

Ordinance #O.16.15

An Ordinance AUTHORIZING AND DIRECTING THE SALE OF CERTAIN MUNICIPALLY OWNED REAL ESTATE FOR THE CITY OF GALENA, COUNTY OF JO DAVIESS, STATE OF ILLINOIS.

Adopted by the City Council of the City of Galena this 11th Day of October 2016.

Published in pamphlet form by authority of the City Council of the City of Galena, Jo Daviess County, Illinois, this 11th Day of October 2016.

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 11th Day of October 2016, the Corporate Authorities of said municipality passed and approved Ordinance No. O.16.15 entitled **AN ORDINANCE AUTHORIZING AND DIRECTING THE SALE OF CERTAIN MUNICIPALLY OWNED REAL ESTATE FOR THE CITY OF GALENA, COUNTY OF JO DAVIESS, STATE OF ILLINOIS**, which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. O.16.15 including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the municipal building, commencing the 11th Day of October 2016 and commencing for at least ten (10) days thereafter.

Dated at Galena, Illinois, this 12th Day of October 2016.



Mary Beth Hyde
City Clerk

(Seal)

ORDINANCE NO. O.16.15

AN ORDINANCE AUTHORIZING AND DIRECTING THE SALE OF CERTAIN MUNICIPALLY OWNED REAL ESTATE FOR THE CITY OF GALENA, COUNTY OF JO DAVIESS, STATE OF ILLINOIS

WHEREAS, the City of Galena, Illinois, County of Jo Daviess, State of Illinois (the "City") is a duly organized and existing City created under the provisions of the laws of the State of Illinois, and is operating under the provisions of the Illinois Municipal Code, and all laws amendatory thereof and supplementary thereto, with full powers to enact ordinances and adopt resolutions for the benefit of the residents of the City; and

WHEREAS, the Mayor and six City Council members elected by the public and presently seated as the Galena City Council constitute the duly elected, qualified and acting officials of the City ("the Corporate Authorities"); and

WHEREAS, the City owns certain real estate commonly known as the Coatsworth Building, 126 South Main Street, Galena, Illinois 61036, which is legally described on Exhibit A attached hereto and incorporated herein (the "Subject Property"); and the Corporate Authorities have determined that continued ownership of the Subject Property is no longer necessary, appropriate, or for the best interests of the City; and

WHEREAS, Sections 11-76-1 and 11-76-2 of the Illinois Municipal Code, (65 ILCS 5/11-76-1, 65 ILCS 5/11-76-2) (the "Act") provide that whenever a municipality owns any real property which is no longer necessary, appropriate, required for the use of, profitable to, or for the best interests of the municipality, its corporate authorities may, by ordinance, authorize the sale of the real property; and

WHEREAS, the Corporate Authorities have determined that it is in the best interests of the City to sell the Subject Property in accordance with the procedures set forth in the Act; and

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

ARTICLE I.

IN GENERAL

Section 1. Incorporation Clause.

All of the recitals hereinbefore stated as contained in the preambles to this Ordinance are full, true and correct, and the City Council does hereby, by reference, incorporate and make them part of this Ordinance as legislative findings.

Section 2. Purpose.

The purpose of this Ordinance is to authorize and direct the sale and disposition of the Subject Property and to authorize and direct the President or his designee to draft and execute all necessary documents and perform all necessary tasks to effectuate the intent of this Ordinance.

Section 3. Invocation of Authority

This Ordinance is adopted pursuant to the authority granted to the City by Constitution of the State of Illinois and the Illinois Compiled Statutes.

Section 4. State Law Adopted

All applicable provisions of the Illinois Compiled Statutes, including Illinois Municipal Code, as may be amended from time to time, relating to the purposes of this Ordinance are hereby incorporated herein by reference.

ARTICLE II.

AUTHORIZATION FOR THE SALE OF CITY-OWNED REAL ESTATE

Section 5. Authorization

That the Corporate Authorities have determined that the Subject Property is no longer necessary, appropriate, required for the use of, profitable to, or for the best interests of the City, that the City would be best served by the sale of the Subject Property, and therefore direct the sale of the Subject Property to occur. That the Mayor or his designee is hereby authorized

to publish notice of the City's proposal to sell and to advertise for bids for the purchase of the Subject Property, in accordance with the requirements set forth in the Act. The Mayor or his designee, and the City Attorney as may be required, are hereby authorized and directed to draft, execute and complete any and all documents deemed necessary, to effectuate the intent of this Ordinance, whether or not such other documents are attached hereto. The City Clerk is hereby authorized and directed to attest to, countersign and affix seal of City to all.

Section 6. Other Actions Authorized

The officers and employees of the City shall take all actions reasonably required or necessary to carry out and give effect to the intent of this Ordinance and otherwise to consummate the sale of the Subject Property, and shall take all actions necessary in conformity therewith including, without limitation, the execution and delivery of all documents required to be delivered in connection with the transaction contemplated herein and approving the expenditure of all necessary funds to consummate the sale of the Subject Property.

Section 7. Acts of City Officials

That all past, present, and future acts and doings of the officials of the City that are in conformity with the purpose and intent of this Ordinance are hereby, in all respects, ratified, approved, authorized and confirmed.

ARTICLE III.

HEADINGS, SAVINGS CLAUSES, PUBLICATION, EFFECTIVE DATE

Section 8. Headings.

The headings for the articles, sections, paragraphs and sub-paragraphs of this Ordinance are inserted solely for the convenience of reference and form no substantive part of this Ordinance nor should they be used in any interpretation or construction of any substantive provisions of this Ordinance.

Section 9. Severability.

The provisions of this Ordinance are hereby declared to be severable and should any provision, clause, sentence, paragraph, sub-paragraph, section, or part of this Ordinance be determined to be in conflict with any law, statute or regulation by a court of competent jurisdiction, said provision, clause, sentence, paragraph, sub-paragraph, section, or part shall be excluded and deemed inoperative, unenforceable, and as though not provided for herein, and all other provisions shall remain unaffected, unimpaired, valid and in full force and effect. It is hereby declared to be the legislative intent of the City Council that this Ordinance would have been adopted had not such unconstitutional or invalid provision, clause, sentence, paragraph, sub-paragraph, section, or part thereof been included.

Section 10. Superseder

All code provisions, ordinances, resolutions and orders, or parts thereof, in conflict herewith are, to the extent of such conflict, hereby superseded.

Section 11. Publication

A full, true and complete copy of this Ordinance shall be published in pamphlet form as provided by the Illinois Municipal Code, as amended.

Section 12. Effective Date

This Ordinance shall be in full force and effect upon its passage, approval and publication, as provided by law.

Section 13. Adopted

Passed on this 11th day of October, A.D., 2016, in open Council.

AYES: Bernstein, Fach, Hahn, Kieffer, Lincoln, Westemeier, Renner

NAYS: None



TERRY RENNER, MAYOR



ATTEST: MARY BETH HYDE, CITY CLERK

EXHIBIT A

COATSWORTH LEGAL DESCRIPTION

Lots 17, 18 and the South 13 feet of Lot 19, between Main and Commerce Streets, fronting 79 feet on Main Street and extending back to and fronting 79 feet on Commerce Street; situated in the City of Galena, County of Jo Daviess, State of Illinois.