

ORDINANCE 7136

PAMPHLET

**PC 01-25: 333-337 E. BUTTERFIELD ROAD
(HIGHLAND POINTE PLANNED DEVELOPMENT)
AMENDED ORDINANCE OF APPROVAL**



PUBLISHED IN PAMPHLET FORM THIS 16th DAY OF OCTOBER, 2015, BY ORDER
OF THE CORPORATE AUTHORITIES OF THE VILLAGE OF LOMBARD, DUPAGE
COUNTY, ILLINOIS.



Sharon Kuderna
Village Clerk

ORDINANCE NO. 7136

**AN ORDINANCE AMENDING
ORDINANCE NO. 5049-A, ADOPTED JANUARY 3, 2002,
IN REGARD TO THE GRANTING OF VARIATIONS AND EXCEPTIONS
RELATIVE TO THE HOMART/HIGHLAND POINTE OFFICE
PLANNED DEVELOPMENT AT 333-337 EAST BUTTERFIELD ROAD,
TO CORRECT SCRIVENER'S ERRORS, AND UPDATE,
THE LEGAL DESCRIPTION CONTAINED THEREIN**

WHEREAS, the President and Board of Trustees of the Village of Lombard have previously adopted Ordinance Number 5049-A, on January 3, 2002, in regard to the granting of variations and exceptions relative to the Homart/Highland Pointe Office Planned Development at 333-337 East Butterfield Road (the "2002 Ordinance"); and

WHEREAS, it has come to the Village's attention that the legal description, as set forth in Section 2 of the 2002 Ordinance, contained certain scrivener's errors and otherwise needs to be updated; and

WHEREAS, it is in the best interests of the Village to correct said scrivener's errors in, and update, said legal description;

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

SECTION 1: That Ordinance Number 5049-A, adopted January 3, 2002, is hereby amended, by correcting certain scrivener's errors as contained in, and otherwise updating, the legal description contained therein, so that the legal description, as set forth in Section 2 thereof, reads in its entirety as follows:

PARCEL 1 (FEE):

LOTS 1, 2, 3, 4 AND 5 TOGETHER WITH THE WEST 1/2 OF VACATED GILMORE STREET LYING EAST OF AND ADJOINING SAID LOT 1 IN WINDY HILL ACRES, BEING A SUBDIVISION IN THE SOUTHWEST 1/4 OF SECTION 29, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED FEBRUARY 18, 1958 AS DOCUMENT 871168 IN DUPAGE COUNTY, ILLINOIS,

(EXCEPTING THAT PART OF SAID LOTS 1, 2, 3 AND 4 CONVEYED TO NORTHERN ILLINOIS GAS COMPANY BY DEED RECORDED FEBRUARY 18, 1960 AS DOCUMENT 956157 AND ALSO EXCEPTING THAT PORTION OF SAID LOTS 1, 2, 3, 4 AND 5 CONDEMNED FOR HIGHWAY PURPOSES BY ORDER ENTERED AUGUST 27, 1968 IN DUPAGE COUNTY, ILLINOIS CIRCUIT COURT CASE NO. C68-852).

PARCEL 1 MAY ALSO BE DESCRIBED AS FOLLOWS:

PARCEL 1 (FEE): LOT 1 (WHICH INCLUDES THE WEST 1/2 OF VACATED GILMORE STREET) AND LOTS 2, 3, 4 AND 5 IN WINDY HILL ACRES, BEING A SUBDIVISION IN THE SOUTHWEST 1/4 OF SECTION 29, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED FEBRUARY 18, 1958 AS DOCUMENT 871168 IN DUPAGE COUNTY, ILLINOIS, EXCEPTING THAT PART OF SAID LOTS 1, 2, 3 AND 4 CONVEYED TO NORTHERN ILLINOIS GAS COMPANY BY DEED RECORDED FEBRUARY 18, 1960 AS DOCUMENT 956157 AND ALSO EXCEPTING THAT PORTION OF SAID LOTS 1, 2, 3, 4 AND 5 CONDEMNED FOR HIGHWAY PURPOSES BY ORDER ENTERED AUGUST 27, 1968 IN DUPAGE COUNTY, ILLINOIS CIRCUIT COURT CASE NO. C68-852).

PARCEL 2 (FEE):

PARCEL 1 OF ARLEY BOZICNIK PLAT OF SURVEY RECORDED OCTOBER 15, 1954 AS DOCUMENT 733706 DESCRIBED AS FOLLOWS: THAT PART OF THE SOUTHWEST 1/4 OF SECTION 29, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, BEGINNING AT THE INTERSECTION OF THE EAST LINE OF THE SOUTHWEST 1/4 AND THE SOUTHERLY LINE OF BUTTERFIELD ROAD; THENCE SOUTH ALONG THE EAST LINE OF SAID SOUTHWEST 1/4, 250.00 FEET; THENCE WEST ON A LINE 90 DEGREES TO SAID EAST LINE OF SOUTHWEST 1/4, 200.00 FEET; THENCE NORTH AND PARALLEL TO SAID EAST LINE OF SOUTHWEST 1/4 190.00 FEET MORE OR LESS TO THE SOUTHERLY LINE OF BUTTERFIELD ROAD; THENCE EASTERLY ALONG SAID SOUTHERLY LINE OF BUTTERFIELD ROAD 210.00 FEET MORE OR LESS TO THE POINT OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS, (EXCEPTING THEREFROM THAT PART CONVEYED TO THE STATE OF ILLINOIS BY DEED RECORDED OCTOBER 22, 1968 AS DOCUMENT R68-49027).

Parcel No. 06-29-303-009 and 010

PARCEL 3 (LEASEHOLD):

ALL THAT PART OF THE SOUTHWEST 1/4 OF SECTION 29, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS, BOUNDED AND DESCRIBED AS FOLLOWS, TO-WIT: COMMENCING AT THE SOUTHWEST CORNER OF THE EAST 1/2 OF THE SOUTHWEST 1/4 OF SAID SECTION 29; THENCE NORTHERLY ALONG THE WESTERLY LINE OF THE EAST 1/2 OF THE SOUTHWEST 1/4 OF SAID SECTION 29 A DISTANCE OF 1127.22 FEET TO A POINT DISTANT 82.50 FEET NORTHERLY, MEASURED AT RIGHT ANGLES FROM THE NORTHERLY LINE OF THAT CERTAIN TRACT OR PARCEL OF LAND CONVEYED TO THE ILLINOIS STATE TOLL HIGHWAY COMMISSION BY WARRANTY DEED DATED JANUARY 17, 1957, RECORDED IN DUPAGE COUNTY RECORDS ON FEBRUARY 07, 1957, IN BOOK 868 ON PAGE 130 AS DOCUMENT 831961; THENCE EASTERLY FORMING AN ANGLE OF 71 DEGREES 51 MINUTES 00 SECONDS TO THE RIGHT WITH THE LAST DESCRIBED COURSE EXTENDED A DISTANCE OF 413.55 FEET; THENCE NORTHEASTERLY FORMING AN ANGLE OF 45 DEGREES 00 MINUTES 00 SECONDS TO THE LEFT WITH THE LAST

DESCRIBED COURSE EXTENDED A DISTANCE OF 127.77 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREBY DESCRIBED, SAID POINT BEING IN THE NORTHERLY LINE OF THE TRACT OF LAND SO CONVEYED BY DEED DATED JANUARY 17, 1957; THENCE EASTERLY ALONG A NORTHERLY LINE OF THE TRACT OF LAND SO CONVEYED BY DEED DATED JANUARY 17, 1957 FORMING AN ANGLE OF 63 DEGREES 09 MINUTES 00 SECONDS TO THE RIGHT WITH THE LAST DESCRIBED COURSE EXTENDED A DISTANCE OF 309.27 FEET; THENCE EASTERLY ALONG A NORTHERLY LINE OF THE TRACT OF LAND SO CONVEYED BY DEED DATED JANUARY 17, 1957, FORMING AN ANGLE OF 4 DEGREES 05 MINUTES 00 SECONDS TO THE LEFT WITH THE LAST DESCRIBED COURSE EXTENDED A DISTANCE OF 210.53 FEET; THENCE EASTERLY ALONG A NORTHERLY LINE OF THE TRACT OF LAND SO CONVEYED BY DEED DATED JANUARY 17, 1957, FORMING AN ANGLE OF 14 DEGREES 04 MINUTES 00 SECONDS TO THE LEFT WITH THE LAST DESCRIBED COURSE EXTENDED, A DISTANCE OF 380.13 FEET TO THE EAST LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 29, THENCE NORTHERLY ALONG THE EASTERLY LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 29, FORMING AN ANGLE OF 71 DEGREES 59 MINUTES 00 SECONDS TO THE LEFT WITH THE LAST DESCRIBED COURSE EXTENDED, A DISTANCE OF 86.75 FEET, MORE OR LESS, TO A POINT DISTANT 82.50 FEET NORTHERLY, MEASURED AT RIGHT ANGLES, FROM THE NORTHERLY LINE OF THE TRACT OF LAND SO CONVEYED BY DEED DATED JANUARY 17, 1957; THENCE WESTERLY ALONG A LINE FORMING AN ANGLE OF 108 DEGREES 01 MINUTE 00 SECONDS TO THE LEFT WITH THE LAST DESCRIBED COURSE EXTENDED A DISTANCE OF 396.78 FEET; THENCE WESTERLY ALONG A LINE FORMING AN ANGLE OF 14 DEGREES 04 MINUTES 00 SECONDS TO THE RIGHT WITH THE LAST DESCRIBED COURSE EXTENDED A DISTANCE OF 197.41 FEET; THENCE WESTERLY ALONG A LINE FORMING AN ANGLE OF 4 DEGREES 05 MINUTES 00 SECONDS TO THE RIGHT WITH THE LAST DESCRIBED COURSE EXTENDED, A DISTANCE OF 270.45 FEET (264.57 FEET MEASURED), THENCE SOUTHWESTERLY ALONG A LINE FORMING AN ANGLE OF 63 DEGREES 09 MINUTES 00 SECONDS TO THE LEFT WITH THE LAST DESCRIBED COURSE EXTENDED, A DISTANCE OF 92.47 FEET TO THE POINT OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS, PURSUANT TO THAT CERTAIN INDENTURE OF LEASE DATED OCTOBER 01, 1983 AND RECORDED AS DOCUMENT NOS. R83-75052 AND R83-75053.

Parcel No. 06-29-303-008 (pt.)

PARCEL 4 (LEASEHOLD):

THAT PART OF LOT 4 IN WINDY HILL ACRES, BEING A SUBDIVISION IN THE SOUTHWEST 1/4 OF SECTION 29, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED FEB 18, 1958 AS DOCUMENT 871168, IN DUPAGE COUNTY, ILLINOIS BOUNDED AND DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 4; THENCE NORTHEASTERLY 185.00 FEET ALONG THE ARC OF A CIRCLE CONVEX TO THE SOUTHEAST, WHOSE RADIUS IS 9,391.29 FEET TO THE NORTHEAST CORNER OF SAID LOT 4; THENCE SOUTHERLY 45.53 FEET ALONG THE EASTERLY LINE OF SAID LOT 4 TO A POINT OF INTERSECTION WITH THE SOUTH RIGHT OF WAY LINE OF BUTTERFIELD ROAD PER CIRCUIT COURT CASE NO. C68-852, DATED AUGUST 27, 1968 IN DUPAGE COUNTY, ILLINOIS; THENCE SOUTHWESTERLY TO A POINT OF INTERSECTION WITH THE WESTERLY LINE OF SAID LOT 4, 184.10 FEET ALONG THE ARC OF A CIRCLE CONVEX TO THE SOUTHEAST, WHOSE RADIUS IS 9,435.29 FEET, BEING ALSO THE SOUTH RIGHT OF WAY LINE OF BUTTERFIELD ROAD PER CIRCUIT COURT CASE NO.

C68-852, TO A POINT OF INTERSECTION WITH THE WESTERLY LINE OF SAID LOT 4; THENCE NORTHERLY ALONG THE WESTERLY LINE A DISTANCE OF 46.15 FEET TO THE POINT OF BEGINNING, ALL IN DU PAGE COUNTY, ILLINOIS, PURSUANT TO THAT CERTAIN LEASE AGREEMENT FROM STATE OF ILLINOIS, DEPARTMENT OF TRANSPORTATION TO I&G HIGHLAND POINTE, LLC, DATED FEBRUARY 27, 2014.

SAVE AND EXCEPT FROM THE ABOVE PARCELS THE FOLLOWING DESCRIBED LAND: A STRIP OF LAND 30 FEET IN WIDTH OVER AND ACROSS THAT PART OF LOT 5 IN WINDY HILL ACRES, A SUBDIVISION OF THAT PART OF LOT 1 OF YORK TOWNSHIP SUPERVISORS ASSESSMENT NO. 10 SITUATED IN THE SOUTHWEST 1/4 OF SECTION 29 AND THE NORTHWEST 1/4 OF SECTION 32, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 5; THENCE SOUTHWESTERLY ALONG THE ARC OF A CURVE CONVEX TO THE SOUTHEAST HAVING A RADIUS OF 9391.29 FEET AND WHOSE CHORD BEARS SOUTH 72 DEGREES 32 MINUTES 06 SECONDS WEST 179.00 FEET TO THE EASTERLY LINE OF HIGHLAND AVENUE AS WIDENED PER CONDEMNATION CASE NO. C-68-852, DATED SEPTEMBER 25, 1969; THENCE SOUTH 28 DEGREES 39 MINUTES 43 SECONDS WEST ALONG SAID EASTERLY LINE 42.79 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF A CIRCLE CONVEX TO THE SOUTHEAST CONCENTRIC TO THE PREVIOUSLY DESCRIBED ARC, HAVING A RADIUS OF 9421.39 FEET AND WHOSE CHORD BEARS NORTH 72 DEGREES 39 MINUTES 06 SECONDS EAST, 202.4 FEET TO A POINT ON THE EAST LINE OF LOT 5 AFORESAID; THENCE NORTH 3 DEGREES 33 MINUTES 40 SECONDS WEST ALONG SAID EAST LINE 30.98 FEET TO THE HEREINABOVE DESIGNATED POINT OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS.

SECTION 2: That all other provisions of Ordinance Number 5049-A, adopted January 3, 2002, not corrected or updated hereby, shall remain in full force and effect.

SECTION 3: That this Ordinance shall be in full force and effect from and after its adoption and approval as provided by law.

Passed on first reading this ____ day of ____, 2015.

First reading waived by action of the Board of Trustees this 15th day of October, 2015.

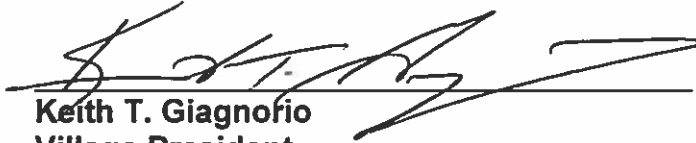
Passed on second reading this 15th day of October, 2015.

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

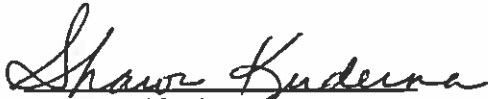
Nays: None

Absent: Trustee Foltyniewicz

Approved this 15th day of October, 2015.


Keith T. Giagnolio
Village President

ATTEST:


Sharon Kuderna
Village Clerk

Published by me in pamphlet form on this 16th day of October, 2015.


Sharon Kuderna
Village Clerk