

ORDINANCE NO. 8283-71

AN ORDINANCE
VACATING A PORTION OF CUNNINGHAM AVENUE

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 Cunningham Avenue (sometimes also referred to as Heater Road); 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 Cunningham Avenue; and

WHEREAS, the City Council of the City of Urbana, Illinois, has determined that that portion of Cunningham Avenue 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 Cunningham Avenue which is more specifically described as follows:

Commencing at the Southwest corner of Lot "H" of the BELLE BARR SECOND SURVEY, which lies East of the existing East right-of-way line of Broadway Avenue, Northwest of Cunningham Avenue and South of the South bank of the Boneyard Creek, being part of the Southwest Quarter of the Southeast Quarter of Section 8, Township 19 North, Range 9 East of the Third Principal Meridian, situated in Champaign County, Illinois; thence Southerly 31.27 feet along the East right-of-way line of Broadway Avenue; thence Northeasterly, parallel with the South line of said Lot "H", 285.02 feet; thence Northwesterly 25.00 feet to the Northeast corner of said Lot "H"; thence Southwesterly 266.23 feet along the South line of said Lot "H" to the point of beginning, such area containing 6,890.6 square feet, more or less.

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 Cunningham Avenue 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 Cunningham Avenue, 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 \$8,257.50 is the amount of money which is equal to the benefits which will accrue to the owners of the abutting properties by reason of this Vacation Ordinance; and, this Ordinance shall not be effective until payment of such sum has been made to the Clerk of the City of Urbana, Illinois. Provided, however, that if payment of the full amount of such sum has not been made to the Clerk as provided above within a period of three (3) years from the date of passage of this Ordinance, the provisions of this Ordinance shall lapse and terminate and be of no further force and effect.

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 Section 2-30 of the Code of Ordinances, City of Urbana, Illinois, heretofore adopted and in effect.

PASSED by the City Council this 18th day of April, 1983.

Ruth S. Brookens
Ruth S. Brookens, City Clerk

APPROVED by the Mayor this 25th day of April, 1983.

Jeffrey I. Markland
Jeffrey I. Markland, Mayor



CHAMPAIGN
NATIONAL BANK
CHAMPAIGN, ILLINOIS 61820

185377

REMITTER

Dwight Dobbs

DATE:

July 26, 1983

70-196
711

PAY TO THE
ORDER OF

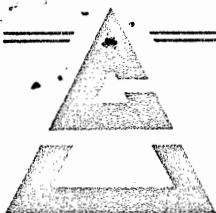
City of Urbana

CHAMPAIGN NATIONAL ~~8,257.50~~ 8257 AND 50 CTS

CASHIER'S CHECK

AUTHORIZED SIGNATURE

⑈ 185377 ⑈ ⑆ 071101967⑆ 00100209⑈



TREE CITY, USA

A NICE PLACE TO LIVE

CITY OF URBANA

400 SOUTH VINE STREET • URBANA, ILLINOIS 61801

May 26, 1983

CITY OF URBANA, ILL.
RECEIVED

MAY 26 1983

CITY CLERK'S OFFICE

Mr. Carl Webber
Webber & Thies, P.C.
P.O. Box 189
Urbana, IL 61801

Re: Your letter of May 24, 1983 regarding the
vacation of a portion of Cunningham Avenue

Dear Carl:

In your letter referenced above, you requested me to forward to you a certified copy of the vacation ordinance pertaining to the above. As you are aware, section 4 of that ordinance provides that such ordinance shall not be effective until payment of the amount of \$8,257.50 has been made to the Clerk of the City of Urbana, Illinois.

At such time as such amount is fully paid, I trust that Ruth Brookens will be more than happy to provide you with a receipt for the payment and a certified copy of the ordinance. Unless and until that is accomplished, it is my opinion that such ordinance is of no force and effect.

Very truly yours,

Kenneth N. Beth
City Attorney

KNB/vs

cc: ✓ Ruth Brookens

WEBBER & THIES, P. C.

ATTORNEYS AT LAW

202 LINCOLN SQUARE

P. O. Box 189

URBANA, ILLINOIS 61801

CHARLES M. WEBBER

RICHARD L. THIES

CRAIG R. WEBBER

CARL M. WEBBER

JEROME J. BROMIEL

DAVID C. THIES

AREA CODE 217

TELEPHONE

367-1126

August 9, 1983

Mrs. Ruth Brookens
Urbana City Clerk
Urbana City Building
400 South Vine Street
Urbana, IL 61801

RE: Vacation of a portion of Cunningham Avenue

Dear Mrs. Brookens:

We talked a few weeks ago about the ordinance relating to vacation of a part of Cunningham Avenue to the property owned by Mr. and Mrs. Dwight Dobbs. I am asking that my clerk hand deliver this letter so that you may receive with it any fee for a certified copy of that ordinance. I would appreciate your preparing one at your convenience and forwarding it to me.

Very truly yours,

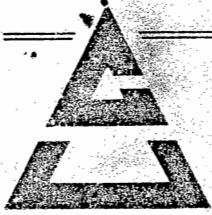
WEBBER & THIES, P.C.

BY: 

Carl M. Webber

CMW/bah
cc Dwight Dobbs

Certified copy aug. 10, 1983



CITY OF URBANA

400 SOUTH VINE STREET • URBANA, ILLINOIS, 61801 • (217) 384-2300

TREE CITY, USA

A NICE PLACE TO LIVE

April 30, 1984

To Whom It May Concern:

Ordinance No. 8283-71, "An Ordinance Vacating A Portion Of Cunningham Avenue," provides in Section 4 that the ordinance will not be effective until payment of the sum of \$8,257.50 has been made to the Clerk of the City of Urbana, Illinois.

A cashier's check on Champaign National Bank, remitter Dwight Dobbs, in the amount of \$8,257.50, dated July 26, 1983 was paid to the City of Urbana.

A certified copy of the ordinance was sent to Carl Webber of Webber and Thies, P.C. on August 10, 1983.

Ruth S. Brookens

Ruth S. Brookens
City Clerk

CITY OF URBANA, ILL.
RECEIVED

MAY 1 1984

CITY CLERK'S OFFICE

WEBBER & THIES, P. C.

ATTORNEYS AT LAW

202 LINCOLN SQUARE

P. O. Box 189

URBANA, ILLINOIS 61801

AREA CODE 217

TELEPHONE

867-1126

CHARLES M. WEBBER
RICHARD L. THIES
CRAIG R. WEBBER
CARL M. WEBBER
JEROME J. BROMIEL
DAVID C. THIES
JEFFREY L. SALISBURY
HOLTEN D. SUMMERS

April 30, 1984

Mrs. Ruth S. Brookens
City Clerk
400 South Vine Street
Urbana, IL 61801

Dear Ruth:

Thank you very much for taking the time to prepare the letter concerning the vacation of Cunningham Avenue. It was required by the title insurance company as proof that the matter had been completed.

Very truly yours,

WEBBER & THIES, P.C.

By 

Carl M. Webber

CMW/tib