

City of St. Charles, Illinois
Resolution No. _____

**A Resolution to Accept a Temporary Construction Easement at 1727
Riverside Ave. for the Riverside Culvert Replacement Project**

**Presented & Passed by the
City Council on May 6, 2024**

WHEREAS, as part of the ongoing 7th Avenue Creek flood control project, the City will be replacing the culvert carrying 7th Avenue Creek under Riverside Ave (IL Rt. 25);

WHEREAS, the City must participate in two easements in order to build and maintain this project;

WHEREAS, Parcel 003 is accepting a temporary construction easement at 1727 Riverside Ave. to remove the existing culvert, realign the creek and perform restoration;

THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of St. Charles, Kane and DuPage Counties, Illinois, to accept a temporary construction easement at 1727 Riverside Ave.

PRESENTED to the City Council of the City of St. Charles, Illinois, this 6th day of May, 2024

PASSED by the City Council of the City of St. Charles, Illinois, this 6th day of May, 2024

APPROVED by the Mayor of the City of St. Charles, Illinois, this 6th day of May, 2024

Lora Vitek, Mayor

ATTEST:

City Clerk

COUNCIL VOTE:

Ayes:

Nays:

Absent:

Abstain:

Temporary Easement

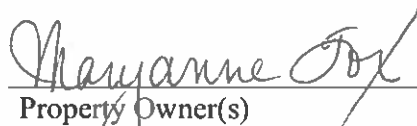
**1727 RIVERSIDE AVENUE, PARCEL NO. 0934478013
GRANT OF TEMPORARY EASEMENT**

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 16th day of April, 2024.



Property Owner(s)



City of St. Charles

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.