

ORDINANCE NO. 2002-03-030

**AN ORDINANCE REGULATING ENCROACHMENT ON PUBLIC RIGHT-OF-WAY
IN THE CITY OF URBANA, CHAMPAIGN COUNTY, ILLINOIS**

(High Cross Road/Windsor Road)

WHEREAS, the City of Urbana, hereinafter known as the City, and the State of Illinois, acting by and through its Department of Transportation, have entered into an agreement relative to the improvement of Illinois Route 130, State Section 201TS at the intersection of Windsor Road; and

WHEREAS, in order to facilitate said improvement, it is necessary for the City to adopt an ordinance regulating encroachment on the right-of-way for said improvement in accordance with the following definitions:

Roadway Right-of-Way is defined as those areas existing or acquired by dedication or by fee simple for highway purposes; also, the areas acquired by temporary easement during the time the easement is in effect;

Project Right-of-Way is defined as those areas within the project right-of-way lines established jointly by the City and the State which will be free of encroachments except as hereinafter defined;

Encroachment is defined as any building, fence, sign (excluding certain signs located over sidewalks) or any other structure or object of any kind (with the exception of utilities and public road signs), which is placed, located or maintained, in, on, under or over any portion of the Project Right-Of-Way or the Roadway Right-Of-Way where no project right-of-way line has been established;

Permissible Encroachment is defined as any existing awning, marquee or sign advertising activity on the property, or similar overhanging structure supported from a building immediately adjacent to

the limits of the platted street where there is a sidewalk extending to the building line and which does not impair the free and safe flow of pedestrian traffic or traffic on the highway. The permissive retention of overhanging signs is not to be construed as being applicable to those signs supported from poles constructed outside the project right-of-way line and not confined by adjacent buildings;

Construction Easement Area is defined as the area lying between the project right-of-way limits and the platted street limits within which the City, by concurrence in the establishment of the project right-of-way lines, will permit the State to enter to perform all necessary construction operations; and

WHEREAS, representatives of the City and the State have, by visual inspection, cooperatively established project right-of-way lines and have mutually determined the disposition of encroachments;

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

SECTION 1: It shall be unlawful for any person, firm or corporation to erect or cause to be erected, to retain or cause to be retained, any encroachment (herein above defined), except as provided in Section 3, within the limits of the Project Right-Of-Way or Roadway Right-Of-Way where no project right-of-way lines have been established.

SECTION 2: Project right-of-way lines have been established at the following location:

(a) As shown on the plans for the subject improvement.

SECTION 3: Revocable permits have been issued by the City for the temporary retention of the following permissible encroachments (hereinafter defined):

- (a) Location to be determined by visual inspection of representatives of the City and the State.

SECTION 4: This ordinance is intended to and shall be in addition to all other ordinances, rules and regulations concerning encroachments and shall not be construed as repealing or rescinding any other ordinance or part of any ordinance unless in direct conflict therewith.

SECTION 5: Any person, firm or corporation violating this ordinance shall be fined not less than one dollar (\$1.00) nor more than five hundred dollars (\$500.00) for each offense, and a separate offense shall be deemed committed for each and every day during which a violation continues or exists.

SECTION 6: This ordinance shall be published one time within ten (10) days after its passage in a newspaper having a general circulation in the City of Urbana, Illinois, and shall be in full force and effect after its passage, publication and approval as provided by law.

PASSED by the City Council this _____ day of _____, 2002.

AYES:

NAYS:

ABSTAINS:

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this _____ day of _____, 2002.

Tod Satterthwaite, Mayor