

A RESOLUTION AUTHORIZING ACCEPTANCE OF A PERMANENT EASEMENT FOR DRAINAGE PURPOSES

WHEREAS, the Village of Barrington Hills (“Village”) is a home-rule municipality pursuant to Article VII, Section 6, of the Constitution of the State of Illinois, and as such is authorized to take all reasonable action pertaining to its affairs in accordance therewith; and

WHEREAS, David Russo (“Owner”) is the owner of certain real property in the Village of Barrington Hills, Illinois, which property is identified by the common address of 11 Wood Creek Road, Barrington Hills, Illinois, Permanent Index No. 01-20-201-006; and

WHEREAS, the Village has discussed with the Owner the necessity of the Village’s acquisition of an easement over an existing storm sewer along the south property line of his property for stormwater drainage purposes, and the Owner is desirous of granting a non-exclusive easement for said purposes; and

WHEREAS, the Village and the Owner have discussed the terms of the non-exclusive easement, as set forth in the Easement Agreement attached hereto and incorporated herein by reference as Exhibit A, and both parties have determined it is reasonable and necessary to execute such Easement Agreement for the purposes set forth therein.

NOW, THEREFORE, BE IT RESOLVED by the President and Board of Trustees of the Village of Barrington Hills, located in the Counties of Cook, Kane, Lake and McHenry, Illinois, as follows:

SECTION ONE: The recitals set forth above are incorporated herein and made a part hereof.

SECTION TWO: The Village President is hereby directed and authorized to execute the Easement Agreement attached hereto as Exhibit A, on behalf of the Village, and the Village Clerk shall attest thereto.

SECTION THREE: After securing a fully executed Easement Agreement, the Village Clerk shall forward a copy of this Resolution, with executed Easement Agreement attached thereto, to Village Engineer Dan Strahan of Gewalt Hamilton & Associates, Inc., 625 Forest Edge Drive, Vernon Hills, IL 60061; and she shall file a certified copy of same with the Record of Deeds of Cook County, and thereafter shall maintain the recorded copy of same within the Village’s official records.

SECTION FOUR: This Resolution shall take effect immediately upon its passage and approval as provided by law.

Ayes: Nays: Absent:

PASSED AND APPROVED by the President and Board of Trustees of the Village of Barrington Hills, Illinois, this 25th day of April, 2016.

APPROVED:

ATTEST:

Village President

Village Clerk

MEMORANDUM

To: Robert Kosin, VBH Director of Administration
Brain Cecola, VBH Chairman Roads & Bridges

From: Daniel J. Strahan, P.E., CFM
Gewalt Hamilton Associates

Date: April 18, 2016

Re: Woodcreek Road- Proposed Drainage Easement

In our examination of the roadside drainage along Woodcreek Road, it was found that multiple existing culverts in the vicinity of 11 Woodcreek Road discharge to an existing storm sewer along the southern property line, running from the right-of-way back to Spring Creek, a distance of approximately 900'. In reviewing the roadside drainage it was determined that it would benefit the Village and the homeowner to consolidate the existing roadway culverts and tie a single roadway culvert into the existing storm sewer along the property line.

Concurrently, the homeowner at 11 Woodcreek Road is in the process of applying for a building permit that would modify the outlet structure of the existing pond on the property. Specifically the outlet pipe would tie into the existing storm sewer along the southern property line.

The original subdivision did not dedicate an easement along the south property line. However, as the existing storm sewer pipe directs runoff from Woodcreek Road across the property to Spring Creek, it would be appropriate for an easement to be dedicated to define future maintenance responsibilities for the pipe. The following documents are attached to provide further illustration of the discussion above:

- Draft Resolution for Proposed Easement
- Proposed Easement Agreement
- Easement Exhibit
- 11 Woodcreek Site Development Plan

This instrument was prepared by

Bond, Dickson & Associates, P.C.
400 S. Knoll Street, Unit C
Wheaton, IL 60187

After Recording Return To:

Village of Barrington Hills
112 Algonquin Road
Barrington Hills, Illinois 60010
Attn: Village Administrator

EASEMENT AGREEMENT

This Easement Agreement (“Agreement”) is made this ___ day of _____, 2016 by and between the Village of Barrington Hills, an Illinois municipal corporation (the “Village”) and David Russo (“Owner”).

RECITALS

A. Owner is the owner of certain real property in the Village of Barrington Hills, Illinois, which property is identified by the common address of 11 Wood Creek Road, Barrington Hills, Illinois, Permanent Index No. 01-20-201-006, and which is legally described on the attached Exhibit A (the “Property”).

B. The Village has discussed with the Owner the necessity of the Village’s acquisition of an easement over an existing storm sewer along the south property line of the Property for stormwater drainage purposes, and the Owner is desirous of granting a non-exclusive easement for said purposes. The Village intends to replace and relocate an existing roadway culvert under Wood Creek Road which will connect to the existing storm sewer located on Owner’s property.

C. The Parties are entering into this Agreement to grant the Village a permanent drainage easement over that portion of the Property described on Exhibit B attached hereto.

NOW THEREFORE, for and in consideration of the Recitals, which are incorporated herein, for the sum of Ten Dollars (\$10.00) paid by the Village to the Owner and for other good and valuable consideration the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

AGREEMENTS

1. Grant of Permanent Drainage Easement to the Village. The Owner hereby grants to the Village, its successors and assigns, a non-exclusive, permanent drainage easement over the portion of the Property legally described and noted on the Plat of Easement attached hereto as Exhibit B (the “Permanent Easement Area”) for purposes of maintaining an existing storm sewer on the Property and connecting a proposed roadway culvert to said storm sewer.

2. Construction of Improvements. The Village shall construct the proposed roadway culvert (the “Public Improvements”) in a lien-free and good and workmanlike manner, in accordance with all laws and regulations, and as shown on the plans for the 2016 Road Program – Various Culvert Replacements, dated March 2, 2016, prepared by Gewalt Hamilton Associates, Inc. (the “Plans”). Village shall proceed with the construction of the Public Improvements using due diligence and shall complete the same by November 30, 2016, subject to matters beyond the reasonable control of Village.

3. Maintenance/Restoration. The Village shall maintain the existing storm sewer and the proposed Public Improvements in good order, condition and repair in a manner consistent with other similar public improvements constructed by the Village, in compliance with all laws and regulations, and otherwise in a condition acceptable to Owner.

4. Default. If a party to this Agreement alleges that the other party is in breach hereof, the party alleging breach shall give written notice to the other party, such notice specifying the nature of the alleged breach. Unless otherwise set forth herein, and except in case of an emergency where persons or property are in immediate peril, the party in breach shall have thirty (30) days after receipt of the notice to effect a cure; in an emergency, all reasonable steps to cure shall be taken immediately.

5. Insurance. The Village shall cause the contractor constructing the Public Improvements to obtain, at its sole cost and expense, and maintain during the construction of the Public Improvements, commercial general liability insurance for the mutual benefit of Owner and the Village with a combined single limit of not less than \$1,000,000.00 on an occurrence basis, which policy shall:

- (a) be written by solvent insurance companies licensed in the State of Illinois; and
- (b) provide that such policy of policies may not be canceled by the insurer without first giving Owner at least thirty (30) days prior written notice.

Such contractor shall also be required to obtain and maintain, at its sole cost and expense, during the performance of its construction operations, workers compensation insurance covering all persons directly employed by such contractor in connection with the construction operations and with respect to which death or injury claims could be asserted against Owner, the Property or any interest therein as required by applicable laws and regulations. Village shall deliver certificate(s) of insurance evidencing the required insurance of contractor to Owner prior to commencement of any construction operations on the Property.

other persons or entities as Owner may deem proper for any purpose which does not materially interfere with or prevent the use by Village of the easement herein granted.

[signature page follows]

IN WITNESS WHEREOF, the parties have executed this Agreement as of date first written above.

Owner:

David Russo

By: _____

Name: _____

Village:

The Village of Barrington Hills,
an Illinois municipal corporation

By: _____

Martin McLaughlin, President

By: _____

Anna Paul, Village Clerk

STATE OF ILLINOIS)
)SS
COUNTY OF COOK)

I, the undersigned, a Notary Public, in and for the County and State aforesaid, DO HEREBY CERTIFY that David Russo, 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 he signed and delivered the said instrument as their free and voluntary act for the uses and purposes therein set forth.

GIVEN under my hand and Notary Seal this ____ day of _____, 2016.

Commission expires on _____, 20__.

Notary Public

STATE OF ILLINOIS)
)SS
COUNTY OF COOK)

I, the undersigned, a Notary Public, in and for the County and State aforesaid, DO HEREBY CERTIFY that Martin McLaughlin personally known to me to be the President of the VILLAGE OF BARRINGTON HILLS, and personally known to me to be the same person whose name is subscribed to the foregoing instrument as such President of the VILLAGE OF BARRINGTON HILLS, and that he appeared before me this day in person and acknowledged that as such President of the VILLAGE OF BARRINGTON HILLS he signed and delivered the said instrument, pursuant to authority given by the VILLAGE OF BARRINGTON HILLS as his free and voluntary act, and as the free and voluntary act and deed of said municipality, for the uses and purposes therein set forth.

GIVEN under my hand and Notary Seal this ____ day of _____, 2016.

Commission expires on _____, 20__.

Notary Public

EXHIBIT A

PROPERTY

The Southerly 15 feet of Lot 11 In Etters Woodcreek Estates Subdivision of Barrington Hills, a subdivision of part of the Northeast 1/4 of Section 20, Township 42 North, Range 9 East of the Third Principal Meridian, in Cook County, according to the plat thereof recorded March 31, 1959 as Document no. 17495285, in Cook County, Illinois.

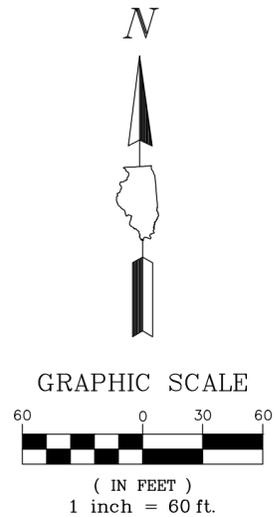
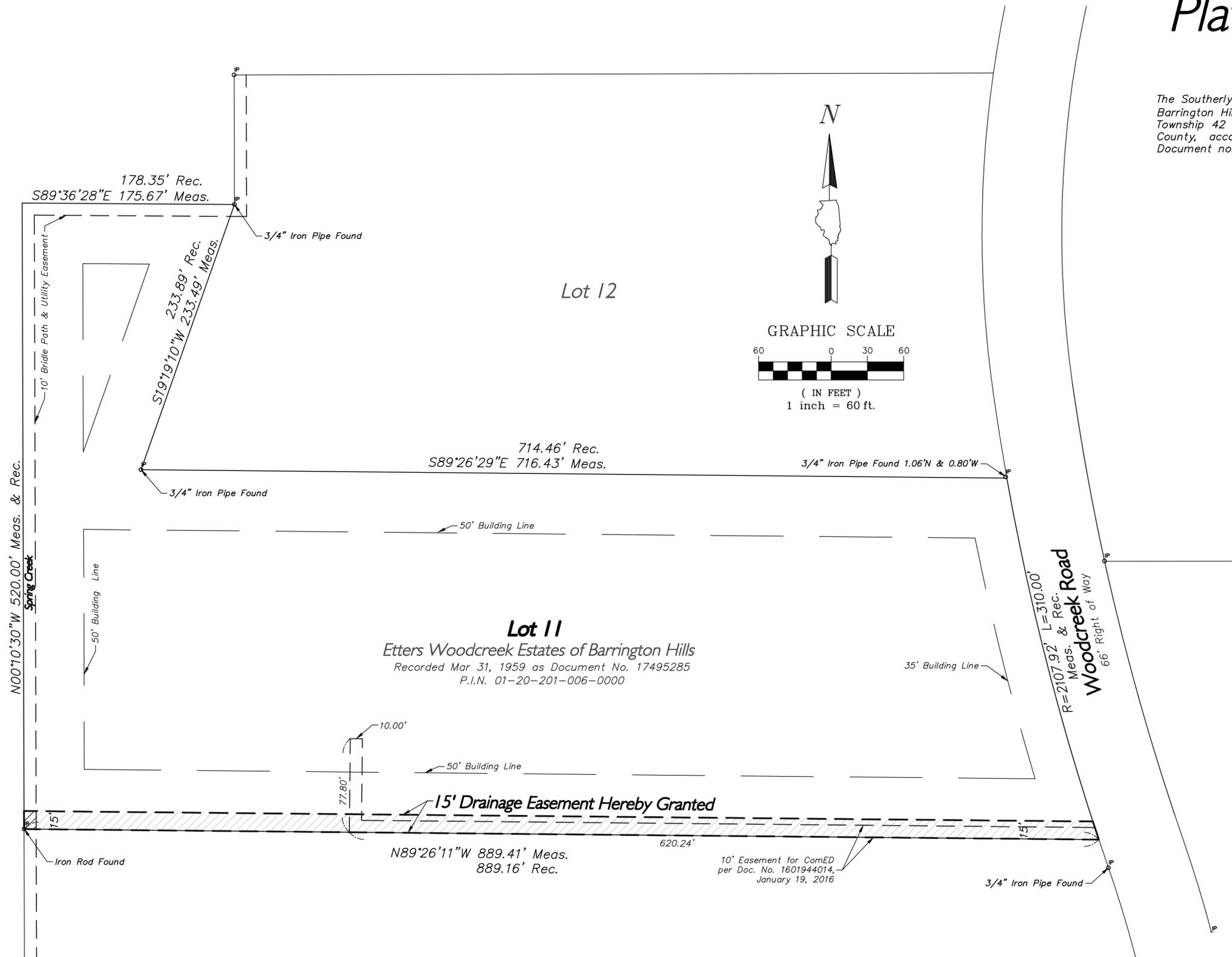
PIN: 01-20-201-006

EXHIBIT B
PLAT OF EASEMENT

Plat of Easement

to the Village of Barrington Hills
for Public Utilities & Drainage

The Southerly 15 feet of Lot 11 In Etters Woodcreek Estates Subdivision of Barrington Hills, a subdivision of part of the Northeast 1/4 of Section 20, Township 42 North, Range 9 East of the Third Principal Meridian, in Cook County, according to the plat thereof recorded March 31, 1959 as Document no. 17495285, in Cook County, Illinois.



Surveyor's Certificate

State of Illinois) S.S.
County of Cook)

We, Gewalt-Hamilton Associates, Inc. do hereby certify that we have prepared this Plat of Easement and that it is a true and correct representation of said Easement. All distances shown hereon are in feet and decimal parts thereof.

Dated this 24th day of March, 2016AD.

Field work completed the 5th day of April, 2016AD.

GEWALT HAMILTON ASSOCIATES, INC.
Professional Design Firm License No. 184-000922



Jonathan F. Past
Illinois Professional Land Surveyor No. 3341
My License Expires November 30, 2016

SHEET TITLE	Plat of Easement	
	PROJECT	Village of Barrington Hills 11 Woodcreek Road
PROJECT	PROJECT NO.	9355.147
	SCALE	1" = 60'
PROJECT	DATE	03.24.2016
	DRAWN BY	AS
PROJECT	CHECKED BY	DS
	DRAWING NO.	/
GEWALT HAMILTON ASSOCIATES, INC. CONSULTING ENGINEERS & SURVEYORS 850 Forest Edge Drive Vernon Hills, IL 60061 Tel. 847.478.9700 Fax 847.478.9701		1 OF 1 SHTS

TOPOGRAPHIC AND BOUNDARY SURVEY

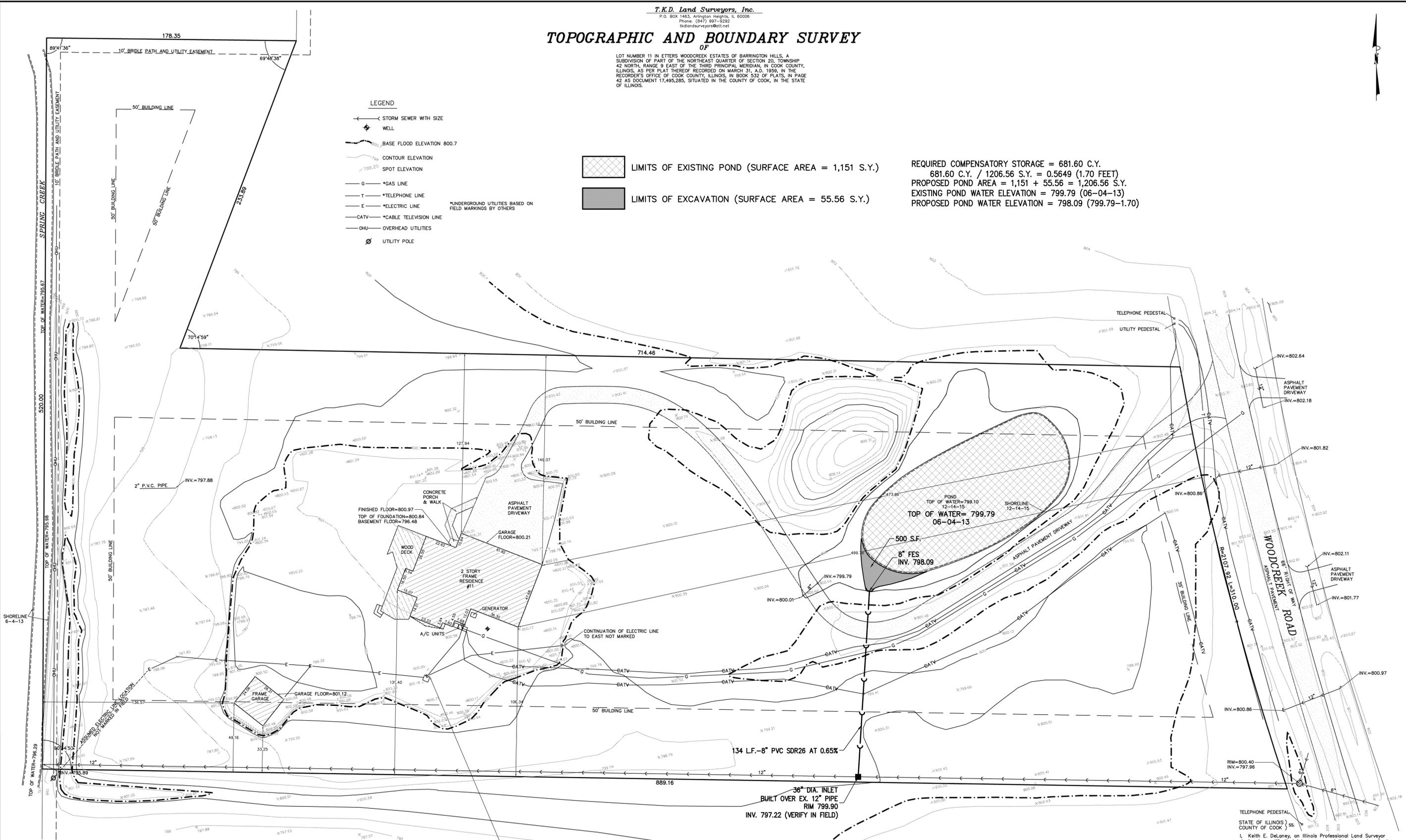
OF
 LOT NUMBER 11 IN ETERS WOODCREEK ESTATES OF BARRINGTON HILLS, A
 SUBDIVISION OF PART OF THE NORTHEAST QUARTER OF SECTION 20, TOWNSHIP
 42 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY,
 ILLINOIS, AS PER PLAT THEREOF RECORDED ON MARCH 31, A.D. 1959, IN THE
 RECORDER'S OFFICE OF COOK COUNTY, ILLINOIS, IN BOOK 532 OF PLATS, IN PAGE
 42 AS DOCUMENT 17,495,285, SITUATED IN THE COUNTY OF COOK, IN THE STATE
 OF ILLINOIS.

- LEGEND**
- STORM SEWER WITH SIZE
 - WELL
 - BASE FLOOD ELEVATION 800.7
 - CONTOUR ELEVATION
 - SPOT ELEVATION
 - *GAS LINE
 - *TELEPHONE LINE
 - *ELECTRIC LINE
 - *CATV
 - *CABLE TELEVISION LINE
 - OHU OVERHEAD UTILITIES
 - UTILITY POLE
- *UNDERGROUND UTILITIES BASED ON
 FIELD MARKINGS BY OTHERS

 LIMITS OF EXISTING POND (SURFACE AREA = 1,151 S.Y.)

 LIMITS OF EXCAVATION (SURFACE AREA = 55.56 S.Y.)

REQUIRED COMPENSATORY STORAGE = 681.60 C.Y.
 681.60 C.Y. / 1206.56 S.Y. = 0.5649 (1.70 FEET)
 PROPOSED POND AREA = 1,151 + 55.56 = 1,206.56 S.Y.
 EXISTING POND WATER ELEVATION = 799.79 (06-04-13)
 PROPOSED POND WATER ELEVATION = 798.09 (799.79-1.70)



MEASURED LOT AREA = 283,939 SQ. FT. (6.518 ACRES)
 • All dimensions shown are given in feet & decimal parts thereof
 • No angles or distances are to be assumed by scaling
 • Legal description, building lines and easements are taken from
 recorded subdivision plat and/or other available documentation.
 Refer to title policy, deed or local jurisdiction for building setbacks
 and easements not shown hereon and report any discrepancies.

Scale: 1" = 30'
 Order # 13-130
 Address: 11 Woodcreek Rd.
 Barrington Hills, IL 60010
 P.L.N. 01-20-201-006
 Ordered by Dave Russo



EXP. 11-30-17

BENCHMARK
 NORTHEAST CORNER OF TRANSFORMER PAD
 ELEVATION = 801.36
 TRANSFERRED FROM VILLAGE OF BARRINGTON HILLS
 BENCHMARK T.B.M. #22

PROPOSED FLOODPLAIN COMPENSATORY STORAGE POND IMPROVEMENTS



MARCHIS ENGINEERING, LTD.
 CONSULTING ENGINEERS AND PLANNERS
 100 EAST STATE PARKWAY
 SCHAUMBURG, IL 60173
 847-885-8357

DESIGN: P. LIPSKI
 DRAFTING: VDR
 SCALE: 1" = 30'
 DATE: FEB. 24, 2016



JOB NO. 15-043

4



I, Keith E. DeLaney, an Illinois Professional Land Surveyor do hereby certify that I have surveyed the above described property, and that the above plat is a correct representation of said survey.

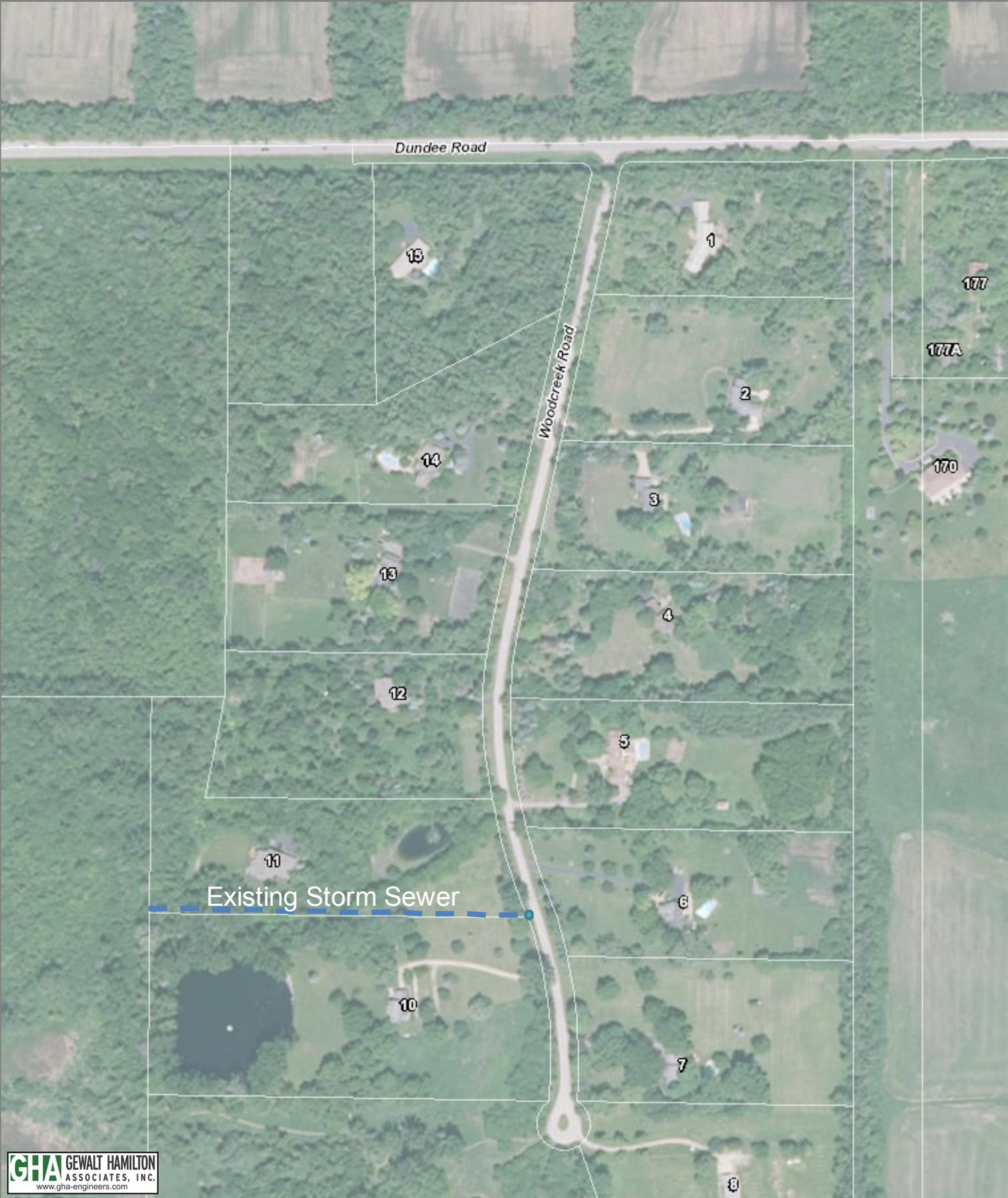
Keith E. DeLaney Illinois P.L.S. #035-00386
 Dated: July 26, 2013, August 6, 2015, Additional grades
 September 2, 2015, Additional grades
 September 9, 2015, Additional grades
 December 14, 2015, Pond shoreline

Field work completed: July 26, 2013, August 5, 2015
 September 2, 2015, Additional grades
 September 9, 2015, Additional grades
 December 14, 2015, Pond shoreline

Professional Design Firm Lic. No. 164,005204
 This professional service conforms to the current
 Illinois minimum standards for a boundary survey.

THIS SURVEY IS VALID ONLY WITH EMBOSSED SEAL

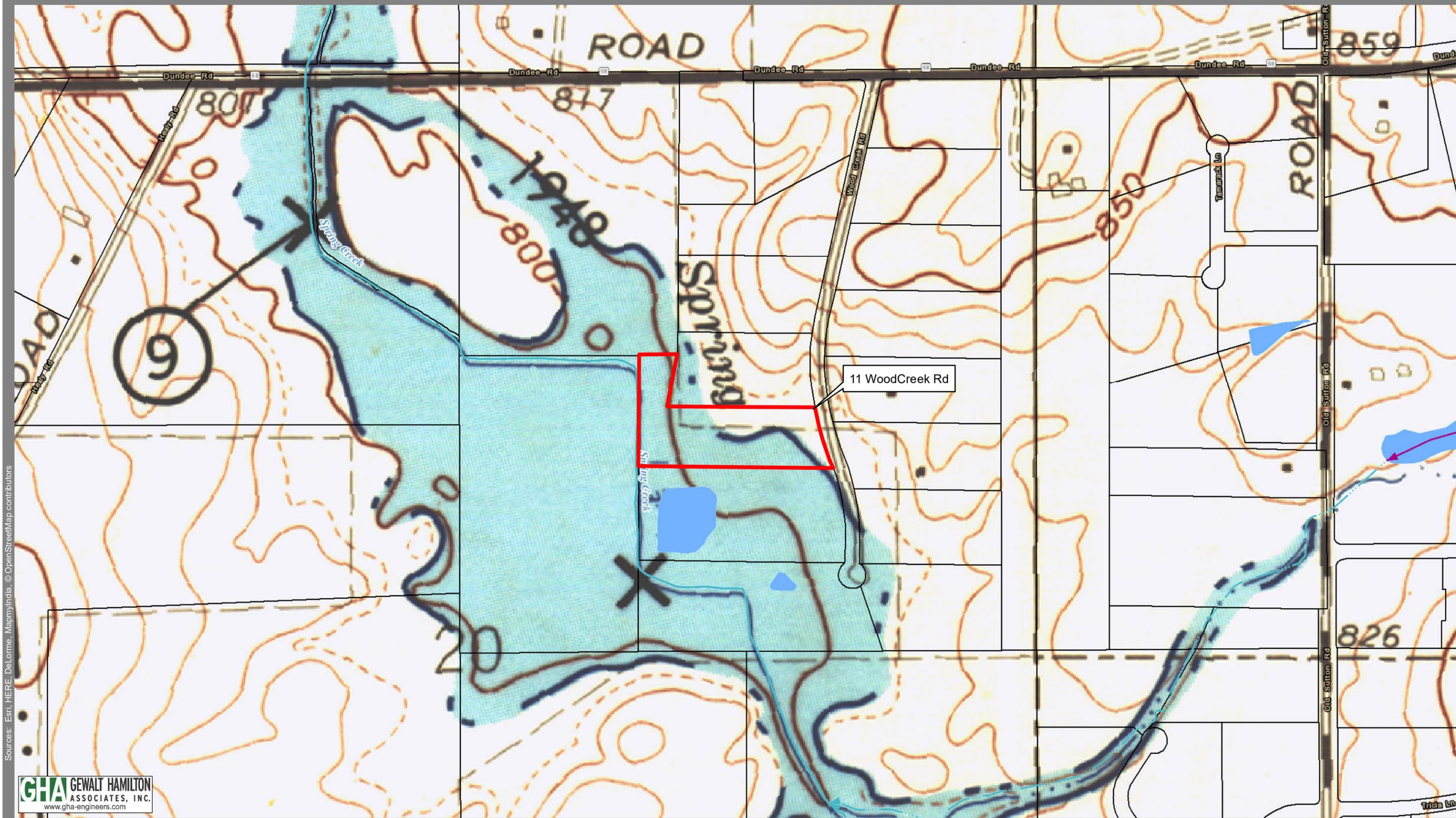
Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Geomatics, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community



1 inch = 400 Feet

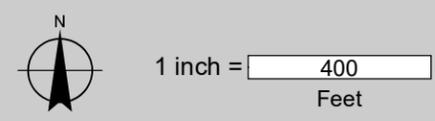
11 Woodcreek- Drainage Easement

Village of Barrington Hills



Sources: Esri, HERE, DeLorme, MapmyIndia, © OpenStreetMap contributors

Drawn By: gnewton File: G:\1993\9355\9355_401 Misc\11 Woodcreek FEMA MapL.mxd



USGS Hydrologic Atlas

11 Woodcreek Rd
Barrington Hills, IL

Map Center: -88.20456 42.10615

Date: 4/22/2016 Project: 9355.401