



MEMORANDUM

TO: Mayor Diane Wolfe Marlin and Members of the City Council
FROM: William R. Gray, P.E., Public Works Director
DATE: August 10, 2017
RE: Dedication of Right-of-Way from 2201 Philo Road

Introduction

The City Council approved Ordinance No. 2017-05-023 on Monday, June 6, 2017, which authorized the purchase of 2201 Philo Road. The City, on July 12, 2017, purchased the vacant lot south of and adjacent to Urbana Fire Station #2 for \$38,000.

During the due diligence review of the lot purchase, it was discovered that a 40-foot right-of-way from this lot was never dedicated to the State when the roadway was Illinois Route 130 nor was a right-of-way dedicated to the City after Illinois Route 130 was rerouted to High Cross Road. The right-of-way dedication across the eastern portion of this lot should be 40', which matches half of the existing right-of-way (80' total right-of-way width), along Philo Road.

A dedication of right-of-way deed has been prepared, along with an ordinance authorizing the dedication of the right-of-way. (See attached deed and ordinance.)

Fiscal Impact

There is no fiscal impact to dedicate this right-of-way to the City. The subject land area is currently used for public purposes and this dedication would formalize that use.

Recommendation

It is recommended that an Ordinance Authorizing the Dedication of Right-of-Way (2201 Philo Road) be approved.

ORDINANCE NO. 2017-08-044

**AN ORDINANCE AUTHORIZING THE DEDICATION OF RIGHT-OF-WAY
(2201 Philo Road)**

WHEREAS, Section 3 of the Plat Act (765 ILCS 205/3) provides that a statutory dedication of land occurs when (1) a property owner files or records a plat that marks or notes the portions of the land as donated or granted to the public; and (2) a public entity accepts the dedication; and

WHEREAS, Urbana City Code Section 21-38(g) authorizes the City Engineer to accept on behalf of the City of Urbana (“City”) all right-of-way and easement dedications necessary and beneficial to the City not arising from the process of final plat approval by the City Council; and

WHEREAS, the City is the fee simple owner of certain right-of-way located at 2201 Philo Road in Urbana, Illinois; and

WHEREAS, the City Engineer has recommended that the City dedicate a portion of said right-of-way for public street or highway purposes and for public utility purposes, as set forth on the attached Plat of Dedication (“Plat”); and

WHEREAS, the City Engineer has agreed to accept the dedication on behalf of the City; and

WHEREAS, the City Council, after due consideration, finds that the dedication of said portion of right-of-way to the public as herein described is in the best interests of the residents of the City and is desirable for the welfare of the City’s government and affairs.

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

Section 1.

Subject to the terms set forth in this Ordinance, the dedication of a portion of right-of-way located at 2201 Philo Road in Urbana, Illinois, and legally described below is hereby authorized and approved:

A part of the Southwest Quarter of Section 21, Township 19 North, Range 9 East of the Third Principal Meridian, Champaign County, Illinois, being more particularly described as follows:

The easterly 40.00 feet of even width of the following described tract:

Commencing at the Northeast corner of the Southwest Quarter of Section 21, Township 19 North, Range 9 East of the Third Principal Meridian, in Champaign County, Illinois, thence South along the East Line of the Southwest Quarter of said Section 21, 327.5 feet for a true place of beginning; thence West along the South Line of Lot 137A of Ennis Ridge Fourth Subdivision 170 feet; thence South parallel with the East Line of the Southwest Quarter of said Section 21, 94.5 feet; thence East 170 feet to the East Line of the Southwest Quarter of

said Section 21; thence North along the East Line of the Southwest Quarter of said Section 21 to the place of beginning, in Champaign County, Illinois.

Said right-of-way dedication containing 3,780.00 square feet, more or less, all situated in the City of Urbana, Champaign County, Illinois.

Section 2.

The City Council of the City of Urbana hereby authorizes the dedication of the aforesaid right-of-way, subject to the condition that such right-of-way be used for public street or highway purposes and for public utility purposes.

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 Dedication of Right-of-Way, in substantially the form of the copy of said Dedication attached hereto and hereby incorporated by reference, as so authorized and approved for and on behalf of the City of Urbana, Illinois.

Section 4.

Upon acceptance of the Dedication of Right-of-Way on behalf of the City of Urbana, Illinois, the City Engineer be and the same is hereby authorized and directed to cause the Plat of Dedication for such right-of-way to be properly recorded in the Champaign County Office of the Recorder of Deeds.

This Ordinance shall be in full force and effect from and after its passage.

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:

ABSTAINED:

Charles A. Smyth, City Clerk

APPROVED BY THE MAYOR this ___ day of _____, _____.

Diane Wolfe Marlin, Mayor

DEDICATION OF RIGHT-OF-WAY

THE CITY OF URBANA, ILLINOIS, a municipal corporation duly organized and existing under and by virtue of the laws of the State of Illinois, grants, conveys, warrants, and dedicates the following described real estate to the public forever for use as a right-of-way for public street or highway purposes and for public utility purposes:

A part of the Southwest Quarter of Section 21, Township 19 North, Range 9 East of the Third Principal Meridian, Champaign County, Illinois, being more particularly described as follows:

The easterly 40.00 feet of even width of the following described tract:

Commencing at the Northeast corner of the Southwest Quarter of Section 21, Township 19 North, Range 9 East of the Third Principal Meridian, in Champaign County, Illinois, thence South along the East Line of the Southwest Quarter of said Section 21, 327.5 feet for a true place of beginning; thence West along the South Line of Lot 137A of Ennis Ridge Fourth Subdivision 170 feet; thence South parallel with the East Line of the Southwest Quarter of said Section 21, 94.5 feet; thence East 170 feet to the East Line of the Southwest Quarter of said Section 21; thence North along the East Line of the Southwest Quarter of said Section 21 to the place of beginning, in Champaign County, Illinois.

Said right-of-way dedication containing 3,780.00 square feet, more or less, all situated in the City of Urbana, Champaign County, Illinois

A PART OF PERMANENT INDEX NO.: 93-21-21-332-023

COMMONLY KNOWN AS: 2201 Philo Road, Urbana, Illinois 61802

The real estate is shown on the plat attached hereto and made a part hereof.

The City of Urbana has caused its corporate seal to be affixed, and has caused its name to be signed to these presents by Diane Wolfe Marlin, its Mayor, and attested by Charles A. Smyth, its City Clerk, this _____ day of _____, 2017.

CITY OF URBANA, ILLINOIS

By: _____
Diane Wolfe Marlin, Mayor

ATTEST:

By: _____
Charles A. Smyth, City Clerk

ACCEPTED:

By: _____
William R. Gray, City Engineer

Dated: _____

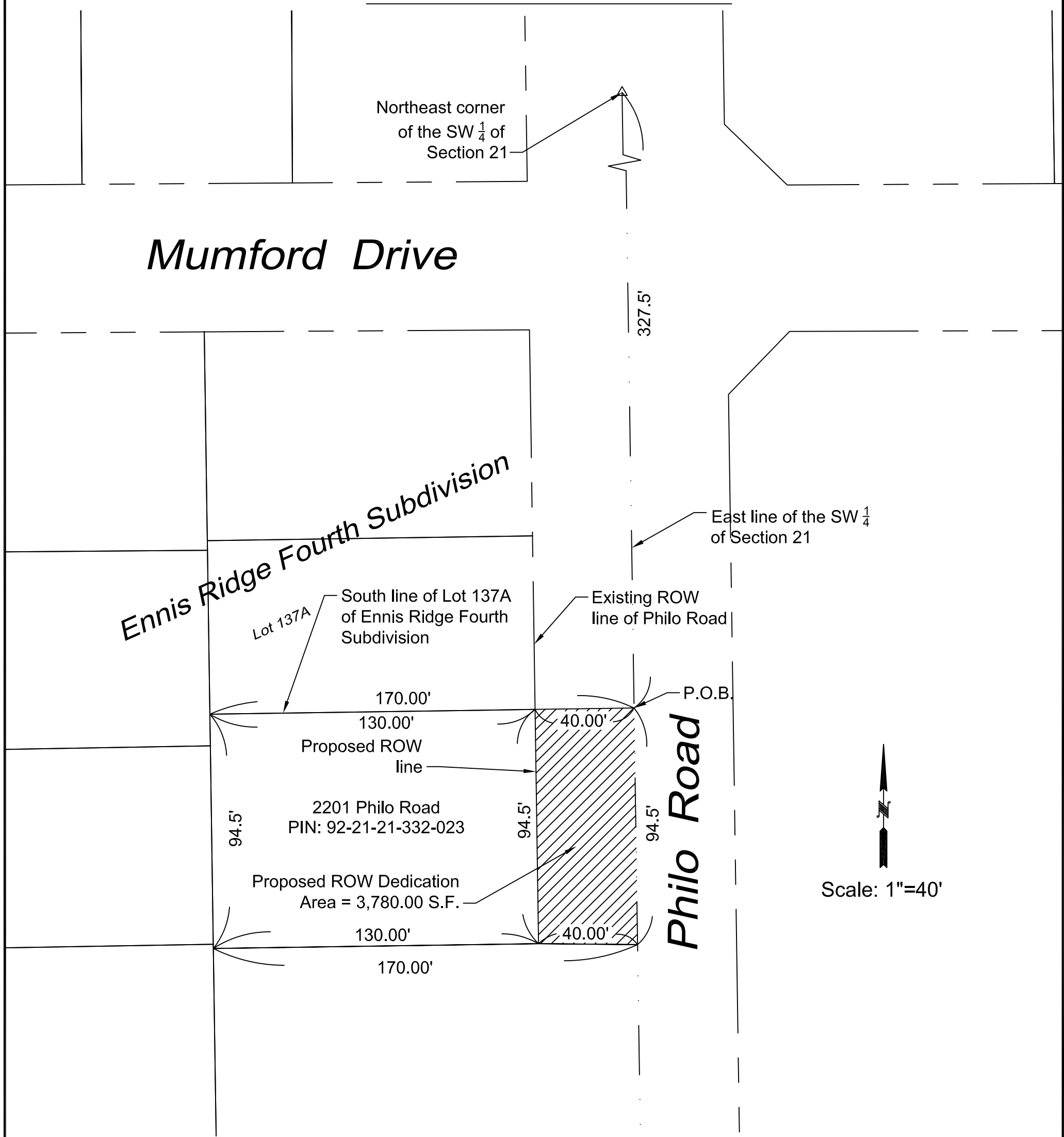
THIS INSTRUMENT WAS PREPARED BY: Curt Borman, Assistant City Attorney, City of Urbana, 400 S. Vine Street, Urbana, IL 61801

MAIL RECORDED DOCUMENT AND TAX BILL TO: City of Urbana Legal Division, 400 S. Vine Street, Urbana, IL 61801

This transaction is exempt under the provisions of 35 ILCS 200/31-45(e).

Date: _____ Buyer, Seller, or Representative _____
William R. Gray, City Engineer

Plat of ROW Dedication



A part of the Southwest Quarter of Section 21, Township 19 North, Range 9 East of the Third Principal Meridian, Champaign County, Illinois, being more particularly described as follows:

The easterly 40.00 feet of even width of the following described tract:

Commencing at the Northeast corner of the Southwest Quarter of Section 21, Township 19 North, Range 9 East of the Third Principal Meridian, in Champaign County, Illinois, thence South along the East Line of the Southwest Quarter of said Section 21, 327.5 feet for a true place of beginning; thence West along the South Line of Lot 137A of Ennis Ridge Fourth Subdivision 170 feet; thence South parallel with the East Line of the Southwest Quarter of said Section 21, 94.5 feet; thence East 170 feet to the East Line of the Southwest Quarter of said Section 21; thence North along the East Line of the Southwest Quarter of said Section 21 to the place of beginning, in Champaign County, Illinois.

Said right-of-way dedication containing 3,780.00 square feet, more or less, all situated in the City of Urbana, Champaign County, Illinois.

Proposed Right-of-Way Dedication
2201 Philo Road

City of Urbana
Public Works Department
Engineering Division

Date: 6/7/2017 Drawn by: BWF

