

R E S O L U T I O N
R _____ 04

**A RESOLUTION AUTHORIZING THE
RELEASE OF CERTAIN EASEMENTS**

WHEREAS, on June 5, 2003, the President and Board of Trustees passed Resolution No. 01-04, authorizing the purchase of the real estate located at 151 N. Charlotte (hereinafter the "Subject Property"), which purchase was consummated on June 6, 2003; and

WHEREAS, the Subject Property is benefited by easements (hereinafter the "Easements") located on the adjoining property at 106 East Windsor Avenue (hereinafter the "Adjoining Property"), said Easements being described as follows with "Parcel 1 (Parcel A)" referring to the Subject Property and "Lot 2" referring to the Adjoining Property:

Easement No. 1: Easement for the benefit of Parcel 1 (Parcel A) for parking purposes over the West 20 feet of the North 81 feet of Lot 2 in said Windsor Avenue Subdivision as granted by Reciprocal Easement Agreement recorded August 22, 1985, as document R85-69762.

Easement No. 2: Easement for the benefit of Parcel 1 (Parcel A) for storm water detention and drainage purposes in, on, under, upon, and through the West 20 feet of the North 81 feet of Lot 2 in said Windsor Avenue Subdivision as granted by Easement Agreement recorded March 11, 1986, as document R86-22502.

(hereinafter the "Easements"); and

WHEREAS, the owners of the Adjoining Property have requested release of the Easements; and

WHEREAS, the Easements were intended to provide storm water detention and parking in conjunction with the use of the Subject Property as a non-conforming office use; and

WHEREAS, the Village of Lombard intends to sell the Subject Property for development as a single family residence; and

WHEREAS, the President and Board of Trustees have determined that the public interest will be subserved by releasing the Easements and have no objection to their release; and

WHEREAS, the President and Board of Trustees of the Village of Lombard have determined that the fair market value of the Easements is \$10,010.00;

NOW, THEREFORE, BE IT RESOLVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD, DUPAGE COUNTY, ILLINOIS, as follows:

SECTION 1: The recitals set forth hereinabove are incorporated as findings of fact by the President and Board of Trustees of the Village of Lombard.

SECTION 2: The Village makes no representations of any kind regarding the status of title to the Easements, but rather solely releases its rights, interests and entitlements to the Adjoining Property as provided for by the Easements, except as expressly reserved herein.

SECTION 3: The Village agrees to pay the owners of the Adjoining Property the amount of TEN DOLLARS (\$10.00) for release of any and all rights, interests and entitlements that said owners may have in the Subject Property, as provided for by the Easements.

SECTION 4: The release of the Easements shall become effective upon payment of compensation to the Village by the owners of the Adjoining Property in the amount of TEN THOUSAND AND TEN AND NO/100 DOLLARS (\$10,010.00) and payment of compensation to the owners of the Adjoining Property by the Village in the amount of TEN AND NO/100 DOLLARS (\$10.00).

SECTION 5: The Village President, Deputy Village Clerk and Village Manager are hereby authorized to execute any and all documents necessary to complete the release of the Easements.

SECTION 6: Upon the Village's receipt of the owners of the Adjoining Property payment as referenced in Section 4 above, the Deputy Village Clerk is hereby directed to cause the recording of a certified copy of this Resolution, together with the original fully

executed a Reciprocal Release of Easement Agreement, the form of which is attached hereto as Exhibit A, which by reference is hereby made a part hereof, with the Recorder of Deeds of DuPage County.

SECTION 7: That this Ordinance shall be in full force and effect from and after its adoption and approval as provided by law.

ADOPTED by me this ____ day of _____, 2004, pursuant to a roll call vote as follows:

AYES: _____

NAYS: _____

ABSENT: _____

Approved this ____ day of _____, 2004.

William J. Mueller, Village President

ATTEST:

Barbara A. Johnson, Deputy Village Clerk

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