

ORDINANCE NO. 17,097

Prepared by:
City of Peoria
419 Fulton St.
Peoria, IL 61602

After recording return to:
Public Works Department
3505 N. Dries Lane
Peoria, IL 61604

**AN ORDINANCE VACATING APPROXIMATELY 247 FEET OF AN ALLEY
BETWEEN WEST MONTANA STREET AND SOUTHWEST ADAMS STREET
ADJACENT TO LOTS 1, 5-11 AND 28-31
IN ULRICH ADDITION TO SOUTH PEORIA, NOW CITY OF PEORIA**

WHEREAS, the rights of way more particularly hereinafter described are no longer of value to the public; and

WHEREAS, in the opinion of the City Council of the City of Peoria, the public interest will be served by vacating said rights of way as hereinafter described and as shown on Exhibit 1.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PEORIA:

Section 1. All of the right of way described below and shown on the attached vacation plat, Exhibit 1, which Exhibit for greater certainty is made a part of this ordinance, is hereby vacated and closed, with the exception of reservations contained in Section 2 hereof. Said right of way is no longer required for public use, and the public interest will be served by such vacation as is hereinafter provided for.

Description of alley to be vacated:

All of that part of the 20 foot wide Public Alley lying between Lots 1,5,6,7,8,9,10,11,12, 28,29,30 and 31 in Ulrich Addition to South Peoria, now City of Peoria, Illinois, situated in the County of Peoria and the State of Illinois being more particularly described as follows: Beginning at the Northwest Corner of said Lot 1. From said Point of Beginning, thence south 39.82 feet along the west line of said Lot 1; thence southwest 18.28 feet along the north line of said Lot 5; thence southwest 204.86 feet along the north line of said Lots 6,7,8,9,10,11 and 12; thence north 23.99 feet along the southerly extension of the west line of said Lot 28 to the southwest corner of said Lot 28; thence northeasterly 191.68 feet along the southerly line of said Lots 28,29,30 and 31 to the Southeast Corner of said Lot 31; thence north 39.28 feet along the east line of said Lot 31 to the Northeast Corner of said Lot 31; thence east 20.00 feet along the south line of W. Montana Street to the Point of Beginning. Containing 4910 square feet or 0.11 acres, more or less.

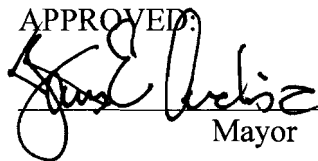
NOTE TO COUNTY RECORDER: Index to the Parcel I.D. Numbers shown in Exhibit 1 and as described in Exhibits 2A-F:

Section 2. The City of Peoria hereby reserves unto all public utility companies presently operating in, upon, over and under said rights of way, all rights and privileges heretofore granted by City ordinances, including but not limited to, rights under franchises and agreements, which said rights and privileges shall continue in full force and effect the same as if this Ordinance otherwise vacating said rights of way had not been adopted and passed; such rights and privileges with respect to said public utility companies are to remain in effect until, and to terminate upon, the abandonment or release of such use or the relocation of such use outside the public rights of way herein vacated.


It is further provided that no building or other structures shall be erected on the said rights of way herein set forth, or other said reservations be made of such area which would interfere with use, maintenance, renewal or reconstruction of the facilities of said public utilities until such time that all said utilities are terminated as described above.

Section 3. This Ordinance shall take effect and be enforced from and after its passage and approval, subject, however, to the conditions of Section 2 hereof.

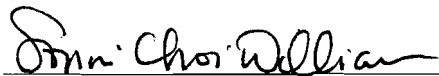
Adopted by the City Council of the City of Peoria, Illinois this 13 day of May, 2014.

APPROVED:


Mayor

ATTEST:


City Clerk

EXAMINED AND APPROVED:


Interim Corporation Counsel



April 9, 2014

Mr. Ken Andrejasich
City of Peoria Permit Engineer
Right Of Way Management & Permits Division
3505 N Dries Lane Room 114B
Peoria, IL 61604

Dear Ken,

On behalf of the developer/contract buyer – RBA Investments, LLC and the existing ownership group of the properties listed below (also known as 4015 Adams Street), we respectfully request beginning the process of vacating the alley bordered by the following property owners:

- Harold Adams – Parcel IDs: 18-19-180-002 and 18-19-180-003
- Costic Enterprises, Inc. – Parcel IDs: 18-19-180-007 and 18-19-180-008
- Jack L Sawyer and Judy A Sawyer – Parcel IDs: 18-19-180-009 and 18-19-180-010
- Marilyn H. Ziegel – Parcel IDs: 18-19-180-011, 18-19-180-012, 18-19-180-013, 18-19-180-014 and 18-19-180-015

The ownership group supports the alley vacation to in order for the developer/contract buyer to build the proposed Dollar General retail store at this location. At present, the existing alley lies under the proposed building footprint.

Please find attached the legal description describing the alley area to be vacated, the letters of owner support, and the proposed site plan showing the alley in relation to the building.

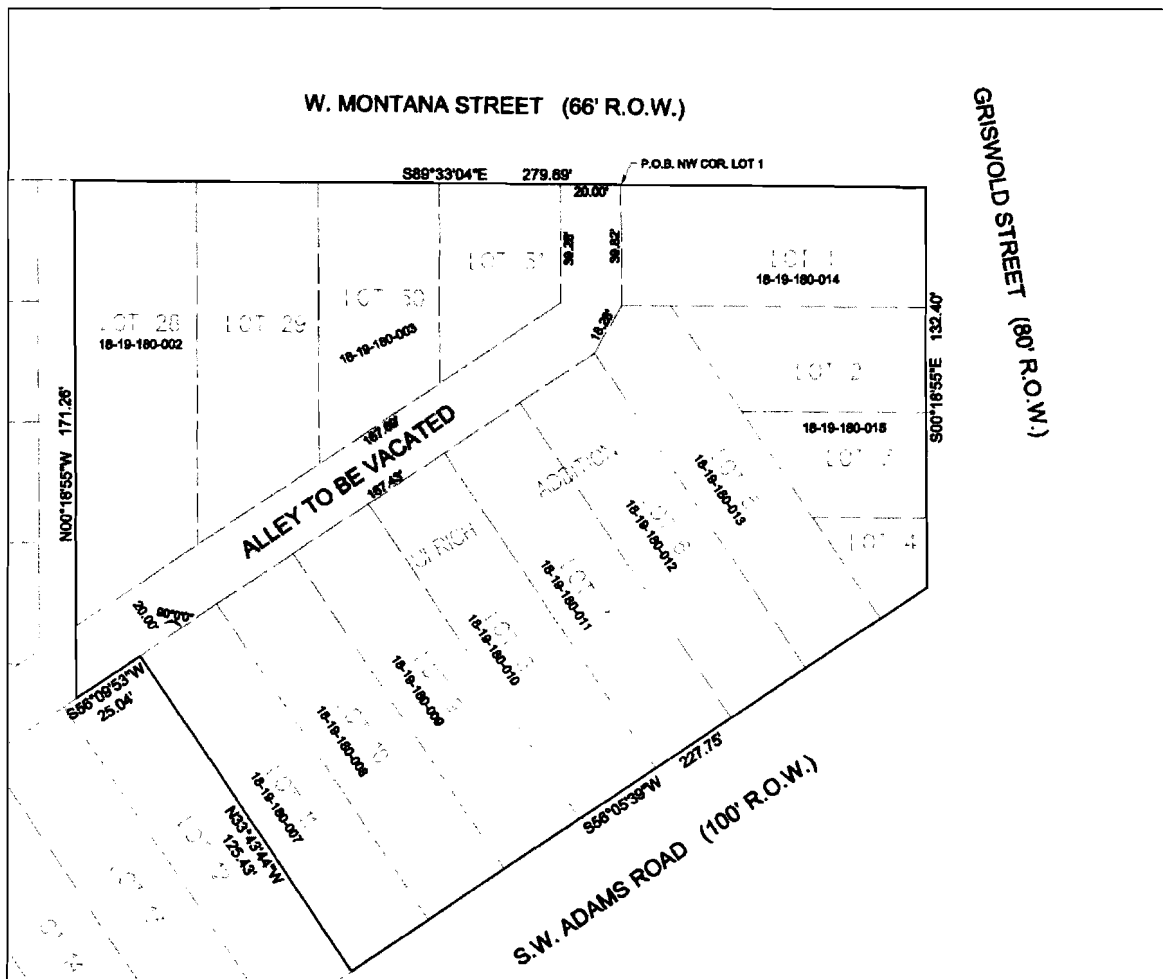
Please let me know if there is anything we can do to help expedite the process.

Sincerely,

OVERLAND ENGINEERING

A handwritten signature in black ink, appearing to read "Rodney Parrott", written in a cursive style.

Rodney Parrott, P.E.



Alley Vacation Area

Description of Alley to be Vacated:

All of that part of the 20 foot wide Public Alley lying between Lots 1,5,6,7,8,9,10,11,12, 28,29,30 and 31 in Ulrich Addition to South Peoria, now City of Peoria, Illinois, situated in the County of Peoria and the State of Illinois being more particularly described as follows: Beginning at the Northwest Corner of said Lot 1. From said Point of Beginning, thence south 39.82 feet along the west line of said Lot 1; thence southwest 18.28 feet along the northerly line of said Lot 5; thence southwest 167.62 feet along the north line of said Lots 6,7,8,9,10 and 11; thence northwest 20.00 feet along a line perpendicular to the last described course to a point on the South Line of said Lot 28; thence northeasterly 167.69 feet along the southerly line of said Lots 28,29,30 and 31 to the Southeast Corner of said Lot 31; thence north 39.28 feet along the east line of said Lot 31 to the Northeast Corner of said Lot 31; thence east 20.00 feet along the south line of W. Montana Street to the Point of Beginning. Containing 4307 square feet or 0.10 acres, more or less.



April 9, 2014


Mr. Ken Andrejasich
City of Peoria Permit Engineer
Right Of Way Management & Permits Division
3505 N Dries Lane Room 114B
Peoria, IL 61604

Mr. Andrejasich,

Please use this letter as a reference to confirm the support from the adjacent property owners regarding the request to vacate the alleys submitted by RBA Investments, LLC c/o Overland Engineering LLC as referenced in the attached documents.

Costic Enterprises, Inc. supports this request specifically as it relates to the properties identified by Tax ID Numbers:

- 18-19-180-007
- 18-19-180-008

 (Secretary) 4/10/14

Costic Enterprises, Inc. Date

Thank you for your assistance and we look forward to continued progress on the Dollar General Project.

Sincerely,

OVERLAND ENGINEERING


Rodney Parrott, P.E.



April 9, 2014

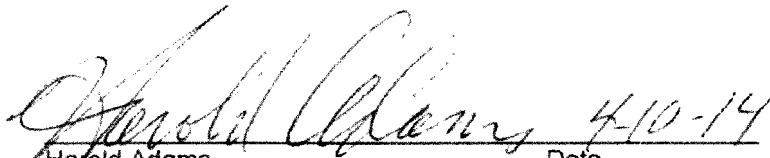
Mr. Ken Andrejasich
City of Peoria Permit Engineer
Right Of Way Management & Permits Division
3505 N Dries Lane Room 114B
Peoria, IL 61604

Mr. Andrejasich,

Please use this letter as a reference to confirm the support from the adjacent property owners regarding the request to vacate the alleys submitted by RBA Investments, LLC c/o Overland Engineering LLC as referenced in the attached documents.

Mr. Harold Adams supports this request specifically as it relates to the properties identified by Tax ID Numbers:

- 18-19-180-002
- 18-19-180-003


Harold Adams Date

Thank you for your assistance and we look forward to continued progress on the Dollar General Project.

Sincerely,

OVERLAND ENGINEERING


Rodney Parrott, P.E.



April 9, 2014

Mr. Ken Andrejasich
City of Peoria Permit Engineer
Right Of Way Management & Permits Division
3505 N Dries Lane Room 114B
Peoria, IL 61604

Mr. Andrejasich,

Please use this letter as a reference to confirm the support from the adjacent property owners regarding the request to vacate the alleys submitted by RBA Investments, LLC c/o Overland Engineering LLC as referenced in the attached documents.

Jack L Sawyer and Judy A Sawyer support this request specifically as it relates to the properties identified by Tax ID Numbers:

- 18-19-180-009
- 18-19-180-010

Jack L Sawyer 4/10/2014
Jack L Sawyer Date
Judy A Sawyer 4/10/2014
Judy A Sawyer Date

Thank you for your assistance and we look forward to continued progress on the Dollar General Project.

Sincerely,

OVERLAND ENGINEERING

A handwritten signature in cursive script, appearing to read "Rodney Parrott".

Rodney Parrott, P.E.



April 9, 2014


Mr. Ken Andrejasich
 City of Peoria Permit Engineer
 Right Of Way Management & Permits Division
 3505 N Dries Lane Room 114B
 Peoria, IL 61604

Mr. Andrejasich,

Please use this letter as a reference to confirm the support from the adjacent property owners regarding the request to vacate the alleys submitted by RBA Investments, LLC c/o Overland Engineering LLC as referenced in the attached documents.

Marilyn H. Ziegel supports this request specifically as it relates to the properties identified by Tax ID Numbers:

- 18-19-180-011
- 18-19-180-012
- 18-19-180-013
- 18-19-180-014
- 18-19-180-015


 Marilyn H. Ziegel _____ Date _____

Thank you for your assistance and we look forward to continued progress on the Dollar General Project.

Sincerely,

OVERLAND ENGINEERING


 Rodney Parrott, P.E.