04/02/24

VILLAGE OF BARRINGTON

ORDINANCE NO. 2024-4388

ORDINANCE APPROVING AND AUTHORIZING THE EXECUTION OF A GRANT OF EASEMENT BETWEEN THE VILLAGE OF BARRINGTON AND COMMONWEALTH EDISON

(RE: 20320 N. Grant Street, Barrington, IL 60010)

ADOPTED BY THE

CORPORATE AUTHORITIES

OF THE VILLAGE OF BARRINGTON

THIS 8 DAY OF April, 2024

Published in pamphlet form by authority of the Corporate Authorities of the Village of Barrington, Illinois, this 9 day of April, 2024.

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ORDINANCE APPROVING AND AUTHORIZING THE EXECUTION OF A GRANT OF EASEMENT BETWEEN THE VILLAGE OF BARRINGTON AND COMMONWEALTH EDISON

(RE: 20320 N. Grant Street, Barrington, IL 60010)

WHEREAS, the Village of Barrington, Cook and Lake Counties, Illinois (the "Village") is the record owner of the property commonly known as 20320 N. Grant Street, Barrington, IL, Permanent Index Number 13-35-400-004 (the "Subject Property"), which is located within the corporate limits of the Village; and

WHEREAS, Commonwealth Edison Company, an Illinois corporation ("Commonwealth Edison"), has requested that the Village grant to Commonwealth Edison an easement over a portion of the Subject Property for the purpose of constructing, operating, repairing, maintaining, modifying, reconstructing, replacing, supplementing, relocating, and removing, from time to time, poles, guys, anchors, wires, cables, fiber, conduits, manholes, transformers, pedestals, splice boxes, or other facilities used in connection with overhead and underground transmission and distribution of electricity, communications, sounds and signals (collectively, the "Facilities"), together with a right of access to the same and the right, from time to time, to trim or remove trees, bushes, roots and saplings from the Easement Premises and to clear obstructions from the surface and subsurface of the Easement Premises as may be reasonably required incident to the requested grant, in, over, under, across, along and upon the surface of the Subject Property; and

WHEREAS, the Village desires to grant the requested easement to Commonwealth Edison, and the Village is vested with the authority to authorize such grant of easement for the purposes stated therein; and

WHEREAS, Commonwealth Edison has presented to the Village a "Grant of Easement" which sets forth the mutual understandings and agreement of the parties thereto, a copy of which is attached hereto as Exhibit A and thereby made a part hereof, and the Village desires to approve and execute said Grant of Easement for the uses and purposes as therein described; and

WHEREAS, the Village has determined that it is in the best interests of the Village and its residents that said Grant of Easement be executed and in effect for the public use(s) and purpose(s) set forth therein:

NOW THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Barrington, Cook and Lake Counties, Illinois, in exercise of the authority of this Village as a Home Rule unit, as follows:

SECTION 1: The Corporate Authorities of the Village find that the facts set forth in the recitals to this Ordinance are true and correct and the same are hereby incorporated into this Ordinance as the findings of the Corporate Authorities of the Village as if fully set forth herein.

SECTION 2: That said Grant of Easement between the Village and Commonwealth Edison relative to the property as 20320 N. Grant Street, Barrington, IL, in substantially the form attached hereto as Exhibit A and thereby made a part hereof, shall be and is hereby authorized, ratified, and approved, and the Village President is hereby authorized to execute said Grant of Easement, and the Village Clerk is hereby authorized to attest thereto, and such execution is hereby authorized, ratified, and approved. After execution of said Grant of Easement by both the Village and Commonwealth Edison, said Grant of Easement shall be recorded by Commonwealth Edison with the Lake County, Illinois, Recording Division, a copy of which recorded Grant of Easement shall be promptly provided to the Village.

SECTION 3: This Ordinance shall take effect from and after its passage and approval as provided by law.

PASSED THIS 8 DAY OF April, 2024 BY ROLL CALL VOTE AS FOLLOWS:

AYES: Trustees Johnson, Hoffman, Andrade, Duncan, Honig, Riggs & President Darch

NAYS: None

ABSENT: None

ABSTAIN: None

RECUSE: None

APPROVED THIS 8 OF April, 2024

Karen Y. Darch, Village President

ATTESTED AND FILED THIS 8TH DAY OF APRIL, 2024

Tony Ciganek, Village Clerk

(SEAL)

EXHIBIT A

GRANT OF EASEMENT
BETWEEN THE VILLAGE OF BARRINGTON
AND COMMONWEALTH EDISON

(Re: 20320 N. Grant Street, Barrington, IL)

GRANT OF EASEMENT

VILLAGE OF BARRINGTON ("Grantor") in consideration of the sum of One Dollar and other valuable consideration, receipt of which is hereby acknowledged, hereby grant(s) and conveys to **COMMONWEALTH EDISON COMPANY**, an Illinois Corporation, (together with its licensees, successors and assigns, collectively, "Grantee"), an easement to construct, operate, repair, maintain, modify, reconstruct, replace, supplement, relocate and remove, from time to time, poles, guys, anchors, wires, cables, fiber, conduits, manholes, transformers, pedestals, splice boxes, or other facilities used in connection with overhead and underground transmission and distribution of electricity, communications, sounds and signals (collectively, the "Facilities"), together with right of access to the same and the right, from time to time, to trim or remove trees, bushes, roots and saplings and to clear obstructions from the surface and subsurface as may be reasonably required incident to the grant herein given, in, over, under, across, along and upon the surface of property situated in Section **35**, Township **43** North, Range **9** East of the Third Principal Meridian in **Lake** County, Illinois (the "Property"), further described below:

"Easement Area"

AN EASEMENT AS LEGALLY DESCRIBED ON THE EXHIBIT "A" AND AS DEPICTED ON THE EXHIBIT "B". BOTH EXHIBITS ATTACHED HERETO AND MADE A PART HEREOF.

PROPERTY ADDRESS: 20320 N Grant St., Barrington, IL 60010
P.I.N.: 13-35-400-004

Obstructions shall not be placed over the Facilities or in, upon or over the Easement Area without prior written consent of Grantee. After installation of any Facilities, the grade of the Property shall not be altered in a manner so as to interfere with the operation and maintenance thereof.

Except at otherwise directed by the Village of Barrington Village Manager, or its designee, in the event Grantee exercises its rights hereunder and the Property, if the Easement Area is damaged in connection therewith, Grantee shall at its cost repair the Property to a substantially similar condition that the Property existed prior to such damage, which repair shall occur within ninety (90) days following Grantee's damage to the Easement Area.

After Recording Return To: David Hastings, C/O Atwell, LLC, 7100 E. Pleasant Valley Road, Suite 220, Independence, OH 44131

This instrument prepared by Gerald Bouska, Senior Real Estate Representative, Three Lincoln Center, Oakbrook Terrace, Illinois 60181, on behalf of Commonwealth Edison Company.

Complete the Appropriate Acknowledgments on Page 2 Hereof

The Grantor represents and warrants to the Grantees that Grantor is the true and lawful owner of the Property and has full right and power to grant and convey the rights conveyed herein.

The Easement is binding upon and shall inure to the benefits of the heirs, successors, assigns, and licensees of the parties hereto.

Signatures

IN WITNESS WHEREOF, the Grantor(s), set(s) _____ hand(s) and seal(s) hereto this 8 day of April, 2024.

Grantor(s): **VILLAGE OF BARRINGTON**

By: _____ [Seal]
Name: Karen Y. Darch
Title: Village President

ATTEST:
_____
Tony Ciganek, Village Clerk

Grantors complete the following:

State Of _____
County Of _____

I, _____ the undersigned, a Notary Public in and for the said County and State aforesaid, do hereby certify that Karen Y. Darch as the Village President and Tony Ciganek, as the Village Clerk of **VILLAGE OF BARRINGTON**, personally known to me to be the same person(s) whose name(s) is/are subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that they signed, sealed and delivered this instrument as their respective free and voluntary acts and as the voluntary act of the Village of Barrington for the uses and purposes therein set forth.

GIVEN under my hand and NOTARIAL SEAL this ____ day of _____, 2024.

_____
Notary Public

EXHIBIT "A"

EASEMENT LEGAL DESCRIPTION:
PIN 13-35-400-004

An easement over part of the Southeast Quarter of Section 35, Township 43 North, Range 9 East of the Third Principal Meridian, described as follows:

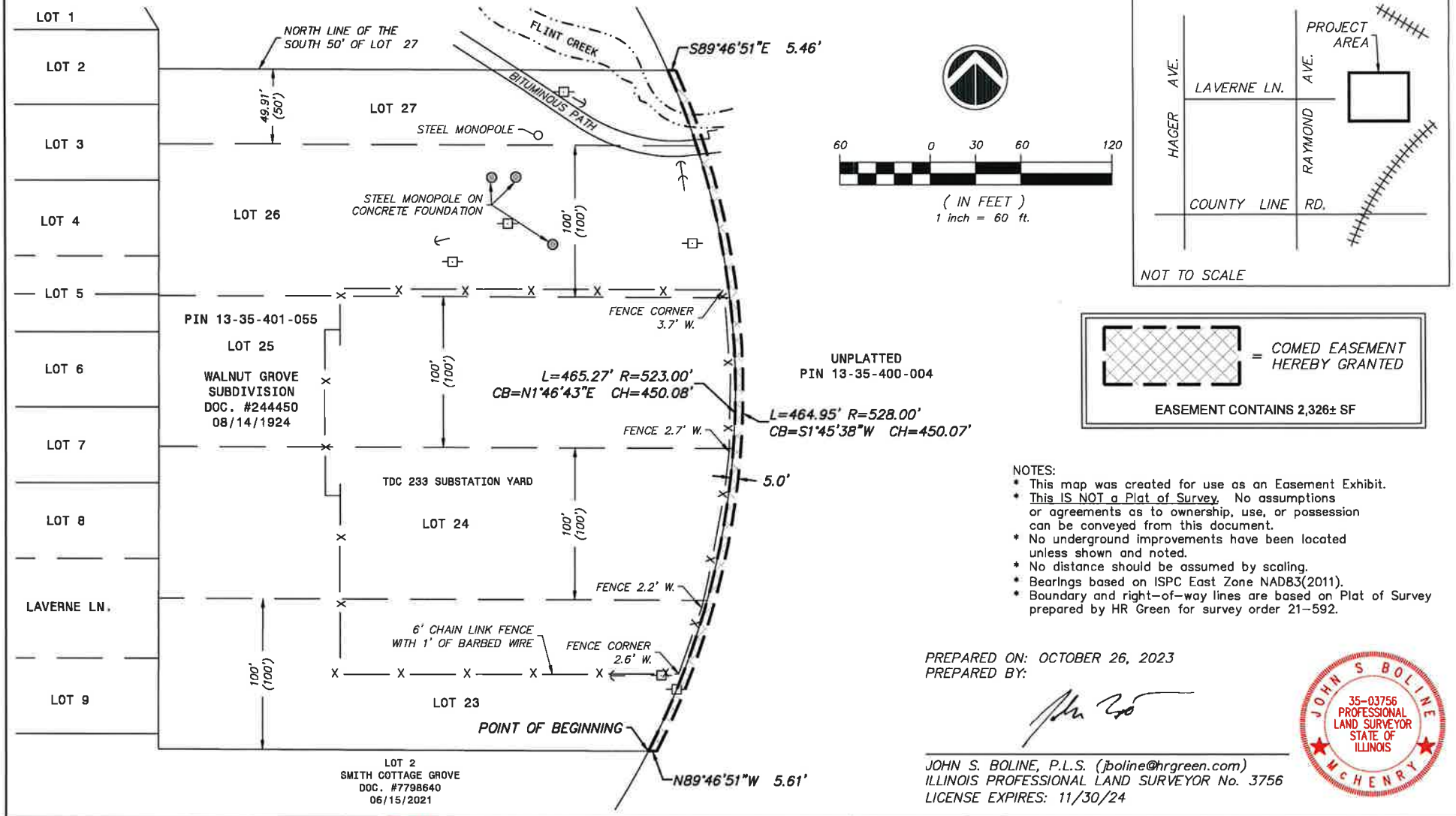
Beginning at the Southeast corner of Lot 23 in Walnut Grove Subdivision, according to the plat thereof recorded August 14, 1924 as Document No. 244450; thence Northerly along the East line of Lots 23 to 27 in said Walnut Grove subdivision, being a curve to the left, having a radius of 523.00, a chord bearing North 01 degrees 46 minutes 43 seconds East and a chord length of 450.08 feet, for an arc length of 465.27 feet to the Northeast corner of the South 50 feet of Lot 27 in said Walnut Grove Subdivision and a non-tangent point; thence South 89 degrees 46 minutes 51 seconds East along the Easterly extension of the North line of the South 50 feet of said Lot 27 to a non-tangent curve; thence Southerly along a curve to the right, said curve being 5.00' Easterly of and parallel with the Easterly line of said Walnut Grove Subdivision, having a radius of 528.00 feet, a chord bearing of South 01 degrees 45 minutes 38 seconds West and chord length of 450.07 feet, for an arc length of 464.95 feet to the Easterly extension of the South line of said Lot 23; thence North 89 degrees 46 minutes 51 seconds West along said Easterly extension, 5.61 feet to the Point of Beginning, all in Lake County, Illinois.

EXHIBIT "B"

Easement Depiction (see attached)

EXHIBIT B

EASEMENT EXHIBIT



= COMED EASEMENT HEREBY GRANTED

EASEMENT CONTAINS 2,326± SF

NOTES:
* This map was created for use as an Easement Exhibit.
* This IS NOT a Plat of Survey. No assumptions or agreements as to ownership, use, or possession can be conveyed from this document.
* No underground improvements have been located unless shown and noted.
* No distance should be assumed by scaling.
* Bearings based on ISPC East Zone NAD83(2011).
* Boundary and right-of-way lines are based on Plat of Survey prepared by HR Green for survey order 21-592.

PREPARED ON: OCTOBER 26, 2023
PREPARED BY:

JOHN S. BOLINE, P.L.S. (jboline@hrgreen.com)
ILLINOIS PROFESSIONAL LAND SURVEYOR No. 3756
LICENSE EXPIRES: 11/30/24

JOHN S BOLINE 35-03756 PROFESSIONAL LAND SURVEYOR STATE OF ILLINOIS MCHENRY

comed AN EXELON COMPANY
RUSS DILLON
SR. CONTRACT COORDINATOR - LAND SURVEYING
1 LINCOLN CENTRE - 13TH FLOOR
OAKBROOK TERRACE, IL 60181
PHONE: 779-231-9643
Russell.Dillon@ComEd.COM

HRGreen
ILLINOIS PROFESSIONAL DESIGN FIRM #184-001322
1391 CORPORATE DRIVE, SUITE 203
McHENRY, IL 60050-7040
t. 815.385.1778 f. 815.385.1781
www.HRGREEN.com

NO.	DATE	REVISIONS DESCRIPTION

APPROVED BY: JB
CHECKED BY: MD

EASEMENT EXHIBIT
20320 N. GRANT ST. - BARRINGTON, IL

DRAWN: John S. Boline, PLS	FIELD: JB/DE	CHK: JB	DRAWING NO.: 230357.337	ORDER NO.: 23-337	SHEET NO.
DWG. NO.:	ELECTRONIC DWG. FILE: 230357.337_Easement		DATE: 10/26/23	SCALE: 1" = 60'	1 OF 1