



**AGENDA ITEM EXECUTIVE SUMMARY**

Agenda Item number: \*6.h

Title:

Recommendation to Approve Permanent Utility Easement for 1102 S. 7<sup>th</sup> Avenue with Mark and Carla Macaluso

Presenter:

Karen Young

Meeting: Government Services Committee

Date: August 27, 2018

Proposed Cost: n/a

Budgeted Amount: n/a

Not Budgeted:

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

As part of the 7<sup>th</sup> Avenue Creek project it was determined that an existing easement was not in place for the existing dual storm culverts under South 7<sup>th</sup> Avenue north of Fern Avenue. Staff worked with the property owners, Mark and Carla Macaluso to secure a Drainage and Storm Sewer Easement over the area, which will allow the City to access this area for future repair needs to the storm sewer and creek in this area.

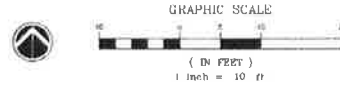
**Attachments** *(please list):*

\* Plat of Easement for Drainage and Storm Sewer.

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

Recommendation to approve Permanent Utility Easement for 1102 S. 7<sup>th</sup> Avenue with Mark and Carla Macaluso.

PART OF PINS 09-35-151-018 & 09-35-151-022



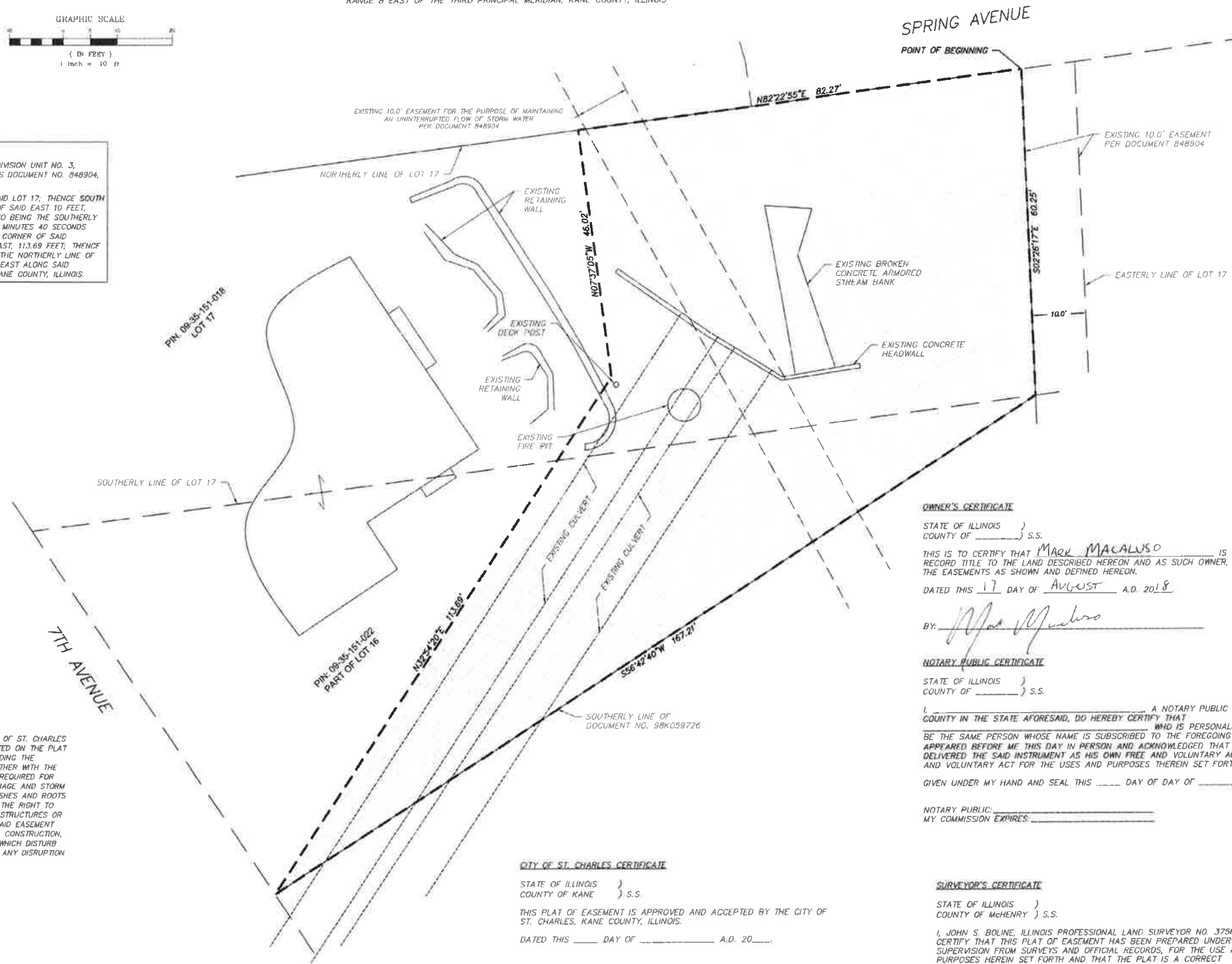
# PLAT OF EASEMENT FOR DRAINAGE AND STORM SEWER

OVER PART OF THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 40 NORTH,  
RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, KANE COUNTY, ILLINOIS

### EASEMENT LEGAL DESCRIPTION

AN EASEMENT OVER PART OF LOTS 16 AND 17 IN 7TH AVENUE SUBDIVISION UNIT NO. 3, ACCORDING TO THE PLA1 THEREOF RECORDED NOVEMBER 12, 1957 AS DOCUMENT NO. 848904, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE EAST 10 FEET OF SAID LOT 17; THENCE SOUTH 02 DEGREES 26 MINUTES 17 SECONDS EAST ALONG THE WEST LINE OF SAID EAST 10 FEET, 80.25 FEET TO THE SOUTHWEST CORNER OF SAID EAST 10 FEET, ALSO BEING THE SOUTHERLY LINE OF DOCUMENT NO. 98K059726; THENCE SOUTH 56 DEGREES 42 MINUTES 40 SECONDS WEST ALONG SAID SOUTHERLY LINE, 167.21 FEET TO THE SOUTHWEST CORNER OF SAID DOCUMENT; THENCE NORTH 17 DEGREES 54 MINUTES 20 SECONDS EAST, 113.89 FEET; THENCE NORTH 07 DEGREES 37 MINUTES 05 SECONDS WEST, 46.02 FEET TO THE NORTHERLY LINE OF SAID LOT 17; THENCE NORTH 82 DEGREES 22 MINUTES 55 SECONDS EAST ALONG SAID NORTHERLY LINE, 82.27 FEET TO THE POINT OF BEGINNING, ALL IN KANE COUNTY, ILLINOIS.



### EASEMENT PROVISIONS

AN APPURTENANT EASEMENT IS HEREBY RESERVED FOR AND GRANTED TO THE CITY OF ST. CHARLES AND THEIR RESPECTIVE SUCCESSORS AND ASSIGNS, WITHIN THE AREAS SO DESIGNATED ON THE PLAT AND MARKED DRAINAGE AND STORM SEWER EASEMENT FOR THE PURPOSE OF PROVIDING THE MAINTENANCE OF DRAINAGE AND STORM SEWER AND APPURTENANT FACILITIES TOGETHER WITH THE RIGHT OF ACCESS THERETO FOR THE PERSONNEL AND EQUIPMENT NECESSARY AND REQUIRED FOR THE CONSTRUCTION, RECONSTRUCTION, OPERATION AND MAINTENANCE OF SAID DRAINAGE AND STORM SEWER FACILITIES, TOGETHER WITH THE RIGHT TO CUT, TRIM, OR REMOVE TREES, BUSHES AND ROOTS AS MAY BE REASONABLY REQUIRED INCIDENTAL TO THE RIGHTS HEREIN GIVEN, AND THE RIGHT TO ENTER UPON THE PROPERTY FOR ALL SUCH PURPOSES. NO PERMANENT BUILDINGS, STRUCTURES OR FENCES SHALL BE CONSTRUCTED OR MAINTAINED ON, ACROSS OVER OR THROUGH SAID EASEMENT WITHOUT PRIOR WRITTEN CONSENT OF THE GRANTEE. GRANTEE FURTHER AGREES ALL CONSTRUCTION, RECONSTRUCTION, OPERATION, MAINTENANCE, REMOVAL AND ANY OTHER ACTIVITIES WHICH DISTURB THE EASEMENT PROPERTY WILL BE COORDINATED WITH GRANTOR SO AS TO MINIMIZE ANY DISRUPTION TO GRANTOR'S PROPERTY.

- NOTES:
- This map was created for use as a Plat of Easement.
  - This map is not to be used for any construction or staking purposes without consent from a proper agent of HR Green, Inc.
  - This IS NOT a Plat of Survey. No assumptions or agreements as to ownership, use, or possession can be conveyed from this document.
  - No underground improvements have been located unless shown and noted.
  - No distance should be assumed by scaling.
  - This map is void without original embossed or red colored seal and signature affixed.
  - Bearings shown hereon are based on Illinois State Plane Coordinates, East Zone NAD83(2011)

= DRAINAGE & STORM SEWER EASEMENT HEREBY GRANTED

PARCEL CONTAINS 8,072± SF

### OWNER'S CERTIFICATE

STATE OF ILLINOIS )  
COUNTY OF \_\_\_\_\_ ) S.S.

THIS IS TO CERTIFY THAT MARK MACALUSO IS THE HOLDER OF RECORD TITLE TO THE LAND DESCRIBED HEREON AND AS SUCH OWNER, DOES HEREBY GRANT THE EASEMENTS AS SHOWN AND DEFINED HEREON.

DATED THIS 17 DAY OF AUGUST A.D. 2018.

BY: Mark Macaluso

### NOTARY PUBLIC CERTIFICATE

STATE OF ILLINOIS )  
COUNTY OF \_\_\_\_\_ ) S.S.

I, \_\_\_\_\_, A NOTARY PUBLIC IN AND FOR SAID COUNTY IN THE STATE AFORESAID, DO HEREBY CERTIFY THAT \_\_\_\_\_ WHO IS PERSONALLY KNOWN TO ME TO BE THE SAME PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, APPEARED BEFORE ME THIS DAY IN PERSON AND ACKNOWLEDGED THAT HE/SHE SIGNED AND DELIVERED THE SAID INSTRUMENT AS HIS OWN FREE AND VOLUNTARY ACT AND AS THE FREE AND VOLUNTARY ACT FOR THE USES AND PURPOSES THEREIN SET FORTH.

GIVEN UNDER MY HAND AND SEAL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D. 20\_\_\_\_.

NOTARY PUBLIC: \_\_\_\_\_  
MY COMMISSION EXPIRES: \_\_\_\_\_

### CITY OF ST. CHARLES CERTIFICATE

STATE OF ILLINOIS )  
COUNTY OF KANE ) S.S.

THIS PLAT OF EASEMENT IS APPROVED AND ACCEPTED BY THE CITY OF ST. CHARLES, KANE COUNTY, ILLINOIS.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D. 20\_\_\_\_.

BY: \_\_\_\_\_ MAYOR

ATTEST: \_\_\_\_\_ CITY CLERK

### SURVEYOR'S CERTIFICATE

STATE OF ILLINOIS )  
COUNTY OF McHENRY ) S.S.

I, JOHN S. BOLINE, ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 3756, HEREBY CERTIFY THAT THIS PLAT OF EASEMENT HAS BEEN PREPARED UNDER MY DIRECT SUPERVISION FROM SURVEYS AND OFFICIAL RECORDS, FOR THE USE AND PURPOSES HEREIN SET FORTH, AND THAT THE PLAT IS A CORRECT REPRESENTATION OF THE HEREON CAPTIONED PROPERTY.

DATED AT McHENRY, ILLINOIS ON THIS 4th DAY OF JUNE, 2018.

BY: \_\_\_\_\_

JOHN BOLINE  
ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 3756  
LICENSE EXPIRES: NOVEMBER 30, 2018.  
EMAIL: JBOLINE@HRGREEN.COM

NO.	DATE	BY	REVISION DESCRIPTION
1	05/15/18	JB	REVISED PER CITY REVIEW COMMENTS

Illinois Professional Design Firm # 184-001922  
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McHenry, IL 60050-2136  
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PLAT OF EASEMENT  
FOR DRAINAGE AND STORM SEWER  
1102 SOUTH 7TH AVE.  
ST. CHARLES, ILLINOIS

BAR IS ONE INCH OR  
OFFICIAL DRAWING  
IF NOT ONE INCH,  
ADJUST SCALE ACCORDINGLY

DRAWN BY: USB  
APPROVED: MD  
JOB DATE: 05/15/18  
JOB NO: 86140185.06