

ORDINANCE NUMBER 11 - 14

AN ORDINANCE VACATING A PORTION OF LAKE SHORE DRIVE AND SUMMIT AVENUE IN THE VILLAGE OF EAST DUNDEE, ILLINOIS TO 520 NORTH VANBUREN.

WHEREAS, the Village of East Dundee is a home rule unit of local government under and pursuant to Section 6 of Article VII of the Constitution of the State of Illinois, has the authority to exercise any power and perform any function pertaining to its government and affairs, including but not limited to the power to regulate for the protection of the public health, safety, morals, and welfare; and

WHEREAS, the Village Board of Trustees of the Village of East Dundee, pursuant to notice and pursuant to the laws of the State of Illinois, held a hearing on February 7, 2011, to consider the vacation of a portion of Lake Shore Drive and Summit Avenue, in the Village of East Dundee, Illinois; and

WHEREAS, pursuant to said hearing, the Village Board of Trustees approved the vacation of a portion of Lake Shore Drive and Summit Avenue, by a vote of 6 ayes, 1 nays and 0 absent; and

WHEREAS, the President and Board of Trustees of the Village of East Dundee, having determined that it is in the best interests of the health, safety and welfare of the residents of the Village of East Dundee that a portion of Lake Shore Drive and Summit Avenue in the Village of East Dundee, Illinois, herein described, be vacated.

NOW THEREFORE BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF EAST DUNDEE, COOK AND KANE COUNTIES, ILLINOIS, AS FOLLOWS:

Section One. That the following described portion of Lake Shore Drive and Summit Avenue in the Village of East Dundee, Illinois, is hereby vacated:

OF THE SOUTHERLY HALF OF LAKE SHORE DRIVE AND THE WESTERLY HALF OF SUMMIT AVENUE ADJACENT TO ESTATES 1 AND 13 IN BLOCK 19, AS PLATTED IN LAKEWOOD LODGE ESTATES, BEING A SUBDIVISION OF PART OF THE WEST HALF OF SECTION 23 TOWNSHIP 42 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEASTERLY CORNER OF ESTATE 13, IN BLOCK 19, OF SAID LAKEWOOD LODGE ESTATES; THENCE NORTHWESTERLY ALONG THE EASTERLY LINE OF SAID ESTATE 13 ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 462.0 FEET, FOR AN ARC DISTANCE OF 7.0 FEET; THENCE CONTINUING ALONG THE EASTERLY LINE OF SAID

ESTATE 13 ON AN ASSUMED BEARING OF NORTH 28 DEGREES 09 MINUTES 47 SECONDS WEST, FOR A DISTANCE OF 105.69 FEET TO THE NORTHEASTERLY CORNER OF SAID ESTATE 13, ALSO BEING THE SOUTHEASTERLY CORNER OF ESTATE 1, IN BLOCK 19, OF SAID LAKEWOOD LODGE ESTATES; THENCE CONTINUING NORTH 28 DEGREES 09 MINUTES 47 SECONDS WEST ALONG THE EASTERLY LINE OF SAID ESTATE 1, FOR A DISTANCE OF 62.66 FEET TO A POINT OF CURVATURE; THENCE CONTINUING ALONG THE NORTHERLY LINE OF SAID ESTATE 1 ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 74.57 FEET, FOR AN ARC DISTANCE OF 144.78 FEET; THENCE NORTH 34 DEGREES 51 MINUTES 33 SECONDS EAST, FOR A DISTANCE OF 89.50 FEET; THENCE SOUTH 64 DEGREES 20 MINUTES 40 SECONDS EAST, FOR A DISTANCE OF 57.74 FEET TO A POINT OF CURVATURE; THENCE SOUTHEASTERLY ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 107.57 FEET, FOR AN ARC DISTANCE OF 36.18 FEET TO A POINT OF TANGENCY; THENCE SOUTH 28 DEGREES 09 MINUTES 47 SECONDS EAST, PARALLEL WITH AND 33 FEET NORTHEAST OF SAID EASTERLY LINES OF ESTATES 1 AND 13, FOR A DISTANCE OF 168.35 FEET TO A POINT OF CURVATURE; THENCE SOUTHEASTERLY ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 495.0 FEET, FOR AN ARC DISTANCE OF 7.09 FEET; THENCE SOUTH 62 DEGREES 00 MINUTES 06 SECONDS WEST, FOR A DISTANCE OF 33.00 FEET TO THE PLACE OF BEGINNING, IN THE VILLAGE OF EAST DUNDEE, KANE COUNTY, ILLINOIS.

Section Two. That the Plat of Vacation and Plat of Easement provided for in this Ordinance is subject to the following conditions and requirements:

A. The owner of 520 North VanBuren, East Dunee Illinois shall pay all expenses incurred by the Village to vacate the portion of Lake Shore Drive and Summit Avenue.

Section Three. That it shall be a condition precedent to the effectiveness of this Ordinance and the recording and filing for the Plat of Vacation and Plat of Easement as provided herein that the conditions contained in this Ordinance be satisfied.

Section Four. That the Village President is hereby authorized and directed to execute the Plat of Vacation and Plat of Easement, dated _____, prepared by _____, and the Village Clerk is hereby authorized and directed to attest to the signature of the Village President. The Plat of Vacation and Plat of Easement shall be recorded in the Office of the Recorder of Deeds, Kane County, Illinois, along with a certified copy of this Ordinance and shall also be filed in the Office of the Kane County Clerk, Kane County, Illinois.

Section Five. Severability. If any section, paragraph or provision of this ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this ordinance.

Section Six. Repeal. All ordinances, resolutions, motions or parts thereof in conflict herewith shall be and the same are hereby repealed.

Section Seven. Publication. This ordinance shall be in full force and effect forthwith upon its adoption, approval and publication in pamphlet form as provided by law.

Adopted this 21st day of March, 2011, pursuant to a roll call vote as follows:

AYES: 6 - Trustees Ruffalo, Gorman, Miller, Lynam, VanOstenbridge
NAYES: 1 - Trustee Cichowski & President Bartels
ABSENT: 0

Approved by me this 21st day of March, 2011.

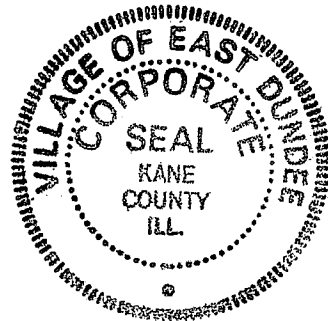
Jerald Bartels
JERALD BARTELS, President

Published in pamphlet form this 31st day of March, 2011, under the authority of the President and Board of Trustees.

ATTEST:

Jennifer Rehberg
JENNIFER REHBERG, Village Clerk

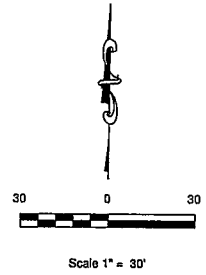
Recorded in the Village Records on March 31st, 2011.



PLAT OF VACATION & PLAT OF EASEMENT

OF PROPERTY DESCRIBED AS: THE SOUTHERLY HALF OF LAKE SHORE DRIVE AND THE WESTERLY HALF OF SUMMIT AVENUE ADJACENT TO ESTATES 1 AND 13 IN BLOCK 19, AS PLATTED IN LAKEWOOD LODGE ESTATES, BEING A SUBDIVISION OF PART OF THE WEST HALF OF SECTION 23 TOWNSHIP 42 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEASTERLY CORNER OF ESTATE 13, IN BLOCK 19, OF SAID LAKEWOOD LODGE ESTATES; THENCE NORTHWESTERLY ALONG THE EASTERLY LINE OF SAID ESTATE 13 ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 462.0 FEET, FOR AN ARC DISTANCE OF 7.0 FEET; THENCE CONTINUING ALONG THE EASTERLY LINE OF SAID ESTATE 13 ON AN ASSUMED BEARING OF NORTH 28 DEGREES 09 MINUTES 47 SECONDS WEST, FOR A DISTANCE OF 105.69 FEET TO THE NORTHEASTERLY CORNER OF SAID ESTATE 13, ALSO BEING THE SOUTHEASTERLY CORNER OF ESTATE 1, IN BLOCK 19, OF SAID LAKEWOOD LODGE ESTATES; THENCE CONTINUING NORTH 28 DEGREES 09 MINUTES 47 SECONDS WEST ALONG THE EASTERLY LINE OF SAID ESTATE 1, FOR A DISTANCE OF 62.66 FEET TO A POINT OF CURVATURE; THENCE CONTINUING ALONG THE NORTHERLY LINE OF SAID ESTATE 1 ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 74.57 FEET, FOR AN ARC DISTANCE OF 144.78 FEET; THENCE NORTH 34 DEGREES 51 MINUTES 33 SECONDS EAST, FOR A DISTANCE OF 89.50 FEET; THENCE SOUTH 64 DEGREES 20 MINUTES 40 SECONDS EAST, FOR A DISTANCE OF 57.74 FEET TO A POINT OF CURVATURE; THENCE SOUTHEASTERLY ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 107.57 FEET, FOR AN ARC DISTANCE OF 67.93 FEET TO A POINT OF TANGENCY; THENCE SOUTH 28 DEGREES 09 MINUTES 47 SECONDS EAST, PARALLEL WITH AND 33 FEET NORTHEAST OF SAID EASTERLY LINES OF ESTATES 1 AND 13, FOR A DISTANCE OF 168.35 FEET TO A POINT OF CURVATURE; THENCE SOUTHEASTERLY ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 495.0 FEET, FOR AN ARC DISTANCE OF 7.09 FEET; THENCE SOUTH 62 DEGREES 00 MINUTES 05 SECONDS WEST, FOR A DISTANCE OF 33.00 FEET TO THE PLACE OF BEGINNING, IN THE VILLAGE OF EAST DUNDEE, KANE COUNTY, ILLINOIS.

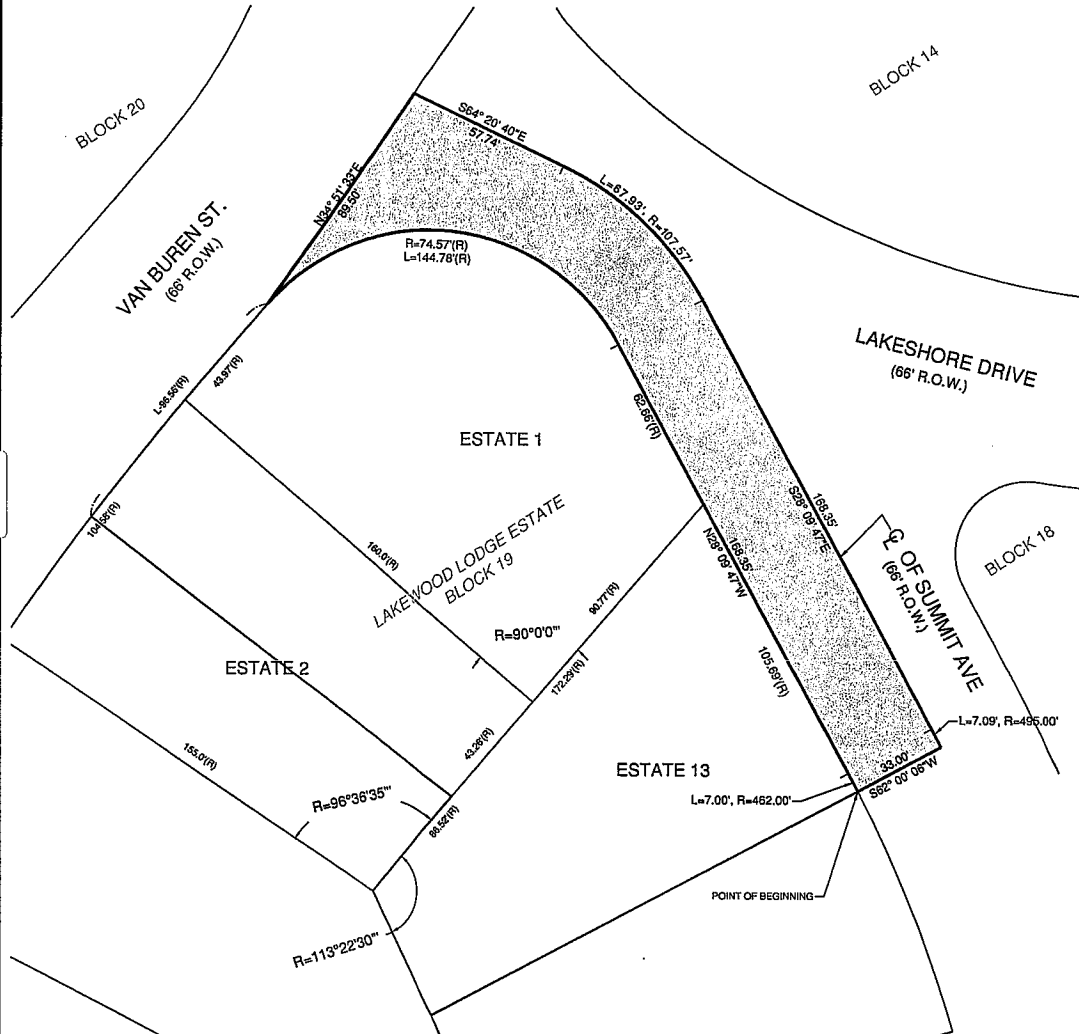
CONTAINING 0.240 ACRES MORE OR LESS.



PER ORDINANCE NO. _____

LEGEND

- (R) — INDICATES RECORD DIMENSION
- L= — INDICATES LENGTH OF CURVE
- R= — INDICATES RADIUS OF CURVE
- CH= — CHORD LENGTH
- AREA TO BE VACATED & PROPOSED UTILITY EASEMENT



PUBLIC UTILITY EASEMENT PROVISIONS

AN EASEMENT OVER, UNDER, UPON AND ACROSS THE AREA SHOWN AND LABELED ON THE PLAT AS "PUBLIC UTILITY EASEMENT" (P.U.E.) FOR ACCESS, INSTALLATION, MAINTENANCE, REPAIR REPLACEMENT, AND CUSTOMARY SERVICING OF ALL VILLAGE UTILITIES, ELECTRICITY LINES, TELEPHONE LINES, NATURAL GAS SUPPLY SYSTEMS, CENTRAL ANTENNA TELEVISION, COMMUNICATION SYSTEMS AND OTHER PUBLIC UTILITY FACILITIES OR SYSTEMS SERVICING THE LANDS SHOWN ON THE PLAT AS WELL AS OTHER LANDS IS HEREBY RESERVED AND GRANTED BY ANY ENTITY HOLDING FEE TITLE TO THE LANDS PLATTED HEREBY OR ANY PORTION THEREOF, TOGETHER WITH THEIR SUCCESSORS AND ASSIGNS AS GRANTORS, FOR AND TO THE VILLAGE OF EAST DUNDEE, ILLINOIS, AMERITECH, NICOR, COM ED, COMCAST CABLE AND ALL OTHER UTILITY COMPANIES NOW HOLDING OR IN THE FUTURE RECEIVING A FRANCHISE FROM SAID VILLAGE OF EAST DUNDEE, TOGETHER WITH THEIR RESPECTIVE SUCCESSORS AND ASSIGNS AS GRANTEEES. SAID RIGHTS OF ACCESS IS GRANTED TO THE OFFICERS, EMPLOYEES AND AGENTS OF THE ABOVE NAMED ENTITIES TO ENTER UPON SAID LANDS IN PERSON TOGETHER WITH THEIR RELATED SERVICE AND EMERGENCY EQUIPMENT FOR ALL SUCH PURPOSES STATED HEREIN. ALSO GRANTED TO THE ABOVE NAMED ENTITIES IS THE RIGHT TO CUT, TRIM, OR REMOVE TREES, BUSHES AND FENCES AS MAY REASONABLY BE REQUIRED INCIDENT TO THE RIGHTS GRANTED HEREIN. NO PERMANENT BUILDINGS SHALL BE PLACED UPON SAID EASEMENT AREAS; HOWEVER THE SAME MAY BE USED FOR SUCH PURPOSES THAT DO NOT NOW OR IN THE FUTURE INTERFERE WITH THE RIGHTS AND USES GRANTED HEREIN. GRANTEEES SHALL REPLACE AND RESTORE ANY SURFACES DISTURBED BY THE EXERCISE OF THE RIGHTS HEREIN GRANTED.

COUNTY RECORDER'S CERTIFICATE

STATE OF ILLINOIS }
COUNTY OF KANE } SS

THIS INSTRUMENT NO. _____ WAS FILED FOR RECORD IN THE RECORDER'S OFFICE OF KANE COUNTY, ILLINOIS, ON THIS _____ DAY OF _____ A.D., 2011 AT _____ O'CLOCK _____ M., AND RECORDED IN BOOK _____ OF PLATS, PAGE _____.

KANE COUNTY RECORDER

VILLAGE BOARD CERTIFICATE

STATE OF ILLINOIS }
COUNTY OF KANE } SS

APPROVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF EAST DUNDEE, KANE COUNTY, ILLINOIS, AT MEETING HELD, ON THIS _____ DAY OF _____ A.D., 2011 AT _____ O'CLOCK _____ M.

SIGNED: _____
PRESIDENT

ATTEST: _____
VILLAGE CLERK

SURVEYOR'S CERTIFICATE

STATE OF ILLINOIS }
COUNTY OF KANE } SS

I, Joseph D. Heinz, Illinois Professional Land Surveyor No. 3551, do hereby certify that I have prepared the plat hereon drawn from existing surveys and instruments of record for the purpose of vacation of use as a private street and that said plat correctly represent the property described in the above caption.

Dated at East Dundee, Illinois
this _____ day of _____, 20____ A.D.



Illinois Professional Land Surveyor No. 3551
License Expires 11-30-12

Design Firm Registration No. 184-002048

Note: Refer to the recorded Plat of Subdivision in the Recorder's Office of Kane County, Illinois for any easement provisions and covenants, if any, within the subject subdivision, which may effect these lots.

GERALD L. HEINZ & ASSOCIATES, INC.
CONSULTING ENGINEERS & LAND SURVEYORS
206 NORTH RIVER STREET
EAST DUNDEE, ILLINOIS 60118

PLAT OF VACATION
PLAT OF EASEMENT
LAKEWOOD LODGE ESTATES

VILLAGE OF EAST DUNDEE

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DATE: 12-31-2010
JOB NO.: ED-1884
SCALE: 1"=30'
SHEET 1 1