

Beth Ball

From: Christopher Setti
Sent: Tuesday, September 02, 2014 3:31 PM
To: Beth Ball
Subject: Item 14-327

Beth,

Item 14-327 was an Agreement between the City, WTVP and Pat Sullivan that would bind each party to file quit claim deeds by August 15, 2014. While the City was amendable to this, immediately after approval, WTVP declined to sign. Subsequently, we were able to convince WTVP to execute the quit claim deed as outlined in the Agreement, but it happened after August 15.

Since WTVP declined to sign the Agreement at the time, but the reason for the Agreement was ultimately accomplished, there is no reason to pursue signatures. Please print this email and include it with your files on this matter. I can provide copies of the quit claim deeds if that would be helpful.

Chris

Christopher Setti
Assistant City Manager
City of Peoria
419 Fulton, Suite 207
Peoria, IL 61606
w: (309) 494-8618
c: (309) 472-6291

AGREEMENT

This AGREEMENT ("Agreement") between THE CITY OF PEORIA ("City"), ILLINOIS VALLEY PUBLIC TELECOMMUNICATIONS CORPORATION ("WTVP"), and THE ROSZELL-SEALTEST BUILDING CONDOMINIUM ASSOCIATION ("Roszell-Sealtest"), as successor in interest to JP RIVERFRONT DEVELOPMENT COMPANIES, INC. ("JP Companies") is entered into this ____day of _____, 2014.

RECITALS

WHEREAS, under Ordinance No. 15,051, dated December 5, 2001, the City of Peoria intended to vacate Commercial Street between State Street and Oak Street; and,

WHEREAS, that vacation intended to dedicate the 48' (forty-eight foot) width of right-of-way equally (twenty-four feet each) to the adjoining property owners, WTVP and JP Companies; and,

WHEREAS, JP Companies and WTVP entered into a Reciprocal Easement Agreement in January of 2001, recorded as Document 01-00537 in the Peoria County Recorder's Office that referenced the equal split of said property; and,

WHEREAS, that Reciprocal Easement Agreement established the maintenance rights and responsibilities of JP Companies and WTVP (and their sucesors in interests) based upon the equal ownership of said property and the burden of each party's use of said property; and,

WHEREAS, J.P. Riverfront's interest in the vacated property (and the adjoining property lying to the northwest of said property) was converted to condominium status through the filing of a plat and declaration in the Peoria County Recorder's Office in November of 2010 as Document 2010-029718 and Document 2010-029719, and the successor in interest to J.P Riverfront is therefore Roszell-Sealtest; and

WHEREAS, all parties have discovered technical issues with the original vacation of the property; and,

WHEREAS, all parties wish to formalize the original vacation; and,

NOW THEREFORE, in consideration of the premises and mutual obligations of the parties hereto, each of them does hereby covenant and agree as follows:

- 1.1 City of Peoria Quit Claim. On or before August 15, 2014, City of Peoria shall record quit claim deeds for (i) the southeasterly most 24' (twenty-four feet) of Commercial Street between State Street and Oak Street to grantee WTVP, and (ii) for the northwesterly most 24' (twenty-four feet) of Commercial Street between State Street and Oak Street to grantee Roszell-Sealtest.
- 1.2 Roszell-Sealtest Quit Claim. Roszell-Sealtest shall record a quit claim deed for the southeasterly most 24' (twenty-four feet) of Commercial Street between State Street and Oak Street to grantee WTVP, on or before August 15, 2014.
- 1.3 WTVP Quit Claim. WTVP shall record a quit claim deed for the northwesterly most 24' (twenty-four feet) of Commercial Street between State Street and Oak Street to grantee Roszell-Sealtest, on or before August 15, 2014.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date first above written.

CITY OF PEORIA

By: *Pat Uhl*
Its City Manager

Attest: *Ben Baer*
Its City Clerk

ACCEPTED AS TO FORM:

Donald P. Leist
Its City Attorney

THE ROSZELL-SEALTEST BUILDING CONDOMINIUM ASSOCIATION, as successor in interest to JP RIVERFRONT DEVELOPMENT COMPANIES, INC.

By: _____
Its: _____

By: _____
Its: _____

ILLINOIS VALLEY PUBLIC TELECOMMUNICATIONS CORPORATION

By: _____
Its: _____

By: _____
Its: _____

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WHEREAS, J.P. Riverfront's interest in the vacated property (and the adjoining property lying to the northwest of said property) was converted to condominium status through the filing of a plat and declaration in the Peoria County Recorder's Office in November of 2010 as Document 2010-029718 and Document 2010-029719, and the successor in interest to J.P. Riverfront is therefore Roszell-Sealtest; and

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IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date first above written.

CITY OF PEORIA

By: *Pat H. [Signature]*
Its City Manager

Attest: *Beth Ball [Signature]*
Its City Clerk

ACCEPTED AS TO FORM:

Donald P. Leist [Signature]
Its City Attorney

THE ROSZELL-SEALTEST BUILDING CONDOMINIUM ASSOCIATION, as successor in interest to JP RIVERFRONT DEVELOPMENT COMPANIES, INC.

By: _____
Its: _____

By: _____
Its: _____

ILLINOIS VALLEY PUBLIC TELECOMMUNICATIONS CORPORATION

By: _____
Its: _____

By: _____
Its: _____

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- 1.2 **Roszell-Sealtest Quit Claim.** Roszell-Sealtest shall record a quit claim deed for the southeasterly most 24' (twenty-four feet) of Commercial Street between State Street and Oak Street to grantee WTVP, on or before August 15, 2014.
- 1.3 **WTVP Quit Claim.** WTVP shall record a quit claim deed for the northwesterly most 24' (twenty-four feet) of Commercial Street between State Street and Oak Street to grantee Roszell-Sealtest, on or before August 15, 2014.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date first above written.

CITY OF PEORIA

By: *Pat Uls*
Its City Manager

Attest: *Beth Ball*
Its City Clerk

ACCEPTED AS TO FORM:

Donald P. Leist
Its City Attorney

THE ROSZELL-SEALTEST BUILDING CONDOMINIUM ASSOCIATION, as successor in interest to JP RIVERFRONT DEVELOPMENT COMPANIES, INC.

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ILLINOIS VALLEY PUBLIC TELECOMMUNICATIONS CORPORATION

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