

VILLAGE OF TOLONO
CHAMPAIGN COUNTY, ILLINOIS

ORDINANCE NO. 01- 8

**AN ORDINANCE CLARIFYING THE VACATION OF
AND OTHERWISE VACATING
A SECTION OF GREAT WESTERN**

Adopted by the
Board of Trustees of the Village of Tolono
This 3rd day of July, 2001

Published in pamphlet form by authority of the President and the Board of Trustees of the Village of Tolono, Champaign County, Illinois. This 3rd, day of July, 2001.

VILLAGE OF TOLONO, ILLINOIS
ORDINANCE CLARIFYING THE VACATION OF
AND OTHERWISE VACATING A SECTION OF
GREAT WESTERN AVENUE
ORDINANCE NO. 01 -8

WHEREAS, the Village of Tolono Planning Commission in a meeting held July 14, 1998 considered and recommended that a certain portion of Great Western Avenue be vacated with its findings incorporated herein; and,

WHEREAS, on August 18th, 1998, the Board considered vacation of the Avenue contemplated by the Tolono Planning Commission and in its ordinance No. 98-4 it appropriately referred to such vacation as constituting Lots, 1,2,3,4,&5 of Block 31 in Smith and Company's Addition by Whitehead whereas the planning commission, and the Board of Trustees intended, to vacate that portion of Great Western avenue adjacent to Lot 1,2,3,4 & 5 of Block 79 in Smith and Company's Addition by Whitehead to the Village of Tolono, Illinois; and

WHEREAS, the property owner of Lots 1,2,3,4 & 5 of Block 79 as described above paid the appropriate fee and is otherwise entitled to the corrected recording of said vacation and that no other fee was otherwise paid as related to 98- 4 such that the only vacation which is legally correct is the vacation of Lots 1,2,3,4 & 5 of Block 79 in Smith & Company's Addition by Whitehead to the Village of Tolono, Illinois.

NOW THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF TOLONO, ILLINOIS:

SECTION 1: That portion of Great Western Avenue situated in Tolono, Illinois and adjacent to the following described properties is hereby vacated, concurrent with delivery by adjacent property owner of the attached utility, by reference incorporated herein:

Lots 1, 2, 3, 4, and 5 of Block 79 in Smith and Company's Addition by Whitehead to the Village of Tolono, Illinois situated in Champaign, Illinois.

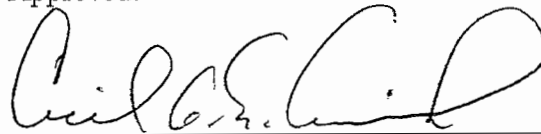
SECTION 2: A prior unrecorded ordinance which was made in error, identified as "An Ordinance vacating a section of Great Western Avenue" and known as Ordinance No. 98- 4 adopted on the 18th day of August, 1998 is hereby repealed.

SECTION 3: Each lot owner shall execute an easement document granting access to the Village consistent to the easement document attached hereto and by reference incorporated herein.

SECTION 4: The Village Clerk is directed to publish this Ordinance in pamphlet form and this Ordinance shall be effective upon its passage and publication in accordance with law. Upon delivery to the Village by adjacent owners of a validly executed utility easement, the Village attorney is directed to record a copy of this Ordinance vacating said alleyway together with said utility easement with the Champaign County Recorder.

Presented, Passed and Approved at a regular meeting of the President and Board of Trustees of the Village of Tolono, Illinois the 3rd day of July, 2001.

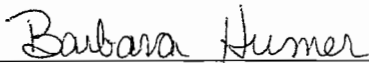
Approved:



CECIL McCORMICK

President of the Board of Trustees

Attest:



Village Clerk

**UTILITY EASEMENT
TO VILLAGE OF TOLONO**
(COMPLETE IN BLACK INK)

THE UNDERSIGNED GRANTOR, being the owner of **Lot(s) 1, 2, 3, 4, and 5 of Block 79 in Smith and Company's Addition by Whitehead to the Village of Tolono situated in Champaign County, Illinois** bearing PIN #29-26-26-381-007 in consideration for ten dollars and other good and valid consideration in hand paid hereby grants to the VILLAGE OF TOLONO, a municipality organized under the laws of the State of Illinois the following easement:

1. Access to the alleyway vacated by the Village of Tolono adjacent to the above described property for the installation, repair, replacement and maintenance of water, sewer, electrical, telephone and such other public utilities as may be in place now or installed later by the Village of Tolono.

2. The within Easement and obligations thereunder shall be binding upon the owners of the respective lots, upon the beneficiaries of their estates, their personal representatives, and their successors and assigns, during the term of their respective ownership of a lot in perpetuity.

IN WITNESS WHEREOF, the undersigned owner of the aforesaid lot(s) has affixed his/her/their hand and seal this 3rd day of July, 2001.

GRANTOR:

RICHARD GALLIVAN

SHARON GALLIVAN

STATE OF ILLINOIS)
) SS
COUNTY OF CHAMPAIGN)

I, the undersigned Notary Public in and for said County and State aforesaid, do hereby certify that RICHARD GALLIVAN is personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that he signed, sealed and delivered the said instrument as his/her free and voluntary act for the uses and purposes therein set forth, including the waiver of the right of homestead.

Given under my hand and Notarial seal, this _____ day of July, 2001.

NOTARY PUBLIC

STATE OF ILLINOIS)
) SS
COUNTY OF CHAMPAIGN)

I, the undersigned Notary Public in and for said County and State aforesaid, do hereby certify that SHARON GALLIVAN is personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that he signed, sealed and delivered the said instrument as his/her free and voluntary act for the uses and purposes therein set forth, including the waiver of the right of homestead.

Given under my hand and Notarial seal, this _____ day of July, 2001.

NOTARY PUBLIC

PREPARED BY/RETURN TO:
Marc R. Miller
Miller & Hendren
P.O. Box 980
Champaign, IL 61824-0980
(217) 352-2171

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TO VILLAGE OF TOLONO**
(COMPLETE IN BLACK INK)


THE UNDERSIGNED GRANTOR, being the owner of Lot(s) 1, 2, 3, 4, and 5 of Block 79 in Smith and Company's Addition by Whitehead to the Village of Tolono situated in Champaign County, Illinois bearing PIN #29-26-26-381-007 in consideration for ten dollars and other good and valid consideration in hand paid hereby grants to the VILLAGE OF TOLONO, a municipality organized under the laws of the State of Illinois the following easement:

1. Access to the street known as Great Western Avenue vacated by the Village of Tolono adjacent to the above described property for the installation, repair, replacement and maintenance of water, sewer, electrical, telephone and such other public utilities as may be in place now or installed later by the Village of Tolono.
2. The within Easement and obligations thereunder shall be binding upon the owners of the respective lots, upon the beneficiaries of their estates, their personal representatives, and their successors and assigns, during the term of their respective ownership of a lot in perpetuity.

IN WITNESS WHEREOF, the undersigned owner of the aforesaid lot(s) has affixed his/her/their hand and seal this 3rd day of July, 2001.

GRANTOR:

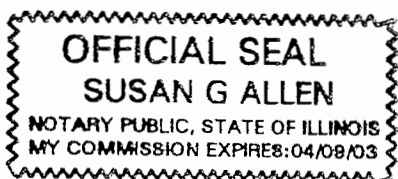

RICHARD GALLIVAN


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STATE OF ILLINOIS)
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Given under my hand and Notarial seal, this 27th day of July, 2001.

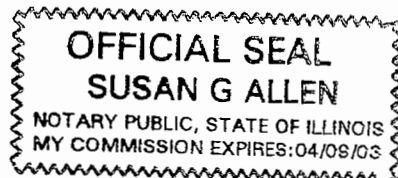


Susan G. Allen
NOTARY PUBLIC

STATE OF ILLINOIS)
) SS
COUNTY OF CHAMPAIGN)

I, the undersigned Notary Public in and for said County and State aforesaid, do hereby certify that SHARON GALLIVAN is personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that she signed, sealed and delivered the said instrument as her free and voluntary act for the uses and purposes therein set forth, including the waiver of the right of homestead.

Given under my hand and Notarial seal, this 27th day of July, 2001.



Susan G. Allen
NOTARY PUBLIC

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