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Memorandum

DATE: February 28, 2005

TO: Mayor Satterthwaite and the Urbana City Council

FROM: Steve Holz, City Attorney

RE: Ordinances:

1. Formalizing designations of city parking lots, and
2. Implementing parking agreement required by Lincoln Square Redevelopment Agreement

1. ORDINANCE FORMALIZING DESIGNATION OF CITY PARKING LOTS.

For many years, the City has referred to Municipal Parking lots by alpha-numeric names (for example, Lot "10-A"). These designations have been established on maps made available to the council, but those maps do not appear to have been formally adopted by council action. The first of the attached ordinances would add a new section, Section 23-195, to the traffic code to accomplish that, as follows:

Section 23-195. Designations of Municipal Parking Lots.

The Municipal Parking lots, at times referred to in this Code as Public Parking Lots, may be referred to by alpha-numeric designations as set forth in the attached schedule and map, which is incorporated into this ordinance by reference. The attached schedule and map shall be referred to as "Schedule R".

The addition of the new schedule "R" requires amending section 23-25. Note, in addition, that at some point in the past a "Schedule Q" was added to the Code but that change was not reflected in section 23-25. The following change rectifies both needs.

Sec. 23-25. Schedules--Incorporation by reference.

Separate schedules of fines and fees, as well as Schedules A through ~~PR~~, referred to in this chapter, as established and from time to time amended by ordinance, are incorporated

into this chapter by reference, and are made part of this chapter. Copies of those schedules shall be maintained by the office of the city clerk, and shall be made available for public inspection and copying.

2. ORDINANCE IMPLEMENTING PARKING AGREEMENT REQUIRED BY LINCOLN SQUARE REDEVELOPMENT AGREEMENT.

The City recently approved a Redevelopment Agreement with the New Lincoln Square. Part of that Redevelopment Agreement requires the City to implement certain changes to the parking in the city-owned parking lots surrounding the New Lincoln Square. The parking agreement that is part of the Redevelopment Agreement states in pertinent part:

Section 2.1. Provision of Parking Facilities. For and during the Term of this Agreement, the City shall provide, operate and maintain the Parking Facilities for the benefit of the Lincoln Square Site in connection with the parking of motor vehicles and vehicular and pedestrian ingress and egress related thereto, subject to, and in accordance with, the terms, provisions and conditions of this Article, including as follows:

a. Lot 10-A North, Lot 10-A South and Lot 10-F shall each be operated as a free parking lot having a 2-hour time limit for the customers of any commercial tenants of the Square at the Lincoln Square Site, subject, however, to the reserved right of the City to operate Lot 10-A North as a metered parking lot, to request the use of Lot 10-F for any City-sponsored event on any Saturday and Sunday during the months of April to November, inclusive, in each year during the Term of this Agreement (which such request shall not be unreasonably denied, withheld, delayed or conditioned by the Square) and to permit the use of Lot 10-F for permit parking by any person serving as a juror during any jury term in the Circuit Court of the Sixth Judicial District, Champaign County, Illinois, under circumstances where the City has first made reasonable accommodation to provide such permit parking elsewhere.

b. Lot 10-E (in part) and Lot 10-X shall each be operated as a reserved lot for permit parking by the commercial tenants, including their employees, and the residential tenants of the Square at the Lincoln Square Site (collectively, the “**Permittees**”), subject, however, to the reserved right of the City to permit the use of Lot 10-X for an open-air market on any Saturday during the months of April to November, inclusive, in each year during the Term of this Agreement.

c. Lot 24 shall be operated as a reserved lot and made available for 100 parking spaces for permit parking by the Permittees of the Square at the Lincoln Square Site subject, however, to the reserved right of the City to relocate the availability of any such parking to any other parking lot owned or controlled by the City within a one-block radius of the area bounded by Elm Street to the north, Vine Street to the east, Illinois Street to the south and Race Street to the west (the “**Adjacent Parking Lots**”).

Section 2.2. No Charge. Except for any parking meter revenues derived in connection with any parking meters on Lot 10-A North and the payments provided to be made by the Square under Article IV of this Agreement, the City agrees that it will not impose upon the Square or any of its Permittees any other direct fee, charge, tax, assessment or other payment for the parking of motor vehicles upon the Parking Area, or for

any repair, maintenance, improvement or restoration of the Parking Facilities or for any other reason relating to the Parking Area or Parking Facilities.

The thrust of these requirements is that the parking in the city-owned lots surrounding the New Lincoln Square will be available only for customers and tenants of Lincoln Square, with some exceptions. In order to implement these required changes, I suggest the following amendments to the Code of Ordinances, which are shown in strikethrough-underline format:

Sec. 23-177. Parking in certain municipal public parking lots~~10B~~ restricted to patrons, tenants, or jurors.

a) Lot 10-B. Parking in municipal public parking lot designated as 10-B is restricted to vehicles of patrons of the U.S. Postal Service facility located on the first floor of the Post Office building located at 202 South Broadway, while such persons are in the postal facility or going directly to or from their vehicles and the postal facility.

b) Lots 10-A (North), 10-A (South), 10-E (North), and 10-F.

(1) Except as set forth at subparagraph (b)(2) below, Parking in municipal public parking lots designated as 10-A (North), 10-A (South), 10-E (North), and 10-F is restricted to vehicles of the customers of commercial tenants of the Square at the Lincoln Square Site (consisting of the buildings located Lot 1 and Lot 10 of the Central Business Addition to the City of Urbana, Champaign County, Illinois), while such customers are in those commercial facilities or going directly to or from their vehicles and those commercial facilities.

(2) The restrictions set forth in subparagraph (b)(1) above shall not apply with respect to Lot 10-F on any Saturday and Sunday during the months of April to November, inclusive, on which the City of Urbana is using Lot-F for a City-sponsored event, nor shall they apply to persons serving as jurors who are parking in lot 10-F pursuant to properly issued and displayed permits and in accordance with the restrictions of such permits.

c) Lots 24, 10-E (South), and 10-X.

(1) Except as set forth at subparagraph (c)(2) below, parking in municipal public parking lots designated as 24, 10-E (South), and 10-X is restricted to vehicles of the commercial tenants, including their employees, and the residential tenants, of the Square at the Lincoln Square Site (consisting of the buildings located Lot 1 and Lot 10 of the Central Business Addition to the City of Urbana, Champaign County, Illinois), subject further to such person having and properly displaying a valid permit issued to that person and vehicle for parking in Lots 24, 10-E (South), and 10-X, and parking in accordance with any applicable time limits of such permit.

(2) The restrictions set forth in subparagraph (c)(1) above shall not apply with respect to Lot 10-X on any Saturday during the months of April to November, inclusive, on which the City of Urbana is using Lot-X for an open-air market.

The Code of Ordinances contains a section (23-249) regarding permit-only lots. In reviewing this provision, it was noted that the language seems to prohibit all parking in permit-only lots, even if the vehicle has a permit. A minor adjustment, as suggested below, can correct that.

Sec. 23-249. Unauthorized parking, permit only lot.

(a) It shall be unlawful for any person to cause a vehicle to be parked in any municipal parking lot posted as allowing parking by permit only, except when the person has and properly displays on the vehicle a permit validly issued to that person and vehicle and the vehicle is parked in accordance with all restrictions of the permit.

(b) Any person violating this section may, within seventy-two (72) hours of notice of said violation, pay as the penalty for, and in full satisfaction of

such violation, sums as set forth for such period in the schedule of fines established pursuant to section 1-10(j) of the Code of Ordinances and after seventy-two (72) hours, in like manner the sums set forth for such period in the schedule of fines established pursuant to section 1-10(j) of the Code of Ordinances. The failure of such person to make such payment within such seventy-two (72) hours shall render such person subject to the penalties provided in article XVI of this traffic code.

This Ordinance:
AMENDS the Code of Ordinances.

ORDINANCE NO. 2005-02-028

AN ORDINANCE FORMALIZING CITY PARKING LOT DESIGNATIONS
(Code Sections 23-195 and 23-25)

WHEREAS, the City of Urbana has for many years referred to its municipal parking lots by alpha-numeric designations, but has not formalized such designations by council action; and

WHEREAS, it is desirable to formalize those designations within the Urbana Local Traffic Code by adding a new section to the Code and a map as a separate Schedule R illustrating those lots; and

WHEREAS, Section 23-25 of the Urbana Local Traffic Code, which refers to the schedules in the Code, requires an updating to reflect that a Schedule Q has previously been added to the Code;

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

Section 1. That a new Section, Section 23-195, is hereby added to the Code of Ordinances of the City of Urbana, to read as follows:

Section 23-195. Designations of Municipal Parking Lots.

The Municipal Parking lots, at times referred to in this Code as Public Parking Lots, may be referred to by alpha-numeric designations as set forth in the attached schedule and map, which is incorporated into this ordinance by reference. The attached schedule and map shall be referred to as "Schedule R".

Section 2. That Section 23-25 of the Code of Ordinances is amended to delete the reference to schedule P and to add a reference to schedule R, so that section 23-25 shall read as follows:

Sec. 23-25. Schedules--Incorporation by reference.

Separate schedules of fines and fees, as well as Schedules A through R, referred to in this chapter, as established and from time to time amended by ordinance, are incorporated

into this chapter by reference, and are made part of this chapter. Copies of those schedules shall be maintained by the office of the city clerk, and shall be made available for public inspection and copying.

Section 3. The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities, and this Ordinance shall be in full force and effect from and after its passage and publication in accordance with Section 1-2-4 of the Illinois Municipal Code.

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called, of a majority of the members of the Council of the City of Urbana, Illinois, at a meeting of said 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

CERTIFICATE OF PUBLICATION IN PAMPHLET FORM

I, Phyllis Clark, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois.

I certify that on the _____ day of _____, _____, the corporate authorities of the City of Urbana passed and approved Ordinance No. _____, entitled "AN ORDINANCE FORMALIZING CITY PARKING LOT DESIGNATIONS", which provided by its terms that it should be published in pamphlet form.

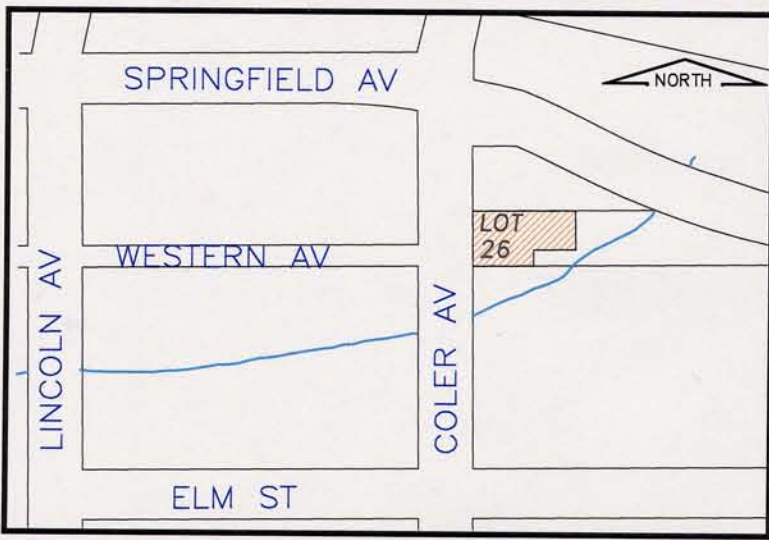
The pamphlet form of the Ordinance was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the _____ day of _____, _____, and continuing for at least ten (10) days thereafter. Copies of such Ordinance were also available for public inspection upon request at the Office of the City Clerk.

DATED at Urbana, Illinois, this _____ day of _____, _____.

(SEAL)

Phyllis Clark, CITY CLERK

SCHEDULE R



Showing locations and designations of municipal parking lots and municipal parking garage.

