

ORDINANCE NO. 7980-110

AN ORDINANCE APPROVING EASEMENT

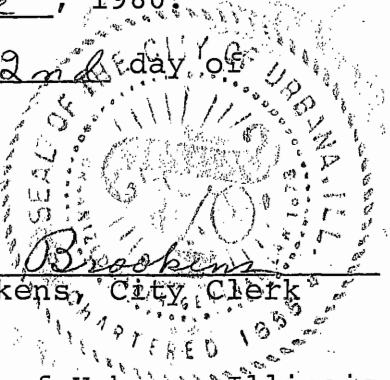
BE IT ORDAINED by the City Council of the City of Urbana, Illinois, as follows:

1. That an easement from the City of Urbana, Illinois, to Carle Foundation Hospital for the purposes of constructing and maintaining a certain underground utility tunnel under Coler Avenue located north of University Avenue and south of Park Street, a copy of which said easement is attached hereto and incorporated herein by reference, be and the same is hereby approved.

2. That the Mayor of the City of Urbana, Illinois, be and the same is hereby authorized to execute said easement for and on behalf of the City of Urbana, Illinois.

This Ordinance is hereby approved by a 3/4 vote, the ayes and nays being called of all the members of the City Council of the City of Urbana, Illinois, at a regular meeting of said council on the 2nd day of June, 1980.

Passed by the City Council this 2nd day of June, 1980.


Ruth S. Brookens
Ruth S. Brookens, City Clerk

Approved by the Mayor of the City of Urbana, Illinois, this 5th day of June, 1980.

Jeffrey T. Markland
Jeffrey T. Markland, Mayor

7980-110

THIS IS THE ATTACHMENT WHICH IS REFERRED TO IN
ORDINANCE NO. 7980-110 AND IS INCORPORATED
THEREIN BY REFERENCE.

Ruth S. Brookens
Ruth S. Brookens, City Clerk

June 14, 1980
Date



EASEMENT

The Grantor, the City of Urbana, Illinois, for and in consideration of the conditions and covenants granted herein, does hereby grant and convey to The Carle Foundation, a not for profit corporation, its successors and assigns, an easement to construct and maintain a certain utility tunnel as described in the attached plan, made a part hereof by reference, and said tunnel located more specifically within the area bounded by the following described property

Commencing at a point 90 feet 2 1/2 inches from the intersection of the centerline of University Avenue and the East right of way line of Coler Avenue, thence North along the East right of way line of Coler Avenue for a distance of 12 feet, thence West to the West right of way line of Coler Avenue, thence South along the West right of way line of Coler Avenue, for a distance of 12 feet, thence East to the point of beginning, thence to a point 16 feet below surface grade level, thence North for a distance of 12 feet along the East right of way line of Coler Avenue located 16 feet below grade level, thence West to the West right of way line of Coler Avenue located 16 feet below grade level, thence South for a distance of 12 feet along the West right of way line of Coler Avenue located 16 feet below grade level, thence East to the point of beginning, all situated in the City of Urbana, Champaign County, Illinois.

That this easement shall cease and the use and ownership of the property described herein shall revert to the City of Urbana upon the permanent removal or discontinued use for a period of ninety (90) days of the utility tunnel located therein.

That the City of Urbana shall retain all other rights, title, interest and use of said property not otherwise herein specifically reserved for the use granted The Carle Foundation, including but not limited to easements, if any, under or above said property for use by the public.

That The Carle Foundation shall, within ninety (90) days, after the completion of the construction and installation of said tunnel, repair and resurface Coler Avenue, including curbs, gutters, sidewalks, and pavement to its present or better condition, in order for said street to be used by the public for pedestrian and vehicular traffic.

That The Carle Foundation shall maintain the tunnel in good repair during the existence of this easement and shall hold the City of Urbana free from harm and liability for any and all injury or damage which may be caused by the existence of said tunnel during the existence of said easement.

That The Carle Foundation agrees that, in the event its successors or assigns should discontinue the use, by abandonment or otherwise of the tunnel, then they shall perform acts as shall be necessary to protect the public from injury or damage.

IN WITNESS WHEREOF, the City of Urbana, Illinois, pursuant to and under authority of an Ordinance duly passed by the City Council of Urbana, Illinois, granted said easement, has caused these presents to be executed in its behalf by its Mayor, attested by its City Clerk, and the corporate seal hereunto affixed, this ____ day of _____, 1980.

CITY OF URBANA, ILLINOIS

By _____
Mayor

CITY SEAL

Attest:

City Clerk

STATE OF ILLINOIS)
) SS.
COUNTY OF CHAMPAIGN)

The undersigned, a Notary Public in and for the County and State aforesaid, hereby certifies that Jeffrey T. Markland, the Mayor, and Ruth Brookens, the City Clerk, of the City of Urbana, Illinois, personally known to me to be the same persons who signed the foregoing instrument as such Mayor and City Clerk, respectively, appeared before me this day in person and acknowledged that they signed, sealed and delivered said instrument as the free and voluntary act of said municipal corporation for the uses and purposes therein set forth, pursuant to and under authority of an Ordinance duly passed by the City Council of Urbana, Illinois.

Given under my hand and Notarial Seal this _____ day of _____, 1980.

Notary Public