



## RESOLUTION NO. 10-014

### **A Resolution Authorizing the Acceptance of an Easement by the Village of Montgomery, Kane and Kendall Counties, Illinois (McDonalds)**

**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 28<sup>th</sup> day of June, 2010.

Marilyn Mulvihill

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

AYES: 4

NAYS: 0

ABSENT: 2

ATTEST: Barbara M. Arze

Clerk, Village of Montgomery



FF 20-308

201000012048

DEBBIE GILLETTE  
KENDALL COUNTY, IL  
RECORDED: 7/13/2010 10:04 AM  
PLAT: 87.00 RHSPS FEE: 10.00  
PAGES: 1

# PLAT OF EASEMENT OVER

PART OF THE NORTHEAST 1/4 OF SECTION 4, TOWNSHIP 37 NORTH, RANGE 8, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE TOWNSHIP OF OSWEGO, KENDALL COUNTY, ILLINOIS.

PIN 03-04-276-022  
PIN 03-04-276-003

GRAPHIC SCALE



( IN FEET )  
1 inch = 20 ft.

## LEGAL DESCRIPTION OF UTILITY EASEMENT

THAT PART OF THE NORTHEAST 1/4 OF SECTION 4, TOWNSHIP 37 NORTH, RANGE 8, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF SOUTHERLY RIGHT OF WAY LINE OF U.S. ROUTE 30 BY-PASS WITH THE WESTERLY RIGHT OF WAY LINE OF THAT PART OF DOUGLAS ROAD LYING SOUTHERLY OF SAID SOUTHERLY RIGHT OF WAY LINE EXTENDED EASTERLY; THENCE SOUTH 00 DEGREES 38 MINUTES 57 SECONDS EAST ALONG SAID WESTERLY RIGHT OF WAY, 200.01 FEET TO THE NORTHERLY LINE OF NORTH MERCHANTS DRIVE, PER DOCUMENT NUMBER 85004534; THENCE SOUTH 88 DEGREES 48 MINUTES 40 SECONDS WEST ALONG SAID NORTHERLY LINE, 210.37 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 88 DEGREES 48 MINUTES 40 SECONDS WEST ALONG SAID NORTHERLY LINE, 15.00 FEET; THENCE NORTH 01 DEGREE 11 MINUTES 20 SECONDS WEST AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE, 15.00 FEET; THENCE NORTH 88 DEGREES 48 MINUTES 40 SECONDS EAST AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE, 15.00 FEET; THENCE SOUTH 01 DEGREE 11 MINUTES 20 SECONDS EAST AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE, 15.00 FEET TO THE POINT OF BEGINNING; IN KENDALL COUNTY, ILLINOIS.

## OWNER CERTIFICATE

STATE OF ILLINOIS )  
COUNTY OF DuPage )  
THIS IS TO CERTIFY THAT Franchise Realty Investment Trust II, a IS THE OWNER OF THE PROPERTY DESCRIBED HEREON AND BY THE DULY ELECTED OFFICERS HAS CAUSED THE SAME TO BE PLATTED AS SHOWN BY HEREON, AND HEREBY GRANTS TO THE VILLAGE OF MONTGOMERY, ILLINOIS, THEIR RESPECTIVE LICENSEES, SUCCESSORS AND ASSIGNS, JOINTLY AND SEVERALLY, AN EASEMENT TO CONSTRUCT, OPERATE, MAINTAIN, RENEW, RELOCATE AND REMOVE, FROM TIME TO TIME, A WATER MAIN, VALVES AND VALVE VAULTS, AND OTHER FACILITIES USED IN CONNECTION WITH SAID WATER MAIN, TOGETHER WITH THE RIGHT OF ACCESS TO THE SAME AND THE RIGHT FROM TIME TO TIME TO TRIM OR REMOVE TREES, BUSHES AND SHRUBS AND TO CLEAR OBSTRUCTIONS FROM THE SURFACE AND SUBSURFACE AS MAY BE REASONABLY REQUIRED INCIDENT TO THE GRANT HEREIN GIVEN IN, UNDER, ACROSS ALONG AND UPON THE SURFACE OF PROPERTY DESCRIBED ABOVE, FOLLOWING ANY WORK TO BE PERFORMED BY THE VILLAGE IN THE EXERCISE OF ITS EASEMENT RIGHTS GRANTED HEREIN, THE VILLAGE SHALL HAVE NO OBLIGATION WITH RESPECT TO SURFACE RESTORATION, INCLUDING BUT NOT LIMITED TO, THE LAWN OR SHRUBBERY, PROVIDED, HOWEVER, THAT THE VILLAGE SHALL BE OBLIGATED FOLLOWING MAINTENANCE WORK TO BACKFILL AND MOUND ANY TRENCH CREATED SO AS TO RETAIN SUITABLE DRAINAGE, TO COLD PATCH ANY ASPHALT OR CONCRETE SURFACE, TO REMOVE ALL EXCESS DEBRIS AND SPOIL AND TO LEAVE THE MAINTENANCE AREA IN A GENERALLY CLEAN AND WORKMANLIKE CONDITION. SAID DULY ELECTED OFFICERS HEREBY ACKNOWLEDGE AND ADOPT THE SAME UNDER THE STYLE AND TITLE AFORESAID FOR THE USES AND PURPOSES THEREON SET FORTH.

DATED AT IL, ILLINOIS, THIS 11th DAY OF MAY, 2010  
BY: Catherine B. Coriffo ATTEST: Robert L. Switzer  
TITLE: Vice President & Secretary TITLE: Vice President & Asst. Secretary

## NOTARY CERTIFICATE

STATE OF ILLINOIS )  
COUNTY OF DuPage )  
I, Patricia Heusler, A NOTARY PUBLIC IN THE COUNTY AND STATE AFORESAID, DO HEREBY CERTIFY THAT  
Catherine B. Coriffo, Vice President & Secretary  
(TITLE) AND Robert L. Switzer, Vice President & Asst. Secretary  
(TITLE) OF Franchise Realty Investment Trust II (COMPANY), WHO ARE PERSONALLY KNOWN TO ME TO BE THE SAME PERSONS WHO ARE SUBSCRIBED TO THE FOREGOING CERTIFICATE OF OWNERSHIP, APPEARED BEFORE ME THIS DAY IN PERSON AND ACKNOWLEDGED THE EXECUTION OF THIS INSTRUMENT IN THEIR CAPACITY FOR THE USES AND PURPOSES THEREIN SET FORTH AS THE FREE AND VOLUNTARY ACT AND DEED OF SAID CORPORATION.  
GIVEN UNDER MY HAND AND NOTARIAL SEAL THIS 11th DAY OF MAY, A.D., 2010  
BY: Patricia Heusler  
NOTARY PUBLIC

## VILLAGE BOARD CERTIFICATE

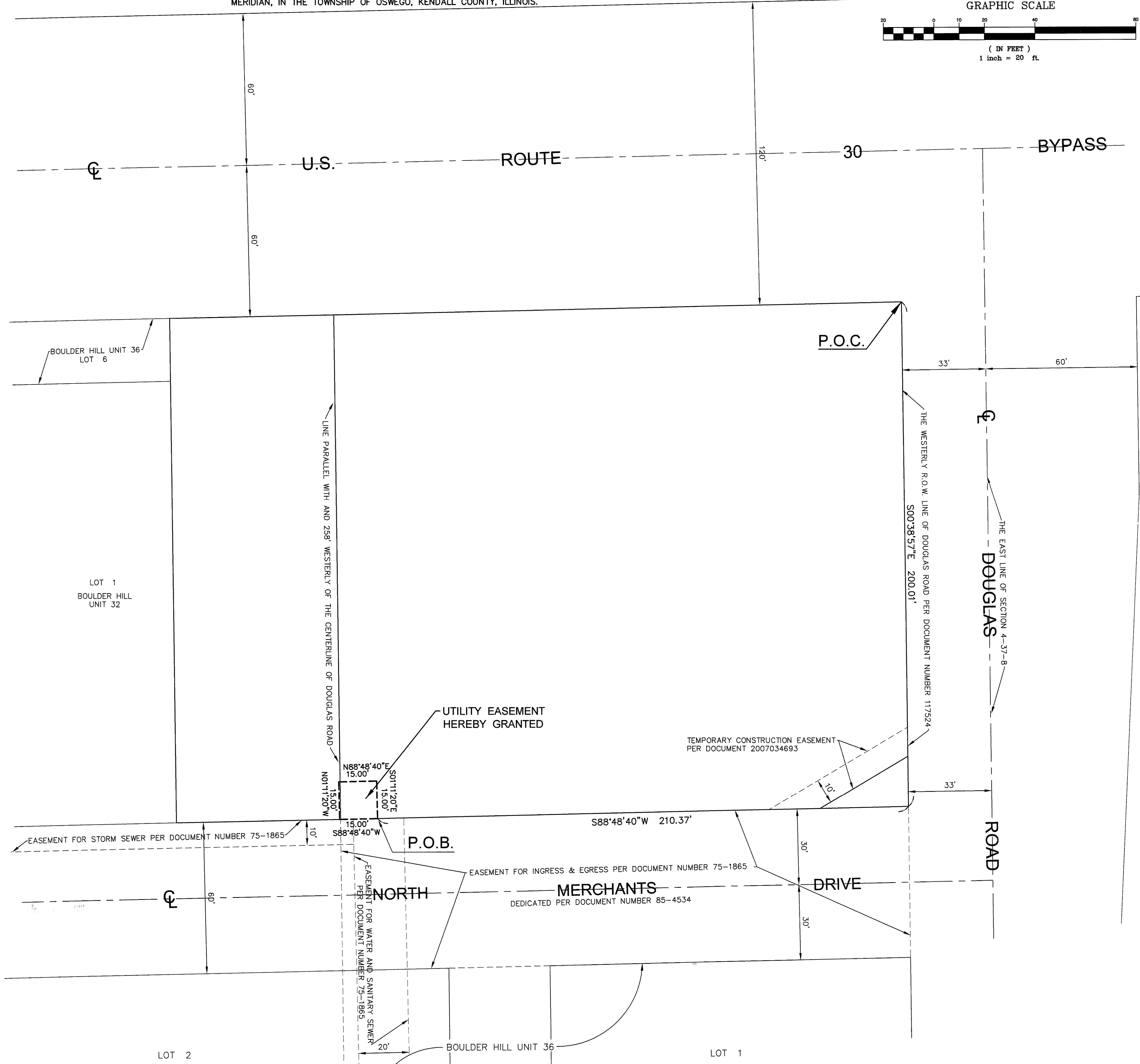
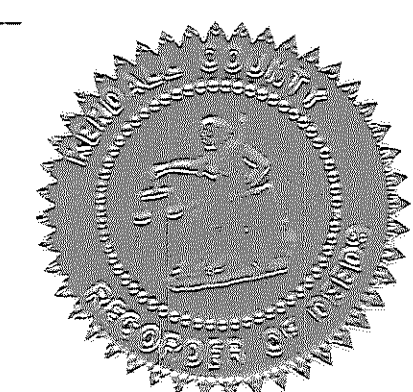
STATE OF ILLINOIS )  
COUNTY OF KANE )  
I, BARBARA ARCO, VILLAGE CLERK OF THE VILLAGE OF MONTGOMERY, ILLINOIS, HEREBY CERTIFY THAT THE ANNEXED PLAT WAS PRESENTED TO AND BY RESOLUTION DULY APPROVED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF MONTGOMERY AT ITS MEETING HELD ON THE 26th DAY OF June, 2010, AND THAT THE REQUIRED BOND OR OTHER GUARANTEE HAS BEEN POSTED FOR THE COMPLETION OF THE IMPROVEMENTS REQUIRED BY THE REGULATIONS OF THE VILLAGE.  
IN WITNESS WHEREOF, I HAVE HERETO SET MY HAND AND SEAL OF THE VILLAGE OF MONTGOMERY, ILLINOIS, THIS 12th DAY OF July, 2010  
Barbara Arco  
VILLAGE CLERK  
Marilee Michelini  
VILLAGE PRESIDENT

## RECORDER CERTIFICATE

STATE OF ILLINOIS )  
COUNTY KENDALL )  
THIS INSTRUMENT NO. 201000012048 WAS FILED FOR RECORD IN THE RECORDER'S OFFICE OF KENDALL COUNTY, ILLINOIS ON THE 13th DAY OF July, 2010, AT 10:04 O'CLOCK A.M., AND RECORDED IN Kendall County  
Debbie Gillette  
(COUNTY RECORDER)  
Syrene White, Deputy

## SURVEYOR'S STATEMENT

STATE OF ILLINOIS )  
COUNTY OF KANE )  
THE ABOVE PLAN WAS PREPARED UNDER MY DIRECT SUPERVISION FROM EXISTING RECORDS, MAPS AND PLATS FOR THE PURPOSE STATED HEREON.  
COMPASS SURVEYING LTD  
PROFESSIONAL DESIGN FIRM  
LAND SURVEYING CORPORATION NO. 184-002778  
LICENSE EXPIRES 4/30/2011  
BY: Scott C. Krebs DATE: 4/29/10  
ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 3599  
LICENSE EXPIRES: 11/30/2010



PROJECT: **MC DONALDS LC#12-0264**  
CLIENT: **MC DONALDS USA, LLC-GREATER CHICAGO REGION**  
DATE: 3-10-10  
DRAWN BY: ITS  
CHECKED BY: SK  
PC  
BOOK  
PG  
NO. 1  
DATE 3-29-10  
BY URA  
PER VILLAGE COMMENTS 4-1-10 URA  
PER CLIENT REQUEST 4-29-10 MRA

SCALE: 1" = 20'  
1 OF 1  
PROJ. NO.: 9382.02B