



ST. CHARLES
SINCE 1834

AGENDA ITEM EXECUTIVE SUMMARY

Title:	Recommendation to Approve New Utility Easement Located at 1315 E. Main Street (Dickey Manufacturing)
Presenter:	James Bernahl

Please check appropriate box:

	Government Operations	X	Government Services 10.22.12
	Planning & Development		City Council
	Public Hearing		

Estimated Cost:	\$0	Budgeted:	YES	X	NO	
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If NO, please explain how item will be funded:

Executive Summary:

As part of the offsite water main improvements for the IL 64 Watermain and Sanitary Sewer Improvement Project completed this year, an additional utility easement was required for a modified section of the new water main servicing the Dickey Manufacturing Company Building located 1315 E. Main Street. Staff has been working closely with the owners of the property to assure that the least amount of impact was made to the property during construction. In addition, the modification made improved the overall reliability and servicing to this building.

Staff has prepared the easement exhibit and standard language for the proposed utility easement. The property owners have reviewed the attached utility easement agreement and have found it to be acceptable for the new watermain installed. For this reason staff recommends the approval of the proposed easement.

Attachments: *(please list)*

Copy of Easement Agreement
Copy of Easement Exhibits

Recommendation / Suggested Action *(briefly explain):*

Recommend approval of the new utility easement for property located at 1315 E. Main Street.

<i>For office use only:</i>	<i>Agenda Item Number: 4.d</i>
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City of St. Charles, Illinois

Public Water Main Easement

THIS IDENTURE, made
in the City of St. Charles,
State of Illinois, by and
Between _____ Brulin Carter, LLC _____

_____ (hereinafter referred to as "GRANTOR") and the City of St. Charles, a Municipal Corporation, organized and existing under the law of the State of Illinois, of Kane and DuPage Counties, Illinois (hereinafter referred to as "CITY").

WITNESSETH: That the GRANTOR in consideration of the sum of One (\$1.00) Dollar and other good and valuable consideration paid to him by the CITY, the receipt and sufficiency of which is hereby acknowledged, does hereby grant and give to the CITY a permanent easement over, upon, under, and through the area as shown in Exhibit "A" for the privilege and authority to construct, reconstruct, repair, remove, inspect, and maintain water mains, valves, vaults, valve boxes, hydrants, service valves, and without limitation, such other installations as may be required to furnish public water service to adjacent areas as deemed necessary by the CITY, together with right of access across the property, for necessary men and equipment to do any of the above work. Locations of utility installation within the easement shall be subject to the approval of the CITY, as to design and location. All installations are subject to the ordinances of the CITY.

The right is also granted to the CITY to enter the property for all such purposes, and the right without liability to cut, trim, alter, or remove any vegetation, roots, structures or devices within the designated easement property as may be reasonably required incident to the right herein given.

Without prior written consent of the CITY no buildings, structures, or other obstruction shall be constructed, planted, or placed in any such easement area, nor shall any other uses be made thereof which will interfere with the easement reserved and granted hereby.

LEGAL DESCRIPTION

Easement premises are legally described as follows:

That part of the west half of the southwest quarter of Section 26 and of the east half of the southeast quarter of Section 27, all in Township 40 North, Range 8 East of the Third Principal Meridian, described as follows: Commencing at the intersection of the north line of the Union Pacific Railroad and the east line of South 13th Avenue; thence North 27 degrees 9 minutes 0 seconds West along said east line, 88.10 feet for the Point of Beginning; thence continuing North

27 degrees 9 minutes 0 seconds West, 17.31 feet; thence South 87 degrees 12 minutes 10 seconds East, 53.63 feet; thence North 62 degrees 51 minutes East, 81.50 feet; thence South 51 degrees 55 minutes 8 seconds East, 70.43 feet; thence South 87 degrees 12 minutes 10 seconds East, 20.00 feet; thence South 2 degrees 47 minutes 50 seconds West, 15.00 feet; thence North 87 degrees 12 minutes 10 seconds West, 193.10 feet to the Point of Beginning, in the City of St. Charles, Kane County, Illinois.

The GRANTOR hereby retains the right to enjoy said easement and right-of-way for its own purposes, provided that such purposes shall not interfere with the uses and right-of-way granted to the CITY. All construction by the CITY shall be done in a good, workmanlike manner, and the CITY agrees that the premises will be left in a neat and presentable condition.

WITNESS our hands and seals this 2 day of Oct, 2012.

Terry R. Manger
PROPERTY OWNER(S)

Carol A. Johnson
PROPERTY OWNER(S)

STATE OF ILLINOIS)
) SS
COUNTY OF KANE)

I, CAROL A. JOHNSON, A Notary Public, in and for said County and State, DO

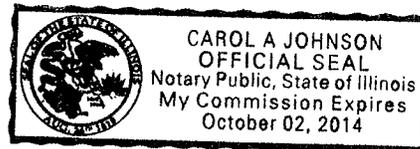
HEREBY CERTIFY THAT Terry R. Manger +
Carol A. JOHNSON

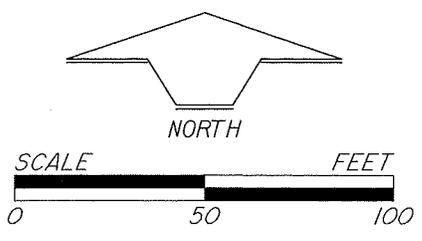
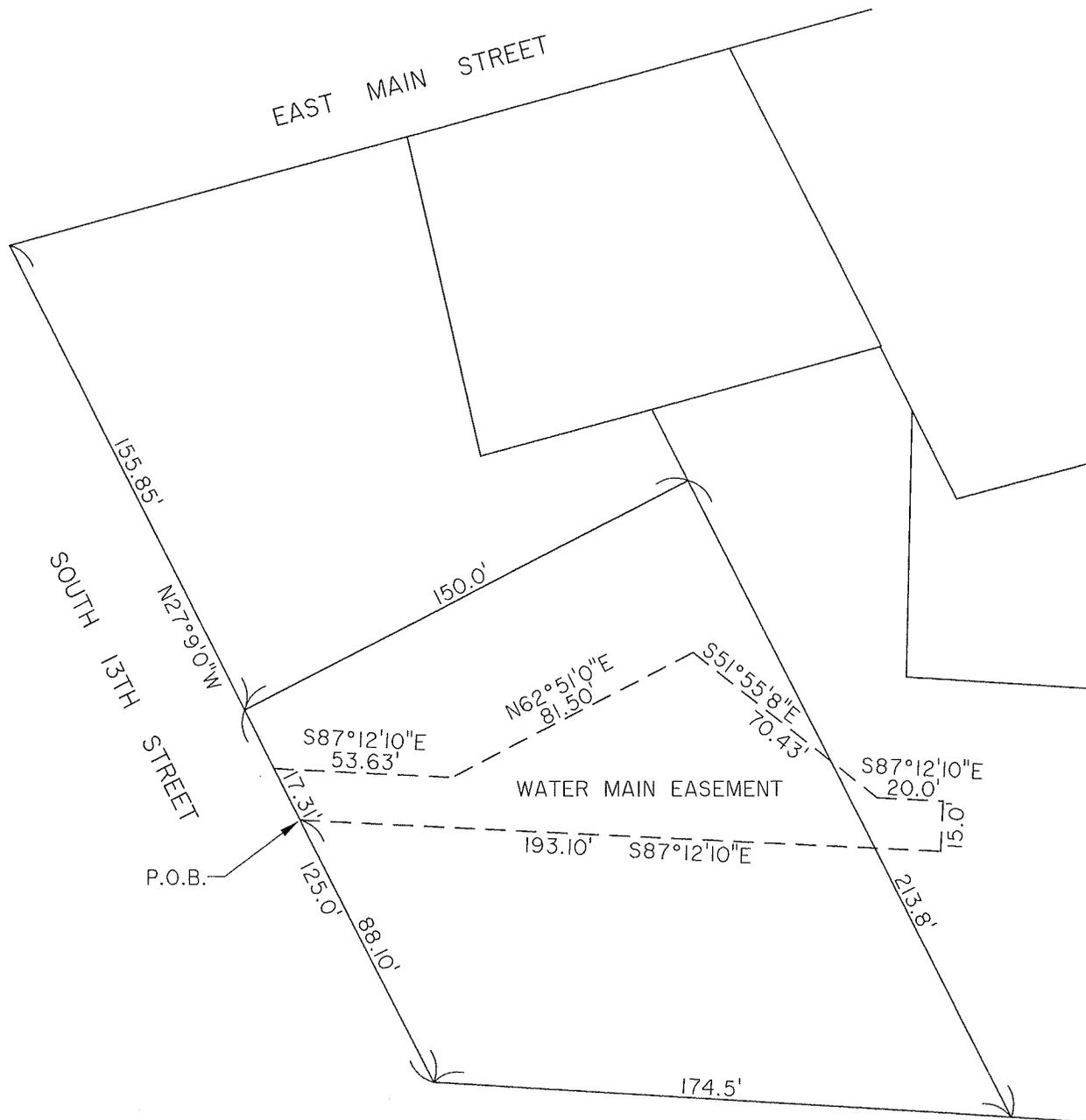
personally known to me to be the same person(s) whose name(s) subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that they signed, sealed, and delivered the said instrument as a free and voluntary act, for the uses and purposes therein set forth.

Given under my hand and notaries seal this 2nd day of October, 2012.

SEAL

Carol A. Johnson
NOTARY PUBLIC





UNION PACIFIC RAILROAD

EXHIBIT "A"

DATE: SEPTEMBER 4, 2012

Please return to
Tina Nilles
City of St. Charles
2 East Main St.
St. Charles, IL 60174

State of Illinois)
)
Counties of Kane & DuPage)

SS.

CERTIFICATION

I, Christine Nilles, the undersigned, do hereby certify that I am the duly qualified and acting Deputy City Clerk of the city of St. Charles, Kane and DuPage Counties, Illinois, and as such City Clerk, I am the keeper of the records and files of the Mayor and City Council of the said city.

I do further certify that the foregoing constitutes a full, true and complete copy of a Utility Easement entitled:

Public Water Main Easement made in the City of St. Charles,
State of Illinois, by and between
Brulin Carter, LLC

I do further certify that the deliberations of the Mayor and City Council on the adoption of said document were taken openly, that the vote on the adoption of said document was taken openly, that said meeting was a regular meeting of the Mayor and the City council, at which time a quorum was present; that said meeting was held at a specified time and place convenient to the public; that said meeting was held in strict accordance with the provisions of the Open Meetings Act, as amended, and that the Mayor and City Council have complied with all of the provisions of said Act and its procedural rules in the adoption of said Ordinance.

IN WITNESS WHEREOF, I have hereto affixed my official signature and the corporate seal of said city of St. Charles, Kane and DuPage Counties, Illinois the ____ day of _____, 2012.

Deputy City Clerk