

AN ORDINANCE VACATING A PORTION OF BERKLEY AVENUE

WHEREAS, an Ordinance entitled "Ordinance Vacating a Portion of Berkley Avenue in the City of Urbana, Champaign County, Illinois" was passed by the Urbana City Council on the 6th day of October, 1969 and approved by the Mayor, which Ordinance vacated a portion of Berkley Avenue; and

WHEREAS, the said Ordinance, however, was conditioned upon the School District causing certain other property to be dedicated as public right-of-way and improved (Chapin Street); and

WHEREAS, although the School District did cause the public right-of-way now known as Chapin Street to be paved as directed, the description contained in the above-said Ordinance of the parcel to be dedicated and paved was misdescribed and no Deed of Dedication was ever delivered to the City of Urbana nor recorded and a portion of Berkley Avenue intended to be vacated was omitted from the said Ordinance; and

WHEREAS, it is in the best interests of the City of Urbana and Unit No. 116 School District that the vacation of the portion of Berkley Avenue heretofore conditionally vacated in accordance with the above-said Ordinance, be confirmed and that the proper dedication of Chapin Avenue be accomplished; and

WHEREAS, in accordance with the requirements of Ordinance No. 9293-97 entitled "An Ordinance Requiring a Public Hearing Prior to the Vacating of a Street", a public hearing was held on the 20th day of May, 1996, which said date was more than fifteen (15) days, but less than thirty (30) days following the publication of the Notice of Hearing in a newspaper of general circulation in the City of Urbana, to-wit, said publication having occurred on the 5th day of May, 1996; and the Zoning Administrator also caused to be mailed, a copy of the said Notice so published, to each of the last known taxpayers of record of all properties adjacent to or within 250' in each direction of the portion of the street proposed to be vacated, said mailing having been accomplished on the 10th day of May, 1996; and

NOW THEREFORE, BE IT ORDAINED:

Section 1. The Urbana City Council finds and determines that all conditions imposed upon the School District pursuant to the above-said Ordinance for the vacation of a portion of Berkley Avenue as described therein have been accomplished, including the correct dedication of Chapin Street, such dedication recorded as Document 96R17027, in Book 2424 at page 268.

Section 2. The vacation of the following portion of Berkley Avenue right-of-way is therefore hereby reconfirmed:

Beginning at the Northeast corner of Lot 24 in Block 22 in the Urbana Heights Addition to the City of Urbana, Champaign County, Illinois, thence East to the Northwest corner of Lot 25 in Block 21 of said Subdivision; thence South and along the West line of Lots 25, 26, 27, 28, 29 and 30, all in Block 21 of said Subdivision, to a point 42 feet North of the Southwest corner of Lot 30 in Block 21 of said Subdivision; thence West to a point 42 feet North of the Southeast corner of Lot 19 in Block 22 of said Subdivision; thence North along the East line of Lots 19, 20, 21, 22, 23 and 24 in Block 22 of said Subdivision, to the place of beginning, as shown on the attached plat, all situated in the City of Urbana, Champaign County, Illinois and containing 0.36 acre, more or less.

Section 3. That the following described additional portion of Berkley Avenue is hereby vacated, such having been determined to be no longer required by the City of Urbana for street right-of-way purposes and thus, the public interest shall be subserved by vacating the same:

Part of the Berkley Avenue Right-of-Way lying adjacent to Lots 18 and 19 in Block 22, and Lots 30 and 31 in Block 21 of Urbana Heights Addition to Urbana, Illinois, Subdivision of NE 1/4 of SW of NE 1/4, Sec. 8, T 19[sic] R 9 E, per plat recorded in Plat Book C, at page 36 in the Office of the Recorder, Champaign County, Illinois, further described as follows:

Beginning at a point 42 feet north of the southeast corner of said Lot 19; thence, East 60.00 feet to a point 42 feet north of the southwest corner of said Lot 30; thence, south, along the west lines of said lots 30 and 31, 50.75 feet to the north Right-of-Way line of Chapin Street extended, said line also being the easterly extension of a line 42.00 feet north of, and parallel with, the south line of said Lot 18; thence West, along said extended north Right-of-Way line, 60.00 feet to the east line of said Lot 18; thence, North, along the east lines of said Lots 18 and 19, 50.75 feet to the Point of Beginning.

As shown on the attached plat; all situated in the City of Urbana, Champaign County, Illinois and containing 0.07 acre, more or less.

Section 4. That the City of Urbana hereby declares it has no interest in the property which was indicated to be dedicated in the 1969 Ordinance vacating a portion of Berkley Avenue, described as:

The South 42 feet of Lot 19 in Block 22 of Urbana Heights Addition; the South 42 feet of the East 41 feet of Lot 6 aforesaid, and the South 31 feet of all of Lot 6 aforesaid, except the East 41 feet of said Lot 6, together with that portion of the vacated alley between the South 42 feet of Lots 6 and 19 aforesaid.

and thus, renounces and vacates whatever interest the City may have acquired by virtue of the said Ordinance.

Section 5. The vesting of title in the portion of the right-of-way so vacated in the abutting property owner or owners shall be subject to an easement to all public utilities, their successors and assigns to operate, maintain, renew and reconstruct their facilities affected by this vacation as now operated and maintained in, over and under the portion of the right-of-way vacated unless the said abutting property owner or owners shall compensate the said utilities for such reasonable expense as shall be incurred by said utilities in connection with the rearrangement, removal or relocation of said facilities.

Section 6. The vesting of title in the portion of the right-of-way so vacated shall also be subject to an easement running to the City of Urbana to maintain the existing public sidewalk which runs along the west side of Berkley Avenue in the area vacated.

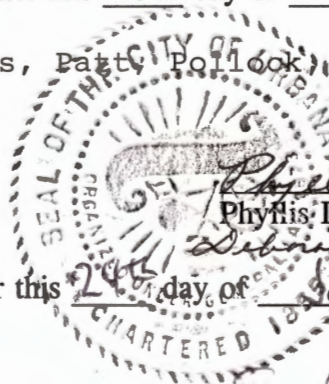
This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called, of a three-fourth's (3/4th's) vote of the members of the Council of the City of Urbana, Illinois, at a regular meeting of said Council.

PASSED by the City Council this 15th day of July, 1996.

AYES: Hayes, Kearns, ~~Patt~~, Pollock, Ryan, Taylor, Whelan

NAYS:

PRESENT:



Phyllis D. Clark by
Phyllis D. Clark, City Clerk

Deborah J. Roberts, Deputy Clerk

APPROVED by the Mayor this 24th day of July, 1996.

Tod Satterthwaite
Tod Satterthwaite, Mayor

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DOC # 96R22493
CHAMPAIGN COUNTY, ILL

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Cynthia A. Avery

CLERK'S CERTIFICATE

STATE OF ILLINOIS)
) SS
COUNTY OF CHAMPAIGN)

I, Phyllis D. Clark, City Clerk of the City of Urbana, Illinois, and keeper of the records, files and seal of said City, do hereby certify that the foregoing is a true and exact copy of an ordinance entitled, "AN ORDINANCE VACATING A PORTION OF BERKLEY AVENUE" adopted by the City Council of the City of Urbana on the 15th day of July, 1996 as appears in the records and files in my office remaining.

Given under my hand and seal of said City of Urbana, Illinois, this 3rd day of September, A.D. 1996

Phyllis D. Clark
Phyllis D. Clark, City Clerk

Prepared by: Jack Waaler
City of Urbana
400 S. Vine Street
Urbana, Illinois 61801

Return to: Jack Waaler
City Of Urbana
400 S. Vine Street
Urbana, Illinois 61801

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PASSED by the City Council this 15th day of July, 1996.

AYES: Hayes, Kearns, Patt, Pollock, Ryan, Taylor, Whelan

NAYS:

PRESENT:

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

APPROVED by the Mayor this 24th day of July, 1996.

Tod Satterthwaite
Tod Satterthwaite, Mayor

THIS IS THE ATTACHMENT WHICH IS REFERRED TO IN ORDINANCE
NO. 9697-14 AND IS INCORPORATED THEREIN BY REFERENCE.

Phyllis D. Clark

Phyllis D. Clark, City Clerk

September 3, 1996

Date

