


RESOLUTION R-2019-91

**A RESOLUTION ACCEPTING A GRANT OF STORM SEWER EASEMENT -
151 SOUTH SUMMIT STREET**

WHEREAS, the owner of the property located at 151 South Summit Street has submitted a proposed grant of storm sewer easement to the City for acceptance (the property is legally described in Exhibit A, attached to this resolution); and the Wheaton City staff has recommended that the easement grant be accepted.

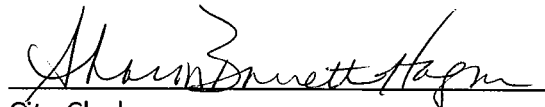
NOW, THEREFORE, BE IT RESOLVED by the Mayor and the City Council of the City of Wheaton, Illinois, that the Grant of Storm Sewer Easement for 151 South Summit Street is hereby approved and accepted, and the Mayor is hereby authorized to sign and the City Clerk is authorized and directed to attest to this resolution and the Grant of Storm Sewer Easement for 151 South Summit Street, incorporated herein as Exhibit B.

ADOPTED this 7th day of October 2019.



Mayor

ATTEST:



City Clerk

Ayes:

Roll Call Vote:

Councilman Rutledge
Councilman Zaruba
Councilman Barbier
Councilwoman Bray-Parker
Councilwoman Fitch
Mayor Suess
Councilwoman Robbins

Nays:

None

Absent:

None

Motion Carried Unanimously

EXHIBIT A

Legal Description:

151 South Summit Street
Wheaton, IL 60187

TRACT A

LOT 12 IN BLOCK 6 IN ARTHUR T. MCINTOSH AND COMPANY'S LORRAINE ROAD SUBDIVISION, BEING A SUBDIVISION IN THE SOUTH ½ OF SECTION 15, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 6, 1925 AS DOCUMENT NO. 202765, AND CERTIFICATE OF CORRECTION FILED OCTOBER 29, 1927 AS DOCUMENT NO. 245767, IN DU PAGE COUNTY, ILLINOIS.

TRACT B

THE WEST 10 FEET OF THE NORTH 35 FEET OF SAID TRACT A.

P.I.N. 05-15-304-011



Center of the basin to the back of the curb measures, 45 feet

Install a 2' x 4' yard basin with a 2502 storm frame & lid.

Center of the basin to the back of the curb measures, 20 feet

25-30 feet of 8" SDR 26 PVC pipe.

Core a 12" hole in the existing storm manhole and install the initial 8" connection.

EXHIBIT 1

SUMMIT STREET

C

(

C

GRANT OF STORM SEWER EASEMENT

151 South Summit Street, Wheaton, IL 60187

This indenture witnesseth:

Whereas, the **City of Wheaton**, an Illinois municipal corporation, hereinafter referred to as "Grantee", has agreed to accept a storm sewer improvement, hereinafter called "Public Improvement", with all necessary appurtenances thereto, through and across lands lying and being in Township 39 North, Range 10 East of the Third Principal Meridian, DuPage County, Illinois, including the hereinafter described lands of the Grantor, and;

Whereas, **Michael J. and Marie L. Szeliga**, 151 South Summit Street, Wheaton, DuPage County, Illinois, hereinafter referred to as "Grantor", is the owner subject to diverse matters of record, of the real estate hereinafter described as "Tract A" and is willing to grant the easement over, upon, along, under, and through with reference to said real estate for the purposes herein specified.

Now therefore, in consideration of (\$10.00) ten dollars and in consideration of the special benefits to be derived by the Grantor through the acceptance and maintenance of said Public Improvement, and other good and valuable consideration, the receipt and sufficiency of all of which considerations are hereby acknowledged by the Grantor, and in further consideration of the mutual covenants and agreements herein contained, the Grantor herein does hereby and in accordance with the terms and provisions hereof grant, give, convey, and warrant to the Grantee, its successors, and assigns, the perpetual easement, privilege, right and authority, but not the obligation, to construct, design, survey, reconstruct, repair, observe said Public Improvement, including any appurtenances as may be deemed necessary by Grantee, over, upon, along and through the tract of land hereinafter particular described as, and under the caption of, "Tract B"; hereby releasing and waiving all rights under and by virtue of the homestead exemption laws of the State of Illinois in and to said Tract B.

Tract A

Lot 12 in Block 6 in Arthur T. McIntosh and Company's Lorraine Road Subdivision, being a subdivision in the South ½ of Section 15, Township 39 North, Range 10, East of the Third Principal Meridian according to the plat thereof recorded November 6, 1925 as Document

No. 202765, and Certificate of Correction filed October 29, 1927 as Document No. 245767,
in DuPage County, Illinois.

Said Tract B is particularly described as follows:

The west 10 feet of the north 35 feet of said Tract A.

All of said lands being situated in the City of Wheaton, DuPage County, Illinois.

It is covenanted and agreed between the Grantor and Grantee as follows:

1. The Grantor shall have and retain all rights to the use and occupation of said real estate, except as herein expressly granted and provided and such use and occupation by the Grantor shall not be unnecessarily interfere with any work deemed necessary by the Grantee.

2. The Grantor covenants and agrees that the Grantor will not in any manner disturb, damage destroy, injure or obstruct said Public Improvement or any part of the appurtenances thereto and will not interfere with the Grantee, its contractors or subcontractors or with the agents or employees, in the exercise of any of the rights, privileges, or authorities hereby given and granted. The Grantor agrees to maintain the subject sidewalk in conformance with all city code provisions.

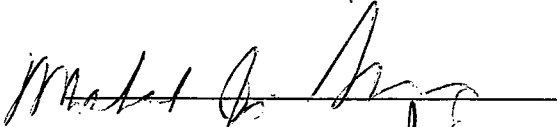
3. The Grantee shall signify its acceptance of this grant and easement by resolution and recording of same in the Office of the DuPage County Recorder.

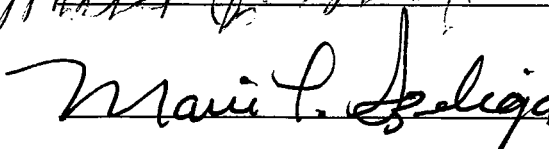
4. This indenture, and the covenants and agreements herein contained shall run with the land and shall be binding upon the grantees, lessees, successors, heirs, devisee and assigns, and any, either or all of the same, of the parties hereto and shall be in full force and effect when accepted by the Grantee in the manner herein provided.

In witness hereof, the Grantor,

Michael J. and Marie L. Szeliga do hereon set their hand and seal this

10 day of September 2019 A.D.

 Grantor

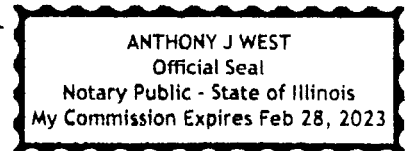
 Grantor

State of Illinois)
ss
County of DuPage)

I, Anthony J. West, a notary public in and for said county, in the state
aforesaid, do hereby certify that Marie Seelinger,
Michael Seelinger personally known to me to be the same
person(s) whose names ✓ subscribed the foregoing instrument, appeared before
me this day in person and acknowledged that ✓ signed, sealed, and delivered
said instrument as ✓ free and voluntary act for the uses and purposes therein
set forth, including the release and waiver of the right of homestead mentioned in said
instrument.

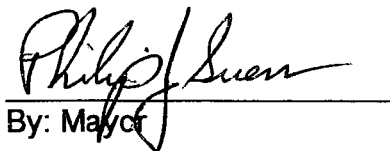
Given under my hand and notarial seal this 10th day of September, 2019 A.D.


Notary public



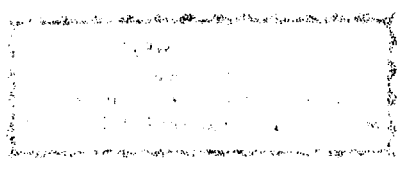
State of Illinois)
ss
County of DuPage)

Approved and accepted by the Mayor and City Council of the City of Wheaton at its
regularly scheduled meeting on the 1st day of October, 2019 A.D.


By: Mayor


Attest: City Clerk

(



(

(