



MEMORANDUM

TO: Mayor Diane Wolfe Marlin and Members of the City Council
FROM: Carol J. Mitten, Interim Public Works Director/ City Administrator
Bradley M. Bennett, Interim Co-City Engineer
DATE: January 23, 2019
RE: West Park and North Orchard Streets Right-of-Way Vacations for Carle Hospital

Action Requested

Approval of “AN ORDINANCE VACATING PORTIONS OF CERTAIN STREETS (Orchard Street between Church Street and University Avenue and Park Street between Orchard Street and McCullough Street)”.

Background and Facts

Representatives from the Carle Hospital have requested that 0.88 acres of Right-of-Way (ROW) of North Orchard Street and 0.61 acres of ROW for West Park Street be vacated by the City for use by the hospital. Please see Attachment A for the street ROW vacation request letter from the Carle Hospital. The location of the proposed ROW vacation is shown in Attachment B.

The portions of North Orchard and West Park Streets have been closed for decades as the hospital developed and expanded around those streets.

The Public Works Department staff has contacted the utility companies and the City departments regarding the proposed ROW vacation. No objections to vacating the proposed section of West Church Street were received. An easement for underground electric, gas, telecommunications, water, and sewer utilities located within the vacated ROW will be provided as part of the vacation process.

Financial Impact

The City’s street ROW vacation policy states that benefitting non-residential properties have to pay the fair market value of the vacated ROW. Whitsitt and Associates, Inc. appraised the ROW proposed to be vacated in September 2018 for the City of Urbana. The fair market value of the City’s ROW was determined to be five hundred thousand dollars (\$500,000). Carle Hospital Foundation accepted the City’s appraisal value for proposed vacated ROW at its December 14, 2018 meeting.

No replatting of the benefitting lots will be performed or is required.

Recommendations

It is recommended that “AN ORDINANCE VACATING PORTIONS OF CERTAIN STREETS (Orchard Street between Church Street and University Avenue and Park Street between Orchard Street and McCullough Street)” be approved.

Attachments: AN ORDINANCE VACATING PORTIONS OF CERTAIN STREETS (Orchard Street between Church Street and University Avenue and Park Street between Orchard Street and McCullough Street)

Attachment A – Vacation Request Form

Attachment B –Proposed Street ROW Vacation Map

ORDINANCE NO. 2019-01-012

AN ORDINANCE VACATING PORTIONS OF CERTAIN STREETS

**(Orchard Street between Church Street and University Avenue and
Park Street between Orchard Street and McCullough 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, by ordinance, may vacate any street, alley, or part thereof, if they determine that the public interest will be subserved by such vacation; and

WHEREAS, The Carle Foundation is the owner of all of the land abutting North Orchard Street between West Church Street and West University Avenue and West Park Street between North Orchard Street and North McCullough Street; and

WHEREAS, the aforesaid owner has petitioned the City of Urbana (“City”) to vacate said portions of North Orchard and West Park Streets; and

WHEREAS, in accordance with Urbana City Code Section 2-160, the City Council held a public hearing on the question of said vacations at 7:00 p.m. on Monday, January 7, 2019, after due and proper notice of such public hearing was given by publication in *The News-Gazette*, a newspaper having a general circulation within the City, on a date at least 15 days but not more than 30 days prior to the time of the public hearing; and

WHEREAS, at least 15 days prior to the public hearing, the Zoning Administrator caused to be mailed a copy of the aforesaid newspaper publication to each of the last-known taxpayers of record of all property adjacent to or within 250 feet in each direction of the portions of the streets proposed to be vacated; and

WHEREAS, the Zoning Administrator has filed an affidavit with the City Clerk attesting that such mailing described herein has been accomplished; and

WHEREAS, the City Council finds that the said portions of streets are of no further use to the City, except as hereinafter provided, and that such vacations will not materially impair or interfere with the use already existing and will not be detrimental to the public; and

WHEREAS, the City Council has determined that the fair market value of the portions of streets to be vacated is \$500,000 and that the owner shall make the aforesaid payment and acquire title to the vacated portions of streets subject to the terms and conditions of this Ordinance and as provided by law; 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 the said owner of the abutting land by reason of such vacation; and

WHEREAS, the City Council finds that the public interest is subserved by the vacation of said portions of streets; and

WHEREAS, the City Council further finds that the public interest is subserved by the City's retention of permanent easements in the portions of streets to be vacated 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 portions of North Orchard Street between West Church Street and West University Avenue and West Park Street between North Orchard Street and North McCullough Street:

A PORTION OF THE PARK STREET (FORMERLY FIRST STREET) RIGHT-OF-WAY, IN THE SOUTHWEST QUARTER OF SECTION 8, TOWNSHIP 19 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, CHAMPAIGN COUNTY, ILLINOIS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL THAT PART OF THE PARK STREET (FORMERLY FIRST STREET) RIGHT-OF WAY, BETWEEN THE EXISTING EASTERLY RIGHT-OF-WAY LINE OF NORTH ORCHARD STREET, AS SHOWN ON THE PLAT OF BUSEY'S SUBDIVISION OF LOT E AND A PORTION OF LOT B OF A SUBDIVISION OF THE SOUTHWEST QUARTER OF SECTION 8, TOWNSHIP 19 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, AS RECORDED IN PLAT BOOK "D", AT PAGE 186 IN THE OFFICE OF THE RECORDER OF DEEDS, CHAMPAIGN COUNTY, ILLINOIS, AND THE EXISTING WESTERLY RIGHT-OF-WAY LINE OF MCCULLOUGH STREET (FORMERLY WEST AVENUE), AS SHOWN ON THE PLAT OF S. H. BUSEY'S THIRD ADDITION TO THE CITY OF URBANA, AS RECORDED IN DEED RECORD 35, AT PAGE 128 IN THE OFFICE OF THE RECORDER OF DEEDS, CHAMPAIGN COUNTY, ILLINOIS. SAID RIGHT-OF-WAY BEING SIXTY-SIX FEET (66') IN WIDTH.

SAID TRACT CONTAINING 0.61 ACRES (26,422 SQUARE FEET), MORE OR LESS, ALL SITUATED IN THE CITY OF URBANA, CHAMPAIGN COUNTY, ILLINOIS.

And a portion of Orchard Street, described as follows:

A PORTION OF THE ORCHARD STREET RIGHT-OF-WAY, IN THE SOUTHWEST QUARTER OF SECTION 8, TOWNSHIP 19 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, CHAMPAIGN COUNTY, ILLINOIS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL THAT PART OF THE ORCHARD STREET RIGHT-OF-WAY, BETWEEN THE EXISTING NORTHERLY RIGHT-OF-WAY LINE OF UNIVERSITY AVENUE (U. S. ROUTES 150 & 45) AND THE EXISTING SOUTHERLY RIGHT-OF-WAY LINE OF CHURCH STREET, AS SHOWN ON THE PLAT OF SIMEON H. BUSEY'S ADDITION TO THE CITY OF URBANA, AS RECORDED IN DEED RECORD BOOK 26, AT PAGE 2 IN THE OFFICE OF THE RECORDER OF DEEDS, CHAMPAIGN COUNTY,

ILLINOIS. SAID RIGHT-OF-WAY BEING SIXTY-SIX FEET (66') IN WIDTH.

SAID TRACT CONTAINING 0.42 ACRE (18,216 SQUARE FEET), MORE OR LESS, ALL SITUATED IN THE CITY OF URBANA, CHAMPAIGN COUNTY, ILLINOIS.

Section 2.

Upon vacation of the above-described portions of streets, title thereto shall vest in the record owner of the land abutting the vacated streets for the extent of the common borders of the owner's respective parcels with the said streets.

The owner, permanent index numbers, and addresses of the land abutting North Orchard Street between West Church Street and West University Avenue are as follows:

The Carle Foundation	91-21-08-325-001	506 W. Park Street
The Carle Foundation	91-21-08-327-013	508 N. Orchard Street
The Carle Foundation	91-21-08-327-009	504 N. Orchard Street
The Carle Foundation	91-21-08-327-010	512 W. University Avenue
The Carle Foundation	91-21-08-310-001	602 W. University Avenue
The Carle Foundation	91-21-08-309-009	604 W. Park Street
The Carle Foundation	91-21-08-309-008	603 N. Orchard Street
The Carle Foundation	91-21-08-309-006	605 N. Orchard Street
The Carle Foundation	91-21-08-309-005	607 N. Orchard Street
The Carle Foundation	91-21-08-309-004	609 N. Orchard Street

The owner, permanent index numbers, and addresses of the land abutting West Park Street between North Orchard Street and North McCullough Street are as follows:

The Carle Foundation	91-21-08-325-001	506 W. Park Street
The Carle Foundation	91-21-08-327-007	507 N. McCullough Street
The Carle Foundation	91-21-08-327-006	503 W. Park Street
The Carle Foundation	91-21-08-327-013	508 N. Orchard Street

Section 3.

The vacation of the above-described portions of streets shall be subject to the following conditions:

- A. A perpetual easement upon said vacated streets 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 streets, 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.; and
- B. The Finance Director of the City of Urbana, Illinois, shall receive payment of \$500,000 as compensation for the fair market value of such vacated streets. This Ordinance shall not be effective until said payment is received.

Section 4.

Plats of vacation, in substantially the form of the copies of the plats attached hereto and hereby incorporated by reference, be and the same are hereby authorized and approved.

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 5.

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 Finance Director advises the Clerk that the Finance Department has received the sum set forth in Section 3 of this Ordinance. 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 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

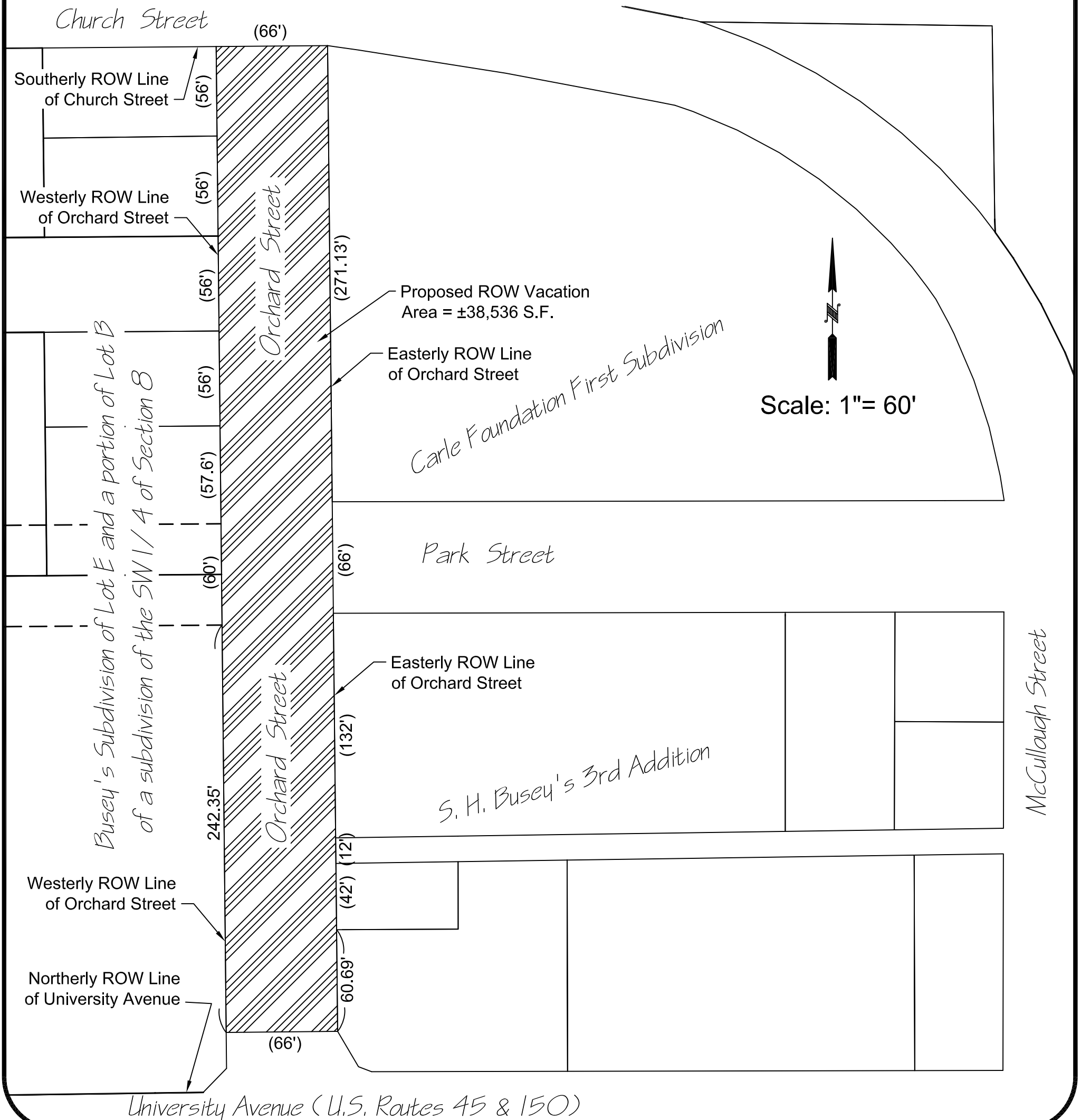
APPROVED BY THE MAYOR this ___ day of _____, _____.

Diane Wolfe Marlin, Mayor

A portion of the Orchard Street Right-of-Way, in the Southwest Quarter of Section 8, Township 19 North, Range 9 East of the Third Principal Meridian, Champaign County, Illinois, more particularly described as follows:

All that part of the Orchard Street Right-of-Way, between the existing northerly Right-of-Way line of University Avenue (U. S. Routes 150 & 45) and the existing southerly Right-of-Way line of Church Street, as shown on the plat of Busey's Subdivision of Lot E and a portion of Lot B of a subdivision of the Southwest Quarter of Section 8, Township 19 North, Range 9 East of the Third Principal Meridian, as recorded in Plat Book "D", at page 186 in the Office of the Recorder of Deeds, Champaign County, Illinois. Said Right-of-Way being sixty-six feet (66') in width.

Said tract containing 0.88 acre (38,536 square feet), more or less, all situated in the City of Urbana, Champaign County, Illinois.



PLAT MAP SHOWING PUBLIC RIGHT-OF-WAY VACATED
BY CITY OF URBANA, ILLINOIS ORDINANCE NO. 2019-XX-XXX
DATE: XXXXX XX, 2019

City of Urbana
Public Works Department
Engineering Division

Drawn by: DAR
Checked by: BMB

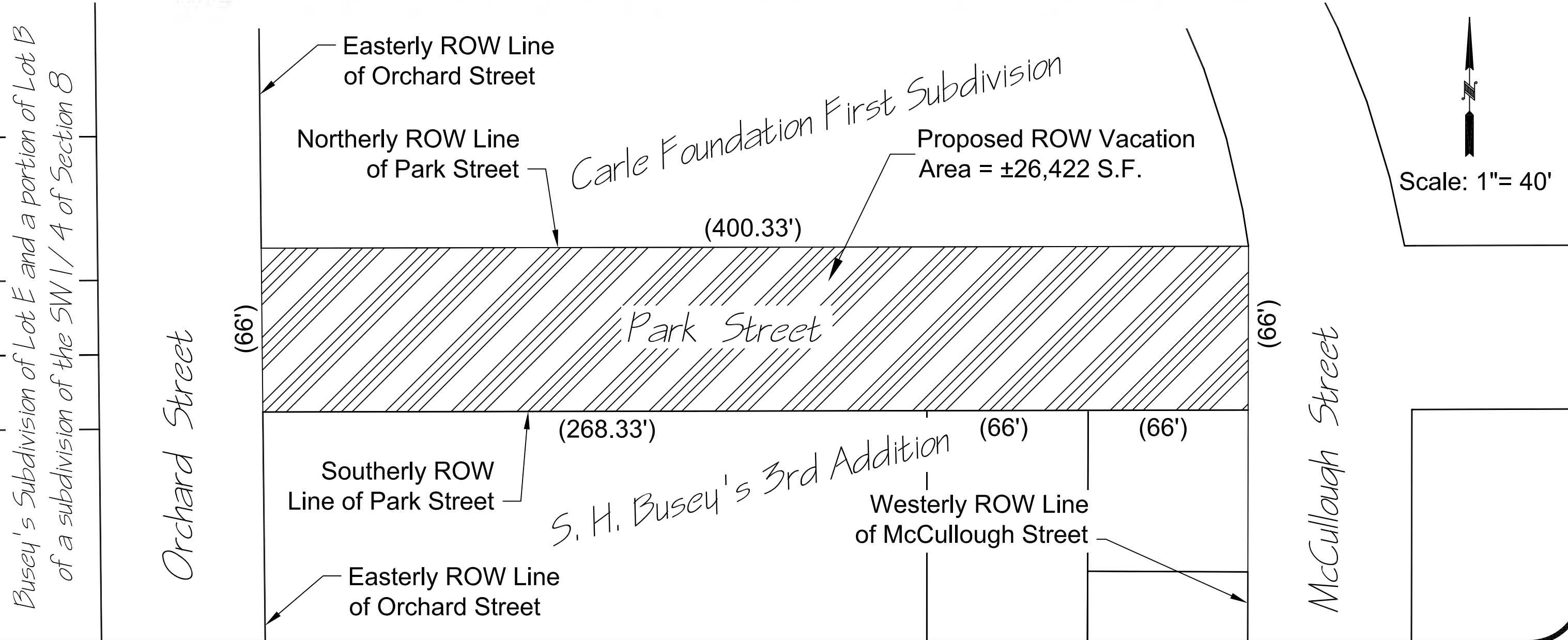
Date: 01/10/2019



A portion of the Park Street (formerly First Street) Right-of-Way, in the Southwest Quarter of Section 8, Township 19 North, Range 9 East of the Third Principal Meridian, Champaign County, Illinois, more particularly described as follows:

All that part of the Park Street (formerly First Street) Right-of Way, between the existing easterly Right-of-Way line of Orchard Street, as shown on the plat of Busey's Subdivision of Lot E and a portion of Lot B of a subdivision of the Southwest Quarter of Section 8, Township 19 North, Range 9 East of the Third Principal Meridian, as recorded in Plat Book "D", at page 186 in the Office of the Recorder of Deeds, Champaign County, Illinois, and the existing westerly Right-of-Way line of McCullough Street (formerly West Avenue), as shown on the plat of S. H. Busey's Third Addition to the City of Urbana, as recorded in Deed Record 35, at page 128 in the Office of the Recorder of Deeds, Champaign County, Illinois. Said Right-of-Way being sixty-six feet (66') in width.

Said tract containing 0.61 acres (26,422 square feet), more or less, all situated in the City of Urbana, Champaign County, Illinois.



**PLAT MAP SHOWING PUBLIC RIGHT-OF-WAY VACATED
BY CITY OF URBANA ORDINANCE NO. 2019-XX-XXX
DATE: XXXXX XX, 2019**

City of Urbana
Public Works Department
Engineering Division

Drawn by: DAR
Checked by: BMB

Date: 01/10/2019



ATTACHMENT A – VACATION REQUEST FORM

City of Urbana, Illinois

Public Street Vacation

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

We, the undersigned, also understand that a street 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 Street is vacated the proposed new lot locations and determinations are per the attached map.

NAME: Lynne C. Barnes for Carle Foundation Hospital


TITLE: COO-Carle Hospital and Sr. Vice President-Facilities/Support Services

ADDRESS: 611 W. Park St.

Urbana, IL 61801

PHONE: 217-353-4800

EMAIL: lynne.barnes@carle.com

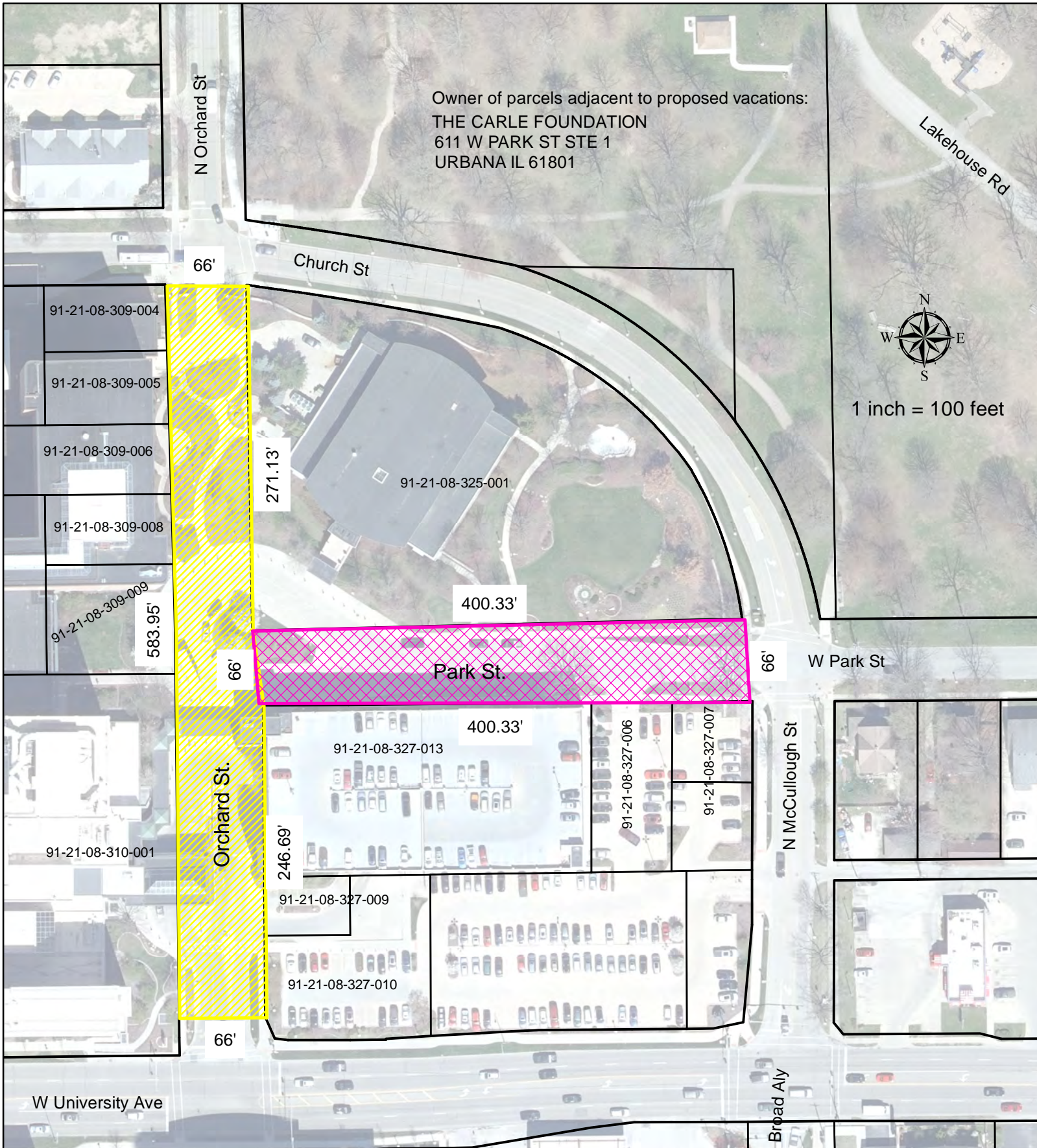
OWNER'S SIGNATURE 

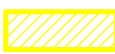

DATE: 9/24/18

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 Street ROW Vacation Map



-  Orchard Street
Proposed Vacation - 38,536 square feet (0.88 acres)
-  Park Street
Proposed Vacation - 26,422 square feet (0.61 acres)

