

RESOLUTION R-09-13

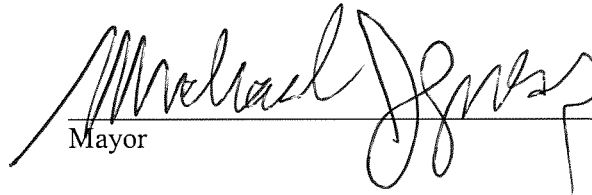
**A RESOLUTION APPROVING A PLAT OF VACATION
OF STORMWATER MANAGEMENT EASEMENT
(Courthouse Square - townhomes)**

WHEREAS, the owner of the property located at northwest corner of Washington Street and Liberty Drive, Courthouse Square, has presented a plat of vacation of stormwater management easement to the City for approval (the property is legally described in Exhibit A, attached to this resolution); and the Wheaton City staff has recommended that the plat of vacation be approved.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Wheaton, Illinois, that the Plat of Vacation of Stormwater Management Easement, prepared by C. Brian Lounsbury, an Illinois professional land surveyor, dated December 20, 2012, is hereby approved.

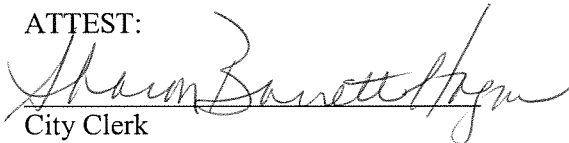
IT IS FURTHER RESOLVED that the Mayor is authorized to sign the approval form and the City Clerk is authorized and directed to attest to the signature of the Mayor and attach a certified copy of this resolution of approval to the Plat of Vacation.

ADOPTED this 19th day of February, 2013.



Mayor

ATTEST:



City Clerk

Roll Call Vote

| | |
|---------|--|
| Ayes: | Councilman Mouhelis Councilman Rutledge Councilman Saline Mayor Gresk Councilwoman Pacino Sanguinetti Councilman Scalzo |
| Nays: | None |
| Absent: | Councilman Suess |

Motion Carried Unanimously

Exhibit A

Courthouse Square (Townhome portion)
NW Corner Washington Street and Liberty Drive

Legal Description

LOTS 4, 5, 6, AND OUTLOTS I, J AND K, IN COURTHOUSE SQUARE BEING A SUBDIVISION OF PART OF THE SOUTHWEST QUARTER AND PART OF THE SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 8, 2005 AS DOCUMENT NO. R2005-197255,

EXCEPT:

THAT PART OF SAID LOT 4 DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 4; THENCE SOUTH 01 DEGREES 40 MINUTES 04 SECONDS EAST ALONG THE WEST LINE OF SAID LOT 4, A DISTANCE OF 14.12 FEET TO THE POINT OF BEGINNING; THENCE NORTH 88 DEGREES 19 MINUTES 56 SECONDS EAST, 0.50 FEET; THENCE SOUTH 01 DEGREES 40 MINUTES 04 SECONDS EAST, 42.51 FEET; THENCE SOUTH 88 DEGREES 19 MINUTES 56 SECONDS WEST, 9.55 FEET TO SAID WEST LINE OF LOT 4; THENCE NORTH 01 DEGREES 40 MINUTES 04 SECONDS WEST ALONG SAID WEST LINE, 3.63 FEET TO AN ANGLE POINT IN SAID WEST LINE; THENCE NORTH 88 DEGREES 19 MINUTES 56 SECONDS EAST ALONG SAID WEST LINE, 9.05 FEET TO AN ANGLE POINT IN SAID WEST LINE; THENCE NORTH 01 DEGREES 40 MINUTES 04 SECONDS WEST ALONG SAID WEST LINE, 38.88 FEET TO SAID POINT OF BEGINNING;

ALSO EXCEPT:

THAT PART OF SAID LOT 4, LYING AT OR BELOW AN ELEVATION OF 745.75 AS REFERENCED TO THE DUPAGE COUNTY DATUM (NGVD29) DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 4; THENCE SOUTH 01 DEGREES 40 MINUTES 04 SECONDS EAST ALONG THE WEST LINE OF SAID LOT 4, A DISTANCE OF 14.12 FEET; THENCE NORTH 88 DEGREES 19 MINUTES 56 SECONDS EAST, 0.50 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 88 DEGREES 19 MINUTES 56 SECONDS EAST, 7.70 FEET; THENCE SOUTH 01 DEGREES 40 MINUTES 04 SECONDS EAST, 29.33 FEET; THENCE NORTH 88 DEGREES 19 MINUTES 56 SECONDS EAST, 1.25 FEET; THENCE SOUTH 01 DEGREES 40 MINUTES 04 SECONDS EAST, 10.12 FEET; THENCE SOUTH 88 DEGREES 19 MINUTES 56 SECONDS WEST, 1.25 FEET; THENCE SOUTH 01 DEGREES 40 MINUTES 04 SECONDS EAST, 13.94 FEET; THENCE NORTH 88 DEGREES 19 MINUTES 56 SECONDS EAST, 3.39 FEET; THENCE SOUTH 01 DEGREES 40 MINUTES 04 SECONDS EAST, 6.05 FEET; THENCE SOUTH 88 DEGREES 19 MINUTES 56 SECONDS WEST, 1.33 FEET; THENCE SOUTH 01 DEGREES 40 MINUTES 04 SECONDS EAST, 1.08 FEET; THENCE SOUTH 88 DEGREES 19 MINUTES 56 SECONDS WEST, 19.31 FEET TO SAID WEST LINE OF LOT 4; THENCE NORTH 01 DEGREES 40 MINUTES 04 SECONDS WEST ALONG SAID WEST LINE, 18.00 FEET; THENCE NORTH 88 DEGREES 19 MINUTES 56 SECONDS EAST, 9.55 FEET; THENCE NORTH 01 DEGREES 40 MINUTES 04 SECONDS WEST, 42.51 FEET TO SAID POINT OF BEGINNING;

Property Index Number(s)

Lot 4 05-16-319-011 (part of)

Lot 5 05-16-319-006

Lot 6 05-16-425-002

Outlot K 05-16-425-003

Outlot I 05-16-319-008

Outlot J 05-16-319-009

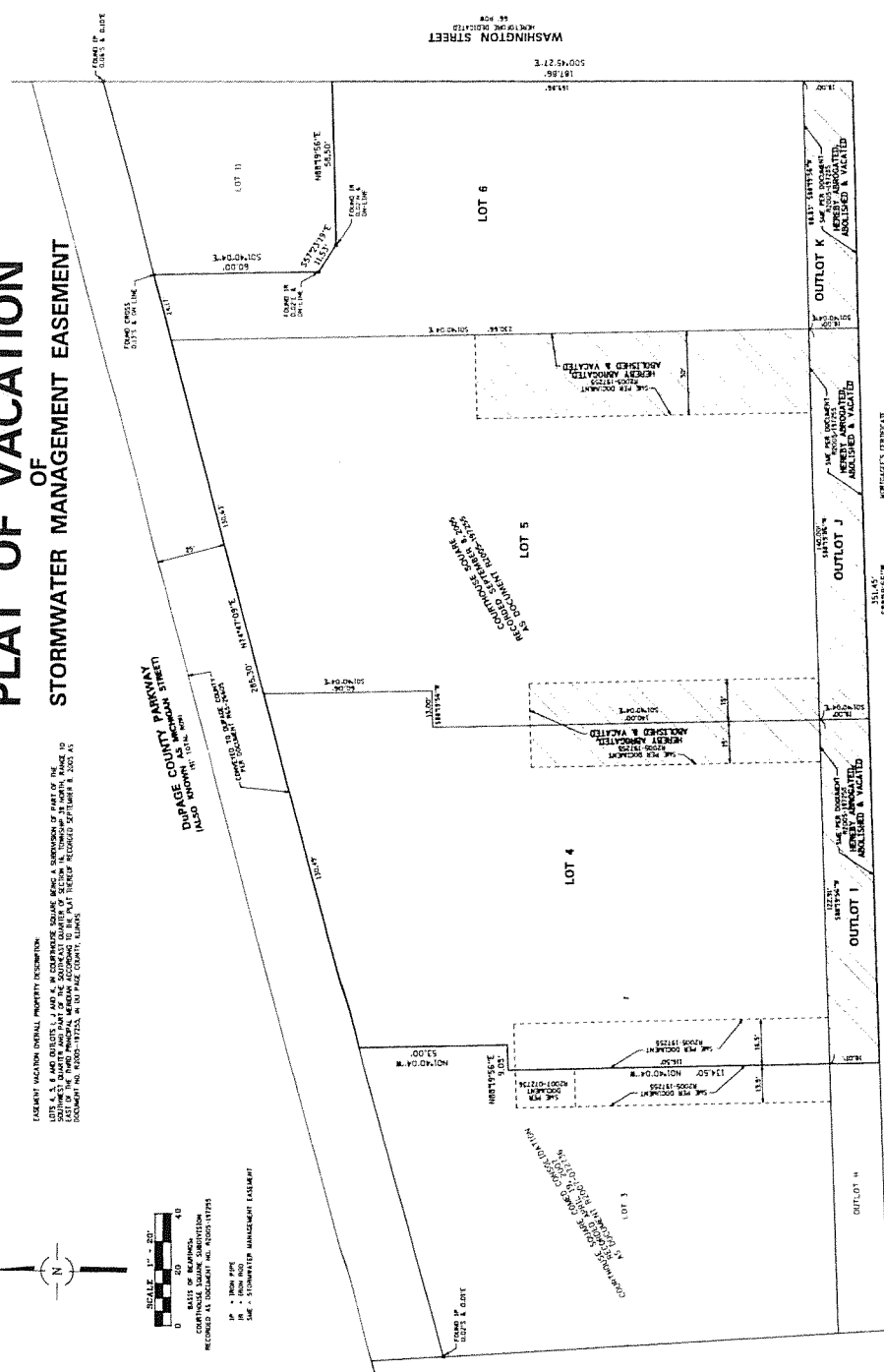
PLAT OF VACATION OF STORMWATER MANAGEMENT EASEMENT

EASEMENT VACATION DETAILS: PROPERTY RECORDS:
 LOTS 4, 5, 6 AND OUTLOTS J, K AND L IN COMPASS CO. PLAT NO. 1000-11523, W. 100' WIDE, IN DALLAS COUNTY, TEXAS, AS SHOWN ON THE PLAT RECORDED SEPTEMBER 14, 2005 AS DOCUMENT NO. 1000-11523, W. 100' WIDE, IN DALLAS COUNTY, TEXAS.



SCALE: 1" = 20'
 0 20 40
 FEET

IN 2 INCH PAPER
 BY: JOHN WARD
 DATE: 11/20/2012



RECORDS OF DALLAS COUNTY, TEXAS
 COUNTY OF DALLAS, TEXAS
 THIS IS TO CERTIFY THAT THE ABOVE DESCRIBED EASEMENT WAS
 BY JOHN WARD DATE 11/20/2012
 ATTEST: [Signature] TITLE City Clerk

RECORDS OF DALLAS COUNTY, TEXAS
 COUNTY OF DALLAS, TEXAS
 THIS IS TO CERTIFY THAT THE ABOVE DESCRIBED EASEMENT WAS
 BY JOHN WARD DATE 11/20/2012
 ATTEST: [Signature] TITLE City Clerk

OWNER'S CERTIFICATE
 STATE OF TEXAS | 15
 COUNTY OF DALLAS | 15
 THIS IS TO CERTIFY THAT THE ABOVE DESCRIBED EASEMENT IS THE PROPERTY OF THE PROPERTY OWNERS WHOSE NAMES ARE LISTED HEREON AND THAT THE SAME IS NOT SUBJECT TO ANY OTHER EASEMENT OR INTEREST IN THE PROPERTY.

DATE OF THE DAY OF Feb 2012
 COUNTY OF DALLAS, TEXAS
 OWNER'S SIGNATURE: [Signature]
 NAME: John Ward
 TITLE: City Clerk
 ADDRESS: 1111 Main Street, Dallas, TX 75202

DEPOTICE OF NOTARY
 STATE OF TEXAS | 15
 COUNTY OF DALLAS | 15
 I, John Ward, Notary Public in and for the State of Texas, do hereby certify that the foregoing instrument was executed by the person(s) whose name(s) are subscribed to the foregoing instrument on the date and at the place therein stated.

ARBITRATION AGREEMENT
 THE UNDERSIGNED HEREBY AGREE TO RESOLVE ANY DISPUTE THAT MAY ARISE OUT OF OR IN CONNECTION WITH THIS INSTRUMENT BY MEANS OF BINDING ARBITRATION IN ACCORDANCE WITH THE RULES OF THE AMERICAN ARBITRATION ASSOCIATION (AAA) AND TO WAIVE THE RIGHT TO A TRIAL BY JURY.

WITNESSED BY ME AND MY DEPUTY NOTARY PUBLIC, ON THE DAY AND AT THE PLACE FIRST ABOVE SAID.
 NOTARY PUBLIC: [Signature]
 NAME: John Ward
 TITLE: City Clerk
 ADDRESS: 1111 Main Street, Dallas, TX 75202

STATE OF TEXAS | 15
 COUNTY OF DALLAS | 15
 THIS IS TO CERTIFY THAT THE ABOVE DESCRIBED EASEMENT WAS
 BY JOHN WARD DATE 11/20/2012
 ATTEST: [Signature] TITLE City Clerk

STATE OF TEXAS | 15
 COUNTY OF DALLAS | 15
 THIS IS TO CERTIFY THAT THE ABOVE DESCRIBED EASEMENT WAS
 BY JOHN WARD DATE 11/20/2012
 ATTEST: [Signature] TITLE City Clerk

SPACED INC.
 12/25/2012
 4373 W. Inglewood, Suite 700, Dallas, TX 75241
 Phone: (972) 841-4000 Fax: (972) 841-4015

CONSTRUCTION ENGINEER
 12/25/2012
 4373 W. Inglewood, Suite 700, Dallas, TX 75241
 Phone: (972) 841-4000 Fax: (972) 841-4015

LIBERTY DRIVE (ALSO KNOWN AS BROAD STREET)
 35145' W
 38735' W

OUTLOT I
 1820' W
 1820' W

OUTLOT J
 1820' W
 1820' W

OUTLOT K
 1820' W
 1820' W

OUTLOT L
 1820' W
 1820' W

