



MEMORANDUM

TO: Mayor Laurel Lunt Prussing and Members of the City Council
FROM: William R. Gray, Public Works Director
DATE: June 18, 2009
RE: Maryland Drive and College Court Street Vacations

Introduction

Since 1992 the City of Urbana has been attempting to vacate Maryland Drive between Florida Avenue and Pennsylvania Avenue and College Court east of Maryland Drive to the University of Illinois. These streets serve university dormitories, academic facilities, and two adjacent fraternities; and provide general access to the south campus area. Since 1992 the city has performed little to no maintenance on these streets primarily because the ownership of the streets was intended to be transferred to the university.

The university and the city have more recently met with the adjacent fraternity representatives and have formulated an agreeable way to vacate or transfer ownership of the two subject streets. Attached please find a copy of a signed petition indicating willingness from the Alpha Tau Omega National Fraternity and the Board of Trustees of the University of Illinois to ask the City of Urbana to vacate these two streets.

A public hearing notice was advertised in the News-Gazette on May 16, 2009 and the public hearing was held on Monday, June 1, 2009. There were no written or verbal comments received at the hearing.

Attached please find two ordinances that stipulate the conditions of the street vacations. Included in the ordinances is the termination of a 1976 parking meter agreement. The City does not receive any revenue from these meters as they are not used.

Fiscal Impact

Since the city will be shedding the potential liability of street ownership and avoiding the large expense (estimated in excess of \$300,000) of rebuilding these streets due to their poor condition and the city has no vested interest in this area for private property development in the future, it is recommended to vacate these streets at no cost. The university plans to reconstruct Maryland Drive and College Court this summer in concrete.

Recommendation

It is recommended that an Ordinance Vacating Maryland Drive (Between Florida Avenue and Pennsylvania Avenue) and an Ordinance Vacating College Court (Between Maryland Drive and Lincoln Avenue) be approved.

ORDINANCE NO. 2009-06-070

AN ORDINANCE VACATING COLLEGE COURT

(Between Maryland Drive and Lincoln Avenue)

WHEREAS, the University of Illinois owns all of the parcels which abut on both sides of College Court herein vacated; and

WHEREAS, the vacation of College Court as described below will not impair access to any property other than that property owned by the University of Illinois; and

WHEREAS, in accordance with the requirements of Section 2-160 of the Urbana City Code, a public hearing was held on the 1st day of June, 2009, which said date was more than fifteen (15) days, but less than thirty (30) days, following the publication of the Notice of Hearing in a newspaper of general circulation in the City of Urbana, to wit, said publication having occurred on the 16th day of May, 2009, and the Zoning Administrator will also cause to be mailed a copy of said notice so published to each of the last known taxpayers of record of all properties adjacent to or within two hundred fifty (250') feet in each direction of the street proposed to be vacated, said mailing having been accomplished on the 13th day of May, 2009; and

WHEREAS, at the public hearing, no one appeared to speak against vacating College Court right-of-way and no communications regarding such were received; and

WHEREAS, the City Council has determined that the nature and extent of the public use of public interest to be subserved is such as to warrant the vacation of College Court as requested.

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, Illinois, hereby vacates, subject to the terms set forth in this Ordinance, the following-described street rights of way:

A part of the Southeast Quarter of Section 18, Township 19 North, Range 9 East of the Third Principal Meridian, Champaign County, Illinois, being more particularly described as follows:

All of the College Court Right-of-Way, being 60 feet in width, between the existing easterly Right-of-Way line of Maryland Drive and the existing westerly Right-of-Way line of Virginia Drive.

Said Right-of-Way being as shown on the plat of Gallivan's Addition, recorded September 25, 1928 as Document Number 1928R227046 in Plat Book "E", at page 233 in the Office of the Recorder of Deeds, Champaign County, Illinois and containing 0.256 acres (11,160 S.F.), more or less.

All situated in the City of Urbana, Champaign County, Illinois.

Section 2. The following listed parcels which abut the public right-of-way herein vacated will, by operation of law, pursuant to the provisions of Section 5/11-91-2 of the Illinois Municipal Code and this ordinance, acquire title to the vacated property:

93-21-18-476-001

Section 3. 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 in such streets is such as to warrant the vacation, especially when considering the relief to the public from further burden and responsibility of maintaining the rights of way herein vacated.

Section 4. The title to the vacated rights of way shall vest in the abutting owners subject to any easement or easements in favor of the City 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

rights of way, unless and until such owners of the land abutting therein 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 5. It appears from public records that the portion of the existing College Court street between Virginia Avenue and the west right-of-way line of Lincoln Avenue was never dedicated as a public right-of-way and thus to clarify the record of ownership, the City of Urbana does hereby yield any claim of right-of-way and disclaim any legal interest in the following tract:

Also;

All of the College Court Right-of-Way, between the existing easterly Right-of-Way line of Virginia Drive and the existing westerly Right-of-Way line of Lincoln Avenue, containing 1.982 acres (86,337 S.F.) more or less.

under these circumstances, and to the extent it has authority to vacate same as public right-of-way, does hereby vacate the above described tract as public right-of-way.

Section 6. This ordinance shall become effective immediately.

Section 7. Resolution 7677-78 approved an agreement between the University of Illinois and the City regarding parking meters in the right-of-way herein vacated. The need served by that agreement no longer exists, so the Mayor is authorized to give notice of termination of the agreement as provided therein.

Section 8. That the City Clerk is directed to record a certified copy of this ordinance with the Recorder of Champaign County, Illinois.

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called, of three-fourths of the members of

the City Council of the City of Urbana, Illinois, at a regular meeting of said City Council.

PASSED by the City Council this _____ day of _____, 2009.

AYES:

NAYS:

ABSTAINS:

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this _____ day of _____,
2009.

Laurel Lunt Prussing, Mayor

BEFORE THE URBANA CITY COUNCIL
URBANA, ILLINOIS

THE BOARD OF TRUSTEES OF THE)	
UNIVERSITY OF ILLINOIS, a body)	
corporate and politic of the)	Petition for Vacation
State of Illinois, and THOMAS ARKLE)	of Streets
CLARK CHAPTER HOUSE MEMORIAL)	
INC, Petitioners)	

PETITION FOR VACATION

The Petitioners, THE BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS, a body corporate and politic of the State of Illinois and THOMAS ARKLE CLARK CHAPTER HOUSE MEMORIAL, INC., hereby petition the City of Urbana for the vacation of certain streets located within the boundaries of the corporate limits and in support of said Petition state as follows:

1. THE BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS is a body corporate and politic, organized and existing under the laws of the State of Illinois as an institution of higher education established and supported by the State of Illinois.

2. THOMAS ARKLE CLARK CHAPTER HOUSE MEMORIAL, INC., an Illinois corporation, is the owner of the property located at 1101 W. Pennsylvania Avenue, Urbana, Illinois and provides housing for the GAMMA ZETA CHAPTER OF ALPHA TAU OMEGA NATIONAL FRATNERITY.

3. The Petitioners request vacation of: Maryland Drive from Florida Avenue to Pennsylvania Avenue; and College Court from Maryland Drive to Lincoln Avenue. All of said vacation is more particularly identified in the legal description attached hereto as Exhibit A and shown on the attached map labeled Exhibit B.

5. The Petitioners believe that the vacation prayed for herein will be beneficial to the City of Urbana in that the City of Urbana shall no longer be responsible for the maintenance of the streets to be vacated.

6. The Petitioners agree, and acknowledge that it is their intent, that upon vacation of said streets, title to same shall vest solely in THE BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS.

WHEREFORE, THE BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS and THOMAS ARKLE CLARK CHAPTER HOUSE MEMORIAL, INC. hereby request the City of Urbana, Illinois to vacate the streets owned by the City in the above-described Petition.

The Board of Trustees of the
University of Illinois

Thomas Arkle Clark Chapter House Memorial,
Inc.

By: Walter K. Knorr 5/20/09
Walter K. Knorr, Comptroller Date

Jeffrey S. Prier
Jeffrey S. Prier
President

Attest: Michele M. Thompson
Michele M. Thompson, Secretary Date 5/20/09

Approved as to form:

[Signature]
University of Illinois Legal Counsel

EXHIBIT A
Legal Description

A part of the Southeast Quarter of Section 18, Township 19 North, Range 9 East of the Third Principal Meridian, Champaign County, Illinois, being more particularly described as follows:

All of the Maryland Drive Right-of-Way, being 28 feet in width, between the existing southerly Right-of-Way line of Pennsylvania Avenue and the existing northerly Right-of-Way line of Florida Avenue,

Also;

All of the College Court Right-of-Way, being 60 feet in width, between the existing easterly Right-of-Way line of Maryland Drive and the existing westerly Right-of-Way line of Lincoln Avenue.

Said Right-of-Way being as shown on the plat of Gallivan's Addition, recorded September 25, 1928 as Document Number 1928R227046 in Plat Book "E", at page 233 in the Office of the Recorder of Deeds, Champaign County, Illinois.

Said vacation all situated in the City of Urbana, Champaign County, Illinois.

EXHIBIT "B"

1 inch = 150 feet

S Lincoln

Pennsylvania Ave

Virginia Dr

College Ct

Maryland Dr

Florida Ave

SUB OPT SET SEC 18-19-9

