

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

FROM: William R. Gray, P.E.

DATE: December 4, 2008

**RE: Public Alley Vacation
Bound by Church Street, Park Street, Lincoln Avenue, and Busey Avenue**

Introduction

The City of Urbana has received a request from the Carle Foundation to vacate the balance of the public alley bound by Church Street, Park Street, Lincoln Avenue and Busey Avenue. See attached Plat Map. This request is made in order to accommodate plans to construct the Carle Campus Modernization Project previously referred to as the Heart and Vascular Institute. A presentation of this project was made before the Committee of the Whole on Monday, July 23, 2007. To date the City has previously vacated Coler Avenue and Busey Avenue between University Avenue and Church Street and Park Street between Lincoln Avenue and Coler Avenue.

The Carle Foundation now owns all properties on both sides of this alley. Per a previous appraisal, the Carle Foundation would compensate the City \$6700 for this vacation pending approval of the attached alley vacation ordinance.

All utility companies in the identified alley area have been contacted and have provided areas where utility easements will remain. Carle Foundation is responsible for properly relocating such utilities at the Carle Foundation's expense where their presence is in conflict with future construction plans.

No public hearing is required for the vacation of a public alley. The alley no longer serves a public purpose.

Fiscal Impact

Per City policy appraisals were performed for this subject alley. The appraised value is \$6700. These funds will be directed to the Economic Development Fund.

Recommendation

It is recommended that an Ordinance Vacating a Public Alley (Church Street, Park Street, Lincoln Avenue, and Busey Avenue Block) be approved.

ORDINANCE NO. 2008-12-138

AN ORDINANCE VACATING A PUBLIC ALLEY

(In the Church Street, Park Street, Lincoln Avenue, and Busey Avenue Block)

WHEREAS, the Carle Foundation owns all of the real property which abuts on both sides the public alley herein vacated; and

WHEREAS, The Carle Foundation has requested such portion of public alley to be vacated; and

WHEREAS, the vacation of such public alley will not impair access to any property other than that property owned by the Carle Foundation; 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 in the block bounded by Park Street (formerly First Street) on the south, Church Street (formerly Second Street) on the north, Lincoln Avenue on the west and Busey Avenue on the east, being 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 above described east-west Public Alley not previously vacated. Said Public Alley right-of-way being twelve feet (12') in width.

Said tract containing 0.05 acres (2,376 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 #91-21-08-303-007, 91-721-08-303-008, 91-21-08-303-009, 91-21-08-303-010 & 91-21-08-303-025.

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 \$6,700.00 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; 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 _____,
_____.

AYES:

NAYS:

ABSTAINS:

Phyllis D. Clark, City Clerk

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

Laura Lunt Prussing, Mayor

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A portion of the east-west Public Alley in the block bounded by Park Street (formerly First Street) on the south, Church Street (formerly Second Street) on the north, Lincoln Avenue on the west and Busey Avenue on the east, being 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 above described east-west Public Alley not previously vacated. Said Public Alley Right-of-Way being twelve feet (12') in width.

Said tract containing 0.05 acres (2,376 square feet), more or less, all situated in the City of Urbana, Champaign County, Illinois.



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

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

Drawn by: BWF
Checked by: WRG 8/29/2007

Date: 8/27/2007
Revised: 11/4/2008