

ORDINANCE NUMBER 11 - 49

ORDINANCE APPROVING VILLAGE UTILITY EASEMENT RIGHTS TO PLATTED EASEMENT LOCATED AT 14N963 ON ROUTE 25, AKA TORCO/PIMA PROPERTY

WHEREAS, the Village of East Dundee is a home rule unit of local government under and pursuant to Section 6 of Article VII of the Constitution of the State of Illinois, has the authority to exercise any power and perform any function pertaining to its government and affairs, including but not limited to the power to regulate for the protection of the public health, safety, morals, and welfare; and

WHEREAS, the Village of East Dundee is hereby given easement right to the platted easement designates the Village Utility Easement shall be used solely to install, operate, maintain and remove from time to time above ground and underground facilities and appurtenances used in connection with all public water transmission mains of the Village of East Dundee.

WHEREAS, and the easement at 14N963 on Route 25, aka Torco/PIMA property.

WHEREAS, no permanent building or trees shall be placed on said easements, but same may be used for gardens, shrubs, landscaping and other purposes that no not then or later interfere with the aforesaid uses or rights herein granted.

NOW THEREFORE BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF EAST DUNDEE, KANE AND COOK COUNTIES, ILLINOIS, AS FOLLOWS:

Section One. That it is in the interests of the Village for the approval of the utility easement at 14N963.

Section Two.

LEGAL DESCRIPTION FOR EASEMENT

THE WESTERLY 15.0' OF PROPERTY DESCRIBED AS FOLLOWS:

PARCEL 1:

THE NORTHERLY HALF OF THAT PART OF SECTIONS 25, 26, 35 AND 36, TOWNSHIP 42 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SECTION 25; THENCE NORTH ALONG THE WEST LINE OF SAID SECTION, 9.7 FEET; THENCE WESTERLY 124.15 FEET ON A LINE MAKING AN ANGLE OF 80 DEGREES 51 MINUTES 0 SECONDS TO THE NORTHWEST, WITH SAID WEST LINE OF SECTION 25, TO THE CENTER LINE

OF THE ELGIN AND DUNDEE ROAD FOR A POINT OF BEGINNING; THENCE EASTERLY ALONG SAID LAST COURSE, 380 FEET ON A LINE MAKING AN ANGLE OF 89 DEGREES 58 MINUTES 0 SECONDS TO THE SOUTHEAST WITH THE CENTER LINE OF THE ELGIN AND DUNDEE ROAD; THENCE SOUTHERLY PARALLEL WITH THE CENTER LINE OF SAID ROAD, 343.9 FEET; THENCE WESTERLY 380 FEET ON A LINE MAKING AN ANGLE OF 89 DEGREES 58 MINUTES 0 SECONDS TO THE NORTHWEST WITH SAID LAST CENTER LINE TO THE CENTER LINE OF THE ELGIN AND DUNDEE ROAD, THENCE NORTHERLY ALONG THE CENTER LINE OF SAID ROAD, 343.9 FEET TO THE POINT OF BEGINNING, (EXCEPTING THEREFROM THE WESTERLY 50 FEET, AS MEASURED AT RIGHT ANGLES FROM THE CENTER LINE OF STATE ROUTE NO. 25) IN THE TOWNSHIP OF DUNDEE, KANE COUNTY, ILLINOIS.

PARCEL 2:

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 25, OF THE SOUTHEAST 1/4 OF SECTION 26 AND OF THE NORTHWEST 1/4 OF SECTION 36, ALL IN TOWNSHIP 42 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT SOUTHWEST CORNER OF THE SOUTHWEST 1/4 OF SAID SECTION 25; THENCE NORTH ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER, 9.7 FEET; THENCE WESTERLY ALONG A LINE FORMING AN ANGLE OF 80 DEGREES 51 MINUTES 0 SECONDS TO THE NORTHWEST WITH SAID WEST LINE, 124.15 FEET TO THE CENTER LINE OF STATE ROUTE 25, FOR THE POINT OF BEGINNING; THENCE EASTERLY ALONG THE LAST DESCRIBED COURSE AND SAID COURSE EXTENDED ON A LINE FORMING AN ANGLE OF 89 DEGREES 58 MINUTES 0 SECONDS TO THE SOUTHEAST WITH SAID CENTER LINE, 380 FEET; THENCE SOUTHERLY PARALLEL WITH SAID CENTER LINE, 171.95 FEET; THENCE EASTERLY ALONG A LINE FORMING AN ANGLE OF 89 DEGREES 58 MINUTES 0 SECONDS TO THE SOUTHEAST WITH SAID CENTER LINE, 370 FEET; THENCE NORTHERLY PARALLEL WITH SAID CENTER LINE, 340.95 FEET; THENCE WESTERLY ALONG A LINE FORMING AN ANGLE OF 80 DEGREES 51 MINUTES 0 SECONDS TO THE NORTHWEST WITH THE WEST LINE OF THE SOUTHWEST 1/4 OF SECTION 25, 750 FEET TO THE CENTER LINE OF SAID STATE ROUTE 25; THENCE SOUTHERLY ALONG SAID CENTER LINE, 169 FEET TO THE POINT OF BEGINNING, (EXCEPTING THEREFROM THE WESTERLY 50 FEET, AS MEASURED AT RIGHT ANGLES FROM THE CENTER LINE OF STATE ROUTE NO. 25) IN THE TOWNSHIP OF DUNDEE, KANE COUNTY, ILLINOIS.

Section Three. Severability. If any section, paragraph or provision of this ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this ordinance.

Section Four. Repeal. All ordinances, resolutions, motions or parts thereof in conflict herewith shall be and the same are hereby repealed.

Section Five. Publication. This ordinance shall be in full force and effect forthwith upon its adoption, approval and publication in pamphlet form as provided by law.

Adopted this 17th day of October, 2011, pursuant to a roll call vote as follows:

AYES: 6 - Justices Gorman, Lynam, Miller, VanOstenbridge,

NAYES: 0 Skillicorn & Pres. Bartels

ABSENT: 1 - Justice Ruffalo

Approved by me this 17th day of October, 2011.

Jerald Bartels
JERALD BARTELS, President

Published in pamphlet form this 22nd day of October, 2011, under the authority of the President and Board of Trustees.

ATTEST:

Jennifer Rehberg
JENNIFER REHBERG, Village Clerk
Recorded in the Village Records on Oct. 22nd, 2011.

