



2232 E. WASHINGTON ST. East Peoria, Illinois 61611 . Phone (309) 698-4716 FAX (309) 698-4730

Commissioners  
Dan Decker Michael Sutherland

**TO: The Honorable Mayor and the City Council**

**FROM: Ric Semonski, Supervisor of Streets**

**DATE: March 3, 2020**

**SUBJECT: RECOMMENDATION TO APPROVE \$51,900 OF CAMP ST TIF FUNDS FOR THE COMPENSATION OF BOTH TEMPORARY EASEMENTS AND RIGHT-OF-WAY IN CONNECTION WITH THE RIVER ROAD INTERSECTION IMPROVEMENTS PROJECT.**

**DISCUSSION:**

We propose that \$51,900 be allocated for the compensation of easements and right-of-way in connection with the River Road Intersection project. The purpose of acquiring easements and right-of-way is to facilitate the construction of improvements to the River Rd. intersection. Property is required in order to widen portions of the intersection as well as to facilitate the placement of various apparatuses associated with the improvements.

Attached are valuations provided by a local appraiser which detail the methodology used in determining the values of each parcel required.

**RECOMMENDATION: Approve \$51,900 in Camp St TIF funds for the purpose of acquiring easements and right-of-way for the above-mentioned project.**

**ORDINANCE NO. 4496**

**AN ORDINANCE APPROVING ACQUISITION OF RIGHT-OF-WAY AND  
CONSTRUCTION EASEMENT FOR CAMP STREET AND RIVER ROAD  
INTERSECTION IMPROVEMENT PROJECT**

**WHEREAS**, City Officials and the City Council have identified the improvement of the traffic flow through the Camp Street and River Road intersection as a priority in the immediate future for street improvements for the City; and

**WHEREAS**, the City now seeks to proceed with making improvements to and upgrading the Camp Street and River Road intersection as an improved signalized intersection at the Camp Street and River Road intersection (the "Intersection Improvement Project"); and

**WHEREAS**, the Intersection Improvement Project has been approved for funding assistance from a grant through Peoria-Pekin Urbanized Area Transportation Study Policy and Technical Committees (PPUATS), and the construction phase of this Project has been targeted for PPUATS grant funding in the upcoming 2020-2021 fiscal year; and

**WHEREAS**, in order to undertake the Intersection Improvement Project, the City must acquire additional right-of-way and temporary construction easements from property owners with property located adjacent to the Intersection Improvement Project site; and

**WHEREAS**, the City has received appraisals for these rights-of-way and temporary construction easements and made offers to the property owners in the amount of these appraisals; and

**WHEREAS**, the property on the southeast corner of Project site is identified by PIN 01-01-29-404-003 (the "Qdoba Property") and the property on the southwest corner is identified by 01-01-29-401-026 (the "Huck's Property"); and

**WHEREAS**, the right-of-way parcel for the Qdoba Property is described in Exhibit A, attached hereto and incorporated by reference, and the temporary construction easement for the Qdoba Property is described in Exhibit B, attached hereto and incorporated by reference, and together both are hereinafter referenced as the "Qdoba ROW and Easement"; and

**WHEREAS**, the right-of-way parcel for the Huck's Property is described in Exhibit C, attached hereto and incorporated by reference, and the temporary construction easement for the Huck's Property is described in Exhibit D, attached hereto and incorporated by reference, and together both are hereinafter referenced as the "Huck's ROW and Easement"; and

**WHEREAS**, the appraisal for the Qdoba ROW and Easement has been obtained as required by IDOT regulations, and the amount of this appraisal is \$10,400.00 in total; and

**WHEREAS**, the appraisal for the Huck's ROW and Easement has been obtained as required by IDOT regulations, and the amount of this appraisal is \$41,100.00 in total; and

**WHEREAS**, the City has the authority to acquire property and right-of-way for a public purpose pursuant to Section 2-2-12 of the Illinois Municipal Code (65 ILCS 5/2-2-12); and

**WHEREAS**, City Officials and representatives have reached an agreement to acquire the Qdoba ROW and Easement from the owner of the Qdoba Property, Terra De Lincoln LLC, a California limited liability company, for the amount of the appraisal for the Qdoba ROW and Easement (the "Qdoba Contract"); and

**WHEREAS**, City Officials and representatives have reached or are seeking an agreement to acquire the Huck's ROW and Easement from the owner of the Huck's Property, AV Martin LLC, an Illinois limited liability company, for the amount of the appraisal for the Huck's ROW and Easement (the "Huck's Contract"); and

**WHEREAS**, the City hereby finds that the Qdoba Contract and the Huck's Contract are necessary for the undertaking and completion of the Intersection Improvement Project and are in the best interests of the City;

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

**Section 1.** The findings and recitations hereinabove set forth are adopted and found to be true.

**Section 2.** The City hereby approves the Qdoba Contract with Terra De Lincoln LLC, a California limited liability company, for the acquisition of the Qdoba ROW and Easement for \$10,400, being the amount of the appraisal for the Qdoba ROW and Easement.

**Section 3.** The City hereby approves the Huck's Contract with AV Martin LLC, an Illinois limited liability company, for the acquisition of the Huck's ROW and Easement for \$41,100, being the amount of the appraisal for the Huck's ROW and Easement.

**Section 4.** The Mayor and City Clerk are directed and authorized to execute the Qdoba Contract and the Huck's Contract on behalf of the City, together with such changes therein as the Mayor in his discretion deems appropriate; provided, however, that either Contract shall not be binding upon the City until an original executed copy has been delivered to the respective Property owner for each Contract. The Mayor (or his

designee) and City Clerk are further directed and authorized to take any action and execute any documents necessary to effectuate the acquisition of the Qdoba ROW and Easement or the Huck's ROW and Easement under the terms and conditions established in the respective Contracts.

**Section 5.** This Ordinance is in addition to all other ordinances on the subject and shall be construed therewith excepting as to that part in direct conflict with any other ordinance, and in the event of such conflict, the provisions hereof shall govern.

**Section 6.** This Ordinance shall be in full force and effect from and after its passage in the manner as provided by law.

**PASSED BY THE COUNCIL OF THE CITY OF EAST PEORIA, TAZEVELL COUNTY, ILLINOIS, IN REGULAR AND PUBLIC SESSION THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020.**

**APPROVED:**

\_\_\_\_\_  
Mayor

**ATTEST:**

\_\_\_\_\_  
City Clerk

**EXAMINED AND APPROVED:**

\_\_\_\_\_  
Corporation Counsel

## EXHIBIT A

### Legal Description for the Qdoba Right-of-Way Parcel

#### Right of Way Description Parcel 2

A part of Lot 14 in Riverside Subdivision, as recorded in Plat Book "NN", pages 124-127 at the Tazewell County Recorder's Office, in the East Half of Section 29, Township 26 North, Range 4 West of the Third Principal Meridian, Tazewell County, Illinois, and being more particularly described as follows:

Commencing at the westerly most corner of said Lot 14, said point also being on the existing easterly right of way line of Camp Street, as the Point of Beginning;

Thence North 18 degrees 55 minutes 59 seconds East (bearings are assumed for descriptive purposes), along said existing easterly right of way line, a distance of 35.72 feet to a point being on the existing southerly right of way line of River Road; thence North 60 degrees 52 minutes 04 seconds East, along said existing southerly right of way line, a distance of 22.25 feet to a point being on the proposed right of way line; the following 3 courses are along said proposed right of way line, thence South 33 degrees 09 minutes 30 seconds West, a distance of 19.09 feet; thence South 21 degrees 07 minutes 00 seconds West, a distance of 30.42 feet; thence South 11 degrees 42 minutes 57 seconds West, a distance of 15.24 feet to a point being on said existing easterly right of way line; thence North 24 degrees 00 minutes 57 seconds West, along said existing easterly right of way line, a distance of 16.05 feet to the Point of Beginning and containing 487 square feet, more or less, or 0.011 acres, more or less.

## EXHIBIT B

### Legal Description for the Qdoba Temporary Construction Easement

#### Temporary Construction Easement Description Parcel 2 TE

A part of Lot 14 in Riverside Subdivision, as recorded in Plat Book "NN", pages 124-127 at the Tazewell County Recorder's Office, in the East Half of Section 29, Township 26 North, Range 4 West of the Third Principal Meridian, Tazewell County, Illinois, and being more particularly described as follows:

Commencing at the westerly most corner of said Lot 14, said point also being on the existing easterly right of way line of Camp Street; thence South 24 degrees 00 minutes 57 seconds East (bearings are assumed for descriptive purposes), along said existing easterly right of way line; a distance of 16.05 feet to the proposed right of way line; thence North 11 degrees 42 minutes 57 seconds East, along said proposed right of way line, a distance of 2.21 feet to the Point of Beginning;

The following 3 courses are along said proposed right of way line, thence continuing North 11 degrees 42 minutes 57 seconds East, a distance of 13.03 feet; thence North 21 degrees 07 minutes 00 seconds East, a distance of 30.42 feet; thence North 33 degrees 09 minutes 30 seconds East, a distance of 11.55 feet; thence South 28 degrees 28 minutes 42 seconds East, a distance of 38.29 feet; thence South 65 degrees 49 minutes 14 seconds West, a distance of 41.85 feet to the Point of Beginning and containing 895 square feet, more or less, or 0.020 acres, more or less.

## EXHIBIT C

### Legal Description for the Huck's Right-of-Way Parcel

[Parcel 3 ROW]

A part of the vacated Frontage Road (Formerly Washington Street) and part of the Southwest Quarter (recorded in Plat Book "G" Page 90 at the Tazewell County Recorder's Office), all being a part of Section 29, Township 26 North, Range 4 West of the Third Principal Meridian, Tazewell County, Illinois, and being more particularly described as follows:

Commencing at the western most corner of Lot 1A in Camp Street Crossing (recorded in Plat Book "HHH", page 90 at said Tazewell County Recorder's Office), said point also being on the existing easterly right of way line of said Frontage Road; the following 3 courses are along said existing easterly right of way line, thence North 70 degrees 17 minutes 02 seconds East (bearings are assumed for descriptive purposes), a distance of 54.00 feet; thence North 19 degrees 29 minutes 12 seconds West, a distance of 216.37 feet; thence in a northeasterly direction along a tangent curve to the right, with a radius of 50.00 feet and an arc length of 28.33 feet and being subtended by a chord bearing North 03 degrees 15 minutes 11 seconds East, a distance of 27.96 feet to a point being on the proposed right of way line of Parcel 3, as the Point of Beginning;

The following 3 courses are along the existing southerly right of way line of River Road, thence continuing in northeasterly direction along a tangent curve to the right, with a radius of 50.00 feet and an arc length of 37.55 feet and being subtended by a chord bearing North 34 degrees 29 minutes 36 seconds East, a distance of 36.67 feet; thence North 56 degrees 00 minutes 24 seconds East, a distance of 29.46 feet; thence North 69 degrees 56 minutes 03 seconds East, a distance of 24.00 feet to a point being on the proposed right of way line of Parcel 3; the following 2 courses are along said proposed right of way line of Parcel 3, thence South 52 degrees 56 minutes 32 seconds West, a distance of 43.58 feet; thence South 48 degrees 58 minutes 54 seconds West, a distance of 43.68 feet to the Point of Beginning of Parcel 3 and containing 558 square feet, more or less, or 0.013 acres, more or less.

## EXHIBIT D

### Legal Description for the Huck's Temporary Construction Easement

[Parcel 3 TE]

A part of the former TP&W Railroad, part of the vacated Frontage Road, and part of the Southwest Quarter (recorded in Plat Book "G" Page 90 at the Tazewell County Recorder's Office), all being a part of Section 29, Township 26 North, Range 4 West of the Third Principal Meridian, Tazewell County, Illinois, and being more particularly described as follows:

Commencing at the northern most corner of Lot 1 in Camp Street Crossing (recorded in Plat Book "AAA", page 103 at said Tazewell County Recorder's Office), said point also being on the existing westerly right of way line of Camp Street, as the Point of Beginning of Parcel 3 TE;

The following 10 course are along said proposed temporary easement line of Parcel 3 TE, thence South 70 degrees 16 minutes 57 seconds West (bearings are assumed for descriptive purposes), 37.81 feet; thence North 31 degrees 36 minutes 56 seconds West, 183.68 feet; thence North 26 degrees 15 minutes 54 seconds East, 36.25 feet; thence in a northwesterly direction along a non-tangent curve to the left, with a radius of 143.62 feet and arc length of 47.31 feet and being subtended by a chord bearing North 48 degrees 45 minutes 58 seconds West, a distance of 47.10 feet; thence North 74 degrees 42 minutes 59 seconds West, 24.85 feet; thence South 85 degrees 10 minutes 50 seconds West, 27.81 feet; thence South 69 degrees 55 minutes 00 seconds West, 65.00 feet; thence South 28 degrees 10 minutes 39 seconds West, 23.50 feet; thence South 70 degrees 14 minutes 27 seconds West, 50.00 feet; thence South 25 degrees 16 minutes 51 seconds West, 42.91 feet to a point on the existing easterly right of way line of a Frontage Road; thence, along said Frontage Road, in a northeasterly direction along a non-tangent curve to the right, with a radius of 50.00 feet and an arc length of 23.75 feet and being subtended by a chord bearing North 00 degrees 37 minutes 35 seconds West, a distance of 23.53 feet to a point on the proposed right of way line of Parcel 3, thence North 48 degrees 58 minutes 54 seconds East, along said proposed right of way line of Parcel 3, 43.68 feet; thence North 52 degrees 56 minutes 32 seconds East, along said proposed right of way line of Parcel 3 to a point on the existing southerly right of way line of River Road; the following 3 courses are along said existing southerly right of way line of River Road, thence North 69 degrees 56 minutes 03 seconds East, 60.73 feet; thence North 69 degrees 50 minutes 29 seconds East, 12.24 feet; thence North 74 degrees 49 minutes 17 seconds East, 30.86 feet to a point on the existing westerly right of way line of Camp Street; thence in a southeasterly direction along a non-tangent curve to the right, with a radius of 148.62 feet and arc length of 98.04 feet and being subtended by a chord bearing South 50 degrees 30 minutes 50 seconds East, a distance of 96.27 feet; thence South 31 degrees 36 minutes 56 seconds East, 191.48 feet to the Point of Beginning of Parcel 3 TE and containing 9,296 square feet, more or less, or 0.213 acres, more or less.

## Valuation Finding Appraisal

Route \_\_\_\_\_  
 Section \_\_\_\_\_  
 County Tazewell

Project 20130049  
 Job No. \_\_\_\_\_  
 Parcel 2 & TE Unit \_\_\_\_\_

Original  
 Supplemental No.

This report is being prepared under the jurisdiction of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 as amended (Uniform Act) and as regulated by 49 CFR Part 24. In compliance with Standard 2 of USPAP, this is a Restricted Appraisal Report and is intended only for use by the client and not intended for any other users. The intended use of the valuation is to assist the client in acquiring a portion of the subject property as the basis for an offer for the rights to be acquired only. Based on the review of available data, the valuation problem is uncomplicated.

1. Owner's Name, Address and Telephone: Terra De Lincoln LLC c/o Achille Paladini; 1700 South El Camino Real (Suite 120); San Mateo, CA 94402 Telephone: 650-619-3165
2. Interview Record: Stephanie Fritsch (Qdoba Store Manager)
3. Tenant's Name, Address and Telephone: Qdoba & Cash Store
4. Identification of Property: 1040 W Camp Street; East Peoria, IL 61611 PIN# 01-01-29-404-003-; A part of Lot 14 in Riverside Subdivision, in the East 1/2 of Section 29, Township 26 North, Range 4 West of the Third Principal Meridian; Tazewell County, IL
5. Inspection Date: 1/10/2019 & 2/20/2019
6. By: Eddie Washington
7. Zoning: B-3, Business Service District
8. Highest and Best Use: Commercial
9. Area of Whole: 1.03+/- ac or 44,867 +/- sf  
 Total ROW: 0.011+/- ac 487+/- sf  
 Net New ROW: 0.011+/- ac 487+/- sf  
 Existing ROW (Dedication): \_\_\_\_\_  
 Permanent Easement: \_\_\_\_\_  
 Temporary Easement: 0.02+/- ac 895+/- sf  
 Area of Remainder: 1.02+/- ac or 44,380 +/- sf
10. Sales Considered: Sales Attached and other sales in the appraiser's file
11. Fair Market Value of the Whole Property: **(Land and Land Improvements Only)** \$763,000
12. Fair Market Value of Property Acquired (including improvements) as Part of the Whole: \$ 8,400
13. List Improvements and Type of Land in Taking: Landscaping
14. Fair Market Value of the Remainder as Part of the Whole Before Taking: \$754,600
15. Fair Market Value of the Remainder After the Taking as will be affected by contemplated improvements: \$754,600
16. Damages to the Remainder (including any cost to cure): \$ 0
17. List Items of Damage: \_\_\_\_\_
18. Compensation for P.E. (include remarks): \_\_\_\_\_ \$ N/A
19. Compensation for T.E. (include remarks): On-premise sign, landscaping, concrete paving \$ 2,400
20. **Total Compensation** \$ 10,800

Preparer's Signature	Date	Certified General Real Estate Appraiser 553.000818 Lic. Type & No.	Exp. Date
Page 1 of 22	4/26/2019	9/30/2019	LA 33D Template (Rev. 11/25/15)

**Appraisal Report**

Route \_\_\_\_\_  
 Section 13-00163-00-RP  
 County Tazewell

Project \_\_\_\_\_  
 Job No. \_\_\_\_\_  
 Parcel 3 & TE Unit \_\_\_\_\_

Take:  Whole  Partial  Other:  
 Appraisal Sequence:  Original  Supplemental

1. Attached is a  complex  non-complex appraisal, per IDOT's Land Acquisition Policies and Procedures Manual.
2. Location and Address: 1015 W Camp Street; East Peoria, IL 61611
3. Identification: **PIN #01-01-29-401-026**; A part of the SW ¼ all being part of Section 29, Township 26 North, Range 4 West of the Third Principal Meridian; Tazewell County, IL
4. Present Owner's Name, Address and Telephone No.: AV Martin LLC; PO Box 385; Carmi, IL 62821
5. Tenant's or Lessee's Name, Address and Telephone No.: None
6. Person Interviewed: Beth Johnson and Andre Williams, Store Managers 7. Interviewed by: Eddie Washington
8. Farmland Preservation Act (pertains to fee takings and permanent easements): N/A  
 CL \_\_\_\_\_ OC \_\_\_\_\_ HL \_\_\_\_\_ PL \_\_\_\_\_ FL \_\_\_\_\_ FS \_\_\_\_\_ RL \_\_\_\_\_ OL \_\_\_\_\_

9. Present Use: Gas Station/ Convenience Store Highest and Best Use Before Taking: Commercial  
 Zoning: B-3, Business Service District Highest and Best Use After Taking: Commercial

	Acres	Sq. Ft.
10. <b>Area of Whole Property</b>	1.340	58,370 +/-
Total Area to be Acquired in Fee Simple Title:	0.013	558 +/-
Area to be Acquired by New Dedication		
Area Acquired by Previous Dedication		
Area to be Acquired for Additional ROW	0.013	558 +/-
Area to be Acquired by Permanent Easement		
Area to be Acquired by Temporary Easement	0.213	9,296 +/-
Area of Remainder	1.327	57,812 +/-

11. <b>Final Conclusion of Value</b>	<b>Effective Date of Appraisal:</b>
Fair Market Value of Whole Property (Land Only, plus Improvements in the Acquisition, if any)	January 3, 2020 \$992,000
<b>For Partial Taking include the following:</b>	
Fair Market Value of property taken (including improvements) as part of the whole	\$9,500
Fair Market Value of remainder as part of the whole before taking	\$982,500
Fair Market Value of remainder after taking as will be affected by contemplated improvements	\$982,500
Damage to Remainder	\$0
Compensation for Permanent Easement(s)	\$N/A
Compensation for Temporary Easement(s)	\$31,600
<b>Total Compensation</b>	<b>\$41,100</b>

Date of the Report: February 10, 2020

Appraiser Name: Eddie J Washington  
 License Type: Certified General Real Estate Appraiser

Appraiser Signature \_\_\_\_\_  
 IL License # 553.000818 Expires: 9/30/2021