

ORDINANCE NO. 2020-C

**ORDINANCE APPROVING WATERMAIN EASEMENT AGREEMENT
FOR GRANT OF WATERMAIN AT HERITAGE PARK**

WHEREAS, the Wheeling Park District (the “Park District”) is a body politic duly organized under the Illinois Park District Code 70 ILCS 1205/1-1, et. seq., and operating in Cook and Lake Counties, Illinois; and

WHEREAS, Section 8-11 of the Illinois Park District Code, 70 ILCS 1205/8-11 provides Illinois park districts with authority to grant easements to municipalities, corporations or persons for the construction, operation and maintenance of facilities upon, under or across any property of such park district for public services, subject to such terms and conditions as may be determined by the district; and

WHEREAS, the Park District is the owner of certain real property commonly referred to as Heritage Park; and

WHEREAS, The Village of Wheeling has requested a watermain easement from the Park District in connection with the development of watermain improvements, for the construction, inspection, operation, use, maintenance, repair and replacement of said watermain improvements; and

WHEREAS, the Wheeling Park District Board of Park Commissioners (the “Board”) has determined that it is appropriate for the Park District to grant to the Village of Wheeling a certain permanent, non-exclusive easement for the watermain improvements, for the construction, inspection, operation, use, maintenance, repair and replacement of said watermain improvements, upon those portions of Heritage Park specified in the Watermain Easement

Agreement (the "Easement Agreement") attached hereto as Exhibit No. 1 and incorporated herein by this reference; and

WHEREAS, at the direction of the Board, Park District staff has negotiated terms and conditions for the easements which are set forth in the Easement Agreement and are found and determined hereby to be acceptable to the Board; and

WHEREAS, the Board desires to formally approve the terms and conditions of the easements as set forth in the Easement Agreement.

NOW THEREFORE IT IS HEREBY ORDAINED BY THE BOARD OF PARK COMMISSIONERS OF THE WHEELING PARK DISTRICT, COOK AND LAKE COUNTIES, ILLINOIS, AS FOLLOWS:

Section One: All of the foregoing recitals are hereby incorporated in and made a part of this Ordinance.

Section Two: It is hereby found and determined to be necessary and desirable that the Wheeling Park District (the "Park District") grant to the Village of Wheeling (the "Village") the permanent non-exclusive watermain improvements at Heritage Park required for the construction, inspection, operation, use, maintenance, repair and replacement of said watermain improvements, specified in the Watermain Easement Agreement (the "Easement Agreement") attached hereto as Exhibit No. 1.

Section Three: The President and Secretary of the Wheeling Park District Board of Park Commissioners are hereby authorized and directed to execute the Easement Agreement in substantially the form set forth in Exhibit No. 1.

Section Four: The Park District's Executive Director and the Park District's attorneys are hereby authorized, empowered and directed to take all action and execute any and all

documents necessary to discharge the Park District's responsibilities under the Easement Agreement.

Section Five: This ordinance shall take effect and be in full force and effect from and after the date of its passage.

Dated this 4th day of February, 2020.

ROLL CALL:

AYES: 6
NAYS: 0
ABSTAIN: 0
ABSENT: 1

Wheeling Park District

By: 
President

ATTEST:


Secretary

EXHIBIT NO. 1
[GRANT OF EASEMENT]

LINE #	LENGTH	DIRECTION
L1	10.00'	S02°16'10"E
L2	189.64'	S87°07'10"W
L3	15.82'	S02°52'50"E
L4	451.17'	S42°51'34"W
L5	12.98'	N86°33'04"W
L6	209.12'	N42°51'34"E
L7	37.38'	N47°08'26"W
L8	10.00'	N42°51'34"E
L9	37.38'	S47°08'26"E
L10	236.07'	N42°51'34"E
L11	11.60'	N02°52'50"W
L12	14.92'	S87°07'10"W
L13	10.00'	N02°52'50"W
L14	214.67'	N87°07'10"E

TFW SURVEYING INC
 LAND SURVEYING • TOPOGRAPHIC MAPPING • CONSTRUCTION LAYOUT
 818 EAST BELVIDERE ROAD SUITE 412 GRAYLAKE, ILLINOIS 60030
 847-548-6600 FAX 548-6699

GRANT OF EASEMENT

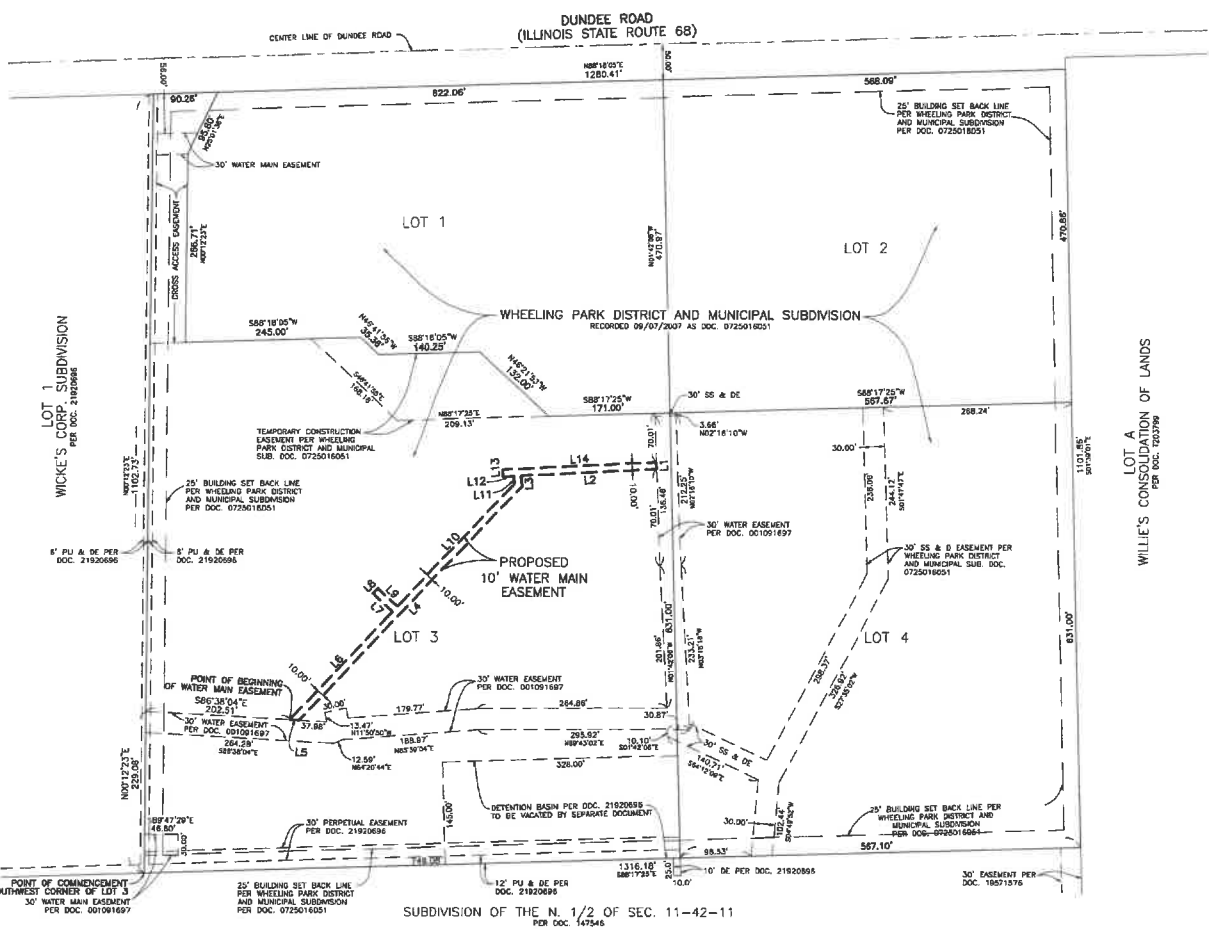
EXHIBIT NO. 1

THAT PART OF LOT 3 IN WHEELING PARK DISTRICT AND MUNICIPAL SUBDIVISION, BEING A RESUBDIVISION IN THE SOUTHWEST 1/4 OF SECTION 2 AND THE NORTHWEST 1/4 OF SECTION 11, ALL IN TOWNSHIP 42 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 7, 2007 AS DOCUMENT NUMBER 0725018051, COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT, THENCE NORTH 00 DEGREES 12 MINUTES 34 SECONDS EAST, ALONG THE WEST LINE OF SAID LOT, 229.08 FEET TO AN INTERSECTION WITH THE NORTH LINE OF A 30.00 FOOT WIDE WATER MAIN EASEMENT AS PER DOCUMENT NUMBER 001091897; THENCE SOUTH 88 DEGREES 38 MINUTES 04 SECONDS EAST, ALONG SAID LAST DESCRIBED NORTH LINE, 302.51 FEET, TO THE POINT OF BEGINNING OF THE LEGAL DESCRIPTION; THENCE NORTH 42 DEGREES 51 MINUTES 34 SECONDS EAST, 209.12 FEET; THENCE NORTH 47 DEGREES 08 MINUTES 26 SECONDS WEST, 37.38 FEET; THENCE NORTH 42 DEGREES 51 MINUTES 34 SECONDS EAST, 10.00 FEET; THENCE SOUTH 47 DEGREES 08 MINUTES 26 SECONDS EAST, 37.38 FEET; THENCE NORTH 42 DEGREES 51 MINUTES 34 SECONDS EAST, 236.07 FEET; THENCE NORTH 02 DEGREES 52 MINUTES 50 SECONDS WEST, 10.00 FEET; THENCE NORTH 87 DEGREES 07 MINUTES 10 SECONDS WEST, 14.92 FEET; THENCE NORTH 02 DEGREES 52 MINUTES 50 SECONDS EAST, 11.60 FEET; THENCE SOUTH 47 DEGREES 07 MINUTES 10 SECONDS WEST, 10.00 FEET; THENCE SOUTH 02 DEGREES 18 MINUTES 10 SECONDS EAST, 10.00 FEET; THENCE SOUTH 47 DEGREES 07 MINUTES 10 SECONDS WEST, 189.64 FEET; THENCE SOUTH 02 DEGREES 52 MINUTES 50 SECONDS EAST, 15.82 FEET; THENCE SOUTH 42 DEGREES 51 MINUTES 34 SECONDS WEST, 451.17 FEET TO AN INTERSECTION WITH THE NORTH LINE OF A 30.00 FOOT WIDE WATER MAIN EASEMENT AS PER DOCUMENT NUMBER 001091897 AFORESAID; THENCE NORTH 88 DEGREES 38 MINUTES 04 SECONDS WEST, ALONG SAID LAST DESCRIBED NORTH LINE, 12.98 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

P.I.N.: 03-11-100-047



NOTES
 1) BASIS OF BEARINGS: WHEELING PARK DISTRICT AND MUNICIPAL SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 7, 2007 AS DOCUMENT 0725018051.
 2) NO DIMENSIONS TO BE ASSUMED FROM SCALING.



WATERMAIN EASEMENT
 A NON-EXCLUSIVE PERPETUAL EASEMENT IS HEREBY RESERVED AND GRANTED TO THE VILLAGE OF WHEELING, ITS SUCCESSORS AND ASSIGNS, OVER ALL AREAS DESIGNATED "WATERMAIN EASEMENT" IN, OVER, UNDER, THROUGH AND UPON THE AREAS DESCRIBED ON THE PLAT TO CONSTRUCT, RECONSTRUCT, REPAIR, INSPECT, MAINTAIN, ACCESS AND OPERATE VARIOUS WATER DISTRIBUTION FACILITIES, TOGETHER WITH ANY AND ALL NECESSARY VALVES, FITTINGS, HYDRANTS, AND OTHER STRUCTURES AND APPURTENANCES THAT MAY BE DEEMED NECESSARY, IN, OVER, UPON, ACROSS, ALONG, UNDER AND THROUGH THE SURFACE OF THE PROPERTY SHOWN ON THE PLAT, TOGETHER WITH THE RIGHT OF ACCESS FOR NECESSARY LABOR, MATERIALS AND EQUIPMENT TO ANY OF THE ABOVE WORK AND THE RIGHT TO INSTALL, REPAIR, REPLACE OR REPLACE OR REPAIR ANY SUCH FACILITIES TO SERVE IMPROVEMENTS THEREON. THE RIGHT IS ALSO GRANTED TO CUT DOWN, TRIM OR REMOVE, WITHOUT OBLIGATION TO RESTORE OR REPLACE ANY OBSTRUCTION, INCLUDING BUT NOT LIMITED TO TREES, SHRUBS, OTHER PLANTS, BUSHES, ROOTS, STRUCTURES OR IMPROVEMENTS ON THE EASEMENT THAT INTERFERE WITH THE OPERATION OF THE WATERMAIN FACILITIES. TO ENSURE THE INTEGRITY AND MAINTENANCE RESPONSIBILITIES OF THE WATERMAIN FACILITIES, NO OBSTRUCTION SHALL BE PLACED, NOR ALTERATIONS MADE, INCLUDING ALTERATIONS IN THE FINAL TOPOGRAPHICAL GRADING PLAN WHICH IN ANY MANNER DIMINISH WATERMAIN FACILITIES IN, OVER, UNDER, THROUGH OR UPON SAID EASEMENT AREAS. IN THE EVENT SUCH ALTERATIONS OR THE MANIPULATION OF SAID EASEMENT AREAS ARE FOUND TO EXIST, THE VILLAGE SHALL, UPON SEVENTY-TWO (72) HOURS PRIOR NOTICE TO THE PROPERTY OWNER, HAVE THE RIGHT, BUT NOT THE DUTY, TO PERFORM OR HAVE PERFORMED ON ITS BEHALF, THE REMOVAL OF SAID OBSTRUCTION OR ALTERATIONS OR TO PERFORM OTHER REPAIR, ALTERATION OR REPLACEMENT AS MAY REASONABLY BE NECESSARY TO ENSURE THAT THE WATERMAIN FACILITIES AND APPURTENANCES THEREON REMAIN FULLY OPERATIONAL, AND THAT THE EASEMENT OF SAID EASEMENT COMPLIES WITH ALL APPLICABLE VILLAGE CODES. IN THE EVENT OF AN EMERGENCY SITUATION, AS DETERMINED BY THE VILLAGE, THE SEVENTY-TWO (72) HOURS PRIOR NOTICE REQUIREMENT SET FORTH ABOVE SHALL NOT APPLY, AND THE VILLAGE SHALL HAVE THE RIGHT, BUT NOT THE DUTY, TO PROCEED AS STATED ABOVE WITHOUT NOTICE TO THE PROPERTY OWNER. THE COST OF SUCH WORK SHALL, UPON RECORDEMENT OF NOTICE OF LIEN WITH THE RECORDER OF DEEDS OF COOK COUNTY, ILLINOIS, CONSTITUTE A LIEN AGAINST THE PROPERTY OWNER. THE PROPERTY OWNER SHALL BE RESPONSIBLE FOR THE AREA OR LOCATION OF SUCH OBSTRUCTION OR ALTERATION, THE COST RESPONSIBLE FOR THE AREA OR LOCATION OF SUCH OBSTRUCTION OR ALTERATION, THE COST OF THE WORK INCURRED BY THE VILLAGE SHALL INCLUDE ALL EXPENSES AND COSTS ASSOCIATED WITH THE PERFORMANCE OF SUCH WORK, INCLUDING, BUT NOT LIMITED TO, REASONABLE ENGINEERING, CONSULTING AND ATTORNEY'S FEES RELATED TO THE PLANNING AND ACTUAL PERFORMANCE OF THE WORK. THE VILLAGE SHALL NOT BE RESPONSIBLE FOR ANY COSTS INCURRED TO MAINTAIN, REPLACE OR REPAIR THE WATERMAIN OR WATER SERVICES NECESSARY FOR THE DEVELOPMENT FROM THE POINT OF CONNECTION AT THE VILLAGE WATERMAIN WITHIN THE PARAPETRY. THE VILLAGE SHALL INCORPORATE ALL PROPOSED HYDRANTS ASSOCIATED WITH THE DEVELOPMENT INTO ITS HYDRANT FLUSHING PROGRAM.

OWNER'S CERTIFICATE
 STATE OF ILLINOIS) SS
 COUNTY OF COOK) SS
 I, _____, DOES HEREBY CERTIFY THAT IT IS THE OWNER OF THE PROPERTY DESCRIBED AND THAT IT HAS CAUSED THE SAID PROPERTY TO BE SURVEYED FOR THE PURPOSE OF GRANTING A WATER MAIN EASEMENT AS SHOWN HEREON, FOR THE USES AND PURPOSES THEREIN SET FORTH, AND DOES HEREBY ACKNOWLEDGE AND AGREE TO THE SAME UNDER THE STYLE AND TITLE HEREON SHOWN.
 DATED AT _____ ILLINOIS, THIS ____ OF _____ A.D. 20__
 BY: _____ TITLE: _____
 BY: _____ TITLE: _____

NOTARY CERTIFICATE
 STATE OF ILLINOIS) SS
 COUNTY OF COOK) SS
 I, _____ A NOTARY PUBLIC IN AND FOR THE SAID COUNTY IN THE STATE AFORESAID, DO HEREBY CERTIFY THAT _____ AND _____ TO BE THE SAME PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE FOREGOING INSTRUMENT AS _____ AND _____ APPEARED BEFORE ME THIS DAY IN PERSON AND ACKNOWLEDGED THAT THEY SIGNED SAID INSTRUMENT AS THEIR OWN FREE AND VOLUNTARY ACT AND USES AND PURPOSES THEREIN SET FORTH.
 GIVEN UNDER MY HAND AND NOTARIAL SEAL THIS ____ DAY OF _____ A.D. 20__
 MY COMMISSION EXPIRES: _____
 NOTARY PUBLIC

PRESIDENT AND BOARD OF TRUSTEES CERTIFICATE
 STATE OF ILLINOIS) SS
 COUNTY OF COOK) SS
 ACCEPTED AND APPROVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF WHEELING, COOK AND LAKE COUNTIES, ILLINOIS, THIS ____ DAY OF _____ 20__
 BY: _____ PRESIDENT
 ATTEST: _____ VILLAGE CLERK

VILLAGE ENGINEER CERTIFICATE
 STATE OF ILLINOIS) SS
 COUNTY OF COOK) SS
 APPROVED BY THE VILLAGE ENGINEER OF THE VILLAGE OF WHEELING, COOK AND LAKE COUNTIES, ILLINOIS.
 DATED THIS ____ DAY OF _____ 20__
 _____ VILLAGE ENGINEER

STATE OF ILLINOIS) SS
 COUNTY OF LAKE) SS
 I, _____ A NOTARY PUBLIC, ILLINOIS PROFESSIONAL LAND SURVEYOR, HEREBY CERTIFY THAT I HAVE SURVEYED THE PROPERTY AS DESCRIBED ABOVE AND THAT THE PLAT HEREON SHOWN IS A REPRESENTATION OF SAID SURVEY. DIMENSIONS ARE SHOWN IN FEET AND DECIMAL PARTS THEREOF.
 COMPILED AT GRAYLAKE, ILLINOIS THE 23rd DAY OF NOVEMBER, 2019.
 _____ ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 35-32015
 LICENSE EXPIRES NOVEMBER 30, 2023

REVISED: DECEMBER 31, 2019 (REMOVED CERTIFICATES)
 REVISED: DECEMBER 17, 2019 (CERTIFICATES ADDED)
 DATE: NOVEMBER 23, 2019
 ORDER NO. 180149
 PROJ. NO.: 1427
 FOR: WHEELING PARK DISTRICT
 PROJ. NAME: HERITAGE PARK WHEELING
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 International Boundary Line Registration 01/28/2019

TOTAL AREA OF EASEMENT PREMISES = 10,315 SQ.FT.