

ORDINANCE NO. 9091-45

AN ORDINANCE
AUTHORIZING CONDEMNATION OF CERTAIN RESIDENTIAL PROPERTY RIGHTS
FOR PURPOSES OF GARBAGE DISPOSAL

WITNESSETH:

WHEREAS, the City of Urbana is a member of the Intergovernmental Solid Waste Disposal Association (ISWDA); and,

WHEREAS, the ISWDA has proposed locating a MR/TF near North Lincoln Avenue, Urbana; and,

WHEREAS, an owner of property adjacent to the proposed site of the MR/TF has applied for and been issued a Zoning Use Permit by Champaign County to construct a residence 50 feet north of the proposed site; and,

WHEREAS, said residence, if constructed, will be within 1,000 feet of most of the proposed MR/TF site for garbage processing and disposal; and,

WHEREAS, state statute prohibits the siting of a waste transfer facility within 1,000 feet of a residence; and,

WHEREAS, Champaign County at this time lacks the authority to acquire the residential development rights of property within 1,000 feet of the proposed site through condemnation; and,

WHEREAS, the City of Urbana has authority pursuant to Illinois Revised Statutes to condemn property beyond its corporate limits; and,

WHEREAS, the City of Urbana is desirous of assisting the ISWDA in preserving the proposed site of the MR/TF for further review by removing and prohibiting any residential development within 1,000 feet of the proposed site.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Urbana, Champaign County, Illinois, as follows:

Section 1. That it is hereby determined that it is necessary to obtain the residential development rights to certain property adjacent to and within 1,000' of the property proposed by the ISWDA to be the location of a material recovery/transfer facility in order for the proposal for that site to proceed to a siting hearing without being in violation of state statute for being within 1,000' of a residence, such material recovery/transfer facility being for the purpose of processing and disposing of municipal waste from the City of Urbana, City of Champaign, and Champaign County.

Section 2. That it is hereby determined that it is necessary and desirable that the City of Urbana shall acquire title to the residential development rights of the following described real property which said residential development rights are necessary, required, and needed for garbage disposal purposes. Said residential property rights to be acquired being legally described as follows:

The Southerly 1,000 feet of the NE 1/4 of the NE 1/2 of Section 31, Township 20 North, Range 9 East of the 3rd P.M. lying east of the Illinois Central Railroad Right of Way and the NW 1/4 of the NW 1/4 of Section 32, Township 20 North, Range 9 East of the 3rd P.M. except the North 320 feet of the East 440 feet of said NW 1/4 of the NW 1/4 of Section 32.

Section 3. That the ISWDA has offered to acquire the residential development rights in question in payment of their fair market value and that such offer shall remain open until 5:00 p.m., Thursday, October 4, 1990.

Section 4. In the event that the ISWDA is unable to agree with the owners of said residential development rights as to the compensation to be paid therefor, then title to the residential development rights of the property in question as described in Section 2 of this Ordinance shall be acquired by the City of Urbana for the benefit of the ISWDA through condemnation and Jeffrey W. Tock, as special prosecutor for the City of Urbana, is hereby authorized, empowered, and directed to institute proceedings in any court of competent jurisdiction to acquire title to said residential development rights of said property in the name of the City of Urbana for the benefit of the ISWDA in accordance with the eminent domain laws of the state of Illinois.

Section 5. That the costs and liabilities arising out of such condemnation proceedings shall be paid by and be the responsibility of the ISWDA.

Section 6. This Ordinance shall take effect and be in full force from and after its passage.

ADOPTED this 1st day of October, 1990, pursuant to roll call vote as follows:

AYES	<u>6</u>
NAYS	<u>0</u>
ABSENT	<u>1</u>

PASSED and APPROVED by the Mayor of the City of Urbana this
1st day of October, 1990.



Jeffrey Markland
Jeffrey Markland, Mayor of the
City of Urbana, Illinois

Ruth S. Brookens
CITY CLERK of the City of
Urbana, Illinois