



TO: The Honorable Mayor and the City Council

FROM: Ty Livingston, Director of Planning & Community Development

DATE: December 20, 2019

SUBJECT: Land Exchange Public Hearing

BACKGROUND: Cullinan Properties is in the process of selling its portion of the Eastport Admin. Building. As a part of this process, staff met with the Cullinan team at the property to confirm the current platting represented the property accurately. In reviewing the site, both entities – who comprise the current condo owner’s association – agreed the plat required revising in order to better reflect where assets are located. A copy of the proposed changes is attached.

A requirement for the transfer of property is a public hearing. The item this evening will establish that hearing to occur on February 4th along with the first reading of an agreement to facilitate this property transfer.

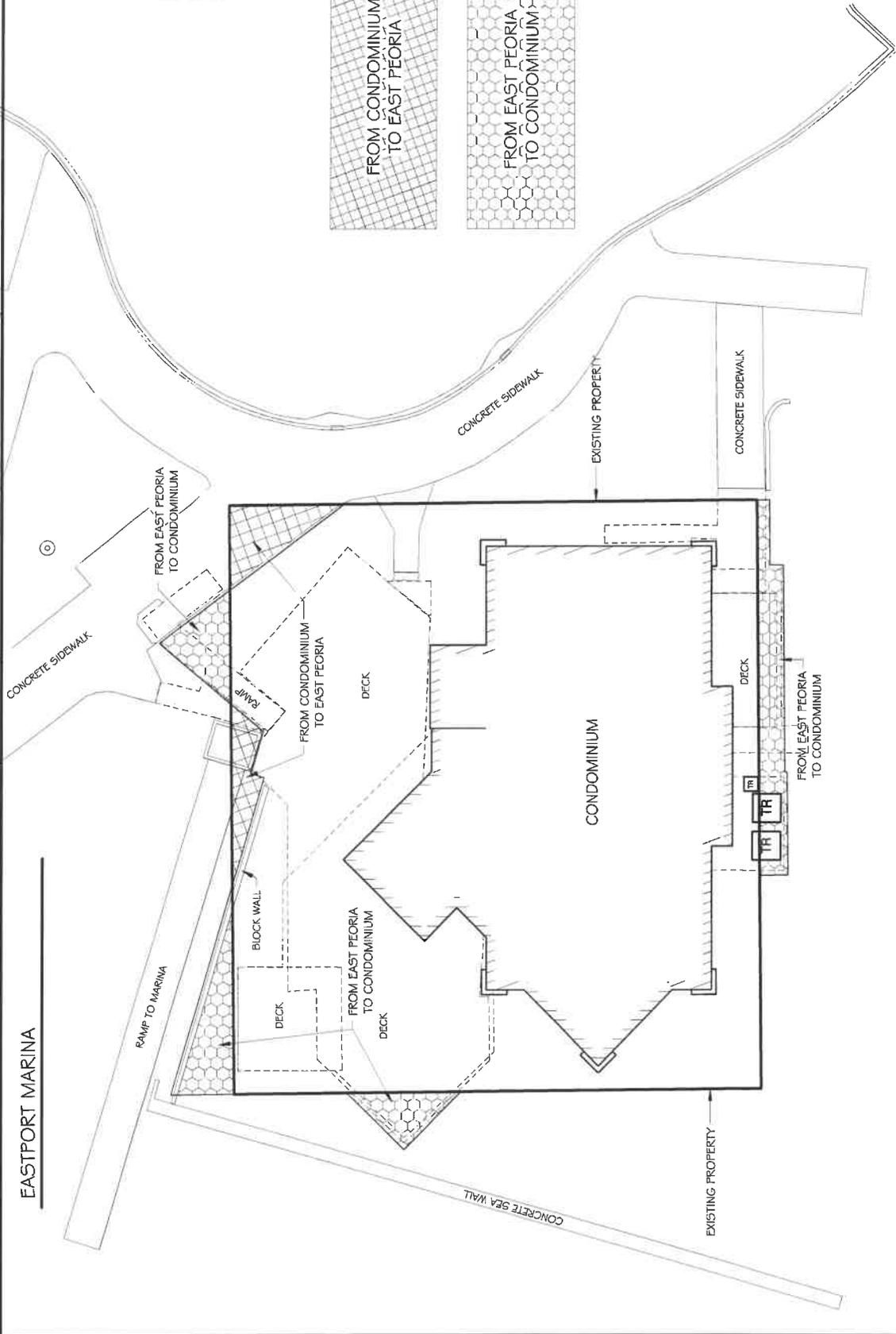
RECOMMENDATION: Approval, as presented.

EASTPORT MARINA



FROM CONDOMINIUM TO EAST PEORIA

FROM EAST PEORIA TO CONDOMINIUM



EASTPORT MARINA

PROJECT NO.
77-777
SHEET 1 OF 1
DRAWING NO. 1

CLIENT:
CITY OF EAST PEORIA

SURVEYED BY: CEJ
DRAWN BY: JEF
CHECKED BY: []
SCALE: 1" = 20'
DATE: 12-05-19

FILE NAME: P_77-777.dwg Dec-05-2019

MOHR & KERR ENGINEERING & LAND SURVEYING, P.C.
5801 N. Prospect Road, Suite 66
Peoria, Illinois 61614
www.mohtandkerr.com
Office: (309) 882-8600
Fax: (309) 882-8601
Professional Design Firm # 184.005091



RESOLUTION NO. 1920-099

East Peoria, Illinois

_____, 2020

RESOLUTION BY COMMISSIONER _____

**A RESOLUTION AUTHORIZING A PUBLIC HEARING FOR THE EXCHANGE
OF CITY PROPERTY LOCATED AT EASTPORT MARINA
AND AMENDMENT TO UNIT OWNERSHIP OF THE
EASTPORT RESTAURANT-ADMINISTRATION BUILDING CONDOMINIUM**

WHEREAS, the main administrative and restaurant building at the Eastport Marina (the “Eastport Marina Building”) is partitioned into the Eastport Restaurant/Administration Building Condominium (“Condominium”) that is comprised of two condominium units owned, respectively, by the City of East Peoria and Cullinan Real Estate Holdings, LLC (“Cullinan”); and

WHEREAS, the City owns the real estate immediately surrounding the Eastport Marina Building, which together with the two condominium units and real estate owned by the Eastport Restaurant/Administration Building Condominium Association (the “Association”), comprise the actual Eastport Marina Building site; and

WHEREAS, in order to better define the property ownership of the Eastport Marina Building site to more accurately correspond property ownership to the parties’ responsibilities thereto, the City and the Association desire to exchange the portion of the Association’s property identified in Exhibit A, attached hereto and incorporated by reference (the “Association Exchange Property”), and the portion of the City’s property also identified in Exhibit A attached hereto (the “City Exchange Property”); and

WHEREAS, the City and Cullinan further desire to redefine the boundaries of the condominium units as set forth on the First Amended Plat, attached hereto as Exhibit B and incorporated by reference, together with a corresponding re-allocation of each unit owner’s percent interest in the common elements of the Condominium; and

WHEREAS, prior to approving the proposed property exchanges, pursuant to Section 11-76.2-1 of the Illinois Municipal Code (65 ILCS 5/11-76.2-1), the City Council is required to conduct a public hearing on the proposed property exchanges (the “Public Hearing”);

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF EAST PEORIA, TAZEWELL COUNTY, ILLINOIS, THAT:

Section 1. A Public Hearing on the proposed property exchanges (as described above) is hereby scheduled for and shall be held on Tuesday, February 18, 2020, commencing at 6:00 p.m., in the City Council Chambers conference room in the Civic Complex adjacent to City Hall, 401 West Washington Street, East Peoria, Illinois.

Section 2. The City Clerk is hereby authorized and directed to publish the Notice of the Public Hearing in substantially the form set forth in attached Exhibit A in a newspaper of general circulation in the City not less than fifteen (15) days, nor more than thirty (30) days, prior to the hearing date of February 18, 2020.

PASSED BY A 3/4 MAJORITY VOTE OF THE COUNCIL OF THE CITY OF EAST PEORIA, TAZEWELL COUNTY, ILLINOIS, IN REGULAR AND PUBLIC SESSION THIS 21st DAY OF JANUARY, 2020.

APPROVED:

Mayor

ATTEST:

City Clerk

EXHIBIT A

NOTICE OF PUBLIC HEARING

CITY OF EAST PEORIA

**PROPOSED PROPERTY EXCHANGE OF CITY PROPERTY
LOCATED AT EASTPORT MARINA AND AMENDMENT TO UNIT OWNERSHIP OF THE
EASTPORT RESTAURANT/ADMINISTRATION BUILDING CONDOMINIUM**

Notice is hereby given that the City Council of the City of East Peoria, Tazewell County, Illinois, will conduct a public hearing at 6:00 p.m. on Tuesday, February 18, 2020, in the City Council Chambers conference room in the Civic Complex adjacent to City Hall, 401 West Washington Street, East Peoria, IL, on a proposed exchange of real property between the City of East Peoria and the Eastport Restaurant/Administration Building Condominium Association ("Association") and for a proposed re-definition of the boundaries of the condominium units of the Eastport Restaurant/Administration Building Condominium ("Condominium"), together with a corresponding re-allocation of unit ownership percent interest in the common elements of the Condominium.

The properties which are the subject of the proposed exchange between the City and the Association are located at Eastport Marina in the City of East Peoria, Illinois and are legally described as follows:

City Property:

PARCEL 1: 0.007 Acre± Tract

Part of Lot 2 in Eastport Marina Subdivision, being part of Lots 22 and 23 of the Assessment Plat recorded in Plat Book "H", Page 377 in the Tazewell County Recorder's office, in part of the Southeast Quarter of Section 22, Township 26 North, Range 4 West of the Third Principal Meridian, Tazewell County, Illinois, more particularly described as follows:

Beginning at the Northwest corner of Lot 3 in said Eastport Marina Subdivision, thence North 00 degrees 34 minutes 11 seconds West (bearings based on the Illinois State Plane, West Zone, NAD83, 2011 Adjustment), along the West line of said Lot 3 extended North, a distance of 13.25 feet; thence South 73 degrees 53 minutes 56 seconds East, a distance of 46.19 feet to the North line of said Lot 3; thence South 89 degrees 25 minutes 49 seconds West, along said North line, a distance of 44.25 feet to the Point of Beginning; said tract containing 0.007 acres, more or less, subject to any easements, reservations, restrictions and right of way of record.

PARCEL 2: 0.004 Acre± Tract

Part of Lot 2 in Eastport Marina Subdivision, being part of Lots 22 and 23 of the Assessment Plat recorded in Plat Book "H", Page 377 in the Tazewell County Recorder's office, in part of the Southeast Quarter of Section 22, Township 26 North, Range 4 West of the Third Principal Meridian, Tazewell County, Illinois, more particularly described as follows:

Commencing at the Northeast corner of Lot 3 in said Eastport Marina Subdivision, thence South 89 degrees 25 minutes 49 seconds West (bearings based on the Illinois State Plane, West Zone, NAD83, 2011 Adjustment), along the North line of said Lot 3, a distance of 17.99 feet to the Point of Beginning of the tract to be described:

From the Point of Beginning, thence continuing South 89 degrees 25 minutes 49 seconds West, along said North line, a distance of 24.20 feet; thence North 40 degrees 29 minutes 49 seconds East, a distance of 19.94 feet; thence South 37 degrees 01 minutes 28 seconds East, a distance of 18.69 feet to the Point of Beginning; said tract containing 0.004 acres, more or less, subject to any easements, reservations, restrictions and right of way of record.

PARCEL 3: 0.009 Acre± Tract

Part of Lot 2 in Eastport Marina Subdivision, being part of Lots 22 and 23 of the Assessment Plat recorded in Plat Book "H", Page 377 in the Tazewell County Recorder's office, in part of the Southeast Quarter of Section 22, Township 26 North, Range 4 West of the Third Principal Meridian, Tazewell County, Illinois, more particularly described as follows:

Beginning at the Southeast corner of Lot 3 in said Eastport Marina Subdivision, thence South 00 degrees 34 minutes 11 seconds East (bearings based on the Illinois State Plane, West Zone, NAD83, 2011 Adjustment), along the East line of said Lot 3, extended South, a distance of 2.66 feet; thence South 89 degrees 25 minutes 49 seconds West, a distance of 13.84 feet; thence South 00 degrees 34 minutes 11 seconds East, a distance of 2.84 feet; thence South 89 degrees 25 minutes 49 seconds West, a distance of 44.00 feet; thence South 00 degrees 34 minutes 11 seconds East, a distance of 0.50 feet; thence South 89 degrees 25 minutes 49 seconds West, a distance of 21.86 feet; thence North 00 degrees 34 minutes 11 seconds West, a distance of 6.00 feet to the South line of said Lot 3; thence North 89 degrees 25 minutes 49 seconds East, along said South line, a distance of 79.70 feet to the Point of Beginning; said tract containing 0.009 acres, more or less, subject to any easements, reservations, restrictions and right of way of record.

PARCEL 4: 0.003 Acre± Tract

Part of Lot 2 in Eastport Marina Subdivision, being part of Lots 22 and 23 of the Assessment Plat recorded in Plat Book "H", Page 377 in the Tazewell County Recorder's office, in part of the Southeast Quarter of Section 22, Township 26 North, Range 4 West of the Third Principal Meridian, Tazewell County, Illinois, more particularly described as follows:

Commencing at the Northwest corner of Lot 3 in said Eastport Marina Subdivision, thence South 00 degrees 34 minutes 11 seconds East (bearings based on the Illinois State Plane, West Zone, NAD83, 2011 Adjustment), along the West line of said Lot 3, a distance of 23.77 feet to the Point of Beginning of the tract to be described:

From the Point of Beginning, thence continuing South 00 degrees 34 minutes 11 seconds East, along said West line, a distance of 24.30 feet; thence North 45 degrees 24 minutes 38 seconds West, a distance of 17.23 feet; thence North 44 degrees 35 minutes 22 seconds East, a distance of 17.14 feet to the Point of Beginning; said tract containing 0.003 acres, more or less, subject to any easements, reservations, restrictions and right of way of record.

ASSOCIATION Property:

PARCEL 1: 0.005 Acre± Tract

Part of Lot 3 in Eastport Marina Subdivision, being part of Lots 22 and 23 of the Assessment Plat recorded in Plat Book "H", Page 377 in the Tazewell County Recorder's office, in part of the Southeast Quarter of Section 22, Township 26 North, Range 4 West of the Third Principal Meridian, Tazewell County, Illinois, more particularly described as follows:

Beginning at the Northeast corner of said Lot 3, thence South 00 degrees 34 minutes 11 seconds East (bearings based on the Illinois State Plane, West Zone, NAD83, 2011 Adjustment), along the East line of said Lot 3, a distance of 24.36 feet; thence North 37 degrees 01 minutes 28 seconds West, a distance of 30.28 feet to the North line of said Lot 3; thence North 89 degrees 25 minutes 49 seconds East, along said North line, a distance of 17.99 feet to the Point of Beginning; said tract containing 0.005 acres, more or less, subject to any easements, reservations, restrictions and right of way of record.

PARCEL 2: 0.003 Acre± Tract

Part of Lot 3 in Eastport Marina Subdivision, being part of Lots 22 and 23 of the Assessment Plat recorded in Plat Book "H", Page 377 in the Tazewell County Recorder's office, in part of the Southeast Quarter of Section 22, Township 26 North, Range 4 West of the Third Principal Meridian, Tazewell County, Illinois, more particularly described as follows:

Commencing at the Northwest corner of said Lot 3, thence North 89 degrees 25 minutes 49 seconds East (bearings based on the Illinois State Plane, West Zone, NAD83, 2011 Adjustment), along the North line of said Lot 3, a distance of 44.25 feet to the Point of Beginning of the tract to be described:

From the Point of Beginning, thence continuing North 89 degrees 25 minutes 49 seconds East, along said North line, a distance of 38.56 feet; thence South 40 degrees 29 minutes 49 seconds West, a distance of 8.98 feet; thence North 73 degrees 53 minutes 56 seconds West, a distance of 9.27 feet; thence South 16 degrees 40 minutes 10 seconds West, a distance of 2.89 feet; thence North 73 degrees 53 minutes 56 seconds West, a distance of 23.93 feet to the Point of Beginning; said tract containing 0.003 acres, more or less, subject to any easements, reservations, restrictions and right of way of record.

A copy of the First Amended Plats depicting the locations of the properties and amended unit boundaries are on file and available for public inspection at the office of the City Clerk at 401 West Washington Street, East Peoria, Illinois.

All interested persons are invited to attend and participate in the aforesaid public hearing. Oral testimony or comments regarding the proposed property exchange will be received during the hearing. Written comments may be submitted at any time prior to or during the hearing.

The proposed exchange and condominium unit boundary redefinition will not involve any further consideration beyond the property exchange and will be effectuated by an Agreement for Exchange of Real Property between all involved parties.

Dated this ____ day of _____, 2020.

/s/ Morgan Cadwalader
City Clerk

EXHIBIT B

FIRST AMENDED PLAT (CONDOMINIUM) – Page 3

