

City Council of the City of Carbondale, Illinois
Public Hearing on Proposed Vacation of an East/West Alley Right-of-Way
between North Washington/North Marion Streets and East Birch/East Chestnut Streets
June 1, 2004

The City Council of the City of Carbondale, Illinois, held a public hearing on Tuesday, June 1, 2004, in the Civic Center, 200 South Illinois Avenue, for the purpose of soliciting comments on a proposed vacation of an east/west alley right-of-way between North Washington/North Marion Streets and East Birch/East Chestnut Streets. Mayor Brad Cole called the public hearing to order at 7:14 p.m. with the following-named members of the City Council present/absent:

Present: Councilman Chris Wissmann, Councilman Steven Haynes, Councilman Lance Jack, Councilwoman Sheila Simon, Councilwoman Corene McDaniel, Councilwoman Margaret Flanagan and Mayor Brad Cole

Absent: None

Also present were City Clerk Janet M. Vaught, City Manager Jeff Doherty and various members of the City's administrative staff.

City Manager Jeff Doherty explained that Faith Temple Church of God in Christ, located at 604 N. Marion Street, has requested that the City of Carbondale vacate an east/west alley between North Washington/North Marion Streets and East Birch/East Chestnut Streets. The church is requesting the alley be vacated to allow construction of a covered accessible ramp on the south side of the church adjacent to the alley. The east 330' of the alley was platted as part of the S.T. Brush Subdivision. The west 80' of the alley is not platted but has been in continuous use for decades and is open to public use as a prescribed access easement. The west 80' has not been requested to be vacated.

Mr. Doherty noted that a letter requesting the alley right-of-way vacation was received April 11, 2004. Three adjoining property owners were notified of the alley vacation request. The Brown and Toliver properties are currently vacant and undeveloped. The Howard property includes a single family residence. The remaining properties adjacent to the alley are owned by the church. Ms. Howard, owner and resident of 601 N. Washington Street, telephoned the Planning Services Division and stated she has no objection to the church's development plans, but does have concerns about the loss of access to her property. Ms. Howard uses the alley right-of-way to access the parking area on the northeast side of her residence. Ms. Howard indicated that she would not be able to attend the public hearing.

Mr. Doherty noted that in 1996 a similar alley vacation request was submitted by Faith Temple Church of God in Christ. The City Council conducted the public hearing; following the public hearing, the church subsequently withdrew the alley vacation request due to adjoining property owner opposition. The Public Works Department has reviewed the alley vacation request and recommends that the alley not be vacated at this time due to property owner concerns over loss of access and the creation of a dead end alley with no turn around.

Mr. Doherty stated that Illinois Compiled Statutes require that a public hearing be held prior to taking any action on vacating public right-of-way. The Statutes require that notice of the public hearing be published at least fifteen days prior to the hearing. The notice was published on May 16, 2004. Illinois Compiled Statutes also require the affirmative vote of 3/4 of the members of the City Council to vacate

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a street or alley right-of-way. An ordinance to consider vacating the east/west alley right-of-way between North Washington/North Marion Street and East Birch/East Chestnut Streets will be considered later in the Council agenda.

Mayor Cole invited comments or questions from the public. There was no one who indicated a desire to speak. Mayor Cole repeated his invitation for public comments.

Bishop Hugh E. Cawthon introduced himself as Pastor of Faith Temple Church of God in Christ for the past 26 years, adding that he was recently elevated to the jurisdiction Bishop of the Southern Illinois Diocese. He said the Diocese has moved the state jurisdiction headquarters to Carbondale and are in the process of trying to make things better here in Carbondale for their conventions. They have 44 churches and two main meetings that come to the City, one in the second week in March and the other in the second week in July. He said this will be the first year they have had a jurisdiction convention and they are trying to get their church facility fixed so they would be able to host this type of meeting. He noted they are in dire need of having a handicapped ramp.

Bishop Cawthon said that in 1922, the church was in Carbondale and remains an ornament, so to speak, for the community. They are attempting to remodel. They have already completed phase one in 1990 and are now on phase two. He said back then he had no idea that he would be jurisdiction prelate, but they wanted to update their church. Now it has come to the point where they must try again to get the alley vacated. He said in 1922 there were no codes like there are today, adding that the church is about two or three feet off of the alley. What they want to do is put a handicapped ramp on the south side of the church and an awning over the landing. In order to do that, they need that space. Bishop Cawthon said they will also put handicapped parking in that area. He added they have already gotten some proposals for blacktopping the entire area from where the alley starts on Marion Street all the way back to the end of their properties between Birch and Chestnut. He said they are requesting that the Council please consider their request so that they may be able to accomplish these very worthwhile projects. Bishop Cawthon said that the move of the Southern Illinois jurisdiction headquarters will not only help the church, but will also help the City. He said they have already booked three hotels for the July convention which is scheduled to be in Carbondale the third week in July and they hope they can get the alley vacated and get the alley and the parking lot all blacktopped so that it will be more convenient for them. He said that the Council's consideration in this matter would be appreciated because it would help the City, the people of the church, and the people of the state jurisdiction which runs from Freeport to Cairo. He said they certainly need the Council's help in this situation.

Mayor Cole invited further comments or questions from the public. There were none. Noting that he had called three times for public comments, Mayor Cole said that the record should show that there was one speaker in favor of the vacation. There being no one else who wished to speak during this public hearing, the Mayor declared the hearing closed at 7:22 p.m.

Janet M. Vaught, City Clerk

Approved by the City Council on:
