

ORDINANCE NO. 2592

OCT 01 2007

**AN ORDINANCE TO AUTHORIZE A REAL ESTATE EXCHANGE AGREEMENT BETWEEN BUDNICK CONVERTING, INC., A DELAWARE CORPORATION AUTHORIZED TO DO BUSINESS IN THE STATE OF ILLINOIS, AND THE CITY OF COLUMBIA, ILLINOIS**

  
City Clerk

WHEREAS, the Illinois Municipal Code allows the City of Columbia, Illinois (the "City") to exchange real estate belonging to the City following a public hearing held pursuant to three-fourths (3/4) vote of the City Council holding office and after publication of notice of hearing in a newspaper published in the City, provided, however, the City Council enacts an ordinance authorizing a real estate exchange agreement which ordinance finds and declares:

(1) That the real estate premises to be conveyed by the City under such exchange, in the opinion of the City Council, is no longer needed by the City for the public interest; and,

(2) That the real estate premises to be received by the City under such exchange will prove useful to the City and will be for the public interest; and,

(3) That the total value of the substitutional premises is approximately equal to or exceeds the value of the real estate premises for which same is being exchanged, as determined by the City Council, taking into consideration the long term best interest of the public;

WHEREAS, by a Real Estate Economic Development Agreement between the City and Budnick, et. al., dated November 14, 2003, the City and Budnick agreed and promised each to the other that the real estate exchange involved herein would be made, done and performed;

WHEREAS, the City owns and holds an interest in a no-named public street right-of-way the City acquired from Monroe County, Illinois, forty (40) feet in width, which is located between and connects Ghent Road to North Main Street in the City, part of which (which is hereinafter described in Section 2 of this Agreement) the City intends to convey and exchange to the Mark L. Wegmann Trust, dated March 7, 2000 and the remainder of which the City intends to convey and transfer to Harold R. Schmidt and Dorothy Schmidt, his wife, for and on behalf of Budnick, for the property described in Section 1 of this Agreement;

WHEREAS, there are no utility services installed in the above-mentioned, forty (40) foot wide, no-named street right-of-way;

WHEREAS, the City Council of the City has found and determined and does hereby declare that the proposed real estate exchange satisfies the requirements of the City and the requirements of the law and that it is in the best interest of the City, and the Budnick Converting, Inc. and the Mark L. Wegmann Trust to do and perform the same; and,

WHEREAS, pursuant to Division 76.2 of the Illinois Municipal Code, the City has conducted the required public hearing before the Columbia City Council on September 17, 2007 pursuant to the required public notice and the City has made the required findings and determinations stated in subparagraphs (1) through (3) above and required to enact this ordinance in order to authorize this Real Estate Exchange Agreement as required by Section 11-76.2-1 of Division 76.2 of the Illinois Municipal Code (65 ILCS 5/11-76.2-1).

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.** The Real Estate Exchange Agreement attached hereto is hereby approved as to form and the Mayor is hereby authorized and directed to make and enter into the agreement for and on behalf of the City, in as many counterparts as the Mayor shall decide, and the City Clerk is hereby authorized and directed to attest the same and affix thereto the corporate seal of the City, in as many counterparts as the Mayor shall determine.

**Section 3.** This Ordinance shall be in full force and effect from and after its passage, as provided by law.

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

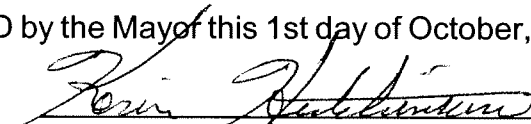
YEAS: Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row, Hejna, Oberkfell, Stumpf and Mayor Hutchinson.

NAYS: None.

ABSENT: None.

ABSTENTIONS: None.

PASSED by the City Council and APPROVED by the Mayor this 1st day of October, 2007.

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

ATTEST:

  
\_\_\_\_\_  
WESLEY J. HOEFFKEN, City Clerk

(SEAL)

STATE OF ILLINOIS     )  
  ) SS  
COUNTY OF MONROE    )

**CERTIFICATE OF TRUE COPY**

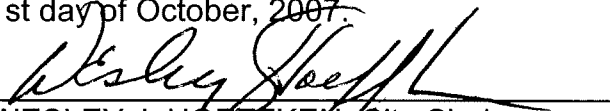
I, Wesley J. Hoeffken, hereby certify that I am the duly elected and acting City Clerk of the City of Columbia, Illinois and as such I am the keeper of the books, records, files and corporate seal of said City.

I do further certify that Ordinance No. 2592 entitled:

**"AN ORDINANCE TO AUTHORIZE A REAL ESTATE EXCHANGE AGREEMENT BETWEEN BUDNICK CONVERTING, INC., A DELAWARE CORPORATION AUTHORIZED TO DO BUSINESS IN THE STATE OF ILLINOIS, AND THE CITY OF COLUMBIA, ILLINOIS"**

to which this certificate is attached, is a true, perfect, complete and correct copy of said ordinance as adopted at a regular meeting of the Columbia, Illinois City Council held on the 1st day of October, 2007.

IN WITNESS WHEREOF, I have made and delivered this certificate for the uses and purposes hereinabove set forth this 1st day of October, 2007.

  
\_\_\_\_\_  
WESLEY J. HOEFFKEN, City Clerk

(SEAL)

RETURN TO:  
ADAMS AND HUETSCH  
P. O. Box 647  
Columbia, IL 62236

## **REAL ESTATE EXCHANGE AGREEMENT**

THIS REAL ESTATE EXCHANGE AGREEMENT is made and entered into this 1st day of October, 2007, by and between the CITY OF COLUMBIA, a Municipal corporation created and existing under and by virtue of the laws of the State of Illinois, (the "City"), with City Hall located at 208 South Rapp Avenue, in the City of Columbia, Illinois 62236, the Party of the First Part, (the "City"), and BUDNICK CONVERTING, INC., a business corporation created and existing under and by virtue of the laws of the State of Delaware, with Certificate of Authority to conduct business in the State of Illinois as a foreign corporation, having its principal business office and plant located at 200 Admiral Weinel Boulevard, in the City of Columbia, Illinois, the Party of the Second Part, ("Budnick"), WITNESSETH:

WHEREAS, the Illinois Municipal Code allows and provides that the City may exchange real estate belonging to the City following a public hearing held pursuant to three-fourths (3/4) vote of the City Council holding office and after publication of notice of hearing in a newspaper published in the City, provided, however, the City Council enacts an ordinance authorizing a real estate exchange agreement which ordinance finds and declares:

- (1) That the real estate premises to be conveyed by the City under such exchange, in the opinion of the City Council, is no longer needed by the City for the public interest; and,
- (2) That the real estate premises to be received by the City under such exchange will prove useful to the City and will be for the public interest; and,
- (3) That the total value of the substitutional premises is approximately equal to or exceeds the value of the real estate premises for which same is being exchanged, as determined by the City Council, taking into consideration the long term best interest of the public;

WHEREAS, by a Real Estate Economic Development Agreement between the City and Budnick, et. al., dated November 14, 2003, the City and Budnick agreed and promised each to the other that the real estate exchange involved herein would be made, done and performed;

WHEREAS, the City owns and holds an interest in a no-named public street right-of-way, forty (40) feet in width, which the City acquired fee title to (in part from Monroe County, Illinois by Municipal Deed dated July 6, 2004 recorded in the Monroe County Recorder's Office as Document No. 288920 and in part from Road District No. 5, in and for Monroe County, Illinois by Quit Claim Deed dated July 2, 2007 recorded in the Monroe County Recorder's Office as Document No. 316463), which parcel or strip of property is located between and connects Ghent Road to North Main Street in the City, part of which (which is hereinafter described in Section 2 of this Agreement) the City intends to convey and exchange in part to the Mark L. Wegmann Trust dated March 7, 2000 and in part to Harold R. Schmidt and Dorothy Schmidt, his wife, of Columbia, Illinois, for the property described in Section 1 of this Agreement;

WHEREAS, there are no utility services installed in the above-mentioned, forty (40) foot wide, no-named street right-of-way;

WHEREAS, the City Council of the City has found and determined and declared by an enabling Ordinance duly enacted by the City's City Council, that the proposed real estate exchange satisfies the requirements of the City and the requirements of the law and that it is in the best interest of the City and Budnick to do and perform the same; and,

WHEREAS, pursuant to Division 76.2 of the Illinois Municipal Code, the City has conducted the required public hearing pursuant to the required public notice and the City by its enabling ordinance has made the required findings and determinations stated in subparagraphs (1) through (3) above; and, has enacted the required ordinance to authorize this Real Estate Exchange Agreement as required by Section 11-76.2-1 of Division 76.2 of the Illinois Municipal Code (65 ILCS 5/11-76.2-1).

NOW, THEREFORE, in consideration of the mutual promises and agreements herein contained for the exchange of real estate to be herein required and provided for, the parties hereto stipulate and agree, as follows:

**Section 1. Budnick Real Estate Exchange.** In consideration of the conveyance by the City in this Agreement agreed to be made, the Budnick agrees to trade and convey to the City 1.27 of an acre, more or less, of real estate located in the City of Columbia, Illinois, same being Lot No. 14 of the Admiral Trost Development Subdivision in the City, which subdivision is located in the Admiral Parkway Tax Increment Financing District in the City, which property is more particularly described as follows:

Lot Number 14 of the Admiral Trost Development Subdivision in the City of Columbia, Illinois created and existing by, under and by virtue of the final subdivision plat for said subdivision which is dated December 1, 2006 and was recorded in the Monroe County, Illinois Recorder's Office in Plat Envelope 2-232A, as Document No. 311726, on December 20, 2006, reference to said subdivision plat to be had for more particular information pertaining to said subdivision lot.

The transfer and exchange by Budnick to the City shall be by a "Warranty Deed" in the form attached hereto as **Exhibit "1"**, which is by reference made part hereof and which is hereby approved as to form.

**Section 2. City Real Estate Exchange.** In consideration of the conveyance by the Budnick described in Section 1 of this Agreement, the City agrees to convey to the Mark L. Wegmann Trust, dated March 7, 2000, all of its right, title, claim and interest in the following described property, being part of the no-named street right-of-way the City acquired from Monroe County, Illinois by Municipal Deed recorded in the Monroe County, Illinois Recorder's Office on the 6th day of July, 2004, as Document No. 288920 and from Road District No. 5, in and for Monroe County, Illinois by Quit Claim Deed recorded in the Monroe County Recorder's Office on the 3<sup>rd</sup> day of July 2007, as Document No. 316463, to wit:

All of a tract of land conveyed to the City of Columbia by deed recorded in the Recorder's Office of Monroe County, Illinois, as Document #316463 and part of a tract of land conveyed to the City of Columbia by deed recorded in the Recorder's Office of Monroe County, Illinois, as Document # 288920, being part of the Northwest Quarter of Section 16, Township 1 South, Range 10 West of the Third Principal Meridian, City of Columbia, Monroe County, Illinois, being more particularly described as follows:

Beginning at an iron pin which marks the Southwest corner of a tract of land conveyed to Mark Wegmann, Trustee of the Mark Wegmann Revocable Trust, dated March 7, 2000, by deed recorded in the Recorder's Office of Monroe County, Illinois, in Book of Deeds 236, on Pages 920-922; thence at an assumed bearing of South 89°31'55" East, along the South line of said Wegmann Trust tract, a distance of 89.65 feet to the Southeast corner of said Wegmann Trust tract, also being the Southwest corner of a second tract of land conveyed to Mark Wegmann, Trustee of the Mark Wegmann Revocable Trust dated March 7, 2000, by deed recorded in the Recorder's Office of Monroe County, Illinois, in Book of Deeds 236, on Pages 923-925; thence South 89°31'55" East, along the South line of said second Wegmann Trust tract, a distance of 57.75 feet to an iron pin which marks the Southeast corner of said second Wegmann Trust tract, also being the Southwest corner of a tract of land conveyed to W.F. Development, Inc., by deed recorded in the Recorder's Office of Monroe County, Illinois, as Document #283384; thence South 89°31'55" East, along the South line of said W.F. Development, Inc. tract, a distance of 162.20 feet to an iron pin which lies on the West line of a tract of land conveyed to Harold R. and Dorothy Schmidt by deed recorded in the Recorder's Office of Monroe County, Illinois, as Document #291231; thence South 05°05'27 East, along the southerly extension of the West line of said Schmidt tract, a distance of 40.19 feet to a point on the South line of the aforementioned City of Columbia tracts tract; thence North 89°31'55" West, along the South lines of said City of Columbia tracts, a distance of 287.31 feet to a point on the Northeasterly Right-of-Way line of a public road known as of Main Street (FA Route 4); thence

North 32°44'46" West, along the Northeasterly Right-of-Way line of Main Street (FA Route 4), a distance of 47.81 feet to the Point of Beginning.

Containing 11,938 square feet or 0.27 acres, more or less.

The transfer and conveyance of said real estate from the City to the Mark L. Wegmann Trust shall be by Bargain and Sale Deed, in the form attached hereto as **Exhibit "2"**, which by reference is made part hereof and which is hereby approved as to form.

In further consideration of the conveyance by the Budnick described in Section 1 of this Agreement, the City agrees to convey to Harold R. Schmidt and Dorothy Schmidt, his wife, of the City of Columbia, Illinois all of its right, title, claim and interest in the following described property, being the remaining part of the no-named street right-of-way the City acquired from Monroe County, Illinois by Municipal Deed recorded in the Monroe County, Illinois Recorder's Office on the 6<sup>th</sup> of July, 2004, as Document No. 288920 and from Road District No. 5, Monroe County, Illinois by Quit Claim Deed recorded in the Monroe County Recorder's Office on the 3<sup>rd</sup> day of July, 2007, as Document No. 316463, to wit:

Part of a tract of Land Conveyed to the City of Columbia by deed recorded in the Recorders Office of Monroe County, Illinois as Document # 288920, being part of the Northwest Quarter of Section 16, Township 1 South, Range 10 West of the Third Principal Meridian, City of Columbia, Monroe County, Illinois, being more particularly described as follows:

Beginning at an iron pin which marks the Southwest corner of a tract of land conveyed to Mark Wegmann, Trustee of the Mark Wegmann Revocable Trust, dated March 7, 2000, by deed recorded in the Recorder's Office of Monroe County, Illinois, in Book of Deeds 236, on Pages 920-922; thence at an assumed bearing of South 89°31'55" East, along the South line of said Wegmann Trust tract, a distance of 89.65 feet to the Southeast corner of said Wegmann Trust tract, also being the Southwest corner of a second tract of land conveyed to Mark Wegmann, Trustee of the Mark Wegmann Revocable Trust dated March 7, 2000, by deed recorded in the Recorder's Office of Monroe County, Illinois, in Book of Deeds 236, on Pages 923-925; thence South 89°31'55" East, along the South line of said second Wegmann Trust tract, a distance of 57.75 feet to an iron pin which marks the Southeast corner of said second Wegmann Trust tract, also being the Southwest corner of a tract of land conveyed to W.F. Development, Inc., by deed recorded in the Recorder's Office of Monroe County, Illinois, as Document #283384; thence South 89°31'55" East, along the South line of said W.F. Development, Inc. tract, a distance of 162.20 feet to an iron pin which lies on the West line of a tract of land conveyed to Harold R. and Dorothy Schmidt by deed recorded in the Recorder's Office of Monroe County, Illinois, as Document #291231, being the Point of Beginning of the herein described tract of land; thence South 89°31'55" East, along the North line of the aforementioned City of Columbia tract, a distance of 169.99 feet to a



point on the Westerly Right-of-Way of a public road known as Ghent Road (formerly St. Louis Road); thence South 01°01'20" East, along the Westerly Right-of-Way of Ghent Road (formerly St. Louis Road), a distance of 40.01 feet to the Point of Intersection of the Westerly Right-of-Way line of Ghent Road (formerly St. Louis Road) with the South line of the aforementioned City of Columbia tract; thence North 89°31'55" West, along the South line of said City of Columbia tract, a distance of 167.14 feet to a point; thence North 05°05'27" West, along the Southerly extension of the West line of aforementioned Schmidt tract, a distance of 40.19 feet to the Point of Beginning.

Containing 6,743 square feet or 0.15 acres, more or less.

The transfer and conveyance of said real estate from the City to Harold R. Schmidt and Dorothy Schmidt, his wife, shall be by Bargain and Sale Deed, in the form attached hereto as "**Exhibit 3**", which by reference is made part hereof and which is hereby approved as to form.

**Section 3. Substitutional Value.** The parties agree that the total value of the property the City is receiving in the exchange is approximately equal to or exceeds the value of the property the City is releasing and relinquishing its interest in.

**Section 4. Compensation.** The parties acknowledge and agree that neither party shall be required to pay any monetary compensation to the other party for the property each is receiving under this exchange agreement.

**Section 5. Closing.** The closing of the exchange of real estate involved herein shall take place at Mon-Clair Title Company in Columbia, Illinois, within thirty (30) days of the date hereof. At the closing, Budnick shall make, execute, and deliver and Mon-Clair Title Company shall record the deed from the Budnick to the City and the City shall make, execute, and deliver, and Mon-Clair Title Company shall record the deeds from the City to the Mark L. Wegmann Trust and to Harold and Dorothy Schmidt, his wife; the deed from Budnick to be recorded prior to the deeds from the City.

**Section 6. Closing Costs.** The City shall be responsible and liable for payment of all closing costs incurred in connection herewith, in accordance with the November 14, 2003 Economic Development Agreement between Budnick and the City, including title insurance costs, attorney's fees, fees for Registered Land Surveyor to prepare the necessary legal descriptions involved, and costs of recording.

IN WITNESS WHEREOF, the parties hereto have made and entered into this Real Estate Exchange Agreement to take effect on the date first above written, for the uses and purposes set forth above.

(Continued on the next page)

CITY OF COLUMBIA, ILLINOIS, a Municipal Corporation, the Party of the First Part

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

ATTEST:

\_\_\_\_\_  
WESLEY J. HOEFFKEN, City Clerk

(SEAL)

STATE OF ILLINOIS        )  
                                  ) SS  
COUNTY OF MONROE     )

The undersigned, a Notary Public in and for the County, in the State aforesaid, hereby certifies that KEVIN B. HUTCHINSON and WESLEY J. HOEFFKEN, personally known to me to be the Mayor and City Clerk, respectively, of the City of Columbia, Illinois, whose names are subscribed to the above and foregoing Real Estate Exchange Agreement appeared before me, this date, in person and acknowledged that they signed and delivered said Agreement as their free and voluntary act and deed and as the free and voluntary act and deed of the City of Columbia, Illinois, pursuant to a duly enacted enabling ordinance of the City, for the uses and purposes herein set forth.

Subscribed and sworn to before me, a Notary Public, this 1st day of October, 2007.

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

(Continued on next page)

BUDNICK CONVERTING, INC., a Delaware business corporation authorized to do business in the State of Illinois, the Party of the Second Part

BY: \_\_\_\_\_  
ANN F. WEGMANN, President

ATTEST:

\_\_\_\_\_  
ANN F. WEGMANN, Secretary

STATE OF ILLINOIS     )  
  ) SS  
COUNTY OF MONROE    )

The undersigned, a Notary Public in and for the County, in the State aforesaid, does hereby certify that ANN F. WEGMANN, personally known to me and known to me to be the President and Secretary, respectively, of Budnick Converting, Inc., a Delaware business corporation authorized to do business in the State of Illinois, appeared before me in person this date and acknowledged that She signed and delivered the above and foregoing document as her free and voluntary act and deed and as the free and voluntary act and deed of Budnick Converting, Inc., said business corporation, pursuant to a duly enacted resolution of said Company's Board of Directors, for the uses and purposes hereinabove set forth.

Subscribed and sworn to before me, a Notary Public, this \_\_\_\_\_ day of October, 2007.

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

THIS DOCUMENT PREPARED BY:

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



same;

(2) That at the time of the making and delivery of this Warranty Deed, the premises are free from encumbrances, except as follows:

A blanket right of way easement to Illinois Power Company, a corporation by document dated October 6, 1950, recorded in the Monroe County, Illinois Recorder's Office in Book of Deeds 88, commencing on page 235.

A blanket right of way easement to Illinois Power Company, a corporation by document recorded in the Monroe County Recorder's Office in Book of Deeds 76, commencing on page 11.

An Agreement for roadway of the width of sixteen and one-half feet (16 & 1/2') along the entire Easterly side of the above-described tract, by document recorded in the Monroe County Recorder's Office in Book of Deeds 43, commencing on page 419.

and,

(3) That the GRANTOR warrants to the GRANTEE and GRANTEE'S successors in interest the quiet and peaceable possession of the premises and agrees to defend the title to the same against all persons who may lawfully claim it.

IN WITNESS WHEREOF the GRANTOR has caused its corporate seal to be affixed, and this instrument to be signed by its duly authorized officers on the date first above written.

BUDNICK CONVERTING, INC., a Delaware Business Corporation authorized to do business in the State of Illinois, the GRANTOR

BY: \_\_\_\_\_  
ANN F. WEGMANN, President

ATTEST:

\_\_\_\_\_  
ANN F. WEGMANN, Secretary

STATE OF ILLINOIS     )  
  ) SS  
COUNTY OF MONROE    )

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that ANN F. WEGMANN, personally known to me to be the President and Secretary, respectively, of Budnick Converting, Inc., a Delaware business corporation authorized to do business in the State of Illinois, appeared before me this day in person, and acknowledged that she signed, sealed and delivered the said document as her free and voluntary act and deed and as the free and voluntary act and deed of Budnick Converting, Inc., the Corporation, for the uses and purposes therein set forth.

Given under my hand and notary seal, this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

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Notary Public

NAME AND ADDRESS OF PREPARER:

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

MAIL SUBSEQUENT TAX BILLS TO:

City Clerk  
Columbia City Hall  
208 South Rapp Avenue  
P. O. Box 467  
Columbia, Illinois 62236

RETURN TO:  
ADAMS AND HUETSCH  
P. O. Box 647  
Columbia, IL 62236

**EXHIBIT #2 FOR REAL ESTATE EXCHANGE AGREEMENT**

**MUNICIPAL QUIT CLAIM DEED**

THIS DEED is made on this 1st day of October, 2007, by 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, in the City of Columbia, Monroe County, Illinois 62236, the GRANTOR, to the MARK L. WEGMANN TRUST dated March 7, 2000, the Trustee of said Trust being Mark L. Wegmann of Columbia, Illinois, the GRANTEE, WITNESSETH:

GRANTOR, for and in consideration of the payment of sum of One Dollar (\$1.00), and for other good and valuable consideration in hand paid by the GRANTEE to the GRANTOR, the receipt and sufficiency of which is hereby acknowledged by the GRANTOR, does hereby CONVEY and QUIT CLAIM to the GRANTEE, the real property located in the City of Columbia, County of Monroe and State of Illinois, more particularly described as follows:

All of a tract of land conveyed to the City of Columbia by deed recorded in the Recorder's Office of Monroe County, Illinois, as Document #316463 and part of a tract of land conveyed to the City of Columbia by deed recorded in the Recorder's Office of Monroe County, Illinois, as Document # 288920, being part of the Northwest Quarter of Section 16, Township 1 South, Range 10 West of the Third Principal Meridian, City of Columbia, Monroe County, Illinois, being more particularly described as follows:

Beginning at an iron pin which marks the Southwest corner of a tract of land conveyed to Mark Wegmann, Trustee of the Mark Wegmann Revocable Trust, dated March 7, 2000, by deed recorded in the Recorder's Office of Monroe County, Illinois, in Book of Deeds 236, on Pages 920-922; thence at an assumed bearing of South 89°31'55" East, along the South line of said Wegmann Trust tract, a distance of 89.65 feet to the Southeast corner of said Wegmann Trust tract, also being the Southwest corner of a second tract of land conveyed to Mark Wegmann, Trustee of the Mark Wegmann Revocable Trust dated March 7, 2000, by deed recorded in the Recorder's Office of Monroe County, Illinois, in Book of Deeds 236, on Pages 923-925; thence South 89°31'55" East, along the South line of said second Wegmann Trust tract, a distance of 57.75 feet to an iron pin which marks the Southeast corner of said second Wegmann Trust tract, also being the Southwest corner of a tract of land conveyed to W.F. Development, Inc., by deed recorded in the Recorder's Office of Monroe County, Illinois, as Document #283384; thence South 89°31'55" East, along the South line of said W.F. Development, Inc. tract, a distance of 162.20 feet to an iron pin which lies on the West line of a tract of land conveyed to Harold R. and Dorothy Schmidt by deed recorded in the Recorder's Office of Monroe County, Illinois, as Document #291231;

thence South 05°05'27 East, along the southerly extension of the West line of said Schmidt tract, a distance of 40.19 feet to a point on the South line of the aforementioned City of Columbia tracts tract; thence North 89°31'55" West, along the South lines of said City of Columbia tracts, a distance of 287.31 feet to a point on the Northeasterly Right-of-Way line of a public road known as of Main Street (FA Route 4); thence North 32°44'46" West, along the Northeasterly Right-of-Way line of Main Street (FA Route 4), a distance of 47.81 feet to the Point of Beginning.

Containing 11,938 square feet or 0.27 acres, more or less.

PRIOR DEEDS: Document No. 288920 & Document No. 316463.

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

\_\_\_\_\_  
Date

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

To have and to hold the above-described real estate premises, together with all and singular the estate and rights of and appurtenances in anyway belonging or appertaining thereto of the GRANTOR in such property.

IN WITNESS WHEREOF the GRANTOR has made, executed and delivered this Quit Claim Deed at Columbia, Illinois on the date first above written.

CITY OF COLUMBIA, ILLINOIS, a Municipal Corporation

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

ATTEST:

\_\_\_\_\_  
WESLEY J. HOEFFKEN, City Clerk

(SEAL)

STATE OF ILLINOIS        )  
  ) SS  
COUNTY OF MONROE     )

The undersigned, a Notary Public in and for the County, in the State aforesaid, hereby certifies that KEVIN B. HUTCHINSON and WESLEY J. HOEFFKEN, personally known to me to be the Mayor and City Clerk, respectively, of the City of Columbia, Illinois, whose names are subscribed to the above and foregoing Municipal Deed, appeared before me, this date, in person and acknowledged that they



signed and delivered said Deed as their free and voluntary act and deed and as the free and voluntary act and deed of the City of Columbia, Illinois, for the uses and purposes herein set forth.

Given under my hand and Notary Seal this 1st day of October, 2007.

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Notary Public

NAME AND ADDRESS OF PREPARER:

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

MAIL SUBSEQUENT TAX BILLS TO:

Mark L. Wegmann Trust  
200 Admiral Weinel Boulevard  
Columbia, Illinois 62236

RETURN TO:  
ADAMS AND HUETSCH  
P. O. Box 647  
Columbia, IL 62236

**EXHIBIT # 3 TO REAL ESTATE EXCHANGE AGREEMENT**

**MUNICIPAL QUIT CLAIM DEED**

THIS DEED is made on this 1st day of October, 2007, by 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, in the City of Columbia, Monroe County, Illinois 62236, the GRANTOR, to HAROLD R. SCHMIDT and DOROTHY SCHMIDT, his wife, of 1538 Ghent Road in the City of Columbia, Monroe County, Illinois 62236, the GRANTEEES, as joint tenants and not as tenants in common, with right of survivorship, WITNESSETH:

GRANTOR, for and in consideration of the payment of sum of One Dollar (\$1.00), and for other good and valuable consideration in hand paid by the GRANTEE to the GRANTOR, the receipt and sufficiency of which is hereby acknowledged by the GRANTOR, does hereby CONVEY and QUIT CLAIM to the GRANTEE, the real property located in the City of Columbia, County of Monroe and State of Illinois, more particularly described as follows:

Part of a tract of Land Conveyed to the City of Columbia by deed recorded in the Recorders Office of Monroe County, Illinois as Document # 288920, being part of the Northwest Quarter of Section 16, Township 1 South, Range 10 West of the Third Principal Meridian, City of Columbia, Monroe County, Illinois, being more particularly described as follows:

Beginning at an iron pin which marks the Southwest corner of a tract of land conveyed to Mark Wegmann, Trustee of the Mark Wegmann Revocable Trust, dated March 7, 2000, by deed recorded in the Recorder's Office of Monroe County, Illinois, in Book of Deeds 236, on Pages 920-922; thence at an assumed bearing of South 89°31'55" East, along the South line of said Wegmann Trust tract, a distance of 89.65 feet to the Southeast corner of said Wegmann Trust tract, also being the Southwest corner of a second tract of land conveyed to Mark Wegmann, Trustee of the Mark Wegmann Revocable Trust dated March 7, 2000, by deed recorded in the Recorder's Office of Monroe County, Illinois, in Book of Deeds 236, on Pages 923-925; thence South 89°31'55" East, along the South line of said second Wegmann Trust tract, a distance of 57.75 feet to an iron pin which marks the Southeast corner of said second Wegmann Trust tract, also being the Southwest corner of a tract of land conveyed to W.F. Development, Inc., by deed recorded in the Recorder's Office of Monroe County, Illinois, as Document #283384; thence South 89°31'55" East, along the South line of said W.F. Development, Inc. tract, a distance of 162.20 feet to an iron pin which lies on the West line of a tract of land conveyed to Harold R. and Dorothy Schmidt by deed recorded in the Recorder's Office of Monroe County, Illinois, as Document #291231, being the Point of Beginning of the herein

described tract of land; thence South 89°31'55" East, along the North line of the aforementioned City of Columbia tract, a distance of 169.99 feet to a point on the Westerly Right-of-Way of a public road known as Ghent Road (formerly St. Louis Road); thence South 01°01'20" East, along the Westerly Right-of-Way of Ghent Road (formerly St. Louis Road), a distance of 40.01 feet to the Point of Intersection of the Westerly Right-of-Way line of Ghent Road (formerly St. Louis Road) with the South line of the aforementioned City of Columbia tract; thence North 89°31'55" West, along the South line of said City of Columbia tract, a distance of 167.14 feet to a point; thence North 05°05'27" West, along the Southerly extension of the West line of aforementioned Schmidt tract, a distance of 40.19 feet to the Point of Beginning.

Containing 6,743 square feet or 0.15 acres, more or less

PRIOR DEEDS: Document No. 288920.

Address of Property: 1551 Ghent Road, Columbia, Illinois 62236.

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

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|      |                               |
|------|-------------------------------|
| Date | Buyer, Seller, Representative |
|------|-------------------------------|

It is intended by the parties hereto that the above-described property will be added to and hereafter comprise part of that certain tract of property conveyed by Herbert L. Fieser, as widower and surviving joint tenant of Ethel V. Fieser, deceased, to Harold R. Schmidt and Dorothy Schmidt, his wife, (they being the Grantees in this deed), which Fieser deed is dated September 29, 2004 and is recorded in the Monroe County Recorder's Office as Document No. 291231.

To have and to hold the above-described real estate premises, together with all and singular the estate and rights of and appurtenances in anyway belonging or appertaining thereto of the GRANTOR in such property.

IN WITNESS WHEREOF the GRANTOR has made, executed and delivered this deed of bargain and sale at Columbia, Illinois on the date first above written.

CITY OF COLUMBIA, ILLINOIS, a Municipal Corporation

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

ATTEST:

\_\_\_\_\_  
WESLEY J. HOEFFKEN, City Clerk

(SEAL)

STATE OF ILLINOIS        )  
  ) SS  
COUNTY OF MONROE     )

The undersigned, a Notary Public in and for the County, in the State aforesaid, hereby certifies that KEVIN B. HUTCHINSON and WESLEY J. HOEFFKEN, personally known to me to be the Mayor and City Clerk, respectively, of the City of Columbia, Illinois, whose names are subscribed to the above and foregoing Municipal Deed, appeared before me, this date, in person and acknowledged that they signed and delivered said Deed as their free and voluntary act and deed and as the free and voluntary act and deed of the City of Columbia, Illinois, for the uses and purposes herein set forth.

Given under my hand and Notary Seal this 1st day of October, 2007.

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

NAME AND ADDRESS OF PREPARER:

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

MAIL SUBSEQUENT TAX BILLS TO:

Harold R. and Dorothy Schmidt  
1538 Ghent Road  
Columbia, Illinois 62236