

ORDINANCE NO. 2682

OCT 06 2008

AN ORDINANCE TO AUTHORIZE AND APPROVE OF THE FORM OF A 20 FOOT WIDE BY 20 FOOT LONG BROADBAND COMMUNICATION SERVICE EASEMENT FOR HARRISONVILLE TELEPHONE COMPANY FROM THE CITY OF COLUMBIA, ILLINOIS ON THE ABANDONED ICG RAILROAD RIGHT-OF-WAY BELONGING TO THE CITY OF COLUMBIA AND LOCATED AT OR NEAR THE INTERSECTION OF RUECK ROAD AND INDUSTRIAL DRIVE IN THE CITY ON THE RAILROAD RIGHT-OF-WAY FOR HARDWARE FOR SAID COMMUNICATION SYSTEM TO BE LOCATED ACROSS FROM THE GUARDIAN SELF STORAGE FACILITY ON RUECK ROAD IN THE CITY OF COLUMBIA, ILLINOIS

Wally Jyffke
City Clerk

WHEREAS, it is necessary and appropriate that the City of Columbia, Illinois (the "City") provide to Harrisonville Telephone Company (HTC) a broadband service right-of-way easement for a hardware pedestal cabinet and a power supply cabinet and other appurtenances appertaining thereto to be located on a six foot (6') wide by eight foot (8') long platform to be located on and within the twenty foot (20') foot wide by twenty foot (20') long easement tract the HTC is requesting an easement in from the City on the abandoned railroad right of way the City acquired from the Illinois Central Gulf Railroad at or near the intersection of Industrial Drive and Rueck Road in the City across from the Guardian Self Storage Facility in the City; and,

WHEREAS, it is necessary and appropriate that the City Council of the City shall enact this Ordinance for the purpose of authorizing said right-of-way easement and to approve of the form thereof.

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 form of a proposed Broadband Service Communication Easement from the City of Columbia, Illinois to HTC, which permanent communication easement is hereby authorized to be granted by the City Council of the City to HTC, and which is hereby approved as to form. The Mayor is hereby authorized and directed to execute the easement, for and on behalf of the City, in as many counterparts as the Mayor shall determine and the City Clerk is hereby authorized and directed to attest the same and affix thereto the corporate seal of the City.

Section 3. This Ordinance shall be in full force and effect from and after its passage and approval, as provided by law.

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

YEAS: Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row, Heina, Oberfell, Stumpf

and Mayor Hutchinson.

NAYS: None.

ABSENT: None.

ABSTENTIONS: None.

PASSED by the City Council and APPROVED by the Mayor, this 6th day of October, 2008.



KEVIN B. HUTCHINSON, Mayor

ATTEST:



WESLEY J. HÖEFFKEN, City Clerk

(SEAL)

No. <u>1029</u>
County <u>Monroe</u>
T <u>1-S</u> R <u>10-W</u>
U.S. Survey <u>417</u>
Sec. <u>16</u>
City _____
Sub. _____
Block _____ Lot _____

Received of HARRISONVILLE TELEPHONE COMPANY, (the "Company" or the "Telephone Company") One and no/100 Dollars (\$ 1.00) in consideration of which the undersigned, City of Columbia, Illinois (the "Grantor" or the "City") hereby grants and conveys unto said Company, its respective successors, assigns, lessees, licensees, and agents a permanent right of way and easement to construct, operate, maintain, inspect, replace, and remove its pedestal cabinet, equipment cabinet, and secondary splice cabinet and the underground communications system appertaining thereto, including all transmissions over copper lines, fiber optic, coaxial and any replacement lines for all bandwidths currently in use or as may be required in the future. Said systems consist of such cables, wires, conduits, remote electronic switching terminal housing, surface testing terminals, markers, pedestal cabinet, equipment cabinet, and secondary splice cabinet, and all appurtenances thereto, as may be required from time to time, upon, over, under and across the land of the undersigned described as follows ("Grantor's Land"):

SEE EXHIBIT "A" ATTACHED HERETO FOR LEGAL DESCRIPTION

Together with:

- (1) The right of ingress and egress by reasonable routes across the adjoining property of the undersigned to and from said easement, and the right to temporarily use, at any time and from time to time, reasonable portions of Grantor's Land located in the vicinity of said easement during construction, installation, repair, reconstruction, inspection, maintenance or other activities related to the communications system that do not interfere with Grantor's existing use and/or improvements on adjacent property at the time of reference.
- (2) The right to place surface markers and surface testing terminals on said strip, such markers and terminals to be placed only on fence lines, or along rights of way or boundary lines, or as the undersigned may permit beyond said strip.
- (3) The right to clear and trim all trees, over-hanging branches, roots, brush and other obstructions on, under, over and across said strip as may be necessary during the construction, operation, and maintenance of said communications system.

The Telephone Company shall be responsible for damage caused to the undersigned Grantor's property by the Company, its agents and employees and shall repair and restore the premises and pay for any crop damage following construction and maintenance work. Further, the right of the undersigned to freely use and enjoy its interests in the premises is reserved to the City and its successors, and assigns insofar as the exercise thereof does not endanger or interfere with the construction, operation, and maintenance of said communications system, including, without limiting the generality of this reservation, the right to cultivate and grow crops and the right to establish roadways and municipal and public utility systems and services across said right of way without the written consent of the Company.

HARRISONVILLE TELEPHONE COMPANY EXHIBIT "A" EASEMENT 1029

Part of U.S. Survey 417, Claim 228, in Township 1 South, Range 10 West of the 3rd P.M., City of Columbia, Monroe County, Illinois, and being more particularly described as follows:

Commencing at the most southerly corner of Tax Lot 4C of U.S. Survey 417, Claim 228 as shown in Surveyor's Official Plat Record A, Page 98 in the Monroe County records; thence North 31 degrees 01 minute 42 seconds West, an assumed bearing along the southwesterly line of said Tax Lot 4C, said line also being the northeasterly line of the former Gulf, Mobile and Ohio railroad, a distance of 89.14 feet to the point of beginning for the herein described tract; thence South 58 degrees 58 minutes 18 seconds West 20.00 feet; thence North 31 degrees 01 minute 42 seconds West 20.00 feet; thence North 58 degrees 58 minutes 18 seconds East 20.00 feet to the southwesterly line of said Tax Lot 4C; thence South 31 degrees 01 minute 42 seconds East 20.00 feet to the point of beginning.

As shown on Exhibit 1 attached hereto and made a part hereof.

IT IS NOT WARRANTED THAT THIS PLAT
CONTAINS COMPLETE INFORMATION REGARDING
DEDICATIONS, EASEMENT RESERVATIONS,
RIGHTS OF WAY, BUILDING LINES, AND OTHER
ENCUMBRANCES. FOR COMPLETE INFORMATION,
A TITLE OPINION OR COMMITMENT FOR TITLE
INSURANCE SHOULD BE OBTAINED.

ER EASEMENT
- - - - -
TELEPHONE CO. EASEMENT
6 PG. 124
- - - - -
FORMER GULF MOBILE & OHIO RAILROAD
N/F CITY OF COLUMBIA PG. 457
BK. 151 PG. 002
PIN# 04-16-200-002

N/F
E.H. GUNDLACH'S
— ADDITION
ENVELOPE 23-B
RECORDED 1-31-1913

EXISTING EASEMENT FOR -
ROADWAY BK. 94, PG. 208.

MARILEE K. N/F-ROBERT J. & SCHUELER (DOC.# 286932)

N/F
ROBERT & MARLENE SCHUELER
195/165
PIN# 04-15-100-011

TAX LOT 4C
US SURVEY 417
CLAIM 228

RUECK ROAD

N/F
BELLVIEW
ENVELOPE 25-A
RECORDED 5-7-1918

A graphic scale bar consisting of a black horizontal line with white markings. The markings are labeled with the following values: '40'' at the far left, '0' in the center, '40'' to the right of '0', and '80'' at the far right. The '40'' and '80'' labels are rotated 90 degrees counter-clockwise. Below the scale bar, the text 'GRAPHIC SCALE' is printed in a bold, sans-serif font.

16.5' WIDE HARRISONVILLE-
TELEPHONE CO. EASEMENT
DB. 106 PG. 134

P.O.C.
MOST SOUTHERLY
CORNER TAX LOT
4C, US SURVEY
417, CLAIM 228

THOUVENOT,
WADE &
MOERCHEN, INC.
ENGINEERS ♦ SURVEYORS ♦ PLANNERS



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www.twm-inc.com

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OFFICE LOCATIONS
SWANSEA
WATERLOO
EDWARDSVILLE
CARBONDALE
ST. CHARLES

**H.T.C. - CITY OF COLUMBIA
EASEMENT EXHIBIT**

PART OF U.S. SURVEY 417,
CLAIM 228, CITY OF COLUMBIA,
MONROE COUNTY, ILLINOIS.

DRAWN BY:	KAK
DESIGNED BY:	
CHECKED BY:	
APPROVED BY:	
PROJECT NUMBER	L35080341

EXHIBIT

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