

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


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

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: William T. Lichter, Village Manager

DATE: May 8, 2006 (B of T) Date: May 18, 2006

TITLE: Transfer of Title to Surplus Real Estate - 246 W. Ann Street

SUBMITTED BY: Department of Community Development


BACKGROUND/POLICY IMPLICATIONS:

The Department of Community Development submits for your consideration a resolution authorizing the transfer of title to surplus real estate for the property known as 246 W. Ann Street. (DISTRICT #2)

Please place this item on the May 18, 2006 Board of Trustees agenda.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X _____

Finance Director X _____

Village Manager X W. T. Lichter

Date _____

Date _____

Date _____

5/10/06

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: William T. Lichter, Village Manager
FROM: David A. Hulseberg, AICP, Director of Community Development *DAL*

DATE: May 8, 2006

SUBJECT: 246 W. Ann Street - Transfer of Title to Surplus Real Estate

Attached please find documentation relative to the transferring of title to surplus real estate for the property located at 246 W. Ann Street.

BACKGROUND:

This property is currently owned by the Village of Lombard and is 51 x 150 foot vacant parcel, currently zoned R2, with a stormwater sewer currently constructed thereon. An appraisal was completed by Associated Property Counselors, Ltd. on April 4, 2006 who determined that the property had no economic value (\$0) as it is encumbered by easements that have an adverse impact on the site. Property owners, Mark and Laura Neil (immediately east of the site) and Ronald Kalinsky and Kristy Smith (immediately west of the site), have expressed interest in accepting title to one-half of the property with the existing easement in place as well as having the responsibility of maintaining it.

Staff believes it is in the best interest of the Village to transfer title of the 246 W. Ann parcel to the adjacent property owners mentioned above and has directed Village Counsel to draw up the necessary documents to effectuate this transaction. Upon execution and recording of the Quit Claim Deeds as well as the required publication of the Resolution, a Plat of Subdivision will be recorded.

RECOMMENDATION:

That the Village Board of Trustees approve the Resolution Authorizing the Transfer of Title to Surplus Real Estate and any and all documents necessary to complete the transactions.

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING THE TRANSFER OF
TITLE TO SURPLUS REAL ESTATE PURSUANT TO 65 ILCS 5/11-76-4.1
(246 West Ann Street)**

WHEREAS, the Village is the owner of the following described fifty-one (51) foot by one hundred fifty (150) foot vacant parcel of real estate, currently zoned R-2 Single-Family Residential District, through which the Village has constructed a stormwater sewer:

Lot 17 in Block 6 Roosevelt Crest, being a subdivision of part of the West 1/2 of the Southeast 1/4 of Section 18, Township 39 North, Range 11, East of the Third Principal Meridian, DuPage County, Illinois;

P.I.N.: 06-18-416-017;

Common Address: 246 West Ann Street, Lombard, Illinois 60148;

(hereinafter the "Subject Property"); and

WHEREAS, the Subject Property will, pursuant to a plat of subdivision to be recorded upon adoption of this Resolution and the completion of the conveyances contemplated hereby, be subject, in its entirety, to public utility and drainage easements (hereinafter the "Easement Encumbrance"); and

WHEREAS, as a result of said Easement Encumbrance, the Subject Property cannot be developed as a buildable single-family residential lot, as no permanent buildings or structures can be constructed thereon; and

WHEREAS, pursuant to 65 ILCS 5/11-76-4.1, the Village has had the Subject Property appraised by a State certified and licensed MAI real estate appraiser, a copy of the written certified appraisal performed by Associated Property Counselors, Ltd., dated April 4, 2006, being on file with the Village Clerk's office, and subject to public inspection, and incorporated herein by reference (hereinafter the "Appraisal"); and

East Lot Owners, pursuant to a quit claim deed, at a purchase price of \$0.00, subject to the plat transfer title, and to thereafter transfer title, to the East one-half of the Subject Property to the

3. That Village Staff is hereby directed to prepare the necessary documents to

Lot Owners is hereby approved, subject to Item 4 below;

2. That the transfer of title to the West one-half of the Subject Property to the West

Lot Owners is hereby approved, subject to Item 3 below;

1. That the transfer of title to the East one-half of the Subject Property to the East

Village of Lombard, DuPage County, Illinois, as follows:

NOW, THEREFORE, BE IT RESOLVED by the President and Board of Trustees of the

Property to the East Lot Owners and the West Lot Owners;

WHEREAS, it is in the best interests of the Village to transfer title to the Subject

and will place the Subject Property back on the real estate tax rolls; and

Property, it will relieve the Village of maintenance obligations relative to the Subject Property

WHEREAS, if the East Lot Owners and the West Lot Owners accept title to the Subject

Encumbrance; and

to their respective properties, even with the Subject Property being subject to the Easement

would be willing to accept title to the half of the Subject Property located immediately adjacent

WHEREAS, the East Lot Owners and the West Lot Owners have indicated that they each

West of, and adjacent to, the Subject Property (hereinafter the "West Lot Owners"); and

WHEREAS, Ronald Kalinsky and Kristy Smith are owners of the property immediately

of, and adjacent to, the Subject Property (hereinafter the "East Lot Owners"); and

WHEREAS, W. Mark Neil and Laura Neil are owners of the property immediately East

the value of the Subject Property is \$0.00; and

WHEREAS, in light of the Easement Encumbrance, said Appraisal has determined that

Brigitte O'Brien
Village Clerk

ATTEST:

William J. Mueller
Village President

APPROVED by me this _____ day of _____, 2005.

ABSENT:

NAYS:

AYES:

follows:

(2/3rds) roll call vote of the Corporate Authorities, as required by 65 ILCS 5/11-76-4.1, as
ADOPTED this _____ day of _____, 2006, pursuant to a two-thirds
in the *Lombard Spectator*, pursuant to 65 ILCS 5/11-76-4.1.

6. That a copy of this Resolution shall be published, upon its adoption and approval
by Items 3 and 4 above; and

5. That the Village President and the Village Clerk are hereby authorized and
directed to execute any and all necessary documents to complete the transactions contemplated

owned by the West Lot Owners memorializing the Easement Encumbrance;
of subdivision incorporating the West one-half of the Subject Property into the property currently
West Lot Owners, pursuant to a quit claim deed, at a purchase price of \$0.00, subject to the plat
transfer title, and to thereafter transfer title, to the West one-half of the Subject Property to the

4. That Village Staff is hereby directed to prepare the necessary documents to
owned by the East Lot Owners memorializing the Easement Encumbrance;

of subdivision incorporating the East one-half of the Subject Property into the property currently

Commonly Address: 246 West Ann Street, Lombard, Illinois 60148.

P.L.N.: Pt. 06-18-416-017;

The East 1/2 of Lot 17 in Roosevelt Crest, being a subdivision of part of the West 1/2 of the Southeast 1/4 of Section 18, Township 39 North, Range 11, East of the Third Principal Meridian, DuPage County, Illinois;

Illinois (the "Property"), as legally described as follows:

Grantor's right, title and interest in and to the real property, situated in the County of DuPage and State of Illinois which is hereby acknowledged, by these presents CONVEYS AND QUITCLAIMS unto the Grantee, all of and other good and valuable consideration in hand paid by the Grantee, the receipt and sufficiency of That the Grantor for and in consideration of the sum of TEN AND 00/100ths DOLLARS (\$10.00)

WITNESSETH:

Laura Neil (the "Grantee").

2006, by the Village of Lombard, an Illinois municipal corporation (the "Grantor") to W. Mark Neil and _____ day of _____

QUIT CLAIM DEED

DATE _____ GRANTOR/GRANTEE OR REPRESENTATIVE _____

THIS DEED IS EXEMPT FROM TAXATION UNDER THE PROVISIONS OF PARAGRAPH (e), SECTION 31.45 OF THE ILLINOIS REAL ESTATE TRANSFER TAX ACT

(The above space for recording purposes)

MAIL TAX BILLS TO:
W. Mark & Laura Neil
240 W. Ann Street
Lombard, Illinois 60148

THIS DOCUMENT WAS PREPARED BY
Klein Thorpe and Jenkins, Ltd.
20 North Wacker Drive, Suite 1660
Chicago, Illinois 60606

AFTER RECORDING RETURN TO:
W. Mark & Laura Neil
240 W. Ann Street
Lombard, Illinois 60148

Grantor hereby releases and waives all rights under and by virtue of the Homestead Exemptions
Laws of the State of Illinois.

TO HAVE AND TO HOLD the Property, with the rights and appurtenances, unto the Grantee and
Grantee's heirs, legal representatives, successors and assigns forever.
IN WITNESS WHEREOF, the Grantor has executed this Deed on the day, month and year first
set forth above.

GRANTOR:

ATTEST:

By: _____

Name: William J. Mueller
Title: Village President

Name: Brigitte O'Brien
Title: Village Clerk

STATE OF ILLINOIS)
) SS)
COUNTY OF DU PAGE)

I, the undersigned, a Notary Public in and for said County and State aforesaid, DO HEREBY
CERTIFY, that William J. Mueller and Brigitte O'Brien, as Village President and Village Clerk,
respectively, of the Village of Lombard, an Illinois municipal corporation (the "Village"), personally known
to me to be the same persons whose names are subscribed to the foregoing instrument as such Village
President and Village Clerk, respectively, appeared before me this day in person and acknowledged they
signed and delivered said instrument pursuant to authority given by the Board of Trustees of said Village,
and as their free and voluntary act, and as the free and voluntary act of said Village, for the uses and
purposes therein set forth.

GIVEN UNDER my hand and Notarial Seal this _____ day of _____, 2006.

Notary Public:

Commission Expiration:

Commonly Address: 246 West Ann Street, Lombard, Illinois 60148.

P.I.N.: PL 06-18-416-017;

The West 1/2 of Lot 17 in Roosevelt Crest, being a subdivision of part of the West 1/2 of the Southeast 1/4 of Section 18, Township 39 North, Range 11, East of the Third Principal Meridian, DuPage County, Illinois;

Illinois (the "Property"), as legally described as follows:

Grantor's right, title and interest in and to the real property, situated in the County of DuPage and State of Illinois which is hereby acknowledged, by these presents CONVEYS AND QUITCLAIMS unto the Grantee, all of and other good and valuable consideration in hand paid by the Grantee, the receipt and sufficiency of That the Grantor for and in consideration of the sum of TEN AND 00/100ths DOLLARS (\$10.00)

W I T N E S S E T H:

Kristy Smith (the "Grantee").

2006, by the Village of Lombard, an Illinois municipal corporation (the "Grantor") to Ronald Kalinsky and _____ day of _____, _____

QUIT CLAIM DEED

GRANTOR/GRANTEE OR REPRESENTATIVE

DATE

THIS DEED IS EXEMPT FROM TAXATION UNDER THE PROVISIONS OF PARAGRAPH (e), SECTION 31.45 OF THE ILLINOIS REAL ESTATE TRANSFER TAX ACT

(The above space for recording purposes)

MAIL TAX BILLS TO:
Ronald Kalinsky and Karen Smith
294 W. Ann Street
Lombard, Illinois 60148

THIS DOCUMENT WAS PREPARED BY
Klein Thorpe and Jenkins, Ltd.
20 North Wacker Drive, Suite 1660
Chicago, Illinois 60606

AFTER RECORDING RETURN TO:
Ronald Kalinsky and Karen Smith
294 W. Ann Street
Lombard, Illinois 60148

Notary Public: _____
Commission Expiration: _____

GIVEN UNDER my hand and Notarial Seal this _____ day of _____, 2006.

I, the undersigned, a Notary Public in and for said County and State aforesaid, DO HEREBY CERTIFY, that William J. Mueller and Brigitte O'Brien, as Village President and Village Clerk, respectively, of the Village of Lombard, an Illinois municipal corporation (the "Village"), personally known to me to be the same persons whose names are subscribed to the foregoing instrument as such Village President and Village Clerk, respectively, appeared before me this day in person and acknowledged they signed and delivered said instrument pursuant to authority given by the Board of Trustees of said Village, and as their free and voluntary act, and as the free and voluntary act of said Village, for the uses and purposes therein set forth.

STATE OF ILLINOIS)
) SS)
COUNTY OF DU PAGE)

By: _____
Name: William J. Mueller Title: Village President
Name: Brigitte O'Brien Title: Village Clerk

GRANTOR:
set forth above.

ATTEST:

IN WITNESS WHEREOF, the Grantor has executed this Deed on the day, month and year first
Grantee's heirs, legal representatives, successors and assigns forever.

TO HAVE AND TO HOLD the Property, with the rights and appurtenances, unto the Grantee and
Laws of the State of Illinois.

Grantor hereby releases and waives all rights under and by virtue of the Homestead Exemptions