



ORDINANCE NO. 836

AN ORDINANCE VACATING THE EAST-WEST ALLEY THAT IS IN SMITH'S SUBDIVISION FOR ASSESSMENT PURPOSES AND IS NORTH OF LOTS 1, 2 AND 3 IN SMITH'S SUBDIVISION FOR ASSESSMENT PURPOSES TO THE VILLAGE OF MACKINAW AS SET FORTH IN THE PLAT RECORDED IN PLAT BOOK E AT PAGE 39 IN 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

September 25, 2011

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 *24th day of October, 2011*, insofar as same relates to the adoption of *Ordinance No. 836*, entitled:

AN ORDINANCE VACATING THE EAST-WEST ALLEY THAT IS IN SMITH'S SUBDIVISION FOR ASSESSMENT PURPOSES AND IS NORTH OF LOTS 1, 2 AND 3 IN SMITH'S SUBDIVISION FOR ASSESSMENT PURPOSES TO THE VILLAGE OF MACKINAW AS SET FORTH IN THE PLAT RECORDED IN PLAT BOOK E AT PAGE 39 IN 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.836*, 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 *October 25, 2011* 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 *7th, November 2011*.



[Redacted Signature]

Village Clerk

ORDINANCE NO. 836

AN ORDINANCE VACATING THE EAST-WEST ALLEY THAT IS IN SMITH'S SUBDIVISION FOR ASSESSMENT PURPOSES AND IS NORTH OF LOTS 1, 2 AND 3 IN SMITH'S SUBDIVISION FOR ASSESSMENT PURPOSES TO THE VILLAGE OF MACKINAW AS SET FORTH IN THE PLAT RECORDED IN PLAT BOOK E AT PAGE 39 IN THE RECORDER'S OFFICE OF TAZEWELL COUNTY, ILLINOIS.

WHEREAS:

(1) The Plat of Smith's Subdivision for assessment purposes recorded in the Recorder of Deeds office of Tazewell County in Plat Book E at Page 39 dedicated an alley north of Lots 1, 2 and 3.

(2) The alley described in the proceeding Paragraph of this Ordinance is located South of the following described property:

Part of the Northeast Quarter of the Southwest Quarter of Section 17, Township 24 North, Range 2 West of the Third P.M., Tazewell County, Illinois, Bounded as follows: Commencing at the Northeast corner of said Lot 1 in Block 4 in Smith's Subdivision, thence North 50 feet, thence West 165 feet, thence South 50 feet, thence 165 feet to the Place of Beginning, situated in 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: The Trustees of the Village of Mackinaw find as facts the recitals hereinabove set forth.

Section B: 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, Illinois 61755. At the hearing all interested persons were heard concerning the proposal of vacation. No one appeared and objected to the proposed vacation.

Section C: The alley located in Smith's Subdivision for Assessment Purposes that is north of Lots 1, 2 and 3 in Smith's Subdivision for assessment purposes recorded in the Recorder of Deeds office of Tazewell County in Plat Book E at Page 39 and south of the property described in Paragraph 2 of this Ordinance is hereby vacated subject to the conditions and restrictions of Paragraph D of this Ordinance.

Section D: The foregoing vacation of that portion of the alley 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 alley that is hereby vacated. The Village of Mackinaw and any utility that currently is using the alley vacated in Section C shall not be responsible or obligated to repair or replace the surface of the alley in the event that it exercises its right of maintenance and repair. If improvements are constructed the Village and any utility that is currently using the alley vacated shall not be obligated to repair or replace any such improvements that are constructed or erected on the property located on the land described in Section C. The easement that is retained by the Village and existing public utilities is for the entire portion of the property that is vacated by this Ordinance.

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

Section F: 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 24th day of October, 2011, by at least 3/4 of the Trustees then holding office.

[Redacted Signature]

Craig Friend, Village President

ATTEST:

[Redacted Signature]

Lisa Spencer, Village Clerk

AYES: 6

NAYS: 0

ABSENT: 0

Village President AYE

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

I, Lorrie Paxton, Village Clerk of the Village of Mackinaw, Illinois, do hereby certify that, as such officer, I am the Clerk of the Board of Trustees of said Village, the keeper and custodian of the books, papers, records, reports, ordinances and minutes of the meetings of the Board of Trustees of said Village; and that the instrument attached hereto is a full, true and correct copy of the original Ordinance adopted by the Board of Trustees of the Village of Mackinaw at a regular meeting thereof on the 24th day of October, 2011, attended by all of the members of said Board, and approved by the President on the 24th day of October, 2011, 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 this 24th day of October, 2011.



VILLAGE CLERK OF THE VILLAGE OF MACKINAW,
ILLINOIS

LEGAL NOTICE

Notice is hereby given that a hearing will be held by the Board of Trustees of the Village of Mackinaw on October 24, 2011 at 7:05 p.m. at the Municipal Building, 100 E Fast Avenue, Mackinaw, Illinois, concerning the proposed vacation of the East-West alley that is North of Lots 1, 2 and 3 in Smith's Subdivision for assessment purposes. At this hearing all interested persons shall be heard concerning the proposed vacation.

The Village of Mackinaw

BY:  _____

Lisa Spencer, Village Clerk