



LEGAL DIVISION
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City Attorney

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Special Counsel

Memorandum

DATE: June 13, 2003
TO: Bruce Walden
FROM: Jack Waaler
RE: Proposed Amendment to Street Vacation Ordinance

As you know, state statutes give authority to the City Council to vacate rights-of-way. The statute has no requirement for advanced notice to anyone, nor does it require any public hearing. I'm not aware that we ever had any difficulties in simply following the statutory provisions, but in 1993, the Urbana City Council enacted Section 2-160 of the Urbana City Code which basically provides that no street can be vacated without a public hearing, public notice of which had to be in the paper and by mail to persons within 250' of the street proposed to be vacated, 15 days in advance of the public hearing. Then, after the public hearing, the subject street could not be vacated until a 45-day waiting period.

In the many public hearings we've had since the adoption of 2-160, to my knowledge, no one has ever appeared at any of the public hearings to say anything whatsoever. Furthermore, the 45-day "waiting period" after the public hearing, when combined with the 15 days advance notice of the public hearing (total minimum 60 days) proved to be troublesome in accommodating plans that involved street vacations.

I propose a simple amendment to Section 2-160 to reduce the "waiting period" from 45 days to 10 days.

ORDINANCE NO. 2003-06-059

AN ORDINANCE APPROVING AN AMENDMENT TO SECTION 2-160
OF THE URBANA CODE OF ORDINANCES
(waiting period for street and alley vacations)

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

Section 1. That Section 2-160(a) of Article VIII of the Urbana Code of Ordinances is hereby revised to read: "During the period which is not greater than three hundred sixty-five (365) days, but not less than ten (10) days prior to the city council considering an ordinance to vacate any street or portion thereof, but not, however, an alley, the city council shall hold a public hearing on the question after first providing the notice set forth in this section."

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called, of a majority of the members of the Council of the City of Urbana, Illinois, at a meeting of said Council.

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

AYES:

NAYS:

ABSTAINED:

Phyllis D. Clark, City Clerk

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

Tod Satterthwaite, Mayor