

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: July 31, 2006 (B of T) Date: August 17, 2006

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

SUBMITTED BY: Department of Community Development *WTL*

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 August 17, 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 _____

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 *DAL*
Assistant Village Manager/Director of Community Development
DATE: August 17, 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 and is 51-foot x 150-foot vacant parcel, currently zoned R2 Single-Family Residence District, 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 (\$) as it is encumbered by easements that have an adverse impact on the site.

On the original May 18, 2006 Village Board agenda was a Resolution authorizing the title transfer of surplus real estate for the Village-owned property at 246 W. Ann Street. The original resolution would have ultimately transferred title of the subject property to the two abutting properties. However, prior to Board consideration, the property owner at 294 West Ann Street (west of the subject property) stated that they are no longer interested in receiving title to the property.

The property owners immediately east of the site at 240 West Ann Street have expressed a desire to accept title to the subject property in its entirety. With this acceptance they will also assume the future responsibility of maintaining the subject property. Moreover, to ensure that Village utilities remain protected, blanket easement provisions would preclude the placement of any permanent structures on the subject property.

Staff believes it is in the best interest of the Village to transfer title of the 246 West Ann Street parcel to the adjacent property owners mentioned above and has directed Village Counsel to prepare 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:

Please place this item on the August 17, 2006 Village Board agenda. Staff recommends that the Village Board of Trustees approve the Resolution Authorizing the Transfer of Title to Surplus Real Estate at 246 West Ann Street and any and all documents necessary to complete the transaction.

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herein by reference (hereinafter the "Appraisal"); and

being on file with the Village Clerk's office, and subject to public inspection, and incorporated

certified appraisal performed by Associated Property Counselors, Ltd., dated April 4, 2006,

appraised by a State certified and licensed MAI real estate appraiser, a copy of the written

WHEREAS, pursuant to 65 ILCS 5/11-76-4.1, the Village has had the Subject Property

can be constructed thereon; and

developed as a buildable single-family residential lot, as no permanent buildings or structures

WHEREAS, as a result of said Easement Encumbrance, the Subject Property cannot be

Encumbrance"); and

subject, in its entirety, to public utility and drainage easements (hereinafter the "Easement

upon adoption of this Resolution and the completion of the conveyance contemplated hereby, be

WHEREAS, the Subject Property will, pursuant to a plat of consolidation to be recorded

(hereinafter the "Subject Property"); and

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

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

Principal Meridian, DuPage County, Illinois;

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

Residential District, through which the Village has constructed a stormwater sewer:

one hundred fifty (150) foot vacant parcel of real estate, currently zoned R-2 Single-Family

WHEREAS, the Village is the owner of the following described fifty-one (51) foot by

(246 West Ann Street)

A RESOLUTION AUTHORIZING THE TRANSFER OF TITLE TO SURPLUS REAL ESTATE PURSUANT TO 65 ILCS 5/11-76-4.1

RESOLUTION NO. _____

Item 2 above; and

directed to execute any and all necessary documents to complete the transaction contemplated by

3. That the Village President and the Village Clerk are hereby authorized and

Owners memorializing the Easement Encumbrance;

incorporating the Subject Property into the property currently owned by the Adjacent Lot

pursuant to a quit claim deed, at a purchase price of \$0.00, subject to the plat of consolidation

transfer title, and to thereafter transfer title, to the Subject Property to the Adjacent Lot Owners,

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

hereby approved, subject to Item 2 below;

1. That the transfer of title to the Subject Property to the Adjacent Lot Owners is

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 Adjacent Lot Owners;

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

Subject Property back on the real estate tax rolls; and

relieve the Village of maintenance obligations relative to the Subject Property and will place the

WHEREAS, if the Adjacent Lot Owners accept title to the Subject Property, it will

Encumbrance; and

accept title to the Subject Property, even with the Subject Property being subject to the Easement

WHEREAS, the Adjacent Lot Owners have indicated that they would be willing to

of, and adjacent to, the Subject Property (hereinafter the "Adjacent 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

173261-49/157

Brigitte O'Brien
Village Clerk

ATTEST:

William J. Mueller
Village President

APPROVED by me this _____ day of _____, 2006.

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.

4. That a copy of this Resolution shall be published, upon its adoption and approval

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 60606-2903
AFTER RECORDING RETURN TO:
W. Mark & Laura Neil
240 W. Ann Street
Lombard, Illinois 60148

(The above space for recording purposes)

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

DATE _____ GRANTOR/GRANTEE OR REPRESENTATIVE _____

QUIT CLAIM DEED

THIS QUIT CLAIM DEED (the "Deed") is made as of the _____ day of _____, 2006, by the Village of Lombard, an Illinois municipal corporation (the "Grantor") to W. Mark Neil and Laura Neil (the "Grantee").

WITNESSETH:

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

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;

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

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

Commission Expiration: _____
Notary Public: _____

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:

ATTEST:

set forth above.

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