

Ordinance #O.15.08

An Ordinance **AUTHORIZING THE EXECUTION OF AN AMENDMENT TO AN ANNEXATION AGREEMENT PREVIOUSLY ENTERED INTO FOR A DEVELOPMENT KNOWN AS COBBLESTONE CROSSING.**

Adopted by the City Council of the City of Galena this 13th Day of April 2015.

Published in pamphlet form by authority of the City Council of the City of Galena, Jo Daviess County, Illinois, this 13th Day of April 2015.

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, Jo Daviess County, Illinois.

I further certify that on the 13th Day of April 2015, the Corporate Authorities of said municipality passed and approved Ordinance No. O.15.08 entitled **AN ORDINANCE AUTHORIZING THE EXECUTION OF AN AMENDMENT TO AN ANNEXATION AGREEMENT PREVIOUSLY ENTERED INTO FOR A DEVELOPMENT KNOWN AS COBBLESTONE CROSSING** which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. O.15.08 including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the municipal building, commencing the 6th Day of April 2015 and commencing for at least ten (10) days thereafter.

Dated at Galena, Illinois, this 14th Day of April 2015.



Mary Beth Hyde
City Clerk

(Seal)

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Mary Beth Hyde
City Clerk

(Seal)

ORDINANCE NO. 0-15-08

AN ORDINANCE AUTHORIZING THE EXECUTION OF AN AMENDMENT TO AN ANNEXATION AGREEMENT PREVIOUSLY ENTERED INTO FOR A DEVELOPMENT KNOWN AS COBBLESTONE CROSSING

WHEREAS, the City of Galena (“City”) and Linda Pluym, Kenneth Pluym, and Rick Hochman (“Original Owners”) entered into the Annexation Agreement for the Cobblestone Crossing Subdivision (the “Annexation Agreement”) dated April 16, 2003, and

WHEREAS, all of the rights and responsibilities under the Annexation Agreement have since been assigned by the Original Owners to the current owner of the Cobblestone Crossing Subdivision, Don Wiene (“Current Owner”); and

WHEREAS, the Current Owner has petitioned the City to amend the Annexation Agreement to permit changes to the requirement for sidewalks in the subdivision; and

WHEREAS, the City and the Current Owner desire to amend the Annexation Agreement; and

WHEREAS, pursuant to Notice the City Council conducted a public hearing on October 27, 2014 at which time it considered the request of the Current Owner to amend the Annexation Agreement previously entered into; and

WHEREAS, Article III (C) of the Annexation Agreement presently states as follows:

“Sidewalks will be required within the subdivision in accordance with City specifications and ordinances. The City agrees to hold harmless and indemnify the Owners and/or Developer from any claim or suit for damages, by any party, arising from the design, placement, engineering or construction of any such sidewalks required within the subdivision;” and

WHEREAS, the City and the Current Owner agree that Article III (C) of the Annexation Agreement shall be amended to state as follows:

“A sidewalk shall be required along one side of the full length of Cobblestone Boulevard, one side of Woodland Court, and one side of Rolling Hill Court, as depicted on the plan attached hereto as Exhibit A. The City agrees to hold harmless and indemnify the Owners and/or Developer from any claim or suit for damages, by any party, arising from the design, placement, engineering or construction of any such sidewalks required within the subdivision;” and

WHEREAS, by motion adopted by the City Council on January 26, 2015, the Mayor is authorized and directed to execute, and the City Clerk is directed to attest the First Addendum to the Cobblestone Crossing Annexation Agreement; and

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

SECTION I: The recitals set forth herein are incorporated into this Ordinance as if restated verbatim.

SECTION II: That the Mayor be is hereby authorized and directed to execute, and the City Clerk is directed to attest, the First Addendum to the Cobblestone Crossing Annexation Agreement.

SECTION III: That the First Addendum to the Cobblestone Crossing Annexation Agreement, made a part of this Ordinance, is hereby approved.

SECTION IV: That this Ordinance be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

SECTION V: Passed on this 13th day of January, A.D., 2015, in open Council

AYES:

Greene, Kieffer, Lincoln,
Painter, Bernstein, Fach,
Renner

NAYS:

None



TERRY RENNER, MAYOR



ATTEST: MARY BETH HYDE, CITY CLERK

FIRST ADDENDUM
TO THE COBBLESTONE
CROSSING ANNEXATION
AGREEMENT

This First Addendum ("First Addendum") is entered into as of April 13, 2015, by and between the City of Galena, a municipal corporation of Jo Daviess County, Illinois (the "City") and Don Wiene ("Current Owner").

WITNESSETH:

WHEREAS, the City of Galena ("City") and Linda Pluym, Kenneth Pluym, and Rick Hochman ("Original Owners") entered into the Annexation Agreement for the Cobblestone Crossing Subdivision (the "Annexation Agreement") dated April 16, 2003, and

WHEREAS, all of the rights and responsibilities under the Annexation Agreement have since been assigned by the Original Owners to the Current Owner of the Cobblestone Crossing Subdivision, Don Wiene; and

WHEREAS, the Current Owner has petitioned the City to amend the Annexation Agreement to permit changes to the requirement for sidewalks in the subdivision; and

WHEREAS, the City and the Current Owner desire to amend the Annexation Agreement; and

WHEREAS, pursuant to Notice the City Council conducted a public hearing on October 27, 2014 at which time it considered the request of the Current Owner to amend the Annexation Agreement previously entered into; and

WHEREAS, Article III (C) of the Annexation Agreement presently states as follows:

“Sidewalks will be required within the subdivision in accordance with City specifications and ordinances. The City agrees to hold harmless and indemnify the Owners and/or Developer from any claim or suit for damages, by any party, arising from the design, placement, engineering or construction of any such sidewalks required within the subdivision;” and

WHEREAS, the City and the Current Owner agree that Article III (C) of the Annexation Agreement shall be amended to state as follows:

“A sidewalk shall be required along one side of the full length of Cobblestone Boulevard, one side of Woodland Court, and one side of Rolling Hill Court, as depicted on the plan attached hereto as Exhibit A. The City agrees to hold harmless and indemnify the Owners and/or Developer from any claim or suit for damages, by any party, arising from the design, placement, engineering or construction of any such sidewalks required within the subdivision;” and

NOW, THEREFORE, in consideration of the mutual promises and agreements between the parties, the sufficiency of which is hereby acknowledged, the parties agree as follows:

1. The recitals set forth herein are incorporated into this First Addendum as if restated verbatim.
2. A sidewalk shall be required along one side of the full length of Cobblestone Boulevard, one side of Woodland Court, and one side of Rolling Hill Court, as depicted on the plan attached hereto as Exhibit A. The City agrees to hold harmless and indemnify the Owners and/or Developer from any claim or suit for damages, by any party, arising from the design, placement, engineering or construction of any such sidewalks required within the subdivision.

IN WITNESS WHEREOF, the parties hereto have executed this Second Addendum as of the date set forth above, and, by so executing, each of the parties warrants that it possesses full right and authority to enter into this Second Addendum.

**CITY OF GALENA, an Illinois
Municipal Corporation**

BY: 
Terry Renner, Its Mayor

Attest to:


Mary Beth Hyde, City Clerk

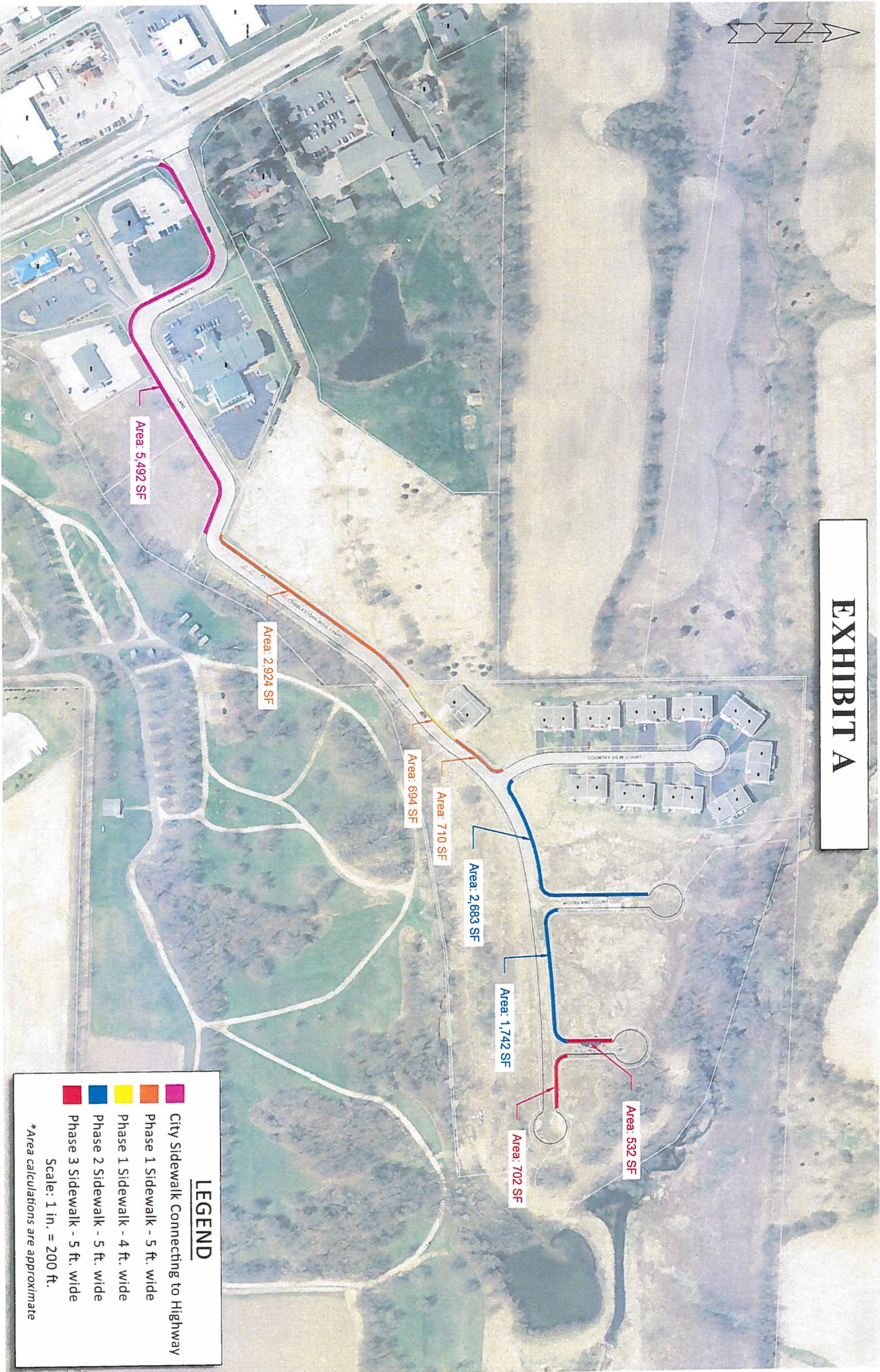
DON WIENEN, owner:

BY: Donald Wiener

ATTEST TO: 

Joseph Nack:
City Attorney
City of Galena
101 Green Street
Galena, IL 61036
TEL: (815) 777-1050
FAX: (815) 777-3083

EXHIBIT A



LEGEND

- █ City Sidewalk Connecting to Highway
- █ Phase 1 Sidewalk - 5 ft. wide
- █ Phase 1 Sidewalk - 4 ft. wide
- █ Phase 2 Sidewalk - 5 ft. wide
- █ Phase 3 Sidewalk - 5 ft. wide

Scale: 1 in. = 200 ft.
 *Area calculations are approximate