



CITY OF WASHINGTON, ILLINOIS

City Council Agenda Communication

Meeting Date: April 7, 2025

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

Agenda Item: First Reading Ordinance – Harding Street Right-of-Way Vacation Consideration

Explanation: Staff previously received a request from the owner of 511 Jackson Street, Emily Barry, about vacating a portion of the 60' wide right-of-way to the west of her property. The ROW separates her property from Washington Park. Ms. Barry has asserted that her family has maintained the greenspace for 75 years and she would like to have title to it.

The ROW was dedicated decades ago but no infrastructure has ever been constructed within it. The ROW aligns with Harding Street to the south and staff hypothesizes that when the adjacent subdivisions were being planned decades ago, Harding was to extend further north to connect with Jackson. A small tributary of Farm Creek runs through part of the ROW and much of it is in the 100-year floodplain, which prohibits most possible development.

The attached map shows the aerial photograph of the ROW. It includes a rough depiction of the eastern edge of the tributary bank (blue) and a 10' buffer from the bank (red). A vacation plat was initiated by Ms. Barry and it has been drafted depicting the area to be vacated with the 10' buffer, which would allow for staff to have adequate access to reach the tributary. Under a traditional ROW vacation, each adjoining property owner is entitled to receive half of the ROW width. The Washington Park District owns Washington Park to the west of the ROW. The Park District has provided a letter asserting that it has no interest in the vacated ROW. Ms. Barry has paid \$10 as a nominal consideration for the vacation pursuant to state statute. Ultimately, municipalities are not involved in the land conveyance associated with vacations and they are settled between the adjoining property owners.

Fiscal Impact: The City currently incurs little to no annual cost for the maintenance of the ROW because there is no infrastructure there and much of the land is wooded.

Action Requested: Staff recommends approval of the attached ordinance. Prior discussion at the August 2024 Committee of the Whole meeting indicated direction to move ahead with the eventual approval of the vacation request. A first reading ordinance is scheduled for the April 7 City Council meeting and a second reading ordinance will be scheduled for the April 21 meeting. Please note that this vacation can only become effective if the ordinance receives approval of a three-fourths (3/4) supermajority of the Council.

ORDINANCE NO. _____

**AN ORDINANCE VACATING A PORTION OF HARDING STREET RIGHT-OF-WAY,
LOCATED IN HARTMAN'S RE-SUBDIVISION AND HIGHLAND PARK ADDITION
IN THE CITY OF WASHINGTON, TAZEWELL COUNTY, ILLINOIS.**

WHEREAS, the City of Washington, Illinois (the "City") is a home rule municipality in accordance with the Constitution of the State of Illinois of 1970; and

WHEREAS, the City is the owner of a right-of-way on Harding Street located in Hartman's Re-Subdivision and Highland Park Addition (the "Harding ROW"); and

WHEREAS, Emily M. Barry of 511 Jackson Street, Washington, IL 61571 (the "Petitioner"), a landowner who abuts the Harding ROW, petitioned the City requesting the vacation of the entire Harding ROW; and

WHEREAS, it is determined that the entire Harding ROW in question is located within the boundaries of the City, and under its jurisdiction, and no portion thereof lies within an unincorporated area; and

WHEREAS, upon further discussion, the City ascertained that it is in the best interest of the City that a portion of the Harding ROW, as hereinafter described, be vacated (the "Vacated ROW"):

PART OF HARDING STREET ADJACENT TO LOT 7, BLOCK 19 IN HARTMAN'S RE-SUBDIVISION OF BLOCKS 12 AND 19 AND PART OF BLOCK 13 OF HIGHLAND PARK ADDITION, BEING IN PART OF THE SOUTHEAST QUARTER OF SECTION 14, TOWNSHIP-26 NORTH, RANGE-3-WEST OF THE THIRD PRINCIPAL MERIDIAN, TAZEWELL COUNTY, ILLINOIS. MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE SOUTHWEST CORNER OF LOT 7 IN SAID HARTMAN'S RE-SUBDIVISION SAID POINT ALSO BEING THE POINT OF BEGINNING OF THE TRACT TO BE DESCRIBED:

FROM THE POINT OF BEGINNING; THENCE SOUTH 88 DEGREES 39 MINUTES 49 SECONDS WEST (BEARINGS ARE BASED ON ILLINOIS WEST ZONE, NAD83, 2011 ADJUSTMENT), ALONG THE EXTENSION OF THE NORTH RIGHT-OF-WAY LINE JACKSON STREET, A DISTANCE OF 43.70 FEET; THENCE NORTH 03 DEGREES 26 MINUTES 12 SECONDS WEST, A DISTANCE OF 37.58 FEET; THENCE NORTH 39 DEGREES 34 MINUTES 12 SECONDS EAST, A DISTANCE OF 68.53 FEET TO THE WEST LINE OF SAID LOT 7; THENCE SOUTH 01 DEGREES 27 MINUTES 57 SECONDS EAST, ALONG SAID WEST LINE, A DISTANCE OF 89.35 FEET TO THE POINT OF BEGINNING, CONTAINING 0.06 ACRES, MORE OR

LESS, BEING SUBJECT TO ANY EASEMENTS, RESTRICTIONS AND RIGHT-OF-WAY OF RECORD.

WHEREAS, the relief to the public from further burden and responsibility of maintaining or constructing the Vacated ROW justifies its vacation; and

WHEREAS, the Illinois Municipal Code authorizes the City's corporate authorities to vacate the Vacated ROW if such a vacation passes by at least a three-fourths affirmative vote of the City's alderpersons then holding office; and

WHEREAS, the Illinois Municipal Code further provides that "[i]f [an] ordinance provides that only the owner or owners of one particular parcel of abutting property shall make payment [for the vacated portion], then the owner or owners of the particular parcel shall acquire title to the entire vacated street or alley, or the part thereof vacated." 65 ILCS 5/11-91-1.

WHEREAS, it has been determined that Petitioner will pay consideration to the City in the amount of \$10.00 for the Vacated ROW.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WASHINGTON, TAZEWELL COUNTY, ILLINOIS, as follows:

Section 1. The Vacated ROW, as described herein, is hereby vacated in conformance with the Plat of Vacation prepared by Mohr & Kerr Engineering & Land Surveying, P.C. dated January 7, 2025, which is attached hereto as **Exhibit 1** and made a part hereof. The right-of-way described herein is hereby vacated, subject to the easement reservations described herein and therein.

Section 2. That this vacation notwithstanding, the City retains to itself an easement to maintain, operate, repair and replace by itself, or by any licensee or holder of franchise from the City, any poles, wires, pipes, conduits, storm sewer mains, sanitary sewer mains, water mains, or any other facility or equipment for the maintenance or operation of any utility or service now located or subsequently placed within the described portion of the area to be vacated by this ordinance. No building, fence, structure, or landscape improvements may be placed within the confines of the easement in such a manner as to interfere with the rights hereby reserved by the City. Vegetation or paving damaged or removed by the City when exercising the rights hereby reserved shall be repaired or replaced at the expense of the owner(s) of the adjacent property or their successors. The City and/or their assigns shall have the right to enter said vacated land to improve, maintain, or repair the banks of the adjacent creek. For the avoidance of doubt, the City shall have no obligation to the property owners of the vacated property to repair, replace, or maintain any improvement, including landscaping placed on the vacated portion of the right of way.

Section 3. That in accordance with 65 ILCS 5/11-91-1, the Petitioner, the abutting landowner that paid consideration to the City for the Vacated ROW (PIN 02-02-14-401-012), shall acquire title to the Vacated ROW, subject to the easement reservations described herein.

Section 4. That all ordinances or parts thereof in conflict with the provisions of this ordinance be and the same are hereby repealed.

Section 5. That this ordinance shall be in full force and effect from and after its passage and approval by three-fourths (3/4) of the City's alderpersons holding office and publication in the manner prescribed by law.

Section 6. That upon Petitioner's payment of \$10.00 to the City of Washington, the City Clerk is directed to record a certified copy of this ordinance in the Office of the Recorder of Deeds of Tazewell County, Illinois.

PASSED AND APPROVED in due form of law at a regular meeting of the City Council of the City of Washington, Tazewell County, Illinois, on the _____ day of _____, 2025.

AYES:

NAYS:

Mayor

ATTEST:

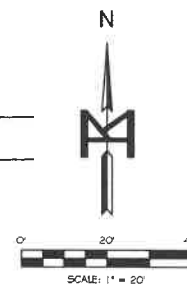
City Clerk

RIGHT OF WAY VACATION PLAT

PART OF HARDING STREET ADJACENT TO LOT 7, BLOCK 19 IN HARTMAN'S RE-SUBDIVISION OF BLOCKS 12 AND 19 AND PART OF BLOCK 13 OF HIGHLAND PARK ADDITION, BEING IN PART OF THE SOUTHEAST QUARTER OF SECTION 14, TOWNSHIP-26 NORTH, RANGE-3-WEST OF THE THIRD PRINCIPAL MERIDIAN, TAZEWELL COUNTY, ILLINOIS.

LEGEND

- EASEMENT LINE
- ADJACENT PROPERTY LINE
- RIGHT-OF-WAY LINE
- x-x- FENCE LINE
- S 01°27'57" E 52.65' (142) MEASURED BEARING
- (142) MEASURED DISTANCE
- FOUND IRON ROD / PIPE / MONUMENT
- T.C.R.O. TAZEWELL COUNTY RECORDER'S OFFICE
- P.O.B. POINT OF BEGINNING



NOTES:

BEARINGS ARE BASED ON ILLINOIS WEST ZONE, NAD83.

TOTAL AREA OF EASEMENT IS 0.06 ACRES ±.

THIS PROPERTY IS LOCATED IN FLOOD ZONE A. AREAS WITHIN THE 1% ANNUAL CHANCE FLOOD (100-YEAR FLOOD) FLOOD PLAIN AS PER FLOOD INSURANCE RATE MAP NO. 17179C0060E, COMMUNITY PANEL NO. 170655 0060 E WITH AN EFFECTIVE DATE OF FEBRUARY 17, 2017.

THERE SHALL BE NO PERMANENT BUILDING, FENCE, STRUCTURE, OR LANDSCAPE IMPROVEMENTS WITHIN THE VACATED PORTION OF HARDING STREET. THE CITY OF WASHINGTON AND/OR THEIR ASSIGNS SHALL HAVE THE RIGHT ENTER SAID VACATED LAND TO IMPROVE, MAINTAIN OR REPAIR THE BANKS OF THE CREEK.

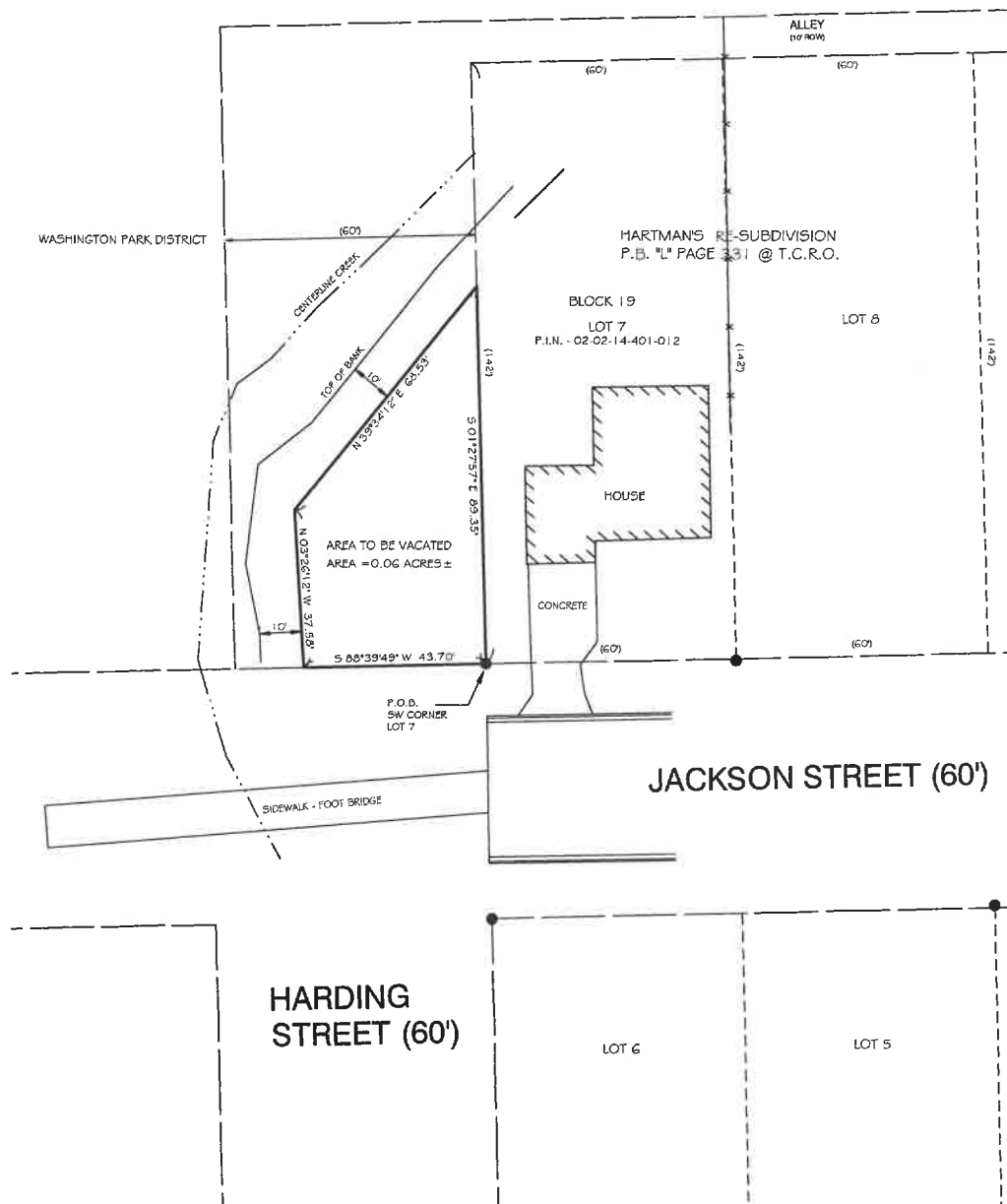
IT IS NOT WARRANTED THAT THIS PLAT CONTAINS COMPLETE INFORMATION REGARDING EASEMENTS, RESERVATIONS RESTRICTIONS, RIGHT-OF-WAY, BUILDING SETBACK LINES AND OTHER ENCUMBRANCES. FOR COMPLETE INFORMATION, A TITLE OPINION OR OTHER COMMITMENT FOR TITLE INSURANCE SHOULD BE OBTAINED.

DESCRIPTION

PART OF HARDING STREET ADJACENT TO LOT 7, BLOCK 19 IN HARTMAN'S RE-SUBDIVISION OF BLOCKS 12 AND 19 AND PART OF BLOCK 13 OF HIGHLAND PARK ADDITION, BEING IN PART OF THE SOUTHEAST QUARTER OF SECTION 14, TOWNSHIP-26 NORTH, RANGE-3-WEST OF THE THIRD PRINCIPAL MERIDIAN, TAZEWELL COUNTY, ILLINOIS. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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JACKSON STREET (60')

HARDING STREET (60')

DATE: 01-07-25

JEFFREY E. FRANKLIN
ILLINOIS REGISTERED PROFESSIONAL LAND SURVEYOR #035-3230
MOHR & KERR ENGINEERING & LAND SURVEYING, P.C.
5901 N. PROSPECT RD., SUITE 60, PROCTOR, IL 61114
PHONE: (309) 692-8500, WEB SITE: WWW.MOHRANDKERR.COM
JEFFFRANKLIN@MOHRANDKERR.COM



LICENSE EXPIRES NOVEMBER 30, 2026

RIGHT OF WAY VACATION PLAT

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PROJECT NO. 24-592
SHEET 1 OF 1
DRAWN BY: JEF

MOHR & KERR ENGINEERING & LAND SURVEYING, P.C.
5901 N. PROSPECT ROAD, SUITE 60
PROCTOR, ILLINOIS 61114
www.mohrandkerr.com
Office: (309) 692-8500
Fax: (309) 692-4501
Professional Design Firm #184,005091

DATE: 01-07-25	SCALE: 1" = 80'	CHECKED: JEF	WLO: JEF
DATE: 01-07-25	SCALE: 1" = 80'	CHECKED: JEF	WLO: JEF
DATE: 01-07-25	SCALE: 1" = 80'	CHECKED: JEF	WLO: JEF

CLIENT: EMLY BARRY



Right-of-Way Vacation Map

Harding Street

Legend

- Right-of-Way
- Approx. Creek
- Creek Buffer
- 10'



Date: 4/2/2025

This map indicates approximate
data locations and may not be 100% accurate.
Parcels are provided and maintained
by Tazewell County.