



TO: The Honorable Mayor and the City Council

FROM: Ty Livingston, Director of Planning & Community Development

DATE: March 9, 2021

SUBJECT: Vacation of Unimproved Right-of-Way to Bret Gilbert

BACKGROUND:

The request is to vacate a small strip of unimproved right-of-way to Bret Gilbert. The subject property lies between parcels all owned by Mr. Gilbert and is approximately 12' by 220'. The vacation will further the Gilberts' (Bret and his father, Don) ongoing efforts to redevelop this area of South Main. As with other unimproved vacations, the City requests \$500 to cover any expenses for the City Attorney's Office to review the proposal and prepare any necessary documents to facilitate the transfer. The vacated property will be attached to the adjacent lots.

RECOMMENDATION: Approval, as presented.

ORDINANCE NO. 4558

**AN ORDINANCE PROVIDING FOR THE VACATION OF
AN ALLEY IN THE 600 BLOCK OF SOUTH MAIN STREET**

WHEREAS, an alley right-of-way extends to the northwest from South Main Street for approximately 180 feet in the 600 block of South Main Street in East Peoria and intersects with an alley that runs on the northwest side of the properties in the 600 block of South Main Street in East Peoria (hereinafter the "S. Main Alley ROW"), and the S. Main Alley ROW remains undeveloped and unimproved; and

WHEREAS, the City of East Peoria has determined that the S. Main Alley ROW is excess property for the City and has no value or benefit to the City; and

WHEREAS, the City hereby finds that the public interest will be served by vacating the S. Main Alley ROW from South Main Street to the alley that runs on the northwest side of the properties in the 600 block of South Main Street in East Peoria, and this S. Main Alley ROW is described in Exhibit A and depicted in Exhibit B (Exhibits A and B attached hereto and incorporated by reference); and

WHEREAS, the S. Main Alley ROW is located adjacent to the two parcels of property comprising Lot 3 in the Keil and Mushbaugh's Addition to the City of East Peoria (hereinafter collectively referred to as the "Adjacent Property"); and

WHEREAS, the City hereby finds that it is in the best interests of the City and the public interest to dispose of and vacate the S. Main Alley ROW, as depicted in Exhibit B, and vest ownership of this vacated alley in accordance with Section 11-91-1 of the Municipal Code (65 ILCS 5/11-91-1) to the designated property owner of the Adjacent Property as set forth herein;

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

Section 1. That the S. Main Alley ROW described in Exhibit A and shown in Exhibit B shall be and the same is hereby vacated with title upon vacation to vest in Bret Gilbert as sole owner of the two parcels comprising the Adjacent Property described in Exhibit C, attached hereto and incorporated by reference, with the title of the portion of the S. Main Alley ROW immediately adjacent to each respective parcel comprising the Adjacent Property attaching to that respective parcel and with these two parcels comprising the Adjacent property being identified as follows:

PINs 01-01-32-408-012 and 01-01-32-408-013

Section 2. This Ordinance shall not be effective as to the owner of the Adjacent Property until the owner of the Adjacent Property has paid to the City the sum of \$500 to

cover the cost of completing the vacation of the S. Main Alley ROW adjacent to the owner's parcels of property identified herein.

Section 3. The Mayor and City Clerk of the City of East Peoria are hereby authorized and instructed to execute all documents necessary to effectuate the provisions of this Ordinance.

Section 4. This Ordinance shall be in full force and effect as to the property owner of the Adjacent Property from and after its passage by a vote of at least three-fourths (3/4) of the City Council holding office, its approval in the manner provided by law, and upon receipt of the payment prescribed by Section 2 of this Ordinance.

Section 5. Upon receipt of the payment prescribed by Section 2 of this Ordinance, the City Clerk is hereby directed to record this Ordinance among the land records in the Office of the Tazewell County Recorder of Deeds in a manner that reflects the payment by the respective property owner of the Adjacent Properties. The recording of this Ordinance in the Office of the Recorder of Deeds shall be deemed to be conclusive evidence that the City has received the payment prescribed by Section 2 of this Ordinance.

PASSED BY THE COUNCIL OF THE CITY OF EAST PEORIA, TAZEVELL COUNTY, ILLINOIS, IN REGULAR AND PUBLIC SESSION BY THREE-FOURTHS (3/4) MAJORITY VOTE OF THE CITY COUNCIL THIS _____ DAY OF _____, 2021.

APPROVED:

Mayor

ATTEST:

City Clerk

EXAMINED AND APPROVED:

Corporation Counsel

EXHIBIT A

LEGAL DESCRIPTION OF VACATED ALLEY RIGHT OF WAY – 600 BLOCK OF SOUTH MAIN STREET

A part of an existing Alley in Keil & Mushbaugh's Addition to East Peoria, as shown in Plat Book "E", page 4, Tazewell County Recorder's Office, being in a part of the West Half of the Southeast Quarter of Section 32 in Township 26 North, Range 4 West of the Third Principal Meridian, Tazewell County, Illinois, being more particularly described as follows:

Commencing at the Northeasterly corner of Lot 3 in said Keil and Mushbaugh's Addition; thence South 29 degrees 34 minutes 38 seconds West, along the Northwesterly line of said Lot 3, 32.89 feet, more or less, to the most westerly corner of said Lot 3, said point being the Point of Beginning of the Vacation to be described;

From said Point of Beginning, thence South 38 degrees 00 minutes 00 seconds East, along the Southwesterly line of said Lot 3, 205.00 feet, more or less, to the Southwesterly corner of said Lot 3; thence South 52 degrees 00 minutes 00 seconds West, 12.00 feet to the Southeasterly corner of Lot 2 in said Keil and Mushbaugh's Addition; thence North 38 degrees 00 minutes 00 seconds West, along the Northeasterly line of said Lot 2, 219.75 feet, more or less, to a point on the Westerly line of said existing Alley; thence North 00 degrees 11 minutes 32 seconds West, along said West line, 5.45 feet, more or less; thence North 61 degrees 27 minutes 11 seconds East, 39.60 feet, more or less to the Point of Beginning, further being subject to the Right of Way of Main Street/Illinois Route 29/U.S. 24 along the Southwesterly, Southeasterly and Northeasterly sides of the Alley along with any easements and restrictions of record.

EXHIBIT B

PLAT OF VACATED ALLEY RIGHT OF WAY – 600 BLOCK OF SOUTH MAIN STREET

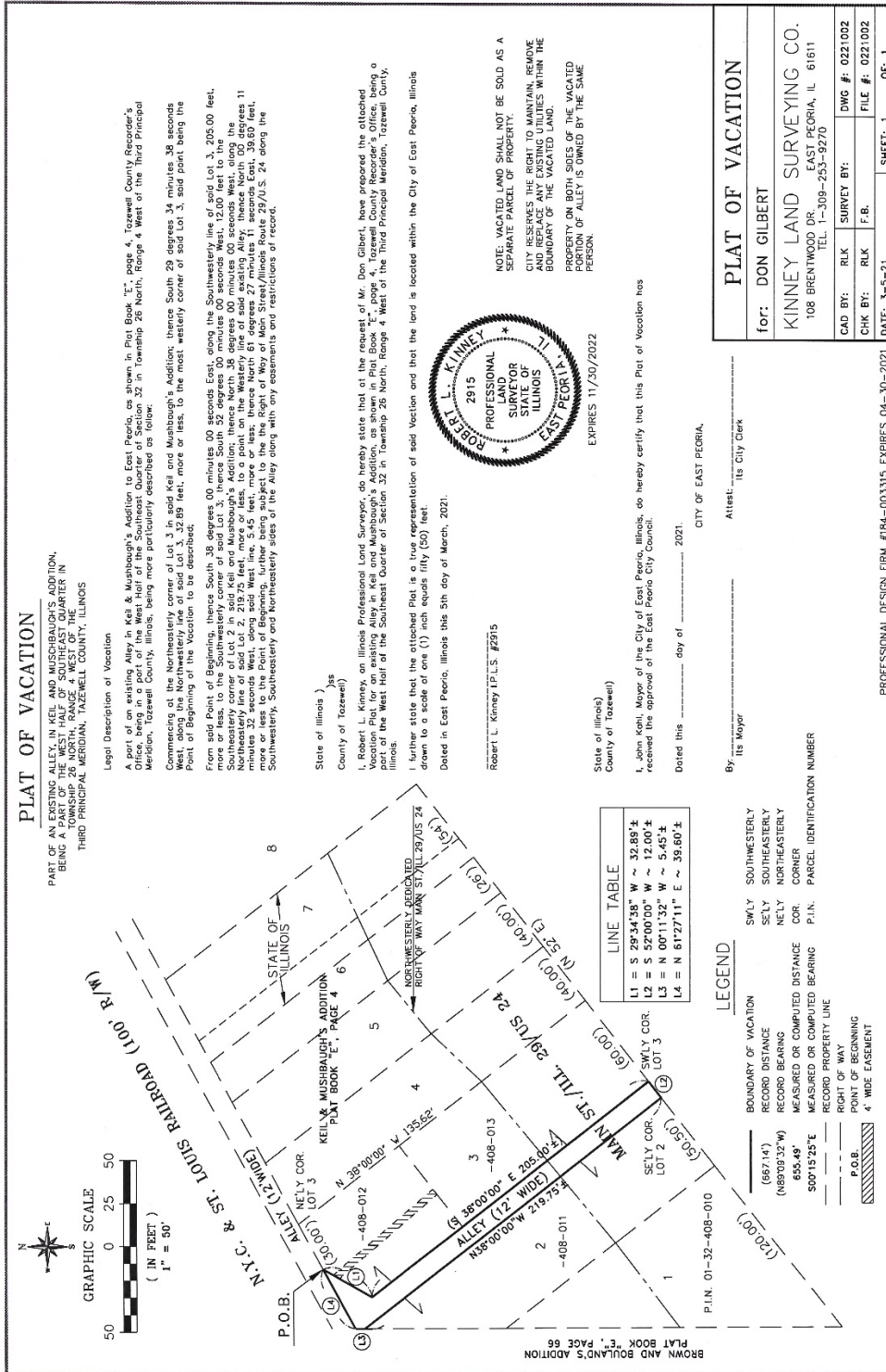


EXHIBIT C

DESCRIPTION OF ADJACENT PROPERTY

Lot 3 in KEIL AND MUSHBAUGH'S ADDITION to East Peoria, as shown on the plat thereof recorded in Plat Book "E", page 4; situated in TAZEWELL COUNTY, ILLINOIS.

PIN: 01-01-32-408-012 and 01-01-32-408-013

Address of Property: 636 S. Main Street, East Peoria, Illinois 61611

CERTIFICATE

I, Morgan Cadwalader, in and for the City of East Peoria, in the County of Tazewell and the State of Illinois and keeper of the records and files of the City of East Peoria as provided by statute do hereby certify the foregoing to be a true, perfect and complete copy of Ordinance No. 4558 passed by the City Council of the City of East Peoria at its regular meeting held on _____, 2021, and approved by the Mayor of the City of East Peoria on _____, 2021. I further certify that the foregoing Ordinance has never been repealed and is in full force and effect as of the date of this certification.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the City of East Peoria at my office this _____ day of _____, 2021.

City Clerk

(SEAL)