



**LEGAL DIVISION**  
(217) 384-2464  
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**STEPHEN HOLZ**  
City Attorney

**JACK WAALER**  
Special Counsel

## **Memorandum**

**DATE:** August 15, 2003  
**TO:** Bruce Walden  
**FROM:** Jack Waaler  
**RE:** Main Street Vacation Ordinance

On August 4, 2003, the Council approved the Extension Agreement with the University providing for an extension of time to vacate certain described rights-of-way. Part of that agreement provided that the City Council would vacate Main Street between Goodwin and Harvey if the University obtained an agreement with the owner of Bikeworks consenting to the vacation of Main Street prior to October 1, 2003. The University has obtained such an agreement, so the ordinance vacating that portion of Main Street would be in order. If such an ordinance is enacted prior to September 30, 2003, the University will pay to the City the sum of \$377,665 as compensation.

ORDINANCE NO. 2003-08-085

AN ORDINANCE VACATING A PORTION OF MAIN STREET

(Between Harvey Street and Goodwin Avenue)

WHEREAS, in an agreement with the Board of Trustees of the University of Illinois relating to various rights of way and other related matters, which agreement was approved by the Urbana City Council in Ordinance No. 2001-08-083 ("The Agreement"), the City of Urbana agreed that the vacation of certain streets and alleys, including the portion of Main Street described in this Ordinance was in the best interests of the public; and

WHEREAS, The Agreement was modified in "An Agreement Providing for Administrative Implementation of Certain Details Regarding a Prior Agreement", approved by the Urbana City Council in Ordinance No. 2003-08-078; and

WHEREAS, the University of Illinois owns all but one of the parcels which abuts on both sides of the portion of Main Street herein vacated; and

WHEREAS, the vacation of Main Street as described below will not impair access to any property other than that property owned by the University of Illinois and the one parcel owned privately, the owner of which has an agreement with the University of Illinois; and

WHEREAS, in accordance with the requirements of Section 2-160 of the Urbana City Code, a public hearing was held on the 7<sup>th</sup> 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 10th day of June, 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 11<sup>th</sup> day of June, 2003; and

WHEREAS, at the public hearing, no one appeared to speak against vacating the indicated portion of Main Street right-of-way and no communications regarding such were received; 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 Main Street as requested.

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 Main Street Right-of-Way, in the Southeast Quarter of Section 7, Township 19 North, Range 9 East of the Third Principal Meridian, Champaign County, Illinois, more particularly described as follows:

All that part of the Main Street (formerly White Street) Right-of Way, lying between the easterly Right-of-Way line of Goodwin Avenue (formerly Eads Street) and the westerly Right-of-Way line of Harvey Street, as shown on the plat of Seminary Addition to Urbana, recorded in the Office of the Recorder of Deeds, Champaign County, Illinois, in Deed Record Book Y at page 208. Said Right-of-Way being sixty-six feet (66') in width.

Said tract containing 0.60 acre (26,136 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:

91-21-07-477-015 - 300 North Goodwin Avenue  
91-21-07-477-011 - 1106 West Main Street  
91-21-07-477-012 - 1104 West Main Street  
91-21-07-477-013 - 1102 West Main Street  
91-21-07-477-014 - 1102 West Main Street

91-21-07-478-001 - 210 North Goodwin Avenue  
91-21-07-478-003 - 1111 West Main Street  
91-21-07-478-004 - 1109 West Main Street  
91-21-07-478-005 - 1107 West Main Street  
91-21-07-478-006 - 1105 West Main Street  
91-21-07-478-007 - 1103 West Main Street  
91-21-07-478-016 - 1101 West Main Street

Section 3. 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 4. The vesting of title in the right-of-way herein vacated in the abutting property owners shall be subject to mutual cross easements between such abutting property owners for the purposes of ingress and egress to and from their property. The rights to use such easement of ingress and egress by the owners of such properties shall be automatically terminated upon the conveyance of such property to the University of Illinois or the University of Illinois Foundation. Upon all such parcels abutting upon the rights-of-way herein vacated becoming owned by the University of Illinois or the University of Illinois Foundation, all such mutual cross easements of ingress and egress shall terminate.

Section 5. As owners of the abutting parcels, the Board of Trustees of the University of Illinois, have agreed to pay compensation in the amount which, in the judgment of the corporate authorities, is the fair market value of the property acquired thereby or the benefits accruing to the Board of Trustees of the University of Illinois by reason of this vacation.

Section 6. The title to the vacated rights of way shall vest in the abutting owners 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 7. This ordinance shall become effective immediately.

Section 8. 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 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 \_\_\_\_\_,  
\_\_\_\_\_.

AYES:

NAYS:

ABSTAINS:

\_\_\_\_\_  
Phyllis D. Clark, City Clerk

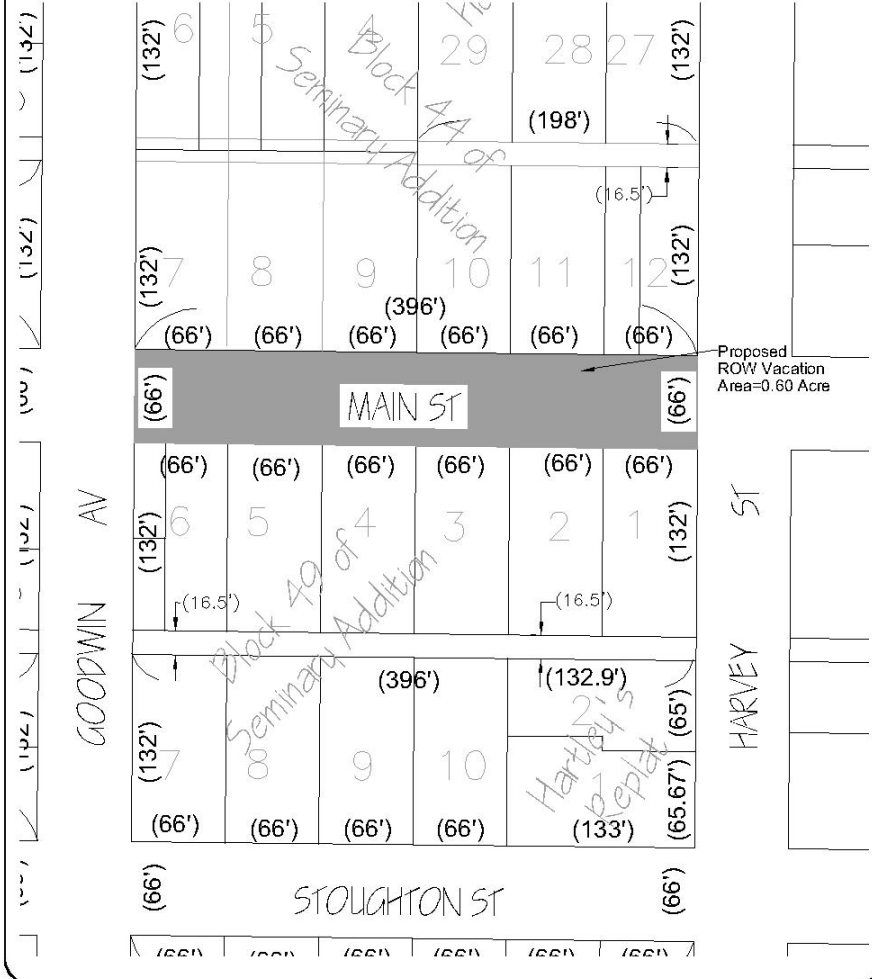
APPROVED by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_,  
\_\_\_\_\_.

\_\_\_\_\_  
Tod Satterthwaite, Mayor

A portion of the Main Street Right-of-Way, in the Southeast Quarter of Section 7, Township 19 North, Range 9 East of the Third Principal Meridian, Champaign County, Illinois, more particularly described as follows:

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PLAT MAP SHOWING PUBLIC  
RIGHT-OF-WAY VACATED  
BY ORDINANCE NO. 2003-08-XXX  
CITY OF URBANA, ILLINOIS  
DATE: August XX, 2003



City of Urbana  
Public Works Department  
Engineering Division  
Date: 06/05/03 Drawn by: BWF