



MEMORANDUM

TO: Mayor Diane Wolfe Marlin and Members of the City Council
FROM: William R. Gray, Public Works Director
Bradley M. Bennett, Assistant City Engineer
DATE: March 8, 2018
RE: East Water Street Alley Right-of-Way Vacation from North Lynn Street to North Cottage Grove Avenue

Action Requested

Approval of “AN ORDINANCE VACATING AN ALLEY (North Alley of Water Street between Lynn Street and Cottage Grove Avenue).”

Background and Facts

Property owners of the 900 block of East Water Street have requested that the twelve foot wide alley right-of-way (ROW) located north of their homes be vacated by the City. Please see Attachment A for the petition signed by all the property owners. The location of the proposed ROW vacation is shown in Attachment B.

The alley proposed for vacation is a non-functional alley and does not provide access to any properties. There are no plans for a future public sidewalk along this alley. The Public Works Department does not anticipate needing the alley for pedestrian, bicycle, or motor vehicle access in the future.

The Public Works Department staff has contacted the utility companies and the City department heads regarding the proposed ROW vacation. No objections to vacating the alley were received. An easement for overhead electric, cable, and telephone utilities located within the vacated ROW will be provided as part of the vacation process.

Financial Impact

There are no costs or revenues associated with vacating the alley ROW. City ROW vacation policy states that benefitting residential properties do not have to pay the value of the vacated ROW. No replatting of the benefitting lots will be performed or is required. All of the twelve foot ROW if vacated will become land owned by the property owners to the south since all the alley ROW was created from that subdivision.

Recommendations

It is recommended that “AN ORDINANCE VACATING AN ALLEY (North Alley of Water Street between Lynn Street and Cottage Grove Avenue)” be approved.

Attachments: AN ORDINANCE VACATING AN ALLEY (North Alley of Water Street between Lynn Street and Cottage Grove Avenue)

Attachment A – Vacation Request Petition Form

Attachment B –Proposed Alley ROW Vacation Map

ORDINANCE NO. 2018-03-020

AN ORDINANCE VACATING AN ALLEY

(North Alley of Water Street between Lynn Street and Cottage Grove Avenue)

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 Section 2-160 for a public hearing and public notice of such hearing prior to the City Council's consideration of an ordinance to vacate any street do not, pursuant to the terms thereof, apply to an ordinance vacating an alley; and

WHEREAS, the owners of the land abutting the south side of the east-west alley located north of East Water Street between North Lynn Street and North Cottage Grove Avenue have petitioned the City of Urbana ("City") to vacate said 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 aforestated owners have agreed to pay all costs to maintain the alley after such vacation; and

WHEREAS, the City Council finds that the relief to the public from the further burden and responsibility of maintaining the alley herein vacated is just and adequate compensation for the benefits which will accrue to the said owners; and

WHEREAS, the City Council finds that the public interest will be subserved by vacating said alley, particularly when considering such relief to the public; 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.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, 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 east-west alley located north of East Water Street between North Lynn Street and North Cottage Grove Avenue:

An east-west Public Alley in the block bounded by the Norfolk Southern Railroad on the north, Water Street on the south, Lynn Street on the west and Cottage Grove Avenue on the east, being in the Southwest Quarter of Section 9, Township 19 North, Range 9 East of the Third Principal Meridian, Champaign County, Illinois, more particularly described as follows:

All of the east-west Public Alley adjoining Lots 1 through 9, inclusive, of N. W. Davis' 2nd Addition, as shown on a plat recorded in Plat Book "A" at page 294 in the Office of the Recorder of Deeds, Champaign County, Illinois. Said Public Alley Right-of-Way being twelve feet (12') in width.

Said tract containing 0.153 acres (6,660 square feet), more or less, all situated in the City of Urbana, Champaign County, Illinois.

Section 2.

Upon vacation of the above-described alley, title thereto shall vest in the record owners of the land abutting the south side of the vacated alley for the extent of the common borders of their respective parcels with the said alley.

The owners, permanent index numbers, and addresses of the land abutting the south side of the alley described above are as follows:

<u>Owner</u>	<u>Permanent index no.</u>	<u>Address</u>
Joyce A. Hildreth	91-21-09-354-001	110 North Lynn Street
Troy A. and Angela M. Armstrong	91-21-09-354-002	904 East Water Street
William H. and Rebecca S. Marshall	91-21-09-354-003	906 East Water Street
Barney and Michelle Petty	91-21-09-354-004	908 East Water Street
Ted Hesselroth	91-21-09-354-005	910 East Water Street
Corinne Suhm	91-21-09-354-006	910 ½ East Water Street
Janice J. Revell	91-21-09-354-007	914 East Water Street
Kevin Joseph Garcia and Alexis Deanne Funk, as co-trustees of the Kevin Joseph Garcia and Alexis Deanne Funk Living Trust dated January 17, 2017	91-21-09-354-008	916 East Water Street
John E. Gaines	91-21-09-354-009	918 East Water Street
Claribell M. Irvin	91-21-09-354-010	918 ½ East Water Street

Section 3.

The vacation of the above-described alley shall be subject to the condition that 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.

Section 4.

The City Engineer 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 3 of this Ordinance, as so authorized and approved for and on behalf of the City of Urbana, Illinois.

Section 5.

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 6.

This Ordinance shall be in full force and effect from and after its passage. Upon approval of this Ordinance, the City Clerk is directed to record a certified copy with the Champaign County Office of the Recorder of Deeds.

This Ordinance is hereby passed by the affirmative vote, the “ayes” and “nays” being called, of three-fourths of all the alderpersons then holding office (6 of 7 votes) of the City of Urbana, Illinois, at a meeting of the City Council.

PASSED BY THE CITY COUNCIL this ___ day of _____, _____.

AYES:

NAYS:

ABSTENTIONS:

Charles A. Smyth, City Clerk

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

Diane Wolfe Marlin, Mayor

City of Urbana, Illinois

Public Alley Vacation

We, the undersigned owners, petition to the City of Urbana and request vacation of the Public Alley right-of-way, as shown on the adjacent map.

We, the undersigned, also understand that an alley vacation is subject to City Council approval and would be subject to utility and public easements remaining within the subject vacated right-of-way. If the Public Alley is vacated the proposed new lot locations and determinations are per the attached map

NAME: Joyce A. Hildreth
ADDRESS: 110 N. Lynn St
Urbana, IL 61802
P.I.N.#: 91-21-09-354-001

PHONE: 217-367-3824
Joyce A. Hildreth
OWNER'S SIGNATURE(S)

OWNER'S SIGNATURE(S)

NAME: WILLIAM + REBECCA MARSHALL
ADDRESS: 906 E. Water St.
Urbana, IL 61802
P.I.N.#: 91-21-09-354-003

PHONE: 217-384-4459
William Marshall
OWNER'S SIGNATURE(S)

Rebecca S Marshall
OWNER'S SIGNATURE(S)

NAME: TROI ARMSTRONG
ADDRESS: 904 E. Water St. ANGELA ARMSTRONG
Urbana, IL 61802
P.I.N.#: 91-21-09-354-002

PHONE: 217-202-0433
TROI ARMSTRONG
OWNER'S SIGNATURE(S)

ANGELA ARMSTRONG
OWNER'S SIGNATURE(S)

NAME: Michelle Petty + BARNET PETTY
ADDRESS: 908 E. Water St.
Urbana, IL 61802
P.I.N.#: 91-21-09-354-004

PHONE: (217)278-0450
Michelle Petty
OWNER'S SIGNATURE(S)

Barnet Petty
OWNER'S SIGNATURE(S)

NAME: Ted HESS & ROTH

ADDRESS: 910 E. Water St.

Urbana, IL 61802

P.I.N.#: 91-21-09-354-005

PHONE: 240-345-5464


OWNER'S SIGNATURE(S)

OWNER'S SIGNATURE(S)

NAME: Janice Revell

ADDRESS: 914 E. Water St.

Urbana, IL 61802

P.I.N.#: 91-21-09-354-007

PHONE: _____


OWNER'S SIGNATURE(S)


OWNER'S SIGNATURE(S)

NAME: Corinne Sukun

ADDRESS: 910 1/2 E. Water St.

Urbana, IL 61802

P.I.N.#: 91-21-09-354-006

PHONE: 217 766-4310


OWNER'S SIGNATURE(S)


OWNER'S SIGNATURE(S)

NAME: Kevin Joseph Garcia and Alexis Deanne Funk Living Trust

ADDRESS: 916 East Water Street

P.I.N.#: 91-21-09-354-008

PHONE: 773-658-5273


Kevin Joseph Garcia as co-trustee of the Kevin Joseph Garcia and Alexis Deanne Funk Living Trust dated January 17, 2017


Alexis Deanne Funk, as co-trustee of the Kevin Joseph Garcia and Alexis Deanne Funk Living Trust dated January 17, 2017

NAME: JOHN E GAUSS
ADDRESS: 918 E. WATER ST
URBANA ILL 61802
P.I.N.#: 354-009
PHONE: 217 417 1273

John E Gauss
OWNER'S SIGNATURE(S)

OWNER'S SIGNATURE(S)

NAME: CLARIBELL M IRVIN
ADDRESS: 918 1/2 E WATER ST
URBANA ILL 61802
P.I.N.#: 345-010
PHONE: 217 384 0600

Claribell M. Irvin
OWNER'S SIGNATURE(S)

OWNER'S SIGNATURE(S)

Please Return This Petition (With Signatures) To:

William R. Gray, P.E. - (217) 384-2377
Public Works Director
City of Urbana Public Works Department
706 S. Glover Avenue, Urbana, IL 61802-4427



ATTACHMENT B
PROPOSED ALLEY ROW VACATION MAP

