



TO: The Honorable Mayor and the City Council

FROM: Ty Livingston, Director of Planning & Community Development

DATE: February 14, 2023

SUBJECT: Vacation of Drainage Easement for lots 43 & 44-A of Eastgate Subdivision

BACKGROUND:

When this subdivision just north of US 24 was platted, it was anticipated that a common detention basin would be established. However, as it has developed, on-site detention has been provided making the drainage easements created at initial platting, no longer needed. The proposal here is to vacate the easements for these two parcels to make way for new storage building for Prairie Home Alliance which is headquartered across the street. On-site detention will be provided for this project.

RECOMMENDATION: Approval, as presented.

ORDINANCE NO. 4709

AN ORDINANCE PROVIDING FOR THE VACATION OF STORM WATER DRAINAGE EASEMENT GRANTED CITY BY EASTGATE SUBDIVISION PLAT

WHEREAS, Prairie Home Alliance seeks to expand its business site on Eastgate Drive in the Eastgate Subdivision in the City of East Peoria and seeks to construct a new facility on Lot 43 in the Eastgate Subdivision; and

WHEREAS, Lot 43 and the adjacent Lot 44-A in the Eastgate Subdivision are encumbered with a storm water drainage easement for the construction of a detention basin, which was granted to the City by the subdivision plat for the Eastgate Subdivision (the "Drainage Easement"), with such Drainage Easement depicted in the Drainage Easement Vacation Plat attached hereto as Exhibit A and incorporated by reference (the "Vacation Plat"); and

WHEREAS, City Officials have determined that with the creation of on-site storm water detention on the adjacent developed lots in the Eastgate Subdivision, the Drainage Easement created in the initial platting of the subdivision plat for the Eastgate Subdivision is no longer necessary or needed; and

WHEREAS, the City of East Peoria hereby finds that the Drainage Easement is no longer necessary for storm water detention in the Eastgate Subdivision and is no longer needed for City purposes or future development; and

WHEREAS, the City further finds that it is in the best interests of the City and the public interest to vacate the Drainage Easement in the Eastgate Subdivision as shown in the Vacation Plat;

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

Section 1. The Drainage Easement in the Eastgate Subdivision described and shown in Exhibit A (the Vacation Plat) shall be and the same is hereby vacated in relation to the following identified properties upon which the Drainage Easement is located:

PIN 01-01-13-202-015 and 01-01-13-202-020

Section 2. This Ordinance shall be in full force and effect as to the owners of Lots 43 (PIN 01-01-13-202-015) and Lot 44-A (PIN 01-01-13-202-020) of the of the Eastgate Subdivision from and after its passage by the City Council and its approval in the manner provided by law.

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. The City Clerk is hereby directed to record this Ordinance among the land records in the Office of the Tazewell County Recorder of Deeds upon passage of this Ordinance in the manner provided by law.

PASSED BY THE COUNCIL OF THE CITY OF EAST PEORIA, TAZEWELL COUNTY, ILLINOIS, IN REGULAR AND PUBLIC SESSION OF THE CITY COUNCIL THIS ____ DAY OF _____, 2023.

APPROVED:

Mayor

ATTEST:

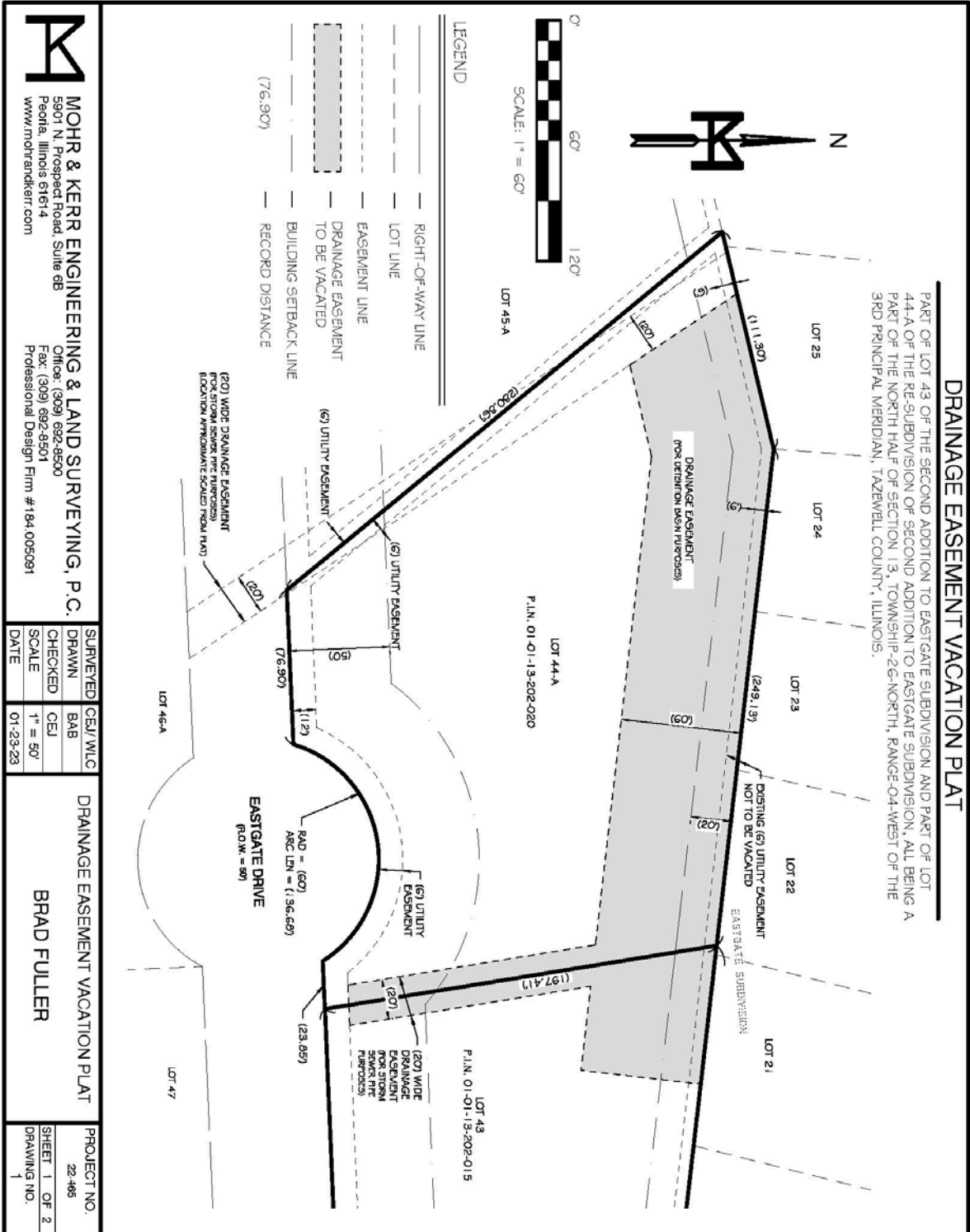
City Clerk

EXAMINED AND APPROVED:

Corporation Counsel

EXHIBIT A

PLAT OF VACATED DRAINAGE EASEMENT



DRAINAGE EASEMENT VACATION PLAT

PART OF LOT 43 OF THE SECOND ADDITION TO EASTGATE SUBDIVISION AND PART OF LOT 44-A OF THE RE-SUBDIVISION OF SECOND ADDITION TO EASTGATE SUBDIVISION, ALL BEING A PART OF THE NORTH HALF OF SECTION 13, TOWNSHIP-26-NORTH, RANGE-04-WEST OF THE 3RD PRINCIPAL MERIDIAN, TAZEWELL COUNTY, ILLINOIS.

OWNERS CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF TAZEWELL) SS

I, WE _____, THE OWNER(S) OF RECORD OF THE LAND SHOWN IN THE ATTACHED PLAT, DO HEREBY AUTHORIZE AND ACKNOWLEDGE THE SURVEY OF THE LAND AS DESCRIBED ON THE ACCOMPANYING LEGAL DESCRIPTION. ALSO TO THE BEST OF MY OUR KNOWLEDGE THE DESCRIBED PARCEL IS LOCATED IN HIGH SCHOOL DISTRICT # 309 AND GRADE SCHOOL DISTRICT # 86.

GIVEN UNDER MY HAND AND SEAL THIS _____, DAY OF _____, 2023.

OWNER OF RECORD _____

OWNER OF RECORD _____

NOTARY PUBLIC _____

SUBSCRIBED AND SWORN TO BEFORE ME THIS _____, DAY OF _____, 2023.

NOTARY PUBLIC _____

CITY OF EAST PEORIA PLAT OFFICER

STATE OF ILLINOIS)
COUNTY OF TAZEWELL) SS

I, PLAT APPROVING OFFICER FOR THE CITY OF EAST PEORIA, IN THE COUNTY OF TAZEWELL AND STATE OF ILLINOIS, DO HEREBY ACCEPT THE ABOVE SURVEY AS CONFORMING TO THE APPLICABLE REQUIREMENTS OF 765 ILCS SECTIONS 205/1 AND 205/2.

GIVEN UNDER MY HAND AND SEAL THIS _____, DAY OF _____, 2023.

CITY OF EAST PEORIA PLAT OFFICER _____

DESCRIPTION:

A PART OF THE DRAINAGE EASEMENTS OF LOT 43 OF THE SECOND ADDITION TO EASTGATE SUBDIVISION AND LOT 44-A IN THE RE-SUBDIVISION OF SECOND ADDITION TO EASTGATE SUBDIVISION, RECORDED IN PLAT BOOK 'FFF', PAGE 47, AT THE TAZEWELL COUNTY RECORDERS OFFICE. ALSO THE 20 FEET WIDE DRAINAGE EASEMENT RUNNING ALONG THE SHARED LOT LINE BETWEEN SAID LOTS 43 AND 44-A.

NOTES:

- 1) IT IS NOT WARRANTED THAT THIS DRAINAGE EASEMENT VACATION PLAT CONTAINS COMPLETE INFORMATION REGARDING EASEMENTS, RESERVATIONS, RESTRICTIONS, RIGHT-OF-WAY, BUILDING SETBACK LINES AND OTHER ENCUMBRANCES. FOR COMPLETE INFORMATION, A TITLE OPINION OR OTHER COMMITMENT FOR TITLE INSURANCE SHOULD BE OBTAINED.
- 2) FIELD WORK COMPLETED SEPTEMBER 28TH, 2022.
- 3) LOTS SHOWN PER FINAL PLAT OF RE-SUBDIVISION OF SECOND ADDITION TO EASTGATE SUBDIVISION RECORDED IN PLAT BOOK 'FFF', PAGE 47, AT THE TAZEWELL COUNTY RECORDERS OFFICE.
- 4) UTILITY EASEMENTS WITHIN THE DRAINAGE EASEMENTS ARE TO REMAIN AND NOT TO BE VACATED.

STATE OF ILLINOIS)
COUNTY OF PEORIA) SS

WE, MOHR & KERR ENGINEERING AND LAND SURVEYING, P.C. DO HEREBY STATE THAT WE HAVE SURVEYED PART OF LOT 43 OF THE SECOND ADDITION TO EASTGATE SUBDIVISION AND PART OF LOT 44-A OF THE RE-SUBDIVISION OF SECOND ADDITION TO EASTGATE SUBDIVISION, ALL BEING A PART OF THE NORTH HALF OF SECTION 13, TOWNSHIP-26-NORTH, RANGE-04-WEST OF THE 3RD PRINCIPAL MERIDIAN, TAZEWELL COUNTY, ILLINOIS AND THAT THE LAND SHOWN ON THIS PLAT LIES WITHIN THE CORPORATE LIMITS OF THE CITY OF EAST PEORIA WHICH HAS APPROVED AND ADOPTED A COMPREHENSIVE PLAN AND TO THE BEST OF OUR KNOWLEDGE AND BELIEF THE EASEMENT VACATION PLAT IS A TRUE AND CORRECT REPRESENTATION OF SAID SURVEY AS DRAWN TO A SCALE OF 1" = 60'. (1 INCH = 60 FEET)

DATED THIS _____ DAY OF _____, 2023.

MOHR & KERR ENGINEERING AND LAND SURVEYING, P.C.

CALEB E. JOHNSON
ILLINOIS REGISTERED PROFESSIONAL LAND SURVEYOR # 035-3884



LICENSE EXPIRES NOVEMBER 30, 2024



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Professional Design Firm #184.005091

DRAINAGE EASEMENT VACATION PLAT

SURVEYED	CEJ / WLC
DRAWN	BAB
CHECKED	CEJ
SCALE	N/A
DATE	01-23-23

BRAD FULLER

PROJECT NO.	22-465
SHEET 2 OF 2	
DRAWING NO.	2

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. 4709 passed by the City Council of the City of East Peoria at its regular meeting held on _____, 2023, and approved by the Mayor of the City of East Peoria on _____, 2023. 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 _____, 2023.

City Clerk

(SEAL)