

This Ordinance:  
Does NOT amend the Code of Ordinances.

**ORDINANCE NO. 2002-06-061**

AN ORDINANCE VACATING A PORTION OF BIRCH STREET

(Between California Avenue and Oregon Street)

WHEREAS, Urbana School District Number 116, being the owner of both sides of Birch Street between California and Illinois Streets has submitted a request that the City of Urbana vacate that portion of Birch Street described in this Ordinance; and

WHEREAS, the vacation of the street right of way described below will not impair access to any property other than that property owned by Urbana School District Number 116; and

WHEREAS, in accordance with the requirements of Ordinance No. 9293-97 entitled "An Ordinance Requiring a Public Hearing Prior to the Vacating of a Street", a public hearing was held on the 15th day of April, 2002, 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 26th day of March, 2002, and the Zoning Administrator also caused to be mailed, a copy of the said Notice so published, to each of the last known taxpayers of record of all properties adjacent to or within 250' in each direction of the portion of the street proposed to be vacated, said mailing having been accomplished on the 27th day of March, 2002; 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 vacation of the street right of way sought therein to be vacated.

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 right of way:

A portion of the Birch Street Right-of-Way, in the Northwest Quarter of Section 17, Township 19 North, Range 9 East of the Third Principal Meridian, Champaign County, Illinois, more particularly described as follows:

All that part of the Birch Street Right-of-Way, lying between the existing southerly Right-of-Way line of California Avenue and the existing northerly Right-of-Way line of Oregon Street, as shown on the plat of James S. Busey's Addition of Outlots to the Town of Urbana, recorded in the Office of the Recorder of Deeds, Champaign County, Illinois, in Deed Record Book "D" at page 282. Said Right-of-Way being forty feet (40') in width.

Said tract containing 9,720 Square Feet (0.22 acre), more or less, all situated in the City of Urbana, Champaign County, Illinois.

Section 2. 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 street right of way is such as to warrant the vacation, especially when considering the relief to the public from further burden and responsibility of maintaining the right of way herein vacated.

Section 3. As owner of the abutting parcels that will be benefited by the vacation of the right of way, Urbana School District Number 116, has agreed to pay compensation in the amount of \$37,500, which is the judgment of the corporate authorities to be an appropriate amount of compensation considering the appraised fair market value of the vacated street, the benefit accruing to School District Number 116 as abutting owner, and other relevant factors. Recording of a certified copy of this ordinance in the Office of the Champaign County Recorder shall constitute proof of receipt by the City of the compensation set forth herein.

Section 4. This ordinance shall become effective immediately.

Section 5. The title to the vacated street right of way shall vest in Urbana School District Number 116 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 right of way, unless and until such owner of the land abutting thereon 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 6. That the City Clerk is directed to record a certified copy of this ordinance with the Recorder of Champaign County, Illinois upon receipt of the compensation set forth herein.

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called of three-fourths (3/4<sup>th</sup>'s) 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 \_\_\_\_\_,  
\_\_\_\_\_.

AYES:

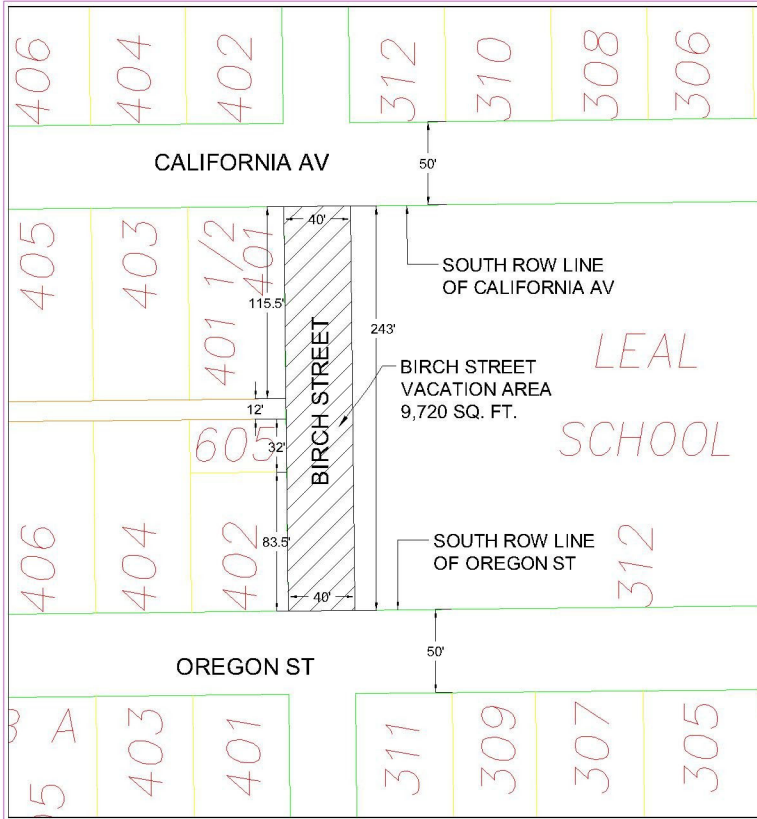
NAYS:

ABSTAINED:

\_\_\_\_\_  
Phyllis D. Clark, City Clerk


APPROVED by the Mayor this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Tod Satterthwaite, Mayor



PLAT MAP SHOWING BIRCH ST  
 RIGHT-OF-WAY VACATED  
 BY ORDINANCE NO. 2002-06-061  
 CITY OF URBANA,  
 CHAMPAIGN COUNTY, ILLINOIS  
 DATE: 06/03/2002

PUBLIC WORKS DEPARTMENT  
 ENGINEERING DIVISION

AREA OF VACATION: 

DRAWN BY: P.L.C. 04/19/01  
 CHECKED BY: B.W.F. 04/19/01

