

ORDINANCE NO. 96-3

96-3

ORDINANCE AUTHORIZING THE EXTENSION OF OAK STREET
TO ELM STREET IN THE VILLAGE AND ACQUISITION OF
REAL ESTATE THEREFOR BY EMINENT DOMAIN

WHEREAS, there is only one point of ingress and egress from Donovan's Addition to the Village of Chapin, Morgan County, Illinois, that being Oak Street onto Illinois Route 104; and

WHEREAS, the corporate authorities, after considering the concerns expressed by Village residents, have determined that this poses a potential hazard for Village residents in that they must exit onto the highway and for parents and school-age children in that they must enter onto the highway to reach the school bus pick-up point or trespass across neighboring properties; and

WHEREAS, the corporate authorities have further determined that this poses a potential hazard by restricting the access of fire and rescue vehicles; and

WHEREAS, the corporate authorities have determined that concerns for protecting the health, safety and welfare of all Village residents warrant the extension of Elm Street to Oak Street as detailed on the Right of Way Map attached hereto as Appendix 1; and

WHEREAS, the extension of Elm Street to Oak Street will enhance the economic development of the Village thereby benefiting all residents of the Village; and

WHEREAS, pursuant to the Illinois Municipal Code the corporate authorities are authorized to purchase real estate necessary for street purposes; and

WHEREAS, the corporate authorities for the Village of Chapin believe that it is in the best interest of the Village of Chapin to purchase certain real estate to extend Elm Street to Oak Street; and

WHEREAS, the Village of Chapin finds it useful, advantageous, and necessary for municipal purposes and public welfare to acquire fee simple title in and to certain real estate to construct said street extension; and

WHEREAS, the Village of Chapin has previously purchased the real estate identified as Parcel II on the Right of Way Map attached hereto as Appendix 1; and

WHEREAS, the Village of Chapin, Illinois, through the Chipman Agency, as agent for the Village, has made an offer to the owner of Parcel I as identified on said Right of Way Map to purchase at its appraised fair market value the fee simple title to said real

estate, plus estimated expense for moving the mobile home located thereon, but no response has been received to said offer.

NOW, THEREFORE, BE IT ORDAINED, by the President and Board of Trustees of the Village of Chapin, Morgan County, Illinois, as follows:

Section 1. That the above recitals be, and hereby are, adopted as findings of the corporate authorities of the Village of Chapin, Morgan County, Illinois.

Section 2. That construction of the extension of Elm Street to Oak Street in the Village of Chapin, Illinois at an estimated cost of \$45,000.00 to be paid from general corporate fund revenues, including without limitation street and maintenance fund revenues, motor fuel tax funds, and such other sums as the Village may appropriate is hereby approved.

Section 3. That pursuant to the provisions of Division 61 of the Illinois Municipal Code (65 ILCS 5/11-61-1 et seq.), the Village of Chapin, Morgan County, Illinois shall acquire fee simple title in the following described real estate, to wit:

Part of the West Half (W 1/2) of the Southwest Quarter (SW 1/4) of Section 2, Township 15 North, Range 12 West of the Third Principal Meridian, Morgan County, Illinois, being more particularly described as follows:

Beginning at the Southwest corner of Lot 12 in Wm. B. Markham's Addition to the Village of Chapin, Illinois; Thence South 89°44'30" West along the North line of North Street a distance of 60 feet; Thence North 00°00'00" East a distance of 120 feet; Thence North 89°44'30" East a distance of 60 feet to a point on the West line of said Lot 12; Thence South 00°00'00" West along said West line a distance of 120 feet to the Point of Beginning;

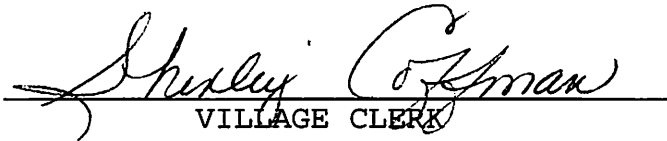
Said parcel containing 0.16 acres, more or less.

Section 4. That the Village of Chapin, Morgan County, Illinois, having failed to reach agreement for the acquisition of fee simple title to said real estate, authorizes and directs counsel for the Village, to wit: Rammelkamp, Bradney, Dahman, Kuster, Keaton, Fritsche & Lindsay, P.C., to institute judicial actions for the Village of Chapin, Illinois, to take fee simple title to said real estate by eminent domain, and the duly authorized officers and agents of the Village of Chapin, Illinois are hereby authorized to pay all of the Village's costs connected with such judicial action, service of summons, attorney's fees, and all others costs necessary for the prosecution of said eminent

domain proceedings, and to execute any and all documents necessary for the prosecution of said eminent domain proceedings.

Section 5. This Ordinance shall be in full force and effect upon its passage, and publication if required by law, and any ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

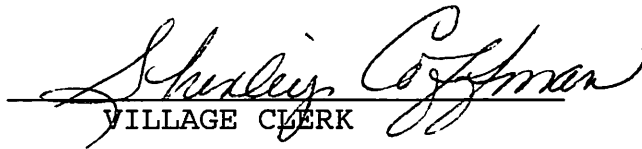
PASSED at a regular meeting the of Board of Trustees of the Village of Chapin, Morgan County, Illinois, on the 2 day of July, 1996.

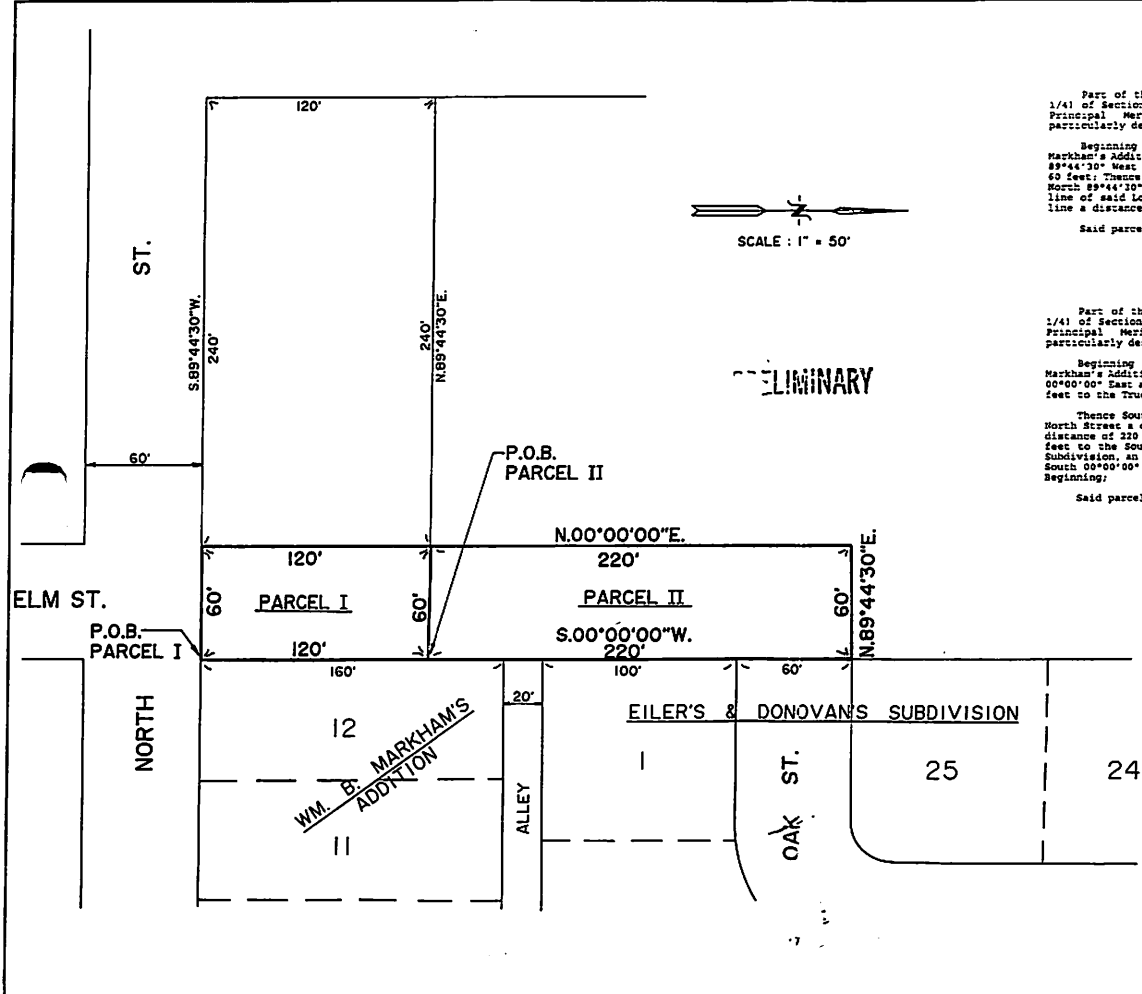

VILLAGE CLERK

APPROVED this 2 day of July, 1996.


VILLAGE PRESIDENT

ATTEST:


VILLAGE CLERK



LEGAL DESCRIPTION

PARCEL I

Part of the West Half (W 1/2) of the Southwest Quarter (SW 1/4) of Section 2, Township 15 North, Range 12 West of the Third Principal Meridian, Morgan County, Illinois, being more particularly described as follows:

Beginning at the Southwest corner of Lot 12 in Wm. B. Markham's Addition to the Village of Chapin, Illinois; Thence South 89°44'30" West along the North line of North Street a distance of 60 feet; Thence North 00°00'00" East a distance of 120 feet; Thence North 89°44'30" East a distance of 60 feet to a point on the West line of said Lot 12; Thence South 00°00'00" West along said West line a distance of 120 feet to the Point of Beginning;

Said parcel containing 0.16 acres, more or less.

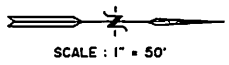
PARCEL II

Part of the West Half (W 1/2) of the Southwest Quarter (SW 1/4) of Section 2, Township 15 North, Range 12 West of the Third Principal Meridian, Morgan County, Illinois, being more particularly described as follows:

Beginning at the Southwest corner of Lot 12 in Wm. B. Markham's Addition to the Village of Chapin, Illinois; Thence North 00°00'00" East along the West line of said Lot 12 a distance of 120 feet to the True Point of Beginning;

Thence South 89°44'30" West parallel with the North line of North Street a distance of 60 feet; Thence North 00°00'00" East a distance of 120 feet; Thence North 89°44'30" East a distance of 60 feet to the Southwest corner of Lot 25 in Eiler's and Donovan's Subdivision, in addition to the Village of Chapin, Illinois; Thence South 00°00'00" West a distance of 120 feet to the True Point of Beginning;

Said parcel containing 0.30 acres, more or less.



PRELIMINARY

SURVEYOR'S STATEMENT :

I, GEORGE E. LOCKHART, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF ILLINOIS, DO HEREBY STATE THAT THE MAP AND DESCRIPTIONS SHOWN HEREON WERE PREPARED UNDER MY SUPERVISION.

George E. Lockhart
 GEORGE E. LOCKHART
 PROFESSIONAL ILLINOIS LAND SURVEYOR #2485
 JACKSONVILLE, ILLINOIS



ORDERED BY	J.R.C.	RIGHT-OF-WAY MAP FOR VILLAGE OF CHAPIN, ILLINOIS CHAPIN, ILLINOIS <i>Boston and Associates, Inc.</i> <small>CONSULTING ENGINEERS/LAND SURVEYORS</small> <small>870 West Lafayette Ave. Jacksonville, Illinois 62202</small>
DRAWN BY	J.E.L.	
CHECKED BY	J.E.L.	
DATE	12-22-00	
DATE		SCALE: 1" = 50'
		PROJECT NO. S-2250
		SHEET