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FRED BUCHOLZ, RECORDER
DUPAGE COUNTY ILLINOIS
09/05/2019 09:15 AM

DOCUMENT # R2019-077220

ORDINANCE 7581

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

PIN(s): 06-28-101-008

ADDRESS: 2301 S. Fountain Square Drive, Lombard, IL 60148

**Prepared by and Return To:
Village of Lombard
255 E. Wilson Avenue
Lombard, IL 60148**



I, **Janet Downer**, hereby certify that I am the duly qualified Deputy Village Clerk of the **Village of Lombard**, DuPage County, Illinois, as authorized by Statute and provided by local Ordinance, and as such Deputy Village Clerk, I maintain and am safekeeper of the records and files of the President and Board of Trustees of said Village.

I further certify that attached hereto is a copy of

ORDINANCE 7581

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

PIN(s): 06-28-101-008

ADDRESS 2301 S. Fountain Square Drive, Lombard, IL 60148

of the said Village as it appears from the official records
of said Village duly approved this 20th
day of September, 2018.

In Witness Whereof, I have hereunto affixed my official signature and the Corporate Seal of said **Village of Lombard**, Du Page County, Illinois this 28st day of September, 2018.



A handwritten signature in dark ink, appearing to read "Janet Downer", is written over a horizontal line. The signature is fluid and cursive.

Janet Downer
Deputy Village Clerk
Village of Lombard
DuPage County, Illinois

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according to the Plat of Said Resubdivision recorded January 13, 1999 as document number R99-009621, as amended and superseded by the amended and restated final plat of the Resubdivision of Lot 5 in Fountain Square recorded December 15, 1999 as document number R1999-258291, in DuPage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 20th day of September, 2018.

Passed on second reading this 20th 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 20th day of September, 2018.


Keith Giagnorio, Village President

ATTEST:


Sharon Kuderna, Village Clerk

Exhibit A

Plat of Easement

(attached)

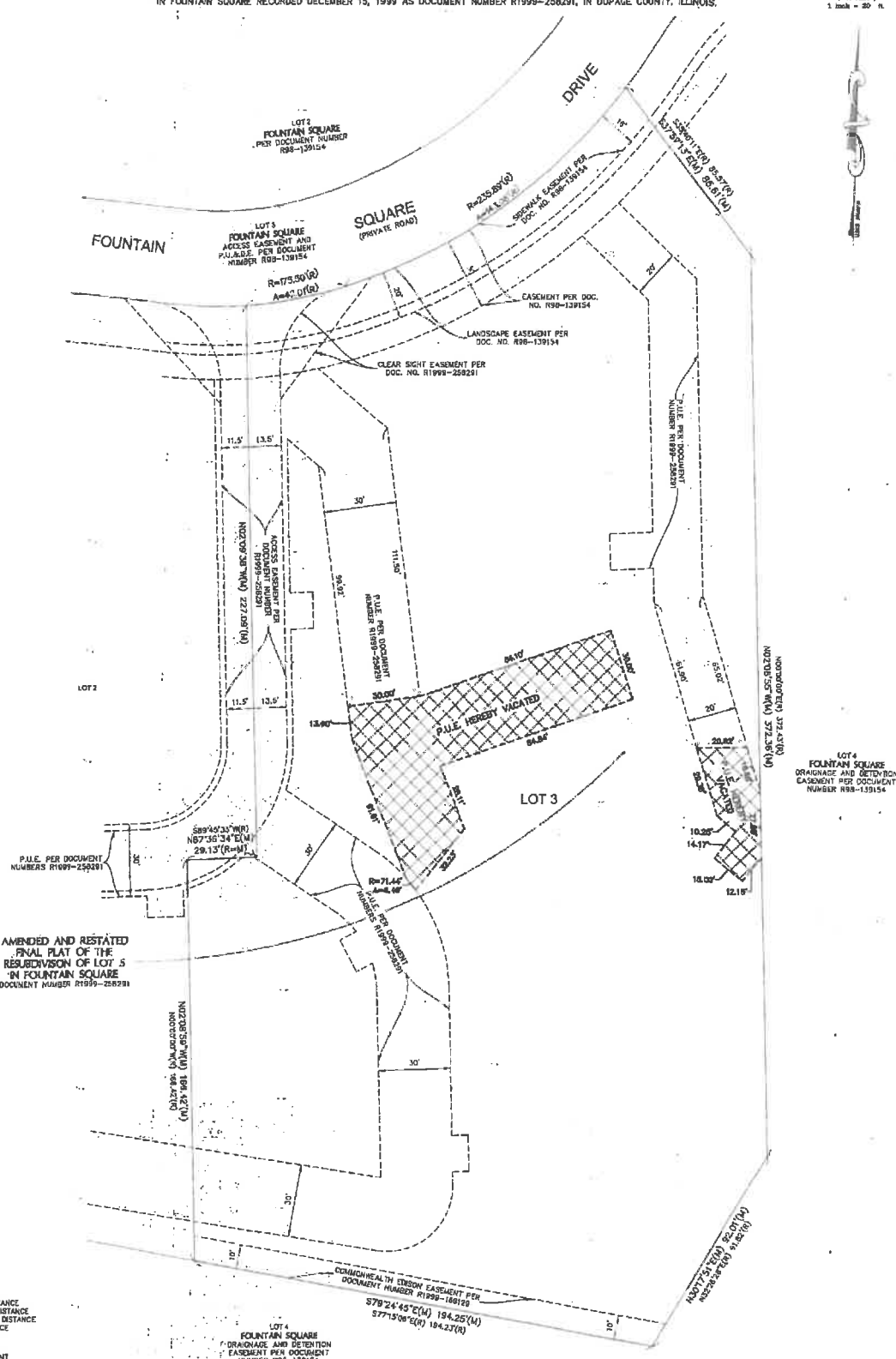
PLAT OF EASEMENT

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 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 NO. R99-00921, 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.

GRAPHIC SCALE

(1 IN. = 20 FT.)
 1 inch = 20 ft.



AMENDED AND RESTATED
 FINAL PLAT OF THE
 RESUBDIVISION OF LOT 5
 IN FOUNTAIN SQUARE
 DOCUMENT NUMBER R199-258291

LOT 4
 FOUNTAIN SQUARE
 DRAINAGE AND DETENTION
 EASEMENT PER DOCUMENT
 NUMBER R98-139154

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.C.E. = 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

LOT 4
 FOUNTAIN SQUARE
 DRAINAGE AND DETENTION
 EASEMENT PER DOCUMENT
 NUMBER R98-139154

COMMONWEALTH ESEW EASEMENT PER
 DOCUMENT NUMBER R1999-188128
 S79°24'45"E(M) 194.25'(M)
 S77°19'08"E(R) 194.27'(R)

COMPASS SURVEYING LTD.
 ALTA SURVEYORS | TOPOGRAPHY | CONSTRUCTION STAKING
 2631 GENDER WOODS PARKWAY, STE. 100
 AURORA, IL 60504
 PHONE: (630) 585-9500 FAX: (630) 585-9508 EMAIL: ADMIN@COMPASSSURVEYING.COM

PROJECT
 PLAT OF EASEMENT GRANT/VACATION
 180 WOODS CENTER BLVD
 GARDEN, ILLINOIS
 CLIENT
 GARDEN RESTAURANTS, INC
 180 WOODS CENTER BLVD
 GARDEN, ILLINOIS 60131

DATE	04-24-17	IPG	N/A	DESIGN BY	ISSA	CHECKED BY	DY	BOOK	N/A	PG	N/A
NO.	1003	PROJECT		DATE		BY					
		PER	FOR								
		REV	DATE								

4/24/17 10:27 AM PROJECT: 17031-17031-CAL-002

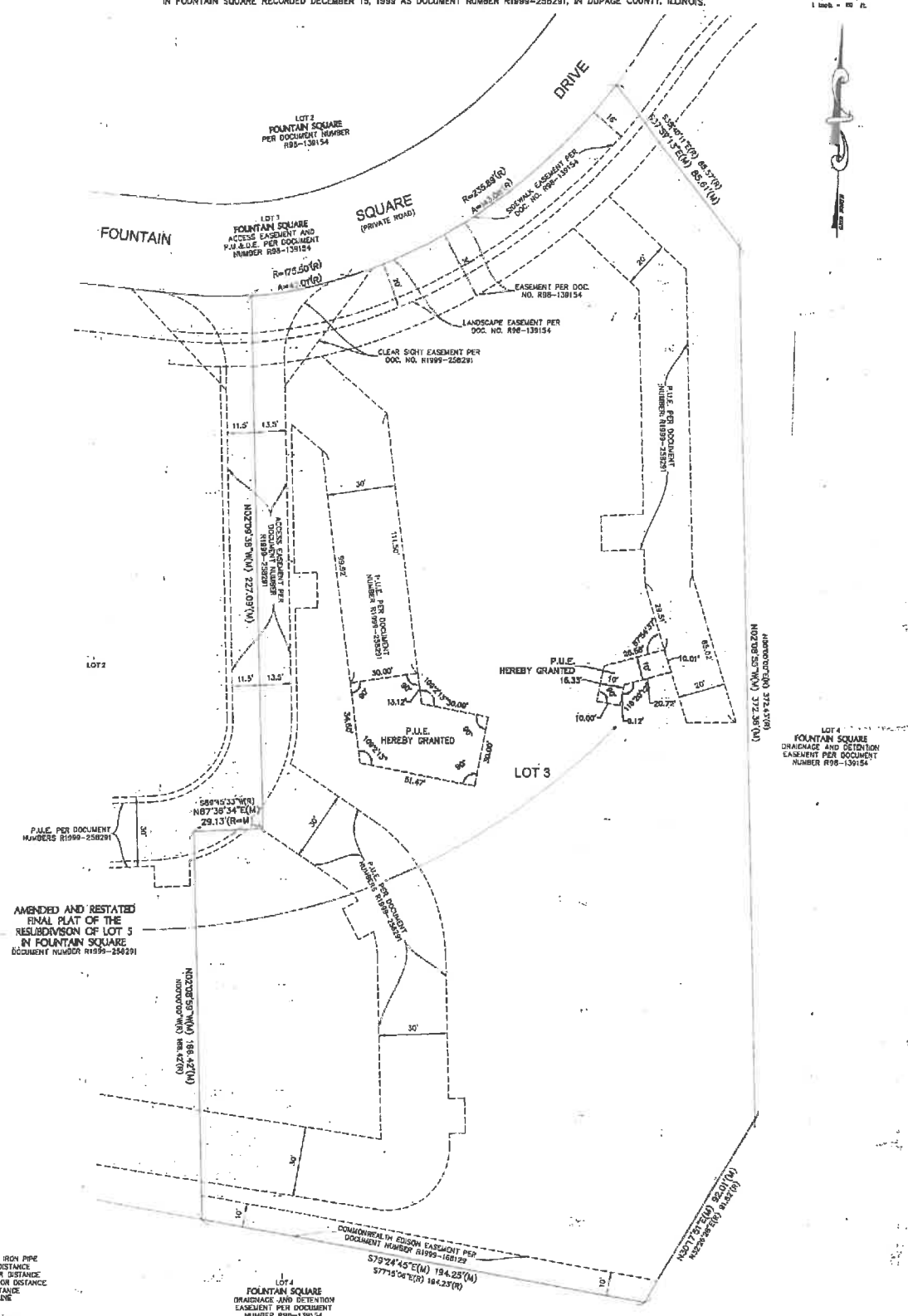
10F3
 17031

PLAT OF EASEMENT

OVER
 LOT 3 IN THE RESUBDIVISION OF LOT 5 IN FOUNTAIN SQUARE, BEING A SUBDIVISION OF PART OF THE NORTH-EAST QUARTER OF SECTION 29 AND THE NORTHWEST QUARTER OF SECTION 29, 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 5 IN FOUNTAIN SQUARE RECORDED DECEMBER 15, 1999 AS DOCUMENT NUMBER R1999-258291, IN DUPAGE COUNTY, ILLINOIS.

GRAPHIC SCALE

1 IN FEET
 1 inch = 40 ft.



AMENDED AND RESTATED
 FINAL PLAT OF THE
 RESUBDIVISION OF LOT 5
 IN FOUNTAIN SQUARE
 DOCUMENT NUMBER R1999-258291

LOT 4
 FOUNTAIN SQUARE
 DRAINAGE AND DETENTION
 EASEMENT PER DOCUMENT
 NUMBER R99-139154

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

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

LOT 4
 FOUNTAIN SQUARE
 DRAINAGE AND DETENTION
 EASEMENT PER DOCUMENT
 NUMBER R99-139154

COMMONWEALTH EDISON EASEMENT PER
 DOCUMENT NUMBER R1999-181129
 S79°24'45"(M) 194.25'(M)
 S77°50'06"(R) 164.22'(R)

SCALE
 2 OF 3
 17/0131

COMPASS SURVEYING LTD.
 ALTA SURVEYS | TOPOGRAPHY | CONSTRUCTION
 3611 DODD WOODS PARKWAY, STE. 100
 AURORA, IL 60504
 PHONE: (630) 690-8100 FAX: (630) 690-9222 EMAIL: ADMIN@COMPASSSURVEYING.COM

PROJECT	DATE: 04-26-17	PG. #/A	CREATED BY: RAI	CHECKED BY: DW	8006	PL. PG. #/A
PLAT OF EASEMENT GRANT/VACATION						
CLIENT						
DARDEN RESTAURANTS, INC						

NO.	REVISIONS	DATE	BY

4-VIRGINIA/047 PROJECTS/17/0131/PLAT OF EASEMENT

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 39 NORTH, RANGE 11 EAST OF THE THIRD
 PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID RESUBDIVISION RECORDED JANUARY 13, 1999, AS DOCUMENT NO
 R09-00851, 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 OLPAGE COUNTY, ILLINOIS.

OWNER'S CERTIFICATE

STATE OF Illinois }
 COUNTY OF DeWitt }
 THIS IS TO CERTIFY THAT Alta LLC IS THE OWNER OF THE
 PROPERTY DESCRIBED IN THE FOREGOING SURVEYOR'S CERTIFICATE AND BY THE DULY ELECTED OFFICERS
 HAS CAUSED THE PLATED FOR THE USES AND PURPOSES HEREIN SET FORTH, AND IS HEREBY
 ACKNOWLEDGED AND ACCEPTED FOR THE USES HEREIN SET FORTH.
 DATED AT DeWitt THIS 19th DAY
 OF March A.D. 20 18
 BY: [Signature] 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 MARKED, "EASEMENT FOR PUBLIC UTILITIES AND DRAINAGE" ON THE PLAT FOR THE PERPETUAL
 RIGHT, PRIVILEGE AND AUTHORITY TO CONSTRUCT, RECONSTRUCT, REPAIR, INSPECT, MAINTAIN, AND UPGRADE
 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 EASEMENT
 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, SHRUBS, OR OTHER PLANTS WITHOUT NEED FOR
 REMOVING COMPENSATION THEREON ON THE EASEMENT THAT INTERFERE WITH THE OPERATION OF THE
 SEWERS OR OTHER UTILITIES. NO PERMANENT BUILDINGS SHALL BE PLACED ON SAID EASEMENT, BUT SAME
 MAY BE USED FOR GARDENS, TERRACES, LANDSCAPING, AND OTHER PURPOSES THAT DO NOT THEN OR LATER
 INTERFERE WITH THE AFORESAID 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
 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'S CERTIFICATE

STATE OF Illinois }
 COUNTY OF DeWitt }
 I, Robin Burkett, A NOTARY PUBLIC IN THE COUNTY AND
 STATE AFORESAID, DO HEREBY CERTIFY THAT
[Signature]
 (TITLE) AND
[Signature] (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 19th DAY
 OF March A.D. 20 18
 BY: [Signature]
 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, TOWERS, ANCHORS, WIRING, CABLES, CONDUITS, MANHOLES, TRANSFORMERS, PEDESTALS,
 EQUIPMENT CABINETS OR OTHER FACILITIES USED IN CONNECTION WITH OVERHEAD AND UNDERGROUND
 TRANSMISSION AND DISTRIBUTION OF ELECTRICITY, COMMUNICATIONS, SOUND 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 THIS PLAT AS "COMMON ELEMENTS", AND THE PROPERTY
 DESIGNATED ON THE PLAT AS COMMON AREA OR NEARBY, TOGETHER WITH THE RIGHTS TO INSTALL
 DECLARATION OF CONDOMINIUM AND/OR ON THIS PLAT AS "COMMON ELEMENTS", AND THE PROPERTY
 DESIGNATED ON THE PLAT AS COMMON AREA OR NEARBY, TOGETHER WITH THE RIGHTS TO INSTALL
 REQUIRED SERVICE CONNECTIONS OVER OR UNDER THE SURFACE OF EACH LOT AND COMMON AREA 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 NECESSARILY REQUIRED HEREIN TO THE RIGHTS HEREON
 GIVEN, AND THE RIGHT TO ENTER UPON THE SUBDIVIDED PROPERTY FOR ALL SUCH PURPOSES.
 OBSTRUCTIONS SHALL NOT BE PLACED OVER GRANTEE'S FACILITIES OR IN, UPON OR OVER THE PROPERTY
 WITHIN THE DASHED OR DOTTED LINES (OR SIMILAR DESIGNATION) MARKED EASEMENTS, UTILITY EASEMENT,
 "PUBLIC UTILITY EASEMENT", "PAVE (OR SIMILAR DESIGNATION)" WITHOUT THE PRIOR WRITTEN CONSENT OF
 GRANTEE. AFTER INSTALLATION OF ANY SUCH FACILITIES, THE GRADE OF THE SUBDIVIDED PROPERTY
 SHALL NOT BE ALTERED IN A MANNER SO AS TO INTERFERE WITH THE PROPER OPERATION AND
 MAINTENANCE THEREOF.

THE TERM "COMMON ELEMENTS" SHALL HAVE THE MEANING SET FORTH FOR SUCH TERM IN THE
 "CONDOMINIUM PROPERTY ACT", CHAPTER 765 ILCS 605/2(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 IN PART APURTENANCE 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
 SPACE", "OPEN AREA", "COMMON GROUND", "PARKING" AND "COMMON AREA". THE TERM "COMMON AREA OR
 AREAS" AND "COMMON ELEMENTS" INCLUDE REAL PROPERTY SURFACED WITH INTERIOR DRIVEWAYS AND
 WALKWAYS, BUT EXCLUDES REAL PROPERTY PHYSICALLY OCCUPIED BY A BUILDING, BUSINESS, BUSINESS
 DISTRICT OR STRUCTURES SUCH AS A POOL, RETENTION POND OR MECHANICAL EQUIPMENT.
 RELOCATION OF FACILITIES WILL BE DONE BY GRANTEE AT COST OF THE GRANTEE/LOT OWNER, UPON
 WRITTEN REQUEST.

BOARD OF TRUSTEES CERTIFICATE

STATE OF ILLINOIS }
 COUNTY OF DEWITT }
 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 March
 BY: _____ PRESIDENT _____ VILLAGE CLERK

UTILITY COMPANY SIGNATURES

EASEMENT GRANT AND EASEMENT VACATION SHOWN HEREON APPROVED AND ACCEPTED BY
 DATED: _____
 BY: Maeda Coppi DATE 2/13/18
 TITLE: Act. Esche. Specialist
Illinois Bell Telephone dba AT&T, IL
 BY: Tracy Grant DATE 2/13/18
 TITLE: Field Manager
 BY: Donald Wilson DATE 2/13/18
 TITLE: Land Management Account
 BY: Bob Wilson DATE 3/6/18
 TITLE: BOB CHIEF

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. 184-02778
 LICENSE EXPIRES 4/30/2019
 BY: [Signature] DATE: 1/17/2018
 DANIEL W. WALKER
 ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 3685
 LICENSE EXPIRES 11-30-18

