

**Ordinance No. 2021-26**

**AN ORDINANCE OF THE VILLAGE OF WEST DUNDEE, KANE COUNTY, ILLINOIS  
ACCEPTING DONATION OF REAL ESTATE**

WHEREAS, the Village of West Dundee, Kane County, Illinois (the "Village") is a duly organized and validly existing home-rule municipality created in accordance with the Constitution of 1970 and as such may utilize any power to further its governmental affairs; and,

WHEREAS, the Village has determined it to be in the best interest of its residents to submit an application for an OSLAD grant to construct a bike path and pedestrian trail; and,

WHEREAS, HLC Partners have agreed to donate a portion of the property it owns bordering Illinois Route 31 and Boncosky Road, legally described in *Exhibit A* attached hereto (the "Gifted Property") in order to permit the Village to proceed to apply for the OSLAD grant; and,

WHEREAS, the Village hereby accepts the donation of the Gifted Property subject to the terms, conditions and limitations as set forth in the Trustee's Deed attached hereto as *Exhibit B* and made a part hereof.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of West Dundee, Kane County, Illinois, as follows:

*Section 1.* That the recitals in the preambles to this Ordinance are incorporated into this *Section 1* as if fully set forth herein.

*Section 2.* That the donation of the Gifted Property is hereby accepted pursuant to the terms, conditions and limitations as set forth in the Trustee's Deed attached hereto as *Exhibit B*.

*Section 3.* This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

PASSED by the Board of Trustees of the Village of West Dundee, Kane County, Illinois and approved by the President of said Village this 16th day of August, 2021.

AYES: Trustees Anderley, Wilbrandt, Price, Yuscka, Haley and Alopogianis  
NAYS: None  
ABSENT: None  
ABSTAIN: None

APPROVED:



Christopher Nelson  
Village President

Attest:



Kim Tibbetts  
Deputy Village Clerk

*Legal Description*

A dedication of property over the northerly 25 feet of Parcel 3, aforesaid parcel 3 being described as follows:

PARCEL 3:

That part of the South Half of fractional Section 27, and that part of the North Half of Section 34, Township 42 North, Range 8 East of the Third Principal Meridian, described as follows: Commencing at the center of said Section 27; thence North 88 degrees 10 minutes West, 2651.3 feet more or less along the quarter section line to the West line of said section; thence South 1 degree 44 minutes West, 2686.95 feet more or less along the West line of said Sections 27 and 34 to the centerline of public highway (Jelke Road), (Boncosky Road); thence North 69 degrees 51 minutes 43 seconds East along said centerline 194.90 feet Deed to an angle in said centerline; thence North 67 degrees 52 minutes 24 seconds East along said centerline 271.0 feet Deed to the point of beginning; (the last 2 courses along said centerline being measured: Northeasterly along said centerline being on a curve to the left having a radius of 10805.86 feet an arc distance of 460.42 feet, (the chord of the last described course bearing North 69 degrees 09 minutes 18 seconds East 460.38 feet); thence South 00 degrees 14 minutes West 874.28 feet; thence South 85 degrees 58 minutes 11 seconds East 3.44 feet; thence South 81 degrees 43 minutes 59 seconds East 60.84 feet; thence North 41 degrees 04 minutes 39 seconds East 157.08 feet; thence North 39 degrees 53 minutes 38 seconds East 95.96 feet; thence North 18 degrees 02 minutes 04 seconds East 42.62 feet; thence North 58 degrees 47 minutes 30 seconds East 260.28 feet ; thence North 03 degrees 10 minutes 00 seconds East 71.0 feet; thence North 34 degrees 52 minutes 04 seconds East 73.84 feet; thence North 56 degrees 02 minutes 56 seconds East 96.49 feet to the Point of Beginning; thence continuing North 56 degrees 02 minutes 56 seconds East 160.58 feet; thence North 54 degrees 15 minutes 31 seconds East 149.68 feet; thence North 58 degrees 32 minutes 12 seconds East 151.48 feet; thence North 62 degrees 49 minutes 15 seconds East 45.72 feet; thence North 00 degrees 14 minutes 00 seconds East 467.74 feet to the centerline of said Boncosky road; thence South 67 degrees 45 minutes 30 seconds West along said centerline 458.26 feet; thence South 00 degrees 14 minutes 00 seconds West 571.35 feet to the point of beginning, in Dundee Township, Kane County, Illinois.

A dedication of property over the northerly 25 feet and the easterly 25 feet of Parcel 4, aforesaid parcel 4 being described as follows:

PARCEL 4:

That part of the South Half of fractional Section 27, and that part of the North Half of Section 34, Township 42 North, Range 8 East of the Third Principal Meridian, described as follows: Commencing at the center of said Section 27; thence North 88 degrees 10 minutes West, 2651.3 feet more or less along the quarter section line to the West line of said section; thence South 1 degree 44 minutes West, 2686.95 feet more or less along the West line of said Sections 27 and 34 to the centerline of public highway (Jelke Road), (Boncosky Road); thence North 69 degrees 51 minutes 43 seconds East along said centerline 194.90 feet Deed to an angle in said centerline; thence North 67 degrees 52 minutes 24 seconds East along said centerline 271.0 feet Deed to the point of beginning; (the last 2 courses along said centerline being measured: Northeasterly along said centerline being on a curve to the left having a radius of 10805.86 feet an arc distance of 460.42 feet, (the chord of the last described course bearing North 69 degrees 09 minutes 18 seconds East 460.38 feet); thence South 00 degrees 14 minutes West 874.28 feet; thence South 85 degrees 58 minutes 11 seconds East 3.44 feet hence South 81 degrees 43 minutes 59 seconds East 60.84 feet; thence North 41 degrees 04 minutes 39 seconds East 157.08 feet; thence North 39

degrees 53 minutes 38 seconds East 95.96 feet; thence North 18 degrees 02 minutes 04 seconds East 42.62 feet; thence North 58 degrees 47 minutes 30 seconds East 260.28 feet; thence North 03 degrees 10 minutes 00 seconds East 71.0 feet; thence North 34 degrees 52 minutes 04 seconds East 73.84 feet; thence North 56 degrees 02 minutes 56 seconds East 257.07 feet; thence North 54 degrees 15 minutes 31 seconds East 149.68 feet; thence North 58 degrees 32 minutes 12 seconds East 151.48; thence North 62 degrees 49 minutes 15 seconds East 45.72 feet to the Point of Beginning; thence continuing North 62 degrees 49 minutes 15 seconds East 347.92 feet; thence North 79 degrees 31 minutes 14 seconds East 72.54 feet; thence North 85 degrees 31 minutes 08 seconds East 87.92 feet; thence North 89 degrees 52 minutes 21 seconds East 70.97 feet to the present Westerly right of way line of State Route 31; thence North 00 degrees 09 minutes 05 seconds West along said right of way line, 436.05 feet to a jog in said right of way; thence North 65 degrees 35 minutes 08 seconds West along said right of way line, 32.53 feet; thence South 67 degrees 52 minutes 52 seconds West along the Southerly right of way of Boncosky Road, 166.71 feet; thence North 22 degrees 07 minutes 08 seconds West 42.54 feet to the centerline of Boncosky Road; thence South 67 degrees 45 minutes 30 seconds West along said centerline 363.34 feet; thence South 00 degrees 14 minutes 00 seconds West 467.74 feet to the point of beginning, in Dundee Township, Kane County, Illinois.

THIS DOCUMENT PREPARED BY:

Kathleen Field Orr  
Law Office of Kathleen Field Orr  
2024 Hickory Road, Suite 205  
Homewood, Illinois 60430

AFTER RECORDING MAIL TO:

Kathleen Field Orr  
Law Office of Kathleen Field Orr  
2024 Hickory Road, Suite 205  
Homewood, Illinois 60430

*Above Space for Recorders Use Only*

**TRUSTEE'S DEED**

GRANTOR, CHICAGO TITLE LAND TRUST COMPANY, successor trustee to The First National Bank of Elgin, Illinois, as Trustee under Trust Agreement dated May 24, 1954 and known as Trust No. 811, having its principal address located at 1701 Golf Road, Suite 1-101, Rolling Meadows, Illinois 60008 for and in consideration of the sum of Ten Dollars and 00/100 (\$10.00) and other good and valuable consideration in hand paid, CONVEYS and QUIT CLAIMS unto GRANTEE, VILLAGE OF WEST DUNDEE, an Illinois home-rule municipal corporation, having its principal address located at 102 South Second Street, West Dundee, Illinois 60118, the real estate situated in Kane County, Illinois, legally described on Exhibit A attached hereto (the "Subject Property").

The conveyance of the Subject Property by Grantor to Grantee is subject to the following:

1. All existing covenants, restrictions, conditions and encumbrances of record.
2. Grantee acknowledges and agrees that the conveyance of the Subject Property to it by Grantor is for the sole purpose of qualifying for an OSLAD grant; and, in the event the OSLAD grant is not awarded, the Subject Property shall revert to Grantor in fee simple and Grantee shall provide such documentation to Grantor as is required to re-convey the Subject Property in fee simple to Grantor on or within fourteen (14) days after Grantee is advised the OSLAD grant has not been awarded.
3. Grantor and its nominees, assigns and successors in interest reserve and retain the right of ingress and egress over the Subject Property to Boncosky Road in the event of the development of any portion of the property identified as Parcels 3 and 4



IN WITNESS WHEREOF, Grantor and Grantee have caused this Trustee's Deed to be executed by Grantor and Grantee's duly authorized officer effective this 25<sup>th</sup> day of August, 2021.

**GRANTEE (ACCEPTED):**

VILLAGE OF WEST DUNDEE, an Illinois municipal corporation

By:

[Signature]  
President

Attest:

[Signature]  
Village Clerk

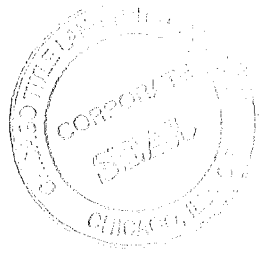
STATE OF ILLINOIS            )  
  ) SS  
COUNTY OF McHenry        )

I, the undersigned, a Notary Public in and for the County and State aforesaid, DO HEREBY CERTIFY that Christopher Nelson personally known to me to be the President of the VILLAGE OF WEST DUNDEE ("corporation"), and Kim Tibbets personally known to me to be the Village Clerk of said corporation, and 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 severally acknowledged that as such President and Village Clerk, they signed and delivered the said instrument and caused the corporate seal of said corporation to be affixed thereto, pursuant to authority given by the Board of Trustees of said corporation, as their free and voluntary act, and as the free and voluntary act and deed of said corporation, for the uses and purposes therein set forth.

Given under my hand and official seal, this 25<sup>th</sup> day of August, 2021.

[Signature]  
Notary Public





**GRANTOR:**

CHICAGO TITLE LAND TRUST COMPANY, successor trustee to The First National Bank of Elgin, Illinois, as Trustee under Trust Agreement, dated May 24, 1954 and known as Trust No. 811

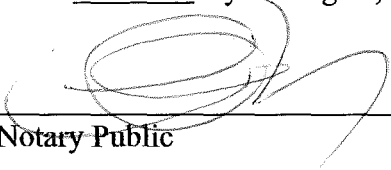
By: 

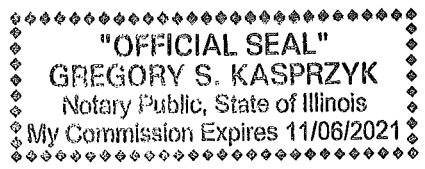
Its: ASSISTANT VICE PRESIDENT

STATE OF ILLINOIS )  
 ) SS  
COUNTY OF COOK )

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY, that EMILYA PALAN, Chicago Title Land Trust Company, as successor trustee to The First National Bank of Elgin, Illinois as trustee under Trust Agreement dated May 24, 1954, and known as Trust No. 811 ("successor trustee"), personally known to me to be the same person whose name is subscribed to the foregoing instrument as such ASSISTANT VICE PRESIDENT, appeared before me this day in person and acknowledged that he/she signed and delivered the said instrument as his/her own free and voluntary act, and as the free and voluntary act of said successor trustee, for the uses and purposes therein set forth, and did also then and there acknowledge that as custodian of the corporate seal of said successor trustee, did affix the corporate seal of said successor trustee to said instrument as the free and voluntary act and as the free and voluntary act of said successor trustee, for the uses and purposes therein set forth.

Given under my hand and notarial seal this 20th day of August, 2021.

  
Notary Public



**EXHIBIT A**

**Legal Description**



*Exhibit A*

*Legal Description*

A dedication of property over the northerly 25 feet of Parcel 3, aforesaid parcel 3 being described as follows:

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**EXHIBIT B**

**Benefitted Properties  
(Parcels 3 and 4)**

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Benefitted Properties  
(Parcels 3 and 4)

Exhibit B

Scale: \_\_\_\_\_  
Ordered: CONG ZACHRICH  
Owner: \_\_\_\_\_  
Page: 03-8, 03-12  
Drawn: \_\_\_\_\_  
Job: CEB4FA PARCELS  
City: WEST DUNDEE

STATE OF ILLINOIS  
COUNTY OF KANE ss MARCH 6, 2017

This is to certify that the plat hereon drawn correctly indicates the above described property.

[Signature]  
Charles J. Hill PLS 2700 My license expires 11/30/18

Any discrepancy in measurements should be promptly reported to surveyor for explanation or correction.

WE DO NOT CERTIFY AS TO LOCATION OF UNDERGROUND UTILITIES OR UNDERGROUND IMPROVEMENTS.

THIS SURVEY IS VALID ONLY  
WITH EMBOSSED SEAL

This professional service conforms to the current Illinois minimum standards for a boundary survey.

Professional Design Firm Land Surveying  
Corporation License No. 184-002883

ALAN J. COULSON, P.C.  
PROFESSIONAL LAND SURVEYORS  
645 S. 8th St. (Rt. 31) West Dundee, IL 60118  
Phone: (847)-426-2911 Fax: (847)-426-8074  
E-Mail: SJRVAYR@AOL.COM

Compare the description on this plat with deed. Refer to deed for easements and buildings lines.



*Sandy Wegman*

Kane County Recorder  
719 S. Batavia Ave., Bldg. C  
Geneva Il, 60134  
Phone: 630-232-5935  
Fax: 630-232-5945

PLAT ACT AFFIDAVIT OF METES AND BOUNDS

STATE OF ILLINOIS )  
COUNTY OF KANE )<sup>SS</sup>

Craig S. Zachrich, being duly sworn on oath,

states that affiant resides at 510 Market Loop, Suite 104, West Dundee, Illinois 60118.

And further states that: (please check the appropriate box)

- A.  That the attached deed is not in violation of 765 ILCS 205/1(a), in that the sale or exchange is of an entire tract of land not being a part of a larger tract of land; or
- B.  That the attached deed is not in violation of 765 ILCS 205/1(b) for one of the following reasons: (please circle the appropriate number)

- 1. The division or subdivision of land into parcels or tracts of 5.0 acres or more in size which does not involve any new streets or easements of access;
- 2. The division of lots or blocks of less than one (1) acre in any recorded subdivision which does not involve any new streets or easements of access;
- 3. The sale or exchange of parcels of land between owners of adjoining and contiguous land;
- 4. The conveyance of parcels of land or interests therein for use as right of way for railroads or other public utility facilities and other pipe lines which does not involve any new streets or easements of access;
- 5. The conveyance of land owned by a railroad or other public utility which does not involve any new streets or easements of access;
- ⑥ 6. The conveyance of land for highway or other public purposes or grants or conveyances relating to the dedication of land for public use or instruments relating to the vacation of land impressed with a public use;
- 7. Conveyances made to correct descriptions in prior conveyances;
- 8. The sale or exchange of parcels or tracts of land following the division into no more than two (2) parts of a particular parcel or tract of land existing on July 17, 1959 and not involving any new streets or easements of access;
- 9. The sale of a single lot of less than 5.0 acres from a larger tract when a survey is made by an Illinois Registered Land Surveyor; provided, that this exemption shall not apply to the sale of any subsequent lots from the same larger tract of land, as determined by the dimensions and configuration of the larger tract on October 1, 1973, and provided also that this exemption does not invalidate any local requirements applicable to the subdivision of land;
- 10. This conveyance is of land described in the same manner as title was taken by grantor(s).

AFFIANT further states that    he makes this affidavit for the purpose of inducing the Recorder of Deeds of Kane County, Illinois, to accept the attached deed for recording.

SUBSCRIBED AND SWORN TO BEFORE ME

This 19<sup>th</sup> day of August, 2021.

*Alison M. Wisette*

Signature of Notary Public

*Craig S. Zachrich*

Signature of Affiant

Craig S. Zachrich

