

RESOLUTION R-38-14

**A RESOLUTION APPROVING A
GRANT OF EASEMENT
(1003 South Gables Boulevard)**

WHEREAS, the owner of the property located at 1003 South Gables Boulevard has presented a grant of easement for a public storm sewer 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 Grant of Easement for Public Storm Sewer at 1003 South Gables Boulevard 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 Grant of Easement.

ADOPTED this 16th day of June, 2014.



Mayor

ATTEST:



City Clerk

Roll Call Vote

Ayes:	Councilman Prediville Councilman Rutledge Councilman Saline Mayor Pro Tem Sues Councilwoman Pacino Sanguinetti Councilman Scalzo
Nays:	None
Absent:	Mayor Gresk

Motion Carried Unanimously

EXHIBIT A

Legal Description:

1003 South Gables Boulevard
Wheaton, IL 60189

LOT 43 IN BLOCK 4 IN WHEATON GABLES, BEING A SUBDIVISION IN SECTION 20,
TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN,
ACCORDING TO THE PLAT THEREOF RECORDED MAY 7, 1924 AS DOCUMENT
177386, IN DUPAGE COUNTY, ILLINOIS.

P.I.N.: 05-20-109-014

GRANT OF EASEMENT

THIS INDENTURE WITNESSETH:

WHEREAS, THE CITY OF WHEATON, AN ILLINOIS MUNICIPAL CORPORATION, HEREINAFTER REFERRED TO AS GRANTEE, HAS ACCEPTED A PUBLIC STORM SEWER, HEREINAFTER CALLED "PUBLIC IMPROVEMENT", WITH ALL NECESSARY APPURTENANCES THERETO, THROUGH AND ACROSS LANDS LYING AND BEING IN TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, DU PAGE COUNTY, ILLINOIS, INCLUDING THE HEREINAFTER DESCRIBED LANDS OF THE GRANTOR, AND:

WHEREAS, ANTONIE NICOLAS AS MANAGING PARTNER OF MODEL 51 LLC, OF ST. CHARLES, IL, KANE COUNTY, ILLINOIS, HEREINAFTER REFERRED TO AS GRANTOR, IS THE OWNER SUBJECT TO DIVERSE MATTERS OF RECORD, OF THE REAL ESTATE HEREINAFTER DESCRIBED AS "TRACT A" AND IS WILLING TO GRANT THE EASEMENT OVER, UPON, ALONG, UNDER, AND THROUGH WITH REFERENCE TO SAID REAL ESTATE FOR THE PURPOSES HEREIN SPECIFIED:

NOW THEREFORE, IN CONSIDERATION OF (\$10.00) TEN DOLLARS AND IN CONSIDERATION OF THE SPECIAL BENEFITS TO BE DERIVED BY THE GRANTOR THROUGH THE ACCEPTANCE AND MAINTENANCE OF SAID PUBLIC IMPROVEMENT, AND OTHER GOOD AND VALUABLE CONSIDERATION, THE RECEIPT AND SUFFICIENCY OF ALL OF WHICH CONSIDERATIONS ARE HEREBY ACKNOWLEDGED BY THE GRANTOR, AND IN FURTHER CONSIDERATION OF THE MUTUAL COVENANTS AND AGREEMENTS HEREIN CONTAINED, THE SAID GRANTOR DOES HEREBY AND IN ACCORDANCE WITH THE TERMS AND PROVISIONS HEREOF GRANT, GIVE, CONVEY, AND WARRANT TO SAID GRANTEE, ITS SUCCESSORS, AND ASSIGNS, THE PERPETUAL EASEMENT, PRIVILEGE, RIGHT AND AUTHORITY TO RECONSTRUCT, REPAIR, INSPECT, MAINTAIN AND OPERATE SAID PUBLIC IMPROVEMENT, INCLUDING ANY AND ALL SUCH NECESSARY MANHOLES, CATCHBASINS, CONNECTIONS, APPLIANCES, AND OTHER STRUCTURES AND APPURTENANCES AS MAY BE DEEMED NECESSARY BY SAID GRANTEE, OVER, UPON, ALONG AND THROUGH THE TRACT OF LAND HEREINAFTER PARTICULAR DESCRIBED AS, AND UNDER THE CAPTION OF, "TRACT B"; HEREBY RELEASING AND WAIVING ALL RIGHTS UNDER AND BY VIRTUE OF THE HOMESTEAD EXEMPTION LAWS OF THE STATE OF ILLINOIS IN AND TO SAID TRACT B.

TRACT A

LOT 43 IN BLOCK 4 IN WHEATON GABLES, BEING A SUBDIVISION IN SECTION 20, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 7, 1924 AS DOCUMENT 177386, IN DUPAGE COUNTY, ILLINOIS.

COMMONLY KNOWN AS 1003 S GABLES, WHEATON, IL 60189
05-20-109-014

SAID TRACT B IS PARTICULARLY DESCRIBED AS FOLLOWS:

THAT PORTION OF SAID TRACT A WHICH IS CONTAINED WITHIN THE A STRIP OF LAND CROSSING SAID TRACT A BEING A TOTAL WIDTH OF FIVE (5') FEET; SAID STRIP BEING PARTICULARLY DESCRIBED AS FOLLOWS, TO WIT:

THE SOUTH 5' OF TRACT A.

ALL OF SAID LANDS BEING SITUATED IN THE CITY OF WHEATON, DU PAGE COUNTY, ILLINOIS.

IT IS COVENANTED AND AGREED BETWEEN THE GRANTOR AND GRANTEE AS FOLLOWS:

1. THE GRANTOR SHALL HAVE AND RETAIN ALL RIGHTS TO THE USE AND OCCUPATION OF SAID REAL ESTATE, EXCEPT AS HEREIN EXPRESSLY GRANTED AND PROVIDED AND SUCH USE AND OCCUPATION BY THE GRANTOR SHALL NOT BE UNNECESSARILY INTERFERE WITH ANY MAINTENANCE OR RECONSTRUCTION WORK PERFORMED UNDER THIS GRANT AS SHALL BE DEEMED NECESSARY BY THE GRANTEE IN THE PROCESS OF MAINTENANCE OR RECONSTRUCTION OF THE PUBLIC IMPROVEMENT.

2. THE GRANTEE BY ACCEPTANCE OF THIS GRANT OF EASEMENT EXPRESSLY AGREES TO MAKE ALL REASONABLE EFFORTS TO RESTORE TRACT A AFTER MAINTENANCE OF THE PUBLIC IMPROVEMENT TO THE CONDITION IN WHICH IT WAS PRIOR TO THE ENTRY THEREON BY THE GRANTEE INCLUDING, BUT NOT LIMITED, TO THE RE-SEEDING OF LAWNS AND THE PLANTING OR TRANSPLANTING OF SHRUBBERY.

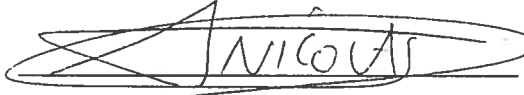
3. THE GRANTOR COVENANTS AND AGREES THAT THE GRANTOR WILL NOT IN ANY MANNER DISTURB, DAMAGE DESTROY, INJURE OR OBSTRUCT SAID PUBLIC IMPROVEMENT OR ANY PART OF THE APPURTENANCES THERETO AND WILL NOT INTERFERE WITH THE GRANTEE, ITS CONTRACTORS OR SUBCONTRACTORS OR WITH THE

AGENTS OR EMPLOYEES, IN THE EXERCISE OF ANY OF THE RIGHTS ,
PRIVILEGES, OR AUTHORITIES HEREBY GIVEN AND GRANTED.

4. THE GRANTEE SHALL SIGNIFY ITS ACCEPTANCE OF THIS GRANT AND
EASEMENT BY RESOLUTION AND RECORDING OF SAME IN THE OFFICE OF THE
DU PAGE COUNTY RECORDER OF DEEDS

5. THIS INDENTURE AND THE COVENANTS AND AGREEMENTS HEREIN
CONTAINED SHALL RUN WITH THE LAND AND SHALL BE BINDING UPON THE
GRANTEES, LESSEES, SUCCESSORS, HEIRS, DEVISEE AND ASSIGNS, AND
ANY, EITHER OR ALL OF THE SAME, OF THE PARTIES HERETO AND SHALL BE
IN FULL FORCE AND EFFECT WHEN ACCEPTED BY THE GRANTEE IN THE
MANNER HEREIN PROVIDED.

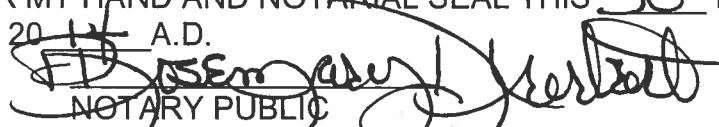
IN WITNESS HEREOF, THE GRANTOR, ANTOINIE NICOLAS AS MANAGING
PARTNER OF MODEL 51 LLC, OF ST CHARLES, ILLINOIS DOES HEREON SET
THEIR HAND AND SEAL THIS 30TH DAY OF MAY, 2014 A.D.

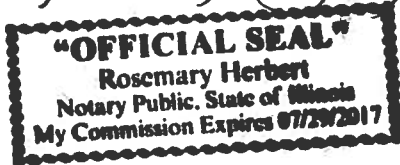
 GRANTOR

STATE OF ILLINOIS)
SS
COUNTY OF DU PAGE)

I, _____, A NOTARY PUBLIC IN AND FOR SAID COUNTY,
IN THE STATE AFORESAID, DO HEREBY CERTIFY THAT ANTOINIE NICOLAS,
PERSONALLY KNOWN TO ME TO BE THE SAME PERSON WHOSE NAME
SUBSCRIBED THE FOREGOING INSTRUMENT, APPEARED BEFORE ME THIS
DAY IN PERSON AND ACKNOWLEDGED THAT HE SIGNED, SEALED, AND
DELIVERED SAID INSTRUMENT AS HIS FREE AND VOLUNTARY ACT FOR THE
USES AND PURPOSES THEREIN SET FORTH, INCLUDING THE RELEASE AND
WAIVER OF THE RIGHT OF HOMESTEAD MENTIONED IN SAID INSTRUMENT.
GIVEN UNDER MY HAND AND NOTARIAL SEAL THIS 30 DAY OF

May, 2014 A.D.


NOTARY PUBLIC

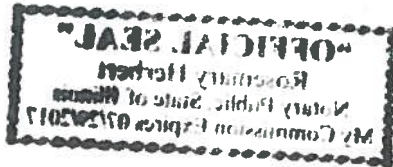


STATE OF ILLINOIS)
SS
COUNTY OF DU PAGE)

APPROVED AND ACCEPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY
OF WHEATON AT IT'S REGULARLY SCHEDULED MEETING ON THE 16th DAY
OF June, 2014 A.D.


BY: MAYOR


ATTEST: CITY CLERK



KNOW ALL MEN BY THESE PRESENTS, That the Grantor, GENEVIEVE GROGAN, a Spinster, of the City of Chicago, Illinois, for and in consideration of One Dollars and other good and valuable consideration in hand paid by the City of Wheaton, Illinois, a municipal corporation, receipt of which is hereby acknowledged, and of the covenants to be kept and performed by the Grantee herein, does hereby GRANT and GIVE to the said City of Wheaton, Illinois, its successors and assigns, hereinafter referred to as the Grantee, the right to lay, maintain and operate an 8" Storm Sewer Drain, with the necessary appurtenances for the carrying and draining existing curb inlet on Galbes Boulevard, North of Aurora Way, in the City of Wheaton, Illinois, with the right of access to the same for maintenance, repair and operation thereof, in, upon and across Lot 43 in Block 4, Wheaton Gables

Said Storm Sewer is to be located within ten (10) feet of the South lot line of ^{said} Lot 43 and parallel thereto, under the following terms and conditions:

Grantee shall bury said storm sewer, together with all fittings, and other appurtenances, a reasonable depth below the surface of the soil.

Grantee shall also pay reasonable damages for all injury caused to crops, real and/or personal property upon said premises in the building, constructing, installing and maintaining of said storm sewer.

Grantee herein agrees to replace in a good and workmanlike manner and with substantial supports, all tile cut in the construction, operation and maintenance of said storm sewer; and to replace or repair any existing roadway crossings over the said storm sewer.

IN WITNESS WHEREOF, the Grantor has hereunto set

her hand and seal this 24 day of November A.D., 1950.

Genevieve Grogan

STATE OF ILLINOIS }
COUNTY OF DUPAGE }

I, Grace M. Helton, a Notary Public, in and for said county and state, do hereby certify that GENEVIEVE GROGAN, a spinster, personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that she signed, sealed and delivered said instrument as her free and voluntary act for the uses and purposes therein set forth.

GIVEN under my hand and notarial seal this 24 day of November A.D., 1950.

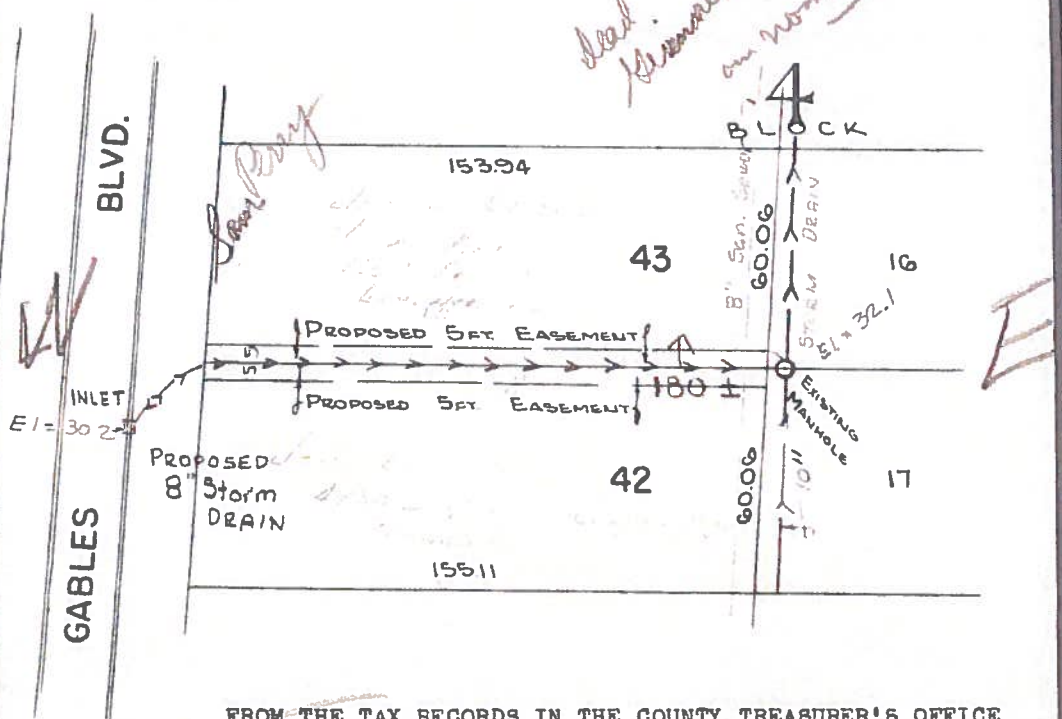
Grace M. Helton
Notary Public

CITY OF WHEATON, ILL.

PLAT SHOWING PROPOSED EASEMENTS TO BE ACQUIRED FOR THE PURPOSE OF INSTALLING AN 8" STORM SEWER TO DRAIN EXISTING CURB INLET ON GABLES BOULEVARD, NORTH OF AURORA WAY.

BY HAROLD F. STEINBRECHER
REGISTERED PROFESSIONAL ENGINEER NO. 4929
WHEATON, ILLINOIS.

SCALE 40 FEET TO ONE INCH.



FROM THE TAX RECORDS IN THE COUNTY TREASURER'S OFFICE

LOT 43 BLOCK 4 WHEATON GABLES

Last Taxes were paid by JULIAN RHODES
care of Sam Perry, 123 W. Front St. Wheaton.

LOT 42 BLOCK 4 WHEATON GABLES

Last Taxes were paid by JOHN KEMPSTEN
4938 West Quincy St. (as rental agent)
Chicago, Ill.

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