

JAN 22 2013

ORDINANCE NO. 2996

*J. Ronald Colby*  
City Clerk

**AN ORDINANCE TO GRANT AND APPROVE PERMANENT  
AND TEMPORARY EASEMENT DEEDS FOR THE CITY OF  
COLUMBIA'S CHERRY STREET RECONSTRUCTION  
PROJECT, PHASE 2 AND TO AUTHORIZE THE MAYOR TO  
EXECUTE AND THE CITY TO RECORD THE SAME**

WHEREAS, the City of Columbia, Illinois (the "City") has determined that it requires permanent and temporary easements in order to construct the renovation and improvement involved in the City's Cherry Street Reconstruction Project, Phase 2 in the City;

WHEREAS, it is necessary and appropriate that the City grant the same for its subject Cherry Street Reconstruction Project, Phase 2;

WHEREAS, City of Columbia, Illinois, 208 South Rapp Avenue, Columbia, Illinois has agreed to provide the required permanent and temporary easements for the price and/or on the terms set forth in the Easement Deeds which are granted and approved by this ordinance;

WHEREAS, it is necessary and appropriate that the City enact this ordinance to grant and approve the easements with the terms set forth in the easements and commit to do and perform its obligations under said easements so that the City can grant and approve the subject easements required for the accomplishment of its Cherry Street Reconstruction Project, Phase 2 and the construction and installation of the City facilities involved therein.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Columbia, Illinois, as follows:

**Section 1.** The recitals contained above in the preamble of this Ordinance are hereby incorporated herein by reference, the same as if set forth in this Section of this Ordinance verbatim, as findings of the City Council of the City of Columbia, Illinois.

**Section 2.** Attached hereto are one (1) Permanent Easement and one (1) Temporary Easement from the City of Columbia, Illinois, which are granted and approved by this ordinance. The City hereby approves the form of the attached Easements and does hereby authorize and direct the Mayor to sign the same and does hereby authorize and direct the City Clerk to attest the same and affix thereto the corporate seal of the City.

**Section 3.** The City Council hereby authorizes and directs the City to record in the office of the Monroe County, Illinois Recorder the fully executed and attested Easements aforesaid and thereafter to file them with the permanent real estate records of the City.

**Section 4.** This Ordinance shall be in full force and effect from and after its passage and approval, as provided by law.

Alderman Ebersohl moved the adoption of the above and foregoing Ordinance; the motion was seconded by Alderman Roessler, and the roll call vote was as follows:

YEAS: Aldermen Ebersohl, Agne, Niemietz, Roessler, Huch and Reis.

NAYS: None.

ABSENT: Alderman Mathews.

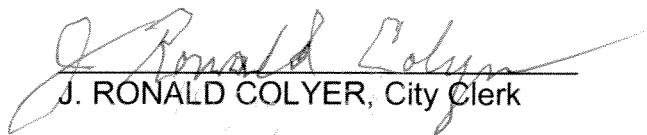
ABSTENTIONS: None.

PASSED by the City Council and APPROVED by the Mayor this 22<sup>nd</sup> day of January, 2013.



KEVIN B. HUTCHINSON, Mayor

ATTEST:



J. RONALD COLYER, City Clerk

(SEAL)

Owner City of Columbia  
Route FAU 9308  
County Monroe  
Job No. 28012  
Parcel No. 365-010PE  
P.I.N. No. 04-15-365-010  
Section 08-00046-00-PV  
Project No. M-5011(336)  
Station 19+23.18 Left  
Station 19+84.96 Left

**PERMANENT EASEMENT**  
**(Corporation)**

The City of Columbia, Illinois, a municipal corporation organized and existing under and by virtue of the laws of the State of Illinois and duly authorized to do business under the Statutes of the State of Illinois, (Grantor), for and in consideration of Ten Dollars (\$10.00), receipt of which is hereby acknowledged, and pursuant to the authority given by the Board of Directors of said corporation, represents that Grantor owns the fee simple title to and grants and conveys to the People of the City of Columbia, Illinois, (Grantee), a permanent easement for the purpose of constructing, installing, operating, maintaining, repairing, removing and replacing pavement, curb, sidewalk, storm sewer and for other highway purposes, on, over and through the following described real estate:

A 10.00 feet wide strip of land lying in the northeast 50.00 feet of abandoned Mobile and Ohio Railroad in the City of Columbia, Monroe County, Illinois, the southeast line of said strip is coincident with the northwesterly right of way line of Cherry Street, being part of Section 15, Township 1 South, Range 10 West of the Third Principal Meridian, Monroe County Illinois

Said parcel contains 538 square feet, or 0.0124 acres, more or less.

situated in the County of Monroe, State of Illinois. The above-described real estate and improvements located thereon are herein referred to as the "premises."

Grantor shall have and retains all rights to use and occupy the premises and access to Grantor's remaining property, except as herein expressly granted; provided, however, Grantor's use and occupation of the premises may not interfere with Grantee's use of the premises for the purposes herein described.

Grantor, without limiting the interest above granted and conveyed, acknowledges that upon payment of the agreed consideration, all claims arising out of the above acquisition have been settled, including without limitation, any diminution in value to any remaining property of the Grantor caused by opening, improving, and using the premises for highway purposes. This acknowledgment does not waive any claim for trespass or negligence against the Grantee or Grantee's agents which may cause damage to Grantor's remaining property.

This grant shall constitute a covenant, which runs with the land, and shall be binding upon the legal representatives, successors and assigns of Grantor.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

City of Columbia, Illinois  
Corporation Name

By: \_\_\_\_\_ Signature

ATTEST:

By:

**Print Name and Title**

**Signature**

**Print Name and Title**

This instrument was acknowledged before me on , 2013, by

, as \_\_\_\_\_

and

, as

of City of Columbia, Illinois

of City of Columbia, Illinois

of City of Columbia, Illinois

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(SEAL)

## Notary Public

My Commission Expires:

THIS INSTRUMENT REVIEWED AND APPROVED AS TO FORM BY:

**RETURN INSTRUMENT TO:**

Terry I. Bruckert #6215815  
Attorney-at-Law  
Belsheim & Bruckert, LLC  
1002 East Wesley Drive, Suite 100  
O'Fallon, IL 62269  
Telephone (618) 624-4221

Ronald J. Williams, P.E.  
City Engineer/Public Works Director  
City of Columbia, Illinois  
208 S. Rapp Avenue  
Columbia, IL 62236  
Telephone (618) 281-7144

Owner	City of Columbia
Address	140 S. Main Street
	Columbia, IL 62236
Route	FAU 9308
County	Monroe
Job No.	28012
Parcel No.	368-026TCE
P.I.N. No.	04-15-368-026
Section	08-00046-00-PV
Project No.	M-5011(336)
Station	10+92.00 Left
Station	11+65.00 Left

**TEMPORARY CONSTRUCTION EASEMENT**  
**(Corporation)**

The City of Columbia, a municipal corporation organized and existing under and by virtue of the laws of the State of Illinois and duly authorized to do business under the Statutes of the State of Illinois, (Grantor), for and in consideration of Ten Dollars (\$10.00), receipt of which is hereby acknowledged, and pursuant to the authority given by the Board of Directors of said corporation, hereby represents that Grantor owns the fee simple title to and grants and conveys to the City of Columbia, Illinois (Grantee), a temporary construction easement for the purpose of accommodation of construction equipment, machinery, materials, and excavated earth and other highway purposes, on, over, and through the following described real estate:

Part of Lot 18 of the "Original Town of Columbia, Illinois", reference being had to plat thereof recorded in the Recorder's Office of Monroe County, Illinois, in the Surveyor's Official Plat Record "A", on Page 28, described as follows:

Beginning at a point on the southeast line of said Lot 18, said point being 20.00 feet left of Station 10+92.00 on the centerline of East Cherry Street as surveyed and staked by Oates Associates, Inc. for the City of Columbia; thence northwesterly to a point 30.00 feet left of Station 10+92.00 on said centerline; thence northeasterly to a point 30.00 feet left of Station 11+65.00 on said centerline; thence southeasterly to a point 20.00 feet left of Station 11+65.00 on said centerline; thence southwesterly on the southeast line of said Lot 18 to the Point of Beginning.

Said parcel contains 730 square feet, or 0.0168 acre, more or less.

situated in the County of Monroe, State of Illinois. The above-described real estate and improvements located thereon are herein referred to as the "premises."

The right, easement and privilege granted herein shall terminate December 31, 2014 or on the completion of the proposed project, whichever is the sooner.

Grantor shall have and retain all rights to use and occupy the premises and access to Grantor's remaining property, except as herein expressly granted; provided, however, that Grantor's use and occupation of the premises may not interfere with Grantee's use of the premises for the purposes herein described.

Grantor, without limiting the interest above granted and conveyed, acknowledges that upon payment of the agreed consideration, all claims arising out of the above acquisition have been settled, including without limitation, any diminution in value to any remaining property of the Grantor caused by the opening, improving and using the premises for highway purposes. This acknowledgment does not waive any claim for trespass or negligence against the Grantee or Grantee's agents which may cause damage to the Grantor's remaining property.

