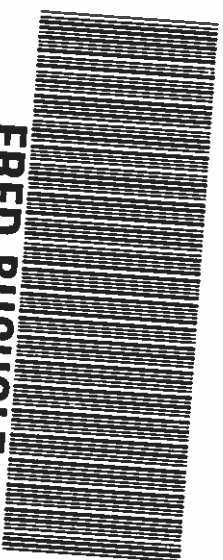


THIS DOCUMENT WAS  
PREPARED BY AND AFTER  
RECORDING RETURN TO:

Village of Lombard  
Community Development Department  
255 E. Wilson Avenue  
Lombard, Illinois 60148



**FRED BUCHHOLZ**  
DUPAGE COUNTY RECORDER  
SEP.03,2015 9:02 AM  
OTHER \$34.00 06-07-206-040  
008 PAGES R2015-098666

[The above space for recording purposes]

RIGHT-OF-WAY ENCROACHMENT WAIVER AND AGREEMENT

Re: Proposed Public Right-of-Way Use for Projecting Sign.

I/We, Don Wehshcherer, Jim Dagnon, represent that we are the legal owner(s) and lessee(s) of real property commonly known as:

18 W. St. Charles Road, Lombard, Illinois 60148.

PIN(s) #: 06-07-206-040

(Survey of property containing legal description of said property is attached hereto and made a part hereof as EXHIBIT A) (hereinafter the "Property").

I/We have undertaken the following Project at the above stated Property that encroaches on the public right-of-way:

Project: Projecting sign that encroaches onto the public right-of-way more than the four feet (4') allowed per Village Code, which requires approval by the Lombard Board of Trustees

I/We understand that the Village Code does not allow for the construction of a projecting sign that encroaches more than four feet (4') into the public right-of-way, without approval from the Lombard Board of Trustees. I/We agree that the projecting sign constructed in the public right-of-way at the property will be my/our responsibility to maintain, repair and replace, if necessary, due to "Acts of God", due to damage from non-Village persons, or due to normal wear and tear.

I/We covenant and agree that all construction that has occurred on the Project was performed in accordance with the Village Building Codes.

I/We also understand that as a condition of the Village of Lombard granting permission to utilize the public right-of-way abutting the Property for the aforesaid purposes, the undersigned owner(s) and lessee(s) covenant(s) and agree(s) not to sue, and to protect, indemnify, defend and hold harmless, the Village of Lombard and its officers, agents and employees from and against any and all claims, costs, actions, losses, demands, injuries and expenses of whatever nature, including, but not limited to, attorneys' fees, arising out of the Project being located in the public right-of-

way and/or from acts or omissions by the contractors, sub-contractors, agents or employees of the owner(s) or lessee(s) in maintaining the same and/or in conjunction with the use of the public right-of-way abutting the Property for the aforesaid purposes.

I/We understand that the terms and conditions contained herein apply uniquely to the public right-of-way adjacent to the Property at the above address as legally described in EXHIBIT A, and it is the intent of myself/ourselves and the Village to have the terms and conditions of this instrument run with the land and be binding on subsequent purchasers for so long as the aforementioned projecting sign encroaches into the public right-of-way.

This document shall be notarized and recorded with the DuPage County Recorder of Deeds.

**NOTE: ALL OWNERS AND LESSEES MUST SIGN**

Don Tuschewer  
Owner Signature

Owner Signature

Date: August 27, 2015

Date: \_\_\_\_\_

NOTARY: State of Illinois, County of DuPage) SS

I, Jennifer Ganser, a Notary Public in and for the County and State aforesaid, do hereby certify that Don Tuschewer is/are personally known to me to be the same person(s) whose name(s) is/are here subscribed to the foregoing instrument, and appeared before me this day in person and acknowledged that he/she/they signed and delivered said instrument as his/her/their free and voluntary act for the uses and purposes therein set forth.

Given under my hand and notarial seal this 27 day of August, 2015.

Notary Signature: Jennifer M Ganser

[SEAL]



Tenant Signature

Tenant Signature

Date: August 27, 2015

Date: \_\_\_\_\_

NOTARY: State of Illinois, County of DuPage) SS

I, ~~Jennifer Ganser~~ Jennifer Ganser, a Notary Public in and for the County and State aforesaid, do hereby certify that John Daagon is/are personally known to me to be the same person(s) whose name(s) is/are here subscribed to the foregoing instrument, and appeared before me this day in person and acknowledged that he/she/they signed and delivered said instrument as his/her/their free and voluntary act for the uses and purposes therein set forth.

Given under my hand and notarial seal this 27 day of August, 2015.

Notary Signature: J M Ganser

[SEAL]



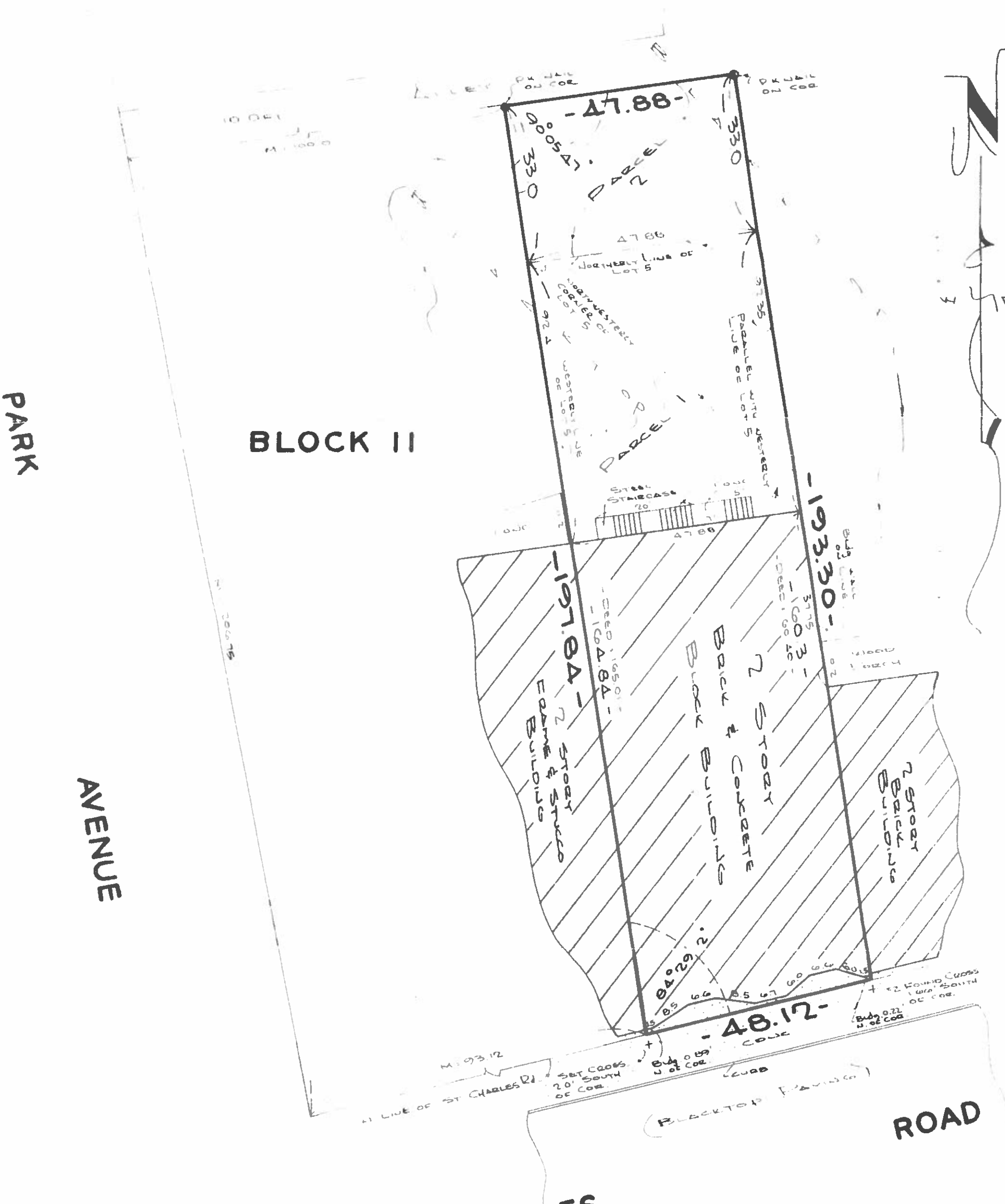
**EXHIBIT A**

**Survey of Property containing  
Legal Description of said Property  
(attached)**

# PLAT OF SURVEY

Parcel 1: The Westerly 48.12 feet (as measured along St. Charles Road) of Lot 5 in Block 11 in the Town of "Lombard", being a subdivision in Sections 5, 6, 7, 8 and 18, Township 39 North, Range 11, East of the Third Principal Meridian, more fully described by commencing at the Northwestern corner of said Lot 5; thence Southerly on the Westerly line of Lot 5, 165.01 feet to the Southwesterly corner of said Lot; thence Easterly along the Southerly line of said Lot 5, which is the Northerly line of St. Charles Road, 48.12 feet to a point; thence Northerly and parallel with the Westerly line of said Lot 5, 160.40 feet to a point in the Northerly line of Lot 5; thence Westerly along the Northerly line of said Lot 5, 47.88 feet to the place of beginning, according to the plat thereof recorded April 23, 1868, as document 9483, in DuPage County, Illinois.

Parcel 2: A strip of land 33.0 feet in width lying Northerly of and adjoining between the Easterly and Westerly lines extended Northerly of that part of Lot 5 in Block 11, aforesaid, in DuPage County, Illinois.

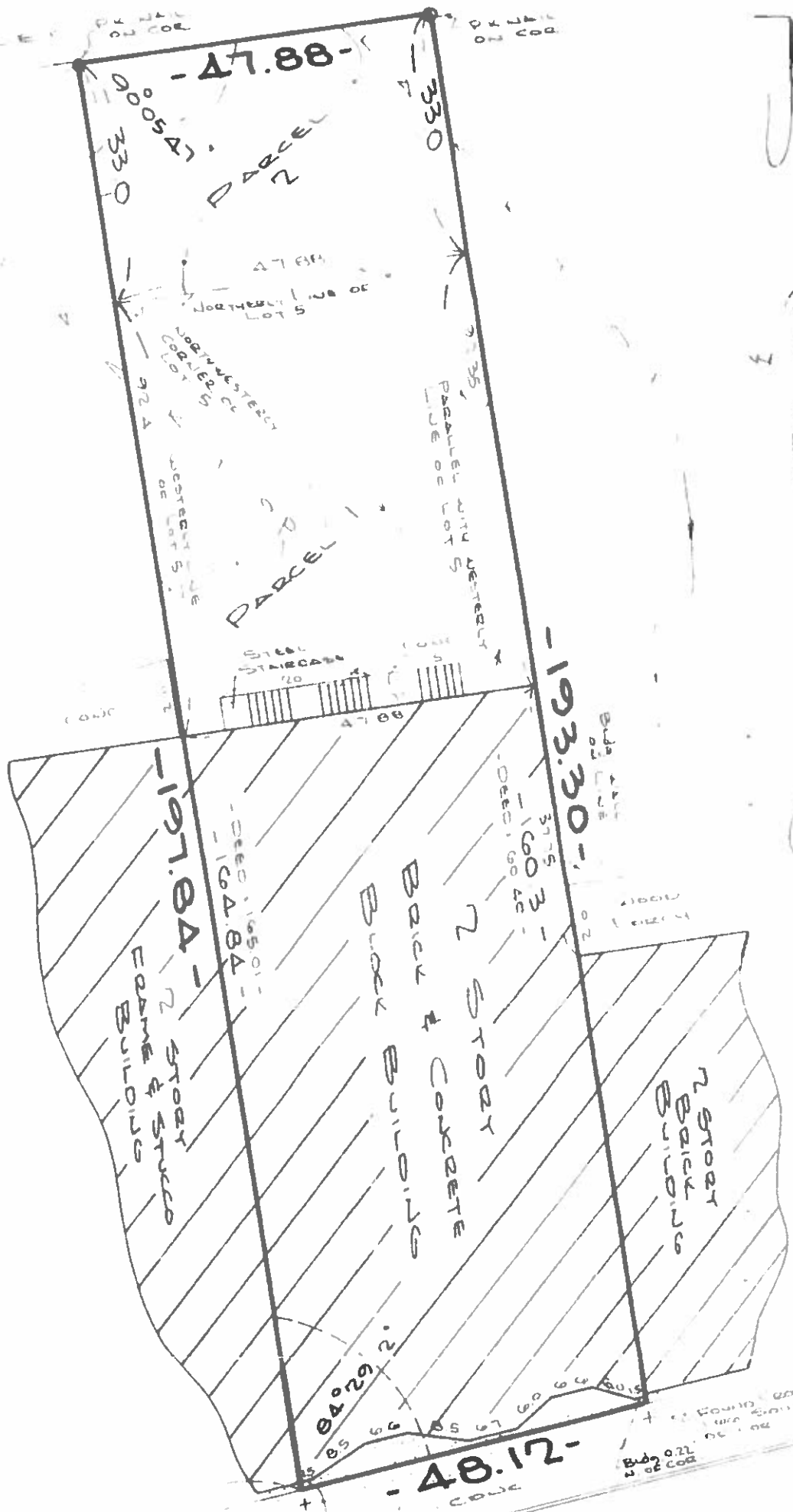


Strip of land 33.0 feet in width lying northerly of and adjoining between the Easterly and Westerly lines extended northerly of that part of Lot 5 in Block 11, aforesaid, in DuPage County, Illinois.

PARK

BLOCK 11

AVENUE



ST. CHARLES ROAD

STATE OF ILLINOIS COUNTY OF DUPAGE S.S. THIS IS TO CERTIFY THAT I AN ILLINOIS LAND SURVEYOR HAVE SURVEYED THE PROPERTY DESCRIBED IN THE ABOVE CAPTIONS AS SHOWN BY THE ANNEXED PLAT WHICH IS A CORRECT AND TRUE REPRESENTATION OF SAID SURVEY GIVEN UNDER MY HAND AND SEAL AT LOMBARD, ILLINOIS, THIS 28<sup>TH</sup> DAY OF OCT. A D 1986 Michael L. Krusch ILLINOIS LAND SURVEYOR NO 2:

SURVEY UPDATED ON THIS DAY OF A. D. 19

ILLINOIS LAND SURVEYOR NO. BUILDINGS LOCATED AS SHOWN ON THIS 28<sup>TH</sup> DAY OF OCT. A. D. 1986 Michael L. Krusch

REFER TO DEED OR GUARANTEE POLICY FOR BUILDING LINE RESTRICTIONS AND EASEMENTS NOT SHOWN ON PLAT OF SURVEY

THIS SURVEY AND PLAT OF GLEN D. KRISCH LAND SURVEYOR, INC. 555 S. EDSON AVE. LOMBARD, ILLINOIS 60148 PHONE 627-5589