

**APPROVING THE FINAL PLAT OF THE L&S RE-SUBDIVISION NO. ONE –  
FAIRVIEW DRIVE, DEKALB, ILLINOIS (LARRY BURNS).**

**WHEREAS**, the City of DeKalb (the “City”) is a home rule unit of local government and may exercise any power and perform any function pertaining to its government and affairs pursuant to Article VII, Section 6, of the Illinois Constitution of 1970; and

**WHEREAS**, Larry Burns (the “Applicant”) is the owner of real property legally described in the attached and incorporated Exhibit A (the “Property”);

**WHEREAS**, Applicant filed a petition with the City requesting the approval of a final plat of resubdivision for the Property entitled “Final Plat of L&S Resubdivision No. One” dated June 24, 2024 that is attached and incorporated as Exhibit B (the “Final Plat of L&S Resubdivision”); and

**WHEREAS**, on July 1, 2024, the City’s Planning and Zoning Commission met and recommended approving the Final Plat of L&S Resubdivision; and

**WHEREAS**, the City’s corporate authorities find that approving the Final Plat of L&S Resubdivision is in the City’s best interests for the protection of the health, safety, and welfare; and

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DEKALB, ILLINOIS:**

**SECTION 1:** The recitals to this Ordinance are true, material, adopted and incorporated as Section 1 to this Ordinance.

**SECTION 2:** The City’s corporate authorities adopt and approve the Final Plat of L&S Resubdivision.

**SECTION 3:** This Ordinance and each of its terms shall be the effective legislative act of a home rule municipality without regard to whether such ordinance should (a) contain terms contrary to the provisions of current or subsequent non-preemptive state law, or (b) legislate in a manner or regarding a matter not delegated to municipalities by state law. It is the intent of the City’s corporate authorities that to the extent that the terms of this Ordinance should be inconsistent with any non-preemptive state law, this Ordinance shall supersede state law in that regard within its jurisdiction.

**SECTION 4:** This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

**PASSED BY THE CITY COUNCIL** of the City of DeKalb, Illinois, at a Regular meeting thereof held on the 12<sup>th</sup> day of August 2024 and approved by me as Temporary Chair on the same day. Passed on First Reading by a 6-1-1 roll call vote. Aye: Zasada, Larson, Smith, Perkins, Powell, Walker. Nay: Verbic. Absent: Barnes. Second Reading waived by a 6-1-1 roll call vote. Aye: Zasada, Larson, Smith, Perkins, Powell, Walker. Nay: Verbic. Absent: Barnes.



  
Barb Larson, Temporary Chair

ATTEST:

  
Ruth A. Scott, Executive Assistant

**EXHIBIT A**

The Property is legally described as follows:

THAT PORTION OF CLARENCE N. QUITNO SUBDIVISION, A SUBDIVISION OF A PART OF SECTION 34, TOWNSHIP 40 NORTH, RANGE 4, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED ON OCTOBER 8, 1956 IN PLAT BOOK "J", PAGE 32, AS DOCUMENT NO. 283932; NOT INCLUDED WITHIN LOTS 1, 2, 3, 4, 5 AND 6 OR ANY PORTION OF SAID SUBDIVISION DEDICATED FOR PUBLIC ROADWAY USE.

CONTAINS 13,200 SQ. FT.

PROPERTY ADDRESS: FAIRVIEW DRIVE, DEKALB, ILLINOIS

P.I.N: 08-34-227-042

# FINAL PLAT OF L & S RESUBDIVISION NO. ONE

EXHIBIT B

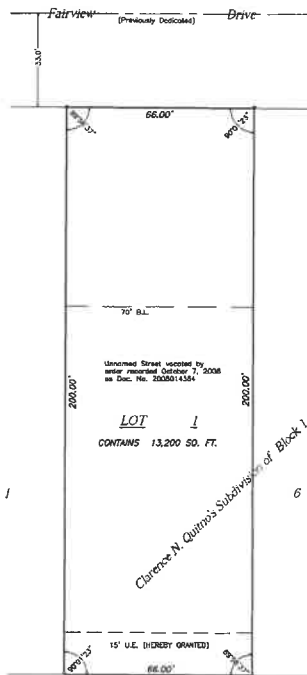
A RESUBDIVISION OF A PORTION OF BLOCK 1, CLARENCE M. QUINN SUBDIVISION,  
A SUBDIVISION OF A PART OF SECTION 34, TOWNSHIP 40 NORTH, RANGE 4,  
EAST OF THE THIRD PRINCIPAL MERIDIAN, DEKALB COUNTY, ILLINOIS.

ADDRESS: FAIRVIEW DRIVE, DEKALB, ILLINOIS 60115  
PIN: 08-34-227-042

-----LEGEND-----  
• Boundary of property surveyed  
• Found pinched top iron pipe  
• Set iron pipe  
B.L. Building line  
U.E. Utility easement

## UTILITY EASEMENT PROVISIONS

A NON-EXCLUSIVE 15 FOOT WIDE EASEMENT IS HEREBY RESERVED FOR AND GRANTED TO THE CITY OF DEKALB, DEKALB COUNTY, ILLINOIS, AND TO THOSE UTILITY AND OTHER ENTITIES OPERATING NOW, OR IN THE FUTURE, UNDER FRANCHISE FROM THE CITY OF DEKALB (COLLECTIVELY, "THE GRANTEE") INCLUDING BUT NOT LIMITED TO VERIZON, COMCAST NICOR, COMMONWEALTH Edison COMPANY, AND TO THEIR SUCCESSORS AND ASSIGNS, IN, ON, UPON, ACROSS, OVER, UNDER AND THROUGH THE AREAS SHOWN BY DASHED LINES AND LABELED "UTILITY EASEMENT" OR "U.E." ON THIS PLAT OF SUBDIVISION, SUCH EASEMENTS GRANTING AND RESERVING FOR THE GRANTEE'S THE PERPETUAL RIGHT, PRIVILEGE AND AUTHORITY TO INSTALL, CONSTRUCT, RECONSTRUCT, INSPECT, OPERATE, REPLACE, RENEW, ALTER, ENLARGE, REMOVE, REPAIR, CLEAN AND MAINTAIN VARIOUS UTILITY AND SIMILAR TRANSMISSION, RECEIVING AND DISTRIBUTION SYSTEMS, INCLUDING, BUT NOT LIMITED TO CABLES, LINES, TRANSFORMERS, COMPUTER DEVICES, STORM SEWERS, AND ANY AND ALL NECESSARY MANHOLES, PIPES, CONNECTIONS, CATCH BASINS, AND WITHOUT LIMITATION, SUCH OTHER INSTALLATION AS MAY BE REQUIRED TO FURNISH UTILITY AND SIMILAR SERVICE TO THE ATTACHED AREA, AND SUCH APURTENANCES AND ADDITIONS THEREON AS THE GRANTEE MAY DEEM NECESSARY, USEFUL OR CONVENIENT, TOGETHER WITH A PERMANENT RIGHT OF ACCESS ACROSS THE LOTS AND REAL ESTATE SHOWN ON THIS PLAT OF SUBDIVISION FOR THE NECESSARY PERSONS AND EQUIPMENT TO DO ANY OR ALL OF THE ABOVE WORK. THE RIGHT IS ALSO HEREBY GRANTED TO THE GRANTEE TO CUT DOWN, TRIM OR REMOVE ANY TREES, SHRUBS OR OTHER PLANTS THAT INTERFERE WITH THE OPERATION OF OR ACCESS TO SUCH INSTALLATION IN, ON, UPON, ACROSS, OVER, UNDER OR THROUGH SUCH EASEMENT AREAS, NO PERMANENT BUILDINGS, FENCES OR TREES SHALL BE PLACED ON SUCH EASEMENT AREAS, BUT THE SAME MAY BE USED FOR GARDENS, SHRUBS, LANDSCAPING, DRIVEWAYS, CURBING AND OTHER PURPOSES THAT DO NOT THEN OR LATER INTERFERE WITH THE ABOVE SAID USES AND RIGHTS. WHERE AN EASEMENT IS USED FOR MUNICIPAL-OWNED UTILITIES, OTHER INSTALLATION OF UTILITIES AND OTHER ENTITIES SHALL BE SUBJECT TO THE PRIOR APPROVAL, AS TO LOCATION AND DESIGN, OF THE CITY OF DEKALB SO AS NOT TO INTERFERE WITH THE MUNICIPAL UTILITIES. UPON COMPLETION OF ANY WORK, GRANTEE SHALL REASONABLY RESTORE ANY IMPROVEMENTS OR LAND DISTURBED BY ANY GRANTEE WORK TO THE CONDITION EXISTING PRIOR TO SUCH WORK. THE GRANTEE'S RIGHT TO ACCESS OVER THE BALANCE OF THE PROPERTY IN ORDER TO EXERCISE EASEMENT RIGHTS IS A "REASONABLE" RIGHT OF ACCESS.



STATE OF ILLINOIS }  
COUNTY OF DEKALB }  
THIS IS TO CERTIFY THAT THE ATTACHED PLAT WAS APPROVED BY THE PLANNING COMMISSION OF THE CITY OF DEKALB, DEKALB COUNTY, ILLINOIS ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 202\_\_.

MAX MARWELL  
CHAIRMAN OF THE PLANNING AND ZONING COMMISSION

STATE OF ILLINOIS }  
COUNTY OF DEKALB }  
THIS IS TO CERTIFY THAT THE ATTACHED PLAT WAS APPROVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DEKALB, DEKALB COUNTY, ILLINOIS ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 202\_\_.

BY: COHEN BURNS MAYOR  
ATTEST: RUTH A. SCOTT EXECUTIVE ASSISTANT

## COUNTY CLERK CERTIFICATE

STATE OF ILLINOIS }  
COUNTY OF DEKALB }  
I, TASHA SIMS, COUNTY CLERK IN AND FOR DEKALB COUNTY, IN THE STATE OF ILLINOIS, DO HEREBY CERTIFY THAT I HAVE EXAMINED THE RECORDS AND HAVE FOUND NO DELINQUENT GENERAL TAXES, NO UNPAID CURRENT GENERAL TAXES, NO DELINQUENT SPECIAL ASSESSMENTS OR UNPAID CURRENT SPECIAL ASSESSMENTS AGAINST THE TRACT OF LAND DESCRIBED AND PLATTED HEREON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 202\_\_.

TASHA SIMS  
COUNTY CLERK

## COUNTY RECORDER CERTIFICATE

STATE OF ILLINOIS }  
COUNTY OF DEKALB }  
THIS PLAT WAS FILED FOR RECORD IN THE RECORDER'S OFFICE OF DEKALB COUNTY, AFORESAID ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 202\_\_.  
AT \_\_\_\_\_ O'CLOCK \_\_\_\_\_ M. AND RECORDED IN PLAT CABINET \_\_\_\_\_, AT SLIDE NO. \_\_\_\_\_, AS DOCUMENT NO. \_\_\_\_\_.

TASHA SIMS  
DEKALB COUNTY RECORDER

STATE OF ILLINOIS }  
COUNTY OF DEKALB }  
THIS IS TO CERTIFY THAT LARRY D. BURNS IS THE OWNER OF THE PROPERTY DESCRIBED IN THE SURVEYOR'S CERTIFICATE, AND HAS CAUSED THE SAME TO BE SURVEYED AND SUBDIVIDED AS SHOWN ON THE ATTACHED PLAT FOR THE USES AND PURPOSES THEREIN SET FORTH, AND DOES HEREBY ADOPT THE SAME UNDER THE STYLE AND TITLE OF "L & S RESUBDIVISION NO. ONE" IN THE CITY OF DEKALB, DEKALB COUNTY, ILLINOIS AND TO THE BEST OF THEIR KNOWLEDGE AND BELIEF SAID PROPERTY IS WITHIN DEKALB COMMUNITY SCHOOL DISTRICT #420.  
DATED AT DEKALB, ILLINOIS, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 202\_\_.

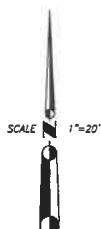
LARRY D. BURNS  
PO BOX 320,  
MALTA, IL 60130

STATE OF ILLINOIS }  
COUNTY OF DEKALB }  
I, \_\_\_\_\_, A NOTARY PUBLIC IN AND FOR THE COUNTY AND STATE AFORESAID, DO HEREBY CERTIFY THAT LARRY D. BURNS WHO IS PERSONALLY KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED IN THE FOREGOING CERTIFICATE, APPEARED BEFORE ME THIS DAY IN PERSON AND ACKNOWLEDGED THE EXECUTION OF THE ANNEXED PLAT AND ACCOMPANYING INSTRUMENT FOR THE USES AND PURPOSES THEREIN SET FORTH AS THEIR OWN, FREE AND VOLUNTARY ACT AND AS THE FREE AND VOLUNTARY ACT OF SAID PERSON.  
GIVEN MY HAND AND NOTARIAL SEAL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 202\_\_.

NOTARY PUBLIC

STATE OF ILLINOIS }  
COUNTY OF DEKALB }  
THIS IS TO CERTIFY THAT I, LESLIE AARON DOOGS, ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 3833, HAVE SURVEYED AND RESUBDIVIDED THAT PORTION OF BLOCK 1, CLARENCE M. QUINN SUBDIVISION, A SUBDIVISION OF A PART OF SECTION 34, TOWNSHIP 40 NORTH, RANGE 4, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED ON OCTOBER 8, 1958 IN PLAT BOOK "1", PAGE 32, AS DOCUMENT NO. 283932; NOT INCLUDED WITHIN LOTS 1, 2, 3, 4, 5 AND 6 OR ANY PORTION OF SAID SUBDIVISION DEDICATED FOR PUBLIC HIGHWAY USE.  
I FURTHER CERTIFY THAT THE ATTACHED PLAT IS A TRUE AND CORRECT REPRESENTATION OF SAID SURVEY. ALL DISTANCES SHOWN IN FEET AND DECIMALS THEREOF, THAT THE PROPERTY HEREON DESCRIBED IS WITHIN THE CITY OF DEKALB, DEKALB COUNTY, ILLINOIS AND SAID PROPERTY IS LOCATED IN ZONE "4" AS SET FORTH ON FLOOD INSURANCE RATE MAP NO. 17037C0242E, HAVING AN EFFECTIVE DATE OF JANUARY 2ND, 2009.  
DATED AT DEKALB, ILLINOIS THIS 24TH DAY OF JUNE, 2024.

LESLIE AARON DOOGS  
ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 3833  
LICENSE EXPIRATION DATE: NOVEMBER 30TH, 2024



FOR: SARAH BURNS  
JOB NO. 171775UB

JADE HENNE SURVEYORS  
125 N 3rd Street  
Dekalb, IL 60115  
(815) 706-2100  
info@hennesurveyors.com  
License No. 184508622

On August 12, 2024, the City of DeKalb City Council approved payment in the amount of \$3,000 towards the agreed upon purchase price of the subject property by a 4-3-1 roll call vote. Aye: Zasada, Larson, Smith, Perkins, Nay: Powell, Verbic, Walker, Absent: Barnes.

Signed:  Bill Nicklas, City Manager

August 6, 2024

From:

Brent and Jasmin McIntosh  
314 E. Fairview Dr  
DeKalb, IL 60115

Jim and Ellen Tyne  
312 E. Fairview Dr  
DeKalb, IL 60115

To:

Bill Nicklas  
City Manager  
City of DeKalb, IL

Re: Fairview Dr property

Mr. Nicklas,

In response to our phone conversation on August 6, we, Jasmin and Brent McIntosh and Jim and Ellen Tyne, are formally requesting that the City of DeKalb pay \$3,000.00 towards the agreed upon purchase price of \$15,000 for the parcel of property located between 314 and 312 E. Fairview Dr. We believe this to be a fair and reasonable request based on the following:

1. When the land was vacated, the property was never offered to the adjacent property owners in subdivision 1, but rather the land went to someone who was not even living adjacent to the property at that time.
2. The owner, Larry Burns, was awarded land despite not meeting the criteria for a Quiet Title or Adverse Possession.
3. A series of recognized missteps by the City of DeKalb in years past has directly led to the parties at 314 and 312 E. Fairview Dr paying \$15,000 for property that has an \$8,000 value per the tax assessment.
4. We believe that this would not lead to a slippery slope based on the complexity and uniqueness of this specific land issue and is simply more than just a backyard dispute.

Respectfully,

Brent McIntosh and Jasmin McIntosh

 8-6-24  8/6/24

Jim Tyne and Ellen Tyne

 8-6-24  8/6/24