



MEMORANDUM

TO: Mayor Laurel Lunt Prussing and Members of the City Council
FROM: William R. Gray, P.E.
DATE: November 6, 2008
RE: Carle Foundation Request to Vacate Busey Avenue Between
Park Street and Church Street

Introduction

The City of Urbana has received a request from the Carle Foundation to vacate Busey Avenue between Park Street and Church Street to accommodate plans to construct the Carle Campus Modernization Project previously referred to as the Heart and Vascular Institute. A presentation of this project was made before the Committee of the Whole on Monday, July 23, 2007. To date the City has previously vacated Coler Avenue between University Avenue and Church Street, Park Street between Lincoln Avenue and Coler Avenue, and one block of Busey Avenue between University Avenue and Park Street in the Medical Institutional Campus (MIC) area to accommodate these plans.

The Carle Foundation now owns all properties on both sides of Busey Avenue on this subject block. Per a previous appraisal, Carle Foundation would compensate the City \$126,190 for this vacation pending approval of the attached vacation ordinance.

All utility companies in the identified street area have been contacted and have provided areas where utility easements will remain. Carle Foundation is responsible for properly relocate such utilities at Carle Foundation's expense where their presence is in conflict with future construction plans.

A Public Hearing was held on Monday, October 27, 2008 at 7:00 p.m. and no comments were received.

Fiscal Impact

Per City policy appraisals were performed for this subject block. The appraised value of \$126,190 is proportional in area to the total appraised values for Busey Avenue between University Avenue and Church Street. These funds will be directed to the Economic Development Fund.

Recommendation

It is recommended that an Ordinance Vacating a Portion of Busey Avenue between Park Street and Church Street be approved.

ORDINANCE NO. 2008-11-132

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

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

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

WHEREAS, the vacation of such portion of Busey Avenue will not impair access to any property other than that property owned by 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 27th day of October, 2008, 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 8th day of October, 2008, 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 9th day of October, 2008.

NOW, THEREFORE, BE IT ORDAINED:

Section 1. That the following described portion of Busey Avenue 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 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 Right-of Way, between the existing northerly Right-of-Way line of Park Street (formerly First Street) and the existing southerly Right-of-Way line of Church Street (formerly Second Street), as shown on the plat of M. W. & G. W. Busey's Subdivision of Lot "D" and the West 396 feet of the South 67.4 feet of Lot "B" of S. H. Busey's Survey, as recorded in Plat Book "B", at page 120 in the Office of the Recorder of Deeds, Champaign County, Illinois. Said Right-of-Way being sixty feet (60') in width.

Said tract containing 0.38 acre (16,560 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 #91-21-08-303-011, 91-21-08-303-012, 91-21-08-303-024, 91-21-08-306-001 & 91-21-08-306-006.

Section 4. The City Council of the City of Urbana, Illinois, finds and determines that \$126,190.00 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 (3/4th'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

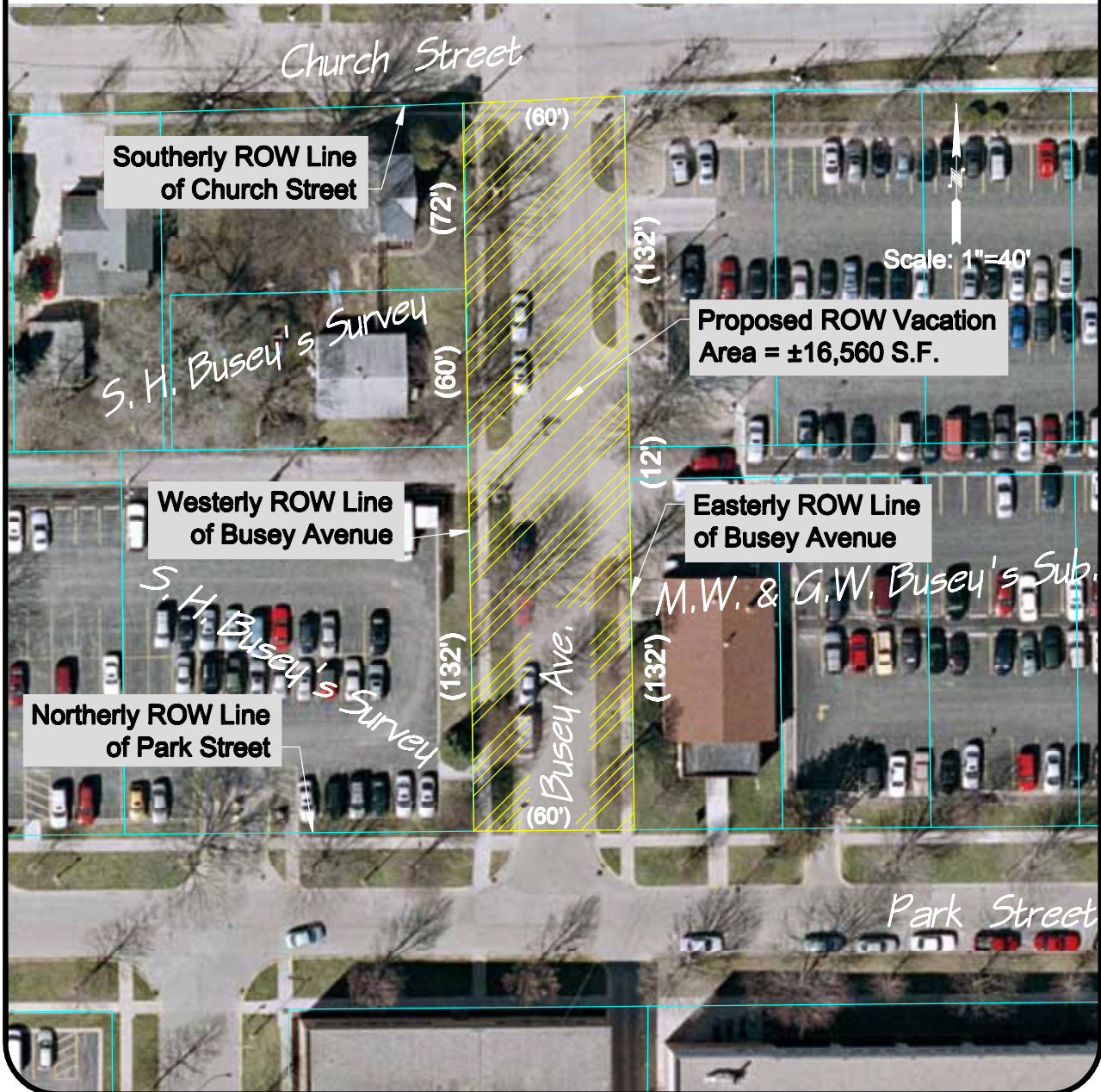
APPROVED by the Mayor this _____ day of _____,
_____.

Laura Lunt Prussing, Mayor

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PLAT MAP SHOWING PUBLIC RIGHT-OF-WAY VACATED
 BY CITY OF URBANA, ILLINOIS ORDINANCE NO. 2008-XX-XXX
 DATE: November XX, 2008

City of Urbana
 Public Works Department
 Engineering Division

Drawn by: BWF Date: 8/27/2007
 Checked by: WRG 8/29/2007 Revised: 11/8/2008

