

ORDINANCE NO. 8788-5

AN ORDINANCE
VACATING A PART OF MATHEWS AVENUE

WHEREAS, a proper petition addressed to the City of Urbana, Champaign County, Illinois (the "City") has been filed requesting the vacation of the west 8.5 feet of the City right-of-way known as Mathews Avenue between the north right-of-way line of Western Avenue and the north right-of-way line of Clark Street; and

WHEREAS, the City Council of the City of Urbana, Illinois has determined that the nature and extent of the public use or public interest to be subserved is such as to warrant the vacation of that part of Mathews Avenue.

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 hereby vacates, subject to the terms set forth in this Ordinance, that part of Mathews Avenue which is more specifically described as follows:

The West 8.5 feet of the Mathews Avenue right-of-way, between the North right-of-way line of Western Avenue and the North right-of-way line of Clark Street, further described as follows:

Beginning at the Southeast corner of Lot 1 of Joseph Nelson's Addition in the City of Urbana, Champaign County, Illinois; thence Northerly 132 feet along said Lot 1 to the South right-of-way line of Springfield Avenue; thence Easterly 8.5 feet along an extension of the North line of said Lot 1; thence Southerly 132 feet along a line parallel to the East line of said Lot 1; thence Westerly 8.5 feet to the point of beginning, encompassing 0.03 acres, more or less; also,

Beginning at the Southeast corner of Lot 10 of Block 54 of Seminary Addition in the City of Urbana, Champaign County, Illinois; thence Northerly 975.5 feet along the East line of Blocks 54, 51 and 42 of Seminary Addition to the Southeast corner of Lot 10 of Block 41 of Seminary Addition; thence Easterly 8.5 feet along an extension of the South line of Lot 10 of said Block 41; thence Southerly 975.5 feet along a line parallel to the East line of said Blocks 42, 51 and 54; thence Westerly 8.5 feet

to the point of beginning, encompassing 0.19 acres, more or less; situated in the City of Urbana, Champaign County, Illinois.

Section 2. That title to the real estate described in Section 1 shall vest in the owners of the land abutting thereon subject to any easement or easements in favor of the City or any public utilities, their successors or assigns, to operate, maintain, renew and reconstruct their facilities as now existing on, over or under that part of Mathews Avenue so described in Section 1, unless and until such owners of the land abutting thereon shall cause the rearrangement, removal or relocation of all said facilities, and shall pay and be responsible for all reasonable costs and expenses as shall be incurred in association therewith.

Section 3. That the City Council of the City hereby finds and determines that the relief to the City from the further burden and responsibility of maintaining a sidewalk for pedestrian traffic constitutes a public use or public interest authorizing the vacation of part of Mathews Avenue as provided herein, and that no compensation shall be required for such vacation under this Ordinance in that the benefits which will accrue to the owner or owners of property abutting upon such part of Mathews Avenue is, in the judgment of the corporate authorities, such as will not cause an increase in the fair market value of such abutting property.

Section 4. This vacation ordinance shall not become effective unless and until the owners of the land abutting on the real estate described in Section 1 shall have duly authorized, executed and delivered to the City a certain agreement, entitled "An Agreement for Construction and Maintenance of a Sidewalk and Required Future Easements". Such agreement shall be duly recorded in the Office of the Recorder of Deeds of Champaign County, Illinois, and such recording shall constitute conclusive evidence that this Vacation Ordinance has become effective.

Section 5. That 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.

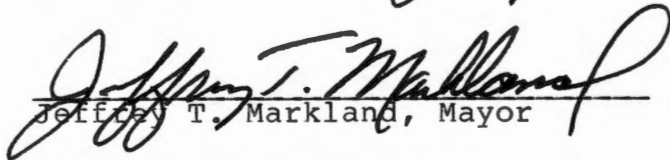
PASSED by the City Council this 20th day of July, 1987.

Ruth S. Brookens
Ruth S. Brookens, City Clerk



1987.

APPROVED by the Mayor this 22nd day of July,


Jeffrey T. Markland, Mayor