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Prepared by:
Thomas P. Bayer
Klein Thorpe and Jenkins, Ltd.
20 North Wacker Drive
Suite 1660
Chicago, IL 60606 -2903

FRED BUCHOLZ, RECORDER
DUPAGE COUNTY ILLINOIS
11/13/2020 08:23 AM

Prepared on behalf of:
(The Village of Lombard)
255 East Wilson Ave.
Lombard, Illinois 60148
Attn: Thomas Bayer

DOCUMENT # R2020-134900

Above space for Recorder's Office

**DUPAGE COUNTY, ILLINOIS
RECORDING COVER SHEET
FOR**

**LOMBARD ORDINANCE NO. 7344, ADOPTED APRIL 6, 2017, ENTITLED,
"AN ORDINANCE VACATING A PORTION OF MAGNOLIA CIRCLE,
BETWEEN CHERRY LANE AND MADISON MEADOWS PARK,"**

AS AMENDED BY

**LOMBARD ORDINANCE NO. 7608, ADOPTED NOVEMBER 15, 2018, ENTITLED,
"AN ORDINANCE AMENDING ORDINANCE NO. 7344, ADOPTED
APRIL 6, 2017, IN REGARD TO VACATING A PORTION OF MAGNOLIA CIRCLE,
BETWEEN CHERRY LANE AND MADISON MEADOWS PARK,"**

AS AMENDED BY

**LOMBARD ORDINANCE NO. 7848, ADOPTED AUGUST 20, 2020, ENTITLED,
"AN ORDINANCE AMENDING ORDINANCE NO. 7344, ADOPTED APRIL 6, 2017,
AS AMENDED BY ORDINANCE NO. 7608, ADOPTED NOVEMBER 15, 2018,
IN REGARD TO VACATING A PORTION OF MAGNOLIA CIRCLE,
BETWEEN CHERRY LANE AND MADISON MEADOWS PARK"**

After recording return to:

Village of Lombard

255 East Wilson Avenue, Lombard, Illinois 60148

Attn: Carl Goldsmith, Director of Public Works

26



I, **Janet Downer**, 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.

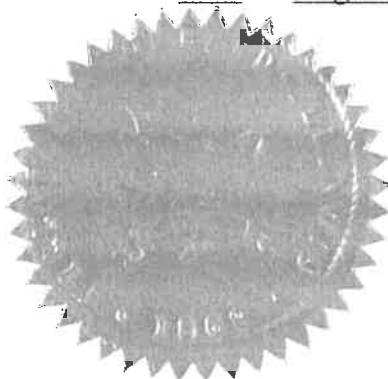
I further certify that attached hereto is a true and correct copy of
ORDINANCE NO. 7344

VACATING A PORTION OF MAGNOLIA CIRCLE,
BETWEEN CHERRY LANE AND
MADISON MEADOWS PARK

PINS: 06-17-215-001 AND 06-17-217-001
ADDRESS: 902 CHERRY LANE AND
906 CHERRY LANE
LOMBARD IL 60148

of the said Village as it appears from the official records of said Village duly approved this
6th day of April, 2017.

In Witness Whereof, I have hereunto affixed my official signature and the Corporate Seal of said **Village of Lombard**, Du Page County, Illinois this 27th of August, 2020.



A handwritten signature in cursive script, which appears to read "Janet Downer", is written over a horizontal line.

Janet Downer
Deputy Village Clerk
Village of Lombard
DuPage County, Illinois

**ORDINANCE 7344
PAMPHLET**

**VACATION OF MAGNOLIA CIRCLE RIGHT OF WAY
BETWEEN CHERRY LANE AND MADISON MEADOWS PARK**



PUBLISHED IN PAMPHLET FORM THIS 7th DAY OF APRIL, 2017, BY ORDER
OF THE CORPORATE AUTHORITIES OF THE VILLAGE OF LOMBARD, DUPAGE
COUNTY, ILLINOIS.

Sharon Kuderna

Sharon Kuderna
Village Clerk

ORDINANCE NO. 7344

**AN ORDINANCE VACATING A PORTION OF MAGNOLIA CIRCLE,
BETWEEN CHERRY LANE AND MADISON MEADOWS PARK**

BE IT ORDAINED by the President and Board of Trustees of the Village of Lombard, DuPage County, Illinois, as follows:

SECTION 1: That the President and Board of Trustees (hereinafter the "Corporate Authorities") of the Village of Lombard (hereinafter the "Village") find as follows:

- A. Pursuant to 65 ILCS 5/11-91-1, an ordinance vacating a right-of-way can provide that it shall not become effective until the owner(s) of the property abutting the right-of-way, or the owner(s) of a particular parcel of property abutting the right-of-way, to be vacated, pay(s) compensation to the municipality in an amount which, in the judgment of the corporate authorities, shall be the fair market value of the property acquired or of the benefits which will accrue to said owner(s) by reason of the vacation.
- B. That the fair market value of the dedicated right-of-way, as described in Section 3 below (hereinafter the "Vacated Street"), after taking into account the work to be performed by the Village as set forth in Section 4 below, is Thirty Thousand and No/100 Dollars (\$30,000.00).
- C. That the owners of the following-described properties:

PARCEL 1 (Steven Tani LLC – hereinafter the "Parcel 1 Owner"):

Lot 292 in Lombard Meadows, a subdivision in parts of Sections 16 and 17, Township 39 North, Range 11, East of the Third Principal Meridian, according to the plat thereof recorded July 23, 1957 as document 850186, in DuPage County, Illinois;

P.I.N.: 06-17-215-001;

Common Address: 902 Cherry Lane, Lombard, Illinois 60148; and

PARCEL 2 (L. Frances Brach, as Trustee under the Trust Agreement dated July 3, 2014, and known as the L. Frances Brach Trust – hereinafter the "Parcel 2 Owner"):

Lot 291 in Lombard Meadows, a subdivision in parts of Sections 16 and 17, Township 39 North, Range 11, East of the Third Principal Meridian,

according to the plat thereof recorded July 23, 1957 as document 850186, in DuPage County, Illinois;

P.I.N.: 06-17-217-001;

Common Address: 906 Cherry Lane, Lombard, Illinois 60148;
(the Parcel 1 Owner and the Parcel 2 Owner are hereinafter collectively referred to as the "Abutting Property Owners") shall make payment to the Village for the entire compensation due relative to the street vacation referenced in Section 3 below, as more specifically set forth in Section 4 below.

SECTION 2: It is hereby determined that the public interest will be subserved by vacating the Vacated Street, as hereinafter described, subject to the conditions set forth in Sections 4, 6, 7, 8 and 9 below.

SECTION 3: The following-described right-of-way:

That part of Magnolia Circle located South of and adjacent to Lot 292, and North of and adjacent to Lot 291, in Lombard Meadows, a subdivision in parts of Sections 16 and 17, Township 39 North, Range 11, East of the Third Principal Meridian, according to the plat thereof recorded July 23, 1957 as document 850186, in DuPage County, Illinois, and North of and adjacent to Lot 291 in Lombard Meadows, a subdivision in parts of Sections 16 and 17, Township 39 North, Range 11, East of the Third Principal Meridian, according to the plat thereof recorded July 23, 1957 as document 850186, in DuPage County, Illinois;

as shown on the plat of vacation attached hereto as Exhibit A, and made part hereof, and designated "hereby vacated" on said plat of vacation, be and the same hereby is vacated, subject to the conditions listed in Sections 4, 6, 7, 8 and 9 below, with said vacation not being in full force and effect until such time as the recording of this Ordinance, as referenced in Section 9 below, actually takes place.

SECTION 4: That this Ordinance shall be subject to the following:

- A. Each of the Abutting Property Owners making a monetary deposit of Fifteen Thousand and No/100 Dollars (\$15,000.00) with the Village, within sixty

(60) days of the approval date of this Ordinance.

B. The Village:

- (1) removing all pavement, sidewalk, trees and utilities from the Vacated Street, and restoring the Vacated Street to a grassed area;
- (2) abandoning the existing watermain, in the Vacated Street, but leaving the existing watermain in place; and
- (3) disconnecting the existing water service line, serving the house on PARCEL 1 (as referenced in Section 1.C. above), from the existing watermain in the Vacated Street, and constructing a water service line from the existing watermain in Cherry Lane to the house on said PARCEL 1;

as part of the Village's Lombard Meadows 3: Magnolia Circle Project (the "Project"); on or before December 31, 2020 (hereinafter the "Village Work").

SECTION 5: Pursuant to 65 ILCS 5/11-91-1, the Parcel 1 Owner shall acquire title to the North 1/2 of the Vacated Street, and the Parcel 2 Owner shall acquire title to the South 1/2 of the Vacated Street, upon the recording of a certified copy of this Ordinance and the plat of vacation attached hereto as Exhibit A.

SECTION 6: That, in the event that the payments, by both the Parcel 1 Owner and the Parcel 2 Owner, as provided for in Section 4.A. above, are not received by the Village within sixty (60) days of the approval date of this Ordinance, this Ordinance shall be null and void and of no further effect, the recording as referenced in Section 8 below shall not take place, and the Corporate Authorities of the Village shall take the appropriate action to formally repeal this Ordinance.

SECTION 7: That, in the event that the Village Work, as provided for in Section 4.B. above, is not completed by the Village on or before December 31, 2020, as a result of the Project not moving forward, the payments made to the Village, by the Abutting Property Owners, pursuant to Section 4.A. above, shall be refunded to the Abutting Property Owners by the Village, along with interest thereon at the rate of two percent

(2%) per annum, from the date of the deposit thereof with the Village to the date of the refunding thereof to each of the Abutting Property Owners, this Ordinance shall be null and void and of no further effect, the recording as referenced in Section 9 below shall not take place, and the Corporate Authorities of the Village shall take the appropriate action to formally repeal this Ordinance.

SECTION 8: That, in the event that the Corporate Authorities of the Village repeal or amend this Ordinance on or before December 31, 2020, without the prior written approval of the Abutting Property Owners, the payments made to the Village, by the Abutting Property Owners, pursuant to Section 4.A. above, shall be refunded to the Abutting Property Owners by the Village, along with interest thereon at the rate of five percent (5%) per annum, from the date of the deposit thereof with the Village to the date of the refunding thereof to each of the Abutting Property Owners.

SECTION 9: That, upon the Village's receipt of the payments referenced in Section 4.A. above, and the Village's completion of the Village Work as referenced in Section 4.B. above, the Director of Community Development is hereby directed to record the original signature copy of this Ordinance, along with the original plat of vacation and a certification by the Village Clerk as to the Ordinance being the original Ordinance, with the DuPage County Recorder of Deeds.

SECTION 10: That the Abutting Property Owners are in agreement with the terms and conditions of this Ordinance, and accept same as evidenced below:

- A. STEVEN TANI LLC, an Illinois limited liability company, being the Parcel 1 Owner, hereby voluntarily accepts, and agrees to be bound by, the terms and conditions of this Ordinance, relative to the vacation of the Vacated Street.

By: 
Steven Tani
Sole Member

CERTIFICATION

STATE OF _____)
) SS
COUNTY OF _____)

I, the undersigned, a Notary Public, in and for the County and State aforesaid, DO HEREBY CERTIFY that the above-named Steven Tani, personally known to me to be the Sole Member of Steven Tani LLC (the "LLC"), and also known to me to be the same person whose name is subscribed to the foregoing instrument as such Sole Member, appeared before me this day in person and acknowledged that, as such Sole Member, he signed and delivered the signed instrument, pursuant to authority given by said LLC, as his free and voluntary act, and as the free and voluntary act and deed of said LLC, for the uses and purposes therein set forth.

GIVEN under my hand and Notary Seal, this _____ day of _____, 2017.

PLEASE SEE
NOTARY ATTACHMENT

Notary Public

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

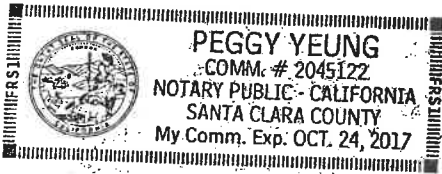
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of Santa Clara)
On Jan 4th 2017 before me, Peggy Yeung, Notary Public
Date Here Insert Name and Title of the Officer
personally appeared Steven Tani
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature [Signature]
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: Ordinance Vacating Portion -- Document Date: ---
Number of Pages: --- Signer(s) Other Than Named Above: ---

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____
 Corporate Officer — Title(s): _____
 Partner — Limited General
 Individual Attorney in Fact
 Trustee Guardian or Conservator
 Other: _____
Signer Is Representing: _____

Signer's Name: _____
 Corporate Officer — Title(s): _____
 Partner — Limited General
 Individual Attorney in Fact
 Trustee Guardian or Conservator
 Other: _____
Signer Is Representing: _____

B. L. FRANCES BRACH, AS TRUSTEE UNDER THE TRUST AGREEMENT DATED JULY 3, 2014, AND KNOWN AS THE L. FRANCES BRACH TRUST, being the Parcel 2 Owner, hereby voluntarily accepts, and agrees to be bound by, the terms and conditions of this Ordinance, relative to the vacation of the Vacated Street.

By: *L. Frances Brach*
L. Frances Brach
Trustee Under the Trust Agreement Dated July 3, 2014,
and Known as the L. Frances Brach Trust

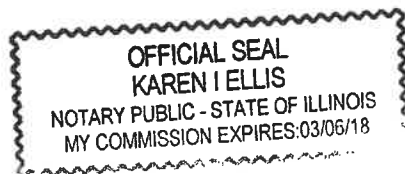
CERTIFICATION

STATE OF ILLINOIS)
) SS
COUNTY OF DuPAGE)

I, the undersigned, a Notary Public, in and for the County and State aforesaid, DO HEREBY CERTIFY that the above-named L. Frances Brach, personally known to me to be the Trustee Under the Trust Agreement Dated July 3, 2014, and Known as the L. Frances Brach Trust (the "Trust"), and also known to me to be the same person whose name is subscribed to the foregoing instrument as such Trustee, appeared before me this day in person and acknowledged that, as such Trustee, she signed and delivered the signed instrument, pursuant to authority given by said Trust, as her free and voluntary act, and as the free and voluntary act and deed of said Trust, for the uses and purposes therein set forth.

GIVEN under my hand and Notary Seal, this 16th day of March, 2017.

Karen D. Ellis
Notary Public



SECTION 11: That this Ordinance shall be in full force and effect from and after its passage by a three-fourths (3/4ths) vote of the Trustees holding office, and approval, as required by law.

Passed on first reading this ____ day of ____, 2017.

First reading waived by action of the Board of Trustees this 6th day of April, 2017.

Passed on second reading this 6th day of April, 2017.

Ayes: Trustee Whittington, Fugiel, Foltyniewicz, Johnston, Pike and Ware

Nays: None

Absent: None

Approved this 6th day of April, 2017.


Keith T. Giagnorio
Village President

ATTEST:


Sharon Kuderna
Village Clerk

Published by me in pamphlet form on this 7th day of April, 2017


Sharon Kuderna
Village Clerk

Exhibit A

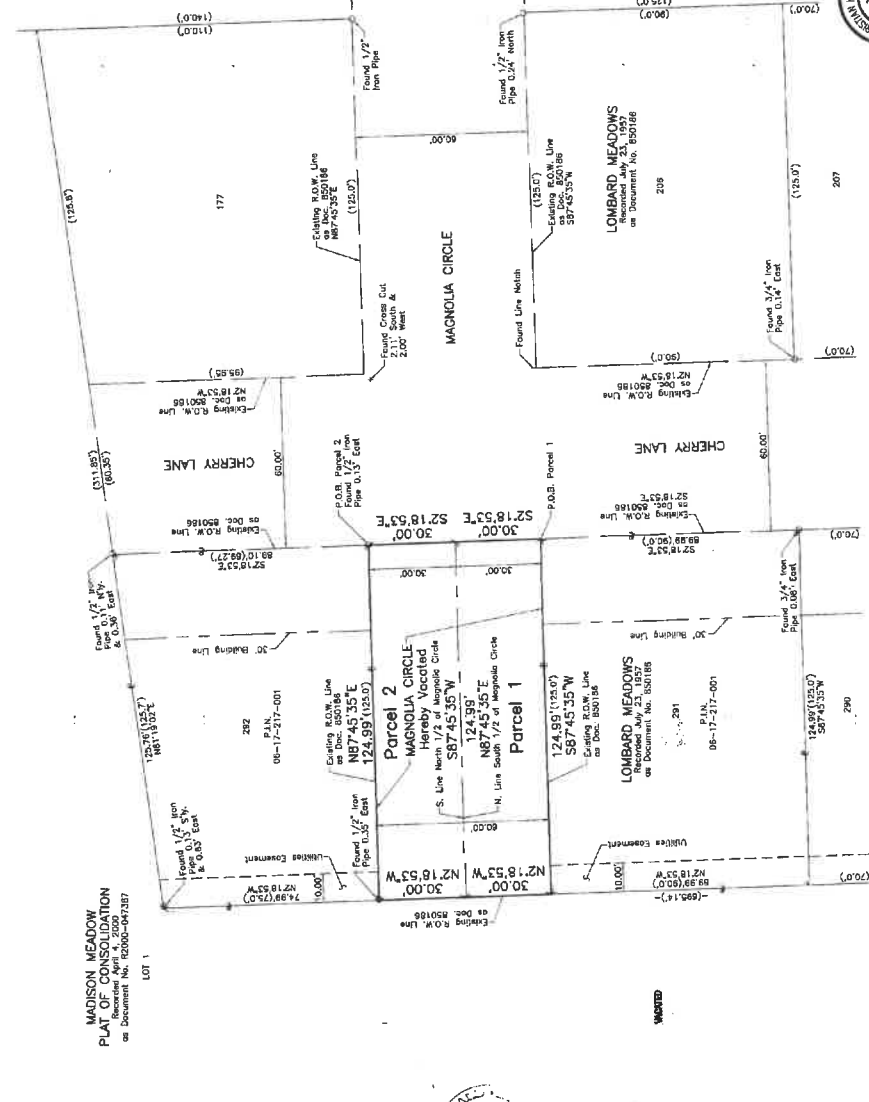
Plat of Vacation

(attached)

PLAT OF VACATION of

Parcel 1 South half of the right of way of Magnolia Circle being West of Cherry Lane and extending Lot 291 in Lombard Meadows, being a subdivision of part of Sections 16 and 17, Township 36 North, Range 11 East of the Third Principal Meridian, occupying July 23, 1937, as document number 850168, in DuPage County, Illinois, described as follows:
Beginning at the northeast corner of said Lot 291, being also a point on the west right of way line of said Magnolia Circle and a point on the west right of way line of said Cherry Lane; thence on an inside curve bearing S 83°20'11" East 291 feet to a point on the west right of way line of said Magnolia Circle; thence on an inside curve bearing S 87°00'00" East 43 minutes 35 seconds to a point on the west right of way line of said Magnolia Circle; thence North 2 degrees 16 minutes 53 seconds West along the north line of the South half of the right of way of said Magnolia Circle, a distance of 124.89 feet to a point of intersection with the North line of said Lot 291; thence North 87 degrees 00 minutes 00 seconds East along the north line of said Lot 291, a distance of 30.00 feet to the point of beginning.

Parcel 2 The north half of the right of way of Magnolia Circle being West of Cherry Lane and extending Lot 292 in Lombard Meadows, being a subdivision of part of Sections 16 and 17, Township 36 North, Range 11 East of the Third Principal Meridian, occupying July 23, 1937, as document number 850168, in DuPage County, Illinois, described as follows:
Beginning at the southeast corner of said Lot 292, being also a point on the north right of way line of said Magnolia Circle and a point on the west right of way line of said Cherry Lane; thence on an inside curve bearing S 83°20'11" East 292 feet to a point on the west right of way line of said Magnolia Circle; thence on an inside curve bearing S 87°00'00" East 43 minutes 35 seconds to a point on the west right of way line of said Magnolia Circle; thence North 2 degrees 16 minutes 53 seconds West along the north line of the South half of the right of way of said Magnolia Circle, a distance of 124.89 feet to a point of intersection with the North line of said Lot 292; thence North 87 degrees 00 minutes 00 seconds East along the north line of said Lot 292, being also the north right of way line of said Magnolia Circle, a distance of 30.00 feet to the point of beginning.



COUNTY RECORDER'S CERTIFICATE
State of Illinois }
County of DuPage }
This instrument No. **23020-18-040** was filed for recording in the Office of the County Recorder and was recorded in Book **332** of Page **230** on July 23, 2017.
By *[Signature]*
County Recorder

COMMUNITY DEVELOPMENT CERTIFICATE
State of Illinois }
County of DuPage }
Approved and acceptable by the Village President and Board of the Village of Lombard, Illinois, on this 23rd day of July, A.D. 2017.
By *[Signature]*
Village Clerk

VILLAGE BOARD CERTIFICATE
State of Illinois }
County of DuPage }
Approved and acceptable by the Village President and Board of the Village of Lombard, Illinois, on this 23rd day of July, A.D. 2017.
By *[Signature]*
Village Clerk

AREA SUMMARY
Total area of land comprising 0.089 Acres,
more or less.

LEGEND
Proposed Vacated Right of Way
Center Line
Property (Shaded) Line
Record Dimension
Found Iron Pipe or Non Rod
Crown Cut (3/4")
Found 1/2" Iron Pipe 0.5" East
Found 1/2" Iron Pipe 0.5" East
Found 3/4" Iron Pipe 0.5" East
Found 3/4" Iron Pipe 0.5" East
Found 3/4" Iron Pipe 0.5" East
Found 3/4" Iron Pipe 0.5" East

PLAT OF CONSOLIDATION
MADISON MEADOW
as Document No. 82800-047387
LOT 1

Parcel 1
P.O.B. Parcel 1
S 27°18'53" E 30.00'
S 27°18'53" E 30.00'
S 27°18'53" E 30.00'

Parcel 2
P.O.B. Parcel 2
S 27°18'53" E 30.00'
S 27°18'53" E 30.00'

MADISON MEADOW
as Document No. 82800-047387

CHERRY LANE
Existing R.O.W. Line
as Dec. 850168

MAGNOLIA CIRCLE
Existing R.O.W. Line
as Dec. 850168

LOMBARD MEADOWS
as Document No. 850168

CHERRY LANE
Existing R.O.W. Line
as Dec. 850168

MAGNOLIA CIRCLE
Existing R.O.W. Line
as Dec. 850168

LOMBARD MEADOWS
as Document No. 850168

This is to certify that W. Jorgensen & Associates, Inc. an Illinois Professional Land Surveying Corporation, Number **067745-3576**, has prepared and recorded this plat of vacation and legal description of part of the Village of Lombard, Illinois, in Sections 16 and 17, Township 36 North, Range 11 East of the Third Principal Meridian, in DuPage County, Illinois, and that the plat and legal description herein is a true and correct representation of said survey and description.

Dated at Lake Villa, Illinois, this 23rd day of July, A.D. 2017.

[Signature]
W. Jorgensen & Associates, Inc.
Professional Land Surveyor
License Expires 11/30/2018

[Signature]
Village President
Lombard, Illinois
License Expires 11/30/2018

State of Illinois }
County of DuPage }

NOTED

SEAL OF DU PAGE COUNTY, ILLINOIS

DU PAGE CO RECORDER PAGE 1 of 1

Copyright 2017 - Jorgensen & Associates, Inc. - All Rights Reserved

Sheet 1 of 1



I, **Janet Downer**, 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.

I further certify that attached hereto is a true and correct copy of

ORDINANCE 7608

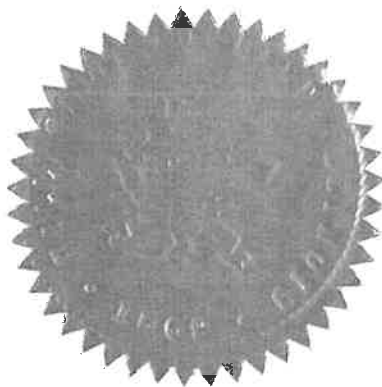
AMENDING ORDINANCE 7344, ADOPTED APRIL 6, 2017, IN REGARD TO VACATING A PORTION OF MAGNOLIA CIRCLE, BETWEEN CHERRY LANE AND MADISON MEADOWS PARK

of the said Village as it appears from the official records of said Village duly approved this 15th day of November, 2018.

In Witness Whereof, I have hereunto affixed my official signature and the Corporate Seal of said **Village of Lombard**

Du Page County, Illinois

this 3rd day of August, 2020.



A handwritten signature in cursive script, which appears to read "Janet Downer". The signature is written over a horizontal line.

Janet Downer
Deputy Village Clerk
Village of Lombard
DuPage County, Illinois

ORDINANCE NO. 7608

**AN ORDINANCE AMENDING ORDINANCE NO. 7344, ADOPTED APRIL 6, 2017,
IN REGARD TO VACATING A PORTION OF MAGNOLIA CIRCLE,
BETWEEN CHERRY LANE AND MADISON MEADOWS PARK**

BE IT ORDAINED by the President and Board of Trustees of the Village of Lombard, DuPage County, Illinois, as follows:

SECTION 1: That the President and Board of Trustees (hereinafter the "Corporate Authorities") of the Village of Lombard (hereinafter the "Village") find as follows:


- A. That, on April 6, 2017, the Corporate Authorities approved Ordinance No. 7344, entitled "AN ORDINANCE VACATING A PORTION OF MAGNOLIA CIRCLE, BETWEEN CHERRY LANE AND MADISON MEADOWS PARK" (hereinafter the "Original Ordinance").
- B. That, within sixty (60) days of the approval of the Original Ordinance, the Abutting Property Owners (as defined in the Original Ordinance) made the payments to the Village as referenced in Section 4.A. of the Original Ordinance.
- C. That, pursuant to a Deed by Limited Liability Company, dated August 20, 2018, and recorded with the DuPage County Recorder's Office on September 18, 2018, as document number R2018-087590, the Parcel 1 Owner (as defined in the Original Ordinance) conveyed title to PARCEL 1, as legally described in Section 1.C. of the Original Ordinance, to James E. Waldschmidt and Kecia T. Waldschmidt.
- D. That, as part of the conveyance of title to PARCEL 1, as referenced in subsection C. above, the Parcel 1 Owner (as defined in the Original Ordinance) assigned all of the Parcel 1 Owner's right, title and interest in the Original Ordinance to James E. Waldschmidt and Kecia T. Waldschmidt, pursuant to an Assignment of Ordinance by Limited Liability Company, dated August 20, 2018, a copy of which is attached hereto as Exhibit 1 and made part hereof (the "Assignment").
- E. That, as a result of the Assignment, it is necessary to amend the Original Ordinance to indicate that James E. Waldschmidt and Kecia T. Waldschmidt are, collectively, the Parcel 1 Owner.

SECTION 2: That, based on the findings, as set forth in Section 1 above, the

Original Ordinance is hereby amended as follows:

- A. The reference to "Steven Tani, LLC," as contained in Section 1.C. of the Original Ordinance, is amended to read, "James E. Waldschmidt and Kecia T. Waldschmidt."
- B. The agreement with, and acceptance of, the terms and conditions of the Original Ordinance, by the Parcel 1 Owner, as contained in Section 10.A. of the Original Ordinance, is amended to read in its entirety as follows, with the execution of the below provision, by James E. Waldschmidt and Kecia T. Waldschmidt, evidencing their agreement with and acceptance of the terms and conditions of the Original Ordinance:

"A. JAMES E. WALDSCHMIDT AND KECIA T. WALDSCHMIDT, being the Parcel 1 Owner, hereby voluntarily accept, and agree to be bound by, the terms and conditions of this Ordinance (Lombard Ordinance No. 7344, adopted April 6, 2017), relative to the vacation of the Vacated Street.


James E. Waldschmidt


Kecia T. Waldschmidt

CERTIFICATION

STATE OF ILLINOIS)
) SS
COUNTY OF DU PAGE)

I, the undersigned, a Notary Public, in and for the County and State aforesaid, DO HEREBY CERTIFY that the above-named James E. Waldschmidt and Kecia T. Waldschmidt, 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 acknowledged that they signed and delivered the signed instrument as their free and voluntary act for the uses and purposes therein set forth.

GIVEN under my hand and Notary Seal, this 31st day of October, 2018.




Notary Public"

SECTION 3: That, in the event the Original Ordinance is recorded, pursuant to Section 9 thereof, the Director of Community Development is hereby directed to record the original signature copy of this Ordinance, along with the Original Ordinance and a certification by the Village Clerk as to this Ordinance being the original Ordinance, with the DuPage County Recorder of Deeds.

SECTION 4: That this Ordinance shall be in full force and effect from and after its passage by a three-fourths (3/4ths) vote of the Trustees holding office, and approval, as required by law.

Passed on first reading this ____ day of _____, 2018.

First reading waived by action of the Board of Trustees this 15th day of November, 2018.

Passed on second reading this 15th day of November, 2018, pursuant to a roll call vote as follows:

AYES: Trustee Whittington, Fugiel, Foltyniewicz, Johnston, Pike and Ware

NAYS: None

ABSENT: None

APPROVED by me this 15th day of November, 2018.


Keith Giagnorio, Village President

ATTEST:


Sharon Kuderna, Village Clerk

Exhibit 1

**Assignment of Ordinance
by Limited Liability Company**

(attached)

ASSIGNMENT OF ORDINANCE BY LIMITED LIABILITY COMPANY

THE ASSIGNOR, Steven Tani, LLC, an Illinois limited liability company, by its sole member, Steven Tani, of 11129 Sutherland Avenue, Cupertino, California 95014, and in exercise of the power of sale granted to Steven Tani under the Operating Agreement of Steven Tani, LLC dated April 21, 2010, and in consideration of Ten and 00/100 Dollars (\$10.00), and other good and valuable consideration in hand paid, assigns, conveys and warrants to the grantees, **James E. Waldschmidt and Kecia T. Waldschmidt** ("Assignees") husband and wife, of 902 Cherry Lane, Lombard, Illinois 60148, all right, title and interest Assignor has in and to Village of Lombard Ordinance #7344, as approved by the President and Board of Trustees of the Village of Lombard on April 6, 2017 ("Ordinance"). The subject of said Ordinance is the vacation of the Magnolia Circle right-of-way, south of the property located at 902 Cherry Lane, Lombard, Illinois 60148, described below, with the eventual vesting of title to said vacated right-of-way in the owners of 902 Cherry Lane (the North ½ of the vacated right-of-way) and 906 Cherry Lane (the South ½ of the vacated right-of-way), Lombard, Illinois.

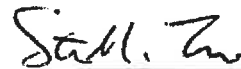
The property at 902 Cherry Lane, Lombard, Illinois is described below:

Lot 292 in Lombard Meadows, a subdivision in part of Sections 16 and 17, Township 39 North, Range 11, East of the Third Principal Meridian, according to the plat thereof recorded July 23, 1957 as document 850186, in DuPage County, Illinois.

PIN: 06-17-215-001

The above assignment of Ordinance is made in connection with the transfer of title in fee simple of the above described property at 902 Cherry Lane, Lombard, Illinois, from Assignor to Assignees. The Village of Lombard may rely on this instrument, as well as on the transfer of title described above, in substituting in the Ordinance the names of Assignees in lieu of Assignor.

Dated: August 26, 2018



Steven Tani, as Sole Member of Steven Tani, LLC, an Illinois limited liability company

SEE ATTACHED
CALIFORNIA
NOTARIZATION

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

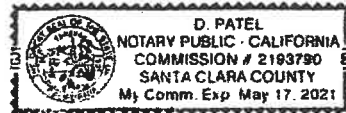
State of California

County of Santa Clara

On 08/20/2018 before me, D. Patel, Notary Public, personally appeared
Steven Tari

who proved to me on the basis of satisfactory evidence to be the person~~(s)~~ whose name~~(s)~~ is/~~are~~ subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity~~(ies)~~, and that by his/~~her/their~~ signature~~(s)~~ on the instrument the person~~(s)~~, or the entity upon behalf of which the person~~(s)~~ acted, executed the instrument. I certify under Penalty of Perjury under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS MY HAND AND OFFICIAL SEAL.



D. Patel

Signature of Notary Public

(Notary Seal)

OPTIONAL INFORMATION

The acknowledgment contained within this document is in accordance with California law. Any certificate of acknowledgement performed within the State of California shall use the preceding wording pursuant to Civil Code section 1189. An acknowledgment cannot be affixed to a document sent by mail or otherwise delivered to a notary public, including electronic means, whereby the signer did not personally appear before the notary public, even if the signer is known by the notary public. In addition, the correct notarial wording can only be signed and sealed by a notary public. The seal and signature cannot be affixed to a document without the correct notarial wording.

DESCRIPTION OF ATTACHED DOCUMENT

CAPACITY CLAIMED BY SIGNER

Assignment of Ordinance by the Liberty
(Title of document) Company

Number of Pages 2 (Including acknowledgment)

Document Date _____

- ____ Individual
____ Corporate Officer
____ Partner
____ Attorney-In-Fact
____ Trustee
____ Other: _____



I, **Janet Downer**, 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.

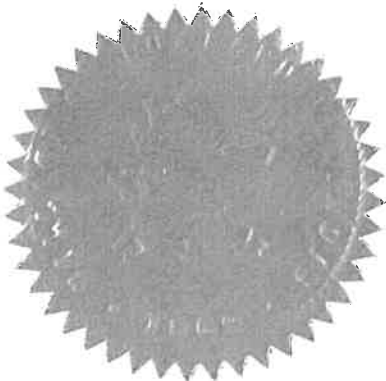
I further certify that attached hereto is a true and correct copy of
ORDINANCE NO. 7848

AMENDING ORDINANCE NO. 7344, ADOPTED
APRIL 6, 2017, AS AMENDED BY ORDINANCE NO.
7608, ADOPTED NOVEMBER 15, 2018, IN REGARD
TO VACATING A PORTION OF MAGNOLIA CIRCLE,
BETWEEN CHERRY LANE AND MADISON
MEADOWS PARK

PINS: 06-17-217-001
ADDRESS: 906 CHERRY LANE
LOMBARD IL 60148

of the said Village as it appears from the official records of said Village duly approved this
20th day of August, 2020.

In Witness Whereof, I have hereunto affixed my official signature and the Corporate Seal of said **Village of Lombard**, Du Page County, Illinois this 27th of August, 2020.



A handwritten signature in cursive script, which appears to read "Janet Downer", is written over a horizontal line.

Janet Downer
Deputy Village Clerk
Village of Lombard
DuPage County, Illinois

ORDINANCE NO. 7848

**AN ORDINANCE AMENDING ORDINANCE NO. 7344, ADOPTED APRIL 6, 2017,
AS AMENDED BY ORDINANCE NO. 7608, ADOPTED NOVEMBER 15, 2018,
IN REGARD TO VACATING A PORTION OF MAGNOLIA CIRCLE,
BETWEEN CHERRY LANE AND MADISON MEADOWS PARK**

BE IT ORDAINED by the President and Board of Trustees of the Village of Lombard, DuPage County, Illinois, as follows:

SECTION 1: That the President and Board of Trustees (hereinafter the "Corporate Authorities") of the Village of Lombard (hereinafter the "Village") find as follows:

- A. That, on April 6, 2017, the Corporate Authorities approved Ordinance No. 7344, entitled "AN ORDINANCE VACATING A PORTION OF MAGNOLIA CIRCLE, BETWEEN CHERRY LANE AND MADISON MEADOWS PARK" (hereinafter the "Original Ordinance").
- B. That, on November 15, 2018, the Corporate Authorities approved Ordinance No. 7608, entitled "AN ORDINANCE AMENDING ORDINANCE NO. 7344, ADOPTED APRIL 6, 2017, IN REGARD TO VACATING A PORTION OF MAGNOLIA CIRCLE, BETWEEN CHERRY LANE AND MADISON MEADOWS PARK" (hereinafter the "Amending Ordinance"), to substitute the new owner of title to PARCEL 1 for the Parcel 1 Owner as referenced in the Original Ordinance (the Original Ordinance, as amended by the Amending Ordinance, being hereinafter the "Amended Ordinance").
- C. That, within sixty (60) days of the approval of the Original Ordinance, the Abutting Property Owners (as defined in the Original Ordinance) made the payments to the Village as referenced in Section 4.A. of both the Original Ordinance and the Amended Ordinance.
- D. That, pursuant to a Trustee's Deed, dated July 22, 2020, and recorded with the DuPage County Recorder's Office on July 27, 2020, as document number R2020-079905, the Parcel 2 Owner (as defined in both the Original Ordinance and the Amended Ordinance) conveyed title to PARCEL 2, as legally described in Section 1.C. of both the Original Ordinance and the Amended Ordinance, to Joseph E. Garvey.
- E. That, as part of the conveyance of title to PARCEL 2, as referenced in subsection D. above, the Parcel 2 Owner (as defined in both the Original Ordinance and the Amended Ordinance) assigned all of the Parcel 2 Owner's right, title and interest in the Original Ordinance to Joseph E. Garvey, pursuant to an Assignment of Village of Lombard Ordinance No.

7344, dated July 22, 2020, a copy of which is attached hereto as Exhibit 1 and made part hereof (the "Assignment").

- F. That, as a result of the Assignment, it is necessary to amend the Amended Ordinance to indicate that Joseph E. Garvey is the Parcel 2 Owner.

SECTION 2: That, based on the findings, as set forth in Section 1 above, the Amended Ordinance is hereby amended as follows:

- A. The reference to "L. Frances Brach, as Trustee under the Trust Agreement dated July 3, 2014, and known as the L. Frances Brach Trust", as contained in Section 1.C. of both the Original Ordinance and the Amended Ordinance, is amended to read "Joseph E. Garvey".
- B. The agreement with, and acceptance of, the terms and conditions of the Amended Ordinance, by the Parcel 2 Owner, as contained in Section 10.B. of both the Original Ordinance and the Amended Ordinance, is amended to read in its entirety as follows, with the execution of the below provision, by Joseph E. Garvey, evidencing his agreement with and acceptance of the terms and conditions of the Amended Ordinance:

"B. JOSEPH E. GARVEY, being the Parcel 2 Owner, hereby voluntarily accepts, and agrees to be bound by, the terms and conditions of this Ordinance (Lombard Ordinance No. 7344, adopted April 6, 2017, as amended by Lombard Ordinance No. 7608, adopted November 15, 2018), relative to the vacation of the Vacated Street.

Joseph E. Garvey

CERTIFICATION

STATE OF ILLINOIS)
) SS
COUNTY OF DU PAGE)

I, the undersigned, a Notary Public, in and for the County and State aforesaid, DO HEREBY CERTIFY that the above-named Joseph E. Garvey, 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 he signed and delivered the signed instrument as his free and voluntary act for the uses and purposes therein set forth.

GIVEN under my hand and Notary Seal, this ____ day of _____, 2020.

Notary Public"

in Section 1.C. of both the Original Ordinance and the Amended Ordinance, is amended to read "Joseph E. Garvey".

B. The agreement with, and acceptance of, the terms and conditions of the Amended Ordinance, by the Parcel 2 Owner, as contained in Section 10.B. of both the Original Ordinance and the Amended Ordinance, is amended to read in its entirety as follows, with the execution of the below provision, by Joseph E. Garvey, evidencing his agreement with and acceptance of the terms and conditions of the Amended Ordinance:

"B. JOSEPH E. GARVEY, being the Parcel 2 Owner, hereby voluntarily accepts, and agrees to be bound by, the terms and conditions of this Ordinance (Lombard Ordinance No. 7344, adopted April 6, 2017, as amended by Lombard Ordinance No. 7608, adopted November 15, 2018), relative to the vacation of the Vacated Street.



Joseph E. Garvey

CERTIFICATION

STATE OF ILLINOIS)
) SS
COUNTY OF DU PAGE)

I, the undersigned, a Notary Public, in and for the County and State aforesaid, DO HEREBY CERTIFY that the above-named Joseph E. Garvey, 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 he signed and delivered the signed instrument as his free and voluntary act for the uses and purposes therein set forth.

GIVEN under my hand and Notary Seal, this 20th day of August, 2020.



Aug 26-29
Binita Shah

SECTION 3: That, in the event the Original Ordinance and the Amending Ordinance are recorded, pursuant to Section 9 of the Original Ordinance and Section 3 of the Amending Ordinance, the Director of Community Development is hereby directed to record the original signature copy of this Ordinance, along with the Original Ordinance and the Amending Ordinance, and a certification by the Village Clerk as to this Ordinance being the original signature copy thereof, with the DuPage County Recorder of Deeds.

SECTION 4: That this Ordinance shall be in full force and effect from and after its passage by a three-fourths (3/4ths) vote of the Trustees holding office, and approval, as required by law.

Passed on first reading this ____ day of _____, 2020.

First reading waived by action of the Board of Trustees this 20th day of August, 2020.

Passed on second reading this 20th day of August, 2020, pursuant to a roll call vote as follows:

AYES: _____

SECTION 3: That, in the event the Original Ordinance and the Amending Ordinance are recorded, pursuant to Section 9 of the Original Ordinance and Section 3 of the Amending Ordinance, the Director of Community Development is hereby directed to record the original signature copy of this Ordinance, along with the Original Ordinance and the Amending Ordinance, and a certification by the Village Clerk as to this Ordinance being the original signature copy thereof, with the DuPage County Recorder of Deeds.

SECTION 4: That this Ordinance shall be in full force and effect from and after its passage by a three-fourths (3/4ths) vote of the Trustees holding office, and approval, as required by law.

Passed on first reading this ____ day of _____, 2020.

First reading waived by action of the Board of Trustees this 20th day of August, 2020.

Passed on second reading this 20th day of August, 2020, pursuant to a roll call vote as follows:

AYES: Trustee Whittington, Puccio, Foltyniewicz, Honig, Militello and Ware

NAYS: None

ABSENT: None

APPROVED by me this 20th day of August, 2020.


William Ware, President Pro Tem

ATTEST:


Sharon Kuderna, Village Clerk

Exhibit 1

**Assignment of
Village of Lombard Ordinance No. 7344**

(attached)

ASSIGNMENT OF VILLAGE OF LOMBARD ORDINANCE NO. 7344

William J. Greene as the acting trustee of the L. Frances Brach Trust dated July 3, 2014 ("Assignor"), of 313 Circle Ave., Lombard, IL 60148, in consideration of Ten and 00/100 Dollars (\$10.00) and other good and valuable consideration in hand paid, assigns, conveys and warrants to the grantee, Joseph E. Garvey ("Assignee"), of 906 Cherry Lane, Lombard, Illinois 60148, all right, title and interest Assignor has in and to the Village of Lombard Ordinance as approved by the President and Board of Trustees of the Village of Lombard on April 6, 2017 ("Ordinance") including the Fifteen Thousand and 00/100 Dollars (\$15,000.00) deposit made by Assignor to the Village of Lombard pursuant to the Ordinance. The subject of said Ordinance is the vacation of the Magnolia Circle right-of-way, north of property located at 906 Cherry Lane, Lombard, Illinois 60148, described below, with the eventual vesting of title to said vacated right-of-way in the owners of 906 Cherry Lane (the south 1/2 of the vacated right-of-way) and 902 Cherry Lane (the north 1/2 of the vacated right-of-way), Lombard, Illinois.

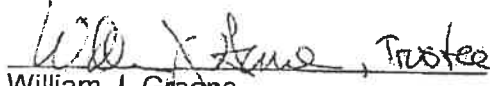
The property at 906 Cherry Lane, Lombard, Illinois is described below:

LOT 291 IN LOMBARD MEADOWS, A SUBDIVISION OF PART OF SECTION 16 AND 17, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JULY 23, 1957 AS DOCUMENT 850186, IN DUPAGE COUNTY, ILLINOIS.

PIN: 06-17-217-001

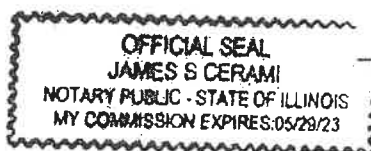
The above assignment of Ordinance is made in connection with the transfer of title in fee simple of the above described property at 906 Cherry Lane, Lombard, Illinois, from Assignor to Assignee. The Village of Lombard may rely on this instrument, as well as on the transfer of title described above in substituting in the Ordinance the name of the Assignee in lieu of the Assignor.


Dated: July 22, 2020


William J. Greene,
as trustee as aforesaid

State of Illinois, County of DuPage ss. I, the undersigned, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that William J. Greene 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 he signed, sealed and delivered the said instrument as his free and voluntary act as such trustee, for the uses and purposes therein set forth.

Given under my hand and official seal, this 22nd day of July, 2020.




Notary Public