

**ORDINANCE NO #442**

**AN ORDINANCE REGULATING ENCROACHMENT ON PUBLIC  
RIGHT-OF-WAY IN THE CITY OF CASEY, CLARK COUNTY,  
ILLINOIS**

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**ADOPTED BY THE CITY COUNCIL  
OF THE CITY OF CASEY  
THIS 17<sup>TH</sup> DAY OF SEPTEMBER, 2018.**

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**Published in pamphlet for by authority of the City council of the City of Casey,  
Clark County, Illinois, this 17<sup>TH</sup> day of September, 2018.**

FAP 832 (IL 49)  
Section: (113,113Z) RS-4  
Clark County  
Job No.: C-97-134-09  
Agreement No.: JN 719 001  
Contract No.: 74419

**EXHIBIT D**

**ORDINANCE NO. 442**

**AN ORDINANCE REGULATING ENCROACHMENT ON PUBLIC RIGHT-OF-WAY IN THE  
CITY OF CASEY, CLARK COUNTY, ILLINOIS**

WHEREAS, the CITY OF CASEY hereinafter known as CITY, and the STATE OF ILLINOIS, acting by and through its DEPARTMENT OF TRANSPORTATION have entered into an Agreement relative to the improvement of FAP 832 (IL 49), State Section (113,113Z) RS-4, from its intersection with Tyler Avenue in Casey north to 0.3 miles north of its intersection with FAI 70; and

WHEREAS, in order to facilitate said improvement, it is necessary for the CITY to adopt an ordinance regulating encroachment on the right-of-way for said improvement in accordance with the following definitions:

1. Roadway right-of-way is defined as those areas existing or acquired by dedication or by fee simple for highway purposes; also, the areas acquired by permanent easement and temporary easement during the time the easement is in effect.
2. Project right-of-way is defined as those areas within the project right-of-way lines established jointly by the CITY and the STATE which will be free of encroachments except as hereinafter defined;
3. Encroachment is defined as any building, fence, sign (excluding certain signs located over sidewalks) or any other structure or object of any kind (with the exception of utilities and public road signs), which is placed, located or maintained, in, on, under or over any portion of the project right-of-way or the roadway right-of-way where no project right-of-way line has been established;

4. Permissible encroachment is defined as any existing awning, marquee or sign advertising activity on the property, or similar overhanging structure supported from a building immediately adjacent to the limits of the platted street where there is sidewalk extending to the building line and which does not impair the free and safe flow of pedestrian traffic or traffic on the highway. The permissive retention of overhanging signs is not to be construed as being applicable to those signs supported by poles constructed outside the project right-of-way line and not confined by adjacent buildings;
5. Construction easement area is defined as the area lying between the project right-of-way limits and the platted street limits within which the CITY OF CASEY, by concurrence in the establishment of the project right-of-way lines, will permit the STATE to enter to perform all necessary construction operations; and

WHEREAS, representatives of the CITY and the STATE, by visual inspection, cooperatively establish project right-of-way line and mutually determine the disposition of encroachments,

NOW, THEREFORE, BE IT ORDAINED by the CITY OF CASEY, Clark County, Illinois

- Section 1: It shall be unlawful for any person, firm or corporation to erect or cause to be erected, to retain or cause to be retained, any encroachment (herein above defined), except as provided in Section 3, within the limits of the project right-of-way or the roadway right-of-way where no project right-of-way limits have been established.
- Section 2: The Project right-of-way limits have been established and shown in the plans.
- Section 3: No revocable permits have been issued by the State for the temporary retention of PERMISSIBLE ENCROACHMENTS.
- Section 4: This ordinance is intended to be and shall be in addition to all other ordinances, rules and regulations concerning encroachment and shall not be construed as rescinding or repealing any other ordinance or part of any ordinance unless it is in direct conflict therewith.

Section 5: Any person, firm or corporation violating this ordinance shall be fined not less than \$10 nor more than \$500 for each offense and separate offense shall be deemed committed each and every day during which a violation continues or exists.

Section 6: This ordinance shall be published one time within ten days after its passage in a newspaper having a general circulation in the CITY OF CASEY, Clark County, Illinois, and shall be in full force and effect after its passage, approval and publication as provided by law

Read, Passed, Signed and Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2018

\_\_\_\_\_  
Nik Groothuis  
Mayor, City of Casey

Attest:

\_\_\_\_\_  
Clerk

PASSED: \_\_\_\_\_

SIGNED: \_\_\_\_\_

PUBLISHED: \_\_\_\_\_

STATE OF ILLINOIS )  
 ) SS  
COUNTY OF CLARK )

## CERTIFICATE

I, Jeremy Mumford, Clerk of the City of Casey, County of Clark, State of Illinois,  
do hereby certify that I am the keeper of the records, files and seal of the said City.

I further certify that on September 17<sup>th</sup>, 2018, the Mayor and City Council of such municipality passed and approved Ordinance No. 442, which provided by its terms that should be published in pamphlet form.

The pamphlet form of Ordinance No. 442 was prepared, and a copy of such Ordinance was posted in the City Hall, commencing on September 17<sup>th</sup>, 2018.

I further certify that the within and foregoing is a true, perfect and complete copy of An Ordinance Regulating Encroachment On Public Right-Of-Way in the City of Casey, County of Clark, and State of Illinois being Ordinance No. 442 of the City of Casey, Illinois, and on file and of record in my office.

Dated at Casey, Illinois, this 17<sup>th</sup> day of September, 2018.

Jeremy Mumford, City Clerk  
City of Casey, County of Clark  
and State of Illinois

(SEAL)