



**AGENDA ITEM EXECUTIVE SUMMARY**

Agenda Item number: 5.e

Title:

Recommendation to Approve Acceptance of Electric Easement at Fox Island Square (12 Indiana Street)

Presenter:

Tom Bruhl

Meeting: Government Services Committee

Date: May 22, 2017

Proposed Cost: \$0

Budgeted Amount: \$0

Not Budgeted:

**Executive Summary** *(if not budgeted please explain):*

The Electric Utility recently modified the pole system that runs north from Indiana Street to Fox Island Square. The high voltage lines were relocated underground to relieve a badly leaning pole. Shodeen cooperated with the Electric Utility to provide an easement for the new underground lines.

**Attachments** *(please list):*

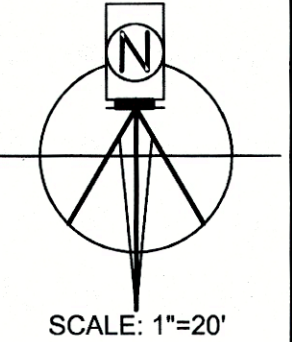
\* Plat of Easement

**Recommendation/Suggested Action** *(briefly explain):*

Recommendation to Authorize Mayor and City Clerk to Execute Electric Utility Easement at Fox Island Square (12 Indiana Street)

PLAT OF EASEMENT

D.F.L.S.
DALE FLOYD LAND SURVEYING L.L.C.
2600 KESLINGER ROAD SUITE A
GENEVA, ILLINOIS 60134
PHONE:630-232-7705 FAX:630-232-7725
E-MAIL: DFLS@SBCGLOBAL.NET



BY PARTNERSHIP
CITY OF ST. CHARLES, ILLINOIS
UTILITY EASEMENT

THIS INDENTURE, made in the City of St. Charles, State of Illinois, by and between
(hereinafter referred to as "PARTNERSHIP") and the CITY OF ST. CHARLES, a MUNICIPAL CORPORATION, organized and existing under the laws of the State of Illinois, of Kane and DuPage Counties, Illinois, (hereinafter referred to as "CITY").

WITNESSETH: That PARTNERSHIP in consideration of the sum of Ten (\$10.00) Dollars and other good and valuable consideration paid to him by CITY, the receipt and sufficiency of which is hereby acknowledged does hereby grant and give unto the CITY a perpetual easement over, under and upon the following described real estate for the construction, reconstruction, restoration, maintenance, review, access and repair of public Electric Utility facilities including, but not limited to poles, communication equipment, cable television, service connections, and such appurtenances and additions thereto as said CITY may deem necessary, together with the right of access thereto for the necessary personnel and equipment to do any or all of the above work provided. The right is also hereby granted to said CITY to cut down, trim or remove any trees, shrubs or other plants that interfere with the operation of or access to said installations in, on, upon, across, under, or through said easement. The real estate described hereafter may be used by PARTNERSHIP for shrubs, landscaping, and other purposes that do not then or later interfere with the aforesaid uses and rights.

THAT PART OF BLOCK 37 OF THE ORIGINAL TOWN OF ST. CHARLES ON THE WEST SIDE OF THE FOX RIVER AND THE NORTHERLY HALF OF VACATED INDIANA STREET: COMMENCING AT THE SOUTHWEST CORNER OF BLOCK 37 OF SAID ORIGINAL TOWN OF ST. CHARLES; THENCE N78°43'31"E ALONG THE SOUTH LINE OF BLOCK 37, 115.50 FEET TO THE WEST LINE OF A TRACT CONVEYED TO FOX ISLAND LIMITED PARTNERSHIP PER DOC#2005K014608, FOR THE POINT OF BEGINNING; THENCE S11°16'29"E, 19.00 FEET, THENCE N78°43'31"E, 5.00 FEET; THENCE N11°16'29"W PARALLEL WITH THE WEST LINE OF SAID TRACT CONVEYED TO FOX ISLAND LIMITED PARTNERSHIP, 110.35 FEET; THENCE N78°43'31"E, 17.50 FEET; THENCE N11°29'51"W, 12.00 FEET; THENCE S78°43'31"W, 14.90 FEET; THENCE N9°57'42"W 17.11 FEET THENCE N58°56'33" 3.84 FEET; THENCE S78°43'31"W TO AN EXTENSION TO THE NORTH, OF THE WEST LINE OF SAID TRACT CONVEYED TO FOX ISLAND LIMITED PARTNERSHIP, 7.66 FEET; THENCE S11°16'29"E ALONG SAID TRACT, 123.04 FEET TO THE POINT OF BEGINNING, IN THE CITY OF ST. CHARLES, KANE COUNTY, ILLINOIS

Property is commonly known as: 12 INDIANA STREET

That PARTNERSHIP 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 herein. All construction by the CITY shall be done in a good, workmanlike manner, and the CITY also agrees that the premises will be left in a neat and presentable condition. WITNESS our hands and seals this 27th day of April, 2017.

NAME OF PARTNERSHIP Fox Island Limited Partnership

BY: Fox Island Limited Partnership

BY: Craig A. Shodeen, President

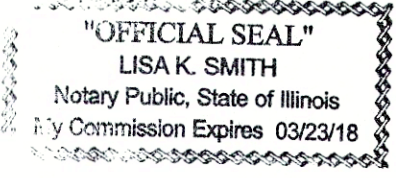
ATTEST: Beth C. Shodeen, Secretary

STATE OF ILLINOIS )
) SS
COUNTY OF KANE )

I, the undersigned, a Notary Public, in and for the County and State aforesaid, DO HEREBY CERTIFY, that Craig A. Shodeen, President personally known to me to be the President of the Corporation, and Beth C. Shodeen, Secretary personally known to me to be the Secretary of said corporation, and 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 severally acknowledge that as such President and Secretary of said corporation, and caused the corporate seal of said corporation to be affixed thereto, pursuant to authority, given by the Board of Trustees of said corporation as their free and voluntary act, and as the free and voluntary act and deed of said corporation, for the uses and purposes therein set forth.

Given under my hand and seal this 27th day of April, 2017.

Notary Public signature and name: Lisa K. Smith



CONSENT OF MORTGAGEE

First State Bank, its successors and/or assigns does hereby consent to and approve of the within described utility easement and subordinates the following thereto: Mortgage dated December 16, 2016 and recorded December 19, 2016 as Document No. 2016K069736 made by Fox Island Limited Partnership to secure a note for \$2,816,000.00, this 3rd day of May, 2017.

BY: [Signature]
ATTEST: Kathy J. Hutchison

STATE OF ILLINOIS )
) SS
COUNTY OF KANE )

I, the undersigned, a Notary Public within and for said county certify that Ed Michels and Kathy J. Hutchison respectively, of First State Bank, who are personally known to me to be the same person whose names are subscribed to the foregoing document, appeared before me this day in person and acknowledged that they signed and delivered this instrument as their own free and voluntary act of the company, for the uses and purposes set forth.

Given under my hand and seal this 3rd day of May, 2017.

Notary Public signature and name: Lisa K. Smith



STATE OF ILLINOIS )
) SS
COUNTY OF KANE )

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that Raymond Rogina personally known to me to be the Mayor of the City of St. Charles, a municipal corporation and Nancy Garrison personally known to me to be the City Clerk of the City of St. Charles, and 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 severally acknowledged that as such Mayor and City Clerk of said corporation they caused their signatures to be affixed thereto, and caused the corporate seal of said corporation to be affixed thereto, pursuant to the authority given by the Council of the City of St. Charles as their free and voluntary act, and as the free and voluntary act and deed of said corporation, for the uses and purposes therein set forth.

Given under my hand and seal this \_\_\_ day of \_\_\_, 20\_\_.

MAYOR

CITY CLERK

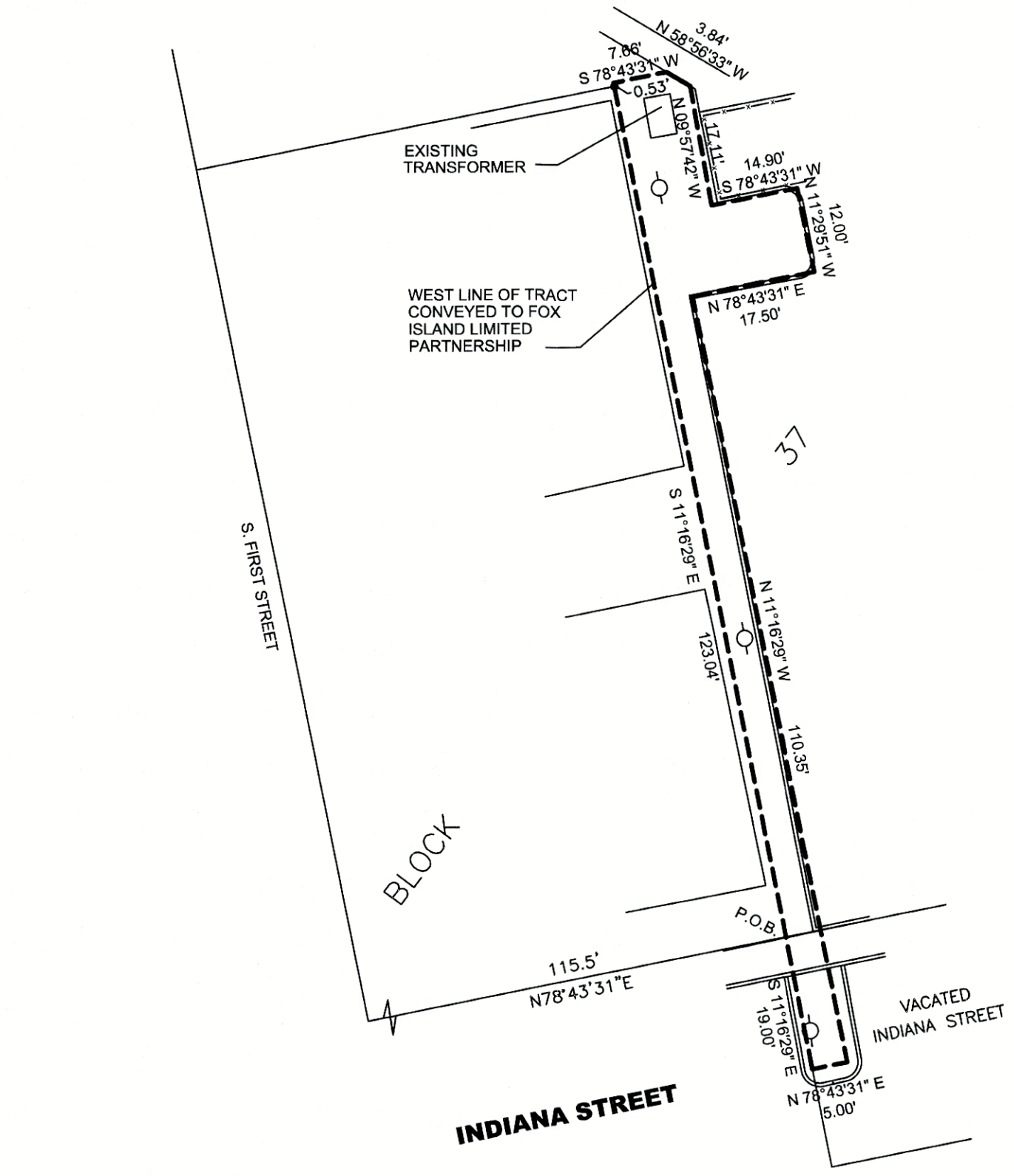
STATE OF ILLINOIS )
) SS
COUNTY OF KANE )

I, the undersigned, a Notary Public, in and for the County and State aforesaid, DO HEREBY CERTIFY, that Raymond Rogina personally known to me to be the Mayor of the CITY OF ST. CHARLES, a municipal corporation

and Nancy Garrison the City Clerk be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person and severally acknowledge that as such Mayor and City Clerk of said corporation, and caused the corporate seal of said corporation to be affixed thereto, pursuant to authority, given by the Council of the City of St. Charles as their free and voluntary act, and as the free and voluntary act and deed of said corporation, for the uses and purposes therein set forth.

Given under my hand and seal this \_\_\_ day of \_\_\_, 20\_\_.

NOTARY PUBLIC



STATE OF ILLINOIS
COUNTY OF KANE
DALE FLOYD LAND SURVEYING L.L.C., A PROFESSIONAL DESIGN FIRM, LICENSE NO. 184-004129
DO HEREBY CERTIFY THAT THE ABOVE DESCRIBED EASEMENT HAS BEEN SURVEYED IN THE MANNER REPRESENTED ON THE PLAT HEREON DRAWN.

DIMENSIONS ARE SHOWN IN FEET AND DECIMAL PARTS THEREOF.

GENEVA, ILLINOIS 11-21 A.D. 2017

Thomas D. [Signature]
ILLINOIS PROFESSIONAL LAND SURVEYOR
NO. 035-003908



License expiration date 11-30-2018

FIELD WORK COMPLETED: 9-26-2016

PREPARED FOR CITY OF ST. CHARLES