

Ordinance #0.15.01

**AN ORDINANCE PROVIDING FOR THE VACATION
OF A PORTION OF RIDGE 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 Ridge Street legally described on Exhibit "A" and being approximately 5,000 square feet in area; and

WHEREAS, Thomas Winkens, (the "Owner") is the owner of Lots 13-16 and the Southwest Half of Lot 12 of Dickenson's Subdivision of Lot 3 in Block 39 of the Original City of Galena, West Side of the Galena River, Galena, Jo Daviess County, Illinois, commonly known as 604 Muir Street, Galena, Parcel Number 22-100-975-00; and

WHEREAS, the Owner petitioned the Galena City Council to vacate a 5,000 square feet unopened section of the Ridge Street right-of-way adjacent to his property; and

WHEREAS, the Owner has maintained the city-owned property as a parking area 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 January 12, 2015; 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, the City Council has established the fair market value of the subject portion of Ridge Street as \$1.10 per square foot or \$5,500.00; and

WHEREAS, the Owner agrees to compensate the City of Galena \$5,500.00 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 Thomas Winkens, his 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 Thomas Winkens upon payment of \$5,500.00. 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 26th day of January, 2015, in open session of the Galena City Council.

AYES:


Lincoln, Painter,
Fach, Greene,
Kieffer, Renner

NAYS:

None

ABSENT:

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

DESCRIPTION OF PARCEL TO BE VACATED:
 A 40 FOOT WIDE BY 125 FOOT LONG PORTION
 OF RIDGE STREET ADJACENT TO THE
 WESTERLY SIDE OF LOTS 13 - 16 AND SOUTHWEST
 HALF OF LOT 12 OF DICKSON'S SUBDIVISION OF
 LOT 3 IN BLOCK 39 OF THE ORIGINAL CITY OF
 GALENA, ILLINOIS, WEST SIDE OF THE GALENA RIVER,
 5000 SQUARE FEET IN AREA.



STREET VACATION AREA
 APPROX. 125' X 40'
 5000 SQ. FT. (VACATED TO
 PARCELS 22-100-976-00 &
 22-100-975-00)

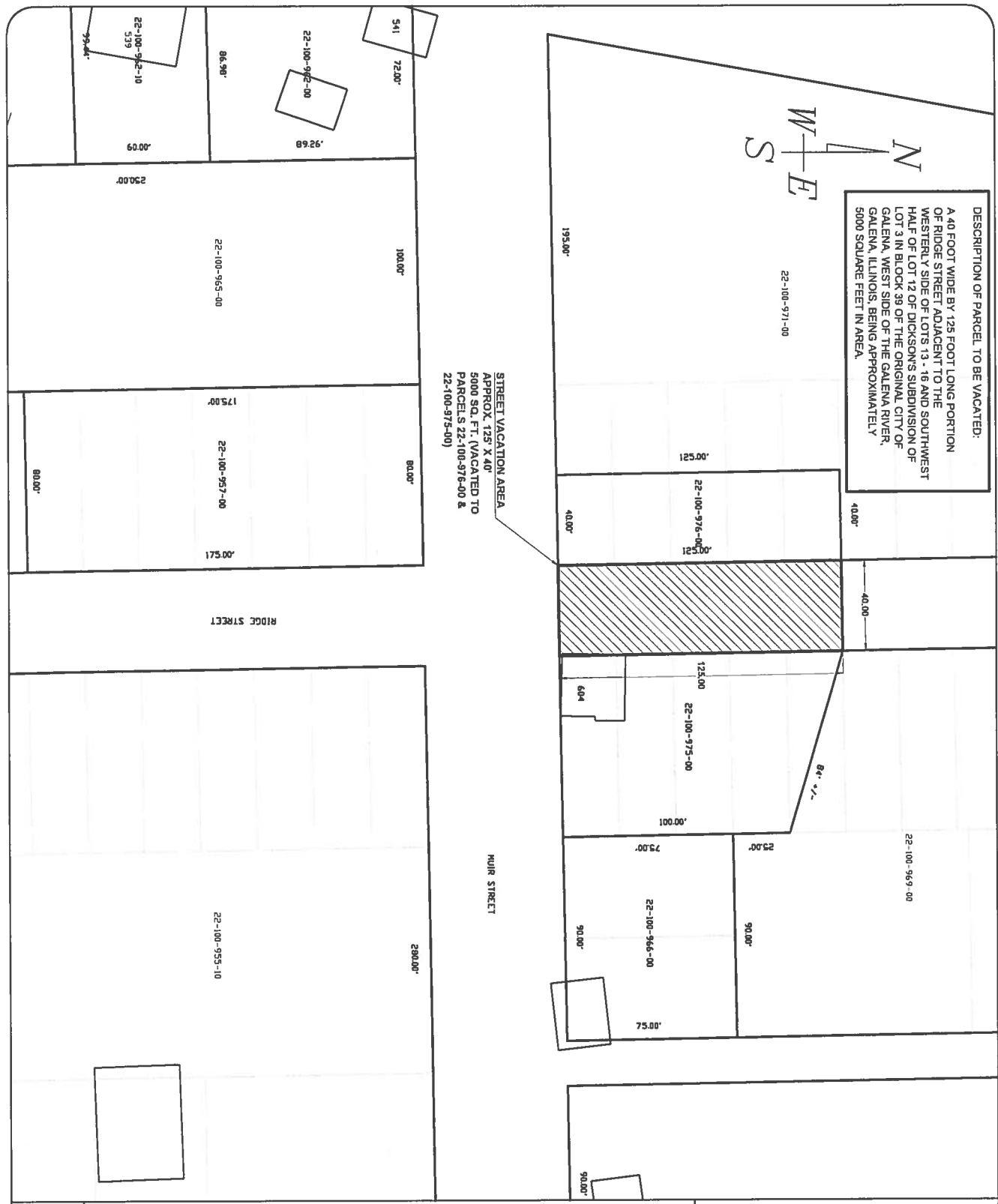


EXHIBIT A STREET VACATION PLAT