

**AGENDA ITEM EXECUTIVE SUMMARY**

Agenda Item number: IA

Title:

Motion to approve a Resolution Authorizing the Mayor and City Clerk of the City of St. Charles to approve a Plat of Easement for Public Utilities (Meijer Outlot Development)

Presenter:

Rita Tungare

Meeting: City Council

Date: May 20, 2019

Proposed Cost: N/A

Budgeted Amount: N/A

Not Budgeted: ☐**Executive Summary** (*if not budgeted please explain*):

On 6/4/18, City Council approved a Special Use for Planned Unit Development and PUD Preliminary Plan for the Meijer Outlot Development which approved development of three commercial buildings on a portion of the Meijer store parking lot. A Final Plat of Subdivision establishing the Meijer Outlot was subsequently approved on 8/20/18.

A condition of the PUD approval was that public utility easements for all utilities shown on the Preliminary Plans be provided to the satisfaction of the City prior to the City signing the Final Plat of Subdivision.

The Final Plat of Subdivision has been submitted for City signatures. As required by the PUD, a Plat of Easement has been provided which is acceptable to the City. Staff has advised the applicant that the easement locations will need to be revisited based on as-built conditions.

Attachments (*please list*):

Plat of Easement

Recommendation/Suggested Action (*briefly explain*):

Motion to approve a Resolution Authorizing the Mayor and City Clerk of the City of St. Charles to approve a Plat of Easement for Public Utilities (Meijer Outlot Development)

City of St. Charles, Illinois
Resolution No. _____

**A Resolution Authorizing the Mayor and City Clerk of the City of St.
Charles to approve a Plat of Easement for Public Utilities
(Meijer Outlot Development)**

**Presented & Passed by the
City Council on May 20, 2019**

BE IT RESOLVED by the Mayor and City Council of the City of St. Charles, Kane and DuPage Counties, Illinois, that the Mayor and City Clerk be and the same are hereby authorized to approve an a Plat of Easement for Public Utilities (Meijer Outlot Development), prepared by Woolpert, Inc., latest revisions dated 4/8/19 attached hereto as Exhibit "A".

PRESENTED to the City Council of the City of St. Charles, Illinois, this 20th day of May, 2019.

PASSED by the City Council of the City of St. Charles, Illinois, this 20th day of May, 2019.

APPROVED by the Mayor of the City of St. Charles, Illinois, this 20th day of May, 2019.

Raymond P. Rogina, Mayor

ATTEST:

City Clerk

COUNCIL VOTE:

Ayes:

Nays:

Absent:

Abstain:

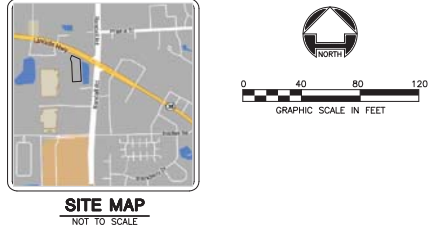
Resolution No. _____

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Exhibit "A"

Plat of Easement

G:\US Projects\Various\77742 - Alrig, St Charles\Drawings\77742 - Easement Plat-84.dwg, Plotted By: collie-rozelle, Plotted: Apr 09, 2019 - 11:10am



LEGEND:

- SURVEYED BOUNDARY/LOT OR PARCEL LINE
- - - - - RIGHT OF WAY LINE
- - - - - EXISTING EASEMENT LINE
- - - - - PROPOSED EASEMENT LINE
- SET R.R. SPIKE/NAI IN ASPHALT OR IRON PIN W/ CAP IN SOIL OR OUT CROSS IN CONCRETE
- SET CONCRETE MONUMENT
- REBAR FOUND
- IRON PIPE FOUND
- NAIL FOUND
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCEMENT

PUBLIC UTILITY EASEMENT PROVISIONS

EASEMENTS ARE HEREBY RESERVED FOR AND GRANTED TO THE CITY OF ST. CHARLES, COUNTY OF KANE, ILLINOIS AND TO THOSE PUBLIC UTILITY COMPANIES OPERATING UNDER FRANCHISE FROM THE CITY OF ST. CHARLES, COUNTY OF KANE, INCLUDING, BUT NOT LIMITED TO, ILLINOIS BELL TELEPHONE COMPANY, GSA AT&T ILLINOIS AND THEIR SUCCESSORS, ASSIGNS (TOGETHER, THE "GRANTEES"), UNDER AND THROUGH ALL OF THE AREAS MARKED "PUBLIC UTILITY EASEMENT" OR (P.U.E.) ON THE PLAT FOR THE PERPETUAL RIGHT, PRIVILEGE AND AUTHORITY TO CONSTRUCT, RECONSTRUCT, REPAIR, INSPECT, MAINTAIN AND OPERATE VARIOUS UTILITY TRANSMISSIONS AND DISTRIBUTION SYSTEMS, COMMUNITY ANTENNA TELEVISION SYSTEMS, POTABLE WATER AND INCLUDING STORM AND/OR SANITARY SEWERS, TOGETHER WITH ANY AND ALL NECESSARY MANHOLES, CATCH BASINS, CONNECTIONS, APPLIANCES AND OTHER STRUCTURES AND APPURTENANCES AS MAY BE DEEMED NECESSARY BY SAID CITY OR COUNTY AND THROUGH SAID AREAS AND THROUGH EASEMENTS, TOGETHER WITH RIGHT OF ACCESS ACROSS THE PROPERTY FOR NECESSARY MEN AND EQUIPMENT TO DO ANY OF THE ABOVE WORK. THE RIGHT IS ALSO GRANTED TO CUT DOWN, TRIM OR REMOVE ANY TREES, SHRUBS OR OTHER PLANTS ON THE EASEMENTS THAT INTERFERE WITH THE OPERATIONS OF THE SEWERS OR OTHER UTILITIES. NO PERMANENT BUILDINGS SHALL BE PLACED ON SAID EASEMENTS, BUT SAME MAY BE USED FOR PAVEMENT, GARDENS, SHRUBS, LANDSCAPING AND OTHER PURPOSES THAT DO NOT THEN OR LATER INTERFERE WITH THE AFORESAID USES OR RIGHTS. WHERE AN EASEMENT IS USED BOTH FOR SEWERS AND OTHER UTILITIES, THE OTHER UTILITY INSTALLATION SHALL BE SUBJECT TO THE ORDINANCES OF THE CITY OF ST. CHARLES AND COUNTY OF KANE.

THE GRANTEES SHALL EXERCISE REASONABLE EFFORTS TO CONSTRUCT, INSTALL, MAINTAIN, REPAIR, REPLACE AND OPERATE THE RESPECTIVE UTILITY IMPROVEMENTS AND EXPOSE THE RIGHTS GRANTED HEREIN, SO AS TO MINIMIZE THE INTERFERENCE WITH THE DEVELOPMENT, OPERATION AND USE OF THE GRANTOR'S PROPERTY. THE GRANTEES SHALL EXERCISE REASONABLE EFFORTS TO RETURN THE GRANTOR'S PROPERTY TO AS NEAR ITS ORIGINAL CONDITION AS IS REASONABLY POSSIBLE AT SUCH TIME AS THE GRANTEES COMPLETES ITS CONSTRUCTION, MAINTENANCE, REPAIR OR OTHER OPERATIONS IN THE EASEMENT PREMISES.

EASEMENT PROVISIONS

AN EASEMENT FOR SERVING THE SUBDIVISION AND OTHER PROPERTY WITH ELECTRIC AND COMMUNICATION SERVICE IS HEREBY RESERVED FOR AND GRANTED TO COMMONWEALTH EDISON COMPANY AND

AT&T ILLINOIS A.K.A. ILLINOIS BELL TELEPHONE COMPANY, GRANTEES,

THEIR RESPECTIVE LICENSEES, SUCCESSORS AND ASSIGNS JOINTLY AND SEVERALLY, TO CONSTRUCT, OPERATE, REPAIR, MAINTAIN, MODIFY, RECONSTRUCT, REPLACE, SUPPLEMENT, RELOCATE AND REMOVE, FROM TIME TO TIME, POLES, GUYS, ANCHORS, WIRES, CABLES, CONDUITS, MANHOLES, TRANSFORMERS, PEDESTALS, EQUIPMENT CABINETS OR OTHER FACILITIES USED IN CONNECTION WITH OVERHEAD AND UNDERGROUND TRANSMISSION AND DISTRIBUTION OF ELECTRICITY, COMMUNICATIONS, SOUNDS AND SIGNALS IN, OVER, UNDER, ACROSS, ALONG AND UPON THE SURFACE OF THE PROPERTY SHOWN WITH THE DASHED OR DOTTED LINES (OR SIMILAR DESIGNATION) ON THE PLAT AND MARKED "EASEMENT", "UTILITY EASEMENT", "PUBLIC UTILITY EASEMENT", "P.U.E." (OR SIMILAR DESIGNATION), THE PROPERTY DESIGNATED IN THE DECLARATION OF CONDOMINIUM AND/OR ON THIS PLAT AS "COMMON AREAS" AND THE PROPERTY DESIGNATED ON THE PLAT FOR STREETS AND ALLEYS, WHETHER PUBLIC OR PRIVATE, TOGETHER WITH THE RIGHTS TO INSTALL REQUIRED SERVICE CONNECTIONS OVER OR UNDER THE SURFACE OF EACH LOT AND COMMON AREA OR AREAS TO SERVE IMPROVEMENTS THEREON, OR ON ADJACENT LOTS, AND COMMON AREAS OR AREAS, THE RIGHT TO CUT, TRIM OR REMOVE TREES, BUSHES, ROOTS AND SAPLINGS AND TO CLEAR OBSTRUCTIONS FROM THE SURFACE AND SUBSURFACE AS MAY BE REASONABLY REQUIRED INCIDENT TO THE RIGHTS HEREIN GIVEN, AND THE RIGHT TO ENTER UPON THE PROPERTY DEPICTED HEREON FOR ALL SUCH PURPOSES. OBSTRUCTIONS SHALL NOT BE PLACED OVER GRANTEES' FACILITIES OR IN, UPON OR OVER THE PROPERTY WITHIN THE DASHED OR DOTTED LINES (OR SIMILAR DESIGNATION) MARKED "EASEMENT", "UTILITY EASEMENT", "PUBLIC UTILITY EASEMENT", "P.U.E." (OR SIMILAR DESIGNATION) WITHOUT THE PRIOR WRITTEN CONSENT OF GRANTEES. AFTER INSTALLATION OF ANY SUCH FACILITIES, THE GRADE OF THE PROPERTY SHALL NOT BE ALTERED IN A MANNER SO AS TO INTERFERE WITH THE PROPER OPERATION AND MAINTENANCE THEREOF.

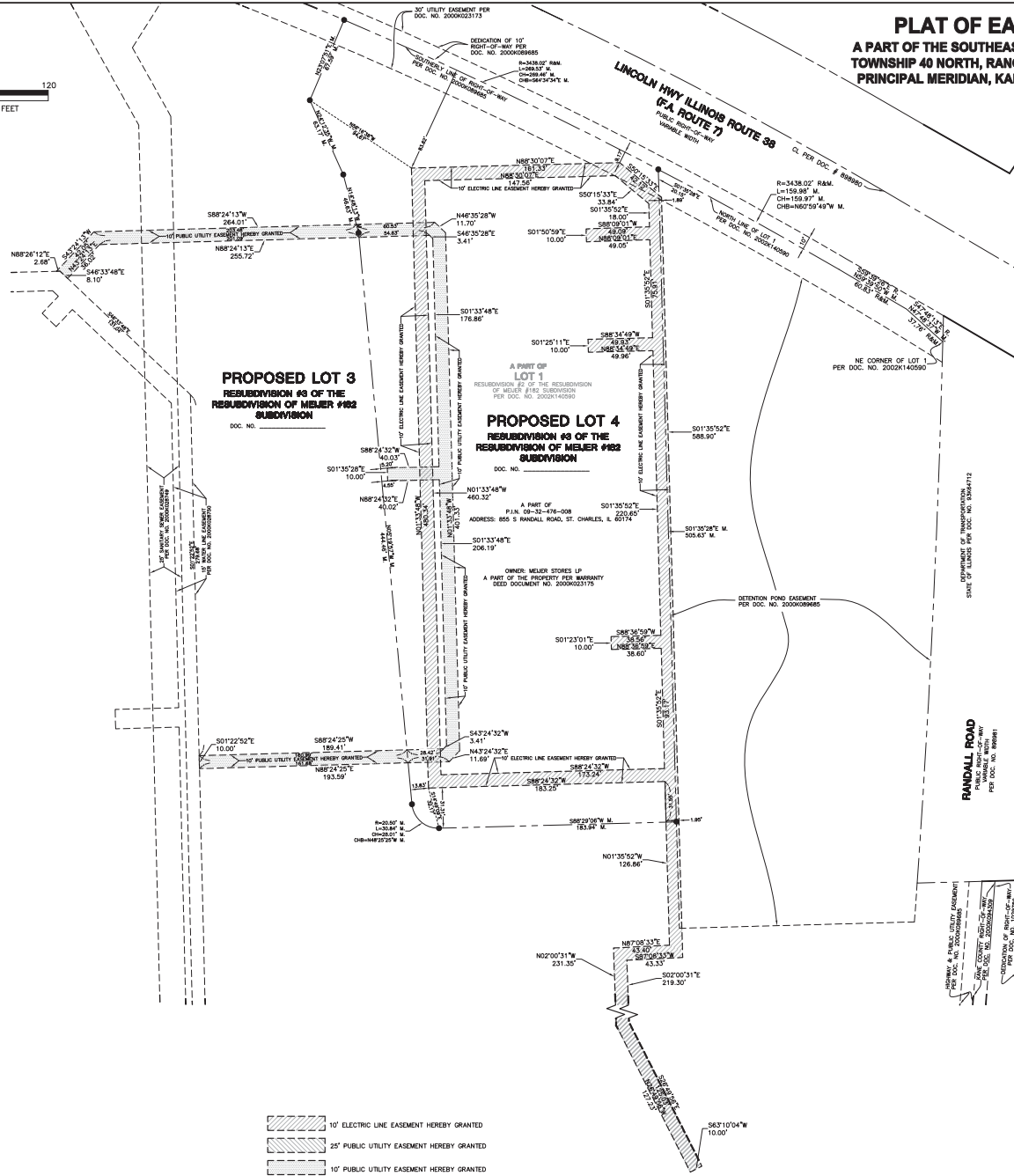
THE TERM "COMMON ELEMENTS" SHALL HAVE THE MEANING SET FORTH FOR SUCH TERM IN THE "CONDOMINIUM PROPERTY ACT", CHAPTER 765 ILCS 605/2(C), AS AMENDED FROM TIME TO TIME.

THE TERM "COMMON AREA OR AREAS" IS DEFINED AS A LOT, PARCEL OR AREA OF REAL PROPERTY, THE BENEFICIAL USE AND ENJOYMENT OF WHICH IS RESERVED IN WHOLE OR AS AN APPURTENANCE TO THE SEPARATELY OWNED LOTS, PARCELS OR AREAS WITHIN THE PLANNED DEVELOPMENT, EVEN THOUGH SUCH BE OTHERWISE DESIGNATED ON THE PLAT BY TERMS SUCH AS "OUTLOTS", "COMMON ELEMENTS", "OPEN SPACE", "OPEN AREA", "COMMON GROUND", "PARKING" AND "COMMON AREA". THE TERM "COMMON AREA OR AREAS" AND "COMMON ELEMENTS" INCLUDE REAL PROPERTY SURFACED WITH INTERIOR DRIVEWAYS AND WALKWAYS, BUT EXCLUDES REAL PROPERTY PHYSICALLY OCCUPIED BY A BUILDING, SERVICE BUSINESS DISTRICT OR STRUCTURES SUCH AS A POOL, RETENTION POND OR MECHANICAL EQUIPMENT.

RELOCATION OF FACILITIES WILL BE DONE BY GRANTEES AT COST OF THE GRANTOR/LOT OWNER, UPON WRITTEN REQUEST.

THE GRANTEES SHALL EXERCISE REASONABLE EFFORTS TO CONSTRUCT, INSTALL, MAINTAIN, REPAIR, REPLACE AND OPERATE THE RESPECTIVE UTILITY IMPROVEMENTS AND EXERCISE THE RIGHTS GRANTED HEREIN, SO AS TO MINIMIZE THE INTERFERENCE WITH THE DEVELOPMENT, OPERATION AND USE OF THE GRANTOR'S PROPERTY. THE GRANTEES SHALL EXERCISE REASONABLE EFFORTS TO RETURN THE GRANTOR'S PROPERTY TO AS NEAR ITS ORIGINAL CONDITION AS IS REASONABLY POSSIBLE AT SUCH TIME AS THE GRANTEES COMPLETES ITS CONSTRUCTION, MAINTENANCE, REPAIR OR OTHER OPERATIONS IN THE EASEMENT PREMISES.

- 10' ELECTRIC LINE EASEMENT HEREBY GRANTED
- 25' PUBLIC UTILITY EASEMENT HEREBY GRANTED
- 10' PUBLIC UTILITY EASEMENT HEREBY GRANTED



PLAT OF EASEMENT

A PART OF THE SOUTHEAST 1/4 OF SECTION 32,
TOWNSHIP 40 NORTH, RANGE 8 EAST OF THE 3RD
PRINCIPAL MERIDIAN, KANE COUNTY, ILLINOIS

PLEASE RETURN THE RECORDED MYLAR TO:
CITY OF ST. CHARLES
2 E. MAIN STREET
ST. CHARLES, IL 60174

PERMANENT PARCEL IDENTIFICATION NUMBERS
PART OF 09-32-476-008

REVISION	DATE	No.
4.	04/08/19	REVISED PUBLIC UTILITY EASEMENT
3.	03/15/19	PROPOSALS REUSED
2.	02/06/19	REVISED PER COMMENTS
1.	02/05/19	REVISED

PROJECT No.	DATE	SCALE	AS SHOWN
77742	12/10/18	DATE	SRK
		DR	PTK/ACZ
		CHK	SRK

WOOLPERT, INC.
1815 South Meyers Road
Suite 950
Oakbrook Terrace, IL 60181
630.484.0080
FAX: 630.485.3731

W
WOOLPERT
SURVEYING, ENGINEERING & LAND MANAGEMENT

ALRIG, ST. CHARLES, IL
A PART OF THE SOUTHEAST 1/4 OF SECTION 32,
TOWNSHIP 40 NORTH, RANGE 8 EAST OF THE 3RD
PRINCIPAL MERIDIAN, KANE COUNTY, ILLINOIS
PLAT OF EASEMENT

G:\US Projects\Various\77742 - Alrig, St Charles\Drawings\77742 - Easement Plat-RS.dwg, Plotted By: collie-zozzels, Plotted: Apr 08, 2019 - 2:45pm



SITE MAP
NOT TO SCALE

LEGEND:

- SURVEYED BOUNDARY/LOT OR PARCEL LINE
- RIGHT OF WAY LINE
- - - EXISTING EASEMENT LINE
- - - PROPOSED EASEMENT LINE
- SET R.R. SPIKE/NAI IN ASPHALT OR IRON PIN W/ CAP IN SOIL OR CUT CROSS IN CONCRETE
- SET CONCRETE MONUMENT
- REMARK FOUND
- IRON PIPE FOUND
- NAIL FOUND
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCEMENT

OWNERS CERTIFICATE:

STATE OF _____ } SS
COUNTY OF _____ }

THIS IS TO CERTIFY THAT THE UNDERSIGNED, THE OF MEIJER GROUP, INC., A MICHIGAN CORPORATION, ON BEHALF OF SAID CORPORATION, FOR AND AS THE ACT OF THE GENERAL PARTNER OF MEIJER STORES LIMITED PARTNERSHIP, A MICHIGAN LIMITED PARTNERSHIP, IS THE OWNER OF THE LAND DESCRIBED IN THE PLAT OF EASEMENT, AND HAS CAUSED THE SAME TO BE SURVEYED AS INDICATED HEREON, FOR THE USES AND PURPOSES HEREIN SET FORTH, AND DOES HEREBY ACKNOWLEDGE AND ADOPT THE SAME UNDER THE STYLE AND TITLE HEREON INDICATED.

ALSO, THIS IS TO CERTIFY THAT THE PROPERTY SHOWN HEREON, AND TO THE BEST OF OWNER'S KNOWLEDGE AND BELIEF, SAID PROPERTY LIES ENTIRELY WITHIN THE LIMITS OF ST. CHARLES SCHOOL DISTRICT(S); COMMUNITY UNIT SCHOOL DISTRICT NUMBER 303.

WITNESS OUR HANDS AND SEALS THIS _____ DAY OF _____, A.D., 20____

MEIJER STORES LIMITED PARTNERSHIP, A MICHIGAN LIMITED PARTNERSHIP

BY: MEIJER GROUP, INC.

ITS: GENERAL PARTNER

BY: _____

NAME: _____

ITS: _____

ADDRESS: _____

NOTARY CERTIFICATE:

STATE OF _____ } SS
COUNTY OF _____ }

I, _____, NOTARY PUBLIC IN THE AFORESAID COUNTY AND STATE, DO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME BY _____

THE OF MEIJER GROUP, INC., A MICHIGAN CORPORATION, ON BEHALF OF SAID CORPORATION, FOR AND AS THE ACT OF THE GENERAL PARTNER OF MEIJER STORES LIMITED PARTNERSHIP, A MICHIGAN LIMITED PARTNERSHIP, AND PERSONALLY KNOWN TO ME TO BE THE SAME PERSON WHOSE NAME IS SUBSCRIBED TO THE AFORESAID INSTRUMENT, APPEARED BEFORE ME THIS DAY IN PERSON AND ACKNOWLEDGED THAT HE/SHE SIGNED AND DELIVERED THE PLAT OF EASEMENT AS THE OF SAID MEIJER GROUP, INC., AS THE FREE AND VOLUNTARY ACT AND DEED OF SAID MEIJER GROUP, INC., ON BEHALF OF SAID CORPORATION, FOR AND AS THE ACT OF THE GENERAL PARTNER OF MEIJER STORES LIMITED PARTNERSHIP, FOR THE USES AND PURPOSES HEREIN SET FORTH.

GIVEN UNDER MY HAND AND NOTARIAL SEAL

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

MY COMMISSION EXPIRES _____

NOTARY PUBLIC SIGNATURE

PROPOSED LOT 3
RESUBDIVISION #8 OF THE
RESUBDIVISION OF MEIJER #182
SUBDIVISION

DOC. NO. _____

PROPOSED LOT 4
RESUBDIVISION #8 OF THE
RESUBDIVISION OF MEIJER #182
SUBDIVISION

DOC. NO. _____

A PART OF
P.L.N. 09-32-476-008
ADDRESS: 855 S RANDALL ROAD, ST. CHARLES, IL 60174

OWNER: MEIJER STORES LP
A PART OF THE PROPERTY FOR WARRANTY
DEED DOCUMENT NO. 2000K023175

PLAT OF EASEMENT
A PART OF THE SOUTHEAST 1/4 OF SECTION 32,
TOWNSHIP 40 NORTH, RANGE 8 EAST OF THE 3RD
PRINCIPAL MERIDIAN, KANE COUNTY, ILLINOIS

PLEASE RETURN THE RECORDED MYLAR TO:
CITY OF ST. CHARLES
2 E. MAIN STREET
ST. CHARLES, IL 60174

PERMANENT PARCEL IDENTIFICATION NUMBERS
PART OF 09-32-476-008

COUNTY RECORDER'S CERTIFICATE

STATE OF ILLINOIS } S.S.
COUNTY OF KANE }
THIS INSTRUMENT _____ WAS FILED FOR
RECORD IN THE RECORDER'S OFFICE OF KANE COUNTY, ILLINOIS, ON THE _____ DAY OF _____, A.D., 20____ AT _____ O'CLOCK, _____ M. AND WAS RECORDED IN PLAT ENVELOPE NO. _____
COUNTY RECORDER

PLAN COMMISSION CERTIFICATE:

STATE OF ILLINOIS } SS
COUNTY OF KANE }
CITY OF ST. CHARLES }
APPROVED AND ACCEPTED THIS _____ DAY OF _____, A.D., 20____
CITY OF ST. CHARLES PLAN COMMISSION
CHAIRMAN

PANDALL ROAD
PUBLIC RIGHT-OF-WAY
PER DOC. NO. 1002786

SURVEYOR'S CERTIFICATE:

STATE OF ILLINOIS)
COUNTY OF DU PAGE)
THIS PLAT OF EASEMENT, HAS BEEN PREPARED BY AN ILLINOIS PROFESSIONAL LAND SURVEYOR, AND IS BASED UPON EXISTING PLATS AND RECORDS AND THIS PLAT IS A TRUE AND CORRECT REPRESENTATION OF SAID EASEMENT GRANT.

BY: _____ DATE: _____
STEPHEN R. KREGER
ILLINOIS PROFESSIONAL LAND SURVEYOR No.35-002985
LICENSE EXPIRES: 11-30-20

WOOLPERT, INC.
ILLINOIS PROFESSIONAL DESIGN FIRM NO. 184-001393



PROJECT No.	DATE	REVISION
77742	12/10/18	
SCALE AS SHOWN		
DESK SRK	04/08/19	REVISED PUBLIC UTILITY EASEMENT
DRK	03/15/19	PROVISIONS REUSED
DRK	02/06/19	REVISED PER COMMENTS
CRD	02/05/19	REVISED

WOOLPERT, INC.
1815 South Meyers Road
Suite 950
Oakbrook Terrace, IL 60181
WOOLPERT
DESIGN, ENGINEERING & PLANNING

ALRIG, ST. CHARLES, IL
A PART OF THE SOUTHEAST 1/4 OF SECTION 32,
TOWNSHIP 40 NORTH, RANGE 8 EAST OF THE 3RD
PRINCIPAL MERIDIAN, KANE COUNTY, ILLINOIS
PLAT OF EASEMENT

SHEET NO.