

Request for City Council Action

Date: June 14, 2016

Agenda Section: Consent No. 5	Originating Department: Public Works / Legal
Item: An Ordinance Authorizing the Mayor to Execute a Land Exchange with Southern Illinois University No. 5.16	Approved:

Background and Summary:

The City of Carbondale and Southern Illinois University have agreed to exchange properties located along South Washington Street. The property the City will receive is commonly known as SIU Parking Lot #100 and adjacent vacant land, which consists of approximately 1.86 acres; this property is located at the southeast corner of East Mill Street and South Washington Street. The property SIU will receive is commonly known as City Parking Lot #3 and the adjacent South Washington Street right-of-way (to be vacated under separate action), which consists of approximately 2.011 acres; this property is located as the southwest corner of East Grand Avenue and South Washington Street.

Attached for City Council review are the following:

1. Location maps
2. Property Descriptions

Recommended Action:

The City Council is requested to pass an ordinance authorizing the Mayor to execute documents as required to perform a land exchange with Southern Illinois University.

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. 2016- ____

**AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE AN EXCHANGE OF
REAL ESTATE WITH SOUTHERN ILLINOIS UNIVERSITY**

ADOPTED BY THE CITY COUNCIL

OF THE CITY OF CARBONDALE, ILLINOIS

THE 14TH DAY OF JUNE, 2016

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

CERTIFICATE OF PUBLICATION

**I, Jennifer R. 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 15th day
of June, 2016.**

Jennifer R. Sorrell, City Clerk

ORDINANCE NO. 2016-_____

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE AN EXCHANGE OF REAL ESTATE WITH SOUTHERN ILLINOIS UNIVERISTY

WHEREAS, the City of Carbondale, Illinois, is a home rule unit of local government under the Illinois Constitution, 1970, Article VII, Section 6; and

WHEREAS, pursuant to Article VII, Section 6(a), of the Illinois Constitution, 1970, the City of Carbondale may exercise any power and perform any function pertaining to its government and affairs including, but not limited to, the power to regulate for the protection of the public health, safety, morals and welfare; and

WHEREAS, the City of Carbondale may exchange real estate when City-owned property is no longer necessary, appropriate, required for the use of, profitable to or for the best interests of the City, under Section 1-13-8 I. of the Carbondale Revised Code; and

WHEREAS, the City of Carbondale owns the property which is commonly known as City Parking Lot #3 and the adjacent South Washington Street right-of-way, which consists of approximately 2.011 acres; this property is located at the southwest corner of East Grand Avenue and South Washington Street; and

WHEREAS, Southern Illinois University at Carbondale is the owner of property which is commonly known as SIU Parking Lot #100 and adjacent vacant land, which consists of approximately 1.86 acres; this property is located at the southeast corner of East Mill Street and South Washington Street; and

WHEREAS, the City of Carbondale has determined that said property is no longer necessary, appropriate or required for the use of City of Carbondale and therefore is in the City's best interest to exchange said property with Southern Illinois University at Carbondale; and

WHEREAS, both properties are currently utilized as parking lots and have minimal improvements which consist of paving for parking; and

WHEREAS, the property owned by the City sets along the Canadian National Railroad and is not suitable for development, and the property owned by Southern Illinois University at Carbondale is a large open area along East Mill Street and would allow for future development; and

WHEREAS, the premises to be received by the City under the exchange will prove useful to the public's interest in providing additional parking for the public closer to the downtown district; and

WHEREAS, the City Manager has published in the Southern Illinoisan on May 29, 2016, the required notice for authorization of the execution of a deed of transfer for the said real estate, pursuant to Section 1-13-8 I. of the Carbondale Revised Code.

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

SECTION 1. That the City Council deems it in the best interest of the citizens of Carbondale to exchange real estate with Southern Illinois University at Carbondale, as described above.

SECTION 2. That the Mayor of the City of Carbondale is hereby authorized to execute a Quitclaim Deed from the City to Southern Illinois University at Carbondale, a copy of which is attached hereto as Exhibit "A".

SECTION 3. That the City Manager of the City of Carbondale is hereby authorized to and shall take any and all reasonable, necessary and proper action to carry out the intent and purposes of this Ordinance.

SECTION 4. That all ordinances and parts thereof in conflict herewith are expressly repealed and are of no other force and effect.

SECTION 5. That repeal of any ordinance by this Ordinance shall not affect any rights accrued or liability incurred under said repealed ordinance to the effective date hereof. The provisions of this Ordinance insofar as they are the same or substantially the same as those of any prior ordinance, shall be construed as a continuation of said prior ordinances.

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 authorities granted it by State statutes and the Home Rule powers of the City of Carbondale pursuant to the provisions of Article VII, Section 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 R. Sorrell, City Clerk

APPROVED AS TO LEGALITY AND FORM:

Lenoard "Jamie" Snyder, City Attorney

QUITCLAIM DEED

This Indenture Witnesseth that the Grantor, the CITY OF CARBONDALE, a Municipal Corporation, 200 South Illinois Avenue, Carbondale, Illinois, 62901, for and in consideration of the sum of ten dollars (\$10) cash in hand paid and other valuable consideration hereby conveys, releases, remises, and forever quitclaims to the Grantee, the Board of Trustees of SOUTHERN ILLINOIS UNIVERSITY, a body politic and corporate organized and existing under the laws of the State of Illinois, all its right, interest and claim in and to the following described lands and property situated in the County of Jackson and State of Illinois to wit:

Part of the west half of the Southeast Quarter of Section 21 and part of the Northwest Quarter of the Northeast Quarter of Section 28, all in Township 9 South, Range 1 West of the Third Principal Meridian, Jackson County, Illinois.

For Recorder's Use Only

Parcel 1 – Beginning at a point on the Illinois Central Railroad's mainline track right-of-way 30.0 feet south of the intersection of the Easterly line of the Illinois Central Railroad's mainline track right-of-way line and the Westerly extension of the South line of Grand Avenue's right-of-way. Thence Southerly along the said Easterly right-of-way line of the Illinois Central Railroad a distance of 785.0 feet to a point; thence Westerly along a line with a deflection angle of 90 degrees a distance of 75.37 feet to a point; thence Northerly along a line parallel with the Easterly right-of-way line of the Illinois Central Railroad, with a deflection angle of 90 degrees a distance of 785.0 feet to a point; thence Easterly with a deflection angle of 90 degrees a distance of 75.37 feet to the point of beginning, containing 1.36 acres, more or less.

The conveyance excepts and excludes all coal, oil, gas and other minerals underlying the same and all rights and easements in favor of the owner of the mineral estate or any party claiming by, through, or under said estate.

Grantor reserves unto itself, its successors and assigns, easements for the ingress, egress, maintenance, construction, removal and replacement of existing and future public utilities including but not limited to storm sewers, water lines, sanitary sewers, signals, and appurtenances.

Grantee covenants and agrees to the uphold and abide by the conditions and requirements set forth by the Illinois Central Railroad Company in the quitclaim deed to the City of Carbondale executed on July 31, 1990 as recorded in Book 752, Page 765 in the Records Office of Jackson County, Illinois.

Grantee covenants and agrees that is shall construct a bumper high barricade consisting of rails connected with cable of a similar type acceptable to the Illinois Central Railroad, its successors

and assigns, along the trackside boundary of the premises conveyed, and thereafter to maintain said barricade. The construction and maintenance of the barricade shall be at the sole cost, risk and expense of the Grantee. This covenant shall run with the land conveyed and be binding upon the Grantee, its successors and assigns forever.

IN WITNESS WHEREOF, the **Grantor** has executed this Quitclaim Deed this _____ day of _____, 2016.

**CITY OF CARBONDALE,
A MUNICIPAL CORPORATION**

John M. Henry, Mayor

ATTEST: _____
Jennifer Sorrell, City Clerk

STATE OF ILLINOIS)
) SS
COUNTY OF JACKSON)

I, the undersigned, a Notary Public, in and for said County and State aforesaid, do hereby certify that John M. Henry, personally known to me to be the same person whose names are subscribed to the foregoing instrument, appeared before me this date in person and acknowledged that he signed and delivered the said instrument as his free and voluntary act, and as the free and voluntary act for the uses and purposes therein set forth.

Given under my hand and official seal this _____ day of _____, 2016.

Notary Public

This instrument was prepared by:
City of Carbondale
200 S. Illinois Avenue
Carbondale, Illinois 62902
Telephone: (618) 549-5302