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Doc#: 1328429070 Fee: \$54.00  
Karen A. Yarbrough  
Cook County Recorder of Deeds  
Date: 10/11/2013 12:15 PM Pg: 1 of 9

Property of Cook County Clerk's Office

## RESOLUTION NO. 08-R-125

(Consenting to First Amendment to Declaration of Easement –  
Intersection of Waukegan Road and Voltz Road)

On May 14, 1993, the Northbrook Park District ("**Park District**") executed a Declaration of Easement, which was recorded in the Office of the Recorder of Cook County, Illinois, on May 14, 1993 as document no. 93366642 ("**Declaration**"). The Declaration granted to the Village, among other rights, a permanent, non-exclusive easement over a certain parcel of the Park District's property adjacent to Waukegan Road for the purpose of maintaining a public road ("**Public Road and Utility Easement**").

In March of 1998, the Village accepted an extension of Voltz Road which created a four-way intersection at the corner of Waukegan Road and Voltz Road. Waukegan Road is under the jurisdiction of the Illinois Department of Transportation ("**IDOT**"). This intersection is not controlled by a traffic signal.

The Park District desires to amend the Declaration to grant IDOT the right to use the Public Road and Utility Easement for the purpose of installing and maintaining a traffic signal on the Park District's property at the intersection of Waukegan and Voltz Road ("**First Amendment**"). All amendments to the Declaration require the Village's consent.

The President and the Board of Trustees have determined that it is in the best interests of the Village and the public to consent to the execution of the First Amendment.

NOW, THEREFORE, BE IT RESOLVED by the President and the Board of Trustees of the Village of Northbrook, County of Cook, and State of Illinois, THAT:

### Section 1. Recitals.

The recitals contained in this Resolution are incorporated in and made a part of this Resolution by this reference.

### Section 2. Approval of First Amendment.

The First Amendment shall be, and is hereby, approved in substantially the form attached to this Resolution as Exhibit A.

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Section 3. Authorization to Execute Consent; Recording.

The Village Manager and the Village Clerk shall be, and are hereby, authorized and directed to execute and seal, on behalf of the Village, the consent to the First Amendment. The Village Manager shall be, and is hereby, authorized to cooperate in the recording of the First Amendment upon proper execution and consent by all necessary parties.

PASSED: This 26th day of August, 2008

AYES: (5) Trustees Frum, Karagianis, Buehler, Heller, and Kole

NAYS: (0)

ABSENT: (1) Trustee Scolaro

ABSTAIN: (0)

/s/Eugene Marks  
Village President

ATTEST:  
/s/Debra J. Ford  
Village Clerk

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I hereby certify this to be a true and exact copy of the original

9-5-08  
Date

Debra J. Ford  
Village Clerk

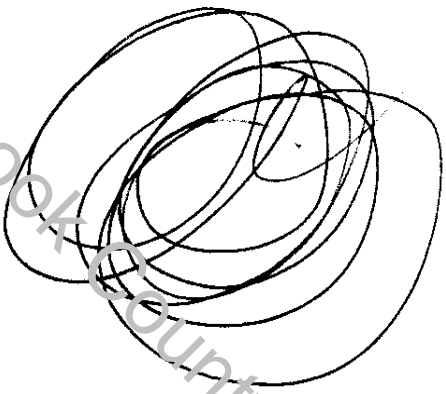


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EXHIBIT A

FIRST AMENDMENT TO DECLARATION OF EASEMENT

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THIS DOCUMENT PREPARED BY  
AND AFTER RECORDING RETURN  
TO:

Barbara A. Adams, Esq.  
HOLLAND & KNIGHT LLP  
131 S. Dearborn Street,  
30th Floor  
Chicago, IL 60603

8/22/08

**Address:** Corner of Voltz Road &  
Waukegan Road  
Northbrook, Illinois

**PIN Number:** 04-15-200-006

## FIRST AMENDMENT TO DECLARATION OF EASEMENT

THIS FIRST AMENDMENT TO THE DECLARATION OF EASEMENT ("**First Amendment**") is made as of this 27<sup>th</sup> day of August, 2008, by the NORTHBROOK PARK DISTRICT, an Illinois municipal corporation and body politic ("**Declarant**").

### SECTION ONE. RECITALS.

- A. The Declarant executed that certain "Declaration of Easement" on May 14, 1993, ("**Declaration**"), which was recorded in the Office of the Recorder of Cook County, Illinois, on May 14, 1993 as document no. 93366642.
- B. The Declaration granted to the Village of Northbrook ("**Village**"), among other rights, a permanent, non-exclusive easement over the Declarant's property for the purpose of maintaining a public road connecting Waukegan Road to the public roads in the Park Place Estates subdivision ("**Public Road and Utility Easement**").
- C. In March of 1998, the Village accepted certain public improvements including an extension of Voltz Road over the Public Road and Utility Easement which extension created a four-way intersection at the corner of Waukegan Road and Voltz Road.
- D. Waukegan Road is under the jurisdiction of the Illinois Department of Transportation ("**IDOT**").
- E. The Declarant desires to amend and Village desires to consent to the amendment of the Declaration to grant IDOT the right to use the Public Road and Utility Easement for the purposes of installing, operating and maintaining a traffic control signal on the Declarant's property at the intersection of Waukegan Road and Voltz Road.

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NOW THEREFORE, for and in consideration of \$10.00 and other good and valuable consideration without further monetary compensation, the Declarant makes the following amendments to the Declaration:

## SECTION TWO. AMENDMENT TO DECLARATION.

**A. Grant of Easement.** The grant of easement in the Declaration shall be, and is hereby, amended and shall be and read as follows:

NOW, THEREFORE the Declarant, for itself, its successors and assigns, hereby declares, grants, reserves and creates, for the benefit of Real Estate Parcel NW-1, consisting of Lots 1 through 46, Real Estate Parcel NW-2, their owners, and their successors and assigns, the Village and the Illinois Department of Transportation ("IDOT"):

\* \* \*

(E) a permanent, non-exclusive easement to IDOT over, across and under that portion of the Declarant's property described and depicted in Exhibit 1 attached hereto, for the purpose of installing, operating and maintaining a traffic control signal and all equipment necessary for the operation of such signal at the intersection of Waukegan Road and Volz Road ("Traffic Signal Easement").

**B. Terms and Conditions.** The following Sections of the Terms and Conditions of the Declaration shall be, and are hereby, amended and shall be and read as follows:

Section 3. The Declarant and its successors and assigns, shall not disturb, injure, molest or in any manner interfere with the proper use of any of the easements granted in this Declaration by the Village, the Developer, Park Place Estates Property Association, IDOT, or their respective contractors, subcontractors, successors and assigns, or interfere with any materials, tools, equipment or supplies of any such party situated at any time on any of the easement areas (including any construction easement areas prior to completion of the initial improvements to be located in such permanent easements). Neither Declarant nor its successors and assigns shall erect or install any building, structure, tree or bush within any easement areas (including any construction easement areas prior to completion of the initial improvements to be located in such permanent easements), and shall only make such other improvements as shall not impair, hinder, interfere or obstruct the use of such easement.

\* \* \*

Section 5. The Village shall have the full right, power and authority to enter upon the Emergency Fire Lane Easement and the Public Road and Utility Easement for the purpose of enforcing this Declaration, including without limitation the removal of Prohibited Improvements and all other obstructions and the issuance of citations to vehicles violating this Declaration. IDOT shall have the full right, power and authority to enter upon the Traffic Signal Easement for

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the purpose of enforcing this Declaration, including without limitation the removal of Prohibited Improvements and all other obstructions.

\* \* \*

Section 7. All provisions of this Declaration, including the benefits and burdens, run with the land and are binding upon the Declarant and its successors and assigns, and are binding upon and inure to the benefit of the owners from time to time of Real Estate Parcel NW-1, consisting of residential Lots 1 through 46, and Real Estate Parcel NW-2 and of their respective successors and assigns, IDOT, and the Village.

**C. Release by Declarant and Village.** The following Section 10 is added after Section 9 of the Declaration:

Section 10. The Declarant and the Village, without limiting the interests above granted and conveyed, does hereby acknowledge that upon payment of the agreed consideration, all claims arising out of the above acquisition have been settled, including any diminution in value to any remaining property of the Declarant or the Village caused by the opening, improving and using the premises caused by opening, improving and using the premises described in Exhibit 1 attached hereto by IDOT or the Village for the purposes described in paragraphs (A) and (E) of this First Amendment and related right of way purposes. This acknowledgement does not waive any claim for trespass or negligence by the Declarant or the Village against IDOT or each other on account of any trespass or damage caused by IDOT, Declarant or the Village (or any of their respective agents, employees or contractors) to the respective properties of the Declarant or the Village.

## **SECTION THREE. SURVIVAL OF DECLARATION TERMS.**

Except as specifically modified in this First Amendment, all terms, covenants and conditions of the Declaration shall remain in full force and effect; provided, however, that any other provisions of the Declaration shall be deemed to be modified as necessary to give practical effect to the provisions of this First Amendment.

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IN WITNESS WHEREOF, the Declarant has caused this instrument to be signed on the date first above written.

**NORTHBROOK PARK DISTRICT**, an Illinois municipal corporation and body politic

By: *[Signature]*

Its: PRESIDENT

ATTEST:

By: *[Signature]*  
Secretary

### ACKNOWLEDGEMENT

STATE OF ILLINOIS

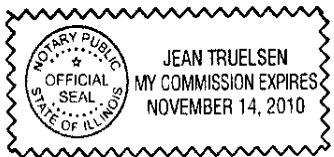
COUNTY OF COOK

)  
) SS  
)

This instrument was acknowledged before me on AUGUST 28, 2008, by STEVEN M. CLOH, PRESIDENT of the Northbrook Park District, an Illinois municipal corporation and body politic, and REJARD A. NANATHO, the Secretary of said municipal corporation, which individuals are known to me to be the identical persons who signed the foregoing instrument as such officers of the municipal corporation for and on behalf of said municipal corporation, and that they executed the same as their free and voluntary act and deed and as the free and voluntary act of the municipal corporation, for the uses and purposes herein mentioned.

*[Signature]*  
Notary Signature

SEAL



My Commission expires: Nov. 14, 2010

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## CONSENT OF THE VILLAGE OF NORTHBROOK TO FIRST AMENDMENT TO DECLARATION OF EASEMENT

The Village of Northbrook, an Illinois municipal corporation and body politic hereby consents to the foregoing First Amendment to Declaration of Easement.

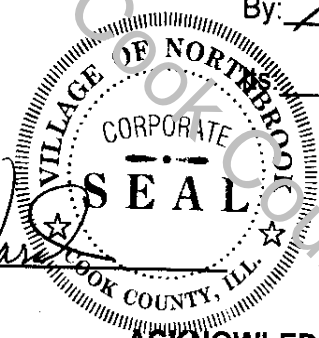
IN WITNESS WHEREOF, the undersigned approves of this instrument by and through its authorized representatives this 5<sup>th</sup> day of September, 2008.

VILLAGE OF NORTHBROOK, an Illinois municipal corporation and body politic

By: Richard A. Nibrestadt  
Village Manager

ATTEST:

By: Debra J. Ford  
Secretary



### ACKNOWLEDGEMENT

STATE OF ILLINOIS )  
                                  )     SS  
COUNTY OF COOK     )

This instrument was acknowledged before me on SEPTEMBER 5, 2008, by Richard A. Nibrestadt, Village Manager of the Village of Northbrook, an Illinois municipal corporation and body politic, and DEBRA J. FORD, the Secretary of said municipal corporation, which individuals are known to me to be the identical persons who signed the foregoing instrument as such officers of the municipal corporation for and on behalf of said municipal corporation, and that they executed the same as their free and voluntary act and deed and as the free and voluntary act of the municipal corporation, for the uses and purposes herein mentioned.

Susan L. Kinney  
Notary Signature



My Commission expires: March 11, 2010



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**EXHIBIT 1  
TO  
FIRST AMENDMENT TO DECLARATION OF EASEMENT**

The Public Road and Utility Easement area is legally described as follows:

That part of the Northeast Quarter of Section 15, Township 42 North, Range 12, East of the Third Principal Meridian, described as follows: commencing at the intersection of the West line of the Northeast Quarter of said Section 15 with the South line of the North 5 chains of said Northeast Quarter of Section 15; Thence South 88° 59' 39" East along the last said South line 1418.09 feet to the point of beginning; Thence Northeasterly 286.97 feet along the arc of a curve convex Northwesterly with a radius of 450.0 feet (the chord of said arc bearing North 52° 01' 25" East 282.13 feet) to a point of tangency; Thence North 70° 17' 33" East tangent to last said curve 89.34 feet to the center line of Waukegan Road; Thence South 19° 42' 27" East along said center line 98.97 feet; Thence South 70° 17' 33" West 97.16 feet to a point of curve; Thence Southwesterly 156.38 feet along the arc of a curve convex Northwesterly with a radius of 400.00 feet and tangent to the last said line to its intersection with the South line of the North 5 chains of the Northeast Quarter of Section 15 aforesaid (the chord of said arc bearing South 59° 05' 33" West 155.39 feet); Thence North 88° 59' 39" West 115.09 feet to the point of beginning, excepting therefrom that part falling in Waukegan Road, in Cook County, Illinois.

Clerk's Office