



MEMORANDUM

TO: Mayor Diane Wolfe Marlin and the Urbana City Council
FROM: William R. Gray, P.E., Public Works Director
DATE: February 22, 2018
RE: An Ordinance Authorizing the Dedication of Right-of-Way (601 North Lincoln Avenue)

Introduction

As part of the Church Street and Lincoln Avenue Intersection Improvement, completed in 2008, the City of Urbana acquired right-of-way in fee simple from Illinois American Water (formerly Illinois American Water Company). See attached Exhibit A.

Since that time, Illinois American Water has closed and demolished the water treatment plant and is in the process of selling the land. An interested buyer/developer is requesting that the city vacate Church Street west of Lincoln Avenue (attached). In order to consider this request, all of the land in question must be dedicated right-of-way. Upon staff research, it was found that the attached strip of land was not dedicated. A portion of this strip of land would be included as part of Church Street right-of-way. This is graphically shown in the proposed Church Street ROW Vacation exhibit.

From a practical point of view, this strip of land (Exhibit A) should be dedicated as public right-of-way since that is the intended purpose. This recommended action should occur whether or not the Urbana City Council vacates Church Street. This Dedication of Right-of-Way is recommended for approval.

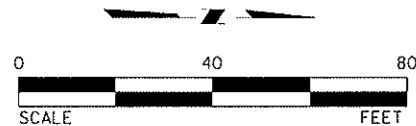
Financial Impact

The action to dedicate this strip of land as public right-of-way has no financial impact to the City.

Recommendation

It is recommended that an Ordinance Authorizing the Dedication of Right-of-Way (601 N. Lincoln Avenue) be approved.

Attachments: Right-of-Way Plat (Exhibit A)
Church Street Right-of-Way Vacation
Dedication of Right-of-Way
An Ordinance Authorizing the Dedication of Right-of-Way (601 N. Lincoln Avenue)



RIGHT-OF-WAY PLAT

PART OF THE NE 1/4 OF THE SE 1/4 SECTION 7, T. 19 N., R. 9 E. OF THE 3RD P.M. CITY OF URBANA, CHAMPAIGN COUNTY, ILLINOIS

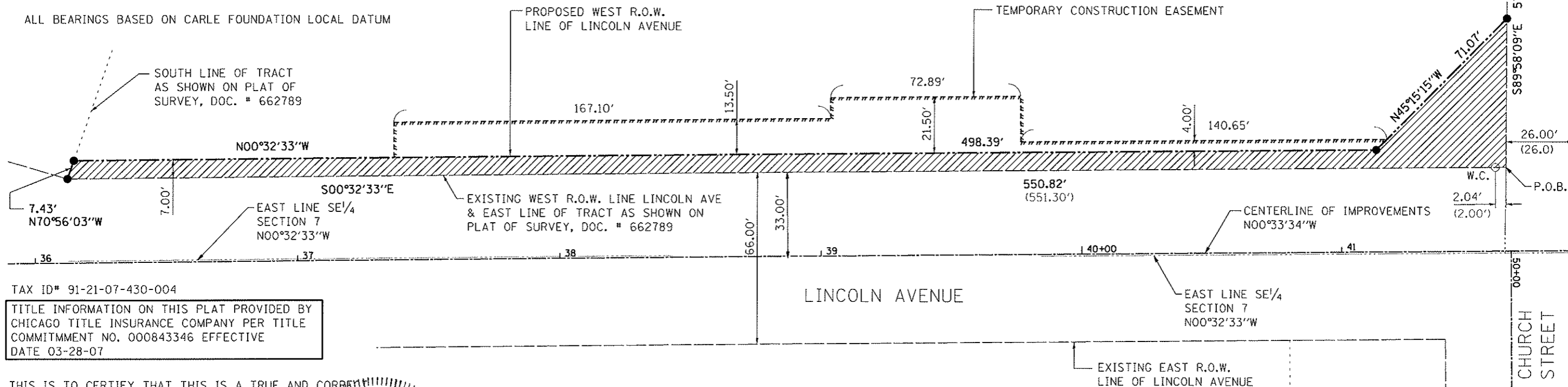
GRANTOR:
ILLINOIS AMERICAN
WATER COMPANY

- PROPOSED RIGHT-OF-WAY
5097 SQUARE FEET ±
- PROPOSED TEMP CONSTRUCTION EASEMENT
4375 SQUARE FEET ±

- LEGEND**
- IRON PIPE MONUMENT FOUND
 - IRON PIPE MONUMENT SET
 - (60')
 - RECORD DIMENSION
 - SECTION, SUB-SECTION LINES
 - TEMPORARY CONSTRUCTION EASEMENT
 - EXISTING PROPERTY LINE
 - EXISTING RIGHT-OF-WAY LINE
 - PROPOSED RIGHT-OF-WAY LINE

TRACT AS SHOWN ON PLAT OF SURVEY
BY CHARLES S. DANNER RECORDED
APRIL 26, 1961, AS DOC. # 662789

ALL BEARINGS BASED ON CARLE FOUNDATION LOCAL DATUM



TAX ID# 91-21-07-430-004

TITLE INFORMATION ON THIS PLAT PROVIDED BY
CHICAGO TITLE INSURANCE COMPANY PER TITLE
COMMITMENT NO. 000843346 EFFECTIVE
DATE 03-28-07

THIS IS TO CERTIFY THAT THIS IS A TRUE AND CORRECT
PLAT OF SURVEY MADE UNDER MY DIRECTION FOR THE
CITY OF URBANA, STATE OF ILLINOIS.

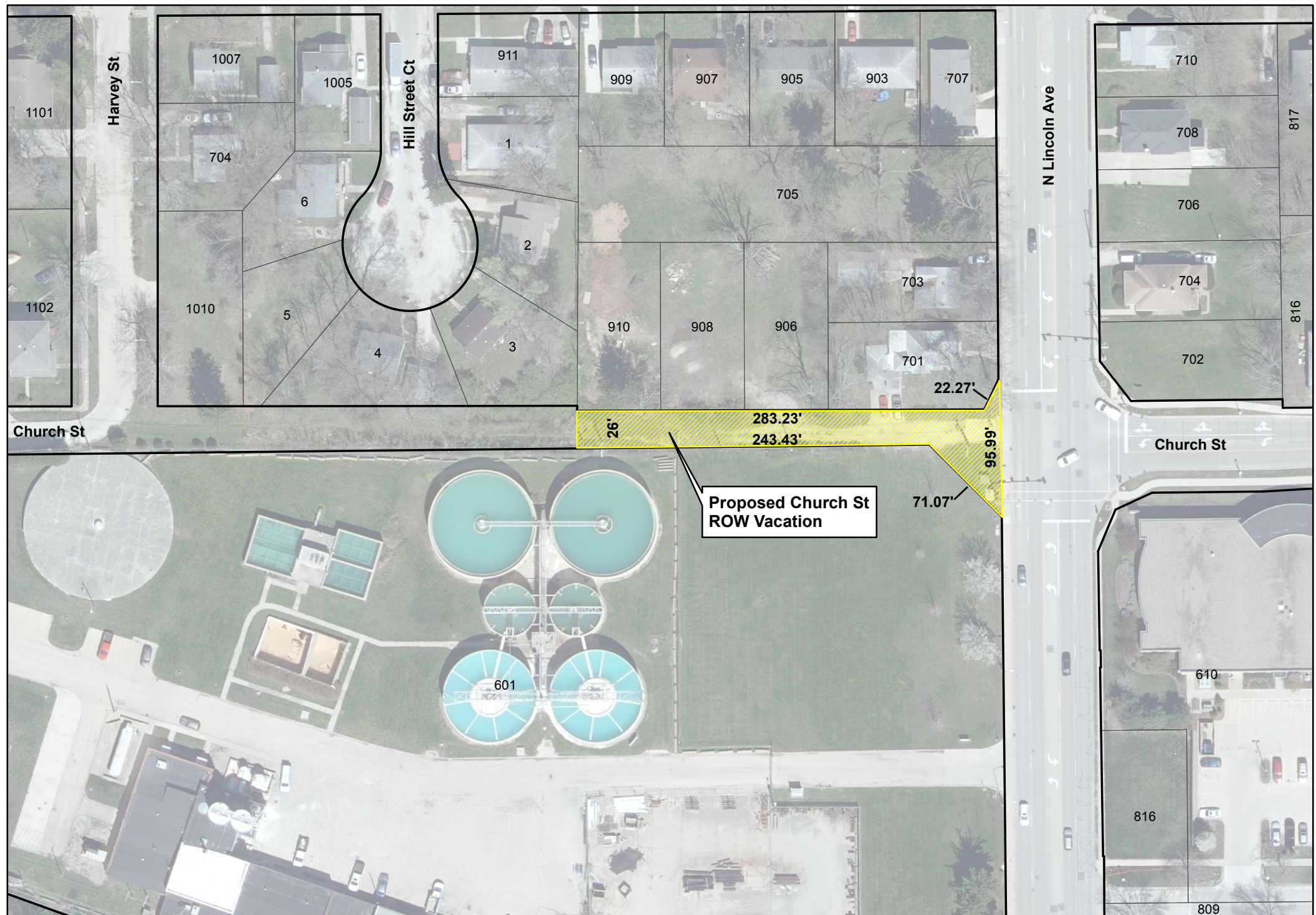
01-21-08
DATE

Kenneth E. Jensen
KENNETH E. JENSEN
ILLINOIS PROFESSIONAL
LAND SURVEYOR NO. 2506
CHAMPAIGN, ILLINOIS
EXPIRES NOV. 30, 2008

2506
PROFESSIONAL
SURVEYOR
STATE OF
ILLINOIS
CHAMPAIGN, ILLINOIS

EXHIBIT A

ILLINOIS PROFESSIONAL DESIGN FIRM #184004913	
Date of Preparation: JAN. 21, 2008	Project No. 07C017
Foth Foth Infrastructure & Environment, LLC 1610 Buckwood Dr. Champaign, IL 61821 Phone: 217-352-4100 Fax: 217-352-0065	
SHEET NO. 2	
OF 2 SHEETS	



**Proposed Church St
ROW Vacation**

**Proposed Church Street ROW Vacation
8,978 SF (0.206 Acres)**



DEDICATION OF RIGHT-OF-WAY

THE CITY OF URBANA, ILLINOIS, a municipal corporation duly organized and existing under and by virtue of the laws of the State of Illinois, grants, conveys, warrants, and dedicates the following described real estate to the public forever for use as a right-of-way for public street or highway purposes and for public utility purposes:

PART OF THE NE $\frac{1}{4}$ OF THE SE $\frac{1}{4}$ OF SECTION 7, T. 19 N., R. 9 E. OF THE 3RD P.M., CITY OF URBANA, CHAMPAIGN COUNTY, ILLINOIS, AS SHOWN ON A PLAT OF SURVEY BY CHARLES S. DANNER, RECORDED APRIL 26, 1961 AS DOCUMENT #662789 IN THE OFFICE OF THE CHAMPAIGN COUNTY RECORDER, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF A TRACT OF LAND SHOWN ON THE PLAT OF SURVEY BY CHARLES S. DANNER, RECORDED APRIL 26, 1961 AS DOCUMENT NO. 662789 IN THE OFFICE OF THE CHAMPAIGN COUNTY RECORDER, SAID POINT ALSO BEING THE INTERSECTION OF THE EXISTING SOUTH RIGHT-OF-WAY LINE OF CHURCH STREET AND THE EXISTING WEST RIGHT-OF-WAY LINE OF LINCOLN AVENUE; THENCE S.00°32'33" E., ALONG THE EAST LINE OF SAID TRACT AND SAID EXISTING WEST RIGHT-OF-WAY LINE OF LINCOLN AVENUE, 550.82 FEET TO THE SOUTHWEST CORNER THEREOF; THENCE N. 70°56'03" W., ALONG THE SOUTH LINE OF SAID TRACT, 7.43 FEET TO A POINT LYING 7.00 FEET NORMAL DISTANCE WEST OF SAID EXISTING WEST RIGHT-OF-WAY LINE OF LINCOLN AVENUE; THENCE N. 00°32'33" W., ALONG A LINE 7.00 FEET NORMAL DISTANCE WEST OF SAID EXISTING WEST RIGHT-OF-WAY LINE OF LINCOLN AVENUE, 498.39 FEET; THENCE N. 45°15'15" W., 71.07 FEET TO A POINT ON THE NORTH LINE OF SAID TRACT AND ALSO ON THE AFORESAID EXISTING SOUTH RIGHT-OF-WAY LINE OF CHURCH STREET; THENCE S.89°58'09" E., ALONG SAID EXISTING SOUTH RIGHT-OF-WAY LINE, 57.00 FEET TO THE POINT OF BEGINNING, CONTAINING 5,097 SQUARE FEET (0.117 ACRES) MORE OR LESS, SITUATED IN THE CITY OF URBANA, CHAMPAIGN COUNTY, ILLINOIS.

THE SAID REAL ESTATE ALSO BEING SHOWN BY THE PLAT HERETO ATTACHED AND MADE A PART HEREOF.

A PART OF PERMANENT INDEX NO.: 91-21-07-430-004

COMMONLY KNOWN AS: 601 North Lincoln Avenue, Urbana, Illinois 61801

The City of Urbana has caused its corporate seal to be affixed, and has caused its name to be signed to these presents by Diane Wolfe Marlin, its Mayor, and attested by Charles A. Smyth, its City Clerk, this _____ day of _____, 2018.

CITY OF URBANA, ILLINOIS

By: _____
Diane Wolfe Marlin, Mayor

ATTEST:

By: _____
Charles A. Smyth, City Clerk

ACCEPTED:

By: _____
William R. Gray, P.E, City Engineer

Dated: _____

THIS INSTRUMENT WAS PREPARED BY: Curt Borman, Assistant City Attorney, City of Urbana, 400 S. Vine Street, Urbana, IL 61801

MAIL RECORDED DOCUMENT AND TAX BILL TO: City of Urbana Legal Division, 400 S. Vine Street, Urbana, IL 61801

This transaction is exempt under the provisions of 35 ILCS 200/31-45(e).

Date: _____ Buyer, Seller, or Representative _____
William R. Gray, P.E, City Engineer

ORDINANCE NO. 2018-02-015

AN ORDINANCE AUTHORIZING THE DEDICATION OF RIGHT-OF-WAY

(601 N. Lincoln Avenue)

WHEREAS, Section 3 of the Plat Act (765 ILCS 205/3) provides that a statutory dedication of land occurs when (1) a property owner files or records a plat that marks or notes the portions of the land as donated or granted to the public; and (2) a public entity accepts the dedication; and

WHEREAS, Urbana City Code Section 21-38(g) authorizes the City Engineer to accept on behalf of the City of Urbana (“City”) all right-of-way and easement dedications necessary and beneficial to the City not arising from the process of final plat approval by the City Council; and

WHEREAS, the City is the fee simple owner of certain right-of-way located at 601 N. Lincoln Avenue in Urbana, Illinois; and

WHEREAS, the City Engineer has recommended that the City dedicate a portion of said right-of-way for public street or highway purposes and for public utility purposes, as set forth on the attached Plat of Dedication; and

WHEREAS, the City Engineer has agreed to accept the dedication on behalf of the City; and

WHEREAS, the City Council, after due consideration, finds that the dedication of said portion of right-of-way to the public as herein described is in the best interests of the residents of the City and is desirable for the welfare of the City’s government and affairs.

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

Section 1.

Subject to the terms set forth in this Ordinance, the dedication of a portion of right-of-way located at 601 N. Lincoln Avenue in Urbana, Illinois, and legally described below is hereby authorized and approved:

PART OF THE NE ¼ OF THE SE ¼ OF SECTION 7, T. 19 N., R. 9 E. OF THE 3RD P.M., CITY OF URBANA, CHAMPAIGN COUNTY, ILLINOIS, AS SHOWN ON A PLAT OF SURVEY BY CHARLES S. DANNER, RECORDED APRIL 26, 1961 AS DOCUMENT #662789 IN THE OFFICE OF THE CHAMPAIGN COUNTY RECORDER, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF A TRACT OF LAND SHOWN ON THE PLAT OF SURVEY BY CHARLES S. DANNER, RECORDED APRIL 26, 1961 AS DOCUMENT NO. 662789 IN THE OFFICE OF THE CHAMPAIGN COUNTY RECORDER, SAID POINT ALSO BEING THE INTERSECTION OF THE EXISTING SOUTH RIGHT-OF-WAY LINE OF CHURCH STREET AND THE EXISTING WEST RIGHT-OF-WAY LINE OF LINCOLN AVENUE; THENCE S.00°32'33" E., ALONG THE EAST LINE OF SAID TRACT AND SAID EXISTING WEST RIGHT-OF-WAY LINE OF LINCOLN AVENUE, 550.82 FEET TO THE SOUTHWEST CORNER THEREOF; THENCE N. 70°56'03" W., ALONG THE SOUTH LINE OF SAID TRACT, 7.43 FEET TO A POINT LYING 7.00 FEET NORMAL DISTANCE WEST OF SAID EXISTING WEST RIGHT-OF-WAY LINE OF LINCOLN AVENUE; THENCE N. 00°32'33" W., ALONG A LINE 7.00 FEET NORMAL DISTANCE WEST OF SAID EXISTING WEST RIGHT-OF-WAY LINE OF LINCOLN AVENUE, 498.39 FEET; THENCE N. 45°15'15" W., 71.07 FEET TO A POINT ON THE NORTH LINE OF SAID TRACT AND ALSO ON THE AFORESAID EXISTING SOUTH RIGHT-OF-WAY LINE OF CHURCH STREET; THENCE S.89°58'09" E., ALONG SAID EXISTING SOUTH RIGHT-OF-WAY LINE, 57.00 FEET TO THE POINT OF BEGINNING, CONTAINING 5,097 SQUARE FEET (0.117 ACRES) MORE OR LESS, SITUATED IN THE CITY OF URBANA, CHAMPAIGN COUNTY, ILLINOIS.

THE SAID REAL ESTATE ALSO BEING SHOWN BY THE PLAT HERETO ATTACHED AND MADE A PART HEREOF.

A PART OF PERMANENT INDEX NO.: 91-21-07-430-004

COMMONLY KNOWN AS: 601 North Lincoln Avenue, Urbana, Illinois 61801

Section 2.

The City Council of the City of Urbana hereby authorizes the dedication of the aforesaid right-of-way, subject to the condition that such right-of-way be used for public street or highway purposes and for public utility purposes.

Section 3.

The Mayor of the City of Urbana, Illinois, be and the same is hereby authorized to execute and deliver and the City Clerk of the City of Urbana, Illinois, be and the same is hereby authorized to attest to said execution of a Dedication of Right-of-Way, in substantially the form of the copy of said Dedication attached hereto and hereby incorporated by reference, as so authorized and approved for and on behalf of the City of Urbana, Illinois.

Section 4.

Upon acceptance of the Dedication of Right-of-Way on behalf of the City of Urbana, Illinois, the City Engineer be and the same is hereby authorized and directed to cause the Plat of Dedication for such right-of-way to be properly recorded in the Champaign County Office of the Recorder of Deeds.

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 a majority of the members of the Council of the City of Urbana, Illinois, at a meeting of said Council.

PASSED BY THE CITY COUNCIL this ___ day of _____, _____.

AYES:

NAYS:

ABSTENTIONS:

Charles A. Smyth, City Clerk

APPROVED BY THE MAYOR this ___ day of _____, _____.

Diane Wolfe Marlin, Mayor