

MEMORANDUM

September 14, 2023

TO: Mayor John P. Kahl and Members of the City Council

FROM: City Attorney Scott A. Brunton

SUBJECT: Vacation of Right-of-Way Adjacent to Civic Plaza Subdivision / Flaherty & Collins Development Project

DISCUSSION:

In preparation of the Flaherty & Collins development project on the Civic Triangle in the Levee District and to assist with identifying City parcels in the Civic Triangle, the City subdivided the City parcel in the Civic Plaza Subdivision in February 2023. Pursuant to this Civic Plaza Subdivision plat recorded in February 2023, the various City parcels were separately identified and included the Civic Complex parcel (which includes City Hall and the shared meeting rooms), the parking lot parcel, the Levee Park parcel, the Reading Gardens parcel, and the development project site parcel. The City currently owns all of these parcels that comprise the Civic Triangle other than the property owned by the Fondulac District Library for the Library building and an adjacent small expansion area. When approving this Civic Plaza Subdivision plat back in February 2023, Lot 7 was created on the very northwest corner of the Civic Triangle, being .21 acres in size. Due to its small size and location adjacent to the Richland Street right-of-way, this Lot 7 of the Civic Plaza Subdivision (Section 2) was dedicated as right-of-way at that time.

This Lot 7 parcel has now been identified for ancillary development by Flaherty & Collins for its development project on Lot 4, which is the main project site for the Flaherty & Collins development. In order to accommodate this proposed ancillary use as a dog park, the City needs to re-establish this Lot 7 parcel as City property by vacating the right-of-way that is comprised of the former Lot 7 and vesting title back with the City as part of Lot 5 of the Civic Plaza Subdivision (Section Two). Accordingly, this Ordinance vacates this former Lot 7 as right-of-way and makes this former Lot 7 a part of the City's Lot 5 in the Civic Plaza Subdivision (Section Two).

RECOMMENDATION: Approval.

ORDINANCE NO. 4748

**AN ORDINANCE PROVIDING FOR THE VACATION OF
PORTION OF RICHLAND STREET RIGHT-OF-WAY FORMERLY
IDENTIFIED AS LOT 7 OF THE CIVIC PLAZA SUBDIVISION (SECTION TWO)**

WHEREAS, Lot 7 of the Civic Plaza Subdivision Section Two was dedicated by the City as public right-of-way by the Final Plat of Civic Plaza Subdivision Section Two (the "Final Plat") when the Final Plat was recorded on February 15, 2023, in the Tazewell County Recorder's Office; and

WHEREAS, the City now seeks to retain this property formerly comprising Lot 7 of the Final Plat to assist with the anticipated development of Lot 4 of the Final Plat, as this Lot 4 parcel is subject to a Development Agreement between the City and Flaherty & Collins (doing business as "F & C Development, Inc.") for the development of a multi-use development including a multi-family residential apartment complex (the "Development Project"); and

WHEREAS, the City of East Peoria hereby finds that this property formerly comprising Lot 7 of the Final Plat (the "Vacated ROW"), as described in Exhibit A and depicted in Exhibit B, has no continuing value or benefit to the City as additional public right-of-way at the Richland Street-Edmund Street-Clock Tower Drive intersection and is not currently used or improved as a City street or public right-of-way, and is therefore excess right-of-way for the City; and

WHEREAS, the City hereby finds that the public interest will be served by vacating the Vacated ROW as provided herein, thereby allowing the Vacated ROW to assist with the development of the Development Project, which will also improve the Vacated ROW as an ancillary use to the Development Project and improve the aesthetic of this portion of the Levee District; and

WHEREAS, the City hereby finds that it is in the best interests of the City and in the public interest to vacate the Vacated ROW and to vest ownership of this vacated right-of-way in accordance with Section 11-91-1 of the Municipal Code (65 ILCS 5/11-91-1) back to the City as 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 the City of East

Peoria as sole owner of Lot 5 of the Civic Plaza Subdivision Section Two (the "Adjacent Property"), with such parcel being identified as follows:

PIN: 01-01-32-210-002

Section 3. This Ordinance shall be in full force and effect as to the 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 being 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. 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:

ATTEST:

Mayor

City Clerk

EXAMINED AND APPROVED:

Corporation Counsel

EXHIBIT A

LEGAL DESCRIPTION OF VACATED RIGHT OF WAY

The property comprising Lot 7 of Civic Plaza Subdivision Section Two as recorded February 15, 2023, as Document No. 202300001741, in Plat Book "QQQ" at page 132, being a part of Lot 1 of Civic Plaza Subdivision as recorded in Plat Book "JJJ" at page 39 in the Tazewell County Recorder's Office, being a part of the Northeast Quarter of Section 32, Township 26 North, Range 4 West of the Third Principal Meridian, Tazewell County, Illinois.

PIN: Part of 01-01-32-207-001

Said Tract containing 0.210 acres, more or less.

EXHIBIT B PLAT OF VACATED RIGHT OF WAY

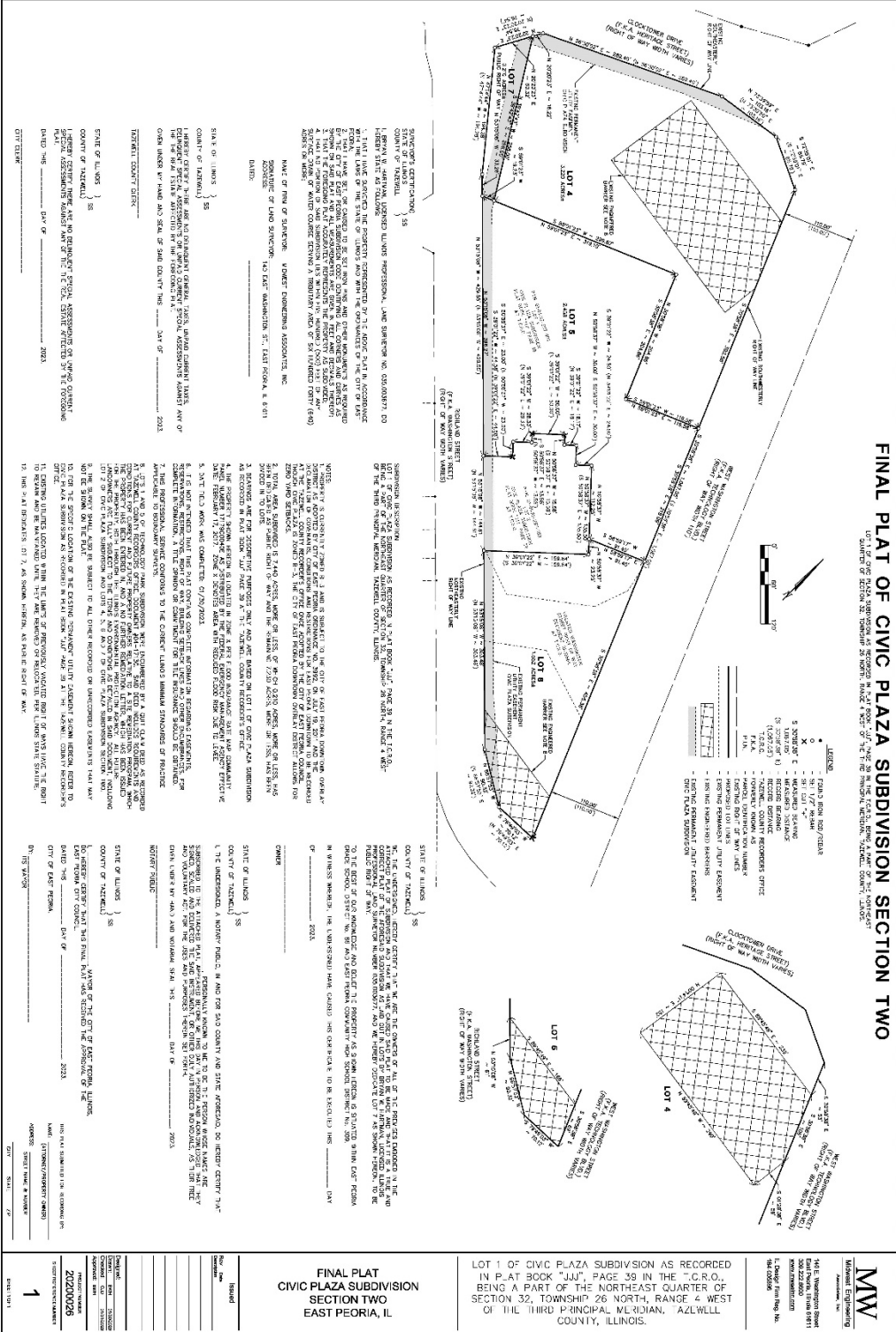


EXHIBIT C

DESCRIPTION OF ADJACENT PROPERTY

Lot 5 of Civic Plaza Subdivision Section Two as recorded February 15, 2023, as Document No. 202300001741, in Plat Book "QQQ" at page 132, being a part of Lot 1 of Civic Plaza Subdivision as recorded in Plat Book "JJJ" at page 39 in the Tazewell County Recorder's Office, being a part of the Northeast Quarter of Section 32, Township 26 North, Range 4 West of the Third Principal Meridian, Tazewell County, Illinois.

PIN: 01-01-32-210-002

Property Address: 401 W. Washington Street, East Peoria, IL 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. _____ 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)