

**CITY OF LeROY
COUNTY OF McLEAN
STATE OF ILLINOIS**

ORDINANCE NO. 472

**ORDINANCE APPROVING
GRANT OF SEWER LINE EASEMENT
REGARDING GOLDEN EAGLE ESTATES SUBDIVISION - LIFT STATION**

ADOPTED BY THE CITY COUNCIL OF THE CITY OF LEROY THIS 7th DAY OF December, 1992.

PRESENTED: December 7, 1992

PASSED: December 7, 1992

APPROVED: December 7, 1992

RECORDED: December 7, 1992

PUBLISHED: December 7, 1992

In Pamphlet Form

Voting "Aye" 6

Voting "Nay" 0

The undersigned being the duly qualified and acting City Clerk of the City of LeRoy does hereby certify that this document constitutes the publication in pamphlet form, in connection with and pursuant to Section 1-2-4 of the Illinois Municipal Code, of the above-captioned ordinance and that such ordinance was presented, passed, approved, recorded and published as above stated.

(SEAL)

Juanita Hagley
City Clerk of the City of LeRoy,
McLean County, Illinois

Dated: December 7, 1992.

ORDINANCE NO. 472

**ORDINANCE APPROVING
GRANT OF SEWER LINE EASEMENT
REGARDING GOLDEN EAGLE ESTATES SUBDIVISION - LIFT STATION**

WHEREAS, the Mayor and City Council of the City of LeRoy, McLean County, Illinois, an Illinois municipal corporation, have determined that it is necessary for the City to obtain property in Golden Eagle Estates Subdivision on which to locate a sewer lift station and an easement to connect said station to one or more sewer lines in the said subdivision and a temporary working easement to permit construction of the aforesaid sewer line and lift station, and

WHEREAS, property has been made available on which said lift station and easement may be located,

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of LeRoy, McLean County, Illinois, in lawful meeting assembled, as follows:

SECTION 1. The contract attached hereto, identified as Exhibit "A" (identified as a "GRANT OF EASEMENT"), and incorporated herein by reference, is hereby approved.

SECTION 2. The Mayor and City Clerk of the City of LeRoy are hereby directed to execute said contract, in the original and as many copies as may reasonably be required, retaining a signed copy of the contract for the City; and the City Clerk is hereby directed to record the original of the easement document a copy of which is set forth in Exhibit A attached hereto.

SECTION 3. This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as required by law.

PASSED by the City Council of the City of LeRoy, Illinois, upon the motion by

William Swindle, seconded by Gary Builta, by roll call vote on the 7th day of December, **1992**, as follows:

Aldermen elected 6

Aldermen present 6

VOTING AYE:

William Swindle, Gary Builta, Randy Zimmerman, Robert D. Johnson
(full names) David Spratt, Jerry Davis

VOTING NAY:

None
(full names)

ABSENT, ABSTAIN, OTHER:

None
(full names)

and deposited and filed in the office of the City Clerk in said municipality on the 7th
day of December, **1992**.

Juanita Dagley
Juanita Dagley, City Clerk of the City of LeRoy,
McLean County, Illinois

APPROVED BY the Mayor of the City of LeRoy, Illinois, this 7th day of
December, **1992**.

Jerry C. Davis
Jerry C. Davis, Mayor of the City of LeRoy,
McLean County, Illinois

ATTEST: (SEAL)

Juanita Dagley
Juanita Dagley, City Clerk, City of LeRoy,
LeRoy, McLean County, Illinois

**GRANT OF SEWER LINE EASEMENT
TO MUNICIPALITY**

GRANTOR(S), SALT CREEK DEVELOPMENT CORPORATION, an Illinois corporation, of the City of LeRoy, McLean County, Illinois, (hereinafter referred to as GRANTOR), in consideration of ONE DOLLAR (\$1.00) in hand paid and other good and valuable consideration, does/e hereby agree with the CITY OF LE ROY, McLean County, Illinois, an Illinois municipal corporation, as follows, and does/e hereby grant to the CITY OF LE ROY, McLean County, Illinois (hereinafter referred to as "MUNICIPALITY"), a Permanent Easement across the following described premises (hereinafter referred to as the "Easement Premises"):

The North 14 feet of the South 20 feet of the West 165 feet of Lot 35 in Golden Eagle Estates Addition to the City of LeRoy, McLean County, Illinois;

and a Temporary Easement effective until completion of the construction of Golden Eagle Estates Sanitary Sewer - Phase I, but in no event later than October 1, 1993, over the premises described in Exhibit "X," attached hereto and incorporated herein by reference, for the purpose of constructing, reconstructing, installing, repairing and maintaining from time to time any and all utility facilities located in, along and upon the Easement Premises.

1. The parties have determined that it is in their best interests for GRANTOR to grant and for MUNICIPALITY to accept this easement in and along the Easement Premises for public sewer line purposes. The easement granted herein shall be for the limited and exclusive purposes of surveying, constructing, operating, maintaining, testing, inspecting, repairing, removing, replacing or abandoning in place, and controlling, underground pipelines and mains for the conveyance of sewage in, over, across, through and under the Easement Premises, together with all reasonable rights of ingress and egress across adjoining lands owned by GRANTOR necessary for the exercise of the rights herein granted. Said easement rights are granted to MUNICIPALITY, its agents, employees, contractors and assignees.

2. MUNICIPALITY will save and hold GRANTOR harmless from all claims, causes and actions, and suits, damages or demands whatsoever in law and in equity which may arise out of, or as a consequence of, the negligence of MUNICIPALITY, or its authorized agents, servants or employees, in maintaining, repairing and utilizing said utility facilities and easements.

3. GRANTOR shall have the right to grant other non-exclusive easements over, along or upon the Easement Premises; provided, however, that any such other easements shall be subject to the easement hereby granted; and providing further, that MUNICIPALITY shall have first consented in writing to the terms, nature and location of any such other easements as not interfering with the rights granted hereunder.

4. GRANTOR reserves the right to use the Easement Premises in any manner that will not prevent or interfere with the exercise by MUNICIPALITY of the rights granted hereunder; provided, however, that GRANTOR shall not obstruct, or permit to be obstructed, the Easement Premises at any time whatsoever without the express prior written consent of MUNICIPALITY.

5. MUNICIPALITY may assign the rights granted to it hereunder to any assignee who demonstrates sufficient competence to MUNICIPALITY and gives adequate assurances to MUNICIPALITY that any work to be performed pursuant to such assignment shall be conducted in a good and workmanlike manner, and that GRANTOR's interest in the Easement Premises shall be protected to the extent as set forth in this instrument.

6. All rights, titles and privileges herein granted, including all benefits and burdens, shall run with the land and shall be binding upon and inure to the benefit of the parties to this instrument, their respective heirs, executors, administrators, legal representatives, assigns and successors in interest.

7. MUNICIPALITY shall be responsible for restoring the surface of the Lot 35 on which the lift-station is located to its original condition, including placement of top soil and seeding if required.

8. GRANTOR hereby waives any right of homestead with regard to the grant and conveyance herein set forth.

IN WITNESS WHEREOF, the parties hereto have executed this instrument or have caused this instrument to be executed by their proper officers duly authorized to execute the same effective this 27th day of November, 1992.

SALT CREEK DEVELOPMENT CORPORATION

By: X Wendell S. Crumbaugh
Wendell S. Crumbaugh, President

ATTEST: (SEAL)

X Joseph M. Ambrose
Joseph M. Ambrose, Secretary
municipal corporation

CITY OF LE ROY, McLean County, Illinois, an Illinois

By: _____
Jerry C. Davis, Mayor of the City of LeRoy

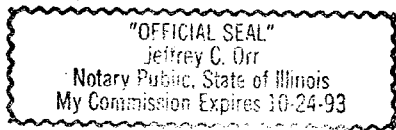
ATTEST: (SEAL)

Juanita Dagley, City Clerk of the City
of LeRoy, McLean County, Illinois

STATE OF ILLINOIS)
) SS.
MC LEAN COUNTY)

I, the undersigned, a Notary Public, in and for said County, in the State aforesaid, DO HEREBY CERTIFY THAT **WENDELL S. CRUMBAUGH**, personally known to me to be the President of the **SALT CREEK DEVELOPMENT CORPORATION**, and **JOSEPH M. AMBROSE**, personally known to me to be the Secretary of said corporation, whose names are subscribed to the forgoing instrument, appeared before me this day in person and severally acknowledged that as such President and Secretary they signed and delivered the said instrument of writing as President and as Secretary of said corporation, and caused the seal of said corporation to be affixed thereto, pursuant to authority given by the Board of Directors of said corporation as their free and voluntary act, and as the free and voluntary act and Grant of Easement of said corporation for the uses and purposes therein set forth.

Given under my hand and Notarial Seal this 27th day of November, 1992.



X Jeffrey C. Orr
Notary Public
My Commission Expires: 10-24-93

STATE OF ILLINOIS)
) SS.
COUNTY OF MC LEAN)

I, the undersigned, a Notary Public in and for said County and State aforesaid, DO HEREBY CERTIFY THAT **Jerry C. Davis**, personally known to me to be the Mayor of the City of LeRoy, and **Juanita Dagley**, personally known to me to be the City Clerk of said City, whose names are subscribed to the foregoing instrument, appeared before me this day in person and severally acknowledged that as such Mayor and City Clerk they signed and delivered said instrument of writing as Mayor and as City Clerk of said City, and caused the seal of the City of LeRoy to be affixed thereto, pursuant to authority given by the City Council of said City as their free and voluntary act, and as the free and voluntary act and agreement of the City of LeRoy for the uses and purposes therein set forth.

Given under my hand and notarial seal, this ___ day of _____, 1992.

X _____
Notary Public
My Commission Expires: _____

TEMPORARY WORKING EASEMENT

(IN REGARD TO GOLDEN EAGLE ESTATES SUBDIVISION SEWER - PHASE I,
CITY OF LEROY, MCLEAN COUNTY, ILLINOIS, PERTAINING TO LOT 35, GOLDEN EAGLE
ESTATES ADDITION TO THE CITY OF LEROY, MCLEAN COUNTY, ILLINOIS.)

DESCRIPTION OF TEMPORARY WORKING EASEMENT

All of Lot 35 in Golden Eagle Estates Addition to the City of
LeRoy, McLean County, Illinois.

STATE OF ILLINOIS)
) SS:
COUNTY OF McLEAN)

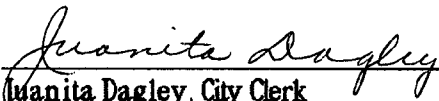
I, **Juanita Dagley**, do hereby certify that I am the duly qualified and acting City Clerk of the **City of LeRoy, McLean** County, Illinois, and as such City Clerk that I am the keeper of the records and files of the Mayor and the City Council of said City.

I do further certify that the foregoing is a true, correct and complete copy of an ordinance entitled:

**ORDINANCE APPROVING
GRANT OF SEWER LINE EASEMENT
REGARDING GOLDEN EAGLE ESTATES SUBDIVISION - LIFT STATION.**

Said ordinance was adopted by the Mayor and City Council of the City of LeRoy at a regular meeting on the 7th day of December, **1992**, and a faithful record of said ordinance has been made in the record books.

Dated this 7th day of December, **1992**.



Juanita Dagley, City Clerk

(SEAL)

CERTIFICATE

I, **Juanita Dagley**, certify that I am the duly elected and acting municipal clerk of the **City of LeRoy**, of **McLean** County, Illinois.

I further certify that on December 7, **1992**, the Corporate Authorities of such municipality passed and approved Ordinance No. 472, entitled:

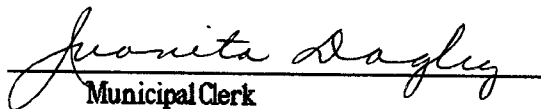
**ORDINANCE APPROVING
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which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 472, including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted at the municipal building, commencing on December 7, **1992**, and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the municipal clerk.

Dated at LeRoy, Illinois, this 17th day of December, **1992**.

(SEAL)


Municipal Clerk