



MEMORANDUM

TO: Mayor Laurel Lunt Prussing and Members of the Urbana City Council
FROM: William R. Gray, Public Works Director
DATE: April 7, 2011
RE: Vacation of Mulberry Alley between Lincoln Avenue and Busey Avenue
Acquisition of 909 North Lincoln Avenue

Introduction

Sightline Inc. represented by Marta J. Conway has petitioned to the City of Urbana requesting vacation of the subject alley. See attached Exhibit A. In exchange for vacating Mulberry Alley the petitioner is willing to convey to the city the property Sightline Inc. owns located at 909 North Lincoln Avenue. See attached Exhibit B. This land swap is of interest to both parties. The area south and east of Lincoln Avenue and University Avenue is owned by the petitioner. In the past several years there have been developers interested in acquiring this property exploring development of a hotel or other mixed uses. The city is supportive of exploring redevelopment of this area. One obstacle for redevelopment is contiguous land that is not interrupted with easements or public right-of-way. This alley vacation request would remove one of those obstacles. The city meanwhile would acquire a parcel that is adjacent to King Park. This parcel would help square of the southeast corner of the park. The city in turn would enter into a maintenance agreement with the Urbana Park District for the long term care of this parcel.

Attached please find the following:

- A signed Memorandum of Understanding
- A seven foot dedication of right-of-way for the property owned at 909 North Lincoln Avenue
- A deed conveying 909 North Lincoln Avenue to the City
- A draft of an Ordinance vacating Mulberry Alley

The appraised value of the 8026 square foot alley is \$50,000. The appraised value of the 19,602 square foot of 909 North Lincoln Avenue is \$85,000. In accordance with Resolution 9899-R2 regarding the City's policy of vacation of alleys the City is receiving more than just compensation for vacating this city property.

Fiscal Impact

The city by virtue of vacating this alley will reduce future maintenance and potential liability exposure. The vacation of this alley will also help stimulate redevelopment of this area which should enhance revenues to the governmental taxing bodies.

Recommendations

It is recommended that An Ordinance Vacating Mulberry Alley be approved.

MEMORANDUM OF UNDERSTANDING

Marta Conway is the President of Sightline Inc, (hereafter "Sightline") an Illinois corporation that is the Manager of Tekton Group LLC, Series Corner North. Marta Conway represents that she has authority to sign this Memorandum on behalf of Sightline Inc and Tekton Group LLC Series Corner North (hereafter "Tekton").

Tekton has petitioned the City of Urbana, Illinois (hereafter "City") to vacate Mulberry Alley between Lincoln Avenue and Busey Avenue in Urbana, Illinois and is willing to pay the City compensation for such by causing the conveyance to the City a parcel commonly known as 909 N. Lincoln Avenue in Urbana, Illinois (hereafter "909 N. Lincoln"). This Memorandum sets forth the agreement of Tekton, Sightline and the Director of Public Works on behalf of the City, on the timing of the vacation of Mulberry Alley between Lincoln Avenue and Busey Avenue in Urbana, Illinois, delivery of the Deed of Conveyance for 909 N. Lincoln, and the dedication of a portion of 909 N. Lincoln as a Right-of-Way.

Method of Proceeding If the City's Council passes the ordinance in substantially the form attached hereto, and the Mayor signs such, the Director of Public Works shall promptly cause to be recorded the duly executed ordinance vacating Mulberry Alley, the duly executed Deed of Conveyance of 909 N. Lincoln, and accept and cause to be recorded the duly executed Deed of Dedication, all of which are attached hereto as Exhibit A and incorporated herein by reference. Tekton and Sightline agrees to submit the above said Deeds duly signed by all necessary parties to the Director of Public Works, ten (10) days prior to the ordinance being submitted to the City Council. If the ordinance is not passed and signed by the Mayor, said Deeds will be promptly returned to Tekton.

Potholes The City agrees that it will fill all potholes in Mulberry Alley vacated as provided herein until such time as a building permit is issued for any parcel abutting on the vacated alley, but otherwise accepts no responsibility for maintenance of such.

Bill Gray
Bill Gray, Director of Public Works

Date: 3/30/11

Tekton Group LLC Series Corner North,
a series of an Illinois limited liability company

By: Sightline Inc, an Illinois corporation,
Its Manager

By: Marta Conway
Marta Conway, President

Date: 3/22/11

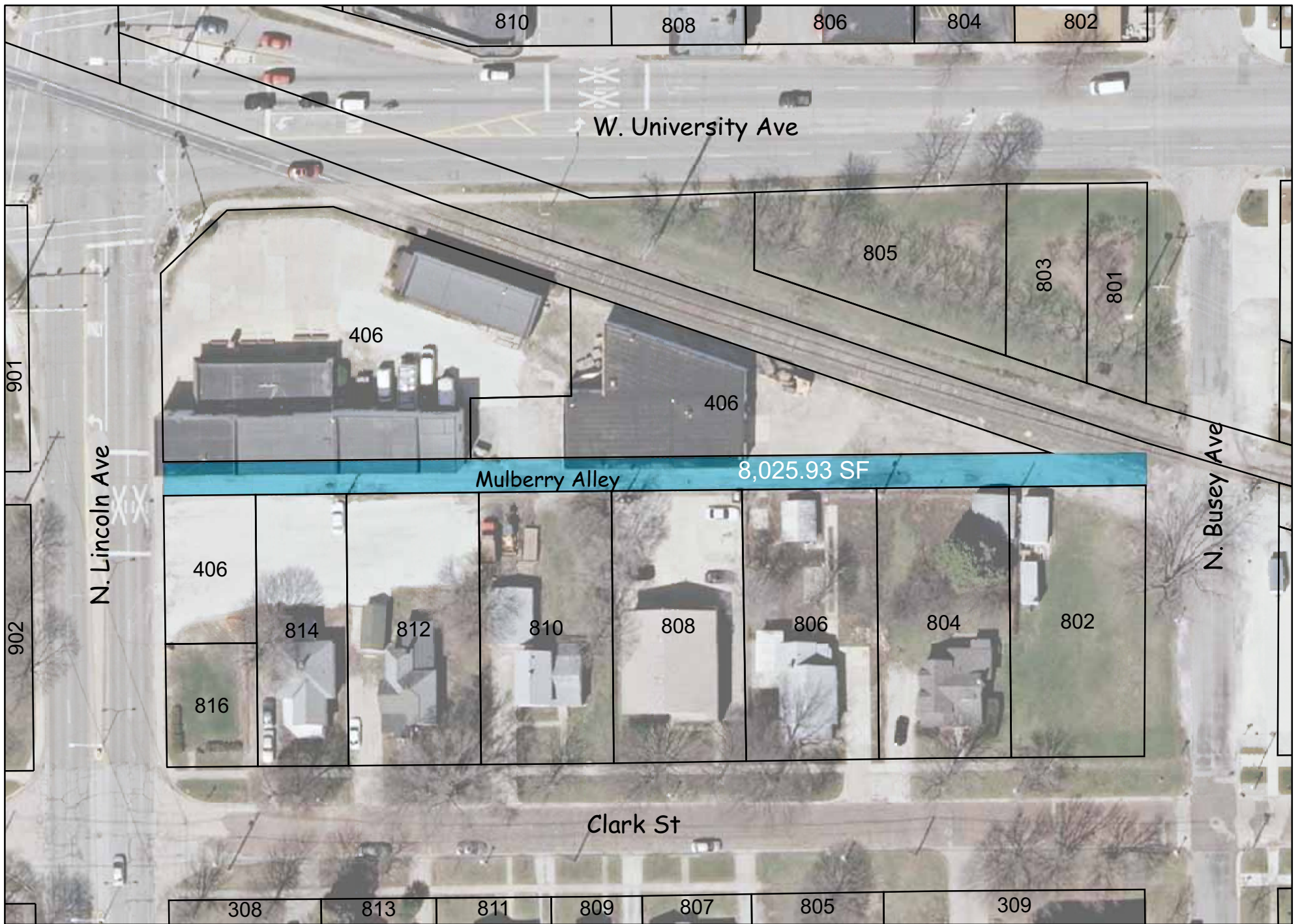


EXHIBIT A Mulberry Alley



STATE OF ILLINOIS
COUNTY OF CHAMPAIGN
CITY OF URBANA

DEDICATION OF RIGHT OF WAY FOR PUBLIC ROAD PURPOSES

THIS INDENTURE WITNESSETH, that the Grantor(s), HOWARD WAKELAND, CRAIG WAKELAND, JANE WAKELAND, BRIAN CONWAY and MARTA CONWAY of the City of Urbana, in Champaign County, Illinois, for and in consideration of the benefits resulting from the construction and maintenance of the public roadway herein referred to, and other good and valuable consideration, does by these presents, hereby grant, convey and dedicate to the City of Urbana, Illinois, a municipal corporation, for the purpose of a public right of way for public road purposes, a tract of land situated in the County of Champaign and State of Illinois, and described as follows:

A PART OF THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 19 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, CHAMPAIGN COUNTY, ILLINOIS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE EAST 7.00 FEET OF EVEN AND EQUAL WIDTH OF THE FOLLOWING DESCRIBED TRACT, BEING THE SAME TRACT AS DESCRIBED IN A WARRANTY DEED DATED AUGUST 18, 2003 AND RECORDED AUGUST 28, 2003 AS DOCUMENT NUMBER 2003R38851 IN THE OFFICE OF THE RECORDER OF DEEDS, CHAMPAIGN COUNTY, ILLINOIS, TO WIT;

A PART OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 19 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, SITUATED IN CHAMPAIGN COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS: BEGINNING 33 FEET WEST AND 745 FEET SOUTH OF THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 19 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, THENCE WEST ALONG A LINE PARALLEL TO AND 745 FEET SOUTH OF THE NORTH LINE OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 7 AFORESAID, A DISTANCE OF 435.6 FEET, THENCE SOUTH A DISTANCE OF 90 FEET, THENCE EAST A DISTANCE OF 435.6 FEET, THENCE NORTH A DISTANCE OF 90 FEET TO THE POINT OF BEGINNING, EXCEPT THE WEST 217.80 FEET THEREOF, ALL SITUATED IN CHAMPAIGN COUNTY, ILLINOIS,

SAID DEDICATION CONTAINING 630.00 S.F., ALL SITUATED IN THE CITY OF URBANA, CHAMPAIGN COUNTY, ILLINOIS AND BEING A PORTION OF PIN NUMBER 91-21-07-282-020, AND WHOSE COMMON ADDRESS IS 909 N. LINCOLN AVENUE, URBANA, ILLINOIS.

And the Grantor(s) and Grantee further, as a part of this dedication, agree that any City officials having authority as to public roadways, and its representatives, engineers, agents, contractors and employees are hereby authorized to enter into and take full and complete possession of the said tract;

IN WITNESS WHEREOF, the Grantor has hereunto set its hand and seal this 23rd day of March, ~~2010~~ 2011

Marta Conway
Howard Wakeland
Brian Conway

Jane Wakeland
G.H. Wabbe

STATE OF ILLINOIS)
) SS.
COUNTY OF CHAMPAIGN)

I, the undersigned, a Notary Public, in and for said County, in the State aforesaid, DO HEREBY CERTIFY that HOWARD WAKELAND, CRAIG WAKELAND, JANE WAKELAND, BRIAN CONWAY and MARTA CONWAY, the GRANTORS, and personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person and severally acknowledged that they signed and delivered the said instrument as their free and voluntary act, and as the free and voluntary act for the uses and purposes therein set forth.

Given under my hand and Notarial Seal this 23rd day of March, 2011.

Leslie G. Ervin
Notary Public

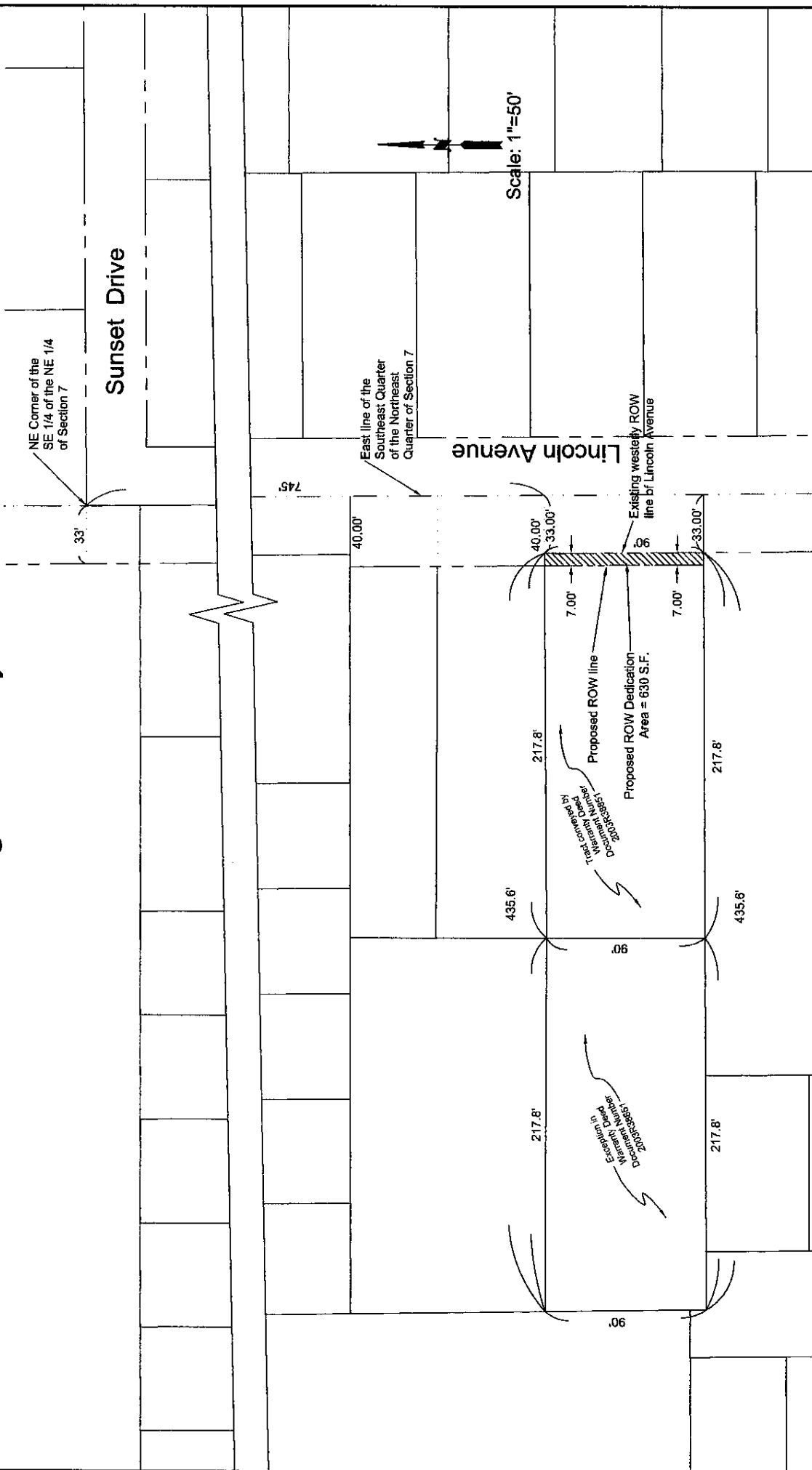


Prepared by & Return To:
Ben Fisher
Urbana Public Works
706 S. Glover Avenue
Urbana, IL 61802
(217) 384-2396

Dedication for right of way accepted by:

_____ DATE: _____
William R. Gray
Public Works Director/City Engineer

Plat of Right-of-Way Dedication



SPECIAL WARRANTY DEED

THE GRANTOR, HOWARD WAKELAND, a Married Person, of the City of Urbana, in the County of Champaign and State of Illinois, CRAIG WAKELAND and JANE WAKELAND, Individually and as Husband and Wife, of the City of Urbana, in the County of Champaign and State of Illinois, BRIAN CONWAY and MARTA CONWAY, Individually and as Husband and Wife, of the City of Champaign, in the County of Champaign and State of Illinois for and in consideration of TEN DOLLARS (\$10.00) and other good and valuable consideration in hand paid, GRANT, BARGAIN and SELL to the GRANTEE, CITY OF URBANA, of the County of Champaign and State of Illinois, all of Grantor's right, title and interest in and to the following described real estate:

A part of the Southeast quarter of the Northeast Quarter of Section 7, Township 19 North, Range 9 East of the Third Principal Meridian, situated in Champaign County, Illinois, described as follows:

Beginning 33 feet West and 745 feet South of the Northeast corner of the Southeast Quarter of the Northeast Quarter of Section 7, Township 19 North, Range 9 East of the Third Principal Meridian, thence West along a line parallel to and 745 feet South of the North line of the Southeast Quarter of the Northeast Quarter of Section 7 aforesaid, a distance of 435.6 feet, thence South a distance of 90 feet, thence East a distance of 435.6 feet, thence North a distance of 90 feet to the point of beginning, except the West 217.80 feet thereof, all situated in Champaign County, Illinois.

EXCEPT: the East 7.00 feet of even and equal width thereof.

Commonly known as 909 N. Lincoln Avenue, Urbana, Illinois.
Permanent Index Number 91-21-07-282-020.

Subject to encroachments, overlaps, boundary line disputes and any matters which would be disclosed by an accurate survey and inspection of the premises; easements, or claims of easements not shown by the public records; general real estate taxes for 2011 and subsequent years; covenants, easements, conditions and restrictions of record; road and highways, if any; drainage tiles, feeders, ditches and laterals, if any; all applicable zoning laws and ordinances; the

unexpired term of any existing lease; and acts done or suffered by, or judgments against the Grantee.

The property described herein and conveyed hereby is not homestead property pursuant to the laws of the State of Illinois.

To have and to hold, the above granted premises unto the said Grantee forever.

DATED THIS 23 day of March, 2011.

Howard Wakeland
HOWARD WAKELAND

Craig Wakeland
CRAIG WAKELAND

Jane Wakeland
JANE WAKELAND

Brian Conway
BRIAN CONWAY

Marta Conway
MARTA CONWAY

STATE OF ILLINOIS)
) SS
COUNTY OF CHAMPAIGN)

I, the undersigned, a Notary Public in and for said County and State aforesaid, do hereby certify that HOWARD WAKELAND personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that he signed, sealed and delivered the said instrument as his free and voluntary act for the uses and purposes therein set forth, including the waiver of the right of homestead.

Given under my hand and Notarial Seal this 23 day of March, 2011.

Leslie G. Ervin
Notary Public



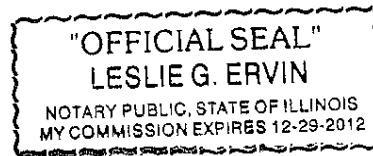
STATE OF ILLINOIS)
) SS
COUNTY OF CHAMPAIGN)

I, the undersigned, a Notary Public in and for said County and State aforesaid, do hereby certify that CRAIG WAKELAND personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that he signed, sealed and delivered the said instrument as his free and voluntary act for the uses and purposes therein set forth, including the waiver of the right of homestead.

Given under my hand and Notarial Seal this 23rd day of March, 2011.

Leslie G. Ervin
Notary Public

STATE OF ILLINOIS)
) SS
COUNTY OF CHAMPAIGN)



I, the undersigned, a Notary Public in and for said County and State aforesaid, do hereby certify that JANE WAKELAND personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that she signed, sealed and delivered the said instrument as her free and voluntary act for the uses and purposes therein set forth, including the waiver of the right of homestead.

Given under my hand and Notarial Seal this 23rd day of March, 2011.

Leslie G. Ervin
Notary Public

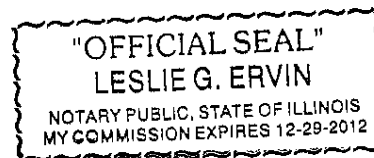
STATE OF ILLINOIS)
) SS
COUNTY OF CHAMPAIGN)



I, the undersigned, a Notary Public in and for said County and State aforesaid, do hereby certify that BRIAN CONWAY personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that he signed, sealed and delivered the said instrument as his free and voluntary act for the uses and purposes therein set forth, including the waiver of the right of homestead.

Given under my hand and Notarial Seal this 23rd day of March, 2011.

Leslie G. Ervin
Notary Public



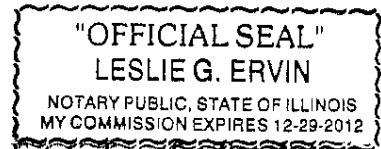
STATE OF ILLINOIS)
) SS
COUNTY OF CHAMPAIGN)

I, the undersigned, a Notary Public in and for said County and State aforesaid, do hereby certify that MARTA CONWAY personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that she signed, sealed and delivered the said instrument as her free and voluntary act for the uses and purposes therein set forth, including the waiver of the right of homestead.

Given under my hand and Notarial Seal this 23rd day of March, 2011.

Leslie G. Ervin

Notary Public



Exempt pursuant to paragraph (b) of Section 31-45 of the Illinois Real Estate Transfer Tax Act.

Date: _____

Grantor, Grantee or Representative

**FOLLOWING RECORDATION
RETURN TO AND SEND TAX BILL**

TO:

City of Urbana
Legal Division
400 S. Vine Street
Urbana, Illinois 61801

PREPARED BY:

Jenny H. Park
Meyer Capel, A Professional Corporation
306 W. Church Street
P.O. Box 6750
Champaign, Illinois 61826-6750
(217) 352-1800



EXHIBIT B 909 N. Lincoln Avenue



ORDINANCE NO. _____

AN ORDINANCE VACATING MULBERRY ALLEY

WHEREAS the Tekton Group LLC Series Corner North owns all of the real property which abuts on the north and south sides of that portion of Mulberry Alley herein vacated, and

WHEREAS the Tekton Group LLC Series Corner North has requested such portion of Mulberry Alley to be vacated and attached to the north side of that portion of Mulberry Alley herein vacated, and

WHEREAS the vacation of such portion of Mulberry Alley will not impair access to any property other than that property owned by the Tekton Group LLC Series Corner North, and

NOW, THEREFORE, BE IT ORDAINED:

Section 1. The City Council of the City of Urbana, Illinois, hereby finds and determines that the public interests will be subserved as a result of this vacation ordinance because the nature and extent of the public use or public interests in such streets is such as to warrant the vacation, especially when considering the relief to the public from further burden and responsibility of maintaining the rights of way herein vacated, accordingly, the following portion of Mulberry Alley is hereby vacated to Tekton Group LLC Series Corner North and shall be attached to the real property which abuts the north side of said vacated Mulberry Alley:

All of the east-west public alley, commonly known as Mulberry Alley, in the block bounded on the north by University Avenue, on the south by Clark Street, on the west by Lincoln Avenue and on the east by Busey Avenue. Said public alley right-of-way being as shown on the plat of "Col. M.W. Busey's Heirs Addition to the Town of Urbana" and recorded in Deed Record Book 8 at page 444 in the Office of the Recorder of Deeds, Champaign County, Illinois and being 16.5 feet in width.

Said tract containing 8,025.93 S.F., 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 north 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 the vacation as now operated and maintained in, over and under the portion of the right-of-way vacated unless the said abutting north property owner or owners shall compensate the said utilities in connection with the rearrangement, removal or relocation of said facilities.

Section 3. The following listed parcels which abut the public right-of-way herein vacated on the north side will, by operation of law, pursuant to the provisions of Section 5/11-91-2 of the Illinois Municipal Code and this ordinance, acquire title to the vacated property: 91-21-08-352-013 and 91-21-08-352-003.

Section 4. In accordance with Resolution 9899-R2 regarding the City's policy of vacating alleys, the City Council of the City of Urbana, Illinois, finds and determines that \$50,000 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.

Section 5. Although Tekton Group LLC Series Corner North owns all of the real property which abuts on the north and south sides of that portion of Mulberry Alley herein vacated, only the owner of the parcels bearing PIN #'s' 91-21-08-352-013 and 91-21-08-352-003 shall be required to pay the compensation found to be due as a consequence of this vacation. In lieu of payment in cash of the amount determined by the Council as the value of the benefit conferred on the north abutting owner by virtue of the vacation herein, the City accepts as compensation the conveyance to the City of fee simple title (free of encumbrances except 2011 real estate taxes) of the real property bearing the common street address of 909 N Lincoln (PIN# 97-21-07-202-020) which property was appraised to have a fair market value of \$85,000.

Section 6. The City Clerk is directed to record a certified copy of this ordinance when the City Attorney advises the Clerk that the Deed of Conveyance set forth in Section 5 had been received by the City. The recording of this Ordinance in the Office of the Recorder shall be sufficient proof that such Deed of Conveyance has been received by the City.

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called, of a three-fourth's (3/4ths) 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 _____, 2011.

AYES:

NAYS:

ABSTAINS:

Phyllis D Clark, City Clerk

APPROVED by the Mayor this _____ day of _____, 2011.

Laurel Lunt Prussing, Mayor