



## **CITY OF WASHINGTON, ILLINOIS**

### **Public Works Committee Agenda Communication**

**Meeting Date:** September 8, 2020

**Prepared By:** Jon Oliphant, AICP, Planning & Development Director

**Agenda Item:** N. Market Street Right-of-Way Vacation Consideration

**Explanation:** Staff received a request from the owner of 204 W. Jefferson Street to vacate the right-of-way to the east of that property. This property abuts the TP&W Railroad tracks. All of the approach and driveway leading to the house are within the right-of-way. He would like to improve the driveway. This totals about 0.05 acres.

It appears that the dedication of this right-of-way dates to when N. Market Street connected with W. Jefferson. N. Market now terminates at Zinser Place. While there is a sanitary sewer main that runs east-west on the southern edge of the W. Jefferson ROW, there does not appear to be any City utilities within the triangular-shaped portion of it. As a result, staff would not have an objection to the vacation of that part of the ROW.

Should there be interest in vacating the ROW, what is unclear at this point is the possible conveyance of it. While there are some exceptions, adjacent property owners are typically entitled to half of the width of the ROW that abuts the property. The City merely vacates the ROW; the conveyance is handled by the adjacent owners during the recording of the new property lines. Our City Attorney has indicated that the Illinois Municipal Code provides the means for the vacation to benefit a single landowner if the landowner receiving title pays the City consideration for the vacation equal to the fair market value. It is unclear whether the railroad could receive part of that land or if it even would like any of it. The odd shape of the land also makes it challenging to equally divide.

**Fiscal Impact:** There should not be any fiscal impact to the City unless state statute requires the payment of the fair market value for this portion of the ROW.

**Action Requested:** Feedback on the consideration of vacating this portion of the N. Market ROW. Should there be interest in that, the expectation would be for the 204 W. Jefferson owner to have a vacation plat prepared prior to the scheduling of a first reading ordinance at a future Council meeting.

