

**ORDINANCE NO. 2014-10-099**

**AN ORDINANCE AMENDING URBANA CITY CODE CHAPTER TWO, SECTION 2-160  
(Public hearing required - 2014)**

**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, including the power to regulate for the protection of the public health, safety, and welfare; and

**WHEREAS**, the City Council heretofore has enacted Urbana City Code Section 2-160 to establish public hearing requirements prior to the City Council considering an ordinance to vacate any street or portion thereof; and

**WHEREAS**, the City Council finds that the best interests of the City are served by amending said Section.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Urbana, Champaign County, Illinois, as follows:

**Section 1.**

Urbana City Code Chapter 2, "Administration," Article VIII, "Street Vacations," Section 2-160, "Public hearing required," is hereby amended and as amended shall read as follows:

Sec. 2-160. - Public hearing required.

- (a) During the period which is not greater than three hundred sixty-five (365) days, but not less than ten (10) days prior to the city council considering an ordinance to vacate any street or portion thereof, but not, however, an alley, the city council shall hold a public hearing on the question after first providing the notice set forth in this section. The provisions of this section shall not apply when the city

engineer certifies to the city council that the public right to travel the right-of-way affected shall not be permanently and materially diminished by the proposed vacation of a portion of the right-of-way.

(b) At least fifteen (15) days, but not more than thirty (30) days before the public hearing on the question of whether to vacate a certain street or portion thereof, notice of the time, date and place of the public hearing shall be published in a newspaper of general circulation in the City of Urbana. The notice so published shall contain the name of the street and a description of the portion of the street proposed to be vacated.

(c) The zoning administrator shall also cause to be mailed, at least fifteen (15) days prior to the public hearing, a copy of the aforesaid newspaper publication to each of the last-known taxpayers of record as reflected in the most recent Champaign County records available for such purpose of all property adjacent to or within two hundred fifty (250) feet in each direction of the portion of the street proposed to be vacated. The measurement of all public roads, streets, alleys and other public ways shall be excluded in determining the two hundred fifty (250) foot requirement. If any part of a condominium property is located within two hundred fifty (250) feet of the street proposed to be vacated, the name of each taxpayer of record of the condominium shall be included in the mailing. The zoning administrator shall file with the city clerk an affidavit that such mailing described herein has been accomplished.

**Section 2.**

Those sections, paragraphs, and provisions of the Urbana City Code that are not expressly amended or repealed by this Ordinance are hereby re-enacted, and it is expressly declared to be the intention of this Ordinance not to

repeal or amend any portions of the Urbana City Code other than those expressly set forth as amended or repealed in this Ordinance. The invalidity of any section or provision of this Ordinance hereby passed and approved shall not invalidate other sections or provisions thereof.

**Section 3.**

This Ordinance shall not be construed to affect any suit or proceeding pending in any court, or any rights acquired, or a liability incurred, or any cause or causes of action acquired or existing prior to the effective date of this Ordinance; nor shall any right or remedy of any character be lost, impaired, or affected by this Ordinance.

**Section 4.**

This Ordinance shall be in full force and effect from and after its passage and publication in accordance with Section 1-2-4 of the Illinois Municipal Code.

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 20<sup>th</sup> day of October, 2014.

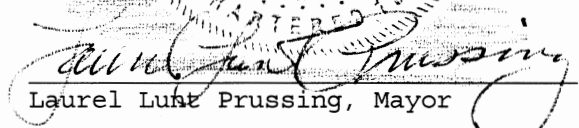
AYES: Ammons, Brown, Jakobsson, Madigan, Marlin, Roberts, Smyth

NAYS:

ABSTAINED:

  
Phyllis D. Clark, City Clerk

**APPROVED BY THE MAYOR** this 24<sup>th</sup> day of October, 2014.

  
Laurel Lunt Prussing, Mayor