

# CASE NO. 739-V-12

## SUPPLEMENTAL MEMORANDUM

March 28, 2013

Champaign  
County  
Department of

**PLANNING &  
ZONING**

Brookens  
Administrative Center  
1776 E. Washington Street  
Urbana, Illinois 61802

(217) 384-3708

Petitioner: **David and Kathy Reineke**

Site Area: **4.00 acres (total)**

Time Schedule for Development: **Existing**

Prepared by: **Andy Kass**  
Associate Planner

**John Hall**  
Zoning Administrator

Request: **Authorize the expansion of an existing 1.89 acre lot that consists of best prime farmland by an addition of 2.11 acres to create a 4 acre lot in lieu of the maximum lot size of 3 acres on best prime farmland in the AG-1 District.**

Location: **Lot 5 of Hedgerows Phase 1 Subdivision and an adjacent 2.11 acre parcel in the Northwest Quarter of the Northeast Quarter of Section 8 of Mahomet Township and commonly known as the home at 155 CR 2300N, Mahomet.**

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### *STATUS*

This is the first hearing for this case. New evidence is proposed to be added to the Summary of Evidence below.

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### **PROPOSED EVIDENCE**

**Revise Item 2. of the Summary of Evidence to change "Hedgerows of Bloomville-Phase I" to "The Hedgerows Phase I"**

**Add the following to Item 7. of the Summary of Evidence:**

- C. The subdivision The Hedgerows Phase I was filed with the Champaign County Recorder of Deeds on June 14, 2000, as Recorder document 2000R12823. See the attachment to the Supplemental Memorandum dated 3/28/13.**
- D. The petitioner purchased Lot 5 and the adjacent 2.11 acre tract in 2002 but did not apply for subdivision approval with the Village of Mahomet at that time.**
- E. The subject property became within 1.5 miles of the Village of Mahomet sometime between 1980 and 1991.**
- F. The Village of Mahomet has had subdivision jurisdiction since approximately 1961 when they adopted a comprehensive plan.**
- G. The maximum lot size on best prime farmland was not added to the Zoning Ordinance until July 22, 2004.**

**3. Add the following to Item 9. of the Summary of Evidence:****C. Regarding the purchase of the subject property:**

- (1) The petitioner purchased Lot 5 and the adjacent 2.11 acre tract in 2002 but did not apply for subdivision approval with the Village of Mahomet at that time.
- (2) The Plat Act Affidavit recorded with the deed as Recorder's Document 2002R38042 (see the attachment Supplemental Memorandum dated 3/28/13) was sworn by the previous owner, Thomas Brown, and indicates that the conveyance of the 2.11 acre tract was a "sale or exchange of parcels of land between owners of adjoining and contiguous land" which was accurate but did not address the fact that the division of land was in an area subject to municipal subdivision jurisdiction.

**D. The maximum lot size on best prime farmland was added to the Zoning Ordinance on July 22, 2004.****ATTACHMENTS**

- A Recorded plat for The Hedgerows Phase I
- B Recorded Warranty Deed for 2.11 acre tract



2002R38042

RECORDED ON

11-12-2002 11:07:49

CHAMPAIGN COUNTY  
RECORDER  
BARBARA A. FRASCA

REC. FEE: 25.00  
REV FEE: 22.50  
PAGES: 3  
PLAT ACT: 2  
PLAT PAGE:

STATE TAX	STATE OF ILLINOIS	# 000005569	REAL ESTATE TRANSFER TAX
	NOV. 12. 02		00015.00
	REAL ESTATE TRANSFER TAX DEPARTMENT OF REVENUE		FP 102811

Champaign County  
Real Estate Transfer Tax 2.50

009350

WARRANTY DEED - TENANCY BY THE ENTIRETY

THE GRANTORS, THOMAS E. BROWN and CARLA D. BROWN, individually and as husband and wife, of the Village of Mahomet, Illinois, for and in consideration of Ten Dollars (\$10.00) and other good and valuable consideration in hand paid, CONVEY and WARRANT to the GRANTEES, DAVID C. REINEKE and KATHY J. REINEKE, husband and wife, of the County of Champaign, Illinois, not in TENANCY IN COMMON or in JOINT TENANCY, but in TENANCY BY THE ENTIRETY, the real estate legally described on the appended Exhibit A which is by reference made a part hereof:

Subject to: P.I.N. Part of 15-13-08-100-010  
(1) Real estate taxes for the year 2002 and subsequent years;  
(2) Covenants, conditions, restrictions and easements apparent or of record;  
(3) All applicable zoning laws and ordinances;

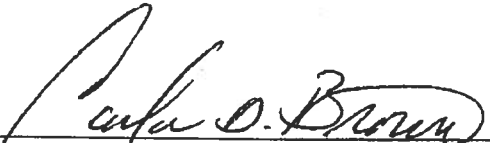
situated in the County of Champaign and State of Illinois, hereby releasing and waiving all rights under and by virtue of the Homestead Exemption Laws of Illinois.

To Have and to Hold, the above granted premises unto the said Grantees forever, not in TENANCY IN COMMON, or in JOINT TENANCY, but in TENANCY BY THE ENTIRETY.

038042

Dated this 8th day of November, 2002.

  
THOMAS E. BROWN

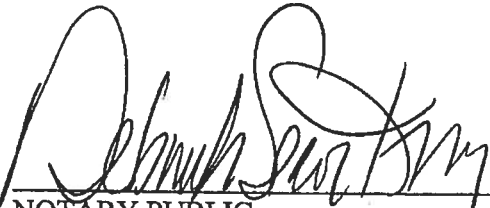
  
CARLA D. BROWN

STATE OF ILLINOIS )  
 ) SS  
COUNTY OF CHAMPAIGN )

I, the undersigned, a Notary Public for the State of Illinois, certify that THOMAS E. BROWN and CARLA D. BROWN, individually and as husband and wife personally known to me to be the same persons whose name are subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that they signed, sealed, and delivered the said instrument as their free and voluntary act.

Dated: Nov. 8, 2002.



  
NOTARY PUBLIC

**DEED PREPARED BY:**  
Harold A. Miller  
Miller & Hendren, Attorneys  
P. O. Box 980  
Champaign, IL 61824-0980  
(217) 352-2171

**RETURN RECORDED DEED TO:**  
Robert O. Keller, Attorney  
210 N. Broadway Ave.  
P.O. Box 905  
Urbana, IL 61803-0905

**SEND TAX BILL TO:**  
Mr. & Mrs. David Reineke  
155 County Road, 2300N  
Mahomet, IL 61853

EXHIBIT A

038042

PART OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 8,  
TOWNSHIP 20 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN MORE  
PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 5 IN THE HEDGEROWS PHASE I  
SUBDIVISION AS SHOWN ON A PLAT RECORDED AS DOCUMENT NO. 2000R12823 IN THE  
OFFICE OF THE CHAMPAIGN COUNTY RECORDER, PROCEED SOUTH 00° 00' 00" EAST  
ALONG A SOUTHERLY EXTENSION OF THE EAST LINE OF SAID LOT 5 A DISTANCE OF  
350.33 FEET TO THE SOUTHWEST CORNER OF A 4.03 ACRE TRACT SURVEYED BY D.  
WAYNE SHOEMAKER, RLS NO. 1684, FOR MR. WAYNE BRETHORST AS SHOWN ON A  
PLAT OF SURVEY DATED JUNE 8, 1984; THENCE NORTH 90° 00' 00" WEST A DISTANCE  
OF 225.00 FEET; THENCE NORTH 03° 47' 56" WEST A DISTANCE OF 422.82 FEET TO THE  
SOUTHWEST CORNER OF LOT 5 IN THE HEDGEROWS PHASE I SUBDIVISION; THENCE  
SOUTH 74° 12' 23" EAST ALONG THE SOUTH LINE OF SAID LOT 5 A DISTANCE OF 262.94  
FEET TO THE POINT OF BEGINNING,  
SITUATED IN MAHOMET TOWNSHIP, CHAMPAIGN COUNTY, ILLINOIS.

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PLAT ACT AFFIDAVIT

STATE OF ILLINOIS )  
COUNTY OF CHAMPAIGN )

THOMAS E. BROWN, being duly sworn on oath, state(s) that  
he resides at 141 CR2300 N; Mahomet, Illinois 61853  
and that the attached deed is not in violation of Section 1 of  
Chapter 109 of the Illinois Revised Statutes for one of the following reasons:

1. Said Act is not applicable as the grantors own no property adjoining the premises described in said deed. (Existing Parcel)
2. The division or subdivision of land into parcels or tracts of 5 acres or more in size which does not involve any new streets or easements of access.
3. The division of lots or blocks of less than 1 acre in any recorded subdivision which does not involve any new streets or easements of access.
- ④ 4. The sale or exchange of parcels of land between owners of adjoining and contiguous land.
5. The conveyance of parcels of land or interests therein for use as right of way for railroads or other public utility facilities, which does not involve any new streets or easements of access.
6. The conveyance of land owned by railroad or other public utility which does not involve any new streets or easements of access.
7. The conveyance of land for highway or other public purposes or grants or conveyances relating to the dedication of land for public use or instruments relating to the vacation of land impressed with a public use.
8. Conveyances made to correct descriptions in prior conveyances.
9. The sale or exchange of parcels or tracts of land existing on July 17, 1959 into no more than 2 parts and not involving any new streets or easements of access.
10. The sale of a single lot of less than 5 acres from a larger tract when a survey is made by a registered surveyor; provided, however, that this exemption shall not apply to the sale of any subsequent lots from the same larger tract of land, as determined by the dimensions and configuration of the larger tract on October 1, 1973.

**CIRCLE NUMBER ABOVE WHICH IS APPLICABLE TO ATTACHED DEED.**

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AFFIANT(S) further state(s) that they make this affidavit for the purposes of inducing the Recorder of Champaign County, Illinois, to accept the attached deed for recording.

AFFIANT(S) further state(s) that to the best of his/her knowledge and belief, the attached deed does not violate the Subdivision Ordinance of any municipality.

James Down

SUBSCRIBED and SWORN to before me this 5th day of Nov 2008

Deborah Secor Kurz  
Notary Public

