

HUNT HENDERSON

ATTORNEY AT LAW
112 EAST CENTER STREET
LEROY, ILLINOIS 61752

PHONE (309) 962-2791
FAX (309)962-6212

ARDIS L. STEWART,
ASSOCIATE ATTORNEY

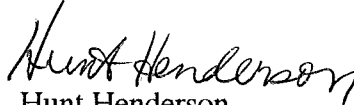
December 30, 1999

Sue Marcum, City Clerk
City of LeRoy
111 E. Center Street
LeRoy, IL 61752

Dear Sue:

Enclosed please find the original recorded Ordinance No. 858 for the City of LeRoy regarding the abandonment of a sewer easement in Crumbaugh Second Addition. Please place this ordinance in the permanent records for the City.

Sincerely yours,


Hunt Henderson

HH/lsh
Enc.

99- 34330
11-08-1999 10:53:08 AM
RUTH WEBER, Recorder
McLean County, IL

Return To:
Hunt Henderson, Attorney at Law
112 East Center Street
LeRoy, Illinois 61752

Microfilmed

CITY OF LE ROY

Ordinance No. 858

(title)

AN ORDINANCE VACATING AND ABANDONING IN PLACE PORTIONS OF A RIGHT-
OF-WAY FOR UNDERGROUND SEWER LINE OBTAINED BY CONDEMNATION
PROCEEDINGS, SAID SEWER LINE BEING LOCATED IN THE CITY OF LE ROY,
MC LEAN COUNTY, ILLINOIS

Prepared By:
Hunt Henderson, Attorney at Law
Attny. No. 01186256
112 East Center Street
LeRoy, Illinois 61752

99 34330

CITY OF LEROY
COUNTY OF MC LEAN
STATE OF ILLINOIS

ORDINANCE NO. 858

AN ORDINANCE VACATING AND ABANDONING IN PLACE PORTIONS OF A RIGHT-
OF-WAY FOR UNDERGROUND SEWER LINE OBTAINED BY CONDEMNATION
PROCEEDINGS, SAID SEWER LINE BEING LOCATED IN THE CITY OF LE ROY,
MC LEAN COUNTY, ILLINOIS

ADOPTED BY THE CITY COUNCIL OF THE CITY OF LE ROY THIS 4th
DAY OF October, 1999.

PRESENTED: October 4, 1999

PASSED: October 4, 1999

APPROVED: October 4, 1999

RECORDED: October 4, 1999

PUBLISHED: October 4, 1999


In Pamphlet Form

Voting "Aye" 5

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: October 4, 1999.



AN ORDINANCE VACATING AND ABANDONING IN PLACE PORTIONS OF A RIGHT-OF-WAY FOR UNDERGROUND SEWER LINE OBTAINED BY CONDEMNATION PROCEEDINGS, SAID SEWER LINE BEING LOCATED IN THE CITY OF LEROY, MCLEAN COUNTY, ILLINOIS

WHEREAS, the Mayor and City Council of the City of LeRoy, McLean County, Illinois, an Illinois municipal corporation, have determined that a portion of a right-of-way obtained through condemnation proceedings to permit the construction and maintenance of an underground sewer line are no longer needed by the City of LeRoy; and

WHEREAS, the Mayor and City Council of the City of LeRoy have determined that it is in the best interest of the city, its residents, and the property owners across whose lands the right-of-way obtained by condemnation proceeding lies to abandon the same,

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

Section 1. By order of the county court of McLean County, Illinois, in case no. 4853 C.L., and in accordance with an ordinance passed by the City of LeRoy dated March 28, 1913, providing for a local improvement to be known as "The East Sewer, an 18 Inch Lateral and West Sewer Lateral of LeRoy Drainage and Sewer System," certain private property, generally described as Lot 1 of the subdivision of the south 1/2 of the southwest 1/4 of Section 21, Township 22 North, Range 4 East of the Third Principal Meridian, McLean County, Illinois, was taken by condemnation insofar as the same was necessary to construct and maintain, in perpetuity, an underground combined sewer line across the previously described real estate. Since the date the condemnation and acquisition of the previously described real estate rights was made effective, the City of LeRoy has constructed and then continuously maintained an underground sewer line in accordance with the court order and the aforesaid ordinance. The City Council of the City of LeRoy has now determined that a portion of the right-of-way previously obtained in accordance with the aforesaid ordinance and the orders entered in the aforesaid court proceeding is no longer necessary for use by the City for the purposes for which it was acquired, nor is it in the public's interest to continue to maintain said portion of the aforesaid sewer line as hereinafter described. Therefore, the City Council hereby determines on the map attached to this Ordinance as Exhibit Y, and incorporated here by reference, the right-of-way legally described as follows:

All of that portion of the underground sewer line and relevant right-of-way for the establishment and maintenance of said underground sewer line beginning at point "D" and continuing in a southerly and southwesterly direction across Lots 22, 23, 24, 25, and 26, all in Crumbaugh's Second Addition to the City of LeRoy, according to a Plat recorded October 5, 1994 as Document No. 94-25988, in the City of LeRoy, McLean County, Illinois, ending at point "A" on the aforesaid map, in McLean County, Illinois, on the map attached to this Ordinance as Exhibit Y, and incorporated herein by reference,

BE AND THE SAME IS HEREBY VACATED, AND ANY AND ALL RIGHTS THE CITY OF LEROY MAY HAVE IN AND TO THE PORTION OF THE PREVIOUSLY DESCRIBED RIGHT-OF-WAY CROSSING EACH OF THE PREVIOUSLY DESCRIBED LOTS IS HEREBY VACATED TO AND CONVEYED TO THE CURRENT OWNERS OF EACH LOT, AS TO THE PORTION OF THE RIGHT-OF-WAY CROSSING EACH LOT.

Section 2. A certified copy of this ordinance shall be filed by the City Clerk of the City of LeRoy, Illinois, for recording in the Office of the Recorder of Deeds of McLean County, Illinois.

Section 3. The vacation of the public interest in the aforesaid portions of the previously described right-of-way on the conditions hereinabove provided shall not abridge or destroy the right or privileges of any other proprietor or property, or of the City of LeRoy, in and to the remaining portions of the right-of-way obtained in accordance with the orders of the County Court of McLean County, Illinois, entered in Case No. 4853 C.L. The aforesaid vacation and conveyance does not constitute a closing or obstructing of any public way, and, for that reason, and only to the extent that the court orders and ordinance previously referred to conflict with the provisions of this vacation ordinance, the final order entered by the County Court of McLean County in Case No. 4853, and the ordinance adopted by the City of LeRoy on March 28, 1913, are deemed no longer effective to the lots previously described herein.

Section 4. This ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as required by law.

PASSED by the City Council of the City of LeRoy, Illinois, upon the motion by
Dave McClelland _____, seconded by Steve Dean _____

_____, by roll call vote on the 4th day of October _____, 1999, as

follows:

Aldermen elected 6 Aldermen present 5

VOTING YAY:
Dave McClelland, Steve Dean, Dawn Thompson, Ron Litherland, Ryan Miles.

(full names)

VOTING NAY:
None

(full names)

ABSENT:
Dick Oliver

(full names)

ABSTAIN:

(full names)

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OTHER:

(full names)

and deposited and filed in the office of the acting City Clerk in said municipality on the 4th day of
October _____, 1999.

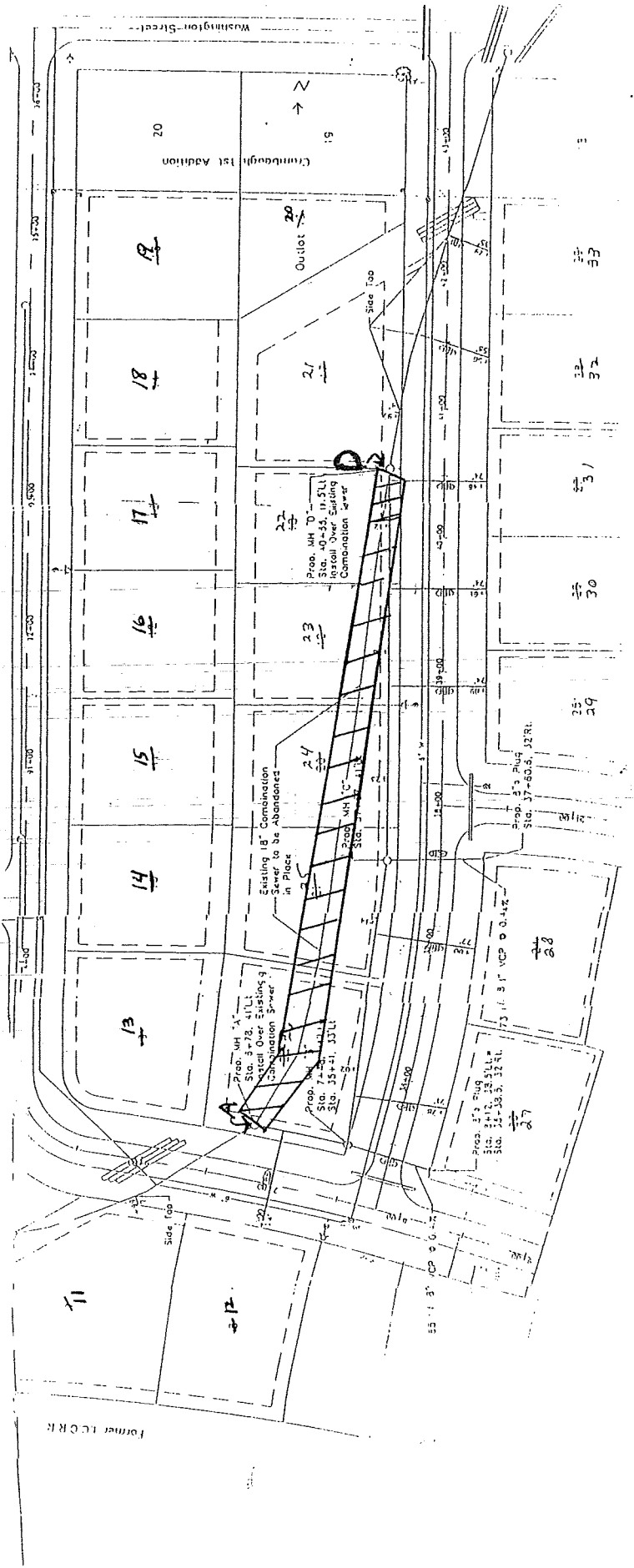
X *Sue Marcum*
Sue Marcum, City Clerk of the City of LeRoy,
McLean County, Illinois

APPROVED BY the Mayor of the City of LeRoy, Illinois, this 4th day of
October _____, 1999.

X *Robert Rice*
Robert Rice, Mayor of the City of LeRoy,
McLean County, Illinois

ATTEST: (SEAL)

X *Sue Marcum*
Sue Marcum, City Clerk, City of LeRoy,
McLean County, Illinois



→ Z

99 34330

showing old sewer
line intended to be
abandoned in place

NOT TO SCALE

EXHIBIT Y

99 34330

CERTIFICATE

I, Sue Marcum, certify that I am the duly appointed and acting municipal clerk of the City of LeRoy, of McLean County, Illinois.

I further certify that on October 4, 1999, the Corporate Authorities of such municipality passed and approved Ordinance No. 858, entitled:

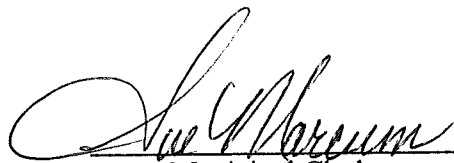
AN ORDINANCE VACATING AND ABANDONING IN PLACE PORTIONS OF A RIGHT-OF-WAY FOR UNDERGROUND SEWER LINE OBTAINED BY CONDEMNATION PROCEEDINGS, SAID SEWER LINE BEING LOCATED IN THE CITY OF LE ROY, MC LEAN COUNTY, ILLINOIS,

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

The pamphlet form of Ordinance No. 858, including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted at the municipal building, commencing on October 4, 1999, and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the municipal clerk.

Dated at LeRoy, Illinois, this 4th day of October, 1999

(SEAL)


Municipal Clerk

99 31330

STATE OF ILLINOIS)
) SS:
COUNTY OF McLEAN)

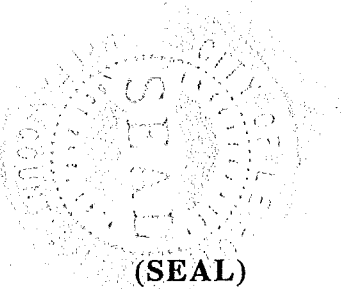
I, Sue Marcum, do hereby certify that I am the duly qualified and acting City Clerk of the City of LeRoy, McLean County, Illinois, and as such acting City Clerk that I am the keeper of the records and files of the Mayor and the City Council of said City.

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

AN ORDINANCE VACATING AND ABANDONING IN PLACE PORTIONS OF A RIGHT-OF-WAY FOR UNDERGROUND SEWER LINE OBTAINED BY CONDEMNATION PROCEEDINGS, SAID SEWER LINE BEING LOCATED IN THE CITY OF LE ROY, MC LEAN COUNTY, ILLINOIS.

I do further certify said ordinance was adopted by the City Council of the City of LeRoy at a regular meeting on the 4th day of October, 1999, and prior to the making of this certificate the said ordinance was spread at length upon the permanent records of said City where it now appears and remains as a faithful record of said ordinance in the record books.

Dated this 4th day of October, 1999.



X Sue Marcum
City Clerk