

ORDINANCE NO. 2022-02

ORDINANCE VACATING A PART OF PLATTED IMPROVED ALLEY BETWEEN EAST FIRST STREET AND EAST SECOND STREET ADJACENT TO 216 MAIN STREET, PINS 09-28-103-003 AND 09-28-103-004, TO ANPEC PROPERTIERS, LLC, OWNERS OF 216 MAIN STRRET, PECATONICA, ILLINOIS

WHEREAS, the Village of Pecatonica is the owner of a platted improved alley which is located between East First Street and East Second Street ("Platted improved alley"), part of which is adjacent to 216 Main Street, P.I.N. 09-28-103-003 and P.I.N. 09-28-103-004, as more fully shown on Exhibit "A" attached hereto and incorporated herein by reference; and

WHEREAS, the building at 216 Main Street was recently sold to Anpac Properties, LLC; and

WHEREAS, during the sales transaction in which Anpac Properties, LLC took ownership it was determined that that the building at 216 Main Street encroached into the Platted improved alley by 1.27 feet (1.27') at the southeast corner of said buidling; and

WHEREAS, the building at 216 Main Street is a commercial building that has been present at the current location for many years; and

WHEREAS, pursuant to Article XV, Chapter 153, Section 153.026(C)(3), the subject building at 216 Main Street does not require a rear yard setback; and

WHEREAS, Anpac Properties, LLC has made written request to the Village to vacate that part of the Platted improved alley, a true and accurate copy of said written request is attached hereto as Exhibit "A" and incorporated herein by reference, so that there is a zero setback to the southwest corner of the building at 216 Main Street, which setback is a minimum permitted setback under the Village zoning code; 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, the Village Board of the Village of Pecatonica has determined that the public interest will be served by vacating a part of the Platted improved alley as more fully shown on Exhibit "B" attached hereto and incorporated herein by reference, subject to the conditions stated herein, including but not limited to, perpetual easement

rights for a snowmobile path, and reimbursement of all Village costs in vacating said part; and

WHEREAS, the requisite public hearing having been held on January 31, 2022 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 (“Grantor”) hereby vacates 1.27 feet (1.27’) of Platted improved alley at the southeast corner of the building at 216 Main Street, as more fully shown on Exhibit “B”, and conveys same to Anpac Properties, LLC (“Grantee”), subject to the following conditions.

Section 3. That the Grantee hereby grants Grantor a perpetual easement as a snowmobile path open to the public.

Section 4. That the Grantee shall reimburse the Grantor for any and all attorney fees, engineering fees, publishing fees and recording fees the Grantor has incurred or will incur in furtherance of the vacating of the subject portion of the Platted improved alley and conveyance of same to the Grantee; which fees and costs shall be tendered by invoice to the Grantee within 45 days of adopting and approval of this ordinance.

Section 5. 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 Anpac Properties, LLC.

Section 6. 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 3rd day of March_, 2022.

APPROVED by the President of the Village Board this 3rd day of
March, 2022.

William Smull, Village President
Village of Pecatonica, Illinois

ATTEST:

Gwenn Shirley, Village Clerk

Ayes: _____

Nays: _____

Absent: _____