

AN ORDINANCE VACATING
A PORTION OF MULBERRY ALLEY

WHEREAS, a proper Petition to the City of Urbana, Illinois, has been filed requesting the vacation of a portion of the City right-of-way known as Mulberry Alley, which said alley is located between Coler Street and Orchard Street on the East and West and between University Avenue and Clark Street on the North and South; and

WHEREAS, the City Council of the City of Urbana, Illinois, has determined that the public interest will be subserved by vacating that portion of Mulberry Alley; and

WHEREAS, the City Council of the City of Urbana, Illinois, has determined that that portion of Mulberry Alley should be vacated in accordance with the provisions of Resolution No. 7475-R19, entitled "A Resolution Regarding Policy on Vacation of Alleys, City of Urbana, Illinois."

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

Section 1. That the City Council of the City of Urbana, Illinois, hereby vacates, subject to the terms set forth in this Ordinance, that portion of Mulberry Alley which is more specifically described as follows:

All that portion of the alley known as Mulberry Alley which lies between Coler Street and Orchard Street on the East and West respectively and between University Avenue and Clark Street on the North and South respectively, all of which is located in the City of Urbana, Champaign County, Illinois.

Section 2. The City of Urbana, Illinois, hereby reserves an easement under and upon the real estate described in Section 1 for the maintenance and repair of all public sewers and drains as well as electrical conduit which may now or hereafter be located under the surface of Mulberry Alley and the owners of abutting real estate shall reimburse the City of Urbana for any damages resulting to said sewers, drains or electrical conduit from their use of the real estate described in Section 1.

Section 3. Title to the land described in Section 1 shall vest in the adjoining landowners subject to any easement or easements in favor of public utilities, their successors or assigns, to operate, maintain, renew and reconstruct their facilities as now existing over or under that portion of Mulberry Alley, this corporate body having determined that it is both necessary and desirable for the public interests that the services of said public utilities be continued by means of such facilities.

Section 4. The City Council of the City of Urbana, Illinois, finds and determines that the benefits which will accrue to the owners of the abutting properties by reason of this Vacation Ordinance have heretofore been determined, provided for and set forth in an Agreement executed and entered into between the City and Carle Foundation Hospital regarding this particular vacation of an alley, and that that Agreement is hereby found to fulfill the requirements of Resolution No. 7475-R19, entitled "A Resolution Regarding Policy on Vacation of Alleys, City of Urbana, Illinois."

Section 5. This Ordinance is hereby passed at a regular meeting of said City Council by the affirmative vote of three-fourths (3/4ths) 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.

PASSED by the City Council this 17th day of September, 1979.

Ruth S. Brookens
Ruth S. Brookens, City Clerk

APPROVED by the Mayor this 19th day of Sept., 1979.

Jeffrey T. Markland
Jeffrey T. Markland, Mayor