

PREPARED BY AND
WHEN RECORDED MAIL TO:
City of Rochelle
420 North 6th Street
Rochelle, Illinois 61068

SPACE ABOVE THIS LINE FOR RECORDER'S USE

AGREEMENT FOR A PERMANENT UTILITY EASEMENT

THIS AGREEMENT FOR A PERMANENT UTILITY EASEMENT (hereinafter the "Agreement") is made and entered into this _____ day of _____, 2023, ("Effective Date"), by and between KENNETH E. PUTZSTUCK and KAY M. WHITE, Trustees/owner ("Grantor") and the CITY OF ROCHELLE, an Illinois municipal corporation ("Grantee"). Grantor and Grantee are sometimes referred to in this Agreement individually as "Party" and collectively as the "Parties".

WHEREAS, KENNETH E. PUTZSTUCK and KAY M. WHITE are the owner(s) of real property legally described in Exhibit A ("Permanent Utility Easement Area"); and

WHEREAS, the CITY OF ROCHELLE wishes to obtain a Permanent Utility Easement from KENNETH E. PUTZSTUCK and KAY M. WHITE across the Permanent Utility Easement area described in Exhibit B, attached hereto, for the purpose of construction, re-construction, widening of a permanent underground and/or above-ground utility facilities, other utility infrastructure including sanitary sewer, storm sewer, water, electric (including transmission poles, cables, wires, ducts and associated attachments) and fiberoptic facilities ("Facilities"), including the right to construct, maintain and make all necessary repairs to said Facilities, as may be reasonable and proper, together with the right of ingress and egress for the purpose of constructing and maintaining said Facilities, and the right to construct and maintain the necessary appurtenances for said Facilities over, under, along, upon and through said permanent easement hereinafter described; the said Grantor further gives and grants to Grantee, as part of said consideration, the right and privilege to use such additional ground as may be necessary in the construction of said Facilities, not exceeding 25 feet in width on the east side of said permanent easement hereinafter described, said right and easement to be temporary and to be effective only during the construction of said Facilities; and

NOW THEREFORE, in consideration of TEN (\$10.00) DOLLARS, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. The Grantor hereby does grant and convey to Grantee, its successor and assigns, all interest in the Permanent Utility Easement for the following described real estate situated in the Township of Flagg, County of Ogle, State of Illinois, to wit:

Address commonly known as: 808 N. 8th Street, Rochelle, Illinois

PIN#: part of 24-24-157-011

and as depicted on the plat of survey (Permanent Utility Easement), attached hereto as Exhibit B.

2. The City shall record the Permanent Utility Easement, and from the recording of the Permanent Utility Easement and thereafter, the City shall have the exclusive use of the Permanent Utility Easement for the purpose as stated herein.

3. The consideration paid pursuant to this Agreement; Grantee shall repair any damages sustained to the Permanent Utility Easement Area as a result of Grantees during construction of the Facilities described herein.

4. This Agreement is entered into, and shall be interpreted in accordance with, the laws of the State of Illinois.

5. This Agreement shall run with the land and be binding upon, and shall inure to the benefit of, the parties hereto and their respective heirs, successors, and assigns.

6. This Agreement sets forth the entire understanding of the parties with respect to the matters addressed herein and may only be modified by a written amendment signed by all of the parties.

WITNESS our hands and seals this _____ day of _____, 2023.

[Signatures on next page]

Grantor:

By: Kenneth E. Putzstuck
Kenneth E. Putzstuck (trustee/owner)

By: Kay M. White
Kay M. White (trustee/owner)

Grantee:

CITY OF ROCHELLE,
Municipal Corporation

By: Jeff Fiegenschuh
Name: Jeff Fiegenschuh
Title: City Manager

Attest: Rosemary Hueramo
Name: Rose Hueramo
Title: City Clerk

STATE OF ILLINOIS)
) SS
COUNTY OF OGLE)

I, the undersigned, a Notary Public, in and for the County and State aforesaid, DO HEREBY CERTIFY that KENNETH E. PUTZSTUCK and KAY M. WHITE, 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 and delivered said instrument with free and voluntary act, for the uses and purposes therein set forth.

Given under my hand and seal this: 23rd day of January, 2023.

Michelle L. Knight
NOTARY PUBLIC



STATE OF ILLINOIS)
) SS
COUNTY OF OGLE)

I the undersigned, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that JEFF FIEGENSCHUH, personally known to me to be the City Manager of the City of Rochelle, a municipal corporation and ROSE HUERAMO, personally known to me to be the City Clerk of the City of Rochelle, and personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person and severally acknowledged that as such City Manager and City Clerk of said corporation they caused their signatures to be affixed thereto, and caused the corporate seal of said corporation to be affixed thereto, pursuant to the authority given by the Council of the City of Rochelle as their free and voluntary act, and as the free and voluntary act and deed of said corporation, for the uses and purposes therein set forth.

Given under my hand and seal this: 23rd day of January, 2023.

Michelle L. Knight
NOTARY PUBLIC



EXHIBIT A
Legal Description

Description: Permanent Utility Easement Area

A part of Lot 1 in Block 13 in Lane's Addition in the Town of Lane, now called City of Rochelle, and all that part of Locust Street (now vacated) lying between said Lot 1 in Block 13 and Lot 5 in Block 10 of said Addition, according to the Plat thereof recorded in Book A of Plats, Page 35, in the Recorder's Office in Ogle County, Illinois, described in one tract as follows: Beginning at the Southeast corner of said Lot 5 thence South on the West line of Eighth Street (formerly Stiles Street) 70 feet, thence West, parallel with the South line of said Lot 5, 132 feet, thence North parallel with the West line of said Eighth Street, 70 feet to the Southwest corner of Lot 5, and thence East on the South line of said Lot 5, 132 feet, to the point of beginning; subject to all easements, agreements, city/subdivision codes and/or ordinances of record, if any, all situated in the Township of Flagg, the County of Ogle and State of Illinois.

EXHIBIT B UTILITY EASEMENT PLAT

