

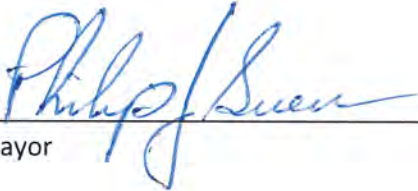
RESOLUTION R-2022- 82

A RESOLUTION APPROVING A  
GRANT OF SIDEWALK EASEMENT  
(137 George Street)

**WHEREAS**, the owner of the property located at 137 George Street has presented 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 137 George Street, dated October 10<sup>th</sup>, 2022, is hereby approved, and the Mayor is hereby authorized to sign, and the City Clerk is directed to attest to the resolution of acceptance and the Grant of Sidewalk Easement incorporated herein as Exhibit B.

**ADOPTED** this 17<sup>th</sup> day of October 2022.

  
\_\_\_\_\_  
Mayor

ATTEST:

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

Roll Call Vote

Ayes: Councilman Barbier  
Councilwoman Bray-Parker  
Councilman Brown  
Mayor Suess  
Councilwoman Robbins  
Councilman Weller

Nays: None

Absent: Councilwoman Fitch

Motion Carried Unanimously

Exhibit A

**Legal Description**

137 George Street  
Wheaton, IL 60189

LOT 60, EXCEPT THE EAST 5.0 FEET THEREOF, IN FAIRWAY ESTATES, BEING A SUBDIVISION OF PART OF THE WEST HALF OF SECTION 21, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 21, 1957, AS DOCUMENT 863827 AND 878181 AND CERTIFICATE OF CORRECTION RECORDED JUNE 30, 1958 AS DOCUMENT 884944, IN DUPAGE COUNTY, ILLINOIS

P.I.N. 05-21-115-018

EXHIBIT B

**GRANT OF EASEMENT, PUBLIC SIDEWALK**

**137 George Street, Wheaton, IL 60189**

This indenture witnesseth:

Whereas, the City of Wheaton, an Illinois municipal corporation, hereinafter referred to as "Grantee", has agreed to construct a public sidewalk and accept a public sidewalk easement, 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, George Selby, of 137 George Street, 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 perpetual public sidewalk and public ingress/egress easement over, upon, along, under, and through with reference to said real estate for the purposes herein specified.

Now therefore, the considerations which are hereby acknowledged of (\$10.00) ten dollars, the special benefits to be derived by the Grantor through the acceptance and maintenance of said Public Improvement by the City of Wheaton, the mutual covenants and agreements herein contained, and other good and valuable consideration, 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 public sidewalk and public ingress/egress easement, privilege, right and authority, but not the obligation, to construct, design, survey, reconstruct, repair, traverse, and observe said Public Improvement, including any appurtenances as may be deemed necessary by the 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 60, EXCEPT THE EAST 5.0 FEET THEREOF, IN FAIRWAY ESTATES, BEING A  
SUBDIVISION OF PART OF THE WEST HALF OF SECTION 21, TOWNSHIP 39  
NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO  
THE PLAT THEREOF RECORDED NOVEMBER 21, 1957, AS DOCUMENT 863827 AND  
CERTIFICATE OF CORRECTION RECORDED APRIL 30, 1958, AS DOCUMENT  
878181 AND CERTIFICATE OF CORRECTION RECORDED JUNE 30, 1958 AS  
DOCUMENT 884944, IN DU PAGE COUNTY, ILLINOIS  
P.I.N. 05-21-11-5018**

Said Tract B is particularly described as follows:

**THE SOUTH 5 FEET (5.0') OF SAID TRACT A, ALONG THE RIGHT OF WAY LINE.**

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. Such use and occupation by the Grantor shall not 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. This indenture and the covenants and agreements herein contained shall run with the land and shall be binding upon the grantees, lessees, successors, heirs, devisees, 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 George Selby

\_\_\_\_\_, do hereon set their hand and seal this

10 day of October 2022 A.D.

George Selby Grantor

\_\_\_\_\_  
\_\_\_\_\_  
Grantor

State of Illinois) ss  
County of DuPage)



I, Rosemary Herbert, a notary public in and for said county, in the state aforesaid, do hereby certify that George Selby, personally known to me to be the same person(s) whose names 15 subscribed the foregoing instrument, appeared before me this day in person and acknowledged that \_\_\_\_\_ signed, sealed, and delivered said instrument as HIS 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 day of Oct, 20 22 A.D.

Rosemary Herbert  
Notary public



