

ORDINANCE NO. \_\_\_\_\_

Date Passed: July 27, 2015

**AN ORDINANCE VACATING ALLEY  
(Rochelle Community Hospital)**

**WHEREAS**, the City of Rochelle is a body politic and corporate, organized and existing pursuant to the Illinois Municipal Code, 65 ILCS 5/1-1-1, et. seq.; and

**WHEREAS**, pursuant to 65 ILCS 5/11-91-1, the City has the right, upon an affirmative vote of at least three-fourths of the City Council members then holding office, to vacate any street or alley, or part thereof, located within the boundaries of the City whenever the City Council determines that the public interest will be served by vacating the street or alley, or any part thereof; and

**WHEREAS**, Article VIII (Vacation of Rights -of-Way) of Chapter 82 (Streets, Sidewalks and Other Public Places), of the Rochelle Municipal Code, establishes the procedures to be followed upon the filing of a petition to vacate a right-of-way within the City; and

**WHEREAS**, a petition has been received by the City, requesting the City to vacate an alley and a utility easement, shown on Exhibit A hereto and described as follows, which are located within the boundaries of the City and are not presently used as an alley or for utility purposes:

- (i) **Alley Description:** Part of the Alley lying between Lots Three (3), Four (4), Five (5), Six (6), Seven (7) and Eight (8) in block One (1) in Palmer's Second (2nd) Addition to the City of Rochelle, according to the Plat thereof recorded in Book A of Plats, page 80 in the Recorder's Office of Ogle County, Illinois; situated in the Township of Flagg, the County of Ogle and the State of Illinois.
- (ii) **Utility Easement Description:** Part of Lots 1, 2, 8, 9 and 10 of Block 1 of Palmer's Second Addition, and part of Lot 7 of Block 1 of MacConaughy's Second Addition, more particularly bounded and described as follows:

Commencing at the Southwest Corner of Lot 8 of Block 1 of Palmer's Second Addition; thence North 00 degrees 00 minutes 00 seconds East along the West line of said Block 1 of Palmer's Second Addition, said West line being the Easterly Right-of-Way line of Third Street, a distance of 187.22 feet to the Point of Beginning; thence South 64 degrees 15 minutes 51 seconds East, a distance of 190.63 feet; thence North 89 degrees 52

minutes 38 seconds East a distance of 92.48 feet to a point on the Westerly Right-of-Way Line of Second Street; thence North 00 degrees 00 minutes 00 seconds East along said Westerly Right-of-Way Line, a distance of 126.15 feet; thence South 89 degrees 52 minutes 38 seconds West, a distance of 15.00 feet; thence South 00 degrees 00 minutes 00 seconds West, a distance of 96.14 feet; thence South 89 degrees 52 minutes 38 seconds West, a distance of 70.69 feet; thence North 64 degrees 15 minutes 51 seconds West, a distance of 175.28 feet; thence North 00 degrees 00 minutes 00 seconds East, a distance of 78.57 feet; thence South 89 degrees 52 minutes 38 seconds West, a distance of 20.00 feet to a point on the Easterly Right-of-Way Line of Third Street; thence South 00 degrees 00 minutes 00 seconds West along said Easterly Right-of-Way Line, a distance of 101.89 feet to the Point of Beginning; all situated in the City of Rochelle, the County of Ogle and the State of Illinois.

**WHEREAS**, the petitioner, Rochelle Community Hospital Association, an Illinois not-for-profit corporation, the owner of tax parcels 24-24-252-002, 24-24-252-003, 24-24-252-004, 24-24-252-004, 24-24-252-005, 24-24-252-007, 24-24-252-008, 24-24-252-009, 24-24-252-010, is the owner of all of the property abutting the alley to be vacated; and

**WHEREAS**, the petition was referred to the Planning and Zoning Commission, which held a public hearing, after fifteen (15) days published notice, and voted \_\_\_\_\_ to recommend that the petition be granted; and

**WHEREAS**, Rochelle Community Hospital Association has offered to the City, as consideration for the vacating of the portion of the alleyway to be vacated, the terms and agreements of that certain Development Agreement dated April 13, 2015, between the City of Rochelle and the Rochelle Community Hospital Association, including addition easements; and

**WHEREAS**, the City Council, by an affirmative vote of at least three-fourths (3/4) of the City Council members holding office, finds that the public interest, including without limitation the relief to the public from the further burden of maintaining the alley and from liabilities from injuries to the public, and the consideration provided in that certain Development Agreement dated April 13, 2015 between the Rochelle Community Hospital Association and the City, would be served by vacating the alley;

**WHEREAS**, the City Council finds that the foregoing considerations are approximately equivalent to, and represent, the fair market value of the portion of the alleyway and utility easement to be vacated, or of the benefits which will

accrue to the adjacent landowners by reason of the vacation of said alleyway and utility easement; and

**WHEREAS**, the owner of the adjacent properties has designated that the owner of Parcel 24-24-252-008 shall acquire title to the portion of the alleyway to be vacated upon the adoption of this ordinance; and

**WHEREAS**, all other requirements of law have been met;

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCHELLE, OGLE COUNTY, ILLINOIS**, as follows:

1. The alley described as follows:

Part of the Alley lying between Lots Three (3), Four (4), Five (5), Six (6), Seven (7) and Eight (8) in block One (1) in Palmer's Second (2nd) Addition to the City of Rochelle, according to the Plat thereof recorded in Book A of Plats, page 80 in the Recorder's Office of Ogle County, Illinois; situated in the Township of Flagg, the County of Ogle and the State of Illinois.

is hereby vacated, and title to the alley hereby vacated shall be acquired by the owner of tax parcel number 24-24-252-008, and shall become a part of that parcel.

2. The utility easement described as follows:

Part of Lots 1, 2, 8, 9 and 10 of Block 1 of Palmer's Second Addition, and part of Lot 7 of Block 1 of MacConaughy's Second Addition, more particularly bounded and described as follows:

Commencing at the Southwest Corner of Lot 8 of Block 1 of Palmer's Second Addition; thence North 00 degrees 00 minutes 00 seconds East along the West line of said Block 1 of Palmer's Second Addition, said West line being the Easterly Right-of-Way line of Third Street, a distance of 187.22 feet to the Point of Beginning; thence South 64 degrees 15 minutes 51 seconds East, a distance of 190.63 feet; thence North 89 degrees 52 minutes 38 seconds East a distance of 92.48 feet to a point on the Westerly Right-of-Way Line of Second Street; thence North 00 degrees 00 minutes 00 seconds East along said Westerly Right-of-Way Line, a distance of 126.15 feet; thence South 89 degrees 52 minutes 38 seconds West, a distance of 15.00 feet; thence South 00 degrees 00 minutes 00 seconds West, a distance of 96.14 feet; thence South 89 degrees 52 minutes 38 seconds West, a distance of 70.69 feet; thence North 64 degrees 15 minutes

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is hereby vacated.

3. This ordinance shall become effective upon its passage, approval and recordation.

PASSED AND APPROVED this 27<sup>th</sup> day of July, 2015.

Ayes: \_\_\_\_\_ Nays: \_\_\_\_\_ Abstain: \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attested: \_\_\_\_\_  
City Clerk

**EXHIBIT A**  
**(Vacation Plat)**

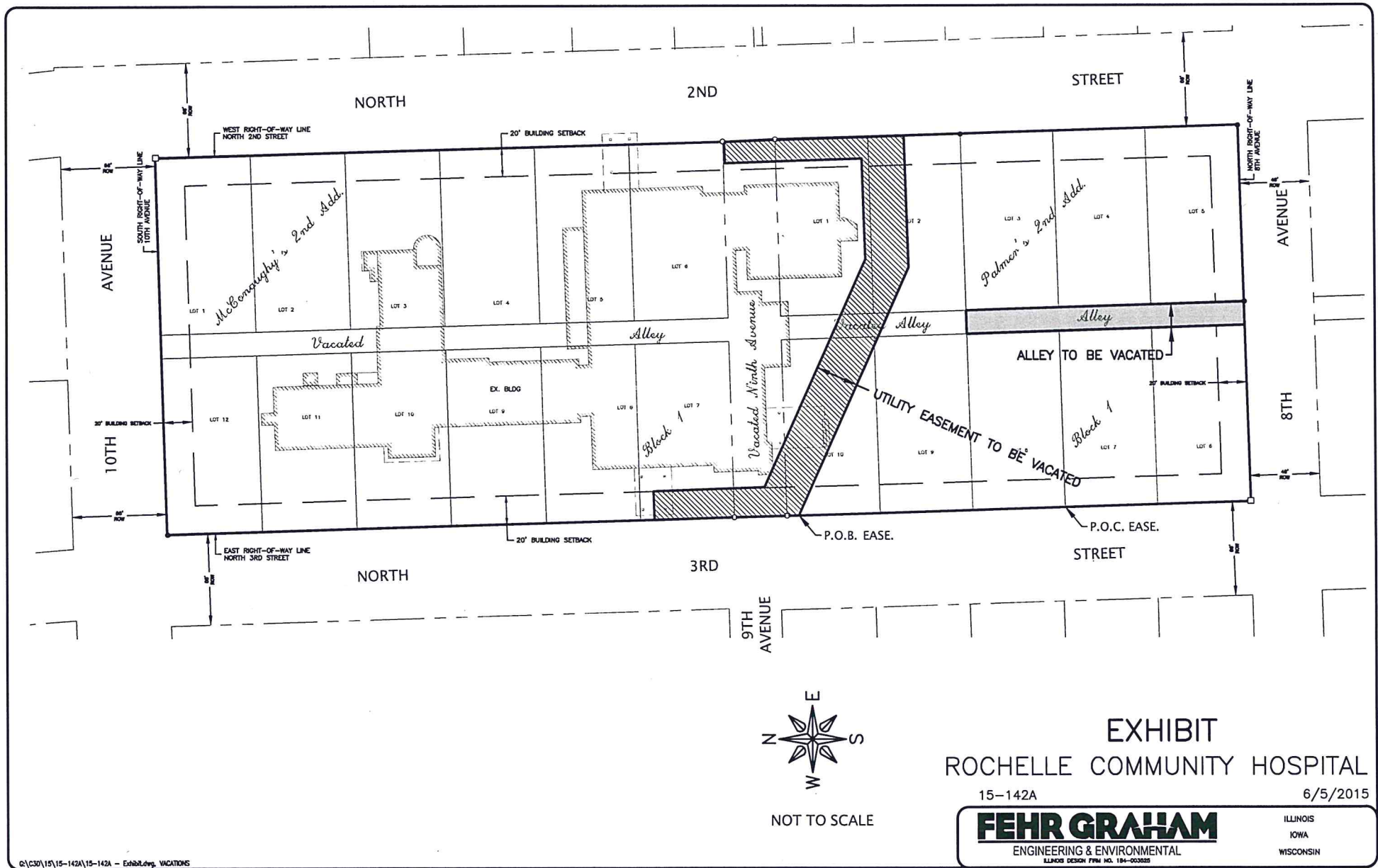


EXHIBIT  
 ROCHELLE COMMUNITY HOSPITAL

15-142A 6/5/2015

**FEHR GRAHAM**  
 ENGINEERING & ENVIRONMENTAL  
ILLINOIS DESIGN FIRM NO. 184-002655

ILLINOIS  
 IOWA  
 WISCONSIN

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©(CSD)15-142A(15-142A - Exhibits) VACATIONS  
 PLOT DATE 6/2/15