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Recording Cover Sheet

2016R20887
REC ON: 10/24/2016 10:40:40 AM
CHAMPAIGN COUNTY
BARBARA A. FRASCA, RECORDER
REC FEE: 51.00
PAGES 7
PLAT ACT: OPLAT PAGE:

AN ORDINANCE VACATING A CERTAIN PORTION
OF RIGHT-OF-WAY (BARR AVENUE WEST OF
NORTH CUNNINGHAM AVENUE). [2016-10-087

*ORDINANCE

*MAP

Prepared for recording by:

Wendy M. Hundley, Administrative Assistant

400 S. Vine Street, Urbana, IL 61801

(6)

Return to:

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

ORDINANCE NO. 2016-09-087

AN ORDINANCE VACATING A CERTAIN PORTION OF RIGHT-OF-WAY

(Barr Avenue west of North Cunningham Avenue)

WHEREAS, Section 11-61-2 of the Illinois Municipal Code (65 ILCS 5/11-61-2) provides that the corporate authorities of a municipality may vacate streets, alleys, avenues, sidewalks, wharves, parks, and public grounds; and

WHEREAS, William R. and Michele Scott and Cunningham Motor Sales, Inc. have requested that the City of Urbana ("City") vacate a portion of unimproved right-of-way abutting their properties, located north of Barr Avenue and west of North Cunningham Avenue, and more particularly described herein; and

WHEREAS, the requirements of Urbana City Code Section 2-160 for a public hearing and for public notice of such hearing do not, pursuant to the terms thereof, apply to an ordinance vacating public grounds other than a public street; and

WHEREAS, said vacation will not materially impair access to any property owner; and

WHEREAS, the City Council finds that the said right-of-way is of no further use to the City and that the vacation of the right-of-way will not materially impair or interfere with the use already existing and will not be detrimental to the public; and

WHEREAS, the City Council finds that the relief to the public from the further burden and responsibility of maintaining the right-of-way herein vacated is just and adequate compensation for the benefits which will accrue to the said owners of the abutting property; and

WHEREAS, certain public service facilities of iTV-3, LLC, a Delaware limited liability company ("iTV-3"), are situated in the right-of-way to be

vacated; and

WHEREAS, the City Council further finds that the public interest is best served by granting iTV-3 an exclusive, perpetual easement in the right-of-way to be vacated for the maintenance, renewal, and reconstruction of those facilities; and

WHEREAS, the City Council has determined that the public interest is subserved by the vacation of said right-of-way, other than the reservation of a permanent easement for iTV-3, as provided below.

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, Illinois, hereby vacates, subject to the terms set forth in this Ordinance, the following-described right-of-way:

A portion of the Barr Avenue right-of-way, being part of the Northeast Quarter of Section 8, Township 19 North, Range 9 East of the Third Principal Meridian, being more particularly described as follows:

Beginning at the southwest corner of Lot 7 of Andrew Barr's Subdivision, as shown on a plat recorded in Book "A" at page 257 in the Office of the Recorder of Deeds, Champaign County, Illinois; thence, N89°29'38"E, along the northerly right-of-way line of Barr Avenue also being the southerly line of Lots 7, 6, 5 and 4 of said Andrew Barr's Subdivision, 274.68 feet, to the southeast corner of said Lot 4; thence, S00°33'25"E, along the southerly extension of the easterly line of said Lot 4, 10.76 feet; thence, N89°25'47"W, 274.68 feet, to a point on the southerly extension of the westerly line of said Lot 7; thence, N1°05'25"W, along said southerly extension 5.60 feet, to the point of beginning. Containing 2,247.36 S.F., more or less, all situated in the City of Urbana, Champaign County, Illinois.

Section 2. Upon vacation of the above-described right-of-way, title thereto

shall vest in the record owners of the land abutting the north side of the vacated right-of-way for the extent of the common borders of their respective parcels with the said right-of-way.

The owners, permanent index numbers, and addresses of the land abutting the north side of the right-of-way described above are as follows:

William R. and Michele Scott	91-21-08-280-022	302 Barr Avenue
William R. and Michele Scott	91-21-08-280-023	304 Barr Avenue
William R. and Michele Scott	91-21-08-280-024	306 Barr Avenue
Cunningham Motor Sales, Inc.	91-21-08-280-025	308 Barr Avenue
William R. and Michele Scott	91-21-08-280-026	310 Barr Avenue

Section 3. The vacation of the above-described right-of-way shall be subject to the condition that an exclusive, perpetual easement is hereby reserved for and granted to iTV-3, LLC, a Delaware limited liability company, its successors, or assigns to operate, maintain, renew, and reconstruct its facilities as now existing on, over, or under the following-described part of said vacated right-of-way:

A portion of the vacated Barr Avenue right-of-way, being part of the Northeast Quarter of Section 8, Township 19 North, Range 9 East of the Third Principal Meridian, being more particularly described as follows:

Commencing at the southwest corner of Lot 7 of Andrew Barr's Subdivision, as shown on a plat recorded in Book "A" at page 257 in the Office of the Recorder of Deeds, Champaign County, Illinois; thence, N89°29'38"E, along the original northerly right-of-way line of Barr Avenue also being the southerly line of said Lot 7, 50.00 feet; thence, S00°51'31"E, along the southerly extension of the easterly line of the westerly 50.00 feet of said Lot 7, 3.00 feet, to the Point of Beginning; thence, N90°00'00"E, 56.00 feet; thence, S88°37'08"E, 168.76 feet, to a point on the southerly extension of the easterly line of Lot 4 of said Andrew Barr's Subdivision; thence, S00°33'25"E, 1.71 feet, to the proposed north right-

of-way line of Barr Avenue; thence, N89°25'47"W, 224.69 feet, along said proposed north right-of-way line, to said southerly extension of the easterly line of the westerly 50.00 feet of said Lot 7; thence, N00°51'31"W, 3.54 feet, to the Point of Beginning. Containing 703.54 S.F., more or less, all situated in the City of Urbana, Champaign County, Illinois.

Section 4. The City Engineer of the City of Urbana, Illinois, be and the same is hereby authorized to execute and deliver a plat of the vacated right-of-way, in substantially the form of the copy of said plat attached hereto and hereby incorporated by reference, which specifically includes the easement language contained in Section 3 of this Ordinance, as so authorized and approved for and on behalf of the City of Urbana, Illinois.

Section 5. 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 6. This Ordinance shall be in full force and effect from and after its passage. Upon approval of this Ordinance, the City Clerk is directed to record a certified copy with the Champaign County Office of the Recorder of Deeds. This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called, of three-fourths of all the alderpersons then holding office (6 of 7 votes) of the City of Urbana, Illinois, at a meeting of the City Council.

PASSED BY THE CITY COUNCIL this 17th day of October, 2016.

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

NAYS:

ABSENT:

Phyllis Clark
Phyllis Clark, City Clerk

APPROVED BY THE MAYOR this 20th day of October

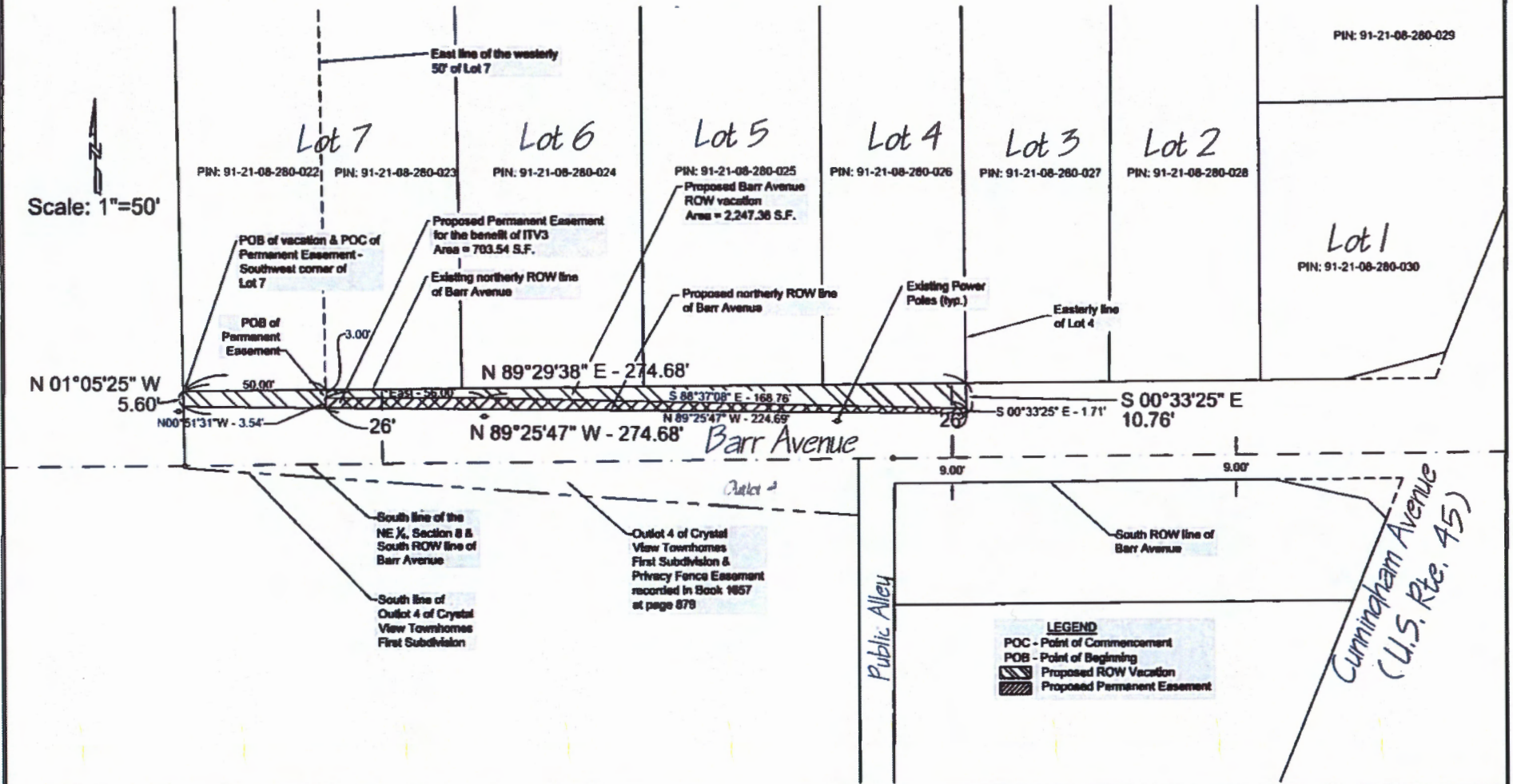
Laurel Lunt Prussing
Laurel Lunt Prussing, Mayor



Plat of Public ROW Vacation

A portion of the Barr Avenue right-of-way, being part of the Northeast Quarter of Section 8, Township 19 North, Range 9 East of the Third Principal Meridian, being more particularly described as follows:

Beginning at the southwest corner of Lot 7 of Andrew Barr's Subdivision, as shown on a plat recorded in Book "A" at page 257 in the Office of the Recorder of Deeds, Champaign County, Illinois; thence, N89°29'38"E, along the northerly right-of-way line of Barr Avenue also being the southerly line of Lots 7, 6, 5 and 4 of said Andrew Barr's Subdivision, 274.68 feet, to the southeast corner of said Lot 4; thence, S00°33'25"E, along the southerly extension of the easterly line of said Lot 4, 10.76 feet; thence, N89°25'47"W, 274.68 feet, to a point on the southerly extension of the westerly line of said Lot 7; thence, N1°05'25"W, along said southerly extension 5.46 feet, to the point of beginning. Containing 2,247.36 S.F., more or less, all situated in the City of Urbana, Champaign County, Illinois.



PLAT MAP SHOWING PUBLIC RIGHT-OF-WAY VACATED
 BY ORDINANCE NO. 2016-09-087
 CITY OF URBANA, ILLINOIS
 DATE: October 17, 2016

William R. Gray
 William R. Gray
 Public Works Director/City Engineer

City of Urbana
 Public Works Department
 Engineering Division
 Date: 10/4/2016 Drawn by: BWF

