

ORDINANCE NO. 2355

**AN ORDINANCE
AUTHORIZING THE RELEASE OF A CERTAIN PUBLIC UTILITY EASEMENT
(Lot 1 of Tri Star Replat)**

WHEREAS, certain real estate located within the Village of Rantoul, Champaign County, Illinois (the "**Village**") has been surveyed, platted and subdivided for certain parcels known as "Tri Star Replat" (collectively, the "**Replat**"); and

WHEREAS, Busey Trust Company, f/k/a First Busey Trust and Investment Co., as Trustee under the provisions of a Trust Agreement dated the 6th day of August, 1985, and known as Trust No. 1-2125 and C-4 Properties, LLC, an Illinois limited liability company (the "**Owners**") have requested the release of a certain perpetual utility easement over, across, under and through such areas on Lot 1 within the Replat (the "**Release Area**"), as such Release Area is more particularly described in a document entitled "Release of Easements" (the "**Release Document**"); and

WHEREAS, the Corporate Authorities of the Village are willing to release the Village's rights of perpetual utility easement within the Release Area under and pursuant to the Release Document, a copy of which such Release Document has been presented to and is now before the meeting of the Corporate Authorities at which this Ordinance is adopted.

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

Section 1. The Corporate Authorities expressly find and declare that the Village's rights of perpetual utility easement within the Release Area are no longer needed for governmental purposes or proprietary activity of the Village and that the execution and delivery by the Village of the Release Document to the Owners is in the best interests of the Village. Such Release Document, in substantially the form thereof as presented to and now before the meeting of the Corporate Authorities at which this Ordinance is adopted, is accordingly hereby approved, and the Village President and the Village Clerk be and are hereby authorized and empowered to execute, attest and deliver such Release Document to the Owners for and on behalf of the Village.

Section 2. All actions of the officials, employees and agents of the Village heretofore taken in connection with the review and form of the Release Document be and are hereby ratified, confirmed and approved.

Section 3. The Village President, for and on behalf of the Village, be and the same is hereby authorized and empowered to approve such changes or revisions to the form of the Release Document as are not inconsistent herewith and as may be approved by the Village President executing the same, such execution or acceptance thereof, as the case may be, to constitute conclusive evidence of such approval of any and all changes or revisions therein.

Section 4. From and after the effective date of this Ordinance, the proper officials, employees and agents of the Village are hereby authorized, empowered and directed to do all such acts and things and to execute and deliver all such supplemental documents and instruments as may be necessary to carry out the intent and accomplish the purposes of this Ordinance and the Release Document according to their respective terms.

Section 5. All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby superseded.

Section 6. This Ordinance shall become effective immediately upon its passage and approval as required by law.

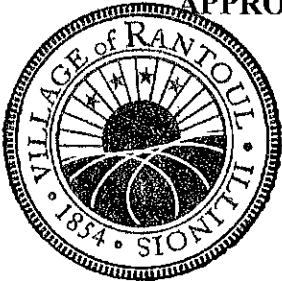
This ordinance is hereby passed, the “ayes” and “nays” being called, by the concurrence of a majority of the members of the Corporate Authorities then holding office at a regular meeting on the date set forth below.

PASSED this 13th day of August, 2013.



Village Clerk

APPROVED this 13th day of August, 2013.



Village President

PREPARED BY:

KENNETH N. BETH
EVANS, FROEHLICH, BETH & CHAMLEY
44 E. Main Street, Suite 310
Champaign, IL 61820
PH: (217) 359-6494
FX: (217) 359-6468

RELEASE OF EASEMENTS

The VILLAGE OF RANTOUL, CHAMPAIGN COUNTY, ILLINOIS, an Illinois municipal corporation (the "Grantor"), for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, and pursuant to authority given by the President and Board of Trustees of said Village of Rantoul, does hereby release, remise and forever quitclaim unto Busey Trust Company, f/k/a First Busey Trust and Investment Co., as Trustee under the provisions of a Trust Agreement dated the 6th day of August, 1985, and known as Trust No. 1-2125 and C-4 Properties, LLC, an Illinois limited liability company, their successors and assigns, all right, title and interest acquired by said Village of Rantoul under and by virtue of a certain public utility easement over and upon the Lot 1 of Tri Star Replat as recorded at the Champaign County Recorder's Office as Document No. 2012R26294, all in Rantoul, Illinois, as shown on the attached "EASEMENT VACATION EXHIBIT and related LEGAL DESCRIPTION EASEMENT VACATION".


It is expressly understood and agreed that this Release of Easements is executed only for the purpose of releasing the above described easement over and upon the above-described real estate and none other and that any unreleased easements over and upon any part of either of such Tri Star Replat are hereby reserved unto the Grantor and shall remain in full force and effect.

IN WITNESS WHEREOF, said Grantor has caused its corporate seal to be hereto affixed and has caused its corporate name to be signed to this instrument by Charles K. Smith, its Village President, and attested by Michael P. Graham, its Village Clerk, this 13TH day of August, 2013.

VILLAGE OF RANTOUL,
CHAMPAIGN COUNTY, ILLINOIS

By: 
Charles K. Smith, Its Village President

ATTEST:



Michael P. Graham, Its Village Clerk

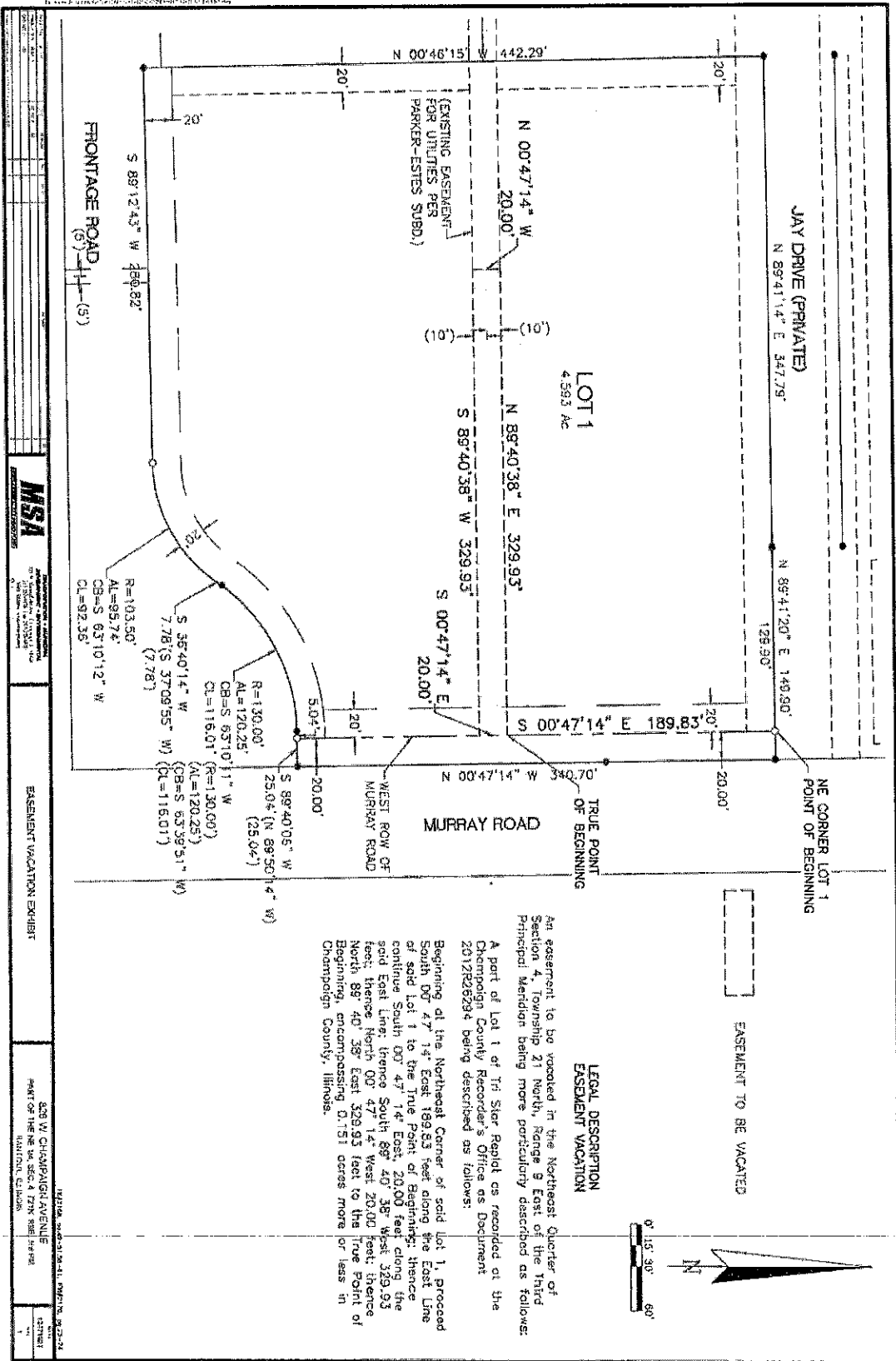
STATE OF ILLINOIS)
) SS.
COUNTY OF CHAMPAIGN)

I, the undersigned, a Notary Public, in and for said County, in the State aforesaid, DO HEREBY CERTIFY that CHARLES K. SMITH, personally known to me to be the Village President of the Village of Rantoul, Champaign County, Illinois, the GRANTOR, and MICHAEL P. GRAHAM, personally known to me to be the Village Clerk of said Village, and personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person and severally acknowledged that as such Village President and Village Clerk they signed and delivered the said instrument and the Village President and Village Clerk of said Village, and caused the corporate seal of the Village to be affixed thereto, pursuant to authority given by the President and the Board of Trustees of said Village of Rantoul under Ordinance No. 2355, adopted August 13, 2013, as their free and voluntary act, and as the free and voluntary act and deed of said Village of Rantoul, for the uses and purposes therein set forth.

Given under my hand and Notarial Seal this 13 day of August, 2013.



Janet E. Gray
Notary Public



DATE	11/11/2011	BY	MSA
PROJECT	EASEMENT VACATION EXHIBIT		
CLIENT	828 W. CHAMPAIGN AVENUE CHAMPAIGN, ILLINOIS 61820		
SCALE	AS SHOWN		

