

**AUTHORIZING THE ACQUISITION OF A
PERMANENT EASEMENT FROM THE
FAIRVIEW PARK CEMETERY ASSOCIATION
ON CERTAIN REAL PROPERTY LOCATED
ALONG FAIRVIEW DRIVE AND ADJACENT TO
FAIRVIEW PARK CEMETERY.**

WHEREAS, the City of DeKalb wishes to construct a bike path along Fairview Drive between First Street and Fourth Street; and,

WHEREAS, the City Council of the City of DeKalb hereby finds and determines that acquisition of a permanent easement of 0.303 acre on certain real property located along Fairview Drive, adjacent to Fairview Park Cemetery, is desirable for the establishment of a bike path; now,

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

Section 1. That the above recitals are hereby incorporated into this Ordinance as though fully set forth in this Section 1.

Section 2. That the City of DeKalb does hereby approve the purchase and acquisition of a permanent easement on a portion of certain real property located along Fairview Drive, adjacent to the Fairview Park Cemetery, and legally described as:

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER (SW1/4) OF SAID SECTION TWENTY-SEVEN (27); THENCE NORTH 00 DEGREES 20 MINUTES 11 SECONDS EAST, A DISTANCE OF 26.00 FEET TO THE POINT OF BEGINNING; THENCE NORTH 89 DEGREES 31 MINUTES 38 SECONDS WEST, A DISTANCE OF 105.00 FEET; THENCE SOUTH 46 DEGREES 06 MINUTES 24 SECONDS WEST, A DISTANCE OF 5.55 FEET; THENCE SOUTH 00 DEGREES 20 MINUTES 07 SECONDS EAST, A DISTANCE OF 22.12 FEET TO A POINT ON THE SOUTH LINE OF SAID SOUTHWEST QUARTER (SW1/4); THENCE NORTH 89 DEGREES 31 MINUTES 38 SECONDS WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 12.50 FEET; THENCE NORTH 00 DEGREES 20 MINUTES 15 SECONDS EAST, A DISTANCE OF 40.00 FEET; THENCE SOUTH 89 DEGREES 31 MINUTES 38 SECONDS EAST, A DISTANCE OF 121.37 FEET; THENCE SOUTH 89 DEGREES 39 MINUTES 53 SECONDS EAST, A DISTANCE OF 300.62 FEET; THENCE NORTH 00 DEGREES 20 MINUTES 07 SECONDS EAST, A DISTANCE OF 5.00 FEET; THENCE SOUTH 89 DEGREES 39 MINUTES 53 SECONDS EAST, A DISTANCE OF 10.00 FEET; THENCE SOUTH 00 DEGREES 20 MINUTES 07 SECONDS WEST, A DISTANCE OF 5.00 FEET; THENCE SOUTH 89 DEGREES 39 MINUTES 53 SECONDS EAST, A DISTANCE OF 466.17 FEET TO A POINT ON THE WEST LINE OF THE DEKALB COMMUNITY UNIT SCHOOL DISTRICT NO. 428 PROPERTY; THENCE SOUTH 00 DEGREES 30 MINUTES 46 SECONDS WEST, ALONG SAID WEST LINE, A DISTANCE OF 14.00 FEET; THENCE NORTH 89 DEGREES 39 MINUTES 53 SECONDS WEST, A DISTANCE OF 162.79 FEET; THENCE

Section 3. That the City Manager, Mark Biernacki, is authorized and directed to execute any and all documents necessary to acquire the easement for the approved property at the approved price, and to accept the conveyance of the easement to the City.

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

PASSED BY THE CITY COUNCIL of the City of DeKalb, Illinois at a regular meeting, held on the 9th day of January, 2012, and approved by me as Mayor on the same day. Received and filed by voice vote. Passed on second reading by roll call vote: 4-0-3. Aye: Teresinski, Lash, Gallagher, O'Leary. Nay: None. Absent: Jacobson, Naylor, Baker.

ATTEST:



STEVE KAPITAN, City Clerk





KRIS POVLSSEN, Mayor

\$29.00
4ppp
FILED FOR RECORD
DEKALB COUNTY, IL
12 FEB -2 PM 1:22
DEKALB COUNTY RECORDER

Owner: Fairview Park Cemetery Association, an Illinois not for profit organization
Route: Fairview Bike Path
Section: 10-00177-00-BT
County: DeKalb
Project No.: TCSP-IL 10(104)
Job No.: C-93-117-11
Parcel No.: 0002 PE & TE
P.I.N. No.: 08-27-376-003 and -001; 08-27-451-001

PREPARED BY:
SANTACRUZ ASSOCIATES
2650 VALOR DR.
GLENVIEW IL 60020

PERMANENT EASEMENT
(Non-Profit Corporation)

RETURN TO: CITY CLERK
CITY OF DEKALB
200 S. 4TH ST DEKALB IL 60115

2012001268

Fairview Park Cemetery Association, an Illinois not for profit organization, a corporation organized and existing under and by virtue of the laws of the State of Illinois and duly authorized to do business under the Statutes of the State of Illinois, (Grantor), for and in consideration of Twenty Eight Thousand Five Hundred Dollars (\$28,500.00), receipt of which is hereby acknowledged and pursuant to the authority given by the Board of Directors of said Non-Profit Corporation, hereby represents that Grantor owns the fee simple title to and grants and conveys to City of DeKalb, (Grantee), a permanent easement for the purpose of roadway purposes and for other highway purposes, on, over and through the following described real estate:

for and in consideration of Twenty Eight Thousand Five Hundred Dollars (\$28,500.00), receipt of which is hereby acknowledged, hereby represents that Grantor owns the fee simple title to and grants and conveys to City of DeKalb, (Grantee), a permanent easement for the purpose of roadway purposes and for other highway purposes, on, over and through the following described real estate:

See attached legal description.

Address: Fairview Park Cemetery. 1600 South 1st Street. DeKalb, IL 60115

situated in the County of DeKalb, State of Illinois. The above-described real estate and improvements located thereon are herein referred to as the "premises."

Grantor shall have and retains all rights to use and occupy the premises and access to Grantor's remaining property, except as herein expressly granted; provided, however, Grantor's use and occupation of the premises may not interfere with Grantee's use of the premises for the purposes herein described.

Grantor, without limiting the interest above granted and conveyed, acknowledges that upon payment of the agreed consideration, all claims arising out of the above acquisition have been settled, including without limitation, any diminution in value to any remaining property of the Grantor caused by opening, improving, and using the premises for highway purposes. This acknowledgment does not waive any claim for trespass or negligence against the Grantee or Grantee's agents which may cause damage to Grantor's remaining property.

This grant shall constitute a covenant, which runs with the land, and shall be binding upon the legal representatives, successors and assigns of Grantor.

Dated this 20th day of January, 2012.

Fairview Park Cemetery Association, an Illinois not for profit organization

By: Steven E. Garland
Signature

Steven E. Garland, Board President
Print Name and Title

ATTEST:

By: Robert P. Carlson
Signature

Robert P. Carlson, Board Secretary
Print Name and Title

State of Illinois)
County of DeKalb) ss

This instrument was acknowledged before me on January 20, 2012, by
Steven E. Garland, as Board President
and Robert P. Carlson, as Board Secretary
of Fairview Park Cemetery Association, an Illinois not for profit organization.

(SEAL)



[Signature]
Notary Public

My Commission Expires: 9/29/2015

Exempt under 35 ILCS 200/31-45(b), Real Estate Transfer Tax Law.

Jan. 20, 2012
Date

Joel Mauer for City of DeKalb
Buyer, Seller or Representative

This instrument was prepared by and after recording, mail this instrument to:

Santacruz Associates
2650 Valor Drive
Glenview, IL 60026

Grantor: Fairview Cemetery
Association
Grantee: City of DeKalb

PERMANENT EASEMENT

A permanent easement lying in the Southwest Quarter (SW1/4) and in the Southeast Quarter (SE1/4) of Section Twenty-seven (27), Township Forty (40) North, Range Four (4) East of the Third (3rd) Principal Meridian, City of DeKalb, DeKalb County, Illinois, described as follows, to wit:

Commencing at the Southeast corner of the Southwest Quarter (SW1/4) of said Section Twenty-seven (27); thence North 00 degrees 20 minutes 11 seconds East, a distance of 26.00 feet to the Point of Beginning; thence North 89 degrees 31 minutes 38 seconds West, a distance of 105.00 feet; thence South 46 degrees 06 minutes 24 seconds West, a distance of 5.55 feet; thence South 00 degrees 20 minutes 07 seconds East, a distance of 22.12 feet to a point on the South line of said Southwest Quarter (SW1/4); thence North 89 degrees 31 minutes 38 seconds West, along said South line, a distance of 12.50 feet; thence North 00 degrees 20 minutes 15 seconds East, a distance of 40.00 feet; thence South 89 degrees 31 minutes 38 seconds East, a distance of 121.37 feet; thence South 89 degrees 39 minutes 53 seconds East, a distance of 300.62 feet; thence North 00 degrees 20 minutes 07 seconds East, a distance of 5.00 feet; thence South 89 degrees 39 minutes 53 seconds East, a distance of 10.00 feet; thence South 00 degrees 20 minutes 07 seconds West, a distance of 5.00 feet; thence South 89 degrees 39 minutes 53 seconds East, a distance of 466.17 feet to a point on the West line of the DeKalb Community Unit School District No. 428 property; thence South 00 degrees 30 minutes 46 seconds West, along said West line, a distance of 14.00 feet; thence North 89 degrees 39 minutes 53 seconds West, a distance of 162.79 feet; thence South 00 degrees 20 minutes 07 seconds West, a distance of 26.00 feet to a point on the South line of the Southeast Quarter (SE1/4) of said Section Twenty-seven (27); thence North 89 degrees 39 minutes 53 seconds West, along said South line, a distance of 10.00 feet; thence North 00 degrees 20 minutes 07 seconds East, a distance of 26.00 feet; thence North 89 degrees 39 minutes 53 seconds West, a distance of 603.95 feet to the Point of Beginning.

The above described area contains a net area of 0.303 acre, more or less.

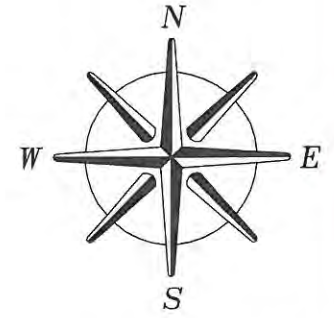
The above described easement is shown on the plat attached hereto which is made a part hereof.

SW 1/4

SE 1/4

PROPERTY INFORMATION
FAIRVIEW CEMETERY ASSOCIATION
PIN# 0827376003

PROPERTY INFORMATION
DEKALB COMMUNITY UNIT SCHOOL DISTRICT #428
PIN# 0827476004



0 50' 100'
SCALE: 1"=100'

AREA OF EASEMENT

0.303 ACRE

PERMANENT EASEMENT

E. FAIRVIEW DRIVE

SOUTH LINE OF SW 1/4

SOUTH LINE OF SE 1/4

EXISTING R.O.W.

EXISTING R.O.W.

HERITAGE DRIVE

MONTICELLO DRIVE



SURVEYOR'S STATEMENT

I HEREBY CERTIFY that I have prepared the attached map for permanent easement purposes only.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this _____ day of _____, A.D., 20____. Dixon, Illinois.

David D. Scovel
ILLINOIS PROFESSIONAL LAND SURVEYOR
NO. 35-3138

My License Expires November 30, 2012.



NUMBER	DIRECTION	DISTANCE
L1	N00°20'11"E	26.00'
L2	N89°31'38"W	105.00'
L3	S46°06'24"W	5.55'
L4	S00°20'07"W	22.12'
L5	N89°31'38"W	12.50'
L6	N00°20'15"E	40.00'
L7	S89°31'38"E	121.37'
L8	S89°39'53"E	300.62'
L9	N00°20'07"E	5.00'
L10	S89°39'53"E	10.00'
L11	S00°20'07"W	5.00'
L12	S89°39'53"E	466.17'
L13	S00°30'46"W	14.00'
L14	N89°39'53"W	162.79'
L15	S00°20'07"W	26.00'
L16	N89°39'53"W	10.00'
L17	N00°20'07"E	26.00'
L18	N89°39'53"W	603.95'

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www.wendlergs.com ph: 815.288.2261
Illinois Professional Design Firm No. 184-000848

DATE:	09 MAY 11
JOB NO.	2100302
SURVEYED BY:	
BOOK NO:	FILE
DRAWN BY:	DJV
DRAWING NAME:	ROW CEMETERY
REVISIONS:	

PERMANENT EASEMENT
FOR
CITY OF DEKALB