

ORDINANCE 2019-05

**ORDINANCE ACCEPTING A PLAT OF UTILITY & DRAINAGE
EASEMENT FOR CERTAIN PROPERTY LOCATED
ON THE NILES PARK DISTRICT WETLAND
IN THE VILLAGE OF NILES**

Dated: This 27th day of February, 2019

**Published in Pamphlet Form by Authority
of the
President and Board of Trustees
Village of Niles**

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NOW, THEREFORE, BE IT ORDAINED, by the President and the Board of Trustees of the Village of Niles, Cook County, Illinois, as follows:

SECTION 1: The Plat of Utility & Drainage Easement for property commonly known as, Niles Park District Wetland, as further described and situated in the Village of Niles, Cook County, Illinois, be the same hereby accepted and attached as Exhibit "A", hereto and incorporated herein by reference:

LOT 14 IN TAM O'SHANTER'S INDUSTRIAL, BEING A SUBDIVISION IN SECTION 30 AND JANE MIRANDAS RESERVATION, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 14; THENCE NORTH 88 DEGREES 37 MINUTES 05 SECONDS EAST ALONG THE NORTH LINE OF SAID LOT 14, 34.93 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 12 DEGREES 21 MINUTES 53 SECONDS EAST, 63.46 FEET; THENCE SOUTH 81 DEGREES 35 MINUTES 30 SECONDS EAST, 59.63 FEET TO THE APPROXIMATE WATERS EDGE OF THE NORTH BRANCH OF THE CHICAGO RIVER; THENCE NORTH 08 DEGREES 45 MINUTES 00 SECONDS EAST ALONG SAID WATERS EDGE, 40.00 FEET; THENCE NORTH 81 DEGREES 35 MINUTES 30 SECONDS WEST, 37.61 FEET; THENCE NORTH 12 DEGREES 21 MINUTES 53 SECONDS WEST, 27.16 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 14; THENCE SOUTH 88 DEGREES 37 MINUTES 05 SECONDS WEST ALONG SAID NORTH LINE, 35.65 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

PIN 10-30-400-028

SECTION 2: The Village is obligated to give unto the grantors One Dollar and Zero Cents (\$1.00) in consideration for the plat of utility & drainage easement as referenced.

SECTION 3: The Village shall hereby file a certified copy of the Ordinance and Plat of Utility & Drainage Easement with the Recorder of Deeds of Cook County, Illinois.

SECTION 4: This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

SECTION 5: That all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of any such conflict.

SECTION 6: That any section or provision of this ordinance that is construed to be invalid or void shall not affect the remaining sections or provisions which shall remain in full force and effect thereafter.

PASSED: This 26th day of February, 2019
AYES: 6 Alpogianis, Jekot, LoVerde, Matyas, McCreery, Strzelecki
NAYS: 0
ABSENT: 0
ABSTAIN: 0

APPROVED by me this 26th day of February, 2019.



President of the Village of Niles
Cook County, Illinois

ATTESTED AND FILED in my office this 26th day of February, 2019, and published in pamphlet form as provided by law in the Village of Niles, Illinois.



Village Clerk

STATE OF ILLINOIS)
)
COUNTY OF COOK) SS

I, **KATHRYN L. ANGELL**, do hereby certify that I am the duly appointed and qualified Deputy Village Clerk of the Village of Niles, County of Cook and State of Illinois, and, as such, am the keeper of the records, legal documents and files of said Village.

I DO FURTHER CERTIFY that the attached and foregoing is a true, correct, and complete copy of a legal document duly adopted by the Board of Trustees of the Village of Niles on the 26th day of February, 2019 entitled:

**ORDINANCE 2019-05 ORDINANCE ACCEPTING A PLAT OF UTILITY &
DRAINAGE EASEMENT FOR CERTAIN PROPERTY LOCATED
ON THE NILES PARK DISTRICT WETLAND IN THE VILLAGE OF NILES**

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Village of Niles, this 5th day of March, 2019.



Deputy Village Clerk of the Village of Niles
Cook County, State of Illinois

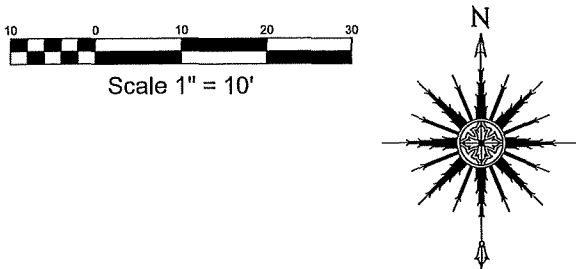
(SEAL)

I:\CRYSTAL LAKE\NILES\180095-HOWARD ST IMPROVEMENT\CAD\TEMP AEB\180095 - PLANS.DWG Plat of Easement
Plotted: 12/31/2018 10:13 AM By: 554AEB
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License No. - 184-001121 - Expires 4-30-19

LEGAL DESCRIPTION

LOT 14 IN TAM O'SHANTER'S INDUSTRIAL, BEING A SUBDIVISION IN SECTION 30 AND JANE MIRANDAS RESERVATION, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:
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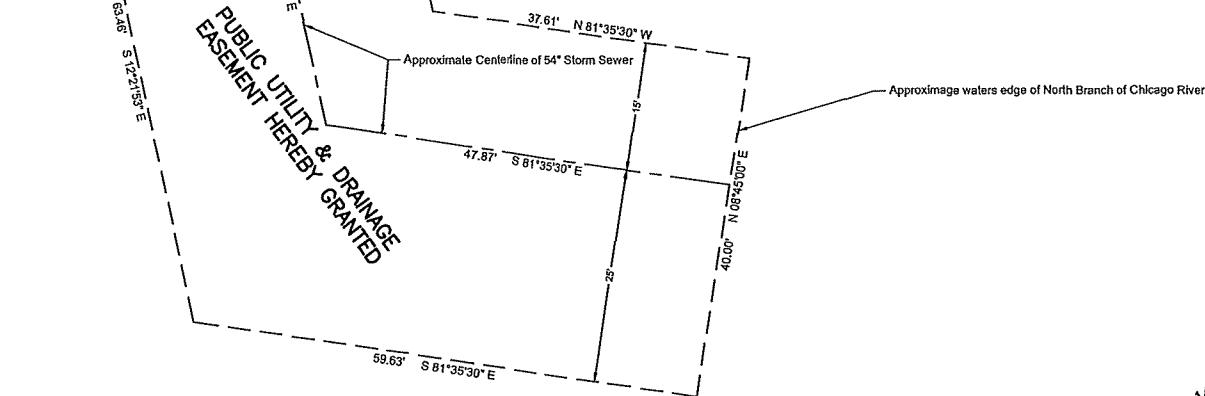
PLAT OF EASEMENT



HOWARD STREET

25' Easement for Public Utilities and Drainage to the Village of Niles as per Document 98703672

15' Easement for Public Utilities and Drainage to the Village of Niles as per Document 98703672



PUBLIC UTILITY & DRAINAGE EASEMENT PROVISIONS

AN EXCLUSIVE AND PERMANENT EASEMENT IS HEREBY RESERVED FOR AND GRANTED TO THE VILLAGE OF NILES, AN ILLINOIS MUNICIPAL CORPORATION, AND THOSE PUBLIC UTILITY AND OTHER COMPANIES OPERATING UNDER FRANCHISE AGREEMENTS GRANTING THEM RIGHTS FROM THE VILLAGE OF NILES "VILLAGE", INCLUDING, BUT NOT LIMITED TO, COMMONWEALTH EDISON COMPANY, ILLINOIS BELL TELEPHONE COMPANY, NORTHERN ILLINOIS GAS COMPANY, AND COMCAST CABLE COMMUNICATION, INC., TOGETHER WITH THEIR RESPECTIVE SUCCESSORS AND ASSIGNS (THE "GRANTEES"), FOR THE INSTALLATION, CONSTRUCTION, RECONSTRUCTION, REPLACEMENT, ALTERATION, ENLARGEMENT, OPERATION, INSPECTION, REPAIR, MAINTENANCE, RELOCATION, RENEWAL AND REMOVAL OF FACILITIES, IMPROVEMENTS AND APPURTENANCES TO SERVE THESE AND OTHER LANDS WITH VARIOUS PUBLIC UTILITIES TRANSMISSION AND DISTRIBUTION SYSTEMS, INCLUDING WITHOUT LIMITATION, ELECTRICITY, SOUNDS AND SIGNALS, CABLE TELEVISION, COMMUNICATION, TELEPHONE, GAS PIPELINES, WATER PIPELINES, STORM AND SANITARY SEWERS, AND STORM WATER DRAINAGE, TOGETHER WITH ANY AND ALL NECESSARY LINES, CABLES, MAINS, MANHOLES, HYDRANTS, CATCH BASINS, CONNECTIONS, PIPES, APPLIANCES, AND OTHER STRUCTURES AND APPURTENANCES AS MAY BE DEEMED NECESSARY, IN ACROSS, ALONG, OVER, UNDER, AND UPON THE AREAS HEREON IDENTIFIED AS "PUBLIC UTILITY & DRAINAGE EASEMENT" (P.U.D.E.), TOGETHER WITH THE RIGHT TO INSTALL REQUIRED SERVICE CONNECTIONS UNDER THE SURFACE OF EACH LOT TO SERVE IMPROVEMENTS THEREON, AND TOGETHER WITH THE RIGHT TO ENTER UPON THE PROPERTY WITH SUCH PERSONNEL AND EQUIPMENT AS MAY BE DEEMED NECESSARY FOR ALL SUCH USES AND PURPOSES.

NO OBSTRUCTION OR STRUCTURE SHALL BE ERRECTED OR LOCATED, NOR SHALL ANY TREES BE PLANTED, OVER SAID EASEMENT AREAS, NOR SHALL ANY OTHER ACTIVITIES BE UNDERTAKEN THAT UNREASONABLY INTERFERE WITH THE GRANTEE'S INTENDED USE THEREOF, BUT THE SAME MAY BE USED FOR LANDSCAPING, FENCING, PARKING OR OTHER PURPOSES IF SUCH USE DOES NOT THEN OR LATER INTERFERE WITH THE AFOREMENTIONED EASEMENT RIGHTS.

THE RIGHT IS ALSO HEREBY GRANTED TO THE VILLAGE TO REMOVE ANY FENCES, BUILDINGS, OR STRUCTURES AND TO CUT DOWN, TRIM, OR REMOVE ANY TREES, SHRUBS, BUSHES, ROOTS OR OTHER PLANTINGS THAT INTERFERE WITH THE OPERATION OF OR ACCESS TO SUCH FACILITIES, IN, ON UPON, ACROSS, UNDER OR THROUGH SAID PUBLIC UTILITY & DRAINAGE EASEMENT. THE VILLAGE SHALL NOT BE RESPONSIBLE FOR THE REPLACEMENT OR REPAIR OF ANY SUCH FENCES, BUILDINGS, STRUCTURES, TREES, TRIM, GARDENS, SHRUBS, LANDSCAPING OR OTHER IMPROVEMENTS REMOVED DURING THE EXERCISE OF THE HEREIN GIVEN RIGHTS. REPLACEMENT AND/OR REPAIR OF SAID ITEMS SHALL BE THE RESPONSIBILITY OF THE THEN PROPERTY OWNER.

THE OCCUPATION AND USE OF THE EXCLUSIVE EASEMENT HEREIN GRANTED AND RESERVED FOR THE GRANTEE BY EACH OF SUCH ENTITIES SHALL BE DONE IN SUCH A MANNER SO AS NOT TO INTERFERE WITH OR PRECLUDE THE OCCUPATION AND USE THEREOF BY OTHER ENTITIES FOR WHICH SUCH EASEMENTS ARE GRANTED AND RESERVED. THE CROSSING AND RE-CROSSING OF SAID EASEMENTS BY THE GRANTEE SHALL BE DONE IN SUCH A MANNER SO AS NOT TO INTERFERE WITH, DAMAGE, OR DISTURB ANY TRANSMISSION AND/OR DISTRIBUTION SYSTEMS AND FACILITIES APPURTENANT THERETO EXISTING WITH THE EASEMENTS BEING CROSSED OR RE-CROSSED.

WHERE THE EASEMENT AREAS ARE ALSO USED FOR ELECTRIC, TELEPHONE, CABLE TV, GAS DISTRIBUTION SYSTEMS OR THEIR APPURTENANCES, SUCH OTHER UTILITY INSTALLATIONS SHALL NOT INTERFERE WITH THE MAINTENANCE OF GRAVITY OR SUBSURFACE FLOW AND STABILIZATION OF VEGETATIVE GROUND COVER ON THE ADOVE-MENTIONED DRAINAGE FACILITIES, OR CAUSE ANY CHANGE IN GRADE OR IMPAIR OR CHANGE THE SURFACE DRAINAGE PATTERNS OF THE PROPERTY.

OWNER'S CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF) S.S.

THIS IS TO CERTIFY THAT THE OWNER OF THE LAND DESCRIBED IN THE ANNEXED PLAT, AND HAS CAUSED THE SAME TO BE PLATTED, AS INDICATED THEREON, FOR THE USES AND PURPOSES THEREIN SET FORTH, AND DOES HEREBY ACKNOWLEDGE AND ADOPT THE SAME UNDER THE STYLE AND TITLE THEREON INDICATED.

DATED THIS DAY OF , 20.

NILES PARK DISTRICT: BOARD PRESIDENT

NILES PARK DISTRICT:

NOTARY CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF) S.S.

I, A NOTARY PUBLIC IN AND FOR SAID COUNTY IN THE STATE AFORESAID, DO HEREBY CERTIFY THAT ARE PERSONALLY KNOWN TO ME TO BE THE SAME PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE FOREGOING INSTRUMENT AS SUCH OWNERS, APPEARED BEFORE ME THIS DAY AND ACKNOWLEDGED THAT THEY SIGNED THE FOREGOING INSTRUMENT AS THEIR OWN FREE AND VOLUNTARY ACT FOR THE USES AND PURPOSES THEREIN SET FORTH.

GIVEN UNDER MY HAND AND NOTARY SEAL THIS DAY OF , 20.

NOTARY PUBLIC (SEAL)

P.L.N. 10-30-400-028

Tam O'Shanter's Industrial Park
(Recorded as Document 72301105)

STATE OF ILLINOIS)
COUNTY OF MCHENRY)

I HEREBY CERTIFY THAT WE HAVE PREPARED THE FORGOING PLAT OF EASEMENT FOR THE PURPOSES OF GRANTING AN EASEMENT TO THE VILLAGE OF NILES AND THAT THE PLAT IS A CORRECT REPRESENTATION THEREOF.

DIMENSIONS ARE SHOWN IN FEET AND DECIMAL PARTS THEREOF.

BAXTER & WOODMAN CONSULTING ENGINEERS.

DATE: December 31, 2018 BY: ANTHONY BIANCHINI, P.L.S., P.E.
PROFESSIONAL LAND SURVEYOR
ILLINOIS NO. 035-003603
"LICENSE EXPIRES 11-30-2020"

MY PROFESSIONAL LICENSE RENEWAL DATE IS 11/30/2020



PLAT OF EASEMENT

BAXTER & WOODMAN
Consulting Engineers

6578 RIDGEFIELD ROAD • CRYSTAL LAKE, IL 60012
PHONE: 815-439-1260 • FAX: 815-433-0450

REVISION DATE:	COMMENTS:
12-31-2018	Initial Submittal

DRAWN BY: AEB		
CHECKED BY: AEB		
S-T-R : 30-41-13	SCALE: 1" = 10'	JOB NO: 180095
CLIENT: Village of Niles		