

AN ORDINANCE AUTHORIZING THE ACQUISITION OF CERTAIN
PROPERTY BY PURCHASE OR EMINENT DOMAIN
(North Lincoln Avenue Improvement Project)

WHEREAS, the City finds it necessary to public health, welfare and benefit that Lincoln Avenue between Wascher Drive and Hill Street be widened and improved in order to make the intersection at Fairview Avenue safe for pedestrian and vehicular traffic; and

WHEREAS, the City finds it appropriate and necessary to acquire certain property described herein in order to complete said project; and

WHEREAS, the City Council finds it is useful, advantageous and necessary for municipal purposes and in the public health, safety and welfare for the City to acquire the property described herein for the public purposes described herein.

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

Section 1. That the City Council hereby adopts as findings of facts, each and every finding recited in the preamble to this Ordinance.

Section 2. That the City Council hereby finds that the property described in Exhibit "A" and Exhibit "B", which are attached hereto and incorporated herein, should be acquired and is necessary for street or public way purposes, in accordance with Sections 11-61-1 and 11-61-2 of the Illinois Municipal Code, 65/ILCS 11-61-1 and 11-61-2, in particular the improvement of Lincoln Avenue between Wascher Drive and Hill Street, including but not limited to the intersection of Fairview Avenue with Lincoln Avenue.

Section 3. That the City Council finds it necessary and desirable that the City of Urbana, Illinois, acquire fee simple title to and possession of the real property described in Exhibit "A" and a temporary construction easement, for a period commencing with the beginning of construction of said project and continuing until final completion of said project as identified by the City Engineer, over, across and under the property described in Exhibit "B", which exhibits are attached hereto and incorporated herein, and which real property is necessary and required and needed to accomplish the public purposes described herein.

Section 4. That the City Attorney is hereby authorized and directed to negotiate for and on behalf of the City of Urbana, Illinois, with the owner or owners of the real estate described in Exhibit "A" and Exhibit "B" for the purchase thereof by the City of Urbana, Illinois.

Section 5. In the event that the City Attorney's designee is unable to agree with the owners of said property as to the just compensation to be paid therefore, by December 10, 1995, then title to and possession of said real property described in Exhibit "A" and a temporary construction easement as described in Section 3 over, across and under the property described in Exhibit "B" shall be acquired by the City of Urbana, Illinois, through condemnation and the City Attorney for the City is hereby authorized, empowered and directed to institute proceedings

in any court of competent jurisdiction to acquire title to and possession of said property for the City of Urbana, Illinois, in accordance with the eminent domain laws of the State of Illinois.

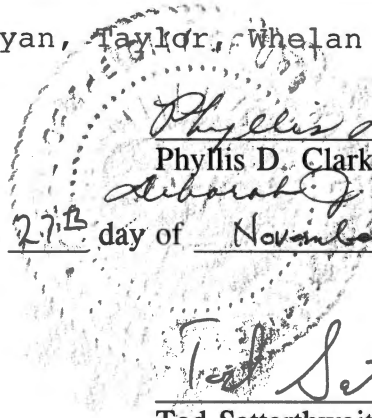
Section 6. If any section, paragraph or provision of this Ordinance is held to be invalid or unenforceable, such invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this Ordinance, or the provisions of the Code.

Section 7. The provisions of this Ordinance shall take precedence and be interpreted as superseding any other Ordinance or statute in conflict with the provisions of this Ordinance.

Section 8. That the City Clerk is directed to send a copy of this Ordinance to Mr. Steve Layden at c/o St. Joseph Siding & Window Company, 2201 Kickapoo Drive, Danville, IL 61832.

PASSED by the Urbana City Council this 20th day of November, 1995.

AYE: Hayes, Kearns, Patt, Ryan, Taylor, Whelan
NAY:
ABSTAIN:



Phyllis D. Clark by
Phyllis D. Clark, City Clerk
Deborah J. Roberts, Deputy Clerk

APPROVED by the Mayor this 27th day of November, 1995.

Tod Satterthwaite

Tod Satterthwaite, Mayor

EXHIBIT "A"

801 NORTH LINCOLN AVENUE

A part of Lot 40 of Sarah A. Sim's Addition to Urbana, Illinois as shown on a plat recorded in Plat Book B at Page 285 in the Office of the Recorder, Champaign County, Illinois, more particularly described as follows:

The East 7.00 feet of even width of the South 52 feet 2 inches of Lots 39 and 40 of Sarah A. Sim's Addition to Urbana, Illinois.

Said parcel containing 365.167 S.F., more or less, all situated in Urbana, Champaign County, Illinois.

803 NORTH LINCOLN AVENUE

A part of Lot 40 of Sarah A. Sim's Addition to Urbana, Illinois as shown on a plat recorded in Plat Book B at Page 285 in the Office of the Recorder, Champaign County, Illinois, more particularly described as follows:

The East 7.00 feet of even width of the South 75 feet of the North 78.4 feet of Lots 39 and 40 of Sarah A. Sim's Addition to Urbana, Illinois.

Said parcel containing 525.00 S.F., more or less, all situated in Urbana, Champaign County, Illinois.

EXHIBIT "B"

TEMPORARY CONSTRUCTION EASEMENT

801 NORTH LINCOLN AVENUE

A part of Lot 40 of Sarah A. Sim's Addition to Urbana, Illinois as shown on a plat recorded in Plat Book B at Page 285 in the Office of the Recorder, Champaign County, Illinois, more particularly described as follows:

The West 10.00 feet of even width of the East 17.00 feet of even width of the South 52 feet 2 inches of Lots 39 and 40 of Sarah A. Sim's Addition to Urbana, Illinois.

Said parcel containing 521.67 S.F., more or less, all situated in Urbana, Champaign County, Illinois.

803 NORTH LINCOLN AVENUE

A part of Lot 40 of Sarah A. Sim's Addition to Urbana, Illinois as shown on a plat recorded in Plat Book B at Page 285 in the Office of the Recorder, Champaign County, Illinois, more particularly described as follows:

The West 10.00 feet of even width of the East 17.00 feet of even width of the South 75 feet of the North 78.4 feet of Lots 39 and 40 of Sarah A. Sim's Addition to Urbana, Illinois.

Said parcel containing 750.00 S.F., more or less, all situated in Urbana, Champaign County, Illinois.