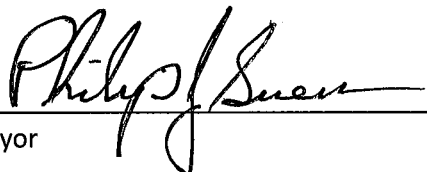


RESOLUTION R-2020-86

A RESOLUTION AUTHORIZING THE EXECUTION
OF A CERTAIN CONSTRUCTION, USE, AND
INDEMNIFICATION AGREEMENT
(1957 Chatham Drive)

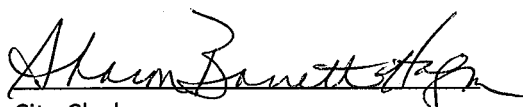
BE IT AND IT IS HEREBY RESOLVED by the Mayor and City Council of the City of Wheaton, Illinois, that the Mayor is hereby authorized to sign, and the City Clerk is directed to attest to the Construction, Use, and Indemnification Agreement dated September 18th, 2020, between the City of Wheaton and Brandon and Kristina Siena for 1957 Chatham Drive, Wheaton, Illinois, attached hereto as Exhibit 1.

ADOPTED this 5th day of October 2020.



Mayor

ATTEST:



City Clerk

Roll Call Vote

Ayes:

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

Nays:

None

Absent:

None

Motion Carried Unanimously



CONSTRUCTION, USE AND INDEMNIFICATION AGREEMENT
RIGHT-OF-WAY (1957 Chatham Drive)
Street Name

THIS CONSTRUCTION, USE AND INDEMNIFICATION AGREEMENT, made and entered into this 18 day of Sept, 2020, among the City of Wheaton, Illinois, an Illinois corporation, located in DuPage County, State of Illinois ("City"), and Brandon and Kristina Siena ("Owner").

WITNESSETH

WHEREAS, the City is in possession of a right-of-way within the City limits of the City of Wheaton, Illinois, and legally described herein; and

WHEREAS, Brandon and Kristina Siena (hereinafter "Owner"), the owner of the premises located at 1957 Chatham Drive, Wheaton, Illinois, which property is legally described herein and is contiguous to a portion of the right-of-way; and

WHEREAS, the Owners would like to use a portion of the City's right-of-way for the purpose of constructing and maintaining a lawn irrigation system; and

WHEREAS, the Owners acknowledges that this Agreement is not an easement and does not vest them with any property rights or claims to any portion of said right-of-way.

NOW, THEREFORE, BE IT AND HEREBY AGREED by the City Council of the City of Wheaton, an Illinois municipal corporation, and the Owner as follows:

1.) The foregoing recitals are incorporated herein as representing the intent of the undersigned and as substantive representations and covenants.

2.) Brandon and Kristina Siena are the owners of property located at 1957 Chatham Drive, Wheaton, Illinois, legally described on Exhibit A attached hereto and made a part hereof.

3.) The Owners, for a consideration of Ten Dollars (\$10.00) and other good and valuable consideration as stated herein, are hereby authorized to use only that portion of the right-of-way specifically depicted and identified on Exhibit B which is attached hereto and incorporated herein as fully set forth as for construction, maintenance and use of a lawn irrigation system conforming to all applicable ordinances of the City and this Agreement. The ordinances are material terms and conditions of this Agreement.

4.) The City retains the right to enter said right-of-way for any purpose to perform any work including but not limited to constructing and maintaining the City utility systems (watermain, storm and sanitary sewers) and other infrastructure. If the City performs any work within said right-of-way which causes damage to the lawn irrigation system, the Owners shall be responsible to repair the lawn irrigation system at their sole cost and expense. The Owner hereby acknowledges and agrees that the City, its employees, and agents shall have no liability to the owner for any damage, removal or other casualty to the lawn irrigation system caused by the City, its employees or agent regardless of the cause.

IN WITNESS WHEREOF, the Corporate authorities and the Owners have hereunto set their hands and seals, and have caused this instrument to be executed by their duly authorized officials and the Corporate seal attached here all on the date and year first above written.

[Signature]

Owner

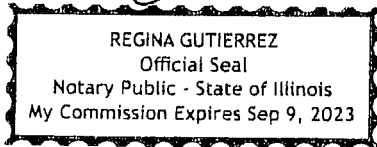
[Signature]

Owner

Subscribed and sworn to before me this 18 day of September, 2020.

[Signature] Notary Public

(Notary Seal)



[Signature]
Mayor, City of Wheaton

Attested by:

[Signature]
City Clerk

EXHIBIT A

Legal Description:

LOT 71 IN BUTTERFIELD RIDGE UNIT 3 BEING A SUBDIVISION OF PART OF THE SOUTHEAST QUARTER OF SECTION 29 TOWNSHIP 39 NORTH RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 9 1984 AS DOCUMENT NUMBER R84-81396 AND CERTIFICATE OF CORRECTION RECORDED FEBRUARY 6 1985 AS DOCUMENT NUMBER R85-09612 IN DUPAGE COUNTY ILLINOIS

1957 Chatham Dr. Wheaton, IL 60187
Street Name

P.I.N. 529416005

