

Ordinance #O.19.19

An Ordinance **PROVIDING FOR THE VACATION OF MOREL COURT.**

Adopted by the City Council of the City of Galena this 9th Day of December 2019.

Published in pamphlet form by authority of the City Council of the City of Galena, Jo Daviess County, Illinois, this 9th Day of December 2019.

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

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 9th Day of December 2019, the Corporate Authorities of said municipality passed and approved Ordinance No. O.19.19 entitled **AN ORDINANCE PROVIDING FOR THE VACATION OF MOREL COURT**, which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. O.19.19 including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the municipal building, commencing the 9th Day of December 2019 and commencing for at least ten (10) days thereafter.

Dated at Galena, Illinois, this 10th December 2019.



Mary Beth Hyde
City Clerk

(Seal)

Ordinance #0-19-19

**AN ORDINANCE PROVIDING FOR THE VACATION
OF MOREL COURT**

WHEREAS, the City of Galena finds that the public interest will be served pursuant to 65 ILCS 5/11-91-1 et seq. by vacating Morel Court legally described on Exhibit "A" and being approximately 0.835 acres in area; and

WHEREAS, ILWAB Farms, LLC, (the "Owner") is the owner of Lot 7 in Block 1 and Lots 1-6 in Block 2 of the Galena Scenic Meadows Unit 2 Subdivision in the City of Galena, Jo Daviess County, Illinois; and

WHEREAS, the Owner petitioned the Galena City Council to vacate a 0.835 acre (36,373 square feet), unopened Morel Court right-of-way adjacent to his property; and

WHEREAS, the Owner desires to acquire an interest in the real property that is the subject of the vacation petition; and

WHEREAS, the subject right-of-way requested for vacation is fully described as a Morel Court in Exhibit "A" attached hereto; 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 November 25, 2019; and

WHEREAS, the City of Galena finds that it is expedient for the public good to vacate said Morel Court and that no public interest will be subserved by vacating that portion of the street; and

WHEREAS, the applicant shall pay the recording fees for the vacation; and

WHEREAS, based on a prior professional appraisal of street right-of-way in the City of Galena and prior street vacations in the City of Galena, the City Council has established the fair market value of the subject portion of Morel Court as \$1.10 per square foot or \$39,730.00; and

WHEREAS, the Owner agrees to compensate the City of Galena \$39,730.00 in exchange for the conveyance of the subject property to the Owner.

NOW THEREFORE, BE IT ORDAINED and enacted by the City of Galena, that all of that certain portion of real property situated in the City of Galena and being more particularly described as Morel Court in "Exhibit A" **IS HEREBY VACATED** and title shall be vested in ILWAB Farms, LLC, its successors or assigns, of the land described as Lot 7 in Block 1 and Lots 1-6 in Block 2 of the Galena Scenic Meadows Unit 2 Subdivision in the City of Galena, Jo Daviess County, Illinois.

SECTION 1: All of that certain portion of real property situated in the City of Galena and being more particularly depicted as Morel Court in "Exhibit A" **IS HEREBY VACATED** to ILWAB Farms, LLC.

SECTION 2: The property interest in the right-of-way described as Morel Court in "Exhibit A" shall vest to the purchaser's successors or assigns.

SECTION 3: It is further directed that the street right-of-way described as Morel Court in Exhibit "A" be stricken from the City of Galena street plat.

SECTION 4: The City of Galena does not reserve an easement over, under or through the vacated property.

SECTION 5: By means of the conveyance of the subject property to the Owner, the City of Galena forever relinquishes any and all responsibility or liability for said property and any improvements by the Owner, or his successors or assigns, to said property.

SECTION 6: This ordinance shall be recorded with the Jo Daviess County Recorder within 30 days following payment to the City of Galena from ILWAB Farms, LLC in the amount of \$39,730.00.

SECTION 7: All ordinances or parts of ordinances conflicting with the provisions of this ordinance are hereby repealed.

SECTION 8 Passed on this ____ day of _____, 2019, in open session of the Galena City Council.

AYES:

Kieffer, McCoy, Westemeier,
Allendorf, Bernstein, Renner

NAYS:

None

ABSENT:

Hahn



TERRY RENNER, MAYOR

ATTEST:


MARY BETH HYDE, CITY CLERK

Prepared by and return to:
Joseph Nack, City Attorney
City of Galena
101 Green Street, P.O. Box 310
Galena, IL 61036

EXHIBIT A

STREET VACATION EXHIBIT

VACATION OF MOREL COURT IN GALENA SCENIC MEADOWS UNIT 2 IN THE CITY OF GALENA, JO DAVIESS COUNTY, ILLINOIS

NOTE
THIS SURVEY IS SUBJECT TO EASEMENTS, RESERVATIONS, RESTRICTIONS AND RIGHTS-OF-WAY OF RECORD AND NOT OF RECORD.

LEGAL DESCRIPTION: MOREL COURT

BEGINNING AT THE SOUTHEAST CORNER OF LOT 7, BLOCK 1, GALENA SCENIC MEADOWS UNIT 2 IN THE CITY OF GALENA, JO DAVIESS COUNTY, ILLINOIS:

THENCE NORTH 32 DEGREES 42 MINUTES 11 SECONDS WEST, 274.12 FEET ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID MOREL COURT;

THENCE NORTHWESTERLY 94.71 FEET, ALONG THE ARC OF A CIRCULAR CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 179.00 FEET, A CENTRAL ANGLE OF 30 DEGREES 18 MINUTES 57 SECONDS, AND WHOSE CHORD BEARS NORTH 47 DEGREES 51 MINUTES 41 SECONDS WEST, 93.61 FEET;

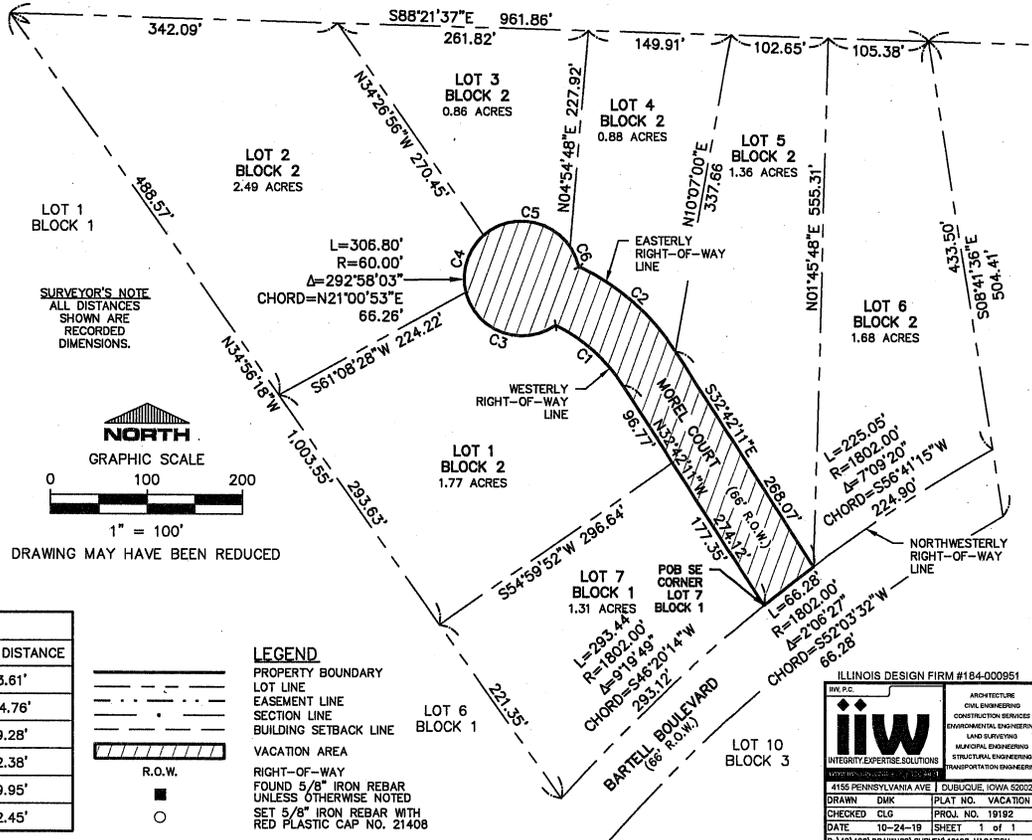
THENCE WESTERLY, NORTHERLY & EASTERLY ALONG THE OUL-DE-SAC OF SAID MOREL COURT, AN ARC LENGTH OF 306.80 FEET, BEING ON A CIRCULAR CURVE TO THE RIGHT, HAVING A RADIUS OF 60.00 FEET, A CENTRAL ANGLE OF 292 DEGREES 58 MINUTES 03 SECONDS, AND WHOSE CHORD BEARS NORTH 21 DEGREES 00 MINUTES 53 SECONDS EAST, 66.26 FEET;

THENCE SOUTHEASTERLY 136.52 FEET, ALONG THE ARC OF A CIRCULAR CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 245.00 FEET, A CENTRAL ANGLE OF 31 DEGREES 55 MINUTES 35 SECONDS, AND WHOSE CHORD BEARS SOUTH 48 DEGREES 40 MINUTES 00 SECONDS EAST, 134.76 FEET;

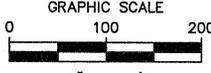
THENCE SOUTH 32 DEGREES 42 MINUTES 11 SECONDS EAST ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID MOREL COURT, 268.07 FEET TO THE SOUTHEAST CORNER OF LOT 5, BLOCK 2, OF SAID GALENA SCENIC MEADOWS UNIT 2;

THENCE SOUTHWESTERLY 66.28 FEET, ALONG THE NORTHWESTERLY RIGHT-OF-WAY LINE OF BARTELL BOULEVARD AND ALONG THE ARC OF A CIRCULAR CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 1,802.00 FEET, A CENTRAL ANGLE OF 02 DEGREES 08 MINUTES 27 SECONDS, AND WHOSE CHORD BEARS SOUTH 52 DEGREES 03 MINUTES 32 SECONDS WEST, 66.28 FEET TO THE POINT OF BEGINNING.

CONTAINING 36,370 SQUARE FEET OR 0.835 ACRES, MORE OR LESS, AND SUBJECT TO EASEMENTS, RESERVATIONS, RESTRICTIONS, AND RIGHT-OF-WAY RECORD AND NOT OF RECORD.



SURVEYOR'S NOTE
ALL DISTANCES SHOWN ARE RECORDED DIMENSIONS.



DRAWING MAY HAVE BEEN REDUCED

CURVE TABLE					
CURVE	DISTANCE	RADIUS	DELTA	CHORD BEARING	CHORD DISTANCE
C1	94.71'	179.00'	30° 18' 57"	N47° 51' 41"W	93.61'
C2	136.52'	245.00'	31° 55' 35"	N48° 40' 00"W	134.76'
C3	116.92'	60.00'	111° 39' 06"	S69° 38' 36"E	99.28'
C4	65.60'	60.00'	62° 38' 32"	S17° 30' 12"W	62.38'
C5	101.69'	60.00'	97° 06' 31"	N82° 37' 16"W	89.95'
C6	22.58'	60.00'	21° 33' 55"	N23° 17' 06"W	22.45'

- LEGEND**
- PROPERTY BOUNDARY
 - LOT LINE
 - - - EASEMENT LINE
 - SECTION LINE
 - ▨ BUILDING SETBACK LINE
 - VACATION AREA
 - RIGHT-OF-WAY
 - FOUND 5/8" IRON REBAR UNLESS OTHERWISE NOTED
 - SET 5/8" IRON REBAR WITH RED PLASTIC CAP NO. 21408

ILLINOIS DESIGN FIRM #184-000951

iiw
INTEGRITY EXPERTISE SOLUTIONS

ARCHITECTURE
CIVIL ENGINEERING
CONSTRUCTION SERVICES
ENVIRONMENTAL ENGINEERING
LAND SURVEYING
MARINE ENGINEERING
STRUCTURAL ENGINEERING
TRANSPORTATION ENGINEERING

4155 PENNSYLVANIA AVE | DUBUQUE, IOWA 52002
DRAWN DMK | PLAT NO. VACATION
CHECKED CLO | PROJ. NO. 18182
DATE 10-24-18 | SHEET 1 of 1
P:\18182\DRAWINGS\SURVEY\18182 VACATION

PREPARED BY: THE P.C. 4155 PENNSYLVANIA AVE DUBUQUE, IOWA (563) 586-2484

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