


RESOLUTION R-2020-02

**A RESOLUTION APPROVING A
PLAT OF EASEMENT GRANT
(2040 S. Naperville Road)**

WHEREAS, the owner of the property located at 2040 S. Naperville Road 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 2040 S. Naperville Road, prepared by Daniel M. Havlir, Jr., an Illinois professional land surveyor, dated December 5, 2019, is hereby approved, and the Mayor is hereby authorized to sign, and the City Clerk is directed to attest to, this resolution of acceptance and the Plat of Easement Grant incorporated herein as Exhibit B.

ADOPTED this 6th day of January 2020.



Mayor

ATTEST:



City Clerk

Roll Call Vote

Ayes: Councilman Rutledge
Councilman Zaruba
Councilman Barbier
Councilwoman Bray-Parker
Councilwoman Fitch
Mayor Suess
Councilwoman Robbins

Nays: None

Absent: None

Motion Carried Unanimously

Exhibit A

Legal Description

2040 S. Naperville Road
Wheaton, IL 60189

LOT 3 IN KIEM'S DANADA FARMS WEST LOOP RESUBDIVISION OF LOT 4, BEING A SUBDIVISION OF LOT 4 IN DANADA FARMS WEST LOOP SUBDIVISION, A SUBDIVISION OF PART OF THE SOUTHWEST ¼ OF SECTION 28, THE NORTHWEST ¼ OF SECTION 33 AND THE NORTHEAST ¼ OF SECTION 32, ALL IN TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID KIEM'S DANADA FARMS WEST LOOP RESUBDIVISION OF LOT 4 RECORDED JULY 20, 1988 AS DOCUMENT NUMBER R88-079082, IN DUPAGE COUNTY, ILLINOIS EXCEPT THAT PART CONVEYED TO THE STATE OF ILLINOIS DEPARTMENT OF TRANSPORTATION BY DEED RECORDED SEPTEMBER 10, 2010 AS DOCUMENT NUMBER R2010-119426, AND DESCRIBE AS FOLLOWS:

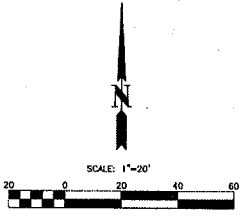
BEGINNING AT AN IRON PIPE FOUND AT THE NORTHEAST CORNER OF SAID LOT 3; THENCE ON AN ASSUMED BEARING OF SOUTH 24 DEGREES 18 MINUTES 20 SECONDS WEST 150.0 FEET ALONG THE EAST LINE OF SAID LOT 3 TO THE SOUTHEAST CORNER OF SAID LOT 3; THENCE NORTH 65 DEGREES 41 MINUTES 50 SECONDS WEST 23.63 FEET ALONG THE SOUTH LINE OF SAID LOT 3; THENCE NORTH 25 DEGREES 57 MINUTES 24 SECONDS EAST 150.06 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 3; THENCE SOUTH 65 DEGREES 41 MINUTES 50 SECONDS EAST 19.32 FEET TO THE POINT OF BEGINNING.

P.I.N.: 05-28-300-32

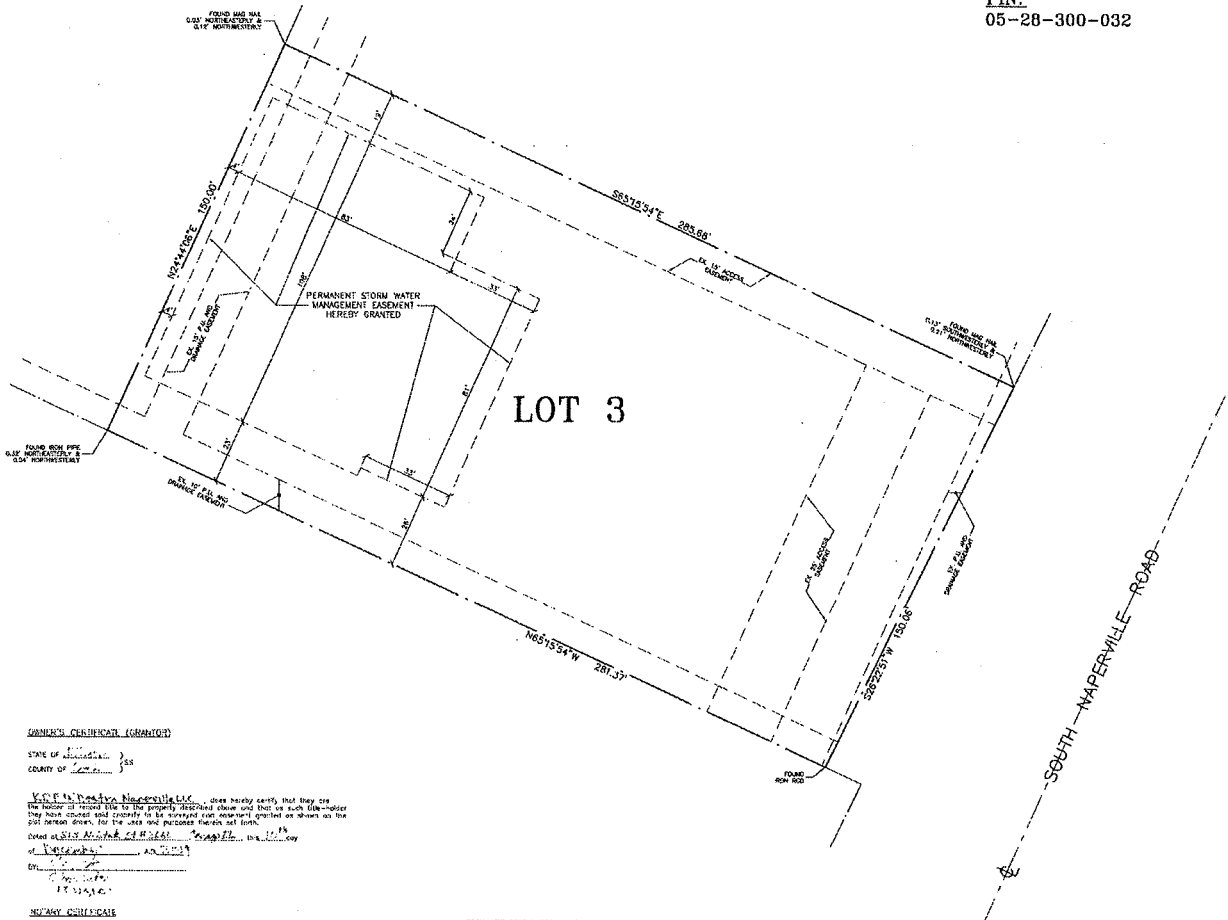
PLAT OF EASEMENT

OF A PORTION OF THE FOLLOWING DESCRIBED PROPERTY:

LOT 3 IN KEN'S CANADA FARMS WEST LOOP RESUBDIVISION OF LOT 4, BEING A RESUBDIVISION OF LOT 4 IN CANADA FARMS WEST LOOP RESUBDIVISION A SUBDIVISION OF PART OF THE SOUTHWEST 1/4 OF SECTION 28, THE NORTHEAST 1/4 OF SECTION 33 AND THE NORTHEAST 1/4 OF SECTION 34, ALL IN TOWNSHIP 38 NORTH, RANGE 10 EAST OF THE TOWNSHIP MERIDIAN, ACCORDING TO THE PLAT OF SAID KEN'S CANADA FARMS WEST LOOP RESUBDIVISION OF LOT 4 RECORDED JULY 20, 1988 AS DOCUMENT #88-075082, IN DUPAGE COUNTY, ILLINOIS EXCEPT THAT PART CONVEYED TO THE STATE OF ILLINOIS UNDER DEED OF TRANSFER BY DEED RECORDED SEPTEMBER 10, 2010 AS DOCUMENT NUMBER 0910-118729 AND DESCRIBED AS FOLLOWS:
 BEGINNING AT AN IRON PIPE FOUND AT THE NORTHEAST CORNER OF SAID LOT 3; THENCE ON AN ASSUMED BEARING OF SOUTH 24 DEGREES 18 MINUTE 25 SECONDS WEST 150.00 FEET ALONG THE EAST LINE OF SAID LOT 3 TO THE SOUTHEAST CORNER OF SAID LOT 3; THENCE NORTH 60 DEGREES 41 MINUTES 50 SECONDS WEST 23.61 FEET ALONG THE WEST LINE OF SAID LOT 3; THENCE NORTH 20 DEGREES 27 MINUTES 24 SECONDS EAST 150.00 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 3; THENCE SOUTH 80 DEGREES 41 MINUTES 50 SECONDS EAST 15.32 FEET TO THE POINT OF BEGINNING.



PIN:
05-28-300-032



OWNER'S CERTIFICATE (GRANTOR)

STATE OF ILLINOIS } SS
 COUNTY OF DuPage }

I, KDP Naperville Naperville LLC, do hereby certify that they are the holder of record title to the property described above and that on each line where they have consent and authority to be conveyed and instrument granted as shown on the plat herein shown, for the use and purposes therein set forth.
 Dated at Naperville, Illinois, this 11th day of December, A.D. 2010.
 By: [Signature]
 KDP Naperville LLC

MAYOR'S CERTIFICATE

STATE OF ILLINOIS } SS
 COUNTY OF DuPage }

I, Richard Kopp, Mayor of the City of Naperville, do hereby certify that the above described property is the same as shown on the plat herein shown, for the use and purposes therein set forth.
 Dated at Naperville, Illinois, this 11th day of December, A.D. 2010.
 By: [Signature]
 Mayor, City of Naperville

CITY COUNCIL CERTIFICATE

STATE OF ILLINOIS } SS
 COUNTY OF DuPage }

Approved and accepted by the Mayor and Board of Trustees of the City of Naperville, Illinois, this 11th day of December, A.D. 2010.
 By: [Signature]
 Mayor

PERMANENT STORMWATER MANAGEMENT EASEMENT PROVISIONS
 ALL EASEMENTS INCURRED AS STORMWATER MANAGEMENT EASEMENTS ARE PERMANENT EASEMENTS RESERVED FOR AND GRANTED TO THE CITY OF WHEATON AND ITS SUCCESSORS AND ASSIGNS ON A NON-EXCLUSIVE BASIS. NO BUILDING SHALL BE PLACED ON SAID EASEMENT BUT THE SAME MAY BE USED FOR OTHER PURPOSES THAT DO NOT ADVERSELY AFFECT THE STORMWATER FLOW OF STORMWATER OF THE PROPERTY INVOLVED APPLICABLE STORMWATER LAWS, CODES, ORDINANCES AND REGULATIONS. EACH OWNER SHALL BE SOLELY RESPONSIBLE FOR MAINTAINING SUCH STORMWATER MANAGEMENT FACILITY IN ACCORDANCE WITH THE RECOMMENDED MAINTENANCE SCHEDULES FURNISHED IN THE STORMWATER MANAGEMENT REPORT AND SHALL NOT DESTROY OR WAJURY DAMAGE THE SLOPE, OR ANY DESIGN OR FUNCTION IN ANY MANNER WHICH VIOLATES APPLICABLE STORMWATER LAWS, ORDINANCES, CODES AND REGULATIONS, OR THE ORIGINAL APPROVED DESIGN THEREOF FIRST HEREBY RECEIVED WRITTEN APPROVAL FROM THE CITY OF WHEATON OR THE COUNTY AS THE LAW MAY REQUIRE.

IN THE EVENT ANY OWNER FAILS TO MAINTAIN ANY SUCH EASEMENT/STORMWATER MANAGEMENT FACILITY THE CITY OF WHEATON, ILLINOIS, SHALL UPON FIFTY (50) DAYS WRITTEN NOTICE OUTSIDE THE NOTICE AND NOTICE OF THE DEFAULT AND THAT THE OWNER SHALL NOT HAVE CURED SAID DEFAULT, SHALL HAVE THE RIGHT, BUT NOT THE OBLIGATION, TO PERFORM OR HAVE PERFORMED ON ITS BEHALF, ANY MAINTENANCE, RECONSTRUCTION OR OTHER WORK UPON THE STORMWATER MANAGEMENT FACILITY AND ITS APPURTENANCES REASONABLY NECESSARY TO INSURE ADEQUATE STORMWATER STORAGE, FLOW/CONTROL OF WATER, EROSION CONTROL AND TYPICAL MAINTENANCE TO ELIMINATE STAGNANT WATER WITHIN THE EASEMENT AREA, COMPLIANCE WITH APPLICABLE STORMWATER LAWS, CODES, ORDINANCES AND REGULATIONS OR RESTORE THE EASEMENT AREA TO ITS ORIGINAL DESIGN PARAMETERS AND FUNCTIONS AS AN ALTERNATIVE TO PERFORMING THE WORK AS REQUIRED HEREIN. THE CITY RESERVES ANY AND ALL REMEDIES PROVIDED IN LAW AND OR EQUITY TO ENFORCE THE OWNER'S OBLIGATIONS.

IN THE EVENT THE CITY OF WHEATON, ILLINOIS, PERFORMS OR HAS PERFORMED ANY MAINTENANCE WORK, REPAIRS OR RECONSTRUCTION WORK AS REQUIRED HEREIN TO OR UPON ANY SUCH FACILITY OR EASEMENT AREA THE COST (TOGETHER WITH AN ADDITIONAL FIVE (5) PERCENT OF SAID COST) SHALL BE ASSIGNED TO THE OWNER OF EACH LOT WITHIN THE SUBDIVISION. ITS SUCCESSORS AND ASSIGNS AND SHALL ALSO CONSTITUTE A LIEN AGAINST THE EASEMENT PROPERTY. THE CITY SHALL HAVE THE RIGHT TO FORFEIT THE LIEN ON EACH LOT WITHIN THE PROPERTY UPON FAILURE OF THE OWNER OR ASSOCIATION TO PAY THE ENTIRE LIEN WITHIN FORTY-FIVE (45) DAYS OF THE CITY'S WRITTEN NOTICE OF LIEN TO THE ASSOCIATION. THIS LIEN MAY BE ENFORCED BY ANY ACTION BROUGHT BY OR ON BEHALF OF THE CITY OF WHEATON. ANY ATTORNEY'S FEES INCURRED BY THE CITY IN THE ENFORCEMENT OF THE OWNER'S OBLIGATIONS AS SET FORTH SHALL BE REIMBURSED TO THE CITY BY THE OWNER(S).

OWNER
 KDP WHEATON NAPERVILLE LLC
 515 N. STATE ST., #2680
 CHICAGO, ILLINOIS 60654

PREPARED BY:
 NORTHWESTERN ENGINEERING CONSULTANTS, P.C.
 875 N. NORTH COURT
 PALATINE, ILLINOIS 60067
 (647) 620-0410
 ILLINOIS PROFESSIONAL DESIGN FIRM LICENSE NO. 159-062806
 EXPIRES APRIL 30, 2011
 DECEMBER 6, 2010



RETURN PLAT TO: City Clerk's Office
 City of Wheaton
 501 N. Main Street
 Wheaton, IL 60187

SURVEYOR'S CERTIFICATE

NORTHWESTERN ENGINEERING CONSULTANTS, P.C. Illinois Professional Design Firm License No. 159-062806, does hereby certify that the Plat of Easement for the Property described in the within return was duly made by an Illinois Licensed Surveyor and that this is a true and correct representation of said survey.

Gives under my hand and seal at Wheaton, Illinois, this 6th day of December 2010.
 By: [Signature]
 Daniel M. Havel, P.E.
 Illinois Professional Land Surveyor No. 2854

I, DANIEL M. HAVEL, DO HEREBY AUTHORIZE A REPRESENTATIVE OF THE CITY OF WHEATON OR ITS ATTORNEY TO RECORD THIS PLAT.



