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Recording Cover Sheet

ORDINANCE NO. 2003-05-050

AN ORDINANCE VACATING THE EASTERN PORTION OF AN ALLEY RUNNING EAST FROM RACE STREET, NORTH OF WATER STREET

(PLAT MAP ATTACHED)

2012R16204
REC ON: 07/03/2012 4:19:00 PM
CHAMPAIGN COUNTY
BARBARA A. FRASCA, RECORDER
REC FEE: 30.00
PAGES 9
PLAT ACT: 0 PLAT PAGE:

Prepared for recording by:

Deborah J. Roberts, Deputy City Clerk

400 S. Vine Street, Urbana, IL 61801

Return to:

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

AN ORDINANCE VACATING THE EASTERN PORTION OF AN ALLEY RUNNING EAST FROM RACE STREET, NORTH OF WATER STREET

WHEREAS, the Council finds that Ordinance No. 2003-05-049, vacating the public alley lying immediately to the west of the public alley herein vacated to accommodate redevelopment of the adjacent parcels, thereby adding to the tax base, will result in the isolation of a short stretch of public alley herein vacated (approximately 35') because such remaining alley will not connect with other public right of way; and

WHEREAS, the Council further finds that the public interest is best served if title to the north 3.23' of even width of the public alley herein vacated (hereafter simply "Subject Alley") is vested in the present owner of the following described tract which abuts thereon to the north:

Lot 3 of Timpone Plaza, as shown on a plat prepared April 26, 1996 by David E. Atchley, Illinois Professional Land Surveyor Number 2590, and recorded September 18, 1996, in Plat Book "CC" at page 203 in the Office of the Recorder of Deeds, Champaign County, Illinois (hereinafter referred to as "Timpone Tract"),

and a portion of the remaining southern portion of the subject alley be vested in the present owner of the following described tract which abuts thereon to the south:

Commencing at a point on the North line of Water Street in the City of Urbana, Illinois, which point is 171.38 feet East of the center line of Race Street in said City, thence North parallel to Race Street 112.5 feet, thence East parallel to Water Street 28.875 feet, thence South parallel to Race Street 113.25 feet, thence West 28.875 feet, North 1 foot, to the point of beginning, being a part of Out Lot One of Out Lots in the Town, now City of Urbana, Illinois (hereinafter referred to as the "Jolly Roger Tract"),

and the remaining westernmost 6.5 feet of the southern portion shall be vested in the owner of the following-described tract abutting thereon to the south:

Lots 1, 2, 3, and 4 of G. O. Shafer's Subdivision of the West $\frac{2}{3}$ of the Southwest $\frac{1}{4}$ of Outlot 1 of the Original Town (now City) of Urbana, as per plat recorded in Plat Record "C" at page 252; and the West $\frac{1}{2}$ of the East 57 feet and 9 inches of the Southwest $\frac{1}{4}$ of Outlot 1 of the Outlots of the original Town (now City) of Urbana, Illinois, as per plat recorded in Deed Record "A" at page 16, all being a part of the Southwest $\frac{1}{4}$ of The Southeast $\frac{1}{4}$ of Section 8, Township 19 North, Range 9 East of the Third Principal Meridian; also;

Beginning at the Southwest Corner of Outlot 1 of the Original Town (now City) of Urbana, thence West along the North side of Water Street 51.6 feet to the East line of Race Street; thence North along the East line of Race Street 107.24 feet to a point which is also described as the Northwest Corner of G.O. Shafer's Subdivision of the West $\frac{2}{3}$ of the Southwest $\frac{1}{4}$ of Outlot 1 of the Original Town of Urbana; thence East 51.6 feet; thence South 107.24 feet to the point of beginning, situated in Champaign County, Illinois, it being intended hereby to include all lands, if any, lying between said Outlot 1 of the Original Town of Urbana and the East line of Race Street within said G.O. Shafer's Subdivision, situated in Champaign County, Illinois.

Said tract being as described in a Warranty Deed, dated September 20, 1999 and recorded as Document Number 99R28449 in the Office of the Recorder of Deeds, Champaign County, Illinois (hereinafter referred to as the "Stratford Tract").

because the geometrics of the said lots and thus, their usability after vacation of the subject alley, is best served by such partition of the subject alley; and

WHEREAS, the Council further finds that due to the isolation of this small portion of public alley by reason of prior vacations, the vacation of public alley herein shall not materially impair access to any property; and

WHEREAS, the Council further finds that the benefit to the City in being relieved of maintenance liability for the subject alley exceeds the value of the benefit which would accrue to the parcel adjacent in which title to the entire width of the subject alley shall vest and, thus, the Council has determined that no compensation shall be sought from the owner of such adjacent parcel.

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 hereby vacates, subject to the terms set forth in this Ordinance, the following-described alley right-of-way:

All that part of the easterly 47.82 feet of the east-west public alley adjacent to Lot 2 of Besore Brothers Estate Replat as shown on a plat prepared July 14, 1922 and recorded in Plat Book "D" at page 282 in the Office of the Recorder of Deeds, Champaign County, Illinois, not previously vacated by City of Urbana Ordinance Number 7172-91, dated March 20, 1972, and recorded in Record Book 978 at page 884 in the Office of the Recorder of Deeds, Champaign County, Illinois, said alley also being all of the east-west public alley adjacent to Lot 3 of Timpone Plaza, as shown on a plat dated April 26, 1996, prepared by David E. Atchley, Illinois Professional Land Surveyor Number 2950, and recorded in Plat Book "CC" at page 203 in the Office of the Recorder of Deeds, Champaign County, Illinois. Said alley containing 429.84 S.F., more or

less, all situated in the City of Urbana, Champaign County, Illinois.

the legal description as is further described in the attached plat map.

Section 2. 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 to be subserved is such as to warrant the vacation, especially when considering the relief to the public from further burden and responsibility of maintaining the right-of-way herein vacated.

Section 3. That title to the vacated public alley right-of-way shall vest in the present owners as indicated below:

- (a) The north 3.23 feet of even width shall vest in the owner of the "Timpone Tract" which abuts thereon to the north.

- (b) The following described southern portion of the subject alley (approximately 8.77 feet) shall vest in the present owner of the "Jolly Roger Tract" which abuts thereon to the south:

The southerly 8.77 feet of the westerly 29.32 feet of the easterly 41.32 feet of the east-west public alley adjacent to Lot 2 of Besore Brothers Estate Replat as shown on a plat prepared July 14, 1922 and recorded in Plat Book "D" at page 282 in the Office of the Recorder of Deeds, Champaign County, Illinois, said alley also being adjacent to Lot 3 of Timpone Plaza an Addition to Urbana, Illinois, as shown on a plat dated April 26, 1996, prepared by David E. Atchley, Illinois Professional Land Surveyor Number 2950, and recorded in Plat Book "CC" at page 203 in the Office of the Recorder of Deeds, Champaign County, Illinois and being further described as follows:

Commencing at the southwest corner of Lot 3 of said Timpone Plaza; thence, N 88°17'21" E (an assumed bearing), along the north line of said east-west public alley, a distance of 35.82 feet, to the westerly line of a public alley vacated by City of Urbana Ordinance Number 7172-91; thence, S 01°52'39" E, along said westerly line, a distance of 3.23 feet, to the Point of Beginning; thence, continuing S 01°52'39" E, along said westerly line, a distance of 8.77 feet, to the southerly line of said east-west public alley; thence, S 88°17'21" W, along said southerly line, a distance of 29.32 feet, to the northeast corner of a tract described in a Warranty Deed dated September 20, 1999 and recorded as Document Number 99R28449 in the Office of the Recorder of Deeds, Champaign County, Illinois; thence, N 01°52'39" W, along the northerly extension of the east line of said tract recorded as Document Number 99R28449, a distance of 8.77 feet; thence, N 88°17'21" E, along the south line of the northerly 3.23 feet of said east-west public alley, a distance of 29.32 feet, to the Point of Beginning, containing 257.22 square feet, more or less, all situated in the City of Urbana, Champaign County, Illinois.

- (c) The following described remaining 6.5 feet of the south 8.77 feet portion of the subject alley shall vest in the present owner of the "Stratford Tract":

The southerly 8.77 feet of the westerly 6.50 feet of the easterly 47.82 feet of the east-west public alley adjacent to Lot 2 of Besore Brothers Estate Replat as shown on a plat prepared July 14, 1922 and recorded in Plat Book "D" at page 282 in the Office of the Recorder of Deeds, Champaign County, Illinois, said alley also

being adjacent to Lot 3 of Timpone Plaza an Addition to Urbana, Illinois, as shown on a plat dated April 26, 1996, prepared by David E. Atchley, Illinois Professional Land Surveyor Number 2950, and recorded in Plat Book "CC" at page 203 in the Office of the Recorder of Deeds, Champaign County, Illinois and being further described as follows:

Commencing at the southwest corner of Lot 3 of said Timpone Plaza; thence, S 1°52'39" E (an assumed bearing), along the southerly extension of the west line of said Lot 3, a distance of 3.23 feet, to the Point of Beginning; thence, N 88°17'21" E, along a line 3.23 feet southerly of, and parallel with, the north line of said east-west public alley, a distance of 6.50 feet, to the northerly extension of the easterly line of a tract described in a Warranty Deed, dated September 20, 1999 and recorded as Document Number 99R28449 in the Office of the Recorder of Deeds, Champaign County, Illinois; thence, S 01°52'39" E, along said northerly extension, a distance of 8.77 feet, to the south line of said east-west public alley; thence, S 88°17'21" W, along said south line, a distance of 6.50 feet, to the southerly extension of the westerly line of said Lot 3; thence, N 01°52'39" W, along said southerly extension, a distance of 8.77 feet, to the Point of Beginning, containing 57.03 square feet, more or less, all situated in the City of Urbana, Champaign County, Illinois.

Section 4. That title to the vacated right-of-way shall vest as indicated in Section 3 above, subject to any easement or easements in favor of the City 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 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. And an easement of ingress and egress for the benefit of the "Jolly Roger Tract" until the existing building thereon is razed.

Section 5. The City Council determines that being relieved of further responsibility for maintenance of the subject alley and the vesting of title to the respective portions thereof to the adjacent owners as provided herein is sufficient compensation to all parties in interest to waive the requirement for further payment as would otherwise be required under Resolution No. 9899-R2 when non-residential alleys are vacated.

Section 6. This Ordinance shall be in full force and effect from and after its passage.

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


PASSED by the City Council this 19th day of May, 2003.

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

NAYS:

ABSTAINS:

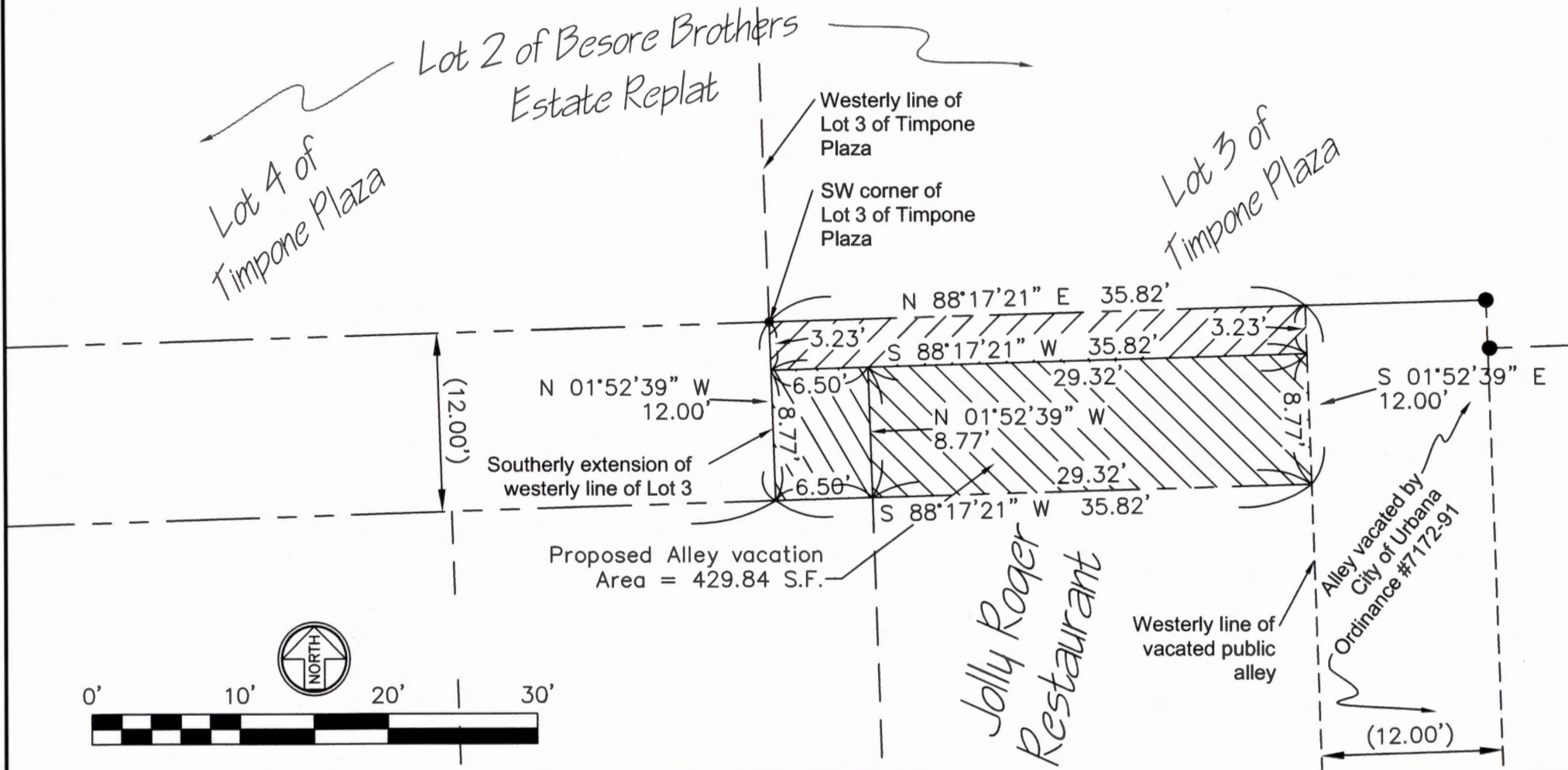
APPROVED by the Mayor this 29th day of May, 2003.


Phyllis D. Clark
Phyllis D. Clark, City Clerk
Robert J. Satterthwaite
Deputy Clerk
Tod Satterthwaite
Tod Satterthwaite, Mayor

This Ordinance does NOT amend the Code of Ordinances.

Plat of Alley Vacation

All that part of the easterly 47.82 feet of the east-west public alley adjacent to Lot 2 of Besore Brothers Estate Replat as shown on a plat prepared July 14, 1922 and recorded in Plat Book "D" at page 282 in the Office of the Recorder of Deeds, Champaign County, Illinois, not previously vacated by City of Urbana Ordinance Number 7172-91, dated March 20, 1972, and recorded in Record Book 978 at page 884 in the Office of the Recorder of Deeds, Champaign County, Illinois, said alley also being all of the east-west public alley adjacent to Lot 3 of Timpone Plaza, as shown on a plat dated April 26, 1996, prepared by David E. Atchley, Illinois Professional Land Surveyor Number 2950, and recorded in Plat Book "CC" at page 203 in the Office of the Recorder of Deeds, Champaign County, Illinois. Said alley containing 429.84 S.F., more or less, all situated in the City of Urbana, Champaign County, Illinois.



PLAT MAP SHOWING PUBLIC RIGHT-OF-WAY VACATED
 BY ORDINANCE NO. 2003-05-050
 CITY OF URBANA, ILLINOIS
 DATE: May 19, 2003

William R. Gray
 William R. Gray
 Public Works Director/City Engineer

City of Urbana
 Public Works Department
 Engineering Division
 Date: 5/6/2003 Drawn by: BWF

