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2009R23684

Recording Cover Sheet

ORDINANCE NO. 2009-06-070

AN ORDINANCE VACATING COLLEGE COURT (BETWEEN
MARYLAND DRIVE AND LINCOLN AVENUE)

(PLAT MAP SHOWING PUBLIC RIGHT-OF-WAY VACATED
ATTACHED)

RECORDED ON
08/06/2009 01:24:08PM
CHAMPAIGN COUNTY
RECORDER
BARBARA A. FRASCA
REC FEE: 28.00
RHSPS Fee:
REV FEE:
PAGES 7
PIAT ACT: 0
PIAT PAGE:

Prepared for recording by:

DEBORAH J. ROBERTS, DEPUTY

400 S. Vine Street, Urbana, IL 61801

Return to:

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

ORDINANCE NO. 2009-06-070

**AN ORDINANCE VACATING COLLEGE COURT
(Between Maryland Drive and Lincoln Avenue)**

WHEREAS, the University of Illinois owns all of the parcels which abut on both sides of College Court herein vacated; and

WHEREAS, the vacation of College Court as described below will not impair access to any property other than that property owned by the University of Illinois; and

WHEREAS, in accordance with the requirements of Section 2-160 of the Urbana City Code, a public hearing was held on the 1st day of June, 2009, 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 16th day of May, 2009, and the Zoning Administrator will also cause to be mailed a copy of said notice so published to each of the last known taxpayers of record of all properties adjacent to or within two hundred fifty (250') feet in each direction of the street proposed to be vacated, said mailing having been accomplished on the 13th day of May, 2009; and

WHEREAS, at the public hearing, no one appeared to speak against vacating College Court right-of-way and no communications regarding such were received; and

WHEREAS, the City Council has determined that the nature and extent of the public use of public interest to be subserved is such as to warrant the vacation of College Court as requested.

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 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:

All of the College Court Right-of-Way, being 60 feet in width, between the existing easterly Right-of-Way line of Maryland Drive and the existing westerly Right-of-Way line of Virginia Drive.

Said Right-of-Way being as shown on the plat of Gallivan's Addition, recorded September 25, 1928 as Document Number 1928R227046 in Plat Book "E", at page 233 in the Office of the Recorder of Deeds, Champaign County, Illinois and containing 0.256 acres (11,160 S.F.), more or less.

All situated in the City of Urbana, Champaign County, Illinois.

Section 2. The following listed parcels which abut the public right-of-way herein vacated will, by operation of law, pursuant to the provisions of Section 5/11-91-2 of the Illinois Municipal Code and this ordinance, acquire title to the vacated property:

93-21-18-476-001

Section 3. The City Council of the City of Urbana, Illinois, hereby finds and determines that the public interests will be subserved 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 4. The title to the vacated rights of way shall vest in the abutting owners 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 therein 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. It appears from public records that the portion of the existing College Court street between Virginia Avenue and the west right-of-way line of Lincoln Avenue was never dedicated as a public right-of-way and thus to clarify the record of ownership, the City of Urbana does hereby yield any claim of right-of-way and disclaim any legal interest in the following tract:

Also;

All of the College Court Right-of-Way, between the existing easterly Right-of-Way line of Virginia Drive and the existing westerly Right-of-Way line of Lincoln Avenue, containing 1.982 acres (86,337 S.F.) more or less.

under these circumstances, and to the extent it has authority to vacate same as public right-of-way, does hereby vacate the above described tract as public right-of-way.

Section 6. This ordinance shall become effective immediately.

Section 7. Resolution 7677-78 approved an agreement between the University of Illinois and the City regarding parking meters in the right-of-way herein vacated. The need served by that agreement no longer exists, so the Mayor is authorized to give notice of termination of the agreement as provided therein.

Section 8. 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 of the members of the City Council of the City of Urbana, Illinois, at a special of said City Council.

PASSED by the City Council this 13th day of July, 2009.

AYES: Bowersox, Lewis, Martin, Roberts, Smyth

NAYS:

ABSTAINS:



William D. Clark

William D. Clark, City Clerk
Laurel Lunt Prussing

Laurel Lunt Prussing, Deputy Clerk

APPROVED by the Mayor this 14th day of July, 2009.

Laurel Lunt Prussing

Laurel Lunt Prussing, Mayor

[Special Council Meeting]



City of Urbana
400 South Vine Street
Urbana, IL 61801

CLERK'S CERTIFICATE

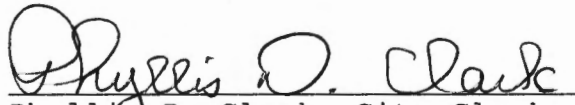
STATE OF ILLINOIS)
) SS
COUNTY OF CHAMPAIGN)

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:

[Ord. No. 2009-06-070] **"AN ORDINANCE VACATING COLLEGE COURT (BETWEEN MARYLAND DRIVE AND LINCOLN AVENUE)"**

approved by the City Council of the City of Urbana, Illinois, on the 13th day of July, AD, 2009, 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 4th day of August, AD, 2009.


Phyllis D. Clark, City Clerk



STATE OF ILLINOIS)
)
COUNTY OF CHAMPAIGN)

SS.

FILED

MAY 15 2009

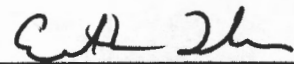
Phyllis D. Clark
City Clerk

AFFIDAVIT

Elizabeth H. Tyler, being first duly sworn, states as follows:

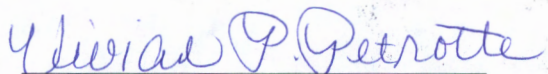
1. That she is the duly appointed Director of the Community Development Services Department of the City of Urbana, Illinois and City Planner/Zoning Administrator of the City of Urbana, Illinois.

2. That she did cause to be mailed by United States mail, first class postage fully prepaid, a true and correct copy of the newspaper publication, a copy of which is attached, to each of the last known taxpayers of record as reflected in the most recent Champaign County records available for such purposes, of all of the property adjacent to or within 250 feet in each direction of the portion of the street(s) proposed to be vacated, such mailing having occurred on the 14th day of May, 2009, which was at least fifteen (15) days prior to the public hearing scheduled for June 1, 2009.



Elizabeth H. Tyler, FAICP

Subscribed and sworn to before me this
14 day of May, 2009



NOTARY PUBLIC





DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

400 S. Vine

Urbana, IL 61801

(217) 384-2440

May 13, 2009

NOTICE OF PUBLIC HEARING IN REGARD TO STREET RIGHT-OF-WAY VACATION

Dear Property Owner:

NOTICE IS HEREBY GIVEN to all interested persons that a public hearing will be held by the Corporate Authorities of the City of Urbana, Illinois, on **Monday, June 1, 2009**, commencing at 7:00 P.M. in the Urbana City Council Chambers, 400 South Vine Street, Urbana, Illinois, to consider the vacation of street right-of-way for use by the adjoining property (University of Illinois). The right-of-way to be vacated consists of a portion of Maryland Drive and College Court, as described in the attached legal notices and shown in yellow in the attached map.

You have been sent this notice because you are a nearby property owner. The Urbana City Council welcomes your comments at the hearing, or in writing if received prior to the hearing.

Persons with disabilities needing services or accommodations for this hearing should contact the Community Development Services Department at 384-2444, or the City of Urbana's Americans with Disabilities Act Coordinator at 384-2466, or TTY 384-2360. If you have any questions concerning this request, please contact me at (217) 384-2440.

Sincerely,

Elizabeth H. Tyler, FAICP, Director

enclosures

NOTICE OF PUBLIC HEARING IN REGARD TO A PROPOSED STREET RIGHT-OF-WAY VACATION

NOTICE IS HEREBY GIVEN to all interested persons that a public hearing will be held by the Corporate Authorities of the City of Urbana, Illinois, on **Monday, June 1, 2009**, commencing at 7:00 P.M. in the Urbana City Council Chambers, 400 South Vine Street, Urbana, Illinois, to consider the vacation of street right-of-way for use by the adjoining property (University of Illinois). The right-of-way to be vacated consists of a portion of College Court described as follows:

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Said Right-of-Way being as shown on the plat of Gallivan's Addition, recorded September 25, 1928 as Document Number 1928R227046 in Plat Book "E", at page 233 in the Office of the Recorder of Deeds, Champaign County, Illinois and containing 0.256 acres (11,160 S.F.), more or less.

Also;

All of the College Court Right-of-Way, between the existing easterly Right-of-Way line of Virginia Drive and the existing westerly Right-of-Way line of Lincoln Avenue, containing 1.982 acres (86,337 S.F.) more or less.

All situated in the City of Urbana, Champaign County, Illinois.

All persons desiring to be heard for or against said vacation request may appear at said meeting and be heard thereon. Persons with disabilities needing services or accommodations for this hearing should contact the Community Development Services Department at 217-384-2440 or the City of Urbana's Americans with Disabilities Act Coordinator at 217-384-2466 or TTY at 217-384-2360.

Dated: May 16, 2009 at Urbana, Illinois

Phyllis Clark
Urbana City Clerk

EXHIBIT "B"

1 inch = 150 feet



S Lincoln

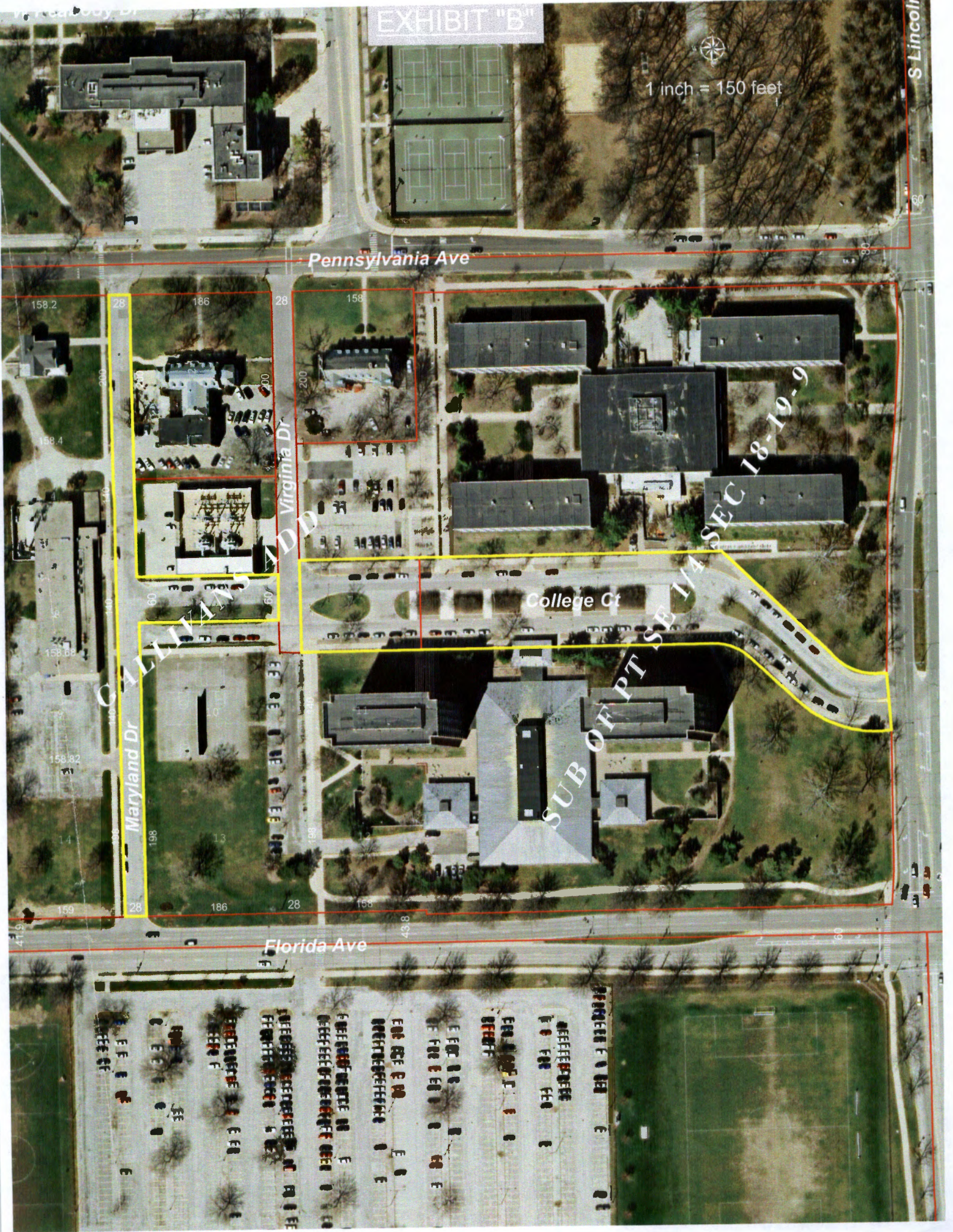
Pennsylvania Ave

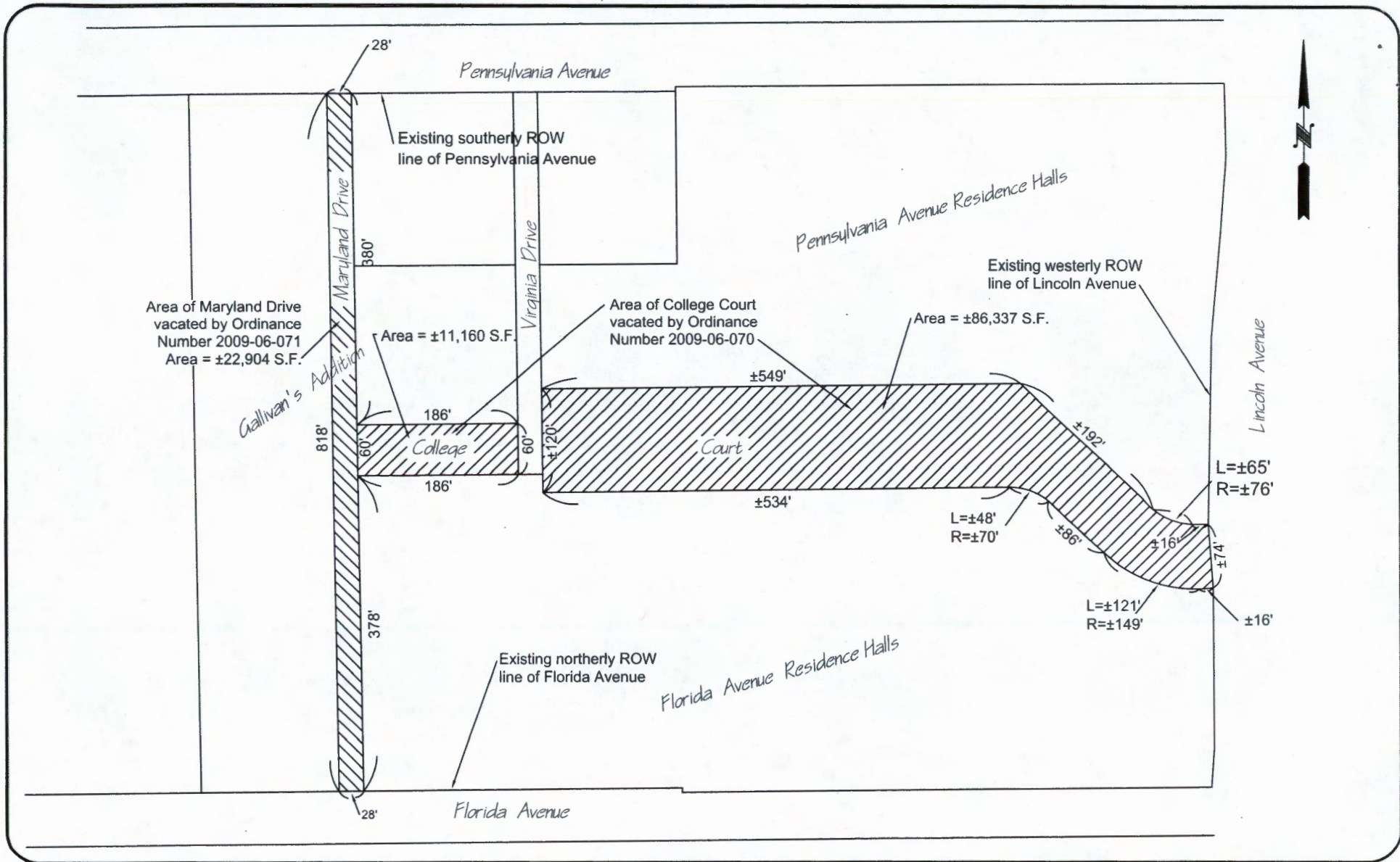
Maryland Dr
Virginia Dr
College Ct

College Ct

Florida Ave

SUB OF PT SE 1/4 SEC 18-19-9





PLAT MAP SHOWING PUBLIC
 RIGHT-OF-WAY VACATED
 BY ORDINANCES NO. 2009-06-070 & 2009-06-071
 CITY OF URBANA, ILLINOIS
 DATE: July 13, 2009

City of Urbana
 Public Works Dept.
 Engineering Division

Drawn by: BWF Date: 7/22/09