

**VACATING AN ALLEY BETWEEN GROVE STREET, S. FOURTH STREET, FRANKLIN STREET, AND S. FIFTH STREET IN THE CITY OF DEKALB, ILLINOIS (JOHANN DEKALB SUITES).**

**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**, City Hall Suites, 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 December 28, 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 (3/4) 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 Pappas Development LLC, who is the owner of property abutting the Property located at PIN 08-23-305-013.

**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.

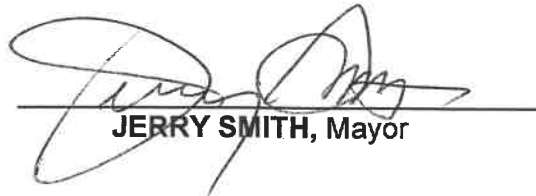
**SECTION 6:** As a result of the need to timely record this Ordinance and the Plat of Vacation approved herein, the City's corporate authorities find and determine that this Ordinance shall be effective immediately upon its passage and approval.

**PASSED BY THE CITY COUNCIL** of the City of DeKalb, Illinois at a Regular meeting thereof held on the 28<sup>th</sup> day of December 2020 and approved by me as Mayor on the same day. Passed on First Reading by an 8-0 roll call vote. Aye: Morris (Remote), Finucane (Remote), Smith (Remote), Perkins, McAdams, Verbic, Faivre, Mayor Smith. Nay: None. Second Reading waived by an 8-0 roll call vote. Aye: Morris (Remote), Finucane (Remote), Smith (Remote), Perkins, McAdams, Verbic, Faivre, Mayor Smith. Nay: None.

**ATTEST:**



**RUTH A. SCOTT**, Executive Assistant



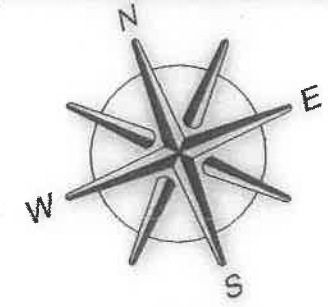
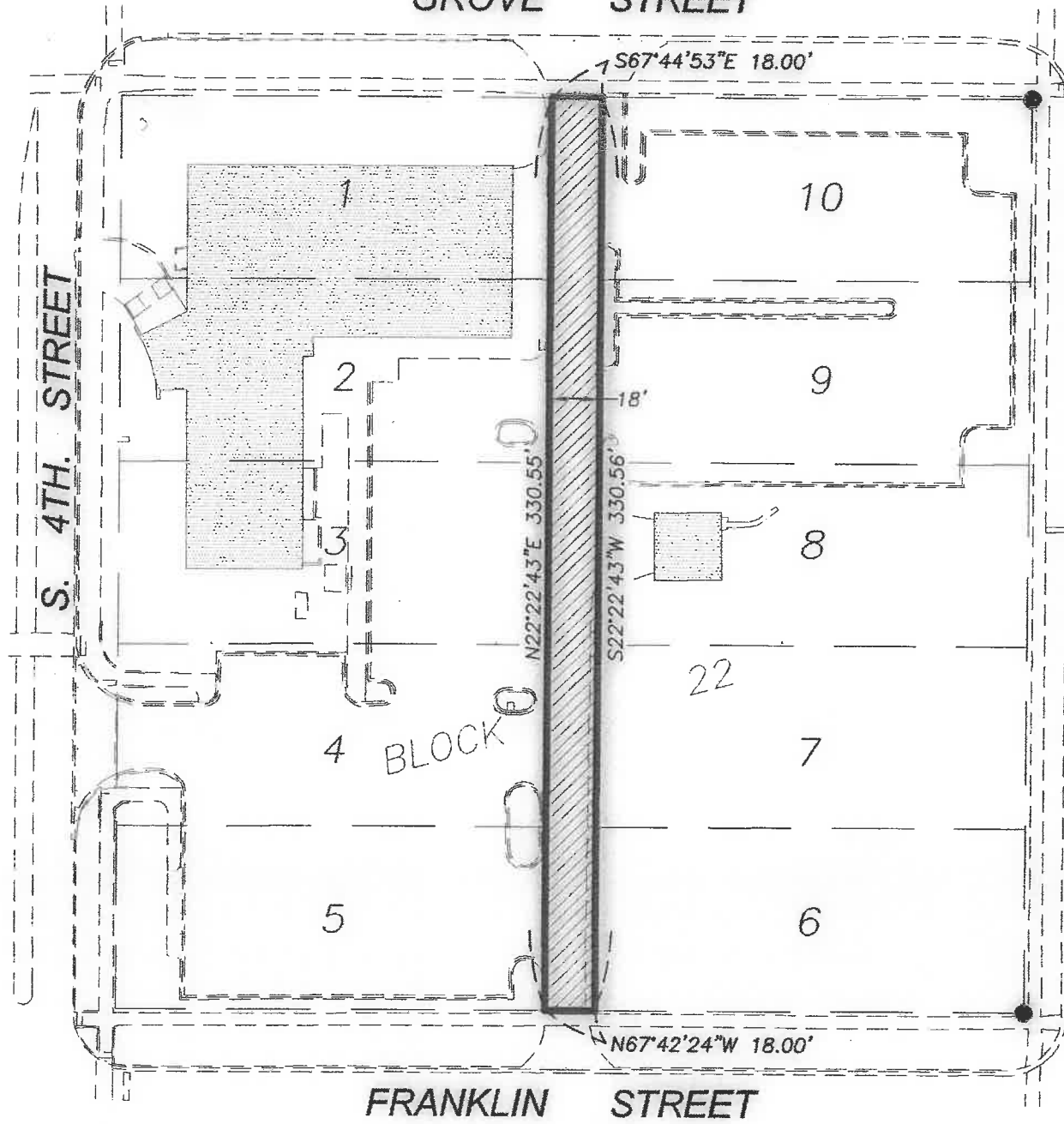
**JERRY SMITH**, Mayor



## **EXHIBIT A**

A PUBIC ALLEY 18.00 FEET IN WIDTH LOCATED IN BLOCK 22 IN THE ORIGINAL VILLAGE OF DEKALB, ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 19, 1853 IN BOOK "A" OF PLATS, PAGE 8 ¼, RECORDED IN THE DEKALB COUNTY RECORDERS OFFICE, DEKALB COUNTY, ILLINOIS.

GROVE STREET



0 30' 60'  
SCALE: 1"=60'

**PLAT OF VACATION**

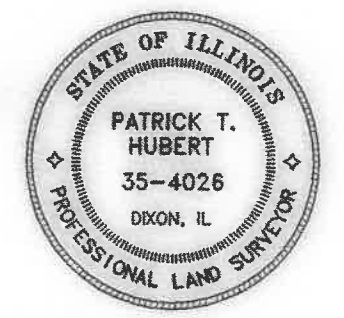
OF PROPERTY DESCRIBED AS: All of an 18 foot wide alley located in Block 22 in the original Village of DeKalb, according to the plat thereof recorded December 19, 1853 in Book "A" of Plats, Page 8 1/4, recorded in the DeKalb County Recorder's Office, DeKalb County, Illinois.

**SURVEYORS STATEMENT**

This plat and the survey it represents was made under my direct supervision in accordance with the minimum standards of practice pertaining to boundary surveys in the State of Illinois; all monuments and markers exist as shown hereon; all dimensional and geodetic details are to the best of my knowledge correct as shown hereon. Dimensions are in feet and decimals of a foot unless otherwise specified. Bearings or angles are in degrees, minutes and seconds, unless otherwise specified. Bearings or angles, distances and areas shown hereon are based upon grid coordinates using the Illinois State Plane Coordinate System (East Zone-2011 adjustment). No warranty is made or implied as to the existence or location of any public or private easements that may affect the platted property unless shown hereon, and also no warranty is made or implied as to compliance with 765ILCS-205/1b of the Illinois Compiled Statutes. This Professional Service conforms with the Current Illinois Minimum Standards of Practice for Boundary Surveys.

Dated this 12 day of MARCH, A.D., 2021.  
Dixon, Illinois.

*Patrick T. Hubert*  
Patrick T. Hubert  
ILLINOIS PROFESSIONAL LAND SURVEYOR  
NO. 35-4026



My license expires November 30, 2022.

S. 5TH. STREET

S. 4TH. STREET

FRANKLIN STREET

**LEGEND**

- BOUNDARY OF SURVEY
- ▲ MONUMENT FOUND
- ◎ STONE FOUND
- SET SURVEY NAIL
- 5/8" STEEL PIN SET
- + CHISELED "X"
- ⊠ R.O.W. MARKER
- △ P.K.
- SECTION LINE
- RIGHT OF WAY LINE
- x-x- FENCE LINE
- BUILDING SETBACK (BSL)
- UTILITY EASEMENT (UE)
- (101.26") RECORD DIMENSION
- (90°01'25") RECORD ANGLE
- (N89°12'22"E) RECORD BEARING



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 28th day of December, 2020. (Ord 2020-078)

*Jerry Smith*  
Jerry Smith  
Mayor  
(Please sign and print)

Attest: *Ruth Scott*  
Ruth Scott  
Executive Assistant  
(Please sign and print)

2021005391 11/16-D

**wendler**

wendler engineering services, inc.  
civil · structural · surveying  
www.wendlergs.com ph: 815.288.2261  
Illinois Professional Design Firm No. 184-000848

DATE: 12/01/2020  
JOB NO. 2200089  
SURVEYED BY: MRK  
BOOK NO.  
DRAWN BY: DJV  
DRAWING NAME: vac-2200089.dwg  
REVISIONS: 03/12/2021

VACATION PLAT  
FOR  
PAPPAS DEVELOPMENT

F:\2020\2020089.dwg, 3/12/2021 11:52:02 AM, DJV

## EXHIBIT C

### NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on December 28, 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 18 foot wide alley located between Grove St., S. 4<sup>th</sup> St., Franklin St. and S. 5<sup>th</sup> St. and described below:

A PUBLIC ALLEY 18.00 FEET IN WIDTH LOCATED IN BLOCK 22 IN THE ORIGINAL VILLAGE OF DEKALB, ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 19, 1853 IN BOOK "A" OF PLATS, PAGE 8 ¼, RECORDED IN THE DEKALB COUNTY RECORDERS OFFICE, DEKALB COUNTY, ILLINOIS.

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



2021005391

DOUGLAS J. JOHNSON  
RECORDER - DEKALB COUNTY, IL  
RECORDED: 4/26/2021 01:33 PM  
REC FEE: 55.00

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

PAGES: 6

"KEEP IN FILE"

*Plat Cabinet 11  
Slide # 16-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 2020-078**

**VACATING AN ALLEY BETWEEN GROVE STREET, S. FOURTH STREET, FRANKLIN STREET, AND S. FIFTH STREET IN THE CITY OF DEKALB, ILLINOIS (JOHANN DEKALB SUITES).**

**PASSED BY THE CITY COUNCIL** of the City of DeKalb, Illinois, on the 28<sup>th</sup> day of December 2020.

**WITNESS** my hand and the official seal of said City this 26<sup>th</sup> day of April 2021.

**RUTH A. SCOTT**, Executive Assistant



**Prepared by ~~and Return to:~~**

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