



MEMORANDUM

TO: Mayor Laurel Lunt Prussing and Members of the City Council
FROM: William R. Gray, Public Works Director
DATE: October 3, 2013
RE: St. Patrick's Roman Catholic Congregation (Church) Request to Vacate Sassafrass Alley

Introduction

On July 6, 2013, St. Patrick's Roman Catholic Congregation (Church) submitted a petition requesting that Sassafrass Alley (see map attachment) between Busey Avenue and Coler Avenue be vacated. The Church owns all the property on the north and south sides of the alley between these two streets. The vacation request is made in reference to the expansion of the building sanctuary and the need to provide more on-site parking to accommodate their members' attendance at Sunday services and other related functions. Concurrently, the Church is seeking a Special Use Permit to establish accessory parking on the various lots owned by the Church.

Per Resolution 9899-R2, it is city policy for non-residentially zoned properties and non-residential uses to compensate the city for the appraised fair market value of the land, which in this case is an alley. An appraisal was performed by a certified land appraiser, who valued the 16.5' x 396' (6534 SF) alley at \$33,000. This appraisal takes into consideration the entire alley, which will be encumbered with a utility easement to accommodate the existing utilities. The Church is agreeable to pay the appraised amount if so directed by the city council.

Fiscal Impact

If the alley is vacated, it will relieve the city of future maintenance responsibilities. The city will receive, pending city council approval, \$33,000 for the fair market value of the alley area. The city will also be reimbursed the \$800 appraisal fee. These funds would be directed to the General Fund.

Recommendation

It is recommended that an Ordinance Vacating an Alley (Sassafrass Alley between Busey and Coler Avenues) be approved.

ORDINANCE NO. 2013-10-091

AN ORDINANCE VACATING AN ALLEY

(Sassafrass Alley between Busey and Coler Avenues)

WHEREAS, Section 11-91-1 of the Illinois Municipal Code (65 ILCS 5/11-91-1) provides that the corporate authorities of a municipality may by ordinance vacate any street or alley, or part thereof, within their jurisdiction after determining that the public interest will be subserved by said vacation; and

WHEREAS, the requirements of Urbana City Code § 2-160 for a public hearing and for public notice of such hearing do not, pursuant to the terms thereof, apply to an ordinance vacating an alley; and

WHEREAS, St. Patrick Roman Catholic Congregation of Urbana, Illinois, has requested that the City of Urbana ("City") vacate a part of Sassafrass Alley located between North Busey Avenue and North Coler Avenue (the "Alley"); and

WHEREAS, St. Patrick Roman Catholic Congregation of Urbana, Illinois, is the abutting owner of both sides of the Alley; and

WHEREAS, said vacation will not materially impair access to any property owner; and

WHEREAS, the City Council finds that the Alley is of no further use to the City except as hereinafter provided; and

WHEREAS, the City Council finds that the consideration to be paid to the City is just and adequate compensation for the benefits which will accrue to St. Patrick Roman Catholic Congregation of Urbana, Illinois, by reason of the vacation of the Alley; and

WHEREAS, certain public service facilities are situated in the Alley; and

WHEREAS, the City Council further finds that the public interest is best served by the City's retention of a permanent easement in the Alley for the maintenance, renewal, and reconstruction of those facilities; and

WHEREAS, the City Council has determined that the nature and extent of the public use or public interest to be subserved is such as to warrant the vacation of the Alley, particularly when considering the relief to the public from further burden and responsibility of maintaining the Alley herein vacated.

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

Section 1.

The City Council of the City of Urbana, Illinois, hereby vacates, subject to the terms set forth in this Ordinance, the following-described alley:

A part of the Southwest Quarter of Section 8, Township 19 North, Range 9 East of the Third Principal Meridian, Champaign County, Illinois, being more particularly described as follows:

All of the east-west public alley in the block bounded on the west by Busey Avenue, on the east by Coler Avenue, on the north by Clark Street and on the south by Main Street, said alley being commonly known as Sassafrass Alley, being 16.5 feet in width and adjacent to Lots 5, 6, 11 and 12 of Col. M. W. Busey's Heirs Addition to the Town (now City) of Urbana, as shown on a plat dated June 19, 1867 and recorded June 28, 1867 in Deed Record Book "8" at page 444 in the Office of the Recorder of Deeds, Champaign County, Illinois, and containing 6,534 S. F., more or less, all situated in the City of Urbana, Illinois.

The Permanent Identification Numbers of the properties abutting the alley are: 91-21-08-358-001, 91-21-08-358-002, 91-21-08-358-003, 91-21-08-358-004, 91-21-08-358-005, 91-21-08-358-006, 91-21-08-358-007, 91-21-08-358-008, 91-21-08-358-009, 91-21-08-358-010 and 91-21-08-358-011.

Section 2.

Upon vacation of the above described alley, title thereto shall vest in St. Patrick Roman Catholic Congregation of Urbana, Illinois, subject to the following conditions:

- a) A perpetual easement upon said vacated alley is hereby reserved for and granted to the City of Urbana, Illinois, or others or any public utilities, their successors or assigns, to operate, maintain, renew, and reconstruct their facilities as now existing on, over, or under that part of the alley; and
- b) St. Patrick Roman Catholic Congregation of Urbana, Illinois, shall pay \$33,000 to the Comptroller of the City of Urbana, Illinois.

Section 3.

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 hereby authorized to attest to said execution of a Plat of the Vacated Alley, in substantially the form of the copy of said Plat attached hereto and hereby incorporated by reference, which specifically includes the easement language contained in Section 2 of this Ordinance, as so authorized and approved for and on behalf of the City of Urbana, Illinois.

Section 4.

The City Clerk is directed to record a certified copy of this Ordinance with the Champaign County Office of the Recorder of Deeds after the Comptroller advises the Clerk that the sum set forth in Section 2 of this Ordinance has been received by the City. The recording of this Ordinance in the Office of the Recorder of Deeds 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 three-fourths of the members of the Council of the City of Urbana, Illinois, at a 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

A part of the Southwest Quarter of Section 8, Township 19 North, Range 9 East of the Third Principal Meridian, Champaign County, Illinois, being more particularly described as follows;

All of the east-west public alley in the block bounded on the west by Busey Avenue, on the east by Coler Avenue, on the north by Clark Street and on the south by Main Street, said alley being commonly known as Sassafrass Alley, being 16.5 feet in width and adjacent to Lots 5, 6, 11 and 12 of Col. M. W. Busey's Heirs Addition to the Town (now City) of Urbana, as shown on a plat dated June 19, 1867 and recorded June 28, 1867 in Deed Record Book "8" at page 444 in the Office of the Recorder of Deeds, Champaign County, Illinois, and containing 6,534 S. F., more or less, all situated in the City of Urbana, Illinois.



PLAT MAP SHOWING PUBLIC
RIGHT-OF-WAY VACATED
BY ORDINANCE NO. 2013-XX-XXX
CITY OF URBANA, ILLINOIS
DATE: XXX XX, 2013

City of Urbana
Public Works Department
Engineering Division



Drawn by: BWF
Checked by: WRG 8/29/13

Date: 8/20/13