





378276

JEAN DIMKE, RECORDER  
JO DAVIESS COUNTY, IL  
12/26/2013 01:43:33PM

REC FEE: 52.00

Ordinance #0-13-13

**AN ORDINANCE PROVIDING FOR THE VACATION OF A PART OF  
BRANCH STREET, ELM STREET, SLAUGHTER STREET,  
AND AN UNNAMED RIGHT-OF-WAY**

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**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 part of Branch Street, Elm Street, Slaughter Street, and an unnamed street legally described on Exhibit "A" and totaling 2.351 acres.

**WHEREAS**, Amber and Sam Roti (the "Owners"), of 3935 N. Council Hill Road, Galena, Illinois, are owners of property abutting unopened sections of Branch Street, Elm Street, Slaughter Street, and an unnamed street in the City of Galena; and

**WHEREAS**, the Owners petitioned the Galena City Council to vacate 2.351 acres of the subject street right-of-ways in order to add the property to the adjacent property of the Owners; and

**WHEREAS**, the subject right-of-way is fully described on Exhibit "A" Vacation Plat, attached hereto.

**WHEREAS**, the Owners desire to acquire an interest in the real property subject to the vacation; 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 December 26, 2012; and

**WHEREAS**, the City of Galena finds that it is expedient for the public good to vacate said portion of Branch Street, Elm Street, Slaughter Street, and an unnamed street and that no public interest will be subserved by vacating the portions of the streets; and

**WHEREAS**, a professionally conducted appraisal of the property to be vacated established the fair market value of the property as \$10,500.00. The City of Galena agrees to vacate said property to the Owners for a price of \$10,500.00; and

**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 on Exhibit "A" **IS HEREBY VACATED** and title shall be vested in Amber and Sam Roti, their successors or assigns.

**SECTION 1:** All of that certain portion of real property situated in the City of Galena and being more particularly depicted in Exhibit "A" **IS HEREBY VACATED** to Amber and Sam Roti upon payment of \$10,500.00 and the property interest in the right-of-way shall vest to the purchaser's successors or assigns.

**SECTION 2:** It is further directed that the street right-of-way described in Exhibit "A" be stricken from the City street plat.

**SECTION 3:** The City of Galena reserves an easement over, under and through the vacated property for the continuation, maintenance, repair and improvement of any existing utilities in place as of the execution date of this ordinance, whether owned by the City or by any public utility. 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.

**SECTION 4:** By means of the conveyance of the subject property to the Owners, the City of Galena forever relinquishes any and all responsibility or liability for said property and any improvements to said property, excepting any utilities owned now or in the future by the City of Galena.

**SECTION 5:** All ordinances or parts of ordinances conflicting with the provisions of this ordinance are hereby repealed.

**SECTION 6** Passed on this 25th day of November, 2013, in open Council.

**AYES:**

**NAYS:**

**ABSTAIN:**

Greene, Kieffer, Lincoln  
Painter, Bernstein, Renner

None

Fach

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

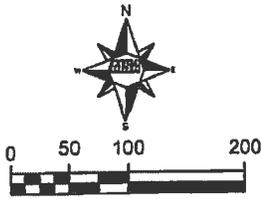
ATTEST:

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

Prepared by and return to:  
Joseph E. Nack  
Attorney for City of Galena  
312 ½ N. Main Street  
Galena, IL 61036

VACATION PLAT

UNDEVELOPED RIGHT OF WAY IN THE CITY OF GALENA, JO DAVIESS COUNTY, ILLINOIS TO BE VACATED AND REVERTED TO THE SAM AND AMBER ROTI, CURRENT OWNERS OF THE SURROUNDING LANDS



LEGEND

- ▲ FOUND PK NAIL
- FOUND R.R. SPIKE
- ⊙ FOUND 3/4" IRON ROD
- VACATION BOUNDARY
- OTHER BOUNDARIES
- - - PROPOSED RIGHT OF WAY

UNPLATTED LAND

Number	Direction	Distance
L1	S 78°29'34" E	30.13'
L2	N 25°27'08" E	48.38'
L3	N 00°38'42" W	45.71'
L4	N 00°38'42" W	52.67'
L5	N 00°38'42" W	50.02'
L6	S 31°56'22" E	50.00'
L7	S 58°45'14" W	59.44'

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 1 OF 1  
 VACATION PLAT  
 CITY OF GALENA  
 SAM AND AMBER ROTI  
 PARTS OF YOUNG'S ADDITION, GALENA, IL  
 PROFESSIONAL LAND SURVEYOR  
 REGISTRATION NO. 2935  
 EXPIRES 11/30/2014  
**MSA**  
 PROFESSIONAL LAND SURVEYOR  
 STATE OF ILLINOIS  
 GALENA, IL

Description of right of way to be vacated.

Commencing at the northwest corner of Block 11 in Young's Addition to the City of Galena, Jo Daviess County, Illinois; thence South 89 degrees 03 minutes 49 seconds East 89.38 feet along the south line of Slaughter Street to the Point of Beginning; thence North 0 degrees 38 minutes 42 seconds West 50.02 feet to the north line of said Slaughter Street; thence South 89 degrees 03 minutes 49 seconds East 208.05 feet along said south line of Block 6 to the southeast corner thereof; thence North 0 degrees 52 minutes 39 seconds West 458.15 feet along the east line of Block 6 to the proposed easterly right of way line of Council Hill Road; thence North 25 degrees 27 minutes 08 seconds East 48.38 feet; thence South 29 minutes 34 seconds East 30.13 feet to the west line of Block 15 in said Young's Addition; thence South 0 degrees 52 minutes 39 seconds East 483.11 feet along said west line of Block 15; thence South 31 degrees 54 minutes 45 seconds East 235.34 feet to the southwest corner of said Block 15; thence North 57 degrees 17 minutes 42 seconds East 153.45 feet to the southeast corner of said Block 15; thence South 31 degrees 56 minutes 22 seconds East 50.00 feet to the northeast corner of Block 14 in said Young's Addition; thence South 57 degrees 17 minutes 42 seconds West 153.45 feet to the northwest corner of said Block 14; thence South 31 degrees 56 minutes 22 seconds East 425.82 feet to the southwest corner of said Block 14; thence South 58 degrees 45 minutes 14 seconds West 59.44 feet to the southeast corner of Block 13 in said Young's Addition; thence North 31 degrees 56 minutes 22 seconds West 216.28 feet to the northeast corner of said Block 13; thence South 55 degrees 22 minutes 08 seconds West 123.83 feet to the north corner of said Block 13; thence North 55 degrees 50 minutes 33 seconds West 53.57 feet to the southeast corner of Block 11 in said Young's Addition; thence North 36 degrees 17 minutes 50 seconds West 471.58 feet along the east line of said Block 11; thence North 0 degrees 38 minutes 42 seconds West 52.67 feet to the northeast corner of said Block 11; thence North 88 degrees 03 minutes 49 seconds West 43.11 feet to the Point of Beginning.

Excepting there from all of Block 12 in said Young's Addition

Containing 2.351 acres of right of way to be vacated, all in the City of Galena, Jo Daviess County, Illinois



SIGNED AND SEALED THIS 23 DAY OF APRIL, 2013.

*Steven J. Schmidt*  
 STEVEN J. SCHMIDT  
 ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 2935  
 DATE OF LICENSE EXPIRATION: NOV. 30, 2014

Description of right of way to be vacated.

Commencing at the northwest corner of Block 11 in Young's Addition to the City of Galena, Jo Daviess County, Illinois; thence South 89 degrees 03 minutes 49 seconds East 69.38 feet along the south line of Slaughter Street to the Point of Beginning; thence North 0 degrees 38 minutes 42 seconds West 50.02 feet to the north line of said Slaughter Street; thence South 89 degrees 03 minutes 49 seconds East 209.05 feet along said south line of Block 6 to the southeast corner thereof; thence North 0 degrees 52 minutes 39 seconds West 458.15 feet along the east line of Block 6 to the proposed easterly right of way line of Council Hill Road; thence North 25 degrees 27 minutes 06 seconds East 46.39 feet; thence South 78 degrees 29 minutes 34 seconds East 30.13 feet to the west line of Block 15 in said Young's Addition; thence South 0 degrees 52 minutes 39 seconds East 483.11 feet along said west line of Block 15; thence South 31 degrees 54 minutes 45 seconds East 235.34 feet to the southwest corner of said Block 15; thence North 57 degrees 17 minutes 42 seconds East 153.45 feet to the southeast corner of said Block 15; thence South 31 degrees 56 minutes 22 seconds East 50.00 feet to the northeast corner of Block 14 in said Young's Addition; thence South 57 degrees 17 minutes 42 seconds West 153.45 feet to the northwest corner of said Block 14; thence South 31 degrees 56 minutes 22 seconds East 425.62 feet to the southwest corner of said Block 14; thence South 58 degrees 45 minutes 14 seconds West 59.44 feet to the southeast corner of Block 13 in said Young's Addition; thence North 31 degrees 56 minutes 22 seconds West 216.28 feet to the northeast corner of said Block 13; thence South 55 degrees 22 minutes 09 seconds West 123.83 feet to the northwest corner of said Block 13; thence North 55 degrees 50 minutes 33 seconds West 53.57 feet to the southeast corner of Block 11 in said Young's Addition; thence North 36 degrees 17 minutes 50 seconds West 471.58 feet along the east line of said Block 11; thence North 0 degrees 38 minutes 42 seconds West 52.67 feet to the northeast corner of said Block 11; thence North 89 degrees 03 minutes 49 seconds West 43.11 feet to the Point of Beginning.

Excepting there from all of Block 12 in said Young's Addition

Containing 2.351 acres of right of way to be vacated, all in the City of Galena, Jo Daviess County, Illinois