

ORDINANCE NO. 2005-02-029

AN ORDINANCE AMENDING SCHEDULE N OF SECTION 23-193
OF THE URBANA LOCAL TRAFFIC CODE REGARDING
PARKING TIME LIMITED ON CERTAIN STREETS OR PUBLIC PARKING LOTS
(Municipal Parking Lots
10A, 10-B, 10-E, 10-F, 10-X, and 3, 7, 8, and 15),
AND AMENDING SECTIONS 23-177 AND 23-249
OF THE URBANA LOCAL TRAFFIC CODE

WHEREAS, The City of Urbana has entered into a "Redevelopment Agreement by and between the City of Urbana, Champaign County, Illinois and The New Lincoln Square, LLC," dated as of November 1, 2004, and an "Agreement to Provide Parking Facilities by and Between the City of Urbana, Champaign County, Illinois and The New Lincoln Square, LLC," dated as of May 1, 2005 (collectively, "Agreements"); and

WHEREAS, the commitments by the City in the Agreements require certain changes to Urbana Local Traffic Code, as set forth in Sections 2.1 and 2.2 of the Parking Agreement, as follows:

Section 2.1. Provision of Parking Facilities. For and during the Term of this Agreement, the City shall provide, operate and maintain the Parking Facilities for the benefit of the Lincoln Square Site in connection with the parking of motor vehicles and vehicular and pedestrian ingress and egress related thereto, subject to, and in accordance with, the terms, provisions and conditions of this Article, including as follows:

a. Lot 10-A North, Lot 10-A South and Lot 10-F shall each be operated as a free parking lot having a 2-hour time limit for the customers of any commercial tenants of the Square at the Lincoln Square Site, subject, however, to the reserved right of the City to operate Lot 10-A North as a metered parking lot, to request the use of Lot 10-F for any City-sponsored event on any Saturday and Sunday during the months of April to November, inclusive, in each year during the Term of this Agreement (which such request shall not be unreasonably denied, withheld, delayed or conditioned by the Square) and to permit the use of Lot 10-F for permit parking by any person serving as a juror during any jury term in the

Circuit Court of the Sixth Judicial District, Champaign County, Illinois, under circumstances where the City has first made reasonable accommodation to provide such permit parking elsewhere.

b. Lot 10-E (in part) and Lot 10-X shall each be operated as a reserved lot for permit parking by the commercial tenants, including their employees, and the residential tenants of the Square at the Lincoln Square Site (collectively, the "**Permittees**"), subject, however, to the reserved right of the City to permit the use of Lot 10-X for an open-air market on any Saturday during the months of April to November, inclusive, in each year during the Term of this Agreement.

c. Lot 24 shall be operated as a reserved lot and made available for 100 parking spaces for permit parking by the Permittees of the Square at the Lincoln Square Site subject, however, to the reserved right of the City to relocate the availability of any such parking to any other parking lot owned or controlled by the City within a one-block radius of the area bounded by Elm Street to the north, Vine Street to the east, Illinois Street to the south and Race Street to the west (the "**Adjacent Parking Lots**").

Section 2.2. No Charge. Except for any parking meter revenues derived in connection with any parking meters on Lot 10-A North and the payments provided to be made by the Square under Article IV of this Agreement, the City agrees that it will not impose upon the Square or any of its Permittees any other direct fee, charge, tax, assessment or other payment for the parking of motor vehicles upon the Parking Area, or for any repair, maintenance, improvement or restoration of the Parking Facilities or for any other reason relating to the Parking Area or Parking Facilities.

and

WHEREAS, Schedule "N" of the Urbana Traffic Code, Section 23-193, contains references to certain lots that no longer exist, namely Municipal Parking Lots 3, 7, 8, and 15;

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

Section 1. That Schedule N of Section 23-193 ("Parking time limited on certain streets or public parking lots") of the Urbana Local Traffic Code is hereby amended by deleting Municipal Parking Lots 3, 7, 8, and 15, because those lots no longer exist.

Section 2. That Schedule N of Section 23-193 ("Parking time limited on certain streets or public parking lots") of the Urbana Local Traffic Code is hereby amended by deleting Municipal Parking Lot 10-E because, pursuant to the Agreements, lot 10-E will no longer have a two-hour limit, nor will it be available for public parking.

Section 3. That Schedule N of Section 23-193 ("Parking time limited on certain streets or public parking lots") of the Urbana Local Traffic Code is hereby amended by amending "10A" to read "10-A (North) and 10-A (South)".

Section 4. That Section 23-177 is amended to read as follows:

Sec. 23-177. Parking in certain municipal public parking lots restricted to patrons, tenants, or jurors.

(a) Lot 10-B.

Parking in municipal public parking lot designated as 10-B is restricted to vehicles of patrons of the U.S. Postal Service facility located on the first floor of the Post Office building located at 202 South Broadway, while such persons are in the postal facility or going directly to or from their vehicles and the postal facility.

(b) Lots 10-A (North), 10-A (South), 10-E (North), and 10-F.

(1) Except as set forth at subparagraph (b)(2) below,
Parking in municipal public parking lots designated as 10-A

(North), 10-A (South), 10-E (North), and 10-F is restricted to vehicles of the customers of commercial tenants of the Square at the Lincoln Square Site (consisting of the buildings located Lot 1 and Lot 10 of the Central Business Addition to the City of Urbana, Champaign County, Illinois), while such customers are in those commercial facilities or going directly to or from their vehicles and those commercial facilities.

(2) The restrictions set forth in subparagraph (b)(1) above shall not apply with respect to Lot 10-F on any Saturday and Sunday during the months of April to November, inclusive, on which the City of Urbana is using Lot-F for a City-sponsored event, nor shall they apply to persons serving as jurors who are parking in lot 10-F pursuant to properly issued and displayed permits and in accordance with the restrictions of such permits.

(c) Lots 24, 10-E (South), and 10-X.

(1) Except as set forth at subparagraph (c)(2) below, parking in municipal public parking lots designated as 24, 10-E (South), and 10-X is restricted to vehicles of the commercial tenants, including their employees, and the residential tenants, of the Square at the Lincoln Square Site (consisting of the buildings located Lot 1 and Lot 10 of the Central Business Addition to the City of Urbana, Champaign County, Illinois), subject further to such person having and properly displaying a valid permit issued to that person and

vehicle for parking in Lots 24, 10-E (South), and 10-X, and parking in accordance with any applicable time limits of such permit.

(2) The restrictions set forth in subparagraph (c)(1) above shall not apply with respect to Lot 10-X on any Saturday during the months of April to November, inclusive, on which the City of Urbana is using Lot-X for an open-air market.

follows: Section 5. That Section 23-249 is amended to read as

Sec. 23-249. Unauthorized parking, permit only lot.

(a) It shall be unlawful for any person to cause a vehicle to be parked in any municipal parking lot posted as allowing parking by permit only, except when the person has and properly displays on the vehicle a permit validly issued to that person and vehicle and the vehicle is parked in accordance with all restrictions of the permit.

(b) Any person violating this section may, within seventy-two (72) hours of notice of said violation, pay as the penalty for, and in full satisfaction of such violation, sums as set forth for such period in the schedule of fines established pursuant to section 1-10(j) of the Code of Ordinances and after seventy-two (72) hours, in like manner the sums set forth for such period in the schedule of fines established pursuant to section 1-10(j) of the Code of Ordinances. The failure of such person to make such payment within such seventy-two (72) hours shall render such person subject to the penalties provided in article XVI of this traffic code.

Section 6. 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 7. The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities, and this Ordinance shall be in full force and effect from and after its passage and publication in accordance with Section 1-2-4 of the Illinois Municipal Code.

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 regular meeting of said Council.

PASSED by the City Council this ____ day of _____, _____.

AYES:

NAYS:

PRESENT:

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this ____ day of _____, _____.

Tod Satterthwaite, Mayor

CERTIFICATE OF PUBLICATION IN PAMPHLET FORM

I, Phyllis D. Clark, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois.

I certify that on the _____ day of _____, _____, the corporate authorities of the City of Urbana passed and approved Ordinance No. _____, entitled "AN ORDINANCE AMENDING SCHEDULE N OF SECTION 23-193 OF THE URBANA LOCAL TRAFFIC CODE REGARDING PARKING TIME LIMITED ON CERTAIN STREETS OR PUBLIC PARKING LOTS (Municipal Parking Lots 10A, 10-B, 10-E, 10-F, 10-X, and 3, 7, 8, and 15), AND AMENDING SECTIONS 23-177 AND 23-249 OF THE URBANA LOCAL TRAFFIC CODE," which provided by its terms that it should be published in pamphlet form.

The pamphlet form of the Ordinance was prepared, and a copy of the Ordinance was posted in the Urbana City Building commencing on the _____ day of _____, _____, and continuing for at least ten (10) days thereafter. Copies of the Ordinance were also available for public inspection upon request at the Office of the City Clerk.

DATED at Urbana, Illinois, this _____ day of _____, _____.

(SEAL)

Phyllis D. Clark, City Clerk