

ORDINANCE NO. 2015-02-018

AN ORDINANCE VACATING AN ALLEY

(South of Hill Street between Romine Street and Mathews 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, 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, Presence Healthcare, Crisis Nursery, and James Moreland are the owners of all of the land abutting the east-west alley located south of West Hill Street between North Romine Street and North Mathews Avenue ("Alley"); and

WHEREAS, the aforestated owners have petitioned the City of Urbana ("City") to vacate said Alley; and

WHEREAS, the requirements of Urbana City Code § 2-160 for a public hearing and for 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 an alley; 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 City Council finds that the public interest will be subserved by vacating said Alley, particularly when considering the relief to the public from further burden and responsibility of maintaining the Alley herein vacated; 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 owners of the abutting land by reason of the vacation of the Alley; and

WHEREAS, certain public service facilities are situated in the Alley; 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 Alley for the maintenance, renewal, and reconstruction of those facilities; and

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 east-west alley located south of West Hill Street between North Romine Street and North Mathews Avenue, being more particularly described as follows:

An east-west Public Alley in the block bounded by the Norfolk Southern Railroad on the south, Hill Street on the north, Romine Street on the west and Mathews Avenue on the east, being in the Southeast Quarter of Section 7, Township 19 North, Range 9 East of the Third Principal Meridian, Champaign County, Illinois, more particularly described as follows:

All of the east-west Public Alley in Block 34 of Seminary Addition as shown on a plat recorded in Deed Record Book "Y" at page 208 in the Office of the Recorder of Deeds, Champaign County, Illinois. Said Public Alley Right-of-Way being sixteen and one half feet (16.5') in width.

Said tract containing 0.125 acres (5,445 square feet), more or less, all situated in the City of Urbana, Champaign County, Illinois.

Section 2.

Upon vacation of the above described alley, title to the north one-half of the alley herein vacated shall vest in the record owners of the land abutting the north side of the vacated alley for the extent of the common borders of their respective parcels with the said alley; and title to the south one-half of the alley herein vacated shall vest in the record owners of the land abutting the south side of the vacated alley for the extent of the common borders of their respective parcels with the said alley.

The owners, permanent index numbers, and addresses of the land abutting the north one-half of the alley described above are as follows:

Presence Healthcare:	91-21-07-407-002	706 N. Romine Street
	91-21-07-407-003	1307 W. Hill Street
	91-21-07-407-004	1305 W. Hill Street
	91-21-07-407-006	1301 W. Hill Street
Crisis Nursery:	91-21-07-407-005	1303 W. Hill Street

The owners, permanent index numbers, and addresses of the land abutting the south one-half of the alley described above are as follows:

Presence Healthcare:	91-21-07-407-007	704 N. Romine Street
	91-21-07-407-008	1306 W. Church Street

91-21-07-407-009 1304 W. Church Street

James Moreland: 91-21-07-407-014 703 N. Mathews Avenue

Section 3.

The vacation of the above described alley shall be subject to the following conditions:

- a) A perpetual easement upon said vacated alley 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 alley; and
- b) The Finance Director of the City of Urbana, Illinois, shall receive payment of \$4,650 as compensation for the fair market value of such vacated alley. This Ordinance shall not be effective until said payment is received, in accordance with 65 ILCS 5/11-91-1.

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 Alley, 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 2 of this Ordinance, as so authorized and approved for and on behalf of the City of Urbana, Illinois.

Section 5.

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 sum set forth in Section 3 of this Ordinance has been received by the City. 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 ____ day of _____, _____.

AYES:

NAYS:

ABSENT:

ABSTAINED:

Phyllis D. Clark, City Clerk

APPROVED BY THE MAYOR this ____ day of _____, _____.

Laurel Lunt Prussing, Mayor