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2009R27998

Recording Cover Sheet

ORDINANCE NO. 2009-08-095

AN ORDINANCE VACATING A PORTION OF SYCAMORE
STREET RIGHT-OF-WAY (NORTH OF PARK STREET)

(PLAT MAP SHOWING PUBLIC RIGHT-OF-WAY VACATED
IS ATTACHED)

RECORDED ON
09/18/2009 04:12:21PM
CHAMPAIGN COUNTY
RECORDER
BARBARA A. FRASCA
REC FEE: 26.00
RHSPS Fee:
REV FEE:
PAGES 5
PIAT ACT: 0
PIAT PAGE:

Prepared for recording by:

Deborah J. Roberts, Deputy City Clerk

400 S. Vine Street, Urbana, IL 61801

(G)

Return to:

Phyllis D. Clark, City Clerk
City of Urbana
400 S. Vine Street
Urbana, IL 61801

ORDINANCE NO. 2009-08-095

**AN ORDINANCE VACATING A PORTION OF SYCAMORE STREET RIGHT-OF-WAY
(North of Park Street)**

WHEREAS, the City of Urbana (hereinafter "the City"), an Illinois Municipal Corporation, has a population in excess of 25,000 and is a home rule entity pursuant to Article 7, §6 of the Constitution of the State of Illinois and 65 ILCS 5/1-1-10; and

WHEREAS, certain residents of the City have petitioned to have a portion of excess right-of-way on Sycamore Street vacated; and

WHEREAS, a legal notice regarding vacation of this certain portion of the Sycamore right-of-way was published on July 13, 2009, and a public hearing was had on August 3, 2009; and

WHEREAS, it is the City's policy that where a vacated right-of-way is to adjoin a residential lot, and the combined land does not create an additional lot that could be subdivided and sold for profit, then the portion of the right-of-way may be vacated at no cost to the adjacent property owner; and

WHEREAS, any excess right-of-way that the City vacates is no longer the responsibility of the City, and therefore, cost and liability exposure are reduced.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. That the City Council of the City of Urbana, Illinois, hereby vacates, subject to the terms set forth in this Ordinance, the following-described street rights of way:

A portion of the Sycamore Street Right-of-Way, also being a part of Lot 1 in Block 4 of Mrs. E. Barr's Subdivision, as shown on a

plat recorded in Plat Book "B" at page 195, being more particularly described as follows:

Beginning at the southeast corner of said Lot 1, said point also being at the intersection of the easterly Right-of-Way line of Sycamore Street with the northerly Right-of-Way line of Park Street, thence, S 89°24'27" W, an assumed bearing, along the southerly line of said Lot 1, said line also being the westerly extension of the northerly Right-of-Way line of Park Street, 44.00 feet; thence, N 25°29'58" E, 99.94 feet, to a point on said easterly Right-of-Way line also being the easterly line of said Lot 1, said point being 30.00 feet southerly of the northeast corner of said Lot 1; thence, S 00°37'19" E, along said easterly line, 89.75 feet, to the point of beginning, having an area of 1,974.567 S.F. (0.045 acres), more or less, all situated in the City of Urbana, Champaign County, Illinois.

All situated in the City of Urbana, Champaign County, Illinois.

Section 2. The following listed parcel, which abuts the public right-of-way herein vacated, will by operation of law, pursuant to the provisions of Section 5/11-91-2 of the Illinois Municipal Code and this ordinance, acquire title to the vacated property:

91-21-09-302-008

Section 3. The City Council of the City of Urbana, Illinois, hereby finds and determines that the public interests will be subserved as a result of this vacation ordinance because the nature and extent of the public use or public interests in such streets is such as to warrant the vacation, especially when considering the relief to the public from further burden and responsibility of maintaining the rights of way herein vacated.

Section 4. The title to the vacated rights of way shall vest in the abutting owners subject to any easement or easements in favor of the City or others or any public utilities, their successors or assigns, to operate, maintain, renew, and reconstruct their

facilities as now existing on, over, or under that part of the rights of way, unless and until such owners of the land abutting therein shall cause the rearrangement, removal, or relocation of all said facilities, and shall pay and be responsible for all reasonable costs and expenses as shall be incurred in association therewith.

Section 5. This ordinance shall become effective immediately.

Section 6. The City Clerk is directed to record a certified copy of this ordinance with the Recorder of Champaign County, Illinois.

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called, of three-fourths of the members of the City Council of the City of Urbana, Illinois, at a regular meeting of said City Council.

PASSED by the City Council this 8th day of September,
2009.

AYES: Bowersox, Gehrig, Lewis, MacLean, Roberts, Smyth

NAYS:

ABSTAINS:



Christie D. Clark
Clark, City Clerk

APPROVED by the Mayor this 11th day of September,
2009.

Laurel Lunt Prussing
Laurel Lunt Prussing, Mayor