

City of St. Charles, IL
Ordinance No. 2024-Z-___

**An Ordinance Granting Approval of a Plat of Easement for 3795 E. Main St.
(Chick-Fil-A)**

WHEREAS, a Plat of Easement was submitted to the City of St. Charles (“City”) for 3795 E. Main St. (Chick-Fil-A); and,

WHEREAS, the Planning and Development Committee of the City Council recommended approval of the Plat of Easement on May 14, 2024; and,

WHEREAS, the City Council of the City of St. Charles received the recommendation of the Planning and Development Committee of the City Council and has considered the same.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ST. CHARLES, KANE AND DUPAGE COUNTIES, ILLINOIS, as follows:

1. That passage of this Ordinance shall constitute approval of the following document, incorporated herein as Exhibit “A”, such that the following document is hereby approved, reduced copies of which are attached hereto, subject to satisfactory resolution of all outstanding staff review comments and compliance with such conditions, corrections, and modifications as may be required by the Director of Community Development and the Director of Public Works to comply with the requirements of the St. Charles Municipal Code:

- Plat of Easement, 3795 E. Main St.; HR Green; dated 3/25/2024

2. That after the adoption and approval hereof the Ordinance shall (i) be printed or published in book or pamphlet form, published by the authority of the Council, or (ii) within thirty (30) days after the adoption and approval hereof, be published in a newspaper published in and with a general circulation within the City of St. Charles.

PRESENTED to the City Council of the City of St. Charles, Kane and DuPage Counties, Illinois this 20th day of May 2024.

PASSED by the City Council of the City of St. Charles, Kane and DuPage Counties, Illinois this 20th day of May 2024.

APPROVED by the Mayor of the City of St. Charles, Kane and DuPage Counties, Illinois this 20th day of May 2024.

Lora A. Vitek, Mayor

Attest:

Nancy Garrison, City Clerk

Vote:

Ayes:

Nays:

Absent:

Abstain:

Date: _____

EXHIBIT "A"

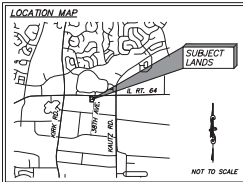
PLAT OF EASEMENT

PLAT OF EASEMENT

MAIN STREET (IL ROUTE 64)
160' PUBLIC R.O.W.

FRONTAGE ROAD
SOUTHERLY 50' OF 160' PUBLIC R.O.W.

PIN: 09-25-402-001



THIS PLAT PRESENTED BY/RETURN TO:
NAME: _____
ADDRESS: _____

GRAPHIC SCALE

(IN FEET)
1 inch = 20 ft.

OWNER'S CERTIFICATE

STATE OF _____) S.S.
COUNTY OF _____)

THIS IS TO CERTIFY THAT THE UNDERSIGNED IS THE OWNER OF THE LAND DESCRIBED IN THE ANNEXED PLAT, AND THAT HE HAS CAUSED THE SAME TO BE SURVEYED AND SUBDIVIDED AS INDICATED THEREON, FOR THE USES AND PURPOSES THEREIN SET FORTH, AND DOES HEREBY ACKNOWLEDGE AND ADOPT THE SAME UNDER THE STYLE AND TITLE THEREON INDICATED.

DATED THIS _____ DAY OF _____, 20____

BY: _____
TITLE: _____
BY: _____
TITLE: _____

NOTARY CERTIFICATE

STATE OF _____) S.S.
COUNTY OF _____)

I, _____, A NOTARY PUBLIC, IN AND FOR SAID COUNTY, IN THE STATE AFORESAID, DO HEREBY CERTIFY THAT _____ AND _____ PERSONALLY KNOWN TO ME TO BE THE SAME PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE FOREGOING INSTRUMENT AS SUCH OWNERS, APPEARED BEFORE ME THIS DAY IN PERSON AND ACKNOWLEDGED THAT THEY SIGNED AND DELIVERED THE ANNEXED PLAT AS THEIR OWN FREE AND VOLUNTARY ACT FOR THE USES AND PURPOSES THEREIN SET FORTH.

GIVEN UNDER MY HAND AND NOTARIAL SEAL THIS _____ DAY OF _____, 20____

COUNTY CLERK CERTIFICATE

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

I, _____, COUNTY CLERK OF KANE COUNTY, ILLINOIS, DO HEREBY CERTIFY THAT THERE ARE NO DELINQUENT GENERAL TAXES, NO UNPAID FORECLOSED TAXES AND NO REDEMPTABLE TAX SALES AGAINST ANY OF THE LAND INCLUDED IN ANNEXED PLAT.

I FURTHER CERTIFY THAT I HAVE RECEIVED ALL STATUTORY FEES IN CONNECTION WITH THE ANNEXED PLAT. GIVEN UNDER MY HAND AND SEAL AT GENEVA, ILLINOIS, ILLINOIS, THIS _____ DAY OF _____, A.D., 200____

COUNTY CLERK

CITY COUNCIL CERTIFICATE

STATE OF ILLINOIS) S.S.
CITY OF ST. CHARLES)

APPROVED AND ACCEPTED THIS _____ DAY OF _____, 20____
CITY COUNCIL OF CITY OF ST. CHARLES, ILLINOIS

MAYOR

ATTEST: _____
CITY CLERK

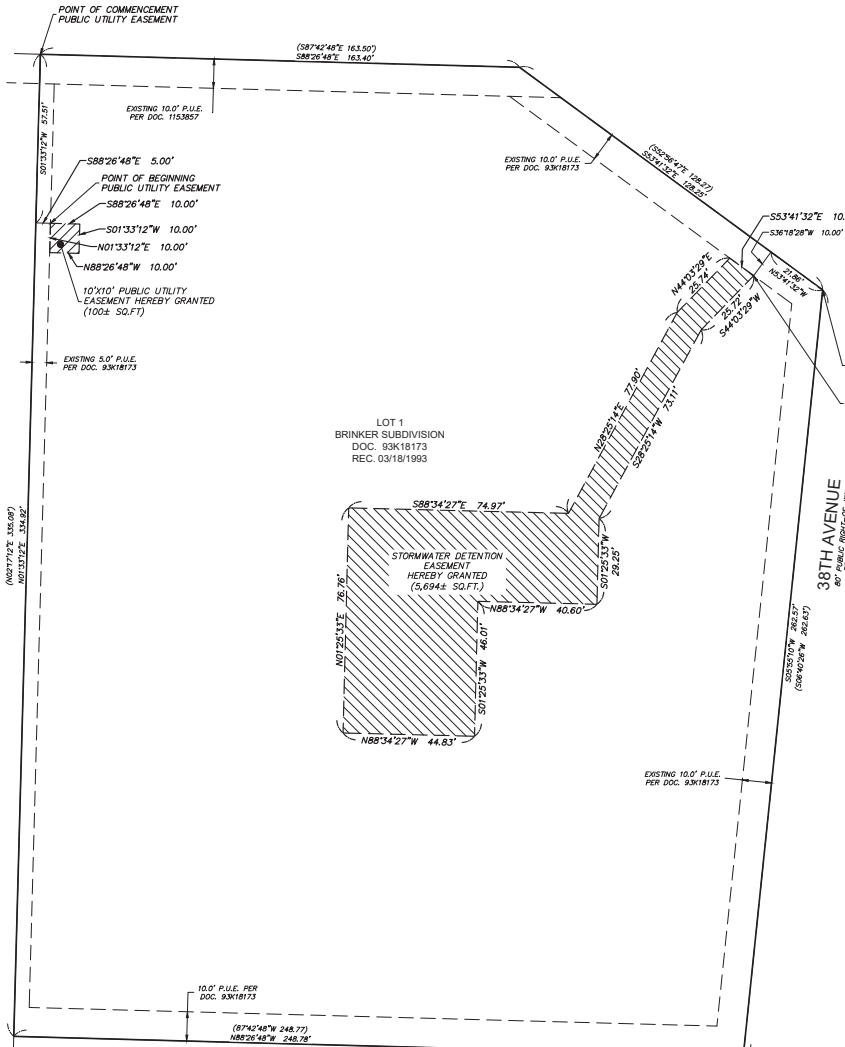
BOUNDARY NOTE

BOUNDARY LINES SHOWN HEREON BASED UPON THE ALTA/NPS LAND TITLE SURVEY PREPARED BY HR GREEN, DATED MARCH 18, 2023.

NOTES

- This map was created for use as Plat of Easement.
- This map is not to be used for any construction or staking purposes without consent from a prior agent of HR Green, Inc.
- Boundaries shown on this map are based on the best available information and are not guaranteed.
- No underground improvements have been located unless shown and noted.
- No distance should be assumed by scaling.
- This map is void without seal and signature of surveyor.

3/27/2024 3:16:41 PM
c:\2023\2302427\Survey\Draw\2302427-POE.dwg



PUBLIC UTILITY EASEMENT DESCRIPTION

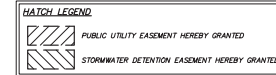
AN EASEMENT OVER PART OF LOT 1 IN BRINKER SUBDIVISION, BEING A RESUBDIVISION OF PART OF LOT 3 IN UNIT NO. 1 - THE ST. CHARLES ILLINOIS INDUSTRIAL DEVELOPMENT OF THE CENTRAL MANUFACTURING DISTRICT AND BEING PART OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 25, TOWNSHIP 40 NORTH, RANGE 6 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MARCH 18, 1993 AS DOCUMENT NO. 93K18173 IN KANE COUNTY, ILLINOIS DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 1, THENCE SOUTH 01 DEGREE 33 MINUTES 12 SECONDS WEST, ALONG THE WESTERLY LINE OF SAID LOT 1, 87.91 FEET; THENCE SOUTH 88 DEGREES 28 MINUTES 48 SECONDS EAST, PERPENDICULAR TO SAID WESTERLY LINE, 500 FEET TO THE EASTERLY LINE OF AN EXISTING 5' PUBLIC UTILITY EASEMENT, PER SAID DOCUMENT 93K18173 FOR A POINT OF BEGINNING; THENCE CONTINUING SOUTH 88 DEGREES 28 MINUTES 48 SECONDS EAST, 1500 FEET THENCE SOUTH TO BEYOND 33 MINUTES 30 SECONDS WEST, PARALLEL WITH SAID WESTERLY LINE, 1000 FEET; THENCE NORTH 88 DEGREES 28 MINUTES 48 SECONDS WEST PERPENDICULAR TO SAID WESTERLY LINE, 10.00 FEET TO THE EASTERLY LINE OF SAID EXISTING EASEMENT; THENCE NORTH 01 DEGREE 33 MINUTES 12 SECONDS EAST, ALONG SAID EASTERLY LINE, 10.00 FEET TO SAID POINT OF BEGINNING.

STORMWATER DETENTION EASEMENT DESCRIPTION

AN EASEMENT OVER PART OF LOT 1 IN BRINKER SUBDIVISION, BEING A RESUBDIVISION OF PART OF LOT 3 IN UNIT NO. 1 - THE ST. CHARLES ILLINOIS INDUSTRIAL DEVELOPMENT OF THE CENTRAL MANUFACTURING DISTRICT AND BEING PART OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 25, TOWNSHIP 40 NORTH, RANGE 6 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MARCH 18, 1993 AS DOCUMENT NO. 93K18173, IN KANE COUNTY, ILLINOIS DESCRIBED AS FOLLOWS:

COMMENCING AT THE EASTERLY MOST NORTHEAST CORNER OF SAID LOT 1, THENCE NORTH 53 DEGREES 41 MINUTES 32 SECONDS WEST, ALONG THE NORTHEASTERLY LINE OF SAID LOT 1, 21.98 FEET; THENCE SOUTH 28 MINUTES 18 SECONDS 28 SECONDS WEST, PERPENDICULAR TO SAID NORTHEASTERLY LINE, 2.00 FEET TO THE SOUTHWESTERLY LINE OF AN EXISTING PUBLIC UTILITY EASEMENT, PER SAID DOCUMENT 93K18173 FOR A POINT OF BEGINNING; THENCE SOUTH 44 DEGREES 03 MINUTES 29 SECONDS WEST, 26.72 FEET; THENCE SOUTH 28 DEGREES 25 MINUTES 14 SECONDS WEST, 21.11 FEET; THENCE SOUTH 01 DEGREE 25 MINUTES 33 SECONDS WEST, 29.25 FEET; THENCE NORTH 88 DEGREES 34 MINUTES 27 SECONDS WEST, 40.60 FEET; THENCE SOUTH 01 DEGREE 25 MINUTES 33 SECONDS WEST, 46.01 FEET; THENCE NORTH 88 DEGREES 34 MINUTES 27 SECONDS WEST, 44.83 FEET; THENCE NORTH 01 DEGREE 25 MINUTES 33 SECONDS EAST, 76.76 FEET; THENCE NORTH 88 DEGREES 34 MINUTES 27 SECONDS EAST, 74.97 FEET; THENCE NORTH 28 DEGREES 25 MINUTES 14 SECONDS EAST, 77.90 FEET; THENCE NORTH 44 DEGREES 03 MINUTES 29 SECONDS EAST, 28.74 FEET TO THE SOUTHWESTERLY LINE OF SAID EXISTING PUBLIC UTILITY EASEMENT; THENCE SOUTH 53 DEGREES 41 MINUTES 32 SECONDS EAST, 10.00 FEET TO SAID POINT OF BEGINNING.



PUBLIC UTILITY EASEMENT PROVISIONS

A PERMANENT NON-EXCLUSIVE EASEMENT IS HEREBY GRANTED TO THE CITY OF ST. CHARLES AND TO ALL PUBLIC UTILITY COMPANIES OF ANY KIND OPERATING UNDER FRANCHISE GRANTING THEM EASEMENT RIGHTS FROM SAID CITY OF ST. CHARLES, INCLUDING BUT NOT LIMITED TO, AMERICAN AND NEXTER AND ASSOCIATED THEREIN, AND ANY OTHER UTILITIES COLLECTIVELY REFERRED TO AS "GRANTEES", IN, UPON, ACROSS, OVER, UNDER, AND THROUGH THE AREAS SHOWN BY DASHED LINES AND LABELED "PUBLIC UTILITY EASEMENT" ON THE PLAT OF EASEMENT HEREOF DRAWN FOR THE PURPOSE OF INSTALLING, CONSTRUCTING, INSPECTING, OPERATING, REPLACING, REPAIRING, ALTERING, ENLARGING, REMOVING, REPAIRING, CLEANING, AND MAINTAINING ABOVE GROUND AND UNDERGROUND ELECTRICAL SYSTEMS, CABLE TELEVISION, COMMUNICATION, GAS, TELEPHONE OR OTHER UTILITY LINES OR APPURTENANCES, SANITARY AND STORM SEWERS, DRAINAGE WAYS, STORM WATER DETENTION AND RETENTION, WATER MAINS AND ANY AND ALL MANHOLES, HYDRANTS, PIPES, CONNECTIONS, CATCH BASINS, BUFFALO BOXES AND WITHOUT LIMITATION, SUCH OTHER INSTALLATIONS AS MAY BE REQUIRED TO FURNISH PUBLIC UTILITY SERVICE TO ADJACENT AREAS TOGETHER WITH THE RIGHT OF ACCESS ACROSS THE REAL ESTATE PLATED HEREON FOR THE NECESSARY PERSONNEL AND EQUIPMENT TO MAKE ANY OR ALL OF THE ABOVE WORK. THE RIGHT IS ALSO HEREBY GRANTED TO SAID GRANTEES TO CUT DOWN, TRIM, OR REMOVE ANY TREES, SHRUBS, OR OTHER PLANTS THAT INTERFERE WITH THE OPERATION OF OR ACCESS TO SAID UTILITY INSTALLATIONS, WITHOUT LIMITATION, IN, ON, UPON OR ACROSS, UNDER, OR THROUGH SAID EASEMENTS. IN THE EVENT UTILITY MAINTENANCE IS PERFORMED WITHIN THE UTILITY EASEMENT, THE CITY OF ST. CHARLES WILL HAVE NO OBLIGATION WITH RESPECT TO SURFACE RESTORATION INCLUDING, BUT NOT LIMITED TO, THE RESTORATION, REPAIR, OR REPLACEMENT OF ANY LANDSCAPING PROVIDED; HOWEVER, THE GRANTEES SHALL BE OBLIGATED FOLLOWING ANY SUCH WORK, TO BACKFILL AND MOUND SO AS TO RETAIN SUITABLE DRAINAGE, REMOVE DEBRIS, AND LEAVE THE AREA IN GENERALLY CLEAN AND WORKMANLIKE CONDITION. NO PERMANENT BUILDINGS OR TREES SHALL BE PLACED ON SAID EASEMENTS, BUT THE EASEMENT AREAS MAY BE USED FOR GARDENS, SHRUBS, LANDSCAPING, PARKING, FENCES, SIDEWALKS, CURBS, AND OTHER PURPOSES THAT DO NOT INTERFERE WITH THE AFORESAID USES AND RIGHTS. WHERE AN EASEMENT IS USED FOR STORM OR SANITARY SEWERS, OTHER UTILITY INSTALLATIONS SHALL BE SUBJECT TO THE PRIOR APPROVAL OF SAID CITY OF ST. CHARLES SO AS NOT TO INTERFERE WITH THE GRAVITY FLOW IN SAID SEWER OR SEWERS. UTILITY INSTALLATIONS, OTHER THAN THOSE MANAGED BY THE CITY OF ST. CHARLES, SHALL BE SUBJECT TO THE APPROVAL OF THE CITY OF ST. CHARLES, AS TO DESIGN AND LOCATION, AND ALL OTHER INSTALLATIONS ARE SUBJECT TO THE ORDINANCES OF THE CITY OF ST. CHARLES.

STORMWATER DETENTION EASEMENT PROVISIONS

A PERMANENT NON-EXCLUSIVE EASEMENT IS HEREBY GRANTED TO THE CITY OF ST. CHARLES AND TO THEIR SUCCESSORS AND ASSIGNS, IN, UPON, ACROSS, OVER, UNDER, AND THROUGH THE AREAS SHOWN BY DASHED LINES AND LABELED "STORMWATER DETENTION EASEMENT" ON THE PLAT OF EASEMENT HEREOF DRAWN FOR THE PURPOSE OF INSTALLING, CONSTRUCTING, INSPECTING, OPERATING, REPLACING, REPAIRING, ALTERING, ENLARGING, REMOVING, REPAIRING, CLEANING, AND MAINTAINING STORM SEWERS, DRAINAGE WAYS, STORM WATER DETENTION AND RETENTION, CATCH BASINS, BUFFALO BOXES AND WITHOUT LIMITATION, SUCH OTHER INSTALLATIONS AS MAY BE REQUIRED TO FURNISH STORMWATER DETENTION. THE RIGHT OF ACCESS ACROSS THE REAL ESTATE PLATED HEREON FOR THE NECESSARY PERSONNEL AND EQUIPMENT TO MAKE ANY OR ALL OF THE ABOVE WORK. NO BUILDING SHALL BE PLACED ON SAID EASEMENT PREMISES WITHOUT PRIOR WRITTEN CONSENT FROM THE CITY OF ST. CHARLES. THE RESPONSIBILITY OF MAINTAINING THE DETENTION AREA EQUIPMENT TO BEING ON THE PART OF THE NEERS, EXECUTORS, ADMINISTRATORS, SUCCESSORS AND ASSIGNS OF THE LANDOWNERS. NO PERSON SHALL DESTROY OR REMOVE ANY STRUCTURES OR OTHER INSTALLATIONS WITHOUT WRITTEN CONSENT FROM THE CITY OF ST. CHARLES. THE CITY SHALL HAVE THE RIGHT BUT NOT THE OBLIGATION TO RESTORE ANY DETENTION VOLUME LOST THROUGH UNAUTHORIZED ACTIVITIES.

SURVEYOR'S CERTIFICATION

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

I, BERNARD J. BAUER, ILLINOIS PROFESSIONAL LAND SURVEYOR NUMBER 3799, DO HEREBY CERTIFY THAT THE PLAT OF EASEMENT HEREOF DRAWN WAS PREPARED USING PREVIOUS SURVEY INFORMATION AND MAPS, PLATS AND OTHER INSTRUMENTS OF RECORD FOR THE USES AND PURPOSES HEREIN SET FORTH.

DATED AT AURORA, KANE COUNTY, ILLINOIS, A.D. 2024.

FOR REVIEW

BERNARD J. BAUER, P.L.S. (bbaue@hrgreen.com)
ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 3799
LICENSE EXPIRATION DATE: 11/03/2024

REVISION DESCRIPTION
DATE BY
NO. 104-001322
Illinois Professional Design Firm # 164-001322
2363 Sequoia Drive, Suite 101
Aurora, Illinois 60606
t. (312) 557-7901 f. (312) 503-7046
www.hrgreen.com
HRGreen
PLAT OF EASEMENT
OVER PARTS OF
3795 E MAIN STREET
CITY OF ST. CHARLES
KANE COUNTY, ILLINOIS
BAR IS ONE INCH ON
OFFICIAL DRAWINGS
OR 1" = 100'
IF NOT ONE INCH
ADJUST SCALE ACCORDINGLY
DRAWN BY: BJB
APPROVED: NBB
JOB DATE: 03/25/2024
JOB NO.: 2302427
SHEET
1 OF 1