

ORDINANCE NO. 5, SERIES 2021

AN ORDINANCE VACATING MAY STREET BETWEEN FEDERAL STREET AND PENN STREET IN THE VILLAGE OF JOY, ILLINOIS

WHEREAS, Section 11-91-1 of the Illinois Municipal Code (65 ILCS 5/11-91-1) provides that the corporate authorities of a municipality may by ordinance vacate any street or alley, or part thereof, within their jurisdiction after determining that the public interest will be subserved by said vacation; and

WHEREAS, Section 11-91-2 of the Illinois Municipal Code (65 ILCS 5/11-91-2) provides that upon the vacation of any street or alley, or any part thereof, by virtue of any ordinance of any municipality, title to the land included therein will vest in the then owners of the land abutting thereon; and

WHEREAS, Jeffrey Oleary and Jodi Oleary are the owners of land abutting a portion of May Street located between Federal Street and May Street; and

WHEREAS, Jeffrey Oleary and Jodi Oleary have petitioned the Village of Joy, Illinois to vacate May Street between Federal Street and Penn Street; and

WHEREAS, the requirements found in the Illinois Municipal Code (65 ILCS 5.11-91-1) providing for a public hearing and for public notice of such hearing prior to the Village Board of Trustee's consideration of an ordinance to vacate any street or alley have been met; and

WHEREAS, said vacation will not materially impair access to any property owner; and

WHEREAS, the Village Board of Trustees finds that said portion of May Street is of no further use to the Village except as hereinafter provided; and

WHEREAS, the Village Board of Trustees finds that the public interest will be subserved by vacating said portion of May Street, particularly when considering the relief to the public from further burden and responsibility of maintaining the portion of May Street herein vacated; and

WHEREAS, the Village Board of Trustees finds that the consideration to be paid to the Village is just and adequate compensation for the benefits which will accrue to the said owners of the abutting land by reason of the vacation of said portion of May Street; and

WHEREAS, certain public service facilities are situated in the portion of May Street; and

WHEREAS, the Village Board of Trustees further finds that the public interest is best served by the Village's retention of a permanent easement in said portion of May Street for the maintenance, renewal, and reconstruction of those facilities; and

NOW, THEREFORE, BE IT ORDAINED by the Board of Trustees of the Village of Joy, Mercer County, Illinois, as follows:

Section 1.

The Board of Trustees of the Village of Joy, Illinois hereby vacates, subject to the terms set forth in this Ordinance, the portion of May Street located between Federal Street and Penn Street abutting the properties owned by Jeffrey Oleary and Jodi Oleary, Kenneth Dixon and Elaine Dixon, and Amy Dixon, described as follows:

Tract 1, owned by Jeffrey Oleary and Jodi Oleary

Lot 7 Out Block 7 Subdivision of Out Blocks 1,3,4,5,7, and 9 Holmes Addition to the Original Town of Joy 09-042-008-00
Parcel Number 09-09-19-223-007 (partial)

Tract 2, owned by Jeffrey Oleary and Jodi Oleary

Lot 8 and West 50 feet of Lot 9 Out Block 7 Subdivision of Out Blocks 1, 3, 4, 5, 7, and 9 Holmes Addition to the Original Town of Joy 09-042-008-00

Parcel Number 09-09-19-223-009

Tract 3, owned by Kenneth Dixon and Elaine Dixon

Lot 10 and East 10 feet of Lot 9 Out Block 7 Subdivision of Out Blocks 1, 3, 4, 5, 7, and 9 Holmes Addition to the Original Town of Joy

Parcel Number 09-09-19-223-008

Tract 4, owned by Amy Dixon

Lots 11 and 12 Out Block 7 Subdivision of Out Blocks 1, 3, 4, 5, 7, and 9 Holmes Addition to the Original Town of Joy

Parcel Number 09-09-19-223-006

Said tracts situated in the Village of Joy, Mercer County, Illinois

Section 2.

Upon vacation of the above described portion of May Street, title of the street herein vacated shall vest in the record owners of the land abutting said portion for the extent of the common borders of their respective parcels with the said portion.

Section 3.

The vacation of the above described portion of May Street shall be subject to the following conditions:

- a) A perpetual easement upon said vacated portion of May Street is hereby reserved for and granted to the Village of Joy, Illinois, or others or any public utilities, their successors or assigns, to operate, maintain, renew, and reconstruct their facilities as now existing on, over, or under that part of May Street; and
- b) The Clerk of the Village of Joy shall deliver to all owners of land abutting said portion of May Street an itemized bill for all costs associated with the transfer of ownership of the vacated portion of May Street, and shall receive payment thereof. This ordinance shall not be effective until said payment is received, in accordance with 65 ILCS 5/11-91-1.

Section 4.

The President of the Village of Joy, Illinois be and the same is hereby authorized to execute and deliver and the Clerk of the Village of Joy, Illinois, be and the same is authorized to attest to said execution of a Plat of the vacated portion of May Street, in substantially the form of the copy of said Plat attached hereto and hereby incorporated by reference, which specifically includes the easement language contained in Section 2 of this Ordinance, as so authorized and approved for and on behalf of the Village of Joy, Illinois.

Section 5.

The Village Clerk is directed to record a certified copy of this Ordinance with the Mercer County Office of the Recorder of Deeds after the sum set forth in Section 3 of this Ordinance has been received by the Village. The recording of this Ordinance in the Office of the Recorder of Deeds shall be proof that such payment has been made.

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called, of three-fourths of all the trustees then holding office (6 of 6 votes) of the Village of Joy, Illinois at a meeting of the Board of Trustees.

PASSED BY THE BOARD OF TRUSTEES this 15th day of September, 2021.

AYES: 6

NAYS: 0

ABSENT: 0

ABSTAINED: 0


Mark Heater, Village President

ATTEST:


Gwen Pritchett, Village Clerk

STATE OF ILLINOIS)

)

County of Mercer)

I, Gwen Pritchett, as Clerk of the Village of Joy, Illinois, do hereby certify that I am the duly appointed, qualified Village Clerk of said Village; that I am the official keeper of all books and records of said office and of said Village; that the foregoing is a full, true, correct, and complete copy of **"ORDINANCE NO. 5, SERIES 2021, AN ORDINANCE VACATING MAY STREET BETWEEN FEDERAL STREET AND PENN STREET IN THE VILLAGE OF JOY, ILLINOIS"**, which was adopted by the President and Board of Trustees of said Village on the 15th day of September, 2021 at a regularly called and constituted meeting of said President and Board of Trustees; that said Ordinance was passed by a roll call vote at said meeting at which more than a quorum was present, all of which fully appears from the official records and minutes of said Board of Trustees in my office now remaining.

IN WITNESS WHEREOF, I have hereunto affixed my hand and signature as Clerk of the Village of Joy, Illinois, and the corporate seal of said Village, at Joy, Illinois, this 15th day of September, 2021.


Gwen Pritchett, Village Clerk

(CORPORATE SEAL)

