

AN ORDINANCE GRANTING A TEMPORARY  
EASEMENT FOR STRUCTURE LOCATED AT  
402 W. MAIN STREET, URBANA, ILLINOIS

WHEREAS, the Good Shepherd Apostolic House of Prayer, a not for profit organization, has duly petitioned the City of Urbana to grant a temporary easement to it and its successors and assigns for an existing structure presently located at 402 W. Main, Urbana, Illinois; and

WHEREAS, said structure has existed in said location for a period of more than twenty (20) years; and

WHEREAS, said existing structure has encroached upon the following described municipally owned property for said period:

Commencing at the Iron Pipe Monument on the Southeast corner of Lot 13 of C. W. Smith's Subdivision of Lots 8, 9, 22, 23, 24 and 25 of S. T. Busey's Addition to the Town, now the City of Urbana, thence North along the East Lot line of said Lot 13 to the Northeast Iron Pipe Monument of said Lot 13, thence due East 1.63 feet, thence South parallel to the East Lot line of said Lot 13 for a distance of 82.27 feet, thence due East to the point of beginning;

and,

WHEREAS, the City of Urbana has determined through its duly elected City Council that the public interest will be subserved if the City were to grant said temporary easement.

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

That a temporary easement is hereby granted to the Good Shepherd Apostolic House of Prayer, its successors and assigns, for a period equal to the life, as hereinafter set forth, of the existing structure presently located on the property legally described as follows:

Lot 13 of C. W. Smith's Subdivision of Lots 8, 9, 22, 23, 24 and 25 of S. T. Busey's Addition to the Town, now the City of Urbana, situated in Champaign County, Illinois,

for that portion of the said existing structure which extends and encroaches upon City property, legally described as follows:

Commencing at the Iron Pipe Monument on the Southeast corner of Lot 13 of C. W. Smith's Subdivision of Lots 8, 9, 22, 23, 24 and 25 of S. T. Busey's Addition to the Town, now the City of Urbana, thence North along the East Lot line of said Lot 13 to the Northeast Iron Pipe Monument of said Lot 13, thence due East 1.63 feet, thence South parallel to the East Lot line of said Lot 13 for a distance of 82.27 feet, thence due East to the point of beginning.

The grant of the temporary easement aforesaid is made solely upon the conditions and limitations hereinafter contained, and the Good Shepherd Apostolic House of Prayer, its successors and assigns, by its acceptance of said grant, accepts such conditions and limitations and agrees to the full, strict and prompt observance thereof.

1. The easement granted in and by this Ordinance is limited to such uses and purposes of the said existing structure as may be permitted by law or ordinance and for no other purpose whatsoever.

2. The "life" of the existing structure, as that term is used herein for the term of this grant of a temporary easement, shall be deemed to have ceased and terminated when the said existing structure is:

- (a) razed or otherwise demolished or destroyed, or
- (b) damaged by fire or any other cause to an extent in excess of fifty (50) per cent of the physical value of the said existing structure before the damage was incurred, or
- (c) to be altered and repaired and such alterations or repairs, which are to be made within any period of twelve (12) months, cost in excess of fifty (50) per cent of the physical value of the structure.

3. The City of Urbana reserves to itself, its grantees, licensees, lessees, successors and assigns, the right to install and use or operate, or the right to grant to others permission to install and use or operate other facilities and structures for public use, either now or hereafter, upon or beneath the surface of the easement granted in and by this ordinance, including, but not limited to, underground pipes and conduits, upon and beneath the surface of said easement, and overhead wires, cables and poles or other structures for the support of such facilities and structures which may now or hereafter be on the said granted easement.

4. Neither the City nor any of its property shall be subjected to any charge, assessment or expense, arising from, growing out of, or in any way attributable to, the maintenance, use or operation of the presently existing structure, whether within or without the confines of the City's property. If the City or its property is legally subjected to any such charge, assessment or expense, the Good

Shepherd Apostolic House of Prayer, its successors and assigns, shall pay the City of Urbana, as compensation for the rights granted in and by this ordinance, an amount of money equal to any such charge, assessment or expense paid by the City.

If the lawful use of the temporary easement granted in and by this ordinance shall be abandoned or discontinued, or if the "life" of the existing structure ceases or terminates as herein provided, or if the Good Shepherd Apostolic House of Prayer or its successors or assigns violates any provision of this ordinance, the said temporary easement shall thereupon cease and determine, and the Good Shepherd Apostolic House of Prayer or its successors or assigns shall surrender or cause to be surrendered to the City of Urbana, or its successors and assigns, the peaceable possession of the said described City-owned property, and title to the said City-owned property shall remain in the City of Urbana, or its successors or assigns, free and clear of all rights and claims granted in and by this ordinance for the public use. Full and complete title, ownership and the use of the above described City-owned property are reserved to the City of Urbana, its successors and assigns, subject only to the right, permission and authority herein expressly granted in this ordinance.

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called, of three-quarters (3/4) of the Members of the Council of the City of Urbana, Illinois, at a regular meeting of said Council on the 16th day of January, 1978.

PASSED by the City Council this 16th day of January, 1978.

*Duane Eckerty*  
Duane Eckerty, City Clerk  
*Dorothy Ambarger*  
Dorothy Ambarger, Deputy Clerk

APPROVED by the Mayor this 20th day of January, 1978.

*Jeffrey T. Markland*  
Jeffrey T. Markland, Mayor