

740 WAUKEGAN ROAD
DEERFIELD, IL 60015
BUS. (847) 945-7100
FAX (847) 945-3411

Mr. Peter E. Kolb
Director
Lake County Department of Public Works
650 Winchester Road
Libertyville, IL 60048-1391

February 2, 2012

Re: Zink Easement for Maple Avenue Lift Station

Dear Mr. Kolb:

In determining the value of the above referenced easement it is necessary to consider the following:

1. There are only two parcels that fit the criteria for a lift station in this area.
2. The value of this easement is unique to the use it is being put to by Lake County Public Works and cannot be measured by ordinary appraisal techniques.
3. The first property, a vacant lot, that we attempted to acquire, was the Wagner property at 26308 N. Maple, Mundelein, IL. After weeks of negotiations Mr. Wagner informed me that the entire property or any part thereof was not for sale at any price.
4. The other parcel owned by Greg Zink, is also the site of his home. Mr. Zink was not interested in selling an easement because he wanted to use the Maple Street side to house his boat and felt that a lift station would devalue his property substantially. After months of negotiations which started at \$5,000. We finally agreed that the price to be paid for the easement would be equal to the devaluation to his property that the lift station created.
5. The Lake County Assessor values the land at \$65,092. I believe that the presence of the lift station devalues the property by at least 20% in today's most difficult market. The devaluation based on these figures would be equal to \$13,000. Therefore the offer by Lake County Public Works of \$12,000 is fair and appropriate.
6. Lake County Public Works can best determine the additional cost to the County of not having this site for the lift station. I am sure this cost would be much greater than the price being offered to Greg Zink for the subject easement.

Very truly yours,



William S. Kaplan, CRB

**LAKE COUNTY, ILLINOIS
UTILITY EASEMENT**

RESERVED FOR RECORDER USE

**P.I.N. 10-36-405-016
SITE ADDRESS: 26340 N. Elmwood Ave. ,
Mundelein, IL 60060**

**OWNER ADDRESS:
Gregory F Zink Jr.
26340 N. Elmwood Ave.,
Mundelein, IL**

The undersigned owner(s) Gregory F Zink Jr. in consideration of \$ 12,000.00 and other good and valuable consideration, the consideration of which is hereby acknowledged, hereby grant to the County of Lake, Illinois, a perpetual right-of-way easement in, upon, under and across the land hereafter specifically described for the purpose in ingress and egress for installation and maintenance of a sanitary sewer pumping station, sanitary sewer mains, any necessary appurtenances upon the premises described, and for no other purposes except by granted authority from said owner.

Subject to the rights of the County of Lake, the grantors herein shall have the right to cultivate, use and occupy the land except that no structure or object, permanent or temporary, shall be erected on hereinafter described easement and that no digging or excavating shall be done along said easement that would in any way interfere with said right-of-way. Any existing structures within said easement shall be allowed to remain and may be maintained by the owner of said parcel.

PROPERTY DESCRIPTION

Lot 129 in Oak Terrace subdivision, being a subdivision of that part of the Southeast quarter of Section 36, Township 44 North, Range 10 East of the Third Principal Meridian, according to the plat thereof recorded August 14, 1925 as Document 263209, in Lake County, Illinois.

PERMANENT UTILITY EASEMENT

As depicted on attached Exhibit A and described as follows: the Southeasterly 13 feet (as measured at right angles) of Lot 129 in Oak Terrace subdivision, being a subdivision of that part of the Southeast quarter of Section 36, Township 44 North, Range 10 East of the Third Principal Meridian, according to the plat thereof recorded August 14, 1925 as Document 263209, in Lake County, Illinois.

TEMPORARY CONSTRUCTION EASEMENT

As depicted on attached Exhibit A and described as follows: the Northwesterly 7 feet (as measured at right angles) of the Southeasterly 20 feet of lot 129 in Oak Terrace subdivision, being a subdivision of that part of the Southeast quarter of Section 36, Township 44 North, Range 10 East of the Third Principal Meridian, according to the plat thereof recorded August 14, 1925 as Document 263209, in Lake County, Illinois. This temporary easement will be vacated 90 days after completion of construction and restoration is completed.

DURING CONSTRUCTION

1. The integrity of private property surrounding the construction area will be maintained.
2. Roads and private driveways will be kept open at the close of each working day.

AFTER CONSTRUCTION

1. All fences, roads and improvements will be repaired and restored to the original condition existing prior to beginning of construction.
2. Debris, brush, rocks, stumps and dirt generated during construction will be removed from the site.
3. Topsoil will be replaced, fine-graded, sodded or hydroseeded, and restored to its original state of usefulness, in the disturbed area.
4. For a period of one year after completion of restoration, trench surfaces will be maintained in a safe condition and restored to the original grade as necessary.

LIABILITY

As a condition to acceptance of this grant of easement, the County of Lake, and their assigns agree to hold the grantors free and harmless from any and all lawsuits and claims, which may in any way result from any occurrence as a result of said County, their assigns, employees or their contractors operating or adjacent to the area covered by the easement aforesaid.

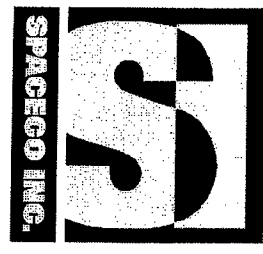
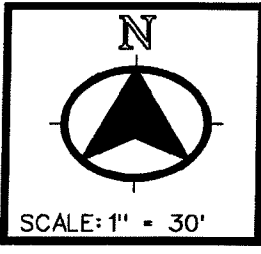
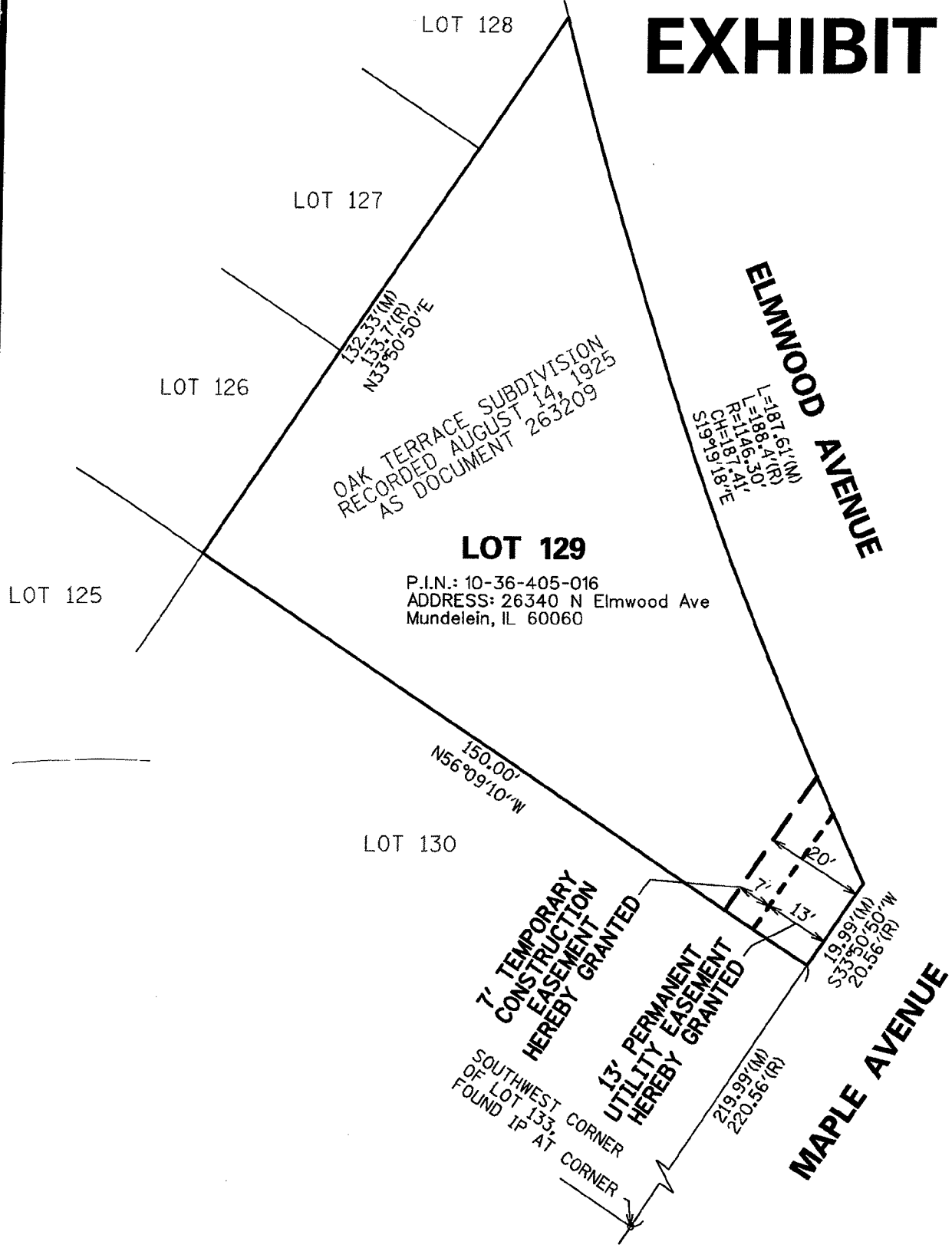
STIPULATIONS

It is covenanted and agreed between the grantor and grantee as follows:

1. The grantor shall have and retain all rights to the use and occupation of said real estate, except as herein expressly granted and provided and such use and occupation by the grantor shall not be unnecessarily interfered with by any construction work performed under this grant.
2. The grantor covenants and agrees that the grantor will not in any manner disturb, damage, destroy, injure or obstruct said Public improvement, or any part or the appurtenances thereof, and will not obstruct or interfere with said grantees, their contractors or sub-contractors or with the agents or employees of them or either of them, in the exercise of any rights, privileges, or authorities hereby given and granted.
3. The grantees shall signify their acceptance of this grant and easement by the recording thereof.
4. The grantor(s) is (are) the lawful record Owner(s) of the subject property and are authorized to execute this Easement instrument.
5. This indenture and covenants and agreements herein contained shall run with the land and shall be binding upon the Grantors, Grantees, lessees, successors, heirs, devisees and assigns, and any, either all of the same, of the parties hereto and shall be in full force and effect when accepted by the grantees in the manner herein provided.
6. A 24 inch black walnut tree exists within the easement area. If the black walnut tree dies due to construction activities within 3 years of construction completion Grantee will compensate Grantor in the amount of \$2,000.00
7. Grantee shall install new chain link fence along South side of property and new 10 foot wide double gate on East side of property.
8. Grantee shall install 4 black chokeberry bushes and 2 Maple-leaved Arrowwood viburnum bushes on south side of property.

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EXHIBIT "A"



CONSULTING ENGINEERS
SITE DEVELOPMENT ENGINEERS
LAND SURVEYORS

9575 W. Higgins Road, Suite 700,
 Rosemont, Illinois 60018
 Phone: (847) 696-4060 Fax: (847) 696-4065

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| DATE: | 09/30/2011 |
| JOB NO: | 6601 |
| FILENAME: | 6601EASE-01 |