



AGENDA ITEM EXECUTIVE SUMMARY

Title: Recommendation to Approve and Accept Easement at 2425 W. Main Street (Buona Beef)

Presenter: Tom Bruhl

Please check appropriate box:

<input type="checkbox"/>	Government Operations	<input checked="" type="checkbox"/>	Government Services 08.24.15
<input type="checkbox"/>	Planning & Development	<input type="checkbox"/>	City Council
<input type="checkbox"/>	Public Hearing	<input type="checkbox"/>	

Estimated Cost:	\$0	Budgeted:	<input type="checkbox"/> YES	<input type="checkbox"/> NA	<input type="checkbox"/> NO	<input type="checkbox"/>
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If NO, please explain how item will be funded:

Executive Summary:

As part of the development at 2425 W. Main Street, the electric utility system was extended to provide a new service. Additionally, conduits were placed to provide service from the new system to a future building to the west and to Rental Max to the east. The owner has provided an easement allowing the City to own and maintain our infrastructure on their property, and access to the facilities for the future building and rental max. The City Attorney has reviewed the document and approved such.

Attachments: *(please list)*

*Easement document *Drawing

Recommendation / Suggested Action *(briefly explain):*

Recommendation to approve and accept an Easement at 2425 W. Main Street.

For office use only:

Agenda Item Number: 4.c

BY CORPORATION

CITY OF ST. CHARLES, ILLINOIS

UTILITY EASEMENT

THIS INDENTURE, made in the City of St. Charles, State of Illinois, by and between ST. CHARLES MAINSTREET PARTNERS, LLC (Owner of Parcels 2 and 3) and 2415 ST. CHARLES, LLC (Owner of Parcel 1). (hereinafter referred to as "CORPORATIONS") and the CITY OF ST. CHARLES, a MUNICIPAL CORPORATION, organized and existing under the laws of the State of Illinois, of Kane and DuPage Counties, Illinois, (hereinafter referred to as "CITY").

WITNESSETH: That CORPORATIONS in consideration of the sum of Ten (\$10.00) Dollars and other good and valuable consideration paid to him by CITY, the receipt and sufficiency of which is hereby acknowledged does hereby grant and give unto the CITY a perpetual easement over, under and upon the following described real estate for the construction, reconstruction, restoration, maintenance, review, access and repair of public Electric Utility facilities including, but not limited to poles, communication equipment, cable television, service connections, and such appurtenances and additions thereto as said CITY may deem necessary, together with the right of access thereto for the necessary personnel and equipment to do any or all of the above work provided. The right is also hereby granted to said CITY to cut down, trim or remove any trees, shrubs or other plants that interfere with the operation of or access to said installations in, on, upon, across, under, or through said easement. The real estate described hereafter may be used by CORPORATIONS for shrubs, landscaping, and other purposes that do not then or later interfere with the aforesaid uses and rights.

LEGAL DESCRIPTION

PARCEL 1

THAT PART OF LOT 1 IN BUONA ST. CHARLES, BEING A SUBDIVISION OF THAT PART OF THE SOUTHEAST 1/4 OF SECTION 29 AND PART OF THE NORTHEAST 1/4 OF SECTION 32, ALL IN TOWNSHIP 40 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 3, 2015 AS DOCUMENT 2015K016627, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 2 IN SAID BUONA ST. CHARLES SUBDIVISION; THENCE SOUTH 04 DEGREES 27 MINUTES 28 SECONDS WEST, ALONG THE COMMON LINE BETWEEN LOTS 1 AND 2 IN BUONA ST. CHARLES SUBDIVISION, 148.17 FEET; THENCE NORTH 67 DEGREES 55 MINUTES 26 SECONDS EAST, 11.18 FEET TO A POINT 10.00 FEET EAST OF SAID COMMON LINE, ALSO BEING THE EAST LINE OF A PUBLIC UTILITIES AND DRAINAGE EASEMENT GRANTED BY DOCUMENT 2015K016627, SAID POINT ALSO BEING THE POINT OF BEGINNING;

THENCE NORTH 67 DEGREES 55 MINUTES 26 SECONDS EAST, 172.34 FEET; THENCE SOUTH 04 DEGREES 33 MINUTES 38 SECONDS WEST, 22.37 FEET; THENCE SOUTH 67 DEGREES 55 MINUTES 26 SECONDS WEST, 172.29 FEET TO A POINT 10.00 FEET EAST OF SAID COMMON LINE, ALSO BEING THE EAST LINE OF A PUBLIC UTILITIES AND DRAINAGE EASEMENT GRANTED BY DOCUMENT 2015K016627; THENCE NORTH 04 DEGREES 27 MINUTES 28 SECONDS EAST, ALONG SAID LAST DESCRIBED LINE, 22.35 FEET TO THE POINT OF BEGINNING, IN KANE COUNTY, ILLINOIS.

PARCEL 2

THAT PART OF LOT 2 IN BUONA ST. CHARLES, BEING A SUBDIVISION OF THAT PART OF THE SOUTHEAST 1/4 OF SECTION 29 AND PART OF THE NORTHEAST 1/4 OF SECTION 32, ALL IN TOWNSHIP 40 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 3, 2015 AS DOCUMENT 2015K016627, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 2; THENCE SOUTH 04 DEGREES 27 MINUTES 28 SECONDS WEST, ALONG THE COMMON LINE BETWEEN LOTS 1 AND 2 IN BUONA ST. CHARLES SUBDIVISION, 154.35 FEET; THENCE NORTH 85 DEGREES 17 MINUTES 44 SECONDS WEST, 10.00 FEET TO A POINT 10.00 FEET WEST OF SAID COMMON LINE, ALSO BEING THE WEST LINE OF A PUBLIC UTILITIES AND DRAINAGE EASEMENT GRANTED BY DOCUMENT 2015K016627, SAID POINT ALSO BEING THE POINT OF BEGINNING;

THENCE SOUTH 04 DEGREES 27 MINUTES 28 SECONDS WEST, ALONG SAID LAST DESCRIBED LINE, 10.00 FEET; THENCE NORTH 85 DEGREES 17 MINUTES 44 SECONDS WEST, 161.09 FEET TO A POINT 10.00 FEET EAST OF THE WEST LINE OF SAID LOT 2, ALSO BEING THE EAST LINE OF A PUBLIC UTILITIES AND DRAINAGE EASEMENT GRANTED BY DOCUMENT 2015K016627; THENCE NORTH 04 DEGREES 42 MINUTES 16 SECONDS EAST, 10.00 FEET; THENCE SOUTH 85 DEGREES 17 MINUTES 44 SECONDS EAST, 161.05 FEET TO THE POINT OF BEGINNING, IN KANE COUNTY, ILLINOIS.

PARCEL 3

THAT PART OF LOT 3 IN BUONA ST. CHARLES, BEING A SUBDIVISION OF THAT PART OF THE SOUTHEAST 1/4 OF SECTION 29 AND PART OF THE NORTHEAST 1/4 OF SECTION 32, ALL IN TOWNSHIP 40 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 3, 2015 AS DOCUMENT 2015K016627, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 3; THENCE SOUTH 04 DEGREES 42 MINUTES 16 SECONDS WEST, ALONG THE COMMON LINE BETWEEN LOTS 2 AND 3 IN BUONA ST. CHARLES SUBDIVISION, 154.35 FEET; THENCE NORTH 85 DEGREES 17 MINUTES 44 SECONDS WEST, 10.00 FEET TO A POINT 10.00 FEET WEST OF SAID COMMON LINE, ALSO BEING THE WEST LINE OF A PUBLIC UTILITIES AND DRAINAGE EASEMENT GRANTED BY DOCUMENT 2015K016627, SAID POINT ALSO BEING THE POINT OF BEGINNING;

THENCE SOUTH 04 DEGREES 42 MINUTES 16 SECONDS WEST, ALONG SAID LAST DESCRIBED LINE, 10.00 FEET; THENCE NORTH 85 DEGREES 17 MINUTES 44 SECONDS WEST, 26.17 FEET; THENCE NORTH 04 DEGREES 42 MINUTES 16 SECONDS EAST, 10.00 FEET; THENCE SOUTH 85 DEGREES 17 MINUTES 44 SECONDS EAST, 26.17 FEET TO THE POINT OF BEGINNING, IN KANE COUNTY, ILLINOIS.

Said easement premises are depicted as PARCELS 1, 2 AND 3 on EXHIBIT A attached hereto.

Properties area commonly known as: 2415 Main Street (Parcel 1), 2425 Main Street (Parcel 2) and 2425 Main Street (Parcel 3), St. Charles, Illinois.

That CORPORATIONS hereby retains the right to enjoy said easement and right of way for its own purposes, provided that such purposes shall not interfere with the uses and right-of-way granted to the CITY herein. All construction by the CITY shall be done in a good, workmanlike manner, and the CITY also agrees that the premises will be left in a neat and presentable condition.

WITNESS our hands and seals this day of , 20 .

ST. CHARLES MAINSTREET PARTNERS, LLC

CITY OF ST. CHARLES

BY: *Sherree Krisco*

CITY CLERK

Written name: SHERREE KRISCO, MEMBER

MAYOR

2415 ST, CHARLES, LLC

BY: *Glen T. Benrus*

Written name: Glen T. Benrus

STATE OF ILLINOIS)
) SS
COUNTY OF)

I, the undersigned, a Notary Public, in and for the County and State aforesaid,
DO HEREBY CERTIFY, that Sherree Krisco personally known to
me to be the Member of ST. CHARLES MAINSTREET PARTNERS,
LLC, and personally known to me to be the same persons whose name is subscribed to the
foregoing instrument, appeared before me this day in person and severally acknowledge that
as such the Member of said limited liability company, pursuant to authority
given by the members of said limited liability company as their free and voluntary act, and as
the free and voluntary act and deed of said corporation, for the uses and purposes therein set
forth.

Given under my hand and seal this 31st day of July, 2015.

Dawn A Grizaffi Walsh
NOTARY PUBLIC

SEAL



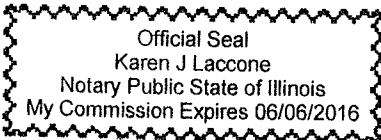
STATE OF ILLINOIS)
) SS
COUNTY OF)

I, the undersigned, a Notary Public, in and for the County and State aforesaid,
DO HEREBY CERTIFY, that Glen T Berus personally known to
me to be the General Manager of 2415 ST, CHARLES, LLC, and personally
known to me to be the same persons whose name is subscribed to the foregoing instrument,
appeared before me this day in person and severally acknowledge that as such the
General Manager of said limited liability company, pursuant to authority given by the
members of said limited liability company as their free and voluntary act, and as the free and
voluntary act and deed of said corporation, for the uses and purposes therein set forth.

Given under my hand and seal this 31st day of July, 2015.

Karen J Laccone
NOTARY PUBLIC

SEAL



STATE OF ILLINOIS)
) SS
COUNTY OF)

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that Raymond Rogina personally known to me to be the Mayor of the City of St. Charles, a municipal corporation and Nancy Garrison personally known to me to be the City Clerk of the City of St. Charles, and personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person and severally acknowledged that as such Mayor and City Clerk of said corporation they caused their signatures to be affixed thereto, and caused the corporate seal of said corporation to be affixed thereto, pursuant to the authority given by the Council of the City of St. Charles as their free and voluntary act, and as the free and voluntary act and deed of said corporation, for the uses and purposes therein set forth.

Given under my hand and seal this _____ day of _____, 20 _____ .

NOTARY PUBLIC

SEAL

CONSENT OF MORTGAGEE

Lakeside Bank, does hereby consent to and approved of the within described Utility Easement Parcels 2 and 3 and subordinates the following thereto: Mortgage dated December 12, 2014, and recorded December 19, 2014, as Document No. 2014K064283 and modified by Modification of Mortgage dated February 19, 2014 as Document No. 2015K010932, made by Lakeside Bank to secure a note for \$ 181,314.00,

this 1st day of August, 20 15.

[Signature]
BY: Ken Kosia, Vice President

[Signature]
ATTEST:

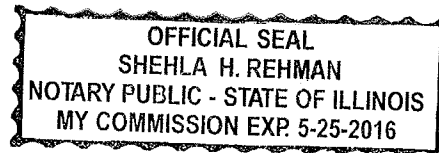
STATE OF ILLINOIS)
)SS
COUNTY OF)

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, do hereby certify that KEN KOSIA and CONRAD HURST of said bank who is personally known to me to be the same whose name is subscribed to the foregoing certificate, appeared before me this day in person and acknowledged that he/she did sign and deliver this instrument as a free and voluntary act for the uses and purposes herein set forth.

Given under my hand and seal this 1st day of August, 20 15.

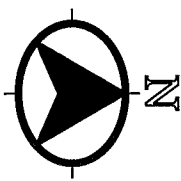
[Signature]
NOTARY PUBLIC

SEAL



THIS INSTRUMENT WAS
PREPARED BY:
City of St. Charles
2 East Main Street
St. Charles, Illinois 60174

EXHIBIT A

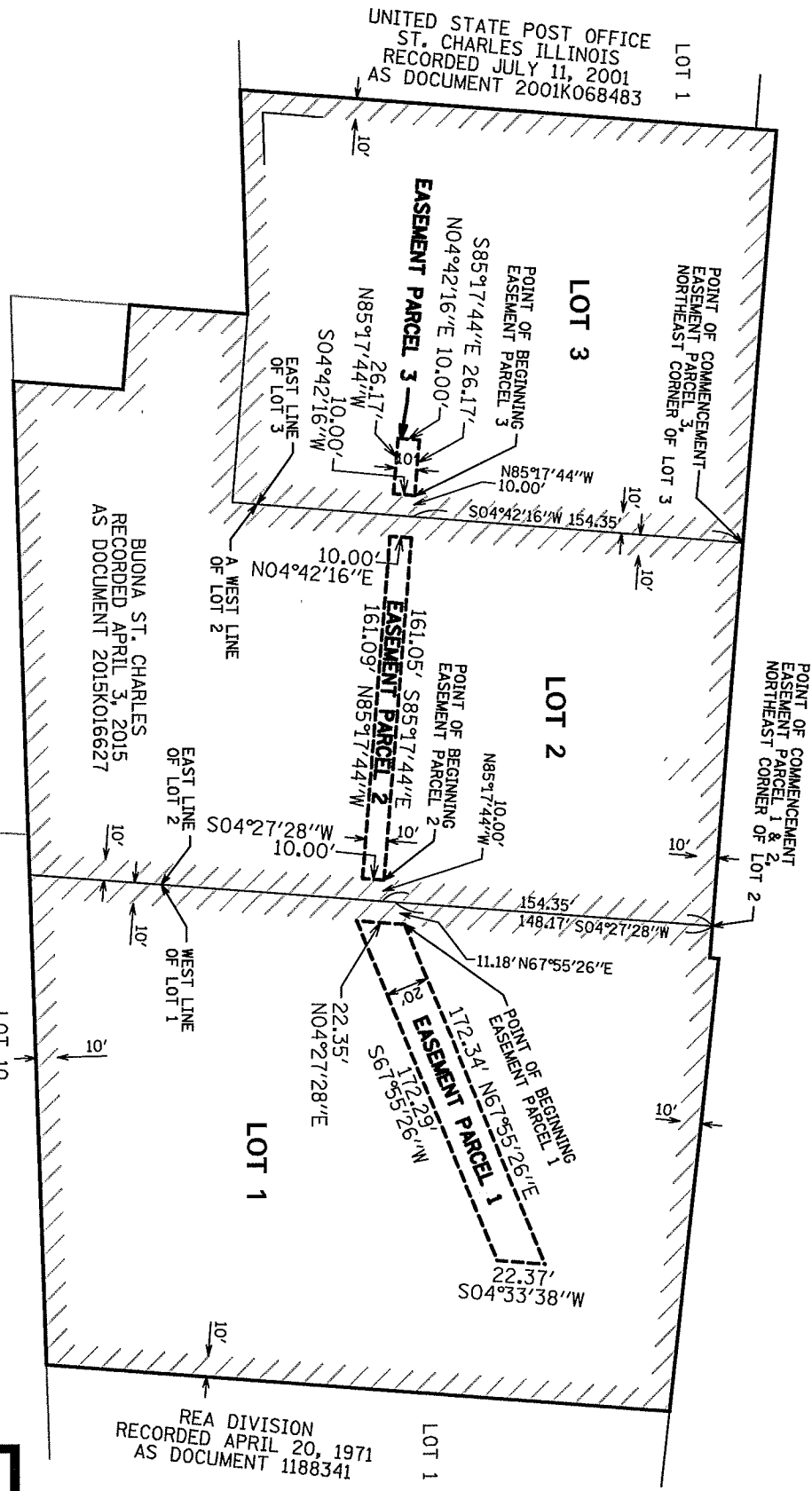


SCALE: 1" = 80'

ILLINOIS STATE ROUTE 64

 PUBLIC UTILITIES AND DRAINAGE EASEMENT PER DOCUMENT 2015K016627

CONSULTING ENGINEERS
SITE DEVELOPMENT ENGINEERS
LAND SURVEYORS



LOT 1
 UNITED STATE POST OFFICE
 ST. CHARLES ILLINOIS
 RECORDED JULY 11, 2001
 AS DOCUMENT 2001K068483

LOT 1
 BUONA ST. CHARLES
 RECORDED APRIL 3, 2015
 AS DOCUMENT 2015K016627

LOT 1
 ZYLSTRA CENTER
 RECORDED APRIL 4, 2006
 AS DOCUMENT 2006K035709

LOT 1
 REA DIVISION
 RECORDED APRIL 20, 1971
 AS DOCUMENT 1188341



9575 W. Higgins Road, Suite 700, Rosemont, Illinois 60018 Phone: (847) 696-4060 Fax: (847) 696-4065

DATE: 07/30/2015

JOB NO: 8106

FILENAME: 8106EASE-EXB

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