

Recording Cover Sheet

2002R14237

ORDINANCE NO. 2002-04-036

RECORDED ON

05-01-2002 2:06:11

AN ORDINANCE VACATING A PORTION
OF UNIVERSITY AVENUE

CHAMPAIGN COUNTY
RECORDER
BARBARA A. FRASCA

REC. FEE: 26.00
REV FEE:
PAGES: 5
PLAT ACT: 0
PLAT PAGE:

Prepared for recording by:

Elaine Taylor, Secretary
Urbana City Clerk's Office
400 S. Vine Street, Urbana, IL 61801

Return to:

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

014237

FILED

MAY 01 2002

ORDINANCE NO. 2002-04-036

AN ORDINANCE VACATING A PORTION OF UNIVERSITY AVENUE

Mark Sheldon
CHAMPAIGN COUNTY CLERK

WHEREAS, in an agreement with Shelby's In Urbana, Inc., an Illinois corporation, relating to a portion of University Avenue right of way and other related matters, which agreement was approved by the Urbana City Council in Ordinance No. 9394-108, the City of Urbana found as a preliminary matter in Section 3.3 thereof that the vacation of that portion of University Avenue described in this Ordinance was in the best interests of the public; and

WHEREAS, certain details remained to be worked out with the Illinois Department of Transportation before action on this matter could be completed; and

WHEREAS, all matters have now been resolved and it is time to complete the process of vacating such unneeded right-of-way; 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 18th day of February, 2002, 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 28th day of January, 2002, 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 28th day of January, 2002; and

WHEREAS, the City Council has determined that the nature and extent of the public use or public interest to be subserved is such as to warrant the vacation of the portion of the street sought therein to be vacated.

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

Section 1. That the City Council of the City of Urbana, Illinois,
hereby vacates, subject to the terms set forth in this Ordinance, the
following-described street rights of way:

A portion of the University Avenue Right-of-Way being a part of the
Southeast Quarter of Section 8, Township 19 North, Range 9 East of the
Third Principal Meridian, Urbana, Champaign County, Illinois, and being
more particularly described as follows:

Beginning at the Southeast Corner of Tract 32 as described in
Petition for Condemnation No 68-L-832 in the Circuit Court of
Champaign County, Illinois; thence N89°-46'-00"E, an assumed
bearing, along the Existing North Right-of-Way line of University
Avenue, 599.22 feet; thence S24°-46'00"W, 44.14 feet; thence
S89°-46'-00'W, along a line parallel with, and 40.00 feet
southerly of, the said Existing North Right-of-Way line of
University Avenue, 502.07 feet; thence N63°-14'-00"W, 88.11 feet,
to the Point of Beginning. Said tract containing 0.5056 acres
(22,025.804 S.F.), more or less, all situated in the City of
Urbana, Champaign County, Illinois.

Section 2. The City Council of the City of Urbana, Illinois, hereby
finds and determines that the public interests will be subverted as a result
of this vacation ordinance because the nature and extent of the public use or
public interests in such streets is such as to warrant the vacation,
especially when considering the relief to the public from further burden and
responsibility of maintaining the rights of way herein vacated.

Section 3. This ordinance shall become effective immediately.

Section 4. The title to the vacated rights of way shall vest in the
abutting owner, Bank Illinois Trust Company, Trustee under Trust dated July
18, 1988, and known as Trust #2046, subject to any easement or easements in
favor of the City or others or any public utilities, their successors or
assigns, to operate, maintain, renew, and reconstruct their facilities as now
existing on, over, or under that part of the rights of way, unless and until
such owners of the land abutting thereon shall cause the rearrangement,
removal, or relocation of all said facilities, and shall pay and be

responsible for all reasonable costs and expenses as shall be incurred in association therewith.

Section 5. That the City Clerk is directed to record a certified copy of this ordinance with the Recorder of Champaign County, Illinois.


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

PASSED by the City Council this 15th day of April, 2002.

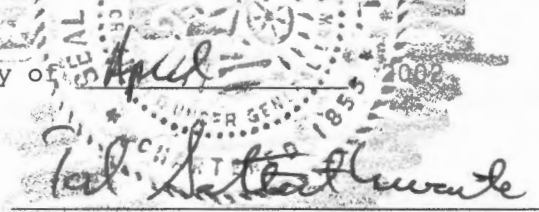

AYES: Hayes, Huth, Otto, Patt, Whelan, and Wyman

NAYS: None

ABSTAINS:

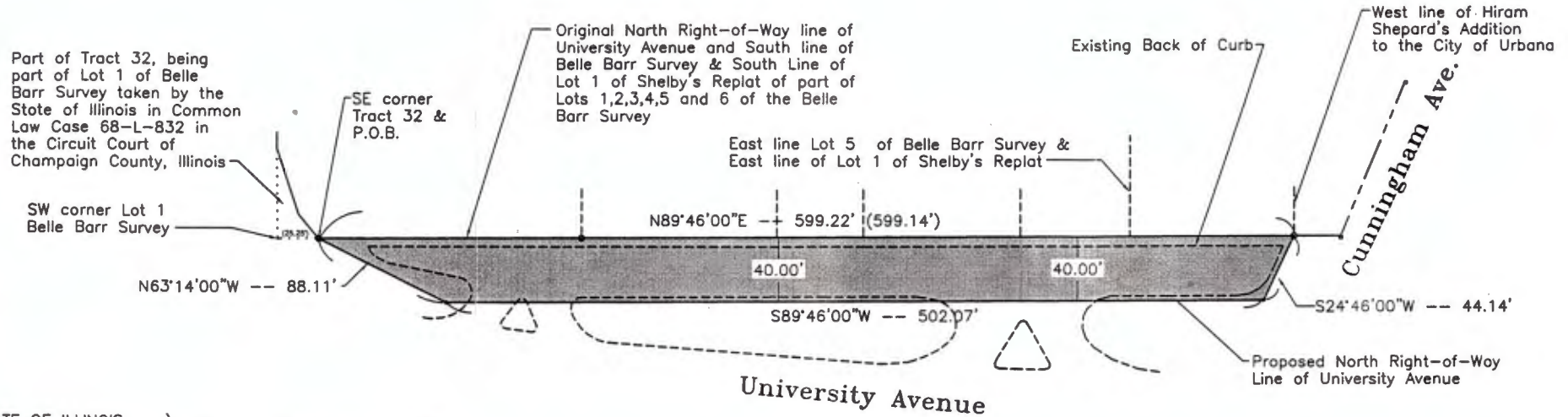

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this 26th day of April, 2002



Tod Satterthwaite, Mayor

014237

Plat of Proposed Right-of-Way Vacation



STATE OF ILLINOIS }
 COUNTY OF CHAMPAIGN } S.S. SURVEYOR'S REPORT

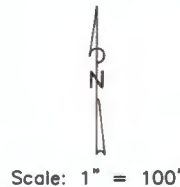
I, Benjamin W. Fisher, Illinois Professional Land Surveyor No. 2682, do hereby state that I have caused a survey to be made of a portion of the University Avenue Right-of-Way being a part of the Southeast Quarter of the Northwest Quarter of the Southeast Quarter of Section 8, Township 19 North, Range 9 East of the Third Principal Meridian, Urbana, Champaign County, Illinois, being more particularly described as follows:

Beginning at the Southeast Corner of Tract 32 as described in Petition for Condemnation No 68-L-832 in the Circuit Court of Champaign County, Illinois; thence N89°-46'-00"E, on assumed bearing, along the existing north Right-of-Way line of University Avenue, 599.22 feet; thence S24°-46'-00"W, 44.14 feet; thence S89°-46'-00"W, along a line parallel with and 40.00 feet southerly of, said existing north Right-of-Way line of University Avenue, 502.07 feet; thence N63°-14'-00"W, 88.11 feet, to the Point of Beginning. Said tract containing 0.506 acres (22,025.804 S.F.), more or less, all situated in the City of Urbana, Champaign County, Illinois.

I further state that the above described tract is subject to a blanket easement to be retained by the City of Urbana, to facilitate the maintenance of the existing utilities located on said tract.

SIGNED AND SEALED THIS 11TH DAY OF JANUARY, 2002.

Benjamin W. Fisher
 Benjamin W. Fisher
 Illinois Professional Land Surveyor No. 2682
 Date of License Expiration: November 30, 2002



LEGEND

- INDICATES IRON PIN SURVEY MONUMENT FOUND THIS SURVEY
- INDICATES IRON PIN SURVEY MONUMENT SET THIS SURVEY
- INDICATES CONCRETE RIGHT-OF-WAY MARKER FOUND THIS SURVEY
- ▨ INDICATES RIGHT-OF-WAY TO BE VACATED

DISTANCES IN PARENTHESIS () ARE THOSE OF RECORD
 ALL DISTANCES ARE IN FEET AND DECIMAL PARTS THEREOF.

NOTES

1. Field work for this survey was completed in December, 1995.

City of Urbana
 Public Works Department
 Engineering Division
 Date: 01/05/1995 Rev. 01/11/02 Drawn by: BWF