

Ordinance #O.19.02

**An Ordinance TO ACCEPT OWNERSHIP BY DEDICATION OF THE PUBLIC STREETS, WATER DISTRIBUTION SYSTEM, AND STORM WATER SYSTEM IN THE GATEWAY PARK SUBDIVISION IN THE CITY OF GALENA.**

Adopted by the City Council of the City of Galena this 28<sup>th</sup> Day of January 2019.

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 January 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 28<sup>th</sup> Day of January 2019, the Corporate Authorities of said municipality passed and approved Ordinance No. O.19.02 entitled **AN ORDINANCE TO ACCEPT OWNERSHIP BY DEDICATION OF THE PUBLIC STREETS, WATER DISTRIBUTION SYSTEM, AND STORM WATER SYSTEM IN THE GATEWAY PARK SUBDIVISION 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.19.02 including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the municipal building, commencing the 28<sup>th</sup> Day of January 2019 and commencing for at least ten (10) days thereafter.

Dated at Galena, Illinois, this 29<sup>th</sup> Day January 2019.

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

(Seal)



8 0 0 3 1 1 0  
Tx:4001957

**402158**

**ANGELA KAISER, RECORDER  
JO DAVIESS COUNTY, IL  
02/06/2019 03:06 PM**

**RECORDING FEE                      63.00**

**TYPE OF DOCUMENT: Ordinance to accept ownership by dedication of the public streets, water distribution system, and storm water system in the Gateway Park Subdivision in the City of Galena.**

**Prepared by:     Joe Nack, City Attorney  
                         City of Galena  
                         101 Green Street  
                         Galena, IL 61036**

**Return to:         Mark Moran  
                         City Administrator  
                         City of Galena  
                         101 Green Street  
                         P.O. Box 310  
                         Galena, IL 61036**

Ordinance #0.19.02

**AN ORDINANCE TO ACCEPT OWNERSHIP BY DEDICATION OF THE PUBLIC STREETS,  
WATER DISTRIBUTION SYSTEM, AND STORM WATER SYSTEM IN THE GATEWAY PARK  
SUBDIVISION IN THE CITY OF GALENA**

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**WHEREAS**, James Sullivan and Alex Phillips, (the “Developer”) are the owner in fee simple of the property comprising the Gateway Park Subdivision, which tract is more particularly described in the final subdivision plat for said subdivision dated September 26, 2016 which was recorded in the Jo Daviess County Recorder’s Office in Plan Hold 10 #222, as document No. 391766, on October 26, 2016 and the Plat of Dedication, dated January 10, 2019; and

**WHEREAS**, the Developer has completed the construction and installation of the roadway platted as Wild Indigo Lane, including concrete curb and gutter and asphalt road surface, in the Gateway Park Subdivision; and

**WHEREAS**, the Developer has completed the construction and installation of the public street lighting in the Wild Indigo Lane right-of-way in the Gateway Park 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 storm water collection, drainage and detention system in said subdivision and on the adjoining City of Galena Gateway Park property; and

**WHEREAS**, the roadway, curb and gutter, street lighting, potable water distribution 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 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 Gateway Park 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 Wild Indigo Lane in the Gateway Park 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 for the Gateway Park Subdivision, dated September 26, 2016 Said public street pavement, curb and gutter, and lighting has been constructed and installed in accordance with the codes and ordinances of the City pertaining thereto and is depicted on the Plat of Dedication for the Gateway Park Subdivision, dated January 10, 2019 (attached hereto and made part hereof as "Exhibit B").

**SECTION III:** The City hereby accepts by dedication the storm water collection, drainage and detention installed in the Gateway Park Subdivision and in Gateway Park 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 Wild Indigo Lane right-of-way, on the property of the Developer by easement dedicated to the City of Galena, and on the City of Galena Gateway Park property in accordance with the Final Plat of Subdivision for the Gateway Park Subdivision, as depicted on the Plat of Dedication for the Gateway Park Subdivision, dated January 10, 2019. Said storm water systems having been constructed and installed in accordance with the codes and ordinances of the City pertaining thereto.

**SECTION IV:** The City hereby accepts the ownership by dedication and the maintenance responsibility for the potable water distribution system constructed and installed in the Gateway Park 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 Powderhouse Hill Road and Wild Indigo Lane right-of-way as depicted on the Plat of Dedication for the Gateway Park Subdivision, dated January 10, 2019, 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".

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

**SECTION VI:** This ordinance shall be in full force and effect immediately

upon its passage and approval, as provided by law.

**SECTION VII:** Passed on this 28th day of January, A.D., 2019, in open Council.

**AYES:** Fach, Kieffer, Westemeier, Allendorf, Bernstein, Renner

**NAYS:** None

**ABSENT:** Hahn

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

**ATTEST:**

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

**"EXHIBIT A"**

**BILL OF SALE**

**KNOW ALL MEN BY THESE PRESENTS**, that , James Sullivan and Alex Phillips (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 Wild Indigo Lane in the Gateway Park 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 for the Gateway Park Subdivision, dated September 26, 2016. Said public street pavement, curb and gutter, and lighting 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 Dedication for Gateway Park Subdivision, dated January 10, 2019.

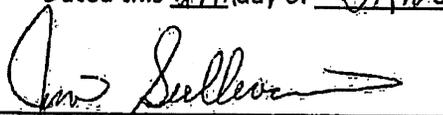
**TWO:** Each and every part and item of a system of storm sewers, culverts, paved drainage ways, and other items of personalty for the retention or detention of storm and surface waters, located in the right-of-way platted as Wild Indigo Lane, and in any and all drainage easements, as described on the Plat of Dedication for the Gateway Park Subdivision, dated January 9, 2019, 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.

**THREE:** Each and every part and item of a system for the distribution of potable water, located in the right-of-way platted as Wild Indigo Lane and Powder House Hill Road, and in easements dedicated for public water as described on the Plat of Dedication for the Gateway Park Subdivision, dated January 10, 2019 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.

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, storm sewer, and water distribution system installed by the Owner within the right-of-way platted as Wild Indigo Lane, and in easements established for the public infrastructure as set forth on the Plat of Dedication for the Gateway Park Subdivision, dated January 10, 2019.

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.

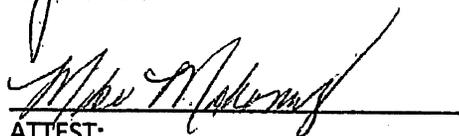
Dated this 24th day of JANUARY, 2019.



Jim Sullivan



Terry Renner, Mayor  
City of Galena



ATTEST:



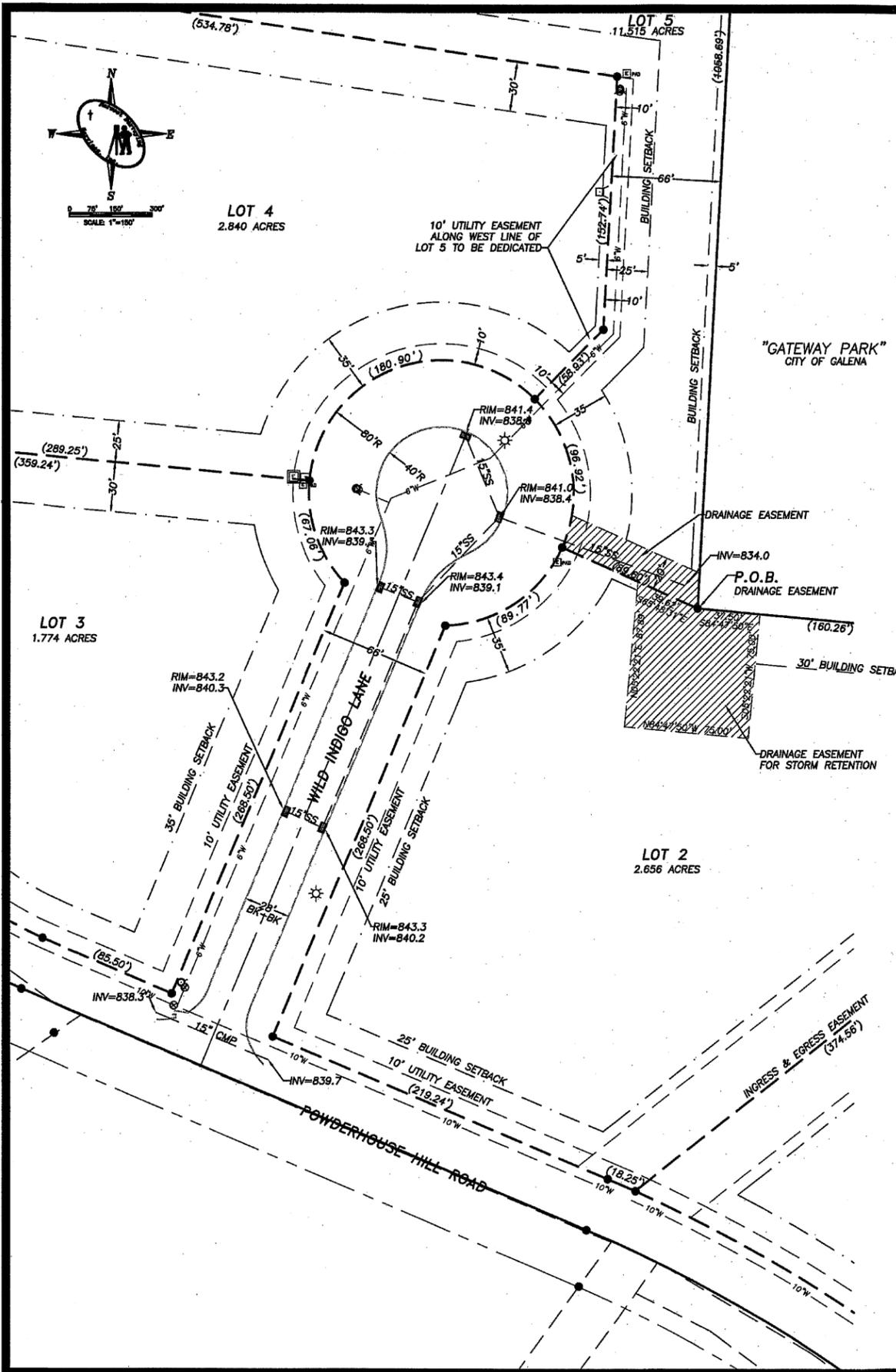
ATTEST:



Alex Phillips



ATTEST:



AS-BUILT - DEDICATION PLAT  
OF  
**"GATEWAY PARK SUBDIVISION"**  
 Plan Hold 10 - 222

**EASEMENT DESCRIPTION**

An Easement for the purpose of drainage and storm water detention over, under, across on through the Southerly 20 feet of Lot 5 of "Gateway Park Subdivision", according to the Plat thereof recorded in Plan Hold 10 - 222 in the Office of the Jo Daviess County Recorder;

And, a part of Lot 2 of said Subdivision, bounded and described as follows, to wit:

Beginning at the Southeast corner of said Lot 5; thence South 84 Degrees 47 Minutes 50 Seconds East, along the Northerly line of said Lot 2, a distance of 37.50 feet; thence South 05 Degrees 22 Minutes 21 Seconds West, a distance of 75.00 feet; thence North 84 Degrees 47 Minutes 50 Seconds West, a distance of 75.00 feet; thence North 05 Degrees 22 Minutes 21 Seconds East, a distance of 87.89 feet to said Northerly line of Lot 2; thence South 85 Degrees 48 Minutes 31 Seconds East, along said Northerly line, a distance of 39.62 feet to the Point of Beginning;

And Also, an Easement for the purpose of the installation and maintenance of public utilities, over, under, across and through the Westerly 10 feet of the Southerly portion of Lot 5 of "Gateway Park Subdivision", according to the Plat thereof recorded in Plan Hold 10 - 222 in the Office of the Jo Daviess County Recorder;

**SURVEYOR'S REPORT**

This plat represents an original topographic and boundary survey of the property depicted and described hereon and conforms to the current Illinois Minimum Standards for a Topographic and Boundary Survey. This Survey was done, by me or under my direct supervision, at the request of James Sullivan of Stockton, Illinois.

All monuments exist as shown hereon. Bearings are in Degrees, Minutes and Seconds and are referenced to an assumed datum. Distances are in feet and decimals thereof.

All structural or utility improvements, surface and subsurface, on and adjacent to the site are not necessarily shown.

This Survey includes no investigation or independent search for easements of record, encumbrances, deed restrictions, restrictive covenants, ownership, title evidence, or any other facts which an accurate and current title search may disclose.

No warranty is expressed or implied as to compliance with 765ILCS-205/1b of the Illinois Compiled Statutes, or local requirements.

Dated this 10<sup>th</sup> day of JANUARY 2019 C.E.

*William E. Holt*  
 William E. Holt  
 Illinois Professional Land Surveyor  
 No. 35-2584  
 License Renews November 30, 2020 C.E.



**LEGEND**

—	BOUNDARY OF SURVEY	●	IRON PIN FOUND
- - -	SECTION LINE	○	IRON PIN SET
—	RIGHT OF WAY LINE	⊗	R.O.W. MONUMENT
—	CENTER LINE	+	CHISELED "X"
—	BUILDING SETBACK	○	TELEPHONE POLE
G	GAS MAIN	□	TELEPHONE PEDESTAL
W	WATER MAIN W/SIZE	□	POWER POLE
E	ELECTRIC LINE	⊞	ELEC. PAD W/TRANS.
T	TELEPHONE LINE	⊞	GAS METER/REGULATOR
VS	WATER SERVICE LINE	⊞	MANHOLE FOR ELECTRIC
UE	UNDERGROUND ELECTRIC	⊞	GUY WIRE
UT	UNDERGROUND TELEPHONE	⊞	ORNAMENTAL LIGHT
x x x x	FENCE LINE	⊞	STREET LIGHT
—	CHAIN LINK FENCE	⊞	HYDRANT
—	STORM SEWER V/SIZE	⊞	MANHOLE
—	SANITATION SEWER V/SIZE	⊞	WATER VALVE
—	BITUMINOUS SURFACE	⊞	GAS VALVE
—	BUILDING LINES	⊞	DROP INLET
—	CURB AND GUTTER	⊞	INLET
—	DEPRESSED CURB	⊞	BILLBOARD
—	DECIDUOUS SHRUB	⊞	SIGN
—	CONIFEROUS SHRUB	S.W.	SIDEWALK
—	DECIDUOUS TREE	CD	DEED DIMENSION
—	CONIFEROUS TREE	⊞	PLATTED DIMENSION
—	STUMP	A/H	AS MEASURED DIMENSION

**NORWEST SURVEYING SERVICES, INC.**  
 PROFESSIONAL LAND SURVEYORS & LAND PLANNERS  
 301 EAST LINCOLNWAY  
 MORRISON, ILLINOIS 61270  
 PHONE (815) 772-1178

ILLINOIS PROFESSIONAL DESIGN FIRM NO. 184-004189, EXPIRES 4-30-2019

SURVEYED BY	FIELD WORK COMPLETED	JOB NO.	DRAWN BY
JMV, AJH	1-2-19	2016165	WEH
BOOK NO.	PLAT NO.	DRAWING NAME	DRAWING DATE
243-37	2016165AB	2016165	10 JAN 19
REVISION DATES	CHECKED BY	SCALE	
		1"=50'	

PROJECT: **DEDICATION PLAT**  
 TITLE: **GATEWAY PARK SUBDIVISION**