

This instrument was prepared by and after recording should be returned to:

Matthew C. Brett  
Applegate & Thorne-  
Thomsen  
440 S. LaSalle Street  
Suite 400  
Chicago, IL 60605

### **RELEASE OF PUBLIC UTILITY EASEMENT**

This **RELEASE OF PUBLIC UTILITY EASEMENT** (this “Release”), dated as of \_\_\_\_\_, 2017, is made by the **CITY OF PEORIA**, a municipal corporation, in the County of Peoria and State of Illinois (“**Releaser**”).

#### **RECITALS**

WHEREAS, the CITY OF PEORIA, STATE OF ILLINOIS (the “City”), did by Ordinance No. 16,028 dated November 21, 2006, and recorded in the office of the Recorder of Deeds of Peoria County on December 11, 2006 as Document No. 06-39913 (the “Vacation Ordinance”), provide for the vacation of rights of way over certain real property as described within the Vacation Ordinance (the “Vacated Rights of Way”), with the reservation unto itself for an existing sewers and unto all public utility companies then operating in, upon, over and under said Vacated Rights of Way, all rights and privileges theretofore granted by City ordinances, including but not limited to, rights under franchises and agreements, which said rights and privileges were to continue in full force and effect the same as if the Vacation Ordinance otherwise vacating said Vacated Rights of Way had not been adopted and passed, and such rights and privileges with respect to said public utility companies were to remain in effect until, and to terminate upon, the abandonment or release of such use or the relocation of such use outside the Vacated Rights of Way; and

WHEREAS, certain real property upon which the majority of the Vacated Rights of Way are located is legally described and graphically depicted upon Exhibit A hereof (the “Subject Property”);

WHEREAS, at the time of the execution and recording of the Vacation Ordinance, Releaser was operating in, upon, over or under said Vacated Rights of Way on the Subject Property as graphically depicted upon Exhibit B hereof (the “Excepted Sanitary Sewer Tract”) and retained it rights in the Excepted Sanitary Sewer Tract pursuant to that certain Partial Release of Public Utility Easement dated as of January 15, 2015 and recorded in the office of the Recorder of

Deeds of Peoria County on January 15, 2015 as Document No. 2015000795 (“Partial Release”);  
and

WHEREAS, subsequent to the recording of the Partial Release, Releaser has since abandoned any such operation in, upon, over or under said Excepted Sanitary Sewer Tract on the Subject Property;

NOW, THEREFORE, for and in consideration of the sum of One and No/100 Dollars (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Releaser agrees as follows:

**Releaser hereby releases all right, title and interest which it may have in and to the Excepted Sanitary Sewer Tract on the Subject Property.**

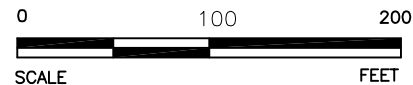
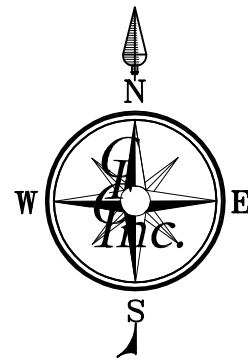
It is expressly understood that all other easement rights of record of Releaser (if any) as located upon the Subject Property shall continue in full force and effect.

[Signature Page Follows]





# EXHIBIT "A"



Scale: 1"=100'

**PARCEL 1 (TRACT "A"):**

A PART OF LOTS 7, 8, 9, 10 AND 11, BLOCK 89, ALL IN AIKEN, MONSON AND SANFORD'S ADDITION TO THE TOWN OF PEORIA, PEORIA COUNTY, ILLINOIS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 1 OF SOUTHTOWN EXTENSION 3, AS SHOWN IN PLAT BOOK 11, PAGE 50, IN THE PEORIA COUNTY RECORDER'S OFFICE; THENCE SOUTH 00°-05'-34" WEST, ALONG THE WEST LINE OF SAID LOT 1, A DISTANCE OF 137.94 FEET; THENCE NORTH 89°-58'-27" WEST, ALONG THE NORTH LINE OF SAID LOT 1, A DISTANCE OF 228.03 FEET, TO A POINT ON THE EAST RIGHT OF WAY LINE OF RICHARD PRYOR PLACE; THENCE NORTH 00°-06'-07" WEST, ALONG THE SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 138.03 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF R.B. GARRETT AVENUE, SAID POINT BEING 12.00 FEET SOUTH OF THE NORTHWEST CORNER SAID LOT 7; THENCE SOUTH 89°-57'-11" EAST, ALONG THE SOUTH RIGHT OF WAY LINE OF R.B. GARRETT AVENUE, A DISTANCE OF 228.50 FEET, TO THE POINT OF BEGINNING.

PERPETUAL, NON-EXCLUSIVE EASEMENT FOR VEHICULAR AND PEDESTRIAN INGRESS AND EGRESS APPURTENANT TO PARCEL 2 CREATED BY DECLARATION OF EASEMENTS, COVENANTS AND RESTRICTIONS RECORDED IN THE RECORDER'S OFFICE OF PEORIA COUNTY, ILLINOIS, ON FEBRUARY 3, 2015, AS DOCUMENT NUMBER 2015001878, OVER THE FOLLOWING DESCRIBED PREMISES:

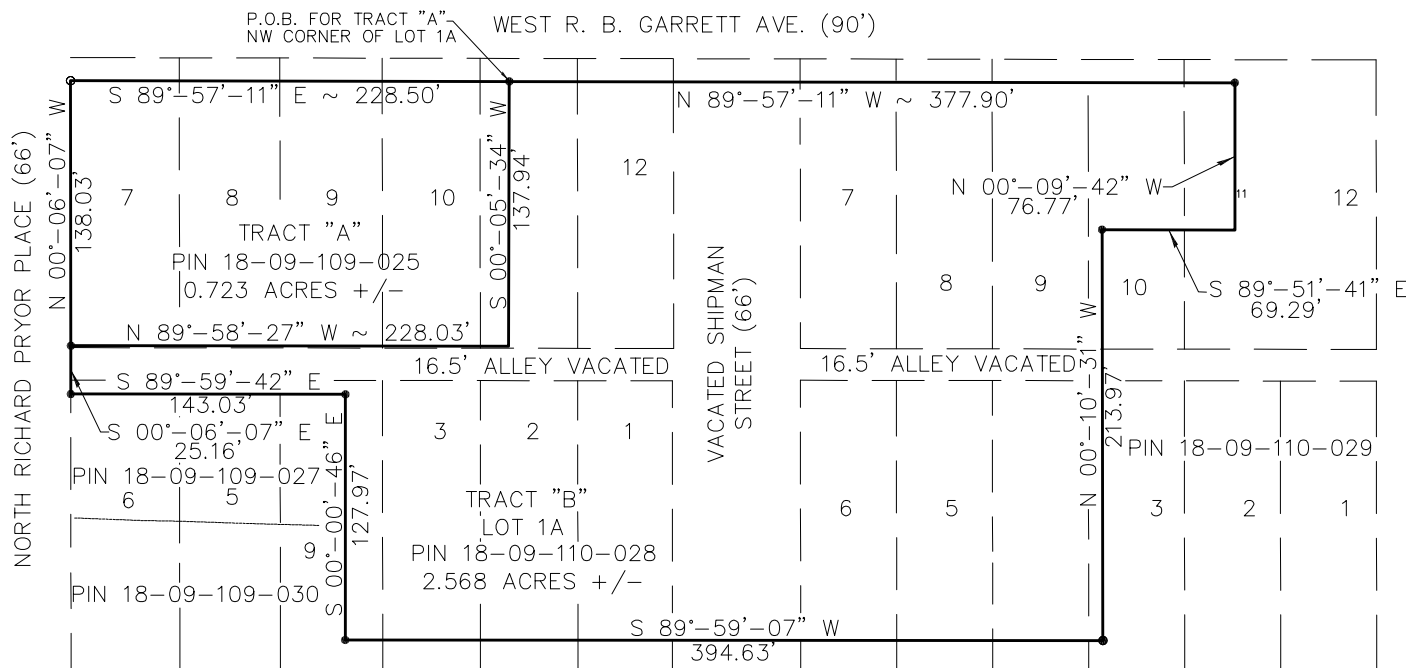
**LOT 1A EASEMENT AREA**

BEING A PART OF LOT 1B IN THE FINAL PLAT OF SOUTHTOWN MEDICAL SUBDIVISION, AS SHOWN IN PLAT BOOK 13, PAGE 53, IN THE PEORIA COUNTY RECORDER'S OFFICE MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 1B; THENCE SOUTH 00°-09'-42" EAST, A DISTANCE OF 76.77 FEET; THENCE NORTH 89°-51'-41" WEST, A DISTANCE OF 69.29 FEET; THENCE SOUTH 00°-10'-31" EAST, A DISTANCE OF 214.10 FEET; THENCE SOUTH 89°-59'-46" EAST, A DISTANCE OF 12.23 FEET; THENCE NORTH 00°-10'-31" WEST, A DISTANCE OF 201.39 FEET; THENCE SOUTH 89°-51'-41" EAST, A DISTANCE OF 73.60 FEET; THENCE NORTH 00°-09'-42" WEST, A DISTANCE OF 89.48 FEET; THENCE NORTH 89°-57'-11" WEST ALONG THE NORTH LINE OF SAID LOT 1B, A DISTANCE OF 16.55 FEET TO THE POINT OF BEGINNING.

**PARCEL 2 (TRACT "B"):**

LOT 1A OF SOUTHTOWN MEDICAL SUBDIVISION, A RESUBDIVISION OF LOT 1 OF SOUTHTOWN EXTENSION 3, BEING A RESUBDIVISION OF PART OF BLOCKS 72, 73, 80, AND 89 IN "AIKEN, MONSON AND SANFORD ADDITION TO THE TOWN OF PEORIA," A SUBDIVISION OF PART OF THE NORTHWEST QUARTER OF SECTION 9, TOWNSHIP-8-NORTH, RANGE-8-EAST OF THE FOURTH PRINCIPAL MERIDIAN, IN PEORIA COUNTY, ILLINOIS, AS SHOWN IN PLAT BOOK 13, PAGE 53, AS DOCUMENT NUMBER 2014-025866, RECORDED DECEMBER 10, 2014, AS REVISED BY AFFIDAVIT RECORDED JANUARY 8, 2015 AS DOCUMENT NUMBER 2015000408, IN THE PEORIA COUNTY RECORDER'S OFFICE, PEORIA COUNTY, ILLINOIS.



416 Old Germantown Hills, IL 61548  
Tel. 309-383-3156 Fax. 1-877-222-8716  
Professional Design Firm License # 184.004000

Sheet Info:

**EXHIBIT "A"**

## SURVEY PEORIA, ILLINOIS

Remarks:

Drawn By:

**JMY**

Approved By:

**DLH**

Date:

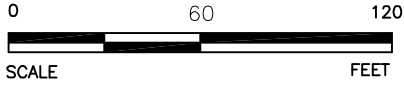
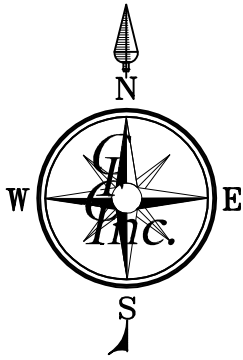
**1/6/17**

Project No.:

**473-006**

**Exhibit B**  
**Graphic Depiction of Easement Area to Be Vacated**

# EXHIBIT "B"



Scale: 1"=60'

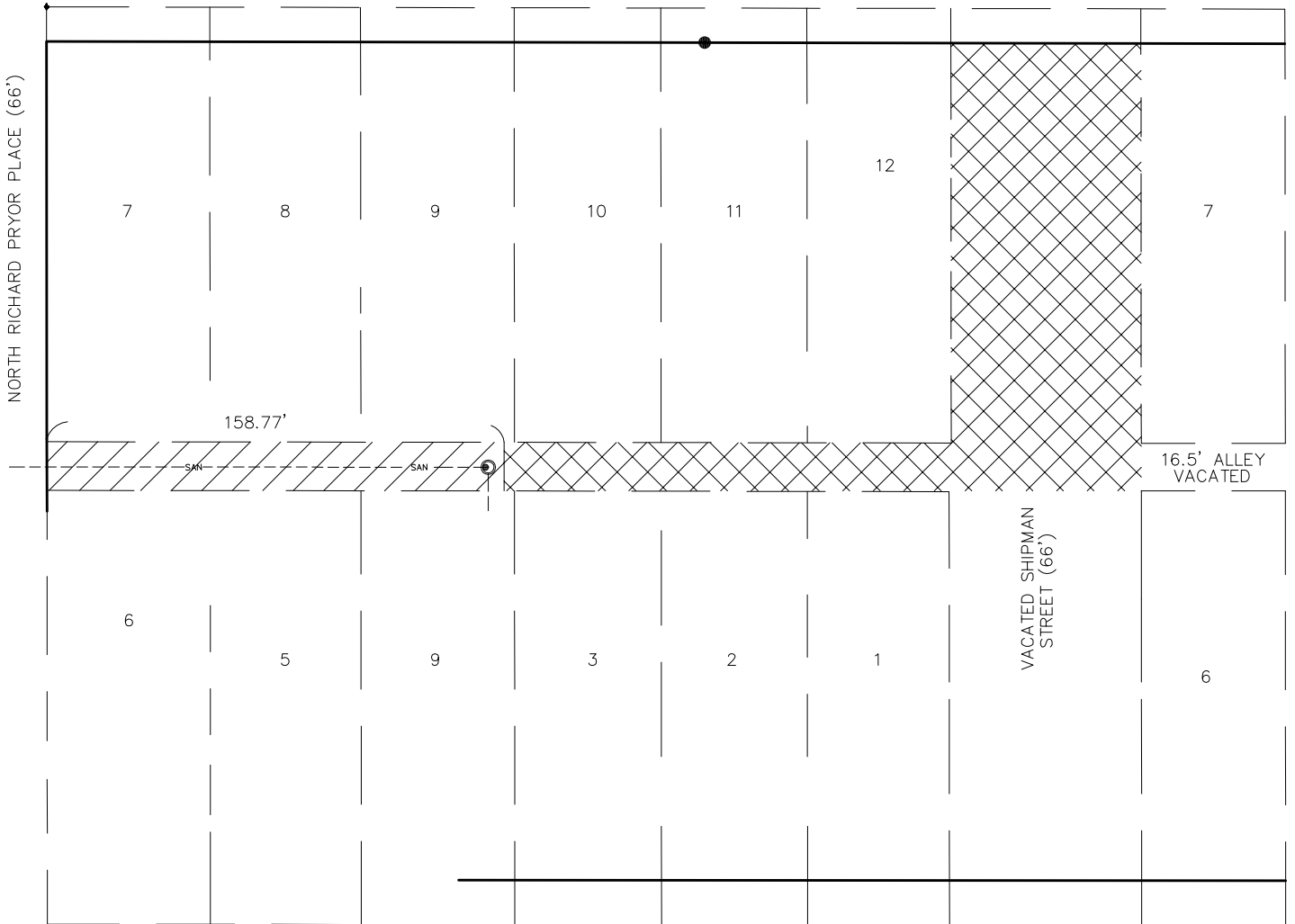
WEST R. B. GARRETT AVE. (90')



EASEMENT TO BE VACATED



EASEMENT TO REMAIN



Central Illinois Consulting, Inc.  
Land Surveyors  
416 Old Germantown Hills, IL 61548  
Tel. 309-383-3156 Fax. 1-877-222-8716  
Professional Design Firm License # 184.004000

Sheet Info:

EXHIBIT "B"

## EASEMENTS PEORIA, ILLINOIS

Remarks:

Drawn By:

JMY

Approved By:

DLH

Date:

1/6/2017

Project No.:

473-006