

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

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

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: Scott R. Niehaus, Village Manager

DATE: October 13, 2015 (B of T) Date: October 15, 2015

TITLE: PC 01-25; 333-377 E. Butterfield Road (Highland Pointe Planned  
Development) Amended Ordinance of Approval

SUBMITTED BY: Department of Community Development

BACKGROUND/POLICY IMPLICATIONS:

The Department of Community Development transmits for your consideration staff's recommendation relative to an Ordinance to correct a Scrivener's error in the original ordinance of approval No. 5049-A for a conditional use for a planned development with variations and exceptions.

Staff and the petitioner request a waiver of first reading of the ordinance.

Fiscal Impact/Funding Source:

Review (as necessary):

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


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

Village Manager X \_\_\_\_\_ Date \_\_\_\_\_

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:** Scott R. Niehaus, Village Manager

**FROM:** William J. Heniff, AICP, Director of Community Development 

**DATE:** October 15, 2015

**SUBJECT:** **PC 01-25 – 333-377 E. Butterfield Road (Highland Pointe Planned Development) Amended Ordinance of Approval**

In 2002, the Village Board approved Ordinance 5049-A (attached), which provided for a planned development amendment for the Highland Pointe planned development. The amendment provided for the construction of a parking garage on the east end of the subject property, subject to conditions.

Through a due diligence action for the subject property, a discrepancy was found in Ordinance 5049-A relative to the legal description that was provided as part of the approval. As set forth in the attached correspondence, a portion of the parking lot was identified as part of the subject property. However, it is actually located within a leased area that is owned by the Illinois Department of Transportation (IDOT). To remedy this matter, the Village has been asked to assist in addressing the discrepancy.

Attached is a revised ordinance that addresses the matter by property identifying and describing the fee simple and leasehold interests associated with the subject property. As no other actions are being sought relative to this request, this matter is being brought forward to the Village Board for an approval as a Scrivener's error.

### **ACTION REQUESTED**

Please place this item on the October 15, 2015 Village Board agenda for approval of an amended Ordinance of approval to correct a Scrivener's error in the original ordinance of approval. Staff and the petitioner request a waiver of first reading of the ordinance.

**BURKE, WARREN, MACKAY & SERRITELLA, P.C.**

22ND FLOOR IBM PLAZA  
330 NORTH WABASH AVENUE  
CHICAGO, ILLINOIS 60611-3607  
TELEPHONE: (312) 840-7000  
FACSIMILE: (312) 840-7900

Douglas E. Wambach  
Direct Dial Number  
(312) 840-7019  
pbruks@burkelaw.com

October 8, 2015

**Via Email (heniffw@villageoflombard.org)**

William J. Heniff, AICP  
Director of Community Development  
Village of Lombard  
255 E. Wilson Ave. Lombard, IL 60148

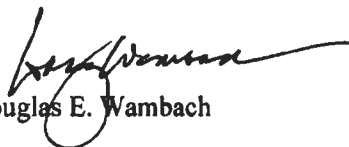
***Re: Highland Pointe (the "Project")***

Dear Mr. Heniff:

This firm represents Highland Pointe LLC ("HP") which is the contract purchaser of the Project. In connection with our due diligence review of the Project it came to our attention of an ambiguity between the description of the Project in the survey of the Project (see attached) and the site plan which is attached to Village Ordinance 5049-A, which, in turn, amended Ordinance 2622.

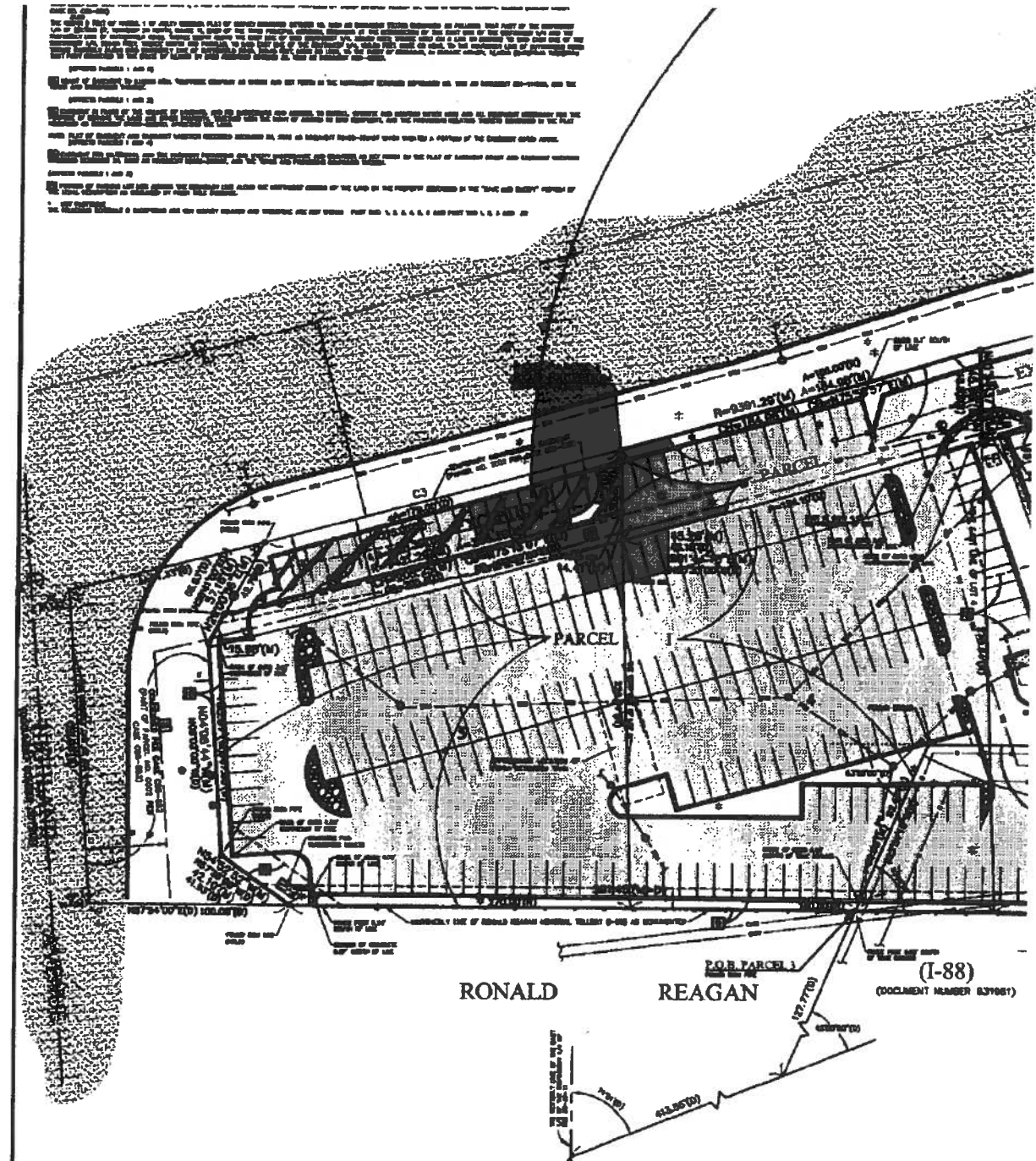
It appears that a small parcel or property which lies within the Butterfield Rd. right of way (see cross hatched parcel on the survey) was inadvertently included as part of the Project in the site plan. On behalf of HP, we are herby requesting that the Village take whatever action is necessary to clear up that ambiguity and reflect the actual description of the Project in the Ordinance.

Very truly yours,



Douglas E. Wambach

cc: Scott Schroeder (via email)  
Preston Sargent (via email)  
Vincent Korta (via email)  
Robert K. Hagan (via email)

[illegible]

### LEGEND

- [illegible]

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### ABBREVIATIONS

- [illegible]

**LINE LEGEND**

- [illegible]

### ZONING INFORMATION

[illegible]

**ORDINANCE NO. 5049-A**

**AN ORDINANCE AMENDING ORDINANCE NO. 2622 FOR A CONDITIONAL USE  
FOR A PLANNED DEVELOPMENT WITH VARIATIONS AND EXCEPTIONS**

(PC 01-25: Homart/Highland Point Office Planned Development –  
333-377 East Butterfield Road)

WHEREAS, an application has been filed by the owner requesting an amendment to Ordinance 2622, granting conditional use approval for a planned development; and,

WHEREAS, the petition of the owner was subject to a public hearing before the Plan Commission on December 17, 2001; and,

WHEREAS, the Plan Commission has recommended the granting of an amendment to the Planned Development for the construction of an accessory parking structure which includes variations and deviations, subject to certain terms and conditions; and,

WHEREAS, the President and Board of Trustees of the Village of Lombard hereby adopt the findings and recommendations of the Plan Commission as set forth herein, and make same part hereof, subject to certain revisions as more fully set forth below;

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 Ordinance No 2622, adopted August 11, 1983, is hereby amended as to allow for the construction and operation of an additional parking structure on the subject property with the following variations and bulk requirement exceptions:

- A. A variation from Section 155.508 (C) (6) to allow for a variation in the front yard setback for an accessory building;
- B. A variation from Section 155.207 (C) to allow for a building in a clear line of sight area.
- C. An exception to allow for an increase in maximum building height for an accessory structure; and

D. An exception to allow for an increase in maximum floor area ratio (F.A.R.); all of which are subject to the following conditions:

1. The site shall be developed essentially in conformance with the site plan submittal made a part of the petitioner's request.
2. That the east access drive to the existing parking garage shall be signed and striped as an entrance only.
3. The petitioner shall submit a plat of consolidation to the Village for the subject property that combines parcels one and two as shown on the plat. Should the petitioner reacquire all or a portion of the public right of way from IDOT north of the subject property, the petitioner shall also submit an additional plat of consolidation for Village approval.
4. The petitioner shall relocate the existing watermain on the east side of the subject property to a location approved by the Department of Community Development. The watermain shall be located in a dedicated utility easement at least 30 feet in width.
5. The petitioner shall also provide a striping plan for approval for any existing parking areas that are to be modified on the subject property.
6. The petitioner shall meet the codes and ordinances of the Village of Lombard.
7. The petitioner shall submit any necessary and supporting documentation as requested by the Director of Community Development to depict the location of any interim parking areas while the proposed garage is under construction.

SECTION 2: That this ordinance is limited and restricted to the property generally located at 333-377 East Butterfield Road, Lombard, Illinois and legally described as follows:

PARCEL 1: LOTS 1, 2, 3, 4, AND 5 TOGETHER WITH THE WEST ½ OF VACATED GILMORE STREET LYING EAST OF THE ADJOINING SAID LOT 1 IN WINDY HILL ACRES, BEING A SUBDIVISION IN THE SOUTHWEST ¼ 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 DU PAGE 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: PARCEL 1 OF ARLEY BOZICNIK PLAT OF SURVEY RECORDED OCTOBER 15, 1954, AS DOCUMENT 733706 DESCRIBED AS FOLLOWS: THAT PART OF THE SOUTHWEST  $\frac{1}{4}$  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  $\frac{1}{4}$  AND THE SOUTHERLY LINE OF BUTTERFIELD ROAD: THENCE SOUTH ALONG THE EAST LINE OF SAID SOUTHWEST  $\frac{1}{4}$  250.00 FEET THENCE WEST ON A LINE 90 DEGREES TO SAID EAST LINE OF SOUTHWEST  $\frac{1}{4}$  200.00 FEET; THENCE NORTH AND PARALLEL TO SAID EAST LINE OF SOUTHWEST  $\frac{1}{4}$  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 R-68-49027)

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

SECTION 3: That all other provisions of Ordinance 2622 not amended by this Ordinance shall remain in full force and effect.

SECTION 4: This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

Passed on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2002.

First reading waived by action of the Board of Trustees this

3rd day of January, 2002.

Passed on second reading this 3rd day of January, 2002.

Ordinance No. 5049 -A

Re: PC 01-25

Page 4

Ayes: Trustees DeStephano, Tross, Koenig, Sebby, Florey, Soderstrom

Nayes: None

Absent: None

Approved this 3rd day of January, 2002.

  
William J. Mueller, Village President

ATTEST:

  
Suzan L. Kramer, Village Clerk



**ORDINANCE NO. \_\_\_\_\_**

**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 \_\_\_\_ day of \_\_\_\_\_, 2015.

Passed on second reading this \_\_\_\_ day of \_\_\_\_\_, 2015,  
pursuant to a roll call vote as follows:

AYES: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSENT: \_\_\_\_\_

**APPROVED** by me this \_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Keith Giagnorio, Village President

**ATTEST:**

\_\_\_\_\_  
Sharon Kuderna, Village Clerk