

2005 FEB 23 9

03/11/2005 10:01AM

SANGAMON COUNTY  
ILLINOIS

\$29.00

4

CHRISTINE

MARY ANN LAMM  
SANGAMON COUNTY RECORDER

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*This Space for Recorder of Deeds*

Ordinance No. 05- 08

**AN ORDINANCE VACATING A UTILITY AND INGRESS-EGRESS  
EASEMENT IN THE VILLAGE OF CHATHAM, ILLINOIS**  
(Lot 5, Oakbrook Estates Subdivision)

*BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE  
VILLAGE OF CHATHAM, SANGAMON COUNTY, ILLINOIS, AS FOLLOWS:*

**SECTION 1:** In consideration of the grant of a substitute utility easement, and because the Village of Chatham has alternate ingress and egress access to Lot 7 of Oakbrook Estates Subdivision, the Village of Chatham hereby vacates part of a utility easement on Lot 5 of Oakbrook Estates Subdivision, including an easement across Lot 5 for ingress to and egress from Lot 7 of Oakbrook Estates Subdivision, all as legally described on the Plat of Vacation attached hereto.

**SECTION 2:** The Clerk shall cause a true and correct copy of this Ordinance to be filed with the Recorder of Deeds of Sangamon County, Illinois.

**SECTION 3:** This Ordinance is effective immediately.

000172

PASSED this 8 day of MARCH, 2005.

Thomas D Gray  
VILLAGE PRESIDENT

ATTEST:

Pat Schaefer  
Village Clerk

AYES: 4 HERR BOYLE M<sup>C</sup>GRATH KAVANAGH  
NAYS: 0

PASSED: 3-8-05  
APPROVED: 3-8-05

ABSENT: 2 M<sup>C</sup>ADAMS M<sup>C</sup>CARTHY

PREPARED BY:  
RETURN TO:

John M. Myers  
RABIN, MYERS, HANKEN & DURR, P.C.  
1300 South Eighth Street  
Springfield, IL 62703  
Telephone: 217/544-5000



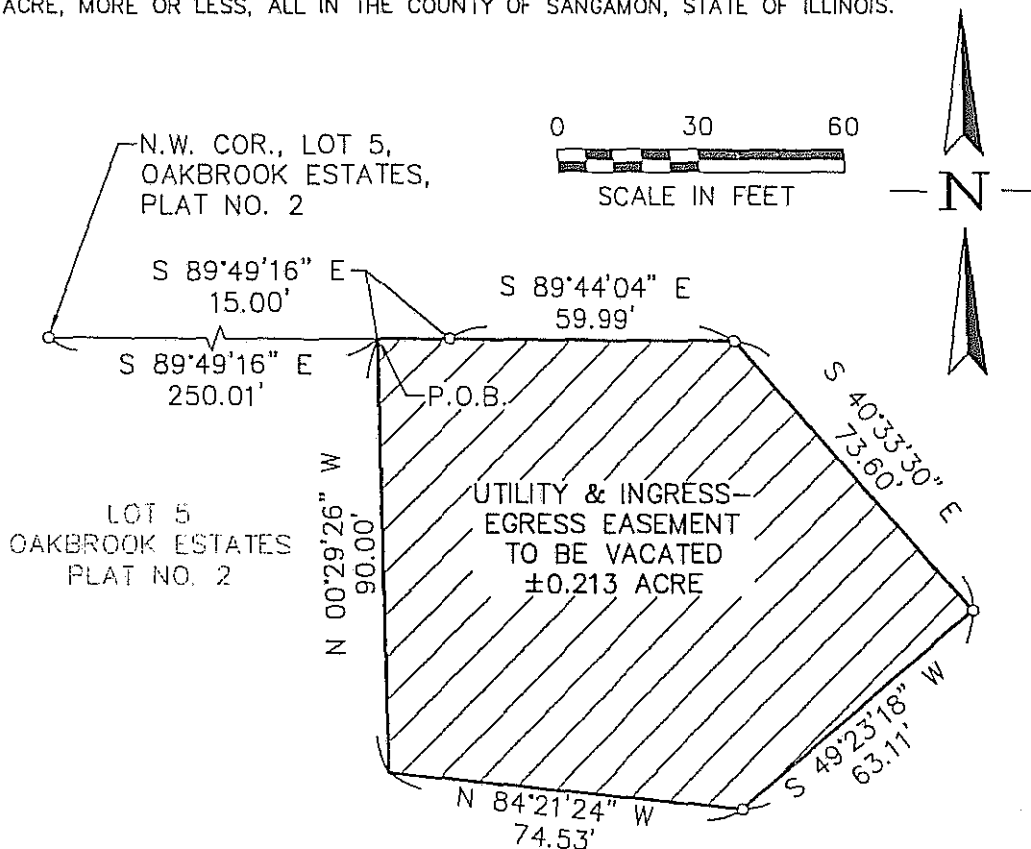
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# PLAT OF VACATION

## LEGAL DESCRIPTION

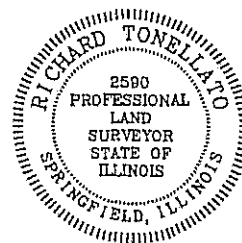
PART OF LOT 5 OF OAKBROOK ESTATES, PLAT NUMBER 2 AS RECORDED IN THE OFFICE OF SANGAMON COUNTY RECORDER OF DEEDS, DESCRIBED MORE PARTICULARLY AS FOLLOWS:

COMMENCING FROM AN IRON PIPE MARKING THE NORTHWEST CORNER OF LOT 5 OF OAKBROOK ESTATES, PLAT NO. 2, THENCE SOUTH 89 DEGREES 49 MINUTES 16 SECONDS EAST ALONG THE NORTH LINE OF SAID LOT 5 A DISTANCE OF 250.01 FEET TO THE TRUE POINT OF BEGINNING, THENCE CONTINUING ALONG SAID NORTH LINE SOUTH 89 DEGREES 49 MINUTES 16 SECONDS EAST A DISTANCE OF 15.00 FEET TO AN IRON PIPE, THENCE SOUTH 89 DEGREES 44 MINUTES 04 SECONDS EAST A DISTANCE OF 59.99 FEET TO AN IRON PIPE, THENCE SOUTH 40 DEGREES 33 MINUTES 30 SECONDS EAST A DISTANCE OF 73.60 FEET TO AN IRON PIPE, THENCE SOUTH 49 DEGREES 23 MINUTES 18 SECONDS WEST A DISTANCE OF 63.11 FEET TO AN IRON PIPE, THENCE NORTH 84 DEGREES 21 MINUTES 24 SECONDS WEST A DISTANCE OF 74.53 FEET, THENCE NORTH 00 DEGREES 29 MINUTES 26 SECONDS WEST A DISTANCE OF 90.00 FEET TO THE TRUE POINT OF BEGINNING. SAID TRACT CONTAINS 0.213 ACRE, MORE OR LESS, ALL IN THE COUNTY OF SANGAMON, STATE OF ILLINOIS.



THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

*Richard Tonellato*  
 ILLINOIS PROFESSIONAL LAND SURVEYOR # 2590



1-17-05  
 DATE SIGNED

EXPIRES: 11/30/06

**LEGEND**

IRON PIPE ○

REVISIONS	DATE	BY



**GREENE & BRADFORD, INC.**  
 OF SPRINGFIELD

CONSULTING ENGINEERS  
 3501 CONSTITUTION DRIVE  
 SPRINGFIELD, ILLINOIS 62711  
 (217) 793-8844, (217) 793-6227 FAX

DATE	01-17-05
DRAWN	BAILEY
PROJ. NO.	04-312
FIELD BOOK	X
COMPUTER FILE NO.	04312VAC.dwg

PROFESSIONAL LAND SURVEYING FIRM NO. 048-000098

ORDINANCE CERTIFICATE

STATE OF ILLINOIS            )  
  ) SS.  
COUNTY OF SANGAMON        )

I, the undersigned, do hereby certify that I am the duly qualified and acting Village Clerk of the Village of Chatham, Sangamon County, Illinois.

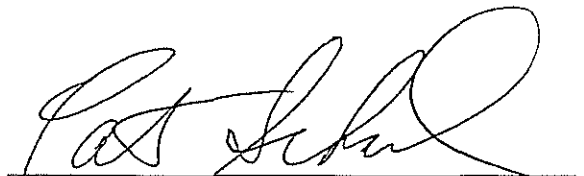
I do further certify that the ordinance attached hereto is a full, true, and exact copy of Ordinance No. 05-08, adopted by the President and Board of Trustees of said Village on the 8 day of MARCH, 2005, said Ordinance being entitled:

**AN ORDINANCE VACATING A UTILITY AND INGRESS-EGRESS  
EASEMENT IN THE VILLAGE OF CHATHAM, ILLINOIS  
(Lot 5, Oakbrook Estates Subdivision)**

I do further certify that prior to the making of this certificate, the said Ordinance was spread at length upon the permanent records of said Village, where it now appears and remains.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said Village this 8 day of MARCH, 2005.



  
Village Clerk



000175

**Schad, Patrick F.**

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**From:** John Myers [jmyers@springfieldlaw.com]  
**Sent:** Wednesday, March 09, 2005 8:31 AM  
**To:** 'Paul Arrington -- Blackstone Group'  
**Cc:** Schad, Patrick F.; Mike Williamsen; 'Del McCord'  
**Subject:** RE: Walgreens documents  
**Attachments:** easement.pdf; vacating Walgreens easements.pdf; Approving restrictions in Route 4 easement.pdf

The attached ordinances were passed last night and are ready for the mayor's signature.

However, I have told Village Clerk Pat Schad to hold off on the mayor's signature until we receive back the attached easement executed by Phoenix Grove Ventures.

I'm asking either you or Mike Williamsen to take care of getting the easement signed and over to Pat Schad.

Thanks.

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**From:** Paul Arrington -- Blackstone Group [mailto:paularrington@sbcglobal.net]  
**Sent:** Tuesday, March 08, 2005 9:20 AM  
**To:** John Myers  
**Subject:** Re: Walgreens documents

John, please email me a message tomorrow with the results of the village city council meeting tonight regarding the two ordinances for the Walgreen's development. Thanks.

----- Original Message -----

**From:** John Myers  
**To:** 'Paul Arrington -- Blackstone Group'  
**Sent:** Thursday, March 03, 2005 3:00 PM  
**Subject:** RE: Walgreens documents

I received the revised drawings from Greene & Bradford.

Is the language of the easements OK, and are the proper owners on the paperwork? I only want to do this one more time.

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**From:** Paul Arrington -- Blackstone Group [mailto:paularrington@sbcglobal.net]  
**Sent:** Thursday, March 03, 2005 1:21 PM  
**To:** John Myers  
**Subject:** Re: Walgreens documents

John, Walgreen's has a couple of changes to two of the drawings. Greene & Brandford are revising them and will email them to us by days end. We should then be ready to go at the next Council meeting on Tuesday.

----- Original Message -----

**From:** John Myers

**To:** 'Paul Arrington -- Blackstone Group'

**Cc:** Chuck Herr ; Pat McCarthy ; Tom Kavanagh ; 'Mike Williamsen'

**Sent:** Wednesday, March 02, 2005 1:46 PM

**Subject:** Walgreens documents

I attach an easement to be given to the Village of Chatham, and two ordinances of the Village of Chatham, for your and Walgreen's review.

If the owners of record are incorrect on these documents, that is easily fixed. But go ahead and run them by Walgreen's.

Hopefully, if everything is OK these ordinances can be adopted next Tuesday.

John Myers

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John M. Myers  
Rabin, Myers, Hanken & Durr, P.C.  
1300 South Eighth Street  
Springfield, IL 62703

217.544.5000  
217.544.5017 (fax)

2005R09275

03/11/2005 09:24AM

SANGAMON COUNTY  
ILLINOIS

\$33.00

8

CHRISTINE

MARY ANN LAMM  
SANGAMON COUNTY RECORDER

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*This Space for Recorder of Deeds*

### **UTILITY, DRAINAGE AND SNOW DEPOSIT EASEMENT**

In consideration of \$10.00 and other good and valuable consideration, Phoenix Grove Ventures, LLC, for itself, its successors and assigns, ("Grantor") hereby grants to the Village of Chatham and its successors and assigns, ("Grantee"):

(1) a permanent and non-exclusive utility easement giving Grantee and public utility companies authorized by Grantee, the right to construct, reconstruct, maintain, repair and replace, all public utilities, including but not limited to water, gas, sewer, storm sewer, electricity, cable, and other utility lines and works, and to drain storm water and snow deposited pursuant to paragraph 2 below, through certain land legally described as Lot 5, Oakbrook Estates Subdivision, Chatham, Illinois, the precise area of the easement being legally described and depicted as "Utility and Drainage Easement" on a document titled "Easement Plat" and dated January 17, 2005, attached hereto. The condition of this easement is that all utility lines and works will be installed and maintained underground in accordance with standard industry practices, and in such

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event, the surface of the land will be restored to the condition and grade it had prior to the construction or maintenance activities.

(2) a permanent and non-exclusive easement giving Grantee the right to place deposits of snow on and over land legally described as Lot 5, Oakbrook Estates Subdivision, Chatham, Illinois. The precise area of the easement is legally described, depicted and designated as an area marked "Easement" on a second document also titled "Easement Plat" but dated February 14, 2005 and attached hereto and on a document titled "Snow Easement Exhibit" attached hereto (the "Snow Area"). This easement includes a right of ingress to and egress from the Snow Area at all times for the purpose of depositing snow therein. In addition, Grantor grants Grantee the right to use the area marked "heavy duty pavement" on the "Snow Easement Exhibit" as a turnaround areas whenever Grantee deposits snow in the Snow Area. In the Snow Area, Grantor shall place no curbs or other obstructions which would interfere with its use as an area for deposits of plowed snow. Grantee may deposit snow in the Snow Area on the sole condition that the snow has been plowed or otherwise collected by Grantee's employees and agents in connection with clearing the roadway right-of-way for Commercial Court within the Village of Chatham.

The easements granted hereunder are subject to the following additional conditions, which control over anything to the contrary in the above grants:

(A) No easements other than that expressly set forth herein shall be implied by the Easement, and nothing contained herein shall be construed as creating any rights in



the general public or as dedicating for public use any portion of the burdened parcel.

(B) The rights granted pursuant to these Easements shall at all times be exercised in such a manner so as not to unreasonably interfere with, obstruct, impede, or delay the conduct and operations of Grantor's business in, on or about the burdened parcel, including, without limitation, public ingress and/or egress to and from said business by Grantor, its employees, agents and customers, and the receipt of delivery of merchandise in connection therewith.

(C) Grantee shall in no event undertake any utility or drainage work described in this Easement during the months of November or December, except for work which is of an emergency nature requiring immediate attention.

(D) Grantee shall repair any damage caused by Grantee to Grantor or to Grantors' customers in connection with Grantee's snow deposit operations, unless such damage is caused by Grantor's or Grantor's customers' interfering with Grantee's access to the Snow Area.

The easements described in this instrument are covenants running with the land legally described as Lot 5, Oakbrook Estates Subdivision, Chatham, Illinois and the lands described in the attached plat and site plan, and are binding upon and inure to the benefit of the successors and assigns of the parties.

PHOENIX GROVE VENTURES, LLC

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

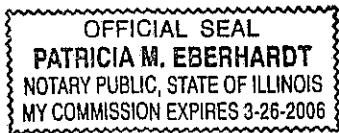
Its manager

000026

STATE OF ILLINOIS            )  
  )       SS  
COUNTY OF SANGAMON        )

I, the undersigned, a Notary Public, in and for said County and State aforesaid, do hereby certify that Gregory P. Sgro, personally known to me to be a manager of Phoenix Grove Ventures, LLC, and 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 as such person, s/he signed and delivered the said instrument as the duly authorized representative of the State Bank of Auburn, as trustee and not personally, for the uses and purposes therein set forth.

Given under my hand and Notarial Seal this 9 day of March 2005.



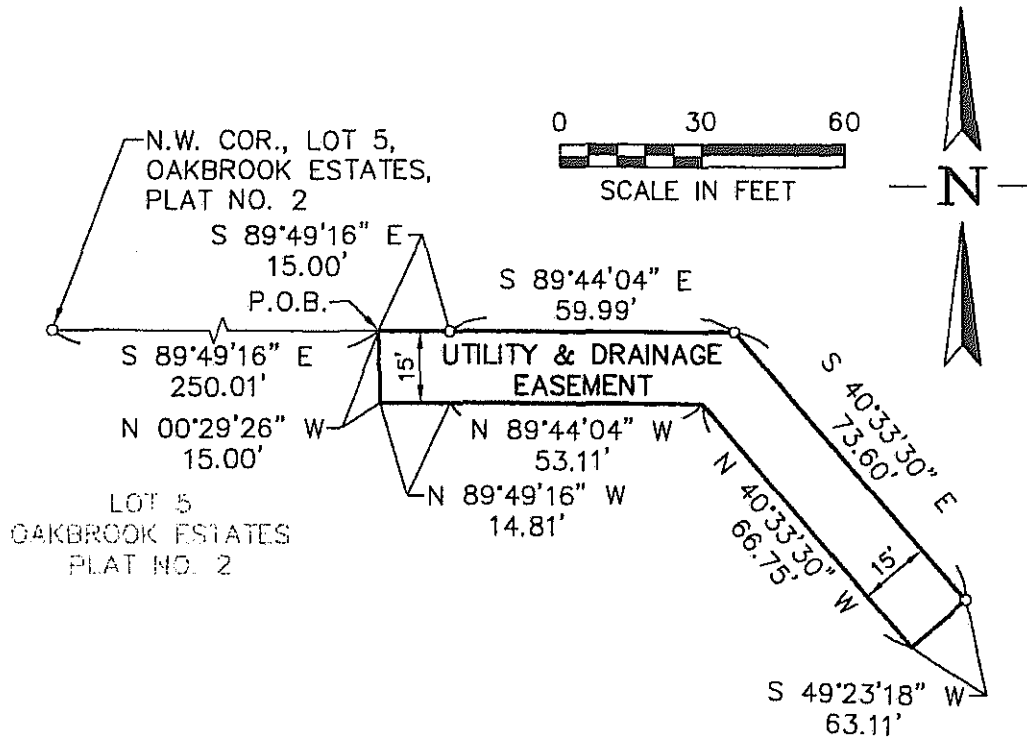
Patricia M. Eberhardt  
Notary Public

# EASEMENT PLAT

## LEGAL DESCRIPTION

PART OF LOT 5 OF OAKBROOK ESTATES, PLAT NUMBER 2 AS RECORDED IN THE OFFICE OF SANGAMON COUNTY RECORDER OF DEEDS, DESCRIBED MORE PARTICULARLY AS FOLLOWS:

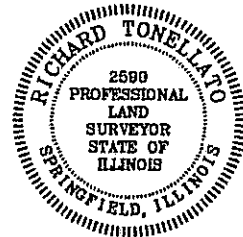
COMMENCING FROM AN IRON PIPE MARKING THE NORTHWEST CORNER OF LOT 5 OF OAKBROOK ESTATES, PLAT NO. 2, THENCE SOUTH 89 DEGREES 49 MINUTES 16 SECONDS EAST ALONG THE NORTH LINE OF SAID LOT 5 A DISTANCE OF 250.01 FEET TO THE TRUE POINT OF BEGINNING, THENCE CONTINUING ALONG SAID NORTH LINE SOUTH 89 DEGREES 49 MINUTES 16 SECONDS EAST A DISTANCE OF 15.00 FEET TO AN IRON PIPE, THENCE SOUTH 89 DEGREES 44 MINUTES 04 SECONDS EAST A DISTANCE OF 59.99 FEET TO AN IRON PIPE, THENCE SOUTH 40 DEGREES 33 MINUTES 30 SECONDS EAST A DISTANCE OF 73.60 FEET TO AN IRON PIPE, THENCE SOUTH 49 DEGREES 23 MINUTES 18 SECONDS WEST A DISTANCE OF 15.00 FEET, THENCE NORTH 40 DEGREES 33 MINUTES 30 SECONDS WEST A DISTANCE OF 66.75 FEET, THENCE NORTH 89 DEGREES 44 MINUTES 04 SECONDS WEST A DISTANCE OF 53.11 FEET, THENCE NORTH 89 DEGREES 49 MINUTES 16 SECONDS WEST A DISTANCE OF 14.81 FEET, THENCE NORTH 00 DEGREES 29 MINUTES 26 SECONDS WEST A DISTANCE OF 15.00 FEET TO THE TRUE POINT OF BEGINNING. SAID TRACT CONTAINS 0.049 ACRE, MORE OR LESS, ALL IN THE COUNTY OF SANGAMON, STATE OF ILLINOIS.



THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

*Richard Tonella*  
ILLINOIS PROFESSIONAL LAND SURVEYOR # 2590

1-17-05  
DATE SIGNED



EXPIRES: 11/30/06

### LEGEND

IRON PIPE ○

REVISIONS	DATE	BY



**GREENE & BRADFORD, INC.**  
OF SPRINGFIELD

CONSULTING ENGINEERS  
3501 CONSTITUTION DRIVE  
SPRINGFIELD, ILLINOIS 62711  
(217) 793-8844, (217) 793-8227 FAX

PROFESSIONAL LAND SURVEYING FIRM NO. 048-000098

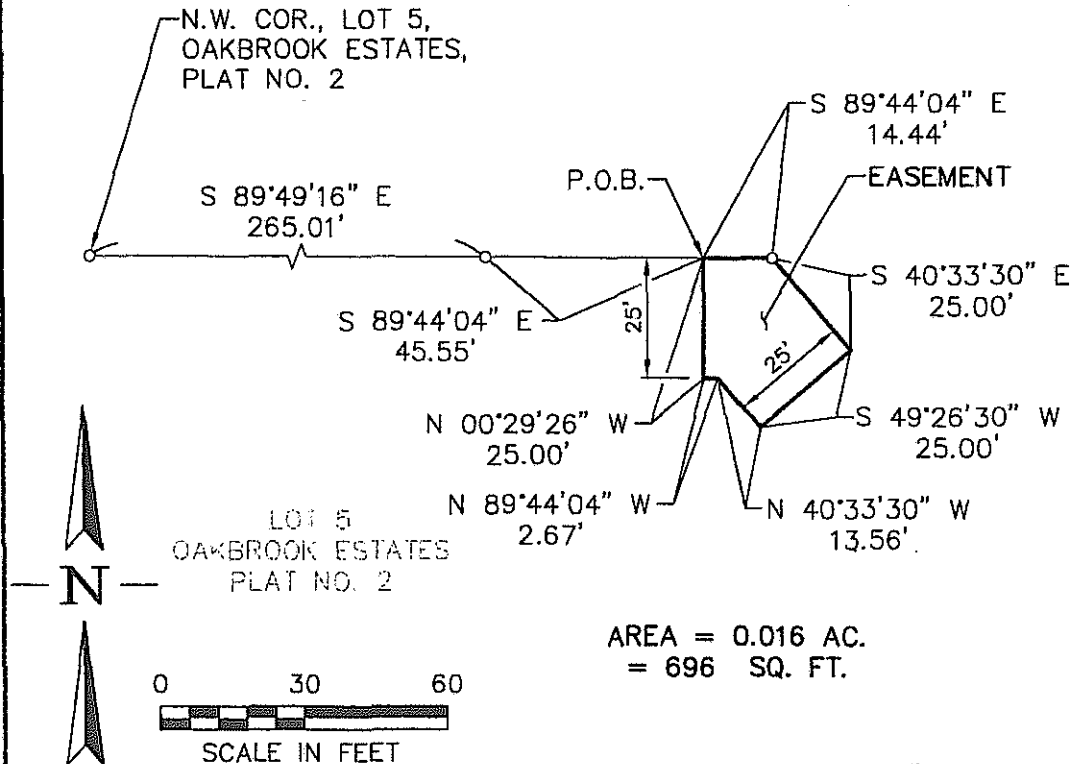
DATE	01-17-05
DRAWN	BAILEY
PROJ. NO.	04-312
FIELD BOOK	X
COMPUTER FILE NO.	04312EP.dwg

# EASEMENT PLAT

## LEGAL DESCRIPTION

PART OF LOT 5 OF OAKBROOK ESTATES, PLAT NUMBER 2 AS RECORDED IN THE OFFICE OF SANGAMON COUNTY RECORDER OF DEEDS, DESCRIBED MORE PARTICULARLY AS FOLLOWS:

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THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

*Richard Tonellato*  
ILLINOIS PROFESSIONAL LAND SURVEYOR # 2590

*2-14-05*  
DATE SIGNED



EXPIRES: 11/30/06

### LEGEND

IRON PIPE    ◯

REVISIONS	DATE	BY
	02-11-05	DC

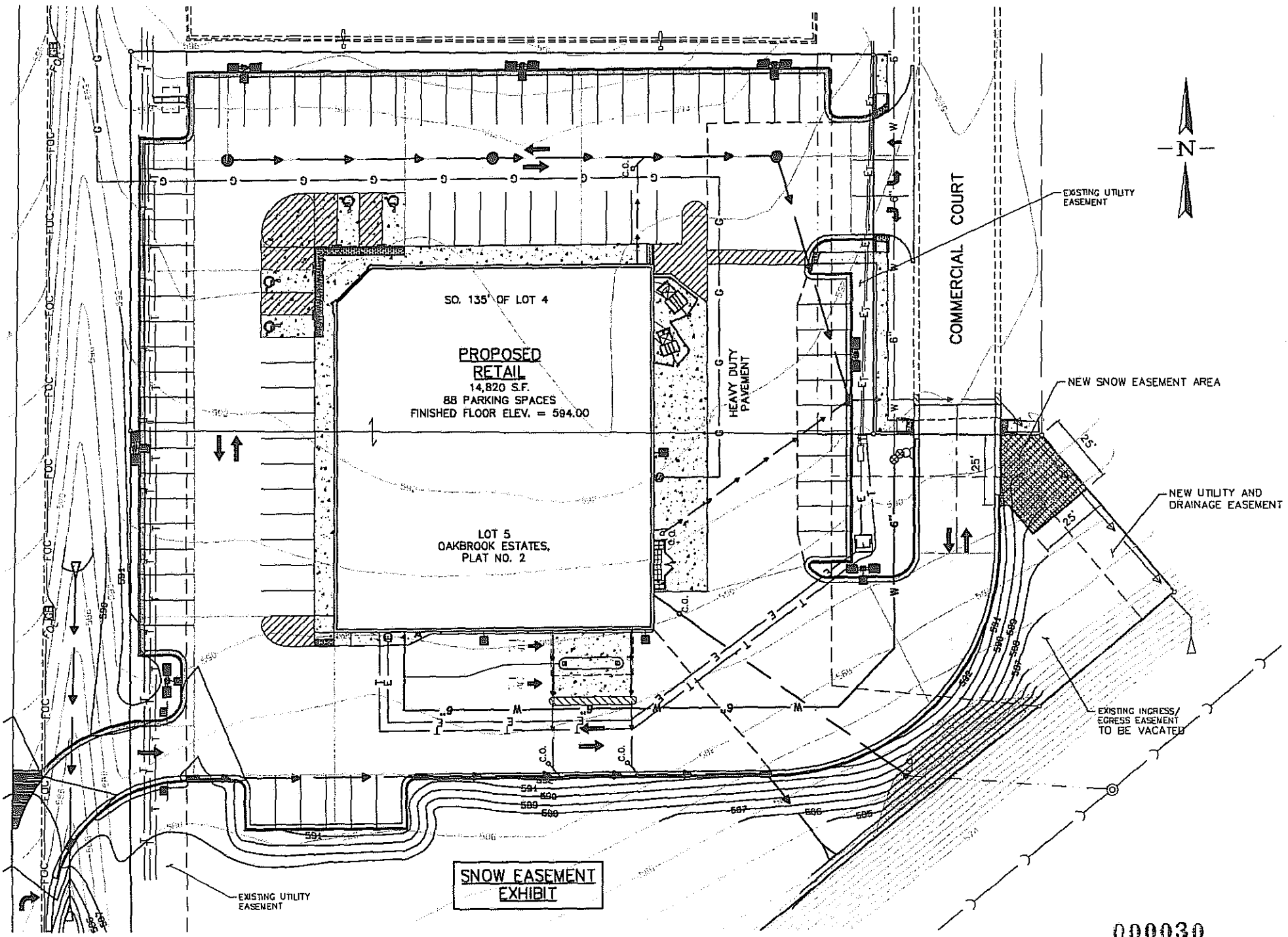


**GREENE & BRADFORD, INC.**  
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(217) 793-8844, (217) 793-6227 FAX

PROFESSIONAL LAND SURVEYING FIRM NO. 048-000098

DATE	02-10-05
DRAWN	CRUM
PROJ. NO.	04-312
FIELD BOOK	-
COMPUTER FILE NO.	04312EP3.dwg



Prepared by/Return to:

John M. Myers  
RABIN, MYERS, HANKEN & DURR, P.C.  
1300 South Eighth St.  
Springfield, IL 62703  
217.544.5000  
217.544.5017 (fax)  
jmyers@springfieldlaw.com



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