

ORDINANCE NO. 8788-6

AN ORDINANCE
APPROVING AND AUTHORIZING THE EXECUTION OF AN
AGREEMENT FOR CONSTRUCTION AND MAINTENANCE
OF A SIDEWALK AND REQUIRED FUTURE EASEMENTS

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

Section 1. That an Agreement For Construction and
Maintenance of a Sidewalk and Required Future Easements by and
between the Board of Trustees of the University of Illinois and
the City of Urbana, Illinois, a copy of which said Agreement is
attached hereto and hereby incorporated by reference, be and the
same is hereby authorized and approved.

Section 2. That the Mayor of the City of Urbana,
Illinois, be and the same is hereby authorized to execute and
deliver and the City Clerk of the City of Urbana, Illinois, be
and the same is hereby authorized to attest to said execution of
said Agreement for and on behalf of the City of Urbana,
Illinois.

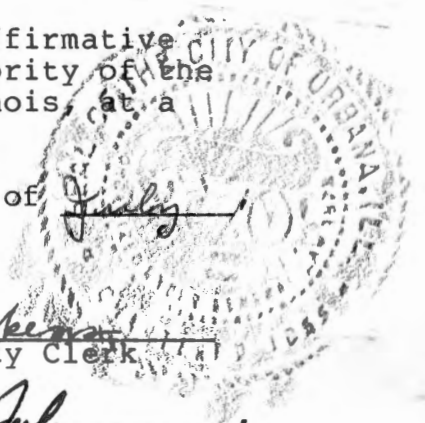
This Ordinance is hereby passed by the affirmative
vote, the "ayes" and "nays" being called, of a majority of the
members of the Council of the City of Urbana, Illinois, at a
regular meeting of said Council.

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

Ruth S. Brookens
Ruth S. Brookens, City Clerk

APPROVED by the Mayor this 23rd day of July,
1987.

Jeffrey T. Markland
Jeffrey T. Markland, Mayor



THIS IS THE ATTACHMENT WHICH IS REFERRED TO IN
ORDINANCE NO. 8788-6 AND IS INCORPORATED
THEREIN BY REFERENCE.

Ruth S. Brookens
Ruth S. Brookens, City Clerk

July 23, 1987
Date



AN AGREEMENT
FOR CONSTRUCTION AND MAINTENANCE OF A
SIDEWALK AND REQUIRED FUTURE EASEMENTS

THIS AGREEMENT is made and entered into by and between the Board of Trustees of the University of Illinois (the "University") and the City of Urbana, Champaign County, Illinois, a municipal corporation of the State of Illinois (the "City").

W I T N E S S E T H:

WHEREAS, the University has duly filed a petition with the City requesting the City to vacate the west 8.5 feet of the right-of-way of the City 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 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 and has, by Ordinance No. _____, entitled "An Ordinance Vacating a Part of Mathews Avenue", which was passed on _____, 1987, and approved on _____, 1987, (the "Vacation Ordinance") vacated that part of Mathews Avenue more particularly described as follows (the "Property"):

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.

WHEREAS, pursuant to the Vacation Ordinance, the City has determined and the University has agreed that it is in the best interest of the City and the University to make provision for the construction and maintenance of a sidewalk for pedestrian traffic as well as any easements as may be required by the City in the future on and over the Property so vacated by the Vacation Ordinance.

NOW, THEREFORE, for and in consideration of the vacation of part of Mathews Avenue as so provided in the Vacation Ordinance, the University agrees as follows:

Section 1. Construction and Maintenance of Sidewalk. The University shall construct, use and maintain the surface of the Property as a sidewalk for pedestrian traffic for the guests and invitees of the University. A sidewalk for pedestrian traffic, as used in this Agreement, shall mean a walkway used for pedestrian traffic, which is constructed and maintained in accordance with the requirements of the Code of Ordinances of the City.

Section 2. Future Easements. The University hereby agrees to grant and convey unto the City such perpetual easement or easements on, over or under the Property vacated by the Vacation Ordinance as may be required by the City in the future for public sewers and drains, electrical conduit or any other public facility of the City, with such grant or conveyance by the University to the City to be without any payment or other consideration by the City in connection therewith. Any such grant or conveyance of such perpetual easement or easements shall be made by the University as soon as reasonably practical after the written request of the City for any such easement.

Section 3. Term. This Agreement shall be and remain in full force and effect until such time as the remaining part of Mathews Avenue adjacent to the Property vacated by the Vacation Ordinance is later vacated by the City or until such other time as may be mutually agreed upon in writing by the University and the City.

Section 4. Agreement to Run With the Property. All rights, title and privileges herein granted or agreed upon, including all benefits and responsibilities, shall run with the Property vacated by the Vacation Ordinance and shall be binding upon and inure to the benefit of the parties hereto, their respective successors, assigns and legal representatives.

IN WITNESS WHEREOF, the University and the City have caused this instrument to be executed by their proper officials duly authorized to execute the same.

CITY OF URBANA, ILLINOIS

THE BOARD OF TRUSTEES OF THE
UNIVERSITY OF ILLINOIS

By: Jeffrey T. Markland, Mayor

By: Its Comptroller

ATTEST:

ATTEST:

Ruth S. Brookens, City Clerk

Its Secretary

APPROVED:

By: Legal Counsel