

VILLAGE OF LOMBARD  
REQUEST FOR BOARD OF TRUSTEES ACTION  
For Inclusion on Board Agenda

\_\_\_\_\_ Resolution or Ordinance (Blue) \_\_\_\_\_ *Waiver of First Requested*  
\_\_\_\_\_ Recommendations of Boards, Commissions & Committees (Green)  
 X  Other Business (Pink)

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: David A. Hulseberg, Village Manager

DATE: April 9, 2012 (B of T) Date: April 12, 2012

TITLE: 85 Yorktown Shopping Center (Chase Bank)

SUBMITTED BY: Department of Community Development *WA*

BACKGROUND/POLICY IMPLICATIONS:

Please find attached staff's recommendation relative to approving a revised stormwater and BMP easement on Lot 2 of the Chase Bank development located at 85 Yorktown Shopping Center.

Staff recommends approval of this request.

Please place this item on the April 12, 2012 Board of Trustees agenda.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X \_\_\_\_\_ Date \_\_\_\_\_

Finance Director X \_\_\_\_\_ Date \_\_\_\_\_

Village Manager X \_\_\_\_\_ Date \_\_\_\_\_

NOTE: All materials must be submitted to and approved by the Village Manager's Office by 12:00 noon, Wednesday, prior to the Agenda Distribution.



## MEMORANDUM

**TO:** David A. Hulseberg, Village Manager

**FROM:** William J. Heniff, AICP, Director of Community Development *WJH*

**DATE:** April 12, 2012

**SUBJECT:** **Motion to Accept a Revised Stormwater and BMP Easement  
85 Yorktown Shopping Center (Chase Bank)**

The former Firestone site within Yorktown Shopping Center was recently razed to make way for a new single story Chase Bank with four drive-through lanes. The construction of the new building required stormwater quality Best Management Practices (BMPs) under the DuPage County Stormwater Ordinance, which also requires the BMPs to be in an easement.

Chase Bank submitted two Plats of Easement depicting the proposed stormwater BMP easements of the areas on Lots 1 and 2. Both plats were considered by the Board of Trustees and approved at their December 27, 2011 meeting. Thereafter but prior to the plats being recorded at the Recorder of Deeds of DuPage County, the current owners advised that the previously approved easement on Lot 2 had to be shifted due to field conditions. The attached plat reflects this change.

Please request the Board of Trustees to accept this amended easement on Lot 2 by motion at their April 12, 2012 meeting.

Please call either Nick Hatfield or myself if you have any questions.

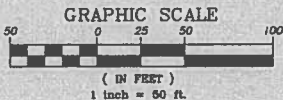
WJH/NH:nh

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# Plat of Easement

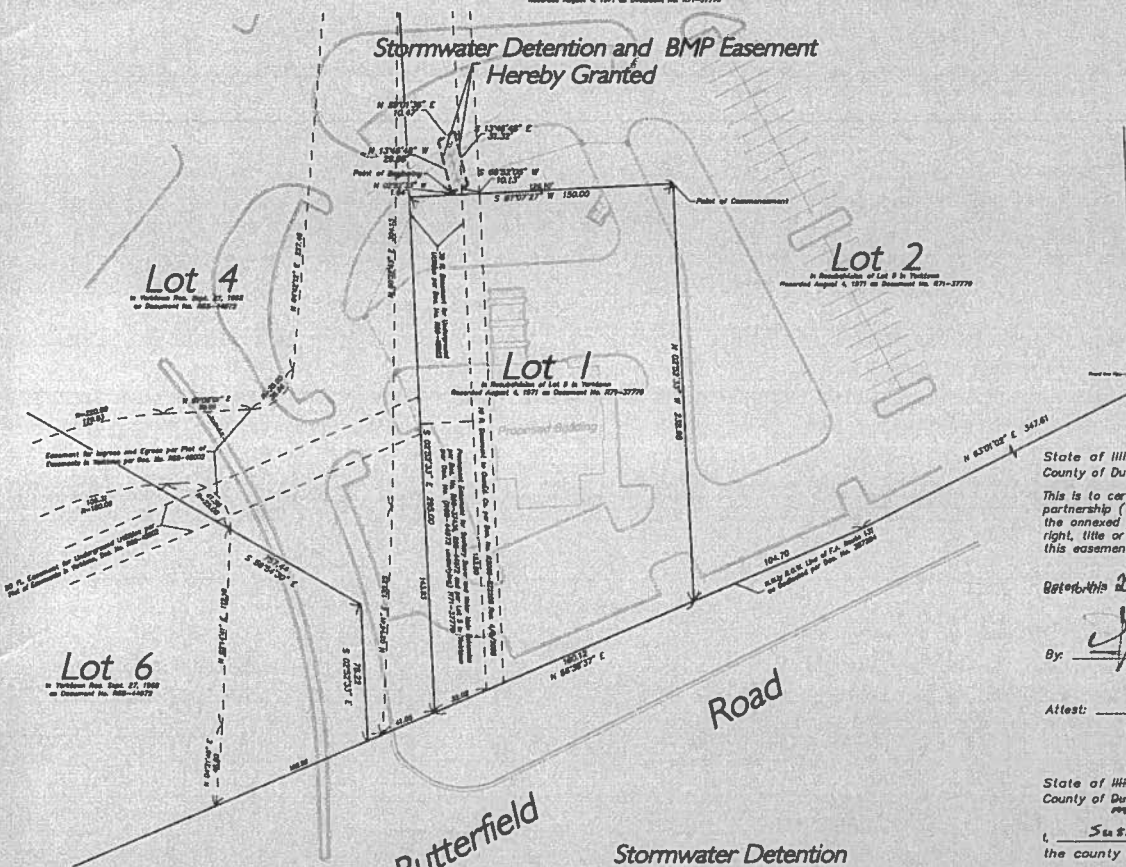
to  
Village of Lombard  
for a  
Stormwater Detention and BMP Easement

That part of Lot 2 in Resubdivision of Lot 5 in Yorktown, being a Subdivision of part of Section 29, Township 39 North, Range 11 East of the Third Principal Meridian, according to the plat thereof recorded August 4, 1971 as Document No. 871-37779 described as follows: Commencing at the Northeast corner of Lot 1 in said Subdivision, also being a corner common with said Lot 2; thence South 87°07'27" West along a line common with Lot 1 and Lot 2 in said Subdivision, 126.10 feet; thence North 02°52'33" West, 1.64 feet to the point of beginning; thence North 13°46'48" West, 29.88 feet; thence North 59°01'36" East, 10.47 feet; thence South 13°46'48" East, 31.32 feet; thence South 66°52'05" West, 10.13 feet to the point of beginning, in DuPage County, Illinois.



**Lot 2**  
In Resubdivision of Lot 5 in Yorktown  
Recorded August 4, 1971 as Document No. 871-37779

**Stormwater Detention and BMP Easement  
Hereby Granted**



### Owners Certificate

State of Illinois) S.S.  
County of DuPage)

This is to certify that Yorktown Joint Venture, an Illinois general partnership ("Grantor"), is the owner of the land described in the annexed plat and that no other person or entity has any right, title or interest in said land, and that they have granted this easement as indicated, for the uses and purposes therein

Given this 23<sup>rd</sup> day of March, A.D. 2012  
Yorktown Joint Venture

By: [Signature]

Attest: \_\_\_\_\_

### Notary Public Certificate

State of Illinois) S.S.  
County of DuPage)

I, Susan Lucas, a Notary Public, in and for the county and state aforesaid, do hereby certify that

David J. Malton and \_\_\_\_\_ are personally known to me to be the same persons whose names are subscribed to the foregoing instrument as the owners of the property described in the annexed plat appeared before me this day in person and that they signed and delivered the annexed plat as their free and voluntary act for the uses and purpose therein set forth.

Given under my hand and Notarial Seal, this 23<sup>rd</sup> day of March, A.D. 2012

[Signature]  
Notary Public  
My Commission expires 5-19-2017



### Stormwater Detention and BMP Easement Provisions

Declarant hereby reserves and grants to the Village of Lombard (the Village) an easement over the stormwater detention and best management practices (BMP) facilities (the "Stormwater Detention Easement") for purposes of providing adequate stormwater drainage control and treatment together with reasonable access thereto. Said easement shall be perpetual and shall run with the land and shall be binding upon the declarant, its successors, heirs, executors and assigns. To ensure the integrity of the stormwater facilities, no obstruction shall be placed, nor alterations made, including alterations in the final topographical grading plan which in any manner impedes or diminish stormwater drainage or detention in, over, under, through or upon said easement area. In the event such obstruction or alterations are found to exist, or if the property owner otherwise fails to properly maintain the stormwater facility on the easement, the Village shall, upon seventy-two (72) hours prior notice to the property owner, have the right, but not the duty, to perform, or have performed on its behalf, any maintenance work to or upon the stormwater facilities on the easement or to remove said obstruction or alterations or to perform other maintenance, repair, alteration or replacement as may reasonably be necessary to ensure that adequate stormwater storage, storm drainage, stormwater facilities and appurtenances thereto remain fully operational and that the condition of said facilities complies with all applicable Village codes. Such stormwater storage shall include volume detained in storm sewers and above ground outside of the easement. In the event of an emergency situation, as determined by the Village, the seventy-two (72) hours prior notice requirement set forth above shall not apply, and the Village shall have the right, but not the duty, to proceed without notice to the property owner.

In the event the Village shall be required to perform, or have performed on its behalf, any maintenance work to or upon the stormwater facility on the easement as set forth in this declaration, or any removal as aforesaid, the cost of such work shall, upon recovation of Notice of Lien with the Recorder of Deeds of DuPage County, Illinois, constitute a lien against the assets of the owner.

The cost of the work incurred by the Village shall include all expenses and costs associated with the performance of such work including, but not limited to, reasonable engineering, consulting and attorneys' fees related to the planning and actual performance of the work.

If it is determined by the owner that alterations to the stormwater facility within the easement areas are necessary to properly maintain the integrity of the stormwater facilities, the Village shall first be notified by the owner of said proposed alteration. No such alteration shall take place without the prior approval of the Village. The Village may, in its discretion, require the submittal of plans and specifications for Village approval before said alteration may take place.

### Surveyor's Certificate

State of Illinois) S.S.  
County of Lake)

We, Gevalt-Hamilton Associates, Inc. do hereby certify that we have prepared this Plat of Easement and that it is a true and correct representation of said Easement. All distances shown hereon are in feet and decimal parts thereof.

Dated this 23<sup>rd</sup> day of March, A.D. 2012 in Vernon Hills, Illinois.



Illinois Professional Land Surveyor No. 2585  
My License expires November 30, 2012

1. 3/23/12 Revise Easement Boundary		G.S.
NO.	DATE	REVISION
SHEET TITLE		PROJECT NO. 3819.115
Plat of Easement		SCALE 1"=50'
PROJECT		DATE 8/21/11
Lombard-Chase Bank		DRAWN BY G.S.
GEWALT HAMILTON ASSOCIATES, INC.		CHECKED BY
850 Forest Edge Drive • Vernon Hills, IL 60061		DRAWING NO.
TEL. 847.478.9700 • FAX 847.478.9701		OF 1 SHTS