



## DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

### MEMORANDUM

**TO:** Bruce K. Walden, Chief Administrative Officer

**FROM:** Elizabeth H. Tyler, AICP, Director  
William R. Gray, P.E., Public Works Director

**DATE:** May 8, 2003

**SUBJECT:** Vacation of Jolly Roger / Stratford Alley

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#### Background

In April 2003 the City of Urbana issued a Request for Proposals (RFP) to redevelop the property at 206 and 208 North Race Street. The properties are owned by the City and presently used as leased and metered parking. A 12-foot public alley that runs approximately 174 feet west to east beginning at Race Street separates the two parcels. The alley does not connect with any existing public right-of-way on the east and terminates on the north side of the Jolly Roger restaurant building.

In order to achieve the envisioned development outlined in the RFP, which is a multi-story, mixed-use building, 206 and 208 North Race Street would need to be combined into one development site by vacating the existing alley. This would allow for a larger scale project than what otherwise be possible with a public right-of-way bisecting the site.

#### Discussion

There are only three property owners that currently abut the alley; the City of Urbana, Michael Timpone (owner of the Jolly Roger restaurant) and Ray Timpone, Sr. (owner of the parking lots to the north). The diagram on the attached page illustrates the alley location and property ownership.

The Jolly Roger restaurant currently uses the existing alley for deliveries to the restaurant. Delivery vehicles enter the Jolly Roger restaurant site from their existing frontage on both Broadway Avenue and Water Street and then access a delivery door on the north side of the building on the alley. The delivery trucks then use the existing alley to exit out onto Race Street.

The alley is proposed to be vacated in two segments. The first segment extends 138.09 feet from Race Street and abuts the city-owned property described in the Stratford RFP. This property would simply be

combined with the adjacent city owned property of 206 and 208 North Race Street. The second segment is the remaining 35.82-foot piece to the east that is abutted by the Jolly Roger restaurant to the south and Ray Timpone's parking lot to the north.

For this segment, it is proposed that the southern 8.77 feet of the alley be deeded to the Jolly Roger restaurant and the northern 3.23 feet be deeded to Ray Timpone, Sr. This allows the property lines in this area to be "squared-up". To ensure access to the delivery door of the Jolly Roger restaurant building, it is proposed that a perpetual access easement be granted over the 3.23 feet that will be deeded to Ray Timpone, Sr. This will allow delivery vehicles to still access the delivery door on the north side of the building but will no longer allow trucks to exit out onto Race Street. The trucks will need to either back out of the space or determine a more convenient method of delivering goods. In short, there will still be 12 feet of access on the north side of the Jolly Roger restaurant building. By deeding the north 3.23 feet to Ray Timpone, Sr. and the south 8.77 feet to the Jolly Roger, there is a small remainder piece of property that abuts 206 North Race Street. This piece will be deeded to the City of Urbana as well.

A utility easement will remain if this alley is vacated. It will be the responsibility of adjacent property owners to pay for and remove existing utilities.

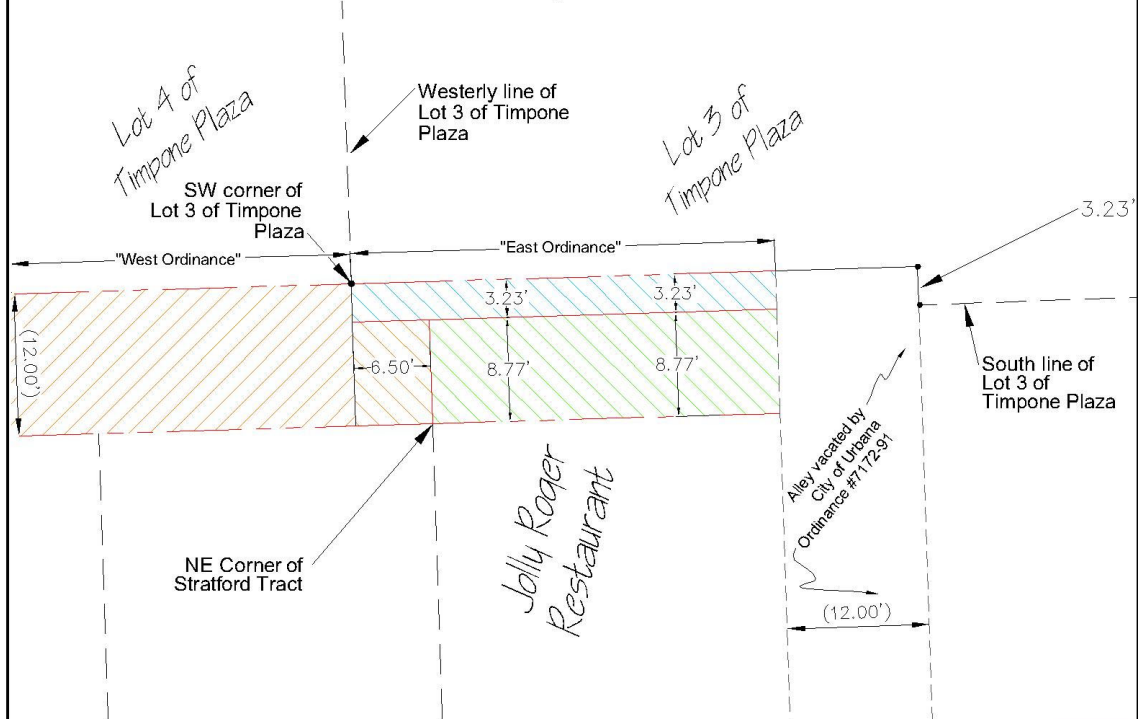
### **Fiscal Impacts**





Per Resolution No. 9899-R2, the City of Urbana is to receive compensation per an appraisal of the subject alley. In this case it is recommended to waive this compensation thereby relieving the City of further maintenance responsibility and also for consideration that one means of ingress/egress to the Jolly Roger restaurant will be removed.

### **Recommendation**

The City Council is asked to approve the attached two ordinances, which vacate the subject alley.

# Sketch of Alley Vacation



-  City - West Ordinance
-  City - East Ordinance
-  North Parcel - East Ordinance
-  South Parcel - East Ordinance

City of Urbana  
 Public Works Department  
 Engineering Division  
 Date: 5/6/2003 Drawn by: BWF



This Ordinance:  
Does NOT amend the Code of Ordinances.

**ORDINANCE NO. 2003-05-049**

AN ORDINANCE VACATING THE WESTERN PORTION OF AN ALLEY RUNNING EAST  
FROM RACE STREET, NORTH OF WATER STREET

WHEREAS, there exists a public alley ("Subject Alley") running east from Race Street approximately 186 feet to midblock, where such alley formerly connected with Crane Alley (vacated in Ordinance No. 7172-91) which previously ran south therefrom to Water Street; and

WHEREAS, all buildings which formerly fronted on Race Street that abutted upon the subject alley have been razed, and the City as owner of such parcels is seeking to promote redevelopment of such parcels; and

WHEREAS, it has been determined that vacating the subject alley which separates the parcels on Race Street to be redeveloped is in the best interests of the public for reasons set forth herein; and

WHEREAS, it has been determined that the vacation of the subject alley would not materially impair access to any property; and

WHEREAS, it has been determined that the nature and extent of the public use of the subject alley is minimal, and to continue the subject alley as public right-of-way will entail expenditure of funds which is not in the public interest.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

**Section 1.** That the City Council of the City of Urbana hereby vacates, subject to the terms set forth in this Ordinance, the following-described alley right-of-way:

All of the westerly 138.09 feet of the east-west public alley adjacent to Lot 2 of Besore Brothers Estate Replat as shown on a plat prepared July 14, 1922 and recorded in Plat Book "D" at page 282 in the Office of the Recorder of Deeds, Champaign County, Illinois, said alley also being all of the said east-west public alley adjacent to Lot 4 of Timpone Plaza, as shown on a plat dated April 26, 1996, prepared by David E. Atchley, Illinois Professional Land Surveyor Number 2950, and recorded in Plat Book "CC" at page 203 in the Office of the Recorder of Deeds, Champaign County, Illinois. Said alley containing 1,657.08 S.F., more or less, all situated in the City of Urbana, Champaign County, Illinois.

the legal description as is further described in the attached plat map.

**Section 2.** The City Council of the City of Urbana, Illinois hereby finds and determines that the public interests will be subserved as a result of this Vacation Ordinance because the nature and extent of the public use or public interests to be subserved is such as to warrant the vacation, especially when considering the relief to the public from further burden and responsibility of maintaining the right-of-way herein vacated.

**Section 3.** That title to the vacated right-of-way shall vest in the City of Urbana as owner of the land abutting thereon subject to any easement or easements in favor of the City 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 right-of-way, unless and until such owners of the land abutting thereon shall cause the rearrangement, removal, or relocation of all said facilities, and shall pay and be responsible for all reasonable costs and expenses as shall be incurred in association therewith.

**Section 4.** This Ordinance shall be in full force and effect from and after its passage.

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called, of three-fourths (3/4<sup>th</sup>'s) of the Aldermen then holding office of the City of Urbana, Illinois, at a regular meeting of said City Council.

PASSED by the City Council this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

AYES:

NAYS:

ABSTAINED:

\_\_\_\_\_  
Phyllis D. Clark, City Clerk

APPROVED by the Mayor this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Tod Satterthwaite, Mayor

# Plat of Alley Vacation

All of the westerly 138.09 feet of the east-west public alley adjacent to Lot 2 of Besore Brothers Estate Replat as shown on a plat prepared July 14, 1922 and recorded in Plat Book "D" at page 282 in the Office of the Recorder of Deeds, Champaign County, Illinois, said alley also being all of the said east-west public alley adjacent to Lot 4 of Timpone Plaza, as shown on a plat dated April 26, 1996, prepared by David E. Achley, Illinois Professional Land Surveyor Number 2950, and recorded in Plat Book "00" at page 203 in the Office of the Recorder of Deeds, Champaign County, Illinois. Said alley containing 1,657.08 S.F., more or less, all situated in the City of Urbana, Champaign County, Illinois.

