

CITY OF LEROY
COUNTY OF MC LEAN
STATE OF ILLINOIS

ORDINANCE NO. 00-12-04-90

AN ORDINANCE VACATING PORTIONS OF A PLATTED BUT UNIMPROVED AND UNOPENED STREET LOCATED BETWEEN LOTS 3, 4, 5, 6, 7 AND 8 ON THE WESTERLY, NORTHERLY AND EASTERLY SIDES OF THE STREET RIGHT-OF-WAY AND LOTS 11 AND 12 ON THE SOUTHERLY SIDE OF THE STREET RIGHT-OF-WAY IN DEMMA INDUSTRIAL PARK, LE ROY, MCLEAN COUNTY, ILLINOIS

ADOPTED BY THE CITY COUNCIL OF THE CITY OF LE ROY
THIS 18th DAY OF December, 2000.

PRESENTED: December 18, 2000

PASSED: December 18, 2000

APPROVED: December 18, 2000

RECORDED: December 18, 2000

PUBLISHED: December 18, 2000

In Pamphlet Form

Voting "Aye" 5

Voting "Nay" 1

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

Dated: December 18, 2000.

ORDINANCE NO. 00-12-04-90

AN ORDINANCE VACATING PORTIONS OF A PLATTED BUT UNIMPROVED AND UNOPENED STREET LOCATED BETWEEN LOTS 3, 4, 5, 6, 7 AND 8 ON THE WESTERLY, NORTHERLY AND EASTERLY SIDES OF THE STREET RIGHT-OF-WAY AND LOTS 11 AND 12 ON THE SOUTHERLY SIDE OF THE STREET RIGHT-OF-WAY IN DEMMA INDUSTRIAL PARK, LE ROY, MCLEAN COUNTY, ILLINOIS

WHEREAS, a request has been received from the owner of property abutting a certain platted, but unopened and unimproved, portion of a street located in the City of LeRoy, McLean County, Illinois, requesting vacation of a part of said street; and

WHEREAS, vacation of said street has been tentatively approved by the City Council of the City of LeRoy, in connection with, a Redevelopment Agreement entered into between the City of LeRoy and Richard F. Janko/Permabilt d/b/a Omni Tech Systems; 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 street, thereby relieving the public of maintenance responsibilities as to the same, and thereby enhancing the development prospects of the adjoining property, and the implementation of the City's Redevelopment Plan for the LeRoy First Tax Increment Finance District, as such plan was approved June 2, 1997; and

WHEREAS, the Mayor and City Council of the City of LeRoy, McLean County, Illinois, voted on an ordinance to vacate a portion of a platted but unimproved and unopened street being the same portion of the street as was described in an ordinance voted upon by the Mayor and City Council at a regular LeRoy City Council meeting on December 4, 2000, but, due to a lack of all aldermen being in attendance at such meeting, said ordinance did not pass by the minimum vote required by statute, therefore the ordinance did not pass; and

WHEREAS, the City of Leroy has authority to vacate streets and other public ways as provided in accordance with 65 ILCS 5/11-91-1, which statute requires that an ordinance to vacate a street or alley, or any part thereof, shall be passed by the affirmative vote of at least three-fourths (3/4) of the aldermen of the City then holding office,

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

Section 1. That portion of Demma Drive as hereinafter described in this section is no longer required for public use and the public's interests will be subserved by vacating the portion of said street, as described hereafter. The portion of the heretofore dedicated street to be vacated is legally described as :

All that part of the 66 foot right of way dedicated for Demma Drive in Demma Industrial Park in the City of LeRoy, McLean County, Illinois, lying North and East of the south line of Lot 3 in Demma Industrial Park as extended easterly and lying North of the south line of Lot 8 in Demma Industrial Park as extended westerly, as platted in the City of LeRoy, all in McLean County, Illinois (the aforesaid portion of the dedicated street known as Demma Drive, to be vacated, also being shown in the darkened portion of the right of way as set forth in Exhibit A, attached hereto and incorporated herein by reference),

and the same, as previously described, shall be and the same is hereby vacated.

Section 2. This ordinance was passed by the affirmative vote of at least three-fourths (3/4) of the aldermen of the City of LeRoy now holding office.

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, as previously described and directed herein.

Section 4. Vacation of the public interest in the aforesaid portions of the aforesaid street on the conditions hereinabove provided 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, 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 Demma Industrial Park Addition to the City of LeRoy, McLean County, Illinois, shall be and the same is hereby vacated in part.

Section 5. 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 18th day of December, 2000, as follows:

Aldermen elected 6 Aldermen present 6

VOTING AYE:

Steve Dean, Dave McClelland, Ron Litherland, Dawn Thompson, W.H. Weber
(full names)

VOTING NAY:

Ryan Miles
(full names)

ABSENT:
None

(full names)

ABSTAIN:
None

(full names)

OTHER:
None

(full names)

and deposited and filed in the office of the City Clerk in said municipality on the 18th day of
December, 2000.

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 18th day of December,
2000.

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

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 18, 2000, the Corporate Authorities of such municipality passed and approved Ordinance No. 00-12-04-90, entitled:

AN ORDINANCE VACATING PORTIONS OF A PLATTED BUT UNIMPROVED AND UNOPENED STREET LOCATED BETWEEN LOTS 3, 4, 5, 6, 7 AND 8 ON THE WESTERLY, NORTHERLY AND EASTERLY SIDES OF THE STREET RIGHT-OF-WAY AND LOTS 11 AND 12 ON THE SOUTHERLY SIDE OF THE STREET RIGHT-OF-WAY IN DEMMA INDUSTRIAL PARK, LE ROY, MCLEAN COUNTY, ILLINOIS,

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

The pamphlet form of Ordinance No. 00-12-04-90, including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted at the municipal building, commencing on December 18, 2000, 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 18th day of December, 2000.

(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 PORTIONS OF A PLATTED BUT UNIMPROVED AND UNOPENED STREET LOCATED BETWEEN LOTS 3, 4, 5, 6, 7 AND 8 ON THE WESTERLY, NORTHERLY AND EASTERLY SIDES OF THE STREET RIGHT-OF-WAY AND LOTS 11 AND 12 ON THE SOUTHERLY SIDE OF THE STREET RIGHT-OF-WAY IN DEMMA INDUSTRIAL PARK, LE ROY, 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 18th day of December, 2000, 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 18th day of December, 2000.

X _____
City Clerk

(SEAL)