

# UNOFFICIAL COPY



Doc#: 0503508061  
Eugene "Gene" Moore Fee: \$34.00  
Cook County Recorder of Deeds  
Date: 02/04/2005 11:56 AM Pg: 1 of 6

Property of Cook County Clerk's Office

## AGREEMENT CONCERNING ENCROACHMENT

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THIS AGREEMENT is made as of the 10<sup>th</sup> day of October, 2004, by and between ALICE KELLEY, (hereinafter referred to as "ALICE") and KENNETH WALTER and NOREEN WALTER (hereinafter referred to as "KENNETH and NOREEN").

### RECITALS:

WHEREAS, ALICE is the owner of the property commonly known as 1022 11<sup>th</sup> Street, Wilmette, Illinois and KENNETH and NOREEN are the owners of the property commonly known as 1018 11<sup>th</sup> Street, Wilmette, Illinois; and

WHEREAS, there is a sidewalk on ALICE's property that constitutes an encroachment by KENNETH and NOREEN on ALICE's property. That a plat of survey is attached hereto as Exhibit 1 and shows said encroachment by KENNETH and NOREEN, the owners of Lot 4 onto ALICE's property, the owner of Lot 3. That the legal description of ALICE's property is attached hereto as Exhibit 2 and that the legal description of KENNETH and NOREEN's property is attached hereto as Exhibit 3.

NOW, THEREFORE, in consideration of the foregoing and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereby agree to the following:

Lawyers Unit # 15580 Case # A-12396 AC

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1. That KENNETH and NOREEN, as the owners of Lot 4, shall not make any claim of ownership of said sidewalk encroachment and acknowledge that ALICE has not previously consented to or approved said encroachment. That the privilege granted by ALICE to KENNETH and NOREEN is made with the express condition that neither KENNETH nor NOREEN nor their heirs, successors, assigns or any other person shall acquire any right of easement or any other right with respect to the said sidewalk encroachment and this consent shall not ripen into a right or easement by lapse of time or otherwise.
2. That KENNETH and NOREEN shall maintain said sidewalk encroachment without any compensation from ALICE.
3. That KENNETH and NOREEN shall hold ALICE harmless from any and all claims, including attorney's fees and court costs, involving the use, maintenance control, or upkeep of said sidewalk encroachment.
4. That KENNETH and NOREEN shall notify their homeowners insurance carrier of this Agreement and shall furnish ALICE with an endorsement naming her as an additional insured concerning the use, maintenance control, or upkeep of said sidewalk encroachment. That KENNETH and NOREEN shall furnish this endorsement to ALICE within thirty (30) days of the execution of this Agreement.
5. That ALICE consents to the use, maintenance control, or upkeep of said sidewalk encroachment by KENNETH and NOREEN providing KENNETH and NOREEN comply with the terms and conditions of this Agreement. This Agreement shall remain in force and effect only as long as the said sidewalk exists. That ALICE shall not receive any compensation from KENNETH and NOREEN for her permitting KENNETH and NOREEN's use of said sidewalk encroachment.
6. This Agreement shall be binding upon the heirs, successors, and assigns of the undersigned and shall operate as a covenant running with both parcels of land described above.
7. This Agreement shall be recorded with the Recorder of Deeds of Cook County at ALICE's expense.

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Permanent Real Estate Index Number: 05-27-316-003-0000 103

Address of Real Estate: 1022 11<sup>th</sup> Street, Wilmette, IL 60091

Permanent Real Estate Index Number: 05-27-316-004-

Address of Real Estate: 1018 11<sup>th</sup> Street, Wilmette, IL 60091

Dated this 18<sup>th</sup> day of October, 2004

Alice Kelley  
 ALICE KELLEY

Noreen Walter  
 NOREEN WALTER

Kenneth Walter  
 KENNETH WALTER

State of Illinois, County of Cook SS I, the undersigned, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that ALICE KELLEY, KENNETH WALTER and NOREEN WALTER, personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that they signed, sealed and delivered the said instrument as their free and voluntary act, for the uses and purposes therein set forth, including the release and waiver of the right of homestead.

Given under my hand and seal this 18 day of October, 2004.

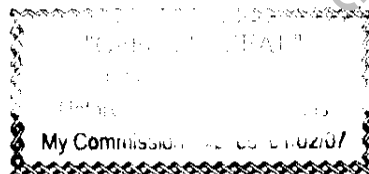
Commission expires: 01-02-07

Carrie S  
 NOTARY PUBLIC

This instrument was prepared by James T. Haddon, 111 E. Wacker Drive, Chicago, IL 60601-4850

Mail to:

JAMES T. HADDON  
 111 E. Wacker Drive  
 Chicago, Illinois, 60601-4850



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PROFESSIONALS ASSOCIATED SURVEY, INC.

Property - Alta - Topo - Condo - Mortgage Surveys

E:  
JE  
INOIS 60646

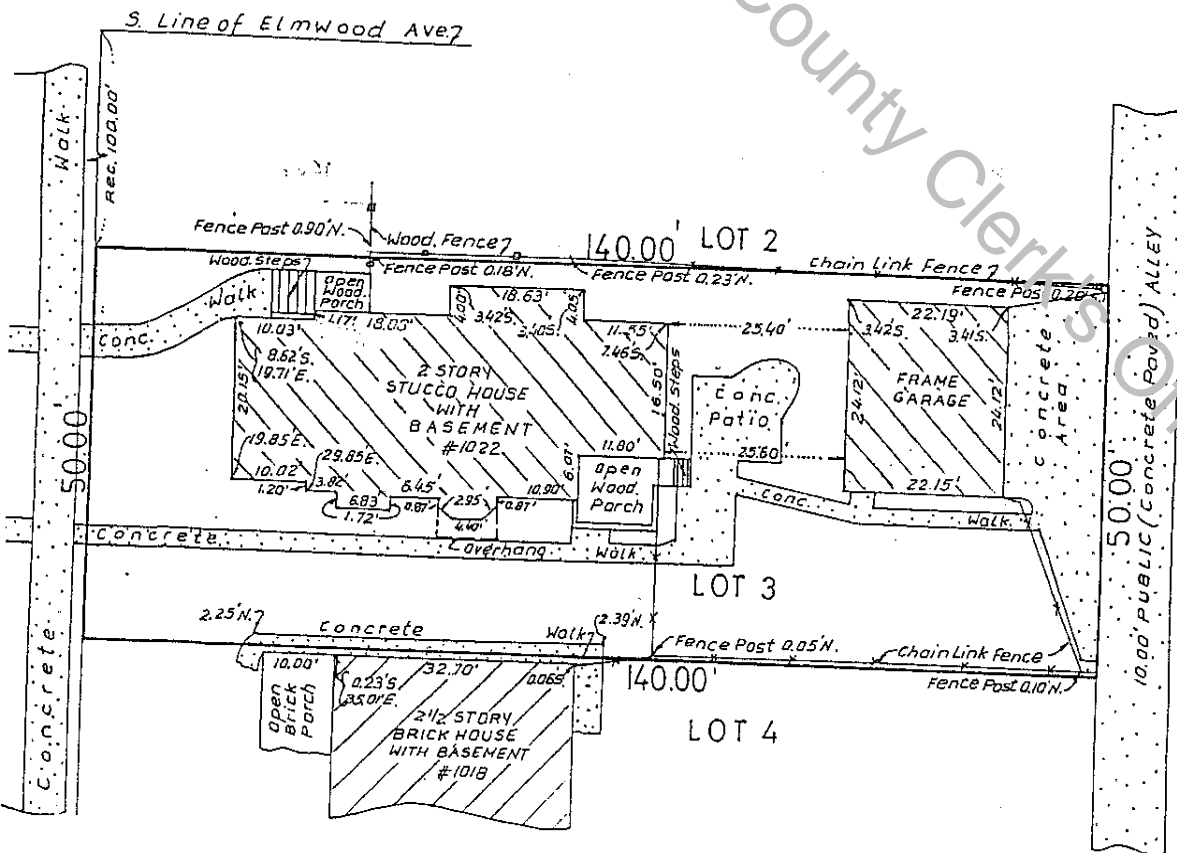
HIGHLAND PARK OFF  
1510 OLD DEERFIELD  
HIGHLAND PARK, IL  
TEL: (847) 831-1200  
FAX: (847) 831-9206

## PLAT OF SURVEY

OF

LOT 3 IN KIRK AND JACOB'S RESUBDIVISION OF LOTS 10 TO 12 IN BLOCK 4 IN GREENLEAF AND OTHERS SUBDIVISION OF BLOCKS 29 TO 34 IN VILLAGE OF WILMETTE IN SECTION 27, TOWNSHIP 42 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

COMMONLY KNOWN AS: a 1022 11TH STREET, WILMETTE, ILLINOIS.



EXHIBIT

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LEGAL DESCRIPTION TO PROPERTY LOCATED AT  
1022 11th STREET, WILMETTE, IL

LOT 3 IN KIRK AND JACOB'S RESUBDIVISION OF LOTS 10 TO 12 IN BLOCK 4  
IN GREENLEAF AND OTHERS SUBDIVISION OF BLOCKS 29 TO 34 IN VILLAGE OF  
WILMETTE IN SETION 27, TOWNSHIP 42 NORTH, RANGE 13, EAST OF THE  
THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

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**EXHIBIT**

"2"

# UNOFFICIAL COPY

LEGAL DESCRIPTION TO PROPERTY LOCATED AT  
1018 11th STREET, WILMETTE, IL

LOT 4 IN KIRK AND JACOB'S RESUBDIVISION OF LOTS 10 TO 12 IN BLOCK 4  
IN GREENLEAF AND OTHERS SUBDIVISION OF BLOCKS 29 TO 31 INCLUSIVE IN  
VILLAGE OF WILMETTE IN SECTION 27, TOWNSHIP 42 NORTH, RANGE 13, EAST  
OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

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EXHIBIT

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