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ORDINANCE NO. 2000-12-150

AN ORDINANCE VACATING A PORTION OF
BENNETT STREET AND A PORTION OF ELM
STREET AND ALSO PORTIONS OF GRAPE ALLEY
AND FISH ALLEY

2014R11967

REC ON: 07/09/2014 11:14:01 AM

CHAMPAIGN COUNTY

BARBARA A. FRASCA, RECORDER

REC FEE: 45.00

PAGES 6

PLAT ACT: OPLAT PAGE:

Prepared for recording by:

Phyllis D. Clark

400 S. Vine Street, Urbana, IL

(6)

Return to:

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

**AN ORDINANCE VACATING A PORTION OF BENNETT STREET
AND A PORTION OF ELM STREET AND ALSO PORTIONS OF
GRAPE ALLEY AND FISH ALLEY**

WHEREAS, in an agreement with the County of Champaign, Illinois, relating to the remodeling and expansion of the County Courthouse, which agreement was approved by the Urbana City Council in Ordinance No. 2000-11-129, the City of Urbana agreed that the vacation of those portions of Bennett Street and Elm Street and those portions of Grape Alley and Fish Alley as described in this Ordinance was in the best interests of the public by facilitating the expansion and remodeling of the County Courthouse; and

WHEREAS, although the said agreement was subsequently amended as approved in Ordinance No. 2001-03-031, such amendment had no affect on the provisions respecting vacation of Bennett Street; and

WHEREAS, that the paved portion of Bennett Street, including sidewalks, have been in open use by the public for in excess of twenty (20) years and therefore, a prescriptive right-of-way has been created for the area depicted on the Exhibit A between the east right-of-way line of "Grape Alley" and the west right-of-way line of the north/south portion of what is labeled as Parcel 4 in Exhibit A; and

WHEREAS, in addition to the prescriptive right-of-way, and miscellaneous dedications of portions of Bennett Street, the City has acquired various legal rights to various parcels which now comprise the Bennett Street right-of-way, all as more fully described in Exhibit A which is a copy of a Boundary Survey Plat recorded as Document No. 2001R06202; and

WHEREAS, the County of Champaign owns all of the real property which abuts on both sides of that portion of Bennett Street herein vacated and the

County owns the land abutting on the north of that portion of Elm Street herein vacated; and

WHEREAS, that portion of Elm Street herein vacated is minor and does not eliminate the Elm Street right-of-way and has no effect on the property abutting Elm Street to the south of such area and thus no public hearing is required by Section 2-160 of the Urbana City Code; and

WHEREAS, the vacation of the portion of Bennett Street and the portion of Elm Street herein vacated will not impair access to any property other than the property owned by the County of Champaign; and

WHEREAS, the Urbana City Council finds that there is no further need for the right-of-way herein vacated; and

WHEREAS, in accordance with the requirements of Section 2-160 of the Urbana City Code, a public hearing respecting Bennett Street was held on the 20th day of December, 1999, 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 20th day of November, 1999, 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 feet in each direction of the portion of the street proposed to be vacated, said mailing having been accomplished on the 1st day of December, 1999; and

WHEREAS, the Urbana City Council did begin its consideration of this ordinance on the 18th day of December, 2000, in accordance with Section 2-160 of the Urbana City Code; and

WHEREAS, the purpose of this Ordinance is to vacate Bennett Street as public right-of-way and to insure that all legal rights thereto accrue to the County, and to authorize all the right, title and interest of the City be conveyed to the County of Champaign and additionally, the purpose of this

Ordinance is to vacate that portion of Elm Street herein described and insure all legal rights thereto accrued to the County and to authorize all of the right, title and interest of the City of Urbana be conveyed to the County of Champaign.

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

Section 1. The following-described portions of Bennett Street, Elm Street, Grape Alley and Fish Alley are hereby vacated, such being determined to be no longer required by the City of Urbana for street or alley right-of-way purposes and, the City being relieved of the further burden of maintaining such rights-of-way, the public interest shall be subserved by vacating the same: Parcels 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10, all as shown on the recorded Boundary Survey (2001R06202) a copy of which is attached hereto as Exhibit A.

Section 2. That the various elements of consideration set forth in the agreement between the City and the County is adequate compensation for the benefits accruing to the County by virtue of the vacation of streets and alleys herein.

Section 3. That title to the vacated rights-of-way shall vest in the County of Champaign as abutting owner subject to the following easements in favor of the City, or 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 herein vacated, unless and until the County of Champaign, Illinois shall cause the rearrangement and removal or relocation of said facilities and shall pay and be responsible for all the reasonable costs and expenses as shall be incurred in association therewith:

- A. An easement for the existing Federal Courthouse natural gas service line and the Elite Diner natural gas service line at Fish Alley across Parcel 3.

B. An easement for the existing Elite Diner natural gas service line cross Parcel 1.

C. An easement for the existing underground electric main and transformer across Parcel 1, Parcel 3, Parcel 7, Parcel 6 and that portion of Parcel 9 south of Parcel 6 to the new north right-of-way line of Elm Street.

Section 4. Furthermore, to insure against any defects in transferring to the County of Champaign any and all incidents of legal ownership in the Bennett Street right-of-way herein vacated, the Mayor of the City of Urbana is authorized to execute and deliver to the County of Champaign, Illinois, a Quit Claim Deed conveying to the County of Champaign, Illinois all of the right, title and interest of the City of Urbana in the following parcels as shown on the recorded Boundary Survey Plat: Parcels 1, 2, 3, 4, 8 and 9.

Section 5. The City Clerk is directed to record a certified copy of this Ordinance with the Recorder of Champaign County.

This Ordinance is approved by a three-fourth's (3/4th's) vote of the members of the City Council of the City of Urbana, Illinois, at a regular meeting of said Council.

PASSED by the City Council this 4th day of June,
2001.

AYES: Chynoweth, Hayes, Huth, Otto, Patt, Whelan, Wyman

NAYS:

ABSTAINS:



Phyllis D. Clark
Phyllis D. Clark, City Clerk

APPROVED by the Mayor this 13th day of _____ June _____,

2001 .

Tod Satterthwaite
Tod Satterthwaite, Mayor