

ADMINISTRATION

MEMORANDUM

TO:Bruce K. Walden, Chief Administrative OfficerFROM:William R. Gray, Public Works DirectorDATE:May 4, 2005RE:Partial Alley Vacation
East of Lincoln Avenue Between Church Street and Park Street

INTRODUCTION

The Carle Foundation Hospital has approached the City requesting that 3,341 square feet of the 12-foot alley bound by the block of Lincoln Avenue, Church Street, Park Street and Busey Avenue be vacated. (See attached map and Resolution No. 9899-R2.) In the proposed plans for the two-story Carle Spinal Center building, Carle Foundation Hospital is requesting the vacation of the east-west alley from Lincoln Avenue to 278.4 feet east of Lincoln Avenue to provide the needed space for their facility, parking, and landscaping.

The four non-Carle property owners have indicated in writing that they do not object to this partial alley vacation. (See "Petition to Vacate Alley.")

FISCAL IMPACTS

As part of the proposed plans for the Carle Spinal Center, the City would vacate 3,341 square feet of the alley. In return, Carle would dedicate 2,927 square feet of right-of-way along Church Street to the City of Urbana. This additional right-of-way dedication would be for intersection improvement at Church Street and Lincoln Avenue. In addition, Carle paid for the paving of the alley bound by Lincoln Avenue, Busey Avenue, University Avenue and Park Street, adjacent to the children's day care facility.

There would be no direct financial impacts to the City since Carle would be exchanging right-of-way and paving expenses for the alley vacation. The vacation would automatically have the land revert to the adjoining property owners (Carle) as useable land. This vacation of the alley would relinquish the City of any future maintenance and liability.

RECOMMENDATION

It is recommended that an ordinance be prepared authorizing the Mayor and Clerk to sign AN ORDINANCE PARTIALLY VACATING AN ALLEY (East of Lincoln Avenue Between Church Street and Park Street).

Attachments: Map

Resolution 9899-R2 Petition to Vacate Alley Ordinance Exhibit A: Plat of Alley Vacation Exhibit B: Plat of Dedication of ROW

> ADMINISTRATION • ARBOR • ENGINEERING • ENVIRONMENTAL MANAGEMENT EQUIPMENT SERVICES • OPERATIONS • PUBLIC FACILITIES

> > --printed on recycled and recyclable paper--





STELL

THEFE 1338333 133

City of Urbana **Public Works Department** Engineering Division Drawn by: BWF Date: 2/22/2005



ORDINANCE NO. 2005-05-065 AN ORDINANCE PARTIALLY VACATING AN ALLEY

{East of Lincoln Avenue Between Church Street and Park Street}

WHEREAS, Carle Foundation Hospital has submitted a request to the City of Urbana asking that the alley described below be vacated; and

WHEREAS, the vacation of the alley described herein will not materially impair access to any property owner; 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 alley sought herein to be vacated.

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

<u>Section 1.</u> 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:

SAID ALLEY PROPOSED TO BE VACATED BEING A PART OF THE SOUTHWEST QUARTER OF SECTION 8, TOWNSHIP 19 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, CITY OF URBANA, CHAMPAIGN COUNTY, ILLINOIS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT AN IRON PIPE SURVEY MONUMENT FOUND AT THE NORTHWEST CORNER OF LOT 2 OF A SUBDIVISION OF A PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 8, TOWNSHIP 19 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN AS FILED FOR RECORD IN BOOK "A" AT PAGE 120 IN THE OFFICE OF THE RECORDER OF CHAMPAIGN COUNTY, ILLINOIS SAID SURVEY MONUMENT ALSO BEING ON THE EAST RIGHT OF WAY OF LINCOLN AVENUE; THENCE NORTH 00 DEGREES 36 MINUTES 53 SECONDS WEST ALONG SAID EAST RIGHT-OF-WAY LINE OF LINCOLN AVENUE, A DISTANCE OF 12.00 FEET TO AN IRON PIPE SURVEY MONUMENT FOUND AT THE SOUTHWEST CORNER OF SAID LOT 1 OF SAID SUBDIVISION AND ON THE NORTH LINE OF AN ALLEY; THENCE NORTH 89 DEGREES 29 MINUTES 14 SECONDS EAST ALONG THE NORTH LINE OF SAID ALLEY, SAID LINE ALSO BEING THE SOUTH LINE OF LOT 1 OF SAID SUBDIVISION AND LOT "C" OF A SURVEY OF PART OF THE SOUTHWEST QUARTER OF SECTION 8, TOWNSHIP 19 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN AS FILED FOR RECORD IN BOOK "B" AT PAGE 45 IN THE OFFICE OF THE RECORDER OF CHAMPAIGN COUNTY, ILLINOIS, A DISTANCE OF 278.40 FEET TO AN IRON PIPE SURVEY MONUMENT FOUND AT THE EAST LINE OF THE EAST 60 FEET OF THE WEST 120 FEET OF SAID LOT "C"; THENCE SOUTH 00 DEGREES 37 MINUTES 58 SECONDS EAST, A DISTANCE OF 12.00 FEET TO AN IRON PIPE SURVEY MONUMENT FOUND ON THE SOUTH LINE OF SAID ALLEY, SAID LINE ALSO BEING THE NORTH LINE OF LOT 4 OF SAID SUBDIVISION; THENCE SOUTH 89 DEGREES 29 MINUTES 14 SECONDS WEST ALONG THE SOUTH LINE OF SAID ALLEY, SAID LINE ALSO BEING THE NORTH LINE OF LOTS 4,3,AND 2 OF SAID SUBDIVISION, A DISTANCE 278.40 FEET TO THE POINT OF BEGINNING, CONTAINING 3,340 SQUARE FEET, MORE OR LESS, ALL AS SHOWN ON THE ACCOMPANYING EXHIBIT A, 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 the Vacation Ordinance because the nature and extent of the public use or public interests in such alley is such as to warrant the vacation, especially when considering the relief to the public from further burden and responsibility of maintaining the alley right-of-way herein vacated.

Section 3. The title to the vacated right-of-way shall vest in the following adjacent parcel(s): PIN numbers 91-21-08-303-003, 91-21-08-303-004, 91-21-08-303-005, 91-21-08-303-006, 91-21-08-303-013, 91-21-08-303-016, 91-21-08-303-017, 91-21-08-303-018, 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. Section 4. 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 _____, ____,

Laurel Lunt Prussing, Mayor

RESOLUTION NO. 9899-R2

A RESOLUTION REVISING A PRIOR RESOLUTION REGARDING POLICY ON VACATION OF ALLEYS

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, that Resolution No. 7475-R19 is hereby repealed.

<u>Section 1.</u> <u>Residential Alleys.</u> Alleys upon which all abutting properties are zoned residential may be vacated without any monetary compensation to the City from the abutting owners unless the City Council determines that relieving the City of maintenance responsibilities is not sufficient compensation for such action, in which case the vacation of such alley may be made contingent upon payment to the City of the amount of compensation as determined by the City Council in accordance with the procedures set forth in Section 3 below.

Section 2. <u>Non-Residential Alleys.</u> Alleys which are not abutted upon one hundred percent (100%) by properties which are zoned for residential use, may be vacated upon payment to the City of the compensation calculated and determined as set forth in Section 3 below provided, however, the City Council may waive such compensation or give credit for other consideration flowing to the City.

Section 3. The procedure to be used in determining and calculating the amount of compensation to be paid to the City for the vacation of an alley shall be for the City to obtain at least one appraisal of the subject alley, but if a second appraisal is obtained by the City, then the average of both appraisals shall be used plus the appraisal fee(s) in arriving at the compensation to be paid to the City.

<u>Section 4.</u> No alley, however, shall be vacated if, in the judgment of the City Council, any abutting property owner would be deprived of reasonable access to their property.

PASSED by the City Council this <u>6th</u> day of July, 1998.

Clark, City Clerk

APPROVED by the Mayor this $\underline{9^{th}}$ day of July, 1998.

Tod Satterthwaite, Mayor

PETITION TO VACATE ALLEY

TO: City of Urbana 400 S. Vine Urbana, IL 61801

The undersigned hereby petition the City of Urbana to vacate the west portion of the 12 foot east-west alley running from Lincoln Avenue to Busey Avenue between Park Avenue and Church Street, all as shown on the attached Exhibit A.

The Carle Foundation states that it is the owner of each of the real estate tracts adjacent to the portion of the alley to be vacated. The Carle Foundation and the other undersigned owners are the owners of the real estate tracts adjacent to the portion of the alley that will not be vacated.

5,2005 Dated

THE CARLE FOUNDATION

Hazel B. Smith

809 W. Church St. Urbana, IL 61801

- what

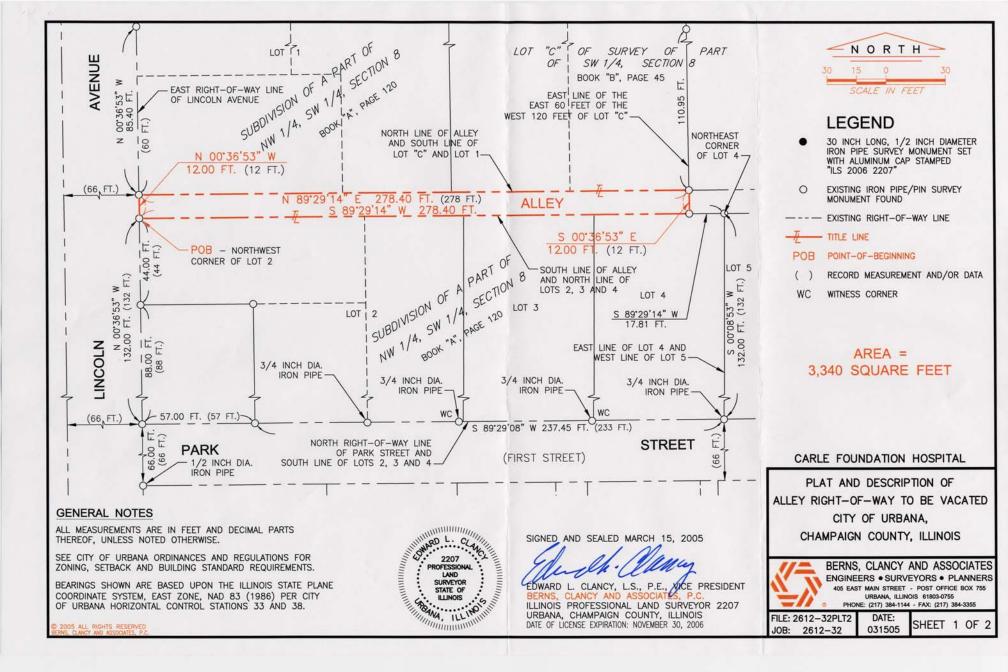
Janardán Kukreti 807 W. Church St. Urbana, IL 61801

inalte

Eartha McDaniel 803 W. Church St. Urbana, IL 61801

nna Ánna Stansbury

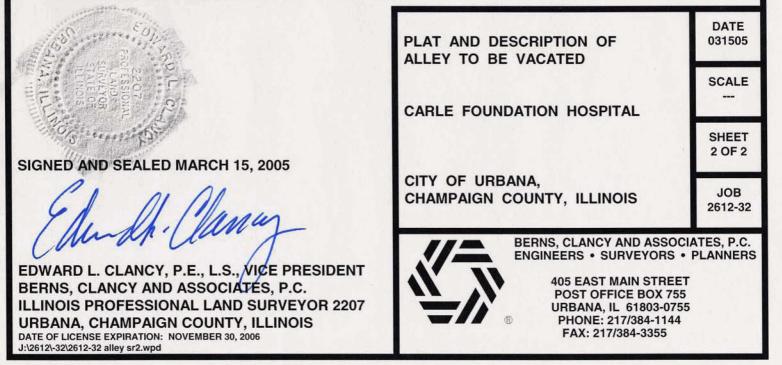
605 N. Busey Ave. Urbana, IL 61801

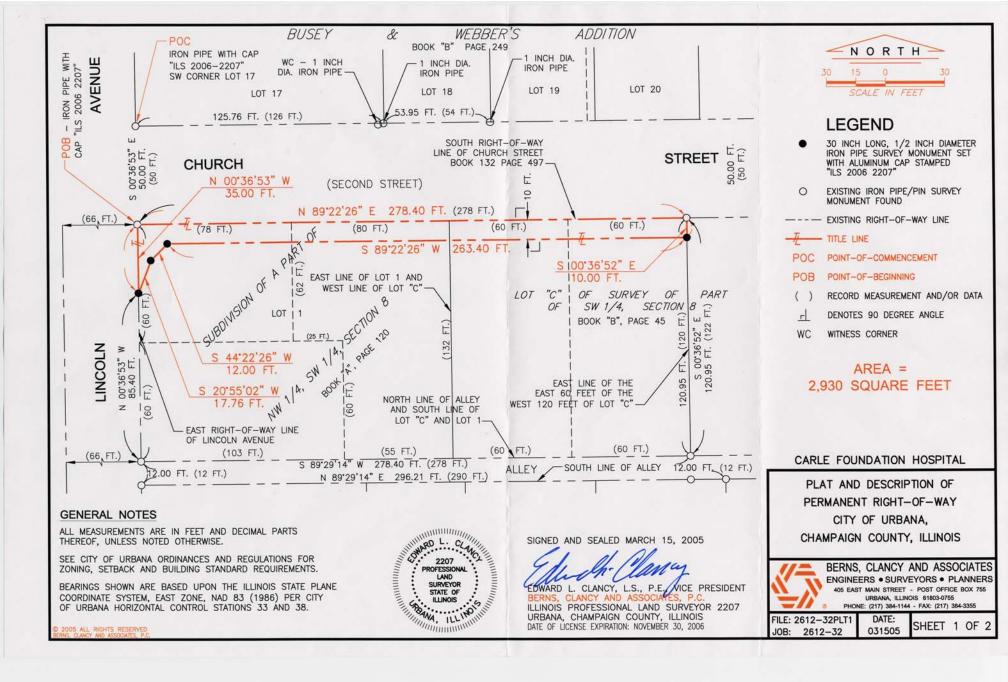


SURVEYOR'S REPORT

I, EDWARD L. CLANCY, ILLINOIS PROFESSIONAL LAND SURVEYOR 2207 AND VICE PRESIDENT OF BERNS, CLANCY AND ASSOCIATES, P.C. DO HEREBY STATE THAT AT THE REQUEST OF AND FOR THE EXCLUSIVE BENEFIT OF **THE CITY OF URBANA**, I PREPARED THE FOLLOWING PLAT AND DESCRIPTION OF AN ALLEY PROPOSED TO BE VACATED BY **THE CITY OF URBANA**, CHAMPAIGN COUNTY, ILLINOIS, SAID ALLEY PROPOSED TO BE VACATED BEING A PART OF THE SOUTHWEST QUARTER OF SECTION 8, TOWNSHIP 19 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, CITY OF URBANA, CHAMPAIGN COUNTY, ILLINOIS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIPE SURVEY MONUMENT FOUND AT THE NORTHWEST CORNER OF LOT 2 OF A SUBDIVISION OF A PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 8, TOWNSHIP 19 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN AS FILED FOR RECORD IN BOOK "A" AT PAGE 120 IN THE OFFICE OF THE RECORDER OF CHAMPAIGN COUNTY. ILLINOIS SAID SURVEY MONUMENT ALSO BEING ON THE EAST RIGHT OF WAY OF LINCOLN AVENUE; THENCE NORTH 00 DEGREES 36 MINUTES 53 SECONDS WEST ALONG SAID EAST RIGHT-OF-WAY LINE OF LINCOLN AVENUE, A DISTANCE OF 12.00 FEET TO AN IRON PIPE SURVEY MONUMENT FOUND AT THE SOUTHWEST CORNER OF SAID LOT 1 OF SAID SUBDIVISION AND ON THE NORTH LINE OF AN ALLEY; THENCE NORTH 89 DEGREES 29 MINUTES 14 SECONDS EAST ALONG THE NORTH LINE OF SAID ALLEY, SAID LINE ALSO BEING THE SOUTH LINE OF LOT 1 OF SAID SUBDIVISION AND LOT "C" OF A SURVEY OF PART OF THE SOUTHWEST QUARTER OF SECTION 8. TOWNSHIP 19 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN AS FILED FOR RECORD IN BOOK "B" AT PAGE 45 IN THE OFFICE OF THE RECORDER OF CHAMPAIGN COUNTY, ILLINOIS, A DISTANCE OF 278.40 FEET TO AN IRON PIPE SURVEY MONUMENT FOUND AT THE EAST LINE OF THE EAST 60 FEET OF THE WEST 120 FEET OF SAID LOT "C"; THENCE SOUTH 00 DEGREES 36 MINUTES 53 SECONDS EAST, A DISTANCE OF 12.00 FEET TO AN IRON PIPE SURVEY MONUMENT FOUND ON THE SOUTH LINE OF SAID ALLEY, SAID LINE ALSO BEING THE NORTH LINE OF LOT 4 OF SAID SUBDIVISION; THENCE SOUTH 89 DEGREES 29 MINUTES 14 SECONDS WEST ALONG THE SOUTH LINE OF SAID ALLEY, SAID LINE ALSO BEING THE NORTH LINE OF LOTS 4, 3, AND 2 OF SAID SUBDIVISION, A DISTANCE OF 278.40 FEET TO THE POINT OF BEGINNING, CONTAINING 3,340 SQUARE FEET, MORE OR LESS, ALL AS SHOWN ON THE ACCOMPANYING PLAT, ALL SITUATED IN THE CITY OF URBANA, CHAMPAIGN COUNTY, ILLINOIS.





SURVEYOR'S REPORT

I, EDWARD L. CLANCY, ILLINOIS PROFESSIONAL LAND SURVEYOR 2207 AND VICE PRESIDENT OF BERNS, CLANCY AND ASSOCIATES, P.C. DO HEREBY STATE THAT AT THE REQUEST OF AND FOR THE EXCLUSIVE BENEFIT OF **THE CITY OF URBANA**, I PREPARED THE FOLLOWING PLAT AND DESCRIPTION OF PERMANENT RIGHT-OF-WAY PROPOSED TO BE GRANTED TO **THE CITY OF URBANA, CHAMPAIGN COUNTY, ILLINOIS**, SAID PROPOSED PERMANENT RIGHT-OF-WAY BEING A PART OF THE SOUTHWEST QUARTER OF SECTION 8, TOWNSHIP 19 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, CITY OF URBANA, CHAMPAIGN COUNTY, ILLINOIS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT AN IRON PIPE SURVEY MONUMENT FOUND AT THE SOUTHWEST CORNER OF LOT 17 OF BUSEY AND WEBBER'S ADDITION AS FILED FOR RECORD IN BOOK "B" AT PAGE 249 IN THE OFFICE OF THE RECORDER OF CHAMPAIGN COUNTY, ILLINOIS; THENCE SOUTH 00 DEGREES 36 MINUTES 53 SECONDS EAST, A DISTANCE OF 50.00 FEET TO AN IRON PIPE SURVEY MONUMENT FOUND AT THE SOUTHWEST CORNER OF CHURCH STREET RIGHT-OF-WAY AS FILED FOR RECORD IN BOOK 132 AT PAGE 497 IN THE OFFICE OF THE RECORDER OF CHAMPAIGN COUNTY, ILLINOIS FOR THE POINT OF BEGINNING SAID CORNER ALSO BEING ON THE EASTERLY RIGHT OF WAY OF LINCOLN AVENUE; THENCE NORTH 89 DEGREES 22 MINUTES 26 SECONDS EAST ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID CHURCH STREET, A DISTANCE OF 278.40 FEET TO AN IRON PIPE SURVEY MONUMENT FOUND ON THE EAST LINE OF THE EAST 60 FEET OF THE WEST 120 FEET OF LOT "C" OF A SURVEY OF PART OF THE SOUTHWEST QUARTER OF SECTION 8, TOWNSHIP 19 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN AS FILED FOR RECORD IN BOOK "B" AT PAGE 45 IN THE OFFICE OF THE RECORDER OF CHAMPAIGN COUNTY. ILLINOIS: THENCE SOUTH 00 DEGREES 36 MINUTES 52 SECONDS EAST ALONG THE EAST LINE OF THE EAST 60 FEET OF THE WEST 120 FEET OF SAID LOT "C", A DISTANCE OF 10.00 FEET TO AN IRON PIPE SURVEY MONUMENT SET; THENCE SOUTH 89 DEGREES 22 MINUTES 26 SECONDS WEST, PARALLEL WITH AND 10 FEET SOUTH OF THE RIGHT-OF-WAY LINE OF SAID CHURCH STREET, A DISTANCE OF 263.40 FEET TO AN IRON PIPE SURVEY MONUMENT SET; THENCE SOUTH 44 DEGREES 22 MINUTES 26 SECONDS WEST, A DISTANCE OF 12.00 FEET TO AN IRON PIPE SURVEY MONUMENT SET; THENCE SOUTH 20 DEGREES 55 MINUTES 02 SECONDS WEST, A DISTANCE OF 17.76 FEET TO AN IRON PIPE SURVEY MONUMENT SET ON THE EAST RIGHT-OF-WAY LINE OF SAID LINCOLN AVENUE; THENCE NORTH 00 DEGREES 36 MINUTES 53 SECONDS WEST ALONG THE EAST RIGHT-OF-WAY LINE OF SAID LINCOLN AVENUE, A DISTANCE OF 35.00 FEET TO THE POINT OF BEGINNING, CONTAINING 2,930 SQUARE FEET, MORE OR LESS, ALL AS SHOWN ON THE ACCOMPANYING PLAT, ALL SITUATED IN THE CITY OF URBANA, CHAMPAIGN COUNTY, ILLINOIS.

SIGNED AND SEALED MARCH 15, 2005

680

orch. ()

EDWARD L. CLANCY, P.E., L.S., VICE PRESIDENT BERNS, CLANCY AND ASSOCIATES, P.C. ILLINOIS PROFESSIONAL LAND SURVEYOR 2207 URBANA, CHAMPAIGN COUNTY, ILLINOIS DATE OF LICENSE EXPIRATION: NOVEMBER 30, 2006 J:\2612\-32\2612-32 row sr3.wpd

