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CHAMPAIGN COUNTY  
RECORDER

BARBARA A. FRASCA  
REC FEE: 32.00

RHSPS Fee:

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PAGES 11

PIAT ACT: 0

PIAT PAGE:

**Recording Cover Sheet**

ORDINANCE NO. 2008-09-107

AN ORDINANCE VACATING LAKESIDE TERRACE,  
DIVISION AVENUE AND PART OF BROADWAY AVENUE

and following attachments:

PLAT SHOWING PUBLIC RIGHT-OF-WAY VACATED

PLAT AND DESCRIPTION OF STREET RIGHT-OF-WAY TO  
BE VACATED (with Surveyor's Report)

CITY OF URBANA  
RECEIVED  
OCT 16 2008  
CITY CLERKS OFFICE

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 LAKESIDE TERRACE,  
DIVISION AVENUE AND PART OF BROADWAY AVENUE**

WHEREAS, since 2002, the City of Urbana has worked cooperatively with the Champaign County Housing Authority (Housing Authority) and Brinshore Development, LLC (Developer) to redevelop the site of the former Lakeside Terrace public housing with a new mixed-income housing project known as Crystal View Townhomes; and

WHEREAS, the redevelopment of Lakeside Terrace with the Crystal View Townhomes is consistent with the City of Urbana's Redevelopment Plan for Lakeside Terrace, adopted by the City Council on June 3, 2004 (Ordinance 2004-05-059); and

WHEREAS, the City of Urbana has demonstrated its commitment to the Crystal View Townhomes project through the allocation of significant funding in the form of HOME and CDBG funds, in addition to waiving building permit fees; and

WHEREAS, in order to most effectively and efficiently layout the proposed Crystal View Townhomes site and to provide improved open space, circulation, and resident amenities, the Housing Authority and Developer desire to realign the streets upon the site through the vacation and rededication of the current Lakeside Terrace and Division Avenue into a newly aligned and newly built Division Street and Stebbins Drive (formerly Lakeside Terrace), the general layout of which has been approved by the City as a part of the Lakeside Terrace Redevelopment Plan; and

WHEREAS, the current alignments of Lakeside Terrace and Division Avenue, at their present location on the site, were created by the Lakeside Terrace Project in their original plat; and

WHEREAS, to accommodate the project, it is desirable to also vacate the western 11.25 feet of Broadway Avenue as set forth in the ordinance; 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 2nd day of September, 2008, 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 15th day of August, 2008, 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 13th day of August, 2008.

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

Section 1. The following described right-of-way is hereby vacated for the reasons set forth above, and based on the fact that Lakeside Terrace and Division Avenue will essentially only be relocated, it has been determined that the right-of-way herein vacated, is no longer required by the City of Urbana for street right-of-way purposes in their present locations, and the western most 11.25 feet of Broadway Avenue is not required for vehicular traffic, and thus the public interests shall be subserved by vacating the same:

A PART OF THE SOUTHEAST QUARTER OF SECTION EIGHT (8),  
TOWNSHIP NINETEEN (19) NORTH, RANGE NINE (9) EAST OF  
THE THIRD PRINCIPAL MERIDIAN, CHAMPAIGN COUNTY,  
ILLINOIS, BEING MORE PARTICULARLY DESCRIBED AS  
FOLLOWS:

COMMENCING AT A POINT ON THE NORTH LINE OF THE  
SOUTHEAST QUARTER OF SAID SECTION 8, 671.68 FEET EAST  
OF THE CENTER OF SAID SECTION 8; THENCE, N89°52'43"E,  
ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID  
SECTION 8, A DISTANCE OF 30.00 FEET, TO THE POINT OF

BEGINNING; THENCE, CONTINUING N89°52'43"E, ALONG SAID NORTH LINE, A DISTANCE OF 11.25 FEET, TO THE EXISTING EAST RIGHT-OF-WAY LINE OF BROADWAY AVENUE, AS SHOWN ON A PLAT PREPARED BY M. H. KINCH, ILLINOIS REGISTERED LAND SURVEYOR NUMBER 358, AND RECORDED DECEMBER 27, 1956 IN PLAT BOOK "L" AT PAGE 103 IN THE OFFICE OF THE RECORDER OF DEEDS, CHAMPAIGN COUNTY, ILLINOIS; THENCE, S 00°58'03" E, ALONG SAID EXISTING EAST RIGHT-OF-WAY LINE, A DISTANCE OF 228.72 FEET, TO THE CENTERLINE OF THE SALINE BRANCH DRAINAGE DITCH; THENCE, N 87°29'18" W, ALONG SAID CENTERLINE, A DISTANCE OF 11.27 FEET, TO A POINT 11.25 FEET WESTERLY OF SAID EXISTING EAST RIGHT-OF-WAY LINE; THENCE, N00°58'03"W, ALONG A LINE PARALLEL WITH AND 11.25 FEET WESTERLY OF SAID EXISTING EAST RIGHT-OF-WAY LINE OF BROADWAY AVENUE, A DISTANCE OF 228.20 FEET, TO THE POINT OF BEGINNING, CONTAINING 2,570.02 S.F. (0.059 ACRES) MORE OR LESS, ALL SITUATED IN THE CITY OF URBANA, CHAMPAIGN COUNTY, ILLINOIS;

And

DIVISION AVENUE AND LAKESIDE TERRACE (FORMERLY KNOWN AS BARR AVENUE) RIGHT-OF-WAY SITUATED IN THE FORMER LAKESIDE TERRACE SITE IN THE CITY OF URBANA, CHAMPAIGN COUNTY, ILLINOIS, AS SHOWN ON THE PLAT FILED FOR RECORD IN BOOK "L" AT PAGE 103 IN THE OFFICE OF THE RECORDER OF CHAMPAIGN COUNTY, ILLINOIS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIPE SURVEY MONUMENT FOUND IN CONCRETE AT THE SOUTHWEST CORNER OF LOT 4 OF MACKAY SUBDIVISION AS FILED FOR RECORD IN BOOK "T" AT PAGE 41 IN THE OFFICE OF THE RECORDER OF CHAMPAIGN COUNTY, ILLINOIS, SAID IRON PIPE SURVEY MONUMENT BEING ON THE EAST RIGHT-OF-WAY LINE OF DIVISION AVENUE; THENCE SOUTH 00 DEGREES 08 MINUTES 02 SECONDS EAST, A DISTANCE OF 137.88 FEET; THENCE ALONG A CIRCULAR CURVE CONCAVE TO THE NORTHEAST WITH A CHORD BEARING OF SOUTH 25 DEGREES 33 MINUTES 45 SECONDS EAST, A RADIUS OF 183.88 FEET, AN ARC LENGTH OF 153.06 FEET, AND A CHORD LENGTH OF 148.68 FEET; THENCE SOUTH 48 DEGREES 48 MINUTES 52 SECONDS EAST, A DISTANCE OF 125.23 FEET; THENCE SOUTH 39 DEGREES 45 MINUTES 25 SECONDS WEST, A DISTANCE OF 151.89 FEET; THENCE ALONG A CIRCULAR CURVE CONCAVE TO THE NORTHWEST WITH A CHORD BEARING OF SOUTH 79 DEGREES 20 MINUTES 25 SECONDS WEST, A RADIUS OF 137.80 FEET, AN ARC LENGTH OF 165.03 FEET, AND A CHORD LENGTH OF 155.34 FEET; THENCE NORTH 65 DEGREES 01 MINUTES 53 SECONDS WEST, A DISTANCE OF 97.46 FEET; THENCE ALONG A CIRCULAR CURVE CONCAVE TO THE SOUTHWEST WITH A CHORD BEARING OF NORTH 77 DEGREES 22 MINUTES 18 SECONDS WEST, A RADIUS OF 55.00 FEET, AN ARC LENGTH OF 24.49 FEET, AND A CHORD LENGTH OF 24.28 FEET; THENCE SOUTH 89 DEGREES 52 MINUTES 43 SECONDS WEST PARALLEL WITH THE SOUTH

LINE OF LOTS 27, 28, AND 29 OF A SUBDIVISION OF THE NORTHEAST QUARTER OF SECTION 8 AND THE WEST HALF OF NORTHWEST QUARTER OF SECTION 9, TOWNSHIP 19 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN AS FILED FOR RECORD IN DEED RECORD "R" AT PAGE 238 IN THE OFFICE OF THE RECORDER OF CHAMPAIGN COUNTY, ILLINOIS, A DISTANCE OF 432.38 FEET TO THE EAST RIGHT-OF-WAY LINE OF BROADWAY AVENUE; THENCE NORTH 00 DEGREES 58 MINUTES 03 SECONDS WEST ALONG THE EAST RIGHT-OF-WAY LINE OF SAID BROADWAY AVENUE, A DISTANCE OF 55.00 FEET TO AN IRON PIPE SURVEY MONUMENT SET ON THE SOUTH LINE OF SAID LOT 27; THENCE NORTH 89 DEGREES 52 MINUTES 43 SECONDS EAST ALONG THE SOUTH LINE OF SAID LOT 27, A DISTANCE OF 453.34 FEET TO AND IRON PIPE SURVEY MONUMENT SET AT THE SOUTHWEST CORNER OF THE EAST HALF OF SAID LOT 28; THENCE NORTH 01 DEGREES 00 MINUTES 00 SECONDS WEST, ALONG THE WEST LINE OF THE EAST HALF OF SAID LOT 28, A DISTANCE OF 3.23 FEET; THENCE ALONG A CIRCULAR CURVE CONCAVE TO THE SOUTHWEST WITH A CHORD BEARING OF SOUTH 72 DEGREES 36 MINUTES 30 SECONDS EAST, A RADIUS OF 115.00 FEET, AN ARC LENGTH OF 29.92 FEET, AND A CHORD LENGTH OF 29.84 FEET; THENCE SOUTH 65 DEGREES 01 MINUTES 53 SECONDS EAST, A DISTANCE OF 97.53 FEET; THENCE ALONG A CIRCULAR CURVE CONCAVE TO THE NORTHWEST WITH A CHORD BEARING OF NORTH 80 DEGREES 31 MINUTES 39 SECONDS EAST, A RADIUS OF 78.53 FEET, AN ARC LENGTH OF 88.66 FEET, AND A CHORD LENGTH OF 84.02 FEET; THENCE NORTH 39 DEGREES 45 MINUTES 25 SECONDS EAST, A DISTANCE OF 91.59 FEET; THENCE NORTH 48 DEGREES 48 MINUTES 52 SECONDS WEST, A DISTANCE OF 66.44 FEET; THENCE ALONG A CIRCULAR CURVE CONCAVE TO THE NORTHEAST WITH A CHORD BEARING OF NORTH 25 DEGREES 25 MINUTES 09 SECONDS WEST, A RADIUS OF 243.88 FEET, AN ARC LENGTH OF 203.57 FEET, AND A CHORD LENGTH OF 197.71 FEET; THENCE NORTH 00 DEGREES 08 MINUTES 02 SECONDS WEST, A DISTANCE OF 138.19 FEET TO THE SOUTH LINE OF THE NORTH 264 FEET OF SAID LOT 28; THENCE NORTH 89 DEGREES 25 MINUTES 53 SECONDS EAST ALONG THE SOUTH LINE OF THE NORTH 264 FEET OF SAID LOTS 28 AND 29, A DISTANCE OF 60.00 FEET TO THE POINT OF BEGINNING, CONTAINING 1.64 ACRES, MORE OR LESS, ALL AS SHOWN ON THE ACCOMPANYING PLAT, ALL SITUATED IN THE CITY OF URBANA, CHAMPAIGN COUNTY, ILLINOIS.

Section 2. The vacation of the right-of-way herein will not impair the access of any abutting parcels.

Section 3. The corporate authorities hereby determine that the benefits accruing to the public by virtue of vacation of the right-of-way herein described are considerable, but only a portion of which benefits accrue directly to the Housing Authority because the Housing Authority is committed to

replacing Lakeside Terrace and Division Avenue right-of-way in like kind on the site and therefore the corporate authorities set the value of the benefits accruing to the Housing Authority as abutting owners of the vacated right-of-way in the amount of Five Hundred Dollars (\$500.00), along with the other good and valuable consideration furnished by them.

Section 4. Upon payment of the Five Hundred Dollars (\$500.00), compensation by the Housing Authority to the City of Urbana, and the recording of this ordinance with the Recorder of Deeds of Champaign County, pursuant to statute, the Housing Authority as the abutting owner that has paid the compensation required, shall acquire title to the entirety of land underlying the right-of-way herein vacated and such vacated right-of-way shall become part of parcel numbers 91-21-08-404-031, 91-21-08-257-011, and 91-21-08-280-033.

Section 5. The vesting of title in the portion of the right-of-way so vacated in the abutting property owner 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 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 6. This Ordinance shall be in full force and effect from and after its passage and recording with the Recorder of Deeds of Champaign County; the recording of such shall be conclusive proof that the Five Hundred Dollars (\$500.00) has been paid to the City as provided herein.

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called, of a three-fourth's (3/4ths) 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 15th day of September,

2008 .

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

NAYS:

ABSTAINS:



*A. Clark*  
Phyllis D. Clark, City Clerk

*J. Prussing*  
Deputy Clerk

APPROVED by the Mayor this 25th day of September,

2008 .

*Laurel Lunt Prussing*  
Laurel Lunt Prussing, Mayor