

CITY OF LE ROY
COUNTY OF McLEAN, STATE OF ILLINOIS

ORDINANCE NO. 18-04-01-90

**AN ORDINANCE VACATING PART OF AN ALLEY IN BLOCK 38 OF
CONKLINGS ADDITION TO THE CITY OF LE ROY**

ADOPTED BY THE CITY COUNCIL OF THE CITY OF LE ROY THIS

16th Day of April 2018

PRESENTED: **April 16, 2018**

PASSED: **April 16, 2018**

APPROVED: **April 16, 2018**

RECORDED: **April 16, 2018**

PUBLISHED: **April 16, 2018**

In Pamphlet Form

Voting "Aye" 8

Voting "Nay" 0

The undersigned being the duly qualified and Acting City Clerk of the City of Le Roy 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)



Vicki Moreland

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

Dated: April 16, 2018

**CITY OF LEROY
McLEAN COUNTY, ILLINOIS**

ORDINANCE NO. 18-04-01-90

**AN ORDINANCE VACATING PART OF
AN ALLEY IN BLOCK 38 OF
CONKLING'S ADDITION TO THE CITY OF LEROY**

WHEREAS, the City of LeRoy ("City") is an Illinois municipal corporation organized and operating pursuant to the laws and constitution of the State of Illinois; and

WHEREAS, the City is granted the authority and power to vacate streets and alleys pursuant to Section 11-91-1, et seq., of the Illinois Municipal Code, 65 ILCS 5/11-91-1, et seq.; and

WHEREAS, the City has identified an alley ("Alley") for partial vacation as more particularly described in "Exhibit A;" and

WHEREAS, said Alley does not experience vehicular traffic as the same is unimproved and the City has no intention of improving it; and

WHEREAS, the responsibility for maintaining the Alley constitutes a burden upon the City; and

WHEREAS, the property owners of the abutting land, located to the north and south of the Alley (Parcel Numbers 30-20-430-001 and 30-20-438-002) will benefit from the increased property size; and

WHEREAS, it is in the best interests of the City that the City Council approve vacating the Alley described in "Exhibit A;" and

WHEREAS, in accordance with Section 11-91-1 of the Illinois Municipal Code, the corporate authorities have determined that the Alley is not now and will not be required for public purposes in the future; and that the Alley has no value to the City, but instead poses an unnecessary burden upon the City; and

WHEREAS, in accordance with Section 11-91-2 of the Illinois Municipal Code, the City Council finds that the best interests of the City will be served by the vesting of title to the vacated Alley in the owners of the land abutting the Alley identified above.

NOW, THEREFORE, BE IT ORDAINED by the City Council for the City of LeRoy, McLean County, Illinois, as follows:

Section 1: That the recitals set forth in the preamble to this Ordinance are hereby incorporated by reference and adopted as the findings for the City as if fully set forth herein.

Section 2: That the Alley described in “Exhibit A” attached hereto is hereby vacated and closed and title to the Alley shall vest in the owners of the land abutting thereon being located to the north and south of the Alley (Parcel Numbers 30-20-430-001 and 30-20-438-002). However, the City reserves an easement for itself and public utilities upon the vacated portion of the Alley for the installation, operation, and maintenance of water mains, sanitary sewers, storm sewers, cable television, telephone, gas, electric and other utility lines.

Section 3: This vacation is subject to and conditioned upon the following:

A. That this vacation is subject to all existing easement rights of others whether apparent or not apparent, of record or not of record, aerial, surface, underground, or otherwise.

B. The City shall not be obligated to replace or repair any improvements upon the reserved easement area during the process of constructing, maintaining, reconstructing or repairing utilities as stated herein.

C. That the abutting property owners shall compensate the City for the portions of Alley to which that property owner acquires title as a result of the vacation as follows: The parcel owner shall pay the City \$800.00.

D. That upon payment to the City of the total compensation provided above, the City shall record this ordinance with the McLean County Recorder of Deed.

E. In the event payment is not received by the City on or before June 30, 2018, this Ordinance shall be of no force and effect.

Section 4: Severability. In the event that any section, clause, provision, or part of this Ordinance shall be found and determined to be invalid by a court of competent jurisdiction, all valid parts that are severable from the invalid parts shall remain in full force and effect. If any part of this Ordinance is found to be invalid in any one or more of its several applications, all valid applications shall remain in effect.

Section 5: Repeal and Savings Clause. All ordinances or parts of ordinances in conflict herewith are hereby repealed; provided, however, that nothing herein contained shall affect any rights, actions, or causes of action which shall have accrued to the City of LeRoy prior to the effective date of this Ordinance.

Section 6: Effective Date. This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form in the manner provided by law, and receipt of payment as provided in Section 3 above.

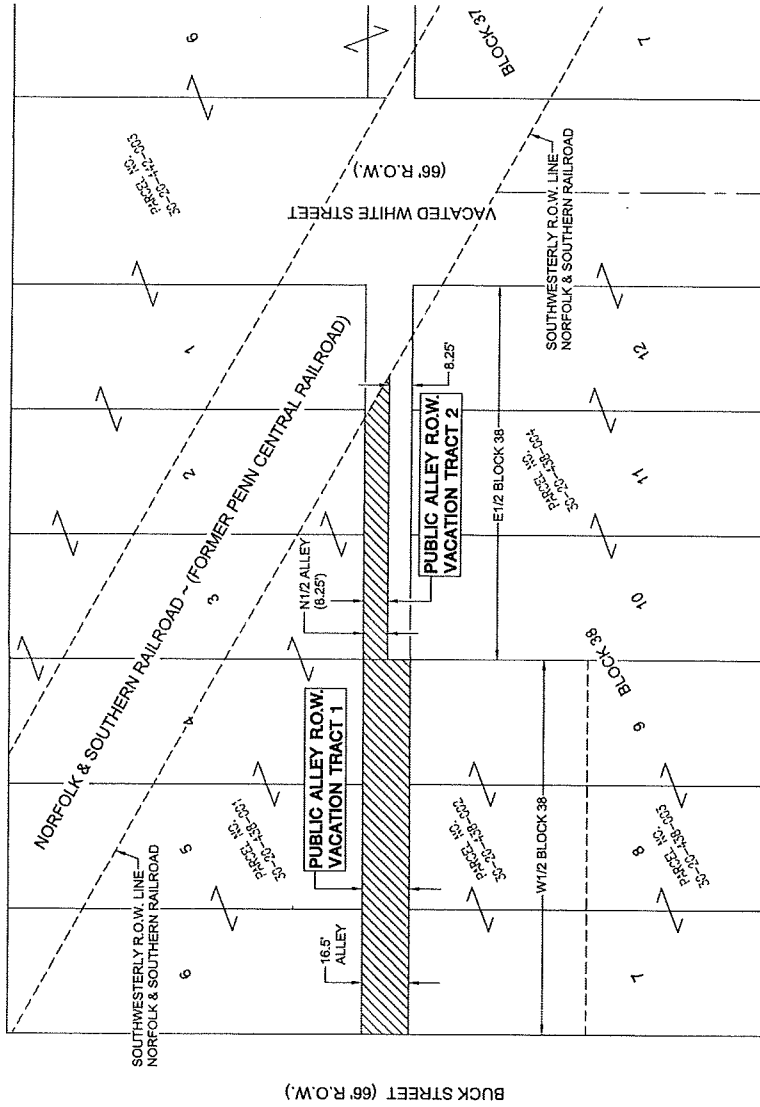
EXHIBIT A

VACATION PLAT

PART OF THE PUBLIC ALLEY IN BLOCK 38 OF CONKLING'S ADDITION TO LEROY, E1/2 SE1/4 SECTION 20, T.22N, R.4E, 3P.M., MCLEAN COUNTY, ILLINOIS

CENTER STREET (66' R.O.W.)

PINE STREET (66' R.O.W.)



LYB
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| Rev. | |
| Dwn. | Bk. |
| App. BKS | Dwn. BKS |
| Volume | Blk. |

VACATION PLAT
BLOCK 38 CONKLING'S ADDITION
CITY OF LEROY
MCLEAN COUNTY, ILLINOIS

Lewis, Yockey & Brown, Inc.
Consulting Engineers & Land Surveyors
Professional Design Firm Registration #184,00808
505 North Main Street
222 East Center Street
O El Paso, Illinois
Ph. (309) 962-8151
Ph. (309) 629-2652
@ Bloomington, Illinois

Sheet **1**
of 1
Job # **4023.129**

I, Bradley K. Shaffer, Illinois Professional Land Surveyor No. 3488, do hereby certify that to the best of my knowledge and belief the plat shown hereon is an accurate representation of Public Alley Right of Way to be vacated and made under my direction.

Bradley K. Shaffer
Bradley K. Shaffer
Illinois Professional Land Surveyor No. 3488
License Expiration Date 11/30/2018

04/13/2018
Date



Legal Description - Public Alley R.O.W. Vacation Tract 1
All that part of the 16.5' Public Alley in the W1/2 of Block 38 of Conkling's Addition to the City of Leroy, in the E1/2 of the SE1/4 of Section 20, Township 22 North, Range 4 East of the Third Principal Meridian, City of Leroy, McLean County, Illinois.

Legal Description - Public Alley R.O.W. Vacation Tract 2
All that part of the N1/2 of the 16.5' Public Alley in the E1/2 of Block 38 of Conkling's Addition to the City of Leroy lying West of the southwesterly right of way line of the Norfolk & Southern Railroad (formerly Penn Central Railroad), in the E1/2 of the SE1/4 of Section 20, Township 22 North, Range 4 East of the Third Principal Meridian, City of Leroy, McLean County, Illinois.

PASSED by the City Council of the City of Le Roy, Illinois, upon the motion made by, Dawn Hanafin and seconded by, Greg Steffen by roll call vote on the 16th day of April, 2018, as follows

Aldermen elected 8

Aldermen Present 8

Voting Aye:

Dawn Hanafin, Rick Kline, Kyle Merkle, Brad Poindexter, Glenn Reinhart, Ron Legner, Hilary Neal, Greg Steffen,

Voting Nay:

None

Absent:

Abstain:

None

and deposited and filed in the office of the City Clerk in said municipality on the 16th day of April, 2018.



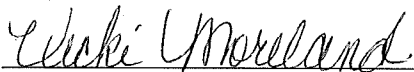
Vicki Moreland, City Clerk of the
City of Le Roy, Mc Lean County, Illinois

APPROVED BY the Mayor of the City of Le Roy, Illinois, this 16th day of April, 2018.



Steve Dean Mayor of the City of Le Roy,
Mc Lean County, Illinois

ATTEST: (SEAL)



Vicki Moreland, City Clerk of the City of Le Roy
Mc Lean County, Illinois

CERTIFICATE

I, Vicki Moreland, certify that I am the duly appointed and acting municipal Clerk of the City of Le Roy, of McLean County, Illinois.

I further certify that on April 16, 2018 the Corporate Authorities of such municipality passed and approved:


**AN ORDINANCE VACATING PART OF AN ALLEY IN BLOCK 38 OF
CONKLINGS ADDITION TO THE CITY OF LE ROY**

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

The pamphlet form of **Ordinance No. 18-04-01-90**, including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted at the municipal building, commencing on April 16, 2018 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 Le Roy, Illinois this 16th day of April 2018.

(SEAL)


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

STATE OF ILLINOIS)
) SS:
COUNTY OF MCLEAN)

I, Vicki Moreland, do hereby certify that I am the duly qualified and acting 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 an ordinance entitled:

**AN ORDINANCE VACATING PART OF AN ALLEY IN BLOCK 38 OF
CONKLINGS ADDITION TO THE CITY OF LE ROY**

I do further certify said *ordinance* was adopted by the City Council of the City of Le Roy at a regular meeting on the 16th day of April, 2018, and prior to the making of this certificate the said ordinance was on file with the permanent records of said City where it now appears and remains as a permanent record of said ordinance in the record books.

Dated this 16th day of April 2018

(SEAL)


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