

RESOLUTION R-03-14

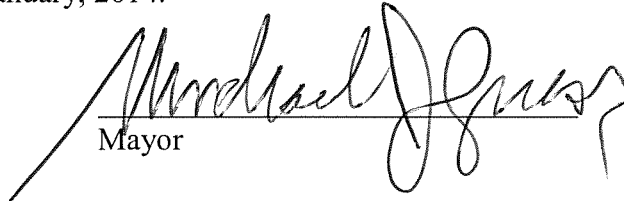
**A RESOLUTION APPROVING A
PLAT OF EASEMENT GRANT FOR STORMWATER MANAGEMENT
(809 West Liberty Drive)**

WHEREAS, the owner of the property located at 809 West Liberty Drive 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 809 West Liberty Drive, prepared by Richard J. Steinbrecher, an Illinois professional land surveyor, dated October 15, 2013, 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 21st day of January, 2014.



Mayor

ATTEST:



City Clerk

	<u>Roll Call Vote</u>
Ayes:	Councilman Prendiville Councilman Rutledge Councilman Saline Mayor Pro Tem Suess Councilwoman Pacino Sanguinetti Councilman Scalzo
Nays:	None
Absent:	Mayor Gresk

Motion Carried Unanimously

EXHIBIT A

Legal Description:

809 West Liberty Drive
Wheaton, IL 60187

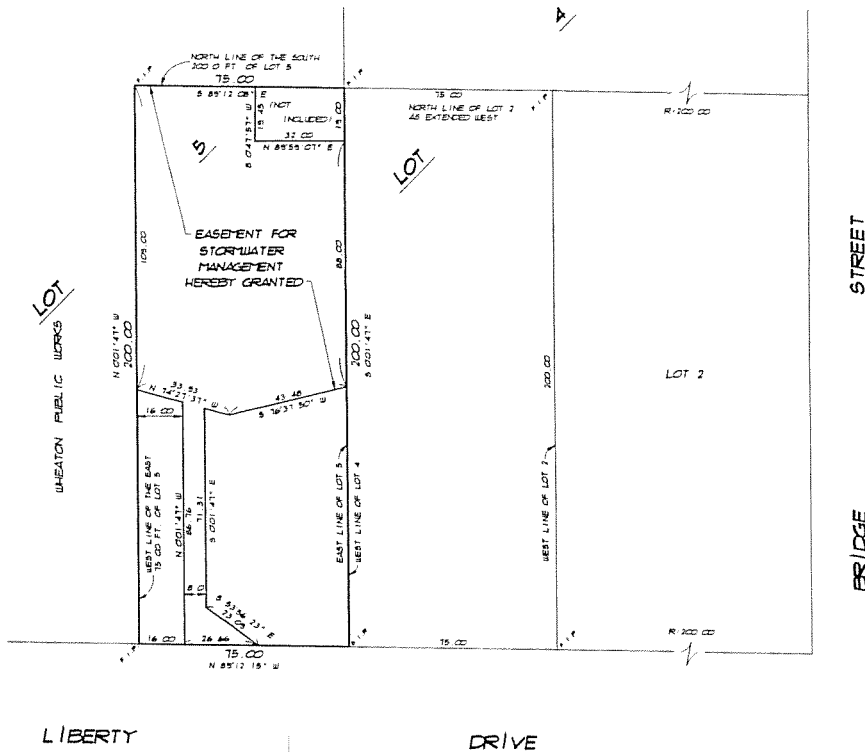
THE SOUTH 200 FEET, AS MEASURED ON THE EAST LINE AND ON THE WEST LINE OF THE EAST 75 FEET AS MEASURED ON THE SOUTH LINE (AND PARALLEL THERETO) OF LOT 5 IN WHEATON INDUSTRIAL PARK, AN OWNERS PLAT OF PART OF THE EAST HALF OF SECTION 17, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 28, 1963, AS DOCUMENT R63-39278 IN DU PAGE COUNTY, ILLINOIS.

P.I.N. 05-17-401-010

PLAT OF EASEMENT GRANT FOR STORMWATER MANAGEMENT

OVER PART OF THE SOUTH 200 FEET, AS MEASURED ON THE EAST LINE AND ON THE WEST LINE, OF THE EAST 75 FEET, AS MEASURED ON THE SOUTH (AND PARALLEL THEREOF) OF LOT 2 IN WHEATON INDUSTRIAL PARK, AN OWNER'S PLAT OF PART OF THE EAST HALF OF SECTION 17 TOWNSHIP 18 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 18 1963 AS DOCUMENT #63 35378 IN DEU PAGE COUNTY ILLINOIS

PIN 0517-40100



LIBERTY

DRIVE

BRIDGE STREET

COUNTY RECORDER'S CERTIFICATE

STATE OF ILLINOIS / 1 5 5
COUNTY OF DU PAGE / 1 5 5

THIS INSTRUMENT NO. _____ WAS FILED FOR RECORD IN THE RECORDER'S OFFICE OF DU PAGE COUNTY ILLINOIS THIS _____ DAY OF _____ 2013 AT _____ O'CLOCK _____M.

COUNTY RECORDER

MAYOR AND CITY COUNCIL CERTIFICATE

STATE OF ILLINOIS / 1 5 5
COUNTY OF DU PAGE / 1 5 5

MAYOR AND CITY COUNCIL OF THE CITY OF WHEATON COUNTY OF DU PAGE STATE OF ILLINOIS HEREBY CERTIFY THAT THE SAID COUNCIL HAS ONLY APPROVED THIS PLAT OF EASEMENT GRANT ATTACHED HERETO BY RESOLUTION NO. _____ DULY AUTHENTICATED AS PASSED THIS _____ DAY OF _____ 2013

ATTEST _____
CITY CLERK

SURVEYORS CERTIFICATE

STATE OF ILLINOIS / 1 5 5
COUNTY OF DU PAGE / 1 5 5

THIS IS TO CERTIFY THAT WE, STEINBRECHER LAND SURVEYORS, INC., PROFESSIONAL LAND SURVEYING DESIGN FIRM NO. 184-083126 HAVE PREPARED THE ANNEXED PLAT FOR THE PURPOSES OF GRANTING AN EASEMENT

WEST CHICAGO ILLINOIS OCTOBER 15 2013



STEINBRECHER LAND SURVEYORS, INC. BY
Richard J. Steinbrecher
RICHARD J. STEINBRECHER
PROFESSIONAL LAND SURVEYOR NO. 3583
MY LICENSE EXPIRES NOVEMBER 08 2014

Steinbrecher Land Surveyors, Inc.
Professional Land Surveying
Design Firm, Registration No. 184-003126
141 S. Wacker Blvd., West Chicago, IL 60085-2844
630.293.8000 Fax 293.8002

PREPARED FOR
CHRIS SHENK
826 N. STOCKARD AVENUE
WHEATON, IL 60187

SUBMITTED BY & RETURN TO
CITY OF WHEATON
283 W. WESLEY STREET
WHEATON, IL 60187

OWNER'S CERTIFICATE

STATE OF ILLINOIS / 1 5 5
COUNTY OF DU PAGE / 1 5 5

THIS IS TO CERTIFY THAT DO FAST HOLDINGS, LLC IS THE HOLDER OF RECORD TITLE TO THE PROPERTY SHOWN AND DESCRIBED HEREIN AND HAVE CAUSED THE SAME AS SHOWN HEREON FOR THE USES AND PURPOSES HEREON SET FORTH AND DO HEREBY ACKNOWLEDGE AND ADAPT THE SAME UNDER THE STYLE AND TITLE HEREON SHOWN.

DATED THIS 16 DAY OF October 2013

Christoph J. Shenk
CHRISTOPHER J. SHENK, PRESIDENT

Christopher J. Shenk
CHRISTOPHER J. SHENK, V.P.

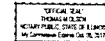
NOTARY'S CERTIFICATE

STATE OF ILLINOIS / 1 5 5
COUNTY OF DU PAGE / 1 5 5

I, *Teresa L. Quinn*, A NOTARY PUBLIC IN AND FOR SAID COUNTY, IN THE STATE AFORESAID DO HEREBY CERTIFY THAT CHRISTOPHER J. SHENK AND CHRISTOPHER A. SHENK, 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 AND AS THE FREE AND VOLUNTARY ACT OF DO FAST HOLDINGS, LLC FOR THE USES AND PURPOSES HEREIN SET FORTH.

GIVEN UNDER MY HAND AND NOTARIAL SEAL THIS 16th DAY OF OCTOBER 2013

MY COMMISSION EXPIRES 10/03/17



Teresa L. Quinn
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 OR SUBSEQUENT PURCHASER SHALL BE EQUALLY RESPONSIBLE FOR MAINTAINING SAID STORMWATER MANAGEMENT FACILITY AND SHALL NOT DESTROY OR MODIFY GRASSES OR SOILS 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 OBTAINING 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 ITS BEHALF ANY MAINTENANCE WORK UPON THE DETENTION AREA REASONABLY NECESSARY TO INSURE ADEQUATE STORMWATER STORAGE, FREE FLOW OF WATER, EROSION CONTROL AND SUFFICIENT 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 INCLUDING 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 ITS 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 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.

