

ORDINANCE NO. 8384-12

AN ORDINANCE
GRANTING CERTAIN RIGHTS AND PERMISSION TO CONTINUE
EXISTING ENCROACHMENTS UPON A PORTION OF AN ALLEY

WHEREAS, a proper petition to the City of Urbana, Illinois has been filed requesting the vacation of a portion of a certain north-south alley located generally between Race Street and Broadway Avenue and bounded by Washington Street on the south and Oregon Street on the north; and

WHEREAS, the City Council has determined that the public interest will not be subserved at this time by vacating the entire portion of said alley so requested to be vacated; and

WHEREAS, the City Council acknowledges that certain encroachments presently exist upon that remaining portion of said alley that has so been determined to be not in the public interest to vacate, but that no public interest or useful purpose will be subserved by requiring the removal or elimination of such encroachments at this time.

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

Section 1. That the City Council hereby grants to the adjoining landowners, subject to the terms, conditions, limitations and reservations set forth in this ordinance, the temporary right and authority to use and maintain the hereinafter described portion of said alley for the purpose of continuing only the existence of certain encroachments and uses as presently exist as of the date of this ordinance, which such portion of said alley is more specifically described as follows:

The West 6 feet of Lot Six (6) and the East 6 feet of Lot Seven (7) of Assessor's Subdivision of Out Lots Eleven (11), Twelve (12), Thirteen (13) and Fourteen (14) of James S. Busey's Addition of Out Lots to the City of Urbana, situated in Champaign County, Illinois.

Section 2. That the City Council hereby grants such right and permission to use and maintain such portion of said alley subject and subordinate to the reservation of an easement or easements under and upon such portion of the alley described in Section 1 for the maintenance and repair of all public sewers and drains as well as any electrical conduit which may now or hereafter be located on, under or over said portion of said alley, and the adjoining landowners shall reimburse the City of Urbana for any damage resulting to said sewers, drains or

electrical conduit from their use and maintenance of the real estate so described in Section 1. Said right and permission is also granted subject and subordinate to any easement or easements in favor of public utilities, their successors or assigns, to operate, maintain, renew and reconstruct their facilities as now or hereafter existing on, over or under said portion of said alley, this corporate body having determined that it is both necessary and desirable for the public interest that the services of said public utilities be continued by means of such facilities.

Section 3. That the adjoining landowners shall not use or maintain said portion of said alley as described in Section 1 for any other purpose than that which has been granted herein, it being the intent of the City Council that no new structure, facility, obstruction or encroachment of any kind whatsoever, other than those presently existing on the date of this Ordinance, shall be constructed, maintained or used on said portion of said alley described in Section 1. The right and permission herein granted shall also at all times be subject to such other laws, ordinances, rules and regulations as may then be currently in effect insofar as any such law, ordinance, rule or regulation may pertain to the continued use and maintenance of said portion of said alley described in Section 1.

Section 4. That the right and permission to use and maintain said portion of said alley as described in Section 1 may be terminated by the City Council at any time by the passage of an ordinance by the City Council determining that the nature and extent of the public use or public interest to be subserved by such termination is such as to warrant such termination, and any such determination by the City Council shall be conclusive.

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called, of a majority of the members of the Council of the City of Urbana, Illinois, at a regular meeting of said Council on the 6th day of September, 1983.

PASSED by the City Council this 6th day of September, 1983.

Ruth S. Brookens
Ruth S. Brookens, City Clerk

APPROVED by the Mayor this 9th day of September, 1983.

Jeffrey T. Markland
Jeffrey T. Markland, Mayor