



**DATE:** Monday, February 05, 2024  
**TIME:** 7:00 PM  
**PLACE:** 400 South Vine Street, Urbana, IL 61801

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## AGENDA

Chair: *Christopher Evans, Ward 2*

**A. Call to Order and Roll Call**

**B. Approval of Minutes of Previous Meeting**

**C. Additions to the Agenda**

**D. Presentations and Public Input**

1. **Presentation: "How Do Communities Feel Safe?" - CM's Evans and Wilken; Karen Simms, Executive Director of the Trauma & Resilience Initiative**

**E. Staff Report**

**F. New Business**

1. **Resolution No. 2024-02-002R:** A Resolution Approving an Intergovernmental Agreement (to accept a Justice Agreement Grant) - PD
2. **Ordinance No. 2024-02-004:** An Ordinance Revising the Annual Budget Ordinance (Budget Amendment #6 - Omnibus) - HRF
3. **Ordinance No. 2024-02-005:** An Ordinance Repealing Urbana City Code Chapter 2, Article IV, Division 5, Section 2-95 (Market at the Square Advisory Board) - CD
4. **Ordinance No. 2024-02-006:** An Ordinance Vacating an Alley (North/South Alley between 704 and 706 East High Street) - PW
5. **Ordinance No. 2024-02-007:** An Ordinance Vacating an Alley (North/South Alley in the Block Bounded by North Webber Street, Railroad (to the North), North Lynn Street, and the East/West Alley North of East Main Street) - PW
6. **Ordinance No. 2024-02-008:** An Ordinance Vacating an Alley (North/South Alley West of 606 East Green Street) - PW
7. **Resolution No. 2024-02-003R:** A Resolution Approving a Right-of-way License Agreement with Experience Champaign-Urbana (African American Heritage Trail Interpretive Sign Adjacent to 1205 North Goodwin Avenue) - PW

**G. Council Input and Communications**

All City meetings are broadcast on Urbana Public Television and live-streamed on the web. Details on how to watch are found on the UPTV webpage located at <https://urbanaininois.us/uptv>

## H. Adjournment

## PUBLIC INPUT

The City of Urbana welcomes Public Input during open meetings of the City Council, the City Council's Committee of the Whole, City Boards and Commissions, and other City-sponsored meetings. Our goal is to foster respect for the meeting process, and respect for all people participating as members of the public body, city staff, and the general public. The City is required to conduct all business during public meetings. The presiding officer is responsible for conducting those meetings in an orderly and efficient manner. Public Input will be taken in the following ways:

### **Email Input**

Public comments must be received prior to the closing of the meeting record (at the time of adjournment unless otherwise noted) at the following: [citycouncil@urbanaininois.us](mailto:citycouncil@urbanaininois.us). The subject line of the email must include the words "PUBLIC INPUT" and the meeting date. Your email will be sent to all City Council members, the Mayor, City Administrator, and City Clerk. Emailed public comments labeled as such will be incorporated into the public meeting record, with personal identifying information redacted. Copies of emails will be posted after the meeting minutes have been approved.

### **Written Input**

Any member of the public may submit their comments addressed to the members of the public body in writing. If a person wishes their written comments to be included in the record of Public Input for the meeting, the writing should so state. Written comments must be received prior to the closing of the meeting record (at the time of adjournment unless otherwise noted).

### **Verbal Input**

Protocol for Public Input is one of respect for the process of addressing the business of the City. Obscene or profane language, or other conduct that threatens to impede the orderly progress of the business conducted at the meeting is unacceptable.

Public comment shall be limited to no more than five (5) minutes per person. The Public Input portion of the meeting shall total no more than two (2) hours, unless otherwise shortened or extended by majority vote of the public body members present. The presiding officer or the city clerk or their designee, shall monitor each speaker's use of time and shall notify the speaker when the allotted time has expired. A person may participate and provide Public Input once during a meeting and may not cede time to another person, or split their time if Public Input is held at two (2) or more different times during a meeting. The presiding officer may give priority to those persons who indicate they wish to speak on an agenda item upon which a vote will be taken.

The presiding officer or public body members shall not enter into a dialogue with citizens. Questions from the public body members shall be for clarification purposes only. Public Input shall not be used as a time for problem solving or reacting to comments made but, rather, for hearing citizens for informational purposes only.

In order to maintain the efficient and orderly conduct and progress of the public meeting, the presiding officer of the meeting shall have the authority to raise a point of order and provide a verbal warning to a speaker who engages in the conduct or behavior proscribed under "Verbal Input". Any member of the public body participating in the meeting may also raise a point of order with the presiding officer and request that they provide a verbal warning to a speaker. If the speaker refuses to cease such conduct or behavior after being warned by the presiding officer, the presiding officer shall have the authority to mute the speaker's microphone and/or video presence at the meeting. The presiding officer will inform the speaker that they may send the remainder of their remarks via e-mail to the public body for inclusion in the

meeting record.

**Accommodation**

If an accommodation is needed to participate in a City meeting, please contact the City Clerk's Office at least 48 hours in advance so that special arrangements can be made using one of the following methods:

- Phone: 217.384.2366
- Email: [CityClerk@urbanillinois.us](mailto:CityClerk@urbanillinois.us)



## MEMORANDUM TO THE MAYOR AND CITY COUNCIL

**Meeting:** February 5, 2024 Committee of the Whole  
**Subject:** Approval of an Intergovernmental Agreement (Edward Byrne Memorial Justice Assistance Grant)

### Summary

#### *Action Requested*

City Council as being asked to approve the resolution accepting a grant award through an Intergovernmental Agreement (IGA). Appropriating the accepted grant would occur in the forthcoming budget amendment.

#### *Brief Background*

The U.S. Department of Justice annually awards the Edward Byrne Memorial Justice Assistance Grant to various law enforcement agencies throughout the United States. The Urbana Police Department applies jointly with the Champaign Police Department. The City of Champaign is the lead agency, therefore, the City of Urbana would be classified as sub-grantee.

### Relationship to City Services and Priorities

#### *Impact on Core Services*

The Urbana Police Department would use the entirety of the funds to pay a portion of the cost to install new squad car cameras. The entire \$15,235.52 would off-set the estimated \$27,857.14 that it will cost to complete the installation project.

#### *Strategic Goals & Plans*

N/A

#### *Previous Council Actions*

City Council has accepted the Edward Byrne Memorial Justice Assistance Grant on multiple occasions in the past.

### Discussion

#### *Fiscal and Budget Impact*

This grant offsets expenditures the City already planned on incurring, but for which there is insufficient funding. In the event that this IGA is not approved, the Police Department would seek a budget amendment to allocate fund balance to complete this installation project. There is no local

match in order to accept or receive this award. The grant is intended to supplement funding to local and county law enforcement agencies.

*Recommendation*

Staff recommends that City Council approve the resolution accepting the grant award.

*Next Steps*

If approved, staff will use the grant funds to aid in the purchase of squad car camera installation and comply with all required financial reporting requirements.

**Attachments**

1. A Resolution Approving and Intergovernmental Agreement (JAG)
2. Intergovernmental Agreement (JAG)

Originated by: Matt Bain, Interim Deputy Chief of Police

Reviewed: Larry Boone, Chief of Police  
Elizabeth Hannan, HR/F Director

Approved: Carol Mitten, City Administrator

**RESOLUTION NO. \_\_\_\_\_****A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT  
(to Accept a Justice Assistance Grant)**

**WHEREAS**, each of the parties to the Intergovernmental Agreement between the City of Urbana, City of Champaign and the County of Champaign is a body politic organized, operating, and maintaining offices within the boundaries of Champaign County, Illinois; and

**WHEREAS**, the City of Urbana (the "City") is an Illinois home rule unit of local government pursuant to Section 6 of Article VII of the Illinois Constitution of 1970 and the statutes of the State of Illinois; and

**WHEREAS**, Section 10 of Article VII of the Illinois Constitution of 1970 and the Illinois Intergovernmental Cooperation Act, 5 ILCS 220/1 *et seq.* enable the parties to enter into and execute agreements among themselves and provide authority for intergovernmental cooperation; and

**WHEREAS**, the City recognizes that it is appropriate and beneficial for the City and its departments to apply for and receive grants from private, state, and federal agencies; and

**WHEREAS**, the U.S. Department of Justice, Office of Justice Programs has created and operates the Edward Byrne Memorial Justice Assistance Grant Program for local units of government that maintain and operate law enforcement departments; and

**WHEREAS**, in the past, the City has joined with one or more other communities as allocated by the U.S. Department of Justice, Office of Justice Programs, in applying for and receiving grant funding from the said Edward Byrne Memorial Justice Assistance Grant Program; and

**WHEREAS**, the City of Champaign, as lead agency, has been awarded a Justice Assistance Grant, of which \$15,235.52 has been allocated to the City of Urbana; and

**WHEREAS**, the City Council finds it desirable and in the best interests of the City to accept this allocation of funds.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Urbana, Illinois, as follows:

**Section 1.**

The Intergovernmental Agreement among the Cities of Champaign and Urbana and the County of Champaign for the Edward Byrne Memorial Justice Assistance Grant (JAG) Program, in substantially the form of the Exhibit appended hereto and made a part hereof, shall be and hereby is authorized and approved.

**Section 2.**

The Mayor of the City of Urbana, Illinois, shall be and hereby is authorized to execute and deliver and the City Clerk of the City of Urbana, Illinois, shall be and hereby is authorized to attest to said execution of said Agreement as so authorized and approved for and on behalf of the City of Urbana, Illinois.

**PASSED BY THE CITY COUNCIL** this \_\_\_\_ day of \_\_\_\_\_, 2024.

AYES:

NAYS:

ABSTENTIONS:

\_\_\_\_\_  
Darcy E. Sandefur, City Clerk

**APPROVED BY THE MAYOR** this \_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Diane Wolfe Marlin, Mayor



**INTERGOVERNMENTAL AGREEMENT  
JAG PROGRAM**

**(City of Champaign, City of Urbana, and Champaign County)**

THIS AGREEMENT is made and entered by and among the City of Champaign, an Illinois Municipal Corporation ("City of Champaign"), City of Urbana, an Illinois Municipal Corporation ("Urbana"), and Champaign County, an Illinois Unit of Local Government ("Champaign County"), (herein after collectively referred to as "the parties"), effective on the last date signed by a party hereto.

WHEREAS, Section 10 of Article VII of the Illinois Constitution of 1970 and the Illinois Intergovernmental Cooperation Act, 5 ILCS 220/1 *et seq.* enables the parties to enter into agreements among themselves and provide authority for intergovernmental cooperation; and

WHEREAS, The Edward Byrne Memorial Justice Assistance Grant Program (JAG) is a partnership among federal, state, and local governments to create safer communities by improving the functioning of the criminal justice system; and

WHEREAS, the City of Champaign, the City of Urbana, and Champaign County desire to apply for JAG funds to fund individual projects in the City of Champaign, the City of Urbana, and Champaign County.

NOW, THEREFORE, the parties agree as follows:

**Section 1. The Funds.** The parties acknowledge, as of the date of this Agreement, the total anticipated grant available to all parties is EIGHTY-SIX THOUSAND EIGHTEEN DOLLARS (\$86,018.00).

**Section 2. Grant Disposition.** Proceeds from the grant shall be distributed by the City of Champaign to the City of Urbana and Champaign County for funding individual local projects fitting into the JAG guidelines, in the amounts set forth in Exhibit 1.

**Section 3. Lead Agency.** The City of Champaign is hereby designated the Lead Agency for this Agreement. Responsibilities shall include leading the application process for the JAG funds, accepting any and all funds awarded through the JAG program, establishing a trust fund in which to deposit the funds received through the JAG program, and preparing required reports.

**Section 4. Representative; Information Requirements.** The City of Champaign shall designate one representative to fulfill the requirements of this Agreement. The representative shall exercise due diligence in providing any and all information necessary or convenient for the performance of the duties required by City of Champaign in Section 3 above, including submitting the JAG application and preparation of performance measures and program assessment data.

**Section 5. Fund Restriction.** The parties agree that no funds will be used directly or indirectly for security enhancements or equipment to nongovernmental entities not engaged in criminal justice or public safety, and that the funds will not supplant existing budgeted funds.

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**Section 6. Liability.** Nothing in the performance of this Agreement shall impose any liability for claims against any party other than claims for which liability may be imposed by the Illinois Local Governmental and Governmental Employees Tort Immunity Act, 745 ILCS 10/1-101 et seq. Each party to this Agreement shall be responsible for its own actions in providing services under this Agreement and shall not be liable for any civil liability that may arise from the furnishing of the services by the other party. The parties to this Agreement do not intend for any third party to obtain any rights by virtue of this Agreement.

**Section 7. Amendments.** Amendments to this Agreement shall be made in writing and signed by all parties. In the event the amount of funds received is different from the amount set forth in Section 1, the parties shall exercise principles of good faith and fair dealing to amend Exhibit 1 in a manner consistent with the principles of this Agreement and in accordance with all JAG program requirements. Such amendments may be entered into by the chief administrative officers of City of Champaign, Urbana, and Champaign County.

**Section 8. Signatures.** This Agreement may be executed in any number of counterparts, each of which shall be deemed to be an original. Facsimile, pdf, or other digital signature (e.g. Docusign) shall be deemed to have the same legal effect as an original ink signature.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed on the date and year indicated herein.

CITY OF CHAMPAIGN

By: *Dorothy Ann David*  
Dorothy Ann David, City Manager  
Date: 11/22/2023

CHAMPAIGN COUNTY

By: *[Signature]*  
Date: November 28, 2023

APPROVED AS TO FORM:

*[Signature]*  
Deputy City Attorney    CB 2023-189

APPROVED AS TO FORM:

*[Signature]*  
State's Attorney

CITY OF URBANA

By: \_\_\_\_\_

Date: \_\_\_\_\_

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

**EXHIBIT 1**  
**(City of Champaign and Champaign County)**

**JAG AWARD DISPOSITION**

The 2023 JAG funds will be distributed to the Champaign Police Department to fund individual projects meeting the guidelines of the JAG grant.

Champaign Police Department	\$65,621.40
Urbana Police Department	\$15,235.52
Champaign County Sheriff's Office	\$ 5,161,08
<b>TOTAL</b>	<b>\$86,018.00</b>

Budget Amendment 2023/24 - Exhibit A

General Ledger Code	Project String	Description	Current Budget	Revised Budget	Difference	Reason
<b>GENERAL OPERATING FUND (100)</b>						
<u>Revenues</u>						
100-41320		FEDERAL GRANTS - PUBLIC SAFETY	555,130	570,366	15,236	JAG grant
<b>Total Revenues</b>			<b>43,092,873</b>	<b>43,108,109</b>	<b>15,236</b>	
<u>Expenditures</u>						
10020200-59300	20102-2024-EQPT	POLICE ADMIN - TFR TO VEFV FUND	278,902	294,138	15,236	JAG grant
10030300-52320	30004-TRAINING	FIRE OPERATIONS - TRAVEL, EDUCATION AND TRAINING	62,025	140,725	78,700	AFG Grant - rebudget
10030300-51600		FIRE OPERATIONS - UNIFORMS	100,913	159,913	59,000	FD uniforms
10040401-52999		PW URBAN FORESTRY - OTHER CONTRACTUAL SERVICES	1,119	100,119	99,000	Repurpose salary savings to contractual svcs (tree pruning & o
10040401-50110		PW URBAN FORESTRY - SALARY - REGULAR EMPLOYEES	218,378	172,378	(46,000)	Repurpose salary savings to contractual svcs
10040422-50110		PW TRAFFIC CONTROL - SALARY - REGULAR EMPLOYEES	220,078	167,078	(53,000)	Repurpose salary savings to contractual svcs
10040440-52199		PW ENGINEERING - OTHER PROFESSIONAL SVCS	194,850	244,850	50,000	Repurpose salary savings to non-personnel lines (Grants Const
10040440-51411		PW ENGINEERING - SMALL SCHEDULED EQUIPMENT	1,504	16,504	15,000	Repurpose salary savings to non-personnel lines (new mobile t
10040440-52999		PW ENGINEERING - OTHER CONTRACTUAL SERVICES	3,069	28,069	25,000	Repurpose salary savings to non-personnel lines (CADD & proc
10040440-50110		PW ENGINEERING - SALARY - REGULAR EMPLOYEES	945,265	855,265	(90,000)	Repurpose salary savings to non-personnel lines
10040426-52999		PW TRAFFIC SIGNALS - OTHER CONTRACTUAL SERVICES	99,320	149,320	50,000	Repurpose salary savings to contractual svcs (electrical on-call
10040423-50110		PW STREET LIGHTING - SALARY - REGULAR EMPLOYEES	275,529	225,529	(50,000)	Repurpose salary savings to contractual svcs
<b>Total Expenditures</b>			<b>46,963,426</b>	<b>47,116,362</b>	<b>152,936</b>	
<b>Ending Fund Balance (estimated)</b>			<b>24,352,172</b>	<b>24,214,472</b>	<b>(137,700)</b>	
<b>CAPITAL REPLACEMENT &amp; IMPROVEMENT FUND (200)</b>						
<u>Expenditures</u>						
20040470-52105-40513	40513-PLANNING-CRI	PLANNING SERVICES - CARLE SANITARY SEWER	713,000	665,333	(47,667)	Reallocate funds to Country Club & Perkins Rd design cost
20040470-52105-40172	40172-PLANNING	PLANNING SERVICES - COUNTRY CLUB & PERKINS	28,333	76,000	47,667	Reallocate funds to Country Club & Perkins Rd design cost
20040470-52204-40401	40401-CONST-CRI	INFRASTRUCTURE MAINT - BRIDGE MAINTENANCE	135,000	105,000	(30,000)	Reallocate funds to Citywide Rooftop Solar project
20040470-53200-40817	40817-CONST	BUILDING - CITYWIDE FACIL IMPR ROOFTOP STORAGE SOLAR	-	30,000	30,000	Reallocate funds to Citywide Rooftop Solar project
20040470-53200-40800	40800-CONST-DCEO-STA2DSGN	BUILDING - DCEO GRANT - STA 2 DESIGN	150,000	225,000	75,000	City Facilities - Fire Stations - Design
20040470-53200-40800	40800-CONST-DCEO-STA3DSGN	BUILDING - DCEO GRANT - STA 3 DESIGN	150,000	225,000	75,000	City Facilities - Fire Stations - Design
20040470-53200-40800	40800-CONST-FIREST-DESIGN	BUILDING - FIRE STATIONS DESIGN	-	200,000	200,000	City Facilities - Fire Stations - Design
20040470-53200-40800	40800-CONST-STA2	BUILDING - STATION 2 CONST (NON-DCEO)	4,296,000	6,455,629	2,159,629	City Facilities - Fire Stations - Construction
20040470-53200-40800	40800-CONST-STA3	BUILDING - STATION 3 CONST (NON-DCEO)	4,296,000	6,455,629	2,159,629	City Facilities - Fire Stations - Construction
20040470-53200-40800	40800-CONST-DCEO2-STA2CONS		494,371	744,371	250,000	City Facilities - Fire Stations - Construction
20040470-53200-40800	40800-CONST-DCEO2-STA3CONS		494,371	744,371	250,000	City Facilities - Fire Stations - Construction
<b>Total Expenditures</b>			<b>19,847,086</b>	<b>25,016,344</b>	<b>5,169,258</b>	
<b>Ending Fund Balance (estimated)</b>			<b>3,523,293</b>	<b>(1,645,965)</b>	<b>(5,169,258)</b>	
<b>VEHICLE &amp; EQUIPMENT REPLACEMENT Fund (300)</b>						
<u>Revenues</u>						
300-49100		TFR FROM GENERAL FUND	2,009,090	2,024,326	15,236	JAG grant - transfer from GF
300-49610		TFR FROM IT FUND	19,757	45,757	26,000	IT additional storage/servers
<b>Total Revenues</b>			<b>2,297,969</b>	<b>2,339,205</b>	<b>41,236</b>	
<u>Expenditures</u>						
30060600-53440	VERF-PD-113	OTHER EQUIPMENT	1,202,961	1,218,197	15,236	JAG grant - PD video camera systems installation costs
30060600-53440	VERF-PD-255	OTHER EQUIPMENT	1,218,197	1,244,197	26,000	IT additional storage/servers
30060600-53420	VERF-CONT	VEHICLES	783,982	1,083,982	300,000	VERF contingency
<b>Total Expenditures</b>			<b>3,115,944</b>	<b>3,457,180</b>	<b>341,236</b>	
<b>Ending Fund Balance (estimated)</b>			<b>6,288,529</b>	<b>5,988,529</b>	<b>(300,000)</b>	
<b>TIF 4 FUND (343)</b>						
<u>Expenditures</u>						
34350501-52105-40172	40172-PLANNING-TIF4	PLANNING SERVICES - COUNTRY CLUB & PERKS PLANNING	56,667	152,000	95,333	Country Club & Perkins Rd design cost
<b>Total Expenditures</b>			<b>3,052,690</b>	<b>3,148,023</b>	<b>95,333</b>	
<b>Ending Fund Balance (estimated)</b>			<b>3,487,850</b>	<b>3,392,517</b>	<b>(95,333)</b>	
<b>INFORMATION TECHNOLOGY FUND (610)</b>						
<u>Expenditures</u>						
61010106-59300		TFR TO VEFV FUND	19,757	45,757	26,000	IT additional storage/servers
<b>Total Expenditures</b>			<b>1,241,647</b>	<b>1,267,647</b>	<b>26,000</b>	
<b>Ending Fund Balance (estimated)</b>			<b>250,917</b>	<b>224,917</b>	<b>(26,000)</b>	



City of Urbana  
400 S. Vine Street, Urbana, IL 61801  
[www.urbanaininois.us](http://www.urbanaininois.us)

## MEMORANDUM TO THE MAYOR AND CITY COUNCIL

**Meeting:** February 5, 2024 Committee of the Whole  
**Subject:** FY2024 Budget Amendment #6 - Omnibus

### Summary

#### *Action Requested*

At the February 5, 2024 Committee of the Whole meeting, Council is requested to forward the budget amendment authorizing these adjustments for approval at the February 12, 2024 City Council meeting. This budget amendment requires six affirmative votes, including the Mayor, in order to pass.

#### *Brief Background*

This ordinance seeks Council action to amend the FY2024 Annual Budget. The proposed adjustments include a \$5.17 million increase in the budget for construction and design of two new fire stations. Other adjustments are discussed below.

### Relationship to City Services and Priorities

#### *Impact on Core Services*

The requested items are intended to allow City staff to better serve Urbana residents.

#### *Strategic Goals & Plans*

The proposed changes related to capital projects align with the Mayor and Council goal of improving quality of current infrastructure assets and enhancing sustainability and climate resiliency on City-owned property and facilities ([Strategic Area #3: Infrastructure](#)).

Proposed changes related to fire station construction align with the Mayor and Council goal of enhancing public safety and well being ([Strategic Area #1: Public Safety and Well-being](#)).

#### *Previous Council Actions*

The City Council approved the City's [FY2024 Annual Budget](#) and the [Capital Improvement Plan for FY2024-FY2028](#) on June 26, 2023.

The Assistance to Firefighters Grant ([Resolution No. 2022-10-075R](#)) was approved on October 10, 2022.

## Discussion

### *Additional Background Information*

The City of Urbana Police Department has been awarded a JAG grant (Edward Byrne Memorial Justice Assistance Grant) of \$15,236. The Police Department would use this grant money towards the installation costs of the new squad car cameras. The resolution accepting the grant also has been placed on the February 5, 2024 agenda.

In the Fire Department, a total of \$78,700 of unspent training funds from the Assistance to Firefighters Grant (AFG) program would be carried forward to the FY2024 budget, and increased uniform costs related to unanticipated promotions and new hires would be accounted for in a \$59,000 increase in the Fire Department uniform budget.

In the Public Works Department, staff proposes reallocating salary funds from positions that are vacant to the following non-personnel services (total reallocation: \$239,000):

- \$99,000 for systematic tree pruning and on-call arbor services contract to maintain basic level of services to address vacancies in the arbor section
- \$90,000 total from Engineering salaries due to vacancies with \$50,000 going towards a grants consultant to pursue state or federal infrastructure grants; \$15,000 to purchase mobile tablets to deploy asset management software into the field; and \$25,000 to use outside services for CADD and procurement software optimization to increase staffing efficiency
- \$50,000 towards additional electrical traffic signal on-call services to clear a repair backlog related to vacancies

In the Capital Improvement Fund, a \$5.17 million increase in the City Facility Improvement Project would provide for construction and design of two new fire stations. This is consistent with the most recent information discussed with City Council on January 16, 2024, describing construction costs of \$14.4 million. This amendment also includes an additional \$350,000 for design.

As previously discussed, staff expects to issue bank qualified debt for the fire stations. An amount of \$10 million in debt would be issued in 2024 to comply with federal limits on bank qualified debt. These bonds would be competitively marketed to local banks, and other banks who have expressed interest. The interest the City will pay will not be known until that process is complete. Additional debt would likely be issued in 2025.

Also in the Capital Improvement Fund, the City-wide Storage Rooftop Solar project is proposed to be included as the next facility project, leveraging one year of electrical usage data for accurate system scoping. The Bridge Maintenance Project costs will be lower than initially budgeted, so staff is proposing to reallocate \$30,000 to fund this new project. The solar installation for the City-wide storage facility aligns with the Mayor and Council goals to enhance sustainability and climate resiliency on City-owned property and facilities.

In the Capital Improvement and TIF 4 Funds, a proposed expansion of design services for the Country Club Road and Perkins Road Improvement Project aims to comprehensively address drainage issues. One-third of the project funding (\$47,667) is allocated to the Capital Replacement & Improvement Fund (200) – specifically from the Carle Sanitary Sewer Study project – with the balance (\$95,333) proposed to be funded by the TIF 4 Fund.

In the Vehicle and Equipment Replacement Fund (VERF), City staff is proposing a \$300,000 contingency to address significant price fluctuations as a proactive approach to account for variances between anticipated and actual replacement costs. From 2020 through 2023, the price of vehicles and equipment increased considerably faster than the VERF plan anticipated. Anticipated price increases during this period were expected to be about 6.1%, but were actually about 21.6%. This contingency would be managed by Finance staff and used to ensure that equipment scheduled for replacement can be placed with like equipment. These contingency funds would not be allocated for new equipment or upgrades to existing equipment. This stopgap measure would buy staff time to conduct a comprehensive review of the VERF.

#### *Operations Impact*

The City would be able to accept bids for and commence construction of the new fire stations, for which the investment to date has been more than \$1.6 million. These adjustments would also increase mid-year flexibility around VERF needs; bolster services and repairs in Public Works; and cover the needs related to uniforms, repairs, and more as described above.

#### *Policy or Statutory Impacts*

None.

#### *Fiscal and Budget Impact*

The new estimated ending fund balance in the General Operating Fund would be \$24,214,472. Excluding the \$7 million assigned for future transfers for capital improvements, including Equity and Quality of Life (EQoL) projects, the fund balance would be \$17,214,472 which is 42.29 percent of recurring expenditures.

While the Capital Improvement and Replacement Fund is showing a negative fund balance, this is a function of the timing of purchase orders being issued for the project. Purchase orders are issued and funds are reserved at the time a contract is awarded. Staff does not expect to have a negative cash balance in this fund.

#### *Community Impact*

All of these requests are designed to better serve Urbana residents either directly or indirectly.

*Recommendation*

Forward the budget amendment authorizing these adjustments to the FY2024 budget for approval at the February 12, 2024 City Council meeting.

*Next Steps*

If the proposed adjustments mentioned above are approved, the revisions included in the exhibit will be made to the FY2024 Annual Budget.

**Attachments**

1. An Ordinance Revising the Annual Budget Ordinance

Originated by: Kyle Kapper, Interim Financial Analyst

Reviewed: Elizabeth Hannan, HR & Finance Director / CFO

Approved: Carol Mitten, City Administrator



**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE REVISING THE ANNUAL BUDGET ORDINANCE**

**(Budget Amendment #6 –Omnibus)**

**WHEREAS**, the City of Urbana (“City”) is a home rule unit of local government pursuant to Article VII, Section 6, of the Illinois Constitution of 1970, and may exercise any power and perform any function pertaining to its governmental business and affairs, and the passage of this Ordinance constitutes an exercise of the City’s home rule powers and functions as granted by the Illinois Constitution of 1970; and

**WHEREAS**, the corporate authorities of the City heretofore did approve the annual budget ordinance of and for the City of Urbana for the fiscal year beginning July 1, 2023 and ending June 30, 2024; and

**WHEREAS**, the said corporate authorities find that revising the annual budget ordinance by deleting, adding to, changing, or creating sub-classes within object classes and object classes themselves is in the best interests of the residents of the City and is desirable for the welfare of the City’s government and affairs; and

**WHEREAS**, funds are available to effectuate the purpose of such revision; and

**WHEREAS**, the Budget Director may not make such revision under the authority so delegated to the Budget Director pursuant to 65 ILCS 5/8-2-9.6 or Urbana City Code Section 2-133.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL AND THE MAYOR, BEING THE CORPORATE AUTHORITIES OF THE CITY OF URBANA, ILLINOIS**, as follows:

**Section 1.**

The annual budget ordinance shall be and the same is hereby revised as set forth in the exhibit appended hereto and made a part hereof as if fully set forth herein.

**Section 2.**

This Ordinance shall be in full force and effect from and after its passage and publication in accordance with Section 1-2-4 of the Illinois Municipal Code (65 ILCS 5/1-2-4).

This Ordinance is hereby passed by the affirmative vote, the “ayes” and “nays” being called, of two-thirds of the corporate authorities then holding office (6 of 8 votes) of the City of Urbana, Illinois, at a duly noticed and convened meeting of the said corporate authorities.

**PASSED BY THE CORPORATE AUTHORITIES** this \_\_ Day of \_\_\_\_\_, 20\_\_.

AYES: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSTENTIONS: \_\_\_\_\_

\_\_\_\_\_  
Darcy E. Sandefur, City Clerk

**APPROVED BY THE MAYOR** this \_\_ Day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Diane Wolfe Marlin, Mayor



## MEMORANDUM TO THE MAYOR AND CITY COUNCIL

**Meeting:** Monday, February 5, 2024 Committee of the Whole  
**Subject:** An Ordinance Repealing Urbana City Code Chapter 2, Article IV, Division 5, Section 2-95 (Market at the Square Advisory Board)

### Summary

This proposal is a request to repeal City Ordinance No. 2012-07-071 that established Urbana's Market at the Square (UMATS) Advisory Board, in order to dissolve the UMATS Advisory Board.

The UMATS Advisory Board was created to provide stakeholders with a formal way to provide input on Market operations. The Advisory Board was designed with very specific definitions and requirements of vendors who could serve on the Board depending on the type of product or service they represented and the number of years they had been a vendor at the market. The Advisory Board was not responsible for policy creation or regulation of the Market. It was developed to discuss ideas, concerns, and to support the Market Coordinator in meeting the goals of the Market.

The Advisory Board has not met for a few years; however, staff have hosted pre- and post-season sessions with all market vendors invited to participate. In recent years, as the ability to host virtual meetings has become widespread and easily accessible, it has resulted in both a more efficient and equitable means to interact with vendors and increased attendance and participation. This has been especially beneficial since the vendor base for UMATS is spread across a large geographic area. Staff time previously spent on Advisory Board actions and the accompanying administrative requirements can be more efficiently spent addressing all vendor needs directly.

Pre- and post-season sessions have effectively replaced and improved the former function of the Market Advisory Board. Therefore, staff request to dissolve the Market at the Square Advisory Board. Staff will continue to host pre- and post-season sessions.

### Relationship to City Services and Priorities

Impact of this change would be to create regular opportunities where all vendors are invited to attend and share ideas and concerns in an effort to build an even more successful Market at the Square.

### Discussion

The current Advisory Board is composed of members representing specific vendor groups at the Market. Certain restrictions, such as duration of vendor participation in the Market and category restrictions, limit the pool of potential applicants for the Board. In the past, this has resulted in a stagnant and less than dynamic Board composition due to the limited number of qualifying

applicants. Eliminating the Board and allowing the total population of the Market to participate would create an environment where all voices could be heard.

Revoking the UMATS Advisory Board would not impact the operations or budget of the Market and would potentially lead to better vendor relations and thus a better Market. The UMATS Advisory Board functions would continue to be replaced with all-vendor discussion sessions that would occur twice a year. The sessions are intended to be conducted virtually to maximize participation. These sessions would be open to all current or previous year vendors.

*Recommendation*

Staff recommends that Council adopt the attached draft Ordinance to repeal the establishing ordinance for the Market at the Square Advisory Board, Ordinance No. 2012-07-071.

**Attachments**

1. Ordinance No. 2024-XX-XX, AN ORDINANCE REPEALING URBANA CITY CODE CHAPTER 2, ARTICLE IV, DIVISION 5, SECTION 2-95
2. Ordinance No. 2012-07-071 AN ORDINANCE AMENDING URBANA CITY CODE CHAPTER TWO TO ESTABLISH A MARKET AT THE SQUARE ADVISORY BOARD

Originated by: Bryan Heaton, Market Coordinator

Reviewed: Stepheny McMahon, Economic Development Supervisor  
Kimberly Smith, Community Development Services Director

Approved: Carol Mitten, City Administrator

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE REPEALING URBANA CITY CODE CHAPTER 2, ARTICLE IV,  
DIVISION 5, SECTION 2-95**

**(Market at the Square Advisory Board)**

**WHEREAS**, the City of Urbana (the “City”) is a home rule unit of local government pursuant to Article VII, Section 6 of the Illinois Constitution of 1970 and may exercise any power and perform any function pertaining to its government and affairs, including but not limited to the creation and dissolution of boards and commissions to assist with the performance and functioning of its governmental affairs; and

**WHEREAS**, on or about July 17, 2012, the City adopted Ordinance No. 2012-07-071, which created and established the Market at the Square Advisory Board, which creation and establishment is current memorialized in Chapter 2, Article IV, Division 5, Section 2-95 of the Urbana City Code; and

**WHEREAS**, the Market at the Square Advisory Board duties are no longer needed by the City of Urbana as full vendor meetings are easily hosted for equitable participation among all Market at the Square vendors.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, AS FOLLOWS:**

**Section 1.** Chapter 2, Article IV, Division 5, Section 2-95 of the Urbana City Code shall be and hereby is repealed effective upon adoption of this Ordinance.

**Section 2.** Effective upon adoption of this Ordinance, the City of Urbana shall officially dissolve the Market at the Square Advisory Board.

**Section 3.** Effective upon adoption of this Ordinance, all terms of those board members who have been appointed by the City of Urbana to serve on the Market at the Square Advisory

Board shall be deemed to and hereby expire.

**Section 4.** Notwithstanding anything to the contrary contained in this Ordinance, the City of Urbana shall retain such records pertaining to and/or created by, for, or on behalf of the Market at the Square Advisory Board by the City of Urbana and any of its employees in compliance with the laws of the State of Illinois concerning the retention and destruction of local governmental records.

**Section 5.** Those sections, paragraphs, and provisions of the Urbana City Code that are not expressly amended or repealed by this Ordinance are hereby re-enacted, and it is expressly declared to be the intention of this Ordinance not to repeal or amend any portions of the Urbana City Code other than those expressly set forth as amended or repealed in this Ordinance. The invalidity of any section or provision of this Ordinance hereby passed and approved shall not invalidate other sections or provisions thereof.

**Section 6.** This Ordinance shall not be construed to affect any suit or proceedings pending in any court, or any rights acquired, or a liability incurred, or any cause or causes of action accrued of existing prior to the effective date of this Ordinance; nor shall any right or remedy or any character be lost, impaired, or affected by this Ordinance.

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:

\_\_\_\_\_  
Darcy E. Sandefer, City Clerk

**APPROVED BY THE MAYOR** this \_\_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_  
Diane Wolfe Marlin, Mayor

Passed: July 16, 2012  
Signed: July 17, 2012

ORDINANCE NO. 2012-07-071

**AN ORDINANCE AMENDING URBANA CITY CODE CHAPTER TWO TO ESTABLISH  
A MARKET AT THE SQUARE ADVISORY BOARD**

**WHEREAS**, the City of Urbana, Illinois currently operates a farmers market, Urbana's Market at the Square, which has been a part of the community for 33 years; and

**WHEREAS**, Urbana's Market at the Square is an integral part of our City's vitality, bolstering quality of life, encouraging entrepreneurship and economic development, and attracting visitors to our area; and

**WHEREAS**, many cities throughout the United States have adopted support of farmers markets to enhance their communities, recognizing their importance to the development and enhancement of local food systems; and

**WHEREAS**, the Urbana City Council adopted Common Goals on February 1, 2010 which included:

- the promotion of production, accessibility, and affordability of local farm and artisan products;
- the conduction of a strategic planning process to explore the future vision, program goals, and implementation steps for Urbana's Market at the Square;
- consideration of the creation of an advisory board for Urbana's Market at the Square composed of representatives of the City of Urbana, vendors, consumers, the Urbana Business Association, and others as deemed appropriate; and



**WHEREAS**, the Urbana City Council approved the Urbana's Market at the Square Strategic Plan (Resolution No. 2011-10-038R) on November 7, 2011, including the strategic planning Steering Committee's recommendation to create a Market at the Square Advisory Board; and

**WHEREAS**, the Urbana City Council wishes to establish the Market at the Square Advisory Board.

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

**Section 1.** Urbana City Code Chapter 2, "Administration," Article IV, "Boards and Commissions," is hereby amended by adding the following division thereto:

Division 5 -- Market at the Square Advisory Board.

Section 2-95 - Market at the Square Advisory Board.

- (a) Market at the Square Advisory Board establishment. The city council hereby establishes the Market at the Square Advisory Board as set forth herein.
- (b) Mission. The Market at the Square Advisory Board recognizes the continuation and growth of Urbana's Market at the Square as essential to the vitality of our city. The Board fosters a dynamic, entrepreneurial Urbana, helps guide the long-term activities of the Market and attainment of its goals as described in the Urbana's Market at the Square Strategic Plan adopted by City Council on November 7, 2011, and creates an environment in which the Market's mission to connect the community to local food growers and producers, strengthen the local food economy, provide access to local artisans, and serve as a community gathering place, may thrive.

**(c) Composition; appointment. The Market at the Square Advisory Board** shall consist of nine (9) members appointed by the Mayor, and approved by the Council, from constituencies representing various segments of the Market community which have experience, expertise, or interest in the areas of farming, local food production, local food systems, urban planning, community and neighborhood organizing, event planning, business, or another related field. Members shall be chosen from a diverse range of backgrounds, occupations and Market constituencies, with the intention of reflecting the full diversity of the Urbana Market community. To that end, the composition of this Board shall be as follows:

- 1) Four (4) current vendors of any of the following: fruits and vegetables, meat, dairy, honey, flowers, and baked goods and other prepared foods; with three of these vendors being full-season Market participants of at least four (4) years and one a full-season participant of less than four (4) years, and all in good fiscal standing with the Market;
- 2) One (1) vendor artisan in good fiscal standing with the Market;
- 3) One (1) community group representative from a current group in good fiscal standing with the Market;
- 4) One (1) downtown Urbana business representative;
- 5) One (1) Urbana resident who is a Market patron who is not a vendor or other participant in the Market; and
- 6) One (1) City Council Member

In the making of appointments hereunder, the Mayor may receive recommendations by civic groups. All members shall be voting members.

(d) Quorum. A majority of Board members currently serving shall constitute a quorum.

(e) Terms of members; absence of member.

1. The initial terms shall be as follows. There shall be three (3) members whose terms expire June 30, 2013, three (3) members whose terms expire June 30, 2014, and three (3) members whose terms expire June 30, 2015. Subsequent appointments shall be made for terms of three (3) years, or until their successors are appointed and approved by the City Council. Within sixty (60) days following the expiration of the term of each of those Board members, a successor shall be appointed by the Mayor with the approval of the City Council, and the successor shall serve for a term of three (3) years.
2. If a Board member resigns or is removed from the Board, a successor shall be appointed by the Mayor with the approval of the City Council and shall serve for the unexpired period of the vacated term.
3. Members of the Board may be removed by the Mayor for good cause with the approval of a majority of City Council present and voting. Absence from three (3) consecutive meetings within twelve (12) months may be considered to be prima facie good cause.

(f) Meetings. The Market at the Square Advisory Board shall meet quarterly, on call of the Chairperson or of any five (5) members.

(g) Chairperson. The Mayor shall designate the Chairperson of the Board.

(h) Functions and duties generally. The functions and duties of the Market at the Square Advisory Board are limited to those set forth in this ordinance, and as specifically set forth in any other duly enacted ordinance. Nothing in this ordinance shall be construed as vesting legislative discretion or power in the Board.

(i) Duties. The Market at the Square Advisory Board shall adopt its rules of procedure for whatever regular and special meetings are deemed by the Board to be advisable and necessary to the fulfillment of the duties of the Board.

The roles and responsibilities of the Board may include, but not be limited to, the following:

1. To consider future growth of the Market consistent with its mission;
2. To research and seek additional funding, including donations, grants, and other support for Urbana's Market at the Square;
3. To encourage public participation in the Market, and its related events and programming;
4. To cooperate with other entities on matters regarding the Market;
5. To offer educational programming to the public regarding the Market and the local food system;
6. To coordinate events and outreach related to the Market;
7. To implement Urbana's Market at the Square's Strategic Plan and update the Strategic Plan when needed; and
8. To take such other actions as the Mayor and City Council may direct from time to time.

The Market at the Square Advisory Board will submit its recommendations yearly to the City Council via the Market Director's Annual Report, which is delivered to City Council once per year.

(j) Sub-committees. The Market at the Square Advisory Board shall appoint sub-committees as deemed necessary.

(k) Compensation. No member of the Market at the Square Advisory Board, or any appointed sub-committee, shall receive compensation for his or her services. Members of the committees who are City employees shall receive only such compensation as is set forth as salary and benefits in the annual appropriation ordinance.

(l) Budget. There is no formal request for funding from this Board to the City Council. Any necessary training funds for the Board will be budgeted out of the Market's annual budget.

(m) Administration. The Market at the Square Advisory Board shall be responsible for taking any action necessary to carry out its purposes for projects as described in the section on Duties, in accordance with the annual budget and subject to all ordinances in the City of Urbana.

The Community Development Services Department shall provide staff support for the meetings and activities of the Market at the Square Advisory Board.

**Section 2.** Those sections, paragraphs, and provisions of the Urbana City Code that are not expressly amended or repealed by this Ordinance are hereby re-enacted, and it is expressly declared to be the intention of this Ordinance not to repeal or amend any portions of the Urbana City Code other than those expressly set forth as amended or repealed in this Ordinance. The invalidity of any section or provision of this Ordinance hereby passed and approved shall not invalidate other sections or provisions thereof.

**Section 3.** This Ordinance shall not be construed to affect any suit or proceeding pending in any court, or any rights acquired, or a liability incurred, or any cause or causes of action acquired or existing prior to the effective date of this Ordinance; nor shall any right or remedy of any character be lost, impaired, or affected by this Ordinance.

**Section 4.** This Ordinance shall be in full force and effect from and after its passage and approval according to law.

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 16th day of July, 2012 .

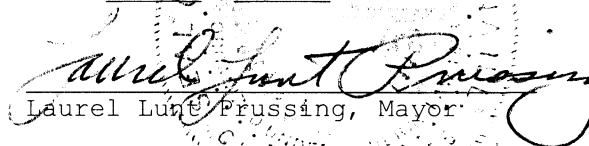
AYES: Bowersox-Johnson, Jakobsson, Lewis, Marlin, Roberts, Smyth,  
Stevenson

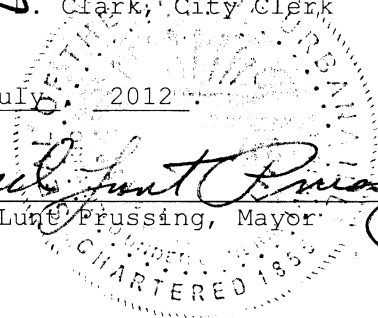
NAYS:

ABSTAINS:

  
Phyllis J. Clark, City Clerk

APPROVED by the Mayor this 17th day of July, 2012 .

  
Laurel Lunt Frussing, Mayor





## MEMORANDUM TO THE MAYOR AND CITY COUNCIL

**Meeting:** February 5, 2024 Committee of the Whole  
**Subject:** An Ordinance Vacating an Alley (North/South Alley between 704 and 706 East High Street)

### Summary

#### *Action Requested*

City Council is being asked to approve the attached ordinance that would vacate an alley 12 feet in width located between 704 and 706 East High Street.

#### *Brief Background*

City staff recommends vacation of the unmaintained and non-functional north/ south 12-foot-wide platted alley right-of-way (ROW) that runs north from E. High Street between 704 and 706 E. High Street in Urbana. The 12-foot alley ROW was created via the subdivision (see Attachment A – Original Subdivision Plat (markup)) process in 1898, but there has never been an actual alley built in this right-of-way. The location of the proposed ROW vacation is shown in Attachment C.

### Relationship to City Services and Priorities

#### *Strategic Goals & Plans*

This further promotes the current Mayor and Council Goal of improving the quality of current infrastructure by not dedicating additional public funds towards infrastructure assets that do not serve a public purpose.

### Discussion

#### *Fiscal and Budget Impact*

City ROW vacation policy (Resolution 9899-R2) states that alleys abutting properties that are zoned residential may be vacated without monetary compensation but benefitting non-residential properties do have to pay the land value of the vacated ROW. However, council may waive such compensation or give credit for other consideration flowing to the City. Staff recommends no payment from either of the benefitting properties be collected in lieu of the financial benefits to the City in the form of reduced future maintenance obligations. Either of these adjacent owners can negotiate with each other if they wish to waive their rights to their portion of the vacated ROW in favor of the other adjacent owner. No replatting of the benefitting lots will be performed or is required.

*Community Impact*

If the proposed vacation is approved, the two adjacent owners will receive the half (6 feet) of the existing alley ROW adjacent to their respective properties.

Staff has contacted the utility companies and City department heads regarding the proposed ROW vacation. No objections were received to vacating this right-of-way, but a request for a general utility easement has been received and will be accommodated.

Staff notified both of the adjacent property owners via a letter to explain the proposed vacation and provided a vacation request petition to both adjacent owners for their consideration. The letter sent to both adjacent owners stated that if the City received no response by June 23, 2023, it would be assumed there were no objections. To date, the City has received no responses from the adjoining owners.

*Recommendation*

City Council is asked to pass the attached ordinance that would vacate an alley 12 feet in width located between 704 and 706 East High Street.

*Next Steps*

If the attached ordinance is passed, staff will record said ordinance and send copies of the recorded document to both of the adjacent owners involved for their records.

**Attachments**

1. An Ordinance Vacating an Alley (North/South Alley between 704 and 706 East High Street)
2. Attachment A – Original Subdivision Plat (markup)
3. Attachment B – Vacation Request Petition Form
4. Attachment C – Proposed Alley ROW Vacation Map

Originated by: Daniel A. Rothermel, Land Surveyor

John C. Zeman, City Engineer

Reviewed: Tim Cowan, Public Works Director

Approved: Carol Mitten, City Administrator



**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE VACATING AN ALLEY  
(North/South Alley between 704 and 706 East High Street)**

**WHEREAS**, the plat of Martha E. Webber's Addition to the City of Urbana, recorded in Plat Book "A" at page 343 in the Office of the Recorder of Deeds, Champaign County, Illinois, depicts a certain public alley 12.00' in width running north/ south between Lots 2, 3, and 4 of the said Martha E. Webber's Addition; and

**WHEREAS**, on the face of the said plat this 12.00' strip of land is labeled: "12 feet Alley" and was apparently intended to be an alley right-of-way for the convenient access through the central portion of this block; and

**WHEREAS**, the majority of adjacent neighbors have presented no objections to abandoning this alley right-of-way; and

**WHEREAS**, no paved surface was ever installed in the said Public Alley right-of-way; and

**WHEREAS**, the City has requested the release, abandonment, and vacation of the said Public Alley right-of-way and the owners of Lots 2, 3, and 4 of the Martha E. Webber's Addition to the City of Urbana, recorded in Plat Book "A" at page 343 in the Office of the Recorder of Deeds, Champaign County, Illinois have presented no objections; and

**WHEREAS**, the City Council finds that the relief to the public from the further burden and responsibility of maintaining the alley herein vacated is just and adequate compensation for the benefits which will accrue to the said owners; and

**WHEREAS**, the Urbana City Council finds that it is in the best interests of all concerned that the said Public Alley right-of-way described below should be released, abandoned, and vacated and in accordance with statute, the title to the land over which the aforesaid alley right-of-way runs shall devolve and vest in the present owners of the land abutting thereon in the same proportion and to

the same extent as though the Public Alley right-of-way had been dedicated by a common law plat (as distinguished from a statutory plat) and as though the fee interest of the Public Alley right-of-way had been acquired by the owner as part of the land abutting on the Public Alley right-of-way.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council and the Mayor, being the Corporate Authorities of the City of Urbana, Illinois, as follows:

Section 1.

That the portion of the Public Alley right-of-way shown on the plat of Martha E. Webber's Addition to the City of Urbana, recorded in Plat Book "A" at page 343 in the Office of the Recorder of Deeds, Champaign County, Illinois, depicted a certain public alley 12.00' in width running north/ south between Lots 2, 3, and 4 of the said Martha E. Webber's Addition, being more fully described immediately below, is hereby released, abandoned, and vacated upon the recording of a certified copy of this Ordinance with the Recorder of Deeds, Champaign County, Illinois.

Beginning at the southwest corner of Lot 4 of Martha E. Webber's Addition to the City of Urbana, recorded in Plat Book "A" at page 343 in the Office of the Recorder of Deeds, Champaign County, Illinois, said point being on the north Right-of-Way line of East High Street; thence West along the north Right-of-Way line of East High Street, 12 feet to the southeast corner of Lot 3 of said Martha E. Webber's Addition; thence north along the west Right-of-Way line of the 12.0 feet wide platted alley approximately 120 feet to the northeast corner of Lot 2 of said Martha E. Webber's Addition; thence east 12.0 feet; thence south along the east Right-of-Way line of the 12.0 feet wide platted alley approximately 120 feet to the point of beginning, containing 1,440 square feet (0.033 acre), more or less, and situated in the City of Urbana, Champaign County, Illinois.

Section 2.

That the vacation of the above-described alley shall be subject to the condition that a perpetual easement upon said east/ west alley is hereby reserved for and granted to the City of Urbana, Illinois, any public utilities, and their successors and assigns to construct, install, reconstruct, repair, remove, replace, inspect, maintain, and operate their facilities in, under, across, along, over, and upon the vacated alley, together with the right of access thereto for the personnel and equipment necessary and required for such uses and purposes and the right to cut, trim, or remove trees, bushes, and roots as may be reasonably required incidental to the rights herein given.

Section 3.

That the right-of-way herein vacated shall attach to and become a part of the parcel numbers identified by PIN: 92-21-16-106-014 and 92-21-16-106-004.

Section 4.

That the plat of vacation attached hereto is incorporated in this Ordinance by reference.

Section 5.

That the City Clerk is directed to record a certified copy of this ordinance.

This Ordinance is hereby passed by the affirmative vote, the “ays” and “nays” being called, of three-fourths of all the alderpersons then holding office (6 of 7 votes) of the City of Urbana, Illinois, at a duly noticed and convened meeting of the said corporate authorities.

**PASSED BY THE CORPORATE AUTHORITIES** this \_\_\_\_\_ Day of \_\_\_\_\_, 2024.

AYES:

NAYS:

ABSTENTIONS:

\_\_\_\_\_  
Darcy E. Sandefur, City Clerk

**APPROVED BY THE MAYOR** this \_\_\_\_\_ Day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Diane Wolfe Marlin, Mayor



I do hereby certify that at the request of Martha E Hebbler I surveyed the above plat of of ground which is so much of the West 1/2 of the NW 1/4 of Section 16 in Town 14 North in Range 9 East of the 3rd PM as lies North of the South line of Oregon Street and West of the Wabash Railroad. But more particularly described as follows: Beginning at a point 666 feet north of the SW corner of the NW 1/4 of the above said Section 16 and where the South line of Oregon Street intersects the section line and running thence North 1281 feet to the South line of the right of way of the Wabash Railway, thence with the said line of right of way S. 36 1/4 East 1435 feet thence South 124 feet thence West 904 feet to the place of beginning.

And subdivided it in the form and manner shown by the foregoing plat into Blocks, lots, streets and alleys to be known as Martha E Hebbler's Addition to the City of Urbana. The dimensions of the lots and the width of the Streets and Alleys are plainly marked on the face of the plat.

A Stone will be found at each of the corners marked by a Star x

Given under my hand this 25th day of May 1898.  
Thos. B. Kyle Co. Sur.

Know all men by these Presents, that I, Martha E Hebbler of the City of Urbana in the State of Illinois have caused the foregoing lands described in the County Surveyor's Certificate to be surveyed and subdivided in the form and manner shown by the plat of the County Surveyor for the uses and purposes of a town or village to be known as Martha E Hebbler's Addition to the City of Urbana.

And I do hereby Grant and Release the Streets and Alleys of the same to the public; for their benefit and use forever.

In Testimony whereof I have hereunto set my hand and seal this 28th day of May 1898.  
Approved: Martha E Hebbler  
G. W. Hubbard Mayor. George E Hebbler

May 30 1898.

State of Illinois }  
County of Champaign }

I, R. A. Hebbler a Notary Public in and for said County in the State aforesaid do hereby certify that Martha E Hebbler & George E Hebbler her husband, personally known to me to be the same persons whose names are subscribed to the foregoing instrument appeared before me this day in person and acknowledged that they signed sealed and delivered the said instrument as their free and voluntary act for the uses and purposes therein set forth including the release and waiver of the right of homestead.

May 30 1898.

Given under my hand and Notarial seal this 28th day of  
R. A. Hebbler  
Notary Public

seal

Filed for record May 31st 1898 at 9 o'clock AM  
J. M. Porter  
Recorder.

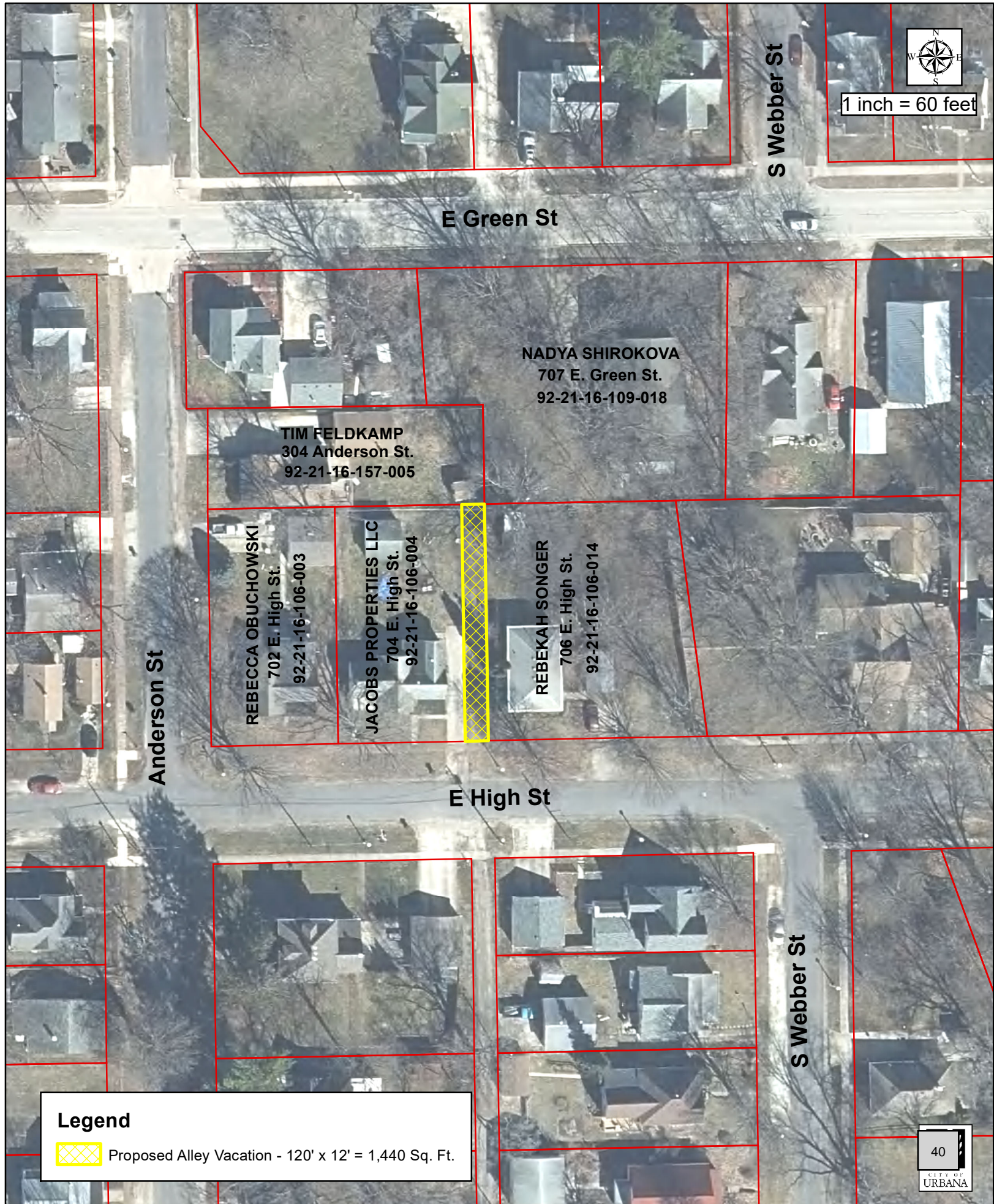


# ATTACHMENT "C" PROPOSED RIGHT-OF-WAY VACATION MAP

Item F4.



1 inch = 60 feet



E Green St

S Webber St

NADYA SHIROKOVA  
707 E. Green St.  
92-21-16-109-018

TIM FELDKAMP  
304 Anderson St.  
92-21-16-157-005

REBECCA OBUCHOWSKI  
702 E. High St.  
92-21-16-106-003

JACOBS PROPERTIES LLC  
704 E. High St.  
92-21-16-106-004


REBEKAH SONGER  
706 E. High St.  
92-21-16-106-014

Anderson St

E High St

S Webber St

## Legend

 Proposed Alley Vacation - 120' x 12' = 1,440 Sq. Ft.





City of Urbana  
400 S. Vine Street, Urbana, IL 61801  
[www.urbanainillinois.us](http://www.urbanainillinois.us)

## MEMORANDUM TO THE MAYOR AND CITY COUNCIL

**Meeting:** February 5, 2024 Committee of the Whole  
**Subject:** An Ordinance Vacating an Alley (North/South Alley in the Block bounded by North Webber Street, Railroad (to the north), North Lynn Street, and the East/West Alley North of East Main Street)

### Summary

#### *Action Requested*

City Council is being asked to approve the attached ordinance that would vacate a 12-foot-wide north/south alley located in the block bounded by North Webber Street, the Railroad (to the north), North Lynn Street, and the east/west alley (to the south), north of East Main Street.

#### *Brief Background*

City staff recommends vacation of the unmaintained and non-functional north/south 12-foot-wide platted alley right-of-way (ROW) that runs north from an east/west alley north of East Main Street to the railroad, between North Webber Street and North Lynn Street in Urbana. The 12-foot alley ROW was created via the subdivision (see Attachment A – Original Subdivision Plat (markup)) process in 1893, but there has never been an actual public alley constructed in this right-of-way. The location of the proposed ROW vacation is shown in Attachment C.

### Relationship to City Services and Priorities

*Impact on Core Services* N/A

#### *Strategic Goals & Plans*

This further promotes the current Mayor and Council Goal of improving the quality of current infrastructure by not dedicating additional public funds towards infrastructure assets that do not serve a public purpose.

*Previous Council Actions* N/A

### Discussion

#### *Fiscal and Budget Impact*

City ROW vacation policy (Resolution 9899-R2) states that alleys abutting properties that are zoned residential may be vacated without monetary compensation but benefitting non-residential properties do have to pay the land value of the vacated ROW. However, Council may waive such compensation or give credit for other consideration flowing to the City. Staff recommends no payment from any of the benefitting properties be collected in lieu of the financial benefits to the

City in the form of reduced future maintenance obligations. The adjacent owners can negotiate with each other if they wish to waive their rights to their portion of the vacated ROW in favor of another adjacent owner. No replatting of the benefitting lots will be performed or is required.

#### *Community Impact*

If the proposed vacation is approved, the owners to the east of the alley will receive the entirety of the adjacent portion of the existing alley ROW, because said alley was created as a part of the subdivision to the east and was not a part of the subdivision to the west.

Staff has contacted the utility companies and City department heads regarding the proposed ROW vacation. No objections were received to vacating this right-of-way, but a request for a general utility easement has been received and will be accommodated.

Staff notified all 10 adjacent homeowners to explain the proposed vacation and provided a vacation request petition to all adjacent owners for their consideration. Five of the adjacent owners returned a signed petition (or provided verbal authorization via telephone) supporting the vacation (see Attachment B for the petitions signed by adjoining owners). All adjacent owners were notified that if the City did not receive a response from them regarding this proposed right-of-way vacation by June 23, 2023, the City will assume they have no objections to said proposed vacation. To date, the City has only received responses from the adjoining owners shown on the signed petitions.

#### *Recommendation*

City Council is asked to pass the attached ordinance that would vacate a 12-foot-wide north/south alley located in the block bounded by North Webber Street, the Railroad (to the north), North Lynn Street, and the east/west Alley (to the south), north of East Main Street.

#### *Next Steps*

If the attached ordinance is passed, staff will record said ordinance and send copies of the recorded document to all of the adjacent owners involved for their records.

#### **Attachments**

1. An Ordinance Vacating an Alley (North/South Alley in the Block Bounded by North Webber Street, Railroad (to the north), North Lynn Street, and the East/West Alley North of East Main Street)
2. Attachment A – Original Subdivision Plat (markup)
3. Attachment B – Vacation Request Petition Form
4. Attachment C – Proposed Alley ROW Vacation Map

Originated by: Daniel A. Rothermel, Land Surveyor

John C. Zeman, City Engineer

Reviewed: Tim Cowan, Public Works Director

Approved: Carol Mitten, City Administrator

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE VACATING AN ALLEY  
(North/South Alley in the Block Bounded by North Webber Street, Railroad (to the north),  
North Lynn Street, and the East/West Alley north of East Main Street)**

**WHEREAS**, the plat of the N. W. Davis & Others Addition to the City of Urbana, recorded in Plat Book “A” at page 227 in the Office of the Recorder of Deeds, Champaign County, Illinois, depicts a certain public alley 12.00' in width running north/ south along the west side of Lots 1, 2, 3, 4, and 5 of the said N. W. Davis & Others Addition; and

**WHEREAS**, on the face of the said plat this 12.00' strip of land is labeled: “12 feet Alley” and was apparently intended to be an alley right-of-way for the convenient access through the central portion of this block; and

**WHEREAS**, 50 percent of the adjacent neighbors have advised that they have no objections to abandoning this alley right-of-way; and

**WHEREAS**, no paved surface was ever installed in the said Public Alley right-of-way; and

**WHEREAS**, the City has requested the release, abandonment, and vacation of the said Public Alley right-of-way and the owners of Lots 1, 2, 3, 4, and 5 of the N. W. Davis & Others Addition to the City of Urbana, recorded in Plat Book “A” at page 227 in the Office of the Recorder of Deeds, Champaign County, Illinois and the owners of Lots 1, 2, 3, 4, and 5 of the Esquire Munhall’s Addition to the City of Urbana, recorded in Deed Record 32 at page 587 in the Office of the Recorder of Deeds, Champaign County, Illinois, have presented no objections; and

**WHEREAS**, the City Council finds that the relief to the public from the further burden and responsibility of maintaining the alley herein vacated is just and adequate compensation for the benefits which will accrue to the said owners; and

**WHEREAS**, the Urbana City Council finds that it is in the best interests of all concerned that the said Public Alley right-of-way described below should be released, abandoned and vacated and in accordance with statute, the title to the land over which the aforesaid alley right-of-way runs shall devolve and vest in the present owners of the land abutting to the east thereon to the same extent as though the Public Alley right-of-way had been dedicated by a common law plat (as distinguished from a statutory plat) and as though the fee of the Public Alley right-of-way had been acquired by the owner as part of the land abutting on the Public Alley right-of-way.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council and the Mayor, being the Corporate Authorities of the City of Urbana, Illinois, as follows:

Section 1.

That the portion of the Public Alley right-of-way shown on the plat of N. W. Davis & Others Addition to the City of Urbana, recorded in Plat Book "A" at page 227 in the Office of the Recorder of Deeds, Champaign County, Illinois, depicted a certain public alley 12.00' in width running north/ south along the west side of Lots 1, 2, 3, 4, and 5 of said N. W. Davis & Others Addition to the City of Urbana, being more fully described immediately below, is hereby released, abandoned and vacated upon the recording of a certified copy of this Ordinance with the Recorder of Deeds, Champaign County, Illinois.

Beginning at the southwest corner of Lot 5 of N. W. Davis & Others Addition to the City of Urbana, recorded in Plat Book "A" at page 227 in the Office of the Recorder of Deeds, Champaign County, Illinois, said point being on the north Right-of-Way line of an existing 12' east/ west alley; thence west along said north Right-of-Way line 12.0 feet to the southeast corner of Lot 5 of Esquire Munhall's Addition to the City of Urbana, recorded in Deed Record 32 at page 587 in the Office of the Recorder of Deeds, Champaign County, Illinois; thence north along the west Right-of-Way line of the 12.0 feet wide platted alley

approximately 300 feet to the northeast corner of Lot 1 of said Esquire Munhall's Addition to the City of Urbana, said point being on the south Right-of-Way line of the existing Railroad; thence east along the south Right-of-Way line of said Railroad, 12 feet to the northwest corner of Lot 1 of said N. W. Davis & Others Addition to the City of Urbana; thence south along the east Right-of-Way line of the 12.0 feet wide platted alley approximately 306 feet to the point of beginning, containing 3,636 square feet (0.083 acre), more or less, and situated in the City of Urbana, Champaign County, Illinois.

Section 2.

That the vacation of the above-described alley shall be subject to the condition that a perpetual easement upon said north/ south alley is hereby reserved for and granted to the City of Urbana, Illinois, any public utilities, and their successors and assigns to construct, install, reconstruct, repair, remove, replace, inspect, maintain, and operate their facilities in, under, across, along, over, and upon the vacated alley, together with the right of access thereto for the personnel and equipment necessary and required for such uses and purposes and the right to cut, trim, or remove trees, bushes, and roots as may be reasonably required incidental to the rights herein given.

Section 3.

That the right-of-way herein vacated shall attach to and become a part of the parcel numbers identified by PIN: 91-21-09-353-011, 91-21-09-353-010, 91-21-09-353-009, 91-21-09-353-008, and 91-21-09-353-007.

Section 4.

That the plat of vacation attached hereto is incorporated in this Ordinance by reference.

Section 5.

That the City Clerk is directed to record a certified copy of this ordinance.

This Ordinance is hereby passed by the affirmative vote, the “ayes” and “nays” being called, of three-fourths of all the alderpersons then holding office (6 of 7 votes) of the City of Urbana, Illinois, at a duly noticed and convened meeting of the said corporate authorities.

**PASSED BY THE CORPORATE AUTHORITIES** this \_\_\_\_\_ Day of \_\_\_\_\_, 2024.

AYES:

NAYS:

ABSTENTIONS:

\_\_\_\_\_  
Darcy E. Sandefur, City Clerk

**APPROVED BY THE MAYOR** this \_\_\_\_\_ Day of \_\_\_\_\_, 2024.

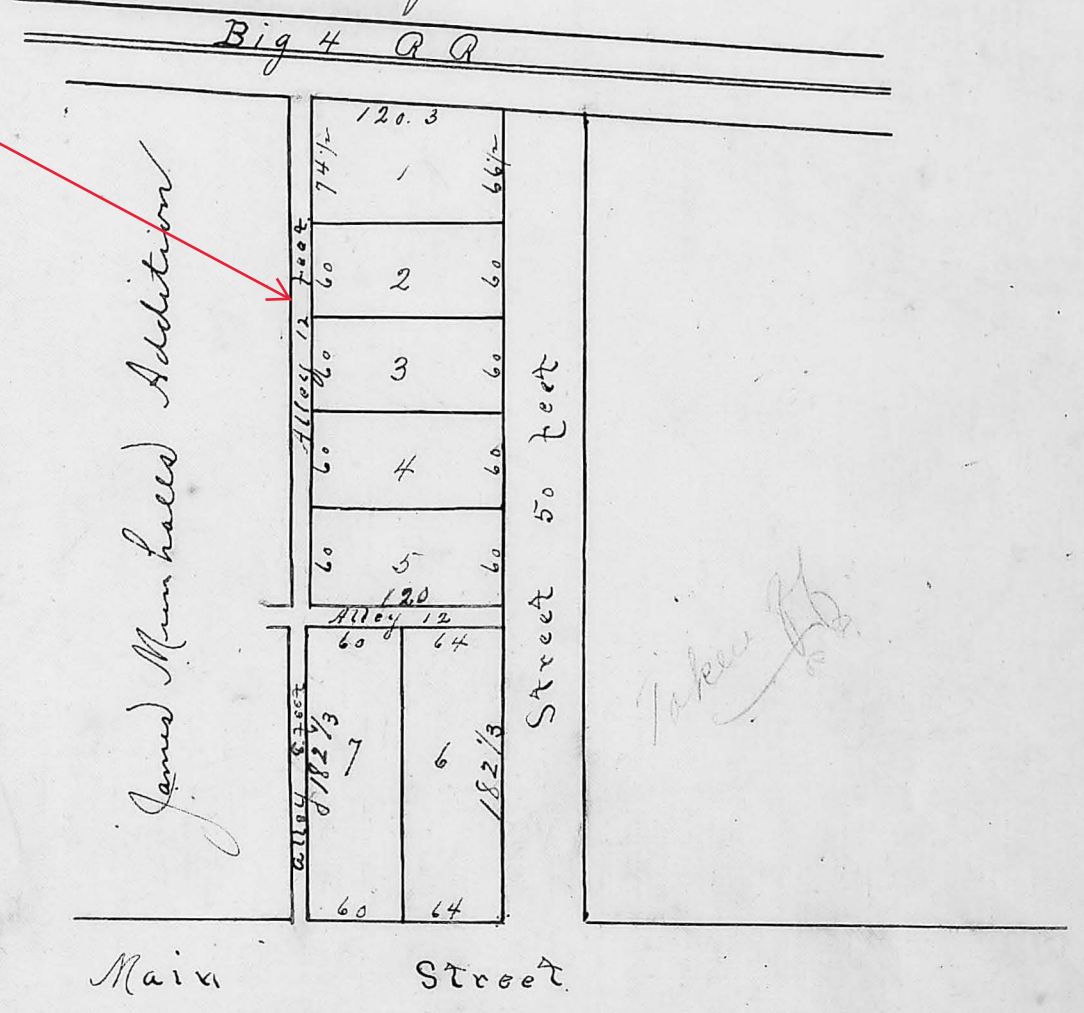
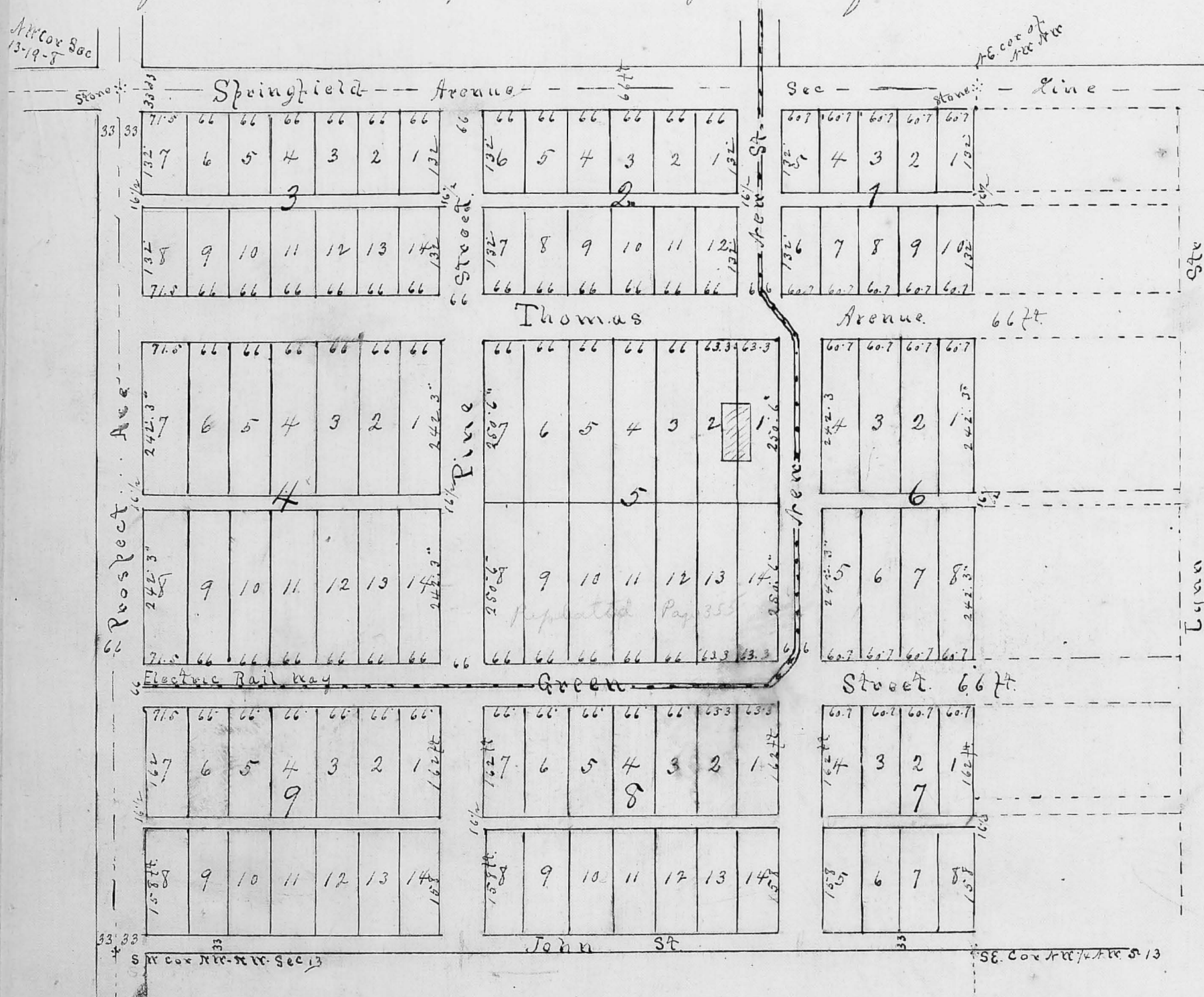
\_\_\_\_\_  
Diane Wolfe Marlin, Mayor

ATTACHMENT "A"

J. G. Clark, Subdivision of the NW 1/4 of the NW 1/4 of Sec 13, Township 19, North Range 8, East of 3rd P.M.

227

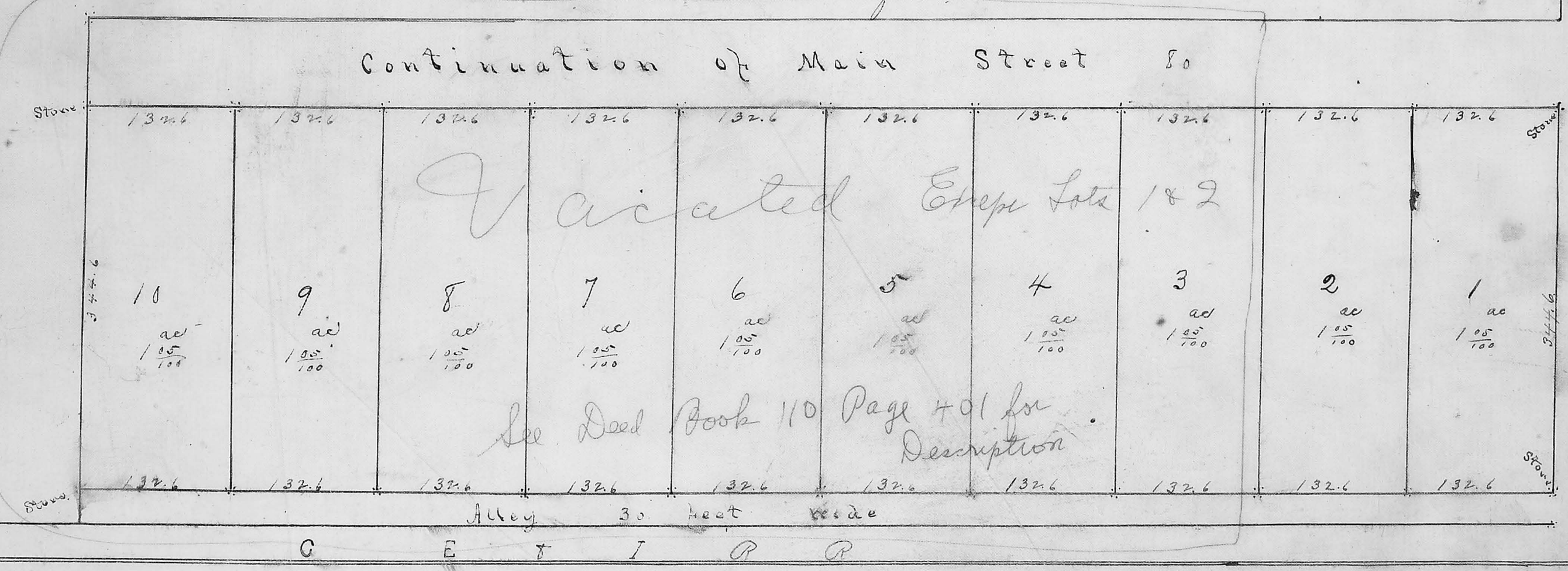
N.W. Davis & Others Addition to the City of Urbana



For Description see page 225

For Description see Page 226

J. W. Allertons 1st Addition of Out Lots to the Town of Allerton



For Description see Page 226

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This is to certify that at the request of J. G. Clark now owner of the same I surveyed Blocks 8 & 9 of Parcel: Addition to the City of Champaign and reformed and also renumbered the lots as seen on the face of the above plat. The alley running through them East and West remains the same as formerly 16 1/2 feet wide

J. B. Kyle Co. Sur.

Know all men by these presents that J. G. Clark of the City of Champaign have caused the above mentioned R.E. Plat to be made as shown by the County Surveyor whose certificate is attached and that I hereby dedicate for the use of the public all streets and alleys for their use and benefit for ever

John G. Clark (seal)

Signed sealed and acknowledged before me this seventh day of February A.D. 1893.

Geo. F. Beardley (seal)  
Notary Public

City of Champaign }  
State of Illinois } I, C. J. Strahle City Clerk of the City of Champaign hereby certify that the foregoing plat was approved February 7<sup>th</sup> 1893 by the City Council of the City of Champaign

Witness my hand and the corporate seal of the said City of Champaign this 8<sup>th</sup> day of February A.D. 1893.

C. J. Strahle (seal)  
City Clerk

Filed M<sup>h</sup> 25<sup>th</sup> at 3 1/2 P.M. 1893

W. G. Brown  
Recorder

I do hereby certify that at the request of A. W. Davis & others I surveyed the above plat of Ground situated in the S.W. 1/4 of Section 9, in Township No. 19, North of the Base line in range No. 9, East of the 3<sup>rd</sup> P.M. but more particularly described as follows: Beginning at the S.E. corner of Lot Six of James Munhall's Addition to the Town of Urbana running thence North to the right of way of the Big 4 Railroad. Thence with said right of way S 87° E 172.5 feet Thence South 500 feet to the North side of Main Street. Thence West 172 feet to the Beginning and subdivided it into lots Streets and Alleys in the form and manner shown by the foregoing plat. The dimensions of the lots & width of the streets and alleys are marked in feet. A stone is planted at the S.E. corner of Lot Six.

Given under my hand this 4<sup>th</sup> day of July A.D. 1893.

J. B. Kyle Co. Sur.

Know all men by these presents that A. W. Davis of the City of Urbana have caused the within described tract of land to be surveyed & subdivided in the form & manner shown by the accompanying plat for the use and purposes of a town or village to be known as A. W. Davis & others Addition to the City of Urbana. And I do hereby grant and Release the streets and Alleys of the same to the public for their benefit and use forever.

In testimony whereof I have hereunto set my hand and seal this 5<sup>th</sup> day of July A.D. 1893

A. W. Davis (seal)

State of Illinois }  
Champaign County } I, J. W. McKHugh a Justice of the Peace in and for said County do hereby certify that A. W. Davis whose name is subscribed to the foregoing instrument and well known to me personally appeared before me this day and acknowledged the same to be his act and deed for the purposes therein set forth.

Witness my hand and seal this 5<sup>th</sup> day of July A.D. 1893.

J. W. McKHugh (seal) Justice of the Peace

State of Illinois }  
Champaign County } This plat was on the 17<sup>th</sup> day of July 1893 approved by the City Council of the City of Urbana City of Urbana and is this day duly approved by the Mayor of said city this 17<sup>th</sup> day of July 1893

Attest C. B. Holmes City Clerk.

Mayor

Filed for record July 18<sup>th</sup> 1893 at 2 1/2 P.M.

W. G. Brown Recorder



**Public Alley Vacation**

*We, the undersigned owners, petition to the City of Urbana and request vacation of the public alley right-of-way, as shown on the adjacent map.*

*We, the undersigned, also understand that an alley vacation is subject to City Council approval and would be subject to utility and public easements remaining within the subject vacated right-of-way.*

NAME: CHRIS EVANS

NAME: HARRY NORTHEN

ADDRESS: 105 N. Lynn Street

ADDRESS: 107 N. Lynn Street

Urbana, IL 61802

Urbana, IL 61802

P.I.N.#: 91-21-09-353-011

P.I.N.#: 91-21-09-353-010

PHONE \_\_\_\_\_

PHONE: \_\_\_\_\_

**(NO RESPONSE)**

OWNER'S SIGNATURE(S) \_\_\_\_\_

OWNER'S SIGNATURE(S) \_\_\_\_\_

OWNER'S SIGNATURE(S) \_\_\_\_\_

OWNER'S SIGNATURE(S) \_\_\_\_\_

NAME: ALLEN DIAL

NAME: MICHAEL FUERST

ADDRESS: 109 N. Lynn Street

ADDRESS: 111 N. Lynn Street

Urbana, IL 61802

Urbana, IL 61802

P.I.N.#: 91-21-09-353-009

P.I.N.#: 91-21-09-353-008

PHONE \_\_\_\_\_

PHONE: \_\_\_\_\_

**(NO RESPONSE)**

*Allen D Dial*  
OWNER'S SIGNATURE(S) \_\_\_\_\_

OWNER'S SIGNATURE(S) \_\_\_\_\_

*Mattison M Dial*  
OWNER'S SIGNATURE(S) \_\_\_\_\_

OWNER'S SIGNATURE(S) \_\_\_\_\_

### Public Alley Vacation

*We, the undersigned owners, petition to the City of Urbana and request vacation of the public alley right-of-way, as shown on the adjacent map.*

*We, the undersigned, also understand that an alley vacation is subject to City Council approval and would be subject to utility and public easements remaining within the subject vacated right-of-way.*

NAME: CHRIS EVANS

ADDRESS: 105 N. Lynn Street

Urbana, IL 61802

P.I.N.#: 91-21-09-353-011

PHONE \_\_\_\_\_

**(NO RESPONSE)**

OWNER'S SIGNATURE(S) \_\_\_\_\_

OWNER'S SIGNATURE(S) \_\_\_\_\_


NAME: HARRY NORTEN

ADDRESS: 107 N. Lynn Street

Urbana, IL 61802

P.I.N.#: 91-21-09-353-010

PHONE: 217-402-0085



OWNER'S SIGNATURE(S) \_\_\_\_\_

OWNER'S SIGNATURE(S) \_\_\_\_\_

NAME: ALLEN DIAL

ADDRESS: 109 N. Lynn Street

Urbana, IL 61802

P.I.N.#: 91-21-09-353-009

PHONE \_\_\_\_\_

OWNER'S SIGNATURE(S) \_\_\_\_\_

OWNER'S SIGNATURE(S) \_\_\_\_\_

NAME: MICHAEL FUERST

ADDRESS: 111 N. Lynn Street

Urbana, IL 61802

P.I.N.#: 91-21-09-353-008

PHONE: \_\_\_\_\_

**(NO RESPONSE)**

OWNER'S SIGNATURE(S) \_\_\_\_\_

OWNER'S SIGNATURE(S) \_\_\_\_\_

NAME: LORETTA LANE

ADDRESS: 113 N. Lynn Street

Urbana, IL 61802

P.I.N.#: 91-21-09-353-007

PHONE: 217-419-9832



OWNER'S SIGNATURE(S)

OWNER'S SIGNATURE(S)

NAME: KATHLEEN JONES

ADDRESS: 108 N. Webber Street

Urbana, IL 61802

P.I.N.#: 91-21-09-353-005

PHONE: \_\_\_\_\_

(NO RESPONSE)

OWNER'S SIGNATURE(S)

OWNER'S SIGNATURE(S)

NAME: TAYLOR PEDERSON

ADDRESS: 110 N. Webber Street

Urbana, IL 61802

P.I.N.#: 91-21-09-353-004

PHONE: \_\_\_\_\_

(NO RESPONSE)

OWNER'S SIGNATURE(S)

OWNER'S SIGNATURE(S)

NAME: RICHT INTERNATIONAL, LLC

ADDRESS: 112 N. Webber Street

Urbana, IL 61802

P.I.N.#: 91-21-09-353-003

PHONE: \_\_\_\_\_

(NO RESPONSE)

OWNER'S SIGNATURE(S)

OWNER'S SIGNATURE(S)

NAME: ADAM RUGGIERI

ADDRESS: 114 N. Webber Street

Urbana, IL 61802

P.I.N.#: 91-21-09-353-002

PHONE: (217) 841-2705

**Verbal authorization via telephone**

*OWNER'S SIGNATURE(S)*

**conversation.**

*OWNER'S SIGNATURE(S)*

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

\_\_\_\_\_

P.I.N.#: \_\_\_\_\_

PHONE: \_\_\_\_\_

*OWNER'S SIGNATURE(S)*

*OWNER'S SIGNATURE(S)*

NAME: **PANEL TECH CONSTRUCTION**

ADDRESS: 116 N. Webber Street

Urbana, IL 61802

P.I.N.#: 91-21-09-353-020

PHONE: 217-202-1220

  
*OWNER'S SIGNATURE(S)*

*OWNER'S SIGNATURE(S)*

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

\_\_\_\_\_

P.I.N.#: \_\_\_\_\_

PHONE: \_\_\_\_\_

*OWNER'S SIGNATURE(S)*

*OWNER'S SIGNATURE(S)*

**Please Return This Petition (With Signatures) To:**

*Dan Rothermel, L.S. - (217) 384-2396  
Land Surveyor  
City of Urbana Public Works Department  
706 Glover Avenue, Urbana, IL 61802*

# ATTACHMENT "C" PROPOSED RIGHT-OF-WAY VACATION MAP

Item F5.



1 inch = 70 feet

**PANEL TECH CONSTRUCTION**  
116 N. Webber St.  
91-21-09-353-020

**LORETTA LANE**  
113 N. Lynn St.  
91-21-09-353-007

**ADAM RUGGIERI**  
114 N. Webber St.  
91-21-09-353-002

**MICHAEL J. FUERST**  
111 N. Lynn St.  
91-21-09-353-008

**RICHI T INTERNATIONAL LLC**  
112 N. Webber St.  
91-21-09-353-003

**ALLEN DIAL**  
109 N. Lynn St.  
91-21-09-353-009

**TAYLOR PEDERSON**  
110 N. Webber St.  
91-21-09-353-004

**HARRY NORTHEN**  
107 N. Lynn St.  
91-21-09-353-010

**KATHLEEN M. JONES**  
108 N. Webber St.  
91-21-09-353-005

**CHRIS EVANS**  
105 N. Lynn St.  
91-21-09-353-011

**E Water St**

**N Webber St**

**N Lynn St**

**E Main St**

**S Lynn St**

**Legend**

Proposed Alley Vacation - 3,750 Sq. Ft. Total



## MEMORANDUM TO THE MAYOR AND CITY COUNCIL

**Meeting:** February 5, 2024 Committee of the Whole  
**Subject:** An Ordinance Vacating an Alley (North/South Alley West of 606 East Green Street)

### Summary

#### *Action Requested*

City Council is being asked to approve the attached ordinance that would vacate a 12-foot-wide north/south alley located along the west side of 606 East Green Street.

#### *Brief Background*

City staff recommends vacation of the unmaintained and non-functional north/ south 12-foot-wide platted alley right-of-way (ROW) that runs north from East Green Street along the west side of 606 East Green Street in Urbana. The 12-foot alley ROW was created via the subdivision (see Attachment A – Original Subdivision Plat (markup)) process in 1876, but there has never been an actual alley built in this right-of-way. The location of the proposed ROW vacation is shown in Attachment C.

### Relationship to City Services and Priorities

*Impact on Core Services* N/A

#### *Strategic Goals & Plans*

This further promotes the current Mayor and Council Goal of improving the quality of current infrastructure by not dedicating additional public funds towards infrastructure assets that do not serve a public purpose.

*Previous Council Actions* N/A

### Discussion

#### *Fiscal and Budget Impact*

City ROW vacation policy (Resolution 9899-R2) states that alleys abutting properties that are zoned residential may be vacated without monetary compensation but benefitting non-residential properties do have to pay the land value of the vacated ROW. However, Council may waive such compensation or give credit for other consideration flowing to the City. Staff recommends no payment from any of the benefitting properties be collected in lieu of the financial benefits to the City in the form of reduced future maintenance obligations. The adjacent owners can negotiate with

each other if they wish to waive their rights to their portion of the vacated ROW in favor of another adjacent owner. No replatting of the benefitting lots will be performed or is required.

#### *Community Impact*

If the proposed vacation is approved, the owner of 606 East Green Street will receive the entirety of the existing alley ROW, because said alley was created as a part of the subdivision to the east and was not a part of the subdivision to the west.

Staff has contacted the utility companies and City department heads regarding the proposed ROW vacation. No objections were received to vacating this right-of-way, but a request for a general utility easement has been received and will be accommodated.

Staff notified all of the adjacent property owners via a letter to explain the proposed vacation and provided a vacation request petition to all adjacent owners for their consideration. The letter sent to all adjacent owners stated that if the City received no response by June 23, 2023, it would be assumed there were no objections. To date, the only response the City has received was from the owner of 206 South Grove Street, which is west of said alley along its northern portion. This owner explicitly stated they were not interested in receiving any of the vacated alley and would not sign the petition.

#### *Recommendation*

City Council is asked to pass the attached ordinance that would vacate an alley 12 feet in width located along the west side of 606 East Green Street.

#### *Next Steps*

If the attached ordinance is passed, staff will record said ordinance and send copies of the recorded document to all of the adjacent owners involved for their records.

#### **Attachments**

1. An Ordinance Vacating an Alley (North/South Alley West of 606 East Green Street)
2. Attachment A – Original Subdivision Plat (markup)
3. Attachment B – Vacation Request Petition Form
4. Attachment C – Proposed Alley ROW Vacation Map

Originated by: Daniel A. Rothermel, Land Surveyor  
 John C. Zeman, City Engineer  
 Reviewed: Tim Cowan, Public Works Director  
 Approved: Carol Mitten, City Administrator

**ORDINANCE NO. \_\_\_\_\_****AN ORDINANCE VACATING AN ALLEY  
( North/South Alley West of 606 East Green Street)**

**WHEREAS**, the plat of George G. Webber's 5<sup>th</sup> Addition to the City of Urbana, recorded in Plat Book "A" at page 17 in the Office of the Recorder of Deeds, Champaign County, Illinois, depicts a certain public alley 12.00' in width running north/ south between Lot 1 of the said George G. Webber's 5<sup>th</sup> Addition and Lots 3 and 4 of George G. Webber's 3rd Addition to the City of Urbana, recorded in Deed Record 26 at page 44 in the Office of the Recorder of Deeds, Champaign County, Illinois; and

**WHEREAS**, on the face of the said plat this 12.00' strip of land is labeled: "12 feet Alley" and was apparently intended to be an alley right-of-way for the convenient access through the central portion of this block; and

**WHEREAS**, the majority of adjacent neighbors have advised that they have no objections to abandoning this alley right-of-way; and

**WHEREAS**, no paved surface was ever installed in the said Public Alley right-of-way; and

**WHEREAS**, the City has requested the release, abandonment, and vacation of the said Public Alley right-of-way and the owners of Lot 1 of the George G. Webber's 5<sup>th</sup> Addition to the City of Urbana, recorded in Plat Book "A" at page 17 in the Office of the Recorder of Deeds, Champaign County, Illinois and Lots 3 and 4 of George G. Webber's 3rd Addition to the City of Urbana, recorded in Deed Record 26 at page 44 in the Office of the Recorder of Deeds, Champaign County, Illinois, have presented no objections; and



**WHEREAS**, the City Council finds that the relief to the public from the further burden and responsibility of maintaining the alley herein vacated is just and adequate compensation for the benefits which will accrue to the said owners; and

**WHEREAS**, the Urbana City Council finds that it is in the best interests of all concerned that the said Public Alley right-of-way described below should be released, abandoned, and vacated and in accordance with statute, the title to the land over which the aforesaid alley right-of-way runs shall devolve and vest in the present owners of the land abutting thereon in the same proportion and to the same extent as though the Public Alley right-of-way had been dedicated by a common law plat (as distinguished from a statutory plat) and as though the fee of the Public Alley right-of-way had been acquired by the owner as part of the land abutting on the Public Alley right-of-way.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council and the Mayor, being the Corporate Authorities of the City of Urbana, Illinois, as follows:

Section 1.

That the portion of the Public Alley right-of-way shown on the plat of George G. Webber's 5<sup>th</sup> Addition to the City of Urbana, recorded in Plat Book "A" at page 17 in the Office of the Recorder of Deeds, Champaign County, Illinois, depicts a certain public alley 12.00' in width running north/south between Lot 1 of the said George G. Webber's 5<sup>th</sup> Addition and Lots 3 and 4 of George G. Webber's 3rd Addition to the City of Urbana, recorded in Deed Record 26 at page 44 in the Office of the Recorder of Deeds, Champaign County, Illinois, being more fully described immediately below, is hereby released, abandoned and vacated upon the recording of a certified copy of this Ordinance with the Recorder of Deeds, Champaign County, Illinois.

Beginning at the southwest corner of Lot 1 of George G. Webber's 5<sup>th</sup> Addition to the City of Urbana, recorded in Plat Book "A" at page 17 in the Office of the Recorder of Deeds, Champaign County, Illinois, said point being on the north Right-of-Way line of East Green

Street; thence West along the north Right-of-Way line of East Green Street, 12.0 feet to the southeast corner of Lot 4 of George G. Webber's 3rd Addition to the City of Urbana, recorded in Deed Record 26 at page 44 in the Office of the Recorder of Deeds, Champaign County, Illinois; thence north along the west Right-of-Way line of the 12.0 feet wide platted alley approximately 132 feet to the northeast corner of Lot 3 of said George G. Webber's 3rd Addition to the City of Urbana; thence east 12.0 feet to the northwest corner of Lot 1 of said George G. Webber's 5<sup>th</sup> Addition to the City of Urbana; thence south along the east Right-of-Way line of the 12.0 feet wide platted alley approximately 132 feet to the point of beginning, containing 1,584 square feet (0.036 acre), more or less, and situated in the City of Urbana, Champaign County, Illinois.

Section 2.

That the vacation of the above-described alley shall be subject to the condition that a perpetual easement upon said east/ west alley is hereby reserved for and granted to the City of Urbana, Illinois, any public utilities, and their successors and assigns to construct, install, reconstruct, repair, remove, replace, inspect, maintain, and operate their facilities in, under, across, along, over, and upon the vacated alley, together with the right of access thereto for the personnel and equipment necessary and required for such uses and purposes and the right to cut, trim, or remove trees, bushes, and roots as may be reasonably required incidental to the rights herein given.

Section 3.

That the right-of-way herein vacated shall attach to and become a part of the parcel number identified by PIN: 92-21-17-236-006.

Section 4.

That the plat of vacation attached hereto is incorporated in this Ordinance by reference.

Section 5.

That the City Clerk is directed to record a certified copy of this ordinance.

This Ordinance is hereby passed by the affirmative vote, the “ayes” and “nays” being called, of three-fourths of all the alderpersons then holding office (6 of 7 votes) of the City of Urbana, Illinois, at a duly noticed and convened meeting of the said corporate authorities.

**PASSED BY THE CORPORATE AUTHORITIES** this \_\_\_\_\_ Day of \_\_\_\_\_,

2024.

AYES:

NAYS:

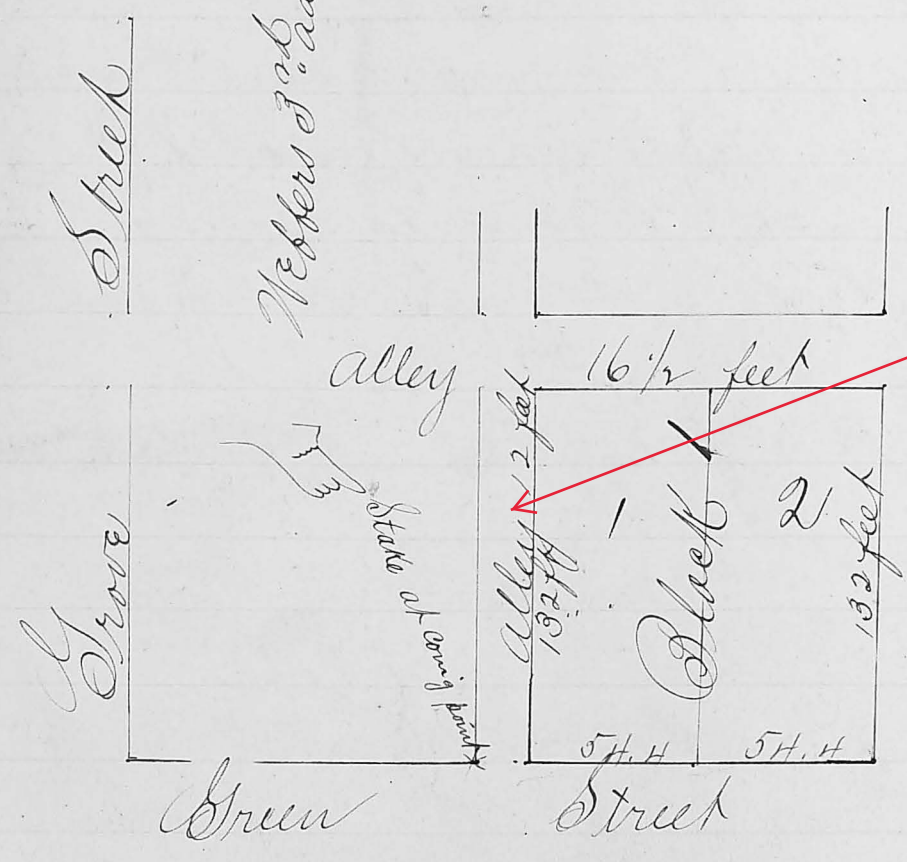
ABSTENTIONS:

\_\_\_\_\_  
Darcy E. Sandefur, City Clerk

**APPROVED BY THE MAYOR** this \_\_\_\_\_ Day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Diane Wolfe Marlin, Mayor

G. S. Webber's 5<sup>th</sup> addition to the City of Urbana



PROPOSED ALLEY VACATION

Urbana Ill. June 9<sup>th</sup> 1876  
 Surveyed at the request of G. S. Webber the following described tract or parcel of land viz: beginning at a stake at the S. E. Corner of lot No 4 in Block No 2 of G. S. Webber's 3<sup>rd</sup> addition to the City of Urbana and running hence North 148 1/2 feet thence East 120.8 feet thence South 148 1/2 feet thence West 120.8 feet to the place of beginning and laid it off into lots and alleys so as to correspond with the alley in Block 2 of abovesaid addition and is designed as one Block consisting of two additional lots to said Block 2 to be known as G. S. Webber's 5<sup>th</sup> addition to the City of Urbana. The length and breadth of the lots as well as the width of the alleys is marked in feet and eighths of a foot. The lots are numbered One & Two.

State of Illinois }  
 Champaign County } Personally  
 before me a Justice of the Peace on  
 this day George S. Webber whose genuine  
 signature appears to the foregoing plat  
 and acknowledges that he executed  
 the same for the uses and purposes  
 therein set forth.  
 Given under my hand and seal  
 at Urbana this 12<sup>th</sup> day of June  
 A. D. 1876.  
 D. McLain (Seal)  
 J.P.  
 Re filed June 12<sup>th</sup> 1876 10<sup>1/2</sup> AM

approved by  
 J. S. Miller Mayor  
 Urbana Ill. June 9<sup>th</sup> 1876  
 S. B. Kyle  
 City Surveyor

Know all men by these presents that I, Geo. S. Webber of Urbana Ill. have caused the within described tract of land to be surveyed and laid out into lots and streets and alleys as described in the surveyor's certificate and for the purposes therein mentioned. and I do here by grant and release to the public the streets and alleys as set forth in the foregoing plat to be used as such forever.  
 Witness my hand and seal this 13<sup>th</sup> day of June 1876. G. S. Webber (Seal)

ATTACHMENT "A"

## Public Alley Vacation

*We, the undersigned owners, petition to the City of Urbana and request vacation of the public alley right-of-way, as shown on the adjacent map.*

*We, the undersigned, also understand that an alley vacation is subject to City Council approval and would be subject to utility and public easements remaining within the subject vacated right-of-way.*

NAME: GUOQING JING & PEIYUN SHEN

ADDRESS: 606 E. Green Street

Urbana, IL 61802

P.I.N.#: 92-21-17-236-006

PHONE: \_\_\_\_\_

**(NO RESPONSE)**

\_\_\_\_\_  
OWNER'S SIGNATURE(S)

\_\_\_\_\_  
OWNER'S SIGNATURE(S)

NAME: MINDTREE INVESTMENTS, LLC

ADDRESS: 206 Grove Street

Urbana, IL 61802

P.I.N.#: 92-21-17-236-003

PHONE: \_\_\_\_\_

**(OBJECTION)**

\_\_\_\_\_  
OWNER'S SIGNATURE(S)

\_\_\_\_\_  
OWNER'S SIGNATURE(S)

NAME: C-MNGR, LLC

ADDRESS: 210 Grove Street

Urbana, IL 61802

P.I.N.#: 92-21-17-236-004

PHONE: \_\_\_\_\_

**(NO RESPONSE)**

\_\_\_\_\_  
OWNER'S SIGNATURE(S)

\_\_\_\_\_  
OWNER'S SIGNATURE(S)

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

P.I.N.#: \_\_\_\_\_

PHONE: \_\_\_\_\_

\_\_\_\_\_  
OWNER'S SIGNATURE(S)

\_\_\_\_\_  
OWNER'S SIGNATURE(S)

---

Please Return This Petition (With Signatures) To:

*Dan Rothermel, L.S. – (217) 384-2396  
Land Surveyor  
City of Urbana Public Works Department  
706 Glover Avenue, Urbana, IL 61802*

# ATTACHMENT "C" PROPOSED RIGHT-OF-WAY VACATION MAP

Item F6.



1 inch = 40 feet

E Elm St

Grove St

Anderson St

MINDTREE INVESTMENTS LLC

206 Grove St.

92-21-17-236-003

C-MNGR, LLC

210 Grove St.

92-21-17-236-004

GUOQING JING & PEIYUN SHEN

606 E. Green St.

92-21-17-236-006

E Green St

## Legend

 Proposed Alley Vacation - 132' x 12' = 1,584 Sq. Ft.



City of Urbana  
400 S. Vine Street, Urbana, IL 61801  
[www.urbanaininois.us](http://www.urbanaininois.us)

## MEMORANDUM TO THE MAYOR AND CITY COUNCIL

**Meeting:** February 5, 2024 Committee of the Whole  
**Subject:** A Resolution Approving a Right-of-Way License Agreement with **Experience Champaign - Urbana** (an Interpretive Sign adjacent to 1205 N. Goodwin Avenue)

### Summary

#### *Action Requested*

City Council is being asked to pass the attached resolution that would authorize the Mayor to execute a license agreement, allowing **Experience Champaign - Urbana** to construct, maintain, operate, and repair an above-ground interpretive sign within the public right-of-way (N. Goodwin Avenue) adjacent to 1205 N. Goodwin Avenue.

#### *Brief Background*

**Experience Champaign - Urbana** proposes to add an above-ground interpretive sign between the public sidewalk and the street near the southwest corner of N. Goodwin Avenue and Ellis Drive. This area is within the public right-of-way known as N. Goodwin Avenue. This proposed interpretive sign would commemorate the history of African Americans in this area as part of the Champaign County African American Heritage Trail (<https://ccafricanamericanheritage.org/>).

### Discussion

#### *Fiscal and Budget Impact*

The annual license fee would normally cost \$282.00 per year (320 square feet of right-of-way at the current rate of \$0.88 per square foot). However, since the African American Heritage Trail is expected to provide a benefit to the community, the proposed License Agreement reflects staff's recommendation to waive any right-of-way license or permit fees as part of this agreement.



*Recommendation*

City Council is asked to pass the attached resolution that would authorize the Mayor to execute a license agreement allowing **Experience Champaign - Urbana** to construct, maintain, operate, and repair an above-ground interpretive sign within the public right-of-way (N. Goodwin Avenue) adjacent to 1205 N. Goodwin Avenue.

*Next Steps*

If the attached resolution is passed, the Mayor will execute the license agreement, City staff will record the agreement with the Champaign County Recorder, and **Experience Champaign - Urbana** will proceed with construction of the interpretive sign.

**Attachments**

1. Resolution No. 2024-02-\_\_\_R: A Resolution Approving a Right-of-Way License Agreement with **Experience Champaign - Urbana** (African American Heritage Trail Interpretive Sign Adjacent to 1205 N. Goodwin Avenue)
2. Right-of-Way License Agreement with **Experience Champaign - Urbana** (adjacent to 1205 N. Goodwin Avenue)

Originated by: Daniel A. Rothermel, Land Surveyor

John C. Zeman, City Engineer

Reviewed: Tim Cowan, Public Works Director

Approved: Carol Mitten, City Administrator

**RESOLUTION NO. 2024-02-\_\_\_ R****A RESOLUTION APPROVING A RIGHT-OF-WAY LICENSE AGREEMENT  
WITH EXPERIENCE CHAMPAIGN – URBANA**  
(African American Heritage Trail Interpretive Sign Adjacent to 1205 N. Goodwin Avenue)

**WHEREAS**, the City Council, in its discretion and consistent with applicable law, may authorize, by ordinance, the Mayor to execute license agreements on behalf of the City for use of public rights-of-way where such use will involve the placement or installation of any facility on the surface of or above the ground in a public right-of-way; and

**WHEREAS**, the City Council, after due consideration, finds that approving the agreement as herein provided 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 RESOLVED** by the City Council, of the City of Urbana, Illinois, as follows:

A right-of-way license agreement between **Experience Champaign - Urbana** and the City of Urbana for an African American Heritage Trail Interpretive Sign adjacent to 1205 N. Goodwin Avenue, in substantially the form of the copy of said agreement attached hereto and hereby incorporated by reference, is hereby authorized and approved. The Mayor of the City of Urbana is hereby authorized to execute and deliver said agreement as so authorized and approved for and on behalf of the City of Urbana.

**PASSED BY THE CITY COUNCIL** this \_\_\_\_ day of \_\_\_\_\_, 2024.

AYES:

NAYS:

ABSTENTIONS:

\_\_\_\_\_  
Darcy E. Sandefur, City Clerk

**APPROVED BY THE MAYOR** this \_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Diane Wolfe Marlin, Mayor

**This instrument was prepared by:**

Public Works Director  
City of Urbana  
706 Glover Avenue  
Urbana, Illinois 61802

**Mail recorded document to:**

Public Works Director  
City of Urbana  
706 Glover Avenue  
Urbana, Illinois 61802

City of Urbana – Champaign County

**RIGHT-OF-WAY LICENSE AGREEMENT**

---

Experience Champaign - Urbana  
17 E. Taylor Street  
Champaign, IL 61820

## RIGHT-OF-WAY LICENSE AGREEMENT

This agreement is made between **Experience Champaign - Urbana**, an Illinois non-profit organization, (“Licensee”) and the **City of Urbana**, an Illinois municipal corporation (“City”), each a “party” and together the “parties,” and is effective on the last date signed by a party hereto. The Licensee and the City agree as follows:

1. **Grant of license.** The City hereby grants and the Licensee hereby accepts a nonexclusive, nontransferable, nonassignable, and revocable license to construct, maintain, and repair an **African American Heritage Trail** interpretive sign, (“Facility”) within the public right-of-way (“Licensed Property”). For purposes of this Agreement, the Licensed Property shall be the property described in Exhibit A.

- A. The license granted herein gives the Licensee permission to use the Licensed Property for the limited purposes and pursuant to the terms and conditions stated in this agreement. The license is not a warranty of title and does not convey any right, title, or interest in the Licensed Property.
- B. The license granted herein is subject to the rights of any public utility or other person or entity currently having rights, licenses, franchises, or easements in and about the Licensed Property.
- C. The Licensee shall fully and faithfully perform and comply with all terms, conditions, and covenants contained in this agreement. If the Licensee fails to perform or comply with any term, condition, or covenant in this agreement, the City may revoke the license after giving the Licensee a period in which to cure such failure as set forth in this agreement.
- D. The Licensee shall not transfer or assign the license granted herein.
- E. The license granted herein is nonexclusive and at all times subordinate to the City's and the public's use of the Licensed Property for purposes normally associated with a public right-of-way. Accordingly, if necessary to accommodate repair, maintenance, or construction of City utilities or improvements to the Licensed Property, the Licensee shall, at its sole cost, relocate or remove all or any portion of the Facility not more than 90 days after the City's Public Works Director (“Director”) directs such relocation or removal in writing.
- F. The Licensee shall use its best efforts to maintain contractors on any work project involving the Right-of-way and to work toward its timely completion, barring inclement weather or other situations determined to be beyond the Licensee's control.

2. **Term; termination.** The initial term of this agreement is 20 years from the effective date. Upon expiration of this initial term or any renewal term, this agreement automatically

renews for a subsequent term of five years, unless, no fewer than 90 days before the scheduled expiration of the current term, either party provides written notice to the other party of the intent not to renew. The parties may terminate this agreement at any time by mutual written consent. Either party may terminate this agreement for cause by giving written notice to the other party at least 45 days before the proposed termination. Such party shall specify the reason or reasons for such termination in the written notice and shall specifically state that such termination will become effective on a date at least 45 days after the date thereof if the other party does not completely cure the reason or reasons for such notice of termination.

3. **Fee.** The Licensee is not subject to payment of any license or right-of-way permit fees under this agreement in lieu of the financial and community benefits to the city as a result of the addition of the proposed Facility.

4. **Installation.** The Licensee warrants that installation of the Facility will be done and completed in a good and competent manner, in accordance with all requirements of law, and at no expense to the City. Special provisions regarding the Facility's design and construction are included in Exhibit B.

5. **Plan submission.** The Licensee shall provide design plans to the City for review prior to construction.

6. **Maintenance.** The Licensee shall maintain the Facility in good and safe condition and in a manner that complies with all applicable laws.

7. **Repair.** After doing any work within the Licensed Property, the Licensee at its sole cost and expense shall promptly repair and restore to the extent practicable any portion of the right-of-way disturbed by the Licensee, including without limitation all sidewalks, parkways, or pavements, to their original condition or better in accordance with the specifications of the City.

- A. If any such sidewalk, parkway, or pavement becomes uneven, unsettled, or otherwise requires repairing, because of such disturbance by the Licensee, the Licensee, as soon as climatic conditions reasonably permit, shall promptly, and no more than 15 days from receipt of notice from the City to do so, cause such sidewalk, parkway, or pavement to be repaired or restored. The Licensee shall complete such restoration no more than 10 days after the date of commencement of such restoration work. If the Licensee fails to commence and complete the restoration work in the manner and within the times prescribed in this section, the City may perform such work, and the Licensee shall pay any costs and expenses the City incurs upon written demand by the City.
- B. If such right-of-way or improvement cannot be so repaired, replaced, or restored, the Licensee shall compensate the City for the cost or reasonable value of such improvements in an amount estimated by an independent architect, engineer, or contractor selected by the City.

- C. The Licensee shall promptly repair and restore at its sole cost all damage it causes to any other utility, including but not limited to storm and sanitary sewers and their services, street lighting, traffic signals, field tiles or facilities from any other utility company.
- D. The provisions in this section 7 will survive the termination of this agreement.

## 8. **Removal.**

- A. The City may remove and dispose of the Facility, or any portion thereof, upon occurrence of any of the following:
  - (1) an emergency that presents imminent peril to person or property;
  - (2) the Licensee's non-compliance with any term, provision, or covenant that is not cured within the time provided for in this agreement following notice of such non-compliance tendered to the Licensee;
  - (3) the Director or other responsible City official, in good faith, deems the procedure in section 7 impracticable under the circumstances present;
  - (4) termination of this agreement for any reason;
  - (5) the Licensee's abandonment of the Facility in accordance with the provisions in section 9 of this agreement; or
  - (6) expiration of this agreement in the absence of any renewal thereof.
- B. The Licensee shall bear all costs and expenses incurred in the removal and disposal of the Facility and the restoration of the Licensed Property.
- C. If the Licensee fails in any way to make timely payment to the City for such costs and expenses, the Licensee shall pay, in addition to any amount so owed, the City's reasonable attorneys' fees and court costs incurred in the collection of such amount. This provision will survive the termination of this agreement.

9. **Lapse and termination.** The license granted in this agreement is limited to the construction, maintenance, operation, repair, and removal of the Facility. Any additional use other than that specifically named in this agreement, without the further express written consent of the City, is a violation of this agreement. Upon cessation of such use, as determined by the Director, this agreement immediately and automatically will lapse and terminate. If the Director believes the Licensee is no longer using the Facility or that it otherwise has been abandoned, he or she shall notify the Licensee in writing that the City is asserting its right to declare this agreement lapsed and terminated. Such notice will state that the Licensee has 30 days to reassert its rights under this agreement and demonstrate that it has not in fact abandoned the Facility and thereby the license granted by this agreement. If the

Licensee demonstrates within the 30-day period that it has not abandoned the Facility, this agreement will remain in force and effect according to its terms. If the Licensee does not demonstrate within the 30-day period that it has not abandoned the Facility, this agreement will be deemed lapsed, terminated, and no longer in effect.

10. **Indemnification.** To the extent permitted by law, the Licensee shall protect, indemnify, and defend the City against any and all losses, claims, demands, costs, causes, expenses and fees, including reasonable attorney's fees and the reasonable value of any suit or any other claim or demand for injury or damages in connection with this agreement, including the construction and maintenance of the Facility and Licensed Property, unless such claim, suit, or cause of action was based solely upon the negligence of the City, its employees, agents or contractors. This section will survive the termination of this agreement.

11. **Insurance.** The Licensee represents that it may lawfully provide insurance coverage to the City in connection with the obligations as set forth in this agreement without such obligations being subject to the availability of funds, which may be lawfully applied thereto. Such insurance will be kept in force at all times while the Facility continues to exist at the location described. The Licensee accordingly agrees to provide to the City, upon execution of this agreement, a certificate of insurance evidencing the commercial general liability policy of the Licensee insuring the City as an additional insured for purposes of this agreement with coverage in the minimum amount of \$1,000,000 per occurrence and \$2,000,000 in the aggregate.

12. **Entire agreement; amendment.** This agreement, together with its attachment, constitutes the entire agreement between the parties, supersedes all other agreements or understandings between them pertaining to the matter of this agreement, and may not be amended except by a writing signed by both parties and recorded in the Office of the Champaign County Recorder of Deeds.

13. **Notices.** The parties shall give all notices required or permitted by this agreement in writing. All notices will be deemed given when personally delivered; deposited in the U.S. mail, postage prepaid, first class; or delivered to a commercial courier service (e.g., FedEx or UPS). A notice delivered by email will be deemed given when the recipient acknowledges having received the email by an email sent to the sender's email address, as stated in this section, or by a notice delivered by another method in accordance with this section. An automatic "read receipt" will not constitute acknowledgment of an email for purposes of this section. Each party's address is stated below and may be changed to such other address as the party may hereafter designate by notice.

Experience Champaign - Urbana

Community Development Manager  
Experience Champaign - Urbana  
17 E. Taylor Street  
Champaign, IL 61820

City of Urbana

Public Works Director  
City of Urbana  
706 Glover Avenue  
Urbana, Illinois 61802



14. **Non-waiver.** Either party's failure to enforce any provision of this agreement will not be deemed a waiver of future enforcement of that or any other provision. A waiver of any provision of this agreement is valid only if in writing and signed by the parties.

15. **Severability.** The parties intend this agreement to be enforced to the fullest extent as allowed by law. If any provision of this agreement is found to be unenforceable by any court or agency of competent jurisdiction, the remaining provisions will remain in full force and effect.

16. **Compliance with governmental requirements.**

A. **Right-of-way permit.**

- (1) Except in an emergency as provided in this agreement, the Licensee shall obtain a right-of-way permit from the City before constructing, installing, extending, removing, or otherwise changing the Facility. The permit will indicate the time, manner, and place of the work to be performed. The Licensee shall comply with all conditions of any permits issued to it.
- (2) Along with each application for a permit, the Licensee shall provide the following: prints, plans and maps showing the proposed location and design of the Facility to be constructed; and
- (3) In an emergency that the Licensee believes poses a threat of immediate harm to the public or to any of the Licensee's facilities, the Licensee may access the public way to mitigate the threatened harm without the benefit of a permit. In this case, the Licensee shall advise the City of the emergency at the earliest reasonable opportunity and seek a proper permit within a reasonable period of time thereafter and in the manner as stated in this agreement.

- B. **Applicable law.** The Licensee shall comply with all applicable laws, ordinances, regulations, and requirements of federal, state, county, and local regulatory authorities, including without limitation the applicable provisions of the Urbana City Code regarding rights-of-way and their uses, all of which as may be amended from time to time.

17. **No presumption.** Each party hereto acknowledges that this agreement is the product of good faith negotiations by and between the parties hereto and, as such, neither party may seek to have this agreement strictly construed against the other party as drafter of this agreement.

18. **Recording.** The City will record this agreement in the Office of the Champaign County Recorder of Deeds at the Licensee's expense.

19. **Counterparts.** The parties may sign this agreement in one or more counterparts, each of which will be deemed an original, but all of which together will constitute one and the same instrument. Signatures delivered by email in Adobe Portable Document Format (PDF) will be deemed original signatures for all purposes.

The parties are signing this agreement on the dates indicated below.

Experience Champaign - Urbana

City of Urbana, Illinois

By: \_\_\_\_\_  
Tim Oravec  
Community Development Manager

By: \_\_\_\_\_  
Diane Wolfe Marlin  
Mayor

Date: \_\_\_\_\_, 2024

Date: \_\_\_\_\_, 2024

Attest:

\_\_\_\_\_  
Darcy Sandefur, City Clerk

Attachment:     Exhibit A   Map showing location and extent of licensed area.  
                  Exhibit B   Plans and Specifications for Sign.



ELLIS DRIVE

PROPOSED 10' x 32'  
LICENSE AGREEMENT  
LOCATION  
AREA: 320 SQ. FT.

CITY OF URBANA  
STORM SEWER  
MANHOLE

N. GOODWIN AVENUE

N. GOODWIN AVENUE & ELLIS DRIVE  
EXHIBIT "A"

DRAWN BY: DAR  
DATE: 01/29/2024

CITY OF URBANA  
PUBLIC WORKS  
ENGINEERING DIVISION





# Sign Inventory :: Type 2 Wayfinding - Pole Mounted (Double-Sided)

**SIDE A**

**SIDE B**

**ENGINEERING DETAILS** Not To Scale

**Foundation Design Notes**

- Concrete shall have a minimum compressive strength of 3,000 psi.
- Reinforcing steel shall be ASTM A-615, Gd. 60.
- Footing designed using a lateral passive pressure of 150 psf/ft.

**Steel Design Notes**

- Round and/or Square Structural Steel shall be ASTM A500, Gd. B.

**Design Wind Load**

- Based on IBC 2012 using Exposure C and 115 mph. wind.

Customer / Job Site	
Visit Champaign County Champaign/ Urbana, IL	
Scope of Work	
NEW Wayfinding Signage	
POLE MOUNTED Marker Sign (Double Sided)	
BACKGROUND DETAIL	
BACKGROUND MATERIAL 6mm ACP	
QUANTITY 1	
SIZE 34.25" x 26" x 6mm	
BACKGROUND COLOR Full Color	
METHOD DOUBLE FACE	
MOUNTING SURFACE TBD Soil/Concrete	
MOUNTING DEVICE 4x4 Sq. Alum.	
LETTER COLOR Full Color	
BORDER COLOR INSET	
LAMINATE TEXTURED LAMINATE	
TO MATCH PREVIOUS TO MATCH SAMPLE	

REF: ##### note

This design belongs to the ACE SIGN CO. and becomes the property of the customer only upon completion of an order, and is otherwise not to be used in whole or in part without written permission of ACE SIGN CO. • 2540 S. 1ST ST. • SPRINGFIELD, IL 62704 • 217-522-8417

**JOB#: 000000**    PROOF DATE: xx/xx/22    SCALE: 1" = 1'  
 designed by: xxx     APPROVED AS/IS     APPROVED W/CHANGES     RE-DRAW W/CHANGES

\*Proofs will predict design layout, text accuracy, image proportion and placement. Colors on a digital screen or printed proof may not reflect actual color. 11" x 17" paper size

## EXHIBIT "B"