

ORDINANCE NO. 2013-05-040

**AN ORDINANCE REQUESTING A PERMANENT EASEMENT AND A TEMPORARY
CONSTRUCTION EASEMENT FROM URBANA SCHOOL DISTRICT NO. 116**

(Race Street between Iowa Street and Michigan Avenue)

WHEREAS, the City of Urbana ("City") is a home rule unit of local government pursuant to Article VII, Section 6, of the Illinois Constitution, 1970, and may exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, Urbana School District No. 116 ("District") is a body politic and corporate, organized under and existing pursuant to the School Code of the State of Illinois, 105 ILCS 5/1-1 *et seq.*; and

WHEREAS, the District holds legal title to certain parcels of real estate located on South Race Street between West Iowa Street and West Michigan Avenue within the City, and commonly known as Urbana High School ("Property"); and

WHEREAS, all of the District's territory, including the Property, lies within the corporate limits of the City; and

WHEREAS, the City Council heretofore did on the 15th day of April 2013, pursuant to Ordinance No. 2013-04-031, approve and authorize funding for a street reconstruction project on South Race Street between West Washington Street and West Michigan Avenue, including removal of existing pavement base to allow for placement of a new concrete pavement, road surface striping, installation of curbs, gutters, sidewalks, and storm sewers, relocation of street lighting, and installation of ADA accessible sidewalk ramps and bus turnouts to allow for bus parking in front of Urbana High School; and

WHEREAS, the installation of bus turnouts will require the City to place the street lighting upon District property; and

WHEREAS, the Local Government Property Transfer Act, 50 ILCS 605/0.01 *et seq.*, authorizes and provides for school districts to convey, grant, or transfer real estate to any municipality upon the agreement of the corporate authorities governing the respective parties; and

WHEREAS, the City Council finds and declares that it is necessary or convenient for the City to use, occupy, or improve areas of the Property consisting of approximately 3,498.72 square feet (0.080 acres) and approximately 1,749.35 square feet (0.040 acres), as more fully described on the Permanent Easement and Temporary Construction Easement attached hereto, for said street reconstruction project and for other public purposes; and

WHEREAS, the City Council desires that the District transfer its rights and interest in the Property to the City by the authority conferred by the Local Government Property Transfer Act and upon such terms of a Permanent Easement and a Temporary Construction Easement between the Board of Education of the District and the City; and

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Urbana, Champaign County, Illinois, as follows:

Section 1.

The City Council of the City of Urbana hereby requests that the Board of Education of Urbana School District No. 116 take all necessary and appropriate actions, in conjunction with the necessary and appropriate actions of the City, to transfer the District's rights and interest in the parcels of real estate located on South Race Street between West Iowa Street and West Michigan Avenue to the City, in accordance with the terms of a Permanent Easement and a Temporary Construction Easement between the District and the City.

Section 2.

The acquisition of easements for the real estate located on South Race Street between West Iowa Street and West Michigan Avenue in Urbana, Illinois, substantially on such terms as contained in the Permanent Easement and Temporary Construction Easement attached hereto and incorporated herein, is hereby approved.

Section 3.

The Mayor, or her designee, be and hereby is authorized to perform all acts necessary on behalf of the City of Urbana to effectuate the execution of the easements herein described.

Section 3.

This Ordinance shall be in full force and effect from and after its passage.

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

PASSED BY THE CITY COUNCIL this ____ day of _____, _____.

AYES:

NAYS:

ABSENT:

ABSTAINED:

Phyllis D. Clark, City Clerk

APPROVED BY THE MAYOR this ____ day of _____, _____.

Laurel Lunt Prussing, Mayor

TEMPORARY CONSTRUCTION EASEMENT

In consideration of the sum of One Dollar and other valuable consideration, the Grantor, THE BOARD OF EDUCATION OF URBANA SCHOOL DISTRICT NO. 116, a body politic and corporate, does hereby grant, convey, and dedicate to the Grantee, THE CITY OF URBANA, a municipal corporation in the County of Champaign, State of Illinois, a temporary construction easement and right-of-way and access for ingress and egress for the purpose of constructing a street lighting system and appurtenances within the real estate described in the attached plat and containing approximately 1,749.35 square feet (0.040 acres).

The right, easement, and privilege granted herein shall terminate upon completion of the said work.

In consideration of the grant of the easement hereinabove contained and of payment thereof, the Grantor and Grantee hereby agree as follows:

1. The Grantee will restore the surface of said real estate to its original condition prior to completion of the construction.
2. The Grantee will restore all dislocation of surface and satisfy all damages or injuries sustained by such surface or adjacent property of the Grantor resulting from any fault on the part of the Grantee, its agents, or employees, in the construction of said improvement.
3. The Grantee will indemnify and save harmless the Grantor, its heirs, executors, administrators, and assigns, from any and every claim, demand, suit, damage, and payment thereof, in respect thereto, or in respect of any of them with reference to injury to persons or damage to property caused by any of the work performed by the Grantee under this grant and will require its contractors to so indemnify and save harmless the said Grantor, its heirs, executors, administrators, and assigns.

IN WITNESS WHEREOF, the Grantor has executed this temporary construction easement this _____ day of _____ 2013.

Grantor:
THE BOARD OF EDUCATION OF URBANA SCHOOL DISTRICT NO. 116

BY: _____ ITS: _____
District Authorized Signature

ATTEST:

Secretary

Accepted on behalf of the City of Urbana.

Date: _____

By: _____

William R. Gray
Public Works Director/City Engineer

Approved as to form.

Date: _____

By: _____

Return to:
City of Urbana
Public Works Department – Engineering Division
706 S. Glover Ave.
Urbana, IL 61802
(217) 384-2342



CITY OF URBANA
PUBLIC WORKS
ENGINEERING DIVISION

DRAWN BY: JDM

CHECKED BY: BWF

DATED: 4/14/13

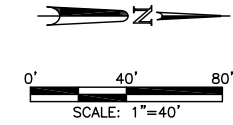
DESIGNED BY: JDM

CITY SECTION
12-00525-00-PV

RACE STREET RECONSTRUCTION
PERMANENT EASEMENT &
TEMPORARY CONSTRUCTION EASEMENT

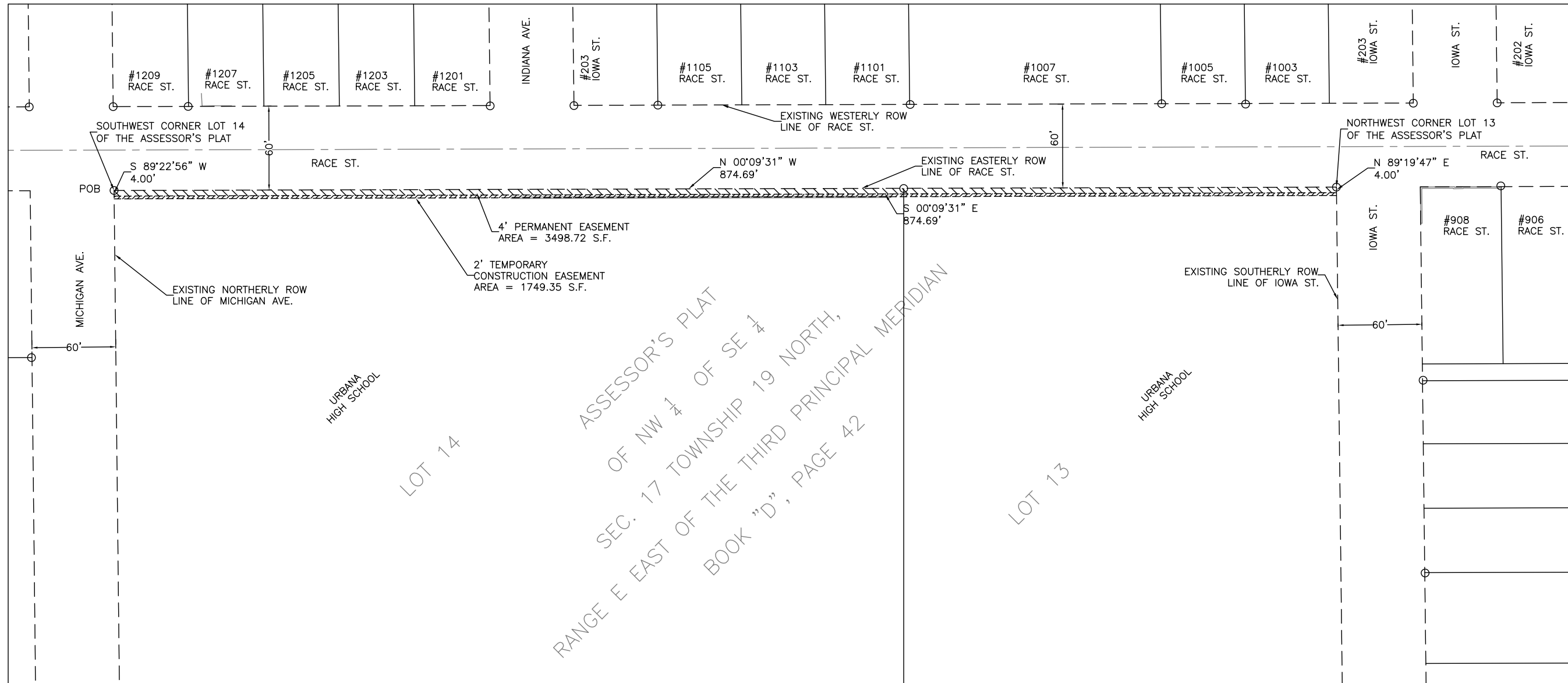
SHEET NO.
1
OF
1

PERMANENT EASEMENT & TEMPORARY CONSTRUCTION EASEMENT



LEGEND

- BOUNDARY LINE
- EX RIGHT OF WAY LINE
- PR 4' PERMANENT LIGHTING EASEMENT
- FOUND IRON ROD



APR 03 2013 3:25PM RACE ST BASE_PR LIGHTING EASEMENT.DWG

PERMANENT EASEMENT

The Grantor, THE BOARD OF EDUCATION OF URBANA SCHOOL DISTRICT NO. 116, a body politic and corporate, for and in consideration of One Dollar and other good and valuable consideration, herewith and hereby gives, grants and conveys unto the Grantee herein, THE CITY OF URBANA, a municipal corporation of the State of Illinois, a perpetual easement, privilege, right, and authority to construct, reconstruct, repair and maintain a street lighting system and appurtenances upon, under and within a part of the real estate described as follows:

(SEE ATTACHED LEGAL DESCRIPTION AND PLAT)

In consideration of the grant of the easement hereinabove contained and of payment thereof, the GRANTOR and GRANTEE hereby agree as follows:

1. During the performance of any repairs, maintenance or construction work, the GRANTEE, its contractors and agents, shall have exclusive use of the permanent easement area as is necessary to the orderly and economical performance of such repair, maintenance or construction work.
2. The street lighting system shall be constructed, repaired and maintained in such manner as the GRANTEE may deem suitable.
3. The GRANTEE, or its contractor, shall regrade all ground disturbed by its work, so that the surface of the real estate above described shall be restored to a condition of safety and amenity, and shall remove from the above described real estate all surplus soil and debris resulting from any such work.
4. The GRANTOR shall have all rights, not herein granted, to the ownership, use and occupation of the above described real estate, except that the GRANTOR shall place no permanent building, structure, fence, or pavement within the permanent easement herein granted, in such a manner as to damage the street lighting system or to restrict the use thereof, or deny the GRANTEE reasonable access thereto for the purpose of the use, repair, replacement, or maintenance thereof.
5. The GRANTEE will indemnify and save harmless the GRANTOR, its heirs, executors, administrators, and assigns, from any and every claim, demand, suit, damage, and payment thereof, in respect thereto, or in respect of any of them with reference to injury to persons or damage to property caused by any of the work performed by the GRANTEE under this grant, and will require its contractors to so indemnify and save harmless the said GRANTOR, its heirs, executors, administrators, and assigns.
6. The grant herein contained shall constitute a covenant which runs with the land and shall be binding upon the heirs, executors, administrators, and assigns of the GRANTOR and the terms and conditions herein set forth shall be binding upon the GRANTOR and the GRANTEE.

IN WITNESS WHEREOF, the Grantor has executed this easement on this _____ day of _____
2013

THE BOARD OF EDUCATION OF URBANA SCHOOL DISTRICT NO. 116

BY: _____ its: _____
District Authorized Signature

ATTEST:

Secretary

Accepted on behalf of the City of Urbana.

Date: _____ By: _____
William R. Gray
Public Works Director/City Engineer

Approved as to form.

Date: _____ By: _____

Return to:
City of Urbana
Public Works Department – Engineering Division
706 S. Glover Ave.
Urbana, IL 61802
(217) 384-2342

LEGAL DESCRIPTION

PERMANENT INDEX NOS.: 93-21-17-402-008 and 93-21-17-402-009

A part of Lot 13 and Lot 14 of Assessor's Plat, as shown on a plat recorded June 15, 1915 as Document Number Book "D" page #42 in the Office of the Recorder of Deeds, Champaign County, Illinois, being more particularly described as follows:

Beginning at the southwest corner of said Lot 14, said point also being on the existing easterly Right of Way line of Race Street; thence N 00 DEGREES 09 MINUTES 31 SECONDS W, along said easterly Right of Way, 874.69 feet, to the southerly Right of Way line of Iowa Street; thence N 89 DEGREES 19 MINUTES 47 SECONDS E, along said southerly Right of Way line, 4.00 feet; thence S 00 DEGREES 09 MINUTES 31 SECONDS E, along a line parallel with and 4.00 feet easterly of the easterly Right of Way line of Race Street, 874.69 feet, to the northerly Right of Way line of Michigan Avenue; thence S 89 DEGREES 22 MINUTES 56 SECONDS W, along said northerly Right of Way line, 4.00 feet, to the point of beginning.

Said easement having an area of 3,498.72 square feet (0.080 acres), more or less, all situated in the City of Urbana, Champaign County, Illinois.



CITY OF URBANA
PUBLIC WORKS
ENGINEERING DIVISION

DRAWN BY: JDM

CHECKED BY: BWF

DATED: 4/14/13

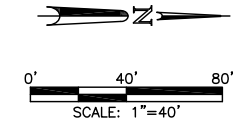
DESIGNED BY: JDM

CITY SECTION
12-00525-00-PV

RACE STREET RECONSTRUCTION
PERMANENT EASEMENT &
TEMPORARY CONSTRUCTION EASEMENT

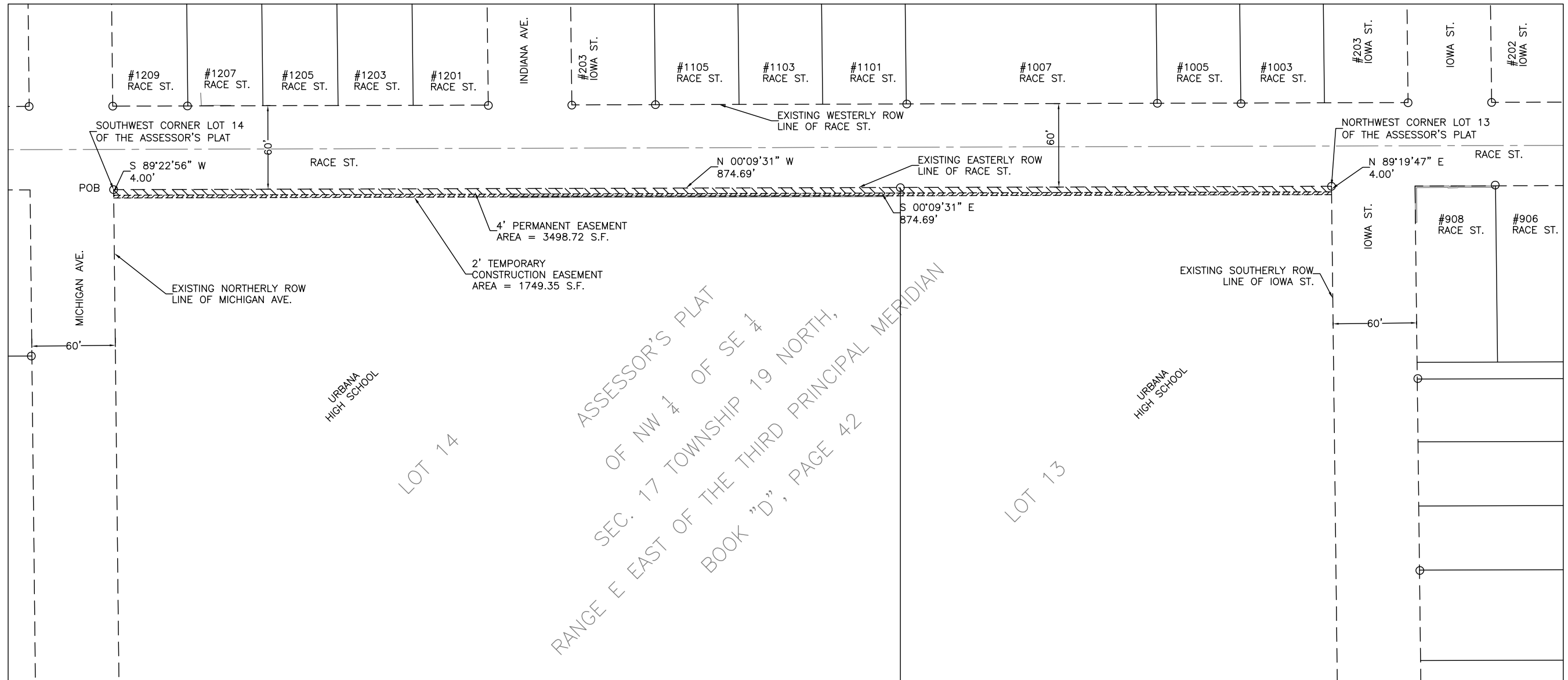
SHEET NO.
1
OF
1

PERMANENT EASEMENT & TEMPORARY CONSTRUCTION EASEMENT



LEGEND

- BOUNDARY LINE
- EX RIGHT OF WAY LINE
- PR 4' PERMANENT LIGHTING EASEMENT
- FOUND IRON ROD



APR 03 2013 3:25PM RACE ST BASE_PR LIGHTING EASEMENT.DWG