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THIS DOCUMENT WAS PREPARED BY:

Klein Thorpe & Jenkins, Ltd.
20 North Wacker Drive, Suite 1660
Chicago, IL 60606
Michael A. Marrs

Doc#: 0812210096 Fee: \$40.00
Eugene "Gene" Moore
Cook County Recorder of Deeds
Date: 05/01/2008 03:24 PM Pg: 1 of 3

AFTER RECORDING RETURN TO:

Cook County, Recorders Box 324 (MAM)

~~Will County
Klein Thorpe & Jenkins, Ltd.
20 North Wacker Drive, Suite 1660
Chicago, IL 60606
Attn: Michael A. Marrs~~

[The above space for recording purposes]

RIGHT-OF-WAY ENCROACHMENT WAIVER AND AGREEMENT

RE: Proposed Public Right-of-Way use for brick paver/decorative concrete/asphalt driveway approach/brick mailboxes/lawn sprinkler heads/decorative landscaping and/or proposed easement encroachment for pool/deck/fence/shed/retaining wall/patio and/or service walk.

✓ I/We, LAURENCE GERAGHTY, as MEMBER of 80TH AVENUE INVESTMENTS LLC (insert business name) represent that 80TH AVE INVESTMENTS is the legal owner of real property commonly known as:

17935 S. Oak Park Ave., Tinley, Park, Illinois 60477.
insert property address

✓ PIN(S) #: 28314000590000

(Survey of property containing legal description of said property is attached and made a part hereof as "EXHIBIT A")

I/We are undertaking the following Project at the above stated Property that will encroach on the Public Right-of-Way:

Project: install underground sprinkler system

I/We understand that the Village Code does not allow for the construction of a driveway in the public right-of-way surfaced with any material other than concrete or asphalt. I/We agree that the driveway to be constructed in the public right-of-way at the above address out of brick paver/decorative concrete/embossed or colored asphalt will be my responsibility to maintain, repair, and replace if necessary, due to any damage by the Village or other public agencies, or due to normal wear and tear.

I/We further understand that, on streets without curbs, the decorative drive must end no less than two feet from the edge of existing pavement.

I/We understand that the Village will allow the construction of a pool/deck/fence/shed/retaining wall/patio and/or service walk encroaching upon an easement to require the written permission of each utility affected by the subject construction.

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I/We agree that the pool/deck/fence/shed/retaining wall/patio and/or service walk encroaching upon the easement at the above address, will be my responsibility to maintain, repair, and replace if necessary, due to any damage by the Village or other public agencies, or due to normal wear and tear.

I/We also understand Village Codes do not permit any obstructions in the Public Right-of-Way and that any lawn sprinkler systems, brick mailboxes, decorative landscaping placed upon the public right-of-way will be my responsibility to maintain, repair, and replace if necessary, due to any damage by the Village or other public agencies, or due to normal wear and tear.

I/We covenant and agree that all construction taking place on the Project will be in accordance with the Village Building Codes.

I/We also understand that as a condition of the Village of Tinley Park granting permission to utilize the public right-of-way abutting the Subject Property and/or easement encroachment for the aforesaid purposes, the undersigned owner(s) covenants and agrees not to sue and to protect, indemnify, defend, and hold harmless the Village of Tinley Park against any and all claims, costs, actions, losses, demands, injuries and expenses of whatever nature ("Claims"), including, but not limited to attorneys' fees, on such uses being located in the public right-of-way and/or easement encroachment and/or from acts or omissions by the undersigned owner, its contractors, sub contractors, or agents or employees in maintaining the same and/or conjunction with the use of the public right-of-way abutting the Subject Property and/or easement encroachment for the aforesaid purposes.

I/We understand that the terms and conditions contained herein apply uniquely to the Public Right-of-Way and Easements of the property at the above address as legally described in Exhibit A and it is the intent of myself and the Village to have the terms and conditions of this instrument run with the land and be binding on subsequent purchasers.

This document shall be notarized and recorded with the Cook/Will County Recorder of Deeds.

NOTE: THE UNDERSIGNED OFFICER(S) CERTIFY THAT HE/THEY HAVE THE AUTHORITY TO BIND THE OWNER/BUSINESS HEREIN.

Lauren Conroy
Authorized Officer Signature

Authorized Officer Signature (if more than one)

Date: MAY 1 2007

Date: _____

NOTARY: STATE OF ILLINOIS, COUNTY OF Will) SS

I, the undersigned, a Notary Public in Cook/Will County, in the State of Illinois, do hereby certify that LAWRENCE RAGHTY is/are personally known to me to be the _____ and OWNER of 1935 S OAK PARK AVE, a _____ Corporation (the "Corporation"), and are the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person and severally acknowledged that as such _____ and _____, respectively, of the Corporation, they signed and delivered this instrument and caused the seal of the Corporation to be affixed thereto, pursuant to authority given by the Board of Directors of the Corporation, and as their free and voluntary act, and as the free and voluntary act and deed of the Corporation, for the uses and purposes therein set forth. Given under my hand and notarial seal this 1st day of May, 2007.

Notary Signature: Denise L Glass

[SEAL]

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LEGAL DESCRIPTION

LOTS 2 AND 3 IN BUTLER'S SUBDIVISION OF THE NORTH 533 FT. OF THE WEST 250 FT. OF THE SOUTHEAST 1/4, FALLING IN A TRACT OF LAND DESCRIBED AS FOLLOWS: BEGINNING AT A POINT IN THE WEST LINE OF THE SOUTHEAST 1/4 OF SECTION 31, TOWNSHIP 36 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, 11.65 FT. SOUTH OF THE NORTHWEST CORNER OF SAID SOUTHEAST 1/4, SAID POINT BEING ALSO 2655 FT. SOUTH OF THE NORTHWEST CORNER OF THE EAST 1/2 OF SECTION 31; THENCE EASTERLY TO THE NORTHEAST CORNER OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4; THENCE SOUTH ALONG A LINE AT RIGHT ANGLES TO THE NORTH LINE OF THE SOUTHEAST 1/4, 21.00 FT.; THENCE EASTERLY ALONG A LINE TO THE NORTHEAST CORNER OF SAID SOUTHEAST 1/4; THENCE SOUTH ALONG THE EAST LINE OF SAID SOUTHEAST 1/4 TO THE SOUTHEAST CORNER OF THE NORTH 1/2 THEREOF; THENCE WEST ALONG THE SOUTH LINE OF THE NORTH 1/2 OF SAID SOUTHEAST 1/4 TO THE SOUTHWEST CORNER THEREOF; THENCE NORTH ALONG THE WEST LINE OF SAID SOUTHEAST 1/4 TO THE PLACE OF BEGINNING, IN COOK COUNTY, ILLINOIS.

Property Address: 17935 S. Oak Park Avenue
Tinley Park, Illinois

Permanent Index No.: 28-31-400-059-0000