

**VILLAGE OF DOWNERS GROVE**  
**Report for the Village**  
**10/16/2018**

<b>SUBJECT:</b>	<b>SUBMITTED BY:</b>
IGA with Sanitary District, Assignment of Easements, Assignment of road leases to the Sanitary District relating to sanitary sewer facilities	Enza Petrarca Village Attorney

**SYNOPSIS**

Resolutions have been prepared to authorize execution of the following:

- Intergovernmental Agreement with the Downers Grove Sanitary District for the conveyance of the Northwest Territory and South Service Area sanitary sewer systems;
- Assignment of Easements to the Sanitary District for sanitary sewer purposes;
- Consent of ComEd to Assignment of Road Lease by the Village to the Sanitary District;
- Assignment of University of Illinois Agreement by the Village to the Sanitary District.

**STRATEGIC PLAN ALIGNMENT**

The goals for 2017-2019 identify *Steward of Financial, Environmental and Neighborhood Sustainability* and *Top Quality Infrastructure*.

**FISCAL IMPACT**

The Village currently pays approximately \$133.00 per year to ComEd for the use of its road to access the Northwest Territory lift station. Upon conveyance of the systems to the Sanitary District, the Village will no longer have this expense.

**RECOMMENDATION**

Approval on the October 16, 2018 consent agenda.

**BACKGROUND**

In the 1960's, the Village agreed to construct sanitary sewers and lift stations on property generally north of I-88 and west of Finley Road (the Northwest Territory) and generally south of 63<sup>rd</sup> Street, east of I-355, north of 75<sup>th</sup> Street and west of Main Street (South Service Area) to facilitate development and annexation. The Village financed the cost of the improvements in the Northwest Territory through the issuance of revenue bonds. As a condition of these bonds it was necessary that the Village retain ownership of all the financed improvements. The Village financed the South Service Area improvements with available funds, but still retained ownership of these facilities. Although owned by the Village, the Sanitary District agreed to maintain and operate the facilities in both areas.

As part of the extension of facilities in the Northwest Territory, a lift station was constructed on property which was purchased by the Village. The Village owns this lift station. This property lacked access to a

public road. To gain access, the Village entered into lease agreements with both the University of Illinois and Commonwealth Edison, intervening property owners, for a gravel access road.

All expenses have been recouped and bonds have been paid off. The Sanitary District is requesting to have the property, lift station and all sanitary sewer facilities conveyed to it. It is unnecessary for the Village to retain ownership of any sanitary sewer facilities as the District currently operates and maintains the facilities. Additionally, the Village will assign its interests in the road access agreements to the Sanitary District. The University of Illinois agreement has language allowing this assignment, but a Consent of Landlord needs to be executed for the ComEd agreement.

## **ATTACHMENTS**

Resolutions

Intergovernmental Agreement

Assignment of Easements

Consent of ComEd to Assignment

Assignment of University of Illinois agreement

## RESOLUTION NO. \_\_\_\_

**A RESOLUTION AUTHORIZING ASSIGNMENT TO THE  
DOWNERS GROVE SANITARY DISTRICT  
OF EASEMENTS GRANTED TO THE VILLAGE OF  
DOWNERS GROVE FOR SANITARY SEWER PURPOSES**

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 Assignment Agreement (the "Agreement"), between the Village of Downers Grove (the "Village") and the Downers Grove Sanitary District (the "District"), for the assignment of certain easements for sanitary sewer purposes, 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 Mayor 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

**ASSIGNMENT TO THE DOWNERS GROVE SANITARY DISTRICT  
OF EASEMENTS GRANTED TO THE VILLAGE OF DOWNERS GROVE  
FOR SANITARY SEWER PURPOSES**

THIS AGREEMENT, made this \_\_\_\_ day of \_\_\_\_\_, 2018, is entered into by and between the DOWNERS GROVE SANITARY DISTRICT, a sanitary district created and existing under the laws of the State of Illinois, (hereinafter referred to as the “District”), and the VILLAGE OF DOWNERS GROVE, an Illinois municipal corporation, (hereinafter referred to as the “Village”).

WHEREAS, the Village acquired certain easement rights from various property owners from 1968 to 1970 to install, construct, and maintain a sanitary sewer system within what is referred to as the Northwest Territory; and

WHEREAS, the Village has conveyed to the District by an Intergovernmental Agreement dated \_\_\_\_\_, 2018, all interest and rights of the Village, if any, in the equipment and facilities of the sanitary sewer system in the Northwest Territory; and

WHEREAS, the Village now desires to grant, convey, transfer, and assign to the District all of its rights, title, and interest acquired under the documents granting the easements for the installation, construction, and maintenance of the sanitary sewer system;

NOW, THEREFORE, for \$1.00 and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Village grants, conveys, transfers, and assigns to the District the following:

1. All rights, title, and interest in and to the following easements as granted in the described documents:

- (a) Grant of Easement from Clarence E. and Frances J. Korsgard, dated June 6, 1968, and recorded in the DuPage County Recorder of Deeds Office as Document No. R68-28310. The easement area is legally described as follows:

A parcel of land in the Southwest quarter of Section 31, Township 39 North, Range 11 East, of the Third Principal Meridian in DuPage County, Illinois, bounded and described as follows: Beginning at a point on the West line of said Section 31, 361.50 feet more or less North of the Southwest corner of Section 31, Township 39 North, Range 11 East; thence East along a line perpendicular to the last described course a distance of 16.00 feet more or less; thence South along a line parallel to and 16.00 feet more or less East of the West line of said Section 31 a distance of 351.04 feet more or less to a point on a line which is parallel to and 10.00 feet more or less North of the

South line of said Section 31; thence East along said parallel line a distance of 854.29 feet more or less; thence Northeasterly along a line parallel to and 10 feet more or less Northwesterly of the Northerly line of Lot 33 of the Northern Illinois Gas Company Assessment Plat 1 a distance of 303.16 feet more or less to a point on the West right-of-way line of Finley Road; thence South along the West right-of-way line of Finley Road a distance of 11.71 feet more or less to a point on the Northerly line of Lot 33 of the Northern Illinois Gas Company Assessment Plat 1; thence Southwesterly along said Northerly line of Lot 33 a distance of 299.95 feet more or less to the South line of Section 31, Township 39 North, Range 11 East, thence West along said South line of Section 31 a distance of 873.46 feet more or less to the Southwest corner of said Section 31,; thence North along the West line of said Section 31 a distance of 361.50 feet more or less to the point of beginning. (PIN: 06-31-300-003)

- (b) Grant of Easement from the Trustees of the Morton Arboretum and the Board of Trustees of the University of Illinois as lessee, dated September 30, 1970, and recorded in the DuPage County Recorder of Deeds Office as Document No. R71-8595. The easement area is legally described as follows:

A parcel of land in Lot No. 1, Assessment Plat No. 3, and Section "C" of the Morton Arboretum of the Southeast quarter of Section 36, Township 39 North, Range 10 East of the Third Principal Meridian in DuPage County, Illinois, bounded and described as follows:

The South 10.0 feet of the East 35 feet of Section 36, Township 39 North, Range 11 East of the Third Principal Meridian in DuPage County, Illinois. (PIN: 05-36-400-010)

And

A 20 foot strip of land lying West of a line making an angle from West to South of 86 degrees – 34' – 16" with the North line of Section 1, Township 38 North, Range 10 East of the Third Principal Meridian in DuPage County, Illinois, said line beginning at a point on the North line of Section 1 and 14.96 feet West of the Northeast corner of Section 1, said parcel lying between a line 160.00 feet South of and parallel with the North line of Section 1 and a line perpendicular to and through a point on the East line of Section 1, 335.45 feet South of the Northeast corner. (PIN: 08-01-200-014)

- (c) Grant of Easement from Joseph and Catherine M. Johnson, dated June 6, 1968, and recorded in the DuPage County Recorder of Deeds Office as Document No. R68-28304. The easement area is legally described as follows:

A strip of land 10.0 feet wide in the Southeast quarter of Section 30, Township 39 North, Range 11 East of the Third Principal Meridian in DuPage

County, Illinois, bounded and described as follows: beginning at a point on the North right of way line of Butterfield Road (F.A. Route 131) said point being 507.55 feet more or less West (as measured along said North right of way line) of the East line of said Section 30, thence North along a line parallel to and 503.75 feet more or less (measured perpendicularly) West of said East line of Section 30 a distance of 690.29 feet more or less; thence along a line that forms an angle of 88 degrees 05' 50" to the left of the last described course extended a distance of 10.01 feet more or less; thence South along a line parallel to and 513.75 feet more or less (measured perpendicularly) West of said East line of Section 30 a distance of 691.85 feet more or less to the North right of way line of Butterfield Road; thence East along said North right of way line a distance of 10.08 feet to the point of beginning. (PINs: 06-30-404-015 and 06-30-404-018)

- (d) Grant of Easement from Joseph and Catherine M. Johnson, dated October 10, 1968, and recorded in the DuPage County Recorder of Deeds Office as Document No. R68-47837. The easement area is legally described as follows:

A 15 foot strip of land in the Southwest quarter of Section 30, Township 39 North, Range 11, East of the Third Principal Meridian, in DuPage County, Illinois, bounded and described as follows: Beginning at a point in the West line of said Section 30, 10.01 feet more or less South of the West quarter corner of Section 30; thence Southerly along the West line of Section 30 a distance of 1745.51 feet more or less to the Northerly right of way line of Butterfield Road; thence Easterly along the Northerly right of way line of Butterfield Road a distance of 15.01 feet more or less; thence Northerly along a line parallel to and 15 feet Easterly of the West line of Section 30 a distance of 1744.55 feet more or less; thence Westerly along a line parallel to and 10 feet Southerly of the North line of the Southwest quarter of Section 30 a distance of 15.01 feet more or less to the point of the beginning. (PIN: 06-30-300-009)

- (e) Grant of Easement from Joseph and Catherine M. Johnson, dated October 10, 1968, and recorded in the DuPage County Recorder of Deeds Office as Document No. R68-47840. The easement area is legally described as follows:

The North 30.0 feet (as measured along the West line of Section 30, Township 39 North, Range 11 East) of the West 50.0 feet (as measured along the North line of the Southwest quarter of said Section 30) of the Southwest quarter of Section 30, Township 39 North, Range 11 East of the Third Principal Meridian in DuPage County, Illinois. (PIN: 06-30-300-009)

- (f) Grant of Easement from Packard Instrument Company, Inc., dated May 12, 1969, and recorded in the DuPage County Recorder of Deeds Office as Document No. R69-21447. The easement area is legally described as follows:

Parcel A-1

The South 20.00 feet as measured perpendicular to and parallel with the South Line of Lot 1 in Smith Realty Company resubdivision, a resubdivision situated in part of Section 1, Township 38 North, Range 10 East of the Third Principal Meridian, recorded as document No. 978786 in DuPage County, Illinois. (PIN: 08-01-400-005)

Parcel B-1

The South 20.0 feet as measured perpendicular to and parallel with the South Line of Lot 2 in Smith Realty Company resubdivision, a resubdivision situated in part of Section 1, Township 38 North, Range 10 East of the Third Principal Meridian, recorded as document No. 978786 in DuPage County, Illinois. (PIN: 08-01-400-004)

- (g) Intentionally omitted.
- (h) Grant of Easement from Northern Illinois Gas Company, an Illinois corporation, dated May 21, 1969, and recorded in the DuPage County Recorder of Deeds Office as Document No. R69-23476. The easement area is legally described as follows:

A strip of land 82.5 feet in width abutting the South right of way line of the Est-West Tollroad and lying in the West half of Lacey Road (also known as Finley Road) as now occupied, in the Northeast Quarter of Section 1, Township 38 North, Range 10 East of the Third Principal Meridian, Lisle Township, DuPage County, Illinois. (PIN: 08-01-200-006)

- (i) Grant of Easement from Commonwealth Edison Company, an Illinois Corporation, dated November 30, 1970, and recorded in the DuPage County Recorder of Deeds Office as Document No. R71-8596. The easement area is legally described as follows:

Parcel 1 of Commonwealth Edison Company's Westmont-Elmhurst Right-of-Way in the Northeast Quarter of Section 1, Township 38 North, Range 10 East of the Third Principal Meridian, DuPage County, Illinois. (PIN: 08-01-202-006)

- (j) Parcels A-1 and B-1 described in the Grant of Easement from the Trustees of the Morton Arboretum, dated April 10, 1969, and recorded in the DuPage County Recorder of Deeds Office as Document No. R69-18926. The easement area is legally described as follows:

Parcel A-1

Part of Lot 2 in the Assessment Plat No. 3 of lands belonging to Trustees under the Will of Joy Morton, deceased, in part of Section 36, Township 39 North, and part of Section 1, Township 28 North, both in Range 10 East of the

Third Principal Meridian according to the plat thereof recorded as Document No. 357009 in DuPage County, Illinois, described as follows: a strip of land 20.0 feet in width, lying East and adjacent to the East line of the Assessment Tract No. 1 of Commonwealth Edison Company Assessment Plat No. 14 and said East line extended Southerly as situated in the Northeast Quarter of said Section 1, according to the plate thereof recorded as Document No. 963248, said described 20.0 foot strip extending from the Northerly right of way line of Finley Road (relocated Lacey Road) (also known as Northern Illinois Toll Highway Parcel E-2-25.4) Northerly a distance of 1435 feet more or less to a Southerly right of way line of Commonwealth Edison Company's transmission line R.O.W. Easterly extension. (PIN: 08-01-202-014)

#### Parcel B-1

Part of Lot 2, in the Assessment Plat No. 3 of land belonging to Trustees under the Will of Joy Morton, deceased, in part of Section 36, Township 39 North and part of Section 1, Township 38 North, both in Range 10 East of the Third Principal Meridian according to the plat thereof recorded as Document No. 357009 in DuPage County, Illinois described as follows: beginning at a point where the Northerly right of way line of the Northern Illinois East-West Toll Highway intersects with the Northwesterly right of way line of Finley Road (relocated Lacey Road) as described in the Northern Illinois Toll Highway Parcel E-2-25.4 for a place of beginning; thence Westerly along said Northerly right of way line of the Northern Illinois East-West Toll Highway, being a curve convex to the South and having a radius of 2,739.79 feet, a distance of 150.0 feet; thence Northerly along a line radial to said curve and North right of way line, a distance of 20.0 feet; thence Easterly along a curve concentric with said Northerly R.O.W. line of the Northern Illinois East-West Toll Highway being convex to the South and having a radius of 2,719.79 feet, to a point of intersection with said Northwesterly right of way line of Finley Road (relocated Lacey Road); thence Southwesterly along said Northwesterly right of way line of Parcel E-2-25.4 to the place of beginning. (PIN: 08-01-200-012)

- (k) Grant of Easement from Joseph and Catherine M. Johnson, dated October 10, 1968, and recorded in the DuPage County Recorder of Deeds Office as Document No. R68-47839, but note that portion of easement granted released by the Village on August 10, 1981. The easement area is legally described as follows:

A strip of land 20 feet wide in Sections 25 and 36, Township 39 North, Range 10 East and Section 30, Township 39 North, Range 11 East of the Third Principal Meridian in DuPage County, Illinois, bounded and described as follows: Beginning at the intersection of the East line of Section 25 and the Southerly right of way line of Butterfield Road (F.A. Route 131); thence South along said East line of Section 25 a distance of 316.634 feet more or less; thence West along a line perpendicular to the East line of said Section 25



a distance of 384.277 feet more or less; thence along a line that forms an angle of 61 degrees 21' 44" to the left with the last described course extended a distance of 471.505 feet more or less; thence along a line that forms an angle of 6 degrees 36' 59" to the left with the last described course extended a distance of 632.624 feet more or less; thence along a line that forms an angle of 98 degrees 23' 28" to the left with the last described course extended a distance of 20.216 feet more or less; thence along a line that forms an angle of 81 degrees 36' 32" to the left with the last described course extended a distance of 628.517 feet more or less; thence along a line that forms an angle of 6 degrees 36' 59" to the right with the last described course extended a distance of 458.484 feet more or less; thence along a line that forms an angle of 61 degrees 21' 44" to the right with the last described course extended a distance of 392.411 feet more or less thence along a line that forms an angle of 90 degrees 00' 00" to the left with the last described course extended a distance of 338.836 feet more or less to the Southerly right of way line of Butterfield Road (F.A. Route 131) thence Westerly along said Southerly right of way line of Butterfield Road a distance of 20.121 feet more or less to the point of beginning. (PINs: 06-30-301-005 and 06-30-301-006)

RELEASED: That part of the strip of land 20 feet wide in Sections 25 and 36, Township 39 North, Range 10 Est of the Third Principal Meridian as granted per Grant of Easement dated October 10, 1968 and recorded October 15, 1968, as Document R68-47839; together with that part of a strip of land 30 feet wide in Section 36, aforesaid, granted per Grant of Easement dated October 10, 1968, and recorded October 15, 1968 as Document NO. R68-47841, falling within the following described tract of land:

That part of Lot 1 in RAYMOND A. MacDONALD ASSESSMENT PLAT OF WALDEN HILLS, of part of Sections 25 and 36, Township 39 North, Range 10 Est of the Third Principal Meridian, according to the plat thereof recorded February 13, 1974 as Document R74-6766, lying North of a line described as follows: Commencing at the intersection of the Easterly line of the Commonwealth Edison Company Right of Way and the Southerly line of F.A. Route 131 (Butterfield Road) in the Southwest Quarter of said Section 25, and running thence North 86 degrees 18' 39" East along said Southerly line, 403.33 feet to a fence line; thence South 2 degrees 46' 16" West along a fence line, 1,431.90 feet for a place of beginning of aforesaid line; thence South 87 degrees 13' 44" East, 3,193.37 feet to the East line of the Northeast Quarter of Section 36 at a point 1,098.36 feet South of the Northeast corner of said Northeast Quarter, as measured along the East line of said Northeast Quarter, all in DuPage County, Illinois.

- (l) Grant of Easement for ingress and egress to the sanitary sewer facilities from the Board of Trustees of the University of Illinois, a Public Corporation of the State of Illinois, dated December 16, 1968, and amended from time to time thereafter.

2. All rights, title, and interest in and to the following easements as granted in the described documents, excluding that portion of the grant of easement for storm sewer and drainage purposes which such rights, title, and interest shall be retained by the Village:

- (a) Grant of Easement from Joseph and Catherine M. Johnson, dated June 6, 1968, and recorded in the DuPage County Recorder of Deeds Office as Document No. R68-28306. The easement area is legally described as follows:

A parcel of land in the Southwest Quarter of Section 30, Township 39 North, Range 11 East of the Third Principal Meridian in DuPage County, Illinois bounded and described as follows: Beginning at the West one quarter corner of said Section 30 thence North 89 degrees 13' 09" East along the North line of the Southwest one quarter of said Section 30 a distance of 1202.46 feet; thence South 58 degrees 00' 14" East a distance of 318.72 feet; then South 01 degrees 02' 54" East a distance of 35.79 feet; thence Norther 58 degrees 00' 14" West a distance of 366.14 feet; thence South 89 degrees 13' 09" West a distance of 1163.03 feet to the West line of the Southwest one quarter of said Section 30; thence North 01 degrees 49' 49" East along the West line of the Southwest one quarter of said Section 30 a distance of 10.01 feet to the point of beginning. (PINs: 06-30-300-009 and 06-30-300-010)

- (b) Grant of Easement from Joseph and Catherine M. Johnson, dated June 6, 1968, and recorded in the DuPage County Recorder of Deeds Office as Document No. R68-28307. The easement area is legally described as follows:

A parcel of land 40.0 feet wide in Section 36, Township 39 North, Range 10 East of the Third Principal Meridian in DuPage County, Illinois, bounded and described as follows: beginning at the intersection of the division line between the C.E. Korsgard property and the Johnson property, the Northerly line of Section "C" of the Morton Arboretum, and the Northeasterly line of the Commonwealth Edison Company property described in Document No. 727231; thence Northwesterly along the Northeasterly line of said Commonwealth Edison Company property a distance of 3360.86 feet more or less; thence North along the East line of said Commonwealth Edison Company property, said East line making an angle of 45 degrees 26' 07" to the right of the last described course extended a distance of 56.14 feet more or less; thence Southeasterly along a line parallel to and 40.0 feet Northeasterly of the Northeasterly line of said Commonwealth Edison Company property a distance of 3357.72 feet more or less to the division line between the C.E. Korsgard property and the Johnson property; thence South along the division line a distance of 57.30 feet more or less to the point of beginning. (PINs: 05-36-100-003, 05-36-200-005 and 05-36-400-001)

- (c) Grant of Easement from Joseph and Catherine M. Johnson, dated October 10, 1968, and recorded in the DuPage County Recorder of Deeds Office as Document No. R68-47838. The easement area is legally described as follows:

A 30 foot strip of land in the Northwest Quarter of Section 36, Township 39 North, Range 10 East of the Third Principal Meridian in DuPage County, Illinois lying 15.0 feet on either side of a line described as follows: beginning at a point on the West line of Parcel 40 of the Commonwealth Edison Company right of way as described in Document No. 727231, 1310.26 feet South of the North line of Section 36, Township 39 North, Range 10 East of the Third Principal Meridian; thence Northwesterly along a line making an angle of 45 degrees 26' 07" as measured to the left from the West line of said Commonwealth Edison Company right of way a distance of 650 feet more or less to the center of the East Branch DuPage River. (PINs: 05-36-100-007 and 05-36-100-009)

- (d) Grant of Easement from Joseph and Catherine M. Johnson, dated October 10, 1968, and recorded in the DuPage County Recorder of Deeds Office as Document No. R68-47841, but note that part of easement granted was released by the Village on August 10, 1981. The easement area is legally described as follows:

A strip of land in Section 36, Township 39 North, Range 10 East of the Third Principal Meridian and also in Section 31, Township 39 North, Range 11 East of the Third Principal Meridian in DuPage County, Illinois, bounded and described as follows: beginning at a point in the Easterly line of Parcel 40 of the Commonwealth Edison Company right of way described in Document 727231, 1189.385 feet more or less South of the North line of Section 36, Township 39 North, Range 10 East as measured along said Easterly line; thence Northeasterly along a line making an angle of 70 degrees 47' 13" with the aforesaid Easterly line a distance of 513.293 feet more or less; thence Southeasterly along a line making an angle of 26 degrees 01' 25" to the right of the extension of the previous line, a distance of 690.303 feet; thence Northeasterly along a line making an angle of 21 degrees 40' 28" to the left of the extension of the previous line, a distance of 318.831 feet; thence Northeasterly along a line making an angle of 8 degrees 53' 21" to the left of the extension of the previous line, a distance of 434.904 feet; thence Northeasterly along a line making an angle of 45 degrees 46' 31" to the left of the extension of the previous line, a distance of 308.544 feet; thence Northeasterly along a line making an angle of 55 degrees 45' 12" to the right of the extension of the previous line, a distance of 573.481 feet; thence Southeasterly along a line making an angle of 27 degrees 25' 23" to the right of the extension of the previous line, a distance of 619.500 feet thence Southeasterly along a line making an angle of 12 degrees 38' 32" to the right of the extension of the previous line a distance of 619.301 feet; thence

Northeasterly along a line making an angle of 73 degrees 53' 08" to the left of the extension of the previous line, a distance of 292.294 feet; thence Northeasterly along a line making an angle of 15 degrees 51' 35" to the right of the extension of the previous line, a distance of 277.655 feet; thence Northeasterly along a line making an angle of 4 degrees 20' 25" to the right of the extension of the previous line, a distance of 518.491 feet more or less to a point in the Westerly right of way line of Lacey Road which is 407.85 feet more or less South of the North line of Section 31, Township 39 North, Range 11 East; thence Southerly along the Westerly right of way line of Lacey Road a distance of 33.792 feet; thence Southwesterly along a line making an angle of 62 degrees 35' 46" with the Westerly right of way line of Lacey Road a distance of 501.800 feet more or less; thence Southwesterly along a line making an angle of 4 degrees 20' 25" to the left of the extension of the previous line, a distance of 272.340 feet; thence Southwesterly along a line making an angle of 15 degrees 51' 35" to the left of the extension of the previous line; a distance of 310.674 feet; thence Northwesterly along a line making an angle of 73 degrees 53' 08" to the right of the extension of the previous line, a distance of 638.537 feet; thence Northwesterly along a line making an angle of 12 degrees 38' 32" to the left of the extension of the previous line, a distance of 608.858 feet; thence Southwesterly along a line making an angle of 27 degrees 25' 23" to the left of the extension of the previous line, a distance of 550.293 feet; thence Southwesterly along a line making an angle of 55 degrees 45' 12" to the left of the extension of the previous line, a distance of 305.340 feet; thence Southwesterly along a line making an angle of 45 degrees 46' 31" to the right of the extension of the previous line, a distance of 449.902 feet; thence Southwesterly along a line making an angle of 8 degrees 53' 21" to the right of the extension of the previous line, a distance of 326.907 feet; thence Northwesterly along a line making an angle of 21 degrees 40' 28" to the right of the extension of the previous line, a distance of 689.114 feet; thence Southwesterly along a line making an angle of 26 degrees 01' 25" to the left of the extension of the previous line a distance of 495.635 feet more or less to a point on a line parallel to and 20 feet Easterly of the Easterly line of the Commonwealth Edison Company right of way; thence South along said parallel line a distance of 300.518 feet more or less; to a point on a line parallel to and 40 feet Northeasterly of the Northeasterly line of the Commonwealth Edison Company right of way; thence Northwesterly along a line making an angle of 134 degrees 33' 53" to the right of the extension of the previous course a distance of 28.072 feet to a point on the Easterly line of the Commonwealth Edison Company right of way; thence North along said Easterly right of way line a distance of 305.621 feet more or less to the point of beginning. (PINS: 05-36-100-003, 05-36-200-005, 06-31-100-007, 06-31-100-008 and 06-31-100-009)

RELEASED: That part of the strip of land 20 feet wide in Sections 25 and 36, Township 39 North, Range 10 East of the Third Principal Meridian as granted

per Grant of Easement date October 10, 1968 and recorded October 15, 1968, as Document R68-47839; together with that part of a strip of land 30 feet wide in Section 36, aforesaid, granted per Grant of Easement dated October 10, 1968 and recoded October 15, 1968 as Document No. R68-47841, falling within the following described tract of land:

That part of Lot 1 in RAYMOND A. MacDONALD ASSESSMENT PLAT OF WALDEN HILLS, of part of Sections 25 and 36, Township 39 North, Range 10 Est of the Third Principal Meridian, according to the plat thereof recorded February 13, 1974 as Document R74-6766, lying North of a line described as follows: Commencing at the intersection of the Easterly line of the Commonwealth Edison Company Right of Way and the Southerly line of F.A. Route 131 (Butterfield Road) in the Southwest Quarter of said Section 25, and running thence North 86 degrees 18' 39" East along said Southerly line, 403.33 feet to a fence line; thence South 2 degrees 46' 16" West along said fence line, 1,431.90 feet for a place of beginning of aforesaid line; thence South 87 degrees 13' 44" East, 3,193.37 feet to the East line of the Northeast Quarter of Section 36 at a point 1,098.36 feet South of the Northeast corner of said Northeast Quarter, as measured along the East line of said Northeast Quarter, all in DuPage County, Illinois.

- (e) Grant of Easement from Harris Trust and Savings Bank as Trustee under Trust No. 32886, dated April 18, 1968, and recorded in the DuPage County Recorder of Deeds Office as Document No. R68-15751. The easement area is legally described as follows:

A strip of land in the Southwest one quarter of Section 30, Township 39 North, Range 11 East of the Third Principal Meridian in DuPage County, Illinois bounded and described as follows: commencing at the center of Section 30, Township 39 North, Range 11 East said point also being on the center line of Finley Road; thence South 01 degrees 04' 51" East along the center line of Finley Road a distance of 373.19 feet; thence North 81 degrees 55' 13" West a distance of 33.43 feet to the point of beginning said point being on the West line of Finley Road; thence North 81 degrees 55' 13" West a distance of 390.79 feet; thence North 58 degrees 00' 14" West a distance of 249.91 feet; thence South 01 degrees 01' 54" East a distance of 35.79 feet thence South 58 degrees 00' 14" East of distance of 236.97 feet; thence South 81 degrees 55' 13" East of distance of 401.98 feet to a point on the West line of Finley Road; thence North 01 degrees 04' 51" West along the West line of Finley Road a distance of 30.39 feet to the point of beginning. (PIN: 06-30-303-001)

- (f) Grant of Easement from Commonwealth Edison Company, an Illinois corporation, dated January 20, 1969, and recorded in the DuPage County Recorder of Deeds Office as Document No. R69-3602. The easement area is legally described as follows:

Parcel 40 of Commonwealth Edison Company's Station 18 – Lombard Right-of-Way in the Northwest Quarter of Section 36, Township 39 North, Range 10 East of the Third Principal Meridian in DuPage County, Illinois. (PINs: 05-36-400-014, 05-36-200-004 and 08-01-200-006)

- (g) Parcel C-1 described in the Grant of Easement from the Trustees of the Morton Arboretum, dated April 10, 1969, and recorded in the DuPage County Recorder of Deeds Office as Document No. R69-18926. The easement area is legally described as follows:

Parcel C-1

A parcel of land in Lot No. 1, Assessment Plat No. 3 and Section "C" of the Morton Arboretum of the Southeast quarter of Section 36, Township 39 North, Range 10 East of the Third Principal Meridian in DuPage County, Illinois, bounded and described as follows:

Commencing at the Southeast corner of said Section 36, thence North along the East line of said Section 36 a distance of 350.00 feet more or less to the point of beginning, thence Northwesterly along a line forming an angle of 60 degrees 24' 49" to the left with the last described course extended a distance of 299.32 feet more or less; thence Northwesterly along a line forming an angle of 3 degrees 43' 54" to the left with the last described course extended a distance of 305.49 feet more or less; thence Northwesterly along a line forming an angle of 18 degrees 31' 28" to the right with the last described course extended a distance of 200.14 feet more or less; thence Northwesterly along a line forming an angle of 21 degrees 18' 01" to the left with the last described course extended a distance of 199.55 feet more or less to the Northeasterly right of way line of Parcel No. 38 of the Commonwealth Edison Company right of way as described in Document No. 730153; thence along the Northeasterly line of said Commonwealth Edison Company right of way a distance of 596.87 feet more or less to the intersection with the Northerly line of Section "C" of the Morton Arboretum; thence Easterly along the Northerly line of said Section "C" of the Morton Arboretum a distance of 56.37 feet more or less to a point lying 40.00 feet Northeasterly of (as measured perpendicular to) the Northeasterly right of way line of said Commonwealth Edison right of way; thence Southerly along a line perpendicular to the last described course a distance of 28.39 feet more or less to a point on a line 20.00 feet Northeasterly of (as measured perpendicular to) the Northeasterly right of way line of said Commonwealth Edison right of way; thence Southeasterly along a line parallel to and 20.00 feet Northeasterly of the Northeasterly right of way line of said Commonwealth Edison right of way a distance of 283.01 feet more or less; thence along a course perpendicular to the last described course a distance of 10.00 feet more or less to a point on a line parallel to and 10.0 feet Northeasterly of said Northeasterly right of way line of the Commonwealth Edison Company right of way; thence

Southeasterly along said parallel line a distance of 225.00 feet more or less; thence Southeasterly along a line forming an angle of 21 degrees 39' 55" to the left with the last described course extended a distance of 46.49 feet more or less; thence Southwesterly along a line forming an angle of 90 degrees 00' 00" to the left with the last described course extended a distance of 178.00 feet more or less; thence Southeasterly along a line forming an angle of 21 degrees 18' 01" to the right with the last described course extended a distance of 200.39 feet more or less; thence Southeasterly along a line forming an angle of 3 degrees 43' 54" to the right with the last described course extended a distance of 293.97 feet more or less to the East line of Section 36, Township 39 North, Range 10 East; thence South along said East line of Section 36 a distance of 11.50 feet more or less to the point of beginning. (PIN: 05-36-400-010)

3. The District hereby accepts the assignment of the above-described easements and agrees to assume, perform and be bound by all of the covenants, terms, and conditions of the documents described above granting such rights to the same extent and as fully as if it was originally named as a party thereto.

4. This Agreement shall be binding upon and inure to the benefits of the parties hereto, their successors and assigns.

Downers Grove Sanitary District

By: \_\_\_\_\_  
General Manager

Attest: \_\_\_\_\_  
Assistant Clerk

Village of Downers Grove

By: \_\_\_\_\_  
Martin Tully, Mayor

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