



MEMORANDUM

TO: Bruce K. Walden, Chief Administrative Officer
FROM: William R. Gray, Public Works Director
DATE: March 9, 2006
RE: Street Vacation
Courtesy Road between Broadway Avenue and Vine Street

INTRODUCTION

Bear Properties, LLC. and Star Uniforms, LLC. have approached the City of Urbana requesting that portions of Courtesy Road, totaling approximately .435 acres, be vacated. This request and the City's commitment were formalized in a development agreement between Bear Properties, LLC. and the City.

Specifically, Bear Properties, LLC. has requested the vacation of approximately 8,706 square feet of Courtesy Road (formerly Park Street), described as Tract 2, to continue with the proposed plans for redevelopment of the Gill property. (See attached Exhibit A.) Star Uniforms, LLC. has requested the vacation of approximately 10,249.9 square feet of Courtesy Road (formerly Cunningham Avenue), described as Tract 1, to remodel the existing building for retail sale of medical uniforms.

A public hearing was held on Monday, February 27, 2006 to present plans for the redevelopment and the proposed vacation. No one spoke in opposition to this action.

FISCAL IMPACTS

As outlined in the amended Gill Agreement, which was approved by City Council on December 19, 2005, the vacation of Courtesy Road will allow the redevelopment of the area by providing the necessary area for parking needs. As a result of the vacation, this area will become taxable property.

RECOMMENDATIONS

It is recommended that an ordinance be approved authorizing the Mayor and the City Clerk to sign AN ORDINANCE VACATING A PORTION OF COURTESY ROAD (East of Broadway Avenue).

Attachments

ORDINANCE NO. 2006-03-030

AN ORDINANCE VACATING A PORTION OF COURTESY ROAD, EAST OF BROADWAY AVENUE

WHEREAS, the City entered into a development agreement with Bear Properties, LLC, which agreement was approved by the Urbana City Council on January 18, 2005 in Ordinance No. 2005-01-009; and

WHEREAS, as part of the agreement to redevelop the area in and around the area where the portions of right-of-way herein vacated are situated, the City agreed to vacate the said right-of-way and waived an agreed value of the vacated right-of-way (Section 3.2(b)) as part of the incentives provided by the City; and

WHEREAS, Bear Properties, LLC owns the property (identified herein as PIN 91-21-08-460-003) abutting the southeasterly portion of the right-of-way herein vacated; and

WHEREAS, Star Uniforms LLC purchased from Bear Properties LLC and presently owns the property (identified herein as PIN 91-21-08-459-005) abutting the northwesterly portion of the right-of-way herein vacated; and

WHEREAS, the vacation of the right-of-way provided herein shall not impair access to any property other than properties owned by Bear Properties, LLC and Star Uniforms LLC; and

WHEREAS, Bear Properties LLC and Star Uniforms LLC have requested that title to the vacated rights-of-way be transferred and conveyed as set forth in this Ordinance;

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 27th day of February, 2006, 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 5th day of February, 2006, 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 6th day of February, 2006.

NOW, THEREFORE, BE IT ORDAINED:

Section 1. That the following described portions of Lot 1 of Tract 1 and Lot 1 of Tract 2 are hereby vacated, such having been determined to be no longer required by the City of Urbana for street right-of-way purposes and thus, the public interest shall be subserved by vacating the same:

Tract 1:

A part of Lot 1 of a Subdivision of the Southwest Quarter of the Southeast Quarter of Section 8, Township 19 North, Range 9 East of the Third Principal Meridian, as shown on survey recorded in Deed Record 18, Page 246, described as follows:

Beginning at the intersection of the North line of the Norfolk Southern Railroad, formerly New York Central R.R. (P and E Div.) right-of-way with the East Right-of-Way line of Broadway Avenue in the City of Urbana, Illinois; proceed North 00° 49' 03" East along said East Right-of-Way line of Broadway Avenue a distance of 5.16 feet to the South line of Courtesy Road, formerly Cunningham Avenue to the True Point of Beginning; thence North 52° 53' 29" East along the South line of Courtesy Road, formerly Cunningham Avenue a distance of 300.58 feet to the South line of a public street known as Courtesy Road, formerly Park Street; thence North 18° 37' 48" West 36.91 feet to the Southerly line of the Northerly 25.00 feet of Courtesy Road, formerly Cunningham Avenue vacated by Document No. 84R6502 recorded April 25, 1984 in Book 1358 at Page 413 in the Champaign County Recorder's Office; thence South 52° 53' 29" West 285.02 feet along said Southerly line to the East right-of-way line of Broadway Avenue; thence South 00° 49' 03" West 44.38 feet along a Southerly extension of said East right-of-way line to the True Point of Beginning, encompassing 0.235 acres in Champaign County, Illinois.

Tract 2:

A part of Lot 1 of a Subdivision of the Southwest Quarter of the Southeast Quarter of Section 8, Township 19 North, Range 9 East of the Third Principal Meridian, as shown on survey recorded in Deed Record 18, Page 246, described as follows:

Beginning at the intersection of the North line of the Norfolk Southern Railroad, formerly New York Central R.R. (P and E Div.) right-of-way with the East Right-of-Way line of Broadway Avenue in the City of Urbana, Illinois; proceed North $00^{\circ} 49' 03''$ East along said East Right-of-Way line of Broadway Avenue a distance of 5.16 feet to the South line of Courtesy Road, formerly Cunningham Avenue; thence North $52^{\circ} 53' 29''$ East along the South line of Courtesy Road, formerly Cunningham Avenue a distance of 300.58 feet to the South line of a public street known as Courtesy Road, formerly Park Street being the True Point of Beginning; thence North $78^{\circ} 03' 48''$ East along the South line of Courtesy Road, formerly Park Street a distance of 134.50 feet to the Northwest corner of property deeded to Royce E. Clark; thence North $01^{\circ} 11' 23''$ East parallel with Vine Street along the Northerly extension of the West line of the Clark and Herbert B. Marett properties a distance of 61.21 feet; to the Northerly right-of-way of Courtesy Road, formerly Park Street: thence South $77^{\circ} 57' 06''$ West 163.33 feet to the Northeasterly corner of the Northerly 25.00 feet of Courtesy Road, formerly Cunningham Avenue vacated by Document No. 84R 6502 recorded April 25, 1984 in Book 1358 at Page 413 in the Champaign County Recorder's Office; thence South $37^{\circ} 06' 31''$ East to the Southeast corner of said vacated 25.00 feet strip; thence South $18^{\circ} 37' 48''$ East 36.91 feet to the True Point of Beginning, encompassing 0.200 acres in Champaign County, Illinois.

Section 2. The vesting of title in the portion of the right-of-way so vacated in the abutting property owner or owners shall be subject to an easement to all public utilities, their successors and assigns to operate, maintain, renew and reconstruct their facilities affected by this vacation as now operated and maintained in, over and under the portion of the right-of-way vacated unless the said abutting property owner or owners shall compensate the said utilities for such reasonable expense as shall be incurred by said utilities in connection with the rearrangement, removal or relocation of said facilities.

Section 3. The right-of-way herein vacated shall attach to and become a part of the parcel numbers identified by: (a) Tract 1 - Courtesy Road

(formerly Cunningham Avenue) - 91-21-08-459-005; and (b) Tract 2 - Courtesy Road (formerly Park Street) - 91-21-08-460-003.

Section 4. This Ordinance shall be effective immediately upon its passage by the City Council and approval by the Mayor of the City of Urbana, Illinois.

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called, of a three-fourth's (3/4th's) vote of the members of the Council of the City of Urbana, Illinois, at a regular meeting of said 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

LEGAL DESCRIPTION

A part of Lot 1 of a Subdivision of the Southwest Quarter of the Southeast Quarter of Section 8, Township 19 North, Range 9 East of the Third Principal Meridian, as shown on survey recorded in Deed Record 18, Page 246, described as follows:

PARCEL 1

Commencing at the Northeast corner of the Southwest Quarter of the Southeast Quarter of Section 8, Township 19 North, Range 9 East of the Third Principal Meridian, running South along the East line of said Southwest Quarter of the Southeast Quarter of Section 8, 287.31 feet to the South line of road, thence running Southwesterly along the South line of said road with an angle to the right of 101 Degrees 52 Minutes, 50.16 Feet to the West line of State Aid Route 2 extension or widened Vine Street; thence Southerly, along West line of Right of Way of Vine Street, to a point 150 feet North of the North Right of Way line of Norfolk Southern Railroad, formerly Peoria & Eastern (Big Four) Railroad for a True Point of Beginning; thence Southerly, along the West line of the Right of Way of Vine Street, to the North Right of Way line of Norfolk Southern Railroad, formerly Peoria & Eastern (Big Four) Railroad; thence Westerly along said Right of Way line on a tangent a distance of 24 feet; continuing thence Westerly along said Right of Way line with a curve to the right with a radius of 17,153 feet a distance of 176 feet; thence North parallel with the West Right of Way line of Highway and Vine Street, 135 feet; thence Easterly in a straight line to the Place of Beginning.

PARCEL 2

Also, beginning at the intersection of the North line of the Norfolk Southern Railroad, formerly New York Central R.R. (P and E Div.) Right of Way with the East line of Broadway in the City of Urbana, Illinois; thence North along the East line of Broadway Avenue a distance of 5.16 feet to the South line of Courtesy Road, formerly Cunningham Avenue; thence Northeasterly along the South line of Courtesy Road, formerly Cunningham Avenue a distance of 300.58 feet to the South line of a public street known as Courtesy Road, formerly Park Street; thence Northeasterly along the South line of Courtesy Road, formerly Park Street a distance of 134.5 feet to the Northwest corner of property deeded to Royce E. Clark; thence South parallel with Vine Street along the West line of the Clark and Herbert B. Maret properties a distance of 252.1 feet to the North line of said railroad Right of Way; thence Northwesterly around a curve to the right of the North line of said railroad Right of Way a distance of 369.6 feet to the Place of Beginning;

All situated in Champaign County, Illinois

And also

PARCEL 3

A tract of land in the Northeast Quarter of the Southwest Quarter of the Southeast Quarter of Section 8, Township 19 North, Range 9 East of the Third Principal Meridian, Champaign County, Illinois and being part of Lot "H" in Belle Barr Second Survey, as recorded in Plat Book "M", Page 14 in the Champaign County Recorder's Office and also being a vacated part of Courtesy Road, formerly Cunningham Avenue, Urbana, Illinois, the boundary of which is described as follows:

Beginning at the point of intersection of the East Right of Way line of Broadway Avenue, Urbana, Illinois and a Northerly line of said Lot "H", proceed North 79° 20' 55" East along said Northerly line, 56.36 feet to a corner on said Northerly line of Lot "H"; thence North 77° 10' 47" East along said Northerly line of Lot "H", 77.64 feet to a corner on said Northerly line of Lot "H"; thence North 68° 08' 53" East along said Northerly line of Lot "H", 85.36 feet to the Northeast corner of said Lot "H"; thence South 37° 06' 31" East along a line being perpendicular to the Southerly line of said Lot "H", 25.00 feet; thence South 52° 53' 29" West along a line being parallel with said Southerly line of Lot "H", 285.02 feet to a Southerly extension of said East Right of Way line of Broadway Avenue; thence North 00° 49' 03" East along said Southerly extension of the East Right of Way line and along said East Right of Way, 132.49 feet to the Point of Beginning, encompassing 0.376 acres, more or less.

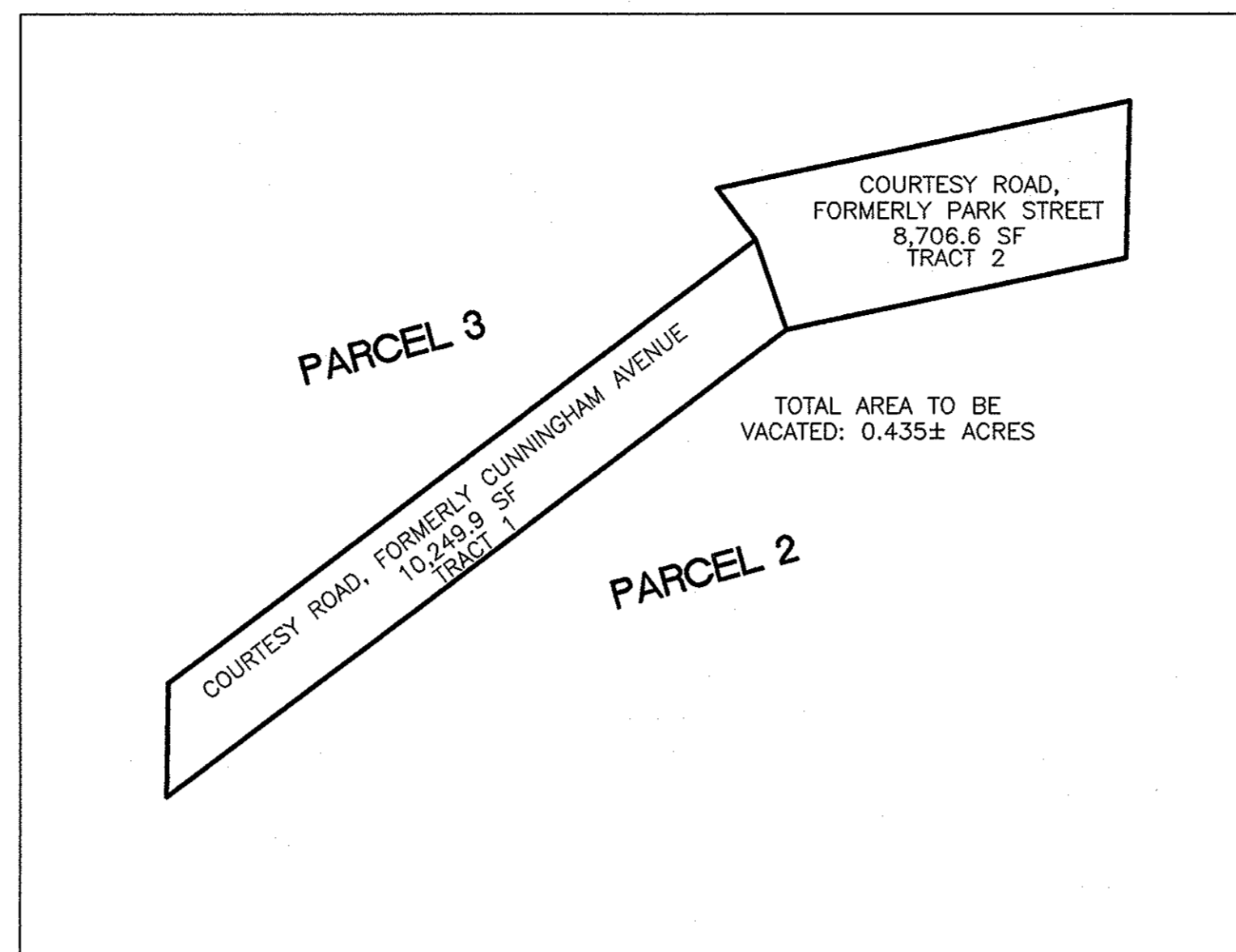
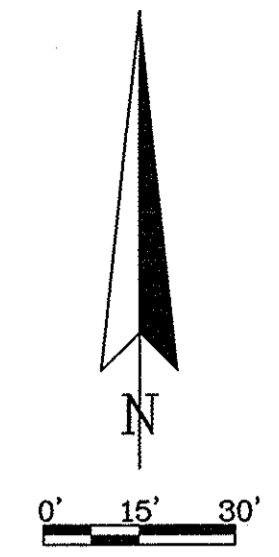


EXHIBIT "A"

PLAT MAP SHOWING PUBLIC RIGHT-OF-WAY VACATED BY CITY OF URBANA, ILLINOIS ORDINANCE No. _____ DATE: _____



LEGAL DESCRIPTION TRACT 1
COURTESY ROAD, FORMERLY CUNNINGHAM AVENUE VACATION
IN FAVOR OF PARCEL 3 OF EXHIBIT "A"

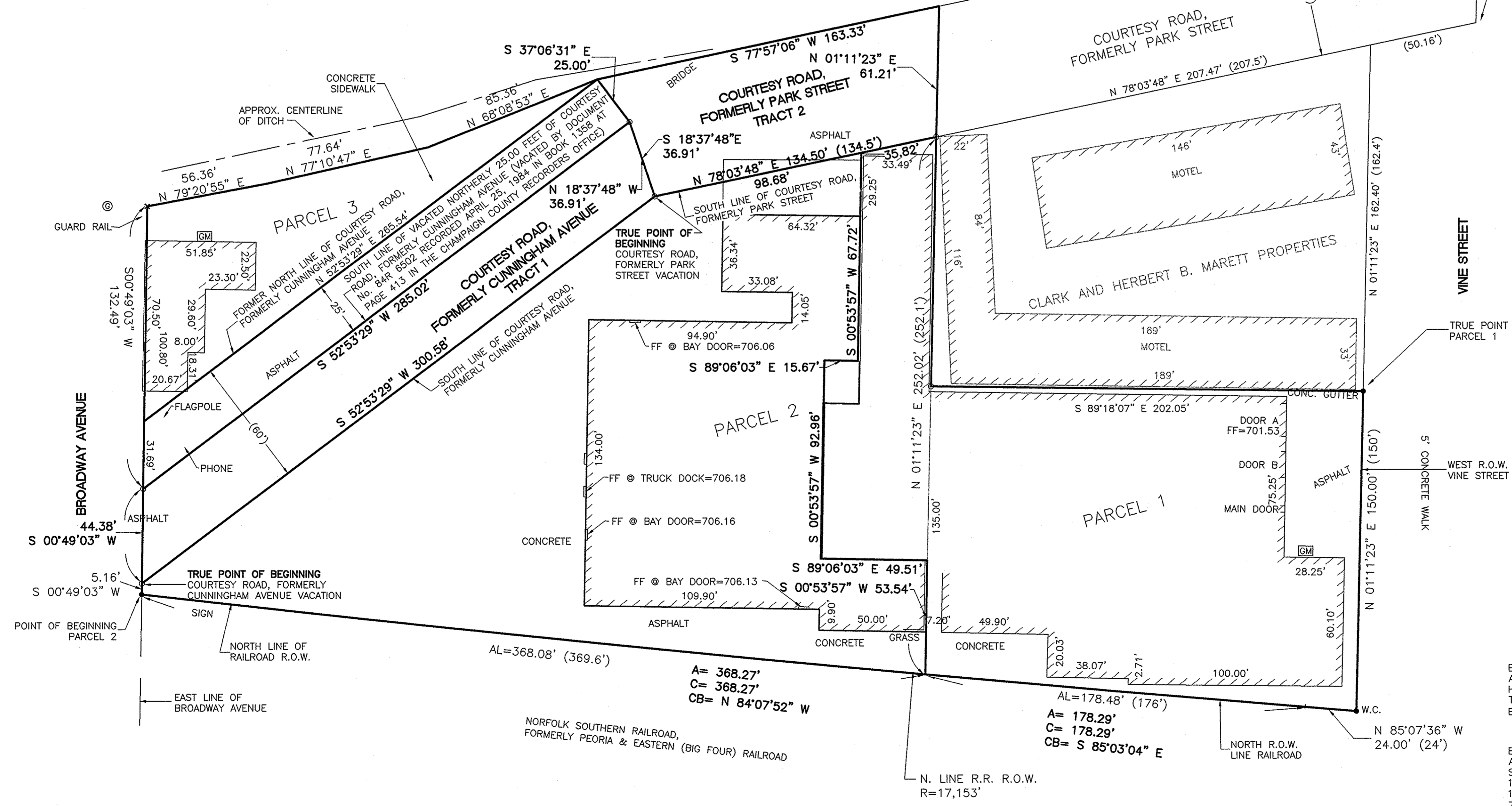
A part of Lot 1 of a Subdivision of the Southwest Quarter of the Southeast Quarter of Section 8, Township 19 North, Range 9 East of the Third Principal Meridian, as shown on survey recorded in Deed Record 18, Page 246, described as follows:

Beginning at the intersection of the North line of the Norfolk Southern Railroad, formerly New York Central R.R. (P and E Div.) right-of-way with the East Right-of-way line of Broadway Avenue in the City of Urbana, Illinois; proceed North 00° 49' 03" East along said East Right-of-way line of Broadway Avenue a distance of 5.16 feet to the South line of Courtesy Road, formerly Cunningham Avenue to the True Point of Beginning; thence North 52° 53' 29" East along the South line of Courtesy Road, formerly Cunningham Avenue a distance of 300.58 feet to the South line of a public street known as Courtesy Road, formerly Park Street; thence North 18° 37' 48" West 36.91 feet to the Southerly line of the Northerly 25.00 feet of Courtesy Road, formerly Cunningham Avenue vacated by Document No. 84R6502 recorded April 25, 1984 in Book 1358 at Page 413 in the Champaign County Recorder's Office; thence South 52° 53' 29" West 285.02 feet along said Southerly line to the East right-of-way line of Broadway Avenue; thence South 00° 49' 03" West 44.38 feet along a Southerly extension of said East right-of-way line to the True Point of Beginning, encompassing 0.235 acres in Champaign County, Illinois.

LEGAL DESCRIPTION TRACT 2
COURTESY ROAD, FORMERLY PARK STREET
VACATION IN FAVOR OF PARCEL 2 OF EXHIBIT "A"

A part of Lot 1 of a Subdivision of the Southwest Quarter of the Southeast Quarter of Section 8, Township 19 North, Range 9 East of the Third Principal Meridian, as shown on survey recorded in Deed Record 18, Page 246, described as follows:

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BENCHMARK:
A CHISELED SQUARE ON THE SOUTHWEST CORNER OF THE HEADWALL ON THE RAILROAD OVERPASS LOCATED SOUTH OF THE INTERSECTION OF VINE STREET AND UNIVERSITY AVENUE. ELEVATION=704.36 (NGVD)

BASE FLOOD ELEVATION (100-YR BFE):
A REVIEW OF THE F.E.M.A. FLOOD INSURANCE STUDY FOR THE CITY OF URBANA DATED JANUARY 16, 1981, COMMUNITY PANEL NUMBER 170035-0009B, INDICATES A 100-YR BFE OF 707.4 FEET (NGVD).

Job #04178
Date: 8/19/04
Revised: 12/7/05
1/20/06
1/17/06
Drawn By:
201 West Springfield, Suite 300,
Champaign, Illinois 61824-0140
Phone No. 217-352-6976
Expires: 4/30/2007

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