

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 *DAH*
DATE: December 13, 2011 (B of T) Date: December 27, 2011
TITLE: 85 Yorktown Shopping Center (Chase Bank)
SUBMITTED BY: Department of Community Development *AS*

BACKGROUND/POLICY IMPLICATIONS:

Please find attached staff's recommendation relative to approving stormwater and BMP easements on Lots 1 and 2 of the Chase Bank development located at 85 Yorktown Shopping Center.

Staff recommends approval of this request.

Please place this item on the December 27, 2011 Board of Trustees agenda.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X _____ Date _____

Finance Director X _____ Date _____

Village Manager X *David A. Hulseberg* _____ Date 12/15/11

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: December 27, 2011

**SUBJECT: Motion to Accept Stormwater and BMP Easements
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 has submitted two Plats of Easement depicting the proposed stormwater BMP easements of the areas on Lots 1 and 2. The easements use standard Village of Lombard language and provide the Village with access for inspections and the right, but not the responsibility, to maintain.

Please request the Board of Trustees to accept these easements by motion at their December 27, 2011 meeting.

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

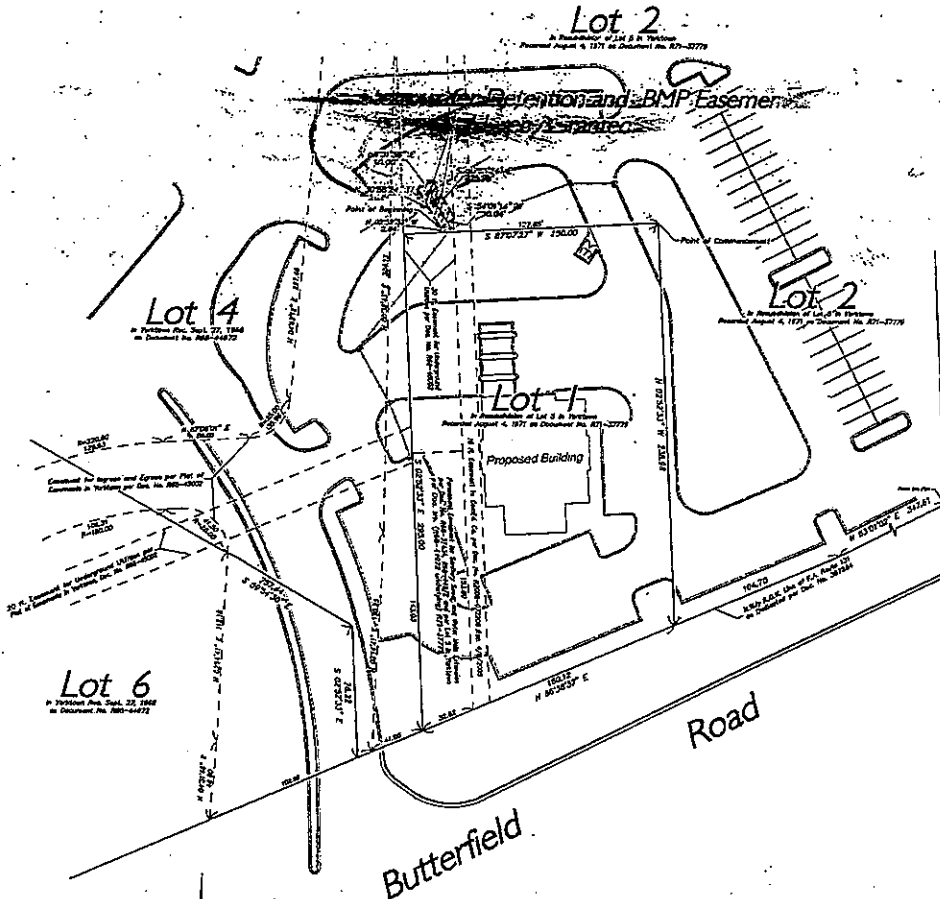
WJH/NH:nh

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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. R71-37779 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, 127.85 feet; thence North 02°52'33" West, 2.84 feet to the point of beginning; thence North 30°58'24" West, 26.66 feet; thence North 58°01'36" East, 10.00 feet; thence South 30°58'24" East, 25.78 feet; thence South 54°01'14" West, 10.04 feet to this point of beginning, in DuPage County, Illinois.



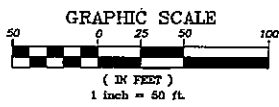
Stormwater Detention and BMP Easement Provisions

Declarant hereby reserves and grants to the Village of Lombard (i.e. the Village) an easement over the stormwater detention and best management practices (BMP) facilities (i.e. "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 impede 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 recordation of Notice of Lien with the Recorder of Deeds of DuPage County, Illinois, constitute a lien against the estate 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, Gwail-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 herein are in feet and decimal parts thereof.
Dated this 18th day of November, A.D. 2011 in Vernon Hills, Illinois.
Illinois Professional Land Surveyor No. 2585
My License expires November 30, 2012



Village President
State of Illinois) S.S.
County of DuPage)
Approved by the President and Board of Trustees of the Village of Lombard,
Illinois, this ____ day of _____, A.D. 2011.

Director of Community Development
State of Illinois) S.S.
County of DuPage)
Approved by the Director of Community Development of the Village of Lombard,
Illinois, this ____ day of _____, A.D. 2011.

Recorder's Certificate
State of Illinois) S.S.
County of DuPage)
This instrument number _____ was filed for record
in the Recorder's Office of DuPage County, Illinois, aforesaid, on the ____
day of _____, A.D. 2011, at _____ o'clock _____ M.
DuPage County Recorder of Deeds

Owners Certificate
State of Massachusetts) S.S.
County of _____)
This is to certify that Yorktown Holdings, LLC, a Delaware limited liability company ("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 set forth.
Dated this 18th day of November, A.D. 2011.
Yorktown Holdings, LLC
By: David J. Mullen - Authorized Representative

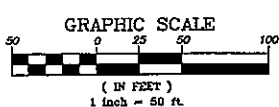
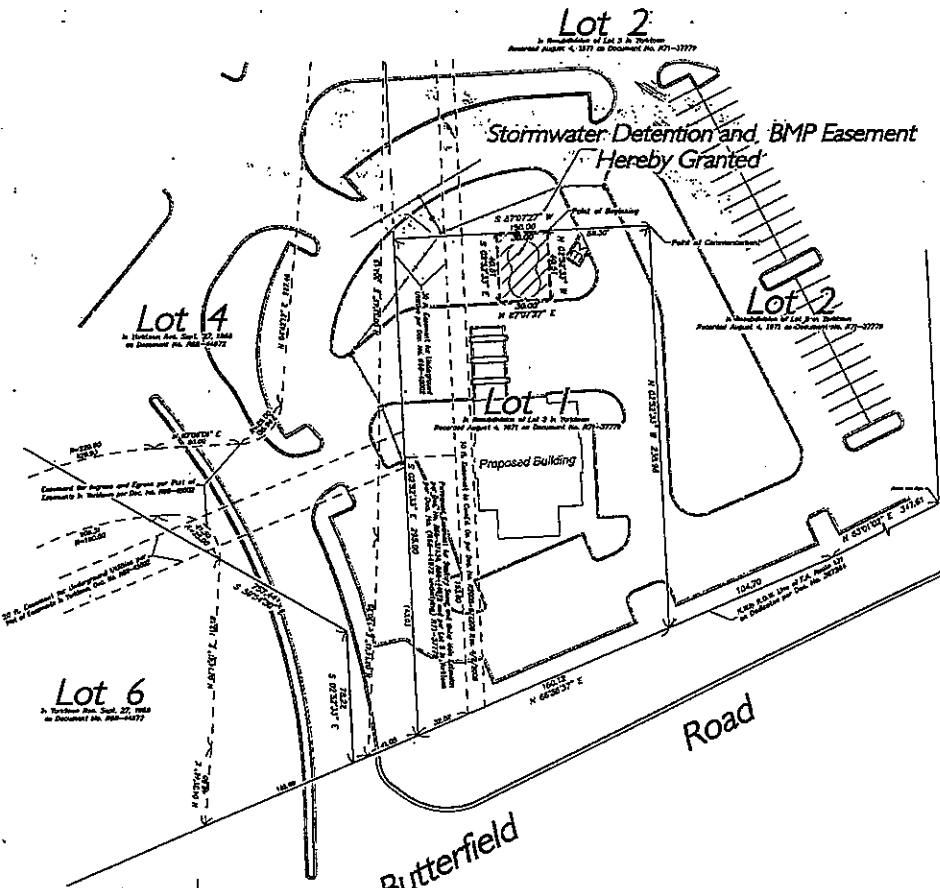
Notary Public Certificate
State of Massachusetts) S.S.
County of Middlesex)
I, Susan Lucas, a Notary Public, in and for the county and state aforesaid, do hereby certify that David J. Mullen, an authorized representative for Yorktown Holdings, LLC, personally known to me to be the same person whose name is subscribed to the foregoing instrument as the owner of the property described in the annexed plat appeared before me this day in person and that he signed and delivered the annexed plat as his free and voluntary act for the uses and purposes therein set forth.
Given under my hand and Notarial Seal, this 16th day of December, A.D. 2011.
Susan Lucas
Notary Public
My Commission expires _____

NO.	DATE	REVISION	BY
SHEET TITLE			
Plat of Easement			
PROJECT			
Lombard-Chase Bank			
DRAWN BY			
GHA GEWALT HAMILTON ASSOCIATES, INC.			
CHECKED BY			
850 Forest Edge Drive • Vernon Hills, IL 60061			
TEL 847.478.9700 • FAX 847.478.9701			
PROJECT NO. 3619.115			SCALE 1"=50'
DATE 9/21/11			DRAWN BY G.S.
CHECKED BY			DRAWING NO. /
OF 1 SHEETS			

Plat of Easement

to
Village of Lombard
for a
Stormwater Detention and BMP Easement

That part of Lot 1 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. R71-37779 described as follows: Commencing at the Northeast corner of Lot 1 in said Subdivision; thence South 87°07'27" West along the North line of said Lot 1, 59.30 feet to the point of beginning; thence continuing South 87°07'27" West along said last described line, 30.00 feet; thence South 02°52'33" East, 40.51 feet; thence North 87°07'27" East, 30.00 feet; thence North 02°52'33" West, 40.51 feet to the point of beginning, in DuPage County, Illinois.



Stormwater Detention and BMP Easement Provisions

Declarant hereby reserves and grants to the Village of Lombard (i.e. the Village) an easement over the stormwater detention and best management practices (BMP) facilities (i.e. "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 impede 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 recordation 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 alterations. No such alterations shall take place without the prior approval of the Village. The Village may, in its discretion, require the submital of plans and specifications for Village approval before said alteration may take place.

Village President

State of Illinois) S.S.
County of DuPage)
Approved by the President and Board of Trustees of the Village of Lombard,
Illinois, this _____ day of _____, A.D. 2011.

President.

Village Clerk

Director of Community Development

State of Illinois) S.S.
County of DuPage)
Approved by the Department of Community Development of the Village of Lombard,
Illinois, this _____ day of _____, A.D. 2011.

Director of Community Development

Recorder's Certificate

State of Illinois) S.S.
County of DuPage)
This instrument number _____ was filed for record
in the Recorder's Office of DuPage County, Illinois, aforesaid, on the _____
day of _____, A.D. 2011, at _____ o'clock _____ M.

DuPage County Recorder of Deeds

Owners Certificate

State of Massachusetts) S.S.
County of _____)
This is to certify that Yorktown Holdings, LLC, a Delaware limited liability company ("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 set forth.
Dated this 10th day of November, A.D. 2011.
Yorktown Holdings, LLC
By: _____
David J. Mollen - Authorized Representative

Notary Public Certificate

State of Massachusetts) S.S.
County of Middlesex) S.S.
I, SUCKRU LUCAS, a Notary Public, in and for the county and state aforesaid, do hereby certify that David J. Mollen, an authorized representative for Yorktown Holdings, LLC, personally known to me to be the same person whose name is subscribed to the foregoing instrument as the owner of the property described in the annexed plat appeared before me this day in person and that he signed and delivered the annexed plat as his free and voluntary act for the uses and purposes therein set forth.
Given under my hand and Notarial Seal, this 10th day of November, A.D. 2011.

Notary Public
My Commission expires _____



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 18th day of November, A.D. 2011 in Vernon Hills, Illinois.

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



NO.	DATE	REVISION	BY
SHEET TITLE			
Plat of Easement			PROJECT NO. 3819.115
PROJECT			SCALE 1"=50'
Lombard-Chase Bank			DATE 10/5/11
GEVALT HAMILTON ASSOCIATES, INC.			DRAWN BY G.S.
850 Forest Edge Drive • Vernon Hills, IL 60061 TEL 847.478.9700 • FAX 847.478.9701			CHECKED BY _____
			PLANNING NO. _____
			OF 1 SHEETS