

ORDINANCE NO. 8081-9

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 Transportation, Division of Highways, have entered into an Agreement relative to the improvement of Race Street (City Section 79-00218-00-PV); 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 definitions:

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 Federal Highway Administration which will be free of encroachments except 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 Federal Highway Administrative 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 CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

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 as hereinabove defined within the limits of the project right-of-way or roadway right-of-way where no project right-of-way lines have been established.

2. 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.

3. Any person, firm or corporation who shall violate any of the provisions of this ordinance shall, upon conviction, be fined not less than One Dollar (\$1.00) nor more than Two Hundred Dollars (\$200.00) for such offense, and a separate offense shall be deemed committed for each and every day during which a violation continues or exists.

4. That the City Clerk be, and she is hereby authorized and directed to cause this ordinance to be published as by law prescribed hereafter the same shall be in full force and effect as by law provided.

PASSED by the City Council this 21st day of July,
1980.


Ruth S. Brookens
Ruth S. Brookens, City Clerk

APPROVED by the Mayor this 24th day of July,
1980.

Jeffrey T. Markland
Jeffrey T. Markland, Mayor

CERTIFICATE OF PUBLICATION

I, RUTH S. BROOKENS, City Clerk, City of Urbana, Illinois, do herewith certify that I caused the above Ordinance to be duly published in the Champaign-Urbana News-Gazette on the 30th day of July, 1980.

Ruth S. Brookens
Ruth S. Brookens, City Clerk

CERTIFICATE OF PUBLICATION

IN

The News-Gazette

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The undersigned, THE CHAMPAIGN NEWS-GAZETTE, INCORPORATED, by M. J. O'Qua, its controller, does hereby

certify that said Corporation is the publisher of The News-Gazette and that the same is a daily secular newspaper of general circulation published in Champaign, Champaign County, Illinois, and which said newspaper had been regularly published for more than six months prior to the first publication of the annexed notice; said publisher further certifies that the annexed notice was published once each week for _____ consecutive weeks in said newspaper, namely on the following dates: _____

July 30, A. D. 1980

, A. D. 19

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Said publisher further certifies that the date of the first paper containing the said notice was on the first date hereinabove set forth, and that the date of the last paper containing the said notice was on the last date hereinabove set forth.

The Champaign News-Gazette, Incorporated

By _____

Controller

PUBLISHER OF THE NEWS-GAZETTE

CITY OF URBANA, ILL.
RECEIVED

JUL 31 1980

CITY CLERK'S OFFICE

Publisher's fee \$ 51.62