

RESOLUTION R-72-11

**A RESOLUTION APPROVING A
GRANT OF EASEMENT FOR STORMWATER MANAGEMENT
(809 N. Scott Street)**

WHEREAS, the owner of the property located at 809 N. Scott Street has presented a stormwater management easement grant to the City for approval (the property is legally described in Exhibit A, attached to this resolution); and the Wheaton City staff has recommended that the easement grant be approved.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Wheaton, Illinois, that the Stormwater Management Easement Grant for 809 N. Scott Street, prepared by Norbert V. Lambert, an Illinois professional land surveyor, dated November 29, 2011, is hereby approved.

IT IS FURTHER RESOLVED that the Mayor is authorized to sign the approval 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.

ADOPTED this 5th day of December, 2011.


Mayor

ATTEST:


City Clerk

Roll Call Vote:

Ayes:	Councilman Suess Councilwoman Ives Councilman Mouhelis Councilman Rutledge Mayor Gresk Councilwoman Pacino Sanguinetti Councilman Scalzo
Nays:	None
Absent:	None

Motion Carried Unanimously

EXHIBIT A

Legal Description:

809 N. Scott Street
Wheaton, IL 60187

LOT 11 IN A.W. GUILD'S ELMS ADDITION TO WHEATON, A SUBDIVISION OF BLOCK 2 AND PART OF BLOCK 1 IN DE WOLF AND TRACY'S ADDITION TO WHEATON, IN SECTION 16, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 14, 1924 AS DOCUMENT 181384 IN DUPAGE COUNTY, ILLINOIS.

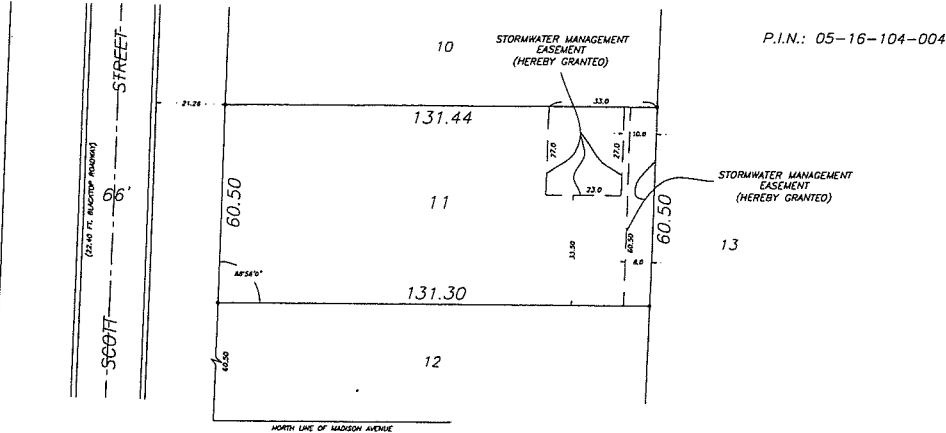
P.I.N. 05-16-104-001

STORMWATER MANAGEMENT EASEMENT GRANT

809 N. SCOTT STREET, WHEATON IL.

LEGAL DESCRIPTION:

OF LOT 11 IN A.W. GUILD'S ELMS ADDITION TO WHEATON, A SUBDIVISION OF BLOCK 2 AND PART OF BLOCK 1 IN DE WOLF AND TRACY'S ADDITION TO WHEATON, IN SECTION 16, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 14, 1924 AS DOCUMENT 181384 IN OUPAGE COUNTY, ILLINOIS.



STORMWATER MANAGEMENT EASEMENT PROVISIONS:

ALL EASEMENTS INDICATED AS STORMWATER MANAGEMENT EASEMENTS ARE RESERVED FOR AND GRANTED TO THE CITY OF WHEATON AND ITS SUCCESSORS 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 OR 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.

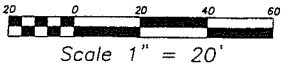
MAYOR AND CITY COUNCIL CERTIFICATE:

STATE OF ILLINOIS)
COUNTY OF OU PAGE) S.S.
APPROVED AND ACCEPTED THIS _____ DAY OF _____, A.O. 2011
BY THE MAYOR AND CITY COUNCIL OF THE CITY OF WHEATON, ILLINOIS.
BY: _____ MAYOR
ATTEST: _____ CLERK

COUNTY RECORDER'S CERTIFICATE:

STATE OF ILLINOIS)
COUNTY OF OU PAGE) S.S.
THIS INSTRUMENT NO. _____ WAS FILED FOR RECORD IN
THE RECORDER'S OFFICE OF _____ DU PAGE COUNTY, ILLINOIS, ON THE
DAY OF _____, A.O. 2011.

RECORDER OF DEEDS



SUBMITTED BY & RETURN TO:
CITY OF WHEATON
303 W. WESLEY STREET
WHEATON, IL 60187

OWNER'S CERTIFICATE:

STATE OF ILLINOIS)
COUNTY OF OUPAGE) SS
THIS IS TO CERTIFY THAT THE UNDERSIGNED DO HEREBY CERTIFY THAT THEY ARE THE TITLE HOLDER OF THE PROPERTY DESCRIBED HEREIN AND THAT THEY HAVE CAUSED THIS EASEMENT GRANT DOCUMENT TO BE PREPARED AS CONTAINED HEREIN FOR THE USES AND PURPOSES HEREIN SET FORTH AND DO HEREBY ACKNOWLEDGE AND GRANT SAID EASEMENT.
SIGN AND DATED AT _____
ON THIS _____ DAY OF _____, 2011.
(OWNER) (OWNER)

NOTARY PUBLIC:

STATE OF ILLINOIS)
COUNTY OF OUPAGE) SS
I, _____, A NOTARY PUBLIC IN AND FOR THE SAID COUNTY AND STATE AFORESAID, DO HEREBY CERTIFY THAT _____ AND _____ PERSONALLY KNOWN TO ME TO BE THE SAME PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE FOREGOING INSTRUMENT AS SUCH _____ AND _____ 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 THEREIN SET FORTH.
GIVEN UNDER MY HAND AND NOTARIAL SEAL THIS _____ DAY OF _____ IN THE YEAR 2011.
NOTARY PUBLIC COMMISSION EXPIRES _____

SURVEYOR'S CERTIFICATE:

STATE OF ILLINOIS)
COUNTY OF OUPAGE) SS
THIS IS TO CERTIFY THAT I, NORBERT V. LAMBERT AN ILLINOIS LAND SURVEYOR, HAVE PREPARED THE PLAT OF EASEMENT FOR THE PROPERTY DESCRIBED HEREON AND THAT THIS PLAT ACCURATELY DEPICTS SAID PROPERTY.
GIVEN UNDER MY HAND AND SEAL THIS _____ DAY OF _____, A.O., 2011.

NORBERT V. LAMBERT
ILLINOIS PROFESSIONAL LAND SURVEYOR No. 1863
MY LICENSE EXPIRES NOVEMBER 30, 2012



THIS PLAT OF SURVEY PREPARED FOR: BOB SCHLAF	THIS PLAT OF SURVEY PREPARED BY: LAMBERT & ASSOCIATES ILLINOIS LAND SURVEYORS NORBERT V. LAMBERT MICHAEL J. LAMBERT PHONE: (630) 833-8387 FAX: (630) 833-8386	DESIGN BY: BHL DATE: 10-27-11 FILE NO.: 11-0518-C HYDROGRAPHIC: 110615/110615.DWG	APPROVED BY: _____ ORDER NO. 11-7-33 DATE: _____ REVISION: _____ DATE: _____
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