

ORDINANCE NO. 9293-67

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 Lincoln Avenue from Sunset Drive to .05 miles South of Killarney Street, known as City Section 92-00283-00-TL; and

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 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 and the State, 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 of 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 concurring in the establishment of the project right-of-way lines, will permit the STATE to enter to perform all necessary construction operations; and

WHEREAS, representatives of the CITY and the STATE 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 1. 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 (hereinabove defined), except as provided in Section 3, 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 2. Project right-of-way lines have been established at the following location to wit: None established.

Section 3. Revocable permits have been issued by the CITY for the temporary retention of the following Permissible Encroachments (hereinabove defined): None issued.

Section 4. This Ordinance is intended to and shall be in addition to all other Ordinances, rules and regulations concerning encroachment and shall not be construed as repealing or rescinding any other Ordinance or part of any Ordinance unless in direct conflict therewith.

Section 5. Any person, firm or corporation violating this Ordinance shall be fined not less than One Dollar (\$1.00) 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 6. The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities, and this Ordinance shall be in full force and effect from and after its passage and publication in accordance with Section 1-2-4 of the Illinois Municipal Code.

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 19th day of January, 1993.

PASSED by the City Council this 19th day of January, 1993.

  
Ruth S. Brookens  
Ruth S. Brookens City Clerk

APPROVED by the Mayor this 20th day of January, 1993.

Jeffrey T. Markland  
Jeffrey T. MARKLAND, Mayor

CERTIFICATE OF PUBLICATION IN PAMPHLET FORM

I, Ruth S. Brookens, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois.

I certify that on the 19th day of January, 1993, the corporate authorities of the City of Urbana passed and approved Ordinance No. 9293-67, entitled "An Ordinance Regulating the Encroachment on Public Right-of-Way in the City of Urbana, Champaign County, Illinois" of the City of Urbana, Champaign County, Illinois" which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 9293-67 was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the 27th day of January, 1993, and continuing for at least ten (10) days thereafter. Copies of such Ordinance were also available for public inspection upon request at the Office of the City Clerk.

DATED at Urbana, Illinois, this 8th day of February, 1993.



Ruth S. Brookens  
CITY CLERK