



CITY OF URBANA, ILLINOIS  
DEPARTMENT OF PUBLIC WORKS

*ADMINISTRATION*

**M E M O R A N D U M**

**TO:** Laurel Lunt Prussing and Members of the City Council

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

**DATE:** September 4, 2007

**RE:** **Supplement to Council Item, *Carle Foundation Request for Street and Alley Vacations.***

A correction to the "Agreement Between the City of Urbana and Carle Foundation Regarding the Vacation of Portions of Certain Streets and Alleys" has been made in the second paragraph of said agreement.

Change **State of Illinois Medical Expansion Approval Commission** to **Illinois Health Facilities Planning Board**, correcting the second paragraph as follows:

***"WHEREAS, the plans for the expansion of medical facilities will go forward only if approval is received from the Illinois Health Facilities Planning Board;"***

WRG:klf  
Attachment: Corrected Agreement

ORDINANCE NO. 2007-09-101

AN ORDINANCE AUTHORIZING THE MAYOR  
TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF URBANA AND CARLE FOUNDATION  
REGARDING THE VACATION OF PORTIONS OF CERTAIN  
STREETS AND ALLEYS

WHEREAS, it is desirable to provide for the possibility that the portions of certain streets in ordinances before the Council which may be vacated, should revert to public right-of-way status should the expansion plans of Carle Foundation not be approved by the State of Illinois; and,

WHEREAS, it is in the interest of the people of Urbana to enter into the Agreement Between the City of Urbana and Carle Foundation Regarding the Vacation of Portions of Certain Streets and Alleys; and,

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

Section 1. The City Council hereby approves the Agreement Between the City of Urbana and Carle Foundation Regarding the Vacation of Portions of Certain Streets and Alleys attached hereto.

Section 2. That the Mayor is hereby authorized to execute and the City Clerk to attest the Ordinance.

Section 3. This ordinance takes effect immediately upon passage and approval by the Mayor.

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 the Council.

PASSED by the City Council this \_\_\_ day of \_\_\_\_\_, 2007.

AYES:

NAYS:

PRESENT:

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

APPROVED by the Mayor this \_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
Laurel Prussing, Mayor

AGREEMENT BETWEEN THE CITY OF URBANA AND CARLE FOUNDATION  
REGARDING THE VACATION OF PORTIONS OF CERTAIN  
STREETS AND ALLEYS

WHEREAS, at the request of Carle Foundation (hereinafter Carle), the City of Urbana is considering the vacation of portions of certain streets and alleys to accommodate proposed plans to expand the medical facilities of Carle which would involve those portions of the streets and alleys under consideration which said streets are identified in Ordinance numbers 2007-09-097, 2007-09-099, and 2007-09-100, and collectively hereinafter referred to simply as "Subject Streets".

WHEREAS, the plans for the expansion of medical facilities will go forward only if approval is received from the Illinois Health Facilities Planning Board; and,

Deleted: .

WHEREAS, if the proposal to expand the medical facilities is not approved, or approved only in part, those portions of the Subject Streets herein vacated which are not needed for such expansion, should be restored to the status quo of public right-of-way.

THEREFORE, the parties agree as follows:

For and in consideration of the City and upon written demand on Carle to do so, paying to Carle Foundation, the sum which was paid by Carle to the City as a condition of vacating the Subject Streets, Carle promises to forthwith do and perform any and all acts necessary to accomplish dedication as public right-of-way, the same public right-of-way area that was vacated in the ordinance vacating such right-of-way.

The City of Urbana shall exercise its rights to demand dedication of right-of-way as provided herein only upon the failure of Carle to receive a Certificate of Need from the State of Illinois for the expansion of its medical facilities involving the Subject Streets by the 31st day of October, 2008.

Carle agrees that despite the vacation of the Subject Streets, until it receives a Certificate of Need from the State of Illinois, it will do nothing to interfere with the public use of the Subject Streets for pedestrian and vehicular traffic. The period between the recording of the Ordinance vacating the Subject Street right-of-way and the receipt by Carle of a Certificate of Need is herein referred to as the "Street Open Period".

The City of Urbana agrees to hold Carle harmless for any and all claims of property damage, injury or death, arising from the public use of the Subject Streets during the "Street Open Period".

**CITY OF URBANA, ILLINOIS**

**CARLE FOUNDATION HOSPITAL**

By: \_\_\_\_\_  
Mayor

By: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
(Print Name)

ATTEST: \_\_\_\_\_  
City Clerk

Date: \_\_\_\_\_