



## MEMORANDUM

**TO:** Mayor Diane Wolfe Marlin and Members of the City Council  
**FROM:** Carol J. Mitten, Interim Public Works Director  
Justin M. Swinford, Civil Engineer II  
**DATE:** March 4, 2020  
**RE:** Cherry Alley Right-of-Way Vacation from South Vine Street to Urbana Avenue and Broad Alley Right-of-Way Vacation from East Elm Street to East Green Street

### Action Requested

Approval of “AN ORDINANCE VACATING TWO ALLEYS (Cherry Alley from South Vine Street to Urbana Avenue and Broad Alley from East Elm Street to East Green Street).”

### Background and Facts

Property owners of the 200 block of South Vine Street have requested that the twelve-foot wide east/west alley (known as Cherry Alley) right-of-way (ROW) and the twelve foot wide north/south alley (known as Broad Alley) right-of-way (ROW) be vacated by the City. The locations of the proposed ROW vacations are shown on Attachment A.

The alleys proposed for vacation are non-functional alleys and do not provide access to any properties. The Public Works Department does not anticipate needing these alleys 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 vacations. No objections to vacating these alleys were received. An easement for overhead electric, cable, and telephone utilities located within the vacated rights-of-way will be provided as part of the vacation process.

### Financial Impact

There are no costs or revenues associated with vacating these alley rights-of-way. All of the twelve foot rights-of-way, if vacated, will become land owned by the adjacent property owner who owns this entire block.

**Recommendations**

It is recommended that “AN ORDINANCE VACATING TWO ALLEYS (Cherry Alley from South Vine Street to Urbana Avenue and Broad Alley from East Elm Street to East Green Street)” be approved.

Attachments: AN ORDINANCE VACATING TWO ALLEYS (Cherry Alley from South Vine Street to Urbana Avenue and Broad Alley from East Elm Street to East Green Street)

Attachment A –Proposed Alley ROW Vacation Map

**ORDINANCE NO. 2020-03-011**

**AN ORDINANCE VACATING CERTAIN ALLEYS**

**(East Alley of Vine Street between Elm and Green Streets and  
North Alley of Green Street between Vine Street and Urbana Avenue)**

**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**, 200 S Vine St, LLC is the owner of all of the land abutting the north-south alley located east of South Vine Street between East Elm Street and East Green Street and the east-west alley located north of East Green Street between South Vine Street and South Urbana Avenue; and

**WHEREAS**, the City of Urbana (“City”) heretofore has agreed to vacate said alleys pursuant to a redevelopment agreement with Green Street Realty Co., of Ill., approved by Ordinance No. 2019-01-005; 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 vacations will not materially impair access to any property owner; and

**WHEREAS**, the City Council finds that the alleys are of no further use to the City except as hereinafter provided; and

**WHEREAS**, the aforestated owner has agreed to pay all costs to maintain the alleys after such vacations, 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 alleys herein vacated is just and adequate compensation for the benefits which will accrue to the said owner; and

**WHEREAS**, the City Council finds that the public interest is subserved by vacating said alleys, 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 north-south alley located east of South Vine Street between East Elm Street and East Green Street 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 north-south alley located east of South Vine Street between East Elm Street and East Green Street and east-west alley located north of East Green Street between South Vine Street and South Urbana Avenue:

All of a north-south Public Alley and all of an east-west Public Alley, both being in the Northeast Quarter of the Northeast Quarter of Section 17, Township 19 North, Range 9 East of the Third Principal Meridian, Champaign County, Illinois, being more particularly described as follows:

All of a north-south Public Alley, being twelve feet (12') in width, and all of an east-west Public Alley, being twelve feet (12') in width, lying adjacent to Lots 9, 10, 11, 12, 13, 14, 15, and 16 of W. T. Webber's Subdivision in the City of Urbana, as shown on a plat recorded in Deed Record Book "A" at page 357 in the Office of the Recorder of Deeds, Champaign County, Illinois, and bounded on the north by Elm Street; on the east by Urbana Avenue; on the south by Green Street; and on the west by Vine Street.

Said alleys containing 6,480 S.F. (0.149 acre), more or less, all situated in the City of Urbana, Champaign County, Illinois.

**Section 2.**

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

The owner, permanent index numbers, and addresses of the land abutting the north-south alley located east of South Vine Street between East Elm Street and East Green Street are as follows:

|                    |                  |                     |
|--------------------|------------------|---------------------|
| 200 S Vine St, LLC | 92-21-17-233-001 | 202 S. Vine Street  |
| 200 S Vine St, LLC | 92-21-17-233-002 | 305 E. Elm Street   |
| 200 S Vine St, LLC | 92-21-17-233-006 | 306 E. Green Street |
| 200 S Vine St, LLC | 92-21-17-233-005 | 304 E. Green Street |

The owner, permanent index numbers, and addresses of the land abutting the east-west alley located north of East Green Street between South Vine Street and South Urbana Avenue are as follows:

|                    |                  |  |
|--------------------|------------------|--|
| 200 S Vine St, LLC | 92-21-17-233-001 | 202 S. Vine Street                           |
| 200 S Vine St, LLC | 92-21-17-233-002 | 305 E. Elm Street                            |
| 200 S Vine St, LLC | 92-21-17-233-004 | 205 S. Urbana Avenue                         |
| 200 S Vine St, LLC | 92-21-17-233-007 | 308 E. Green Street;<br>207 S. Urbana Avenue |
| 200 S Vine St, LLC | 92-21-17-233-006 | 306 E. Green Street                          |
| 200 S Vine St, LLC | 92-21-17-233-005 | 304 E. Green Street                          |

**Section 3.**

The vacation of the above-described alleys shall be subject to the condition that a perpetual easement upon the north-south alley located east of South Vine Street between East Elm Street and East Green Street 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 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.**

A plat of vacation, in substantially the form of the copy of the plat attached hereto and hereby incorporated by reference, be and the same is hereby authorized and approved.

**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 date day of Month, Year.

AYES:

NAYS:

ABSTENTIONS:

\_\_\_\_\_  
Charles A. Smyth, City Clerk

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

\_\_\_\_\_  
Diane Wolfe Marlin, Mayor

Proposed Alley Vacation  
 276' N/S x 12' Wide  
 and  
 276' E/W x 12' Wide  
 (6,480 S.F.)



ATTACHMENT "A"  
 PROPOSED ALLEY ROW VACATION MAP

SCALE: 1" = 50'

