

CITY OF LEROY  
COUNTY OF MC LEAN  
STATE OF ILLINOIS

ORDINANCE NO. 733

AN ORDINANCE APPROVING SUBORDINATION OF SURFACE RIGHTS  
FOR PUBLIC ROAD PURPOSES IN CONNECTION WITH THE STATE OF ILLINOIS,  
DEPARTMENT OF TRANSPORTATION, ROUTE 150 PROJECT THROUGH  
THE CITY OF LEROY, MCLEAN COUNTY, ILLINOIS

ADOPTED BY THE CITY COUNCIL OF THE CITY OF LE ROY  
THIS 5th DAY OF May, 1997

PRESENTED: May 5, 1997

PASSED: May 5, 1997

APPROVED: May 5, 1997

RECORDED: May 5, 1997

PUBLISHED: May 5, 1997


In Pamphlet Form

Voting "Aye" 6

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)

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

Dated: May 5, 1997.

AN ORDINANCE APPROVING SUBORDINATION OF SURFACE RIGHTS  
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THE CITY OF LEROY, MCLEAN COUNTY, ILLINOIS

WHEREAS, the State of Illinois, through its Department of Transportation, is preparing to undertake road improvements to Route 150 through the City of LeRoy; and

WHEREAS, in order to enable the aforesaid Department of Transportation to complete certain road improvements it is necessary that drainage improvements be undertaken south of Route 150 near the Norfolk and Southern Railroad track, as described in the attached Exhibit "A;" and

WHEREAS, the Mayor and City Council of the City of LeRoy wish to assist the State of Illinois in every reasonable way in making the Route 150 improvements, as aforesaid; 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 best interests of the city and its residents that a subordination of certain described drainage rights currently held by the City be made in order to enable the State of Illinois to make certain drainage improvements in connection with the Route 150 improvements,

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

Section 1. The Subordination Of Surface Rights For Public Road Purposes, a copy of which is set forth on Exhibit "A," attached hereto and incorporated herein, is approved and the mayor and city clerk are hereby directed to execute two copies of the same as provided by the State of Illinois, and forward the same to the Illinois Department of Transportation as requested.

Section 2. This ordinance shall be in full force and effect from and after its passage, approval and publication as required by law.

S.B.I. 39 (U.S. Route 150)

Section (3)W&RS-2

McLean County

Job No. R-93-010-93

Page 1 Of 4

RECORDER'S USE

STATE OF ILLINOIS  
DEPARTMENT OF TRANSPORTATION

SUBORDINATION OF SURFACE RIGHTS FOR PUBLIC ROAD  
PURPOSES

KNOW ALL MEN BY THESE PRESENTS, That the Grantor, CITY OF LEROY, of the county of McLean and state of Illinois, for and in consideration of the sum of ONE AND NO/100 DOLLARS (\$1.00) in hand paid by the state of Illinois, acting by and through the Department of Transportation, or on its behalf, the receipt of which is hereby acknowledged, do hereby subordinate unto the People of the state of Illinois, its interest which has been acquired in, through, or by easement or easements dated and filed in the Recorder's Office of McLean County, Illinois, as follows:

Exhibit A

<u>PARCEL NUMBER</u>	<u>DATE OF EASEMENT</u>	<u>DATE OF RECORDING</u>	<u>RECORDATION DATA</u>
3JK0016	01/30/13	06/06/13	Book 287, Page 135
3JK0016	02/24/1869	09/11/1872	Book 84, Page 513
3JK0017	01/30/13	06/06/13	Book 287, Page 135
3JK0017	02/24/1869	09/11/1872	Book 84, Page 513

to the paramount right of the state of Illinois to construct, reconstruct, operate, maintain, and control access to S.B.I. 39 (U.S. Route 150), on the following land as shown on the attached plat in McLean County and state of Illinois.

Any alteration and/or relocation of said Grantor's facilities now or hereinafter made within or adjacent to the aforesaid described land, which is required by order of the state in connection with any exercise by the state of its right hereunder shall be performed by the Grantor, but the Grantee shall reimburse the Grantor for the actual reasonable cost of such performance.

This subordination of the Grantor's easement or easements shall be effective only as to such air and surface rights and to such distances below the surface as may reasonably be required to construct, reconstruct, operate, and maintain said highway to insure adequate and sufficient lateral and vertical support thereof, and that otherwise this subordination shall in no way affect or impair the rights of the Grantor, its successors or assigns, under and by virtue of said easement or easements, including, but not limited to, the right to construct additional facilities under, over and across said highway, provided that the construction of any future facility under, over and across said highway shall be performed in such a manner as not to interfere with or impair the use of said highway and shall conform to reasonable rules and regulations as to such construction as may be promulgated by Federal or State authorities.

IN WITNESS WHEREOF, the Grantor has caused these presents to be signed by its mayor and attested by its city clerk, and the seal of the City affixed hereto, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.

CITY OF LEROY

ATTEST: (SEAL)

BY: \_\_\_\_\_  
Robert J. Rice, Mayor  
of the City of LeRoy, McLean County, IL

\_\_\_\_\_  
Sue Marcum, Acting City Clerk  
City of LeRoy, McLean County, IL

STATE OF ILLINOIS  
COUNTY OF Mc LEAN

SS.

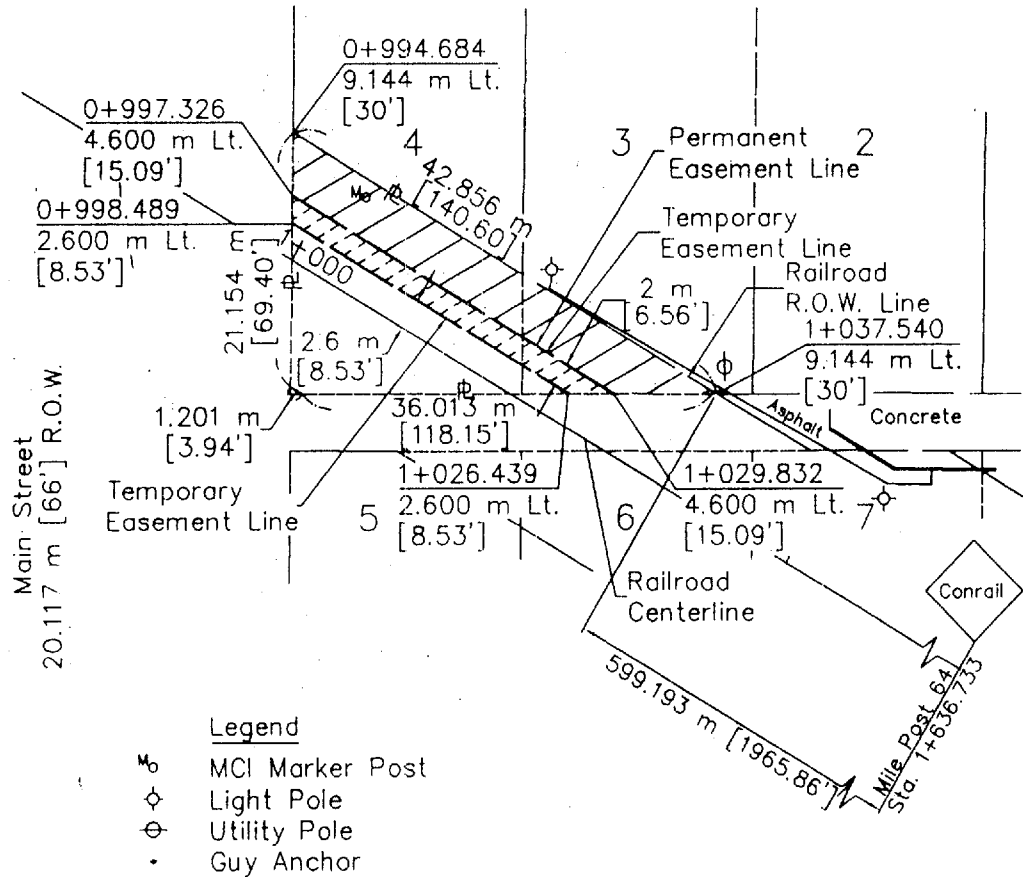
I, \_\_\_\_\_ the undersigned \_\_\_\_\_, a Notary Public in and for said county in the state aforesaid, do hereby certify that Robert J. Rice \_\_\_\_\_ and Sue Marcum \_\_\_\_\_, personally known to me to be mayor \_\_\_\_\_ and city clerk \_\_\_\_\_ respectively of CITY OF LEROY, a corporation, and also known to me to be the persons whose names are subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that as such mayor \_\_\_\_\_ and city clerk \_\_\_\_\_, respectively, they signed, sealed, and delivered the said instrument as the free and voluntary act of said corporation, for the uses and purposes therein set forth, and that they were duly authorized to execute the same by the City Council of the City of LeRoy, McLean County, Illinois.

Given under my hand and notarial seal this \_\_\_\_\_ day of \_\_\_\_\_  
May \_\_\_\_\_, A.D., 19 97.

\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires: \_\_\_\_\_.

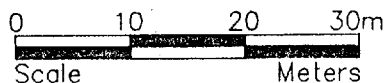
A Part of Lots 3 and 4 in Block 26 of the Original  
Town of LeRoy, S.W.1/4, Sec. 21, T.22N, R.4E, 3 P.M.,  
McLean County, Illinois



Parcel No. 3JK0016

**NORFOLK AND WESTERN RAILWAY CO.**

Permanent Easement=171.222 m<sup>2</sup>± [1843 Sq.Ft.±]  
Purpose: Storm Sewer Construction  
Temporary Easement= 60.456 m<sup>2</sup>± [651 Sq.Ft.±]  
Purpose: Grading and Shaping



**PREMISE PLAT**

ROUTE: S.B.I. 39 (U.S. Route 150)

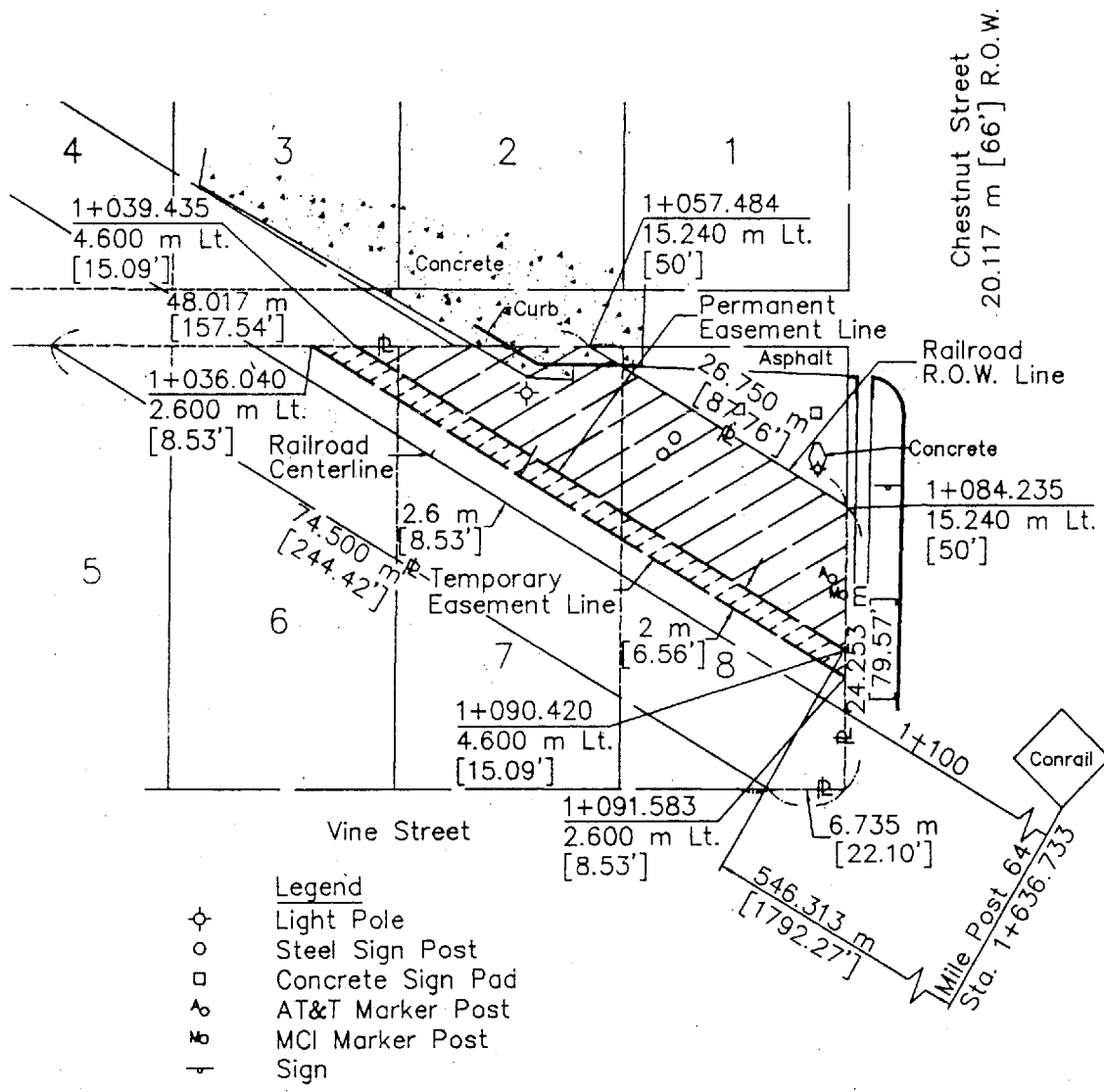
SECTION: (3) W & RS-2

COUNTY: McLean

JOB No.: R-93-010-93

REVISIONS: \_\_\_\_\_

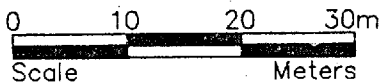
A Part of Lots 6, 7 and 8 in Block 26 of the Original  
Town of LeRoy, S.W.1/4, Sec. 21, T22N, R4E, 3 P.M.,  
McLean County, Illinois



Parcel No. 3JK0017

**NORFOLK AND WESTERN RAILWAY CO.**

Permanent Easement= 413.551 m<sup>2</sup>± [4451 Sq.Ft.±]  
 Purpose: Storm Sewer Construction  
 Temporary Easement= 106.525 m<sup>2</sup>± [1147 Sq.Ft.±]  
 Purpose: Grading and Shaping



**PREMISE PLAT**

ROUTE: S.B.I. 39 (U.S. Route 150)  
 SECTION: (3) W & RS-2  
 COUNTY: McLean  
 JOB No.: R-93-010-93  
 REVISIONS: \_\_\_\_\_  
 \_\_\_\_\_

(1) CHANGED NAME 11-14-96 D.M.L.



PASSED by the City Council of the City of LeRoy, Illinois, upon the motion by \_\_\_\_\_  
Ron Litherland \_\_\_\_\_, seconded by \_\_\_\_\_ Ryan Miles \_\_\_\_\_, by  
roll call vote on the 5th day of May, 1997, as follows:


Aldermen elected 6 Aldermen present 6

VOTING AYE:  
Ryan Miles, Ron Litherland, Dave McClelland, W. H. Weber, Dawn Thompson, Dick Oliver  
\_\_\_\_\_  
(full names)


VOTING NAY:  
None \_\_\_\_\_  
(full names)

ABSENT, ABSTAIN, OTHER:  
None \_\_\_\_\_  
(full names)


and deposited and filed in the office of the City Clerk in said municipality on the 5th day of  
May, 1997.

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

APPROVED BY the Mayor of the City of LeRoy, Illinois, this 5th day of  
May, 1997.

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

ATTEST: (SEAL)

X   
\_\_\_\_\_  
Sue Marcum, Acting City Clerk of the City  
of LeRoy, McLean County, 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 May 5, 1997, the Corporate Authorities of such municipality passed and approved Ordinance No. 733, entitled:


**AN ORDINANCE APPROVING SUBORDINATION OF SURFACE RIGHTS  
FOR PUBLIC ROAD PURPOSES IN CONNECTION WITH THE STATE OF ILLINOIS,  
DEPARTMENT OF TRANSPORTATION, ROUTE 150 PROJECT THROUGH  
THE CITY OF LEROY, MCLEAN COUNTY, ILLINOIS,**

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

The pamphlet form of Ordinance No. 733, including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted at the municipal building, commencing on May 5, 1997, 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 5th day of May, 1997.

(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 APPROVING SUBORDINATION OF SURFACE RIGHTS FOR PUBLIC ROAD PURPOSES IN CONNECTION WITH THE STATE OF ILLINOIS, DEPARTMENT OF TRANSPORTATION, ROUTE 150 PROJECT THROUGH THE CITY OF LEROY, MCLEAN 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 5th day of May , 1997, 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 5th day of May , 1997.

  
x \_\_\_\_\_  
City Clerk

(SEAL)