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TROY, IL 62294**

CITY OF TROY

ORDINANCE NO. 2015 - 22

AN ORDINANCE AUTHORIZING THE CITY TO EXECUTE A WARRANTY DEED IN FAVOR OF CHICAGO TITLE LAND TRUST COMPANY, SUCCESSOR TRUSTEE UNDER THE TRUST AGREEMENT DATED DECEMBER 31, 1998, KNOWN AS TRUST NO. 6708 (THE "OTTWEIN TRUST"), AND FURTHER, TO AUTHORIZE THE CITY TO EXECUTE THE FINAL PLAT OF DEDICATION FOR SRA. BRADLEY R. SMITH DRIVE AND DOROTHY DRIVE FOR PURPOSES OF DEDICATING SAID ROADWAYS AS PUBLIC RIGHT-OF-WAYS IN THE CITY OF TROY, ILLINOIS

**ADOPTED BY THE
CITY COUNCIL OF THE
CITY OF TROY, ILLINOIS
THIS 5th DAY OF OCTOBER, 2015**

Published in pamphlet form by the authority of the City Council of the City of Troy, Madison County, Illinois, this 5th day of October, 2015.

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WHEREAS, on or about May 18, 2009, the City Council for the City of Troy, Illinois, authorized the City to enter into, and the Mayor to execute, a Donation Agreement between the City of Troy and the Bank of Edwardsville, as Trustee under a Trust Agreement dated December 31, 1998, known as Trust Number 6708 (the "Ottwein Trust")(Ordinance No. 2009-04)(hereinafter the "Donated Property"); and

WHEREAS, since that time, the City of Troy, Illinois, constructed SrA. Bradley R. Smith Drive on the Donated Property; and

WHEREAS, in doing engineering and surveying for the Subdivision of the Greens of Troy No. 4 (along and adjacent to SrA. Bradley R. Smith Drive) it was discovered by Madison County Surveyors, Inc. that SrA. Bradley R. Smith Drive was not constructed on the precise and exact portion of the Donated Property as originally intended; and

WHEREAS, to correct same, the City Council of the City of Troy, Illinois, has determined that it is in the best interest of the City of Troy to deed the Donated Property back to the Ottwein Trust, and in turn, to execute the Final Plat of Dedication for SrA. Bradley R. Smith Drive and Dorothy Drive, to reflect both roadways' actual and proper locations, and to further allow for said roadways to be dedicated as right-of-ways; and

WHEREAS, the legal description of the Donated Property is as follows:

The following described real estate in the County of Madison and State of Illinois,

A tract of land being part of the East Half of Section 8, Township 3 North, Range 7 West of the Third Principal Meridian, Madison County, Illinois, being described as follows: Commencing at a stone marking the center of said Section 8, thence on the South line of the Northeast Quarter of said Section 8, South 89 degrees 30 minutes 30 seconds East, 486.99 feet to the point of beginning; thence along a non-tangent curve to the left having a radius of 5,970.00 feet, an arc length of 161.98 feet and a chord bearing North 00 degrees 28 minutes 54 seconds East 161.98 feet; thence North 00 degrees 17 minutes 44 seconds West 971.17 feet; thence along a curve to the left having a radius of 470.00 feet, an arc length of 289.64 feet and a chord bearing North 17 degrees 57 minutes 01 seconds West 285.08 feet; thence North 35 degrees 36 minutes 17 seconds West 100.00 feet; thence along a curve to the right having a radius of 730.00 feet, an arc length of 456.77 feet and a chord bearing North 17 degrees 40 minutes 46 seconds West 449.35 feet; thence North 00 degrees 14 minutes 45 seconds East 102.35 feet to a point on the South line of a tract of land now or formerly owned by Louis Buesking as described in Deed Book 4378, Page 4318 of the Madison County Recorder's Office, and being 192.59 feet from the Southwest corner of said Buesking tract; thence South 89 degrees 26 minutes 16 seconds East 60.00 feet on said South line; thence leaving said South line, South 00 degrees 14 minutes 45 seconds West 102.02 feet; thence along a curve to the left having a radius of 670.00 feet, an arc length of 419.23 feet and a chord bearing South 17 degrees 40 minutes 46 seconds East 412.42 feet; thence South 35 degrees 36 minutes 17 seconds East 100.00 feet; thence along a curve to the right having a radius of 530.00 feet, an arc length of 326.62 feet and a chord bearing South 17 degrees 57 minutes 01 seconds East 321.47 feet; thence South 00 degrees 17 minutes 44 seconds East 971.17 feet; thence along a curve to the right having a radius of 6,030.00 feet, an arc length of 162.81 feet and a chord bearing South 00 degrees 28 minutes 40 seconds West 162.80 feet to a point on the South line of said Northeast Quarter and being the Northeast corner of a tract of land now or formerly owned by Jarvis Township as described in Deed Book 3941, Page 722 of the Madison County Recorder's Office; thence North 89 degrees 34 minutes 24 seconds West 60.01 feet on the North line of said Jarvis Township Tract to the point of beginning and containing 2.868 acres, more or less; and

WHEREAS, a copy of a Warranty Deed in Trust containing the above-mentioned legal description is attached hereto, marked "Exhibit A," and made a part hereof; and

WHEREAS, both the City Council for the City of Troy, Illinois, and the Ottwein Trust desire to transfer the Donated Property back to the Ottwein Trust, so that in turn, the City can execute the Final Plat of Dedication for SrA. Bradley R. Smith Drive and Dorothy Drive, to reflect both roadways' actual and proper locations, and to further allow for said roadways to be dedicated as right-of-ways; and

WHEREAS, a copy of a Final Plat of Dedication for SrA. Bradley R. Smith Drive and Dorothy Drive, that reflects both roadways' actual and proper locations, is attached hereto, marked "Exhibit B," and made a part hereof; and

WHEREAS, the legal description of Final Plat of Dedication for SrA. Bradley R. Smith Drive and Dorothy Drive is as follows:

Tract to be dedicated:

Part of the West Half of the Northeast Quarter of Section 8, Township 3 North, Range 7 West of the Third Principal Meridian, Madison County, Illinois, being more particularly described as follows:

Beginning at an iron rod at the intersection of the south line of the Northeast Quarter of Section 8 and the west line of a tract conveyed to the City of Troy by deed recorded in Document 2009R36062 of the Madison County records, located South 89 degrees 30 minutes 32 seconds East 486.99 feet from a stone located at the southwest corner of the Northeast Quarter of Section 8; thence along a curve to the left having a radius of 5970.00 feet and a chord which bears North 00 degrees 28 minutes 54 seconds East 161.98 feet, an arc distance of 161.98 feet to an iron rod; thence North 00 degrees 17 minutes 44 seconds West 1009.57 feet to an iron rod; thence along a curve to the left having a radius of 420.00 feet and a chord which bears North 17 degrees 57 minutes 00 seconds West 254.75 feet, an arc distance of 258.83 feet to an iron rod; thence North 35 degrees 36 minutes 17 seconds West 115.55 feet to an iron rod; thence along a curve to the right having a radius of 734.06 feet and a chord which bears North 18 degrees 35 minutes 36 seconds West 428.29 feet, an arc distance of 434.61 feet to an iron rod; thence North 00 degrees 14 minutes 45 seconds East 103.23 feet to an iron rod in the south line of a tract conveyed to Buesking by deed recorded in Book 4378 on page 4318 of the Madison County records; thence South 89 degrees 25 minutes 51 seconds East along said south line 60.00 feet to an iron rod; thence South 00 degrees 14 minutes 45 seconds West 101.88 feet to an iron rod; thence along a curve to the left having a radius of 674.06 feet and a chord which bears South 17 degrees 13 minutes 21 seconds East 360.47 feet, an arc distance of 364.91 feet to an iron rod; thence South 66 degrees 25 minutes 03 seconds East 84.03 feet to an iron rod; thence along a curve to the left having a radius of 370.00 feet and a chord which bears North 27 degrees 20 minutes 40 seconds East 336.54 feet, an arc distance of 349.37 feet to an iron rod; thence North 00 degrees 17 minutes 37 seconds East 150.31 feet to an iron rod at the southwest corner of Dorothy Drive as shown by plat of Ottwein Trust No. 1 Subdivision recorded in Plat Cabinet 63 on page 66 of the Madison County records; thence South 89 degrees 24 minutes 35 seconds East along the south line of said subdivision 60.00 feet to an iron rod in the east line of Dorothy Drive; thence South 00 degrees 17 minutes 37 seconds West 149.99 feet to an iron rod; thence along a curve to the right having a radius of 430.00 and a chord which bears South 27 degrees 20 minutes 40 seconds West 391.11 feet, an arc distance of

406.03 feet to an iron rod; thence South 12 degrees 12 minutes 40 seconds West 60.02 feet to an iron rod; thence along a curve to the right having a radius of 480.00 feet and a chord which bears South 16 degrees 31 minutes 51 seconds East 268.40 feet, an arc distance of 272.02 feet to an iron rod; thence South 00 degrees 17 minutes 44 seconds East 1009.57 feet to an iron rod; thence along a curve to the right having a radius of 6030.00 feet and a chord which bears South 00 degrees 28 minutes 41 seconds West 162.80 feet, an arc distance of 162.81 feet to an iron rod in the south line of the Northeast Quarter of Section 8; thence North 89 degrees 30 minutes 32 seconds West along said south line 60.00 feet to the point of beginning, containing 3.71 acres; and

WHEREAS, the City Council of the City of Troy, Illinois, finds that the best interest of the City is served by executing the Plat of Dedication herein.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF TROY:

1. The recitals set forth above are hereby incorporated herein as if fully set forth.
2. The Mayor of the City of Troy, Illinois, is hereby authorized to execute the Warranty Deed in Trust attached hereto as "Exhibit A," and is further authorized to take all actions and sign all documents necessary to fulfill the intent of this Ordinance.
3. The Mayor of the City of Troy, Illinois, is hereby authorized to execute the Final Plat of Dedication attached hereto as "Exhibit B," and is further authorized to take all actions and sign all documents necessary to fulfill the intent of this Ordinance.
4. The City Clerk is hereby authorized and directed to record a copy of this Ordinance in the Madison County Office of the Recorder of Deeds.
5. This Ordinance shall be in effect following its passage, approval and publication as provided by law.
6. Any and all Ordinances, sections or subsections of Ordinances in conflict herewith are hereby repealed.

PASSED by the City Council of the City of Troy, Madison County, Illinois, approved by the Mayor, and deposited in the office of the City Clerk this 5th day of October, 2015.

Those voting aye: DeCarli, Dyer, Greenfield, Hendrickson, Italiano, Jackson, Partney and Turner.

Those voting nay: _____

Those absent: _____

APPROVED:

By:  _____

ALLEN P. ADOMITE, Mayor
City of Troy, Illinois

ATTEST:

BY: _____
JAMIE MYERS, Clerk
City of Troy, Illinois

(SEAL)