



## DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

*Administrative Division*

### **m e m o r a n d u m**

**TO:** Laurel Lunt Prussing, Mayor, City of Urbana  
Members, Urbana City Council

**FROM:** Elizabeth H. Tyler, FAICP, Director

**DATE:** April 21, 2011

**RE:** An Ordinance Authorizing the Lease of Certain Real Estate (909 North Lincoln Avenue)

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### **Description**

Attached to this memorandum is an Ordinance authorizing the lease of City-owned real estate at 909 North Lincoln Avenue to the Urbana Park District for purposes of public park and recreational use. The subject parcel is contiguous to King Park and may be used as an expansion of that neighborhood park.

### **Issues**

This Ordinance will allow the City to lease 909 North Lincoln Avenue to the Urbana Park District for park and recreational purposes. The lease is structured to allow five-year renewal terms, with automatic renewal provisions up to 20 years. The lease limits the use of the property to public park and recreational purposes and allows the Park District to install improvements compatible with these purposes upon City review and granting of necessary permits. For traffic safety purposes, use of the site for automobile parking or access to/from Lincoln Avenue is prohibited. The Park District will be responsible for all maintenance and upkeep of the property and shall indemnify and hold the City harmless for any damages incurred by use of the site. The City retains access privileges for the purposes of maintaining any public utilities or services at the site. The lease is not transferable.

A public hearing on the lease agreement has been set for April 25, 2011 at 7:00 p.m. and has been advertized with proper notice in the News-Gazette. The draft lease agreement has been forwarded to Urbana Park District staff and legal counsel for review. It will be reviewed by the Urbana Park District Board at their next regular meeting.

### **Background**

As part of a Memorandum of Understanding, the City of Urbana has recently received a deed for the subject property from Sightline, Inc. in exchange for the vacation of Mulberry Alley between Lincoln Avenue and Busey Avenue (adopted by Ordinance No. 2011-03-017 on April 18, 2011).

As a part of the land exchange, the former owners also dedicated the eastern seven (7) feet of the property as right-of-way for public road purposes. This area is excluded from the Lease Agreement.

Because it is adjacent to King Park and fronts along the west side of Lincoln Avenue, this is a logical property to expand the frontage and visibility of the park. Similar to an arrangement made with adjoining property at 911 North Lincoln, the property was acquired at the request of the Urbana Park District in anticipation of the subject lease to the District for the expansion of King Park as part of the park's master plan.

### **Options**

1. Adopt the attached Ordinance Authorizing the Lease of Certain Real Estate.
2. Adopt the attached Ordinance Authorizing the Lease of Certain Real Estate, with changes.
3. Do not adopt the attached Ordinance Authorizing the Lease of Certain Real Estate.

### **Fiscal Impacts**

The subject property has been deeded to the City without direct cost in recognition of the vacation of Mulberry Alley to the owners. Because it requires Park District maintenance of the property, the lease agreement will eliminate any future City costs associated with upkeep of the property during the term of the lease. Under the terms of the lease, the City will receive an annual nominal rent of one dollar per year.

### **Recommendation**

City staff recommends that the City Council approve the Ordinance, as attached.

### **Exhibits:**

Draft Ordinance

Lease Between the City of Urbana and the Urbana Park District for a Real Estate Parcel Located at 909 North Lincoln Avenue, Urbana, Illinois

Site Location Map & Aerial Photograph

Public Hearing Certificate of Publication

cc: Vicki Mayes, UPD Executive Director

Betsy Wong, UPD Legal Counsel

**ORDINANCE NO. 2011-04-027**

**AN ORDINANCE AUTHORIZING THE LEASE OF CERTAIN REAL ESTATE  
(909 North Lincoln Avenue)**

**WHEREAS**, pursuant to Subsection (b) of Section 2-118 of the Urbana City Code, any real estate now owned by the City may be leased in any manner prescribed by the City Council in an ordinance authorizing such lease; and

**WHEREAS**, the City is desirous of leasing certain real property (the "parcel"), commonly known as 909 North Lincoln Avenue, Urbana, Illinois, and legally described on Exhibit "A" attached hereto, which the City is temporarily not utilizing, but of which the City desires to retain ownership; and

**WHEREAS**, the City Council expressly finds and declares that said parcel is not needed for governmental purposes or proprietary activity of the City of Urbana during the term of the proposed lease; and

**WHEREAS**, the Urbana Park District is desirous of leasing said parcel for public park and recreational purposes; and

**WHEREAS**, after due publication of notice in accordance with Subsection (a) of Section 2-118 of the Urbana City Code, a regular standing committee of the City Council held a public hearing to consider the proposed lease on April 25, 2011; and

**WHEREAS**, the City of Urbana and the Urbana Park District have agreed upon the terms of a lease regarding the parcel; and

**WHEREAS**, the Mayor and City Council find that the best interests of the City are served by entering into such a lease.

**NOW, THEREFORE, BE IT ORDAINED by the Mayor and the City Council of the City of Urbana, Champaign County, Illinois, as follows:**

**Section 1.**

A Lease between the City of Urbana and the Urbana Park District for a Real Estate Parcel Located at 909 North Lincoln Avenue, Urbana, Illinois, in substantially the form of the copy of said

Lease attached hereto as Exhibit "A" and hereby incorporated by reference, be and the same is hereby authorized and approved.

**Section 2.**

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 Lease as so authorized and approved for and on behalf of the City of Urbana, Illinois.

**Section 3.**

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called, of a super-majority 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:

ABSENT:

ABSTAINED:

\_\_\_\_\_  
Phyllis D. Clark, City Clerk

**APPROVED BY THE MAYOR** this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Laurel Lunt Prussing, Mayor

## EXHIBIT A

### **Lease between the City of Urbana and the Urbana Park District for a Real Estate Parcel Located at 909 North Lincoln Avenue, Urbana, Illinois**

**THIS LEASE IS MADE AND ENTERED INTO** between the City of Urbana, a municipal corporation (the "City") and the Urbana Park District, a district organized and existing under the Park District Code of the State of Illinois (the "Park District"). The City and the Park District are sometimes referred to as the "Parties."

In consideration of the premises and of the covenants, conditions and agreements herein contained, the parties agree as follows:

1. The City does hereby lease to the Park District the following parcel of land (the "premises") commonly known as 909 North Lincoln Avenue, Urbana, Illinois, containing no improvements thereon, and further described as follows:

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, being more particularly 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,

Except;

The easterly 9.00 feet of even width of the above described parcel.

All being situated in the City of Urbana, Champaign County, Illinois.

Being a part of PIN number 91-21-07-282-020.

To have and to hold the leased premises for a term of five (5) years, commencing the 1st day of June 2011, and ending on the 30th day of May 2016 (the "initial term"). The Park District agrees to pay the City, at the office of the comptroller of the City, or its successor, as rent for the premises the annual rental of one dollar (\$1.00), payable in advance on the 1st day of April of each year during the term of this lease.

2. At the expiration of the initial term, the lease shall automatically renew and extend itself for additional five (5) year periods (the "renewal terms"), unless sooner terminated as provided herein; provided, however, that the initial term and any renewal terms shall not exceed a total period of twenty (20) years from the date of this lease.

3. The parties agree that the premises are to be used by the Park District exclusively for public park and recreational purposes. The parties agree that no automobile parking shall be permitted on the premises, nor shall the premises be used for vehicular access to or from Lincoln Avenue without the approval of the Urbana City Council.
4. The Park District, upon the written approval of the City's community development services department director and issuance of any applicable permits by the City, shall have the right, at its sole cost and expense during the term of this lease, to construct new buildings, structures, sculptures, or equipment and to attach fixtures and use and install underground facilities and utilities in or upon the premises. All buildings, structures, sculptures, and equipment shall be in harmony with the general park development in the area or with the recreational purpose desired to be served. Those buildings, structures, sculptures, equipment, fixtures, facilities, and utilities so placed in, upon, or attached to the premises by the Park District shall remain the property of Park District, except as otherwise provided below.
5. The parties agree that the Park District shall maintain the premises and buildings, if any, in first-class condition and shall at its own cost and expense make all repairs to the premises and shall perform and maintain all landscaping required by the Urbana City Code; and upon the termination of this lease shall yield the premises to the City in good condition and repair.
6. The Park District covenants to indemnify and hold the City harmless for any and all loss, expense, damage, reasonable attorneys' fees, claims, and demands arising out of the Park District's improvement, maintenance, equipment, or operation of the premises.
7. The City reserves to itself the right at any time to enter upon the premises for the purpose of excavation, for repairing, laying or relaying sewers, drains, water, gas, sidewalks, or other public service purposes and connections now installed or subsequently installed and for the purpose of making any necessary excavations or erection of structures in connection with public utilities and services.
8. The Park District shall not assign this lease, nor any interest in this lease, nor sublet any portion of the premises but may grant permission and authority to any person to occupy and use space within the premises for any service necessary, incidental, or desirable to the operation for park purposes upon such terms and conditions as may be prescribed by the Park District.
9. The parties further agree that either of the parties shall have the right and privilege of terminating this lease at any time upon giving six (6) months notice, in writing, to the other party of its intention so to do, and in the event this lease is terminated, then all rights and interests of the parties shall cease, and any permanent building erected by the Park District shall then be, and become the property of the City. At the option of the City, any and all structures placed on the premises by the Park District shall be removed or demolished at the expense of the Park District and the premises restored to the same condition as when initially leased.
10. This lease may be executed in two counterparts, each of which shall constitute one and the same instrument.

**FOR THE CITY OF URBANA**, a municipal corporation created under and by virtue of the laws of the State of Illinois.

The following legally authorized representative certifies that this Lease between the City of Urbana and the Urbana Park District for a Real Estate Parcel Located at 909 North Lincoln Avenue, Urbana, Illinois, has been adopted and approved by ordinance or resolution, a copy of which document is attached hereto, or by other manner approved by law.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

By: \_\_\_\_\_

Title: \_\_\_\_\_

ATTEST:

\_\_\_\_\_, Clerk of the City of Urbana

APPROVAL AS TO FORM:

\_\_\_\_\_, Attorney for the City of Urbana

**FOR THE URBANA PARK DISTRICT**, a district organized and existing under the Park District Code of the State of Illinois.

The following legally authorized representative certifies that this Lease between the City of Urbana and the Urbana Park District for a Real Estate Parcel Located at 909 North Lincoln Avenue, Urbana, Illinois, has been adopted and approved by ordinance or resolution, a copy of which document is attached hereto, or by other manner approved by law.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

By: \_\_\_\_\_

Title: \_\_\_\_\_

ATTEST:

\_\_\_\_\_, Secretary for the Urbana Park District Board

APPROVAL AS TO FORM:

\_\_\_\_\_, Attorney for the Urbana Park District



# Location Map



**909 North Lincoln Ave**

THE NEWS GAZETTE, INC.  
AD AUTHORIZATION

Salesperson: DEBBIE ZELEZNIK

Printed at 04/08/11 16:17 by \$LOGIN

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Acct#: 7444  
CITY OF URBANA  
PO BOX 219  
URBANA IL 61803

Ad#: 1066425 Status: N  
Start: 04/13/11 Stop: 04/13/11  
Times Ord: 1 Times Run: \*\*\*\*  
STD 1.00 X 107.00 Words: 396  
Rate: NGLG Cost: 117.97  
Class: 599 PUBLIC NOTICES  
Descript: NOTICE OF PUBLIC HEARING  
Given by: \*\*\*\*\*  
Created: kclay 04/08/11 15:58  
Last Changed: kclay 04/08/11 16:17

Contact:  
Phone: (217)384-2362  
Fax#:  
Email:

Agency:

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PUB ZONE ED TP START INS STOP SMTWTFS  
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OL A 97 S 04/13  
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AUTHORIZATION

Under this agreement rates are subject to  
change with 30 days notice. In the event  
of a cancellation before schedule  
completion, I understand that the rate  
charged will be based upon the rate for  
the number of insertions used.

\_\_\_\_\_  
Name (print or type)

\_\_\_\_\_  
Name (signature)

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THE NEWS GAZETTE, INC.  
AD AUTHORIZATION  
(CONTINUED)

Salesperson: DEBBIE ZELEZNIK

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Acct#: 7444

Ad#: 1066425 Status: N

**NOTICE OF PUBLIC  
HEARING**

**NOTICE IS HEREBY GIVEN**

THAT the Committee of the Whole of the Urbana City Council will conduct a public hearing at 7:00 p.m. on Monday, April 25, 2011, or as soon thereafter as the matter can be heard, in the City Council Chambers, located at 400 S. Vine Street, Urbana, Illinois, on the question of whether to approve a proposed agreement authorizing the Urbana Park District to lease from the City of Urbana a parcel of real estate located at 909 North Lincoln Avenue, Urbana, Illinois, and further described as follows:

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, being more particularly 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,

Except;

The easterly 9.00 feet of even width of the above described parcel.

All being situated in the City of Urbana, Champaign County, Illinois.

Being a part of PIN number 91-21-07-282-020.

The parcel will be used exclusively for public park and recreational purposes. The proposed lease is available for inspection Monday through Friday during regular business hours at the Office of the City Clerk, located at 400 S. Vine Street, Urbana, Illinois.

All interested persons are invited to attend the hearing and to express their opinions. Persons unable to attend may send written comments to Elizabeth H. Tyler, Director, Community Development Services Department, City of Urbana, 400 S. Vine Street, Urbana, Illinois 61801. Questions may be directed to 217-384-2439.

Persons with disabilities needing services or accommodations for this hearing should contact the Community Development Services Department at 384-2439 or the City of Urbana's Americans with Disabilities Act Coordinator at 384-2466 or TDY at 384-2447.

Dated: April 13, 2011 at Urbana, Illinois

Phyllis Clark  
Urbana City Clerk  
1066425 4/13/11