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IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS COUNTY DEPARTMENT, CHANCERY DIVISION

VILLAGE OF SCHAUMBURG,)
 an Illinois Municipal Corporation,)
)
 Plaintiff,)
)
 v.)
)
 SCHAUMBURG DEVELOPMENT)
 ASSOCIATES LIMITED)
 PARTNERSHIP AXA FINANCIAL,)
 INC.)
)

No. 2017 CH 16358



Doc# 1824013046 Fee \$48.00

RHSP FEE:\$9.00 RPRF FEE: \$1.00
KAREN A. YARBROUGH

COOK COUNTY RECORDER OF DEEDS

DATE: 08/28/2018 02:39 PM PG: 1 OF 6

DEFAULT ORDER AND ORDER GRANTING RIGHT-OF-WAY

THIS CAUSE COMING TO BE HEARD on Plaintiff the VILLAGE OF SCHAUMBURG'S Motion for Default, the Court having examined the Complaint and considered the evidence submitted in support thereof, being fully advised in the premises, the Court finds as follows:

1. This Court has jurisdiction over the parties and the subject matter hereof.
2. Plaintiff, THE VILLAGE OF SCHAUMBURG, an Illinois municipal corporation (hereafter "Village" or "Plaintiff"), by its attorneys, KLEIN, THORPE AND JENKINS, LTD., has moved for default judgments and orders against Defendants SCHAUMBURG DEVELOPMENT ASSOCIATES LIMITED PARTNERSHIP and AXA FINANCIAL, INC., and for an order authorizing quieting of title and all rights in and to various parcels of property as described in the Village's Complaint (hereinafter, the "Subject Property") and ordering the dedication of the entirety of the Subject Property to the Village for the creation of a right-of-way, to continue to maintain ^{the private} a ~~public~~ road and other activities to benefit the general public

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3. The Subject Property exists within the corporate limits of the Village of Schaumburg, as three contiguous parcels of land that, as a whole, include Skywater Drive, which currently serves as a ^{private} public road and access drive to several residential properties within the Village. The parcels of real estate are legally described as follows:

PARCEL 1

That part of fractional Section 1, Township 41 North, Range 10, East of the Third Principal Meridian, lying south of the southwesterly right-of-way line of Algonquin Road, together with that part of the North $\frac{1}{2}$ of the North $\frac{1}{2}$ of Section 12, Township 41 North Range 10, East of the Third Principal Meridian, described as follows:

Beginning at an iron pipe located 368.55 feet north of the northwest corner of the Northeast $\frac{1}{4}$ of Section 12, on the west line of the East $\frac{1}{2}$ of said fractional Section 1; thence from said iron pipe, on a record bearing, South 59 degrees 58 minutes 38 seconds East, 2.29 feet, thence southeasterly along a curve to the left having a radius of 703.99 feet for an arc distance of 334.82 feet, said curve having a chord length of 331.67 feet bearing South 73 degrees 35 minutes 06 seconds East; thence easterly along a curve to the right having a radius of 539.96 feet for an arc distance of 65.18 feet to a point, said curve having a chord length of 65.14 feet bearing South 83 degrees 46 minutes 10 seconds East; thence North 00 degrees 00 minutes 00 seconds West, 66.85 feet to the southwesterly right-of-way line of Algonquin Road; thence northwest along a curve to the left having a radius of 605.66 feet for an arc distance of 61.87 feet, said curve having a chord length of 61.84 feet bearing North 84 degrees 15 minutes 00 seconds West; thence northwesterly along a curve to the right having a radius of 637.99 for an arc distance of 303.43 feet, said curve having a chord length of 300.57 feet bearing North 73 degrees 36 minutes 02 seconds West; thence North 59 degrees 58 minutes 38 seconds West, a distance of 67.88 feet to the east line of Thoreau Drive; thence South 23 degrees 21 minutes 55 seconds West, 66.47 feet; thence South 59 degrees 58 minutes 38 seconds East 57.85 feet to the point of beginning, in Cook County, Illinois.

PIN: 07-01-200-112

PARCEL 2

That part of fractional Section 1, Township 41 North, Range 10, East of the Third Principal Meridian, lying south of the southwesterly right-of-way line of Algonquin Road, together with that part of the North $\frac{1}{2}$ of the North $\frac{1}{2}$ of Section 12, Township 41 North, Range 10, East of the Third Principal Meridian, described as follows:

Commencing at an iron pipe located 368.55 feet north of the northwest corner of the Northeast $\frac{1}{4}$ of Section 12, on the west line of the East $\frac{1}{2}$ of said fractional Section 1;

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thence from said iron pipe, on a record bearing, South 59 degrees 58 minutes 38 seconds East, 2.29 feet; thence southeasterly along a curve to the left having a radius of 703.99 feet for an arc distance of 334.82 feet, said curve having a chord length of 331.67 feet bearing South 73 degrees 36 minutes 06 seconds East; thence southeasterly along a curve to the right having a radius of 539.96 feet for an arc distance of 65.18 feet to a point, said curve having a chord length of 65.14 feet bearing South 83 degrees 46 minutes 10 seconds East to the point of beginning; thence continuing southeasterly along a curve to the right having a radius of 734.45 feet for an arc distance of 274.15 feet, said curve having a chord length of 272.56 feet bearing South 69 degrees 37 minutes 04 seconds East; thence South 58 degrees 55 minutes 28 seconds East, 323.07 feet; thence North 00 degrees 09 minutes 09 seconds West, 77.18 feet to a point on the southwesterly right-of-way of Algonquin Road; thence North 58 degrees 55 minutes 28 seconds West along the southwesterly right-of-way line of Algonquin Road, 441.81 feet; thence North 81 degrees 22 minutes 14 seconds West along the southwesterly right-of-way line of Algonquin Road, 155.36 feet; thence South 00 degrees 00 minutes 00 seconds East, 66.85 feet to the point of beginning, in Cook County, Illinois.

PIN: 07-01-200-114

PARCEL 3

That part of the North $\frac{1}{2}$ of the North $\frac{1}{2}$ of Section 12, Township 41 North, Range 10, East of the Third Principal Meridian, described as follows:

Commencing at an iron pipe located 368.55 feet north of the northwest corner of the Northeast $\frac{1}{4}$ of Section 12, on the west line of the East $\frac{1}{2}$ of said fractional Section 1; thence from said iron pipe, on a record bearing South 59 degrees 58 minutes 38 seconds East, 2.29 feet; thence southeasterly along a curve to the left having a radius of 703.99 feet for an arc distance of 334.82 feet, said curve having a chord length of 331.67 feet bearing South 73 degrees 36 minutes 06 seconds East; thence southeasterly along a curve to the right having a radius of 539.96 feet for an arc distance of 65.18 feet to a point, said curve having a chord length of 65.14 feet bearing South 83 degrees 46 minutes 10 seconds East; thence continuing southeasterly along a curve to the right having a radius of 734.45 feet for an arc distance of 274.15 feet, said curve having a chord length of 272.56 feet bearing South 69 degrees 37 minutes 04 seconds East; thence South 58 degrees 55 minutes 28 seconds East, 323.07 feet; to the point of beginning; thence North 00 degrees 09 minutes 09 seconds West, 77.18 feet to a point on the southwesterly right-of-way of Algonquin Road; thence South 58 degrees 55 minutes 28 seconds East along the southwesterly right-of-way line of Algonquin Road, 470.96 feet to a point of curvature; thence southeasterly on a curve to the left having a radius of 5,779.65 feet for an arc distance of 290.43 feet, said curve having a chord length of 290.41 feet bearing South 60 degrees 21 minutes 51 seconds East, to the west line of land condemned for roadway purposes in Case No. 90L51443; thence South 28 degrees 22 minutes 22 seconds West along said west line of land condemned for roadway

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purposes, 56.48 feet (65.58 feet, record); thence northwest on a curve to the left having a radius of 561.694 feet for an arc distance of 21.75 feet, said curve having a chord length of 21.75 feet bearing North 60 degrees 28 minutes 45 seconds West, to a point of compound curvature; thence northwest along a curve to the left having a radius of 1721.978 feet for an arc distance of 99.972 feet, said curve having a chord length of 99.958 feet bearing North 63 degrees 15 minutes 06 seconds West; thence North 64 degrees 54 minutes 54 seconds West, 131.033 feet; thence northwest on a curve to the right having a radius of 1054.00 feet for an arc distance of 238.97 feet, said curve having a chord length of 238.460 feet bearing North 58 degrees 25 minutes 12 seconds West to a point of reverse curvature; thence northwest on a curve to the left having a radius of 1716.735 feet for an arc distance of 209.739 feet, said curve having a chord length of 209.608 feet bearing North 55 degrees 25 minutes 28 seconds West; thence North 58 degrees 55 minutes 28 seconds West, 25.00 feet to the point of beginning in Cook County, Illinois.

PINs: 07-12-200-012
07-01-200-061

4. The Village filed its Verified Complaint to Quiet Title on December 12, 2017. The Village's request to obtain a right of way over the Subject Property was thoroughly described in the Verified Complaint, along with a proper legal description of the Subject Property, and ownership of its parts.

5. Defendant AXA FINANCIAL, INC. was served by corporate service on December 21, 2017.

6. Defendant SCHAUMBURG DEVELOPMENT ASSOCIATES LIMITED PARTNERSHIP was served by publication on the Illinois Secretary of State on May 3, 2018. The Village also served this Defendant via publication on April 25, 2018, April 27, 2018 and April 30, 2018.

7. The Court has jurisdiction over the parties hereto and the Subject Property and the subject matter of this action.

8. SCHAUMBURG DEVELOPMENT ASSOCIATES LIMITED PARTNERSHIP and AXA FINANCIAL, INC. have not filed an appearance, answer or other responsive pleading in this case.

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9. The Village is entitled to an order of default against Defendants SCHAUMBURG DEVELOPMENT ASSOCIATES LIMITED PARTNERSHIP and AXA FINANCIAL, INC.

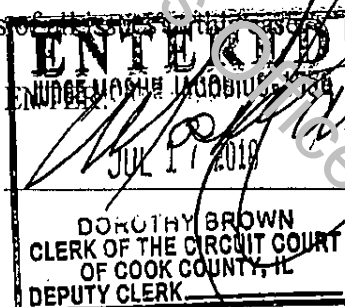
10. The material allegations of the Village's Verified Complaint have not been denied by SCHAUMBURG DEVELOPMENT ASSOCIATES LIMITED PARTNERSHIP and AXA FINANCIAL, INC., and Default Judgment is proper with regard to these Defendants.

11. *The subject property shall remain as a private road, owned by the Defendants.*
IT IS THEREFORE ORDERED, ADJUDGED AND DECREED THAT:

A. Default Judgments shall enter against Defendants SCHAUMBURG DEVELOPMENT ASSOCIATES LIMITED PARTNERSHIP and AXA FINANCIAL, INC.;

B. The entirety of the Subject Property shall be dedicated to the Village for the creation of ~~an~~ ^{an easement} ~~right-of-way~~, to continue to maintain ^{this private} ~~a public~~ road, remove accumulated snow and other precipitation from the Subject Property, maintain public utilities and street lighting, trim trees and vegetation, repair pedestrian facilities, repair, install and maintain street signs and issue citations to vehicles in violation of non-moving offenses of the Illinois Vehicle Code and the Village of Schaumburg Code of Ordinances, *based on the Village's prior use of the Subject Property.*

C. This is a final and appealable Order and disposes of the case.



Prepared by:

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RECORDER OF DEEDS

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I hereby certify that the document to which this certification is affixed is a true copy.

Date **DOROTHY BROWN** AUG 29 2016
Dorothy Brown

Dorothy Brown
Clerk of the Circuit Court
of Cook County, IL

