

VILLAGE OF BRADLEY

ORDINANCE NO. O-6-14-1

**AN ORDINANCE AUTHORIZING THE JURISDICTIONAL TRANSFER  
AGREEMENT AND PROVIDING FOR THE ADDITION OF  
THREE PARCELS OF STATE PROPERTY TO THE  
VILLAGE OF BRADLEY MUNICIPAL STREET SYSTEM**

ADOPTED BY THE  
BOARD OF TRUSTEES  
VILLAGE OF BRADLEY

This 14 day of July, 2014

Published in pamphlet form by authority of the Board of Trustees of the Village of  
Bradley, Kankakee County, Illinois, this 14 day of July,  
2014.

CERTIFICATE:



Michael J. LaGessee, Village Clerk

**ORDINANCE NO. O-6-14-1**

**AN ORDINANCE AUTHORIZING THE JURISDICTIONAL TRANSFER AGREEMENT AND PROVIDING FOR THE ADDITION OF THREE PARCELS OF STATE PROPERTY TO THE VILLAGE OF BRADLEY MUNICIPAL STREET SYSTEM**

**WHEREAS**, the village of Bradley ("VILLAGE"), Kankakee County, Illinois, and the State of Illinois ("STATE"), through its Department of Transportation, seek to enter into an agreement for the jurisdictional transfer of three parcels from the STATE to the VILLAGE. The three parcels total 2/57 acres and are legally identified as parcels 3LR0129, 3QMX004 and 3EX0103.

**WHEREAS**, the three parcels for which the VILLAGE is to assume jurisdiction are located within the SW quadrant of the intersection of IL-50 and Saint George Road, also known as 5000N Road. The said three parcels once served as a right of way to IL-50. However, with the realignment of IL-50 at the Saint George Road intersection in year 2002, the said parcels no longer serve the state highway.

**WHEREAS**, the VILLAGE proposes to develop a public local road network to be located within the southwestern quadrant of the intersection for IL-50 and Saint George Road, with the primary purpose of promoting commercial development at this locale. To complete the local road network, the VILLAGE has entered into an agreement to assume jurisdiction of three parcels of public property needed to develop the local road network.

**WHEREAS**, the purpose of this ordinance is to formally and legally add the subject parcels to the Village of Bradley street system as a prerequisite to constructing the proposed public local road network.

**NOW, THEREFORE, IT IS HEREBY ORDAINED** by the President and the Trustees of the Village of Bradley, Kankakee County, Illinois:

**Section 1. Recitals Incorporated.** The above recitals are incorporated into this Ordinance and shall have the same force and effect as though fully set forth herein.

**Section 2. Authorization to Execute.** The Village President and Village Clerk are hereby authorized to sign the Jurisdictional Transfer Agreement (Exhibit A to this Ordinance) and to so bind the Village to the terms and conditions therein.

**Section 3. Assumption of Jurisdiction.** Effective 21 calendar days after the STATE's full approval of the related State-Village of Bradley jurisdictional transfer agreement, the VILLAGE agrees to accept jurisdiction of Parcels 3LR0129, 3QMX004 and 3EX0103, totaling 2.57 acres in size and located within the SW quadrant of the intersection of IL-50 and Saint George Road (N 5000 Rd.)

**Section 4. Parcels Added to Municipal Street System.** The subject parcels shall be added to the VILLAGE municipal street system and be utilized as part of the Village's planned public local street network.

**Section 5. Public Access.** The Village agrees to provide public access to the private property adjoining and west of 3LR0129 Tract #1.

**Section 6. Severability and Repeal of Inconsistent Ordinances.** If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this Ordinance. All existing ordinances of the Village of Bradley are hereby repealed insofar as they may be inconsistent with the provisions of this Ordinance.

**Section 7. Effective Date.** The Clerk of the Village of Bradley shall certify to the adoption of this Ordinance and shall cause it to be published in pamphlet form, and this Ordinance shall take effect upon its approval and publication in pamphlet form as so certified and provided by law.

PASSED this 14 day of July, 2014

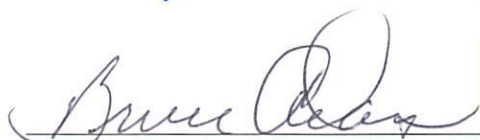
TRUSTEES:

Jerry Balthazor:	Aye - <input checked="" type="checkbox"/>	Nay - <input type="checkbox"/>	Absent - <input type="checkbox"/>
Robert Redmond:	Aye - <input checked="" type="checkbox"/>	Nay - <input type="checkbox"/>	Absent - <input type="checkbox"/>
Lori Gadbois:	Aye - <input checked="" type="checkbox"/>	Nay - <input type="checkbox"/>	Absent - <input type="checkbox"/>
George Golwitzer:	Aye - <input checked="" type="checkbox"/>	Nay - <input type="checkbox"/>	Absent - <input type="checkbox"/>
Melissa Carrico:	Aye - <input checked="" type="checkbox"/>	Nay - <input type="checkbox"/>	Absent - <input type="checkbox"/>
Eric Cyr:	Aye - <input checked="" type="checkbox"/>	Nay - <input type="checkbox"/>	Absent - <input type="checkbox"/>

Bruce Adams: Aye -  Nay -  Absent -

TOTALS: AYE - 6 NAY - 0 ABSENT - 0

APPROVED this 14 day of July, 2014

  
Bruce Adams, President of the Board of Trustees of the Village of Bradley

ATTEST:

  
Michael J. LaGesse, Village Clerk

# Exhibit A to O-6-14-1

Illinois Route 50 (S.B.I. 49)  
Section 140  
Kankakee County  
(Village of Bradley, IL.)  
R-93-018-84  
Agreement JT 314004

## JURISDICTIONAL TRANSFER AGREEMENT

This agreement is entered into between the State of Illinois, through its Department of Transportation, hereinafter called the STATE, and the Village of Bradley of Kankakee County, Illinois, hereinafter called the LOCAL AGENCY (LA). This agreement is here identified under Illinois 50 (SBI 49), State Section 140, Kankakee County.

WHEREAS, the primary purpose of this agreement is to document the transfer of jurisdiction to the village of Bradley a total of three separate parcels of excess property (totaling 2.57 acres in size) that are currently under the jurisdiction of the State of Illinois. The said parcels are located within the southwest quadrant of the intersection of IL 50 and Saint George Road (N 5000 Road). (See location map, attached hereto as Addendum No. 1 and made a part hereof). The three separate parcels are identified as Parcel Numbers 3RL0129, 3QMX004, and 3EX0103.

WHEREAS, in the year 2002, the STATE had realigned IL 50, shifting the highway further to the east. The purpose of the realignment was to move the intersection of IL 50 and Saint George Road further away from the at grade crossing of the Illinois Central Railroad tracks. The realignment was prompted by the derailment of an Amtrak train in 1999 after colliding with a semi truck crossing an at grade crossing of the tracks at nearby McKnight Road (since permanently closed and removed).

WHEREAS, the shifting of IL 50 has resulted in the presence of excess state right of way which served the original alignment of state highway. The LA has contacted the STATE and has expressed its desire to assume jurisdiction from the STATE.

WHEREAS, it is the LA's desire to construct a local public road network, to be located west of IL 50 and south of Saint George Road (N 5000 Road). The LA's purpose of constructing a locally owned public road network is to promote commercial development of the adjoining properties at this locale.

WHEREAS, a general plat illustrating the LA's proposed road network is attached hereto as Addendum No. 1A and made a part hereof. Also attached is a single plat for each individual parcel and respective corresponding legal descriptions of each parcel, attached hereto as Addendum Numbers 3, 4, and 5 and made a part hereof.

WHEREAS, the STATE agrees to the jurisdictional transfer of the excess properties from the STATE to the LA. The authority to enter into this contract is granted the STATE by Section 4-409 of the Illinois Highway Code and the authority to make changes in the State Highway System is granted under Section 2-101 of the Illinois Highway Code. Furthermore, transfer of the land rights is granted under Section 4-508 of the Illinois Highway Code.

WHEREAS, the LA is desirous to accept said jurisdictional transfer of the STATE property in that the same will be of immediate benefit to LA residents and permanent in nature.

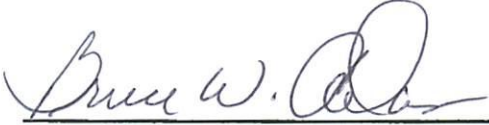
**WITNESSETH:**

**NOW, THEREFORE, in consideration of the mutual covenants contained herein, the parties agree as follows:**

- 1. The foregoing recitals are incorporated into this agreement by reference as is set forth fully within.**
- 2. The STATE agrees to make the surveys, prepare the plats and provide legal descriptions of all three parcels, provide title search and evidence, record title and all other related legal services as may be necessary to properly identify and transfer subject three parcels to the jurisdiction of the LA.**
- 3. The LA agrees to assume jurisdiction of the subject three parcels in their "as is" current state of condition and subject to all existing utilities.**
- 4. The LA agrees to retain the subject three parcels of public property for public use for perpetuity.**
- 5. The LA agrees to provide public access to the private property adjoining and west of 3LR0129 Tract #1.**
- 6. The LA agrees to pass a resolution which identifies and officially adds the subject three parcels to its municipal street system. The said resolution is attached hereto as Addendum No. 2 and made a part hereof.**
- 7. It is mutually agreed that this jurisdictional transfer will become effective 21 calendar days after full execution of this agreement. The said jurisdictional transfers of the subject parcels are described in BLR Form 05210, which is attached hereto as Exhibit #1 and made a part hereof.**
- 8. It is mutually agreed that by execution of this agreement and under the penalty of perjury, the LA doing business as governmental entity as the village of Bradley, Illinois, certifies that its correct federal identification number (FEIN is 36-6005804).**
- 9. This document represents the entire agreement between the parties and there are no other promises or conditions in any other agreement whether oral or written. This agreement supersedes any prior written or oral agreements between the parties and may not be modified except in writing acknowledged by both parties.**
- 10. If any provision of this agreement shall be held to be invalid or unenforceable for any reason, the remaining provisions shall continue to be valid and enforceable. If a court finds that any provisions of this agreement is invalid or unenforceable, but that by limiting such provision it becomes valid and enforceable, then such provision shall be deemed to be written, construed, and enforced as so limited.**
- 11. This agreement shall be interpreted and enforced under the laws of the State of Illinois.**
- 12. This agreement shall be binding and inure to the benefit of the parties hereto, their successors and assigns.**
- 13. This agreement is hereby approved and executed by the authorized officers of the following governmental entities.**

**(SEE NEXT PAGE FOR SIGNATURES)**

Executed on Behalf of the  
Village of Bradley of Kankakee County



Bruce W. Adams  
Village President

7-14-14

Date

ATTEST:



Mike LaGesse  
Village Clerk

7-14-14

Date

Executed on Behalf of the State of Illinois  
Department of Transportation

Omer Osman, P.E.  
Director of Highways

Date

AGREEMENT JT 314004



**Exhibit 1  
Local Agency-State  
Jurisdictional Transfer**

Local Agency		Type of Systems Transfer	
Municipality:	Bradley	Type 1	Type 2
Township/Road District:		From: State Highway System	From: Local Highway System
County:	(Of Kankakee)	To: Local Highway System	To: State Highway System
Section Number:	140	Indicate Type of Systems Transfer: 1	

The above local agency, and the State of Illinois, acting by and through its Department of Transportation, agree to transfer the jurisdiction of the designated location in the manner indicated above under Type of Systems Transfer.

**Location Description**

Name N/A Route IL 50 (SBI 49) Length Variable  
 Termini See plats of Parcel Nos. 3LR0129, 3QMX004, and 3EX0103 attached as Addendums 3, 4, and 5.  
in its entirety

This transfer  does  does not include Structure No. \_\_\_\_\_

The transfer  does  does not include a transfer to land rights (4-508). If it does, attach letter of intent approved by the Department.

WHEREAS, the authority to enter into this contract is granted the STATE by Section 4-409 of the Illinois Highway Code and the authority to make changes in the State Highway System is granted the State under Section 2-101 of the Illinois Highway Code.

**Include for Municipalities Only**

WHEREAS, the authority to make changes to the Municipal Street System is granted to the Municipality by Section 7-101 of the Illinois Highway Code.

NOW THEREFORE IT IS AGREED that the corporate authority of said municipality will pass an ordinance providing for the transfer of the above location and shall attach hereto and make a part hereof a copy of a location map as Addendum No. 1 and a copy of the ordinance as Addendum No. 2, and

**Include for Counties Only**

WHEREAS, the authority to make changes to the County Highway System is granted to the County by Section 5-105 of the Illinois Highway Code.

NOW THEREFORE IT IS AGREED that the County Board of said County will pass a resolution providing for the transfer of the above location and shall attach hereto and make a part hereof a copy of a location map as Addendum No. 1 and a copy of the resolution as Addendum No. 2, and

**Include for Township/Road Districts Only**

WHEREAS, the authority to make changes to the Township/Road District System is granted to the Highway Commissioner under Section 6-201.3 of the Illinois Highway Code and said Highway Commissioner shall attach hereto and make a part hereof a copy of a location map as Addendum No. 1, and

IT IS MUTUALLY AGREED, that this jurisdictional transfer will become effective 21 calendar days after:

(check one)

- Final Inspection by the State (Type )
- Acceptance by the State
- Execution of Agreement
- Approval of Land Conveyance
- Other: \_\_\_\_\_

**Supplements**

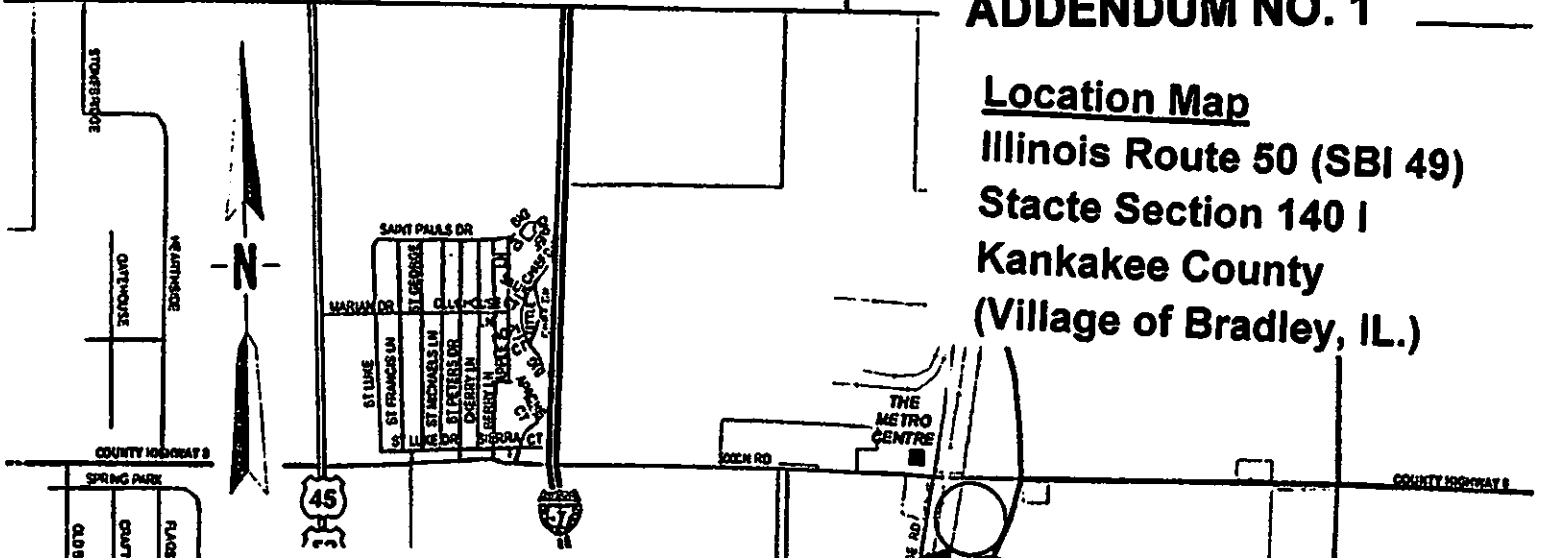
Additional information and/or stipulations, if any, are hereby attached and identified below as being a part of this jurisdictional transfer.

Supplement Plats of Parcels as Addendum Nos. 3, 4, & 5, location as Addendum 1-A.  
 (Insert supplement numbers of letters and page numbers, if applicable.)

IT IS FURTHER AGREED, that the provisions of this jurisdictional transfer shall be binding and inure to the benefit of the parties hereto, their successors and assigns.

# ADDENDUM NO. 1

**Location Map**  
**Illinois Route 50 (SBI 49)**  
**State Section 140 I**  
**Kankakee County**  
**(Village of Bradley, IL.)**



**General location of proposed jurisdictional transfer of public parcels from the State to the Village of Bradley**

## OURBON

