

**RESOLUTION R-75-13**

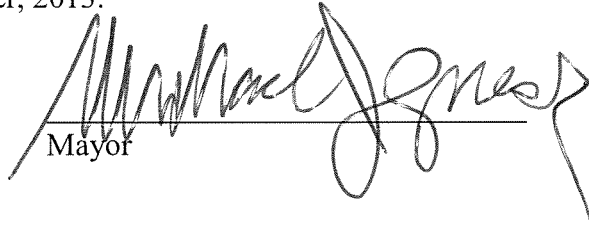
**A RESOLUTION APPROVING A  
PLAT OF EASEMENT GRANT FOR STORMWATER MANAGEMENT  
(315 West Franklin Street)**

**WHEREAS**, the owner of the property located at 315 West Franklin Street has presented a plat of easement grant for stormwater management 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.

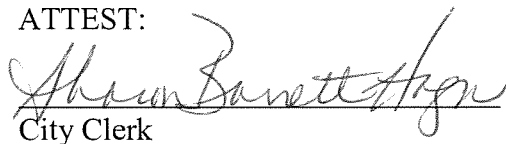
**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and City Council of the City of Wheaton, Illinois, that the Plat of Easement Grant for 315 West Franklin Street, prepared by David M. Riendeau, an Illinois professional land surveyor, dated September 24, 2013, is hereby approved.

**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 Plat of Easement Grant.

**ADOPTED** this 7<sup>th</sup> day of October, 2013.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk

Roll Call Vote

Ayes:	Councilman Sues
	Councilman Prendiville
	Councilman Rutledge
	Councilman Saline
	Mayor Gresk
	Councilman Scalzo
Nays:	None
Absent:	Councilwoman Pacino Sanguinetti

Motion Carried Unanimously

EXHIBIT A

Legal Description:

315 West Franklin Street  
Wheaton, IL 60187

THE EAST 57.5 FEET OF THE WEST 337.50 FEET OF THE SOUTH 132 FEET OF BLOCK 12 OF MALLORY'S ADDITION TO THE VILLAGE OF WHEATON, BEING A SUBDIVISION OF PART OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 2, 1875 AS DOCUMENT 20408, IN DUPAGE COUNTY, ILLINOIS.

PIN 05-16-115-011

# PLAT OF EASEMENT GRANT

SHEET 1 OF 1

PART OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN IN DUPAGE COUNTY, ILLINOIS

PARCEL INDEX NO.  
05-16-115-011

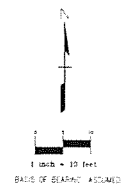
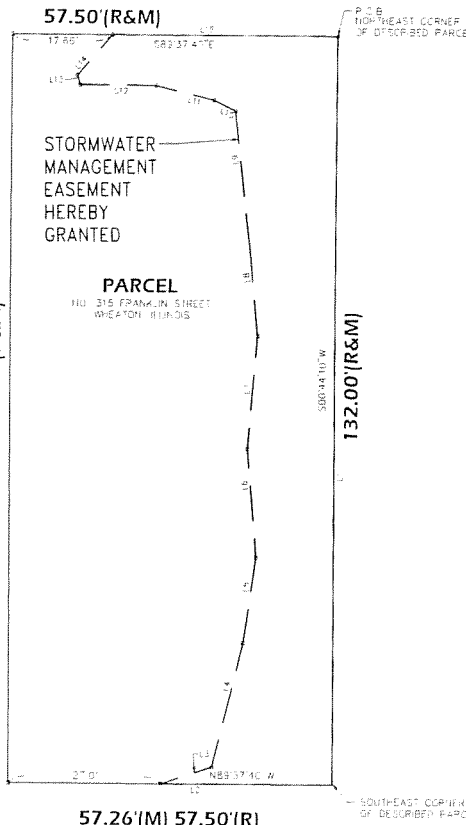
PREPARED BY: DAVID M. REUBEN  
CITY OF WHEATON  
301 W. WESLEY STREET  
WHEATON, ILLINOIS 60187

### LEGAL DESCRIPTION OF PARCEL

THE EAST 57.5 FEET OF THE WEST 137.50 FEET OF THE SOUTH 132 FEET OF BLOCK 12 OF MALLOY'S ADDITION TO THE VILLAGE OF WHEATON, BEING A SUBDIVISION OF PART OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT THEREOF RECORDED JULY 2, 1975 AS DOCUMENT 20408 IN DUPAGE COUNTY, ILLINOIS COMMONLY KNOWN AS 315 FRANKLIN STREET, WHEATON, ILLINOIS.

### LEGAL DESCRIPTION OF STORMWATER MANAGEMENT EASEMENT

BEGINNING AT THE NORTH-EAST CORNER OF SAID PARCEL THENCE S00°44'10"W 132.00 FEET ALONG THE EAST LINE OF SAID PARCEL TO THE SOUTH-EAST CORNER OF SAID PARCEL, THENCE N89°57'40"W 57.26 FEET ALONG THE SOUTH LINE OF SAID PARCEL THENCE N70°08'31"E 9.57 FEET THENCE N14°38'48"E 22.60 FEET THENCE N08°43'11"E 15.22 FEET THENCE N04°05'19"W 19.21 FEET, THENCE N05°22'57"W 15.95 FEET THENCE N04°38'31"W 9.84 FEET THENCE N02°38'44"W 23.83 FEET THENCE N05°16'58"W 4.33 FEET THENCE N76°00'07"W 10.76 FEET, THENCE S1°11'31"E 89.22°07"W 13.45 FEET THENCE N1°41'50"W 1.77 FEET THENCE N1°07'19"E 9.44 FEET THENCE S89°37'40"E 39.04 FEET TO THE POINT OF BEGINNING WITH AN AREA OF 2375.21 SQUARE FEET, BEING THE LOT 13 OF WHEATON, DUPAGE COUNTY, ILLINOIS.



LINE	LENGTH	DIRECTION
1	132.00	S00°44'10"W
2	23.25	N89°37'40"E
3	9.57	N72°08'31"E
4	22.60	N14°38'48"E
5	15.22	N08°43'11"E
6	19.21	N04°05'19"W
7	15.95	N05°22'57"W
8	9.84	N04°38'31"W
9	23.83	N02°38'44"W
10	4.33	N05°16'58"W
11	10.76	N76°00'07"W
12	13.45	N1°41'50"W
13	1.77	N1°07'19"E
14	9.44	N1°07'19"E
15	39.04	S89°37'40"E

FRANKLIN STREET

**STORMWATER MANAGEMENT EASEMENT PROVISIONS**  
THE EASEMENT INDICATED AS A STORMWATER MANAGEMENT EASEMENT IS RESERVED FOR AND GRANTED TO THE CITY OF WHEATON ON A NON-EXCLUSIVE BASIS TO BUILDINGS SHALL BE PLACED ON SAID EASEMENT BUT THE SAME MAY BE USED FOR OTHER PURPOSES THAT DO NOT ADVERSELY AFFECT THE STORAGE, FLOW OF STORMWATER EACH OWNER OR SUBSEQUENT PURCHASER SHALL BE EQUALLY RESPONSIBLE FOR MAINTAINING SAID STORMWATER MANAGEMENT EASEMENT 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 STORMWATER MANAGEMENT EASEMENT THE CITY OF WHEATON SHALL UPON WRITTEN (30) DAYS WRITTEN NOTICE TO THE OWNER OUTLINED THE NATURE AND DEFECT OF THE OWNER'S DEFAULT AND THAT THE OWNER SHALL NOT HAVE CURED SAID DEFAULT SHALL RESERVE THE RIGHT TO PERFORM OR HAVE PERFORMED ON ITS BEHALF ANY MAINTENANCE WORK UPON THE EASEMENT AREA REASONABLY NECESSARY TO GUARD AGAINST STORMWATER STORAGE AND FLOW OF WATER OVERFLOW (OVERS) AND SURF MAINTENANCE 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 RELEASE CERTIFICATES OF ALL SUBCONTRACTORS AVOIDING ON THE EASEMENT PREMISES OF INFRINGING 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 ITS BEHALF ANY MAINTENANCE WORK TO OR UPON ANY SUCH EASEMENT AREA THE COST TOGETHER WITH AN ADDITIONAL SUM OF TEN(10) PERCENT OF SAID COST SHALL BE ASSIGNED TO THE OWNER OF ITS SUCCESSORS AND ASSIGNS 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.

**OWNERS CERTIFICATE**  
STATE OF ILLINOIS SS  
COUNTY OF DUPAGE SS  
THIS IS TO CERTIFY THAT IS AUTHORIZED TO DO BUSINESS IN ILLINOIS AS OWNER OF THE PROPERTY DESCRIBED IN THE ABOVE PLAT THAT HAS CAUSED THE SAME TO BE PLATTED AS INDICATED HEREIN FOR THE USES AND PURPOSES THEREIN SET FORTH AND DEED HEREBY AUTHORIZED AND ADOPT THE SAME UNDER THE STYLE AND TITLE THEREIN INDICATED.  
DATED AT CHICAGO, ILLINOIS, THIS 24th DAY OF SEPTEMBER, 2013.  
BY: \_\_\_\_\_  
TITLE: \_\_\_\_\_  
NOTARY CERTIFICATE  
STATE OF ILLINOIS SS  
COUNTY OF DUPAGE SS  
FOR SAID COUNTY IN THE STATE OF ILLINOIS AND I HEREBY CERTIFY THAT I KNOW TO BE THE SAID PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE FOREGOING INSTRUMENT APPEARED BEFORE ME THIS DAY IN PERSON AND KNOWLEDGE THAT THEY SIGNED AND DELIVERED SAID INSTRUMENT AT THEIR OWN FREE AND VOLUNTARY ACT FOR THE USES AND PURPOSES THEREIN SET FORTH GIVEN UNDER MY HAND AND NOTARIAL SEAL.  
THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013.  
GIVEN UNDER MY HAND AND NOTARIAL SEAL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013.  
NOTARY PUBLIC  
MY COMMISSION EXPIRES \_\_\_\_\_

**MAYOR AND CITY COUNCIL CERTIFICATE**  
STATE OF ILLINOIS SS  
COUNTY OF DUPAGE SS  
I, \_\_\_\_\_ MAYOR AND CITY COUNCIL OF THE CITY OF WHEATON, COUNTY OF DUPAGE, STATE OF ILLINOIS HEREBY CERTIFY THAT THE SAID COUNCIL HAS DULY APPROVED THIS PLAT OF EASEMENT GRANT ATTACHED HEREBY BY RESOLUTION NO. \_\_\_\_\_ DULY AUTHORIZED AS PASTED.  
THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013.  
WATER \_\_\_\_\_  
ATTEST:  
COUNTY RECORDER'S CERTIFICATE  
STATE OF ILLINOIS SS  
COUNTY OF DUPAGE SS  
THIS INSTRUMENT NO. \_\_\_\_\_ WAS FILED FOR RECORD IN THE RECORDER'S OFFICE OF DUPAGE COUNTY, ILLINOIS THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013 AT \_\_\_\_\_ O'CLOCK \_\_\_\_\_ M.  
COUNTY RECORDER \_\_\_\_\_  
SURVEYOR'S CERTIFICATE  
STATE OF ILLINOIS SS  
COUNTY OF DUPAGE SS  
THIS IS TO CERTIFY THAT DAVID M. REUBEN, A REGISTERED PROFESSIONAL LAND SURVEYOR HAS PREPARED THE ABOVE PLAT FOR THE PURPOSES OF GRANTING AN EASEMENT.  
WEST CHICAGO, ILLINOIS, SEPTEMBER 24, 2013.

**GREENSCAPE HOMES, LLC**  
4355 WEAVER PARKWAY  
WARRENVILLE, IL 60555

DATE: 09/23/2013 FILE NAME: 315 FRANKLIN ST EASEMENT PLATTING

DAVID M. REUBEN  
Professional Land Surveyor No. 031-021810  
My License Expires November 30, 2014

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