

CITY OF WASHINGTON, ILLINOIS City Council Agenda Communication

Meeting Date: 02-06-2023

Prepared By: Dennis Carr – City Engineer

Agenda Item: Freedom Parkway Land Acquisition Check Request – Kingsbury Properties, LLC

Explanation: Freedom Parkway is slated to receive STBG funds which gives funding oversite of the project to IDOT. Since IDOT has oversite of the project, for the project to get the proper funding, it must follow a set of guidelines for ROW acquisition. While a majority of the ROW was acquired a number of years ago, there are 10 parcels we need to acquire permanent easement, temporary easement, or Right of Way from. The additional land acquisition is to maintain proper drainage, add sidewalk near Walmart, and to accommodate a truck turning movement onto northbound Cummings.

The parcel to the east of Walmart requires almost a ½ acre of permanent easement be purchased to allow for drainage of the Freedom Parkway project. The original intent was for some inline storm sewer storage and that Walmart would allow for the roadway to drain through its storm sewer, but Walmart asked that we not use their system. Due to that, just under a half-acre of permanent easement is required that was appraised for \$33,200. Temporary easement along the property (0.36 acres) is also required, and it was appraised for \$9,400.

The appraisal and review appraisal were completed by IDOT approved appraisers which is required for the use of the state funds.

Fiscal Impact: Adequate funds are available to purchase the permanent and temporary easements for a total fee of \$42,600.

Recommendation/

Committee Discussion Summary: Staff recommends approval to pay the owner of Kingsbury Properties, LLC to acquire the needed temporary and permanent easement for the amount of \$42,600

Action Requested: Approval to pay Kingsbury Properties, LLC for the permanent and temporary easements for a total cost of \$42,600.

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Owner

Kingsbury Properties, LLC

Address

Freedom Parkway

Route

Washington, IL 61571

FAU 6745 (Freedom Parkway)

County Job No. Tazewell C-94-028-021

Parcel No.

005-PE

P.I.N. No.

02-02-16-400-035

Section

20-00128-00-EG

Project No.

ZNU6(153)

PERMANENT EASEMENT (Limited Liability Company)

Kingsbury Properties, LLC, a limited liability company, organized and existing under and by virtue of the laws of the State of Illinois and duly authorized to do business under the Statutes of the State of Illinois, (Grantor), for and in consideration of Thirty-Three Thousand Two Hundred and 00/100 Dollars (\$33,200.00), receipt of which is hereby acknowledged, and pursuant to the authority given by the member(s) of said company, hereby represents that Grantor owns the fee simple title to and grants and conveys to the City of Washington, Illinois (Grantee), a permanent easement for the purpose drainage, on, over and through the following described real estate:

A part of The Southwest Quarter of Section 16, Township 26 North, Range 3 West of the Third Principal Meridian, Tazewell County, Illinois, as described in Document Number 200300032550 at the Tazewell County Recorder's Office, more particularly described as follows, and bearings refer to the Illinois State Plane Coordinate System West Zone:

Commencing at the Northwest Corner of Lot 1 of Freedom Subdivision, as shown in Plat Book ZZ Pages 106 and 107; thence along the Southeastern Right-of-Way Line of Freedom Parkway bearing North 44 degrees 46 minutes 30 seconds East, a distance of 121.26 feet to the Southwesterly Line of the tract described in said Document Number 200300032550; thence along said Southwesterly Line and along said Southeasterly Right-of-Way Line bearing North 45 degrees 17 minutes 24 seconds West, a distance of 8.02 feet to the West Corner of said tact in said Document Number 200300032550; thence continuing along said Southeasterly Right-of-Way Line, and along the Northwesterly Line of said tract in said Document Number 200300032550 bearing North 44 degrees 47 minutes 00 seconds East, a distance of 20.03 feet; thence leaving said Southeasterly Right-of-Way Line and also said Northwesterly Line of said tract in said Document Number 200300032550 bearing South 45 degrees 08 minutes 54 seconds East, a distance of 21.65 feet along the Northeasterly Line of an Existing Permanent Easement as described in Document Number 201300013313, said point also being the Point of Beginning of the PROPOSED Permanent Easement to be described:

From said Point of Beginning; thence bearing North 34 degrees 21 minutes 35 seconds East, a distance of 30.50 feet: thence bearing South 45 Degrees 13 minutes 32 seconds East, a distance of 693.86 feet; thence bearing South 44 degrees 36 minutes 28 seconds West, a distance of 30.00 feet to said Northeasterly Line of said Existing Permanent Easement as described in Document Number 201300013313; thence along said Northeasterly Line bearing North 45 degrees 13 minutes 32 seconds West, a distance of 688.35 feet to said Point of

Beginning, consisting of 20732.57 square feet, or 0.476 Acres, more or less, and subject to any Easements and Rights-of-Way of record.

situated in the County of Tazewell, State of Illinois and hereby releases and waives all right under and by virtue of the Homestead Exemption Laws of the State of Illinois. The above-described real estate and improvements located thereon are herein referred to as the "premises."

Grantor shall have and retains all rights to use and occupy the premises and access to Grantor's remaining property, except as herein expressly granted; provided, however, Grantor's use and occupation of the premises may not interfere with Grantee's use of the premises for the purposes herein described.

This permanent easement is made, executed and delivered pursuant to a resolution duly adopted at a meeting of the members of the said limited liability company held on the 17 day of 12000 of 1

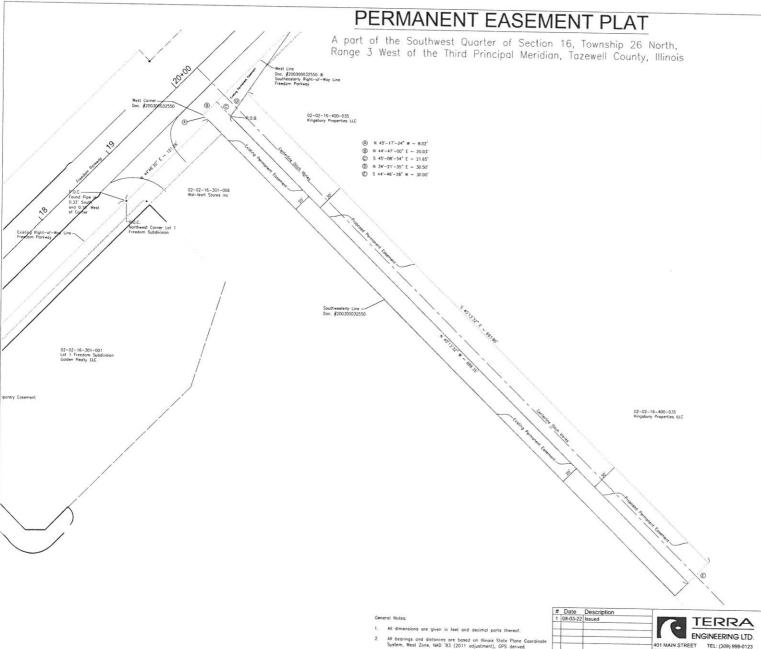
Grantor, without limiting the interest above granted and conveyed, acknowledges that upon payment of the agreed consideration, all claims arising out of the above acquisition have been settled, including without limitation, any diminution in value to any remaining property of the Grantor caused by opening, improving, and using the premises for roadway purposes. This acknowledgment does not waive any claim for trespass or negligence against the Grantee or Grantee's agents which may cause damage to Grantor's remaining property.

This grant shall constitute a covenant, which runs with the land, and shall be binding upon the legal representatives, successors and assigns of Grantor.

Dated this 17th day of Farmung	, 2023.
	Kingsbury Properties, LLC Company Name By: Signature
	Russell Waldschmidt, Member Print Name and Title
State of Illinois) ss) ss	
This instrument was acknowledged before me on Russell Waldschmidt , as _M of _Kingsbury Properties, LLC	Tanuary 17 , 2023, by
(SEAL) OFFICIAL SEAL SUSAN J GREEN NOTARY PUBLIC, STATE OF ILLINOIS MY COMMISSION EXPIRES AUG. 14, 2023 My Commission Expires AUG. 14, 2023	Notary Public nission Expires: 8-14-23
Return to: City of Washington 301 Walnut St. Washington, IL 61571	

Page 3 of 2

(Rev. 11/11)



All bearings and distances are based on Illinois State Plane Coordinate System, West Zone, NAD '83 (2011 adjustment), GPS derived.

3. No dimensions shall be derived from scale measurement.

PROPOSED PERMANENT EASEMENT DESCRIPTION

A port of The Southwest Outrier of Section 16, Township 26 North, Ronge 3 West of the Third Principal Meridan, Taxwell County, Illinois, on described in Document Number 260,00033550 at the Tozewell County Recorder's Office, more perfucularly described as follows, and bearings refer to the Minois State Plane Coordinate System West Cover.

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LECEND AND ARRESTVATION

STATE OF ILLINOIS COUNTY OF PEORIA

CITY OF WASHINGTON #

401 MAIN STREET SUITE 1506

Peoria, IL 61602

TEL: (309) 999-0123 www.terraengineering.com Professional Design Firm # 184003610-014 This is to certify that I, Daniel J, Driscoll, an Illinois Professional Land Surveyor, have surveyed the property described in the caption above, and that this Professional service conforms to the current Illinois Minimum Standards for a Boundary survey.

Given under my hand and seal in Peoria, Illinois, this 25th day of May, 2022.

Smith Sunt

DANIEL J. DRISCOLL, ILLINOIS LAND SURVEYOR NO. 3347 LICENSE EXPIRATION 11-30-2022 Field work completed January 23, 2022.

NOTE: TERRA ENGINEERING does not guarantee the occuracy of this survey unless it contains an original seal and signature. Project Information PROJECT #: 20-140 DRAWN BY: DJD CHECKED BY: CCC APPROVED BY: EST CLIENT: FREEDOM PARKWAY

KINGSBURY PROPERTIES LLC 7625 N UNIVERSITY SUITE C PEORIA, IL

1 of 1

Owner

Kingsbury Properties, LLC

Address

Freedom Parkway

Washington, IL 61571

Route

FAU 6745 (Freedom Parkway)

County

Tazewell

Job No.

C-94-028-021

Parcel No.

005-TE

P.I.N. No.

02-02-16-400-035

Section

20-00128-00-EG

Project No.

ZNU6(153)

TEMPORARY CONSTRUCTION EASEMENT (Limited Liability Company)

Kingsbury Properties, LLC, a limited liability company organized and existing under and by virtue of the laws of the State of Illinois and duly authorized to do business under the Statutes of the State of Illinois, (Grantor), for and in consideration of Nine Thousand Four Hundred and 00/100 Dollars (\$9,400.00), receipt of which is hereby acknowledged, and pursuant to the authority given by the member(s) of said company, hereby represents that Grantor owns the fee simple title to and grants and conveys to the City of Washington, (Grantee), a temporary construction easement for the purpose of grading and shaping and other roadway purposes, on, over, and through the following described real estate:

Tract One

A part of the Southwest Quarter of Section 16, Township 26 North, Range 3 West of the Third Principal Meridian, Tazewell County, Illinois, more particularly described as follows and bearings refer to the Illinois State Plane Coordinate System West Zone.

Commencing at a found rod at the Northeast Corner of said Southwest Quarter; thence along the East Line of said Southwest Quarter bearing South 00 degrees 43 minutes 32 seconds East, a distance of 729.81 feet to a point on the proposed centerline of Freedom Parkway; thence leaving said East Line and along said Proposed centerline along a curve concave to the Southeast, said curve having a radius of 1000.00 feet, an arc length of 615.72 feet, a chord length of 606.04 feet, and a chord bearing South 62 degrees 25 minutes 04 seconds West; thence leaving said proposed centerline North 45 degrees 13 minutes 30 seconds West, a distance of 40.00 feet to the northerly existing right of way line of Freedom Parkway and the Point of Beginning.

From the Point of Beginning, thence South 44 degrees 46 minutes 42 seconds West along said right of way line, a distance of 258.56 feet; thence leaving said right of way line North 45 degrees 14 minutes 11 seconds West, a distance of 10.00 feet; thence North 44 degrees 46 minutes 42 seconds East, a distance of 258.56 feet; thence South 45 degrees 13 minutes 18 seconds East, a distance of 10.00 feet to the Point of Beginning.

The said Tract One contain 2,585.61 square feet, more or less, or 0.059 acres, more or less.

Tract Two

A part of the Southwest Quarter of Section 16, Township 26 North, Range 3 West of the Third Principal Meridian, Tazewell County, Illinois, more particularly described as follows and bearings refer to the Illinois State Plane Coordinate System West Zone.

Commencing at a found rod at the Northeast Corner of said Southwest Quarter; thence along the East Line of said Southwest Quarter bearing South 00 degrees 43 minutes 32 seconds East, a distance of 729.81 feet to a point on the proposed centerline of Freedom Parkway; thence leaving said East Line and along said Proposed centerline along a curve concave to the Southeast, said curve having a radius of 1000.00 feet, an arc length of 615.72 feet, a chord length of 606.04 feet, and a chord bearing South 62 degrees 25 minutes 04 seconds West; thence leaving said proposed centerline South 45 degrees 13 minutes 06 seconds East, a distance of 40.00 feet to the southerly existing Right-of-Way Line of Freedom Parkway and the Point of Beginning.

From the Point of Beginning; thence leaving said right of way line South 45 degrees 13 minutes 16 seconds East, a distance of 10.00 feet; thence South 44 degrees 46 minutes 43 seconds West, a distance of 295.75 feet to an existing easement as shown in Document Number 201300013313; thence North 34 degrees 21 minutes 35 seconds East along said easement, a distance of 55.30 feet to the southerly existing Right-of-Way Line of Freedom Parkway; thence along said Right-of-Way Line North 44 degrees 46 minutes 43 seconds East, a distance of 241.37 feet to the Point of Beginning.

The said Tract Two contain 2,685.61 square feet, more or less, or 0.062 acres, more or less.

Tract Three

A part of the Southwest and Southeast Quarter of Section 16, Township 26 North, Range 3 West of the Third Principal Meridian, Tazewell County, Illinois, more particularly described as follows and bearings refer to the Illinois State Plane Coordinate System West Zone.

Commencing at a found rod at the Northeast Corner of said Southwest Quarter; thence along the East Line of said Southwest Quarter bearing South 00 degrees 43 minutes 32 seconds East, a distance of 729.81 feet to a point on the proposed centerline of Freedom Parkway; thence leaving said East Line and along said Proposed centerline along a curve concave to the Southeast, said curve having a radius of 1000.00 feet, an arc length of 144.85 feet, a chord length of 144.73 feet, and a chord bearing South 75 degrees 54 minutes 26 seconds West; thence leaving said proposed centerline South

Page 2 of 2 (Rev. 11/11)

18 degrees 14 minutes 58 seconds East, a distance of 40.00 feet to the southerly existing Right-of-Way Line of Freedom Parkway and the Point of Beginning.

From the Point of Beginning; thence along the southerly existing Right-of-Way Line of Freedom Parkway having a curve concave to the Southeast, a radius of 960.00 feet, an arc length of 286.00 feet and a long chord of 284.95 feet bearing North 80 degrees 17 minutes 33 seconds East; thence along said Right-of-Way Line, North 88 degrees 49 minutes 38 seconds East, a distance of 869.80 feet to an existing Permanent Easement as shown on Document Number 201300013312; thence leaving said right of way line and along said Easement South 01 degrees 10 minutes 22 seconds East, a distance of 5.00 feet to the Proposed Temporary Easement; thence leaving said Permanent Easement and along the Proposed Temporary Easement Line South 88 degrees 49 minutes 38 seconds West, a distance of 869.80 feet; thence on a curve concave to the Southeast, a radius of 955.00 feet, an arc length of 284.51 feet and a long chord of 283.46 feet bearing South 80 degrees 17 minutes 33 seconds West; thence North 18 degrees 14 minutes 33 seconds West, a distance of 5.00 feet to the Point of Beginning.

The said Tract Three contain 5,775.29 square feet, more or less, or 0.133 acres, more or less.

Tract Four

A part of the Southeast Quarter of Section 16, Township 26 North, Range 3 West of the Third Principal Meridian, Tazewell County, Illinois, more particularly described as follows and bearings refer to the Illinois State Plane Coordinate System West Zone.

Commencing at a found rod at the Northeast Corner of said Southwest Quarter; thence along the East Line of said Southwest Quarter bearing South 00 degrees 43 minutes 32 seconds East, a distance of 678.11 feet to a point on the Northerly existing Right-of-Way Line of Freedom Parkway; thence along said Right-of-Way Line North 88 degrees 49 minutes 38 seconds East, a distance of 604.15 feet to the Point of Beginning.

From the Point of Beginning; thence leaving said Right-of-Way Line North 01 degrees 10 minutes 22 seconds West, a distance of 5.00 feet; thence North 88 degrees 49 minutes 38 seconds East, a distance of 425.50 feet to an existing Permanent Easement as shown in Document Number 201300013312; thence along said Permanent Easement South 01 degrees 10 minutes 22 seconds East, 5.00 feet to said existing Right-of-Way Line; thence along said Right-of-Way Line South 88 degrees 49 minutes 38 seconds West, 425.50 feet to the Point of Beginning

The said Tract Four contain 2,127.50 square feet, more or less, or 0.049 acres, more or less.

Tract 5

A part of the Southeast Quarter of Section 16, Township 26 North, Range 3 West of the Third Principal Meridian, Tazewell County, Illinois, more particularly described as follows and bearings refer to the Illinois State Plane Coordinate System West Zone.

Commencing at the Northeast Corner of the West Half of the Southeast Quarter of Section 16; thence along the East Line of the West Half of said Section 16, South 00 degrees 43 minutes 32 seconds East a distance of 677.48 feet to the Northerly Existing Right-of-Way Line of Freedom Parkway; thence along said Right-of-Way South 88 degrees 49 minutes 38 seconds West, a distance of 144.10 feet to the westerly line of an existing Permanent Easement as shown in Document Number 201300013312 and the Point of Beginning.

From the Point of Beginning; thence along said Right-of-Way Line; thence South 88 degrees 49 minutes 38 seconds West, a distance of 120.85 feet to the easterly line of a Permanent Easement as shown in said Document; thence along said Easement Line North 01 degrees 10 minutes 22 seconds West, a distance of 5.00 feet to a Proposed Temporary Easement Line; thence leaving said Permanent Easement Line and along said Temporary Easement Line North 88 degrees 49 minutes 38 seconds East a distance of 118.83 feet to the westerly line of a Permanent Easement as shown in said Document; thence along said Easement Line South 23 degrees 11 minutes 42 seconds East a distance of 5.39 feet to the Point of Beginning.

The said Tract Five contain 599.19 square feet, more or less, or 0.014 acres, more or less.

Tract 6

A part of the Southeast Quarter of Section 16, Township 26 North, Range 3 West of the Third Principal Meridian, Tazewell County, Illinois, more particularly described as follows and bearings refer to the Illinois State Plane Coordinate System West Zone.

Commencing at the Northeast Corner of the West Half of the Southeast Quarter of Section 16; thence along the East Line of the West Half of said Section 16, South 00 degrees 43 minutes 32 seconds East, a distance of 672.48 feet to the Northerly Proposed Temporary Easement Line and the Point of Beginning.

From the Point of Beginning; thence along said East Line South 00 degrees 43 minutes 32 seconds East, a distance of 5.00 feet to the Northerly Existing Right-of-Way Line of Freedom Parkway; thence along said Right-of-Way Line South 88 degrees 49 minutes 38 seconds West a distance of 122.53 feet to the easterly Line of an existing Permanent Easement as shown in Document Number 201300013312; thence along said Easement Line North 23 degrees 11 minutes 42 seconds West, a distance of 5.39 feet to the Proposed Temporary Easement Line; thence leaving said Temporary Easement Line North 88 degrees 49 minutes 38 seconds East, a distance of 124.59 feet to the Point of Beginning

The said Tract Six contain 617.80 square feet, more or less, or 0.014 acres, more or less.

Tract 7

A part of the Southeast Quarter of Section 16, Township 26 North, Range 3 West of the Third Principal Meridian, Tazewell County, Illinois, more particularly described as follows and bearings refer to the Illinois State Plane Coordinate System West Zone.

Commencing at the Northeast Corner of the West Half of the Southeast Quarter of Section 16; thence along the East Line of the West Half of said Section 16, South 00 degrees 43 minutes 32 seconds East, a distance of 757.49 feet to the Southerly existing Right-of-Way Line of Freedom Parkway; thence along said Right-of-Way Line South 88 degrees 49 minutes 38 seconds West a distance of 142.11 feet to the westerly line of an existing Permanent Easement Line as shown in Document Number 201313312 and the Point of Beginning.

From the Point of Beginning; thence along said Easement Line South 01 degrees 10 minutes 22 seconds East a distance of 5.00 feet to a proposed Temporary Easement Line; thence along said Easement Line South 88 degrees 49 minutes 38 seconds West, 130.00 feet to the easterly line of a proposed Permanent Easement Line as shown in said Document; thence along said Easement Line North 01 degrees 10 minutes 22 seconds West 5.00 feet to the northerly existing Right-of-Way Line; thence along said Right-of-Way Line North 88 degrees 49 minutes 38 seconds East a distance of 130.00 feet to the Point of Beginning.

The said Tract Seven contain 650.00 square feet, more or less, or 0.015 acres, more or less.

Tract 8

A part of the Southeast Quarter of Section 16, Township 26 North, Range 3 West of the Third Principal Meridian, Tazewell County, Illinois, more particularly described as follows and bearings refer to the Illinois State Plane Coordinate System West Zone.

Commencing at the Northeast Corner of the West Half of the Southeast Quarter of Section 16; thence along the East Line of the West Half of said Section 16, South 00 degrees 43 minutes 32 seconds East, a distance of 757.49 feet to the Southerly existing Right-of-Way Line of Freedom Parkway and the Point of Beginning.

From the point of Beginning; thence on said East Line South 00 degrees 43 minutes 32 seconds East a distance of 5.00 feet; thence leaving said East Line and along a proposed Temporary Easement Line South 88 degrees 49 minutes 38 seconds West a distance of 122.07 feet to the easterly line of an existing Permanent Easement Line as shown in Document 201300013312; thence along said Easement Line North 01 degrees 10 minutes 22 seconds West a distance of 5.00 feet to the southerly existing Right-of-Way Line of Freedom Parkway; thence along said Right-of-Way Line North 88 degrees 49 minutes 38 seconds East a distance of 122.11 feet and the Point of Beginning.

The said Tract Eight contain 610.45 square feet, more or less, or 0.014 acres, more or less.

The said Tracts One through Eight contain a total of 15,650.45 square feet, more or less, or 0.360 acres, more or less, and subject to any Rights-of-Way and Easements of record

situated in the County of Tazewell, State of Illinois. The above-described real estate and improvements located thereon are herein referred to as the "premises."

The right, easement and privilege granted herein shall terminate three years from the execution of this document, or on the completion of the proposed project, whichever is the sooner.

Grantor shall have and retain all rights to use and occupy the premises and access to Grantor's remaining property, except as herein expressly granted; provided, however, that Grantor's use and occupation of the premises may not interfere with Grantee's use of the premises for the purposes herein described.

Grantor, without limiting the interest above granted and conveyed, acknowledges that upon payment of the agreed consideration, all claims arising out of the above acquisition have been settled, including without limitation, any diminution in value to any remaining property of the Grantor caused by the opening, improving and using the premises for roadway purposes. This acknowledgment does not waive any claim for trespass or negligence against the Grantee or Grantee's agents which may cause damage to the Grantor's remaining property.

This grant shall constitute a covenant, which runs with the land, and shall be binding upon the legal representative, successors and assigns of Grantor.

Dated this 17th day of Asvu	, 2023.
	Kingsburg
	Kinsbury Properties, LLC
	Company Name
	By Musell Wind
	Signature
	Russell Waldschmidt, Member
	Print Name and Title
State of Illinois)	
County of Peon A)	
This instrument was acknowledged before me on	
Russell Waldschmidt	, as Member
of Kinsbury Properties, LLC	,
Tunobary Froporties, EEG	· ·
(SEAL) OFFICIAL SEAL SUSAN J GREEN	Susan J. Green
NOTARY PUBLIC, STATE OF ILLINOIS	Notary Public
MY COMMISSION EXPIRES AUG. 14, 2023	My Commission Expires: 8-14-23
Return to:	
City of Washington 301 Walnut St.	
JUT WAITIUL St.	

Page 7 of 2

Washington, IL 61571