

RESOLUTION NO. R-54-05

**A RESOLUTION AUTHORIZING THE EXECUTION OF
AN ASSIGNMENT OF RECAPTURE AGREEMENT
LINDSEY COURT SUBDIVISION
(Geneva Road and Stoddard Avenue)**

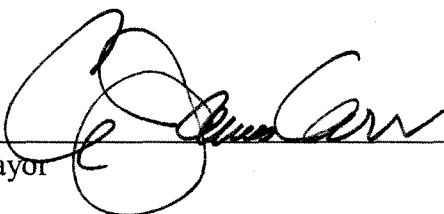
WHEREAS, on March 5, 2001 the City of Wheaton and Terrance Lavery Builders, Inc entered into a recapture agreement for reimbursement of certain costs associated with the construction of public improvements for Lindsey Court Subdivision recorded on July 10, 2001 as document number R2001-138706 in the 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 Lindsey Court Subdivision, and the City Clerk is authorized to attest to the signature of the Mayor.

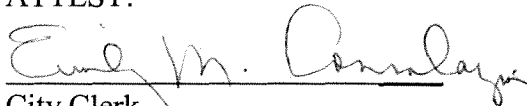
BE IT FURTHER RESOLVED, that the assignment of recapture agreement shall be recorded in the Office of the DuPage County Recorder, Illinois at the expense of Terrance Lavery.

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
None
Councilman Bolds
Councilman Johnson

Nays:

Absent:

Motion Carried Unanimously

ASSIGNMENT OF RECAPTURE AGREEMENT

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 Lindsey Court subdivision and recorded July 10, 2001 as document number R2001-138706 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 R2001-138706.

TERRENCE LAVERY BUILDERS, INC.

BY: *Terrence Lavery*
 TERRENCE LAVERY, PRESIDENT

Received this *9th* day of *May*, 2005

CITY OF WHEATON

BY: *[Signature]*
 Mayor

Attest
Emily M. Condezio
 City Clerk

EXHIBIT "B"

Benefitted Property Legal Description:

Parcel #1 2140 N. Stoddard Avenue

Lot 1 in Block 2 of A. T. McIntosh and Company's Wheaton Farms, being a subdivision in the Northeast Quarter of Section 10, Township 39 North Range 10 East of the Third Principal Meridian, According to the plat thereof recorded in DuPage County, Illinois.

Diane Secker
2140 N. Stoddard Avenue
Wheaton, IL 60187
05-10-100-009

Parcel#2 vacant lot

The North 50.0 feet of lot 4 in Block 2 of A. T. McIntosh and Company's Wheaton Farms, being a subdivision in the Northeast Quarter of Section 10, Township 39 North Range 10 East of the Third Principal Meridian, According to the plat thereof recorded in DuPage County, Illinois.

Citizens Water Resources of Illinois
1000 Interstate Parkway
Woodridge, IL 60517-4924
05-10-100-020

Parcel #3 2022 N. Stoddard Avenue

The south 50.0 feet of lot 4 in Block 2 and the North 5.0 feet of Lot 5 in Block 2, of A. T. McIntosh and Company's Wheaton Farms, being a subdivision in the Northeast Quarter of Section 10, Township 39 North Range 10 East of the Third Principal Meridian, According to the plat thereof recorded in DuPage County, Illinois.

Richard McKamey
2022 N. Stoddard Avenue
Wheaton, IL 60187
05-10-100-021