

ORDINANCE NO. ____

Date Passed: December 13, 2010

**AN ORDINANCE VACATING ALLEY
(ROGER'S READY MIX AND MATERIALS, INC. AND STEVE BINGHAM)**

WHEREAS, the City of Rochelle is a body politic and corporate, organized and existing pursuant to the Illinois Municipal Code, 65 ILCS 5/1-1-1, et. seq.; and

WHEREAS, pursuant to 65 ILCS 5/11-91-1, the City has the right, upon an affirmative vote of at least three-fourths of the City Council members then holding office, to vacate any street or alley, or part thereof, located within the boundaries of the City whenever the City Council determines that the public interest will be served by vacating the street or alley, or any part thereof; and

WHEREAS, the City Council finds that the public interest, including without limitation the relief to the public from the further burden of maintaining the street and alley and from liabilities from injuries to the public, would be served by vacating the following parcel:

The 16.5' by 132' alley located between tax parcels 24-24-394-002 and 24-24-455-004.

which alley is located within the boundaries of the City and are not presently used as an alley; and

WHEREAS, the City Council further finds that the sum of \$3,267.00 representing \$1.50 per square foot for the alley is fair compensation to the City for the fair market value of the alley, or the benefits which would accrue to the adjacent landowners by reason of the vacation of the alley and the street; and

WHEREAS, Rogers Ready Mix and Materials, Inc. the owner of tax parcel 24-24-394-002, designated as 303 First Avenue and Steve Bingham the owner of tax parcel 24-24-455-004, designated as 203 First Avenue has offered to pay 50% of the amount of said compensation to the City; and

WHEREAS, the City Council finds it in the best interest to vacate all the right-of-way to Roger's Ready Mix and Materials, Inc.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCHELLE, OGLE COUNTY, ILLINOIS, as follows:

1. The following parcel:

The 16.5' by 132' alley located between tax parcels 24-24-394-002 and 24-24-455-004

is hereby vacated, subject to payment as set forth in this ordinance, and title to the entire alley hereby vacated and the west 50% shall be acquired by the owner of tax parcel number 24-24-394-002, and shall become a part of that parcel. The east 50% shall be acquired by the owner of tax parcel number 24-24-455-004, and shall become a part of that parcel.

2. This ordinance shall become effective only upon payment by the owner of tax parcel 24-24-394-002 of compensation in the amount of \$1,633.00 and the owner of tax parcel 24-24-455-004 of compensation in the amount of \$1,633.00.

PASSED AND APPROVED this 13th day of December, 2010.

Ayes: _____ Nays: _____ Abstain: _____

Mayor

Attested: _____
City Clerk