

Recording Cover Sheet

AN ORDINANCE VACATING AN ALLEY
(CHURCH ALLEY SOUTH OF ELM STREET
BETWEEN CEDAR AND RACE STREETS)
[ORDINANCE NO. 2019-01-002]

*ORDINANCE

*MAP

2019R01183

REC ON: 01/25/2019 12:42:52 PM

CHAMPAIGN COUNTY

MARK SHELDEN

REC FEE: 51.00

RHSPS Fee:

REV FEE:

PAGES 7

PLAT ACT: 0 PLAT PAGE:

Prepared for recording by:

Wendy M. Hundley, Deputy City Clerk

400 S. Vine St., Urbana, IL 61801

Return to:

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



City of Urbana
400 South Vine Street
Urbana, IL 61801

CLERK'S CERTIFICATE

STATE OF ILLINOIS)
)
COUNTY OF CHAMPAIGN) SS

I, CHARLES A. SMYTH, City Clerk of the City of Urbana, Illinois, and keeper of the records, files and seal of said City, do hereby certify that the foregoing is a true and exact copy of an ordinance entitled:

AN ORDINANCE VACATING AN ALLEY (CHURCH ALLEY SOUTH OF ELM STREET BETWEEN CEDAR AND RACE STREETS) [ORD. 2019-01-002].

approved by the City Council of the City of Urbana, Illinois, on the 22nd day of January, AD, 2019, as it appears in the records and files in my office remaining.

Given under my hand and seal of said City of Urbana, Illinois, this 25th day of January, AD, 2019.



Charles A Smyth

Charles A. Smyth, City Clerk



ORDINANCE NO. 2019-01-002

AN ORDINANCE VACATING AN ALLEY

(Church Alley south of Elm Street between Cedar and Race Streets)

WHEREAS, Section 11-91-1 of the Illinois Municipal Code (65 ILCS 5/11-91-1) provides that the corporate authorities of a municipality may by ordinance vacate any street or alley, or part thereof, within their jurisdiction after determining that the public interest will be subserved by said vacation; and

WHEREAS, The Urbana Free Library is the owner of all of the land abutting the north-south alley, commonly known as Church Alley, located south of West Elm Street between South Cedar Street and South Race Street; and

WHEREAS, the aforesated owner has petitioned the City of Urbana (“City”) to vacate said alley; and

WHEREAS, the requirements of Urbana City Code Section 2-160 for a public hearing and public notice of such hearing prior to the City Council’s consideration of an ordinance to vacate any street 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 alley is of no further use to the City except as hereinafter provided; and

WHEREAS, the aforesated owner has agreed to pay all costs to maintain the alley 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 alley herein vacated is just and adequate compensation for the benefits which will accrue to the said owner; and

WHEREAS, the City Council finds that the public interest is subserved by vacating said alley, particularly when considering such relief to the public; and

WHEREAS, Section 11-91-2 of the Illinois Municipal Code (65 ILCS 5/11-91-2) provides that upon the vacation of an alley, or any part thereof, by virtue of any ordinance of any municipality, title to the land included therein will vest in the then owners of the land abutting thereon; and

WHEREAS, the City Council further finds that the public interest is subserved by the City's retention of a permanent easement in the alley for the installation, maintenance, renewal, and reconstruction of certain public service facilities.

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 north-south alley, commonly known as Church Alley, located south of West Elm Street between South Cedar Street and South Race Street:

A part of a north-south Public Alley being in the North Half of Section 17, Township 19 North, Range 9 East of the Third Principal Meridian, Champaign County, Illinois, being more particularly described as follows:

All of the north-south Public Alley (known as Church Alley), being twelve feet (12') in width, east of and adjacent to Lot 18 of Roe's Second Addition to the City of Urbana, as shown on a plat recorded in Deed Record Book "D" at page 189 in the Office of the Recorder of Deeds, Champaign County, Illinois.

Said vacated Alley containing 1,386 S.F. (0.032 acre), more or less, all situated in the City of Urbana, Champaign County, Illinois.

Section 2.

Upon vacation of the above-described alley, title thereto shall vest in the record owner of the land abutting the vacated alley for the extent of the common borders of its respective parcels with the said alley. The owner, permanent index numbers, and addresses of the land abutting the alley described above are as follows:

The Urbana Free Library	92-21-17-210-001	207 West Elm Street
The Urbana Free Library	92-21-17-210-002	205 West Elm Street

Section 3.

The vacation of the above-described alley shall be subject to the condition that a perpetual easement upon said vacated alley is hereby reserved for and granted to the City of Urbana, Illinois, and its successors and assigns to construct, install, reconstruct, repair, remove, replace, inspect, maintain, and operate its sanitary sewer facilities in, under, across, along, and upon the vacated alley, together with the right of access thereto for the personnel and equipment necessary and required for such uses and purposes.

Section 4.

The City Engineer of the City of Urbana, Illinois, be and the same is hereby authorized to execute and deliver and the City Clerk of the City of Urbana, Illinois, be and the same is hereby authorized to attest to said execution of a plat of the vacated alley, 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 22nd day of January, 2019.

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

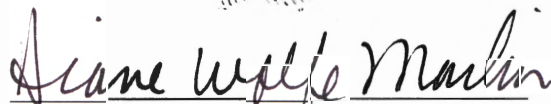
NAYS:

ABSTENTIONS:

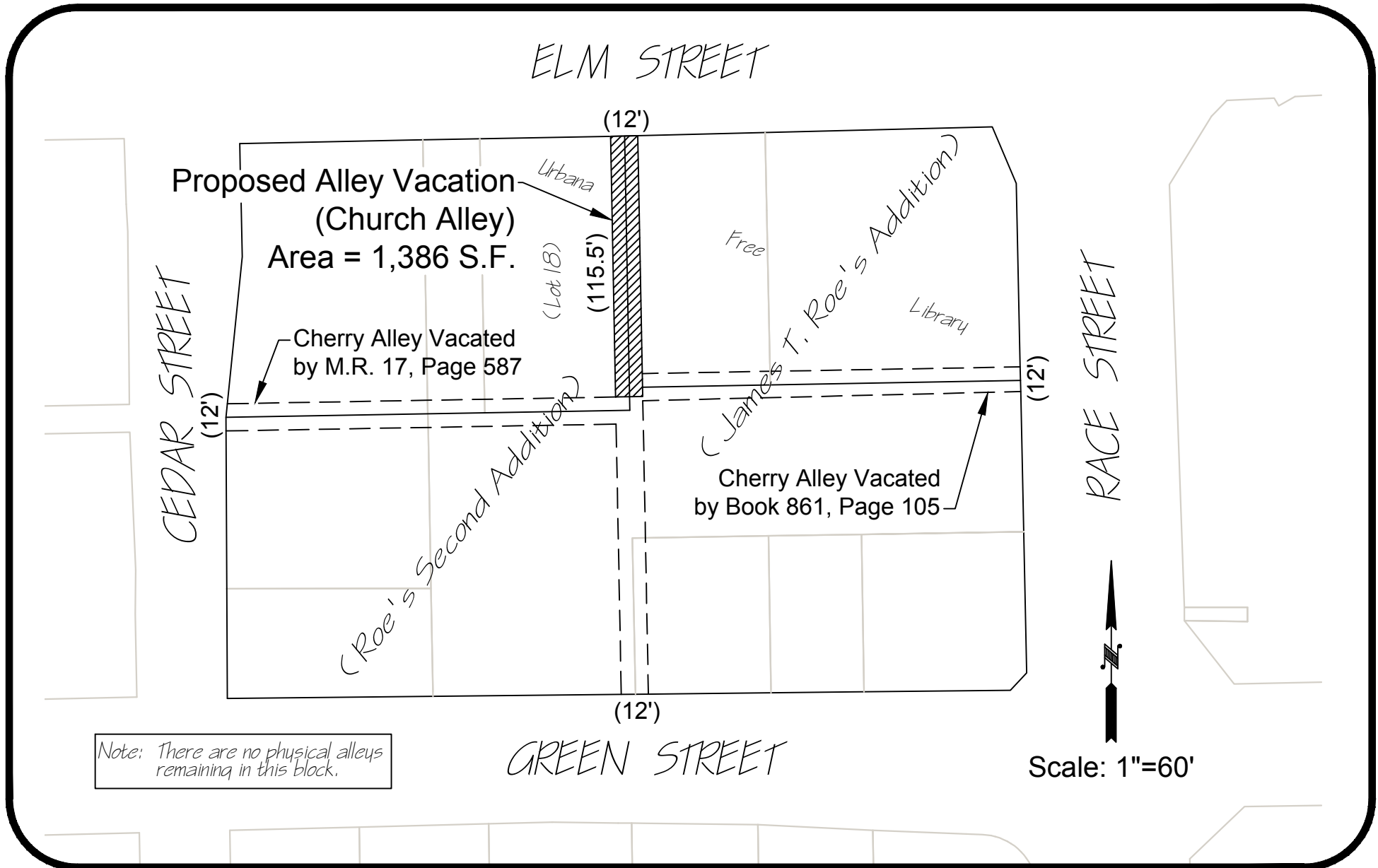


Charles A. Smyth, City Clerk

APPROVED BY THE MAYOR this 23rd day of January, 2019.



Diane Wolfe Marlin, Mayor



Note: There are no physical alleys remaining in this block.

PLAT MAP SHOWING PUBLIC RIGHT-OF-WAY VACATED
 BY CITY OF URBANA ORDINANCE NO. 2019-01-002
 DATE: JANUARY 22, 2019

City of Urbana
 Public Works Department
 Engineering Division
 Drawn by: DAR
 Checked by: BMB 12/04/2018
 Date: 12/04/2018

