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2006R08214

RECORDED ON

04/06/2006 11:16:31AM

CHAMPAIGN COUNTY

RECORDER

BARBARA A. FRASCA

REC FEE: 27.00

RHSPS Fee:

REV FEE:

PAGES 6

PIAT ACT: 0

PIAT PAGE:

Recording Cover Sheet

ORDINANCE NO. 2006-03-030

AN ORDINANCE VACATING A PORTION OF COURTESY ROAD, EAST OF BROADWAY AVENUE

and

PLAT MAP SHOWING PUBLIC RIGHT-OF-WAY

Prepared for recording by:

Deborah J. Roberts, Deputy City Clerk

400 S. Vine Street, Urbana, IL 61801

Return to:

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

**AN ORDINANCE VACATING A PORTION OF COURTESY ROAD,
EAST OF BROADWAY AVENUE**

WHEREAS, the City entered into a development agreement with Bear Properties, LLC, which agreement was approved by the Urbana City Council on January 18, 2005 in Ordinance No. 2005-01-009; and

WHEREAS, as part of the agreement to redevelop the area in and around the area where the portions of right-of-way herein vacated are situated, the City agreed to vacate the said right-of-way and waived an agreed value of the vacated right-of-way (Section 3.2(b)) as part of the incentives provided by the City; and

WHEREAS, Bear Properties, LLC owns the property (identified herein as PIN 91-21-08-460-003) abutting the southeasterly portion of the right-of-way herein vacated; and

WHEREAS, Star Uniforms LLC purchased from Bear Properties LLC and presently owns the property (identified herein as PIN 91-21-08-459-005) abutting the northwesterly portion of the right-of-way herein vacated; and

WHEREAS, the vacation of the right-of-way provided herein shall not impair access to any property other than properties owned by Bear Properties, LLC and Star Uniforms LLC; and

WHEREAS, Bear Properties LLC and Star Uniforms LLC have requested that title to the vacated rights-of-way be transferred and conveyed as set forth in this Ordinance;

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 27th day of February, 2006, 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 February, 2006, 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 6th day of February, 2006.

NOW, THEREFORE, BE IT ORDAINED:

Section 1. That the following described portions of Lot 1 of Tract 1 and Lot 1 of Tract 2 are 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:

Tract 1:

A part of Lot 1 of a Subdivision of the Southwest Quarter of the Southeast Quarter of Section 8, Township 19 North, Range 9 East of the Third Principal Meridian, as shown on survey recorded in Deed Record 18, Page 246, described as follows:

Beginning at the intersection of the North line of the Norfolk Southern Railroad, formerly New York Central R.R. (P and E Div.) right-of-way with the East Right-of-Way line of Broadway Avenue in the City of Urbana, Illinois; proceed North 00° 49' 03" East along said East Right-of-Way line of Broadway Avenue a distance of 5.16 feet to the South line of Courtesy Road, formerly Cunningham Avenue to the True Point of Beginning; thence North 52° 53' 29" East along the South line of Courtesy Road, formerly Cunningham Avenue a distance of 300.58 feet to the South line of a public street known as Courtesy Road, formerly Park Street; thence North 18° 37' 48" West 36.91 feet to the Southerly line of the Northerly 25.00 feet of Courtesy Road, formerly Cunningham Avenue vacated by Document No. 84R6502 recorded April 25, 1984 in Book 1358 at Page 413 in the Champaign County Recorder's Office; thence South 52° 53' 29" West 285.02 feet along said Southerly line to the East right-of-way line of Broadway Avenue; thence South 00° 49' 03" West 44.38 feet along a Southerly extension of said East right-of-way line to the True Point of Beginning, encompassing 0.235 acres in Champaign County, Illinois.

Tract 2:

A part of Lot 1 of a Subdivision of the Southwest Quarter of the Southeast Quarter of Section 8, Township 19 North, Range 9 East of the Third Principal Meridian, as shown on survey recorded in Deed Record 18, Page 246, described as follows:

Beginning at the intersection of the North line of the Norfolk Southern Railroad, formerly New York Central R.R. (P and E Div.) right-of-way with the East Right-of-Way line of Broadway Avenue in the City of Urbana, Illinois; proceed North $00^{\circ} 49' 03''$ East along said East Right-of-Way line of Broadway Avenue a distance of 5.16 feet to the South line of Courtesy Road, formerly Cunningham Avenue; thence North $52^{\circ} 53' 29''$ East along the South line of Courtesy Road, formerly Cunningham Avenue a distance of 300.58 feet to the South line of a public street known as Courtesy Road, formerly Park Street being the True Point of Beginning; thence North $78^{\circ} 03' 48''$ East along the South line of Courtesy Road, formerly Park Street a distance of 134.50 feet to the Northwest corner of property deeded to Royce E. Clark; thence North $01^{\circ} 11' 23''$ East parallel with Vine Street along the Northerly extension of the West line of the Clark and Herbert B. Marett properties a distance of 61.21 feet; to the Northerly right-of-way of Courtesy Road, formerly Park Street: thence South $77^{\circ} 57' 06''$ West 163.33 feet to the Northeasterly corner of the Northerly 25.00 feet of Courtesy Road, formerly Cunningham Avenue vacated by Document No. 84R 6502 recorded April 25, 1984 in Book 1358 at Page 413 in the Champaign County Recorder's Office; thence South $37^{\circ} 06' 31''$ East to the Southeast corner of said vacated 25.00 feet strip; thence South $18^{\circ} 37' 48''$ East 36.91 feet to the True Point of Beginning, encompassing 0.200 acres in Champaign County, Illinois.

Section 2. 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 3. The right-of-way herein vacated shall attach to and become a part of the parcel numbers identified by: (a) Tract 1 - Courtesy Road (formerly Cunningham Avenue) - 91-21-08-459-005; and (b) Tract 2 - Courtesy Road (formerly Park Street) - 91-21-08-460-003.

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 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 20th day of March,
2006.

AYES: Barnes, Bowersox, Chynoweth, Lewis, Roberts, Smyth, Stevenson

NAYS:

ABSTAINS:

APPROVED by the Mayor this 27th day of March

2006.



Phyllis E. Clark
Phyllis E. Clark, City Clerk

Robert
Deputy Clerk

Laurel Lunt Prussing
Laurel Lunt Prussing, Mayor