



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: Laurel Lunt Prussing, Mayor

FROM: Elizabeth H. Tyler, AICP, Director, Community Development Services
William R. Gray, P.E., Public Works Director

DATE: March 20, 2008

SUBJECT: An Ordinance Vacating a Public Alley (Bounded by University Avenue, Clark Street, Lincoln Avenue, Gregory Street)

Background

In 2001, the University of Illinois and the City of Urbana entered into an Agreement Concerning the Vacation of Certain Rights-of-Way through the adoption of Ordinance No. 2001-08-083. In the agreement, the City and the University agreed to work jointly to market for development the property located at the southwest corner of University and Lincoln Avenues. The intent of the agreement was to create a significant architectural presence at the location that serves as an improvement to the University Avenue corridor's urban character and to create a development that generates tax revenues for the City of Urbana.

The subject property is comprised of three parcels commonly known as 901 W. University Avenue, 902 W. Clark Street and 904 W. Clark Street. The subject parcels are currently owned by the University of Illinois Foundation. There is an alley known as Mulberry Alley that bisects the parcels, effectively splitting the property in half. Vermilion Development Corporation, contract purchaser for the subject property, is proposing a three-story, 31,950 S.F. mixed-use retail/office building for the site. In order to achieve the envisioned development outlined in the agreement between the City and the University, vacation of the alley adjacent to the subject property is necessary.

The petitioner is also requesting two major variances. The first requested variance would allow for construction of a building with front yard setbacks on both University and Lincoln Avenues ranging from zero to ten feet. The second variance request would allow for parking to encroach greater than ten feet into the required fifteen-foot front yard setback along the northern portion of the Lincoln Avenue frontage. These variances are being presented to City Council as a separate item.

Discussion

The total size of the subject property is 34,000 S.F. Development of the site is challenging due to size of the property as well as the fact that an alley bisects the property. The alley runs parallel to University Avenue between Gregory Street and Lincoln Avenue. There are a number of utilities located within the alley. Relocating the utilities would be cost prohibitive.

To develop the subject property to its fullest potential, improve site circulation and safety, and provide for on site parking, the petitioner is requesting vacation of the portion of Mulberry Alley that bisects the property. The portion of the alley to be vacated is the easterly 106.92 feet of Mulberry Alley, consisting of 0.041 acres more or less. The public alley right-of-way is 16½ feet in width. (See attached Alley Vacation Plat) Vacation of the said portion of the alley will have a positive impact by eliminating alley access that currently exists on Lincoln Avenue. Instead of traffic exiting on Lincoln Avenue, the petitioner will provide for an “easement in gross” to allow for circulation of public traffic through the subject site with ingress/egress via Clark Street. (See attached Easement in Gross) In addition, easements will be provided for the utilities that are within the existing Mulberry Alley.

Aside from the proposed development, there are four properties that abut the alley that are impacted by the proposed alley vacation. The impacted property owners have been notified of the petition for alley vacation. According to the petitioner, owners of property located at 906 and 908 W. Clark Street have signed the petition indicating that they do not object to the alley vacation. The owner of property at 402 N. Gregory Street has indicated via voicemail that they also do not object to the alley vacation. The owner of 911 W. University Avenue (Dairy Queen) is unwilling to sign the petition due to concerns about truck access to his site, visibility of his business and increased development in the area.

The Zoning Board of Appeals held a public hearing on March 12th concerning the two major variances requested for the proposed development. The owner of 911 W. University voiced his concern for the proposed alley vacation, but not the variance requests. (See attached ZBA minutes) To summarize, the owner questioned why the alley could not remain open. He noted that the alley is used not only by the abutting properties but also by the public. He also questioned what would occupy the proposed building. He voiced concern for uses that would generate additional traffic at an already very busy intersection thereby discouraging people from stopping at area businesses. The owner also expressed concern as to whether a 21 foot truck could turn in the alley. Staff noted that the partial alley vacation is integral to the development of the property. The vacation will allow for improved site circulation. Although the access to Lincoln Avenue will be eliminated, an easement will be provided across the subject property. There will be a driveway from the alley south to Clark Street for public access. The Public Works Director has indicated to Planning staff that the driveway will be a sufficient width and dimension to accommodate 21 foot service and delivery vehicles. It is unknown at this time what type of businesses will occupy the building. The Zoning Board of Appeals voted unanimously to recommend to City Council to approve the two requested variances with a vote of 6 ayes and 0 nays.

Vacation of the said portion of Mulberry Alley is integral to the proposed development of the property by Vermillion Development Corporation. Vacation of the alley is not necessary should development of the property not move forward as proposed. To ensure that the alley is not vacated until Vermilion Development Corporation moves forward with development of the property, the adopting ordinance provides that the a certified copy of the ordinance will not be recorded until such time that funds in the amount of \$100 are paid to the City as outlined in Section 4 of the Ordinance. (See attached Ordinance)

Fiscal Impacts

There are no fiscal impacts associated with the proposed alley vacation. The alley vacation will reduce the City's responsibility for maintenance and liability for the alley.

Recommendation

It is recommended that the attached Ordinance Vacating a Public Alley (Bounded by University Avenue, Clark Street, Lincoln Avenue, Gregory Street Block) be approved.

Attachments: Draft Ordinance Approving Alley Vacation
 Alley Vacation Plat
 Easement in Gross

cc: Vermilion Development Corporation
 Attn: Christopher Dillion
 3295 E. Main Street
 Danville, IL 61834

Real Estate Planning & Services, UIUC
109 Coble Hall – Mail Code 335
801 S. Wright Street
Champaign, IL 61820

University of Illinois Foundation
1305 W. Green Street
Urbana, IL 61801

ORDINANCE NO. 2008-03-021

AN ORDINANCE VACATING A PUBLIC ALLEY
(Bounded by University Avenue, Clark Street, Lincoln Avenue, Gregory Street)

WHEREAS, Vermilion Development, Inc., has a contract with the University of Illinois Foundation to purchase all of the real property which abuts on both sides the public Alley herein vacated; and

WHEREAS, Vermilion Development, Inc., has requested such portion of public Alley to be vacated; and the University of Illinois Foundation has no objection; and

WHEREAS, the vacation of such public Alley will not impair access to any property other than that property to be owned by the Vermilion Development, Inc.; and

NOW, THEREFORE, BE IT ORDAINED:

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

A portion of the east-west Public Alley (Mulberry Alley) in the block bounded by University Avenue on the north, Clark Street on the south, Lincoln Avenue on the east and Gregory Street (formerly Babcock Street) on the west, being 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:

The easterly 106.92 feet of the east-west Public Alley (Mulberry Alley) between Lots 22 and 23 of Col. M. W. Busey's Heirs Addition to the Town (now City) of Urbana, as recorded in Deed Record Book 8, at page 444 in the Office of the Recorder of Deeds, Champaign County,

Illinois. Said Public Alley Right-of-Way being sixteen and one half feet (16½') in width.

Said tract containing 0.041 acres (1,741.18 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 #91-21-07-484-003, 91-21-07-484-007 & 91-21-07-484-008.

Section 4. In accordance with Resolution 9899-R2 regarding the City's policy on vacating alleys. The City Council of the City of Urbana, Illinois, finds and determines that \$100.00 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; because Vermilion Development, Inc., has agreed that after the effective date it will grant a right-of-way easement which is an adequate alternate route for the public who would otherwise use the vacated alley.

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 which date shall then be the

effective date of the this ordinance. 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 _____,
_____.

AYES:

NAYS:

ABSTAINS:

Phyllis D. Clark, City Clerk

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

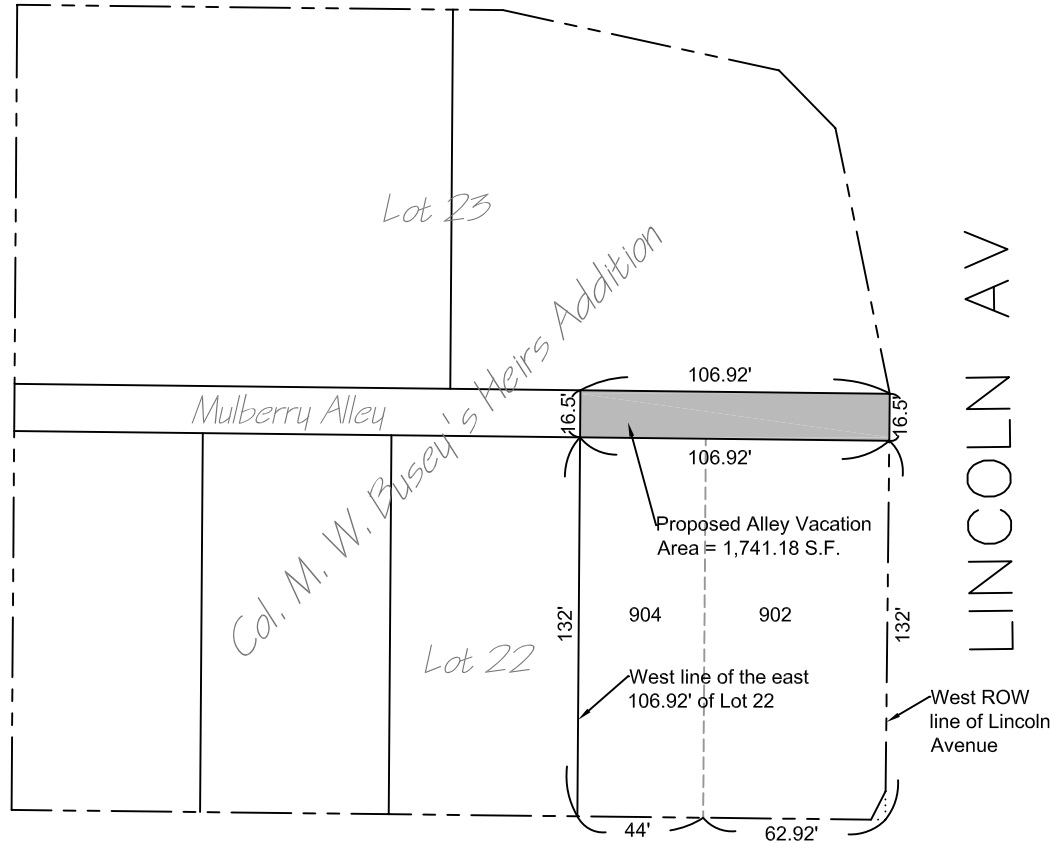
Laura Lunt Prussing, Mayor

UNIVERSITY AV (US RTE 150 & 45)

GREGORY ST

LINCOLN AV

CLARK ST



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

City of Urbana
Public Works Dept.
Engineering Division

Drawn by: BWF
Checked by: WRG

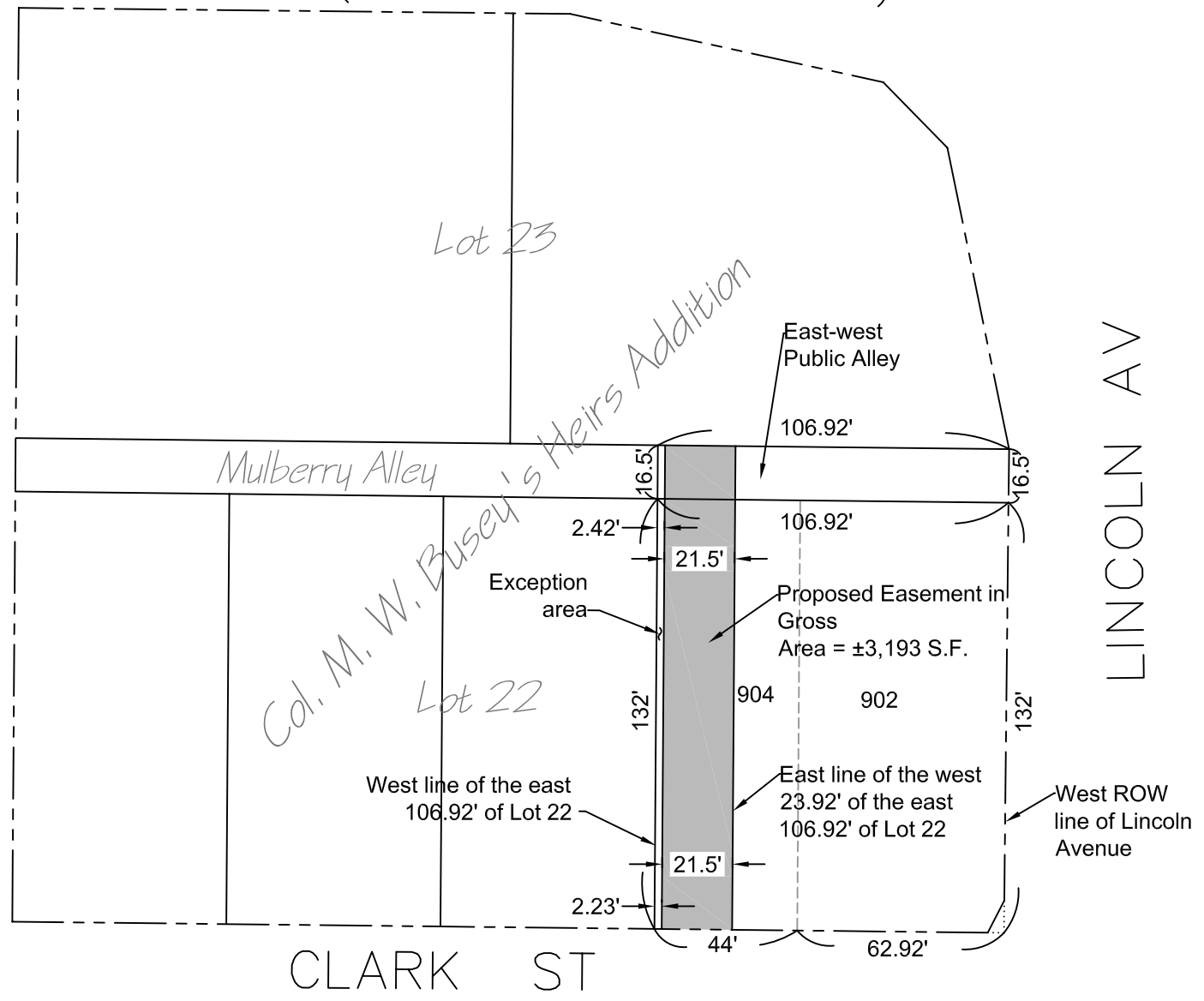
Date: 3/10/2008
Date: 3/XX/2008



UNIVERSITY AV (US RTE 150 & 45)

GREGORY ST

LINCOLN AV



Lot 23
Lot 22
Col. M. W. Busey's Heirs Addition

EXHIBIT "B"
SKETCH SHOWING PROPOSED
EASEMENT IN GROSS

City of Urbana
Public Works Dept.
Engineering Division

Drawn by: BWF

Date: 3/10/2008

