

ORDINANCE NUMBER 12 - 04

**ORDINANCE APPROVING VILLAGE UTILITY EASEMENT
RIGHTS TO PLATTED EASEMENT LOCATED AT 14N915 ON
ROUTE 25**

WHEREAS, the Village of East Dundee is a home rule unit of local government under and pursuant to Section 6 of Article VII of the Constitution of the State of Illinois, has the authority to exercise any power and perform any function pertaining to its government and affairs, including but not limited to the power to regulate for the protection of the public health, safety, morals, and welfare; and

WHEREAS, the Village of East Dundee is hereby given easement right to the platted easement designates the Village Utility Easement shall be used solely to install, operate, maintain and remove from time to time above ground and underground facilities and appurtenances used in connection with all public water transmission mains of the Village of East Dundee.

WHEREAS, and the easement at 14N915 on Route 25.

WHEREAS, no permanent building or trees shall be placed on said easements, but same may be used for gardens, shrubs, landscaping and other purposes that no not then or later interfere with the aforesaid uses or rights herein granted.

NOW THEREFORE BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF EAST DUNDEE, KANE AND COOK COUNTIES, ILLINOIS, AS FOLLOWS:

Section One. That it is in the interests of the Village for the approval of the utility easement at 14N915.

Section Two.

LEGAL DESCRIPTION FOR EASEMENT
THE WESTERLY 15.0 FEET OF PARCELS 1 AND 2 DESCRIBED AS FOLLOWS:

PARCEL 1:
LOTS A, 5, 6, 9,10,13 AND 14 OF FOX RIVER BLUFFS, UNIT NO. 3, A SUBDIVISION OF PART OF SECTIONS 35 AND 36, TOWNSHIP 42 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE TOWNSHIP OF DUNDEE, KANE COUNTY, ILLINOIS.

PARCEL 2:

THE SOUTH HALF OF THAT PART OF SECTION 25, 26, 35 AND 36, TOWNSHIP 42 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE COMMON CORNERS OF THE ABOVE SECTIONS; THENCE NORTH ALONG THE WEST LINE OF SECTION 25, 9.7 FEET; THENCE NORTHWESTERLY 124.15 FEET ON A LINE MAKING AN ANGLE OF 80 DEGREES, 51 MINUTES, 0 SECONDS TO THE NORTHWEST WITH THE WEST LINE OF SAID SECTION 25, TO THE CENTER OF THE LINE OF THE ELGIN-DUNDEE ROAD FOR A POINT OF BEGINNING; THENCE SOUTHEASTERLY ALONG SAID LAST COURSE 380 FEET ON A LINE MAKING AN ANGLE OF 89 DEGREES, 58 MINUTES, 0 SECONDS TO THE SOUTHEAST WITH THE CENTER LINE OF ELGIN-DUNDEE ROAD; THENCE SOUTHWESTERLY PARALLEL WITH THE CENTER LINE OF SAID ROAD 343.9 FEET; THENCE NORTHWESTERLY 380 FEET ON A LINE MAKING AN ANGLE OF 89 DEGREES, 58 MINUTES, 0 SECONDS TO THE NORTHWEST WITH SAID LAST DESCRIBED LINE TO THE CENTER LINE OF THE ELGIN-DUNDEE ROAD; THENCE NORTHEASTERLY ON THE CENTER LINE OF SAID ROAD 343.9 FEET TO THE POINT OF BEGINNING (EXCEPTING THEREFROM THE WESTERLY 50 FEET, AS MEASURED AT RIGHT ANGLES FROM THE CENTER LINE OF STATE ROUTE NO. 25), IN KANE COUNTY, ILLINOIS.

PARCEL 3:

A PART OF THE NORTHWEST QUARTER OF SECTION 36, TOWNSHIP 42 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF LOT 14 OF FOX RIVER BLUFFS UNIT NO. 3 AS LAID OUT AND PLOTTED OF RECORD, FOR A POINT OF BEGINNING; THENCE WESTERLY ALONG THE NORTHERLY LINE OF SAID FOX RIVER BLUFFS UNIT NO. 3, 369.75 FEET; THENCE NORTHERLY AT RIGHT ANGLES WITH SAID LAST MENTIONED COURSE AND ALONG THE EASTERLY LINE OF LAND NOW OWNED BY WALTER EBELING A DISTANCE OF 171.95 FEET; THENCE EASTERLY AND PARALLEL WITH THE NORTHERLY LINE OF SAID FOX RIVER BLUFFS UNIT NO. 3, A DISTANCE OF 369.75 FEET; THENCE SOUTHERLY IN A STRAIGHT LINE TO THE POINT OF BEGINNING, IN KANE COUNTY, ILLINOIS.

Section Three. Severability. If any section, paragraph or provision of this ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this ordinance.

Section Four. Repeal. All ordinances, resolutions, motions or parts thereof in conflict herewith shall be and the same are hereby repealed.

Section Five. Publication. This ordinance shall be in full force and effect forthwith upon its adoption, approval and publication in pamphlet form as provided by law.

Adopted this 27th day of February, 2012, pursuant to a roll call vote as follows:

AYES: 6 - Trustees Ruffalo, Lynam, Miller, VanOstenbridge,
NAYES: 0 Skillicorn & President Bartels
ABSENT: 1 - Justice Gorman

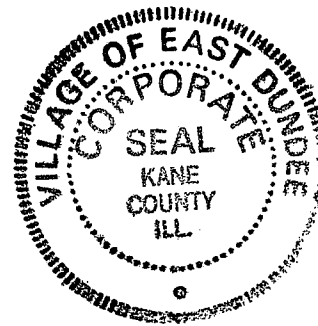
Approved by me this 27th day of February 2012.

Jerald Bartels
JERALD BARTELS, President

Published in pamphlet form this 6th day of March, 2012, under the authority of the President and Board of Trustees.

ATTEST:

Jennifer Rehberg
JENNIFER REHBERG, Village Clerk
Recorded in the Village Records on March 6th, 2012.



EASEMENT AGREEMENT

This Agreement, dated as of this _____ day of February, 2012, by and between the Village of East Dundee, Kane and Cook Counties, Illinois, an Illinois municipal corporation, {the "Village"}, and Our Secret LLC, dba GAT Guns, of 14N915 Rt. 25 (the "Owner").

RECITALS

- A. Owner is the owner of that certain parcel of real estate comprising of approximately 10 acres as legally described on Exhibit A attached hereto (the "Property").
- B. The Village desires to obtain from Owner, free of charge, a certain utility easement (the "Utility Easement") over and across the western-most fifteen (15) feet of Property for purposes of installation of a Village-owned sanitary sewer main and possible other Village-owned utilities.
- C. Owner is willing to grant the Utility Easement to the Village on the terms set forth herein.

CONSIDERATION AND AGREEMENT

In consideration of the grant of the Utility Easement by the Owner to the Village and of other good and valuable consideration, the receipt and sufficiency of which are hereby mutually acknowledged, it is agreed as follows:

- 1. **Grant of Easement.** Within five (5) business days following the execution of this Agreement and delivery of a fully executed original counterpart hereof to the Owner, the Owner shall execute and deliver to the Village that certain Plat of Easement in the form attached hereto as Exhibit A, thereby granting to the Village the easement therein described (the "Village Utility Easement").
- 2. **Right of Connection.** Owner shall have the right to connect any and all buildings now existing and / or hereafter constructed on Property to the Village's sanitary sewer main situated within the Utility Easement without a connection fee, recapture fee, or other such charge. It is acknowledged and agreed, however, that (i) the existing improvements on the Property are already connected to the Village's potable water main and (ii) the Owner shall be responsible to pay for (A) all water usage charges and, (B) following connection to the Village sanitary sewer main, monthly sanitary treatment charges at those rates as are otherwise generally charged to and become payable by other residents of the Village who are connected to its sanitary sewer system.
- 3. **Reclamation Obligation.** In exercising its easement right with respect to the Village Utility Easement, the Village shall, at its sole cost and expense, reclaim, restore, and repair any and all damage that may be caused to any improvements within the Easement Parcel or otherwise on the Property, including, but not limited to, landscaping, fixtures, curbs, driveways, structures, and the like which

are impacted by any work by the Village or its agents or contractors within such easement parcel.

4. **Miscellaneous.**

- (a) This Agreement constitutes the entire Agreement of the parties with respect to the Easement to be granted by the Owner to the Village over the Property.
- (b) This Agreement is separate and independent of any annexation agreement which may have heretofore been, or may hereafter be, agreed to between the parties.
- (c) Any and all notices given by either party to the other, shall be in writing, and shall be delivered personally, or by certified mail as follows:

If to Owner: Gregory A. Tropino Sr.
14N859 Rt. 25
East Dundee, IL 60118

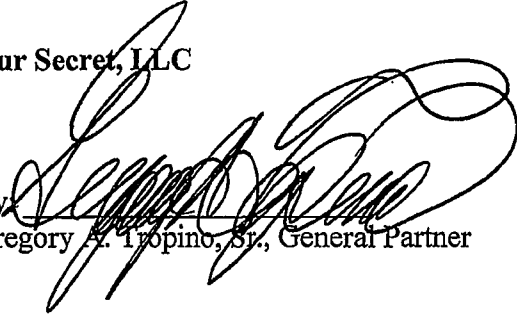
With copy to: Rob LeSage, Esq.
Ward, Murray, Pace & Johnson
202 E. Fifth St.
Sterling, IL 61081

If to Village: Village of East Dundee
Attn: Village Clerk
120 Barrington Ave.
East Dundee, IL 60118

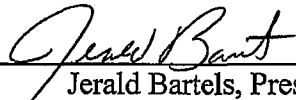
With copy to: Patrick O'Connor, Esq.
20 N. Chicago St., Suite 1250
Chicago, IL 60602

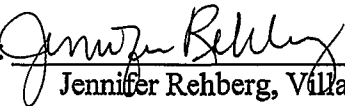
In witness whereof, the parties have executed this Easement Agreement as of the date first written above.

Our Secret, LLC

By: 
Gregory A. Trofino, Sr., General Partner

VILLAGE OF EAST DUNDEE

By: 
Jerald Bartels, President

Attest: 
Jennifer Rehberg, Village Clerk

PLAT OF EASEMENT

EXHIBIT "A"

THE WESTERLY 15.0 FEET OF PARCELS 1 AND 2 DESCRIBED AS FOLLOWS:

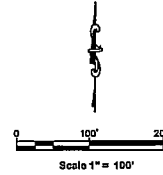
PARCEL 1:
LOTS A, 5, 6, 8, 10, 13 AND 14 OF FOX RIVER BLUFFS, UNIT NO. 3, A SUBDIVISION OF PART OF SECTIONS 35 AND 36, TOWNSHIP 42 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE TOWNSHIP OF DUNDEE, KANE COUNTY, ILLINOIS.

PARCEL 2:
THE SOUTH HALF OF THAT PART OF SECTION 25, 28, 35 AND 36, TOWNSHIP 42 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE COMMON CORNERS OF THE ABOVE SECTIONS; THENCE NORTH ALONG THE WEST LINE OF SECTION 25, 9.7 FEET; THENCE NORTHWESTERLY 124.15 FEET ON A LINE MAKING AN ANGLE OF 89 DEGREES, 51 MINUTES, 0 SECONDS TO THE NORTHWEST WITH THE WEST LINE OF SAID SECTION 25, TO THE CENTER OF THE LINE OF THE ELGIN-DUNDEE ROAD FOR A POINT OF BEGINNING; THENCE SOUTHEASTERLY ALONG SAID LAST COURSE 380 FEET ON A LINE MAKING AN ANGLE OF 89 DEGREES, 58 MINUTES, 0 SECONDS TO THE SOUTHEAST WITH THE CENTER LINE OF ELGIN-DUNDEE ROAD; THENCE SOUTHWESTERLY PARALLEL WITH THE CENTER LINE OF SAID ROAD 343.9 FEET; THENCE NORTHWESTERLY 380 FEET ON A LINE MAKING AN ANGLE OF 89 DEGREES, 58 MINUTES, 0 SECONDS TO THE NORTHWEST WITH SAID LAST DESCRIBED LINE TO THE CENTER LINE OF THE ELGIN-DUNDEE ROAD; THENCE NORTHEASTERLY ON THE CENTER LINE OF SAID ROAD 343.9 FEET TO THE POINT OF BEGINNING (EXCEPTING THEREFROM THE WESTERLY 50 FEET, AS MEASURED AT RIGHT ANGLES FROM THE CENTER LINE OF STATE ROUTE NO. 25), IN KANE COUNTY, ILLINOIS.

PARCEL 3:
A PART OF THE NORTHWEST QUARTER OF SECTION 36, TOWNSHIP 42 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF LOT 14 OF FOX RIVER BLUFFS UNIT NO. 3 AS LAID OUT AND PLOTTED OF RECORD, FOR A POINT OF BEGINNING; THENCE WESTERLY ALONG THE NORTHERLY LINE OF SAID FOX RIVER BLUFFS UNIT NO. 3, 369.75 FEET; THENCE NORTHERLY AT RIGHT ANGLES WITH SAID LAST MENTIONED COURSE AND ALONG THE EASTERLY LINE OF LAND NOW OWNED BY WALTER EBELING A DISTANCE OF 171.55 FEET; THENCE EASTERLY AND PARALLEL WITH THE NORTHERLY LINE OF SAID FOX RIVER BLUFFS UNIT NO. 3, A DISTANCE OF 369.75 FEET; THENCE SOUTHERLY IN A STRAIGHT LINE TO THE POINT OF BEGINNING, IN KANE COUNTY, ILLINOIS.

PARCEL INDEX NUMBERS: 03-36-103-001; 03-36-103-002; 03-36-103-003; 03-36-103-004;
03-36-103-005; 03-36-103-006; 03-36-103-007; 03-36-103-008; 03-36-101-004;
03-36-227-002; 03-36-101-005

PROPERTY ADDRESS: 14N915 ROUTE 25
EAST DUNDEE, IL 60118



VILLAGE UTILITY EASEMENT (V.U.E.)

THE VILLAGE OF EAST DUNDEE IS HEREBY GIVEN EASEMENT RIGHTS TO THE PLATTED EASEMENT DESIGNATED "VILLAGE UTILITY EASEMENT" SHALL BE USED SOLELY TO INSTALL, OPERATE, MAINTAIN AND REMOVE FROM TIME TO TIME ABOVE GROUND AND UNDERGROUND FACILITIES AND APPURTENANCES USED IN CONNECTION WITH THE WATER, SANITARY SEWER OR STORM DRAINAGE SYSTEMS OF THE VILLAGE OF EAST DUNDEE, AND ANY OTHER UTILITY EXPRESSLY PERMITTED BY THE VILLAGE. NO PERMANENT BUILDING OR TREES SHALL BE PLACED ON SAID EASEMENTS, BUT SAME MAY BE USED FOR GARDENS, SHRUBS, LANDSCAPING AND OTHER PURPOSES THAT DO NOT HINDER OR INTERFERE WITH THE FOREGOING USES OR RIGHTS HEREIN GRANTED.

CERTIFICATE OF EASEMENT APPROVAL

STATE OF ILLINOIS } ss.
COUNTY OF KANE }

THIS PLAT OF EASEMENT HAS BEEN APPROVED BY THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF EAST DUNDEE, ILLINOIS AT A MEETING HELD ON THE 19 DAY OF August, A.D., 2008.

Gerald L. Heinz
VILLAGE PRESIDENT
Jennifer Kehring
VILLAGE CLERK

KANE COUNTY RECORDER'S CERTIFICATE

STATE OF ILLINOIS } ss.
COUNTY OF KANE }

THIS INSTRUMENT NO. _____ WAS FILED FOR RECORD IN THE RECORDER'S OFFICE OF KANE COUNTY, ILLINOIS, ON THE _____ DAY OF _____, A.D., 2008 AT _____ O'CLOCK _____ M.

COUNTY RECORDER _____

OWNER'S CERTIFICATE

STATE OF ILLINOIS } ss.
COUNTY OF KANE }

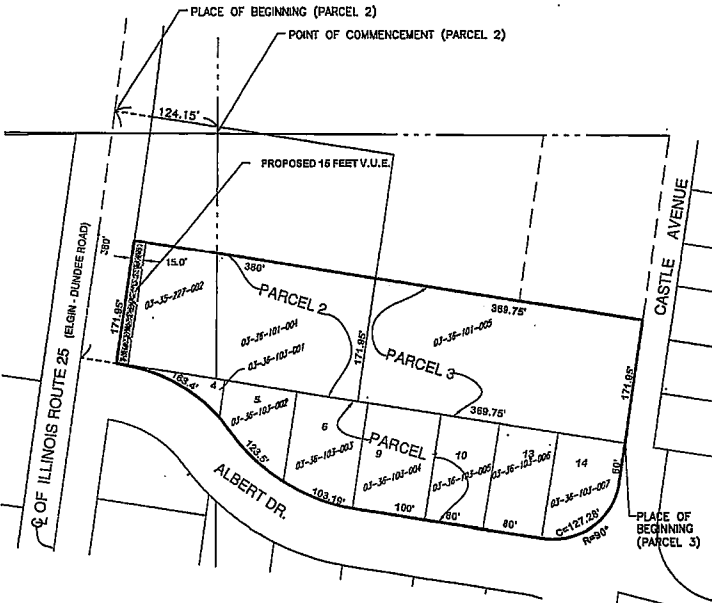
THIS IS TO CERTIFY THAT THE UNDERSIGNED IS THE OWNER OF THE LAND DESCRIBED ON THIS PLAT OF EASEMENT, AND HAS CAUSED THE SAME TO BE SURVEYED, AS INDICATED THEREON, FOR THE USES AND PURPOSES THEREIN SET FORTH, AND DOES HEREBY ACKNOWLEDGE AND ADOPT THE SAME UNDER THE STYLE AND TITLE THEREON INDICATED.

THE UNDERSIGNED HEREBY DEDICATES FOR PUBLIC USE THE LANDS SHOWN ON THIS PLAT FOR VILLAGE OF EAST DUNDEE UTILITY EASEMENT; ACCORDING TO THE EASEMENT PROVISIONS, WHICH ARE ATTACHED HERETO.

WITNESS OUR HANDS AND SEALS THIS _____ DAY OF _____, A.D., 2008

BY: *Gerald L. Heinz*
FOR: _____

Note: Refer to the recorded Plat of Subdivision in the Recorder's Office of Kane County, Illinois for any easement provisions and covenants, if any, within the subject subdivision, which may affect these lots.



STATE OF ILLINOIS } ss.
COUNTY OF KANE }

BEFORE ME THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR THE COUNTY AND STATE AFORESAID, PERSONALLY APPEARED _____ AND EACH SEPARATELY AND SEVERALLY ACKNOWLEDGED THE EXECUTION OF THE FOREGOING INSTRUMENT AS HIS OR HER VOLUNTARY ACT AND DEED, FOR THE PURPOSES THEREIN EXPRESSED.

WITNESS OUR HANDS AND SEALS THIS _____ DAY OF _____, A.D., 2008
Heather Maeritsch
NOTARY PUBLIC



SURVEYOR'S CERTIFICATE

STATE OF ILLINOIS } ss.
COUNTY OF KANE }

I, JOSEPH D. HEINZ, AN ILLINOIS PROFESSIONAL LAND SURVEYOR, HEREBY CERTIFY THAT THE PLAT HEREON DRAWN HAS BEEN PREPARED UNDER MY DIRECTION FOR THE PURPOSE OF PLATTING AN EASEMENT AND THAT IT IS A CORRECT REPRESENTATION OF THE AREA SHOWN THEREON.

EAST DUNDEE, ILLINOIS, DATED THIS _____ DAY OF _____, A.D., 2011.

Joseph D. Heinz
Illinois Professional Land Surveyor No. 3351
License Expires 11-30-10
Design Firm Registration No. 184-002948

GERALD L. HEINZ & ASSOCIATES, INC.
CONSULTING ENGINEERS & LAND SURVEYORS
208 NORTH RIVER STREET
EAST DUNDEE, ILLINOIS 60118

PLAT OF EASEMENT
EXHIBIT "A"

VILLAGE OF EAST DUNDEE

This drawing is copyrighted and is the sole property of Gerald L. Heinz & Associates, Inc. Reproduction or use of this drawing in whole or in part without the written consent of Gerald L. Heinz & Associates, Inc. is prohibited and will be prosecuted to the fullest extent of the law.

DATE: 08-01-11
JOB NO.: ED-1856
SCALE: 1"=100'
SHEET 1 of 1