

Ordinance #O.21.02

An Ordinance **PROVIDING FOR THE VACATION OF PART OF DELL STREET.**

Adopted by the City Council of the City of Galena this 11th Day of January 2021.

Published in pamphlet form by authority of the City Council of the City of Galena,
Jo Daviess County, Illinois, this 11th Day of January 2021.

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

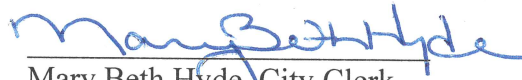
CERTIFICATE

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 11th Day of January 2021, the Corporate Authorities of said municipality passed and approved Ordinance No. O.21.02 entitled **AN ORDINANCE PROVIDING FOR THE VACATION OF PART OF DELL STREET**, which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. O.21.02 including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the municipal building, commencing the 12th Day of January 2021 and commencing for at least ten (10) days thereafter.

Dated at Galena, Illinois, this 12th January 2021.


Mary Beth Hyde, City Clerk

(Seal)

Ordinance #O.21.02

**AN ORDINANCE PROVIDING FOR THE VACATION
OF PART OF DELL 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 Dell Street legally described on Exhibit "A" and being approximately 5,300 square feet in area (the "Property"); and

WHEREAS, the OB Land Trust, Stephen J. Domeyer, trustee, (the "Owner") is the owner of property at 901 Spring Street (Parcel Identification Number 22-101-448-00) in the City of Galena, Jo Daviess County, Illinois; and

WHEREAS, the Owner petitioned the Galena City Council to vacate 5,300 square feet of Dell Street in conjunction with the realignment and construction of Dell Street as part of the Illinois Department of Transportation Spring Street Reconstruction Project; and

WHEREAS, the Property is adjoining the property of the Owner; and

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

WHEREAS, the subject right-of-way requested for vacation is fully described in Exhibit "A" attached hereto and made a part hereof; 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 11, 2021; and

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

WHEREAS, the applicant shall pay the recording fees for the vacation; and

WHEREAS, a certified appraiser has appraised the Property and established the fair market value as \$2.80 per square foot or \$14,840.00; and

WHEREAS, the Owner agrees to compensate the City of Galena \$14,840.00 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 proposed for vacation in "Exhibit A" **IS HEREBY VACATED** and title shall be vested in the OB Land Trust, its successors or assigns, of the land described as 901 Spring Street, Parcel Identification Number 22-101-448-00, in the City of Galena, Jo Daviess County, Illinois.

SECTION 1: All of that certain portion of real property situated in the City of Galena and being more particularly depicted as the area proposed for vacation in "Exhibit A" **IS HEREBY VACATED** to the OB Land Trust, Stephen J. Domeyer, trustee.

SECTION 2: The property interest in the right-of-way described as the area proposed for vacation 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 the area proposed for vacation in "Exhibit A" be stricken from the City of Galena street plat.

SECTION 4: The City of Galena does not reserve an easement over, under or through the vacated Property.

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 30 days following the completion of the realignment and construction of Dell Street by the Illinois Department of Transportation and the payment by the Owner to the City of Galena in the amount of \$14,840.00.

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

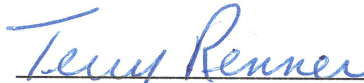
SECTION 8 Passed on this 11th day of January, 2021, in open session of the Galena City Council.

AYES:

Bernstein, Hahn, Kieffer,
McCoy, Westemeier, Renner


NAYS:

None



TERRY RENNER, MAYOR

ATTEST:



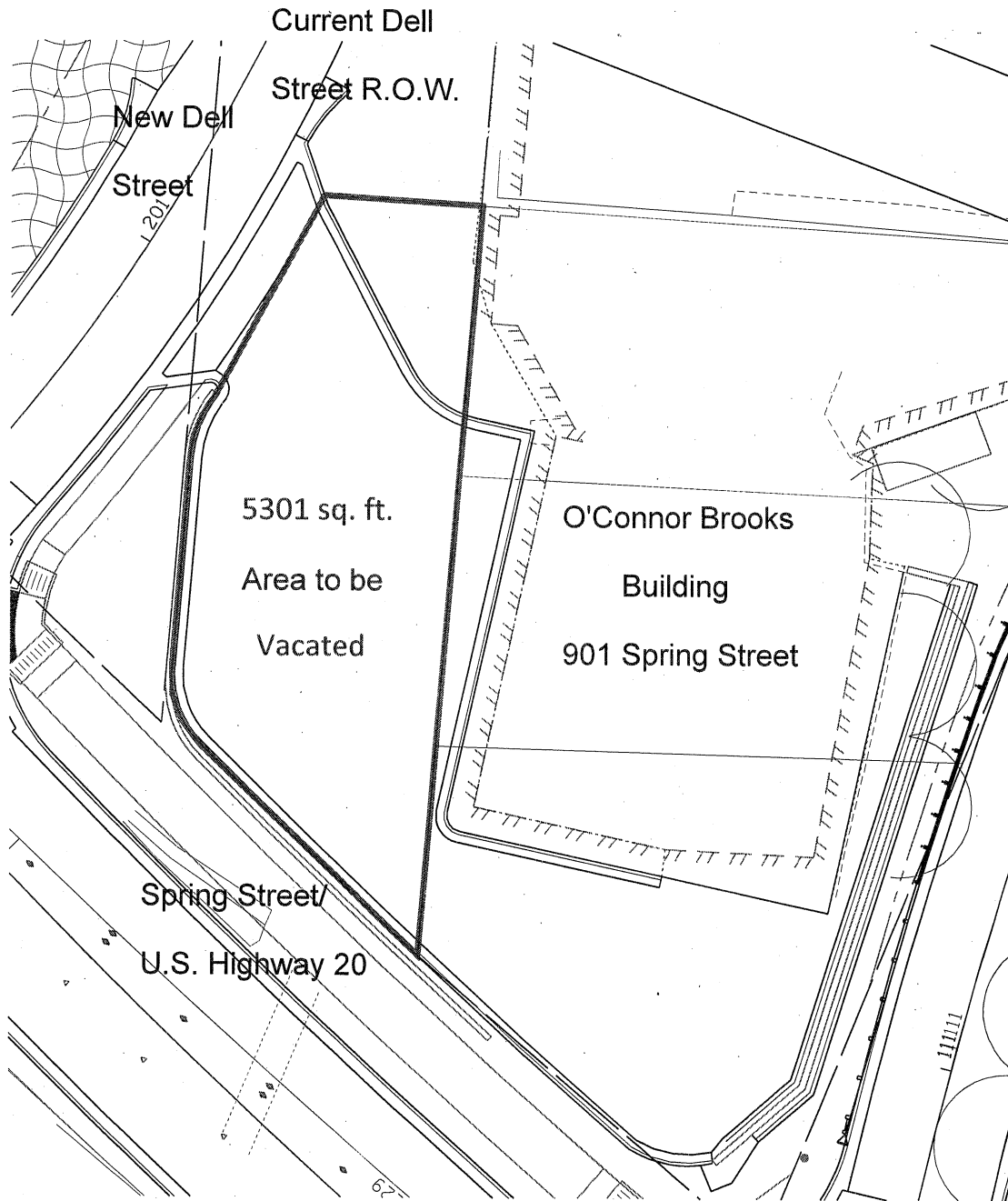
MARY BETH HYDE, CITY CLERK

Prepared by and return to:
Joseph Nack, City Attorney
City of Galena
101 Green Street, P.O. Box 310
Galena, IL 61036

EXHIBIT A

Dell Street Vacation

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SCALE 1" = 20'

EXHIBIT A

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Legal Description of that Part of Dell Street to be Vacated

A part of East Half of the Southwest Quarter of Section 13, Township 28 North, Range 1 West of the Fourth Principal Meridian and part of Lots 13 and 14 in Block 11 in Townsend's Addition to Upper Galena, as designated upon the Plat of Townsend's Addition to Upper Galena, a subdivision of the Southwest Quarter of Section 13, Township 28 North, Range 1 West of the Fourth Principal Meridian, the Plat of said Subdivision is recorded in Book A of Plats at Page 27 in the Recorder's Office of Jo Daviess County, State of Illinois, with the bearings and grid distances referenced to the Illinois State Plane Coordinate System, West Zone NAD 83 (2011 ADJ), with a combination factor of 0.999920786, described as follows:

Beginning at the northwest corner of Lot 13 in Block 11 in Townsend's Addition to Upper Galena, as designated upon the Plat of Townsend's Addition to Upper Galena as recorded in Book A of Plats at Page 27, said point being on the westerly right of way line of Dell Street; thence South 04 degrees 42 minutes 44 seconds West, on said westerly right of way line, 138.70 feet to the intersection of said westerly right of way line and the northeasterly right of way line of a public highway designated FAP Route 301 (IL 84); thence North 45 degrees 36 minutes 23 seconds West, 55.65 feet; thence northwesterly 15.36 feet on a non-tangent curve to the right, having a radius of 18.00 feet, the chord of said curve bears North 19 degrees 44 minutes 17 seconds West, 14.90 feet to the face of a retaining wall; thence North 04 degrees 42 minutes 44 seconds East, on said face of retaining wall, 38.79 feet; thence northeasterly on said face of retaining wall, 12.90 feet on a curve to the right, having a radius of 22.08 feet, the chord of said curve bears North 21 degrees 26 minutes 43 seconds East, 12.72 feet; thence on a non-tangent bearing of North 28 degrees 20 minutes 26 seconds East, 41.63 feet to the westerly extension of the north line of said Lot 13; thence South 86 degrees 16 minutes 52 seconds East, on said westerly extension, 28.65 feet to the Point of Beginning, containing 5,301 square feet (0.1217 acre), more or less.