

CHAPTER 5: CERTIFICATE OF EXEMPTION

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5.00 INTRODUCTION

The certificate of exemption is used when small parcels of land are being conveyed between contiguous landowners. This is an administrative procedure; it does not require review by the Planning Commission or City Council. The certificate of exemption is a transfer of property through deeds. The proposed exemption is sent for outside agency review, and then it is administratively approved.

The following information includes instructions and necessary information for the preparation of a certificate of exemption, the associated application and a summary of the review and approval process.

5.01 FORM OF APPLICATION AND REQUIRED DOCUMENTS

The owner shall submit an application for a certificate of exemption from the subdivision review process to the Planning Director on forms provided by the City. A completed application should include the following items:

(Note: Incomplete applications will be returned marked "incomplete".)

- A. Application. See 5.07
- B. One copy of all supporting materials.
- C. Statement of Beneficial Interest.
- D. Review fees as required by City of Champaign Municipal Code, Chapter 26, Sections 17 and 17.1 in the amount of \$20.00.
- E. 6 half-size (11 inches x 17 inches) copies and 1 quarter size (8½ inches by 11 inches) of the proposed subdivision shall be submitted for review.
- F. Identification of the owner's representative — development manager, engineer, surveyor, etc.
- G. Affidavit for Certificate of Exemption. See 5.08
- H. Utility approval letters. See 5.09 The applicant shall send out the utility approval letters prior to submitting the application to the City of Champaign for the Certificate of exemption. These letters must be submitted at the same time as the application with each company signing off on the proposed Certificate of Exemption.
- I. Proposed Deed.

5.02 REQUIRED INFORMATION

A Certificate of Exemption application shall include, but not be limited to, the following information:

A. General Provisions:

1. Names, signatures and addresses of the property owners (grantor and grantee), developer or subdivider, engineer and/or land surveyor.

2. If either the owner is a land trust, then the beneficial owners and their percentage interests shall be disclosed. This information must be submitted with the application, but does not have to appear on the face of the certificate.
3. A document including:
 - a. The length of all boundary lines of all adjacent streets, blocks, lots, public grounds, easements, rights-of-way and information sufficient to derive the length of these lines. Where the boundary line is an arc of a circle, the radius and the length of the arc shall be described. All dimensions shall be shown to hundredths of a foot, except in the case of riparian boundaries, which may be described to the nearest foot. A document shall be submitted showing visual representation of the proposed conveyance; however, said document shall not need to be created by a Professional Engineer as licensed by the State of Illinois. Said document can be created by a Land Surveyor; however, a metes and bounds written description of the conveyance shall be necessary in order for a legal transaction to take place of the land being conveyed.
 - b. The width of all rights-of-way and easements adjacent to, impacting or serving the tract, as defined by the City Engineer.
 - c. Floodplain information in accordance with Chapter 9 of the City Code.

5.03 DISTRIBUTION OF CERTIFICATE OF EXEMPTIONS FOR REVIEW COMMENTS

- A. **Distribution:** The following shall be distributed after receipt of a complete Certificate of exemption application, required documents and processing fees.
 1. *Outside Agency Review:* Within 5 working days of receipt of a complete Certificate of Exemption application, the Planning Director shall distribute a copy of the application for approval to the same entities and persons to whom the preliminary plat is distributed. If written approval from such entity is submitted with the application, then that entity shall be excluded from the distribution list.
 2. *Outside Agency Comment:* Comments from outside Agencies not received within 10 working days from the date of mailing or personal delivery shall not be considered in the Certificate of exemption review process. If state, federal or other law / regulation requires written approval by a separate entity or additional review time for any entity, that law will apply also, but will not necessarily be a condition for approval of the Certificate of Exemption.
 3. *Internal Review:* The Planning Director shall distribute, within five working days of receipt of a completed application for Certificate of exemption approval and all required documents, a copy of the application and Certificate of Exemption or affidavit for certificate of exemption to the City Engineer and the City Attorney.
- B. **Review Process:** The primary review and approval process, as outlined below, for the approval of a Certificate of Exemption shall include the following steps:
 1. Submittal for initial review by the Development Services Team (DST).
 2. Revision and submittal for final approval.

- C. Review Timing:** A submitted Certificate of Exemption, received by the end of a given work week, will be distributed at the DST meeting the following week. DST will then review the Certificate of Exemption and discuss it at the next DST meeting. An official response letter will be drafted by the Planning Department and forwarded to the developer. The standard review time for each submittal will be 10 working days. Each additional review / revision cycle may repeat the 10-day period.
- D. Submittal and Number of Copies:** The subdivider or developer shall submit 5 copies of the certificate of exemption together with the other application items for review to the Planning Director. The submittal copies shall be in the form of half-size (11 in. x 17 in.) copies or quarter-size (8.5 in. by 11 in.) of the exhibit. Exact size of the drawings may vary somewhat due to office production facilities.
- E. Typical Agency Review List**

Applicant review list: The applicants shall be required to contact all outside agencies prior to submittal of the Certificate of Exemption to the City of Champaign. The applicant shall contact the outside agencies, in order to investigate any utility or easement situations to deem if the proposed subdivision is appropriate. All letters from the following outside agencies shall be required at the time of application submittal to the City of Champaign Planning Department. Following is a list of the outside agencies required for verification of the appropriateness of any Certificates of Exemption, a current copy of contact information for each outside agency can be obtained from the City of Champaign Planning Department:

1. Drainage District
2. Urbana-Champaign Sanitary District (UCSD)
3. Champaign-Urbana Mass Transit District (MTD)
4. AmerenIP, or successor
5. Insight cable, or successor
6. Illinois American Water Corporation or successor
7. SBC, or successor
8. Champaign County Emergency Services Disaster Agency
9. METCAD

City Staff review list:

1. *Reviewing all Certificates of Exemption:*
 - a. City Fire Chief
 - b. Building Safety Division
2. *Reviewing Certificates of Exemption located outside of the City limits and within the 1-1/2 mile extra territorial jurisdiction (ETJ):*
 - a. County Planning and Zoning Administrator
3. *Reviewing Certificates of Exemption Adjacent to State or Federal Highways:*

IDOT District Office, Paris (two additional copies of the proposed subdivision required)

5.04 DISTRIBUTION OF APPROVED CERTIFICATE OF EXEMPTIONS

Following the review by DST and other agencies, and notification from the Planning Director that the Certificate of Exemption has been approved by City staff, additional copies of the original signed supporting documents shall be submitted to the office of the Planning Department for distribution and recording.

- A. Waivers:** By definition, a certificate of exemption will have only administrative waivers associated with it (see also Sections 31-503A and 31-508C of the Subdivision Regulations).
- B. Submittal for Distribution and Recording:** Following administrative approval, the subdivider shall submit copies of all supporting documents with original signatures, the signed original will then be recorded by City staff, or its agent. The remainder of the signed copies will be distributed to the subdivider, various City departments and any applicable outside agencies.

5.05 ADMINISTRATIVE WAIVERS

(RESERVED)

5.06 OWNER'S CERTIFICATE

An Owners Certificate is not required unless new easements are being dedicated by the survey document.

5.07 APPLICATION

CERTIFICATE OF EXEMPTION

_____ (Name) proposes to convey

(property to be conveyed) to

(name) who is an adjoining party owner and own

_____ (adjoining owner's property).

After said conveyance the legal description of the

(name) tract shall be:

(INSERT LEGAL DESCRIPTION)

and the legal description of the _____ (name) tract
after the conveyance shall be:

(INSERT LEGAL DESCRIPTION)

Said conveyance is exempt from the requirement to file a subdivision plat thereof in that the division meets the following criteria:

1. The total acreage of the parcel or parcels included in the proposed subdivision proposed to be divided is less than one (1) acre; and

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2. The change in any one (1) existing lot or parcel is no more than twenty-five (25) feet wide on any side at any point; and
3. The land removed from one (1) parcel or lot and affixed to another does not exceed ten thousand (10,000) square feet; and
4. The total number of lots is not increased from the number existing prior to the subdivision; and
5. The division is exempt from the plat requirements of the Illinois Plat Act, Illinois Compiled Statutes, 765 ILCS 205/1, as amended from time to time; and exempt from the requirement of plat approval by the City of Champaign.
6. This division is approved.

SUBMITTED BY:

Owner Grantor

Owner Grantee

APPROVED:

Planning Director
City of Champaign

City Engineer
City of Champaign

Date at Champaign, Illinois this _____ day of _____, 20____.

VERIFICATION

I, _____, being first duly sworn under oath, depose and state that I am the person making this disclosure on behalf of the applicant, that I am duly authorized to make this disclosure, that I have read the above and foregoing Disclosure of Beneficiaries, and that the statements contained therein are true in both substance and fact.

Subscribed and sworn to before me this ____ day of _____, 20__.

Notary Public

5.08 AFFIDAVIT

AFFIDAVIT FOR CERTIFICATE OF EXEMPTION

STATE OF ILLINOIS)

) SS

CITY OF CHAMPAIGN)

_____ (Name), first duly sworn on oath and deposes and says:

1. That _____ (he/she/it/they) is the owner of the following described property, to wit:

INSERT LEGAL DESCRIPTION

2. That affiant desires to convey _____

(legal description of property to be conveyed) to _____

(new owner) who are the owners of _____

(describe adjacent property).

3. That said conveyance is less than 10,000 square feet in area, is no more than 25 feet wide at any point, will not increase the number of lots in the vicinity, the total acreage of the two parcels is less than one (1) acre, and is otherwise in compliance with the provisions contained in Article V of Chapter 31 of the Champaign Municipal Code, 1985, as amended; and, that said lot remaining shall meet all applicable codes and regulations of the City of Champaign Municipal Code.

4. Affiant further states that this division is exempt from the Plat Act requirements of the Illinois Plat Act as a conveyance to an adjoining owner or because _____

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5. Affiant further states that letters approving the proposed subdivision from all utility companies and public entities with roads, sewers, drainage facilities or easements within or adjacent to the proposed subdivision are attached as no such facilities or easements within or adjacent to the proposed subdivision are attached as no such facilities or easements are located within the proposed subdivision.

Dated this ____ day of _____, 20____, in
_____ (City, State)

Owner(s) Grantor

SUBSCRIBED AND SWORN to me before this ____ day of _____, 20____.

Notary Public

Dated this ____ day of _____, 20____, in
_____ (City, State)

Owner(s) Grantee

SUBSCRIBED AND SWORN to me before this ____ day of _____, 20____.

Notary Public

5.10 Statement of Beneficial Interest

AFFIDAVIT

(Fill in state and county in which affidavit is being signed)

STATE OF _____)

) ss.

COUNTY OF _____)

1. PARTNERSHIP OR L.L.C.

The business address is : _____

Telephone: _____ Fax: _____

Website or Email Address: _____

The partners or members are as follows: (Attach additional sheets if necessary)

(Name, Home Address, and Telephone)
(Name, Home Address, and Telephone)
(Name, Home Address, and Telephone)

2. TRUSTS

Official Trust Name: _____

<u>Name</u>	<u>Addresss</u>	<u>Percent Interst</u>
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1.	_____	_____
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2.	_____	_____
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3.	_____	_____
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4.	_____	_____
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5.10 Utility Letters - Sample

(Date)

Mr. John Smith
Applicable Illinois Utility Company
201 Neil Drive
Champaign, IL 61820

Re: Application for Certificate of Exemption from the City of Champaign

Dear Mr. Smith:

An application for a Certificate of Exemption from a Minor Plat for the following described property has been applied for from the City of Champaign:

(DESCRIBE PROPERTY TO BE CONVEYED)

Please review the property for any utilities or utility easements your agency may have an interest in. If there are none, please respond directly on this letter and return to:

Insert Address of the applicant or contact person:

Average Joe
102 N. Washington Street
Champaign, IL 61820

Thank you.

Owner

To Whom It May Concern:

I have reviewed the above-referenced conveyance for **(insert applicable Utility Company)** and have no objection to the issuance of a Certificate of Exemption from a Minor Plat.
