

**ORDINANCE 23-2022**

“AN ORDINANCE VACATING A PORTION OF SPRING STREET IN  
THE VILLAGE OF GODFREY, ILLINOIS”

**ORDINANCE NO. 23-2022**

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**ADOPTED BY THE  
VILLAGE BOARD  
OF THE  
VILLAGE OF GODFREY**

**THIS 4th DAY OF OCTOBER, 2022**

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Published in pamphlet form by authority of the Village Board  
of the Village of Godfrey, Madison County, Illinois, this 5th  
day of October, 2022.

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**AN ORDINANCE VACATING A PORTION OF SPRING STREET IN THE VILLAGE OF GODFREY, ILLINOIS**

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**WHEREAS**, the Village of Godfrey, Madison County, Illinois (hereinafter “Village”), is a non-home rule municipality duly established, existing and operating in accordance with the provisions of the Illinois Municipal Code (Section 5/1-1-1 et seq. of Chapter 65 of the Illinois Compiled Statutes); 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 served by said vacation; and

**WHEREAS**, Section 11-91-2 of the Illinois Municipal Code (65 ILCS 5/11-91-1) provides that upon the vacation of an 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**, the Village of Godfrey desires to vacate a portion of Spring Street, consisting of a 414.82 foot (North/South) x 66 Foot (East West) strip of land, within the Village and more accurately depicted on the Plat of Vacation, attached hereto and incorporated herein as Exhibit “A”; and

**WHEREAS**, the adjoining property owners have been notified of the pending vacation, and, multiple adjoining landowners indicated that they have interest in purchasing the vacated portion of Spring Street adjoining their property, while the remaining land owners have waived their interest in the adjoining portions of Spring

Street, and those interested parties and waiving parties are more particularly identified below.

**WHEREAS**, a public hearing has been held by the corporate authorities of the Village of Godfrey pursuant to appropriate notice published at least fifteen (15) days prior thereto by the Village Clerk at which hearing all interested persons were heard concerning the proposed vacation; and

**WHEREAS**, the Village Board has determined that said vacation will not materially damage or impair access to any property owner and that the public interest will be served by vacating the portion of said street; and

**WHEREAS**, in accordance with State Statute, the Village further finds the vacated real property, as outlined above, is no longer necessary, appropriate, required for the use of, profitable to, or for the best interests of the Village of Godfrey; and

**WHEREAS**, the Village of Godfrey finds that, through this vacation, the public will be relieved from further burden and responsibility of maintaining this portion of Spring Street; and

**WHEREAS**, the Village Board finds that the public interest will be served by vacating said portion of Spring Street, within the Village of Godfrey, subject to the Village reserving an easement for utilities, such as an Ameren UE Easement, to serve the public;

**NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF TRUSTEES OF THE VILLAGE OF GODFREY, ILLINOIS, AS FOLLOWS:**

**SECTION 1.** The above recitals are set forth herein as specific findings of fact made by the Village of Godfrey.

**SECTION 2.** This Ordinance is adopted in compliance with the authority granted to the Village of Godfrey, Illinois, by the statutes of the State of Illinois 65 ILCS 5/11-91-1 et seq.

**SECTION 3.** The Board of Trustees of the Village of Godfrey, Illinois hereby vacates a portion of the above referenced Spring Street Right of Way, which is more particularly identified in the Plat of Vacation, a true and accurate copy of which is attached hereto and incorporated herein as **Exhibit "A"**, and described as follows:

All of Spring Street (66 feet wide), lying between Block 33 and Block 34 in the Town of Monticello, a subdivision, according to the plat thereof recorded in Plat Book 19, Page 37 of the Madison County records, located in the Southwest Quarter of Section 23, Township 6 North, Range 10 West of the Third Principal Meridian, Village of Godfrey, Madison County, Illinois, described as follows:

Beginning at an iron pipe found at the Southeast corner of Lot 1 in said Block 33, being on the west right of way line of said Spring Street; thence N 00°10'00" W, 414.82 feet along said west right of way line (basis of bearings is the IL State Plane Coordinate System West Zone, NAD83) to an iron pipe found at the Northeast corner of Lot 8 in said Block 33 on the North line of said Town of Monticello; thence S 89°56'36" E, 66.00 feet along said North line to a crimped pipe found at the Northwest corner of Lot 9 in said Block 34 being on the East right of way line of said Spring Street; thence S 00°10'00" E, 414.92 feet along said East right of way line to an iron pipe found at the Southwest corner of Lot 16 in said Block 34; thence N 89°51'40" W, 66.00 feet along the North right of way line of Mulberry Street (66 feet wide) to the Point of Beginning, containing 27,381 square feet or 0.629 acres of land, more or less.

Subject to all rights of way, easements, covenants and restrictions of record, if any.

There is reserved unto Ameren of Illinois Utility Company, the right to operate, maintain, replace, a pipeline within a Fifteen (15) foot wide strip of land within the Western Portion of Spring Street. The center line of said Fifteen (15) foot strip shall be established as the longitudinal center of said natural gas pipeline as initially constructed. Upon any reconstruction, removal, replacement or substitution of said natural gas pipeline, in whole or in part, the location of said pipeline and appurtenances therein may be modified, however as nearly as practical, such pipeline and appurtenances shall be located over and upon said centerline of the natural gas pipeline as theretofore constructed or erected.

**SECTION 4.** That there is reserved to the Village of Godfrey, Illinois, and to public utilities, such property, rights-of-way and easements as are necessary and desirable for continuing public service and for the maintenance, renewal and reconstruction of such

public service utilities now located in or on the portion of property vacated by this Ordinance. The Village of Godfrey shall not be responsible for any necessary and reasonable damage done to the vacated property or to any improvement located thereon as a result of the exercise of the aforementioned retained rights or easements in the future.

**SECTION 5.** That the Vacated portion of Spring Street shall be vested in and transferred to the following adjoining land owners, to wit: Mark Alan Stewart and Audrey Jane Stewart, husband and wife, as joint tenants; and Matthew Vitali in fee simple. The vacated portion of Spring Street shall be divided as follows:

The western 33' of the northernmost 100' of the right of way shall be vested in and transferred to Matthew Vitali, as delineated and marked in Exhibit A, and shall join the adjoining land commonly known as 611 Ernest Drive, Godfrey, IL 62035, and described as:

Lots 7 and 8 in Block 33 In Monticello, according to the Plat thereof recorded In Plat Book 4 Page 16 and recopied in Plat Book 19 Page 37, in the Recorder's Office of Madison County, Illinois.

Permanent Parcel No. 24-2-01-23-03-302-050.002

The entire remaining larger portion of the right of way shall be vested in and transferred to Mark Alan Stewart and Audrey Jane Stewart, and shall join the adjoining land described as:

All that part of Block Thirty-Four (34) lying West of the Chicago and Alton Railroad Company (Now known as the Gulf, Mobile and Ohio Railroad Company) in Monticello, a subdivision according to the Plat thereof recorded in the Recorder's Office of Madison County, Illinois in Plat Book 4 Page 16 and recopied In Plat Book 19 Page 37, In Madison County, Illinois.

Permanent Parcel No. 24-2-01-23-03-302-050.003

**SECTION 6.** All other adjoining land owners, in addition to Mark Alan Stewart and Audrey Jane Stewart, and Matthew Vitali, have waived their rights to any portion of the Vacated Spring Street, and as a result, these owners shall not have the adjoining portions of Spring Street vested in and transferred to the following land owners, to wit: Karman G. Fairless and Ellen A. Fairless; Jennifer Lynn Thomeczek; Gerald A. Conner and Carole C. Conner; The Heirs of Jessie F. Crawford; The Heirs of James Squire; and Kathleen Sowders. Their disclaimers of interest, waiving their rights, are attached hereto as **Exhibit "B", Exhibit "C", Exhibit "D", and Exhibit "E"**.

**SECTION 7.** This Ordinance shall not become effective until and unless the following acts are completed:

The Village Clerk receives payment in full of all cost associated with the adoption of this Ordinance namely, the publication costs, engineering fees for the required plat or legal descriptions, if any, and the anticipated filing fees payable to the Madison County officials for the recording of this Ordinance and related plat.

Upon recording this Ordinance with the accompanying plat, the Village Clerk shall be verifying that all costs required herein have been properly paid and received by the Village of Godfrey.

A certified plat signed and sealed by an Illinois Licensed Land Surveyor is presented to the Clerk for recording with the Madison Recorder of Deeds and Maps and Plats Department setting forth the exact legal description and survey depiction of the Vacated Parcel of Spring Street.

**SECTION 8.** All ordinances or parts of other ordinances in conflict herewith shall be and are repealed to the extent of any such conflict. Nothing in this Ordinance shall be construed to affect any suit or proceeding now pending in any court, any rights acquired, any liability incurred, any cause of action acquired or existing by reason of any ordinance or any part thereof by this Ordinance. No accrued legal right or remedy of any kind or character shall be lost, impaired or affected by this Ordinance.

**SECTION 9.** The Village President is hereby authorized to execute and deliver and the Clerk and the same is hereby authorized to attest to said execution of a Plat of the vacated Property, in substantially the form of the copy of the Plat of Vacation attached hereto and hereby incorporated by reference.

**SECTION 10.** The Clerk is directed to record a certified copy of this Ordinance with the Madison County Office of the Recorder of Deeds.

**SECTION 11.** The Property is hereby found no longer necessary or useful or profitable to the City.

**SECTION 12 - EFFECTIVE:** This Ordinance shall be effective immediately upon its passage and publication as provided by law.

ORDINANCE NO: 23-2022

**PASSED** this 4<sup>th</sup> day of October, 2022.

Roll Call Vote:

VOTING AYE:

Weber

McAtee

Allen

Woulfe-Beile

Lauschke

Woodman

VOTING NAY:

NONE

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

ABSENT:

NONE

\_\_\_\_\_

**APPROVED** by the President of the Village of Godfrey, Illinois, this 4<sup>th</sup> day of October, 2022.

Michael J. McCormick, Village President

ATTESTED, Filed in my office,  
and published in pamphlet form  
This 5<sup>th</sup> day of October, 2022.

Bethany A. Bohm, Godfrey Village Clerk



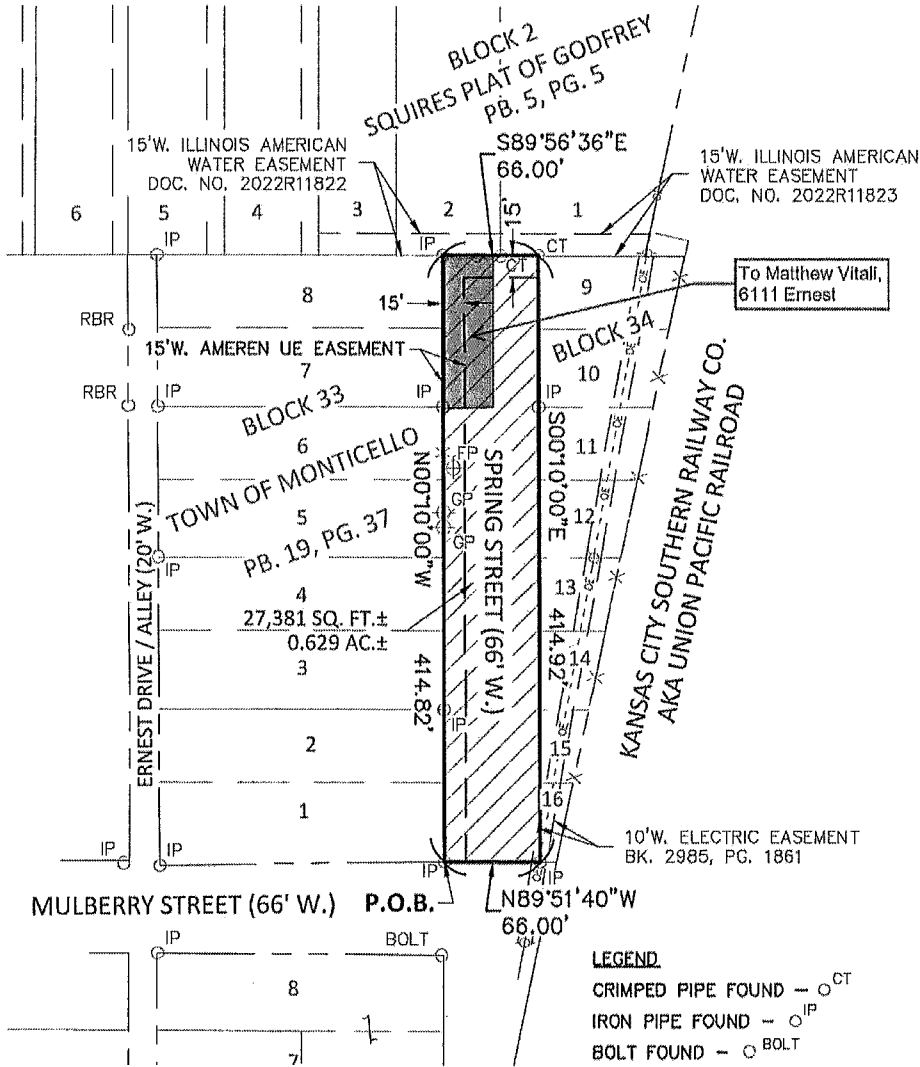
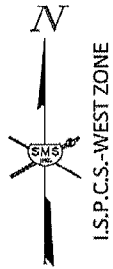
Sheppard, Morgan & Schwaab, Inc.  
 CONSULTING ENGINEERS AND LAND SURVEYORS  
 215 Market Street, Allon, IL 62002 618/462-9765 E-mail: mail@smsengineers.com

DWN BY: G.F. DWG # GT-2651\*  
 CK BY: P.F. REF BK 5123, PG 19  
 GODFREY, VILLAGE OF (530720) STREET VACATION.dwg  
 DESIGN FIRM # 184-000992

**EXHIBIT "A"**

PART OF SPRING STREET TO BE VACATED BY THE VILLAGE OF GODFREY  
 BY ORDINANCE NO. \_\_\_\_\_

LOCATED IN THE SW. 1/4 OF SECTION 23, TOWNSHIP 6 NORTH,  
 RANGE 10 WEST OF THE THIRD PRINCIPAL MERIDIAN,  
 VILLAGE OF GODFREY, MADISON COUNTY, ILLINOIS  
 PROJECT NO. 530729 FEBRUARY, 2022



MULBERRY STREET (66' W.) P.O.B. N89°51'40"W 66.00'

**LEGEND**

- CRIMPED PIPE FOUND - ○<sup>CT</sup>
- IRON PIPE FOUND - ○<sup>IP</sup>
- BOLT FOUND - ○<sup>BOLT</sup>
- UTILITY POLE - ⊙
- GUY WIRE - ←
- FENCE LINE - - - - - X - - - - -
- FENCE POST - ⊕<sup>FP</sup>
- GATE POST - ⊕<sup>GP</sup>
- OVERHEAD ELECTRIC - - - - - OE - - - - -
- POINT OF BEGINNING - P.O.B.
- RIGHT OF WAY LINE - - - - -
- ORIGINAL LOT LINE - - - - -
- PROPOSED EASEMENT LINE - - - - -
- EXISTING EASEMENT LINE - - - - -
- TO BE VACATED - [Hatched Box]

**EXHIBIT**  
 A



Sheppard, Morgan & Schwaab, Inc.  
 CONSULTING ENGINEERS AND LAND SURVEYORS  
 215 Market Street, Alton, IL 62002 618/482-9755 E-mail: mall@smsengineers.com

DWN BY: G.F.	DWG # GT-2651*
CK BY: P.F.	REF BK 5123, PG 19
GODFREY, VILLAGE OF (530729) STREET VACATION.dwg	
DESIGN FIRM # 184-000992	

Street Vacation Description

All of Spring Street (66 feet wide), lying between Block 33 and Block 34 in the Town of Monticello, a subdivision, according to the plat thereof recorded in Plat Book 19, Page 37 of the Madison County records, located in the Southwest Quarter of Section 23, Township 6 North, Range 10 West of the Third Principal Meridian, Village of Godfrey, Madison County, Illinois, described as follows:

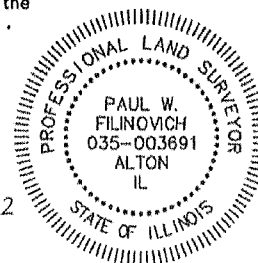
Beginning at an Iron pipe found at the Southeast corner of Lot 1 in said Block 33, being on the west right of way line of said Spring Street; thence N 00°10'00" W, 414.82 feet along said west right of way line (basis of bearings is the IL State Plane Coordinate System West Zone, NAD83) to an Iron pipe found at the Northeast corner of Lot 8 in said Block 33 on the North line of said Town of Monticello; thence S 89°56'36" E, 66.00 feet along said North line to a crimped pipe found at the Northwest corner of Lot 9 in said Block 34 being on the East right of way line of said Spring Street; thence S 00°10'00" E, 414.92 feet along said East right of way line to an iron pipe found at the Southwest corner of Lot 16 in said Block 34; thence N 89°51'40" W, 66.00 feet along the North right of way line of Mulberry Street (66 feet wide) to the Point of Beginning, containing 27,381 square feet or 0.629 acres of land, more or less.

Subject to all rights of way, easements, covenants and restrictions of record, if any.

I, the undersigned ILLINOIS PROFESSIONAL LAND SURVEYOR, do hereby certify to the best of my knowledge and belief, that this plat is a correct representation of that part of a street to be vacated by the Village of Godfrey, Illinois by Ordinance No. \_\_\_\_\_.

*Paul W. Filinovich*

Paul W. Filinovich, P.L.S. No. 035-003691  
 License Renewal 11/30/2022



6/22/2022

**DISCLAIMER OF INTEREST IN PORTION OF  
VACATED SPRING STREET RIGHT OF WAY**

I, the undersigned, understand that the Village of Godfrey is vacating the Spring Street right of way. By signing below, I acknowledge that in lieu of paying a portion of the Village's costs associated with the vacation, that I am disclaiming any and all interest in the vacated right of way, including any portion of same adjacent to my property, and I unequivocally and expressly waive, disclaim and forfeit any current or future rights to any and all portions of the vacated right of way, which portion shall be distributed to one or more of the other right of way adjoining property owners who have paid the costs of the associated vacation to the Village.

By signing below, I am confirming that I do not want to pay a portion of the vacation cost. By signing below, I am confirming that I have the ability to sign on behalf of all persons having an ownership and persons with interest in this property, and I am in fact signing on behalf of all persons who have an ownership interest in this property.

This release binds me, as the signer, all other persons having an ownership interest in this property, their heirs, next of kin, executors, administrators, successors or assigns and shall inure to the benefit of the parties released, their heirs, next of kin, executors, administrators, successors or assigns.

Signed: Ellen Fairless Date: 9.3.22

Print name: Ellen A Fairless

Parcel ID: 24-2-01-23-03-302-037

Address: 501 Grace Street, Godfrey, Illinois 62035

KARMAN FAIRLESS



**DISCLAIMER OF INTEREST IN PORTION OF  
VACATED SPRING STREET RIGHT OF WAY**

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This release binds me, as the signer, all other persons having an ownership interest in this property, their heirs, next of kin, executors, administrators, successors or assigns and shall inure to the benefit of the parties released, their heirs, next of kin, executors, administrators, successors or assigns.

Signed: Ellen A. Fairless Date: 9.3.22

Print name: Ellen A Fairless

Parcel ID: 24-2-01-23-03-302-039

Address: 505 Grace Street, Godfrey, Illinois 62035

Jennifer L. Thomeczek  
Jennifer L. Thomeczek



**DISCLAIMER OF INTEREST IN PORTION OF  
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This release binds me, as the signer, all other persons having an ownership interest in this property, their heirs, next of kin, executors, administrators, successors or assigns and shall inure to the benefit of the parties released, their heirs, next of kin, executors, administrators, successors or assigns.

Signed: Ellen A Fairless Date: 9.3.22

Print name: Ellen A Fairless

Parcel ID: 24-2-01-23-03-302-039

Address: 505 Grace Street, Godfrey, Illinois 62035

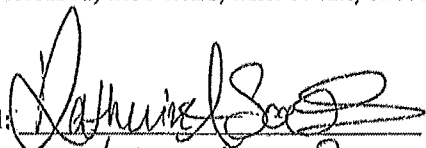
Jennifer L. Thomeczek  
Jennifer L. Thomeczek

**DISCLAIMER OF INTEREST IN PORTION OF  
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Signed:  Date: 9/1/22  
Print name: Katherine Sowders

Parcel ID: 24-2-01-23-03-302-050.001

Address: 6109 Ernest Drive, Godfrey, Illinois 62035



STATE OF ILLINOIS            )  
                                          ) SS.  
COUNTY OF MADISON        )

**CERTIFICATE**

I, Bethany A. Bohn, certify that I am the duly elected and acting municipal Clerk of the Village of Godfrey, Madison County, Illinois.

I further certify that on October 4, 2022 the Corporate Authorities of the above municipality passed approved Ordinance 23-2022,

**“AN ORDINANCE VACATING A PORTION OF SPRING STREET  
IN THE VILLAGE OF GODFREY, ILLINOIS”**

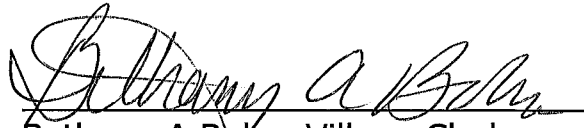
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which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 23-2022, including the Ordinance and a cover sheet thereof, was prepared, and a copy of the Ordinance was posted in the municipal building, commencing on October 5, 2022 and continuing for at least ten days thereafter. Copies of the Ordinance will also be available for public inspection upon request in the Office of the Village Clerk.

DATED at GODFREY, Illinois, this 5th Day of October, 2022.

(SEAL)

  
Bethany A Bohn, Village Clerk,  
Village of Godfrey