



ST. CHARLES
SINCE 1834

AGENDA ITEM EXECUTIVE SUMMARY

Agenda Item number: *ID

Title:

Recommendation to Approve an Ordinance Approving the Plat of Vacation of City Alley between 501 and 511 S. 6th Street

Presenter:

Ken Jay

Meeting: City Council

Date: June 15, 2020

Proposed Cost: N/A

Budgeted Amount: N/A

Not Budgeted:

Executive Summary *(if not budgeted please explain):*

City staff received a formal request to vacate a public alleyway between 501 S 6th Street and 511 S. 6th Street. The platted alleyway was never developed by the City, and has remained as a grassy area with no utilities. The alley does not extend through to S. 7th Avenue and is not in any City plans to be improved.

The process for vacating a public street/alley is dictated by State Statute. A municipality may vacate a street or alley if it determines that the public interest will be served in doing so. Relief to the public from maintenance responsibilities constitutes a public interest that would authorize the vacation. The ordinance vacating the alley must be passed by a 3/4 majority.

Staff recommends approval of an Ordinance vacating the City alleyway between 501 and 511 S. 6th Street.

Attachments *(please list):*

*Ordinance *Plat of Vacation

Recommendation/Suggested Action *(briefly explain):*

Recommendation to Approve an Ordinance Approving the Plat of Vacation of City Alley between 501 and 511 S. 6th Street

City of St. Charles, Illinois
Ordinance No. 2020-M-_____

An Ordinance Vacating a Public Alleyway between 501 S. 6th Street and 511 S. 6th Street

WHEREAS, the City of St. Charles (the City) is the owner of the property commonly known as the public alleyway between 501 S. 6th Street and 511 S. 6th Street, St. Charles, Illinois, 60174, legally described in Exhibit “A,” which is attached hereto and made a part hereof, and has submitted a request to vacate a public alleyway between 501 S. 6th Street and 511 S. 6th Street; and

WHEREAS, the City of St. Charles (the “City”) owns or is otherwise in control of those portions of the public alleyway between 501 S. 6th Street and 511 S. 6th Street, each as more particularly described and depicted on the Plat of Vacation of City Alley between 501 and 511 S. 6th Street, a copy of which is attached hereto as Exhibit “B” and made a part hereof (the “Plat of Vacation”), and are located wholly within the corporate boundaries of the City; and

WHEREAS, the City Council has determined that those portions of the public alleyway between 501 S. 6th Street and 511 S. 6th Street rights-of-way, as described and depicted on the attached Plat of Vacation, would not be in the best interests of the City to retain ownership thereof and would benefit its residents and be in the best interests of public welfare to vacate these rights-of-way to be split evenly amongst 501 S. 6th Street and 511 S. 6th Street.

WHEREAS, the public alleyway between 501 S. 6th Street and 511 S. 6th Street are situated within the territorial limits of the City and, as such, pursuant to Illinois statute, are subject to the determination of the corporate authorities of the City as to whether or not to vacate those certain portions of the public alleyway between 501 S. 6th Street and 511 S. 6th Street by balancing the interests of the nature and extent of the public use and interest or benefit derived from the rights-of-way, against the potential benefits to be derived from and cost saved to the City from the vacation and incorporation of portions of the aforesaid public alleyway between 501 S. 6th Street and 511 S. 6th Street rights-of-way into the adjacent properties as depicted on the Plat of Survey, a copy of which is attached hereto as Exhibit “C”, respectively, as expressly conditioned upon the provisions contained within this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ST. CHARLES, KANE AND DUPAGE COUNTIES, ILLINOIS, AS FOLLOWS:

1. The statements contained in the preamble hereto are found to be true and correct and are hereby incorporated as part of this Ordinance.
2. Subject to the provisions contained herein, the Plat of Vacation is hereby approved and the appropriate officials of the City are hereby authorized to execute and attest to same.

3. The northerly part of the alleyway immediately adjacent to 501 S. 6th Street, encompassing approximately 1,158 square feet, is hereby vacated to 501 S. 6th Street.

4. The southerly part of the alleyway immediately adjacent to 511 S. 6th Street, encompassing approximately 1,159 square feet, is hereby vacated to 511 S. 6th Street.

5. The vacation of those portions of public alleyway between 501 S. 6th Street and 511 S. 6th Street rights-of-way herein provided is made upon the findings that the compensation for the vacation, and the commensurate benefits and/or economic savings to be provided to and/or which inure to the benefit of the City, in the judgment of the Mayor and City Council, shall compensate the City for the value of the part of the public alleyway between 501 S. 6th Street and 511 S. 6th Street rights-of-way being vacated herein to each 501 S. 6th Street and 511 S. 6th Street, as to their respective portions, and that 501 S. 6th Street and 511 S. 6th Street shall each solely acquire title to that portion of the public alleyway between 501 S. 6th Street and 511 S. 6th Street rights-of-way hereby vacated, subject to the terms provided herein, as specifically depicted on the Plat of Vacation, as required herein, in an “as-is,” “where-is” condition.

6. After approval of the Plat of Vacation and Plat of Survey by the City, and upon execution of the Plat of Vacation by all necessary parties, the City Clerk is hereby authorized and directed to file with the Kane County Recorder a true and correct copy of this Ordinance, the Plat of Vacation and any documents relating thereto.

7. All ordinances or parts of ordinances in conflict with this Ordinance are hereby amended to the extent of such conflict.

8. This Ordinance shall be in full force and effect from and after its passage, approval and publication in accordance with law.

PRESENTED to the City Council of the City of St. Charles, Kane and DuPage Counties, Illinois, this day of June 2020.

PASSED by the City Council of the City of St. Charles, Kane and DuPage Counties, Illinois, this day of June 2020.

APPROVED by the Mayor of the City of St. Charles, Kane and DuPage Counties, Illinois, this day of June 2020.

Raymond P. Rogina, Mayor

ATTEST:

City Clerk

Ordinance No. _____

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COUNCIL VOTE:

Ayes:

Nays:

Absent:

Abstain:

EXHIBIT "A"

Legal Description

A PUBLIC ALLEY IN MOODY'S ADDITION TO ST. CHARLES, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF LOT 14 IN SAID MOODY'S ADDITION TO ST. CHARLES; THENCE SOUTH 11 DEGREES 34 MINUTES 13 SECONDS EAST ALONG THE WESTERLY RIGHT OF WAY LINE OF SIXTH STREET, 349.87 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 11 DEGREES 34 MINUTES 13 SECONDS EAST ALONG SAID WESTERLY RIGHT OF WAY LINE OF SIXTH STREET, 17.50 FEET TO A LINE PARALLEL WITH THE SOUTHERLY RIGHT OF WAY LINE OF OAK STREET; THENCE SOUTH 78 DEGREES 36 MINUTES 25 SECONDS WEST ALONG SAID PARALLEL LINE, 132.41 FEET; THENCE NORTH 11 DEGREES 30 MINUTES 23 SECONDS WEST, 17.50 FEET TO A LINE PARALLEL WITH THE SOUTHERLY RIGHT OF WAY LINE OF OAK STREET; THENCE NORTH 78 DEGREES 36 MINUTES 25 SECONDS EAST ALONG SAID PARALLEL LINE, 132.39 FEET TO THE POINT OF BEGINNING, IN THE CITY OF ST. CHARLES, KANE COUNTY, ILLINOIS.

EXHIBIT "B"

PLAT OF VACATION

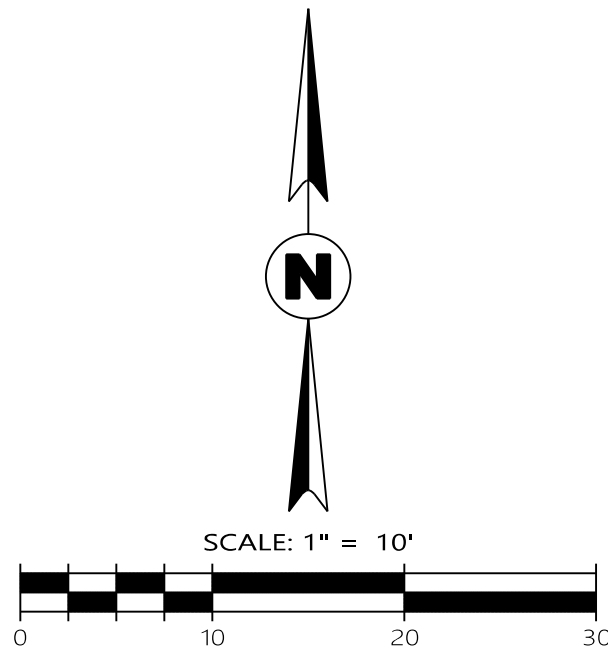
EXHIBIT "C"
PLAT OF SURVEY

PLAT OF VACATION OF A PUBLIC ALLEY

LEGAL DESCRIPTION

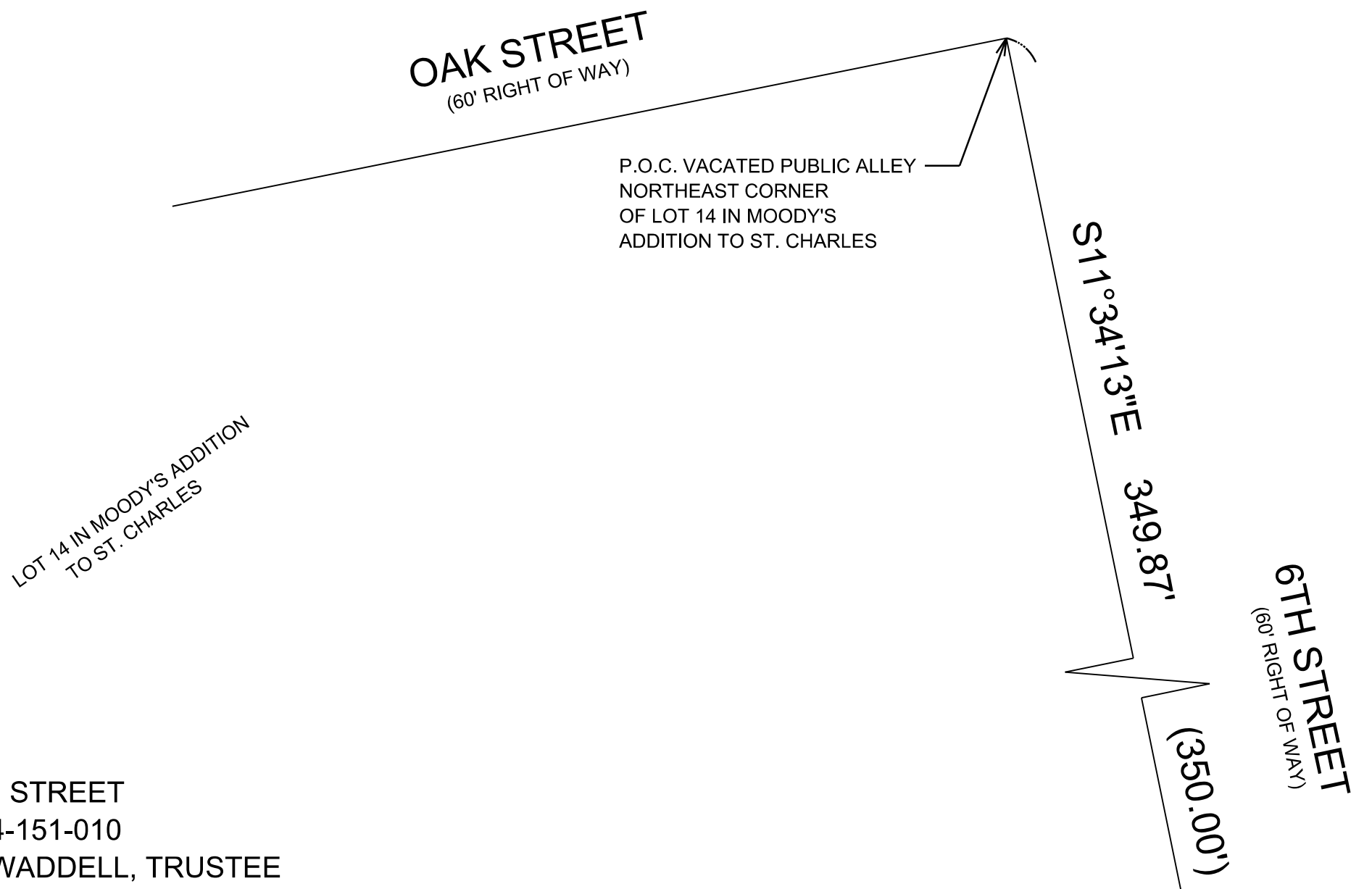
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PLEASE RETURN THE RECORDED MYLAR TO:
 CITY OF ST. CHARLES
 2 E. MAIN STREET
 ST. CHARLES, IL 60174



BASIS OF BEARINGS:
 BEARINGS SHOWN HEREON BASED ON
 ILLINOIS STATE PLANE COORDINATES,
 ZONE EAST, N.A.D. 1983

LEGEND
 _____ PROPERTY LINE
 PUBLIC ALLEY HEREBY VACATED
 P.O.C. POINT OF COMMENCEMENT
 P.O.B. POINT OF BEGINNING



424 S. 7TH STREET
 PIN: 09-34-151-005

501 S. 6TH STREET
 PIN: 01-34-151-010
 OWNER: JOSHUA K. WADDELL, TRUSTEE
 OF THE JOSHUA K WADDELL DECLARATION
 OF TRUST DATED FEBRUARY 22, 2017

N11°30'23"W
 17.50'

506 S. 7TH STREET
 PIN: 09-34-151-014

511 S. 6TH STREET
 PIN: 09-34-151-015
 OWNER: JOSHUA K. WADDELL, TRUSTEE
 OF THE JOSHUA K WADDELL DECLARATION
 OF TRUST DATED FEBRUARY 22, 2017

COUNTY CLERK CERTIFICATE

STATE OF ILLINOIS)
 COUNTY OF KANE) SS.
 I, _____ COUNTY CLERK OF KANE COUNTY, ILLINOIS, DO
 HEREBY CERTIFY THAT THERE ARE NO DELINQUENT GENERAL TAXES, NO UNPAID
 FORFEITED TAXES AND NO REDEEMABLE TAX SALES AGAINST ANY OF THE LAND
 INCLUDED IN THE ANNEXED PLAT. "I FURTHER CERTIFY THAT I HAVE RECEIVED ALL
 STATUTORY FEES IN CONNECTION WITH THE ANNEXED PLAT. "GIVEN UNDER MY
 HAND AND SEAL AT _____, ILLINOIS, THIS _____ DAY
 OF _____, A.D. 20 _____.

COUNTY CLERK _____

COUNTY RECORDER CERTIFICATE

STATE OF ILLINOIS)
 COUNTY OF KANE) SS.
 THIS INSTRUMENT WAS FILED FOR RECORD IN THE RECORDER'S OFFICE OF KANE
 COUNTY, ILLINOIS, ON THE _____ DAY OF _____, A.D., 20____ AT
 _____ O'CLOCK, ____ M. AND WAS RECORDED IN THE PLAT ENVELOPE NO.

COUNTY RECORDER _____

CITY COUNCIL CERTIFICATE

APPROVED AND ACCEPTED THIS _____ DAY OF _____, A.D. 20____."
 CITY COUNCIL OF CITY OF ST. CHARLES, ILLINOIS

MAYOR _____
 ATTEST: _____
 CITY CLERK

- NOTES:**
1. FIELD WORK WAS COMPLETED 04/26/2020.
 2. DIMENSIONS IN FEET AND DECIMALS.
 3. OWNERS ADDRESS OF 501 & 511 S. 6TH STREET:
 511 S. 6TH STREET, ST. CHARLES, IL

STATE OF ILLINOIS)
) SS
 COUNTY OF DEKALB)

WE, REGIONAL LAND SERVICES, LLC., ILLINOIS PROFESSIONAL DESIGN FIRM NUMBER 184.007858-0010,
 DO HEREBY DECLARE THAT WE HAVE PERFORMED A BOUNDARY SURVEY OF THE ABOVE DESCRIBED
 PARCEL AND THAT THE BOUNDARY SURVEY IS A TRUE AND CORRECT REPRESENTATION OF SAID
 SURVEY.
 GIVEN UNDER MY HAND AND SEAL THIS 29TH DAY OF APRIL, 2020 IN SYCAMORE, ILLINOIS.

Rudy P. Dixon

THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A
 BOUNDARY SURVEY.
 ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 3832
 MY LICENSE EXPIRES NOVEMBER 30, 2020
 DESIGN FIRM LICENSE EXPIRES NOVEMBER 30, 2021



PLAT OF VACATION		PUBLIC ALLEY	
DSGN.	RPD	CHKD.	SCALE: 1"=10'
DWN.	RPD		
PER CITY COMMENTS			
1	2/22/20		
2			
3			
4			
5			
6			
7			
8			
NO.	DATE		REVISION DESCRIPTION
CLIENT: HOSCHEIT, MCGUIRK, MCCracken & CUSCADEN, P.C. 1001 EAST MAIN STREET, SUITE G ST. CHARLES, IL 60174-2203			
REGIONAL LAND SERVICES 270 VIDA COURT SYCAMORE, ILLINOIS 60178 PHONE: (618) 559-2260			
PROJECT NO. 200152			
DATE: 04/29/2020			
SHEET 1 OF 1			
DRAWING NO. 1			

PLOT DATE: \$ DATES \$
 USER: \$ USER NAME \$
 FILE NAME: \$ FILE NAME \$