

Ordinance No. 15-22

AN ORDINANCE OF THE VILLAGE OF EAST DUNDEE, COOK AND KANE COUNTIES, ILLINOIS, CONSENTING TO A PLAT OF EASEMENT FOR THE ANVIL CLUB PARCEL SOUTH OF RAILROAD STREET

WHEREAS, the Village of East Dundee, Cook and Kane Counties, Illinois (the "*Village*") is a duly organized and validly existing home-rule municipality created in accordance with the Constitution of the State of Illinois of 1970 and the laws of the State; and,

WHEREAS, pursuant to a Warranty Deed dated July 19, 1996 between the Village of East Dundee and the Anvil Club, Inc. (the "*Anvil Club*") conveying certain Village property (the "*Property*") to the Anvil Club, the Village reserved an easement for public utilities upon, across and under a portion of the deeded parcel; and,

WHEREAS, the Commonwealth Edison Company has requested that the Anvil Club grant it an easement to construct, operate, repair, maintain, modify, reconstruct, replace, supplement, relocate and remove its electrical public utilities in, over, under, across, along and upon the surface of a certain portion of the Property and to install required service connections over or under the surface of said property to serve improvements thereon, or on adjacent lots.

NOW, THEREFORE, BE IT ORDAINED by the Village President and Board of Trustees of the Village of East Dundee, Cook and Kane Counties, Illinois, as follows:

Section 1. That the Plat of Easement prepared by Gerald L. Heinz & Associates, Inc., dated March 5, 2015, attached hereto as *Exhibit A* and made a part hereof by reference, is hereby approved and the Village President and Village Clerk are hereby authorized to execute the Certificate of Easement Approval set forth on said Plat on behalf of the Village.

Section 2. That this Ordinance shall be in full force and effect upon its passage, approval, and publication as provided by law.

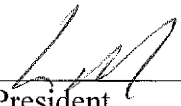
Passed by the Village President and the Board of Trustees of the Village of East Dundee, Cook and Kane Counties, Illinois, this 18th day of May, A.D. 2015, pursuant to a roll call vote, as follows:

AYES: Trustees Gorman, Lynam, Skillicorn, Selep, Wood
and Mahony

NAYS: Ø

ABSENT: Ø

APPROVED by me, as Village President of the Village of East Dundee, Cook and Kane Counties, Illinois, this 18th day of May, A.D. 2015.



Village President

Attest:



Village Clerk

Published in pamphlet form:

May 19, 2015

EXHIBIT A

PLAT OF EASEMENT

PARCEL DESCRIBED AS FOLLOWS:

THAT PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 42 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN BOUNDED AND DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE NORTHERLY LINE OF SOUTH STREET (NOW HILL STREET), DISTANT 25 FEET EASTERLY, MEASURED AT RIGHT ANGLES, FROM THE CENTER LINE OF THE MAIN TRACK (NOW REMOVED) OF THE CHICAGO AND NORTHWESTERN TRANSPORTATION COMPANY, AS SAID TRACK WAS LOCATED PRIOR TO IT'S REMOVAL; THENCE NORTHERLY PARALLEL WITH SAID (FORMER) MAIN TRACK CENTER LINE A DISTANCE OF 180 FEET, MORE OR LESS, TO A POINT DISTANT 15 FEET EASTERLY, MEASURED RADIALLY, FROM THE CENTER LINE OF CHICAGO AND NORTHWESTERN TRANSPORTATION COMPANY SPUR TRACK ICC NO. 45 (NOW REMOVED), AS SAID SPUR TRACK WAS LOCATED PRIOR TO IT'S REMOVAL; THENCE NORTHERLY, PARALLEL WITH SAID (FORMER)SPUR TRACK CENTER LINE, A DISTANCE OF 95 FEET, MORE OR LESS, TO A POINT ON THE SOUTHERLY LINE OF RAILROAD STREET; THENCE WESTERLY ALONG SAID SOUTHERLY LINE OF RAILROAD STREET, A DISTANCE OF 70 FEET, MORE OR LESS, TO A POINT DISTANT 22.5 FEET WESTERLY, MEASURED AT RIGHT ANGLES, FROM SAID (FORMER) MAIN TRACK CENTER LINE; THENCE SOUTHERLY PARALLEL WITH SAID (FORMER) MAIN TRACK CENTER LINE, A DISTANCE OF 275 FEET, MORE OR LESS, TO A POINT ON THE NORTHERLY LINE OF SAID SOUTH STREET; THENCE EASTERLY ALONG SAID NORTHERLY LINE OF SOUTH STREET, A DISTANCE OF 47.5 FEET, MORE OR LESS, TO THE POINT OF BEGINNING, EXCEPT THE WESTERLY 16.0 FEET THEREOF, ALL SITUATED IN THE VILLAGE OF EAST DUNDEE, KANE COUNTY, ILLINOIS.

PARCEL INDEX NUMBER: 03-23-314-004

COMMONWEALTH EDISON EASEMENT DESCRIBED AS FOLLOWS:

THE WESTERLY 10 FEET OF THE FOLLOWING DESCRIBED PROPERTY: THAT PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 42 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN BOUNDED AND DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE NORTHERLY LINE OF SOUTH STREET (NOW HILL STREET), DISTANT 25 FEET EASTERLY, MEASURED AT RIGHT ANGLES, FROM THE CENTER LINE OF THE MAIN TRACK (NOW REMOVED) OF THE CHICAGO AND NORTHWESTERN TRANSPORTATION COMPANY, AS SAID TRACK WAS LOCATED PRIOR TO IT'S REMOVAL; THENCE NORTHERLY PARALLEL WITH SAID (FORMER) MAIN TRACK CENTER LINE A DISTANCE OF 180 FEET, MORE OR LESS, TO A POINT DISTANT 15 FEET EASTERLY, MEASURED RADIALLY, FROM THE CENTER LINE OF CHICAGO AND NORTHWESTERN TRANSPORTATION COMPANY SPUR TRACK ICC NO. 45 (NOW REMOVED), AS SAID SPUR TRACK WAS LOCATED PRIOR TO IT'S REMOVAL; THENCE NORTHERLY, PARALLEL WITH SAID (FORMER)SPUR TRACK CENTER LINE, A DISTANCE OF 95 FEET, MORE OR LESS, TO A POINT ON THE SOUTHERLY LINE OF RAILROAD STREET; THENCE WESTERLY ALONG SAID SOUTHERLY LINE OF RAILROAD STREET, A DISTANCE OF 70 FEET, MORE OR LESS, TO A POINT DISTANT 22.5 FEET WESTERLY, MEASURED AT RIGHT ANGLES, FROM SAID (FORMER) MAIN TRACK CENTER LINE; THENCE SOUTHERLY PARALLEL WITH SAID (FORMER) MAIN TRACK CENTER LINE, A DISTANCE OF 275 FEET, MORE OR LESS, TO A POINT ON THE NORTHERLY LINE OF SAID SOUTH STREET; THENCE EASTERLY ALONG SAID NORTHERLY LINE OF SOUTH STREET, A DISTANCE OF 47.5 FEET, MORE OR LESS, TO THE POINT OF BEGINNING, EXCEPT THE WESTERLY 16.0 FEET THEREOF, ALL SITUATED IN THE VILLAGE OF EAST DUNDEE, KANE COUNTY, ILLINOIS.

EASEMENT PROVISIONS

AN EASEMENT FOR SERVING THE SUBDIVISION AND OTHER PROPERTY WITH ELECTRIC SERVICE IS HEREBY RESERVED FOR AND GRANTED TO COMMONWEALTH EDISON COMPANY, GRANTEEES,THEIR RESPECTIVE LICENSEES, SUCCESSORS AND ASSIGNS JOINTLY AND SEVERALLY, TO CONSTRUCT, OPERATE, REPAIR, MAINTAIN, MODIFY, RECONSTRUCT, REPLACE, SUPPLEMENT, RELOCATE AND REMOVE, FROM TIME TO TIME, POLES, GUYS, ANCHORS, WIRES, CABLES, CONDUITS, MANHOLES, TRANSFORMERS, PEDESTALS, EQUIPMENT CABINETS OR OTHER FACILITIES USED IN CONNECTION WITH OVERHEAD AND UNDERGROUND TRANSMISSION AND DISTRIBUTION OF ELECTRICITY, SOUNDS AND SIGNALS IN, OVER, UNDER, ACROSS, ALONG AND UPON THE SURFACE OF THE PROPERTY SHOWN WITHIN THE DASHED OR DOTTED LINES (OR SIMILAR DESIGNATION) ON THE PLAT AND MARKED "COMMONWEALTH EDISON EASEMENT" TOGETHER WITH THE RIGHTS TO INSTALL REQUIRED SERVICE CONNECTIONS OVER OR UNDER THE SURFACE OF THE PARCEL TO SERVE IMPROVEMENTS THEREON, OR ON ADJACENT LOTS, THE RIGHT TO CUT, TRIM OR REMOVE TREES, BUSHES, ROOTS AND SAPLINGS AND TO CLEAR OBSTRUCTIONS FROM THE SURFACE AND SUBSURFACE AS MAY BE REASONABLY REQUIRED INCIDENT TO THE RIGHTS HEREIN GIVEN, AND THE RIGHT TO ENTER UPON THE SUBDIVIDED PROPERTY FOR ALL SUCH PURPOSES. OBSTRUCTIONS SHALL NOT BE PLACED OVER GRANTEEES FACILITIES OR IN, UPON OR OVER THE PROPERTY WITHIN THE "COMMONWEALTH EDISON EASEMENT" WITHOUT THE PRIOR WRITTEN CONSENT OF GRANTEE. AFTER INSTALLATION OF ANY SUCH FACILITIES, THE GRADE OF THE PROPERTY SHALL NOT BE ALTERED IN A MANNER SO AS TO INTERFERE WITH THE PROPER OPERATION AND MAINTENANCE THEREOF. RELOCATION OF FACILITIES WILL BE DONE BY GRANTEE AT THE COST OF THE GRANTOR/LOT OWNER, UPON WRITTEN REQUEST.

CERTIFICATE OF EASEMENT APPROVAL

STATE OF ILLINOIS }
COUNTY OF KANE } SS.

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 THIS ____ DAY OF _____, A.D., 20 ____.

VILLAGE PRESIDENT

VILLAGE CLERK

KANE COUNTY RECORDER'S CERTIFICATE

STATE OF ILLINOIS }
COUNTY OF KANE } SS.

THIS INSTRUMENT NO. _____ WAS FILED FOR RECORD IN THE RECORDER'S OFFICE OF KANE COUNTY, ILLINOIS, ON THE ____ DAY OF _____, A.D., 20 ____ AT ____ O'CLOCK, __ .M.

COUNTY RECORDER

OWNER'S CERTIFICATE

STATE OF ILLINOIS }
COUNTY OF KANE } SS.

THIS IS TO CERTIFY THAT THE UNDERSIGNED IS THE OWNER OF THE LAND DESCRIBED IN THE ANNEXED PLAT, 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 DRAINAGE EASEMENTS AND SIDEWALK EASEMENTS; ACCORDING TO THE EASEMENT PROVISIONS, WHICH ARE ATTACHED HERETO.

WITNESS OUR HANDS AND SEALS THIS ____ DAY OF _____, A.D., 20 ____.

BY: _____ ATTEST: _____

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 effect these lots.

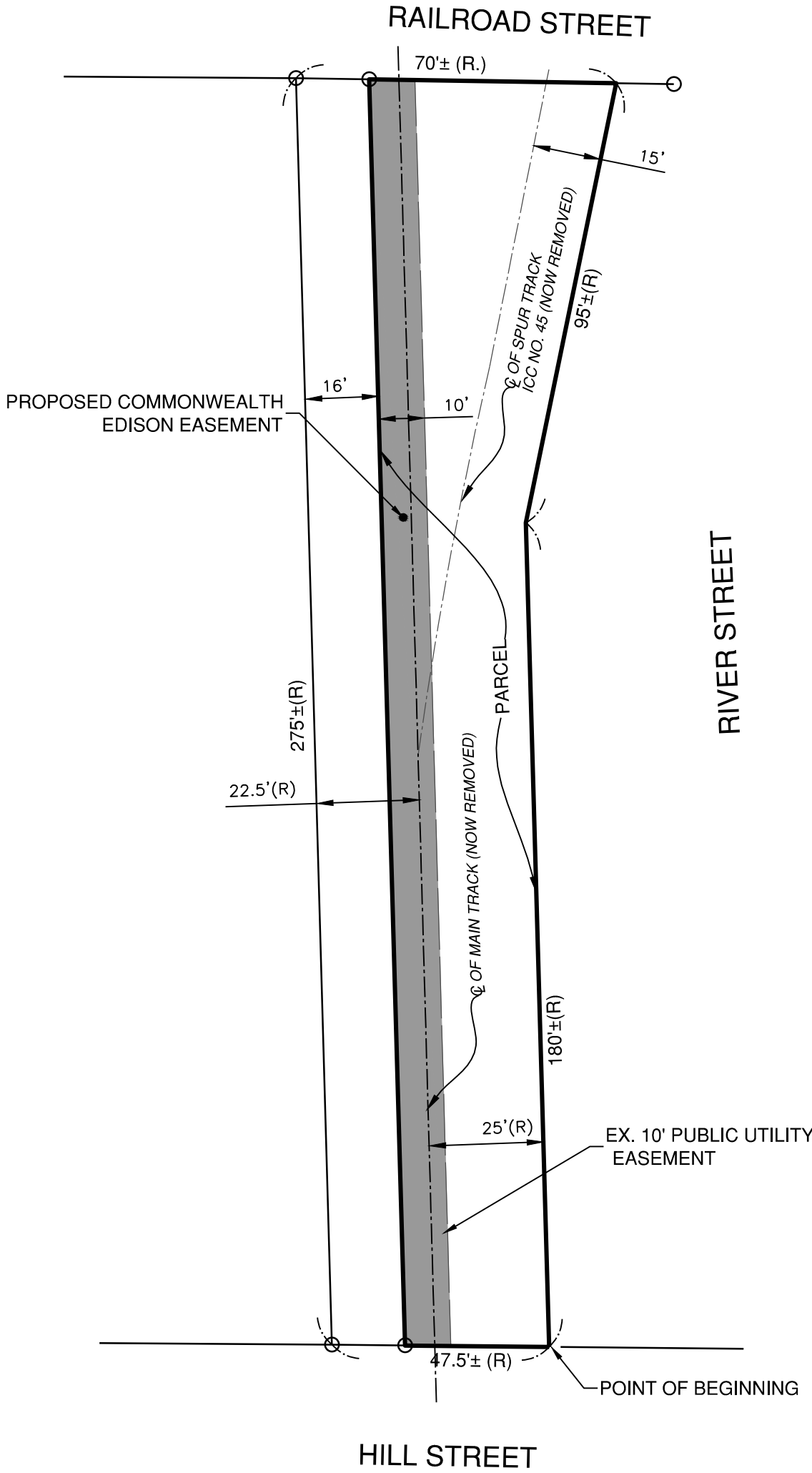
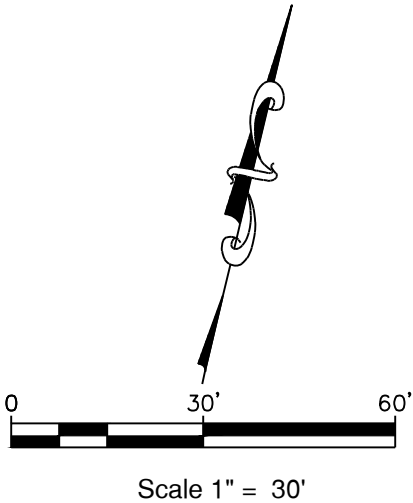
GERALD L. HEINZ & ASSOCIATES, INC.
CONSULTING ENGINEERS & LAND SURVEYORS
206 NORTH RIVER STREET
EAST DUNDEE, ILLINOIS 60118

PLAT OF EASEMENT
ANVIL CLUB PARCEL

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 and/or the information contained in it is forbidden without the written consent of GERALD L. HEINZ & ASSOCIATES, INC. Unauthorized use will be prosecuted to the fullest extent of the law.

DATE: 03/05/2015
JOB NO.: ED-1954
SCALE: 1"=30'
SHEET 1 OF 1



LEGEND

- (R) — INDICATES RECORD DIMENSION
- L= — INDICATES LENGTH OF CURVE
- R= — INDICATES RADIUS OF CURVE
- CH= — CHORD LENGTH
- [Shaded Area] — EASEMENT AREA

SURVEYOR'S CERTIFICATE

STATE OF ILLINOIS }
COUNTY OF KANE } SS.

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. 2015.



Illinois Professional Land Surveyor No. 3551
License Expires 11-30-15
Design Firm Registration No. 184-002048

96K054013

96 JUL 29 PM 3:15

WARRANTY DEED
Statutory Illinois

Lynnda M. Reicher
RECORDER

433814

THE GRANTOR, **VILLAGE OF EAST DUNDEE**, an Illinois municipal corporation, 120 Barrington Avenue, Village of East Dundee, County of Kane, State of Illinois, pursuant to the provisions of 65 ILCS 5/11-76.2-1 et. seq., for and in consideration of TEN AND NO/100 DOLLARS and other good and valuable consideration in hand paid:

CONVEYS and WARRANTS to **THE ANVIL CLUB, Inc.**, an Illinois corporation, 309 Meier Street, East Dundee, County of Kane, State of Illinois, the following described real estate situated in the County of Kane, in the State of Illinois, to wit:

SEE ATTACHED LEGAL DESCRIPTION.

Permanent Identification No: 03-23-314-004

The foregoing is vacant and not Homestead Property.

Exempt under provisions of Paragraph E, Section 4(k), Real Estate Transfer Tax Act.

Dated: July 19, 1996

Dated this 19th day of July, 1996.

Jill Yucuis (SEAL)
JILL YUCUIS, President

ATTEST:

Jane E. Theis
JANE THEIS, Village Clerk

State of Illinois, County of Kane; I the undersigned, a Notary Public in and for said County, in the State aforesaid, **DO HEREBY CERTIFY** that **JILL YUCUIS** personally known to me to be the Village President of the Village of East Dundee, and **JANE THEIS** personally known to me to be the Village Clerk of said municipal corporation, 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 President and Village Clerk, they signed, sealed and delivered said instrument as President and Village Clerk of said municipal corporation,

Chg
15.00



CHICAGO TITLE INSURANCE CO.
Kane County Office
Geneva, Illinois 60134
Phone 232-2750

96K054013

15.00

SW 23-42-8

(4)

and caused the corporate seal of said municipal corporation to be affixed thereto, pursuant to authority given by the Board of Trustees of said municipal corporation as their free and voluntary act and deed of said municipal corporation, for the uses and purposes therein set forth.

Given under my hand and official seal this 19th day of July, 1996.




NOTARY PUBLIC

This Instrument Prepared by & Mail to:

John E. Regan Law Offices, 2400 Big Timber Road,
Suite 201A, Elgin, IL 60123

Send Subsequent Tax Bills to:

The Anvil Club, Inc., 309 Meier Street, East
Dundee, IL 60118

Unofficial

VILLAGE PARCEL

That part of the Northwest Quarter of the Southwest Quarter of Section 23, Township 42 North, Range 8 East of the Third Principal Meridian bounded and described as follows: Beginning at a point on the Northerly line of South Street (now Hill Street), distant 25 feet easterly, measured at right angles from the center line of the Main Track (now removed) of the Chicago and Northwestern Transportation Company, as said main track was located prior to its removal; thence Northerly parallel with said (Former) main track center line a distance of 180 feet, more or less, to a point distant 15 feet easterly, measured radially, from the center line of Chicago and Northwestern Transportation Company spur track ICC No. 45 (Now removed), as said spur track was located prior to its removal; thence Northerly parallel with said (Former) spur track center line a distance of 95 feet, more or less, to a point on the Southerly line of Railroad Street; thence Westerly along said Southerly line of Railroad Street a distance of 70 feet, more or less, to a point distant 22.5 feet Westerly, measured at right angles from said (Former) main track center line; thence Southerly parallel with said (Former) main track center line a distance of 275 feet, more or less, to a point on the Northerly line of said South Street; thence Easterly along said Northerly line of South Street a distance of 47.5 feet, more or less, to the point of beginning, except the Westerly 16.0 feet thereof, all in the Village of East Dundee, Kane County, Illinois.

excepting and reserving, however, to the Grantor, its successors and/or assigns, an easement for public utilities upon, across and under the Western most ten (10) feet of the subject parcel.

PIN: 03-23-314-004

96K054013

LYNDA RIVERS - RECORDER OF DEEDS OF KANE COUNTY

96K054013

96 JUL 29 PM 3:15

AFFIDAVIT - PLAT ACT

Lynda M. Rivers
RECORDERSTATE OF ILLINOIS)
) SS
COUNTY OF K A N E)JOHN E. REGAN

being duly sworn on oath,
states that he resides at 309 Meier Street East Dundee,
IL 60118.

That the attached deed is not in violation of Section 1 of Chapter 109 of the Illinois Revised Statutes for one of the following reasons.

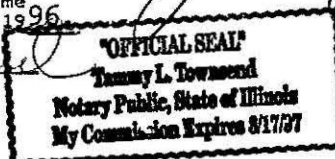
1. The sale or exchange is of an entire tract of land not being a part of a larger tract of land.
2. The division or subdivision of land is into parcels or tracts of 5 acres or more in size which does not involve any new streets or easements of access.
3. The division is of lots or blocks of less than 1 acre in any recorded subdivision which does not involve any new streets or easements of access.
4. The sale or exchange of parcels of land is between owners of adjoining and contiguous land.
5. The conveyance is of parcels of land or interests therein for use as right-of-way for railroads or other public utility facilities, which does not involve any new streets or easements of access.
6. The conveyance is of land owned by a railroad or other public utility which does not involve any new streets or easements of access.
7. The conveyance is of land for highway or other public purpose or grants or conveyances relating to the dedication of land for public use or instruments relating to the vacation of land impressed with a public use.
8. The conveyance is made to correct descriptions in prior conveyances.
9. The sale or exchange is of parcels or tracts of land following the division into no more than two parts of a particular parcel or tract of land existing on July 17, 1959, and not involving any new streets or easements of access.
10. The sale is of a single lot of less than 5 acres from a larger tract, the dimensions and configurations of said larger tract having been determined by the dimensions and configuration of said larger tract on October 1, 1973, and no sale prior to this sale of any lot or lots from said larger tract having taken place since October 1, 1973, and a survey of said single lot having been made by a registered land surveyor.

CIRCLE NUMBER ABOVE WHICH IS APPLICABLE TO ATTACHED DEED.

AFFIANT further states that he makes this affidavit for the purpose of inducing the Recorder of Deeds of Kane County, Illinois, to accept the attached deed for recording, and that all local requirements applicable to the subdivision of land are met by the attached deed and the tract described therein.

SUBSCRIBED and SWORN to before me
this 19th day of July, 1996.

Sammy L. Townsend
NOTARY PUBLIC



96K054013

