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Recording Cover Sheet

AN ORDINANCE VACATING A STREET
(BOYDEN STREET BETWEEN KERR AVENUE
AND OAKLAND AVENUE)

[ORD. 2023-11-041]

2024R03089
REC ON: 03/12/2024 01:00:59 PM
CHAMPAIGN COUNTY
AARON AMMONS
REC FEE: 51.00
RHSPS FEE:
STATE TAX:
COUNTY TAX:
PLAT ACT:
PAGES: 7

Prepared for recording by:

Daniel A. Rothermel, Land Surveyor

706 Glover Avenue, Urbana, IL 61802

(G) Return to:

Daniel A. Rothermel, Land Surveyor
City of Urbana
706 Glover Avenue
Urbana, IL 61802

CLERK'S CERTIFICATE

STATE OF ILLINOIS)
) SS
COUNTY OF CHAMPAIGN)

I, DARCY E. SANDEFUR, 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:

**Ordinance No. 2023-11-041: An Ordinance Vacating a Street
(Boyden Street, east of
Cunningham Avenue, between Oakland Avenue and Kerr Avenue)**

approved by the City Council of the City of Urbana, Illinois, on the 13th day of November, AD, 2023, 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 20th day of 2023. November, AD,



Darcy E. Sandefur
CITY CLERK

ORDINANCE NO. 2023-11-041 _

AN ORDINANCE VACATING A STREET

(Boyden Street, east of Cunningham Avenue, between Oakland Avenue and Kerr Avenue)

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, in accordance with the requirements of Section 2-160 of the Urbana City Code, a public hearing was held on the 16th day of October, 2023, which said date was more than fifteen (15) days, but less than thirty (30) days following the publication of the Notice of Hearing in a newspaper of general circulation in the City of Urbana, to-wit, said publication having occurred on the 20th day of September, 2023, and the Zoning Administrator also caused to be mailed a copy of the said Notice so published to each of the last known taxpayers of record of all properties adjacent to or within 250' in each direction of the portion of the street proposed to be vacated, said mailing having been accomplished on the 29th day of September, 2023; and

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

WHEREAS, the City Council finds that the street is of no further use to the City except as hereinafter provided; and

WHEREAS, the City Council finds that the relief to the public from the further burden and responsibility of maintaining the street herein vacated is just and adequate compensation for the benefits that will accrue to the said owner; and

WHEREAS, upon the vacation of the street identified herein, title to the land included therein will vest in the owners of the land abutting thereon as set forth herein; and

WHEREAS, certain public service facilities are situated in the street; 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 to be vacated for the installation, maintenance, renewal, and reconstruction of those facilities; and

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

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 street (Boyden Street) located between Oakland Avenue and Kerr Avenue:

A twenty-five (25') feet wide Right-of-way in the Northwest Quarter of Section 9, Township 19 North, Range 9 East of the Third Principal Meridian, Champaign County, Illinois, being more particularly described as follows:

All of the twenty-five (25') feet wide Boyden Street Right-of-way between the south Right-of-way of Oakland Avenue and the north Right-of-way of Kerr Avenue lying adjacent to Lots 1, 2, 7, 8 and 9 of Barr & Ford's Subdivision of Part of Lots 12 & 17 of a Subdivision of the Northeast Quarter of Section 8 and the West Half of the Northwest Quarter of Section 9, Township 19 North, Range 9 East of the Third Principal Meridian in the City of Urbana, as shown on a plat recorded in Plat Book "C" at page 46 in the Office of the Recorder of Deeds, Champaign County, Illinois.

Said vacated Right-of-way containing 15,000 square feet (0.344 acre), more or less, as shown on accompanying plat, all situated in the City of Urbana, Champaign County, Illinois.

Section 2.

Upon vacation of the above-described street, title thereto shall vest in the record owners of the land abutting the west side of vacated street for the extent of the common borders of the owner's respective parcels with the said street except as indicated below.

The owners, permanent index numbers, and addresses of the land abutting the west side of the

street described above are as follows:

<u>Owner</u>	<u>Permanent Index No.</u>	<u>Address</u>
MIMG XLV TOWN & COUNTRY, LLC	91-21-09-151-011	609 Oakland Avenue
TWIN OAKS INVESTMENT, LLC	91-21-09-151-007	1009 ½ Boyden Street
C-U INDEPENDENCE INC	91-21-09-151-012	610 Kerr Avenue

Title to the portion of vacated right-of-way adjacent to 610 Kerr Avenue (PIN: 91-21-09-151-012) will vest entirely to the owners of 610 Kerr Avenue. The owners of 609 Oakland Avenue (PIN: 91-21-09-151-011) have agreed to waive their rights to the portion of vacated right-of-way adjacent to their 609 Oakland Avenue property in favor of the owners of 1009 ½ Boyden Street (PIN: 91-21-09-151-007). As a result, title to the portion of vacated right-of-way adjacent to 609 Oakland Avenue and title to the portion of vacated right-of-way adjacent to 1009 ½ Boyden Street will both be vested to the owners of 1009 ½ Boyden Street. This is due to the fact that Boyden Street north from 1009 ½ Boyden Street to Oakland Avenue is the only means of ingress/egress for the 1009 and 1009 ½ Boyden Street properties (same owners) and without the portion adjacent to 609 Oakland Avenue, these properties would otherwise become landlocked after Boyden Street is vacated.

Section 3.

The vacation of the above-described street shall be subject to the condition that a perpetual easement upon said vacated street 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 street, 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.

Section 4.

The Mayor 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 street, 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.

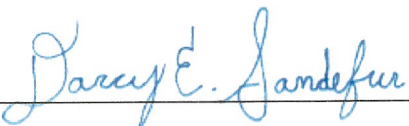
This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called, of three-fourths of all the alderpersons then holding office (6 of 7 votes) of the City of Urbana, Illinois, at a meeting of the City Council.

PASSED BY THE CITY COUNCIL this 13th Day of November, 2023.

AYES: Wu, Evans, Kolisetty, Bishop, Wilken, Quisenberry

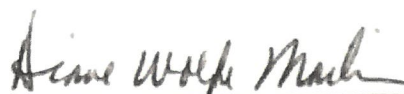
NAYS: None

ABSTENTIONS: None

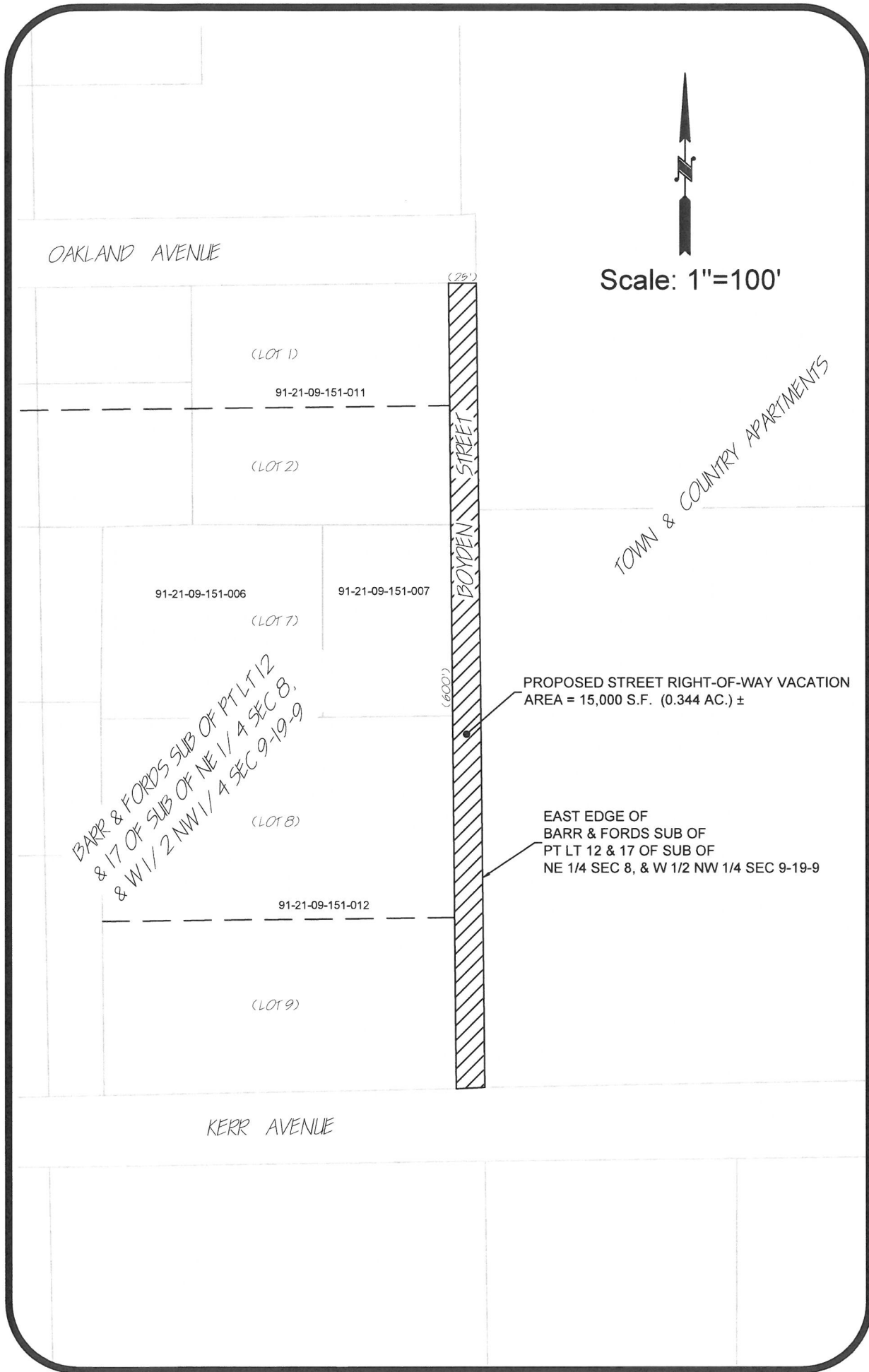


City Clerk

APPROVED BY THE MAYOR this 20th day of November, 2023.



Diane Wolfe Martin, Mayor



City of Urbana
 Public Works Department
 Engineering Division
 Drawn by: DAR
 Checked by: TAC
 Date: 10/24/2023
 Date: 10/31/2023

PLAT MAP SHOWING PUBLIC RIGHT-OF-WAY VACATED
 BY CITY OF URBANA ORDINANCE NO. 2023-11-041
 DATE: NOVEMBER 13, 2023