



TO: The Honorable Mayor and the City Council

FROM: Ty Livingston, Director of Planning & Community Development

DATE: June 13, 2023

SUBJECT: Vacation of Briargate and Vermont R-O-W north of Washington Road

BACKGROUND:

The owner of Tall Oak Village has approached the City regarding the vacation of the right of way (R-O-W) adjacent to this property. In working with the team in Public Works, there's no strategic value for the City to retain ownership here but we do want to make sure the property owner of 2322 Washington Road continues to enjoy access to their property off of the portion of Briargate which is to be vacated. This easement has been confirmed.

RECOMMENDATION: Approval of the vacation as presented.

ORDINANCE NO. 4733

**AN ORDINANCE PROVIDING FOR THE VACATION OF
THE BRIARGATE ROAD AND VERMONT STREET RIGHTS-OF-WAY
THAT PROVIDE ACCESS TO TALL OAK APARTMENTS**

WHEREAS, portions of both the Vermont Street right-of-way and the Briargate Road right-of-way provide access to the Tall Oak Village Apartments complex off of Washington Road, with the roadways in these rights-of-way combining to extend north from Washington Road to the Tall Oak Village Apartments complex; and

WHEREAS, Tall Oak Village Apartments LLC, the owner of the Tall Oak Village Apartments complex and property, has requested that the City vacate these portions of the Vermont Street right-of-way and the Briargate Road right-of-way as described in Exhibit A and depicted in Exhibit B, both exhibits attached hereto and incorporated by reference (hereinafter collectively referred to as the "Vacated ROW"); and

WHEREAS, the Vacated ROW provides access to the Tall Oaks Subdivision, and the Tall Oaks Subdivision is comprised of three tracts, with the Tall Oak Village Apartments complex located on Tract 1 of this Subdivision, Tall Oak Village Apartments LLC also owning Tract 2 of this Subdivision, and the Lighthouse Tabernacle owning Tract 3 of this Subdivision; and

WHEREAS, in conjunction with the request from Tall Oak Village Apartments LLC to have the City vacate the Vacated ROW, Tall Oak Village Apartments LLC has entered into and will be granting an access easement to the Lighthouse Tabernacle, as owner of Tract 3 of the Tall Oaks Subdivision, across that portion of the Vacated ROW that provides access to Tract 3 (the "Access Easement"); and

WHEREAS, City Officials have determined that the vacation of the Vacated ROW will alleviate the City's burden of maintaining these roadways that serve primarily as the entryway for the Tall Oak Village Apartments complex, thereby resulting in a cost savings to the City; and

WHEREAS, the City of East Peoria hereby finds that the Vacated ROW, as depicted in Exhibit B, is therefore excess property for the City and has no continuing value or benefit to the City; and

WHEREAS, the City hereby finds that the public interest will be served by vacating the Vacated ROW as described in Exhibit A and depicted in Exhibit B; 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 Vacated ROW and to vest ownership of this vacated street 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. The recitals set forth above are hereby found to be correct and accurate and are hereby incorporated herein.

Section 2. The Vacated 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 Tall Oak Village Apartments LLC as sole owner of Tract 1 and Tract 2 of the Tall Oaks Subdivision (the Adjacent Property”), with such parcels being identified as follows:

PINs: 02-02-19-411-012 and 02-02-19-411-013

Section 3. This Ordinance shall become effective as to the owner of the Adjacent Property at such time that the Access Easement is properly and duly recorded in the Tazewell County Recorder’s Office.

Section 4. 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 5. This Ordinance shall be in full force and effect as to each respective owner of the Adjacent Properties 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 the recording of the Access Easement prescribed by Section 2 of this Ordinance.

Section 6. The City Clerk is hereby directed to record this Ordinance among the land records in the Office of the Tazewell County Recorder of Deeds.

PASSED BY THE COUNCIL OF THE CITY OF EAST PEORIA, TAZEWELL COUNTY, ILLINOIS, IN REGULAR AND PUBLIC SESSION BY THREE-FOURTHS (3/4) MAJORITY VOTE OF THE CITY COUNCIL THIS _____ DAY OF _____, 2023.

APPROVED:

Mayor

ATTEST:

City Clerk

EXAMINED AND APPROVED:

Corporation Counsel

EXHIBIT A

LEGAL DESCRIPTION OF VACATED RIGHT OF WAY

Briargate Street and Vermont Street, being a part of Tall Oaks Subdivision, a subdivision of a part of the Southeast Quarter of Section Nineteen (19), Township Twenty-six (26) North, Range Three (3) West of the Third Principal Meridian, Tazewell County, Illinois, the plat of which is recorded in Plat Book "DD", pages 76 and 77 in the Tazewell County Recorder's Office, more particularly described as follows:

Beginning at the Southeast corner of Tract 2 in said Tall Oaks Subdivision (the following 5 courses are along the West right of way line of said Briargate Street), thence North $38^{\circ}-30'-12''$ East (bearings are based on the Illinois State Plane Coordinate System, NAD 83, West Zone 1202), 38.60 feet; thence North $00^{\circ}-57'-56''$ West, 126.31 feet; thence North $16^{\circ}-42'-00''$ East, 171.23 feet; thence North $00^{\circ}-14'-50''$ East, 50.76 feet; thence in a Northwesterly direction, on a curve to the left having a radius of 25.00 feet for an arc distance of 39.27 feet, said curve being subtended by a chord having a bearing North $44^{\circ}-44'-42''$ West, and a length of 35.35 feet to the South right of way line of said Vermont Street; thence North $89^{\circ}-44'-14''$ West, along said South right of way line, 319.23 feet to the Northwest corner of said Tract 2; thence North $00^{\circ}-13'-13''$ East, along the West line of said Tall Oaks Subdivision, 50.00 feet to the Southwest corner of Tract 1 in said Tall Oaks Subdivision; thence South $89^{\circ}-44'-14''$ East, along the North right of way line of said Vermont Street, 520.21 feet to the West line of Outlot "A" in said Tall Oaks Subdivision; thence South $00^{\circ}-15'-46''$ West, along said West line, 50.00 feet to the South right of way line of said Vermont Street; thence North $89^{\circ}-44'-14''$ West, along said South right of way line, 90.94 feet to the East right of way line of said Briargate Street (the following 5 courses are along said East right of way line of Briargate Street); thence in a Southwesterly direction, on a curve to the left having a radius of 25.00 feet for an arc distance of 39.27 feet, said Curve being subtended by a chord having a bearing North $45^{\circ}-15'-18''$ West and a length of 35.35 feet; thence South $00^{\circ}-14'-50''$ East, 59.46 feet; thence South $00^{\circ}-14'-50''$ West, 59.46 feet; thence South $16^{\circ}-42'-00''$ West, 38.77 feet; thence South $00^{\circ}-57'-56''$ East, 215.93 feet; thence South $54^{\circ}-51'-26''$ East, 29.47 feet to the Northwesterly right of way line of Washington Street; thence South $71^{\circ}-15'-09''$ West, along said Northwesterly right of way line, 85.35 feet; thence South $78^{\circ}-05'-43''$ West, along said Northwesterly right of way line, 68.32 feet to the Point of Beginning.

Excepting therefrom the following described tract:

Outlot "B", being a part of Tall Oaks Subdivision, a subdivision of a part of the Southeast Quarter of Section Nineteen (19), Township Twenty-six (26) North, Range Three (3) West of the Third Principal Meridian, Tazewell County, Illinois, the plat of which is recorded in Plat Book "DD", pages 76 and 77 in the Tazewell County Recorder's Office.

Said Tract containing 1.283 acres, more or less.

EXHIBIT B

PLAT OF VACATED RIGHT OF WAY

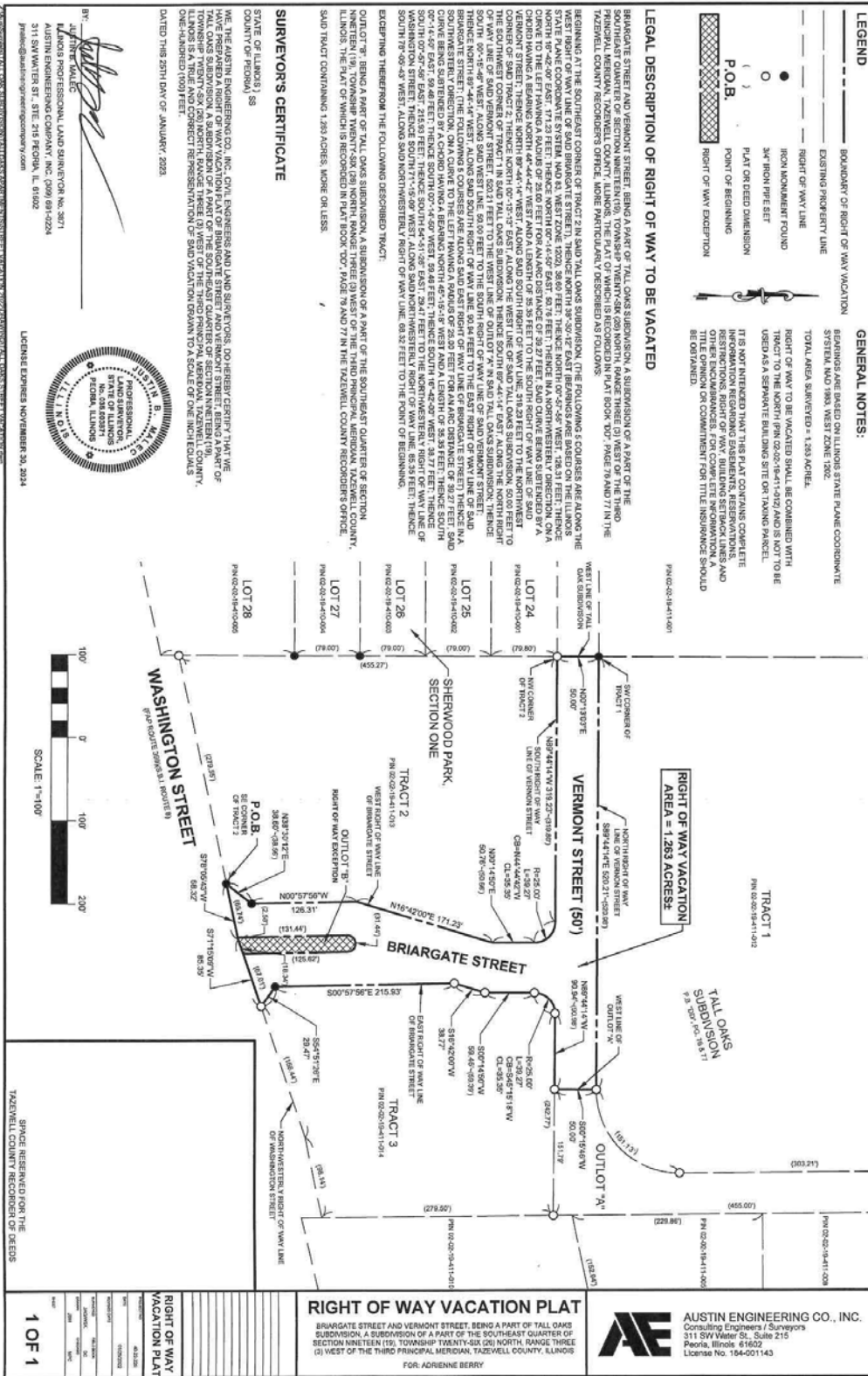


EXHIBIT C

DESCRIPTION OF ADJACENT PROPERTY

Tracts 1 and Tract 2 and Outlot A and Outlot B in the Tall Oaks Subdivision, being a subdivision in a part of the Southeast Quarter of Section 19, Township 26 North, Range 3 West of the Third Principal Meridian, as shown by plat recorded in Plat Book "DD", Pages 76 and 77, in the City of East Peoria, excepting therefrom that part conveyed to the Illinois Department of Transportation by Warranty Deed recorded on September 26, 2008, as Document No. 08-21030; situated in Tazewell County, Illinois.

PINs: 02-02-19-411-012 and 02-02-19-411-013

Address of Property: 2324 Washington Road, Washington, Illinois

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. 4733 passed by the City Council of the City of East Peoria at its regular meeting held on _____ and approved by the Mayor of the City of East Peoria on _____. 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)