

## **RESOLUTION R-34-09**

**A RESOLUTION APPROVING THE SALE OF PROPERTY  
BETWEEN ADJACENT LAND OWNERS  
(East Prairie Avenue)**

**WHEREAS**, Mrs. Nancy Stogsdill, the owner of vacant property located on East Prairie Avenue and Mr. and Mrs. David Lautz, the owner of property located at 1500 E. Prairie Avenue, have submitted to the City for approval plats of survey and a deed of conveyance of a portion of property to be conveyed between the owners (the properties are described on Exhibit "A" attached to this resolution); and the Wheaton City staff has recommended that the conveyance of property be approved.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and City Council of the City of Wheaton, Illinois that the conveyance of property between the property owners is hereby approved in accordance with Section 62-4 of the Wheaton City Code.

**ADOPTED** this 1<sup>st</sup> day of June, 2009.

Mayor

ATTEST:

Erin M. Connolly  
City Clerk

## ROLL CALL VOTE

Ayes: Councilman Prendiville  
Councilman Scalzo  
Councilwoman Corry  
Councilman Levine  
Mayor Pro Tem Mouhelis

Nays: None

Absent: Mayor Gresk  
Councilman Suess

### Motion Carried Unanimously

EXHIBIT "A"

Stogsdill Property

Legal description:

LOT 4 IN FOREST AVENUE SUBDIVISION, BEING A SUBDIVISION OF A PART OF THE SOUTH HALF OF SOUTHWEST QUARTER OF SECTION 10, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 4, 1956 AS DOCUMENT NO. 799005 IN THE RECORDER'S OFFICE OF DUPAGE COUNTY, ILLINOIS.

PIN: 05-10-317-004

Lautz Property

Legal description:

LOT 1 IN TAYLOR'S SUBDIVISION, BEING A SUBDIVISION OF A PART OF THE SOUTH HALF OF SOUTHWEST QUARTER OF SECTION 10, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 3, 2002 AS DOCUMENT NO. 2002-227534 IN DUPAGE COUNTY, ILLINOIS.

PIN: 05-10-317-045

## TRUSTEE'S DEED

This Instrument prepared by:

John M. Mulherin  
Mulherin, Rehfeldt & Varchetto PC  
211 S. Wheaton Avenue, #200  
Wheaton, IL 60187

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For Recorder's Use Only

Grantor, NANCY E. STOGSDILL, not individually but as Trustee under the Nancy E. Stogsdill Living Trust Dated May 18, 1992, of West Chicago, IL 60185 for and in consideration of TEN AND 00/100 (\$10.00) DOLLARS and other good and valuable consideration in hand paid, pursuant to the power vested in the Grantor under the terms of the Trust, does hereby CONVEY AND QUIT CLAIM unto Grantee, ANNE E. LAUTZ, not personally but as Trustee of the Anne E. Lautz Declaration of Trust under Trust Agreement dated January 30, 1992 of 1500 E. Prairie Avenue, Wheaton, Illinois, all of the Grantor's right, title and interest in and to the following described real estate situated in the City of Wheaton, County of DuPage, in the State of Illinois, to wit:

A PART OF LOT 4 IN FOREST AVENUE SUBDIVISION, BEING A SUBDIVISION OF A PART OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 10, TOWNSHIP 30 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 4, 1956 AS DOCUMENT NO. 799005 IN THE RECORDERS OFFICE OF DUPAGE COUNTY, IL, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 4 IN SAID FOREST AVENUE SUBDIVISION; THENCE NORTH 03 DEGREES 22 MINUTES 46 SECONDS WEST A DISTANCE OF 254.56 FEET; THENCE NORTH 00 DEGREES 09 MINUTES 37 SECONDS WEST A DISTANCE OF 35.42 FEET TO A POINT ON THE NORTHERLY LINE OF SAID LOT 4 THAT IS 14.30 FEET WESTERLY OF THE NORTHEAST CORNER OF SAID LOT 4 AS MEASURED ALONG SAID NORTHERLY LINE, SAID POINT ALSO BEING ON THE SOUTHERLY LINE OF PRAIRIE AVENUE; THENCE NORTH 88 DEGREES 23 MINUTES 27 SECONDS EAST ALONG SAID NORTH LINE A DISTANCE OF 14.30 FEET TO THE NORTHEAST CORNER OF SAID LOT 4; THENCE SOUTH 00 DEGREES 09 MINUTES 37 SECONDS EAST ALONG THE EASTERLY LINE OF SAID LOT 4 A DISTANCE OF 289.94 FEET TO SAID POINT OF BEGINNING, ALL IN DUPAGE COUNTY, ILLINOIS.

Common Address: Vacant Land, Prairie Avenue  
Wheaton, IL 60187

Permanent Parcel No. 05-17-317-004 (Includes other Property)

Subject to: All covenants, conditions and Restrictions of Record and General Taxes  
for the year 2009 and subsequent years.

Hereby releasing and waiving all rights under and by virtue of the Homestead Exemption  
Laws of the State of Illinois. TO HAVE AND TO HOLD said premises forever.

**IN WITNESS WHEREOF**, Grantor has executed this Trustee's Deed on the \_\_\_\_\_ day  
of May, 2009 at Wheaton, Illinois.

NANCY E. STOGSDILL, not individually but as  
Trustee under the Nancy E. Stogsdill Living Trust  
Dated May 18, 1992

By:

Nancy E. Stogsdill, Trustee

R34-09

STATE OF ILLINOIS )  
 ) SS  
COUNTY OF DUPAGE )

I, the undersigned, a Notary Public in and for the County and State aforesaid, DO HEREBY CERTIFY that, NANCY E. STOGSDILL, not individually but as Trustee under the Nancy E. Stogsdill Living Trust Dated May 18, 1992 personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged herself to be the Trustee of the Nancy E. Stogsdill Living Trust Dated May 18, 1992 and that being authorized to do so, that she signed, sealed and delivered the said instrument as her 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 \_\_\_\_\_ day of May, 2009.

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## Notary Public

Mail to:

Send Subsequent tax bills to:

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—

Anne E. Lautz  
1500 E. Prairie Avenue  
Wheaton, IL 60187



L24-09

IN REPLY PLEASE  
REFER TO FILE NO.: S-263

May 13, 2009

Via E-Mail

Mr. Tyler Ferguson  
Planning Department  
City of Wheaton  
303 W. Wesley Street  
Wheaton, IL 60187

RE: Request for Approval of Conveyance

Dear Mr. Ferguson:

This letter serves as a request for approval from the City of Wheaton for the conveyance of an irregularly shaped parcel of property to an adjoining land owner. In conjunction with this request I enclose the following:

- Plat of Survey dated March 9, 2009; prepared by Jacob & Hefner Associates, Inc. reflecting the dimensions of the parcel of property to be conveyed to Anne E. Lautz;
- Preliminary Plat of Subdivision dated April 21, 2009, prepared by Jacob & Hefner Associates, Inc., reflecting the proposed re-alignment of the three lot subdivision; and,
- The proposed form of deed of conveyance from Nancy E. Stogsdill to Anne E. Lautz.

The conveyance is part of a settlement of a lawsuit arising out of the encroachment on to the property of Nancy E. Stogsdill of a part of the residence located at 1500 E. Prairie Avenue, Wheaton, constructed by and the personal residence of Mr. and Mrs. David Lautz. The encroachment on to the Stogsdill property was the result of an error by the surveyor retained by David Lautz.

The property owners have reached a settlement under the terms of which, for stated consideration, Nancy Stogsdill has agreed to convey the parcel of property depicted on the enclosed survey to Anne E. Lautz. The configuration of the parcel of property being conveyed was the subject of considerable discussion between the parties.

As you know, Nancy Stogsdill is also in the process of reconfiguring her property from four to three lots. She previously received preliminary approval for the re-subdivision into three lots. Following the conveyance of the encroachment parcel she will be pursuing the approval of a revised three-lot subdivision.

Per your e-mail message I anticipate that this matter will be on the City Council Agenda for this coming Monday, May 18<sup>th</sup>. I plan on being in attendance at the meeting. Thank you for your assistance with this matter.

Very truly yours,

MULHERIN, REHFELDT & VARCHETTO, P.C.

By: John M. Mulherin  
Direct Line: 630-384-3133  
[jmulherin@mrvlaw.com](mailto:jmulherin@mrvlaw.com)

JMM/smf

Enclosures

Copies to: Ms. Nancy E. Stogsdill (via: e-mail)  
Mr. William E. Stogsdill, Jr. (via: e-mail)  
Mr. Hank Stillwell, Esq. (via: e-mail)  
Mr. Bradford Krause, Esq. (via:e-mail)

Driveway 1.60' E'ly  
40' Building Line  
per Doc. No. 799005  
Driveway 1.27' E'ly  
Brick Retaining Wall  
0.31' E'ly

N 00°09'37" W 35.42"

R 34-09

TAYLOR'S RESUBDIVISION  
LOTS 1 AND 2  
DOC NO. 2002-227534  
SEPTEMBER 3, 2002

Brick Retaining Wall  
0.08' E'ly  
4" Plastic  
Corregated Pipe

N 32°22'46" W 254.56'

4

1

BASIS OF BEARINGS

Illinois State Plane Coord  
East Zone, NAD83

LEGAL DESCRIPTION

A PART OF LOT 4 IN FOREST AVENUE SUBDIVISION BEING A SUBDIVISION OF A PART OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 30 NORTHLAND, RANGE 10 EAST OF THE PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 4, 1956 AS DOCUMENT NO. 799005 IN THE RECORDERS OFFICE OF DUPAGE COUNTY, IL, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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THE ABOVE DESCRIBED PARCEL CONTAINS 2,320 SQUARE FEET, MORE OR LESS.

Utility Easement  
per Doc No. 799005

IPF  
0.31' NORTH

Point of Beginning

IPF  
1.05' WEST  
0.83' SOUTH

IPF ONLINE  
& 0.15' EAST

IPF  
0.17' WEST

10'

STATE OF ILLINOIS

COUNTY OF DUPAGE

)  
} SS

