

7N



8 2 4 5 4 5 9
Tx:4097146

RECORDING COVER SHEET

**AN ORDINANCE VACATING A CERTAIN
PORTION OF RIGHT-OF-WAY
(CHURCH STREET WEST OF LINCOLN AVENUE)**
[Ord. 2018-03-021].

2018R04607
REC ON: 03/29/2018 02:10:10 PM
CHAMPAIGN COUNTY
MARK SHELDEN
REC FEE: 51.00
RHSPS Fee:
REV FEE:
PAGES 7
PLAT ACT: 0 PLAT PAGE:

*ORDINANCE

*PLAT

Prepared for recording by:

Wendy M. Hundley, Deputy Clerk

400 S. Vine Street, Urbana, IL 61801

(S) Return to:

Charles A. Smyth, City Clerk
City of Urbana
400 S. Vine Street
Urbana, IL 61801

ORDINANCE NO. 2018-03-021

**AN ORDINANCE VACATING A CERTAIN PORTION OF RIGHT-OF-WAY
(Church Street West of Lincoln 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, Tekton Group LLC Series Churchill and Illinois American Water Company are the owners of all of the land abutting a certain portion of unimproved east-west right-of-way located west of the intersection of North Lincoln Avenue and West Church Street and more particularly described herein; and

WHEREAS, the aforesated owners have petitioned the City of Urbana (“City”) to vacate said portion of right-of-way; 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, except as hereinafter provided, 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 owners have agreed to pay all costs to maintain the right-of-way after such vacation, except as otherwise provided in this Ordinance; 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; and

WHEREAS, certain public service facilities are situated in the right-of-way to be vacated; and

WHEREAS, the City Council finds that the public interest is best served by the City's retention of a permanent easement in the right-of-way for the maintenance, renewal, and reconstruction of those facilities; and

WHEREAS, the owners have agreed to construct a concrete eight-foot wide shared-use path upon a portion of the vacated right-of-way to facilitate pedestrian and bicycle travel along the West Church Street corridor between North Harvey Street and North Lincoln Avenue; and

WHEREAS, the City Council further finds that the public interest is best served by the City's retention of a permanent easement in the right-of-way for the maintenance, renewal, and reconstruction of such shared-use path; 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 the permanent easements, as provided below.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, 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 east-west right-of-way located west of the intersection of North Lincoln Avenue and West Church Street:

A part of the Southeast Quarter of Section 7, Township 19 North, Range 9 East of the Third Principal Meridian, Champaign County, Illinois, being more particularly described as follows:

Beginning at the southwest corner of Lot 5 of Justus S. Templeton Subdivision, as shown on a plat recorded in Plat Book "G" at page 104 in the Office of the Recorder of Deeds, Champaign County, Illinois, thence, N89°33'30"E, along the southerly line of Lots 5, 4, 3 and 2 of said Justus S. Templeton Subdivision and the northerly right-of-way line of Church Street, 282.24 feet, to the southwesterly corner of a tract dedicated as right-of-way by Document Number 2008R16345, as recorded in the Office of the Recorder of Deeds, Champaign County, Illinois; thence, N25°52'27"E, along the westerly line of said dedication, 22.27 feet, to the existing westerly right-of-way line of Lincoln Avenue; thence, S00°48'25"E, along the southerly extension of said existing westerly right-of-way line of Lincoln Avenue, 96.15 feet, to a point on the westerly line of a tract dedicated as right-of-way by City of Urbana Ordinance Number 2018-02-015; thence, N45°31'01"W, 71.07 feet, along the westerly line of said tract described in City of Urbana Ordinance Number 2018-02-015, to a point on the southerly right-of-way line of Church Street, said line also being the southerly line of said Justus S. Templeton Subdivision; thence, S89°33'30"W, along said southerly right-of-way line, 242.24 feet, to the westerly line of said Justus S. Templeton Subdivision; thence, N00°48'25"W, along said westerly line, 26.00 feet, to the Point of Beginning.

Said vacation containing 8,952.67 Square Feet (0.206 Acres), 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 owner of the land abutting the north side of the vacated right-of-way for the extent of the common borders of the owner's respective parcels with the said right-of-way.

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

Tekton Group LLC Series Churchill 91-21-07-429-020 906 West Church Street

Tekton Group LLC Series Churchill 91-21-07-429-019 908 West Church Street

Tekton Group LLC Series Churchill 91-21-07-429-018 910 West Church Street

Tekton Group LLC Series Churchill 91-21-07-429-022 701 North Lincoln Avenue

Section 3.

The vacation of the above-described right-of-way shall be subject to the following conditions:

A. A perpetual easement upon said vacated right-of-way is hereby reserved for and granted to the City of Urbana, Illinois, 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 right-of-way; and

B. A perpetual easement upon said vacated right-of-way is hereby reserved for and granted to the City of Urbana, Illinois, to operate, maintain, inspect, repair, reconstruct, remove, or replace a concrete eight-foot wide pedestrian and bicycle shared-use path for the use and enjoyment of the general public.

C. Tekton Group LLC Series Churchill shall construct but not maintain a concrete eight-foot wide pedestrian and bicycle shared-use path upon said vacated right-of-way at a location depicted in a site plan first approved by the City of Urbana, Illinois, and in accordance with all federal and state laws and all City of Urbana, Illinois, codes, rules, regulations, orders, permits, and other requirements. Tekton Group LLC Series Churchill shall complete construction of such shared-use path no later than August 30, 2019, unless the City Engineer of the City of Urbana, Illinois, agrees to extend the completion date in writing. Otherwise, the said vacated right-of-way shall revert to the City of Urbana, Illinois, and the vacation granted pursuant to this Ordinance will become null and void with no further action by the City Council necessary.

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, 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.

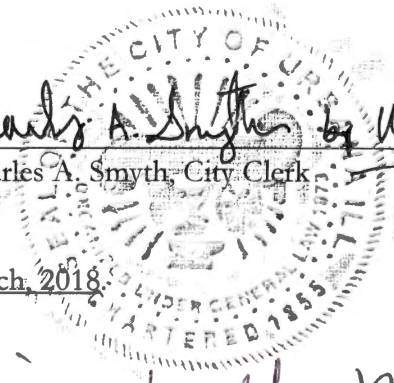
This Ordinance is hereby passed by the affirmative vote, the “ayes” and “nays” being called, of three-fourths of all the alderpersons then holding office (6 of 7 votes) of the City of Urbana, Illinois, at a meeting of the City Council.

PASSED BY THE CITY COUNCIL this 26th day of March, 2018.

AYES: Ammons, Brown, Hazen, Jakobsson, Miller, Wu

NAYS:

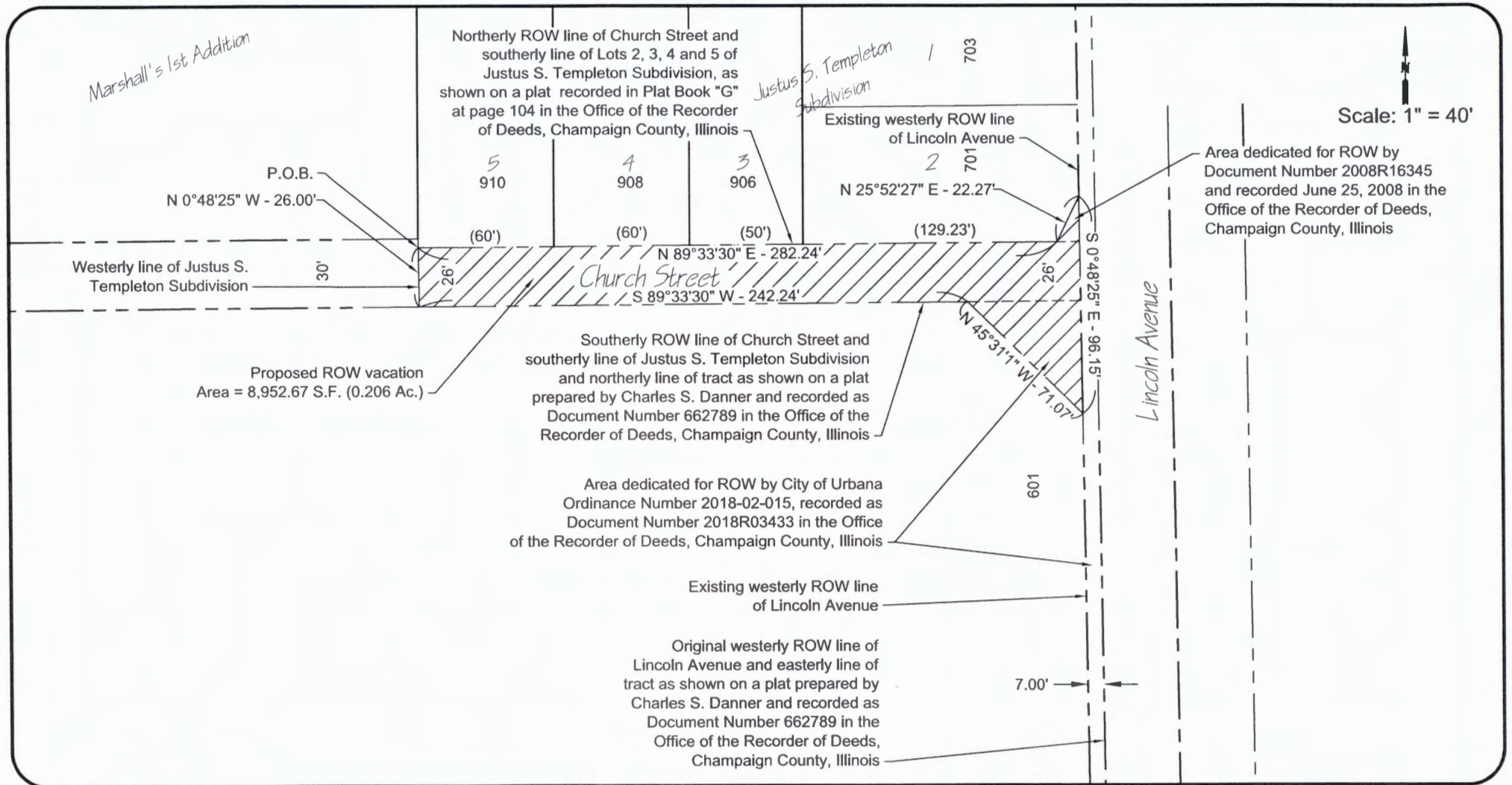
ABSTENTIONS:


Charles A. Smyth
Charles A. Smyth, City Clerk

Wendy M. Hunt
Deputy Clerk

APPROVED BY THE MAYOR this 27th day of March, 2018.

Diane Wolfe Marlin
Diane Wolfe Marlin, Mayor



PLAT MAP SHOWING PUBLIC RIGHT-OF-WAY VACATED
 BY ORDINANCE NO. 2018-03-021
 CITY OF URBANA, ILLINOIS
 DATE: MARCH 26, 2018

City of Urbana
 Public Works Department
 Engineering Division
 Date: 2/26/2018 Drawn by: BWF