

ORDINANCE NO. 7677-74

An Ordinance vacating alleys located in the City of Urbana legally described as "All that portion of Thorne Alley which lies 88 feet North of Main Street in the City of Urbana being 221 feet in length and 12 feet in width which further lies South of Water Street in the City of Urbana and is bounded by the property owned by Champaign County Bank & Trust Company, in the City of Urbana, and also all that portion of Goose Alley which is the East 50.875 feet of said alley being 12 feet in width abutting Walnut Street on the East and bounded by property owned by Champaign County Bank & Trust Company.

WHEREAS, in 1976 the abutting property owners of the above described alleys filed a proper petition addressed to the City Council of the City of Urbana, Illinois requesting the vacation of said alleys and;

WHEREAS, the City Council of the City of Urbana, Illinois, has determined that it is in the best interest of the City of Urbana to vacate said alleys and;

WHEREAS, the City of Urbana has determined that said vacation shall be completed in accordance with the provisions of Resolution #7475-R19 "Resolutions Regarding Policy on Vacation of Alleys - City of Urbana, Illinois, Dated September, 1974," and;

WHEREAS, the City of Urbana, Illinois has determined that it is in the best interest of the City to retain certain covenants and restrictions as to use of said alleys as hereinafter described;

BE IT THEREFORE ORDAINED by the City Council of Urbana, Illinois that:

Section 1: The City Council of the City of Urbana, Illinois hereby vacates all that portion of Thorne and Goose

Alleys which remain unvacated and which lie between Water Street and Main Street on the North and South and Walnut Street and Broadway on the East and West, more specifically described as "all that portion of Thorne Alley which lies 88 feet North of Main Street in the City of Urbana, being 221 feet in length and 12 feet in width which further lies South of Water Street in the City of Urbana and is bounded by property owned on the East and West by Petitioner and which lies between Walnut and Broadway Streets. Also that portion of Goose Alley which is the East 50.875 feet of said alley being 12 feet in width abutting Walnut Street on the East, all property being presently owned by the City of Urbana", and title to the said lands included within said portion of said alleys are so vacated and shall vest in the owners of the property abutting on said alleys.

Section 2: The vacation of said portion of said alleys and the vesting of the title to the land included in same shall be effective upon recording of this Ordinance with the Champaign County Recorder of Deeds.

Section 3: The City of Urbana, Illinois hereby reserves an easement upon and under all that portion of said alleys for the maintenance and repair of all public sewers and drains which are located under the surface of said alleys and such vacation of the use of the vacated portion of said alleys shall create an obligation on the part of the abutting owners of said alleys to reimburse the City of Urbana for any damages caused to said sewers or drains resulting from their use of said portion of said alleys.

Section 4: The vesting of title in the portion of said alleys described herein and so vacated to the abutting property owners shall be subject to an easement to all public utilities and successors and assigns to operate, maintain, renew, and reconstruct their facilities affected by this vacation as now is operated and maintained in, over

or under the portion of said alleys vacated unless the said abutting property owners shall compensate the said utilities for such reasonable expenses as shall be incurred by said utilities in connection with the rearrangement, removal or relocation of said facilities, this body having determined that it is both necessary and desirable for the public that the public services of said public utilities be continued by means of said public utilities.


Section 5: All retained reservations for easements in, over, under and to said alleys by the City of Urbana, Illinois shall be released by the City of Urbana upon notification and verification to said City that Champaign County Bank and Trust Company has properly completed the rearrangement and relocation at the cost to Champaign County Bank and Trust Company of sewer lines in said area to comply with the proposed plans for construction of buildings on said premises and in compliance with all City Codes in that said sewer lines shall be relocated to the West edge of Goose Alley and shall be running in a North-South direction connecting to the present 18" sewer line which runs East-West along Water Street in Urbana, Illinois, and in that sanitary sewer connections shall be constructed from the new drive-in facility to the existing manhole located in Walnut Street in Urbana, Illinois, and connection effected thereto, and in that the sanitary line which runs through Goose Alley from the manholes in Broadway Street and Walnut Street in Urbana, Illinois, will be disconnected from those manholes and permanently closed.

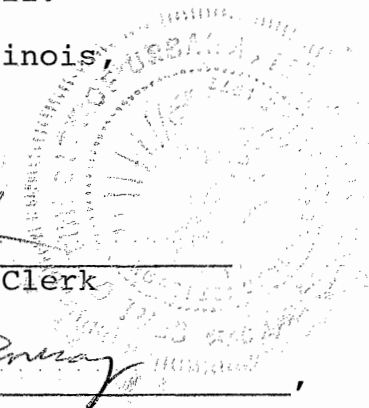
Section 6: That the Urbana City Council finds and determines that \$5215.00 is that amount of money which is equal to the benefits which will accrue onto this said owner of the abutting property by reason of this vacation ordinance, and it is hereby acknowledged by the City of Urbana that the said City has received the sum of \$5215.00 from the Petitioner, Champaign County Bank and Trust Company

as payment in full for the said benefits so accruing, and it is hereby confirmed that it is in the best interests of the public and the City of Urbana that these moneys be paid and that the said alleys be vacated.

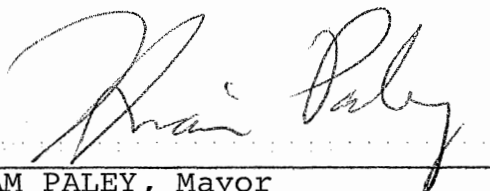
Section 7: This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called, passed by three-fourths (3/4ths) vote of the Aldermen and Alderwomen holding office who did not abstain from voting on this Ordinance, all in accordance with Ordinance No. 7374-61 of the City of Urbana, Illinois, heretofore adopted and in effect, at a regular meeting of the said City Council.

PASSED BY the City Council of Urbana, Illinois, this 17th day of January, 1977.


DUANE ECKERTY, City Clerk



APPROVED BY the Mayor this 22 day of January, 1977.


HIRAM PALEY, Mayor