

RESOLUTION R-10-14

**A RESOLUTION APPROVING A
PLAT OF EASEMENT GRANT AND ABROGATION
FOR MARION PARK APARTMENTS
(2134 West Roosevelt Road)**

WHEREAS, the owner of the property located at 2134 West Roosevelt Road has presented a plat of easement grant and abrogation 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 and Abrogation for Marion Park Apartments, prepared by Peter A. Blaeser, an Illinois professional land surveyor, dated February 6, 2014, is hereby approved.

IT IS FURTHER RESOLVED that the Mayor is authorized to sign the approval form and the City Clerk is 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 3rd day of March, 2014.



Mayor

ATTEST:



City Clerk

Roll Call Vote

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

Motion Carried Unanimously

EXHIBIT A

Legal Description:

Marion Park Apartments
2134 West Roosevelt Road
Wheaton, IL 60187

Lot 1 in Marion Park Assessment Plat of part of Tracts B and C in the partition of plat of the estate of Edward N. Hurley, in the Northeast Quarter of Section 19, Township 39 North, Range 10 East of the Third Principal Meridian according to said Marion Park Assessment Plat Recorded September 24, 1973 as Document R1973-060791, excepting there from that part taken for Highway Purposes, in DuPage County, Illinois.

P.I.N.: 05-19-201-003

MARIAN PARK APARTMENTS

BEING PART OF
LOT 1 IN MARION PARK ASSESSMENT PLAT OF PARTS OF TRACTS B AND C IN THE PARTITION OF PLAT
OF THE ESTATE OF EDWARD N. HURLEY, IN THE NORTHEAST QUARTER OF SECTION 19, TOWNSHIP 39
NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO SAID MARIAN PARK
ASSESSMENT PLAT RECORDED SEPTEMBER 24, 1973 AS DOCUMENT R1973-060791, EXCEPTING
THEREFROM THAT PART TAKEN FOR HIGHWAY PURPOSES, IN DUPAGE COUNTY, ILLINOIS

PARCEL INDEX NUMBER
05-18-201-003
2134 W. ROOSEVELT ROAD
WHEATON, ILLINOIS 60187

THIS PLAT WAS SUBMITTED TO THE COUNTY
RECORDER FOR THE PURPOSES OF RECORDING BY:

PREPARED BY:

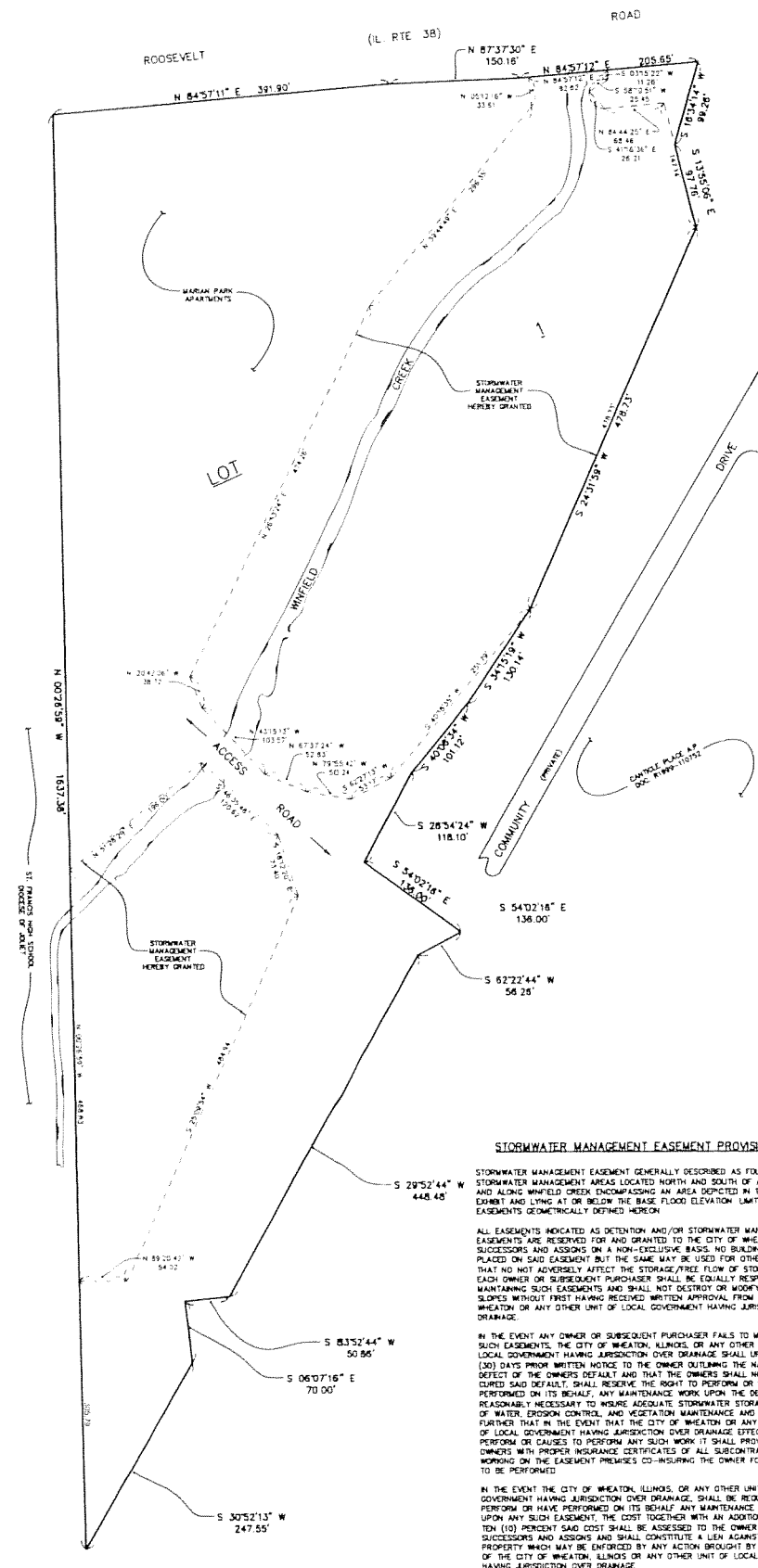
TAXPAYER:

DATE:

STATE:

COUNTY:

SCALE: 1" = 60'



LEGEND

- BOUNDARY LINE (EXCEPT 3/4\"/>

OWNER'S CERTIFICATE

STATE OF ILLINOIS) SS
COUNTY OF DUPAGE)

THIS IS TO CERTIFY THAT MARIAN PARK, INC. IS THE OWNER OF THE PROPERTY DESCRIBED HEREON AND HAS CAUSED THE SAME TO BE PLATED AS INDICATED FOR THE USES AND PURPOSES HEREIN SET FORTH.

DATED AT WHEATON, DUPAGE COUNTY, ILLINOIS, THIS 11 DAY OF February, 2014.

BY: [Signature] TITLE: President

NOTARY PUBLIC CERTIFICATE

STATE OF ILLINOIS) SS
COUNTY OF DUPAGE)

I, [Notary Name], A NOTARY PUBLIC IN AND FOR SAID COUNTY, IN THE STATE AFORESAID, DO HEREBY CERTIFY THAT [Owner Name] IS PERSONALLY KNOWN TO ME TO BE THE SAME PERSON, WHOSE NAME SUBSCRIBED TO THE FOREGOING INSTRUMENT, AS OWNER, APPEARED BEFORE ME THIS DAY IN PERSON AND ACKNOWLEDGED THAT HE SIGNED AND DELIVERED THE SAID INSTRUMENT AS HIS OWN FREE AND VOLUNTARY ACT, FOR THE USES AND PURPOSES THEREIN SET FORTH.

GIVEN UNDER MY HAND AND NOTARIAL SEAL THIS 11 DAY OF February, A.D. 2014.

NOTARY PUBLIC
MY COMMISSION EXPIRES _____

CITY COUNCIL CERTIFICATE

STATE OF ILLINOIS) SS
COUNTY OF DUPAGE)

THE ATTACHED PLAT OF EASEMENT GRANT AND ABROGATION WAS APPROVED AND ACCEPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF WHEATON, DUPAGE COUNTY, ILLINOIS, THIS _____ DAY OF _____, 2014.

ATTEST CITY CLERK _____ MAYOR, CITY OF WHEATON

DUPAGE COUNTY RECORDER'S CERTIFICATE

STATE OF ILLINOIS) SS
COUNTY OF DU PAGE)

THIS INSTRUMENT _____ WAS FILED FOR RECORD IN THE RECORDER'S OFFICE OF DUPAGE COUNTY, ILLINOIS, ON THE _____ DAY OF _____, A.D. 2014 AT _____ O'CLOCK _____ M. AND WAS RECORDED IN BOOK _____ OF PLATS ON PAGE _____.

RECORDER OF DEEDS

SURVEYOR'S CERTIFICATE

STATE OF ILLINOIS) SS
COUNTY OF DU PAGE)

THIS IS TO CERTIFY THAT I, PETER A. BLUESER, AN ILLINOIS PROFESSIONAL LAND SURVEYOR, HAVE PREPARED THIS PLAT FOR THE PROPERTY DESCRIBED HEREON BEARING'S SHOWN HEREON BASED ON THE WEST LINE OF LOT 1 BEING N 00°26' 59\"/>

GIVEN UNDER MY HAND AND SEAL THIS 11 DAY OF February, A.D. 2014.

[Signature]
ILLINOIS PROFESSIONAL LAND SURVEYOR
MY REGISTRATION EXPIRES ON NOVEMBER 30, 2015
PROFESSIONAL DESIGN FIRM LICENSE NUMBER _____
EXPIRES APRIL 30, 2015

STORMWATER MANAGEMENT EASEMENT PROVISIONS

STORMWATER MANAGEMENT EASEMENT GENERALLY DESCRIBED AS FOLLOWS: TWO STORMWATER MANAGEMENT AREAS LOCATED NORTH AND SOUTH OF ACCESS ROAD AND ALONG WINFIELD CREEK ENCOMPASSING AN AREA DEPICTED IN THE ABOVE EXHIBIT AND LYING AT OR BELOW THE BASE FLOOD ELEVATION LIMITS OF EASEMENTS GEOMETRICALLY DEFINED HEREON.

ALL EASEMENTS INDICATED AS DETENTION AND/OR STORMWATER MANAGEMENT EASEMENTS ARE RESERVED FOR AND GRANTED TO THE CITY OF WHEATON AND ITS SUCCESSORS AND ASSIGNS 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 EASEMENTS AND SHALL NOT DESTROY OR MODIFY GRADES OR SLOPES WITHOUT FIRST HAVING RECEIVED WRITTEN APPROVAL FROM THE CITY OF WHEATON OR ANY OTHER UNIT OF LOCAL GOVERNMENT HAVING JURISDICTION OVER DRAINAGE.

IN THE EVENT ANY OWNER OR SUBSEQUENT PURCHASER FAILS TO MAINTAIN ANY SUCH EASEMENTS, THE CITY OF WHEATON, ILLINOIS, OR ANY OTHER UNIT OF LOCAL GOVERNMENT HAVING JURISDICTION OVER DRAINAGE, SHALL UPON THIRTY (30) DAYS PRIOR WRITTEN NOTICE TO THE OWNER OUTLINING THE NATURE AND OBJECT OF THE OWNERS DEFAULT AND THAT THE OWNERS SHALL NOT HAVE CURED SAID DEFAULT, SHALL RESERVE THE RIGHT TO PERFORM OR HAVE PERFORMED ON ITS BEHALF, ANY MAINTENANCE WORK UPON THE DETENTION AREA REASONABLY NECESSARY TO INSURE ADEQUATE STORMWATER STORAGE/FREE FLOW OF WATER, EROSION CONTROL, AND VEGETATION MAINTENANCE AND PROVIDED FURTHER THAT IN THE EVENT THAT THE CITY OF WHEATON OR ANY OTHER UNIT OF LOCAL GOVERNMENT HAVING JURISDICTION OVER DRAINAGE EFFECTS 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, OR ANY OTHER UNIT OF LOCAL GOVERNMENT HAVING JURISDICTION OVER DRAINAGE, SHALL BE REQUIRED TO PERFORM OR HAVE PERFORMED ON ITS BEHALF ANY MAINTENANCE WORK TO OR UPON ANY SUCH EASEMENT, THE COST TOGETHER WITH AN ADDITIONAL SUM OF TEN (10) PERCENT SAID COST SHALL BE ASSESSED TO THE OWNER OR 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, ILLINOIS OR ANY OTHER UNIT OF LOCAL GOVERNMENT HAVING JURISDICTION OVER DRAINAGE.

PREPARED FOR:
MARIAN PARK, INC.
26W171 ROOSEVELT ROAD
WHEATON, IL 60187

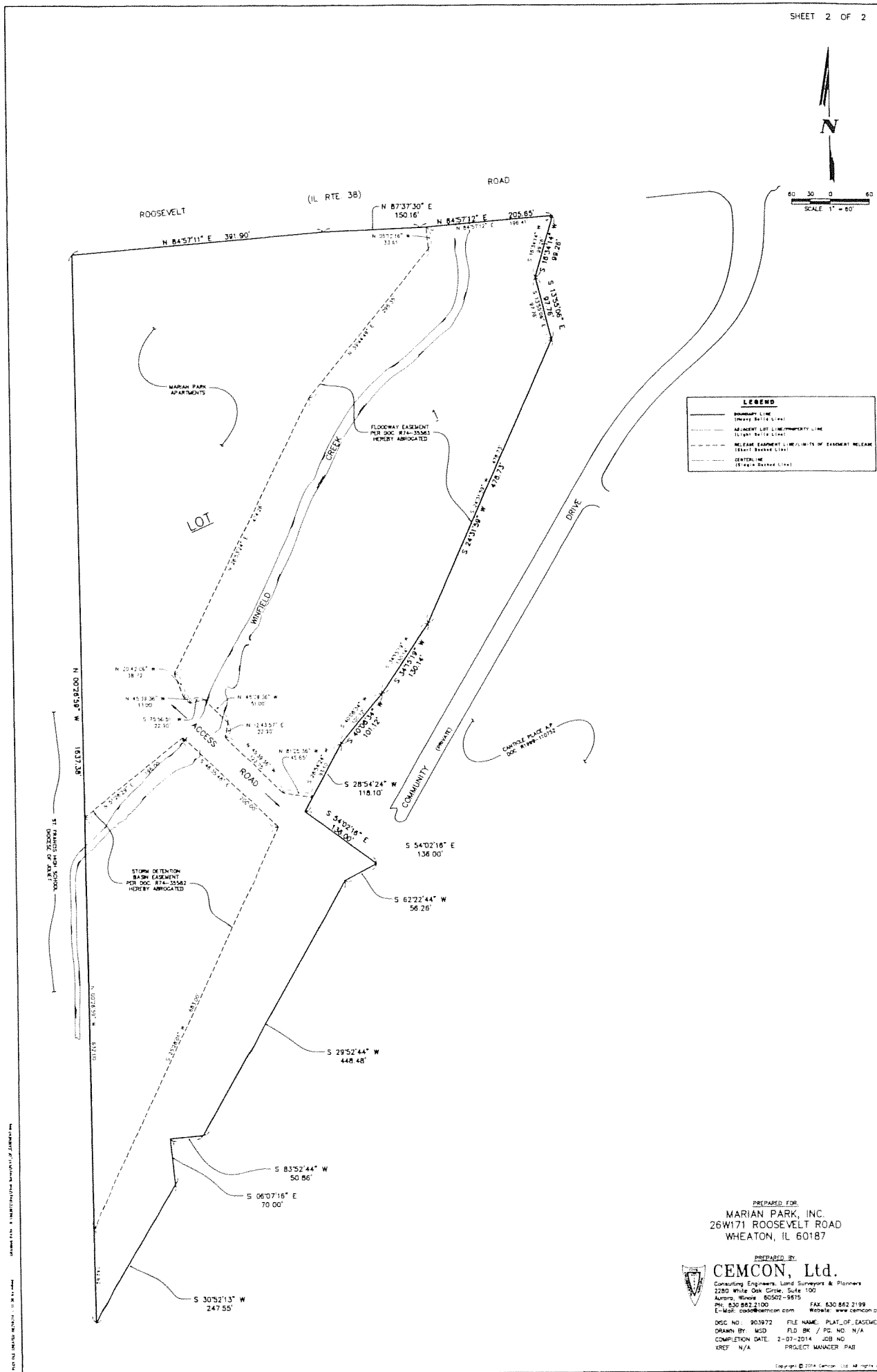
PREPARED BY:
CEMCON, Ltd.
Consulting Engineers, Land Surveyors & Planners
2280 White Oak Circle, Suite 100
Aurora, Illinois 60502-9675
Ph: 830.882.2100 Fax: 830.882.2199
E-Mail: cadd@cemcon.com Web: www.cemcon.com

DWG NO: 903972 FILE NAME: PLAT OF EASEMENT
DRAWN BY: ASD FILE BK: / PG NO: N/A
COMPLETION DATE: 2-07-2014 JOB NO:
KREF: N/A PROJECT MANAGER: PAB

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SCALE 1" = 80'



LEGEND	
—	BOUNDARY LINE (Heavy Solid Line)
- - - -	ADJACENT LOT OR INTEREST LINE (Light Solid Line)
- · - · -	RELEASE EASEMENT (LIMITS OF EASEMENT RELEASE) (Short Dashed Line)
- · - · -	CENTERLINE (Single Dashed Line)

PREPARED FOR
MARIAN PARK, INC.
 26W171 ROOSEVELT ROAD
 WHEATON, IL 60187

PREPARED BY
CEMCON, Ltd.
 Consulting Engineers, Land Surveyors & Planners
 2230 White Oak Circle, Suite 100
 Aurora, Illinois 60502-9815
 PH: 630.862.2100 FAX: 630.862.2199
 E-Mail: cemo@cemcon.com Website: www.cemcon.com

DISC NO: 903972 FILE NAME: PLAT_OF_EASEMENT
 DRAWN BY: MSD FLD BK / PG. NO. N/A
 COMPLETION DATE: 2-07-2014 JOB NO.
 XREF: N/A PROJECT MANAGER: PAB