

ORDINANCE NO. 2014-01-002

AN ORDINANCE VACATING A PORTION OF THE GUARDIAN WEST CUL-DE-SAC

WHEREAS, Section 11-91-1 of the Illinois Municipal Code (65 ILCS 5/11-91-1) provides that the corporate authorities of a municipality may by ordinance vacate any street or alley, or part thereof, within their jurisdiction after determining that the public interest will be subserved by said vacation; and

WHEREAS, Flex-N-Gate Corporation, an Illinois Corporation has proposed that the configuration of the Guardian Drive cul-de-sac be modified to facilitate the installation of new dust collection equipment for their manufacturing operation by vacating a portion of the existing cul-de-sac and by dedicating an equivalent area of right-of-way to reconfigure the Guardian Drive cul-de-sac; and

WHEREAS, the reconfiguration of that portion of Guardian Drive involving the cul-de-sac does not close the right-of-way to public travel; and

WHEREAS, Flex-N-Gate Corporation is the abutting owner of all sides of the area being vacated herein; and

WHEREAS, said vacation will not materially impair access to any property owner; and

WHEREAS, the City Council finds that the area of vacation is of no further use to the City except as hereinafter provided; and

WHEREAS, the City Council finds that the dedication referred to above is just and adequate compensation for the benefits which will accrue to Flex-N-Gate Corporation by reason of the vacation; and

WHEREAS, certain public utilities are situated in the area proposed to be vacated; and

WHEREAS, the City Council further finds that the public interest is best served by the City's retention of a permanent easement in the area to be vacated for the maintenance, renewal, and reconstruction of those utilities; and

WHEREAS, the City Council has determined that the nature and extent of the public use or public interest to be subserved is such as to warrant the right-of-way vacation described below.

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

Section 1. The City Council of the City of Urbana, Illinois, hereby vacates, subject to the terms set forth in this ordinance, the following-described area:

PART OF LOT 103 AND LOT 104 OF GUARDIAN WEST FIRST SUBDIVISION RECORDED AT THE CHAMPAIGN COUNTY RECORDER'S OFFICE, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 103 PROCEED SOUTH 01°20'41" WEST 239.55 FEET ALONG THE EAST LINE OF SAID LOT 103 TO THE EXISTING NORTHERLY RIGHT-OF-WAY LINE OF GUARDIAN DRIVE, THE TRUE POINT OF BEGINNING; THENCE 12.59 FEET ALONG THE ARC OF A CURVE TO THE RIGHT AND CONCAVE TO THE SOUTH WITH A RADIUS OF 55.00 FEET AND A CHORD BEARING AND DISTANCE OF SOUTH 82°05'58" EAST 12.57 FEET ALONG SAID NORTHERLY RIGHT-OF-WAY LINE; THENCE 75.08 FEET ALONG THE ARC OF A CURVE TO THE LEFT AND CONCAVE TO THE SOUTHEAST WITH A RADIUS OF 55.00 FEET AND A CHORD BEARING AND DISTANCE OF SOUTH 39°06'26" WEST 69.39 FEET; THENCE SOUTH 01°20'14" WEST 70.31 FEET TO THE WEST RIGHT-OF-WAY LINE OF SAID GUARDIAN DRIVE; THENCE 40.32 FEET ALONG THE ARC OF A CURVE TO THE LEFT AND CONCAVE TO THE WEST WITH A RADIUS OF 60.00 FEET AND A CHORD BEARING AND DISTANCE OF NORTH 17°54'19" WEST 39.56 FEET ALONG SAID WEST RIGHT-OF-WAY LINE TO A POINT OF REVERSE CURVATURE; THENCE 123.35 FEET ALONG AN ARC OF A CURVE TO THE RIGHT AND CONCAVE TO THE EAST WITH A RADIUS OF 55.00 FEET AND A CHORD BEARING AND DISTANCE OF NORTH 27°05'41" EAST 99.08 FEET ALONG SAID WEST AND NORTH RIGHT-OF-WAY LINE TO THE POINT OF BEGINNING, ENCOMPASSING 0.051 ACRES, MORE OR LESS, SITUATED IN CHAMPAIGN COUNTY, ILLINOIS. BEING ADJACENT TO PERMANENT IDENTIFICATION NUMBERS: 91-21-09-426-014 AND 91-21-09-426-016.

Section 2. Upon vacation of the above described area, title thereto shall vest in Flex-N-Gate Corporation subject to the following conditions:

a) A perpetual easement upon said vacated area is hereby reserved for and granted to the City of Urbana, Illinois, 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 street; and

b) Flex-N-Gate Corporation shall dedicate to the City of Urbana the following described area:

PART OF LOT 104 OF GUARDIAN WEST FIRST SUBDIVISION RECORDED AT THE CHAMPAIGN COUNTY RECORDER'S OFFICE, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 104 PROCEED SOUTH 01°20'41" WEST 239.55 FEET ALONG THE WEST LINE OF SAID LOT 104 TO THE EXISTING NORTHERLY RIGHT-OF-WAY LINE OF GUARDIAN DRIVE; THENCE 12.59 FEET ALONG THE ARC OF A CURVE TO THE RIGHT AND CONCAVE TO THE SOUTH WITH A RADIUS OF 55.00 FEET AND A CHORD BEARING AND DISTANCE OF SOUTH 82°05'58" EAST 12.57 FEET ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, THE TRUE POINT OF BEGINNING; THENCE 160.44 FEET ALONG A CURVE TO THE RIGHT AND CONCAVE TO THE SOUTH AND WEST WITH A RADIUS OF 55.00 FEET AND A CHORD BEARING AND DISTANCE OF SOUTH 18°13'25" EAST 109.31 FEET TO A POINT OF REVERSE CURVATURE; THENCE 37.98 FEET ALONG A CURVE TO THE LEFT AND CONCAVE TO THE SOUTHEAST WITH A RADIUS OF 34.00 FEET AND A CHORD BEARING AND DISTANCE OF SOUTH 33°20'24" WEST 36.04 FEET TO THE EAST RIGHT-OF-WAY LINE OF GUARDIAN DRIVE; THENCE 40.32 FEET ALONG THE ARC OF A CURVE TO THE RIGHT AND CONCAVE TO THE EAST WITH A RADIUS OF 60.00 FEET AND A CHORD BEARING AND DISTANCE OF NORTH 20°35'41" EAST 39.56 FEET ALONG SAID EAST RIGHT-OF-WAY LINE OF GUARDIAN DRIVE TO A POINT OF REVERSE CURVATURE; THENCE 110.77 FEET ALONG

THE ARC OF A CURVE TO THE LEFT AND CONCAVE TO THE WEST WITH A RADIUS OF 55.00 FEET AND A CHORD BEARING AND DISTANCE OF NORTH 17°50'45" WEST 92.97 FEET ALONG THE EAST RIGHT-OF-WAY LINE OF GUARDIAN DRIVE TO THE POINT OF BEGINNING, ENCOMPASSING 0.062 ACRES, MORE OR LESS, SITUATED IN CHAMPAIGN COUNTY, ILLINOIS. BEING A PART OF PERMANENT IDENTIFICATION NUMBER: 91-21-09-426-016.

Section 3. The Mayor of the City of Urbana, Illinois, be and the same is hereby authorized to execute and deliver and the City Clerk of the City of Urbana, Illinois, be and the same is hereby authorized to attest to said execution of a Plat of the vacated right-of-way, in substantially the form of the copy of said Plat attached hereto and hereby incorporated by reference, which specifically includes the easement language contained in Section 2 of this Ordinance, as so authorized and approved for and on behalf of the City of Urbana, Illinois.

Section 4. The City Clerk is directed to record a certified copy of this Ordinance with the Champaign County Office of the Recorder of Deeds after the Director of Public Works advises the Clerk that the dedication described in Section 2(b)above of this Ordinance has been received by the City. The recording of this Ordinance in the Office of the Recorder of Deeds shall be proof that the dedication has been received.

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

AYES:

NAYS:

ABSTAINS:

Phyllis D. Clark, City Clerk

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

Laurel Lunt Prussing, Mayor