

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

  X   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: September 26, 2006 (B of T) Date: October 5, 2006

TITLE: 141 W. St. Charles Road and 1 S. Lincoln Avenue

SUBMITTED BY: Department of Community Development *DGH*

BACKGROUND/POLICY IMPLICATIONS:

The Department of Community Development transmits for your consideration a resolution authorizing signatures of the Village President and Clerk on a Partial Release of Easement for the property located at 141 W. St. Charles Road and 1 S. Lincoln Avenue. (DISTRICT #1)

Staff recommends approval of this request.

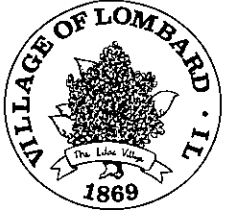
Please place this item on the October 5, 2006 Board of Trustees agenda.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X \_\_\_\_\_ Date \_\_\_\_\_  
Finance Director X \_\_\_\_\_ Date \_\_\_\_\_  
Village Manager X *W. T. Lichter* Date *9/27/06*

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, Assistant Village Manager *DAH*

**DATE:** October 5, 2006

**SUBJECT:** **Partial Release of Easement Agreement, 141 W. St. Charles Road and 1 S. Lincoln Avenue**

The Village of Lombard has received a Partial Release of Easement Agreement between the Village of Lombard, Norwood-Lombard LLC, Beta Properties, LLC and the Lincoln Place Condominium Association. The Lincoln Place building was constructed in such a manner that the concrete foundation extends into an existing easement for sidewalk purposes. This abrogation will remove the portion of the easement that is occupied by the building.

Staff recommends that the Village President and Village Clerk be authorized to sign the Partial Release of Easement Agreement.

DAH/JB:jb

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**RESOLUTION**  
R \_\_\_\_\_ 07

**A RESOLUTION AUTHORIZING SIGNATURE OF  
VILLAGE PRESIDENT AND CLERK ON AN AGREEMENT**

WHEREAS, the Corporate Authorities of the Village of Lombard have received a Partial Release of Easement Agreement between the Village of Lombard, Norwood-Lombard LLC, Beta Properties, LLC and the Lincoln Place Condominium Association. This abrogation will remove a portion of an existing easement for sidewalk purposes at the property commonly known as 141 W. St. Charles Road and 1 S. Lincoln Avenue, Lombard, Illinois, part of PIN #06-07-205-025 as attached hereto; and,

WHEREAS, the Corporate Authorities deem it to be in the best interest of the Village of Lombard to approve such Agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD, DU PAGE COUNTY, ILLINOIS, as follows:

SECTION 1: That the Village President be and hereby is authorized to approve on behalf of the Village of Lombard said Agreement as attached hereto.

SECTION 2: That the Village Clerk be and hereby is authorized to attest said Agreement as attached hereto

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

Absent: \_\_\_\_\_

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
William J. Mueller, Village President

ATTEST:

\_\_\_\_\_  
Brigitte O'Brien, Village Clerk

Prepared by and upon recording  
to be returned to:  
Stephen S. Messutta, Esq.  
250 S. Northwest Highway, Suite 300  
Park Ridge, IL 60068

PARTIAL RELEASE OF  
EASEMENT

FOR VALUE RECEIVED, the Village of Lombard, an Illinois municipal corporation (“Releasor”), hereby releases, remises and quitclaims unto and for the benefit of Norwood-Lombard LLC, an Illinois limited liability company (“Norwood”), Beta Properties, LLC, an Illinois limited liability company (“Beta”) and the Lincoln Place Condominium Association, an Illinois not for profit corporation (“Lincoln”, and collectively with Norwood and Beta “Releasee” as their respective interests may appear), all right, title and interest granted to Releasor pursuant to that certain Grant of Easement recorded in DuPage County, Illinois on August 5, 1991 as Document No. R91-099533 (“Easement”), in and to that portion of the Easement legally described as the “Sidewalk Easement Overlap” area on the Plat of Survey attached hereto as Exhibit 1 and made a part hereof, with all other portions of said Easement, not released hereby, remaining in full force and effect.

PIN: Part of 06-07-205-025-0000  
Address: 145 W. St. Charles Rd., Lombard, IL 60148

Dated this \_\_\_\_ day of \_\_\_\_\_, 2006

VILLAGE OF LOMBARD, Illinois (“Releasor”)

By: \_\_\_\_\_  
Print Name: William J. Mueller  
Print Title: Village President

ATTEST:

By: \_\_\_\_\_  
Print Name: Brigitte O'Brien  
Print Title: Village Clerk

STATE OF ILLINOIS        )  
                                  ) SS.  
COUNTY OF DUPAGE        )

I, the undersigned, being a Notary Public in and for the State and County aforesaid, CERTIFY that William J. Mueller, as Village President, and Brigitte O'Brien, as Village Clerk, both of the Village of Lombard, Illinois, personally known to me to be the same persons whose names are subscribed to the foregoing Release Deed, appeared before me this day in person, and acknowledged that they signed, sealed and delivered the said Partial Release of Easement as their free and voluntary act on behalf of the Village of Lombard, Illinois, for the uses and purposes set forth in it.

Given under my hand and official Notarial seal this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_

Notary Public

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# Plat of Survey

Exhibit 1 to Partial  
Release of Easement

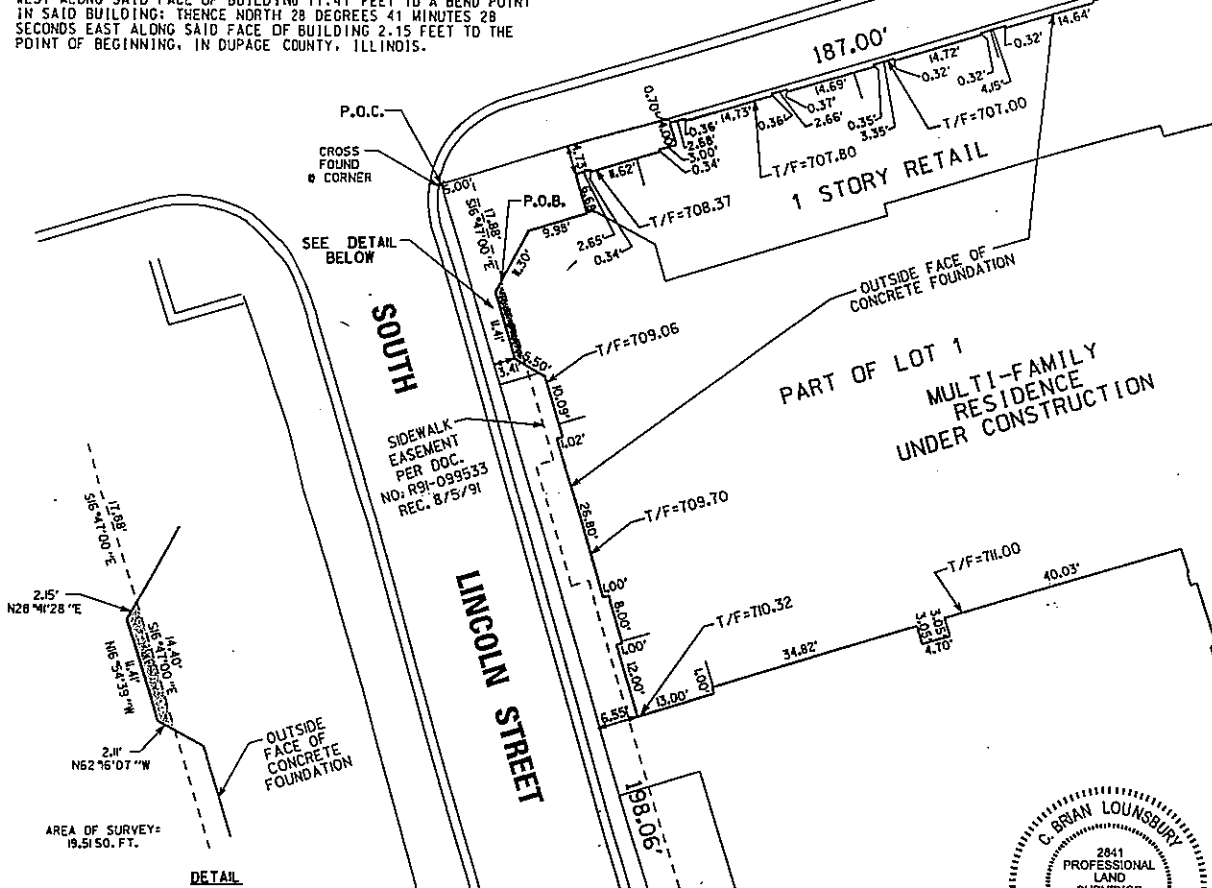
LINCOLN PLACE CONDO  
SIDEWALK EASEMENT OVERLAP

THAT PART OF THE EXISTING SIDEWALK EASEMENT RECORDED AS  
DOCUMENT NUMBER R91-099533, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWESTERLY CORNER OF LOT 1 IN LINCOLN PLACE RESUBDIVISION, BEING A RESUBDIVISION OF PART THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 1, 2003 AS DOCUMENT NUMBER R2003-452349, AND CORRECTED BY AFFIDAVIT AND CERTIFICATE OF CORRECTION RECORDED NOVEMBER 5, 2004 AS DOCUMENT NUMBER R2004-284508; THENCE NORTH 73 DEGREES 15 MINUTES 34 SECONDS EAST ALONG THE NORTHERLY LINE OF SAID LOT 1 A DISTANCE OF 5.00 FEET TO A POINT ON THE EASTERLY LINE OF SAID SIDEWALK EASEMENT; THENCE SOUTH 16 DEGREES 47 MINUTES 00 SECONDS EAST ALONG THE LAST DESCRIBED LINE, PARALLEL WITH THE WESTERLY LINE OF SAID LOT 1 A DISTANCE OF 17.88 FEET TO THE NORTHWESTERLY FACE OF AN EXISTING BUILDING, SAID POINT BEING THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 16 DEGREES 47 MINUTES 00 SECONDS EAST ALONG THE LAST DESCRIBED LINE 14.40 FEET TO THE SOUTHWESTERLY FACE OF SAID EXISTING BUILDING; THENCE NORTH 62 DEGREES 16 MINUTES 07 SECONDS WEST ALONG SAID FACE OF BUILDING 2.11 FEET TO A BEND POINT IN SAID BUILDING; THENCE NORTH 73 DEGREES 15 MINUTES 34 SECONDS WEST ALONG SAID FACE OF BUILDING 11.41 FEET TO A BEND POINT IN SAID BUILDING; THENCE NORTH 28 DEGREES 41 MINUTES 28 SECONDS EAST ALONG SAID FACE OF BUILDING 2.15 FEET TO THE POINT OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS.

WEST ST. CHARLES ROAD

N73°15'34"E



STATE OF ILLINOIS )  
COUNTY OF COOK ) SS



WE, SPACECO, INC., AN ILLINOIS PROFESSIONAL DESIGN FIRM, NUMBER 184-001157 DO HEREBY DECLARE THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED IS A TRUE AND CORRECT REPRESENTATION OF SAID SURVEY.

THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS OF PRACTICE APPLICABLE TO BOUNDARY SURVEYS.

ALL DIMENSIONS ARE IN FEET AND DECIMAL PARTS THEREOF. NO DISTANCES OR ANGLES SHOWN HEREON MAY BE ASSUMED BY SCALING.

GIVEN UNDER MY HAND AND SEAL THIS 23rd DAY OF March, 2005 IN ROSEMONT, ILLINOIS.

*C. Brian Lounsbury*  
C. BRIAN LOUNSBURY, I.P.L.S. NO. 035-2841

LICENSE EXPIRES: 11-30-2006

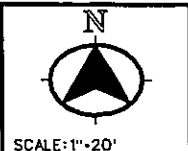
VALID ONLY IF EMBOSSED SEAL AFFIXED

COMPARE ALL DIMENSIONS BEFORE BUILDING AND REPORT ANY DISCREPANCIES AT ONCE. REFER TO DEED OR TITLE POLICY FOR BUILDING LINES AND EASEMENTS.

PREPARED FOR:

NORWOOD-LOMBARD LLC  
7458 N. HARLEM AVENUE  
CHICAGO, ILLINOIS 60631

REVISIONS:
3/23/05



**CONSULTING ENGINEERS**  
**SITE DEVELOPMENT ENGINEERS**  
**LAND SURVEYORS**

9575 W. Higgins Road, Suite 700,  
Rosemont, Illinois 60018  
Phone: (847) 696-4060 Fax: (847) 696-4065

DATE: 3/22/05
JOB NO: 3537
FILENAME: 37SWEASEMT.DGN