

RESOLUTION R-67-14

**RESOLUTION AUTHORIZING THE EXECUTION
OF A CERTAIN CONSTRUCTION, USE, AND
INDEMNIFICATION AGREEMENT - Right-of-Way (Carlton Avenue)**

BE IT AND IT IS HEREBY RESOLVED by the Mayor and City Council of the City of Wheaton, Illinois, that the Mayor is authorized to sign a certain Construction, Use and Indemnification Agreement dated November 3rd, 2014, between the City of Wheaton and James Paul Schnabel III and Eliska Schnabel, 631 West Wesley Street, Wheaton, Illinois, and the City Clerk is authorized to attest to the signature of the Mayor.

ADOPTED this 3rd day of November, 2014.


Michael J. Gross
Mayor

Attested by:

Attested by:
Sharon Bennett Hagen
City Clerk

City Clerk

Roll Call Vote:

Ayes: Councilman Suess
Councilman Prendiville
Councilman Rutledge
Councilman Saline
Mayor Gresk
Councilman Scalzo

Nays: None

Absent: Councilwoman Pacino Sanguinetti

Motion Carried Unanimously

**CONSTRUCTION, USE AND INDEMNIFICATION AGREEMENT
RIGHT-OF-WAY (CARLTON AVENUE)**

THIS CONSTRUCTION, USE AND INDEMNIFICATION AGREEMENT, made and entered into this 3rd day of November, 2014, among the City of Wheaton, Illinois, an Illinois corporation, located in DuPage County, State of Illinois ("City"), and James Paul Schnabel III and Eliska Schnabel ("Owner").

WITNESSETH

WHEREAS, the City is in possession of an unimproved right-of-way within the City limits of the City of Wheaton, Illinois, commonly known as Carlton Avenue, north of Wesley Street; and

WHEREAS, James Schnabel and Eliska Schnabel are the owners of the premises located at 631 West Wesley Street, Wheaton, Illinois, which property is legally described herein and is contiguous to a portion of the unimproved right-of-way; and

WHEREAS, the Owner would like to use a portion of the unimproved right-of-way to access their property located at 631 West Wesley Street; and

WHEREAS, the Owner acknowledges that this Agreement is not an easement and does not vest them with any property rights or claims to any portion of said right-of-way.

NOW, THEREFORE, BE IT AND HEREBY AGREED by the City Council of the City of Wheaton, an Illinois municipal corporation, and Owner as follows:

1.) The foregoing recitals are incorporated herein as representing the intent of the undersigned and as substantive representations and covenants.

2.) James Schnabel and Eliska Schnabel are the owners of property located at 631 West Wesley Street, Wheaton, Illinois, legally described as follows:

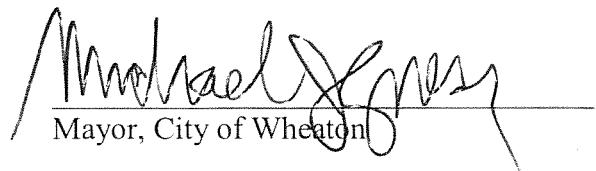
THE WEST 48 FEET OF LOT 2 IN BLOCK 8 IN COUNTY CLERK'S ASSESSMENT DIVISION OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF SECTION 17 AND THE SOUTHEAST QUARTER OF SECTION 17 AND THE NORTH 10 CHAINS OF THE NORTHEAST QUARTER OF SECTION 20, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS. (HEREINAFTER THE "PROPERTY")

Commonly known as: 631 West Wesley Street, Wheaton, Illinois

PIN: 05-17-228-004

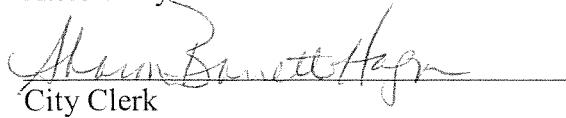
3.) The Owner, for a consideration of Ten Dollars (\$10.00) and other good and valuable consideration as stated herein, is hereby authorized to use a portion of the unimproved right-of-way more specifically identified as the south 80 feet of the east half of the Carlton Avenue right-

IN WITNESS WHEREOF, the Corporate authorities and the Owner have hereunto set their hands and seals, and have caused this instrument to be executed by their duly authorized officials and the Corporate seal attached here all on the date and year first above written.

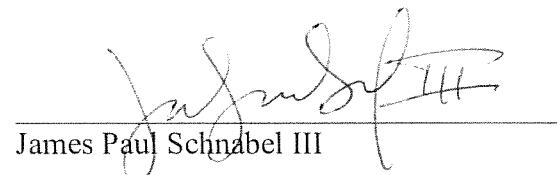


Michael Schnabel
Mayor, City of Wheaton

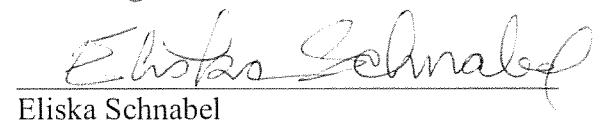
Attested by:



Anna Bennett Hagen
City Clerk



James Paul Schnabel III



Eliska Schnabel

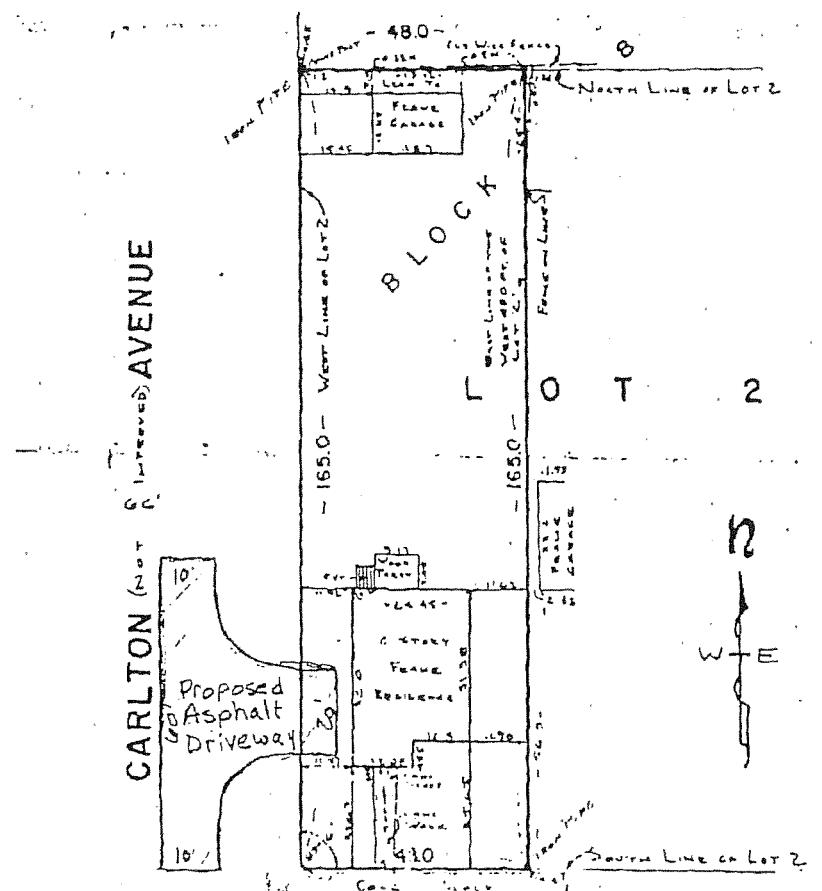
EXHIBIT A

Plat of Survey

OF THE WEST 48.0 FEET OF LOT 2 IN BLOCK 8 IN COUNTY CLERK'S ASSESSMENT DIVISION OF THE SOUTH HALF OF THE NORTH EAST QUARTER OF SECTION 17 AND THE SOUTH EAST QUARTER OF SECTION 17 AND THE NORTH 10 CHAINS OF THE NORTH EAST QUARTER OF SECTION 20, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DU PAGE COUNTY, ILLINOIS.

This property is known as 631 W. Wesley St., Wheaton, Illinois.

Ordered by Howard Gust, of Quinlan and Tyson Realtors, Wheaton, Illinois.



WESLEY STREET



H. F. STEINBRENNER, JR.
ENGINEER AND SURVEYOR
111 WEST STREET
W. ILLINOIS

STATE OF ILLINOIS
COUNTY OF DU PAGE

I, HAROLD F. STEINBRENNER, JR., ILLINOIS LAND SURVEYOR, HAVE
WITNESSED THE ABOVE DESCRIBED PROPERTY AS SHOWN ON THE ATTACHED PLAT WHICH IS A
CORRECT REPRESENTATION OF SAID PROPERTY; ALL DISTANCES ARE IN FEET AND DECIMAL
PART THEREOF UNLESS OTHERWISE SHOWN.

SCALE OF MAP 1620 FEET TO ONE INCH

WHEATON, ILLINOIS, MAY 14, 1983

BUILDINGS WERE LOCATED AS SHOWN ON MAY 14, 1983

Harold F. Steinbrenner, Jr., P.E.
Certified Surveyor and Engineer