

# UNOFFICIAL COPY

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## AMENDMENT TO EASEMENT 90165824

THIS AMENDMENT, made and entered into this 14<sup>th</sup> day  
of August, A.D. 1989, by and between COMMONWEALTH EDISON  
COMPANY, an Illinois corporation, P.O. Box 767, Chicago, Illinois 60690,  
hereinafter referred to as "Grantor" and THE CITY OF ELGIN, a municipal  
corporation of Illinois hereinafter referred to as "Grantee"

### W I T N E S S E I H:

PT-01 RECORDING \$19.25  
18333 TRAN 4157 04/11/90 16:05:00  
\*90-165824  
COOK COUNTY RECORDER

WHEREAS, Grantor and Grantee have entered into a certain Easement  
Agreement dated May 19, 1989, for the right and privilege to install, use,  
operate, maintain, replace and remove various roads and sub-surface facilities,  
(hereinafter referred to as "Facility"), in and across Parcel Numbers 36 &  
36W-1 of Grantor's Joliet-Crystal Lake Right-of-Way in the Northwest Quarter  
of Section 17, Township 41 North, Range 9 East of the Third Principal  
Meridian, Cook County, Illinois.

WHEREAS, Grantee, under Project IV, wishes to amend the size of the  
water main within the confines of Longford Drive from 10-inches to 8-inches in  
accordance with the revised drawing marked as Exhibit "A" attached hereto and  
made a part hereof.

WHEREAS, Grantee, under Project V, wishes to delete reference to the  
18-inch storm sewer, as the construction of the storm sewer is not anticipated  
at this time.

NOW THEREFORE, upon further consideration Grantor is agreeable to  
amend that certain Easement Agreement dated May 19, 1989, under the following  
terms and conditions.

FIRST: Project IV is amended to read as follows:

WHEN RECORDED RETURN TO:  
Charles A. Littleton, P.E.  
U.S. SHELTER GROUP, INC.  
400 Park Boulevard West  
Itasca, Illinois 60143

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## "PROJECT IV

Grantor hereby agrees to grant the right and privilege to install, use, operate, maintain, replace and remove one 8-inch Water Main, within the confines of Longford Drive, hereinafter referred to as "Facility", in, under and across Parcel Nos. 36 and 36W-1 of Grantor's Joliet-Crystal Lake Right-of-Way in the Northwest Quarter of Section 17, Township 41 North, Range 9, East of the Third Principal Meridian, Cook County, Illinois, the said Facility shall be installed along the centerline as indicated on the drawing, marked Exhibit "A" attached hereto and made a part hereof."

SECOND: Project V is amended to read as follows:

## "Project V

Grantor hereby agrees to grant the right and privilege to install, use, operate, maintain, replace and remove one 10-inch Sanitary Sewer, hereinafter referred to as "Facility", in, under and across Parcel Nos. 36 and 36W-1 of Grantor's Joliet-Crystal Lake Right-of-Way in the Northwest Quarter of Section 17, Township 41 North, Range 9, East of the Third Principal Meridian, Cook County, Illinois, the said Facility shall be installed along the centerline as indicated on the drawing sheet 5 of 16, dated December 28, 1988, and last revised February 15, 1989, marked Exhibit "D" attached hereto and made a part hereof."

THIRD: The parties hereto agree that all terms, conditions and covenants of that certain Easement Agreement dated May 19, 1989, are incorporated herein and made a part hereof, to the same full extent as if stated herein, except as herein expressly amended.

FOURTH: The terms "Grantor" and "Grantee" wherever used in this instrument are intended in each instance to include the respective successors and assigns of Grantor or Grantee, whichever the case may be, and all of the terms and provisions of this instrument shall inure to the benefit of and be binding upon the respective successors and assigns of Grantor and Grantee.

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FIFTH: This agreement shall be executed for and on behalf of the Grantee pursuant to a Resolution passed by the Mayor and City Council of Grantee and a certified copy of said Resolution shall be attached hereto and made a part hereof as evidence of the authority herein exercised by the undersigned Officers of the Grantee.

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed in their respective names by their respective officers or representatives all as of the day and year first above written.

COMMONWEALTH EDISON COMPANY

By   
Vice President


ATTEST:

  
Assistant Secretary

CITY OF ELGIN

By   
Mayor

ATTEST:

  
Clerk

3113F:cjc

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## DEVELOPER'S AND CONTRACTOR'S GUARANTEE

U.S. SHELTER GROUP, INC., 400 Park Boulevard West, Itasca, Illinois 60143, agrees to guarantee performance of the work contemplated and of said facilities and uses, as the party constructing and installing the facilities and uses and initial owner thereof, and to be bound by all terms, conditions and covenants of this agreement.

U.S. SHELTER GROUP, INC.

By [Signature]

DATE ACCEPTED: 6-20-89

SEAL

ATTEST:

[Signature]  
[Signature]

Property of Cook County Clerk's Office

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STATE OF ILLINOIS )  
 ) SS  
COUNTY OF COOK )

I, KERRY L. TINKER, a Notary Public, in and for said County, in the State aforesaid, do hereby certify that JOHN J. VIERA, Vice President of COMMONWEALTH EDISON COMPANY, an Illinois corporation, and W. L. RAMEY, Assistant Secretary of said company, personally known to me to be the same persons whose names are subscribed to the foregoing instrument as such Vice President and Assistant Secretary, respectively, appeared before me this day in person, and acknowledged that they signed and delivered the said instrument as their own free and voluntary act and as the free and voluntary act of said company, for the uses and purposes therein set forth; and the said Assistant Secretary did also then and there acknowledge that he, as custodian of the corporate seal of said company, did affix the said corporate seal of said company to said instrument as his own free and voluntary act, and as the free and voluntary act of said company, for the uses and purposes therein set forth.

Given under my hand and notarial seal this 31<sup>st</sup> day of August, A.D. 1987.

Kerry L. Tinker  
Notary Public

My Commission Expires: \_\_\_\_\_



STATE OF ILLINOIS )  
 ) SS  
COUNTY OF KANE )

I, the undersigned, a Notary Public, in and for said County, in the State aforesaid, do hereby certify that GEORGE VAN DER WERDE, personally known to me to be the Mayor of the CITY OF ELGIN, and MARIE HEARNAN, personally known to me to be the Clerk of said City, both of whom are personally known to me to be the same persons whose names are subscribed to the acceptance of the foregoing instrument as such Mayor and Clerk, appeared before me this day in person and acknowledged that they signed and delivered such acceptance for and on behalf of said City and caused the corporate seal of said City to be affixed thereto as their free and voluntary act, and as the free and voluntary act of said City for the uses and purposes therein set forth, pursuant to a written resolution duly passed by the Mayor and City Council of said City on the 14<sup>th</sup> day of AUGUST, A.D. 1987.

Given under my hand and notarial seal this 16<sup>th</sup> day of August, A.D. 1987.

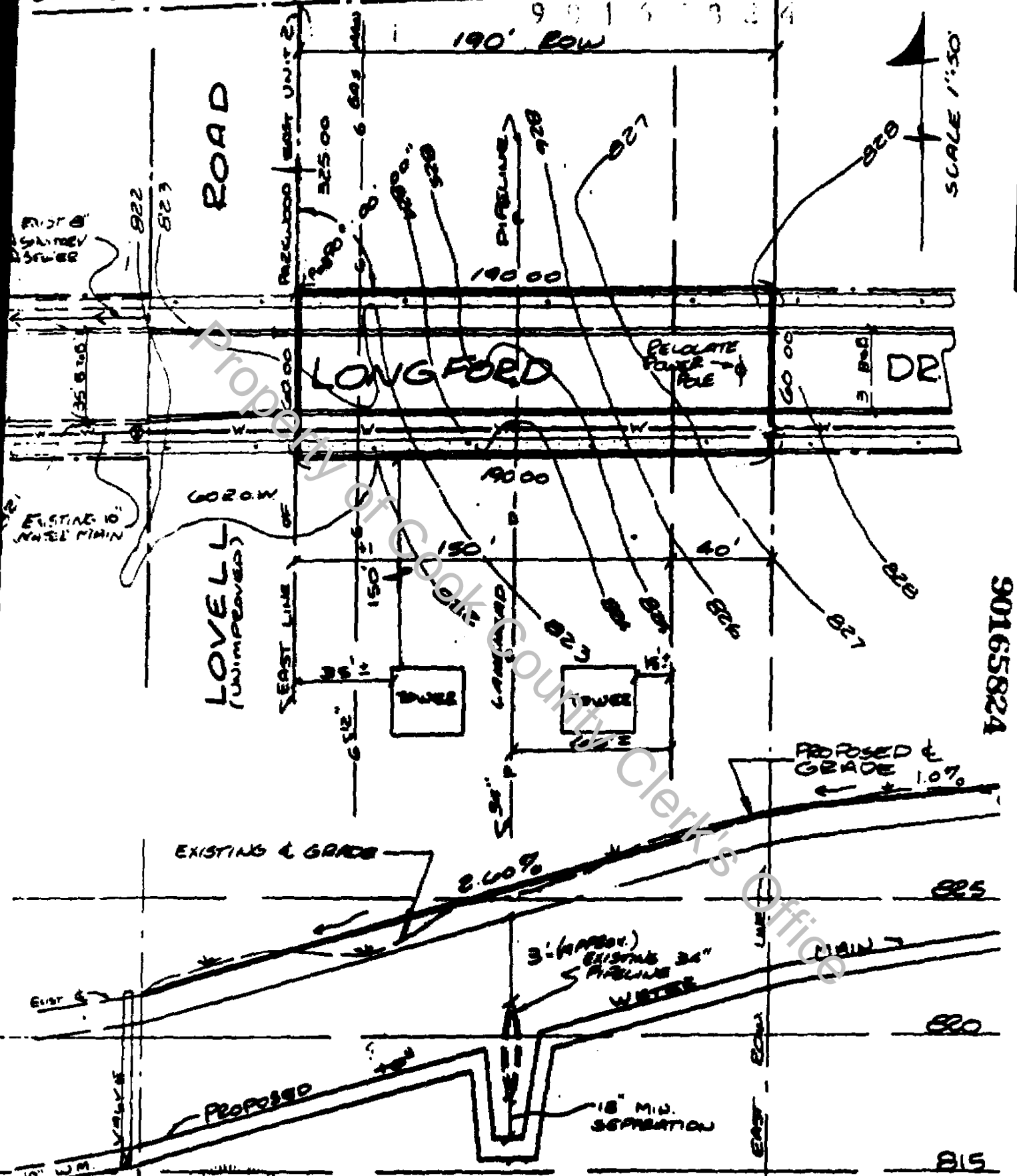
Rolores McCracken  
Notary Public

My Commission Expires: 11/6/89

901655824

MAY 2017  
2112000 EAST UNIT 2  
UNIT 2

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### CENTERLINE PROFILE

Water main revised  
Rev. date: 6-1-89

### EXHIBIT "A"

SCALE 1"=50' HORIZ.  
1"=5' VERT.

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RESOLUTION  
AUTHORIZING EXECUTION OF AN AMENDMENT TO EASEMENT AGREEMENT  
FOR PUBLIC UTILITIES  
(Country Trails Subdivision)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ELGIN, ILLINOIS, that George VanDeVoorde, Mayor, and Marie Yearman, City Clerk, be and are hereby authorized and directed to execute an Amendment to Easement Agreement with Commonwealth Edison Company for installation and maintenance of necessary underground utilities, in, under and across Parcel Nos. 36 and 36W-1 of Grantor's Joliet-Crystal Lake Right-of-Way in the Northwest Quarter of Section 17, Township 41 North, Range 9 East of the Third Principal Meridian, Cook County, Illinois.

BE IT FURTHER RESOLVED that the City Clerk is hereby authorized and directed to cause the Amendment to Easement Agreement to be recorded in the office of the Recorder of Deeds of Cook County, Illinois.

s/ George VanDeVoorde  
George VanDeVoorde, Mayor

Presented: August 14, 1989  
Adopted: August 14, 1989  
Vote: Yeas 7 Nays 0  
Recorded:

Attest:

s/ Marie Yearman  
Marie Yearman, City Clerk

Prepared by:

Erwin W. Jentsch  
Corporation Counsel  
City of Elgin  
150 Dexter Court  
Elgin, Illinois 60120-5555

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Charles A. Littlejohn

U.S. Shelter Group

4100 Edith Boulevard  
Jensen IL 60143

Property of Cook County Clerk's Office



State of Illinois }  
County of Kane } ss  
City of Elgin }

Certificate of City Clerk

I, Marie Yearman, DO HEREBY CERTIFY that I am the City Clerk of the City of Elgin, Illinois, and that as such City Clerk I am the keeper and custodian of the files and records of said City of Elgin and the seal thereof.

I DO FURTHER CERTIFY that the attached is a full, true, and correct copy of .....  
a resolution entitled "Resolution Authorizing Execution...  
of an Amendment to Easement Agreement for Public Utilities  
(Country Trails Subdivision)".....

the original of which is entrusted to my care for safe keeping.

In Witness Whereof, I have hereunto set my hand and affixed the corporate seal of the City of Elgin at the said City in the County and State aforesaid this ..... 16th ..... day of

..... August ....., 1989 .....

Marie Yearman  
City Clerk.

(SEAL)

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