

RIGHT OF WAY AND STORM SEWER AGREEMENT

WHEREAS, the Village of Chatham, Sangamon County, Illinois, (hereinafter referred to as "Village"), a municipal corporation organized and existing under the laws of the State of Illinois, desires to widen, improve, and reconstruct Park Avenue, a street running along the east boundary of certain real property, owned by The Most Reverend Daniel L. Ryan, Roman Catholic Bishop of the Diocese of Springfield-in-Illinois (hereinafter referred to as "Diocese"), and commonly known as St. Joseph Church, Chatham, Illinois, and,

WHEREAS, the planned Park Avenue project includes as part, but not necessarily in its entirety, the installation of subsurface storm sewers, curbing, gutters, drains, sidewalks, and roadway, and

WHEREAS, the planned Park Avenue project requires that Diocese grant Village a Right of Way, for road purposes, totaling 655.46 feet, and adjacent to the eastern boundary of Diocese's property, and

WHEREAS, Diocese is presently constructing a new church building, and the site plan includes a retention pond which Village and Diocese desire to drain into a subsurface storm sewer planned for construction along the east side of Park Avenue, and

WHEREAS, by a deed filed for record in Sangamon County on December 24, 1998, Diocese obtained title to a certain 84'-by 559' (1.055 acres) tract from Prairie Grove Corp, a developer, and Prairie Grove Corp. had a prior obligation to Village to share the cost of the Park Avenue road construction project, and which obligation Diocese has assumed for only that eighty-four foot portion of the Right of Way along the eastern boundary of said tract, and which Diocese obligation for those road construction costs has been estimated at seventy-five dollars per foot of road, for a total of six thousand three hundred dollars (\$6,300), and

WHEREAS, Village and Diocese desire to expedite construction of the subsurface storm sewer portion of the road project in order that the subsurface storm sewer might be operational, and the retention pond connected thereto prior to the completion of the church construction in April/May of the year 2000.

NOW, THEREFORE,

The Village and Diocese agree as follows:

1. Diocese shall grant Village a 571.29 foot right of way as set forth on a Right of Way Plat prepared by Green & Bradford, Inc., Springfield, IL, dated November 10, 1992, identified as Project No. 92-270, a copy of which is attached hereto as Exhibit A-1.

2. Diocese shall grant Village an 84.17' by 30' right of way along the east side of the 84.17' by 559.70' (1.055 acre) tract, as shown on a Right of Way Plat prepared by Greene & Bradford, Inc., Springfield, IL, dated May 17, 1999, identified as Project No. 99-001, a copy of which is attached hereto as Exhibit A-2.
3. Diocese shall, at its expense, provide for the underground drainage connection from the retention pond which is located on Diocese's property, under Park Ave., and to the connection point on the east side of Park Ave. This project is estimated to cost \$2,000. The project will be coordinated by the Diocese with the contractor chosen by the Village to install the subsurface storm sewer line.
4. Diocese shall remit to Village the sum of Six Thousand Three Hundred Dollars (\$6,300) **in full and complete payment** for its share of the road improvement on Park Avenue. As of the date of this agreement, Diocese's share of the cost of the road project is estimated at seventy five dollars per foot of roadway, for a total of Six Thousand Three Hundred Dollars (\$6,300). If the cost is more or less at the actual time of construction, Village and Diocese understand and agree that no adjustment shall be made. Payment of the sum of \$6,300.00 shall be made to Village within ten days of receiving the certification as set forth in Section 8, herein below.
5. Diocese shall provide two executed Quit Claim Deeds for the Right of Way described in Sections 2 & 3, hereinabove, upon receipt of the certification set forth in Section 8. Copies of the Quit Claim Deeds to be executed are attached.
6. Village understands and agrees that, within the 571.29 foot Right of Way referenced in Section 1, Village shall provide the sidewalk, a curb cut for the existing driveway, and two curb cuts for new driveways. This shall be done at Village expense, and in consideration for the conveyance of the Right of Way, and no compensation for any of the cost of this 571.29 foot section of the Park Avenue road project shall be expected of or sought from Diocese.
7. Village understands and agrees that, within the 84.17 foot Right of Way referenced in Section 2, the cost of the sidewalk is included in the projected cost of \$75.00 per foot of roadway, and that, in consideration of the payment of \$6,300.00 by Diocese, as agreed in Section 4, and also in consideration for the conveyance of the 30' by 84.17' Right of Way, no further compensation for any of the cost of this 84.17 foot section of the Park Avenue road project shall be expected of or sought from Diocese.
8. Village shall be bound by the terms of this agreement by ordinance approved by the Board of Trustees of the Village of Chatham, and shall furnish Diocese certification of such approval. If the ordinance approved by the Board of Trustees does not include all of the foregoing provisions, then this agreement shall be of no effect unless specifically agreed to in writing by Diocese.

Dated this _____ day of _____, 1999.

Village of Chatham, a municipal corporation

Diocese of Springfield-in-Illinois

By: _____

By: _____

Its: _____

The Most Reverend Daniel L. Ryan
Bishop of Springfield-in-Illinois

Attest: _____

Its: _____



EXHIBIT A-1

RIGHT-OF-WAY PLAT

R.O.W. PLAT FOR VILLAGE OF CHATHAM

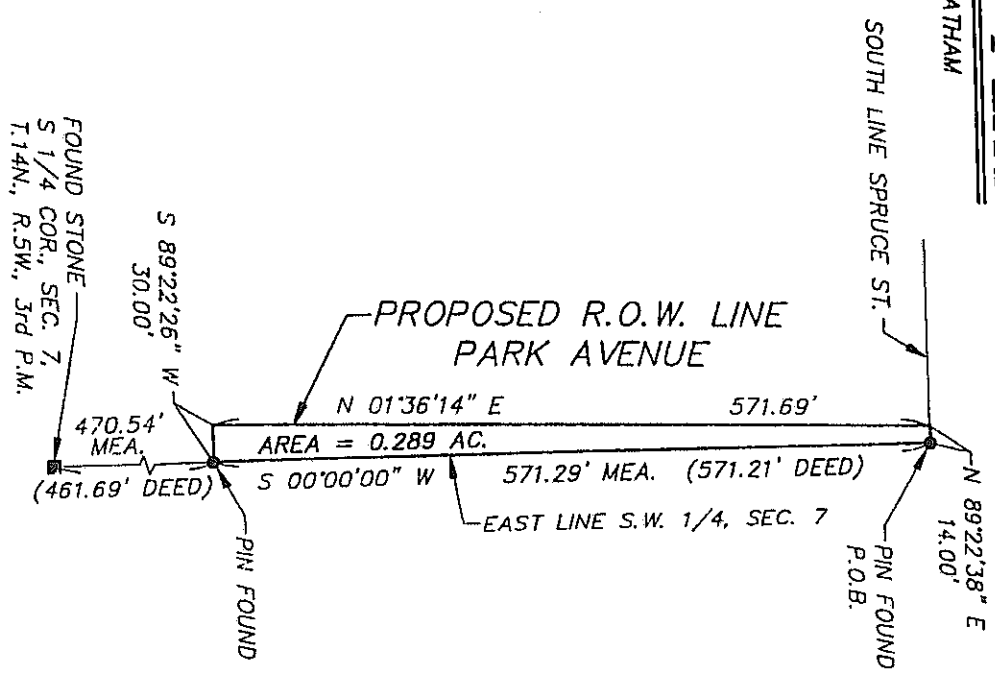
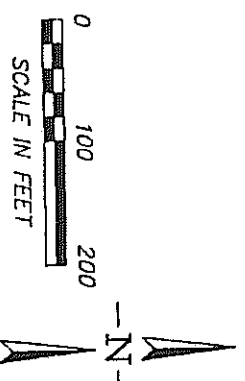
Part of the Southwest Quarter of Section 7, Township 14 North, Range 5 West of the Third Principal Meridian, described more particularly as follows: Beginning at an iron pin at the intersection of the East line of the Southwest Quarter of the aforementioned Section 7 and the South Right-of-Way line of Spruce Street in Butler's Second Addition to the Village of Chatham, thence South 00 degrees 00 minutes 00 seconds West along the East line of the Southwest Quarter of Section 7 a distance of 571.29 feet measured (571.21 feet deed) to an iron pin, thence South 89 degrees 22 minutes 26 seconds West a distance of 30.00 feet, thence North 01 degrees 36 minutes 14 seconds East a distance of 571.69 feet to a point on the South line of Spruce Street, thence North 89 degrees 22 minutes 38 seconds East along said South line a distance of 14.00 feet to the point of beginning. Said parcel contains 0.289 acre, more or less, all in the County of Sangamon, State of Illinois.

TOTAL HOLDING : ±3.00 ACRES
 TOTAL R.O.W. REQUIRED : 0.289 ACRE
 REMAINDER : ±7.711 ACRES

- LEGEND**
- Stone 
 - Iron Pin 

I do hereby certify that in the month of NOVEMBER, 1992 I made a survey of the above described property and the foregoing plat correctly represents the results of said survey.

ILLINOIS PROFESSIONAL LAND SURVEYOR #25590



REVISIONS	
DATE	BY



GREENE & BRADFORD, INC.
 OF SPRINGFIELD

CONSULTING ENGINEERS
 1305 WABASH AVENUE, SUITE C
 SPRINGFIELD, ILLINOIS 62704
 (217-783-8844)

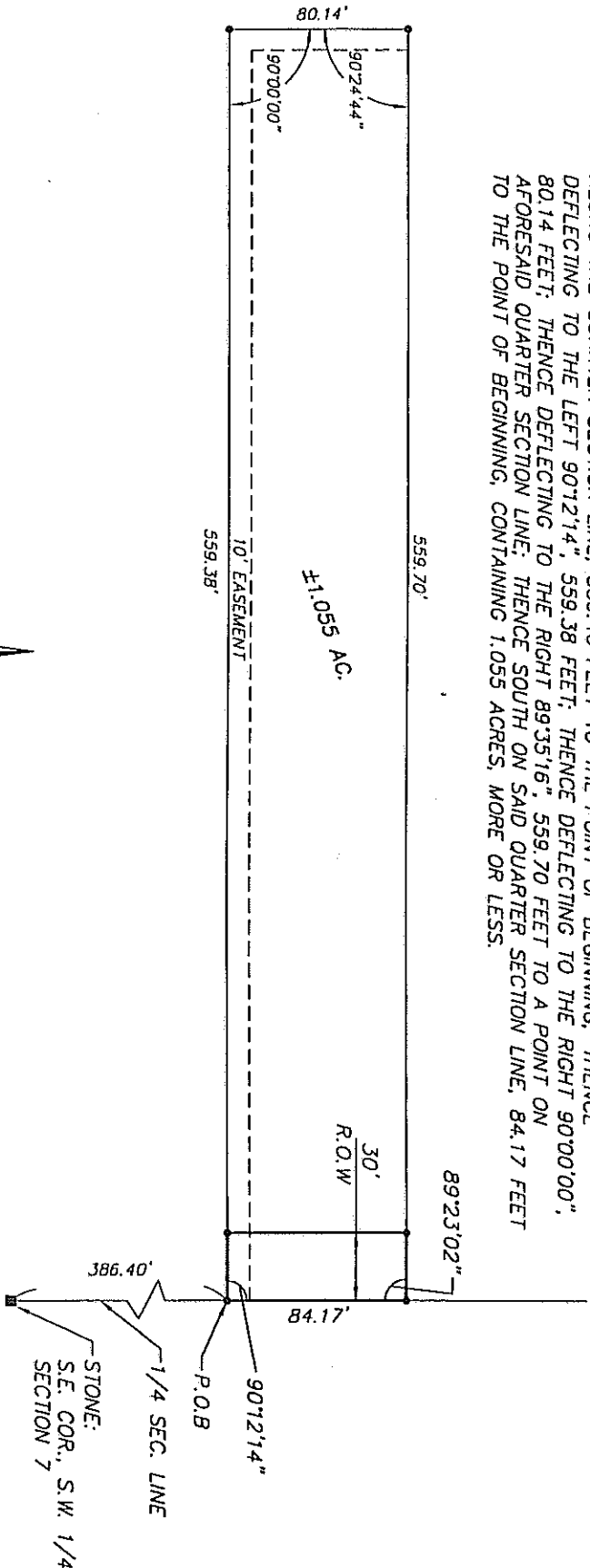
DATE	11/10/92
DRAWN	CRUM
PROJ. NO.	92-270
FIELD BOOK	---
COMPUTER FILE NO.	92270EP-100

EXHIBIT A-2

R. O. W. PLAT

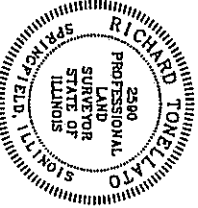
LEGAL DESCRIPTION

THE EAST 30 FEET OF THE FOLLOWING DESCRIBED PARCEL: PART OF THE SOUTHWEST QUARTER SECTION 7, TOWNSHIP 14 NORTH, RANGE 5 WEST OF THE THIRD PRINCIPAL MERIDIAN, CHATHAM, ILLINOIS, DESCRIBED AS FOLLOWS:
 FROM THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 7 NORTH ALONG THE QUARTER SECTION LINE, 386.40 FEET TO THE POINT OF BEGINNING; THENCE DEFLECTING TO THE LEFT 90°12'14", 559.38 FEET; THENCE DEFLECTING TO THE RIGHT 90°00'00", 80.14 FEET; THENCE DEFLECTING TO THE RIGHT 89°35'16", 559.70 FEET TO A POINT ON AFORESAID QUARTER SECTION LINE; THENCE SOUTH ON SAID QUARTER SECTION LINE, 84.17 FEET TO THE POINT OF BEGINNING, CONTAINING 1.055 ACRES, MORE OR LESS.

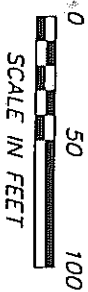


LEGEND
 STONE
 IRON PIN

I DO HEREBY CERTIFY THAT IN THE MONTH OF JANUARY, 1999
 I MADE A SURVEY OF THE ABOVE DESCRIBED PROPERTY AND THE
 FOREGOING PLAT CORRECTLY REPRESENTS THE RESULTS OF SAID
 SURVEY.



DATE	BY	REVISIONS



GREENE & BRADFORD, INC.
 OF SPRINGFIELD
 CONSULTING ENGINEERS
 3501 CONSTITUTION DRIVE
 SPRINGFIELD, ILLINOIS 62707
 (217) 793-8844, (217) 793-5227 FAX

DATE 5-17-99
 DRAWN BAILEY
 PROJ. NO. 99-001
 FIELD BOOK NONE
 COMPUTER FILE NO. 99001RWP-50

QUIT CLAIM DEED - RIGHT OF WAY DEDICATION

Prepared by: Graham and Graham, Ltd.
1201 South Eighth Street
Springfield, IL 62703

Grantor: The Most Reverend Daniel L. Ryan
Roman Catholic Bishop of the
Diocese of Springfield in Illinois
Catholic Pastoral Center
1615 West Washington Street P.O.Box 3187
Springfield, Illinois 62708-3187

Grantee: Village of Chatham, IL, a municipal corporation
116 East Mulberry Street
Chatham, IL 62629

Return to & Tax bill to: Village of Chatham, IL, a municipal corporation
116 East Mulberry Street
Chatham, IL 62629

THE GRANTOR, The Most Reverend Daniel L. Ryan, Roman Catholic Bishop of the Diocese of Springfield in Illinois, in consideration of TEN DOLLARS, and other good and valuable consideration, in hand paid, and in consideration of mutual covenants and the public benefit accruing, does hereby CONVEY AND QUIT CLAIM to the Village of Chatham, Illinois, a municipal corporation, of the County of Sangamon and State of Illinois, and to be used for public road and utilities right of way, the following described real estate:

Part of the Southwest Quarter of Section 7, Township 14 North, Range 5 West of the Third Principal Meridian, described more particularly as follows: Beginning at an iron pin at the intersection of the East Line of the Southwest Quarter of the aforementioned Section 7 and the South Right-of-Way Line of Spruce Street in Butler's Second Addition to the Village of Chatham thence South 00 degrees 00 minutes 00 seconds West along the East Line of the Southwest Quarter of Section 7 a distance of 571.29 feet measured (571.21 feet deed) to an iron pin, thence South 89 degrees 22 minutes 26 seconds West a distance of 30.00 feet, thence North 01 degrees 36 minutes 14 seconds East a distance of 571.69 feet to a point on the South Line of Spruce Street, thence North 89 degrees 22 minutes 38 seconds East along said South line a distance of 14.00 feet to the point of beginning. Said parcel contains 0.289 acre, more or less, all in the County of Sangamon, State of Illinois.

Said abovedescribed tract being shown on a Right of Way Plat prepared by Greene & Bradford, Inc., Springfield, IL, dated November 10, 1992, identified as Project No. 92-270, a copy of which is attached hereto as Exhibit A..



EXHIBIT A

RIGHT-OF-WAY PLAT

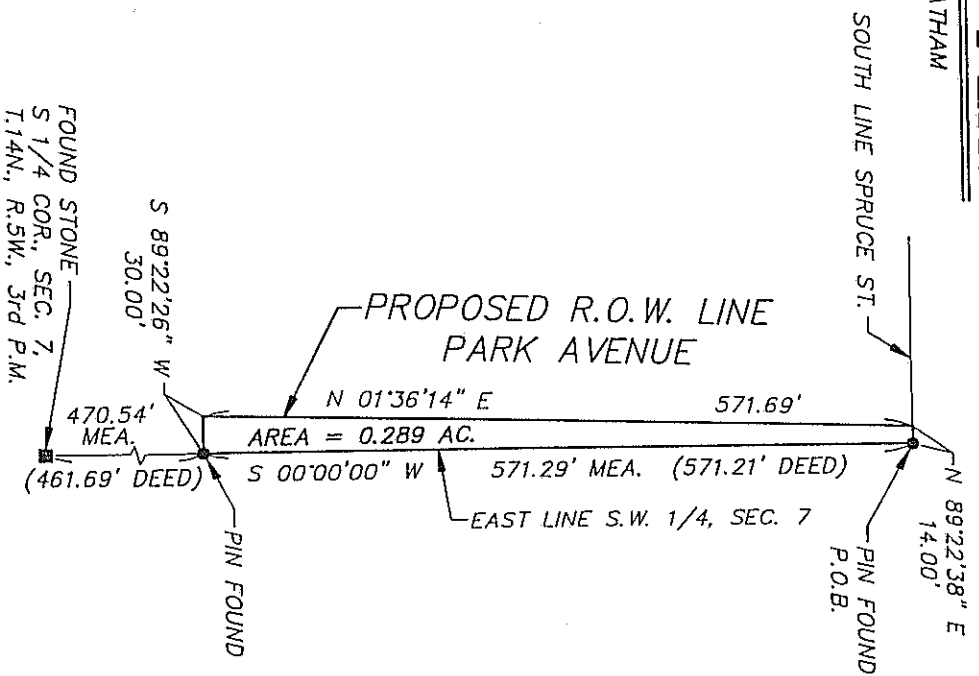
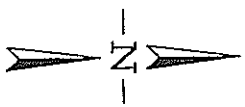
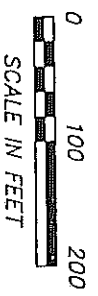
R.O.W. PLAT FOR VILLAGE OF CHATHAM

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TOTAL HOLDING : ±8.00 ACRES
 TOTAL R.O.W. REQUIRED : 0.289 ACRE
 REMAINDER : ±7.711 ACRES

LEGEND
 Stone 
 Iron Pin 
 I do hereby certify that in the month of NOVEMBER, 1992 I made a survey of the above described property and the foregoing plat correctly represents the results of said survey.

ILLINOIS PROFESSIONAL LAND SURVEYOR #2590



REVISIONS	
DATE	BY



GREENE & BRADFORD, INC.
 OF SPRINGFIELD
 CONSULTING ENGINEERS
 1305 WABASH AVENUE, SUITE 6
 SPRINGFIELD, ILLINOIS 62704
 (217-753-8844)

DATE	11/10/92
DRAWN	CRUM
PROJ. NO.	92-270
FIELD BOOK	---
COMPUTER FILE NO.	92270EP-100

QUIT CLAIM DEED - RIGHT OF WAY DEDICATION

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THE GRANTOR, The Most Reverend Daniel L. Ryan, Roman Catholic Bishop of the Diocese of Springfield in Illinois, in consideration of TEN DOLLARS, and other good and valuable consideration, in hand paid, and in consideration of mutual covenants and the public benefit accruing, does hereby CONVEY AND QUIT CLAIM to the Village of Chatham, Illinois, a municipal corporation, of the County of Sangamon and State of Illinois, and to be used for public road and utilities right of way, the following described real estate:

The East Thirty (30) feet of the following described parcel:

Part of the Southwest Quarter Section 7, Township 14 North, Range 5 West of the Third Principal Meridian, Chatham, Illinois, described as follows:

From the Southeast corner of the Southwest Quarter of said Section 7 North along the quarter section line, 386.40 feet to the point of beginning; thence deflecting to the left 90°12'14", 559.38 feet; thence deflecting to the right 90°00'00", 80.14 feet; thence deflecting to the right 89°35'16", 559.70 feet to a point on aforesaid quarter section line; thence South on said quarter line, 84.17 feet to the point of beginning, containing 1.055 acres, more or less.

Said abovedescribed tract being shown on a Right of Way Plat prepared by Greene & Bradford, Inc., Springfield, IL, dated May 17, 1999, identified as Project No. 99-001, a copy of which is attached hereto as Exhibit A.

Subject to rights of the public, the State of Illinois, the township and the municipality in and to that part of the premises in question taken, used or dedicated for roads or highways, all drainage easements, easements, covenants and restrictions of record, and also to any and all drainage easements, easements, covenants and restrictions which may not be visible; subject to rights of way for drainage ditches, drain tiles, feeders, laterals, and underground pipes, if any.

Subject to the real estate taxes for 1998 payable in 1999 and subsequent years, and also to the lien of any Special Taxes or Assessments not entered in the Treasurer's Books or entered after the date hereof.

Situated in the County of Sangamon and the State of Illinois.

This is not a conveyance of homestead property.

Dated this _____ day of _____, 1999.

The Most Reverend Daniel L. Ryan,
Roman Catholic Bishop of the Diocese of Springfield in Illinois

By: _____
The Most Reverend Daniel L. Ryan, GRANTOR

STATE OF ILLINOIS)
) SS
COUNTY OF SANGAMON)

I, _____, a Notary Public, in and for said County in the state aforesaid, DO HEREBY CERTIFY that The Most Reverend Daniel L. Ryan, 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 the Roman Catholic Bishop of the Diocese of Springfield in Illinois, pursuant to his authority as Roman Catholic Bishop of the Diocese of Springfield in Illinois, for the uses and purposes therein set forth. Given under my hand and Notarial Seal at Springfield, Illinois, this _____ day of _____, 1999.

Notary Public

This Deed is exempt under provisions under Paragraph (b) Sec. 4, Real Estate Transfer Tax Act.

Date

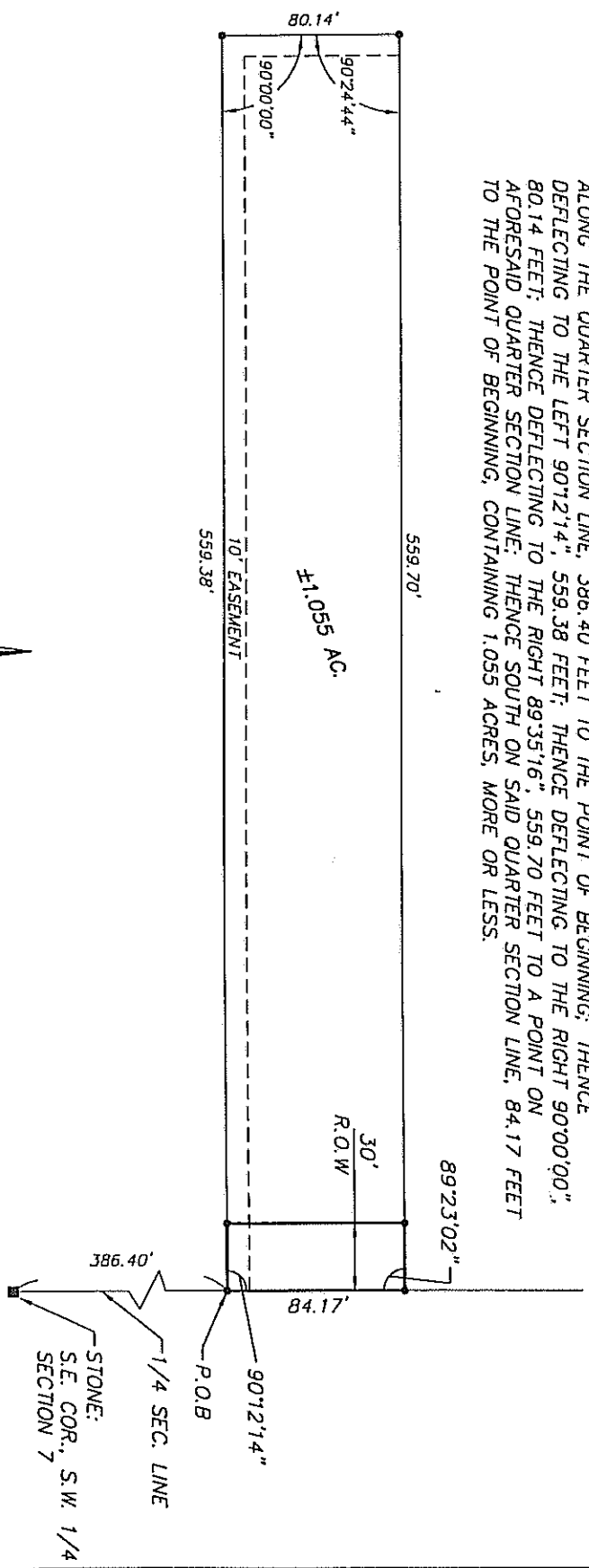
Seller or representative

EXHIBIT A

R. O. W. PLAT

LEGAL DESCRIPTION

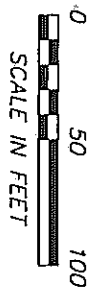
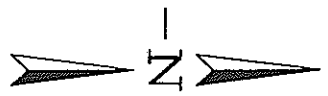
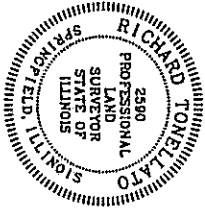
THE EAST 30 FEET OF THE FOLLOWING DESCRIBED PARCEL: PART OF THE SOUTHWEST QUARTER SECTION 7, TOWNSHIP 14 NORTH, RANGE 5 WEST OF THE THIRD PRINCIPAL MERIDIAN, CHATHAM, ILLINOIS, DESCRIBED AS FOLLOWS:
 FROM THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 7 NORTH ALONG THE QUARTER SECTION LINE, 386.40 FEET TO THE POINT OF BEGINNING; THENCE DEFLECTING TO THE LEFT 90°12'14", 559.38 FEET; THENCE DEFLECTING TO THE RIGHT 90°00'00", 80.14 FEET; THENCE DEFLECTING TO THE RIGHT 89°35'16", 559.70 FEET TO A POINT ON AFORESAID QUARTER SECTION LINE; THENCE SOUTH ON SAID QUARTER SECTION LINE, 84.17 FEET TO THE POINT OF BEGINNING, CONTAINING 1.055 ACRES, MORE OR LESS.



LEGEND
 STONE
 IRON PIN

I DO HEREBY CERTIFY THAT IN THE MONTH OF JANUARY, 1999 I MADE A SURVEY OF THE ABOVE DESCRIBED PROPERTY AND THE FOREGOING PLAT CORRECTLY REPRESENTS THE RESULTS OF SAID SURVEY.

ILLINOIS PROFESSIONAL LAND SURVEYOR # 2590



REVISIONS	
DATE	BY



GREENE & BRADFORD, INC.
 OF SPRINGFIELD
 CONSULTING ENGINEERS
 3501 CONSTITUTION DRIVE
 SPRINGFIELD, ILLINOIS 62707
 (217) 793-8844, (217) 793-6227 FAX

DATE	5-17-99
DRAWN	BAILEY
PROJ. NO.	99-001
FIELD BOOK	NONE
COMPUTER FILE NO.	99001RWP-50