

ORDINANCE NO. 18-06

AN ORDINANCE GRANTING A WATERMAIN EASEMENT

WHEREAS, the Village of Coal City (hereinafter, “the Village”) is an Illinois municipal corporation organized and operated under the laws of the State of Illinois; and

WHEREAS, the Village is a non-home rule municipality and, as such, may exercise delegated statutory and Constitutional powers and such powers as are necessarily implied therefrom; and

WHEREAS, Section 11-76-1 of the Municipal Code grants the Village the power to convey interests in real property when, in the opinion of the corporate authorities, the real estate is no longer necessary, appropriate, required for the use of, profitable to, or for the best interests of the Village;

WHEREAS, necessarily included within such authority is the power to grant easements for the construction, operation and maintenance of facilities upon, under or across any property of the Village for watermains and other essential utility facilities, subject to such terms and conditions as may be determined by the Village; and

WHEREAS, the Village and Hoffman Property Holding, L.L.C. (“Developer”) have negotiated a non-exclusive public utility watermain easement agreement for the placement, construction, operation and maintenance of a potable water line (cumulatively, the “Watermain”) on certain Village real property legally described and depicted in the exhibits to the Permanent Public Utility Watermain Easement (the “Watermain Easement”) affixed hereto as Exhibit 1 and incorporated by reference as though fully set forth herein; and

WHEREAS, the Village President and Board of Trustees (the “Corporate Authorities”) hereby find and determine that the non-exclusive easement property interest in the burdened

premises described in this Ordinance is no longer necessary, appropriate, required for the use of, profitable to, or for the best interests of the Village; and

WHEREAS, the Village Board has considered the terms and conditions provided in the attached Watermain Easement and find granting the non-exclusive easement to be in the best interest of the Village and the residents thereof;

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Coal City, Counties of Grundy and Will, Illinois, as follows:

SECTION 1. RECITALS. That the foregoing recitals shall be and are hereby incorporated into and made a part of this Ordinance as if fully set forth in this Section 1.

SECTION 2. GRANT OF EASEMENT.

- A. The Village hereby grants a non-exclusive utility easement to Developer, upon, under, and across the burdened property legally described in the attached Watermain Easement, subject to and in accordance with the terms set forth in the Watermain Easement attached hereto as Exhibit 1 and incorporated as though fully described herein.
- B. The President and Clerk of the Village of Coal City are authorized to execute and attest the Watermain Easement and are hereby authorized and directed to do all things necessary, essential or convenient to carry out and give effect to the purpose and intent of this Ordinance.
- C. All acts and doings of the officials of the Village, past, present and future which are in conformity with the purpose and intent of this Ordinance, are hereby, in all respects, ratified, approved, authorized and confirmed.

SECTION 3. RESOLUTION OF CONFLICTS.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 4. SAVING CLAUSE.

If any section, paragraph, clause, or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this Ordinance, which are hereby declared to be separable.

SECTION 5. EFFECTIVENESS.

This Ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

SO ORDAINED this 14 day of March, 2018, at Coal City, Grundy and Will Counties, Illinois.

AYES: 5

NAYS: 0

ABSENT: 1

ABSTAIN: 0

VILLAGE OF COAL CITY


Terry Halliday, President

Attest:

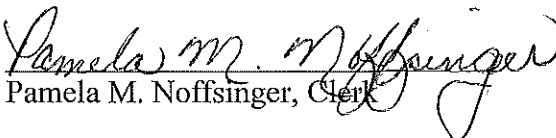

Pamela M. Noffsinger, Clerk

EXHIBIT 1

Watermain Easement

[affixed on following pages]

4844-8347-5807, v. 1

February 14, 2018

PIN: 09-10-400-008
VILLAGE OF COAL CITY

15 FOOT PERMANENT PUBLIC UTILITY EASEMENT

A 15 FOOT PERMANENT PUBLIC UTILITY EASEMENT IN PART OF THE SOUTHEAST QUARTER OF SECTION 10, TOWNSHIP 32 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 10; THENCE SOUTH 01 DEGREES 21 MINUTES 07 SECONDS EAST ALONG THE EAST LINE OF SOUTHEAST QUARTER OF SAID SECTION 10, A DISTANCE OF 365.62 FEET; THENCE SOUTH 88 DEGREES 29 MINUTES 13 SECONDS WEST, A DISTANCE OF 49.50 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 88 DEGREES 29 MINUTES 13 SECONDS WEST, A DISTANCE OF 15.00 FEET; THENCE NORTH 01 DEGREES 21 MINUTES 07 SECONDS WEST ALONG A LINE 64.50 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 10, A DISTANCE OF 114.00 FEET; THENCE NORTH 88 DEGREES 29 MINUTES 13 SECONDS EAST, A DISTANCE OF 15.00 FEET; THENCE SOUTH 01 DEGREES 21 MINUTES 07 SECONDS EAST ALONG A LINE 49.50 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 10, A DISTANCE OF 114.00 FEET TO THE POINT OF BEGINNING, IN GRUNDY COUNTY, ILLINOIS.

PERMANENT MAINTENANCE EASEMENT

A PERMANENT MAINTENANCE EASEMENT IN PART OF THE SOUTHEAST QUARTER OF SECTION 10, TOWNSHIP 32 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS:

THE SOUTH 114.00 FEET OF THE EAST 49.50 FEET OF THE FOLLOWING DESCRIBED PARCEL:
THAT PART OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 10 TOWNSHIP 32 NORTH, RANGE 8, EAST OF THE THIRD PRINCIPAL MERIDIAN MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTHEAST CORNER OF SAID NORTHEAST 1/4 OF THE SOUTHEAST 1/4; THENCE SOUTH 01 DEGREES 21 MINUTES 07 SECONDS EAST ALONG THE EAST LINE OF SAID NORTHEAST 1/4 OF THE SOUTHEAST 1/4 FOR A DISTANCE OF 110.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 01 DEGREES 21 MINUTES 07 SECONDS EAST ALONG SAID EAST LINE FOR A DISTANCE OF 255.62 FEET; THENCE SOUTH 88 DEGREES 29 MINUTES 13 SECONDS WEST FOR A DISTANCE OF 255.63 FEET; THENCE NORTH 01 DEGREES 21 MINUTES 07 SECONDS WEST FOR A DISTANCE OF 255.62 FEET; THENCE NORTH 88 DEGREES 29 MINUTES 13 SECONDS EAST FOR A DISTANCE OF 255.63 FEET TO THE POINT OF BEGINNING, ALL IN BRACEVILLE TOWNSHIP, GRUNDY COUNTY, ILLINOIS.

20 FOOT TEMPORARY CONSTRUCTION EASEMENT

A 20 FOOT TEMPORARY CONSTRUCTION EASEMENT IN PART OF THE SOUTHEAST QUARTER OF SECTION 10, TOWNSHIP 32 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS:

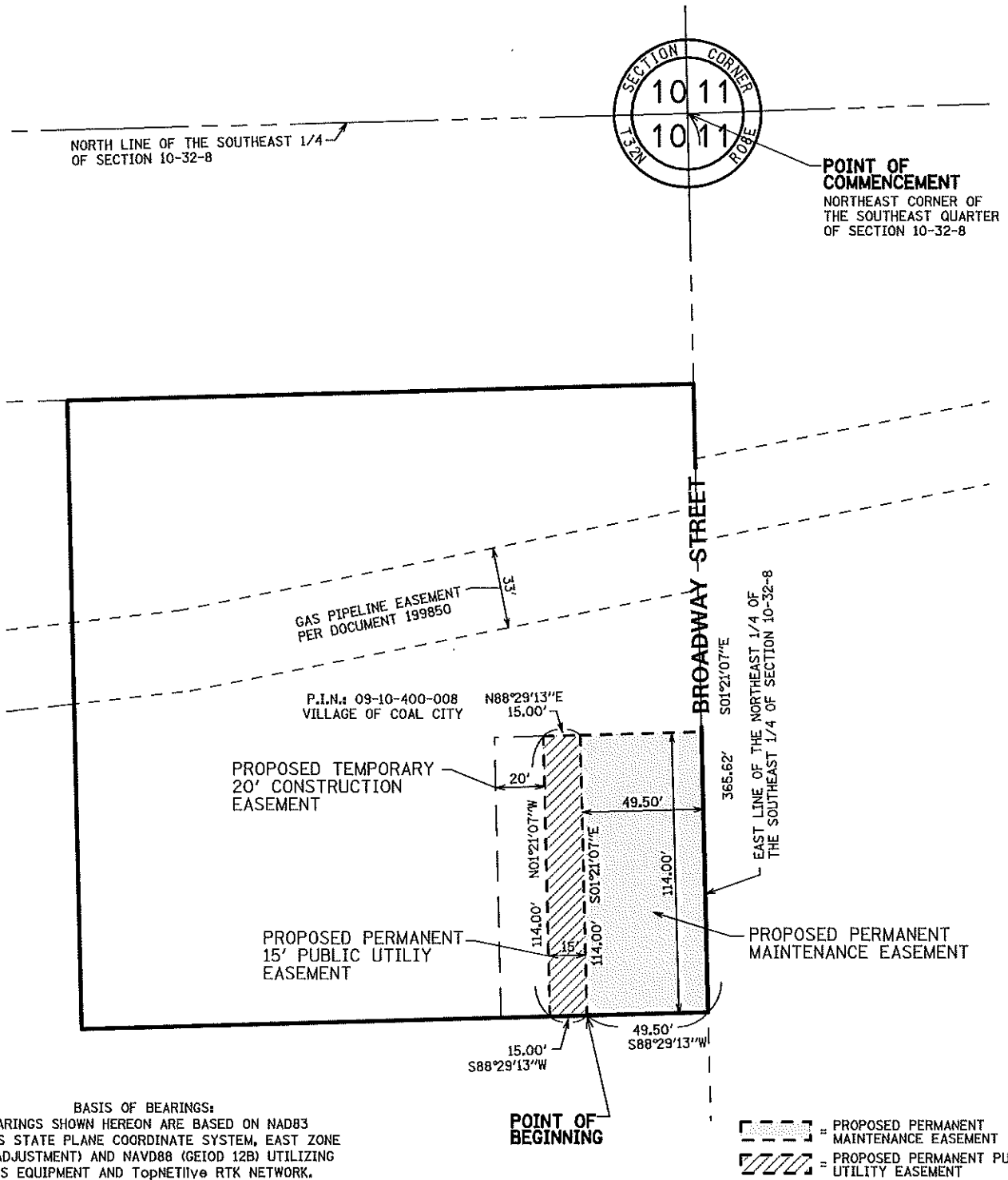
THE WEST 20.00 FEET OF THE EAST 84.50 FEET OF THE SOUTH 114.00 FEET OF THE FOLLOWING DESCRIBED PARCEL:

THAT PART OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 10 TOWNSHIP 32 NORTH, RANGE 8, EAST OF THE THIRD PRINCIPAL MERIDIAN MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID NORTHEAST 1/4 OF THE SOUTHEAST 1/4; THENCE SOUTH 01 DEGREES 21 MINUTES 07 SECONDS EAST ALONG THE EAST LINE OF SAID NORTHEAST 1/4 OF THE SOUTHEAST 1/4 FOR A DISTANCE OF 110.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 01 DEGREES 21 MINUTES 07 SECONDS EAST ALONG SAID EAST LINE FOR A DISTANCE OF 255.62 FEET; THENCE SOUTH 88 DEGREES 29 MINUTES 13 SECONDS WEST FOR A DISTANCE OF 255.63 FEET; THENCE NORTH 01 DEGREES 21 MINUTES 07 SECONDS WEST FOR A DISTANCE OF 255.62 FEET; THENCE NORTH 88 DEGREES 29 MINUTES 13 SECONDS EAST FOR A DISTANCE OF 255.63 FEET TO THE POINT OF BEGINNING, ALL IN BRACEVILLE TOWNSHIP, GRUNDY COUNTY, ILLINOIS.

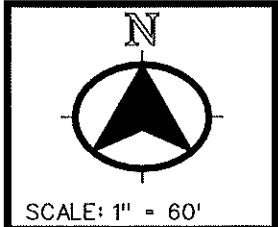
EXHIBIT

PUBLIC UTILITY WATERMAIN EASEMENT

P.I.N.
09-10-400-008



BASIS OF BEARINGS:
 BEARINGS SHOWN HEREON ARE BASED ON NAD83 ILLINOIS STATE PLANE COORDINATE SYSTEM, EAST ZONE (2011 ADJUSTMENT) AND NAVD88 (GEOID 12B) UTILIZING GNSS EQUIPMENT AND TopNETIive RTK NETWORK.



CONSULTING ENGINEERS
SITE DEVELOPMENT ENGINEERS
LAND SURVEYORS

224½ N. Liberty Street
 Morris, Illinois 60450

Phone: (815) 941-0260 Fax: (815) 941-0263

DATE: 02/14/2018
JOB NO: 9585
FILENAME: 9585EASE-02