ORDINANCE 11-48  Passed September 12, 2011

AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY LOCATED AT 3131 NORTH FIRST STREET, DEKALB, ILLINOIS FOR RIGHT-OF-WAY PURPOSES.

WHEREAS, the City of DeKalb has certain rights-of-way along North First Street, near the location of the Rivermist Development; and,

WHEREAS, the City wishes to acquire certain real property for the purpose of completing a continuous right-of-way from Dresser Road to Bethany Road; and

WHEREAS, Thomas and Teresa Gearhart, owners of said property and has indicated their willingness to convey a portion of their property for the continuation of the North First Street Road Right of Way to the City of DeKalb; now,

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL of the City of DeKalb, Illinois, as follows:

Section 1. The above recitals are hereby specifically incorporated into the terms of this Ordinance.

Section 2. That it is hereby determined that it is necessary and desirable and in the public interest that the City of DeKalb shall acquire title to and possession of the following described parcel of real property which is necessary, required and needed for the purpose of completing the right-of-way on North First Street from Dresser Road to Bethany Road; to wit:

THAT PART OF THE SOUTHEAST QUARTER OF SECTION 2 AND THAT PART OF THE NORTHEAST QUARTER OF SECTION 11, ALL IN TOWNSHIP 40 NORTH, RANGE 4 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DEKALB COUNTY, ILLINOIS, DESCRIBED AS Follows: COMMENCING ON THE CENTER LINE OF COUNTY HIGHWAY NO. 22 (NORTH FIRST STREET) AT THE MOST WESTERLY CORNER OF LOT “A” OF THE FLINN FARM PLAT ON SAID SECTION 2, SAID CORNER ALSO BEING THE MOST NORTHERLY CORNER OF ELDORADO TERRENO SUBDIVISION; THENCE SOUTHWESTERLY, ALONG SAID CENTER LINE, 339.0 FEET; THENCE NORTHWESTERLY, AT RIGHT ANGLE TO SAID CENTER LINE, 40.00 FEET, FOR A POINT OF BEGINNING; THENCE SOUTHWESTERLY, PARALLEL TO SAID CENTER LINE, 375.0 FEET; THENCE NORTHWESTERLY, AT RIGHT ANGLE TO SAID CENTER LINE, 20.00 FEET; THENCE NORTHEASTERLY, PARALLEL TO SAID CENTER LINE, 375.00 FEET; THENCE SOUTHEASTERLY, AT RIGHT ANGLE TO THE LAST DESCRIBED COURSE, 20.00 FEET TO THE POINT OF BEGINNING, ALL IN THE CITY OF DEKALB, DEKALB COUNTY, ILLINOIS.

Part of Permanent Index Number: 08-02-400-030

Commonly known address – part of 3131 North First Street, DeKalb, IL
Section 3. That all actions of the City Attorney, the City Manager and other agents and employees of the City of DeKalb heretofore taken in acquiring this property are expressly ratified and accepted by the City Council.

Section 4. That the Mayor is authorized and directed to execute any and all documents necessary to acquire certain property at 3131 North First Street, DeKalb, Illinois.

Section 5. That this Ordinance shall be in full force and effect upon its passage and approval according to law.

PASSED BY THE CITY COUNCIL of the City of DeKalb, Illinois at a regular meeting thereof held on the 12th day of September, 2011 and approved by me as Mayor on the same day. Received and filed by voice vote. Passed on second reading by roll call vote: 7-0. Aye: Jacobson, Teresinski, Lash, Gallagher, Naylor, Baker, O'Leary. Nay: None.

ATTEST:

--- Signatures ---

STEVE KAPITAN, City Clerk

KRIS POVLSEN, Mayor
Prepared by and return to,

City Clerk Diane Wright
City Of DeKalb
200 South 4th Street
DeKalb, IL 60115

DOCUMENT TYPE: SPECIAL WARRANTY DEED

DOCUMENT DATE: DECEMBER 29, 2012

LEGAL DESCRIPTION (If applicable):

THAT PART OF THE SOUTHEAST QUARTER OF SECTION 2 AND THAT PART OF THE NORTHEAST QUARTER OF SECTION 11, ALL IN TOWNSHIP 40 NORTH, RANGE 4 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DEKALB COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS: COMMENCING ON THE CENTER LINE OF COUNTY HIGHWAY NO. 22 (NORTH FIRST STREET) AT THE MOST WESTERLY CORNER OF LOT "A" OF THE FLINN FARM PLAT ON SAID SECTION 2, SAID CORNER ALSO BEING THE MOST NORTHERLY CORNER OF ELDORADO TERRENO SUBDIVISION; THENCE SOUTHWESTERLY, ALONG SAID CENTER LINE, 339.0 FEET; THENCE NORTHWESTERLY, AT RIGHT ANGLE TO SAID CENTER LINE, 40.00 FEET, FOR A POINT OF BEGINNING; THENCE SOUTHWESTERLY, PARALLEL TO SAID CENTER LINE, 375.0 FEET; THENCE NORTHWESTERLY, AT RIGHT ANGLE TO SAID CENTER LINE, 20.00 FEET; THENCE NORTHEASTERLY, PARALLEL TO SAID CENTER LINE, 375.00 FEET; THENCE SOUTHEASTERLY, AT RIGHT ANGLE TO THE LAST DESCRIBED COURSE, 20.00 FEET TO THE POINT OF BEGINNING, ALL IN THE CITY OF DEKALB, DEKALB COUNTY, ILLINOIS.

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Commonly known address – part of 3131 North First Street, DeKalb, IL

This page is being added to this document for the purposes of compliance with P.A. 87-1197
RETURN TO:

City of DeKalb  
Attn: Legal Department  
200 South Fourth Street  
DeKalb, IL 60115

GRANTEE NAME & ADDRESS and TAXES TO:

City of DeKalb  
200 South Fourth Street  
DeKalb, IL 60115

THIS INDENTURE WITNESSETH that on the 29th day of December, 2012, the Grantor, Thomas N. Gearhart and Teresa Gearhart, husband and wife, of the County of DeKalb and State of Illinois, Grantors, for and in consideration of sum of ONE AND NO/100THS ($1.00) DOLLARS in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, by these presents does REMISE, RELEASE, ALIEN and CONVEY unto the City of DeKalb, Grantee, forever, the real estate situated in the City of DeKalb, County of DeKalb, in the State of Illinois, and described on Exhibit A attached hereto and by this reference made a part hereof.

Subject to:

1. General taxes for the year 2012 and subsequent years.
2. Rights of way for drainage tiles, ditches, feeders, laterals, and underground pipes, if any.
3. Rights of the public, the State of Illinois, and the Municipality in and to that part of the land, if any, taken or used for road purposes.
4. Rights of Commonwealth Edison Company to use the roads and highways in the township where the premises is located for transmission and distribution of electrical energy.
5. Permanent Easement Right for Public Facilities recorded with the DeKalb County Recorder.
6. Permanent Easement Right for Public Utilities to the City of DeKalb recorded with the DeKalb County Recorder.
7. Grantors’ reserve, for themselves and their assigns, appurtenant to their property situated contiguous and directly west of the property conveyed hereby, a non-exclusive and permanent easement to provide access for motor vehicle traffic to and from Grantors’ property, and from and to the public roadway commonly known as North First Street Road.

P.I.N. Number: 08-02-400-030
Commonly known as: Part of 3131 North First Street, DeKalb, IL 60115

TOGETHER with all and singular the hereditaments and appurtenances thereunto belong, or in anywise appertaining, and the reversion or reversions, remainder or remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim or demand whatsoever, of the Grantors, either in law or equity of, in and to the above described premises, with the hereditaments and appurtenances.

TO HAVE AND TO HOLD unto Grantee the said premises with the appurtenances and for the uses and purposes herein set forth.
And the Grantors, for themselves, and their successors, do covenant, promise and agree to and with the
Grantee, and its successors, that they have not done or suffered to be done, anything whereby the said premises
hereby granted are, or may be, in any manner encumbered or charged, except as herein recited; and that they
WILL WARRANT AND DEFEND, the said premises against all persons lawfully claiming, or to claim the
same, by, through or under it, subject only to the matters set forth above.

IN WITNESS WHEREOF, the said Grantors have hereunto set their hands and seals the day and year first
above written.

Thomas N. Gearhart  
(Teal)

Teresa Gearhart  
(Teal)

STATE OF ILLINOIS )
COUNTY OF DE KALB ) SS

I, the undersigned, a Notary Public in and for the said County, in the State aforesaid, DO HEREBY
CERTIFY THAT Thomas N. Gearhart and Teresa Gearhart personally known to me to be the same persons
whose names are subscribed to the foregoing instrument, appeared before me this day in person and
acknowledged that they signed, sealed and delivered the said instrument as their free and voluntary act, for the
uses and purposes therein set forth, including the release and waiver of the right of homestead.

GIVEN UNDER my hand and notarial seal this 29th
day of December, A.D. 2012

Notary Public

DE KALB COUNTY - ILLINOIS TRANSFER STAMP
- or -
EXEMPT UNDER PROVISIONS OF PARAGRAPH C,
SECTION 4, REAL ESTATE TRANSFER TAX ACT.

Date  Buyer, Seller or Representative

PREPARED BY:
Gary W. Cordes
Klein Stoddard Buck Waller & Lewis
2045 Aberdeen Court
Sycamore, IL 60178
815-748-0380

PROPERTY ADDRESS:
3131 N. 1st Street
DeKalb, IL 60115
EXHIBIT A

THAT PART OF THE SOUTHEAST QUARTER OF SECTION 2 AND THAT PART OF THE NORTHEAST QUARTER OF SECTION 11, ALL IN TOWNSHIP 40 NORTH, RANGE 4 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DEKALB COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS: COMMENCING ON THE CENTER LINE OF COUNTY HIGHWAY NO. 22 (NORTH FIRST STREET) AT THE MOST WESTERLY CORNER OF LOT "A" OF THE FLINN FARM PLAT ON SAID SECTION 2, SAID CORNER ALSO BEING THE MOST NORTHERLY CORNER OF ELDORADO TERRENO SUBDIVISION; THENCE SOUTHWESTERLY, ALONG SAID CENTER LINE, 339.0 FEET; THENCE NORTHWESTERLY, AT RIGHT ANGLE TO SAID CENTER LINE, 40.00 FEET; FOR A POINT OF BEGINNING; THENCE SOUTHWESTERLY, PARALLEL TO SAID CENTER LINE, 375.00 FEET; THENCE NORTHWESTERLY, AT RIGHT ANGLE TO SAID CENTER LINE, 20.00 FEET; THENCE NORTHEASTERLY, PARALLEL TO SAID CENTER LINE, 375.00 FEET; THENCE SOUTHEASTERLY, AT RIGHT ANGLE TO THE LAST DESCRIBED COURSE, 20.00 FEET TO THE POINT OF BEGINNING, ALL IN THE CITY OF DEKALB, DEKALB COUNTY, ILLINOIS.

Part of Permanent Index Number: 08-02-400-030

Commonly known address – part of 3131 North First Street, DeKalb, IL
STATE OF ILLINOIS   
COUNTY OF DEKALB ) SS
CITY OF DEKALB   

I, DIANE K. WRIGHT, do hereby certify that I am the duly appointed and acting City Clerk of the City of DeKalb, DeKalb County, Illinois, and as such officer I am the keeper of the records and files of the City Council of said City.

I do further certify that the attached is a true and correct copy of:

ORDINANCE 11-48  Passed September 12, 2011

AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY LOCATED AT 3131 NORTH FIRST STREET, DEKALB, ILLINOIS FOR RIGHT-OF-WAY PURPOSES.

PASSED BY THE CITY COUNCIL of the City of DeKalb, Illinois at a regular meeting thereof held on the 12th day September, 2011. The original is now on file in my office.

WITNESS my hand and the official seal of said City this 26th day of November, 2012.

Diane K. Wright, City Clerk

Prepared by:
City Clerk
City of DeKalb
200 South Fourth Street
DeKalb, IL 60115

2013003156
ORDINANCE 11-48  Passed September 12, 2011

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WHEREAS, the City wishes to acquire certain real property for the purpose of completing a continuous right-of-way from Dresser Road to Bethany Road; and

WHEREAS, Thomas and Teresa Gearhart, owners of said property and has indicated their willingness to convey a portion of their property for the continuation of the North First Street Road Right of Way to the City of DeKalb; now,

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Section 1. The above recitals are hereby specifically incorporated into the terms of this Ordinance.

Section 2. That it is hereby determined that it is necessary and desirable and in the public interest that the City of DeKalb shall acquire title to and possession of the following described parcel of real property which is necessary, required and needed for the purpose of completing the right-of-way on North First Street from Dresser Road to Bethany Road; to wit:

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Section 4. That the Mayor is authorized and directed to execute any and all documents necessary to acquire certain property at 3131 North First Street, DeKalb, Illinois.

Section 5. That this Ordinance shall be in full force and effect upon its passage and approval according to law.

PASSED BY THE CITY COUNCIL of the City of DeKalb, Illinois at a regular meeting thereof held on the 12th day of September, 2011 and approved by me as Mayor on the same day. Received and filed by voice vote. Passed on second reading by roll call vote: 7-0. Aye: Jacobson, Teresinski, Lash, Gallagher, Naylor, Baker, O’Leary. Nay: None.

ATTEST:

STEVE KAPITAN City Clerk

Kris Povlsen, Mayor