

SANGAMON COUNTY, ILLINOIS

ORDINANCE
NUMBER 24-05

**AN ORDINANCE APPROVING PLATS VACATING AN EASEMENT AND
GRANTING AN EASEMENT**

DAVE KIMSEY, Village President
DAN HOLDEN, Village Clerk

KRISTEN CHIARO
MEREDITH FERGUSON
JOHN FLETCHER
BRETT GERGER
TIM NICE
CARL TRY
Village Trustees

Published in pamphlet form by authority of the President and Board of Trustees of the Village of Chatham
on January 29, 2024

Sorling Northrup – 1 N. Old State Capitol Plaza, Suite 200, Springfield, IL 62705

1/19/2024

Ordinance No. 24-05

AN ORDINANCE APPROVING PLATS VACATING AN EASEMENT AND GRANTING AN EASEMENT

WHEREAS, the Village of Chatham (“Village”), Sangamon County, State of Illinois, is a duly organized and existing Village created under the provisions of the laws of the State of Illinois, and is now operating under the provisions of the Illinois Municipal Code; and,

WHEREAS, the section 65 ILCS 5/11-12-8 of the State of Illinois Municipal Code provides that municipalities may make reasonable requirements for public lands within a proposed subdivision and make approval of a proposed plat contingent on the whether such proposed plat complies with said requirements; and,

WHEREAS, previously a plat providing an easement interest to the Village through a parcel of real property in Foxx Creek Estates Subdivision Plat 2 (Lot 110B) was approved and the plat was recorded as Doc. No. 95-26733 in the Sangamon County Recorder of Deeds Office; and

WHEREAS, the easement was intended to be used for utilities, but location of the easement in the previously approved plat was not utilized by the Village; and,

WHEREAS, current owner, RLP Development Co., Inc. (“Owner”) seeks to have the existing easement vacated and intends to grant a new easement to the Village; and,

WHEREAS, the Plat of Vacation attached as **Exhibit A** is needed to convey back to Owner the easement previously conveyed to the Village; and,

WHEREAS, the Owner intends to grant a new easement to the Village as shown and depicted on the Plat of Easement attached hereto as **Exhibit B**; and,

WHEREAS, on January 18, 2024, the Village of Chatham Plan Commission conducted the public hearing to determine whether the Plat of Vacation and Plat of Easement complied with the Village of Chatham Revised Code of Ordinances; and

WHEREAS, the Village engineer reviewed Plat of Vacation and Plat of Easement and took no exception to either as indicated in attached **Exhibit C**; and

WHEREAS, the Plan Commission unanimously recommended approving the Plat of Vacation and Plat of Easement; and

WHEREAS, the Village Board of Trustees and the President of the Village of Chatham believe it is in the best interests of the Village to approve the Plat of Vacation as attached as **Exhibit A** and the Plat of Easement attached as **Exhibit B**.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Chatham, County of Sangamon, as follows:

Section 1. Recitals. The foregoing recitals shall be and are hereby incorporated into and made a part of this Ordinance as if fully set forth in this Section 1.

Section 2: Approval of Plats. The Plat of Vacation as attached hereto as **Exhibit A** and the Plat of Easement as attached hereto as **Exhibit B** are hereby approved by the Village.

Section 3. Severability. In the event a court of competent jurisdiction finds this ordinance or any provision hereof to be invalid or unenforceable as applied, such finding shall not affect the validity of the remaining provisions of this ordinance and the application thereof to the greatest extent permitted by law.

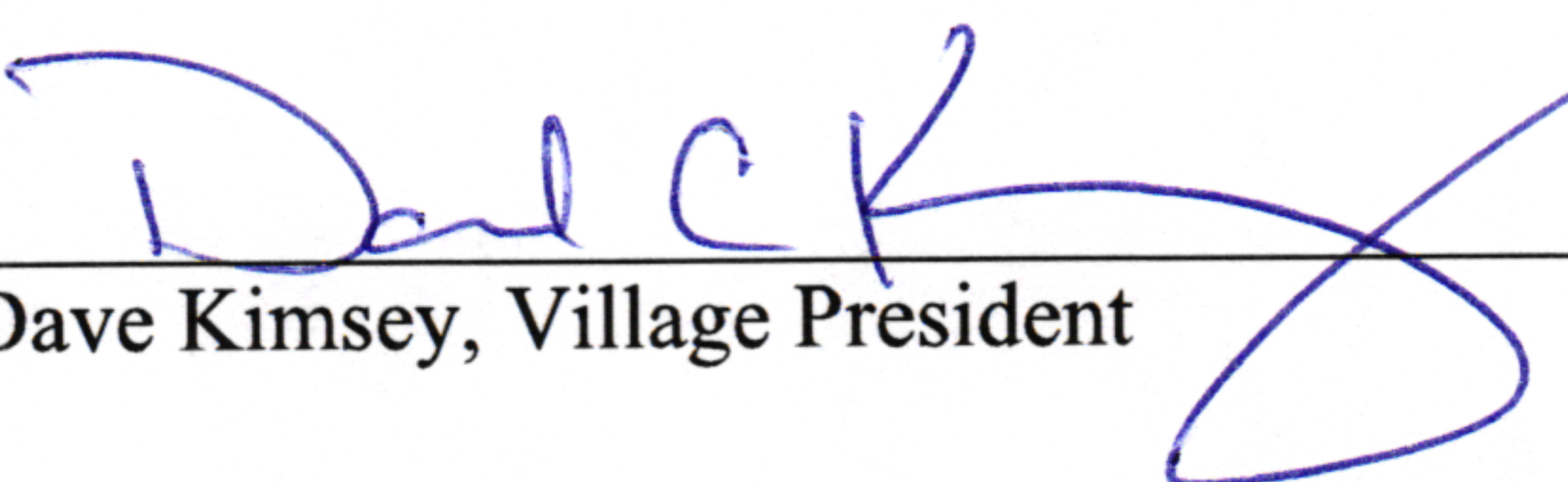
Section 4. Repeal and Savings Clause. All ordinances or parts of ordinances in conflict herewith are hereby repealed; provided, however, that nothing herein contained shall affect any rights, actions, or causes of action which shall have accrued to the Village of Chatham prior to the effective date of this ordinance.

Section 5. Effectiveness. This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

SO ORDAINED this 23 day of January, 2024, at Chatham, Sangamon County, Illinois.

	AYE	NAY	ABSTAIN	ABSENT
KRISTEN CHIARO	✓			
MEREDITH FERGUSON				✓
JOHN FLETCHER	✓			
BRETT GERGER				✓
TIM NICE	✓			
CARL TRY	✓			
DAVE KIMSEY				
TOTAL	4	0	0	2

APPROVED by the President of the Village of Chatham, Illinois this ___ day of January, 2024.



Dave Kimsey, Village President

Attest:



Dan Holden, Village Clerk

**EXHIBIT A
PLAT OF VACATION**

1/19/2024

OWNER: RLP DEVELOPMENT CO, INC.
514 VANDALIA STREET
EDWARDSVILLE, ILLINOIS 62025

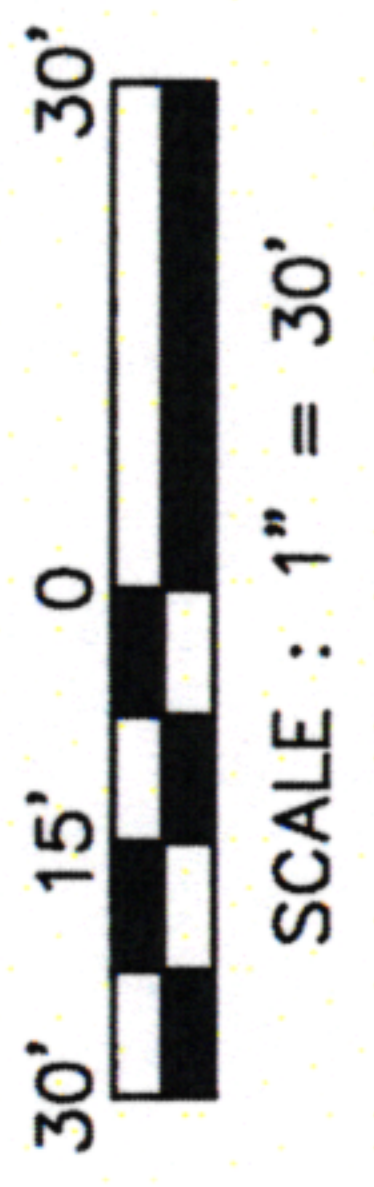
CHATHAM TOWNSHIP
PART OF P.I.N. 28-01-485-023

PARTIAL PLAT OF VACATION
(SEE SHEET 2 OF 2 SHEETS FOR LEGAL DESCRIPTION)

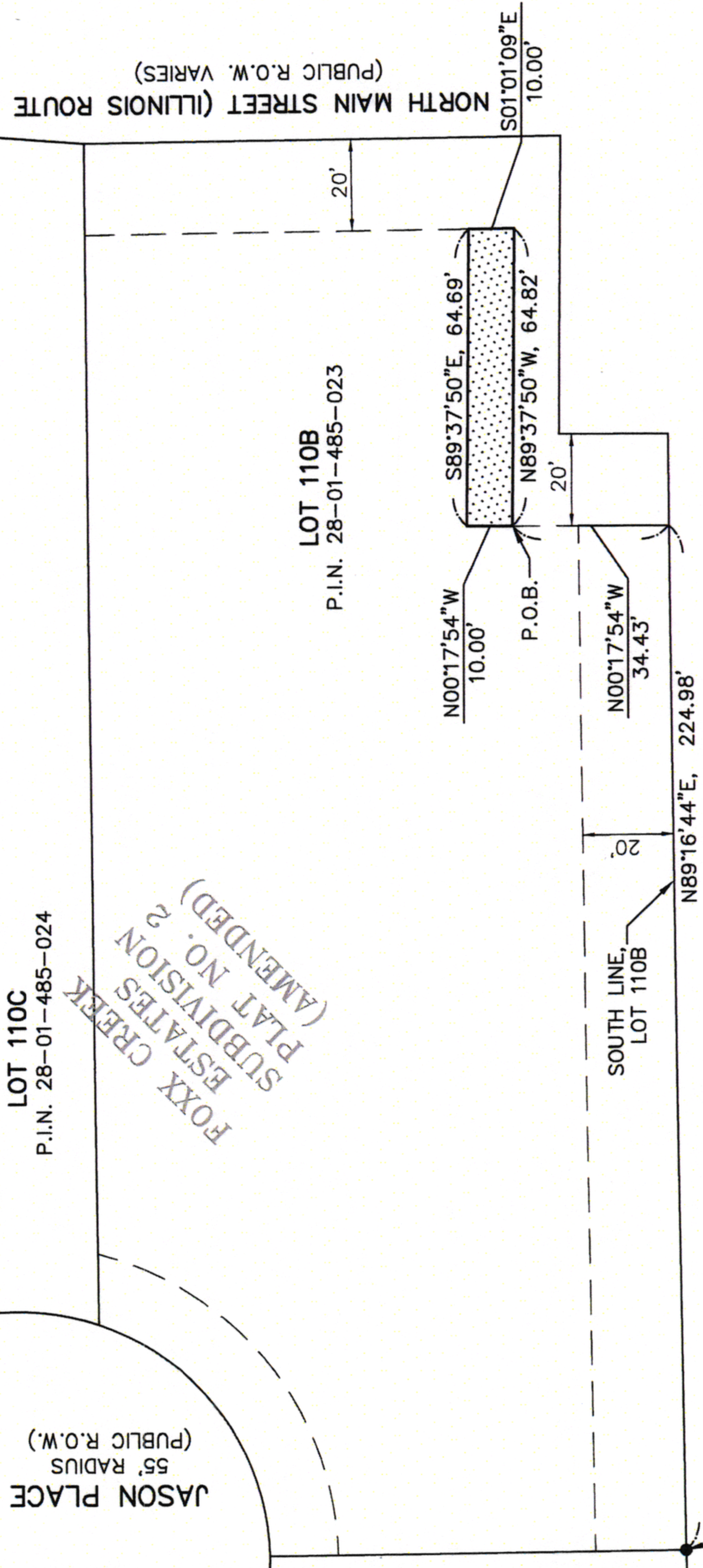
Part of Lot 110B of Foxx Creek Estates Subdivision Plat No. 2 (Amended Final Plat) being Part of the Southeast Quarter of Section 1, Township 14 North, Range 4 West of the Third Principal Meridian, Chatham, Sangamon County, Illinois, recorded as Document 95-26733 in the Sangamon County Recorder's Office.



CONSULTING ENGINEERS/LAND SURVEYORS
of Illinois
(ILLINOIS PROFESSIONAL DESIGN FIRM NO. 184-004556)
3695 SOUTH 6TH STREET FRONTAGE ROAD WEST, SPRINGFIELD, ILLINOIS 62703
Phone: (217) 698-8900, Fax: (217) 698-8922, E-Mail: mecmail@martinengineeringco.com



DATE: JANUARY 18, 2024



LEGEND

- - FOUND IRON PIN
- ▨ - LIMITS OF EXISTING UTILITY, DRAINAGE, CATV EASEMENT BEING VACATED
- - EXISTING UTILITY, DRAINAGE, CATV EASEMENT LINE (PER DOC. NO. 95-26733)

FIELD WORK COMPLETED DECEMBER, 2023.
BASIS OF BEARING IS THE ILLINOIS STATE PLANE COORDINATE SYSTEM. (NAD 83 - ILLINOIS WEST ZONE, U.S. SURVEY FEET)
NO PART OF THIS PLAT IS LOCATED WITHIN A SPECIAL FLOOD HAZARD AREA AS IDENTIFIED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, PER MAP NUMBER 17167C0415F, (EFFECTIVE DATE: AUGUST 2, 2007).

"THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY."
SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP, TITLE EVIDENCE, OR ANY OTHER FACTS WHICH AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.

LOT 110A
P.I.N. 28-01-485-022

P.O.C., SW COR., LOT 110B
(DOC. NO. 95-26733)



This Partial Plat of Vacation revises FOXX CREEK ESTATES SUBDIVISION PLAT NO. 2 (AMENDED FINAL PLAT) recorded August 14, 1995 as Document Number 95-26733.

I HEREBY CERTIFY THAT, IN THE MONTH OF JANUARY, 2024, I MADE A SURVEY OF THE ABOVE DESCRIBED PROPERTY AND THE FOREGOING PLAT REPRESENTS THE RESULTS OF SAID SURVEY.

ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 3804
DATE SIGNED: JANUARY 18, 2024
LICENSE EXP. DATE: NOV. 30, 2024



MARTIN ENGINEERING COMPANY of Illinois
 CONSULTING ENGINEERS/LAND SURVEYORS
 (ILLINOIS PROFESSIONAL DESIGN FIRM NO. 184-004556)
 3695 SOUTH 6TH STREET FRONTAGE ROAD WEST, SPRINGFIELD, ILLINOIS 62703
 Phone : (217) 698-8900, Fax : (217) 698-8922, E-Mail : mecmail@martinengineeringco.com

CERTIFICATES

SURVEYORS CERTIFICATE

I hereby certify that this Partial Plat of Vacation correctly represents a survey made by me of part of a utility, drainage, catv easement on Lot 110B of a Subdivision known as Foxx Creek Estates Subdivision Plat No. 2 (Amended Final Plat) being part of the Southeast Quarter section 1, Township 14 North, Range 4 West of the Third Principal Meridian recorded as Document 95-26733 in the Sangamon County Recorder's Office, being described as follows:

Part of a utility, drainage, catv easement on Lot 110B of Foxx Creek Estates Subdivision Plat No. 2 (Amended) recorded as Document 95-26733, Springfield, Sangamon County, Illinois being more particularly described as follows:

Commencing at an iron pin found at the Southwest corner of said Lot 110B; thence North 89 degrees 16 minutes 44 seconds East on the South line of said Lot 110B, a distance of 224.98 feet; thence North 00 degrees 17 minutes 54 seconds West, a distance of 34.43 feet to a point on the West line of an existing 20' utility, drainage, catv easement line, being the point of beginning.

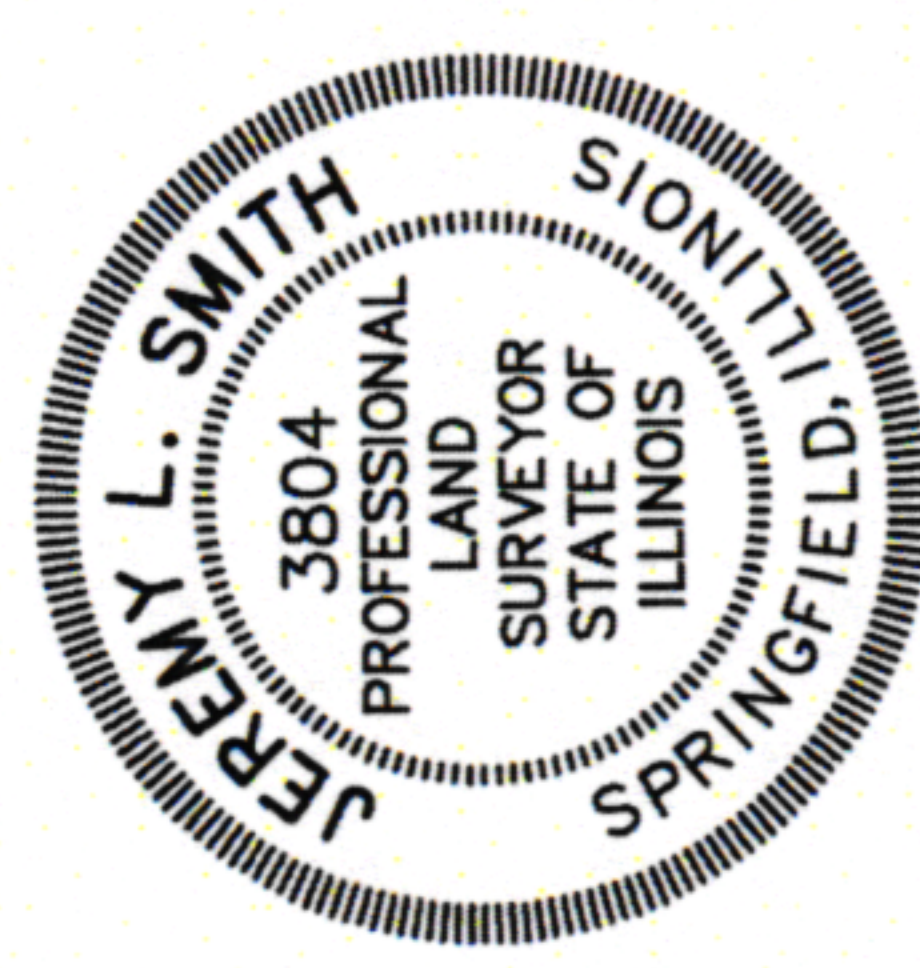
From said point of beginning; thence continuing North 00 degrees 17 minutes 54 seconds West on said West line, a distance of 10.00 feet to a point on the North line of said easement; thence South 89 degrees 37 minutes 50 seconds East on said North line, a distance of 64.69 feet; thence South 01 degrees 09 minutes 09 seconds East, a distance of 10.00 feet; thence North 89 degrees 37 minutes 50 seconds West, a distance of 64.82 feet to the point of beginning. Containing 647.567 square feet (0.015 acres), more or less.

The above described part of a utility, drainage, catv easement shall be vacated.

Iron reinforcement rods identify all lot corners as shown on said plat, and all measurements are given in feet and decimals thereof. All streets and drives and easements designated on said plat are intended for public use.

I further certify that no part of this Partial Plat of Vacation is located within a special flood hazard area as identified by the Federal Emergency Management Agency as show on said Plat.

Given under my hand and seal at Springfield, Illinois on



JANUARY 18, 2024

 Illinois Professional Land Surveyor No. 3804
 Jeremy L. Smith
 Expires 11/30/2024

CERTIFICATES ATTACHED

THE PARTIAL PLAT OF VACATION OF THIS SUBDIVISION IS RECOMMENDED TO THE VILLAGE BOARD FOR APPROVAL BY THE CHATHAM PLANNING COMMISSION SUBJECT TO THE CERTIFICATIONS SET FORTH IN §155.073.

BY :

 CHAIRMAN – CHATHAM PLANNING COMMISSION _____ DATE

 VILLAGE PRESIDENT _____ DATE

 VILLAGE CLERK _____ DATE

**EXHIBIT B
PLAT OF EASEMENT**

1/19/2024

OWNER: RLP DEVELOPMENT CO, INC.
 514 VANDALIA STREET
 EDWARDSVILLE, ILLINOIS 62025

CHATHAM TOWNSHIP

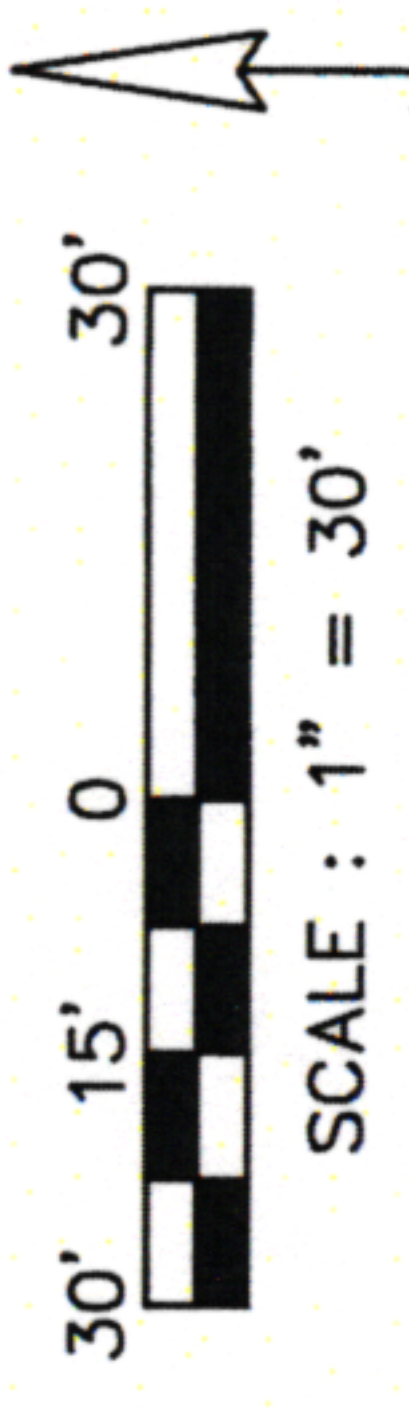
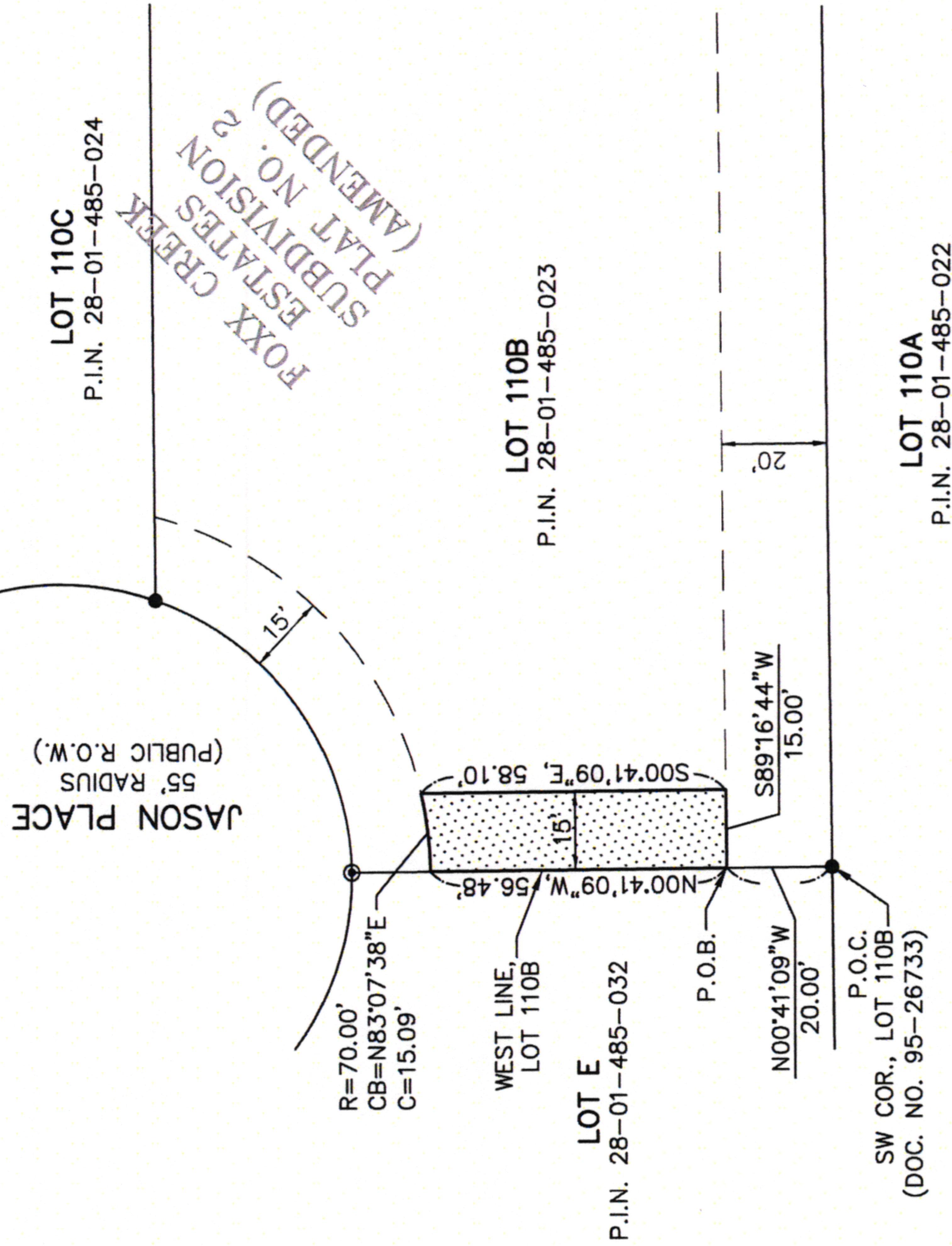
PART OF P.I.N. 28-01-485-023

PLAT OF EASEMENT

Part of Lot 110B of Foxx Creek Estates Subdivision Plat No. 2 Amended Final Plat, Chatham, Sangamon County, Illinois, recorded as Document 95-26733 in the Sangamon County Recorder's Office, more particularly described as follows;

Commencing at an iron pin found at the Southwest corner of said Lot 110B; thence North 00 degrees 41 minutes 09 seconds West on the West line of said Lot 110B, a distance of 20.00 feet to a point at the intersection of said West line with the North line of an existing 20' utility, drainage, catv easement line, being the point of beginning.

From said point of beginning; thence continuing North 00 degrees 41 minutes 09 seconds East on said West line, a distance of 56.48 feet to a point at the intersection of said West line with the South line of an existing 15' utility, drainage, catv easement line, being the beginning of a curve concave to the Northwest having a radius of 70.00 feet; thence Northeasterly on said curve left and said South line, a chord bearing of North 83 degrees 07 minutes 38 seconds East, a chord distance of 15.09 feet to the end of said curve; thence South 00 degrees 41 minutes 09 seconds East, a distance of 58.10 feet to a point on an aforementioned North line of a 20' utility, drainage, catv easement line; thence South 89 degrees 16 minutes 44 seconds West on said North line, a distance of 15.00 feet to the point of beginning. Containing 855.2311 square feet (0.020 acres), more or less.



DATE: JANUARY 18, 2024

LEGEND

- - FOUND IRON PIN
- ⊙ - FOUND PIPE
- [Stippled Box] - LIMITS OF PERMANENT SANITARY SEWER AND DRAINAGE EASEMENT
- - EXISTING UTILITY, DRAINAGE, CATV EASEMENT LINE (PER DOC. NO. 95-26733)

FIELD WORK COMPLETED JANUARY, 2024.

BASIS OF BEARING IS THE ILLINOIS STATE PLANE COORDINATE SYSTEM. (NAD 83 - ILLINOIS WEST ZONE, U.S. SURVEY FEET)

NO PART OF THIS PLAT IS LOCATED WITHIN A SPECIAL FLOOD HAZARD AREA AS IDENTIFIED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, PER MAP NUMBER 17167C0415F, (EFFECTIVE DATE: AUGUST 2, 2007).

"THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY."

SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP, TITLE EVIDENCE, OR ANY OTHER FACTS WHICH AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.

I HEREBY CERTIFY THAT, IN THE MONTH OF JANUARY, 2024, I MADE A SURVEY OF THE ABOVE DESCRIBED PROPERTY AND THE FOREGOING PLAT REPRESENTS THE RESULTS OF SAID SURVEY.



ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 3804
 DATE SIGNED: JANUARY 18, 2024
 LICENSE EXP. DATE: NOV. 30, 2024

EXHIBIT C
ENGINEER LETTER

1/19/2024



January 18, 2024

Village of Chatham
116 E. Mulberry Street
Chatham, Illinois 62629

Attention: Mr. Patrick McCarthy- Village Administrator

**Re: *Foxx Creek Plat 2 Lot 110B
Easement Vacation***

Pat,

We have reviewed the proposal as provided by Martin Engineering Company for the partial vacation of an existing easement and the addition of a utility easement for Lot 110B Foxx Creek Plat 2 and take no exception to the documents provided. The existing easement to be vacated is simply narrowed from 20' to 10' leaving a continuous easement in place along the south property line, and there are no utilities serviced by this easement in a development that is predominantly built out. In addition, the property owner is granting an easement upon the same property to encompass a public storm sewer line across the west property line.

Sincerely,

CRAWFORD, MURPHY & TILLY, INC.

A handwritten signature in black ink, appearing to read "James M. Michael".

James M. Michael, P.E.

Project Manager/ Village Engineer