

Ordinance #O.23.13

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

Adopted by the City Council of the City of Galena this 26th Day of June 2023.

Published in pamphlet form by authority of the City Council of the City of Galena, Jo Daviess County, Illinois, this 26th Day of June 2023.

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

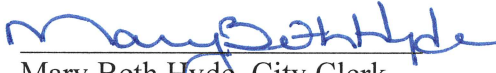
CERTIFICATE

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 26th Day of June 2023, the Corporate Authorities of said municipality passed and approved Ordinance No. O.23.13 entitled **AN ORDINANCE PROVIDING FOR THE VACATION OF A PORTION OF BENTON STREET**, which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. O.23.13 including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the municipal building, commencing the 27th Day of June 2023 and commencing for at least ten (10) days thereafter.

Dated at Galena, Illinois, this 27th Day of June 2023.


Mary Beth Hyde, City Clerk

(Seal)

Ordinance #0.23.13

**AN ORDINANCE PROVIDING FOR THE VACATION
OF A PORTION OF BENTON 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 Benton Street legally described as the "Street Vacation Plat" on Exhibit "A" and being approximately 15,600 square feet in area (the "Property"); and

WHEREAS, the Historic Galena Foundation, Inc. (the "Southern Owner") is the owner of the lots adjoining the southern boundary of the unimproved Benton Street right-of-way between Third Street and Park Avenue on the East side of the Galena River, in the City of Galena, Jo Daviess County Illinois, as described on warranty deed 403261 as recorded in the Jo Daviess County Recorder's Office; and

WHEREAS, the Alfred J. Fessler Self-Declaration of Trust, dated the 24th day of September, 2010 (the "Northern Owner") is the owner of the lots adjoining the northern boundary of the unimproved Benton Street right-of-way between Third Street and Park Avenue on the East side of the Galena River, in the City of Galena, Jo Daviess County Illinois, as described on warranty deed 419536 and 419549 as recorded in the Jo Daviess County Recorder's Office; and

WHEREAS, the Southern Owner and the Northern Owner petitioned the Galena City Council to vacate the 0.36 acre (15,600 square feet), unimproved section of the Benton Street right-of-way between Third Street and Park Avenue and adjacent to their properties; and

WHEREAS, the Southern Owner and the Northern Owner propose for the Northern Owner to acquire an interest in the real property that is the subject to the vacation petition; and

WHEREAS, the subject right-of-way requested for vacation is fully described as the "Street Vacation Area" 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 that was conducted by the city council on July 13, 2015; and

WHEREAS, following the public hearing, the city council voted 7-0 to approve the proposed vacation of the subject portion of Benton Street for \$1.10 per square foot; and

WHEREAS, the Owner agrees to compensate the City of Galena \$17,160.00 in exchange for the conveyance of the Property to the Northern Owner; and

WHEREAS, the Northern Owner shall pay the recording fees for the vacation; and

WHEREAS, no other compensation shall be due for the vacation.

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 the "Street Vacation Plat" in "Exhibit A" **IS HEREBY VACATED** and title shall be vested in the Alfred J. Fessler Self-Declaration of Trust, dated the 24th day of September, 2010, (the Northern Owner) its successors or assigns.

SECTION 1: All of that certain portion of real property situated in the City of Galena and being more particularly depicted as the "Street Vacation Plat" in "Exhibit A" **IS HEREBY VACATED** to the Alfred J. Fessler Self-Declaration of Trust, dated the 24th day of September, 2010 (the Northern Owner).

SECTION 2: The property interest in the right-of-way described as "Street Vacation Plat" 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 "Street Vacation Plat" 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 Property is subject to the rights of all public utilities and public entities in said parcel, rights-of-way and easements necessary or desirable for installing or continuing public service in said street, including the conveyance and detention of storm water, and the party requesting such vacation shall be responsible to said public utilities and public entities 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 titled owner, its successors or assigns, on the easement.

SECTION 5: By means of the conveyance of the subject property to the Alfred J. Fessler Self-Declaration of Trust, dated the 24th day of September, 2010, the City of Galena forever relinquishes any and all responsibility or liability for said property and any improvements by the titled owner, or its successors or assigns, to said property.

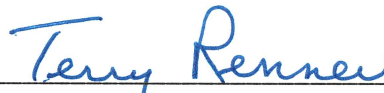
SECTION 6: All ordinances or parts of ordinances conflicting with the provisions of this ordinance are hereby repealed.

SECTION 7: Passed on this 26th day of June, 2023, in open session of the Galena City Council.

AYES: Johnson, Kieffer, Tegtmeyer, Westemeier, Bernstein, Renner

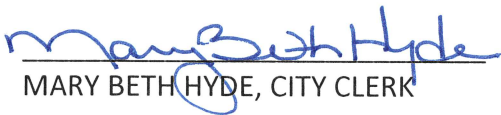
NAYS: None

ABSENT: Wienen



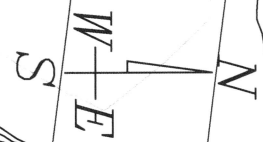
TERRY RENNER, MAYOR

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



PARK AVE.

BENTON ST.

THIRD STREET

DESCRIPTION OF PARCEL TO BE VACATED:
A 52 FOOT WIDE BY 300 FOOT LONG PORTION
OF BENTON STREET ADJACENT TO THE
SOUTHERLY SIDE OF LOTS 6 & 7 IN BLOCK 23 AND
THE NORTHERLY SIDE OF LOTS 1 & 2 IN BLOCK 24
OF THE ORIGINAL TOWN OF GALENA, EAST OF
THE GALENA RIVER, GALENA, ILLINOIS, BEING
APPROXIMATELY 15,600 SQUARE FEET IN AREA.

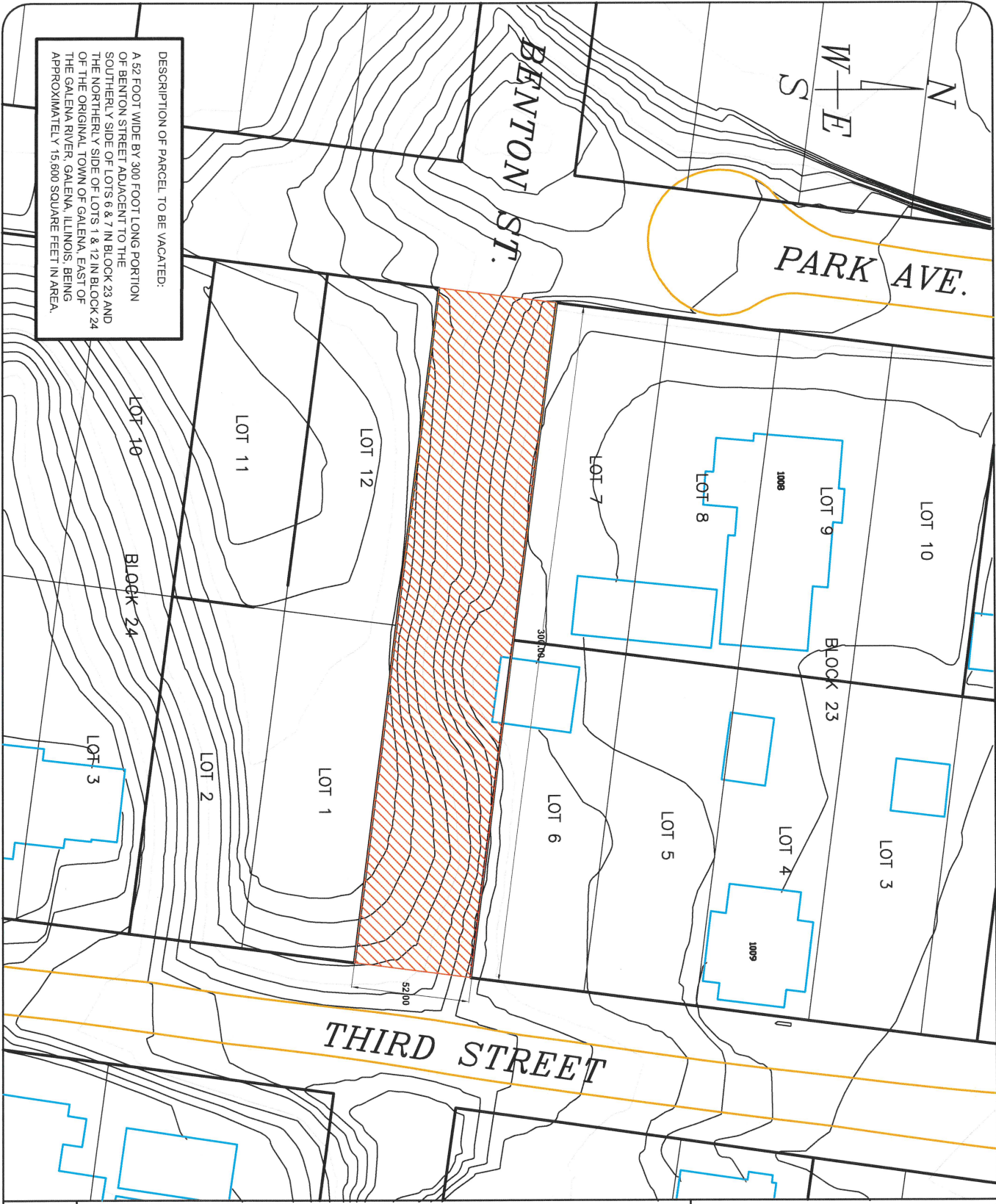


EXHIBIT A
STREET VACATION PLAT

CITY OF GALENA
101 GREEN ST.
GALENA, IL 61036