

Ordinance #O.23.01

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

Adopted by the City Council of the City of Galena this 13th Day of February 2023.

Published in pamphlet form by authority of the City Council of the City of Galena, Jo Daviess County, Illinois, this 13th Day of February 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 13th Day of February 2023, the Corporate Authorities of said municipality passed and approved Ordinance No. O.23.01 entitled **AN ORDINANCE PROVIDING FOR THE VACATION OF A PORTON OF WASHINGTON STREET**, which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. O.23.01 including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the municipal building, commencing the 14th Day of February 2023 and commencing for at least ten (10) days thereafter.

Dated at Galena, Illinois, this 14th Day of February 2023.


Mary Beth Hyde, City Clerk

(Seal)

Ordinance #O.23.01

**AN ORDINANCE PROVIDING FOR THE VACATION
OF A PORTION OF WASHINGTON 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 portion of Washington Street adjacent to 201 S. Bench Street and legally described on Exhibit "A" and depicted on Exhibit "B" and being approximately 740 square feet in area (the "Property"); and

WHEREAS, Lawrence Segers, (the "Owner") is the only private owner of property adjacent to right-of-way subject to the vacation request; and

WHEREAS, the Owner petitioned the Galena City Council to vacate 740 square feet the Washington Street; and

WHEREAS, the Owner desires to acquire an ownership interest in the real property that is the subject of 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 23, 2023; and

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

WHEREAS, a fair market value of \$814.00 has been established for the Property based on a prior appraisal of similar property in Galena; and

WHEREAS, the Owner agrees to compensate the City of Galena \$814.00 in exchange for the conveyance of the 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 as the area of vacation in Exhibit "A" and as depicted on Exhibit "B" **IS HEREBY VACATED** and title shall be vested in Lawrence Segers, his successors or assigns.

SECTION 1: All of that certain portion of real property situated in the City of Galena and being more particularly described and depicted as the area of vacation on Exhibit "A" and Exhibit "B" **IS HEREBY VACATED** to Lawrence Segers.

SECTION 2: The property interest in the right-of-way described as the area of vacation in Exhibit "A" and depicted in Exhibit "B" shall vest to the purchaser's successors or assigns.

SECTION 3: It is further directed that the street right-of-way described as the area of vacation in Exhibit "A" and depicted in Exhibit "B" be stricken from the City of Galena street plat.

SECTION 4: The City of Galena shall be permitted access to the vacated Property for the purpose of maintaining the building and grounds, including subsurface foundations and utilities, located at 133 S. Bench Street. The City shall provide the Owner with a minimum of 24 hours' notice of the need to access the property for said maintenance. City shall make reasonable accommodations to minimize disruption to the Property and the use of the Property by the Owner during said maintenance. The City agrees to repair any damage to the Property caused by the maintenance.

SECTION 5: 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 by the Owner, or his successors or assigns, to said Property.

SECTION 6: This ordinance shall be recorded with the Jo Daviess County Recorder within 15 days following the payment by the Owner to the City of Galena in the amount of \$814.00.

SECTION 7: All ordinances or parts of ordinances conflicting with the provisions of this ordinance are hereby repealed.

SECTION 8 Passed on this 13th day of February, 2023, in open session of the Galena City Council.

AYES: Kieffer, McCoy, Westemeier, Wienen, Bernstein, Renner

NAYS: None

ABSENT: Hahn



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

EXHIBIT A

VACATION DESCRIPTION
WASHINGTON STREET VACATION

PROJECT NO. 2022208B

Of Property Described As: Part of Washington Street adjacent to Lot Number 33, on the West side of Bench Street, at the corner of Bench Street and Washington Street in the City of Galena, on the West side of Galena River, Jo Daviess County, Illinois, bounded and described as follows, to wit;

Beginning at the Northeasterly corner of said Lot Number 33; thence North 51 Degrees 19 Minutes 38 Seconds West, along the Northerly line thereof, a distance of 116.55 feet; thence North 30 Degrees 49 Minutes 11 Seconds East, a distance of 2.90 feet; thence South 54 Degrees 50 Minutes 10 Seconds East, a distance of 113.37 feet to the Northerly extension of the Easterly line of said Lot Number 33; thence South 17 Degrees 32 Minutes 29 Seconds West, along said Northerly extension, a distance of 10.52 feet to the Point of Beginning;

Containing 0.017 acres (740.5 S.F.), more or less

VACATION PLAT

Of Property Described As: Part of Washington Street adjacent to Lot Number 33, on the West side of Bench Street, at the corner of Bench Street and Washington Street in the City of Galena, on the West side of Galena River, Jo Daviess County, Illinois, bounded and described as follows, to wit:

Beginning at the Northeastly corner of said Lot Number 33; thence North 51 Degrees 19 Minutes 38 Seconds West, along the Northern line thereof, a distance of 116.55 feet; thence North 30 Degrees 49 Minutes 11 Seconds East, a distance of 2.90 feet; thence South 54 Degrees 50 Minutes 10 Seconds East, a distance of 113.37 feet to the Northern extension of the Eastern line of said Lot Number 33; thence South 17 Degrees 32 Minutes 29 Seconds West, along said Northern extension, a distance of 10.52 feet to the Point of Beginning;

Containing 0.017 acres, more or less

SURVEYOR'S REPORT

This plat represents an original boundary survey of the property described hereon and conforms to the current Illinois Minimum Standards for a Boundary Survey. This Survey was done, by me or under my direct supervision, at the request of Nathan Bussan of Galena, Illinois.

All monuments exist as shown hereon. Bearings are in Degrees, Minutes and Seconds and are referenced to an assumed datum. Distances are in feet and decimals thereof. All structural or utility improvements, surface and subsurface, on and adjacent to the site are not necessarily shown.

This Survey includes no investigation or independent search for easements of record, encumbrances, deed restrictions, restrictive covenants, ownership, title evidence, or any other facts which an accurate and current title search may disclose.

No warranty is expressed or implied as to compliance with 765ILCS-205/1b of the Illinois Compiled Statutes, or local requirements.

Dated this 12th day of September, 2022 C.E.

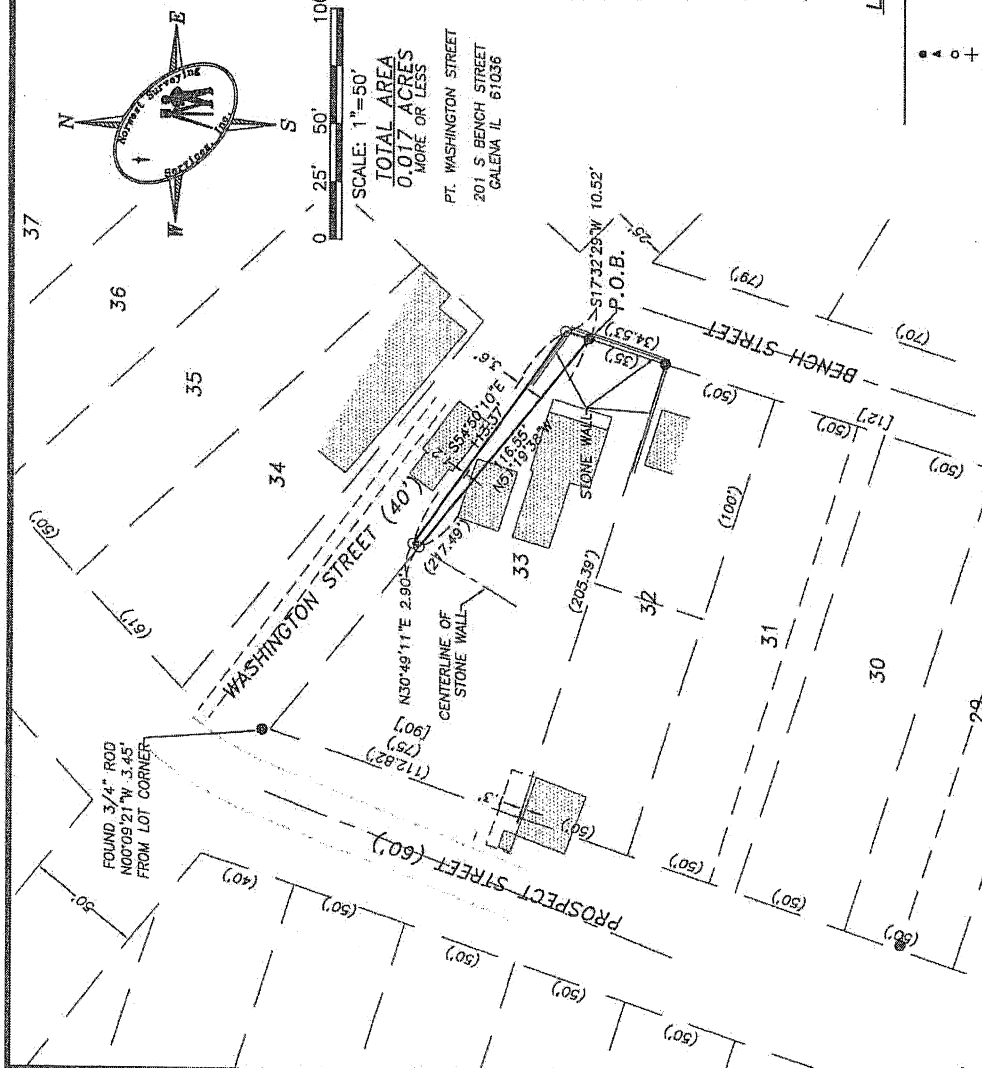


William E. Halt
Illinois Professional Land Surveyor
No. 35-2584
License Expires November 30, 2022 C.E.

LEGEND

- BOUNDARY OF SURVEY
- MONUMENT FOUND
- SET 5/8" PIN W/CAP
- CHSELED "X"
- SECTION LINE
- RIGHT OF WAY LINE
- FENCE LINE
- BUILDING SETBACK
- UTILITY EASEMENT
- DEED/PLAT DIMENSION

NOTE: BEARINGS ARE ASSUMED



NORWEST SURVEYING SERVICES, INC.
PROFESSIONAL LAND SURVEYORS & LAND PLANNERS
301 EAST JACKSONWAY
PHONE (815) 772-1178 FAX (815) 772-7483
ILLINOIS PROFESSIONAL DESIGN FIRM NO. 185-041158, EXPIRES 4-30-2023

SURVEYED BY	FILE	REVISION DATES
JMW, WEH	2022208B	19 SEP 22
BOOK NO.	2002353	SCALE
DATE	2022208B	1"=50'

WASHINGTON STREET VACATION

NATHAN BUSSAN

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