

RESOLUTION R-51-09

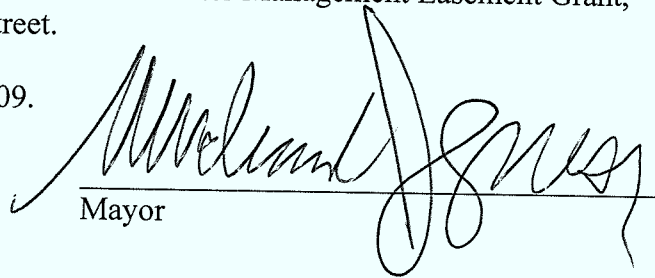
**A RESOLUTION ACCEPTING A
STORMWATER MANAGEMENT EASEMENT GRANT
FOR 525 S. WOODLAWN STREET**

WHEREAS, the owner of the property located at 525 S. Woodlawn Street has presented a stormwater management easement grant to the Wheaton City staff for acceptance by the City (the property is legally described in Exhibit A, attached to this resolution); and the Wheaton City staff has recommended that the easement grant be accepted.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Wheaton, Illinois, that the Stormwater Management Easement Grant for 525 S. Woodlawn Street dated April 15, 2009 is hereby accepted.

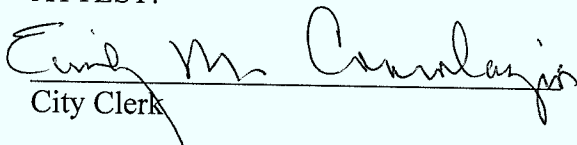
IT IS FURTHER RESOLVED that the Mayor is authorized to sign the acceptance form and the City Clerk is authorized and directed to attest to the signature of the Mayor and attach a certified copy of this resolution of acceptance to the Stormwater Management Easement Grant, dated April 15, 2009, for 525 S. Woodlawn Street.

ADOPTED this 3rd day of August, 2009.



Mayor

ATTEST:



City Clerk

Roll Call Vote:

Ayes: Councilman Mouhelis
Mayor Gress
Councilman Scalzo
Councilman Sues
Councilwoman Corry

Nays: None

Absent: Councilman Levine
Councilman Prendiville

Motion Carried Unanimously

EXHIBIT A

Legal Description:

525 S. Woodlawn Street
Wheaton, IL 60187

Born Stormwater Management Easement

THE EAST 12 FEET OF THE SOUTH 40 FEET OF THE FOLLOWING DESCRIBED
PROPERTY;
THE SOUTH 57.5 FEET OF THE NORTH 115 FEET OF LOT2 IN BLOCK 6 IN
KNOLLWOOD, BEING A SUBDIVISION IN THE SOUTHEAST QUARTER OF THE
SOUTHWEST QUARTER OF SECTION 17, TOWNSHIP 39 NORTH, RANGE 10 EAST OF
THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF
RECORDED APRIL29,1925 AS DOCUMENT 192024, IN DUPAGE COUNTY, ILLINOIS.

P.I.N. 05-17-328-002

R-51-09

APR 15 2009

EASEMENT

THIS INDENTURE made this 15th day of APRIL, 2009

between Bryan B. Born and Susan J. Born
hereinafter referred to as the Grantors, and the City of
Wheaton, Du Page County, Illinois, hereinafter referred to
as the Grantee, for the permanent easement:

WITNESSETH:

That the Grantor, in consideration of the sum of One and
00/100 dollars (\$ 1.00) and other good and valuable
considerations in hand paid by the Grantee, the receipt and
sufficiency whereof is hereby acknowledged, does hereby grant
unto the Grantee a permanent easement for the respective uses
and purposes hereinafter set forth, in, along through, under,
and/or upon the following described land in Du Page County,
Illinois, to wit:

PERMANENT STORMWATER MANAGEMENT EASEMENT

Easement Description

The East twelve feet of the South forty feet of the following described parcel of land;
The South 57.5 feet of the North 115 feet of Lot 2 in Block 6 in Knollwood, being a
subdivision in the Southeast quarter of the Southwest quarter of Section 17,
Township 39 North, Range 10, East of the Third Principal Meridian, according to
the plat thereof recorded April 29, 1925 as Document 192024, in Du Page County,
Illinois.

PIN: 05-17-328-002

Stormwater Management Easement Provisions

All easements indicated as stormwater management easements are reserved for and granted to the City of Wheaton and it's successor's and assign's on a non-exclusive basis. No buildings shall be placed on said easement but the same may be used for other purposes that do not adversely affect the storage/free flow of stormwater. Each owner or subsequent purchaser shall be equally responsible for maintaining such stormwater management facility and shall not destroy or modify grades or slopes without first having received written approval from the City of Wheaton.

In the event any owner or subsequent purchaser fails to maintain any such easement/stormwater management facility, the City of Wheaton, Illinois shall upon thirty (30) days written notice to the owner outlining the nature and defect of the owners default and that the owner shall not have cured said default, shall reserve the right to perform or have performed on it's behalf, any maintenance work upon the detention area reasonably necessary to insure adequate stormwater storage free/flow of water, erosion control and turf maintenance to eliminate stagnant water within the detention area and provided further that in the event that the City of Wheaton elects to perform or causes to perform any such work it shall provide the owners with proper insurance certificates of all subcontractors working on the easement premises co-insuring the owner for the work to be performed.

In the event the City of Wheaton, Illinois shall be required to perform or have performed on it's behalf any maintenance work to or upon any such facility or easement area the cost together with an additional sum of ten(10) percent of said cost shall be assessed to the owner of it's successors and assign's and shall constitute a lien against the property which may be enforced by any action brought by or on behalf of the City of Wheaton.

IN WITNESS WHEREOF, these presents have been signed, sealed, and delivered by the undersigned as of the day and year first above written.

STATE OF ILLINOIS)

COUNTY OF DuPage)

THIS IS TO CERTIFY THAT THE UNDERSIGNED DO (DOES) HEREBY CERTIFY THAT THEY (HE/SHE) ARE (IS) THE TITLE HOLDER OF THE PROPERTY DESCRIBED HEREIN AND THAT THEY (HE/SHE) HAVE (HAS) CAUSED THIS EASEMENT GRANT DOCUMENT TO BE PREPARED AS CONTAINED HEREIN, FOR THE USES AND PURPOSES HEREIN SET FORTH AND DO (DOES) HEREBY ACKNOWLEDGE AND GRANT SAID EASEMENTS.

SIGNED AND DATED AT 515 S Woodlawn, Wheaton ON THIS 15 DAY OF April, 2009.

STATE OF ILLINOIS

COUNTY OF DuPAGE

I, _____, A NOTARY PUBLIC IN AND FOR THE COUNTY AND STATE AFORESAID, DO HEREBY CERTIFY THAT

Brian B. Born AND
NAME

Susan J Born
NAME

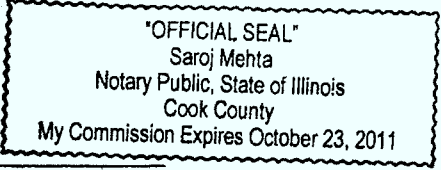
PERSONALLY KNOWN TO ME TO BE THE SAME PERSONS, WHOSE NAMES ARE SUBSCRIBED TO THE FOREGOING INSTRUMENT AS SUCH

Born AND Susan Born APPEARED BEFORE ME THIS DAY IN PERSON AND ACKNOWLEDGED THAT THEY SIGNED AND DELIVERED THE ANNEXED DOCUMENT AS THEIR OWN FREE AND VOLUNTARY ACT FOR THE USES AND PURPOSES HEREIN SET FORTH

GIVEN UNDER MY HAND AND NOTARIAL SEAL,

THIS 15th DAY OF April 2009.

Saraj Mehta
NOTARY PUBLIC



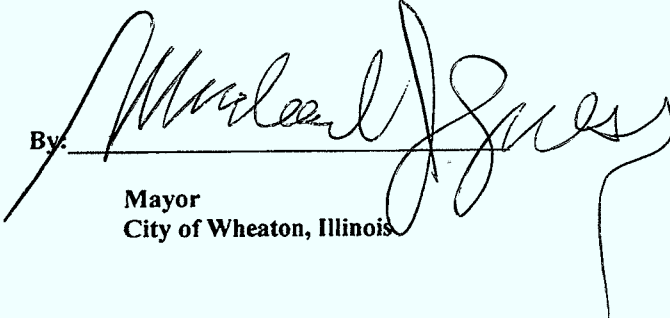
STATE OF ILLINOIS)

)

COUNTY OF DU PAGE)

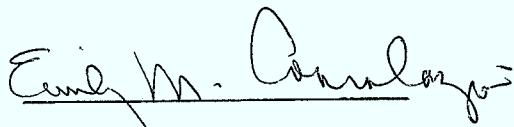
The City of Wheaton accepts the above and foregoing permanent Stormwater Management Easement upon the terms and conditions therein set forth and hereby assumes the undertaking therein provided to be assumed on its part and agrees to perform the agreements therein required to be performed by it.

IN WITNESS WHEREOF, this instrument is signed on behalf of the City of Wheaton and by its Mayor and City Council on this 3rd day of August, 2009

By: 

Mayor
City of Wheaton, Illinois

ATTEST:



City Clerk