

PUBLIC UTILITY AND DRAINAGE EASEMENT (P.U.D.E.) PROVISIONS

A perpetual easement is hereby reserved for and granted to the City of Batavia, an Illinois municipal corporation, and those public utility and other companies operating under franchise agreements granting them rights from the City of Batavia, including but not limited to, Commonwealth Edison Company, AT & T, Nicor Gas Company, and Comcast Cable Communication, Inc., together with their respective successors and assigns (the "Grantees"), for the installation, modification, construction, reconstruction, replacement, alteration, enlargement, operation, inspection, repair, maintenance, relocation, renewal and removal of facilities, improvements and appurtenances to serve these and other lands with various public utilities transmission and distribution systems, including without limitation, from time to time, electricity, sounds and signals, cable television, communication, telephone, gas pipelines, water pipelines, storm and sanitary sewers, storm water detention and retention facilities, and storm water drainage, together with any and all necessary lines, cables, mains, manholes, hydrants, catch basins, connections, pipes, applicances, and other structures and appurtenances as may be deemed necessary, in, across, along, over, under, and upon the areas hereon identified as "Public Utility and Drainage Easement" (P.U.D.E.); together with the right to install required service connections under the surface of each lot to serve improvements thereon; and together with the right to enter upon the property with such personnel and equipment as may be deemed necessary for all such uses and purposes.

No obstruction or structure shall be erected or located, nor shall any trees be planted, over said easement areas, nor shall any other activities be undertaken that unreasonably interfere with the Grantees' intended use thereof, but the same may be used for landscaping, fencing, parking or other purposes if such use does not then or later interfere with the aforementioned purposes.

The right is also hereby granted to the City of Batavia to remove any fences, buildings or structures and to cut down, trim or remove any trees, shrubs, bushes, roots or other plantings that interfere with the operation of or access to such facilities in, on, upon, across, under or through said Public Utility and Drainage Easement. The City of Batavia shall not be responsible for the replacement or repair of any such fences, buildings, structures, trees, turf, gardens, shrubs, landscaping, or other improvements removed during the exercise of the herein given rights. Replacement and/or repair of said items shall be the responsibility of the ~~then~~ property owner.

Following any work to be performed by the City of Batavia in the exercise of its easement rights herein granted, said City shall have no obligation with respect to surface restoration, including by not limited to, the restoration, repair or replacement of pavement, curb, gutters, fences, sheds, trees, lawn or shrubbery, provided, however, that said city shall be obligated, following such maintenance work, to backfill and mound all trench created so as to retain suitable drainage, to cold patch any asphalt or concrete surface, to remove all excess debris and spoil, and to leave the maintenance area in a generally clean and workmanlike condition. The City has no obligation to repair any

improvements that were completed without obtaining the necessary permits prior to installation.

The occupation and use of the perpetual easement herein granted and reserved for the Grantees by each of such entities shall be done in such a manner so as not to interfere with or preclude the occupation and use thereof by other entities for which such easements are granted and reserved. The crossing and re-crossing of said easements by the Grantees shall be done in such a manner so as not to interfere with, damage, or disturb any transmission and/or distribution systems and facilities appurtenant thereto existing within the easements being crossed or re-crossed.

Where the easement areas are also used for electric, telephone, cable TV, gas distribution systems or their appurtenances, such other utility installations shall not interfere with the maintenance of gravity or subsurface flow and stabilization of vegetative ground cover on the above-mentioned drainage facilities, or cause any change in grade, or impair or change the surface drainage patterns of the property.