

Ordinance #O.18.15

An Ordinance **PROVIDING FOR THE VACATION OF A PORTION OF FRANKLIN STREET.**

Adopted by the City Council of the City of Galena this 10th Day of September 2018.

Published in pamphlet form by authority of the City Council of the City of Galena, Jo Daviess County, Illinois, this 10th Day of September 2018.

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

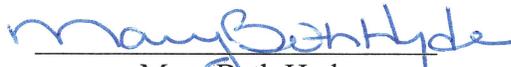
CERTIFICATE

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 10th Day of September 2018, the Corporate Authorities of said municipality passed and approved Ordinance No. O.18.15 entitled **AN ORDINANCE PROVIDING FOR THE VACATION OF A PORTION OF FRANKLIN STREET**, which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. O.18.15 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 September 2018 and commencing for at least ten (10) days thereafter.

Dated at Galena, Illinois, this 11th Day September 2018.



Mary Beth Hyde
City Clerk

(Seal)

Ordinance #0-18-15

**AN ORDINANCE PROVIDING FOR THE VACATION
OF A PORTION OF FRANKLIN STREET**

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 a part of Franklin Street legally described on Exhibit "A" and being approximately 0.041 acres in area; and

WHEREAS, William Farrell, (the "Owner") is the owner of Lot 2 of Block E of a Plat of North Galena West of the Galena River, in the City of Galena, Jo Daviess County Illinois, commonly known as 1013 Franklin Street, Galena (Parcel Number 22-101-202-10); and

WHEREAS, the Owner petitioned the Galena City Council to vacate a 0.041 acre (1,785 square feet), unopened section of the Franklin Street right-of-way adjacent to his property; and

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

WHEREAS, the Owner maintains the right-of-way requested for vacation as a yard; and

WHEREAS, the subject right-of-way requested for vacation is fully described as "Parcel A" on 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 September 10, 2018; and

WHEREAS, the City of Galena finds that it is expedient for the public good to vacate said portion of Franklin Street 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, no other compensation shall be due for the vacation; and

WHEREAS, as a pre-condition of executing said vacation, the City of Galena shall receive through quit claim deed from neighbor Anthony Kieffer, 1203 Hill Street, 0.029 acres, described as "Parcel C" on "Exhibit A", attached hereto; and

WHEREAS, most of said Parcel C underlies the Campbell Street roadway; and

WHEREAS, said conveyance of Parcel C to the City of Galena would eliminate a longstanding encroachment of the roadway on private property.

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 "Parcel A" on "Exhibit A" **IS HEREBY VACATED** and title shall be vested in William Farrell, his successors or assigns, at 1013 Franklin Street.

SECTION 1: All of that certain portion of real property situated in the City of Galena and being more particularly depicted as "Parcel A" in "Exhibit A" **IS HEREBY VACATED** to William Farrell upon the conveyance by quit claim deed of the property described as "Parcel C" in "Exhibit A" to the City of Galena by owner, Anthony Kieffer.

SECTION 2: The property interest in the right-of-way described as "Parcel A" 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 "Parcel A" in Exhibit "A" be stricken from the City of Galena street plat.

SECTION 4: The City of Galena reserves an easement over, under and through the vacated property for future uses. The vacation of said parcel is subject to the rights of all public utilities in said parcel, rights-of-way and easements necessary or desirable for installing or continuing public service in said street and the person or parties requesting such vacation shall be responsible to said public utilities for any vacating, rearrangement or relocating costs in the event the same are necessary without any costs to the City of Galena, its successors or assigns. The utility easement shall be to the benefit of the City of Galena, and assignable by the City of Galena to other providers of utilities, for the installation of utilities either above or below grade. No permanent structures shall be located by the Owner, or his successors or assigns, on the easement.

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

SECTION 7 Passed on this 10th day of September, 2018, in open session of the Galena City Council.

AYES:

NAYS:

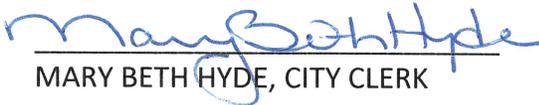
**Kieffer, Westemeier, Allendorf,
Bernstein, Fach, Hahn, Renner**

None



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

