

**AUTHORIZING THE ACQUISITION OF A
TEMPORARY EASEMENT FROM THE
ROSENOW FAMILY AS TRUSTEES OF THE
ROSENOW LIVING TRUST NO. 2004-1 ON
CERTAIN REAL PROPERTY AT 345
BETHANY ROAD (SECTION 04-00167-00-BR).**

WHEREAS, the City of DeKalb is in the process of replacing the Bethany Road bridge east of North First Street; and,

WHEREAS, the City Council of the City of DeKalb hereby finds and determines that the acquisition of a temporary easement on real property located at 345 Bethany Road is necessary and desirable for the replacement of the Bethany Road bridge; and,

WHEREAS, the City Council of the City of DeKalb has previously authorized the acquisition of the said easement on said real property located along Bethany Road at the Kishwaukee River; 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 acquisition of a temporary easement on a portion of certain real property commonly known as 231 Bethany Road and legally described as: THAT PART OF THE SOUTHEAST 1/4 OF SECTION 2, TOWNSHIP 40 NORTH, RANGE 4, EAST OF THE THIRD PRINCIPAL MERIDIAN, DEKALB COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 2; THENCE NORTH 00 DEGREES 25 MINUTES 22 SECONDS WEST ALONG THE EAST LINE OF SAID SECTION 2, A DISTANCE OF 300.00 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF BETHANY ROAD; THENCE NORTHWESTERLY 414.89 FEET ALONG THE NORTHERLY RIGHT OF WAY LINE OF BETHANY ROAD, BEING A CURVE TO THE RIGHT, HAVING A RADIUS OF 1382.39 FEET, WHOSE CHORD BEARS NORTH 81 DEGREES 05 MINUTES 04 SECONDS WEST, 413.33 FEET; THENCE CONTINUING NORTHWESTERLY 197.73 FEET ALONG SAID CURVE, WHOSE CHORD BEARS NORTH 68 DEGREES 23 MINUTES 19 SECONDS WEST, 197.56 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE NORTH 64 DEGREES 17 MINUTES 28 SECONDS WEST, 57.64 FEET ALONG SAID NORTHERLY RIGHT OF WAY LINE OF BETHANY ROAD TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 64 DEGREES 17 MINUTES 28 SECONDS WEST, 156.37 FEET ALONG SAID NORTHERLY RIGHT OF WAY, TO THE CENTER LINE OF THE KISHWAUKEE RIVER; THENCE NORTH 30 DEGREES 01 MINUTE 32 SECONDS EAST, 21.11 FEET ALONG THE CENTER LINE OF SAID RIVER; THENCE SOUTH 64 DEGREES 21 MINUTES 18 SECONDS EAST, 154.76 FEET; THENCE SOUTH 25 DEGREES 38 MINUTES 43 SECONDS WEST, 21.23 FEET TO THE POINT OF BEGINNING, CONTAINING 3288 SQUARE FEET, MORE OR LESS, SITUATED IN DEKALB COUNTY, ILLINOIS.

from the Rosenow family as trustees of the Rosenow Trust No. 2004-1, for the sum of one thousand five hundred and no/100 dollars (\$1,500.00), in accordance with the terms and conditions set forth in the Easement Agreement, a copy of which is attached hereto and made a part hereof as Exhibit "A."

Section 3. 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 27th day of June, 2011, and approved by me as Mayor on the same day. Passed on first reading by voice vote and second reading by roll call vote: 7-0. Aye: Jacobson, Teresinski, Lash, Gallagher, Naylor, Baker, O' Leary.

ATTEST:



STEVE KAPITAN, City Clerk



KRIS POVLSSEN, Mayor



Owner: Penny A. Rosenow and
Brian T. Rosenow, as
Trustees of the Penny
A. Rosenow Trust No.
2004-1
Route: Bethany Road Bridge
Section 04-00167-00-BR
County DeKalb
Project No. M-5017(37)
Job No. C-91-113-06
Parcel No. 0001 TE
P.I.N. No. 08-02-400-034

FILED FOR RECORD
DEKALB COUNTY, IL.

11 AUG -9 AM 9:57

RHSP SURCHARGE \$10.00

39-
3pp

[Signature]
DEKALB COUNTY RECORDER

2011008263

TEMPORARY CONSTRUCTION EASEMENT

THIS INDENTURE WITNESSETH, That the Grantor, Penny A. Rosenow and Brian T. Rosenow, as Trustees of the Penny A. Rosenow Trust No. 2004-1, for and in consideration of the sum of One Thousand Five Hundred Dollars (\$1,500.00), in hand paid, the receipt of which is hereby acknowledged, hereby represent(s) that it own(s) the fee simple title to and do(es) by these presents grant(s) the right, easement and privilege to enter upon the following described land unto the City of DeKalb (the "City"), for the use of the City, for grading and related roadway purposes:

See Attached Legal Description

Address: 231 and 345 Bethany Road, DeKalb, IL 60115

The right, easement and privilege granted herein shall terminate Three (3) years from the execution of this document, or on the completion of the proposed project, whichever is the sooner.

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

IN WITNESS WHEREOF, the Grantor(s) have/has set his/her/their hand(s), this 26th day of July, 2011.

By: Penny A. Rosenow
Penny A. Rosenow, as Trustee
Print Name

By: Brian T. Rosenow
Brian T. Rosenow, as Trustee
Print Name

State of Illinois)
County of DeKalb) ss

I, ELVIA L FRANCO, a Notary Public, in and for said County and State aforesaid, do hereby certify that Penny A. Rosenow and Brian T. Rosenow, who is/are personally known to me to be the Trustees of the Penny A. Rosenow Trust No. 2004-1 and the same person(s) whose name(s) is/are subscribed to the foregoing instrument, did appear before me this day in person and acknowledged that he/she/they signed and delivered the said instrument as his/her/their free and voluntary act for the uses and purposes therein set forth.

Date: 7-26-11

Elvia L. Franco
Notary Public
OFFICIAL SEAL
Elvia L. Franco
Notary Public, State of Illinois
My Commission Expires Jan. 25, 2013

This instrument was prepared by: J. Steve Santacruz, Santacruz Associates, 2650 Valor Drive, Glenview, IL 60026

Mail to: Santacruz Associates, Ltd.
2650 Valor Drive, Glenview, IL 60026

WBK-2011DK-301 \$302 (263)

Return to:
Wheatland Title Guaranty
105 W. Veterans Parkway, Yorkville, IL 60560

Bethany Road

Stage _____

DeKalb County

Section: _____

Parcel: 0001TE

Owner: Brian Thomas Rosenow, as Trustee of the Penny A. Rosenow Living Trust no. 2004-1

P.I.N.: 08-02-400-034

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