



July 15, 2005

Chad Jones
8500 N. Knoxville Avenue Suite A
Peoria, IL 61615

Other Interested Parties

RE: Case No. CPC 05-P

Please be advised that on Tuesday, June 28, 2005, the City Council deferred the following request for one week until the July 5, 2005, Regular City Council Meeting, at which time it was approved:

RECOMMENDATION FOR APPROVAL OF A RESOLUTION
APPROVING AN AMENDMENT TO THE ANNEXATION
AGREEMENT FOR PROPERTY COMMONLY KNOWN AS
JANSSEN'S FARM LOCATED NEAR THE NORTHWEST
CORNER OF KNOXVILLE AVENUE AND ALTA ROAD, AND
LOCATED WITHIN THE CITY OF PEORIA. (AMENDS ITEM NO.
95-597-B) (CPC 05-P) [DISTRICT 5]

This request was approved as outlined in the enclosed approved documents. If you have any questions, please contact me at 494-8667.

Sincerely,

A handwritten signature in cursive script that reads 'Leah Allison'.

Leah Allison, AICP
Urban Planner

LA/ps

Enclosures

*Twin Towers Building
456 Fulton Street, Suite 402
Peoria, Illinois 61602
309/494-8600
FAX 309/494-8680*

Peoria, Illinois JULY 5, 20 05

A RESOLUTION APPROVING AN AMENDMENT TO THE ANNEXATION AGREEMENT FOR PROPERTY COMMONLY KNOWN AS JANSSEN'S FARM, LOCATED NEAR THE NORTHWEST CORNER OF KNOXVILLE AVENUE AND ALTA ROAD, LOCATED WITHIN THE CITY OF PEORIA, ILLINOIS

Resolved

WHEREAS, Jay Janssen, is the owner of certain real estate within the corporate limits of the City of Peoria and is desirous of amending the Annexation Agreement of this property; and

WHEREAS, the City of Peoria is desirous of amending the Annexation Agreement of this real estate, said agreement attached hereto as "Attachment A"; and

WHEREAS, the City Council of the City of Peoria believes that the vicinity and general welfare of the City will be served by amending this Agreement which establishes various conditions relating to, but not limited to, zoning and land use; and

WHEREAS, a public hearing upon said Amendment to Annexation Agreement was conducted, with proper notice, by the City Council on June 28, 2005; and there has been compliance with all provisions of 65 ILCS 5/7-1 *et seq.*

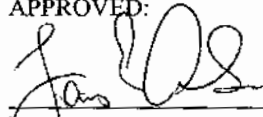
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PEORIA, ILLINOIS:

Section 1. That the Mayor is hereby authorized to execute the Amendment to the Annexation Agreement attached hereto as "Attachment A" with the petitioners; and the City Clerk is hereby authorized to attest said agreement.

Section 2. This resolution shall be effective upon passage and approval according to law.


PASSED BY THE CITY COUNCIL OF THE CITY OF PEORIA, ILLINOIS, THIS 5th DAY OF JULY, 2005.

APPROVED:



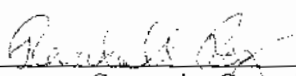
Mayor

ATTEST:



City Clerk

EXAMINED AND APPROVED



Corporation Counsel

**AMENDMENT TO
ANNEXATION AGREEMENT**

This Amendment to Annexation Agreement ("Amendment") is made and entered into this 5th day of July, 2005, by and between the CITY OF PEORIA, Illinois, an Illinois Municipal Corporation, located in Peoria County, Illinois ("City") by and through its Mayor and its City Council ("Corporate Authorities"), and JAY H. JANSSEN and DALE A. JORGENSEN, (collectively "Owners/Developers").

WHEREAS, the City approved an Annexation Agreement ("Agreement") for that property described therein ("Property") with the Owners/Developers by Resolution No. 95-597-B ("Resolution") dated November 14, 1995;

WHEREAS, said Resolution was recorded on August 30, 1996, as Document No. 96-25929, in the Office of the Recorder of Deeds for Peoria County, Illinois;

WHEREAS, certain portions of the property, such portions being described on the attached Exhibit A, were, pursuant to the Agreement, zoned C-2 District with a Special Use for a shopping center ("Special Use Parcel");

WHEREAS, pursuant to the Agreement, the use for buildings located on Lots 7 and 8 of the Special Use Parcel were restricted to Medical/Dental/Chiropractic uses, Offices, Financial Institutions, Optical/Eyewear, or Bookstores;

WHEREAS, said Agreement may be amended by the mutual consent of the parties;

WHEREAS, the Owners/Developers are attempting to sell a portion of Lot 8 to be used as a day care center, said portion being described on the attached Exhibit B ("Day Care Parcel");

WHEREAS, there will be an access from Alta Road to Lots 8 and 9 for such Lots and the remainder of the Special Use Parcel; and

WHEREAS, the parties desire to set forth herein certain amendments to the Agreement to allow the Day Care Parcel to be used for a day care center and to modify access to, and the preliminary plat and plan of, the Property.

NOW THEREFORE, in consideration of the foregoing recitals and the terms and conditions contained herein and the mutual consent of the parties, the Agreement is amended as follows:

1. Paragraph 5B(2) of the Agreement is amended to add to the permitted uses of buildings on the Day Care Parcel a daycare center and related or similar uses in addition to the uses otherwise permitted under the Agreement.

2. The Special Use (and the Attachments) as approved in the Agreement are amended in a manner to that illustrated on the attached Exhibit C. Lots 8 and 9 shall be permitted access directly to Alta Road and the development of Lots 8 and 9 shall allow reasonable internal access to the remainder of the Shopping Center Parcel and Juliet Court, all in a manner reasonably comparable to that illustrated on Exhibit C.

3. The Preliminary Plan is hereby amended to permit the daycare center facility on Lot 8 consistent with the other terms of the Agreement as amended herein.

4. Lot 8, excluding the Day Care Parcel, may be used and transferred as part of the remaining Lots of the Shopping Center Parcel, consistent with the other terms of the Agreement.

5. Owners/Developers shall, within a reasonable time not to exceed six (6) months from the date of this Amendment, dedicate to the City for public right of way purposes fifteen (15) feet along the Southern border of Lots 8 and 9 adjacent to Alta Road, except for the Day Care Parcel from which said dedication was previously made.

CITY OF PEORIA, an Illinois
Municipal Corporation

By: _____

James Ardis, Mayor

ATTEST:

By: _____

City Clerk

OWNERS/DEVELOPERS:

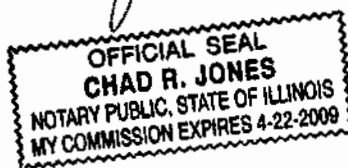
Jay H. Janssen

Dale A. Jorgenson

STATE OF ILLINOIS)

) SS.

COUNTY OF PEORIA)



I, the undersigned Notary Public, certify that **Jay H. Janssen**, personally known to me to be the same person whose name is subscribed to the reverse side of this instrument, appeared before me this day and acknowledged that he signed and delivered the foregoing instrument as his free and voluntary act, for the uses and purposes therein set forth.

Dated this 12th day of July 2005.

Notary Public

STATE OF ILLINOIS)

) SS.

COUNTY OF PEORIA)



I, the undersigned Notary Public, certify that **Dale A. Jorgenson**, personally known to me to be the same person whose name is subscribed to the reverse side of this instrument, appeared before me this day and acknowledged that he signed and delivered the foregoing instrument as his free and voluntary act, for the uses and purposes therein set forth.

Dated this 12th day of July 2005.

Notary Public

EXHIBIT A

Legal Description

Lots 5, 6, 7, 8, 9, 10, 11, 12, and 13 of Janssen's Farm, being a Subdivision of part of the Southwest $\frac{1}{4}$ of Section 29, Township 10 North, Range 8 East of the 4th Principal Meridian, situate, lying and being in the County of Peoria and State of Illinois.

EXHIBIT B**Legal Description**

A part of Lot 8 of Janssen's Farm, being a subdivision of part of the SW ¼ of Section 29, Township 10 North, Range 8 East of the 4th P.M., being more particularly described as follows:

Commencing at the Southwest corner of said Lot 8; thence North 0 degrees 37 minutes 24 seconds West along the West line of said Lot 8, a distance of 15.00 feet to a point on the North R.O.W. line of Alta Rd.; thence North 89 degrees 22 minutes 36 seconds East along the North R.O.W. line of Alta Rd., a distance of 41.22 feet to the point of beginning of the tract to be described; thence continuing North 89 degrees 22 minutes 36 seconds East along the North R.O.W. line of Alta Rd., a distance of 175.00 feet; thence 1 degree 52 minutes 24 seconds West, a distance of 210.00 feet; thence South 89 degrees 22 minutes 36 seconds West, a distance of 175.00 feet; thence South 1 degree 52 minutes 24 seconds East, a distance of 210.00 feet to the point of beginning, containing 0.843 acres, more or less, situate, lying and being in the County of Peoria, and State of Illinois.

1/1

- (05-353) ✓ **Communication from the City Manager and Director of Planning and Growth Management Recommending Approval of a RESOLUTION Approving an AMENDMENT to the ANNEXATION AGREEMENT for Property Commonly Known as JANSSEN'S FARM Located Near the Northwest Corner of KNOXVILLE AVENUE and ALTA ROAD, and Located Within the City of Peoria. (Amends Item No. 95-597-B)**

Council Member Nichting moved to defer this item for one week until the July 5, 2005, Regular City Council Meeting; seconded by Council Member Turner.

Motion to defer this item until July 5, 2005, was approved by roll call vote.

Yeas: Grayeb, Jacob, Manning, Nichting, Sandberg, Turner, Van Auken, Mayor Ardis – 8;

Nays: None.

- (05-354) **Communication from the City Manager and Director of Planning and Growth Management Recommending Adoption of an ORDINANCE Amending Ordinance No. 14,023, an EXISTING SPECIAL USE in a Class C-2 (Large Scale Commercial) District for an EXISTING SHOPPING CENTER and the ADDITION of a DAY CARE FACILITY for Property Located at LOTS 5 - 13 of JANSSEN'S FARM SUBDIVISION (Known as Property ID No. 09-29-352-007).**

Council Member Nichting moved to defer this item for one week until the July 5, 2005, Regular City Council Meeting; seconded by Council Member Turner.

Motion to defer this item until July 5, 2005, was approved by roll call vote.

Yeas: Grayeb, Jacob, Manning, Nichting, Sandberg, Turner, Van Auken, Mayor Ardis – 8;

Nays: None.

- (05-355) **Communication from the City Manager and Director of Public Works with PRESENTATION of the STORMWATER FUNDING FEASIBILITY ASSESSMENT REPORT, and with Recommendation to Receive and File the Report and to Direct Staff Regarding the Formation of a STORMWATER STAKEHOLDERS GROUP, Made Up of Citizen Volunteers, for the Purpose of Advising the City Council on Future Stormwater Management and Funding Issues.**

City Manager Randy Oliver explained, since several Council Members were absent for this meeting, it had been requested that this item be deferred until July 12, 2005.

Council Member Nichting moved to defer this item for one week until the July 12, 2005, Regular City Council Meeting; seconded by Council Member Jacob.

Motion to defer this item until July 12, 2005, was approved by roll call vote.

Yeas: Grayeb, Jacob, Manning, Nichting, Sandberg, Turner, Van Auken, Mayor Ardis – 8;

Nays: None.

Council Member Grayeb questioned how enforcement would be handled for those persons who blocked the public way while playing basketball, etc. in the City's streets.

In discussion, Police Chief Settingsgaard said there would be a joint effort between the Police Department and the Department of Public Works to sweep hoops from the street. He said Police Officers would notify the department of the locations of hoops and the department would keep a log. He said a sweep would be planned in cooperation with the Department of Public Works.

City Manager Oliver said the Ordinance would be effective July 16, 2005.

Council Member Grayeb said neighborhoods needed to be notified about the locations of the playgrounds for a safe alternative. He said it was intolerable for public streets to be blocked by children or young adults playing in the street. He said he supported the efforts of Police Chief Settingsgaard and the City Manager in addressing these kinds of problems.

In discussion with Council Member Spears regarding how the program would be administered, City Manager Randy Oliver and Police Chief Settingsgaard indicated that the present Ordinance allowed for basketball hoops to be picked up and could be reclaimed by the owner for no charge. It was stated that if the proposed Ordinance was adopted, in order for an owner to retrieve their basketball hoop, they would have to pay a \$100 fee. It was also stated that it would not be cost effective if basketball hoops were picked up upon discovery. Police Chief Settingsgaard explained that the Police Department would keep a log of the reported locations of basketball hoops and different sections of the City would be swept on different days of the week.

Council Member Spears said there were some streets that had a dead end and most had a basketball hoop at the end of the street. He said he knew there were problems created by basketball hoops in the street, but he did not want to punish those who were not causing traffic problems. He said he felt it would be a better system if the program was complaint driven. He said he would not support the motion.

Council Member Turner suggested that information regarding this Ordinance, if adopted, be posted on Channel 22 to provide information to citizens that aggressive enforcement would be occurring.

Motion to adopt ORDINANCE NO. 15,806 amending Chapter 26 of the Code of the City of Peoria relating to removal of obstructions from streets and rights-of-way (basketball hoops) was approved by roll call vote.

Yeas: Grayeb, Gulley, Jacob, Manning, Morris, Nichting, Sandberg, Turner, Van Auker, Mayor Ardis - 10;

Nays: Spears - 1.

(05-353) ✓ Communication from the City Manager and Director of Planning and Growth Management Recommending Approval of a RESOLUTION Approving an AMENDMENT to the ANNEXATION AGREEMENT for Property Commonly Known as JANSSEN'S FARM Located Near the Northwest Corner of KNOXVILLE AVENUE and ALTA ROAD, and Located Within the City of Peoria. (Amends Item No. 95-597-B)

Council Member Nichting moved to approve a Resolution approving an amendment to the annexation agreement for property commonly known as Janssen's Farm located near the Northwest corner of Knoxville Avenue and Alta Road, and located within the City of Peoria; seconded by Council Member Morris.

Motion to approve RESOLUTION NO. 05-353 approving an amendment to the annexation agreement for property commonly known as Janssen's Farm located near the Northwest corner of Knoxville Avenue and Alta Road, and located within the City of Peoria was approved by roll call vote.

Yeas: Grayeb, Gulley, Jacob, Manning, Morris, Nichting, Sandberg, Spears, Turner, Van Auken, Mayor Ardis - 11;

Nays: None.

- (05-354) Communication from the City Manager and Director of Planning and Growth Management Recommending Adoption of an ORDINANCE Amending Ordinance No. 14,023, an EXISTING SPECIAL USE in a Class C-2 (Large-Scale Commercial) District for an EXISTING SHOPPING CENTER and the ADDITION of a DAY CARE FACILITY for Property Located at LOTS 5 – 13 of JANSSEN'S FARM SUBDIVISION (Known as Property ID No. 09-29-352-007).**

Council Member Nichting moved to remand the request back to the Zoning Commission to meet notice requirements prior to Council consideration due to the failure to provide timely notice of the Public Hearing; seconded by Council Member Morris.

Motion to remand the request back to the Zoning Commission was approved by roll call vote.

Yeas: Grayeb, Gulley, Jacob, Manning, Morris, Nichting, Sandberg, Spears, Turner, Van Auken, Mayor Ardis - 11;

Nays: None.

NEW BUSINESS

REPORT Regarding Meeting in the POTENTIAL WAREHOUSE DISTRICT

Council Member Morris said he, Council Member Sandberg, and Council Member Gulley attended a meeting of potential and current stakeholders of what could be the Warehouse District. He said the meeting was well attended and there was tremendous energy behind the discussions. He reported a warehouse district could be an exciting development for the City of Peoria.

CITIZEN REQUESTS TO ADDRESS THE COUNCIL

- (05-392) Request for CITIZENS to ADDRESS the CITY COUNCIL Regarding VARIOUS ISSUES.**

Hearing no objections, Mayor Ardis granted Privilege of the Floor to those citizens wishing to address the City Council.

Mr. John White, 1309 E. Elmhurst, discussed the Council's decision not to purchase Illinois American Water Company. He said the water rates paid by citizens of Peoria were extremely high. He gave comparisons with Sheboygan, Wisconsin, Aurora, Rockford, and Joliet who all paid water rates that were less than residents of the City of Peoria paid. He said he had calculations, which he presented to the City Clerk, that represented approximately \$13 million a year compared with just Sheboygan for 50,000 residents. He said he felt the City was at a great disadvantage of ever getting any water industries in the City of Peoria. He urged the Council to consider his comments. He also urged the Council to reconsider their vote on basketball hoops.