



MEMORANDUM

TO: Mayor Laurel Lunt Prussing and Members of the City Council
FROM: William R. Gray, P.E., Public Works Director
DATE: March 10, 2016
RE: Lincoln Avenue Right-of-way Acquisition via Eminent Domain

Introduction

City and county staff have been negotiating with the property owners of Parcels 102, 103, 104, and 106 to acquire right-of-way for the proposed construction of Lincoln Avenue between Saline Court and Olympian Drive. The project is 1.0 miles in length and is estimated to cost over \$4 million. (See the attached location map for the parcel locations.)

Despite several communications with the property owners there is no agreement on price for the land to be purchased. Consequently the Champaign County Board on Thursday, February 18, 2016 approved Resolution No. 9523 Authorizing the Acquisition of Certain Property by Eminent Domain North Lincoln Avenue from Saline Court to Olympian Drive. This action has set into motion a letter sent to the impacted property owners giving them sixty days (until April 19, 2016) to consider the County's final offer to purchase right-of-way or condemnation proceedings will begin.

The attached resolution authorizes the mayor to enter into real estate transfer agreements and also enlists City support in the condemnation proceedings for these identified parcels.

Fiscal Impact

Property acquisition is being funded 80% by the Federal Surface Transportation Urban program, 10% from Champaign County, 10% City of Urbana. There are sufficient funds budgeted for legal and related expenses for condemnation proceedings. The expenses for this effort are expected to be no greater than \$30,000.

Recommendation

It is recommended that AN ORDINANCE AUTHORIZING THE ACQUISITION OF CERTAIN REAL PROPERTY BY EMINENT DOMAIN FOR THE EXTENSION OF NORTH LINCOLN AVENUE FROM SALINE COURT TO OLYMPIAN DRIVE (Acquisition of right-of-way for Constructing the North Lincoln Avenue Extension) be approved.

ORDINANCE NO. 2016-03-018

AN ORDINANCE AUTHORIZING THE ACQUISITION OF CERTAIN
REAL PROPERTY BY EMINENT DOMAIN FOR THE EXTENSION
OF NORTH LINCOLN AVENUE FROM SALINE COURT TO OLYMPIAN DRIVE

(Acquisition of right-of-way for
Constructing the North Lincoln Avenue Extension)

WHEREAS, the City of Urbana ("City") is a home rule unit of local government pursuant to Article VII, Section 6, of the Illinois Constitution, 1970, and may exercise any power and perform any function pertaining to its government and affairs not otherwise expressly reserved to the State of Illinois by legislation, including the power to regulate the manufacture, sale, and consumption of alcoholic liquor for the protection of the public health, safety, and welfare; and

WHEREAS, the City and the County of Champaign have entered into an Intergovernmental Agreement for the Construction of Lincoln Avenue ("Agreement") which Agreement provides for the acquisition of certain private property in order to undertake and complete the construction contemplated in the Agreement (the "Project"); and

WHEREAS, the Agreement authorizes the City to act as the lead agency and to hire professional to perform legal work in reference to the acquisition of right-of-way with the County Engineer serving as the lead negotiator to negotiate with the affected property owners for acquisitions of rights-of-way necessary for the Project which acquisitions may, if necessary, be undertaken pursuant to the eminent domain laws governing acquisition of private property for public purpose; and

WHEREAS, it is in the best interest of the public for the rights-of-way to be acquired in a timely manner so that construction will not be delayed on the Project; and

WHEREAS, negotiations with the property owners for the purchase of certain of their private property have been undertaken by the County in good faith but have not yet resulted in agreements for said acquisition of such property in order to undertake and complete the Project; and

WHEREAS, the City Council of the City of Urbana finds it

appropriate and necessary to acquire the certain private property and create public rights-of-way on such acquired property in order to undertake and complete the Project; and

WHEREAS, the said City Council further finds that it is necessary to acquire the certain private property described in Exhibit A, attached hereto and made a part hereof, pursuant to the authority granted by 65 ILCS 5/11-61-1.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Urbana, Champaign County, Illinois, as follows:

Section 1.

In the event that the City of Urbana and the County Engineer are unable to reach agreement with any one or more of the private property owners of one or more of the parcels described on Exhibit A appended hereto and made a part hereof as to the just compensation to be paid for the said property interests in question, the City Council, pursuant to the aforesaid Agreement shall concur with the County in the County's acquisition of all rights, title and interest in and to the property described in said Exhibit A by and through whatever legal means may be available, including but not limited to the institution of eminent domain proceedings in the appropriate court, to acquire all such rights, title and interest in said property.

Section 2.

This Ordinance shall be effective immediately and upon its adoption, it being determined by the City Council that it is urgent that this Ordinance take effect at its earliest possible date; and

Section 3.

The City Clerk shall be and hereby is directed to publish this Ordinance immediately after its adoption by the City Council.

Section 4.

The City Clerk shall be and hereby is directed to send a copy of this Ordinance to the following individuals at the following respective addresses :

Janet Scharlau at 3610 N. Lincoln Avenue, Urbana, IL 61802
William Cope at 4018 N. Lincoln Avenue, Urbana, IL 61802
Larry Corumn at 1507 Glenshire, Champaign, IL 61822.

Section 5.

If any section, paragraph or provision of this Ordinance is held to be invalid or unenforceable, such invalidity and/or unenforceability of any such section, paragraph or provision shall not affect any of the remaining sections, paragraphs and provisions of this Ordinance.

Section 6.

This Ordinance shall take precedent and be interpreted as superseding any prior adopted Ordinance which may be in conflict with any provision in this Ordinance.

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called, of a majority of the members of the Council of the City of Urbana, Illinois, at a meeting of said Council.

PASSED BY THE CITY COUNCIL this ____ day of _____, 2016

AYES:

NAYS:

ABSENT:

ABSTAINED:

Phyllis D. Clark, City Clerk

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

Laurel Lunt Prussing, Mayor

EXHIBIT A

NORTH LINCOLN AVENUE RIGHT-OF-WAY PARCEL 102:

COMMENCING AT THE NORTHWEST CORNER OF SECTION 32, TOWNSHIP 20 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN; THENCE ALONG THE WEST LINE OF SAID SECTION 32, SOUTH 0 DEGREES 12 MINUTES 56 SECONDS WEST 1323.29 FEET, TO THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 32; THENCE ALONG SOUTH LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF AFORESAID SECTION 32, NORTH 88 DEGREES 53 MINUTES 42 SECONDS EAST 120.96 FEET, TO THE POINT OF BEGINNING; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 835.00 FEET, A CURVE LENGTH OF 526.95 FEET, A CHORD LENGTH OF 518.25 FEET AND A CHORD BEARING OF NORTH 54 DEGREES 52 MINUTES 16 SECONDS EAST; THENCE NORTH 71 DEGREES 38 MINUTES 46 SECONDS EAST 219.71 FEET; THENCE NORTH 61 DEGREES 38 MINUTES 24 SECONDS EAST 50.99 FEET; THENCE NORTH 24 DEGREES 35 MINUTES 1 SECOND EAST 60.21 FEET; THENCE SOUTH 70 DEGREES 10 MINUTES 48 SECONDS EAST 75.00 FEET; THENCE NORTH 73 DEGREES 46 MINUTES 7 SECONDS EAST 350.04 FEET; THENCE NORTH 59 DEGREES 52 MINUTES 3 SECONDS EAST 112.26 FEET; THENCE NORTH 89 DEGREES 35 MINUTES 53 SECONDS EAST 26.41 FEET, TO A POINT ON THE EAST LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF AFORESAID SECTION 32; THENCE ALONG SAID EAST LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 32, SOUTH 0 DEGREES 24 MINUTES 7 SECONDS EAST 332.75 FEET; THENCE SOUTH 89 DEGREES 35 MINUTES 53 SECONDS WEST 23.24 FEET; THENCE NORTH 21 DEGREES 33 MINUTES 36 SECONDS WEST 109.65 FEET; THENCE SOUTH 72 DEGREES 57 MINUTES 1 SECOND WEST 383.44 FEET; THENCE SOUTH 55 DEGREES 40 MINUTES 6 SECONDS WEST 235.63 FEET; THENCE SOUTH 76 DEGREES 47 MINUTES 58 SECONDS WEST 283.04 FEET; THENCE SOUTH 67 DEGREES 32 MINUTES 33 SECONDS WEST 76.81 FEET, TO A POINT ON THE SOUTH LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF AFORESAID SECTION 32; THENCE ALONG SAID SOUTH LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 32, SOUTH 88 DEGREES 53 MINUTES 42 SECONDS WEST 263.59 FEET, TO THE POINT OF BEGINNING, CONTAINING 5.887 ACRES, ALL IN CHAMPAIGN COUNTY, ILLINOIS.

NORTH LINCOLN AVENUE RIGHT-OF-WAY PARCEL 103:

COMMENCING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 20 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN; THENCE ALONG THE NORTH LINE OF SAID SECTION 32, SOUTH 89 DEGREES 38 MINUTES 52 SECONDS WEST 734.98 FEET; THENCE ALONG THE EAST LINE OF THE WEST 17.62 ACRES OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 32, SOUTH 0 DEGREES 11 MINUTES 33 SECONDS EAST 220.50 FEET, TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID EAST LINE OF THE WEST 17.62 ACRES OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 32, SOUTH 0 DEGREES 11 MINUTES 33 SECONDS EAST 260.33 FEET; THENCE SOUTH 33 DEGREES 39 MINUTES 18 SECONDS WEST 180.64 FEET; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 800.00 FEET, A CURVE LENGTH OF 503.79 FEET, A CHORD LENGTH OF 495.51 FEET AND A CHORD BEARING OF SOUTH 51 DEGREES 41 MINUTES 44 SECONDS WEST; THENCE SOUTH 69 DEGREES 44 MINUTES 10 SECONDS WEST 56.94 FEET; THENCE SOUTH 8 DEGREES 4 MINUTES 24 SECONDS WEST 132.80 FEET; THENCE SOUTH 89 DEGREES 35 MINUTES 53 SECONDS WEST 26.76 FEET, TO A POINT ON THE WEST LINE OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF AFORESAID SECTION 32; THENCE ALONG SAID WEST LINE OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 32, NORTH 0 DEGREES 24 MINUTES 7 SECONDS WEST 332.65 FEET; THENCE NORTH 89 DEGREES 35 MINUTES 53 SECONDS EAST 23.58 FEET; THENCE SOUTH 85 DEGREES 43 MINUTES 23 SECONDS EAST 54.63 FEET; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 685.00 FEET, A CURVE LENGTH OF 422.04 FEET, A CHORD LENGTH OF 415.40 FEET AND A CHORD BEARING OF NORTH 51 DEGREES 18 MINUTES 20 SECONDS EAST; THENCE NORTH 33 DEGREES 39 MINUTES 18 SECONDS EAST 337.33 FEET, TO THE POINT OF BEGINNING, CONTAINING 3.084 ACRES, ALL IN CHAMPAIGN COUNTY, ILLINOIS.

NORTH LINCOLN AVENUE RIGHT-OF-WAY PARCEL 104:

COMMENCING AT A STONE MONUMENT FOUND AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 20 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, CHAMPAIGN COUNTY, ILLINOIS; THENCE ALONG THE NORTH LINE OF SAID SECTION 32, SOUTH 89 DEGREES 38 MINUTES 52 SECONDS WEST 381.81 FEET, TO THE POINT OF BEGINNING; THENCE SOUTH 33 DEGREES 39 MINUTES 18 SECONDS WEST 580.03 FEET, TO A POINT ON THE WEST LINE OF THE EAST 22.38 ACRES OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 32; THENCE ALONG SAID WEST LINE OF THE EAST 22.38 ACRES, NORTH 0 DEGREES 11 MINUTES 33 SECONDS WEST 480.83 FEET, TO A POINT ON SAID NORTH LINE OF SECTION 32; THENCE ALONG SAID NORTH LINE OF SECTION 32, NORTH 89 DEGREES 38 MINUTES 52 SECONDS EAST 323.07 FEET, TO THE POINT OF BEGINNING, CONTAINING 1.783 ACRES, ALL IN CHAMPAIGN COUNTY, ILLINOIS.

NORTH LINCOLN AVENUE RIGHT-OF-WAY PARCEL 106:

COMMENCING AT A STONE MONUMENT FOUND AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SECTION 32, TOWNSHIP 20 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, CHAMPAIGN COUNTY, ILLINOIS; THENCE ALONG THE SOUTH LINE OF SAID SECTION 29, SOUTH 89 DEGREES 38 MINUTES 52 SECONDS WEST 411.91 FEET, TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID SOUTH LINE OF SECTION 29, SOUTH 89 DEGREES 38 MINUTES 52 SECONDS WEST 127.53 FEET; THENCE NORTH 34 DEGREES 25 MINUTES 22 SECONDS EAST 171.65 FEET; THENCE SOUTH 89 DEGREES 35 MINUTES 22 SECONDS WEST 44.16 FEET; THENCE NORTH 33 DEGREES 39 MINUTES 18 SECONDS EAST 441.75 FEET; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 900.00 FEET, A CURVE LENGTH OF 544.49 FEET, A CHORD LENGTH OF 536.23 FEET AND A CHORD BEARING OF NORTH 16 DEGREES 19 MINUTES 23 SECONDS EAST; THENCE NORTH 1 DEGREE 0 MINUTES 31 SECONDS WEST 392.82 FEET, TO A POINT ON THE OLYMPIAN DRIVE RIGHT-OF-WAY LINE; THENCE ALONG SAID RIGHT-OF-WAY LINE, NORTH 89 DEGREES 16 MINUTES 47 SECONDS EAST 30.30 FEET; THENCE CONTINUING ALONG SAID RIGHT-OF-WAY LINE, SOUTH 14 DEGREES 34 MINUTES 5 SECONDS EAST 79.39 FEET; THENCE CONTINUING ALONG SAID RIGHT-OF-WAY LINE, SOUTH 4 DEGREES 24 MINUTES 35 SECONDS EAST 214.50 FEET; THENCE CONTINUING ALONG SAID RIGHT-OF-WAY LINE, NORTH 89 DEGREES 14 MINUTES 52 SECONDS EAST 16.16 FEET, TO THE EAST LINE OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF AFORESAID SECTION 29; THENCE ALONG SAID EAST LINE OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 29, SOUTH 0 DEGREES 45 MINUTES 8 SECONDS EAST 342.75 FEET; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 400.00 FEET, A CURVE LENGTH OF 244.86 FEET, A CHORD LENGTH OF 241.05 FEET AND A CHORD BEARING OF SOUTH 16 DEGREES 47 MINUTES 4 SECONDS WEST; THENCE SOUTH 34 DEGREES 19 MINUTES 15 SECONDS WEST 524.48 FEET; THENCE SOUTH 33 DEGREES 39 MINUTES 18 SECONDS WEST 67.05 FEET, TO THE POINT OF BEGINNING, CONTAINING 3.693 ACRES, ALL IN CHAMPAIGN COUNTY, ILLINOIS.

