



MEMORANDUM

TO: Mayor Laurel Lunt Prussing and Members of the City Council
FROM: William R. Gray, P.E., Public Works Director
DATE: August 20, 2009
RE: Partial Street Vacation – East Side of Sycamore Street North of Park Street

Introduction

Mr. and Mrs. Arthur Boley who live at 704 East Park Street sent to the Public Works Director a petition dated July 15, 2009 to vacate a portion of excess right-of-way on Sycamore Street north of Park Street. See the attached exhibit. Following this request a Legal Notice was published in the News-Gazette on July 13, 2009 giving notice of a Public Hearing on Monday, August 3, 2009 seeking public comment on this proposed partial street vacation. One resident, Mr. Rodney Gearing who lives at 710 East Park Street, spoke in opposition to this vacation. He stated this vacation would have an adverse impact on the National Guard Armory's operation as they ingress and egress their property to the north. Sergeant Major Brown from the National Guard was contacted by staff and he expressed no objection to the partial vacation of Sycamore Street with the understanding the existing roadway would remain and continue to be maintained by the City. An easement will be established over the subject site to accommodate existing utilities via the attached ordinance.

Per City policy, if the property to be vacated is to adjoin a residential lot and the land area combined is not creating an additional lot that could be subdivided and sold for profit, then the subject land can be vacated at no cost to the benefitting residential property owner. In return the City sheds property that it no longer needs, is no longer responsible for and reduces future liability exposure.

Fiscal Impact

There is no cost to the City other than administrative staff time to process this proposed vacation and legal notice expenses which the City historically does not recover.

Recommendation

It is recommended that an Ordinance Partially Vacating a Street (Sycamore Street north of Park Street) be approved.

ORDINANCE NO. 2009-08-095

AN ORDINANCE VACATING A PORTION OF
SYCAMORE STREET RIGHT OF WAY
(NORTH OF PARK STREET)

WHEREAS, the City of Urbana (hereinafter "the City"), an Illinois Municipal Corporation, has a population in excess of 25,000 and is a home rule entity pursuant to Article 7, §6 of the Constitution of the State of Illinois and 65 ILCS 5/1-1-10; and

WHEREAS, certain residents of the City have petitioned to have a portion of excess right-of-way on Sycamore Street vacated; and

WHEREAS, a legal notice regarding vacation of this certain portion of the Sycamore right-of-way was published on July 13, 2009, and a public hearing was had on August 3, 2009; and

WHEREAS, it is the City's policy that where a vacated right-of-way is to adjoin a residential lot, and the combined land does not create an additional lot that could be subdivided and sold for profit, then the portion of the right-of-way may be vacated at no cost to the adjacent property owner; and

WHEREAS, any excess right-of-way that the City vacates is no longer the responsibility of the City, and therefore, cost and liability exposure are reduced;

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 portion of the Sycamore Street Right-of-Way, also being a part of Lot 1 in Block 4 of Mrs. E. Barr's Subdivision, as shown on a plat recorded in Plat Book "B" at page 195, being more particularly described as follows:

Beginning at the southeast corner of said Lot 1, said point also being at the intersection of the easterly Right-of-Way line of Sycamore Street with the northerly Right-of-Way line of Park Street, thence, S 89°24'27" W, an assumed

bearing, along the southerly line of said Lot 1, said line also being the westerly extension of the northerly Right-of-Way line of Park Street, 44.00 feet; thence, N 25°29'58" E, 99.94 feet, to a point on said easterly Right-of-Way line also being the easterly line of said Lot 1, said point being 30.00 feet southerly of the northeast corner of said Lot 1; thence, S 00°37'19" E, along said easterly line, 89.75 feet, to the point of beginning, having an area of 1,974.567 S.F. (0.045 acres), more or less, all situated in the City of Urbana, Champaign County, Illinois.

All situated in the City of Urbana, Champaign County, Illinois.

Section 2. The following listed parcel, which abuts 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:

91-21-09-302-008

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 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 that part of the rights of way, unless and until such owners of the land abutting therein 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 5. This ordinance shall become effective immediately.

Section 6. 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

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PLAT MAP SHOWING PUBLIC RIGHT-OF-WAY VACATED
 BY CITY OF URBANA, ILLINOIS ORDINANCE NO. 2009-09-XXX
 DATE: September XX, 2009

City of Urbana
 Public Works Department
 Engineering Division

Drawn by: BWF

Date: 8/17/2008

