

ORDINANCE NO. 2009-06-071

AN ORDINANCE VACATING MARYLAND DRIVE

(Between Florida Avenue and Pennsylvania Avenue)

WHEREAS, the University of Illinois, and Thomas Arkle Clark Chapter House Memorial, Inc., (hereinafter "ATO Fraternity") owns all of the parcels which abut on both sides of Maryland Drive herein vacated; and

WHEREAS, the vacation of Maryland Drive as described below will not impair access to any property other than that property owned by the University of Illinois, and ATO Fraternity, the owner of which has an agreement with the University of Illinois; and

WHEREAS, in accordance with the requirements of Section 2-160 of the Urbana City Code, a public hearing was held on the 1st day of June, 2009, 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 16th day of May, 2009, and the Zoning Administrator has caused to be mailed a copy of said notice so published to each of the last known taxpayers of record of all properties adjacent to or within two hundred fifty (250') feet in each direction of the street proposed to be vacated, said mailing having been accomplished on the 13th day of May, 2009; and

WHEREAS, at the public hearing, no one appeared to speak against vacating Maryland Drive right-of-way and no communications regarding such were received; and

WHEREAS, the City Council has determined that the nature and extent of the public use or public interest to be subserved is such as to warrant the vacation of Maryland Drive as requested.

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

Section 1. That the City Council of the City of Urbana, Illinois, hereby vacates, subject to the terms set forth in this Ordinance, the following-described street rights of way:

A part of the Southeast Quarter of Section 18, Township 19 North, Range 9 East of the Third Principal Meridian, Champaign County, Illinois, being more particularly described as follows:

All of the Maryland Drive Right-of-Way, being 28 feet in width, between the existing southerly Right-of-Way line of Pennsylvania Avenue and the existing northerly Right-of-Way line of Florida Avenue,

Said Right-of-Way being as shown on the plat of Gallivan's Addition, recorded September 25, 1928 as Document Number 1928R227046 in Plat Book "E", at page 233 in the Office of the Recorder of Deeds, Champaign County, Illinois.

Said vacation containing 0.526 acres (22,904 S.F.), more or less, all situated in the City of Urbana, Champaign County, Illinois.

Section 2. The following listed parcels which abut the public right-of-way herein vacated will, by operation of law, pursuant to the provisions of Section 5/11-91-2 of the Illinois Municipal Code and this ordinance, acquire title to the vacated property:

93-21-18-477-001 & 93-21-18-476-001

Section 3. The City Council of the City of Urbana, Illinois, hereby finds and determines that the public interests will be subserved as a result of this vacation ordinance because the nature and extent of the public use or public interests in such streets is such as to warrant the vacation, especially when considering the relief to the public from further burden and responsibility of maintaining the rights of way herein vacated.

Section 4. The vesting of title in the right-of-way herein vacated in the abutting property owners shall be subject to an agreement to provide an easement which has been entered into between abutting property owners for the

purposes of ingress and egress to and from their property. The rights to use such easement of ingress and egress by the owners of such properties shall be automatically terminated upon the conveyance of such property to the University of Illinois or the University of Illinois Foundation. Upon all such parcels abutting upon the rights of way herein vacated becoming owned by the University of Illinois or the University of Illinois Foundation, all such easements of ingress and egress shall terminate.

Section 5. The title to the vacated rights of way shall vest in the abutting owners subject to any easement or easements in favor of the City or others or any public utilities, their successors or assigns, to operate, maintain, renew, and reconstruct their facilities as now existing on, over, or under the part of the rights of way, unless and until such owners of the land abutting thereon shall cause the rearrangement, removal, or relocation of all said facilities, and shall pay and be responsible for all reasonable costs and expenses as shall be incurred in association therewith.

Section 6. Resolution 7677-78 approved an agreement between the University of Illinois and the City regarding parking meters in the right-of-way herein vacated. The need served by that agreement no longer exists, so the Mayor is authorized to give notice of termination of the agreement as provided therein.

Section 7. This ordinance shall become effective immediately.

Section 8. That the City Clerk is directed to record a certified copy of this ordinance with the Recorder of Champaign County, Illinois.

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called, of three-fourths of the members of the City Council of the City of Urbana, Illinois, at a regular meeting of said City Council.

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

AYES:

NAYS:

ABSTAINS:

Phyllis D. Clark, City Clerk

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

Laurel Lunt Prussing, Mayor