

 <p>CITY OF ST. CHARLES ILLINOIS • 1834</p>	<b>AGENDA ITEM EXECUTIVE SUMMARY</b>		Agenda Item number: *5.E
	Title:	<b>Recommendation to Approve Resolutions Authorizing Easements for the Riverside Culvert Project</b>	
	Presenter:	<b>Chris Gottlieb</b>	
<b>Meeting:</b> Government Services Committee		<b>Date:</b> April 22, 2024	
<b>Proposed Cost:</b> \$ 0.00		<b>Budgeted Amount:</b> \$0.00	<b>Not Budgeted:</b> <input type="checkbox"/>
<b>TIF District:</b> None			
<b>Executive Summary</b> (if not budgeted, please explain):			
<p>As part of the ongoing 7<sup>th</sup> Avenue Creek flood control project, the City will be replacing the culvert carrying 7<sup>th</sup> Avenue Creek under Riverside Ave (IL-25). The current culvert is smaller than required to convey projected flood flows. The culvert will be relocated to the south to remove it from private property and the size will be increased. Additionally, the creek will be re-meandered and the bike path will be realigned to be perpendicular to the roadway. We will also use this opportunity to make a water main connection along Riverside Avenue improving system resiliency.</p> <p>The City must participate in two easements in order to build and maintain this project:  Parcel 002 – Grant a permanent easement to IDOT for five feet around the culvert headwalls in order to allow for access and maintenance.</p> <p>Parcel 003 – Accept a temporary construction easement at 1727 Riverside Ave. to remove the existing culvert, realign the creek, and perform restoration.</p> <p>The easement documents are being finalized at this time but the final documents are substantially in the form attached.</p>			
<b>Attachments</b> (please list):			
*Temporary and Permanent Easement Documents			
<b>Recommendation/Suggested Action</b> (briefly explain):			
Recommendation to approve Resolution accepting temporary easement and granting permanent easement for construction and maintenance of the Riverside culvert.			

Temporary Easement

**1727 RIVERSIDE AVENUE, PARCEL NO. 0934478013  
GRANT OF TEMPORARY EASEMENT**

In consideration of One & No/100--- (\$1.00) ---Dollars and other good and valuable consideration receipt of which is hereby acknowledged, Mary Ann Fox ("Grantor") hereby grants to the City of St. Charles (the "City"), an Illinois Municipal Corporation of Kane County, Illinois, its designees and assigns, a temporary easement over the property located at 1727 Riverside Avenue (hereinafter the "Property"), for land and utility improvements including but not limited to: grading, landscape restoration, driveway removal and replacement, retaining wall removal, storm and water utility improvements.

The purpose of this temporary easement is for the City to enter upon the property, as highlighted in the attached Easement Exhibit, to perform land and utility improvements. The City shall have the right to enter upon the Property solely for the purpose associated with this grant. Upon the completion of the work and restoration by the City, this easement shall be deemed to be terminated and shall have no further force or effect. The City shall hold Grantors, their successors and assigns, harmless and indemnify them from any liability, causes, claims or damage that may arise as a result of activities undertaken by the City or agents thereof in connection with the land and utility improvements. This easement shall terminate upon the earliest to occur of a) the day after work has been completed and the Property restored, and b) October 31, 2025.

The City agrees to restore all disturbed land to original condition or better, to the approval of the Property Owner.

This easement granted this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

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Property Owner(s)

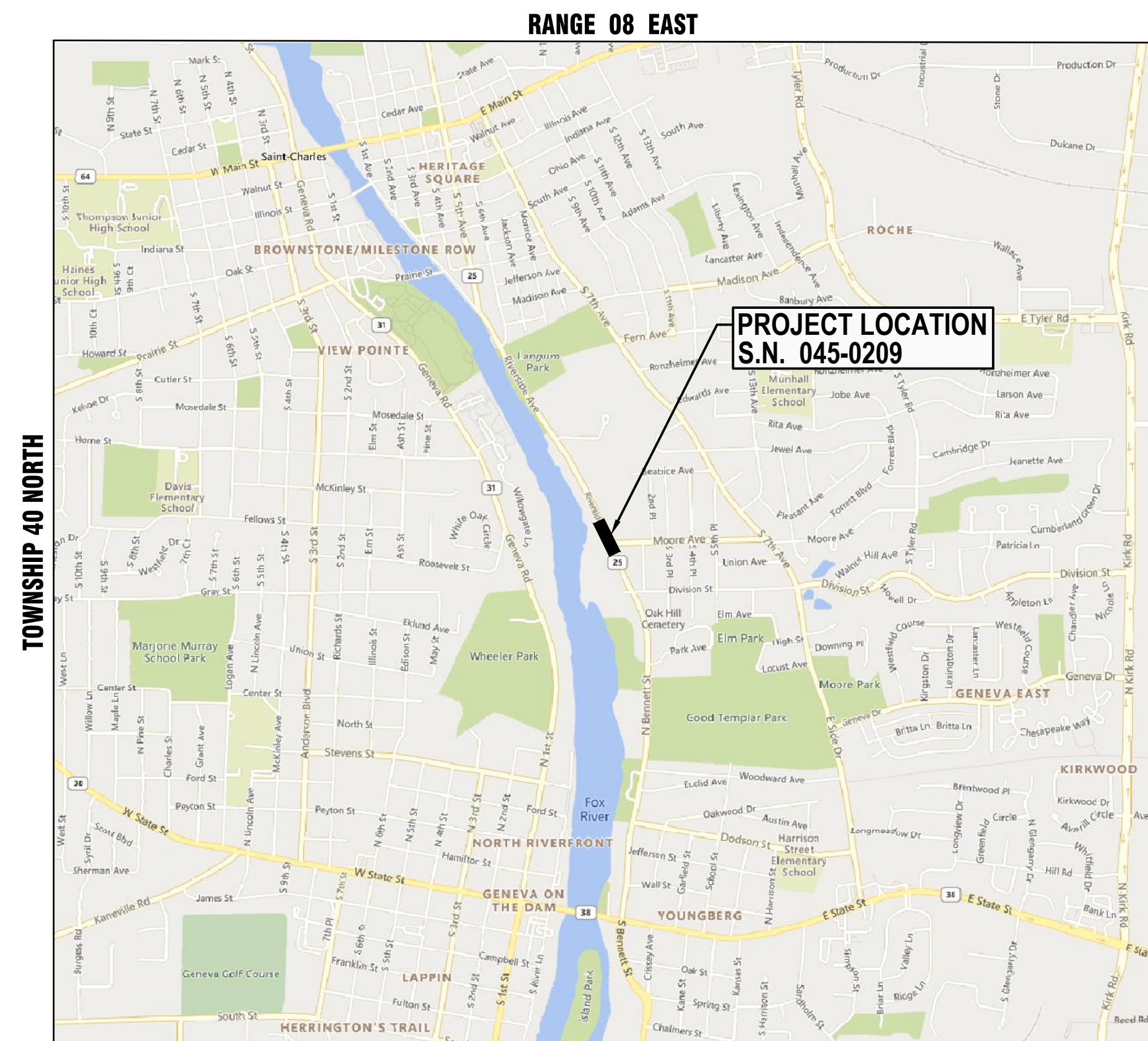
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City of St. Charles

# PLAT OF HIGHWAYS FOR: 7TH AVENUE CREEK - PHASE 2 RIVERSIDE AVE. (ILLINOIS ROUTE 25) CULVERT IMPROVEMENTS

**CITY OF ST. CHARLES**  
**KANE COUNTY, ILLINOIS**  
**JOB NO.: R-91-018-24**

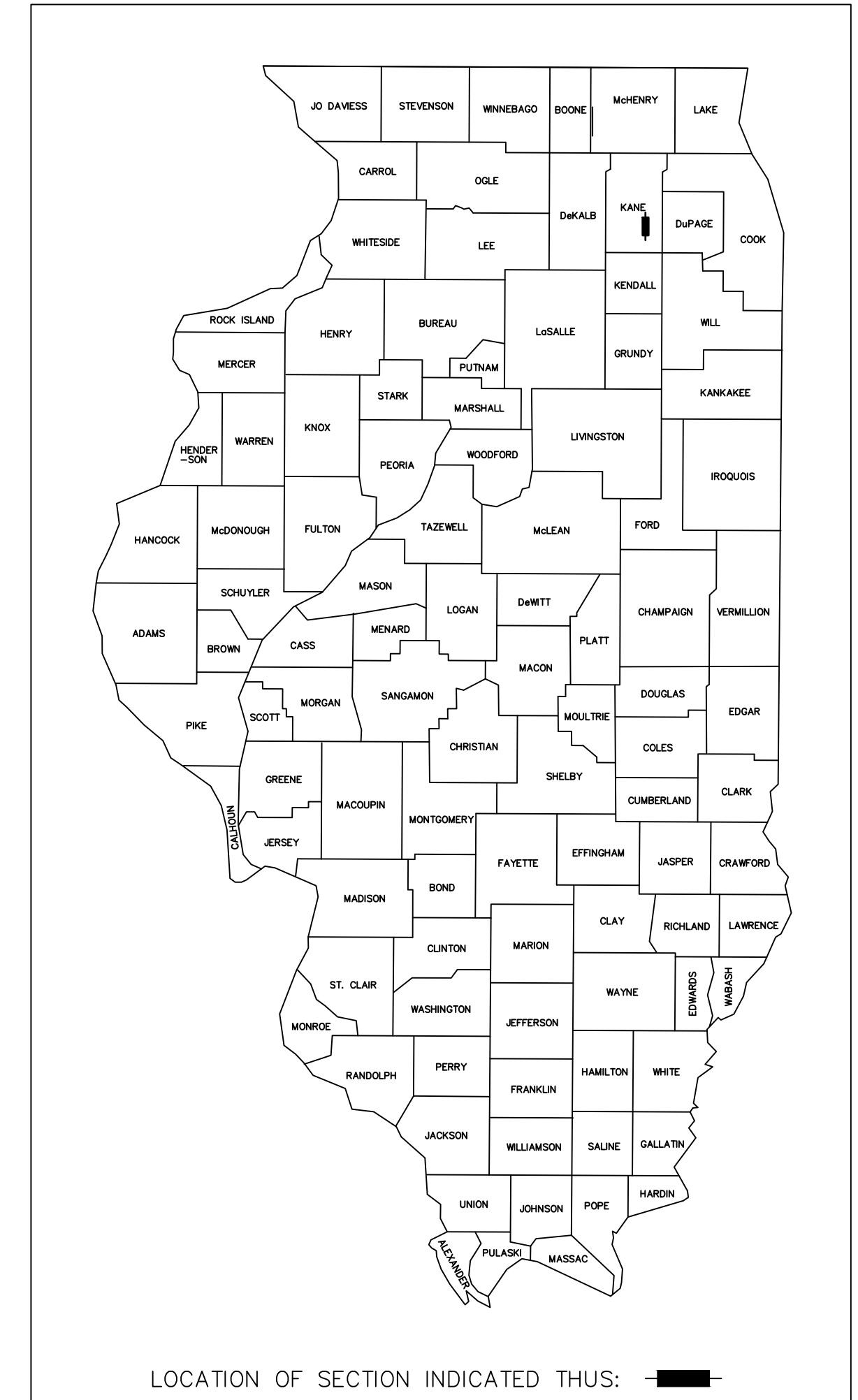
PARCEL NUMBER	OWNER	SHEET NUMBER	TITLE COMMITMENT NUMBER	PROPERTY ACQUIRED BY
11824001PE 11824001TE	ST. CHARLES PARK DISTRICT	2	SEC-2023KN-2849.0	
11824002PE	CITY OF SAINT CHARLES, AN ILLINOIS MUNICIPAL CORPORATION	2	SEC-2023KN-2850.0	
11824003TE	MARYANNE FOX, TRUSTEE OF THE MARYANNE FOX TRUST AGREEMENT DATED NOVEMBER 22, 1996	2	SEC-2023KN-2851.0	



**KANE COUNTY- ST. CHARLES TOWNSHIP**  
**THIRD PRINCIPAL MERIDIAN**  
**PROJECT LOCATION MAP**  
SCALE: N.T.S.



2363 Sequoia Drive, Suite 101 | Aurora, IL 60504  
Phone: 815.385.1778 | Toll Free: 800.728.7805 | Fax: 815.385.1781 | HRGreen.com



**PROJECT LOCATED IN THE  
CITY OF ST. CHARLES**

**PRINTED BY THE AUTHORITY  
OF THE CITY OF ST. CHARLES**

IDOT USE ONLY

**PLAT PREPARED FOR:**

CITY OF ST. CHARLES  
CHRIS GOTTLIEB, P.E.  
PUBLIC WORK MANAGER - ENGINEERING  
CITY OF ST CHARLES DEPT. OF PUBLIC WORKS  
2 E. MAIN STREET  
ST. CHARLES, IL 60174  
PHONE: 630-377-4405





Route: Riverside Drive (Illinois Route 25)

County: Kane

Parcel No.: 11824-0003TE

Station: 12+34.28 to 12+95.06

Index No.: 09-34-478-013

A Temporary Construction Easement over part of the Southeast Quarter of Section 34, Township 40 North, Range 8 East of the Third Principal Meridian, in Kane County, Illinois, bearings and distances based on the Illinois State Plane Coordinate System, East Zone, NAD83 (2011 adjustment), described as follows:

Commencing At The Northwest Corner of Lot 1 in Block 6 of Western Samaritan Subdivision, according to the plat thereof recorded February 10, 1928 in Book 26 of Plats, Page 16; Thence South 88 Degrees 40 Minutes 38 Seconds West, along the westerly extension of the northerly line of said Lot 1, 213.62 feet to the easterly line of the lands described in deed recorded March 30, 1972 as document 1221566, said line being the westerly right-of-way line of Riverside Drive (Illinois Route 25), as monumented and occupied; Thence North 19 Degrees 20 Minutes 02 Seconds West, along said westerly right-of-way line, 90.23 feet to the northeasterly corner of said lands and the southeasterly corner of the lands described in warranty deed recorded August 14, 2020 as document 2020K045695 for a Point of Beginning; Thence South 67 Degrees 23 Minutes 35 Seconds West, along the southerly line of said lands described in document 2020K045695, 77.68 feet to a bend point in said southerly line; Thence South 44 Degrees 32 Minutes 16 Seconds West, along the southerly line of said lands, 6.60 feet to a bend point in said lands; Thence South 69 Degrees 33 Minutes 35 Seconds West, along said southerly line, 66.59 feet; Thence North 19 Degrees 20 Minutes 56 Seconds West, 3.75 feet; Thence North 59 Degrees 23 Minutes 35 Seconds East, 18.53 feet; Thence North 30 Degrees 24 Minutes 58 Seconds West, 29.02 feet; Thence North 65 Degrees 51 Minutes 15 Seconds East, 127.83 feet; Thence North 19 Degrees 02 Minutes 22 Seconds West, 16.32 feet; Thence North 70 Degrees 39 Minutes 58 Seconds East, 10.00 feet to the easterly line of said lands and said westerly right-of-way line; Thence South 19 Degrees 20 Minutes 02 Seconds East, 54.27 feet to said Point of Beginning.

Said Temporary Construction Easement containing 0.122 acres, more or less.

Route: Riverside Avenue (Illinois Route 25)

County: Kane

Parcel No.: 11824002PE

Station: 11+88.66 to 12+36.04

Index No.: 09-35-351-020

A Permanent Easement That part of Lot 1 in 1734 Riverside Subdivision, according to the plat thereof recorded September 03, 2020 as document 2020K050594, in Kane County, Illinois, bearings and distances based on the Illinois State Plane Coordinate System, East Zone, NAD83 (2011 adjustment), with a combination factor of 0.99994743, described as follows:

Commencing at the southeast corner of said Lot 1; Thence South 88 degrees 20 minutes 36 seconds West, along the southerly line of said Lot 1, 100.62 feet for a Point of Beginning; Thence continuing along said southerly line, South 88 degrees 20 minutes 36 seconds West, 17.35 feet to the southwesterly corner of said Lot 1; Thence northerly 8.23 feet along the westerly line of said Lot 1, being a nontangential curve to the right, said curve having a radius of 25.00 feet, a chord that bears North 27 degrees 22 minutes 19 seconds West and a chord of 8.20 feet to a point of tangency; Thence North 17 degrees 56 minutes 07 seconds West, along said westerly line and tangent to last described curve, 32.73 feet; Thence North 72 degrees 03 minutes 53 seconds East, perpendicular to last described line, 18.00 feet to a line 18.00 feet easterly of and parallel with said westerly line; Thence South 17 degrees 56 minutes 07 seconds East, along said parallel line, 45.68 feet to said Point of Beginning.

Said Permanent Easement containing 0.018 acres, more or less.

Owner           The City of St. Charles  
Address        2 E. Main Street  
                  St Charles, IL 60174  
Route          IL-25 (Riverside Ave.)  
County         Kane  
Job No.        Riverside Culvert Replacement  
Parcel No.     11824002PE  
P.I.N. No.     09-35-351-020  
Section        N/A  
Project No.    R-91-018-24  
Station        10+00  
Station        14+75  
Contract No.  
Catalog No.

**PERMANENT EASEMENT**  
**(Governmental Entity)**

The City of St. Charles, a governmental entity organized and existing under and by virtue of the laws of the State of Illinois and duly authorized to do business under the Statutes of the State of Illinois, (Grantor), by Laura Vitek, its Mayor, for and in consideration of 0.00 Dollars (\$0.00), receipt of which is hereby acknowledged, and pursuant to the provisions of its charter hereby represents that Grantor owns the fee simple title to and grants and conveys to the People of the State of Illinois, Department of Transportation, (Grantee), a permanent easement for the purpose of culvert improvement and for other highway purposes, on, over and through the following described real estate:

See attached legal description.

situated in the County of Kane, State of Illinois and hereby releases and waives all right under and by virtue of the Homestead Exemption Laws of the State of Illinois. The above-described real estate and improvements located thereon are herein referred to as the “premises.”

Grantor shall have and retains all rights to use and occupy the premises and access to Grantor’s remaining property, except as herein expressly granted; provided, however, Grantor’s use and occupation of the premises may not interfere with Grantee’s use of the premises for the purposes herein described.

This permanent easement is made, executed and delivered pursuant to a resolution duly adopted at a meeting held on the            day of            , 2024.

Grantor, without limiting the interest above granted and conveyed, acknowledges that upon payment of the agreed consideration, all claims arising out of the above acquisition have been settled, including without limitation, any diminution in value to any remaining property of the Grantor caused by opening, improving, and using the premises for highway purposes. This acknowledgment does not waive any claim for trespass or negligence against the Grantee or Grantee's agents which may cause damage to Grantor's remaining property.

This grant shall constitute a covenant, which runs with the land, and shall be binding upon the legal representatives, successors and assigns of Grantor.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
City of St. Charles  
Name of Governmental Entity

By: \_\_\_\_\_  
Signature

ATTEST:

\_\_\_\_\_  
Laura Vitek, Mayor  
Print Name and Title

By: \_\_\_\_\_  
Signature

\_\_\_\_\_  
Nancy Garrison, City Clerk  
Print Name and Title

State of \_\_\_\_\_ )  
)  
) ss  
County of \_\_\_\_\_ )

This instrument was acknowledged before me on \_\_\_\_\_, 2024, by \_\_\_\_\_, as \_\_\_\_\_ and \_\_\_\_\_, as \_\_\_\_\_ of \_\_\_\_\_, a governmental entity organized and existing under the laws of Illinois.

(SEAL) \_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

This instrument was prepared by and after recording, return to:

Illinois Department of Transportation  
ATTN: Bureau of Land Acquisition





**Illinois Department  
of Transportation**

**Affidavit of Title**

Owner City of St. Charles  
 Address 2E Main St.  
 St. Charles, IL 60174  
 Route IL-25 (Riverside Ave)  
 Section N/A  
 County Kane  
 Project Riverside Culvert Replacement  
 Job No. R-91-018-24  
 Parcel No. 11824002PE  
 P.I.N. No. 09-35-351-020  
 Station 10+00  
 Station 14+75  
 Catalog No.  
 Contract No.

State of Illinois )  
 ) ss.  
 County of Kane )

I, Laura Vitek , Mayor of the City of St. Charles

being first duly sworn upon oath states as follows:

1. Affiant has personal knowledge of the facts averred herein.
2.  There are **no parties** other than Grantor in possession of any portion of the premises described in attached Exhibit "A" through easement, lease, oral or written, or otherwise, whether or not of record.  
 There are no parties other than Grantor **and the parties listed below** in possession of any portion of the premises described in attached Exhibit "A" through easement, lease, oral or written, or otherwise, whether or not of record:

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**SEE ATTACHED EXHIBIT "A"**

3. This affidavit is made to provide factual representation as a basis for the State of Illinois to accept a document of conveyance for the premises described in said conveyance, the premises being a portion of or all of the above described premises, from the record owners thereof.
4. The affiant has no knowledge of any driveway agreements, encroachments, overlaps, or boundary line disputes involving the premises to be conveyed.
5. The said premises described in Exhibit "A" are: (Check One)  
 Vacant and unimproved  Agricultural and unimproved  
 Improved and  
 (A) There have been no improvements made or contracted for on the premises within six (6) months immediately preceding the date of the affidavit, out of which a claim for a mechanic's lien could accrue or has accrued; and  
 (B) To the best of my knowledge all improvements now on the premises comply with all local building and zoning ordinances.

- 6. There are no chattel mortgages, conditional sales contracts or financing statements existing on or in connection with the premises to be conveyed which are not shown by the public records.
- 7. There are no taxes or special assessments which are not shown as existing liens by the public records involving the premises described in Exhibit A.
- 8. Per 50 ILCS 105/3.1, the identities of all owners and beneficiaries having an interest in the premises to be conveyed are as follows (check applicable box(es) and complete information requested):

**Individual.** Individual **owner** of the property is: \_\_\_\_\_

**Nonprofit Organization.** There is no individual or other organization receiving distributable income from the organization.

**Public Organization, including units of local government.** There is no individual or other organization receiving distributable income from the organization

**Publicly-Traded Corporation.** There is no readily known shareholder entitled to receive more than 7-1/2% interest in the total distribution income of the corporation.

**Corporation, Partnership, Limited Liability Company.** Those entitled to receive more than 7-1/2% of the total distributable income of said entity are as follows:

	Name	Address
*1.	_____	_____
2.	_____	_____
3.	_____	_____
4.	_____	_____

**Land Trust or Declaration of Trust.** The identity of each beneficiary of Grantor Trust is as follows:

	Name	Address	% of Interest
*1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____
4.	_____	_____	_____

\* IF THE INITIAL DISCLOSURES SHOW INTERESTS HELD BY ANOTHER CORPORATION, PARTNERSHIP, LIMITED LIABILITY COMPANY, OR TRUST, THEN FURTHER DISCLOSURES SHOULD BE PROVIDED UNTIL THE NAMES OF INDIVIDUALS OWNING THE INTEREST IN THE ENTITY ARE DISCLOSED.





# Illinois Department of Transportation

Office of Highways Project Implementation / Region 1 / District 1  
201 West Center Court / Schaumburg, Illinois 60196-1096

Route: IL-25 (Riverside Ave.)  
County: Kane  
Job No.: R-91-018-24  
Parcel: 11824002PE  
Property Owner: City of St. Charles

April 5, 2024

Dear Property Owner:

In order to comply with State and Federal policies on land acquisition, we must inform you of your right to have the required property appraised and to receive compensation in the full amount of the approved appraisal. You may, if you so desire donate the necessary right of way

We appreciate your cooperation in this matter. If you have any questions regarding right of way acquisition or donations, please direct them to Mark Somers, Chief of Negotiations

Very truly yours,

Jose Rios, P.E.  
Region One Engineer

By: Omolara Johnson  
Bureau Chief of Land Acquisition

I recognize my right to an appraisal and compensation in the full amount of the approved appraisal; however, I wish to donate the necessary right of way.

\_\_\_\_\_  
Property Owner Signature

\_\_\_\_\_  
Property Owner Signature

\_\_\_\_\_  
Print Name & Title

\_\_\_\_\_  
Print Name & Title

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date



**Statement of Compliance with the Public Officers Prohibited Activities Act**  
**(50 ILCS 105/3.1)**

**CHECK ONE**

- Grantor has not received and will not receive a non-monetary benefit from the Illinois Department of Transportation (for example, an added improvement, re-built or relocated improvement or any other valuable service) in exchange for the donation of this parcel.

OR

- Grantor has received or will receive a non-monetary benefit from the Illinois Department of Transportation in exchange for the donation of this parcel. To comply with 50 ILCS 105/3.1, Grantor shall disclose, in writing, all owners, beneficiaries, etc. of this parcel.

\_\_\_\_\_  
Owner's Signature

\_\_\_\_\_  
Owner's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

Confirmed:

\_\_\_\_\_  
Illinois Department of Transportation Representative

\_\_\_\_\_  
Date