

ORDINANCE NO. 8081-115

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

WHEREAS, the City of Urbana hereinafter referred to as the CITY, and the State of Illinois, acting by and through its Department of Transportation hereinafter referred to as the STATE have entered into an agreement relative to the improvement of University Avenue (FAP Route 808, US Route 150, US Route 45) from Wright Street easterly approximately 1.10 miles to Race Street (State Section 28Z(W,RS02)& (28Z,3R)TS, 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 simply for highway purposes; also, the areas acquired by temporary easement during the time of 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 and STATE, which will be free of encroachments except as 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 overhanging 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 construed 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 and the STATE, 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 City of Urbana, Champaign County, 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 (herein above 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 ordinances unless in direct conflict therewith.

Section 3: Any person, firm or corporation convicted of violating this ordinance shall be fined not less than three dollars (\$3.00) 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: This ordinance shall be in full force and effect from and after its passage, publication and approval as provided by law.

PASSED this 18th day of May, 1981.

Ruth S. Brookens
Ruth S. Brookens, City Clerk

APPROVED by the Mayor this 18th day of May, 1981.

Jeffrey T. Markland
Jeffrey T. Markland, Mayor

CERTIFICATE OF PUBLICATION

I, RUTH S. BROOKENS, City Clerk, City of Urbana, Illinois, do herewith certify that I caused the above Ordinance to be duly published in pamphlet form on the 19th day of May, 1981.

Ruth S. Brookens
Ruth S. Brookens, City Clerk