

NOV 15 2010

ORDINANCE NO. 2820

J. Ronald Colgan
City Clerk

**AN ORDINANCE TO APPROVE MUNICIPAL STORM
SEWER EASEMENT DEED FROM BRIAN J. & RHONDA J.
O'FARRELL TRUST AND RIGHT OF WAY DEEDS FROM
DEAN RUSSELL LUNGWITZ & GELENE MARIE LUNGWITZ,
TRUSTEES OF THE RUSSELL F. LUNGWITZ AND ESTHER
L. LUNGWITZ JOINT REVOCABLE TRUST #1 AND LILLIAN
L. FAUCETT AND COLIN S. STRAUB, AS GRANTEE FOR
THE HEIRS AT LAW OF KATHLEEN L. STRAUB FOR THE
CITY OF COLUMBIA MILTON STREET PROJECT AND TO
AUTHORIZE THE MAYOR TO EXECUTE AND THE CITY TO
RECORD THE SAME FOR AND ON BEHALF OF THE CITY.**

WHEREAS, the City of Columbia, Illinois (the "City") has determined that it requires the storm sewer easement and right of way involved herein in order to construct the renovation and improvement involved in the City's Milton Street Project in the City;

WHEREAS, it is necessary and appropriate that the City acquire the same from the owners of the properties involved herein for its subject Milton Street project;

WHEREAS, Brian J. & Rhonda J. O'Farrell Trust, 302 W. Washington Street, Columbia, Illinois has agreed to provide the required storm sewer easements to the City for the price and/or on the terms set forth in their Easement Deeds which are approved and authorized by this ordinance;

WHEREAS, (1) Dean Russell Lungwitz of the Village of Dupo, Illinois and Gelene Marie Lungwitz of the City of Barnhart, Missouri, Trustees of the Russell F. Lungwitz and Esther L. Lungwitz Joint Revocable Trust #1 and Lillian L. Faucett; and, (2) Colin S. Straub, as Grantee for the heirs at law of Kathleen L. Straub have agreed to provide the right-of-way to the City for the price and/or on the terms set forth in their Non-Freeway Right of Way Deeds which are approved and authorized by this ordinance;

WHEREAS, it is necessary and appropriate that the City enact this ordinance to approve and authorize the City to acquire the easements and right of way on the terms set forth in the easement deeds and right of way deeds and commit the City to do and perform its obligations under said deeds so that the City can acquire the subject easements and right of way required for the accomplishment of its Milton Street Project and the construction and installation of the City storm sewers and other facilities involved therein.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Columbia, Illinois, as follows:

Section 1. The recitals contained above in the preamble of this Ordinance are hereby incorporated herein by reference, the same as if set forth in this Section of this Ordinance verbatim, as findings of the City Council of the City of Columbia, Illinois.

Section 2. Attached hereto is the Storm Sewer Easement Deed from the above-described property owner for the subject storm sewer easement and, the two (2) right-of-way deeds from the above-described property owners for the right-of-way involved herein, which are approved and authorized by this ordinance. The City hereby approves the form of the attached Deeds, as signed by the property owners aforesaid, and does hereby authorize and direct the Mayor to sign the same (acknowledging the City's acceptance of the easements and right-of-way involved and the City's agreement to do and perform the City's obligations undertaken in the deeds) and does hereby authorize and direct the City Clerk to attest the same and affix thereto the corporate seal of the City.

Section 3. The City Council hereby authorizes and directs the City to record in the office of the Monroe County, Illinois Recorder the fully executed and attested Easement and Right-of-Way Deeds aforesaid and thereafter to file them with the permanent real estate records of the City.

Section 4. This Ordinance shall be in full force and effect from and after its passage and approval, as provided by law.

Alderman Agne moved the adoption of the above and foregoing Ordinance; the motion was seconded by Alderman Ebersohl, and the roll call vote was as follows:

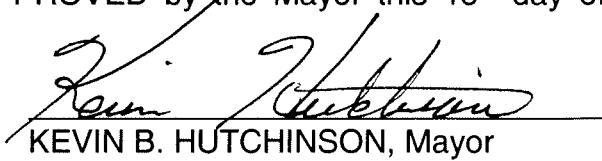
YEAS: Aldermen Ebersohl, Agne, Niemietz, Row, Heina, Oberfell, Stumpf and Roessler.

NAYS: None.

ABSENT: None.

ABSTENTIONS: None.

PASSED by the City Council and APPROVED by the Mayor this 15th day of November, 2010.



KEVIN B. HUTCHINSON, Mayor

ATTEST:



J. RONALD COLYER, City Clerk

(SEAL)

MUNICIPAL STORM SEWER EASEMENT DEED

The undersigned GRANTORS BRIAN J. & RHONDA J. O'FARRELL TRUST, of 302 W. WASHINGTON STREET, City of Columbia, Monroe County, Illinois, for and in consideration of the payment of the sum of One Dollar (\$1.00) and for other good and valuable consideration in hand paid, the receipt and sufficiency of which is hereby acknowledged by the GRANTORS, do hereby CONVEY and WARRANT to the CITY OF COLUMBIA, ILLINOIS, a Municipal Corporation and body both corporate and politic created and existing under and by virtue of the laws of the State of Illinois (hereinafter referred to as the "CITY" or the "GRANTEE"), an exclusive storm sewer easement, being the perpetual right to construct, install, alter, repair, remove and maintain a storm sewer, and all appurtenances appertaining thereto on, over and across part of a tract of land conveyed to BRIAN J. & RHONDA J. O'FARRELL TRUST, by deed recorded in the Recorder's Office of Monroe County, Illinois, as Document No. 320532 being part of Lot 1 of "O'Farrell Tracts", City of Columbia, Monroe County, Illinois, as shown recorded in the Recorder's Office of Monroe County, Illinois, in Envelope 2-128B, said easement being more particularly described as follows:

Commencing at the northeast corner of a tract of land conveyed to Wilbur G. & Edith L. Ludwig, by deed recorded in the Recorder's Office of Monroe County, Illinois, in Book of Deeds 185 on page 210; thence at an assumed bearing of North 86°38'07" West, along the north line of said Ludwig tract, a distance of 80.77 feet to the Point of Beginning of the herein described easement; thence North 86°38'07" West, continuing along the north line of said Ludwig tract, a distance of 17.76 feet; thence North 01°13'43" West, a distance of 11.47 feet; thence South 88°47'16" West, a distance of 34.67 feet; thence South 62°33'09" West, a distance of 16.67 feet; thence North 27°26'51" West, a distance of 20.00 feet; thence North 62°33'09" East, a distance of 23.80 feet to the west line of a tract of land conveyed to Robert D. & Kim M. Parker by deed recorded in the Recorder's Office of Monroe County, Illinois, in Book of Deeds 209 on page 528; thence South 29°46'45" West, along the west line of said Parker tract, a distance of 9.99 feet to the southwest corner of said Parker tract; thence North 88°46'17" East, along the south line of said Parker tract, a distance of 59.97 feet; thence South 01°13'43" East, a distance of 25.43 feet to the Point of Beginning, containing 1,259 square feet or 0.02 acre, more or less.

PERMANENT PROPERTY INDEX NO.: 04-22-104-015-000

PRIOR DEED: 320532

(Survey plat of Heneghan and Associates, P.C., which depicts the above described easement tract of property being attached hereto and by reference made part hereof.)

hereby releasing and waiving all rights under and by virtue of the Homestead Exemptions Laws of the State of Illinois.

Situated in the City of Columbia, County of Monroe, and State of Illinois.

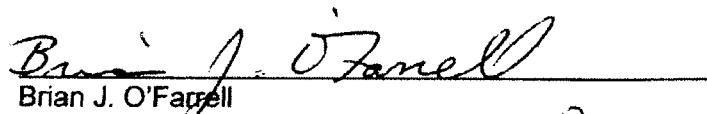
Concomitant and coextensive with the right herein granted is a further right in GRANTEE, its successors and assigns, contractors and agents, at all times, to have ingress to and egress from all points on and along said municipal storm sewer drainage easement tract. Since the easement uses and purposes granted to the GRANTEE are primarily subterranean the GRANTEE, the City of Columbia, Illinois, shall have no obligation to mow the grass, trim the weeds or otherwise maintain the surface of the ground except as herein otherwise provided. The GRANTEE, City of Columbia, Illinois, and its successors and assigns, by and through its agents, servants and contractors, shall have the right to remove trees and bushes, undergrowth and any other obstructions interfering with the GRANTEE'S right to use the easement herein granted for its intended use and purpose, including the location, construction, repair, removal, reconstruction, replacement and maintenance of its storm sewer and the appurtenances appertaining thereto which are installed in the easement tract described above, whether located now or hereafter in the said easement tract.

The GRANTORS their heirs, executors, administrators, other legal representatives, successors and assigns, shall not make nor suffer any encroachment or obstructions interfering with the GRANTEE'S use of the easement tract for its intended use and purpose and the right of the GRANTEE in the easement tract to use the same for its intended purpose. The GRANTORS, their heirs, executors, administrators, other legal representatives, successors and assigns, shall have the right to use the surface of the property comprising the easement tract for uses and purposes that do not interfere with the GRANTEE'S use of the same for its intended purpose. The GRANTORS shall not construct, install or maintain any buildings or permanent structures on the easement tract without first obtaining the written consent for the same from the GRANTEE. The GRANTORS shall not grant easements to any other utility service providers or other persons or parties for subterranean use of the easement tract without first obtaining the written consent of the GRANTEE.

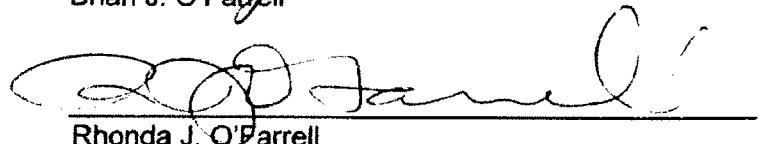
The GRANTEE will restore the surface of the ground after each and every entry.

The terms, covenants and conditions of this easement deed shall inure to the benefit of and shall be binding upon the heirs, executors, administrators, other legal representatives, successors and assigns of the respective parties hereto.

IN WITNESS WHEREOF the undersigned GRANTORS have made, executed and delivered this Municipal Storm Sewer Drainage Easement Deed to the GRANTEE, for the uses and purposes hereinabove set forth this 25 day of October, 2010.



Brian J. O'Farrell

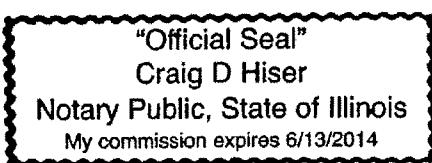


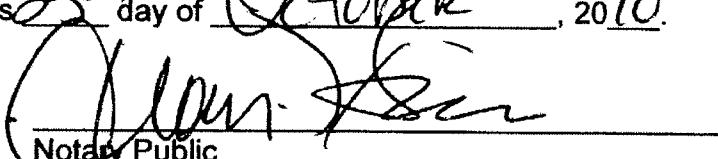
Rhonda J. O'Parrell

STATE OF ILLINOIS)
)SS
COUNTY OF MONROE)

The undersigned, a Notary Public in and for the County, in the State aforesaid, hereby certifies that Brian J. & Rhonda J. O'Farrell, personally known to me and known to me to be the same persons whose names are subscribed to the above and foregoing easement deed, appeared before me this date in person and acknowledged that they signed and delivered said deed as their free and voluntary act and deed for the uses and purposes therein set forth, including the release and waiver of the right of homestead.

Given under my hand and Notary Seal this 25th day of October, 2010.



25th day of October, 2010.

Notary Public

SIGNATURE OF GRANTEE

The undersigned GRANTEE has executed this Deed to acknowledge its agreement and commitment to do and perform all obligations undertaken in the above Easement Deed incumbent on the GRANTEE to be done and performed by the GRANTEE.

CITY OF COLUMBIA, ILLINOIS, a
Municipal Corporation

BY: _____
KEVIN B. HUTCHINSON, Mayor

ATTEST:

J. RONALD COLYER, City Clerk

(SEAL)

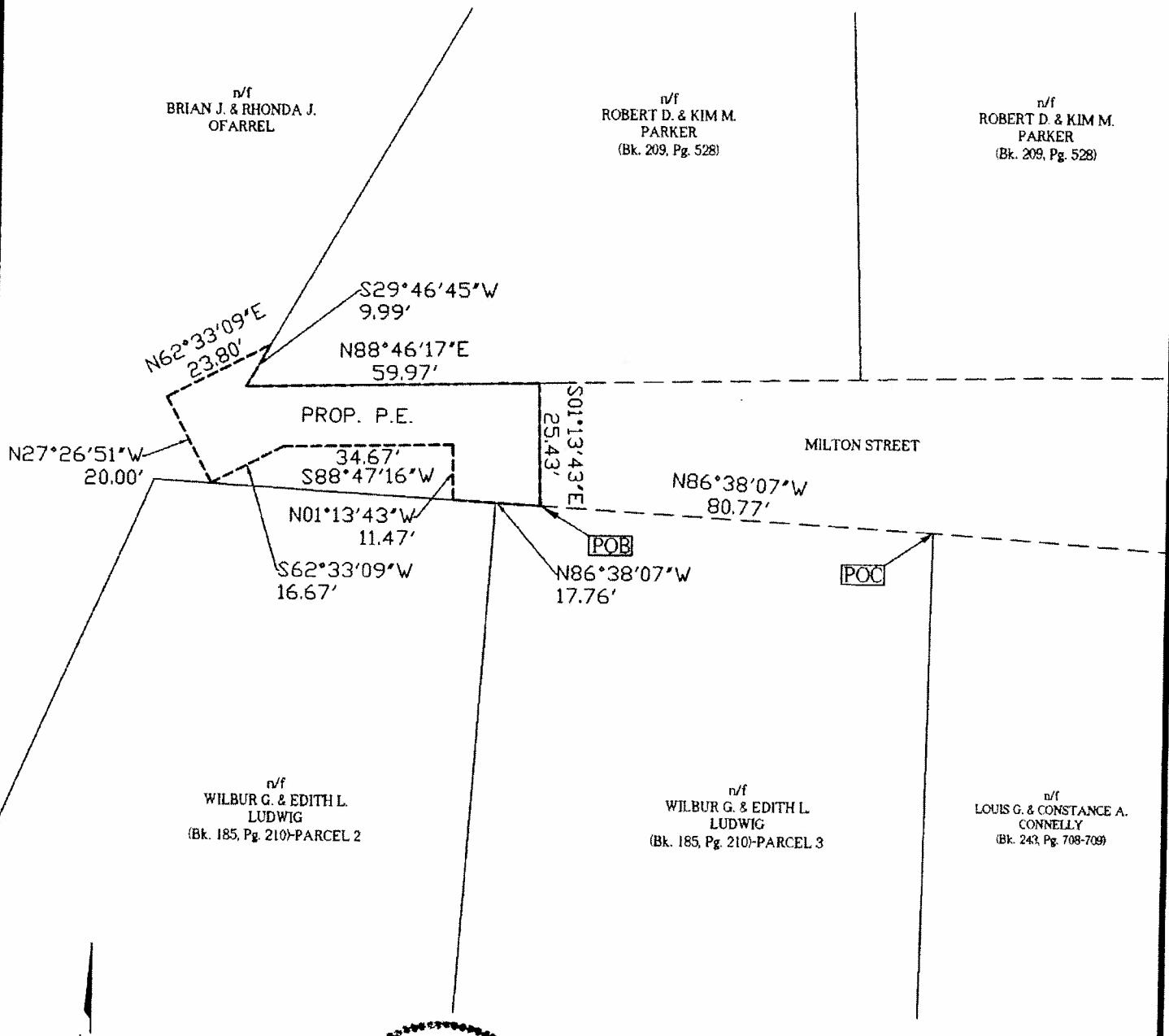
STATE OF ILLINOIS)
)SS
COUNTY OF MONROE)

The undersigned, a Notary Public in and for the County and State aforesaid, does hereby certify that KEVIN B. HUTCHINSON and J. RONALD COLYER, personally known to me and known to be the Mayor and the City Clerk, respectively, of the City of Columbia, Illinois whose names are subscribed to the above and foregoing document, appeared before me this day in person, and acknowledged that they signed and delivered the said document as their free and voluntary act and deed and the free and voluntary act and deed of the City of Columbia, Illinois, pursuant to an enabling ordinance of said City which was enacted prior thereto, for the uses and purposes therein set forth.

Given under my hand and Notary Seal this _____ day of _____, 20____.

Notary Public

PLAT OF EASEMENT
OF PART OF LOT 1 OF "OFARRELL TRACTS"
CITY OF COLUMBIA, MONROE COUNTY, ILLINOIS



SCALE: 1" = 30'
 OCTOBER 15, 2010



HENEGHAN AND ASSOCIATES, P.C.

310A VISION DRIVE
 COLUMBIA, ILLINOIS 62236
 PHONE NO. (618) 281-8133
 FAX NO. (618) 281-8290
 FILE NO. 60000-300
 DESIGN FIRM NUMBER 184-002692, EXPIRES APRIL 30, 2011

Return to:
Adams and Huetsch
P. O. Box 647
Columbia, Illinois 62236

**WARRANTY DEED
(NON-FREEWAY)**

THE GRANTORS, DEAN RUSSELL LUNGWITZ of the Village of Dupo, St. Clair County, Illinois and GELENE MARIE LUNGWITZ, his sister, of the City of Barnhart, Jefferson County, Missouri, as Trustees of the RUSSELL F. LUNGWITZ and ESTHER L. LUNGWITZ JOINT REVOCABLE TRUST #1, dated January 22, 1999, as to an undivided one-half (1/2) interest, and LILLIAN L. FAUCETT, of the City of Manhattan Beach, County of Los Angeles and State of California, (formerly known as LILLIAN L. MICHAEL) as to an undivided one-half (1/2) interest, for and in consideration of the payment of the sum of One Dollars (\$1.00), and for other good and valuable consideration in hand paid, the receipt and sufficiency of which is hereby acknowledged by the GRANTORS, do hereby CONVEY and WARRANT to the CITY OF COLUMBIA, a Municipal corporation and body both corporate and politic created and existing under and by virtue of the laws of the State of Illinois, with City Hall located at 208 South Rapp Avenue, Columbia, Illinois 62236, the GRANTEE, the following described Real Estate, to-wit:

Part of a tract of land conveyed to the Russell F. Lungwitz and Lillian L. Michael by deed recorded in the Recorder's Office of Monroe County, Illinois, in Book of Deeds 142 on Page 241, being part of Lots 14 and 15 of "Columbia Heights-Wm. Vogt's Addition", reference being had to the plat thereof recorded in the Recorder's Office of Monroe County, Illinois, in Envelope 24B, City of Columbia, Monroe County, Illinois being more particularly described as follows:

Beginning at the most Northerly corner of said Lungwitz and Michael tract; thence at an assumed bearing of South 28°28'52" East, along the Northeasterly line of said Lungwitz and Michael, a distance of 10.00 feet; thence North 74°15'16" West, a distance of 13.95 feet to a point on the Northwesterly line of said Lungwitz and Michael tract; thence North 59°58'20" East, along the Northwesterly line of said Lungwitz and Michael tract, a distance of 10.00 feet to the Point of Beginning.

Containing 50 square feet.

Permanent Property Index No. 04-22-149-017. Part
Prior Deed: 142 - 241
Property Address: 801 South Rapp Avenue, Columbia, Illinois.

(Survey plat of Heneghan and Associates, P. C. which depicts the above described tract of property that is the subject of this Warranty Deed being attached hereto and by reference made part hereof.)

"Exempt under the provisions of paragraph e, Section 31-45, Real Estate Transfer Tax Act (35 ILCS 200/31-45)."

Date Buyer, Seller or Representative

situated in the City of Columbia, County of Monroe and State of Illinois, hereby releasing and waiving all right under and by virtue of the Homestead Exemption Laws of the State of Illinois.

The GRANTORS without limiting the interest above granted and conveyed, does hereby acknowledge that upon payment of the agreed consideration, all claims arising out of the above acquisition have been settled, including any diminution in value to any remaining property of the GRANTORS caused by the opening, improving and using the above described premises for highway purposes. This acknowledgment does not waive any claim for trespass or negligence against the GRANTEE or GRANTEE'S agents which may cause damage to the remaining property of the GRANTORS.

IN WITNESS WHEREOF, the GRANTORS have set their hand and seal this 30th day of December, A.D., 2009.

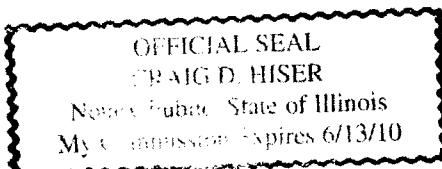
RUSSELL F. LUNGWITZ and ESTHER L.
LUNGWITZ JOINT REVOCABLE TRUST #1
dated January 22, 1999

BY: Dean Russell Lungwitz, Trustee
DEAN RUSSELL LUNGWITZ, Trustee

STATE OF ILLINOIS)
COUNTY OF Monroe) SS

The undersigned, a Notary Public, in and for said County and State, does hereby certify that DEAN RUSSELL LUNGWITZ, who is personally known to me to be the Co-Trustee of the RUSSELL F. LUNGWITZ and ESTHER L. LUNGWITZ JOINT REVOCABLE TRUST #1 dated January 22, 1999, whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that he signed, sealed and delivered the said instrument as his free and voluntary act and as the free and voluntary act of said Trust, for the uses and purposes therein set forth, including the release and waiver of homestead.

Given under my hand and notary seal this 15th day of December,
A.D., 2009.



Dean Russell Lungwitz
Notary Public

Gelene Marie Lungwitz, suc TEEs
GELENE MARIE LUNGWITZ, Trustee

STATE OF ILLINOIS)
COUNTY OF MONROE) SS

The undersigned, a Notary Public, in and for said County and State aforesaid, does hereby certify that GELENE MARIE LUNGWITZ, who is personally known to me to be the Co-Trustees of the RUSSELL F. LUNGWITZ and ESTHER L. LUNGWITZ JOINT REVOCABLE TRUST #1 dated January 22, 1999, whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that she signed, sealed and delivered the said instrument as her free and voluntary act and as the free and voluntary act of said Trust, for the uses and purposes therein set forth, including the release and waiver of homestead.

Given under my hand and notary seal this

15th day of December,


Notary Public

OFFICIAL SEAL
CRAIG D. HISER
Notary Public, State of Illinois
My Commission Expires 6/13/10

Lillian Faucett aka
x Lillian L Michael
ILLIAN L. FAUCETT, formerly known as
ILLIAN L. MICHAEL

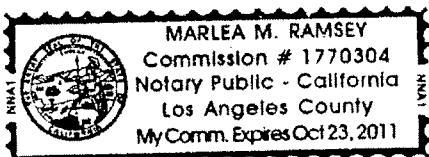
STATE OF CALIFORNIA)
COUNTY OF Los Angeles) SS

The undersigned, a Notary Public, in and for said County and State, does hereby certify that LILLIAN L. FAUCETT, formerly known as LILLIAN L. MICHAEL who is personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that she signed, sealed and delivered the said instrument as her free and voluntary act, for the uses and purposes therein set forth, including the release and waiver of homestead.

Given under my hand and notary seal this

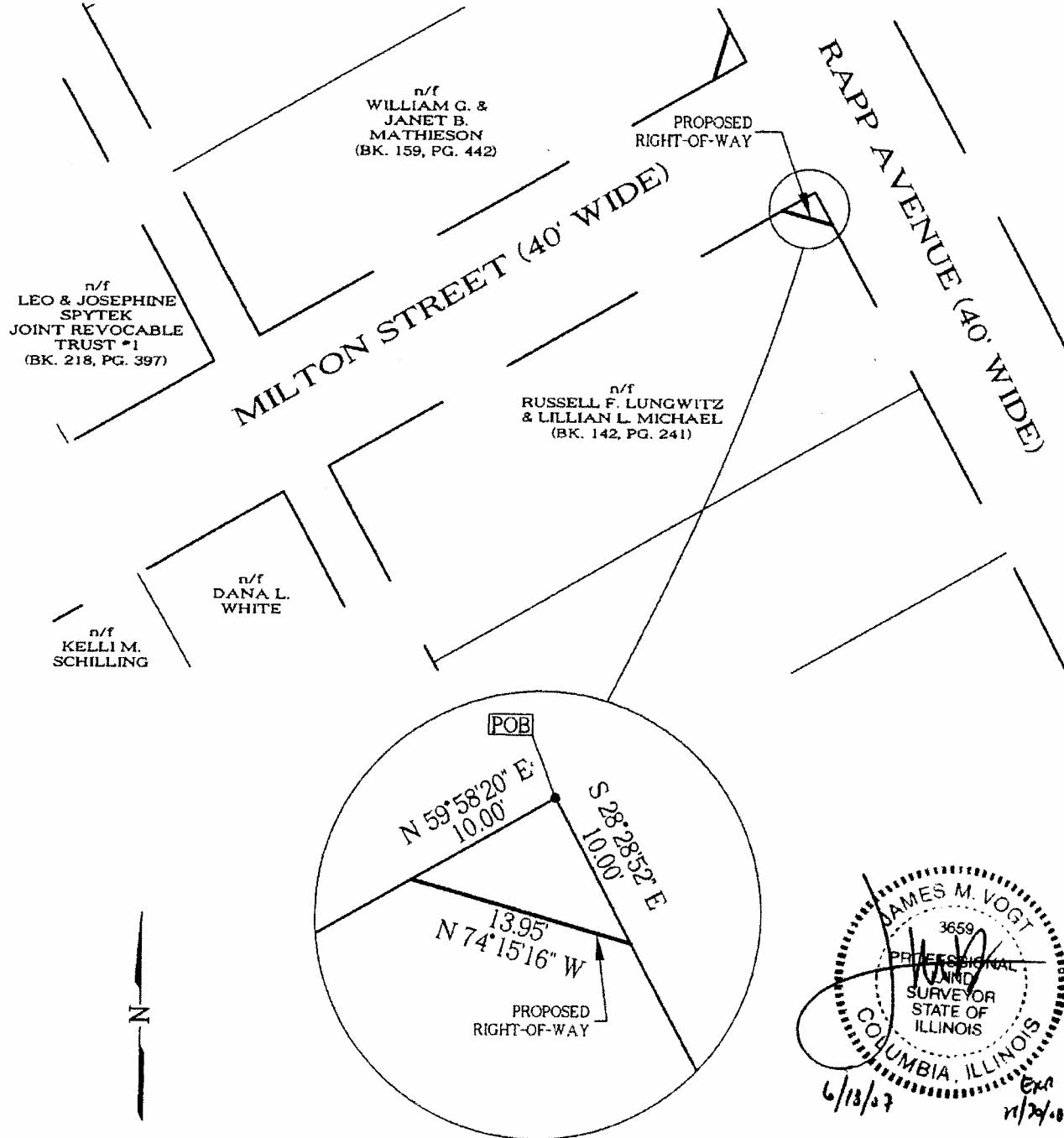
30th day of December,


Notary Public



RIGHT-OF-WAY PLAT

OF PART OF LOTS 14 & 15 OF
 "COLUMBIA HEIGHTS- WM. VOGT'S ADDITION"
 CITY OF COLUMBIA, MONROE COUNTY, ILLINOIS

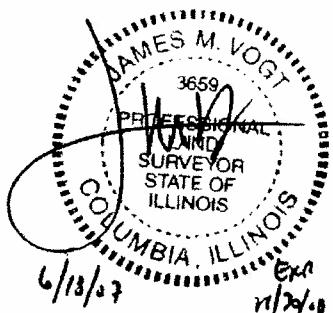


SCALE: 1" = 40'
 JUNE 14, 2007



HENEGHAN AND ASSOCIATES, P.C.

310A VISION DRIVE
 COLUMBIA, ILLINOIS 62236
 PHONE NO. (618) 281-8133
 FAX NO. (618) 281-8290
 FILE NO. 60000-300
 DESIGN FIRM NUMBER 184-002692, EXPIRES APRIL 30, 2009



Return to:
Adams and Huetsch
P. O. Box 647
Columbia, Illinois 62236

**WARRANTY DEED
(NON-FREEWAY)**

THE GRANTOR, COLIN S. STRAUB, as Grantee of the Heirs at law of Kathleen L. Straub, deceased by Warranty Deed dated December 11, 2008, recorded in the Office of the Monroe County, Illinois Recorder as Document No. 327964, of 405 West Milton Street, in the City of Columbia, County of Monroe and State of Illinois for and in consideration of the payment of the sum of One Dollars (\$1.00), and for other good and valuable consideration in hand paid, the receipt and sufficiency of which is hereby acknowledged by the GRANTOR, does hereby CONVEY and WARRANT to the CITY OF COLUMBIA, a Municipal corporation and body both corporate and politic created and existing under and by virtue of the laws of the State of Illinois, with City Hall located at 208 South Rapp Avenue, Columbia, Illinois 62236, the GRANTEE, the following described Real Estate, to-wit:

Part of a tract of land conveyed to Colin S. Straub by Warranty Deed recorded in the Recorder's Office of Monroe County, Illinois, as Document No. 327964 being part of Lot 3 of "Klein's Subdivision", being part of U.S. Survey 773, Claim 2053, T.1 S., R. 10 W., of the 3rd P.M., reference being had to the plat thereof recorded in the Recorder's Office of Monroe County, Illinois, in Envelope 84B, City of Columbia, Monroe County, Illinois, being more particularly described as follows:

Beginning at the Southeast corner of said Straub tract; thence at an assumed bearing of South 88°46'17" West, along the South line of said Straub tract, a distance of 10.00 feet; thence North 42°53'02" East, a distance of 13.92 feet to a point which lies on the East line of said Straub tract; thence South 03°00'13" East, along the East line of said Straub tract, a distance of 10.00 feet to the Point of Beginning.

Containing 50 square feet.

Permanent Property Index No. 04-22-133-003. Part
Prior Deed. Document No. 327964
Property Address: 405 West Milton Street, Columbia, Illinois.

(Survey plat of Heneghan and Associates, P. C. which depicts the above described tract of property that is the subject of this Warranty Deed being attached hereto and by reference made part hereof.)

"Exempt under the provisions of paragraph e, Section 31-45, Real Estate Transfer Tax Act (35 ILCS 200/31-45)."

Date

Buyer, Seller or Representative

situated in the City of Columbia, County of Monroe and State of Illinois, hereby releasing and waiving all right under and by virtue of the Homestead Exemption Laws of the State of Illinois.

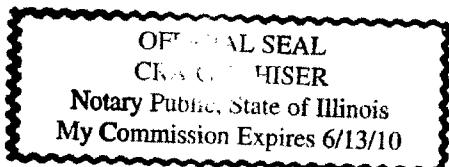
The GRANTOR without limiting the interest above granted and conveyed, does hereby acknowledge that upon payment of the agreed consideration, all claims arising out of the above acquisition have been settled, including any diminution in value to any remaining property of the GRANTOR caused by the opening, improving and using the above described premises for public street purposes. This acknowledgment does not waive any claim for trespass or negligence against the GRANTEE or GRANTEE'S agents which may cause damage to the remaining property of the GRANTOR.

IN WITNESS WHEREOF, the GRANTOR has set his hand and seal this 18th day of September, 2009., A.D., 2009.

Colin S. Straub
COLIN S. STRAUB

STATE OF ILLINOIS)
)
) SS
COUNTY OF MONROE)

The undersigned, a Notary Public, in and for said County and State, does hereby certify that COLIN S. STRAUB, who is personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that he signed, sealed and delivered the said instrument as his free and voluntary act, for the uses and purposes therein set forth, including the release and waiver of homestead



Colin C. Hiser
Notary Public

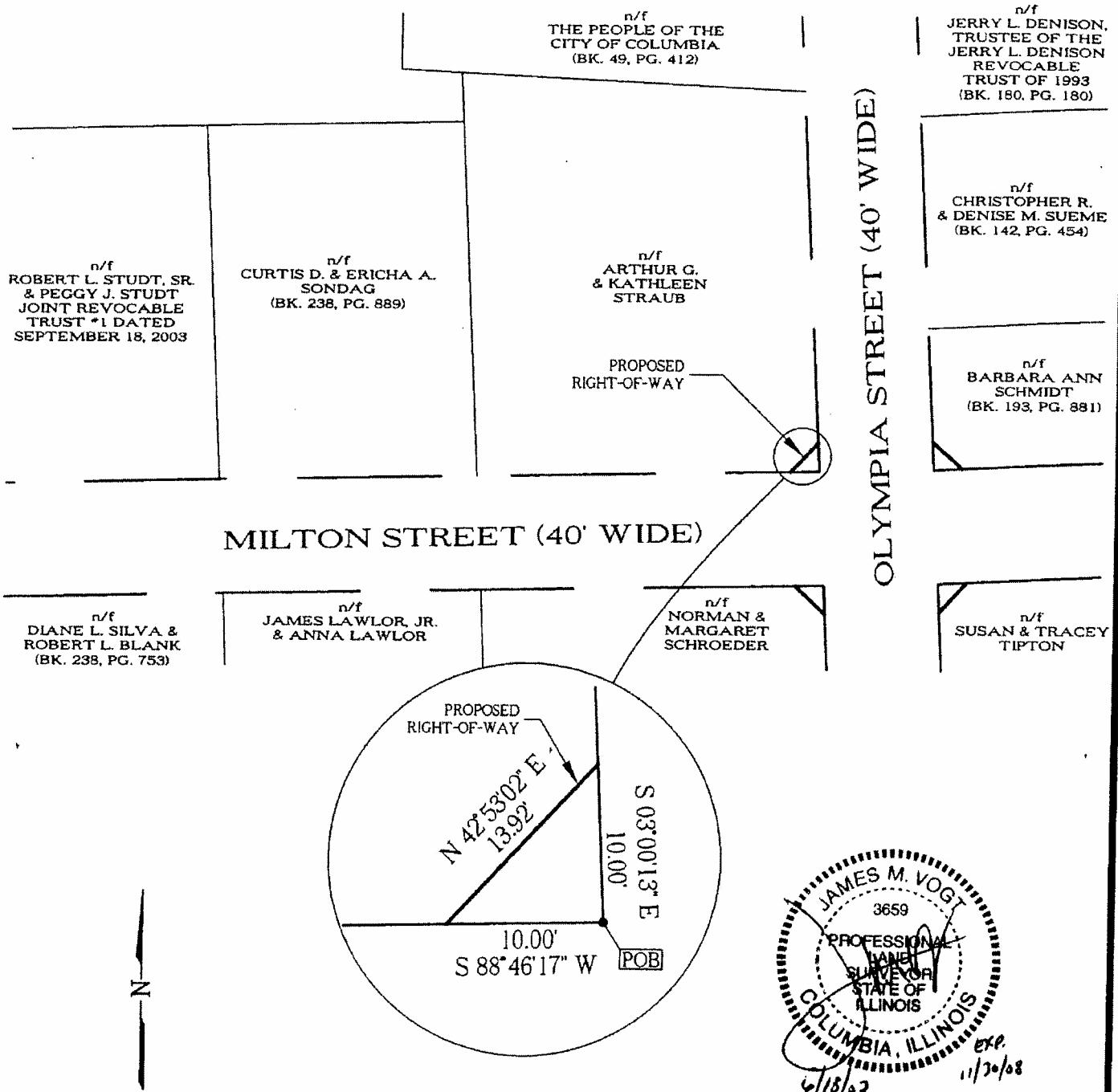
THIS INSTRUMENT PREPARED BY AND
RETURN TO:

TOM D. ADAMS #13439
ADAMS AND HUETSCH
Attorneys-at-Law
321 Wedgewood Square
P. O. Box 647
Columbia, Illinois 62236
Telephone (618) 281-5185/5186
Fax (618) 281-5553
E-mail Address: tdadams@htc.net

SEND TAX BILL TO:
CITY OF COLUMBIA, ILLINOIS
208 South Rapp Ave
Columbia, Illinois 62236

RIGHT-OF-WAY PLAT

OF PART OF LOT 3 OF "KLEIN'S SUBDIVISION"
CITY OF COLUMBIA, MONROE COUNTY, ILLINOIS



SCALE: 1" = 50'

JUNE 14, 2007



HENEGHAN AND ASSOCIATES, P.C.

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