

RESOLUTION R-2024-39

**A RESOLUTION ACCEPTING THE TRANSFER OF CERTAIN PRIVATE WATER MAINS WITHIN THE
BRIARCLIFFE LAKES CONDOMINIUM MANOR HOMES TO THE CITY OF WHEATON**

WHEREAS, the Board of Directors of the Briarcliffe Lakes Condominium Manor Homes Homeowner's Association has submitted a formal request to transfer the ownership and maintenance of certain private water mains within Briarcliffe Lakes Condominium Manor Homes, a planned unit development in the City of Wheaton, to the City of Wheaton; and

WHEREAS, the Board of Directors has met all the requirements of Section 74-70 of the Wheaton City Code in order to effectuate the transfer of ownership and maintenance of those certain private water mains within the planned unit development to the City.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Wheaton, DuPage County, Illinois that the City of Wheaton hereby accepts ownership and maintenance of certain private water mains within the Briarcliffe Lakes Condominium Manor Homes Planned Unit Development as described on the Bill of Sale, Deed of Dedication, and Affidavit and Warranty attached hereto and made a part hereof as Exhibit A.

BE IT FURTHER RESOLVED by the Mayor and City Council of the City of Wheaton, Illinois, that the plat of easement grant for water main to the City of Wheaton, prepared by Bruce Smolinski, an Illinois professional land surveyor, dated August 7th, 2023, is hereby approved, and the Mayor is hereby authorized to sign, and the City Clerk is directed to attest to, the plat of easement grant incorporated herein as Exhibit B.

ADOPTED this 6th day of May, 2024.


Philip J. Seem
Mayor

ATTEST:


Andrea Raudale
City Clerk

Roll Call Vote:

Ayes: Councilwoman Robbins
Councilman Weller
Councilman Barbier
Councilwoman Bray-Parker
Mayor Suess
Councilman Clousing

Nays: None

Absent: Councilman Brown
Motion Carried Unanimously

BILL OF SALE

Briarcliffe Lakes Condominium Manor Homes, of the City of Wheaton, County of DuPage, State of Illinois, for and in consideration of Ten and no/100 (\$10.00) dollars, and other good and valuable consideration in hand paid, receipt whereof is hereby acknowledged, does hereby sell, assign, transfer, deliver and set over to the City of Wheaton, the following described utilities, to-wit:

Existing Water mains and extensions from the Water Mains up to and Including the Master Shut-Off Valve or Curb Stop to Each Building, whichever is nearest to the Water Main, also including Fire Hydrants and Water Main Valves; and

All said utilities depicted on the Briarcliffe Lakes Master Plan Utilities Sheets 6-8 dated 7-11-75 and located within the Plat of Easement Grant prepared by Polena Engineering, and dated August 7, 2023.

Briarcliffe Lakes Condominium Manor Homes does hereby represent and warrant to the City of Wheaton that Briarcliffe Lakes Condominium Manor Homes is the absolute Owner of said property, that said property is free and clear of all liens, charges and encumbrances, and that Briarcliffe Lakes Condominium Manor Homes has full right, power and authority to transfer said utilities to the City of Wheaton and to make this Bill of Sale.

Dated this 12 day of April, 2024.

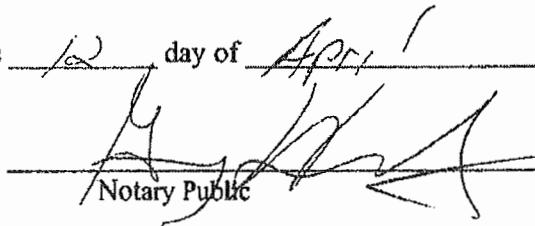
Briarcliffe Lakes Condominium Manor Homes

Mary T Prendiville
President or Authorized Officer

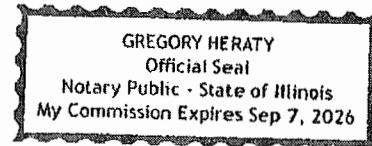
STATE OF ILLINOIS)
) SS.
COUNTY OF DUPAGE)

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY THAT, Mary Pendleton, President or authorized officer of Briarcliffe Lakes Condominium Manor Homes, personally known to me to be the same person(s) whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that he/she signed, sealed and delivered the said instrument as his/her free and voluntary act, for the uses and purposes therein set forth.

GIVEN under my hand and seal, this 12 day of April, 2024.



Notary Public



DEED OF DEDICATION

KNOW ALL MEN BY THESE PRESENTS, that Briarcliffe Lakes Condominium Manor Homes owns certain properties in the City of Wheaton, DuPage County, Illinois known as Briarcliffe Lakes, and does hereby dedicate in fee simple forever, the herein described water system facilities on said properties to the City of Wheaton, Illinois, a municipal corporation.

This dedication includes the following:

Existing Water mains and extensions from the Water Mains up to and Including the Master Shut-Off Valve or Curb Stop to Each Building, whichever is nearest to the Water Main, also including Fire Hydrants and Water Main Valves; and

All said utilities depicted on the Briarcliffe Lakes Master Plan Utilities Sheets 6-8 dated 7-11-75 and located within the Plat of Easement Grant prepared by Polena Engineering, and dated August 7, 2023.

Said facilities are dedicated to the perpetual use of the public and may be maintained, modified, removed, or replaced by the City of Wheaton.

Dated this 12 day of April, 2024.

Briarcliffe Lakes Condominium Manor Homes

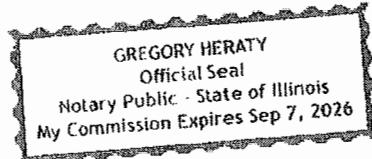
Mary T Prendiville
President of Authorized Officer

STATE OF ILLINOIS)
)
COUNTY OF DUPAGE)

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY THAT, Mary Prendergast, President or authorized officer of Briarcliffe Lakes Condominium Manor Homes, personally known to me to be the same person(s) whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that he/she signed, sealed and delivered the said instrument as his/her free and voluntary act, for the uses and purposes therein set forth.

GIVEN under my hand and seal, this 12 day of April, 2024.

Notary Public



**Briarcliffe Lakes Condominium Manor Homes
In Re: The Transfer of Utilities to the City of Wheaton**

Affidavit and Warranty

I, Mary T Prendiville, state that if called to testify in this matter, I could testify competently and with personal knowledge as follows:

1. I am over the age of 18 years and of sound mind.
2. I am a current member of the Board of Directors ("Board") for the Briarcliffe Lakes Condominium Manor Homes ("Association"), and I currently hold the office of President, of the Board.
3. The statements contained in this affidavit are based upon my personal knowledge, my review of the Association's records and recorded documents, and my review of plats, surveys, and other documents pertaining to the Association and its property.
4. I certify and warrant on behalf of the Association through its Board that the Association owns the water mains that are the subject of this utility transfer transaction ("Water Mains").
5. I certify and warrant on behalf of the Association through its Board that the Association is the only owner of record of the Water Mains.
6. I certify and warrant on behalf of the Association through its Board that there are no liens, judgments, or other encumbrances which adversely affect the title of the Water Mains.
6. I certify and warrant on behalf of the Association through its Board that there are no substantial defects in the utility.

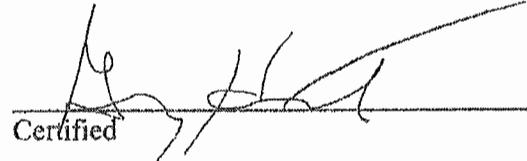
7. I certify and warrant on behalf of the Association through its Board that the Association has the requisite ownership and authority to transfer the Water Mains to the City of Wheaton.

8. The statements made in this Affidavit and Warranty are true, correct, and complete to the best of my knowledge, information, and belief.

AFFIANT FURTHER SAYETH NAUGHT

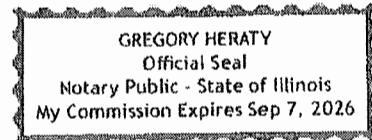
Mary J. Pendiniello
Signed

Under penalties as provided by law pursuant to 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be upon information and belief and as to such matters the undersigned certifies as aforesaid that (s)he verily believes the same to be true.


Certified

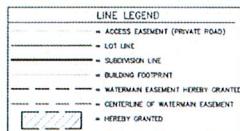
Dated: 1/12/2024

Prepared by:
Keough & Moody, P.C.
114 E. Van Buren Avenue
Naperville, IL 60540
(630) 369-2700



PLAT OF EASEMENT GRANT

FOR WATER MAIN TO THE CITY OF WHEATON
OVER BRIARCLIFFE LAKES UNIT 1, BRIARCLIFFE LAKES UNIT 2 AND BRIARCLIFFE LAKES UNIT 3, OF PART OF THE EAST 1/2 OF THE NORTHWEST
1/4 OF SECTION 27, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS.



PUBLIC WATERMAN EASEMENT PROVISIONS

ALL EASEMENTS INDICATED AS PUBLIC WATERMAN EASEMENTS ON THIS PLAT ARE RESERVED FOR AND GRANTED TO THE CITY OF WHEATON AND THEIR SUCCESSORS AND ASSIGNS (COLLECTIVELY GRANTEE) FOR THE PURPOSES OF MAINTAINING, OPERATING, EXPANDING, REPAIR, RECONSTRUCT, REPAIR, INSPECT, MAINTAIN AND OPERATE THE PUBLIC WATERMAIN, WATER SUPPLY, SEWER, STORM, DRAIN, SEWER, WATER, HYDRAULIC, CONNECTIONS, APPLIANCES AND OTHER STRUCTURES AND APPURTENANCES AS MAY BE DEEMED NECESSARY BY SAID CITY OF WHEATON. THE GRANTEE SHALL BE AUTHORIZED TO USE THE EASEMENT, TOGETHER WITH RIGHT OF ACCESS ACROSS THE PROPERTY FOR THE PURPOSES OF MAINTAINING, OPERATING, EXPANDING, REPAIR, RECONSTRUCT, REPAIR, INSPECT, MAINTAIN AND OPERATE THE PUBLIC WATERMAIN, THE GRANTEE OR GRANTEES PERFORMING OR CAUSING TO BE PERFORMED ALL WORK NECESSARY TO MAINTAIN AND OPERATE THE EASEMENT THAT INTERFERE WITH THE OPERATION OF THE PUBLIC WATERMAIN. THE GRANTEE OR GRANTEES PERFORMING OR CAUSING TO BE PERFORMED ALL WORK NECESSARY TO MAINTAIN AND OPERATE THE EASEMENT SHALL BE BACKFILL ALL AREAS WITH APPROVED MATERIALS, THEIR EXPENSE TO BACKFILL ALL AREAS WITH APPROVED MATERIALS, AND GUTTER, SIDEWALKS OR LANDSCAPING DISTURBED DURING SAID WORK. THE GRANTEE SHALL BE RESPONSIBLE FOR THE FULLY COMPENSATING THE OWNER OF THE EASEMENT PREMISES FOR ANY EASEMENT BUILDINGS SHALL BE PLACED ON SAID EASEMENTS, BUT SAME MAY BE USED FOR THE PURPOSES OF MAINTAINING, OPERATING, EXPANDING, REPAIR, RECONSTRUCT, REPAIR, INSPECT, MAINTAIN AND OPERATE THE EASEMENT, USES OR PURPOSES THAT DO NOT THEN OR LATER INTERFERE WITH THE EASEMENT USES OR PURPOSES. THE EASEMENT SHALL NOT BE CHANGED WITHIN THE EASEMENT PREMISES WITHOUT THE WRITTEN APPROVAL OF THE CITY OF WHEATON.

OWNER'S CERTIFICATE

STATE OF ILLINOIS
COUNTY OF DUPAGE) SS.

THIS IS TO CERTIFY THAT THE UNDERSIGNED DENIES THE LEGAL OWNERSHIP OF THE LAND DESCRIBED IN THE ATTACHED PLAT AND THAT THE SAME IS TO BE SURVEYED AND PLATED FOR EASEMENT GRANTED AS INDICATED HEREON FOR THE USES AND PURPOSES THEREIN SET FORTH.

DATED THIS DATE OF 20

OWNER/OWNERS

NOTARY PUBLIC

STATE OF ILLINOIS
COUNTY OF DUPAGE) SS

I HEREBY CERTIFY THAT THE PERSON(S) WHOSE NAME(S) IS(ARE) SUBSCRIBED TO THE FOREGOING CERTIFICATE IS(ARE) BE KNOWN TO ME AS SUCH OWNER(S).

GIVEN UNDER MY HAND AND NOTARIAL SEAL THIS 17 DAY OF 20

NOTARY PUBLIC

MY COMMISSION EXPIRES: _____



OWNER'S CERTIFICATE

STATE OF ILLINOIS
COUNTY OF DUPAGE) SS.

THIS IS TO CERTIFY THAT THE UNDERSIGNED DENIES THE LEGAL OWNERSHIP OF THE LAND DESCRIBED IN THE ATTACHED PLAT AND THAT THE SAME IS TO BE SURVEYED AND PLATED FOR EASEMENT GRANTED AS INDICATED HEREON FOR THE USES AND PURPOSES THEREIN SET FORTH.

DATED THIS DATE OF 20

OWNER/OWNERS

NOTARY PUBLIC

STATE OF ILLINOIS
COUNTY OF DUPAGE) SS

I HEREBY CERTIFY THAT THE PERSON(S) WHOSE NAME(S) IS(ARE) SUBSCRIBED TO THE FOREGOING CERTIFICATE IS(ARE) BE KNOWN TO ME AS SUCH OWNER(S).

GIVEN UNDER MY HAND AND NOTARIAL SEAL THIS DAY OF 20

NOTARY PUBLIC

MY COMMISSION EXPIRES: _____

OWNER'S CERTIFICATE

STATE OF ILLINOIS
COUNTY OF DUPAGE) SS

THIS IS TO CERTIFY THAT THE UNDERSIGNED DENIES THE LEGAL OWNERSHIP OF THE LAND DESCRIBED IN THE ATTACHED PLAT AND THAT THE SAME IS TO BE SURVEYED AND PLATED FOR EASEMENT GRANTED AS INDICATED HEREON FOR THE USES AND PURPOSES THEREIN SET FORTH.

DATED THIS DATE OF 20

OWNER/OWNERS

NOTARY PUBLIC

STATE OF ILLINOIS
COUNTY OF DUPAGE) SS

I HEREBY CERTIFY THAT THE PERSON(S) WHOSE NAME(S) IS(ARE) SUBSCRIBED TO THE FOREGOING CERTIFICATE IS(ARE) BE KNOWN TO ME AS SUCH OWNER(S).

GIVEN UNDER MY HAND AND NOTARIAL SEAL THIS DAY OF 20

NOTARY PUBLIC

MY COMMISSION EXPIRES: _____

SURVEYOR'S CERTIFICATE

STATE OF ILLINOIS
COUNTY OF DUPAGE) SS

I HEREBY CERTIFY THAT A PLAT OF EASEMENT HAS BEEN MADE UNDER MY DIRECT SUPERVISION FROM EXISTING RECORDS, MAPS, PLATS AND FIELD MEASUREMENTS, FOR THE PROPERTY SHOWN AND DESCRIBED ON THE ATTACHED PLAT, WHICH TO THE BEST OF MY KNOWLEDGE AND BELIEF, IS A CORRECT REPRESENTATION THEREOF. DIMENSIONS ARE SHOWN IN FEET AND DECIMAL PARTS THEREOF.

GIVEN UNDER MY HAND AND SEAL THIS 7TH DAY OF AUGUST, A.D. 2023.

ILLINOIS LAND SURVEYOR NO. 3251 LICENSE EXPIRES: NOV. 30, 2024

REVISED FOR CITY REVIEW DATE 06/25/23

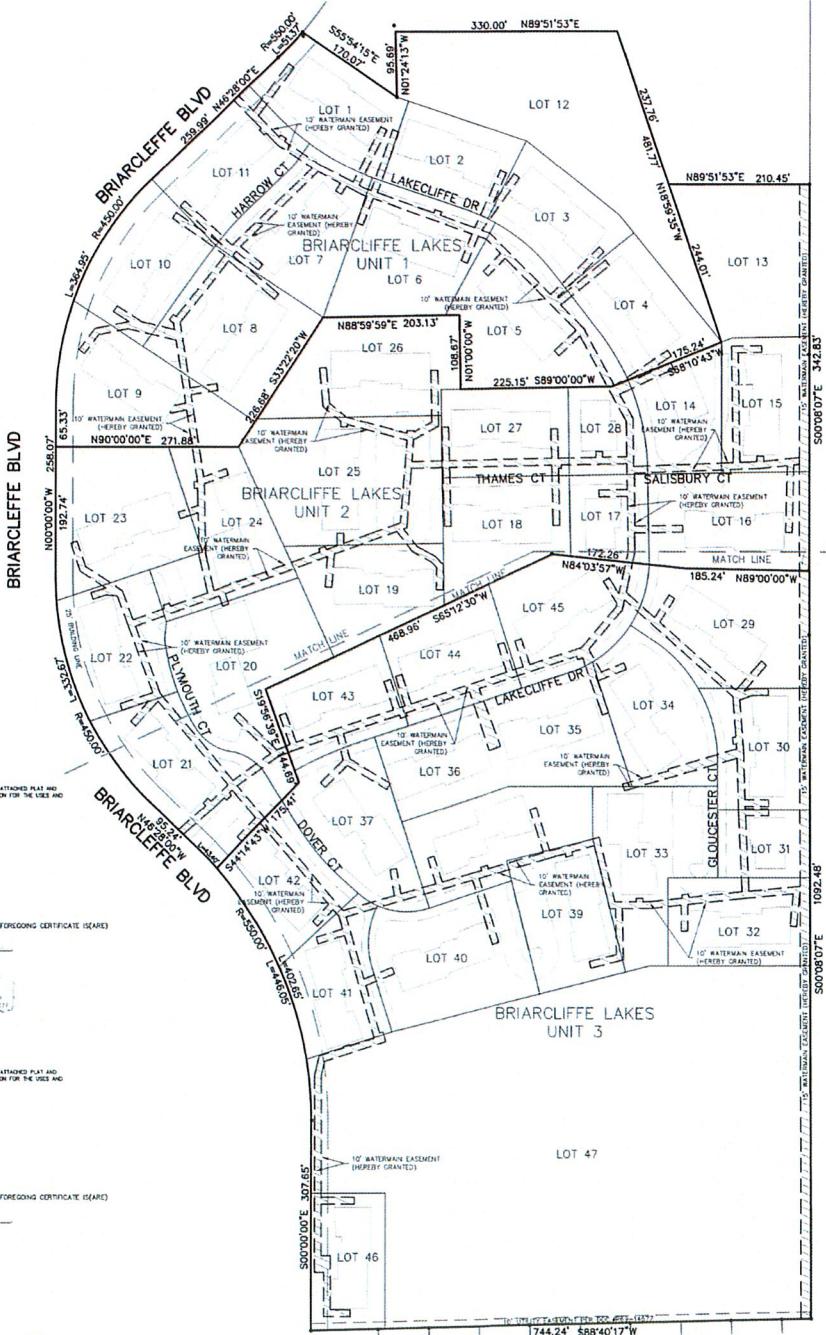
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Scale 1" = 80

SUBMITTED BY AND RETURN TO:
CITY OF WHEATON, ILLINOIS
303 W. WESLEY ST.
WHEATON, IL 60187

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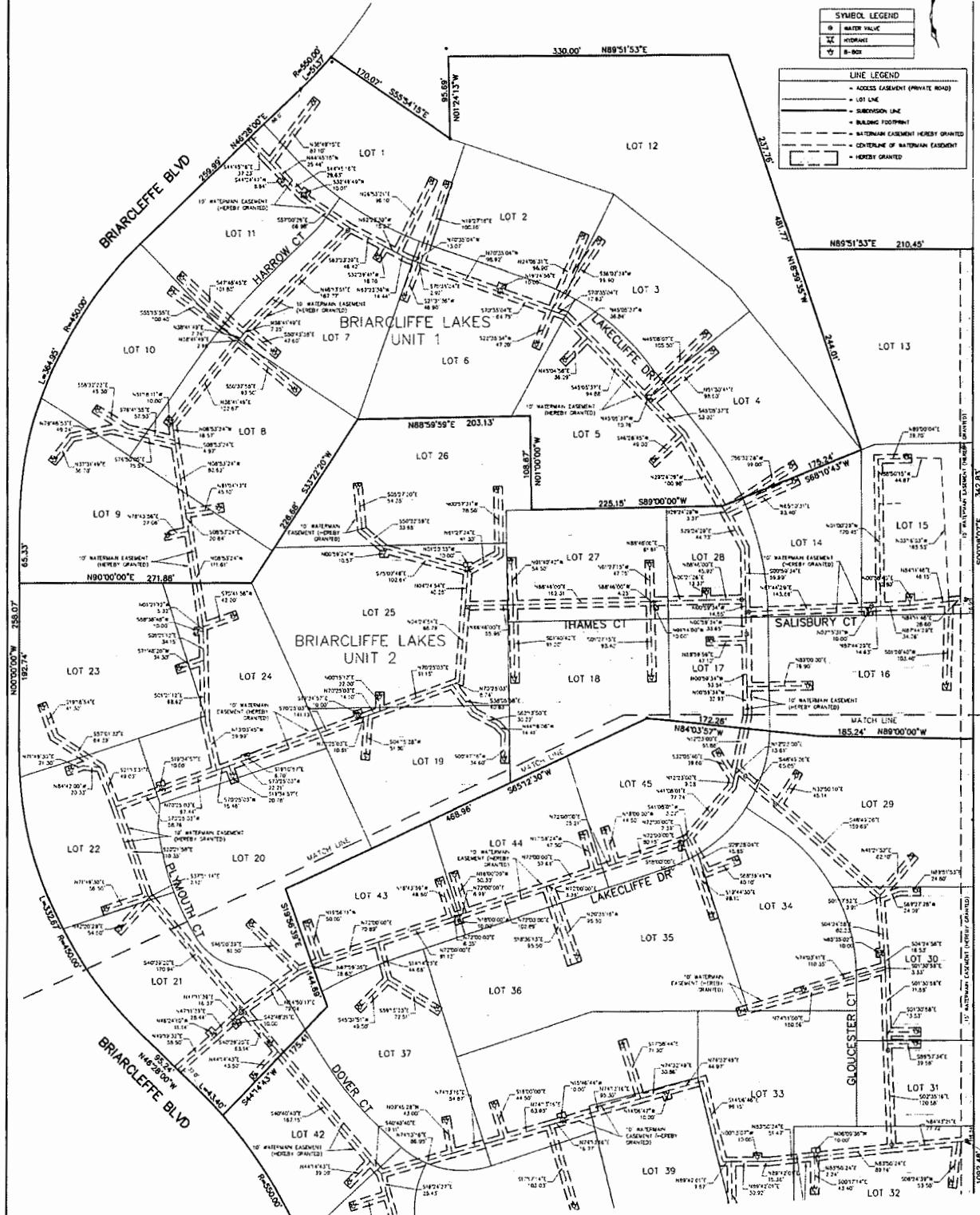
EXHIBIT B



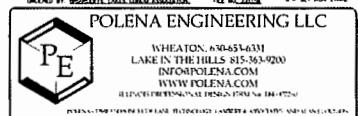
PLAT OF EASEMENT GRANT

FOR WATER MAIN TO THE CITY OF WHEATON

FOR WATER MAIN TO THE CITY OF WHEATON



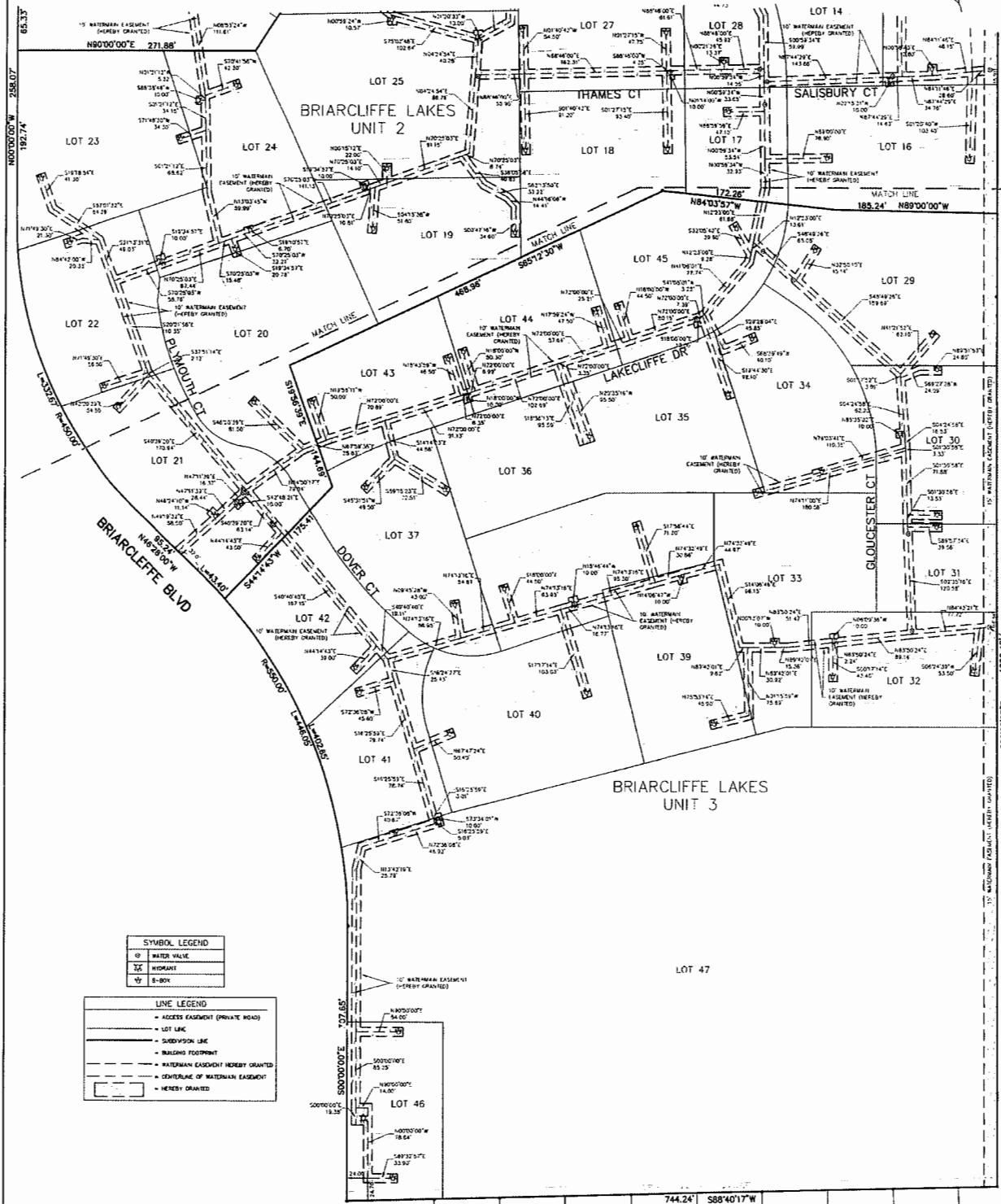
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PLAT OF EASEMENT GRANT

FOR WATER MAIN TO THE CITY OF WHEATON

OVER BRIARCLIFFE LAKES UNIT 1, BRIARCLIFFE LAKES UNIT 2 AND BRIARCLIFFE LAKES UNIT 3, OR PART OF THE EAST 1/2 OF THE NORTHWEST 1/4 OF SECTION 27, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN ELGIN COUNTY, ONTARIO.



Scale 1" = 50'

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