

VILLAGE OF PECATONICA
WINNEBAGO COUNTY, ILLINOIS

ORDINANCE NO. 2021-07

**ADOPTED BY THE VILLAGE TRUSTEES
OF THE
VILLAGE OF PECATONICA, ILLINOIS**

AN ORDINANCE VACATING A PLATTED UNIMPROVED ROADWAY OF REED STREET IN THE VILLAGE OF PECATONICA SITUATED TO THE EAST OF BLOCK SEVEN, P.I.N. 09-29-227-001, AND WEST OF P.I.N. 09-29-228-001, RUNNING NORTH FROM FIRST STREET TO THE PECATONICA RIVER, AND AUTHORIZING THE CONVEYANCE OF SAID PLATTED ROADWAY TO LARRY AND THERESA WILKE AS TRUSTEES OF THE LARRY V. WILKE AS TRUSTEES OF THE LARRY V. WILKE AND THERESA J. WILKE TRUST DATED JANUARY 14, 2020

THIS DAY OF , 2021

Published in pamphlet form by authority of the Village Board of the Village of Pecatonica, Winnebago County, Illinois, on this day of , 2021.

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ORDINANCE VACATING A PLATTED UNIMPROVED ROADWAY OF REED STREET IN THE VILLAGE OF PECATONICA SITUATED TO THE EAST OF BLOCK SEVEN, P.I.N. 09-29-227-001, AND WEST OF 131 W. 1ST STREET, P.I.N. 09-29-228-001, RUNNING NORTH FROM FIRST STREET TO THE PECATONICA RIVER, AND AUTHORIZING THE CONVEYANCE OF SAID PLATTED ROADWAY TO LARRY WILKE AND THERSA WILKE AS TRUSTEES OF THE LARRY V. WILKE AND THERESA J. WILKE TRUST DATED JANUARY 14, 2020

WHEREAS, the Village of Pecatonica is the owner of a platted but unimproved roadway which is part of Reed Street, and is sixty-six feet (66') in width, and which unimproved, platted street is located along the eastern boundary of Block Seven, P.I.N. 09-29-227-001, and the western boundary of 131 W. 1ST Street, P.I.N. 09-29-228-001, running to the north from First Street to the Pecatonica River ("Platted roadway") as more fully shown on Exhibit "A" attached hereto and incorporated herein by reference; and

WHEREAS, pursuant to Section 5/11-91-1 of the Illinois Municipal Code (65 ILCS 5/11-91-1) corporate authorities of a municipality are expressly vested with the power to vacate platted roadways and alleys or parts thereof contained within its jurisdiction and convey title to said real estate; and

WHEREAS, Larry V. Wilke and Theresa J. Wilke, as Trustees of the Larry V. Wilke and Theresa J. Wilke Trust dated January 14, 2020 ("Trust") is the owner of record of real property commonly known as "131 W. First Street, Pecatonica, Illinois", P.I.N. 09-29-228-001, which property is adjacent to the eastern boundary of the platted but unimproved part of Reed Street from First Street running north to the Pecatonica River; and

WHEREAS, Larry V. Wilke and Theresa J. Wilke, as Trustees of the Trust have made as written offer to purchase the platted and unimproved part of Reed Street, which offer is dated December 5, 2020, from the Village; and

WHEREAS, the Village Board of the Village of Pecatonica has determined that the public interest will be served by vacating a platted and unimproved part of Reed Street, subject to the conditions stated herein, including but not limited to, perpetual easement rights for a municipal storm sewer; and

WHEREAS, the requisite public hearing having been held after proper notice of same having been given; and

WHEREAS, this ordinance having been approved by three-fourths of all Trustees then holding office as required by law.

BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF PECATONICA, ILLINOIS:

Section 1. The above recitals are incorporated as though fully set forth herein.

Section 2. That the Village hereby vacates the platted, unimproved roadway, known as part of Reed Street, as more fully shown on Exhibit "A", and conveys same to Larry V. Wilke and Theresa J. Wilke, as co-trustees of the Larry V. Wilke and Theresa J. Wilke Trust dated January 14, 2020 ("Trust"), subject to the following conditions.

Section 3. That the Village is hereby granted a perpetual easement for a storm sewer within the vacated platted portion of Reed Street, said perpetual easement to be twenty feet (20') in width, the location of which is more fully described and shown on Exhibit "A", and run from the northernmost part of the intersection of Reed Street and 1st Street north to the Pecatonica River. The Trust shall execute a perpetual easement to be prepared by the Village for recording with the Winnebago County Recorder's office and the Trust shall reimburse the Village for the legal fees and recording costs for said easement.

Section 4. That the Trust pay the Village of Pecatonica the sum of Two Thousand Dollars (\$2,000.00) as just compensation for said vacated property.

Section 5. That the Trust shall reimburse the Village for any and all attorney fees, engineering fees, publishing fees and recording fees the Village has incurred in furtherance of the vacating of the subject platted roadway and conveyance of same to the Trust; which fees and costs shall be tendered by invoice to the Trust within 90 days of adopting and approval of this ordinance

Section 6. Upon the Trust satisfying all conditions of vacation and conveyance stated herein, the Village Board President is authorized and directed to sign and deliver all deeds, easements, and other documents in furtherance of this vacation and conveyance to the titleholder of 131 W. 1st Street, Pecatonica, Illinois, P.I.N. 09-29-228-001.

Section 7. That upon vacation of the subject platted roadway and conveyance of same to the Trust, the Village of Pecatonica agrees to maintain that part of the platted unimproved part of Reed Street from the Pecatonica River south thirty feet (30').

Section 8. This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law. This Ordinance shall be published in pamphlet form.

PASSED by the Village Board this _____ day of _____, 2021.

APPROVED by the President of the Village Board this ____ day of _____, 2021.

William Smull, Village President
Village of Pecatonica, Illinois

ATTEST:

Gwenn Shirley, Village Clerk

Ayes: _____

Nays: _____

Absent: _____

EXHIBIT "A"

PECATONICA RIVER

S 73°58'17" E
68.99'±

PLAT OF
PECATONICA

REED STREET

UNIMPROVED

20' STORM SEWER EASEMENT

S 00°55'05" E 388.84'±

09-29-228-001

N 00°55'02" W 408.82'±

09-29-227-001

BLOCK 7

BLOCK 8

P.O.B.

S 89°27'11" W
66.00'

FIRST STREET



EXHIBIT A
VACATION OF REED STREET
BETWEEN BLOCKS 7 AND 8

02/16/2021

FEHR GRAHAM
ENGINEERING & ENVIRONMENTAL

ILLINOIS
IOWA
NEBRASKA

Description - Vacation of Reed Street Between Blocks 7 and 8

Part of the Plat of Pecatonica, Winnebago County, Illinois; Beginning at the Southwest corner of Block 8 of said Plat of Pecatonica; thence South 89 degrees 27 minutes 11 seconds West (assumed bearing), a distance of 66.00 feet to the Southeast corner of Block 7 of said Plat of Pecatonica; thence North 00 degrees 55 minutes 02 seconds West on and along the East line of said Block 7, a distance of 408.52 feet, more or less to the southerly bank of the Pecatonica River; thence South 73 degrees 58 minutes 17 seconds East on and along last named line, a distance of 68.99 feet, more or less to the West line of said Block 8; thence South 00 degrees 55 minutes 05 seconds East on and along last named line, a distance of 388.84 feet, more or less to the Point of Beginning. Subject to a 20-foot Storm Sewer Easement along the western portion of the above described tract.