

CITY OF BELVIDERE, ILLINOIS

ORDINANCE #669H

AN ORDINANCE VACATING AN ABANDONED PORTION OF IRENE ROAD IN THE CITY OF BELVIDERE

PASSED AND ADOPTED

BY THE CITY COUNCIL

OF THE CITY OF

BELVIDERE, ILLINOIS

ON THE 1ST DAY OF APRIL 2024.

APPROVED BY THE

MAYOR OF THE CITY OF

BELVIDERE, ILLINOIS

ON THE 2ND DAY OF APRIL, 2024.

Published in Pamphlet Form this 2nd day of April 2024.

ORDINANCE #669H

AN ORDINANCE VACATING AN ABANDONED PORTION OF IRENE ROAD IN THE CITY OF BELVIDERE

WHEREAS, on May 2, 2022, the Corporate Authorities of the City of Belvidere adopted Ordinance 576H annexing certain territory adjacent to Irene Road, South of the Union Pacific Railroad and North of U.S. Route 20 to the City of Belvidere (the Annexation); and

WHEREAS, prior to the Annexation Irene Road was a part of the Township Road system under the maintenance jurisdiction of the Belvidere Township Highway Commissioner; and

WHEREAS, by operation of law, that portion of Irene Road adjacent to the Annexed territory (hereinafter Irene Road) transferred to the City of Belvidere road system ((605 ILCS 5/2-104), (People ex rel. Rockwell v Chicago Telephone Co., 245 Ill. 121) (Op. Att’y Gen. (Ill.) S-994 (1975))); and

WHEREAS, Irene Road was realigned and re-constructed pursuant to a plat of subdivision and planned unit development approved by the City of Belvidere on or about May 2, 2022 as Ordinance 578H; and

WHEREAS, the reconstruction and re-alignment of Irene Road rendered a portion of Irene Road abandoned and of no service to the public interest; and

WHEREAS, the abandoned portion of Irene Road (hereinafter referred to as the Vacated Parcel) is legally described and depicted in the Attached Exhibit A which is incorporated herein by this reference; and

WHEREAS, there are no public water or sewer utility facilities located under, over or upon the Vacated Parcel; and

WHEREAS, because the Vacated Parcel was formally a part of the township highway system, one-half of each side of the Vacated Parcel is a part of the adjoining properties to the east and west and a part of the legal description of each such property; and

WHEREAS, the City of Belvidere is a home rule unit of government within the meaning of Section 6 of Article VII of the 1970 Constitution of the State of Illinois; and

WHEREAS, after proper notice, a public hearing was held on April 1, 2024 pursuant to Section 11-91-1 of the Illinois Municipal Code; and

WHEREAS, the Corporate Authorities of the City of Belvidere find that it is in the public interest to vacate the Vacated Parcel as it no longer serves any public benefit in that it is abandoned due to the realignment of Irene Road and the City will be relieved of any maintenance obligations; and

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Belvidere, Boone County, Illinois as follows:

SECTION 1: The foregoing recitals are incorporated herein as if fully set forth. For purposes of this Ordinance, Division 91, of Article 11 of the Illinois Municipal Code (65 ILCS 5/11-91-1 et seq.) shall not apply to this Ordinance and is expressly abrogated and waived. This ordinance is specifically adopted pursuant to home rule authority.

SECTION 2: The Vacated Parcel is hereby vacated under the City's home rule authority, but in accordance with 65 ILCS 5/11-91-1 et seq. Title to the Vacated Parcel reverts to and is confirmed in the adjoining properties the same as if the Vacated Parcel had been dedicated by common law plat and in accordance with section 11-91-2 of the Illinois Municipal Code (65 ILCS 5/11-91-2), 605 ILCS 5/9-127, and as set forth in this Ordinance. All easement rights of the public to use the Vacated Parcel as right-of-way are similarly vacated and abolished. This ordinance shall not vacate any easement of any other public utility. The Mayor is authorized to execute and the Clerk to Attest any documents necessary or convenient to transfer title to the Vacated Parcel to the adjoining properties, if necessary, and extinguish any public right to use the Vacated Parcel as right-of-way.

SECTION 3: The Parcels acquiring title to the Vacated Parcel are:

PIN 05-32-400-011

PIN 05-32-400-007

SECTION 4: That all maps, journals and other records of the City be changed accordingly.

SECTION 5: If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.

SECTION 6: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

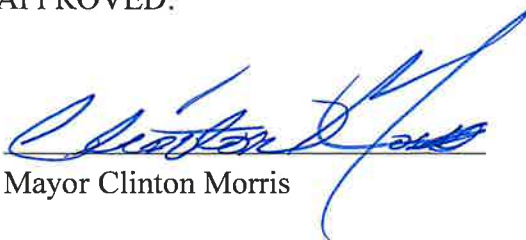
SECTION 7: This Ordinance shall be in full force and effect upon its passage, approval and publication in pamphlet form (which publication is hereby authorized) as provided by law.

Ayes: Mulhall, Snow, Stevens, Albertini, Fleury, Frank, Gramkowski and McGee.

Nays: None.

Absentees: Brereton and Freeman.

APPROVED:



Clinton Morris

(SEAL)

ATTEST:



Sarah Trumpseed
City Clerk

Passed: April 1, 2024

Approved: April 2, 2024

Published: April 2, 2024

EXHIBIT A

PART OF THE SOUTHEAST QUARTER (1/4) OF SECTION THIRTY-TWO (32), TOWNSHIP FORTY-FOUR (44) NORTH, RANGE THREE (3) EAST OF THE THIRD (3RD) PRINCIPAL MERIDIAN, CONSISTING OF THE RIGHT OF WAY PREVIOUSLY KNOWN AS IRENE RD; FURTHER DESCRIBED AS; COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION; THENCE NORTH 220' TO A POINT ON THE NORTHERLY RIGHT OF WAY OF US RT 20, THENCE WEST ALONG SAID RIGHT OF WAY 623 FEET MORE OR LESS TO THE EAST LINE OF THE FORMER ROW OF IRENE RD TO THE POINT OF BEGINNING; THENCE NORTH ALONG SAID EAST LINE 958.5 FEET MORE OR LESS TO THE SOUTH LINE OF THE RELOCATED RIGHT OF WAY LINE OF IRENE RD, THENCE NORTHWESTERLY ALONG SAID RIGHT OF WAY LINE ON A CURVE TO THE RIGHT HAVING A RADIUS OF 450, AND MEASURING 176.5 FEET MORE OR LESS, THENCE SOUTH TO NORTH RIGHT OF WAY US RT 20, THENCE EAST TO THE POINT OF BEGINNING. ALL SITUATED IN BOONE COUNTY, ILLINOIS.

AFFIDAVIT

STATE OF ILLINOIS)
)
COUNTY OF BOONE)

Sarah Turnipseed, first being duly sworn on oath deposes and says as follows:

By authority of the City Council of the City of Belvidere, Illinois, I published Ordinance #669H of the City of Belvidere, Illinois, in pamphlet form on April 2, 2024, and as a convenience for the public; I posted the pamphlet form of Ordinance #669H on the bulletin board in the lobby of Belvidere City Hall at 401 Whitney Blvd., Belvidere, Illinois; said location being readily accessible to the public during business hours of the City Clerk's office.



Sarah Turnipseed
City Clerk

SUBSCRIBED AND SWORN TO BEFORE ME
this 2nd day of April, 2024.



Notary Public