

**VILLAGE OF VERNON HILLS
RESOLUTION 2021-019**

A RESOLUTION APPROVING AN EASEMENT AGREEMENT FOR INGRESS AND EGRESS TO PIN #11-32-200-002 (LAKE COUNTY PUBLIC WORK'S WHITE DEER RUN WATER RESERVOIR)

WHEREAS, Lake County Public Works is proposing to add a new water reservoir east of the existing White Deer Run/ Heritage Golf Course Maintenance building; and

WHEREAS, the Village of Mundelein is the current owner of said parcel; and

WHEREAS, Lake County has agreed to purchase said parcel which requires access to the parcel; and

WHEREAS, Lake County and the Villages of Mundelein and Vernon Hills agree to provide access for the three parties benefit; and

WHEREAS, Lake County and the Village of Mundelein have executed the Easement Agreement for Ingress and Egress to PIN # 11-32-200-002 (the "Agreement"); and

WHEREAS, said Agreement provides protection to the Village of Vernon Hills to maintain their current access to the Seavey Ditch; and

WHEREAS, the Village Attorney and Director of Public Works have reviewed the Agreement and recommend its approval; and

WHEREAS, the Village Board has determined that it is in the best interest of the Village and its residents to approve of the Agreement.

NOW THEREFORE, BE IT RESOLVED BY THE VILLAGE PRESIDENT AND THE BOARD OF TRUSTEES OF THE VILLAGE OF VERNON HILLS, LAKE COUNTY, ILLINOIS:

THAT, this resolution approves the "Easement Agreement for Ingress and Egress to PIN # 11-32-200-002" and authorizes the Village Manager to sign this agreement.

Dated this 6th of July, 2021

Adopted by roll call vote as follows:

AYES: 6 – Marquardt, Koch, Forster, Oppenheim, Takaoka, Schenk


NAYS: 0 - None

ABSENT AND NOT VOTING: 1 - Byrne

PASSED: 07/06/2021
APPROVED: 07/06/2021
ATTEST: 07/06/2021




Thom Koch Jr., Village President Pro Tem


Mark Fleischhauer, Village Clerk

WHEN RECORDED RETURN TO:

(Space above this line for recorder's use only)

Easement Agreement for Ingress and Egress to PIN # 11-32-200-002

THIS EASEMENT AGREEMENT ("**Agreement**") is between the Village of Vernon Hills ("**Grantor**") and the County of Lake (the "**County**") and Village of Mundelein ("**Mundelein**") (together, the County and Mundelein are hereinafter referred to as "**Grantees**"), all of which are Illinois entities formed under either the Illinois Counties Code (55 ILCS 5/1-1001 *et seq.*) or the Illinois Municipal Code (65 ILCS 5/1-1-1 *et seq.*), and each of whom have the authority to act under authority of the Illinois Constitution (Art. 7, § 10) and the Illinois Intergovernmental Cooperation Act (5 ILCS 220/1 *et seq.*).

RECITALS

Whereas:

1. The County, acting through its Department of Public Works, has entered into an *Intergovernmental Agreement Regarding Sale of 240 W. Greggs Parkway, Pin # 11-32-200-002* (the "**IGA**") with Mundelein for the purpose of having the County acquire the real property commonly known as 240 W. Greggs Parkway, Pin # 11-32-200-002 (the "**Parcel**"), which is legally described in **Exhibit A** attached to this Agreement. The County intends to use the Parcel for the construction, use, and maintenance of a water reservoir facility (including all appurtenant equipment and devices) to be owned by the County (collectively, the "**Reservoir**").
2. The Reservoir is intended to expand the storage capacity of the portion of the County water system serving the properties within the corporate limits of the Grantor and will provide Grantor with enhanced emergency water reserves.
3. Access to the Parcel has historically been possible through an access road (the "**Access Road**") located on premises that runs mostly east-west and connects to West Greggs Parkway (the "**Easement Premises**"), as depicted on **Exhibit B-1** attached hereto, and is legally described on **Exhibit B-2** attached hereto.

4. The Easement Premises are part of PIN 11-29-402-048, which is tax-exempt property owned by Grantor (the "**Grantor Parcel**"). The Easement Premises are subject to a certain easement dated June 1, 1961, and recorded as Document 1111081 in Book 1862, Page 196, in the Office of the Lake County Recorder, which Prior Easement inures to the benefit of Mundelein, and an Intergovernmental Agreement between the Village of Mundelein and the Village of Vernon Hills, dated July 21, 1998 (the "**Prior Easement Agreements**").
5. Subject to the terms of this Agreement, Grantor desires to grant to the Grantees, and Grantees desire to accept, an easement upon the Easement Premises for: (a) ingress and egress to the Parcel and to existing sewer facilities of Mundelein (the "**Sewer Facilities**") that lie within or adjoining the Easement Premises; and (b) the maintenance, improvement, repair, and replacement of the Access Road upon the Easement Premises.

In consideration of the foregoing and the covenants and promises set forth below, the parties now agree as follows:

1. **Incorporation of Recitals.** The recitals are incorporated into the body of this Agreement as if fully set forth in this first paragraph.

2. **Easement Grant.** Grantor grants and conveys to Grantees a perpetual, non-exclusive easement over and across the Easement Premises, as legally described in Exhibit B-2, for the purpose of ingress and egress to the Parcel. The access rights herein granted shall encompass those necessary for the Grantees, without cost or expense to Grantor, to:

- (a) construct, operate, and maintain (including repairing, replacing, or removing) the Reservoir;
- (b) construct, operate, and maintain (including repairing, replacing, or removing) the Sewer Facilities; and
- (c) construct, alter, improve, and maintain (including repairing, replacing, or removing) the Access Road,

including all uses reasonably necessary to carry out the continued operation of the Reservoir and the Sewer Facilities, as well as the use of the Access Road.

3. **Rights Reserved.** Grantor shall have and retains all rights to use and occupy the Easement Premises and access to Grantor Parcel, provided that Grantor's use and occupation of the Easement Premises does not interfere with Grantees' use of the Easement Premises for the purposes described in this Agreement. Grantor and Mundelein shall maintain the currently existing rights to access the culvert crossing located at the Seavey Ditch, as accessed from the current gravel road adjacent to the Access Road.

4. **Successors and Assigns.** This Agreement shall run with the land and will be binding on and will inure to the benefit of the parties, their heirs, successors, and assigns; provided, however, that if the Grantees (or their successors) terminate the use of their Reservoir

and Sewer Facilities, the easement shall be rescinded upon the removal of the Reservoir and Sewer Facilities from the Parcel.

5. **Modification.** The rights and responsibilities established in this Agreement are perpetual and may be modified only through a written document signed by the Grantor and Grantees.

6. **Other Rights Held By Mundelein.** This Agreement is intended to supplement and not replace any other rights that Mundelein has with regard to the Access Road, including under the Prior Easement Agreements. All such rights in the Prior Easement Agreements remain unaffected by this Agreement.

7. **Hold Harmless.** Grantees agree to hold the Grantor harmless from any loss, cost or damage that may arise in connection with this Easement or the use of the Easement Premises by the Grantees, its agents, employees or any other person using the Easement Premises on the Grantees' behalf. Grantees shall maintain, at their expense, public liability and property damage insurance policies covering their use of the Easement Premises.

8. **Recordation.** After execution, the County shall record this Agreement and provide a copy of the recorded Agreement to each of the Grantees.

9. **Effective Date.** This Agreement will become effective when signed by the Grantor and Grantees.

IN WITNESS WHEREOF, the parties have executed this Agreement through a duly authorized officer.

GRANTOR:

The Village of Vernon Hills
an Illinois home rule municipal corporation

By: Mark Fleischhauer
Name: Mark Fleischhauer
Title: Vernon Hills V.M.

GRANTEES:

The County of Lake

By: _____
Name: Sandy Hart
Title: County Board Chair

The Village of Mundelein
an Illinois home rule municipal corporation

By: _____
Name: _____
Title: _____

EXHIBIT A

Legal Description of Parcel

THAT PART OF SECTION 32 TOWNSHIP 44 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 32, 660.00 FEET SOUTH OF THE NORTHEAST CORNER THEREOF; THENCE WEST 720.00 FEET; THENCE SOUTH PARALLEL WITH THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 32, 541.71 FEET TO THE NORTHWESTERLY RIGHT OF WAY LINE OF THE ELGIN, JOLIET AND EASTERN RAILWAY, THENCE NORTHEASTERLY ALONG SAID LAST DESCRIBED NORTHWESTERLY RIGHT OF WAY LINE, 511.14 FEET TO A POINT OF CURVATURE; THENCE CONTINUING ALONG SAID NORTHWESTERLY RIGHT OF WAY LINE BEING A CURVE TO THE RIGHT AND HAVING A RADIUS OF 2921.93 FEET, AN ARC DISTANCE OF 317.61 FEET TO THE EAST LINE OF THE NORTHEAST QUARTER OF SECTION 32; THENCE NORTH ALONG SAID LAST DESCRIBED EAST LINE, 140.56 FEET TO THE PLACE OF BEGINNING, CONTAINING 5.417 ACRES, IN LAKE COUNTY, ILLINOIS.

PIN: 11-32-200-002

EXHIBIT B-1

Depiction of Access Road

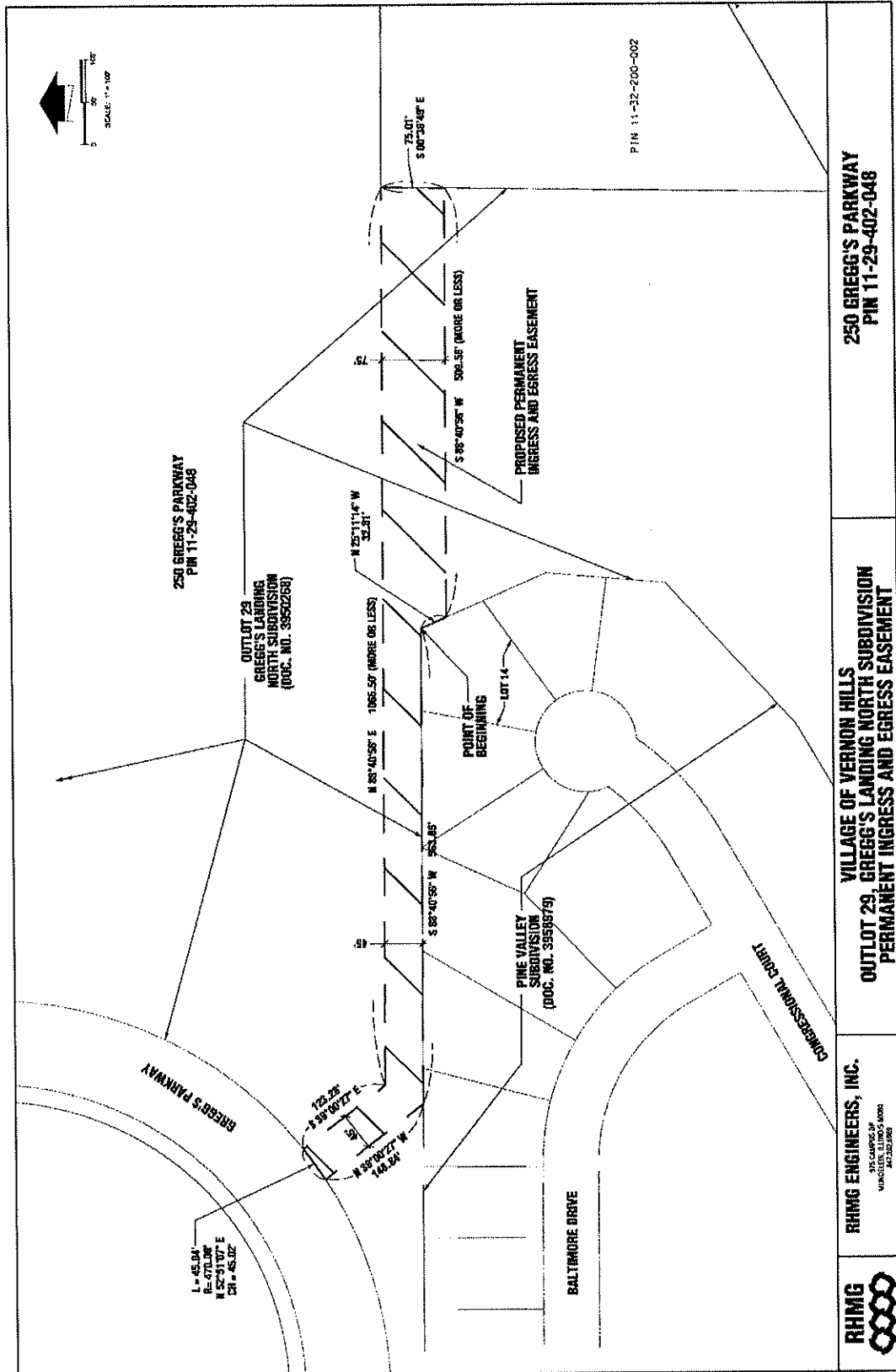


EXHIBIT B-2

Legal Description of Access Road

THAT PART OF OUTLOT 29 IN GREGG'S LANDING NORTH, BEING A SUBDIVISION OF PARTS OF SECTIONS 28, 29, 32 AND 33, TOWNSHIP 44 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF, RECORDED MARCH 31, 1997 AS DOCUMENT NO. 3950268, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEASTERLY CORNER OF LOT 14 IN PINE VALLEY SUBDIVISION (RECORDED APRIL 22, 1997 AS DOCUMENT NO. 3958979), BEING A PLAT OF RESUBDIVISION OF LOT 12 IN SAID GREGG'S LANDING NORTH SUBDIVISION, SAID LOT CORNER ALSO BEING A CORNER OF SAID OUTLOT 29; THENCE SOUTH 88 DEGREES 40 MINUTES 56 SECONDS WEST 563.86 FEET ALONG THE NORTH LINE OF SAID PINE VALLEY SUBDIVISION, SAID LINE ALSO BEING A LINE OF SAID OUTLOT 29; THENCE NORTH 39 DEGREES 00 MINUTES 27 SECONDS WEST 146.84 FEET TO A POINT ON THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF GREGG'S PARKWAY IN SAID GREGG'S LANDING NORTH SUBDIVISION; THENCE NORTHEASTERLY ALONG THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF SAID GREGG'S PARKWAY, BEING A CURVED LINE CONVEX SOUTHEASTERLY, HAVING A RADIUS OF 470.00 FEET AND AN ARC DISTANCE OF 45.04 FEET (CHORD OF SAID ARC BEARS NORTH 52 DEGREES 51 MINUTES 07 SECONDS EAST, 45.02 FEET); THENCE SOUTH 39 DEGREES 00 MINUTES 27 SECONDS EAST 123.28 FEET; THENCE NORTH 88 DEGREES 40 MINUTES 56 SECONDS EAST 1065.50 FEET (MORE OR LESS) TO THE NORTHWEST CORNER OF A PARCEL OF LAND; THENCE SOUTH 00 DEGREES 38 MINUTES 49 SECONDS EAST 75.01 FEET ALONG THE WEST LINE OF SAID PARCEL OF LAND; THENCE SOUTH 88 DEGREES 40 MINUTES 56 SECONDS WEST 509.58 FEET (MORE OR LESS) TO THE NORTHEASTERLY LINE OF LOT 14 IN SAID PINE VALLEY SUBDIVISION; THENCE NORTH 25 DEGREES 11 MINUTES 14 SECONDS WEST 32.81 FEET ALONG THE NORTHEASTERLY LINE OF SAID LOT 14 TO THE POINT OF BEGINNING, IN LAKE COUNTY, ILLINOIS.

PIN 11-29-402-048