

Memorandum Public Works Department



To: City Manager
Subject: Permanent Sanitary Sewer Easement on Parcels 07-36102-001 & 07-36-101-001, Rock Island
Date: September 30, 2022
Number: 2022-167

The US Army Corps of Engineers (USACE) recently completed relocating the sanitary sewer that was hanging on the Rock Island Viaduct Bridge to under the Slough. The sewer then connects to our sanitary sewer system approximately 200 feet to the east of its original location (see attached location diagram). This project was necessary because the old sewer was in poor condition and posed a threat to leak directly into the river. The City's Public Works Department has been in discussion with the USACE for some time in order for them to purchase a permanent easement for locating this sewer across City property. USACE has agreed to pay the City \$3,000 for this easement.

Rock Island has and continues to accept and treat sewage from the Rock Island Arsenal which this sewer serves.

Following documents are attached for consideration:

- USACE Payment and Closing Sheet
- Improvement Certificate
- Warranty Deed of Easement
- Subordination of Possible Reverter
- Exhibit A (Easement Description and Plat)
- Location Diagram.

Recommendation

It is recommended that the City Council accepts the USACE's acquisition of permanent easement on Rock Island Parcels 07-36102-001 & 07-36-101-001 for \$3000.00 and authorize the City Manager to execute the necessary documents as listed above.

Submitted by: Michael T. Bartels, Public Works Director
Michael J. Kane, PE, City Engineer

Approved by: Todd Thompson, City Manager



DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, LOUISVILLE
CORPS OF ENGINEERS
P.O. BOX 59
LOUISVILLE, KENTUCKY 40201-0059

REPLY TO
ATTENTION OF:

September 1, 2020

Real Estate

SUBJECT: 0.160 acres (6,967 square feet), Sewer Line Easement (Perpetual)

City of Rock Island
1309 Mill Street
Rock Island, Illinois 61201

Dear Mr. Tweet:

U.S. Army Garrison, Rock Island Arsenal, received authorization to acquire an easement and construction right of way for the installation of a new sanitary sewer force main underground by Public Law 91-646. We have identified a portion of your property, 0.160 acres, which is suitable for the installation of the sanitary sewer force main underground below the Sylvan Slough located on the southern side of the Slough and northern right of way of the rail road. Therefore, the United States Government wishes to purchase easements over two (2) tracts of land, known as Parcel numbers 0736102001 and 0736101001, located within a levee easement that is owned by the Corps of Engineers with the servient estate being owned by the City of Rock Island, County of Rock Island, State of Illinois. A copy of the legal description and map of the property are enclosed for your records.

In compliance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Public Law 91-646, we are advising you that the amount established as just compensation for the required easement acquisition over Parcels 0736102001 and 0736101001 is **\$3,000.00**. This amount is based upon, and is not less than, our approved appraisal of the fair market value. Fair market value is defined as the price the property would bring in a sale between a willing seller and a willing buyer, neither being obligated to act.

Our Informal Value Estimate (IVE) was made by a qualified real estate appraiser using standard, nationally accepted valuation techniques, recognized by authorities in the appraisal field, and takes into consideration the value of the land, its location, and its highest and best use, as well as any improvements on the land. Further, the amount does not reflect any consideration of, or allowance for, any relocation assistance payments under Public Law 91-646 to which you may be entitled.

The basic approaches to value, which may be considered by the appraiser, can be classified as market data, income, and cost. Primary reliance for the valuation of the property

SUBJECT: 1.60 acres known as Parcel numbers 0736102001 and 0736101001

was placed on the market data approach; this approach includes the price at which similar properties and neighboring land have recently been sold. The appraisal has been reviewed by a senior review appraiser with many years of experience in evaluating real estate. The review disclosed that the reasoning processes applied by the appraiser provided a sound basis for establishing the amount believed to be just compensation over the affected property.

The Government proposes to purchase these tracts of land for the amount stated above. It is the policy of the Corps of Engineers to advise property owners as early as possible as to when acquisition of property or property rights are required by the Government. Please be advised that the Government will require possession on or about September 30 2020, for project purposes.

If agreeable to the proposal, please sign and date two (2) copies of the Offer to Sell Easement and complete the Certificate of Authority and Taxpayer Identification Form, as indicated. Place the signed documents in the enclosed prepaid return envelope and mail to this office. After receipt of all signed documents, we will execute the contract on behalf of the Government and return a completed copy to you. The Government will honor this agreement for fifteen (15) days from the date of this letter.


Please contact the U.S. Army Corps of Engineers representative, Mr. George Triggs at (502) 315-7014 or george.s.triggs@usace.army.mil, to answer any questions you may have.

Sincerely,

PRESTON.JACK Digitally signed by
PRESTON.JACKIE.L.123032117
IE.L.1230321171 1
Date: 2020.09.01 11:52:22 -04'00'

Enclosures

Jackie L. Preston
Chief, Military Branch

U.S. ARMY - CORPS OF ENGINEERS PAYMENT AND CLOSING SHEET And RECEIPT FOR UNITED STATES TREASURER'S CHECK		PROJECT Rock Island Arsenal Sanitary Sewer Force Main No. 2016-6699 Easement	
STATE Illinois		TRACT Portion of Parcels 07-36-102-001 and 07-36-101-001	
COUNTY Rock Island		ACREAGE 0.160 acre (6,967 square feet)	
VENDORS'S NAME City of Rock Island, Illinois		VENDOR'S NEW ADDRESS 1528 Third Avenue, Rock Island, IL 61201	
ITEM	ACTIO N TAKEN	PAYMENTS BY VENDOR	PAYMENTS FROM TREAS. CHECK
CURATIVE MATERIAL OBTAINED	X		
APPROVED BY TITLE CO. (C/T) OR S.A. (ABST.)	X		
NOTARY FEES (Vendor's expense)			
RECORDING FEES (Vendor's expense)			
PHYSICAL INSPECTION OF PROPERTY	X		
DISCLAIMERS-ENG FORM 1290			
REPORT ON VACATION OF PROPERTY-ENG FORM 1567			
CERTIFICATE OF CROP INSPECTION - ENG FORM 244			
REFUND FOR CROPS HARVESTED BY VENDOR			
FEE FOR ISSUING CASHIER'S CHECK OR MONEY ORDER			
CERTIFICATE OF INSPECTION AND POSSESSION - ENG FORM 798	X		
DEED TO UNITED STATES	X		
NOTARY FEE (Vendor's expense)			
FEDERAL REVENUE STAMPS (Vendor's expense)			
STATE REVENUE STAMPS (Vendor's expense)			
RECORDING FEE (Vendors or United States expense - see option)	X		
SEARCH OF RECORDS SINCE LAST CONTINUATION	X		
MORTGAGES, JUDGEMENTS, LOANS AND OTHER LIENS			
1. PAYMENT TO ; PRINCIPAL			
INTEREST FROM TO			
2. PAYMENT TO ; PRINCIPAL			
INTEREST FROM TO			
RELEASE FEES (Vendor's expense)			
TAXES: DELINQUENT FROM 19 TO 19			
CURRENT - 19			
WITHHELD OR ADVANCE BY VENDOR FOR TAXES WHICH ARE A LIEN BUT NOT PAYABLE		waiver	
FEE FOR ISSUING CASHIER'S CHECK OR MONEY ORDER			
TOTAL PAYMENTS			
OPTION PRICE (Includes severance damage in the amount of \$)			3,000.00
TOTAL PAYMENTS FROM TREASURER'S CHECK (Are all requirements of the Attorney General's opinion satisfied?)			0.00
BALANCE DUE VENDOR			3,000.00
The above is a complete, true and correct account of funds received and disbursed by me and a report of the action taken conducting payment and closing of this transaction.			
DATE	TYPED NAME OF CLOSING AGENT Matthew N. George	SIGNATURE OF CLOSING AGENT	
I/We have examined the above closing statement and find it correct and hereby approve the disbursements shown therein. I/We hereby further acknowledge receipt this day of Treasury Check of the United States listed next below, payable to the undersigned.			
DATE OF CHECK 08 September 2022	CHECK NUMBER 8735-00955495	AMOUNT FOR WHICH CHECK IS DRAWN \$3,000.00	DATE PAYEE(S) RECEIVED CHECK Closed by Mail
TYPED NAME OF PAYEE City of Rock Island		SIGNATURE OF PAYEE X  Todd Thompson, City Manager	

Eng Form 1566 (ER 405-1-12)
1 Jun 63

IMPROVEMENT CERTIFICATE

ROCK ISLAND ARSENAL SANITARY SEWER FORCE MAIN NO. 2016-6699
PARCEL NOS. 0736102001 AND 0736101001

The undersigned hereby certify that as of the date of closing,


1. No work or labor has been performed or any materials furnished in connection with the making of any repairs or improvements on said land within the past 3 months that would entitle any person to a lien upon said premises for work or labor performed or materials furnished,

2. There are no persons or entities (corporations, partnerships, etc.) which have, or which may have, any rights of possession or other interest in said premises adverse to the rights of the above-named owner(s) or the United States of America.

3. There are no vested or accrued water rights for mining, agricultural, manufacturing, or other purpose; nor any ditches or canals constructed by or being used thereon under authority of the United States, nor any exploration or operations whatever for the development of coal, oil, gas or other minerals on said lands; and there are no possessory rights now in existence owned or being actively exercised by any third party under any reservation contained in any patent or patents heretofore issued by the United States for said land.

4. There are no outstanding rights whatsoever in any person or entity (corporation, partnership, etc.) to the possession of said premises, nor any outstanding right, title, interest, lien, or estate, existing or being asserted in or to said premises except such as are disclosed and evidenced by the public records, as revealed by the government's title evidence.

6. Said premises are now wholly unoccupied and vacant except for the above owners.



City of Rock Island, Illinois
Todd Thompson, City Manager

9-29-22

Date

Return To:

U.S. Army Corps of Engineers
Louisville District
c/o Office of Counsel
P.O. Box 59
Louisville, KY 40201-0059

WARRANTY DEED OF EASEMENT

THIS WARRANTY DEED OF EASEMENT, made and entered into this 29 day of September, 2022, by and between CITY OF ROCK ISLAND, ILLINOIS, a body politic and municipal corporation created and existing under and by virtue of the laws of the State of Illinois, hereinafter "GRANTOR", party of the first part, whose official address is 1528 Third Avenue, Rock Island, Illinois 61201, and the UNITED STATES OF AMERICA, and its assigns, party of the second part, hereinafter "GRANTEE", C/O Commander and District Engineer, United States Army Corps of Engineers, Louisville District, ATTN: CELRL-RE-M, P.O. Box 59 Louisville, Kentucky 40201-0059.

WITNESSETH:

That said GRANTOR, for and in consideration of THREE THOUSAND DOLLARS (\$3,000.00), the receipt and sufficiency of which are hereby acknowledged, hereby GRANTS, BARGAINS, SELLS, CONVEYS and WARRANTS unto the GRANTEE, and its successors and assigns, a perpetual and assignable easement and right-of-way in, on, over and across the land described in Exhibit A for the location, construction, operation, maintenance, alteration, repair, and patrol of an underground sanitary sewer pipeline; together with the right to trim, cut, fell, and remove therefrom all trees, underbrush, obstructions, and other vegetation, structures, or obstacles within the limits of the right-of-way; reserving, however, to the landowners, their heirs and assigns, all such rights and privileges as may be used without interfering with or abridging the rights and easement hereby acquired; subject, however, to existing easements for public roads and highways, public utilities, railroads, and pipelines.

Together, with all the right, title, and interest which the GRANTOR may have in the banks, beds, and waters of any streams bordering the said land and in any alleys, roads, streets, ways, strips, gores, or railroad rights of way abutting or adjoining the said land and in any means of ingress and egress appurtenant thereto.

To have and to hold the same, to the extent of the easements and rights-of-way herein conveyed, together with all improvements and appurtenances belonging thereto, if any, to the GRANTEE and GRANTEE'S successors and assigns forever.

GRANTOR, for GRANTOR and GRANTOR'S successors and assigns, covenants with GRANTEE and GRANTEE'S successors and assigns, that:

1. GRANTOR is lawfully seized of the above property in fee simple determinable subject to the possibility of reverter in favor of Quad City Conservation Alliance, an Illinois not for profit company, and has good right to convey the same;

2. The above property is free from all encumbrances, except as set forth above;

3. GRANTEE shall quietly and peaceably enjoy the above property; and

4. GRANTOR will forever warrant and defend the title to the above property against the lawful claims and demands of all persons.

GRANTOR further covenants that GRANTOR will pay all taxes and assessments for the above property when due and payable.

And for the same consideration the GRANTOR hereby REMISES, RELEASES, QUITCLAIMS and CONVEYS unto the GRANTEE and its successors and assigns,

The acquiring federal agency is the Department of the Army, Corps of Engineers, Louisville District, Post Office Box 59, Louisville, Kentucky 40201-0059.

The undersigned person executing this deed on behalf of the GRANTOR represents and certifies that they have been fully empowered, that the GRANTOR has full capacity to convey the real estate described herein, and that all necessary action for the making of such conveyance has been taken and done.

TO HAVE AND TO HOLD unto the GRANTEE and its successors and assigns forever.

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IN WITNESS WHEREOF, the GRANTOR, City of Rock Island, Illinois, has caused these presents to be executed in its name by Todd Thompson, acting as City Manager, who has hereunto set their hand this 29 day of September, 2022.

CITY OF ROCK ISLAND, ILLINOIS

By **Todd Thompson**
City Manager



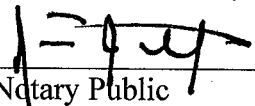
BY: Todd Thompson,
City Manager
City of Rock Island, Illinois

STATE OF ILLinois)
) SS
COUNTY OF Rock Island)

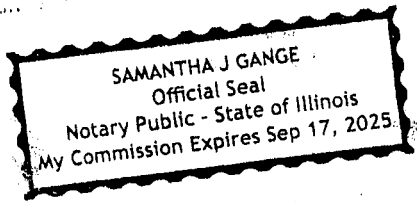
I Samantha J. Gange, a Notary Public in and for the State of ILLinois, County of Rock Island, certify that the above-named Todd Thompson, acting in his capacity as City Manager, personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that they signed and delivered the instrument as their free and voluntary act and deed, and the free and voluntary act and deed of the City of Rock Island, County of Rock Island, State of Illinois, for the uses and purposes therein set.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Dated September 29, 2022


Notary Public
My Commission Expires: 9-17-2025

(Seal)



SUBORDINATION OF POSSIBILITY OF REVERTER

GRANTOR is lawfully seized of the above property in fee simple determinable subject to the possibility of reverter in favor of Quad City Conservation Alliance, an Illinois not for profit company, as described in the Corporation Warranty Deed filed for record on June 3, 1997 as Instrument Number 97-12259 with the Recorder of Rock Island County, Illinois. Quad City Conservation Alliance executes this Warranty Deed of Easement to subordinate its possibility of reverter interest to the GRANTEE's easement.

The undersigned person executing this deed on behalf of the Quad City Conservation Alliance represents and certifies that they have been fully empowered, that the Quad City Conservation Alliance has full capacity to convey the real estate described herein, and that all necessary action for the making of such conveyance has been taken and done.

IN WITNESS WHEREOF, the Quad City Conservation Alliance has caused these presents to be executed in its name by Richard Miller, acting as President, who has hereunto set their hand this ____ day of _____, 2022.

QUAD CITY CONSERVATION ALLIANCE

**By: Richard Miller
President**

BY: Richard Miller,
President
Quad City Conservation Alliance

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STATE OF ILLINOIS

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) SS
)

COUNTY OF _____

I _____, a Notary Public in and for the State of Illinois, County of _____, certify that the above-named Richard Miller, acting in his capacity as President, Quad City Conservation Alliance, 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 they signed and delivered the instrument as their free and voluntary act and deed, and the free and voluntary act and deed of the Quad City Conservation Alliance, for the uses and purposes therein set.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Dated _____, 2022

Notary Public
My Commission Expires: _____

(Seal)

Instrument Prepared by:

Matthew N. George
Assistant District Counsel
U.S. Army Corps of Engineers
Louisville District
P.O. Box 59
Louisville, KY 40201-0059

EXHIBIT A

Part of the Fractional Northwest Quarter of Section 36, Township 18 North, Range 2 West of the 4th Principal Meridian, in the City of Rock Island, County of Rock Island, State of Illinois, more particularly described as follows:

Commencing at the southwest corner of Lot 1 of QCCA Addition;

Thence North 0 degrees 48 minutes 53 seconds East along the west line of said Lot 1, a distance of 224.93 feet to the Point of Beginning;

Thence South 44 degrees 45 minutes 35 seconds West, a distance of 184.32 feet;

Thence North 45 degrees 14 minutes 25 seconds West, a distance of 30.00 feet;

Thence North 44 degrees 45 minutes 35 seconds East, a distance of 220.87 feet to the northerly right of way line for US Army Corps of Engineers Flood Control Project;

Thence South 82 degrees 25 minutes 36 seconds East along said northerly right of way line, a distance of 37.66 feet;

Thence South 44 degrees 45 minutes 35 seconds West, a distance of 59.31 feet to the Point of Beginning.

The above described parcel contains 6,967 square feet, more or less as shown by the attached Sewer Easement Plat.

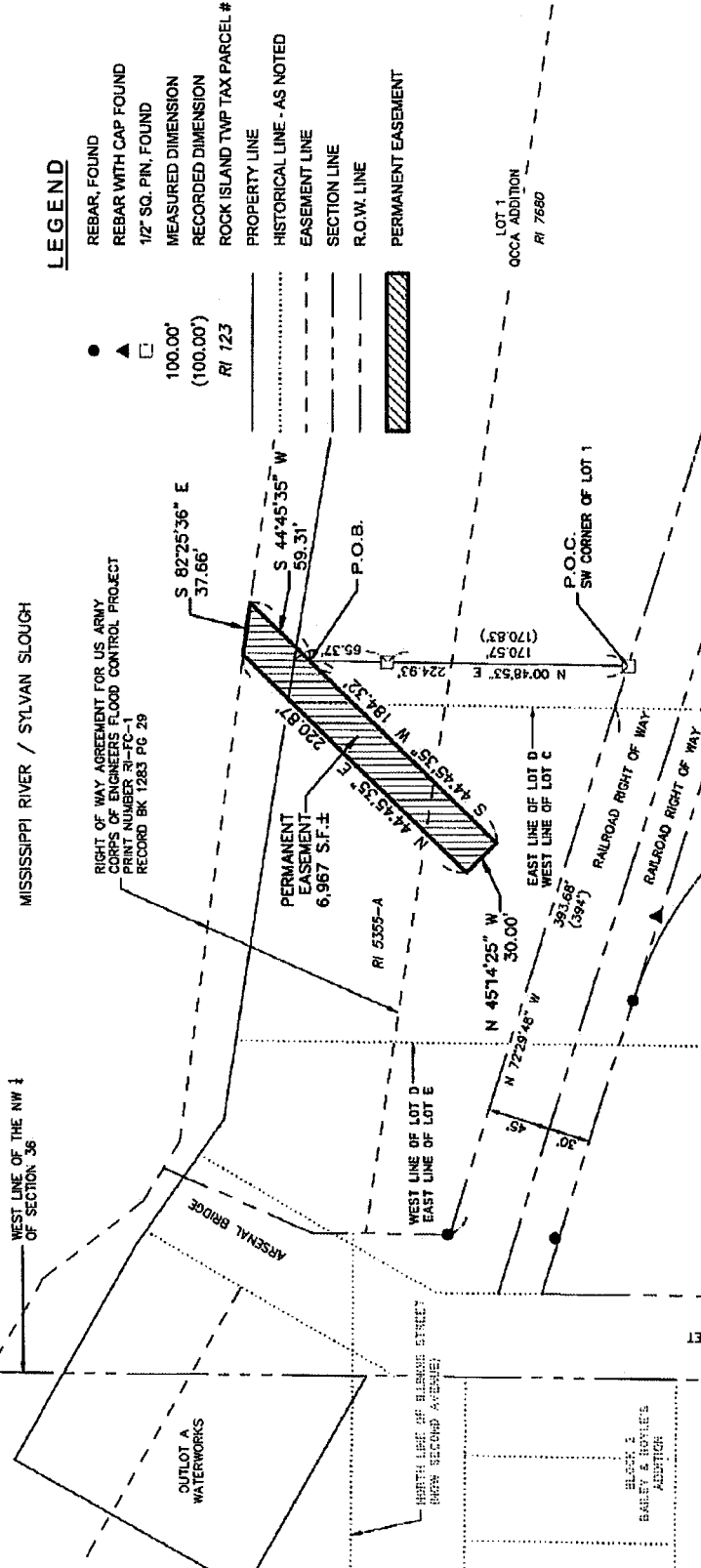
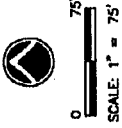
For the purpose of this description Bearings are based on the Illinois State Plane Coordinate System, West Zone, North American Datum of 1983 (2011 Adjustment).

PARCEL RI 5355-A
OWNER: CITY OF ROCK ISLAND
DOCUMENT: RECORD BK 1283 PG 29
SEWER EASEMENT AREA = 6,967 SQ. FT.±

ROCK ISLAND ARSENAL SEWER RECONSTRUCTION

PART OF THE FRACTIONAL NORTHWEST 1/4 OF SECTION 36,
 TOWNSHIP 18 NORTH, RANGE 2 WEST OF THE 4TH P.M.,
 IN THE CITY OF ROCK ISLAND,
 COUNTY OF ROCK ISLAND, STATE OF ILLINOIS

BEARINGS ARE BASED ON THE ILLINOIS
 STATE PLANE COORDINATE SYSTEM
 WEST ZONE NAD 83 (2011 ADJUSTMENT)



- ### LEGEND
- REBAR, FOUND
 - ▲ REBAR WITH CAP FOUND
 - ◻ 1/2" SQ. PIN, FOUND
 - MEASURED DIMENSION
 - RECORDED DIMENSION
 - ROCK ISLAND TWP TAX PARCEL #
 - PROPERTY LINE
 - HISTORICAL LINE - AS NOTED
 - EASEMENT LINE
 - SECTION LINE
 - R.O.W. LINE
 - PERMANENT EASEMENT

RIGHT OF WAY AGREEMENT FOR US ARMY
 CORPS OF ENGINEERS FLOOD CONTROL PROJECT
 PRINT NUMBER RI-FC-1
 RECORD BK 1283 PG 29



I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that it conforms to the current Illinois Minimum Standards for a boundary survey.

Robert A. Bricker
 Robert A. Bricker, PLS No. 533725
 My term expires on 12/31/2020
 No. of years since last renewal: 1
 IL DESIGN FIRM NO. 184-008943

<p style="text-align: center;">IMEG ILLINOIS ENGINEERING & SURVEYING 1000 N. WASHINGTON ST. ROCK ISLAND, IL 61201-2300 TEL: 309.399.1234 FAX: 309.399.1235 WWW.IMEG-IL.COM</p>	<p style="text-align: center;">Rock Island Arsenal Sewer Reconstruction Rock Island, Illinois Sewer Easement Plat</p> <p>MEG Project No.: 180002-0300 File No.: 180002-0300 Drawn By: DAB Checked By: DAB Date: 11/16/2019</p> <p style="text-align: right;">Sheet 1 of 1</p>
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