

ORDINANCE FOR PERPETUAL EASEMENT FOR MONITORING WELL 119

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Thornton, Illinois, County of Cook, as follows:

SECTION 1: That subject always to the condition herein stated, insofar as the Village of Thornton (hereinafter referred to as "the Village") may be able to grant such rights, the perpetual easement, right and authority be and the same is hereby granted and given to the METROPOLITAN WATER RECLAMATION DISTRICT OF GREATER CHICAGO (hereinafter referred to as "the District"), to construct, reconstruct, repair, maintain, and operate Monitoring Well 119, together with appurtenances thereto (hereinafter designated as the "Well"), upon, under, and through Wentworth Avenue right-of-way, and public easements of the Village within said territorial limits is described as follows, to wit:

That Part of Vincennes Road within the Village limits of the Village of Thornton in the East ½ of the Northeast ¼ of Section 28, Township 36 North, Range 14 East of the Third Principal Meridian, more particularly described as follows:

PARCEL MW 119, MONITORING WELL PERMANENT EASEMENT

THAT PART OF THE EAST ½ OF THE NORTHEAST ¼ OF SECTION 28, TOWNSHIP 36, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE WEST RIGHT-OF-WAY LINE OF MICHIGAN AVENUE AND THE EAST RIGHT-OF-WAY LINE OF VINCENNES AVENUE; THENCE BEARING NORTH 28 DEGREES 21 MINUTES 01 SECONDS WEST FOR A DISTANCE OF 248.70 FEET TO A POINT OF BEGINNING; THENCE BEARING SOUTH 61 DEGREES 38 MINUTES 59 SECONDS WEST FOR A DISTANCE OF 15.00 FEET; THENCE BEARING NORTH 28 DEGREES 21 MINUTES 01 SECONDS WEST FOR A DISTANCE OF 15.00 FEET; THENCE BEARING NORTH 61 DEGREES 38 MINUTES 59 SECONDS EAST FOR A DISTANCE OF 15.00 FEET; THENCE BEARING SOUTH 28 DEGREES 21 MINUTES 01 SECONDS EAST TO THE POINT OF BEGINNING, ALL IN COOK COUNTY, ILLINOIS.

All being within the limits of the Village of Thornton, County of Cook, State of Illinois, as shown on the attached "Exhibit MW119" and made a part hereof.

SECTION 2: That the location, size, and manner of construction of the Well shall be in accordance with plans and specifications prepared by the District.

SECTION 3: That the rights hereby granted to the District are so granted upon the following conditions:

- (a) That the Village reserves the right to use said easements for such public purposes as may be necessary to the Village's health, welfare and safety.
- (b) That the District shall at its own expense make such changes in the location of the police and fire alarms and street lighting, electric wires, sanitary and storm sewers of the Village as may be rendered necessary by the construction, reconstruction, restoration and maintenance of the Well of the District.
- (c) That the Well of the District shall be constructed, reconstructed, repaired, and efficiently maintained and operated solely by the District at its sole expense and cost; and the Village shall not be held responsible in any manner for the location or manner of construction, restoration, reconstruction, repair, or operation of the same.
- (d) (1) That the District shall indemnify, save, and keep harmless the Village from any and all claims or claims for damage to real and personal property and injuries to or death suffered by persons by reason of the construction, reconstruction, repair, maintenance, or operation by the District of the Well within the corporate limits of the Village; provided that the District shall not be obligated to indemnify the Village against the

consequences of the negligence or intentional actions of the Village, or of any representative, officer, director, trustee, employee, independent contractor or agent of the Village;

- (2) In the event any action, suit or suits, against the Village growing out of any loss, damage, cost or expense, as described in Paragraph (d)(1) above, and as a prerequisite to any recovery therefore in favor of the Village against the District, the Village shall give written notice to the District (by registered mail, return receipt requested, to Frederick Feldman, General Counsel, 100 E. Erie, Chicago, Illinois, 60611) of the commencement of such action, suit or suits, and thereafter the District shall be entitled to assume the defense thereof.
- (e) That the District shall at its sole cost and expense restore to their former condition of usefulness the pavements of all streets, public alleys and highways within the right-of-way of the Well which may be disturbed or interfered with by the construction, maintenance, repair, or operation of the Well, as well as all walks, crosswalks, curbs, gutters, catch basins, and ditches as soon as practicable, and shall thereafter maintain such restoration from time to time as may be necessary, but not to exceed two (2) years. All surplus excavation and other spoil shall be removed from the paved streets, public alleys, and highways by the District.
- (f) That the District and its contractors are hereby given and granted the right to use in the construction of the Well such motor trucks, excavators,

hoisting engines, and other plant and equipment as may be necessary for the complete construction of said work.

- (g) That the District shall at its own expense and cost make such alterations in the location of the water mains of the Village as may be rendered necessary by the construction of the Well of the District. And in all such cases, where it shall become and be necessary that water service pipes be removed, cut off, or damaged in any way on account of the construction of the Well, the District is hereby authorized to remove, alter, repair, and replace such water service pipes at its own cost and expense providing any water service pipes disturbed shall be replaced by the District; provided, however, that all work done on said water mains and water service pipes shall be subject to the approval of the Village Engineer.
- (h) That the Village, in consideration of the passage of this ordinance and the mutual benefits thereby given, grants and issues without fees or cost thereof to the District or to any contractor to whom this work or any part thereof specified in this ordinance shall be awarded, all permits or licenses required for doing said work upon application, and shall not require the District or its contractor to deposit any sums of money required under any ordinance of the Village for similar work, and shall furnish the District or any contractor to whom said work or any part thereof shall be awarded, at any existing water connection as may be installed, all water needed in the performance of said work (provided that the water so furnished will not interfere with the necessary water supply for the Village), at the then

regular rate charged by the Village to its consumers, all said water to be measured through meters furnished by the District or its contractors; and further, shall not require the payment by the District of any fees or salaries for inspectors employed by the Village on said work.

- (i) That the Village, in consideration of the passage of this ordinance, shall not excavate below -30 feet (City of Chicago Datum) within the prism of the Well without providing notice to the District.

SECTION 4: That the District shall pay to the Village for said perpetual easement the sum of One Thousand One Hundred Twenty Five Dollars (\$1,125.00).

SECTION 5: This Ordinance shall be in full force and effect from and after its passage and approval, and the acceptance of the same by the District, which acceptance shall be evidenced by a certified copy of the order, resolution or ordinance of the Board of Commissioners of the Metropolitan Water Reclamation District of Greater Chicago accepting the same, filed with the Village of Thornton.

PRESENTED ON:

November 16, 2009

PASSED ON:

November 16, 2009

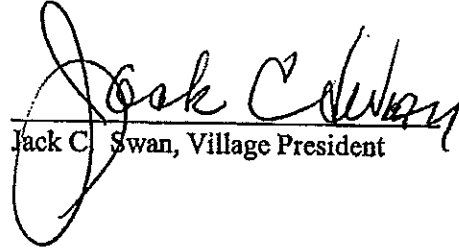
VOTE:

AYES: TRUSTEES TOMASIK, ATKINSON, KAYE, DIEKELMAN, KOCH


NAYS: NONE

ABSENT: TRUSTEE PISARZEWSKI

APPROVED by me this 16th day of November, 2009.


Jack C. Swan, Village President

ATTEST:

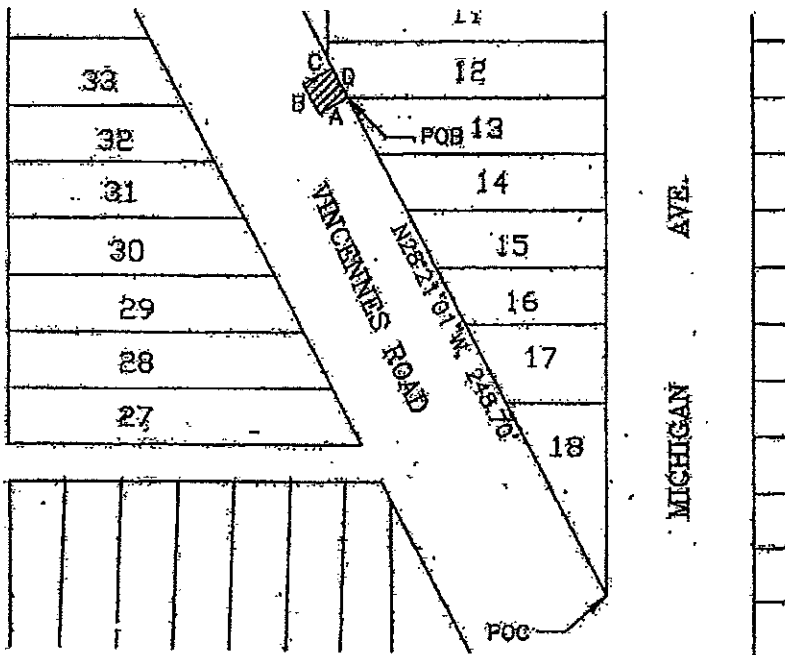

Debra L. Pisarzewski, Village Clerk
Village of Thornton
Cook County, Illinois

**METROPOLITAN WATER RECLAMATION DISTRICT
OF GREATER CHICAGO**

AND

**VILLAGE OF THORNTON
MONITORING WELL NO. 119, PERMANENT EASEMENT**

N 15 FT X 15 FT PARCEL FOR WELL NO. 119 GRANTOR(S)
 AREA = 225 SQUARE FEET
 A, 15.00', S61°38'59"W C, 15.00', N61°38'59"E
 B, 15.00', N28°21'01"W D, 15.00', S28°21'01"E



C. JACKSON
 DRAWN BY
 12 OCT 2009
 DATE

TOLLWAY DAM, GROUT CURTAIN AND QUARRY PLUG
 THORNTON COMPOSITE RESERVOIR, CSA
 PROJECT
 04-201-4F
 PGMS NO.

EXHIBIT MW119
 NOT TO SCALE

MWRD/CAD/CADD/RESERVED 07-23-09 W:\Projects\04-201-4F\04-201-4F-119\119-124.dwg 07 Oct 2009 10:12:09 15:07

STATE OF ILLINOIS)
)
VILLAGE OF THORNTON) SS

I, Debra L. Pisarzewski, Clerk of the Village of Thornton, Cook County, Illinois, keeper of the records, files and seal of the said Village, do hereby certify that the above and foregoing is a true and exact copy of an ordinance passed by the Board of Trustees of the Village of Thornton on the 16th day of November, A.D. 2009, as approved by the Mayor of said Village, who signed the same on the 16th day of November, A.D. 2009, as appears from the records in my office remaining.

I further certify that the seal hereto affixed is the corporate seal of the Village of Thornton.

Given under my hand and seal the 16th day of November, A.D. 2009.


Clerk, Village of Thornton

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