

AN ORDINANCE APPROVING A UTILITY EASEMENT FOR
STONE CREEK SUBDIVISION

WHEREAS, in the Development Agreement with the Atkins Group for the development of Stone Creek Subdivision, the City committed itself to relocate certain electrical transmission lines; and

WHEREAS, the utility easements and right-of-way described in this Ordinance are needed to accomplish the relocation of the said electrical transmission lines; and

WHEREAS, the City has obtained an offer from the owners of the land involved to convey the easements and right-of-way described in this Ordinance to the City of Urbana; and

WHEREAS, it is deemed to be in the best interests of the City of Urbana to acquire such easements and right-of-way under the terms and conditions of the said offer.

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

Section 1. That upon delivery to the City of good and sufficient documents, together with proof of clear title to convey to the City the easements and right-of-way described below on or before the 1st day of June, 1997, the City shall pay to the Arcola First National Bank as Trustee under Land Trust No. 278, the sums set below the description of each of the respective easements and right-of-way as follows:

Florida Avenue/Highcross Road Utility Easements:

A portion of the East one-half of the Northeast Quarter of Section 22, Township 19 North, Range 9 East of the Third Principal Meridian, Champaign County, Illinois, more particularly described as follows:

Commencing at the Northwest corner of the East one-half of the Northeast Quarter of said Section 22, thence S00°56'34"E, along the west line of said East one-half of the Northeast Quarter, 40.00 feet to the Point of Beginning; thence, N89°13'26"E, along a line parallel with and 40.00 feet southerly of, the north line of said East one-half of the Northeast Quarter, said line also being the proposed southerly Right-of-Way line of Florida Avenue, 663.93 feet; thence, S89°45'50"E, along said proposed southerly Right-of-Way line, 283.06 feet, to a point 45.00 feet southerly of the north line of said East one-half of the Northeast Quarter; thence, N89°13'26"E, along a line parallel with and 45.00 feet southerly of, the north line of said East one-half of the Northeast Quarter, said line also being the proposed southerly Right-of-Way line of Florida Avenue, 303.32 feet, to a point on the westerly Right-of-Way line of Illinois Route 130 (Highcross Road); thence, S01°41'44"E, along said westerly

Right-of-Way line, 768.89 feet; thence, continuing along said westerly Right-of-Way line, S00°10'12"E, 1104.90 feet to the north line of Emergo First Subdivision, as shown on a plat prepared by Edward L. Clancy, IPLS Number 2207 and dated November 16, 1993; thence, S89°03'26"W, along said north line of Emergo Subdivision, 39.70 feet to a point 115.00 feet westerly of the east line of said East one-half of the Northeast Quarter of Section 22; thence, N00°57'48"W, along a line parallel with and 115.00 feet westerly of said east line of the East one-half of the Northeast Quarter of Section 22, 1860.76 feet, to a point 58.00 feet southerly of the north line of said East one-half of the Northeast Quarter of Section 22, said point also being 13.00 feet southerly of the proposed southerly Right-of-Way line of Florida Avenue; thence, S89°13'26"W, along a line parallel with and 13.00 feet southerly of the proposed southerly Right-of-Way line of Florida Avenue, 258.30 feet; thence, N89°45'50"W, along a line parallel with and 13.00 feet southerly of the proposed southerly Right-of-Way line of Florida Avenue, 283.06 feet; thence, S89°13'26"W, along a line parallel with and 13.00 feet southerly of the proposed southerly Right-of-Way line of Florida Avenue, 663.78 feet, to the west line of said East one-half of the Northeast Quarter of Section 22; thence, N00°56'34"W, along said west line of said East one-half of the Northeast Quarter of Section 22, 13.00 feet, to the Point of Beginning. Containing 106,492.086 square feet (2.44 acres), more or less, all situated in Champaign County, Illinois.

\$12,235.00

Florida Avenue Right-of-Way Dedication:

A portion of the East one-half of the Northeast Quarter of Section 22, Township 19 North, Range 9 East of the Third Principal Meridian, Champaign County, Illinois, more particularly described as follows:

Beginning at the Northwest corner of the East one-half of the Northeast Quarter of said Section 22, thence N89°13'26"E, along the north line of said East one-half of the Northeast Quarter, 1249.66 feet to a point on the westerly Right-of-Way line of Illinois Route 130 (Highcross Road); thence S01°41'44"E, along said westerly Right-of-Way line, 45.01 feet; thence S89°13'26"W, along a line parallel with and 45.00 feet southerly of, the north line of said East one-half of the Northeast Quarter, 303.32 feet; thence N89°45'50"W, 283.06 feet to a point 40.00 feet southerly of the north line of said East one-half of the Northeast Quarter; thence, S89°13'26"W, along a line parallel with and 40.00 feet southerly of, the north line of said East one-half of the Northeast Quarter 663.93 feet to a point on the westerly line of said East one-half of the Northeast Quarter; thence N00°56'34"W, along said westerly line of the East one-half of the Northeast Quarter, 40.00 feet, to the Point of Beginning. Containing 52220.835 square feet or 1.199 acres , more or less, all situated in Champaign County, Illinois.

\$11,960.00

Section 2. If the said documents conveying the described utility easements and right-of-way are not delivered to the City by May 5, 1997, then and in that event, the Chief Administrative Officer is authorized to pay the amount of Ten Thousand Dollars (\$10,000.00) to the said Trustee for the right to enter upon the subject land to construct electrical transmission lines and relocate existing electrical transmission lines. The City shall be given credit for the payment of the Ten Thousand Dollars (\$10,000.00) against the sums due for the completed acquisition of the said utilities and right-of-way. If, however, the said Trustee is unable to convey the utility easements and right-of-way described herein, free and clear of any and all legal defects prior to June 1, 1997, then the Trustee shall return the Ten Thousand Dollar (\$10,000.00) to the City and the land shall be restored to the condition that such was in prior to May 1, 1997.

Section 3. This Ordinance shall be effective immediately upon its passage by the City Council and approval by the Mayor of the City of Urbana, Illinois.

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 21st day of April, 1997.

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

NAYS:

PRESENT:



Phyllis D. Clark
Phyllis D. Clark, City Clerk

APPROVED by the Mayor this 21st day of April, 1997.

Tod Satterthwaite
Tod Satterthwaite, Mayor