

**ORDINANCE NO. 7581**

**AN ORDINANCE ABROGATING AND GRANTING PUBLIC UTILITY EASEMENTS  
LOCATED AT 2301 S. FOUNTAIN SQUARE DRIVE (YARD HOUSE)**

**BE IT ORDAINED** by the President and Board of Trustees of the Village of Lombard, DuPage County, Illinois, as follows:

**SECTION 1:** That the President and Board of Trustees of the Village of Lombard (hereinafter the "Village") find as follows:

- A. The Village is the owners of an easement for a public utility easement (hereinafter the "P.U.E."), on the Subject Property legally described as follows:

Lot 3 in the Resubdivision of Lot 5 in Fountain Square, being a Subdivision of part of the Northeast Quarter of Section 29 and the Northwest Quarter of Section 28, Township 39 North, Range 11 East of the Third Principal Meridian, according to the Plat of Said Resubdivision recorded January 13, 1999 as document number R99-009621, as amended and superseded by the amended and restated final plat of the Resubdivision of Lot 5 in Fountain Square recorded December 15, 1999 as document number R1999-258291, in DuPage County, Illinois.

P.I.N.: 06-28-101-008

Common Address: 2301 S. Fountain Square Drive,  
Lombard, Illinois 60148;

- B. The property owner, Buikema Number 21, LLC, has requested that the Village abrogate the aforementioned P.U.E., as depicted in the Plat of Easement and grant approval of a new P.U.E., also attached hereto as Exhibit A, and made part hereof.
- C. The Village finds that the redevelopment of the Subject Property results in the depicted existing P.U.E. is no longer needed by the Village, but a new P.U.E. will be necessary on Subject Property based upon the constructed project, also as depicted on the Plat of Easement.

**SECTION 2:** It is hereby determined that the public interest will be subserved by

abrogating the Easement, as shown on Page 1 of the Plat of Easement attached hereto as Exhibit A, is hereby approved.

**SECTION 3:** It is further hereby determined that the public interest will be subserved by granting the Public Utility Easements (P.U.E.), also as shown on Page 2 of the aforementioned Plat of Easement, is hereby approved.

**SECTION 4:** That this Ordinance shall be in full force and effect from and after its passage by a three-fourths (3/4ths) vote of the Corporate Authorities holding office, and approval, as required by law.

Passed on first reading this \_\_\_\_ day of \_\_\_\_\_, 2018.

First reading waived by action of the Board of Trustees this 20<sup>th</sup> day of September, 2018.

Passed on second reading this 20<sup>th</sup> day of September, 2018, pursuant to a roll call vote as follows:

Ayes: Village President Giagnorio, Trustee Fugiel, Foltyniewicz, Johnston, Pike and Ware

Nays: None

Absent: Trustee Whittington

**APPROVED** by me this 20<sup>th</sup> day of September, 2018.

  
Keith Giagnorio, Village President

**ATTEST:**

  
Sharon Kuderna, Village Clerk

**Exhibit A**

**Plat of Easement**

(attached)

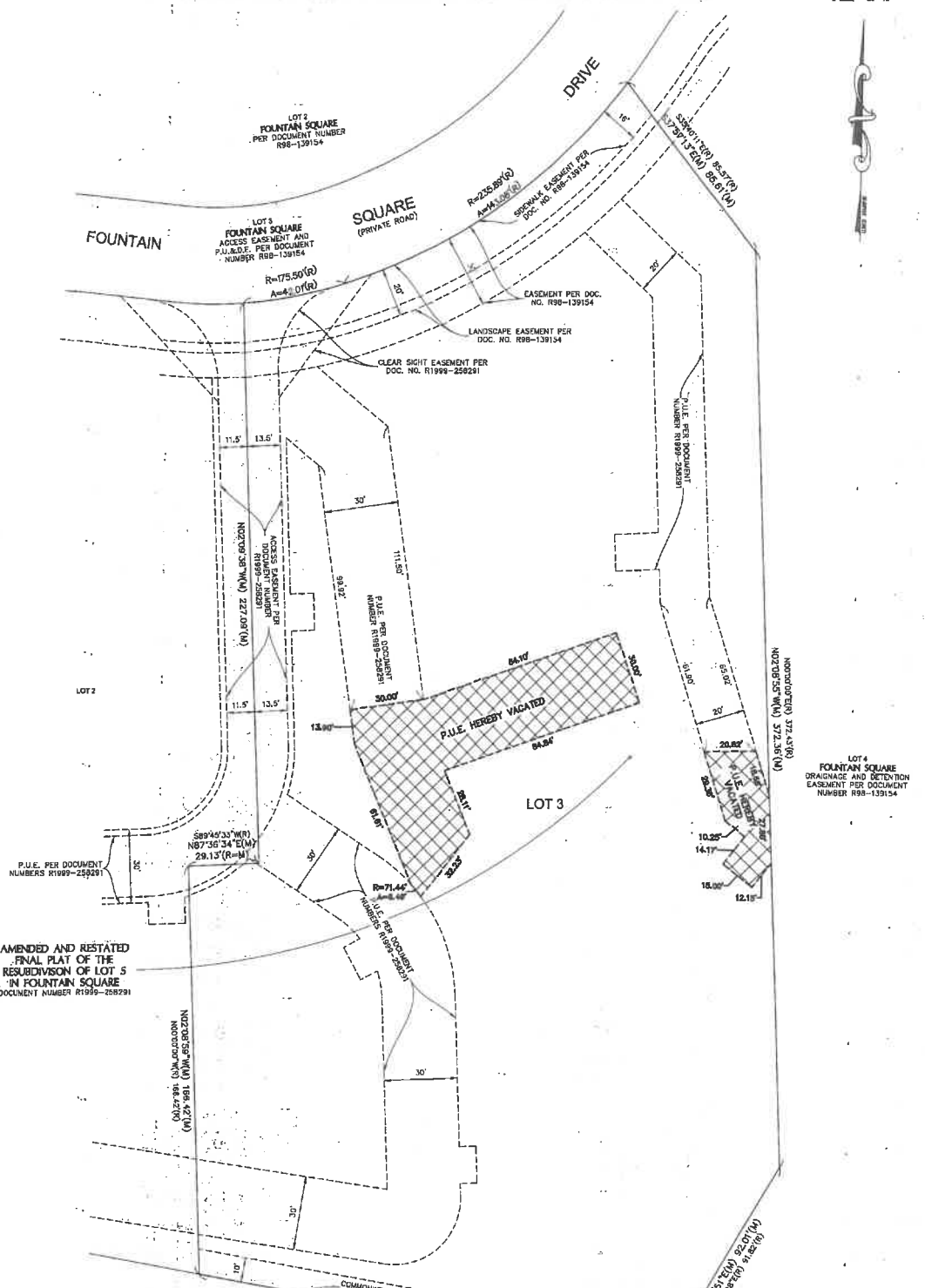
# PLAT OF EASEMENT

P.I.N. 06-28-101-008

OVER  
 LOT 3 IN THE RESUBDIVISION OF LOT 5 IN FOUNTAIN SQUARE, BEING A SUBDIVISION OF PART OF THE NORTHEAST QUARTER OF SECTION 28 AND THE NORTHWEST QUARTER OF SECTION 28, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID RESUBDIVISION RECORDED JANUARY 13, 1999, AS DOCUMENT NO. R98-009821, AS AMENDED AND SUPERSEDED BY THE AMENDED AND RESTATED FINAL PLAT OF THE RESUBDIVISION OF LOT 5 IN FOUNTAIN SQUARE RECORDED DECEMBER 15, 1999 AS DOCUMENT NUMBER R1999-288291, IN DUPAGE COUNTY, ILLINOIS.

GRAPHIC SCALE

( IN FEET )  
 1 inch = 20 ft.



- ABBREVIATIONS**
- (R) = RECORD BEARING OR DISTANCE
  - (M) = MEASURED BEARING OR DISTANCE
  - (C) = CALCULATED BEARING OR DISTANCE
  - (D) = DEED BEARING OR DISTANCE
  - B.S.L. = BUILDING SETBACK LINE
  - U.E. = UTILITY EASEMENT
  - D.E. = DRAINAGE EASEMENT
  - P.U.E. = PUBLIC UTILITY EASEMENT
  - P.O.C. = POINT OF COMMENCEMENT
  - P.O.B. = POINT OF BEGINNING
  - P.U. & D.E. = PUBLIC UTILITY AND DRAINAGE EASEMENT
- LINE LEGEND**
- BOUNDARY LINE
  - ADJACENT LAND PARCEL LINE
  - - - VACATED EASEMENT
  - · - · - EASEMENT LINE
  - · - · - CENTERLINE
  - · - · - BUILDING SETBACK LINE
  - · - · - SECTION LINE

**COMPASS SURVEYING LTD.**  
 ALTA SURVEYS & TOPOGRAPHY & CONSTRUCTION STAKING  
 2431 CENTER WOODS PARKWAY, STE. 100  
 AURORA, IL 60102  
 PHONE: (630) 525-9128 FAX: (630) 525-7059 EMAIL: ADMIN@COMPASSSURVEYING.COM

PROJECT  
 PLAT OF EASEMENT GRANT/VACATION  
 280 FOUNTAIN SQUARE DRIVE  
 EMMAUS, ILLINOIS

CLIENT  
 DARDEN RESTAURANTS, INC  
 180 GARDEN OYSTERS BLVD  
 DALLAS, TEXAS 75207

NO.	REVISIONS	DATE	BY
1	PER CLIENT COMMENTS	05/27/17	NSJ
2	PER FINAL REVIEW	05/27/18	NSJ

DATE: 04-24-17 PC: N/A DRAWN BY: RMK CHECKED BY: DWJ BOOK: N/A PG: N/A

4:\P\DATA\2017\PROJ\CTS\17.0131\17.0131-CASE.DWG

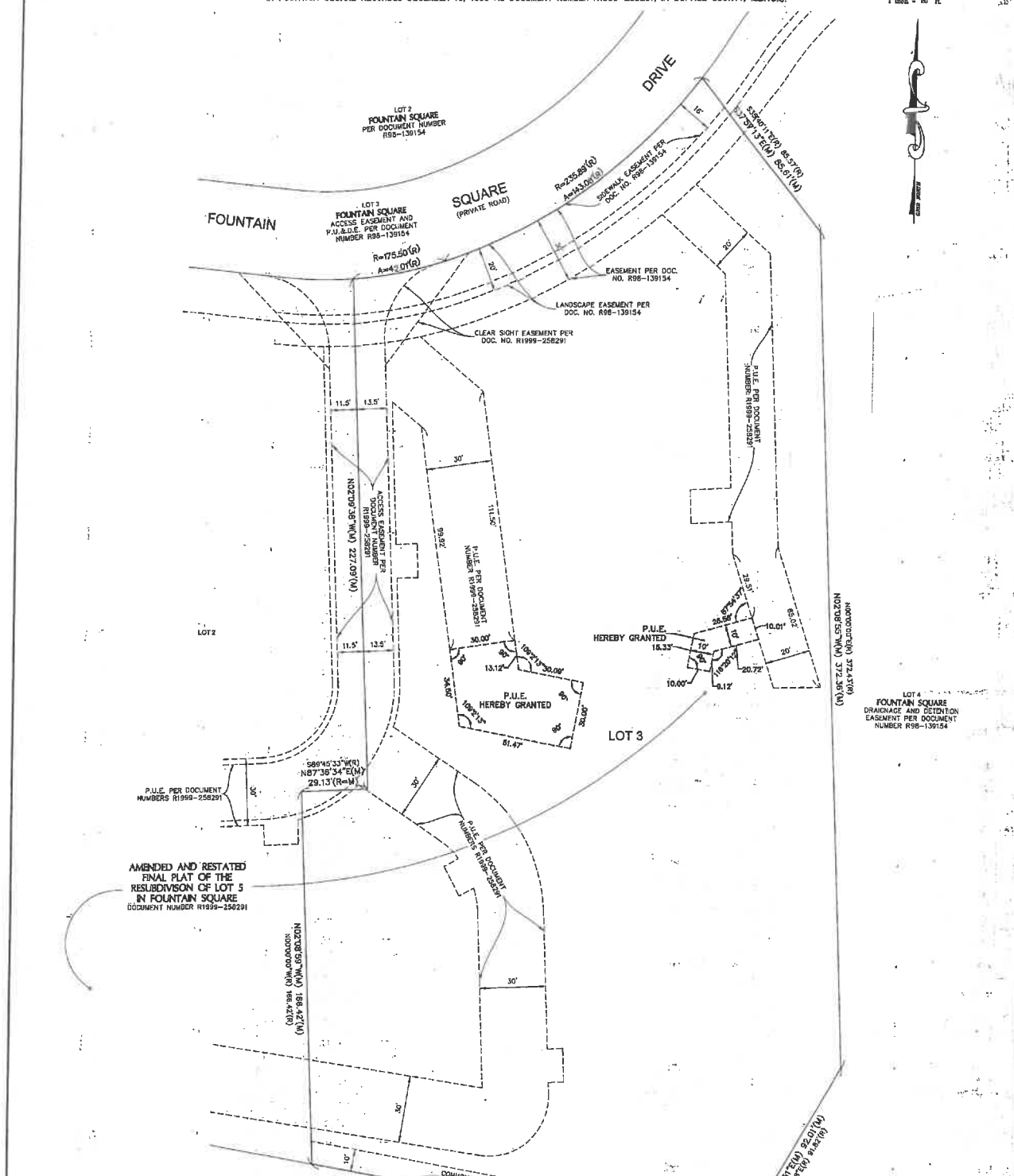
1 OF 3  
 SCALE: 1" = 20'  
 DATE: 05/27/18

# PLAT OF EASEMENT

OVER  
 LOT 3 IN THE RESUBDIVISION OF LOT 3 IN FOUNTAIN SQUARE, BEING A SUBDIVISION OF PART OF THE NORTHEAST QUARTER OF SECTION 28 AND THE NORTHWEST QUARTER OF SECTION 28, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID RESUBDIVISION RECORDED JANUARY 13, 1999, AS DOCUMENT NO. R99-009821, AS AMENDED AND SUPERSEDED BY THE AMENDED AND RESTATED FINAL PLAT OF THE RESUBDIVISION OF LOT 3 IN FOUNTAIN SQUARE RECORDED DECEMBER 15, 1999 AS DOCUMENT NUMBER R1999-258291, IN DUPAGE COUNTY, ILLINOIS.

GRAPHIC SCALE

( OF 282 )  
 1 inch = 60 ft.



**ABBREVIATIONS**  
 O.D.P. = OUTSIDE DIAMETER IRON PIPE  
 (R) = RECORD BEARING OR DISTANCE  
 (M) = MEASURED BEARING OR DISTANCE  
 (C) = CALCULATED BEARING OR DISTANCE  
 (D) = DESI BEARING OR DISTANCE  
 S.B.L. = BUILDING SETBACK LINE  
 U.E. = UTILITY EASEMENT  
 D.E. = DRAINAGE EASEMENT  
 P.U.E. = PUBLIC UTILITY EASEMENT  
 P.O.C. = POINT OF COMMENCEMENT  
 P.O.B. = POINT OF BEGINNING  
 P.U. & D.E. = PUBLIC UTILITY AND DRAINAGE EASEMENT

**LINE LEGEND**  
 ——— BOUNDARY LINE  
 - - - ADJACENT LAND PARCEL LINE  
 - - - VICINITY EASEMENT  
 - - - EASEMENT LINE  
 - - - CENTERLINE  
 - - - BUILDING SETBACK LINE  
 - - - SECTION LINE

**COMPASS SURVEYING LTD.**  
 ALTA SURVEY & CONSTRUCTION INC.  
 3431 CEDAR RIDGE PARKWAY, STE. 100  
 AURORA, IL 60502  
 PHONE: (630) 255-8100 FAX: (630) 255-8102 EMAIL: ADMIN@COMPASSURV.COM

PROJECT	DATE: 04-24-17	PC: N/A	DRAWN BY: BMJ	CHECKED BY: DM	BOOK: N/A	PR: N/A
PLAT OF EASEMENT GRANT/VACATION						
CLIENT						
DARDEN RESTAURANTS, INC.						

NO.	REVISIONS	DATE	BY
1	FOR CLIENT COMMENTS	04/25/17	BMJ
2	FOR FINAL DATE	04-28-17	DM

4:30PM/2017 PROJECTS/170131/170131-EAS.DWG			
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# PLAT OF EASEMENT

OVER  
 LOT 3 IN THE RESUBDIVISION OF LOT 5 IN FOUNTAIN SQUARE, BEING A SUBDIVISION OF PART OF THE NORTHEAST QUARTER  
 OF SECTION 28 AND THE NORTHWEST QUARTER OF SECTION 28, TOWNSHIP 36 NORTH, RANGE 11 EAST OF THE THIRD  
 PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID RESUBDIVISION RECORDED JANUARY 13, 1999, AS DOCUMENT NO  
 999-006621, AS AMENDED AND SUPERSEDED BY THE AMENDED AND RESTATED FINAL PLAT OF THE RESUBDIVISION OF LOT 5  
 IN FOUNTAIN SQUARE RECORDED DECEMBER 15, 1999 AS DOCUMENT NUMBER R1999-258291, IN DUPAGE COUNTY, ILLINOIS.

## OWNER'S CERTIFICATE

STATE OF Illinois )  
 COUNTY OF DuPage )  
 THIS IS TO CERTIFY THAT William J. L... IS THE OWNER OF THE  
 PROPERTY DESCRIBED IN THE FOREGOING SURVEYOR'S CERTIFICATE AND BY THE ONLY EJECTED OFFICERS  
 HAS CAUSED THE PLATED FOR THE USES AND PURPOSES THEREIN SET FORTH, AND IS HEREBY  
 ACKNOWLEDGED AND ACCEPTED FOR THE USES HERIN SET FORTH.  
 DATED AT March THIS 19th DAY  
 OF March A.D., 20 18.  
 BY: William J. L... ATTEST:  
 TITLE: Manager TITLE:

## UTILITY AND DRAINAGE EASEMENT PROVISIONS

EASEMENTS ARE RESERVED FOR THE VILLAGE OF LOMBARD AND TO THOSE PUBLIC UTILITY COMPANIES  
 OPERATING UNDER FRANCHISES FROM THE VILLAGE OF LOMBARD INCLUDING, BUT NOT LIMITED TO,  
 NORTHERN ILLINOIS GAS COMPANY, CONTINENTAL CABLEVISION, AND THEIR SUCCESSORS AND ASSIGNS OVER  
 ALL AREAS HEREBY "EASEMENT FOR PUBLIC UTILITIES AND DRAINAGE" ON THE PLAT FOR THE PERPETUAL  
 RIGHT, PRIVILEGE AND AUTHORITY TO CONSTRUCT, RECONSTRUCT, REPAIR, INSPECT, MAINTAIN, AND OPERATE  
 VARIOUS UTILITY TRANSMISSION AND DISTRIBUTION SYSTEMS, AND INCLUDING OVERLAND DRAINAGE, STORM  
 AND/OR SANITARY SEWERS, TOGETHER WITH ANY AND ALL NECESSARY MANHOLES, CATCH BASINS,  
 CONNECTIONS, APPLIANCES AND OTHER STRUCTURES AND APPURTENANCES AS MAY BE DEEMED NECESSARY  
 BY SAID VILLAGE AND/OR UTILITY COMPANIES, OVER UPON, ALONG, UNDER AND THROUGH SAID INDICATED  
 EASEMENT, TOGETHER WITH RIGHT OF ACCESS ACROSS THE PROPERTY FOR NECESSARY PERSONNEL AND  
 EQUIPMENT TO DO ANY OF THE ABOVE WORK. THE RIGHT IS ALSO GRANTED TO CUT DOWN AND TRIM OR  
 REMOVE ANY TREES, TEMPORARY STRUCTURES, TREES, SHRUBS, OR OTHER PLANTS WITHOUT NOTICE FOR  
 PROVIDING COMPENSATION THEREFOR ON THE EASEMENT THAT INTERFERES WITH THE OPERATION OF THE  
 VARIOUS OTHER UTILITIES. NO PERMANENT BUILDINGS SHALL BE PLACED ON SAID EASEMENT, BUT SAME  
 MAY BE USED FOR GARDENS, SHRUBS, LANDSCAPING, AND OTHER PURPOSES THAT DO NOT THEN OR LATER  
 INTERFERE WITH THE FORESAID USES OR RIGHTS. WHERE AN EASEMENT IS USED FOR BOTH SEWER AND  
 OTHER UTILITIES, THE OTHER UTILITY INSTALLATION SHALL BE SUBJECT TO THE ORDINANCES OF THE  
 VILLAGE OF LOMBARD.

EASEMENTS ARE HEREBY RESERVED FOR AND GRANTED TO THE VILLAGE OF LOMBARD AND OTHER  
 GOVERNMENTAL AUTHORITIES HAVING JURISDICTION OF THE LAND SUBDIVIDED HEREBY, OVER THE ENTIRE  
 EASEMENT AREA FOR INGRESS, EGRESS, AND THE PERFORMANCE OF MUNICIPAL AND OTHER GOVERNMENTAL  
 SERVICES INCLUDING WATER, STORM, AND SANITARY SEWER SERVICE AND MAINTENANCE.

EASEMENTS ALSO ARE RESERVED FOR CABLE COMMUNICATION COMPANIES ALONG WITH THE PUBLIC UTILITIES  
 ALREADY REFERENCED.

## NOTARY PUBLIC CERTIFICATE

STATE OF Illinois )  
 COUNTY OF DuPage )  
 I, Janina D... )  
 STATE ATTORNEY, DO HEREBY CERTIFY THAT William J. L... A NOTARY PUBLIC IN THE COUNTY AND  
Kyle Balkem  
 (TITLE) AND  
 (TITLE) OF William J. L... (COMPANY), WHO ARE  
 PERSONALLY KNOWN TO ME TO BE THE SAME PERSONS WHO ARE SUBSCRIBED TO THE FOREGOING  
 CERTIFICATE OF OWNERSHIP, APPEARED BEFORE ME THIS DAY IN PERSON AND ACKNOWLEDGED THE  
 EXECUTION OF THIS INSTRUMENT IN THEIR CAPACITY FOR THE USES AND PURPOSES THEREIN SET FORTH AS  
 THE FREE AND VOLUNTARY ACT AND DEED OF SAID CORPORATION.  
 GIVEN UNDER MY HAND AND NOTARIAL SEAL THIS 26th DAY  
 OF February A.D., 20 18.  
 BY: Janina M. Wal...  
 NOTARY PUBLIC

## EASEMENT PROVISIONS

AN EASEMENT FOR SERVING THE SUBDIVISION AND OTHER PROPERTY WITH ELECTRIC  
 AND COMMUNICATION SERVICE IS HEREBY RESERVED FOR AND GRANTED TO

COMMONWEALTH EDISON COMPANY  
 AND  
Illinois Bell Telephone dba AT&T, IL

THEIR RESPECTIVE LICENSEES, SUCCESSORS AND ASSIGNS JOINTLY AND SEVERALLY TO CONSTRUCT,  
 OPERATE, REPAIR, MAINTAIN, MODIFY, RECONSTRUCT, REPLACE, SUPPLEMENT, RELocate AND REMOVE, FROM  
 TIME TO TIME, POLES, GUYS, ANCHORS, WIRES, CABLES, CONDUITS, MANHOLES, TRANSFORMERS, PEDESTALS,  
 EQUIPMENT CABINETS OR OTHER FACILITIES USED IN CONNECTION WITH OVERHEAD AND UNDERGROUND  
 TRANSMISSION AND DISTRIBUTION OF ELECTRICITY, COMMUNICATIONS, SOUNDS AND SIGNALS IN, OVER,  
 UNDER, ACROSS, ALONG AND UPON THE SURFACE OF THE PROPERTY SHOWN WITHIN THE DASHED OR  
 DOTTED LINES (OR SIMILAR DESIGNATION) ON THE PLAT AND MARKED "EASEMENT", "UTILITY EASEMENT",  
 "PUBLIC UTILITY EASEMENT", "PILE" (OR SIMILAR DESIGNATION), THE PROPERTY DESIGNATED IN THE  
 DECLARATION OF CONDOMINIUM AND/OR ON THIS PLAT AS "COMMON ELEMENTS", AND THE PROPERTY  
 DESIGNATED ON THE PLAT AS "COMMON AREA OR AREAS", AND THE PROPERTY DESIGNATED ON THE PLAT  
 FOR STREETS AND ALLEYS, WHETHER PUBLIC OR PRIVATE, TOGETHER WITH THE RIGHTS TO INSTALL,  
 MAINTAIN, REPAIR, REPLACE, SUPPLEMENT, RELocate AND REMOVE, FROM TIME TO TIME, POLES, GUYS,  
 ANCHORS, WIRES, CABLES, CONDUITS, MANHOLES, TRANSFORMERS, PEDESTALS, EQUIPMENT CABINETS OR  
 AREAS TO SERVE IMPROVEMENTS THEREON, OR ON ADJACENT LOTS, AND COMMON AREA OR AREAS, THE  
 RIGHT TO CUT, TRIM OR REMOVE TREES, SHRUBS, ROOTS AND SPRINGS AND TO CLEAR OBSTRUCTIONS  
 FROM THE SURFACE AND SUBSURFACE AS MAY BE REASONABLY REQUIRED INCIDENT TO THE RIGHTS HEREBY  
 GRANTED. THE RIGHT TO ENTER UPON THE SUBDIVIDED PROPERTY FOR ALL SUCH PURPOSES,  
 OBSTRUCTIONS SHALL NOT BE PLACED OVER GRANTEES' FACILITIES OR IN, UPON OR OVER THE PROPERTY  
 WITHIN THE DASHED OR DOTTED LINES (OR SIMILAR DESIGNATION) MARKED "EASEMENT", "UTILITY EASEMENT",  
 "PUBLIC UTILITY EASEMENT", "PILE" (OR SIMILAR DESIGNATION) WITHOUT THE PRIOR WRITTEN CONSENT OF  
 GRANTEES. AFTER INSTALLATION OF ANY SUCH FACILITIES, THE GRADE OF THE SUBDIVIDED PROPERTY  
 MAINTENANCE THEREOF.

THE TERM "COMMON ELEMENTS" SHALL HAVE THE MEANING SET FORTH FOR SUCH TERM IN THE  
 DECLARATION OF CONDOMINIUM ACT, CHAPTER 765 ILCS 606/2(C), AS AMENDED FROM TIME TO TIME.

THE TERM "COMMON AREA OR AREAS" IS DEFINED AS A LOT, PARCEL OR AREA OF REAL PROPERTY, THE  
 BENEFICIAL USE AND ENJOYMENT OF WHICH IS RESERVED IN WHOLE OR AS AN APPURTENANCE TO THE  
 SEPARATELY OWNED LOTS, PARCELS OR AREAS WITHIN THE PLANNED DEVELOPMENT, EVEN THOUGH SUCH  
 BE OTHERWISE DESIGNATED ON THE PLAT BY TERMS SUCH AS "OUTLOTS", "COMMON ELEMENTS", "OPEN  
 AREAS", AND "COMMON ELEMENTS" INCLUDE REAL PROPERTY SURFACED WITH INTERIOR DRIVEWAYS AND  
 WALKWAYS, BUT EXCLUDES REAL PROPERTY PHYSICALLY OCCUPIED BY A BUILDING, SERVICE BUSINESS  
 DISTRICT OR STRUCTURES SUCH AS A POOL, RETENTION POND OR MECHANICAL EQUIPMENT.

RELOCATION OF FACILITIES WILL BE DONE BY GRANTEES AT COST OF THE GRANTEE/LOT OWNER, UPON  
 WRITTEN REQUEST.

## BOARD OF TRUSTEES CERTIFICATE

STATE OF ILLINOIS )  
 COUNTY OF DUPAGE )  
 THE EASEMENT GRANT AND EASEMENT VACATION IS APPROVED AND ACCEPTED BY THE PRESIDENT AND  
 BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD, ILLINOIS THIS 20th DAY  
 OF February A.D., 20 18.  
 BY: President VILLAGE CLERK

## UTILITY COMPANY SIGNATURES

EASEMENT GRANT AND EASEMENT VACATION SHOWN HEREBY APPROVED AND ACCEPTED BY

DATE: 2/13/18  
 BY: Mani Coy  
 TITLE: Real Estate Specialist  
 BY: Heather Grant  
 TITLE: Real Manager  
 DATE: 2/13/18  
 BY: David A. Wilson  
 TITLE: Land Management Advisor  
 DATE: 3/15/18  
 BY: John Hagan  
 TITLE: Real Engineer

## SURVEYORS CERTIFICATE

STATE OF ILLINOIS )  
 COUNTY OF KANE )  
 I HAVE PREPARED THIS PLAT FROM EXISTING MAPS, PLATS AND RECORDS.

COMPASS SURVEYING LTD.  
 PROFESSIONAL DESIGN FIRM  
 LAND SURVEYOR CORPORATION NO. 184-002776  
 LICENSE EXPIRES 4/30/2019

DATE: 1/12/2018  
 DANIEL W. WALTER  
 ILLINOIS PROFESSIONAL LAND SURVEYOR No. 3685  
 LICENSE EXPIRES 11-30-18



<b>COMPASS SURVEYING LTD</b> ALTA SURVEYING   TOPOGRAPHY   CONSTRUCTION 3031 GARDNER WOODS PARKWAY, STE. 100 AURORA, IL 60502 PHONE: (630) 585-0100 FAX: (630) 585-1010 EMAIL: ADMIN@COMPASSURV.COM	PROJECT: PLAT OF EASEMENT GRANT/VACATION CLIENT: DARDEN RESTAURANTS, INC 10000 W. WILSON AVENUE, SUITE 100 WILSON, ILLINOIS 60157	DATE: 04-24-17 PC: N/A DRAWN BY: RWL CHECKED BY: DWJ BOOK: N/A PR: N/A NO. OF REVISIONS: 0 DATE: 07/27/18
	SCALE: N/A 3 OF 3 1710131	PROJECT: 1710131 (1710131-048-000)