



## MEMORANDUM

**TO:** Mayor Diane Wolfe Marlin and Members of the City Council  
**FROM:** Carol J. Mitten Public Works Director/ City Administrator  
Bradley M. Bennett, Interim Co-City Engineer  
**DATE:** January 9, 2019  
**RE:** Church Alley Right-of-Way Vacation for Urbana Free Library

### Action Requested

Approval of “AN ORDINANCE VACATING AN ALLEY (Church Alley south of Elm Street between Cedar and Race Streets)”.

### Background and Facts

The Urbana Free Library has requested that the twelve-foot wide alley right-of-way (ROW) located south of Elm Street between Cedar and Race Streets be vacated by the City. Please see Attachment A for the petition signed by the Urbana Free Library. The location of the proposed ROW vacation is shown in Attachment B.

The alley proposed for vacation is a non-functional alley and the library was constructed over it.

The Public Works Department staff has contacted the utility companies and the City department heads regarding the proposed ROW vacation. No objections to vacating the alley were received. The only utility located in the alley is a City owned sanitary sewer. An easement for the City owned sanitary sewer located within the vacated ROW will be provided as part of the vacation process.

### Financial Impact

There are no costs or revenues associated with vacating the alley ROW. Public Works recommends that the Library not have to pay the value of the vacated ROW. No replatting of the benefitting lot will be performed or is required. All of the twelve-foot ROW, if vacated, will become land owned by the Urbana Free Library.

### Recommendations

It is recommended that “AN ORDINANCE VACATING AN ALLEY (Church Alley south of Elm Street between Cedar and Race Streets)” be approved.

Attachments: “ORDINANCE VACATING AN ALLEY (Church Alley south of Elm Street between Cedar and Race Streets)”  
Attachment A – Vacation Request Petition Form  
Attachment B – Proposed Alley ROW Vacation Map

**ORDINANCE NO. 2019-01-002**

**AN ORDINANCE VACATING AN ALLEY**

**(Church Alley south of Elm Street between Cedar and Race Streets)**

**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**, The Urbana Free Library is the owner of all of the land abutting the north-south alley, commonly known as Church Alley, located south of West Elm Street between South Cedar Street and South Race Street; and

**WHEREAS**, the aforesated owner has petitioned the City of Urbana (“City”) to vacate said alley; and

**WHEREAS**, the requirements of Urbana City Code Section 2-160 for a public hearing and public notice of such hearing prior to the City Council’s consideration of an ordinance to vacate any street do not, pursuant to the terms thereof, apply to an ordinance vacating public grounds other than a public street; and

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

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

**WHEREAS**, the aforesated owner has agreed to pay all costs to maintain the alley after such vacation, except as otherwise provided in this Ordinance; and

**WHEREAS**, the City Council finds that the relief to the public from the further burden and responsibility of maintaining the alley herein vacated is just and adequate compensation for the benefits which will accrue to the said owner; and

**WHEREAS**, the City Council finds that the public interest is subserved by vacating said alley, particularly when considering such relief to the public; and

**WHEREAS**, Section 11-91-2 of the Illinois Municipal Code (65 ILCS 5/11-91-2) provides that upon the vacation of an alley, or any part thereof, by virtue of any ordinance of any municipality, title to the land included therein will vest in the then owners of the land abutting thereon; and

**WHEREAS**, the City Council further finds that the public interest is subserved by the City's retention of a permanent easement in the alley for the installation, maintenance, renewal, and reconstruction of certain public service facilities.

**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 north-south alley, commonly known as Church Alley, located south of West Elm Street between South Cedar Street and South Race Street:

A part of a north-south Public Alley being in the North Half of Section 17, Township 19 North, Range 9 East of the Third Principal Meridian, Champaign County, Illinois, being more particularly described as follows:

All of the north-south Public Alley (known as Church Alley), being twelve feet (12') in width, east of and adjacent to Lot 18 of Roe's Second Addition to the City of Urbana, as shown on a plat recorded in Deed Record Book "D" at page 189 in the Office of the Recorder of Deeds, Champaign County, Illinois.

Said vacated Alley containing 1,386 S.F. (0.032 acre), more or less, all situated in the City of Urbana, Champaign County, Illinois.

**Section 2.**

Upon vacation of the above-described alley, title thereto shall vest in the record owner of the land abutting the vacated alley for the extent of the common borders of its respective parcels with the said alley. The owner, permanent index numbers, and addresses of the land abutting the alley described above are as follows:

The Urbana Free Library	92-21-17-210-001	207 West Elm Street
The Urbana Free Library	92-21-17-210-002	205 West Elm Street

**Section 3.**

The vacation of the above-described alley shall be subject to the condition that a perpetual easement upon said vacated alley is hereby reserved for and granted to the City of Urbana, Illinois, and its successors and assigns to construct, install, reconstruct, repair, remove, replace, inspect, maintain, and operate its sanitary sewer facilities in, under, across, along, and upon the vacated alley, together with

the right of access thereto for the personnel and equipment necessary and required for such uses and purposes.

**Section 4.**

The City Engineer 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 alley, in substantially the form of the copy of said plat attached hereto and hereby incorporated by reference, as so authorized and approved for and on behalf of the City of Urbana, Illinois.

**Section 5.**

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 6.**

This Ordinance shall be in full force and effect from and after its passage. Upon approval of this Ordinance, the City Clerk is directed to record a certified copy 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 (5 of 6 votes) of the City of Urbana, Illinois, at a meeting of the City Council.

**PASSED BY THE CITY COUNCIL** this \_\_\_\_ day of \_\_\_\_\_, 2019.

AYES:

NAYS:

ABSTENTIONS:

\_\_\_\_\_  
Charles A. Smyth, City Clerk

**APPROVED BY THE MAYOR** this \_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Diane Wolfe Marlin, Mayor

**Public Alley Vacation**

*We, the undersigned owners, petition to the City of Urbana and request vacation of the Public Alley right-of-way, as shown on the adjacent map.*

*We, the undersigned, also understand that an alley vacation is subject to City Council approval and would be subject to utility and public easements remaining within the subject vacated right-of-way. If the Public Alley is vacated the proposed new lot locations and determinations are per the attached map.*

NAME: Celeste Choate

ADDRESS: 207 West Elm Street

Urbana, IL 61801

P.I.N.#: 92-21-17-210-001

PHONE: 217-531-7050



*OWNER'S SIGNATURE(S)*

NAME: Celeste Choate

ADDRESS: 205 West Elm Street

Urbana, IL 61801

P.I.N.#: 92-21-14-210-002

PHONE: 217-531-7050



*OWNER'S SIGNATURE(S)*

Please Return This Petition (With Signatures) To:

*Brad Bennett, P.E. – (217) 384-2316  
Interim Co-City Engineer  
City of Urbana Public Works Department  
706 S. Glover Avenue, Urbana, IL 61802-4427*



92-21-17-210-001  
(207 W Elm St)  
Urbana Free Library  
210 W Green St  
Urbana, IL 61801

92-21-17-210-002  
(205 W Elm St)  
Urbana Free Library  
210 W Green St  
Urbana, IL 61801

**Church Alley**  
**Proposed ROW Vacation**  
**115.5' x 12' (1,386 SF)**

**LIBRARY**  
92-21-17-210-003  
Urbana Free Library  
210 W Green St  
Urbana, IL 61801

92-21-17-210-009  
(208 W Green St)  
City of Urbana  
400 S Vine St  
Urbana, IL 61801

Cherry Alley already vacated by  
Ordinance recorded in Book 861,  
Page 105

*W Elm St*

*Cedar St*

*S Race St*

*W Green St*



# ATTACHMENT "B" PROPOSED ALLEY ROW VACATION MAP

SCALE: 1" = 50'

