

ORDINANCE PROVIDING FOR UTILITY EASEMENTS
IN LINCOLN SQUARE AREA

Ordinance no. 64

WHEREAS, the CITY OF URBANA, ILLINOIS, and public spirited citizens and persons have been instrumental in the development of the area known as Lincoln Square in the City of Urbana, which is a highly commercialized area in said City and which has been and is a great boon to the public good and for the public benefit, and

WHEREAS, the said City is the owner of some of the lots or real estate in Central Business Addition, in Urbana, Illinois, in which the said Lincoln Square area is located, and that in the development thereof it has been necessary that gas and electric utilities be provided to said area, and that Illinois Power Company has, at the request and with the consent of the persons owning the real estate in said Addition, installed and is furnishing such utilities in said area in the said City, which are of public convenience and necessity and a benefit to the City and its inhabitants, and that easements for the operation of said utilities are being used by said Illinois Power Company in said Addition, partly on the property of the said City of Urbana, and that the said easements so used by said utility company are for the public benefit; and in the opinion of the Mayor and City Council of the said City of Urbana any right or ownership of such easements by the City is no longer necessary, appropriate, required for the use of, profitable to, or for the best interests of the said City of Urbana, and that the said corporate authorities desire to sell and convey a utility easement or easements across its said property, and the said City of Urbana desires to sell such easements at public sale and to comply with all statutory requirements for the conveyance thereof by the said municipality,

NOW THEREFORE, be it ordained by the Mayor and City Council of the City of Urbana, County of Champaign and State of Illinois, in regular meeting duly assembled and called for the purpose of considering this Ordinance, that:

(1) In the opinion of the Mayor and City Council of the City of Urbana, Illinois, the easements for the operation and maintenance of gas and electric

utilities on the property of the said City in Lots 3, 4, 5, 6, 7 and 8, and any other property owned by the said City in Central Business Addition, Urbana, Illinois, in Champaign County, Illinois, which easements are further set forth in a certain engineer's drawing duly recorded on June 22, 1965, as document No. 730883 at page 58 of Plat Book "P" in the Recorder's Office of said Champaign County, are no longer necessary, appropriate, required for the use of, profitable to or for the best interests of the said City;

(2) The said City of Urbana shall sell at public sale, as provided by law, and convey the easements set forth on said engineer's drawing, which is hereby made a part hereof by reference, the conveyance to be substantially in the form and of the terms set forth on a form of easement which is attached hereto and made a part hereof;

(3) The said City shall publish notice, to be published once each week for three successive weeks in a daily newspaper published in the said City, the first publication of which shall be not less than thirty (30) days before the opening of bids or final action on the said proposal to sell and convey, and all officers and agents of the City are hereby authorized and directed to take all action necessary, appropriate and convenient to consummate and carry into effect the transactions hereinabove specified;

(4) Upon acceptance of the bid for the sale and conveyance of the afore-said easement from the City, and upon payment of the purchase price therefor, the Mayor and municipal clerk be and are hereby authorized, empowered and directed to make conveyance of said easement and transfer the same to the party or parties whose bids have been accepted therefor, by proper deed or conveyance, substantially of the terms hereinabove set forth.

ADOPTED by the affirmative vote of at least three-fourths of the aldermen of the said City, this 21st day of February, 1966.

Duane Eckert
City Clerk

APPROVED by the Mayor this 21st day of February, 1966.

Stanley B. Davis
Mayor.

ELECTRIC AND GAS UTILITY EASEMENT
FOR LINCOLN SQUARE AREA

Authorized by
Ordinance No. 64
February 21, 1966

The Grantors: the CITY OF URBANA, ILLINOIS, a municipal corporation, FIRST METHODIST CHURCH OF URBANA, a religious corporation, URBANA CENTRAL DEVELOPMENT CO., a Delaware corporation, and JEWEL TEA CO., INC., a New York corporation, in consideration of the premises herein stated and for the public and private benefit, and for the sum of Five Dollars (\$5.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, do hereby grant unto the ILLINOIS POWER COMPANY, an Illinois corporation, its successors and assigns, Grantee herein, the perpetual right and easement to enter over, under, upon, through, and across the lands owned, controlled or operated by the Grantors in an area bounded on the North by the South Line of Elm Street; on the West by the East Line of Race Street; on the South by the North Line of Illinois Street; and on the East by the West Line of Vine Street, said area being situated in the Northwest Quarter of the Northeast Quarter of Section 17, Township 19 North, Range 9 East of the 3rd Principal Meridian, in the City of Urbana, County of Champaign and State of Illinois, and which lands and the easements which are the subject of this grant are particularly set forth and defined on the plat or engineer's drawing particularly hereinafter referred to, which was filed in the Recorder's Office of Champaign County, Illinois, on June 22, 1965.

Said rights and easements shall be upon strips of land five (5) feet of even width, located upon private property, public property, and upon vacated streets and alleys in the area delineated. The centerlines of said easement strips are particularly delineated on an engineer's drawing duly recorded on June 22, 1965, as Document No. 730883 at page 58 of Plat Book "P" in the Recorder's Office of Champaign County, Illinois.

The Grantee, ILLINOIS POWER COMPANY, is hereby granted the perpetual right and easement to construct, lay, operate, maintain, patrol, renew, alter, reconstruct, and re-lay ^{underground} gas pipeline and/or pipelines and ^{underground} underground electric ducts, manholes, surface transformer installations, electric cables, and other equipment appurtenant thereto for electric and gas utilities and transmission thereof to and through the said property and as set forth on said engineer's drawing hereinabove mentioned and which is, by this reference, hereby made a part of this grant, and also over a strip of land five (5) feet of even width for an under-ground electric duct and cables, the centerline of which is more particularly described and located as follows: Commencing at the center of a round manhole cover, said manhole being shown on the above-mentioned engineer's drawing as being located 9 feet West of the centerline of Walnut Street (vacated) and 8 feet South of the centerline of High Street (vacated), thence North for a distance of 72 feet, thence West for a distance of 11 feet, more or less, to the East side of a transformer pad which is also shown on the aforementioned engineer's drawing as being located 20 feet West of the centerline of Walnut Street (vacated) and 58 feet North of the centerline of High Street (vacated).

This conveyance grants to the grantee, ILLINOIS POWER COMPANY, the rights and easements aforesaid and the right to use reasonable working space adjacent to said easements during construction and maintenance of said electric and gas utilities, and the right of ingress to and egress from said easements for the proper inspection, repair and servicing of any portion of said utilities.

The Grantors, their successors and assigns, hereby reserve the right to make all other uses of the land within the hereinabove described easement strips, provided that such uses shall not interfere with the rights herein granted to the Grantee; and the Grantors, their successors and assigns, shall not hereafter excavate, nor allow, cause, or permit others to excavate, within the easement strips on the tracts owned or controlled by them respectively without prior

(it being agreed that the present
uses do not so interfere)

(other than those now
existing and any
replacements thereof)

and proper notification to the Grantee; Grantors, their successors or assigns, shall not erect permanent structures and shall not plant, or cause to be planted, trees thereon. Any damage to property of the Grantors, their successors or assigns, caused by the construction, maintenance, reconstruction, operation, alteration, renewal and removal of said electric lines or gas pipelines, and associated equipment appurtenant thereto, the repair thereof shall be promptly made or the damages therefor promptly paid by Grantee.

It is expressly understood and agreed that the grantor or any of them may make written request for the relocation of any part or all of the facilities herein described to another location on its property, selected by mutual consent. The cost of any such relocation shall be borne by the interested grantor and/or grantors making such request to the grantee.

CARSON PIRIE SCOTT & COMPANY, an Illinois corporation, as the lessee under that certain indenture of lease dated August 8, 1963, from Urbana Central Development Co. of Lots 1, 9, 16, 17 and 18 in Central Business Addition, Urbana, Illinois, in Champaign County, Illinois, hereby joins in the execution of this instrument to evidence its consent to the aforesaid easements.

DATED this 23rd day of November, A.D. 1965.

ATTEST:

Duane Eckert
City Clerk

CITY OF URBANA, ILLINOIS,
A Municipal Corporation,

By Stanley B. Weaver
Mayor

ATTEST:

Mary Gearsley
Secretary of the said Board

FIRST METHODIST CHURCH OF URBANA,
A Religious Corporation,

By L. L. McQuinn
President of the Board of Trustees

ATTEST:

Vernon E. Vickarine
Secretary

URBANA CENTRAL DEVELOPMENT CO.,
A Delaware Corporation,

By Harold R. Quinlan
VICE President

ATTEST:

E. J. Verbeck
Assistant Secretary

JEWEL TEA CO., INC., A New York Corporation,

By R. D. Streetman
VICE President

ATTEST:

Robert A. Hinder
Assistant Secretary

CARSON PIRIE SCOTT & COMPANY,
An Illinois Corporation, Lessee,

By Vernon E. Vickarine
Vice President

ACCEPTED:

ILLINOIS POWER COMPANY,
An Illinois Corporation,

By Lawrence F. Berbaum
Real Estate and Tax Agent

STATE OF ILLINOIS)
) SS.
CHAMPAIGN COUNTY)

I, the undersigned Notary Public in and for the county and state aforesaid, do hereby certify that STANLEY B. WEAVER and DUANE F. ECKERTY, personally known to me to be the same persons who subscribed to the above and foregoing instrument as Mayor and City Clerk of the City of Urbana, Illinois, and known by me to be such officials, appeared before me this day in person and acknowledged that they did sign, seal and deliver the said instrument as such public officials and as their own free and voluntary acts and deeds, for the uses and purposes therein set forth, and pursuant to due authority held and possessed by them.

GIVEN under my hand and notarial seal this 21st day of February,
A.D. 1965.

Joseph S. Small
Notary Public.

STATE OF ILLINOIS)
) SS.
CHAMPAIGN COUNTY)

I, the undersigned Notary Public in and for the county and state aforesaid, do hereby certify that L. L. MCKINNEY and MARY YEARSLEY, personally known to me to be the President and Secretary respectively of the Board of Trustees of the FIRST METHODIST CHURCH OF URBANA, ILLINOIS, a religious corporation, appeared before me this day in person and acknowledged that they did respectively as such President and Secretary and as their own free and voluntary act and for and on behalf of said corporation sign, seal and deliver the said instrument for the uses and purposes therein set forth, including the release of homestead.

GIVEN under my hand and notarial seal this 29 day of Nov,
A.D. 1965.

Marion E. Schubert
Notary Public.

STATE OF ILLINOIS)
) SS.
CHAMPAIGN COUNTY)

I, the undersigned Notary Public in and for the county and state aforesaid, do hereby certify that Harold R. Spurway and Vernon E. Victorine, of URBANA CENTRAL DEVELOPMENT CO., personally known to me to be the same persons who executed the foregoing instrument as Vice President and Secretary of URBANA CENTRAL DEVELOPMENT CO., appeared before me this day in person and acknowledged that they executed the foregoing instrument as their free and voluntary act and as the free and voluntary act of said Company and pursuant to authority of its Board of Directors.

WITNESS my hand and notarial seal this 23rd day of December,
A.D. 1965.

My commission expires on the 21st day of Nov, 1966:

Michael J. Schultz
Notary Public

STATE OF ILLINOIS)
) ss.
COUNTY OF COOK).

I, the undersigned Notary Public in and for the state and county aforesaid, do hereby certify that R. D. Sturtevant and E. T. Vorbeck, of JEWEL TEA CO., INC., personally known to me to be the same persons who executed the foregoing instrument as Vice President and Assistant Secretary of JEWEL TEA CO., INC., appeared before me this day in person and acknowledged that they executed the foregoing instrument as their free and voluntary act and as the free and voluntary act of said JEWEL TEA CO., INC., pursuant to authority of the Board of Directors of said Company.

WITNESS my hand and notarial seal this 23rd day of November, 1965.

My commission expires on the 17th day of May, 1966.

Dolores M. Luber
Notary Public.

I, the undersigned Notary Public in and for the state and county aforesaid, do hereby certify that Vernon E. Victorine and Robert Hendy, of CARSON PIRIE SCOTT & COMPANY, personally known to me to be the same persons who executed the foregoing instrument as Vice President and Assistant Secretary of CARSON PIRIE SCOTT & COMPANY, appeared before me this day in person and acknowledged that they executed the foregoing instrument as their free and voluntary act and as the free and voluntary act of said Company and pursuant to authority of its Board of Directors.

WITNESS my hand and notarial seal this 23rd day of November, 1965.

My commission expires on the 13th day of March, 1966.

Michael J. Schultz
Notary Public.