



# PLANNING & ZONING COMMISSION

**TO:** City of Peoria Planning & Zoning Commission  
**FROM:** Development Review Board (Prepared by Leah Allison)  
**DATE:** October 7, 2021  
**CASE NO:** PZ 498-2021

**REQUEST:** Hold a Public Hearing and forward a recommendation to City Council on the request of Linda Martin and Tracy Martin to approve an Annexation Petition and Annexation Agreement for the property located west of Allen Road, east of Cline Road, south of Cedar Hills Road, and north of property identified as Parcel Identification No. 09-19-100-002. The subject property is identified as Parcel Identification No. 09-19-100-001, with a Temporary Address of 12426 N Cline Road, Dunlap IL

## SUMMARY OF PROPOSAL

The City of Peoria has a 1.5 mile extraterritorial jurisdictional area from its city limits with the authority to regulate development.

Per Section 2.13.17.E of the Unified Development Code, any divisions of land in the 1.5-mile extraterritorial area resulting in lots less than 40 acres in size must be connected to a public sanitary sewer system. If such lots (less than 40 acres in size) are not connected to a public sanitary sewer system, then an annexation agreement for the subject property must be approved.

Petitioner Linda Martin's 30.53-acre parcel is located within the 1.5 mile extraterritorial area. She contacted the City with a request to subdivide the parcel into three (3) approximately 10-acre lots without the connection to public sanitary sewer. Since each lot is less than 40 acres in size and will not connect to public sanitary sewer, an annexation agreement is required.

The proposed terms of the agreement are:

- 1) Rezone (upon annexation) property from Class R-3 (Single Family Residential) to Class A-1 (Agricultural).
- 2) Subdivide the property into three lots less than 40 acres in size and without connection to a public sanitary sewer system.

Upon review Staff proposes the following revisions to the agreement for clarity:

- 1) Paragraph C: Strike "and a private septic system", add language for stormwater, and add "Additionally, any further subdivision of the property into more than three (3) lots will require connection to public sanitary sewer system. Any new public or private roads constructed on the property must meet City of Peoria requirements."
- 2) Paragraph D: Replace with "City shall approve a preliminary and final plat of the Property upon submission by Martin Estate if substantially in conformance with the attached survey in Exhibit B, provided such preliminary and final plat meets all requirements of the City of Peoria subdivision plat regulations except as provided herein.

The property is currently not contiguous to the City of Peoria corporate boundary. Therefore annexation will not occur at this time but upon a future time if contiguity is established. Such contiguity must be established within the 20 year term of the annexation agreement. If contiguity is not established within 20 years, the property will not be annexed to the City of Peoria and the annexation agreement will expire.

## BACKGROUND

### Property Characteristics

The subject property contains 30.53 acres of land and is currently undeveloped farmed land. Access to the property is available from Cline Road and Cedar Hills Drive.

### **DEVELOPMENT REVIEW BOARD ANALYSIS**

The DRB examines each application against the appropriate standards found in the Code of the City of Peoria and/or in case law.

<b>Standard</b>	<b>Standard Met per DRB Review</b>	<b>DRB Condition Request &amp; Justification</b>
No detriment to public health, safety, or general welfare	Yes	None
No injury to other property or diminish property values	Yes	None
No impediment to orderly development	Yes	None
Provides adequate facilities	No	Waiver for Public Sanitary Sewer System
Ingress/Egress measures designed to minimize traffic congestion	Yes	None
If a public use/service, then a public benefit	N/A	N/A
Conforms to all district regulations	Yes	None
Comprehensive Plan Critical Success Factors	Grow Employers and Jobs	N/A
City Council Strategic Plan Goals	Smart Population Growth	N/A
Comprehensive Plan Future Land Use Designation	The Future Land Use Designation is Agricultural.	

### **DEVELOPMENT REVIEW BOARD RECOMMENDATION**

The Development Review Board recommends approval of the request subject to the following:

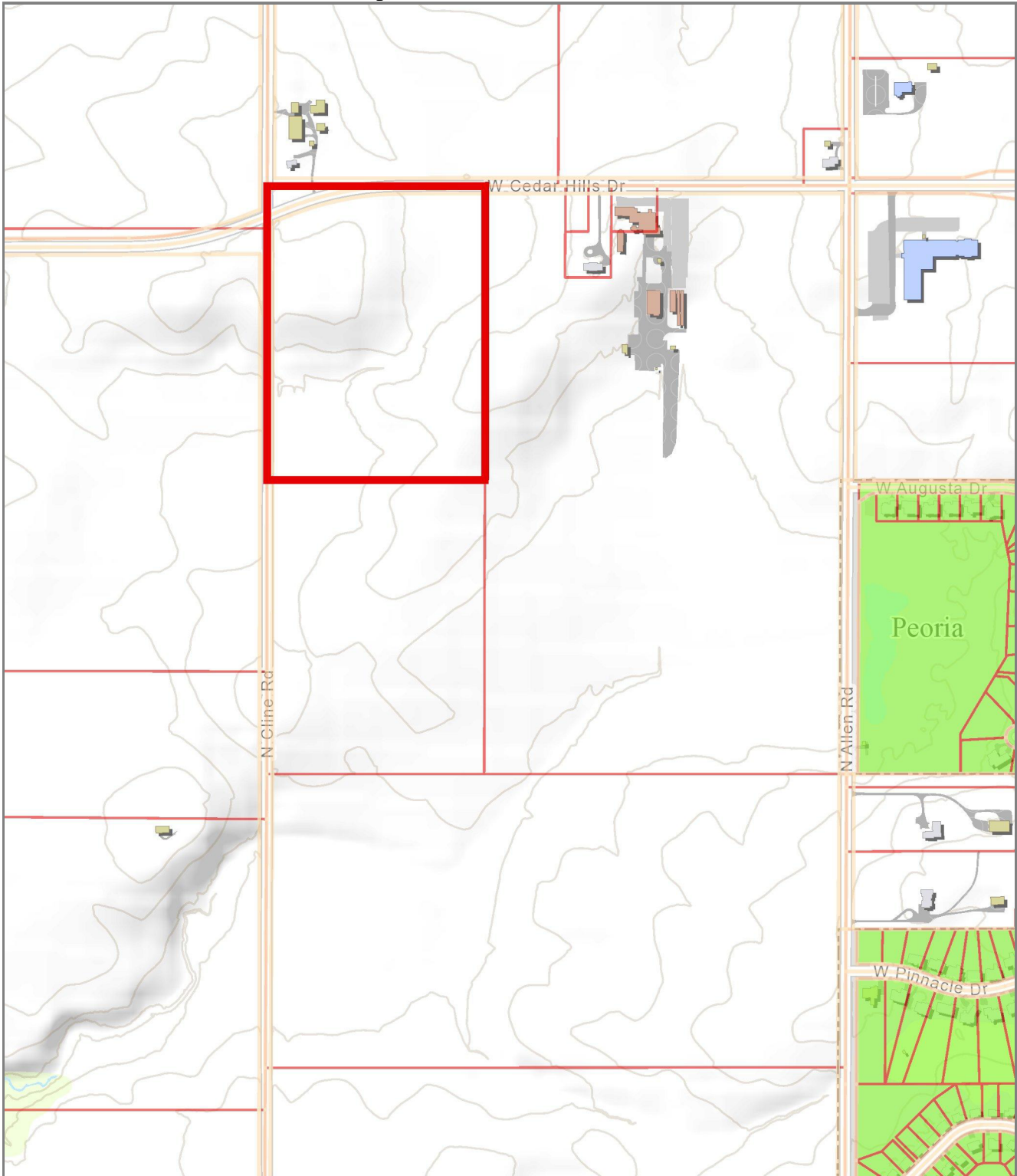
- 1) Revisions to the annexation agreement terms:
  - a. Paragraph C: Strike “and a private septic system”, add language for stormwater, and add “Additionally, any further subdivision of the property into more than three (3) lots will require connection to public sanitary sewer system.”
  - b. Paragraph D: Replace with “City shall approve a preliminary and final plat of the Property upon submission by Martin Estate if substantially in conformance with the attached survey in Exhibit B, provided such preliminary and final plat meets all requirements of the City of Peoria subdivision plat regulations except as provided herein.
- 2) Submit a preliminary and final subdivision plat consistent with Exhibit B for review and approval.
- 3) Waiver to allow three lots less than 40 acres in size without connection to a public sanitary sewer system.

**NOTE:** If a City Code Requirement is not listed as a waiver, then it is a required component of the development. The applicant is responsible for meeting all applicable code requirements through all phases of the development.

### **ATTACHMENTS**

1. Surrounding Zoning
2. Aerial Photo
3. Proposed Annexation Agreement with subdivision exhibit

# Temp Address 12426 N Cline Rod



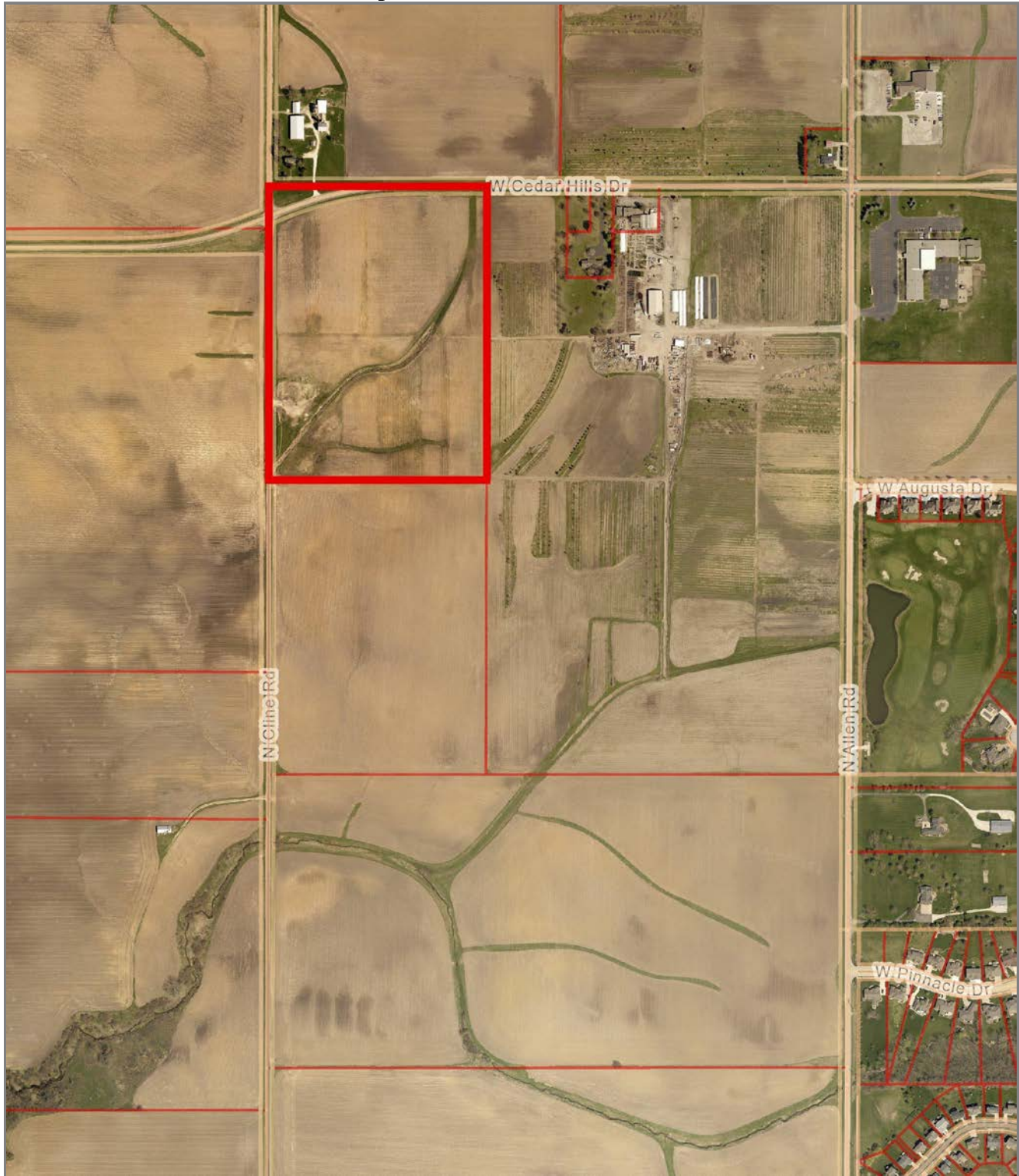
*Disclaimer: Data is provided 'as is' without warranty or any representation of accuracy, timeliness or completeness. The burden for determining fitness for, or the appropriateness for use, rests solely on the requester. The requester acknowledges and accepts the limitations of the Data, including the fact that the Data is in a constant state of maintenance. This website is NOT intended to be used for legal litigation or boundary disputes and is informational only. -Peoria County GIS Division*



Map Scale  
**1 inch = 667 feet**  
9/10/2021



# Temp Address 12426 N Cline Rod



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**1 inch = 667 feet**  
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This Document Prepared By:

Benckendorf & Benckendorf, P.C.  
101 NE Randolph Ave  
Peoria, IL 61606

Mail To:

City of Peoria  
Community Development Department  
419 Fulton Street, Room 203  
Peoria, Illinois 61602-1217

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## ANNEXATION AGREEMENT

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**THIS AGREEMENT** (hereinafter referred to as the "Annexation Agreement") is made this 22 day of SEPT, 2021, by and between THE CITY OF PEORIA, ILLINOIS, an Illinois municipal corporation, located in Peoria County, Illinois (hereinafter referred to as the "City") and Martin Estate, LLC, (hereinafter referred to as the "Owner").

### RECITALS

**WHEREAS**, the owner is the sole owner of record of the following described property attached hereto as "Exhibit A" (hereinafter referred to as the "Property");

**WHEREAS**, the Property is located within the County of Peoria, Illinois ("County") and is non-contiguous with the corporate boundaries of the City; and

**WHEREAS**, there are no electors residing within the Property; and

**WHEREAS**, the owner has submitted Cedar Hills Plat, attached hereto as "Exhibit B" (hereinafter referred to as the "Plat"), for review;

**WHEREAS**, this Annexation agreement was submitted to the corporate authorities for public hearing as required by law; and

**WHEREAS**, due notice as required by law has been sent to and received by all entities entitled to such notice as required by law; and

**WHEREAS**, all conditions precedent to entering into this Annexation Agreement have been undertaken and satisfied as required by law; and

**WHEREAS**, the corporation authorities of the City after due deliberation have, by resolution or ordinance, duly adopted and approved this Annexation Agreement as required by law.

**NOW, THEREFORE**, in consideration of the promises and the mutual covenants and agreements provided for herein, it is hereby agreed as follows:

1. **Annexation.** The City shall adopt such resolutions or ordinances as are required to annex the Property as provided for under the laws of the State of Illinois. No other request or petition for annexation shall be required as to this Property to complete the annexation.

2. **Zoning.** Upon the annexation of the Property to the City, the Property shall be classified in the following described zoning classification as set forth in the Zoning Ordinance of the City according to the terms of the Zoning Ordinance that exists on the date hereof.

A. The Property shall be classified as A-1.

3. **General Provisions.**

A. The provisions of this Annexation Agreement shall control over the provisions of any Ordinances, Codes or Regulations which are in conflict herewith.

B. This Annexation Agreement shall be binding upon the successor owners of record of the Property, electors residing within the Property, and upon successor municipal and governmental authorities.

C. Non-agricultural development of the site will require connection to public water and a private Septic System, adherence to County and/or City erosion control

regulations, and other regulations affecting property within the City, i.e. building codes and subdivision requirements.

- D. The Plat is approved and execution of same may begin.
- E. This Annexation Agreement and the rights of the parties hereto shall be interpreted, construed and enforced in accordance with the laws of the State of Illinois. Any litigation concerning this Annexation Agreement shall be commenced in Peoria County, Illinois.
- F. In the event that either party or their successor should find it necessary to retain an attorney for the enforcement of any provisions hereunder occasioned by the default of the other party, the party not in default shall be entitled to recover reasonable attorney's fees and court costs incurred whether the attorneys' fees are incurred for the purpose of negotiations, trial, appellate or other services.
- G. This Annexation Agreement may be enforced as provided by law and the parties may by civil action, mandamus, injunction or other proceedings, enforce and compel performance of this Annexation Agreement.
- H. The parties shall execute and deliver such additional documentation as may be necessary to implement this Agreement.
- I. This Agreement shall inure to the benefit of and be binding upon the parties hereto and their respective heirs, executors, administrators, successors, grantees and assigns.
- J. This agreement may be amended by mutual consent of the parties.
- K. This annexation agreement shall be in effect for a period of twenty (20) years from the date hereof.

**IN WITNESS WHEREOF**, the parties have executed this Agreement on the date set forth above.

**THE CITY OF PEORIA**, a Municipal Corporation

By: \_\_\_\_\_

Attest:

By: \_\_\_\_\_

Examined and approved by:

\_\_\_\_\_  
Corporation Counsel

STATE OF ILLINOIS )  
 ) SS.  
COUNTY OF PEORIA )

I, the undersigned, a Notary Public, in and for said County, in the State aforesaid, DO HEREBY CERTIFY that \_\_\_\_\_, personally known to me to be the Mayor of the City of Peoria, and \_\_\_\_\_, personally known to me to be the City Clerk of the City of Peoria, whose names are subscribed to the foregoing instrument, appeared before me this day in person and severally acknowledged that as such Mayor and City Clerk, they signed and delivered the said instrument as Mayor and as City Clerk of said Municipal Corporation, and caused the seal of said Municipal Corporation to be affixed thereto, pursuant to authority given by the corporate authorities of the City of Peoria for the uses and purposes therein set forth.

Given under my hand and notarial seal, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public

*Linda L. Martin*  
\_\_\_\_\_  
Owner of Record:

By: LINDA L. MARTIN

STATE OF ILLINOIS )  
 ) SS.  
COUNTY OF PEORIA )

I, the undersigned, a Notary Public, in and for said County, in the State aforesaid, DO HEREBY CERTIFY that *Linda L. Martin*, personally known to me to be

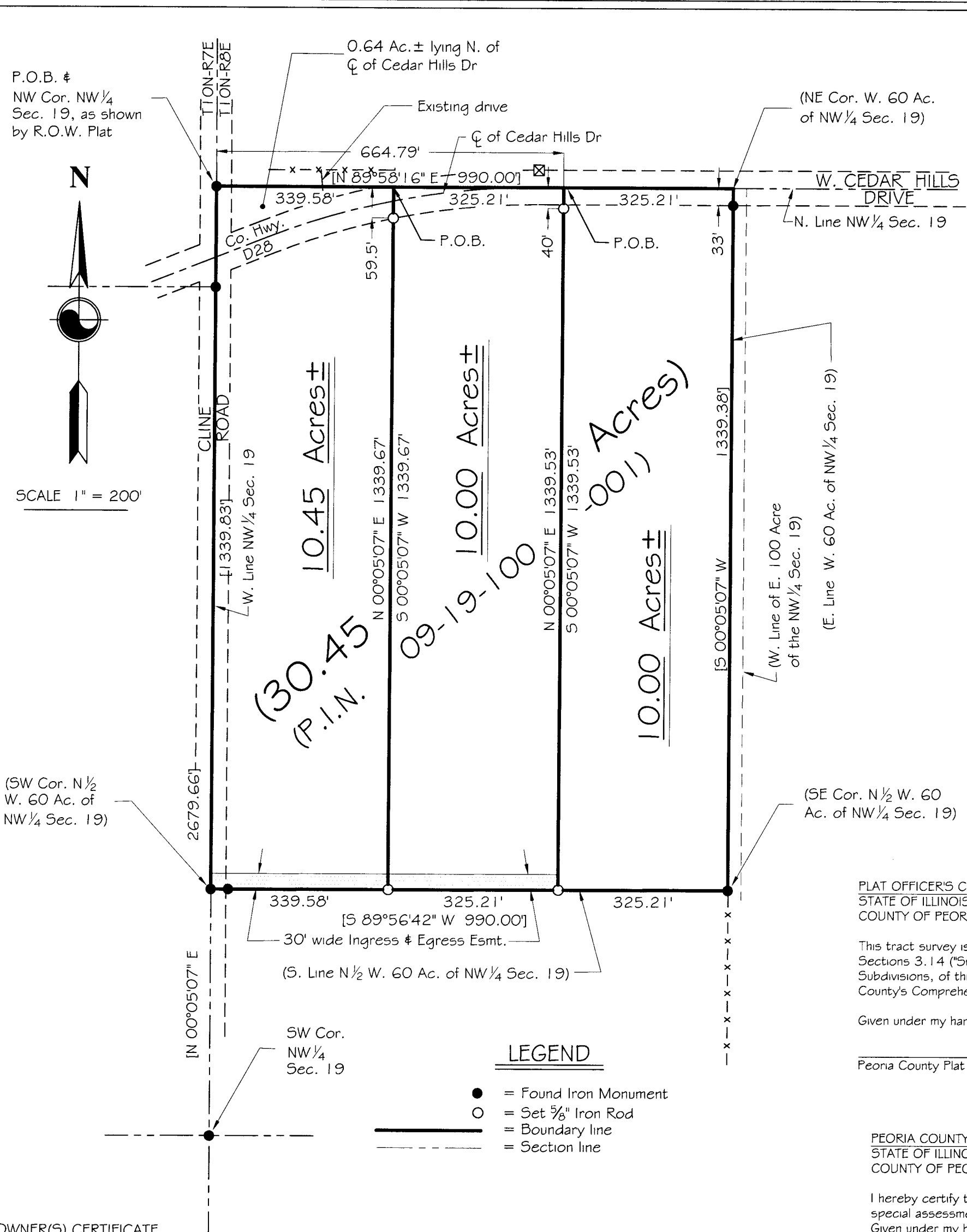


the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that she signed, sealed and delivered the said instrument as her free and voluntary act, for the uses and purposes therein set forth.

Given under my hand and notarial seal, this 24 day of September, 2021.

Cynthia L Barrett Notary Public





**OWNER(S) CERTIFICATE**  
 STATE OF \_\_\_\_\_ )  
 COUNTY OF \_\_\_\_\_ ) SS

I/We, \_\_\_\_\_ Owner(s) of the property shown on the attached plat do hereby certify that we have caused this survey to be made and shown on the attached plat, and acknowledge said survey to be correct to the best of our knowledge. This tract is in the \_\_\_\_\_ School District # \_\_\_\_\_.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Owner(s): \_\_\_\_\_

**NOTARY PUBLIC CERTIFICATE**  
 STATE OF \_\_\_\_\_ )  
 COUNTY OF \_\_\_\_\_ ) SS

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Notary Public - \_\_\_\_\_

**LEGEND**

- = Found Iron Monument
- = Set 5/8" Iron Rod
- = Boundary line
- - - = Section line

**Wallace Land Surveying Co., Ltd**  
 PO Box 42  
 Toulon, Illinois 61483  
 Illinois Design Firm #184.005454-0008  
 Office: 309-286-7333  
 E-mail: wallaceengr@gmail.com

CLIENT: Linda L. Martin

DATE: 7-12-2021

JOB: 21130-001

Prepared for:

Linda L. Martin  
 Keller Williams Premier Realty  
 2426 W Cornerstone Ct.  
 Peoria IL 61614

**SURVEYOR'S STATEMENT**

STATE OF ILLINOIS ) SS  
 COUNTY OF STARK )

We, the Wallace Land Surveying Co., Ltd do hereby state that we have surveyed a part of the NW 1/4 of Section 19, T10N, R8E of the 4th P.M., Peoria County, Illinois. We further state that the accompanying Plat is a true and correct representation of said Survey as made by us and that this professional service conforms to the current Illinois minimum standards for a boundary survey. All distances are given in feet and decimals of foot and bearings are for the purpose of description only. Distances shown in parentheses are of record. Clear title to any land lying between deed lines and existing possession lines may be in question. No warranty is made or implied as to compliance with 765ILCS-205/1b of the Illinois compiled statutes.

All buildings, surface and subsurface improvements, on and adjacent to the site are not necessarily shown. No attempt has been made, as a part of the boundary survey, to obtain or show data concerning the existence, size, depth, condition, capacity or location of any utilities or municipal/public service facilities.

Dated this 12th day of July 2021.

WALLACE LAND SURVEYING CO., Ltd  
 Professional Design Firm - 28184-00154-0008  
 By: *K. Wallace*  
 Keith Wallace 0814  
 Illinois Professional Land Surveyor  
 Exp. 01/31/20

**DESCRIPTION FOR 10.45 ACRE TRACT**

A tract described as being a part of the N 1/2 of the West 60 acres of the NW 1/4 of Section 19, T10N, R8E of the 4th P.M., Peoria County, Illinois. More particularly bounded and described as follows and bearings are for the purpose of description only:--  
 Beginning at a Mag Nail at the Northwest Corner of the NW 1/4 of said Section 19; Thence N 89°58'16" E, along the North line of said NW 1/4, a distance of 339.58 feet; Thence S 00°05'07" W, a distance of 1339.67 feet to an iron rod on the South line of the N 1/2 the West 60 acres of said NW 1/4; Thence S 89°56'42" W, along said South line, a distance of 339.58 feet to an iron rod at the Southwest corner of said N 1/2; Thence N 00°05'07" E, along the West line of said NW 1/4, a distance of 1339.83 feet to the Place of Beginning and containing 10.45 acres, more or less. Subject to the rights-of-way of Public Roads along the North and West sides of the above described tract and also subject to all easements of record. ALSO SUBJECT to an Easement for Ingress & Egress across the South 30 feet of the above described tract.

**DESCRIPTION FOR 10.00 ACRE TRACT (Middle Tract)**

A tract described as being a part of the N 1/2 of the West 60 acres of the NW 1/4 of Section 19, T10N, R8E of the 4th P.M., Peoria County, Illinois. More particularly bounded and described as follows and bearings are for the purpose of description only:--  
 Commencing at a Mag Nail at the Northwest Corner of the NW 1/4 of said Section 19; Thence N 89°58'16" E, along the North line of said NW 1/4, a distance of 339.58 feet to the Place of Beginning for the tract to be described; Thence continuing N 89°58'16" E, along said North line, a distance of 325.21 feet; Thence S 00°05'07" W, a distance of 1339.53 feet to an iron rod on the South line of the N 1/2 of the West 60 acres of said NW 1/4; Thence S 89°56'42" W, along said South line, a distance of 325.21 feet to an iron rod; Thence N 00°05'07" E, a distance of 1339.67 feet to the Place of Beginning and containing 10.00 acres, more or less. Subject to the right-of-way of a Public Road along the North side of the above described tract and also subject to all easements of record. TOGETHER WITH an easement for Ingress and Egress across the South 30 feet of the West 339.58 feet of the N 1/2 of the West 60 acres of said NW 1/4. ALSO SUBJECT to an Easement for Ingress & Egress across the South 30 feet of the above described tract.

**DESCRIPTION FOR 10.00 ACRE TRACT (East Tract)**

A tract described as being a part of the N 1/2 of the West 60 acres of the NW 1/4 of Section 19, T10N, R8E of the 4th P.M., Peoria County, Illinois. More particularly bounded and described as follows and bearings are for the purpose of description only:--  
 Commencing at a Mag Nail at the Northwest Corner of the NW 1/4 of said Section 19; Thence N 89°58'16" E, along the North line of said NW 1/4, a distance of 664.79 feet to the Place of Beginning for the tract to be described; Thence continuing N 89°58'16" E, along said North line, a distance of 325.21 feet to the Northeast corner of the West 60 acres of said NW 1/4; Thence S 00°05'07" W, along the East line of said 60 acres, a distance of 1339.38 feet to an iron rod at the Southeast corner of the N 1/2 of the West 60 acres of said NW 1/4; Thence S 89°56'42" W, along the South line of said N 1/2, a distance of 325.21 feet to an iron rod; Thence N 00°05'07" E, a distance of 1339.53 feet to the Place of Beginning and containing 10.00 acres, more or less. Subject to the right-of-way of a Public Road along the North side of the above described tract and also subject to all easements of record. ALSO TOGETHER WITH an Easement for Ingress & Egress across the South 30 feet of the West 664.79 feet of said N 1/2 of the West 60 acres of said NW 1/4.

**COUNTY ENGINEER'S CERTIFICATE**

STATE OF ILLINOIS )  
 COUNTY OF PEORIA ) SS

This plat has been approved by the Peoria County Highway Department with respect to roadway access pursuant to 765 ILCS 205/2 and Section 3.14 ("Subdivision"), 3.15 ("Subdivision Waivers and Appeals"), 3.16 ("Plat Approval"), and Article 8, Subdivisions, of this Chapter 20 of the Peoria County Code. However, a highway permit for access may be required by the property owner. Access will be allowed by the County in accordance with the policy on permits for access driveways to county roadways.

This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

County Engineer- \_\_\_\_\_

**TOWNSHIP ROAD COMMISSIONER'S CERTIFICATE**

STATE OF ILLINOIS ) SS  
 COUNTY OF PEORIA )  
 TOWNSHIP OF Medina )

This plat of survey has been reviewed by the Township Road Commissioner with respect to roadway access, and the plat of survey meets the safety and access control standards in Medina Township. This 24th day of August, 2021.

Medina Township Road Commissioner - *W. Frankly*

**CITY OF PEORIA PLAT OFFICER'S CERTIFICATE**

STATE OF ILLINOIS )  
 COUNTY OF PEORIA ) SS  
 CITY OF PEORIA )

I, \_\_\_\_\_, PLAT APPROVING OFFICER FOR THE CITY OF PEORIA, DO HEREBY APPROVE THE ACCOMPANYING SURVEY PLAT IN ACCORDANCE WITH PROVISIONS OF THE STATE OF ILLINOIS COMPILED STATUTES CHAPTER 765, SECTIONS 205/1 AND 205/2.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. \_\_\_\_\_

CITY OF PEORIA PLAT APPROVING OFFICER \_\_\_\_\_

**PLAT OFFICER'S CERTIFICATE**

STATE OF ILLINOIS )  
 COUNTY OF PEORIA ) SS

This tract survey is hereby approved in accordance with the provisions of the Plat Act of Illinois (55 ILCS 5/5-1041) and Sections 3.14 ("Subdivision"), 3.15 ("Subdivision Waivers and Appeals"), 3.16 ("Plat Approval"), and Article 8, Subdivisions, of this Chapter 20 of the Peoria County Code. It is in conformance with the goals and objectives of the County's Comprehensive Land Use Plan.

Given under my hand and Seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Peoria County Plat Officer \_\_\_\_\_

**PEORIA COUNTY CLERK'S CERTIFICATE**

STATE OF ILLINOIS )  
 COUNTY OF PEORIA ) SS

I hereby certify that I find no delinquent taxes, unpaid current taxes, delinquent special assessments or unpaid current special assessments against any of the real estate embraced on the attached plat of survey and description.

Given under my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Peoria County Clerk \_\_\_\_\_ Deputy County Clerk \_\_\_\_\_

**GENERAL NOTES:**

1. Field Work Completed: As instructed by client. All information is from existing platted dimensions.
2. Iron rods have only been set at locations instructed by client.
3. It is not warranted that this plat contains complete information regarding easements, reservations, restrictions, rights-of-ways, building lines and other encumbrances. For complete information, an updated title commitment for title insurance should be obtained.
4. This property includes P.I.N. (09-19-100-001).
5. NOTICE TO THE PUBLIC: The creation of long private driveways may result in increased response time or inaccessibility by emergency service vehicles.
6. On 7-6-2021 this parcel is known to be zoned A-2."
7. This tract survey does not provide for, nor imply, assurance of the compatibility for future construction utilizing a private sewage disposal system. A permit shall be obtained from the Peoria City/County Health Department prior to start of construction.
8. There is no public water provider to this parcel. Development of the parcel requires a well permit from the Peoria City/County Health Department before the start of construction. It is planned to use the existing well for water.
9. This land split is permitted through Zoning Case #014-21-U