



2020009585

DOUGLAS J. JOHNSON  
RECORDER - DEKALB COUNTY, IL

RECORDED: 9/18/2020 10:48 AM  
REC FEE: 55.00

STATE OF ILLINOIS )  
COUNTY OF DEKALB ) SS  
CITY OF DEKALB )

PAGES: 7

**"KEEP IN FILE"**  
*Plat Cabinet 11*  
*Slide # 8-D*

**CERTIFICATION**

I, **RUTH A. SCOTT**, am the duly qualified and appointed Executive Assistant of the City of DeKalb, DeKalb County, Illinois, as authorized by Local Ordinance 2019-059, and as such Executive Assistant, I maintain and am safe-keeper of the records and files of the Mayor and City Council of said City.

I do hereby certify that the attached hereto is a true and correct copy of:

**ORDINANCE 2020-056**

**VACATING AN ALLEY BETWEEN OAK STREET AND LOCUST STREET,  
EAST OF N. FOURTH STREET (AGORA TOWER) IN THE CITY OF  
DEKALB, ILLINOIS.**

**PASSED BY THE CITY COUNCIL** of the City of DeKalb, Illinois, on the 24<sup>th</sup> day of August 2020.

**WITNESS** my hand and the official seal of said City this 16<sup>th</sup> day of September 2020.

**RUTH A. SCOTT**, Executive Assistant



**Prepared by:**

City of DeKalb  
City Manager's Office  
Attention: Ruth A. Scott  
164 E. Lincoln Highway  
DeKalb, Illinois 60115

**VACATING AN ALLEY BETWEEN OAK STREET AND LOCUST STREET,  
EAST OF N. FOURTH STREET (AGORA TOWER) IN THE CITY OF DEKALB,  
ILLINOIS.**

**WHEREAS**, the City of DeKalb (the "City") is a home rule unit of local government which may exercise any power and perform any function pertaining to its government and affairs pursuant to Article VII, Section 6, of the Illinois Constitution of 1970; and

**WHEREAS**, Section 11-91-1 of the Illinois Municipal Code (65 ILCS 5/11-91-1) provides that whenever the City's corporate authorities determine that the public interest will be served by vacating any street or alley, or part thereof, within their jurisdiction in any incorporated area, they may vacate that street or alley, or part thereof, by an ordinance and determine that the owner of property abutting upon the street or alley, or part thereof so vacated, shall acquire title to the entire vacated street or alley, or part thereof vacated, and

**WHEREAS**, the City's corporate authorities find that it is in the public interest and promotes the public health, safety, and welfare to vacate a certain portion of alleyway as legally described in the attached hereto and incorporated herein Exhibit A (the "Property") and as further depicted in the Plat of Vacation attached hereto and incorporated herein as Exhibit B (the "Plat of Vacation"); and

**WHEREAS**, PNG Development LLC (the "Owner") is the owner of all property abutting upon the Property; and

**WHEREAS**, the City's corporate authorities find that the relief to the public from the further burden and responsibility of maintaining the Property constitutes a public use and the fair market value of the Property, and that the Owner shall acquire title to the Property upon its vacation; and

**WHEREAS**, proper notice in the form attached hereto and incorporated herein as Exhibit C (the "Notice of Hearing") and the hearing thereon to vacate the Property has been provided pursuant to 65 ILCS 5/11-91-1; and

**WHEREAS**, on August 24, 2020, the City Council held a public hearing on the vacation of the Property;

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and City Council of the City of DeKalb, DeKalb County, Illinois, as follows:

**SECTION 1:** The foregoing recitals are true, material, adopted and incorporated into this Ordinance as if they were fully set forth in this Section 1.

**SECTION 2:** The City's corporate authorities, by the affirmative vote of at least three-fourths of those then holding office, approve of the vacation of the Property and the Plat of Vacation attached hereto and incorporated herein as Exhibit B, and hereby authorize the Mayor and City Clerk or Executive Assistant to execute and attest the Plat of Vacation.

**SECTION 3:** The City's corporate authorities approve and direct that, upon vacation of the Property, title to the Property shall vest in PNG Development LLC, who is the owner of property

abutting the Property located at PINs 08-23-184-003, 08-23-184-002, 08-23-184-020, and 08-23-184-024.

**SECTION 4:** The City's corporate authorities authorize and direct the Mayor, City Attorney and City Manager to execute a deed, closing statements and all other documentation which may be required for the sale, conveyance and recording of the Property upon its vacation.

**SECTION 5:** This Ordinance and each of its terms shall be the effective legislative act of a home rule municipality without regard to whether such ordinance should (a) contain terms contrary to the provisions of current or subsequent non-preemptive state law, or (b) legislate in a manner or regarding a matter not delegated to municipalities by state law. It is the intent of the corporate authorities of the City of DeKalb that to the extent that the terms of this Ordinance should be inconsistent with any non-preemptive state law, that this Ordinance shall supersede state law in that regard within its jurisdiction.

**SECTION 6:** As a result of the need to timely record this Ordinance and the Plat of Vacation approved herein, the City's corporate authorities find and determine that this Ordinance shall be effective immediately upon its passage and approval.

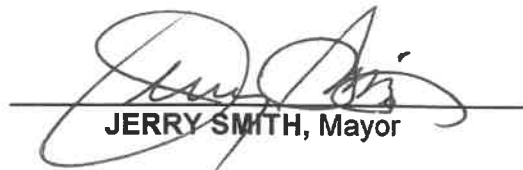
**SECTION 7:** That the City Clerk and/or Executive Assistant are hereby authorized to attest the Mayor's signature.

**ADOPTED BY THE CITY COUNCIL** of the City of DeKalb, Illinois at a Regular meeting thereof held on the 24<sup>th</sup> day of August 2020 and approved by me as Mayor on the same day. Passed on First Reading by an 8-0 roll call vote. Aye: Morris, Finucane, Smith, Perkins, McAdams, Verbic, Faivre, Mayor Smith. Nay: None. Second Reading waived by an 8-0 roll call vote. Aye: Morris, Finucane, Smith, Perkins, McAdams, Verbic, Faivre, Mayor Smith. Nay: None.

**ATTEST:**



**RUTH A. SCOTT, Executive Assistant**



**JERRY SMITH, Mayor**



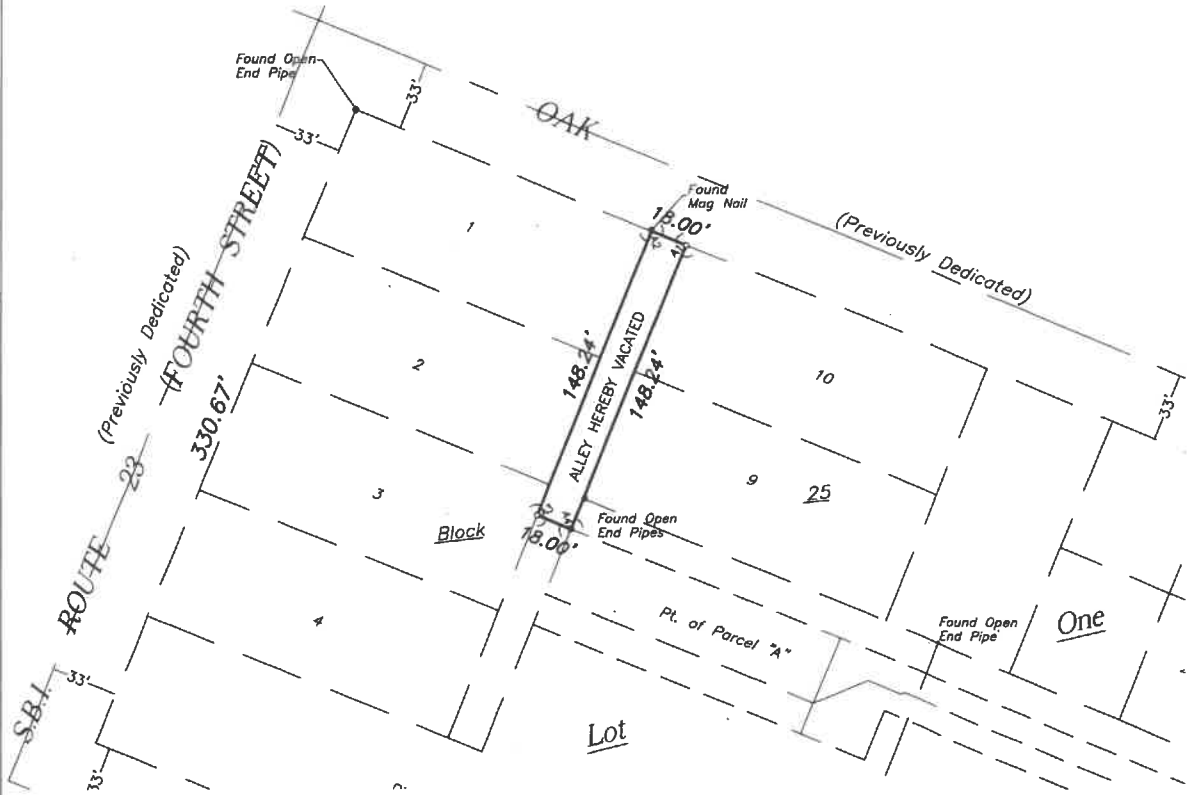
**EXHIBIT A**  
**(Legal Description)**

A PUBLIC ALLEY 18.00 FEET IN WIDTH LYING EASTERLY OF AN ADJACENT TO LOTS 1,2 AND 3 IN BLOCK 25 AND LYING WESTERLY OF AND ADJACENT TO LOTS 9 AND 10 IN BLOCK 25 AND PART OF LOT "A" OF THE WEST SUBDIVISION OF THE AMERICAN STEEL AND WIRE COMPANY, IN THE ORIGINAL VILLAGE (NOW CITY) OF DEKALB AND PART OF PARCEL "A" OF THE WEST SUBDIVISION OF THE AMERICAN STEEL AND WIRE COMPANY.

# Exhibit B

## PLAT OF VACATION

A PUBLIC ALLEY 18.00 FEET IN WIDTH LYING EASTERLY OF AND ADJACENT TO LOTS 1, 2 AND 3 IN BLOCK 25 AND LYING WESTERLY OF AND ADJACENT TO LOTS 9 AND 10 IN BLOCK 25 AND PART OF LOT "A" OF THE WEST SUBDIVISION OF THE AMERICAN STEEL AND WIRE COMPANY, IN THE ORIGINAL VILLAGE (NOW CITY) OF DEKALB AND PART OF PARCEL "A" OF THE WEST SUBDIVISION OF THE AMERICAN STEEL AND WIRE COMPANY.



ANGLE	MEASUREMENT
A1	89°58'44"
A2	90°01'16"
A3	89°58'44"
A4	90°01'16"

STATE OF ILLINOIS )  
 )SS  
 COUNTY OF DEKALB )

THIS IS TO CERTIFY THAT THE ATTACHED PLAT WAS APPROVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DEKALB, DEKALB COUNTY, ILLINOIS ON THIS 24th DAY OF August, 2020. ord 2020-056



BY: Jerry Smith  
 JERRY SMITH  
 MAYOR  
 (PLEASE SIGN AND PRINT)

ATTEST: Ruth A. Scott  
 RUTH SCOTT  
 EXECUTIVE ASSISTANT  
 (PLEASE SIGN AND PRINT)



-----LEGEND-----  
 - - - - - Boundary of property vacated

STATE OF ILLINOIS )  
 )SS  
 COUNTY OF DEKALB )

I HEREBY CERTIFY THAT I HAVE PREPARED THE ATTACHED MAP FOR DEDICATION PURPOSES ONLY.  
 DATED THIS 4TH DAY OF AUGUST, 2020.

Leslie Aaron Dooks  
 LESLIE AARON DOOKS  
 ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 3833  
 LICENSE EXPIRATION DATE: NOVEMBER 30TH, 2020



FOR: ATTY JEFF LEWIS (JOHN PAPPAS)  
 JOB NO. 14843VAC

JADE Hanna Surveyors  
 155 N 3rd Street  
 Dekalb, IL 60115  
 (815) 756-2189  
 Info@Hannasurveyors.com  
 License No. 184006622

**EXHIBIT C**  
**(Notice of Hearing)**

**NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that on August 24, 2020, at 6:00 PM, in the Yusunas Meeting Room at the DeKalb Public Library, 309 Oak St., DeKalb, Illinois, a hearing will be held by the Mayor and City Council of the City of DeKalb to consider the proposed vacation of an alley located east of N. 4<sup>th</sup> St. between Oak St. and E. Locust St. and described below:

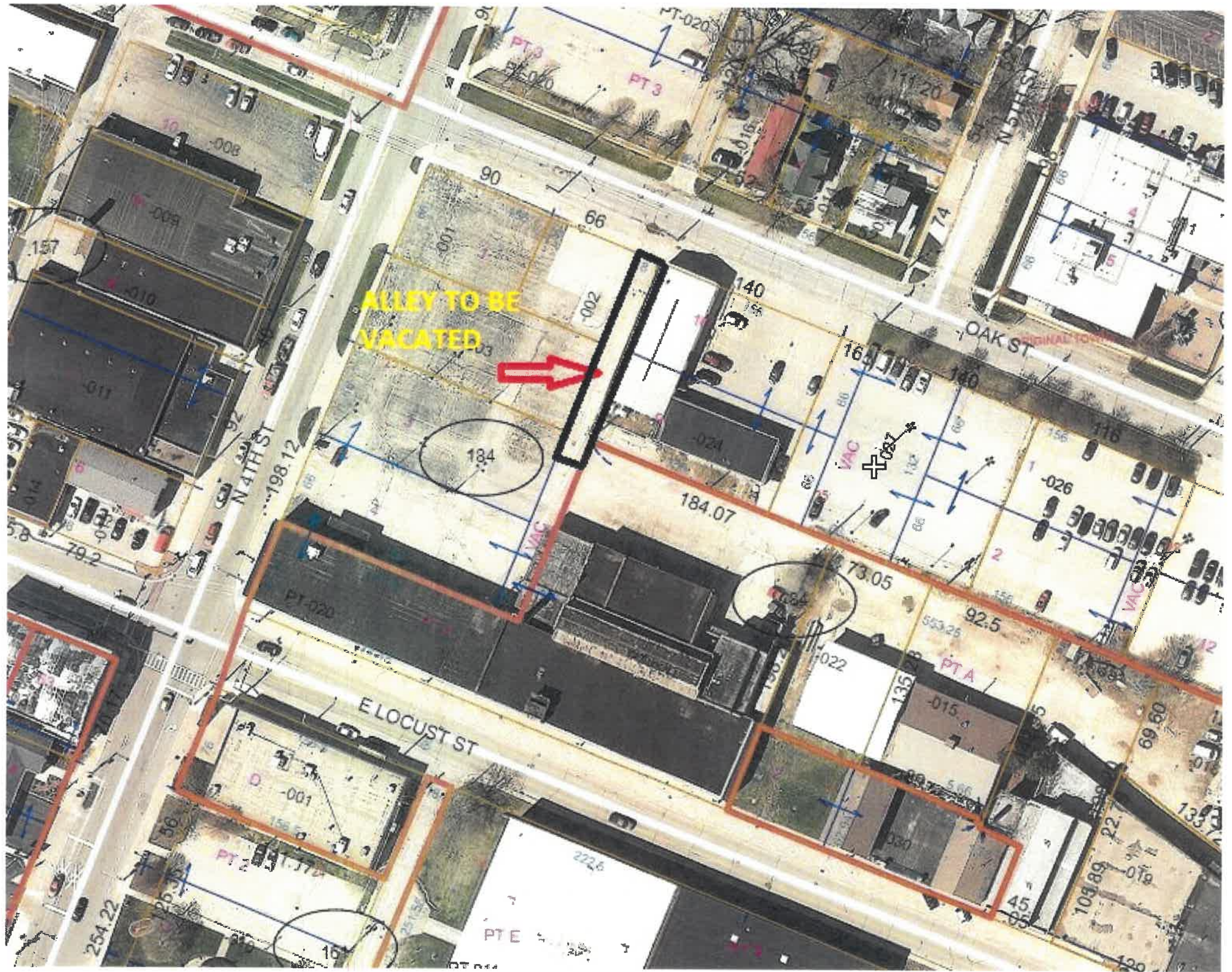
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All interested parties will be heard on the proposed vacation and are invited to appear at the time and place listed above. Interested parties are also encouraged to submit written comments on the proposal to the City of DeKalb, 164 E. Lincoln Highway DeKalb, Illinois, 60115 or the Online Public Comment Submission Form at <https://www.cityofdekalb.com/FormCenter>. Further information regarding the petition is also available from the Community Development Department at (815) 748-2070 or on the City of DeKalb's web page at <https://www.cityofdekalb.com/1103/Public-Hearings>.

Ruth Scott, Executive Assistant



ALLEY TO BE  
VACATED



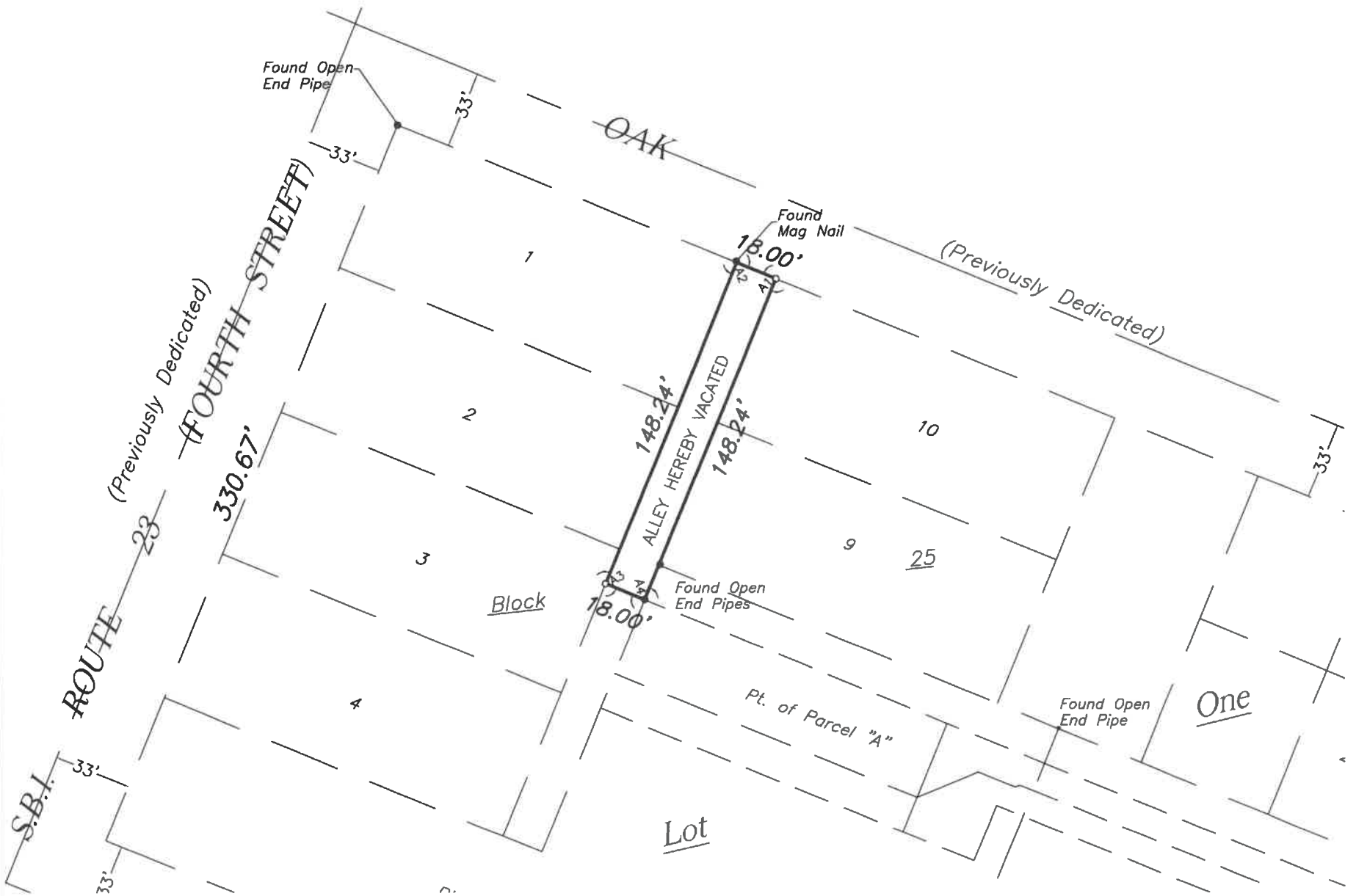






# PLAT OF VACATION

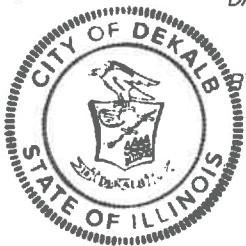
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\_\_\_\_\_  
 Jerry Smith  
 JERRY SMITH  
 MAYOR  
 (PLEASE SIGN AND PRINT)

ATTEST: \_\_\_\_\_  
 Ruth A. Scott  
 RUTH SCOTT  
 EXECUTIVE ASSISTANT  
 (PLEASE SIGN AND PRINT)

SCALE 1"=60'

====LEGEND====  
 ————— Boundary of property vacated

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 L. A. Doogs  
 LESLIE AARON DOOGS  
 ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 3833  
 LICENSE EXPIRATION DATE: NOVEMBER 30TH, 2020

JADE Hanna Surveyors  
 155 N 3rd Street  
 Dekalb, IL 60115  
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 Info@Hannasurveyors.com  
 License No. 184006622

FOR: ATTY JEFF LEWIS (JOHN PAPPAS)  
 JOB NO. 14843VAC

11/8-D

ord 2020-056