

ORDINANCE NO. _____

AN ORDINANCE REGULATING ENCROACHMENT
ON PUBLIC RIGHT OF WAY IN THE CITY OF URBANA,
CHAMPAIGN COUNTY, ILLINOIS

WHEREAS, the City of Urbana hereinafter known as the CITY, and the State of Illinois, acting by and through its Department of Public Works and Buildings, Division of Highways, have entered into an agreement relative to the improvement of University Avenue, (US Route 150, FA Route 11, SBI Route 10, State Section 3R, City Section 119CS), from Race Street to F.A.Route 11 (Spur); and,

WHEREAS, in order to facilitate said improvement, it is necessary for the CITY to adopt an ordinance regulating encroachments on the right of way for said improvement in accordance with the following definition:

Roadway Right of Way is defined as those areas existing or acquired by dedication or by fee simple for highway purposes; also, the areas acquired by temporary easement during the time the easement is in effect;

Project Right of Way is defined as those areas within the project right-of-way lines established jointly by the CITY, STATE, and the United States Bureau of Public Roads which will be free of encroachments except as hereinafter defined;

Encroachment is defined as any building, fence, sign, or any other structure or object of any kind (with the exception of utilities and public road signs), which is placed, located or maintained in, on, under or over any portion of the project right of way or the roadway right of way where no project right of way line has been established;

Permissible Encroachment is defined as any existing awning, marquee, advertising sign or similar overhanging structure supported from a building immediately adjacent to the limits of the platted street where there is a sidewalk extending to the building line and which does not impair the free and safe flow of traffic on the highway; The permissive retention of overhanging signs is not to be construed as being applicable to those signs supported from poles constructed outside the project right-of-way line and not confined by adjacent buildings;

Construction Easement Area is defined as that area lying between the project right-of-way limits and the platted street limits within which the CITY, by concurrence in the establishment of the project right-of-way lines, will permit the STATE to enter to perform all necessary construction operations;

and,

WHEREAS, representatives of the CITY, the STATE, and the United States Bureau of Public Roads have, by visual inspection, cooperatively established project right-of-way lines and have mutually determined the disposition of encroachments;

NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of Urbana, Champaign County, Illinois:

Section 1: It shall be unlawful for any person, firm or corporation to erect or cause to be erected, to retain or cause to be retained, any ENCROACHMENT (herein above defined), except as provided in Section 3, within the limits of the project right-of-way or roadway right-of-way where no project right-of-way lines have been established.

Section 2: Project right-of-way lines have been established at the following locations:

- (a) Along the north side of University Avenue, five (5) feet from the existing right of way line from Broadway Avenue to Cunningham Avenue.
- (b) Along the north side of University Avenue, ninety (90) feet from the centerline of the proposed improvement from Cunningham Avenue to Maple Street.
- (c) Along the south side of University Avenue, from 68.85 feet Rt. Station 25+75.06 to 90.89 feet Rt. Station 28+87.84.
- (d) Along the west side of Vine Street, one (1) foot outside of the proposed sidewalk from Lt. Station 264+00 to Lt. Station 267+00.
- (e) Along the east side of Vine Street, one (1) foot outside of the proposed sidewalk from Rt. Station 264+00 to Rt. Station 267+30+.
- (f) Along the east side of Broadway Avenue, from 33.5 feet Rt. Station 546+70 to 33.5 feet Rt. Station 547+06; thence to 41.33 feet Rt. Station 548+00.

Section 3: Revocable permits have been issued by the CITY for the temporary retention of the following PERMISSIBLE ENCROACHMENTS (herein above defined):

- (a) McDonald Hamburger Sign, Rt. Sta. 270+67

Ralph D. Schaaf + Joseph Rojas
(Owner)

(b) Town & Country Steak House Sign, Rt. Sta. 271+00

Raebh Schaaf & Joseph Tejes.
(Owner)

(c) Chief Illini Motel Sign, Rt. Sta. 273+10

Nicholas Makris.
(Owner)

(d) Chief Illini Motel Sign & Planter, Rt. Sta. 274+05

Nicholas Makris.
(Owner)

(e) Italian Village Restaurant Building and Planter,
Lt. Sta. 274+00

Cunningham Realty Co.
(Owner)

Section 4: This ordinance is intended to and shall be in addition to all other ordinances, rules and regulations concerning encroachments and shall not be construed as repealing or rescinding any other ordinance or part of any ordinance unless in direct conflict therewith.

Section 5: Any person, firm or corporation violating this ordinance shall be fined not less than One Dollar (\$ 1.00) nor more than Two Hundred Dollars (\$ 200.00) for each offense, and a separate offense shall be deemed committed for each and every day during which a violation continues or exists.

Section 6: This ordinance shall be published _____ time(s) within _____ days after its passage in a newspaper having a general circulation in the City of Urbana, Illinois, and shall be in full force and effect after its passage publication and approval as provided by law.

Dorcas E. Kelly
City Clerk

Passed and approved this 21st day of October, 1968.

Stanley B. Graves
Mayor

ATTEST:

Dorcas E. Kelly
City Clerk