**ORDINANCE NO. 2031**

**AN ORDINANCE**
**VACATING CERTAIN RIGHT-OF-WAY**
**(East-West Alley between Century Boulevard and Garrard Street)**

**WHEREAS**, the Village of Rantoul, Champaign County, Illinois (the **"Village"**) is a home rule unit under and pursuant to Section 6(a) of Article VII of the Constitution of the State of Illinois; and

**WHEREAS**, under and pursuant to Section 11-91-1 of the Illinois Municipal Code (65 ILCS 5/11-91-1), including as supplemented by the power and authority of the Village as a home rule unit (collectively, the **"Act"**), the President and Board of Trustees of the Village (the **"Corporate Authorities"**) are authorized to exercise any power and perform any function pertaining to its government and affairs, including the power to vacate any right-of-way, or part thereof, dedicated for street or alley purposes within any incorporated area of the Village; and

**WHEREAS**, under and pursuant to a certain Development Agreement dated as of November 1, 2005 (the **"Development Agreement"**) by and between the Village and the Developer, the Village agreed to vacate that part of the east-west alley between Century Boulevard and Garrard Street as shown on the Plat of Vacation attached hereto as an Exhibit (the **"Subject Right-of-Way"**); and

**WHEREAS**, subject to the reservation of a certain general utility easement to the Village as provided in Section 3 of this Ordinance below, the Corporate Authorities hereby find and determine that the public interest will be subserved by vacating the Subject Right-of-Way.

**NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND THE BOARD OF TRUSTEES OF THE VILLAGE OF RANTOUL, ILLINOIS**, as follows:

**Section 1. Incorporation of Preambles**. The Corporate Authorities hereby find and determine that all of the recitals contained in the preambles to this Ordinance are full, complete, true and correct and hereby incorporate them into this Ordinance by this reference thereto.

**Section 2. Vacation of Subject Right-of-Way**. Under and pursuant to the Act, the Corporate Authorities hereby vacate, subject to the reservation of a certain general utility easement unto the Village as provided in Section 3 of this Ordinance below, the Subject Right-of-Way.

**Section 3. Reservation of General Utility Easement**. In connection with vacating the Subject Right-of-Way, the Corporate Authorities hereby reserve unto the Village, its successors and assigns (including any other utility or telecommunications provider licensed or franchised by the Village), a perpetual general utility easement to survey, construct, operate, maintain, test, inspect, repair, remove, replace, use and control any public utility facilities, including but not limited to any electrical, natural gas, water, storm sewer, sanitary sewer, drainage, telecommunication or other like facilities, together with all appurtenant and related fixtures, systems and other equipment, in, upon, under, across, through, over, above and along the west 150 feet of the Subject Right-of-Way.

**Section 4. Title Upon Vacation**. Upon the effective date of this Ordinance as provided in Section 5 of this Ordinance below, title to the Subject Right-of-Way shall, subject to the reservation of the general utility easement as provided in Section 3 of this Ordinance above, vest in the present owner or owners of the land abutting thereon, in the same proportion and to the same extent as though the Subject Right-of-Way had been dedicated by a common law plat (as distinguished from a statutory plat) and as though the fee of the Subject Right-of-Way had been acquired by the owner or owners as a part of the land abutting on such Subject Right-of-Way, all as further provided in, under and pursuant to Section 11-91-2 of the Illinois Municipal Code (65 ILCS 5/11-91-2). As required by the Act, the legal description and/or permanent index number of each of the particular parcels of property acquiring title to the vacated Subject Right-of-Way is as follows:

20-09-03-236-002
20-09-03-236-003
20-09-03-236-004
20-09-03-236-005
20-09-03-236-006
20-09-03-236-007
20-09-03-236-008
20-09-03-236-009
20-09-03-236-010
20-09-03-236-011

**Section 5. Effective Date**. Following its passage and approval as required by law, this Ordinance shall not become effective unless and until a certified copy of this Ordinance is filed or recorded in the office of the Recorder of Deeds in Champaign County, Illinois.

This Ordinance is hereby passed by the affirmative vote of at least three-fourths of the Trustees then holding office at a regular meeting on the date set forth below upon roll call vote as follows:

"AYES": HERMAN FOGAL, CLIFFORD WHITE, RON LOY, CHARLES SMITH, MIKE GRAHAM

"NAYS": _____

"ABSENT OR NOT VOTING": MARGURETTE CARTER

**PASSED** this 11th day of April, 2006.

Village Clerk

**APPROVED** this 11th day of April, 2006.

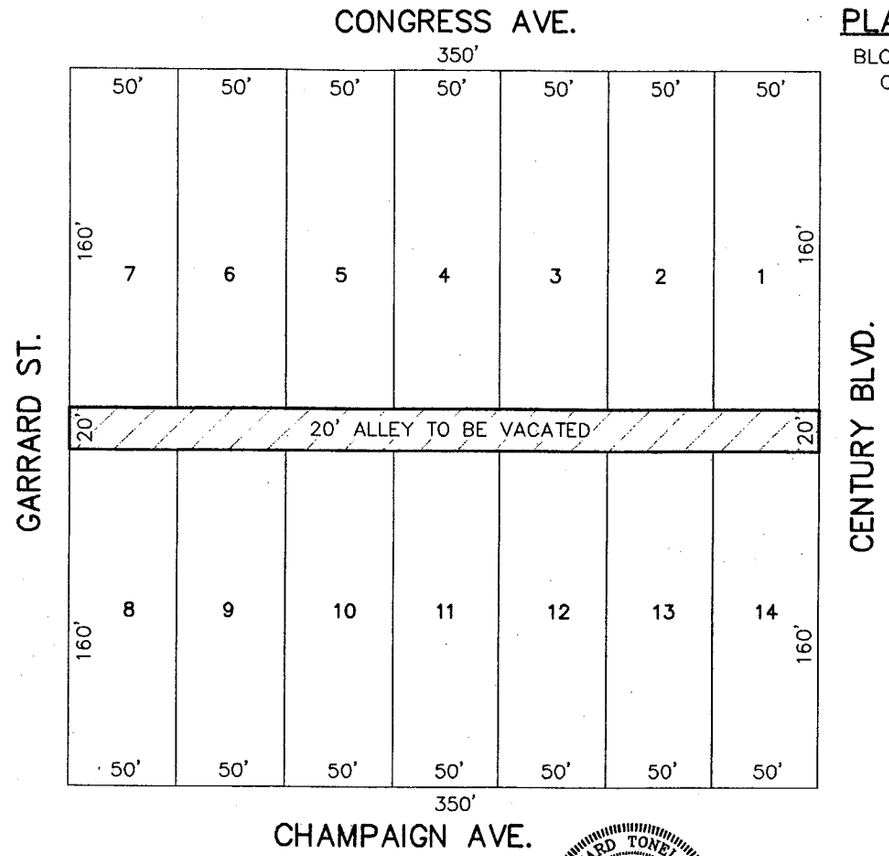
Village President

**Exhibit**

**Plat of Vacation**

# PLAT OF VACATION

BLOCK 30 ORIGINAL TOWN
OF RANTOUL ILLINOIS




## LEGAL DESCRIPTION

20 FOOT WIDE ALLEY LOCATED IN BLOCK 30 OF THE ORIGINAL TOWN OF RANTOUL ILLINOIS AS RECORDED IN PLAT RECORD K ON PAGE 124, IN THE OFFICE OF THE CHAMPAIGN COUNTY RECORDER OF DEEDS.

N

0 50 100
SCALE IN FEET

THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

Richard Tonellato

ILLINOIS PROFESSIONAL LAND SURVEYOR # 2590

8-19-05
DATE SIGNED

RICHARD TONELLATO 2590 PROFESSIONAL LAND SURVEYOR STATE OF ILLINOIS SPRINGFIELD, ILLINOIS

EXPIRES: 11/30/06

| REVISIONS | DATE | BY |
|---|---|---|
| | | |

GREENE & BRADFORD, INC.
OF SPRINGFIELD
CONSULTING ENGINEERS
3501 CONSTITUTION DRIVE
SPRINGFIELD, ILLINOIS 62711
(217) 793-8844, (217) 793-6227 FAX
PROFESSIONAL LAND SURVEYING FIRM NO. 048-000098

| | |
|---|---|
| DATE | 08/18/05 |
| DRAWN | McGAVA |
| PROJ. NO. | 05-171 |
| FIELD BOOK | – |
| COMPUTER FILE NO. | 05171VP.dwg |

PLOT SCALE 1 = 1

mikemcg J:\05171\DRAWINGS\05171VP.dwg Thu, 08/18/2005 9:44am
Xrefs: