



CITY OF URBANA, ILLINOIS
DEPARTMENT OF PUBLIC WORKS

ADMINISTRATION

M E M O R A N D U M

TO: Bruce K. Walden, Chief Administrative Officer

FROM: William R. Gray, P. E., Public Works Director

DATE: July 24, 2003

RE: ***BOYDEN STREET RIGHT-OF-WAY VACATION
BETWEEN OAKLAND AVENUE AND THOMPSON STREET***

INTRODUCTION

The City Council, at its July 7, 2003, meeting approved a development agreement between the City of Urbana and Town and Country Apartments. The development agreement requires that the City reconstruct Oakland Avenue, between Cunningham Avenue and Boyden Street next year. In addition, the City is obligated to consider vacating the Boyden Street right-of-way, from Oakland Avenue north to at least the northern most point of such right-of-way that the developer (Town and Country) owns, abutting Boyden Street on both sides. City staff has been in contact with the two property owners who own property abutting both sides of Boyden Street, between Oakland Avenue and Thompson Street. Both property owners have indicated a willingness to accept the land if Boyden Street is vacated. (Please see Exhibit A.)

Boyden Street, between Oakland Avenue and Thompson Street, is not paved and is a wooded, unimproved right-of-way. Vacating this right-of-way will remove maintenance responsibilities and potential liability.

FISCAL IMPACTS

The City is receiving, per the development agreement, partial funding for improvements to Oakland Avenue. The developer also proposes to build approximately forty-eight apartment units and construct retail space on the land adjacent to Oakland Avenue. These considerations are part of the reason Boyden Street should be considered for vacation. No other revenue is expected to come to the City for the vacation of this unused right-of-way.

RECOMMENDATION

It is recommended that AN ORDINANCE VACATING BOYDEN STREET
(BETWEEN OAKLAND AVENUE AND THOMPSON STREET) be approved.

WRG:klf

Attachments: Exhibit A
 Ordinance

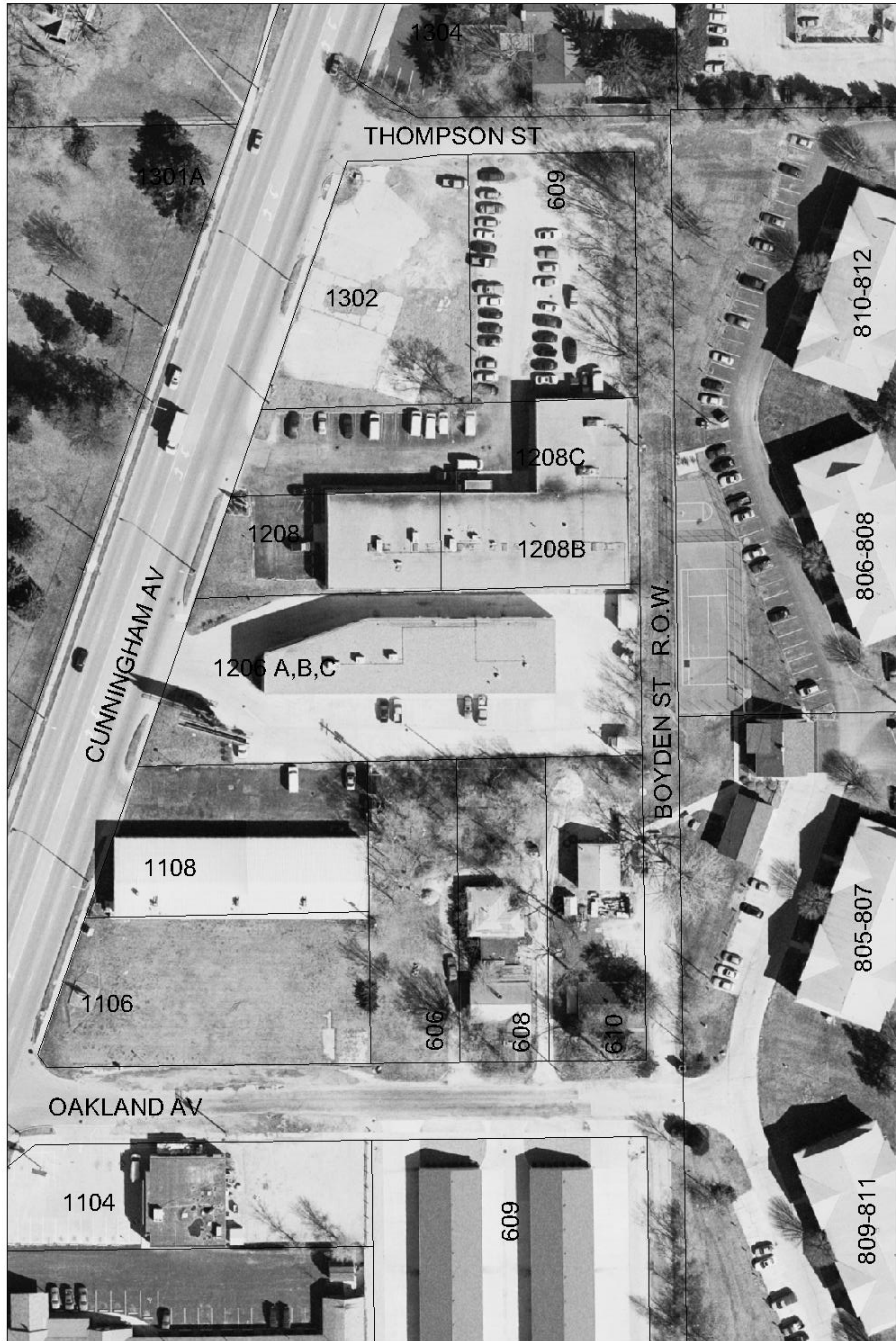


EXHIBIT "A"
BOYDEN STREET RIGHT-OF-WAY



ORDINANCE NO. 2003-07-077

AN ORDINANCE VACATING BOYDEN STREET

(Between Oakland Avenue and Thompson Street)

WHEREAS, Boyden Street right of way between Oakland Avenue and Thompson Street does not exist as a traveled right of way as such and is overgrown with vegetation; and

WHEREAS, in the Development Agreement in Ordinance No. 2003-06-061, the City Council agreed to consider the issue of whether Boyden Street right of way should be vacated between Oakland Avenue and Thompson Street; and

WHEREAS, in accordance with the requirements of Section 2-160 of the Urbana City Code, a public hearing was held on the 21st day of July, 2003, 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 2nd day of July, 2003, and the Zoning Administrator will also cause to be mailed a copy of said notice so published to each of the last known taxpayers of record of all properties adjacent to or within two hundred fifty (250') feet in each direction of the portion of the street proposed to be vacated, said mailing having been accomplished on the 2nd day of July, 2003; and

WHEREAS, at the public hearing, no one appeared to speak against vacating Boyden Street right-of-way and no communications regarding such were received.

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

Section 1. That the following-described portion of Boyden Street is hereby vacated, such having been determined to be no longer required by the City of Urbana for street right of way purposes, and thus the public interests shall be subserved by vacating same:

A portion of the Boyden Street Right-of-Way, in the Northwest Quarter of Section 9, Township 19 North, Range 9 East of the Third Principal Meridian, Champaign County, Illinois, more particularly described as follows:

All that part of the Boyden Street Right-of Way, between the existing northerly Right-of-Way line of Oakland Avenue and the existing southerly Right-of-Way line of Thompson Street, as shown on the "Plat of Barr and Fords Subdivision of Lot 5 of a Subdivision of the West Half ($\frac{1}{2}$) of the Northwest $\frac{1}{4}$ of Section Nine (9) and part of Lot 16 of a subdivision of the Northeast Quarter ($\frac{1}{4}$) of Section Eight (8) Town 19 North Range Nine (9) East 3rd P.M.", recorded in Plat Book "C" at page 204, in the Office of the Recorder of Deeds, Champaign County, Illinois. Said Right-of-Way being twenty-five feet (25') in width.

Said tract containing 0.35 acre (15,250 square feet), more or less, all situated in the City of Urbana, Champaign County, Illinois.

Section 2. The vesting of title in the portion of the right-of-way so vacated in the abutting property owner or owners shall be subject to an easement to all public utilities, their successors and assigns to operate, maintain, renew and reconstruct their facilities affected by this vacation as now operated and maintained in, over and under the portion of the right-of-way vacated unless the said abutting property owner or owners shall compensate the said utilities for such reasonable expense as shall be incurred by said utilities in connection with the rearrangement, removal or relocation of said facilities.

Section 3. This Ordinance shall be effective immediately upon its passage by the City Council and approval by the Mayor of the City of Urbana, Illinois.

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called, of a three-fourth's (3/4th's) vote of the alderpersons then holding office in the City of Urbana, Illinois, at a regular meeting of said Council.

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

AYES:

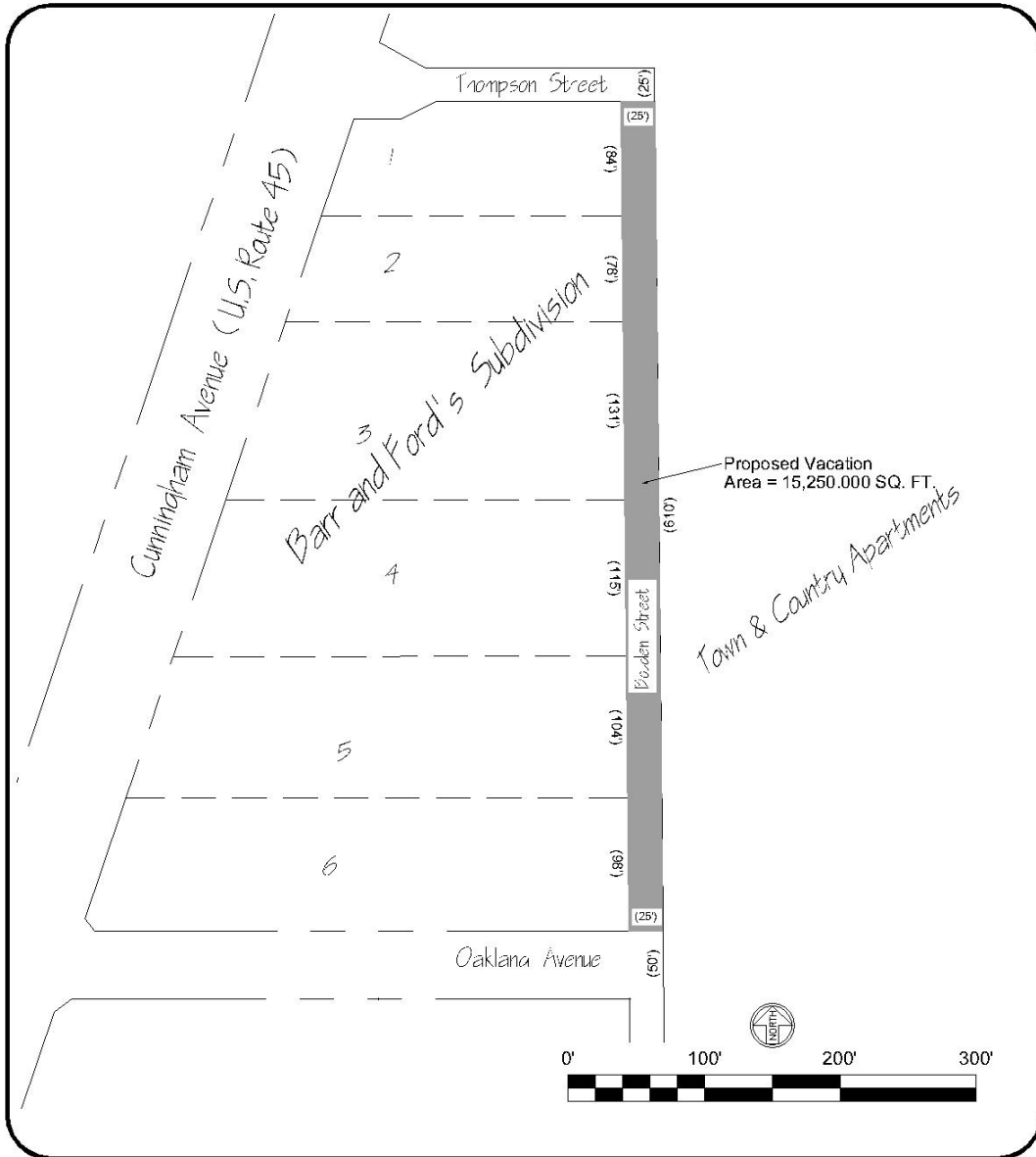
NAYS:

PRESENT:

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this _____ day _____, _____.

Tod Satterthwaite, Mayor



PLAT MAP SHOWING PUBLIC
 RIGHT-OF-WAY VACATED
 BY ORDINANCE NO. 2003-XXX
 CITY OF URBANA, ILLINOIS
 DATE: August XX, 2003

City of Urbana
 Public Works Dept.
 Engineering Division



Drawn by: BWF

Date: 07/21/03