

ORDINANCE NO. 857

AN ORDINANCE AMENDING ORDINANCE NO. 847 TO MAKE CORRECTIONS REGARDING THE LEGAL DESCRIPTION OF THE PORTION OF THE ALLEY BEING VACATED IN BLOCK 4 IN SMITH'S SUBDIVISION FOR THE VILLAGE OF MACKINAW

WHEREAS, an application was received by the Village of Mackinaw to consider vacating the north-south alley located in Block 4 in Smith's Subdivision for Assessment Purposes as dedicated and set forth in Plat recorded in Plat Book E at Page 39 in the Recorder's Office of Tazewell County, Illinois;

WHEREAS, Notice was given to the public 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 proposed vacation. No one appeared and objected to the proposed vacation;

WHEREAS, the Board following said public hearing adopted Ordinance No. 847 vacating a portion of the north-south alley located in Block 4 in Smith's Subdivision;

WHEREAS, the legal description included in Ordinance No. 847 contained errors, more particularly the legal description excluded the northern most portion of the remaining north-south alley located in Block 4 in Smith's Subdivision of the Village of Mackinaw;

WHEREAS, the legal description used in Ordinance No. 847 created a landlocked portion of alley right-of-way in Block 4 in Smith's Subdivision of the Village of Mackinaw;

WHEREAS, the Village of Mackinaw does not desire to have a landlocked portion of alley and desires to correct the legal description to eliminate said landlocked portion of alley;

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

Section 1: The recitals hereto are found to be true and correct and are incorporated herein by reference;

Section 2: The Village Board of the Village of Mackinaw hereby finds that all prerequisites for the vacation of an alley, as are more particularly set forth in 65 ILCS 5/11-91-1 have been satisfied in this instance;

Section 3: Section B of Ordinance No. 847 is amended by deleting the existing Section B and inserting in its place a new Section B which shall be as follows:

Section B: All of the alley right-of-way located east of and adjacent to the following described property is hereby vacated, subject to the conditions and restrictions of Paragraph C of this Ordinance:

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 1/2 feet; thence East, 74 feet, thence South, 98 1/2 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 tracts of properties:

Tract I: A part of the Northwest Quarter of Section 17, Township 24 North, Range 2 West of the Third Principal Meridian, as follows:

Commencing at a point of 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;

Tract II: Also, 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

Section 4: Ordinance No. 847 is amended by deleting the existing Section C and inserting in its place a new Section C which shall be as follows:

Section C: The foregoing vacated alley right-of-way 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 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 5: This Ordinance shall be effective upon passage and publication as required by law.

PASSED by the President and Board of Trustees of the Village of Mackinaw, Tazewell County, Illinois, this 12th day of November, 2012, by at least 3/4 of the Trustees then holding office.


Craig Friend, Village President

ATTEST:


Lisa Spencer, Village Clerk

AYES: 6

NAYS: 0

ABSENT: 0

Village President 1 AYE

0 NAY

129

77.75

JJJ 17

77.75

Lot 5

-023

Lot 2

-022

152.93

123.22

153.48

125.5

56.5

55

82.5

5th

171.2

50

30

6.29

27

Lot 1

-019

15

109.87

84.5

55

400-

55

165



91

62

129

54

82

129

99.5

304

55

-002

106

-015



-005

90

82

55

8

98.5

-001



130

WHITE MADISON AVE. O'MACKINAC

