



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

ADMINISTRATION

M E M O R A N D U M

TO: Bruce K. Walden, Chief Administrative Officer
FROM: William R. Gray, P. E., Public Works Director
DATE: April 10, 2003
RE: *Alley vacation West of 308 West Nevada Street*

INTRODUCTION

The City of Urbana has been approached by the property owner of 306 & 308 West Nevada Street, Ms. Lois Steinberg, requesting that an alley between 308 & 310 West Nevada Street be vacated entirely to 308 West Nevada Street. See attached exhibit. The property owner at 310 West Nevada Street has provided a quit claim deed to Ms. Steinberg stating that they have no interest in receiving any portion of the proposed alley vacation.

The home that is at 308 West Nevada Street was built in the early 1900's and the footprint of the structure encroaches in the 12-foot alley. Staff research shows that this alley has never been vacated. In order to rectify this encroachment it is appropriate that this alley be vacated.

All utility companies have been contacted and there is no need for an easement to be retained within the 12-foot alley width.

FISCAL IMPACTS

There will be no fiscal impact to the City of Urbana for vacating the proposed alley. The alley does not serve any public purpose. Per City policy this alley can be vacated under these circumstances in its entirety at no cost to the adjacent/adjoining property owner.

RECOMMENDATION

It is recommended that an ordinance be prepared authorizing the vacation of the north/south alley between 308 and 310 West Nevada Street and that it be conveyed to the property owner at 308 West Nevada Street.

WRG:tlh
Enclosures

ORDINANCE NO. 2003-04-038

AN ORDINANCE VACATING AN ALLEY RUNNING 143.88 FEET NORTH FROM NEVADA STREET
IN THE 300 BLOCK OF WEST NEVADA STREET

WHEREAS, the owner of the parcel abutting on the subject alley on the east side thereof has submitted a Petition to the City of Urbana praying that a portion of a certain alley be vacated; and

WHEREAS, the owners of the parcel abutting on the subject alley on the west thereof have "authorized" the City to vacate the subject alley as expressed in the document entitled "Waiver of Rights and Quit Claim", signed by the said owners on May 1, 2002, and recorded on June 10, 2002, as Docket Number 2002R18428; and

WHEREAS, the vacation of the portion of the alley described herein will not materially impair access to any property; 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 the alley sought herein 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 alley right-of-way:

All of the north-south public alley adjacent to Lots 6 and 7 of Rollin L. Whitcomb's Subdivision of Outlot 9 of James S. Busey's Addition of Outlots to the Town, now City of Urbana, as shown on a plat recorded in Plat Book "I" at page 162 in the Office of the Recorder of Deeds, 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 to be subserved 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. That title to the vacated right-of-way shall vest in the owners of the land abutting thereon subject to any easement or easements in favor of the City 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 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 4. Pursuant to Resolution 9899-R2, the subject alley herein vacated being a residential alley, the Council determines that no compensation from the abutting owners is due.

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called, of three-fourths (3/4th's) of the Aldermen then holding office 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

