

ORDINANCE NO. 2002-04-036

AN ORDINANCE VACATING A PORTION OF UNIVERSITY AVENUE

WHEREAS, in an agreement with Shelby's In Urbana, Inc., an Illinois corporation, relating to a portion of University Avenue right of way and other related matters, which agreement was approved by the Urbana City Council in Ordinance No. 9394-108, the City of Urbana found as a preliminary matter in Section 3.3 thereof that the vacation of that portion of University Avenue described in this Ordinance was in the best interests of the public; and

WHEREAS, certain details remained to be worked out with the Illinois Department of Transportation before action on this matter could be completed; and

WHEREAS, all matters have now been resolved and it is time to complete the process of vacating such unneeded right-of-way; 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 18th day of February, 2002, 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 28th day of January, 2002, 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 28th day of January, 2002; 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 street 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 portion of the University Avenue Right-of-Way being a part of the Southeast Quarter of Section 8, Township 19 North, Range 9 East of the Third Principal Meridian, Urbana, Champaign County, Illinois, and being more particularly described as follows:

Beginning at the Southeast Corner of Tract 32 as described in Petition for Condemnation No 68-L-832 in the Circuit Court of Champaign County, Illinois; thence N89°-46'-00"E, an assumed bearing, along the Existing North Right-of-Way line of University Avenue, 599.22 feet; thence S24°-46'00"W, 44.14 feet; thence S89°-46'-00'W, along a line parallel with, and 40.00 feet southerly of, the said Existing North Right-of-Way line of University Avenue, 502.07 feet; thence N63°-14'-00"W, 88.11 feet, to the Point of Beginning. Said tract containing 0.5056 acres (22,025.804 S.F.), 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.

Section 4. The title to the vacated rights of way shall vest in the abutting owner, Bank Illinois Trust Company, Trustee under Trust dated July 18, 1988, and known as Trust #2046, 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 _____, 2002.

AYES:

NAYS:

ABSTAINS:

Phyllis D. Clark, City Clerk

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

Tod Satterthwaite, Mayor