



**CITY OF URBANA, ILLINOIS
DEPARTMENT OF PUBLIC WORKS**

ADMINISTRATION

MEMORANDUM

TO: Bruce K. Walden, Chief Administrative Officer

FROM: William R. Gray, P. E., Public Works Director

DATE: October 3, 2002

RE: **Vacation of Clark Street Between Harvey Street and Goodwin Avenue**

INTRODUCTION

The City of Urbana has recently received a letter (see attached) from Vice Chancellor Charles C. Colbert, requesting the vacation of Clark Street between Goodwin Avenue and Harvey Street. The University of Illinois, or the Foundation, currently owns all property on both sides of this street. This requested vacation is part of the list of streets and alleys to be vacated per the agreement concerning the vacation of certain rights-of-way dated October 1, 2001 (see attached). Following the city ordinances regarding street vacations, a public hearing was held on August 5, 2002 and no one objected to the proposed vacation.

Following vacation of this street, the City would remove any city-owned parking meters, signs, etc., within this right-of-way. The street, sidewalk, storm sewers, etc., would then become the ownership and responsibility of the University.

ACTION REQUESTED

It is recommended that an ordinance vacating a portion of Clark Street (between Harvey Street and Goodwin Avenue) be approved.

WRG:klf
Attachments

AN AGREEMENT CONCERNING THE VACATION OF CERTAIN RIGHTS-OF-WAY

This Agreement, made and entered into this ____ day of _____, 2001, by and between the CITY OF URBANA, ILLINOIS, a municipal corporation, by and through its Mayor and the members of its City Council, being its corporate authorities, hereinafter referred to as "City" and THE BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS, hereinafter referred to as "University" and the UNIVERSITY OF ILLINOIS FOUNDATION;

WITNESSETH:

WHEREAS, the University of Illinois has significant capital development plans for the Urbana Campus in an area bounded by Springfield Avenue, Harvey Street, Mathews Avenue, and Goodwin Avenue that require the vacation of certain City rights-of-way, and has asked the City to consider vacating those rights-of-way to accommodate the development plans; and

WHEREAS, the City is willing to consider vacation of those alleys involved in the development plans, and is also willing to consider vacation of the streets involved in the development plans after receiving public comment during the public hearings required under ordinances of the City.

NOW, THEREFORE, inconsideration of all of the foregoing and the benefits which may accrue to both the City and the University by virtue of such vacations, the parties agree as follows:

Section 1. Definitions. As used in this Agreement, the following words shall the meanings ascribed to them in this Section:

- a. "Agreement" means this Agreement concerning the University of Illinois North Campus Area and associated City of Urbana rights-of-way.
- b. "Rights-of-way" shall mean the City of Urbana streets and alleys described in Exhibit A.

Section 2. Rights-of-Way Vacation/Alleys. The City of Urbana agrees to vacate the alley rights-of-way referred to below in this Section 2, by wording such vacation to specifically vacate and convey title to such former right-of-way to the University of Illinois as soon as practicable after approval of this Agreement.

- (a) The alley between Mathews Avenue and Goodwin Avenue illustrated as #1 on Exhibit B and north of Stoughton Street. This alley must be vacated to the University by June 30, 2001.
- (b) The alley between Mathews Avenue and Goodwin Avenue north of Clark Street and illustrated as #2 on Exhibit B.
- (c) The alley between Mathews Avenue and Goodwin Avenue, north of Main Street and illustrated as #4 on Exhibit B
- (d) The remaining portion of public alley between Goodwin Avenue and Harvey Street, north of Main Street and illustrated as #7 on Exhibit B.

Section 3. Right-of-Way/Streets. The City of Urbana agrees to consider the vacation of the following street rights-of-way as soon as practicable after the requisite public hearing thereon:

- (a) Clark Street between Mathews Avenue and Goodwin Avenue and illustrated as #3 on Exhibit B.
- (b) Main Street between Mathews Avenue and Goodwin Avenue and illustrated as #5 on Exhibit B.
- (c) Stoughton Street between Mathews Avenue and Goodwin Avenue and illustrated as #6 on Exhibit B.

Section 4. Later Vacation/Alleys. The following alleys will be vacated by the City if and when the University of Illinois is record owner of all properties abutting thereon.

- (a) The alley between Goodwin Avenue and Harvey Street, north of Clark Street and illustrated as #8 on Exhibit B.
- (b) The alley between Goodwin and Harvey Street north of Stoughton Street and illustrated as #10 on Exhibit B.
- (c) The alley between Goodwin Avenue and Harvey Street north of Springfield Avenue and illustrated as #12 on Exhibit B.
- (d) The remaining portion of public alley between Mathews Avenue and Goodwin Avenue, north of Springfield Avenue and illustrated as #13 on Exhibit B.

Section 5. Later Vacations/Streets. The City of Urbana agrees to consider the vacation of the following streets as soon as practicable following the public hearing thereon and after the University is in title of all abutting property.

- (a) Clark Street between Goodwin Avenue and Harvey Street and illustrated as #9 on Exhibit B.
- (b) Stoughton Street between Goodwin Avenue and Harvey Street and illustrated as #11 on Exhibit B.
- (c) Main Street between Harvey Street and Goodwin Avenue and illustrated as #14 on Exhibit B.
- (d) Gregory Place Vacation. The City agrees that it will vacate Gregory Place between Oregon Street and Nevada Street to the University at no cost for the purpose of the development of the private East Campus Commercial Center, subject to a mutually agreeable development agreement.

Section 6. Rights-of-Way Closure. While consideration of the vacation of the subject rights-of-way is ongoing and in recognition of the complex timing factors involved, the City agrees that the following rights-of-way shall be closed to general traffic and may be used by the University and its contractors for construction staging and other activities for the University's planned improvements:

- Main Street between Mathews Avenue and Goodwin Avenue and illustrated as #5 on Exhibit B.
- Stoughton Street between Mathews and Goodwin and illustrated as #6 on Exhibit B.

Section 7. Compensation. The University recognizes that the City of Urbana has obtained appraisals to assess the value of the benefits accruing to the University of Illinois should the vacation of the above said parcels occur. After study of such appraisals, all parties agree that should all the above vacations occur, the University will pay to the City of Urbana the total of two million, nine hundred thousand dollars (\$2,900,000) in accordance with the following schedule:

- (a) The first installment shall be paid within thirty (30) days after the City has approved vacation of all streets and alleys listed in Sections 2 and 3, whichever is later.
- (b) The second and third installments shall be paid by August 1, 2002 and August 1, 2003.
- (c) The fourth and final installment will be paid within thirty (30) days after the City's vacation of all right-of-way illustrated in Sections 4 and 5(a) through 5(c) above.

If any of the subject rights-of-way vacations do not occur prior to August 1, 2003, the amount of the payment due the City shall be reduced pro rata on a square foot basis.

Section 8. Easements. The vacation of rights-of-way listed herein shall be subject to specific utility easements outlined in Exhibit C.

Section 9. Salvage. Within forty-five (45) days of the vacation of said rights-of-way, and weather permitting, the City shall remove all City owned parking meters in the subject area. In addition, within forty-five days of the University of Illinois' notice to the City that any of the rights-of-way will be closed, the City shall have the right to enter upon the former rights-of-way for the purposes of salvaging any and all materials and person property including but not limited to, light standards, parking meters, paving stones and bricks, sewer castings, traffic signs, and the like.

Section 10. Traffic Impacts. The University acknowledges that the cost of any traffic-related improvements including the installation of traffic signals or intersection improvements required as a result of University development of the area will be at the expense of the University.

Section 11. Legislation. The University of Illinois agrees to use its best efforts to support appropriate State of Illinois legislation on tax base sharing or financial impact assistance.

Section 12. Joint Planning. The parties agree to cooperatively plan for the private development of land between Lincoln Avenue, Harvey Street, Springfield Avenue, and University Avenue. Said planning area may also include the University Avenue corridor from approximately Carle Foundation property to Wright Street. Said plan will include future land use designations, zoning and traffic circulation recommendations. The goal of the planning effort is the City's adoption and subsequent implementation of the plan as an element of the Urbana Comprehensive Plan.

The University further agrees to notify the City at least 45 days prior to the Board of Trustee approval of the acquisition of property outside of its Master Plan boundary. The City will make its best effort to keep said information in strict confidence. In addition, the City agrees to notify the University within five (5) days of the City's receipt of application for a request for a change in zoning, a zoning variance, special or conditional use and prior to the issuance of permits from non-University property owners to build, significantly remodel, or demolish structures within the boundaries of the University of Illinois Master Plan, dated October 1996 and as may be amended from time to time.

In addition, the parties agree to issue a joint request for proposals for properties described in Exhibit D within thirty-six (36) months of the date of this Agreement for said property's private redevelopment. This agreement shall not preclude the University of Illinois's right to establish a gateway structure on this site. It is understood that the University will pay fees in lieu of taxes (or the University Foundation will pay real estate taxes) on real estate acquired by the University (or Foundation) in the area between University Avenue, Springfield Avenue, Lincoln Avenue and Harvey Street, provided such real estate is used solely for income producing purposes. If such real estate is leased to a for-profit entity, the tenant's interest is subject to taxation.

Section 13. Notices. Any notices required or permitted hereunder shall be in writing and shall be delivered via certified mail, addressed to the parties as follows, unless otherwise indicated in the future.

If to the City of Urbana:

Chief Administrative Officer
City of Urbana
400 S. Vine Street
Urbana, Illinois 61801

City Attorney
City of Urbana
400 S. Vine Street
Urbana, Illinois 61801

If to the University of Illinois:

The Board of Trustees of
Administration
The University of Illinois
354 Henry Administration Building
Building
506 South Wright Street
Urbana, Illinois 61801

Vice Chancellor for
and Human Resources
Swanlund Administration
601 East John Street
Champaign, Illinois 61820

IN WITNESS WHEREOF, the City of Urbana and University have caused this Agreement to be executed in their respective capacities effective as of the day and year first above written.

THE BOARD OF TRUSTEES OF THE
UNIVERSITY OF ILLINOIS

CITY OF URBANA

By: _____
Craig S. Bazzani, Vice-President
and Comptroller

By: _____
Mayor Tod Satterthwaite

Attest:

Attest:

Michele M. Thompson, Secretary
Clerk

Phyllis Clark, City

Approved:

Legal Counsel

Approved:

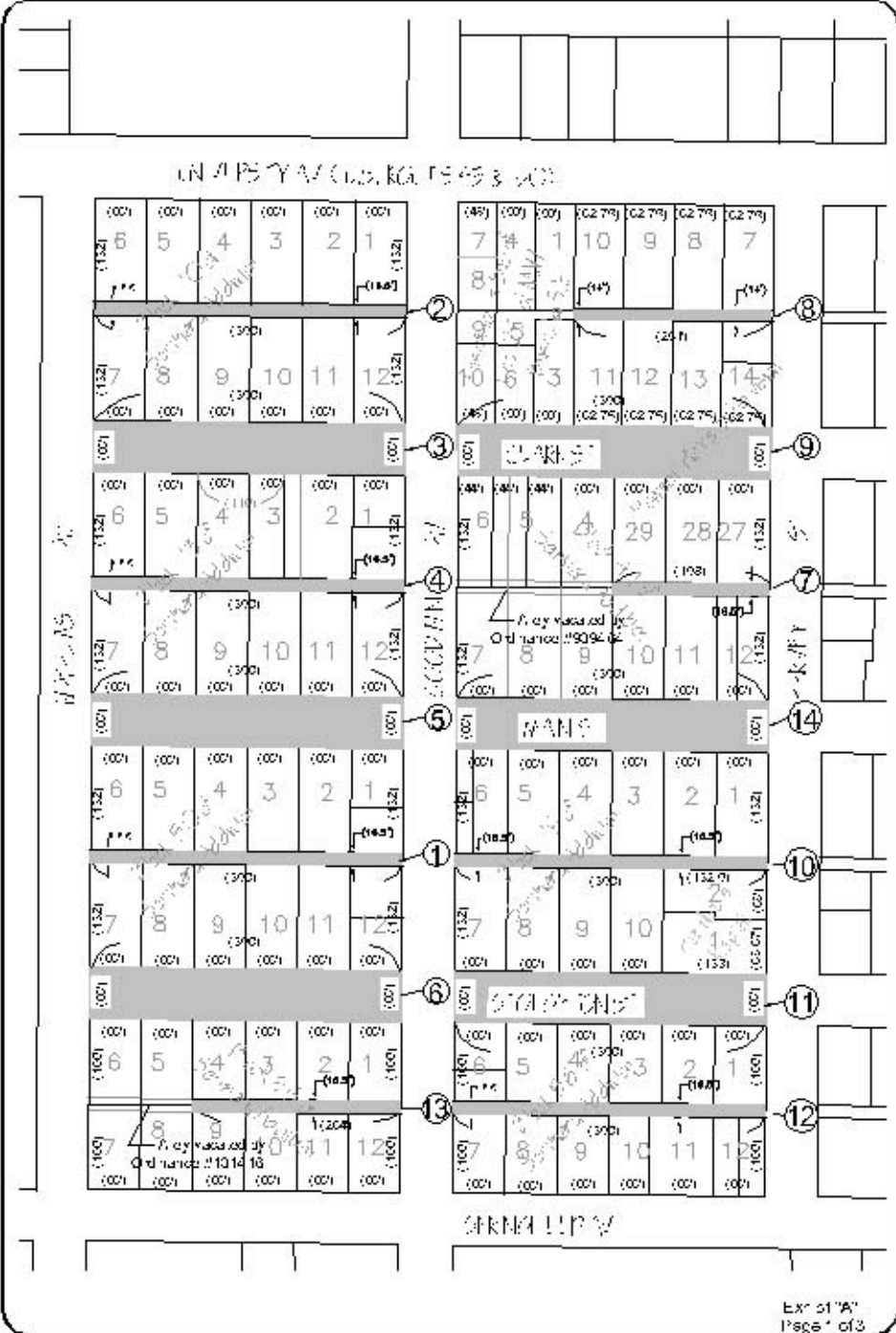
Nancy E. Cantor, Chancellor

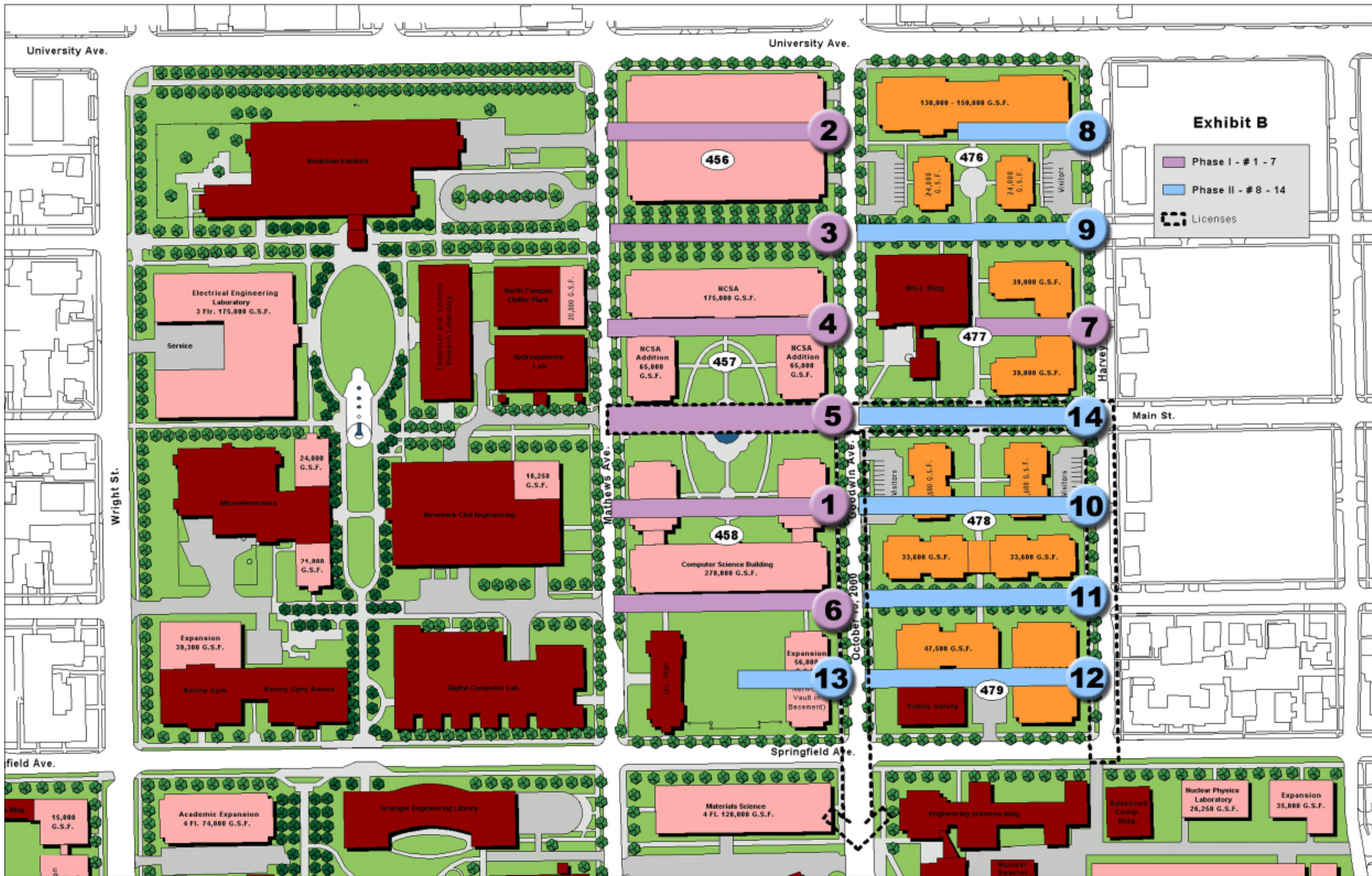
UNIVERSITY OF ILLINOIS FOUNDATION

By: _____
It's President

Attest:

It's Secretary





NORTH CAMPUS MASTER PLAN - UNIVERSITY OF ILLINOIS AT URBANA-CHAMPAIGN

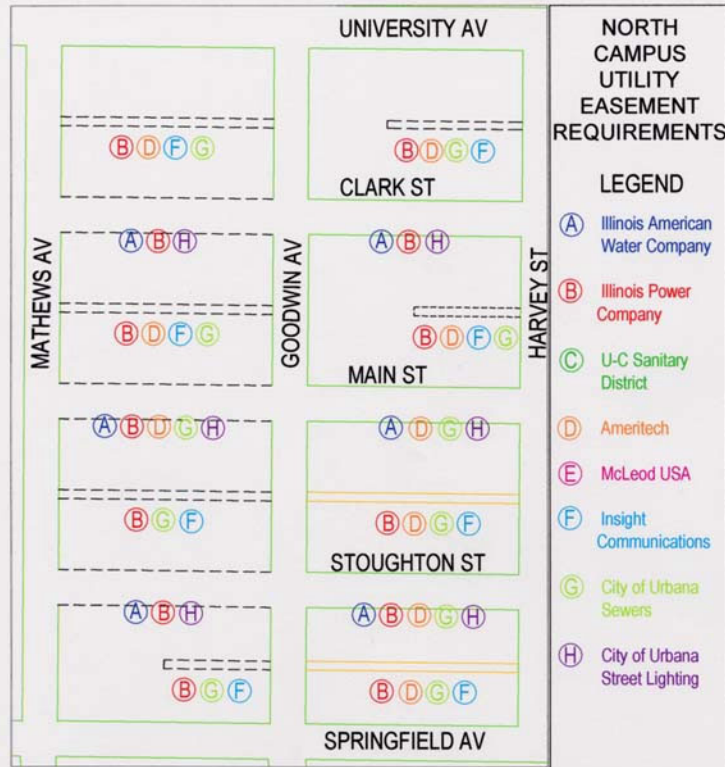


Exhibit "D"

The easterly 152.46 feet of Lot 23, and the easterly 105.92 feet of Lot 22, all in Colonel M. W. Busey's Heirs Addition to Urbana.



Approved as being in conformity with the agreement

Bruce K. Walden Date

Exhibit "D"

ORDINANCE NO. 2002-10-120

AN ORDINANCE VACATING A PORTION OF CLARK STREET

(Between Harvey Street and Goodwin Avenue)

WHEREAS, in an agreement with the Board of Trustees of the University of Illinois relating to various rights of way and other related matters, which agreement was approved by the Urbana City Council in Ordinance No. 2001-08-083, the City of Urbana agreed that the vacation of that portion of Clark Street described in this Ordinance was in the best interests of the public; and

WHEREAS, the University of Illinois owns all of the real property which abuts on both sides of those portions of the streets herein vacated; and

WHEREAS, the vacation of the streets described below will not impair access to any property other than that property owned by the University of Illinois; 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 5th day of August, 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 21st day of July, 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 22nd day of July, 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 portion of Clark Street as requested.

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 rights of way:

A portion of the Clark Street Right-of-Way, in the Southeast Quarter of Section 7, Township 19 North, Range 9 East of the Third Principal Meridian, Champaign County, Illinois, more particularly described as follows:

All that part of the Clark Street Right-of-Way, lying between the easterly Right-of-Way line of Goodwin Avenue (formerly Eads Street) and the westerly Right-of-Way line of Harvey Street, as shown on the plat of Seminary Addition to Urbana, recorded in the Office of the Recorder of Deeds, Champaign County, Illinois, in Deed Record Book Y at page 208. Said Right-of-Way being sixty-six feet (66') in width.

Said tract containing 0.60 acre (26.136 square feet), 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 streets is such as to warrant the vacation, especially when considering the relief to the public from further burden and responsibility of maintaining the rights of way herein vacated.

Section 3. This ordinance shall become effective immediately.

As owners of the abutting parcels, the Board of Trustees of the University of Illinois, have agreed to pay compensation in the amount which, in the judgment of the corporate authorities, is the fair market value of the property acquired thereby or the benefits accruing to the Board of Trustees of the University of Illinois by reason of this vacation.

Section 4. The title to the vacated rights of way shall vest in the Board of Trustees of the University of Illinois 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 rights of way, unless and until such owners 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 5. That the City Clerk is directed to record a certified copy of this ordinance with the Recorder of Champaign County, Illinois.

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

ABSTAINS:

Phyllis D. Clark, City Clerk

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

Tod Satterthwaite, Mayor