



RESOLUTION No. 2017-004

A RESOLUTION APPROVING THE RELEASE OF A DEED RESTRICTION (QUIT CLAIM DEED – 2002K025207)

WHEREAS, the Village of Montgomery (“Village”) is a non-home rule municipality and a body politic and corporate of the State of Illinois, created by and existing in accordance with the Constitution of the State of Illinois of 1970 and the laws of the State of Illinois; and,

WHEREAS, the Fox Valley Park District (“Park District”) is a park district and a body politic and corporate of the State of Illinois, created by and existing in accordance with the Constitution of the State of Illinois of 1970 and the laws of the State of Illinois; and,

WHEREAS, on December 18, 2000, the Village and the Park District entered into a “Land Exchange Agreement Between Fox Valley Park District and Village of Montgomery,” and;

WHEREAS, a declaration of restriction for the real property located at 1460 S.E. River Road, Montgomery, IL, within the municipal boundaries of the Village, was agreed to and recorded over this property on February 15, 2002, as Document No. 2002K025207 with the Office of the Kane County Recorder; and,

WHEREAS, the Park District has requested that the Village allow the release of said deed restriction to allow for conveyance of said parcel, or any part thereof, to a third party; and,

WHEREAS, the Village has determined that it is in the best interests of the community to allow for said release of said deed restriction; and,

WHEREAS, both the Village and the Park District hereby agree to the full removal and release of the deed restriction recorded on the above-cited Document No. 2002K025207.

NOW THEREFORE BE IT RESOLVED, by the President and Board of Trustees of the Village of Montgomery, Kane and Kendall Counties, Illinois, as follows:

The corporate authorities of the Village of Montgomery hereby authorize the removal of the deed restriction recorded against the property located at 1460 S.E. River Road, Montgomery, IL, 60538, identified by Permanent Tax Identification No: 15-32-478-001-0000, and vests the

Village staff and Village attorney with the authority to draft all necessary documentation and take all necessary actions to facilitate said release.

PASSED AND APPROVED by the President and Board of Trustees of the Village of Montgomery, Kane and Kendall Counties, Illinois, this 26th day of June, 2017.

M.T. Boy

President of the Board of Trustees of the Village of Montgomery, Kane and Kendall Counties, Illinois

AYES: 6

NAYS: 0

ABSENT: 0

ATTEST:



Rena Stutts

Clerk, Village of Montgomery

This instrument was prepared by and after recording should be returned to:

Laura M. Julien
Mickey, Wilson, Weiler
Renzi & Andersson, P.C.
140 S. Municipal Drive
Sugar Grove, IL 60554

RELEASE OF DEED RESTRICTION

STATE OF ILLINOIS)
) SS.
COUNTY OF KANE)

The undersigned party, VILLAGE OF MONTGOMERY, a public body corporate and politic, duly created and organized pursuant to and in accordance with the provisions of the laws of the State of Illinois, 200 N. River Street, Montgomery, Illinois, 60538, does hereby release the deed restriction contained in the quit claim deed dated February 15, 2002, between the VILLAGE OF MONTGOMERY, as Grantor, and the FOX VALLEY PARK DISTRICT, as Grantee, recorded as Document No. 2002K025207 for the following described property, to-wit:

LOTS 1, 2 AND 3 (EXCEPT THE SOUTHERLY 10 FEET) IN MALL’S ADDITION TO THE VILLAGE OF MONTGOMERY, BEING A SUBDIVISION OF PART OF THE EAST HALF OF SECTION 32, AND THE WEST HALF OF SECTION 33, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE VILLAGE OF MONTGOMERY, KANE COUNTY, ILLINOIS.

Permanent Tax Identification No(s): 15-32-478-001-0000
Property Address: 1460 S.E. River Road, Montgomery, IL 60538

By this Release, the following language shall be removed from said deed:

The grantee hereby accepts this warranty deed from the grantor subject to a prohibition hereinafter described against any subsequent conveyance to a third party of the parcel conveyed by warranty deed. Said prohibition or restriction prohibits the grantee from attempting to convey said parcel herein described to a third party whether by deed, lease or otherwise, and Grantor and Grantee hereby agree that any such conveyance or attempted conveyance to a third party shall be void. The Grantor and Grantee further agree that upon any such attempt to convey said parcel, title to the parcel will revert to Grantor

[Signature Page to Follow]

Dated this ___ day of _____, 2017.

VILLAGE OF MONTGOMERY, an Illinois municipal corporation

BY: _____

Print name: _____

Title: _____