



RESOLUTION NO. 10-019

A Resolution Authorizing the Acceptance of an easement by the Village of Montgomery, Kane and Kendall Counties, Illinois (Fox River Foods)

WHEREAS, the Village of Montgomery desires to expand and grow in an orderly and planned fashion and to provide certain municipal services to landowners in certain constructed areas undergoing change; and

WHEREAS, certain physical dedications of land are necessary for the provision of the aforesaid municipal services to the occupants of areas; and

WHEREAS, the Village recognizes that it is within the best interests of the Village and the residents and occupants thereof to take possession of the aforesaid dedicated lands and to utilize and maintain them for the benefit of the Village; and

WHEREAS, the dedication of an easement which the Village seeks to accept has been examined by the Village and its staff and have been determined to be acceptable for the stated purposes and in substantial compliance with all applicable laws, regulations and ordinances;

NOW, THEREFORE, BE IT RESOLVED by the Village President and the Board of Trustees of the Village of Montgomery as follows:

1. Acceptance of Easement: Pursuant to a dedication of an easement on the attached Exhibit A (Easement), the Village hereby formally accepts the dedication of land as more specifically identified on the Easement for said property, subject to the terms of the following paragraph.
2. Authorization to Complete Acceptance: The Village President and Clerk are hereby authorized to execute any documents in order to affect the acceptance of the Easement, and are further authorized to order such further inspection or review of the land they deem necessary.

This resolution shall be in full force and effect from and after its passage, approval as provided by law.

PASSED AND APPROVED by the President and Board of Trustees of the Village of Montgomery, Kane and Kendall Counties, Illinois, this 23rd day of August, 2010.

Marilyn Micheline
President of the Board of Trustees of the
Village of Montgomery, Kane and Kendall
Counties, Illinois

AYES: 5

NAYS: 0

ABSENT: 1

ATTEST: Barbara Spary
Clerk, Village of Montgomery



201000014941

Grant Of Easement

DEBBIE
GILLETTE
KENDALL COUNTY, IL

RECORDED: 8/27/2010 9:06 AM
EASE: 50.00 RHSP'S FEE: 10.00
PAGES: 5

State of Illinois }
County of Kendall } S.S.

This is to certify that FRF Leasing, an Illinois General Partnership ("Grantors"), in consideration of 10 dollars in hand paid and other good and valuable considerations, the receipt and sufficiency of which is hereby acknowledged, does hereby grant easement rights as declared in exhibit "A" as attached hereto and made a part hereof, said easement rights affecting that portion of those lands owned by Grantors described in said exhibit "A" as depicted in exhibit "B" also attached hereto and made a part hereof.

It is further certified that the undersigned has the requisite authority to act on behalf of FRF Leasing in the execution of this document.

IN WITNESS WHEREOF, the the undersigned has set their hand this 2nd day of June, A. D., 2010.

FOR: FRF LEASING

By: [Signature]
(Title) GENERAL PARTNER

State of Illinois }
County of Kendall } S.S.

I, Vanessa Smith, a Notary Public in and for the County and State Aforesaid, do hereby certify that Frank Karabetsos, as General Partner of FRF Leasing, in Illinois General Partnership, personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that they signed and delivered said instrument pursuant to authority given and as their own free and voluntary act and as the free and voluntary act of FRF Leasing for the uses and purposes therein set forth.

Given under my hand and notarial seal this 2nd day of June, A.D., 2010.

[Signature]
Notary Public
My Commission Expires: 3/15/14



prepared by:
Craig R. Knoche & Associates P.C.
24 N. Bennett Street
Geneva, Illinois 60134
630-845-1270

Grant	My Commission Expires 3/15/2014 Notary Public, State of Illinois Registered for:	 Craig R. Knoche & Associates Civil Engineers, P.C. Registered Design Firm 3703 24 North Bennett Street • Geneva, Illinois 60134 • phone (630) 845-1270 • fax (630) 845-1275	date: 7-12-09 file: 9-001EEEX2 job: 9-001	G
-------	--	--	---	---

State of Illinois }
County of Cook } S.S.

This is to certify that J. P. Morgan Chase Bank, N.A. is the holder of a mortgage interest in the lands affected by the annexed Grant and does, by its duly elected officers hereby grant its consent as mortgagee to the execution of said Grant

IN WITNESS WHEREOF, the the undersigned has set their hands this 11TH day of AUGUST, A. D., 2010.

FOR: J.P. Morgan Chase Bank, N.A.

By: [Signature]
(Title) FRANK F. EICHSTAEDT, SENIOR VICE PRESIDENT

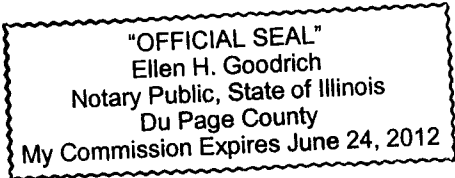
Attest: [Signature]
(Title) RICHARD A. ECK, DIVISION MANAGER

State of Illinois }
County of Cook } S.S.

I, ELLEN H. GOODRICH, a Notary Public in and for the County and State Aforesaid, do hereby certify that FRANK F. EICHSTAEDT and RICHARD A. ECK as SENIOR VICE PRESIDENT and DIVISION MANAGER of J.P. Morgan Chase Bank, N.A., who are 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 and delivered said instrument pursuant to authority given and as their own free and voluntary acts and as the free and voluntary act of J.P. Morgan Chase Bank, N.A. for the uses and purposes therein set forth.

Given under my hand and notarial seal this 11TH day of AUGUST, A.D., 2010.

[Signature]
Notary Public
My Commission Expires:



State of Illinois }
County of Kane } S.S.
County of Kendall }

Approved and accepted by the President and Board of Trustees of the Village of Montgomery this 2nd day of August, A. D., 2010.

By: Marilyn Michelle
President

Attest: Barbara A. Arny
Village Clerk



**Easement
Grant**

Prepared for:
Fox River Foods



Craig R. Knoche & Associates
Civil Engineers, P.C.

• Civil Engineers
• Surveyors
• Land Planners

Registered Design Firm 3783
24 North Bennett Street • Geneva, Illinois 60134 • phone (830) 849-1270 • fax (830) 849-1275

date: 9-12-09
file: 9-001BHX2
job: 9-001

G2

Exhibit "A"

Stormwater Management Easement Agreement

Perpetual Public Stormwater and Drainage Easements are hereby granted to the Village of Montgomery, its' agents, successors and assigns over, on, across and under all of the areas designated "Stormwater Management Easement" in Exhibit "A" as attached hereto, granting the right, privilege and authority for the following purposes:

- A. Surveying, constructing, reconstructing, repairing, inspecting, maintaining and operating all stormwater management facilities, structures and grades on the detention/retention site.
- B. The right of access to perform the work specified in paragraph A together with the right of access for necessary persons and equipment to do any of the required work.
- C. Trimming or removing trees, shrubs or other plants in the easement that interfere with the operations of the stormwater functions.
- D. No permanent buildings, structures or utility facilities shall be constructed on the easement, but said easement may be used for other purposes that do not now or later conflict with the aforesaid uses or rights or in any way affect or impede the storage of free flow of stormwater on and over the parcel.

The provisions hereof regarding stormwater management shall not be amended, modified or abrogated without the prior written approval of the Village.

Description of Grantors' lands (Doc. 200900014308)

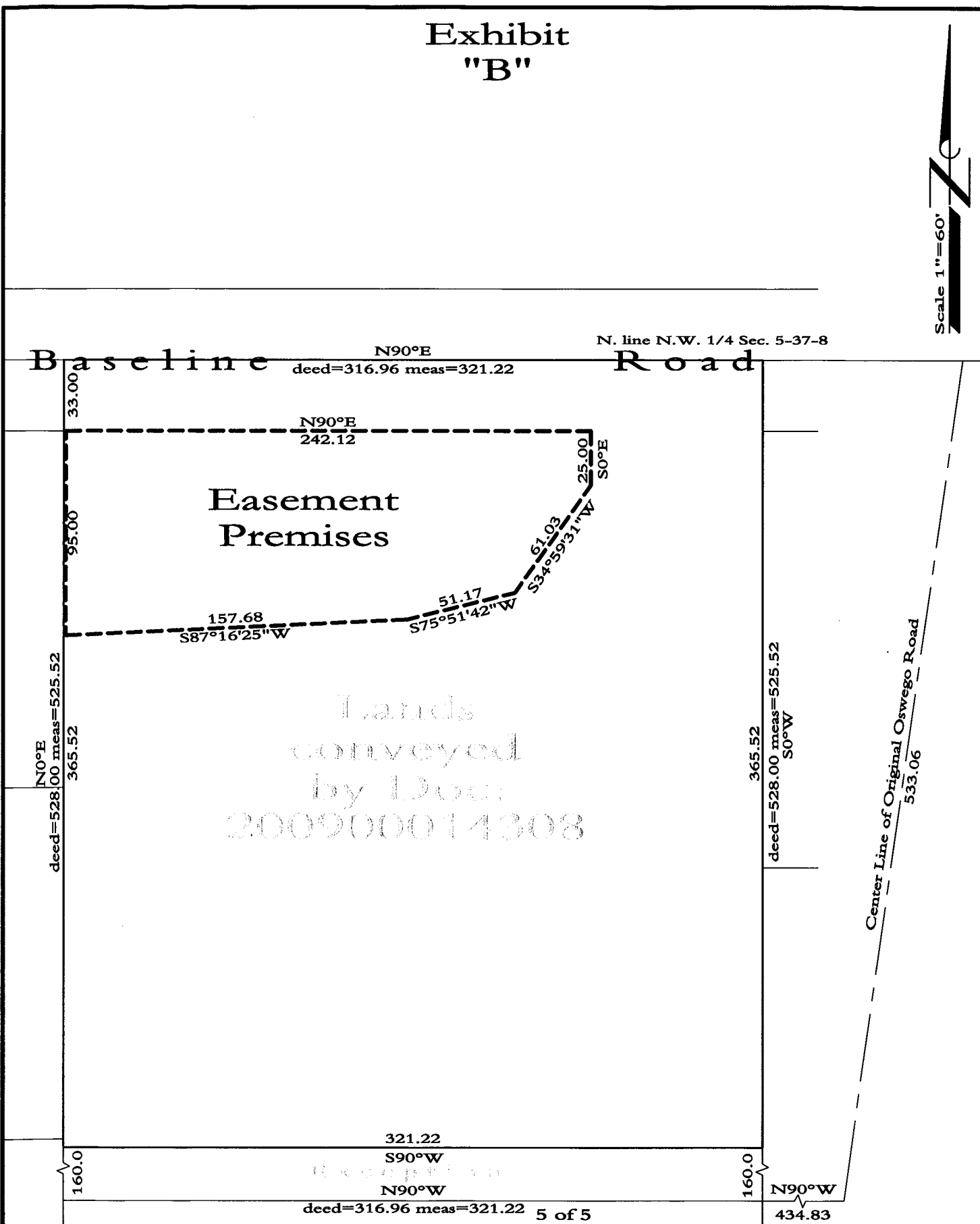
That part of the northwest quarter of Section 5, Township 37 north, Range 8 east of the Third Principal Meridian described as follows: commencing at the point of intersection of the north line of said northwest quarter with the center line of the original Oswego Road; thence southerly along the center line of said original Oswego Road, 533.06 feet; thence west parallel with the north line of said northwest quarter, 434.83 feet for a point of beginning; thence west parallel with the north line of said northwest quarter, 316.96 feet; thence north along a line drawn at right angles to the north line of said northwest quarter, 528.00 feet to the north line of said northwest quarter; thence east along said north line, 319.96 feet; thence south 528.00 feet to the point of beginning (except the southerly 160.00 feet conveyed to FRF Leasing, and Illinois Partnership by warranty deed recorded August 13, 1997 as Document 9707899) in the Village of Montgomery, Kendall County, Illinois.

4 of 5

Easement Agreement	Prepared for: Fox River Foods	 Craig R. Knoche & Associates Civil Engineers, P.C. Registered Design Firm 5703 24 North Bennett Street • Geneva, Illinois 60134 • phone (630) 849-1270 • fax (630) 849-1275	date: 7-12-09 file: 9-001EEX2 job: 9-001	A
-------------------------------	----------------------------------	---	--	----------

Exhibit "B"

Scale 1"=60'



**Easement
Premises**

Prepared for:
Fox River Foods



Craig R. Knoche & Associates
Civil Engineers, P.C.

- Civil Engineers
- Surveyors
- Land Planners

date: 9-12-09

file: 9-001REX2

job: 9-001

B

Registered Design Firm 3769
24 North Bennett Street • Geneva, Illinois 60134 • phone (630) 845-1270 • fax (630) 845-1275