Ordinance #O.24.08

An Ordinance **DECLARING SURPLUS PROPERTY AND THE SALE OF THE PROPERTY.**

Adopted by the City Council of the City of Galena on this 24th Day of June 2024.

Published in pamphlet form by authority of the City Council of the City of Galena, Jo Daviess County, Illinois, this 24th Day of June 2024.

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 24th Day of June 2024, the Corporate Authorities of said municipality passed and approved Ordinance No. O.24.08 entitled **AN ORDINANCE DECLARING SURPLUS PROPERTY AND THE SALE OF THE PROPERTY,** which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. O.24.08 including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the municipal building, commencing the 24th Day of June 2024 and commencing for at least ten (10) days thereafter.

Dated at Galena, Illinois, this 25th Day of June 2024.

Mary Beth Hyde

Mary Beth Hyde, City Clerk

(Seal)

Ordinance #O.24.08

AN ORDINANCE DECLARING SURPLUS PROPERTY AND THE SALE OF THE PROPERTY

WHEREAS, the City of Galena, County of Jo Daviess, State of Illinois (the "City") is a duly organized and existing municipality 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 (the "Mayor"), Terry Renner, the City Clerk, Mary Beth Hyde, and the City Council (the "City Council"), Pam Bernstein, Cindy Tegtmeyer, Cindy Johnson, Jerry Kieffer, Jerry Westemeier, and Katie Wienen constitute the duly elected, qualified and acting officials of the City; and

WHEREAS, the City owns certain real estate commonly known as 403 S. Main Street, Galena, Illinois 61036, Property Identification Number 22-100-022-00, which is legally described on Exhibit "A" attached hereto and incorporated herein (the "Subject Property"); and

WHEREAS, the Subject Property is a former bank and includes a parking lot; and

WHEREAS, the Mayor and City Council (collectively, the "Corporate Authorities") have determined that continued ownership of the Subject Property is no longer necessary, appropriate, required for the use of, profitable to, or for the best interest of the City; and

WHEREAS, Sections 11-76-1 and 11-76-4 of the Illinois Municipal Code, (65 ILCS 5/11-76-1 and 65 ILCS 5/11-76-4.1) (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, declare the property surplus and authorize the sale of the real property; and

WHEREAS, the Corporate Authorities have determined that it is in the best interest 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 City Council of the City of Galena, Jo Daviess County, State of Illinois, as follows:

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

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

SECTION IV. 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.

SECTION V. 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.

SECTION VI. That the Mayor or his designee is hereby authorized to have the property appraised by MAI certified, Kane Appraisals of Dubuque, Iowa at a cost not to exceed $1,200.00. The appraiser shall deliver a written appraisal to the Corporate Authorities stating the fair market value of the real estate. The Corporate Authorities shall then consider for adoption a resolution setting forth the method of sale. The method of sale will include required public notice and be either sealed bids, public auction, or by a licensed realtor in accordance with 65 ILCS 5/11-76-4.1.

SECTION VII: This ordinance shall be in full force and effect from and after its passage and approval in the manner provided by law.

SECTION VIII: Passed on this 24th day of October, A.D., 2024, in open Council.

AYES: Westemeier, Wienen, Kieffer, Renner

NAYS: Tegtmeyer, Johnson

ABSENT: Bernstein

Terry Renner

TERRY RENNER, MAYOR

Mary Beth Hyde

ATTEST: MARY BETH HYDE, CITY CLERK

Exhibit "A"

Legal Description

Lots 18, 19 and 20 on the West side of Main Street, between Main and Bench Streets in the City of Galena, Jo Daviess County, Illinois. The South 26 feet and 4 inches of the South part of Lot 21 between Main and Bench Streets in the City of Galena, on the West side of the Galena River, more particularly described as follows, to-wit: A strip of ground of uniform width of 26 feet and 4 inches on the South side of Lot Number 21, fronting 26 feet and 4 inches, more or less, on said Main Street and running through the same width to Bench Street, and fronting 26 feet and 4 inches, more or less, on Bench Street, in the City of Galena, situated in the County of Jo Daviess and State of Illinois.

Also

The North 20 feet 4 inches of the South 46 feet 8 inches of Lot 21 lying between Main Street and Bench Street, on the West side of the Galena River, in the City of Galena. Also, the North 6 feet of the South 52 feet 8 inches of Lot 21 lying between Main Street and Bench Street, on the West side of the Galena River, in the City of Galena. Also, the North 26.5 feet of Lot 21 lying between Main Street and Bench Street, on the West side of the Galena River, in the City of Galena. All of the above described being situated in the County of Jo Daviess and State of Illinois.

Also

Lot Number 22 between Main and Bench Streets in the City of Galena, on the West side of the Galena River, Jo Daviess County, Illinois, excepting the following portion of said Lot Number 22 heretofore sold to Frank E. Owens and described as follows: Commencing at a point on Main Street 24 feet and 9 inches North of the line between Lots Number 21 and 22 running thence North along Main Street to Warren Street, thence West along Warren Street to Bench Street, thence South along Bench Street to a point 24 feet and 9 inches North of the line between Lots Number 21 and 22 thence East on a line parallel with the said line between Lots Number 21 and 22 to the place of beginning. All of the above and foregoing described real estate being situated in the City of Galena, County of Jo Daviess, in the State of Illinois.

Statute References (Not to be included with Ordinance)

(65 ILCS 5/11-76-1) (from Ch. 24, par. 11-76-1)

Sec. 11-76-1. Any city or village incorporated under any general or special law which acquires or holds any real estate for any purpose whatsoever, except real estate granted to a municipality as commons by a grant which has been confirmed by the government of the United States, has the power to lease the real estate for any term not exceeding 99 years, and to convey the real estate when, in the opinion of the corporate authorities, the real estate is no longer necessary, appropriate, required for the use of, profitable to, or for the best interests of the city or village. This power shall be exercised by an ordinance passed by three-fourths of the corporate authorities of the city or village then holding office, at any regular meeting or at any special meeting called for that purpose. However, the corporate authorities have the power to authorize any municipal officer to make leases for terms not exceeding 2 years in such manner as they may determine. The disposition of real estate acquired pursuant to Section 6 of the "Urban Community Conservation Act", approved July 13, 1953, as heretofore and hereafter amended, and acquired pursuant to Sections 12, 22 and 31 of the "Urban Renewal Consolidation Act of 1961", enacted by the Seventy-Second General Assembly, and acquired pursuant to Division 11-11 by a municipality as the Local Public Agency under an urban renewal project as defined therein, shall be exempt from the requirements of this section.
(Source: Laws 1967, p. 3425.)

(65 ILCS 5/11-76-4.1) (from Ch. 24, par. 11-76-4.1)

Sec. 11-76-4.1. Sale of surplus real estate. The corporate authorities of a municipality by resolution may authorize the sale or public auction of surplus public real estate. The value of the real estate shall be determined by a written MAI certified appraisal or by a written certified appraisal of a State certified or licensed real estate appraiser. The appraisal shall be available for public inspection. The resolution may direct the sale to be conducted by the staff of the municipality; by listing with local licensed real estate agencies, in which case the terms of the agent's compensation shall be included in the resolution; or by public auction. The resolution shall be published at the first opportunity following its passage in a newspaper published in the municipality or, if none, then in a newspaper published in the county where the municipality is located. The resolution shall also contain pertinent information concerning the size, use, and zoning of the real estate and the terms of sale. The corporate authorities may accept any contract proposal determined by them to be in the best interest of the municipality by a vote of two-thirds of the corporate authorities then holding office, but in no event at a price less than 80% of the appraised value.

(Source: P.A. 88-355; 89-78, eff. 6-30-95.)