

ORDINANCE NUMBER 12 - 84

ORDINANCE APPROVING A PUBLIC UTILITY EASEMENT TO COMMONWEALTH EDISON, AT&T, AND COMCAST IN RIVER HAVEN LOCATED AT OR NEAR RIVER HAVEN DRIVE AND ROUTE 25 IN VILLAGE OF EAST DUNDEE.

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 (hereafter referred to as "Grantor") hereby grants a public utility easement to Commonwealth Edison, AT&T and Comcast (hereafter collectively referred to as "Grantees") an easement as set forth in the Exhibit attached hereto as Exhibit 1 and on the platted easement designated "PUBLIC UTILITY EASEMENT" on Exhibit A of the aforesaid document; and

WHEREAS said easement shall be used solely to install, operate, repair, replace, construct, relocate, modify, maintain and remove from time to time above ground and underground facilities and appurtenances used in connection with public utilities in the Village of East Dundee; and

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; and

WHEREAS, it is necessary and appropriate and in the public interest for the Village of East Dundee to approve the granting of a public utility easement as set forth in Exhibit 1.

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. The village approves the Public Utility easement as set forth in Exhibit 1 and as set forth in the plat of easement attached thereto as Exhibit "A".

Section Two. The Legal Description of the easement is as follows:

LEGAL DESCRIPTION FOR PUBLIC UTILITY EASEMENT

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 5th day of November, 2012, pursuant to a roll call vote as follows:

AYES:

Trustees Miller, Lynam, Skillicorn and President Bartels

NAYES:

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ABSENT:

Trustees Gorman, Ruffolo and VanOstenbridge

Approved by me this 5 day of November, 2012.

Jerald Bartels
JERALD BARTELS, President

Published in pamphlet form this 5 day of November, 2012, under the authority of the President and Board of Trustees.

ATTEST:

Jennifer Reiberg
JENNIFER REIBERG, Village Clerk
Heather Mavratsch Deputy

Recorded in the Village Records on November 5, 2012.

**EASEMENT FOR ELECTRICAL
FACILITIES**

KNOW ALL MEN BY THESE PRESENTS, that the VILLAGE OF EAST DUNDEE, ILLINOIS, an Illinois municipal corporation, Grantor, for and in consideration of the benefits accruing to the said Grantor and the sum of Ten Dollars (\$10.00) paid by the Grantee to the Grantor, the receipt whereof is hereby acknowledged, hereby gives, grants, conveys and warrants to COMMONWEALTH EDISON COMPANY, AT&T and COMCAST (collectively, the "Grantee"), their respective licensees, successors and assigns jointly and severally, an easement for serving the property described herein and other property with electric and communication service and 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 that portion of Grantor's lands legally described on Exhibit A, and shown and labeled on Exhibit B, attached hereto and incorporated herein, as "Public Utility Easement Granted Hereby" together with those public rights-of-way dedicated by the Plat of River Haven Resubdivision ("Easement Premises"). Also granted are the rights to install required service connections over or under the surface of each lot to serve improvements thereon or on adjacent lots and the right to cut, trim or remove trees, bushes, roots and saplings and to clear obstructions from the surface and subsurface of the Easement Premises as may be reasonably required incident to the rights herein given, and the right to enter upon Grantor's lands for all such purposes. Obstructions shall not be placed over Grantee's facilities or in, upon or over the Easement Premises without the prior written consent of Grantee. After installation of any such facilities, the grade of the Easement Premises shall not be altered in a manner so as to interfere with the proper operation and maintenance thereof.

Relocation of facilities requested by Grantor will be done by Grantee at cost of the Grantor/Lot Owner, upon written request.

(the signature of the Grantor appears on the following page)

Dated this 5 day of November A.D., 2012.

GRANTOR:

VILLAGE OF EAST DUNDEE, ILLINOIS,
an Illinois municipal corporation

By *Jerry Bartels*
Village President

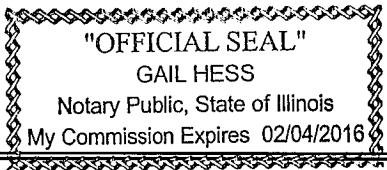
ATTEST:

By *Heather Naiventsch*
Village Clerk

STATE OF ILLINOIS)
) SS
COUNTY OF Kane)

I, *Gail Hess*, a Notary Public in and for the said County, in the State aforesaid, do hereby certify that *Jerry Bartels* and *Heather Naiventsch*, as Village President and Village Clerk of the Village of East Dundee, Illinois, respectively, and personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that they signed, sealed and delivered the said instrument as their free and voluntary act and the act of the Village of East Dundee, for the uses and purposes therein set forth, including the release and waiver of the right of homestead.

Given under my hand and notarial seal this 6 day of November A.D., 2012.

(SEAL) 

Gail Hess
Notary Public

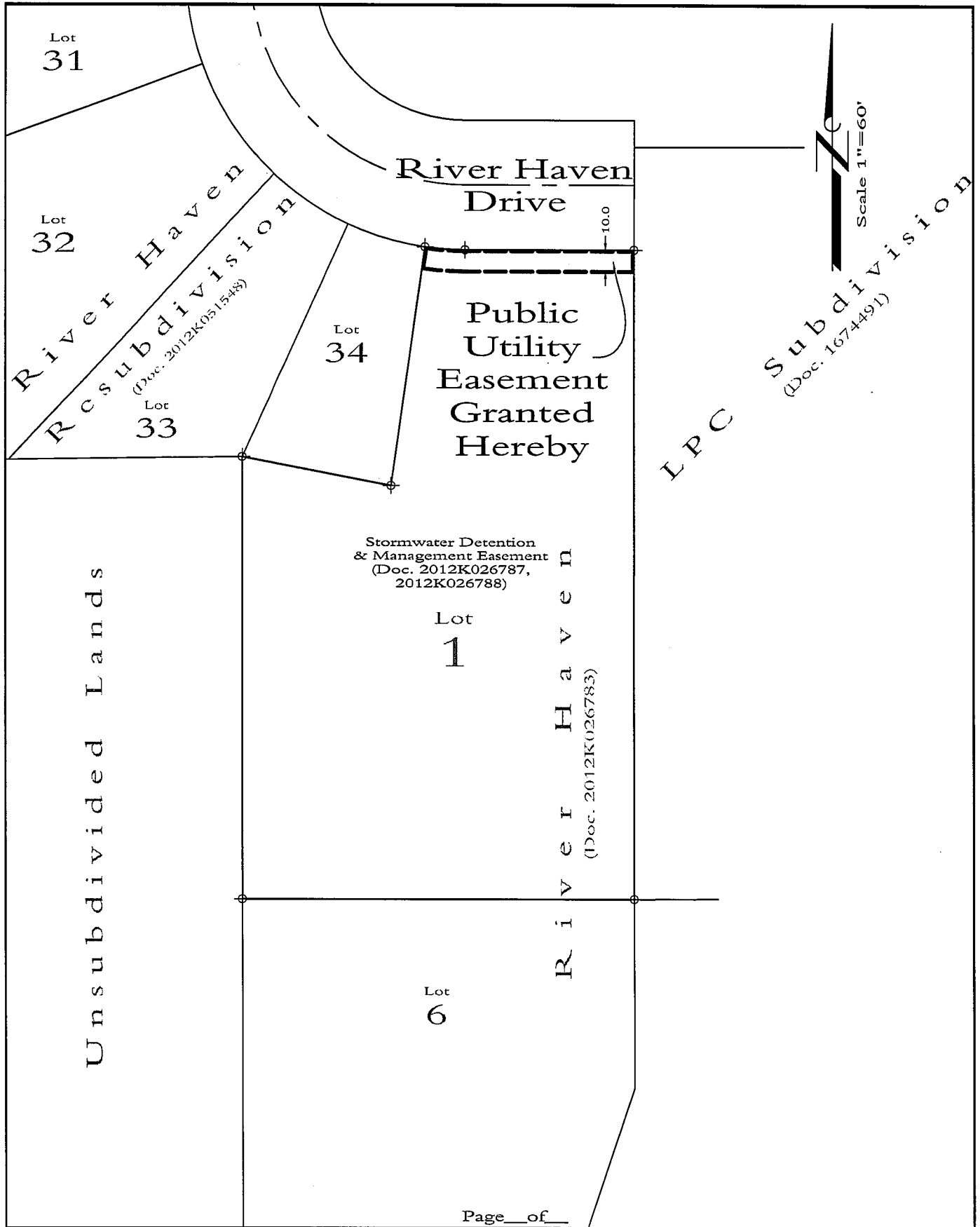
Drafted by and Return to: Mathew M. Keegan
WARD, MURRAY, PACE & JOHNSON, P.C.
226 W. River Street, P.O. Box 404
Dixon, IL 61021

Exhibit A

The northerly ten feet of Lot 1 of River Haven in the Village of East Dundee, Kane County, Illinois.

Exhibit B

(attach plat)



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<p>Exhibit "B"</p>	<p>Prepared for: James Bergman</p>	<p>CRAIG R. KNOCHE & ASSOCIATES Civil Engineers, P.C. Registered Design Firm 3763 24 North Bennett Street • Geneva, Illinois 60134 • phone (630) 845-1270 • fax (630) 845-1275</p> <ul style="list-style-type: none"> • Civil Engineers • Surveyors • Land Planners 	<p>date: 10-30-12 file: 11-028EG2H job: 11-028</p>	<p>B</p>
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