

RESOLUTION NO. R-53-05

**A RESOLUTION AUTHORIZING THE EXECUTION OF
AN ASSIGNMENT OF RECAPTURE AGREEMENT
LAVERY'S WHEATON RESUBDIVISIONS
(Shaffner Road and Warrenville Avenue)**

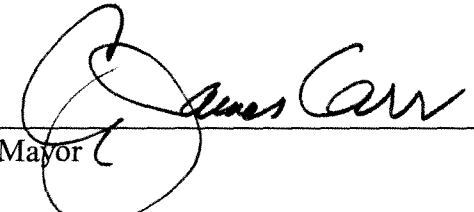
WHEREAS, on March 5, 2001 the City of Wheaton and Terrance Lavery Builders, Inc entered into a recapture agreement for reimbursement of certain costs associated with the construction of public improvements for Lavery's First Wheaton Resubdivision, Lavery's Second Wheaton Resubdivision, and Lavery's Third Wheaton Resubdivision; recorded on July 10, 2001 as document number R2001-138705 in the Office of the DuPage County Recorder; and

WHEREAS, Terrance Lavery, President of Terrance Lavery Builders, Inc., has requested the City execute an assignment of the recapture agreement to Terrance Lavery, individually.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Wheaton, Illinois that the Mayor is hereby authorized to execute an assignment of recapture agreement for Lavery's Wheaton Resubdivisions, and the City Clerk is authorized to attest to the signature of the Mayor.


BE IT FURTHER RESOLVED, that the assignment of recapture agreement shall be recorded in the Office of the DuPage County Recorder, Illinois at the expense of Terrance Lavery.

ADOPTED this 5th day of July, 2005.



Mayor

ATTEST:



City Clerk

Ayes:

Roll Call Vote

- Councilman Mouhelis
- Councilman Seuss
- Councilwoman Corry
- Mayor Carr
- Councilman Levine

Nays:

None

Absent:

- Councilman Bolds
- Councilman Johnson

Motion Carried Unanimously

**ASSIGNMENT OF RECAPTURE AGREEMENT
LAVERY'S WHEATON SUBDIVISION
[WARRENVILLE AVENUE]**

THE UNDERSIGNED, **TERRENCE LAVERY BUILDERS, INC.**, in and for the sum of Ten Dollars and 00/cents (\$10.00) and other good and valuable consideration hereby assigns, transfers and conveys all its right, title and interest to any recapture funds collected by the **CITY OF WHEATON** pursuant to a certain Agreement regarding the development of Warrenville Avenue and recorded July 10, 2001 as document number R2001-138705 between assignor and the **CITY OF WHEATON** effecting the property described on Exhibit "B" attached hereto, to Terrence Lavery. Said assignor, **TERRENCE LAVERY BUILDERS, INC.**, assigns any and all sums which may become due and collected pursuant to said Recapture Agreement to Terrence Lavery, individually, in care of Attorney Thomas J. Mullen, 1N141 County Farm Road, Suite 230, Winfield, IL 60190, (630)653-7020 and fax number (630)668-6733. This Assignment or facsimile thereof may be recorded in the office of the Recorder of Deeds of DuPage County. By execution of this assignment, **TERRENCE LAVERY BUILDERS, INC.**, on behalf of its successors and any assignee, except attorney Thomas J. Mullen, hereby waives and releases any and all claims or damages against the City of Wheaton, its elected and appointed officers and employees, that are based upon the recapture agreement recorded as document number R2001-138705.

TERRENCE LAVERY BUILDERS, INC.

BY: Terrence Lavery
TERRENCE LAVERY, PRESIDENT

Received this 9th day of May, 2005

CITY OF WHEATON

BY: [Signature]
Mayor

Attest:
[Signature]
City Clerk

EXHIBIT B

Benefitted Property Legal Description:

Parcel "A" 2217 Warrenville Avenue, Wheaton, IL 60187

Lot "B" in Denison's Survey of Lot 5 in block 1 of A. T. McIntosh and Company's Wiesbrook Road Subdivision, being a subdivision in the Northwest Quarter of Section 30, Township 39 North, Range 10 East of the Third Principal Meridian, according to the plat thereof of said Denison's Survey, as recorded in the DuPage County Recorder of Deeds, Illinois.
05-30-101-009

Gary Wheaton Bank Trust #1989
120 E. Wesley St.
Wheaton, Illinois
60187

Parcel "B" 27 W 024 Warrenville Avenue, Wheaton, IL 60187

Lot 8 in Block 2 of A. T. McIntosh and Company's Wiesbrook Road Subdivision, Being a Subdivision in Section 25, Township 39 North Range 9 East of the Third Principal Meridian and Section 30, Township 39 North Rang 10 East of the Third Principal Meridian, according to the plat thereof recorded as Document # 194383, in DuPage County, Illinois.
04-25-208-010

John A. Slavik
27 W 024 Warrenville Avenue
Wheaton, Illinois, 60187