



AGENDA ITEM EXECUTIVE SUMMARY

Agenda Item number: *6.1

Title:

Recommendation to Approve Acceptance of Plat of Temporary Construction Easement at O'Reilly Auto Parts

Presenter:

Peter Suhr

Meeting: Government Services Committee

Date: September 24, 2018

Proposed Cost: \$0

Budgeted Amount: \$0

Not Budgeted:

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

As part of the New Police Station Construction Project, some construction work is necessary on the adjacent property. More specifically, the main entrance to the Valley Shopping Center Site and New Police Station from Main Street requires reconnection to the O'Reilly Auto Parts parking lot. Minor earthwork, concrete curb work and asphalt construction will be required on the O'Reilly property.

City staff and the owner of the O'Reilly Auto Parts property worked collaboratively to draft the attached easement document. The City attorney has reviewed and approved the document.

Attachments *(please list):*

*Plat of Temporary Construction Easement

Recommendation/Suggested Action *(briefly explain):*

Recommendation to Authorize Mayor and City Clerk to Execute Plat of Temporary Construction Easement at O'Reilly Auto Parts.

PLAT OF TEMPORARY CONSTRUCTION EASEMENT

TEMPORARY CONSTRUCTION EASEMENT LEGAL DESCRIPTION:

THAT PART OF THE EAST 1/2 OF THE NORTHWEST 1/4 OF SECTION 33, TOWNSHIP 40 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED BY COMMENCING AT THE INTERSECTION OF THE SOUTH LINE OF ILLINOIS ROUTE 64 WITH THE EAST LINE OF LOT 4 IN VALLEY SHOPPING CENTER RESUBDIVISION ACCORDING TO THE PLAT THEREOF RECORDED AS DOCUMENT 2018K016459, SAID POINT OF COMMENCEMENT ALSO BEING THE NORTHWEST CORNER OF LAND CONVEYED TO HFP PROPERTIES BY SPECIAL WARRANTY DEED RECORDED AS DOCUMENT 2015K069145: THENCE SOUTH 00 DEGREES 54 MINUTES 30 SECONDS EAST ALONG THE EAST LINE OF SAID LOT 4, 55.20 FEET TO THE PLACE OF BEGINNING; THENCE NORTH 89 DEGREES 05 MINUTES 30 SECONDS EAST 52.00 FEET; THENCE SOUTH 00 DEGREES 54 MINUTES 30 SECONDS EAST 204.07 FEET; THENCE SOUTH 89 DEGREES 05 MINUTES 30 SECONDS WEST 52.00 FEET TO THE EAST LINE OF SAID LOT 4; THENCE NORTH 00 DEGREES 54 MINUTES 30 SECONDS WEST 204.07 FEET TO THE PLACE OF BEGINNING, IN KANE COUNTY, ILLINOIS.

Temporary Construction Easement Provisions

A Temporary Exclusive Easement ("Easement") is hereby reserved for and granted to the City of St. Charles, Illinois and its successors and assigns (collectively "Grantee") in, upon, across, under, and through the area labeled "Temporary Construction Easement" on this plat for the purpose of providing sufficient room to install, construct, and inspect a driveway and appurtenances to provide access to the property located 1405 West Main Street, St. Charles Illinois, owned by HFP Properties LLC ("Owner") from 15' Street, St. Charles Illinois, together with the right of access across the real estate platted herein for the necessary personnel and equipment to do any or all of the above work.

Grantee shall provide to the Owner written notice at least 2 business days before accessing the Easement to perform any of the work described above.

Grantee shall bear all costs or expenses of any kind or nature in connection with its use of the Easement. Grantee shall indemnify, defend, reimburse, and hold the Owner and its tenant, O'Reilly Auto Parts, harmless against any and all demands, claims, losses, costs, damages, or any liabilities of any kind arising out of the rights granted herein. Upon completion of construction, the Grantee shall restore the surface of the property to its original or better condition, including fences, grading, asphalt, and vegetation.

Upon the completion of all restoration activities, and after the ground cover has become well established, but no later than July 15, 2019, this Easement shall expire and cease to exist. All of Grantee's obligations, including all releases and indemnities hereunder, shall survive the expiration of this Easement.

OWNER'S CERTIFICATE

STATE OF ILLINOIS)

COUNTY OF JSS

THIS IS TO CERTIFY THAT _____ A _____ CORPORATION IS THE RECORD OWNER OF THE PROPERTY DESCRIBED IN THE SURVEYOR'S CERTIFICATE AFFIXED HEREON, AND DOES HEREBY CONSENT TO THE GRANT OF EASEMENT DEPICTED HEREON.

DATED THIS _____ DAY OF _____, A.D., 20____.

SIGNATURE _____

BY: _____
PRINT NAME

TITLE _____

COMPANY NAME _____

ADDRESS _____

NOTARY'S CERTIFICATE

STATE OF ILLINOIS)

COUNTY OF)SS

I, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE AFORESAID COUNTY AND STATE, DO HEREBY CERTIFY THAT THE FOREGOING SIGNATOR OF THE OWNER'S CERTIFICATE IS PERSONALLY KNOWN TO ME TO BE THE SAME PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND THAT SAID INDIVIDUAL APPEARED AND DELIVERED SAID INSTRUMENT AS A FREE AND VOLUNTARY ACT OF THE CORPORATION AND THAT SAID INDIVIDUAL DID ALSO THEN AND THERE ACKNOWLEDGE THAT HE OR SHE IS A CUSTODIAN OF THE CORPORATE SEAL OF SAID CORPORATION AND DID AFFIX SAID SEAL OF SAID CORPORATION TO SAID INSTRUMENT AS HIS OR HER OWN FREE AND VOLUNTARY ACT AND AS THE FREE AND VOLUNTARY ACT OF SAID CORPORATION, AS OWNER, FOR THE USES AND PURPOSES THEREIN SET FORTH IN AFORESAID INSTRUMENT.

GIVEN UNDER MY HAND AND NOTARIAL SEAL THIS _____ DAY OF _____

A.D., 20____.

BY: _____

NOTARY

PRINT NAME _____

RECORDER'S CERTIFICATE

STATE OF ILLINOIS)

JSS
COUNTY OF _____)

I, THE UNDERSIGNED, AS THE RECORDER OF DEEDS FOR _____ COUNTY DO HEREBY CERTIFY THAT INSTRUMENT NUMBER _____ WAS FILED FOR RECORD IN THE RECORDER'S OFFICE OF _____ COUNTY, ILLINOIS, ON THE _____ DAY OF _____, A.D., 20____ AT _____ O'CLOCK ____ M.

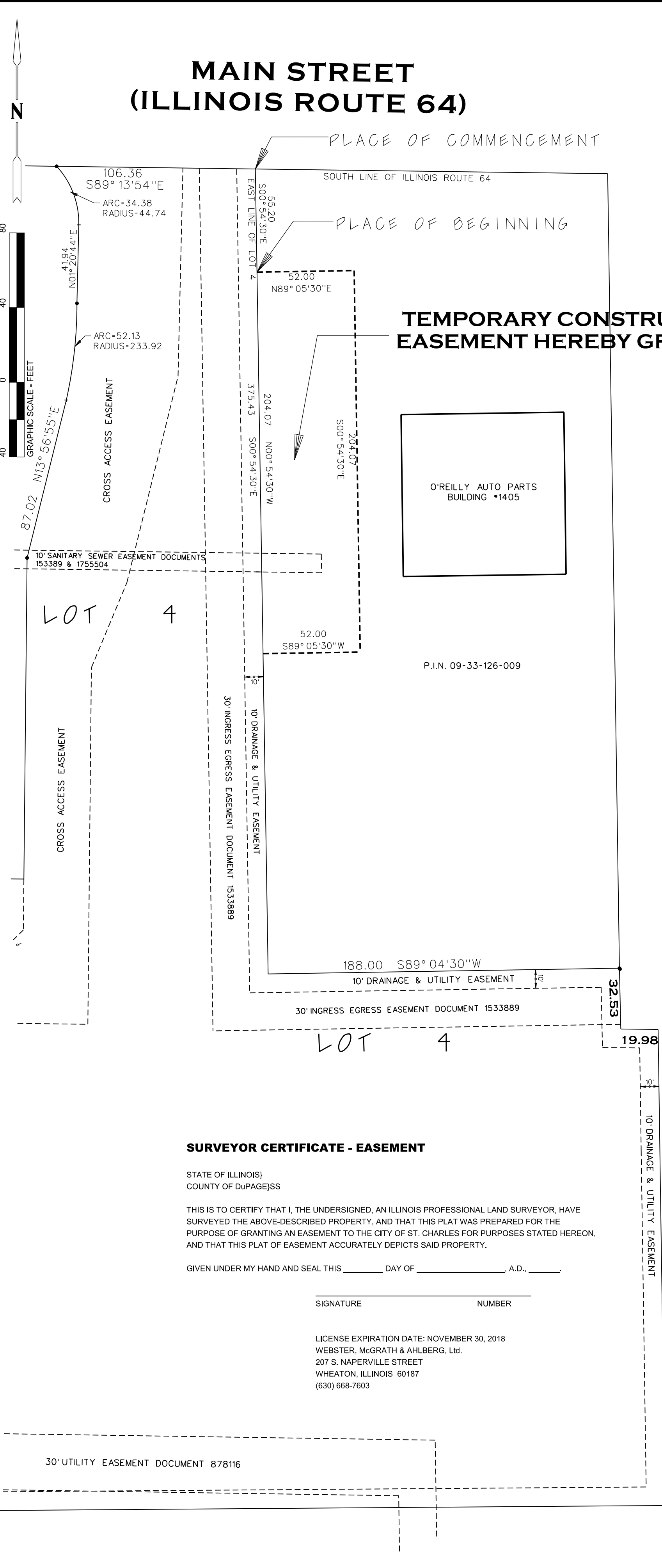
RECORDER OF DEEDS _____

PLEASE TYPE/PRINT NAME _____

MAIN STREET (ILLINOIS ROUTE 64)

TEMPORARY CONSTRUCTION EASEMENT HEREBY GRANTED

14TH STREET



SURVEYOR CERTIFICATE - EASEMENT

STATE OF ILLINOIS)
COUNTY OF DuPAGE)SS

THIS IS TO CERTIFY THAT I, THE UNDERSIGNED, AN ILLINOIS PROFESSIONAL LAND SURVEYOR, HAVE SURVEYED THE ABOVE-DESCRIBED PROPERTY, AND THAT THIS PLAT WAS PREPARED FOR THE PURPOSE OF GRANTING AN EASEMENT TO THE CITY OF ST. CHARLES FOR PURPOSES STATED HEREON, AND THAT THIS PLAT OF EASEMENT ACCURATELY DEPICTS SAID PROPERTY.

GIVEN UNDER MY HAND AND SEAL THIS _____ DAY OF _____, A.D., _____.

SIGNATURE _____ NUMBER _____

LICENSE EXPIRATION DATE: NOVEMBER 30, 2018
WEBSTER, McGRATH & AHLBERG, Ltd.
207 S. NAPERVILLE STREET
WHEATON, ILLINOIS 60187
(630) 668-7603

30' UTILITY EASEMENT DOCUMENT 878116

Rev	Date	Description	By
1	09/19/18	Revised Easement Provisions	

WEBSTER, McGRATH & AHLBERG LTD.

WMA

LAND SURVEYING - CIVIL ENGINEERING - LANDSCAPE ARCHITECTURE

Over a Century of Service to our Clients

207 South Naperville Road Wheaton, Illinois 60187
ph: (630)668-7603 web: www.wmald.com
Design Firm License No. 184-003101

PLAT OF TEMPORARY CONSTRUCTION EASEMENT		
LOCATION: O'REILLY AUTO PARTS 1405 WEST MAIN STREET ST. CHARLES, ILLINOIS		
PREPARED FOR: CITY OF ST. CHARLES		
JOB #:	DATE:	SCALE:
44008	09/07/2018	1"=40'
SURV:	DRAWN:	DESIGN:
	GA	
FILE #:	FILE #	SHEET #:
		1 of 1