

Cowan, Tim

From: Rothermel, Daniel
Sent: Tuesday, August 03, 2021 12:49 PM
To: Cowan, Tim
Subject: RE: ROW Vacation Info
Attachments: Ordinance_9697-47 (example).pdf; 2019R12761 Deed (example).pdf

Tim,

Attachment 1 to this
correspondence

Attachment 2 to this
correspondence

When a right-of-way such as the platted walkway in Country Squire is vacated wording in the vacation ordinance stipulates how and to whom that specific right-of-way is divested. Please see the highlighted portion of page 3 of the attached example. In this example they vacate the right-of-way to the abutting owners in the same proportion, meaning each adjoiner gets half of the adjacent vacated right-of-way. To my knowledge right-of-way is never vacated without a party or parties prepared to receive it and that is addressed within the vacation ordinance document. These newly vacated portions of former right-of-way each “attach” to the adjoining properties – they are not their own parcels which could be bought and sold individually on their own.

As we discussed earlier, each property owner involved in this vacation process can go one step further after the vacation process and have a new deed prepared for their property which includes the vacated portion of the former right-of-way. In the attached example they list their original lot AND their portion of the vacated former right-of-way. If each property owner wants to record a new deed such as this it is their individual choice and responsibility. But even if they do not do this, the vacated right-of-way is specifically and officially allocated to each them.

Dan

Daniel A. Rothermel, L.S.
Land Surveyor
Public Works Department
City of Urbana
706 S. Glover Avenue
Urbana, IL 61802
217-384-2396 - phone

14 00
3 00
17 00

98R31842

6

ORDINANCE NO. 9697-47

AN ORDINANCE RELEASING AN EASEMENT IN
THE ENNIS RIDGE EIGHTH SUBDIVISION
(REPLAT) (803 AND 901 EAST BRIGHTON)

and

LOCATION MAP / PROPOSED SIDEWALK
VACATION 803 & 901 BRIGHTON DRIVE

DOC # _____
CHAMPAIGN COUNTY, ILL

'98 OCT 16 PM 12 03

Barbara A. Tracca
RECORDER

Prepared for recording by:

Shepherd D. Roberts

Deputy Clerk



Return to:

Phyllis D. Clark, City Clerk
City of Urbana
400 S. Vine Street
Urbana, IL 61801

CLERK'S CERTIFICATE

STATE OF ILLINOIS)
) SS
COUNTY OF CHAMPAIGN)

I, PHYLLIS D. CLARK, City Clerk of the City of Urbana, Illinois, and keeper of the records, files and seal of said City, do hereby certify that the foregoing is a true and exact copy of an ordinance entitled, AN ORDINANCE RELEASING AN EASEMENT IN THE ENNIS RIDGE EIGHTH SUBDIVISION (REPLAT) (803 and 901 EAST BRIGHTON)" [Ord. No. 9697-47]

approved by the City Council of the City of Urbana, Illinois, on the 4th day of November, A.D., 1996, as it appears in the records and files in my office remaining.

Given under my hand and seal of said City of Urbana, Illinois, this 13th day of October, A.D., 1998.



Phyllis D. Clark
Phyllis D. Clark, City Clerk

AN ORDINANCE RELEASING AN EASEMENT IN THE ENNIS RIDGE
EIGHTH SUBDIVISION (REPLAT)
(803 and 901 East Brighton)

WHEREAS, the plat of Ennis Ridge Eighth Subdivision (Replat) recorded in Plat Book "P" at page 9 in the Office of the Recorder of Deeds, Champaign County, Illinois, depicted a certain easement 10.00' in width running adjacent to the east and south lines of Lot 603 of the said Ennis Ridge Eighth Subdivision (Replat); and

WHEREAS, on the face of the said plat this 10.00' strip of land is labeled: 10.00' sidewalk and was apparently intended to be a sidewalk right-of-way for the convenient access to Yankee Ridge School; the School District has advised that it has no objection to abandoning the sidewalk right-of-way easement; and

WHEREAS, no paved surface was ever installed in the said easement; and

WHEREAS, the owner of Lot 603 of Ennis Ridge Eighth Subdivision (Replat) and the owners of Lots 688 and 700 in Ennis Ridge Ninth Subdivision have requested that the City release, abandon and vacate the said sidewalk right-of-way easement; and

WHEREAS, although not needed for any sidewalk right-of-way purposes, the said described easement would be useful as a utility easement; and

WHEREAS, the Urbana City Council finds that it is in the best interests of all concerned that the portion of the subject sidewalk right-of-way easement described below be released, vacated and abandoned and in accordance with statute, the title to the land over which the aforesaid sidewalk right-of-way easement runs shall devolve and vest in the present owners of the land abutting thereon in the same proportion and to the same extent as though the sidewalk right-of-way easement had been dedicated by a common law plat (as distinguished from a statutory plat) and as though the fee of the sidewalk right-of-way easement had been acquired by the owner as part of the land abutting on the sidewalk right-of-way easement, if immediately after so acquiring fee title to that portion of the abandoned sidewalk right-of-way abutting their property, the owner of Lot 603 of Ennis Ridge Eighth Subdivision (Replat) and the owners of Lots 688 and 700 of Ennis Ridge Ninth Subdivision dedicate an easement for utility purposes that same area that was formerly intended to be sidewalk right-of-way easement.

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

THIS ORDINANCE CONSISTS OF 3 PAGES.

98831842
Section 1. That the portion of the sidewalk right-of-way easement shown on the Plat of Subdivision of Ennis Ridge Eighth Subdivision (Replat) as recorded in Plat Book "P" at page 9 in the Office of the Recorder of Deeds, Champaign County, Illinois, depicted as easement 10.00' in width running adjacent to the east and south lines of Lot 603 of the said Eighth Subdivision (Replat) which is more fully described immediately below is hereby released, abandoned and vacated upon the condition set forth in Section 2 being fulfilled and the recording of a certified copy of this Ordinance being recorded with the Recorder of Deeds, Champaign County, Illinois.

Beginning at the northeast corner of Lot 603 in Ennis Ridge Eighth Subdivision (Replat) Champaign County, Illinois, per plat recorded in Plat Book at page 9, in the Office of the Recorder, Champaign County, Illinois; thence, East 10.00 feet, along the south Right-of-Way line of Brighton Drive to the northwest corner of Lot 688 in Ennis Ridge Ninth Subdivision Champaign County, Illinois, per plat recorded in Plat Book P at page 51, in the Office of the Recorder, Champaign County, Illinois; thence, South, along the west line of said Lot 688, said line also being the east line of a sidewalk easement shown on said Ennis Ridge Eighth Subdivision Replat, 114.00 feet to the southwest corner of said Lot 688; thence, continuing South, along said east line of a sidewalk easement, said line also being a west line of Lot 700 of said Ennis Ridge Ninth Subdivision 5.00 feet to a corner of said Lot 700; thence, West along a north line of said Lot 700, 107.00 feet to the southerly extension of the west line of said Lot 603; thence, North along the southerly extension of the west line of said Lot 603, 10.00 feet to the southwest corner of said Lot 603; thence, East along the south line of said Lot 603, 97.00 feet to the southeast corner of said Lot 603; thence, North along the east line of said Lot 603, 109.00 feet to the point of beginning. Containing 0.05 acre and situated in the City of Urbana, Illinois.

Section 2. The release, abandonment and vacation of the above-said sidewalk right-of-way easement shall become effective only upon acceptance of by the City Engineer and the recordation of a dedication of utility easements of the same dimensions as the sidewalk right-of-way herein vacated, from the owners of Lot 603 of Ennis Ridge Eighth Subdivision (Replat) and Lots 688 and 700 of Ennis Ridge Ninth Subdivision. Acknowledgement by the City Engineer that such dedications have been duly accepted and recorded shall be conclusive of the satisfaction of such contingency and condition.

Section 3. That if the City Engineer so certifies as is set forth in Section 2 above, the City Clerk shall record a certified copy of this Ordinance in the Recorder's Office of Champaign County, Illinois.

Section 4. That the plat of vacation attached hereto is incorporated in this Ordinance by reference.

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called by a of three-fourth's (3/4th's) vote of the members of the City Council of the City of Urbana, Illinois, at a regular meeting of said Council.

PASSED by the City Council this 4th day of November, 1996.

AYES: Hayes, Kearns, Patt, Pollock, Ryan, Taylor, Whelan

NAYS:

ABSTAINED:



Phyllis D. Clark by
Phyllis D. Clark, City Clerk
Robert J. Roberts, Deputy Clerk

APPROVED by the Mayor this 18th day of November, 1996.

Tod Satterthwaite
Tod Satterthwaite, Mayor

I the undersigned, William Gray, City Engineer of the City of Urbana, hereby acknowledge that the dedications described in Section 2 of this Ordinance have been accepted by me and duly recorded as Document Numbers 96R30541, 96R30542 and 96R30543.

William R. Gray

98R31842

P.O.B. (NORTHEAST CORNER OF LOT 603)
SOUTH R-O-W LINE BRIGHTON DR.

10.00'

NORTHEAST CORNER OF LOT 688

EAST LINE OF A SIDEWALK EASEMENT

WEST LINE OF LOT 688

EAST LINE OF LOT 603



1" = 25'

WEST LINE OF LOT 603

LOT 603
ENNIS RIDGE EIGHTH
SUBDIVISION REPLAT

LOT 688
ENNIS RIDGE
NINTH
SUBDIVISION

SOUTHWEST CORNER OF LOT 603

SOUTHEAST CORNER OF LOT 603

SOUTH LINE OF LOT 603

SOUTHWEST CORNER OF LOT 688

10.00'

5.00'

97.00'

107.00'

NORTH LINE OF LOT 700

LOT 700 ENNIS RIDGE NINTH SUBDIVISION

0.05 Acre,
more or less

Legend

- Property Line
- Utility Easement
- Sidewalk R-O-W
- Street R-O-W
- Vacation



LOCATION MAP

PROPOSED SIDEWALK VACATION

803/901 BRIGHTON DRIVE



FILE COPY

CLERK'S CERTIFICATE

STATE OF ILLINOIS)
) SS
COUNTY OF CHAMPAIGN)

I, PHYLLIS D. CLARK, City Clerk of the City of Urbana, Illinois, and keeper of the records, files and seal of said City, do hereby certify that the foregoing is a true and exact copy of an ordinance entitled, AN ORDINANCE RELEASING AN EASEMENT IN THE ENNIS RIDGE EIGHTH SUBDIVISION (REPLAT) (803 and 901 EAST BRIGHTON)" *(Ord. # 9697-47)*

approved by the City Council of the City of Urbana, Illinois, on the 4th day of November, A.D., 1996, as it appears in the records and files in my office remaining.

Given under my hand and seal of said City of Urbana, Illinois, this 13th day of October, A.D., 1998.



Phyllis D. Clark

Phyllis D. Clark, City Clerk

*Submitted to City Clerk
for recording 10-13-98 DR*



8 2 8 6 1 2 7
Tx:4115661

ATTACHMENT 2 TO E-MAIL
CORRESPONDENCE

2019R12761

REC ON: 08/08/2019 09:40:41 AM

CHAMPAIGN COUNTY

MARK SHELDEN

REC FEE: 52.00

RHSPS Fee: 9.00

STATE TAX: 170.00

COUNTY TAX: 85.00

PLAT ACT: 0

PAGES 2

PREPARED BY:
Agnew Law Office, P.C.
129 Phelps Avenue, Suite 801
Rockford, IL 61108

MAIL TAX BILL TO:
Long Luu and Giang Pham
804 E. Mumford Dr.
Urbana, IL 61801

MAIL RECORDED DEED TO:

TENANCY BY THE ENTIRETY WARRANTY DEED

Statutory (Illinois)

190489800021

THE GRANTOR(S), Dumoulin Cousins, LLC, an Illinois limited liability company, of the City of Hampshire, State of Illinois, for and in consideration of Ten Dollars (\$10.00) and other good and valuable considerations, in hand paid, CONVEY(S) AND WARRANT(S) to Long Luu and Giang Pham, of Champaign County, not as Tenants in Common nor as Joint Tenants but as Tenants by the Entirety, all right, title, and interest in the following described real estate situated in the County of CHAMPAIGN, State of Illinois, to wit:

Parcel 1: Lot 13 in Ennis Ridge 2nd Subdivision, as per Plat recorded in Plat Book "M", at Page 123, situated in Champaign County, Illinois.

Parcel 2: The West 1/2 of the following: All of the sidewalk right of way being 10.00 feet in width lying between Lots 13 and 14 of Ennis Ridge 2nd, Champaign County, Illinois, as recorded in Plat Book "M", at Page 123, in the Office of Recorder of Champaign County, Illinois, except the North 20 feet thereof, in Champaign County, Illinois.

Permanent Index Number(s): 93-21-21-304-006
Property Address: 804 E. Mumford Dr., Urbana, IL 61801

Subject, however, to the general taxes for the year of 2019 and thereafter, and all covenants, restrictions, and conditions of record, applicable zoning laws, ordinances, and other governmental regulations.

Hereby releasing and waiving all rights under and by virtue of the Homestead Exemptions Laws of the State of Illinois.

TO HAVE AND TO HOLD said premises not as JOINT TENANTS or TENANTS IN COMMON, but as TENANTS BY THE ENTIRETY forever.

Dated this 6 day of August, 2019

Dumoulin Cousins, LLC, an Illinois limited liability company

By (Mark Demoulin)

Its Manager

(Mark Demoulin)

Its Manager

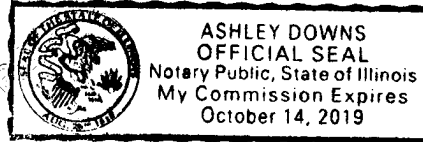
STATE OF Illinois)
)
COUNTY OF Winnebago) SS.

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, do hereby certify that Dumoulin Cousins, LLC, an Illinois limited liability company, personally known to me to be the same person(s) whose name(s) is/are subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that he/she/they signed, sealed and delivered the said instrument, as his/her/their free and voluntary act, for the uses and purposes therein set forth, including the release and waiver of the right of homestead.

Given under my hand and notarial seal, this 6 day of August, 2019

Ashley Downs
Notary Public
My commission expires: October 14, 2019

Exempt under the provisions of paragraph _____



OFFICIAL COPY CHAMPAIGN COUNTY RECORDS INFORMATION PURPOSE ONLY