



AGENDA ITEM EXECUTIVE SUMMARY

Title: Recommendation to Approve Right-of-Way Agreement for 1336 Geneva Road with Warren and Sandra Drewes

Presenter: Karen Young

Please check appropriate box:

Government Operations	X	Government Services 09.28.2015
Planning & Development		City Council

Estimated Cost:	n/a	Budgeted:	YES		NO	
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Executive Summary:

City Staff has been working with the property owners at 1336 Geneva Road (IL Route 31) to acquire a dedication of right-of-way for potential future sidewalk and culvert improvements along the frontage of this property. The property owners, Warren and Sandra Drewes, have agreed to donate to the City a portion of their property as right-of-way as shown on the attached exhibit. This dedication is necessary in order to complete the possible future extension of the roadway culvert, which will allow for a sidewalk connection on the east side of Geneva Road along this property. This will fill in the sidewalk gap location between the City of St. Charles and the City of Geneva.

Attachments: *(please list)*

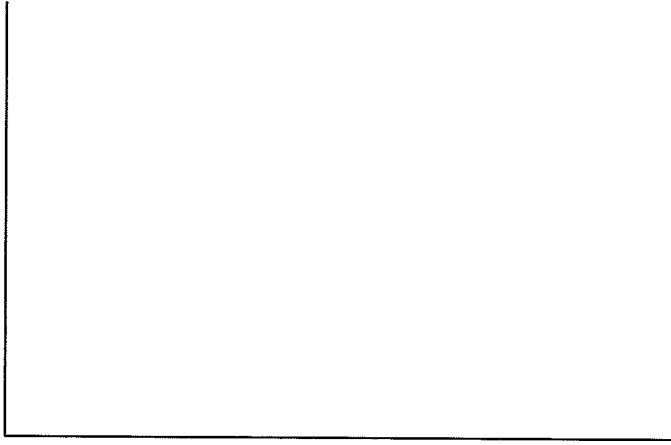
* Right-of-Way Agreement * Map

Recommendation / Suggested Action *(briefly explain):*

Recommendation to approve Right-of-Way Agreement for 1336 Geneva Road with Warren and Sandra Drewes.

<i>For office use only:</i>	<i>Agenda Item Number: 4.c</i>
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PREPARED BY AND
WHEN RECORDED MAIL TO:
City of St. Charles
2 East Main Street
St. Charles, Illinois 60174



_____ SPACE ABOVE THIS LINE FOR RECORDER'S USE _____

AGREEMENT FOR RIGHT OF WAY

THIS AGREEMENT FOR RIGHT OF WAY (hereinafter the “**Agreement**”) is made and entered into this ___ day of _____, 2015 by and between WARREN J. DREWES and SANDRA S. DREWES (hereinafter referred to as (“**Grantor**”)) 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 (“**Grantee**”)).

WHEREAS, WARREN J. DREWES and SANDRA S. DREWES are the owners of real property legally described in Exhibit A;

WHEREAS, the CITY OF ST. CHARLES wishes to obtain a right of way from WARREN J. DREWES and SANDRA S. DREWES across the right of way area described in Exhibit B attached hereto for the purpose of construction, re-construction, maintenance, review, access and repair various public utilities and related facilities and equipment including but not limited to buried water and sewer lines, sidewalks, public roadway purposes and such other additions hereto as **Grantee** may deem necessary.

NOW THEREFORE, in consideration of Ten Dollars (\$10.00), and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. The **Grantor** hereby does grant and convey to **Grantee**, its successor and assigns, all interest in the following described real estate situated in County of Kane, State of Illinois, to wit:

THAT PART OF THE SOUTHEAST ¼ OF FRACTIONAL SECTION 34, TOWNSHIP 40 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS:

COMMENCING AT THE POINT OF INTERSECTION OF THE FORMER CENTER LINE OF GENEVA ROAD WITH THE SOUTH LINE OF SAID SOUTHEAST ¼ BEING ALSO THE NORTHWEST CORNER OR MOORE'S 3RD SUBDIVISION, GENEVA, KANE COUNTY, ILLINOIS; THENCE NORTH 19 DEGREES 20 MINUTES WEST ALONG SAID FORMER CENTER LINE 97.70 FEET; THENCE NORTH 81 DEGREES, 13 MINUTES EAST 5.25 FEET TO THE PRESENT CENTER LINE OF GENEVA ROAD ILLINOIS STATE ROUTE NO. 31) FOR A POINT BEGINNING; THENCE NORTHWESTERLY ALONG SAID PRESENT CENTER LINE 214.79 FEET TO THE SOUTHWEST CORNER OF WILLOWGATE PUD, ACCORDING TO THE PLAT THEREOF RECORDED AS DOCUMENT 92K18679; THENCE NORTH 81 DEGREES 15 MINUTES 21 SECONDS EAST ALONG THE SOUTHERLY LINE OF SAID WILLOWGATE 404 FEET TO THE WESTERLY BANK OF THE FOX RIVER; THENCE SOUTHERLY ALONG SAID WESTERLY BANK 217 FEET TO A LINE DRAWN NORTH 81 DEGREES 13 MINUTES EAST FROM THE POINT OF BEGINNING; THENCE SOUTH 81 DEGREES 13 MINUTES WEST 344 FEET TO THE POINT OF BEGINNING, IN THE CITY OF ST. CHARLES, KANE COUNTY, ILLINOIS.

Address commonly known as:
1336 Geneva Road
Saint Charles, IL 60174

PIN#: 09-34-477-003 (includes other property)

and as depicted on the plat of survey (Right of Way Dedication) attached hereto as Exhibit B;

2. The City shall record the Dedication, and from an after the recording of the dedication, the City shall have the exclusive use of the Dedication for the purposed stated herein.
3. This Agreement is entered into, and shall be interpreted in accordance with, the laws of the State of Illinois.
4. This Agreement shall run with the land and be binding upon, and shall inure to the benefit of, the parties hereto and their respective heirs, successors, and assigns.
5. This Agreement sets forth the entire understanding of the parties with respect to the matters addressed herein, and may only be modified by a written amendment signed by all of the parties.

WITNESS our hands and seals this ___ day of _____, 2015.

Grantee:

CITY OF ST. CHARLES,
a Municipal Corporation

By: _____

Name: Raymond Rogina

Title: Mayor

Attest: _____

Name: Nancy Garrison

Title: City Clerk

Grantor:

Warren J. Drewes 8-27-15
Warren J. Drewes

Sandra S. Drewes 8-27-15
Sandra S. Drewes

STATE OF ILLINOIS)
) SS
COUNTY OF KANE)

I, the undersigned, a Notary Public, in and for the County and State aforesaid, DO HEREBY CERTIFY that WARREN J. DREWES and SANDRA S. DREWES, 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 acknowledged that they signed and delivered the said instrument as their free and voluntary act, for the uses and purposes therein set forth.

Given under my hand and seal this 27th day of August, 2015.



Kristi L. Dobbs
NOTARY PUBLIC

STATE OF ILLINOIS)
) SS
COUNTY OF KANE)

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 _____, 2015.

NOTARY PUBLIC

EXHIBIT A
LEGAL DESCRIPTION

THAT PART OF THE SOUTHEAST ¼ OF FRACTIONAL SECTION 34, TOWNSHIP 40 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS:

COMMENCING AT THE POINT OF INTERSECTION OF THE FORMER CENTER LINE OF GENEVA ROAD WITH THE SOUTH LINE OF SAID SOUTHEAST ¼ BEING ALSO THE NORTHWEST CORNER OR MOORE'S 3RD SUBDIVISION, GENEVA, KANE COUNTY, ILLINOIS; THENCE NORTH 19 DEGREES 20 MINUTES WEST ALONG SAID FORMER CENTER LINE 97.70 FEET; THENCE NORTH 81 DEGREES, 13 MINUTES EAST 5.25 FEET TO THE PRESENT CENTER LINE OF GENEVA ROAD ILLINOIS STATE ROUTE NO. 31) FOR A POINT BEGINNING; THENCE NORTHWESTERLY ALONG SAID PRESENT CENTER LINE 214.79 FEET TO THE SOUTHWEST CORNER OF WILLOWGATE PUD, ACCORDING TO THE PLAT THEREOF RECORDED AS DOCUMENT 92K18679; THENCE NORTH 81 DEGREES 15 MINUTES 21 SECONDS EAST ALONG THE SOUTHERLY LINE OF SAID WILLOWGATE 404 FEET TO THE WESTERLY BANK OF THE FOX RIVER; THENCE SOUTHERLY ALONG SAID WESTERLY BANK 217 FEET TO A LINE DRAWN NORTH 81 DEGREES 13 MINUTES EAST FROM THE POINT OF BEGINNING; THENCE SOUTH 81 DEGREES 13 MINUTES WEST 344 FEET TO THE POINT OF BEGINNING, IN THE CITY OF ST. CHARLES, KANE COUNTY, ILLINOIS.

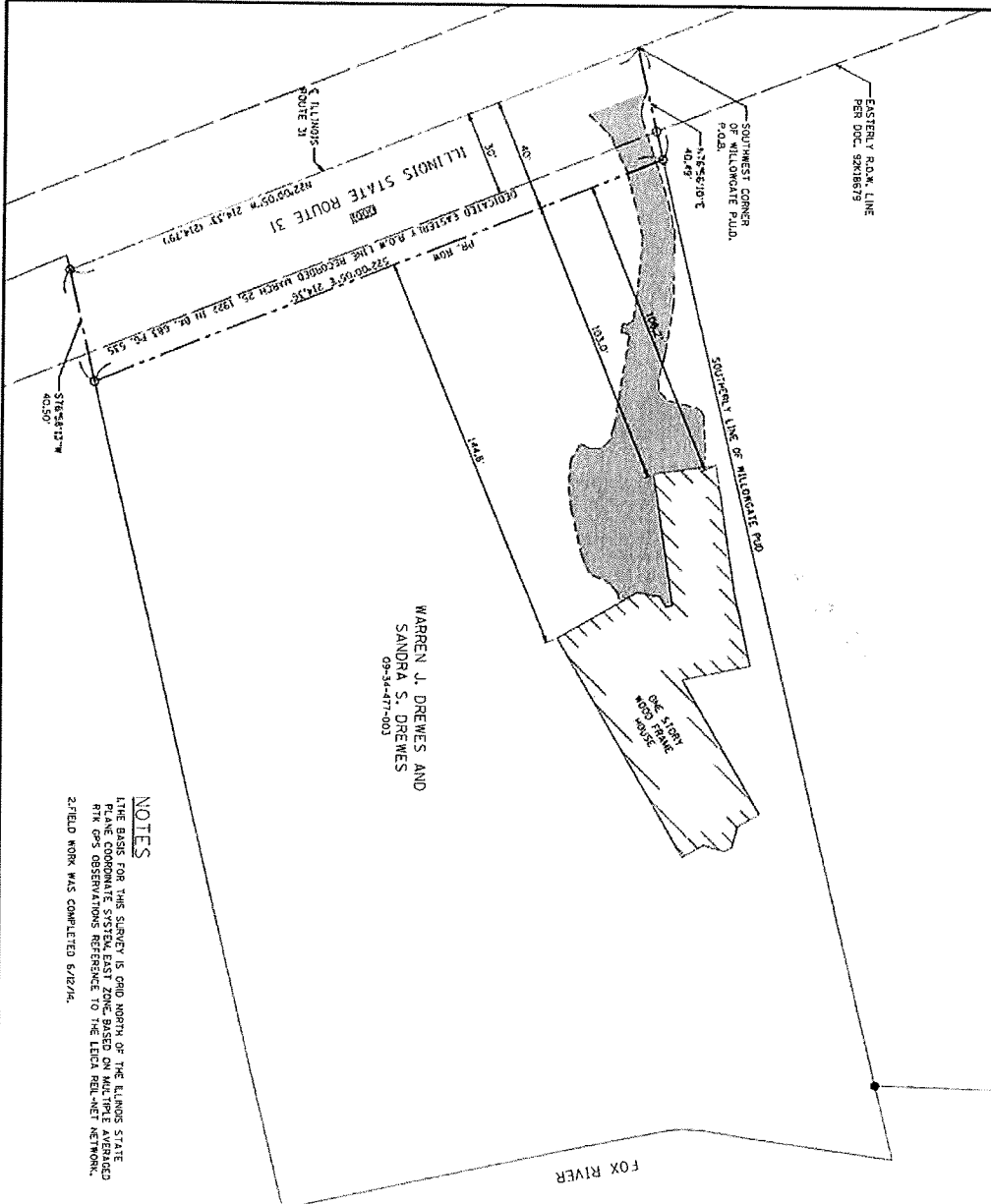
Address commonly known as:
1336 Geneva Road
Saint Charles, IL 60174

PIN#: 09-34-477-003

EXHIBIT B
DESCRIPTION/DEPICTION OF RIGHT OF WAY
PART OF PIN 09-34-477-003

THAT PART OF THE SOUTHEAST QUARTER OF FRACTIONAL SECTION 34, TOWNSHIP
 40 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, KANE COUNTY, ILLINOIS

PARCEL	OWNER	TOTAL HOLDING ACRES	R.O.W. REQUIRED ACRES	PREVIOUSLY DEDICATED ACRES	REMAINING ACRES	EASEMENT AREA SQ FT	PURPOSE OF EASEMENT	PERMANENT TAX NUMBER	PROPERTY ACQUIRED BY
0001	WARREN J. DREWES AND SANDRA S. DREWES, HUSBAND AND WIFE, AS TENANTS BY THE ENTIRETY	1.712	0.197	0.146	1.515	N/A	N/A	09-34-477-003	



WARREN J. DREWES AND
 SANDRA S. DREWES
 09-34-477-003

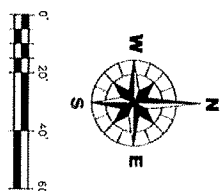
NOTES
 THE BASIS FOR THIS SURVEY IS GRID NORTH OF THE ILLINOIS STATE PLAT BOOK COORDINATE SYSTEM, EAST ZONE, BASED ON MULTIPLE AVERAGED RTN GPS OBSERVATIONS REFERENCED TO THE ILLINOIS REFLECT NETWORK.
 2 FIELD WORK WAS COMPLETED 6/12/14.

LEGAL DESCRIPTION 0001

THAT PART OF THE SOUTHWEST QUARTER OF FRACTIONAL SECTION 34, TOWNSHIP 40 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, KANE COUNTY, ILLINOIS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 BEGINNING AT THE SOUTHWEST CORNER OF WILLOWDALE P.L.D. RECORDED MARCH 19, 1982 AS DOCUMENT 9241833, SAID CORNER BEING CONCORDANT WITH THE INTERSECTION OF THE CENTERLINE OF ILLINOIS STATE ROUTE 31 WITH THE SOUTHERLY LINE OF WILLOWDALE P.L.D.; THENCE NORTH 78°58'13" EAST ALONG SAID CENTERLINE OF ILLINOIS STATE ROUTE 31 A DISTANCE OF 40.00 FEET PERPENDICULARLY DISTANT EAST OF SAID CENTERLINE; THENCE SOUTH 22°00'05" EAST ALONG SAID PARALLEL LINE, 214.38 FEET; THENCE SOUTH 78°58'13" WEST 40.50 FEET TO SAID CENTERLINE; THENCE NORTH 22°00'05" WEST ALONG SAID CENTERLINE, 214.33 FEET TO THE POINT OF BEGINNING.
 SAID PARCEL, CONTAINING 0.1974 SQUARE FEET, MORE OR LESS, OR 0.197 ACRES, MORE OR LESS.

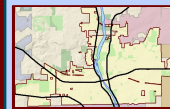
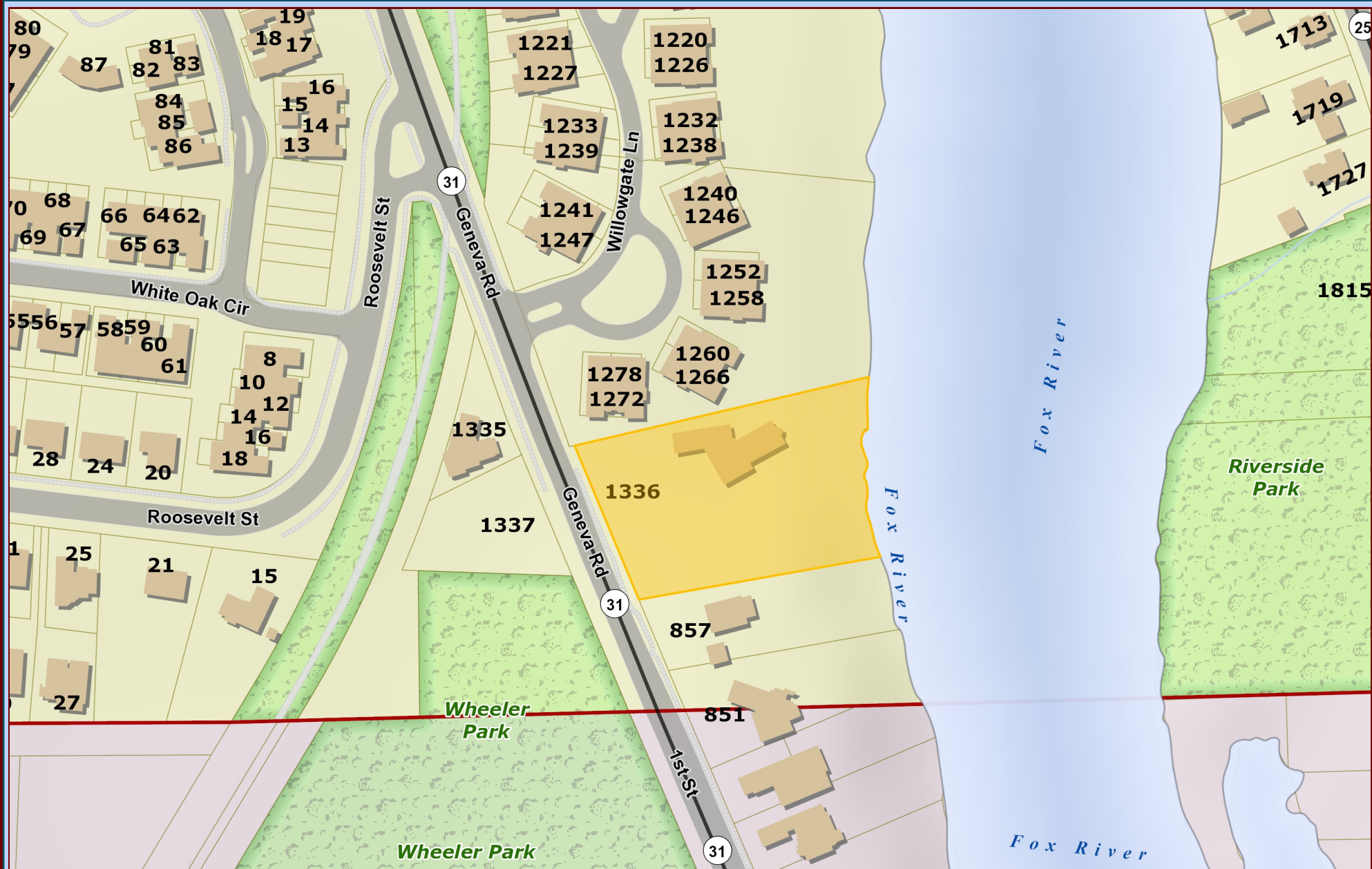
STATE OF ILLINOIS 1333
 COUNTY OF KANE)
 WE, WILLIS BURKE KELSEY ASSOCIATES, ILLINOIS PROFESSIONAL SURVEYOR NUMBER 06-002097, DO HEREBY DECLARE THAT WE HAVE SUPERVISED PART OF THE SOUTHWEST QUARTER OF FRACTIONAL SECTION 34, TOWNSHIP 40 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, KANE COUNTY, ILLINOIS, AND THAT THE ATTACHED PLAT IS A TRUE AND CORRECT REPRESENTATION OF SAID SURVEY.
 GIVEN UNDER MY HAND AND SEAL THIS _____ DAY OF JANUARY, 2015 AT ST. CHARLES, ILLINOIS.

THIS PROFESSIONAL SURVEY CONFORMS TO THE CURRENT ILLINOIS SURVEY STANDARDS FOR A BOUNDARY SURVEY.
 I, _____, REGISTERED PROFESSIONAL LAND SURVEYOR NO. 10332 AT LICENSE EXPIRES NOVEMBER 30, 2016 DESIGN FROM LICENSE EXPIRES APRIL 30, 2016



- LEGEND**
- P.O.B. POINT OF BEGINNING
 - SURVEYED PROPERTY
 - EX. ROW LINE
 - P.R. ROW LINE
 - 40.00' MEASURED OR CALCULATED SURVEY DATA
 - 140.00' RECORD OR PRIOR SURVEY DATA
 - FOUND IRON PIPE
 - SET 1/2" x 24" IRON PIPE
 - ⊙ SET 1/2" x 24" IRON PIPE
 - EX. BUILDING
 - EX. EASEMENT

WILLS BURKE KELSEY ASSOCIATES LTD. 116 West Main Street, Suite 201 St. Charles, Illinois 60174 (630) 443-7755		CITY OF ST. CHARLES 2 EAST MAIN STREET ST. CHARLES, IL 60174	TITLE: RIGHT OF WAY DEDICATION PLAT OF SURVEY SCALE: 1" = 20' DATE:
PROJECT NO. 104311 SHEET 1 OF 1 DRAWING NO. PS1	DESIGNER: [] DWN: [] CHECKED: [] DATE: []	DATE:	DATE:



Data Source:
City of St. Charles, Illinois
Kane County, Illinois
DuPage County, Illinois
Projection: Transverse Mercator
Coordinate System: Illinois State Plane East
North American Datum 1983
Printed on: September 22, 2015 08:59 AM



Address: 1336 Geneva Road

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