

**AN ORDINANCE REQUESTING A PERMANENT EASEMENT AND A TEMPORARY
CONSTRUCTION EASEMENT FROM URBANA SCHOOL DISTRICT NO. 116**

(Race Street between Iowa Street and Michigan Avenue)

WHEREAS, the City of Urbana ("City") is a home rule unit of local government pursuant to Article VII, Section 6, of the Illinois Constitution, 1970, and may exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, Urbana School District No. 116 ("District") is a body politic and corporate, organized under and existing pursuant to the School Code of the State of Illinois, 105 ILCS 5/1-1 *et seq.*; and

WHEREAS, the District holds legal title to certain parcels of real estate located on South Race Street between West Iowa Street and West Michigan Avenue within the City, and commonly known as Urbana High School ("Property"); and

WHEREAS, all of the District's territory, including the Property, lies within the corporate limits of the City; and

WHEREAS, the City Council heretofore did on the 15th day of April 2013, pursuant to Ordinance No. 2013-04-031, approve and authorize funding for a street reconstruction project on South Race Street between West Washington Street and West Michigan Avenue, including removal of existing pavement base to allow for placement of a new concrete pavement, road surface striping, installation of curbs, gutters, sidewalks, and storm sewers, relocation of street lighting, and installation of ADA accessible sidewalk ramps and bus turnouts to allow for bus parking in front of Urbana High School; and

WHEREAS, the installation of bus turnouts will require the City to place the street lighting upon District property; and

WHEREAS, the Local Government Property Transfer Act, 50 ILCS 605/0.01 *et seq.*, authorizes and provides for school districts to convey, grant, or

transfer real estate to any municipality upon the agreement of the corporate authorities governing the respective parties; and

WHEREAS, the City Council finds and declares that it is necessary or convenient for the City to use, occupy, or improve areas of the Property consisting of approximately 3,498.72 square feet (0.080 acres) and approximately 1,749.35 square feet (0.040 acres), as more fully described on the Permanent Easement and Temporary Construction Easement attached hereto, for said street reconstruction project and for other public purposes; and

WHEREAS, the City Council desires that the District transfer its rights and interest in the Property to the City by the authority conferred by the Local Government Property Transfer Act and upon such terms of a Permanent Easement and a Temporary Construction Easement between the Board of Education of the District and the City; and

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

Section 1. The City Council of the City of Urbana hereby requests that the Board of Education of Urbana School District No. 116 take all necessary and appropriate actions, in conjunction with the necessary and appropriate actions of the City, to transfer the District's rights and interest in the parcels of real estate located on South Race Street between West Iowa Street and West Michigan Avenue to the City, in accordance with the terms of a Permanent Easement and a Temporary Construction Easement between the District and the City.

Section 2. The acquisition of easements for the real estate located on South Race Street between West Iowa Street and West Michigan Avenue in Urbana, Illinois, substantially on such terms as contained in the Permanent Easement and Temporary Construction Easement attached hereto and incorporated herein, is hereby approved.

Section 3. The Mayor, or her designee, be and hereby is authorized to

perform all acts necessary on behalf of the City of Urbana to effectuate the execution of the easements herein described.

Section 3. This Ordinance shall be in full force and effect from and after its passage.

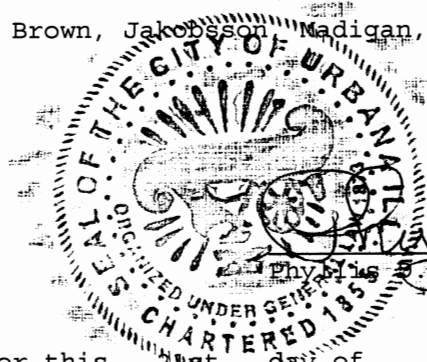
This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called, of a majority of the members of the Council of the City of Urbana, Illinois, at a meeting of said Council.

PASSED by the City Council this 20th day of May, 2013.

AYES: Ammons, Brown, Jakobsson, Madigan, Marlin, Roberts, Smyth

NAYS:

ABSTAINS:



Charles A. Smyth

Charles A. Smyth, City Clerk

APPROVED by the Mayor this 21st day of May, 2013.

Laurel Lunt Prussing

Laurel Lunt Prussing, Mayor
By: Charles A. Smyth, Mayor Pro-tem