

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 3<sup>rd</sup> 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 following listed parcels which abut on the public right-of-way herein vacated will, by operation of law, pursuant to the provisions of Section 5/11-91-2 of the Illinois Municipal Code and this ordinance, acquire title to the vacated property:

91-21-09-103-006  
91-21-09-102-002  
91-21-09-102-003  
91-21-09-102-005  
91-21-09-103-007  
91-21-09-102-010

Section 3. 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 4. 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 (3/4<sup>th</sup>'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