



## 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:** May 24, 2018  
**RE:** East Water Street Alley Right-of-Way Vacation east of North Poplar Street

### Action Requested

Approval of “AN ORDINANCE VACATING AN ALLEY (North Alley of Water Street East of Poplar Street).”

### Background and Facts

Property owners of the 1000 block of East Water Street have requested that the nine-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 or a shared-use path along this alley. The Public Works Department does not anticipate needing the alley for pedestrian, bicycle, or motor vehicle access in the future. The proposed ROW vacation will not impact the future Kickapoo Rail to Trail shared-use path.

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. No utilities are located within the ROW. A blanket unrestricted easement over the subject alley will be included in the vacation ordinance in the event such a need is required in the future.

### 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 nine 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 East of Poplar Street)” be approved.

Attachments: AN ORDINANCE VACATING AN ALLEY ((North Alley of Water Street East of Poplar Street)

Attachment A – Vacation Request Petition Form

Attachment B –Proposed Alley ROW Vacation Map

**ORDINANCE NO. 2018-05-037**

**AN ORDINANCE VACATING AN ALLEY**

**(North Alley of Water Street East of Poplar Street)**

**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 owners of the land abutting the south side of the north alley of East Water Street east of North Poplar Street have petitioned the City of Urbana (“City”) to vacate said alley; 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 public grounds other than a public street; 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 foregoing owners have agreed to pay all costs to maintain the alley after such vacation, except as otherwise provided in this Ordinance; 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 is subserved by vacating said alley, particularly when considering such relief to the public; and

**WHEREAS**, the City Council further finds that the public interest is subserved by the City's retention of a permanent easement in the alley for the installation, maintenance, renewal, and reconstruction of certain public service 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 north alley of East Water Street east of North Poplar Street:

An east-west Public Alley in the block bounded by the Norfolk Southern Railroad on the north, Water Street on the south, North Poplar Street on the west and Lot 1 in Habitat Replat A of Lot 2 of Widick's First Subdivision 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 4, inclusive, of a Subdivision of Part of the Southeast Quarter of the Southwest Quarter of Section 9, Township 19 North, Range 9 East of the Third Principal Meridian as shown on a plat recorded in Plat Book "B" at page 142 in the Office of the Recorder of Deeds, Champaign County, Illinois. Said Public Alley Right-of-Way being nine feet (9') in width.

Said tract containing 0.051 acres (2,241 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:

Harry Northen	91-21-09-378-001	1004 E. Water Street
Big Top Properties, LLC	91-21-09-378-002	1006 E. Water Street
Big Top Properties, LLC	91-21-09-378-003	1008 E. Water Street
Big Top Properties, LLC	91-21-09-378-004	1010 E. 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, any public utilities, and their successors and assigns to construct, install, reconstruct, repair, remove, replace, inspect, maintain, and operate their facilities in, under, across, along, over, and upon the vacated alley, together with the right of access thereto for the personnel and equipment necessary and required for such uses and purposes and the right to cut, trim, or remove trees, bushes, and roots as may be reasonably required incidental to the rights herein given.

**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, 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

**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.

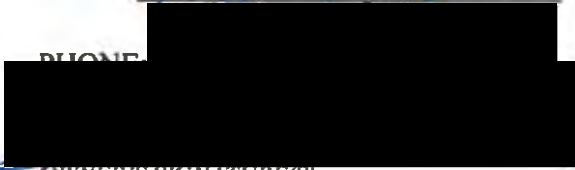
NAME:



ADDRESS: 1004 E Water  
Urbana IL 61802

P.I.N.#: 91-21-09-378-001

PHONE:



OWNER'S SIGNATURE(S)

OWNER'S SIGNATURE(S)

NAME: Big Top Properties

ADDRESS: 1008 E Water  
Urbana IL 61802

P.I.N.#: 91-21-09-378-003

PHONE: 217 621-3971

[Signature]  
OWNER'S SIGNATURE(S)

OWNER'S SIGNATURE(S)

NAME:

Big Top Properties

ADDRESS: 1006 E Water  
Urbana IL 61802

P.I.N.#: 91-21-09-378-002

PHONE: 217 621-3972

[Signature]  
OWNER'S SIGNATURE(S)

OWNER'S SIGNATURE(S)

NAME: Big Top Properties

ADDRESS: 1010 E Water  
Urbana IL 61802

P.I.N.#: 91-21-09-378-004

PHONE: 217 621-3971

[Signature]  
OWNER'S SIGNATURE(S)

OWNER'S SIGNATURE(S)



**ATTACHMENT B**  
**PROPOSED ALLEY ROW VACATION MAP**