

ORDINANCE 2021-047

PASSED: NOVEMBER 22, 2021

**APPROVING A PLAT OF VACATION FOR NORTHLAND PLAZA
RESUBDIVISION NO. 3 (B33 NORTHLAND PLAZA, LLC).**

WHEREAS, the City of DeKalb (the "City") is a home rule unit of local government and 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, B33 Northland Plaza LLC (the "Applicant") filed a petition with the City requesting approval of a Plat of Vacation for a portion of a utility easement that is legally described in Exhibit A attached hereto and incorporated herein by reference (the "Legal Description") and Exhibit B attached hereto and incorporated herein by reference (the "Plat of Vacation"); and

WHEREAS, on November 15, 2021, the City's Planning and Zoning Commission met and recommended approval of the Plat of Vacation; and

WHEREAS, the City's corporate authorities adopt and incorporate the findings of the City's Planning and Zoning Commission recommending the approval of the Plat of Vacation; and

WHEREAS, the City's corporate authorities find that it is in the City's best interests for the promotion of the public health, morals and welfare to approve the Plat of Vacation, pursuant to the provisions of this Ordinance; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL of the City of DeKalb, Illinois as follows:

SECTION 1. The City's corporate authorities approve the Plat of Vacation dated November 4, 2021, a copy of which is attached hereto and incorporated herein as Exhibit B; provided, however, that Applicant shall show City staff that it has obtained agreements or releases from all applicable utilities consenting to the Plat of Vacation before recording the Plat of Vacation with DeKalb County Recorder.

SECTION 2. The City's corporate authorities authorize and direct the Mayor and Chairman of the City's Planning and Zoning Commission to execute the Plat of Vacation, the Executive Assistant to attest or notarize the Plat of Vacation, and for City staff to take all actions as may be necessary to record and effectuate the Plat of Vacation.

SECTION 3: 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 City's corporate authorities 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. The invalidity of any section of this Ordinance shall not invalidate other sections or provisions thereof.

SECTION 4: This ordinance shall be in full force and effect from and after its passage and approval as provided by law.

PASSED BY THE CITY COUNCIL of the City of DeKalb, Illinois at a Regular meeting thereof held on the 22nd day of November 2021 and approved by me as Mayor on the same day. Passed on First Reading by a 6-0-2 roll call vote. Aye: Morris, Larson, Perkins, McAdams, Faivre, Barnes. Nay: None. Absent: Smith, Verbic. Second Reading waived by a 6-0-2 roll call vote. Aye: Morris, Larson, Perkins, McAdams, Faivre, Barnes. Nay: None. Absent: Smith, Verbic.





COHEN BARNES, Mayor

ATTEST:



Ruth A. Scott, Executive Assistant

Exhibit A
Legal Description

PART OF LOT 1 IN NORTHLAND PLAZA RESUBDIVISION NO. 3, RECORDED OCTOBER 13, 2020 IN PLAT CABINET 11, SLIDE 9-D AS DOCUMENT NUMBER 2020010624, BEING A RESUBDIVISION OF NORTHLAND PLAZA RESUBDIVISION NO. 2, RECORDED MARCH 21, 2019 IN PLAT CABINET 10, SLIDE 189-C, AS DOCUMENT NUMBER 2019002045, BEING PART OF SECTION 12, TOWNSHIP 40 NORTH, RANGE 4, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DEKALB COUNTY, ILLINOIS.



2021015320

DOUGLAS J. JOHNSON
RECORDER - DEKALB COUNTY, IL
RECORDED: 11/24/2021 09:39 AM
REC FEE: 55.00

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

PAGES: 5

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 2021-047

**APPROVING A PLAT OF VACATION FOR NORTHLAND PLAZA
RESUBDIVISION NO. 3 (B33 NORTHLAND PLAZA, LLC), DEKALB,
ILLINOIS.**

PASSED BY THE CITY COUNCIL of the City of DeKalb, Illinois, on the 22nd day of November 2021.

WITNESS my hand and the official seal of said City this 23rd day of November 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