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THE VILLAGE OF COAL CITY
GRUNDY & WILL COUNTIES, ILLINOIS

ORDINANCE
NUMBER 14-29

**AN ORDINANCE VACATING A PORTION OF PUBLIC RIGHT-OF-WAY
COMMONLY KNOWN AS WALNUT STREET, IMMEDIATELY ADJACENT TO
PROPERTY COMMONLY KNOWN AS 760 S. BROADWAY**

TERRY HALLIDAY, President
PAMELA M. NOFFSINGER, Village Clerk

ROSS BRADLEY
TIMOTHY BRADLEY
DAN GREGGAIN
NEAL NELSON
DAVID TOGLIATTI
JUSTIN WREN
Village Trustees

*Return to:
Village of Coal City
515 S. Broadway
Coal City, IL 60416*

Published in pamphlet form by authority of the President and Board of Trustees of the Village of
Coal City
on October 26, 2016

ORDINANCE NO. 16-29**AN ORDINANCE VACATING A PORTION OF PUBLIC RIGHT-OF-WAY
COMMONLY KNOWN AS WALNUT STREET, IMMEDIATELY ADJACENT TO
PROPERTY COMMONLY KNOWN AS 760 S. BROADWAY**

WHEREAS, the Village of Coal City ("Village") is an Illinois non-home rule municipal corporation, organized and operating pursuant to the Constitution and laws of the State of Illinois; and

WHEREAS, the Village is granted the authority and power to vacate streets and alleys or portions thereof pursuant to Section 11-91-1 of the Illinois Municipal Code, 65 ILCS 5/11-91-1, upon a finding that the public interest will be served by such vacation;

WHEREAS, the Village has identified a portion of Walnut Street right-of-way located within the corporate limits of the Village generally described as the northernmost six feet (6') of the Kankakee Street right-of-way, extending for 125' from the western boundary to the eastern boundary of certain real property commonly known as 760 S. Broadway, bearing PIN 09-03-432-008 and as legally described in Exhibit A (the "Adjacent Property"), all as more particularly depicted in the legal description and depiction of the area of vacation attached hereto as Exhibit B (the "Area"); and

WHEREAS, the owners of the Adjacent Property has petitioned the Village for the vacation of the Area in order to erect a fence immediately north of the existing northern boundary of the Adjacent Property and to maintain the Area as their own; and

WHEREAS, the Village President and Trustees (the "Corporate Authorities") hereby find and determine that the Area is not now and will not be required for public street purposes in the future, and that the relief to the public from the further burden and responsibility of maintaining the Area constitutes a public use and vacating the Area is in furtherance of the public interest; and

WHEREAS, the vacation may be contingent upon receiving the fair market value for the property as determined by the Corporate Authorities; and

WHEREAS, the Corporate Authorities of the Village hereby find and determine that the fair market value of the Area is \$2,087.50 ("Price"); and

WHEREAS, the Village has received the Price from the owner of the Adjacent Property; and

WHEREAS, after due investigation and consideration, the Village Board of Trustees has determined that there is no current or future public use for the Area and the public interest would be served by the vacation of the Area; and

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Coal City, Counties of Will and Grundy, Illinois, as follows:

SECTION 1. Recitals. The foregoing recitals shall be and are hereby incorporated into and made a part of this Ordinance as if fully set forth in this Section 1.

SECTION 2. Vacation. For adequate consideration, the receipt of which is hereby acknowledged, the Village hereby vacates that certain portion of Village right-of-way located within the corporate limits of the Village generally described as the northernmost six feet (6') of the Walnut Street right-of-way, extending for 125' from the western boundary to the eastern boundary of certain real property commonly known as 760 S. Broadway, bearing PIN 09-03-432-008 and as legally described in Exhibit A (the "Adjacent Property"). It is hereby declared that the Area is no longer required for public use and that the public interest will be served by such vacation. The vacation provided for herein shall be subject to and conditioned upon the following:

1) Upon payment to the Village of \$2,087.50, the Village shall have prepared a Plat of Vacation for the Area being vacated herewith, and said Plat of Vacation, along with a certified copy of this Ordinance, shall be recorded with the Grundy County Recorder of Deeds.

2) The owner of the Adjacent Property shall reimburse the Village for its costs associated with procuring the plat of vacation and with recording this ordinance and plat on the title of the Adjacent Property.

3) That this vacation is subject to all existing easement rights of others whether apparent or not apparent, of record or not of record, aerial, surface, underground, or otherwise in accordance with Section 3.

SECTION 3. Reservation of Easements.

Easements are hereby reserved for and granted to the Village of Coal City, County of Grundy, and to utility companies operating under franchise from the Village of Coal City, and the respective successors and assigns jointly and severally, over all of the areas marked "Public Utilities" or Access Easement", if any, on the plat of vacation of the Area as described herein for the perpetual right, privilege and authority to construct, reconstruct, repair, inspect, maintain and operate the utility transmission and distribution systems and all necessary connections, appliances and other structures and appurtenances as may be deemed necessary by said Village and for any and all municipal purposes, over, upon, along, under and through said indicated easements, together with right of access across the Area to do any of the above work. The right is also granted to cut down, trim or remove any trees, shrubs or other plants that interfere with the operation of the utilities. Easements are further hereby reserved for and granted to the Village of Coal City and other governmental authorities having jurisdiction over the land subject to the easement, if any, for ingress, egress and the performance of any and all municipal or other governmental services.

SECTION 4. Repealer.

All ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 5. Saving Clause.

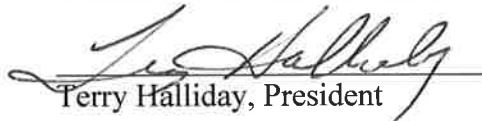
If any section, paragraph, clause, or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this Ordinance, which are hereby declared to be separable.

SECTION 6. Effectiveness.

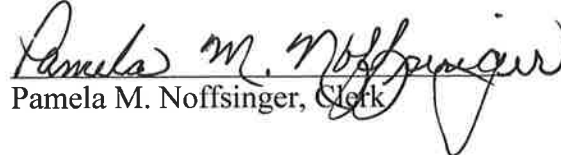
This Ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

SO ORDAINED this 26 day of October, 2016, at Coal City,
Grundy and Will Counties, Illinois.

VILLAGE OF COAL CITY


Terry Halliday, President

Attest:


Pamela M. Noffsinger, Clerk

AYES: 5

NAYS: 0

ABSENT: 1

ABSTAIN: 0

EXHIBIT A

Legal Description of Adjacent Property

LOTS 18 AND 19 IN BLOCK 19 IN THE ORIGINAL TOWN OF COAL CITY (EXCEPT COAL AND OTHER MINERALS UNDERLYING SAID PREMISES AND THE RIGHT TO MINE AND REMOVE THE SAME), IN GRUNDY COUNTY, ILLINOIS.

PIN: 09-03-432-008

Common Address: 760 S. Broadway, Coal City, IL 60416

EXHIBIT B*Plat of Vacation**Legal Description*

The northerly most 6 feet of Walnut Street Right of Way lying adjacent to and south of Lot 19 in Block 19 in the Original Town of Coal City (except Coal and Other Minerals Underlying said Premises and the right to mine and remove the same), in Grundy County, Illinois.