

Request For City Council Action

Date: June 14, 2016

Agenda Section: Consent Agenda No. 5	Originating Department: City Clerk's Office
Item: Acceptance of Temporary and Permanent Easements No. 5.9	Approved:

Background:

The City has acquired two easements, one temporary and one permanent, from the Board of Trustees of Southern Illinois University.

The temporary easement will allow for the construction of a pedestrian and bicycle path and appurtenances for Phase 2 of the path between Mill Street and the north pedestrian overpass located on the campus of SIU and the permanent easement will allow for maintenance and repairs of the pedestrian and bicycle path along with various appurtenances.

Recommended Action:

The Council is requested to accept the temporary easement and the permanent easement from the Board of Trustees of Southern Illinois University and to authorize the City Clerk to have the easements recorded by the Jackson County Clerk and Recorder's Office.

Engineering Approval Obtained	Finance Approval Obtained	Legal Approval Obtained	Approval Obtained	Manager's Approval Obtained
-------------------------------------	---------------------------------	-------------------------------	----------------------	-----------------------------------

Council Action: Motion by _____ 2nd by _____ to _____

**DEED GRANTING TEMPORARY
EASEMENT**

Grantor, THE BOARD OF TRUSTEES OF SOUTHERN ILLINOIS UNIVERSITY, of the City of Carbondale, County of Jackson and State of Illinois, owner of land described as follows:

A portion of lots 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, and 16 of J. H. Searings Addition to the City of Carbondale, Illinois as filed on August 7, 1891 in Book 3 of Plats at Page 57. Being a subdivision of the southeast quarter of Section 21, Township 9 South, Range 1 West of the 3rd Principal Meridian, Jackson County, Illinois.

A portion of lots 31 and 32 in the Re-subdivision of lots 1, 13 and 14 in S.T. Brush's Subdivision of lots 17 to 24 of Searings Addition to the City of Carbondale. Being a subdivision of the southeast quarter of Section 21, Township 9 South, Range 1 West of the 3rd Principal Meridian, Jackson County, Illinois.

For Recorder's Use Only

A portion of lots 1, 16, and 17 in the Re-subdivision of lots 2 to 12 in S.T. Brush's Subdivision of lots 17 to 24 of Searings Addition to the City of Carbondale. Being a subdivision of the southeast quarter of Section 21, Township 9 South, Range 1 West of the 3rd Principal Meridian, Jackson County, Illinois.

for and in consideration of Ten and no/100 Dollars (\$10.00) and other good and valuable consideration, receipt of which is acknowledged, does hereby grant, bargain, sell, and convey to Grantee, **CITY OF CARBONDALE** a municipal corporation, whose address is 200 South Illinois Avenue, P. O. Box 2047, Carbondale, Illinois 62902-2047, the following: a temporary easement for the construction of a Pedestrian and Bicycle Path and appurtenances including utilities as necessary for its designated purpose by Grantee on and under the following described parcels:

The temporary easement shall be: the west ½ of Lot 5 in J. H. Searings Addition to the City of Carbondale; and

The west 40 feet of the east ½ of Lots 6, 7, 8, 9, 10, and 11 in J. H. Searings Addition to the City of Carbondale; and

The west 80 feet of the east ½ of Lots 12 and 13 in J. H. Searings Addition to the City of Carbondale; and

The west 170 feet of the east ½ of Lot 14 in J. H. Searings Addition to the City of Carbondale; and

The east 125 feet of the east ½ of Lots 15 and 16 in J. H. Searings Addition to the City of Carbondale; and

The east 10 feet of Lots 31 and 32 in the Re-subdivision of Lots 1, 13, and 14 in S.T. Brush's Subdivision of Lots 17 to 24 in Searings Addition to the City of Carbondale; and

The east 10 feet of Lots 1, 16, and 17 in the Re-subdivision of Lots 2 to 12 of S.T. Brush's Subdivision of Lots 17 to 24 in Searings Addition to the City of Carbondale; and

The east 10 feet of the vacated right-of-way of Pearl Street lying between Lots 1 and 16 in the Re-subdivision of Lots 2 to 12 of S.T. Brush's Subdivision of Lots 17 to 24 in Searings Addition to the City of Carbondale; and

The east 10 feet of the vacated alley lying between Lots 16 and 17 in the Re-subdivision of Lots 2 to 12 of S.T. Brush's Subdivision of Lots 17 to 24 in Searings Addition to the City of Carbondale; and

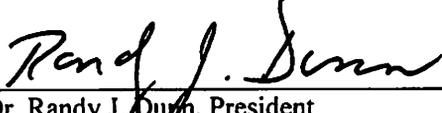
The west 20 feet of the vacated right-of-way of Marion Street lying east of and adjacent to S.T. Brush's Subdivision of Lots 17 through 24 of Searings Addition to the City of Carbondale.

Grantee shall restore the surface of said parcels to its original condition upon completion of said construction. This temporary easement shall terminate December 1, 2020, or upon completion of construction of the said pedestrian and bicycle path and appurtenances if completed prior to December 1, 2020.

The easement granted by this deed is for the benefit of and appurtenant to that real property, or any portion of such property, in the County of Jackson, State of Illinois, upon which the City of Carbondale is constructing what is known as Phase II of the Downtown Pedestrian and Bicycle Path as identified on Exhibit A to Resolution No. _____ dated _____, 2016, and filed in the office of the City Clerk. City of Carbondale, Illinois.

IN WITNESS WHEREOF, the Grantor has executed this easement this 13th day of May, 2016.

**BOARD OF TRUSTEES OF
SOUTHERN ILLINOIS UNIVERSITY**



Dr. Randy J. Durm, President
Southern Illinois University

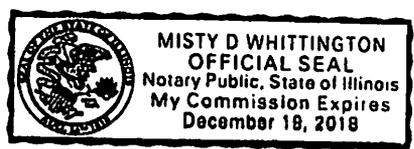
ATTEST:

Misty D. Whittington
Misty Whittington, Executive Secretary of the
Board of Trustees of Southern Illinois University

STATE OF ILLINOIS)
) SS.
COUNTY OF JACKSON)

I, the undersigned, a Notary Public, in and for said County and State aforesaid, do hereby certify that Dr. Randy J. Dunn, personally known to me to be the same person whose names are subscribed to the foregoing instrument, appeared before me this date in person and acknowledged that he signed and delivered the said instrument as his free and voluntary act, and as the free and voluntary act for the uses and purposes therein set forth.

Given under my hand and official seal this 13th day of May, 2016.



Misty D. Whittington
Notary Public

IN WITNESS WHEREOF, the Grantee has executed this easement this _____ day of _____, 2016.

**CITY OF CARBONDALE,
A MUNICIPAL CORPORATION**

John M. Henry, Mayor

ATTEST: _____
Jennifer Sorrell, City Clerk

STATE OF ILLINOIS)
) SS.
COUNTY OF JACKSON)

I, the undersigned, a Notary Public, in and for said County and State aforesaid, do hereby certify that John M. Henry, personally known to me to be the same person whose names are subscribed to the foregoing instrument, appeared before me this date in person and acknowledged that he signed and delivered the said instrument as his free and voluntary act, and as the free and voluntary act for the uses and purposes therein set forth.

Given under my hand and official seal this _____ day of _____, 2016.

Notary Public

This instrument was prepared by:
City of Carbondale
200 S. Illinois Avenue
Carbondale, Illinois 62902
Telephone: (618) 549-5302

DEED GRANTING EASEMENT

Grantor, THE BOARD OF TRUSTEES OF SOUTHERN ILLINOIS UNIVERSITY, of the City of Carbondale, County of Jackson and State of Illinois, owner of land described as follows:

A portion of lots 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, and 16 of J. H. Searings Addition to the City of Carbondale, Illinois as filed on August 7, 1891 in Book 3 of Plats at Page 57. Being a subdivision of the southeast quarter of Section 21, Township 9 South, Range 1 West of the 3rd Principal Meridian, Jackson County, Illinois.

A portion of lots 31 and 32 in the Re-subdivision of lots 1, 13 and 14 in S.T. Brush's Subdivision of lots 17 to 24 of Searings Addition to the City of Carbondale. Being a subdivision of the southeast quarter of Section 21, Township 9 South, Range 1 West of the 3rd Principal Meridian, Jackson County, Illinois.

For Recorder's Use Only

A portion of lots 1, 16, and 17 in the Re-subdivision of lots 2 to 12 in S.T. Brush's Subdivision of lots 17 to 24 of Searings Addition to the City of Carbondale. Being a subdivision of the southeast quarter of Section 21, Township 9 South, Range 1 West of the 3rd Principal Meridian, Jackson County, Illinois.

for and in consideration of Ten and no/100 Dollars (\$10.00) and other good and valuable consideration, receipt of which is acknowledged, does hereby grant, bargain, sell, and convey to Grantee, **CITY OF CARBONDALE** a municipal corporation, whose address is 200 South Illinois Avenue, P. O. Box 2047, Carbondale, Illinois 62902-2047, the following: a permanent easement for a Pedestrian and Bicycle Path and appurtenances including utilities to be constructed, repaired, and maintained as necessary for its designated purposed by Grantee on and under the following described parcels:

The easement shall be a twenty (20) foot wide swath centered on the pedestrian and bicycle path as constructed across the west ½ of Lot 5 in J. H. Searings Addition to the City of Carbondale; and across

The west 40 feet of the east ½ of Lots 6, 7, 8, 9, 10, and 11 in J. H. Searings Addition to the City of Carbondale; and across

The west 80 feet of the east ½ of Lots 12 and 13 in J. H. Searings Addition to the City of Carbondale; and across

The west 170 feet of the east ½ of Lot 14 in J. H. Searings Addition to the City of Carbondale; and across

The east 125 feet of the east ½ of Lots 15 and 16 in J. H. Searings Addition to the City of Carbondale; and across

The east 10 feet of Lots 31 and 32 in the Re-subdivision of Lots 1, 13, and 14 in S.T. Brush's Subdivision of Lots 17 to 24 in Searings Addition to the City of Carbondale; and

The east 10 feet of Lots 1, 16, and 17 in the Re-subdivision of Lots 2 to 12 of S.T. Brush's Subdivision of Lots 17 to 24 in Searings Addition to the City of Carbondale; and across

The east 10 feet of the vacated right-of-way of Pearl Street lying between Lots 1 and 16 in the Re-subdivision of Lots 2 to 12 of S.T. Brush's Subdivision of Lots 17 through 24 in Searings Addition to the City of Carbondale; and across

The east 10 feet of the vacated alley lying between Lots 16 and 17 in the Re-subdivision of Lots 2 to 12 of S.T. Brush's Subdivision of Lots 17 through 24 in Searings Addition to the City of Carbondale; and across

The west 20 feet of the vacated right-of-way of Marion Street lying east of and adjacent to S.T. Brush's Subdivision of Lots 17 through 24 of Searings Addition to the City of Carbondale.

Grantee shall restore the surface of said parcels to its original condition upon completion of said construction and shall be solely responsible for maintaining the surface of said parcel including the pedestrian and bicycle path surface, light fixtures, lamps, and other appurtenances. Grantor shall be solely responsible for grass cutting and trimming on the parcels. Grantor will provide electric power for pedestrian and bicycle path lighting within the easement granted by this instrument only; provided, however, that a condition of such obligation to supply electric power is that the Grantee causes to be installed the light fixtures, lamps and other appurtenances that consume electricity (hereinafter "electrical equipment") as specified by the Grantor. Said electrical equipment shall be specified in writing by the Grantor to the Grantee during plan design and review. In the event the Grantee does not cause the installation of electrical equipment as Grantor specifies, Grantor shall have no obligation to supply electric power as required herein.

The easement granted by this deed is for the benefit of and appurtenant to that real property, or any portion of such property, in the County of Jackson, State of Illinois, upon which the City of Carbondale is constructing what is known as Phase II of the Downtown Pedestrian and Bicycle Path as identified on Exhibit A to Resolution No. ____ dated _____, 2016, and filed in the office of the City Clerk. City of Carbondale, Illinois.

IN WITNESS WHEREOF, the Grantor has executed this easement this 13th day of May, 2016.

**BOARD OF TRUSTEES OF
SOUTHERN ILLINOIS UNIVERSITY**

Randy J. Dunn

Dr. Randy J. Dunn, President
Southern Illinois University

ATTEST:

Misty D. Whittington

Misty Whittington, Executive Secretary of the
Board of Trustees of Southern Illinois University

STATE OF ILLINOIS)
) SS.
COUNTY OF JACKSON)

I, the undersigned, a Notary Public, in and for said County and State aforesaid, do hereby certify that Dr. Randy J. Dunn, personally known to me to be the same person whose names are subscribed to the foregoing instrument, appeared before me this date in person and acknowledged that he signed and delivered the said instrument as his free and voluntary act, and as the free and voluntary act for the uses and purposes therein set forth.

Given under my hand and official seal this 13th day of May, 2016.



Misty D. Whittington
Notary Public

IN WITNESS WHEREOF, the Grantee has executed this easement this _____ day of _____, 2016.

**CITY OF CARBONDALE,
A MUNICIPAL CORPORATION**

John M. Henry, Mayor

ATTEST: _____
Jennifer Sorrell, City Clerk

STATE OF ILLINOIS)
) SS.
COUNTY OF JACKSON)

I, the undersigned, a Notary Public, in and for said County and State aforesaid, do hereby certify that John M. Henry, personally known to me to be the same person whose names are subscribed to the foregoing instrument, appeared before me this date in person and acknowledged that he signed and delivered the said instrument as his free and voluntary act, and as the free and voluntary act for the uses and purposes therein set forth.

Given under my hand and official seal this _____ day of _____, 2016.

Notary Public

This instrument was prepared by:
City of Carbondale,
200 S. Illinois Avenue
Carbondale, Illinois 62902
Telephone: (618) 549-5302



TEP Request - Downtown Pedestrian/Bike Path, Phase II (Mill Street to Pedestrian/Bicycle Overpass)

