

City of Le Roy, County of McLean
State of Illinois

RESOLUTION NO. 03-05-01-50

A RESOLUTION AUTHORIZING THE CONDEMNATION
OF PRIVATE PROPERTY WITHIN THE
CITY OF LE ROY, MCLEAN COUNTY, ILLINOIS
TO ACQUIRE WATER LINE EASEMENT

ADOPTED BY THE CITY COUNCIL OF THE CITY OF LE ROY THIS 5TH
DAY OF MAY, 2003.

PRESENTED: MAY 5TH, 2003
PASSED: MAY 5TH, 2003
APPROVED: MAY 5TH, 2003
RECORDED: MAY 5TH, 2003
PUBLISHED: MAY 5TH, 2003

In pamphlet form

Voting "aye" (8)
Voting "nay" (0)

The undersigned being the duly qualified and elected City Clerk of the City of Le Roy does hereby certify that this document constitutes the publication in pamphlet form, in connection with the pursuant to Section 1-2-4 of the Illinois Municipal Code, of the above-captioned resolution and that such resolution was presented, passed, approved, recorded and published as above stated.



City Clerk of the City of Le Roy,
McLean County, Illinois

Dated: May 5, 2003

RESOLUTION NO. 03-05-01-50
A RESOLUTION AUTHORIZING THE CONDEMNATION
OF PRIVATE PROPERTY WITHIN THE
CITY OF LE ROY, MCLEAN COUNTY, ILLINOIS
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WHEREAS, the City of Le Roy, McLean County, Illinois, as a municipal corporation duly organized under the Illinois Municipal Code, is authorized pursuant to 65 ILCS 5/11-125-1 and 65 ILCS 5/11-126-1 to provide for a supply of water for its inhabitants by the digging, construction, maintaining or regulation of waterworks; and

WHEREAS, the City of Le Roy is authorized by 65 ILCS 5/11-61-1 to acquire property useful, advantageous or desirable for municipal purposes by condemnation proceedings, and is further authorized by 65 ILCS 5/11-125-2 to take and condemn all necessary property for the purpose of establishing, supplying, purchasing, extending, improving, and operating waterworks in the manner provided for the taking or damaging of private property for public uses; and

WHEREAS, the corporate authorities of the City of Le Roy desire to extend a portion of the sub-surface water main of the waterworks of the City of Le Roy so as to connect said portion to another section of water main of said waterworks for the purpose of supplying, extending, improving, and operating said waterworks; and

WHEREAS, the corporate authorities of the City of Le Roy have previously authorized the City Administrator and City Attorney to conduct negotiations with the owner(s) of certain lands so as to attempt to agree as to compensation to acquire the permanent easement described below on and over said lands for the purpose of constructing, reconstructing, installing, replacing, repairing, and maintaining the water main extension described herein, but no agreement as to said compensation has been reached;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LE ROY, MCLEAN COUNTY, ILLINOIS, AS FOLLOWS:

SECTION ONE: The public use for which the interests in private real property is sought to be acquired by condemnation proceedings is, by acquiring the permanent water main easement described below, to construct, extend, improve, operate, and maintain the waterworks of the City of Le Roy.

SECTION TWO: The interests in private real property sought to be acquired for said public use are described as follows:

A permanent 20-foot wide water main easement in part of the Southwest quarter of Section 28, Township 22 North, range 4 East of the 3rd Principal Meridian, the centerline of which is more particularly described as follows:

Commencing as a point of reference at the Northwest corner of Falcon Ridge

Subdivision, in the City of Le Roy, McLean County, Illinois, according to Doc. #96-23535 in the Office of the Recorder of Deeds of McLean County, Illinois; thence North 89 degrees 50 minutes 00 seconds East 853.08 feet along the North line of the aforesaid Falcon Ridge Subdivision; thence North 00 degrees 00 minutes 00 seconds East 750.45 feet to the point of beginning; from said point of beginning, thence North 90 degrees 00 minutes 00 seconds West 37.89 feet to the East side of a 20 foot wide easement as described in Doc. #78-12087 and in Doc. #2001R17783, both having been recorded in the Office of the Recorder of Deeds of McLean County, Illinois, and said centerline there terminating (All as shown in an easement plat, a copy of which is attached hereto as Exhibit A, incorporated herein by reference.)

PIN: underlying lands (Bk.15)30-28-355-001.

SECTION THREE: The interests in private real property sought to be acquire for said public use are necessary, convenient, and desirable for the accomplishment of said public use.

SECTION FOUR: The City Attorney is hereby authorized to commence condemnation proceedings and to take all steps necessary to prosecute said proceedings to acquire for the City of Le Roy the interests in private real property described above.

SECTION FIVE: This resolution shall be in full force and effect from and after its passage, by a favorable vote of a majority of the corporate authorities and after its approval and publication in pamphlet form in the manner provided by law.

PASSED by the City Council of the City of Le Roy, Illinois upon the motion by John Haney, seconded by Gary Koerner,
By a roll call vote on the 5th day of May, 2003, as follows:

ALDERMEN ELECTED 8 ALDERMEN PRESENT 8

Voting Aye:

John Haney, Dawn Thompson, Dave McClelland, Theresa O'Hare, Gary Koerner, Butch Cook, Jerry Henson, Chad Farischon

Voting Nay:

0

Absent:

None

Abstain:

None

Other:

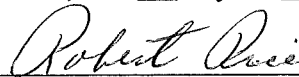
None

and deposited and filed in the office of the City Clerk in said municipality on the 5th day of May, 2003.



Sue Marcum, City Clerk of the City of Le Roy, McLean County, Illinois

APPROVED by the Mayor of the City of Le Roy, Illinois, this 5th day of May, 2003.



Robert Rice, Mayor of the City of Le Roy, McLean County, Illinois

ATTEST:

(SEAL)



Sue Marcum, City Clerk of the City of Le Roy, McLean County, Illinois

CERTIFICATE

I, Sue Marcum, certify that I am the duly elected and acting municipal clerk of the City of Le Roy, McLean County, Illinois.

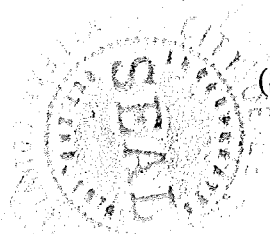
I further certify that on May 5, 2003, the Corporate Authorities of such municipality passed and approved **Resolution No. 03-05-01-50** entitled:

**A RESOLUTION AUTHORIZING THE CONDEMNATION
OF PRIVATE PROPERTY WITHIN THE
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TO ACQUIRE WATER LINE EASEMENT**

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

The pamphlet form of **Resolution No. 03-05-01-50**, including the Resolution and a cover sheet there of was prepared, and a copy of such Resolution was posted at the municipal building, commencing on **May 5TH, 2003** and continuing for at least ten days thereafter. Copies of such Resolution were also available for public inspection upon request in the office of the municipal clerk.

Dated at Le Roy, Illinois this 5th day of May, 2003.



(SEAL)


Municipal Clerk

STATE OF ILLINOIS)
) ss:
COUNTY OF MCLEAN)

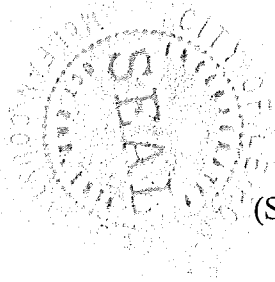
I, Sue Marcum, do hereby certify that I am the duly qualified and elected City Clerk of the City of Le Roy, McLean County, Illinois, and as such City Clerk that I am the keeper of the records and files of the Mayor and the City Council of said City.

I do further certify that the foregoing is a true, correct and complete copy of a resolution entitled:

**A RESOLUTION AUTHORIZING THE CONDEMNATION
OF PRIVATE PROPERTY WITHIN THE
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I do further certify said resolution was adopted by the City Council of the City of Le Roy at a regular meeting on the 5th day of May, 2003, and prior to the making of this certificate the said resolution was spread at length upon the permanent records of said city where it now appears and remains as a faithful record of said resolution in the record books.

Dated this 5th day of May, 2003.



(SEAL)


City Clerk