

ORDINANCE NO. 7273-14

AN ORDINANCE REGULATING ENCROACHMENT ON PUBLIC
RIGHT OF WAY IN THE CITY OF URBANA
CHAMPAIGN COUNTY, ILLINOIS

WHEREAS, the City of Urbana hereinafter known as the City and State of Illinois, acting by and through its Department of Transportation, Division of Highways have entered into an agreement relative to the construction of a 3 span Precast Concrete Bridge Slab, Spans 3 @ 18'-8", 30' roadway with two (2) 5'-0" walks over the Saline Branch on North Broadway Avenue, and,

WHEREAS, in order to facilitate said improvement, it is necessary for the CITY to adopt an ordinance regulating encroachments on the right of way for said improvement in accordance with the following definitions:

Roadway Right of Way is defined as those areas existing or acquired by dedication or by fee simple for highway purposes; also, the areas acquired by temporary easement during the time the easement is in effect;

Project Right of Way is defined as those areas within the project right of way lines established jointly by the CITY, STATE, and the Federal Highway Administration which will be free of encroachments except hereinafter defined:

Encroachment is defined as any building, fence, sign, or any other structure or object of any kind (with the exception of utilities and public road signs), which is placed, located or maintained in, on, under or over any portion of the project right of way or the roadway right of way where no project right of way line has been established.

Permissible Encroachment is defined as any existing awning, marquee, advertising sign or similar over hanging structure supported from a building immediately adjacent to the limits of the platted street where there is a sidewalk extending to the building line and which does not impair the free and safe flow of traffic on the highway; the permissive retention of overhanging signs is not to be constructed as being applicable to those signs supported from poles constructed outside the project right of way line and not confined by adjacent buildings;

Construction Easement Area is defined as that area lying between the project right of way limits and the platted street limits within which the CITY, by concurrence in the establishment of the project right of way lines, will permit the STATE to enter to perform all necessary construction operations;

and

WHEREAS, representatives of the CITY, the STATE and the Federal Highway Administration have, by visual inspection, cooperatively established project right of way lines and have mutually determined the disposition of encroachments.

"EXHIBIT B"

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

Section 1. It shall be unlawful for any person, firm or corporation to erect or cause to be erected, to retain or cause to be retained, any encroachment as hereinaabove defined within the limits of the project right of way or roadway right of way where no project right of way lines have been established.

Section 2. This ordinance is intended to and shall be in addition to all other ordinances, rules and regulations concerning encroachments and shall not be construed as repealing or rescinding any other ordinance or part of any ordinance unless in direct conflict therewith.

Section 3. Any person, firm or corporation who shall violate any of the provisions of this ordinance shall, upon conviction, be fine not less than One Dollar (\$1.00) nor more than Two Hundred Dollars (\$200.00) for each offense, and a separate offense shall be deemed committed for each and every day during which a violation continues or exists.

Section 4. That the City Clerk be, and he is hereby, authorized and directed to cause this ordinance to be published as by law prescribed whereafter the same shall be in full force and effect as by law provided.

PRESENTED, PASSED, APPROVED & RECORDED this 3rd day of July 1972.

Charles M. Gynost
MAYOR



ATTEST:

Dwain Roberts
CITY CLERK

PUBLISHED this 6th day of July 1972

Dwain Roberts
CITY CLERK

COPY OF ADVERTISEMENT

Certificate of Publication

ORDINANCE NO. 7273-14
AN ORDINANCE REGULATING EN-
CROACHMENT ON PUBLIC RIGHT OF
WAY IN THE CITY OF URBANA
CHAMPAIGN COUNTY, ILLINOIS

WHEREAS, the City of Urbana hereinafter known as the City and State of Illinois, and by and through its Department of Transportation, Division of Highways has entered into an agreement relative to the construction of a 3 span Precast Concrete Bridge Slab, Spans 3 of 30' roadway with two (2) 5' sidewalks over the Saline Branch on North Broadway Avenue, and

WHEREAS, in order to facilitate said improvement, it is necessary for the CITY to adopt an ordinance regulating encroachments on the right of way for said improvement in accordance with the following definitions:

Roadway Right of Way is defined as those areas existing or acquired by dedication or by fee simple for highway purposes; also, the areas acquired by temporary easement during the time the easement is in effect;

Project Right of Way is defined as those areas within the project right of way lines established jointly by the CITY, STATE, and the Federal Highway Administration which will be free of encroachments except hereinafter defined:

Encroachment is defined as any building, fence, sign, or any other structure or object of any kind (with the exception of utilities and public road signs), which is placed, located or maintained in, on, under or over any portion of the project right of way or the roadway right of way where no project right of way line has been established.

Permissible Encroachment is defined as any existing awning, marquee, advertising sign or similar over hanging structure supported from a building immediately adjacent to the limits of the platted street where there is a sidewalk extending to the building line and which does not impair the free and safe flow of traffic on the highway; the permissible portion of overhanging signs is to be constructed as being applicable to signs supported from poles located outside the project right of way lines and not confined by adjacent street lines.

Construction Easement Area is defined as that area between the project right of way limits and the platted street limits within which the CITY, by concurrence in the establishment of the project right of way lines, will permit the STATE to enter to perform all necessary construction operations; and

WHEREAS, representatives of the CITY, the STATE and the Federal Highway Administration have, by visual inspection, cooperatively established project right of way lines and have mutually determined the disposition of encroachments.

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

Section 1. It shall be unlawful for any person, firm or corporation to erect

STATE OF ILLINOIS }
Champaign County } ss.

CHAMPAIGN-URBANA COURIER, Inc., a corporation, does hereby certify that it is the publisher of The Courier, a daily secular newspaper of general circulation in said County, printed and published in the city of Urbana, in said County and State, and that said newspaper is a newspaper as defined in "An Act to revise the law in relation to notices," approved February 13, 1874, as amended, and that the advertisement or notice hereunto annexed and made a part of this certificate, has been published in said newspaper at least once each week for the space of three successive weeks, and that the first publication thereof

was in the regular edition of said newspaper published on Thur., July 6, 1972, and that the second publication thereof was in the regular edition of said newspaper published on

on _____, and that the third and last publication thereof

was in the regular edition of said newspaper published on _____, and that said newspaper has been regularly and continuously published for more than one

year last past; and that Darlene L. Marshall by resolution by the board of directors has authority to make this certificate.

IN TESTIMONY WHEREOF, the said Darlene L. Marshall has hereunto

affixed the name of said company, this 6th day of July,

A.D. 19 72

Fee . . . \$ 16.52

Received \$ _____

_____ 19 _____

By _____

THE COURIER

CHAMPAIGN-URBANA COURIER, Inc.

By Darlene L. Marshall

LS-63

CERTIFICATE OF PUBLICATION

in

**THE COURIER
URBANA, ILLINOIS**

In the Matter of

Ordinance No. 7272-14, City of

Urbana

Solicitors or
Attorneys City Clerk

Pennyrich.

She was a member of the
Grace Baptist Church at Ma-
homet.