



**LEGAL DIVISION**  
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**JACK WAALER**  
City Attorney

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Assistant City Attorney

## **Memorandum**

**DATE:** July 13, 2001  
**TO:** Bruce Walden  
**FROM:** Jack Waaler  
**RE:** Ordinance to vacate alleys

The attached Ordinance to vacate alleys addresses Section 2 of the Agreement with the University of Illinois for the vacation of the named alleys.

ORDINANCE NO. 2001-07-080

AN ORDINANCE VACATING PORTIONS OF FOUR ALLEYS

WHEREAS, the Board of Trustees of the University of Illinois have submitted a request to the City of Urbana asking that portions of certain alleys be vacated to accommodate the construction of new facilities; and

WHEREAS, the University of Illinois has acquired all but one of the properties abutting upon those portions of the alleys sought to be vacated, and as to the one not so acquired, the University has arranged for access to such property by easement; and

WHEREAS, the vacation of those portions of the alleys described herein will not materially impair access to any property other than that owned by the University of Illinois; and

WHEREAS, the City Council has determined that the nature and extent of the public use or public interest to be subserved is such as to warrant the vacation of the portion of the alleys sought herein to be vacated.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. That the City Council of the City of Urbana, Illinois, hereby vacates, subject to the terms set forth in this Ordinance, the following-described alley rights-of-way:

- (a) A portion of the Southeast Quarter of Section 7, Township 19 North, Range 9 East of the Third Principal Meridian, Champaign County, Illinois, more particularly described as follows:

All of the public alley in Block 50 of Seminary Addition, as shown on a plat recorded in Deed Record Book "Y" at page 208 in the Office of the Recorder of Deeds, Champaign County, Illinois.

Said tract containing 6,534 square feet, more or less, all situated in the City of Urbana, Champaign County, Illinois (being the same alley as is referred to in Section 2(a) of the Agreement approved in Ordinance No. 2001-07-077.

- (b) A portion of the Southeast Quarter of Section 7, Township 19 North, Range 9 East of the Third Principal Meridian, Champaign County, Illinois, more particularly described as follows:

All of the public alley in Block 40 of Seminary Addition, as shown on a plat recorded in Deed Record Book "Y" at page 208 in the Office of the Recorder of Deeds, Champaign County, Illinois.

Said tract containing 6,534 square feet, more or less, all situated in the City of Urbana, Champaign County, Illinois, (being the same alley as is referred to in Section 2(b) of the Agreement approved in Ordinance No. 2001-07-077.

- (c) A portion of the Southeast Quarter of Section 7, Township 19 North, Range 9 East of the Third Principal Meridian, Champaign County, Illinois, more particularly described as follows:

All of the public alley in Block 43 of Seminary Addition, as shown on a plat recorded in Deed Record Book "Y" at page 208 in the Office of the Recorder of Deeds, Champaign County, Illinois.

Said tract containing 6,534 square feet, more or less, all situated in the City of Urbana, Champaign County, Illinois, (being the same alley as is referred to in Section 2(c) of the Agreement approved in Ordinance No. 2001-07-077.

- (d) A portion of the Southeast Quarter of Section 7, Township 19 North, Range 9 East of the Third Principal Meridian, Champaign County, Illinois, more particularly described as follows:

All of the public alley in Block 44 of Seminary Addition not previously vacated by City of Urbana Ordinance Number 9394-64, said alley being adjacent to Lots 10, 11 and 12 of Block 44 of Seminary Addition and Lots 27, 28 and 29 of Jonathan N. Houser's Heirs Subdivision of Lots 24 and 25 of M. W. Busey's Heirs Addition to Urbana.

Said tract containing 3,267 Square Feet, more or less, all situated in the City of Urbana, Champaign County, Illinois, (being the same alley as is referred to in Section 2(d) of the Agreement approved in Ordinance No. 2001-07-077.

Section 2. The City Council of the City of Urbana, Illinois, hereby finds and determines that the public interests will be subserved as a result of this Vacation Ordinance because the nature and extent of the public use or public interests be subserved is such as to warrant the vacation, especially when considering the relief to the public from further burden and responsibility of maintaining the rights-of-way herein vacated.

Section 3. The title to the vacated rights-of-way shall vest in the owners of the land abutting thereon subject to any easement or easements in favor of the City or any public utilities, their successors or assigns, to operate, maintain, renew, and reconstruct their facilities as now existing on, over, or under that

part of the rights-of-way, unless and until such owners of the land abutting thereon shall cause the rearrangement, removal, or relocation of all said facilities, and shall pay and be responsible for all reasonable costs and expenses as shall be incurred in association therewith.

Section 4. The City Council of the City of Urbana, Illinois, hereby finds and determines that the Trustees of the University of Illinois shall be benefited as a result of this Vacation Ordinance and the City Council of the City of Urbana hereby and herewith finds and determines that the cash compensation that should be paid to the City of Urbana is set forth in the agreement between the City and the University, approved in Ordinance No. 2001-07-077.

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called, of three-fourths (3/4<sup>th</sup>'s) of the members of the City Council of the City of Urbana, Illinois, at a regular meeting of said City Council.

PASSED by the City Council this \_\_\_\_\_ day of \_\_\_\_\_,  
\_\_\_\_\_.

AYES:

NAYS:

ABSTAINS:

\_\_\_\_\_  
Phyllis D. Clark, City Clerk

APPROVED by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_,  
\_\_\_\_\_.

\_\_\_\_\_  
Tod Satterthwaite, Mayor