

**ORDINANCE 7255
PAMPHLET**

**EASEMENT AGREEMENT WITH THE
DUPAGE COUNTY FOREST PRESERVE DISTRICT**



PUBLISHED IN PAMPHLET FORM THIS 19th DAY OF AUGUST, 2016, BY ORDER OF THE CORPORATE AUTHORITIES OF THE VILLAGE OF LOMBARD, DUPAGE COUNTY, ILLINOIS.



Sharon Kuderna
Village Clerk

ORDINANCE NO. 7255

**AN ORDINANCE DECLARING THE NECESSITY FOR
THE VILLAGE OF LOMBARD TO USE AND OCCUPY CERTAIN REAL ESTATE
OWNED BY THE FOREST PRESERVE DISTRICT OF DUPAGE COUNTY,
FOR STORM SEWERS AND ELECTRICAL CONDUIT, PURSUANT TO THE
LOCAL GOVERNMENT PROPERTY TRANSFER ACT (50 ILCS 605/0.01 et seq.)**

WHEREAS, the Forest Preserve District of DuPage County (the "District") owns an approximately 32-acre property, which is part of what is commonly known as the Churchill Woods Forest Preserve and is legally described in Exhibit "A" attached hereto and made part hereof (the "Churchill Woods Property"); and

WHEREAS, in 1973 and 1975, the District granted licenses to the Village of Lombard (the "Village"), for the purpose of constructing and maintaining storm sewers within a portion of the Churchill Woods Property, which is legally described in Exhibit "B" and depicted in Exhibit "C", both of which are attached hereto and made a part hereof ("Easement Premises"); said licenses have now expired; and

WHEREAS, the Village desires to construct an electrical conduit in the Easement Premises for the installation of electrical wires that will operate a gauge for monitoring the East Branch of the DuPage River; and

WHEREAS, instead of renewing the licenses on the Easement Premises, the Village has determined that it is necessary or convenient for the Village to use, occupy or improve the Easement Premises, and to acquire an easement in the Easement Premises, for the public use of operating and maintaining the existing storm sewers and the construction, maintenance and operation of an electrical conduit for the installation of electrical wires that will operate a gauge for monitoring the East Branch of the DuPage River ; and

WHEREAS, the District and the Village are "municipalities," as defined in Section 1(c) of the Local Government Property Transfer Act, 50 ILCS 605/1(c) (the "Transfer Act"); and

WHEREAS, Section 2 of the Transfer Act authorizes municipalities, pursuant to a two-thirds (2/3rds) vote of the members of its corporate authority, to convey real estate to another municipality for any municipal or public purpose of the transferee municipality and upon such terms and conditions as may be agreed to by the municipalities; and

WHEREAS, as a condition precedent to conveyance under Section 2 of the Transfer Act, the transferee municipality must first declare, by ordinance, "that it is necessary or convenient for it to use, occupy or improve the real estate held by the transferor municipality";

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

SECTION 1: The foregoing recitals to this Ordinance are hereby determined to be true and correct, and are hereby incorporated in and made part of this Ordinance.

SECTION 2: That it is necessary or convenient for the Village to use, occupy or improve the Easement Premises, and to acquire an easement in the Easement Premises, for the public use of operating and maintaining the existing storm sewers and the construction, maintenance and operation of an electrical conduit for the installation of electrical wires that will operate a gauge for monitoring the East Branch of the DuPage River, all for the benefit of the Village.

SECTION 3: That Village Staff has negotiated an easement agreement, between the Village and the District, relative to the Village's acquisition of easement rights in the Easement Premises; the Corporate Authorities of the Village hereby approve the easement agreement attached hereto as Exhibit "D"; and authorize the Village President and Village Clerk to execute said easement agreement on behalf of the Village.

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

Passed on first reading this _____ day of _____, 2016.

First reading waived by action of the Board of Trustees this 18th day of August, 2016.

Passed on second reading this 18th day of August, 2016.

Ayes: Trustee Whittington, Fugiel, Foltyniewicz, Johnston, Pike and Ware

Nays: None

Absent: None

Approved this 18th day of August, 2016.


Keith T. Giagnorio
Village President

ATTEST:


Sharon Kuderna
Village Clerk

Published by me in pamphlet form on this 19th day of August, 2016.


Sharon Kuderna
Village Clerk

Exhibit "A"

Churchill Woods Property

Legal Description:

LOT 11 IN THE COUNTY CLERK'S ASSESSMENT DIVISION, BEING A SUBDIVISION OF SECTION 12, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 5, 1879 AS DOCUMENT NO. 26582 IN DUPAGE COUNTY, ILLINOIS.

PIN: 05-12-204-001

Exhibit "B"

Easement Premises

Legal Description:

THAT PART OF LOT 11 IN THE COUNTY CLERK'S ASSESSMENT DIVISION, BEING A SUBDIVISION OF SECTION 12, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 5, 1879 AS DOCUMENT NO. 26582 IN DUPAGE COUNTY, ILLINOIS, BEING DESCRIBED AS FOLLOWS:

COMMENCING AT THE MOST EASTERLY CORNER OF SAID LOT 11; THENCE NORTHWESTERLY ALONG THE NORTHERLY LINE OF SAID LOT 11, HAVING AN ILLINOIS COORDINATE SYSTEM (EAST ZONE) GRID BEARING OF NORTH 66 DEGREES 07 MINUTES 21 SECONDS WEST, A DISTANCE OF 60.00 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 23 DEGREES 44 MINUTES 05 SECONDS WEST, 201.27 FEET ALONG A LINE 60.00 FEET NORTHWESTERLY OF AND PARALLEL WITH THE EASTERLY LINE OF SAID LOT 11 TO A POINT ON THE CENTER LINE OF CRESCENT BOULEVARD (A.K.A. GLENBARD AVENUE); THENCE SOUTH 81 DEGREES 22 MINUTES 22 SECONDS WEST, 35.52 FEET ALONG SAID CENTER LINE TO A POINT ON A LINE 90.00 FEET NORTHWESTERLY OF AND PARALLEL WITH SAID EASTERLY LINE OF LOT 11; THENCE NORTH 23 DEGREES 44 MINUTES 05 SECONDS EAST, 220.36 FEET TO A POINT ON SAID NORTHERLY LINE OF SAID LOT 11; THENCE SOUTH 66 DEGREES 07 MINUTES 21 SECONDS EAST, 30.00 FEET ALONG SAID NORTHERLY LINE TO THE POINT OF BEGINNING.

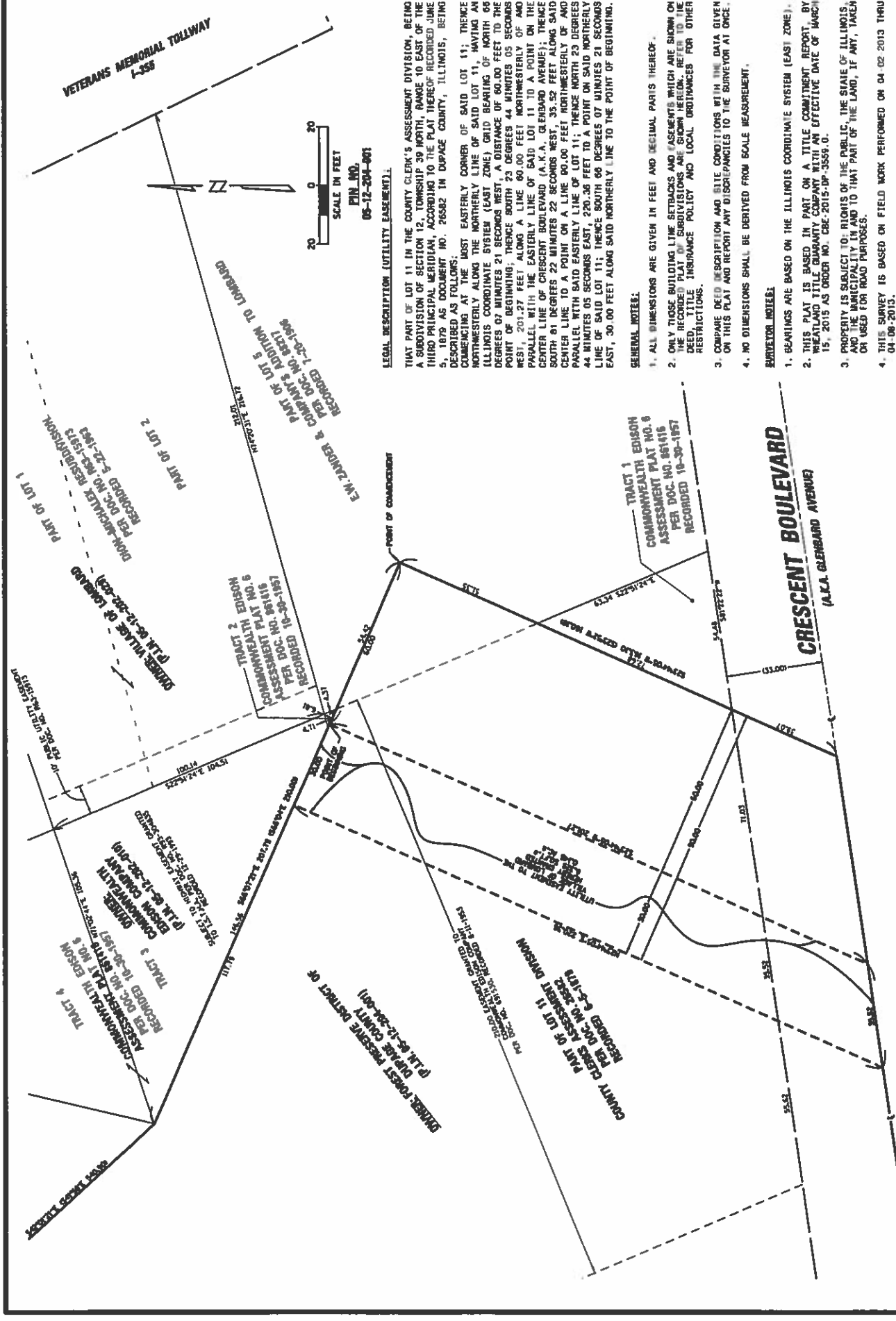
PIN: Part of 05-12-204-001

Exhibit "C"

Easement Premises

Depiction

(attached)



LEGAL DESCRIPTION (UTILITY EASEMENTS).

THAT PART OF LOT 11 IN THE COUNTY CLERK'S ASSESSMENT DIVISION, BEING A SUBDIVISION OF SECTION 12, TOWNSHIP 30 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 5, 1979, AS DOCUMENT NO. 26582 IN DUPAGE COUNTY, ILLINOIS, BEING DESCRIBED AS FOLLOWS:

THENCE NORTHWESTERLY ALONG THE NORTHERLY LINE OF SAID LOT 11, HAVING AN ILLINOIS COORDINATE SYSTEM (EAST ZONE) GRID BEARING OF NORTH 66 DEGREES 02 MINUTES 21 SECONDS WEST A DISTANCE OF 60.00 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 23 DEGREES 44 MINUTES 05 SECONDS WEST, 204.27 FEET ALONG A LINE 60.00 FEET NORTHWESTERLY OF AND PARALLEL WITH THE EASTERLY LINE OF SAID LOT 11 TO A POINT ON THE CENTER LINE OF CRESCENT BOULEVARD (A.K.A. GLENBARD AVENUE); THENCE SOUTH 81 DEGREES 22 MINUTES 22 SECONDS WEST, 35.52 FEET ALONG SAID CENTER LINE TO A POINT ON A LINE 90.00 FEET NORTHWESTERLY OF AND PARALLEL WITH SAID EASTERLY LINE OF LOT 11; THENCE NORTH 23 DEGREES 44 MINUTES 05 SECONDS EAST, 220.36 FEET TO A POINT ON SAID NORTHERLY LINE OF SAID LOT 11; THENCE SOUTH 59 DEGREES 07 MINUTES 21 SECONDS EAST, 30.00 FEET ALONG SAID NORTHERLY LINE TO THE POINT OF BEGINNING.

- GENERAL NOTES:**
1. ALL DIMENSIONS ARE GIVEN IN FEET AND DECIMAL PARTS THEREOF.
 2. ONLY THOSE BUILDING LINE SETBACKS AND EASEMENTS WHICH ARE SHOWN ON THE RECORDED PLAT OF SUBDIVISIONS ARE SHOWN HEREON. REFER TO THE DEED, TITLE INSURANCE POLICY AND LOCAL ORDINANCES FOR OTHER RESTRICTIONS.
 3. COMPARE DEED DESCRIPTION AND SITE CONDITIONS WITH THE DATA GIVEN ON THIS PLAT AND REPORT ANY DISCREPANCIES TO THE SURVEYOR AT ONCE.
 4. NO DIMENSIONS SHALL BE DERIVED FROM SCALE MEASUREMENT.
- SURVEYOR NOTES:**
1. BEARINGS ARE BASED ON THE ILLINOIS COORDINATE SYSTEM (EAST ZONE).
 2. THIS PLAT IS BASED IN PART ON A TITLE COMMITMENT REPORT, BY WHEATLAND TITLE GUARANTY COMPANY WITH AN EFFECTIVE DATE OF MARCH 15, 2015 AS ORDER NO. CBE-2015-DP-3559.0.
 3. PROPERTY IS SUBJECT TO RIGHTS OF THE PUBLIC, THE STATE OF ILLINOIS AND THE MUNICIPALITY IN AND TO THAT PART OF THE LAND, IF ANY, TAKEN OR USED FOR ROAD PURPOSES.
 4. THIS SURVEY IS BASED ON FIELD WORK PERFORMED ON 04-02-2013 THRU 04-08-2013.

PROJECT NO.	120374
SHEET 1 OF 1	
DRAWING NO.	EASE120374A

CALC.	SJR	DATE	05-24-2016
DRAWN	AJK		
CHECKED	JHM		
SCALE	1"=44'		

EASEMENT EXHIBIT "A"
 IN
 VILLAGE OF LOMBARD, ILLINOIS
 PREPARED FOR
 VILLAGE OF LOMBARD

CHRISTOPHER B. BURKE
 ENGINEERING, LTD.
 9575 West Higgins Road, Suite 600
 Rosemont, Illinois 60018
 (847) 823-0500