



Legislation Text

File #: 20-0284, **Version:** 1

TO: The Honorable Mayor and City Council

FROM: Law Department

DATE: May 12, 2020

SUBJECT:

Authority of the City Engineer to accept dedications of easements and rights-of-way on behalf of the City.

PURPOSE:

To streamline the process of accepting dedications of rights-of-way or easements by the City.

BACKGROUND:

From time-to-time, the owner of real property may need to dedicate rights-of-way or easements to the City so that the City may use the property for public roadways, utilities, or other infrastructure. Such dedications are commonly made pursuant to development agreements, plat approvals, or provisions of the City Code that contemplated the dedication of the property to the City as a lawful condition of legislative action by the City Council desired by the property owner.

Consistent with Section 11-105-01 of the Illinois Municipal Code, the City Council has accepted these dedications by resolution on an individual basis. These acceptances while both routine and perfunctory, require staff to prepare a cover memo, resolution, and supporting materials each time the City desires to accept a dedication - even though the City Council has, in nearly every case, previously authorized the action which has led to the proposed dedication. This process slows acceptance of the dedication by a minimum of two weeks.

DISCUSSION:

In the exercise of its home rule powers, the City Council can confer upon the City Engineer, a sworn officer of the City, the limited authority to accept dedications of rights-of-way and easements when their dedication was contemplated by a previous act of the Council or when the dedication is required by law or ordinance.

IMPACT STATEMENT:

If approved, the ordinance would eliminate an unnecessary "double-approval" requirement and conserve staff resources.

RECOMMENDATIONS:

That the Council approve the ordinance.



CITY OF AURORA, ILLINOIS

ORDINANCE NO. _____
DATE OF PASSAGE _____

An Ordinance creating Section 2-224 of the Code of the City of Aurora authorizing the City Engineer to accept dedications of easements and rights of way on behalf of the City Council in certain circumstances.

WHEREAS, the City of Aurora has a population of more than 25,000 persons and is, therefore, a home rule unit under subsection (a) of Section 6 of Article VII of the Illinois Constitution of 1970; and

WHEREAS, subject to said Section, a home rule unit may exercise any power and perform any function pertaining to its government and affairs for the protection of the public health, safety, morals, and welfare; and

WHEREAS, Section 11-105-01 of the Illinois Municipal Code authorizes the corporate authorities of a municipality to accept dedications of real property; and

WHEREAS, the City Council, constituting the corporate authorities of the City, desires to authorize the City Engineer to accept such dedications of real property in limited circumstances on its behalf; and

WHEREAS, said circumstances shall include instances where the dedication of an easement or right of way were contemplated by earlier action by the City Council or required by ordinance;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Aurora, Illinois, as follows: that the Code of the City of Aurora shall be and hereby is amended by creating Section 2-224 as follows:

Sec. 2-224. - Authority to Accept Dedications of Easements and Rights-of Way

Whenever any provision of this code requires the owner of real property to dedicate any portion of or interest in said property for the purpose of right-of-way or easement, or such dedication was contemplated by earlier action of the city council or a public works project, and for which additional consideration by the city is not required, the city engineer, may, on behalf of the city council, accept the dedication of such real property, or interest therein, on a temporary or permanent basis, in the name of, or in favor of the city, as the case may be. The city engineer's acceptance of any interest in real property pursuant to this section shall not relieve the grantor of any obligation to construct or maintain any utility required by law, ordinance, or agreement.