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ORDINANCE NO. 9798-22

DOC # _____
CHAMPAIGN COUNTY, ILL

AN ORDINANCE ABANDONING "HICKORY STREET
EXTENDED" AS PUBLIC RIGHT-OF-WAY

and

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PLAT MAP SHOWING HICKORY STREET RIGHT-
OF-WAY VACATED BY ORDINANCE NO. 9798-22

Barbara A. Innes
RECORDER

Prepared for recording by:

Deborah J. Roberts
Deputy Clerk

Return to:

Phyllis D. Clark, City Clerk
City of Urbana
400 S. Vine Street
Urbana, IL 61801

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 ABANDONING 'HICKORY STREET EXTENDED' AS PUBLIC RIGHT-OF-WAY" [Ord. No. 9798-22]

approved by the City Council of the City of Urbana, Illinois, on the 18th day of August, A.D., 1997, as it appears in the records and files in my office remaining.

Given under my hand and seal of said City of Urbana, Illinois, this 13th day of October, A.D., 1998.



Phyllis D. Clark, City Clerk

(SEAL)



ORDINANCE NO. 9798-22AN ORDINANCE
ABANDONING "HICKORY STREET EXTENDED"
AS PUBLIC RIGHT-OF-WAY

WHEREAS, a traveled path, extending north from the north right-of-way line of an apparent abandoned alley north of Cowley's Second Addition and somewhat aligned with Hickory Street as such exists to the south of an apparent abandoned alley north of Cowley's Second Addition, has existed for some years; and

WHEREAS, the traveled path was never dedicated to the public as road right-of-way and has never been paved or improved; and

WHEREAS, the City of Urbana recently acquired all parcels of private property which abutted upon the traveled path and thus no person stands in need of such traveled path for access or ingress and egress; and

WHEREAS, although the City of Urbana has never regarded the traveled path as public right-of-way, it is possible some rights have arisen by reason of prescription by the use of the public of such traveled path or some act or acts have occurred which could be construed as having effected a common law dedication of such traveled path as public right-of-way; and

WHEREAS, the Urbana City Council determined that the nature and extent of the public use and the public interest to be subserved warrants the actions set forth herein to vacate and abandon any interest the City has as right-of-way in the property described below.

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

Section 1. That although it is unlikely that the strip of land described below is in fact public right-of-way, to put to rest any doubts concerning the legal status of such strip of land, the Urbana City Council hereby vacates and abandons the following public right-of-way:

A part of the west 3 acres of all that part of Lot 6 in Section 9, Township 19 North Range 9 East of the Third Principal Meridian of a Partition of the Estate of William T. Webber, per plat recorded in the Records of Champaign County, Illinois in Circuit Clerk Letter Book A, at page 244, lying north of Cowley's Second Addition to Urbana, Illinois, per plat recorded in Plat Book B, at page 255, in the Office of the Recorder of Deeds, Champaign County, Illinois, more particularly described as follows:

Commencing at the northwest corner of Lot 7 in Cowley's Second Addition to the City of Urbana, per plat recorded in Plat Book B at page 255 in the Office of the Recorder of Deeds, Champaign County, Illinois; thence North, along the east right-of-way line of Hickory Street, 13.00 feet, to the north right-of-way line of an apparent abandoned alley, to the point of beginning; thence North, continuing along said east right-of-way line, 454.00 feet to the north line of the following described parcel:

Beginning at a point 354 feet North of the Southwest corner of the tract of land described as follows: The West 3 acres of the North 932 feet of Lot 6 of a Subdivision of the West Half of the Southwest Quarter of Section 9, Township 19 North, Range 9 East of the Third Principal Meridian, in Champaign county, Illinois, as made by the Commissioners appointed to divide the Estate of William T. Webber, deceased, being the West 3 acres of that part of said Lot 6 lying North of Cowley's Second Addition to Urbana; for a point of beginning, and running thence East 140.5 feet more or less to the East line of said 3 acre parcel, thence North 100 feet, thence West 140.5 feet more or less to the West line of said 3 acre parcel and thence South a distance of 100 feet to the point of beginning, situated in the City of Urbana, Champaign County, Illinois,

Said parcel being as described in a Warranty Deed recorded in Deed Record Book 1430 at page 840 in the Office of the Recorder of Deeds, Champaign County, Illinois; thence, East 60.00 feet to the west line of the following described parcel:

The west 3 acres of the north 932 feet excepting the south 620 feet thereof and also excepting the north 312 feet and the west 180 1/2 feet of the south 166 feet of the north 478 feet thereof of said Lot 6;

Said parcel being as described in a Warranty Deed recorded as Document Number 96R15318 in the Office of the Recorder of Deeds, Champaign County, Illinois; thence North, along said west line, 15.00' to the south line of the following described parcel:

Beginning 463 feet south of the northwest corner of said Lot 6 thence East 60 feet to the true point of beginning, thence North 50 feet, thence East 20 feet to the west line of property sold to Clarence Tatman, Jr., thence South along the west line of said property 50 feet, thence west 20 feet to the true point of beginning;

Said parcel being as described in a Warranty Deed recorded as Document Number 97R12247 in the Office of the Recorder of Deeds, Champaign County, Illinois; thence, West, along said south line and along said south line extended, 80.00 feet to the west line of Hickory Street right-of-way and the West line of said Lot 6; thence, South, along said west line, 468.00 feet to the North line of Mrs. E. Barr's Subdivision of the South 10 Acres of Lots 4 and 5 of a Subdivision of the W 1/2 of the SW 1/4 of Sec. 9 T. 19 N. R. 9 E. 3rd P.M., per plat recorded in Plat Book B at page 195 in the Office of the Recorder of Deeds, Champaign County, Illinois; thence continuing South, along said west line, 1.00' to the north right-of-way line of an apparent abandoned alley; thence, East 20.00' to the point of beginning.

Said right-of-way situated in the City of Urbana, Illinois, containing 0.24 Acres, (10,280 square feet), more or less and shown for reference on the plat attached hereto and made a part hereof.

Section 2. That if there are public utilities buried in the area herein abandoned and vacated as possible right-of-way, easements shall be created by the City as the owner of abutting properties to protect such public utilities.

Section 3. The City Clerk is hereby directed to record a certified copy of this Ordinance with the Recorder of Champaign County, Illinois.

Section 4. 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 three-fourths (3/4ths) of the members of the Council of the City of Urbana, Illinois, at a regular meeting of said Council.

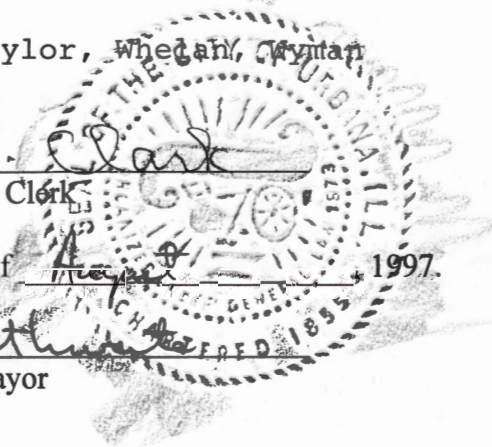
98R31845

PASSED by the City Council this 18th day of August, 1997.

AYES: Hayes, Huth, Kearns, Patt, Taylor, ~~Whegan, Wynn~~

NAYS:

ABSTAINS:


Phyllis D. Clark
Phyllis D. Clark, City Clerk

APPROVED by the Mayor this 26th day of August, 1997.

Tod Satterthwaite
Tod Satterthwaite, Mayor