



MANAGER'S MEMO ITEM

ITEM: 939 Curtiss Street Utility Easement Agreement
DATE: December 7, 2004
PREPARED BY: David H. Barber, P.E., Director of Public Works
Michael D. Millette, P.E., Assistant Director of Public Works, Eng.
BID AMOUNT: \$ N/A **ACCOUNT:** N/A
BUDGET AMOUNT: \$ No Cost

PURPOSE: To consider grant of easement to Nicor Gas for the purpose of installing, maintaining, and operating a gas service for 939 Curtiss Street along and across 945 Curtiss Street property (i.e. Parking Deck).

BACKGROUND:

The 939 Curtiss Street property, formerly Hart's Garage, has an existing gas meter that enters at the southwest corner of the building. This existing gas service runs between Washington Street west to the gas meter at the southwest corner of the property. During construction of the Parking Deck the property owners desired to relocate each utility, (i.e. SBC, Comcast, ComEd, and Nicor Gas (Nicor)) from the southwest corner of the building to the southeast corner of the building. The Village worked with and honored the property owners' request with the exception of Nicor's utility. Because the property owners were not certain what size gas load would be necessary to service their proposed remodel of the building, nothing was done to relocate the existing gas service. However, the Village did make a working area available along the south side of the building for the future gas service location. It is the intent of Nicor to install the new gas service inside the existing steel gas service so as not to disturb the new improvements recently built. With no utility easement on record with the County, Nicor is requesting a utility easement from the Village to accommodate the property owner's request for a new gas service.

BUDGET IMPLICATIONS:

BID AMOUNT: \$ N/A	ACCOUNT: N/A
BUDGET AMOUNT: \$ No Cost	

No cost to the Village is expected. The property owner is anticipated to incur the costs associated with the work.

ATTACHMENTS:

Grant of Easement to Nicor Gas

STAFF RECOMMENDATION:

Authorize a resolution for a grant of easement to Nicor Gas for the purpose of installing, maintaining, and operating a gas service for 939 Curtiss Street along and across 945 Curtiss Street property (i.e. Parking Deck).

REQUESTED COURSE OF ACTION:

Place a resolution granting the easement on the December 21, 2004 Active Agenda.

Sec 8	T 38 N	R 11 E 3rd PM
Downers Grove Twp		DuPage Co
Central File #		
WO.	Pcl 1	
PIN: 09-08-306-048		

**GRANT OF EASEMENT
TO NICOR GAS**

The Grantor, Village of Downers Grove, its successors, assigns, heirs, administrators and executors, in consideration of the sum of Ten and 00/100 Dollars (\$10.00) and other good and valuable considerations, in hand paid by NORTHERN ILLINOIS GAS COMPANY, an Illinois corporation, doing business as NICOR GAS, (the sufficiency thereof and receipt of which is hereby acknowledged) does hereby give and grant unto said NICOR GAS, its successors and assigns, a perpetual, non-exclusive easement and right of way for the purpose of laying, maintaining, operating, renewing, replacing and removing gas mains and any necessary facilities appurtenant thereto, in, upon, under, along and across the following described property, situated in DuPage County, Illinois:

A Ten (10) foot wide strip of land as depicted by hatch marks and printed label on the Exhibit A dated 11-8-04 attached hereto and made a part hereof . Grantor's property described as follows:

Village of Downers Grove Parking Deck Assessment Plat of part of the Southwest Quarter of Section 8, Township 38 North, Range 11 East of the Third Principal Meridian, Du Page County, Illinois, and Recorded as Document Number R2002-355179 on December 20, 2002; together with reasonable right of access thereto for said purposes.

Grantors reserve the right to use the easement property in any manner not inconsistent with the rights granted herein.

Grantee shall restore all that portion of Grantor's property impacted, damaged and/or disturbed by Grantee during the original installation of Grantee's facilities on Grantor's property, and also during any subsequent maintenance, repair, replacement or removal of Grantee's facilities on Grantor's property, all to a condition as good as or better than that which existed prior to Grantee entering Grantor's property. Regarding such restoration, Grantor acknowledge that property restoration is dependant upon weather; therefore, weather permitting, Grantee agrees that it shall perform all such restoration in a timely manner.

Grantee agrees to save, protect and indemnify Grantor, its lessees, heirs, successors, assigns and administrators (collectively, the "Indemnitees") and hold each of them harmless from and against any and all claims, actions, losses, costs, expenses or damages, including reasonable attorneys' fees, whenever asserted, that may be asserted against or incurred by any or all of the Indemnitees arising out of or as a result of Grantee's use of the Easement Premises.

IN WITNESS WHEREOF, the Grantor(s) has/have hereunto set his/her/their hand(s) and seal(s) this _____ day of _____, A.D., 2004.

STATE OF ILLINOIS)
) SS
COUNTY OF)

I, _____, a Notary Public in and for said County
and State and residing in the County of _____, do hereby certify that

_____, personally
known to me to be the same person(s) whose name(s) is/are subscribed to the foregoing
instrument, appeared before me this day in person and acknowledged that he/she/they signed,
sealed and delivered said instrument as his/her/their free and voluntary act for the uses and
purposes therein set forth.

GIVEN under my hand and notarial seal this ___ day of _____, A.D., 2004.

Notary:

My Commission Expires:

This document prepared by:
Nicor Gas (SSI-RTL)
Real Estate Department
P.O. Box 190
Aurora, Illinois 60507

Property address: 945 Curtiss St.
Downers Grove, IL.

