

ORDINANCE 2022-069

PASSED: NOVEMBER 28, 2022

**AUTHORIZING AN EASEMENT AGREEMENT FOR RESERVED PARKING OF A PORTION OF THE EAST SIDE OF N. NINTH STREET, DEKALB, ILLINOIS (AMERICAN COMMERCIAL, LLC).**

**WHEREAS**, the City of DeKalb (the "City") is a home rule unit of local government and may exercise any power and perform any function pertaining to its government and affairs pursuant to Article VII, Section 6, of the Illinois Constitution of 1970; and

**WHEREAS**, the City and American Marketing and Publishing Company ("American Commercial, LLC") previously entered into a redevelopment agreement which contemplated the City's construction of reserved parking stalls pursuant to the terms and provisions of an easement agreement in the same or substantially similar form as Exhibit A attached hereto and incorporated herein (the "Easement Agreement"); and

**WHEREAS**, the City's corporate authorities find that it is in the City's best interests for the promotion of the public health, morals and welfare to approve the Easement Agreement; and

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DEKALB, ILLINOIS:**

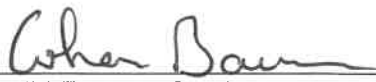
**SECTION 1:** The recitals to this Ordinance are true, material, adopted and incorporated herein as Section 1 to this Ordinance.

**SECTION 2:** The City's corporate authorities, by a vote of three-fourths of the corporate authorities then holding office, approve, authorize, and direct the City Manager to execute the Easement Agreement attached hereto and incorporated herein as Exhibit A and to take such acts as may be necessary to effect and record the Easement Agreement.

**SECTION 3:** This Ordinance shall be in full force and effect from and after its passage as provided by law.

**PASSED BY THE CITY COUNCIL** of the City of DeKalb, Illinois at a Regular meeting thereof held on the 28<sup>th</sup> day of November 2022 and approved by me as Mayor on the same day. Passed on First Reading by a 7-0-1 roll call vote. Aye: Morris, Larson, Smith, Perkins, Verbic, Faivre Barnes. Nay: None. Absent: McAdams. Second Reading waived by a 7-0-1 roll call vote. Aye: Morris, Larson, Smith, Perkins, Verbic, Faivre Barnes. Nay: None. Absent: McAdams.



  
COHEN BARNES, Mayor

ATTEST:



Ruth A. Scott, Executive Assistant


**EASEMENT AGREEMENT**

The City of DeKalb hereby grants, for a term of 50 years, commencing on the effective date of the ordinance adopting this Easement Agreement, an exclusive access, control, and maintenance easement to American Commercial, LLC (Grantee), for use of the paved, on-street parking area on North Ninth Street directly west of Grantee's headquarters and office facilities, and limited to the property legally described in the "Description" attached hereto and incorporated herein as Exhibit A (the "Property"). This right may not be transferred to another party except by transfer of the adjacent facility/property/headquarters to a successor or assignee. The Grantee's use of the Property is for employee and visitor parking in conjunction with the operations of the near-by facilities and may not be used for storage or direct commercial activities. Grantee is responsible for daily general maintenance, such as removal of snow or debris, and striping upgrades or alterations after the initial construction. Such actions shall not interfere with use of the adjacent Public Way. Grantor (the City) shall, in a period not less than 15 years from the date of execution of this easement, perform resurfacing maintenance. Grantor reserves the right to enter and perform infrastructure maintenance activities as necessary for the public good. In advance of such re-paving, forty-eight (48) hour notice shall be given to Grantee. Grantee is responsible for the discretionary enforcement of the parking use and may erect towing signs so long as such signs do not interfere with use of the public way, including sidewalks, and are in general conformance with applicable City codes and the MANUAL on UNIFORM TRAFFIC CONTROL DEVICES. Grantee shall defend, indemnify, and hold harmless Grantor and Grantor's officers, agents, and employees from and against any and all liabilities, damages, costs, and attorney's fees arising out of or relating to this Easement Agreement, except for liabilities proximately caused by Grantor's negligent or intentional acts or omissions.

City of DeKalb

  
\_\_\_\_\_  
Bill Nicklas, City Manager

American Commercial, LLC

  
\_\_\_\_\_  
Print Name: ADAM ANDRZEJEWSKI

## EXHIBIT A

DESCRIPTION – ACCESS EASEMENT, North Ninth Street is legally described as follows:

PART OF BLOCKS 27 OF GILSON'S ADDITION TO THE CITY OF DEKALB, ACCORDING TO THE PLAT IN BOOK A OF PLATS ON PAGE 21: BEGINNING AT THE SOUTHWEST CORNER OF LOT 5 IN SAID BLOCK 27 OF GILSON'S ADDITION; THENCE NORTH 69 DEGREES 43 MINUTES 51 SECONDS WEST (ASSUMED BEARING) ALONG THE WESTERLY EXTENSION OF THE SOUTH LINE OF SAID LOT 5, A DISTANCE OF 25.00 FEET; THENCE NORTH 20 DEGREES 11 MINUTES 05 SECONDS EAST PARALLEL TO THE WEST LINE OF SAID LOT 5, A DISTANCE OF 119.96 FEET; THENCE SOUTH 69 DEGREES 48 MINUTES 55 SECONDS EAST, A DISTANCE OF 25.00 FEET TO A POINT ON SAID WEST LINE OF SAID LOT 5, SAID POINT ALSO BEING 30 FEET SOUTH OF THE NORTHWEST CORNER OF SAID LOT 5; THENCE SOUTH 20 DEGREES 11 MINUTES 05 SECONDS WEST ON AND ALONG LAST NAMED LINE, A DISTANCE OF 120.00 FEET TO THE POINT OF BEGINNING.



2022011644

TASHA SIMS  
RECORDER - DEKALB COUNTY, IL  
RECORDED: 12/13/2022 01:53 PM  
REC FEE: 55.00

STATE OF ILLINOIS )  
COUNTY OF DEKALB ) SS  
CITY OF DEKALB )

PAGES: 4

**CERTIFICATION**

I, **RUTH A. SCOTT**, am the duly qualified and appointed Executive Assistant of the City of DeKalb, DeKalb County, Illinois, as authorized by Local Ordinance 2019-059, and as such Executive Assistant, I maintain and am safe-keeper of the records and files of the Mayor and City Council of said City.

I do hereby certify that the attached hereto is a true and correct copy of:

**ORDINANCE 2022-069**

**AUTHORIZING AN EASEMENT AGREEMENT FOR RESERVED PARKING OF A PORTION OF THE EAST SIDE OF N. NINTH STREET (AMERICAN COMMERCIAL, LLC).**

**PASSED BY THE CITY COUNCIL** of the City of DeKalb, Illinois, on the 28<sup>th</sup> day of November 2022.

**WITNESS** my hand and the official seal of said City this 13<sup>th</sup> day of December 2022.

**RUTH A. SCOTT**, Executive Assistant



**Prepared by and Return to:**

City of DeKalb  
City Manager's Office  
Attention: Ruth A. Scott  
164 E. Lincoln Highway  
DeKalb, Illinois 60115