

CITY OF LEROY  
COUNTY OF MC LEAN  
STATE OF ILLINOIS

ORDINANCE NO. 01-12-04-50

AN ORDINANCE VACATING A PORTION OF A PLATTED EASEMENT IN A PART OF PLEASANT VALLEY SUBDIVISION SECOND ADDITION, A PLATTED SUBDIVISION, IN THE CITY OF LEROY, MC LEAN COUNTY, ILLINOIS, AND GRANTING A VARIANCE OF THE REQUIREMENTS OF THE SUBDIVISION CODE OF THE CITY OF LEROY, MC LEAN COUNTY, ILLINOIS, AS PROVIDED UNDER SECTION 22.10 OF CHAPTER 22 SUBDIVISIONS, MUNICIPAL CODE OF THE CITY OF LEROY, ILLINOIS, 1975  
(as amended)

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ADOPTED BY THE CITY COUNCIL OF THE CITY OF LE ROY  
THIS 3rd DAY OF December, 2001

PRESENTED: December 3rd, 2001

PASSED: December 3rd, 2001

APPROVED: December 3rd, 2001

RECORDED: December 3rd, 2001

PUBLISHED: December 3rd, 2001

In Pamphlet Form

Voting "Aye" 4

Voting "Nay" 0

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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)

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

Dated: December 3rd, 2001.

ORDINANCE NO. 01-12-04-50

AN ORDINANCE VACATING A PORTION OF A PLATTED EASEMENT IN A PART OF PLEASANT VALLEY SUBDIVISION SECOND ADDITION, A PLATTED SUBDIVISION, IN THE CITY OF LEROY, MC LEAN COUNTY, ILLINOIS, AND GRANTING A VARIANCE OF THE REQUIREMENTS OF THE SUBDIVISION CODE OF THE CITY OF LEROY, MC LEAN COUNTY, ILLINOIS, AS PROVIDED UNDER SECTION 22.10 OF CHAPTER 22 SUBDIVISIONS, MUNICIPAL CODE OF THE CITY OF LEROY, ILLINOIS, 1975 (as amended)

WHEREAS, a request has been received from the contract purchaser of property including that real estate described in Section 1 of this ordinance, said real estate being part of Lot 36 in Pleasant Valley Subdivision Second Addition, a subdivision in the City of LeRoy, McLean County, Illinois, requesting vacation of a platted utility easement as shown on the plat of the aforesaid subdivision; and

WHEREAS, the Mayor and City Council of the City of LeRoy, McLean County, Illinois, an Illinois municipal corporation, find that it is in the public's best interest to vacate the portion of said easement as hereinafter described, as said easement would otherwise present an impediment to the development of the aforesaid lot; and

WHEREAS, the Mayor and City Council of the City of LeRoy have been duly assured there are no utility lines located in said easement way; and

WHEREAS, the Mayor and City Council of the City of LeRoy have determined that a proposed subdivision of real estate adjacent to Lot 36 in Pleasant Valley Subdivision Second Addition in the City of LeRoy, McLean County, Illinois, is appropriate; and

WHEREAS, Section 22.10 Subdivision of Tracts of Chapter 22 SUBDIVISIONS, of the Municipal Code of the City of LeRoy, Illinois, 1975 (as amended), provides for a certain expediting of subdivision approval procedures and a method by which relief can be granted in unique and unusual situations concerning small tracts of land,

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

Section 1: The easement hereinafter described in this section is no longer required for the use of public utilities in connection with the development of the lot hereinafter described, across which the easement or portion of the easement is located, in Pleasant Valley Subdivision Second Addition, a subdivision platted in the City of LeRoy, McLean County, Illinois, and the interests of the owners of said lot as well as the public's interests will be subserved by vacating the portion of

that easement as described hereafter. The easement intended to be vacated in accordance with this ordinance is legally described as follows:

(easement vacation legal description) *The East 6 feet of Lot 36 in Pleasant Valley Subdivision Second Addition, City of LeRoy, McLean County, Illinois, except the North 5 feet thereof* (the aforesaid portion of an easement being vacated is further shown on a copy of a plat of the aforesaid subdivision and lot, attached hereto as Exhibit A and incorporated herein by reference),

and the same shall be and is hereby vacated.

Section 2: Vacation of the public utilities' interests and of the public's interests in the aforesaid portion of the easement described herein shall not abridge or destroy the right or privileges of any other proprietor or property shown on the final plat of said subdivision. Said vacation does not constitute a closing or obstructing of any public way, nor does it constitute a closing or obstructing of any easement currently used by any public utility, 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 aforesaid Pleasant Valley Subdivision Second Addition to the City of LeRoy, McLean County, Illinois, shall be and the same is hereby vacated in part.

Section 3: 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 Recorder of Deeds in McLean County, Illinois.

Section 4: The request by Paul Spratt and Jamie Spratt to subdivide a larger tract of land into two portions, one of which shall be described as set forth in Exhibit B (copy of plat of survey), is hereby approved. Further, in accordance with Section 22.10 of Chapter 22 SUBDIVISIONS, Municipal Code of the City of LeRoy, Illinois, 1975 (as amended), the City Council hereby finds that the plat of subdivision of the aforesaid described real estate (Exhibit B) is a plat of subdivision of a small tract of land. After consideration of said request, the City Council is of the opinion that the intent and purpose of the provisions of Chapter 22 SUBDIVISIONS of the Municipal Code of the City of LeRoy, Illinois, 1975 (as amended), are not violated by such plat and that construction of the improvements required in accordance with Chapter 22 of the aforesaid municipal code are not applicable, at least in certain instances, or cannot be reasonably enforced. Therefore, the City hereby approves the aforesaid plat, a copy of which is attached hereto as Exhibit B and incorporated herein by reference, without requiring the applicants, Paul Spratt and Jamie Spratt, husband and wife, to proceed further in accordance with Chapter 22 SUBDIVISIONS of the Municipal Code of the City of LeRoy, Illinois, 1975 (as amended).

Section 5: The City Council hereby finds that all the recitals contained in the preambles and recitals to this ordinance are true, complete and correct, and they hereby incorporate such preambles and recitals into this ordinance by this reference thereto.

Section 6: All ordinances, or parts thereof, and resolutions, or parts thereof, in conflict with this ordinance shall be and the same are hereby repealed to the extent of such conflict, and this ordinance shall be in full force and effect as set forth hereafter.

Section 7: Nothing in this ordinance hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or any liability incurred, of any cause or causes of action acquired or existing, under any act or ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost impaired or affected by this ordinance.

Section 8: This ordinance shall be in full force and effect from and after its passage, approval and publication, as required by law.

PASSED by the City Council of the City of LeRoy, Illinois, upon the motion by Gary Koerner, seconded by Dawn Thompson, by roll call vote on the 3rd day of December, 2001, as follows:

Aldermen elected 6 Aldermen present 4

VOTING AYE:

Dawn Thompson, Grace Anderson, Gary Koerner, John Haney  
(full names)

VOTING NAY:

None  
(full names)

ABSENT, ABSTAIN, OTHER:

Dave McClelland  
(full names)

and deposited and filed in the office of the City Clerk in said municipality on the 3rd day of December, 2001.

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

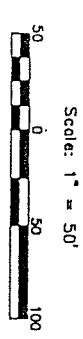
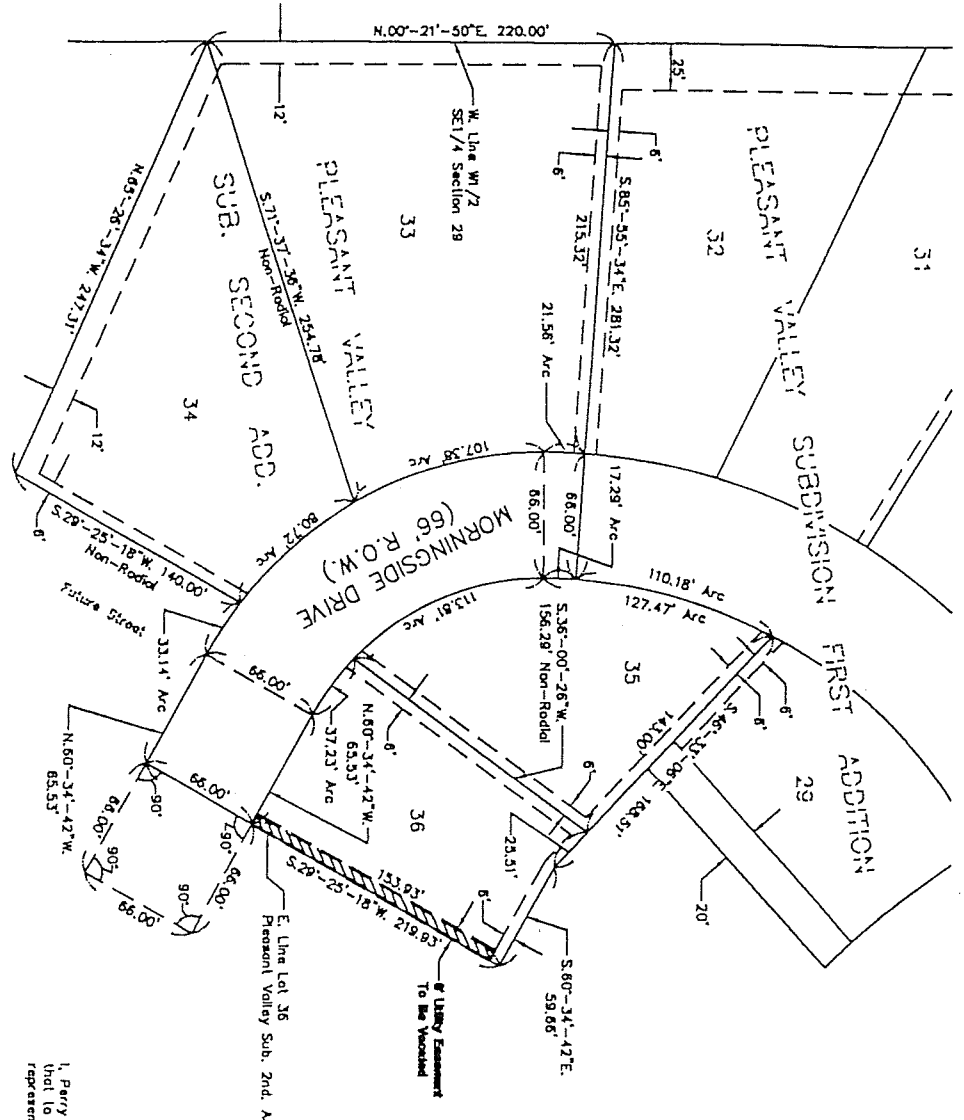
APPROVED BY the Mayor of the City of LeRoy, Illinois, this 3rd day of December, 2001.

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

ATTEST: (SEAL)

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

**EASEMENT VACATION PLAT**  
 Part of Lot 36 in Pleasant Valley Subdivision 2nd Addition,  
 City of LeRoy, McLean County, Illinois



**Legend**  
 Utility Easements to be Vacated  
 Existing Easement Limits

**Legal Description**  
 Utility Easement To be Vacated  
 The East 6 feet of Lot 36 in Pleasant Valley Subdivision Second Addition, City of LeRoy, McLean County, Illinois, EXCEPT the North 6 feet thereof.

**Successor's Certificate**  
 I, Perry L. Lewis, Illinois Professional Land Surveyor No. 1874, do hereby certify that to the best of my knowledge and belief the plat shown hereon is an accurate representation of easement lands to be dedicated under my direction.

Perry L. Lewis  
 Illinois Professional Land Surveyor No. 1874  
 Date 09/23/2001



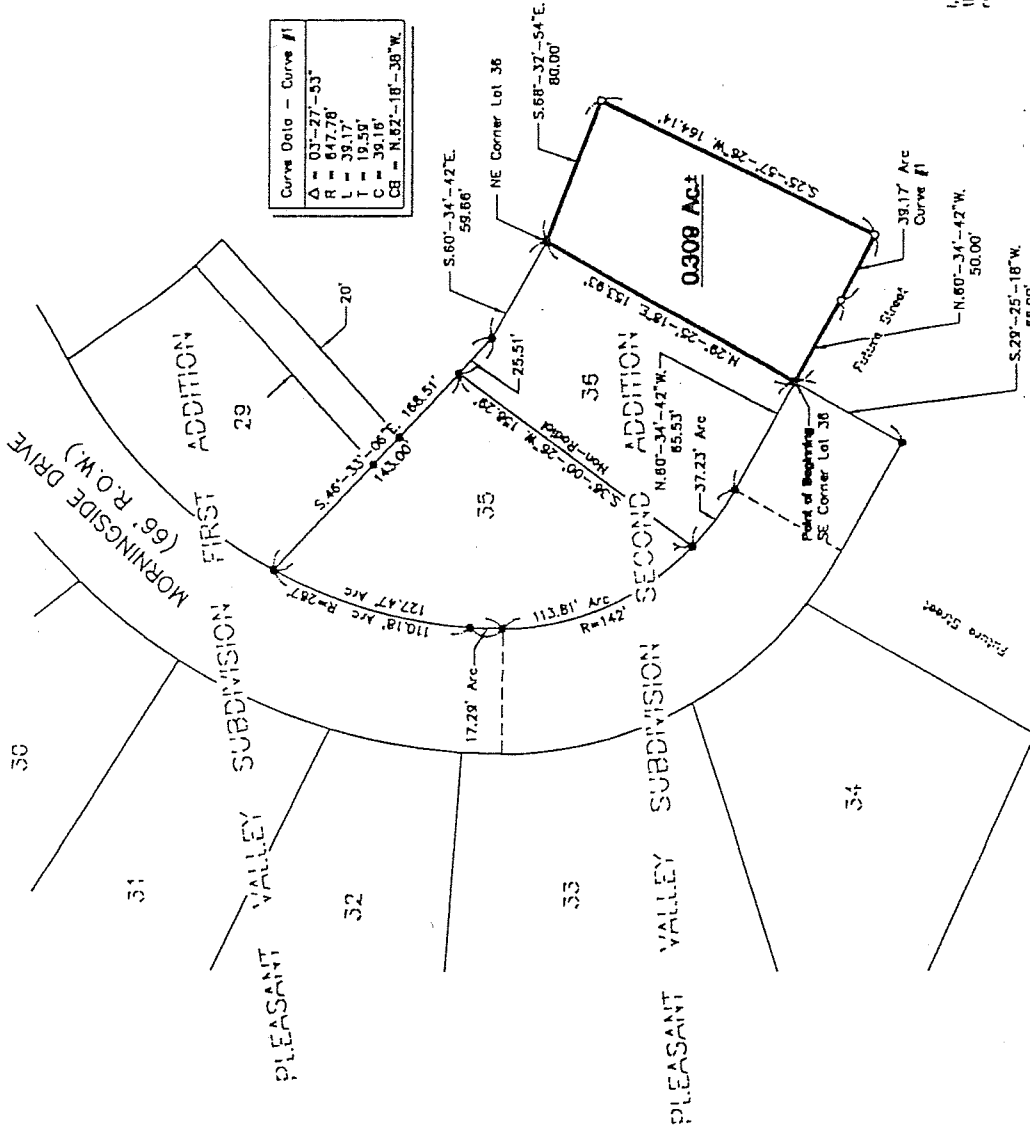
This survey was performed without the benefit of a title policy. There may be easements or other matters of record, or not of record, affecting this property which are not shown.

SUCCESSOR'S NAME

<b>Lewis, Yockey &amp; Brown, Inc.</b>		<b>CONVEYING ENGINEERS &amp; LAND SURVEYORS</b>	
505 North Main Street O Bloomington, Illinois Ph. (309) 829-2552	222 East Center Street LeRoy, Illinois Ph. (309) 963-8151	155 South Elm Street O El Paso, Illinois Ph. (309) 537-2552	
Per. _____	Chk. _____	Per. _____	Chk. _____
	BKS		PLL
Pleasant Valley Sub. 2nd Add. Easement Vacation Plat City of LeRoy, McLean County, IL		Sheet 1 of 1	

# PLAT OF SURVEY

A part of the W1/2 of the SE1/4 of Section 29,  
T. 22 N., R. 4 E., 3 P.M., City of LeRoy, McLean County, Illinois



Curve Data - Curve #1
Δ = 03°-27'-53"
R = 847.78'
L = 39.17'
C = 39.16'
CB = N.62°-18'-38"W

Scale: 1" = 50'



### Legend

- Boundary of Subject Premises
- Existing Iron Rod
- 5/8" Iron Rod Set

### Lead Description

A part of the W1/2 of the SE1/4 of Section 29, Township 22 North, Range 4 East of the Third Principal Meridian, City of LeRoy, McLean County, Illinois, more particularly described as follows: Beginning at the southwest corner of Lot 36 in Pleasant Valley Subdivision Second Addition; thence N.29°-25'-18"E. 153.93 feet to the northeast corner of said Lot 36 in Pleasant Valley Subdivision Second Addition; thence S.09°-32'-54"E. 80.00 feet; thence S.29°-25'-18"W. 164.14 feet; thence northwesterly 39.17 feet, a non-circular curve concave to the northeast having a central angle of 03°-27'-53"; a radius of 847.78 feet and a chord of 39.16 feet bearing N.62°-18'-38"W. from the last described course; thence N.80°-34'-42"W. 50.00 feet to the Point of Beginning containing 0.308 acres, more or less, with assumed bearings given for description purposes only.

### Surveyor's Certificate

I, Perry L. Lewis, Illinois Professional Land Surveyor No. 1874, do hereby certify that to the best of my knowledge and belief the plat shown hereon is an accurate representation of a survey made under my direction.



*Perry L. Lewis*  
Perry L. Lewis  
Illinois Professional Land Surveyor No. 1874

08/24/2001  
Date

### Surveyor's Note

This survey was performed without the benefit of a title policy. There may be easements or other matters of record, or not of record, affecting this property which are not shown.

**Lewis, Yockey & Brown, Inc.**  
Consulting Engineers & Land Surveyors  
505 North Ash Street  
O Bloomington, Illinois  
PH (309) 859-2532

222 East Center Street  
O LeRoy, Illinois  
PH (309) 567-8151

155 South Elm Street  
O El Paso, Illinois  
PH (309) 527-7532

Sheet **1** of 1

Pleasant Valley Subdivision 2nd Add.  
Parcel Adjacent to Lot 36  
LeRoy, Illinois

CERTIFICATE

I, Sue Marcum, 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 December 3rd, 2001, the Corporate Authorities of such municipality passed and approved Ordinance No. 01-12-04-50, entitled:

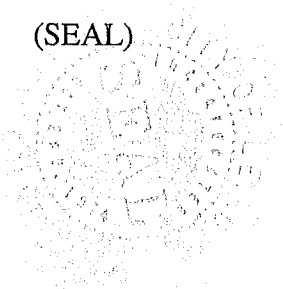
AN ORDINANCE VACATING A PORTION OF A PLATTED EASEMENT IN A PART OF PLEASANT VALLEY SUBDIVISION SECOND ADDITION, A PLATTED SUBDIVISION, IN THE CITY OF LEROY, MC LEAN COUNTY, ILLINOIS, AND GRANTING A VARIANCE OF THE REQUIREMENTS OF THE SUBDIVISION CODE OF THE CITY OF LEROY, MC LEAN COUNTY, ILLINOIS, AS PROVIDED UNDER SECTION 22.10 OF CHAPTER 22 SUBDIVISIONS, MUNICIPAL CODE OF THE CITY OF LEROY, ILLINOIS, 1975  
(as amended),

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

The pamphlet form of Ordinance No. 01-12-04-50, including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted at the municipal building, commencing on December 3rd, 2001, 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 3rd day of December, 2001.

(SEAL)



  
\_\_\_\_\_  
Municipal Clerk

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 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 A PORTION OF A PLATTED EASEMENT IN A PART OF PLEASANT VALLEY SUBDIVISION SECOND ADDITION, A PLATTED SUBDIVISION, IN THE CITY OF LEROY, MC LEAN COUNTY, ILLINOIS, AND GRANTING A VARIANCE OF THE REQUIREMENTS OF THE SUBDIVISION CODE OF THE CITY OF LEROY, MC LEAN COUNTY, ILLINOIS, AS PROVIDED UNDER SECTION 22.10 OF CHAPTER 22 SUBDIVISIONS, MUNICIPAL CODE OF THE CITY OF LEROY, ILLINOIS, 1975 (as amended).

I do further certify said ordinance was adopted by the City Council of the City of LeRoy at a regular meeting on the 3rd day of December, 2001, 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 3rd day of December, 2001.

X Sue Marcum  
City Clerk

