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JONATHAN MCLEAN
MONROE COUNTY RECORDER
WATERLOO, IL
RECORDED ON
01/15/2019 02:33:53PM
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BOOK _____ PAGE _____

ORDINANCE NO. 3445

AN ORDINANCE TO APPROVE AN EASEMENT DEDICATION AND EASEMENT VACATION ON LOT 38 OF "FOX RUN ESTATES PHASE 1" SUBDIVISION IN THE CITY OF COLUMBIA, ILLINOIS

WHEREAS, it is necessary and appropriate that the City of Columbia, Illinois (the "City") relocate the twenty (20) foot wide easement on Lot 38 of the "Fox Run Estates Phase 1" Subdivision in the City of Columbia, Illinois; and

WHEREAS, said easement was dedicated to the City of Columbia, Illinois and Public Utilities for municipal sanitary sewer services, by the "Fox Run Estates Phase 1" Subdivision Plat recorded in Plat Envelope 2-327B in the Recorder of Deeds Office of Monroe County, Illinois; and

WHEREAS, it is necessary and appropriate that the City Council of the City shall enact this Ordinance for the purpose of relocation of said easement.

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. The easement depicted in the attached Easement Vacation Plat of Lot 38 of "Fox Run Estates Phase 1" (Exhibit A) is hereby vacated.

Section 3. The Easement Agreement for Lot 38 of "Fox Run Estates Phase 1" attached hereto as Exhibit B is hereby approved and accepted.

Section 4. That for and on behalf of the City, the Mayor is hereby authorized and directed to execute the aforementioned Easement Agreement.

Section 5. This ordinance shall be in full force and effect, from and after its passage, as provided by law.

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

YEAS: Aldermen Ebersohl, Niemietz, Roessler, Huch, Reis, Holtkamp, and Martens.

NAYS: None.

ABSENT: Alderman Agne.

ABSTENTIONS: None.

PASSED by the City Council and **APPROVED** by the Mayor this 7th day of January, 2019.


KEVIN B. HUTCHINSON, Mayor

ATTEST

WESLEY J. HOEFFKEN, City Clerk

(SEAL)

Document Prepared By:

Cooper & Liefer Law Offices
205 E. Market St.
Red Bud, IL 62278

Return Easement To:

City of Columbia
208 South Rapp Avenue
Columbia, IL 62236

THIS INDENTURE, made this 7th day of January, 2019 by and between Laurie Homes, Inc., an Illinois Corporation, and Jimmie E. Gray, hereinafter referred to as "Grantor", and the City of Columbia, an Illinois municipality, hereinafter referred to as "Grantee".

The Grantor, in consideration of the covenants and agreements hereinafter recited, the receipt and sufficiency of which are hereby acknowledged, does hereby give, grant and convey unto Grantee, an easement expressly for the use of the City of Columbia and its successors or assigns for the sole purpose of excavation, construction, repair and maintenance of a sewer line, as shown on Exhibit 1, attached hereto and incorporated by reference herein, and more particularly described as follows:

See Attached Legal Description

To Have and To Hold unto the said Grantee, with the right and authority to use for access purposes in and along said easement with the right and authority to go upon said land at all reasonable times in the future for the purpose of excavation, construction, repair and maintenance of a sewer line. Grantee shall be responsible for repair of any damage resulting from the use of said easement.

The right of the Grantor to freely use and enjoy his interest in the real estate in the easement is reserved to them, their heirs, successors and assigns insofar as the exercise thereof does not endanger or interfere with the excavation, construction, repair or maintenance of the sewer line.

The Grantee agrees, by acceptance of this easement that, upon any excavation, construction, repair and maintenance undertaken in connection with any of the purposes associated with this easement, said shall be restored to as nearly as possible the same condition as existed when said repair and/or maintenance was made, all such work to be done at the sole expense of the Grantee.

The Grantee does further covenant with the Grantee that the Grantor is the owner in fee simple of the real estate hereby subjected to said easement and right of way and has good title to convey the same.

IN WITNESS WHEREOF, the Grantor has duly executed this Indenture, all as of the day and year contained hereinabove.

ACCEPTED BY:

GRANTOR

City of Columbia

Laurie Homes, Inc.

[Handwritten signature]

[Handwritten signature] V.P.

BY:

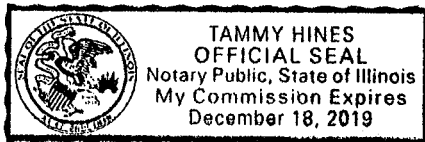
BY:

[Handwritten signature]
Jimmie E. Gray

STATE OF ILLINOIS)
) SS.
COUNTY OF MONROE)

I, the undersigned, a Notary Public, in and for said County, in the State aforesaid, do hereby certify that, William Wilson of Laurie Homes, Inc., 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 he signed, sealed and delivered the said instrument as his free and voluntary act, for the uses and purposes therein set forth.

Given under my hand and notarial seal this 4th day of Jan., 2019.

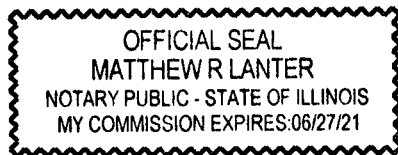


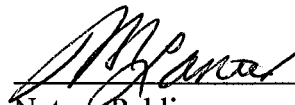
[Handwritten signature]
Notary Public

STATE OF ILLINOIS)
) SS.
COUNTY OF MONROE)

I, the undersigned, a Notary Public, in and for said County, in the State aforesaid, do hereby certify that, Jimmie E. Gray, 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 he signed, sealed and delivered the said instrument as his free and voluntary act, for the uses and purposes therein set forth.

Given under my hand and notarial seal this 7th day of JANUARY, 2019.





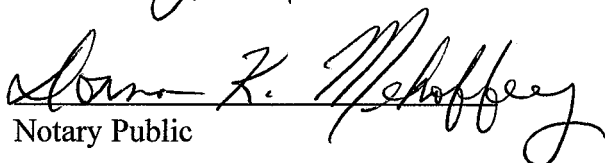
Notary Public

STATE OF)
) SS.
COUNTY OF)

I, the undersigned, a Notary Public, in and for said County, in the State aforesaid, do hereby certify that, Kevin Hutchinson, 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 he signed, sealed and delivered the said instrument as his free and voluntary act, for the uses and purposes therein set forth.

Given under my hand and notarial seal this 7th day of January, 2019.





Notary Public



HENEGHAN AND ASSOCIATES, P.C.

CIVIL ENGINEERS • LAND SURVEYORS

WWW.HAENGR.COM

Since 1986

Fox Run Estates – Phase 3 New 20' Easement Legal Description

A twenty (20) feet wide easement on, over, and across part of Lot 38 of "Fox Run Estates - Phase 3", City of Columbia, Monroe County, Illinois, reference being had to the plat thereof recorded in the Recorder's Office of Monroe County, Illinois, in Envelope 2-344B, said easement being more particularly described as follows:

Commencing at the most westerly corner of Lot 38 of said "Fox Run Estates - Phase 3"; thence at an assume bearing of North 30°35'42" East, along the northwesterly line of said Lot 38 a distance of 39.03 feet to the Point of Beginning of the herein described easement; thence continuing North 30°35'42" East, along the northwesterly line of said Lot 38 a distance of 31.21 feet; thence South 09°15'25" East, a distance of 65.45 feet to a point which lies 20.00 feet, measured at right angles, northeasterly of the southwesterly line of said Lot 38 of "Fox Run Estates - Phase 3"; thence North 59°24'18" West, parallel to said southwesterly line of said Lot 38, a distance of 26.05 feet; thence North 09°15'25" West, a distance of 24.79 feet to the Point of Beginning.

60840-500.NEW.ESMT.lgl.doc

□ 838 East McCord
Centralia, IL 62801
(P) 618-533-6525
(F) 618-533-6652

□ 310A Vision Drive
Columbia, IL 62236
(P) 618-281-8133
(F) 618-281-8290

□ 5213D Mae Drive
Godfrey, IL 62035
(P) 618-466-8076
(F) 618-466-8078

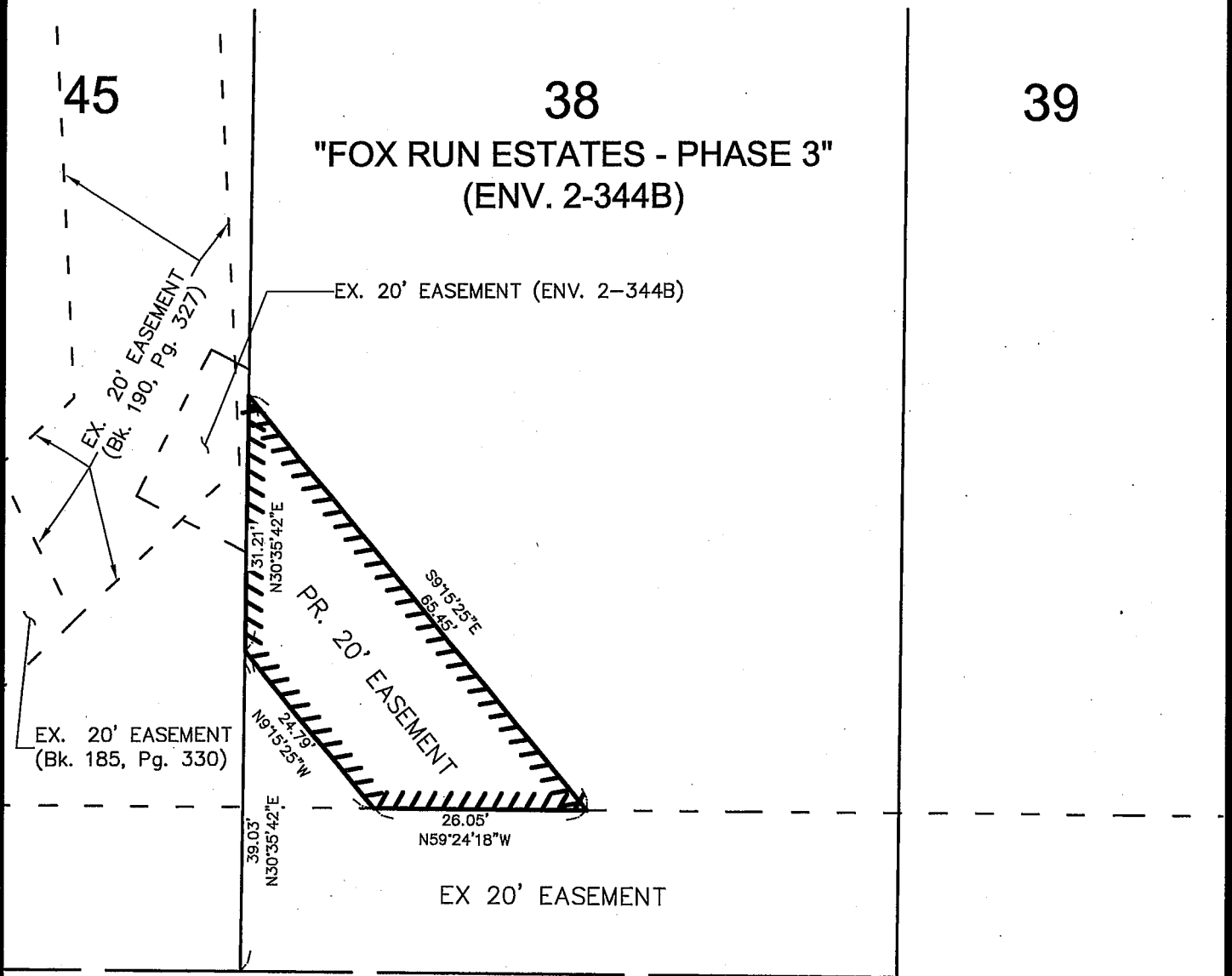
□ 1004 State Highway 16
Jerseyville, IL 62052
(P) 618-498-6418
(F) 618-498-6410

□ 1929 Richardson Road
Arnold, MO 63010
(P) 636-464-3610
(F) 636-464-2059

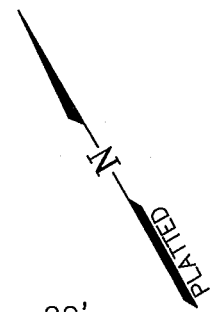
"DEDICATING OUR SERVICES TO STRENGTHEN CLIENT TRUST"

EASEMENT PLAT

PART OF LOT 38 OF "FOX RUN ESTATES - PHASE 3"
CITY OF COLUMBIA, MONROE COUNTY, ILLINOIS



LAKE SHORE DRIVE (50'w)



HENEGHAN AND ASSOCIATES, P.C.
ENGINEERS ~ SURVEYORS
310A Vision Drive
Columbia, Illinois 62236
(618)281-8133 FAX (618)281-8290
www.haengr.com
Project No. 60840-500
PROFESSIONAL DESIGN FIRM REGISTRATION NO: 184-002882
EXPIRES: APRIL 30, 2019



SCALE: 1" = 20'

JANUARY 2, 2019



HENEGHAN AND ASSOCIATES, P.C.

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Since 1986

**Fox Run Estates – Phase 3
20' Easement to be Vacated
Legal Description**

Part of a twenty (20) feet wide easement on, over, and across part of Lots 38 and 39 of "Fox Run Estates - Phase 3", City of Columbia, Monroe County, Illinois, reference being had to the plat thereof recorded in the Recorder's Office of Monroe County, Illinois, in Envelope 2-344B, said easement being more particularly described as follows:

Commencing at the most westerly corner of Lot 38 of said "Fox Run Estates - Phase 3"; thence at an assume bearing of North 30°35'42" East, along the northwesterly line of said Lot 38 a distance of 51.10 feet to the Point of Beginning of the herein described easement; thence continuing North 30°35'42" East, along the northwesterly line of said Lot 38 a distance of 22.34 feet; thence South 32°55'38" East, a distance of 119.88 feet to a point which lies 20.00 feet, measured at right angles, northeasterly of the southwesterly line of Lot 39 of said "Fox Run Estates - Phase 3"; thence North 59°24'18" West, parallel to said southwesterly line of Lot 39 and the southwesterly line of said Lot 38, a distance of 44.86 feet; thence North 32°55'38" West, a distance of 69.76 feet to the Point of Beginning.

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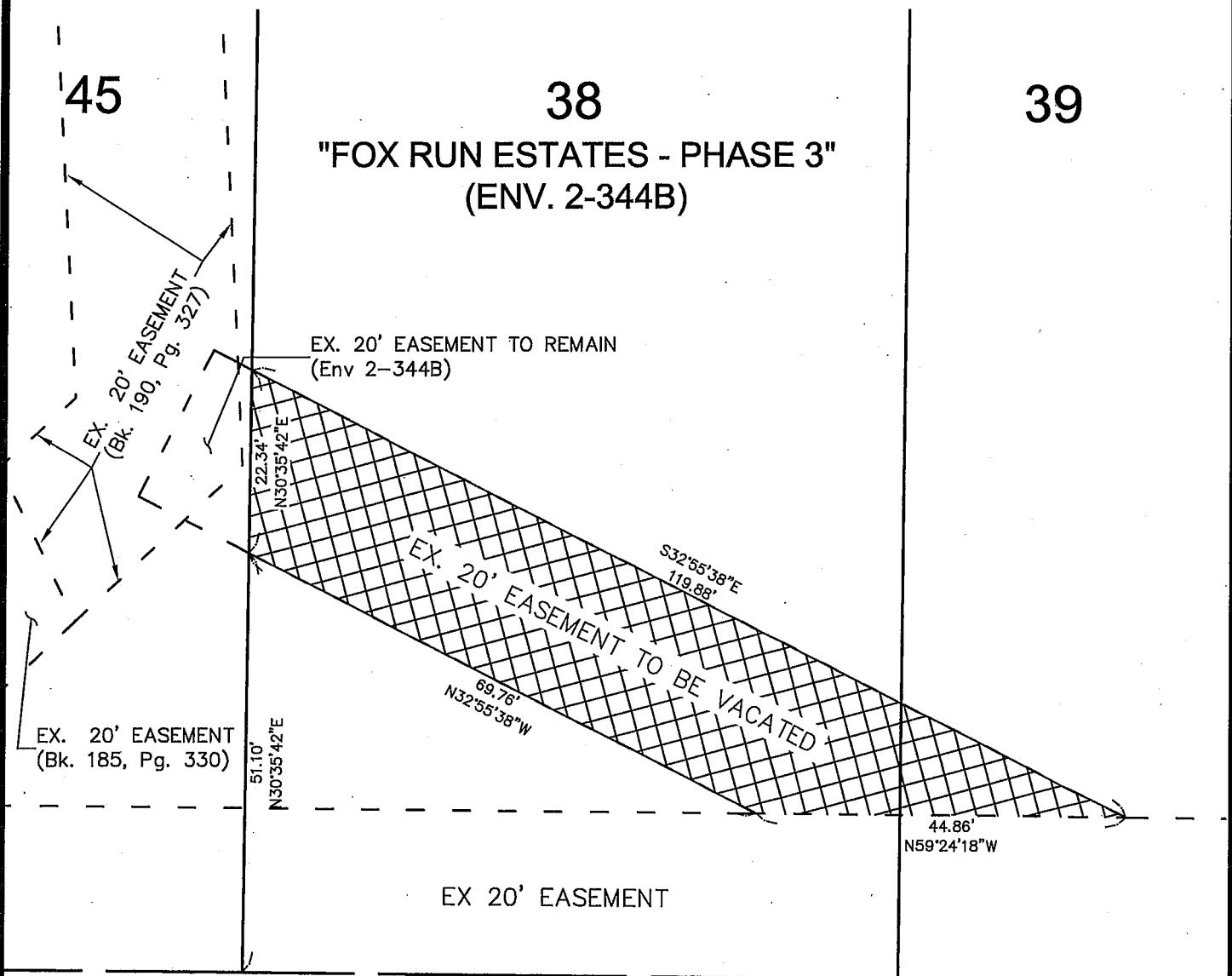
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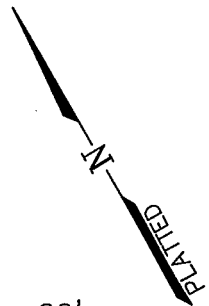
"DEDICATING OUR SERVICES TO STRENGTHEN CLIENT TRUST"

EASEMENT VACATION PLAT

LOTS 38 & 39 OF "FOX RUN ESTATES - PHASE 3"
CITY OF COLUMBIA, MONROE COUNTY, ILLINOIS



LAKE SHORE DRIVE (50'w)



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SCALE: 1" = 20'

JANUARY 2, 2019