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**ORDINANCE NO. 2115**

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**AN ORDINANCE VACATING A NEVER DEVELOPED ROADWAY RUNNING NORTH  
AND SOUTH LOCATED SOUTH OF ILLINOIS ROUTE 16, NORTH OF A  
PREVIOUSLY VACATED ROADWAY FORMERLY KNOWN AS RANDALL STREET,  
IN THE CITY OF NOKOMIS, ILLINOIS**

**ADOPTED BY THE**

**CITY COUNCIL**

**OF THE**

**CITY OF NOKOMIS, ILLINOIS**

**THIS 26<sup>TH</sup> DAY OF FEBRUARY, 2024**

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Published in pamphlet form by the authority of the City Council of the City of  
Nokomis, Montgomery County, Illinois, this 26<sup>th</sup> day of February, 2024.

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*This Space for Recorder of Deeds*

**CITY OF NOKOMIS, ILLINOIS**

**Ordinance No. 2115**

**AN ORDINANCE VACATING A NEVER DEVELOPED ROADWAY RUNNING NORTH  
AND SOUTH LOCATED SOUTH OF ILLINOIS ROUTE 16, NORTH OF A  
PREVIOUSLY VACATED ROADWAY FORMERLY KNOWN AS RANDALL STREET,  
IN THE CITY OF NOKOMIS, ILLINOIS**

**WHEREAS**, the City of Nokomis, Illinois (the "City") an Illinois non-home rule municipal corporation pursuant to Article VII, § 8 of the 1970 Illinois Constitution, organized and operating under the Illinois Municipal Code, 65 ILCS 5/1-1-1, *et seq.*; and

**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 11-91-1 of the Illinois Municipal Code (65 ILCS 5/11-91-1) provides further that a notice of public hearing and the conduct of a public hearing is required before a vacation ordinance can be enacted if the street or alley under the municipality's jurisdiction is located in an unincorporated area, but no such notice and hearing is required if the street or alley is located in an incorporated area of the municipality; and

**WHEREAS**, the street or alley to be vacated herein is located in an incorporated area of the City; and

WHEREAS, the corporate authorities of the City have determined that the fifty feet (50') wide never developed roadway that runs north and south from the South line of State Route 16 to the North line of the previously vacated Short Street is no longer necessary, appropriate, or required for the use of or profitable to the City of Nokomis and that the public interest will be subserved by the vacation of the roadway, including, but not limited to, the relief to the City from further burden and responsibility of maintaining the roadway, or part thereof, said roadway being depicted on the Plat of Survey attached to this Ordinance as "**EXHIBIT A**"; and

WHEREAS, the corporate authorities of the City have determined this street or alley was originally surveyed, platted, and dedicated as a roadway, formerly known as Randall Street, but was never developed or maintained as a street or an alley or used by the public, and that Randall Street was previously vacated, except for that portion identified in the preceding paragraph; and

WHEREAS, the parcels abutting upon the roadway are P.I.N. 08-22-403-001 and a portion of P.I.N. 08-22-454-012 to the east and P.I.N. 08-22-454-012 to the west, which parcels are presently owned by the City; and

WHEREAS, *at least three-fourths of the corporate authorities now holding office* has determined the public interest would be best served if the said roadway is vacated, and that the parcels abutting the said roadway to the east and to the west should acquire title to the said roadway.

***NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NOKOMIS, MONTGOMERY COUNTY, ILLINOIS, AS FOLLOWS:***

**SECTION 1:** The recitals contained above in the preamble of this Ordinance are hereby incorporated herein by reference, the same as if set forth in this Section of this Ordinance verbatim, as findings of the City Council of the City of Nokomis, Illinois.

**SECTION 2:** Pursuant to Section 11-91-1 of the Illinois Municipal Code, 65 ILCS 5/11-91-1, the City hereby vacates the following described roadway, said roadway being depicted on the Plat of Survey attached to this Ordinance as "**EXHIBIT A**":

**All that part of the 50 feet wide roadway lying west of and adjacent to Lots One (1) through Sixteen (16) in Block One (1) in Miller's Division of Blocks 5, 6, 7, 18, 19, 20, 21, 22 and**

**Part of Blocks 9 and 7 in Randall and Miller's Subdivision  
in the City of Nokomis, Montgomery County, Illinois.**

**SECTION 3:** The City of Nokomis shall retain an easement as particularly described in the Plat of Survey ("**Exhibit A**" hereto) as "Land Surveyor Description of Proposed Water Line Easement".

**SECTION 4:** The City of Nokomis does hereby and herewith and shall hereafter retain easements as may be necessary and desirable, in the judgment of the City, for the continuance, renewal, servicing, maintenance, and reconstruction or relocation of public or private utility facilities, including, but not limited to, water, gas, electric, sewer, storm sewer, cable, and telephone.

**SECTION 5:** The permanent index numbers of the land abutting the east one-half (1/2) of the roadway described above are as follows:

P.I.N. 08-22-403-001 & 08-22-454-012

The permanent index number of the land abutting the west one-half (1/2) of the roadway described above is as follows:

P.I.N. 08-22-454-012

**SECTION 6:** Upon vacation of the above-described alleyway, title to the east one-half (1/2) of the roadway shall be acquired and vest in the record owner of the land abutting the east side of the vacated alley (*i.e.*, the City) for the extent of the common borders of their respective parcels with the said alleyway, and title to the west one-half (1/2) of the roadway shall be acquired and vest in the record owner of the land abutting the west side of the vacated alley (*i.e.*, the City) for the extent of the common borders of their respective parcels with the said alleyway.

**SECTION 7:** This Ordinance shall be recorded by the City Clerk with the Recorder of Deeds of Montgomery County, Illinois, and the Mayor of Nokomis is hereby authorized to do any and all things reasonable, necessary, and proper to accomplish the closing and vacation of said alley as a matter of public record and as provided by law.

**SECTION 8:** All ordinances, resolutions, motions, or parts thereof in conflict with this Ordinance are hereby superseded, and this Ordinance shall be in full force and effect upon its adoption, approval, and publication as required by law.

**SECTION 9:** The Mayor is authorized and directed to sign and the Clerk is authorized and directed to attest to this Ordinance.

PASSED this 26<sup>th</sup> day of February, 2024, by roll call votes as follows:

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>	<u>Present</u>
Commissioner Arkebauer	X			X
Commissioner Morris			X	
Commissioner Glenn	X			X
Commissioner Stauder	X			X
Mayor Goldsmith	X			X

APPROVED by the Mayor of the City of Nokomis, Illinois this 26<sup>th</sup> day of February, 2024.

ATTEST:

  
MAYOR

  
CITY CLERK

**“Exhibit A”**

**Plat of Survey**



# Plat of Survey

Part of Block One (1) and Two (2) in Miller's Division to the City of Nokomis,  
Montgomery County, Illinois

Division of County Tax Parcel #'s  
08-22-454-012  
08-22-403-001

(City of Nokomis)  
Project No. 009-2024  
Field Notes in File

Survey prepared at the request of Dylan  
Goldsmith, Mayor of Nokomis

## Quitclaim Record Book 170 Page 11

Lots One, (1), Two (2), Three (3), Four (4), Five (5), Six (6), Seven (7), Eight, (8), Nine, (9), Ten (10), Eleven (11), Twelve (12), Thirteen (13), and Fourteen (14) in Block One (1) in Miller's Division of Block's 5, 6, 7, 18, 19, 20, 21, 22, and Part of Block's 9 and 7 in Randall and Miller's Subdivision in the Town of Nokomis.

## Vacation of Roadways Misc. Book 19 Page 185

The road nineteen feet in width adjoining Lots 17 to 34, both inclusive on the East side thereof in Block One (1) in Miller's Division of Blocks 5, 6, 7, 18, 19, 20, 21, and 22 and Parts of Blocks 9 and 17, all in Miller & Randall's Sub-Division in the Town of Nokomis, County of Montgomery and State of Illinois, the road 18 feet in width adjoining said Block 1 of said Division on the south for the entire length of said road, the road in said Division named Short Street for the entire length of said road; the road in said Division named Randall Street from the North line of Short Street to the South line of Cherokee Street; the road in said Division named Cherokee Street from the West line of Randall Street to the East line of Gipson Street; the road running East and West through Block 4 of said Division from the West line of Randall Street to the East line of Gipson Street; the road running East and West through Block 3 of said Division from the West line of Randall Street to a point 425 feet West of said West line of Randall Street; the road running East and West through Block 2 in said Division; Roberts Street from the West line of Randall Street to the East line of Gipson Street in said Division.

## Warranty Deed Book 204 Page 559

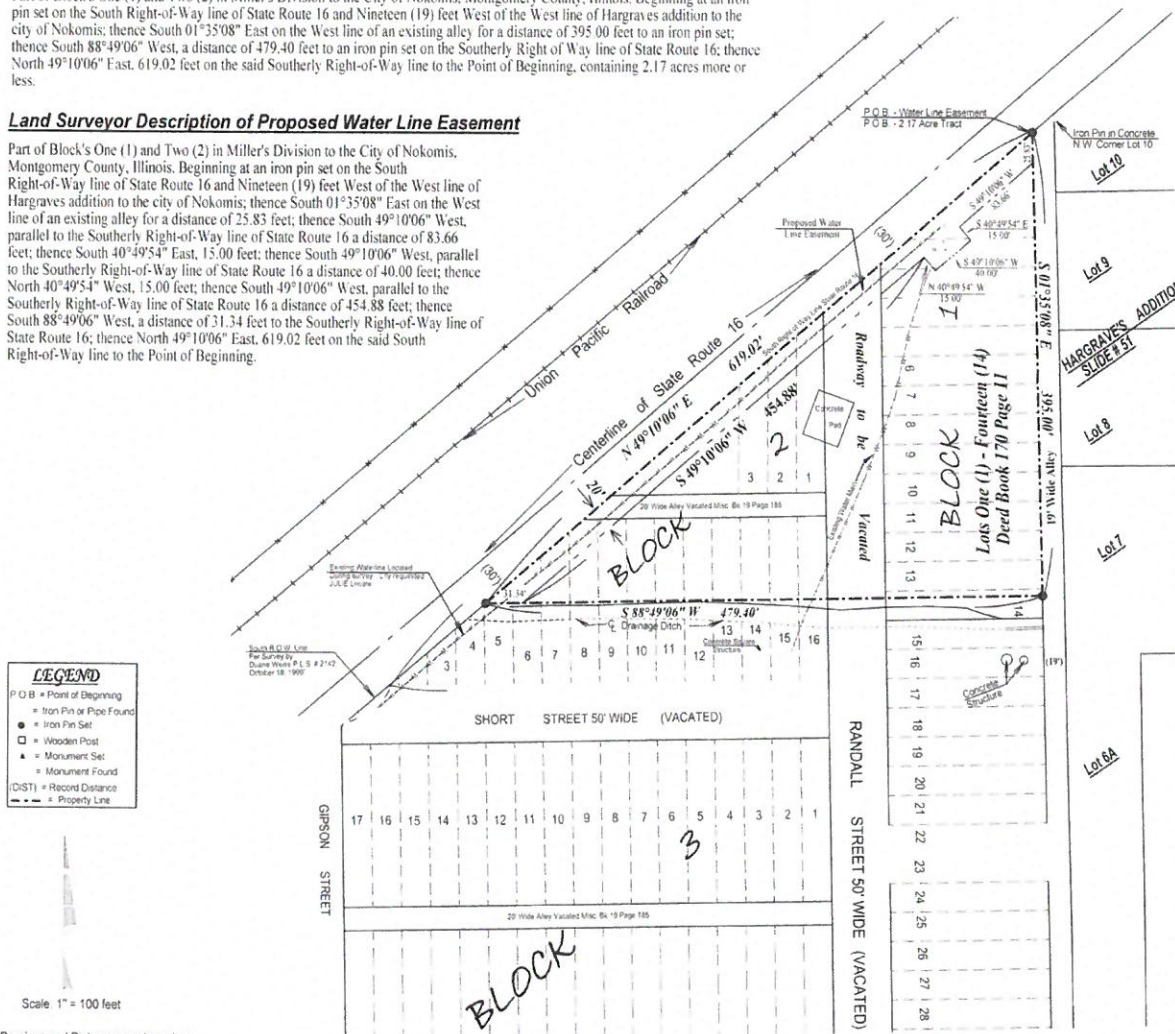
Block One (1) except Lot One, (1), Two (2), Three (3), Four (4), Five (5), Six (6), Seven (7), Eight, (8), Nine, (9), Ten (10), Eleven (11), Twelve (12), Thirteen (13), and Fourteen (14); and all of Block Two (2); and all of Block Three (3) except lots eighteen (18), nineteen (19), twenty, (20), twenty-one (21), twenty-two (22), twenty-three (23), twenty-four (24), twenty-five (25), twenty-six (26), twenty-seven (27), twenty-eight (28), twenty-nine (29), thirty (30), thirty-one (31), and thirty-two (32); and all of Block Four (4); all of said lots and blocks being situated in Miller's Division of Blocks Five (5), Six (6), seven (7), eighteen (18), nineteen (19), twenty, (20), twenty-one (21), twenty-two (22), and part of Blocks nine (9) and seventeen (17) in Randall and Miller's Sub-division, in the Town of Nokomis, Montgomery County, Illinois.

## Land Surveyor Description of 2.17 Acre Parcel

Part of Block's One (1) and Two (2) in Miller's Division to the City of Nokomis, Montgomery County, Illinois. Beginning at an iron pin set on the South Right-of-Way line of State Route 16 and Nineteen (19) feet West of the West line of Hargraves addition to the city of Nokomis; thence South 01°35'08" East on the West line of an existing alley for a distance of 395.00 feet to an iron pin set; thence South 88°49'06" West, a distance of 479.40 feet to an iron pin set on the Southerly Right of Way line of State Route 16; thence North 49°10'06" East, 619.02 feet on the said Southerly Right-of-Way line to the Point of Beginning, containing 2.17 acres more or less.

## Land Surveyor Description of Proposed Water Line Easement

Part of Block's One (1) and Two (2) in Miller's Division to the City of Nokomis, Montgomery County, Illinois. Beginning at an iron pin set on the South Right-of-Way line of State Route 16 and Nineteen (19) feet West of the West line of Hargraves addition to the city of Nokomis; thence South 01°35'08" East on the West line of an existing alley for a distance of 25.83 feet; thence South 49°10'06" West, parallel to the Southerly Right-of-Way line of State Route 16 a distance of 83.66 feet; thence South 40°49'54" East, 15.00 feet; thence South 49°10'06" West, parallel to the Southerly Right-of-Way line of State Route 16 a distance of 40.00 feet; thence North 40°49'54" West, 15.00 feet; thence South 49°10'06" West, parallel to the Southerly Right-of-Way line of State Route 16 a distance of 454.88 feet; thence South 88°49'06" West, a distance of 31.34 feet to the Southerly Right-of-Way line of State Route 16; thence North 49°10'06" East, 619.02 feet on the said South Right-of-Way line to the Point of Beginning.



**LEGEND**  
P.O.B. = Point of Beginning  
● = Iron Pin or Pipe Found  
○ = Iron Pin Set  
□ = Wooden Post  
▲ = Monument Set  
▲ = Monument Found  
(DIST) = Record Distance  
--- = Property Line

Scale 1" = 100 feet

Bearings and Distances are based on  
Illinois State Plane Coordinate System  
-NAD 83 WestZone

## Survey Notes:

- 1.) The field and office procedures were performed by me, or under my direct supervision in the month of February 2024.
- 2.) No investigation was made concerning environmental or subsurface conditions or the existence of underground utilities or easements in the course of this survey.
- 3.) No investigation was made concerning the compliance or non-compliance with local zoning ordinances in the effect, if any, in the course of this survey.
- 4.) The boundary of this property was determined by the physical location of existing monuments in Section 22 and within the Recorded Subdivision.
- 5.) This professional service abides with the current minimum standards applicable to boundary surveys in Illinois.
- 6.) The Right of Way is based on information provided by the State and recorded documentation recovered in the course of this survey.
- 7.) In order to express detail of subject area, other survey field evidence recovered is not shown hereon.
- 8.) Survey includes an area of Randall Street to be vacated lying North of the North line of Short Street extended.

## Surveyor's Certificate

I Joseph A. Beyers, Illinois Professional Land Surveyor Number 4032, do hereby certify to the best of my knowledge and belief that this plat correctly represents the results of a survey performed in the month of February, in accordance with state statutes governing survey work in the state of Illinois.

February 10, 2024

*Joseph A. Beyers*  
Joseph A. Beyers  
IL Professional Land Surveyor No. 4032  
(License Expires November 30, 2024)



STATE OF ILLINOIS                    )  
COUNTY OF MONTGOMERY        )     SS.  
CITY OF NOKOMIS                    )

**CERTIFICATE**

I certify that I am the duly appointed and acting City Clerk of the City of Nokomis, Montgomery County, Illinois, and, as such, am the keeper of records and seal thereof; that the foregoing is a true, complete, and correct copy of Ordinance No. 2115 of said City; that said Ordinance, which is


AN ORDINANCE VACATING A NEVER DEVELOPED ROADWAY RUNNING NORTH AND SOUTH LOCATED SOUTH OF ILLINOIS ROUTE 16, NORTH OF A PREVIOUSLY VACATED ROADWAY FORMERLY KNOWN AS RANDALL STREET, IN THE CITY OF NOKOMIS, ILLINOIS

was passed by the City Council of the City of Nokomis, Montgomery County, Illinois, by ye and nay vote on the 26<sup>th</sup> day of February, 2024; that said Ordinance was passed ***by a vote of at least three-fourths of the corporate authorities now holding office***; that said Ordinance was approved by the Mayor on the 27<sup>th</sup> day of February, 2024; and that said Ordinance was then deposited in the office of the City Clerk of said City and filed therein; and that the same was recorded in the Record of Ordinances of said City.

I further certify said Ordinance provided by its terms that it should be published in pamphlet form; that the pamphlet form of said Ordinance, including the Ordinance and a cover sheet thereof, was prepared; that a copy of such Ordinance was posted in the Nokomis City Hall, commencing on the 27<sup>th</sup> day of February, 2024, to continue for at least ten (10) days thereafter; and that copies of such Ordinance were also available for public inspection upon request in the office of the City Clerk.

DATED at Nokomis, Illinois, this 27<sup>th</sup> day of February, 2024.

(SEAL)

  
\_\_\_\_\_  
City Clerk