

ORDINANCE NO. 8586-80

AN ORDINANCE REGULATING THE 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, Division of Highways, hereinafter referred to as the STATE, have entered into an agreement relative to the improvement of Goodwin Avenue from Bradley Avenue to Ellis Drive, known as City Section 83-00231-00-PV.

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 definition:

Roadway Right-of-Way is defined as those areas existing or acquired by dedications or by fee simple for highway purposes; also, the areas acquired by temporary easement during the time the 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, STATE, and the Federal Highway Administration 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 the 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 and perform all necessary construction operations, and

WHEREAS, representatives of the CITY, STATE, and the Federal Highway Administration 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 COUNCIL OF THE CITY OF URBANA, ILLINOIS:

SECTION I. 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), except as provided in Section III, 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 II. Project right-of-way lines have been established at the following location to wit: None established.

SECTION III. Revocable permits have been issued by the CITY for the temporary retention of the following Permissible Encroachments (herein above defined) None issued.


SECTION IV. 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 ordinance unless in direct conflict therewith.

SECTION V. Any person, firm or corporation violating this Ordinance shall be fined not less than Five Dollars (\$5.00) 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 VI. That the City Clerk be and is hereby authorized and directed to cause this ordinance to be published as by law prescribed whereafter the same shall be in full force and effect as by law provided.

PASSED by the City Council this 5th day of May 1986.

Ruth S. Brookens
Ruth S. Brookens, City Clerk



APPROVED by the Mayor this 8th day of May 1986.

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 14th day of July, 1986.

Ruth S. Brookens
Ruth S. Brookens, City Clerk