



MEMORANDUM

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

FROM: William R. Gray, Public Works Director

DATE: March 3, 2008

RE: Carle Foundation Hospital Request for Street Vacation
Park Street between Lincoln Avenue and Busey Avenue

Introduction

A Carle Foundation Hospital (Carle) representative has recently contacted the Public Works Director stating that Carle has acquired the last remaining property on Park Street at the northeast corner on Lincoln Avenue (816 W. Park Street). The City can now proceed with vacating Park Street between the east right-of-way line of Lincoln Avenue and the north leg of Busey Avenue at the east right-of-way line extended. See attached vacation plat. The appraised and agreed to value for this proposed segment of Park Street to be vacated is \$234,500.

Park Street between the north leg of Busey Avenue from the east right-of-way line extended and Coler Avenue was vacated by the City Council on September 17, 2007 and the \$115,500 payment for the vacation has been received by the City.

As you may recall this street vacation and the other streets already vacated are contingent upon Carle receiving a Certificate of Need from the Illinois Health Facilities Planning Board. This decision is not expected until late summer/early fall. For reference attached please find a copy of the agreement between the City and Carle regarding street vacations.

Recommendation

It is recommended that an Ordinance Vacating a Portion of Park Street Between Lincoln Avenue and Busey Avenue be approved.

ORDINANCE NO. 2008-03-014

AN ORDINANCE VACATING A PORTION OF PARK STREET BETWEEN
LINCOLN AVENUE AND BUSEY AVENUE

WHEREAS, Carle Foundation owns all of the real property which abuts on both sides of that portion of Park Street herein vacated; and

WHEREAS, Carle Foundation has requested such portion of Park Street to be vacated; and

WHEREAS, the vacation of such portion of Park Street will not impair access to any property other than that property owned by Carle Foundation and

WHEREAS, in accordance with the requirements of Section 2-160 of the Urbana City Code, a public hearing was held on the 13th day of August, 2007, 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 27th day of July, 2007, and the Zoning Administrator also caused to be mailed, a copy of the said Notice so published, to each of the last known taxpayers of record of all properties adjacent to or within 250' in each direction of the portion of the street proposed to be vacated, said mailing having been accomplished on the 27th day of July, 2007.

NOW, THEREFORE, BE IT ORDAINED:

Section 1. That the following described portion of Park 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 interest shall be subserved by vacating the same:

A portion of the Park Street (formerly First Street) Right-of-Way, in the Southwest Quarter of Section 8, Township 19 North, Range 9 East of the Third Principal Meridian, Champaign County, Illinois, more particularly described as follows:

All that part of the Park Street (formerly First Street) Right-of Way, between the existing easterly Right-of-Way line of Lincoln Avenue, as shown on the plat of Simeon H. Busey's Addition to the City of Urbana, as recorded in Deed Record Book 26, at page 2 in the Office of the Recorder of Deeds, Champaign County, Illinois, and the existing easterly Right-of-Way line of Busey Avenue, as shown on the plat of M. W. & G. W. Busey's Subdivision of Lot "D" and the West 396 feet of the South 67.4 feet of Lot "B" of S. H. Busey's Survey, as recorded in Plat Book "B", at page 120 in the Office of the Recorder of Deeds, Champaign County, Illinois. Said Right-of-Way being sixty-six feet (66') in width.

Said tract containing 1.02 acres (44,550 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. The right-of-way herein vacated shall attach to and become a part of the parcel number identified by PIN #91-21-08-303-014, 91-21-08-303-026, 91-21-08-303-025, 91-21-08-303-024, 91-21-08-304-018, 91-21-08-304-006, 91-21-08-304-007, 91-21-08-304-019 & 91-21-08-307-001.

Section 4. The City Council of the City of Urbana, Illinois, finds and determines that \$234,500 is the amount of money which is equal to the benefits which will accrue to the owners of the abutting properties by reason of this Vacation Ordinance; and this Ordinance shall not be effective until payment of such sum has been made to the Comptroller of the City of Urbana, Illinois.

Section 5. The City Clerk is directed to record a certified copy of this ordinance when the Comptroller advises the Clerk that the sum set forth in Section 4 has been received by the City. The recording of this Ordinance in the Office of the Recorder shall be proof that such payment has been made.

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 of the City of Urbana, Illinois, at a regular meeting of said Council.

PASSED by the City Council this _____ day of _____,
2008

AYES:

NAYS:

ABSTAINS:

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this _____ day of _____, 2008.

Laura Lunt Prussing, Mayor

COPY

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**

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.

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 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.

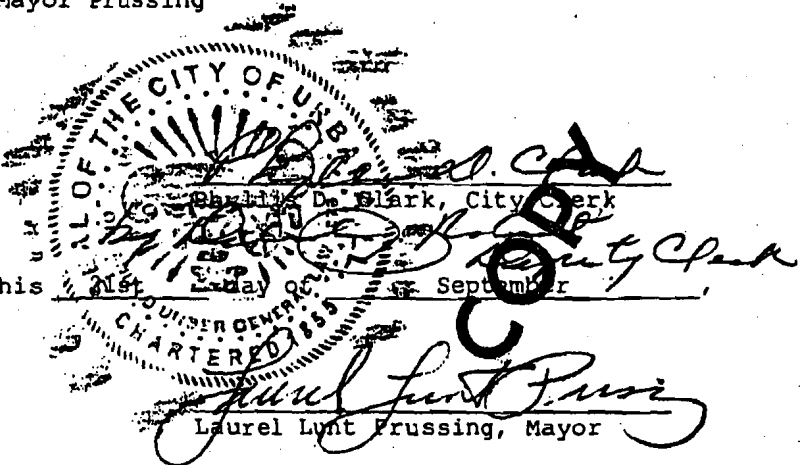
PASSED by the City Council this 17th day of September,
2007.

AYES: Bowersox, Chynoweth, Lewis, Roberts, Smyth,
Stevenson, Mayor Prussing

NAYS:

ABSTAINS:

APPROVED by the Mayor this 17th day of September,
2007.



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

WHEREAS, at the request of The Carle Foundation (hereinafter Carle), the City of Urbana is considering the vacation of portions of certain streets to accommodate proposed plans to expand the medical facilities of Carle which would involve those portions of the streets 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”; and,

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,

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:

1. If Carle does not receive approval of its plans (Certificate of Need) from the Illinois Health Facilities Planning Board and upon written demand by the City on Carle, Carle shall forthwith do and perform any and all acts necessary to accomplish dedication as a public right-of-way the Subject Streets, and the City shall pay to Carle the sum paid by Carle as a condition for vacating the Subject Streets.

2. If the Certificate of Need includes approval of only a portion of Carle's proposed expansion, then upon written demand by the City on Carle, Carle shall forthwith do and perform any and all acts necessary to accomplish dedication as a public right-of-way such portion of the Subject Streets not needed for such expansion, and the City shall pay to Carle a prorata portion of the sum paid by Carle as a condition to vacating the Subject Streets.

3. 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.

4. 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".

5. The City of Urbana agrees to hold Carle harmless from any and all liability, loss, or damage Carle may suffer as a result of property damage, injury or death, or other claims, demands, costs, or judgments against Carle arising from the public use of the Subject Streets during the "Street Open Period".

6. If Carle receives the 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 to proceed in a reasonable time frame to construct a Heart and Vascular Center Building, consisting of multiple stories and containing approximately two hundred forty thousand (240,000) square feet in gross area to accommodate approximately one hundred and twenty (120) hospital beds at an approximate construction cost of One Hundred and Forty Four Million Dollars (\$144,000,000.00).

7. If the plans submitted to the City by Carle for a building permit for the facility are for such a facility that is significantly reduced in size or construction costs, the City may reconsider the desirability of vacating the subject streets and exercise the rights of the City to have all, or

portions of the subject streets, dedicated by Carle as public road Right-Of-Way as set forth in paragraph one (1) above.

8. In order to maintain an acceptable level of access and circulation to the public, Carle agrees to provide public pedestrian and bicycle facilities through the Carle campus in the general vicinity of the Heart and Vascular Center, according to a circulation plan to be provided to the City Engineer for his or her review and approval.

9. Carle further agrees to provide vehicular, pedestrian, and bicycle facilities utilizing a “complete street” design approach along McCullough Street and the south loop road of Carle’s campus, according to a circulation plan to be provided to the City Engineer for his or her review and approval.

CITY OF URBANA, ILLINOIS

THE CARLE FOUNDATION

By: _____
Mayor

By: _____

Date: _____

(Print Name)

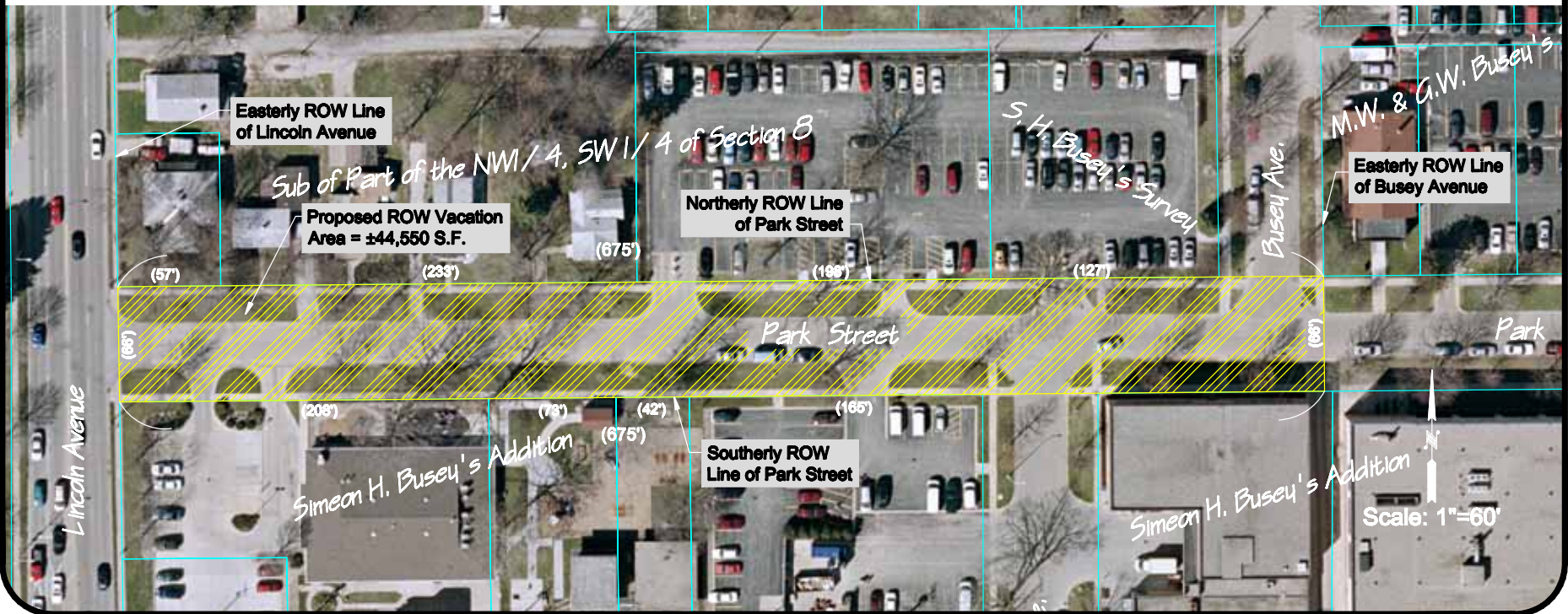
ATTEST: _____
City Clerk

Date: _____

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**PLAT MAP SHOWING PUBLIC RIGHT-OF-WAY VACATED
BY CITY OF URBANA ORDINANCE NO. 2008-XX-XXX
DATE: March XX, 2008**

**City of Urbana
Public Works Department
Engineering Division**



Drawn by: BWF
Checked by: WRG 8/28/2007

Date: 8/27/2007