

VILLAGE OF LOMBARD  
REQUEST FOR BOARD OF TRUSTEES ACTION  
For Inclusion on Board Agenda


  X   Resolution or Ordinance (Blue) \_\_\_\_\_ *Waiver of First Requested*  
\_\_\_\_\_ Recommendations of Boards, Commissions & Committees (Green)  
\_\_\_\_\_ Other Business (Pink)

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: William T. Lichter, Village Manager

DATE: March 28, 2006 (B of T) Date: April 6, 2006

TITLE: 2020-2030 St. Regis Drive (Yorkbrook Condominiums)

SUBMITTED BY: Department of Community Development 

BACKGROUND/POLICY IMPLICATIONS:

The Department of Community Development transmits for your consideration a resolution authorizing signatures of President and Clerk on an Abrogation of Easement Agreement relative to a cross access easement on the property located at 2020-2030 St. Regis Drive. (DISTRICT #3)

Please place this item on the April 6, 2006 Board of Trustees agenda.

Fiscal Impact/Funding Source:

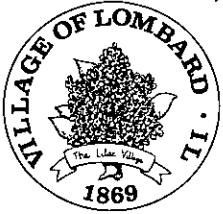
Review (as necessary):

Village Attorney X \_\_\_\_\_ Date \_\_\_\_\_

Finance Director X \_\_\_\_\_ Date \_\_\_\_\_

 Village Manager X  Date 03/29/06

NOTE: All materials must be submitted to and approved by the Village Manager's Office by 12:00 noon, Wednesday, prior to the Agenda Distribution.



## MEMORANDUM

**TO:** William T. Lichter, Village Manager

**FROM:** David A. Hulseberg, AICP, Director of Community Development *DH*

**DATE:** April 6, 2006

**SUBJECT:** **2020-2030 St. Regis Drive (Yorkbrook Condominiums) – Abrogation of a Cross Access Easement**

Attached is a copy of an abrogation of easement agreement for the property at 2020-2030 St. Regis Drive, commonly known as the Yorkbrook Condominium development. The current property owner is requesting that the Village agree to abrogate its rights over a cross-access easement included as part of the Yorkbrook Condominium Plat of Consolidation recorded in 1998. The existing easement is platted in an area underneath their proposed Phase II addition to the building and on adjacent drive aisles. In review of the plat staff finds that the Village does not need the cross-access easement rights on the property as noted on the plat. The Village will still be able to access the site for utility maintenance purposes via other plats of easement and such an easement is not need to secure police/fire access to the site.

### **ACTION REQUESTED**

Please place this item on the April 6, 2006 Village Board consent agenda with a resolution to authorize the signature of the President and Village Clerk to sign the submitted Plat of Easement Abrogation.

**RESOLUTION**

**R \_\_\_\_\_06**

**A RESOLUTION AUTHORIZING SIGNATURE OF  
PRESIDENT AND CLERK ON AN ABROGATION OF EASEMENT  
AGREEMENT**

WHEREAS, the Corporate Authorities of the Village of Lombard have received an Abrogation of Cross-Access Easement Rights Agreement, as attached hereto and marked Exhibit "A"; and,

WHEREAS the Corporate Authorities deem it to be in the best interest of the Village of Lombard to authorize the abrogation of the easement.

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

SECTION 1: That the Village President be and hereby is authorized to sign an abrogation of easement agreement on behalf of the Village of Lombard said document as attached hereto.

SECTION 2: That the Village Clerk be and hereby is authorized to attest said agreement as attached hereto.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

Ayes: \_\_\_\_\_

Nayes: \_\_\_\_\_

Absent: \_\_\_\_\_

Approved this \_\_\_\_\_, day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
William J. Mueller. Village President

ATTEST:

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

Published by me in pamphlet form this \_\_\_\_ day of \_\_\_\_\_, 2006.

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

THIS DOCUMENT PREPARED BY:

Elaine Pochiro  
Hartz Construction Co., Inc.  
9026 Heritage Parkway  
Woodridge, IL 60517  
(630) 228-3800

PIN: 06-20-417-001; 06-20-417-002; 06-417-017;  
06-20-417-018; 06-20-417-033; 06-20-417-036; and  
06-20-417-046 through 06-20-417-114 both inclusive.

Address: Vacant land located at  
2020 St. Regis Drive, Lombard, IL

### **ABROGATION OF EASEMENT**

THIS ABROGATION OF EASEMENT ("*Agreement*") is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2006, by and between WAYNE HUMMER TRUST COMPANY, AS TRUSTEE , UNDER TRUST NUMBER HBT- 2149 UNDER TRUST AGREEMENT DATED November 30, 2005 ("*Owner*") and the VILLAGE OF LOMBARD, an Illinois municipal corporation ("*Holder*"), as follows:

### **RECITALS**

A. Owner is the owner of certain property legally described on Exhibit A attached hereto ("*Owner Parcel*").

B. There currently exists a certain Cross Access Easement in favor of the Holder which encumbers the Owner Parcel, said Easement is depicted on the Yorkbrook Condominium Plat of Consolidation identified as recorded document number R98-156257 recorded on August 3, 1998 in DuPage County, Illinois.

E. The Owner and Holder desire to abrogate and terminate the Easement as such Easement affects the Owner Parcel.

**PROVISIONS**

**NOW, THEREFORE**, for and in consideration of Ten Dollars (\$10.00) and other good and valuable consideration in hand paid by Owner to, and the receipt and sufficiency whereof is hereby acknowledged by, the Holder, the undersigned hereby agree as follows:

1. **Recitals.** The foregoing recitals are incorporated herein as though fully set forth in this Paragraph 1.

2. **Abrogation of Easement.** Effectively immediately, the Owner Parcel is hereby released from the encumbrance of the Easement. No property other than the Owner Parcel shall be released from the Easement by this Agreement.

3. **Effect of Easement.** This Abrogation of Easement shall not affect the rights of St. Regis Condominium Association or any other entity.

*[signature page follows]*

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first above written.

OWNER:

WAYNE HUMMER TRUST COMPANY, N.A.,  
Trustee under Trust Number HBT-2149

By: Robert J. Mayo

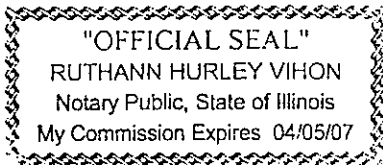
Name: Robert J. Mayo  
President & CEO

Its: \_\_\_\_\_

STATE OF ILLINOIS        )  
  ) SS  
COUNTY OF Cook        )

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that Robert J. Mayo, as President & CEO of Wayne Hummer Trust Company, N.A. as Trustee under Trust Number HBT-2149, 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 as such Trustee, she/he signed and delivered the said instrument, as her/his free and voluntary act, and for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed by official seal, this 21st of March, 2006.



Ruthann Hurley Vihon  
Notary Public

[SIGNATURE PAGE CONTINUES ON THE NEXT PAGE]

**HOLDER:**

**VILLAGE OF LOMBARD,  
a Municipal corporation**

**By:** \_\_\_\_\_

**Name:** \_\_\_\_\_

**Its:** \_\_\_\_\_

STATE OF ILLINOIS        )  
  ) SS.  
COUNTY OF \_\_\_\_\_ )

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that \_\_\_\_\_, as \_\_\_\_\_ of the Village of Lombard, a Municipal corporation, 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 she/he signed, sealed and delivered the said instrument as her/his free and voluntary act, for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed by official seal, this \_\_\_\_\_ of \_\_\_\_\_, 2006.

\_\_\_\_\_  
Notary Public

After Recording Mail to:

HARTZ Construction  
9026 Heritage Pkwy  
Woodridge, IL 60517  
Attn.: Pochiro



EXHIBIT A

LEGAL DESCRIPTION

PARCEL 1: THAT PART OF LOT 2 IN J.C. BENNET, SR. COUNTY CLERK ST. REGIS ASSESSMENT PLAT NO. 4, OF PART OF THE SOUTH ½ OF SECTION 20, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AS DOCUMENT NO. R85-06561, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST MOST CORNER OF SAID LOT 2; THENCE NORTHERLY, ALONG THE WESTERLY LINE OF SAID LOT 2, THE FOLLOWING THREE COURSES: NORTH 00 DEGREES 00 MINUTES 00 SECONDS WEST, 131.00 FEET; NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST, 6.00 FEET; NORTH 00 DEGREES 00 MINUTES 00 SECONDS WEST, 66.25 FEET; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST, 78.33 FEET TO THE EASTERLY LINE OF SAID LOT 2; THENCE SOUTHERLY ALONG THE EASTERLY LINE OF SAID LOT 2, THE FOLLOWING FIVE COURSES: SOUTH 00 DEGREES 00 MINUTES 00 SECONDS WEST, 27.17 FEET; NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST, 20.33 FEET; SOUTH 00 DEGREES 00 MINUTES 00 SECONDS WEST 51.25 FEET; NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST, 14.33 FEET; SOUTH 00 DEGREES 00 MINUTES 00 SECONDS WEST, 118.83 FEET TO THE SOUTH LINE OF SAID LOT 2; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST, ALONG THE LAST DESCRIBED LINE, 78.33 FEET TO THE POINT OF BEGINNING, ALL IN DUPAGE COUNTY, ILLINOIS.

PARCEL 2: THAT PART OF LOT 2 IN J.C. BENNET, SR. COUNTY CLERK ST. REGIS ASSESSMENT PLAT NO. 4, OF PART OF THE SOUTH ½ OF SECTION 20, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AS DOCUMENT R85-106561 DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST MOST CORNER OF SAID LOT 2; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST, ALONG THE NORTHERLY LINE OF SAID LOT 2, A DISTANCE OF 196.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING EASTERLY, ALONG THE NORTHERLY LINE OF SAID LOT 2, THE FOLLOWING THREE COURSES: 1) NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST 14.53 FEET; 2) NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST 6.00 FEET; 3) NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST, 22.92 FEET; THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS EAST 208.16 FEET; THENCE SOUTH 90 DEGREES 00 MINUTES 00 SECONDS WEST 233.45 FEET TO THE WESTERLY LINE OF SAID LOT 2; THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST ALONG THE LAST DESCRIBED LINE, 125.16 FEET TO THE SOUTH LINE OF THE NORTH 77.00 FEET OF SAID LOT 2; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST ALONG THE LAST DESCRIBED LINE, 196.00 FEET; THENCE NORTH 00 DEGREES 00 MINUTES 0 SECONDS EAST 77.00 FEET TO THE POINT OF BEGINNING, ALL IN DUPAGE COUNTY, ILLINOIS.