



**AGENDA ITEM # 13A**

**AGENDA ITEM EXECUTIVE SUMMARY**

**Village Board Meeting**

**November 11, 2019**

**Item Title: 105 E. Walnut Street Assignment of Easement Rights**

**Staff Contact: Karen R. Young, P.E., CFM, Public Works Director**

**VILLAGE BOARD ACTION**

**Adopt a resolution authorizing the Mayor to sign and directing the Village Clerk to attest to a Partial Assignment of Easement Rights for the property at 105 E. Walnut Street, Roselle, Illinois.**

**Executive Summary:**

The owners of the residential property at 105 E. Walnut Street, Karen and Jamie King suffered a failure of a sanitary sewer service line, which requires rerouting of that service line in order to connect to a Roselle sewer line. The owners have submitted a proposed engineering plan rerouting the service within an easement area owned and controlled by the Village of Roselle. The document dedicating the original easement to the Village allows the Village to assign rights in that easement to the King's solely for the construction and future maintenance of the sanitary service. Staff has been working with the Village Attorney throughout this process and recommend the assignment of the easement to the King's.

**Implications:**

**Is this item budgeted? N/A**

**Any other implications to be considered? None**

**Attachments:**

Resolution Authorizing Partial Easement Rights  
Exhibit 1 – Assignment of Easement Agreement

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION AUTHORIZING THE MAYOR TO SIGN  
AND DIRECTING THE VILLAGE CLERK TO ATTEST  
TO A PARTIAL ASSIGNMENT OF EASEMENT RIGHTS FOR THE PROPERTY AT  
105 E. WALNUT STREET, ROSELLE, ILLINOIS**

**WHEREAS**, Karen and Jamie King (hereinafter "Owners") own a residential property with a common street address of 105 E. Walnut Street, Roselle, Illinois; and

**WHEREAS**, the Owners suffered a failure of a sanitary sewer service line which requires rerouting of that service line in order that it can connect to a Roselle sewer line; and

**WHEREAS**, the Owners have submitted a proposed engineering plan to the Village illustrating the rerouting of the sanitary sewer service line within an easement area owned and controlled by the Village of Roselle; and

**WHEREAS**, the easement document, the document dedicating the easement to the Village allows the Village to "assign" rights in that easement; and

**WHEREAS**, the Corporate Authorities of the Village of Roselle deem it reasonable and appropriate to assign partial rights in the Roselle easement to the owners to allow them to construct and maintain a sanitary sewer service through the easement area.

**NOW THEREFORE**, be it resolved by the Mayor and Board of Trustees in the Village of Roselle that:

1. The Mayor is hereby authorized to sign and the Village Clerk is hereby directed to attest to that certain limited assignment of easement rights between the Village of Roselle and the Owners prepared by Haeger Engineering, dated October 15, 2019, attached hereto and incorporated herein as if fully set forth as EXHIBIT 1.
2. That Village staff is authorized to undertake any and all reasonably necessary acts to facilitate the purposes of this assignment of easement rights.

ADOPTED this \_\_\_\_\_ day of November, 2019.

AYES:

NAYS:

ABSTAIN:

ABSENT:

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Andrew J. Maglio, Mayor, Village of Roselle

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Patricia Burns, Village Clerk

## ASSIGNMENT OF EASEMENT

**THIS ASSIGNMENT OF EASEMENT** (this “**Assignment**”) is entered into as of this \_\_\_ day of October, 2019, by and between **THE VILLAGE OF ROSELLE**, an Illinois municipal corporation (the “**Assignor**”), on the one hand, and **JAMES R. KING** and **KAREN B. KING** (collectively the “**Assignee**”), on the other hand.

### RECITALS

A. Assignor presently possesses certain utility and drainage easements (the “**Siems Nursery Easements**”) as set forth in the subdivision plat of dedication recorded on December 20, 1979, as Document No. R78-122166 for the Siems Nursery Subdivision (the “**Siems Nursery Subdivision**”) in the Village of Roselle, County of DuPage, Illinois, described as

Being a Subdivision of Lot 3 in Siems’ Nursery Assessment Plat Being a Part of the Northeast Quarter of Section 10, Township 40 North, Range 10 East of the Third Principal Meridian Recorded as Document No. R73-69106, in the Village of Roselle, DuPage County, Illinois.

B. Assignor also presently possesses certain utility and drainage easements (the “**MK Estates Easements**”) as set forth in the subdivision plat of dedication recorded on February 7, 2006, as Document No. R2006-023885 for the MK Estates Subdivision (the “**MK Estates Subdivision**”) in the Village of Roselle, County of DuPage, Illinois, described as

Being a Subdivision of part of the Northeast Quarter of Section 10, Township 40 North, Range 10, East of the Third Principal Meridian, in DuPage County, Illinois.

C. The Siems Nursery Subdivision and the MK Estates Subdivision are collectively referred to herein as the “**Subdivisions**”, and the Siems Nursery Easements and the MK Estates Easements are collectively referred to herein as the “**Easements**”).

D. Assignee is the owner of real property commonly known as 105 E. Walnut, Roselle, Illinois, which lies adjacent to the Subdivisions, and is described on **Exhibit A** attached hereto (the “**Property**”).

E. Assignee desires to use certain portions of the Easements for the purpose of constructing, extending, installing, accessing, utilizing, repairing, and maintaining a sewer line from the Property to the Assignor’s sewage facilities.

**AGREEMENT**

**NOW, THEREFORE**, for and in consideration of One and No/100 Dollars (\$1.00), and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

1. The Recitals above are hereby incorporated herein by this reference as if the same were fully set forth herein.

2. Assignor assigns to Assignee, its perpetual right, privilege and authority to construct, reconstruct, repair, inspect, maintain and operate in certain of the Easements which are necessary to construct, extend, install, access, utilize, repair, and maintain a sanitary sewer line from the Property to the Village's sewage facilities (the "**Sewer Line**"), the initial construction and extension of which is depicted on the plans dated October 15, 2019, and prepared by Haeger Engineering which are attached hereto as **Exhibit B**, and incorporated herein. The assignment is non-exclusive with all other easement areas within the easement not occupied by the Assignee remaining in the Assignor.

3. The Sewer Line shall only serve as a sanitary service line.

4. Assignees shall be responsible for the costs and expenses of establishing, operating and maintaining the Sewer Line.

5. This Assignment and the agreements contained herein shall run with the land and shall be binding on all lessees, successors, and assigns of the Assignor and Assignee.

**IN WITNESS WHEREOF**, the parties hereto have caused this Assignment to be executed on the date first written above.

ASSIGNOR: THE VILLAGE OF ROSELLE

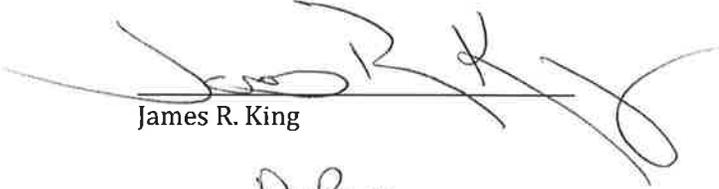
By: \_\_\_\_\_  
(typed name)

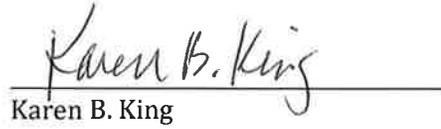
Its: \_\_\_\_\_

County of \_\_\_\_\_ in the State of Illinois. On this, the \_\_\_\_ day of \_\_\_\_\_, 2019, before me a notary public, the undersigned officer, personally appeared \_\_\_\_\_, known to me to be the \_\_\_\_\_ for the Village of Roselle, an Illinois municipal corporation, and acknowledged that he/she executed the same in his/her authorized capacity, for the purposes therein contained. In witness hereof, I hereunto set my hand and official seal.

\_\_\_\_\_  
Notary Public  
My Commission Expires: \_\_\_\_\_

ASSIGNEE: JAMES R. KING and KAREN B. KING

  
James R. King

  
Karen B. King

County of DuPage in the State of Illinois. On this, the 1<sup>st</sup> day of NOV., 2019, before me a notary public, the undersigned officer, personally appeared James R. King and Karen B. King, known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument, and acknowledged that he and she executed the same for the purposes therein contained. In witness hereof, I hereunto set my hand and official seal.

  
Notary Public  
My Commission Expires: 12/12/20

**EXHIBIT A**

**(LEGAL DESCRIPTION OF 105 E. WALNUT, ROSELLE, ILLINOIS)**

PARCEL 1:

LOT 2, EXCEPT THE SOUTH 395 FEET, (MEASURED ALONG THE EAST LINE THEREOF, THE SOUTH LINE OF TRACT BEING PERPENDICULAR TO THE EAST LINE OF SAID LOT) IN OWNER'S RESUBDIVISION OF LOT 3 IN BLOOMINGDALE TOWNSHIP SUPERVISORS ASSESSEMENT PLAT NUMBER FOUR, IN THE NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 40 NORTH, RANGE 10, EAST OF THE THRID PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID OWNER'S RESUBDIVISON RECORDED AUGUST 13, 1948, AS DOCUMENT NUMBER 551840, IN DUPAGE COUNTY, ILLINOIS.

PARCEL 2:

THAT PART OF LOT 1 IN CIRCLE GARDENS, BEING A SUBDIVISION OF LOT 2 IN BLOOMINGDALE TOWNSHIP SUPERVISOR'S ASSESSMENT PLAT NUMBER 4, A SUBDIVISION OF PART OF THE NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 40 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED BY BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 1; THENCE SOUTH ALONG TH4 EAST LINE OF LOT 1; 190 FEET; THENCE WESTERLY ALONG A LINE WHICH IS PARALLEL WITH THE NORTHERLY LINE OF SAID LOT 1, 8 FEET, THENCE NORTH PARALEL WITH THE EAST LINE OF SAID LOT 1, 190 FEET TO THE NORTH LINE THEREOF, THENCE EATERLY ALONG THE NORTH LINE OF SAID LOT 1, 8 FEET TO THE PLACE OF BEGINNING, ACCORDING TO THE PLAT THEREOF RECORDED OF SAID CIRCLE GARDENS, MAY 16, 1956 AS DOCUMEBT NUBER 80051, IN DUPAGE COUNTY, ILLINOIS.

COMMON ADDRESS: 105 E. WALNUT, ROSELLE, ILLINOIS

P.I.N. 02-10-211-036

**EXHIBIT B**  
**(PLANS FOR SEWER LINE)**



CONNECT TO EX. 8" SAN. SERVICE  
EX. GROUND 750.04'  
INV=745.0 +/-  
(DEPTH TO INV. PER JAYS PLUMBING - 4")  
NOTE: CONTRACTOR VERIFY PRIOR TO  
START OF CONSTRUCTION & ADJUST AS  
NECESSARY TO PROVIDE MIN. 1.0% SLOPE  
& 3.5' MIN. COVER OVER SERVICE.

6" - 6" PVC SDR 26 SAN. SERVICE @ 20.0% (OPEN-CUT)  
(MIN. 1.0% SLOPE ALLOWED)

CLEANOUT  
RIM = 748.8 +/- (@ EX. GRADE)  
INV = 744.00

6" - 6" PVC SDR 26 SAN. SERVICE @ 2.0% (OPEN-CUT)  
(MIN. 1.0% SLOPE ALLOWED)

CLEANOUT  
RIM = 747.7 +/- (@ EX. GRADE)  
INV = 743.68  
NOTE: CRITICAL STRUCTURE, MUST PROVIDE 3.5'  
COVER OVER PIPE (MIN. 4.0' TO INV.)

6" - 6" PVC SDR 26 SAN. SERVICE @ 1.0% (OPEN-CUT)  
(MIN. 1.0% SLOPE ALLOWED)

CLEANOUT  
RIM = 749.8 +/- (@ EX. GRADE)  
INV = 742.97

214' - 6" CERTA-LOK CERTAFLO RESTRAINED-JOINT PVC  
SDR 21 SAN. SERVICE @ 2.0% (HOR. DIRECTIONAL DRILLED)  
(MIN. 1.0% SLOPE ALLOWED. THIS PIPE IS TO BE INSTALLED  
CENTERED ON LOT LINE WITHIN PUBLIC UTILITY EASEMENT  
(10' TOTAL WIDTH, 5' EITHER SIDE OF PROPERTY LINE).

CRITICAL CROSSING - 8" SAN UNDER 8" WM  
MIN. 18" VERTICAL SEPARATION REQUIRED.  
CONTRACTOR TO VERIFY.  
TOP 8" WM (PER JAYS PLUMBING) = 741.75 +/-  
BOTTOM 8" WM = 741.03 +/-  
TOP OF 6" SAN. = 739.12 EX. 8" WATERMAIN

106 SIEMS CIR.  
CLEANOUT  
RIM = 747.8 +/- (@ EX. GRADE)  
INV = 738.69

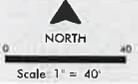
6" - 6" PVC SDR 26 SAN. SERVICE @ 1.0% (OPEN-CUT)  
(MIN. 1.0% SLOPE ALLOWED)  
NOTE: CONTRACTOR TO SAW-CUT PAVEMENT, WALK, CURB  
TO INSTALL PROPOSED SAN. SERVICE AND REPLACE IN  
KIND. SEE NOTES BELOW FOR ADDITIONAL INFORMATION.

EX. SAN. MH  
RIM=747.40 (NAVD 88 PER VILLAGE - USE AS BENCHMARK)  
INV=737.25 (PER VILLAGE)  
NOTE: CONTRACTOR TO VERIFY PRIOR TO START OF  
CONSTRUCTION.

CONNECT TO EX. SANITARY MANHOLE, CORE DRILL & BOOT.  
INV=738.14  
NOTE: MAX. DELTA BETWEEN THE PROPOSED 6" SERVICE INVERT IN AND  
8" SANITARY OUT IS 1.99" WITHOUT A DROP MANHOLE BEING REQUIRED.  
CONTRACTOR TO VERIFY DEPTH OF EXISTING INVERT AND DROP PRIOR  
TO START OF CONSTRUCTION.

**NOTES:**

1. BASE MAP INFORMATION (AERIAL IMAGE, 2-FOOT CONTOURS & LOT LINES) WAS OBTAINED FROM DUPAGE COUNTY GIS. RIM AND INVERT INFORMATION FOR EXISTING SANITARY MANHOLE AT SIEMS CIRCLE AND CATINO COURT AT POINT OF PROPOSED SANITARY SERVICE CONNECTION WAS PROVIDED BY JAYS PLUMBING. AND GROUND ELEVATION AND INVERT OF EXISTING SERVICE AT HOUSE WAS PROVIDED BY JAYS PLUMBING. NO FIELD SURVEY WORK WAS PERFORMED BY HAEGER ENGINEERING, LLC TO PREPARE THIS EXHIBIT. THE CONTRACTOR SHALL VERIFY ALL INFORMATION SHOWN PRIOR TO START OF CONSTRUCTION AND ADJUST DESIGN AS NECESSARY WHILE MEETING ALL APPLICABLE VILLAGE AND IEPA REQUIREMENTS. CONTRACTOR IS RESPONSIBLE TO ENSURE THAT THE INSTALLED 6" SANITARY SERVICE HAS A MINIMUM 1.0% SLOPE AND A MINIMUM 3.5' OF COVER AS WELL AS THAT IT MEETS ALL IEPA WATER MAIN SEPARATION REQUIREMENTS.
2. CONTRACTOR TO CONTACT J.U.L.E. AND ROSELLE A MINIMUM OF 48-HOURS PRIOR TO START OF CONSTRUCTION.
3. CONTRACTOR SHALL PERFORM UTILITY POTHOLES AS NECESSARY AT ALL CRITICAL CROSSINGS INCLUDING WATER MAIN CROSSING PRIOR TO START OF CONSTRUCTION AS WELL AS VERIFY ALL CONNECTION POINTS.
4. BILT FENCE SHALL BE INSTALLED ON DOWNSLOPE SIDE OF ALL OPEN-CUT DISTURBED AREAS AS WELL AS STOCKPILES AND INLET BASKETS SHALL BE INSTALLED IN ALL OPEN GRATE STORM STRUCTURES THAT ACCEPT DRAINAGE FROM ANY DISTURBED AREAS.
5. TRENCH BACKFILL IS REQUIRED UNDER AND WITHIN 2' OF ALL HARDSCAPE AREAS AND SHALL CONSIST OF CA-6 OR CA-7 WITH TOP 12" CONSISTING OF CA-6. IN NON-HARDSCAPE AREAS TRENCH BACKFILL SHALL CONSIST OF CA-6 OR CA-7.
6. RESTORATION: ALL DISTURBED AREAS SHALL BE RESTORED TO EXISTING CONDITION OR BETTER. PAVEMENT, CURB, & WALK SHALL BE SAW-CUT AS NECESSARY AND REPLACED IN KIND WITH MINIMUM R.O.W. PAVEMENT BEING 2" HMA SURFACE, 4" HMA BINDER AND 12" CA-6 AND AGGREGATE TRENCH BACKFILL WITH COMPACTION TO 95% MODIFIED PROCTOR AND ALL MEETING ISOT STANDARD SPECIFICATIONS. DISTURBED GRASS AREAS SHALL BE RESTORED WITH A MINIMUM OF 4" OF TOPSOIL, AND SEED AND BLANKET (CIR. SOD).
7. CONTRACTOR SHALL PROVIDE APPROPRIATE TRAFFIC CONTROL THAT IS ACCEPTABLE TO THE VILLAGE FOR WORK IN THE VILLAGE R.O.W. NO MATERIALS SHALL BE STORED IN THE VILLAGE R.O.W.



**SANITARY SERVICE EXHIBIT**  
**KING RESIDENCE**  
**105 E. WALNUT ST.**  
ROSELLE, ILLINOIS

**HAEGER ENGINEERING**  
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Project Manager: KAS  
Engineer: KAS  
Date: 10/15/2019  
Project No.: 19-124  
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