



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: May 24, 2018
RE: East Green Street Alley Right-of-Way Vacation between Urbana Avenue and South Maple Street

Action Requested

Approval of “AN ORDINANCE VACATING A CERTAIN PORTION OF AN ALLEY (South of Green Street between Urbana Avenue and South Maple Street).”

Background and Facts

Three property owners of the 400 block of East Green Street and East High Street have requested that the twelve-foot wide alley right-of-way (ROW) located adjacent to their homes be vacated by the City. Please see Attachment A for the petition signed by the three property owners. The location of the proposed ROW vacation is shown in Attachment B.

Public Works Department Staff attempted to contact the fourth property owner at 406 East High Street by phone, e-mail, certified mail, door-hanger, and visiting the property to no success. The property owner at 406 East High Street was non-responsive to all communications regarding the alley vacation. City policy requires that a property owner sign the alley vacation petition for the alley ROW vacation to occur so 406 East High Street is excluded from the ROW vacation.

The alley proposed for vacation is a non-functional alley and does not provide access to any properties. There are no plans for a future public sidewalk along this alley. The Public Works Department does not anticipate needing the alley for pedestrian, bicycle, or motor vehicle access in the future.

The Public Works Department staff has contacted the utility companies and the City department heads regarding the proposed ROW vacation. No objections to vacating the alley were received. An easement for overhead electric, cable, and telephone utilities located within the vacated ROW will be provided as part of the vacation process.

Financial Impact

There are no costs or revenues associated with vacating the alley ROW. City ROW vacation policy states that benefitting residential properties do not have to pay the land 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 AN ALLEY (South of Green Street between Urbana Avenue and South Maple Street)” be approved.

Attachments: “AN ORDINANCE VACATING A CERTAIN PORTION OF AN ALLEY (South of Green Street between Urbana Avenue and South Maple Street)”

Attachment A – Vacation Request Petition Form

Attachment B –Proposed Alley ROW Vacation Map

ORDINANCE NO. 2018-05-038

AN ORDINANCE VACATING A CERTAIN PORTION OF AN ALLEY

(South of Green Street between Urbana Avenue and Maple Street)

WHEREAS, Section 11-91-1 of the Illinois Municipal Code (65 ILCS 5/11-91-1) provides that the corporate authorities of a municipality may by ordinance vacate any street or alley, or part thereof, within their jurisdiction after determining that the public interest will be subserved by said vacation; and

WHEREAS, Nicholas and Debra Dillon, Leon Jeske, and Maryalice Wu (the “owners”) have petitioned the City of Urbana (the “City”) to vacate a portion of the north-south alley abutting their properties, located south of East Green Street between South Urbana Avenue and South Maple Street; and

WHEREAS, the requirements of Urbana City Code Section 2-160 for a public hearing and public notice of such hearing prior to the City Council’s consideration of an ordinance to vacate any street 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 alley is of no further use to the City except as hereinafter provided; and

WHEREAS, the aforesated owners have agreed to pay all costs to maintain the portion of alley 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 portion of alley herein vacated is just and adequate compensation for the benefits which will accrue to the owners; and

WHEREAS, the City Council finds that the public interest is subserved by vacating said portion of alley, particularly when considering such relief to the public; and

WHEREAS, Section 11-91-2 of the Illinois Municipal Code (65 ILCS 5/11-91-2) provides that upon the vacation of an alley, or any part thereof, by virtue of any ordinance of any municipality, title to the land included therein will vest in the then owners of the land abutting thereon; and

WHEREAS, the City Council further finds that the public interest is subserved by the City's retention of a permanent easement in the alley for the installation, maintenance, renewal, and reconstruction of certain public service facilities.

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 portion of the north-south alley located south of East Green Street between South Urbana Avenue and South Maple Street:

A part of the north-south Public Alley in the block bounded by Green Street on the north, High Street on the south, Urbana Avenue on the west and Maple Street on the east, being in the Northeast Quarter of Section 17, Township 19 North, Range 9 East of the Third Principal Meridian, Champaign County, Illinois, more particularly described as follows:

All of the north-south Public Alley adjoining Lots 1 through 4, inclusive, in Block 2 of G. G. Webber's 2nd Addition, as shown on a plat recorded in Deed Record Book "26" at page 146 in the Office of the Recorder of Deeds, Champaign County, Illinois. Said Public Alley Right-of-Way being twelve feet (12') in width.

And also:

The west half of the north-south Public Alley adjoining Lots 6 and 7, in Block 2 of G. G. Webber's 2nd Addition, as shown on a plat recorded in Deed Record Book "26"

at page 146 in the Office of the Recorder of Deeds, Champaign County, Illinois. Said west half of Public Alley Right-of-Way being six feet (6') in width

Said tract containing 0.050 acres (2,160 square feet), more or less, all situated in the City of Urbana, Champaign County, Illinois.

Section 2. Upon vacation of the above-described portion of alley, title to the part of said alley adjoining Lots 1 through 4, inclusive, in Block 2 of G. G. Webber's 2nd Addition, as shown on a plat recorded in Deed Record Book "26" at page 146 in the Office of the Recorder of Deeds, Champaign County, Illinois, shall vest in Nicholas and Debra Dillon, 403 E. Green Street, permanent index number 92-21-17-239-002, and Leon Jeske, 405 E. Green Street, permanent index number 92-21-17-239-003, for the extent of the common borders of their respective parcels with the said part of alley; and title to the part of said alley adjoining Lots 6 and 7, in Block 2 of G. G. Webber's 2nd Addition, as shown on a plat recorded in Deed Record Book "26" at page 146 in the Office of the Recorder of Deeds, Champaign County, Illinois, shall vest in Maryalice Wu, 404 E. High Street, permanent index number 92-21-17-239-006, for the extent of the common border of her parcel with the said part of alley.

Section 3. The vacation of the above-described portion of alley shall be subject to the condition that a perpetual easement upon said vacated portion is hereby reserved for and granted to the City of Urbana, Illinois, any public utilities, and their successors and assigns to construct, install, reconstruct, repair, remove, replace, inspect, maintain, and operate their facilities in, under, across, along, over, and upon the vacated portion of alley, together with the right of access thereto for the personnel and equipment necessary and required for such uses and purposes and the right to cut, trim, or remove trees, bushes, and roots as may be reasonably required incidental to the rights herein given.

Section 4. The City Engineer of the City of Urbana, Illinois, be and the same is hereby authorized to execute and deliver and the City Clerk of the City of Urbana, Illinois, be and the same is hereby authorized to attest to said execution of a plat of the vacated alley, 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

Public Alley Vacation

We, the undersigned owners, petition to the City of Urbana and request vacation of the Public Alley right-of-way, as shown on the adjacent map.

We, the undersigned, also understand that an alley vacation is subject to City Council approval and would be subject to utility and public easements remaining within the subject vacated right-of-way. If the Public Alley is vacated the proposed new lot locations and determinations are per the attached map.

NAME: [REDACTED]
ADDRESS: 403 E. Green St.
Urbana, IL 61801

P.I.N.#: 92-21-17-239-002
PHONE: [REDACTED]

[REDACTED]
OWNER'S SIGNATURE(S)
[REDACTED]
OWNER'S SIGNATURE(S)

NAME: [REDACTED]
ADDRESS: 404 E. High St.
Urbana, IL 61801

P.I.N.#: 92-21-17-239-006

PHONE: [REDACTED]
[REDACTED]
OWNER'S SIGNATURE(S)

OWNER'S SIGNATURE(S)

NAME: [REDACTED]
ADDRESS: 405 E. Green St.
Urbana, IL 61801

P.I.N.#: 92-21-17-239-003
PHONE: [REDACTED]

[REDACTED]
OWNER'S SIGNATURE(S)
OWNER'S SIGNATURE(S)

NAME: [REDACTED]
ADDRESS: 406 E. High St.
Urbana, IL 61801

P.I.N.#: 92-21-17-239-007

PHONE: _____

OWNER'S SIGNATURE(S)

OWNER'S SIGNATURE(S)



Attachment B - Proposed Alley ROW Vacation Map
 400 block of East Green Street & East High Street
 (Block 2 of George G. Webber's 2nd Addition Subdivision)

