

RESOLUTION R-50-15

**A RESOLUTION APPROVING A
PLAT OF STORMWATER MANAGEMENT EASEMENT GRANT
(807 Howard Street)**

WHEREAS, the owner of the property located at 807 Howard 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 Stormwater Management Easement Grant for 807 Howard Street, prepared by Richard J. Steinbrecher, an Illinois professional land surveyor, dated June 5, 2015, 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 3rd day of August, 2015.



Mayor

ATTEST:



City Clerk

| | |
|---------|--|
| | <u>Roll Call Vote</u> |
| Ayes: | Councilman Suess Councilwoman Fitch Councilman Prendiville Councilman Rutledge Mayor Gresk Councilman Saline Councilman Scalzo |
| Nays: | None |
| Absent: | None |

Motion Carried Unanimously

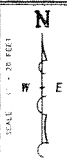
EXHIBIT A

Legal Description:

807 Howard Street
Wheaton, IL 60189

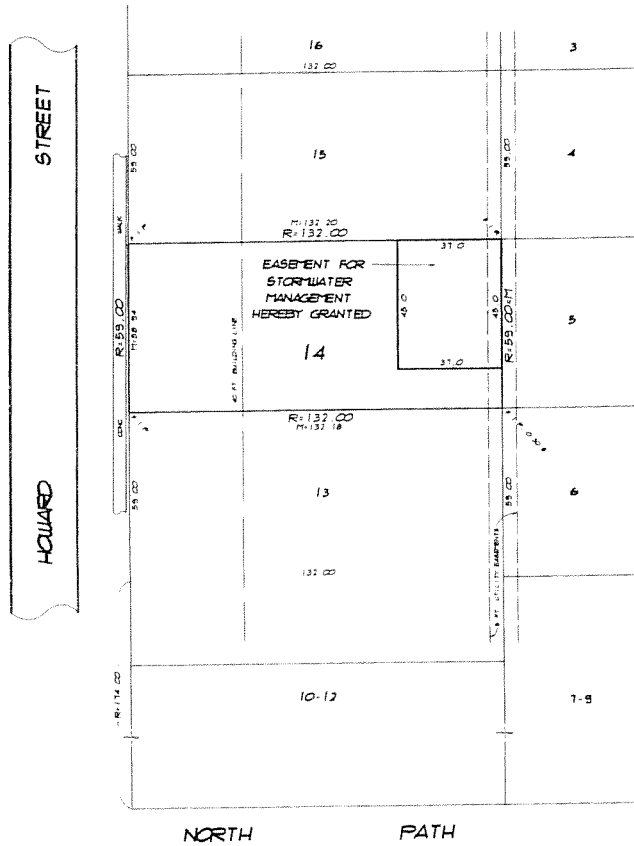
LOT 14 IN BLOCK 2 IN ARTHUR T. MCINTOSH AND COMPANY'S SUBDIVISION OF THE NORTH 600 FEET OF LOT 1 IN COUNTY CLERK'S ASSESSMENT DIVISION OF THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 16, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID ARTHUR T MCINTOSH AND COMPANY'S SUBDIVISION RECORDED SEPTEMBER 13, 1923 AS DOCUMENT 169520, IN DUPAGE COUNTY, ILLINOIS.

P.I.N.: 05-16-210-005



PLAT OF EASEMENT GRANT FOR STORMWATER MANAGEMENT

OVER A PART OF LOT 14 IN BLOCK 2 IN ARTHUR T. TEINTOSH AND COMPANY'S SUBDIVISION OF THE NORTH AND WEST OF LOT 1 IN COUNTY CLERK'S ASSESSMENT DIVISION OF THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 16, TOWNSHIP 33 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID ARTHUR T. TEINTOSH AND COMPANY'S SUBDIVISION RECORDED SEPTEMBER 13, 1923 AS DOCUMENT 168500 IN DU PAGE COUNTY, ILLINOIS.
P. I. N. 00-14-210-008



COUNTY RECORDER'S CERTIFICATE
STATE OF ILLINOIS)
COUNTY OF DU PAGE) S S
THIS INSTRUMENT NO. _____ HAS FILED FOR RECORD IN THE RECORDER'S OFFICE OF DU PAGE COUNTY, ILLINOIS, THIS _____ DAY OF _____, 2015, AT _____ O'CLOCK _____.

MAYOR AND CITY COUNCIL CERTIFICATE
STATE OF ILLINOIS)
COUNTY OF DU PAGE) S S
MAYOR AND CITY COUNCIL OF THE CITY OF WHEATON, COUNTY OF DU PAGE, STATE OF ILLINOIS, HEREBY CERTIFY THAT THE SAID COUNCIL HAS DULY APPROVED THIS PLAT OF EASEMENT GRANT ATTACHED HERETO BY RESOLUTION NO. _____ DULY AUTHENTICATED AS PASSED THIS _____ DAY OF _____, 2015.

SURVEYOR'S CERTIFICATE
STATE OF ILLINOIS)
COUNTY OF DU PAGE) S S
THIS IS TO CERTIFY THAT MC STEINBRECHER LAND SURVEYORS, INC., PROFESSIONAL LAND SURVEYORS, DESIGN FIRM NO. 184-083126, HAVE PREPARED THE ANNEXED PLAT FOR THE PURPOSES OF GRANTING AN EASEMENT.

OWNER'S CERTIFICATE
STATE OF ILLINOIS)
COUNTY OF DU PAGE) S S
THIS IS TO CERTIFY THAT AUGUST P. MANCUSO, JR. AND KERRY MANCUSO ARE THE HOLDERS OF RECORD TITLE TO THE PROPERTY SHOWN AND DESCRIBED HEREIN AND HAVE CAUSED THE SAME FOR THE USES AND PURPOSES HEREIN SET FORTH, AND DO HEREBY ACKNOWLEDGE AND ADOPT THE SAME UNDER THE STYLE AND TITLE HEREIN SHOWN.
DATED THIS _____ DAY OF _____, 2015.
AUGUST P. MANCUSO, JR. KERRY MANCUSO

NOTARY'S CERTIFICATE
STATE OF ILLINOIS)
COUNTY OF DU PAGE) S S
I, _____, A NOTARY PUBLIC IN AND FOR SAID COUNTY, IN THE STATE AFORESAID, DO HEREBY CERTIFY THAT AUGUST P. MANCUSO, JR. AND KERRY MANCUSO, PERSONALLY KNOWN TO ME TO BE THE SAME PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE FOREGOING INSTRUMENT, APPEARED BEFORE ME THIS DAY IN PERSON AND ACKNOWLEDGED THAT THEY SIGNED AND DELIVERED THE FOREGOING INSTRUMENT AS THEIR OWN FREE AND VOLUNTARY ACT FOR THE USES AND PURPOSES HEREIN SET FORTH.
GIVEN UNDER MY HAND AND NOTARIAL SEAL, THIS _____ DAY OF _____, 2015.
MY COMMISSION EXPIRES _____
NOTARY PUBLIC

STORMWATER MANAGEMENT EASEMENT PROVISIONS
THE EASEMENT INDICATED AS STORMWATER MANAGEMENT EASEMENT IS 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 OF SUBSEQUENT PURCHASER SHALL BE EQUALLY RESPONSIBLE FOR MAINTAINING SUCH STORMWATER MANAGEMENT FACILITY AND SHALL NOT RESTRICT OR INTERFERE WITH SUCH FACILITY 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 OF THE OWNER OUTLINING 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 IT'S BEHALF, ANY MAINTENANCE WORK UPON THE DETENTION AREA REASONABLY NECESSARY TO INSURE ADEQUATE STORMWATER STORAGE, PREVENTION OF WATER EROSION CONTROL, AND TUFF MAINTENANCE TO ELIMINATE STAGNANT WATER WITHIN THE STORMWATER MANAGEMENT EASEMENT 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 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.

Steinbrecher Land Surveyors, Inc.
Professional Land Surveyors
Design Firm Registration No. 184-003126
41 S. Neilson Blvd., West Chicago, IL 60185-2844
16301 293-8900 Fax 293-8902

PREPARED FOR
AUGUST MANCUSO
887 HOLLARD STREET
WHEATON, IL 60187

SUBMITTED BY A RETURN TO
CITY OF WHEATON
383 N. WICKLEY STREET
WHEATON, IL 60187

