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AFTER RECORDING
RETURN TO:

William D. Dallas
Regas, Frezados & Dallas LLP
111 W. Washington Street, Suite 1525
Chicago, Illinois 60602
(312) 236-4400

Doc#: 0929634081 Fee: \$64.00
Eugene "Gene" Moore RHSP Fee:\$10.00
Cook County Recorder of Deeds
Date: 10/23/2009 01:42 PM Pg: 1 of 15

FOR RECORDER'S USE ONLY

This documents contains a total of 15 pages.

ORDINANCE NUMBER 09-2729

**AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE SUBDIVIDER'S
AGREEMENT RELATING TO 4248 GRACE IN THE VILLAGE OF SCHILLER PARK**

Property of Cook County Clerk's Office

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ORDINANCE NUMBER 09-2729

AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE SUBDIVIDER'S AGREEMENT RELATING TO 4248 GRACE IN THE VILLAGE OF SCHILLER PARK

WHEREAS, the Village of Schiller Park, Cook County, Illinois (the "*Village*") is a home rule municipality pursuant to Section 6(a), Article VII of the 1970 Constitution of the State of Illinois, and as such may exercise any power and perform any function pertaining to its government and affairs (the "*Home Rule Powers*"), and

WHEREAS, in 1998, the Village executed a Subdivider's Agreement with Anthony and Lori Magnifico for the consolidation of two lots, currently identified as 4248 Grace, Schiller Park, Illinois (the "*Agreement*"); and

WHEREAS, the President and the Board of Trustees of the Village of Schiller Park, Cook County, Illinois (the "*Corporate Authorities*") have determined that it is in the best interests of the health, safety and welfare of the Village and its residents to amend the Agreement.

NOW, THEREFORE, BE IT ORDAINED by the Village President and Board of Trustees of the Village of Schiller Park, Cook County, Illinois, by and through its Home Rule Powers, as follows:

Section 1: That the above recitals and legislative findings are found to be true and correct and are hereby incorporated herein and made a part hereof, as if fully set forth in their entirety.

Section 2: After due and careful consideration, the Corporate Authorities hereby find that it is in the best interests of the Village and its residents that the aforesaid amendment to the Agreement be entered into and executed by the Village with said amendment to be substantially in the form attached hereto and made a part hereof as Exhibit A (the "*Amendment*").

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Section 3: The President and the Clerk of the Village are hereby authorized to execute for and on behalf of the Village the Amendment.

Section 4: The Clerk of the Village shall be and hereby is authorized and directed to record with the Recorder of Deed of Cook County a fully executed copy of the Amendment.

Section 5: If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this Ordinance.

Section 6: All ordinances, resolutions, motions or orders in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 7: This Ordinance shall be in full force and effect upon its passage, approval and publication as provided by law.

PASSED by the President and Board of Trustees of the Village of Schiller Park, Cook County, Illinois this 25th day of August 2009, pursuant to a roll call vote, as follows:

AYES: Trustees Clementi, Desecki, Tole, Gorzynski, Passialis & Fritz

NAYS: None

ABSENT: None

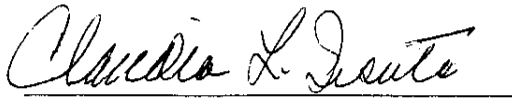
APPROVED by the President of the Village of Schiller Park, Cook County, Illinois on this 25th day of August 2009.



ANNA MONTANA
VILLAGE PRESIDENT

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ATTEST:



CLAUDIA L. IRSUTO
VILLAGE CLERK

Property of Cook County Clerk's Office

EXHIBIT A
AMENDMENT

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AMENDMENT TO THE 4248 GRACE SUBDIVIDER'S AGREEMENT

THIS AMENDMENT TO THE SUBDIVIDER'S AGREEMENT ("Amendment") is made and entered into this 15th day of SEPT., 2009 ("Execution Date"), by and between the Village of Schiller Park (hereinafter the "Village"), and Anthony Magnifico and Lori Magnifico (hereinafter the "Owner"), collectively known as the "Parties".

WITNESSETH

WHEREAS, the Parties have previously entered into a Subdivider's Agreement in 1998 pertaining to the real estate commonly known as 4248 Grace, Schiller Park, Illinois, a true and correct copy of which is attached as **Exhibit A** ("Subdivider's Agreement"); and

WHEREAS, the Owner has asked that the Village to amend the Subdivider's Agreement to modify certain sections identified herein; and

WHEREAS, the President and Board of Trustees of the Village of Schiller Park, Cook County, Illinois ("Corporate Authorities"), after careful consideration, have determined that this Amendment will enhance and promote the general welfare of the Village; and

WHEREAS, after due deliberation, the Corporate Authorities then holding office adopted an ordinance authorizing the execution of this Amendment; and

WHEREAS, the Village and Owner therefore now desire to modify the provisions of the Subdivider's Agreement as provided herein.

NOW, THEREFORE, in consideration of the mutual covenants, agreements, representations and warranties contained herein and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties agree as follows:

Section 1: Incorporation of Recitals. The recitals stated above are an integral part of this Amendment and are incorporated into this Amendment by reference and made part of this Amendment.

Section 2: Amendment. Exhibit II of the Subdivider's Agreement is amended by deleting Section 1(a) and Section 1(b) of Exhibit II in their entirety.

Section 3: General Terms and Conditions.

(a) Except as amended herein, all other terms and conditions of the Annexation Agreement shall remain in full force and effect.


(b) In case of any inconsistencies between the terms and conditions contained in the Subdivider's Agreement and the terms and conditions contained in this Amendment, the terms and conditions herein will control. Except as set forth below, all provisions of the Agreement are ratified and remain unchanged and in full force and effect.

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(c) Each of the Parties represent and warrant that they have the right, power, legal capacity and authority to enter into and perform their respective obligations under this Amendment.

IN WITNESS WHEREOF, the Parties have caused this Amendment to the Subdivider's Agreement to be executed as of the date first written above.

VILLAGE OF SCHILLER PARK:



Anna Montana, Village President

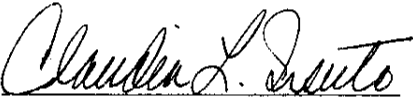
OWNERS:

Anthony Magnifico



Lori Magnifico

ATTEST:



Claudia Irsuto, Village Clerk

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EXHIBIT A

Subdivider's Agreement

(See Attached)

Property of Cook County Clerk's Office

UNOFFICIAL COPY 98821916

*This filed
later
under #*

Property of Cook County Clerk's Office

CERTIFICATE OF CORRECTION

I, MICHAEL G. HERWY, AN ILLINOIS PROFESSIONAL LAND SURVEYOR, HAVING SURVEYED AND SUBDIVIDED T.L.J. MAGNIFICO'S SUBDIVISION, RECORDED SEPTEMBER 2, 1998 AS DOCUMENT NUMBER 98785621, AND LEGALLY DESCRIBED AS:

LOT 64 AND 65 IN VOLK BROTHERS' SECOND ADDITION TO SCHILLER PARK, BEING A SUBDIVISION OF PART OF LOT 3 IN SUBDIVISION OF THE SOUTH WEST FRACTIONAL SECTION 15, TOWNSHIP 40 NORTH RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, ALSO THAT PART OF THE SOUTH EAST 1/4 OF SECTION 16, TOWNSHIP 40 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN LYING EAST OF WISCONSIN CENTRAL RAILROAD RIGHT OF WAY, SITUATED IN THE VILLAGE OF SCHILLER PARK, COUNTY OF COOK, IN THE STATE OF ILLINOIS.

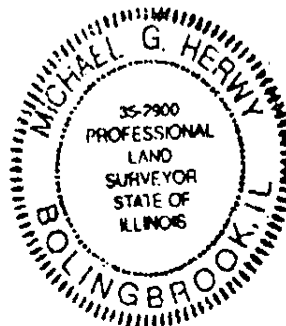
P.I.N.: 12-15-307-015 AND 12-15-307-016

I AM PREPARING THIS CERTIFICATE TO CORRECT THE FACT THAT THE LOT DESIGNATION WAS MISSING, AND HEREBY DESIGNATE IT TO BE LOT 1.

GIVEN UNDER MY HAND AND SEAL THIS 4TH DAY OF SEPTEMBER, 1998.

Michael G. Herwy
ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 35-2900

THIS INSTRUMENT PREPARED BY:
RESIDENTIAL SURVEYING SERVICE, P.C.
108 LEE LANE
BOLINGBROOK, IL 60440



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Exhibit 1

02/26/98

SUBDIVIDER'S AGREEMENT

THIS AGREEMENT entered into by and between Anthony Magnifico and Lori Magnifico [hereinafter referred to as "**Owner**"], and the Village of Schiller Park, Illinois [hereinafter referred to as "**Village**"];

WITNESSETH:

WHEREAS, the Owner has requested the President and Board of Trustees of the Village to approve a subdivision known as "Magnifico's Resubdivision" (hereinafter referred to as "**Plat**") subdividing that certain real property located at 4248 Grace, Schiller Park, Illinois, legally described as:

Lot 64 and 65 in Volk Brother's ^{second} addition to Schiller Park, being a Subdivision of Part of Lot 3 ^{the lot} in Subdivision of the ^{One-Quarter (1/4) of} South West Fractional Section 15, Township 40 North, Range 12, East of the Third Principal Meridian, also that part of the South East 1/4 of Section 16, Township 40 North, Range 12, East of the Third Principal Meridian, Lying East of the Wisconsin Central Railroad right of way, situated in the Village of Schiller Park, County of Cook, in the State of Illinois [hereinafter referred to as "**Subject Property**"]; and

WHEREAS, the Owner is the fee simple title holder of record of the Subject Property, located in the R-2 (Single Family Residence) zoning district within the corporate limits of the Village; and

WHEREAS, the Owner appeared before the Zoning, Planning and Appeals Commission [hereinafter referred to as "**Commission**"] on January 7, 1998, pursuant to the application filed in conjunction with Case No. 97-Z,SU,V-11; and

WHEREAS, the President and Board of Trustees of the Village of Schiller Park have approved the requested variations subject to and upon condition that the Subject Property be subdivided (consolidated) into one lot;

NOW, THEREFORE, in consideration of the promises and covenants of the Owner and the Village [hereinafter referred to collectively and generically as "**Parties**"], it is agreed to by the

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Exhibit I

Parties as follows:

1. That, prior to the recordation of the Plat, certain restrictive covenants be incorporated therein and placed thereon in form substantially as set forth on **Exhibit I**, attached hereto and hereby made a part hereof.

2. It is understood that no building permit shall be issued by the Village until after the recordation of the aforesaid Plat and after all other necessary approvals have been received by the Owner.

3. It is understood further that, in accord with the plans and specifications attached hereto and hereby made a part hereof as **Exhibit II** and upon issuance of a building permit therefor in accord with the applicable ordinances of the Village, the undersigned Owner shall construct upon the Subject Property a single building having the exterior appearance of a single family residence building.

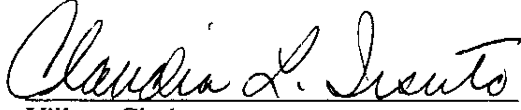
IN WITNESS WHEREOF, the Parties hereto have signed this Agreement on the date first above written.

VILLAGE OF SCHILLER PARK



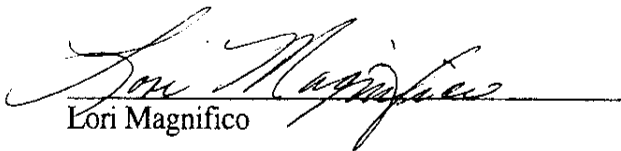
Mayor

ATTEST:

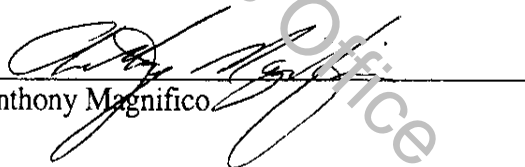


Village Clerk

OWNER:



Lori Magnifico



Anthony Magnifico

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Exhibit I

EXHIBIT II DECLARATION OF RESTRICTIVE COVENANTS (To be installed on the linen - Plat of Subdivision)

1. The following restrictions affect and restrict all the land described hereon as well as all buildings erected thereon, and said restrictions are and shall be construed as covenants running with the land in keeping with the general scheme of development binding upon the undersigned owner (hereinafter referred to as "Owner") and all subsequent owners of the land shown hereon or any part thereof and of persons dealing therewith, and of the Village of Schiller Park, Illinois, a municipal corporation (hereinafter referred to as "Village"), it being the intent of the Owner that the following covenants shall run with the land and shall bind and restrict the Owner and its administrators, grantees, assigns and successors in interest with respect to all of the land shown hereon:

a. Upon any transfer, sale, assignment, and/or conveyance of the land or any portion thereof shown hereon, the land use variation granted by the President and Board of trustees of the Village for the operation of a day care center shall become null and void automatically and no longer be of any force or effect whatsoever.

b. After the date hereof upon any lease, transfer, sale, assignment, and/or conveyance of the land or any portion thereof shown hereon, no commercial use shall be permitted upon the Subject Property and any day care center, day care home, day care agency, day care facility and/or any other similar and/or related use shall not be permitted upon the land described hereon as well as all buildings erected thereon.

2. The Owner does, by this declaration, specifically estop itself and all of its successors and all persons presently or hereafter owning or dealing with the land as described hereon from asserting or contending in any manner or fashion that the above and foregoing covenants are not full and adequate covenants running with the land as described hereon. These covenants shall bind the Owner and all successors in interest of the Owner. Further, said covenants shall run with the land for an initial period of twenty (20) years. Thereafter, the said covenant shall be extended automatically for successive periods of ten (10) years unless and until expressly terminated or amended, if at all, with the prior written consent of the Village.

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5064/0081 47 002 Page 1 of 3

2001-01-31 11:36:52

Cook County Recorder 25.00

TRUSTEE'S DEED

0010084209

5064/0081 47 002 Page 1 of 3

2001-01-31 11:36:52

Cook County Recorder 25.00



0010084209

RECORDERS USE ONLY

A62378 ESCROW

Grantor, COSMOPOLITAN BANK AND TRUST, a corporation of Illinois, duly authorized to accept and execute trusts within the State of Illinois, not personally, but as Trustee under the provisions of a deed or deeds in trust duly recorded and/or filed and delivered to said bank

pursuant to a certain Trust Agreement dated the June day of 9th, 19 98, and known as Trust Number 30836, in consideration of Ten Dollars (\$10.00) and other valuable consideration, receipt of which is hereby acknowledged, conveyed and quit claims to Lori Magnifico

of 4248 Grace St. Schiller Park, IL 60176

the following described real estate in Cook County, Illinois, together with the appurtenances attached thereto:

LOT 1 IN T.L.J. MAGNIFICO'S SUBDIVISION, BEING A RESUBDIVISION OF LOTS 64 AND 65 IN VOLK BROTHERS SECOND ADDITION TO SCHILLER PARK, BEING PART OF LOT 3 IN SUBDIVISION OF THE SOUTHWEST FRACTIONAL 1/4 OF SECTION 15, TOWNSHIP 40 NORTH, RANGE 12, IN COOK COUNTY, ILLINOIS, ALSO THAT PART OF THE SOUTHEAST 1/4 OF SECTION 16, LYING EAST OF WISCONSIN CENTRAL RAILROAD RIGHT OF WAY, SITUATED IN THE VILLAGE OF SCHILLER PARK, IN COOK COUNTY, ILLINOIS.

Executed under Real Estate Transfer Act Sec. 6
Para. 5 & Cook County Ord. 95104 Para. 1

Date 11-8-00

NOTE: If additional space is required for legal - attach on separate 8 1/2 X 11 sheet.

PIN: 12-15-307-025-0000

RECORD THIS DEED

AP
1/24

IN WITNESS WHEREOF, COSMOPOLITAN BANK AND TRUST, not personally but as trustee aforesaid, has caused this trustee's deed to be signed by its Vice President and Trust Officer and its corporate seal to be affixed hereto and attested by its Trust Officer - Land Trust Administrator this 8th day of November, 19 2000.
Asst. Vice President

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COSMOPOLITAN BANK AND TRUST
as Trustee as aforesaid, and not personally,

By: [Signature]
Vice President and Trust Officer

Attest: [Signature]
Trust Officer, ~~Land Trust Administrator~~
Asst. Vice President



I, the undersigned, a Notary Public in and for said County, in the State aforesaid, do hereby certify that Gerrald A. Wiel

Vice President and Trust Officer of COSMOPOLITAN BANK AND TRUST, a corporation of Illinois, and Todd W. Cordell

State of Illinois }
County of Cook } SS

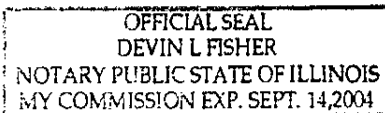
Trust Officer - ~~Land Trust Administrator~~ of said Bank, personally known to me to be the same persons, whose names are subscribed to the foregoing instrument as such Vice President and Trust Officer and Trust Officer - ~~Land Trust Administrator~~ respectively, appeared before me this day in person and acknowledged that they signed and delivered the said instrument as their own free and voluntary acts, and as the free and voluntary act of said Bank, as Trustee as aforesaid, for the uses and purposes therein set forth; and the said Trust Officer - ~~Land Trust Administrator~~ did also then and there acknowledge that he/she as custodian of the corporate seal of said Bank did affix the said corporate seal of said Bank to said instrument as his/her own free and voluntary act, and as the free and voluntary act of said Bank, as Trustee as aforesaid, for the uses and purposes therein set forth.

This instrument was prepared
By: D. Fisher
Land Trust Department
Cosmopolitan Bank and Trust
801 North Clark Street
Chicago, Illinois 60610-3287

[Signature]

Given under my hand and notarial seal this 06th day
of November 15, 2000

[Signature]
Notary Public



McCluskey Prtg. (800) 752-2044

4248 Grace, Schiller Park, IL 60176
Street address of above described property.

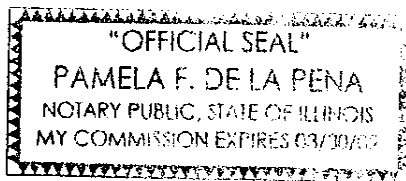
Matt No: LORI MAGNIFICO
4248 N. GRACE ST
SCHILLER PK., IL 60176
NAME & ADDRESS OF TAXPAYER:
ABOVE

STATEMENT BY GRANTOR AND GRANTEE UNOFFICIAL COPY

The grantor or his agent affirms that, to the best of his knowledge, the name of the grantee shown on the deed or assignment of beneficial interest in a land trust is either a natural person, an Illinois corporation or foreign corporation authorized to do business or acquire and hold title to real estate in Illinois, a partnership authorized to do business or acquire and hold title to real estate in Illinois, or other entity recognized as a person and authorized to do business or acquire and hold title to real estate under the laws of the State of Illinois.

Dated November 7, 20 00 Signature: Judith Woodson
Grantor or Agent

Subscribed and sworn to before me by the said AFFILIATE this 7th day of November 20 00.

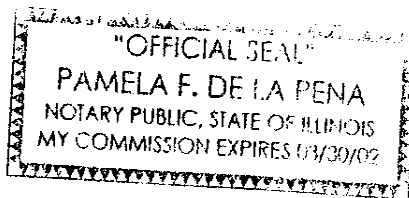


Pam F DeLaPena
Notary Public

The grantee or his agent affirms and verifies that the name of the grantee shown on the deed or assignment of beneficial interest in a land trust is either a natural person, an Illinois corporation or foreign corporation authorized to do business or acquire and hold title to real estate in Illinois, a partnership authorized to do business or acquire and hold title to real estate in Illinois, or other entity recognized as a person and authorized to do business or acquire and hold title to real estate under the laws of the State of Illinois.

Dated November 7, 20 00 Signature: Judith Woodson
Grantee or Agent

Subscribed and sworn to before me by the said AFFILIATE this 7th day of November 20 00.



Pam F DeLaPena
Notary Public

NOTE: Any person who knowingly submits a false statement concerning the identity of a grantee shall be guilty of a Class C misdemeanor for the first offense and of a Class A misdemeanor for subsequent offenses.

This document is not to be recorded in Cook County, Illinois, if exempt under provisions of Section 4 of the Illinois Real Property Transfer Tax Act.

PRESIDENT
ANNA MONTANA

UNOFFICIAL COPY

CLERK
CLAUDIA L. IRSUTO

TRUSTEES
LAWRENCE FRITZ
ANTHONY CLEMENTI
RICHARD W. DESECKI

TRUSTEES
ANGELO S. PASSIALIS
CATHERINE GORZYNSKI
RODNEY TOLE



2009-10-14 10:00 AM

9526 WEST IRVING PARK ROAD
SCHILLER PARK, ILLINOIS 60176-1984
TELEPHONE 847 678-2550
FAX 847 671-3564

VILLAGE OF SCHILLER PARK)
COUNTY OF COOK) SS
STATE OF ILLINOIS)

CERTIFICATION

I, CLAUDIA L. IRSUTO, do certify hereby that I am the duly elected and qualified Village Clerk of the Village of Schiller Park, Illinois, and as such I am the keeper of the records, ordinances, official files and seal of the Village of Schiller Park, Cook County, Illinois.

I DO CERTIFY hereby that the attached is a true and correct copy of Ordinance No. 09-2729 being **“An Ordinance Authorizing an Amendment to the Subdivider’s Agreement Relating to 4248 Grace in the Village of Schiller Park”**, which Ordinance has been duly authorized by the President and Board of Trustees during their regular August 25, 2009 meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official Corporate Seal of said Village of Schiller Park this 14th day of October, 2009.

SEAL

Claudia L. Irsuto

Claudia L. Irsuto
Village Clerk

By: *Mary Jill Fritz* Deputy Clerk