

SANGAMON COUNTY, ILLINOIS

ORDINANCE,
NUMBER 19 - 11

**AN ORDINANCE APPROVING A WATER MAIN EASEMENT WITH THE HINDU
TEMPLE OF GREATER SPRINGFIELD**

DAVE KIMSEY, Village President
AMY DAHLKAMP, Village Clerk

ANDREW DETMERS
TERRY FOUNTAIN
BRETT GERGER
RYAN MANN
MATT MAU
PAUL SCHERSCHEL
Village Trustees

Published in pamphlet form by authority of the President and Board of Trustees of the Village of
Chatham

on April 9th, 2019

Sorling Northrup – 1 N. Old State Capitol Plaza, Suite 200, P.O. Box 5131, Springfield, IL
62705

ORDINANCE NO. 19- 11

**AN ORDINANCE APPROVING A WATER MAIN EASEMENT WITH THE HINDU
TEMPLE OF GREATER SPRINGFIELD**

WHEREAS, the Village of Chatham (“Village”), Sangamon County, State of Illinois, is a duly organized and existing Village created under the provisions of the laws of the State of Illinois, and is now operating under the provisions of the Illinois Municipal Code; and

WHEREAS, the Village desires to obtain a fifteen foot (15’) permanent easement or water mains on certain real property situated in Sangamon County, Illinois with tax identification number 28-12.4-100-059 legally described on Exhibit A to **Exhibit 1** of this Ordinance (“Property”); and

WHEREAS, Hindu Temple of Greater Springfield, Owner of the Property, wishes to grant a water main easement to the Village; and,

WHEREAS, the Corporate Authorities of the Village believe it is in the best interest of the Village to obtain a water main easement on the Property; and,

WHEREAS, the parties have drafted a Water Main Easement to fully set out the terms of the easement.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Chatham, County of Sangamon, as follows:

Section 1. Recitals. The foregoing recitals shall be and are hereby incorporated into and made a part of this Ordinance as if fully set forth in this Section 1.

Section 2. Approval of Easement Agreement. The Board of Trustees of the Village hereby approve the Water Main Easement (attached hereto as **Exhibit 1**) by and between the Village and Hindu Temple of Greater Springfield.

Section 3. Authorization. The Village President is hereby authorized to enter into the

Municipal Utility Easement attached hereto and take any such other and further acts necessary to execute the easement contemplated by this Ordinance.

Section 4. Severability. In the event a court of competent jurisdiction finds this ordinance or any provision hereof to be invalid or unenforceable as applied, such finding shall not affect the validity of the remaining provisions of this ordinance and the application thereof to the greatest extent permitted by law.

Section 5. Repeal and Savings Clause. All ordinances or parts of ordinances in conflict herewith are hereby repealed; provided, however, that nothing herein contained shall affect any rights, actions, or causes of action which shall have accrued to the Village of Chatham prior to the effective date of this ordinance.

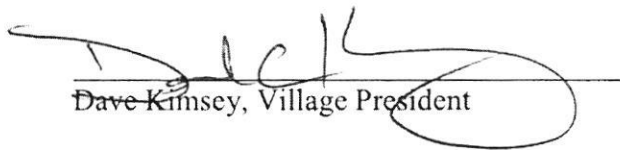
Section 6. Effective Date. This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

SO ORDAINED this 9th day of April, 2019, at Chatham, Sangamon County, Illinois.

	YES	NO	ABSENT	PRESENT
ANDREW DETMERS	X			
TERRY FOUNTAIN	X			
BRETT GERGER	X			
RYAN MANN	X			
MATT MAU	X			
PAUL SCHERSCHEL	X			
DAVE KIMSEY				
TOTAL	6	0	0	

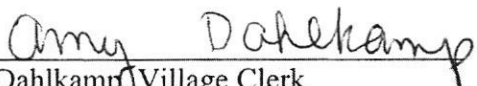
APPROVED by the President of the Village of Chatham, Illinois this 9th day of

April, 2019.



Dave Kimsey, Village President

Attest:



Amy Dahlkamp, Village Clerk

EXHIBIT 1
MUNICIPAL UTILITY EASEMENT



LETTER OF TRANSMITTAL

3695 South 6th Street Frontage Road, Springfield, Illinois 62703
 Phone 217-698-8900 Fax (217) 698-8922
 E-mail: mecmail@martinengineeringco.com

DATE	03/22/2019	JOB NO.	14153
ATTENTION	Pat McCarty		
RE:	Hindu Temple Water Main Easement		

TO Village of Chatham

WE ARE SENDING YOU Attached Under separate cover via Deliver the following items:

Shop drawings
 Prints
 Plans
 Samples
 Specifications
 Copy of letter
 Change order

COPIES	DATE	NO	DESCRIPTION
2			Water Main Easement

THESE ARE TRANSMITTED as checked below:

For approval
 Approved as submitted
 Resubmit _____ copies for approval
 For your use
 Approved as noted
 Submit _____ copies for distribution
 As requested
 Returned for corrections
 Return _____ corrected prints
 For review and comment

 FOR BIDS DUE _____
 PRINTS RETURNED AFTER LOAN TO US

REMARKS _____

Pat, these have been signed by the owner and need signed by the village and notarized at the bottom of the 2nd page. Please return for recording; we will get you a recorded copy for your file.

Let me know any questions

Thank you,

COPY TO _____ SIGNED De Belle

If enclosures are not as noted, kindly notify us at once.

Return to:
Village of Chatham
116 E. Mulberry Street
Chatham, Illinois 62629
Attn: Pat McCarthy

WATER MAIN EASEMENT

KNOW ALL MEN BY THESE PRESENTS, that HINDU TEMPLE OF GREATER SPRINGFIELD, hereinafter called GRANTOR(S), in consideration of One Dollar (\$1.00) and other good and valuable consideration paid by the VILLAGE OF CHATHAM, an Illinois Municipal Corporation, hereinafter called the GRANTEE, the receipt and sufficiency of which is hereby acknowledged, does hereby grant, bargain, sell, transfer and convey to said GRANTEE, its successors and assigns, certain easements with the right to erect, construct, install, and lay and thereafter, use, operate, inspect, repair, maintain, replace and remove a water main(s) over, through, across, and under the following described property owned by GRANTOR(S) in Sangamon County, Illinois, to wit:

(1) a Fifteen foot (15') wide PERMANENT EASEMENT centered on the water main(s) as installed on the following described property:

Part of Tax Identification Number: 28-12.4-100-059
Common Address:

The said real estate being also shown by the plat attached hereto as Exhibit A and made a part hereof.

These easements are for the purpose of laying, constructing, reconstructing, removing, replacing, renewing, maintaining, repairing, operating and protecting water main(s); together with all necessary facilities incident to the construction, operation and maintenance of said water main(s), together with the perpetual right of access, ingress and egress at all times upon the above described property.

It is expressly covenanted and agreed between Grantor(s) and Grantee herein and as covenants running with the land described above and binding on the personal representatives and assigns as follows:

1. No permanent building or structure shall be constructed by Grantor(s), their personal representatives and assigns on said Permanent Easement; provided, however that the Grantor(s); their personal representatives and assigns may use said strip of ground for driveway improvements, parking area, fence or lawn improvements and other public utility uses and equipment, pipes, poles, wires, and other fixtures, as long as such use does not prevent or unreasonably interfere with the uses and purposes of these Easements, or access by the Grantee for the aforesaid uses and purposes.

2. In the event the surface is disturbed by exercise of any of the rights herein granted, the Grantor shall restore the final surface of any part of the property herein described to its grade and re-establish pavement or grass by seeding on any areas used as lawn and disturbed by such exercise. The Grantee, Village of Chatham, shall replace without altering the grade any field tile on the property herein described which is damaged by such construction. No sub-soil shall be left on or near the surface of said land.

3. The Grantee shall make all reasonable efforts to preserve any trees, shrubbery or other items of landscaping which the Grantor(s) desires to preserve, during construction, but the Grantee shall have the right to remove without obligation to replace trees and shrubbery within the area covered by the Easements where such removal is reasonably necessary in the economical construction of the water main(s) or access of equipment during construction.

4. Grantee agrees to indemnify, defend and hold harmless the Grantor, its officers, employees, successors and assigns from and against any and all liability, loss demands, liens, damages, penalty, fines, interest, costs and expenses (including without limitation, reasonable attorney's fees and litigation costs incurred by Grantor in connection therewith) and for any and all loss of life, injury to persons or damage to property which is due to the activities, operations or use of the Right of way Easement (including, without limitation, and such loss, injury or damage due to the construction, maintenance, restoration or repair of the Right of way Easement or any improvements thereto) by Grantee.

IN WITNESS WHEREOF, said Grantor, Hindu Temple of Greater Springfield, has caused its name to be signed this 21 day of March, 2018.

HINDU TEMPLE OF GREATER SPRINGFIELD

By: [Signature]

ATTEST: [Signature]

STATE OF ILLINOIS)
)
COUNTY OF SANGAMON)

The foregoing instrument was acknowledged before me, this 21st day of March, 2018/19



[Signature]
(Notary Public)

Exempt under provisions of 35 ILCS 200/, Sec. 31-45, Para. E, Real Estate Transfer Tax Law.

Date _____

Signature of Buyer, Seller or Representative

STATE OF ILLINOIS)
) SS
COUNTY OF SANGAMON)

The foregoing instrument was acknowledged before me, this _____ day of _____, 2018.

Seal

(Notary Public)

Accepted by:

VILLAGE OF CHATHAM

By: *[Signature]*

STATE OF ILLINOIS)
)
COUNTY OF SANGAMON)

The foregoing instrument was acknowledged before me, this 9th day of April, 2018.

Jill A. Rutler
(Notary Public)

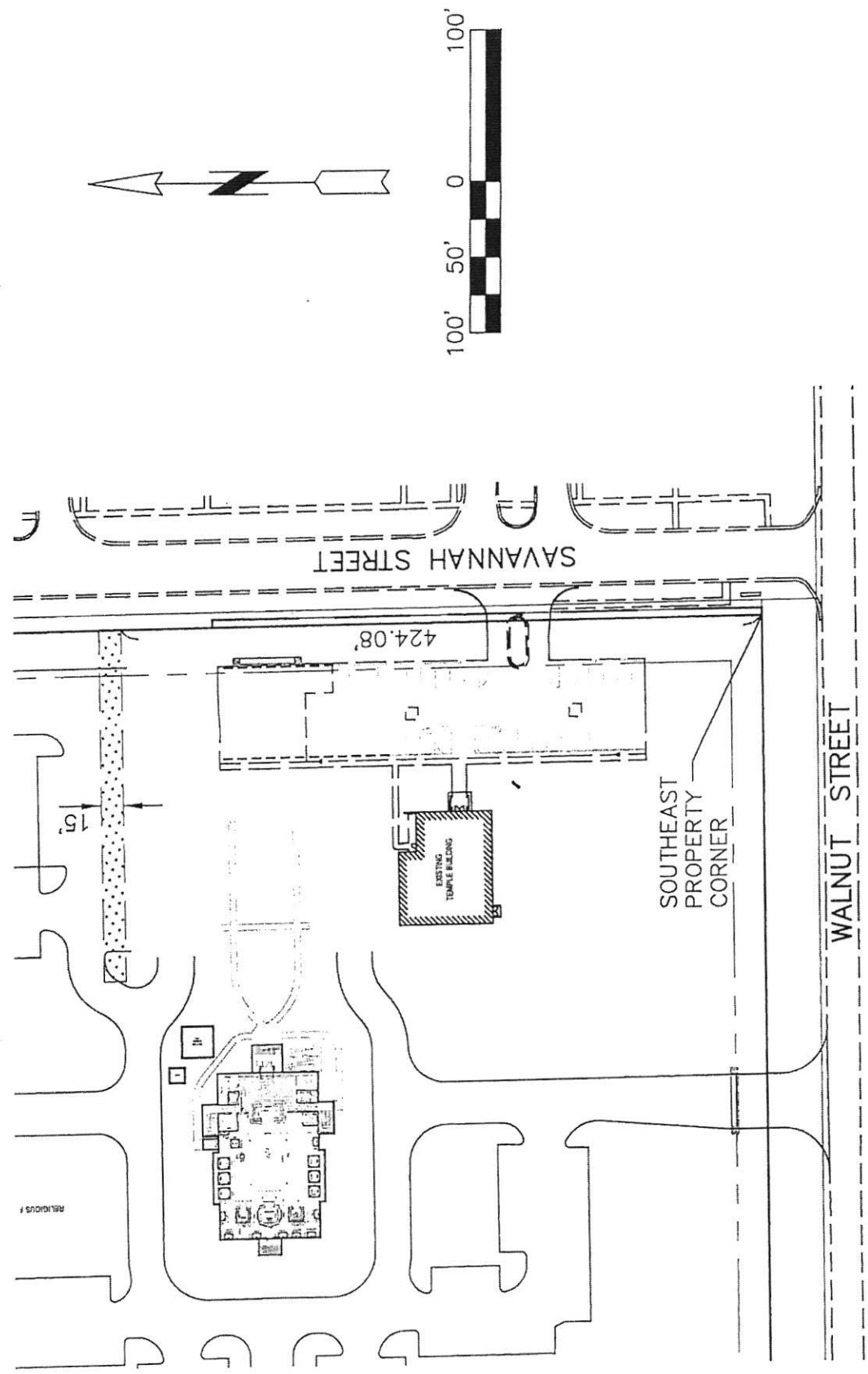




MARTIN ENGINEERING COMPANY *of Illinois*
CONSULTING ENGINEERS/LAND SURVEYORS
(ILLINOIS PROFESSIONAL DESIGN FIRM NO. 184-004556)
3695 SOUTH 6TH STREET FRONTAGE ROAD WEST, SPRINGFIELD, ILLINOIS 62703
Phone : (217) 698-8900, Fax : (217) 698-8922, E-Mail : mrecmail@martinengineeringco.com

EASEMENT EXHIBIT

A 15 FOOT WIDE EASEMENT
CENTERED ON THE WATER MAIN.



Return to:
Village of Chatham
116 E. Mulberry Street
Chatham, Illinois 62629
Attn: Pat McCarthy

WATER MAIN EASEMENT

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MARTIN ENGINEERING COMPANY of Illinois

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Phone: (217) 698-8900, Fax: (217) 698-8822, E-Mail: mecmal@martinengineeringco.com

EASEMENT EXHIBIT

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CENTERED ON THE WATER MAIN.

