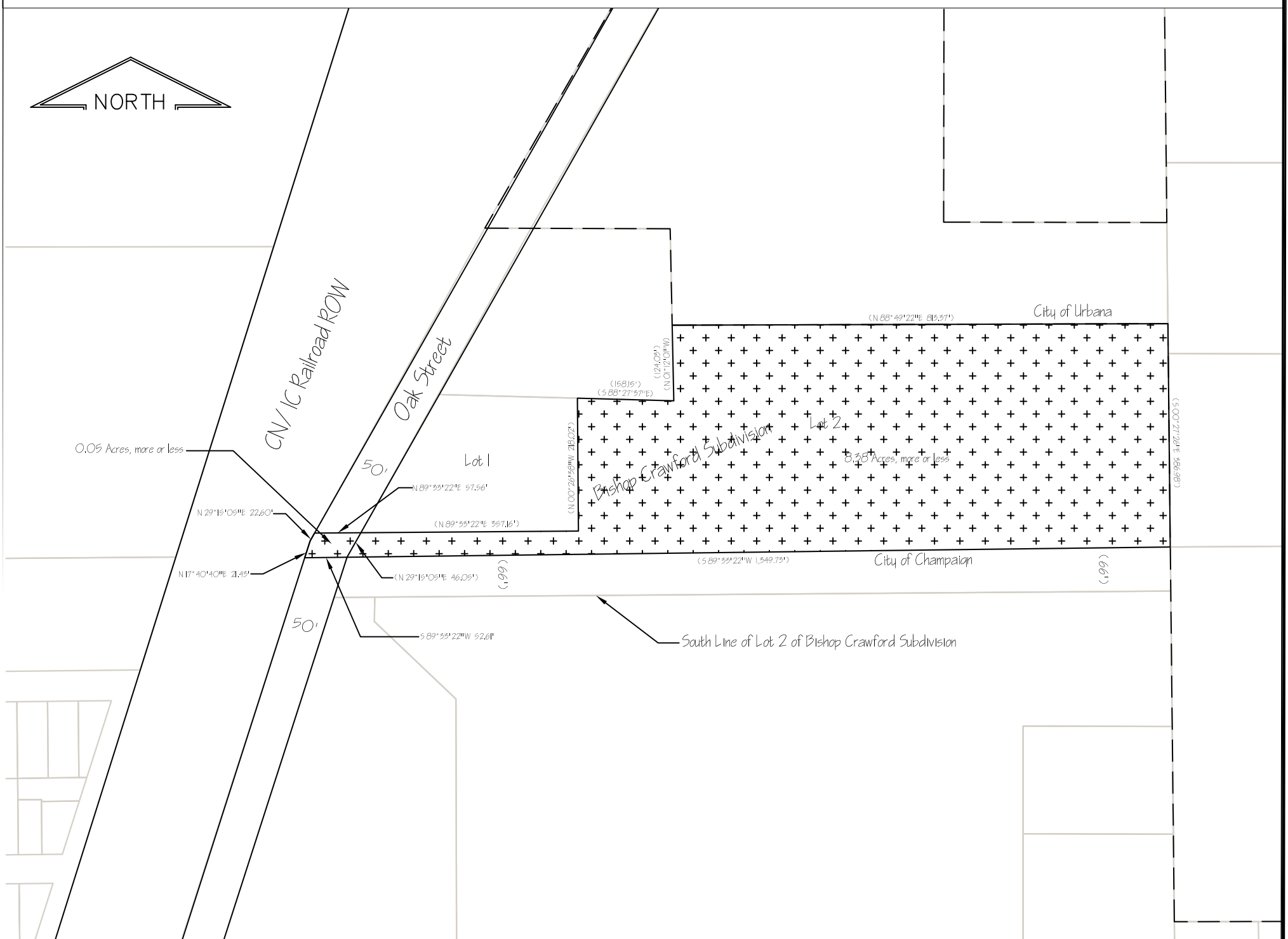
The south 66 feet of even width of Lot 2 of the Bishop Crawford Subdivision recorded as document number 2013R27410, dated November 21, 2013, in the office of the recorder of Champaign County, Illinois.

All situated in Champaign County, Illinois and containing 8.38 acres, 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 this parcel:

That part of Oak Street right-of-way being 50 feet in width as described in a right-of-way dedication recorded in Deed Record Book 789 at Page 370, that lies adjacent to the above described parcel.


All situated in Champaign County, Illinois and containing 0.05 acres, more or less.



**MAP SHOWING AREA
ANNEXED BY CITY
ORDINANCE #2018-XX-XXX
CITY OF URBANA, ILLINOIS
CHAMPAIGN COUNTY
DATE: AUGUST XX, 2018**

| | |
|----------------------|--|
| AREA OF ANNEXATION | |
| EXISTING CITY LIMITS | |
| NEW CITY LIMITS | |
| RIGHT-OF-WAY | |

**ENGINEERING
DIVISION**



CITY ENGINEER/PUBLIC WORKS DIRECTOR

CAD: D.A.R. 08/23/2018
CHECKED: W.R.G. XX/XX/2018

PRELIMINARY/FINAL PLAT OF SUBDIVISION
OF
UNION GARDENS

PART OF THE SOUTH HALF OF SECTION 6, TOWNSHIP 19 NORTH, RANGE 9 EAST, OF THE THIRD PRINCIPAL MERIDIAN, CHAMPAIGN COUNTY, ILLINOIS

P.L.N.
TRACT 1: 91-21-06-451-005
TRACT 2: 30-21-06-326-015
46-21-06-376-007
TRACT 3: 46-21-06-376-008

| CURVE TABLE | | | | |
|-------------|---------|---------|---------------|---------|
| CURVE | RADIUS | LENGTH | CHORD BEARING | CHORD |
| C1 | 103.50' | 75.09' | N01°35'01"E | 73.45' |
| C2 | 58.50' | 48.75' | S01°30'16"E | 47.35' |
| C3 | 58.50' | 56.47' | S02°42'01"W | 54.30' |
| C4 | 103.50' | 74.53' | N04°19'26"W | 72.93' |
| C5 | 83.50' | 44.82' | N15°56'39"W | 44.28' |
| C6 | 150.62' | 26.18' | S05°56'53"W | 26.14' |
| C7 | 89.00' | 34.79' | S45°19'51"W | 34.57' |
| C8 | 89.00' | 26.62' | N48°51'41"W | 26.52' |
| C9 | 69.00' | 26.12' | S43°43'00"W | 25.96' |
| C10 | 89.00' | 11.31' | N43°50'15"E | 11.30' |
| C11 | 69.00' | 38.28' | N41°42'41"W | 37.79' |
| C12 | 89.00' | 25.01' | N42°16'43"W | 24.93' |
| C13 | 100.32' | 38.68' | S10°24'16"W | 38.44' |
| C14 | 145.31' | 56.04' | N10°24'11"E | 55.69' |
| C15 | 141.69' | 23.94' | N27°51'28"E | 23.91' |
| C16 | 357.50' | 45.29' | S82°56'41"W | 45.26' |
| C17 | 83.50' | 68.96' | N66°05'22"E | 67.02' |
| C18 | 128.50' | 106.13' | S66°05'22"W | 103.14' |
| C19 | 198.50' | 45.38' | N25°41'42"W | 45.28' |
| C20 | 198.50' | 42.36' | N06°46'55"W | 42.28' |
| C21 | 243.50' | 42.25' | S05°38'22"E | 42.19' |
| C22 | 357.50' | 12.61' | S61°54'04"W | 12.61' |

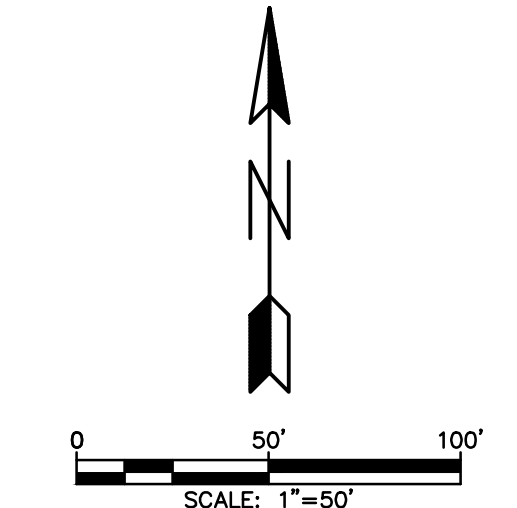
| LINE TABLE | | |
|------------|-------------|--------|
| LINE | BEARING | LENGTH |
| L1 | S00°44'39"E | 8.38' |
| L2 | S89°57'08"W | 20.23' |
| L3 | S89°57'08"W | 28.51' |

LEGEND

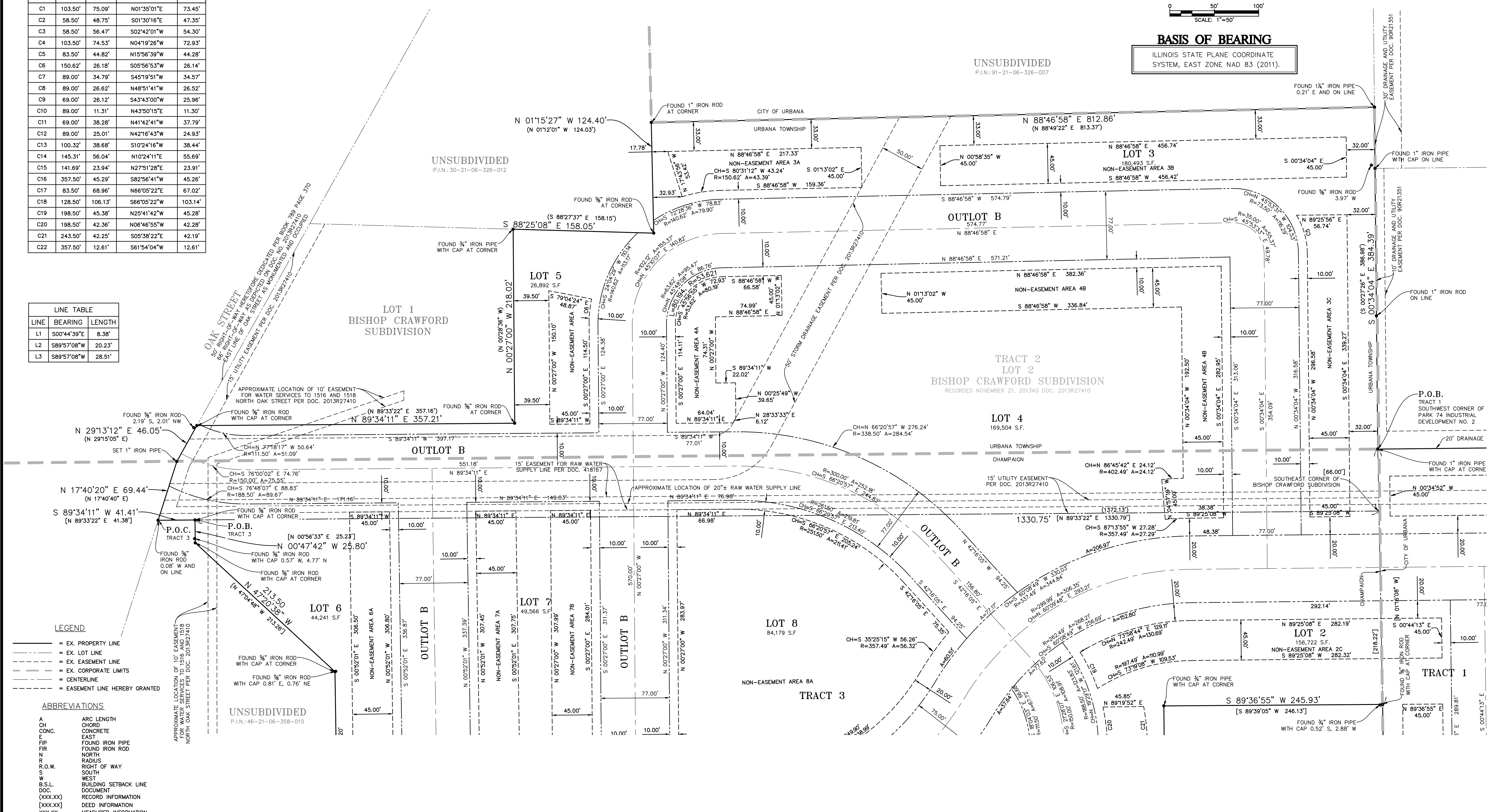
- EX. PROPERTY LINE
- EX. LOT LINE
- EX. EASEMENT LINE
- EX. CORPORATE LIMITS
- CENTERLINE
- - - EASEMENT LINE HEREBY GRANTED

ABBREVIATIONS

- A ARC LENGTH
- CH CHORD
- CONC. CONCRETE
- E EAST
- FIP FOUND IRON PIPE
- FIR FOUND IRON ROD
- N NORTH
- R RADIUS
- R.O.W. RIGHT OF WAY
- S SOUTH
- W WEST
- B.S.L. BUILDING SETBACK LINE
- DOC. DOCUMENT
- (XXX.XX) RECORD INFORMATION
- [XXX.XX] DEED INFORMATION
- XXX.XX MEASURED INFORMATION



BASIS OF BEARING
ILLINOIS STATE PLANE COORDINATE SYSTEM, EAST ZONE NAD 83 (2011).



REVISIONS:

| DATE | BY | DESCRIPTION | DATE | BY | DESCRIPTION |
|------|----|-------------|------|----|-------------|
| | | | | | |

DRAWN BY: CNB
CHECKED BY: TBM
APPROVED BY: TBM



35701 WEST AVENUE, SUITE 150
WARRENVILLE, ILLINOIS 60555
PHONE (630) 393-3060
FAX (630) 393-2152

10 S. RIVERSIDE PLAZA, SUITE 875
CHICAGO, ILLINOIS 60606
PHONE (312) 474-7841
FAX (312) 474-6099

2416 GALEN DRIVE
CHAMPAIGN, ILLINOIS 61821
PHONE (217) 351-6268
FAX (217) 355-1902

PREPARED FOR:
TRINITAS DEVELOPMENT LLC

TITLE:
**UNION GARDENS
PRELIMINARY/FINAL PLAT OF SUBDIVISION**

SCALE: 1"=50'
DATE: 7-27-2018
JOB NO: 180306
SHEET 8 **OF** 24

ORDINANCE NO. 2018-09-059

AN ORDINANCE AMENDING THE URBANA ZONING MAP

**(Rezoning a Real Estate Parcel with Permanent Index Number 91-21-06-451-005
from R-3 to R-4 / Plan Case No. 2348-M-18)**

WHEREAS, Trinitas Development LLC, on behalf of the Judy Heimburger Trust, the owner of certain real property with Permanent Index Number 91-21-06-451-005, has applied to the City of Urbana (“City”) for a Zoning Map amendment to rezone the 11.33-acre property from R-3, Single- and Two-Family Residential, to R-4, Medium-Density Multiple-Family Residential; and

WHEREAS, the Plan Commission held a public hearing on such application at 7:00 p.m. on Thursday, September 6, 2018, in Plan Case No. 2348-M-18; and

WHEREAS, in accordance with Urbana Zoning Ordinance Section XI-10, due and proper notice of such public hearing was given by publication in *The News-Gazette*, a newspaper having a general circulation within the City, on a date at least 15 days but no more than 30 days before the time of the public hearing, and by posting a sign containing such notice on the real property identified herein; and

WHEREAS, the Urbana Plan Commission voted {TBD} ayes and {TBD} nays to forward the case to the Urbana City Council with a recommendation to approve the rezoning request; and

WHEREAS, the findings of the Plan Commission indicate that approval of the rezoning request will promote the general health, safety, and welfare of the public; and

WHEREAS, the City Council finds that the requested rezoning is consistent with the goals, objectives, and generalized land use designations of the City of Urbana 2005 Comprehensive Plan; and

WHEREAS, the City Council finds that the requested rezoning is consistent with the criteria contained in *La Salle Nat. Bank of Chicago v. Cook County*, 12 Ill. 2d 40, 145 N.E.2d 65 (1957) and *Sinclair Pipe Line Co. v. Village of Richton Park* 19 Ill.2d 370 (1960); and

WHEREAS, after due consideration, the City Council further finds that an amendment to the Urbana Zoning Map as herein provided will protect the public health, safety, and welfare.

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

Section 1.

The Official Zoning Map of the City of Urbana, Illinois, is herewith and hereby amended to change the zoning classification of the following described real property from R-3, Single- and Two-Family Residential, to R-4, Medium-Density Multiple-Family Residential:

BEGINNING AT AN IRON ROD SITUATED IN THE SOUTH ONE-HALF OF SECTION 6, TOWNSHIP 19 NORTH, RANGE 9 EAST, OF THE THIRD PRINCIPAL MERIDIAN, CITY OF URBANA, CHAMPAIGN COUNTY, ILLINOIS, SAID IRON PIPE ALSO BEING A PART OF THE BOUNDARY MONUMENTS OF THE "CHURCH OF THE LIVING GOD PLAT OF SURVEY, RECORDED AS DOCUMENT NO. 2011 R22983, IN THE OFFICE OF THE CHAMPAIGN COUNTY RECORDER, SAID PIPE ALSO BEING SITUATED AT THE SOUTHWEST CORNER OF PARK 74 INDUSTRIAL DEVELOPMENT N0.2; THENCE NORTH 89°12'55' EAST, ALONG THE SOUTH LINE OF SAID SUBDIVISION, A DISTANCE OF 766.77 FEET TO A CHISELED CROSS SITUATED AT THE NORTHWEST CORNER OF THE REPLATS OF LOTS 1 AND 2 OF MELROSE OF URBANA; THENCE SOUTH 00°44'22" EAST, ALONG THE WEST LINE OF SAID REPLATS OF LOTS 1 AND 2, A DISTANCE OF 725.77 FEET TO AN IRON ROD BEARING A DAMAGED CAP SITUATED AT THE NORTHEAST CORNER OF CARVER PARK SUBDIVISION TO URBANA; THENCE SOUTH 89°26'00" WEST, ALONG THE NORTH LINE OF SAID SUBDIVISION, A DISTANCE OF 229.91 FEET TO AN IRON PIPE FOUND SITUATED AT THE NORTHEAST

CORNER OF LOT 18 OF SAID SUBDIVISION; THENCE NORTH 00°45'06" WEST, A DISTANCE OF 114.84 FEET TO AN IRON ROD BEARING A CAP STAMPED 2537 SAID ROD ALSO BEING SITUATED ON THE EASTERLY EXTENSION OF THE NORTH LINE OF LOT 48 OF SAID CARVER PARK SUBDIVISION; THENCE SOUTH 89°27'06" WEST, ALONG SAID EXTENSION, A DISTANCE OF 535.15 FEET TO A ROD BEARING A CAP STAMPED 2537 SITUATED ON THE EAST LINE OF THE BAPTIST MISSIONARY CHURCH PROPERTY; THENCE NORTH 00°41'20" W., ALONG SAID EAST LINE OF THE CHURCH PROPERTY, A DISTANCE OF 323.63 FEET TO AN IRON ROD BEARING A CAP STAMPED 1462; THENCE NORTH 01°16'08" WEST, A DISTANCE OF 218.22 FEET TO AN IRON ROD SITUATED AT THE SOUTHEAST CORNER OF "THE BISHOP CRAWFORD SUBDIVISION", AS SAID SUBDIVISION IS RECORDED AS DOCUMENT NO. 2013R27410, DATED 11/21/2013, IN THE OFFICE OF THE AFORESAID CHAMPAIGN COUNTY RECORDER; THENCE CONTINUING NORTH 01°16'08" WEST, A DISTANCE OF 66.00 FEET TO THE POINT OF BEGINNING, BEING SITUATED WITHIN THE LIMITS OF THE CITY OF URBANA, IN CHAMPAIGN, COUNTY, ILLINOIS.

Permanent Index No.: 91-21-06-451-005

Section 2.

The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities, and this Ordinance shall be in full force and effect from and after its passage and publication in accordance with Section 1-2-4 of the Illinois Municipal Code.

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:

ABSTENTIONS:

Charles A. Smyth, City Clerk

APPROVED BY THE MAYOR this ___ day of _____, _____.

Diane Wolfe Marlin, Mayor

ORDINANCE NO. 2018-09-060

AN ORDINANCE ANNEXING CERTAIN TERRITORY TO THE CITY OF URBANA

**(A Real Estate Parcel with Permanent Index Number 30-21-06-326-015 /
Judy Heimburger Trust)**

WHEREAS, Section 7-1-13 of the Illinois Municipal Code, 65 ILCS 5/7-1-13, provides that a municipality may annex any unincorporated territory containing 60 acres or less which is wholly bounded by one or more municipalities by passage of an ordinance after publishing notice; and

WHEREAS, the hereinafter described territory contains 60 acres or less, is situated in unincorporated territory adjacent to and contiguous to the City of Urbana, Illinois, is part of the Eastern Prairie Fire Protection District, and includes certain territory within the Urbana Township; and

WHEREAS, notice was given to the Trustees of said Fire Protection District, the Board of Township Trustees, and the Township Clerk, Supervisor, and Commissioner of Highways, said notices being mailed on August 27, 2018, that this Ordinance would be voted upon at the regular meeting of this Council at 7:00 p.m. on September 10, 2018, and the affidavit of mailing such notices was duly recorded with the Recorder of Deeds of Champaign County, Illinois, on August 29, 2018; 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 City Council passed Ordinance No. {TBD} approving and authorizing the execution of an annexation agreement for said territory; and

WHEREAS, the territory to be annexed by this Ordinance is presently located within Champaign County's I-2, Heavy Industry zoning district and upon annexation will be classified in accordance with the above-referenced annexation agreement; and

WHEREAS, said petition complies with all requirements of law; and

WHEREAS, the City Council, after due consideration, finds that the annexation of said territory as herein provided is in the best interests of the residents of the City and is desirable for the welfare of the City's government and affairs.

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

Section 1.

The following described territory be and the same is hereby annexed to the City of Urbana, Illinois:

A portion of the Southwest Quarter of Section 6, Township 19 North, Range 9 East of the Third Principal Meridian, Champaign County, Illinois, more particularly described as follows:

Lot 2 of the Bishop Crawford Subdivision recorded as document number 2013R27410, dated November 21, 2013, in the office of the recorder of Champaign County, Illinois.

Except the following:

The south 66 feet of even width of Lot 2 of the Bishop Crawford Subdivision recorded as document number 2013R27410, dated November 21, 2013, in the office of the recorder of Champaign County, Illinois.

All situated in Champaign County, Illinois and containing 8.38 acres, 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 this parcel:

That part of Oak Street right-of-way being 50 feet in width as described in a right-of-way dedication recorded in Deed Record Book 789 at Page 370, that lies adjacent to the above described parcel.

All situated in Champaign County, Illinois and containing 0.05 acres, more or less; located east of Oak Street and north of Bradley Avenue.

The above-described territory, prior to annexation, has the permanent index number 30-21-06-326-015, and following annexation the said territory should bear the permanent index numbers {TBD}.

Section 2.

The City Clerk is authorized and directed to record in the Office of the Recorder of Deeds and to file with the Champaign County Clerk a certified copy of this Ordinance, together with an accurate map of the territory hereinabove described.

Section 3.

The Zoning Ordinance of the City of Urbana, Illinois, and the Zoning Map of the City of Urbana, Illinois, are hereby amended to classify the territory herein annexed as R-4, Medium-Density Multiple-Family Residential upon annexation, and in accordance with an annexation agreement approved and authorized on {TBD} by Ordinance No. {TBD}.

Section 4.

The territory annexed herein is assigned to City of Urbana Ward 3.

Section 5.

To avoid uncertainty regarding public safety responsibilities concerning the property herein annexed, this Ordinance shall take effect at noon on the 10th day following its passage by the Urbana City Council.

This Ordinance is hereby passed by the affirmative vote, the “ayes” and “nays” being called, of a majority of the corporate authorities (5 of 8 votes) of the City of Urbana, Illinois, at a meeting of said corporate authorities.

PASSED BY THE CITY COUNCIL this ___ day of _____, _____.

AYES:

NAYS:

ABSTENTIONS:

Charles A. Smyth, City Clerk

APPROVED BY THE MAYOR this ___ day of _____, _____.

Diane Wolfe Marlin, Mayor

A portion of the Southwest Quarter of Section 6, Township 19 North, Range 9 East of the Third Principal Meridian, Champaign County, Illinois, more particularly described as follows:

Lot 2 of the Bishop Crawford Subdivision recorded as document number 2013R27410, dated November 21, 2013, in the office of the recorder of Champaign County, Illinois.

Except the following:

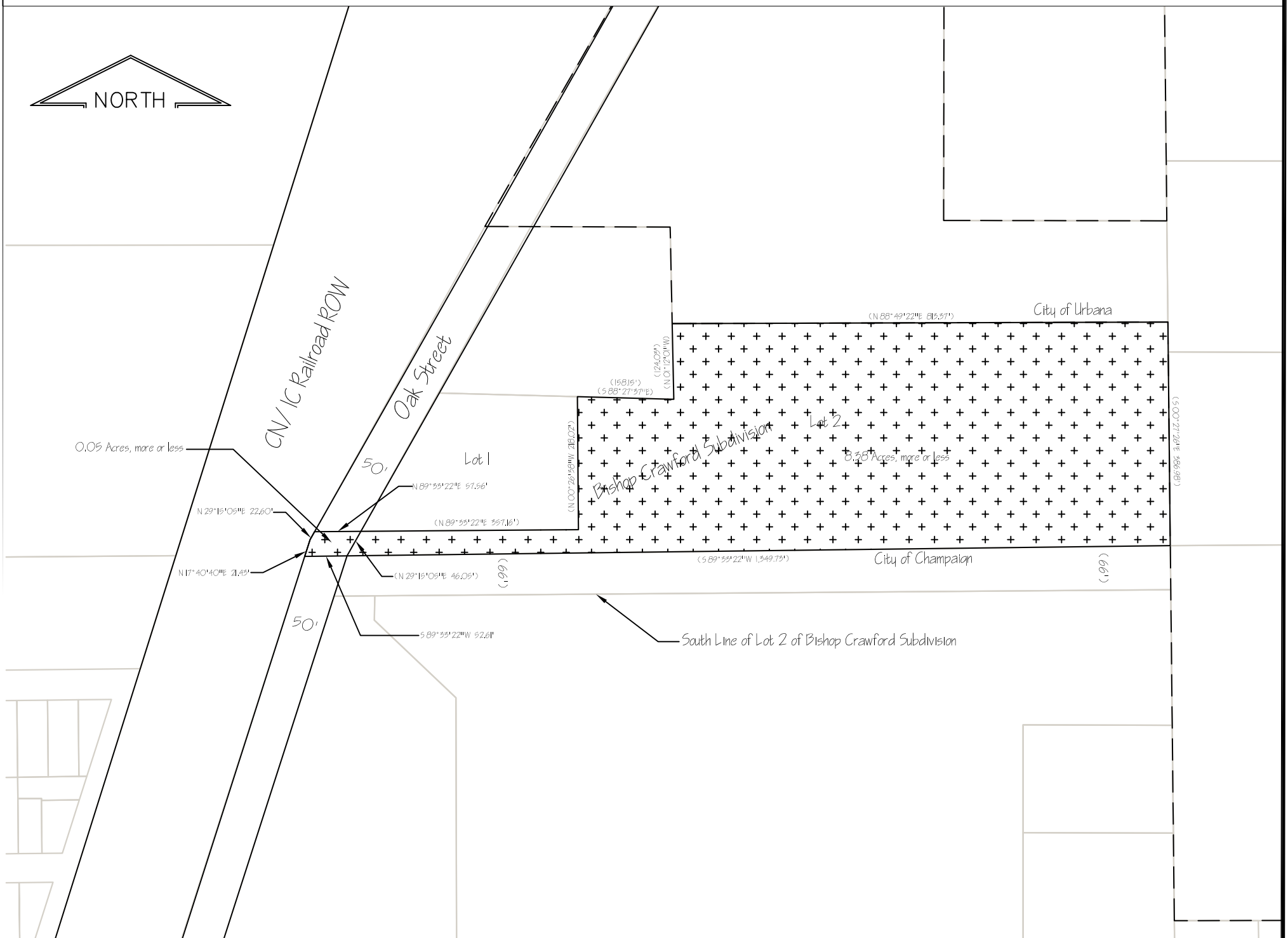
The south 66 feet of even width of Lot 2 of the Bishop Crawford Subdivision recorded as document number 2013R27410, dated November 21, 2013, in the office of the recorder of Champaign County, Illinois.

All situated in Champaign County, Illinois and containing 8.38 acres, more or less.

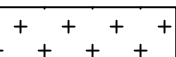


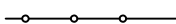
Together with the following described adjacent public right-of-way, which is by operation of the law, automatically annexed with the adoption of an Annexation Ordinance pertaining to this parcel:

That part of Oak Street right-of-way being 50 feet in width as described in a right-of-way dedication recorded in Deed Record Book 789 at Page 370, that lies adjacent to the above described parcel.


All situated in Champaign County, Illinois and containing 0.05 acres, more or less.



**MAP SHOWING AREA
ANNEXED BY CITY
ORDINANCE #2018-XX-XXX
CITY OF URBANA, ILLINOIS
CHAMPAIGN COUNTY
DATE: AUGUST XX, 2018**

| | |
|----------------------|---|
| AREA OF ANNEXATION |  |
| EXISTING CITY LIMITS |  |
| NEW CITY LIMITS |  |
| RIGHT-OF-WAY |  |

**ENGINEERING
DIVISION**



CITY ENGINEER/PUBLIC WORKS DIRECTOR

CAD: D.A.R. 08/23/2018
CHECKED: W.R.G. XX/XX/2018