



**CITY OF URBANA, ILLINOIS
DEPARTMENT OF PUBLIC WORKS**

ADMINISTRATION

MEMORANDUM

TO: Mayor Laurel Lunt Prussing and Members of the City Council
FROM: William R. Gray, Public Works Director
DATE: September 12, 2007
**RE: Revision to the Agreement between the City of Urbana and Carle Foundation
Regarding the Vacation of Portions of Certain Streets**

Attached please find a revised agreement that addresses the three concerns raised at the last City Council meeting held on Monday, September 4, 2007. Sections 5 – 8 have been modified or added accordingly.

ORDINANCE NO. 2007-09-101

AN ORDINANCE AUTHORIZING THE MAYOR
TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF URBANA AND CARLE FOUNDATION
REGARDING THE VACATION OF PORTIONS OF CERTAIN
STREETS

WHEREAS, it is desirable to provide for the possibility that the portions of certain streets in ordinances before the Council which may be vacated, should revert to public right-of-way status should the expansion plans of Carle Foundation not be approved by the State of Illinois; and,

WHEREAS, it is in the interest of the people of Urbana to enter into the Agreement Between the City of Urbana and Carle Foundation Regarding the Vacation of Portions of Certain Streets.

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

Section 1. The City Council hereby approves the Agreement Between the City of Urbana and Carle Foundation Regarding the Vacation of Portions of Certain Streets attached hereto.

Section 2. That the Mayor is hereby authorized to execute and the City Clerk to attest the Ordinance.

Section 3. This ordinance takes effect immediately upon passage and approval by the Mayor.

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 the Council.

PASSED by the City Council this ___ day of _____, 2007.

AYES:

NAYS:

PRESENT:

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this ___ day of _____, 2007.

Laurel Prussing, Mayor

AGREEMENT BETWEEN THE CITY OF URBANA AND THE CARLE FOUNDATION
REGARDING THE VACATION OF PORTIONS OF CERTAIN
STREETS

WHEREAS, at the request of The Carle Foundation (hereinafter Carle), the City of Urbana is considering the vacation of portions of certain streets to accommodate proposed plans to expand the medical facilities of Carle which would involve those portions of the streets under consideration which said streets are identified in Ordinance numbers 2007-09-097, 2007-09-098, 2007-09-099, and 2007-09-100, and collectively hereinafter referred to simply as “Subject Streets”; and,

WHEREAS, the plans for the expansion of medical facilities will go forward only if approval is received from the Illinois Health Facilities Planning Board.; and,

WHEREAS, if the proposal to expand the medical facilities is not approved, or approved only in part, those portions of the Subject Streets herein vacated which are not needed for such expansion, should be restored to the status quo of public right-of-way.

THEREFORE, the parties agree as follows:

1. If Carle does not receive approval of its plans (Certificate of Need) from the State of Illinois Medical Expansion Approval Commission and upon written demand by the City on Carle, Carle shall forthwith do and perform any and all acts necessary to accomplish dedication as a public right-of-way the Subject Streets, and the City shall pay to Carle the sum paid by Carle as a condition for vacating the Subject Streets.

2. If the Certificate of Need includes approval of only a portion of Carle's proposed expansion, then upon written demand by the City on Carle, Carle shall forthwith do and perform any and all acts necessary to accomplish dedication as a public right-of-way such portion of the Subject Streets not needed for such expansion, and the City shall pay to Carle a prorata portion of the sum paid by Carle as a condition to vacating the Subject Streets.

3. The City of Urbana shall exercise its rights to demand dedication of right-of-way as provided herein only upon the failure of Carle to receive a Certificate of Need from the State of Illinois for the expansion of its medical facilities involving the Subject Streets by the 31st day of October, 2008.

4. Carle agrees that despite the vacation of the Subject Streets, until it receives a Certificate of Need from the State of Illinois, it will do nothing to interfere with the public use of the Subject Streets for pedestrian and vehicular traffic. The period between the recording of the Ordinance vacating the Subject Street right-of-way and the receipt by Carle of a Certificate of Need is herein referred to as the "Street Open Period".

5. The City of Urbana agrees to hold Carle harmless from any and all liability, loss, or damage Carle may suffer as a result of property damage, injury or death, or other claims, demands, costs, or judgments against Carle arising from the public use of the Subject Streets during the "Street Open Period".

6. If Carle receives the Certificate of Need from the State of Illinois, for the expansion of its medical facilities involving the subject streets by the 31st day of October, 2008, Carle agrees to proceed in a reasonable time frame to construct a Heart and Vascular Center Building, consisting of multiple stories and containing approximately two hundred forty thousand (240,000) square feet in gross area to accommodate approximately one hundred and twenty (120) hospital beds at an approximate construction cost of One Hundred and Forty Four Million Dollars (\$144,000,000.00).

7. If the plans submitted to the City by Carle for a building permit for the facility are for such a facility that is significantly reduced in size or construction costs, the City may reconsider the desirability of vacating the subject streets and exercise the rights of the City to have all, or

portions of the subject streets, dedicated by Carle as public road Right-Of-Way as set forth in paragraph one (1) above.

8. In order to maintain an acceptable level of access and circulation to the public, Carle agrees to provide public pedestrian and bicycle facilities through the Carle campus in the general vicinity of the Heart and Vascular Center, according to a circulation plan to be provided to the City Engineer for his or her review and approval.

9. Carle further agrees to provide vehicular, pedestrian, and bicycle facilities utilizing a “complete street” design approach along McCullough Street and the south loop road of Carle’s campus, according to a circulation plan to be provided to the City Engineer for his or her review and approval.

CITY OF URBANA, ILLINOIS

THE CARLE FOUNDATION

By: _____
Mayor

By: _____

(Print Name)

Date: _____

Date: _____

ATTEST: _____
City Clerk