

**AN ORDINANCE APPROVING AND AUTHORIZING  
THE EXECUTION OF AN AGREEMENT CONCERNING  
THE EAST CAMPUS COMMERCIAL CENTER**

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

Section 1. That an Agreement Concerning the East Campus Commercial  
Center between the City of Urbana, Illinois and The Board of Trustees of the  
University of Illinois, in substantially the form of the copy of said  
Agreement attached hereto and hereby incorporated by reference, be and the  
same is hereby authorized and approved.

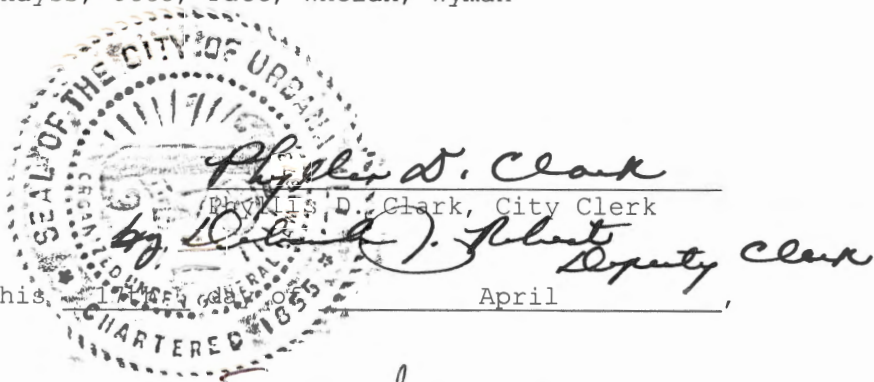
Section 2. That the Mayor of the City of Urbana, Illinois, be and the  
same is hereby authorized to execute and deliver and the City Clerk of the  
City of Urbana, Illinois, be and the same is authorized to attest to said  
execution of said Agreement as so authorized and approved for and on behalf  
of the City of Urbana, Illinois.

PASSED by the City Council this 7th day of April,  
2003.

AYES: Chynoweth, Hayes, Otto, Patt, Whelan, Wyman

NAYS:

ABSTAINS:



*Phyllis D. Clark*  
Phyllis D. Clark, City Clerk  
*by [Signature]*  
Deputy Clerk

APPROVED by the Mayor this 10th day of April,  
2003.

*Tod Satterthwaite*  
Tod Satterthwaite, Mayor

AN AGREEMENT CONCERNING THE EAST CAMPUS COMMERCIAL CENTER

This Agreement, made and entered into this 29th day of May, 2003, by and between the CITY OF URBANA, ILLINOIS, a municipal corporation, by and through its Mayor and the members of its City Council, being its corporate authorities, hereinafter referred to as "City" and THE BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS, hereinafter referred to as "University";

WITNESSETH:

WHEREAS, the University of Illinois has selected a private developer to construct a mixed-use development on Gregory Place between Oregon Street and Nevada Street (hereinafter referred to as the "Project"); and

WHEREAS, the Project is intended to provide services lost in the East Campus Area and to provide tax revenues to the City of Urbana; and

WHEREAS, the City of Urbana is supportive of the Project and finds it is in the City's best interest to vacate Gregory Place to the University, at no cost to the University, per the terms of a previous agreement with the University entitled "An Agreement Concerning The Vacation Of Certain Rights-Of-Way" approved by Ordinance No. 2001-08-083 (hereinafter referred to as the Previous Agreement); and

WHEREAS, the Project site includes University land upon which City of Urbana parking meters are located, said lot known as the City of Urbana's Lot 40.

NOW, THEREFORE, in consideration of all of the foregoing and the benefits which may accrue to both the City and the University by virtue of such vacation, the parties agree as follows:

Section 1. Definitions. As used in this Agreement, the following words shall have the meanings ascribed to them in this Section:

"Agreement" means this Agreement concerning the East Campus Commercial Center.

"Rights-of-way" shall mean the City of Urbana street described in Exhibit A.

"Lot 40" refers to a parking lot presently owned by the University on Oregon Avenue, but in which lot the City of Urbana has perpetual rights to maintain certain parking meters under an agreement dated March 15, 1999, approved by the Urbana City Council in Ordinance No. 9899-27.

**“Gregory Place” shall mean the public right of way between Oregon Street and Nevada Street, which is to be considered for vacation herein.**

**Section 2. Right-of-Way. For the reasons given above, the City of Urbana agrees to consider the vacation of the street right-of-way described in Exhibit A as soon as practicable after the requisite public hearing thereon:**

**Section 3. Compensation. The City of Urbana agrees that there shall be no cost to the University for the vacation of this right-of-way per the terms of the Previous Agreement.**

**Section 4. Easements. The vacation of rights-of-way listed herein shall be subject to specific utility easements outlined in Exhibit B.**

**Section 5. Parking Meters. The parties acknowledge that the East Campus Commercial Development will incorporate Lot 40 and remove parking spaces currently metered by the City of Urbana per the Intergovernmental Agreement dated March 15, 1999. In exchange for removal of these meters, the University and the City of Urbana agree said meters will be relocated to 18 meters located in University of Illinois Lot F9 located on Lincoln Avenue, south of Nevada, as shown on Exhibit C.**

**Section 6. Salvage. The parties acknowledge that long range plans for the Project call for the conversion of the vacated Gregory Place right of way into a pedestrian mall, likely upon future commercial development to the east. When that conversion occurs, the University agrees to allow the City opportunity to remove City of Urbana meters and other appurtenances. The University agrees to provide written notification to City of its intent to convert the vacated Gregory Place to a pedestrian mall, close the right of way and incorporate it into the Project. Within forty-five (45) days of such written notification, the City shall remove all City owned parking meters in the subject area, weather permitting. Further, within said forty-five days, the City shall have the right to enter upon the former right-of-way for the purposes of salvaging any and all materials and personal property including but not limited to, light standards, parking meters, paving stones and bricks, sewer castings, traffic signs, and the like.**

**Section 7. The University shall require the Developer to pay directly to Champaign County, or any other applicable governmental authority, when due, all real property taxes, personal property taxes, if applicable, and other special taxes and assessments of every kind and nature whatsoever, including, without limitation to existing or future special area assessments charged against the Developer’s Tract(s), and Improvements.**

**Section 8. Notices. Any notices required or permitted hereunder shall be in writing and shall be delivered via certified mail, addressed to the parties as follows, unless otherwise indicated in the future.**



If to the City of Urbana:

Chief Administrative Officer  
City of Urbana  
400 S. Vine Street  
Urbana, Illinois 61801

City Attorney  
City of Urbana  
400 S. Vine Street  
Urbana, Illinois 61801

If to the University of Illinois:

Board of Trustees  
The University of Illinois  
354 Henry Administration Building  
506 South Wright Street  
Urbana, Illinois 61801

Campus Planner and Assistant Director  
The Planning, Construction & Maintenance  
1501 S. Oak Street

IN WITNESS WHEREOF, the City of Urbana and University have caused this Agreement to be executed in their respective capacities effective as of the day and year first above written.

THE BOARD OF TRUSTEES OF THE  
UNIVERSITY OF ILLINOIS

CITY OF URBANA

By: Stephen K Rugg  
Stephen K. Rugg, Vice-President  
and Comptroller

By: Tod Satterthwaite  
Mayor Tod Satterthwaite

Attest:

Attest:

Michele M. Thompson 5/29/03  
Michele M. Thompson, Secretary

Phyllis S. Clark 4/14/03  
Phyllis Clark, City Clerk  
by Robert Deputy Clerk

Approved:

St. A. Virgin  
Legal Counsel

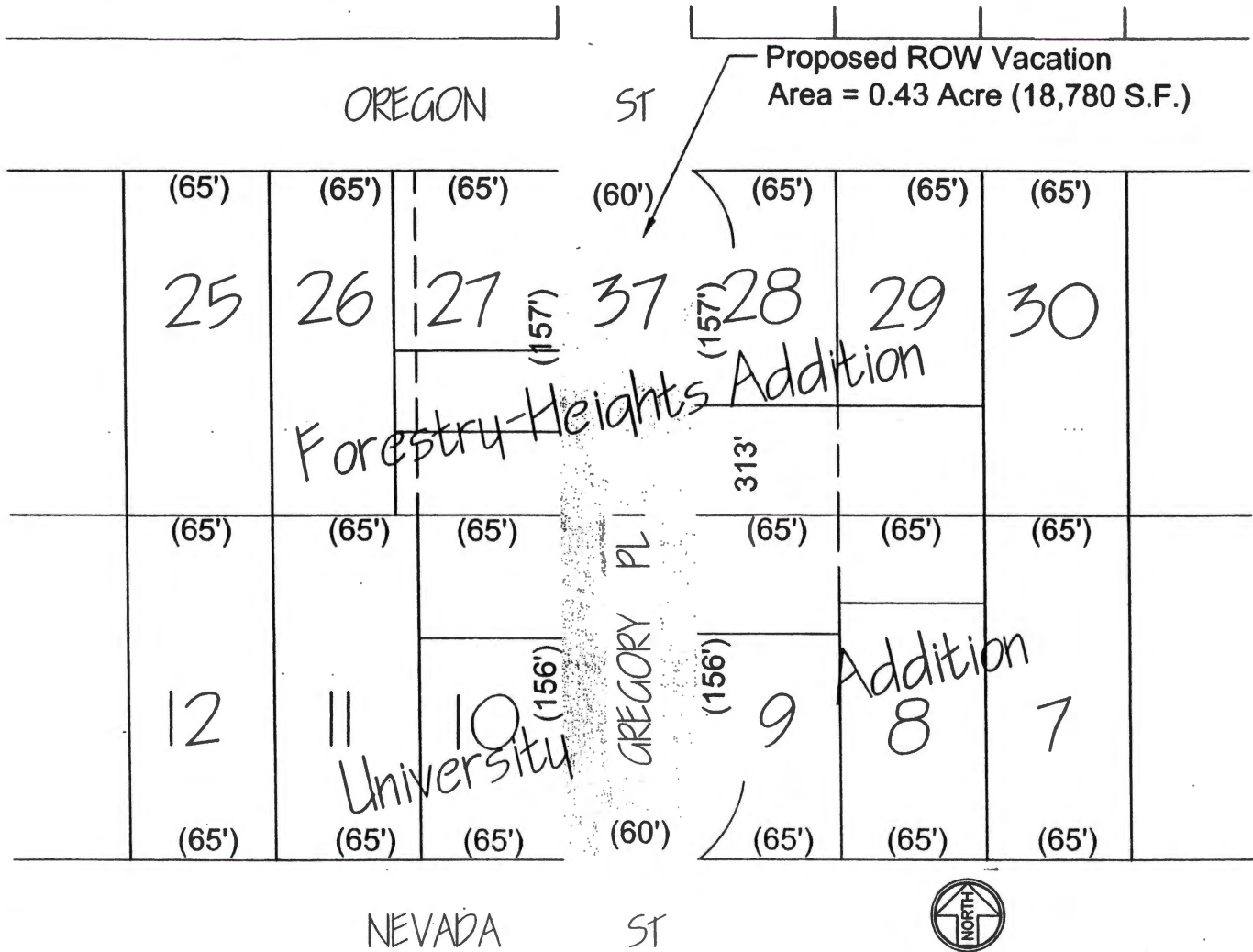
Approved:

Nancy E. Cantor  
Nancy E. Cantor, Chancellor

A portion of the Gregory Place Right-of-Way, in the Northeast Quarter of Section 18, Township 19 North, Range 9 East of the Third Principal Meridian, Champaign County, Illinois, more particularly described as follows:

All that part of the Gregory Place Right-of-Way, lying between the northerly Right-of-Way line of Nevada Street and the southerly Right-of-Way line of Oregon Street, as shown on the plat of University Addition to Urbana, Illinois, as recorded in Plat Book "B", at page 19A and Forestry-Heights Addition to Urbana, Illinois (Lot 37), as recorded in Plat Book "B" at page 192, all in the Office of the Recorder of Deeds, Champaign County, Illinois. Said Right-of-Way being sixty feet (60') in width.

Said tract containing 0.43 acre (18,780 square feet), more or less, all situated in the City of Urbana, Champaign County, Illinois.



## Exhibit "A"

PLAT MAP SHOWING PUBLIC  
RIGHT-OF-WAY VACATED  
BY ORDINANCE NO. 2003-XXX  
CITY OF URBANA, ILLINOIS  
DATE: April XX, 2003

City of Urbana  
Public Works Dept.  
Engineering Division

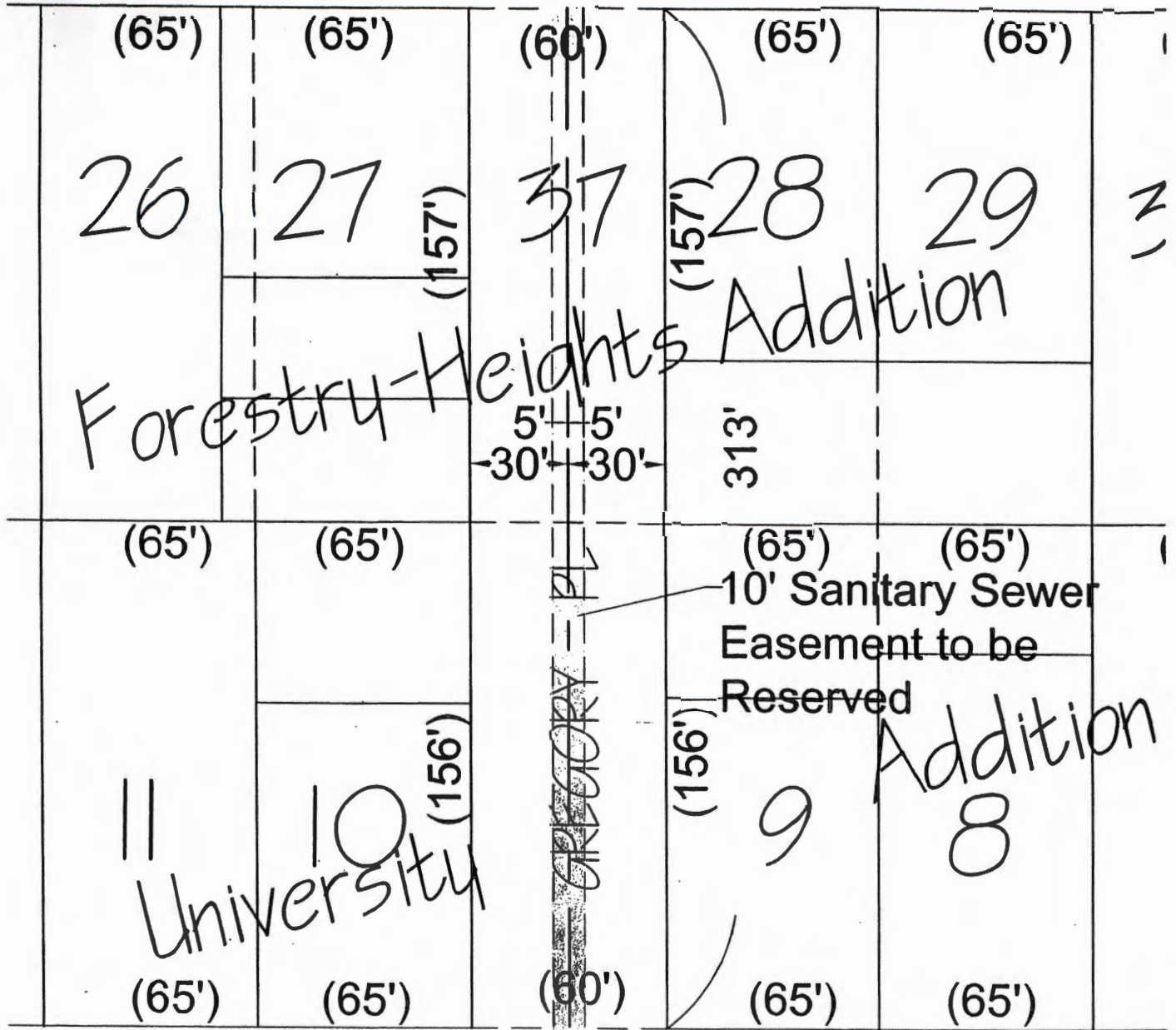
Drawn by: BWF

Date: 01/07/03  
Rev: 04/02/03



OREGON

ST



NEVADA

ST



### Exhibit "B"

SKETCH SHOWING SANITARY SEWER  
 EASEMENT TO BE RESERVED  
 FROM GREGORY PLACE VACATION  
 CITY OF URBANA, ILLINOIS  
 DATE: April XX, 2003

City of Urbana  
 Public Works Dept.  
 Engineering Division

Drawn by: BWF

Date: 01/07/03





Nevada St

Lincoln Av

University Parking  
Lot F9

18 Metered Spaces



SCALE 1"=40'

## Exhibit "C"

Sketch showing proposed metered spaces in University Parking Lot F9

City of Urbana  
Public Works Dept.  
Engineering Division

Drawn by: PLC

Date: 01/07/03  
Rev: 04/02/03





LEGAL DIVISION  
400 S. Vine St., Urbana, IL 61801  
P.O. Box 219, Urbana, IL 61803-0219  
(217) 384-2464

FAX: (217) 384-2460

JACK WAALER  
City Attorney  
E-mail: jwaaler@city.urbana.il.us

STEPHEN HOLZ  
Assistant City Attorney  
E-mail: sholz@city.urbana.il.us

copy: clerk  
PATIP  
Kelly  
file

September 22, 1999

Mark D. Henss  
University of Illinois Legal Counsel  
258 Henry Administration Building  
506 South Wright Street  
Urbana, IL 61801

Dear Mark,

Enclosed you will find a copy of the Memorandum of Contract that I recorded on September 21, 1999.

As you know, I was concerned since this agreement goes in perpetuity, that there be some permanent record of the existence of our agreement somehow attached to the actual parcel of real estate.

Yours truly,

Jack Waaler  
City Attorney

JW/Inp

Enclosure

Cc: Bruce Walden  
Bill Gray

ord. 2003-04-034



99R 28323  
9/21/99

MEMORANDUM OF CONTRACT

On the 1<sup>st</sup> day of March, 1999, the University of Illinois, and the City of Urbana, Illinois entered into an agreement which provided in part as follows:

"Section 7. Automobile Parking Meters: The University agrees to provide on a perpetual basis the use of eighteen (18) metered parking spaces in University Lot D25. These metered parking spaces are to be operated and maintained by the City and the City will collect all revenue from these metered parking spaces. However, the University retains ownership of these metered Parking spaces and the property known as University Lot D25."

The legal description for the aforesaid Lot D25 is as follows:

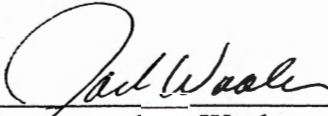
A tract lying in the Southeast Quarter of the Northeast Quarter of Section 18, Township 19 North, Range 9 East of the Third Principal Meridian, more particularly described as follows:

Lot 26, except the east 10.00 feet thereof, of University Addition, per plat recorded in Plat Book "B" at page 19A, in the Office of the Recorder of Deeds, Champaign County, Illinois

The rights of the City of Urbana under this Agreement are in effect as of the date hereof.

DATED this 31<sup>st</sup> day of August, 1999.

CITY OF URBANA, ILLINOIS

By:   
\_\_\_\_\_  
Jack Waaler  
City Attorney

PREPARED BY/RETURN TO:

Jack Waaler  
City Attorney  
400 South Vine Street  
Urbana, IL 61801  
(217) 384-2464

RELEASE OF MEMORANDUM OF CONTRACT

2003R28302

On the 1<sup>st</sup> day of March, 1999, the University of Illinois, and the City of Urbana, Illinois entered into an agreement which provided in part as follows:

RECORDED ON  
07-02-2003 10:13:33

CHAMPAIGN COUNTY  
RECORDER  
BARBARA A. FRASCA

REC. FEE: 25.00  
REV FEE:  
PAGES: 1  
PLAT ACT: 0  
PLAT PAGE:

"Section 7. Automobile Parking Meters: The University agrees to provide on a perpetual basis the use of eighteen (18) metered parking spaces in University Lot D25. These metered parking spaces are to be operated and maintained by the City and the City will collect all revenue from these metered parking spaces. However, the University retains ownership of these metered Parking spaces and the property known as University Lot D25."

The legal description for the aforesaid Lot D25 is as follows:

A tract lying in the Southeast Quarter of the Northeast Quarter of Section 18, Township 19 North, Range 9 East of the Third Principal Meridian, more particularly described as follows:

Lot 26, except the east 10.00 feet thereof, of University Addition, per plat recorded in Plat Book "B" at page 19A, in the Office of the Recorder of Deeds, Champaign County, Illinois

Pursuant to a subsequent agreement entitled "An Agreement Concerning the East Campus Commercial Center," which was authorized by the Urbana City Council in Ordinance No. 2003-04-034, and entered into on May 29, 2003, the City agreed to re-locate the 18 metered parking spaces from University Lot D25 (also known as the City of Urbana's Lot 40) to another location. Accordingly, the Memorandum of Contract recorded on September 21, 1999 as Document No. 99R28323 is hereby released.

DATED this 1<sup>st</sup> day of July, 2003.

CITY OF URBANA

By: [Signature]  
Steve Holz, City Attorney

STATE OF ILLINOIS )

) SS.

COUNTY OF CHAMPAIGN )

Steve Holz, being first duly sworn on oath, deposes and states: that he is the duly appointed, qualified and acting City Attorney of the City; that his name is subscribed to the above and foregoing Release of Memorandum of Contract; and that he has read said Notice and knows the contents thereof to be true in substance and in fact.

[Signature]  
Steve Holz, City Attorney

Subscribed and sworn to before me this 1<sup>st</sup> day of July, 2003.

[Signature]  
NOTARY PUBLIC

PREPARED BY/RETURN TO:

Steve Holz  
City Attorney  
400 South Vine Street  
Urbana, IL 61801  
(217) 384-2464



RECORDED FOR INFORMATION PURPOSES/USAC





MEMORANDUM OF CONTRACT

2003R38791

RECORDED ON

08-28-2003 10:20:57

CHAMPAIGN COUNTY  
RECORDER  
BARBARA A. FRASCA

REC. FEE: 25.00  
REV FEE:  
PAGES: 4  
PLAT ACT: 0  
PLAT PAGE:

BACKGROUND:

On the 15th day of March, 1999, the Board of Trustees of the University of Illinois ("The University"), and the City of Urbana, Illinois ("City" or "City of Urbana") entered into an agreement (approved by the City in Ordinance No. 9899-27), which provided in part as follows:

"Section 7. Automobile Parking Meters: The University agrees to provide on a perpetual basis the use of eighteen (18) metered parking spaces in University Lot D25. These metered parking spaces are to be operated and maintained by the City and the City will collect all revenue from these metered parking spaces. However, the University retains ownership of these metered Parking spaces and the property known as University Lot D25."

A memorandum of that Contract was recorded as Document No. 1999R28323. In light of the subsequent agreement described below, the Memorandum of Contract recorded as Document No. 1999R28323 was released via a release recorded as Document No. 2003R28302.

MEMORANDUM OF CONTRACT:

On the 29th day of May, 2003, the University and the City entered into a subsequent agreement entitled "An Agreement Concerning the East Campus Commercial Center", (approved by the City as Ordinance No. 2003-04-034), which provided for re-locating the above-mentioned eighteen (18) metered parking spaces from University Lot D25 (referred to in the subsequent agreement as City of Urbana "Lot 40") to another location as follows:

"Lot 40" refers to a parking lot presently owned by the University on Oregon Avenue, but in which lot the City of Urbana has perpetual rights to maintain certain parking meters under an agreement dated March 15, 1999, approved by the Urbana City Council in Ordinance No. 9899-27".

"Section 5. Parking Meters. The parties acknowledge that the East Campus Commercial development will incorporate Lot 40 and remove parking spaces currently metered by the City of Urbana per the intergovernmental agreement dated March 15, 1999. In exchange for removal of these meters, the University and the City of Urbana agree said meters will be relocated to eighteen (18) meters located in the University of Illinois Lot F9 located on Lincoln Avenue, south of Nevada, as shown on Exhibit "C"."

The Exhibit "C" referred to above is attached to and incorporated into this Memorandum of Contract.

The legal description for the aforesaid Lot F9 is as follows:

A part of the Southeast Quarter of Section 18, Township 19 North, Range 9 East of the Third Principal Meridian, Champaign County, Illinois, being more particularly described as follows: