

RESOLUTION NO. 2008-11-025R

**A RESOLUTION APPROVING SETTLEMENT OF LITIGATION
REGARDING 809 W. MAIN STREET**

WHEREAS, the owner of the property commonly known as 809 West Main Street, Urbana, Illinois, Mr. Howard Wakeland, wishes to demolish the house located at that address, and said property is located in a Historic District; and

WHEREAS, Mr. Wakeland has sought, and been denied, a Certificate of Appropriateness and a Certificate of Economic Hardship by the City of Urbana's Historic Preservation Commission, and said denial was subsequently affirmed on administrative appeal to the City Council; and

WHEREAS, such denials preclude Mr. Wakeland from demolishing the structure at 809 W. Main St., and consequently, he has filed, on July 29, 2008, a Complaint for Administrative Review at the Circuit Court of Champaign County; and

WHEREAS, there is a legitimate dispute of facts between the City of Urbana and Mr. Wakeland as to whether such Certificates should have issued to him, and neither party admits error or concedes causes or defenses; and

WHEREAS, the City of Urbana has an interest in ensuring the aesthetics of certain parts of the neighborhood in the Historic District be kept consistent and maintained; and

WHEREAS, the City and Mr. Wakeland wish to avoid the time, expense, and uncertainties of further litigation, and therefore wish to enter into a settlement agreement to facilitate an end to said litigation; and

WHEREAS, in exchange for permission from the City of Urbana to demolish the structure at 809 W. Main St., Mr. Wakeland agrees to dismiss his pending Complaint for Administrative Review, Case No. 08 MR 580, and he has agreed to abide by certain design and construction guidelines with regard to the structure he intends to build on that site

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF
THE CITY OF URBANA, ILLINOIS, AS FOLLOWS:

The City of Urbana City Council hereby authorizes the Mayor to sign, execute, and deliver the negotiated settlement agreement, after review by the Legal Division, between the City of Urbana and Howard Wakeland. Upon acceptance, execution, and delivery, by all necessary parties, of the agreement, its terms shall become operative.

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

AYES:

NAYS:

ABSTENTIONS:

Phyllis Clark
CITY CLERK

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

Laurel Lunt Prussing
MAYOR