

Request for City Council Action

Date: June 9, 2015

Agenda Section: Consent No. 5	Originating Department: Planning Services/Legal
Item: An Ordinance vacating a north/south alley located south of 308 South Illinois Avenue No. 5.10	Approved:

Background and Summary:

The City of Carbondale is requesting the vacation of a closed north/south alley located south of 308 South Illinois Avenue. This portion of the north/south alley was closed in 1995 to allow the City of Carbondale to construct a parking lot. The vacation of the alley will allow the City to sell City-owned property in the area to Sai Krishna, LLC. The sale of the property will be considered later on the Council Agenda.

If the City Council chooses to vacate the alley, it will be made part of the existing parcel to the west.

Attached for City Council review are the following:

1. An Ordinance approving and a Resolution denying the request to vacate the north/south alley located south of 308 South Illinois Avenue.

The vacation request was distributed for review to the Department of Public Works. With no objections received, staff recommends vacating the alley.

Recommended Action:

If the City Council chooses to approve the vacation request, it should “move to adopt the Ordinance vacating the north/south alley located south of 308 South Illinois Avenue”

If the City Council chooses to deny the vacation request, it should “move to adopt a Resolution denying the request to vacate the north/south alley located south of 308 South Illinois Avenue”

Engineering Approval Obtained	Finance Approval Obtained	Legal Approval Obtained	Approval Obtained	Manager’s Approval Obtained
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Council Action: Motion by _____ 2nd by _____ to _____

CITY OF CARBONDALE, ILLINOIS

ORDINANCE NO. 2015-__

AN ORDINANCE VACATING A NORTH/SOUTH ALLEY IN THE CITY OF
CARBONDALE, ILLINOIS
(the closed portion of a north/south alley located south of 308 South Illinois Avenue)

ADOPTED BY THE CITY COUNCIL
OF THE CITY OF CARBONDALE, ILLINOIS

THE 9th DAY OF JUNE, 2015

Published in pamphlet form by authority of the City Council of the City of Carbondale, Jackson County, Illinois, this 10th day of June, 2015.

CERTIFICATE OF PUBLICATION

I, Jennifer Sorrell, the duly qualified City Clerk of the City of Carbondale, Illinois, and the official custodian of the records of said City, do hereby certify that this Ordinance was published in pamphlet form by authority of the City Council on the 10th day of June, 2015.

Jennifer Sorrell, City Clerk
City of Carbondale, Illinois

ORDINANCE NO. 2015-___

AN ORDINANCE VACATING A NORTH/SOUTH ALLEY IN THE CITY OF
CARBONDALE, ILLINOIS
(the closed portion of a north/south alley located south of 308 South Illinois Avenue)

WHEREAS, pursuant to 65 ILCS 5/11-91-1 et. seq., and section 1-16-11 of the
Carbondale Revised Code, the City of Carbondale, Illinois, has power to vacate streets and
alleys, or portions thereof, within the corporate limits and have the title of the land thus vacated
revert to the abutting land owners on said streets and alleys; and,

WHEREAS, the City of Carbondale has requested that a closed portion of a north/south
alley in the City of Carbondale be vacated; and,

WHEREAS, the alley hereinafter described is of no further use to the City of Carbondale
except as provided hereinafter; and,

WHEREAS, a notice of public hearing on the proposed alley vacation was published in
the *SOUTHERN ILLINOISAN* on the 24th day of May, 2015 being at least fifteen (15) days prior to
said hearing; and,

WHEREAS, a hearing of the City Council of the City of Carbondale was held pursuant to
said notice on the 9th day of June, 2015 at the Council Chambers in said City to consider the
vacation of an alley within said City; and,

WHEREAS, the City Council of the City of Carbondale has considered the effects of the
vacation of an alley hereinafter described; and,

WHEREAS, the City Council of the City of Carbondale finds that the best interest of the
citizens of the City of Carbondale would be subserved by the vacation of said alley.

Now, Therefore, Be it Ordained by the City Council of the City of Carbondale, Illinois,
as follows:

Section 1. That the alley in the City of Carbondale, County of Jackson and State of
Illinois, more particularly described and shown in the Exhibit A, which is attached hereto and
incorporated by reference, is hereby closed and vacated, as provided by this Ordinance.

Section 2. That the City of Carbondale does hereby and herewith retain easements as
may be necessary and desirable to the continuance, renewal, servicing, maintenance and

reconstruction or relocation of public or private utility facilities.

Section 3. That the public interest of the people of the City of Carbondale will be subserved by vacating said alley described above, and it is in the best interest of the City of Carbondale, Illinois that it be vacated.

Section 4. That this Ordinance shall be recorded by the City Clerk with the Recorder of Deeds of Jackson County, Illinois, and the City Manager of said City be and is hereby authorized to do any and all things reasonable, necessary and proper to accomplish the closing and vacation of said alley as a matter of public record and as provided by law.

Section 5. All ordinances, parts of ordinances or amendments to ordinances that conflict with the provisions of this Ordinance be and the same are hereby repealed.

Section 6. That it is the intention of the City Council of the City of Carbondale that this Ordinance and every provision thereof shall be considered separable, and the invalidity of any section, clause, or provision of this Ordinance shall not affect the validity of any other portion of this Ordinance.

Section 7. That the City Council of the City of Carbondale finds that the subject matter of this Ordinance pertains to the government and affairs of the City of Carbondale, and is passed pursuant to the provisions of Article VII Sec. 6(a) of the Illinois Constitution.

Section 8. That this Ordinance shall take effect upon its passage, approval, recording, and publication in pamphlet form in accordance with law.

APPROVED: _____
John M. Henry, Mayor

ATTEST:

Jennifer Sorrell, City Clerk

APPROVED AS TO LEGALITY AND FORM:

P. Michael Kimmel, City Attorney

LEGAL DESCRIPTION REVIEWED BY:

Travis Taylor, Planner

EXHIBIT "A"

GENERAL DESCRIPTION

The closed portion of the north/south alley located south of 308 South Illinois Avenue

LEGAL DESCRIPTION

All that part of a sixteen and one-half foot (16.5') wide alley east of Lot 477 in D.H. Brush's Subdivision of Out Lot 55 as recorded in Plat Book "M" at page 371 in the Recorder's office of Jackson County, Illinois, containing 0.0469 acres more or less.

Subject to easements, covenants, conditions, reservations, rights-of-way, encumbrances and restrictions of record, if any, easements or claims of easements, not shown of public record and all rights or claims of parties in possession not shown of public record. Subject to rights of the public, State of Illinois, the County, the Township and municipality in and to that part of the premises in question taken, used, or dedicated for roads and highways, rights of way for drainage ditched, drain tile, feeders, laterals, underground pipe, if any.

RESOLUTION NO. 2015-R-____

A RESOLUTION TO DENY A REQUEST TO VACATE A NORTH/SOUTH ALLEY IN THE
CITY OF CARBONDALE, ILLINOIS
(the closed portion of a north/south alley located south of 308 South Illinois Avenue)

WHEREAS, the City of Carbondale has requested that a closed portion of a north/south alley in the City of Carbondale be vacated; and,

WHEREAS, a notice of the public hearing on the proposed alley vacation was published in the *Southern Illinoisan* on the 24th day of May, 2015, being at least fifteen (15) days prior to said hearing; and,

WHEREAS, a hearing of the City Council of the City of Carbondale was held pursuant to said notice on the 9th day of June, 2015 at the Council Chambers in said City to consider the vacation of an alley within said City; and,

WHEREAS, the City Council of the City of Carbondale has considered the effects of the vacation of the alley hereinafter described; and,

WHEREAS, the City Council of the City of Carbondale finds that the best interest of the citizens of the City of Carbondale would not be subserved by the vacation of said alley, and thereon, finds that said alley should not be vacated.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CARBONDALE, ILLINOIS, AS FOLLOWS:

1. That the real property subject to this resolution is described as follows:

GENERAL DESCRIPTION

The closed portion of the north/south alley located south of 308 South Illinois Avenue

LEGAL DESCRIPTION

All that part of a sixteen and one-half foot (16.5') wide alley east of Lot 477 in D.H. Brush's Subdivision of Out Lot 55 as recorded in Plat Book "M" at page 371 in the Recorder's office of Jackson County, Illinois, containing 0.0469 acres more or less.

2. That the public interest of the people of the City of Carbondale will not be subserved by vacating said alley described above, and it is in the best interest of the City of Carbondale, Illinois that the alley remain.

3. That this Resolution be spread at length upon the minute records of the City Council of the City of Carbondale, Illinois.

This Resolution adopted at a regular meeting of the City Council of the City of Carbondale on the 9th day of June, 2015.

APPROVED: _____
John M. Henry, Mayor

ATTEST:

Jennifer Sorrell, City Clerk

APPROVED AS TO LEGALITY AND FORM:

P. Michael Kimmel, City Attorney

LEGAL DESCRIPTION REVIEWED BY:

Travis Taylor, Planner