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DEPT-09 MISC. 429.50
T03333 TRAN 5016 10/25/93 09:37:00
08763 * -93-855602
COOK COUNTY RECORDER

RELEASE
OF
TEMPORARY CONSTRUCTION EASEMENT FOR PUBLIC WATER MAIN
(Real Estate Parcel NW-1)

THIS RELEASE is made as of the 18th day of October, 1993, by the Village of Northbrook, an Illinois municipal corporation (the "Village"),

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RECITALS:

WHEREAS, the Village was granted a temporary non-exclusive construction easement by the Society of the Divine Word, an Illinois not-for-profit corporation ("Society") at, over, along, across and upon the Temporary Easement Premises, as defined in the Public Water Main Easement Grant and Agreement between the Village and the Society dated October 30, 1991, a copy of which was recorded in the Office of the Recorder of Deeds of Cook County, Illinois as Document No. 91606753 (the "Agreement"), in connection with the initial Work activity and necessary restoration related to a public water main approximately twenty (20) inches in diameter (the "Public Water Main"), as described in Section 2 of the Agreement;

WHEREAS, the Village desires to release the temporary non-exclusive construction easement at, over, along, across and upon the Temporary Easement Premises, having determined after due investigation that the Public Water Main has been constructed and is operational.

NOW, THEREFORE, in consideration of the covenants and agreements set forth herein and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Village agrees as follows:

1. Recitals. The foregoing recitals are incorporated in this Release by this reference as though fully set forth herein.
2. Release of Temporary Construction Easement. The Village hereby releases the temporary non-exclusive construction easement at, over, along, across and upon the Temporary Easement Premises.
3. Running of Benefits and Burdens. All provisions contained in this instrument, including the benefits and burdens created hereby, shall run with the land and shall be binding upon and inure to the benefit of the successors and assigns of the Village and all persons or entities claiming by, through, or under the Village.



This document prepared by
and after recording return to:

Schiff Hardin & Waite
7200 Sears Tower
233 South Wacker Drive
Chicago, Illinois 60606
Attn: Brian D. Kluever

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4. Governing Law: Complete Agreement. This instrument shall be construed and governed in all respects under the laws of the State of Illinois. This instrument and the Agreement set forth the entire agreement of the parties with respect to the subject matter hereof.

5. Section Headings. The headings, titles and captions of this instrument are inserted only as a matter of convenience and reference and in no way define, extend, limit or describe the scope or intent of this instrument.

6. Partial Invalidity. If any term or provision of this instrument or the application thereof to any person or circumstance shall, to any extent, be invalid and unenforceable, the remainder of this instrument, or the application of such term or provision to persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected thereby, but such remaining provisions shall be interpreted, applied and enforced so as to achieve, as near as may be, the purposes and intent of this instrument to the greatest extent not prohibited by law.

7. Recording of Release. A certified copy of this instrument shall be filed by the Village Clerk of the Village of Northbrook, Illinois for record in the Office of the Recorder of Deeds of Cook County, Illinois within one (1) month after the execution of this instrument.

IN WITNESS WHEREOF, the Village has caused this instrument to be duly executed and delivered in its name and on its behalf, as of the day and year first above written.

VILLAGE OF NORTHBROOK, an
Illinois municipal corporation

By: Mark W. Danz

Its: Village President

Attest: Lore N. Lewis
Village Clerk

Society of the Divine Word, an Illinois not-for-profit corporation, as the grantor of the temporary non-exclusive construction easement under the Agreement, hereby acknowledges and approves of this Release of the temporary non-exclusive construction easement by the Village.

SOCIETY OF THE DIVINE WORD, an
Illinois not-for-profit corporation

By: James M. Bergin, SVD

Its: PRESIDENT

Attest: Matthew Zemel, SVD

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ACKNOWLEDGEMENTS

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

This document was acknowledged before me on October 18, 1993 by Mark W. Damisch and Lara N. Lewis as the Village President and Village Clerk, respectively of the VILLAGE OF NORTHBROOK, an Illinois municipal corporation.

Cecilia A. Moran
Notary Public

My commission expires: _____
"OFFICIAL SEAL"
Cecilia A. Moran
Notary Public, State of Illinois
My Commission Expires 8/20/95

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

This document was acknowledged before me on OCTOBER 12, 1993 by JAMES BERGIN and MATHEW ESPEL as the President and the ASSISTANT Secretary, respectively of the SOCIETY OF THE DIVINE WORD, an Illinois not-for-profit corporation.

Robert H. Kelley
Notary Public

My commission expires: 6/14/94

" OFFICIAL SEAL "
ROBERT H. KELLEY
NOTARY PUBLIC STATE OF ILLINOIS
MY COMMISSION EXPIRES 6/14/94

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RESOLUTION NO. 93-R-109

The Village of Northbrook approved and entered into a Public Water Main Easement Grant and Agreement, dated October 30, 1991, with the Society of the Divine Word to allow the Village to construct, install, maintain, reconstruct, repair and operate a water main of approximately 20 inches diameter across the property commonly referred to as the Techny Real Estate Parcel NW-1, now known as a part of Park Place Estates of Northbrook Subdivision. This Easement Grant and Agreement was recorded with the Cook County Recorder of Deeds on November 18, 1991 as Document No. 91-606753.

Now that the water main has been completed and is operational, and the guarantee period from the construction contractor has expired, the Society has requested that the Village release the temporary, non-exclusive construction easement adjacent to the permanent easement in which the water main is located. Staff and the Village Attorney have reviewed the proposed document, which will release the temporary construction easement only, and have no objection to releasing the easement at this time.

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

Section 1.

The Release of Temporary Construction Easement for Public Water Main is hereby approved in substantially the form attached to this Resolution.

Section 2.

The Village President and Village Clerk are hereby directed to sign and seal the Release of Temporary Construction Easement for Public Water Main upon receipt of executed originals from the Society evidencing the Society's approval thereof.

Section 3.

The Village Manager is hereby directed to record said Release of Temporary Construction Easement for Public Water Main upon satisfactory completion of all administrative details relating thereto.

PASSED: This 12th day of October, 1993.

AYES: (5)

NAYS: (0)

ABSENT: (1)

/s/ Mark W. Damisch

Village President

ATTEST: /s/ Lana N. Louis

Village Clerk

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