

**City Council of the City of Carbondale, Illinois**  
**Public Hearing on Proposed Vacation of the Alley Located North of**  
**East James and Thelma Walker Avenue between North Marion and North Brush Streets**  
**March 1, 2005**

The City Council of the City of Carbondale, Illinois, held a public hearing on Tuesday, March 1, 2005, in the Civic Center, 200 South Illinois Avenue, for the purpose of soliciting comments on a proposed vacation of the alley located north of East James and Thelma Walker Avenue between North Marion and North Brush Streets. Mayor Brad Cole called the public hearing to order at 7:37 p.m. with the following-named members of the City Council present/absent:

Present: Councilwoman Margaret Flanagan, Councilman Chris Wissmann, Councilman Steven Haynes, Councilman Lance Jack, Councilwoman Sheila Simon, Councilwoman Corene McDaniel 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.

Development Services Director Tom Redmond noted that Olivet Free Will Baptist Church has requested to vacate a portion of the alley located north of East James and Thelma Walker Avenue, between North Marion and North Brush Streets. The Church is located at 409 N. Marion Street and owns property on both sides of the alley. The Church intends to construct a new building on the property abutting North Brush Street. City staff has reviewed the request and is recommending that if the Council desires to vacate the alley, that the entire north-south alley and the adjoining east-west alley to the north be vacated. Staff does not support the vacation of the middle portion of the alley that would result in two "dead-end" segments if the alley were ever constructed.

Mr. Redmond continued by noting that all of the owners of the property that adjoins the north-south and east-west segments of the alley have been notified of the public hearing. Staff has received one phone call from a property owner adjoining the alley requesting general information regarding the proposed vacation. If the alley is vacated the property will revert to the adjoining owners located in the subdivision from which the alley was originally platted. The north-south alley property would revert to the owners to the east, while the east-west alley would be divided equally between the adjoining owners to the north and south.

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 February 13, 2005.. The public hearing notice contains a description of the entire alley, both the north-south and east-west segments.

Mr. Redmond concluded by noting that Illinois Compiled Statutes require the affirmative vote of 3/4 of the members (six) of the City Council to vacate a street or alley right of way. Options to be considered regarding the vacation request are presented later on in the Council agenda, including the option of vacating the entire alley, vacating a portion of the alley or denying the vacation request.

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Mayor Cole noted invited further comments or questions from the public. There was no one present who indicated a desire to speak at the public hearing. The Mayor noted that there is a very clearly delineated map available for everyone to examine the location. Mayor Cole repeated his invitation for public comments.

William Broadnax, 160 N. Kaemper, recognized the Mayor and Council and thanked them for listening to him. He stated that he represents House of Prayer Apostolic Church on the corner of Green and Thelma Walker Avenue, as it is now. The Church is the owner of the property east of the north/south alley and is in agreement with the vacation of the entire alley instead of just a portion of it. Mr. Broadnax noted that in the future if the Church decides to build, it won't have to come back to the Council deciding whether to close another section or open another section of the alley. He said he just wanted to let the Council know that the Church is in agreement with vacating the entire alley at this time and is in agreement with City staff.

Following Mr. Broadnax' comments, Mayor Cole again repeated his invitation for public comments, There being no one else wishing to speak, Mayor Cole said that the record should show that there was one person who came forward to speak in support and no one in opposition. There being no one else who wished to speak during this public hearing, the Mayor declared the hearing closed at 7:43 p.m.

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Janet M. Vaught, City Clerk

Approved by the City Council on:

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