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**VACATION OF ALLEY**

201200017553  
Filed for Record in  
TAZEWELL COUNTY, IL  
SUSAN E. MANUEL, COUNTY RECORDER  
09-05-2012 At 10:47 am.  
VACATION 28.75

McGrath

For Recorder Use Only

ORDINANCE NO. 847

AN ORDINANCE VACATING THE NORTH-SOUTH ALLEY LOCATED IMMEDIATELY WEST OF LOT 3 IN BLOCK 4 IN SMITH'S SUBDIVISION FOR ASSESSMENT PURPOSES IN THE VILLAGE OF MACKINAW, TAZEWELL COUNTY, ILLINOIS



**ORDINANCE NO. 847**

**AN ORDINANCE VACATING NORTH-SOUTH ALLEY  
LOCATED IMMEDIATELY WEST OF LOT 3 IN BLOCK 4 IN  
SMITH'S SUBDIVISION FOR ASSESSMENT PURPOSES AS  
DEDICATED AND SET FORTH IN THE PLAT RECORDED IN  
PLAT BOOK E, AT PAGE 39 THE RECORDER'S OFFICE OF  
TAZEWELL COUNTY, ILLINOIS.**

**Published in pamphlet form by authority of the Village President and  
Board of Trustees of the Village of Mackinaw**

**JUNE 25, 2012**

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WHEREAS:

(1) When the Plat for Smith's Subdivision for Assessment Purposes was recorded in the Recorder of Deed's Office of Tazewell County, a north-south alley was dedicated that is located immediately west of Lot 3 in Block 4 and said dedication is set forth in the plat of Smith's Subdivision for Assessment Purposes recorded in the Recorder of Deed's Office of Tazewell County in Plat Book E, at Page 39.

(2) The Board of Trustees of the Village of Mackinaw hereby determine that the public interest will be served by vacating the north-south alley located immediately west of Lot 3 in Block 4 in Smith's Subdivision for Assessment Purposes as set forth in Plat Book E at Page 39 in the Recorder's Office of Tazewell County, Illinois.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF MACKINAW, TAZEWELL COUNTY, ILLINOIS, AS FOLLOWS:

Section A: Notice was given as required by 65 ILCS 5/11-91-1 and a hearing was held on the proposed vacation. The Notice of the time, place and subject matter of the hearing was published in the Pekin Daily Times, which is a newspaper of general circulation within the Village of Mackinaw. At the hearing all interested persons were heard concerning the proposal of vacation. No one appeared and objected to the proposed vacation.

Section B: The north-south alley located immediately west of Lot 3 in Block 4 in Smith's Subdivision for Assessment Purposes as recorded in the Recorder of Deed's Office of Tazewell in Book E, at Page 39 is hereby vacated subject to conditions and restrictions of Paragraph C of this Ordinance.

Section C: The foregoing vacation of that portion of the north-south alley located immediately west of Lot 3 in Block 4 in Smith's Subdivision for Assessment Purposes as set forth in Plat Book E at Page 39 that is hereby vacated is subject to all existing easements, both recorded and unrecorded. The Village of Mackinaw hereby reserves unto itself the right to install, maintain and repair any sanitary sewers, storm sewers and water mains in that part of the that is hereby vacated. The Village of Mackinaw shall not be responsible to repair or replace the surface of the street or alley in the event that it exercises its right of maintenance and repair.

**No improvements shall be constructed on the property that is vacated including but not limited to fences or other enclosures. If any such improvements are constructed the Village shall not be responsible to repair or replace any such improvements that are constructed. The easement that is retained by the Village is for the entire portion of the property that is vacated by this Ordinance.**

Section D: This Ordinance shall be effective upon passage and publication as required by law.

Section E: The Village Clerk shall cause this Ordinance to be recorded at the Recorder's Office of Tazewell County.

PASSED by the President and Board of Trustees of the Village of Mackinaw, Tazewell County, Illinois, this 25<sup>th</sup> day of June, 2012, by at least 3/4 of the Trustees then holding office.



Craig Friend, Village President

ATTEST:



Lisa Spencer, Village Clerk

AYES: 6+1 Village President = 7

NAYS: 0

ABSENT: 0

Village President  X  AYE

                     NAY

## LEGAL DESCRIPTIONS OF PROPERTIES

As a result of the foregoing Ordinance and Illinois law property owners who adjoin the alley that is vacated now own the abandoned alley subject to the terms and conditions of the foregoing Ordinance. Thus, the following individuals own the following portions of the alley described in Ordinance No. 847.

1. The property that is immediately east of the alley that is vacated by Ordinance No. 847 is owned by William J. Embry and Diana S. Embry, husband and wife, as joint tenants not as tenants in common and therefore as a result of Ordinance No. 847 the east half of the alley vacated shall be added to the following described property:

Lot 3 in Block 4 in Smith's Subdivision for assessment purposes,  
Tazewell County, Illinois  
A PART OF PIN:13-13-17-304-004

2. The property that is immediately west of the alley that is vacated by Ordinance No. 847 is owned by Cathy Geike and the west half of the alley vacated by Ordinance No. 847 shall be added to the following described property:

Lot 4 in Block 4 in Smith's Subdivision For Assessment Purposes, as shown on the plat recorded in Plat Book E, page 39, being a part of the Northeast Quarter of the Southwest Quarter of Section 17, Township 24 North, Range 2 West of the Third Principal Meridian, AND ALSO a tract described as follows: Commencing at the Southwest corner of said Lot 4; running thence West, 74 feet; thence North 98 ½ feet, thence East, 74 feet; thence South, 98 ½ feet to the place of beginning, being a part of the Northeast Quarter of the Southwest Quarter of Section 17, Township 24 North, Range 2 West of the Third Principal Meridian, said tract being designed at the East 82 feet of even width of Lot 13, being a part of the Northwest Quarter of the Southwest Quarter of Section 17, Township 24 North, Range 2 West of the Third Principal Meridian, reference being made to the plat recorded in Plat Book H, page 409; situated in Tazewell County, Illinois

AND, The East 82 feet of even width of the following two described tract of property:

A part of the Northwest Quarter of Section 17, Township 24 North, Range 2 West of the Third Principal Meridian, Tazewell County, Illinois as follows: Commencing at a point 301-1/2 feet due South of the Southwest corner of Lot 6 in Block 10 in the Original Town, now Village of Mackinaw, thence running South 86-1/2 feet; thence East to a point 388 feet due South of the Southeast corner of said Lot 6 in Block 10 in the Original Town, now Village of Mackinaw, thence North 86-1/2 feet; thence West to the Place of Beginning.

Also, all that part of the Northwest Quarter lying westerly of the described premises and easterly of Orchard Street and bounded on the North and South by the North and South lines of the above described premises extended in a westerly direction to the easterly line of Orchard Street, situated in the Village of Mackinaw, Tazewell County, Illinois  
PIN: 13-13-17-304-005

STATE OF ILLINOIS )  
COUNTY OF TAZEWELL ) SS  
VILLAGE OF MACKINAW )

**CERTIFICATE OF ORDINANCE**

I, the undersigned, do hereby certify that I am the duly appointed, qualified and acting Village Clerk of the Village of Mackinaw, Tazewell County, Illinois (the "Issuer"), and as such official I am the keeper of the records and files of its President and Board of Trustees (the "Corporate Authorities").

I do further certify the foregoing constitutes a full, true and complete excerpt from the proceedings of the regular meeting of the Corporate Authorities held on the *25th day of June, 2012*, insofar as same relates to the adoption of *Ordinance No. 847*, entitled:

**AN ORDINANCE VACATING NORTH-SOUTH ALLEY LOCATED IMMEDIATELY WEST OF LOT 3 IN BLOCK 4 IN SMITH'S SUBDIVISION FOR ASSESSMENT PURPOSES AS DEDICATED AND SET FORTH IN THE PLAT RECORDED IN PLAT BOOK E, AT PAGE 39 THE RECORDER'S OFFICE OF TAZEWELL COUNTY, ILLINOIS.**

A true, correct and complete copy of which ordinance (the "Preliminary Ordinance" or "Ordinance") as adopted at such meeting appears in the transcript of the minutes of such meeting. The Preliminary Ordinance was adopted and approved by the vote and on the date therein set forth.

I do further certify the deliberations of the Corporate Authorities on the adoption of such Preliminary Ordinance were taken openly and was on the agenda at least 48 hours before the meeting at which it was adopted, that the adoption of such ordinance was duly moved and seconded, that the vote on the adoption of such ordinance was taken openly and was preceded by a public recital of the nature of the matter being considered and such other information as would inform the public of the business being conducted, that such meeting was held at a specified time and place convenient to the public, that notice of such meeting was duly given to all of the news media requesting such notice, that such meeting was called and held in strict compliance with the provisions of the Open Meetings Act of the State of Illinois, as amended, and the Illinois Municipal Code, as amended, and that the Corporate Authorities have complied with all of the applicable provisions of such Act and such Code and their procedural rules in the adoption of such ordinance.

The pamphlet form of *Ordinance No.847*, including the ordinance and a cover sheet thereof, was prepared and a copy of such Ordinance was posted for public inspection in the municipal building, the Mackinaw United States Post Office, and the Mackinaw Library commencing on *June 26, 2012* and continuing for at least ten days thereafter. The original ordinance was adopted by the Board of Trustees of the Village of Mackinaw at a regular meeting, attended by six members of the Board, and approved by the President, as said Ordinance appears on file in my office and as the same is recorded in the Book of Ordinances of said Village.

IN TESTIMONY WHEREOF, I have hereunto set my hand and the official seal of said Village of Mackinaw, Illinois, this 6th, *July 2012*.



[Redacted Signature] \_\_\_\_\_  
Village Clerk