



## MEMORANDUM

**TO:** Mayor Diane Wolfe Marlin and Members of City Council  
**FROM:** Carol J. Mitten, Interim Public Works Director and City Administrator  
Dan A Rothermel, Land Surveyor  
**DATE:** August 21, 2019  
**RE:** An Ordinance Authorizing the Dedication of Right-of-Way for 301 North Race Street

### **Action Requested**

Approval of the attached ordinance entitled “An Ordinance Authorizing the Dedication of Right-of-Way (301 North Race Street)”.

### **Background and Facts**

Additional Right-of-Way (ROW) for the City owned property at 301 North Race Street which is part of the Boneyard Creek Crossing is required to create a uniform consistent ROW along North Race and West Griggs Streets.

The dedication will address a narrowing of the ROW on North Race Street and West Griggs Street adjacent to the Boneyard Creek Crossing.

### **Financial Impact**

The 301 North Race Street property is a City owned property and the City has no future plans to sell this property as it is part of the Boneyard Creek Crossing. There is no financial impact for the ROW dedication.

### **Recommendations**

It is recommended that the City Council approve “An Ordinance Authorizing the Dedication of Right-of-Way (301 North Race Street)”.

Attachments: An Ordinance Authorizing the Dedication of Right-of-Way (301 North Race Street)  
Dedication of Right-of-Way (301 North Race Street)

**ORDINANCE NO. 2019-08-050**

**AN ORDINANCE AUTHORIZING THE DEDICATION OF RIGHT-OF-WAY**

**(301 N. Race Street)**

**WHEREAS**, Section 3 of the Plat Act (765 ILCS 205/3) provides that a statutory dedication of land occurs when (1) a property owner files or records a plat that marks or notes the portions of the land as donated or granted to the public; and (2) a public entity accepts the dedication; and

**WHEREAS**, Urbana City Code Section 21-38(g) authorizes the City Engineer to accept on behalf of the City of Urbana (“City”) all right-of-way and easement dedications necessary and beneficial to the City not arising from the process of final plat approval by the City Council; and

**WHEREAS**, the City is the fee simple owner of certain right-of-way located at 301 N. Race Street in Urbana, Illinois; and

**WHEREAS**, the City Engineer has recommended that the City dedicate a portion of said right-of-way for public street and public utility purposes, as set forth on the attached Plat of Dedication; and

**WHEREAS**, the City Engineer has agreed to accept the dedication on behalf of the City; and

**WHEREAS**, the City Council, after due consideration, finds that the dedication of said portion of right-of-way to the public as herein described is in the best interests of the residents of the City and is desirable for the welfare of the City’s government and affairs.

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

**Section 1.** Subject to the terms set forth in this Ordinance, the dedication of a portion of right-of-way located at 301 N. Race Street in Urbana, Illinois, and legally described below is hereby authorized and approved:

A part of Lot 1 of Eastern Illinois Foodbank Replat, as per plat recorded November 7, 1996 in Book “CC” at Page 220 as document 96R28026, situated in the City of Urbana, in Champaign County, Illinois, being more particularly described as follows:

Beginning at the southeast corner of said Lot 1 of Eastern Illinois Foodbank Replat, said point also being on the existing west right-of-way line of North Race Street and on the existing north right-of-way line of Griggs Street, thence North 86 degrees 22 minutes 47 seconds West along the southerly line of said Lot 1, said line also being the existing northerly right-of-way line of Griggs Street, a distance of 150.08 feet to the southeasterly corner of right-of-way dedicated by document number 2012R25344; thence North 01 degree 04 minutes 21 seconds West along the easterly line of right-of-way dedicated by document number 2012R25344, a distance of 15.45 feet to the northeasterly corner of right-of-way dedicated by document number 2012R25344; thence South 86 degrees 14 minutes 21 seconds East along the proposed north right-of-way line of Griggs Street, a distance of 142.36 feet to a point on the proposed west right-of-way line of North Race Street; thence North 01 degree 15 minutes 45 seconds West along the proposed west right-of-way line of North Race Street, said line being parallel with and 7.67 feet west of the existing west right-of-way line of North Race Street, a distance of 84.90 feet to the southwest corner of right-of-way dedicated by document number 2012R25344; thence South 88 degrees 26 minutes 12 seconds East along the south line of right-of-way dedicated by document number 2012R25344, a distance of 7.68 feet to the southeast corner of right-of-way dedicated by document number 2012R25344; thence South 01 degree 15 minutes 45 seconds East along the existing west right-of-way line of North Race Street, a distance of 100.28 feet to the point of beginning.

Said street dedication containing 2,936 S.F. (0.07 acre), more or less, as shown on accompanying plat, all situated in the City of Urbana, Champaign County, Illinois.

A part of Permanent Index No.: 91-21-08-452-005

Commonly known as: 301 North Race Street, Urbana, Illinois 61801

**Section 2.** The City Council of the City of Urbana hereby authorizes the dedication of the aforesaid right-of-way, subject to the condition that such right-of-way be used for public street and public utility purposes.

**Section 3.** The Mayor 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 Dedication of Right-of-Way, in substantially the form of the copy of the Dedication of Right-of-Way attached hereto and hereby incorporated by reference, as so authorized and approved for and on behalf of the City of Urbana, Illinois.

**Section 4.** Upon acceptance of the Dedication of Right-of-Way on behalf of the City of Urbana, Illinois, the City Engineer be and the same is hereby authorized and directed to cause the Plat of Dedication for such right-of-way to be properly recorded in the Champaign County Office of the Recorder of Deeds.

**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.

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 date day of Month, Year.

AYES:

NAYS:

ABSTENTIONS:

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Charles A. Smyth, City Clerk

**APPROVED BY THE MAYOR** this date day of Month, Year.

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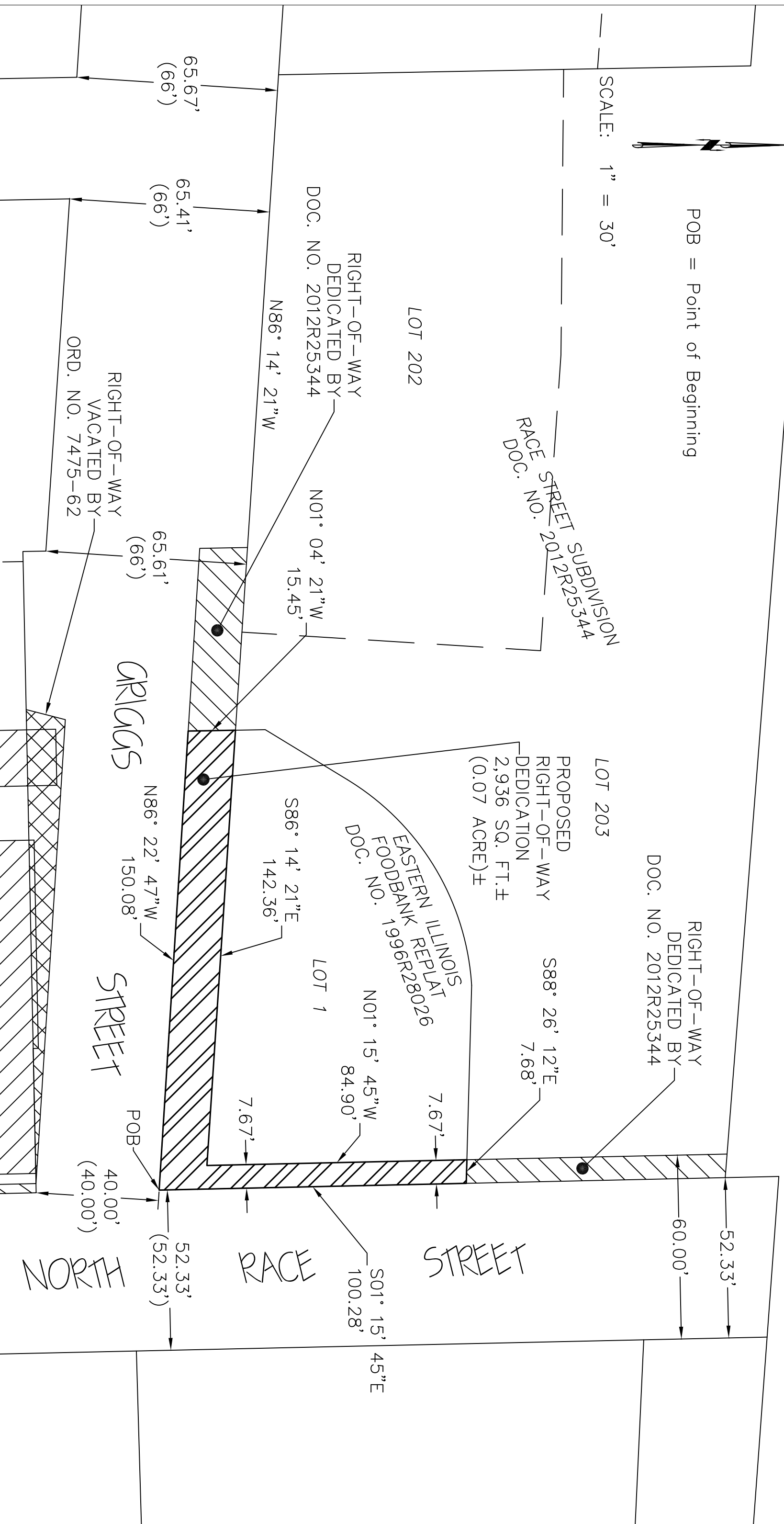
Diane Wolfe Marlin, Mayor

CENTERLINE OF NORFOLK SOUTHERN RAILROAD

POB = Point of Beginning



SCALE: 1" = 30'



# Proposed ROW Dedication Race Street and Griggs Street

City of Urbana  
Public Works Department  
Engineering Division  
Date: 7/10/2019  
Drawn by: DAR

