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ORDINANCE NO. 9697-117

AN ORDINANCE VACATING A PORTION OF  
ORCHARD STREET AND A PORTION OF CLARK  
STREET

DOC # \_\_\_\_\_  
CHAMPAIGN COUNTY, ILL

and

PLAT MAP SHOWING STREET RIGHT-OF-WAY  
VACATED BY ORDINANCE NO. 9697-117  
CITY OF URBANA, CHAMPAIGN COUNTY,  
ILLINOIS

'97 MAY 5 PM 4 02

*Embera A. Draca*

RECORDER

Return to: Phyllis Clark, City Clerk  
City of Urbana  
P.O. Box 219  
Urbana, IL 61801-0219



City of Urbana  
400 South Vine Street  
Post Office Box 219  
Urbana, Illinois 61801-0219  
(217) 384-2362  
FAX (217) 384-2301

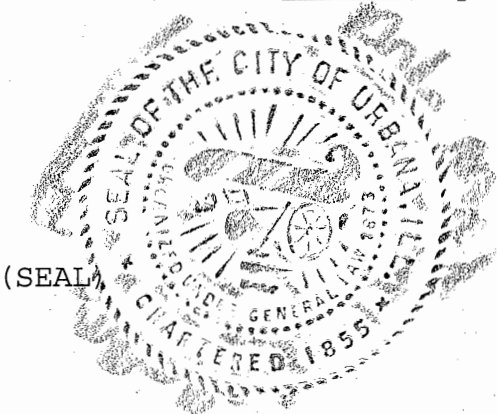
**CLERK'S CERTIFICATE**

STATE OF ILLINOIS     )  
                                  )   SS  
COUNTY OF CHAMPAIGN )

I, PHYLLIS D. CLARK, City Clerk of the City of Urbana, Illinois, and keeper of the records, files and seal of said City, do hereby certify that the foregoing is a true and exact copy of an ordinance entitled, "AN ORDINANCE VACATING A PORTION OF ORCHARD STREET AND A PORTION OF CLARK STREET" [Ord. No. 9697-117]

approved by the City Council of the City of Urbana, Illinois, on the 7th day of April, A.D., 1997, as it appears in the records and files in my office remaining.

Given under my hand and seal of said City of Urbana, Illinois, this 5th day of May, A.D., 1997.



Phyllis D. Clark  
Phyllis D. Clark, City Clerk



AN ORDINANCE VACATING A PORTION OF ORCHARD STREET  
AND A PORTION OF CLARK STREET

WHEREAS, it has been determined that the portion of Orchard Street and the portion of Clark Street herein vacated is excess right-of-way that should be vacated and the land be incorporated into the lots which abut thereon; and

WHEREAS, it has also been determined that the vacation of the portions of Orchard Street and Clark Street as provided herein will not interfere with or impair the access rights of any private property; and

WHEREAS, in accordance with the requirements of Ordinance No. 9293-97 entitled "An Ordinance Requiring a Public Hearing Prior to the Vacating of a Street", a public hearing was held on the 17th day of February, 1997, which said date was more than fifteen (15) days, but less than thirty (30) days following the publication of the Notice of Hearing in a newspaper of general circulation in the City of Urbana, to-wit, said publication having occurred on the 23rd day of January, 1997; and the Zoning Administrator also caused to be mailed, a copy of the said Notice so published, to each of the last known taxpayers of record of all properties adjacent to or within 250' in each direction of the portion of the street proposed to be vacated, said mailing having been accomplished on the 7th day of February, 1997; and

WHEREAS, the Urbana City Council has determined that the nature and extent of the public use and the public interest to be subserved warrants the vacation of the portions of Orchard Street and Clark Street as provided herein.

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

Section 1. That, such having been determined to be no longer required by the City of Urbana for street right-of-way purposes, the following described portion of Orchard Street is hereby vacated:

A portion of the Orchard Street Right-of Way, as shown on said plat of Col. M. W. Busey's Heirs' Addition to the Town (now City) of Urbana, per plat recorded in the Office of the Recorder, Champaign County, Illinois, in Deed Record Book 8 at page 444, being 66 feet in width, more particularly described as follows:

Commencing at the northeast corner of Lot 1 of said Col. M. W. Busey's Heir's Addition to the Town (now City) of Urbana; thence S 01° 25' 54" E, along the westerly Right-of-Way line of vacated Orchard Street, as vacated by Ordinance 8081-72, 248.00 feet to an iron pipe survey monument at the southwest corner of the portion of Orchard Street Right-of-Way vacated by said Ordinance, said point

being the Point of Beginning; thence N 88° 29' 02" E, along the south line of said vacated Orchard Street Right-of-Way, 66.00 feet to the east Right-of-Way line of Orchard Street, said point also being the southeast corner of the portion of said vacated Orchard Street Right-of-Way; thence, S 01° 25' 54" E along said east Right-of-Way line, 98.50 feet to the easterly extension of the south Right-of-Way line of Clark Street said line also being the easterly extension of the north line of Lot 3 of said Col. M. W. Busey's Heir's Addition to the Town (now City) of Urbana; thence, westerly, along said extension, 66.00 feet to the west Right-of-Way line of Orchard Street, said point also being the northeast corner of said Lot 3; thence, N 1° 25' 34" W along the west Right-of-Way line of Orchard Street, 98.50 feet to the Point of Beginning.

Said Orchard Street Right-of-Way containing 0.15 Acres (6,501 square feet), more or less.

Situated in the City of Urbana, Champaign County, Illinois, and as shown on the attached plat.

Section 2. That, such having been determined to be no longer required by the City of Urbana for street right-of-way purposes, the following described portion of Clark Street is hereby vacated:

All of the Clark Street Right-of Way, as shown on the plat of Col. M. W. Busey's Heirs' Addition to the Town (now City) of Urbana, per plat recorded in the Office of the Recorder, Champaign County, Illinois, in Deed Record Book 8 at page 444, being 66 feet in width lying between the east Right-of-Way line of Coler Street and the west Right-of-Way line of Orchard Street;

Except;

That part previously vacated by Ordinance 8081-72, more particularly described as follows:

Beginning at a point, which is the intersection of the East right-of-way line of Coler St. with the South right-of-way line of the Conrail Railroad Spur; thence S 72° 48' 11" E, along said railroad right-of-way, 102.51 feet to its intersection with the North line of Lot 3 of Colonel M W Busey's Heirs' Addition to the City of Urbana, Champaign County, Illinois; thence N 89° 48' 22" W, along said North line of Lot 3, 98.75 feet; thence N 01° 34' 39" E, along the East right-of-way line of Coler Street, 29.98 feet to the place of beginning, said tract containing 1,480 square feet, all as shown on the accompanying plat of survey.

A part of the said Right-of-Way lies within the boundaries of tracts of land referenced in quit claim deeds dated December 7, 1981, recorded in Deed Record Book 1279 at page 444 and dated July 3, 1984, recorded in Deed Record Book 1370 at page 495. Said Clark Street Right-of-Way containing 0.29 Acres (12,808 square feet), more or less

Situated in the City of Urbana, Champaign County, Illinois, and as shown on the attached plat.

Section 3. That the title to the vacated right-of-way shall vest in the owners of the land abutting thereon subject to any easement or easements or other rights in favor of the City or any public utilities, or any railroad company, their successors or assigns, to operate, maintain, renew and reconstruct their facilities as now existing on, over, or under that part of the right-of-way unless and until such owners of the land abutting thereon 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. The abutting owner or owners shall compensate the said utilities for such reasonable expense as shall be incurred by said utilities in connection with the rearrangement, removal or relocation of said facilities.

Section 4. The City Clerk is hereby directed to record a certified copy of this Ordinance with the Recorder of Champaign County, Illinois.

Section 5. This Ordinance shall be effective immediately upon its passage by the City Council and approval by the Mayor of the City of Urbana, Illinois.

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called, of a three-fourth's (3/4th's) vote of the members of the Council of the City of Urbana, Illinois, at a regular meeting of said Council.

PASSED by the City Council this 7th day of April, 1997.

AYES: Kearns, Patt, Pollock, Ryan, Taylor, Whelan

NAYS:

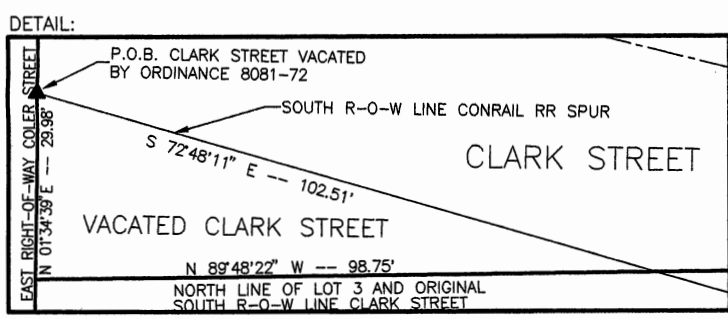
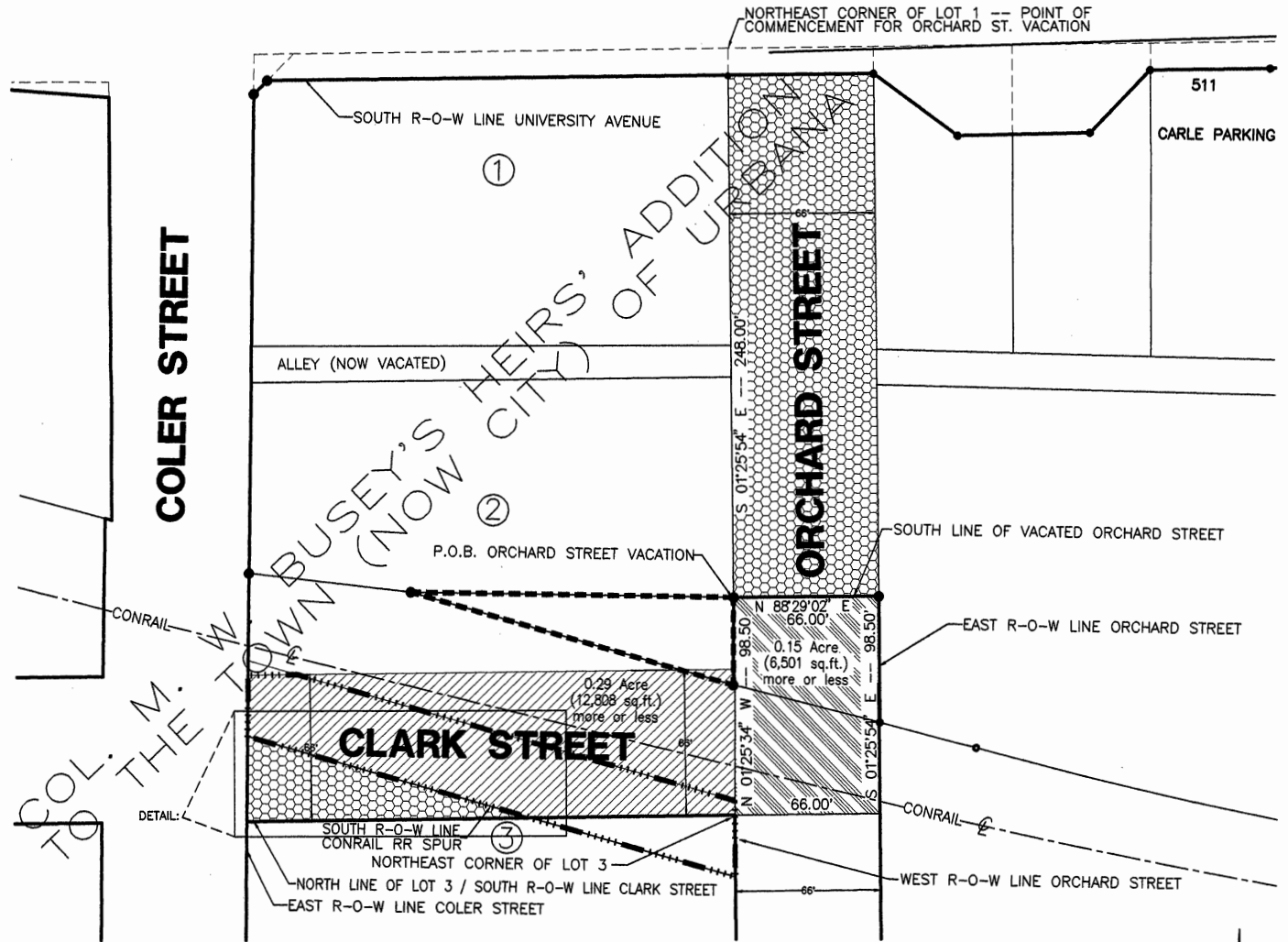
PRESENT:

 Phyllis D. Clark  
Phyllis D. Clark, City Clerk

APPROVED by the Mayor this 18th day of April, 1997.

Tod Satterthwaite  
Tod Satterthwaite, Mayor

# UNIVERSITY AVENUE



**LEGEND:**

- QUIT CLAIM DEED RECORDED BOOK 1279 PAGE 444
- QUIT CLAIM DEED RECORDED BOOK 1370 PAGE 495
- IRON PIPE SURVEY MONUMENTS
- ▨ ORCHARD STREET RIGHT-OF-WAY HEREBY VACATED
- ▩ CLARK STREET RIGHT-OF-WAY HEREBY VACATED
- ▧ RIGHT-OF-WAY VACATED BY ORDINANCE 8081-72

**PLAT MAP SHOWING STREET  
 RIGHT-OF-WAY VACATED  
 BY ORDINANCE NO. 9697-117  
 CITY OF URBANA,  
 CHAMPAIGN COUNTY, ILLINOIS  
 DATE: APRIL 7, 1997**

**PUBLIC WORKS DEPARTMENT  
 ENGINEERING DIVISION**

SCALE:  
 80' 40' 20' 0 80'  
 DRAWN: 12/31/96 K.L.H. CHECKED: 12/31/96 B.W.F.

