



MEMORANDUM

TO: Mayor Diane Wolfe Marlin and Members of the City Council
FROM: William R. Gray, Public Works Director
Bradley M. Bennett, Assistant City Engineer
DATE: March 8, 2018
RE: West Church Street Right-of-Way Vacation at intersection with North Lincoln Avenue

Action Requested

Approval of “AN ORDINANCE VACATING A CERTAIN PORTION OF RIGHT-OF-WAY (Church Street West of Lincoln Avenue)”

Background and Facts

LCD Acquisitions, LLC is representing the Tekton Group LLC Series Churchill which is the owner of properties located at 910, 908, 906, West Church Street and 701 North Lincoln Avenue and Illinois American Water which owns 601 North Lincoln Avenue, in the redevelopment on the properties referenced above. LCD Acquisition is requesting that a portion of the West Church Street right-of-way (ROW) be vacated by the City at the intersection of North Lincoln Avenue. Please see Attachment A for the ROW vacation request letter from LCD Acquisitions. The location of the proposed ROW vacation is shown in Attachment B.

The proposed development would consist of 26 townhome style buildings that would be two or three stories in height, containing 126 housing units with two, three, or four bedrooms each. The main entrance to the property would be on the western portion at the signal-controlled intersection of North Lincoln Avenue and West Church Street.

The section of West Church Street proposed for vacation is currently a stub alley that does not provide thru traffic to connect between North Lincoln Avenue and Harvey Street. LCD Acquisitions will provide an eight-foot wide shared-use path for a portion of the vacated street ROW to facilitate pedestrian and bicycle traffic along the West Church Street corridor. The City’s Bicycle Master Plan recommends a shared-used path along the West Church Street Corridor between Harvey Street and North Lincoln Avenue. The Public Works Department does not anticipate needing the street ROW for motor vehicle access in the future.

The Public Works Department staff has contacted the utility companies and the City departments regarding the proposed ROW vacation. No objections to vacating the proposed section of West Church Street were received. An easement for underground electric, gas, telecommunications, water, street lighting, and sewer utilities located within the vacated ROW will be provided as part of the vacation process.

The Plan Commission reviewed the proposed development at its February 22, 2018 meeting and forwarded a recommendation of approval for a change in the Comprehensive Plan's future land use designation from "Institutional" and "Community Business" to "Mixed Residential (Urban Pattern) and a rezoning request for the properties from IN-1, B-2, and R-2 to R-4. Correspondingly the City Council at its March 5, 2018 meeting approved the Comprehensive Plan change and rezoning request.

Financial Impact

There are no costs or revenues associated with vacating the street ROW. City ROW vacation policy states that benefitting residential properties do not have to pay the fair market value of the vacated ROW. No replatting of the benefitting lots will be performed or is required.

Recommendations

It is recommended that "AN ORDINANCE VACATING A CERTAIN PORTION OF RIGHT-OF-WAY (Church Street West of Lincoln Avenue)" be approved.

Attachments: AN ORDINANCE VACATING A CERTAIN PORTION OF RIGHT-OF-WAY
(Church Street West of Lincoln Avenue)

Attachment A – Vacation Request Letter

Attachment B –Proposed Alley ROW Vacation Map

ORDINANCE NO. 2018-03-021

AN ORDINANCE VACATING A CERTAIN PORTION OF RIGHT-OF-WAY

(Church Street West of Lincoln Avenue)

WHEREAS, Section 11-61-2 of the Illinois Municipal Code (65 ILCS 5/11-61-2) provides that the corporate authorities of a municipality may vacate streets, alleys, avenues, sidewalks, wharves, parks, and public grounds; and

WHEREAS, Tekton Group LLC Series Churchill and Illinois American Water are the owners of all of the land abutting a certain portion of unimproved east-west right-of-way located west of the intersection of North Lincoln Avenue and West Church Street and more particularly described herein; and

WHEREAS, the aforestated owners have petitioned the City of Urbana (“City”) to vacate said portion of right-of-way; and

WHEREAS, the requirements of Urbana City Code Section 2-160 for a public hearing and for public notice of such hearing do not, pursuant to the terms thereof, apply to an ordinance vacating public grounds other than a public street; and

WHEREAS, said vacation will not materially impair access to any property owner; and

WHEREAS, the City Council finds that the said right-of-way is of no further use to the City, except as hereinafter provided, and that the vacation of the right-of-way will not materially impair or interfere with the use already existing and will not be detrimental to the public; and

WHEREAS, the owners have agreed to pay all costs to maintain the right-of-way after such vacation, except as otherwise provided in this Ordinance; and

WHEREAS, the City Council finds that the relief to the public from the further burden and responsibility of maintaining the right-of-way herein vacated is just and adequate compensation for the benefits which will accrue to the said owners; and

WHEREAS, certain public service facilities are situated in the right-of-way to be vacated; and

WHEREAS, the City Council finds that the public interest is best served by the City's retention of a permanent easement in the right-of-way for the maintenance, renewal, and reconstruction of those facilities; and

WHEREAS, the owners have agreed to construct a paved eight-foot wide shared-use path upon a portion of the vacated right-of-way to facilitate pedestrian and bicycle travel along the West Church Street corridor between North Harvey Street and North Lincoln Avenue; and

WHEREAS, the City Council further finds that the public interest is best served by the City's retention of a permanent easement in the right-of-way for the maintenance, renewal, and reconstruction of such shared-use path; and

WHEREAS, the City Council has determined that the public interest is subserved by the vacation of said right-of-way, other than the reservation of the permanent easements, as provided below.

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

Section 1.

The City Council of the City of Urbana, Illinois, hereby vacates, subject to the terms set forth in this Ordinance, the following described east-west right-of-way located west of the intersection of North Lincoln Avenue and West Church Street:

A part of the Southeast Quarter of Section 7, Township 19 North, Range 9 East of the Third Principal Meridian, Champaign County, Illinois, being more particularly described as follows:

Beginning at the southwest corner of Lot 5 of Justus S. Templeton Subdivision, as shown on a plat recorded in Plat Book "G" at page 104 in the Office of the Recorder of Deeds, Champaign County, Illinois, thence, N89°33'30"E, along the southerly line of Lots 5, 4, 3 and 2 of said Justus S. Templeton Subdivision and the northerly right-of-way line of Church Street, 282.24 feet, to the southwesterly corner of a tract dedicated as right-of-way by Document Number 2008R16345, as recorded in the Office of the Recorder of Deeds, Champaign County, Illinois; thence, N25°52'27"E, along the westerly line of said dedication, 22.27 feet, to the existing westerly right-of-way line of Lincoln Avenue; thence, S00°48'25"E, along the southerly extension of said existing westerly right-of-way line of Lincoln Avenue, 96.15 feet, to a point on the westerly line of a tract dedicated as right-of-way by City of Urbana Ordinance Number 2018-02-015; thence, N45°31'01"W, 71.07 feet, along the westerly line of said tract described in City of Urbana Ordinance Number 2018-02-015, to a point on the southerly right-of-way line of Church Street, said line also being the southerly line of said Justus S. Templeton Subdivision; thence, S89°33'30"W, along said southerly right-of-way line, 242.24 feet, to the westerly line of said Justus S. Templeton Subdivision; thence, N00°48'25"W, along said westerly line, 26.00 feet, to the Point of Beginning.

Said vacation containing 8,952.67 Square Feet (0.206 Acres), more or less, all situated in the City of Urbana, Champaign County, Illinois.

Section 2.

Upon vacation of the above-described right-of-way, title thereto shall vest in the record owner of the land abutting the north side of the vacated right-of-way for the extent of the common borders of the owner's respective parcels with the said right-of-way.

The owner, permanent index numbers, and addresses of the land abutting the north side of the right-of-way described above are as follows:

Tekton Group LLC Series Churchill 91-21-07-429-020 906 West Church Street

Tekton Group LLC Series Churchill 91-21-07-429-019 908 West Church Street

Tekton Group LLC Series Churchill 91-21-07-429-018 910 West Church Street

Tekton Group LLC Series Churchill 91-21-07-429-022 701 North Lincoln Avenue

Section 3.

The vacation of the above-described right-of-way shall be subject to the following conditions:

- A. A perpetual easement upon said vacated right-of-way is hereby reserved for and granted to the City of Urbana, Illinois, 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 right-of-way; and
- B. A perpetual easement upon said vacated right-of-way is hereby reserved for and granted to the City of Urbana, Illinois, to operate, maintain, inspect, repair, reconstruct, remove, or replace a paved eight-foot wide pedestrian and bicycle shared-use path for the use and enjoyment of the general public.

Section 4.

The City Engineer of the City of Urbana, Illinois, be and the same is hereby authorized to execute and deliver a plat of the vacated right-of-way, in substantially the form of the copy of said plat attached hereto and hereby incorporated by reference, as so authorized and approved for and on behalf of the City of Urbana, Illinois.

Section 5.

This Ordinance shall not be construed to affect any suit or proceeding pending in any court, or any rights acquired, or a liability incurred, or any cause or causes of action acquired or existing prior to the effective date of this Ordinance; nor shall any right or remedy of any character be lost, impaired, or affected by this Ordinance.

Section 6.

This Ordinance shall be in full force and effect from and after its passage. Upon approval of this Ordinance, the City Clerk is directed to record a certified copy with the Champaign County Office of the Recorder of Deeds.

This Ordinance is hereby passed by the affirmative vote, the “ayes” and “nays” being called, of three-fourths of all the alderpersons then holding office (6 of 7 votes) of the City of Urbana, Illinois, at a meeting of the City Council.

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

AYES:

NAYS:

ABSTENTIONS:

Charles A. Smyth, City Clerk

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

Diane Wolfe Marlin, Mayor

December 13, 2017

Mr. Brad Bennett, P.E. Assistant City Engineer
City of Urbana, Public Works Department
700 South Glover Avenue
Urbana, IL 61802

RE: Church Street West of Lincoln Avenue

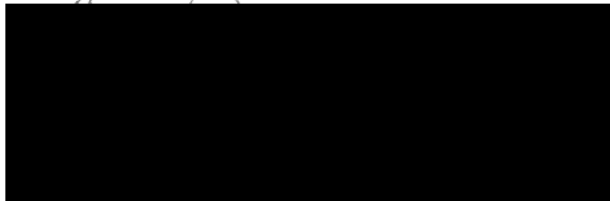
Dear. Mr. Bennett:

LCD Acquisitions, LLC is representing Tekton Group LLC Series Churchill, which is the owner of property located at 910, 908, 906, Church Street and 701 N. Lincoln Avenue, and Illinois- American Water Company, which is the owner of 601 N. Lincoln Avenue, in the redevelopment on the properties referenced.

It is our understanding that the City is willing to vacate the portion of its existing right-of-way located to the west of Lincoln Avenue to the extent it is situated adjacent to the property referenced. Based on this understanding, I submit this letter on behalf of Tekton Group LLC Series Churchill and Illinois-American Water Company as a formal request that the City of Urbana vacate the portion of existing right-of-way located adjacent to the property referenced.

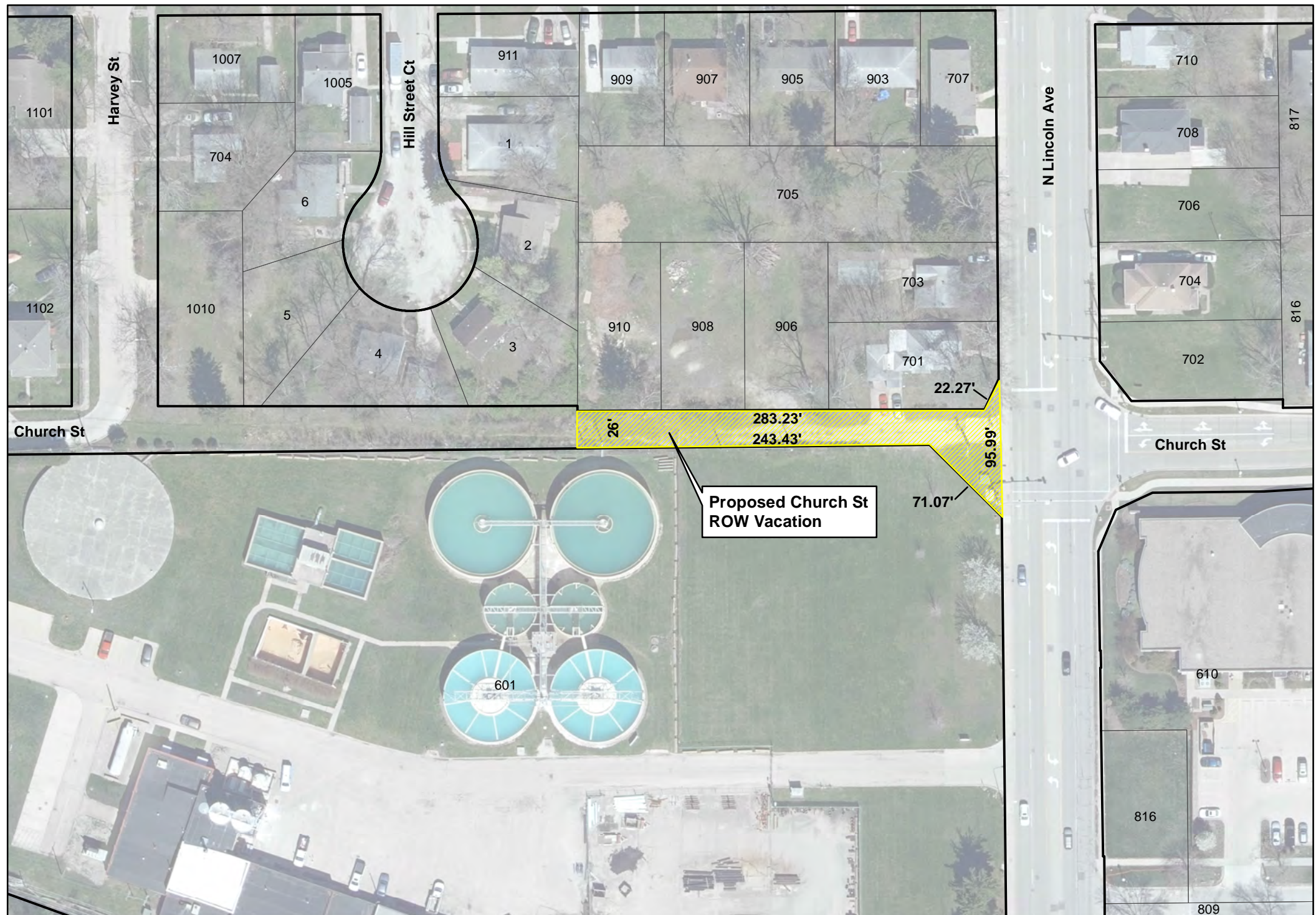
Thank you for your consideration and attention to this request. Should you need anything else from us, please do not hesitate to contact me.

Sincerely,



Jason Doornbos

CC: Mr. Brad Bennett (via email)
Tekton Group LLC Series Churchill
Illinois-American Water Company



Attachment B
Proposed Church Street ROW Vacation
8,952.67 SF (0.206 Acres)

