

THIS DOCUMENT IS A DUPLICATE OF DOCUMENT NO. 91270564 RE-RECORDED TO CORRECT THE OMISSION OF THE COMPANY NAME FROM THE SIGNATURE BLOCK OF TWO DOCUMENTS ENTITLED "ACCEPTANCE OF A PORTION OF A VACATED PUBLIC STREET" ATTACHED HERETO.

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COOK COUNTY CLERK

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ORDINANCE NUMBER 9192 AV 2

AN ORDINANCE SUPERCEDING ORDINANCE NUMBER 9192 AV 1 AND VACATING A PORTION OF A PUBLIC STREET STREET AFFECTED: A PORTION OF ADDISON AVENUE

WHEREAS, the interest and extent of the public use and public interest to be subserved is such as to warrant the vacation of the following described portion of public street:

All that part of Addison Avenue lying west of the extended west line of Lombard Street and east of the extended east line of Martens Street, all in Volk Brothers River Drive Addition to Franklin Park.

WHEREAS, the Corporate Authorities did, by Ordinance Number 9192 AV 1, passed and approved May 6, 1991, approve the vacation of the same portion of Addison Avenue except as to the square footage and resulting total value, hereby changed in conformity with the title findings of the Chicago Title Insurance Company;

NOW, THEREFORE, BE IT ORDAINED by the President and the Board of Trustees of the Village of Franklin Park, Cook County, Illinois, as follows:

SECTION 1. That the portion of the public street commonly known as Addison Avenue in the Village of Franklin Park that is described as being:

All that part of Addison Avenue lying west of the extended west line of Lombard Street and east of the extended east line of Martens Street, all in Volk Brothers River Drive Addition to Franklin Park.

be and the same is hereby vacated as a public street subject to the terms hereinafter stated and for further certainty a "Plat of Vacation" of the portion of the public street so vacated by this Ordinance is hereto attached, specifically referred to herein, and is thereby expressly made a part hereof.

SECTION 2. That there is expressly reserved onto the Village of Franklin Park, by itself or by any licensee or a holder of any franchise from the Village and their successors and assigns, the rights, permission and authority to maintain their rights-of-way and easement and the right to construct, maintain and renew their poles, wires, cables, conduits and necessary fixtures for the transmission and distribution of electricity and

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telephone and other properties, together with the right of access to same for the maintenance thereof and also the right to trim from time to time such trees and bushes as may be reasonably required for the construction and efficient operation of said electric, telephone and gas main facility fixtures as are necessary or desirable for continuous public service by means of their facilities and for the maintenance, renewal and reconstruction thereof in the aforesaid portion of the public street vacated by this Ordinance. There is additionally expressly reserved in the Village of Franklin Park a sufficient interest in the property for the retention, maintenance, operation or installation of public utilities related to sewer and water facilities, including those guarantees as set forth in Section 3 hereinafter.

Notwithstanding anything to the contrary herein, there is expressly reserved unto the Village of Franklin Park and any governmental authority acting in said Village's stead, the right to declare the existence of a public need for the reestablishment of a street right-of-way upon the street right-of-way hereby vacated and, upon so declaring and issuing notice thereof to the record owners of the property abutting the right-of-way or otherwise by general publication in a newspaper with local circulation, the property hereby vacated shall revert to the public in the name of the Village of Franklin Park. Upon the exercise of the right to reversion, which shall be exercised in the sole and exclusive discretion of the Corporate Authorities of the Village of Franklin Park, the Village will restore fifty per cent (50%) of the actual acceptance fee hereby paid if reversion occurs within seven (7) years of acceptance and be liable for no more. If reversion occurs more than seven (7) years, no obligation shall arise for payment of consideration by the Village or for any damages occasioned by the exercise by the Village of the right for reversion of the property into public right-of-way for street or other public purposes.

SECTION 3. That by acceptance hereof, each such accepting party warrants and covenants to the Village that the Village shall have full access for the repair, installation and maintenance of the utility facilities beneath the surface of the vacated premises and that it shall indemnify and hold harmless the Village against any claim of damage or injury due to interference with the said utility facilities and that the Village shall have free and full access to the subject property for the performance of work upon the said utility facilities and, in the event such ingress and egress for access is denied or the provisions of this Ordinance not otherwise fully performed, then as to the party failing to perform the interest held shall revert to the Village as a fee simple interest. All accepting parties warrant that no construction shall occur upon the vacated premises absent prior review and written approval by the Village's engineers assuring ready or acceptable access to the

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said utility facilities. Any costs occasioned by the directions of the Village's engineers to assure access, including the fees of the engineers themselves, shall be borne by the accepting party requesting the review and approval.

SECTION 4. That the vacation of a portion of the public street as provided for herein is made upon the express condition that within sixty (60) days after the passage of this Ordinance, the property owners abutting the north and to the south shall pay, or cause to be paid, the sum of two dollars and eighty-five cents (\$2.85) per square foot, for the portion abutting their property to the Village of Franklin Park, resulting in the combined payment total of approximately \$17,568.19 based on approximately 6,171.59 square feet, which is hereby determined to be the just and proper amount of compensation for the benefits which shall accrue to the respective owners of the property abutting said portion of Addison Avenue, said determination as to that sum having been made accurately and correctly in the judgment of this body as being equal to such benefits. In the event that such compensation for the benefits which shall accrue to the owners of the abutting properties is not made within sixty (60) days, said property shall be retained in the ownership of the Village, not as a portion of a public street, but as a fee simple holding, the municipality reserving the right to subsequently place the property for public bidding to the highest bidder. In the event that the abutting property owners do deposit said compensation with the Village pursuant to the provisions of this Section, they shall also hereby acknowledge and provide that they shall indemnify the Village of Franklin Park to the extent, if any, that the vacation of this portion of a public street may generate any damages to any person or entity who shall successfully prove such damages. The payment of compensation for the accrual of benefit shall constitute acceptance of this provision for such indemnification and of all terms herein provided. Additionally, each accepting party shall execute a separate declaration of easement as it relates to the portion of the vacated right-of-way acquired by the party and additionally reciting the terms and conditions as herein provided.

SECTION 5. That the President and the Board of Trustees of the Village of Franklin Park do hereby affirm their determination and their judgment that the interest and extent of the current public use and public interest to be subserved is such as to warrant the vacation of the said portion of the street commonly known as Addison Avenue subject to the terms herein provided.

SECTION 6. That the appropriate Village officers and staff are authorized to provide written clarification on matters pertaining to the effect and results arising from application of the Village's ordinances, including building and zoning codes, upon the acceptance of vacation herein provided.

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SECTION 7. That all ordinances or portions of ordinances in conflict herewith are hereby repealed solely to the extent of such conflict.

SECTION 8. That this Ordinance shall be in full force and effect from and after its passage by a three-fourths vote of the Trustees presently holding office, approval and publication in pamphlet form in the manner as provided by law.

PASSED this 20th day of May, 1991.

AYES 7 NAYS 0 ABSENT 0

Schulze	Kopera
Neuzil	Garoppolo
Pritchett	Williams
Pedersen	

APPROVED by me this 20th day of May, 1991.

Jack B. Williams
VILLAGE PRESIDENT

ATTEST:

Joe Thomas, Jr.
VILLAGE CLERK

Published in pamphlet form this 20th day of May, 1991, by Order of the Corporate Authorities of the Village of Franklin Park.

Joe Thomas, Jr.
VILLAGE CLERK

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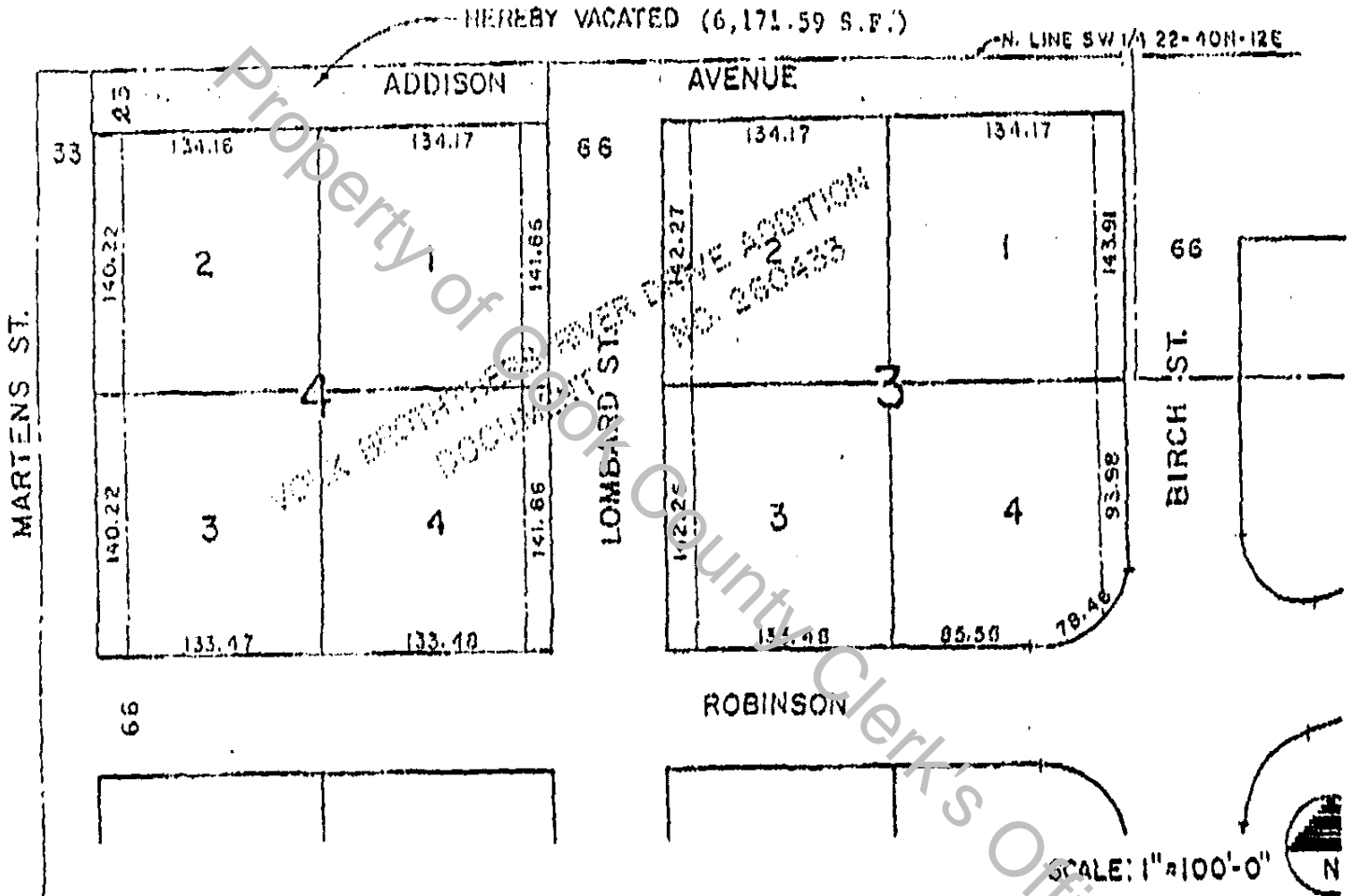
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PLAT OF VACATION 7 6 2

PORTIONS OF ADDISON AVENUE IN VOLK BROTHERS RIVER DRIVE ADDITION TO FRANKLIN PARK, ILLINOIS

LEGAL DESCRIPTION

All that part of Addison Avenue lying west of the extended west line of Lombard Street and east of the extended east line of Martens Street, all in Volk Brothers River Drive Addition to Franklin Park.



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ACCEPTANCE OF A PORTION OF A VACATED PUBLIC STREET, BEING A PORTION OF ADDISON AVENUE IN THE VILLAGE OF FRANKLIN PARK, COOK COUNTY, ILLINOIS

THE UNDERSIGNED, being the property owner(s) who abut that portion of a public street vacated by the Corporate Authorities of the Village of Franklin Park pursuant to Ordinance Number 9192 AV 2, dated May 20, 1991, do hereby accept the portion of the said vacated portion of Addison Avenue as adjacent to the undersigned's real property and do herewith tender the established and determined amount of just and proper compensation of \$2.33 per square foot as required in Section 4 of the aforesaid Ordinance.

By this acceptance and payment, the undersigned do(es) warrant that they are the holders of the fee interest in the abutting property on the NORTH side of the vacated property and that they acknowledge, endorse and agree, for themselves, their heirs, assigns and successors, to be bound by the terms and provisions contained within said Ordinance.

described on Exhibit A

Simultaneously herewith, the undersigned accepts and acknowledges the burden and encumbrance upon the real property herein affected of a right of reversion to the Village of Franklin Park as more specifically recited in the said Ordinance Number 9192 AV 2 and in the attached Exhibit I to this document, incorporated herein by reference and as an essential element of consideration for giving effect to the acceptance hereby intended.

Pursuant to the provisions of Section 4 of the said Ordinance Number 9192 AV 2, this acceptance and compensation is executed and delivered, respectively, on this 3 day of JUNE, 1991, being within the time requirements of the second sentence of Section 4.

IN WITNESS WHEREOF the undersigned have executed and sealed this document, thereby warranting their authority to so act, and have caused said execution hereof to be notarized as their free and voluntary act.

RICH, INC.
a Delaware corporation

(SEAL) By: [Signature] (SEAL)
Its: SRVP FINANCE/ADMIN - RICH INC.

(SEAL) By: [Signature] (SEAL)
Its: V.P. HUMAN RESOURCES RICH INC

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STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

I, David Baskin, a Notary Public, do hereby certify that on the 6th day of June, 1991, Dan Bartoldi and Jerry Quest personally appeared before me and being first duly sworn by me acknowledged the signing of the foregoing document in the respective capacities therein set forth and declared that the statements therein contained are true.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year above written.

David Baskin
Notary Public

Place Notarial Seal Here
"OFFICIAL SEAL"
DAVID BASKIN
NOTARY PUBLIC, STATE OF ILLINOIS
MY COMMISSION EXPIRES 4/28/92

Property of Cook County Clerk's Office

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Exhibit A

North Parcel

Parcel 22 That part of the South half of the South half of the Northwest Fractional Quarter of Fractional Section 22, Township 40 North, Range 12, East of the Third Principal Meridian, (excepting therefrom the North 168 feet of the East 132 feet; and excepting the 66 foot right-of-way of the Chicago, Minneapolis and Saulte St. Marie Railway Company) and except that part of said tract lying West of the Right-of-Way of the Chicago, Minneapolis and Saulte St. Marie Railway Company, described as follows: Commencing at the Southeast corner of said Northwest Fractional Quarter of Section 22; thence Westerly along the South line thereof, 399.42 feet to the point of beginning of the following described parcel of land; thence continuing Westerly along said South line, 179.93 feet to the point of intersection with the Northerly Extension of the West line of Lot 1, in Block 4, in Volk Bros. River Drive Addition to Franklin Park in Robinson's Reserve and Fractional Section 22 aforesaid; thence Northerly 30.00 feet along said Northerly Extension to a line drawn 30.00 feet North of and parallel with the South line of said Northwest Fractional Quarter of Fractional Section 22; thence Easterly along said parallel line 139.67 feet; thence Southeasterly, 50.13 feet to the place of beginning, in Cook County, Illinois.

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EXHIBIT I

GRANT OF EASEMENT AND ACKNOWLEDGMENT AND ACCEPTANCE OF TERMS OF VACATION AFFECTING FORMER STREET RIGHT-OF-WAY

THIS GRANT OF EASEMENT AND ACKNOWLEDGMENT AND ACCEPTANCE OF TERMS OF VACATION AFFECTING FORMER STREET RIGHT-OF-WAY is made by the undersigned as the party accepting the interest in a portion of Addison Avenue as vacated by the Village of Franklin Park pursuant to and subject to the terms and conditions recited in Ordinance Number 9192 AV 2, passed, approved and published in pamphlet form by the Corporate Authorities of the Village of Franklin Park on the 20th day of May, 1991:

W I T N E S S E T H

WHEREAS, the Village of Franklin Park is a municipal corporation of the State of Illinois and is authorized to provide for the vacation of a portion of a public street where the interest and extent of the public use and public interest to be subserved is such as to warrant said vacation; and

WHEREAS, the Corporate Authorities of the Village of Franklin Park did so act pursuant to Ordinance Number 9192 AV 2, as above-referenced and as incorporated herein by specific reference; and

WHEREAS, the undersigned did act and has completed action constituting acceptance in accord with the terms of the aforementioned ordinance, the undersigned being the owner of said real property adjacent and abutting a portion of the vacated right-of-way and hereby undertaking to complete the requirement of the granting of an easement over the portion of the vacated right-of-way so as to provide public record of the terms and

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conditions operating to burden and benefit the undersigned party as well as said party's successors, assigns, transferees, grantees, and any and all parties succeeding in interest or use to the subject property;

W H E R E F O R E

The property accruing to the undersigned pursuant to the vacation by ordinance as above-referenced is legally described as shown on the attached Exhibit "A" which description is incorporated herein, said property being the real property made subject to the terms and provisions of this Grant of Easement as well as being the real property affected and encumbered by the terms and conditions as recited in the aforementioned vacation ordinance, and with respect to the undersigned, as grantor herein, declares and acts as follows:

(1) That there be, and hereby is, declared to exist a grant of easement running to the benefit of the Village of Franklin Park, a municipal corporation of the State of Illinois, for the benefit and use of the Village for purposes of performing those acts and services as contemplated and authorized within the ordinance providing for the vacation of a portion of Addison Avenue, said ordinance being numbered as Ordinance Number 9192 AV 2, having been passed, approved and published by the Corporate Authorities of the Village of Franklin Park on May 20, 1991, and being incorporated herein by specific reference;

(2) That the grantor further acknowledges and accepts the terms and conditions for and on behalf of itself and its

Easement

PARCEL 3: THAT PART OF ADDISON AVENUE LYING NORTH AND ADJACENT TO LOT 3 IN BLOCK 4 IN TOWNSHIP 22, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO PLAT OF BROTHER'S RIVER DRIVE ADDITION TO FRANKLIN PARK IN ROBINSON'S RESERVE AND FRACTIONAL SECTION 22, TOWNSHIP 40 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 5; THENCE EASTERLY ALONG THE NORTH LINE OF SAID LOT 1, A DISTANCE OF 134.17 FEET TO THE NORTHEAST CORNER OF SAID LOT 1; THENCE NORTHERLY ALONG THE EAST LINE OF SAID LOT 1 EXTENDED NORTH, SAID LINE ALSO BEING THE WEST LINE OF LOMBARD STREET, A DISTANCE OF 21.95 FEET TO A POINT OF INTERSECTION WITH THE NORTH LINE OF ADDISON AVENUE, ALSO BEING THE SOUTH LINE OF THE NORTHWEST FRACTIONAL 1/4 OF SAID SECTION 22; THENCE WESTERLY ALONG THE NORTH LINE OF SAID ADDISON AVENUE, A DISTANCE OF 134.22 FEET TO A POINT OF INTERSECTION WITH THE WEST LINE OF SAID LOT 1 EXTENDED NORTH; THENCE SOUTHERLY ALONG THE WEST LINE EXTENDED NORTH OF SAID LOT 1, A DISTANCE OF 23.00 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS. SAID PARCEL CONTAINS 3,616.0 SQUARE FEET = 0.69239 ACRES, MORE OR LESS.

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ACCEPTANCE OF A PORTION OF A VACATED PUBLIC STREET, BEING A PORTION OF ADDISON AVENUE IN THE VILLAGE OF FRANKLIN PARK, COOK COUNTY, ILLINOIS

THE UNDERSIGNED, being the property owner(s) who abut that portion of a public street vacated by the Corporate Authorities of the Village of Franklin Park pursuant to Ordinance Number 9192 AV 2, dated May 20, 1991, do hereby accept the portion of the said vacated portion of Addison Avenue as adjacent to the undersigned's real property and do herewith tender the established and determined amount of just and proper compensation of \$2.85 per square foot as required in Section 4 of the aforesaid Ordinance.

By this acceptance and payment, the undersigned do(es) warrant that they are the holders of the fee interest in the abutting property on the SOUTH side of the vacated property and that they acknowledge, endorse and agree, for themselves, their heirs, assigns and successors, to be bound by the terms and provisions contained within said Ordinance.

Simultaneously herewith, the undersigned accepts and acknowledges the burden and encumbrance upon the real property herein affected of a right of reversion to the Village of Franklin Park as more specifically recited in the said Ordinance Number 9192 AV 2 and in the attached Exhibit I to this document, incorporated herein by reference and as an essential element of consideration for giving effect to the acceptance hereby intended.

Pursuant to the provisions of Section 4 of the said Ordinance Number 9192 AV 2, this acceptance and compensation is executed and delivered, respectively, on this 3 day of JUNE, 1991, being within the time requirements of the second sentence of Section 4.

IN WITNESS WHEREOF the undersigned have executed and sealed this document, thereby warranting their authority to so act, and have caused said execution hereof to be notarized as their free and voluntary act.

RICH, INC.
a Delaware corporation

(SEAL) By: [Signature] (SEAL)

Its: SR. VP FINANCE/ADMIN, RICH, INC

(SEAL) By: [Signature] (SEAL)

Its: V.P. HUMAN RESOURCES RICH, INC

described on Exhibit A

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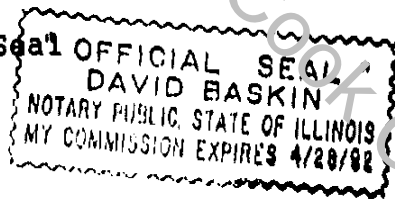
STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

I, David Baskin, a Notary Public, do hereby certify that on the 6th day of June, 1991, Don Bartock and Jerry Quest personally appeared before me and being first duly sworn by me acknowledged the signing of the foregoing document in the respective capacities therein set forth and declared that the statements therein contained are true.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year above written.

David Baskin
Notary Public

Place
Notarial Seal
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Exhibit A

South Parcel

Parcel 1: Lot 1 in Block 4 in Volk Bros. River Drive Addition to Franklin Park, in Robinson's Reserve and Fractional Section 32, Township 40 North, Range 12, East of the Third Principal Meridian, according to Plat registered as Document No. 360433, in Cook County, Illinois.

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Exhibit I

GRANT OF EASEMENT AND ACKNOWLEDGMENT AND ACCEPTANCE OF TERMS OF VACATION AFFECTING FORMER STREET RIGHT-OF-WAY

THIS GRANT OF EASEMENT AND ACKNOWLEDGMENT AND ACCEPTANCE OF TERMS OF VACATION AFFECTING FORMER STREET RIGHT-OF-WAY is made by the undersigned as the party accepting the interest in a portion of Addison Avenue as vacated by the Village of Franklin Park pursuant to and subject to the terms and conditions recited in Ordinance Number 9192 AV 2, passed, approved and published in pamphlet form by the Corporate Authorities of the Village of Franklin Park on the 20th day of May, 1991:

W I T N E S S E T H

WHEREAS, the Village of Franklin Park is a municipal corporation of the State of Illinois and is authorized to provide for the vacation of a portion of a public street where the interest and extent of the public use and public interest to be subserved is such as to warrant said vacation; and

WHEREAS, the Corporate Authorities of the Village of Franklin Park did so act pursuant to Ordinance Number 9192 AV 2, as above-referenced and as incorporated herein by specific reference; and

WHEREAS, the undersigned did act and has completed action constituting acceptance in accord with the terms of the aforementioned ordinance, the undersigned being the owner of said real property adjacent and abutting a portion of the vacated right-of-way and hereby undertaking to complete the requirement of the granting of an easement over the portion of the vacated right-of-way so as to provide public record of the terms and

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conditions operating to burden and benefit the undersigned party as well as said party's successors, assigns, transferees, grantees, and any and all parties succeeding in interest or use to the subject property;

W H E R E F O R E

The property accruing to the undersigned pursuant to the vacation by ordinance as above-referenced is legally described as shown on the attached Exhibit "A" which description is incorporated herein, said property being the real property made subject to the terms and provisions of this Grant of Easement as well as being the real property affected and encumbered by the terms and conditions as recited in the aforementioned vacation ordinance, and with respect to the undersigned, as grantor herein, declares and acts as follows:

(1) That there be, and hereby is, declared to exist a grant of easement running to the benefit of the Village of Franklin Park, a municipal corporation of the State of Illinois, for the benefit and use of the Village for purposes of performing those acts and services as contemplated and authorized within the ordinance providing for the vacation of a portion of Addison Avenue, said ordinance being numbered as Ordinance Number 9192 AV 2, having been passed, approved and published by the Corporate Authorities of the Village of Franklin Park on May 20, 1991, and being incorporated herein by specific reference;

(2) That the grantor further acknowledges and accepts the terms and conditions for and on behalf of itself and its

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successors, assigns, heirs and any and all successors in interest and in possession or use of the property and hereby makes such declaration a matter of public record for the purposes of giving notice to all persons.

(3) That there is additionally and specifically acknowledged the right in the Village to assert a reversionary interest whereby the aforementioned vacation, pursuant to notice of the exercise of such right by the Village, would become void and the property so vacated would revert to the public in the name of the Village of Franklin Park for the uses and purposes consistent with the use and operation of a public right-of-way for vehicular, pedestrian and utility purposes, all as specifically provided within the terms and conditions of the aforementioned vacation ordinance.

IN WITNESS WHEREOF, the undersigned has caused this document consisting a grant of easement and an acknowledgment and acceptance of the terms of vacation affecting a portion of a public street, to wit: Addison Avenue, as described in the attached Exhibit "A", to be executed by its lawful and properly authorized officers so as to become a binding instrument in perpetuity affecting the aforementioned property.

Executed this 3 day of JUNE, 1991.

S E A L

RICH, INC.

a Delaware Corporation

By: [Signature]

Title: SENIOR VP FINANCE/ADMIN.

Attest: [Signature]

Title: VP HUMAN RESOURCES

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22:301(3)

Exhibit A

Easement

PARCEL 3: THAT PART OF ADDISON AVENUE LYING NORTH AND ADJACENT TO LOT 1 IN BLOCK 4 IN 'GLK
 BIGHER'S RIVER DRIVE ADDITION TO FRANKLIN PARK IN ROBINSON'S RESERVE AND FRACTIONAL SECTION
 22, TOWNSHIP 40 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO PLAT
 REGISTERED AS DOCUMENT NUMBER 250433, DESCRIBED AS FOLLOWS: BEGINNINGS AT THE NORTHEAST
 CORNER OF SAID LOT 1; THENCE EASTERLY ALONG THE NORTH LINE OF SAID LOT 1, A DISTANCE OF
 134.27 FEET TO THE NORTHEAST CORNER OF SAID LOT 1; THENCE NORTHERLY ALONG THE EAST LINE OF
 SAID LOT 1 EXTENDED NORTH, SAID LINE ALSO BEING THE WEST LINE OF LOMBARD STREET, A DISTANCE
 OF 21.95 FEET TO A POINT OF INTERSECTION WITH THE NORTH LINE OF ADDISON AVENUE, ALSO BEING
 THE SOUTH LINE OF THE NORTHWEST FRACTIONAL 1/4 OF SAID SECTION 22; THENCE WESTERLY ALONG THE
 NORTH LINE OF SAID ADDISON AVENUE, A DISTANCE OF 134.22 FEET TO A POINT OF INTERSECTION WITH
 THE WEST LINE OF SAID LOT 1, A DISTANCE OF 23.09 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY,
 ILLINOIS. SAID PARCEL CONTAINS 3,016.0 SQUARE FEET = 0.69239 ACRES, MORE OR LESS.

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Property Clerk's Office

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PLAT OF SURVEY

See Plat of Survey attached to Ordinance recorded in the Office of the Recorder of Deeds of Cook County, Illinois as Document No. 91270564 on June 5, 1991.

Property of Cook County Clerk's Office

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