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PREPARED BY:

**CLERK, CITY OF TROY
116 E. MARKET
TROY, IL 62294**

2023R12979
STATE OF ILLINOIS
MADISON COUNTY
05/19/2023 09:32 AM
LINDA A. ANDREAS
CLERK & RECORDER
REC FEE: 50.00
CO STAMP FEE:
ST STAMP FEE:
FF FEE:
RHSPS FEE:
OF PAGES: 10

CITY OF TROY

RESOLUTION 2023 – 09

50.00 CITY

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE
A DEED OF EASEMENT & RIGHT OF WAY FOR UTILITIES,
INGRESS AND EGRESS**

**ADOPTED BY THE CITY COUNCIL OF THE CITY OF TROY, ILLINOIS
THIS 6TH DAY OF FEBRUARY 2023**

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RESOLUTION NO. 2023 - 09

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE
A DEED OF EASEMENT & RIGHT OF WAY FOR UTILITIES,
INGRESS AND EGRESS**

WHEREAS, the City Council for the City of Troy, Illinois, has determined that it is in the best interests of the City to enter into a Deed of Easement & Right of Way for Utilities, Ingress and Egress with the Jeanne L. Bohnenstiehl Living Trust; and

WHEREAS, the City believes that same is the best interest of the health, safety and general welfare of its citizens.

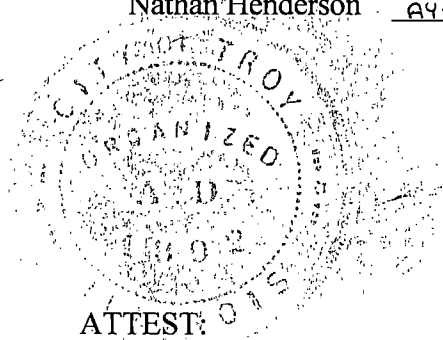
NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF TROY, ILLINOIS, AS FOLLOWS:

1. The recitals set forth above are hereby incorporated herein as if fully set forth.
2. The Mayor of the City of Troy, Illinois, is hereby authorized to execute and enter into the attached Deed of Easement & Right of Way for Utilities, Ingress and Egress, with the Jeanne L. Bohnenstiehl Living Trust, and is further authorized to take all actions and sign all documents necessary to fulfill the intent of this Resolution.
3. This Resolution shall be in effect following its passage, approval and publication as provided by law.

PASSED by the City Council of the City of Troy, Madison County, Illinois, approved by the Mayor, and deposited in the office of the City Clerk this 16TH day of FEBRUARY 2022.

Aldermen Vote:

Dan Dawson	<u>AYE</u>	Sam Italiano	<u>AYE</u>	Ayes:	<u>7</u>
Tim Flint	<u>ABSENT</u>	Debbie Knoll	<u>AYE</u>	Nays:	<u>0</u>
Elizabeth Hellrung	<u>AYE</u>	Tony Manley	<u>AYE</u>	Absent:	<u>1</u>
Nathan Henderson	<u>AYE</u>	Troy Turner	<u>AYE</u>	Abstain:	<u>0</u>



ATTEST:

By: Kimberly Thomas
KIMBERLY THOMAS, Clerk
City of Troy, Illinois

APPROVED:
By: David Nonn
DAVID NONN, Mayor
City of Troy, Illinois

Exhibit A

- Easement

(See Attached Exhibit)



CONSULTING ENGINEERING
GEOSPATIAL SERVICES

THOUVENOT, WADE & MOERCHEN, INC.

CORPORATE OFFICE
4940 OLD COLLINSVILLE ROAD
SWANSEA, IL. 62226
618.624.4488
TWM-INC.COM

EXHIBIT A

WESTERLY 30 FEET OF 09-1-22-10-00-000-006 & 09-1-22-03-00-000-017
TWM PROJECT NO: E08200127
DATE OF PREPARATION: January 31, 2023

RE: INGRESS, EGRESS AND UTILITY EASEMENT

A 30 foot wide ingress, egress and utility easement being part of the Southeast Quarter of the Southwest Quarter of Section 3 and the Northeast Quarter of the Northwest Quarter of Section 10, Township 3 North, Range 7 West of the Third Principal Meridian, Cuntly of Madison, State of Illinois and more particularly described as follows:

The westerly 30.00 feet of said Southeast Quarter of the Southwest Quarter of Section 3 and the Northeast Quarter of the Northwest Quarter of Section 10 lying southerly of the southerly right of way line of Lower Marine Road.

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



CONSULTING ENGINEERING
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**THOUVENOT, WADE
& MOERCHEN, INC.**

SWANSEA OFFICE
4940 OLD COLLINSVILLE ROAD
SWANSEA, ILLINOIS
62226
TEL (618) 624-4488
WWW.TWM-INC.COM

PROJECT:
NORTH INTERCEPTOR DESIGN
PHASE 1
TROY W/TP
CITY OF TROY
MADISON COUNTY, ILLINOIS

TITLE:
30' WIDE INGRESS EGRESS
AND UTILITY EASEMENT

EXHIBIT B

LEGEND

— BOUNDARY LINE
— EX. RIGHT OF WAY
— LOT LINE
— EX. EASEMENT
— PROP. EASEMENT
— PROP. EASEMENT
HATCH

N/F
DENNIS O. &
CYNTHIA A. WESTFALL
P.I.N.
09-2-22-10-11-201-001

EXHIBIT "B"
**PART OF THE NW 1/4 OF SECTION 3
AND NW 1/4 OF SECTION 10,
T. 3N., R. 7W., OF THE 3RD P.M.
MADISON COUNTY, ILLINOIS**

THIS IS NOT A
PLAT OF SURVEY



300' 150' 0' 300'

GRAPHIC SCALE

N/F
CPO INVESTMENT LLC
P.I.N.
09-1-22-10-00-000-007

N/F ERIC A &
DEBORAH STOKER
P.I.N.
09-2-22-03-00-000-051

LOWER MARINE ROAD

N/F ERIC A &
DEBORAH STOKER
P.I.N.
09-1-22-03-03-301-007

N/F BANK OF EDWARDSVILLE
P.I.N.
09-1-22-03-03-301-006

N/F WESSEL ACRE APARTMENTS
P.I.N.
09-2-22-03-03-303-001

N/F MATTHEW CUNNINGHAM
P.I.N.
09-2-22-10-05-103-006

LANAHAN'S FIFTH ADDITION
P.B. 49, PG 160

N/F GUY L & MARY F SANTEN TRUST
P.I.N.
09-2-22-10-05-103-007

N/F GUY L & MARY F SANTEN TRUST
P.I.N.
09-2-22-10-05-103-008

N/F MELISSA D & TIMOTHY K ROZGOWSKI
P.I.N.
09-2-22-10-05-103-013

N/F JAMES III & MARIA BOOTH
P.I.N.
09-2-22-10-05-103-014

N/F LINDOW CONTRACTING INC
P.I.N.
09-2-22-10-05-103-020

N/F WESLEY LOOSER
P.I.N.
09-2-22-10-05-103-021

N/F CRAIG SKAGGS
P.I.N.
09-2-22-10-05-101-011

N/F ROBERT & MARY ANN WHEELER
P.I.N.
09-2-22-10-05-101-012

SOUTH LINE OF NORTHWEST QUARTER OF
SECTION 10 PER SURVEY BY JAMES SURVEYING IN P.C. 64-PG. 262

N/F
KATHLEEN ANN QUENZEL EAKER
P.I.N.
09-1-22-10-00-000-010

N/F CITY OF TROY
P.I.N.
09-1-22-10-00-000-011

N/F STEPHEN BROADBUSH
P.I.N.
09-2-22-10-05-103-022

LANAHAN'S THIRD ADDITION
P.B. 37, PG 43

**Deed of Easement
& Right-of-Way for Utilities,
Ingress & Egress**

After recording return to:

City of Troy

116 Market Street
Troy, IL 62294

Description No.: **30' Ingress/Egress &
Utility**

Project: **Northern Interceptor**

THIS INDENTURE, made this 1st day of May, 2023, by and between Jeanne L. Bohnenstiehl Living Trust having an address at 3516 Old Staunton Road, Edwardsville, IL 62025, hereinafter referred to as the "**Grantor**", and the City of Troy organized and existing under the laws of the State of Illinois, having an office for the transaction of business at 116 Market Street, Troy, IL 62294, hereinafter referred as the "**Grantee**".

WITNESSETH:

The **Grantor**, in consideration of the covenants and agreements hereinafter recited and the sum of Ten Dollar(s) (\$10.00), the receipt and sufficiency of which are hereby acknowledged, does hereby give, grant, and convey unto the **Grantee**, its successor and assigns, forever, an ingress and egress easement and a free uninterrupted and unobstructed right of way in, under, across, and over the property of the **Grantor** situated in Madison County, Illinois; said right of way to be 30 feet in width and more particularly described as follows:

See Exhibit A and Drawing Exhibit 25

and as shown on the exhibit attached hereto and made a part hereof, for the purpose of said easement.

TO HAVE AND TO HOLD unto the said **Grantee**, its successors or assigns forever, with the right and authority perpetually to use and maintain for access purposes in and along said easements and also the right and authority to go upon the land belonging to the **Grantor** for the purpose of making all necessary excavations and doing all acts necessary or convenient for the purpose of constructing a roadway, installing, laying, operating, maintaining, inspecting, removing, repairing, replacing, relaying, and adding to, from time to time, utilities, with necessary appurtenances, and attached facilities, together with the right and authority to go upon said land at all reasonable times in the future for the purpose of doing all acts necessary to maintain and repair the roadway and utilities for its intended purpose, and to use such additional space adjacent to the right-of-way so granted as may be required for working room during the time of construction or maintenance of the roadway.

Nothing in this Indenture shall be so construed as to prevent the free and unrestrained use by the **Grantor** of the ground in said easement, except in such manner as would interfere with the free and unrestrained use of said ingress and egress easement by the **Grantee**.

The **Grantee** agrees, by acceptance of this **Easement** that, upon any repair and maintenance undertaken in connection with any of the purposes of this ingress and egress and utility easement, said repair and maintenance shall be restored to as nearly as possible the same condition as existed when said repair and maintenance was made, provided that **Grantee**

shall not be obligated to restore landscaping, other than grass which was destroyed upon entry, all such work to be done at the expense of the **Grantee**.

And the **Grantor** does further covenant with the **Grantee** as follows:

1. That the **Grantor** is the owner in fee simple of the real estate hereby subjected to said easement and right of way and has good title to convey the same.
2. That the **Grantee** shall quietly enjoy the said easement and right of way.

IN WITNESS WHEREOF, the Grantor has duly executed this **INDENTURE**, all as of the day and year first above written.

GRANTEE:

CITY OF TROY
Signature: David P. Mann
Title: MAYOR TROY, IL

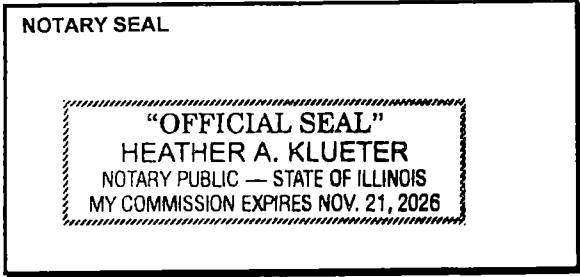
GRANTOR:

Mark Bohnenstiehl
Signature: Mark Bohnenstiehl
Title: Trustee

STATE OF ILLINOIS)
)
COUNTY OF MADISON) SS

I, Heather A. Klueter, a Notary Public for the State and County aforesaid, do hereby certify that Mark Bohnenstiehl, 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/she signed and delivered the same instrument as the free and voluntary act for the uses and purposes therein set forth.

Given under my hand and notarial seal this 1 day of may, 2023.



Heather A. Klueter
Notary Public

My Commission Expires: 11/21/26

Exempt under provision of paragraph (b)(1) section 4 of Il. Real Estate Transfer Tax Act.

Buyer, Seller, or Representative

Date



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THOUVENOT, WADE & MOERCHEN, INC.

CONSULTING ENGINEERS ▣ LAND SURVEYORS ▣ PLANNERS
SWANSEA • WATERLOO • EDWARDSVILLE • ST. CHARLES • ST. LOUIS

CORPORATE OFFICE
4940 OLD COLLINSVILLE ROAD
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TEL 618.624.4488
FAX 618.624.6688

RE: 30' WIDE INGRESS, EGRESS & UTILITY EASEMENT

EXHIBIT A

WESTERLY 30 FEET OF 09-1-22-10-00-000-006 & 09-1-22-03-00-000-017

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

EXCEPTIONAL SERVICE.
NOTHING LESS.

FOUNDERS

Roland G. Thouvenot, PE
Jerry T. Wade, PLS (Dec.)
William J. Moerchen

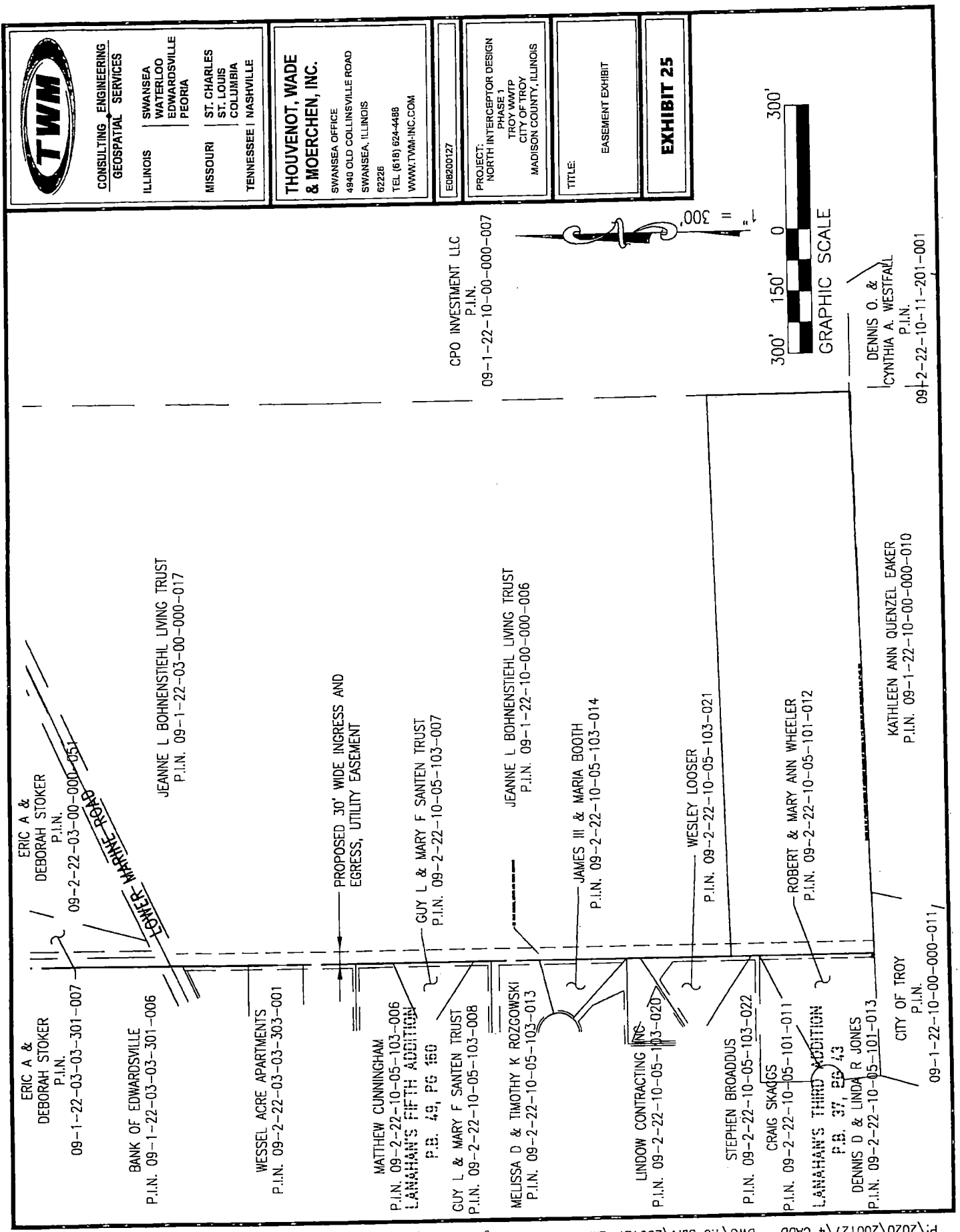
PRINCIPALS

Roland G. Thouvenot, PE
Paul K. Homann, PE
Randall W. Burk
Craig D. Brauer, PE

ASSOCIATES

Joseph W. Moerchen, PLS
Vicki L. Wade, PE
"Rusty" Christmann, PE, SE
Marsha J. Maller, PE
Robert S. DeConcini, PE
Edgar "Mike" Barnal, PLS
Sheila J. Kimlinger, PE, SE
Dana L. Link, PE
J.R. Landeck, PLS, EI
Ann M. Hammer

END OF DOCUMENT



**CONSULTING ENGINEERING
GEOSPATIAL SERVICES**

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WATERLOO
EDWARDSVILLE
PEORIA

MISSOURI ST. CHARLES
ST. LOUIS
COLUMBIA

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62226
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WWW.TVMH-INC.COM

EDB200127

PROJECT:
NORTH INTERCEPTOR DESIGN
PHASE 1
TROY WWTP
CITY OF TROY
MADISON COUNTY, ILLINOIS

TITLE:
EASEMENT EXHIBIT

EXHIBIT 25

CPO INVESTMENT LLC
P.I.N.
09-1-22-10-00-000-007