

ORDINANCE NO. 2007-09-098

AN ORDINANCE VACATING A PORTION OF BUSEY AVENUE BETWEEN  
UNIVERSITY AVENUE AND PARK STREET

WHEREAS, Carle Foundation owns all of the real property which abuts on both sides of that portion of Busey Street herein vacated; and

WHEREAS, Carle Foundation has requested such portion of Busey Street to be vacated; and

WHEREAS, the vacation of such portion of Busey Street will not impair access to any property other than that property owned by the Carle Foundation; and

WHEREAS, in accordance with the requirements of Section 2-160 of the Urbana City Code, a public hearing was held on the 13<sup>th</sup> day of August, 2007, 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 27<sup>th</sup> day of July, 2007, 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 27<sup>th</sup> day of July, 2007.

NOW, THEREFORE, BE IT ORDAINED:

Section 1. That the following described portion of Busey Street is 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:

A portion of the Busey Avenue (formerly Busey Street) Right-of-Way, in the Southwest Quarter of Section 8, Township 19 North, Range 9 East of the Third Principal Meridian, Champaign County, Illinois, more particularly described as follows:

All that part of the Busey Avenue (formerly Busey Street) Right-of Way, between the existing northerly Right-of-Way line of University Avenue (U. S. Routes 150 & 45) and the existing southerly Right-of-Way line of Park Street (formerly First Street), as shown on the plat of Simeon H. Busey's Addition to the City of Urbana, as recorded in Deed Record Book 26, at page 2 in the Office of the Recorder of Deeds, Champaign County, Illinois. Said Right-of-Way being sixty-six feet (66') in width.

Said tract containing 0.42 acres (18,216 square feet), more or less, all situated in the City of Urbana, 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 number identified by PIN #91-21-08-304-016, 91-21-08-304-019, 91-21-08-307-001 & 91-21-08-307-003.

Section 4. The City Council of the City of Urbana, Illinois, finds and determines that \$138,810 is the amount of money which is equal to the benefits which will accrue to the owners of the abutting properties by reason of this Vacation Ordinance; and this Ordinance shall not be effective until payment of such sum has been made to the Comptroller of the City of Urbana, Illinois.

Section 5. The City Clerk is directed to record a certified copy of this ordinance when the Comptroller advises the Clerk that the sum set forth in Section 4 has been received by the City. The recording of this Ordinance in the Office of the Recorder shall be proof that such payment has been made.

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called, of a three-fourth's (3/4<sup>th</sup>'s) vote of the alderpersons 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 \_\_\_\_\_,  
\_\_\_\_\_.

\_\_\_\_\_  
Laura Lunt Prussing, Mayor

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PLAT MAP SHOWING PUBLIC RIGHT-OF-WAY VACATED  
 BY CITY OF URBANA, ILLINOIS ORDINANCE NO. 2007-XX-XXX  
 DATE: September XX, 2007

City of Urbana  
 Public Works Department  
 Engineering Division

Drawn by: BWF  
 Checked by: WRG 8/29/2007

Date: 8/27/2007