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 28th Day of January 2019.

Published in pamphlet form by authority of the City Council of the City of Galena, Jo Daviess County, Illinois, this 28th 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 28th 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 28th Day of January 2019 and commencing for at least ten (10) days thereafter.

Dated at Galena, Illinois, this 29th Day January 2019.

Mary Beth Hyde
City Clerk

(Seal)
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
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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

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
Terry Renner, Mayor
City of Galena

ATTEST:

Alex Phillips

ATTEST: