



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Economic Development Division

m e m o r a n d u m

TO: Laurel Lunt Prussing, Mayor

FROM: Elizabeth H. Tyler, FAICP, Community Development Director

DATE: September 17, 2009

SUBJECT: **Ordinance Approving an Amendment to the Agreement with Champaign County for the Placement of a Newspaper Rack at the Champaign County Courthouse Site, Approved in Ordinance No. 2009-05-048**

Introduction and Background

On September 8, 2009, the Urbana City Council approved the purchase of a commercial newsrack to be placed on the Champaign County Courthouse plaza on Main Street to replace the existing newspaper racks on the corner of Elm Street and Broadway Avenue.

Prior to the direction stated above, the City had pursued the installation of a newsrack structure with a public art component. On May 18, 2009, an ordinance to approve an agreement with Champaign County for the Placement of a Newspaper Rack at the Champaign County Courthouse Site was approved. While the placement of the newspaper rack remains the same, the design of the rack is longer consistent with the design attached to the previously approved agreement. The attached Ordinance (Exhibit A) approves an Amendment to the Agreement with Champaign County for the Placement of a Newspaper Rack at the Champaign County Courthouse Site, Approved in Ordinance No. 2009-05-048. The amendment includes a revised draft agreement and newspaper rack design which is consistent with the September 8, 2009 City Council direction to purchase a commercial modular newspaper rack.

Discussion

Through coordination with Champaign County officials, and the Champaign County Facilities Committee, the City has come to a tentative agreement with the County on the placement and design of the newsrack. The agreed upon newsrack design is shown in the attached draft agreement (Exhibit B) and will be green in color.

The attached draft agreement describes the responsibilities of the City and the County in relation to the Newspaper Rack Project. As described, the County will allow the news rack to remain on the designated area of the County Courthouse property for a period of fifteen years. Should the parties desire to extend the term of this Agreement, they will do so in writing at least ninety days prior to the expiration of this term. Additionally, the County will not allow other news racks to be placed on the County Courthouse property. If any other news racks are placed on County Courthouse property, the County will promptly remove such news racks.

Pursuant to direction from City Council to purchase the commercial newspaper rack, staff is working with the artist of the Urbanastand concept to come to an agreement on the termination of the Urbanastand project.

Fiscal Impact

On September 8, 2009, the City Council approved an expenditure of \$4,000 for the purchase of the commercial modular newspaper rack.

Recommendations

Staff recommends that the Committee of the Whole forward the attached ordinance to the City Council's regular meeting on September 28, 2009 as presented with a recommendation for approval.

Prepared by:

Anna Hochhalter, Public Arts Coordinator

Attachments: Exhibit A: Draft Ordinance Approving an Amendment to an Agreement with the Champaign County for the Placement of a Newspaper Rack at the Champaign County Courthouse site, Approved on Ordinance No. 2009-05-048

 Exhibit B: Draft Agreement Between the County of Champaign and the City of Urbana Respecting the Placement of a "Courthouse" News Rack

ORDINANCE NO. 2009-09-104

AN ORDINANCE APPROVING AN AMENDMENT TO THE AGREEMENT WITH
CHAMPAIGN COUNTY FOR THE PLACEMENT OF A NEWSPAPER RACK LOCATED
AT THE CHAMPAIGN COUNTY COURTHOUSE SITE, APPROVED IN ORDINANCE
NO. 2009-05-048

WHEREAS, in Ordinance 2009-05-048, the Urbana City Council approved an agreement with the County of Champaign regarding the placement of a newspaper rack at the Champaign County Courthouse site, and

WHEREAS, when such agreement was approved by the parties, it was anticipated that the newspaper rack to be placed, would be of special design incorporating artistic features, and

WHEREAS, the cost of construction of the newspaper rack contemplated exceeded the budgeted costs, and thus the City has determined to place a less expensive news rack at the site previously agreed to.

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

Section 1. That the Agreement approved in ordinance 2009-05-048, if the County Board agrees to such, is hereby amended to read as set forth in the attachment.

Section 2. That the amendments to the agreement reflected in the attachment, shall become effective immediately upon the County Board approving them.

Section 3. That the Mayor of the City of Urbana, Illinois, be and the same is hereby authorized to execute and deliver and the City Clerk of the City of Urbana, Illinois, be and the same is authorized to attest to said execution of said Agreement as so authorized and approved for and on behalf of the City of Urbana, Illinois.

PASSED by the City Council this ____ day of _____, 2009.

AYES:

NAYS:

ABSTAINS:

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this ____ day of _____, 2009.

Laurel Lunt Prussing, Mayor

AN AGREEMENT BETWEEN THE COUNTY OF CHAMPAIGN
AND THE CITY OF URBANA RESPECTING THE PLACEMENT OF A
“COURTHOUSE” NEWS RACK

WHEREAS, as a result of cooperative efforts between the County of Champaign (hereinafter referred to as "County") and the City of Urbana (hereinafter referred to as "City"), the County was able to accomplish an architecturally impressive courthouse renovation in a setting of carefully considered streetscape treatment of the adjacent sidewalk right-of-way and the block bounded by Main Street, Vine Street, Elm Street, and Broadway Avenue, and,

WHEREAS, in addition, the City has spent considerable time and funds in an effort to beautify the downtown area ~~and has recently established a Public Arts Program to enhance the streetscape further~~, and,

WHEREAS, that the City has created a TIF District encompassing the downtown in an effort to revitalize the downtown, and,

WHEREAS, the parties recognize that the existing newspaper racks on the corner of Broadway Avenue and Elm Street present an unsightly appearance and pose a potential hazard due to their insecure installation which frequently impedes pedestrian traffic, and due to their location which frequently impedes vehicular traffic, and,

WHEREAS, the parties recognize that it is a convenience to the public to be able to purchase or acquire newspapers in the downtown area especially at the courthouse plaza block, and,

WHEREAS, the parties recognize that in consideration of these factors, it would be desirable for the City and County to cooperate in the design and placement of a more attractive and contained news rack as proposed by the City ~~Public Arts Program~~, and place it on the county property in the courthouse plaza block at a location that would not interfere with persons using the sidewalks or otherwise attending to matters in the courthouse.

THEREFORE the parties agree as follows:

1. That the City may place and maintain a news rack, utilizing the design recommended by the City ~~Newspaper Rack Project Selection Committee~~ as portrayed generally in Exhibit A attached to this Agreement, on the Northeast quadrant area of the County Courthouse property near the main entrance, subject to the prior approval of the Champaign County Sheriff's Office.

2. That the City working in conjunction with various vendors shall be solely responsible for what newspapers are displayed in the news rack, including the establishment and operation of whatever system is implemented for permission to display newspapers in the said news rack.

3. That the City shall be solely responsible for maintenance of the news rack,~~specifically including the artistic features of the news rack.~~

4. If a claim of a violation of a constitutional right because of or based upon the City policies which govern the use of the news rack is made, and the County, its officers, officials or employees or any of them are named as parties, the City agrees to undertake the legal defense against such claim by counsel satisfactory to the parties and indemnify the County, its officers, officials or employees for any judgment entered in court against them or any of them, based on such claim.

5. That the news rack shall be placed on the County Courthouse property in the designated area shown in Exhibit B at the completion of the Courthouse Masonry Stabilization Project, which the parties anticipate will be completed no later than ~~August 30, 2009~~ September 28, 2009. In addition, should the County have the need to engage in further restoration or maintenance of the County Courthouse property during the term of this Agreement, or any extension of this Agreement, if it becomes necessary to move the news rack for such work to be performed, the City shall remove the news rack to a temporary location during the project until it can be restored by the City to its original location on the County Courthouse property.

6. That the County shall allow the news rack to remain on the designated area of the County Courthouse property for a period of fifteen years. Should the parties desire to extend the term of this Agreement, they shall do so in writing at least ninety days prior to the expiration of this term.

7. That the County shall not allow other news racks to be placed on the County Courthouse property. If any other news racks are placed on County Courthouse property, the County shall promptly remove such news racks.

Dated this _____ day of ~~May~~ September, 2009.

COUNTY OF CHAMPAIGN

CITY OF URBANA

*C. PIUS WEIBEL
COUNTY BOARD CHAIR*

*LAUREL LUNT PRUSSING
MAYOR*

*Attested by: _____
Mark Shelden
County Clerk and ex-officio
Clerk of the Champaign
County Board*

*Attested by: _____
Phyllis Clark
City Clerk*



Modular Newsrack units by Rak Systems

Urbanastand Newsrack Project Proposal Figures

