



MEMORANDUM

TO: Mayor Diane Wolfe Marlin and Members of the City Council
FROM: Tim Cowan, Public Works Director
Dan Rothermel, Land Surveyor
DATE: August 2, 2021
RE: Public Walkway Right-of-Way Vacation – Country Squire Estates

Action Requested

Approval of “AN ORDINANCE VACATING A PUBLIC WALKWAY (between East Rainbow View and East Country Squire Drive due south of Rainbow Court)”.

Background and Facts

The resident at 2002 East Country Squire Drive has requested that the ten-foot wide public walkway right-of-way (ROW) located south of Rainbow Court between East Rainbow View and East Country Squire Drive be vacated by the City. Please see Attachment A for the four (4) petitions signed by the adjoining owners. The location of the proposed ROW vacation is shown in Attachment B.

The walkway proposed for vacation is a non-functional walkway and has never been paved nor used as a walkway.

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 walkway were received.

Financial Impact

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. If vacated, each adjoining owner will receive half the portion of the existing walkway ROW adjacent to their property.

Recommendations

It is recommended that “AN ORDINANCE VACATING A PUBLIC WALKWAY (between East Rainbow View and East Country Squire Drive due south of Rainbow Court)” be approved.

Attachments: “ORDINANCE VACATING A PUBLIC WALKWAY (between East Rainbow View and East Country Squire Drive due south of Rainbow Court)”
Attachment A – Vacation Request Petition Form
Attachment B – Proposed Walkway ROW Vacation Map

ORDINANCE NO. _____

AN ORDINANCE VACATING A TEN-FOOT WIDE WALKWAY IN
COUNTRY SQUIRE ESTATES THIRD PLAT AND IN
COUNTRY SQUIRE ESTATES FOURTH PLAT
(1910 and 2002 East Country Squire
Drive) (1905 and 2001 East Rainbow
View)

WHEREAS, the plat of Country Squire Estates Third Plat recorded in Plat Book "N" at page 82 and the plat of Country Squire Estates Fourth Plat recorded in Plat Book "N" at page 117, both in the Office of the Recorder of Deeds, Champaign County, Illinois, depicted a certain public walkway 10.00' in width running adjacent to the west lines of Lot 1132 of the said Country Squire Estates Third Plat and Lot 1149 of the said Country Squire Estates Fourth Plat; and

WHEREAS, on the face of the said plats this 10.00' strip of land is labeled: "10.00' Public Walk" and was apparently intended to be a sidewalk right-of-way for the convenient access between East Rainbow View and East Country Squire Drive; the adjacent neighbors have advised that they have no objections to abandoning this sidewalk right-of-way; and

WHEREAS, no paved surface was ever installed in the said Public Walk right-of-way; and

WHEREAS, the owners of Lots 1018 and 1034 of Country Squire Estates First Plat recorded in Plat Book "M" at page 159 in the Office of the Recorder of Deeds, Champaign County, Illinois, the owner of Lot 1132 in said Country Squire Estates Third Plat, and the owner of Lot 1149 in said Country Squire Estates Fourth Plat have requested that the City release, abandon and vacate the said Public Walk right-of-way; and

WHEREAS, the Urbana City Council finds that it is in the best interests of all concerned that the said Public Walk right-of-way described below should be released, abandoned and vacated and in accordance with statute, the title to the land over which the aforesaid sidewalk right-of-way runs shall devolve and vest in the present owners of the land abutting thereon in the same proportion and to the same extent as though the Public Walk right-of-way had been dedicated by a common law plat (as distinguished from a statutory plat) and as though the fee of the Public Walk right-of-way had been acquired by the owner as part of the land abutting on the Public Walk right-of-way.

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

Section 1. That the portion of the Public Walk right-of-way shown on the plat of Country Squire Estates Third Plat recorded in Plat Book "N" at page 82 and the plat of Country Squire Estates Fourth Plat recorded in Plat Book "N" at page 117, both in the Office of the Recorder of Deeds, Champaign County, Illinois, depicted a certain public walkway 10.00' in width running adjacent to the west lines of Lot 1132 of the said Country Squire Estates Third Plat and Lot 1149 of the said Country Squire Estates Fourth Plat, being more fully described immediately below, is hereby released, abandoned and vacated upon the recording of a certified copy of this Ordinance with the Recorder of Deeds, Champaign County, Illinois.

Beginning at the northwest corner of Lot 1132 in Country Squire Estates Third Plat recorded in Plat Book "N" at page 82 in the Office of the Recorder, Champaign County, Illinois; thence West 10.00 feet along the south Right-of-Way line of East Rainbow View to the northeast corner of Lot 1018 in Country Squire Estates First Plat recorded in Plat Book "M" at page 159 in the Office of the Recorder of Deeds, Champaign County, Illinois; thence South along the east line of said Lot 1018, said line also being the west line of a Public Walk right-of-way shown on said Country Squire Estates Third Plat, 100.00 feet to the southeast corner of said Lot 1018; thence continuing South along said west line of a Public Walk right-of-way, said line also being the east line of Lot 1034 in said Country Squire Estates First Plat, 100.00 feet to the southeast corner of said Lot 1034; thence East along the north Right-of-Way line of East Country Squire Drive 10.00 feet to the southwest corner of Lot 1149 in Country Squire Estates Fourth Plat recorded in Plat Book "N" at page 117 in the Office of the Recorder of Deeds, Champaign County, Illinois; thence North along the east line of a Public Walk right-of-way, said line also being the west line of Lot 1149 in said Country Squire Estates Fourth Plat, 100.00 feet to the southwest corner of Lot 1132 in said Country Squire Estates Third Plat; thence continuing North along said east line of a Public Walk right-of-way, said line also being the west line of Lot 1132 in said Country Squire Estates Third Plat 100.00 feet to the point of beginning, containing 0.046 acre, more or less, and situated in the City of Urbana, Champaign County, Illinois.

Section 2. That the City of Urbana finds and determines that there are no public easements located in the above said right-of-way and thus it becomes unnecessary to preserve any easements for public access.

Section 3. That the right-of-way herein vacated shall attach to and become a part of the parcel numbers identified by PIN: 92-21-16-431-007, 92-21-16-431-026, 92-21-16-431-008, and 92-21-16-431-027.

Section 4. That the plat of vacation attached hereto is incorporated in this Ordinance by reference.

Section 5. That the City Clerk is directed to record a certified copy of this ordinance.

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called, of three-fourth's (3/4th's) vote of the members of the City Council of the City of Urbana, Illinois, at a regular meeting of said Council.

PASSED by the City Council this ___ day of _____
2021.

AYES:

NAYS:

ABSTAINS:

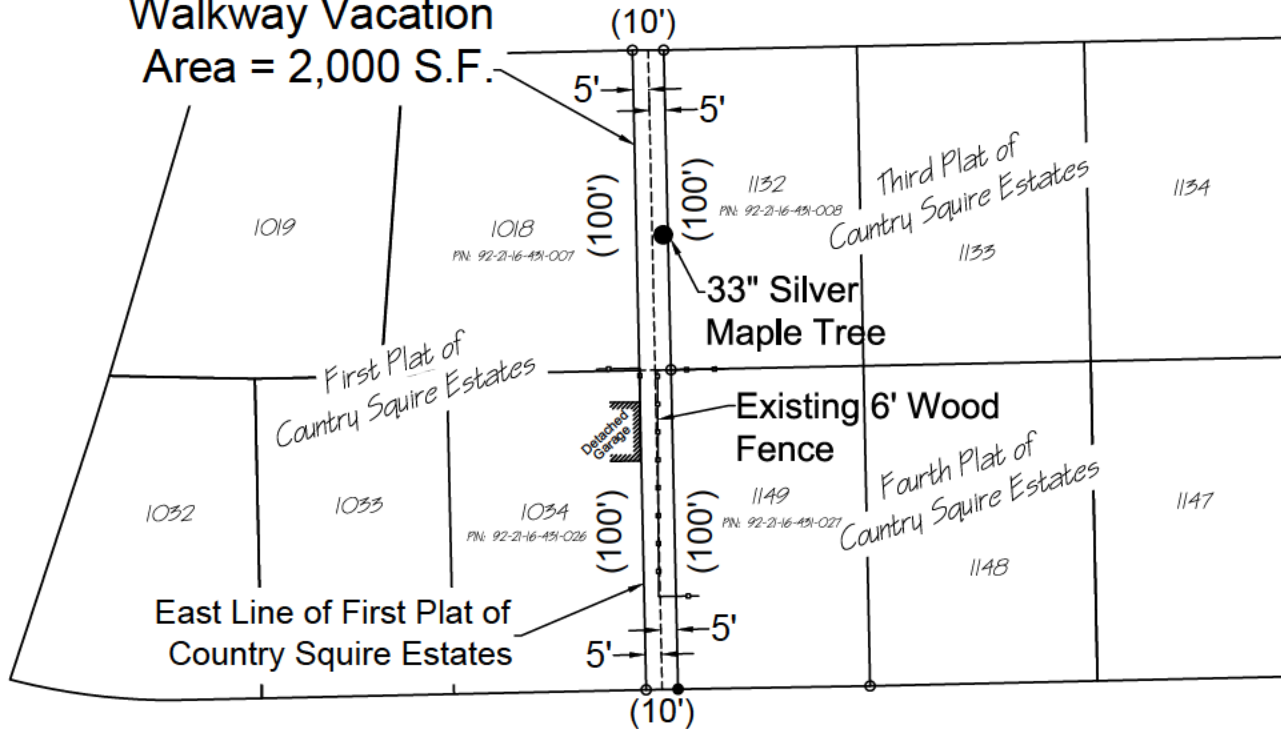
Phyllis D. Clark, City Clerk

Approved by the Mayor this _____ day of _____,
2021.

Diane Wolfe Marlin, Mayor

Rainbow View

Proposed Public Walkway Vacation
Area = 2,000 S.F.



Country Squire Drive



Scale: 1" = 60'

PLAT MAP SHOWING PUBLIC RIGHT-OF-WAY VACATED
BY CITY OF URBANA ORDINANCE NO. 2021-__-__
DATE: _____, 2021

City of Urbana
Public Works Department
Engineering Division
Drawn by: DAR
Date: 06/15/2021



Public Walkway Vacation

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

We, the undersigned, also understand that a walkway vacation is subject to City Council approval and would be subject to utility and public easements remaining within the subject vacated right-of-way.

NAME: Mary M^e Cartney
ADDRESS: 1905 Rainbow View

NAME: _____
ADDRESS: _____

P.I.N.#: 92-21-16-431-007

P.I.N.#: _____

PHONE: ()

PHONE: _____

Mary M Cartney
OWNER'S SIGNATURE(S)

OWNER'S SIGNATURE(S)

OWNER'S SIGNATURE(S)

OWNER'S SIGNATURE(S)

NAME: _____

NAME: _____

ADDRESS: _____

ADDRESS: _____

P.I.N.#: _____

P.I.N.#: _____

PHONE: _____

PHONE: _____

OWNER'S SIGNATURE(S)

OWNER'S SIGNATURE(S)

OWNER'S SIGNATURE(S)

OWNER'S SIGNATURE(S)

Please Return This Petition (With Signatures) To:

Tim Cowan, P.E. - (217) 384-2342
Public Works Director
City of Urbana Public Works Department
706 S. Glover Avenue, Urbana, IL 61802-4427

Public Walkway Vacation

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NAME: Vaishali Joshi
ADDRESS: 1910 Country Square

NAME: _____
ADDRESS: _____

P.I.N.#: 92-21-16-431-026

P.I.N.#: _____

PHONE: _____

PHONE: _____

Neelika Melder, as agent for Vaishali Joshi
OWNER'S SIGNATURE(S)
property manager
OWNER'S SIGNATURE(S)

OWNER'S SIGNATURE(S)

OWNER'S SIGNATURE(S)

NAME: _____

NAME: _____

ADDRESS: _____

ADDRESS: _____

P.I.N.#: _____

P.I.N.#: _____

PHONE: _____

PHONE: _____

OWNER'S SIGNATURE(S)

OWNER'S SIGNATURE(S)

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NAME: STANLEY & EVA VLACH
ADDRESS: 2001 RAINBOW VIEW DR.
URBANA IL 61802

P.I.N.#: 92-21-16-431-008

PHONE: 

Stanley Vlach
OWNER'S SIGNATURE(S)

Eva J. Vlach
OWNER'S SIGNATURE(S)

NAME: _____

ADDRESS: _____

P.I.N.#: _____

PHONE: _____

OWNER'S SIGNATURE(S)

OWNER'S SIGNATURE(S)

NAME: _____

ADDRESS: _____

P.I.N.#: _____

PHONE: _____

OWNER'S SIGNATURE(S)

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NAME: Candice Sutherland / Cheryl Bell NAME: _____

ADDRESS: 2003 E Country Squire Dr ADDRESS: _____

P.I.N.#: 92-21-16-431-027 P.I.N.#: _____

PHONE:  PHONE: _____

Candice Sutherland
OWNER'S SIGNATURE(S)

Cheryl Bell
OWNER'S SIGNATURE(S)

NAME: _____

ADDRESS: _____

P.I.N.#: _____

PHONE: _____

OWNER'S SIGNATURE(S)

OWNER'S SIGNATURE(S)

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City of Urbana Public Works Department
706 S. Glover Avenue, Urbana, IL 61802-4427



Rainbow Ct

E Rainbow View

PROPOSED WALKWAY
VACATION (2,000 SQ FT)

10'

100'

100'

92-21-16-431-007
MARY M. MCCARTNEY
1905 RAINBOW VIEW

92-21-16-431-008
STANLEY J. VLACH
2001 RAINBOW VIEW

92-21-16-431-026
VAISHALI & KIRAN JOSHI
1910 COUNTRY SQUIRE DR

100'

100'

92-21-16-431-027
CANDICE SUTHERLAND
2002 COUNTRY SQUIRE DR

10'

E Country Squire Dr

ATTACHMENT B PROPOSED WALKWAY ROW VACATION MAP

