

Ordinance #O-09-16

**An Ordinance PROVIDING FOR THE VACATION OF AN ALLEY  
INTERSECTING WITH DODGE STREET.**

Adopted by the City Council of the City of Galena this 27<sup>th</sup> Day of July 2009.

Published in pamphlet form by authority of the City Council of the City of Galena,  
Jo Daviess County, Illinois, this 28<sup>th</sup> Day of July 2009.

STATE OF ILLINOIS            )  
  )     City of Galena  
COUNTY OF JO DAVIESS    )

CERTIFICATE

I, Mary Beth Hyde, certify that I am the duly elected municipal clerk of the City of Galena, JoDaviess County, Illinois.

I further certify that on the 27<sup>th</sup> Day of July 2009, the Corporate Authorities of said municipality passed and approved Ordinance No. O-09-16 entitled **AN ORDINANCE PROVIDING FOR THE VACATION OF AN ALLEY INTERSECTING WITH DODGE STREET** which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No.O-09-16 including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the municipal building, commencing the 27<sup>th</sup> Day of July 2009 and commencing for at least ten (10) days thereafter.

Dated at Galena, Illinois, this 28<sup>th</sup> Day of July 2009.

  
\_\_\_\_\_  
Mary Beth Hyde  
City Clerk

(Seal)

Ordinance #O-09-16

**AN ORDINANCE PROVIDING FOR THE VACATION  
OF AN ALLEY INTERSECTING WITH DODGE STREET**

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**WHEREAS**, Gary Feldermann, 534 Dodge Street, Galena, Illinois, is the only property owner abutting a 20 feet by 150 feet platted alley intersecting with Dodge Street and adjacent to Lots 1,2, 3, 9, 10, and 11 in Block 5 of H.H. Gear's 2<sup>nd</sup> Addition, on the West side of the Galena River, in West Galena Township, and

**WHEREAS**, Gary Feldermann petitioned the Galena City Council to vacate the aforementioned alley; and

**WHEREAS**, the street subject to the vacation is fully described in Exhibit A, "Plat of Vacation", attached to and made a part hereof; and

**WHEREAS**, Gary Feldermann desires to acquire property interest in the real property subject to the vacation; and

**WHEREAS**, surrounding property owners and the public at large were notified of the request to vacate and invited to a public hearing before the city council conducted on July 13, 2009; and

**WHEREAS**, the members of the City Council of the City of Galena deem it expedient for the public good to vacate said portion of South Prospect Street; and

**WHEREAS**, the City Council calculated the fair market value of the subject property as \$1,050. This equates to \$.35 per square foot for the 3,000 square feet of property to be vacated.

**SECTION I: THEREFORE, BE IT ORDAINED** and enacted by the City Council of the City of Galena, that all of that certain portion of real property situated in the City of Galena and being more particularly depicted in Exhibit A IS HEREBY VACATED to Gary Feldermann upon payment of the fair market value of \$1,050. The property interest in the right-of-way shall endure to the purchaser's successors or assigns;

**SECTION II:** It is further directed that the street right-of-way described in Exhibit A be stricken from the City street plat.

**SECTION III:** It is further provided that the vacation of said parcel is subject to the rights of all public utilities in said parcel, rights-of-way and easements necessary or desirable for installing or continuing public service in said street and the person or parties requesting such vacation shall be responsible to said public utilities for any vacating, rearrangement or relocating costs in the event the same are necessary without any costs to the City of Galena, its successors or assigns. A 20 feet wide utility easement shall extend the entire length of right-of-way from west to east. The easement shall be to the benefit of the City of Galena, and assignable by the City of Galena to other providers of utilities, for the installation of utilities either above or below grade. No permanent structures shall be located by the purchasers, their successors or assigns, on the easement.

**SECTION IV:** All ordinances or parts of ordinances conflicting with the provisions of this ordinance are hereby repealed.

**SECTION V:** Passed on this 27th day of July, A.D., 2009, in open Council.

**AYES:**

**Fach, Greene, Hahn,  
Lincoln, Murphy, Cording,  
Renner**

**NAYS:**

**None**

  
\_\_\_\_\_  
**TERRY RENNER, MAYOR**

**ATTEST:**

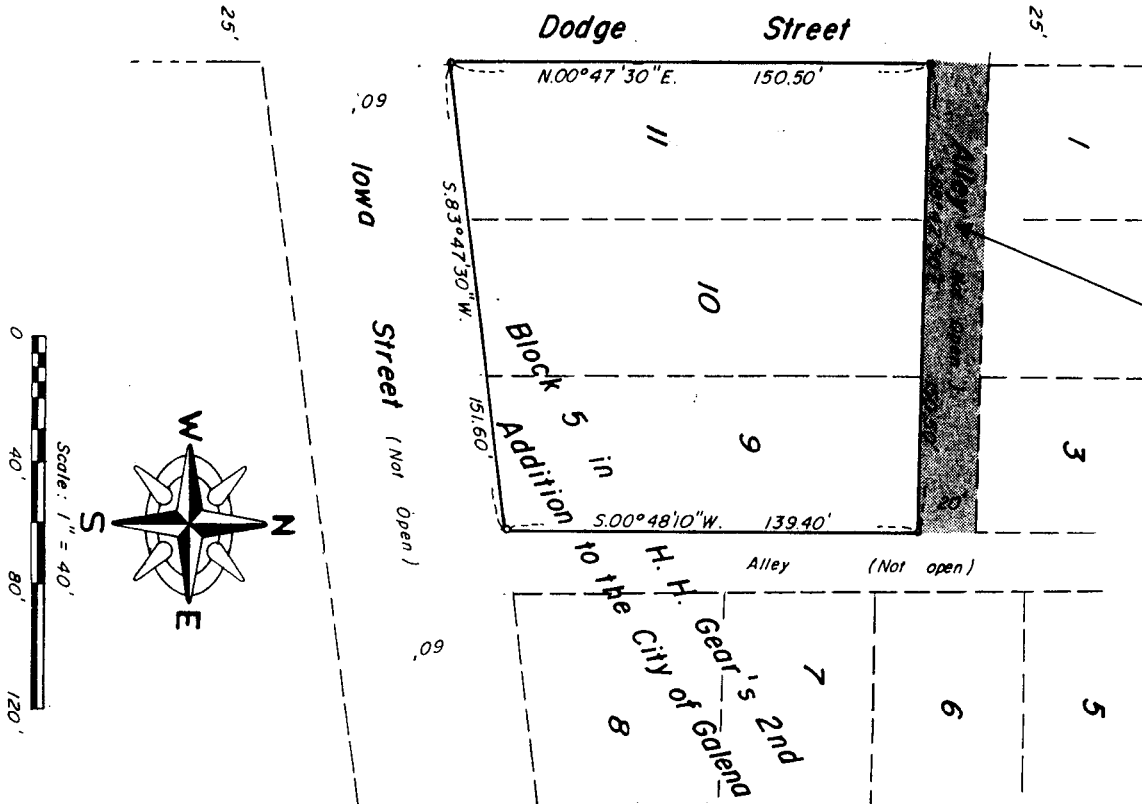
  
\_\_\_\_\_  
**MARY BETH HYDE, CITY CLERK**

Prepared by and Return to:  
Mark Moran  
City Administrator  
312 ½ N. Main St.  
Galena, IL 61036

EXHIBIT A

PLAT OF VACATION

West Line of the Southeast 1/4 of Section 24 - 28 - 1W  
N.00°47'30"E.



Area of Vacation (approximately 3,000 square feet)

NEIL AND DIANE FRANK  
PLAT OF SURVEY

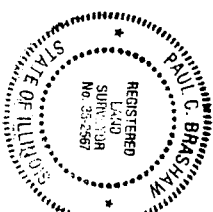
LOTS NUMBER NINE (9), TEN (10) AND ELEVEN (11) IN BLOCK NUMBER FIVE (5) IN H.H. GEAR'S SECOND ADDITION TO THE CITY OF GALENA, ON THE WEST SIDE OF THE GALENA RIVER, SITUATED IN THE CITY OF GALENA, IN THE COUNTY OF JO DAVIESS AND STATE OF ILLINOIS.

STATE OF ILLINOIS )  
COUNTY OF JO DAVIESS ) SS SURVEYOR'S CERTIFICATE

I, PAUL C. BRASHAW, ILLINOIS REGISTERED LAND SURVEYOR, NO. 35-2567, DO HEREBY CERTIFY THAT AT THE REQUEST OF THE OWNERS, I HAVE MADE A SURVEY OF THE ABOVE DESCRIBED PROPERTY, AND THAT I HAVE FOUND AND/OR SET THE SURVEY MONUMENTS, ALL AS SHOWN ON THE ACCOMPANYING PLAT. IT SHOULD BE NOTED THAT IN THE PERFORMANCE OF THIS SURVEY, THE COURSES AND DISTANCES OF THE SURVEY MAY VARY FROM THE RECORDED CALLS, BASED ON THE EXISTENCE OF FOUND MONUMENTATION, OCCUPATION, OR OTHER CONTROLLING CALLS OR CONDITIONS THAT HAVE OCCURRED IN THE SURVEY OF THIS PROPERTY.

SIGNED AND SEALED THIS 29 TH DAY OF JUNE 19 90

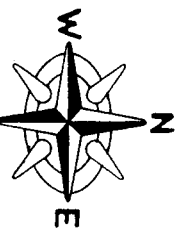
PAUL C. BRASHAW  
ILLINOIS REGISTERED LAND SURVEYOR  
NO. 35-2567



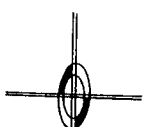
Legend

- 0.00' Measured Distance/Bearing
- (0.00') Platted/Deeded Distance/Bearing
- Boundary of the Property Surveyed
- Existing Fence Line
- 3/4" x 30" Iron Rod or Set
- Iron Monument Found

Surveyed for  
Neil & Diane Frank



June 29, 1990



Paul C. Brashaw  
4413 W. Stogeech Tr. Galena Illinois 61036  
Telephone (815) 777-1172