

ORDINANCE NO. 9798-86

AN ORDINANCE APPROVING AN AGREEMENT BETWEEN VARIOUS PROPERTY OWNERS RESPECTING AGREED PROPERTY BOUNDARY LINES

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. That an Agreement Between Various Property Owners Respecting Agreed Property Boundary Lines, in the form of the copy of said Agreement attached hereto and hereby incorporated by reference, be and the same is hereby authorized and approved to be effective following the public hearing regarding the City's interest in such real estate, which is scheduled to be held on February 16, 1998.

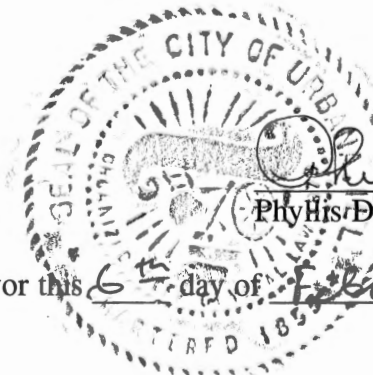
Section 2. That the Mayor of the City of Urbana, Illinois, be and the same is hereby authorized to execute and deliver and the City Clerk of the City of Urbana, Illinois, be and the same is hereby authorized to attest to said execution of said Agreement as so authorized and approved for and on behalf of the City of Urbana, Illinois.

PASSED by the City Council this 2nd day of February, 1998.

AYES: Hayes, Huth, Kearns, Patt, Taylor, Whelan, Wyman

NAYS:

ABSTAINED:



Phyllis D. Clark  
Phyllis D. Clark, City Clerk

APPROVED by the Mayor this 6th day of February, 1998

Tod Satterthwaite  
Tod Satterthwaite, Mayor

THIS ORDINANCE CONSISTS OF 1 PAGES.

Initials DR

11

19<sup>00</sup>  
3<sup>00</sup>  
22<sup>00</sup>

98R13170

CERTIFIED COPY  
ORDINANCE NO. 9798-86

DOC # \_\_\_\_\_  
CHAMPAIGN COUNTY, ILL  
\_\_\_\_\_

"AN ORDINANCE APPROVING AN AGREEMENT  
BETWEEN VARIOUS PROPERTY OWNERS  
RESPECTING AGREED PROPERTY BOUNDARY  
LINES"

'98 MAY 8 PM 1 36

and

*Barbara A. Draca*  
RECORDER

"AN AGREEMENT BETWEEN VARIOUS  
PROPERTY OWNERS RESPECTING AGREED  
PROPERTY BOUNDARY LINES"

This cover sheet with documents  
prepared by:

*Abigail J. Roberts, Deputy Clerk*

Return to: Phyllis Clark, City Clerk  
City of Urbana  
P.O. Box 219  
Urbana, IL 61801-0219

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PASSED by the City Council this 2nd day of February, 1998.

AYES: Hayes, Huth, Kearns, Patt, Taylor, Whelan, Wyman

NAYS:

ABSTAINED:

  
Phyllis D. Clark  
Phyllis D. Clark, City Clerk

APPROVED by the Mayor this 6<sup>th</sup> day of February, 1998

Tod Satterthwaite  
Tod Satterthwaite, Mayor

THIS ORDINANCE CONSISTS OF 1 PAGE(S).

Initials DR



AN AGREEMENT BETWEEN VARIOUS PROPERTY OWNERS RESPECTING  
AGREED PROPERTY BOUNDARY LINES

WHEREAS, Rod Kammerman possesses Quit Claim Deeds to the former railroad right-of-way property which deeds encompass Tracts 1 and 2 as depicted on Exhibit "A" attached hereto, as well as former railroad right-of-way not depicted on Exhibit "A", but lying south and east of Tract 2 extending to the north right-of-way line of High Street in Urbana, Illinois, and a parcel lying north of Green Street referred to herein by its Permanent Parcel Index Number being 92-21-16-102-009; and

WHEREAS, Patrick M. Nowlan and Angela Wiley Nowlan possess a Quit Claim Deed to the same former railroad right-of-way also encompassing Tracts 1 and 2 as depicted on Exhibit "A" and the additional railroad right-of-way described in the "Whereas" clause immediately above; and

WHEREAS, in October of 1997, the said Patrick M. Nowlan and Angela Wiley Nowlan conveyed title to Lot 1 (except the south 51 feet thereof) in Block 1 of Martha E. Webber's Addition to Urbana (which is the occupied residential structure on the lot to the immediate west of Tract 1), commonly known as 701 East Green Street, to Lydia M. Litwin and Natalia Litwin; and

WHEREAS, Rod Kammerman, Patrick M. Nowlan and Angela Wiley Nowlan, Ted Feldkamp and Lydia M. Litwin and Natalia Litwin are all desirous of settling any and all disputes regarding the legal boundaries of their respective properties.

NOW THEREFORE, the aforesaid said Rod Kammerman ("Kammerman"), a single person who has never been married, and Patrick M. Nowlan and Angela Wiley Nowlan, as husband and wife ("Nowlans"), Ted Feldkamp, a divorced, unremarried person ("Feldkamp"), and Lydia M. Litwin and Natalia Litwin, as tenants in common ("Litwins"), all individually and jointly hereby agree that for and in consideration of the mutual promises and agreements set forth below each, for themselves, their heirs and successors, agree as follows:

1. That all of Tract 1 as depicted on Exhibit "A" shall be the property of Nowlans and the east boundary line of property owned by Nowlans shall then be the line identified on Exhibit "A" as Kammerman west boundary line A.

2. That the boundary line between Tract 2 as depicted on Exhibit "A" and the property owned by Feldkamp shall be the line identified on Exhibit "A" as Kammerman west boundary line B. Kammerman agrees to convey by quit claim deed to Feldkamp all of his right, title and interest to Tract 3 and Feldkamp agrees to convey by quit claim deed to Kammerman all of his right, title and interest to the small, triangular piece of property labeled as Tract 4 on Exhibit "A".

3. That if the contingencies set forth in paragraphs 4 and 5 below are met, then and in that event, the actual boundary line agreement as set forth in Exhibit B shall be recorded with the Recorder's Office of Champaign County, Illinois. It is also recognized that the agreed boundary lines shall be incorporated in the subdivision plat referred to in paragraph 4 below. The parties agree to sign any and all documents necessary or desirable to effectuate the subdivision plat referred to in paragraph 4 below.

4. This agreement is contingent, however, upon the City of Urbana, Illinois, agreeing to the following acts as set forth in (a), (b) and (c) below and the Nowlans agreeing to matters set forth in (d) below:

(a) Doing all acts necessary to record in the Recorder's Office of Champaign County, Illinois, a plat of subdivision encompassing all of the former railroad right-of-way between Green Street and High Street in Urbana, Illinois, at no charge or cost to the parties hereto, which said subdivision plat shall continue and ratify the existing 10' wide storm sewer easement depicted on Exhibit "A"; and

(b) That the City of Urbana quit claim to Kammerman all of its right, title and interest to Tract 2 and to the parcel lying north of Green Street bearing PIN 92-21-16-102-009, all without cost to Kammerman.

(c) That the City reimburse Kammerman in the amount of Four Thousand Five Hundred Dollars (\$4,500.00) which represents approximately one-half of the funds that Kammerman spent on surveys of the subject property, which surveys are useful to the City.

(d) That the Nowlans deliver their good and sufficient quit claim deed to Kammerman conveying all of their right, title and interest in Tract 2 and that parcel north of Green Street bearing Permanent Parcel Index Number 92-21-16-102-009 without cost to Kammerman and delivering their good and sufficient quit claim deed to the City conveying all of their right, title and interest in the former railroad right-of-way property lying south and east of Tract 2 and extending to the north right-of-way line of High Street in Urbana.

5. It is further understood, however, that the obligation of the City to do the acts set forth in paragraph 4 above is itself contingent upon Kammerman delivering to the City of Urbana his good and sufficient quit claim deed conveying all of his right, title and interest in the former railroad right-of-way lying south of Tract 2 to the north right-of-way line of High Street in the City of Urbana.

(c)

6. Contemporaneous with the subdivision plat, Nowlans shall convey by Quit Claim Deed all of their right, title and interest in Tract 1 to Litwins, and Litwins agree to join in the plat of subdivision.

CITY OF URBANA, ILLINOIS

By: Tod Satterthwaite  
 Tod Satterthwaite, Mayor

Rod Kammerman Dated: 1/9/98  
 Rod Kammerman

ATTEST:

Phyllis D. Clark  
 Phyllis D. Clark, City Clerk

Patrick M. Nowlan\* Dated: 1/13/98  
 Patrick M. Nowlan

Angela Wiley Nowlan\* Dated: 1-13-98  
 Angela Wiley Nowlan

Ted Feldkamp Dated: 1/12/98  
 Ted Feldkamp

Lydia M. Litwin Dated: 1/19/98  
 Lydia M. Litwin

Joel W. W. W.  
 CITY ATT  
 9 JAN 1998

Natalia Litwin Dated: 1/13/98  
 Natalia Litwin

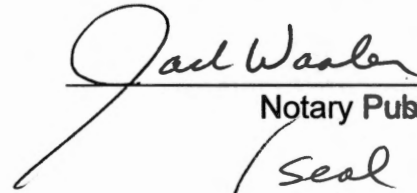
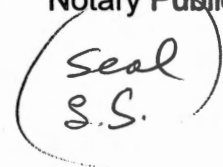
\* See attached document A



STATE OF ILLINOIS                   )  
   ) SS.  
 COUNTY OF CHAMPAIGN            )

I, the undersigned, a Notary Public, in and for said County, in the State aforesaid, DO HEREBY CERTIFY that TOD SATTERTHWAITE, personally known to me to be the Mayor of the City of Urbana, Illinois, PHYLLIS D. CLARK, personally known to me to be the City Clerk of the City of Urbana, Illinois, and Rod Kammerman, Patrick M. Nowlan and Angela Wiley Nowlan, Ted Feldkamp and ~~Lydia M. Litwin~~ and Natalia Litwin, 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 severally acknowledged that they signed and delivered the said instrument as their free and voluntary act, for the uses and purposes therein set forth.

Given under my hand and Notarial Seal this 30<sup>th</sup> day of JANUARY, 1998.

  
 Notary Public  


\* We have signed "Exhibit A" with the following understanding in effect. If the following understanding is not in effect, our signatures on "Exhibit A" are null and void.

• It is also further understood that the City of Urbana, Illinois will do all acts necessary to convey quit claim deed to Dennis Sears (706 E. High Street, Urbana) and to Carol Goodnight (802 E. High Street, Urbana) portions of tracts described in main document to square off their respective parcels (parcel index numbers 92-21-16-106-005 and 92-21-16-109-008).

Paul Wash 13 Jan 98  
Urbana City Attorney 1 date

Angela Wiley Nowlan 1-13-98  
Patricia M. Nowlan 1-13-98



## BOUNDARY LINE AGREEMENT

WHEREAS, the former Norfolk Railroad right-of-way between the south right-of-way line of Green Street and the north right-of-way line of High Street, now abandoned (hereafter "Subject Tract"), was part of the original grant of easement for railroad purposes made by George and Martha Webber in a deed dated July 10, 1881 and recorded February 7, 1882; and

WHEREAS, Jane Lusk, Grantor in certain deeds relating to Subject Tract, in which Rod Kammerman is Grantee, represents that she is one of the heirs of George and Martha Webber; and

WHEREAS, James Michael Pettyjohn, Grantor in other certain deeds relating to Subject Tract in which Patrick Nowlan is Grantee, represents that he is also one of the heirs of George and Martha Webber; and

WHEREAS, the parties hereto being, to-wit: Rod Kammerman (hereafter "Kammerman") and Patrick Nowlan, together with his spouse Angela Wiley Nowlan (hereafter called collectively "Nowlan") and Ted Feldkamp (hereafter called "Feldkamp") have reached an agreement as to the boundary line between their respective properties relating to the Subject Tract and desire to reduce their agreement to writing,

NOW THEREFORE, FOR AND IN CONSIDERATION OF THE MUTUAL PROMISES HEREIN CONTAINED, the parties agree as follows:

1. That all of the former Norfolk Railroad right-of-way lying east of the boundary line described herein below, and south of the south right-of-way line of Green Street, is acknowledged to be the property of Kammerman and such line shall be hereafter the recognized boundary line between such property lying east of such line and that the former Norfolk Railroad right-of-way lying west of the said line and south of the Green Street south right-of-way line which is acknowledged to be the property of Nowlan, EXCEPTING, however, that former Norfolk Railroad right-of-way property lying west of the said line, but south of the north line of the south 51 feet of Lot 1 in Block 1 of Martha E. Webber's Addition to the City of Urbana, as shown on a plat recorded in Plat Book "A" at Page 343 in the Office of the Recorder, Champaign County, Illinois which is acknowledged to be the property of Feldkamp: the agreed Boundary Line thus being, to-wit:

Commencing at the intersection of the south right-of-way line of Green Street with the southerly right-of-way line of the Wabash (N & W) Railroad (abandoned); thence North 89° 01' 36" East, along said south right-of-way line of Green Street, a distance of 49.73 feet, to the Point of Beginning of the proposed Boundary Line; thence South 05° 51' 21" East, a distance of 69.64 feet, to the intersection of said southerly right-of-way line of the Wabash (N & W) Railroad (abandoned) with the north line of the south 51 feet of Lot 1 in Block 1 of Martha E. Webber's Addition to the City of Urbana, as shown on a plat recorded in Plat Book "A" at Page 343 in the Office of the Recorder, Champaign County, Illinois;

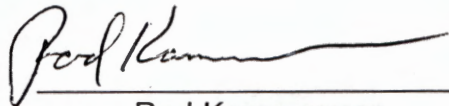
EXHIBIT <sup>1</sup>(B)

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thence North 88° 56' 33" East, along the easterly extension of the north line of the south 51 feet of said Lot 1, a distance of 34.15 feet; thence South 01° 03' 27" East, perpendicular to the north line of the south 51 feet of said Lot 1, a distance of 51.00 feet to the south line of said Lot 1.

2. Furthermore, the parties all agree that the said boundary line described above shall be the boundary line between their respective properties in a subdivision of the Subject Tract yet to come.



Rod Kammerman

Dated 2/9/98

STATE OF ILLINOIS

)

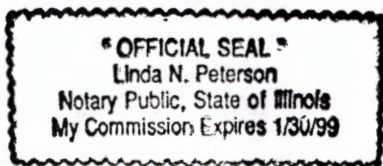
) SS.

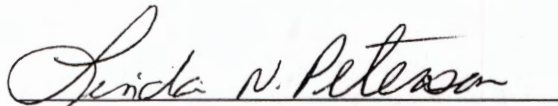
COUNTY OF CHAMPAIGN

)

I, the undersigned, a Notary Public, in and for said County, in the State aforesaid, DO HEREBY CERTIFY that Rod Kammerman, personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and severally acknowledged that he signed and delivered the said instrument as his free and voluntary act, for the uses and purposes therein set forth.

Given under my hand and Notarial Seal this 9<sup>th</sup> day of February, 1998.



  
Notary Public



Patrick M. Nowlan

Dated: 4-16-98

Patrick M. Nowlan

Angela Wiley Nowlan

Dated: 4-16-98

Angela Wiley Nowlan

STATE OF ILLINOIS           )  
   ) SS.  
 COUNTY OF CHAMPAIGN       )

I, the undersigned, a Notary Public, in and for said County, in the State aforesaid, DO HEREBY CERTIFY that Patrick M. Nowlan and Angela Wiley Nowlan, 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 severally acknowledged that they signed and delivered the said instrument as their free and voluntary act, for the uses and purposes therein set forth.

Given under my hand and Notarial Seal this 16 day of April, 1998.

(L.S.)

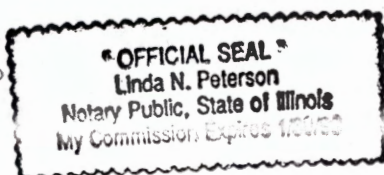
Paul Waner  
 Notary Public

Ted Feldkamp <sup>26-98</sup> Dated:  
 Ted Feldkamp

STATE OF ILLINOIS           )  
   ) SS.  
 COUNTY OF CHAMPAIGN       )

I, the undersigned, a Notary Public, in and for said County, in the State aforesaid, DO HEREBY CERTIFY that Ted Feldkamp, personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and severally acknowledged that he signed and delivered the said instrument as his free and voluntary act, for the uses and purposes therein set forth.

Given under my hand and Notarial Seal this 6th day of February, 1998.



Linda N. Peterson  
 Notary Public