



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: Mayor Diane Wolfe Marlin and City Council

FROM: John A. Schneider, Manager, Community Development Services Department

DATE: October 12, 2017

SUBJECT: **An Ordinance Approving a Subdivision Ordinance Waiver Regarding Stormwater Management (407 North Maple Street / Plan Case No. 2319-S-17)**

Introduction

The applicant, MBR Management Corporation, is requesting a waiver from the stormwater management plan requirements of the Urbana Subdivision and Land Development Code (Section 21-42) for the property at 407 North Maple Street, also known as Lot 2 of the Carter's First Subdivision. The City's Code requires new non-residential developments with increases in impervious surfaces of a certain size to submit a stormwater management plan that details how the property will facilitate drainage. Because of the site's size and proximity to the Boneyard Creek, the applicants are requesting a waiver from the stormwater management plan requirement. The waiver would allow stormwater to be conveyed from the site without first detaining it.

Background

The Urbana City Council approved the final subdivision plat for the Carter's First Subdivision in 1992 Plan Case No. 1490-S-92. The site has since remained vacant, except to provide access and overflow parking for the adjacent Carter's Furniture store (See Exhibit A). MBR Management Corporation plans to purchase Lot 2 in Carter's First Subdivision to construct a 3,312 square foot strip center at 407 North Maple Street. Lot 2 is a 0.75 acre parcel at the corner of East University Avenue and North Maple Street and lies just south and adjacent to Boneyard Creek (See Exhibit B).

The applicant has submitted a petition for a waiver from the storm water management requirements of the City's Subdivision Code. Section 21-42.B.1.b of the Code requires that a stormwater management plan be submitted for all non-residential developments over two acres in area or with site impervious area greater than fifty (50) percent of the area of development. The proposed development at 407 North Maple Street will exceed the fifty percent impervious area requirement. Section 21-42.B.5.b of the Code specifies that for a required storm water management plan, the storm water runoff release rate, after development for a 50-year storm event, shall not exceed the five-year storm release rate of the site prior to development. Approval of a waiver for complying with Section

21-42-B.1.b would eliminate the requirement to comply with Section 21-42.B.5.b.

The Urbana Plan Commission considered the requested waiver at its October 5, 2017, meeting. Plan Commission asked about how the water would reach the Creek and about any impacts. Staff responded that the water would be conveyed to an existing large storm sewer before entering the Creek and then would flow east. The discussion concluded with a sense that the waiver was more about not requiring detention than not requiring a stormwater management plan itself. The Plan Commission voted with 7 ayes and 0 nays to forward the waiver request to the City Council with a recommendation of approval.

Discussion

According to Section 21-7 of the Urbana Subdivision and Land Development Code, the petitioner must justify the granting of a waiver from strict compliance with the Code by showing that the waiver meets certain criteria. These criteria are identified and discussed below:

1. *There are conditions of topography or other site specific reasons that make the application of any particular requirement of the land development code unnecessary or, in some cases perhaps, even useless;*

The conditions of the topography make the application of particular requirements of the land development code unnecessary and perhaps useless. The site is located adjacent to the Boneyard Creek, which is a major drainage way in Urbana.

Large drainage ways, such as Boneyard Creek, have a much longer "time of concentration" than a smaller development site. Time of concentration is the time needed for water to flow from the most remote point in a watershed to the outlet. The peak flow of a watershed corresponds with the time of concentration. A large creek, such as Boneyard Creek, will not reach peak flow for hours after a rainfall event, while a small development site will reach peak flow in as little as five minutes.

Stormwater detention, by definition, detains stormwater drainage and releases that drainage over a longer period. Allowing stormwater from the site to quickly reach the Boneyard Creek, instead of capturing it on site in a detention basin and discharging it at reduced rate over time, would reduce the peak flow rate in the Boneyard Creek before the peak flows from upstream areas occur.

2. *The granting of the requested waiver would not harm other nearby properties;*

Granting the waiver to the Subdivision and Land Development Code would not have a negative impact on nearby properties. The applicant states that waiving the stormwater detention requirements will reduce the impact of the peak flow rate from the development to the Boneyard Creek benefiting the adjacent properties. The nearby properties are less likely to have a higher peak flow rate and less likely to become flooded more quickly.

3. *The waiver would not negatively impact the public health, safety and welfare, including the objectives and goals set forth in the comprehensive plan.*

Granting the requested waiver would not cause any harm to the public health, safety and welfare of the community and would not be contrary to the objectives and goals set forth in the Comprehensive Plan. Failure to grant the waiver and requiring detention could negatively impact the public welfare because it could increase peak flows from the site to coincide with peak flows from the Boneyard Creek.

The applicants state that alternatively allowing them to release stormwater directly into the Boneyard Creek in a quick manner would be better for the Creek than a slow-releasing detention on the property. They state that a direct release would keep the peak flow of the Boneyard from increasing. The City Engineer supports the proposed waiver if a condition of approval is included to require the drainage plan for the site is designed to convey the fifty-year design storm directly to the Boneyard Creek.

Summary of Findings

1. The Urbana City Council adopted Ordinance No. 9293-90 on March 15, 1993, approving the final subdivision plat for Carter's First Subdivision.
2. The applicant has submitted a waiver request from the stormwater management plan requirements of the Urbana Subdivision and Land Development Code (Sections 21-42.B.1.b and 21-42.B.5.b) for Lot 2.
3. The proposed waiver would allow for direct connection of the development's drainage to the Boneyard Creek.
4. The requested waiver is necessary because delaying storm water release from the site could produce higher peak flows in the Boneyard Creek.
5. The requested waiver will not be harmful to other properties and would not negatively impact the public health, safety and welfare of the community, nor impede the attainment of goals and objectives contained in the Comprehensive Plan.
6. The City Engineer supports the proposed waiver with the condition that the drainage system for the site is designed to convey the fifty-year design storm directly to the Boneyard Creek.
7. At their October 5, 2017, meeting, the Urbana Plan Commission voted with seven (7) ayes and zero (0) nays to forward the waiver request to the City Council with a recommendation of approval.

Options

City Council has the following options regarding Plan Case Plan Case 2319-S-17:

- a. **Approve** the requested waiver of the stormwater management plan requirements of the Urbana Subdivision and Land Development Code; or

- b. **Deny** the requested waiver of the stormwater management plan requirements of the Urbana Subdivision and Land Development Code.

Recommendation

At its October 5, 2017, meeting, the Urbana Plan Commission voted to forward to the City Council with a recommendation of **APPROVAL** of the requested waiver from the stormwater management plan requirements of Sections 21-42.B.1.b and 21-42.B.5.b of the Urbana Subdivision and Land Development Code with the following condition:

1. The storm drainage plan for the site is designed to convey a fifty-year design storm directly to the Boneyard Creek.

Staff concurs with the Plan Commission recommendation.

Attachments: Exhibit A: Location Map
 Exhibit B: Application
 Exhibit C: DRAFT Urbana Plan Commission Meeting Minutes – October 5, 2017

cc: MBR Management Corporation

Prepared by Brad Bennett, Assistant City Engineer, and Christopher Marx, Planner I

Exhibit A: Location Map



Case: Plan Case 2319-S-17
Subject: Request for Waiver of Subdivision Code
Location: 407 North Maple Street
Petitioner: MBR Management Corporation



**Application for a Waiver of
Subdivision Regulations**

**PLAN
COMMISSION**

DO NOT WRITE IN THIS SPACE - FOR OFFICE USE ONLY

Date Request Filed: _____ Plan Case No.: _____

PLEASE PRINT OR TYPE THE FOLLOWING INFORMATION

1. APPLICANT CONTACT INFORMATION

Name of Applicant(s): MBR Management Corporation c/o Mark Ratterman Phone: (636) 947-4433

Address (*street/city/state/zip code*): 201 North Main, Suite 300, St. Charles, MO 63301

Email Address: mratterman@mbrmgt.com

Property interest of Applicant(s) (*Owner, Contract Buyer, etc.*): Contract Buyer

2. OWNER INFORMATION

Name of Owner(s): 410 N. Vine Building Corporation (V.B. Leister, Jr./Allen Carter) Phone: (217) 367-4066

Address (*street/city/state/zip code*): 410 N. Vine Street, Urbana, IL 61802

Email Address: budleister@cartersfurniture.com / allencarter@cartersfurniture.com

Is this property owned by a Land Trust? Yes No

If yes, please attach a list of all individuals holding an interest in said Trust.

3. PROPERTY INFORMATION

Name of Development: Proposed Domino's Strip Mall

Address/Location of Subject Site: 407 N. Maple Street, Urbana, IL

PIN # of Location: 91-21-08-476-005

Legal Description (*If additional space is needed, please submit on separate sheet of paper*):

Lot 2 in Carter's First Subdivision

Waiver(s) Requested:

Drainage and Storm Water Runoff

Section: **V1-7** Subsection: **Drainage** Page: **72**

Section: Subsection: Page:

Section: Subsection: Page:

Section: Subsection: Page:

What practical difficulties or conditions exist that are not applicable generally to other properties which make it difficult to comply with the requirements of the development ordinance?

See Attached Letter

What effects will the requested waiver(s) have on present and future public services to the property proposed for subdivision and lands adjacent to the property? Further, will such waiver(s) result in any negative impact or environmental incursions to the property adjacent to or in the vicinity of the proposed subdivision? If so, please state (or attach) evidence identifying such impacts and proposed solutions in order to mitigate or reduce the negative impacts resulting from the waiver(s).

See Attached Letter

What other circumstances justify granting the requested waiver(s)?

The parcel is small with little space for detention. There is no storm sewer or ditch on the west side of the parcel that detention could drain to without crossing private property.

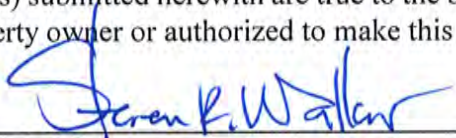
Additional exhibits submitted by the petitioner:

See Attached Exhibits

NOTE: If additional space is needed to accurately answer any question, please attach extra pages to the application.

CERTIFICATION BY THE APPLICANT

I certify all the information contained in this application form or any attachment(s), document(s) or plan(s) submitted herewith are true to the best of my knowledge and belief, and that I am either the property owner or authorized to make this application on the owner's behalf.



Applicant's Signature **MARTIN ENGINEERING CO.**

9-22-17
Date

PLEASE RETURN THIS FORM ONCE COMPLETED TO:

City of Urbana
Community Development Department Services
Planning Division
400 South Vine Street, Urbana, IL 61801
Phone: (217) 384-2440
Fax: (217) 384-2367



MARTIN ENGINEERING COMPANY
CONSULTING ENGINEERS/LAND SURVEYORS

3695 South 6th Street Frontage Road, Springfield, Illinois 62703

September 21, 2017

Lorrie Pearson, AICP, LEED AP
Planning Manager & Zoning Administrator
City of Urbana
400 South Vine Street
Urbana, Illinois 61801

RE: Domino's Pizza – Urbana, Illinois
MEC No. 15205

Dear Ms. Pearson:

MBR Management Corporation plans to purchase Lot 2 in Carter's First Subdivision to construct a 3,312 square foot strip center. Half of the strip center will be occupied by Domino's Pizza. Lot 2 is a 0.75 acre parcel at the corner of East University Avenue and North Maple Street and lies just south and adjacent to Boneyard Creek. Martin Engineering Company is designing the civil drawings for the strip center and, on behalf of our client, request a waiver to not provide detention on the referenced site.

Our request for waiver is based on the following criteria...

1. *"There are conditions of topography or other site specific reasons that make the application of any particular requirement of the land development code unnecessary or, in some cases perhaps, even useless;"*

Large drainage ways, such as Boneyard Creek, have a much longer "time of concentration" than a small parking lot. Time of concentration is a concept used in hydrology to measure the time needed for water to flow from the most remote point in a watershed to the outlet. The peak flow of a watershed corresponds with the time of concentration. A large creek, such as Boneyard Creek, will not reach peak flow for hours after a rainfall event, while a small parking lot will reach peak flow in as little as five (5) minutes.

Storm water detention, by definition, detains storm water drainage and releases that drainage over a long period of time. Due to our proximity to

Boneyard Creek, detaining the runoff from Lot 2 may increase the peak flow in Boneyard Creek. It is better to release the flow from a small development quickly before the creek begins to rise than to delay the release and release the flow at a later time which may coincide with the peak flow in the creek.

2. *"The granting of the request for waiver would not harm other nearby properties;"*

Releasing the storm drainage from Lot 2 without detention, would actually cause less harm to downstream properties than detaining the flows as explained in response #1.

3. *"The waiver would not negatively impact public health, safety and welfare, including the objectives and goals set forth in the comprehensive plan."*

Our request for waiver would have no negative impacts. Eliminating detention on a small site adjacent to Boneyard Creek would...

- A. Protect the floodway of the Boneyard Creek (Goal 7.1)
- B. Reduce flooding (Goal 8.1)
- C. Protect both developed and undeveloped areas from increases in runoff and localized flooding (Goal 36.0)

Based on the above criteria, we respectfully request a waiver to eliminate the need for detention on Lot 2.

Sincerely,

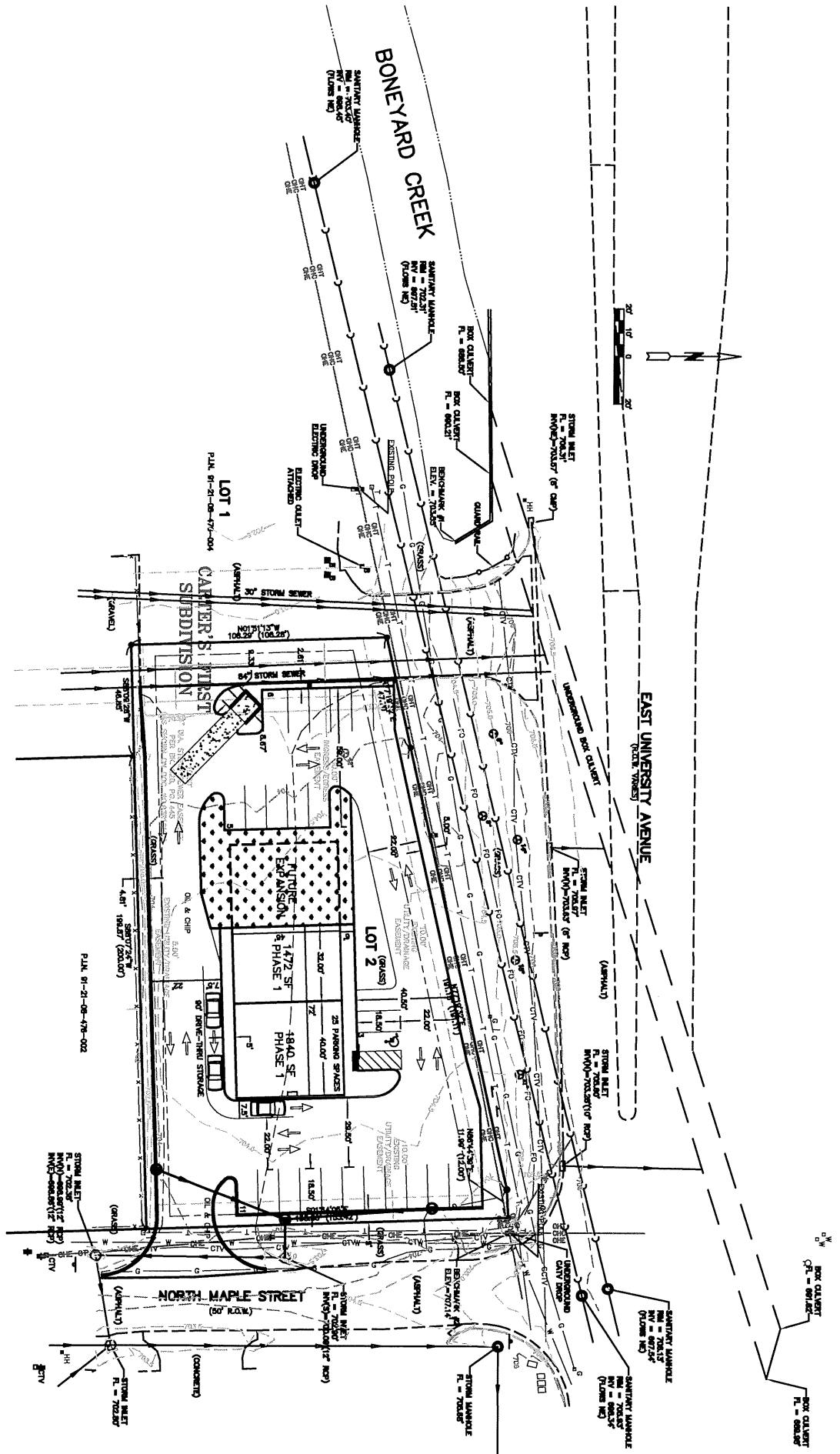
MARTIN ENGINEERING COMPANY



Steven R. Walker, PLS
Vice-President

Cc: Mark Ratterman





MINUTES OF A REGULAR MEETING**URBANA PLAN COMMISSION****DRAFT****DATE:** October 5, 2017**TIME:** 7:30 P.M.**PLACE:** Urbana City Building
Council Chambers
400 South Vine Street
Urbana, IL 61801**MEMBERS PRESENT:** Barry Ackerson, Jane Billman, Tyler Fitch, Lew Hopkins, Nancy Esarey Ouedraogo, Christopher Stohr, David Trail**MEMBERS EXCUSED:** Andrew Fell, Dan Turner**STAFF PRESENT:** Lorrie Pearson, Planning Manager; Kevin Garcia, Planner II; Christopher Marx, Planner I; Brad Bennett, Assistant City Engineer; Teri Andel, Administrative Assistant II**OTHERS PRESENT:** Chris Billing, Brenda Blager, David Blager, Mark Blager, Tom Frasca, Hugh Gallivan, Susan Taylor, David Thies, Steve Walker, Amos Yim, Xuezhn Zhao**NEW BUSINESS****Plan Case No. 2319-S-17 – A request by MBR Management Corporation for a waiver of Sections 21-42.B.1.b and 21-42.B.5.b of the Urbana Subdivision and Land Development Code regarding stormwater management plan requirements for Lot 2 in Carter’s First Subdivision located at 407 North Maple Street.**

Chair Fitch opened this item on the agenda. Christopher Marx, Planner I, introduced this case to the Plan Commission noting the location of the subject property. Brad Bennett, Assistant City Engineer, explained the reason for the waiver from the stormwater detention requirements. He noted that staff’s findings were that it would be better to move any stormwater quickly into the Boneyard Creek rather than detaining the water and releasing it slowly over time, especially since the Boneyard Creek is immediately adjacent to the subject property. The idea is to move the water as quickly as possible off the land before the main peak of watershed comes down. City staff is looking to add exemptions for this in proposed revisions to the Urbana Subdivision and Land Development Code that is currently in draft form. The reason for the exemption is that many times, portions of properties adjacent to streams and creeks are located in the floodway or floodplain, and the City does not want to locate stormwater detention on floodway properties. We want structures located outside of floodway and floodplain areas, so requiring a portion of the

usable property to be used for stormwater detention immediately adjacent to creeks can prove problematic.

City staff does not anticipate any adverse impacts from waiving the stormwater detention requirements. The property owner would still be required to convey the 50-year design storm to the creek, which they could do through their storm sewer system. Therefore, there would still be flood control provided, just not flood detention.

Mr. Marx reviewed the criteria from Section 21-7 of the Urbana Subdivision and Land Development Code that must be met. He presented the options of the Plan Commission and stated City staff's recommendation for approval including the condition that the storm drainage system for the site be designed to convey a 50-year design storm directly to the Boneyard Creek.

Chair Fitch asked if any Plan Commission members had questions for City staff.

Mr. Ackerson mentioned that the application appeared to ask for another waiver of a requirement for semi-permeable surface as opposed to impermeable surface. Why would the City not want them to use a semi-permeable surface? Mr. Bennett believed the statement in the application was in reference to the City's policy on redevelopment for stormwater management. The policy is that the property owner would only need to provide stormwater detention for the net increase in impervious area. A portion of the subject property is already graveled, so that portion would be grandfathered in and the owner would not need to provide a detention for it. As the owner develops out the site, they would need to provide for any increase in detention. If over 50% of the site is impervious, it triggers stormwater detention requirements. The property owner in this case would be over 50% and would need to provide detention if the Plan Commission and City Council do not waive it for them.

Mr. Stohr wondered about the structure to the immediate west of proposed site. He asked if it was a stormwater retention. Mr. Bennett said that was part of the Boneyard Creek. An 84-inch storm sewer comes down from Schnucks and discharges into a double box culvert that runs under University Avenue. Mr. Hopkins asked if that would be where the proposed site would discharge in. Mr. Bennett said yes.

Mr. Hopkins stated that in this case, it appears they would be waiving from the requirement for a stormwater management plan. Mr. Marx said that was correct. Mr. Hopkins replied that he would rather change the wording to waive the requirement for a detention to the 5-year standard. He wants the applicant to still be required to provide a stormwater management plan, which is direct discharge to the Boneyard Creek. Mr. Bennett agreed. Even if they were below the 50%, the City would still want to see how the owner plans to drain the site.

There were no further questions for City staff. Chair Fitch opened the hearing for public input. There was none. He closed the public input portion of the hearing and opened it for Plan Commission discussion and/or motion(s).

Ms. Billman wondered if the size of the existing building increased dramatically, would the Plan Commission have any say. Mr. Fitch explained that the Plan Commission was only considering a waiver to the stormwater management plan. The size of the existing building has already

triggered the requirements for the owner to have a stormwater management plan, so the size of the building increasing was not a concern.

Mr. Trail wondered if the City staff had a long-term vision of any recreational activity along the Boneyard Creek. Mr. Bennett stated that the Boneyard Creek Master Plan covers this section of the Creekway. He explained that the proposed site would discharge into the 84” storm sewer that ties into the underground box culvert. As a result, the discharge would not be coming into the open portion of the Boneyard channel where the Boneyard Creek Master Plan calls for improvements

Mr. Stohr asked if the property to the west had any stormwater retention. Mr. Bennett said no. The property was probably developed before the stormwater regulations were created in the 1980s.

Mr. Hopkins moved that the Plan Commission forward Case No. 2319-S-17 to the City Council with a recommendation for approval including the following condition: The storm drainage plan for the site is designed to convey a fifty-year design storm directly to the Boneyard Creek. Mr. Ackerson seconded the motion. Roll call on the motion was as follows:

Mr. Fitch	-	Yes	Mr. Hopkins	-	Yes
Ms. Ouedraogo	-	Yes	Mr. Stohr	-	Yes
Mr. Trail	-	Yes	Mr. Ackerson	-	Yes
Ms. Billman	-	Yes			

The motion passed by unanimous vote. Ms. Pearson announced that this case would be forwarded to City Council on Monday, October 16, 2017.

ORDINANCE NO. 2017-10-062

**AN ORDINANCE APPROVING A SUBDIVISION ORDINANCE
WAIVER REGARDING STORMWATER MANAGEMENT**

(407 North Maple Street / Plan Case No. 2319-S-17)

WHEREAS, the Urbana City Council approved the Final Plat for Carter's First Subdivision on March 15, 1993, in Plan Case 1490-S-92 under Ordinance No. 9293-90; and

WHEREAS, Section 21-42 of the Urbana Subdivision and Land Development Code requires new non-residential developments with increases in impervious surfaces of a certain size to submit a stormwater management plan that details how the property will facilitate drainage; and

WHEREAS, the applicant, MBR Management Corporation, is requesting a waiver of Sections 21-42.B.1.b and 21-42.B.5.b of the Urbana Subdivision and Land Development Code which require a stormwater management plan and a stormwater runoff release rate after development for a 50-year storm event to not exceed the five-year storm release rate of the site prior to development; and

WHEREAS, the applicant is requesting permission to provide drainage directly into the Boneyard Creek; and

WHEREAS, the requested waiver would not harm other nearby properties or negatively impact the public health, safety, and welfare, and meets the waiver criteria in Section 21-7 of the Urbana Subdivision and Land Development Code; and

WHEREAS, the Urbana Plan Commission met on October 5, 2017, to consider the requested waiver and voted with 7 ayes and 0 nays to recommend that the Urbana City Council approve the waiver of the requirements in Sections 21-42.B.1.b and 21-42.B.5.b of the Urbana Subdivision and Land Development Code with one condition; and

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

Section 1. In Plan Case Plan Case 2319-S-17, MBR Management Corporation requests a waiver for Urbana Subdivision and Land Development Code requirements in Sections 21-42.B.1.b and 21-42.B.5.b, is hereby approved in the manner proposed in the application and subject to the following condition:

- The storm drainage plan for the site is designed to convey a fifty-year design storm directly to the Boneyard Creek.

The waiver described above shall only apply to the property located at 407 North Maple Street, more particularly described as follows:

Legal Description:

ALL THAT PART OF LOT 7 OF A SUBDIVISION OF THE ESTATE OF WILLIAM T. WEBBER, DECEASED, AS SHOWN BY PLAT APPEARING OF RECORD IN LETTER BOOK "A", PAGE 244 IN THE RECORDER'S OFFICE OF CHAMPAIGN COUNTY, ILLINOIS, LYING SOUTH OF THE GRAVEL ROAD DESCRIBED IN THE DEED RECORDED IN DEED RECORD 186 AT PAGE 369, AND NORTH OF THE RIGHT-OF-WAY OF THE PEORIA AND EASTERN RAILWAY COMPANY (SUCCESSOR IN INTEREST TO THE INDIANAPOLIS, BLOOMING AND WESTERN RAILWAY COMPANY, GRANTEE IN A DEED RECORDED IN DEED RECORD 32 AT PAGE 565) AND EAST OF THE TRACT CONVEYED BY ELIZABETH BARR TO THE PEOPLE OF THE STATE OF ILLINOIS BY THE RIGHT-OF-WAY DEED DATED NOVEMBER 18, 1932 FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF DEEDS OF CHAMPAIGN COUNTY, ILLINOIS.

AS SET FORTH IN WARRANTY DEED, DATED OCTOBER 6, 1952 AND FILED FOR RECORD OCTOBER 22, 1952 IN BOOK 455, PAGE 339 OF THE RECORDS OF CHAMPAIGN COUNTY, ILLINOIS.

OTHERWISE DESCRIBED AS A RESULT OF A SURVEY PERFORMED BY M.H. KINCH ON NOVEMBER 17, 1952 AS: BEGINNING AT A POINT 100 FEET EAST OF THE CENTERLINE OF VINE STREET AND 50 FEET NORTH OF THE CENTERLINE OF THE NEW YORK CENTRAL RIGHT-OF-WAY; THENCE 226.0 FEET NORTH; THENCE AT AN ANGLE OF 03°2' FOR A CHORD DISTANCE OF 116.5 FEET (CURVE RADIUS EQUAL 1,000 FEET); THENCE EASTERLY AT AN ANGLE OF 103°15' FOR A DISTANCE OF 623.8 FEET; THENCE SOUTHERLY AT 79.08°8' FOR 494.9 FEET; THENCE WESTERLY AT 86°46' FOR 616.1 FEET TO THE POINT OF BEGINNING.

EXCEPT,

A PORTION OF LOT 7 OF A SUBDIVISION OF THE ESTATE OF WILLIAM T. WEBBER, DECEASED, LOCATED IN AND BEING A PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 8, TOWNSHIP 19 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS BOUNDED BY A LINE AS FOLLOWS, TO-WIT:

COMMENCING AT A POINT WHICH IS 200 FEET WEST OF THE WEST LINE OF THE GRAVEL ROAD EXTENDING NORTH AND SOUTH ALONG THE EAST LINE OF SAID LOT 7 (MEASURED AT RIGHT ANGLES TO SAID WEST ROAD LINE) AND 28 FEET NORTH OF THE NORTH LINE OF THE RIGHT-OF-WAY OF THE NEW YORK CENTRAL RAILROAD; THENCE NORTH ALONG A LINE 200 FEET WEST OF AND PARALLEL WITH SAID WEST ROAD LINE A DISTANCE OF 300 FEET THENCE EAST AT RIGHT ANGLES TO SAID LAST MENTIONED LINE A DISTANCE OF 200 FEET TO SAID WEST ROAD LINE; THENCE SOUTH ALONG SAID WEST ROAD LINE A DISTANCE OF 300 FEET TO A POINT WHICH IS 39.53 FEET NORTH OF SAID NORTH RAILROAD RIGHT-OF-WAY LINE; THENCE WEST TO THE PLACE OF BEGINNING, SITUATED IN CHAMPAIGN COUNTY, ILLINOIS, AS SET FORTH IN WARRANTY DEED, DATED JUNE 25, 1954 AND FILED FOR RECORD ON JUNE 26, 1954, IN BOOK 500 ON PAGE 344 OF THE RECORDS OF CHAMPAIGN COUNTY, ILLINOIS.

AND ALSO

A PORTION OF THE CONSOLIDATED RAIL CORPORATION RIGHT-OF-WAY HAS BEEN PURCHASED BY THE OWNER AND IS NOW A PART OF THIS SUBDIVISION. THE RIGHT-OF-WAY ACQUIRED IS MORE PARTICULARLY DESCRIBED AS SET FORTH IN THE FOLLOWING DESCRIPTION PROVIDED TO ME AS FOLLOWS:

BEGINNING AT THE POINT OF INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY LINE OF THE CONSOLIDATED RAIL CORPORATION RAILROAD – CONRAIL AND THE EAST RIGHT-OF-WAY LINE OF VINE STREET, PROCEED SOUTH 00°00'00" WEST ALONG SAID EAST RIGHT-OF-WAY LINE OF VINE STREET, 25.06 FEET TO POINT BEING 35.00 FEET NORTH OF THE CENTER LINE OF SAID CONSOLIDATED RAIL CORPORATION RAILROAD AS MEASURED PERPENDICULAR TO SAID CENTER LINE; THENCE SOUTH 86°00'35" EAST ALONG A LINE BEING PARALLEL WITH AND 35.00 FEET NORTH OF AS MEASURED PERPENDICULAR TO SAID CENTER LINE, 615.48 FEET TO THE WEST RIGHT-OF-WAY LINE OF MAPLE STREET; THENCE NORTH 00°41'00" EAST ALONG SAID WEST RIGHT-OF-WAY LINE OF MAPLE STREET, 25.02 FEET TO SAID NORTHERLY RIGHT-OF-WAY LINE OF THE CONSOLIDATED RAIL CORPORATION RAILROAD; THENCE NORTH 86°00'35" WEST ALONG SAID NORTHERLY RIGHT-OF-WAY LIEN, 615.78 FEET TO THE POINT OF BEGINNING, ENCOMPASSING 0.353 ACRES MORE OR LESS.

P.I.N.: 91-21-08-476-005

Section 2. The Urbana City Clerk is directed to publish this Ordinance in pamphlet form by authority of the Corporate Authorities. This Ordinance shall be in full force and effect from and after its passage and publication in accordance with the terms of Chapter 65, Section 1-2-4 of the Illinois Compiled Statutes (65 ILCS 5/1-2-4).

PASSED BY THE CITY COUNCIL this ____ day of _____, 2017.

AYES:

NAYS:

ABSTENTIONS:

Charles A. Smyth, City Clerk

APPROVED BY THE MAYOR this ____ day of _____, 2017.

Diane Wolfe Marlin, Mayor