ORDINANCE 11-71 Passed December 12, 2011

APPROVING A PLAT OF EASEMENT AND GRANT OF EASEMENT FOR RELOCATION OF UTILITY EQUIPMENT, POLES AND WIRES FOR COMMONWEALTH EDISON ON CITY PROPERTY AT 720 WEST LINCOLN HIGHWAY DEKALB, ILLINOIS.

WHEREAS, the City of DeKalb, Illinois, owner of properties located in downtown DeKalb, has submitted a plat of easement and grant of easement for relocation of utility equipment, poles and wires for Commonwealth Edison; and,

WHEREAS, the City of DeKalb wishes to relocate utility lines at 720 West Lincoln Highway, the site of the planned new police station; and,

WHEREAS, said plat 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 Plat of Easement for relocation of utility equipment, poles and wires for Commonwealth Edison at 720 West Lincoln Highway, DeKalb, Illinois (PIN # 08-22-152-014 and 08-22-152-015 and 08-22-152-016), a copy of which is attached hereto as Exhibit “1”, is hereby approved and accepted.

Section 2. That a Grant of Easement for burial of utility equipment, poles and wires for Commonwealth Edison at 720 West Lincoln Highway, DeKalb, Illinois (PIN # 08-22-152-014 and 08-22-152-015 and 08-22-152-016), a copy of which is attached hereto as Exhibit “2”, is hereby approved and accepted.

Section 3. That the Mayor is hereby authorized to sign and the City Clerk to attest the aforesaid Plat of Easement and Grant of Easement.

Section 4. 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 5. 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 12th day of December, 2011, and approved by me as Mayor on the same day. Received and filed by voice vote. Passed by roll call vote: 7-0. Aye: Jacobson, Teresinski, Lash, Gallagher, Naylor, Baker, O'Leary. Nay: None.

ATTEST:

[Signature]
STEVE KAPITAN, City Clerk

[Signature]
KRIS POVLSEN, Mayor
GRANT OF EASEMENT

The Grantor(s) CITY OF DEKALB an Illinois Municipal corporation, in consideration of the sum of Ten Dollars and other valuable consideration, receipt of which is hereby acknowledged, hereby give(s) and grant(s) to COMMONWEALTH EDISON COMPANY, an Illinois Corporation, its licensees, successors and assigns, an easement to construct, operate, repair, maintain, modify, reconstruct, replace, supplement, relocate and remove, from time to time, poles, wires, cables, conduits, manholes, transformers, pedestals and other facilities used in connection with overhead and underground transmission and distribution of electricity, sounds and signals, together with right of access to the same and the right, from time to time, to trim or remove trees, bushes and saplings and to clear all obstructions from the surface and subsurface as may be required incident to the grant herein given, in, over, under, across, along and upon the surface of property situated in Section 22, Township 40 North, Range 4, East of the Third Principal Meridian in DeKalb County, Illinois, described below. No structures or obstructions shall be placed over Grantee facilities or in, upon or over the Easement Area by Grantor without prior written consent of the Grantee. After installation of any facilities by Grantee, the grade of the property shall not be altered in a manner so as to interfere with the operation and maintenance thereof.

An easement strip being (five) 5 feet from either side of the centerline of the Grantee’s facilities installed within the North (thirty) 30 feet of that part of the Grantor’s property encompassing Lots 4 and 5 in Block 4 and also an easement being the East (twenty) 20 feet of that part of Lot 4 in Block A, all in Normal Park Addition to DeKalb according to the plat of record in Book “D” of Plat, page 20, on July 18, 1907 in DeKalb County, Illinois.

The Grantor’s property is legally described on the Exhibit “A” attached hereto and made a part hereof.

PROPERTY ADDRESS: 720 W. Lincoln Highway, DeKalb, IL
P.I.N.: 08-22-152-014, 08-22-152-015, 08-22-152-016

The Grantor represents and warrants to the Grantee that Grantor is the true, lawful and sole owner of the Property and has full right and power to grant and convey the rights conveyed herein.

Return to:

This instrument prepared by John E. O'Brien, 3 Lincoln Centre 4th Floor, Oakbrook Terrace, Illinois 60181, on behalf of Commonwealth Edison Company.

For Corporate or Trust Signature

IN WITNESS WHEREOF, the Grantor _______________ City of DeKalb ___________________ has caused this instrument to be executed on its behalf and its corporate seal to be affixed hereto this _______________ day of December 2011.  

ATT: ___________________ Mayor By ___________________ (Trust Officer) (President)  

Steve Kaplan

Complete the Appropriate Acknowledgment on Reverse Side Hereof

May, 2004
If grantor is a corporation or trust, complete the following:

State Of Illinois
County Of DeKalb

I, the undersigned, a Notary Public in and for the said County and State aforesaid, do hereby certify that Kris Povlsen
(Mayor) President (Trust Officer) of the City of DeKalb
and Steve Kapitan, City Clerk
Secretary of said corporation, 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 acknowledged that they signed and delivered said instrument as their own free and voluntary act and as the free and voluntary act of said corporation for the uses and purposes therein set forth; and the said City Clerk Secretary then and there acknowledged that he/she, as custodian of the seal of said corporation, did affix the seal to the foregoing instrument as his/her free and voluntary act and the free and voluntary act of said corporation, for the uses and purposes therein set forth.

GIVEN under my hand and NOTARIAL SEAL this 16th day of December, 2011.

[Signature]
Notary Public

[Seal]

CAROL HALSEY
Notary Public, State of Illinois
My Commission Expires 10/26/15
Exhibit A

Parcel 1:
LOT 2 (EXCEPT THE NORTHELY 8 FEET) IN BLOCK 4 IN NORMAL PARK ADDITION TO Dekalb, according to the plat thereof recorded in Book "D" OF PLATS, PAGE 20, ON JULY 12, 1907, IN DEKALB COUNTY, ILLINOIS.

Parcel 2:
The West 40 feet of Lot 5; and the East 60 feet of Lot 6, all in Block 4 in Normal Park Addition, DeKalb, situated in the City of DeKalb, according to the plat thereof recorded in Book "D" OF PLATS, PAGE 20, ON JULY 12TH, 1907; excepting therefrom a tract of land on that part of the West 40 feet of Lot 5 and the East 60 feet of Lot 6 in Block 4 in Normal Park Addition to the City of DeKalb situated in DeKalb County, State of Illinois, bounded and described as follows: The Northerly 8 feet of that part of the West 40 feet of said Lot 5, and the Northerly 8 feet of the East 80 feet of said Lot 6 being the land lying between the Northerly line of said Lot 5 and the Northerly line of said Lot 6 and a line drawn 8 feet Southernly of and parallel to the Northerly line of said Lot 5 and the Northerly line of said Lot 6;

Parcel 3:
The East 80 feet of Lot 5 in Block 4 in Normal Park Addition, DeKalb, situated in the City of DeKalb, according to the plat thereof recorded in Book "D" OF PLATS, PAGE 20 ON JULY 12TH, 1907; except the Northerly 8 feet thereof;

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