

STAFF REPORT
Decatur City Plan Commission

Hearing Date November 5, 2020
Case No. 20-42
Property Location North Mercer Street right-of-way north of West Eldorado Street
Request Vacation of the sixty (60) foot Mercer Street right-of-way north of West Eldorado Street that abuts the petitioner’s South property line.
Petitioner Central IL Development Consortium
Representative Chastain & Associates LLC

BACKGROUND

The petitioner is requesting vacation of a sixty (60) foot street right-of-way north of West Eldorado Street that abuts their South and West property lines. The vacation would enable Central IL Development Consortium and Mueller Company to control the Street ROW and utilize the area as part of the Mueller Company parking lot relocation project. The Street would be improved along with the rest of the property to the North and would serve as one of the entrances to the new Parking Lot.

Surrounding Land Use and Zoning

| <i>Direction</i> | <i>Existing Land Use</i> | <i>Zoning</i> | <i>Comprehensive Plan</i> |
|------------------|--------------------------|---------------|---------------------------|
| Subject Property | Street Right-of-Way | M-1 | Employment |
| North | Undeveloped | M-1 | Employment |
| South | Commercial | B-2 | Employment |
| East | Commercial | M-1 | Employment |
| West | Undeveloped | M-1 | Employment |

STAFF ANALYSIS

The subject street right-of-way has a width of 60-feet and has a length of approximately 117-feet, with a total of 7,020-square feet. The petitioner owns the property on the north and west sides of the street to be vacated.

Letters were sent to Ameren, Comcast Communications, and AT&T notifying the utility companies of the vacation proposal and no objections to the proposed right-of-way vacation with blanket utility easement were expressed.

According to Paragraph 2.2.2 of the Administrative Policy & Procedure Manual: “All property owners with land abutting a piece of property which is under consideration for vacation shall be served proper notice prior to City Council action on the request.” The only other adjacent property owner has been notified of the requested ROW vacation. Parallel parking and loading spaces will be provided along the east side of the vacated ROW to serve the adjacent building to the East. Also, Mueller will be providing the adjacent property owner Staff parking spaces in the new parking lot. A copy of the ingress/egress easement Plat for the benefit of the adjacent property owner is attached with this report and will be recorded after the ROW is vacated.

The assessed value of surrounding vacant land was utilized to determine a market value per square foot to determine the land value for the Mercer St ROW. That land value is determined to

be \$10,000 and will be paid by Central IL Development Consortium to the City prior to executing the ROW vacation.

The subject right-of-way is no longer necessary to serve the general public. The best interests of the City of Decatur would be served by approving the proposed right-of-way vacation to allow for the Mueller parking lot relocation project.

STAFF RECOMMENDATION

Staff recommends approval of the street and alley vacations with the following condition:

1. A blanket easement for the vacated Mercer St right-of-way shall be maintained for all utilities located within the right-of-way, including but not limited to the City's utilities

PLAN COMMISSION ACTION

The Administrative Policy and Procedure Manual of the City of Decatur requires that property vacation requests be submitted to the Plan Commission for a public hearing. Although a Plan Commission recommendation is not required, a motion to forward the vacation request to the City Council with a recommendation for City Council's consideration is suggested.

Greg Crowe, AICP
Planning & Development Manager

ATTACHMENTS

1. Petition
2. Vacation Plat
3. Proposes Ingress/Egress Easement Plat
4. Location Map



CITY OF DECATUR, ILLINOIS
ECONOMIC AND URBAN DEVELOPMENT DEPARTMENT
Planning and Economic Development Division
REQUEST FOR VACATION
Utility Easement of Public Right of Way
 (please Type)

To: The Mayor and City Council
 Members of the City Plan Commission

Date: October 9, 2020

The undersigned, Central Illinois Development Consortium, hereby request the vacation of the following: EASEMENT VACATION ROW VACATION legally described as follows
See attached legal descriptions.

Located at: N. Mercer St. and Route 36 (Eldorado St.)

Address and phone number of petitioner/owner
 (Fax number, e-mail address)
Central Illinois Development Consortium
Attn: Nicole Bateman
101 S. Main Street
Decatur IL, 62523
nbateman@decaturedc.com

Address and phone number of representative
 (Fax number, e-mail address)
Chastain & Associates LLC
Attn: Jonas Ozier
5 N. Country Club Road
Decatur IL 62521
jozier@chastainengineers.com

PETITIONER REQUIREMENTS:

1. Plat of area proposed for vacation.
2. All appropriate utility companies and franchise holders will be contacted regarding the requested vacation. Please provide copies of the utility company responses.
3. All property owners with land abutting the property to be vacated shall be served proper notice by letter delivered by certified mail. Please provide copies of documentation.

UTILITY EASEMENTS ONLY

4. If compensation is required (due to the individual nature of each request) an approved recent appraisal, at the expense of the owner, will be required.

PUBLIC PROPERTY/ROW VACATIONS ONLY

4. Compensation shall be required based upon an approved recent appraisal at the expense of the petitioner. Whenever any appraisal indicates compensation to be paid in excess of \$2000, a second appraisal (at the expense of the City) will be commissioned; the higher appraisal of the two will be utilized to determine compensation paid to the City.
5. All requests for property vacation should be submitted to the Plan Commission for public hearing.

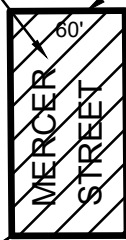
Signature of Petitioner Nicole M Bateman

RIGHT-OF-WAY VACATION PLAT AND BLANKET UTILITY EASEMENT



MUELLER
PARKING SUBDIVISION
LOT 1

Right-of-Way to be Vacated
& Proposed Blanket Utility
Easement



S. line Lot 1

S.K. THOMPSON'S
LOT 18

LOT 19

1ST ADDITION
LOT 20

LOT 17

LOT 16

N. R.O.W. Line

35'

WEST

ELDORADO

STREET

35'

30'

NORTH MONROE STREET

30'

**CHASTAIN
& ASSOCIATES LLC**
CONSULTING ENGINEERS



Randall G. Trei
RANDALL G. TREI
ILLINOIS PROFESSIONAL LAND SURVEYOR NO 3141
EXPIRES 11/30/2020

RIGHT-OF-WAY VACATION PLAT AND BLANKET UTILITY EASEMENT

All that part of Mercer Street lying North of the North right of way line of West Eldorado Street and the South line of Lot 1 of Mueller Parking Subdivision as per plat recorded in Book 5000 on page 375 of the records in the Recorder's Office of Macon County, Illinois.

INGRESS/EGRESS EASEMENT PLAT

SEE PAGE TWO FOR LEGAL DESCRIPTION



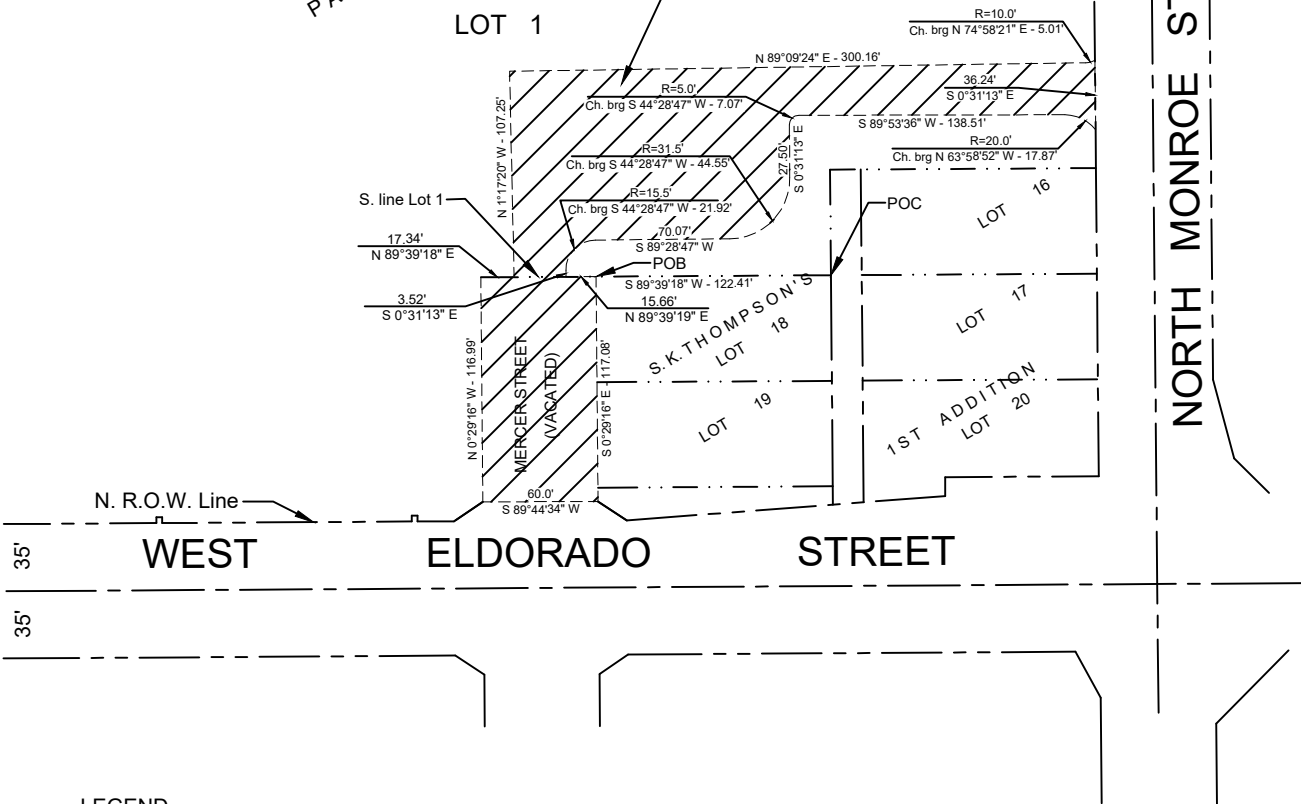
MUELLER
PARKING SUBDIVISION
5000/375

LOT 1

INGRESS/EGRESS
EASEMENT

30' 30'

NORTH MONROE STREET



LEGEND



EASEMENT

**CHASTAIN
& ASSOCIATES LLC**
CONSULTING ENGINEERS



Randall G. Trei

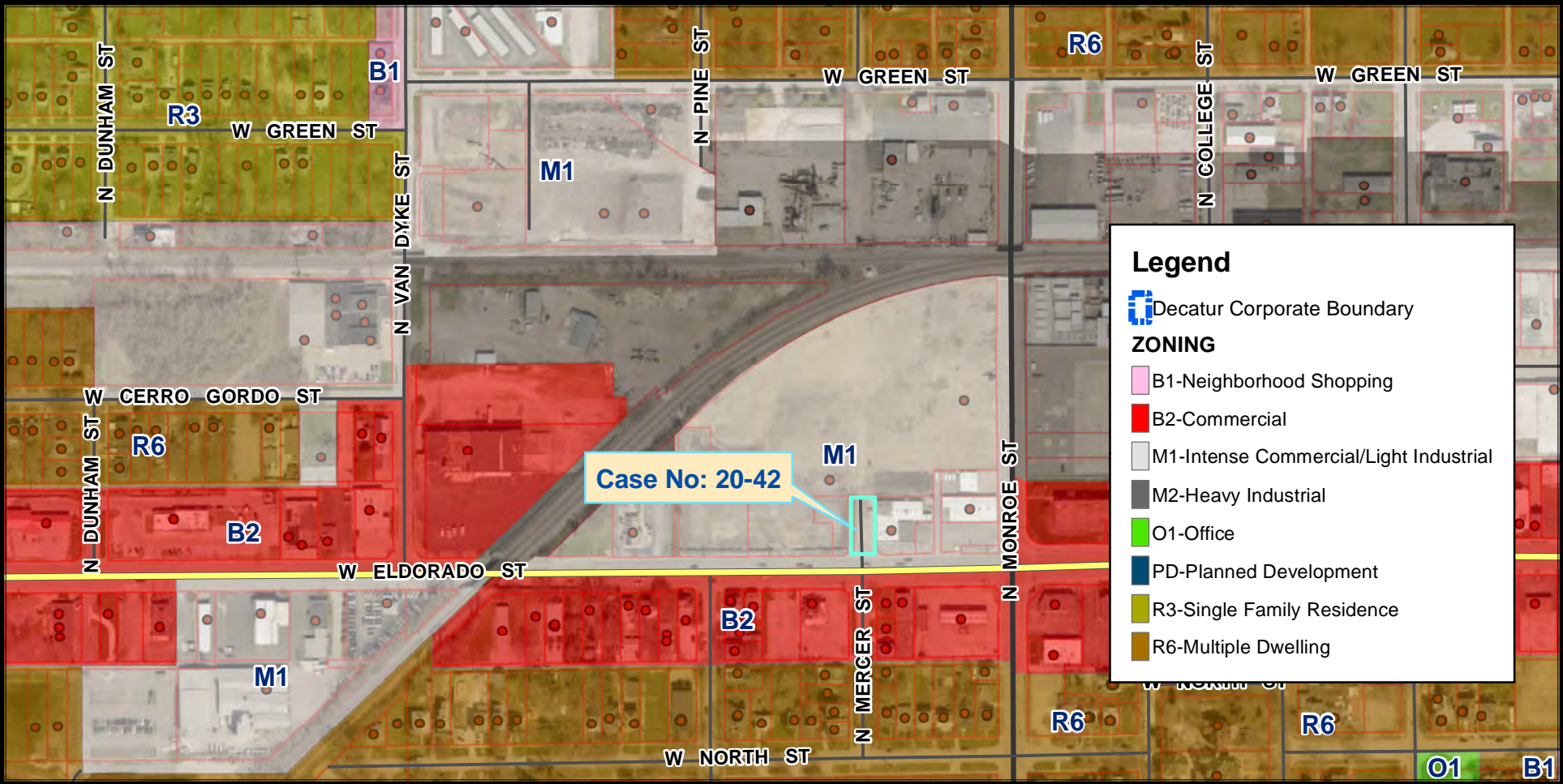
RANDALL G. TREI
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INGRESS / EGRESS EASEMENT

Commencing at the Northeast corner of Lot 18 of S.K. Thompson's Addition to the City of Decatur, as per the plat recorded in Book S, Page 434 of the Records in the Recorder's Office of Macon County, Illinois; thence South 89 degrees 39 minutes 18 seconds West along the North line of said Lot 18, a distance of 122.41 feet to the Point of Beginning for the following described parcel;


From the Point of Beginning thence South 0 degrees 29 minutes 16 seconds East, a distance of 117.08 feet; thence South 89 degrees 44 minutes 34 seconds West, a distance of 60.00 feet; thence North 0 degrees 29 minutes 16 seconds West, a distance of 116.99 feet; thence North 89 degrees 39 minutes 18 seconds East, a distance of 17.34 feet; thence North 1 degree 17 minutes 20 seconds West, a distance of 107.25 feet; thence North 89 degrees 09 minutes 24 seconds East, a distance of 300.16 feet to a point of curvature; thence Northeasterly along a circular curve to the left, radius point being North, a radius of 10.00 feet, the chord across the last described circular curve course bears North 74 degrees 58 minutes 21 seconds East, a distance of 5.01 feet to the West right of way line of Monroe Street; thence South 0 degrees 31 minutes 13 seconds East along said West right of way line, a distance of 36.24 feet; thence Northwesterly along a circular curve to the left, radius point being South, a radius of 20.00 feet, the chord across the last described circular curve course bears North 63 degrees 58 minutes 52 seconds West, a distance of 17.87 feet; thence South 89 degrees 53 minutes 36 seconds West, a distance of 138.51 feet to a point of curvature; thence Southwesterly along a circular curve to the left, radius point being South, a radius of 5.00 feet, the chord across the last described circular curve course bears South 44 degrees 28 minutes 47 seconds West, a distance of 7.07 feet; thence South 0 degrees 31 minutes 13 seconds East, a distance of 27.50 feet to a point of curvature; thence Southwesterly along a circular curve to the right, radius point being North, a radius of 31.50 feet, the chord across the last described circular curve course bears South 44 degrees 28 minutes 47 seconds West, a distance of 44.55 feet; thence South 89 degrees 28 minutes 47 seconds West, a distance of 70.07 feet to a point of curvature; thence Southwesterly along a circular curve to the left, radius point being South, a radius of 15.50 feet, the chord across the last described circular curve course bears South 44 degrees 28 minutes 47 seconds West, a distance of 21.92 feet; Thence South 0 degrees 31 minutes 13 seconds East, a distance of 3.52 feet; thence North 89 degrees 39 minutes 19 seconds East, a distance of 15.66 feet to the point of Beginning; situated in the City of Decatur, County of Macon Illinois; contains 24,443 square feet (0.56 acres) more or less.

Decatur City Plan Commission Mercer ST ROW Vacation



Legend

- Decatur Corporate Boundary
- ZONING**
- B1-Neighborhood Shopping
- B2-Commercial
- M1-Intense Commercial/Light Industrial
- M2-Heavy Industrial
- O1-Office
- PD-Planned Development
- R3-Single Family Residence
- R6-Multiple Dwelling

| | | |
|--------------------------|---|---|
| <u>Case No:</u> | 20-42 |  |
| <u>Date:</u> | November 5, 2020 | |
| <u>Petition of:</u> | Central IL Development Consortium | |
| <u>Requested Action:</u> | Vacate Mercer St ROW north of W Eldorado St | |

