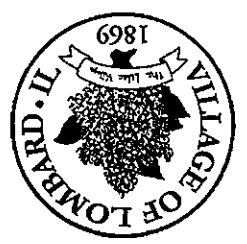


Return To:  
Village of Lombard  
255 E. Wilson Avenue  
Lombard, IL 60148

(OTHERS RETURN TO 214125 GLEN ELM, IL 60137)

PIN: 05-12-207-038 and 05-12-207-037  
Address: 700-710 and 712 W. Hill Avenue,  
Lombard, IL 60148

ORDINANCE 6401  
AUTHORIZING THE EXECUTION OF A DISCONNECTION  
AGREEMENT



FRED BUCHOLZ  
DUPAGE COUNTY RECORDER  
OCT 28, 2009  
11:25 AM  
OTHER  
05-12-207-038  
R2009-163401  
027 PAGES



**ORDINANCE 6401**

**AN ORDINANCE AUTHORIZING THE  
EXECUTION OF A DISCONNECTION AGREEMENT**

(BOT 09-02: 712 W. Hill Ave. & 700-710 W. Hill Ave.)

(See also Ordinance No.(s) 6399, 6400 & 6402)

WHEREAS, it is in the best interest of the Village of Lombard, DuPage County, Illinois that a certain Disconnection Agreement (hereinafter the "Agreement") pertaining to the properties located at 712 W. Hill Ave. & 700-710 W. Hill Ave., Lombard, Illinois to be entered into; and,

WHEREAS, the Agreement has been drafted and a copy is attached hereto and incorporated herein as Exhibit "A"; and,

WHEREAS, the legal owners of the lots of record, which are the subject of said Agreement, are ready, willing and able to enter into said Agreement and to perform the obligations as required thereunder; and,

WHEREAS, the statutory procedures provided in Chapter 65 ILCS 5/7-3-4, as amended, for the execution of said Agreement have been complied with.

NOW, THEREFORE BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD, DU PAGE COUNTY, ILLINOIS, as follows:

**SECTION 1:** That the Village President and Village Clerk be and hereby are authorized to sign and attest to the Agreement attached hereto and marked Exhibit "A", by and between the Village of Lombard; and,

**SECTION 2:** This ordinance is limited and restricted to the property generally located at 712 W. Hill Ave. & 700-710 W. Hill Ave., Lombard, Illinois containing 1.08 acres more or less and legally described as follows:

**PARCEL #1:**

LOT 1 IN VILLA PARK KITCHENS RESUBDIVISION, BEING PART OF THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 11,

1972 AS DOCUMENT NUMBER R72-47323, TOGETHER WITH THAT PART OF HILL AVENUE RIGHT OF WAY LYING SOUTHEASTERLY OF AND ABUTTING SAID LOT 1 IN VILLA PARK KITCHENS RESUBDIVISION, ALL IN DUPAGE COUNTY, ILLINOIS,

AND ALSO:  
THAT PART OF THE UNION PACIFIC RAILROAD RIGHT OF WAY (FORMERLY THE CHICAGO AND NORTHWESTERN RAILROAD RIGHT OF WAY) LYING NORTH OF AND ABUTTING LOT 1 IN VILLA PARK KITCHENS RESUBDIVISION AFORESAID, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 2 AND RUNNING THENCE WESTERLY ALONG THE NORTH LINE THEREOF, A DISTANCE OF 176.18 FEET TO A POINT OF CURVE IN SAID NORTH LINE; THENCE CONTINUING WESTERLY ALONG THE NORTH LINE OF SAID LOT 2, BEING THE ARC OF A CURVE CONCAVE TO THE SOUTH HAVING A RADIUS OF 3321.38 FEET, WHOSE CENTRAL ANGLE IS 01 DEGREES 16 MINUTES 48 SECONDS, A DISTANCE OF 74.20 FEET (REC. & MEAS.) TO THE NORTHEAST CORNER OF SAID LOT 1 FOR THE POINT OF BEGINNING; RUNNING THENCE WESTERLY ALONG THE NORTH LINE OF SAID LOT 1, BEING THE ARC OF A CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 3321.38 FEET AND A CENTRAL ANGLE OF 02 DEGREES 04 MINUTES 19 SECONDS, AN ARC DISTANCE OF 120.10 FEET (MEAS., REC.=120.12') THENCE NORTHERLY RADIAL TO THE LAST DESCRIBED CURVE, A DISTANCE OF 12.79 FEET; THENCE EASTERLY A DISTANCE OF 69.97 FEET TO A POINT THAT IS 16.00 FEET NORTHERLY OF (MEASURED RADIALY (THERE TO) THE NORTH LINE OF VILLA PARK KITCHENS RESUBDIVISION AFORESAID; THENCE CONTINUING EASTERLY ALONG A CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 3,337.21 FEET (DEED, 3,337.38=CALC.), A CENTRAL ANGLE OF 00 DEGREES 52 MINUTES 17 SECONDS, AND BEING NORMALLY PARALLEL WITH SAID NORTH LINE, AN ARC DISTANCE OF 50.75 FEET; THENCE SOUTHEASTERLY 16.00 FEET TO THE POINT OF BEGINNING, ACCORDING TO DOCUMENT RECORDED MARCH 24, 1995, AS NUMBER R95-034450, ALL IN DUPAGE COUNTY, ILLINOIS.

P.I.N.: \_\_\_\_\_  
05-12-207-037

COMMON ADDRESS: \_\_\_\_\_  
712 W. Hill Ave, Lombard, Illinois.

**PARCEL #2:**

LOT 2 IN VILLA PARK KITCHENS RESUBDIVISION, BEING PART OF THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 11, 1972 AS DOCUMENT NUMBER R72-47323, TOGETHER WITH THAT PART OF HILL AVENUE RIGHT OF WAY LYING SOUTHEASTERLY OF AND ABUTTING SAID LOT 2 IN VILLA PARK KITCHENS RESUBDIVISION, ALL IN DUPAGE COUNTY, ILLINOIS,

AND ALSO:  
THAT PART OF THE UNION PACIFIC RAILROAD RIGHT OF WAY (FORMERLY THE CHICAGO AND NORTHWESTERN RAILROAD RIGHT OF WAY) LYING NORTH OF AND ABUTTING LOT 2 IN VILLA PARK KITCHENS RESUBDIVISION AFORESAID, MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 2 AND RUNNING THENCE WESTERLY ALONG THE NORTH LINE THEREOF, A DISTANCE OF 176.18 FEET TO A POINT OF CURVE IN SAID NORTH LINE; THENCE CONTINUING WESTERLY ALONG

THE THE NORTH LINE OF SAID LOT 2, BEING THE ARC OF A CURVE CONCAVE TO THE NORTHWEST CORNER OF SAID LOT 2; THENCE NORTHERLY RADIAL TO THE LAST DESCRIBED CURVE, A DISTANCE OF 16.00 FEET; THENCE EASTERLY ALONG A CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 3,337.21 FEET (DEED, 3,337.38=CALC.), A CENTRAL ANGLE OF 01 DEGREE 16 MINUTES 50 SECONDS, AND BEING NORMALLY PARALLEL WITH SAID NORTH LINE, A DISTANCE OF 74.60 FEET; THENCE EASTERLY ALONG A LINE THAT IS 16.00 FEET NORTH OF AN PARALLEL WITH SAID NORTH LINE, A DISTANCE OF 176.18 FEET (DEED, 176.22=MEAS.) TO A POINT THAT IS 16.00 FEET NORTHERLY OF, AS MEASURED AT RIGHT ANGLES TO SAID NORTH LINE, THE NORTHEAST CORNER OF LOT 2, AFORESAID; THENCE SOUTHERLY 16.00 FEET TO THE POINT OF BEGINNING, ACCORDING TO DOCUMENT RECORDED MARCH 24, 1995, AS NUMBER R95-034450, ALL IN DUPAGE COUNTY, ILLINOIS.

P.I.N.: 05-12-207-038

COMMON ADDRESS: 700-710 W. Hill Ave, Lombard, Illinois.

along with those portions of Hill Avenue and Glen Oak Road adjacent thereto.

SECTION 3: This ordinance shall be in full force and effect from and after its passage and approval as provided by law.

Passed on first reading this 1<sup>st</sup> day of October, 2009.

First reading waived by action of the Board of Trustees this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

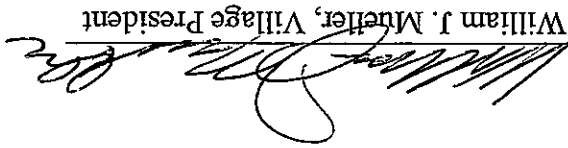
Passed on second reading this 15<sup>th</sup> day of October, 2009.

Ayes: Trustees Gron, Tross, Wilson, Moreau, Fitzpatrick and Ware

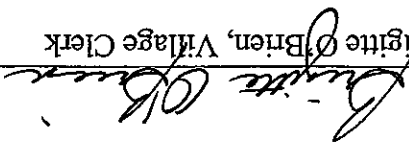
Nays: None

Absent: None

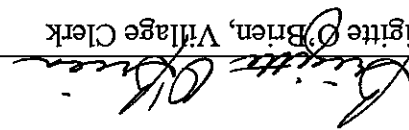
Approved this 15<sup>th</sup> day of October, 2009.

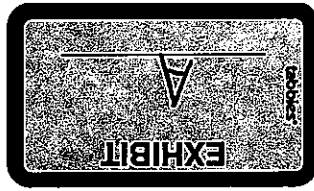
  
William J. Mueller, Village President

Ordinance No. 6401  
Re: BOT 09-02  
Page 4  
ATTEST:

  
\_\_\_\_\_  
Brigitte O'Brien, Village Clerk

Published this 19<sup>th</sup> day of October, 2009.

  
\_\_\_\_\_  
Brigitte O'Brien, Village Clerk



2. **Disconnection:** The Village shall upon the approval of this agreement, take all necessary actions to disconnect the Subject Property from the Village pursuant to 65ILCS 5/7-3-4.

1. **Incorporation of Recitals:** The Village and Owner agree that the foregoing recitals are incorporated in this Agreement as if fully recited herein.

NOW THEREFORE, in consideration of the premises and the mutual promises herein set forth and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Village and the Owner agree as follows:

WHEREAS, all owner(s) of record of the Subject Property have signed a Petition for Disconnection of the Subject Property and delivered same to the Village a copy of which is attached hereto as EXHIBIT B and made part hereof (the "Disconnection Petition"); and

WHEREAS, the Subject Property consists of approximately 1.08 acres of land; and

WHEREAS, the Village has no objection to the disconnection of the Subject Property from the Village; and

WHEREAS, Owner is desirous of disconnecting the entirety of the Subject Property from the Village pursuant to provisions of 65ILCS 5/7-3-4; and

and  
WHEREAS, the Subject Property is within the existing corporate boundaries of the Village;

WHEREAS, Owner is the record owner of the property legally described in EXHIBIT A, attached hereto and made a part hereof ("Subject Property"); and

**W I T N E S S E T H:**

This DISCONNECTION AGREEMENT ("Agreement") is made and entered into this 4 day of May, 2009, by and between the Village of Lombard, a municipal corporation ("Village"); and G. Vincent Carter ("Owner");

**DISCONNECTION AGREEMENT**

**3. Zoning:** Upon disconnection of the Subject Property from the Village as set forth herein, the Subject Property shall be subject to the applicable provisions of the DuPage County Zoning Code until annexed by another municipality.

**4. Water and Sanitary Sewer Utilities:** The Subject Property is currently connected to and is served by the Village's water and sanitary sewer service systems. Subsequent to the disconnection of the Subject Property, the Village, subject to all rules, regulations and ordinances of the Village, will continue to supply sanitary sewer service and water service to the Subject Property at an "in-Village" rate, to such capacity and in such amounts as will adequately service the Subject Property as currently provided. However, the Village the provision of water services shall be subject to the following requirements:

A. Upon annexation of the Subject Property to another municipality, the Subject Property shall immediately relinquish water service rights with the Village upon the installation of water mains within the adjacent Hill Avenue right-of-way to the Subject Property from the municipality or another public utility service entity.

B. If the Subject Property has not been annexed into another municipality within a ten (10) year time period (after the date of the disconnection), the Owner and Village shall enter into an agreement extension addressing potential time extension(s) as determined by the mutual consent of the parties.

C. During the time period between disconnection from the Village and annexation into another municipality, the Owner of the Subject Property shall receive prior written consent from the Village, prior to the Subject Property being redeveloped in a manner that requires an increased demand for water service. However, this section shall not be construed as requiring that the Village is obligated to approve any permits that provide for an increase in water services.

Such increases in water services shall include, but are not limited to:

- (1) Expansion of any existing principal structures;
- (2) Construction of a new principal structure;
- (3) An increased number of water connections (excluding life-safety devices); and
- (4) Complete redevelopment of the Subject Property.

**5. Reserve Clause:** The requirements outlined in this Agreement shall not prevent another municipality from providing water service to the Subject Property.

**6. Fire Protection:** To the extent that fire protection service is unavailable to the Subject Property by another fire protection entity after disconnection from the Village, the Village agrees to continue to provide such services under the provisions of Chapter 33 of the Lombard Village Code, including the imposition of applicable service fees.

**7. Police Protection:** Upon its disconnection from the Village, the Subject Property shall no longer be under jurisdiction of Village law enforcement; however, policing services shall immediately commence by the DuPage County Sheriff's Department.

**8. General Provisions:**

A. **Notices:** Any notice required or desired to be given under this Agreement, unless expressly provided to the contrary herein, shall be in writing and shall be deemed to have been given on the date of personal delivery, on the date of confirmed telefacsimile transmission provided a hard copy of such notice is deposited in the regular mail addressed to the recipient within twenty-four hours following the telefacsimile transmission, or on the date when deposited in the U.S. Mail, registered or certified mail, postage prepaid, return receipt requested, and addressed as follows:

(1) If to the Village or Corporate Authorities:

President and Board of Trustees  
VILLAGE OF LOMBARD  
255 East Wilson Avenue  
Lombard, Illinois 60148  
Phone: (630) 620-5700  
Fax: (630) 620-8222

With a copy to:

(a) Village Manager  
VILLAGE OF LOMBARD  
255 East Wilson Avenue  
Lombard, Illinois 60148  
Phone: (630) 620-5700  
Fax: (630) 620-8222



(b) Director of Community Development  
VILLAGE OF LOMBARD  
255 East Wilson Avenue  
Lombard, Illinois 60148  
Phone: (630) 620-5700  
Fax: (630) 620-8222

(c) Thomas P. Bayer  
KLEIN, THORPE AND JENKINS, LTD.  
20 N. Wacker Drive  
Suite 1660  
Chicago, Illinois 60606  
Phone: (312) 984-6400  
Fax: (312) 984-6444

(2) If to Owner:

With a copy to:

or to such other address as any party may from time to time designate in a written notice to the other parties.

B.

Binding Effect:

This Agreement shall constitute a covenant running with the land and shall be binding upon and inure to the benefit of the parties hereto, their successors in interest, assignees, grantees and lessees.

- C. Survival of Representations: Each of the parties agrees that the representations, warranties and recitals set forth in the preambles to this Agreement are material to this Agreement and the parties hereby confirm and admit their truth and validity and hereby incorporate such representations, warranties and recitals into this Agreement and the same shall continue during the period of this Agreement.
- D. Captions and Paragraph Headings: The captions and paragraph headings used herein are for convenience only and are not a part of this Agreement and shall not be used in construing it.
- E. Reserved
- F. No Waiver or Relinquishment of Right to Enforce Agreement: Failure of any party to this Agreement to insist upon the strict and prompt performance of the terms, covenants, agreements and conditions herein contained, or any of them, upon any other party imposed, shall not constitute or be construed as a waiver or relinquishment of any party's right thereafter to enforce any such term, covenant, agreement or condition, but the same shall continue in full force and effect.
- G. Village Approval or Direction: Where Village approval or direction is required by this Agreement, such approval or direction means the approval or direction of the Corporate Authorities of the Village unless otherwise expressly provided herein or required by law, and any such approval may be required to be given only after and if all requirements for granting such approval have been met unless such requirements are inconsistent with this Agreement.
- H. Recording: A copy of this Agreement and any amendments thereto shall be recorded by the Village at no expense to the Owner.
- I. Authorization to Execute: If applicable, the officers of Owner executing this Agreement warrant that they have been lawfully authorized by Owner's Board of Directors to execute this Agreement on behalf of said Owner. The President and Deputy Clerk of the Village hereby warrant that they have been lawfully authorized by the Village Board of the Village to execute this Agreement. The Owner and Village shall deliver to each other upon request copies of all bylaws,

joint venture agreements, resolutions, ordinances or other documents required to legally evidence the authority to so execute this Agreement on behalf of the respective entities.

J. Amendment: This Agreement sets forth all the promises, inducements, agreements, conditions and understandings between the Owner and the Village relative to the subject matter thereof, and there are no promises, agreements, conditions or understandings, either oral or written, express or implied, between them, other than are herein set forth. Except as herein otherwise provided, no binding upon the parties hereto unless authorized in accordance with law and reduced in writing and signed by them.

K. Counterparts: This Agreement may be executed in two (2) or more counterparts, each of which taken together, shall constitute one and the same instrument.

L. Conflict Between the Text and Exhibits: In the event of a conflict in the provisions of the text of this Agreement and the Exhibits attached hereto, the text of this Agreement shall control and govern.

M. Definition of Village: When the term Village is used herein it shall be construed as referring to the Corporate Authorities of the Village of Lombard unless the context clearly indicates otherwise.

N. Execution of Agreement: This Agreement shall be signed last by the Village and the President of the Village shall affix the date on which he signs this Agreement on Page 1 hereof, which date shall be the effective date of this Agreement.

O. Venue: The parties hereto agree that for purposes of any lawsuit(s) between them concerning this Agreement, its enforcement, or the subject matter thereof, venue shall be in DuPage County, Illinois, and the laws of the State of Illinois shall govern the cause of action.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals to this Agreement on the day and year first above written.

VILLAGE:

VILLAGE OF LOMBARD, an Illinois

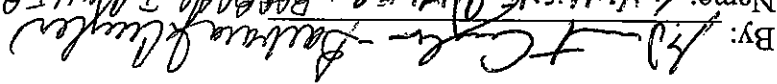
municipal corporation

By: 

President

OWNER:

ATTEST:

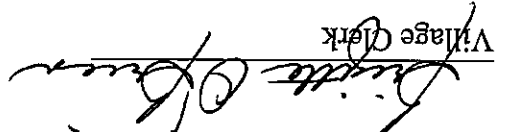
By:   
Name: BARBARA J. GEYER  
Title: OWNER

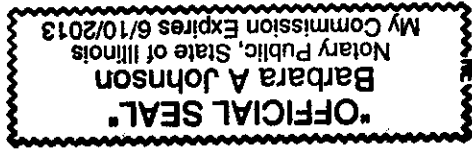
Title: \_\_\_\_\_  
DATED: \_\_\_\_\_

DATED: \_\_\_\_\_

Village Clerk

ATTEST:





*Barbara A Johnson*  
Notary Public

Commission expires June 10, 2013.

GIVEN under my hand and official seal, this 19th day of October, 2009.

I, the undersigned, a Notary Public, in and for the County and State aforesaid, DO HEREBY CERTIFY that William J. Mueller, personally known to me to be the President of the Village of Lombard, and Brigitte O'Brien, personally known to me to be the Village Clerk of said municipal corporation, and personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person and severally acknowledged that as such President and Village Clerk, they signed and delivered the said instrument and caused the corporate seal of said municipal corporation to be affixed thereto, pursuant to authority given by the Board of Trustees of said municipal corporation, as their free and voluntary act, and as the free and voluntary act and deed of said municipal corporation, for the uses and purposes therein set forth.

STATE OF ILLINOIS )  
) SS )  
) COUNTY OF DUPAGE )

ACKNOWLEDGMENTS



Nicholas Panos  
Notary Public

Commission expires May 23, 2012

2009.

GIVEN under my hand and Notary Seal this 4<sup>th</sup> day of May

and as the free and voluntary act of said Corporation, for the uses and purposes therein set forth.  
affixed to said instrument as said Secretary's own free and voluntary act  
Secretary as custodian of the corporate seal of said Corporation caused said seal to be  
\_\_\_\_\_, then and there acknowledged that said  
and deed of said Corporation, for the uses and purposes therein set forth, and the said  
Secretary they signed and delivered the said instrument, pursuant to authority given by the Board  
severally acknowledged that as such They President and  
names are subscribed to the foregoing instrument as such have respectively, and that they appeared before me this day in Person and  
and also personally known to me to be the same persons whose  
President and Secretary of  
BARBARA V. CUYER, are personally known to me to be the OWENS  
HEREBY CERTIFY that the above-named G. VINCENT CUYER and

I, the undersigned, a Notary Public, in and for the County and State aforesaid, DO

STATE OF ILLINOIS  
)  
) SS  
) COUNTY OF COOK

SCHEDULE OF EXHIBITS

EXHIBIT A:	Legal Description of Subject Property
EXHIBIT B:	Disconnection Petition

**EXHIBIT A**

**PARCEL #1:**

LEGAL DESCRIPTION:

LOT 1 IN VILLA PARK KITCHENS RESUBDIVISION, BEING PART OF THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 11, 1972 AS DOCUMENT NUMBER R72-47323, TOGETHER WITH THAT PART OF HILL AVENUE RIGHT OF WAY LYING SOUTHEASTERLY OF AND ABUTTING SAID LOT 1 IN VILLA PARK KITCHENS RESUBDIVISION, ALL IN DUPAGE COUNTY, ILLINOIS,

AND ALSO:

THAT PART OF THE UNION PACIFIC RAILROAD RIGHT OF WAY (FORMERLY THE CHICAGO AND NORTHWESTERN RAILROAD RIGHT OF WAY) LYING NORTH OF AND ABUTTING LOT 1 IN VILLA PARK KITCHENS RESUBDIVISION AFORESAID, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 2 AND RUNNING THENCE WESTERLY ALONG THE NORTH LINE THEREOF, A DISTANCE OF 176.18 FEET TO A POINT OF CURVE IN SAID NORTH LINE; THENCE CONTINUING WESTERLY ALONG THE NORTH LINE OF SAID LOT 2, BEING THE ARC OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 3321.38 FEET, WHOSE CENTRAL ANGLE IS 01 DEGREES 16 MINUTES 48 SECONDS, A DISTANCE OF 74.20 FEET (REC. & MEAS.) TO THE NORTHEAST CORNER OF SAID LOT 1 FOR THE POINT OF BEGINNING; RUNNING THENCE WESTERLY ALONG THE NORTH LINE OF SAID LOT 1, BEING THE ARC OF A CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 3321.38 FEET AND A CENTRAL ANGLE OF 02 DEGREES 04 MINUTES 19 SECONDS, AN ARC DISTANCE OF 120.10 FEET (MEAS., REC.=120.12) THENCE NORTHERLY RADIAL TO THE LAST DESCRIBED CURVE, A DISTANCE OF 12.79 FEET; THENCE EASTERLY A DISTANCE OF 69.97 FEET TO A POINT THAT IS 16.00 FEET NORTHERLY OF (MEASURED RADIALLY THERETO) THE NORTH LINE OF VILLA PARK KITCHENS RESUBDIVISION AFORESAID; THENCE CONTINUING EASTERLY ALONG A CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 3,337.21 FEET (DEED, 3,337.38=CALC.), A CENTRAL ANGLE OF 00 DEGREES 52 MINUTES 17 SECONDS, AND BEING NORMALLY PARALLEL WITH SAID NORTH LINE, AN ARC DISTANCE OF 50.75 FEET; THENCE SOUTHEASTERLY 16.00 FEET TO THE POINT OF BEGINNING, ACCORDING TO DOCUMENT RECORDED MARCH 24, 1995, AS NUMBER R95-034450, ALL IN DUPAGE COUNTY, ILLINOIS.

P.L.N.: 05-12-207-037

COMMON ADDRESS: 712 W. Hill Ave. Lombard, Illinois.

**PARCEL #2:**

LEGAL DESCRIPTION:

LOT 2 IN VILLA PARK KITCHENS RESUBDIVISION, BEING PART OF THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT



THESEOF RECORDED AUGUST 11, 1972 AS DOCUMENT NUMBER R72-47323,  
TOGETHER WITH THAT PART OF HILL AVENUE RIGHT OF WAY LYING  
SOUTHEASTERLY OF AND ABUTTING SAID LOT 2 IN VILLA PARK KITCHENS  
RESUBDIVISION, ALL IN DUPAGE COUNTY, ILLINOIS,

AND ALSO:

THAT PART OF THE UNION PACIFIC RAILROAD RIGHT OF WAY (FORMERLY  
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NORTH OF AND ABUTTING LOT 2 IN VILLA PARK KITCHENS RESUBDIVISION  
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BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 2 AND RUNNING  
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CONTINUING WESTERLY ALONG THE NORTH LINE OF SAID LOT 2,  
BEING THE ARC OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A  
RADIUS OF 3321.38 FEET, WHOSE CENTRAL ANGLE IS 01 DEGREE 16  
MINUTES 48 SECONDS, A DISTANCE OF 74.20 FEET (REC. & MEAS.) TO THE  
NORTHWEST CORNER OF SAID LOT 2; THENCE NORTHERLY RADIAL TO THE  
LAST DESCRIBED CURVE, A DISTANCE OF 16.00 FEET; THENCE EASTERLY  
ALONG A CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF  
3,337.21 FEET (DEED, 3,337.38=CALC.), A CENTRAL ANGLE OF 01 DEGREE 16  
MINUTES 50 SECONDS, AND BEING NORMALLY PARALLEL WITH SAID  
NORTH LINE, A DISTANCE OF 74.60 FEET; THENCE EASTERLY ALONG A LINE  
THAT IS 16.00 FEET NORTH OF AN PARALLEL WITH SAID NORTH LINE, A  
DISTANCE OF 176.18 FEET (DEED, 176.22=MEAS.) TO A POINT THAT IS 16.00  
FEET NORTHERLY OF, AS MEASURED AT RIGHT ANGLES TO SAID NORTH  
LINE, THE NORTHEAST CORNER OF LOT 2, AFORESAID; THENCE  
SOUTHERLY 16.00 FEET TO THE POINT OF BEGINNING, ACCORDING TO  
DOCUMENT RECORDED MARCH 24, 1995, AS NUMBER R95-034450, ALL IN  
DUPAGE COUNTY, ILLINOIS.

P.L.N.: 05-12-207-038 ;

COMMON ADDRESS: 700-710 W. Hill Ave. Lombard, Illinois.

Disconnection Petition

EXHIBIT B



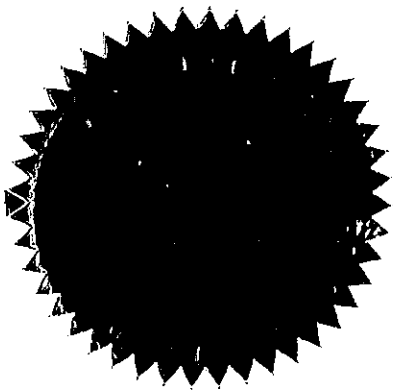
I, **Brigitte O'Brien**, hereby certify that I am the duly qualified Village Clerk of the **Village of Lombard**, DuPage County, Illinois, as authorized by Statute and provided by local Ordinance, and as such Village Clerk, I maintain and am safekeeper of the records and files of the President and Board of Trustees of said Village.

I further certify that attached hereto is a copy of PETITION FOR DISCONNECTION FROM THE VILLAGE OF LOMBARD PURSUANT TO THE PROVISIONS OF 65 ILCS 5/7-3-4 AND 5/7-3-5 712 W. HILL PIN: 05-12-207-037 AND 700-710 W. HILL PIN: 05-12-207-038

of the said Village as it appears from the official records of said Village duly approved August 3, 2009.

**In Witness Whereof**, I have hereunto affixed my official signature and the Corporate Seal of said **Village of Lombard**, DuPage County, Illinois this 2<sup>nd</sup> day of September, 2009.

Barbara A. Johnson  
Barbara A. Johnson  
Deputy Village Clerk  
Village of Lombard  
DuPage County, Illinois



**PETITION FOR DISCONNECTION  
FROM THE VILLAGE OF LOMBARD  
PURSUANT TO THE PROVISIONS OF 65 ILCS 5/7-3-4 AND 5/7-3-5**

This Petition for Disconnection, dated this 3<sup>rd</sup> day of August, 2009, is made by LAURENT GUYER (hereinafter referred to as OWNER), to the Village of Lombard, an Illinois municipal corporation (hereinafter referred to as the "VILLAGE").

**WITNESSETH:**

**WHEREAS**, the OWNER is the owner of certain real property, which is legally described on EXHIBIT "A" attached hereto and made part hereof (hereinafter referred to as the "PROPERTY"); and

**WHEREAS**, the PROPERTY is currently situated within the corporate limits of the VILLAGE, but is on the border of the VILLAGE'S corporate limits; and

**WHEREAS**, the PROPERTY is not contiguous to the corporate limits of any other municipality; and

**WHEREAS**, attached hereto as EXHIBIT "B," and made part hereof, is the certificate of the DuPage County Clerk, showing that all VILLAGE taxes and assessments relative to the PROPERTY have been paid in full; and

**WHEREAS**, the OWNERS desire to disconnect the PROPERTY from the VILLAGE;

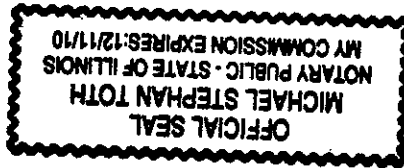
**NOW, THEREFORE**, the OWNERS hereby specifically petition and request that the VILLAGE take all necessary and appropriate actions required to disconnect the PROPERTY from the VILLAGE pursuant to 65 ILCS 5/7-3-4 AND 5/7-3-5.

RECEIVED by me on behalf of the VILLAGE OF LOMBARD this 3rd day of August, 2009.

By: [Signature]  
Name: Michael LOTH  
Title: \_\_\_\_\_

OWNER: WILBERT GUTER  
By: [Signature]  
Name: WILBERT GUTER  
Title: OWNER

Attest: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_



Notary Public  
*[Handwritten Signature]*

My Commission expires December 11, 2010

GIVEN under my hand and Notary Seal this 3RD day of August, 2009.

I, the undersigned, a Notary Public, in and for the County and State aforesaid,  
DO HEREBY CERTIFY that the above-named G. Vincent Cooper and  
personally known to me to be the \_\_\_\_\_  
and \_\_\_\_\_ of OWNER,  
and also personally known to me to be the same persons whose names are subscribed  
to the foregoing instrument as such \_\_\_\_\_ and \_\_\_\_\_  
of OWNER, appeared before me this day in person and  
acknowledged that as such \_\_\_\_\_ and \_\_\_\_\_  
OWNER, they signed and delivered the said  
instrument, as their free and voluntary act, on behalf of OWNER,  
\_\_\_\_\_ for the uses and purposes therein set forth.

STATE OF ILLINOIS  
)  
) SS  
)  
COUNTY OF DU PAGE

EXHIBIT "A"

LEGAL DESCRIPTION OF THE PROPERTY,  
WHICH CONSISTS OF PARCEL #1 AND PARCEL #2

1. PARCEL #1:

LEGAL DESCRIPTION:

LOT 1 IN VILLA PARK KITCHENS RESUBDIVISION, BEING PART OF THE  
NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 39 NORTH, RANGE 10 EAST  
OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF  
RECORDED AUGUST 11, 1972 AS DOCUMENT NUMBER R72-47323, TOGETHER  
WITH THAT PART OF HILL AVENUE RIGHT OF WAY LYING SOUTHEASTERLY OF  
AND ABUTTING SAID LOT 1 IN VILLA PARK KITCHENS RESUBDIVISION, ALL IN  
DUPAGE COUNTY, ILLINOIS,

AND ALSO:

THAT PART OF THE UNION PACIFIC RAILROAD RIGHT OF WAY (FORMERLY THE  
CHICAGO AND NORTHWESTERN RAILROAD RIGHT OF WAY) LYING NORTH OF  
AND ABUTTING LOT 1 IN VILLA PARK KITCHENS RESUBDIVISION AFORESAID,  
MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 2 AND RUNNING  
THENCE WESTERLY ALONG THE NORTH LINE THEREOF, A DISTANCE OF 176.18  
FEET TO A POINT OF CURVE IN SAID NORTH LINE; THENCE CONTINUING  
WESTERLY ALONG THE NORTH LINE OF SAID LOT 2, BEING THE ARC OF A CURVE  
CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 3321.38 FEET, WHOSE  
CENTRAL ANGLE IS 01 DEGREES 16 MINUTES 48 SECONDS, A DISTANCE OF 74.20  
FEET (REC. & MEAS.) TO THE NORTHEAST CORNER OF SAID LOT 1 FOR THE  
POINT OF BEGINNING; RUNNING THENCE WESTERLY ALONG THE NORTH LINE  
OF SAID LOT 1, BEING THE ARC OF A CURVE CONCAVE TO THE SOUTHEAST,  
HAVING A RADIUS OF 3321.38 FEET AND A CENTRAL ANGLE OF 02 DEGREES 04  
MINUTES 19 SECONDS, AN ARC DISTANCE OF 120.10 FEET (MEAS., REC.=120.12)  
THENCE NORTHERLY RADIAL TO THE LAST DESCRIBED CURVE, A DISTANCE OF  
12.79 FEET; THENCE EASTERLY A DISTANCE OF 69.97 FEET TO A POINT THAT IS  
16.00 FEET NORTHERLY OF (MEASURED RADially THERETO) THE NORTH LINE  
OF VILLA PARK KITCHENS RESUBDIVISION AFORESAID; THENCE CONTINUING  
EASTERLY ALONG A CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS  
OF 3,337.21 FEET (DEED, 3,337.38=CALC.), A CENTRAL ANGLE OF 00 DEGREES 52  
MINUTES 17 SECONDS, AND BEING NORMALLY PARALLEL WITH SAID NORTH  
LINE, AN ARC DISTANCE OF 60.75 FEET; THENCE SOUTHEASTERLY 16.00 FEET  
TO THE POINT OF BEGINNING, ACCORDING TO DOCUMENT RECORDED MARCH  
24, 1995, AS NUMBER R95-034450, ALL IN DUPAGE COUNTY, ILLINOIS.

P.L.N.: 05-12-207-037

COMMON ADDRESS: 712 W. Hill Ave, Lombard, Illinois.

**2. PARCEL #2:**

LEGAL DESCRIPTION:

LOT 2 IN VILLA PARK KITCHENS RESUBDIVISION, BEING PART OF THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 11, 1972 AS DOCUMENT NUMBER R72-47323, TOGETHER WITH THAT PART OF HILL AVENUE RIGHT OF WAY LYING SOUTHEASTERLY OF DUPAGE COUNTY, ILLINOIS,

AND ALSO:

THAT PART OF THE UNION PACIFIC RAILROAD RIGHT OF WAY (FORMERLY THE CHICAGO AND NORTHWESTERN RAILROAD RIGHT OF WAY) LYING NORTH OF AND ABUTTING LOT 2 IN VILLA PARK KITCHENS RESUBDIVISION AFORESAID, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 2 AND RUNNING THENCE WESTERLY ALONG THE NORTH LINE THEREOF, A DISTANCE OF 176.18 FEET TO A POINT OF CURVE IN SAID NORTH LINE; THENCE CONTINUING WESTERLY ALONG THE NORTH LINE OF SAID LOT 2, BEING THE ARC OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 3321.38 FEET, WHOSE CENTRAL ANGLE IS 01 DEGREE 16 MINUTES 48 SECONDS, A DISTANCE OF 74.20 FEET (REC. & MEAS.) TO THE NORTHWEST CORNER OF SAID LOT 2; THENCE NORTHERLY RADIAL TO THE LAST DESCRIBED CURVE, A DISTANCE OF 16.00 FEET; THENCE EASTERLY ALONG A CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 3,337.21 FEET (DEED, 3,337.38'=CALC.), A CENTRAL ANGLE OF 01 DEGREE 16 MINUTES 50 SECONDS, AND BEING NORMALLY PARALLEL WITH SAID NORTH LINE, A DISTANCE OF 74.60 FEET; THENCE EASTERLY ALONG A LINE THAT IS 16.00 FEET NORTH OF AN PARALLEL WITH SAID NORTH LINE, A DISTANCE OF 176.18 FEET (DEED, 176.22'=MEAS.) TO A POINT THAT IS 16.00 FEET NORTHERLY OF, AS MEASURED AT RIGHT ANGLES TO SAID NORTH LINE, THE NORTHEAST CORNER OF LOT 2, AFORESAID; THENCE SOUTHERLY 16.00 FEET TO THE POINT OF BEGINNING, ACCORDING TO DOCUMENT RECORDED MARCH 24, 1995, AS NUMBER R95-034450, ALL IN DUPAGE COUNTY, ILLINOIS.

P.L.N.: 05-12-207-038

COMMON ADDRESS: 700-710 W. Hill Ave, Lombard, Illinois.



**EXHIBIT "B"**

**COUNTY CLERK CERTIFICATION  
THAT ALL VILLAGE OF LOMBARD  
TAXES AND ASSESSMENTS ARE PAID**

I, Gary A. King, County Clerk for the County of DuPage, Illinois, hereby certify that the records of my office indicate that as of the date of this certification, all taxes and assessments due the Village of Lombard, relative to the property as legally described below, are fully paid:

**1. PARCEL #1:**

**LEGAL DESCRIPTION:**

LOT 1 IN VILLA PARK KITCHENS RESUBDIVISION, BEING PART OF THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 11, 1972 AS DOCUMENT NUMBER R72-47323, TOGETHER WITH THAT PART OF HILL AVENUE RIGHT OF WAY LYING SOUTHEASTERLY OF DUPAGE COUNTY, ILLINOIS,

AND ALSO:

THAT PART OF THE UNION PACIFIC RAILROAD RIGHT OF WAY (FORMERLY THE CHICAGO AND NORTHWESTERN RAILROAD RIGHT OF WAY) LYING NORTH OF AND ABUTTING LOT 1 IN VILLA PARK KITCHENS RESUBDIVISION AFORESAID, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 2 AND RUNNING WESTERLY ALONG THE NORTH LINE THEREOF, A DISTANCE OF 176.18 FEET TO A POINT OF CURVE IN SAID NORTH LINE; THENCE CONTINUING WESTERLY ALONG THE NORTH LINE OF SAID LOT 2, BEING THE ARC OF A CURVE HAVING A RADIUS OF 3321.38 FEET, WHOSE CENTRAL ANGLE IS 01 DEGREES 16 MINUTES 48 SECONDS, A DISTANCE OF 74.20 FEET (REC. & MEAS.) TO THE NORTHEAST CORNER OF SAID LOT 1 FOR THE POINT OF BEGINNING; RUNNING THENCE WESTERLY ALONG THE NORTH LINE OF SAID LOT 1, BEING THE ARC OF A CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 3321.38 FEET AND A CENTRAL ANGLE OF 02 DEGREES 04 MINUTES 19 SECONDS, AN ARC DISTANCE OF 120.10 FEET (MEAS., REC.=120.12) THENCE NORTHERLY RADIAL TO THE LAST DESCRIBED CURVE, A DISTANCE OF 12.79 FEET; THENCE EASTERLY A DISTANCE OF 69.97 FEET TO A POINT THAT IS 16.00 FEET NORTHERLY OF (MEASURED RADIALY THERETO) THE NORTH LINE OF VILLA PARK KITCHENS RESUBDIVISION AFORESAID; THENCE CONTINUING EASTERLY ALONG A CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 3,337.21 FEET (DEED, 3,337.38=CALC.), A CENTRAL ANGLE OF 00 DEGREES 52 MINUTES 17 SECONDS, AND BEING NORMALLY PARALLEL WITH SAID NORTH LINE, AN ARC DISTANCE OF 50.75 FEET; THENCE SOUTHEASTERLY 16.00 FEET TO THE POINT OF BEGINNING, ACCORDING TO DOCUMENT RECORDED MARCH 24, 1995, AS NUMBER R95-034450, ALL IN DUPAGE COUNTY, ILLINOIS.

P.I.N.: 05-12-207-037

COMMON ADDRESS: 712 W. Hill Ave, Lombard, Illinois.

(SEAL)

By: *Gary A. King*  
 Gary A. King,  
 DuPage County Clerk

Name: *Gary A. King*

Title: *County Clerk*

Date: *9/1/09*

COMMON ADDRESS: 700-710 W. Hill Ave, Lombard, Illinois.

P.I.N.: 05-12-207-038

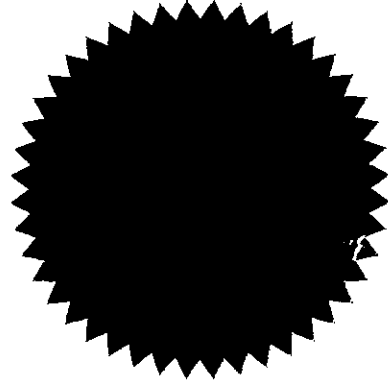
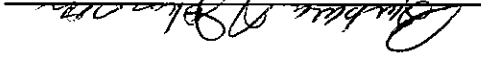
NUMBER R95-034450, ALL IN DUPAGE COUNTY, ILLINOIS. OF BEGINNING, ACCORDING TO DOCUMENT RECORDED MARCH 24, 1995, AS CORNER OF LOT 2, AFORESAID; THENCE SOUTHERLY 16.00 FEET TO THE POINT OF, AS MEASURED AT RIGHT ANGLES TO SAID NORTH LINE, THE NORTHEAST 176.18 FEET (DEED, 176.22'=MEAS.) TO A POINT THAT IS 16.00 FEET NORTHERLY 16.00 FEET NORTH OF AN PARALLEL WITH SAID NORTH LINE, A DISTANCE OF LINE, A DISTANCE OF 74.60 FEET; THENCE EASTERLY ALONG A LINE THAT IS MINUTES 50 SECONDS, AND BEING NORMALLY PARALLEL WITH SAID NORTH OF 3,337.21 FEET (DEED, 3,337.38'=CALC.); A CENTRAL ANGLE OF 01 DEGREE 16 EASTERLY ALONG A CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS RADIAL TO THE LAST DESCRIBED CURVE, A DISTANCE OF 16.00 FEET; THENCE (MEAS.) TO THE NORTHWEST CORNER OF SAID LOT 2; THENCE NORTHERLY IS 01 DEGREE 16 MINUTES 48 SECONDS, A DISTANCE OF 74.20 FEET (REC. & THE SOUTHEAST HAVING A RADIUS OF 3321.38 FEET, WHOSE CENTRAL ANGLE THE NORTH LINE OF SAID LOT 2, BEING THE ARC OF A CURVE CONCAVE TO POINT OF CURVE IN SAID NORTH LINE; THENCE CONTINUING WESTERLY ALONG WESTERLY ALONG THE NORTH LINE THEREOF, A DISTANCE OF 176.18 FEET TO A BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 2 AND RUNNING THENCE MORE PARTICULARLY DESCRIBED AS FOLLOWS:

AND ALSO:  
 DUPAGE COUNTY, ILLINOIS,  
 AND ABUTTING SAID LOT 2 IN VILLA PARK KITCHENS RESUBDIVISION, ALL IN WITH THAT PART OF HILL AVENUE RIGHT OF WAY LYING SOUTHEASTERLY OF RECORDED AUGUST 11, 1972 AS DOCUMENT NUMBER R72-47323, TOGETHER OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 39 NORTH, RANGE 10 EAST LOT 2 IN VILLA PARK KITCHENS RESUBDIVISION, BEING PART OF THE

LEGAL DESCRIPTION:

**2. PARCEL #2:**

Barbara A. Johnson  
Deputy Village Clerk  
Village of Lombard  
DuPage County, Illinois



In Witness Whereof, I have hereunto affixed my official signature and the Corporate Seal of said Village of Lombard, DuPage County, Illinois this 19<sup>th</sup> day of October, 2009.

of the said Village as it appears from the official records of said Village duly approved October 15, 2009.

P.T.N.: 05-12-207-037 & 05-12-207-038

W. HILL AVENUE

A DISCONNECTION AGREEMENT FOR 712 & 700-710  
AN ORDINANCE AUTHORIZING THE EXECUTION OF

copy of ORDINANCE 6401

I further certify that attached hereto is a

I, Barbara A. Johnson, hereby certify that I am the duly qualified Deputy Village Clerk of the Village of Lombard, DuPage County, Illinois, as authorized by Statute and provided by local Ordinance, and as such Deputy Village Clerk, I maintain and am safekeeper of the records and files of the President and Board of Trustees of said Village.

