CITY OF BLOOMINGTON CITY COUNCIL - REGULAR SESSION MEETING SEPTEMBER 23, 2024

COMPONENTS OF THE COUNCIL AGENDA

RECOGNITION AND PROCLAMATION

This portion of the meeting recognizes individuals, groups, or institutions publicly, as well as those receiving a proclamation, or declaring a day or event.

PUBLIC HEARING

Items that require receiving public testimony will be placed on the agenda and noticed as a Public Hearing. Individuals have an opportunity to provide public testimony on those items that impact the community and/or residence.

PUBLIC COMMENT

Each City Council meeting shall have a public comment period not to exceed 30 minutes. Every speaker is alloted up to 3 minutes to speak. Individuals wishing to email public comment or speak remotely must email comments and/or register online at least 15 minutes before the start of the meeting. Individuals wishing to speak in-person must register up to 5 minutes before the start of the meeting. Speakers will be selected at random. Public comment is a time to provide feedback. City Council does not respond to public comment. Speakers who engage in threatening or disorderly behavior will have their time ceased.

CONSENT AGENDA

All items under the Consent Agenda are considered to be routine in nature and will be enacted by one motion. There will be no separate discussion of these items unless a Council Member, City Manager or Corporation Counsel so requests; in which event, the item will be removed from the Consent Agenda and considered in the Regular Agenda, which typically begins with Item No. 8.

The City's Boards and Commissions hold Public Hearings prior to some Council agenda items appearing on the Council's Meeting Agenda. Persons who wish to address the Council should provide new information that is pertinent to the issue before them.

REGULAR AGENDA

All items that provide the Council an opportunity to receive a presentation, ask questions of City Staff, seek additional information, or deliberate prior to making a decision will be placed on the Regular Agenda.

MAYOR AND COUNCIL MEMBERS

Mayor - Mboka Mwilambwe

City Council Members

Ward 1 - Jenna Kearns
Ward 2 - Donna Boelen
Ward 3 - Sheila Montney
Ward 4 - John Danenberger
Ward 5 - Nick Becker
Ward 6 - Cody Hendricks
Ward 7 - Mollie Ward
Ward 8 - Kent Lee
Ward 9 - Tom Crumpler

City Manager - Jeff Jurgens
Sr. Deputy City Manager - Billy Tyus
Deputy City Manager - Sue McLaughlin

CITY LOGO DESIGN RATIONALE

The **CHEVRON** Represents: Service, Rank, and Authority Growth and Diversity A Friendly and Safe Community A Positive, Upward Movement and Commitment to Excellence!

MISSION, VISION, AND VALUE STATEMENT

MISSION
To Lead, Serve and Uplift the City of Bloomington

VISION
A Jewel of the Midwest Cities

VALUES
Service-Centered, Results-Driven, Inclusive

STRATEGIC PLAN GOALS

- Financially Sound City Providing Quality Basic Services
- Upgrade City Infrastructure and Facilities Grow the Local Economy
- Strong Neighborhoods
- Great Place - Livable, Sustainable City
- Prosperous Downtown Bloomington

CITY COUNCIL - REGULAR SESSION MEETING AGENDA
GOVERNMENT CENTER BOARDROOM, 4TH FLOOR, ROOM #400
115 E. WASHINGTON STREET, BLOOMINGTON, IL 61701
MONDAY, SEPTEMBER 23, 2024, 6:00 PM

1. **Call to Order**
2. **Pledge of Allegiance to the Flag**
3. **Remain Standing for a Moment of Silent Prayer and/or Reflection**
4. **Roll Call**
5. **Recognition/Appointments**

   A. Recognition of Residents Who Have Recently Obtained United States Citizenship , as requested by the Administration Department. *(Recommended Motion: None; Presentation only.) (Presentation by Michael Hurt, Chief Diversity & Inclusion Officer.)*

6. **Public Comment**

   Individuals wishing to provide emailed public comment must email comments to publiccomment@cityblm.org at least 15 minutes before the start of the meeting. Individuals wishing to speak in-person or remotely may register at www.cityblm.org/register at least 5 minutes before the start of the meeting for in-person public comment and at least 15 minutes before the start of the meeting for remote public comment.

7. **Consent Agenda**

   Items listed on the Consent Agenda are approved with one motion; Items pulled by Council from the Consent Agenda for discussion are listed and voted on separately.

   A. Consideration and Action on Approving Bills and Payroll in the Amount of $13,196,889.04, as requested by the Finance Department. *(Recommended Motion: The proposed Bills and Payroll be approved.)*

   B. Consideration and Action to Approve a Resolution to Enter into a Joint Funding Agreement and Resolution for Federally Funded Construction for Phase III Construction of Hamilton Road, from Commerce Parkway to Morrissey Drive, in the Amount of $3,773,392.16, as requested by the Department of Operations & Engineering Services. *(Recommended Motion: The proposed Resolution be approved.)*

   C. Consideration and Action on a Resolution to Authorizing a Contract with Playcore Wisconsin, Inc c/o Cunningham Recreation for the Purchase and Installation of Two Playgrounds, in the Amount of $272,397.70, as requested by the Parks & Recreation Department. *(Recommended Motion: The proposed Resolution be approved.)*

D. Consideration and Action on an Ordinance Annexing Property Commonly Known as 2540 W. Washington Street, Containing 30.81 Acres, More or Less, and Property Commonly Known as 1803 W. Washington Street, Containing 3.31 Acres, More or Less, and Approving a Zoning Map Amendment for Said Properties to the A (Agriculture) District and M-2 (General Manufacturing) Districts, Respectively, (PINs: 20-01-100-031 & 21-05-306-002), as requested by the Economic & Community Development Department. *(Recommended Motion: The proposed Ordinance be approved.)*

E. Consideration and Action on an Ordinance Annexing Property Commonly Known as 2440 W. Washington Street, Containing 131.9 Acres, More or Less, and Approving a Zoning Map Amendment for Said Property to the A (Agriculture) District (PIN: 20-01-300-004), as requested by the Economic & Community Development Department. *(Recommended Motion: The proposed Ordinance be approved.)*

F. Consideration and Action on an Ordinance Expressing Official Intent Regarding Certain Capital Expenditures to be Reimbursed from Proceeds of an Obligation to be Issued by the City of Bloomington, in an amount not to exceed $138,500,000.00, as requested by the Finance Department and the Water Department. *(Recommended Motion: The proposed Ordinance be approved.)*

G. Consideration and Action on an Ordinance Expressing Official Intent Regarding Certain Capital Expenditures to be Reimbursed from Proceeds of an Obligation to be Issued by the City of Bloomington, in an amount not to exceed $21,000,000, as requested by the Finance Department. *(Recommended Motion: The proposed Ordinance be approved.)*

H. Consideration and Action on an Ordinance Amending the Budget Ordinance for the Fiscal Year Ending April 30, 2025, to Increase the Community Development Block Grant (CDBG) Budget, in the Amount of $105,471.50, as requested by the Economic & Community Development Department. *(Recommended Motion: The proposed Ordinance be approved.)*

I. Consideration and Action on an Ordinance Approving Text Amendments to the Zoning Code of the City of Bloomington [Chapter 44] Relating to Use Tables, Definitions, Streamlining the Development Review Process, Modification Process for General Provisions, Administrative Procedures, and Clarifications of Permitted Encroachments, as requested by the Economic & Community Development Department. *(Recommended Motion: The proposed Ordinance be approved.)*

8. Regular Agenda

A. Consideration and Action on a Recommendation by the Planning Commission to Designate the Structures of Holy Trinity Church and Holy Trinity Rectory, Located at 704 N. Main Street, as "Local Historic Landmarks" and to have the S-4 (Historic Preservation District) Overlay Zoning Designation Applied to the Subject Property, including Either Adoption of an Ordinance Approving the Designation or Adoption of a Resolution Rejecting the Designation, as requested by the Historic Preservation Commission. *(Recommended Motion: The Historic Preservation Commission and Planning Commission recommend that the proposed Ordinance be approved.)*

B. Consideration and Action on an Ordinance Amending Bloomington City Code

Chapter 29 Section 197 Regarding Towing of Vehicles, as requested by the Finance Department. *(Recommended Motion: The proposed Ordinance be approved.) (Presentation by Scott Rathbun, Finance Director, 5 minutes; and City Council Discussion, 5 minutes.)*

C. Consideration and Action on an Ordinance Amending the Bloomington City Code Updating Chapter 29 (Motor Vehicles and Traffic) Increasing Downtown Parking Time Limits From 90-Minutes to Two Hours on Certain Streets, as requested by the Administration Department. *(Recommended Motion: The proposed Ordinance be approved.) (Presentation by Billy Tyus, Senior Deputy City Manager, 3 minutes; and City Council Discussion, 5 minutes.)*

9. Finance Director's Report

https://www.cityblm.org/government/advanced-components/documents/-folder-145

10. City Manager's Discussion

11. Mayor's Discussion

12. Council Member's Discussion

13. Executive Session

14. Adjournment

Individuals with disabilities planning to attend the meeting who require reasonable accommodations to observe and/or participate, or who have questions about the accessibility of the meeting, should contact the City's ADA Coordinator at 309-434-2468 mhurt@cityblm.org.

RECOGNITION/APPOINTMENTS ITEM NO. 5.A.

FOR COUNCIL: September 23, 2024

WARD IMPACTED: City-Wide Impact

SUBJECT: Recognition of Residents Who Have Recently Obtained United States Citizenship , as requested by the Administration Department.

RECOMMENDED MOTION: None; Presentation only.

STRATEGIC PLAN LINK:
Goal 5. Great Place - Livable, Sustainable City

STRATEGIC PLAN SIGNIFICANCE:
Objective 5e. More attractive city: commercial areas and neighborhoods

BACKGROUND: In conjunction with Welcoming Week, the City and the Immigration Project would like to recognize families in the Community that have recently obtained their United States Citizenship.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: The Immigration Project

FINANCIAL IMPACT: N/A

AMERICAN RESCUE PLAN FUNDING IMPACT: N/A

COMMUNITY DEVELOPMENT IMPACT: **This request meets the following goals and objectives of the Bloomington Comprehensive Plan 2035**: N/A

Respectfully submitted for consideration.

Prepared by: Greg Wilson, Community Relations Manager

CONSENT AGENDA ITEM NO. 7.A.

FOR COUNCIL: September 23, 2024

WARD IMPACTED: City-Wide Impact

SUBJECT: Consideration and Action on Approving Bills and Payroll in the Amount of $13,196,889.04, as requested by the Finance Department.

RECOMMENDED MOTION: The proposed Bills and Payroll be approved.

STRATEGIC PLAN LINK:
Goal 1. Financially Sound City Providing Quality Basic Services

STRATEGIC PLAN SIGNIFICANCE:
Objective 1d. City services delivered in the most cost-effective, efficient manner

BACKGROUND: Bills and Payroll are filed in the City Clerk's Department. The full Bills and Payroll Report is now housed under Finance documents on the City website, available at https://www.cityblm.org/bills.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: N/A

FINANCIAL IMPACT: Total disbursements to be approved $13,196,889.04 (Payroll total $3,377,666.34 Accounts Payable total $9,571,802.70, Bank Transfers total $61,498.92, and Procurement Card Purchases total $185,921.08).

AMERICAN RESCUE PLAN FUNDING IMPACT: N/A

COMMUNITY DEVELOPMENT IMPACT: **This request meets the following goals and objectives of the Bloomington Comprehensive Plan 2035**: N/A

Respectfully submitted for consideration.

Prepared by: Stacey Moews,

ATTACHMENTS:
FIN 1B Council Finance Summary Report

CITY OF BLOOMINGTON FINANCE REPORT

PAYROLL

Date	Gross Pay	Employer Contribution	Totals
9/6/2024	$ 2,764,451.15	$ 616,734.02	$ 3,381,185.17
			$ -
Off Cycle Adjustments	$ (3,418.61)	$ (100.22)	$ (3,518.83)
		PAYROLL TOTAL	**$ 3,377,666.34**

ACCOUNTS PAYABLE (WIRES)

Date	Bank	Total
9/23/2024	AP General	$ 8,940,593.20
9/23/2024	AP JMScott	$ -
9/23/2024	AP Comm Devel	$ 1,785.94
9/23/2024	AP IHDA	$ 150.00
9/23/2024	AP Library	$ 83,217.46
9/23/2024	AP MFT	$ 1,001.53
09/05/24-09/12/24	Out of Cycle AP	$ 545,054.57
07/02/24-09/03/24	AP Bank Transfers	$ 61,498.92
	AP TOTAL	**$ 9,633,301.62**

PCARDS

06/24/2024-07/01/24	**$185,921.08**
PCARD TOTAL	**$185,921.08**

GRAND TOTAL **$ 13,196,889.04**

Respectfully,

F Scott Rathbun
Director of Finance

CONSENT AGENDA ITEM NO. 7.B.

FOR COUNCIL: September 23, 2024

WARD IMPACTED: Ward 1, Ward 2, and Ward 8

SUBJECT: Consideration and Action to Approve a Resolution to Enter into a Joint Funding Agreement and Resolution for Federally Funded Construction for Phase III Construction of Hamilton Road, from Commerce Parkway to Morrissey Drive, in the Amount of $3,773,392.16, as requested by the Department of Operations & Engineering Services.

RECOMMENDED MOTION: The proposed Resolution be approved.

STRATEGIC PLAN LINK:
Goal 2. Upgrade City Infrastructure and Facilities
Goal 5. Great Place - Livable, Sustainable City

STRATEGIC PLAN SIGNIFICANCE:
Objective 2a. Better quality roads and sidewalks
Objective 5a. Well-planned City with necessary services and infrastructure

BACKGROUND: If approved, the City will enter into a Joint Funding Agreement and Resolution with Illinois Department of Transportation ("IDOT") to pay $3,773,392.16 for construction to improve Hamilton Road, from Commerce Parkway to Morrisey Drive, which is Phase 1 of the project. Construction of Phase 2 of the project, from Bunn Street to Commerce Parkway, will be addressed separately at a future time. Since the project is using state and federal funding, an updated agreement is required to comply with a state law that changed the requirements for state and federal funding that is dispersed by IDOT to units of local government which went into effect on June 10, 2022.

The improvement will be constructed in accordance with plans prepared by (or on the behalf of) the City and will be approved by IDOT using their policies and procedures that are approved and/or required by the Federal Highway Administration.

The agreement includes 6 schedules and are as follows: Division of Cost, Location Map, Risk Assessment, Attestations, Resolution, and Changes in Agreement Provisions. Division of Cost, Location Map, Risk Assessment, Attestations, and Changes in Agreement Provisions were completed leading up to this agreement.

The extension of Hamilton Road, from Bunn Street to Morrissey Drive, has been a priority for the City for many years and is the remaining street segment needed to provide a continuous east-west transportation corridor south of Veterans Parkway.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: In 2016, public open houses were held to discuss the project as a whole. A public informational meeting will be held by the City for interested persons to learn about the project prior to construction.

FINANCIAL IMPACT: If approved, the City will enter into a Joint Funding Agreement and

Resolution for Federally Funded Construction for Phase III Construction of Hamilton Road, from Commerce Parkway to Morrissey Drive, in the Amount of $3,773,392.16. $3,500,000 will be paid from the Motor Fuel Tax-Street Construction and Improvements-Rebuild Illinois account (20300300-72530-40700). The remaining $273,392.16 will be sourced by IDOT from the State portion (via Federal Government) of COVID funds allocated to the City but held by the State. This is different than the Federal ARPA funding that the City received. Stakeholders can locate this in the FY 2025 Budget Book titled "Other Funds & Capital Improvement" on pages 8, 223, 229, 233 and 234.

AMERICAN RESCUE PLAN FUNDING IMPACT: N/A

COMMUNITY DEVELOPMENT IMPACT: **This request meets the following goals and objectives of the Bloomington Comprehensive Plan 2035**: Goal TAQ-1 (A safe and efficient network of streets, bicycle-pedestrian facilities and other infrastructure to serve users in any surface transportation mode), Objective TAQ-1.1 (Maintenance and development of a continuous network of arterial, collector and local streets that provides for safe and efficient movement of people, goods and services between existing and proposed residential areas and major activity centers, maximizes walkability, and provides multimodal linkages to the state and interstate highway system), Objective TAQ-1.4 (Pedestrian safety for users of all transportation facilities with a Sidewalk Master Plan, and sidewalk system that provides safe access throughout the transportation network).

Respectfully submitted for consideration.

Prepared by: Chad Langan, Sr Civil Engineer

ATTACHMENTS:
DOES 1B Resolution
DOES 1C Resolution Exhibit A - Agreement & Resolution

RESOLUTION NO. 2024 - ____

A RESOLUTION TO ENTER INTO A JOINT FUNDING AGREEMENT AND RESOLUTION FOR FEDERALLY FUNDED CONSTRUCTION FOR PHASE III CONSTRUCTION OF HAMILTON ROAD, FROM COMMERCE PARKWAY TO MORRISSEY DRIVE, IN THE AMOUNT OF $3,773,392.16

WHEREAS, the City of Bloomington is proposing to widen and resurface Hamilton Road from Commerce Parkway to 0.1 Mi East of (US 150) Morrissey Drive; and

WHEREAS, work includes sidewalk, multi-use path, striping, adding a new turn lane on (US 150) Morrissey Drive from Northbound to Eastbound on Hamilton Road; and

WHEREAS, Commerce Parkway includes curb & gutter, geometrical improvements, and resurfacing to complete the improvement; and

WHEREAS, the above stated improvement will necessitate the use of funding provided through the Illinois Department of Transportation (IDOT); and

WHEREAS, the use of these funds requires a joint funding agreement (AGREEMENT) and resolution (RESOLUTION) with IDOT; and

WHEREAS, the improvement also requires the City to match IDOT funds.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BLOOMINGTON, MCLEAN COUNTY, ILLINOIS:

SECTION 1. The City Council hereby appropriates $3,500,000.00 or as much as may be needed to match the required funding to complete the proposed improvement from the Rebuild Illinois Grant and furthermore, agrees to pass a supplemental resolution if necessary to appropriate additional funds for completion of the project.

SECTION 2. The Mayor is hereby authorized to execute the AGREEMENT and RESOLUTION attached hereto as Exhibit A with IDOT for the above-mentioned project.

SECTION 3. The City Clerk is hereby directed to transmit four single-sided copies of the AGREEMENT and RESOLUTION to IDOT District 5 Bureau of Local Roads and Streets.

SECTION 3. This Resolution shall be in full force and effect from and after its passage and approval as provided by law.

PASSED this 23rd day of September 2024.

APPROVED this ___ day of September 2024.

CITY OF BLOOMINGTON

_____
Mboka Mwilambwe, Mayor

ATTEST

_____
Leslie Smith-Yocum, City Clerk

Illinois Department of Transportation

Joint Funding Agreement for Federally Funded Construction

LOCAL PUBLIC AGENCY

Local Public Agency	County	Section Number
City of Bloomington	McLean	16-00360-00-PV

Fund Type	ITEP, SRTS, HSIP Number(s)	MPO Name	MPO TIP Number
State Only		MCRPC	B-03-09

Construction

State Job Number	Project Number
C-95-008-21	

☐ Local Let/Day Labor ☒ Construction on State Letting ☐ Construction Engineering ☐ Utilities ☐ Railroad Work

LOCATION

Local Street/Road Name	Key Route	Length	Stationing From	Stationing To
Hamilton RD	FAU 6371	0.36 mile	02.84	03.20

Location Termini: Commerce PKWY to 0.1 Mi E of Morrissey DR

Current Jurisdiction	Existing Structure Number(s)	
City of Bloomington	NA	Remove

LOCATION

Local Street/Road Name	Key Route	Length	Stationing From	Stationing To
Morrisey DR	FAU 6406	0.10 mile	01.44	01.54

Location Termini: Hamilton RD to 0.1 Mi S of Hamition RD

Current Jurisdiction	Existing Structure Number(s)	
State of Illinois	NA	Remove

LOCATION

Local Street/Road Name	Key Route	Length	Stationing From	Stationing To

Location Termini:

Current Jurisdiction	Existing Structure Number(s)	
		Remove

PROJECT DESCRIPTION

Widening and resurfacing of Hamilton RD from Commerce PKWY to 0.1 Mi E of (US 150)Morrissey DR. Work includes sidewalk, multi-use path, striping. Adding new turn lane on (US 150) Morrissey DR from NB to EB on to Hamilton RD. Commerce PKWY includes C&G, geometrical improvements, and resurfacing to complete the improvement.

Local Public Agency	Section Number	State Job Number	Project Number
City of Bloomington	16-00360-00-PV	C9500821	

This Agreement is made and entered into between the above local public agency, hereinafter referred to as the "**LPA**" and the State of Illinois, acting by and through its Department of Transportation, hereinafter referred to as the "**STATE**". The **STATE** and **LPA** jointly proposes to improve the designated location as described in the Location and Project Description sections of this agreement. The improvement shall be constructed in accordance with plans prepared by, or on behalf of the **LPA** and approved by the **STATE** using the **STATE's** policies and procedures approved and/or required by the Federal Highway Administration, hereby referred to as "**FHWA**".

I. GENERAL

1.1 Availability of Appropriation; Sufficiency of Funds. This Agreement is contingent upon and subject to the availability of sufficient funds. The **STATE** may terminate or suspend this Agreement, in whole or in part, without penalty or further payment being required, if (i) sufficient funds for this Agreement have not been appropriated or otherwise made available to the **LPA** by the **STATE** or the federal funding source, (ii) the Governor or **STATE** reserves funds, or (iii) the Governor or **STATE** determines that funds will not or may not be available for payment. The **STATE** shall provide notice, in writing, to **LPA** of any such funding failure and its election to terminate or suspend this Agreement as soon as practicable. Any suspension or termination pursuant to this Section will be effective upon the date of the written notice unless otherwise indicated.

1.2 Domestic Steel Requirement. Construction of the project will utilize domestic steel as required by Section 106.01 of the current edition of the Standard Specifications for Road and Bridge Construction and federal Build America-Buy America provisions.

1.3 Federal Authorization. That this Agreement and the covenants contained herein shall become null and void in the event that the **FHWA** does not approve the proposed improvement for Federal-aid participation within one (1) year of the date of execution of this agreement.

1.4 Severability. If any provision of this Agreement is declared invalid, its other provisions shall not be affected thereby.

1.5 Termination. This Agreement may be terminated, in whole or in part, by either Party for any or no reason upon thirty (30) calendar days' prior written notice to the other Party. If terminated by the **STATE**, the **STATE** must include the reasons for such termination, the effective date, and, in the case of a partial termination, the portion to be terminated. If the **STATE** determines in the case of a partial termination that the reduced or modified portion of the funding award will not accomplish the purposes for which the funding award was made, the **STATE** may terminate the Agreement in its entirety.

This Agreement may be terminated, in whole or in part, by the **STATE** without advance notice:

a. Pursuant to a funding failure as provided under Article 1.1.

b. If **LPA** fails to comply with the terms and conditions of this funding award, application or proposal, including any applicable rules or regulations, or has made a false representation in connection with the receipt of this or any award.

II. REQUIRED CERTIFICATIONS

By execution of this Agreement and the LPA's obligations and services hereunder are hereby made and must be performed in compliance with all applicable federal and State laws, including, without limitation, federal regulations, State administrative rules and any and all license requirements or professional certification provisions.

2.1 Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 CFR Part 200). The **LPA** certifies that it shall adhere to the applicable Uniform Administrative Requirements, Cost Principles, and Audit Requirements, which are published in Title 2, Part 200 of the Code of Federal Regulations, and are incorporated herein by reference.

2.2 Compliance with Registration Requirements. **LPA** certifies that it: (i) is registered with the federal SAM system; (ii) is in good standing with the Illinois Secretary of State, if applicable; (iii) have a valid DUNS Number; (iv) have a valid UEI, if applicable. It is **LPA**'s responsibility to remain current with these registrations and requirements.

2.3 Bribery. The **LPA** certifies to the best of it's knowledge that it's officials have not been convicted of bribery or attempting to bribe an officer or employee of the state of Illinois, nor made an admission of guilt of such conduct which is a matter of record (30 ILCS 500/50-5).

2.4 Bid Rigging. **LPA** certifies that it has not been barred from contracting with a unit of state or local government as a result of a violation of Paragraph 33E-3 or 33E-4 of the Criminal Code of 1961 (720 ILCS 5/33E-3 or 720 ILCS 5/33E-4, respectively).

2.5 Debt to State. **LPA** certifies that neither it, nor its affiliate(s), is/are barred from receiving an Award because the **LPA**, or its affiliate(s), is/are delinquent in the payment of any debt to the **STATE**, unless the **LPA**, or its affiliate(s), has/have entered into a deferred payment plan to pay off the debt, and **STATE** acknowledges the **LPA** may declare the Agreement void if the certification is false (30 ILCS 500/50-11).

2.6 Debarment. The **LPA** certifies to the best of its knowledge and belief that it's officials:

a. are not presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from covered transactions by any Federal department or agency;

b. have not within a three-year period preceding this agreement been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State anti-trust statutes or

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mmission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements receiving stolen property;

c. are not presently indicated for or otherwise criminally or civilly charged by a governmental entity (Federal, State, Local) with commission of any of the offenses enumerated in item (b) of this certification; and

d. have not within a three-year period preceding the agreement had one or more public transactions (Federal, State, Local) terminated for cause or default.

2.7 Construction of Fixed Works. The **LPA** certifies that all Programs for the construction of fixed works which are financed in whole or in part with funds provided by this Agreement shall be subject to the Prevailing Wage Act (820 ILCS 130/0.01 *et seq.*) unless the provisions of that Act exempt its application. In the construction of the Program, the **LPA** shall comply with the requirements of the Prevailing Wage Act including, but not limited to, inserting into all contracts for such construction a stipulation to the effect that not less than the prevailing rate of wages as applicable to the Program shall be paid to all laborers, workers, and mechanics performing work under the Award and requiring all bonds of contractors to include a provision as will guarantee the faithful performance of such prevailing wage clause as provided by contract.

2.8 Criminal Convictions. The **LPA** certifies that neither it nor any managerial agent of **LPA** has been convicted of a felony under the Sarbanes-Oxley Act of 2002, nor a Class 3 or Class 2 felony under Illinois Securities Law of 1953, or that at least five (5) years have passed since the date of the conviction. The **LPA** further certifies that it is not barred from receiving an funding award under 30 ILCS 500/50-10.5 and acknowledges that **STATE** shall declare the Agreement void if this certification is false (30 ILCS 500/50-10.5).

2.9 Improper Influence. The **LPA** certifies that no funds have been paid or will be paid by or on behalf of the **LPA** to any person for influencing or attempting to influence an officer or employee of any government agency, a member of Congress or Illinois General Assembly, an officer or employee of Congress or Illinois General Assembly, or an employee of a member of Congress or Illinois General Assembly in connection with the awarding of any agreement, the making of any grant, the making of any loan, the entering into of any cooperative agreement, or the extension, continuation, renewal, amendment or modification of any agreement, grant, loan or cooperative agreement. 31 USC 1352. Additionally, the **LPA** certifies that it has filed the required certification under the Byrd Anti-Lobbying Amendment (31 USC 1352), if applicable.

2.10 Telecom Prohibition. The **LPA** certifies that it will comply with Section 889 of the FY 2019 National Defense Authorization Act (NDAA) that prohibits the use of telecommunications or video surveillance equipment or services produced or provided by the following companies: Dahua Technology Company, Hangzhou Hikvision Digital Technology Company, Huawei Technologies Company, Hytera Communications Corporation, and ZTE Corporation. Covered equipment and services cannot be used as substantial or essential component or any system, or as critical technology as part of any system.

2.11 Personal Conflict of Interest - (50 ILCS 105/3, 65 ILCS 5/3.1-55-10, 65 ILCS 5/4-8-6) The **LPA** certifies that it shall maintain a written code or standard of conduct which shall govern the performance of its employees, officers, board members, or agents engaged in the award and administration of contracts supported by state or federal funds. Such code shall provide that no employee, officer, board member or agent of the **LPA** may participate in the selection, award, or administration of a contract supported by state or federal funds if a conflict of interest, real or apparent would be involved. Such a conflict would arise when any of the parties set forth below has a financial or other interest in the firm selected for award:

a. the employee, officer, board member, or agent;
b. any member of his or her immediate family;
c. his or her partner; or
d. an organization which employs, or is about to employ, any of the above.

The conflict of interest restriction for former employees, officers, board members and agents shall apply for one year.

The code shall also provide that **LPA**'s employees, officers, board members, or agents shall neither solicit nor accept gratuities, favors or anything of monetary value from contractors, potential contractors, or parties to subcontracts. The **STATE** may waive the prohibition contained in this subsection, provided that any such present employee, officer, board member, or agent shall not participate in any action by the **LPA** relating to such contract, subcontract, or arrangement. The code shall also prohibit the officers, employees, board members, or agents of the **LPA** from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest or personal gain.

2.12 Organizational Conflict of Interest - The **LPA** certifies that it will also prevent any real or apparent organizational conflict of interest. An organizational conflict of interest exists when the nature of the work to be performed under a proposed third party contract or subcontract may, without some restriction on future activities, result in an unfair competitive advantage to the third party contractor or **LPA** or impair the objectivity in performing the contract work.

2.13 Accounting System. The **LPA** certifies that it has an accounting system that provides accurate, current, and complete disclosure of all financial transactions related to each state and federally funded program. Accounting records must contain information pertaining to state and federal pass-through awards, authorizations, obligations, unobligated balances, assets, outlays, and income. To comply with 2 CFR 200.305(b)(7)(i), the **LPA** shall use reasonable efforts to ensure that funding streams are

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ed within **LPA**'s accounting system. *See* 2 CFR 200.302.

III. AUDIT AND RECORD RETENTION

3.1 Single Audits: The **LPA** shall be subject to the audit requirements contained in the Single Audit Act Amendments of 1996 (31 USC 7501-7507) and Subpart F of 2 CFR Part 200.

If, during its fiscal year, **LPA** expends $750,000 or more in Federal Awards (direct federal and federal pass-through awards combined), **LPA** must have a single audit or program-specific audit conducted for that year as required by 2 CFR 200.501 and other applicable sections of Subpart F of 2 CFR Part 200. A copy of the audit report must be submitted to the **STATE** (IDOT's Financial Review & Investigations Section, Room 126, 2300 South Dirksen Parkway, Springfield, Illinois, 62764) within 30 days after the completion of the audit, but no later than one year after the end of the **LPA**'s fiscal year.

Assistance Listing number (formally known as the Catalog of Federal Domestic Assistance (CFDA) number) for all highway planning and construction activities is **20.205**.
Federal funds utilized for construction activities on projects let and awarded by the **STATE** (federal amounts shown as "Participating Construction" on Schedule 2) are not included in a **LPA**'s calculation of federal funds expended by the **LPA** for Single Audit purposes.

3.2 STATE Audits: The **STATE** may, at its sole discretion and at its own expense, perform a final audit of the Project (30 ILCS 5, the Illinois State Auding Act). Such audit may be used for settlement of the Project expenses and for Project closeout purposes. The **LPA** agrees to implement any audit findings contained in the **STATE**'s authorized inspection or review, final audit, the **STATE**'s independent audit, or as a result of any duly authorized inspection or review.

3.3 Record Retention. The **LPA** shall maintain for three (3) years from the date of final project closeout by the **STATE**, adequate books, records, and supporting documents to verify the amounts, recipient, and uses of all disbursements of funds passing in conjunction with this contract. adequate to comply with 2 CFR 200.334. If any litigation, claim or audit is started before the expiration of the retention period, the records must be retained until all litigation, claims or audit exceptions involving the records have been resolved and final action taken.

3.4 Accessibility of Records. The **LPA** shall permit, and shall require its contractors and auditors to permit, the **STATE**, and any authorized agent of the **STATE**, to inspect all work, materials, payrolls, audit working papers, and other data and records pertaining to the Project; and to audit the books, records, and accounts of the **LPA** with regard to the Project. The **LPA** in compliance with 2 CFR 200.337 shall make books, records, related papers, supporting documentation and personnel relevant to this Agreement available to authorized **STATE** representatives, the Illinois Auditor General, Illinois Attorney General, any Executive Inspector General, the **STATE**'s Inspector General, federal authorities, any person identified in 2 CFR 200.337, and any other person as may be authorized by the **STATE** (including auditors), by the state of Illinois or by federal statute. The **LPA** shall cooperate fully in any such audit or inquiry.

3.5 Failure to maintain the books and records. Failure to maintain the books, records and supporting documents required by this section shall establish presumption in favor of the **STATE** for recovery of any funds paid by the **STATE** under the terms of this contract.

IV. LPA FISCAL RESPONSIBILITIES

4.1 To provide all initial funding and payment for construction engineering, utility, and railroad work

4.2 LPA Appropriation Requirement. By execution of this Agreement the **LPA** attests that sufficient moneys have been appropriated or reserved by resolution or ordinance to fund the **LPA** share of project costs. A copy of the authorizing resolution or ordinance is attached as Schedule 5.

4.3 Reimbursement Requests: For reimbursement requests the **LPA** will submit supporting documentation with each invoice. Supporting documentation is defined as verification of payment, certified time sheets or summaries, vendor invoices, vendor receipts, cost plus fix fee invoice, progress report, personnel and direct cost summaries, and other documentation supporting the requested reimbursement amount (Form BLR 05621 should be used for consultant invoicing purposes). **LPA** invoice requests to the **STATE** will be submitted with sequential invoice numbers by project.

4.4 Financial Integrity Review and Evaluation (FIRE) program: **LPA's** and the **STATE** must justify continued federal funding on inactive projects. 23 CFR 630.106(a)(5) defines an inactive project as a project which no expenditures have been charged against Federal funds for the past twelve (12) months. To keep projects active, invoicing must occur a minimum of one time within any given twelve (12) month period. However, to ensure adequate processing time, the first invoice shall be submitted to the **STATE** within six (6) months of the federal authorization date. Subsequent invoices will be submitted in intervals not to exceed six (6) months.

4.5 Final Invoice: The **LPA** will submit to the **STATE** a complete and detailed final invoice with applicable supporting documentation of all incurred costs, less previous payments, no later than twelve (12) months from the date of completion of work or from the date of the previous invoice, whichever occurs first. If a final invoice is not received within this time frame, the most recent invoice may be considered the final invoice and the obligation of the funds closed. Form BLR 05613 (Engineering Payment Record) is

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quired to be submitted with the final invoice for engineering projects.

4.6 Project Closeout: The **LPA** shall provide the final report to the appropriate **STATE** district office within twelve (12) months of the physical completion date of the project so that the report may be audited and approved for payment. If the deadline cannot be met, a written explanation must be provided to the district prior to the end of the twelve (12) months documenting the reason and the new anticipated date of completion. If the extended deadline is not met, this process must be repeated until the project is closed. Failure to follow this process may result In the immediate close-out of the project and loss of further funding.

4.7 Project End Date: The period of performance (end date) for state and federal obligation purposes is five (5) years for projects under $1,000,000 or seven (7) years for projects over $1,000,000 from the execution date of the agreement. Requests for time extensions and joint agreement amendments must be received and approved prior to expiration of the project end date. Failure to

V. THE LPA AGREES

5.1 To acquire in its name, or in the name of the **STATE** if on the **STATE** highway system, all right-of-way necessary for this project in accordance with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, and established State policies and procedures. Prior to advertising for bids, the **LPA** shall certify to the **STATE** that all requirements of Titles II and III of said Uniform Act have been satisfied. The disposition of encroachments, if any, will be cooperatively determined by representatives of the **LPA**, the **STATE**, and the **FHWA** if required.

5.2 To provide for all utility adjustments and to regulate the use of the right-of-way of this improvement by utilities, public and private, in accordance with the current Utility Accommodation Policy for Local Public Agency Highway and Street Systems.

5.3 To provide on-site engineering supervision and inspection during construction of the proposed improvement.

5.4 To retain jurisdiction of the completed improvement unless specified otherwise by schedule (schedule should be accompanied by a location map). If the improvement location is currently under road district jurisdiction, a jurisdictional schedule is required.

5.5 To maintain or cause to be maintained the completed improvement (or that portion within its jurisdiction as established by schedule) in a manner satisfactory to the **STATE** and the **FHWA.**

5.6 To provide if required, for the improvement of any railroad-highway grade crossing and rail crossing protection within the limits of the proposed improvement.

5.7 To regulate parking and traffic in accordance with the approved project report.

5.8 To regulate encroachments on public rights-of-way in accordance with current Illinois Compiled Statutes.

5.9 To regulate the discharge of sanitary sewage into any storm water drainage system constructed with this improvement in accordance with the current Illinois Compiled Statutes.

5.10 For contracts awarded by the **LPA**, the **LPA** shall not discriminate on the basis of race, color, national origin or sex in the award and performance of any USDOT - assisted contract or in the administration of its DBE program or the requirements of 49 CFR part 26. The **LPA** shall take all necessary and reasonable steps under 49 CFR part 26 to ensure nondiscrimination in the award and administration of USDOT - assisted contracts. The **LPA**'s DBE program, as required by 49 CFR part 26 and as approved by USDOT, is incorporated by reference in this agreement. Upon notification to the recipient of its failure to carry out its approved program, the **STATE** may impose sanctions as provided for under Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S. C 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C 3801 et seq.). In the absence of a USDOT - approved **LPA** DBE Program or on **STATE** awarded contracts, this agreement shall be administered under the provisions of the **STATE**'S USDOT approved Disadvantaged Business Enterprise Program.

5.12 That execution of this agreement constitutes the **LPA**'s concurrence in the award of the construction contract to the responsible low bidder as determined by the **STATE**.

VI. THE STATE AGREES

6.1 To provide such guidance, assistance, and supervision to monitor and perform audits to the extent necessary to assure validity of the **LPA**'s certification of compliance with Title II and III Requirements.

6.2 To receive bids for construction of the proposed improvement when the plans have been approved by the **STATE** (and **FHWA**, if required) and to award a contract for construction of the proposed improvement after receipt of a satisfactory bid.

6.3 To provide all initial funding and payments to the contractor for construction work let by the **STATE**. The **LPA** will be invoiced for their share of contract costs per the method of payment selected under Method of Financing based on the Division of Costs shown on Schedule 2.

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6.4 For agreements with federal and/or state funds in local let/day labor construction, construction engineering, utility work and/or railroad work:

a. To reimburse the **LPA** for federal and/or state share on the basis of periodic billings, provided said billings contain sufficient cost information and show evidence of payments by the **LPA**;
b. To provide independent assurance sampling and furnish off-site material inspection and testing at sources normally visited by **STATE** inspectors for steel, cement, aggregate, structural steel, and other materials customarily tested by the **STATE**.

SCHEDULES

Additional information and/or stipulations are hereby attached and identified below as being a part of this agreement.

☒	1.	Division of Cost
☒	2.	Location Map
☒	3.	Risk Assessment
☒	4.	Attestations
☒	5.	Resolution*
☒	6.	Changes in Agreement Provisions
☐		
☐		
☐		

*Appropriation and signature authority resolution must be in effect on, or prior to, the execution date of the agreement.

Local Public Agency	Section Number	State Job Number	Project Number
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AGREEMENT SIGNATURES EXECUTION

The LPA agrees to accept and comply with the applicable provision set forth in this agreement including attached schedules.

APPROVED

Local Public Agency

Name of Official (Print or Type Name)

Mboka Mwilambwe

Title of Official

Mayor

Signature | Date

The above signature certifies the agency's TIN number is

376001563 conducting business as a Governmental Entity.

DUNS Number 060864170

UEI KYUDEBKLLFW5

APPROVED

State of Illinois
Department of Transportation

Omer Osman, P.E., Secretary of Transportation | Date

By:

George A. Tapas, P.E., S.E., Engineer of Local Roads & Streets | Date

Stephen M. Travia, P.E., Director of Highways PI/Chief Engineer | Date

Michael Prater, Chief Counsel | Date

Vicki Wilson, Chief Fiscal Officer | Date

NOTE: A resolution authorizing the local official (or their delegate) to execute this agreement and appropriation of local funds is required and attached as Schedule 5. The resolution must be approved prior to, or concurrently with, the execution of this agreement. If BLR 09110 or BLR 09120 are used to appropriate local matching funds, attach these forms to the signature authorization resolution.

☒ Please check this box to open a fillable Resolution form within this form.

SCHEDULE NUMBER 1

Local Public Agency	County	Section Number	State Job Number	Project Number
City of Bloomington	McLean	16-00360-00-PV	C-95-008-21	

DIVISION OF COST

	Federal Funds			State Funds			Local Public Agency			
Type of Work	Fund Type	Amount	%	Fund Type	Amount	%	Fund Type	Amount	%	Totals
Participating Construction				STATE ONLY	$273,392.16	1)	Local	$3,500,000.00	Bal	$3,773,392.16
Total				Total	$273,392.16		Total	$3,500,000.00		$3,773,392.16

If funding is not a percentage of the total place an asterisk (*) in the space provided for the percentage and explain below:

1) 100 % State Only NTE $273,392.16 (formerly COVID funds) to be used first.

NOTE: The costs shown in the Division of Cost table are approximate and subject to change. The final **LPA** share is dependent on the final Federal and State participation. The actual costs will be used in the final division of cost for billing and reimbursement.

METHOD OF FINANCING - (State-Let Contract Work Only)

Check One

☐ METHOD A - Lump Sum (80% of LPA Obligation _____)

Lump Sum Payment - Upon award of the contract for this improvement, the **LPA** will pay the **STATE** within thirty (30) calendar days of billing, in lump sum, an amount equal to 80% of the LPA's estimated obligation incurred under this agreement. The **LPA** will pay to the **STATE** the remainder of the **LPA's** obligation (including any nonparticipating costs) in a lump sum within thirty (30) calendar days of billing in a lump sum, upon completion of the project based on final costs.

☐ METHOD B - _____ Monthly Payments of _____ due by the _____ of each successive month.

Monthly Payments - Upon award of the contract for this improvement, the **LPA** will pay to the **STATE** a specified amount each month for an estimated period of months, or until 80% of the **LPA's** estimated obligation under the provisions of the agreement has been paid. The **LPA** will pay to the **STATE** the remainder of the **LPA's** obligation (including any nonparticipating costs) in a lump sum, upon completion of the project based upon final costs.

☒ METHOD C - **LPA's** Share Balance divided by estimated total cost multiplied by actual progress payment.

Progress Payments - Upon receipt of the contractor's first and subsequent progressive bills for this improvement, the **LPA** will pay to the **STATE** within thirty (30) calendar days of receipt, an amount equal to the **LPA's** share of the construction cost divided by the estimated total cost multiplied by the actual payment (appropriately adjust for nonparticipating costs) made to the contractor until the entire obligation incurred under this agreement has been paid.

SCHEDULE NUMBER 3

Local Public Agency	Section Number	County	State Job Number	Project Number
City of Bloomington	16-00360-00-PV	McLean		

LRS Federal Funds RISK ASSESSMENT

Risk Factor	Description	Definition of Scale (time frames are based on LPA fiscal year)	Points
General History of Performance	Have there been any changes in key organizational staff or leadership, such as Fiscal and Administrative Management, Transportation Related Program/Project Management, and/ or Elected Officials?	**0 points** - no significant changes in the last 4 or more years; **1 point** - minor changes, but majority of key staff and officials have not changed in the last 4 years; **2 points** - significant key staff or elected leadership changes within the last 3 years; **3 points** - significant key staff and elected leadership changes within the last 3 years	1
	What is the LPA's history with federal-aid funded transportation projects?	**0 points** - One or more federal-aid funded transportation projects initiated per year; **1 point** - At least one project initiated within the past three years; **2 points** - AT least one project initiated within the past 5 years; **3 points** - None or more than 5 years	0
	Does LPA have qualified technical staff with experience managing federal-aid funded transportations through IDOT?	**0 points** - Full-time employee with experience designated as being in "responsible charge"; **1 point** - LPA has qualified technical staff, but will be utilizing an engineering consultant to manage day-to-day with LPA technical staff oversight; **2 points** - LPA has no technical staff and all technical work will be completed by consultant, but LPA staff has prior experience with federal-aid projects; **3 points** - LPA staff have no prior experience or technical expertise and relying solely on consultant	1
	Has the LPA been untimely in submitting invoicing, reporting on federal-aid projects as required in 2 CFR 200, and or audits as required?	**0 points** - No; **1 point** - Delays of 6 or more months; **2 points** - Delays of up to 1 year; **3 points** - 1 year or more years of delay	1
Financial Controls	Are the annual financial statements prepared in accordance with Generally Accepted Accounting Principles or on a basis acceptable by the regulatory agency?	**0 points** - yes; **3 points** - no	0
	What is the LPA's accounting system?	**0 points** - Automated accounting software; **1 point** - Spreadsheets; **2 points** - paper only; **3 points** - none	0
	Does the organization have written policies and procedures regarding proper segregation of duties for fiscal activities that include but are not limited to: a) authorization of transactions; b) recordkeeping for receipts and payments; and c) cash management?	**0 points** - yes; **3 points** - no	0
Audits	When was the last time a financial statement audit was conducted?	**0 points** - in the past year; **1 point** - in the past two years; **2 points** - in the past three years; **3 points** - 4 years or more, or never	0
	What type of financial statement audit has the organization had conducted?	**0 points** - Single Audit/Program Specific Audit in accordance with 2 CFR 200.501 or Financial audit conducted in accordance with Generally Accepted Auditing Standards or Generally Accepted Government Auditing Standards; **1 point** - Financial review?; **2 points** Other type? or no audit required; **3 points** - none	0
	Did the most recent audit disclose findings considered to be significant deficiencies or material weaknesses?	**0 points** - no; **3 points** - yes, or no audits required	0
	Have the findings been resolved?	**0 points** - yes or no findings; **1 point** - in progress; **3 points** - no	0

Summary of Risk	
General History of Performance	3
Financial Controls	0
Audits	0
Total	3

District Review Signature & Date

Dan Magee Digitally signed by Dan Magee Date: 2024.07.16 07:12:41 -05'00'

Central Office Review Signature & Date

Teresa Cline Digitally signed by Teresa Cline Date: 2024.08.05 13:38:42 -05'00'

Additional Requirements? ☐ Yes ☒ No

Local Public Agency	Section Number	State Job Number	Project Number
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SCHEDULE NUMBER 4
Attestation on Single Audit Compliance

1. In the prior fiscal year, did City of Bloomington (LPA) expend more than $750,000 in federal funds in aggregate from all federal sources?

   ☒ Yes ☐ No

2. Does the City of Bloomington (LPA) anticipate expending more than $750,000 in federal funds in aggregate from all federal sources in the current City of Bloomington (LPA) fiscal year?

   ☒ Yes ☐ No

If answers to question 1 and 2 are no, please proceed to the signature section.
If answer to question 1 is yes, please answer question 3a.
If answer to question 2 is yes, please answer question 3b.

3. A single audit must be conducted in accordance with Subpart F of 2 CFR 200 if $750,000 or more in federal funds are expended in a single fiscal year.

   a. Has the City of Bloomington (LPA) performed a single audit for their previous fiscal year?

   ☒ Yes ☐ No

   i. If yes, has the audit be filed with the Illinois Office of the Comptroller in accordance with 50 ILCS 310 (*see also 55 ILCS 5 & 65 ILCS 5 & 60 ILCS 1/80)*?

   ☒ Yes ☐ No

   b. For the current fiscal year, does the City of Bloomington (LPA) intend to comply with Subpart F of 2 CFR 200?

   ☒ Yes ☐ No

By completing this attestation, I certify that I have authority to sign this attestation on behalf of the LPA; and that the foregoing information is correct and complete to the best of my knowledge and belief.

Name	Title	LPA
F. Scott Rathbun	Finance Director	City of Bloomington

Signature & Date

Scott Rathbun

Digitally signed by Scott Rathbun
DN: OU=Finance Department, O="City of Bloomington, IL", CN=Scott Rathbun, E=srathbun@cityblm.org
Reason: I am the author of this document
Location:
Date: 2024.07.15 11:57:00-05'00'
Foxit PDF Editor Version: 12.1.3

Local Public Agency	Section Number	State Job Number	Project Number
City of Bloomington	16-00360-00-PV	C9500821	

SCHEDULE NUMBER 5

Resolution No. _____

A Resolution for:

Section Number 16-00360-00-PV

State Job Number C-95-008-21

Project Number _____

WHEREAS, the City of Bloomington is proposing to to widen and resurface Hamilton Road from Commerce Parkway to 0.1 Mi East of (US 150) Morrissey Drive.

WHEREAS, the above stated improvement will necessitate the use of funding provided through the Illinois Department of Transportation (IDOT); and signee

WHEREAS, the use of these funds requires a joint funding agreement (AGREEMENT) with IDOT; and

WHEREAS, the improvement requires matching funds; and

NOW, THEREFORE, be it resolved by the City Council

Section 1: The City Council hereby appropriates $3,500,000.00 or as much as may be needed to match the required funding to complete the proposed improvement from Rebuild Illinois Grant and furthermore agree to pass a supplemental resolution if necessary to appropriate additional funds for completion of the project.

Section 2: The Mayor is hereby authorized to execute an AGREEMENT with IDOT for the above-mentioned project.

Section 3: This resolution will become Attachment 3 of the AGREEMENT.

Section 4: The City Clerk of Bloomington is directed to transmit 2 (two) copies of the AGREEMENT and Resolution to IDOT District 5 Bureau of Local Roads and Streets.

I, Leslie Yocum (Name of Clerk) City (Local Public Agency Type) Clerk in and for said City (Local Public Agency Type)

of Bloomington (Name of Local Public Agency) in the State aforesaid, and keeper of the records and files thereof, as provided by statute, do hereby certify the foregoing to be a true, perfect and complete original of a resolution adopted by

Council (Governing Body Type) of Bloomington (Name of Local Public Agency) at a meeting held on September 23, 2024 (Date)

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this _____ (Day) day of _____ (Month, Year) . .

(SEAL)

Clerk Signature & Date

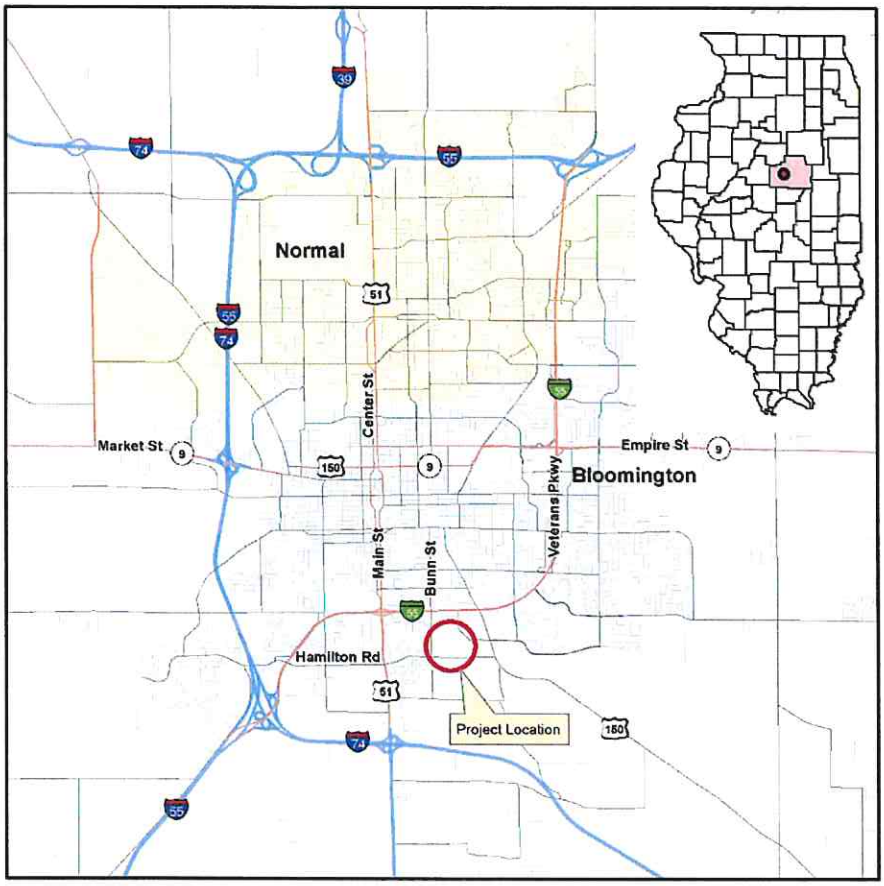
Approved

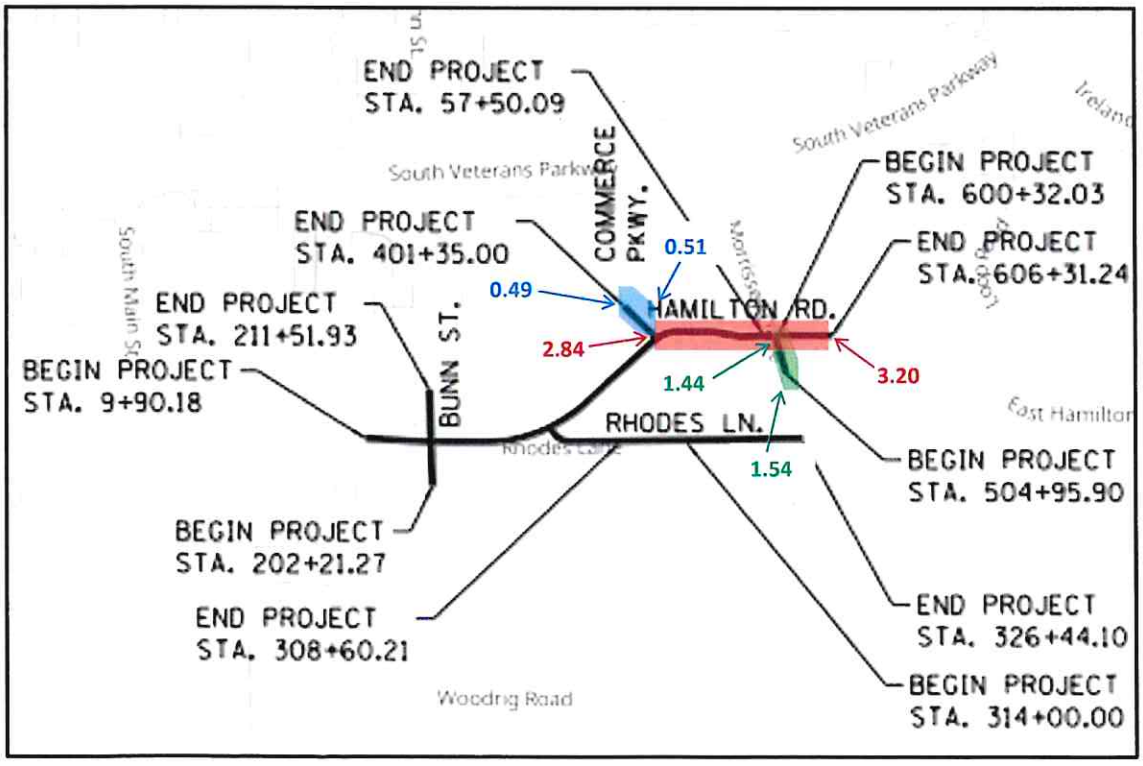
Regional Engineer Signature & Date
Department of Transportation

Schedule Number 2

LOCATION MAP

HAMILTON ROAD (FAU 6371)
SECTION 16-00360-00-PV
PROJECT XAYB(639)
CITY OF BLOOMINGTON
MCLEAN COUNTY





Local Agency: City of Bloominton
Section Number: 16-00360-00-PV
Job Number: C-95-008-21

Schedule # 6

CHANGES IN AGREEMENT PROVISIONS

FORM BLR 05310C - STATE FUNDS ONLY

WHEREAS, it is necessary to revise certain portions of the Agreement.

BE IT MUTUALLY AGREED that the following shall be revised as follows:

Delete all references to the Federal Highway Administration (FHWA) and specific federal requirements.

CONSENT AGENDA ITEM NO. 7.C.

FOR COUNCIL: September 23, 2024

WARD IMPACTED: City-Wide Impact, Ward 9, and Ward 7

SUBJECT: Consideration and Action on a Resolution to Authorizing a Contract with Playcore Wisconsin, Inc c/o Cunningham Recreation for the Purchase and Installation of Two Playgrounds, in the Amount of $272,397.70, as requested by the Parks & Recreation Department.

RECOMMENDED MOTION: The proposed Resolution be approved.

STRATEGIC PLAN LINK:
Goal 1. Financially Sound City Providing Quality Basic Services
Goal 2. Upgrade City Infrastructure and Facilities
Goal 5. Great Place - Livable, Sustainable City

STRATEGIC PLAN SIGNIFICANCE:
Objective 1d. City services delivered in the most cost-effective, efficient manner
Objective 2d. Well-designed, well maintained City facilities emphasizing productivity and customer service
Objective 5d. Appropriate leisure and recreational opportunities responding to the needs of residents

BACKGROUND: Northpoint Playground is scheduled to be replaced and has served its useful life. Northpoint playgrounds is 22 years old. The Park Maintenance Division has been able to extend the useful life of this playground beyond the industry standard to 20 years by making repairs in-house with the expertise of staff who are Certified Playground Safety Inspectors, but it now needs to be replaced. The current Northpoint Playground is located on Unit 5 property behind Northpoint School. Through cooperation with Unit 5, the new playground will still be at Northpoint School just in a different location that makes it more visible and accessible to the community.

White Oak Park currently has one large playground adjacent the community center. A smaller neighborhood style playground near the Martin Luther King Drive was struck by arson in 2003 and has not been replaced. The Parks & Recreation Department has received input over the years from both the public and elected officials that the playground needs replaced.

On August 20th, 2024 David Lamb, Assistant Director of Parks & Recreation; Jeff Hindman, Superintendent of Parks; Jeremy Meints, Assistant Superintendent of Parks; and Renee Beard from Cunningham Recreation inspected Northpoint and White Oak Park for potential playground sites. It was determined that the Northpoint playground does need replaced as expected, and an acceptable site near a shelter was selected for the new White Oak playground.

GameTime is a leader in the playground industry with an emphasis on safety, environmental

responsibility, inclusion, accessibility, and innovative design. GameTime is the only manufacture in the industry to have a lab partnership with an institute for children with special needs, so that they can develop and test their accessible products before bringing to market. Both Northpoint and White Oak playgrounds were designed and selected based on multiple factors including accessibility, inclusivity, appearance, available space, and overall park layout.

The playground chosen for White Oak Park has elevations ranging from 2 foot to 8 foot high, the unit includes slides and climbers that are approachable and appropriate for both younger and older users. It offers two very diverse, sliding experiences and multiple opportunities for climbing. Ground level play and two components for brachiating play are available as well.

The Northpoint playground main unit includes a ramped entranceway and three different sliding experiences that include ADA (American Disabilities Act) compliant transfer slides. At its highest platform there is a 6-foot wave zip slide and the unit's most challenging climber. Ground level components on main unit include parallel bars, stepping pods, dual fun seats for socialization and a flower spinner panel. There is an obstacle course which includes multiple routes of travel and traverse climbing. Freestanding play events in this play space include a tilted whirlwind seat, canoe spring rider for imaginative play and five bays of new swings which includes two tandem swing seats.

The Parks & Recreation Department is excited to bring these inclusive and accessible playgrounds and playground opportunities to the community. With the help of Cunningham Recreation, the City applied for, and was awarded, GameTime Community Champions Playground in the amount of $123,584.60. This grant funding reduces the costs of the playground equipment by approximately 50% and frees up funds for installation and surfacing, while still remaining under the approved FY 2025 budget of $275,000.00 for these two items. Staff requests to obtain the playground equipment utilizing Omnia Partners Contract #2017001134, exp. 06/30/26, for this purchase.

A grant requirement is that payment be made for the playground equipment when ordering prior to October 25, 2024. A payment bond was requested from Cunningham Recreation, and they declined to provide per there standard policies.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Cunningham Recreation and Unit 5 School District

FINANCIAL IMPACT: If approved, the City will enter into a contract with Playcore Wisconsin, Inc c/o Cunningham Recreation for the Purchase and Installation of Two Playgrounds, in the Amount of $272,397.70. This will be paid out of the Capital Improvement Fund-Capital Outlay Equipment Other than Office account (40100100-72140). The FY 2025 Budget includes $275,000 for both playgrounds, $200,000.00 for Northpoint and $75,000.00 for White Oak. To meet grant requirements, a payment must be made for the equipment to Cunningham Recreation in the amount of $144,131.40 prior to October 25th, 2024. The remaining $128,266.30 will be paid when upon completion and approval of installation. Stakeholders can locate this in the FY 2025 Budget Book titled "Other Funds & Capital Improvement" on pages 78, 81, 224, 244, 268 and 269.

AMERICAN RESCUE PLAN FUNDING IMPACT: N/A

COMMUNITY DEVELOPMENT IMPACT: **This request meets the following goals and**

objectives of the Bloomington Comprehensive Plan 2035: Goal HL-2 (Ensure maximum usage of the City's parks and recreational facilities and associated resources), Objective HL2.1 (Ensure easy access and availability of park facilities for residents as well as community groups); Goal HL-3 (Ensure a healthy environment and accessibility of parks and open spaces), Objective HL-3.2 (Ensure accessibility of parks, open spaces and other recreational facilities to all residents); Goal HL-4 (Continue to develop quality parks and recreational programming for all), Objective HL-4.1 (Ensure that all parks have amenities and facilities that appeal to residents of all ages and abilities).

Respectfully submitted for consideration.

Prepared by: Dave Lamb, Assistant Director of Parks & Recreation

ATTACHMENTS:
P&R 1B Resolution
P&R 1C Resolution Exhibit A - Contract
P&R 1D Resolution Exhibit B - Surfacing Contract
P&R 1E Resolution Exhibit C - NorthPoint Installation Contract
P&R 1F Resolution Exhibit D - White Oak Installation Contract
P&R 1G 2024 GameTime Grant - Award Certificate
P&R 1H Northpoint School/Park Rendering
P&R 1I Northpoint School/Park Plan
P&R 1J White Oak Park Rendering
P&R 1K White Oak Park Plan

RESOLUTION NO. 2024 - ____

A RESOLUTION AUTHORIZING A CONTRACT WITH PLAYCORE WISCONSIN INC C/O CUNNINGHAM RECREATION FOR PURCHASE AND INSTALLTION OF 2 PLAYGROUNDS IN THE AMOUNT OF $272,397.70

WHEREAS, the City of Bloomington, located in the County of McLean, State of Illinois, takes pride in providing its residents with clean, safe, and entertaining parks throughout the community; and

WHEREAS, Parks & Recreation Department staff after evaluating playground needs in the community have found that White Oak Park and Northpoint School/Park playgrounds are greatly in need of replacement; and

WHEREAS, replacement of the two playgrounds will consist of all the work necessary for the installation of one playground at White Oak Park and one at Northpoint School / Park (hereinafter "Projects"); and

WHEREAS, in an effort to support funding of said Projects staff sought and secured partial grant funding in the amount of $123,584.60, as well as recommend the purchase utilizing Omnia Partners contract #2017001134; and

WHEREAS, subject to the provisions of the City Code, Parks & Recreation staff recommend the approval of the contracts (Exhibit A, B, C, and D) with Playcore Wisconsin Inc. c/o Cunningham Recreation for the purchase and installation of two parks in the amount of $272,397.70; and

WHEREAS, the City Council finds it in the best interest of the City to approve the contract.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BLOOMINGTON, MCLEAN COUNTY, ILLINOIS:

SECTION 1. The above recitals are incorporated herein by this reference as if specifically stated in full.

SECTION 2. The City Manager, or designated representatives, are authorized to execute the contracts (Exhibits A, B, C, and D), and any other necessary documents.

SECTION 3. This Resolution shall be in full force and effect from and after its passage and approval as provided by law.

PASSED this 23rd day of September 2024.

APPROVED this ___ day of 2024.

CITY OF BLOOMINGTON

_____
Mboka Mwilambwe, Mayor

ATTEST

_____
Leslie Smith-Yocum, City Clerk

GameTime c/o Cunningham Recreation
PO Box 240981
Charlotte, NC 28224
800.438.2780
704.525.7356 FAX

09/12/2024
Quote #
171804-01-02

Northpoint Elementary & White Oak Park-Rev 9.12.24

Bloomington Parks and Recreation
Attn: David Lamb
1813 Springfield Road
Bloomington, IL 61701
United States
Phone: 309-434-2260
dlamb@cityblm.org

Ship to Zip 61701

Quantity	Part #	Description	Unit Price	Amount
		WHITE OAK PARK		
1	RDU	GameTime - PrimeTime Modular 5-12 Structure (per drawing)	$76,119.00	$76,119.00
1	178749	GameTime - Owner's Kit	$89.00	$89.00
		NORTHPOINT ELEMENTARY SCHOOL		
1	RDU	GameTime - PowerScape Modular 5-12 Ramped Structure (per drawing)	$86,553.00	$86,553.00
1	RDU	GameTime - Xscape Modular 5-12 Structure (per drawing)	$78,223.00	$78,223.00
4	12584	GameTime - Ada Primetime Swing Aab, 3 1/2" Od	$1,167.00	$4,668.00
1	12583	GameTime - Ada Primetime Swing Frame, 3 1/2" Od	$1,886.00	$1,886.00
2	5165	GameTime - Expression Swing w Adaptive Seat 3 1/2	$2,927.00	$5,854.00
2	5173	GameTime - Adaptive Swing w/Rung Belt	$273.00	$546.00
2	5167	GameTime - Expression Swing Tandem	$2,665.00	$5,330.00
6	8910	GameTime - Belt Seat 3 1/2"Od(8910)	$384.00	$2,304.00
1	6142	GameTime - Whirlwind Seat Tilted (F/S)	$991.00	$991.00
1	6368	GameTime - Canoe Two-Person Spring Rider	$3,353.00	$3,353.00
1	2024 GT-Grant	MISC - 2024 Matching Funds Grant- **Grant Rules and Limitations:** To qualify for up to 100% matching grant, list price of the qualifying playground system must exceed $75,000, and payment in full must accompany your order. For play systems with a list price of less than $75,000 and greater than $25,000 with payment in full, GameTime playground grants are available with matching funds up to 80%. For play systems that exceed $25,000, and purchased with credit terms, matching funds are available up to 65%. Matching funds are subject to rounding rules and may vary based on qualified purchase. No other offer, discount, or special programs can be used with this grant program. This special matching fund offer applies to PowerScape®, PrimeTime®, Xscape®, and Modern City® systems only. Up to 50% matching funds for select outdoor fitness equipment, including THRIVE®, Challenge Course, KidCourse, and The Stadium®. VistaRope®, freestanding net structures, TuffForms, Landmark Design, GTSymphony freestanding, other freestanding play products, and Play On! non-system events are not eligible for funding. **All applications must be received and validated by the project administrator by October 18, 2024.** GameTime reserves the right to decline any application for a GameTime grant. **GameTime will accept grant orders until October 25, 2024**, or until all eligible funds are disbursed, whichever comes first. **Customer must be able to receive order by December 31, 2024, subject to transportation availability.** GameTime reserves the right to terminate this offer at any time without notice. GameTime playground grants can only be applied to additional GameTime purchases and only in conjunction with the original purchase. Standard policies and warranties as listed in the 2024 GameTime Playground Design Guide apply. Freight and applicable sales tax are extra and not included. Other terms and restrictions may apply. Contact your local GameTime representative for complete details.		
Contract: OMNIA	#2017001134		**Sub Total**	$265,916.00
			Discount	($123,584.60)
			Freight	$1,800.00

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09/12/2024
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171804-01-02

Northpoint Elementary & White Oak Park-Rev 9.12.24

Quantity	Part #	Description	Unit Price	Amount
			Total	$144,131.40

Comments

Materials only quotation. Pricing does not include installation or off-loading of equipment.

GAMETIME - TERMS & CONDITIONS:

- **PRICING:** Due to fluctuating economic conditions, pricing is valid for 30 days and is subject to change. Please request updated pricing if your quote is older than 30 days before making a purchase.
- **TERMS OF SALE:** For equipment & material purchases, Net 30 days from date of invoice for governmental agencies and those with approved credit. All others, full payment for equipment, taxes and freight up front. Balance for services & materials due upon completion or as otherwise negotiated upon credit application review. Pre-payment may be required for equipment orders totaling less than $5,000. Payment by VISA, MasterCard, or AMEX is accepted (**If you elect to pay by credit card, GameTime charges a 2.50% processing fee that is assessed on the amount of your payment. This fee is shown as a separate line item and included in the total amount charged to your credit card. You have the option to pay by check, ACH or Wire without any additional fees.)**. Checks should be made payable to Playcore Wisconsin, Inc. dba GameTime unless otherwise directed. **Any order exceeding $300,000 will require progress payments during the course of completion.**
- **CREDIT APPLICATION:** Required for all non-governmental agencies and those entities who have not purchased from GameTime within the previous twelve calendar months.
- **FINANCE CHARGE:** A 1.5% monthly finance charge (or maximum permitted by law) will be added to all invoices over 30 days past due.
- **CASH WITH ORDER DISCOUNT:** Orders for GameTime equipment paid in full at time of order via check or electronic funds transfer (EFT) are eligible for a 3% cash-with-order (CWO) discount. Consult local sales representative for CWO terms.
- **ORDERS:** All orders shall be in writing by purchase order, signed quotation or similar documentation. Purchase orders must be made out to Playcore Wisconsin, Inc. dba GameTime.
- **FREIGHT CHARGES:** Shipments shall be F.O.B. destination. Freight charges prepaid and added separately.
- **SHIPMENT: Standard Lead time is 6-8 weeks** ***(some items may take longer)*** after receipt and acceptance of purchase order, credit application, color selections and approved drawings or submittals.
- **PACKAGING:** All goods shall be packaged in accordance with acceptable commercial practices and marked to preclude confusion during unloading and handling.
- **RECEIPT OF GOODS:** Customer shall coordinate, receive, unload, inspect and provide written acceptance of shipment. Any damage to packaging or equipment must be noted when signing delivery ticket. If damages are noted, receiver must submit a claim to Cunningham Recreation within 15 Days. Receiver is also responsible for taking inventory of the shipment and reporting any concealed damage or discrepancy in quantities received within 60 days of receipt.
- **RETURNS:** Returns are only available on shipments delivered within the last 60 days. A 25% (min.) restocking fee will be deducted from any credit due. Customer is responsible for all packaging & shipping charges. Credit is based on condition of items upon return. All returns must be in unused and merchantable condition. GameTime reserves the right to deduct costs associated with restoring returned goods to merchantable condition. Uprights & custom products cannot be returned.
- **TAXES:** Sales tax is shown as a separate line item when included. A copy of your tax exemption certificate must be submitted at time of order or taxes will be added to your invoice.

SUPPLY ONLY:

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- Installation services are not included.
- Customer is responsible for coordinating delivery, receipt, unloading, and inventory equipment.
- Missing or damaged equipment must be reported within 60 days of delivery.

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09/12/2024
Quote #
171804-01-02

Northpoint Elementary & White Oak Park-Rev 9.12.24

ACCEPTANCE OF QUOTATION:

Acceptance of this proposal indicates your agreement to the terms and conditions stated herein.

Accepted By (printed): _____ Title: _____

Telephone: _____ Fax: _____

P.O. Number:_____ Date: _____

Purchase Amount: **$144,131.40**

SALES TAX EXEMPTION CERTIFICATE #:_____

(PLEASE PROVIDE A COPY OF CERTIFICATE)

_____ _____
Salesperson's Signature Customer Signature

BILLING INFORMATION:

Bill to: _____

Contact: _____

Address: _____

Address: _____

City, State: _____ Zip: _____

Tel: _____ Fax: _____

E-mail: _____

SHIPPING INFORMATION:

Ship to: _____

Contact: _____

Address: _____

Address: _____

City, State: _____ Zip: _____

Tel: _____ Fax: _____

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09/12/2024
Quote #
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Northpoint Elementary & White Oak Park-Surfacing-Revised 9.12.24

Bloomington Parks and Recreation
Attn: David Lamb
1813 Springfield Road
Bloomington, IL 61701
United States
Phone: 309-434-2260
dlamb@cityblm.org

Ship to Zip 61701

Quantity	Part #	Description	Unit Price	Amount
		WHITE OAK PARK		
64	EWF	GT-Impax - Engineered Wood Fiber Safety Surfacing (CY)- • Area: 1287 Sq.Ft. • Thickness (Compacted): 12"	$31.78	$2,033.92
		NORTHPOINT ELEMENTARY SCHOOL		
371	EWF	GT-Impax - Engineered Wood Fiber Safety Surfacing (CY)- • Area: 7503 Sq.Ft. • Thickness (Compacted): 12"	$31.78	$11,790.38
Contract: OMNIA #2017001134			**Sub Total**	$13,824.30
			Freight	$3,771.00
			Total	**$17,595.30**

Comments

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- **FINANCE CHARGE:** A 1.5% monthly finance charge (or maximum permitted by law) will be added to all invoices over 30 days past due.
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- **ORDERS:** All orders shall be in writing by purchase order, signed quotation or similar documentation. Purchase orders must be made out to Playcore Wisconsin, Inc. dba GameTime.
- **FREIGHT CHARGES:** Shipments shall be F.O.B. destination. Freight charges prepaid and added separately.
- **SHIPMENT: Standard Lead time is 6-8 weeks *(some items may take longer)*** after receipt and acceptance of purchase order, credit application, color selections and approved drawings or submittals.
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09/12/2024
Quote #
171804-02-02

Northpoint Elementary & White Oak Park-Surfacing-Revised 9.12.24

ACCEPTANCE OF QUOTATION:

Acceptance of this proposal indicates your agreement to the terms and conditions stated herein.

Accepted By (printed): _____ Title: _____

Telephone: _____ Fax: _____

P.O. Number:_____ Date: _____

Purchase Amount: **$17,595.30**

SALES TAX EXEMPTION CERTIFICATE #:_____

(PLEASE PROVIDE A COPY OF CERTIFICATE)

_____ _____
Salesperson's Signature Customer Signature

BILLING INFORMATION:

Bill to: _____

Contact: _____

Address: _____

Address: _____

City, State: _____ Zip: _____

Tel: _____ Fax: _____

E-mail: _____

SHIPPING INFORMATION:

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Contact: _____

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09/12/2024
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171804-03-02

Northpoint Elementary-Installation-Revised 9.12.24

Bloomington Parks and Recreation
Attn: David Lamb
1813 Springfield Road
Bloomington, IL 61701
United States
Phone: 309-434-2260
dlamb@cityblm.org

Ship to Zip 61701

Quantity	Part #	Description	Unit Price	Amount
1	INSTALL	MISC - Installation of Equipment- Includes: • Installation of 5-12 Playground Structure (Drawing171804-01-02) • Installation of XScape Modular 5-12 Structure • Installation of 5-Bay Swings • Installation of Whirlwind Seat • Installation of NDS sign • Installation of Spring Rider • MCLEAN COUNTY PREVAILING WAGES Notes: • Spoils to remain onsite • Does not include any site work or borders • If we need to meet the truck and offload addn'l charges will apply	$73,754.00	$73,754.00
1	INSTALL	MISC - Installation of EWF Surfacing- ***Includes installation of 371 CY of EWF.***	$8,812.00	$8,812.00
Contract: OMNIA #2017001134			**Sub Total**	$82,566.00
			Total	**$82,566.00**

Comments

Site must be clear, level, free of obstructions, and accessible. Site should permit installation equipment access. Purchaser shall be responsible for unknown conditions such as buried utilities, tree stumps, bedrock or any concealed materials or conditions that may result in additional costs.
*Pricing does not include permitting or bonding. If required, additional charges will apply.

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09/12/2024
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Northpoint Elementary-Installation-Revised 9.12.24

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- **TAXES:** Sales tax is shown as a separate line item when included. A copy of your tax exemption certificate must be submitted at time of order or taxes will be added to your invoice.

INSTALLATION CONDITIONS:

- **ACCESS:** The site must be clear, level, and provide unrestricted access for trucks and machinery. Any site that is inaccessible may incur additional charges.
- **STORAGE:** The customer is responsible for providing a secure area for off-loading and storing equipment during installation. Once equipment is delivered to the site, the owner assumes responsibility for any theft or vandalism unless alternative arrangements are made and documented in the quotation.
- **FOOTER EXCAVATION:** Installation pricing is based on footer excavation through earth/soil only, prior to the installation of drains, subbase, or surfacing. The customer is responsible for any unforeseen conditions such as buried utilities (public or private), tree stumps, rocks, or any other concealed materials or conditions that may result in additional labor or material costs.
- **UTILITIES:** The installer will contact 811 to locate all public utilities before layout and excavation of footer holes. The owner is responsible for identifying any private utilities. Cunningham Recreation and the installer are not liable for any damage to unmarked private utilities.
- **ADDITIONAL COSTS:** Pricing is based on a single mobilization for installation unless otherwise stated. The price includes only the items specified in this quotation. Additional site work or specialized equipment needs may result in price adjustments.
- **SITE CONDITIONS:** The site must have a slope of less than 1.5%. Any excavation or grading required to achieve an acceptable slope is the responsibility of others unless otherwise noted. All demolition and site preparation must be completed before the installation crew is mobilized.
- **GENERAL INSTALLATION NOTES:** Installation will be performed according to the manufacturer's specifications by a GameTime-certified installer. A one-year warranty on all labor is provided from the date of completion. Product warranty and service claims may not include labor.

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09/12/2024
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Northpoint Elementary-Installation-Revised 9.12.24

ACCEPTANCE OF QUOTATION:

Acceptance of this proposal indicates your agreement to the terms and conditions stated herein.

Accepted By (printed): _____ Title: _____

Telephone: _____ Fax: _____

P.O. Number:_____ Date: _____

Purchase Amount: **$82,566.00**

SALES TAX EXEMPTION CERTIFICATE #:_____

(PLEASE PROVIDE A COPY OF CERTIFICATE)

_____ _____
Salesperson's Signature Customer Signature

BILLING INFORMATION:

Bill to: _____

Contact: _____

Address: _____

Address: _____

City, State: _____ Zip: _____

Tel: _____ Fax: _____

E-mail: _____

SHIPPING INFORMATION:

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Contact: _____

Address: _____

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City, State: _____ Zip: _____

Tel: _____ Fax: _____

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09/04/2024
Quote #
171804-04-01

White Oak Park-Installation

Bloomington Parks and Recreation
Attn: David Lamb
1813 Springfield Road
Bloomington, IL 61701
United States
Phone: 309-434-2260
dlamb@cityblm.org

Ship to Zip 61701

Quantity	Part #	Description	Unit Price	Amount
1	INSTALL	MISC - Installation of Playground Equipment- Includes: • Installation of 5-12 Playground Structure (Drawing by DW 8/29/24) • MCLEAN COUNTY PREVAILING WAGES Notes: • Spoils to remain onsite • Does not include any site work or borders • If we need to meet the truck and offload addn'l charges will apply	$29,585.00	$29,585.00
1	INSTALL	MISC - Installation of EWF Surfacing- ***Includes installation of 64 CY of EWF.***	$1,520.00	$1,520.00
Contract: OMNIA #2017001134			**Sub Total**	$31,105.00
			Total	**$31,105.00**

Comments

Site must be clear, level, free of obstructions, and accessible. Site should permit installation equipment access. Purchaser shall be responsible for unknown conditions such as buried utilities, tree stumps, bedrock or any concealed materials or conditions that may result in additional costs. *Pricing does not include permitting or bonding. If required, additional charges will apply.

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White Oak Park-Installation

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09/04/2024
Quote #
171804-04-01

White Oak Park-Installation

ACCEPTANCE OF QUOTATION:

Acceptance of this proposal indicates your agreement to the terms and conditions stated herein.

Accepted By (printed): _____ Title: _____

Telephone: _____ Fax: _____

P.O. Number:_____ Date: _____

Purchase Amount: **$31,105.00**

SALES TAX EXEMPTION CERTIFICATE #:_____

(PLEASE PROVIDE A COPY OF CERTIFICATE)

_____ _____
Salesperson's Signature Customer Signature

BILLING INFORMATION:

Bill to: _____

Contact: _____

Address: _____

Address: _____

City, State: _____ Zip: _____

Tel: _____ Fax: _____

E-mail: _____

SHIPPING INFORMATION:

Ship to: _____

Contact: _____

Address: _____

Address: _____

City, State: _____ Zip: _____

Tel: _____ Fax: _____

E-mail: _____

CERTIFICATE OF GRANT AWARD

This certificate entitles

City of Bloomington - Parks and Recreation

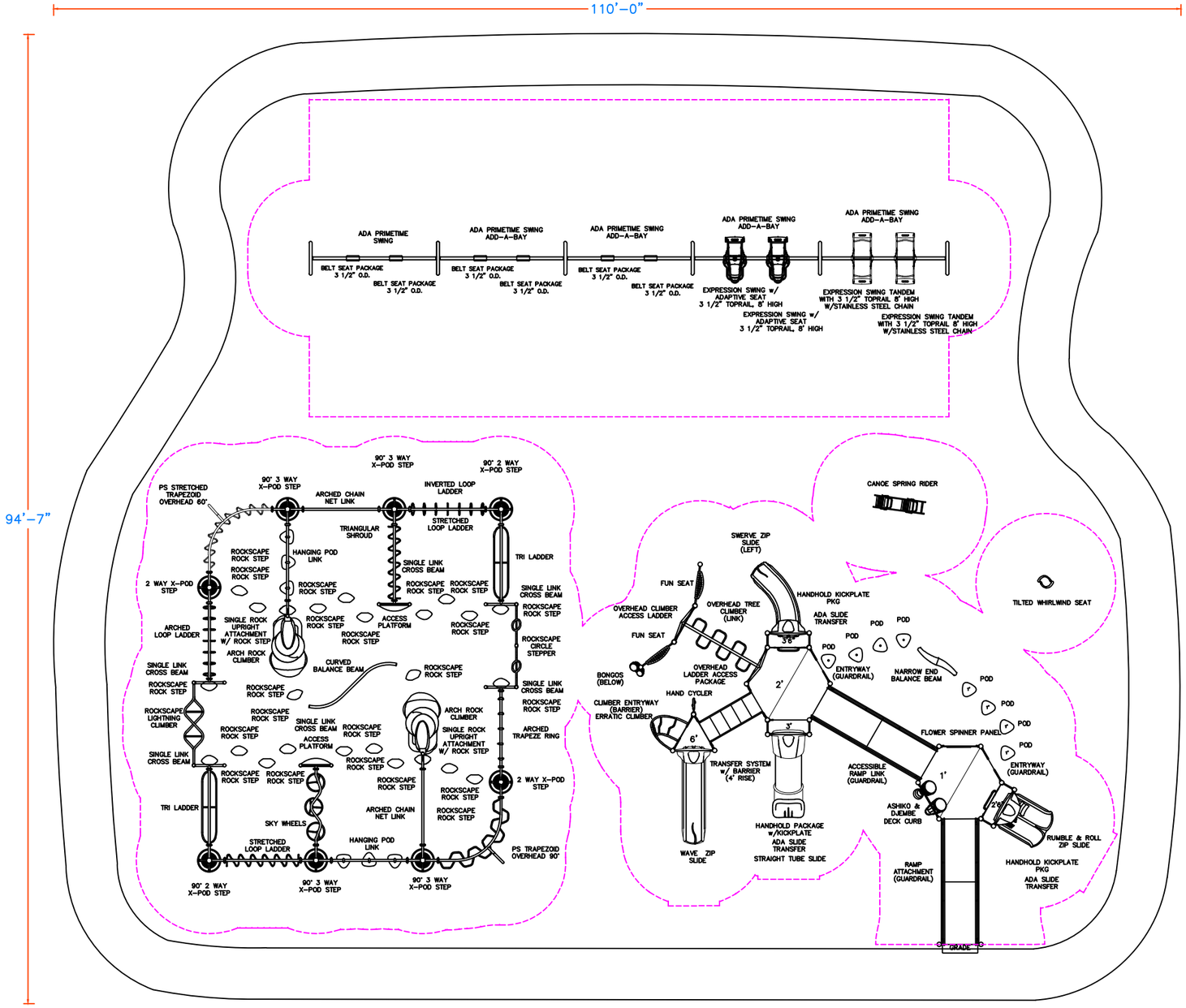
to a GameTime Community Champions™
Playground Grant Funding Award of

$123,584.60

Funds must be claimed, and orders must be received no later than October 25, 2024, and must accompany a qualifying play system purchase. Award may not be combined with any other order or special offer. Other terms and conditions apply. Contact your local GameTime representative at 800-235-2440 for complete details about this grant award.

S. Spencer Cheak
President, GameTime


CUNNINGHAM RECREATION
Northpoint Elementary School
Option 2
Design • Build • PLAY!
View 2
View 3
Top View
Color Palette:
Whimsy
www.cunninghamrec.com
800.438.2780



SURFACING	
TYPE	EWF
SQ FT	7,503
DEPTH	12"

1 5
0 2 10
SCALE IN FEET

CURBING	
TYPE	CONC
LN FT	337'
HT	12"

GameTime
A PLAYCORE Company
150 PlayCore Drive SE
Fort Payne, AL 35967
www.gametime.com

ISO 9001 CERTIFIED
ISO 14001 CERTIFIED

City of Bloomington
Northpoint Elementary-Option 2
Bloomington, IL

Representative
Cunningham Recreation

This play equipment is recommended for children ages
5-12

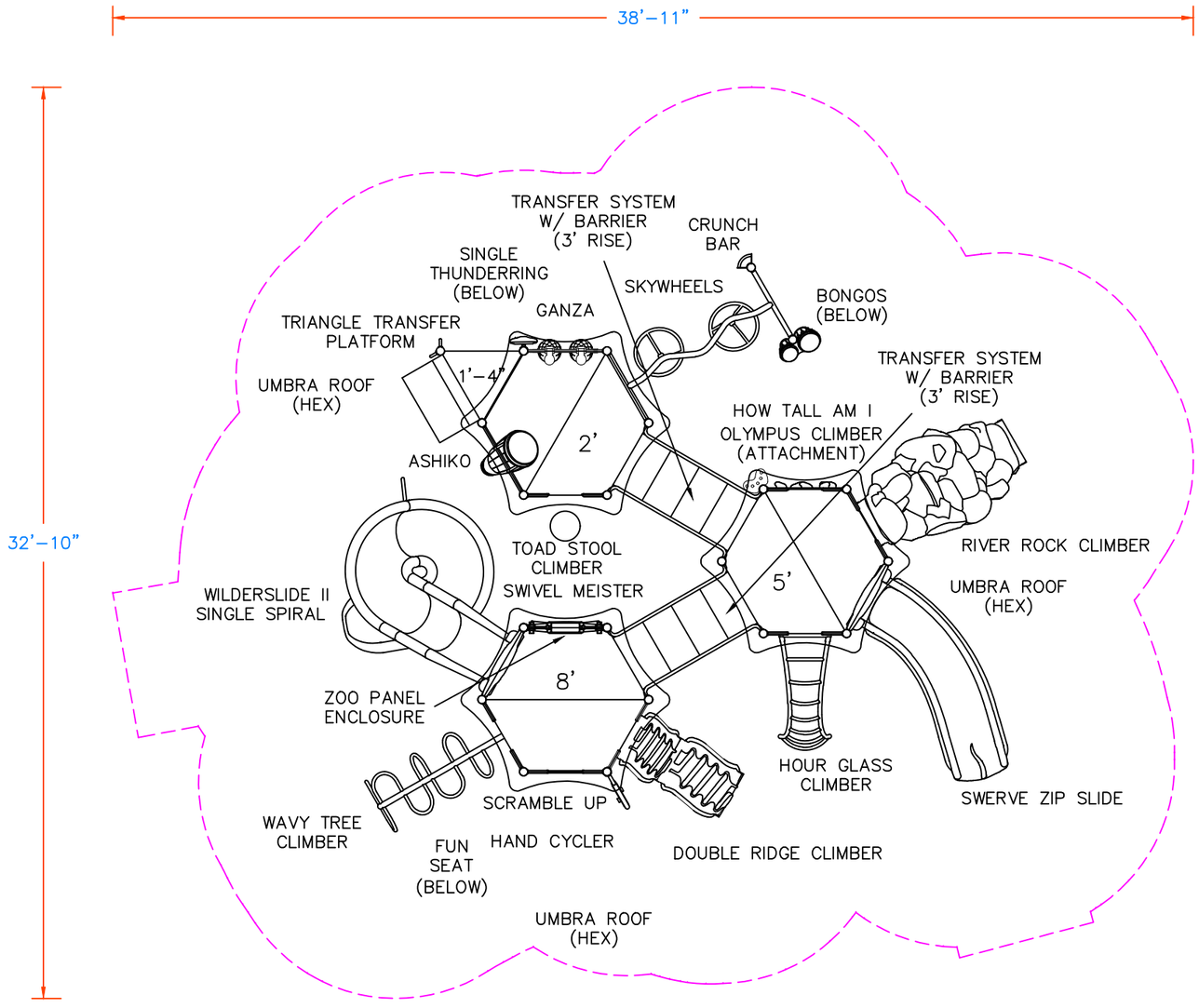
Minimum Area Required:

Scale: NTS
This drawing can be scaled only when in an 11" x 17" format

IMPORTANT: Soft resilient surfacing should be placed in the use zones of all equipment, as specified for each type of equipment, and at depths to meet the critical fall heights as specified by the U.S. consumer Product Safety Commission, ASTM standard F 1487 and Canadian Standard CAN/CSA-Z-614

Drawn By: dw
Date: 9/12/24
Drawing Name: 171804-01-02


CUNNINGHAM RECREATION
City of Bloomington
White Oak Park
Design • Build • PLAY!
Color Palette:
Timberland
View 3
View 2
Top View
www.cunninghamrec.com
800.438.2780



SURFACING	
TYPE	EWF
SQ FT	1287
DEPTH	12"

1 5

0 2 10

SCALE IN FEET

GameTime
A PLAYCORE Company
150 PlayCore Drive SE
Fort Payne, AL 35967
www.gametime.com

ISO 9001 CERTIFIED

ISO 14001 CERTIFIED

City of Bloomington
White Oak Park
Bloomington, IL

Representative
Cunningham Recreation

This play equipment is recommended for children ages
5-12

Minimum Area Required:

Scale: NTS

This drawing can be scaled only when in an 11" x 17" format

IMPORTANT: Soft resilient surfacing should be placed in the use zones of all equipment, as specified for each type of equipment, and at depths to meet the critical fall heights as specified by the U.S. consumer Product Safety Commission, ASTM standard F 1487 and Canadian Standard CAN/CSA-Z-614

Drawn By: dw

Date: 8.29.24

Drawing Name: dw

CONSENT AGENDA ITEM NO. 7.D.

FOR COUNCIL: September 23, 2024

WARD IMPACTED: Ward 7

SUBJECT: Consideration and Action on an Ordinance Annexing Property Commonly Known as 2540 W. Washington Street, Containing 30.81 Acres, More or Less, and Property Commonly Known as 1803 W. Washington Street, Containing 3.31 Acres, More or Less, and Approving a Zoning Map Amendment for Said Properties to the A (Agriculture) District and M-2 (General Manufacturing) Districts, Respectively, (PINs: 20-01-100-031 & 21-05-306-002), as requested by the Economic & Community Development Department.

RECOMMENDED MOTION: The proposed Ordinance be approved.

STRATEGIC PLAN LINK:
Goal 1. Financially Sound City Providing Quality Basic Services
Goal 5. Great Place - Livable, Sustainable City

STRATEGIC PLAN SIGNIFICANCE:
Objective 1d. City services delivered in the most cost-effective, efficient manner
Objective 5a. Well-planned City with necessary services and infrastructure

BACKGROUND: On May 28, 2024, the City approved an Annexation Agreement with Joseph A. & Carri G. Scharf (Res. No. 2024-027). The Agreement does not require the City or Property Owner to extend or improve any utilities at this time. Right of way needed for the future widening of West Washington Street is dedicated.

Summary of Request:

- Upon Annexation, the existing Agreement assigns a zoning of A (Agriculture) District to 2540 W. Washington Street and M-2 (General Manufacturing) District to1803 W. Washington Street. The Petitioner's request is consistent with the approved Agreement.
- The current proposal for both properties is to continue existing operation, as-is.
- One waiver of Chapter 24 (Subdivision) is provided to recognize a single, existing parcel as buildable without the requirement of a Final Plat.
- No Public Hearings are required for this action, as the content of the Agreement and the Zoning Map Amendment were publicly reviewed prior to adoption of the Agreement earlier this year.

This is a continuation of the actions begun as Z-06-24.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: The Applicant provided notice of this action by Certified Mail to the following parties on September 11, 2024: Bloomington Township Fire Protection District, Dale Township Fire Protection District, McLean County Unit 5 School District, Golden Prairie Public Library District, Bloomington Township, Dale Township, Bloomington Township Highway Commission, Dale Township Highway Commission, Bloomington-Normal Airport Authority, and Bloomington-Normal Water

Reclamation District.

FINANCIAL IMPACT: The proposed Annexation and Zoning Map Amendment will add to the City's tax base. The Agreement and Annexation secures vital infrastructure pathways for the future development throughout the area of "emerging" west Bloomington. The Applicant will be responsible for the construction and cost of any infrastructure for development on the subject property, with tap-on fees contributing to the cost of existing water and sewer infrastructure.

AMERICAN RESCUE PLAN FUNDING IMPACT: N/A

COMMUNITY DEVELOPMENT IMPACT: **This request meets the following goals and objectives of the Bloomington Comprehensive Plan 2035**: Goal H-1. (Ensure the availability of safe, attractive and high-quality housing stock to meet the needs of all current and future residents of Bloomington), Objective H-1.1 (Ensure that the housing to accommodate the new growth is a broad range (of types, sizes, ages, densities, tenancies and costs) equitably distributed throughout the City recognizing changing trends in age-group composition, income, and family living habits), and Goal UEW-1. (Provide quality public infrastructure within the City to protect public health, safety and the environment), Objective UEW-1.2 (Expand City's infrastructure, as needed, while supporting the overall goal of compact growth and vibrant urban core).

Respectfully submitted for consideration.

Prepared by: Alissa Pemberton, City Planner

ATTACHMENTS:
E&CD 1B Ordinance
E&CD 1C Ordinance Exhibit B.1 - Joseph Scharf Annexation Plat
E&CD 1D Ordinance Exhibit B.2 - Carri Scharf Trucking Annexation Plat
E&CD 1E Petition for Annexation
E&CD 1F Owners Certificate PIN 21-05-306-002
E&CD 1G Owners Certificate PIN 20-01-100-031
E&CD 1H Affidavit and Proof of Service of Mailing
E&CD 1I Fee and Obligation Memo

ORDINANCE NO. 2024 - _____

AN ORDINANCE ANNEXING PROPERTY COMMONLY KNOWN AS 2540 W. WASHINGTON STREET, CONTAINING 30.81 ACRES, MORE OR LESS, AND PROPERTY COMMONLY KNOWN AS 1803 W. WASHINGTON STREET, CONTAINING 3.31 ACRES, MORE OR LESS, AND APPROVING A ZONING MAP AMENDMENT FOR SAID PROPERTIES TO THE A (AGRICULTURE) DISTRICT AND M-2 (GENERAL MANUFACTURING) DISTRICTS, RESPECTIVELY (PINs: 20-01-100-031 & 21-05-306-002)

WHEREAS, there was heretofore filed with the Economic & Community Development Department of the City of Bloomington, McLean County, Illinois, a Petition requesting Annexation of approximately 34.12 acres of property located on the north side of West Washington Street, legally described in Exhibit A, and hereinafter referred to as "Property", which is attached hereto and made part hereof by this reference; and

WHEREAS, said Petition included Annexation Plats prepared by Brent A. Bazan, Illinois Professional Land Surveyor No. 3715 of Farnsworth Group, Inc., on August 6, 2024, depicted in Exhibit B, which is attached hereto and made part hereof by this reference; and

WHEREAS, the Property is already the subject of an Annexation Agreement, approved by City Council on May 28, 2024; and

WHEREAS, said Annexation Agreement includes approval for a Zoning Map Amendment from the (County) A (Agriculture) District to the (City) A (Agriculture) District for the Property referred to as Tract A, upon annexation; and

WHEREAS, said Annexation Agreement includes approval for a Zoning Map Amendment from the (County) M-2 (General Manufacturing) District to the (City) M-2 (General Manufacturing) District for the Property referred to as Tract B, upon Annexation; and

WHEREAS, said Annexation Agreement includes a waiver of subdivision requirements for the existing Property referred to as Tract B; and

WHEREAS, the Petitioner has provided the notices required by Section 7-1-1 of the Municipal Code (65 ILCS 5/7-1-1) to the appropriate parties and has submitted an Affidavit of proof thereof; and

WHEREAS, the City Council of the City of Bloomington has the power to adopt this Ordinance and approve this Annexation and Zoning Map Amendment.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BLOOMINGTON, MCLEAN COUNTY, ILLINOIS:

SECTION 1. That the above recitals are incorporated herein as if specifically stated in full.

SECTION 2. That the request for Annexation of approximately 30.81 acres of property commonly known as 2405 W. Washington Street, and approximately 3.31 acres of property commonly known as 1803 W. Washington Street, both legally described in Exhibit A and

depicted in Exhibit B, is hereby approved.

SECTION 3. A Zoning Map Amendment from (County) A (Agriculture) District to (City) A (Agriculture) District for approximately 30.59 acres of property commonly known as 2405 W. Washington Street, legally described in Exhibit A and depicted in Exhibit B, is hereby approved pursuant to the Annexation Agreement approved on May 28, 2024.

SECTION 4. A Zoning Map Amendment from (County) M-2 (General Manufacturing) District to the (City) M-2 (General Manufacturing) District for approximately 3.19 acres of property commonly known as 1803 W. Washington Street, legally described in Exhibit A and depicted in Exhibit B, is hereby approved pursuant to the Annexation Agreement approved on May 28, 2024.

SECTION 5. The requirements of Chapter 24 (Subdivision Code) for the existing parcel commonly known as 1803 W. Washington Street, legally described in Exhibit A and depicted in Exhibit B, are hereby waived and the existing parcel is recognized as buildable.

SECTION 6. The Fees as a Condition of Annexation, as required by §8.5 of the City Code, are due prior to recording of the Annexation Plat.

SECTION 7. In the event that any section, clause, provision, or part of this Ordinance shall be found and determined to be invalid by a court of competent jurisdiction, all valid parts that are severable from the invalid parts shall remain in full force and effect.

SECTION 8. The City Clerk is hereby directed and authorized to publish this Ordinance in pamphlet form as provided by law.

SECTION 9. This Ordinance is enacted pursuant to the home rule authority of the City of Bloomington granted by Article VII, Section 6 of the 1970 Illinois Constitution.

SECTION 10. This Ordinance shall be effective immediately after its approval and publication as required by law.

PASSED this 23rd day of September 2024.

APPROVED this _____ day of September 2024.

CITY OF BLOOMINGTON

_____
Mboka Mwilambwe, Mayor

ATTEST

_____
Leslie Smith-Yocum, City Clerk

EXHIBIT A
Legal Descriptions

Tract A
ADDRESS: 2405 W WASHINGTON ST. BLOOMINGTON, IL 61701

Tract A1
ALL THAT PORTION OF THE SOUTH HALF OF THE WEST 51 ACRES OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION I, TOWNSHIP 23 NORTH, RANGE 1 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING SOUTH OF THE RIGHT OF WAY OF THE C.C.C. & ST. L. RAILWAY COMPANY; ALSO, ALL THAT PORTION OF LOT 4 LYING SOUTH OF THE LB. & W. RAILROAD IN TIRE NORTHWEST QUARTER OF SECTION 1, AND ALL THAT PORTION OF LOTS 5 AND 6 LYING SOUTH OF THE LB. & W. RAILROAD IN THE NORTHWEST QUARTER OF SECTION 1, ALL IN TOWNSHIP 23 NORTH, RANGE 1 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING THE PLAT RECORDED IN CHANCERY RECORD 15, PAGE 562 IN MCLEAN COUNTY CIRCUIT COURT, EXCEPT THAT PORTION CONVEYED BY WARRANTY DEED 2013-00027010 MORE PARTICULARLY DESCRIBED AS FOLLOWS; A PART OF THE SOUTH HALF OF TIRE WEST 51 ACRES OF THE EAST HALF OF TIRE NORTHWEST QUARTER OF SECTION 1, TOWNSHIP 23 NORTH, RANGE 1 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING SOUTH OF THE RIGHT-OF-WAY OF THE C.C.C. AND ST. LOUIS RAILWAY COMPANY, ALSO BEING A PART OF LOT 3 IN THE SUBDIVISION FOR THE ESTATE OF JACOB MOTTER, DECEASED, IN CHANCERY RECORD 15, PAGE 563, MCLEAN COUNTY, ILLINOIS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST COMER OF SAID LOT 3, ALSO BEING THE SOUTHWEST CORNER OF SAID SOUTH HALF, THENCE EAST 409.10 FEET ALONG THE SOUTH LINE OF SAID NORTHWEST QUARTER; THENCE NORTH 564.99 FEET ALONG LINE WHICH FORMS AN ANGLE TO THE RIGHT OF 89° 24' 45" WITH THE SAID SOUTH LINE; THENCE WEST 425.95 FEET ALONG A LINE WHICH FORMS AN ANGLE TO THE RIGHT OF 90° 37' 42" WITH THE LAST DESCRIBED COURSE TO THE WEST LINE OF SAID LOT 3, ALSO BEING THE WEST LINE OF SAID EAST HALF; THENCE SOUTH 565.72 FEET ALONG SAID WEST LINE WHICH FORMS AN ANGLE TO THE RIGHT OF 87° 39' 54" WITH THE LAST DESCRIBED COURSE TO THE POINT OF BEGINNING, SITUATED IN THE COUNTY OF MCLEAN, IN THE STATE OF ILLINOIS.
PIN: 20-01-100-031

Tract A2
ALL THAT PORTION OF WASHINGTON STREET LYING SOUTH OF AND ADJACENT TO TRACT 1, EXCEPT ANY PORTION THAT MAY HAVE BEEN PREVIOUSLY ANNEXED.

Tract B
ADDRESS: 1803 W WASHINGTON ST. BLOOMINGTON, IL 61701

Tract B1
BEGINNING AT A POINT 382.7 FEET EAST OF A POINT WHERE THE NORTH LINE OF WASHINGTON STREET INTERSECTS THE SECTION LINE BETWEEN SECTIONS 5 AND 6, TOWNSHIP 23 NORTH, RANGE 2 EAST OF THE THIRD PRINCIPAL MERIDIAN, RUNNING THENCE EASTERLY ON THE NORTH LINE OF WASHINGTON STREET A

DISTANCE OF 328 FEET TO THE WEST BOUNDARY OF THE COUNTY ROAD, AND THENCE RUNNING NORTHEASTERLY ALONG THE WEST BOUNDARY OF SAID COUNTY ROAD, A DISTANCE OF 421.5 FEET, AND RUNNING THENCE WESTERLY A DISTANCE OF 329.6 FEET, AND RUNNING THENCE SOUTHWESTERLY A DISTANCE OF 432 FEET TO THE PLACE OF BEGINNING AS SHOWN BY THE PLAT OF ELMER FOLSOM, CIVIL ENGINEER AND SURVEYOR DATED NOVEMBER 19, 1906, RECORDED IN BOOK 435 OF DEEDS, PAGE 423, IN MCLEAN COUNTY, ILLINOIS. EXCEPTING THEREFROM THAT PORTION CONVEYED TO THE CITY OF BLOOMINGTON IN WARRANTY DEEDS 89-10187 AND 96-451.
PIN: 21-05-306-002

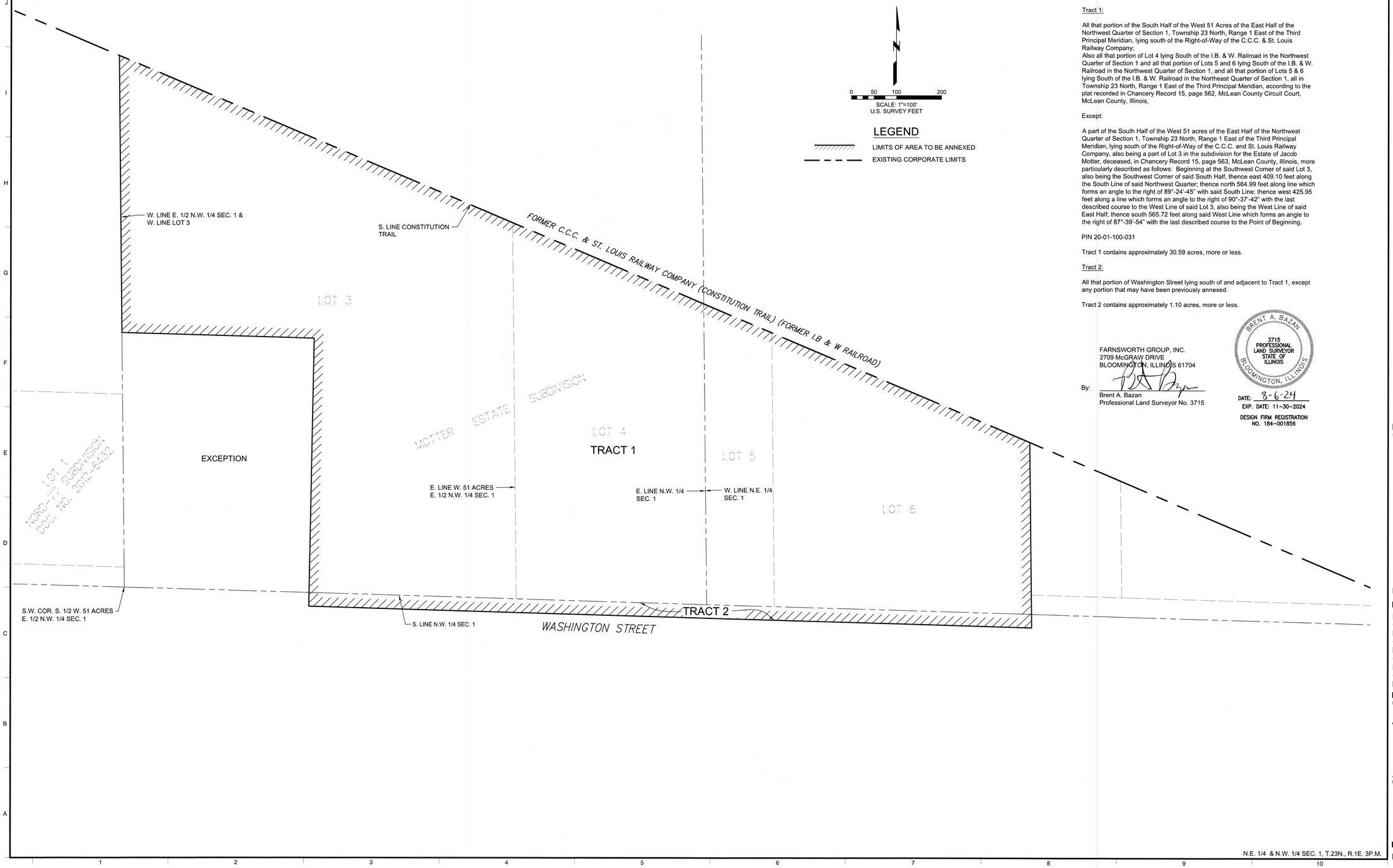
Tract B2
ALL THAT PORTION OF WASHINGTON STREET BOUNDED ON THE EAST BY THE SOUTHERLY EXTENSION OF THE EAST LINE OF TRACT 1 AND BOUNDED ON THE WEST BY THE SOUTHERLY EXTENSION OF THE WEST LINE OF TRACT 1, EXCEPT THAT PORTION PREVIOUSLY ANNEXED.

EXHIBIT B
Annexation Plats

ANNEXATION PLAT

PART OF N.E. 1/4 & NW 1/4 SECTION 1, TOWNSHIP 23 NORTH, RANGE 1 EAST OF THE THIRD PRINCIPAL MERIDIAN
McLEAN COUNTY, ILLINOIS

Exhibit B - Tract A



0 50 100 200
SCALE: 1"=100'
U.S. SURVEY FEET

LEGEND

LIMITS OF AREA TO BE ANNEXED
EXISTING CORPORATE LIMITS

I hereby certify that this is a plat of a tract of land to be annexed to the City of Bloomington, Illinois, the Bloomington and Normal Water Reclamation District and the Bloomington-Normal Airport Authority. Said tract is more particularly described as follows:

Tract 1:

All that portion of the South Half of the West 51 Acres of the East Half of the Northwest Quarter of Section 1, Township 23 North, Range 1 East of the Third Principal Meridian, lying south of the Right-of-Way of the C.C.C. & St. Louis Railway Company;
Also all that portion of Lot 4 lying South of the I.B. & W. Railroad in the Northwest Quarter of Section 1 and all that portion of Lots 5 and 6 lying South of the I.B. & W. Railroad in the Northwest Quarter of Section 1, and all that portion of Lots 5 & 6 lying South of the I.B. & W. Railroad in the Northeast Quarter of Section 1, all in Township 23 North, Range 1 East of the Third Principal Meridian, according to the plat recorded in Chancery Record 15, page 562, McLean County Circuit Court, McLean County, Illinois,

Except:

A part of the South Half of the West 51 acres of the East Half of the Northwest Quarter of Section 1, Township 23 North, Range 1 East of the Third Principal Meridian, lying south of the Right-of-Way of the C.C.C. and St. Louis Railway Company, also being a part of Lot 3 in the subdivision for the Estate of Jacob Motter, deceased, in Chancery Record 15, page 563, McLean County, Illinois, more particularly described as follows: Beginning at the Southwest Corner of said Lot 3, also being the Southwest Corner of said South Half, thence east 409.10 feet along the South Line of said Northwest Quarter; thence north 564.99 feet along line which forms an angle to the right of 89°-24'-45" with said South Line; thence west 425.95 feet along a line which forms an angle to the right of 90°-37'-42" with the last described course to the West Line of said Lot 3, also being the West Line of said East Half; thence south 565.72 feet along said West Line which forms an angle to the right of 87°-39'-54" with the last described course to the Point of Beginning.

PIN 20-01-100-031

Tract 1 contains approximately 30.59 acres, more or less.

Tract 2:

All that portion of Washington Street lying south of and adjacent to Tract 1, except any portion that may have been previously annexed.

Tract 2 contains approximately 1.10 acres, more or less.

FARNSWORTH GROUP, INC.
2709 McGRAW DRIVE
BLOOMINGTON, ILLINOIS 61704

By: _____
Brent A. Bazan
Professional Land Surveyor No. 3715

BRENT A. BAZAN
3715
PROFESSIONAL LAND SURVEYOR
STATE OF ILLINOIS
BLOOMINGTON, ILLINOIS

DATE: 8-6-24
EXP. DATE: 11-30-2024
DESIGN FIRM REGISTRATION NO. 184-001856

Farnsworth GROUP
2709 McGRAW DRIVE
BLOOMINGTON, ILLINOIS 61704
(309) 663-8435 / info@f-w.com
www.f-w.com
Engineers | Architects | Surveyors | Scientists

ISSUE:

#	DATE:	DESCRIPTION:
1	08/06/2024	REVISIONS PER C.O.B. REVIEW

PROJECT:
JOSEPH SCHARF

BLOOMINGTON, ILLINOIS

Date:	7-29-24
Design/Drawn:	DJM
Reviewed:	RJM
Field Book No.:	
Project No.:	0241126.00

SHEET TITLE:
ANNEXATION PLAT

SHEET NUMBER:
1

File No.: 24-9412

[dmuntz] J:\2024\0241126.00 - Scharf Annexations\Survey\07_Drawings\SV_Scharf Annexation Section 1 - 0241126.00.dwg | 7/30/2024 6:01 AM

ANNEXATION PLAT

PART OF SW 1/4 SECTION 5, TOWNSHIP 23 NORTH, RANGE 2 EAST OF THE THIRD PRINCIPAL MERIDIAN
CITY OF BLOOMINGTON, McLEAN COUNTY, ILLINOIS

Exhibit B - Tract B



0 20 40 80
SCALE: 1"=40'
U.S. SURVEY FEET

LEGEND

	LIMITS OF AREA TO BE ANNEXED
	EXISTING CORPORATE LIMITS
P.O.B.	POINT OF BEGINNING

I hereby certify that this is a plat of a tract of land to be annexed to the City of Bloomington, Illinois, the Bloomington and Normal Water Reclamation District and the Bloomington-Normal Airport Authority. Said tract is more particularly described as follows:

Tract 1:

Beginning at a point 382.7 feet east of a point where the North Line of Washington Street intersects the Section line between Sections 5 and 6, Township 23 North, Range 2 East of the Third Principal Meridian, running thence Easterly on the North Line of Washington Street a distance of 328 feet to the West boundary of the County Road, and thence running Northeasterly along the West boundary of said County Road, a distance of 421.5 feet, and running thence Westerly a distance of 329.6 feet, and running thence Southwesterly a distance of 432 feet to the Place of Beginning as shown by the Plat of Elmer Folsom, Civil Engineer and Surveyor dated November 19, 1906, recorded in Book 435 of Deeds, Page 423, in McLean County, Illinois.

PIN 21-05-306-002

Tract 1 contains approximately 3.19 acres, more or less.

Tract 2:

All that portion of Washington Street bounded on the east by the Southerly extension of the East Line of Tract 1 and bounded on the West by the Southerly extension of the West Line of Tract 1, except that portion previously annexed.

Tract 2 contains approximately 0.38 acres, more or less.

FARNSWORTH GROUP, INC.
2709 McGRAW DRIVE
BLOOMINGTON, ILLINOIS 61704

By: _____
Brent A. Bazan
Professional Land Surveyor No. 3715

BRENT A. BAZAN
3715
PROFESSIONAL LAND SURVEYOR
STATE OF ILLINOIS
BLOOMINGTON, ILLINOIS

DATE: 8-6-24
EXP. DATE: 11-30-2024
DESIGN FIRM REGISTRATION NO. 184-001856

S.W. 1/4 SEC. 5, T.23N., R.2E. 3P.M.

Farnsworth GROUP
2709 McGRAW DRIVE
BLOOMINGTON, ILLINOIS 61704
(309) 663-8435 / info@f-w.com
www.f-w.com
Engineers | Architects | Surveyors | Scientists

ISSUE:

#	DATE:	DESCRIPTION:
1	08/06/2024	REVISIONS PER C.O.B. REVIEW

PROJECT:
CARRI SCHARF TRUCKING

BLOOMINGTON, ILLINOIS

Date:	7-29-24
Design/Drawn:	DJM
Reviewed:	RJM
Field Book No.:	
Project No.:	0241126.00

SHEET TITLE:
ANNEXATION PLAT

SHEET NUMBER:
1

File No.: 24-9413

| dmuntz | J:\2024\0241126.00 - Scharf Annexations\Survey\07_Drawings\SV_Scharf Annexation 1863 Washington Street - 0241126.00.dwg | 8/6/2024 11:31 AM |

PETITION FOR ANNEXATION TO THE CITY OF BLOOMINGTON, MCLEAN COUNTY, ILLINOIS AND FOR AMENDMENT OF THE OFFICAL ZONING MAP OF THE CITY OF BLOOMINGTON, MCLEAN COUNTY, ILLINOIS

State of Illinois)
)ss.
County of McLean)

Now come(s) Joseph A. & Carri G. Scharf, hereinafter referred to as "Petitioners", respectfully representing and requesting as follows:

1. That your Petitioners are the owner of the freehold or lesser estate thereinof the Property hereinafter legally described in Exhibit "A" and hereinafter referred to as "Property", which is attached hereto and made a part hereof by this reference, or is a mortgagee or vendee in possession, assignee of rents, receiver, executor (executrix), trustee, lessee or other person, firm or corporation or the duly authorized agents of any of the above persons having proprietary interest in said property.

2. The Annexation Plats prepared by Brent A Bazan, Illinois Professional Land Surveyor No. 3715 of Farnsworth Group, on 8/6/2024, are attached hereto and incorporated herein as Exhibit "B."

3. The Properties presently have a zoning classification of A (Agricultural) District on Tract A and M-2 (General Manufacturing) District on Tract B under the provisions of the McLean County Zoning Ordinance.

4. The Properties are the subject of an Executed Annexation Agreement (hereinafter referred to as the "Annexation Agreement" by and between the City of Bloomington, McLean County, Illinois, a Municipal Corporation (hereinafter referred to as the "City") and Petitioner. A copy of the Annexation Agreement is attached hereto as Exhibit "C" and incorporated herein by this reference.

5. The Annexation Agreement provides that, upon annexation of the Properties to the City of Bloomington, the Properties shall be zoned to Agricultural and Commercial District under the provisions of Chapter 44 of the Bloomington City Code of 1960, as amended.

6. The requested zoning classification of A (Agricultural) District on Tract A and M-2 (General Manufacturing) District on Tract B, as set forth in the Annexation Agreement, are equally compatible with existing uses and/or zoning of adjacent property as the existing zoning of the Property, and the benefits realized by the

general public in approving this Petition will exceed the hardships imposed.

WHEREFORE, your Petitioners hereby respectfully request that the Honorable Mayor and City Council of the City of Bloomington, McLean County, Illinois, annex the Property to the City of Bloomington, McLean County, Illinois, and amend the Official Zoning Map of the City to classify the Property into the zoning classification(S) set forth in the Annexation Agreement.

RESPECTFULLY SUBMITTED BY:

Joseph Scharf
Property Owner/Petitioner

Carri Scharf
Property Owner/Petitioner

EXHIBIT A
LEGAL DESCRIPTION

TRACT A
ADDRESS: 2405 W WASHINGTON ST. BLOOMINGTON, IL 61701

Tract 1:
ALL THAT PORTION OF THE SOUTH HALF OF THE WEST 51 ACRES OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 1, TOWNSHIP 23 NORTH, RANGE 1 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING SOUTH OF THE RIGHT-OF-WAY OF THE C.C.C & ST. LOUIS RAILWAY COMPANY;
ALSO ALL THAT PORTION OF LOT 4 LYING SOUTH OF THE LB. & W. RAILROAD IN THE NORTHWEST QUARTER OF SECTION 1 AND ALL THAT PORTION OF LOTS 5 AND 6 LYING SOUTH OF THE I.B. & W. RAILROAD IN THE NORTHWEST QUARTER OF SECTION 1, AND ALL THAT PORTION OF LOTS 5 & 6 LYING SOUTH OF THE I.B. & W RAILROAD IN THE NORTHEAST QUARTER OF SECTION 1, ALL IN TOWNSHIP 23 NORTH, RANGE 1 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT RECORDED IN CHANCERY RECORD 15, PAGE 562, MCLEAN COUNTY CIRCUIT COURT, MCLEAN COUNTY, ILLINOIS.

EXCEPT:
A PART OF THE SOUTH HALF OF THE WEST 51 ACRES OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 1, TOWNSHIP 23 NORTH, RANGE 1 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING SOUTH OF THE RIGHT-OF-WAY OF THE CCC AND ST LOUIS RAILWAY COMPANY, ALSO BEING A PART OF LOT 3 IN THE SUBDIVISION FOR THE ESTATE OF JACOB MOTTER, DECEASED, IN CHANCERY RECORD 15. PAGE 563. MCLEAN COUNTY. ILLINOIS, MORE PARTICULARLY DESCRIBED AS FOLLOWS BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 3, ALSO BEING THE SOUTHWEST CORNER OF SAID SOUTH HALF, THENCE EAST 409.10 FEET ALONG THE SOUTH LINE OF SAID NORTHWEST QUARTER, THENCE NORTH 564.99 FEET ALONG LINE WHICH FORMS AN ANGLE TO THE RIGHT OF 89'-24'-45" WITH SAID SOUTH LINE; THENCE '/REST 425.95 FEET ALONG A LINE WHICH FORMS AN ANGLE TO THE RIGHT OF 90'-37-42' WITH THE LAST DESCRIBED COURSE TO THE WEST LINE OF SAID LOT 3, ALSO BEING THE WEST LINE OF SAID EAST HALF; THENCE SOUTH 565.72 FEET ALONG SAID WEST LINE WHICH FORMS AN ANGLE TO THE RIGHT OF 87'-39'-54' WITH THE LAST DESCRIBED COURSE TO THE POINT OF BEGINNING.

Tract 1 contains approximately 30.59 acres, more or less.

PIN: 20-01-100-031

Tract 2:
ALL THAT PORTION OF WASHINGTON STREET LYING SOUTH OF AND ADJACENT TO TRACT 1, EXCEPT ANY PORTION THAT MAY HAVE BEEN PREVIOUSLY ANNEXED.

Tract 2 contains approximately 1.10 acres, more or less.

TRACT B

ADDRESS: 1803 W WASHINGTON ST. BLOOMINGTON, IL 61701

Tract 1:

BEGINNING AT A POINT 382.7 FEET EAST OF A POINT WHERE THE NORTH LINE OF WASHINGTON STREET INTERSECTS THE SECTION LINE BETWEEN SECTIONS 5 AND 6, TOWNSHIP 23 NORTH. RANGE 2 EAST OF THE THIRD PRINCIPAL MERIDIAN, RUNNING THENCE EASTERLY ON THE NORTH LINE OF WASHINGTON STREET A DISTANCE OF 328 FEET TO THE WEST BOUNDARY OF THE COUNTY ROAD, AND THENCE RUNNING NORTHEASTERLY ALONG THE WEST BOUNDARY OF SAID COUNTY ROAD, A DISTANCE OF 421.5 FEET, AND RUNNING THENCE WESTERLY A DISTANCE OF 329 6 FEET, AND RUNNING THENCE SOUTHWESTERLY A DISTANCE OF 432 FEET TO THE PLACE OF BEGINNING AS SHOWN BY THE PLAT OF ELMER FOLSOM, CIVIL ENGINEER AND SURVEYOR DATED NOVEMBER 19. 1906. RECORDED IN BOOK 435 OF DEEDS. PAGE 423. IN MCLEAN COUNTY. ILLINOIS

PIN: 21-05-306-002

Tract 1 contains approximately 3 19 acres, more or less.

Tract 2:

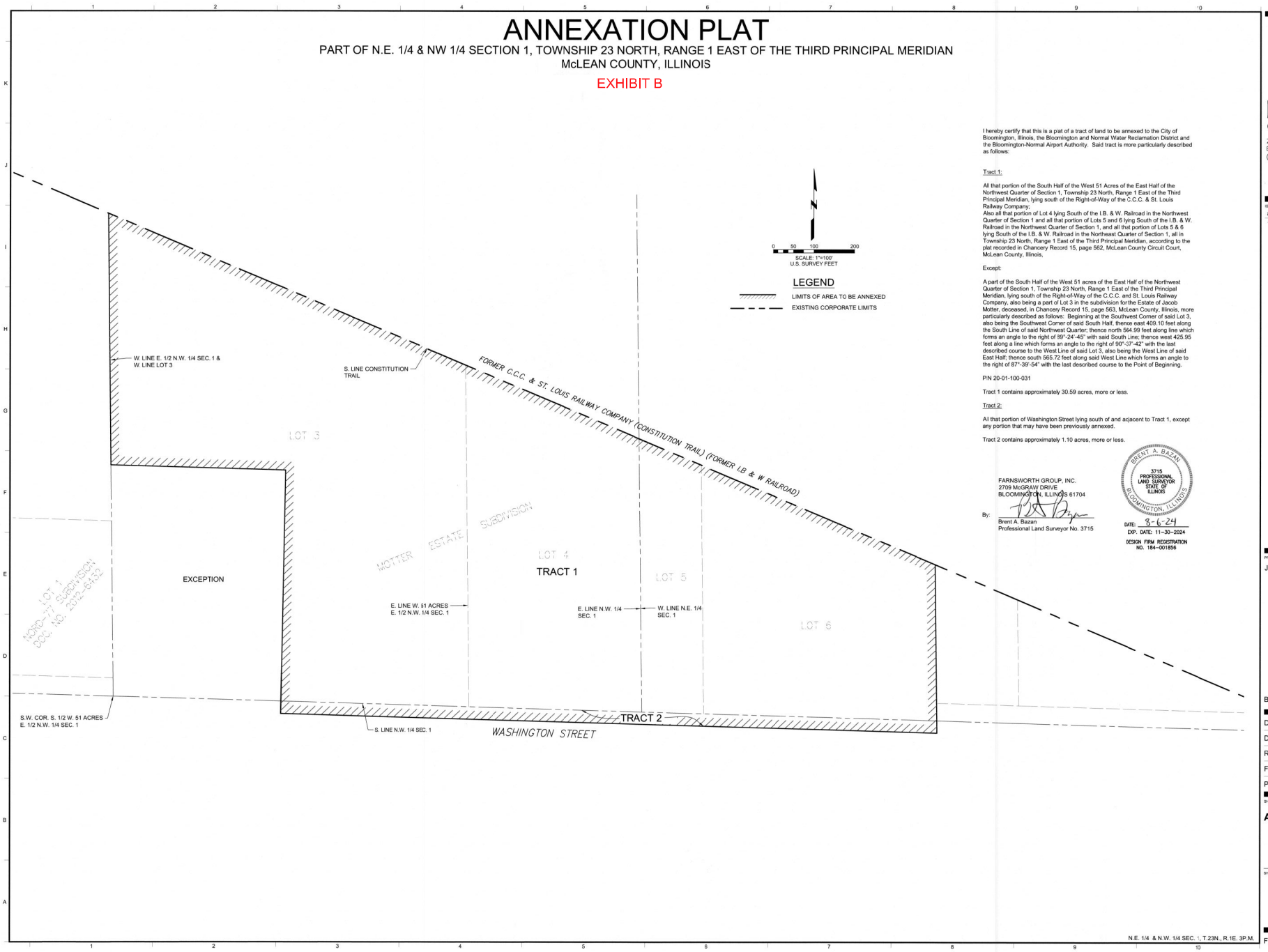
ALL THAT PORTION OF WASHINGTON STREET BOUNDED ON THE EAST BY THE SOUTHERLY EXTENSION OF THE EAST LINE OF TRACT 1 AND BOUNDED ON THE WEST BY THE SOUTHERLY EXTENSION OF THE WEST LINE OF TRACT 1, EXCEPT THAT PORTION PREVIOUSLY ANNEXED.

Tract 2 contains approximately 0.38 acres, more or less.

ANNEXATION PLAT

PART OF N.E. 1/4 & NW 1/4 SECTION 1, TOWNSHIP 23 NORTH, RANGE 1 EAST OF THE THIRD PRINCIPAL MERIDIAN
McLEAN COUNTY, ILLINOIS

EXHIBIT B



I hereby certify that this is a plat of a tract of land to be annexed to the City of Bloomington, Illinois, the Bloomington and Normal Water Reclamation District and the Bloomington-Normal Airport Authority. Said tract is more particularly described as follows:

Tract 1:

All that portion of the South Half of the West 51 Acres of the East Half of the Northwest Quarter of Section 1, Township 23 North, Range 1 East of the Third Principal Meridian, lying south of the Right-of-Way of the C.C.C. & St. Louis Railway Company;
Also all that portion of Lot 4 lying South of the I.B. & W. Railroad in the Northwest Quarter of Section 1 and all that portion of Lots 5 and 6 lying South of the I.B. & W. Railroad in the Northwest Quarter of Section 1, and all that portion of Lots 5 & 6 lying South of the I.B. & W. Railroad in the Northeast Quarter of Section 1, all in Township 23 North, Range 1 East of the Third Principal Meridian, according to the plat recorded in Chancery Record 15, page 562, McLean County Circuit Court, McLean County, Illinois,

Except:

A part of the South Half of the West 51 acres of the East Half of the Northwest Quarter of Section 1, Township 23 North, Range 1 East of the Third Principal Meridian, lying south of the Right-of-Way of the C.C.C. and St. Louis Railway Company, also being a part of Lot 3 in the subdivision for the Estate of Jacob Motter, deceased, in Chancery Record 15, page 563, McLean County, Illinois, more particularly described as follows: Beginning at the Southwest Corner of said Lot 3, also being the Southwest Corner of said South Half, thence east 409.10 feet along the South Line of said Northwest Quarter; thence north 564.99 feet along line which forms an angle to the right of 89°-24'-45" with said South Line; thence west 425.95 feet along a line which forms an angle to the right of 90°-37'-42" with the last described course to the West Line of said Lot 3, also being the West Line of said East Half; thence south 565.72 feet along said West Line which forms an angle to the right of 87°-39'-54" with the last described course to the Point of Beginning.

P/N 20-01-100-031

Tract 1 contains approximately 30.59 acres, more or less.

Tract 2:

Al that portion of Washington Street lying south of and adjacent to Tract 1, except any portion that may have been previously annexed.

Tract 2 contains approximately 1.10 acres, more or less.

FARNSWORTH GROUP, INC.
2709 McGRAW DRIVE
BLOOMINGTON, ILLINOIS 61704

By: _____
Brent A. Bazan
Professional Land Surveyor No. 3715

BRENT A. BAZAN
3715
PROFESSIONAL LAND SURVEYOR
STATE OF ILLINOIS
BLOOMINGTON, ILLINOIS

DATE: 8-6-24
EXP. DATE: 11-30-2024
DESIGN FIRM REGISTRATION NO. 184-001856

Farnsworth GROUP
2709 McGRAW DRIVE
BLOOMINGTON, ILLINOIS 61704
(309) 663-8435 / info@f-w.com
www.f-w.com
Engineers | Architects | Surveyors | Scientists

ISSUE:

#	DATE:	DESCRIPTION:
1	08/06/2024	REVISIONS PER C.O.B. REVIEW

PROJECT:
JOSEPH SCHARF

BLOOMINGTON, ILLINOIS

Date:	7-29-24
Design/Drawn:	DJM
Reviewed:	RJM
Field Book No.:	
Project No.:	0241126.00

SHEET TITLE:
ANNEXATION PLAT

SHEET NUMBER:
1

File No.: 24-9412

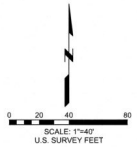
I:\drawing\ | J:\2024\0241126.00 - Scharf Annexation\Survey\07_Drawings\SW_Scharf Annexation Section 1 - 0241126.00.dwg | 7/29/2024 6:01 PM |

ANNEXATION PLAT

PART OF SW 1/4 SECTION 5, TOWNSHIP 23 NORTH, RANGE 2 EAST OF THE THIRD PRINCIPAL MERIDIAN
CITY OF BLOOMINGTON, McLEAN COUNTY, ILLINOIS

EXHIBIT B





LEGEND

	LIMITS OF AREA TO BE ANNEXED
	EXISTING CORPORATE LIMITS
P.O.B.	POINT OF BEGINNING

I hereby certify that this is a plat of a tract of land to be annexed to the City of Bloomington, Illinois, the Bloomington and Normal Water Reclamation District and the Bloomington-Normal Airport Authority. Said tract is more particularly described as follows:

Tract 1:

Beginning at a point 382.7 feet east of a point where the North Line of Washington Street intersects the Section line between Sections 5 and 6, Township 23 North, Range 2 East of the Third Principal Meridian, running thence Easterly on the North Line of Washington Street a distance of 328 feet to the West boundary of the County Road, and thence running Northeasterly along the West boundary of said County Road, a distance of 421.5 feet, and running thence Westerly a distance of 329.6 feet, and running thence Southwesterly a distance of 432 feet to the Place of Beginning as shown by the Plat of Elmer Folsom, Civil Engineer and Surveyor dated November 19, 1906, recorded in Book 435 of Deeds, Page 423, in McLean County, Illinois.

PIN 21-05-306-002

Tract 1 contains approximately 3.19 acres, more or less.

Tract 2:

All that portion of Washington Street bounded on the east by the Southerly extension of the East Line of Tract 1 and bounded on the West by the Southerly extension of the West Line of Tract 1, except that portion previously annexed.

Tract 2 contains approximately 0.38 acres, more or less.

FARNSWORTH GROUP, INC.
2709 McGRAW DRIVE
BLOOMINGTON, ILLINOIS 61704

By: _____
Brent A. Bazan
Professional Land Surveyor No. 3715

BRENT A. BAZAN
3715
PROFESSIONAL LAND SURVEYOR
STATE OF ILLINOIS
BLOOMINGTON, ILLINOIS

DATE: 8-6-24
EXP. DATE: 11-30-2024
DESIGN FIRM REGISTRATION NO. 184-001856

S.W. 1/4 SEC. 5, T.23N., R.2E. 3P.M.

Farnsworth GROUP
2709 McGRAW DRIVE
BLOOMINGTON, ILLINOIS 61704
(309) 663-8435 / info@f-w.com

www.f-w.com
Engineers | Architects | Surveyors | Scientists

ISSUE:

#	DATE:	DESCRIPTION:
1	08/06/2024	REVISIONS PER C.O.B. REVIEW

PROJECT:
CARRI SCHARF TRUCKING

BLOOMINGTON, ILLINOIS

Date:	7-29-24
Design/Drawn:	DJM
Reviewed:	RJM
Field Book No.:	
Project No.:	0241126.00

SHEET TITLE:
ANNEXATION PLAT

SHEET NUMBER:
1

File No.: 24-9413

I:\Work\ | J:\2024\0241126.00 - Scharf Annexation\Survey\07_Drawings\04_Scharf Annexation 1883 Washington Street - 0241126.00.dwg | 8/6/2024 11:31 AM |

DocuSign Envelope ID: B146E3C2-874F-410D-943A-3C6DD46818B5

EXHIBIT C

ANNEXATION AGREEMENT

Pursuant to legislative authorization found in Article 11, Division 15.1 of the Illinois Municipal Code, (65 ILCS 5/11-15.1-1 et seq.) for and in consideration of the mutual promises herein contained and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the undersigned City of Bloomington, Illinois, a Municipal Corporation, hereinafter referred to as "City" and Joseph A. & Carri G. Sharf, hereinafter referred to as "Owners" enter into this Annexation Agreement ("Agreement") for the annexation of property into the City. Owners shall refer to Joseph A. & Carri G. Sharf, their successors or assigns.

WHEREAS, Owners are the owner of two Tracts of land totaling approximately 33.87 acres, less public right-of-way, with frontage on West Washington Street and hereinafter described on Exhibit "A," which is attached hereto and made a part hereof by this reference (hereinafter "Premises" or "Property"); and

WHEREAS, the Owners are desirous of having the Premises annexed to the City and the City is desirous of annexing said premises; and

WHEREAS, said Premises is not within the corporate limits of any municipality, but is contiguous to the City; and

WHEREAS, the Owners are desirous of having Tract A of the Premises zoned A (Agricultural) District upon annexation to the City (all Lots referenced shall include any subdivisions thereof); and

WHEREAS, the Owners are desirous of having said Tract B of the Premises zoned M-2 (General Manufacturing) District upon annexation to the City (all Lots referenced shall include any subdivisions thereof); and

WHEREAS, the Owners are desirous of having Subdivision requirements of Chapter 24 waived for said Tract B upon annexation to the City, until further subdivision or modifications to the subject parcel occur; and

WHEREAS, the Owners have given all notices required to be given by Section 7-1-1 of the Illinois Municipal Code (65 ILCS 5/7-1-1).

NOW, THEREFORE, for and in consideration of the mutual covenants herein contained, the receipt and sufficiency of which are hereby acknowledged, the City and Owners agree as follows:

1. ANNEXATION PETITIONS.

Owners, subject to the terms and conditions set forth in this Agreement, will petition the City of Bloomington, requesting annexation of the property, identified on Exhibit "A" to the City's corporate limits, no later than 120 days after approval and execution of this Annexation Agreement. The City shall publicize and give such notices and conduct such public hearings as are required to annex the Premises, including specifically, public hearings on this annexation agreement conducted after notice as required by law and ordinance.

2. ANNEXATION.

Upon Owners' Petition, the City agrees to adopt an Ordinance annexing the property, described on Exhibit "A."

3. ZONING.

City agrees to zone Tract A of the Premises legally described on Exhibit "A", upon annexation, to the A (Agricultural) District, and Tract B of the Premises legally described on Exhibit "A", upon annexation, to the M-2 (General Manufacturing) District, subsequent to any public hearings required by the City Code.

4. DEVELOPMENT OBLIGATIONS.

Unless explicitly written as otherwise, it is the intent of this section of the Agreement to allow the Owner to continue the active Agricultural operation inside City limits, without triggering obligations and fees related to development, until such time as development is proposed or pursued, indicated by Final Platting or the connection to new City services.

With regard to the annexation and development of the Premises, the installation of public improvements within and serving the Premises and the use and development of the Premises during the life of this agreement, the following shall apply:

Note: Bonds shall be provided for all public improvements as set forth in the City Code. All public improvements shall be constructed within dedicated public right-of-way or dedicated easements.

A. The Owners shall have the following obligations related to Tract A (PIN: 20-01-100-031):

(1) Transportation - W. Washington Street

(a) At the Time of Annexation: The Owners shall dedicate right-of-way along the entire southern border of the Property that fronts W. Washington Street, extending 45-feet from the middle-line, for the future street widening and improvement of such.

(b) At the completion of the road being modified to City Minor street standards, or at Final Platting, whichever occurs last, the Owners shall pay the Adjacent Substandard Roadway fee. The fee shall reflect the cost, per foot of frontage, of one half the per foot cost of a 30' wide local street section. Said fee is currently $175 per foot (1/2 of $350 per foot). Beginning from the date of this agreement, this fee shall be increased at a rate of 6% simple interest or based on the Consumer Price Index (CPI), whichever is lower at the time of payment. At Owners' option, the fee may be paid at any time in advance of it becoming due, subject to the provisions and limitations of § 24-406B(1).

(2) Transportation and Utilities - Constitution Trail Extension

(a) Upon Subdivision of the Premises, or at the request of the City: The Owners shall dedicate a north-south 50-foot-wide right-of-way easement, extending from the existing Constitution Trail at the northern boundary of the Premises to W. Washington Street at the southern boundary of the Premises. Said right-of-way easement shall also serve as an easement for City Utilities; specifically, water and sewer and no others without written permission of the City and the owner.

(3) Water

(a) Upon extension of a public water main to an area adjacent to the Premises, the Owners may tap such main.

(b) The Owners shall be responsible for payment of tap-on fees prior to connection to public water, based upon the requirements of the City Code at the time connection is sought.

(4) Sanitary Sewer

(a) Owners may tap and use the sanitary sewer main running adjacent to the north boundary of the Premises.

(b) The Owners shall be responsible for payment of tap-on fees prior to connection to the public sanitary sewer main, based upon the requirements of the City Code at the time connection is sought.

(5) Fees

(a) Annexation Fees shall be applied at the time of final platting, if the Premises is developed with residential or commercial uses during the enforceable duration of this Agreement.

(b) No Parkland Dedication fees shall be required unless the property is developed with residential uses during the enforceable duration of this Agreement; then they shall be charged as per the applicable governing Code(s) at that time.

(c) The Owner shall not be required to install water mains or sewer mains except as needed for development on the parcels described in this Annexation Agreement. Any oversizing of engineering specifications, as required by the City, shall be paid by the City.

B. The Owners shall have the following obligations related to Tract B (PIN: 21-05-306-002):

(1) Subdivision -The City shall waive subdivision requirements of Chapter 24 for the existing parcel and recognize the existing parcel as buildable.

(2) Water

(a) The property is not currently served by City water service, but public service is available immediately adjacent to the property. The Owners may continue use of the existing, legally permitted on-site well to serve the existing structure and use, so long as such continues to be legally permitted and in compliance with any related requirements.

(b) The Owners may, at their election or upon required termination of the existing on-site well, tap the public water main running along the southern border of the Property to install water service to facilitate development on the subject Property. The Owners shall be responsible for payment of tap-on fees of $8,738.82 prior to connection.

(3) Sanitary Sewer

(a) The property is not currently served by sanitary sewer. The Owners may continue use of the existing, legally permitted on-site septic system to serve the existing structure and use, so long as such continues to be legally permitted and in compliance with any related requirements.

(b) Upon extension of a public sanitary sewer to an area adjacent to the Premises, the Owners may tap such sewer. The Owners shall be responsible for payment of tap-on fees prior to connection to public sanitary sewer, based upon the requirements of the City Code at the time connection is sought.

(4) Fees

(a) Annexation Fees of $9,330.55 shall be applied at the time of annexation, payable prior to recording of the Annexation Plat.

(b) The Owner shall not be required to install water mains or sewer mains except as needed for development on the parcels described in this Annexation Agreement. Any oversizing of engineering specifications, as required by the City, shall be paid by the City.

D. Future subdivision and development of the Premises shall be by applicable governing Codes at that time.

5. OBLIGATION TO DEVELOP PER CODE.

In the construction and use of improvements on the subject Premises the Owners shall comply with all zoning, subdivision, building, mechanical and other applicable codes and ordinances of the City of Bloomington in effect at that time. Bonds shall be provided for all public improvements as set forth in the City Code.

6. ANNEXATION TO OTHER TAXING DISTRICTS.

The Owners, as soon as practicable, but not later than 30 days from the date of annexation to the City, shall file and thereafter diligently pursue the necessary petition to annex the Premises to the Bloomington-Normal Airport Authority and the Bloomington and Normal Water Reclamation District, if not already annexed to such.

7. COVENANTS AND AGREEMENTS

The covenants and agreements contained in the Agreement shall be deemed to be covenants running with the land during the term of this Agreement, shall inure to the benefit and be binding upon the heirs, successors and assigns of the parties hereto and all of the respective successor legal or beneficial owners of all or any portion of the Property. The City agrees that after a successor becomes bound to the personal obligation created in the manner provided in this Agreement and provides the financial assurances required, the personal liability of the Owner shall be released to the extent of the transferee's assumption of liability.

8. TERM

The term of this Agreement shall be for twenty (20) years from and after the effective date of the annexation of the Subject Premises.

9. NOTICES

Any and all notices required or desired to be given hereunder shall be in writing and shall be delivered personally or sent via certified or registered mail, postage pre-paid and addressed as follows:

To the City of Bloomington, Illinois ("City"):

City of Bloomington
Attn: City Manager
115 E. Washington Street
Bloomington, IL 61701

To Joseph A. and Carri G. Scharf ("Owners"):

7 Carri Drive
Bloomington, IL 61704

or to such other person or address as a party may designate in a like manner.

10. ADOPTION OF ORDINANCES

The City agrees to adopt such ordinances as may be required to give legal effect to the matters contained in this Agreement.

11. GENERAL PROVISIONS

The following general provisions shall apply to this Agreement:

A. Time of the Essence. Time is of the essence in the performance of this Agreement.

B. Rights Cumulative. Unless expressly provided to the contrary in this Agreement, each and every one of the rights, remedies, and benefits provided by this Agreement shall be cumulative and shall not be exclusive of any other rights, remedies, and benefits allowed by law.

C. Non-Waiver. The City shall be under no obligation to exercise any of the rights granted to it in this Agreement. The failure of the City to exercise at any time any right granted to the City shall not be deemed or construed to be a waiver of that right, nor shall the failure void or affect the City's right to enforce that right or any other right.

D. Consents. Unless otherwise provided in this Agreement, whenever the consent, permission, authorization, approval, acknowledgement, or similar indication of assent of any party to this Agreement, or of any duly authorized officer, employee, agent, or representative of any party to this Agreement, is required in this Agreement, the consent, permission, authorization, approval, acknowledgement, or similar indication of assent shall be in writing.

E. Governing Law. This Agreement shall be governed by, and enforced in accordance with, the internal laws, but not the conflicts of laws rules, of the State of Illinois. This agreement shall be governed by the laws and ordinances in effect on the date adopted. Unless otherwise provided in this Agreement, any reference to the Requirements of Law shall be deemed to include any modifications of, or amendments to the Requirements of Law, that may occur in the future that are less restrictive or more permissive.

F. Severability. It is hereby expressed to be the intent of the parties to this Agreement that should any provision, covenant, agreement, or portion of this Agreement or its application to any Person or property be held invalid by a court of competent jurisdiction, the remaining provisions of this Agreement and the validity, enforceability, and application to any Person or property shall not be impaired thereby, but the remaining provisions shall be interpreted, applied, and enforced so as to achieve, as near as may be, the purpose and intent of this Agreement to the greatest extent permitted by applicable law.

G. Entire Agreement. This Agreement constitutes the entire agreement between the parties and supersedes any and all prior agreements and negotiations between the parties, whether written or oral, relating to the subject matter of this Agreement.

H. Interpretation. This Agreement shall be construed without regard to the identity of the party who drafted the various provisions of this Agreement. Moreover, each and every provision of this Agreement shall be construed as though all parties to this Agreement participated equally in the drafting of this Agreement. As a result

of the foregoing, any rule or construction that a document is to be construed against the drafting party shall not be applicable to this Agreement.

I. Exhibits. The Exhibits attached to this Agreement are, by this reference, incorporated in, and made a part of this Agreement. In the event of a conflict between an exhibit and the text of this Agreement, the text of this Agreement shall control.

J. Amendments and Modifications. No amendment or modification to this Agreement shall be effective until it is reduced to writing and approved and executed by all parties to this Agreement in accordance with all applicable statutory procedures.

K. Changes in Laws. Unless otherwise provided in this Agreement, any reference to the Requirements of Law shall be deemed to include any modifications of, or amendments to, the Requirements of Law that may occur in the future.

L. Authority to Execute. The City hereby warrants and represents to the Owners that the Persons executing this Agreement on its behalf have been properly authorized to do so by the Corporate Authorities. The Owners hereby warrant and represent to the City (i) that they are the record and beneficial owners of fee simple title to the Property, (ii) except for a mortgage on the property, no other person has any legal, beneficial, contractual, or security interest in the Property and that annexing the property is not a violation of the security interests, (iii) that it has the full and complete right, power, and authority to enter into this Agreement and to agree to the terms, provisions, and conditions set forth in this Agreement and to bind the Property as set forth in this Agreement, (iv) that all legal actions needed to authorize the execution, delivery, and performance of this Agreement have been taken, and (v) that neither the execution of this Agreement nor the performance of the obligations assumed by the Owners will (a) result in a breach or default under any agreement to which the Owners are a party or to which it or the Property is bound or (b) violate any statute, law, restriction, court order, or agreement to which the Owners or the Property is subject.

M. Enforcement. The parties to this Agreement may, in law or in equity, by suit, action, mandamus, or any other proceeding, including without limitation specific performance, enforce or compel the performance of this Agreement; provided, however, that the Owners agree that they will not seek, and do not have the right to seek, to recover a judgment for monetary damages against the City, or any of its elected or appointed officials, officers, employees, agents, representatives, engineers, or attorneys, on account of the negotiation, execution, or breach of this Agreement.

N. No Third Party Beneficiaries. No claim as a third-party beneficiary under this Agreement by any Person shall be made, or be valid, against the City or the Owners.

O. Recording. After the Owners have paid to the City an amount sufficient to cover the cost of recording this Agreement, all necessary plats, the affidavit of service of notice as required by Section 7-1-1 of the Illinois Municipal Code, 65 ILCS 5/7-1-

1, and the Annexation Ordinance, the City shall promptly cause this Agreement to be recorded in the office of the Recorder of McLean County.

P. Occupancy Permits. In addition to any other remedies permitted by this Agreement, the failure of Owners to meet any obligation set forth within this Agreement shall be cause for the City to deny and/or revoke any occupancy permit issued on the Premises.

EXECUTED and ADOPTED this 30th day of May, 2024, at Bloomington, Illinois.

CITY OF BLOOMINGTON

Mboka Mwilambwe

Mboka Mwilambwe, Mayor

ATTEST

Leslie Smith-Yocum

Leslie Smith-Yocum, City Clerk

CITY OF BLOOMINGTON ESTABLISHED 1853

OWNER:

By: Joseph A Scharf

Joseph A. Scharf

By: Carri G. Scharf

Carri G. Scharf

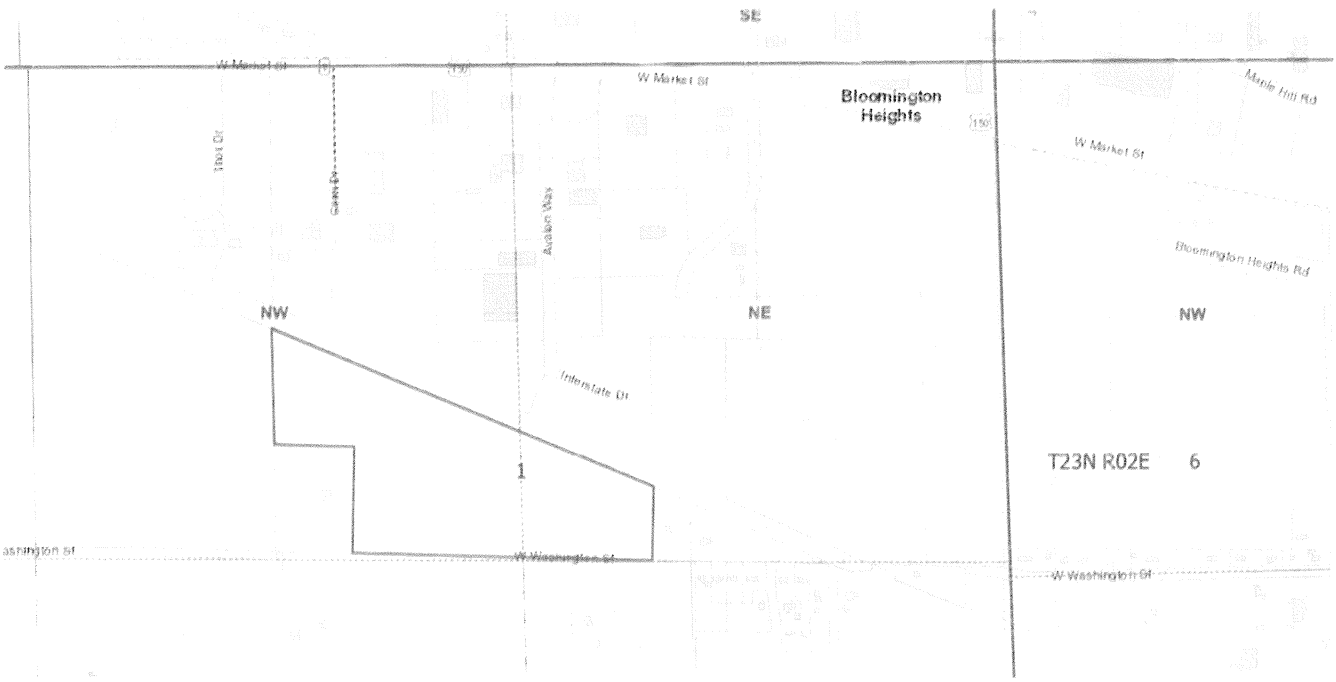
DocuSign Envelope ID: B146E3C2-874F-410D-943A-3C6DD46818B5

Exhibit A
LEGAL DESCRIPTION

TRACT A

ALL THAT PORTION OF THE SOUTH HALF OF THE WEST 51 ACRES OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION I, TOWNSHIP 23 NORTH, RANGE 1 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING SOUTH OF THE RIGHT OF WAY OF THE C.C.C. & ST. L. RAILWAY COMPANY; ALSO, ALL THAT PORTION OF LOT 4 LYING SOUTH OF THE I.B. & W. RAILROAD IN TIRE NORTHWEST QUARTER OF SECTION 1, AND ALL THAT PORTION OF LOTS 5 AND 6 LYING SOUTH OF THE LB. & W. RAILROAD IN THE NORTHWEST QUARTER OF SECTION 1, ALL IN TOWNSHIP 23 NORTH, RANGE 1 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING THE PLAT RECORDED IN CHANCERY RECORD 15, PAGE 562 IN MCLEAN COUNTY CIRCUIT COURT, EXCEPT THAT PORTION CONVEYED BY WARRANTY DEED 2013-00027010 MORE PARTICULARLY DESCRIBED AS FOLLOWS; A PART OF THE SOUTH HALF OF TIRE WEST 51 ACRES OF THE EAST HALF OF TIRE NORTHWEST QUARTER OF SECTION 1, TOWNSHIP 23 NORTH, RANGE 1 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING SOUTH OF THE RIGHT-OF-WAY OF THE C.C.C. AND ST. LOUIS RAILWAY COMPANY, ALSO BEING A PART OF LOT 3 IN THE SUBDIVISION FOR THE ESTATE OF JACOB MOTTER, DECEASED, IN CHANCERY RECORD 15, PAGE 563, MCLEAN COUNTY, ILLINOIS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST COMER OF SAID LOT 3, ALSO BEING THE SOUTHWEST CORNER OF SAID SOUTH HALF, THENCE EAST 409.10 FEET ALONG THE SOUTH LINE OF SAID NORTHWEST QUARTER; THENCE NORTH 564.99 FEET ALONG LINE WHICH FORMS AN ANGLE TO THE RIGHT OF 89° 24' 45" WITH THE SAID SOUTH LINE; THENCE WEST 425.95 FEET ALONG A LINE WHICH FORMS AN ANGLE TO THE RIGHT OF 90° 37' 42" WITH THE LAST DESCRIBED COURSE TO THE WEST LINE OF SAID LOT 3, ALSO BEING THE WEST LINE OF SAID EAST HALF; THENCE SOUTH 565.72 FEET ALONG SAID WEST LINE WHICH FORMS AN ANGLE TO THE RIGHT OF 87° 39' 54" WITH THE LAST DESCRIBED COURSE TO THE POINT OF BEGINNING, SITUATED IN THE COUNTY OF MCLEAN, IN THE STATE OF ILLINOIS.

PIN: 20-01-100-031
ADDRESS: NOT ADDRESSED



TRACT B

BEGINNING AT A POINT 382.7 FEET EAST OF A POINT WHERE THE NORTH LINE OF WASHINGTON STREET INTERSECTS THE SECTION LINE BETWEEN SECTIONS 5 AND 6, TOWNSHIP 23 NORTH, RANGE 2 EAST OF THE THIRD PRINCIPAL MERIDIAN, RUNNING THENCE EASTERLY ON THE NORTH LINE OF WASHINGTON STREET A DISTANCE OF 328 FEET TO THE WEST BOUNDARY OF THE COUNTY ROAD, AND THENCE RUNNING NORTHEASTERLY ALONG THE WEST BOUNDARY OF SAID COUNTY ROAD, A DISTANCE OF 421.5 FEET, AND RUNNING THENCE WESTERLY A DISTANCE OF 329.6 FEET, AND RUNNING THENCE SOUTHWESTERLY A DISTANCE OF 432 FEET TO THE PLACE OF BEGINNING AS SHOWN BY THE PLAT OF ELMER FOLSOM, CIVIL ENGINEER AND SURVEYOR DATED NOVEMBER 19, 1906, RECORDED IN BOOK 435 OF DEEDS, PAGE 423, IN MCLEAN COUNTY, ILLINOIS. EXCEPTING THEREFROM THAT PORTION CONVEYED TO THE CITY OF BLOOMINGTON IN WARRANTY DEEDS 89-10187 AND 96-451.

PIN: 21-05-306-002
ADDRESS: 1803 W. WASHINGTON STREET



OWNER'S CERTIFICATE

State of Illinois)
)ss.
County of McLean)

KNOW ALL MEN BY THESE PRESENTS, That the undersigned, hereby certifies that they are the owner of the premises described in Exhibit "A" attached hereto and incorporated herein, which is the subject of a certain Petition for Annexation to the City of Bloomington, McLean County, Illinois, and for Amendment of the Official Zoning Map of the City of Bloomington, McLean County, Illinois, which is depicted by the Annexation Plat prepared by Brent Bazan (IPLS No. 3715) of Farnsworth Group, on August 6, 2024.

IN WITNESS WHEREOF, we have hereunto set our hands and affixed our seals this 4 day of September, 2024.

JOSEPH A SCHAFF
Signature

Carri Schaff
Signature

NOTARY CERTIFICATE

State of Illinois)
)ss.
County of McLean)

I, CAROL CORBITT, a Notary Public in and for the county and State aforesaid, do hereby certify that JOSEPH & CARRI SCHAFF personally known to be the same person whose name is subscribed to the foregoing owner's statement, appeared before me, this day, in person and acknowledged the execution of this statement as his free and voluntary act.

Given under my hand and notarial seal this 4 day of September, 2024.

OFFICIAL SEAL
CAROL L CORBITT
NOTARY PUBLIC, STATE OF ILLINOIS
MY COMMISSION EXPIRES June 26, 2027

Notary Public

My commission expires 6/26/2027.

EXHIBIT A

LEGAL DESCRIPTION

ADDRESS: 1803 W WASHINGTON ST. BLOOMINGTON, IL 61701

BEGINNING AT A POINT 382.7 FEET EAST OF A POINT WHERE THE NORTH LINE OF WASHINGTON STREET INTERSECTS THE SECTION LINE BETWEEN SECTIONS 5 AND 6, TOWNSHIP 23 NORTH, RANGE 2 EAST OF THE THIRD PRINCIPAL MERIDIAN, RUNNING THENCE EASTERLY ON THE NORTH LINE OF WASHINGTON STREET A DISTANCE OF 328 FEET TO THE WEST BOUNDARY OF THE COUNTY ROAD, AND THENCE RUNNING NORTHEASTERLY ALONG THE WEST BOUNDARY OF SAID COUNTY ROAD, A DISTANCE OF 421.5 FEET, AND RUNNING THENCE WESTERLY A DISTANCE OF 329.6 FEET, AND RUNNING THENCE SOUTHWESTERLY A DISTANCE OF 432 FEET TO THE PLACE OF BEGINNING AS SHOWN BY THE PLAT OF ELMER FOLSOM, CIVIL ENGINEER AND SURVEYOR DATED NOVEMBER 19, 1906, RECORDED IN BOOK 435 OF DEEDS, PAGE 423, IN MCLEAN COUNTY, ILLINOIS. EXCEPTING THEREFROM THAT PORTION CONVEYED TO THE CITY OF BLOOMINGTON IN WARRANTY DEEDS 89-10187 AND 96-451.

PIN: 21-05-306-002

OWNER'S CERTIFICATE

State of Illinois)
)ss.
County of McLean)

KNOW ALL MEN BY THESE PRESENTS, That the undersigned, hereby certifies that they are the owner of the premises described in Exhibit "A" attached hereto and incorporated herein, which is the subject of a certain Petition for Annexation to the City of Bloomington, McLean County, Illinois, and for Amendment of the Official Zoning Map of the City of Bloomington, McLean County, Illinois, which is depicted by the Annexation Plat prepared by Brent Bazan (IPLS No. 3715) of Farnsworth Group, on August 6, 2024.

IN WITNESS WHEREOF, we have hereunto set our hands and affixed our seals this 4 day of September, 2024.

Signature Signature

NOTARY CERTIFICATE

State of Illinois)
)ss.
County of McLean)

I, CAROL CORBITT, a Notary Public in and for the county and State aforesaid, do hereby certify that Joseph & Carri Schaf personally known to be the same person whose name is subscribed to the foregoing owner's statement, appeared before me, this day, in person and acknowledged the execution of this statement as his free and voluntary act.

Given under my hand and notarial seal this 4 day of September, 2024.

OFFICIAL SEAL
CAROL L CORBITT
NOTARY PUBLIC, STATE OF ILLINOIS
MY COMMISSION EXPIRES June 26, 2027

Notary Public

My commission expires 6/26/2027.

Exhibit A
LEGAL DESCRIPTION

ADDRESS: 2405 W WASHINGTON ST. BLOOMINGTON, IL 61701

ALL THAT PORTION OF THE SOUTH HALF OF THE WEST 51 ACRES OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION I, TOWNSHIP 23 NORTH, RANGE 1 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING SOUTH OF THE RIGHT OF WAY OF THE C.C.C. & ST. L. RAILWAY COMPANY; ALSO, ALL THAT PORTION OF LOT 4 LYING SOUTH OF THE I.B. & W. RAILROAD IN TIRE NORTHWEST QUARTER OF SECTION 1, AND ALL THAT PORTION OF LOTS 5 AND 6 LYING SOUTH OF THE LB. & W. RAILROAD IN THE NORTHWEST QUARTER OF SECTION 1, ALL IN TOWNSHIP 23 NORTH, RANGE 1 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING THE PLAT RECORDED IN CHANCERY RECORD 15, PAGE 562 IN MCLEAN COUNTY CIRCUIT COURT, EXCEPT THAT PORTION CONVEYED BY WARRANTY DEED 2013-00027010 MORE PARTICULARLY DESCRIBED AS FOLLOWS; A PART OF THE SOUTH HALF OF TIRE WEST 51 ACRES OF THE EAST HALF OF TIRE NORTHWEST QUARTER OF SECTION 1, TOWNSHIP 23 NORTH, RANGE 1 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING SOUTH OF THE RIGHT-OF-WAY OF THE C.C.C. AND ST. LOUIS RAILWAY COMPANY, ALSO BEING A PART OF LOT 3 IN THE SUBDIVISION FOR THE ESTATE OF JACOB MOTTER, DECEASED, IN CHANCERY RECORD 15, PAGE 563, MCLEAN COUNTY, ILLINOIS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST COMER OF SAID LOT 3, ALSO BEING THE SOUTHWEST CORNER OF SAID SOUTH HALF, THENCE EAST 409.10 FEET ALONG THE SOUTH LINE OF SAID NORTHWEST QUARTER; THENCE NORTH 564.99 FEET ALONG LINE WHICH FORMS AN ANGLE TO THE RIGHT OF 89° 24' 45" WITH THE SAID SOUTH LINE; THENCE WEST 425.95 FEET ALONG A LINE WHICH FORMS AN ANGLE TO THE RIGHT OF 90° 37' 42" WITH THE LAST DESCRIBED COURSE TO THE WEST LINE OF SAID LOT 3, ALSO BEING THE WEST LINE OF SAID EAST HALF; THENCE SOUTH 565.72 FEET ALONG SAID WEST LINE WHICH FORMS AN ANGLE TO THE RIGHT OF 87° 39' 54" WITH THE LAST DESCRIBED COURSE TO THE POINT OF BEGINNING, SITUATED IN THE COUNTY OF MCLEAN, IN THE STATE OF ILLINOIS.

PIN: 20-01-100-031

ANNEXATION AGREEMENT
AFFIDAVIT AND PROOF OF SERVICE OF MAILING
CERTIFIED MAILING

STATE OF ILLINOIS)
)SS
COUNTY OF MCLEAN)

I, the undersigned, being first duly sworn on oath, certify that I served Notices of proposed Annexation Agreement on the **Dale** Township Fire Protection District, **Bloomington** Township Fire Protection District, McLean County **Unit 5** School District, **Golden Prairie** Public Library District, **Dale** Township, **Bloomington** Township, **Dale** Township Highway Commission, **Bloomington** Township Highway Commission, Bloomington-Normal Airport Authority, and Bloomington-Normal Water Reclamation District, by placing the Notices in an envelope addressed and with postage fully prepaid; depositing the Notices in envelopes in the United States Post Office at Bloomington, Illinois, at or about 9:00 p.m. on September 10, 2024, and the Notices were sent certified mail, return receipt requested.

True and correct copies of the Notices are attached hereto and incorporated as Exhibit "A". The notices were sent to the mailing list attached hereto and incorporated as Exhibit "B".

R. Brian Hug

Subscribed and sworn to before me this
11 of Sept 2024.

Carol L Corbitt
Notary Public

OFFICIAL SEAL
CAROL L CORBITT
NOTARY PUBLIC, STATE OF ILLINOIS
MY COM[illegible]XPIRES June 26, 2027

EXHIBIT A

NOTICE

TO: Chief of Dale Township Fire Protection District
President of Dale Township Fire Protection District
Trustees of Dale Township Fire Protection District

RE: Proposed Annexation

PLEASE TAKE NOTICE that a request for Annexation requesting the approval of an annexation agreement of the following described parcel of land has been filed with the City Clerk of the City of Bloomington, Illinois, a municipality:

SEE ATTACHED "ANNEXATION DESCRIPTION" EXHIBIT FOR COMPLETE LEGAL DESCRIPTION.

This property is or may be in the **Dale** Township Fire Protection District.

This written Notice is being served upon you, pursuant to City Code and/or State statute (65 ILCS 5/7-1-1), more than ten (10) days before any action is taken on an Agreement or Petition for Annexation.

There will be a hearing on the Annexation Agreement before the Bloomington City Council on May 28th, 2024, at 6:00 pm in the Government Center Chambers, Government Center, 4th Floor, Room #400, 115 E. Washington Street, Bloomington, Illinois 61701.

Dated: September 10, 2024

Joseph A. & Carri G. Scharf, Owners

By:



R. Brian Hug
Attorney for Carri and Joseph Scharf

Prepared by and
Responses and Inquiries to:
R. Brian Hug, Attorney at Law
11 Bailey Court
Bloomington, IL 61704
Telephone: 309-242-6726
Email: brian.hug@comcast.net

NOTICE

TO: Chief of Bloomington Township Fire Protection District
President of Bloomington Township Fire Protection District
Trustees of Bloomington Township Fire Protection District

RE: Proposed Annexation

PLEASE TAKE NOTICE that a request for Annexation requesting the approval of an annexation agreement of the following described parcel of land has been filed with the City Clerk of the City of Bloomington, Illinois, a municipality:

SEE ATTACHED "ANNEXATION DESCRIPTION" EXHIBIT FOR COMPLETE LEGAL DESCRIPTION.

This property is or may be in the **Bloomington** Township Fire Protection District.

This written Notice is being served upon you, pursuant to City Code and/or State statute (65 ILCS 5/7-1-1), more than ten (10) days before any action is taken on an Agreement or Petition for Annexation.

There will be a hearing on the Annexation Agreement before the Bloomington City Council on May 28th, 2024, at 6:00 pm in the Government Center Chambers, Government Center, 4th Floor, Room #400, 115 E. Washington Street, Bloomington, Illinois 61701.

Dated September 10, 2024

Joseph A. & Carri G. Scharf, Owners

By:

R. Brian Hug
Attorney for Carri and Joseph Scharf

Prepared by and
Responses and Inquiries to:
R. Brian Hug, Attorney at Law
11 Bailey Court
Bloomington, IL 61704
Telephone: 309-242-6726
Email: brian.hug@comcast.net

NOTICE

TO: Superintendent of McLean County Unit 5 School District

RE: Proposed Annexation

PLEASE TAKE NOTICE that a request for Annexation requesting the approval of an annexation agreement of the following described parcel of land has been filed with the City Clerk of the City of Bloomington, Illinois, a municipality:

SEE ATTACHED "ANNEXATION DESCRIPTION" EXHIBIT FOR COMPLETE LEGAL DESCRIPTION.

This property is or may be in the McLean County **Unit 5** School District.

This written Notice is being served upon you, pursuant to City Code and/or State statute (65 ILCS 5/7-1-1), more than ten (10) days before any action is taken on an Agreement or Petition for Annexation.

There will be a hearing on the Annexation Agreement before the Bloomington City Council on May 28th, 2024, at 6:00 pm in the Government Center Chambers, Government Center, 4th Floor, Room #400, 115 E. Washington Street, Bloomington, Illinois 61701.

Dated September 10, 2024

Joseph A. & Carri G. Scharf, Owners

By:



R. Brian Hug
Attorney for Carri and Joseph Scharf

Prepared by and
Responses and Inquiries to:
R. Brian Hug, Attorney at Law
11 Bailey Court
Bloomington, IL 61704
Telephone: 309-242-6726
Email: brian.hug@comcast.net

NOTICE

TO: President of Golden Prairie Public Library District
Vice President of Golden Prairie Public Library District
Secretary/Treasurer of Golden Prairie Public Library District
Trustees of Golden Prairie Public Library District

RE: Proposed Annexation

PLEASE TAKE NOTICE that a request for Annexation requesting the approval of an annexation agreement of the following described parcel of land has been filed with the City Clerk of the City of Bloomington, Illinois, a municipality:

SEE ATTACHED "ANNEXATION DESCRIPTION" EXHIBIT FOR COMPLETE LEGAL DESCRIPTION.

This property is or may be in the **Golden Prairie** Public Library District.

This written Notice is being served upon you, pursuant to City Code and/or State statute (65 ILCS 5/7-1-1), more than ten (10) days before any action is taken on an Agreement or Petition for Annexation.

There will be a hearing on the Annexation Agreement before the Bloomington City Council on May 28th, 2024, at 6:00 pm in the Government Center Chambers, Government Center, 4th Floor, Room #400, 115 E. Washington Street, Bloomington, Illinois 61701.

Dated September 10, 2024

Joseph A. & Carri G. Scharf, Owners

By:



R. Brian Hug
Attorney for Carri and Joseph Scharf

Prepared by and
Responses and Inquiries to:
R. Brian Hug, Attorney at Law
11 Bailey Court
Bloomington, IL 61704
Telephone: 309-242-6726
Email: brian.hug@comcast.net

NOTICE

TO: Trustees of Bloomington Township
Supervisor of Bloomington Township
Clerk of Bloomington Township

RE: Proposed Annexation

PLEASE TAKE NOTICE that a request for Annexation requesting the approval of an annexation agreement of the following described parcel of land has been filed with the City Clerk of the City of Bloomington, Illinois, a municipality:

SEE ATTACHED "ANNEXATION DESCRIPTION" EXHIBIT FOR COMPLETE LEGAL DESCRIPTION.

This property is or may be in the **Bloomington** Township.

This written Notice is being served upon you, pursuant to City Code and/or State statute (65 ILCS 5/7-1-1), more than ten (10) days before any action is taken on an Agreement or Petition for Annexation.

There will be a hearing on the Annexation Agreement before the Bloomington City Council on May 28th, 2024, at 6:00 pm in the Government Center Chambers, Government Center, 4th Floor, Room #400, 115 E. Washington Street, Bloomington, Illinois 61701.

Dated September 10, 2024

Joseph A. & Carri G. Scharf, Owners

By:

R. Brian Hug
Attorney for Carri and Joseph Scharf

Prepared by and
Responses and Inquiries to:
R. Brian Hug, Attorney at Law
11 Bailey Court
Bloomington, IL 61704
Telephone: 309-242-6726
Email: brian.hug@comcast.net

NOTICE

TO: Trustees of Dale Township
Supervisor of Dale Township
Clerk of Dale Township

RE: Proposed Annexation

PLEASE TAKE NOTICE that a request for Annexation requesting the approval of an annexation agreement of the following described parcel of land has been filed with the City Clerk of the City of Bloomington, Illinois, a municipality:

SEE ATTACHED "ANNEXATION DESCRIPTION" EXHIBIT FOR COMPLETE LEGAL DESCRIPTION.

This property is or may be in the **Dale** Township.

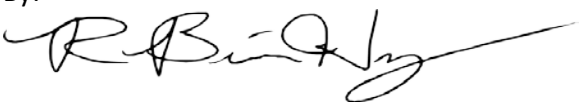
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There will be a hearing on the Annexation Agreement before the Bloomington City Council on May 28th, 2024, at 6:00 pm in the Government Center Chambers, Government Center, 4th Floor, Room #400, 115 E. Washington Street, Bloomington, Illinois 61701.

Dated September 10, 2024

Joseph A. & Carri G. Scharf, Owners

By:



R. Brian Hug
Attorney for Carri and Joseph Scharf

Prepared by and
Responses and Inquiries to:
R. Brian Hug, Attorney at Law
11 Bailey Court
Bloomington, IL 61704
Telephone: 309-242-6726
Email: brian.hug@comcast.net

NOTICE

TO: Commissioner of Dale Township Highway Commission

RE: Proposed Annexation

PLEASE TAKE NOTICE that a request for Annexation requesting the approval of an annexation agreement of the following described parcel of land has been filed with the City Clerk of the City of Bloomington, Illinois, a municipality:

SEE ATTACHED "ANNEXATION DESCRIPTION" EXHIBIT FOR COMPLETE LEGAL DESCRIPTION.

This property is or may be in the **Dale** Township Highway Commission.

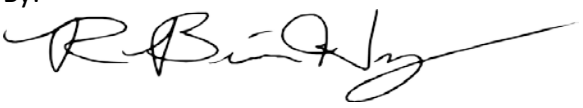
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There will be a hearing on the Annexation Agreement before the Bloomington City Council on May 28th, 2024, at 6:00 pm in the Government Center Chambers, Government Center, 4th Floor, Room #400, 115 E. Washington Street, Bloomington, Illinois 61701.

Dated September 10, 2024

Joseph A. & Carri G. Scharf, Owners

By:



R. Brian Hug
Attorney for Carri and Joseph Scharf

Prepared by and
Responses and Inquiries to:
R. Brian Hug, Attorney at Law
11 Bailey Court
Bloomington, IL 61704
Telephone: 309-242-6726
Email: brian.hug@comcast.net

NOTICE

TO: Commissioner of Bloomington Township Highway Commission

RE: Proposed Annexation

PLEASE TAKE NOTICE that a request for Annexation requesting the approval of an annexation agreement of the following described parcel of land has been filed with the City Clerk of the City of Bloomington, Illinois, a municipality:

SEE ATTACHED "ANNEXATION DESCRIPTION" EXHIBIT FOR COMPLETE LEGAL DESCRIPTION.

This property is or may be in the **Bloomington** Township Highway Commission.

This written Notice is being served upon you, pursuant to City Code and/or State statute (65 ILCS 5/7-1-1), more than ten (10) days before any action is taken on an Agreement or Petition for Annexation.

There will be a hearing on the Annexation Agreement before the Bloomington City Council on May 28th, 2024, at 6:00 pm in the Government Center Chambers, Government Center, 4th Floor, Room #400, 115 E. Washington Street, Bloomington, Illinois 61701.

Dated September 10, 2024

Joseph A. & Carri G. Scharf, Owners

By:

R. Brian Hug
Attorney for Carri and Joseph Scharf

Prepared by and
Responses and Inquiries to:
R. Brian Hug, Attorney at Law
11 Bailey Court
Bloomington, IL 61704
Telephone: 309-242-6726
Email: brian.hug@comcast.net

NOTICE

TO: Executive Director of Bloomington-Normal Airport Authority

RE: Proposed Annexation

PLEASE TAKE NOTICE that a request for Annexation requesting the approval of an annexation agreement of the following described parcel of land has been filed with the City Clerk of the City of Bloomington, Illinois, a municipality:

SEE ATTACHED "ANNEXATION DESCRIPTION" EXHIBIT FOR COMPLETE LEGAL DESCRIPTION.

This property is or may be in the Bloomington-Normal Airport Authority.

This written Notice is being served upon you, pursuant to City Code and/or State statute (65 ILCS 5/7-1-1), more than ten (10) days before any action is taken on an Agreement or Petition for Annexation.

There will be a hearing on the Annexation Agreement before the Bloomington City Council on May 28th, 2024, at 6:00 pm in the Government Center Chambers, Government Center, 4th Floor, Room #400, 115 E. Washington Street, Bloomington, Illinois 61701.

Dated September 10, 2024

Joseph A. & Carri G. Scharf, Owners

By:

R. Brian Hug
Attorney for Carri and Joseph Scharf

Prepared by and
Responses and Inquiries to:
R. Brian Hug, Attorney at Law
11 Bailey Court
Bloomington, IL 61704
Telephone: 309-242-6726
Email: brian.hug@comcast.net

NOTICE

TO: Executive Director of Bloomington-Normal Water Reclamation District

RE: Proposed Annexation

PLEASE TAKE NOTICE that a request for Annexation requesting the approval of an annexation agreement of the following described parcel of land has been filed with the City Clerk of the City of Bloomington, Illinois, a municipality:

SEE ATTACHED "ANNEXATION DESCRIPTION" EXHIBIT FOR COMPLETE LEGAL DESCRIPTION.

This property is or may be in the Bloomington-Normal Water Reclamation District.

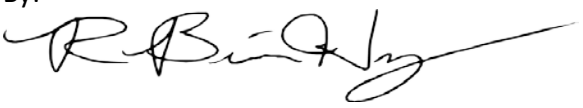
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Dated September 10, 2024

Joseph A. & Carri G. Scharf, Owners

By:



R. Brian Hug
Attorney for Carri and Joseph Scharf

Prepared by and
Responses and Inquiries to:
R. Brian Hug, Attorney at Law
11 Bailey Court
Bloomington, IL 61704
Telephone: 309-242-6726
Email: brian.hug@comcast.net

ANNEXATION DESCRIPTION

LEGAL DESCRIPTION OF THE SUBJECT PREMISES

TRACT A

ALL THAT PORTION OF THE SOUTH HALF OF THE WEST 51 ACRES OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION I, TOWNSHIP 23 NORTH, RANGE 1 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING SOUTH OF THE RIGHT OF WAY OF THE C.C.C. & ST. L. RAILWAY COMPANY; ALSO, ALL THAT PORTION OF LOT 4 LYING SOUTH OF THE I.B. & W. RAILROAD IN TIRE NORTHWEST QUARTER OF SECTION 1, AND ALL THAT PORTION OF LOTS 5 AND 6 LYING SOUTH OF THE LB. & W. RAILROAD IN THE NORTHWEST QUARTER OF SECTION 1, ALL IN TOWNSHIP 23 NORTH, RANGE 1 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING THE PLAT RECORDED IN CHANCERY RECORD 15, PAGE 562 IN MCLEAN COUNTY CIRCUIT COURT, EXCEPT THAT PORTION CONVEYED BY WARRANTY DEED 2013-00027010 MORE PARTICULARLY DESCRIBED AS FOLLOWS; A PART OF THE SOUTH HALF OF TIRE WEST 51 ACRES OF THE EAST HALF OF TIRE NORTHWEST QUARTER OF SECTION 1, TOWNSHIP 23 NORTH, RANGE 1 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING SOUTH OF THE RIGHT-OF-WAY OF THE C.C.C. AND ST. LOUIS RAILWAY COMPANY, ALSO BEING A PART OF LOT 3 IN THE SUBDIVISION FOR THE ESTATE OF JACOB MOTTER, DECEASED, IN CHANCERY RECORD 15, PAGE 563, MCLEAN COUNTY, ILLINOIS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST COMER OF SAID LOT 3, ALSO BEING THE SOUTHWEST CORNER OF SAID SOUTH HALF, THENCE EAST 409.10 FEET ALONG THE SOUTH LINE OF SAID NORTHWEST QUARTER; THENCE NORTH 564.99 FEET ALONG LINE WHICH FORMS AN ANGLE TO THE RIGHT OF 89° 24' 45" WITH THE SAID SOUTH LINE; THENCE WEST 425.95 FEET ALONG A LINE WHICH FORMS AN ANGLE TO THE RIGHT OF 90° 37' 42" WITH THE LAST DESCRIBED COURSE TO THE WEST LINE OF SAID LOT 3, ALSO BEING THE WEST LINE OF SAID EAST HALF; THENCE SOUTH 565.72 FEET ALONG SAID WEST LINE WHICH FORMS AN ANGLE TO THE RIGHT OF 87° 39' 54" WITH THE LAST DESCRIBED COURSE TO THE POINT OF BEGINNING, SITUATED IN THE COUNTY OF MCLEAN, IN THE STATE OF ILLINOIS.

PIN: 20-01-100-031

ADDRESS: NOT ADDRESSED

* * * * *

TRACT B

BEGINNING AT A POINT 382.7 FEET EAST OF A POINT WHERE THE NORTH LINE OF WASHINGTON STREET INTERSECTS THE SECTION LINE BETWEEN SECTIONS 5 AND 6, TOWNSHIP 23 NORTH, RANGE 2 EAST OF THE THIRD PRINCIPAL MERIDIAN, RUNNING THENCE EASTERLY ON THE NORTH LINE OF WASHINGTON STREET A DISTANCE OF 328 FEET TO THE WEST BOUNDARY OF THE COUNTY ROAD, AND THENCE RUNNING NORTHEASTERLY ALONG THE WEST BOUNDARY OF SAID COUNTY ROAD, A DISTANCE OF 421.5 FEET, AND RUNNING THENCE WESTERLY A DISTANCE OF 329.6 FEET, AND RUNNING THENCE SOUTHWESTERLY A DISTANCE OF 432 FEET TO THE PLACE OF BEGINNING AS SHOWN BY THE PLAT OF ELMER FOLSOM, CIVIL ENGINEER AND SURVEYOR DATED NOVEMBER 19, 1906, RECORDED IN BOOK 435 OF DEEDS, PAGE 423, IN MCLEAN COUNTY, ILLINOIS. EXCEPTING THEREFROM THAT PORTION CONVEYED TO THE CITY OF BLOOMINGTON IN WARRANTY DEEDS 89-10187 AND 96-451.

PIN: 21-05-306-002

ADDRESS: 1803 W. WASHINGTON STREET

EXHIBIT B
MAILING LIST

Dale Township Fire Protection District

Ryan Gibson
Fire Chief
Dale Township Fire Protection District
8051 E 1100 North Rd
Bloomington, IL 61705

Stanley Thompson
President
Dale Township Fire Protection District
8051 E 1100 North Rd
Bloomington, IL 61705

Secretary
Connie Becker
8051 E 1100 North Rd
Bloomington, IL 61705

Treasurer
Tim Burkhart
8051 E 1100 North Rd
Bloomington, IL 61705

Commissioner
Ed Books
8051 E 1100 North Rd
Bloomington, IL 61705

* * * * *

Bloomington Township Fire Protection District

Fire Chief
Tom Willan
14880 Old Colonial Road
Bloomington, IL 61705

President
David Owens
14880 Old Colonial Road
Bloomington, IL 61705

Secretary
Dale Herring
14880 Old Colonial Road
Bloomington, IL 61705

Treasurer
Tim Cassidy
14880 Old Colonial Road
Bloomington, IL 61705

* * * * *

Golden Prairie Public Library District

Trustee, President
Ary Anderson
Golden Prairie Public Library District
205 E. Olive St.
Bloomington, IL 61701

Secretary/Treasurer
Kathy Vroman
Golden Prairie Public Library District
205 E. Olive St.
Bloomington, IL 61701

Vice President
Jim Russell
Golden Prairie Public Library District
205 E. Olive St.
Bloomington, IL 61701

Trustee
Patti Salch
Golden Prairie Public Library District
205 E. Olive St.
Bloomington, IL 61701

Trustee
Ruth Novosad
Golden Prairie Public Library District
205 E. Olive St.
Bloomington, IL 61701

Trustee
Stephanie Walden
Golden Prairie Public Library District
205 E. Olive St.
Bloomington, IL 61701

Trustee
Stephen Peterson
Golden Prairie Public Library District

205 E. Olive St.
Bloomington, IL 61701

* * * * *

McLean County Unit 5 School District

Superintendent
Dr. Weikle
McLean County School District, Unit No. 5
1809 W. Hovey
Normal, IL 61761

* * * * *

Dale Township

Supervisor
Mary Thompson
Dale Township Building
8017 E 1100 North Rd
Bloomington, IL 61705

Clerk
John Burkhart
Dale Township Building
8017 E 1100 North Rd
Bloomington, IL 61705

Trustee
Shelly Gottsacker
Dale Township Building
8017 E 1100 North Rd
Bloomington, IL 61705

Trustee
Robert Grampp
Dale Township Building
8017 E 1100 North Rd
Bloomington, IL 61705

Trustee
John W. Maitland III
Dale Township Building
8017 E 1100 North Rd
Bloomington, IL 61705

Trustee
Mark Thompson
Dale Township Building

8017 E 1100 North Rd
Bloomington, IL 61705

* * * * *

Dale Township Highway Commissioner

To Whom It May Concern (Vacant, appointed until 2025)
Highway Commissioner
Dale Township Building
8017 E 1100 North Rd
Bloomington, IL 61705

* * * * *

Bloomington Township Highway Commissioner

Rodney Boester
Highway Commissioner
Bloomington Township Building
2501 Fox Creek Rd
Bloomington, IL 61705

* * * * *

Bloomington Township

Supervisor
Jennifer Capodice
Bloomington Township Building
2501 Fox Creek Rd
Bloomington, IL 61705

Clerk
Jennifer Vericella
Bloomington Township Building
2501 Fox Creek Rd
Bloomington, IL 61705

Trustee
David Mier
Bloomington Township Building
2501 Fox Creek Rd
Bloomington, IL 61705

Trustee
Gary Pearl
Bloomington Township Building
2501 Fox Creek Rd
Bloomington, IL 61705

Trustee
Mark Yontz
Bloomington Township Building
2501 Fox Creek Rd
Bloomington, IL 61705

Trustee
Christoper Witte
Bloomington Township Building
2501 Fox Creek Rd
Bloomington, IL 61705

* * * * *

Bloomington-Normal Airport Authority

Carl Olson, Executive Director
Bloomington-Normal Airport Authority
3201 CIRA Drive, Suite 200
Bloomington, IL 61704

* * * * *

Bloomington-Normal Water Reclamation District

Tim Ervin, Executive Director
Bloomington-Normal Water Reclamation District
2015 W. Oakland Avenue
Bloomington, IL 61701

CITY OF Bloomington ILLINOIS
Economic & Community Development

September 10, 2024

Brian Hug
Attorney at Law
11 Bailey Court
Bloomington, IL 61704

Re: Annexation of Property Subject to the Scharf Annexation Agreement of 2024

The following are the fees and obligations required of Joseph Scharf and Carri Scharf Trucking, based upon the Annexation Agreement approved on May 30, 2024, for **Tract A and Tract B (PINs 20-01-100-031 and 21-05-306-002), approximately 34.12 acres.**

Tract A (2405 W. Washington Street)

		Fund Code	***Principal***	***Interest***	***Total***
1	Annexation Fees	10010010-54620			NONE REQUIRED
2	Parkland Fee	24104100-57320			NONE REQUIRED
3	Water Tap-On	50100110-54120			DETERMINED IN FUTURE
4	Sanitary Sewer Tap-On	51101100-54120			DETERMINED IN FUTURE
5	Sub-Standard Road	10016210-57320			DUE AT FINAL PLATTING OR ROAD COMPLETION
6	Right-of-Way	N/A			AT TIME OF ANNEXATION; SUBDIVISION
	Total Due Now				**$0**

1) No residential or commercial zoning
2) No residential development proposed
3) Tap-on fees based upon City Code at the time connection is sought (Agreement § 4.A.3(b))
4) Tap-on fees based upon City Code at the time connection is sought (Agreement § 4.A.4(b))
5) $175/foot (1/2 of $350 per foot). Beginning from May, 2024, increased at 6% or CPI, until paid
6) 45-ft from middle-line of W. Washington Street, at southern border; 50-ft trail easement, TBD

Tract B (1803 W. Washington Street)

		Fund Code	***Principal***	***Interest***	***Total***
1	Annexation Fees	10010010-54620			$9,330.55
2	Parkland Fee	24104100-57320			NONE REQUIRED
3	Water Tap-On	50100110-54120			PRIOR TO CONNECTION
4	Sanitary Sewer Tap-On	51101100-54120			PRIOR TO CONNECTION
5	Sub-Standard Road	10016210-57320			NONE REQUIRED
6	Right-of-Way	N/A			NONE REQUIRED
	Total Due Now				**$9,330.55**

1) Annexation Fee: $0.07 per Square Foot of Commercial (M-2) Zoning, from a November 2018 baseline.
2) No residential development proposed.
3) Tap-on of $8,738.82 due prior to connection to public water along the southern part of property.
4) Tap-on fees based upon City Code at the time connection is sought (Agreement § 4.B.3(b)).

Sincerely,

Alissa Pemberton
City Planner

Cc: Melissa Hon, Economic & Community Development
Kevin Kothe, City Engineer/Director of Operations and Engineering Services
Chris Tomerlin, Finance

CONSENT AGENDA ITEM NO. 7.E.

FOR COUNCIL: September 23, 2024

WARD IMPACTED: Ward 7

SUBJECT: Consideration and Action on an Ordinance Annexing Property Commonly Known as 2440 W. Washington Street, Containing 131.9 Acres, More or Less, and Approving a Zoning Map Amendment for Said Property to the A (Agriculture) District (PIN: 20-01-300-004), as requested by the Economic & Community Development Department.

RECOMMENDED MOTION: The proposed Ordinance be approved.

STRATEGIC PLAN LINK:
Goal 1. Financially Sound City Providing Quality Basic Services
Goal 5. Great Place - Livable, Sustainable City

STRATEGIC PLAN SIGNIFICANCE:
Objective 1d. City services delivered in the most cost-effective, efficient manner
Objective 5a. Well-planned City with necessary services and infrastructure

BACKGROUND: On May 28, 2024, the City approved an Annexation Agreement with David Hruska (Res. No. 2024-026). The Agreement does not require the City or Property Owner to extend or improve any utilities at this time. Right of way needed for the future widening of West Washington Street is dedicated, as is right of way for planned/proposed roads in the area.

Summary of Request:

- The existing Annexation Agreement assigns a zoning of A (Agriculture) District to the subject property, upon Annexation. The Petitioner's request is consistent with the approved Agreement.
- The current proposal is for division of the property into two lots of record and development of an approximately 35-acre Community-Scale Solar Energy Conversion Facility, with the balance of the property remaining in actively agricultural production.
- No Public Hearings are required for this action, as the content of the Agreement and the Zoning Map Amendment were publicly reviewed prior to adoption of the Agreement earlier this year.

This is a continuation of the actions begun as Z-05-24.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: The Applicant provided notice of this action before the City Council, by Certified Mail, to the following parties on September 11, 2024: Dale Township Fire Protection District, McLean County Unit 5 School District, Golden Prairie Public Library District, Dale Township, Dale Township Highway Commission, Bloomington-Normal Airport Authority, and Bloomington-Normal Water Reclamation District.

FINANCIAL IMPACT: The proposed Annexation and Zoning Map Amendment will add to the City's tax base. The Agreement secures vital infrastructure pathways for the future development throughout the area of "emerging" west Bloomington. The Applicant will be responsible for the construction and cost of any infrastructure for development on the subject property, with tap-on fees contributing to the cost of existing water and sewer infrastructure upon further subdivision or development.

AMERICAN RESCUE PLAN FUNDING IMPACT: N/A

COMMUNITY DEVELOPMENT IMPACT: **This request meets the following goals and objectives of the Bloomington Comprehensive Plan 2035**: Goal UEW-2 (Promote and facilitate energy conservation and alternate energy generation and resources), Objective UEW-2.2 (Ensure at least 25% of energy use comes from renewable energy sources); Goal TAQ-1 (A safe and efficient network of streets, bicycle-pedestrian facilities and other infrastructure to serve users in any surface transportation mode), Objectives TAQ-1.1 (Maintenance and development of a continuous network of arterial, collector and local streets that provides for safe and efficient movement of people, goods and services between existing and proposed residential areas and major activity centers, maximizes walkability, and provides multimodal linkages to the state and interstate highway system), and TAQ-1.5 (Plan for appropriate and safe access to major surface transportation facilities, including arterial and collector streets); Goal NE-3 (Reduce environmental pollutants), Objective NE-3.1 (Identify and reduce air pollutants), Policy NE-3.1a (Work to attract and provide incentives for wind, solar, geothermal, biofuel, and other types of renewable energy development); and Goal CF-1 (Continue to provide quality public facilities and services), Objectives CF-1.1 (Provide adequate City services for current and new annexations) and CF-1.4 (Focus resources on maintaining and developing facilities that support the goal of contiguous and compact growth).

Respectfully submitted for consideration.

Prepared by: Alissa Pemberton, City Planner

ATTACHMENTS:
E&CD 2B Ordinance
E&CD 2C Ordinance Exhibit B - Hruska Annexation Plat
E&CD 2D Petition for Annexation
E&CD 2E Owners Certificate
E&CD 2F Affidavit and Proof of Service of Mailing
E&CD 2G Fee and Obligation Memo

ORDINANCE NO. 2024 - _____

AN ORDINANCE ANNEXING PROPERTY COMMONLY KNOWN AS 2440 W. WASHINGTON STREET, CONTAINING 131.9 ACRES, MORE OR LESS, AND APPROVING A ZONING MAP AMENDMENT FOR SAID PROPERTY TO THE A (AGRICULATURE) DISTRICT (PIN: 20-01-300-004)

WHEREAS, there was heretofore filed with the Economic & Community Development Department of the City of Bloomington, McLean County, Illinois, a Petition requesting Annexation of approximately 131.9 acres of property located on the south side of West Washington Street, legally described in Exhibit A, and hereinafter referred to as "Property", which is attached hereto and made part hereof by this reference; and

WHEREAS, said Petition included an Annexation Plat prepared by Franjo I. Maticic, Illinois Professional Land Surveyor No. 035-003556 of WT Group, on August 14, 2024, depicted in Exhibit B, which is attached hereto and made part hereof by this reference; and

WHEREAS, the Property is already the subject of an Annexation Agreement, approved by City Council on May 28, 2024; and

WHEREAS, said Annexation Agreement includes approval for a Zoning Map Amendment from the (County) A (Agriculture) District to the (City) A (Agriculture) District for the Property, upon annexation; and

WHEREAS, said Annexation Agreement includes modifications of the Use Provisions associated with Solar Energy Conversion Facilities (§ 44-1031), benefiting both parties; and

WHEREAS, the Petitioner has provided the notices required by Section 7-1-1 of the Municipal Code (65 ILCS 5/7-1-1) to the appropriate parties and has submitted an Affidavit of proof thereof; and

WHEREAS, the City Council of the City of Bloomington has the power to adopt this Ordinance and approve this Annexation and Zoning Map Amendment.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BLOOMINGTON, MCLEAN COUNTY, ILLINOIS:

SECTION 1. That the above recitals are incorporated herein as if specifically stated in full.

SECTION 2. That the request for Annexation of approximately 131.9 acres of property commonly known as 2440 W. Washington Street, legally described in Exhibit A and depicted in Exhibit B, is hereby approved.

SECTION 3. A Zoning Map Amendment from (County) A (Agriculture) District to (City) A (Agriculture) District for approximately 131.9 acres of property commonly known as 2440 W. Washington Street, legally described in Exhibit A and depicted in Exhibit B, is hereby approved pursuant to the Annexation Agreement approved on May 28, 2024.

SECTION 4. The request for overriding of § 44-1031D of the City Code in timeline and process,

by provisions for Decommissioning set forth in an executed Agricultural Impact Mitigation Agreement between the State of Illinois Department of Agriculture and the owner of any Commercial Solar Energy Conversion Facility project constructed on Lot 2 of the Concept Plan in said Agreement, is hereby approved, provided construction begins within 5 years of the effective date of the said Annexation Agreement.

SECTION 5. In the event that any section, clause, provision, or part of this Ordinance shall be found and determined to be invalid by a court of competent jurisdiction, all valid parts that are severable from the invalid parts shall remain in full force and effect.

SECTION 6. The City Clerk is hereby directed and authorized to publish this Ordinance in pamphlet form as provided by law.

SECTION 7. This Ordinance is enacted pursuant to the home rule authority of the City of Bloomington granted by Article VII, Section 6 of the 1970 Illinois Constitution.

SECTION 8. This Ordinance shall be effective immediately after its approval and publication as required by law.

PASSED this 23rd day of September 2024.

APPROVED this _____ day of September 2024.

CITY OF BLOOMINGTON

_____
Mboka Mwilambwe, Mayor

ATTEST

_____
Leslie Smith-Yocum, City Clerk

EXHIBIT A
Legal Description

ADDRESS: 2440 W WASHINGTON ST. BLOOMINGTON, IL 61701

Tract 1
THE WEST 53.90 ACRES OF THE SOUTH EAST 1/4 OF SECTION 1; AND THE EAST 1/2 OF THE SOUTH WEST 1/4 OF SECTION 1, EXCEPT 2 ACRES OFF OF THE WEST SIDE THEREOF; ALL IN TOWNSHIP 23 NORTH, RANGE 1 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN MCLEAN COUNTY, ILLINOIS, ALSO EXCEPT LOT 1 OF PINE TREE SUBDIVISION IN THE SOUTH EAST 1/4 OF SECTION 1, TOWNSHIP 23 NORTH, RANGE 1 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO PLAT RECORDED MAY 19, 1971, AS DOCUMENT NO. 71-3896, AS CONVEYED BY WARRANTY DEED RECORDED JULY 26, 1971 AS DOCUMENT NO. 1971-00006273, PUBLIC RECORDS OF MCLEAN COUNTY, STATE OF ILLINOIS.

Tract 2
ALL OF WASHINGTON STREET LYING NORTH OF AND ADJACENT TO SAID TRACT 1

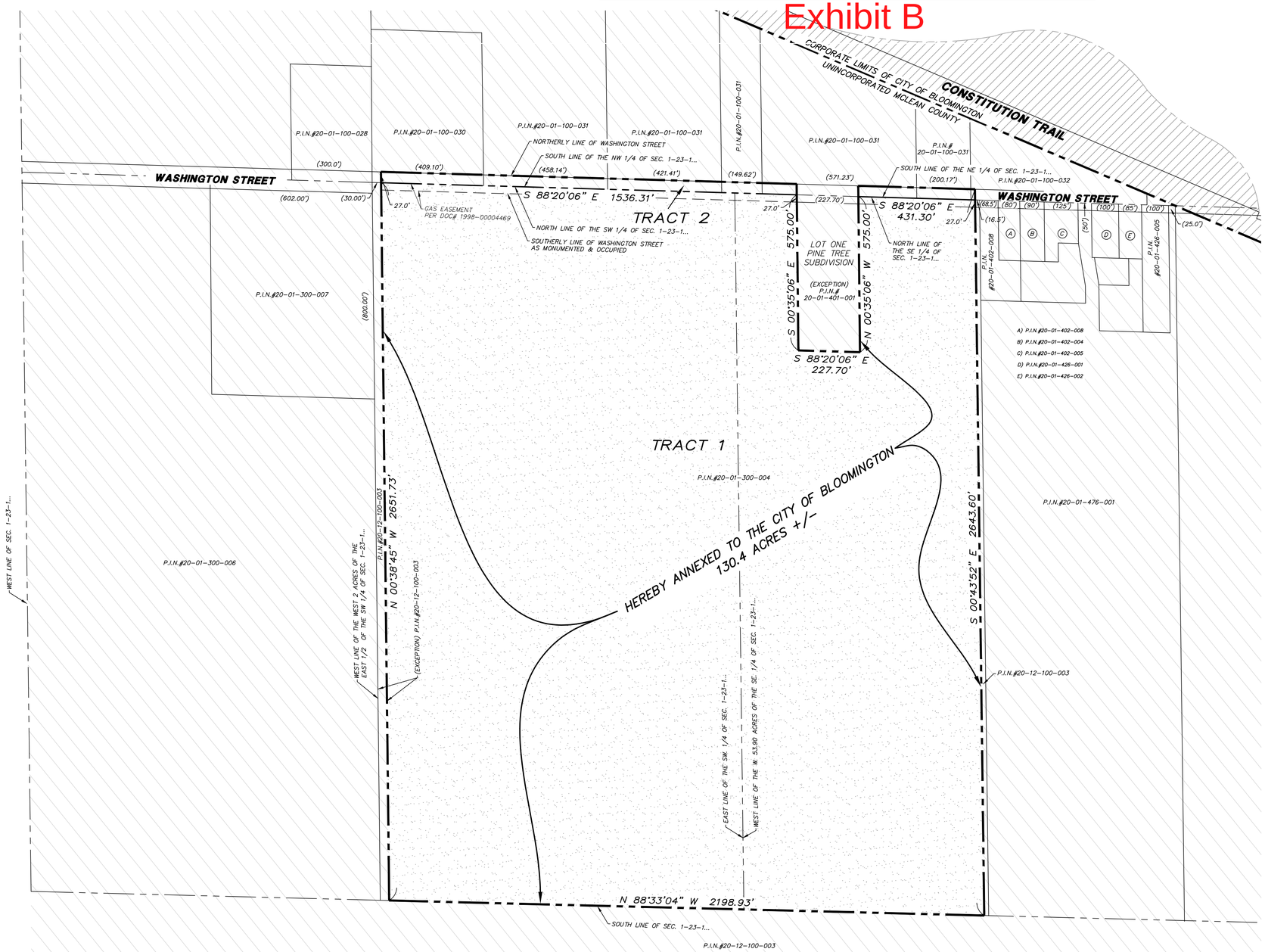
EXCEPTING ANY PART OF THAT WHICH MAY HAVE BEEN PREVIOUSLY ANNEXED TO THE CITY OF BLOOMINGTON

PIN: 20-01-300-004

EXHIBIT B
Annexation Plat

PLAT OF ANNEXATION

Exhibit B



PROPERTY DESCRIPTION

TRACT 1
THE WEST 53.90 ACRES OF THE SOUTH EAST 1/4 OF SECTION 1; AND THE EAST 1/2 OF THE SOUTH WEST 1/4 OF SECTION 1, EXCEPT 2 ACRES OFF OF THE WEST SIDE THEREOF; ALL IN TOWNSHIP 23 NORTH, RANGE 1 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN MCLEAN COUNTY, ILLINOIS, ALSO EXCEPT LOT 1 OF PINE TREE SUBDIVISION IN THE SOUTH EAST 1/4 OF SECTION 1, TOWNSHIP 23 NORTH, RANGE 1 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO PLAT RECORDED MAY 19, 1971, AS DOCUMENT NO. 71-3896, AS CONVEYED BY WARRANTY DEED RECORDED JULY 26, 1971 AS DOCUMENT NO. 1971-00006273, PUBLIC RECORDS OF MCLEAN COUNTY, STATE OF ILLINOIS.

TRACT 2
ALL OF WASHINGTON STREET LYING NORTH OF AND ADJACENT TO SAID TRACT 1

EXCEPTING ANY PART OF THAT WHICH MAY HAVE BEEN PREVIOUSLY ANNEXED TO THE CITY OF BLOOMINGTON

LEGEND

- PROPERTY LINE
- CENTERLINE OF RIGHT OF WAY
- UNDERLYING PROPERTY LINES
- (XXX') RECORD PROPERTY DIMENSIONS
- CORPORATE LIMITS OF THE CITY OF BLOOMINGTON
- UNINCORPORATED MCLEAN COUNTY
- PROPERTY HEREBY ANNEXED TO THE CITY OF BLOOMINGTON

N

SCALE: 1" = 200'

00 100 200 400

BAR SCALE

SURVEYOR'S CERTIFICATE

STATE OF ILLINOIS)
)SS
COUNTY OF COOK)

THIS IS TO CERTIFY THAT, ON BEHALF OF THE WT GROUP, LLC, I, FRANJO I. MATICIC, AN ILLINOIS PROFESSIONAL LAND SURVEYOR, HAVE PREPARED THE MAP HEREON FROM OFFICE RECORDS FOR THE PURPOSE OF ANNEXING THE SAME INTO THE CITY BLOOMINGTON, ILLINOIS AND THE MAP HEREON DRAWN IS A CORRECT REPRESENTATION OF THE PROPERTY TO BE ANNEXED.

GIVEN UNDER MY HAND AND SEAL THIS 14th DAY OF AUGUST, A.D. 2024.

BY: Franjo I. Maticic

FRANJO I. MATICIC – PLS #035-003556 EXPIRES 11/30/2024
ILLINOIS PROFESSIONAL DESIGN FIRM LICENSE NO. 184.007570-0015

PROFESSIONAL LAND SURVEYOR
FRANJO I. MATICIC
035-003556
HOFFMAN ESTATES ILLINOIS
STATE OF ILLINOIS

AQUATIC \ CIVIL \ MECHANICAL \ ELECTRICAL \ PLUMBING \ TELECOMMUNICATION \ STRUCTURAL \ ACCESSIBILITY CONSULTING \ DESIGN & PROGRAM MANAGEMENT \ LAND SURVEY

WT GROUP
Engineering with Precision, Pace and Passion.
2675 Pratum Avenue | Hoffman Estates, IL 60192
T 224.293.0551 F 224.293.0644
wtengineering.com

IL License No. 184.007570-0015 Expires 04.30.2025
© COPYRIGHT 2023 THE WT GROUP, LLC

WT Group
Engineering • Design • Consulting

2440 W. WASHINGTON STREET
BLOOMINGTON, ILLINOIS

ISSUE

TO	DATE
CLIENT	6/25/24
CLIENT	7/12/24
CLIENT	8/14/24

CHECK:FIM
DRAWN:REM
JOB: S2400050

ANNEX-1
SHEET 1 OF 1
PLAT OF ANNEXATION

Docusign Envelope ID: 26998C41-CC0E-4CB9-9CA6-27604D586BCF

PETITION FOR ANNEXATION TO THE CITY OF BLOOMINGTON, MCLEAN COUNTY, ILLINOIS AND FOR AMENDMENT OF THE OFFICAL ZONING MAP OF THE CITY OF BLOOMINGTON, MCLEAN COUNTY, ILLINOIS

State of Illinois)
)ss.
County of McLean)

Now come(s) *David Hruska,* hereinafter referred to as "Petitioner", respectfully representing and requesting as follows:

1. That your Petitioner is the owner of the freehold or lesser estate thereinof the Property hereinafter legally described in Exhibit "A" and hereinafter referred to as "Property", which is attached hereto and made a part hereof by this reference, or is a mortgagee or vendee in possession, assignee of rents, receiver, executor (executrix), trustee, lessee or other person, firm or corporation or the duly authorized agents of any of the above persons having proprietary interest in said property.

2. The Annexation Plan prepared by Franjo I. Maticic, Illinois Professional Land Surveyor No. 035-003556 of WT Group, on August 14, 2024, is attached hereto and incorporated herein as Exhibit "B."

3. The Premises presently has a zoning classification of A (Agriculture) District under the provisions of the McLean County Zoning Ordinance.

4. The Property is the subject of an executed Annexation Agreement (hereinafter referred to as the "Annexation Agreement" by and between the City of Bloomington, McLean County, Illinois, a Municipal Corporation (hereinafter referred to as the "City") and Petitioner. A copy of the Annexation Agreement is attached hereto as Exhibit "C" and incorporated herein by this reference.

5. The Annexation Agreement provides that, upon annexation of the Property to the City of Bloomington, the Property shall be zoned to A (Agriculture) District under the provisions of Chapter 44 of the Bloomington City Code of 1960, as amended.

6. The requested zoning classification of A (Agriculture) District, as set forth in the Annexation Agreement, is equally as compatible with existing uses and/or zoning of adjacent property as the existing zoning of the Property, and the benefits realized by the general public in approving this Petition will exceed the hardships imposed.

Docusign Envelope ID: 26998C41-CC0E-4CB9-9CA6-27604D586BCF

WHEREFORE, your Petitioner hereby respectfully request that the Honorable Mayor and City Council of the City of Bloomington, McLean County, Illinois, annex the Property to the City of Bloomington, McLean County, Illinois, and amend the Official Zoning Map of the City to classify the Property into the zoning classification(S) set forth in the Annexation Agreement.

RESPECTFULLY SUBMITTED BY:

David Hruska

David Hruska
Property Owner

Docusign Envelope ID: 26998C41-CC0E-4CB9-9CA6-27604D586BCF

EXHIBIT A
LEGAL DESCRIPTION

ADDRESS: 2440 W WASHINGTON ST. BLOOMINGTON, IL 61701

Tract 1:

THE WEST 53.90 ACRES OF THE SOUTH EAST 1/4 OF SECTION 1; AND THE EAST 1/2 OF THE SOUTH WEST 1/4 OF SECTION 1, EXCEPT 2 ACRES OFF OF THE WEST SIDE THEREOF; ALL IN TOWNSHIP 23 NORTH, RANGE 1 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN MCLEAN COUNTY, ILLINOIS, ALSO EXCEPT LOT 1 OF PINE TREE SUBDIVISION IN THE SOUTH EAST 1/4 OF SECTION 1, TOWNSHIP 23 NORTH, RANGE 1 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO PLAT RECORDED MAY 19, 1971, AS DOCUMENT NO. 70-3896, AS CONVEYED BY WARRANTY DEED RECORDED JULY 26, 1971, AS DOCUMENT NO. 1971-00006273, PUBLIC RECORD OF MCLEAN COUNTY, STATE OF ILLINOIS.

Tract 2:

ALL OF WASHINGTON STREET LYING NORTH OF AND ADJACENT TO SAID TRACT 1

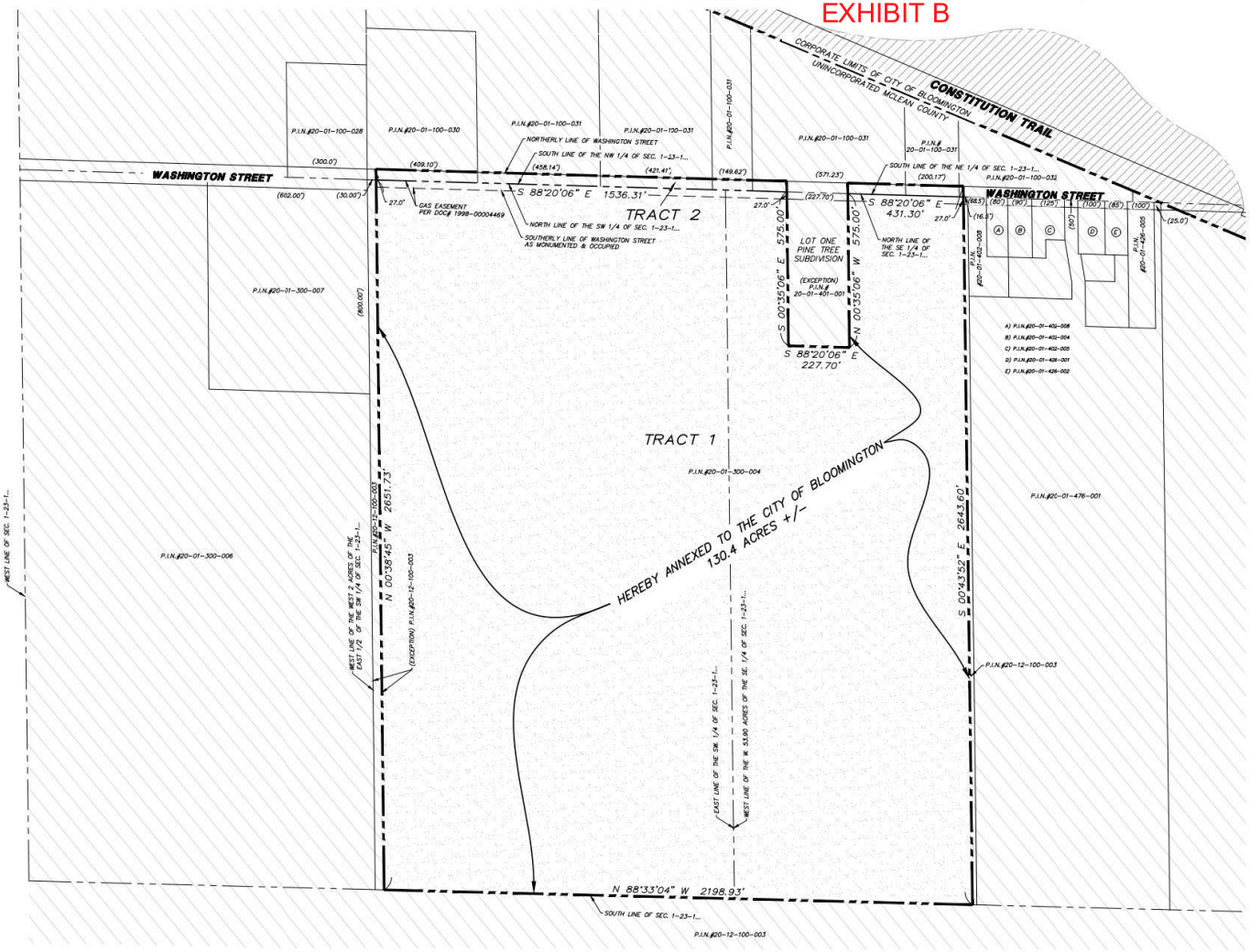
EXCEPTING ANY PART OF THAT WHICH MAY HAVE BEEN PREVIOUSLY ANNEXED TO THE CITY OF BLOOMINGTON

PIN: 20-01-300-004

Docusign Envelope ID: 26998C41-CC0E-4C89-9CA6-2760405B8BCF

PLAT OF ANNEXATION

EXHIBIT B



PROPERTY DESCRIPTION

TRACT 1
THE WEST 53.90 ACRES OF THE SOUTH EAST 1/4 OF SECTION 1; AND THE EAST 1/2 OF THE SOUTH WEST 1/4 OF SECTION 1, EXCEPT 2 ACRES OFF OF THE WEST SIDE THEREOF; ALL IN TOWNSHIP 23 NORTH, RANGE 1 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN MCLEAN COUNTY, ILLINOIS, ALSO EXCEPT LOT 1 OF PINE TREE SUBDIVISION IN THE SOUTH EAST 1/4 OF SECTION 1, TOWNSHIP 23 NORTH, RANGE 1 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO PLAT RECORDED MAY 19, 1971, AS DOCUMENT NO. 71-3896, AS CONVEYED BY WARRANTY DEED RECORDED JULY 26, 1971 AS DOCUMENT NO. 1971-00006273, PUBLIC RECORDS OF MCLEAN COUNTY, STATE OF ILLINOIS.

TRACT 2
ALL OF WASHINGTON STREET LYING NORTH OF AND ADJACENT TO SAID TRACT 1

EXCEPTING ANY PART OF THAT WHICH MAY HAVE BEEN PREVIOUSLY ANNEXED TO THE CITY OF BLOOMINGTON

LEGEND
- PROPERTY LINE
- CENTERLINE OF RIGHT OF WAY
- UNDERLYING PROPERTY LINES
- (XXX') RECORD PROPERTY DIMENSIONS
- CORPORATE LIMITS OF THE CITY OF BLOOMINGTON
- UNINCORPORATED MCLEAN COUNTY
- PROPERTY HEREBY ANNEXED TO THE CITY OF BLOOMINGTON

N

SCALE: 1" = 200'
0 100 200 400
BAR SCALE

SURVEYOR'S CERTIFICATE

STATE OF ILLINOIS)
)SS
COUNTY OF COOK)

THIS IS TO CERTIFY THAT, ON BEHALF OF THE WT GROUP, LLC, I, FRANJO I. MATICIC, AN ILLINOIS PROFESSIONAL LAND SURVEYOR, HAVE PREPARED THE MAP HEREON FROM OFFICE RECORDS FOR THE PURPOSE OF ANNEXING THE SAME INTO THE CITY BLOOMINGTON, ILLINOIS AND THE MAP HEREON DRAWN IS A CORRECT REPRESENTATION OF THE PROPERTY TO BE ANNEXED.

GIVEN UNDER MY HAND AND SEAL THIS 14th DAY OF AUGUST, A.D. 2024

BY: _____
FRANJO I. MATICIC – PLS #035-003556 EXPIRES 11/30/2024
ILLINOIS PROFESSIONAL DESIGN FIRM LICENSE NO. 184.007570-0015

FRANJO I. MATICIC 035-003556 HOFFMAN ESTATES ILLINOIS PROFESSIONAL LAND SURVEYOR STATE OF ILLINOIS

WT GROUP
Engineering with Precision, Pace and Passion.
2007 Pratum Avenue | Hoffman Estates, IL 60192
T: 224.293.8333 | F: 224.293.8444
wtengineering.com
Illinois Professional Design Firm | License No. 184.007570
Illinois Professional Land Surveying Corporation | License No. 184.003205
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AQUATIC \ CIVIL \ MECHANICAL \ ELECTRICAL \ PLUMBING \ TELECOMMUNICATION \ STRUCTURAL \ ACCESSIBILITY CONSULTING \ DESIGN & PROGRAM MANAGEMENT \ LAND SURVEY

2440 W. WASHINGTON STREET
BLOOMINGTON, ILLINOIS

ISSUE

TO	DATE
CLIENT	6/25/24
CLIENT	7/12/24
CLIENT	8/14/24

CHECK:FIM
DRAWN:REM
JOB: S2400050

ANNEX-1
SHEET 1 OF 1
PLAT OF ANNEXATION

Docusign Envelope ID: 26998C41-CC0E-4CB9-9CA6-27604D586BCF

EXHIBIT C

RESOLUTION NO. 2024 - 026

A RESOLUTION AUTHORIZING AN ANNEXATION AGREEMENT WITH DAVID HRUSKA FOR THE PROPERTY COMMONLY KNOWN AS 2440 W. WASHINGTON STREET, PIN: 20-01-300-004

WHEREAS, there was heretofore filed with the Economic & Community Development Department of the City of Bloomington, McLean County, Illinois, a request for approval of an Annexation Agreement pertaining to property commonly known as 2440 W. Washington Street, legally described in Exhibit "A" and hereinafter referred to as "Property", which is attached hereto and made part hereof by this reference; and

WHEREAS, the request included a proposed Annexation Agreement labeled as Exhibit "B" and hereinafter referred to as "Agreement", which is attached hereto and made part hereof by this reference; and

WHEREAS, the Bloomington Planning Commission, after proper notice was given, conducted a public hearing on said request and Agreement; and

WHEREAS, the Bloomington Planning Commission, following said public hearing, made findings of fact that such Annexation Agreement and the included proposal(s) for Zoning Map Amendment(s) are in the public interest and not solely for the benefit of the applicant, as required by § 8.5-203 of the Bloomington City Code; and

WHEREAS, the Bloomington Planning Commission voted to recommend that the City Council pass this Resolution; and

WHEREAS, the Bloomington City Council, after proper notice was given, conducted a public hearing on said request and Agreement; and

WHEREAS, the City Council of the City of Bloomington has the power to adopt this Resolution and approve the Annexation Agreement.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BLOOMINGTON, MCLEAN COUNTY, ILLINOIS:

Section 1. The above recitals are incorporated herein by this reference as if specifically stated in full.

Section 2. The City Council adopts the findings of fact of the Bloomington Planning Commission and hereby approves the Annexation Agreement, attached as Exhibit "B", with David Hruska for the Property commonly known as 2440 W. Washington Street, legally described in Exhibit "A", and authorizes the Mayor and City Clerk to execute said agreement.

Section 3. This Resolution is enacted pursuant to the home rule authority of the City of Bloomington granted by Article VII, Section 6 of the 1970 Illinois Constitution.

Section 4. This Resolution shall take effect immediately after its approval and publication as required by law.

Docusign Envelope ID: 26998C41-CC0E-4CB9-9CA6-27604D586BCF

PASSED this 28th day of May 2024.

APPROVED this 30th day of May 2024.

CITY OF BLOOMINGTON

Mboka Mwilambwe, Mayor

ATTEST

Leslie Smith-Yocum, City Clerk

Docusign Envelope ID: 26998C41-CC0E-4CB9-9CA6-27604D586BCF

EXHIBIT A
Legal Description

THE WEST 53.90 ACRES OF THE SOUTH EAST 1/4 OF SECTION 1; AND THE EAST 1/2 OF THE SOUTH WEST 1/4 OF SECTION 1, EXCEPT 2 ACRES OFF OF THE WEST SIDE THEREOF; ALL IN TOWNSHIP 23 NORTH, RANGE 1 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN MCLEAN COUNTY, ILLINOIS, ALSO EXCEPT LOT 1 OF PINE TREE SUBDIVISION IN THE SOUTH EAST 1/4 OF SECTION 1, TOWNSHIP 23 NORTH, RANGE 1 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO PLAT RECORDED MAY 19, 1971, AS DOCUMENT NO. 71-3896, AS CONVEYED BY WARRANTY DEED RECORDED JULY 26, 1971 AS DOCUMENT NO. 1971-00006273, PUBLIC RECORDS OF MCLEAN COUNTY, STATE OF ILLINOIS.

PIN: 20-01-300-004
ADDRESS: 2440 W WASHINGTON STREET

Docusign Envelope ID: 26998C41-CC0E-4CB9-9CA6-27604D586BCF

EXHIBIT B

ANNEXATION AGREEMENT

Pursuant to legislative authorization found in Article 11, Division 15.1 of the Illinois Municipal Code, (65 ILCS 5/11-15.1-1 et seq.) for and in consideration of the mutual promises herein contained and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the undersigned City of Bloomington, Illinois, a Municipal Corporation, hereinafter referred to as "City" and David Hruska, hereinafter referred to as "Owner" enter into this Annexation Agreement ("Agreement") for the annexation of property into the City. Owner shall refer to David Hruska, their successors or assigns.

WHEREAS, Owner is the owner of approximately 131.90 acres, less public right-of-way, with frontage on West Washington Street and hereinafter described on Exhibit "A," which is attached hereto and made a part hereof by this reference (hereinafter "Premises" or "Property"); and

WHEREAS, Owner has submitted a Concept Plan for Washington Street Solar Subdivision, attached hereto as Exhibit "B" (hereinafter "Concept Plan"), of how they propose to develop the Property; and

WHEREAS, the Owner is desirous of having the Premises annexed to the City and the City is desirous of annexing said premises; and

WHEREAS, said Premises is not within the corporate limits of any municipality, and will become contiguous to the City with the Annexation of PIN 20-01-100-031 which is being considered for Annexation concurrently, as case Z-06-24 ; and

WHEREAS, the Owner is desirous of having said premises zoned A (Agricultural) District upon annexation to the City (all Lots referenced shall include any subdivisions thereof); and

WHEREAS, the Owner has given all notices required to be given by Section 7-1-1 of the Illinois Municipal Code (65 ILCS 5/7-1-1).

NOW, THEREFORE, for and in consideration of the mutual covenants herein contained, the receipt and sufficiency of which are hereby acknowledged, the City and Owner agree as follows:

1. ANNEXATION PETITIONS.

Owner, subject to the terms and conditions set forth in this Agreement, will petition the City of Bloomington, requesting annexation of the property, or portions thereof, identified on Exhibit "A" to the City's corporate limits, after approval and execution of this Annexation Agreement. The City shall publicize and give such notices and conduct such public hearings as are required to annex the Premises, including specifically, public hearings on this annexation agreement conducted after notice as required by law and ordinance.

2. ANNEXATION.

Upon Owner's Petition, the City agrees to adopt an Ordinance(s) annexing the property, or portions thereof, described on Exhibit "A."

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3. ZONING.

City agrees to zone the Premises legally described on Exhibit "A", upon annexation, to the A (Agricultural) District, subsequent to approval after any public hearings required by the City Code.

4. DEVELOPMENT OBLIGATIONS.

Unless explicitly written as otherwise, it is the intent of this section of the Agreement to allow the Owner to continue the active Agricultural operation inside City limits, without triggering obligations and fees related to development, until such time as development is proposed or pursued, indicated by Final Platting or the connection to new City services.

With regard to the annexation and development of the Premises, the installation of public improvements within and serving the Premises, and the use and development of the Premises, during the life of this agreement, the following shall apply:

Note: Bonds shall be provided for all public improvements as set forth in the City Code. All public improvements shall be constructed within dedicated public right-of-way or dedicated easements.

A. The Owner shall have the following obligations regarding streets as reflected on the Concept Plan attached as Exhibit "B":

(1) W. Washington Street

i. At the Time of Annexation: The Owner shall dedicate right-of-way along the entire northern border of the Property, extending 45-feet from the middle-line of W. Washington Street.

ii. At the completion of the road being modified to City Minor Street standards, or at Final Platting, whichever occurs last, the Owner shall pay the Adjacent Substandard Roadway fee. The fee shall reflect the cost, per foot of frontage, of one half the per foot cost of a 30' wide local street section. Said fee is currently $175 per foot (1/2 of $350 per foot). Beginning from the date of this Agreement, this fee shall be increased at a rate of 6% simple interest or based on the Consumer Price Index (CPI), whichever is lower at the time of payment. At Owner's option, the fee may be paid at any time in advance of it becoming due.

(2) Future Charolais Lane Extension

i. At the Time of Final Platting, or before this Agreement expires: The Owner shall dedicate a 90-foot right-of-way, running from the eastern border of the property to the western border of the property, in line with the existing latitude of Charolais Lane, as shown in the Concept Plan on Exhibit "B", or alternate alignment as approved by the City at time of Platting.

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(3) Future North-South Collector Road

i. At the Time of Final Platting, or before this Agreement expires: The Owner shall dedicate a 90-foot right-of-way, running from the northern border of the property to the southern border of the property, at a distance of approximately 1,300 feet east from the western border of the property, as shown in the Concept Plan on Exhibit "B", or alternate alignment as approved by the City at time of Platting.

B. Public Water Improvements: The Owner shall have the following obligations regarding water improvements.

(1) Right-of-Way. All public water mains shall be built within dedicated public right-of-way or dedicated easements, including but not limited to those depicted in the Concept Plan (Exhibit "B").

(2) Improvement Obligations.

i. Upon the extension of a public water main to an area adjacent to the Premises, the Owner may tap such main.

ii. The Owner shall be responsible for payment of tap-on fees prior to the connection to public water, based upon the requirements of the City Code at the time connection is sought.

C. Public Sanitary Sewer Improvements: The Owner shall have the following obligations regarding sanitary sewer improvements.

(1) Right-of-Way. All public sanitary sewers shall be built within dedicated public right-of-way or dedicated easements, including but not limited to those depicted in the Concept Plan (Exhibit "B").

(2) Improvement Obligations.

i. Upon the extension of a public sanitary sewer to an area adjacent to the Premises, the Owner may tap such sewer.

ii. The Owner shall be responsible for payment of tap-on fees prior to the connection to public sanitary sewer, based upon the requirements of the City Code at the time connection is sought.

D. Lot 2 of the Concept Plan - Commercial Solar Energy Conversion Facility Use

(1) The following modifications of the Use Provisions associated with Solar Energy Conversion Facilities (§ 44-1031 of the City Code) shall apply:

i. Decommissioning – The provisions for Decommissioning set forth in an executed Agricultural Impact Mitigation Agreement between the State of Illinois Department of Agriculture and the owner of any Commercial Solar

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Energy Conversion Facility project constructed on the Premises, shall override § 44-1031D of the City Code in timeline and process, provided construction begins within 5 years of the effective date of this Agreement.

ii. Landscaping and screening – Developer agrees to provide a vegetative buffer, consisting of Arbor Vite or other evergreen trees and materials approvable per § 44-1305 of the City Code, along the northern border of the Solar Energy Conversion Facility, for the visual benefit of the exiting residence at 2406 W. Washington Street. The remaining portion of the site may be fenced subject to the provisions of City Code § 44-1031F(3)(a) and § 44-910 (Fence regulations).

iii. Maximum height – Developer agrees to a maximum height restriction of ten (10) feet, at full tilt, for installed solar arrays.

E. Future subdivision and development of the Premises shall be by applicable governing Codes at that time.

5. OBLIGATION TO DEVELOP PER CODE.

In the construction and use of improvements on the subject Premises the Owner shall comply with all zoning subdivision, building, mechanical and other applicable codes and ordinances of the City of Bloomington in effect at that time. Bonds shall be provided for all public improvements as set forth in the City Code.

6. ANNEXATION TO OTHER TAXING DISTRICTS.

The Owner, as soon as practicable, but not later than 30 days from the date of annexation to the City, shall file and thereafter diligently pursue any necessary petitions to annex the Premises to the Bloomington-Normal Airport Authority and the Bloomington and Normal Water Reclamation District.

7. COVENANTS AND AGREEMENTS

The covenants and agreements contained in the Agreement shall be deemed to be covenants running with the land during the term of this Agreement, shall inure to the benefit and be binding upon the heirs, successors and assigns of the parties hereto.

8. TERM

The term of this Agreement shall be for twenty (20) years from and after the effective date of the annexation of the Subject Property.

9. NOTICES

Any and all notices required or desired to be given hereunder shall be in writing and shall be delivered personally or sent via certified or registered mail, postage pre-paid and addressed as follows:

Docusign Envelope ID: 26998C41-CC0E-4CB9-9CA6-27604D586BCF

To the City of Bloomington, Illinois ("City"):

City of Bloomington
Attn: City Manager
115 E. Washington Street
Bloomington, IL 61701

To David Hruska ("Owner"):

2507 W. College Avenue
Normal, IL 61761

or to such other person or address as a party may designate in a like manner.

10. ADOPTION OF ORDINANCES

The City agrees to adopt such ordinances as may be required to give legal effect to the matters contained in this Agreement.

11. GENERAL PROVISIONS

The following general provisions shall apply to this Agreement:

A. Time of the Essence. Time is of the essence in the performance of this Agreement.

B. Rights Cumulative. Unless expressly provided to the contrary in this Agreement, each and every one of the rights, remedies, and benefits provided by this Agreement shall be cumulative and shall not be exclusive of any other rights, remedies, and benefits allowed by law.

C. Non-Waiver. The City shall be under no obligation to exercise any of the rights granted to it in this Agreement. The failure of the City to exercise at any time any right granted to the City shall not be deemed or construed to be a waiver of that right, nor shall the failure void or affect the City's right to enforce that right or any other right.

D. Consents. Unless otherwise provided in this Agreement, whenever the consent, permission, authorization, approval, acknowledgement, or similar indication of assent of any party to this Agreement, or of any duly authorized officer, employee, agent, or representative of any party to this Agreement, is required in this Agreement, the consent, permission, authorization, approval, acknowledgement, or similar indication of assent shall be in writing.

E. Governing Law. This Agreement shall be governed by, and enforced in accordance with, the internal laws, but not the conflicts of laws rules, of the State of Illinois.

Docusign Envelope ID: 26998C41-CC0E-4CB9-9CA6-27604D586BCF

F. Severability. It is hereby expressed to be the intent of the parties to this Agreement that should any provision, covenant, agreement, or portion of this Agreement or its application to any Person or property be held invalid by a court of competent jurisdiction, the remaining provisions of this Agreement and the validity, enforceability, and application to any Person or property shall not be impaired thereby, but the remaining provisions shall be interpreted, applied, and enforced so as to achieve, as near as may be, the purpose and intent of this Agreement to the greatest extent permitted by applicable law.

G. Entire Agreement. This Agreement constitutes the entire agreement between the parties and supersedes any and all prior agreements and negotiations between the parties, whether written or oral, relating to the subject matter of this Agreement.

H. Interpretation. This Agreement shall be construed without regard to the identity of the party who drafted the various provisions of this Agreement. Moreover, each and every provision of this Agreement shall be construed as though all parties to this Agreement participated equally in the drafting of this Agreement. As a result of the foregoing, any rule or construction that a document is to be construed against the drafting party shall not be applicable to this Agreement.

I. Exhibits. The Exhibits attached to this Agreement are, by this reference, incorporated in, and made a part of this Agreement. In the event of a conflict between an exhibit and the text of this Agreement, the text of this Agreement shall control.

J. Amendments and Modifications. No amendment or modification to this Agreement shall be effective until it is reduced to writing and approved and executed by all parties to this Agreement in accordance with all applicable statutory procedures.

K. Changes in Laws. Unless otherwise provided in this Agreement, any reference to the Requirements of Law shall be deemed to include any modifications of, or amendments to, the Requirements of Law that may occur in the future.

L. Authority to Execute. The City hereby warrants and represents to the Owner that the Persons executing this Agreement on its behalf have been properly authorized to do so by the Corporate Authorities. The Owner hereby warrants and represent to the City (i) that they are the record and beneficial owner of fee simple title to the Property, (ii) except for a mortgage on the property, no other person has any legal, beneficial, contractual, or security interest in the Property and that annexing the property is not a violation of the security interests, (iii) that it has the full and complete right, power, and authority to enter into this Agreement and to agree to the terms, provisions, and conditions set forth in this Agreement and to bind the Property as set forth in this Agreement, (iv) that all legal actions needed to authorize the execution, delivery, and performance of this Agreement have been taken, and (v) that neither the execution of this Agreement nor the performance of the obligations assumed by the Owner will (a) result in a breach or default under any agreement to which the Owner is a

party or to which it or the Property is bound or (b) violate any statute, law, restriction, court order, or agreement to which the Owner or the Property is subject.

M. Enforcement. The parties to this Agreement may, in law or in equity, by suit, action, mandamus, or any other proceeding, including without limitation specific performance, enforce or compel the performance of this Agreement; provided, however, that the Owner agrees that they will not seek, and does not have the right to seek, to recover a judgment for monetary damages against the City, or any of its elected or appointed officials, officers, employees, agents, representatives, engineers, or attorneys, on account of the negotiation, execution, or breach of this Agreement.

N. No Third Party Beneficiaries. No claim as a third-party beneficiary under this Agreement by any Person shall be made, or be valid, against the City or the Owner.

O. Recording. After the Owner has paid to the City an amount sufficient to cover the cost of recording this Agreement, all necessary plats, the affidavit of service of notice as required by Section 7-1-1 of the Illinois Municipal Code, 65 ILCS 5/7-1-1, and the Annexation Ordinance, the City shall promptly cause this Agreement to be recorded in the office of the Recorder of McLean County.

P. Occupancy Permits. In addition to any other remedies permitted by this Agreement, the failure of Owner to meet any obligation set forth within this Agreement shall be cause for the City to deny and/or revoke any occupancy permit issued on the Premises.

EXECUTED and ADOPTED this 30th day of May, 2024, at Bloomington, Illinois.

CITY OF BLOOMINGTON

Mboka Mwilambwe

Mboka Mwilambwe, Mayor

ATTEST

Leslie Smith-Yocum

Leslie Smith-Yocum, City Clerk

OWNER:

David Hruska

By: _____

Property Owner

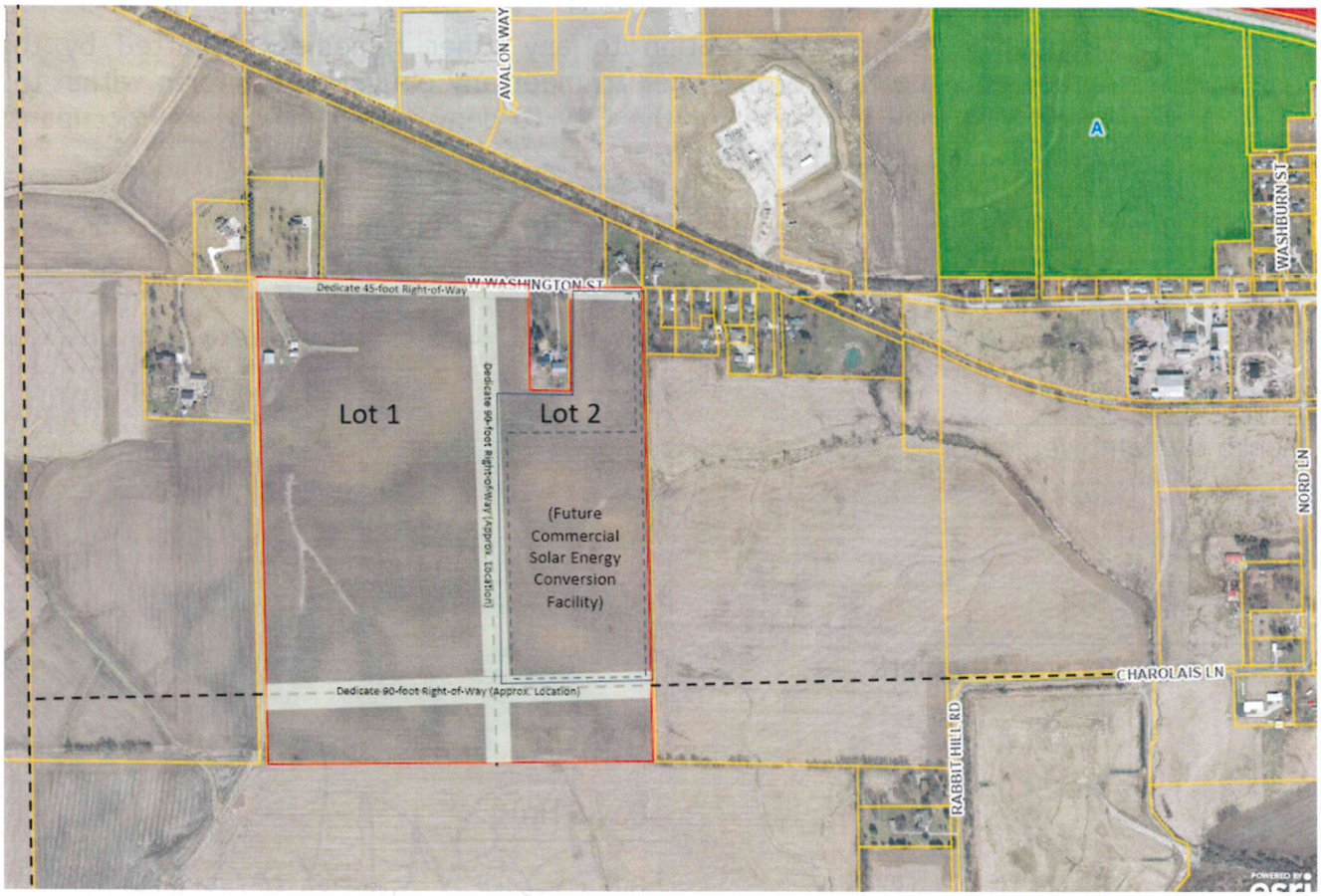
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Exhibit A
LEGAL DESCRIPTION

THE WEST 53.90 ACRES OF THE SOUTH EAST 1/4 OF SECTION 1; AND THE EAST 1/2 OF THE SOUTH WEST 1/4 OF SECTION 1, EXCEPT 2 ACRES OFF OF THE WEST SIDE THEREOF; ALL IN TOWNSHIP 23 NORTH, RANGE 1 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN MCLEAN COUNTY, ILLINOIS, ALSO EXCEPT LOT 1 OF PINE TREE SUBDIVISION IN THE SOUTH EAST 1/4 OF SECTION 1, TOWNSHIP 23 NORTH, RANGE 1 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO PLAT RECORDED MAY 19, 1971, AS DOCUMENT NO. 71-3896, AS CONVEYED BY WARRANTY DEED RECORDED JULY 26, 1971 AS DOCUMENT NO. 1971-00006273, PUBLIC RECORDS OF MCLEAN COUNTY, STATE OF ILLINOIS.

PIN: 20-01-300-004
ADDRESS: 2440 W WASHINGTON ST

Exhibit B
CONCEPT PLAN
Washington Street Solar Subdivision



OWNER'S CERTIFICATE

State of Illinois)
)ss.
County of McLean)

KNOW ALL MEN BY THESE PRESENTS, That the undersigned, hereby certifies that they are the owner of the premises described in Exhibit "A" attached hereto and incorporated herein, which is the subject of a certain Petition for Annexation to the City of Bloomington, McLean County, Illinois, and for Amendment of the Official Zoning Map of the City of Bloomington, McLean County, Illinois, which is depicted by the Annexation Plat prepared by Franjo I. Maticic (IPLS No. 035-003556) of WT Group, on August 14, 2024.

IN WITNESS WHEREOF, we have hereunto set our hands and affixed our seals this 11th day of September, 2024.

DAVID HRUSKA, TRUSTEE
GEORGE J HRUSKA TRUST

NOTARY CERTIFICATE

State of Illinois)
)ss.
County of McLean)

I, Jordan Rose Buffington, a Notary Public in and for the county and State aforesaid, do hereby certify that David Hruska personally known to be the same person whose name is subscribed to the foregoing owner's statement, appeared before me, this day, in person and acknowledged the execution of this statement as his free and voluntary act.

Given under my hand and notarial seal this 11th day of September, 2024.

Notary Public

My commission expires July 18, 2026.

OFFICIAL SEAL
JORDAN ROSE BUFFINGTON
Notary Public, State of Illinois
Commission No. 993802
My Commission Expires July 18, 2026

Exhibit A
LEGAL DESCRIPTION

ADDRESS: 2440 W WASHINGTON ST. BLOOMINGTON, IL 61701

Tract 1:

THE WEST 53.90 ACRES OF THE SOUTH EAST 1/4 OF SECTION 1; AND THE EAST 1/2 OF THE SOUTH WEST 1/4 OF SECTION 1, EXCEPT 2 ACRES OFF OF THE WEST SIDE THEREOF; ALL IN TOWNSHIP 23 NORTH, RANGE 1 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN MCLEAN COUNTY, ILLINOIS, ALSO EXCEPT LOT 1 OF PINE TREE SUBDIVISION IN THE SOUTH EAST 1/4 OF SECTION 1, TOWNSHIP 23 NORTH, RANGE 1 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO PLAT RECORDED MAY 19, 1971, AS DOCUMENT NO. 70-3896, AS CONVEYED BY WARRANTY DEED RECORDED JULY 26, 1971, AS DOCUMENT NO. 1971-00006273, PUBLIC RECORD OF MCLEAN COUNTY, STATE OF ILLINOIS.

Tract 2:

ALL OF WASHINGTON STREET LYING NORTH OF AND ADJACENT TO SAID TRACT 1

EXCEPTING ANY PART OF THAT WHICH MAY HAVE BEEN PREVIOUSLY ANNEXED TO THE CITY OF BLOOMINGTON

PIN: 20-01-300-004

ANNEXATION PETITION
HRUSKA / WASHINGTON STREET SOLAR 1
AFFIDAVIT AND PROOF OF SERVICE OF MAILING
CERTIFIED MAILING

STATE OF MASSACHUSETTS)
)SS
COUNTY OF MIDDLESEX)

I, the undersigned, being first duly sworn on oath, certify that I served Notices of proposed Annexation Petition on the **Dale** Township Fire Protection District, McLean County **Unit 5** School District, **Golden Prairie** Public Library District, **Dale** Township, **Dale** Township Highway Commission, Bloomington-Normal Airport Authority, and Bloomington-Normal Water Reclamation District, by placing the Notices in an envelope addressed and with postage fully prepaid; depositing the Notices in envelopes at the Halfmoon Branch of the United States Post Office in Clifton Park, New York, at or about 2:55pm on September 11 , 2024, and the Notices were sent certified mail, return receipt requested.

True and correct copies of the Notices are attached hereto and incorporated as Exhibit "A". The notices were sent to the mailing list attached hereto and incorporated as Exhibit "B".

C. Dean Smith

C. Dean Smith, Applicant/Principal Engineer

Subscribed and sworn to before me this
12th of September 2024.

Notary Public

ROBERT L. BATISTE, JR
Notary Public, Commonwealth of Massachusetts
My Commission Expires November 21, 2025

EXHIBIT A

NOTICE

To: Chief of Dale Township Fire Protection District
President of Dale Township Fire Protection District
Trustees of Dale Township Fire Protection District

RE: Petition for Annexation

PLEASE TAKE NOTICE that a request for a Petition for Annexation of the following described parcel of land has been filed with the City Clerk of the City of Bloomington, Illinois, a municipality:

THE WEST 53.90 ACRES OF THE SOUTH EAST 1/4 OF SECTION 1; AND THE EAST 1/2 OF THE SOUTH WEST 1/4 OF SECTION 1, EXCEPT 2 ACRES OFF OF THE WEST SIDE THEREOF; ALL IN TOWNSHIP 23 NORTH, RANGE 1 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN MCLEAN COUNTY, ILLINOIS, ALSO EXCEPT LOT 1 OF PINE TREE SUBDIVISION IN THE SOUTH EAST 1/4 OF SECTION 1, TOWNSHIP 23 NORTH, RANGE 1 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO PLAT RECORDED MAY 19, 1971, AS DOCUMENT NO. 71-3896, AS CONVEYED BY WARRANTY DEED RECORDED JULY 26, 1971 AS DOCUMENT NO. 1971-00006273, PUBLIC RECORDS OF MCLEAN COUNTY, STATE OF ILLINOIS.

PIN: 20-01-300-004
ADDRESS: 2440 W WASHINGTON ST

This property is or may be in the **Dale** Township Fire Protection District.

This written Notice is being served upon you, pursuant to City Code and/or State statute (65 ILCS 5/7-1-1), more than ten (10) days before any action is taken on an Agreement or Petition for Annexation.

There will be a hearing on the Petition for Annexation before the Bloomington City Council on September 23rd, 2024, at 6:00 pm in the Government Center Chambers, Government Center, 4th Floor, Room #400, 115 E. Washington Street, Bloomington, Illinois 61701.

Dated: September 10th, 2024

David Hruska, Ow

By: box SIGN 186LKVKP-1XX8YQZZ
Dean Smith, Applicant/Principal Engineer

Prepared by and
Responses and Inquiries to:
Dean Smith, Principal Engineer
New Leaf Energy, Inc.
55 Technology Dr Suite #102,
Lowell, MA 01851
(978) 221-3103

NOTICE

To: Superintendent of McLean County Unit 5 School District

RE: Petition for Annexation

PLEASE TAKE NOTICE that a request for a Petition for Annexation of the following described parcel of land has been filed with the City Clerk of the City of Bloomington, Illinois, a municipality:

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Dated: September 10th, 2024

David Hruska, Ow

By: box SIGN 186LKVKP-1XX8YQZZ

Dean Smith, Applicant/Principal Engineer

Prepared by and
Responses and Inquiries to:
Dean Smith, Principal Engineer
New Leaf Energy, Inc.
55 Technology Dr Suite #102,
Lowell, MA 01851
(978) 221-3103

NOTICE

To: President of Golden Prairie Public Library District
Vice President of Golden Prairie Public Library District
Secretary/Treasurer of Golden Prairie Public Library District
Trustees of Golden Prairie Public Library District

RE: Petition for Annexation

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Dated: September 10th, 2024

David Hruska, Ov

By: box SIGN 186LKVKP-1XX8YQZZ
Dean Smith, Applicant/Principal Engineer

Prepared by and
Responses and Inquiries to:
Dean Smith, Principal Engineer
New Leaf Energy, Inc.
55 Technology Dr Suite #102,
Lowell, MA 01851
(978) 221-3103

NOTICE

To: Trustees of Dale Township
Supervisor of Dale Township
Clerk of Dale Township

RE: Petition for Annexation

PLEASE TAKE NOTICE that a request for a Petition for Annexation of the following described parcel of land has been filed with the City Clerk of the City of Bloomington, Illinois, a municipality:

THE WEST 53.90 ACRES OF THE SOUTH EAST 1/4 OF SECTION 1; AND THE EAST 1/2 OF THE SOUTH WEST 1/4 OF SECTION 1, EXCEPT 2 ACRES OFF OF THE WEST SIDE THEREOF; ALL IN TOWNSHIP 23 NORTH, RANGE 1 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN MCLEAN COUNTY, ILLINOIS, ALSO EXCEPT LOT 1 OF PINE TREE SUBDIVISION IN THE SOUTH EAST 1/4 OF SECTION 1, TOWNSHIP 23 NORTH, RANGE 1 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO PLAT RECORDED MAY 19, 1971, AS DOCUMENT NO. 71-3896, AS CONVEYED BY WARRANTY DEED RECORDED JULY 26, 1971 AS DOCUMENT NO. 1971-00006273, PUBLIC RECORDS OF MCLEAN COUNTY, STATE OF ILLINOIS.

PIN: 20-01-300-004
ADDRESS: 2440 W WASHINGTON ST

This property is or may be in the **Dale** Township Fire Protection District.

This written Notice is being served upon you, pursuant to City Code and/or State statute (65 ILCS 5/7-1-1), more than ten (10) days before any action is taken on an Agreement or Petition for Annexation.

There will be a hearing on the Petition for Annexation before the Bloomington City Council on September 23rd, 2024, at 6:00 pm in the Government Center Chambers, Government Center, 4th Floor, Room #400, 115 E. Washington Street, Bloomington, Illinois 61701.

Dated: September 10th, 2024

David Hruska, Owr

By: box SIGN 186LKVKP-1XX8YQZZ
Dean Smith, Applicant/Principal Engineer

Prepared by and
Responses and Inquiries to:
Dean Smith, Principal Engineer
New Leaf Energy, Inc.
55 Technology Dr Suite #102,
Lowell, MA 01851
(978) 221-3103

NOTICE

To: Commissioner of Dale Township Highway Commission

Re: **Petition for Annexation**

PLEASE TAKE NOTICE that a request for a Petition for Annexation of the following described parcel of land has been filed with the City Clerk of the City of Bloomington, Illinois, a municipality:

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Dated: September 10th, 2024

David Hruska, Own

By: box SIGN 186LKVKP-1XX8YQZZ
Dean Smith, Applicant/Principal Engineer

Prepared by and
Responses and Inquiries to:
Dean Smith, Principal Engineer
New Leaf Energy, Inc.
55 Technology Dr Suite #102,
Lowell, MA 01851
(978) 221-3103

NOTICE

To: Executive Director of Bloomington-Normal Airport Authority

Re: **Petition for Annexation**

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Dated: September 10th, 2024

David Hruska, Ow

By: boxSIGN 186LKVKP-1XX8YQZZ
Dean Smith, Applicant/Principal Engineer

Prepared by and
Responses and Inquiries to:
Dean Smith, Principal Engineer
New Leaf Energy, Inc.
55 Technology Dr Suite #102,
Lowell, MA 01851
(978) 221-3103

NOTICE

To: Executive Director of Bloomington-Normal Water Reclamation District

Re: Petition for Annexation

PLEASE TAKE NOTICE that a request for a Petition for Annexation of the following described parcel of land has been filed with the City Clerk of the City of Bloomington, Illinois, a municipality:

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Dated: September 10th, 2024

David Hruska, Ow

By: box SIGN 186LKVKP-1XX8YQZZ
Dean Smith, Applicant/Principal Engineer

Prepared by and
Responses and Inquiries to:
Dean Smith, Principal Engineer
New Leaf Energy, Inc.
55 Technology Dr Suite #102,
Lowell, MA 01851
(978) 221-3103

EXHIBIT B
MAILING LIST

Dale Township Fire Protection District

Fire Chief
Ryan Gibson
8051 E 1100 North Rd
Bloomington, IL 61705

President
Stanley Thompson
8051 E 1100 North Rd
Bloomington, IL 61705

Secretary
Connie Becker
8051 E 1100 North Rd
Bloomington, IL 61705

Treasurer
Tim Burkhart
8051 E 1100 North Rd
Bloomington, IL 61705

Commissioner
Ed Books
8051 E 1100 North Rd
Bloomington, IL 61705

Golden Prairie Public Library District

Trustee, President
Ary Anderson
Golden Prairie Public Library District
205 E. Olive St.
Bloomington, IL 61701

Secretary/Treasurer
Kathy Vroman
Golden Prairie Public Library District
205 E. Olive St.
Bloomington, IL 61701

Vice President
Jim Russell
Golden Prairie Public Library District
205 E. Olive St.
Bloomington, IL 61701

Trustee
Patti Salch
Golden Prairie Public Library District
205 E. Olive St.
Bloomington, IL 61701

Trustee
Ruth Novosad
Golden Prairie Public Library District
205 E. Olive St.
Bloomington, IL 61701

Trustee
Stephanie Walden
Golden Prairie Public Library District
205 E. Olive St.
Bloomington, IL 61701

Trustee
Stephen Peterson
Golden Prairie Public Library District
205 E. Olive St.
Bloomington, IL 61701

McLean County Unit 5 School District

Superintendent
Dr. Weikle
McLean County School District, Unit No. 5
1809 W. Hovey
Normal, IL 61761

Dale Township

Supervisor
Mary Thompson
Dale Township Building
8017 E 1100 North Rd
Bloomington, IL 61705

Clerk
John Burkhart
Dale Township Building
8017 E 1100 North Rd
Bloomington, IL 61705

Trustee
Shelly Gotsacker
Dale Township Building
8017 E 1100 North Rd
Bloomington, IL 61705

Trustee
Robert Grampp
Dale Township Building
8017 E 1100 North Rd
Bloomington, IL 61705

Trustee
John W. Maitland III
Dale Township Building
8017 E 1100 North Rd
Bloomington, IL 61705

Trustee
Mark Thompson
Dale Township Building
8017 E 1100 North Rd
Bloomington, IL 61705

Dale Township Highway Commissioner

To Whom It May Concern (Vacant, appointed until 2025)
Highway Commissioner
Dale Township Building
8017 E 1100 North Rd
Bloomington, IL 61705

Bloomington-Normal Airport Authority

Carl Olson, Executive Director
Bloomington-Normal Airport Authority
3201 CIRA Drive, Suite 200
Bloomington, IL 61704

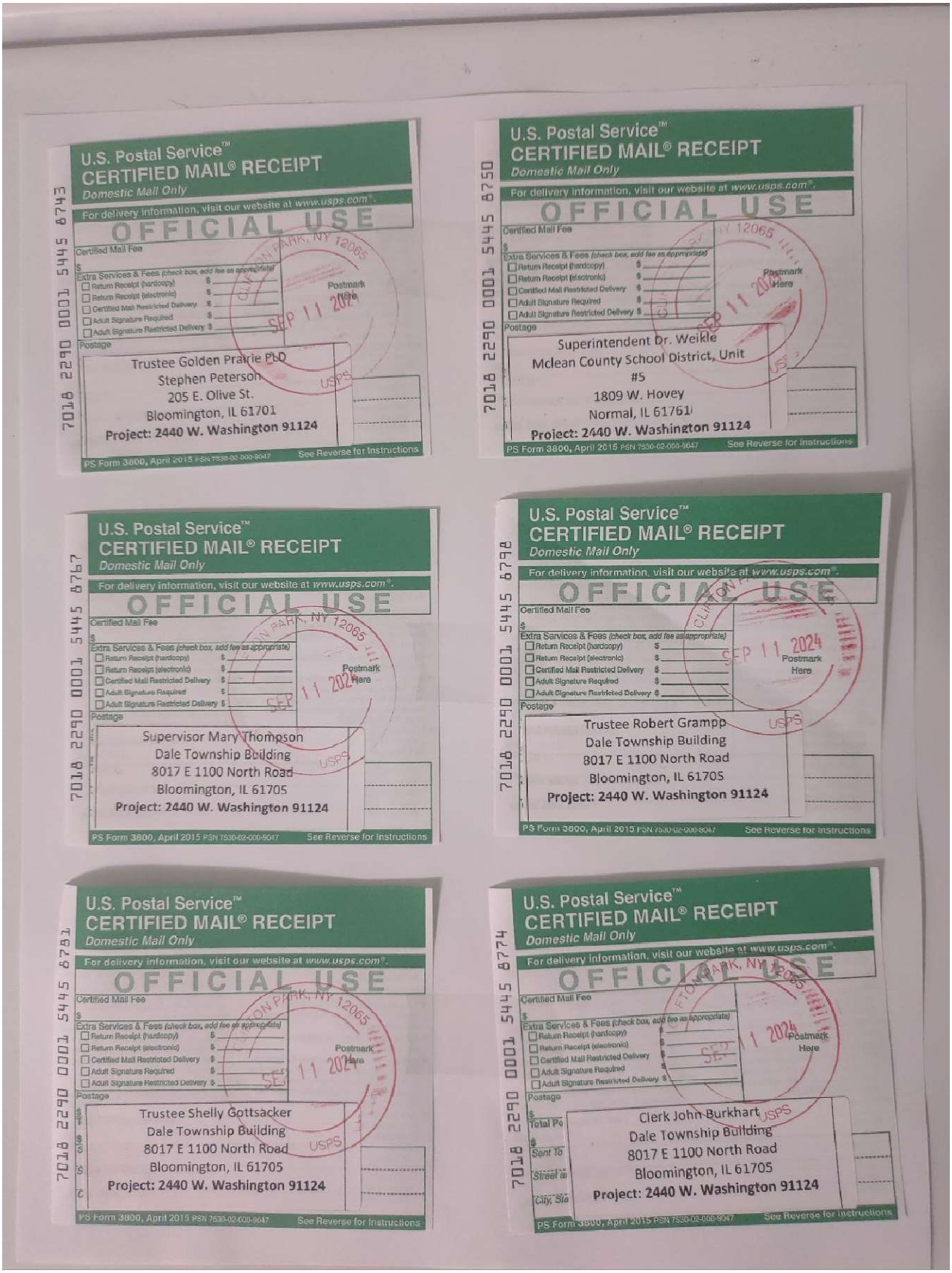
Bloomington-Normal Water Reclama on District

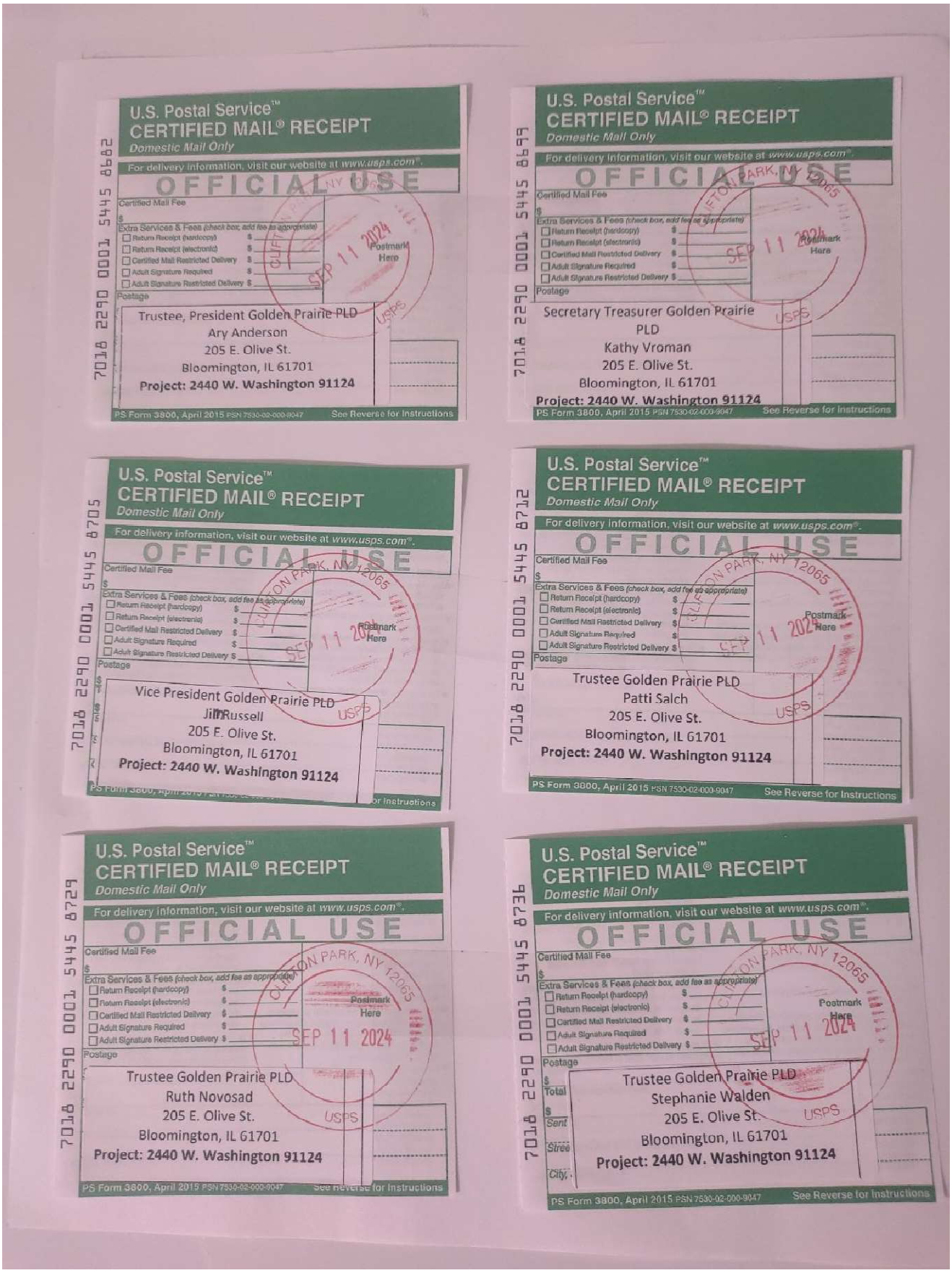
Tim Ervin, Executive Director
Bloomington-Normal Water Reclamation District 2015
W. Oakland Avenue
Bloomington, IL 61701

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Fire Chief
Ryan Gibson
8051 E 1100 North Rd.
Bloomington, IL 61705
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Tim Ervin Executive Director
Bloomington-Normal WRD
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Bloomington, IL 61701
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Connie Becker
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Bloomington, IL 61705
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Treasurer
Tim Burkhart
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Commissioner
Ed Brooks
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Carl Olson Executive Director
Bloomington-Normal Airport Auth.
3201 CIRA Drive, Suite 200
Bloomington, IL 61704
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To Whom It May Concern
Highway Commissioner
Dale Township Building
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Bloomington, IL 61705
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Trustee John W. Maitland III
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7018 2290 0001 5445 8743
Trustee Golden Prairie PLD
Stephen Peterson
205 E. Olive St.
Bloomington, IL 61701
Project: 2440 W. Washington 91124
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7018 2290 0001 5445 8750
Superintendent Dr. Weikle
Mclean County School District, Unit
#5
1809 W. Hovey
Normal, IL 61761
Project: 2440 W. Washington 91124
7018 2290 0001 5445 8767
Supervisor Mary Thompson
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Bloomington, IL 61705
Project: 2440 W. Washington 91124
7018 2290 0001 5445 8798
Trustee Robert Grampp
Dale Township Building
8017 E 1100 North Road
Bloomington, IL 61705
Project: 2440 W. Washington 91124
7018 2290 0001 5445 8781
Trustee Shelly Gottsacker
Dale Township Building
8017 E 1100 North Road
Bloomington, IL 61705
Project: 2440 W. Washington 91124
7018 2290 0001 5445 8774
Clerk John Burkhart
Dale Township Building
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Project: 2440 W. Washington 91124



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Ary Anderson
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Bloomington, IL 61701
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Secretary Treasurer Golden Prairie PLD
Kathy Vroman
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Bloomington, IL 61701
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Vice President Golden Prairie PLD
Jim Russell
205 E. Olive St.
Bloomington, IL 61701
Project: 2440 W. Washington 91124

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Trustee Golden Prairie PLD
Patti Salch
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Trustee Golden Prairie PLD
Ruth Novosad
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Trustee Golden Prairie PLD
Stephanie Walden
205 E. Olive St.
Bloomington, IL 61701
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CITY OF Bloomington ILLINOIS
Economic & Community Development

September 10, 2024

Tom Ryan
New Leaf Energy
2733 W Belden Ave., Unit 709
Chicago, IL 60647

Re: Annexation of Property Subject to the Hruska Annexation Agreement of 2024

The following are the fees and obligations required of David Hruska, Trustee for the Property Owner, based upon the Annexation Agreement approved on May 30, 2024, for the property at **2440 W. Washington Street (PIN 20-01-300-004), approximately 131.90 acres.**

		Fund Code	***Principal***	***Interest***	***Total***
1	Annexation Fees	10010010-54620			NONE REQUIRED
2	Parkland Fee	24104100-57320			NONE REQUIRED
3	Water Tap-On	50100110-54120			DETERMINED IN FUTURE
4	Sanitary Sewer Tap-On	51101100-54120			DETERMINED IN FUTURE
5	Sub-Standard Road	10016210-57320	DUE AT FINAL PLATTING OR ROAD COMPLETION		
6	Right-of-Way	N/A	AT TIME OF ANNEXATION; SUBDIVISION		
	Total Due Now				**$0**

1) No residential or commercial zoning
2) No residential development proposed
3) Tap-on fees based upon City Code at the time connection is sought (Agreement § 4.B(2)(ii))
4) Tap-on fees based upon City Code at the time connection is sought (Agreement § 4.C(2)(ii))
5) West Washington Street - $175/foot (1/2 of $350 per foot). Beginning from May, 2024, increased at 6% or CPI, until paid
6) 45-ft from middle-line of W. Washington Street, at northern border; 90-ft future Charolais Lane extension; 90-ft future North-South Collector

Sincerely,

Alissa Pemberton
City Planner

Cc: David Hruska, Property Owner Trustee
Melissa Hon, Economic & Community Development
Kevin Kothe, City Engineer/Director of Operations and Engineering Services
Chris Tomerlin, Finance

CONSENT AGENDA ITEM NO. 7.F.

FOR COUNCIL: September 23, 2024

WARD IMPACTED: City-Wide Impact

SUBJECT: Consideration and Action on an Ordinance Expressing Official Intent Regarding Certain Capital Expenditures to be Reimbursed from Proceeds of an Obligation to be Issued by the City of Bloomington, in an amount not to exceed $138,500,000.00, as requested by the Finance Department and the Water Department.

RECOMMENDED MOTION: The proposed Ordinance be approved.

STRATEGIC PLAN LINK:
Goal 1. Financially Sound City Providing Quality Basic Services
Goal 2. Upgrade City Infrastructure and Facilities

STRATEGIC PLAN SIGNIFICANCE:
Objective 1a. Budget with adequate resources to support defined services and level of services
Objective 2b. Quality water for the long term

BACKGROUND: On November 27, 2023, the City Council approved Water rate increases to support a generational investment of approximately $400M in the City's water system, including updates to distribution infrastructure and replacing lead service lines. It is currently estimated that approximately $138.5M of the $400M will need to be sourced in the form of borrowing over the next five years, most likely in the form of Tax-Exempt General Obligation Bonds. The IRS regulates how tax-exempt funds can be utilized. The City may 'front' part of these expenditures from operating revenues to more strategically execute / time bond issuance etc. This reimbursement ordinance allows the City to apply expenditures paid prior to bond issuance, to those bond proceeds. This ordinance does not obligate or approve a bond issuance at this time.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: N/A

FINANCIAL IMPACT: Approving this ordinance assists the City in maintaining compliance with Internal Revenue Service regulations. Violation of regulations could jeopardize the tax-exempt status of bond issuances, resulting in larger interest costs.

AMERICAN RESCUE PLAN FUNDING IMPACT: N/A

COMMUNITY DEVELOPMENT IMPACT: **This request meets the following goals and objectives of the Bloomington Comprehensive Plan 2035**: N/A

Respectfully submitted for consideration.

Prepared by: Scott Rathbun, Finance Director

ATTACHMENTS:
FIN 3B Ordinance
FIN 3C Ordinance Exhibit A - Expenditures

ORDINANCE NO. 2024 - ____

AN ORDINANCE EXPRESSING OFFICIAL INTENT REGARDING CERTAIN CAPITAL EXPENDITURES TO BE REIMBURSED FROM PROCEEDS OF AN OBLIGATION TO BE ISSUED BY THE CITY OF BLOOMINGTON, MCLEAN COUNTY, ILLINOIS

WHEREAS, the City Council (the "City Council") of the City of Bloomington, McLean County, Illinois (the "City"), has developed a list of capital projects described in Exhibit A hereto (the "Projects"); and

WHEREAS, all or a portion of the expenditures relating to the Projects (the "Expenditures") (i) have been paid within the 60 days prior to the passage of this Ordinance or (ii) will be paid on or after the passage of this Ordinance; and

WHEREAS, the City reasonably expects to reimburse itself for the Expenditures with the proceeds of an obligation.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BLOOMINGTON, MCLEAN COUNTY, ILLINOIS:

SECTION 1. Incorporation of Preambles. The City Council hereby finds that all of the recitals contained in the preambles to this Ordinance are full, true and correct and does incorporate them into this Ordinance by this reference.

SECTION 2. Intent to Reimburse. The City reasonably expects to reimburse the Expenditures with proceeds of an obligation.

SECTION 3. Maximum Amount. The maximum principal amount of the obligation expected to be issued to reimburse the Expenditures is $138,516,000.

SECTION 4. Ratification. All actions of the officers, agents and employees of the City that are in conformity with the purposes and intent of this Ordinance, whether taken before or after the adoption hereof, are hereby ratified, confirmed and approved.

SECTION 5. Severability. If any section, paragraph or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this Ordinance.

SECTION 6. Repeal. All resolutions or ordinances or parts thereof in conflict herewith be and the same are hereby repealed and this Ordinance shall be in full force and effect forthwith upon its adoption.

SECTION 7. This Ordinance shall take effect immediately after its approval and publication as required by law.

PASSED this 23rd day of September 2024.

APPROVED this ___ day of September 2024.

CITY OF BLOOMINGTON

_____
Mboka Mwilambwe, Mayor

ATTEST

_____
Leslie Smith-Yocum, City Clerk

EXHIBIT A

DESCRIPTION OF CAPITAL PROJECTS

Improvements to the City's Water System, including:

- System Wide Distribution

  A. Replace 1929 and 1954 Transmission Mains along Sugar Creek w/ new 36" main to Ft. Jesse

  B. Retire Ground Storage Tanks at Division Street

  C. Construct new booster station

- Lead Service Replacement

  - Replacement of approximately 10,000 service lines

- Water Main Replacement

- Plant Improvements

  1. Augmentation Wells

  2. Filter Upgrades

  3. Chemical Feed Upgrades

  4. Electrical Upgrades

CONSENT AGENDA ITEM NO. 7.G.

FOR COUNCIL: September 23, 2024

WARD IMPACTED: City-Wide Impact

SUBJECT: Consideration and Action on an Ordinance Expressing Official Intent Regarding Certain Capital Expenditures to be Reimbursed from Proceeds of an Obligation to be Issued by the City of Bloomington, in an amount not to exceed $21,000,000, as requested by the Finance Department.

RECOMMENDED MOTION: The proposed Ordinance be approved.

STRATEGIC PLAN LINK:
Goal 1. Financially Sound City Providing Quality Basic Services
Goal 2. Upgrade City Infrastructure and Facilities

STRATEGIC PLAN SIGNIFICANCE:
Objective 1a. Budget with adequate resources to support defined services and level of services
Objective 2d. Well-designed, well maintained City facilities emphasizing productivity and customer service

BACKGROUND: On June 10, 2024, the City Council approved the purchase of the Owens Nursery property for $5.425M, for the relocation of the Public Works Campus. Potential upgrades needed for the Campus include the addition of a Fleet Building and various remodeling. Estimated costs for these upgrades are approximately $15M. The City may determine it needs to execute borrowing in the form of Tax-Exempt General Obligation Bonds to fund these upgrades. The IRS regulates how tax-exempt funds can be utilized. The City may 'front' part of these expenditures from operating revenues to more strategically execute / time bond issuance etc. This reimbursement ordinance allows the City to apply expenditures paid prior to bond issuance, to those bond proceeds. This ordinance does not obligate or approve a bond issuance at this time.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: N/A

FINANCIAL IMPACT: Approving this ordinance assists the City in maintaining compliance with Internal Revenue Service regulations. Violation of regulations could jeopardize the tax-exempt status of bond issuances, resulting in larger interest costs.

AMERICAN RESCUE PLAN FUNDING IMPACT: N/A

COMMUNITY DEVELOPMENT IMPACT: **This request meets the following goals and objectives of the Bloomington Comprehensive Plan 2035**: N/A

Respectfully submitted for consideration.

Prepared by: Scott Rathbun, Finance Director

ATTACHMENTS:
FIN 2B Ordinance

ORDINANCE NO. 2024 - ____

AN ORDINANCE EXPRESSING OFFICIAL INTENT REGARDING CERTAIN CAPITAL EXPENDITURES TO BE REIMBURSED FROM PROCEEDS OF AN OBLIGATION TO BE ISSUED BY THE CITY OF BLOOMINGTON, MCLEAN COUNTY, ILLINOIS

WHEREAS, the City Council (the "City Council") of the City of Bloomington, McLean County, Illinois (the "City"), intends to acquire, repair and equip property for a new Public Works campus, construct and equip a fleet building thereon and undertake other campus improvements (the "Projects"); and

WHEREAS, all or a portion of the expenditures relating to the Projects (the "Expenditures") (i) have been paid within the 60 days prior to the passage of this Ordinance or (ii) will be paid on or after the passage of this Ordinance; and

WHEREAS, the City reasonably expects to reimburse itself for the Expenditures with the proceeds of an obligation.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BLOOMINGTON, MCLEAN COUNTY, ILLINOIS:

SECTION 1. Incorporation of Preambles. The City Council hereby finds that all of the recitals contained in the preambles to this Ordinance are full, true and correct and does incorporate them into this Ordinance by this reference.

SECTION 2. Intent to Reimburse. The City reasonably expects to reimburse the Expenditures with proceeds of an obligation.

SECTION 3. Maximum Amount. The maximum principal amount of the obligation expected to be issued to reimburse the Expenditures is $21,000,000.

SECTION 4. Ratification. All actions of the officers, agents and employees of the City that are in conformity with the purposes and intent of this Ordinance, whether taken before or after the adoption hereof, are hereby ratified, confirmed and approved.

SECTION 5. Severability. If any section, paragraph or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this Ordinance.

SECTION 6. Repeal. All resolutions or ordinances or parts thereof in conflict herewith be and the same are hereby repealed and this Ordinance shall be in full force and effect forthwith upon its adoption.

SECTION 7. This Ordinance shall take effect immediately after its approval and publication as required by law.

PASSED this 23rd day of September 2024.

APPROVED this ___ day of September 2024.

CITY OF BLOOMINGTON

_____
Mboka Mwilambwe, Mayor

ATTEST

_____
Leslie Smith-Yocum, City Clerk

CONSENT AGENDA ITEM NO. 7.H.

FOR COUNCIL: September 23, 2024

WARD IMPACTED: City-Wide Impact

SUBJECT: Consideration and Action on an Ordinance Amending the Budget Ordinance for the Fiscal Year Ending April 30, 2025, to Increase the Community Development Block Grant (CDBG) Budget, in the Amount of $105,471.50, as requested by the Economic & Community Development Department.

RECOMMENDED MOTION: The proposed Ordinance be approved.

STRATEGIC PLAN LINK:
Goal 4. Strong Neighborhoods

STRATEGIC PLAN SIGNIFICANCE:
Objective 4b. Upgraded quality of older housing stock
Objective 4c. Preservation of property/home valuations
Objective 4d. Improved neighborhood infrastructure

BACKGROUND: On May 1, 2024, the City of Bloomington began the 50th year of administering the Community Development Block Grant ("CDBG") Program which is funded by the U.S. Department of Housing and Urban Development ("HUD"). Established through the Housing and Community Development Act of 1974, the CDBG Program provides annual grants on a formula basis to states, cities, and counties to develop viable urban communities by providing decent housing and a suitable living environment, and by expanding economic opportunities, principally for low-to-moderate income persons. CDBG funding must meet one of three national objectives: benefiting low-to-moderate income persons; preventing or eliminating slums or blight; or meeting urgent community needs.

For the City, the CDBG Program is managed by the Economic and Community Development Department. Each year the City must develop an Annual Action Plan ("AAP") that outlines the various activities to be performed throughout the program year. Activities are based on the five-year Consolidated Plan that the City adopted in 2020. Program Year 2024, which runs from May 1, 2024-April 30, 2025, is the fifth, and final, year of the 2020-2024 Consolidated Plan.

In recent years HUD has not notified the City of its annual allocation until after the City's annual budget is approved. Therefore, the budget that staff develops each year is based on estimates using average allocations from previous fiscal years and current Federal budget information. For Fiscal Year ("FY") 2025, the City's annual allocation was $584,488, which was higher than initial budget projections.

To ensure that approved CDBG projects in FY 2025 and activities from the previous program year can be completed, staff prepared the attached budget ordinance amendment. With this amendment, the budget will reflect the AAP presented to Council in February 2024. Funding

for open activities from the previous program year are also included in the budget ordinance amendment. If approved, the ordinance will increase the Community Development Block Grant (CDBG) budget by $105,471.50.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:

The CDBG program requires that activities in each program year be included in an Annual Action Plan. Annual Action Plans are available for public review and comment for 30 days. A public hearing is also held for each Annual Action Plan to gather community input. Additionally, all CDBG spending is within the confines of the City's 2020-2024 CDBG Consolidated Plan. Significant public outreach was conducted throughout the development process for the 2020-2024 Consolidated Plan. A public hearing on the Program Year 2024 CDBG Annual Action Plan was held on February 12, 2024, and Resolution No. 2024-021 authorizing the filing of the Annual Action Plan was approved by Council on May 28, 2024.

FINANCIAL IMPACT: If this amendment is approved, revenues will increase in direct relation to expenditures by $105,471.50 resulting in a "net zero" financial impact to the City's CDBG Budget. Failure to approve this amendment request will result in the loss of the use of $105,471.50 in Federal funding. Please see the attached "Exhibit" for all accounts effected by the budget amendment.

AMERICAN RESCUE PLAN FUNDING IMPACT: N/A

COMMUNITY DEVELOPMENT IMPACT: **This request meets the following goals and objectives of the Bloomington Comprehensive Plan 2035**:

Goal N-1.2 (Prioritize, with urgency, the revitalization of the neighborhoods in the Regeneration Area), Objective A (City should continue to use CDBG grants to support partner organizations such as the West Bloomington Revitalization Project to have a collective impact on revitalization); Goal H-1.2 (Ensure an adequate supply of affordable housing for low to moderate income households), Objective H-1.2b (Work with community partners like Habitat for Humanity, MCCA and Bloomington Housing Authority to have a collective impact on affordable housing issues); Goal H-1.3 (Create a life-long community by fostering housing stock that meets the needs of residents of all ages and abilities), Objective H-1.3e (Ensure neighborhoods are walkable and have access to alternative modes of transportation and other amenities to make them attractive to aging populations); Goal H-2.3 (Rehabilitate housing in the designated Regeneration Area), Objective H-2.3b (Develop and maintain programs that identify substandard housing and provide a wide spectrum of options to correct housing code violations), Objective H-2.3h (Carefully evaluate the rehabilitation potential of vacant/abandoned homes before demolition); Goal HL-1.2 (Protect, enhance and maintain parks and green space equitably throughout the City), Objective HL-1.2b (Update older equipment in various City parks as identified in the City’s Parks Plan); Goal CWB-1 (End chronic homelessness and reduce the severity of situational homelessness), Objective A (The City of Bloomington should actively partner with groups such as McLean County Continuum of Care and Human Service Council to address factors contributing to homelessness); Goal TAQ-1.4 (Pedestrian safety for users of all transportation facilities), Objective TAQ-1.4b (Provide a sidewalk system that provides safe routes to schools), Objective TAQ-1.4c (Provide pedestrians with safe access throughout the transportation network, facilitating access to facilities such as transit, businesses, parks and neighborhood centers).

Respectfully submitted for consideration.

Prepared by: William Bessler, Grant Coordinator

ATTACHMENTS:
E&CD 3B Ordinance
E&CD 3C Ordinance Exhibit A

ORDINANCE NO. 2024 – ___

AN ORDINANCE AMENDING THE BUDGET ORDINANCE FOR THE FISCAL YEAR ENDING APRIL 30, 2025, TO INCREASE THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) BUDGET IN THE AMOUNT OF $105,471.50

WHEREAS, on April 8, 2024, by Ordinance Number 2024-024 the City of Bloomington passed a Budget and Appropriation Ordinance for the Fiscal Year Beginning May 1, 2024, and Ending April 30, 2025, City of Bloomington, which Ordinance was approved by Mayor Mboka Mwilambwe on April 8, 2024; and

WHEREAS, a Budget Amendment is needed amending the Fiscal Year 2025 Budget, in the amount of $105,471.50, to increase the budget for the Community Development Block Grant Budget, as requested by the Economic and Community Development Department.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BLOOMINGTON, MCLEAN COUNTY, ILLINOIS

SECTION 1. Ordinance Number 2024-024 (the Budget and Appropriation Ordinance for the Fiscal Year Ending April 30, 2025) is further hereby amended by inserting the following line items and amount presented in the Exhibit A and in the appropriate place in said Ordinances.

SECTION 2. Except as provided for herein, Ordinance Number 2024-024 shall remain in full force and effect, provided, that any budgeted or appropriated amounts which are changed by reason of the amendments made in Section One of this Ordinance shall be amended in Ordinance Number 2024-024.

SECTION 3. The City Clerk is hereby authorized to publish this Ordinance in pamphlet form as provided by law.

SECTION 4. This Ordinance is enacted pursuant to the home rule authority of the City of Bloomington granted by Article VII, Section 6 of the 1970 Illinois Constitution.

SECTION 5. This Ordinance shall take effect immediately after its approval and publication as required by law.

PASSED this 23rd day of September 2024.

APPROVED this ____ day of September 2024.

CITY OF BLOOMINGTON **ATTEST**

_____ _____

Mboka Mwilambwe, Mayor Leslie Smith-Yocum, City Clerk

FY2025 CDBG Budget Amendment Exhibit

Account #	Fund	Account Description	Amended	Original	Change	Comments
22402410-53110-51000	Community Development	CD Federal Grants Rehab	$ (403,680.25)	$ (354,004.75)	$ (49,675.50)	Original Value (-$354,004.75): Adjusted to reflect the projects included in the PY2024 Annual Action Plan.
22402410-53110-52000	Community Development	CD Federal Grants Cap Imp	$ (265,796.00)	$ (210,000.00)	$ (55,796.00)	Original Value (-$210,000.00): Adjusted to reflect the projects included in the PY2024 Annual Action Plan.
22402430-79020-51000	Community Development	CD REHAB Loans	$ 157,625.00	$ 160,287.00	$ (2,662.00)	Original Value ($160,287.00): Adjusted to reflect the projects included in the PY2024 Annual Action Plan.
22402430-79130-51000	Community Development	CD REHAB Grants	$ 212,625.00	$ 160,287.50	$ 52,337.50	Original Value ($160,287.50): Adjusted to reflect the projects included in the PY2024 Annual Action Plan.
22402440-70690-52000	Community Development	CD CAP IMP Other Purchased Svc	$ 2,000.00	$ 3,000.00	$ (1,000.00)	Original Value ($3,000.00): Adjusted to reflect the projects included in the PY2024 Annual Action Plan.
22402440-72560-52000	Community Development	CD CAP IMP Sidewalk Const & Im	$ 188,000.00	$ 90,000.00	$ 98,000.00	Original Value ($90,000.00): Adjusted to reflect the projects included in the PY2024 Annual Action Plan and a carry-over project from PY2023.
22402440-79130-52000	Community Development	CD CAP IMP Grants	$ 43,796.00	$ 60,000.00	$ (16,204.00)	Original Value ($60,000.00): Adjusted to reflect the projects included in the PY2024 Annual Action Plan.
22402430-70642-51000	Community Development	CD REHAB Recording Fees	$ 750.00	$ 750.00	$ -	Original Value ($750.00): No adjustment. Included to show the full amendment details.
22402430-70690-51000	Community Development	CD REHAB Other Purchased Svcs	$ 26,000.00	$ 26,000.00	$ -	Original Value ($26,000.00): No adjustment. Included to show the full amendment details.
22402430-79135-51000	Community Development	CD REHAB LHC Matching funds	$ 50,000.00	$ 50,000.00	$ -	Original Value ($50,000.00): No adjustment. Included to show the full amendment details.
22402430-56010-51000	Community Development	CD REHAB Interest Income	$ (1.06)	$ (1.06)	$ -	Original Value (-$1.06): No adjustment. Included to show the full amendment details.
22402430-56030-51000	Community Development	CD REHAB Interest from Loans	$ (138.60)	$ (138.60)	$ -	Original Value (-$138.60): No adjustment. Included to show the full amendment details.
22402430-57581-51000	Community Development	CD REHAB Loan Repayment	$ (49,180.09)	$ (49,180.09)	$ -	Original Value (-$49,130.09): No adjustment. Included to show the full amendment details.
22402430-70530-51000	Community Development	CD REHAB Rep/Mt Off & Comp Eq	$ 1,800.00	$ 1,800.00	$ -	Original Value ($1,800.00): No adjustment. Included to show the full amendment details.
22402430-70610-51000	Community Development	CD REHAB Advertising	$ 2,000.00	$ 2,000.00	$ -	Original Value ($2,000.00): No adjustment. Included to show the full amendment details.
22402430-70632-51000	Community Development	CD REHAB Professional Develop	$ 2,200.00	$ 2,200.00	$ -	Original Value ($2,200.00): No adjustment. Included to show the full amendment details.
22402440-72570-52000	Community Development	CD CAP IMP Park Const and Imp	$ -	$ 25,000.00	$ (25,000.00)	Original Value ($25,000): Adjusted to reflect the projects included in the PY2024 Annual Action Plan.
22402440-70651-52000	Community Development	CD CAP IMP Demolition	$ 32,000.00	$ 32,000.00	$ -	Original Value ($32,000.00): No adjustment. Included to show the full amendment details.
		Net Transaction:	$ -	$ -	$ -	

CONSENT AGENDA ITEM NO. 7.I.

FOR COUNCIL: September 23, 2024

WARD IMPACTED: City-Wide Impact

SUBJECT: Consideration and Action on an Ordinance Approving Text Amendments to the Zoning Code of the City of Bloomington [Chapter 44] Relating to Use Tables, Definitions, Streamlining the Development Review Process, Modification Process for General Provisions, Administrative Procedures, and Clarifications of Permitted Encroachments, as requested by the Economic & Community Development Department.

RECOMMENDED MOTION: The proposed Ordinance be approved.

STRATEGIC PLAN LINK:
Goal 3. Grow the Local Economy
Goal 5. Great Place - Livable, Sustainable City
Goal 6. Prosperous Downtown Bloomington

STRATEGIC PLAN SIGNIFICANCE:
Objective 3a. Retention and growth of current local businesses
Objective 5b. City decisions consistent with plans and policies
Objective 6d. Healthy adjacent neighborhoods linked to Downtown

BACKGROUND: On July 22, 2024, City Council passed Resolution No. 2024 - 040, directing staff to evaluate certain provisions in the Zoning Code to assure it clearly showcases development opportunities; offers flexible and efficient compliance pathways; and works to address current and future housing needs. Staff reviewed the Zoning Code for issues and identified items for update.

The issues identified and addressed are as follow:

Streamlining the Development Review Process: The “Public Hearing” portion of the Site Plan Review process should be eliminated. Any use that has enough potential to negatively impact surrounding properties without careful consideration—and possibly additional accommodations—should become a Special Use.

Limitations on Locating Educational Uses: The existing permission structure for educational uses is overly restrictive. Staff proposes expanding the Use Table accommodation of education uses.

Removing Accessory Uses from the [Primary] “Allowed Uses Tables": To reduce confusion, Dwelling Unit, Accessory and Drive-Through, Attached have both been removed from the Use Tables, as they are not allowable by their own right.

Inadequate Provisions Related to the Unhoused, Housing Insecure, and Congregate Living: Staff proposes to add definitions that will allow us to discuss these issues using a

common vernacular; to assign specific uses that have already been identified as needed in our community; and to rework the terminology or definitions for a number of existing uses.

Recalibrating Business District Use Tables: Changes are proposed considering the intent and typical property size of parcels in the different Districts, in addition to identification of minor modifications to align permissions with long-term City goals and updated industry standards.

Fence Material Modification Based Upon Use-Specific Standards: Allows flexibility within the Code to accommodate changing materials standards, with supporting evidence.

Clarifying Modification (Waiver) of Use Provisions: Provides a pathway for a permitted-by-right use to waive or modify Use Provisions by acquiring a Special Use Permit.

Clarifying Permitted Encroachments: Clarifies confusing aspects regarding mechanical systems in structures and restricts the projection of "balconies, open porches, terraces, and decks" to prevent unauthorized structures.

Minor changes to Use Tables were also made for readability and understanding.

It is important to note that many of the changes to Use Tables in the proposed Ordinance reflect movement of content, not removal or addition thereof; differentiation of moved content and changed content is outlined in the Planning Commission packet that can be accessed here, starting on page 116.

On September 4, 2024, the Planning Commission held a public hearing and voted 7-0 to recommend approval of the text amendments to City Council.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Notice was published in The Pantagraph on Monday, August 19, 2024.

FINANCIAL IMPACT: Per the Economic & Community Development Department, certain Commercial property values may increase through the removal of burdensome public review processes for permitted-by-right uses, increasing property tax values as these lands are improved.

AMERICAN RESCUE PLAN FUNDING IMPACT: N/A

COMMUNITY DEVELOPMENT IMPACT: **This request meets the following goals and objectives of the Bloomington Comprehensive Plan 2035**: Goal N-1 (Ensure compact development of the City through denser, mixed-use developments and reinvestment in the established older neighborhoods), Objective N-1.4 (Identify opportunities to gradually transition the low-density residential developments in the Stable Areas into mixed use, walkable neighborhoods that appeal to all residents), Policies N-1.1a (Update the ordinances and regulations as needed to accomplish the goals of the Comprehensive plan) and N-1.2d (Identify and eliminate the barriers for infill development); and, Goal H-1 (Ensure the availability of safe, attractive and high quality housing stock to meet the needs of all current and future residents of Bloomington), Objective H-1.1 (Ensure that the housing to accommodate the new growth is a broad range (of types, sizes, ages, densities, tenancies and costs) equitably distributed throughout the City recognizing changing trends in age-group composition, income, and family living habits), Policy H-1.1a (Review and improve the current

ordinances, codes, regulations, and permitting processes and fees, as needed and desirable, to provide more efficient mechanisms for new developments and redevelopment opportunities), and Objective H-1.3 (Create a life long community by fostering housing stock that meets the needs of residents of all ages and abilities), Policy H-1.3e (Ensure neighborhoods are walkable and have access to alternative modes of transportation and other amenities to make them attractive to aging populations); and, Goal ED-1 (Ensure a broad range of employment opportunities for all residents), Objective ED-1.2 (Leverage community assets in attracting business), Policy ED-1.2h (Promote regeneration area infill sites on the west side of Bloomington to take advantage of existing infrastructure and attract quality jobs closer to residents); and Goal ED-4 (Enhance the image of Bloomington as a business friendly community), Objectives ED-4.3 (Facilitate and enhance pedestrian-friendly neighborhood centers to support mixed use developments), ED-4.4 (Evaluate commercial land use needs in the context of changing economic trends); and, Policy ED-4.5b (Streamline development review and permitting process for speedier processing of application); and Goal CWB-3 (Develop a coordinated and efficient system of services that addresses comprehensive needs of children, families and communities), Objective CWB-3.1 (Coordinate access to social services).

Respectfully submitted for consideration.

Prepared by: Alissa Pemberton, City Planner

ATTACHMENTS:
E&CD 4B Ordinance
E&CD 4C Ordinance Exhibit A - Proposed Text Amendments
E&CD 4D Planning Commission Draft Minutes 09-04-2024

ORDINANCE NO. 2024 - _____

AN ORDINANCE APPROVING TEXT AMENDMENTS TO THE ZONING CODE OF THE CITY OF BLOOMINGTON [CHAPTER 44] RELATING TO USE TABLES, DEFINITIONS, STREAMLINING THE DEVELOPMENT REVIEW PROCESS, MODIFICATION PROCESS FOR GENERAL PROVISIONS, ADMINISTRATIVE PROCEDURES, AND CLARIFICATIONS OF PERMITTED ENCROACHMENTS

WHEREAS, the City of Bloomington ("City") is a home rule unit of local government with authority to legislate in matters concerning its local government and affairs; and

WHEREAS, On July 22, 2024, City Council passed Resolution No. 2024-040, including direction to evaluate the Zoning Code to ensure it addresses current and future housing needs; and,

WHEREAS, pursuant to § 44-1706B, staff of the Economic & Community Development Department initiated a request to amend the text of the City's Zoning Code [Chapter 44] relating to use tables, definitions, streamlining the development review process, modification process for general provisions, administrative procedures, and clarifications of permitted encroachments; and

WHEREAS, the Bloomington Planning Commission, after proper notice, conducted a public hearing on said request to amend the text of City Code Chapter 44, relating to use tables, definitions, streamlining the development review process, modification process for general provisions, administrative procedures, and clarifications of permitted encroachments, as set forth in Exhibit A; and

WHEREAS, following said public hearing, the Bloomington Planning Commission made findings of fact that the proposed text amendments are in the public interest, and recommended that the City Council pass this Ordinance; and

WHEREAS, the City Council is authorized to adopt this Ordinance and approve said text amendments.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BLOOMINGTON, MCLEAN COUNTY, ILLINOIS:

SECTION 1. The Council hereby adopts the findings of fact of the Bloomington Planning Commission and approves the request to amend Chapter 44 as referenced above and as set forth in Exhibit A.

SECTION 2. That Chapter 44 of the Municipal Code of the City of Bloomington, Illinois, 1960, as amended, are hereby amended to read as set forth in Exhibit A (additions underlined and deletions stricken).

SECTION 3. The Bloomington City Code is hereby further amended by renumbering, redesignating, and reformatting the chapter and subsections as needed to conform to the above-referenced amendments and removals.

SECTION 4. In the event that any section, clause, provision, or part of this Ordinance shall be found and determined to be invalid by a court of competent jurisdiction, all valid parts that are severable from the invalid parts shall remain in full force and effect.

SECTION 5. The City Clerk is hereby authorized to publish this Ordinance in pamphlet form as provided by law.

SECTION 6. This Ordinance is enacted pursuant to the home rule authority of the City of Bloomington granted by Article VII, Section 6 of the 1970 Illinois Constitution.

SECTION 7. This Ordinance shall take effect immediately after its approval and publication as required by law.

PASSED this 23rd day of September 2024.

APPROVED this ____ day of September 2024.

CITY OF BLOOMINGTON

_____
Mboka Mwilambwe, Mayor

ATTEST

_____
Leslie Smith-Yocum, City Clerk

EXHIBIT A

Amendments to the Zoning Code of the City of Bloomington, Illinois [Chapter 44]

Additions are indicated by underlining; deletions are indicated by ~~strikeout~~.

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§ 44-402A. Allowed Uses Table

Table 402A: Residential Districts – Permitted and Special Uses										
	R-1A	R-1B	R-1C	R-1H	R-2	R-3A	R-3B	R-4	R-D	Reference
RESIDENTIAL										
Household Living										
…										
~~Dwelling Unit, Accessory~~									~~S~~	
…										
Protective Housing	P	P	P		P	P	P		P	
Group Living										
…										
Assisted-Living Facilities						S	S		S	§ 44-1019
Boarding and Rooming Houses					S	S	P		S	§ 44-1019
…										
Protective Shelter					P	P	P		P	§ 44-1047
INSTITUTIONAL										
~~**Residential-Type**~~										
~~Domestic Violence Shelter~~					~~P~~	~~P~~	~~P~~		~~P~~	
~~Assisted-Living Facilities~~						~~S~~	~~S~~		~~S~~	~~§ 44-1019~~
…										
COMMERCIAL										
Entertainment and Hospitality										
Community Reception Establishments					S[3]	S[3]	S[3]		S[3]	§ 44-1014
…										
Lodging										
…										

~~Boarding and Rooming Houses~~					~~S~~	~~S~~	~~P~~		~~S~~	~~§ 44-1019~~
...										

Notes:

...

3. Premises must be an owner/operator occupied residential building of historic architectural significance located on a lot in a "S-4 Historic Preservation District" and suitable to be used as a "Place of Assembly" defined herein.

...

§ 44-502A. Allowed Uses Table

Table 502A: Business Districts – Permitted and Special Uses							
	B-1	B-2	C-1	D-1	D-2	D-3	Reference
Agricultural							
Forestry	~~P~~	~~P~~	P				
...							
RESIDENTIAL							
Household Living							
...							
Dwelling, Single-Family Attached	S	P[1]	S		P	P[1]	§ 44-1046
Dwelling, Two-Family		P[1]	S	P[2]	P	P[1]	§ 44-1046
Dwelling, Multiple-Family	S	P[1]	S	P[2]	P	P[1]	
Live/Work Unit	S	P[1]	S	P[2]	P	P	
Protective Housing	P	P	P			P	
Group Living							
...							
Assisted-Living Facilities	P[1]	P[1]	P	P[2]	P[2]	P	§ 44-1019
Boarding and Rooming Houses		P[1]		P[2]	S		§ 44-1019
...							
Dormitories			S		~~S~~ P	S	§ 44-1019
...							
INSTITUTIONAL							
Education							
...							
Schools, public and private			P		S	P	
Business and Trade Schools	P	S	P	P	S	P	

Table 502A: Business Districts – Permitted and Special Uses							
	B-1	B-2	C-1	D-1	D-2	D-3	Reference
College and University Classrooms	P	S	P	P	~~S~~ P		
~~College and University Facilities~~			~~P~~	~~P~~		~~P~~	
...							
Religious							
Place of Worship	P[1]	S	P[2]	P[2]	P[2]		
Health							
Ambulatory Surgical Treatment Center	P	P	P	P[2]			
Hospital or Medical Center	~~P~~[1] S		~~S~~ P				
~~**Residential-Type**~~							
~~Domestic Violence Shelter~~	~~P~~	~~P~~	~~P~~	~~P~~[2]	~~P~~[2]	~~P~~	
~~Assisted Living Facilities~~		~~P~~[1]	~~P~~			~~P~~	~~§ 44-1019~~
Other Institutional, Cultural							
Clubs and Lodges	P	P	P	S	P	P	§ 44-1012
Emergency Shelters	P	P	P	P	P	P	§ 44-1047
Food Pantry	P	P[1]	P		P	P	§ 44-1018
Libraries		P	P	P	P	P	
Museums and Cultural Institutions	P	P[1]	P	P	P	P	
Protective ~~Domestic Violence~~ Shelter	P		P	P[2]	P[2]		§ 44-1047
Shelters	P[1]						§ 44-1047
...							
RECREATIONAL							
...							
Community Center	S	S	P	P	P	S	§ 44-1013
...							
COMMERCIAL							
Aircraft and Automotive							
...							

Table 502A: Business Districts – Permitted and Special Uses							
	B-1	B-2	C-1	D-1	D-2	D-3	Reference
Towing Services	S						
…							
Vehicle Sales and Service	~~S~~ P		S				
Entertainment and Hospitality							
…							
Commercial Recreation Facilities	P	P[1]	P	S	S	S	§ 44-1015
Community Reception Establishments	P	S		P[2]	S	P	§ 44-1014
…							
Sports and Fitness Establishments	P	P	P	P[2]	P[2]	P	§ 44-1013
Theaters and Auditoriums	P	S		P	P	S	
Lodging							
Bed-and-breakfast Establishments		P	P[6]	P	P		§ 44-1007
~~Boarding and Rooming Houses~~		~~P[1]~~		~~P[2]~~	~~S~~		~~§ 44-1019~~
…							
Hotel or Motel	P	P[1]	P	P	~~S~~ P	S	§ 44-1021
Hotel, Apartment	S	P[1]	S	P	P	S	§ 44-1021
Offices							
…							
Medical Laboratory Facility	P	P	P			P	
…							
Personal Services							
…							
Kennels, with no outdoor exercise areas	P[1]	P[1]	P[1]			P	
Kennels, with outdoor exercise areas	S					S	
…							
Veterinary Office or Clinic	P	P	S		P	P	§ 44-1035

Table 502A: Business Districts – Permitted and Special Uses							
	B-1	B-2	C-1	D-1	D-2	D-3	Reference
...							
Retail and Services							
...							
Bars, Taverns, Nightclubs	P[1]	S	P[7]	P	S	P[1]	
...							
~~Drive-Through, attached to retail or service use~~	~~P[1]~~	~~P[1]~~	~~S~~			~~S~~	
...							
Grocery Stores, Supermarkets	P	P	S	P	P	P	
Gun Shops	P[1]	~~P[1]~~ S					
Liquor Stores	P	P[1]	P[7]		S		
...							
INDUSTRIAL							
Manufacturing and Production, Light							
...							
Commercial Cleaning and Repair Services	P		P			P	
Commercial Community Kitchen	S	S	P	P	S	P	
Electronic Assembly Plants						S	
...							
Storage and Equipment Yards							
...							
Parking Lot, Commercial	S	S	S	S	S	S	
...							
Transportation							
Bus and Taxi Passenger Terminals	S			S	S	S	
...							

Notes:
1. A Special Use is required when the use adjoins a Residential District boundary line.
2. The use is permitted only when located above the first story above grade.

…

§ 44-505. Development standards applicable to business districts

A. Site plan review. Development proposals meeting the following criteria shall be subject to Site Plan Review in accordance with the requirements of Article XVII.

…

~~(3) Development proposals requiring site plan review that are in B-2, C-1, or D-2 shall require a public hearing in accordance with § 44-1709E.~~

…

§ 44-602A. Allowed Uses Table

Table 602A: Manufacturing Districts – Permitted and Special Uses			
	M-1	M-2	Reference
…			
RESIDENTIAL			
Household Living			
…			
Group Living			
Adult and Juvenile Detention Facilities	S	S	
INSTITUTIONAL			
Education			
Business and Trade Schools	P	S	
College and University Classrooms	S		
…			
~~**Residential-Type**~~			
~~Adult and Juvenile Detention Facilities~~		~~S~~	
…			
Other Institutional, Cultural			
Emergency Shelters	P	S	§ 44-1047
COMMERCIAL			
…			

…

§ 44-702A. Allowed Uses Table

Table 702A: Public Interest Districts – Permitted and Special Uses				
	P-1	P-2	P-3	Reference
…				
RESIDENTIAL				
Household Living				
…				

Table 702A: Public Interest Districts – Permitted and Special Uses				
	P-1	P-2	P-3	Reference
Protective Housing	P			
Group Living				
Adult and Juvenile Detention Facilities		S		
…				
Boarding and Rooming Houses	P			§ 44-1019
…				
Emergency Shelters	P	P		§ 44-1047
Protective Shelter	P			
Shelters		P[1]		§ 44-1047
INSTITUTIONAL				
Education				
…				
~~Boarding Schools~~	~~P~~	~~P~~		
…				
~~College and University Facilities~~	~~P~~			
~~**Residential-Type**~~				
~~Adult and Juvenile Detention Facilities~~		~~S~~		
~~Domestic Violence Shelter~~	~~P~~			
~~Assisted Living Facilities~~		~~P[1]~~		
COMMERCIAL				
Aircraft and Automotive				
…				
Vehicle Fueling Station	S		S	
Vehicle Repair and Service	P[6]			§ 44-1034
Vehicle Storage	S		P	
Entertainment and Hospitality				
…				
Community Reception Establishments	P[6]			§ 44-1014
…				
Lodging				
…				
~~Boarding and Rooming Houses~~	~~P~~			~~§ 44-1019~~
…				
Offices				

Table 702A: Public Interest Districts – Permitted and Special Uses				
	P-1	P-2	P-3	Reference
Financial Services	P		P[3]	
General Offices, Business or Professional	P[6]		P	
...				
Medical Laboratory Facility	P[6]			
Printing, Copying and Mailing Services	P		P	
Recording and Broadcast Studios	P[6]			
Research Facility or Laboratory	P[6]			
...				
Retail and Services				
Bars, Taverns, Nightclubs	P[6]		P[3]	
...				
Grocery Stores, Supermarkets	P			
...				
Retail Sales, General	P[6]		P[3]	
Specialty Food Shops	P		P[3]	
INDUSTRIAL				
Manufacturing and Production, Light				
Commercial Community Kitchen	S			
Electronic Assembly Plants	S		P	
Trade and Construction Services	P[6]		P[3]	
...				
Storage and Equipment Yards				
...				
Composting Facility	S	P		
...				
Mini Warehouses	S		P	§ 44-1026
...				
Warehouse	P[6]		P	
Transportation				
...				
Heliports, Heliport Terminals	S		P	
...				

Notes:

…

6. A Special Use is required when the use is not owned by a College or University that is also owner of the underlying property.

…

§ 44-904. Permitted Encroachments

Table 904: Permitted Encroachments			
Encroachment	**Front Yard**	**Side Yard**	**Rear Yard**
…			
~~Air condition compressors~~ Mechanical Equipment[2]	~~Yes~~ No	~~Yes~~ Set back ≥ 3 feet from rear and side lot line.	Yes
…			
Balconies, open porches, terraces, and decks	Project ≤ 10 feet into required yard	No	~~Yes~~ Project ≤ 10 feet into required yard
…			

Notes:

1. If in a side yard, must be screened from view from public and/or private streets, as approved by the Director of Economic and Community Development.
2. Other than public or private utility provider equipment, mechanical equipment includes equipment commonly associated with the heating, cooling, plumbing, or electrical systems of structures (i.e. air conditioning compressors, generators, etc.). Mechanical equipment does not include solar panels.

…

§ 44-908. Accessory buildings and uses

On a lot devoted to a permitted principal use, customary accessory uses, and structures are authorized subject to the following standards and any applicable off-street parking requirements:

…

E. Accessory dwelling unit conversion and new construction.

(1) Primary residence. The primary building shall be a single-family detached use and the primary residence of the owner of the property.

(2) Size. Accessory dwelling units shall not be greater than 800 square feet or 50% of the size of the primary building, whichever is less. Detached accessory dwelling units are limited to 80% of the height of the subject District, or a height which is minor in character to the primary building, whichever is less.

…

§ 44-910. Fence Regulations

…

B. Fence materials.

(1) Residential fences shall not be constructed of wire mesh, barbed wire, electrically charged fence, or topped with sharp-edged material. In residential districts, chain-link fence may be allowed in the rear yard ~~when not visible from the street~~.

(2) In all other districts, except in the agricultural, manufacturing and P-3 Airport District, fences shall not be constructed of chain link, wire mesh, barbed wire, electrically charged fence, or topped with sharp-edged materials.

(3) Materials restricted herein may be considered and approved in accordance with well-established standards or practices related to a particular Use, at the discretion of the Director of the Department of Economic & Community Development for the City of Bloomington, Illinois, or his or her designee. The City may condition the approval of fences constructed of restricted materials to be removed upon cessation of the associated Use.

…

§ 44-10. Use Provisions

…

§ 44-1002 [Ch. 44, 10-2] Applicability.

The provisions of this section apply to all Zoning Districts unless indicated otherwise. If there is a conflict between this section and the individual requirements of the Zoning District, the Zoning Administrator shall determine which standards control.

(1) When a use that is permitted by right is unable to comply with an associated use provision, the use may be permitted as a Special Use, in accordance with the requirement of Article XVII, which may grant a waiver to the subject provision.

(2) ~~(1)~~ Uses subject to a Special Use Permit may be granted a waiver to any use provision as part of that permit, subject to the approval of the reviewing Board or Commission.

…

§ 44-1014. [Ch. 44, 10-14] Community reception establishments.

A. Location. In residential areas, a community reception establishment shall be separated from other community reception establishments by a minimum distance (from lot line to lot line) of 600 feet.

~~**B.** Any structure devoted to a community reception establishment use shall have been constructed prior to 1950.~~

~~**C.** A community reception establishment shall be occupied by the owner and/or operator of the establishment.~~

…

E. Operational standards in residential areas.

(1) At least 24 hours prior to any event, the owner/operator of the reception …

F. Parking.

(1) Valet parking shall be required for all community reception establishment events accommodating more than 30 people if required off-street ~~onsite~~ parking is not available onsite.
(2) A plan showing the parking lot configuration shall be filed and kept current, regardless of whether the parking is on site or off site.
(3) Off-street parking spaces required pursuant to Article XII or this Code shall be located on the same lot as the community reception establishment, on an abutting lot. In residential areas off-street parking spaces may also be located~~, or~~ on a lot not more than 500 feet from the site of the community reception establishment.
~~(4) If the parking is provided off-site, the parking lot must be owned by the owner of such community reception establishment or controlled by a five-year lease on such lot. If the off-site parking lot is leased, activities at the community reception establishment must be scheduled at such times so that activities taking place on the premises of the parking lot not interfere with the ability of the community reception establishment to provide adequate parking as required by this subsection.~~

G. …

H. Special use permit.

(1) In residential areas t~~T~~he special use permit for a community reception establishment, if approved by the City Council, shall be issued to the owner thereof, but shall not transfer to a subsequent owner upon the sale of such premises unless and until a new special use permit for such establishment is approved by the City Council.

~~**(2)** All special use permits for community reception establishments shall be reviewed on an annual calendar year basis by the Zoning Board of Appeals in liaison with the Director of Economic and Community Development and the City Fire Marshal to insure compliance with the City Code. [Amended 10-26-2020 by Ord. No. 2020-69; 10-24-2022 by Ord. No. 2022-99]~~

…

§ 44-1019. [Ch. 44, 10-19] Group living facilities, boarding and rooming houses, homes for the aged.

A. Location…

(4) Dormitories in the D-2 (Downtown Transitional) District are not exempt from off-street parking requirements but may accommodate such on other properties owned or operated by the associated School, including those on a campus outside of the Downtown area.

…

§ 44-1021. [Ch. 44, 10-21] Hotel or Motel.

...

B. Apartment Hotels. In the D-1 and D-2 Districts, the residential (apartment) use must be located above the first story above grade.

...

§ 44-1047. [Ch. 44, 10-47] Shelters

A. Managing Agency. Shelters shall be managed by a non-profit, health or human services organization, religious institution, or governmental body, located in McLean County, that provides supportive and care services for McLean County residents.

(1) Managing agencies and/or property owners shall either:
   (a) Demonstrate experience providing similar services to people experiencing homelessness; or
   (b) Provide evidence of certifications or academic credentials in an applicable human service field;
   (c) Should a managing agency and/or property owner not have any of the preceding qualifications, additional reasonable measures may be required to minimize risk to both residents of the supported living facility and the broader community.

(2) Managing agencies and/or property owner shall demonstrate a stable funding source for the facility and any on-site or off-site human and social services offered as part of the operations plan.

(3) The managing agency and/or property owner shall designate points of contact and provide contact information (24-hour accessible phone contact) to the Bloomington Police Department (BPD).

B. Permit required. All Shelters shall be permitted with the City of Bloomington. Such permits shall be granted upon submission of the following, to the satisfaction of the city:

(1) An Operations Plan that describes: how the facility will be operated, including: the days and hours of operation; roles and responsibilities of key staff; and procedures for maintaining accurate and complete records.

(2) A Site and Facility Plan that includes: site/facility maintenance; emergency and security protocols; occupancy policies, including resident responsibilities; and a code of conduct that address, at a minimum, the use or sale of alcohol and illegal drugs, threatening or unsafe behavior, and weapon possession.

(3) A Supportive Services Plan, including: the provision of human and social services, including staffing plan and outcome measures; outreach with surrounding property owners and residents and ongoing good neighbor policy.

(4) Additional information as requested by the Economic & Community Development Director to ensure current best practices are used.

C. Supervision required. On-site supervision must be provided at all times, unless it can be demonstrated through the operations plan that this level of supervision is not warranted for the population being housed. Details related to on-site supervision, such as the persons/positions identified for on-site supervision and shift schedule, are required.

D. Emergency Shelters.

(1) Emergency Shelters shall operate only when a related Emergency Order is issued by the City Manager, for the duration of time the Emergency Order is in effect.

(2) Due to the temporary nature of their existence, Emergency Shelters are not required to demonstrate a stable funding source for the facility, per § 44-1047(1)(b).

(3) In instances of extreme need, a provisional permit may be issued, by the Economic & Community Development Director or City Manager, for the duration of a single Emergency Order, without the submission of the documents required by § 44-1047(2)(a) though § 44-1047(2)(c). Issuance of a fully approved permit is required prior to operation of the subject Emergency Shelter under subsequent Emergency Orders.

E. Revocation of Permit. Upon cause shown, the City Council may revoke a permit approved under this section based upon a finding that the permitted facility is not compliant with approved plans, applicable conditions, or is otherwise injurious to the public health, safety or welfare.

§ 44-1602 [Ch. 44, 16-2] Definitions "A".

...

AGENCY-SUPERVISED HOME

A facility under the direct and regular supervision of a licensed welfare agency (including an agency which receives or arranges for the care or placement of children who have behavioral problems involving violations of criminal law), of the Illinois Department of Children and Family Services, of a circuit court, or of any other state agency which has authority to place children in child care facilities, and which receives no more than eight children, unless of common parentage, who are placed and are regularly supervised by one of the specified agencies. This use does not include foster family homes which operate as a single housekeeping unit and are considered as a family.

...

APARTMENT

A room or suite of rooms in a multiple-family structure which is arranged, designed, used or intended to be used as a single housekeeping unit. Complete kitchen facilities (sink and cooking and storage facilities), permanently installed, must always be included for each apartment.

...

§ 44-1603 [Ch. 44, 16-3] Definitions "B."

...

BEDROOM

A room intended for, or capable of being used for, sleeping and which is at least seventy (70) square feet in area. A room designated on building plan submittals as a "den", "library", "study", "loft", "dining room" or other extra room which satisfies the definition and is not a kitchen, living room, or bath will be considered to be a bedroom for the purpose of computing the number of bedrooms in a dwelling unit and bedroom area.

BEDROOM AREA

The floor area of a bedroom exclusive of closet and bathrooms.

...

BOARDING AND ROOMING HOUSE

Any residential building, or any part thereof, containing ~~one or~~ more than one rooming unit~~s~~, arranged or used for lodging, with or without meals, for compensation, by ~~four or more and~~ not more than ~~20~~ 10 individuals who do not constitute a family. This use includes “crash pads,” “shared homes,” “co-living spaces," and other forms of congregate housing not elsewhere classified. These buildings may or may not be owner-occupied.

...

BUS AND TAXI PASSENGER TERMINAL

Any privately-owned (not governmental or quasi-governmental) premises for the transient housing or parking of motor driven buses and taxis, and the loading and unloading of passengers.

...

§ 44-1604 [Ch. 44, 16-4] Definitions "C."

...

CHURCH (CHAPEL), (MOSQUE), (SYNAGOGUE), (TEMPLE)

A building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose. See Place of Worship.

...

COMMUNITY RECEPTION ESTABLISHMENT

~~An owner/operator occupied residential building of historic architectural significance located on a lot in a "S-4 Historic Preservation District" and used as a "bed-and-breakfast establishment" as defined herein and suitable to be used as a "Place of Assembly" defined herein.~~

An establishment which is rented by individuals or groups to accommodate private functions including, but not limited to, banquets, weddings, anniversaries and other similar celebrations. The facility may also include on-site kitchen/catering facilities. Such a use may not include the sale of alcoholic beverages for on-premises consumption except during scheduled events which are not open to the general public. In some cases, a bed and breakfast and/or a restaurant may be associated with a reception hall.

...

§ 44-1605 [Ch. 44, 16-5] Definitions "D."

...

DORMITORY ~~(STUDENT RESIDENCE HALL)~~

A dormitory is a residential building where group sleeping accommodations are provided for persons not members of the same family and where the number accommodated exceeds that allowed in a dwelling unit in the district. The group sleeping accommodations may be in one room or in a series of closely associated rooms under occupancy and single management as in college dormitories, fraternity houses, sorority houses, military barracks, etc., regardless of whether meals are provided.

~~DWELLING UNIT~~

~~A building designed or used principally for residential occupancy, including, without limitation, single-family dwelling units, two-family dwelling units, and multiple-family dwelling units.~~

DWELLING UNIT

One or more rooms arranged or designed for the use of one family living together as a single housekeeping unit with cooking, living, sanitary and sleeping facilities in a self-contained unit, so that access to the street and any additional facilities (such as laundry, heating units, etc.) can be gained without passing through any other residential or commercial unit.

DOMESTIC VIOLENCE SHELTER

~~A residential facility serving as a center to receive and house persons who are victims of domestic violence, including dependents of the victim, to provide temporary boarding, lodging, counseling, and day care. The facility shall meet all certification requirements of the State of Illinois.~~

See Protective Shelter and Protective Housing.

...

§ 44-1606 [Ch. 44, 16-6] Definitions "E."

...

EMERGENCY FACILITY

A facility in which the operations of publicly owned safety and emergency services are conducted, such as, but not limited to, fire stations and police stations. ~~are conducted.~~

...

§ 44-1607 [Ch. 44, 16-7] Definitions "F."

...

FAMILY

~~One or more persons, each related to the other by blood, adoption, or marriage, living in a dwelling unit. One or more persons each related to the other by blood, adoption, or marriage and not more than two other persons not related by blood, adoption or marriage living in a dwelling unit shall also be deemed to constitute a family. Any child living in a "Foster Family Home" as that term is defined herein shall also be deemed to be part of a family. However, in no case shall more than two persons not related by blood, adoption or marriage occupy any efficiency unit or a one bedroom dwelling unit as defined herein. Three or more unrelated parolees living in one dwelling unit shall not be considered to be a "family" for purposes of the Zoning Code unless all such parolees are actually related by blood, adoption, or marriage. "Parolees" shall have the definition set forth in Chapter 26, § 26-201, of the Bloomington City Code.~~ A group of people who live together, regardless of their age, relationship, marital status, actual or perceived sexual orientation, or gender identity, presenting together with or without children, whether or not a member of the household has a disability. This includes a single person, such as an elderly person or a disabled person, or a group of people, such as a family with or without children. The term "family" can also include people who are temporarily away from the home, such as a student at college or boarding school, or a child in foster care. Typically, a single family will function as a single housekeeping unit.

~~FOSTER FAMILY HOME~~

~~A facility for child care in residences of families who receive no more than eight children unrelated to them, unless all the children are of common parentage, for the purposes of providing family care and training for children on a full-time basis. The family's own children under 18 years of age shall be included in determining the maximum number of children served. The term "Foster Family Home" includes homes receiving children from any state-operated institution for child care; or from any agency established by a municipality or other political subdivision of the State of Illinois authorized to provide care for children outside their own homes — but excludes therefrom any "Agency-Operated Family Home," "Agency-Operated Group Home" or "Agency-Supervised Home" as defined herein. The types of foster family homes are defined as follows:~~

~~A. BOARDING HOME~~

~~A Foster Family Home which receives payment for regular full-time care of a child or children;~~

~~B. FREE HOME~~

~~A Foster Family Home, other than an adoptive home, which does not receive payments for the care of a child or children;~~

~~C. ADOPTIVE HOME~~

~~A Foster Family Home which receives a child or children for the purpose of adopting the child or children;~~

~~D. WORK-WAGE HOME~~

~~A Foster Family Home which receives a child or children who pay part or all of their board by rendering some services to the family not prohibited by the Child Labor Law or by standards or regulations of the Illinois Department of Children and Family Services prescribed under the Illinois Child Care Act of 1969, as amended. The child or children may receive a wage in connection with the services rendered the foster family; and~~

~~E. INDEPENDENT HOME~~

~~A Foster Family Home, other than an adoptive home, which receives no more than four children, unless of common parentage, directly from parents, or other legally responsible persons, by independent arrangement and which is not subject to direct and regular supervision of a specified agency except as such supervision pertains to licensing by the Illinois Department of Children and Family Services.~~

...

§ 44-1608 [Ch. 44, 16-08] Definitions "G."

...

GROUP LIVING

A use category with r~~R~~esidential occupancy ~~of a dwelling unit by other than a household and providing communal facilities; typical uses include adult foster care facilities, assisted living facilities, nursing homes, and transitional shelters.~~ by a means other than found in Household Living typically providing communal kitchen/dining facilities. Uses include but are not limited to: Assisted-Living Facilities, Dormitories, Group Homes, and Boarding and Rooming Homes. This definition does not include temporary uses such as Shelters or Hotels.

...

§ 44-1609 [Ch. 44, 16-9] Definitions "H."

...

HOTEL, APARTMENT

A combined hotel and multiple-family dwelling where more than fifty percent (50%) of the accommodations are in dwelling units occupied or intended for occupancy by permanent guests securing such accommodations by prearrangement for a continuous period of thirty (30) days or more.

...

HOUSEKEEPING UNIT

Any household whose members are a non-transient interactive group of persons jointly occupying a dwelling unit, including joint access to and use of all common areas including living, kitchen, and eating areas within the dwelling unit, and sharing household activities and responsibilities such as meals, chores, expenses and maintenance, and whose makeup is determined by the members of the unit rather than by the landlord, property manager, or other third party. The existence of a Housekeeping Unit shall not be interpreted as approval for residence in a single dwelling unit if not in consistency with the occupancy standards of the Bloomington Building Code, incorporated herein by reference, per Chapter 10 of the City Code. This does not include occupants of Boarding or Rooming Houses.

...

§ 44-1610 [Ch. 44, 16-10] Definitions "I."

...

IMPROVEMENT

Any building, structure, bridge, area, place, work of art, parking facility, public facility, fence, gate, wall, landscaping bed, or other object constituting a physical ~~betterment of~~ addition to real property, or any part of such addition ~~the betterment~~.

...

§ 44-1616 [Ch. 44, 16-16] Definitions "O."

...

OUTDOOR STORAGE

The keeping of personal or business property or motor vehicles in a required open parking space or in any area outside of a building for a period of time exceeding 24 consecutive hours. Personal property and vehicles actively being used as sleeping or living quarters are not included in this definition.

...

§ 44-1617 [Ch. 44, 16-17] Definitions "P."

...

PROHIBITED USE

A use that is not permitted or provisional or a special use in a zoning district or location.

...

PROTECTIVE HOUSING

A residential facility serving as a center to receive and house persons who are victims of crime, abuse, or violence, including dependents of the victim, to provide housing, counseling, and day care. The facility shall meet all certification requirements of the State of Illinois. This term differentiates from “Protective Shelter” in the less transient nature.

PROTECTIVE SHELTER

A type of shelter. A facility providing temporary protective sanctuary for victims of crime, abuse, or violence, including emergency housing during crisis intervention for individuals, such as victims of rape or abuse. This use differentiates from “Protective Housing” in the non-residential nature. A local residential address may not be granted to occupants for the purposes of school districting and residency.

§ 44-1619 [Ch. 44, 16-19] Definitions "R."

...

RELIGIOUS INSTITUTION

A place of public assembly of over forty-nine (49) seats in the principal assembly area, for the purposes of religious activities, and conducting worship services on a regular basis.

...

§ 44-1620 [Ch. 44, 16-20] Definitions "S."

...

SHELTER

A facility, secured site, or portions thereof, providing over-night sheltering with qualified supervision, care and security. An immediate and temporary place for people without a home to stay that provides support services and short-term stabilization for individuals and families; often the first place that people go to avoid experiencing unsheltered homelessness.

SHELTER, EMERGENCY

A type of shelter that provides over-night sheltering during periods of severe weather or other conditions that may pose a threat to human health and safety. Emergency Shelters operate only when an Emergency Order is issued by the City Manager. Frequently found in combination with warming and cooling centers or other public facilities.

SHELTER, PROTECTIVE

See Protective Shelter.

...

SHORT-TERM RENTAL

A bedroom, rooming unit, or dwelling unit, in the form of a single-family dwelling or multi-unit structure, condominium, cooperative, timeshare or similar joint property ownership arrangement, that is rented for a fee for less than 30 consecutive days. "Short-term rental" includes vacation rentals. "Short-term rental" does not include:

(A) A dwelling that is used for any non-residential purpose, including educational, health care, retail, restaurant, banquet space, event center or other similar uses; or

(B) A bed and breakfast establishment as defined in Section 2 of the Bed and Breakfast Act; or

(C) Transient accommodations, including hotels and motels that are not classified as residential property for real property taxation purposes.

...

STRUCTURE

Anything that is built or constructed, including but not limited to, any useable, permanent, in place device or appliance within the lot making a projection of six inches or more above grade and having a base area greater than 12 square feet. This does not, however, exclude such underground or surface structures such as tunnels, window wells, future foundations, or swimming pools in whole or in part below grade.

STRUCTURE, NON-CONFORMING

A structure which lawfully exists upon the effective date hereof or amendment of this Title and which does not conform to the bulk or use regulations or to the required conditions of the zoning district in which located by reason of the adoption or amendment of these regulations.

STRUCTURE, PRINCIPAL

A building or structure in which a principal use is conducted.

STRUCTURE, TEMPORARY

A structure not permanently located, placed, or affixed to the ground that complies with the standards set forth in this chapter and is discontinued upon the expiration of a set time period.

SUPPORTED LIVING

Necessary supportive services, coupled with temporary lodging or boarding, to provide security, personal safety, and protection from the weather to individuals and families who are homeless, formerly homeless, or danger of becoming homeless. Typical examples include Shelters, Emergency Shelters, and Transitional Housing.

...

§ 44-1621 [Ch. 44, 16-21] Definitions "T."

...

~~TEMPORARY STRUCTURE OR USE~~

~~A structure or use of limited duration, including special events, that complies with the standards set forth in this chapter and is discontinued upon the expiration of a set time period; temporary structures, uses and special events shall not involve the construction or alteration of any permanent building or structure.~~

TENANT

Any person occupying the premises, building, or land of another in subordination to such other person's title and with the other person's express or implied assent, whether the tenant occupies the whole or a part of those premises, building or land, whether alone or with others.

...

TRANSITIONAL HOUSING

A group of rooming units with supplemental shared facilities, utilized for the semi-temporary housing of persons in a setting in which each resident receives training and/or counseling on a regular basis, as a requirement of residing within the facility. Rooming units and shared facilities may or may not be within the same structure but are practically connected or related. Residents shall not live at the facility for a period longer than two (2) consecutive years.

...

§ 44-1622 [Ch. 44, 16-22] Definitions "U."

...

USE, SPECIAL

A use which, because of its unique characteristics, may be allowed in a specified zoning district permitting it as a conditional use, only after special consideration of its impact upon neighboring land and of public need for the use at the particular location.

USE, TEMPORARY

A use of a building, structure or parcel of land which is impermanent, in existence for a limited amount of time, and is discontinued upon the expiration of a set time period.

...

§ 44-1623 [Ch. 44, 16-23] Definitions "V."

...

VIOLATION

The construction, alteration, use, maintenance, or allowance of any building or property in violation of the provisions of this chapter. In addition to any other actions which may constitute a violation, the following constitute violations of this chapter and are considered strict liability offenses:

A. The use, arrangement, or construction of a building, structure, or improvement to land that does not conform with authorized or approved plans.
B. An improvement that is constructed, or a use that is operated without obtaining the appropriate permits or zoning approval.
C. The use of a building or land that is nonconforming, unless such use has been established in accordance with Article XI, Nonconforming Buildings and Uses.
D. The use of a building or land which is a conforming use but does not meet the applicable district performance standards or other requirements of this chapter, unless otherwise provided for in Article XI, Nonconforming Buildings and Uses.
E. The use of a building or land which does not comply with conditions or standards enumerated in a provisional, or special use approval.
F. The sale, conveyance, or use of any portion of a lot that is sold, conveyed, or used which reduces the following:

(1) The lot area below the minimum area requirements of this chapter; or

(2) The lot area to the extent that the residential density or floor area ratio is greater than the maximum permitted by this chapter; or

(3) The usable open space areas below the open space ratio and usable open space requirements of this chapter; or

(4) The depth or width of a yard to less than the minimum depth or width required by this chapter; or

(5) The number and size of parking spaces on the lot is reduced below the minimum number of such spaces required by this chapter; or

(6) The subdivision of land was not done in accordance with Chapter 24 (Subdivision Regulations) of the Municipal Code.

Commissioner Peradotti stated the case file recognizes the ability of the property owner to maintain and preserve the property. He expressed the S-4 Designation is unnecessary and restrictively burdensome with questionable public gain. Commissioner Peradotti asked staff to clarify the motions.

Ms. Pemberton clarified the motions and stated it is procedurally preferable to split the motions up, rather that voting combined due to the different standards.

Chair Boyd noted that there is no guarantee that the Diocese will always be the owner of the property, so he concurs with the Historic Preservation Commission that Designation is in the public good.

Vice Chair Beyer made a motion, seconded by Commissioner Lewis, to establish findings of fact that subject structures meet the criteria to be classified as Local Historic Landmarks and reaffirm the Historic Preservation Commission's action designating them as such.
Roll call.
AYES: Boyd; Lewis; Sant Amour; Peradotti; Patino; Galpalli; Beyer
Motion passed.

Commissioner Lewis made a motion, seconded by Commissioner Patino, to establish findings of fact that the proposed Zoning Map Amendment to apply the S-4 (Historic Preservation District) Overlay is in the public interest and not solely for the benefit of the Applicant and to recommend approval of the proposed Zoning Map Amendment for the Property at 704 N. Main Street.
Roll call.
AYES: Boyd; Sant Amour; Patino; Galpalli
NAYES: Peradotti; Beyer; Lewis
Motion passed.

Commissioner Patino made a motion, seconded by Chair Boyd, to approve the proposed Resolution.
Roll call.
AYES: Boyd; Lewis; Sant Amour; Peradotti; Patino; Galpalli
NAYES: Beyer
Motion passed.

The following item was presented:

Item 5.B. **Z-10-24** - Public hearing, review, and action on a request initiated by the City of Bloomington, for the approval of text amendments, modifications and deletions to the Zoning Code of the City of Bloomington, Illinois (Chapter 44 of the Bloomington City Code, 1960), relating to 1) Use Tables, (2) Definitions, (3) streamlining the development review process, (4) modification process for General Provisions, (5) Administrative procedures, and (6) clarifications of Permitted Encroachments.

Ms. Pemberton presented the Staff Report with recommendation for approval. She briefly discussed the changes and intention of the text amendments. Additionally, she noted the amendments' compliance with the Comprehensive Plan Goals and Objectives. Ms.

Pemberton requested an amendment to the initially proposed motion to include an adjustment of one definition. She stated, through reviewing the potential for practical application of the proposed amendments, staff identified that the Boarding and Rooming House definition should be adjusted to be "more than one" rather than "one or more."

Chair Boyd opened the public hearing.

Noah Tang (504 E. Olive) expressed support for the text amendments. He stated that the changes to the Accessory Dwelling Units (ADUs) code will allow for more diverse housing opportunities and greater flexibility for residents. He did request that the maximum allowed square footage for Accessory Dwelling Units should be increased to 900 square feet. He cited "Backyard Farmhouse" by Jay Osborne, which provides free Accessory Dwelling Units designs with most 850-900 square feet.

Chair Boyd closed the public hearing.

Vice Chair Beyer asked Staff to clarify the changes to Accessory Dwelling Units (ADUs). Ms. Pemberton responded that the changes allow for ADUs to be 80% of the district height, with the requirement that the structure is not permitted to be taller than the principal building. Additionally, she noted the removal of ADUs from the Primary Use Table is to improve clarity for the public since they are permitted as Accessory to a Primary Dwelling Unit. She stated that there has previously been confusion on where ADUs can be permitted.

Vice Chair Beyer asked about expanding the maximum size of ADUs to 900 square feet and about the justification for the proposed size. Staff explained 800 square feet is a commonly used size cap amongst other communities and is about half of the size of smaller homes in the area, but was not pin-pointed precisely for a local reason. Vice Chair Beyer asked whether someone could get a Variance to allow them to build an ADU larger than 800 square feet if they wanted to use one of the plans Mr. Tang talked about. Staff replied that was highly unlikely since most would be new construction and the primary dwelling already makes reasonable use of the property.

Vice Chair Beyer made a motion, seconded by Commissioner Galpalli, to establish findings of fact that the proposed text amendments meet the standards and objectives for which the Code is designed and are in the public interest, and to recommend that City Council approve the proposed text amendments as presented, including the addendum to the packet striking § 44-505A(3), with the amendment to § 44-1603 relating to the definition of "Boarding and Rooming Houses" to reflect "more than one rooming unit".
Roll call.
AYES: Boyd; Lewis; Sant Amour; Peradotti; Patino; Galpalli; Beyer
Motion passed.

New Business

None.

REGULAR AGENDA ITEM NO. 8.A.

FOR COUNCIL: September 23, 2024

WARD IMPACTED: Ward 6

SUBJECT: Consideration and Action on a Recommendation by the Planning Commission to Designate the Structures of Holy Trinity Church and Holy Trinity Rectory, Located at 704 N. Main Street, as "Local Historic Landmarks" and to have the S-4 (Historic Preservation District) Overlay Zoning Designation Applied to the Subject Property, including Either Adoption of an Ordinance Approving the Designation or Adoption of a Resolution Rejecting the Designation, as requested by the Historic Preservation Commission.

RECOMMENDED MOTION: The Historic Preservation Commission and Planning Commission recommend that the proposed Ordinance be approved.

STRATEGIC PLAN LINK:
Goal 6. Prosperous Downtown Bloomington

STRATEGIC PLAN SIGNIFICANCE:
Objective 6e. Preservation of historic buildings
Objective 6c. Downtown becoming a community and regional destination

BACKGROUND: The Historic Preservation Commission, as the Applicant, is requesting to designate the existing National Register of Historic Places structures of *Holy Trinity Church* and *Holy Trinity Rectory* at 704 N. Main Street as a “Local Historic Landmarks” and to have the S-4 (Historic Preservation District) Overlay zoning applied to the subject property between N. Center and N. Main Streets, excluding the portion of the subject PIN that lies west of N. Center Street that was formerly home to Trinity/Central Catholic High School.

The S-4 (Historic Preservation District) Overlay Zoning requires the property owner to submit certain types of exterior repair/restoration/replacement work to the Historic Preservation Commission (HPC) for review, prior to performing said work. The HPC then issues a Certificate of Appropriateness (CofA) for the work to proceed if the proposed work complies with the Secretary of Interior’s Standards and the City’s Architectural Review Guidelines.

The owner can appeal to the City Council should a CofA not be issued by affirmative vote of the HPC. The City is prohibited from issuing a building permit or a demolition permit unless a CofA has been issued on a property or an applicant is successful in appeal.

On March 1, 2024, the Bloomington Historic Preservation Commission held a public hearing on the Designation of Holy Trinity Church and Rectory as Local Landmarks, as well as the Zoning Map Amendment to add the S-4 (Historic Preservation District) Overlay to the property. In a 7-0 vote, they determined that the two buildings owned by the Peoria Diocese, Holy Trinity Church and Rectory, meet the criteria for local historical landmark status, and reaffirmed the determination by the Historic Preservation Commission. In a 4-3 vote, the Commission decided to recommend a Zoning Map Amendment to add the S-4 (Historic

Preservation District) Overlay Zoning to the Church/Rectory property. The recommendation for the Zoning Map Amendment to add the S-4 Overlay will be forwarded to Council, via a Resolution that was approved 6-1.

This recommendation was transmitted to the Planning Commission via *Historic Preservation Commission Resolution 2024-02*.

On May 1, August 7, and September 4 , 2024, the Planning Commission held public hearings and eventually voted to recommend approval of Holy Trinity Church and Rectory as Local Landmarks, as well as the Zoning Map Amendment to add the S-4 (Historic Preservation District) Overlay to the property. This recommendation has been transmitted to City Council via *Planning Commission Resolution 2024-02*.

The following documents are relevant to this item:

- Historic Preservation Commission Packet for January 18, 2024
- Historic Preservation Commission Minutes for January 18, 2024
- Historic Preservation Commission Packet for March 21, 2024 (includes Standards for Consideration of Landmark Designation)
- Historic Preservation Commission Minutes for March 21, 2024 (includes property owner protest)
- Planning Commission Packet for May 1, 2024 (includes Standards for Review of a Zoning Map Amendment)
- Planning Commission Minutes for May 1, 2024
- Planning Commission Packet for August 7, 2024
- Planning Commission Minutes for August 7, 2024
- Planning Commission Packet for September 4, 2024 (includes overview of the Certificate of Appropriateness process)
- Planning Commission Minutes for September 4, 2024 (attached)

To approve this Zoning Map Amendment a 2/3 vote in favor by City Council is required due to the property owner contest (§ 44-1706F(3)).

City Code requires that the Council's action to deny historic designation shall be made in the form of a Resolution; approval shall be made by Ordinance, therefore an Ordinance and a Resolution are included herein.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Notice of the public hearing before the Historic Preservation Commission was published in The Pantagraph on Wednesday, March 6, 2024. Notification of the Public Hearing, along with copies of the nomination application, were mailed to the property owner and 16 adjoining property owners on March 5, 2024. A sign notifying the community of the hearing was also placed on the property.

Notice of the public hearing before the Planning Commission was published in The Pantagraph on Tuesday, April 2, 2024. Notification of the Public Hearing was mailed to the property owner and 62 property owners within 500 feet, on March 5, 2024. A sign notifying the community of the hearing was also placed on the property.

FINANCIAL IMPACT: Local designation through Zoning the property as S-4 provides an added level of expectation and consistency for surrounding property owners which may help

to stabilize, or even improve, property values in the neighborhood and Historic Downtown. Many of the well-known studies that discuss the negative impacts of local designation on property values cite development constraints (inability to make “highest and best use” of the property) and high costs of complying with strict guidelines on maintenance. The City Code provides some mechanisms for potentially addressing both of these potential deterrents. The addition of the S-4 designation also makes properties eligible for Funk Grant funding from the City and for other historic funding opportunities and tax benefits, to potentially help defer any increase in cost associated with conducting work in a way that complies with subject Standards.

AMERICAN RESCUE PLAN FUNDING IMPACT: N/A

COMMUNITY DEVELOPMENT IMPACT: **This request meets the following goals and objectives of the Bloomington Comprehensive Plan 2035**: Goal N-1 (Ensure compact development of the City through denser, mixed-use developments and reinvestment in the established older neighborhoods), Objective N-1.3 (Redevelop the neighborhoods in the Preservation area while carefully protecting their historic nature and character), Policies N-1.3c (Foster preservation and adaptive reuse of significant historic buildings and structures) and N-1.3d (Encourage the use of the statewide historic property incentives such as “Illinois Property Tax Assessment Freeze Program”); Goal D-2 (Market and promote the unique brand and image of Downtown Bloomington), Objective D-2.1 (Identify and designate gateways to Downtown); Goal ACH-4 (Identify, conserve, and preserve the City’s heritage resources as a basis for retaining and enhancing strong community character and a sense of place), Policies ACH-4.1b (Use zoning, code enforcements and other regulatory tools to protect the City’s historic and cultural resources), ACH-4.1d (Pursue an active and comprehensive program to document and preserve historic buildings, structures, sites (including archaeological sites), objects, landscapes, and natural resources), and ACH-4.1e (Continually update identification and designation of historical buildings that are eligible for local, state and national designation based on 50 year age guideline).

Respectfully submitted for consideration.

Prepared by: Leslie Yocum, City Clerk

ATTACHMENTS:
E&CD 3B Planning Commission DRAFT 09-04-2024 Minutes
E&CD 3C Planning Commission Resolution
E&CD 3D Ordinance
E&CD 3E Resolution

Regular Agenda

The following item was presented:

Item 5.A. **Z-4-24 (BHP-03- 24)** - Public hearing, consideration and action on a request initiated by the Bloomington Historic Preservation Commission for the Designation of Holy Trinity Catholic Church and Rectory as Local Landmarks, and a Zoning Map Amendment to apply the S-4 (Historic Preservation District) Overlay, for the property between N. Center Street and N. Main Street, known as 704 N. Main St (Part of PIN: 21-04-135-001).

Ms. Pemberton provided a brief summary of the staff report with suggested motions that would reaffirm the Historic Preservation Commission's recommendation. She noted supplemental information has been added to the packet since the last meeting, including summaries of the architectural reports for the Rectory and Church and the Certificate of Appropriateness process for S-4 zoned properties.

Chair Boyd opened the public hearing that had been continued from the prior meeting.

Monsignor Jason Gray (704 N. Main Street) spoke against the Zoning Map Amendment. He stated the Parish is committed to preserving the structure and working with the City. He expressed concerns about the restrictions imposed by S-4 designation, noting issues in the past with other preservation commissions in other communities. Additionally, he noted that the architectural report found that approximately $7 million will be required to preserve both the Church and the Rectory, so the amount of grant money available and benefits of S-4 designation are not significant.

Vice Chair Beyer inquired if the applicant is concerned with the local landmark designation or the S-4 zoning. Monsignor Gray stated his concerns are with the restrictions associated with S-4 zoning.

Sarah Lindenbaum (1001 N. Evans Street) spoke as a representative of the Historic Preservation Committee (HPC) and a resident near Holy Trinity. She noted the importance of S-4 Designation and the Planning Commission's role in the Designation and Zoning Map Amendment process. She stressed the standards for Designation and illustrated how the subject structures meet the criteria. She discussed the relative gain or hardship to the public versus property owner, stating: the importance of the buildings as a gateway to Downtown Bloomington; the availability of annual grant funding; partnership with subject matter experts on the HPC; and that S-4 zoning does not preclude the sale, change of materials or features, or demolition of the properties, but provides an appropriate process given the significance of the structures.

Chair Boyd closed the public hearing.

Vice Chair Beyer acknowledged the historic nature and significance of the subject structures. She noted that the Diocese has expressed opposition to S-4 Designation. She expressed that she believes the hardship to the property is greater than the gain to the public.

Commissioner Peradotti stated the case file recognizes the ability of the property owner to maintain and preserve the property. He expressed the S-4 Designation is unnecessary and restrictively burdensome with questionable public gain. Commissioner Peradotti asked staff to clarify the motions.

Ms. Pemberton clarified the motions and stated it is procedurally preferable to split the motions up, rather that voting combined due to the different standards.

Chair Boyd noted that there is no guarantee that the Diocese will always be the owner of the property, so he concurs with the Historic Preservation Commission that Designation is in the public good.

Vice Chair Beyer made a motion, seconded by Commissioner Lewis, to establish findings of fact that subject structures meet the criteria to be classified as Local Historic Landmarks and reaffirm the Historic Preservation Commission's action designating them as such.
Roll call.
AYES: Boyd; Lewis; Sant Amour; Peradotti; Patino; Galpalli; Beyer
Motion passed.

Commissioner Lewis made a motion, seconded by Commissioner Patino, to establish findings of fact that the proposed Zoning Map Amendment to apply the S-4 (Historic Preservation District) Overlay is in the public interest and not solely for the benefit of the Applicant and to recommend approval of the proposed Zoning Map Amendment for the Property at 704 N. Main Street.
Roll call.
AYES: Boyd; Sant Amour; Patino; Galpalli
NAYES: Peradotti; Beyer; Lewis
Motion passed.

Commissioner Patino made a motion, seconded by Chair Boyd, to approve the proposed Resolution.
Roll call.
AYES: Boyd; Lewis; Sant Amour; Peradotti; Patino; Galpalli
NAYES: Beyer
Motion passed.

The following item was presented:

Item 5.B. **Z-10-24** - Public hearing, review, and action on a request initiated by the City of Bloomington, for the approval of text amendments, modifications and deletions to the Zoning Code of the City of Bloomington, Illinois (Chapter 44 of the Bloomington City Code, 1960), relating to 1) Use Tables, (2) Definitions, (3) streamlining the development review process, (4) modification process for General Provisions, (5) Administrative procedures, and (6) clarifications of Permitted Encroachments.

Ms. Pemberton presented the Staff Report with recommendation for approval. She briefly discussed the changes and intention of the text amendments. Additionally, she noted the amendments' compliance with the Comprehensive Plan Goals and Objectives. Ms.

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PLANNING COMMISSION RESOLUTION NO. 2024-02

A RESOLUTION DESIGNATING HOLY TRINITY CHURCH AND RECTORY AS LOCAL HISTORIC LANDMARKS AND RECOMMENDING THAT THE S-4 (HISTORIC PRESERVATION DISTRICT) OVERLAY ZONING BE APPLIED TO THE PROPERTY BETWEEN N. CENTER STREET AND N. MAIN STREET, KNOWN AS 704 N. MAIN STREET (PART OF PIN: 21-04-135-001)

WHEREAS, the Holy Trinity Church and Rectory structures on the property at 704 N. Main Street were added to the National Register of Historic Places in October of 1983, based upon the significance of their "Architecture," "Education," and "Social/Humanitarian" characteristics; and

WHEREAS, the modern version of the S-4 (Historic Preservation District) Overlay Zoning had not been established at the time such structures were Nationally designated, but was subsequently created in December of 1983 by Ordinance Number 1983-93; and

WHEREAS, the Church and Rectory buildings still stand due to careful preservation and restoration efforts over the last approximately 100 years; and

WHEREAS, historic preservation is an effective tool for managing growth and sustainable development, revitalizing neighborhoods, fostering local pride, and maintaining community character while enhancing livability; and

WHEREAS, on January 18, 2024, the City of Bloomington Historic Preservation Commission voted to nominate the Holy Trinity Catholic Church and Rectory as Local Historic Landmarks and initiate the associated Zoning Map Amendment to add the S-4 (Historic Preservation District) Overlay to the property at 704 N. Main Street, legally described in Exhibit "A", attached hereto, and incorporated herein by reference; and

WHEREAS, the Historic Preservation Commission, after holding a public hearing on March 21, 2024, passed *Historic Preservation Commission Resolution 2024-02*, attached hereto as Exhibit "B", and made part of by reference herein, recommending to the Planning Commission that the property at 704 N. Main Street have the S-4 (Historic Preservation District) Overlay zoning added on the City's Official Zoning Map; and

WHEREAS, the Planning Commission, after providing proper notice and holding a public hearing on September 4, 2024, established appropriate findings of fact and determined that the subject property and structures meets the criteria to be classified as Historic Landmarks and that a Zoning Map Amendment to add the S-4 (Historic Preservation District) Overlay zoning is in the public interest and not solely for the benefit of the Applicant; and

WHEREAS, based on the findings stated above, the *Historic Preservation Commission Resolution 2024-02*, and the Planning Commission's Nomination Report, attached hereto as Exhibit "C", and incorporated herein by reference, the Planning Commission voted to affirm the Historic Preservation Commission's Designation of the subject structures as Local Historic Landmarks, and to recommend application of the S-4 (Historic Preservation District) Overlay for the property located at 704 N. Main Street; and

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WHEREAS, the Planning Commission has the power to adopt this Resolution and make a recommendation to the Bloomington City Council to approve a Zoning Map Amendment and apply the S-4 (Historic Preservation District) Overlay zoning.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF BLOOMINGTON, MCLEAN COUNTY, ILLINOIS:

Section 1: The Planning Commission hereby adopts the findings and determinations of the Historic Preservation Commission, as related to the property at 704 N. Main Street, as stated in *Historic Preservation Commission Resolution 2024-02*.

Section 2: The Historic Preservation Commission's action of classifying the Holy Trinity Church and Rectory structures on the property at 704 N. Main Street as Local Historic Landmarks, per § 44-804 of the City Code, is upheld and reaffirmed.

Section 3: The Planning Commission recommends to the Bloomington City Council that the premises located at 704 N. Main Street, legally described in Exhibit "A," have the S-4 (Historic Preservation District) Overlay zoning applied on the City's Official Zoning Map.

PASSED this 4th of September, 2024.

APPROVED this 5th of September, 2024.

PLANNING COMMISSION

Justin Boyd, Commission Chair

ATTEST

Alissa Pemberton

Alissa Pemberton, Staff Liaison

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EXHIBIT A

Legal Description

LOT 13 IN BLOCK 12 IN ALLIN GRIDLEYS & PRICKETT'S ADDITION TO THE CITY OF BLOOMINGTON, IN MCLEAN COUNTY, ILLINOIS.

ADDRESS: 704 North Main Street, Bloomington, IL 61701

PART OF PIN: 21-04-135-001

EXHIBIT B

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HISTORIC PRESERVATION COMMISSION RESOLUTION NO. 2024-02

A RESOLUTION DESIGNATING HOLY TRINITY CHURCH AND RECTORY AS LOCAL HISTORIC LANDMARKS AND RECOMMENDING THAT THE S-4 (HISTORIC PRESERVATION DISTRICT) OVERLAY ZONING BE APPLIED TO SUCH

WHEREAS, the Holy Trinity Church and Rectory structures on the property at 704 N. Main Street were added to the National Register of Historic Places in 1983, based upon the significance of "Architecture," "Education," and "Social/Humanitarian" characteristics; and

WHEREAS, the church and rectory buildings still stand and are in excellent condition due to careful preservation and restoration efforts over the last nearly 100 years; and

WHEREAS, on January 18, 2024, the City of Bloomington Historic Preservation Commission voted to initiate a nomination of the Holy Trinity Catholic Church and Rectory as Local Historic Landmarks, and a Zoning Map Amendment to apply the S-4 (Historic Preservation District) Overlay to the property at 704 N. Main Street, legally described in Exhibit "A", attached hereto, and incorporated herein by reference; and

WHEREAS, the Historic Preservation Commission, after providing proper notice and holding a public hearing on March 21, 2024, established findings of fact and determined that the structures on the property meet the criteria to be classified as a Local Historic Landmarks, as outlined in § 44-804B(2), including:

1. Their character, interest, or value as part of the development, heritage, or cultural characteristics of the City, County of McLean, State of Illinois, or the United States of America (the Nation); and
2. Their embodiment of distinguishing characteristics of an architectural style valuable for the study of a period, type, method of construction, or use of indigenous materials; and
3. Their identification as the work of a master builder, designer, architect, or landscape architect whose individual work has influenced the development of the City, County of McLean, State of Illinois, or the Nation; and
4. Their embodiment of elements of design, detailing, materials, or craftsmanship that render it architecturally significant; and
5. Their unique location or singular physical characteristics that make it an established or familiar visual feature; and
6. Their suitability for preservation or restoration; and

WHEREAS, based on the findings stated above and the Nomination Report provided as Exhibit "B", attached hereto, and incorporated herein by reference, the Historic Preservation Commission voted to designate the subject structures as Local Historic Landmarks and to recommend application of the S-4 (Historic Preservation District) overlay for the property located at 704 N. Main Street, between N. Center and N. Main Streets, excluding the portion of the subject PIN that lies west of N. Center Street that was formerly home to Trinity/Central Catholic High School, to the Planning Commission; and

WHEREAS, the Historic Preservation Commission has the power to adopt this Resolution and make a recommendation to the Bloomington Planning Commission.

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NOW, THEREFORE, BE IT RESOLVED BY THE HISTORIC PRESERVATION COMMISSION OF THE CITY OF BLOOMINGTON, MCLEAN COUNTY, ILLINOIS:

Section 1: The existing structures—Holy Trinity Church and Rectory—at 704 North Main Street in Bloomington, Illinois, are hereby classified as a Local Historic Landmarks, per § 44-804 of the City Code.

Section 2: The Historic Preservation Commission recommends to the Bloomington Planning Commission that the premises located at 704 North Main Street, legally described in Exhibit "A" and depicted in Exhibit "B", have the S-4 (Historic Preservation District) Overlay zoning applied on the City's Official Zoning Map.

PASSED this 21st of March, 2024.

APPROVED this 22nd of March, 2024.

HISTORIC PRESERVATION COMMISSION

Greg Koos, Commission Chair

ATTEST

Alissa Pemberton, Staff Liaison

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Exhibit A
Legal Description

LOT 13 IN BLOCK 12 IN ALLIN GRIDLEYS & PRICKETT'S ADDITION TO THE CITY OF BLOOMINGTON, IN MCLEAN COUNTY, ILLINOIS.

ADDRESS: 704 N. Main Street, Bloomington, IL 61701

PART OF PIN: 21-04-135-001

Docusign Envelope ID: 6AE4CE63-A6DA-4C56-9B10-426766D3F694

DocuSign Envelope ID: 94B72B62-0110-4EB2-9A77-DC91C37E378E

Exhibit B

NOMINATION REPORT FOR LOCAL HISTORIC LANDMARK STATUS FOR HOLY TRINITY CHURCH AND RECTORY AT 704 N. MAIN STREET



Photo Credit: Randy von Liski (myoldpostcards on flickr)

PROPERTY INFORMATION

Subject property:	704 N. Main Street
Existing Zoning:	B-1 (General Commercial) District
Existing Land Use:	Place of Worship
Property Size:	198' x 330' (65,340 square feet)

HISTORIC INFORMATION

Year Built:	1871/1933 (Church), 1896 (Rectory)
Architectural Style:	Modern Gothic/Art Deco (Church), Richardsonian Romanesque (Rectory)
Architect:	George Miller, Arthur Moratz
Historic District:	N/A
Alternate Name:	Holy Trinity Catholic Church and Rectory

BACKGROUND

The statements and findings of the Staff Report presented to the Historic Preservation Commission, related to case BHP-03-24, are accepted and incorporated herein by reference.

SIGNIFICANT EXTERIOR ARCHITECTURAL FEATURES RECOMMENDED FOR FUTURE PROTECTION

The following architectural features of the **church** have been specifically called out as worthy of protection during future reviews for Certificates of Appropriateness:

- Mass and form of the brick shell auditorium and steeple as well as the roof form;
- Stained glass windows;

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DocuSign Envelope ID: 94B72B62-0110-4EB2-9A77-DC91C37E378E

- Sawtooth tapestry brick panels;
- Limestone window surrounds;
- Stepped limestone parapet caps with internal guttering;
- Red brick masonry with natural mortar color;
- Limestone pinnacles in Art Deco style and limestone paneling throughout;
- Patinaed copper and glass steeple cap with copper-clad cross;
- Stepped buttress massing;
- Cast bronze doors; and
- Unique copper-green glazed clay tile roof.

The following architectural features of the **rectory** have been specifically called out as worthy of protection during future reviews for Certificates of Appropriateness:

- Mass and form of the rusticated sandstone shell as well as the roof form;
- All rock-faced sandstone walls;
- Porch skirting;
- Roman sprung arch entry and entry parapet;
- Window and door headers and sills;
- Original wood window sashes and original glass;
- Front door and door to breezeway;
- Third story dormer and gable facades, their sandstone trim and pinnacles;
- Stainless steel aesthetic of the guttering and banding on the rectory; and
- Brick work on secondary (west) façade.

LOCATION MAP



Docusign Envelope ID: 6AE4CE63-A6DA-4C56-9B10-426766D3F694

EXHIBIT C

PLANNING COMMISSION REPORT ON LOCAL HISTORIC LANDMARK STATUS AND THE APPROPRIATE APPLICATION OF THE S-4 (HISTORIC PRESERVATION DISTRICT) OVERLAY ZONING FOR 704 N. MAIN STREET

PROPERTY INFORMATION

Subject property:	704 N. Main Street
Existing Zoning:	B-1 (General Commercial) District
Existing Land Use:	Place of Worship

BACKGROUND

The statements and findings of the Staff Report presented to the Planning Commission, related to case Z-04-24, are accepted and incorporated herein by reference.

KEY CONSIDERATIONS OF THE SUBJECT ZONING MAP AMENDMENT:

1. The underlying B-1 (General Commercial) District zoning for the subject property remains appropriate and will not change as a result of the proposed action. The types and intensity of uses permitted on the subject property will not change as a result of the proposed action. This results in no additional risk to surrounding property owners and continues to provide reasonable use of the subject property for the current and future owners.
2. The addition of the S-4 Overlay provides an added level of expectation and consistency for surrounding property owners which may help to stabilize, or even improve, property values in the neighborhood and Historic Downtown. This is a change benefiting the public interest.
3. The City's Comprehensive Plan specifically directs, "Identify, conserve, and preserve the City's heritage resources as a basis for retaining and enhancing strong community character and a sense of place," including the use of "zoning, code enforcements and other regulatory tools to protect the City's historic and cultural resources" (ACH-4; ACH-4.1b). The proposed action supports an identified and codified community value.

FINDINGS OF THE PLANNING COMMISSION:

1. The subject structures meet the criteria to be classified as Local Historic Landmarks, as outlined in § 44-804B(2), including:
    a. Their character, interest, or value as part of the development, heritage, or cultural characteristics of the City, County of McLean, State of Illinois, or the United States of America (the Nation); and
    b. Their embodiment of distinguishing characteristics of an architectural style valuable for the study of a period, type, method of construction, or use of indigenous materials; and
    c. Their identification as the work of a master builder, designer, architect, or landscape architect whose individual work has influenced the development of the City, County of McLean, State of Illinois, or the Nation; and
    d. Their embodiment of elements of design, detailing, materials, or craftsmanship that render it architecturally significant; and
    e. Their unique location or singular physical characteristics that make it an established or familiar visual feature; and
    f. Their suitability for preservation or restoration; and
2. The Zoning Map Amendment is in the public interest and not solely for the benefit of the Applicant.

ORDINANCE NO. 2024 - ___

AN ORDINANCE DESIGNATING LOCAL LANDMARKS, AND APPROVING A ZONING MAP AMENDMENT TO ADD THE S-4 (HISTORIC PRESERVATION DISTRICT) OVERLAY, FOR THE PROPERTY AT 704 N. MAIN STREET

WHEREAS, the City of Bloomington (hereinafter "City") is a home rule unit of local government with authority to legislate in matters concerning its local government and affairs; and

WHEREAS, there was heretofore filed with the Economic & Community Development Department by the Bloomington Historic Preservation Commission, an application requesting that the structures and property at 704 N. Main Street (hereinafter "Property"), legally described in Exhibit A, which is attached hereto and made a part hereof by this reference, be recognized for historic and cultural significance, and that the S-4 (Historic Preservation District) Overlay be applied to the property; and

WHEREAS, the Bloomington Historic Preservation Commission, after providing appropriate public notice, and after holding a public hearing on March 1, 2024, determined that the structures known as "Holy Trinity Church" (hereinafter "Church") and "Holy Trinity Rectory" (hereinafter "Rectory"), at 704 N. Main Street, possess sufficient integrity of location, design, materials, and workmanship to make them worthy of preservation or restoration, and meet the following criteria for Designation as specified in §44-804B(2) of the Bloomington City Code, 1960, as amended:

1. Their character, interest, or value as part of the development, heritage, or cultural characteristics of the City, County of McLean, State of Illinois, or the United States of America (hereinafter "the Nation"); and
2. Their embodiment of distinguishing characteristics of an architectural style valuable for the study of a period, type, method of construction, or use of indigenous materials; and
3. Their identification as the work of a master builder, designer, architect, or landscape architect whose individual work has influenced the development of the City, County of McLean, State of Illinois, or the Nation; and
4. Their embodiment of elements of design, detailing, materials, or craftsmanship that render it architecturally significant; and
5. Their unique location or singular physical characteristics that make it an established or familiar visual feature; and
6. Their suitability for preservation or restoration; and

WHEREAS, the Bloomington Historic Preservation Commission has determined that the following are significant exterior architectural features of the **Church** that should be reviewed for appropriateness before construction, alteration, demolition, or removal:

1. Mass and form of the brick shell auditorium and steeple as well as the roof form; and,
2. Stained glass windows; and
3. Sawtooth tapestry brick panels; and
4. Limestone window surrounds; and
5. Stepped limestone parapet caps with internal guttering; and
6. Red brick masonry with natural mortar color; and
7. Limestone pinnacles in Art Deco style and limestone paneling throughout; and
8. Patinaed copper and glass steeple cap with copper-clad cross; and

9. Stepped buttress massing; and
10. Cast bronze doors; and
11. Unique copper-green glazed clay tile roof; and

WHEREAS, the Bloomington Historic Preservation Commission has determined that the following are significant exterior architectural features of the **Rectory** that should be reviewed for appropriateness before construction, alteration, demolition, or removal:

1. Mass and form of the rusticated sandstone shell as well as the roof form; and
2. All rock-faced sandstone walls; and
3. Porch skirting; and
4. Roman sprung arch entry and entry parapet; and
5. Window and door headers and sills; and
6. Original wood window sashes and original glass; and
7. Front door and door to breezeway; and
8. Third story dormer and gable facades, their sandstone trim and pinnacles; and
9. Stainless steel aesthetic of the guttering and banding on the rectory; and
10. Brick work on secondary (west) façade; and

WHEREAS, the Bloomington Historic Preservation Commission passed *Historic Preservation Commission Resolution 2024-02* recommending that the Bloomington Planning Commission Designate the Church and Rectory as historically significant, and recommending that the Planning Commission recommend, and City Council adopt, a Zoning Map Amendment to add the S-4 (Historic Preservation District) Overlay Zoning to the Property at 704 N. Main Street; and

WHEREAS, on March 18, 2024, the owner of the Property filed written protest against the Designation and associated Zoning Map Amendment, pursuant to §44-1706F(3); and

WHEREAS, the Bloomington Planning Commission, after providing appropriate public notice, and after holding public hearings on May 1, August 7, and September 4, 2024, also determined the Church and Rectory on the Property at 704 N. Main Street meet at least one of the criteria for consideration of Designation in §44-804B(2), and voted to reaffirm the Historic Preservation Commission's action of classifying the Church and Rectory as Local Historic Landmarks; and

WHEREAS, the Bloomington Planning Commission, after providing appropriate public notice, and after holding public hearings on May 1, August 7, and September 4, 2024, found that the proposed Zoning Map Amendment to add the S-4 (Historic Preservation District) Overlay is in the public interest and not solely for the benefit of the applicant, meeting the standards detailed in §44-1706E(2) of the Bloomington City Code, 1960, as amended; and

WHEREAS, the Bloomington Planning Commission passed *Planning Commission Resolution 2024-02* recommending that the City Council adopt the proposed Zoning Map Amendment to apply the S-4 (Historic Preservation District) Overlay to the Property at 704 N. Main Street, legally described in Exhibit A; and

WHEREAS, passage of this Ordinance shall require the favorable vote of at least 2/3 of the Council Members of the City currently holding office, per §44-1706F(3); and

WHEREAS, the City Council is authorized to adopt this Ordinance and approve said Zoning Map

Amendment.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BLOOMINGTON, MCLEAN COUNTY, ILLINOIS:

SECTION 1. The above recitals are incorporated herein by this reference as if specifically stated in full.

SECTION 2. The Council hereby adopts the findings of fact of the Bloomington Historic Preservation Commission and designates the structures known as *Holy Trinity Church* and *Holy Trinity Rectory* on the property at 704 N. Main Street Local Historic Landmarks.

SECTION 3. The Council hereby adopts the findings of fact of the Bloomington Planning Commission and the Zoning Map Amendment to add the S-4 (Historic Preservation District) Overlay to the property at 704 N. Main Street, as legally described in Exhibit A, is hereby approved.

SECTION 3. The City Clerk is hereby directed and authorized to publish this Ordinance in pamphlet form as provided by law.

SECTION 4. This Ordinance is enacted pursuant to the home rule authority of the City of Bloomington granted by Article VII, Section 6 of the 1970 Illinois Constitution.

SECTION 5. This Ordinance shall take effect immediately after its approval and publication as required by law.

PASSED this 23rd day of September 2024.

APPROVED this _____ day of September 2024.

CITY OF BLOOMINGTON

_____
Mboka Mwilambwe, Mayor

ATTEST

_____
Leslie Smith-Yocum, City Clerk

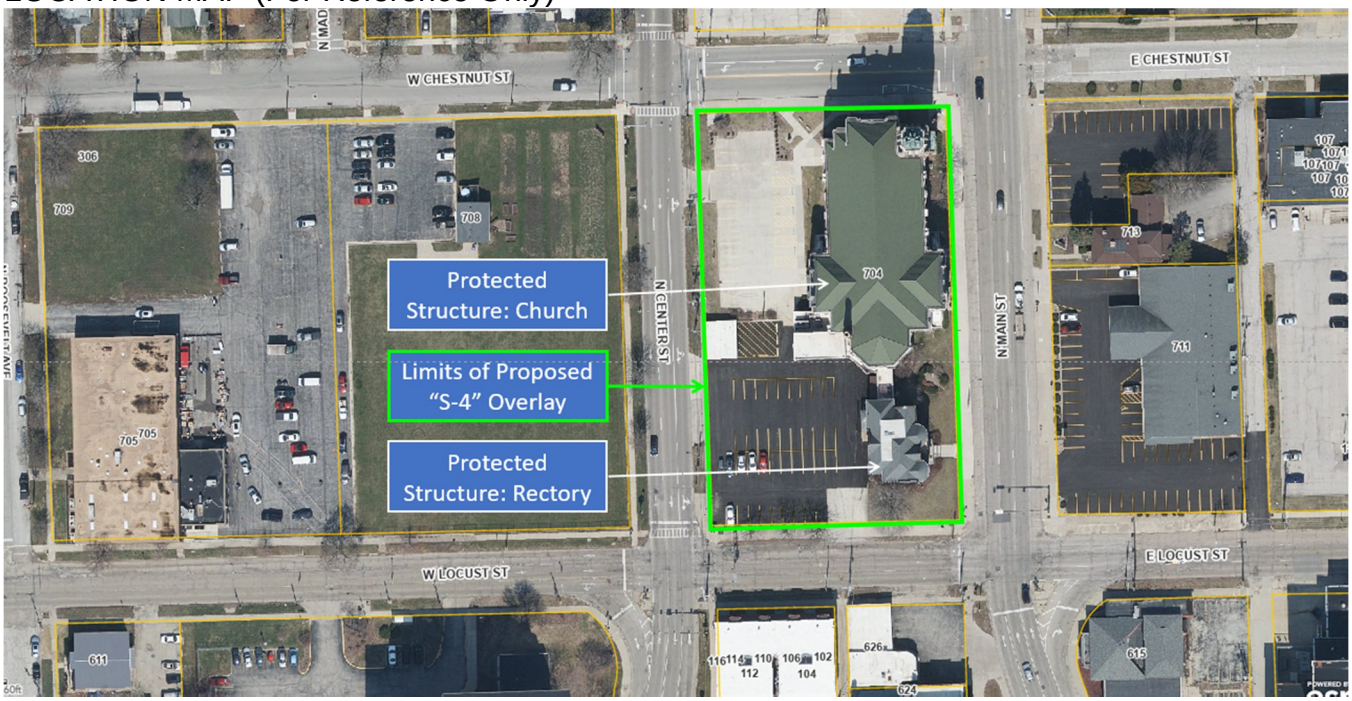
EXHIBIT A
Legal Description

LOT 13 IN BLOCK 12 IN ALLIN GRIDLEYS & PRICKETT'S ADDITION TO THE CITY OF BLOOMINGTON, IN MCLEAN COUNTY, ILLINOIS.

ADDRESS: 704 North Main Street, Bloomington, IL 61701

PART OF PIN: 21-04-135-001

LOCATION MAP (For Reference Only)



RESOLUTION NO. 2024 - _____

A RESOLUTION DENYING LOCAL HISTORIC LANDMARK STATUS AND A ZONING MAP AMENDMENT TO ADD THE S-4 (HISTORIC PRESERVATION DISTRICT) OVERLAY, FOR THE PROPERTY AT 704 N. MAIN STREET

WHEREAS, the City of Bloomington (hereinafter "City") is a home rule unit of local government with authority to legislate in matters concerning its local government and affairs; and

WHEREAS, there was heretofore filed with the Economic & Community Development Department of the City of Bloomington, McLean County, Illinois, by the Bloomington Historic Preservation Commission, an application requesting that the structures and property at 704 N. Main Street (hereinafter "Property"), legally described in Exhibit A, which is attached hereto and made a part hereof by this reference, be recognized for historic and cultural significance, and that the S-4 (Historic Preservation District) Overlay be applied to the property; and

WHEREAS, the Bloomington Historic Preservation Commission, after providing appropriate public notice, and after holding a public hearing on March 1, 2024, determined that the structures known as "Holy Trinity Church" (hereinafter "Church") and "Holy Trinity Rectory" (hereinafter "Rectory"), at 704 N. Main Street, possess sufficient integrity of location, design, materials, and workmanship to make them worthy of preservation or restoration, and to meet the criteria for Designation as specified in § 44-804B(2) of the Bloomington City Code, 1960, as amended; and

WHEREAS, the Bloomington Historic Preservation Commission passed *Historic Preservation Commission Resolution 2024-02* recommending that the Bloomington Planning Commission Designate the Church and Rectory as historically significant, and recommending that the Planning Commission recommend, and City Council adopt, a Zoning Map Amendment to add the S-4 (Historic Preservation District) Overlay Zoning to the Property at 704 N. Main Street; and

WHEREAS, on March 18, 2024, the owner of the Property filed written protest against the Designation and associated Zoning Map Amendment, pursuant to § 44-1706F(3); and

WHEREAS, the Bloomington Planning Commission, after providing appropriate public notice, and after holding public hearings on May 1, August 7, and September 4, 2024, also determined the Church and Rectory on the Property at 704 N. Main Street meet at least one of the criteria for consideration of Designation in § 44-804B(2), and voted to reaffirm the Historic Preservation Commission's action of classifying the Church and Rectory as Local Historic Landmarks; and

WHEREAS, the Bloomington Planning Commission, after providing appropriate public notice, and after holding public hearings on May 1, August 7, and September 4, 2024, found that the proposed Zoning Map Amendment to add the S-4 (Historic Preservation District) Overlay is in the public interest and not solely for the benefit of the applicant, meeting the standards detailed in § 44-1706E(2) of the Bloomington City Code, 1960, as amended; and

WHEREAS, the Bloomington Planning Commission passed *Planning Commission Resolution 2024-02* recommending that the City Council adopt the proposed Zoning Map Amendment to apply the S-4 (Historic Preservation District) Overlay to the Property at 704 N. Main Street, legally described in Exhibit A; and

WHEREAS, approval of the request would require the favorable vote of at least 2/3 of the Aldermen of the City currently holding office, per § 44-1706F(3); and

WHEREAS, the Council has reviewed the evidence and testimony presented in public hearings before the Preservation Commission and the Planning Commission, as evidenced by the minutes, documents and evidence submitted; and

WHEREAS, for the reasons stated on the record and summarized in the written statement attached to this Resolution as Exhibit B, the Council voted to DENY Local Historic Landmark status and not adopt the proposed Zoning Map Amendment to add the S-4 (Historic Preservation District) Overlay Zoning to the Property at 704 N. Main Street.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BLOOMINGTON, MCLEAN COUNTY, ILLINOIS:

SECTION 1. The above recitals and Exhibits A and B are incorporated herein by this reference as if specifically stated in full.

SECTION 2. The request to recognize Holy Trinity Church and Holy Trinity Rectory as Local Historic Landmarks, and to approve a Zoning Map Amendment to add the S-4 (Historic Preservation District) Overlay to the property at 704 N. Main Street, as legally described in Exhibit A, is hereby denied.

PASSED this 23rd day of September 2024.

APPROVED this __ day of September 2024.

CITY OF BLOOMINGTON

_____
Mboka Mwilambwe, Mayor

ATTEST

_____
Leslie Smith-Yocum, City Clerk

EXHIBIT A
Legal Description

LOT 13 IN BLOCK 12 IN ALLIN GRIDLEYS & PRICKETT'S ADDITION TO THE CITY OF BLOOMINGTON, IN MCLEAN COUNTY, ILLINOIS.

ADDRESS: 704 North Main Street, Bloomington, IL 61701

PART OF PIN: 21-04-135-001

EXHIBIT B
SUMMARY STATEMENT

Summary of Council statements on the record for reasons for denial, if applicable.

REGULAR AGENDA ITEM NO. 8.B.

FOR COUNCIL: September 23, 2024

WARD IMPACTED: City-Wide Impact

SUBJECT: Consideration and Action on an Ordinance Amending Bloomington City Code Chapter 29 Section 197 Regarding Towing of Vehicles, as requested by the Finance Department.

RECOMMENDED MOTION: The proposed Ordinance be approved.

STRATEGIC PLAN LINK:
Goal 1. Financially Sound City Providing Quality Basic Services

STRATEGIC PLAN SIGNIFICANCE:
Objective 1d. City services delivered in the most cost-effective, efficient manner

BACKGROUND: This item, if approved, represents the next step in taking a more aggressive stance to collect hundreds of thousands of dollars in overdue parking debts through towing vehicles of the most egregious violators if other efforts to collect are unsuccessful. While the city code currently allows towing as a remedy, significant collections of parking violation citations has proven difficult to date using a collections firm and because city code currently requires personal service to violators without adequate staff resources to do so.

Today the city is owed more than $350,000 in overdue fines with more than $100,000 owed by 47 individuals who owe more than $1,000.

This item would allow violators with the highest past due balance to be served notice via certified mail and they would be given an opportunity to remedy the debt prior to having a vehicle towed. The city is planning a public announcement about the potential for towing, direct contact will be made with downtown merchants and persons eligible for towing will be allowed to select a payment plan to avoid towing if they are not able to make payment in full.

The City has a responsibility to its residents to enforce the ordinances that have been put in place. These ordinances are intended to protect the rights and property of residents and provide for the orderly functioning of the community. For example, parking enforcement is expected by the community, related to the orderly management of that activity; handicap zones, loading zones, etc. The issuance of citations, and the subsequent actions to collect on those, provide the mechanism for enforcement.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: N/A

FINANCIAL IMPACT: It is anticipated that the collection of past due parking violation citations will increase. Parking violation revenue is posted in the Parking Violations account (10015490-55010). Stakeholders can locate information on this in the FY 2025 Adopted Budget Book titled (Budget Overview & General Fund) on page 291.

AMERICAN RESCUE PLAN FUNDING IMPACT: N/A

COMMUNITY DEVELOPMENT IMPACT: **This request meets the following goals and objectives of the Bloomington Comprehensive Plan 2035**: N/A

Respectfully submitted for consideration.

Prepared by: Scott Rathbun, Finance Director

ATTACHMENTS:
FIN 2B Ordinance

ORDINANCE NO. 2024 - ____

AN ORDINANCE AMENDING THE CITY OF BLOOMINGTON TOWING ORDINANCE

WHEREAS, the City of Bloomington, McLean County, Illinois (hereinafter "City") utilizes citations, "parking tickets", as a means to enforce its parking regulations; and

WHEREAS, the City has the ability to tow motor vehicles that have been involved in the issuance of five or more unpaid parking tickets, for a period of 40 days or more, which have been deemed a public nuisance under Chapter 29, Section 197 of the City code; and

WHEREAS, the collection of parking ticket debt has proven difficult, and the City wishes to utilize the towing ordinance as a method of collecting on debts owed to the City; and

WHEREAS, Chapter 29, Section 197 of the City Code provides that notice of the outstanding violations and impending tow must be personally served to the owner of record, prior to a motor vehicle being towed; and

WHEREAS, the City's Parking Enforcement and Police Department have limited staff available to personally serve notices; and

WHEREAS, the ability to serve notice via Certified Mail to the owner of record, as processed by the United States Postal Service, would provide a more efficient means of notice to the vehicle owner; and

WHEREAS, the City wishes to codify this process by amending Chapter 29, Section 197, Paragraph A [Ch 29, Section 2211] as follows (insertions underlined, removals stricken):

> Notice to owner. Whenever it is determined that any motor vehicle has been involved in the issuance of five or more unpaid parking tickets as a result of parking violations identified on the tickets and such condition has existed for a period of 40 days after the issuance of the 5th unpaid ticket, any such vehicle shall be deemed to be a public nuisance. The City Manager or his or her designee shall cause to be ~~personally~~ served, by personal service or service by Certified Mail to the last known address, upon the owner of record of said motor vehicle a notice describing the violations stating that said vehicle will be subject to being picked up, towed, stored and possibly sold at a later date by an authorized agent of the City of Bloomington all at the expense of the owner whenever it is found on any public street, public parking lot, or other public right-of-way if said unpaid tickets are not paid or otherwise disposed of with the City by the owner or the owner's agent within 10 days after the date of the service of said notice. The notice may be served by any member of the Bloomington Police Department or in any other manner provided by law ~~for the personal service of summons in civil cases~~. ~~[Ord. No. 2011-12]~~

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BLOOMINGTON, MCLEAN COUNTY, ILLINOIS

SECTION 1. The above recitals are incorporated herein as if specifically stated in full.

SECTION 2. Except as provided herein, the Bloomington City Code, as amended, shall remain in full force and effect.

SECTION 3. The City Clerk is hereby authorized to publish this Ordinance in pamphlet form as provided by law.

SECTION 4. This Ordinance is enacted pursuant to the home rule authority of the City of Bloomington granted by Article VII, Section 6 of the 1970 Illinois Constitution.

SECTION 5. This Ordinance shall take effect immediately after its approval and publication as required by law.

PASSED this 23rd day of September 2024.

APPROVED this _____ day of September 2024.

CITY OF BLOOMINGTON

_____
Mboka Mwilambwe, Mayor

ATTEST

_____
Leslie Smith-Yocum, City Clerk

REGULAR AGENDA ITEM NO. 8.C.

FOR COUNCIL: September 23, 2024

WARD IMPACTED: Ward 6

SUBJECT: Consideration and Action on an Ordinance Amending the Bloomington City Code Updating Chapter 29 (Motor Vehicles and Traffic) Increasing Downtown Parking Time Limits From 90-Minutes to Two Hours on Certain Streets, as requested by the Administration Department.

RECOMMENDED MOTION: The proposed Ordinance be approved.

STRATEGIC PLAN LINK:
Goal 3. Grow the Local Economy
Goal 6. Prosperous Downtown Bloomington

STRATEGIC PLAN SIGNIFICANCE:
Objective 3a. Retention and growth of current local businesses
Objective 6c. Downtown becoming a community and regional destination

BACKGROUND:

Over the last several months we've talked a lot with downtown merchants who say that the current 90-minute limit is not long enough for patrons to receive services, particularly personal services providers (salons, tattoo, etc.) and restaurants. This item, if approved, would extend the time downtown from 90-minutes to 2 hours, which is believed to be adequate time to best serve downtown visitors while encouraging the turnover necessary to encourage parking availability. It will also "clean up" outdated language in the City Code to allow 30-minute parking on the south side of Olive St. from Main to East Streets.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Downtown merchants and the City's Parking Enforcement Division

FINANCIAL IMPACT: It is expected that the impact would be negligible.

AMERICAN RESCUE PLAN FUNDING IMPACT: N/A

COMMUNITY DEVELOPMENT IMPACT: **This request meets the following goals and objectives of the Bloomington Comprehensive Plan 2035**: ED-4.5 Identify and reduce barriers for local growth and economic development, D-1. Continue to build a healthy Downtown that offers a range of employment, retail, housing, cultural and entertainment opportunities for all.

Respectfully submitted for consideration.

Prepared by: Billy Tyus, Senior Deputy City Manager

ATTACHMENTS:
ADM 1B Ordinance

ORDINANCE NO. 2024 - ____

AN ORDINANCE AMENDING THE BLOOMINGTON CITY CODE UPDATING CHAPTER 29 (MOTOR VEHICLES AND TRAFFIC) INCREASING DOWNTOWN PARKING TIME LIMITS FROM 90-MINUTES TO TWO HOURS ON CERTAIN STREETS

WHEREAS, the City of Bloomington, McLean County, Illinois (hereinafter "City") is an Illinois home-rule municipality; and

WHEREAS, the City Council is responsible for overseeing the City Code; and

WHEREAS, multiple City Departments have been assigned the task of ensuring the success of the City's Downtown including listening to the requests of Downtown business owners; and

WHEREAS, many Downtown business owners have expressed interest in increasing parking time limits on certain streets to two hours from 90-minutes to allow Downtown visitors enough time to receive and/or partake in Downtown services offered; and

WHEREAS, City staff support the parking time increase on certain streets and also believe it will still allow the turnover necessary to encourage parking availability for coming Downtown visitors; and

WHEREAS, City staff further support amending the Code to ensure Code continuity and further parking success in Downtown.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BLOOMINGTON, MCLEAN COUNTY, ILLINOIS:

SECTION 1. That Chapter 29 of the Municipal Code of the City of Bloomington, Illinois, 1960, as amended, is hereby amended to read as set forth in Exhibit A (additions underlined and deletions stricken).

SECTION 2. The City Clerk is authorized and directed to publish this Ordinance in pamphlet form as provided by law.

SECTION 4. This Ordinance is adopted pursuant to Home Rule Authority granted to the City of Bloomington by Article VII, Section 6, of the Illinois Constitution, 1970.

SECTION 5. This Ordinance shall take effect immediately after its approval and publication as required by law.

PASSED this 23rd day of September 2024.

APPROVED this ___ day of September 2024.

CITY OF BLOOMINGTON

_____
Mboka Mwilambwe, Mayor

ATTEST

_____
Leslie Smith-Yocum, City Clerk

EXHIBIT A

Chapter 29 Motor Vehicles and Traffic

§ 29-1815 [Ch. 29, Sec. 154] Schedule XIV: Parking Time Limited on Certain Streets.

B. In accordance with § 29-1606B, parking shall be restricted upon any of the streets or parts of streets as follows:

Monday through Friday — 4 Hour Time Limit
7:00 a.m. to 6:00 p.m. [Ord. No. 2007-91]
Olive on the north side from East/Albert to a point 60 feet east of Prairie
Olive on the south side from East/Albert to Prairie

Monday through Friday — 2 Hour Time Limit
7:00 a.m. to 6:00 p.m. [Ord. No. 2015-25]
Bloomington Municipal Campus Lot #1 - Visitor Parking
Bloomington Municipal Campus Lot #8 - 3 Visitor Parking spaces on south side
Chestnut on the south side from Main to East
Douglas on both sides from East to Prairie
East on the west side from Mulberry to Chestnut
Front on both sides from East to Prairie
Front on both sides from Roosevelt to Madison
Front on the north side from Prairie to Gridley
Front on the south side from Prairie to a point 80 feet east
Grove on the south side from East to Gridley
Jackson on the south side from 20 feet to 60 feet east of Prairie
Jefferson on both sides from Roosevelt to Madison
Jefferson on the south side from East to Prairie
Main on both sides from Locust to Chestnut
Olive on the south side from Center to East/Albert
Olive on the north side Madison to Roosevelt
Prairie on both sides from Front to Grove
Prairie on the west side from Jefferson to Front
Roosevelt on the both sides from Jefferson to Front
Roosevelt on the east side from 90 feet to 175 feet north of Olive
Seminary on the south side from Main to a point 75 feet west
Washington on both sides from Lee to Madison
Washington on both sides from East to Gridley

1 Hour Time Limit — 7:00 a.m. to 6:00 p.m. [Ord. No. 2001-122]
Main on the west side from Beecher to Seminary

30 Minute Time Limit — 7:00 a.m. to 6:00 p.m. [Ord. No. 2006-131]
Center on the west side from 30 feet to 50 feet north of Jefferson
Front on the north side from Madison to a point 68 feet east

30 Minute Time Limit — 7:00 a.m. to 6:00 p.m. [Ord. No. 2006-131]
Main the east side the first 2 diagonal parking spaces north of Washington
Main on the west side the first space north of Monroe
~~Olive on the south side from Main to East~~

C. In accordance with § 29-1606BC, parking shall be restricted upon any of the streets or parts of streets as follows:

Monday through Saturday ~~90 Minute~~ Two Hour Time Limit 7:00 a.m. to 6:00 p.m. [Ord. No. 2006-131]
Center on both sides Locust Street to Front
Lee on the east side from Front to 120 feet south
Main on both sides Front Street to Locust
Market on both sides East Street to Center
Monroe on both sides East Street to Center
Monroe on the south side Madison to Center
Jefferson on both sides Madison to Main
Jefferson on the north side East to Main
Washington on both sides East to Main
Washington on the south side Center to Main
Washington on both sides Madison to Center
Mulberry on both sides Main to Center
Front on the north side East to Madison