

CITY OF ST. CHARLES

ORDINANCE NO. 1991-M-59

AN ORDINANCE AMENDING CHAPTER 10.43,
"FIRE LANES," SECTION 10.43.010,
"FIRE ZONE AREAS," OF THE
ST. CHARLES MUNICIPAL CODE

ADOPTED BY THE

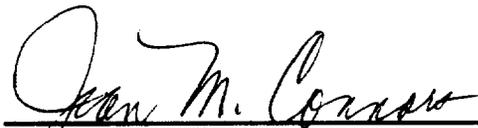
CITY COUNCIL

OF THE

CITY OF ST. CHARLES

THIS 19TH DAY OF AUGUST, 1991

PUBLISHED IN PAMPHLET FORM BY
AUTHORITY OF THE CITY COUNCIL
OF THE CITY OF ST. CHARLES,
KANE AND DU PAGE COUNTIES,
ILLINOIS, THIS 23RD DAY OF
AUGUST, 1991



CITY CLERK

(S E A L)

DATE OF PUBLICATION 8/23/91
NEWSPAPER Pamphlet form

REFER TO:
MINUTES 8-19-91
PAGE 3111

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AN ORDINANCE AMENDING CHAPTER 10.43,
"FIRE LANES", SECTION 10.43.010,
"FIRE ZONE AREAS", OF THE ST. CHARLES MUNICIPAL CODE

WHEREAS, the City of St. Charles and the Owners of the real property, HARRIS BANK ST. CHARLES, AS TRUSTEE UNDER TRUST AGREEMENT KNOWN AS TRUST NO. LT-1393 AND ST. CHARLES MALL ASSOCIATES LTD, located at 2067 PRAIRIE STREET, have entered into an agreement whereby the City of St. Charles is authorized to designate fire lanes; and

WHEREAS, the property referred to in said agreement is commonly referred as St. Charles Mall;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ST. CHARLES, KANE AND DU PAGE COUNTIES, ILLINOIS, as follows:

1. That Title 10, "Vehicles and Traffic", Chapter 10.43, "Fire Lanes", Section 10.43.010, "Fire Zone Areas", and Section 10.43.070, "Automatic Repeal" of the St. Charles Municipal Code, be and are hereby amended by adding the following subsections:

10.43.010 Fire Zone Areas.

d) St. Charles Mall, 2067 Prairie Street, shall have fire lanes as shown in Exhibit D attached hereto and made part hereof, such real estate being legally described as follows:

LEGAL DESCRIPTION

PARCEL ONE:

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 33, TOWNSHIP 40 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF JOE KEIM'S RANDALL ROAD SUBDIVISION, ST. CHARLES TOWNSHIP, KANE COUNTY, ILLINOIS; THENCE SOUTHEASTERLY ALONG THE NORTHEASTERLY LINE OF ILLINOIS STATE ROUTE NO. 38, 354.0 FEET FOR A POINT OF BEGINNING, THENCE NORTHEASTERLY AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE 350.0 FEET; THENCE NORTHWESTERLY AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE 9.0 FEET; THENCE NORTHEASTERLY AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE 163.92 FEET TO A LINE DRAWN PARALLEL WITH AND 560.0 FEET EASTERLY OF THE EAST LINE OF SAID SUBDIVISION (MEASURED ALONG THE CENTER LINE OF PRAIRIE STREET); THENCE NORTHERLY PARALLEL WITH SAID EAST LINE 447.67 FEET TO A POINT THAT IS 40.0 FEET SOUTHERLY OF THE CENTER LINE (MEASURED AT RIGHT ANGLES THERETO) OF PRAIRIE STREET; THENCE EASTERLY PARALLEL WITH SAID CENTER LINE 334.54 FEET TO A LINE DRAWN PARALLEL WITH AND 894.54 FEET EASTERLY OF SAID EAST LINE (MEASURED ALONG SAID CENTER LINE); THENCE SOUTHERLY PARALLEL WITH SAID EAST LINE 169.12 FEET TO A LINE DRAWN PARALLEL WITH AND 935.0 FEET NORTHEASTERLY OF SAID NORTHEASTERLY LINE (MEASURED AT RIGHT ANGLES THERETO) OF ILLINOIS STATE ROUTE NO. 38; THENCE SOUTHEASTERLY PARALLEL WITH SAID NORTHEASTERLY LINE 956.91 FEET TO A LINE DRAWN AT RIGHT ANGLES TO SAID NORTHEASTERLY LINE FROM A POINT ON SAID NORTHEASTERLY LINE THAT IS 1086.0 FEET SOUTHEASTERLY OF THE POINT OF BEGINNING (MEASURED ALONG SAID NORTHEASTERLY LINE); THENCE SOUTHWESTERLY AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE 935.0 FEET TO SAID NORTHEASTERLY LINE; THENCE NORTHWESTERLY ALONG SAID NORTHEASTERLY LINE 494.0 FEET TO A POINT THAT IS 592.0 FEET SOUTHEASTERLY OF THE POINT OF BEGINNING; THENCE NORTHEASTERLY AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE 203.0 FEET; THENCE NORTHWESTERLY AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE 124.00 FEET; THENCE SOUTHWESTERLY AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE 203.0 FEET TO SAID NORTHEASTERLY LINE; THENCE NORTHWESTERLY ALONG SAID NORTHEASTERLY LINE 468.0 FEET TO THE POINT OF BEGINNING, IN THE CITY OF ST. CHARLES, KANE COUNTY, ILLINOIS.

PARCEL TWO:

ALL OF THOSE CERTAIN EASEMENTS, PRIVILEGES, RIGHTS OF USE, POWERS AND ALL OTHER RIGHTS OR INTERESTS FOR THE BENEFIT OF PARCEL ONE, INCLUDING BUT NOT LIMITED TO A NON-EXCLUSIVE EASEMENT FOR THE FREE AND UNRESTRICTED USE OF THE DRIVEWAYS, SIDEWALKS AND VEHICLE PARKING LOTS LOCATED ON AND OVER THE LAND DESCRIBED IN THAT CERTAIN RECIPROCAL CONSTRUCTION, OPERATING AND EASEMENT AGREEMENT BETWEEN STATE BANK OF ST. CHARLES, AS TRUSTEE UNDER TRUST NUMBER 1393, AND STATE BANK OF ST. CHARLES, AS TRUSTEE UNDER TRUST NUMBER 1385 DATED JANUARY 15, 1979 AND RECORDED FEBRUARY 13, 1979 AS DOCUMENT 1494080.

COMMON ADDRESS: 2067 Prairie St., St. Charles, Illinois 60174

P.I.N.: 09-33-302-014
09-33-329-009
09-33-302-017
09-33-329-021

10.43.070 Automatic Repeal.

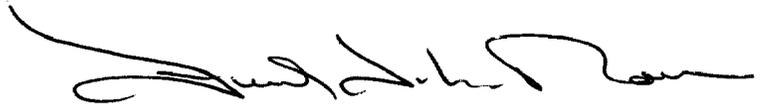
d) Section 10.43.010 (d) shall automatically terminate and be repealed upon the termination of that certain agreement by and between the City of St. Charles and Harris Bank St. Charles as Trustee of Trust No. Lt-1393 dated _____.

2. That after the adoption and approval hereof the Ordinance shall (i) be printed or published in book or pamphlet form, published by the authority of the City Council, or (ii) within thirty (30) days after the adoption and approval hereof, be published in a newspaper in and with a general circulation within the City of St. Charles.

PRESENTED to the City Council of the City of St. Charles, Illinois, this 19th day of August, 1991.

PASSED by the City Council of the City of St. Charles, Illinois, this 19th day of August, 1991.

APPROVED by the Mayor of the City of St. Charles, Illinois, this 19th day of August, 1991.



Mayor

ATTEST:


City Clerk

COUNCIL VOTE:

Ayes: 8
Nays: 0
Absent: 2

AFFIDAVIT OF TITLE

STATE OF ILLINOIS)
)
) SS.
COUNTY OF KANE)

The undersigned affiant, being first duly sworn on oath, says and also covenants with and warrants to the City of St. Charles, Illinois, that:

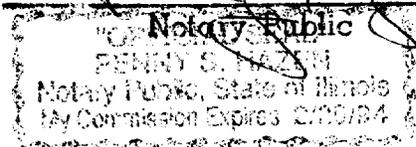
1. The owner of record of the real estate described in Exhibit "A" attached hereto and made a part hereof is:

Harris Bank St. Charles, as Trustee under Trust Agreement dated January 5, 1979 and known as Trust Number LT-1393 as to the land, and St. Charles Mall Associates, Ltd., an Illinois limited partnership as to the buildings.

2. That since the title date of January 24, 1990, in the owner's title insurance policy by Chicago Title Insurance Company, affiant nor owner of record or anyone on behalf of owner of record has done nothing nor suffered anything to be done that could in any way affect the title to the premises described in Exhibit "A", and no proceedings have been filed by or against owner of record or affiant, nor has any judgment or decree been rendered against owner of record or affiant, nor is there any judgment, note or other instrument that could result in a judgment or decree against owner or affiant within five (5) days from the date hereof.

Further affiant sayeth naught.

Subscribed and sworn to before me, a Notary Public, this 19th day of July, 1991



HARRIS BANK ST. CHARLES, as Trustee of Trust No. LT-1393

By: [Signature]
Title: Cheryl Fair
Vice President & Trust Officer

ST. CHARLES MALL ASSOCIATES, LTD., an Illinois limited partnership

By: ST. CHARLES MALL, INC., a general partner

By: [Signature]
Kent W. Shodeen, Its President

By: ST. CHARLES MALL DEVELOPMENT CORPORATION, a general partner

By: [Signature]
Joel Carlins, Its President

SUBSCRIBED AND SWORN TO before me this _____ day of _____, 1990.

Notary Public

EXHIBIT A

LEGAL DESCRIPTION

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P.I.N.: 09-33-302-014
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09-33-329-021

STATE OF ILLINOIS)
) SS.
COUNTIES OF KANE AND DU PAGE)

C E R T I F I C A T E

I, Jean M. Connors, certify that I am the duly elected and acting municipal clerk of the City of St. Charles, Kane and DuPage Counties, Illinois.

I further certify that on August 19, 1991 the Corporate Authorities of such municipality passed and approved Ordinance No. 1991-M-59, entitled AN ORDINANCE AMENDING CHAPTER 10.43, "FIRE LANES," SECTION 10.43.010, "FIRE ZONE AREAS," OF THE ST. CHARLES MUNICIPAL CODE

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 1991-M-59, including the Ordinance and a cover sheet thereof was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on August 23, 1991, and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the municipal clerk.

DATED at St. Charles, Illinois, this 20th day of August, 1991.

Jean M. Connors
Municipal Clerk

(S E A L)