

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

**A RESOLUTION AUTHORIZING EXECUTION OF AN  
AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE  
AND DOWNERS GROVE GRADE SCHOOL DISTRICT 58**

BE IT RESOLVED by the Village Council of the Village of Downers Grove, DuPage County, Illinois,  
as follows:

1. That the form and substance of a certain Abrogation and Grant of Easement Agreement (the “Agreement”), between the Village of Downers Grove (the “Village”) and (the “School District”), for the abrogation of an easement located at 1840 63<sup>rd</sup> Street and granting a new, smaller easement, as set forth in the form of the Agreement submitted to this meeting with the recommendation of the Village Manager, is hereby approved.

2. That the Village Manager and Village Clerk are hereby respectively authorized and directed for and on behalf of the Village to execute, attest, seal and deliver the Agreement, substantially in the form approved in the foregoing paragraph of this Resolution, together with such changes as the Manager shall deem necessary.

3. That the proper officials, agents and employees of the Village are hereby authorized and directed to take such further action as they may deem necessary or appropriate to perform all obligations and commitments of the Village in accordance with the provisions of the Agreement.

4. That all resolutions or parts of resolutions in conflict with the provisions of this Resolution are hereby repealed.

5. That this Resolution shall be in full force and effect from and after its passage as provided by law.

\_\_\_\_\_  
Mayor

Passed:

Attest: \_\_\_\_\_  
Village Clerk

PIN # : 09-18-308-006

**AN AGREEMENT  
ABROGATING A  
CERTAIN PUBLIC  
EASEMENT AND, IN  
SUBSTITUTION,  
GRANTING A NEW  
EASEMENT TO AND  
IN THE VILLAGE OF  
DOWNERS GROVE  
(Located at 1840 63<sup>rd</sup>  
Street)**

(Reserved for Recorder's Use Only)

THIS AGREEMENT is made and entered into by and between the Village of Downers Grove, Illinois (“Village”) and Downers Grove Grade School District 58 (“School District”).

WHEREAS, the School District is the record title holder for the property located at 1840 63<sup>rd</sup> Street, Downers Grove, DuPage County, Illinois and legally described as:

*Lot 34 in Arthur T. McIntosh and Company’s Dunham Street Subdivision, a Subdivision situated in Section 18, Township 38 North, Range 11, East of the Third Principal Meridian, in DuPage County, Illinois;*

And known as Parcel Number: 09-18-308-006; and

WHEREAS, it has been determined by the Village of Downers Grove in DuPage County, Illinois, that it is in the public interest to abrogate a certain easement in said Village over land owned by Downers Grove District School District 58, Du Page County, Illinois and, in its place, substitute a new easement for public utility and drainage purposes on a portion of the same land hereinafter more particularly described; and

WHEREAS, after investigation, said easement substitution will not adversely affect the Village or the School District; and

WHEREAS, pursuant to Resolution 95-34, the Village Manager may release and accept said easement after giving the Village Council forty-eight (48) hours written notice prior to a regularly scheduled Council meeting of his intent to take such action; and

WHEREAS, the Board of Education of School District 58 may grant the new easement to the Village of Downers Grove for drainage and public utility purposes pursuant to Illinois School Code Section 5-30 (105 ILCS 5/5-30).

NOW, THEREFORE, in consideration of the mutual covenants, conditions and agreements set for herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties hereto agree as follows:

1. The provisions of the preamble are herein incorporated and made part of this Agreement;
2. That a public utility and drainage easement which was initially granted for purposes of construction and maintenance of a municipal well and its appurtenant mains and connections located at 1840 63<sup>rd</sup> Street, Downers Grove, Illinois, recorded as R68-2784 in the Recorder's Office of the DuPage County, Illinois and described as:

*The East 100 feet of the South 147 feet of Lot 34 in Arthur T. McIntosh and Company's Dunham Street Subdivision, a Subdivision situated in Section 18, Township 38 North, Range 11, East of the Third Principal Meridian, in DuPage County, Illinois;*

(hereinafter referred to as the "Abrogated Easement") and depicted in Exhibit A, attached, is hereby abrogated and closed, and that is it declared that the same is no longer required for public use and that the public interest will be served by such abrogation.

3. That, in substitution for the Abrogated Easement, the undersigned Downers Grove Grade School District 58 hereby grants to the Village of Downers Grove, an easement for the purposes of construction and maintenance of a public utility water service. Said easement is described as:

*The South 37 feet of lot 34 in Arthur T. McIntosh and Company's Dunham Street Subdivision, a Subdivision situated in Section 18, Township 38 North, Range 11, East of the Third Principal Meridian, in DuPage County, Illinois;*

(hereinafter referred to as "New Easement") and depicted in Exhibit B, attached.

4. That the New Easement is subject to the following conditions:

*The Village shall have access to the water service shutoff, Buffalo-Box, located 7 feet north of the existing sidewalk in order to isolate the water service to the existing building on above mentioned Lot 34, 1840 63<sup>rd</sup> Street, Downers Grove, Illinois.*

*The Village Of Downers Grove shall have the right to place, maintain and regularly collect data from a Water Meter Reading Data Collector Unit (DCU) on the roof of the existing building located on above- mentioned Lot 34, 1840 63<sup>rd</sup> Street, Downers Grove, Illinois.*

5. The Village shall indemnify and hold harmless the School District, the Board of Education and its employees and agents from any and all claims, losses, damages or expense which the District may suffer, incur or sustain, or for which the District may become legally liable, arising or growing out of any injury or damage to persons or real or personal property directly or indirectly resulting from the Village's use, occupation or possession of the easement herein granted.

6. In case one or more of the provisions contained in this Agreement should, for any reason, be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provision hereof, and this Agreement shall be construed as if such invalid, illegal or unenforceable provision had never been contained herein.

7. Illinois law shall govern this Agreement in its performance and interpretation. Venue shall be the County of DuPage.

8. This Agreement shall be filed by the Village, at the expense of the School District, with the DuPage County Recorder of Deeds.

IN WITNESS THEREOF, the parties hereto have executed this Agreement on the date herein written below.

\_\_\_\_\_  
Date

**VILLAGE OF DOWNERS GROVE**

\_\_\_\_\_  
Cara Pavlicek, Village Manager

ATTEST:

\_\_\_\_\_  
April Holden, Village Clerk

**DOWNERS GROVE GRADE  
SCHOOL DISTRICT 58,  
Owner of 1840 63<sup>rd</sup> Street,  
Downers Grove, Illinois**

By: \_\_\_\_\_  
President, Board of Education

ATTEST:

\_\_\_\_\_  
Secretary, Board of Education



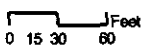
0 15 30 60 Feet

**EXHIBIT A: 1840 63rd Street, 09-18-308-006**

Department of Planning & Community Development

Legend  
 Selected Property





**EXHIBIT B: 1840 63rd Street, 09-18-308-006**

Department of Planning & Community Development

Legend  
 Selected Property

