

# Recording Cover Sheet

AN ORDINANCE VACATING PORTIONS OF CERTAIN  
STREETS (ORCHARD STREET BETWEEN CHURCH  
STREET AND UNIVERSITY AVENUE AND PARK  
STREET BETWEEN ORCHARD STREET AND  
MCCULLOUGH STREET) [ORDINANCE NO. 2019-01-  
012]

\*ORDINANCE

\*PLAT

**2019R03315**

REC ON: 03/11/2019 02:22:29 PM

CHAMPAIGN COUNTY

**MARK SHELDEN**

REC FEE: 51.00

RHSPS Fee:

REV FEE:

PAGES 9

PLAT ACT: 0 PLAT PAGE:

Prepared for recording by:

Wendy M. Hundley, Deputy City Clerk

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400 S. Vine St., Urbana, IL 61801

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Return to:

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

**ORDINANCE NO. 2019-01-012**

**AN ORDINANCE VACATING PORTIONS OF CERTAIN STREETS**

**(Orchard Street between Church Street and University Avenue and  
Park Street between Orchard Street and McCullough Street)**

**WHEREAS**, Section 11-91-1 of the Illinois Municipal Code (65 ILCS 5/11-91-1) provides that the corporate authorities of a municipality, by ordinance, may vacate any street, alley, or part thereof, if they determine that the public interest will be subserved by such vacation; and

**WHEREAS**, The Carle Foundation is the owner of all of the land abutting North Orchard Street between West Church Street and West University Avenue and West Park Street between North Orchard Street and North McCullough Street; and

**WHEREAS**, the aforesaid owner has petitioned the City of Urbana ("City") to vacate said portions of North Orchard and West Park Streets; and

**WHEREAS**, in accordance with Urbana City Code Section 2-160, the City Council held a public hearing on the question of said vacations at 7:00 p.m. on Monday, January 7, 2019, after due and proper notice of such public hearing was given by publication in *The News-Gazette*, a newspaper having a general circulation within the City, on a date at least 15 days but not more than 30 days prior to the time of the public hearing; and

**WHEREAS**, at least 15 days prior to the public hearing, the Zoning Administrator caused to be mailed a copy of the aforesaid newspaper publication to each of the last-known taxpayers of record of all property adjacent to or within 250 feet in each direction of the portions of the streets proposed to be vacated; and

**WHEREAS**, the Zoning Administrator has filed an affidavit with the City Clerk attesting that such mailing described herein has been accomplished; and

**WHEREAS**, the City Council finds that the said portions of streets are of no further use to the City, except as hereinafter provided, and that such vacations will not materially impair or interfere with the use already existing and will not be detrimental to the public; and

**WHEREAS**, the City Council has determined that the fair market value of the portions of streets to be vacated is \$500,000 and that the owner shall make the aforesaid payment and acquire title to the vacated portions of streets subject to the terms and conditions of this Ordinance and as provided by law; and

**WHEREAS**, the City Council finds that the consideration to be paid to the City is just and adequate compensation for the benefits which will accrue to the said owner of the abutting land by reason of such vacation; and

**WHEREAS**, the City Council finds that the public interest is subserved by the vacation of said portions of streets; and

**WHEREAS**, the City Council further finds that the public interest is subserved by the City's retention of permanent easements in the portions of streets to be vacated 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 portions of North Orchard Street between West Church Street and West University Avenue and West Park Street between North Orchard Street and North McCullough Street:

A PORTION OF THE PARK STREET (FORMERLY FIRST STREET) RIGHT-OF-WAY, IN THE SOUTHWEST QUARTER OF SECTION 8, TOWNSHIP 19 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, CHAMPAIGN COUNTY, ILLINOIS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL THAT PART OF THE PARK STREET (FORMERLY FIRST STREET) RIGHT-OF WAY, BETWEEN THE EXISTING EASTERLY RIGHT-OF-WAY LINE OF NORTH ORCHARD STREET, AS SHOWN ON THE PLAT OF BUSEY'S SUBDIVISION OF LOT E AND A PORTION OF LOT B OF A SUBDIVISION OF THE SOUTHWEST QUARTER OF SECTION 8, TOWNSHIP 19 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, AS RECORDED IN PLAT BOOK "D", AT PAGE 186 IN THE OFFICE OF THE RECORDER OF DEEDS, CHAMPAIGN COUNTY, ILLINOIS, AND THE EXISTING WESTERLY RIGHT-OF-WAY LINE OF MCCULLOUGH STREET (FORMERLY WEST AVENUE), AS SHOWN ON THE PLAT OF S. H. BUSEY'S THIRD ADDITION TO THE CITY OF URBANA, AS RECORDED IN DEED RECORD 35, AT PAGE 128 IN THE OFFICE OF THE RECORDER OF DEEDS, CHAMPAIGN COUNTY, ILLINOIS. SAID RIGHT-OF-WAY BEING SIXTY-SIX FEET (66') IN WIDTH.

SAID TRACT CONTAINING 0.61 ACRES (26,422 SQUARE FEET), MORE OR LESS, ALL SITUATED IN THE CITY OF URBANA, CHAMPAIGN COUNTY, ILLINOIS.

And a portion of Orchard Street, described as follows:

A PORTION OF THE ORCHARD STREET RIGHT-OF-WAY, IN THE SOUTHWEST QUARTER OF SECTION 8, TOWNSHIP 19 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, CHAMPAIGN COUNTY, ILLINOIS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL THAT PART OF THE ORCHARD STREET RIGHT-OF-WAY, BETWEEN THE EXISTING NORTHERLY RIGHT-OF-WAY LINE OF UNIVERSITY AVENUE (U. S. ROUTES 150 & 45) AND THE EXISTING SOUTHERLY RIGHT-OF-WAY LINE OF CHURCH STREET, AS SHOWN ON THE PLAT OF SIMEON H. BUSEY'S ADDITION TO THE CITY OF URBANA, AS RECORDED IN DEED RECORD BOOK 26, AT PAGE 2 IN THE OFFICE OF THE RECORDER OF DEEDS, CHAMPAIGN COUNTY, ILLINOIS. SAID RIGHT-OF-WAY BEING SIXTY-SIX FEET (66') IN WIDTH.

SAID TRACT CONTAINING 0.42 ACRE (18,216 SQUARE FEET), MORE OR LESS, ALL SITUATED IN THE CITY OF URBANA, CHAMPAIGN COUNTY, ILLINOIS.

**Section 2.**

Upon vacation of the above-described portions of streets, title thereto shall vest in the record owner of the land abutting the vacated streets for the extent of the common borders of the owner's respective parcels with the said streets.

The owner, permanent index numbers, and addresses of the land abutting North Orchard Street between West Church Street and West University Avenue are as follows:

The Carle Foundation	91-21-08-325-001	506 W. Park Street
The Carle Foundation	91-21-08-327-013	508 N. Orchard Street
The Carle Foundation	91-21-08-327-009	504 N. Orchard Street
The Carle Foundation	91-21-08-327-010	512 W. University Avenue
The Carle Foundation	91-21-08-310-001	602 W. University Avenue
The Carle Foundation	91-21-08-309-009	604 W. Park Street
The Carle Foundation	91-21-08-309-008	603 N. Orchard Street
The Carle Foundation	91-21-08-309-006	605 N. Orchard Street
The Carle Foundation	91-21-08-309-005	607 N. Orchard Street
The Carle Foundation	91-21-08-309-004	609 N. Orchard Street

The owner, permanent index numbers, and addresses of the land abutting West Park Street between North Orchard Street and North McCullough Street are as follows:

The Carle Foundation	91-21-08-325-001	506 W. Park Street
The Carle Foundation	91-21-08-327-007	507 N. McCullough Street
The Carle Foundation	91-21-08-327-006	503 W. Park Street
The Carle Foundation	91-21-08-327-013	508 N. Orchard Street

**Section 3.**

The vacation of the above-described portions of streets shall be subject to the following conditions:

- A. A perpetual easement upon said vacated streets is hereby reserved for and granted to the City of Urbana, Illinois, any public utilities, and their successors and assigns to construct, install,

reconstruct, repair, remove, replace, inspect, maintain, and operate their facilities in, under, across, along, over, and upon the vacated streets, together with the right of access thereto for the personnel and equipment necessary and required for such uses and purposes and the right to cut, trim, or remove trees, bushes, and roots as may be reasonably required incidental to the rights herein given.; and

- B. The Finance Director of the City of Urbana, Illinois, shall receive payment of \$500,000 as compensation for the fair market value of such vacated streets. This Ordinance shall not be effective until said payment is received.

**Section 4.**

Plats of vacation, in substantially the form of the copies of the plats attached hereto and hereby incorporated by reference, be and the same are hereby authorized and approved.

**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.**

The City Clerk is directed to record a certified copy of this Ordinance with the Champaign County Office of the Recorder of Deeds after the Finance Director advises the Clerk that the Finance Department has received the sum set forth in Section 3 of this Ordinance. The recording of this Ordinance in the Office of the Recorder of Deeds shall be proof that such payment has been made.


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 4<sup>th</sup> day of February, 2019.

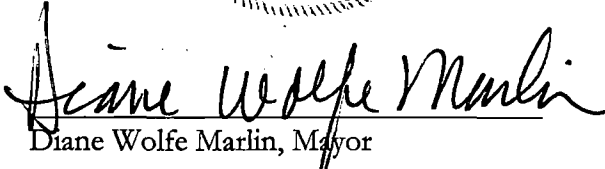
AYES: Brown, Jakobsson, Hazen, Hursey, Miller, Roberts, Wu, Marlin

NAYS:

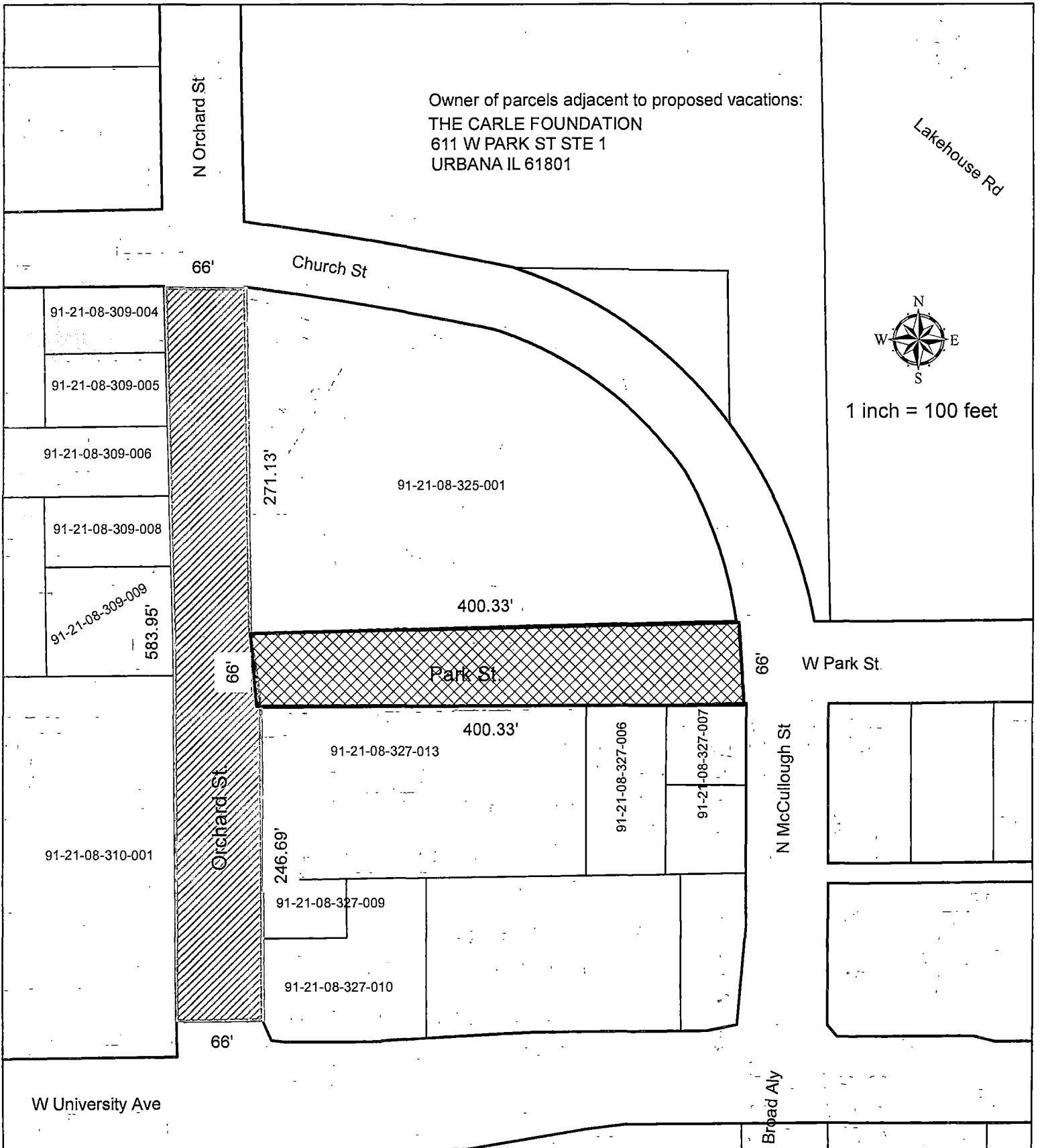
ABSTENTIONS:



  
\_\_\_\_\_  
Charles A. Smyth, City Clerk

APPROVED BY THE MAYOR this 5<sup>th</sup> day of February, 2019.

  
\_\_\_\_\_  
Diane Wolfe Marlin, Mayor

**Attachment B  
Proposed Street ROW Vacation Map**



-  Orchard Street  
Proposed Vacation - 38,536 square feet (0.88 acres)
-  Park Street  
Proposed Vacation - 26,422 square feet (0.61 acres)







City of Urbana  
400 South Vine Street  
Urbana, IL 61801

**CLERK'S CERTIFICATE**

STATE OF ILLINOIS            )  
  )    SS  
COUNTY OF CHAMPAIGN    )

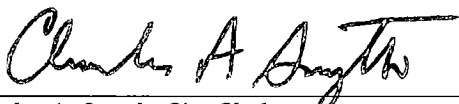
I, CHARLES A. SMYTH, City Clerk of the City of Urbana, Illinois, and keeper of the records, files and seal of said City, do hereby certify that the foregoing is a true and exact copy of an Ordinance entitled:

**AN ORDINANCE VACATING PORTIONS OF CERTAIN STREETS  
(ORCHARD STREET BETWEEN CHURCH STREET AND UNIVERSITY AVENUE  
AND PARK STREET BETWEEN ORCHARD STREET AND MCCULLOUGH  
STREET) [ORDINANCE NO. 2019-01-012]**

Adopted by the City Council of the City of Urbana, Illinois, on the 4<sup>th</sup> day of February, 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 11<sup>th</sup> day of March, AD, 2019.



  
\_\_\_\_\_  
Charles A. Smyth, City Clerk

