

ORDINANCE NO. 2015-12-120

AN ORDINANCE APPROVING A WAIVER OF THE REQUIREMENT
TO CONSTRUCT SIDEWALKS AT OAKBROOK CIRCLE

(Birchcrest Third Subdivision - Plan Case No. 2267-S-15)

WHEREAS, the Urbana City Council approved the Final Plat for the Birchcrest Third Subdivision on April 24, 1979, in Plan Case No. 1021 under Ordinance No. 7879-95; and

WHEREAS, Section 21-37 of the Urbana Subdivision and Land Development Code requires construction of sidewalks on both sides of residential streets; and

WHEREAS, the Final Plat for the Birchcrest Third Subdivision depicted a sidewalk connection from the north of the Vine Street cul-de-sac to the southern property line of Meadowbrook Park; and

WHEREAS, the public infrastructure within Birchcrest Third Subdivision has been constructed with the exception of sections of sidewalk along Oakbrook Circle and the sidewalk connection north to Meadowbrook Park; and

WHEREAS, the location of the proposed sidewalk connection to Meadowbrook Park would not connect to the existing trail system within the park; and

WHEREAS, two of the three property owners adjacent to Oakbrook Circle have requested that the sidewalk requirement be waived and that the sidewalks not be constructed; and

WHEREAS, the requested waiver would not harm other nearby properties or negatively impact the public health, safety, and welfare, and meets the waiver criteria in Section 21-7 of the Urbana Subdivision and Land Development Code; and

WHEREAS, the Urbana Plan Commission met on December 10, 2015 to consider the request and subsequently voted 7 ayes and 1 nays to recommend that the Urbana City Council approve the waiver of the requirement to construct sidewalks along the Oakbrook Circle frontage at 406, 407, 408, and 409 Oakbrook Circle; and

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

Section 1. The requested waiver of sidewalk requirements of Section 21-37 of the Urbana Subdivision and Land Development Code along the Oakbrook Circle frontage at 406, 407, 408, and 409 Oakbrook Circle and the elimination of the requirement to build a sidewalk connection from the Vine Street cul-de-sac to Meadowbrook Park in the Birchcrest Third Subdivision is hereby approved.

Section 2. This Ordinance is hereby passed by the affirmative vote of the members of the corporate authorities then holding office, the "ayes" and "nays" being called at a regular meeting of said Council.

Section 3. The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the Corporate Authorities, and this Ordinance shall be in full force and effect after its passage and publication in accordance with the terms of Section 1-2-4 of the Illinois Municipal Code.

PASSED BY THE CITY COUNCIL this 14th day of December, 2015.

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

NAYS:

ABSTAINED:

Phyllis D. Clark
Phyllis D. Clark, City Clerk
December 18, 2015.

APPROVED BY THE MAYOR this 18th day of _____

Laurel Lunt Prussing
Laurel Lunt Prussing, Mayor



**CERTIFICATE OF PUBLICATION
IN PAMPHLET FORM**



I, Phyllis D. Clark, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois.

I certify that on the 14th day of November, 2015, the City Council of the City of Urbana passed and approved Ordinance No. 2015-12-120, entitled:

**AN ORDINANCE APPROVING A WAIVER OF THE REQUIREMENT
TO CONSTRUCT SIDEWALKS AT OAKBROOK CIRCLE (BIRCHCREST THIRD
SUBDIVISION - PLAN CASE NO. 2267-S-15)**

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 2015-12-120 was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the 18th day of December, 2015, and continuing for at least ten (10) days thereafter. Copies of such Ordinance were also available for public inspection upon request at the Office of the City Clerk.

Dated at Urbana, Illinois, this 18th day of December, 2015.



Phyllis D. Clark
Phyllis D. Clark, City Clerk