

Ordinance #O.19.11

An Ordinance TO ACCEPT OWNERSHIP BY DEDICATION OF THE PUBLIC STREETS, WATER DISTRIBUTION SYSTEM, AND STORM WATER SYSTEM IN THE TIMP'S SUBDIVISION – PHASE 2 IN THE CITY OF GALENA.

Adopted by the City Council of the City of Galena this 8th Day of July 2019.

Published in pamphlet form by authority of the City Council of the City of Galena, Jo Daviess County, Illinois, this 8th Day of July 2019.

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 8th Day of July 2019, the Corporate Authorities of said municipality passed and approved Ordinance No. O.19.11 entitled **AN ORDINANCE TO ACCEPT OWNERSHIP BY DEDICATION OF THE PUBLIC STREETS, WATER DISTRIBUTION SYSTEM, AND STORM WATER SYSTEM IN THE TIMP'S SUBDIVISION – PHASE 2 IN THE CITY OF GALENA**, which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. O.19.11 including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the municipal building, commencing the 8th Day of July 2019 and commencing for at least ten (10) days thereafter.

Dated at Galena, Illinois, this 9th July 2019.



Mary Beth Hyde
City Clerk

(Seal)

Ordinance #0.19.11

**AN ORDINANCE TO ACCEPT OWNERSHIP BY DEDICATION OF THE PUBLIC STREETS,
WATER DISTRIBUTION SYSTEM, AND STORM WATER SYSTEM IN THE TIMP'S
SUBDIVISION—PHASE 2 IN THE CITY OF GALENA**

WHEREAS, Chris Timp and Courtney Timp, (the “Developer”) are the owner in fee simple of the property comprising the Timp’s – Phase 2 Subdivision, which tract is more particularly described in the final subdivision plat and dedication plat for said subdivision dated January 25, 2018 which was recorded in the Jo Daviess County Recorder’s Office in Plan Hold 10 #227, as document No. 397953, on February 14, 2018; and

WHEREAS, the Developer has completed the construction and installation of the roadways platted as Louieville Court, Brooke Court, and Marie Court, including chip and seal road surface, in the Timp’s—Phase 2 Subdivision; and

WHEREAS, the Developer has completed the potable public water distribution system, including water main, valves, and hydrants; and

WHEREAS, the Developer has completed the sanitary sewer system, including sewer mains and manholes; and

WHEREAS, the Developer has completed the storm water collection, drainage and detention system in said subdivision; and

WHEREAS, the roadway, potable water distribution system, sanitary sewer system, and storm water collection, drainage and detention system have been inspected by the City Engineer or his designee and have been found to have been constructed and installed in compliance with the requirements of the City of Galena, Illinois (the “City”) Subdivision Ordinance, applicable annexation agreement, and other applicable codes and ordinances of the City; and

WHEREAS, the Developer has made and delivered to the City the required Bill of Sale (attached hereto and made part hereof as “Exhibit A”); and

WHEREAS, it is necessary and appropriate that the City Council accept by dedication the ownership of the public infrastructure capital improvements described above for the Timp’s—Phase 2 Subdivision.

NOW THEREFORE BE IT ORDAINED by the City Council of the City of Galena, Jo Daviess County, Illinois, as follows:

SECTION I: The recitals contained above in the preamble of this Ordinance are hereby incorporated herein by reference, the same if set forth in the Section of this Ordinance verbatim, as findings of the City Council of the City of Galena, Illinois.

SECTION II: The City hereby accepts the ownership by dedication of the street improvements for Louieville Court, Brooke Court, and Marie Court in the Timp's—Phase 2 Subdivision, being the public streets presently constructed and installed in the said subdivision, which street was constructed at the direction of the City by the Developer in the street easement provided therefore. Said easement is depicted on and was created by the Plat of Subdivision and Dedication for the Timp's Phase—2 Subdivision, dated January 25, 2018. Said public street has been constructed and installed in accordance with the codes and ordinances of the City pertaining thereto and is depicted on the Plat of Subdivision and Dedication for the Timp's—Phase 2 Subdivision, dated January 25, 2018 (attached hereto and made part hereof as "Exhibit B").

SECTION III: The City hereby accepts the ownership by dedication and the maintenance responsibility for the potable water distribution system constructed and installed in the Timp's—Phase 2 Subdivision for the transport of potable water, which potable water system was installed and constructed at the direction of the City by the Developer, and was installed in the right-of-way and easements depicted on the Plat of Subdivision and Dedication for the Timp's—Phase 2 Subdivision, dated January 25, 2018, with the exception of those lateral pipes, and any associated valves, which transport the potable water of a single building into a common water main, commonly known as and referred to as a "building service". Said water distribution system has been constructed and installed in accordance with the codes and ordinances of the City pertaining thereto and is depicted on the Plat of Subdivision and Dedication for the Timp's—Phase 2 Subdivision, dated January 25, 2018 (attached hereto and made part hereof as "Exhibit B").

SECTION IV: The City hereby accepts the ownership by dedication of the sanitary sewer system constructed and installed in the Timp's—Phase 2 Subdivision for the transport of sewage, which sanitary sewer system was constructed at the direction of the City by the Developer in the right-of-way and easements provided therefore, except the pipe and associated clean-outs that transport sewage from a single building to the sewer main, also known as a building's private sewer service. Said right-of-way and easements are depicted on and were created by the Plat of Subdivision and Dedication for the Timp's Phase—2 Subdivision, dated January 25, 2018. Said sanitary sewer system has been constructed and installed in accordance with the codes and ordinances of the City pertaining thereto and is depicted on the Plat of Subdivision and Dedication for the Timp's—Phase 2 Subdivision, dated January 25, 2018 (attached hereto and made part hereof as "Exhibit B").

SECTION V: The City hereby accepts by dedication the storm water collection, drainage and detention installed in the Timp's—Phase 2 Subdivision for the purpose of the collection, transport, flow and detention of surface waters in said subdivision. Said storm water systems have been installed and constructed in the right-of-way and easements on the Plat of Subdivision and Dedication for the Timp's—Phase 2 Subdivision, dated January 25, 2018. Said storm water systems having been constructed and installed in accordance with the codes and ordinances of the City pertaining thereto.

SECTION VI: All ordinances or resolutions, or parts of ordinances or resolutions, in conflict herewith, to the extent of such conflict, are hereby repealed.

SECTION VII: This ordinance shall be in full force and effect immediately upon its passage and approval, as provided by law.

SECTION VIII: Passed on this 8th day of July, A.D., 2019, in open Council.

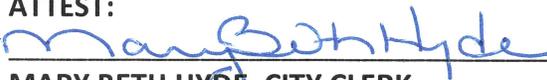
AYES: Allendorf, Bernstein, Hahn, Kieffer, McCoy, Westemeier, Renner

NAYS: None



TERRY RENNER, MAYOR

ATTEST:



MARY BETH HYDE, CITY CLERK

"EXHIBIT A"

BILL OF SALE

KNOW ALL MEN BY THESE PRESENTS, that, Chris Timp and Courtney Timp (hereafter referred to as "Owner"), in consideration of One Dollar and other valuable consideration, does hereby grant, sell, transfer, and deliver unto the City of Galena, a Municipal Corporation in Jo Daviess County, Illinois (Hereafter referred to as "City"), the following goods, chattels, and other items of personal property, namely:

ONE: Each and every part and item of the street known as Louieville Court, Brooke Court, and Marie Court in the Timp's—Phase 2 Subdivision, being the public streets presently constructed and installed in the said subdivision, which street was constructed at the direction of the City by the Developer in the street easement provided therefore. Said easement is depicted on and was created by the Plat of Subdivision and Dedication for the Timp's—Phase 2 Subdivision, dated January 25, 2018. Said public street has been constructed and installed in accordance with the codes and ordinances of the City pertaining thereto. Said street is more particularly described in the Plat of Subdivision and Dedication for the Timp's—Phase 2 Subdivision, dated January 25, 2018.

TWO: Each and every part and item of a system for the distribution of potable water, located in the right-of-way and easements described on the Plat of Subdivision and Dedication for the Timp's—Phase 2 Subdivision, dated January 25, 2018 and installed at the direction of the City by the Owner, except the pipe and associated valves that transports water from a single building to the water main, also known as a building's private water service.

THREE: Each and every part and item of the sanitary sewer conveyance system, located in the right-of-way and easements described on the Plat of Subdivision and Dedication for the Timp's—Phase 2 Subdivision, dated January 25, 2018 and installed at the direction of the City by the Owner, except the pipe and associated clean-outs that transport sewage from a single building to the sewer main, also known as a building's private sewer service.

FOUR: Each and every part and item of a system of storm sewers, culverts, paved drainage ways, and other items of personalty for the retention or detention of storm and surface waters, located in the right-of-way and easements, as described on the Plat of Subdivision and Dedication for the Timp's—Phase 2 Subdivision, dated January 25, 2018, installed at the direction of the City by the Owner, for the purpose of the collection, transport, and flow of surface and storm waters. The fee simple property in the drainage easements is not conveyed to the City in this agreement and shall be privately owned.

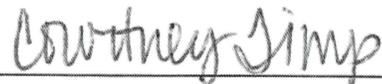
The object of this bill of sale is to grant, sell, transfer, and deliver to the City, with the exceptions noted, the ownership in all items of personalty that comprise the street, water distribution system, sanitary sewer system, and storm sewer, and installed by the Owner within the right-of-way and easements established for the public infrastructure as set forth on the Plat of Subdivision and Dedication for the Timp's—Phase 2 Subdivision, dated January 25, 2018.

The Owner does hereby covenant it is the lawful owner of the goods, chattels, and personalty described above; that such items are free from all encumbrances; that the Owner has the right to sell the same as aforesaid; and that the Owner warrants and will defend the same against the lawful claims and demands of all persons; and that the execution of this bill of sale is an authorized act of said corporation, individual, or partnership.

Dated this 7 day of JULY, 2019.


CHRIS TIMP
Chris Timp


Terry Renner, Mayor
City of Galena


ATTEST:

7-8-2019
ATTEST:


Courtney Timp

CHRIS TIMP
ATTEST:

"TMP'S SUBDIVISION - PHASE 2"

FINAL PLAT OF

A SUBDIVISION OF
PART OF SECTION 20 & 21
TOWNSHIP 28 NORTH OF THE
RANGE 1 EAST (T18)
FOURTH PRINCIPAL MERIDIAN (4th P.M.)
CITY OF GALENA,
JO DAVENESS COUNTY, ILLINOIS
2017

SURVEYOR'S CERTIFICATE

I, the undersigned, being a duly qualified and licensed Surveyor in the State of Illinois, do hereby certify that the foregoing is a true and correct copy of the original plat as recorded in my office, and that the same has been approved by me as conforming to the requirements of the laws of this State.

CITY ACCEPTANCE RESOLUTION

RESOLUTION NO. _____
WHEREAS, the City of Galena, Illinois, has received a plat for the subdivision of a portion of Sections 20 and 21, Township 28 North, Range 1 East, Fourth Principal Meridian, Galena, Illinois, known as "TMP's Subdivision - Phase 2"; and

COUNTY CLERK'S TAX CERTIFICATE

County of Galena, Illinois
I, the undersigned, County Clerk of Galena, Illinois, do hereby certify that the taxes on the land shown on the foregoing plat have been paid to the satisfaction of the law.

COUNTY RECORDER'S CERTIFICATE

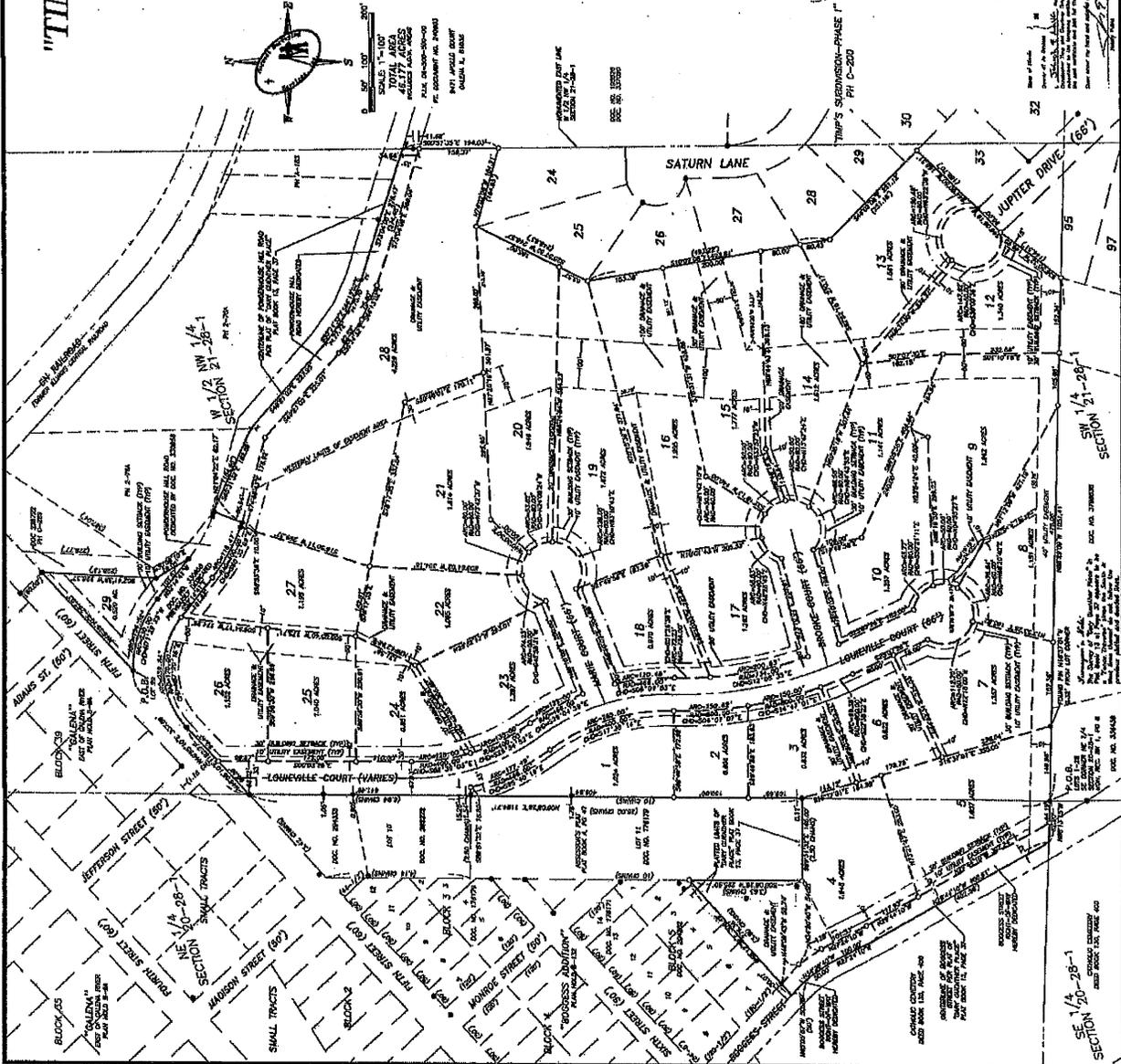
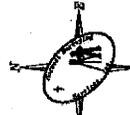
County of Galena, Illinois
I, the undersigned, County Recorder of Galena, Illinois, do hereby certify that the foregoing plat has been recorded in my office in accordance with the laws of this State.

EASEMENT PROVISIONS

PROFESSIONAL LAND SURVEYORS, INC.
I, the undersigned, being a duly qualified and licensed Professional Land Surveyor in the State of Illinois, do hereby certify that the easement provisions shown on the foregoing plat are in accordance with the laws of this State.

ACKNOWLEDGMENT

I, the undersigned, do hereby acknowledge that I am the owner of the land shown on the foregoing plat, and that I have executed the same in accordance with the laws of this State.



SECTION 20-28-1
SW 1/4-28-1

TMP'S SUBDIVISION - PH. 2
CHRIS & COURTNEY TMP