



MEMORANDUM

TO: Mayor Laurel Lunt Prussing and Members of the City Council
FROM: William R. Gray, P.E., Public Works Director
DATE: October 9, 2014
RE: Public Right-of-Way Vacation – Smith Lane South of Lantern Hill Drive

Introduction

The property owners adjacent to Smith Lane (see attached map) have provided to the Public Works Director a petition received on August 11, 2014 to vacate the Smith Lane right-of-way south of Lantern Hill Drive. This public right-of-way was not developed as a street or alley and does not serve to provide travel for pedestrians and bicyclists. The built and traveled Smith Road is one lot east of this location.

Since the public right to travel is not affected here, there is no need to provide a Legal Notice per the Code of Ordinances, Chapter 2, Article VIII, Section 2-160 giving notice of a Public Hearing to seek public comment on this proposed vacation.

Per City policy, if the property to be vacated is to adjoin a residential lot and the land area combined is not creating an additional lot that could be subdivided and sold for profit, then the subject land can be vacated at no cost to the benefitting property owner. In return, the City sheds property that it no longer needs, is no longer responsible for and reduces future liability exposure. A permanent easement shall remain over this proposed vacation to accommodate existing utilities in said right-of-way.

Fiscal Impact

There is no cost to the City other than administrative staff time to process this proposed vacation which the City historically does not recover.

Recommendation

It is recommended that an Ordinance Vacating a Right-of-Way (Smith Lane south of Lantern Hill Drive) be approved. (See attached.)

ORDINANCE NO. 2014-10-094

AN ORDINANCE VACATING A RIGHT-OF-WAY

(Smith Lane south of Lantern Hill Drive)

WHEREAS, Section 11-61-2 of the Illinois Municipal Code (65 ILCS 5/11-61-2) provides that the corporate authorities of a municipality may vacate streets, alleys, avenues, sidewalks, wharves, parks, and public grounds; and

WHEREAS, the requirements of Urbana City Code § 2-160 for a public hearing and for public notice of such hearing do not, pursuant to the terms thereof, apply to an ordinance vacating public grounds other than a public street; and

WHEREAS, the owners of the property commonly known as 1003 South Smith Road, which is identified by permanent index number 91-21-15-326-011, and the property commonly known as 2311 Lantern Hill Drive, which is identified by permanent index number 91-21-15-304-022, have petitioned the City to vacate an unimproved right-of-way abutting their properties, located on South Smith Lane south of Lantern Hill Drive, and more particularly described herein; and

WHEREAS, the City Council finds that the said right-of-way is of no further use to the City except as hereinafter provided; and

WHEREAS, the City Council finds that the relief to the public from the further burden and responsibility of maintaining the right-of-way herein vacated is just and adequate compensation for the benefits which will accrue to the said owners of the abutting property; and

WHEREAS, certain public service facilities are situated in the right-of-way 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 right-of-way to be vacated for the maintenance, renewal, and reconstruction of those facilities; and

WHEREAS, the City Council has determined that, other than the reservation of a permanent easement for public service facilities as provided below, the public interest is subserved by this vacation of said right-of-way.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Urbana, Champaign County, 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 right-of-way:

All of the public right-of-way south of the southerly right-of-way line of Lantern Hill Drive as shown on the Sixth Plat of

Country Squires Estates, as per plat recorded April 13, 1965, as Document Number 1965R727465 in the Office of the Recorder of Deeds, Champaign County, Illinois. Said right-of-way being shown as "Smith Lane" on said plat, and being 13.5 feet in width and adjacent to Lot 1350 of said Sixth Plat of Country Squires Estates and Lot 2 of Rainbow Subdivision, as shown on a plat recorded April 28, 1994 as Document Number 1994R11481 in the Office of the Recorder of Deeds, Champaign County, Illinois. Said right of way containing 1,620 square feet, more or less, all situated in the City of Urbana, Champaign County, Illinois.

The permanent index numbers of the properties abutting the right-of-way described above are 91-21-15-326-011 and 91-21-15-304-022.

Section 2.

Upon vacation of the above described right-of-way, title to the west half thereto shall vest in the owner of the property with permanent index number 91-21-15-304-022, and title to the east half thereto shall vest in the owner of the property with permanent index number 91-21-15-326-011, subject to the following condition:

A perpetual easement upon said vacated right-of-way 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 right-of-way.

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.

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called, of three-fourths of all the alderpersons then holding office (6 of 7 votes) of the City of Urbana, Illinois, at a regular meeting of the City Council.

PASSED BY THE CITY COUNCIL this ____ day of _____, _____.

AYES:

NAYS:

ABSENT:

ABSTAINED:

Phyllis D. Clark, City Clerk

APPROVED BY THE MAYOR this ____ day of _____, _____.

Laurel Lunt Prussing, Mayor



Proposed Right-of-Way Vacation
Smith Lane

