

ORDINANCE NO. 2814

OCT 18 2010

**AN ORDINANCE TO APPROVE RIGHT OF WAY DEEDS FROM: SUSAN & TRACEY TIPTON, VIRGINIA L. JEFFREY, BARBARA A. SCHMIDT AND WILLIAM G. & JANET B. MATHIESON FOR THE CITY OF COLUMBIA MILTON STREET PROJECT AND TO AUTHORIZE THE MAYOR TO EXECUTE AND THE CITY TO RECORD THE SAME FOR AND ON BEHALF OF THE CITY**

*J. Ronald Colyer*  
City Clerk

WHEREAS, the City of Columbia, Illinois (the "City") has determined that it requires right of way involved herein in order to construct the renovation and improvement involved in the City's Milton Street Project in the City;

WHEREAS, it is necessary and appropriate that the City acquire the same from the owners of the properties involved herein for its subject Milton Street Project;

WHEREAS, (1) Susan & Tracey Tipton of 725 S. Rapp Avenue, Columbia, Illinois; (2) Virginia L Jeffrey of 406 W. Milton Street, Columbia, Illinois; (3) Barbara A. Schmidt of 247 W. Milton Street, Columbia, Illinois; and (4) William G. & Janet B. Mathieson of 725 S. Rapp Avenue, Columbia, Illinois have agreed to provide the right-of-way to the City for the price and/or on the terms set forth in their Non-Freeway Right of Way Deeds which are approved and authorized by this ordinance;

WHEREAS, it is necessary and appropriate that the City enact this ordinance to approve and authorize the City to acquire the right of way on the terms set forth in the right of way deeds and commit the City to do and perform its obligations under said deeds so that the City can acquire the subject right of way required for the accomplishment of its Milton Street Project and the construction and installation of the City storm sewers and roadway facilities involved therein.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Columbia, Illinois, as follows:

**Section 1.** The recitals contained above in the preamble of this Ordinance are hereby incorporated herein by reference, the same as if set forth in this Section of this Ordinance verbatim, as findings of the City Council of the City of Columbia, Illinois.

**Section 2.** Attached hereto are the four (4) right-of-way deeds from the above-described property owners for the right-of-way involved herein, which are approved and authorized by this ordinance. The City hereby approves the form of the attached Deeds, as signed by the property owners aforesaid, and does hereby authorize and direct the Mayor to sign the same (acknowledging the City's acceptance of the right-of-way

involved and the City's agreement to do and perform the City's obligations undertaken in the deeds) and does hereby authorize and direct the City Clerk to attest the same and affix thereto the corporate seal of the City.

**Section 3.** The City Council hereby authorizes and directs the City to record in the office of the Monroe County, Illinois Recorder the fully executed and attested Right-of-Way Deeds aforesaid and thereafter to file them with the permanent real estate records of the City.

**Section 4.** This Ordinance shall be in full force and effect from and after its passage and approval, as provided by law.

Alderman Ebersohl moved the adoption of the above and foregoing Ordinance; the motion was seconded by Alderman Stumpf, and the roll call vote was as follows:

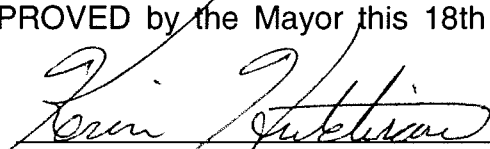
YEAS: Aldermen Ebersohl, Agne, Niemietz, Row, Hejna, Oberkfell, Stumpf and Roessler.

NAYS: None.

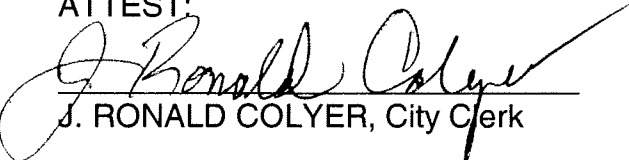
ABSENT: None.

ABSTENTIONS: None.

PASSED by the City Council and APPROVED by the Mayor this 18th day of October, 2010.

  
\_\_\_\_\_  
KEVIN B. HUTCHINSON, Mayor

ATTEST:

  
\_\_\_\_\_  
J. RONALD COLYER, City Clerk

(SEAL)

Return to:  
Adams and Huetsch  
P. O. Box 647  
Columbia, Illinois 62236

**WARRANTY DEED  
(NON-FREEWAY)**

THE GRANTORS, TRACY N. TIPTON and SUSAN TIPTON, his wife, of 402 West Olympia Street, in the City of Columbia, County of Monroe and State of Illinois for and in consideration of the payment of the sum of One Dollars (\$ 1.00), and for other good and valuable consideration in hand paid, the receipt and sufficiency of which is hereby acknowledged by the GRANTORS, do hereby CONVEY and WARRANT to the CITY OF COLUMBIA, a Municipal corporation and body both corporate and politic created and existing under and by virtue of the laws of the State of Illinois, with City Hall located at 208 South Rapp Avenue, Columbia, Illinois 62236, the GRANTEE, the following described Real Estate, to-wit:

Part of a tract of land conveyed to Tracy N. and Susan Tipton by deed recorded in the Recorder's Office of Monroe County, Illinois, as Document No. 283500, being part of Lot 4 of "Pauline Grieshammer Addition", reference being had to the plat thereof recorded in the Recorder's Office of Monroe County, Illinois, in Envelope 30B, City of Columbia, Monroe County, Illinois, being more particularly described as follows:

Beginning at the Northwest corner of said Tipton tract; thence at an assumed bearing of North 87°04'44" East, along the North line of said Tipton tract, a distance of 10.00 feet; thence South 42°02'15" West, a distance of 14.13 feet to a point which lies on the West line of said Tipton tract; thence North 03°00'13" West, along the West line of said Tipton tract, a distance of 10.00 feet to the Point of Beginning.

Containing 50 square feet.

Permanent Property Index No.: 04-22-149-001.

Address of Property: 402 West Olympia Avenue, Columbia, Illinois 62236

(Survey plat of Heneghan and Associates, P. C. which depicts the above described tract of property that is the subject of this Warranty Deed being attached hereto and by reference made part hereof.)

"Exempt under the provisions of paragraph e, Section 31-45, Real Estate Transfer Tax Act (35 ILCS 200/31-45)."

\_\_\_\_\_  
Date

\_\_\_\_\_  
Buyer, Seller or Representative

situated in the City of Columbia, County of Monroe and State of Illinois, hereby releasing and waiving all right under and by virtue of the Homestead Exemption Laws of the State of Illinois.

The GRANTORS without limiting the interest above granted and conveyed, does hereby acknowledge that upon payment of the agreed consideration, all claims arising out of the above acquisition have been settled, including any diminution in value to any remaining property of the GRANTORS caused by the opening, improving and using the above described premises for highway purposes. This acknowledgment does not waive any claim for trespass or negligence against the GRANTEE or GRANTEE'S agents which may cause damage to the remaining property of the GRANTORS.

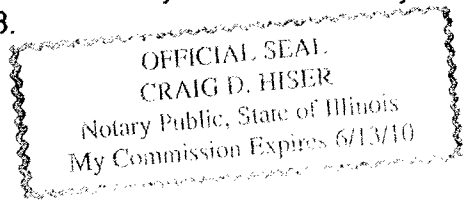
October IN WITNESS WHEREOF, the GRANTORS have set their hand and seal this 14th day of October, A.D., 2008.

Tracy N. Tipton  
TRACY N. TIPTON  
Susan Tipton  
SUSAN TIPTON

STATE OF ILLINOIS        )  
  ) SS  
COUNTY OF MONROE    )

The undersigned, a Notary Public, in and for said County and State, does hereby certify that TRACY N. TIPTON and SUSAN TIPTON, who are 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 acknowledged that they signed, sealed and delivered the said instrument as their free and voluntary act, for the uses and purposes therein set forth, including the release and waiver of homestead.

Given under my hand and notary seal this 14th day of October, A.D., 2008.



[Signature]  
Notary Public

THIS INSTRUMENT PREPARED BY AND  
RETURN TO:

TOM D. ADAMS #13439  
ADAMS AND HUETSCH  
Attorneys-at-Law  
321 Wedgewood Square  
P. O. Box 647  
Columbia, Illinois 62236  
Telephone (618) 281-5185/5186

SEND TAX BILL TO:  
CITY OF COLUMBIA, ILLINOIS  
208 South Rapp Ave  
Columbia, Illinois 62236

Return to:  
Adams and Huetsch  
P. O. Box 647  
Columbia, Illinois 62236

**WARRANTY DEED  
(NON-FREEWAY)**

THE GRANTOR, VIRGINIA L. JEFFERY, as Trustee of the Virginia L. Jeffery Trust Agreement dated November 24, 2003, of 406 West Milton Street, in the City of Columbia, County of Monroe and State of Illinois for and in consideration of the payment of the sum of One Dollars (\$ 1.00), and for other good and valuable consideration in hand paid, the receipt and sufficiency of which is hereby acknowledged by the GRANTOR, does hereby CONVEY and WARRANT to the CITY OF COLUMBIA, a Municipal corporation and body both corporate and politic created and existing under and by virtue of the laws of the State of Illinois, with City Hall located at 208 South Rapp Avenue, Columbia, Illinois 62236, the GRANTEE, the following described Real Estate, to-wit:

Part of a tract of land conveyed to Virginia L. Jeffery Trust by deed recorded in the Recorder's Office of Monroe County, Illinois, as Document No. 318087, being part of Lot 2 of "Klein's Subdivision", reference being had to the plat thereof recorded in the Recorder's Office of Monroe County, Illinois, in Envelope 84B, City of Columbia, Monroe County, Illinois, being more particularly described as follows:

Beginning at the Northeast corner of said Jeffery Trust tract; thence at an assumed bearing of South 03°00'13" East, along the East line of said Jeffery Trust tract, a distance of 10.00 feet; thence North 47°06'58" West, a distance of 14.36 feet to a point which lies on the North line of said Jeffery Trust tract; thence North 88°46'17" East, along the North line of said Jeffery Trust tract, a distance of 10.00 feet to the Point of Beginning.

Containing 50 square feet.

Permanent Property Index No. 04-22-133-009.

Property Address: 406 West Milton Street, Columbia, Illinois.

(Survey plat of Heneghan and Associates, P. C. which depicts the above described tract of property that is the subject of this Warranty Deed being attached hereto and by reference made part hereof.)

"Exempt under the provisions of paragraph e, Section 31-45, Real Estate Transfer Tax Act (35 ILCS 200/31-45)."

Date \_\_\_\_\_ Buyer, Seller or Representative \_\_\_\_\_

situated in the City of Columbia, County of Monroe and State of Illinois, hereby releasing and waiving all right under and by virtue of the Homestead Exemption Laws of the State of Illinois.

The GRANTOR without limiting the interest above granted and conveyed, does hereby acknowledge that upon payment of the agreed consideration, all claims arising out of the above acquisition have been settled, including any diminution in value to any remaining property of the GRANTOR caused by the opening, improving and using the above described premises for highway purposes. This acknowledgment does not waive any claim for trespass or negligence against the GRANTEE or GRANTEE'S agents which may cause damage to the remaining property of the GRANTOR.

*September* IN WITNESS WHEREOF, the GRANTOR has set her hand and seal this 17<sup>th</sup> day of \_\_\_\_\_, A.D., 2008.

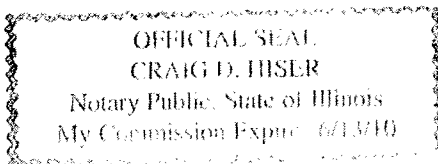
VIRGINIA L. JEFFERY TRUST dated  
November 24, 2003

BY: *Virginia L. Jeffery*  
VIRGINIA L. JEFFERY, Trustee

STATE OF ILLINOIS        )  
  ) SS  
COUNTY OF MONROE    )

The undersigned, a Notary Public, in and for said County and State, does hereby certify that VIRGINIA L. JEFFERY, as Trustee of the Virginia L. Jeffery Trust Agreement dated November 24, 2003, who is 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 acknowledged that she signed, sealed and delivered the said instrument as her free and voluntary act and as the free and voluntary act and deed of said Trust, for the uses and purposes therein set forth, including the release and waiver of homestead.

Given under my hand and notary seal this 17<sup>th</sup> day of September, A.D., 2008.



*[Signature]*  
Notary Public

THIS INSTRUMENT PREPARED BY AND  
RETURN TO:

TOM D. ADAMS #13439  
ADAMS AND HUETSCH  
Attorneys-at-Law  
321 Wedgewood Square  
P. O. Box 647  
Columbia, Illinois 62236  
Telephone (618) 281-5185/5186

SEND TAX BILL TO:  
CITY OF COLUMBIA, ILLINOIS  
208 South Rapp Ave  
Columbia, Illinois 62236



Return to:  
Adams and Huetsch  
P. O. Box 647  
Columbia, Illinois 62236

**WARRANTY DEED  
(NON-FREEWAY)**

THE GRANTOR, BARBARA ANN SCHMIDT, a divorced person not since remarried, of 247 West Milton Street, in the City of Columbia, County of Monroe and State of Illinois for and in consideration of the payment of the sum of One Dollars (\$ 1.00), and for other good and valuable consideration in hand paid, the receipt and sufficiency of which is hereby acknowledged by the GRANTOR, does hereby CONVEY and WARRANT to the CITY OF COLUMBIA, a Municipal corporation and body both corporate and politic created and existing under and by virtue of the laws of the State of Illinois, with City Hall located at 208 South Rapp Avenue, Columbia, Illinois 62236, the GRANTEE, the following described Real Estate, to-wit:

Part of a tract of land conveyed to Barbara Ann Schmidt by deed recorded in the Recorder's Office of Monroe County, Illinois, in Book of Deeds 193, on Page 881, being part of Lot 3 of "Pauline Grieshammer Addition", reference being had to the plat thereof recorded in the Recorder's Office of Monroe County, Illinois, in Envelope 30B, City of Columbia, Monroe County, Illinois, being more particularly described as follows:

Beginning at the Southwest corner of said Schmidt tract; thence at an assumed bearing of North 03°00'13" West, along the West line of said Schmidt tract, a distance of 10.00 feet; thence South 47°57'45" East, a distance of 14.15 feet to a point which lies on the South line of said Schmidt tract; thence South 87°04'44" West, along the South line of said Schmidt tract, a distance of 10.00 feet to the Point of Beginning.

Containing 50 square feet.

Permanent Property Index No.: 04-22-120-017.

Address of Property: 247 West Milton Street, Columbia, Illinois 62236.

(Survey plat of Heneghan and Associates, P. C. which depicts the above described tract of property that is the subject of this Warranty Deed being attached hereto and by reference made part hereof.)

"Exempt under the provisions of paragraph e, Section 31-45, Real Estate Transfer Tax Act (35 ILCS 200/31-45)."

\_\_\_\_\_  
Date Buyer, Seller or Representative

situated in the City of Columbia, County of Monroe and State of Illinois, hereby releasing and waiving all right under and by virtue of the Homestead Exemption Laws of the State of Illinois.

The GRANTOR without limiting the interest above granted and conveyed, does hereby acknowledge that upon payment of the agreed consideration, all claims arising out of the above acquisition have been settled, including any diminution in value to any remaining property of the GRANTOR caused by the opening, improving and using the above described premises for highway purposes. This acknowledgment does not waive any claim for trespass or negligence against the GRANTEE or GRANTEE'S agents which may cause damage to the remaining property of the GRANTOR.

IN WITNESS WHEREOF, the GRANTOR has set her hand and seal this 21 day of

Sept., A.D., 2009.

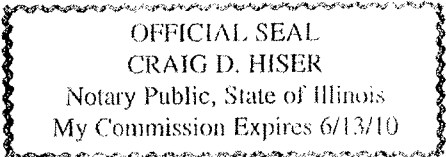
Barbara Ann Schmidt  
BARBARA ANN SCHMIDT

STATE OF ILLINOIS      )  
  ) SS  
COUNTY OF MONROE    )

The undersigned, a Notary Public, in and for said County and State, does hereby certify that BARBARA ANN SCHMIDT, who is 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 acknowledged that she signed, sealed and delivered the said instrument as her free and voluntary act, for the uses and purposes therein set forth, including the release and waiver of homestead.

Given under my hand and notary seal this 21<sup>st</sup> day of September, A.D., 2009.

Craig D. Hiser  
Notary Public



THIS INSTRUMENT PREPARED BY AND RETURN TO:

TOM D. ADAMS #13439  
ADAMS AND HUETSCH  
Attorneys-at-Law  
321 Wedgewood Square  
P. O. Box 647  
Columbia, Illinois 62236  
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Columbia, Illinois 62236

**WARRANTY DEED  
(NON-FREEWAY)**

THE GRANTORS, WILLIAM G. MATHIESON and JANET B. MATHIESON, his wife, of 725 South Rapp Avenue, in the City of Columbia, County of Monroe and State of Illinois for and in consideration of the payment of the sum of One Dollars (\$ 1.00), and for other good and valuable consideration in hand paid, the receipt and sufficiency of which is hereby acknowledged by the GRANTORS, do hereby CONVEY and WARRANT to the CITY OF COLUMBIA, a Municipal corporation and body both corporate and politic created and existing under and by virtue of the laws of the State of Illinois, with City Hall located at 208 South Rapp Avenue, Columbia, Illinois 62236, the GRANTEE, the following described Real Estate, to-wit:

Part of a tract of land conveyed to William G. and Janet B. Mathieson by deed recorded in the Recorder's Office of Monroe County, Illinois, in Book of Deeds 159 on Page 442, being part of Lot 16 of "Columbia Heights-Wm. Vogt's Addition", reference being had to the plat thereof recorded in the Recorder's Office of Monroe County, Illinois, in Envelope 24 B, City of Columbia, Monroe County, Illinois, being more particularly described as follows:

Beginning at the most Easterly corner of said Mathieson tract; thence at an assumed bearing of South 59°58'20" West, along the Southeasterly line of said Mathieson tract, a distance of 10.00 feet; thence North 15°44'44' East, a distance of 14.33 feet to a point on the Northeasterly line of said Mathieson tract; thence South 28°28'52" East, along the Northeasterly line of said Mathieson tract, a distance of 10.00 feet to the Point of Beginning.

Containing 50 square feet.

Permanent Property Index No.: 04-22-120-029.

Address of Property: <sup>725</sup>~~720~~ South Rapp Avenue, Columbia, Illinois 62236.

(Survey plat of Heneghan and Associates, P. C. which depicts the above described tract of property that is the subject of this Warranty Deed being attached hereto and by reference made part hereof.)

"Exempt under the provisions of paragraph e, Section 31-45, Real Estate Transfer Tax Act (35 ILCS 200/31-45)."

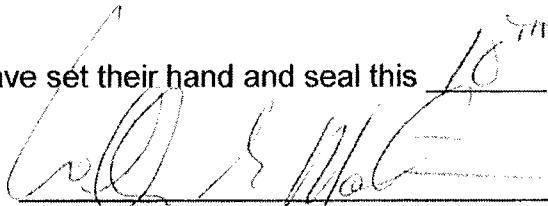
\_\_\_\_\_  
Date

\_\_\_\_\_  
Buyer, Seller or Representative

situated in the City of Columbia, County of Monroe and State of Illinois, hereby releasing and waiving all right under and by virtue of the Homestead Exemption Laws of the State of Illinois.

The GRANTORS without limiting the interest above granted and conveyed, does hereby acknowledge that upon payment of the agreed consideration, all claims arising out of the above acquisition have been settled, including any diminution in value to any remaining property of the GRANTORS caused by the opening, improving and using the above described premises for highway purposes. This acknowledgment does not waive any claim for trespass or negligence against the GRANTEE or GRANTEE'S contractors or other agents which may cause damage to the remaining property of the GRANTORS.

IN WITNESS WHEREOF, the GRANTORS have set their hand and seal this 10<sup>th</sup> day of SEPTEMBER, A.D., 2008.

  
\_\_\_\_\_

WILLIAM G. MATHIESON

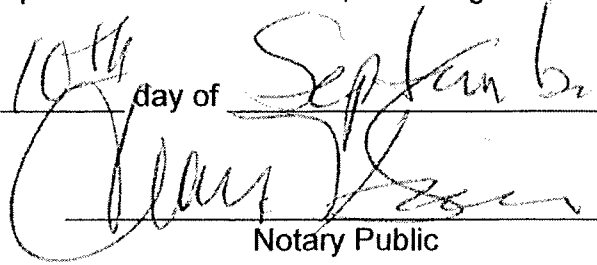
  
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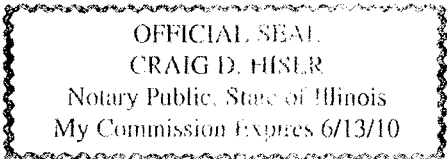
JANET B. MATHIESON

STATE OF ILLINOIS     )  
  ) SS  
COUNTY OF MONROE    )

The undersigned, a Notary Public, in and for said County and State, does hereby certify that WILLIAM G. MATHIESON and JANET B. MATHIESON, his wife, who are 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 acknowledged that they signed, sealed and delivered the said instrument as their free and voluntary act, for the uses and purposes therein set forth, including the release and waiver of homestead.

Given under my hand and notary seal this 10<sup>th</sup> day of September, A.D., 2008.

  
\_\_\_\_\_  
Notary Public



THIS INSTRUMENT PREPARED BY AND  
RETURN TO:

TOM D. ADAMS #13439  
ADAMS AND HUETSCH  
Attorneys-at-Law  
321 Wedgewood Square  
P. O. Box 647  
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