

ORDINANCE 18-2024

**AN ORDINANCE ACCEPTING THE DEDICATION OF PAPERBARK LANE
AS PUBLIC RIGHT-OF-WAY**

WHEREAS, the Village of Gilberts, Kane County, Illinois (“*Village*”), is an Illinois municipality organized and operating under the Illinois Municipal Code, 65 ILCS 5/1-1-1, *et seq.*; and

WHEREAS, pursuant to the Plat Act, a statutory dedication of land occurs when a property owner files or records a plat that marks or notes the portions of the land as donated or granted to the public, and a public entity accepts the dedication, 765 ILCS 205/3; and

WHEREAS, pursuant to the Illinois Municipal Code, the Village may accept easements and public grounds located within its corporate limits via dedication, 65 ILCS 5/11-105-1; and

WHEREAS, Akbar Archibald (“*Archibald*”) is the owner of that parcel of land in Kane County, Illinois, bearing P.I.N. 02-13-100-003 (the “*Subject Property*”) and containing a roadway known as Paperbark Lane; and

WHEREAS, Archibald, Community Unit School District 300, and the Village are parties to that certain lawsuit captioned as *Archibald v. Community Unit School District 300, et al.*, bearing case number 2023 LA 000103, currently pending in the Circuit Court of Kane County (the “*Lawsuit*”); and

WHEREAS, the Lawsuit involves disputes over the use of Paperbark Lane and whether Paperbark Lane was subject to a common-law dedication as a public right-of-way; and

WHEREAS, Archibald, Community Unit School District 300, and the Village have entered into a Settlement Agreement to resolve the Lawsuit; and

WHEREAS, as a condition of the Settlement Agreement resolving the Lawsuit, Archibald has agreed to dedicate the Subject Property to the Village for public road purposes, as more fully depicted on the Plat of Dedication attached hereto as Exhibit A; and

WHEREAS, the Village President and Board of Trustees of the Village of Gilberts find and determine that it is in the best interest of the Village and its residents to accept the Plat of Dedication and that approving and accepting the Plat of Dedication will advance the Village’s interests and promote the public health, safety, and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF GILBERTS, IN KANE COUNTY, ILLINOIS, as follows:

Section 1. Recitals. The recitals set forth above are hereby incorporated into this Ordinance as though fully set forth herein.

Section 2. Acceptance of Dedication. The Corporate Authorities of the Village hereby accept the statutory dedication of the Subject Property for public road purposes pursuant to the Plat of Dedication attached hereto as Exhibit A in accordance with the Plat Act.

Section 3. Authorization. The Village President, Village Clerk, and Village Administrator are authorized and directed to execute and seal all documents necessary to effectuate the approvals granted by this Ordinance, to take all steps necessary to implement and enforce the terms and conditions of this Ordinance, and to record the Plat of Dedication with the Kane County Recorder of Deeds

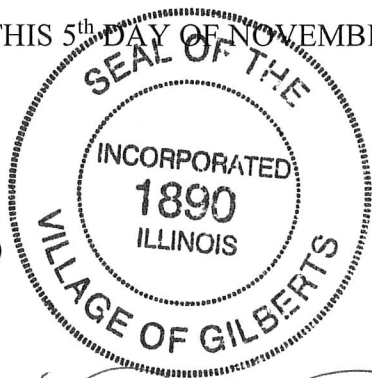
Section 4. Severability. All provisions of this Ordinance shall be deemed severable. In the event any provision of this Ordinance, or any application thereof, shall be found invalid or unenforceable, such finding shall not affect all other provisions of this Ordinance and all other lawful applications thereof.

Section 5. Effective Date. This Ordinance shall be in full force and effect from and after its passage and approval in the manner provided by law.

PASSED BY THE BOARD OF TRUSTEES of the Village of Gilberts, Kane County, Illinois, this 5th day of November, 2024.

	<u>Ayes</u>	<u>Nays</u>	<u>Absent</u>	<u>Abstain</u>
Trustee Robert Vanni	<u>X</u>	_____	_____	_____
Trustee Robert Chapman	_____	_____	<u>X</u>	_____
Trustee Justin Redfield	<u>X</u>	_____	_____	_____
Trustee Jeanne Allen	<u>X</u>	_____	_____	_____
Trustee Frank Marino	<u>X</u>	_____	_____	_____
Trustee Brandon Coats	_____	_____	<u>X</u>	_____
President Guy Zambetti	_____	_____	_____	_____

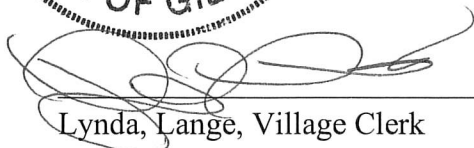
APPROVED THIS 5th DAY OF NOVEMBER, 2024.



(SEAL)



 Guy Zambetti, Village President

ATTEST: 

 Lynda, Lange, Village Clerk

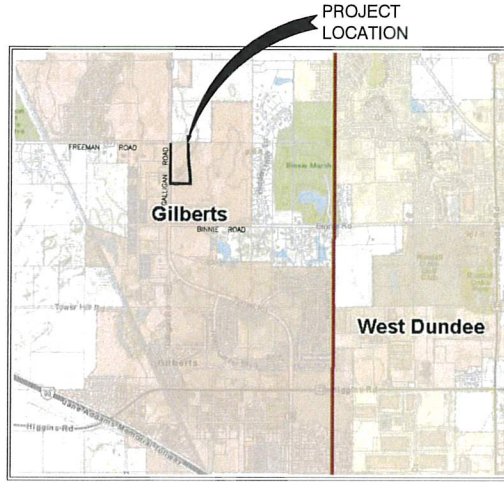
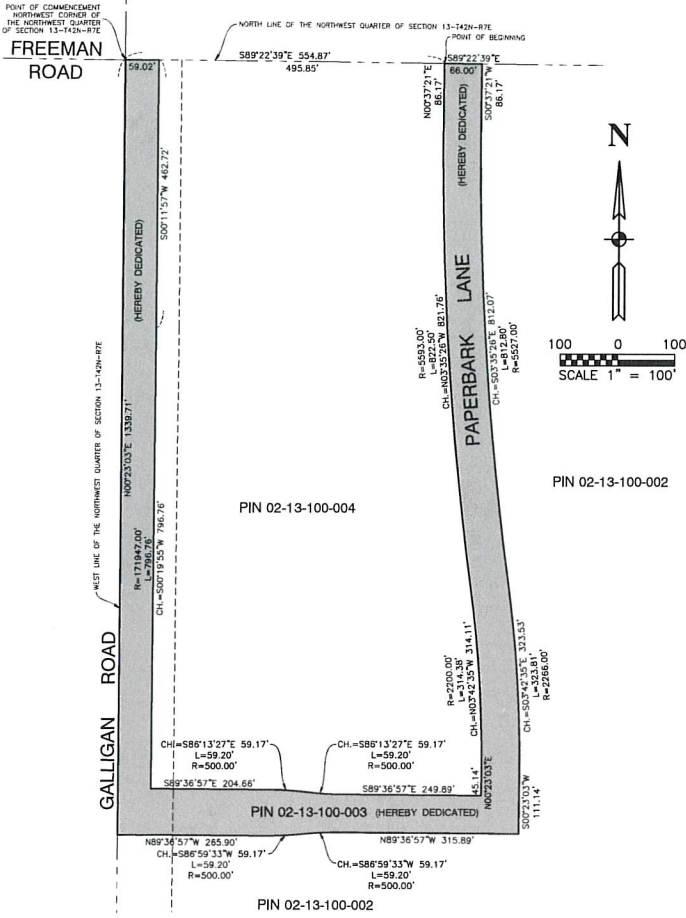
Exhibit A

Plat of Dedication

(See attached)

PLAT OF DEDICATION

FOR PUBLIC STREET AND PUBLIC UTILITIES TO THE VILLAGE OF GILBERTS, ILLINOIS



PUBLIC STREET DEDICATION

That part of the Northwest Quarter of Section 13, Township 42 North, Range 7 East of the Third Principal Meridian, more particularly described as follows: Commencing at the northwest corner of the Northwest Quarter of said Section 13, thence South 89 degrees 22 minutes 39 seconds East along the north line of said Northwest Quarter, a distance of 554.87 feet to the Point of Beginning, thence continuing South 89 degrees 22 minutes 39 seconds East along said north line a distance of 66.00 feet; thence South 00 degrees 37 minutes 21 seconds West, a distance of 86.17 feet; thence southerly along a curve concave easterly having a radius of 5527.00 feet, subtending a chord bearing of South 03 degrees 35 minutes 26 seconds East, an arc distance of 812.80 feet to a point of reverse curvature; thence southerly along a curve concave westerly having a radius of 2200.00 feet, subtending a chord bearing South 03 degrees 42 minutes 35 seconds East, an arc distance of 323.81 feet to a point tangent to the last described curve; thence South 00 degrees 23 minutes 03 seconds West, a distance of 111.14 feet; thence North 89 degrees 36 minutes 57 seconds West, a distance of 315.89 feet; thence southerly along a curve concave southerly having a radius of 500.00 feet, subtending a chord bearing South 86 degrees 59 minutes 33 seconds West, an arc distance of 59.20 feet to a point of reverse curvature; thence southwesterly along a curve concave northerly having a radius of 500.00 feet, subtending a chord bearing South 85 degrees 58 minutes 33 seconds West, an arc distance of 59.20 feet to a point tangent to the last described curve; thence North 89 degrees 36 minutes 57 seconds West, a distance of 265.90 feet to the west line of said Northwest Quarter; thence North 00 degrees 23 minutes 03 seconds East along said west line, a distance of 1339.71 feet to the northwest corner of said Northwest Quarter; thence South 89 degrees 22 minutes 39 seconds East along the north line of said Northwest Quarter, a distance of 59.02 feet; thence South 00 degrees 11 minutes 57 seconds West, a distance of 462.72 feet; thence southerly along a curve concave easterly having a radius of 171947.00 feet, subtending a chord bearing South 00 degrees 19 minutes 55 seconds West, an arc distance of 796.76 feet; thence South 89 degrees 36 minutes 57 seconds East, a distance of 204.66 feet; thence southeasterly along a curve concave southerly having a radius of 500.00 feet, subtending a chord bearing South 86 degrees 13 minutes 27 seconds East, an arc distance of 59.20 feet to a point of reverse curvature; thence southeasterly along a curve concave northerly having a radius of 500.00 feet, subtending a chord bearing South 86 degrees 13 minutes 27 seconds East, an arc distance of 59.20 feet to a point tangent to the last described curve; thence South 89 degrees 36 minutes 57 seconds East, a distance of 246.83 feet; thence North 00 degrees 23 minutes 03 seconds East, a distance of 45.14 feet; thence northerly along a curve concave westerly having a radius of 2200.00 feet, subtending a chord bearing North 03 degrees 42 minutes 35 seconds West, an arc distance of 314.38 feet to a point of reverse curvature; thence northerly along a curve concave easterly having a radius of 5593.00 feet, subtending a chord bearing North 03 degrees 35 minutes 26 seconds West, an arc distance of 822.50 feet to a point tangent to the last described curve; thence North 00 degrees 37 minutes 21 seconds East, a distance of 86.17 feet to the Point of Beginning, situated in the County of Kane and State of Illinois.

EASEMENT PROVISIONS

An easement is reserved and granted to the Village of Gilberts, Illinois and those public utilities operating under franchise from the Village of Gilberts, Illinois, their successors and assigns, for the perpetual right, privilege, and authority to construct, reconstruct, repair, inspect, maintain, and operate various utility transmission and distribution systems over, under, across, and along the surface of the property shown on the plat marked "HEREBY DEDICATED", together with right of access across the property for necessary employees and equipment to do any of the aforementioned operations.

Ordinance No. _____ adopted the ____ day of _____, 20__.

State of Illinois }
County of Kane } SS

Approved by the Village President and the Board of Trustees of the Village of Gilberts, Illinois this ____ day of _____, 20__.

By: _____
Guy Zombelli - Village President

Attest: _____
Lynda Lange - Village Clerk

State of Illinois }
County of Kane } SS

I find no delinquent installments of outstanding unpaid special assessments due against any of the land included in the above plat.

Dated this ____ day of _____, 20__.

Christopher J. Lauzen - County Clerk

State of _____ }
County of _____ } SS

The undersigned, Akbar Archibald, does hereby certify that he is the owner of the property described herein and that he has caused said property to be dedicated to the Village of Gilberts for Public Street and Public Utilities purposes as shown hereon.

Dated this ____ day of _____, 20__.

By: _____

Attest: _____

State of _____ }
County of _____ } SS

This instrument was acknowledged before me on the ____ day of _____, 20__ by _____

Notary Public
My Commission Expires _____

State of Illinois }
County of Will } SS

I, Randall E. Gann, an Illinois Professional Land Surveyor, do hereby state that I have prepared the heron drawn plat, for the purpose of dedicating the property as described herein for public street and public utilities to the Village of Gilberts. The property described hereon lies within the corporate limits of the Village of Gilberts, Illinois. Dimensions shown hereon are in feet and decimal parts thereof.

Frankfort, Illinois October 16, 2024.

Randall E. Gann
License No. 035-025211
Expires November 30, 2024



Notes:

- It is recommended that in addition to this plat of dedication a conveyance document be executed and recorded using the legal description from the copy of this plat.
- (XXLXX) Denotes record dimensions or dimension computed from record dimension values.
XXX.XX' Denotes measured dimension or dimension computed from measured dimension values.

DISCLAIMER:

Robinson Engineering, Ltd., and the employees do not warrant or guarantee the accuracy of the information relative to the ownership of the property covered by this instrument. A thorough search of the title should be made prior to any reliance on the ownership indicated herein. Use of this instrument as evidence of title is done at the user's risk.

Do not fold original plat.

Upon recording of this document, return signed original or copy thereof to the following:

Robinson Engineering, Ltd.
1244 West Lincoln Highway
Frankfort, Illinois 62433
(815) 808-0300

Attention: Survey Department

24-R0578

ROBINSON ENGINEERING, LTD.		REVISIONS	
125 MOOREY DRIVE BOURBONNAIS, ILLINOIS 60414 (815) 833-7300 © COPYRIGHT 2024 ILLINOIS DESIGN PROFESSIONAL REGISTRATION NO. 18403126		No.	Date
FOR:	VILLAGE OF GILBERTS 87 GILGIAN ROAD GILBERTS, ILLINOIS 60136-9015		Remarks
Drawn by:	KM	Date:	October 16, 2024
Checked by:	R.E.G.	Scale:	1" = 100'
Sheet:	1 of 1	Project No.:	24-R0578