



DocId:18939787
Tx:4633873

RETURN TO:

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

2024R26060
STATE OF ILLINOIS
MADISON COUNTY
09/20/2024 02:11 PM
LINDA A. ANDREAS
CLERK & RECORDER
REC FEE: 50.00
CO STAMP FEE:
ST STAMP FEE:
FF FEE:
RHSPS FEE:
OF PAGES: 7

**CITY OF TROY
RESOLUTION 2024 - 34**

#50⁻ city

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE
A VACATION OF EASEMENT & A DRAINAGE EASEMENT FOR WATERFORD
PLACE INDUSTRIAL PARK**

**ADOPTED BY THE CITY COUNCIL OF THE
CITY OF TROY, ILLINOIS
THIS 3rd DAY OF SEPTEMBER 2024**

RESOLUTION NO. 2024 - 34

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE
A VACATION OF EASEMENT & A DRAINAGE EASEMENT FOR WATERFORD
PLACE INDUSTRIAL PARK**

WHEREAS, Osborn Development, LLC, has a potential buyer at the Waterford Industrial Park; and

WHEREAS, to proceed with the sale, Osborn Development, LLC, is required to vacate a drainage easement and, in turn, provide the City of Troy, Illinois, with a replacement drainage easement thereon; and

WHEREAS, accordingly, the City of Troy, Illinois, has determined that it is in the best interests of the City to enter into and execute a Vacation of Easement and a Drainage Easement with Osborn Development, LLC, and

WHEREAS, the City of Troy, Illinois, believes that said actions are in 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 Vacation of Easement (Exhibit A) and Drainage Easement (Exhibit B) for the Waterford Industrial Park, 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 3rd day of September, 2024.

Aldermen Vote:

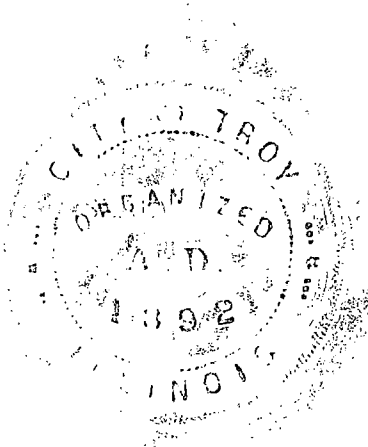
Dan Dawson	<u>✓</u>	Sam Italiano	<u>ABSENT</u>	Aye:	<u>7</u>
Tim Flint	<u>✓</u>	Debbie Knoll	<u>✓</u>	Nay:	<u>0</u>
Elizabeth Hellrung	<u>✓</u>	Tony Manley	<u>✓</u>		
Nathan Henderson	<u>✓</u>	Troy Turner	<u>✓</u>		

APPROVED:

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

ATTEST:

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



VACATION OF EASEMENT

For other good and valuable consideration, the receipt of which is hereby acknowledged, THE CITY OF TROY and its affiliates, licensees, successors, and assigns hereby releases to the owners of record all of its right, title and interest in the following described property:

A 20-foot wide storm sewer easement across part of Lot 5 of "Waterford Place Industrial Park," recorded in P.C. 66, PG. 71 in the Madison County Records, said easement granted by the plat of "Waterford Place," recorded in P.C. 65, PG. 124 in the Madison County Records in the City of Troy, Madison County, Illinois, as shown on the attached Exhibit A.

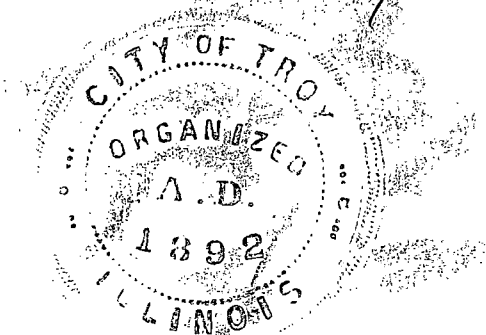
Commonly known as 2223 Formosa Rd. Troy, IL 62294 (Parcel No. 09-2-22-06-02-203-008)

IN WITNESS WHEREOF, THE CITY OF TROY has caused this document to be duly executed this 3RD day of SEPTEMBER, A.D. 2024.

CITY OF TROY

BY: David Mann (Mayor)

Attest: Kimberly Thomas (Village Clerk)



Prepared by:
Sherbut-Carson-Claxton, LLC
4 Meadow Hts. Prof. Park
Collinsville, IL 62234

Return to:
Sherbut-Carson-Claxton, LLC
4 Meadow Hts. Prof. Park
Collinsville, IL 62234

EXHIBIT A

VACATION OF THE 20' WIDE STORM SEWER EASEMENT ACROSS PART OF LOT 5 OF "WATERFORD PLACE INDUSTRIAL PARK," RECORDED IN P.C. 66, PG. 71 IN THE MADISON COUNTY RECORDS, SAID EASEMENT GRANTED BY THE PLAT OF "WATERFORD PLACE," RECORDED IN P.C. 65, PG. 124 IN THE MADISON COUNTY RECORDS LOCATED IN THE NORTHEAST QUARTER OF SECTION 8, TOWNSHIP 3 NORTH, RANGE 7 WEST OF THE THIRD PRINCIPAL MERIDIAN, CITY OF TROY, MADISON COUNTY, ILLINOIS.

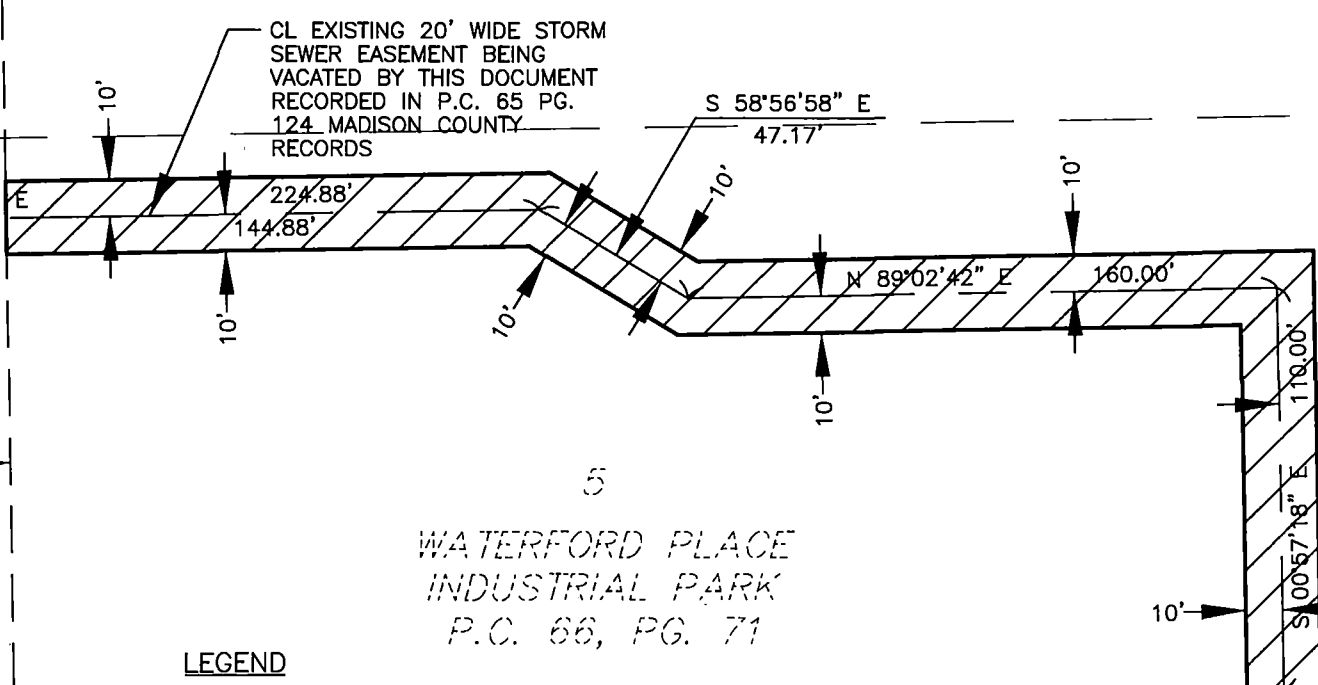
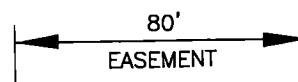
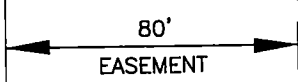
SCALE: 1"=50'

Prepared by:
 Sherbut-Carson-Claxton, LLC
 #4 Meadow Heights Professional Park
 Collinsville, Illinois 62234
 (618) 345-5454
 info@sherbutpc.com

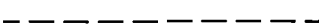
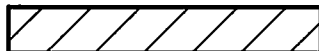

WATERFORD PLACE
 P.C. 65, PG. 124

W. R.O.W. LINE FORMOSA ROAD

27
 26
 25
 24



LEGEND

-  EXISTING EASEMENT
-  EASEMENT VACATED BY THIS PLAT
-  STREET RIGHT-OF-WAY LINE

DOC 2024R26060 Pg.4 of 7

DRAINAGE EASEMENT

THIS INDENTURE WITNESSETH, that the Grantor, Osborn Development LLC of the County of Madison, and the State of Illinois, for and in consideration of one dollar and other good and valuable consideration, in hand paid, the receipt of which is hereby acknowledged, hereby represent that they own the fee simple title to and do by these presents grant the right, easement and privilege to enter upon the following described land unto the City of Troy, State of Illinois, Grantee, for the exclusive use of the City of Troy, for storm water drainage purposes.

A twenty foot (20') wide strip across property owned by the grantor, being Part of Lots 5 & 6 of "Waterford Place Industrial Park," recorded in Plat Cabinet 66, on Page 71 in the Madison County records, located in the Northeast Quarter of Section 8, Township 3 North, Range 7 West of the Third Principal Meridian, City of Troy, Madison County, Illinois, as shown on the attached **Exhibit "A"**.

TO HAVE AND TO HOLD THE SAME unto the said Grantee, its successors or assigns forever, with the right and authority perpetually to use and maintain drainage facilities in over, under, across, 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 said drainage facilities and appurtenances, together with the right and authority to enter upon said land at all reasonable times in the future for the purpose of doing all acts necessary to maintain and repair the ditches, pipes, manholes, and appurtenances of said drainage facilities for their intended purpose, and to use. Also 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 drainage facilities; the surface of the ground to be restored as nearly as practicable to its original condition after each and every entry.

The drainage facilities located within this easement are to be owned and maintained by the City of Troy. Any drainage facilities located outside of this easement are to remain the responsibility of the property owner including maintenance and repair.

Nothing in this Indenture shall be so construed as to prevent the free and unrestrained use by the Grantor of the ground in said easements, except in such manner as would interfere with the free and unrestrained use of the said drainage facilities by the public.

Should crop damage occur, the Grantor's will be compensated for 100% of value of crop damaged within easement and for 100% of value of crop damaged outside of easement.

IN WITNESS WHEREOF, the Grantor has hereunto set their hand and seal this 9th day of September, A.D., 2024.

OSBORN DEVELOPMENT LLC

Joseph E. Osborn
Joseph E. Osborn, LLC Member

State of Illinois)
County of Madison) SS

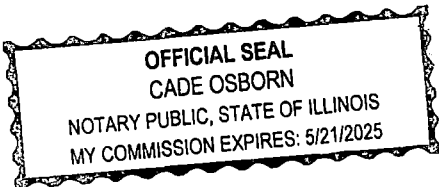
I, Cade Osborn, a Notary Public in and for said County and State aforesaid, do hereby certify that the above-signed person, who is personally known to me to be the same person whose name is subscribed to the foregoing instrument appeared before me this day in person and acknowledged that he signed, sealed and delivered the said instrument as his free and voluntary act, for the uses and purposes therein set forth.

Given under my hand and notarial seal this 9th day of September, 2024

Cade Osborn

Notary Public

Permanent Parcel No.'s: 09-2-22-06-02-203-008
09-2-22-06-02-203-009



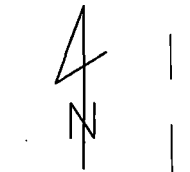
Prepared by:
Sherbut-Carson-Claxton, LLC
4 Meadow Hts. Prof. Park
Collinsville, IL 62234

Return to:
Sherbut-Carson-Claxton, LLC
4 Meadow Hts. Prof. Park
Collinsville, IL 62234

END OF DOCUMENT
WATERFORD PLACE
P.C. 65, PG. 71

EXHIBIT A

A 20' WIDE DRAINAGE EASEMENT ACROSS PART OF LOTS 5 & 6 OF "WATERFORD PLACE INDUSTRIAL PARK," RECORDED IN P.C. 66, PG. 71 IN THE MADISON COUNTY RECORDS LOCATED IN THE NORTHEAST QUARTER OF SECTION 8, TOWNSHIP 3 NORTH, RANGE 7 WEST OF THE THIRD PRINCIPAL MERIDIAN, CITY OF TROY, MADISON COUNTY, ILLINOIS.



SCALE: 1"=50'

Prepared by:
Sherbut-Carson-Claxton, LLC
#4 Meadow Heights Professional Park
Collinsville, Illinois 62234
(618) 345-5454
info@sherbutpc.com

EXIST.
33'
EASEMENT

25

EXISTING 80'
EASEMENT

24

SW CORNER
LOT 5
WATERFORD
PLACE
INDUSTRIAL
PARK P.C.
66, PG. 71

10'

S 89°02'42" W 458.00'

CL 20' WIDE DRAINAGE
EASEMENT BEING
DEDICATED BY THIS PLAT

10'

23

EXISTING 80'
EASEMENT

6

WATERFORD PLACE
INDUSTRIAL PARK
P.C. 66, PG. 71

W. R.O.W. LINE FORMOSA ROAD

DOC 2024R26060 Pg 7 of 7