



MEMORANDUM

TO: Mayor Laurel Lunt Prussing and Members of the City Council
FROM: William R. Gray, P.E.
DATE: October 9, 2014
RE: Public Street Vacation Policy and Ordinance Revision

Introduction

When requests are received by the city to vacate a public street or portion of a public street, the Urbana Code of Ordinances is followed in Chapter 2, Article VIII Street Vacations, in Section 2-160 Public Hearing Required. This public hearing process as outlined in Section 2-160 is thorough and appropriate for typical full width public street right-of-way vacation requests. However, from time to time requests are received to vacate a portion of a street right-of-way or vacate a street right-of-way that is no longer or never was a public thoroughfare (street that was travelled on and used by vehicles, bicyclists, or pedestrians). See attached exhibit for examples.

In an effort to streamline the process for partial public street vacation requests or vacation requests that do not permanently and materially impact the public right to travel attached please find a suggested revised Section 2-160.

All other policies regarding street vacations will still apply which includes receiving a petition from all adjacent property owners requesting a vacation, adjacent benefitting non-residential property owners shall pay the appraised value of the property to be vacated and seeking utility company and city staff comments regarding any such requests.

Fiscal Impacts

There is no change in the current policy of non-residential adjacent property owners paying for the appraised value of public right-of-way proposed to be vacated including appraisal fees.

Recommendation

It is recommended that an Ordinance Amending Urbana City Code Chapter Two, Section 2-160 be approved.

ORDINANCE NO. 2014-10-099

AN ORDINANCE AMENDING URBANA CITY CODE CHAPTER TWO, SECTION 2-160

(Public hearing required - 2014)

WHEREAS, the City of Urbana ("City") is a home rule unit of local government pursuant to Article VII, Section 6, of the Illinois Constitution, 1970, and may exercise any power and perform any function pertaining to its government and affairs, including the power to regulate for the protection of the public health, safety, and welfare; and

WHEREAS, the City Council heretofore has enacted Urbana City Code Section 2-160 to establish public hearing requirements prior to the City Council considering an ordinance to vacate any street or portion thereof; and

WHEREAS, the City Council finds that the best interests of the City are served by amending said Section.

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

Section 1.

Urbana City Code Chapter 2, "Administration," Article VIII, "Street Vacations," Section 2-160, "Public hearing required," is hereby amended with the underlined text indicating new language as follows:

Sec. 2-160. - Public hearing required.

- (a) During the period which is not greater than three hundred sixty-five (365) days, but not less than ten (10) days prior to the city council considering an ordinance to vacate any street or portion thereof, but not, however, an alley, the city council shall hold a public hearing on the question after first providing the notice set forth in this section. The provisions of this section shall not apply when the city engineer certifies to the city council that the public right to travel the right-of-way affected shall not be permanently and materially diminished by the proposed vacation of a portion of the right-of-way.
- (b) At least fifteen (15) days, but not more than thirty (30) days before the public hearing on the question of whether to vacate a certain street or portion thereof, notice of the time, date and place of the public hearing shall be published in a newspaper of general circulation in the City of Urbana. The notice so published shall contain the name of the street and a description of the portion of the street proposed to be vacated.
- (c) The zoning administrator shall also cause to be mailed, at least fifteen (15) days prior to the public hearing, a copy of the aforesaid newspaper publication to each of the last-known taxpayers of record as reflected in the most recent Champaign County records available for

such purpose of all property adjacent to or within two hundred fifty (250) feet in each direction of the portion of the street proposed to be vacated. The measurement of all public roads, streets, alleys and other public ways shall be excluded in determining the two hundred fifty (250) foot requirement. If any part of a condominium property is located within two hundred fifty (250) feet of the street proposed to be vacated, the name of each taxpayer of record of the condominium shall be included in the mailing. The zoning administrator shall file with the city clerk an affidavit that such mailing described herein has been accomplished.

Section 2.

Those sections, paragraphs, and provisions of the Urbana City Code that are not expressly amended or repealed by this Ordinance are hereby re-enacted, and it is expressly declared to be the intention of this Ordinance not to repeal or amend any portions of the Urbana City Code other than those expressly set forth as amended or repealed in this Ordinance. The invalidity of any section or provision of this Ordinance hereby passed and approved shall not invalidate other sections or provisions thereof.

Section 3.

This Ordinance shall not be construed to affect any suit or proceeding pending in any court, or any rights acquired, or a liability incurred, or any cause or causes of action acquired or existing prior to the effective date of this Ordinance; nor shall any right or remedy of any character be lost, impaired, or affected by this Ordinance.

Section 4.

This Ordinance shall be in full force and effect from and after its passage and publication in accordance with Section 1-2-4 of the Illinois Municipal Code.

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

ARTICLE VIII. STREET VACATIONS

Sec. 2-160. Public hearing required.

(a)(1) During the period which is not greater than three hundred sixty-five (365) days, but not less than ten (10) days prior to the city council considering an ordinance to vacate any street or portion thereof, but not, however, an alley, the city council shall hold a public hearing on the question after first providing the notice set forth in this section.

(a)(2) *The provisions of this section shall not apply when the City Engineer certifies to the city council that the public right to travel the right-of-way affected shall not be ~~shall not be~~ permanently and materially diminished by the proposed vacation of a portion of the right-of-way ~~in conjunction with an improvement to the right of way.~~*

(b) At least fifteen (15) days, but not more than thirty (30) days before the public hearing on the question of whether to vacate a certain street or portion thereof, notice of the time, date and place of the public hearing shall be published in a newspaper of general circulation in the City of Urbana. The notice so published shall contain the name of the street and a description of the portion of the street proposed to be vacated.

(c) The zoning administrator shall also cause to be mailed, at least fifteen (15) days prior to the public hearing, a copy of the aforesaid newspaper publication to each of the last-known taxpayers of record as reflected in the most recent Champaign County records available for such purpose of all property adjacent to or within two hundred fifty (250) feet in each direction of the portion of the street proposed to be vacated. The measurement of all public roads, streets, alleys and other public ways shall be excluded in determine the two hundred fifty (250) foot requirement. If any part of a condominium property is located within two hundred fifty (250) feet of the street proposed to be vacated, the name of each taxpayer of record of the condominium shall be included in the mailing. The zoning administrator shall file with the city clerk an affidavit that such mailing described herein has been accomplished. (Ord. No. 9293-97, §§ 1-3, 4-19-93; Ord. No. 2003-06-059, § 1, 6-16-03)

Examples of public street vacations not permanently and materially affecting travel

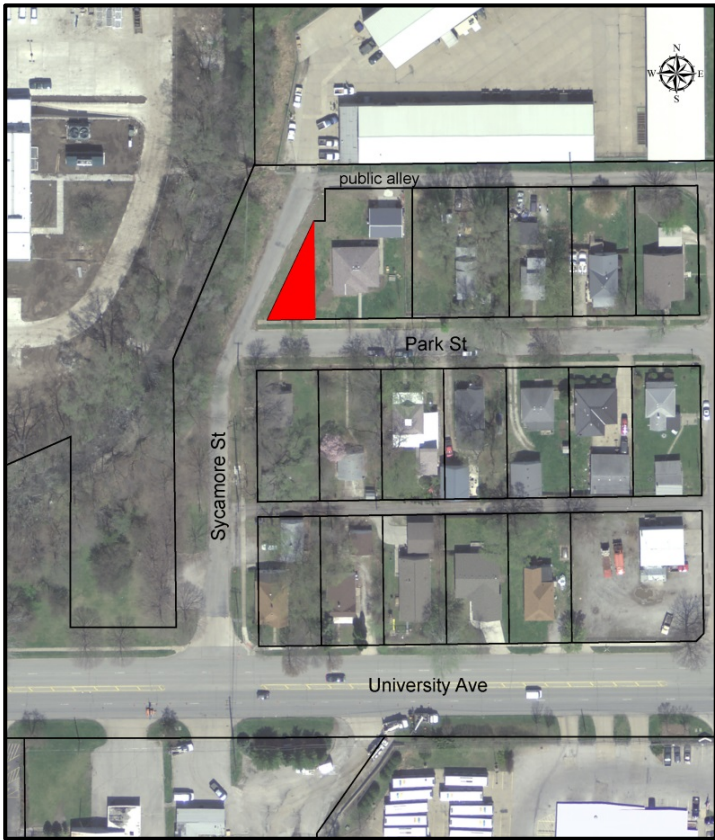


Exhibit A