

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"

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

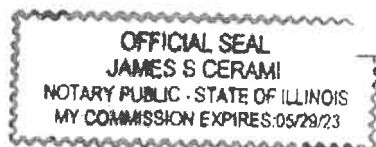
The above assignment of Ordinance is made in connection with the transfer of title in fee simple of the above described property at 906 Cherry Lane, Lombard, Illinois, from Assignor to Assignee. The Village of Lombard may rely on this instrument, as well as on the transfer of title described above in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