

Ordinance #O.14.14

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

Adopted by the City Council of the City of Galena this 27th Day of October 2014.

Published in pamphlet form by authority of the City Council of the City of Galena, Jo Daviess County, Illinois, this 27th Day of October 2014.

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 27th Day of October 2014, the Corporate Authorities of said municipality passed and approved Ordinance No. O.14.14 entitled **AN ORDINANCE PROVIDING FOR THE VACATION OF A PORTION OF THIRD STREET** which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. O.14.14 including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the municipal building, commencing the 28th Day of October 2014 and commencing for at least ten (10) days thereafter.

Dated at Galena, Illinois, this 28th Day of October 2014.



Mary Beth Hyde
City Clerk

(Seal)

Ordinance #0-14-14

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

WHEREAS, the City of Galena finds that the public interest will be subserved pursuant to 65 ILCS 5/11-91-1 et seq. by vacating a part of Third Street legally described on Exhibit "A" and being approximately 4,583 square feet in area; and

WHEREAS, Louis Nack, Jr. and Mary Nack, (the "Owner") are the owners of Lots 3 and 4 of Block 21 in the Original City of Galena, East Side of the Galena River, Jo Daviess County, Illinois, commonly known as 208 Lafayette Street, Galena; and

WHEREAS, the Owner petitioned the Galena City Council to vacate a 4,583 square feet unopened section of the Third Street right-of-way adjacent to their property; and

WHEREAS, the Owner has maintained the city-owned property for many years; and

WHEREAS, the subject right-of-way is fully described on Exhibit "A" attached hereto; and

WHEREAS, the Owner desires to acquire an interest in the real property that is the subject to the vacation petition; 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 22, 2014; and

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

WHEREAS, based on a professional appraisal of similar residential property, the City Council has established the fair market value of the subject portion of Third Street as \$1.10 per square foot or \$5,041.30; and

WHEREAS, the Owner agrees to compensate the City of Galena \$5,041.30 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 on Exhibit "A" **IS HEREBY VACATED** and title shall be vested in Louis Nack, Jr. and Mary Nack, 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 Louis Nack, Jr. and Mary Nack upon payment of \$5,041.30. 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 of Galena street plat.

SECTION 3: 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 new permanent structures shall be located by the Owner, their successors or assigns, on the easement. Any existing encroachments on the easement may be maintained or replaced at the discretion of the Owner.

SECTION 4: 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 to said property.

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

SECTION 6 Passed on this 27th day of October, 2014, in open session of the Galena City Council.

AYES:

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

NAYS:

None



TERRY RENNER, MAYOR

ATTEST:



MARY BETH HYDE, CITY CLERK

Prepared by and return to:
Mark Moran, City Administrator
City of Galena
101 Green Street, P.O. Box 310
Galena, IL 61036

