

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE AN EASEMENT  
RELEASE/DISCLAIMER PERTAINING TO NIEMANN FIRST SUBDIVISION

WHEREAS, the City of Urbana, Illinois has been granted easements for the purpose of construction, maintenance, use, repair, replacement and reconstruction of utilities within the easement areas as set out on the Plat of Niemann First Subdivision, Urbana, Champaign County, Illinois, recorded in Book BB of Plats at Page 195 on August 27, 1992 in the office of the Recorder of Deeds of Champaign County, Illinois; and

WHEREAS, the title company has requested a "utility letter" whereby The City of Urbana, Illinois would release and disclaim any easements on the real estate owned by Niemann Foods at the northwest corner of Philo Road and Colorado Avenue, commonly known as Lots 1 and 2 of Niemann First Subdivision; and

WHEREAS, it is in the best interests of the City of Urbana, Illinois, that such release and disclaimer be granted.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. That the City Council of the City of Urbana, Illinois hereby approves release and disclaimer of any easements the City may have on the real estate owned by Niemann Foods at the northwest corner of Philo Road and Colorado Avenue, commonly known as Lots 1 and 2 of Niemann First Subdivision.

Section 2. That the Mayor is hereby authorized to execute and deliver such Easement Release/Disclaimer on behalf of the City. The agreement shall be in substantially the form which is before this Council, a copy of which is attached hereto and incorporated herein. The City Clerk is authorized to attest to such execution thereof.

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called of three-fourths (3/4th's) of the members of the City Council of the City of Urbana, Illinois, at a regular meeting of said City Council.

PASSED by the City Council this 19<sup>th</sup> day of April, 1993.

  
Ruth S. Brookens  
Ruth S. Brookens, City Clerk

APPROVED by the Mayor this 22<sup>nd</sup> day of April, 1993.

Jeffrey T. Markland  
Jeffrey T. Markland, Mayor

THIS IS THE ATTACHMENT WHICH IS REFERRED TO IN  
ORDINANCE NO. 9293-102 AND IS INCORPORATED  
THEREIN BY REFERENCE.

Ruth S. Brookens  
Ruth S. Brookens, City Clerk  
April 27, 1998  
Date



**EASEMENT RELEASE/DISCLAIMER**

This Agreement made this \_\_\_\_ day of \_\_\_\_\_, 1993.

WHEREAS, City of Urbana, Illinois (hereinafter "The City") has been granted easements for the purpose of construction, maintenance, use, repair, replacement and reconstruction of utilities within the easement areas as set out on the Plat of Niemann First Subdivision, Urbana, Champaign County, Illinois recorded in Book BB of Plats at Page 195 on August 27, 1992 in the office of the Recorder of Deeds of Champaign County, Illinois;

WHEREAS, certain other utility easements are retained by the public entity named or its assigns as depicted on said subdivision plat;

WHEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, with the exception of any and all rights by virtue of the easements as set out in said Subdivision Plat, The City does hereby release, quit claim and disclaim to Niemann Foods, Inc., an Illinois corporation, Community Bank of Greater Peoria, as trustee of Trust Agreement dated July 31, 1991 and known as Trust No. 91-715, their successors and assigns, any and all right, title and interest, including easements, however acquired, which it has or may have in the following described real estate:

Lots One (1) and Two (2) of Niemann First Subdivision, a subdivision of part of the Northwest Quarter of Section Twenty-one (21), Township Nineteen (19) North, Range Nine (9) East of the Third Principal Meridian, situated in the County of Champaign in the State of Illinois.

FURTHERMORE, The City states that it has no utility facilities located on, over, or under aforescribed real estate with the exception of utility facilities permitted by said Subdivision Plat, or with the exception of utility hookups extending to buildings on said real estate. Said utility hookups are neither mapped, nor do recorded easements exist covering their locations.

Finally, this Agreement shall inure to the benefit of and be binding upon the parties hereto, their successors and assigns. It is the understanding of The City that pursuant to this Agreement, certain exceptions appearing in any title commitment will be waived concerning the rights of The City.

CITY OF URBANA, ILLINOIS,  
a municipal corporation

By \_\_\_\_\_

Its City Clerk

By \_\_\_\_\_

Its Mayor

State of Illinois            )  
                                      )  
County of Champaign        )        SS.

I, \_\_\_\_\_, a Notary Public, in and for said County, do hereby certify that before me this day in person appeared \_\_\_\_\_ and \_\_\_\_\_, personally known to me to be the Mayor and City Clerk of The City of Urbana, acknowledged that they signed and delivered the foregoing instrument in their capacity herein set forth caused to be affixed thereto the corporate seal of said City, pursuant to authority given under the articles and bylaws of The City, as the free and voluntary act of said City, and as their free and voluntary act, for the uses and purposes therein set forth.

Given under my hand and official seal, this \_\_\_\_ day of \_\_\_\_\_, 1993.

\_\_\_\_\_  
Notary Public

Prepared by and Return to:  
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