

ORDINANCE 12-81

Passed: October 22, 2012

**APPROVING A GRANT OF EASEMENT FOR
BURIAL OF GAS MAIN AND GAS FACILITIES FOR
NICOR GAS ON CITY PROPERTY 112 EAST
LOCUST STREET, DEKALB, ILLINOIS.**

WHEREAS, the City of DeKalb, Illinois, owner of properties located in downtown DeKalb, has submitted a grant of easement for burial of natural gas main and gas facilities for Nicor Gas; and,

WHEREAS, the City of DeKalb wishes to assist the Egyptian Theatre which the gas main will serve; and,

WHEREAS, said grant of easement has been reviewed by the Public Works Department for utility agency use and continued use otherwise for City of DeKalb purposes; now,

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL of the City of DeKalb, Illinois, as follows:

Section 1. That the Grant of Easement for burial of natural gas main and gas facilities for Nicor Gas at 112 East Locust Street, DeKalb, Illinois (PIN # 08-23-158-001,08-23-158-031 and 08-23-158-032), a copy of which is attached hereto as Exhibit "1," is hereby approved and accepted.

Section 2. That the Mayor is hereby authorized to sign and the City Clerk to attest the aforesaid Grant of Easement.

Section 3. That each section, paragraph, sentence, clause and provision of this ordinance is separable and if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of this ordinance, nor any part thereof, other than that part affected by such decision.

Section 4. That this Ordinance shall be in full force and effect upon its passage and approval according to law.

PASSED BY THE CITY COUNCIL of the City of DeKalb, Illinois at a regular meeting thereof held on the 22nd day of October, 2012 and approved by me as Mayor on the same day. Passed on the Consent Agenda in omnibus form by roll call vote 8-0. Aye: Jacobson, Teresinski, Lash, Gallagher, Naylor, Baker, O'Leary, Povlsen.

ATTEST:

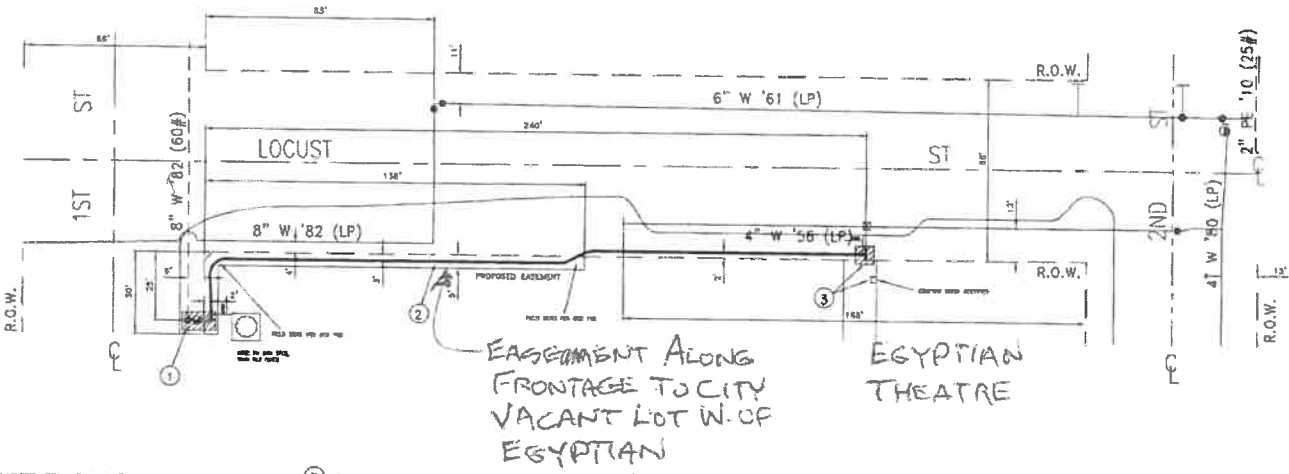


DIANE K. WRIGHT, City Clerk



KRIS POVLSEN, Mayor

R.O.W.



- ① **INSTALL**
 (1) GCS 720.03* (2" & LARGER STL HDR - 2" PE LATERAL BF)
 *INCL: (1) 2" TEE LAT IPS PER GCS 210.22 (LATERAL WELD TEE)
 (1) 2"x2" FITTING TRANS IPS STL PE SDR 11.0 W/GCS 702
 (ANTI SHEAR SLEEVE PE PIPE)
 (1) GCS 714.03 (LOCATE WIRE CONNECTION FOR STL TO PE EXT)
 (1) GCS 513.04 (17#) (ANODE INSTALLED ON EXISTING PIPE W/O
 TEST CONNECTION)
 (1) GCS 725.02* (2" PE VALVE INSTALLATION BF)
 (1) 2" POLY VALVE IPS PE BF W/PUP 15 LONG
 (20') 2" PIPE IPS PE SDR 11.0 ASTM D2513
 (1) 4" EXTENSION VALVE BOX
 (1) BLOCK WOOD 2"x10"x12"
 (1) COPER WIRE #12 GAUGE HARD DRAWN HMWPE
 2500' SPOOLS YELLOW TRACING WIRE, 12 AWG SOLID
 (AS REQUIRED)
 (1) 2" 90° ELL LR CS W 0.154" WT WPB
BREAK & TEMP REPLACE
 (1) 10'x10' CONCRETE SIDEWALK

- ② **INSTALL**
 (265') 2" PE PIPE IPS PE SDR 11.0
 (TEST SECTION "A")

- ③ **INSTALL**
 (1) GCS 709.21* (PURGE END 2" MAIN W/ 2"x1" WHP BF)
 *INCL: (1) 2"x1" REDUCING PURGE END IPS CTS PE
 (1) 1" CAP BE PE CON STAB CTS
 (20') 2" PIPE IPS PE SDR 11.0 (STICK PIPE AS REQ'D)
 (1) GCS 714.01 (LOCATING WIRE ON PE MAIN END)
 (100') #4 WIRE (RUN FROM EXISTING RECTIFIER TO EXISTING LP MAIN)
BREAK & TEMP REPLACE
 (1) 5'x5' CONCRETE SIDEWALK

EASEMENT ALONG
 FRONTAGE TO CITY
 VACANT LOT W. OF
 EGYPTIAN
 THEATRE

PIPE ORDER QUANTITIES FOR THIS SHEET		
PIPE INSTALLATION THIS SHEET	ESTIMATED	ACTUAL
2" PE PIPE 1R	265'	
PIPE BORING THIS SHEET	ESTIMATED	ACTUAL
2" PE	265'	
THICK BACKFILL THIS SHEET	0 C.Y.	
SPRINKLS & CONDUIT BREAKS THIS SHEET	125 10' FT	
SIGNAL TRANSFORMERS THIS SHEET	1	

NOTES:
 CONTACT JOHN FREAD NICOR CORROSION
 SUPERVISOR FOR RECTIFIER WIRE
 INSTALLATION DETAILS (630) 688-1302

DESIGNED BY		NICOR	
NORTHERN DEKALB	DEKALB	DEKALB	DEKALB
SOB	4:30PM	231	
12/02/11			
JAMES	08-17-12		
	LANCER		
NOT TO SCALE	NW70231C		

REGION REVIEW			
NOV	DESCRIPTION	BY	DATE

Sec 23	Twp 40 N	Rng 4 E 3 rd PM
DeKalb Twp.		DeKalb Co.
Central File #		
WO	Pcl 1 - R	
PIN 08-23-158-001; -031 & -032		

GRANT OF EASEMENT TO
NICOR GAS

That The City of DeKalb, Illinois, its, successors, assigns, heirs, administrators and executors (hereinafter individually and/or collectively referred to as "Grantor"), for and in consideration of the sum of Ten and 00/100 (\$10.00) Dollars and other good and valuable considerations, in hand paid by NORTHERN ILLINOIS GAS COMPANY, an Illinois corporation, doing business as NICOR GAS COMPANY (hereinafter "Grantee"), the sufficiency thereof and receipt of which is hereby acknowledged, does hereby give and grant unto said Grantee, its successors and assigns, a perpetual, non-exclusive easement and right-of-way for the purpose of laying, maintaining, operating, renewing, replacing and removing a gas main or gas mains and any necessary gas facilities appurtenant thereto, including services and laterals, and also including above ground gas main markers and testing facilities as may be required by law (hereinafter "Grantee's Facilities") in, upon, under, along and across the following described property (hereinafter "Easement Premises"):

The North 5.0 feet of Osgood's Resubdivision, being a resubdivision of parts of Lots 51, 52, 57 and 58 of County Clerk's subdivision of Block 1 of the Original Village (now the City) of DeKalb, DeKalb County, Illinois, **ALSO** The West 5.0 feet of the North 30.0 feet **AND** the North 5.0 feet of the West 90.0 feet of Lot 52 and that part of Lot 51 lying West of a line described as follows: Commencing at a point in the North line of said Lot, 70.15 feet East of the Northwest corner of said Lot; thence South, parallel with the West line of said Lot, 35.65 feet; thence West, 4.15 feet; thence South, parallel with the West line of said Lot to the South line thereof, all in the County Clerks Subdivision of Block 1 of the Original Town (now City) of DeKalb, as shown by the recorded plat thereof in the Recorder's Office of DeKalb County, Illinois, in Book "F" of Plats, page 22, situated in DeKalb County, Illinois, (EXCEPTING THEREFROM that part of Lot 51 in County Clerks Subdivision of Block 1 of the Original Town (now City) of DeKalb, as shown by the recorded plat thereof in the Recorder's Office of DeKalb County, Illinois, in Book "F" of Plats, page 22, described as follows: Beginning at the Northwest corner Lot 51; thence Easterly of the North line of Lot 51, 10.0 feet; thence Southwesterly, to a point on the West line of Lot 51, 10.0 feet Southerly of the Place of Beginning; thence Northerly, to the Place of Beginning), all in Section 23, Township 40 North, Range 4 East of the Third Principal Meridian, DeKalb Township, DeKalb County, Illinois, together with the right of access thereto for said purposes.

Grantor reserves the right to use the Easement Premises in any manner not inconsistent with the rights granted herein, provided, however, neither Grantor nor any future owner of the Easement Premises shall build, construct, erect or place, or permit others to build, construct, erect or place, any buildings or enclosed facilities over any portion of the Easement Premises.

Grantor represents and warrants to the Grantee that the Grantor, (i) is the true and lawful owner of the Property described herein and has full right and power to grant and convey the rights granted and conveyed herein, and (ii) has not granted any other permanent rights to, through, across or along the Easement Premises that would prevent Grantee from utilizing the Easement Premises for the intended purposes.

By recording this Grant of Easement, Grantee acknowledges its acceptance hereof and its obligations hereunder and agrees to be bound by the terms hereof.

IN WITNESS WHEREOF, the Grantors have hereunto set their hands and seals this _____ day of _____, A.D., 2012.

signature

print name

title (if applicable)



October 17, 2012

The City of DeKalb
104 First Street
DeKalb, Illinois

Subject: Locust Street Gas Main Relocation

Dear Land Manager:

A title examination has disclosed that The City is the owner of certain property in DeKalb County, Illinois.

Nicor is in the process of relocating the existing main. Jeremy James from our office has indicated that the City will grant an easement for the relocated main.

Enclosed please find two completed copies of the easement grant. Kindly sign one copy and have your signature notarized. Then return that one to me in the enclosed business reply envelope.

Please execute and return the easement grant as soon as possible. Should you have any questions, please feel free to contact me at 630-327-5901.

Sincerely,

David J. Ruffalo
Nicor Gas Real Estate Agent
Enclosure
Cell # 630-327-5901

Engineering Memo #2012-ENG039

DATE: October 17, 2012

TO: Mayor
City Council

FROM: Mark Biernacki, City Manager
T. J. Moore, Director of Public Works

BY: Joel Maurer, Asst. Director of Public Works – Building and Engineering

SUBJECT: Consideration of granting as easement to NICOR for gas main to Egyptian Theatre

STRATEGIC GOALS: Encourage Collaboration, Cooperation, and Partnership with Area Governments, Agencies and Not-For-Profit Organizations

COMMITTEE OF THE WHOLE

I. Summary:

The Egyptian Theatre has ongoing remodeling projects that include some upgrade to their heating system. NICOR plans to run a new two pound gas service to the west side of the theater along the south side of Locust Street from the supply main at North First Street. To avoid disturbing new Locust Street streetscape features, the gas service route has been negotiated to be installed within the north frontage of the City's vacant parcel at the southeast corner of North First and Locust. A small easement granted to NICOR from the City is recommended to install the service and avoid tearing up streetscape.

II. Background:

The Egyptian Theatre director has confirmed the high pressure gas service upgrade is recommended for heating season reliability but the present HVAC project is on hold. The proposed five foot wide easement on the City's vacant parcel west of the theater is sufficient for the two-inch gas service as proposed and would allow for future parking or planting area over the easement but no building construction. A building setback is

normal for new construction so the granting of the easement should not impose a restrictive hardship for any new development of the vacant lot.

III. Community Groups/Interested Parties Contacted:

Public Works Engineering staff has coordinated the location of the proposed easement with NICOR personnel to avoid new Locust streetscape construction.

IV. Legal Impacts:

The grant of easement to NICOR is a standard form of easement for utility purposes and is acceptable for approval.

V. Financial Impact:

None

VI. Alternatives:

1. Grant the proposed easement to NICOR thus avoiding new streetscape improvements.
2. If the easement is not granted then the gas service would be within the right-of-way and portions of new sidewalk and street would be cut and patched along the route to the theater.

VII. Recommendation:

The staff recommends approval of the gas line easement for the upgrade to high pressure as necessary for the heating and cooling project, though this is not urgent as the theater project is on hold.

Respectfully submitted for City Council consideration.

Reviewed By:

Approved By:

Rudy Espiritu
Assistant City Manager

Mark Biernacki
City Manager

attachments