

**TEMPORARY
CONSTRUCTION
EASEMENT**



FRED BUCHOLZ

DUPAGE COUNTY RECORDER

JUL. 31, 2017

9:14 AM

OTHER

\$32.00 03-16-201-020

006 PAGES R2017-077016

KNOW ALL PERSONS BY THESE PRESENTS that Helen Kozlowski, of 183 Harvey Ave, Wood Dale, Illinois, as property owner (hereinafter referred to as "Grantor"), for and in consideration of one dollar (\$1.00) and other good and valuable consideration, receipt whereof is hereby acknowledged, hereby grants, conveys and warrants to the City of Wood Dale, Illinois, (hereinafter referred to as "Grantee"), and its successors and/or assigns, a temporary construction easement ("temporary easement") for the purposes of access and construction staging associated with a drainage line and associated infrastructure (hereinafter referred to as "Drainage Line") and all other purposes hereunder provided.

The temporary easement is depicted on Exhibit "A", the Plat of Easement, which is attached hereto and incorporated herein by reference, on the property (hereinafter referred to as "Property") legally described as follows:

Part of Lot 75 in Branigar's Wood Dale Acres, Being a Subdivision in Sections 9 and 16, Township 40 North, Range 11 East of the Third Principal Meridian, in DuPage County, IL.

Permanent Parcel Number: 03-16-201-020

Common Property Address: 183 Harvey Ave, Wood Dale, Illinois, 60191

This Grant is made by the Grantor and accepted by the Grantee under the following terms and conditions:

1. The temporary easement is granted specifically for the purpose of allowing the Grantee ingress and egress onto, over, under and above the Grantor's property to install, construct, and build the Drainage Line and appurtenances adjacent thereto. Further, Grantee may perform inspections on the improvements located therein. The rights and obligations of the Grantee shall extend to its employees, officers, agents, contractors, sub-contractors, assigns and successors.

2. The Grantee agrees that it will perform any work hereby authorized on the temporary easement, or on the improvements located therein, with reasonable care, skill and diligence. The Grantee will perform said work in such a way as to avoid harm to the ground or improvements located thereon adjacent to the temporary easement and in a way that minimizes disturbance to Grantor's use and enjoyment of the property adjacent to said easement. In the event any adjacent area, (during construction of permanent utility improvements by the Grantee, or its assigns), should become negatively disturbed, the Grantee, at its sole cost, shall restore the disturbed area as nearly as possible to the condition in which it was before the Grantee's entrance thereon.
3. the Grantee may store equipment and materials on the temporary easement while performing any construction, surveying, testing, and/or installation in said easement. Grantee will promptly remove all such items upon completion of the authorized work.
5. The temporary construction easement herein granted shall run during the course of the construction project from July 1, 2017, to and including April 30, 2018.
6. Except for claims, liability and costs arising out of Grantor's negligence, Grantee will hold harmless and indemnify Grantor, its lessees, licensees, employees, agents, contractors and assigns, and each of their lessees, licensees, employees, agents, contractors and assigns, against any and all claims, liabilities and costs (including, but not limited to, reasonable attorney's fees) for injuries to any person and damage to any property arising out of, in connection with, or as a result or consequence of Grantee's work in and/or use of the easement area.

[Space intentionally left blank]

Dated this 12 day of June, 2017

IN WITNESS WHEREOF, the parties hereto have caused this easement to be executed on the date written above.

Helen Kozlowski
GRANTOR

STATE OF ILLINOIS)
) SS
COUNTY OF DU PAGE)

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, do hereby certify that Helen Kozlowski, 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 acts, for the uses and purposes therein set forth.

Given under my hand and official seal, this 12 day of June 2017.

Notary Public Cynthia Hillebrand



GRANTEE: CITY OF WOOD DALE

BY: Annunziato Pulice
Annunziato Pulice, Mayor

STATE OF ILLINOIS)
) SS
COUNTY OF DU PAGE)

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, do hereby certify that Jeffrey Mermuys, 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 acts, for the uses and purposes therein set forth.

Given under my hand and official seal, this 20 day of July, 2017.

Notary Public Amanda Malone

Prepared by and return to:
City of Wood Dale
404 N. Wood Dale Road
Wood Dale, Illinois 60191

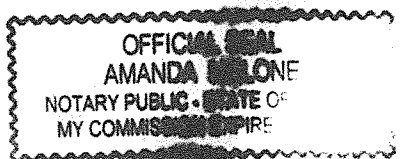


EXHIBIT A

PLAT OF EASEMENT OF PART OF LOT 75 IN BRANIGAR'S WOOD DALE ACRES, BEING A SUBDIVISION IN SECTIONS 9 AND 16, TOWNSHIP 40 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS

COUNTY RECORDS OFFICIAL STATE OF ILLINOIS COUNTY OF DUPAGE THE INSTRUMENT NO. 18325512601 WAS FILED FOR RECORD IN THE RECORDS OFFICE OF DUPAGE COUNTY, ILLINOIS ON THE 15TH DAY OF FEBRUARY 2018 AT 10:52 AM.

GRANTEE EASEMENT LEGAL DESCRIPTION THE SOUTH 40 FEET OF LOT 75 IN BRANIGAR'S WOOD DALE ACRES BEING A SUBDIVISION IN SECTIONS 9 AND 16, TOWNSHIP 40 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING AS DOCUMENT NUMBER 1831-20148, IN DUPAGE COUNTY, ILLINOIS, BEING MORE PARTICULARLY REFERRED TO AS FOLLOWS:

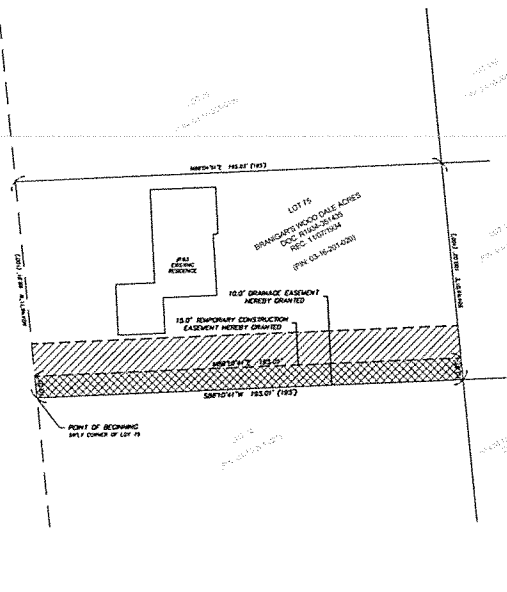
OWNER'S CERTIFICATE STATE OF ILLINOIS) ss COUNTY OF DUPAGE) ss DATED THIS 15TH DAY OF FEBRUARY 2018.

BUYER'S CERTIFICATE STATE OF ILLINOIS) ss COUNTY OF DUPAGE) ss DATED THIS 15TH DAY OF FEBRUARY 2018.

NOTARIAL CERTIFICATE STATE OF ILLINOIS) ss COUNTY OF DUPAGE) ss DATED THIS 15TH DAY OF FEBRUARY 2018.

NOTARIAL CERTIFICATE STATE OF ILLINOIS) ss COUNTY OF DUPAGE) ss DATED THIS 15TH DAY OF FEBRUARY 2018.

CITY CLERK'S CERTIFICATE STATE OF ILLINOIS) ss COUNTY OF DUPAGE) ss APPROVED AND ACCEPTED BY THE MAYOR AND CITY CLERK OF THE CITY OF WOOD DALE, ILLINOIS, AS A RECORDING ACT ON THE 15TH DAY OF FEBRUARY 2018.



GRANTEE EASEMENT (G.E.) PROVISIONS EASEMENTS ARE RESERVED FOR AND GRANTED TO THE CITY OF WOOD DALE AND THEIR SUCCESSORS AND ASSIGNS OVER ALL THE AREAS MARKED GRANTEE EASEMENT OR 'EASE' ON THE PLAT FOR THE PERMANENT RIGHT, POWER AND AUTHORITY TO CONDUCT, RECONSTRUCT, MAINTAIN, IMPROVE, REPAIR AND OPERATE VARIOUS TRANSPORTATION AND UTILITIES SYSTEMS INCLUDING OVERLAND FLOOD WALLS, DETENTION FACILITIES, STORM SEWER, FLOOD CONTROL AND ALL NECESSARY STRUCTURES, CANALS, BARRIERS, CONCRETE STRUCTURES AND OTHER STRUCTURES AND APPLIANCES AS MAY BE DEEMED NECESSARY BY SAID CITY OVER UPON, ALONG UNDER AND THROUGH SAID NECESSARY EXISTING, EXISTING OR TO BE CONSTRUCTED FACILITIES ACROSS THE PROPERTY FOR NECESSARY WORKS AND EQUIPMENT TO DO ANY OF THE ABOVE WORK. THE RIGHTS ALSO GRANTED TO CUT DOWN, TRIM, OR REMOVE ANY TREES, SHRUBS, PLANTS OR OTHER APPURTENANCES ON THE EASEMENT THAT INTERFERE WITH THE OPERATION OF THE WORKS OR OTHER GRANTEE FACILITIES. NO PERMANENT STRUCTURES SHALL BE PLACED ON SAID EASEMENT BUT SAME MAY BE USED AT THE DISCRETION OF THE OWNER FOR GARDENS, BARRIERS, LANDSCAPING OR FENCED-IN USES OR RIGHTS. THESE PROVISIONS GRANT CERTAIN RIGHTS TO THE CITY OF WOOD DALE, HOWEVER THE MAINTENANCE RESPONSIBILITY FOR THESE IMPROVEMENTS IS BORNE BY THE LAND OWNER.

TEMPORARY CONSTRUCTION EASEMENT (T.C.E.) PROVISIONS GRANTOR HEREBY GRANTS AND CONVEYS TO GRANTEE A TEMPORARY, NON-EXCLUSIVE EASEMENT (TEMPORARY CONSTRUCTION EASEMENT) FOR ENTERING UPON THE EASEMENT PREMISES FOR THE PURPOSES OF CONSTRUCTION, INSTALLATION, OPERATION, STAGING AND STORAGE OF ANY AND ALL ACTIVITIES, EQUIPMENT, SUPPLIES AND MATERIALS INCLUDING, BUT NOT LIMITED TO CONSTRUCTION EQUIPMENT AND CONSTRUCTION VEHICLES, AND TEMPORARY FENCING RELATED TO OR CONCERNING GRANTEE'S WORK TO CONSTRUCT AND INSTALL THE STORM SEWER FACILITY WITHIN THE GRANTEE EASEMENT GRANTED HEREIN. SAID TEMPORARY EASEMENT TO BE TERMINATED ONE YEAR FROM THE DATE THE EASEMENT IS RECORDED.



BUYER'S CERTIFICATE STATE OF ILLINOIS) ss COUNTY OF DUPAGE) ss I, BRUNO J. BAUER, ELIGIBLE PROFESSIONAL LAND SURVEYOR NUMBER 3793 IN THE STATE OF ILLINOIS, DO HEREBY CERTIFY THAT THE PLAT OF EASEMENT HEREON BEING HEREBY FILED, PROVIDES SUFFICIENT NOTICE TO ALL PARTIES AND SHOWS RESPECTS OF RECORD FOR THE USES AND PURPOSES HEREON SET FORTH OF THE HEREIN RECORDED PROPERTY.

FOR REVIEW

Vertical sidebar containing recording information, a logo for 'HFGreen', and the title 'PLAT OF EASEMENT OF PART OF LOT 75 IN BRANIGAR'S WOOD DALE ACRES, BEING A SUBDIVISION IN SECTIONS 9 AND 16, TOWNSHIP 40 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS'. It also includes a '1 OF 1' page indicator.

RESOLUTION NO. R-17-43

A RESOLUTION SEEKING TO APPROVE A TEMPORARY CONSTRUCTION EASEMENT TO PROVIDE ACCESS AT 183 HARVEY FOR A STORM SEWER PIPE AND STRUCTURES

WHEREAS, the City of Wood Dale (hereinafter the "City") is a body politic and corporate, organized and existing pursuant to the Illinois Municipal Code, 65 ILCS 5/1-1-1 *et seq.*; and

WHEREAS, the City is authorized and empowered under the Illinois Municipal Code, and its Ordinances adopted pursuant thereto, to enter into agreements and to contract for goods and services; and

WHEREAS, the Mayor and the City Council of the City seek to ensure that the City is run effectively and efficiently; and

WHEREAS, the Mayor and the City Council of the City, seeks a temporary construction easement for the Harvey Ave Roadway Project; and

WHEREAS, these services are necessary to maintain and promote an effective and efficient City Government; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF WOOD DALE, DUPAGE COUNTY, AN ILLINOIS CORPORATION, as follows:

SECTION ONE: The preambles set forth above are incorporated herein and made a part hereof:

SECTION TWO: The City hereby accepts the grants of the Temporary Construction Easement in the indenture attached hereto and incorporated herein by reference as Exhibit A for the purpose of installing storm sewer piping.

SECTION THREE: The City Manager is hereby authorized and directed to accept the said grants of easement on behalf of the City by executing the indentures therefore set out in Exhibits "A."

SECTION FOUR: Upon full execution of the said indentures the City Clerk is hereby directed to submit to the DuPage Recorder for recording together with any required fees therefor.

SECTION FIVE: This Resolution shall take effect immediately upon its passage and approval as provided by law.

PASSED this 20th day of July, 2017

AYES: Aldermen Catalano, JAKAB, Messina, Sorrentino,
Susmarski, E. Wesley, R. Wesley, and Woods

NAYS: None

ABSENT: None

APPROVED this 20th day of July, 2017

SIGNED: Annunziato Pulice
Annunziato Pulice, Mayor

ATTEST: Shirley J. Siebert
Shirley J. Siebert, City Clerk