

CITY OF LEROY
COUNTY OF MC LEAN
STATE OF ILLINOIS

ORDINANCE NO. 424

AN ORDINANCE VACATING PORTIONS OF PLATTED BUT UNIMPROVED AND UNOPENED ALLEYWAYS IN THE CITY OF LE ROY, MC LEAN COUNTY, ILLINOIS.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF LEROY THIS 20th DAY OF
January, 19 92.

PRESENTED: January 20, 1992

PASSED: January 20, 1992

APPROVED: January 20, 1992

RECORDED: January 20, 1992

PUBLISHED: January 20, 1992

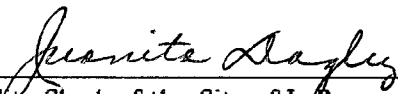
In Pamphlet Form

Voting "Aye" 4

Voting "Nay" 0

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

(SEAL)



City Clerk of the City of LeRoy,
McLean County, Illinois

Dated: January 20, 19 92

ORDINANCE NO. 424

AN ORDINANCE VACATING PORTIONS OF PLATTED BUT UNIMPROVED AND UNOPENED ALLEYWAYS IN THE CITY OF LEROY, MC LEAN COUNTY, ILLINOIS

WHEREAS, requests have been previously made to the City of LeRoy, McLean County, Illinois, an Illinois municipal corporation, by owners of property abutting certain platted but unopened and unimproved alleys located in the City of LeRoy, McLean County, Illinois, requesting vacation of said alleyways; and

WHEREAS, the City of LeRoy, through prior action by its city councils previously elected, approved said requests, but ordinances were never recorded to evidence the formal action taken by the City of LeRoy to vacate such alleyways, and

WHEREAS, the City of LeRoy, by its Mayor and City Council, has determined that it is necessary in order to properly clear title to certain tracts of land located in and about the City of LeRoy, McLean County, Illinois, that such action be properly evidenced by ordinance to be recorded,

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of LeRoy, Illinois, in lawful meeting assembled, as follows:

Section 1. That the alleyways hereinafter described have been previously determined to be no longer required for public use as to uses as thoroughfares or for pedestrian or vehicular traffic, and the public interest would be best served by vacating said portions of said alleyways, and that action is intended to be taken by this ordinance to complete vacations of alleyways intended to be accomplished a number of years ago.

Section 2. All of the platted alleyway located in Block 20 of the Original Town of LeRoy, McLean County, Illinois; and

All of the platted alleyway located in Block 97 of Conkling's Addition to the town, now city, of LeRoy, McLean County, Illinois; and

All of the platted alleyway located in Block 98 of Conkling's Addition to the town, now city, of LeRoy, McLean County, Illinois; and

All of the platted alleyway located in Block 99 of Conkling's Addition to the town, now city of LeRoy, McLean County, Illinois; and

All of the platted alleyway located in Block 2 in Morehouse and Barley Addition to the City of LeRoy, McLean County, Illinois; and

All of the platted alleyway located in Block 3 in Barley and Pfitzenmeyer's East Park Addition to the City of LeRoy, McLean County, Illinois,

be and the same hereby are closed and vacated effective the date of this ordinance.

Section 3. That the City of LeRoy hereby acknowledges that the vacation of all of the alleyway located in Block 97 of Conkling's Addition to the City of LeRoy, McLean County, Illinois, was intended to take effect prior to 1962 and, that by the vacation herein, the City does not intend to call into question the conveyance of Lots 1 through 4 and the 16-1/2 feet adjacent to said lots and to the south thereof referred to as the "alley" in a deed from Merle Miller to Ronald Hibbins.

Section 4. That the City of LeRoy hereby acknowledges that the vacation of all of the alleyway located in Block 98 of Conkling's Addition to the City of LeRoy, McLean County, Illinois, was intended to take effect prior to March 24, 1953, and, that by the vacation herein, the city does not intend to call into question the conveyance of Lots 1 and 2 and the strip 16-1/2 feet wide lying south thereof as mentioned in the deed from Bertha Clem to Grover Helm, nor to effect Lots 3 and 4 and the conveyance of the 16-1/2 feet adjacent to and south of said lots in said block and addition conveyed by Alexander Lumber Company to Warren Wood; nor to effect Lots 5 and 6 and the conveyance of 16-1/2 feet adjacent to and south of said lots, and referred to as the "alley" in the document of conveyance made in 1959 by Alexander Lumber Company to Relocation Building Corporation.

Section 5. That the City of LeRoy hereby acknowledges that the vacation of all of the alleyway located in Block 20 of the Original Town of LeRoy, McLean County, Illinois, was intended to take effect prior to January 1, 1989, and that, by the vacation herein, the City does not intend to call into question the reservation of any portion of the alleyway in said block by the record owner of title therein prior to March 31, 1989.

Section 6. The vacations of alleyways in Block 20 in the Original Town of LeRoy, Blocks 98 and 99 of Conkling's Addition, Block 2 in Morehouse and Barley Addition, and Block 3 in Barley and Pfitzenmeyer's East Park Addition, all to the City of LeRoy, McLean County, Illinois, as previously described herein are subject to the reservation by the City of LeRoy in favor of itself and any public utility franchised by said City, of (and the City of LeRoy does hereby retain, as well as reserve) a right-of-way and easement across, under, and above, the previously-described alleyways and portions of alleyways for the purposes of surveying, constructing, operating, maintaining, testing, inspecting, repairing, removing, replacing or abandoning in place, and controlling, underground pipelines, mains, wires, conduits, and the like, as well as poles, wires, or any other facility or equipment above or below ground for the maintenance or operation of any public utility now located in any of the aforesaid alleyways or any portion or portions thereof, as well as to install any public utility services or facilities within the aforesaid alleyways or any portion thereof, for the conveyance of sewage, water, electricity, telephone, communications, natural gas and other similar substances and transmissions for the convenience and use of the public, whether said use be made by the City of LeRoy, or by any licensee or holder of a franchise from the City, for the maintenance or operation of any utility service or facility.

Section 7. A certified copy of this ordinance shall be filed by the City Clerk of the City of LeRoy, Illinois, for record in the Office of the Recorder of Deeds of McLean County, Illinois, within 60 days after passage of this ordinance.

Section 8. Vacation of the public interest in the aforesaid portions of the aforesaid streets and alleyways on the conditions hereinabove provided shall not abridge or destroy the right or privileges of any proprietor or property shown on the final plat of the city or any subdivision in which the aforesaid portions of streets or alleyways may be located. Said vacation does not constitute a closing or obstructing of any public highway and for that reason and only to the extent that said final plat conflicts with the provisions of this vacation ordinance, the final plat of the City of LeRoy, the final plat of the aforesaid Conkling's Addition to the City of LeRoy, the final plat of Morehouse and Barley's Addition to the City of LeRoy, and the final plat of Barley and Pfitzenmeyer's East Park Addition to the City of LeRoy, all in McLean County, Illinois, be and same are hereby vacated in part.

Section 9. This ordinance shall be in full force and effect after its passage, approval and publication in pamphlet form as required by law.

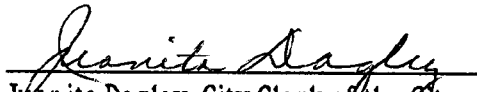
PASSED by the City Council of the City of LeRoy, Illinois, on the 20th day of January, 19 92, and deposited and filed in the office of the City Clerk of said City on that date.

Aldermen elected: 6

Aldermen present: 4


AYES: David Spratt, Gary Bulta, Robert D. Johnson, Jerry Davis

NAYS: None



Juanita Dagley, City Clerk of the City of
LeRoy, Illinois

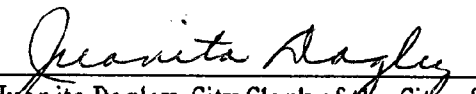
APPROVED by the Mayor of the City of LeRoy, Illinois, on this 20th day of January, 1992.



Jerry C. Davis, Mayor of the City of
LeRoy, Illinois

ATTEST:

(SEAL)



Juanita Dagley, City Clerk of the City of
LeRoy, Illinois

CERTIFICATE

I, Juanita Dagley, certify that I am the duly elected and acting municipal clerk of the City of LeRoy, of McLean County, Illinois.

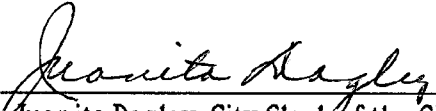
I further certify that on January 20, 19 92, the corporate authorities of such municipality passed and approved Ordinance No. 424, entitled:

**AN ORDINANCE VACATING PORTIONS OF PLATTED BUT UNIMPROVED
AND UNOPENED ALLEYWAYS IN THE CITY OF LE ROY, MC LEAN COUNTY, ILLINOIS,**

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

The pamphlet form of Ordinance No. 424, including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance No. _____ was posted at the municipal building, commencing on January 20, 19 92, and continuing for at least ten days thereafter. Copies of such Ordinance No. 424 were were also available for public inspection upon request in the office of the municipal clerk.

Dated at LeRoy, Illinois, this 20th day of January, 19 92.



Juanita Dagley, City Clerk of the City
of LeRoy, Illinois

STATE OF ILLINOIS)
) SS.
COUNTY OF MC LEAN)

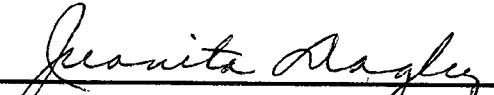
I, Juanita Dagley, do hereby certify that I am the duly qualified and acting City Clerk of the City of LeRoy, McLean County, Illinois, and as such City Clerk that I am the keeper of the records and files of the Mayor and City Council of said City.

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

AN ORDINANCE VACATING PORTIONS OF PLATTED BY UNIMPROVED AND UNOPENED ALLEYWAYS IN THE CITY OF LE ROY, MC LEAN COUNTY, ILLINOIS.

That said ordinance was adopted by the Mayor and City Council of the City of LeRoy at a regular meeting on the 20th day of January, 1992, and that a faithful record of said ordinance has been made in the record books.

Dated this 20th day of January, 1992.



Juanita Dagley, City Clerk of the City
of LeRoy, Illinois