

ORDINANCE NO. 2001-10-126

AN ORDINANCE VACATING A PORTION OF MAIN STREET, CLARK STREET AND STOUGHTON
STREET

(Each between Mathews Avenue and Goodwin Avenue)

WHEREAS, in an agreement with the Board of Trustees of the University of Illinois relating to various rights of way and other related matters, which agreement was approved by the Urbana City Council in Ordinance No. 2001-08-083, the City of Urbana agreed that the vacation of that portion of those streets described in this Ordinance was in the best interests of the public; and

WHEREAS, the University of Illinois owns all of the real property which abuts on both sides of those portions of the streets herein vacated; and

WHEREAS, the vacation of the streets described below will not impair access to any property other than that property owned by the University of Illinois; and

WHEREAS, in accordance with the requirements of Ordinance No. 9293-97 entitled "An Ordinance Requiring a Public Hearing Prior to the Vacating of a Street", a public hearing was held on the 20th day of August, 2001, which said date was more than fifteen (15) days, but less than thirty (30) days following the publication of the Notice of Hearing in a newspaper of general circulation in the City of Urbana, to-wit, said publication having occurred on the 25th day of July, 2001, and the Zoning Administrator also caused to be mailed, a copy of the said Notice so published, to each of the last known taxpayers of record of all properties adjacent to or within 250' in each direction of the portion of the street proposed to be vacated, said mailing having been accomplished on the 2nd day of August, 2001; 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 therein 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 street rights of way:

- (a) A portion of the Clark Street Right-of-Way, in 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 that part of the Clark Street Right-of Way, lying between the easterly Right-of-Way line of Mathews Avenue (formerly Somers Street) and the westerly Right-of-Way line of Goodwin Avenue (formerly Eads Street), as shown on the plat of Seminary Addition to Urbana, recorded in the Office of the Recorder of Deeds, Champaign County, Illinois, in Deed Record Book Y at page 208. Said Right-of-Way being sixty-six feet (66') in width.

Said tract containing 0.60 acre (26,136 square feet), more or less, all situated in the City of Urbana, Champaign County, Illinois.

- (b) A portion of the Main Street Right-of-Way, in 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 that part of the Main Street (formerly White Street) Right-of Way, lying between the easterly Right-of-Way line of Mathews Avenue (formerly Somers Street) and the westerly Right-of-Way line of Goodwin Avenue (formerly Eads Street), as shown on the plat of Seminary Addition to Urbana, recorded in the Office of the Recorder of Deeds, Champaign County, Illinois, in Deed Record Book Y at page 208. Said Right-of-Way being sixty-six feet (66') in width.

Said tract containing 0.60 acre (26,136 square feet), more or less, all situated in the City of Urbana, Champaign County, Illinois.

- (c) A portion of the Stoughton Street Right-of-Way, in 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 that part of the Stoughton Street Right-of Way, lying between the easterly Right-of-Way line of Mathews Avenue (formerly Somers Street) and the westerly Right-of-Way line of Goodwin Avenue (formerly Eads Street), as shown on the plat of Seminary Addition to Urbana, recorded in the Office of the Recorder of Deeds, Champaign County, Illinois, in Deed Record Book Y at page 208. Said Right-of-Way being sixty-six feet (66') in width.

Said tract containing 0.60 acre (26,136 square feet), more or less, all situated in the City of Urbana, Champaign County, Illinois.

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 in such streets 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. This ordinance shall become effective immediately. The Board of Trustees of the University of Illinois own the following parcels which abut upon the streets vacated herein:

- (a) Lots 7, 8, 9, 10, 11, and 12 as show on the plat of Block 40 and Lots 1, 2, 3, 4, 5, and 6 of Block 43 of Seminary Addition to Urbana, recorded in the Office of the Recorder of Deeds, Champaign County, Illinois in Deed Record Book Y at page 208.
- (b) Lots 7, 8, 9, 10, 11, and 12 of Block 43 and Lots 1, 2, 3, 4, 5, and 6 of Block 50 of Seminary Addition to Urbana, recorded in the Office of the Recorder of Deeds, Champaign County, Illinois in Deed Record Book Y at page 208.

(c) Lots 7, 8, 9, 10, 11, and 12 of Block 50 and Lots 1, 2, 3, ,4 ,5 and 6 of Block 55 of Seminary Addition to Urbana, recorded in the Office of the Recorder of Deeds, Champaign County, Illinois in Deed Record Book Y at page 208.

As owners of the above described parcels, the Board of Trustees of the University of Illinois, have agreed to pay compensation in the amount which, in the judgment of the corporate authorities, is the fair market value of the property acquired thereby or the benefits accruing to the Board of Trustees of the University of Illinois by reason of this vacation.

Section 4. The title to the vacated rights of way shall vest in the Board of Trustees of the University of Illinois subject to any easement or easements in favor of the City or others 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 5. That the City Clerk is directed to record a certified copy of this ordinance with the Recorder of Champaign County, Illinois.

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called, of three-fourths (3/4th'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 _____, 2001.

AYES:

NAYS:

ABSTAINS:

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this ____ day of _____, 2001.

Tod Satterthwaite, Mayor