


**RESOLUTION R-2019-68**

**A RESOLUTION APPROVING A  
GRANT OF SIDEWALK EASEMENT  
706 EAST WAKEMAN AVENUE**

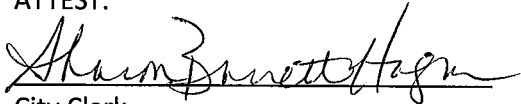
**WHEREAS**, the owner of the property located at 706 East Wakeman Avenue has presented a grant of sidewalk easement to the City for approval (the property is legally described in Exhibit A, attached to this resolution); and the Wheaton City staff has recommended that the easement grant be approved.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and City Council of the City of Wheaton, Illinois, that the Grant of Sidewalk Easement for 706 East Wakeman Avenue is hereby approved and accepted, and the Mayor is hereby authorized to sign, and the City Clerk is authorized and directed to attest, this resolution of approval and the Grant of Sidewalk Easement for 706 East Wakeman Avenue incorporated herein as Exhibit B.

**ADOPTED** this 5<sup>th</sup> day of August 2019.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk

Roll Call Vote

Ayes: Councilman Rutledge  
Councilman Zaruba  
Councilman Barbier  
Councilwoman Bray-Parker  
Mayor Sues

Nays: None  
Absent: Councilwoman Fitch

Motion Carried Unanimously

EXHIBIT A

Legal Description:

706 East Wakeman Avenue  
Wheaton, IL 60187

LOT 58 IN DURABLE CONSTRUCTION COMPANY'S EAST HAWTHORNE ADDITION, BEING A SUBDIVISION IN THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ALSO BEING A RESUBDIVISION OF LOTS 1, 7, 11, AND 12 IN DURABLE CONSTRUCTION COMPANY'S HAWTHORNE BOULEVARD ADDITION IN THE SOUTH HALF OF SECTION 9, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID EAST HAWTHORNE ADDITION RECORDED ON AUGUST 14, 1953 AS DOCUMENT 691979, IN DUPAGE COUNTY, ILLINOIS.

P.I.N. 05-09-404-006

## **GRANT OF SIDEWALK EASEMENT**

**706 E. Wakeman Avenue, Wheaton, IL 60187**

This indenture witnesseth:

Whereas, the City of Wheaton, an Illinois municipal corporation, hereinafter referred to as "Grantee", has agreed to accept a sidewalk improvement, hereinafter called "Public Improvement", with all necessary appurtenances thereto, through and across lands lying and being in Township 39 North, Range 10 East of the Third Principal Meridian, DuPage County, Illinois, including the hereinafter described lands of the Grantor, and;

Whereas, Jim and Lauren Fortosis, of 706 E. Wakeman Avenue, Wheaton, DuPage County, Illinois, hereinafter referred to as "Grantor", is the owner subject to diverse matters of record, of the real estate hereinafter described as "Tract A" and is willing to grant the easement over, upon, along, under, and through with reference to said real estate for the purposes herein specified.

Now therefore, in consideration of (\$10.00) ten dollars and in consideration of the special benefits to be derived by the Grantor through the acceptance and maintenance of said Public Improvement, and other good and valuable consideration, the receipt and sufficiency of all of which considerations are hereby acknowledged by the Grantor, and in further consideration of the mutual covenants and agreements herein contained, the Grantor herein does hereby and in accordance with the terms and provisions hereof grant, give, convey, and warrant to the Grantee, its successors, and assigns, the perpetual easement, privilege, right and authority, but not the obligation, to construct, design, survey, reconstruct, repair, observe said Public Improvement, including any appurtenances as may be deemed necessary by Grantee, over, upon, along and through the tract of land hereinafter particular described as, and under the caption of, "Tract B"; hereby releasing and waiving all rights under and by virtue of the homestead exemption laws of the State of Illinois in and to said Tract B.

Tract A

**LOT 61 IN DURABLE CONSTRUCTION COMPANY'S EAST HAWTHORNE**

ADDITION, BEING A SUBDIVISION IN THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ALSO BEING A RESUBDIVISION OF LOTS 1, 7, 11, AND 12 IN DURABLE CONSTRUCTION COMPANY'S HAWTHORNE BOULEVARD ADDITION IN THE SOUTH HALF OF SECTION 9, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID EAST HAWTHORNE ADDITION RECORDED ON AUGUST 14, 1953 AS DOCUMENT 691979, IN DUPAGE COUNTY, ILLINOIS.  
P.I.N. 05-09-404-006

Said Tract B is particularly described as follows:

THE NORTH FIVE FEET (5.0') OF SAID TRACT A.

All of said lands being situated in the City of Wheaton, DuPage County, Illinois.

It is covenanted and agreed between the Grantor and Grantee as follows:

1. The Grantor shall have and retain all rights to the use and occupation of said real estate, except as herein expressly granted and provided and such use and occupation by the Grantor shall not be unnecessarily interfere with any work deemed necessary by the Grantee .
2. The Grantor covenants and agrees that the Grantor will not in any manner disturb, damage destroy, injure or obstruct said Public Improvement or any part of the appurtenances thereto and will not interfere with the Grantee, its contractors or subcontractors or with the agents or employees, in the exercise of any of the rights, privileges, or authorities hereby given and granted.
3. The Grantee shall signify its acceptance of this grant and easement by resolution and recording of same in the Office of the DuPage County Recorder.
4. This indenture and the covenants and agreements herein contained shall run with the land and shall be binding upon the grantees, lessees, successors, heirs, devisee and assigns, and any, either or all of the same, of the parties hereto and shall be in full force and effect when accepted by the Grantee in the manner herein provided.

In witness hereof, the Grantor James Fortosis

Lauren Fortosis, do hereon set their hand and seal this

10<sup>th</sup> day of June 2019 A.D.

[Signature] Grantor  
[Signature] Grantor

State of Illinois) ss  
County of DuPage)

I, Emily M. Cole, a notary public in and for said county, in the state aforesaid, do hereby certify that James Fortosis, Lauven Fortosis personally known to me to be the same person(s) whose names are subscribed the foregoing instrument, appeared before me this day in person and acknowledged that they signed, sealed, and delivered said instrument as a free and voluntary act for the uses and purposes therein set forth, including the release and waiver of the right of homestead mentioned in said instrument.

Given under my hand and notarial seal this 10<sup>th</sup> day of June, 2019 A.D.

[Signature]  
Notary public.



State of Illinois) ss  
County of DuPage)

Approved and accepted by the Mayor and City Council of the City of Wheaton at its regularly scheduled meeting on the 5<sup>th</sup> day of August, 2019 A.D.

[Signature]  
By: Mayor

[Signature]  
Attest: City Clerk

Handwritten text, possibly a date or reference number.

Handwritten text, possibly a name or title.

Handwritten text, possibly a small note or signature.

Handwritten text enclosed in a rectangular box, possibly a stamp or a specific note.