4647-10

AN ORDINANCE
Granting to Illinois Terminal Railroad Company the Right to Abandon Certain Property in the City of Urbana, Illinois and the use thereof.

WHEREAS, Illinois Terminal Railroad Company has succeeded to all of the rights and privileges heretofore granted by the City of Urbana, Illinois to its predecessors and assignors, Danville, Urbana & Champaign Railway Company, its successors and assigns; and

WHEREAS, the said Illinois Terminal Railroad Company has been and now is using and operating the railroad tracks and facilities in the City of Urbana, Illinois under authority heretofore granted by an ordinance entitled:

> "An Ordinance Authorizing the Danville, Urbana & Champaign Railway Company to lay down and use its railway tracks and construct its railroad, together with poles, wires and fixtures, in Main Street in the City of Urbana, Illinois,"

heretofore adopted by the City Council of the City of Urbana, Illinois August 11, 1902 and approved by the Mayor of said City, who signed the same, August 12, 1902, and which said ordinance is recorded in Ordinance Record "D" at page 349, et seq.; and

WHEREAS, an ordinance entitled:

> "An ordinance granting to the Danville, Urbana & Champaign Railway Company the right to build, maintain and operate a railroad track upon which no steam power is to be used, upon Walnut Street in the City of Urbana; also the right to haul coal in trains of not more than two cars upon the tracks of said Railway Company on Main and Walnut Streets in the City of Urbana, Illinois, after the hour of 11 o'clock P.M. and before the hour of 5 o'clock A.M. on any day, and imposing certain restrictions and conditions upon the maintenance and operation of the cars of said railway, upon its tracks in the City of Urbana,"

was heretofore adopted by the City Council of said City February 6, 1905, approved by the Mayor of said City, who signed the same, February 7, 1905, and recorded in Ordinance Record "D" at page 465; and

WHEREAS, an ordinance entitled:

> "An Ordinance granting certain licenses and franchises to the Danville, Urbana & Champaign Railway Company, its successors and assigns,"

was heretofore adopted by the City Council of said City on the 7th day of August, A. D. 1905 and approved by the Mayor of said City, who signed the same, August 8, 1905; and

WHEREAS, said Illinois Terminal Railroad Company has expressed its willingness to abandon the use of its tracks in Main Street and on

its private right-of-way West of a point one hundred fifty (150) feet West of the West side of Walnut Street in said City, and has not, for some time, made extensive use of that portion of its said tracks and facilities in said Main Street, and it is desired by the City that said Illinois Terminal Railroad Company surrender its rights and privileges heretofore granted to and now possessed by it West of a point one hundred fifty (150) feet West of the West line of Walnut Street in said City, upon Main Street and its private right-of-way West of said point.

NOW THEREFORE,

BE IT ORDAINED by the City Council of the City of Urbana, Illinois:

Section 1. That the provisions and conditions of the previous ordinances under and by virtue of which the said Illinois Terminal Railroad Company and its predecessors were granted certain rights and privileges to operate a railroad in and through the said City of Urbana, Illinois, be amended as follows:

(a) Said Illinois Terminal Railroad Company shall abandon the use of its tracks and facilities in the City of Urbana, Illinois on Main Street and the private right-of-way of said Company from a point one hundred fifty (150) feet West of the West side of Walnut Street in said City, to the western corporate limits of said City.

(b) That said Illinois Terminal Railroad be and it is hereby given the right, authority and permission to remove its tracks and facilities on and along its private right-of-way and across intersecting streets west of the West side of McCullough Avenue in said City, and the right to use its tracks and facilities east of said point for the purpose of operating cars and trains on which to haul and carry the rail, trolley, and other appurtenances as the same are removed, for a period of not to exceed sixty (60) days from the passage and approval of this ordinance. PROVIDED, HOWEVER, the rail and ties laid in the pavements of intersecting streets West of McCullough Avenue shall remain across the pavements at said street intersections and not be removed therefrom.

(c) That said Illinois Terminal Railroad Company shall, within sixty (60) days, remove its trolley and steel columns supporting the same, in Main Street between a point one hundred fifty (150) feet West of Walnut Street and the West line of McCullough Avenue.

(d) That said Illinois Terminal Railroad Company shall leave in place its railroad tracks and ties in Main Street in said City, and on Western Avenue wherever the same are laid in pavement; and within sixty days from the passage of this ordinance, and thenceforth, shall abandon its railroad and service on Main Street, Western Avenue, and its private right-of-way from a point one hundred fifty (150) feet West of the West side of Walnut Street to the western corporate limits of the City of Urbana, Illinois.

(e) Wherever the steel supports for the trolley are embedded in the concrete pavement or curb or sidewalk, they shall be either cut level with the surface of the pavement, gutter or sidewalk, as the case may be, or, if entirely removed, the pavement, gutter and sidewalk shall be replaced with concrete fill to the present surface thereof.

Section 2. The existing ordinances under and by virtue of which the said Illinois Terminal Railroad Company operates through the City of Urbana, shall remain in full force and effect except as herein modified and the service abandoned.

Section 3. The Illinois Terminal Railroad Company shall, in writing, within ten (10) days from the passage and approval of this ordinance, file with the City Clerk of the City of Urbana, Illinois, its acceptance of the terms and provisions hereof, whereupon the same shall become and be binding both upon the said City and the said Railroad Company.

Adopted this 19th day of August, A. D. 1946.

Ben A. Holman
City Clerk.

APPROVED by the Mayor of said City who signed the same this 19th day of August, 1946.

George F. Hurd
Mayor.

Accepted by the Illinois Terminal Railroad Company this 21st day of August, A. D. 1946.

A. P. Titus
President
Illinois Terminal Railroad Company