

# Request for City Council Action

**Date:** June 14, 2016

<b>Agenda Section:</b> Consent  <b>No. 5</b>	<b>Originating Department:</b>  Planning Services/Legal
<b>Item:</b> An Ordinance Vacating a Portion of South Washington Street Located South of Grand Avenue  <b>No. 5.17</b>	<b>Approved:</b>

**Background and Summary:**

The City of Carbondale is requesting the vacation of a portion of South Washington Street located south of Grand Avenue. This portion of South Washington Street is bounded by Southern Illinois University to the east and a City owned parking lot to the west. SIU has agreed to exchange a parking lot located at the corner of South Washington Street and East Mill Street for the City parking lot described above. The exchange of the property will be considered later on the Council Agenda. Upon approval of the exchange and the vacation, this portion of South Washington Street will be owned by the University.

Attached for City Council review are the following:

1. An Ordinance approving and a Resolution denying the request to vacate a portion of South Washington Street located south of Grand Avenue.

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

**Recommended Action:**

If the City Council chooses to approve the vacation request, it should “move to adopt the Ordinance vacating a portion of South Washington Street located south of Grand Avenue ”

If the City Council chooses to deny the vacation request, it should “move to adopt a Resolution denying the request to vacate a portion of South Washington Street located south of Grand Avenue ”

Engineering Approval Obtained	Finance Approval Obtained	Legal Approval Obtained	Approval Obtained	Manager’s Approval Obtained
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Council Action: Motion by \_\_\_\_\_ 2<sup>nd</sup> by \_\_\_\_\_ to \_\_\_\_\_

CITY OF CARBONDALE, ILLINOIS

ORDINANCE NO. 2016-\_\_

AN ORDINANCE VACATING A PORTION OF SOUTH WASHINGTON STREET  
LOCATED SOUTH OF GRAND AVENUE IN THE CITY OF CARBONDALE, ILLINOIS

ADOPTED BY THE CITY COUNCIL

OF THE CITY OF CARBONDALE, ILLINOIS

THE 14<sup>th</sup> DAY OF JUNE, 2016

Published in pamphlet form by authority of the City Council of the City of Carbondale, Jackson County, Illinois, this 15<sup>th</sup> day of June, 2016.

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 15<sup>th</sup> day of June, 2016.

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Jennifer Sorrell, City Clerk  
City of Carbondale, Illinois

AN ORDINANCE VACATING A PORTION OF SOUTH WASHINGTON STREET  
LOCATED SOUTH OF GRAND AVENUE IN THE CITY OF CARBONDALE, ILLINOIS

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 South Washington Street located south of Grand Avenue in the City of Carbondale be vacated; and,

WHEREAS, the street 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 street vacation was published in the *SOUTHERN ILLINOISAN* on the 29<sup>th</sup> day of May, 2016 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 14<sup>th</sup> day of June, 2016 at the Council Chambers in said City to consider the vacation of a street within said City; and,

WHEREAS, the City Council of the City of Carbondale has considered the effects of the vacation of aa street 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 street.

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

Section 1. That the street 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 public interest of the people of the City of Carbondale will be subserved by vacating said street described above, and it is in the best interest of the City of

Carbondale, Illinois that it be vacated.

Section 3. That the City of Carbondale does hereby and herewith retain easements as may be necessary and desirable for the continuance, renewal, servicing, maintenance, and reconstruction or relocation of public or private utility facilities.

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 street 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 be known as Ordinance No. 2016- \_\_\_\_\_ of the City of Carbondale, Illinois, and shall take effect from and after 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:

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Lenoard "Jamie" Snyder, City Attorney

LEGAL DESCRIPTION REVIEWED BY:

\_\_\_\_\_  
Chris Wallace, Development Services Director

## EXHIBIT "A"

### LEGAL DESCRIPTION

The existing right-of-way of South Washington Street, lying 30.0 feet south of the Westerly extension of the South line of Grand Avenue's right-of-way to the previously vacated Park Street right-of-way. Said area being approximately 50' wide (east-west) and 579' feet long (north-south), containing 0.67 acres, more or less

RESOLUTION NO. 2016-R-\_\_\_\_

A RESOLUTION TO DENY A REQUEST TO VACATE A PORTION OF SOUTH WASHINGTON STREET LOCATED SOUTH OF GRAND AVENUE IN THE CITY OF CARBONDALE, ILLINOIS

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

WHEREAS, a notice of the public hearing on the proposed vacation was published in the *Southern Illinoisan* on the 29<sup>th</sup> day of May, 2016, 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 14<sup>th</sup> day of June, 2016 at the Council Chambers in said City to consider the vacation of a street within said City; and,

WHEREAS, the City Council of the City of Carbondale has considered the effects of the vacation of the street 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 street, and thereon, finds that said street 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:

#### LEGAL DESCRIPTION

The existing right-of-way of South Washington Street, lying 30.0 feet south of the Westerly extension of the South line of Grand Avenue's right-of-way to the previously vacated Park Street right-of-way. Said area being approximately 50' wide (east-west) and 579' feet long (north-south), containing 0.67 acres, more or less

2. That the public interest of the people of the City of Carbondale will not be subserved by vacating said street described above, and it is in the best interest of the City of Carbondale, Illinois that the street 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 14<sup>th</sup> day of June, 2016.

APPROVED: \_\_\_\_\_  
John M. Henry, Mayor

ATTEST:

\_\_\_\_\_  
Jennifer Sorrell, City Clerk

APPROVED AS TO LEGALITY AND FORM:

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Lenoard "Jamie" Snyder, City Attorney

LEGAL DESCRIPTION REVIEWED BY:

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Chris Wallace, Development Services Director