

KANTOR & APTER

ATTORNEYS AT LAW
SUITE 1921
180 NORTH LASALLE STREET
CHICAGO, ILLINOIS 60601
312/236-2486

MYRON KANTOR
DAVID APTER

BEN SCHWARTZ
OF COUNSEL

September 1, 1976

Mrs. Mary Jo Garre
Secretary, Barrington Hills Plan Commission
32 Brinker Road
Barrington Hills, Illinois 60010

Dear Mrs. Garre:

Mrs. Gladys Bradford and I appeared before the Village Board Monday August 23 for the purpose of presenting Mrs. Bradford's petition of which I am enclosing nine complete sets. The Board, after hearing some discussion, referred the matter to the Plan Commission and asked that I appear before the Commission at its next meeting on September 13. Will you kindly place this on the agenda for that meeting.

Very truly yours,



David Apter

DA:ls

Encl.

cc: Mrs. Barbara P. Hansen
Mrs. Gladys Bradford

Garbe

PETITION FOR VACATION OF PROPERTY

GLADYS BRADFORD, by DAVID APTER her attorney hereby petitions that this Honorable Board adopt an Ordinance Vacating the following described real estate, situated within the Village of Barrington Hills:

That part of the South East quarter of the South West quarter of Section 21, Township 43 North, Range 9, East of the 3rd P.M., described as follows: Commencing at the point of intersection of the South Westerly line of the right of way of the Chicago and Northwestern Railway Company and the South line of said quarter quarter Section; thence North Westerly along said South Westerly Railway right of way line to a point on a line 2 rods North of and parallel to the South line of said Section; thence West along said parallel line to the Easterly line of premises conveyed by Deed recorded March 25, 1947, as Document 613674; thence Southerly along the Easterly line of said premises so conveyed to the South Section line; thence East along said Section line to the place of beginning, in Lake County, Illinois.

which property, according to the Lake County Map Department, lies in Cuba Road in the Village of Barrington Hills. In support of her request, your Petitioner hereby states as follows:

1. Petitioner derives her title to the property immediately adjacent to the above described parcel, on the North, upon which she now resides, from her parents, LOUIS and EULA MOLSES who purchased pursuant to a contract dated January 22, 1951, from the Riley family. Five conveyances of the Bradford property, dating back to July 5, 1913,

legally described the property being conveyed but excepted the above-described parcel from each conveyance.

2. Each grantor, commencing at least with the conveyance of July 5, 1913, apparently believed, however, that the above-described premises was being conveyed together with the adjacent parcel as is evidenced by a survey of the property, a copy of which is attached hereto. As may be seen from the survey, which describes only the adjacent parcel, the property line of the adjacent property bisects the Bradford house. It is obvious that a succession of grantors, including the grantor to Petitioner's parents, intended to convey and thought they were, in fact, conveying not merely a parcel containing half a house, but an entire house and lot which was, unbeknownst to each, situated upon two parcels.

3. An examination of the physical premises reveals a house of no unusual size, facing Cuba Road, with no evidence, whatsoever of a lot or property line dividing the house. Petitioner had obtained a buyer for the premises in 1975 but when the attached survey was obtained, revealing the fact that the legal description on previous conveyances did not include the entire house and front portion of the lot, Petitioner's buyer refused to go forward with the purchase.

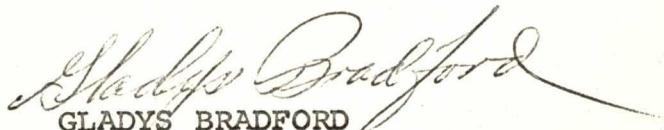
4. Petitioner's counsel in conferring with officials of Chicago Title Insurance Company was advised to investigate

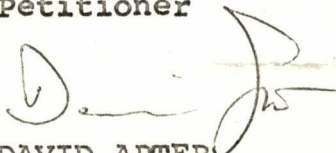
the Lake County real estate tax records in order to determine who had been paying real estate taxes on the parcels. As may be seen from the letter from the Lake County Map Department, a copy of which is attached hereto, the parcel, which is the subject of this Petition, had never been taxed and lies in Cuba Road, within the Village of Barrington Hills. Cuba Road does, in fact, run to the south of Petitioner's house.

5. Petitioner's counsel is assured by Chicago Title Insurance Company that, if this Board takes action to Vacate the subject parcel, Petitioner will, thereafter, be able to convey her home and the property upon which it stands including the subject parcel, and the Title Company will issue title insurance thereon.

6. The Village is not using the property in question and apparently does not own the property similarly located to the east and west of the parcel. Without a vacation of the parcel, Petitioner's property and what she thought was her home, for which her parents and their predecessors paid becomes, in fact, without value. Favorable Village action is sincerely requested.

Respectfully


GLADYS BRADFORD
Petitioner


DAVID APTER
Attorney for Petitioner

Department of Maps

COUNTY OF LAKE
ROOM 703 - COUNTY ADMINISTRATION BUILDING
WAUKEGAN • ILLINOIS 60085

E. J. Zelesnik

Superintendent

Telephone
Area Code 312
689-6373

March 18, 1976

Chicago Title Insurance Company
15 South County Street
Waukegan, Illinois 60085

Re: Lake- Number 377995

Gentlemen:

We wish to advise you that we have given a book and parcel number to the property referred to in the report above. The change is for the year of 1976 and reads as follows:

Book 1480 Parcel 385-1: (Exempt) Commencing at the intersection of the Southwesterly right of way of the Chicago and Northwestern Railway Company and the South line of Southeast quarter of the Southwest quarter of said section; thence Northwesterly along said Southwesterly right of way of said Railway to a point 2 rods North of and parallel to the South line of said quarter quarter section; thence West along the said parallel line to the Easterly line of property per Document Number 613674; thence Southerly along the Easterly line of said property to the South line of said quarter quarter section; thence East along said South line to the place of beginning. Part of the Southeast quarter of the Southwest quarter Section 21, Township 43 North, Range 9. .15 Acres

The property lies in Cuba Road, which is maintained by the Village of Barrington Hills, and is being filed exempt under public road.

Yours truly,

MAP DEPARTMENT

Edward J. Zelesnik

Edward J. Zelesnik

EJZ:em

CHICAGO TITLE INSURANCE COMPANY
LAKE COUNTY OFFICE

TELEPHONES:
Waukegan — ONtario 2-8000
Chicago — HOllycourt 5-0717

15 SOUTH COUNTY STREET • WAUKEGAN, ILLINOIS 60085

David Apter
c/o Kantor & Apter
180 N. LaSalle Street
Chicago, Illinois 60601

Date... March 25..... 1976.....
Application No. 377995.....
Title..... LAGESCHULTE.....
Preliminary Report on Title
Dated... August 14, 1975.....

With reference to the above numbered application:

Enclosed is a copy of the letter from the Lake County Map Department giving the South 33 feet of the premises in question a new tax number. This property is marked "exempt" as a public road. Therefore, this parcel is uninsurable, as long as the public claims some interest in it as a public road.

I would suggest that you ascertain whether this road (known as either Cuba Road or Plum Tree Road) is part of: (1) the County Highway System; (2) the Township road system; or (3) the Municipal street system. Then an attempt should be made deleting the property from the road system. Once this property is properly vacated, Chicago Title Insurance Co. will be able to waive CHICAGO TITLE INSURANCE COMPANY the exception relating to the rights of the Public, municipality, and State in that part falling within Cuba Road.

CHICAGO TITLE INSURANCE COMPANY
LAKE COUNTY OFFICE

By

Dale P. Kober

Dale P. Kober

PLUM TREE ROAD

Parcel for which vacation from Village is sought

This parcel is
legally described in
series of conveyances
from 1913.

Bradford
House

[Not to scale]

ALTA 1970 OWNERS FORM

Form 1823

R-8-70

SCHEDULE A

Number	Date of Policy	Amount of Insurance
LAKE-363848	FEBRUARY 13, 1974	\$20,000.00

1. Name of Insured.

** EULA M. MOLSES and GLAYDS BRADFORD (also known as Gladys Bradford) **

2. The estate or interest in the land described herein and which is covered by this policy is:

Fee Simple in joint tenancy.

3. The estate or interest referred to herein is at Date of Policy vested in the Insured.

4. The land herein described is encumbered by the following mortgage or trust deed, and assignments:

None

and the mortgages or trust deeds, if any, shown in Schedule B hereof.

5. The land referred to in this policy is described as follows:

That part of the South East quarter of the South West quarter of Section 21, Township 43 North, Range 9, East of the 3rd P. M., bounded by a line, described as follows, to-wit: Commencing at the point of intersection of the Southerly line of the right of way of the Chicago and North Western Railway Company and the North line of the highway running East and West (said North line being a line parallel with the South line of said Section 21 and 2 rods distant North therefrom); thence North Westerly along the South Westerly line of said right of way 240 feet, more or less, to the North East corner of premises conveyed by Jack D. Williams and Isabelle Williams, his wife, to Carl Emilson and Esther Emilson, his wife, by Deed dated March 12, 1947 and recorded March 25, 1947, as Document

(continued)

OWNERS' ADDED PAGE

(Schedule A continued)

5. (continued)
613674; thence Southerly along the Easterly line of said premises so conveyed 134 feet, more or less, to the North line of said East and West highway; and thence East along the North line of said highway 246 feet, more or less, to the place of beginning, in Lake County, Illinois. **

Flat of Survey

THAT PART OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 21, TOWNSHIP 43 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, BOUNDED BY A LINE DESCRIBED AS FOLLOWS, TO-WIT: COMMENCING AT THE POINT OF INTERSECTION OF THE SOUTHERLY LINE OF THE RIGHT OF WAY OF THE CHICAGO AND NORTH WESTERN RAILWAY COMPANY AND THE NORTH LINE OF THE HIGHWAY RUNNING EAST AND WEST (SAID NORTH LINE BEING A LINE PARALLEL WITH THE SOUTH LINE OF SAID RIGHT OF WAY 240 FEET, MORE OR LESS, TO THE NORTHEAST CORNER OF PREMISES CONVEYED BY JACK D. WILLIAMS AND IDA FILLIS WILLIAMS, HIS WIFE, TO CARLETON WILSON AND FREDERICK WILSON, HIS WIFE, BY DEED DATED MARCH 12, 1947 AND RECORDED MARCH 25, 1947, AS DOCUMENT NO. 117,117, THENCE SOUTHERLY ALONG SAID SOUTHERLY LINE OF SAID PREMISES SO CONVEYED 134 FEET, MORE OR LESS, TO THE NORTH LINE OF SAID EAST AND WEST HIGHWAY, AND THENCE EAST ALONG THE NORTH LINE OF SAID HIGHWAY 240 FEET, MORE OR LESS, TO THE PLACE OF BEGINNING, IN SAID COUNTY OF LAKE, STATE OF ILLINOIS.

STATE OF ILLINOIS,
COUNTY OF LAKE

I, WILLIAM C. BOLAND, DO CERTIFY THAT I HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY AND THAT THE FLAT HEREOF DRAWN IS A CORRECT REPRESENTATION OF SAID SURVEY.

DATED AT ROCK MOUNTAIN, ILLINOIS THIS 26th DAY OF JUNE, 1955 A.D.

William C. Boland



SCALE 1" = 20'

AND NORTHWESTERN R.R.

52.90' POWER

DEED LINE IN LEGAL DESCRIPTION AS OCCUPIED BY (M.O.L. DEED)

1859 5.89' MEAS.

M.O.L. DEED

DEED LINE IN LEGAL DESCRIPTION

POINT OF BEGINNING IN LEGAL DESCRIPTION

105'

1000

CHICAGO

CHICKEN WIRE FENCE

WOOD FENCE IS EAST OF DEED LINE

BARN CORNER IS 0.71' INSIDE LINE

BARN CORNER IS 0.04' INSIDE LINE

SHED CORNER ENCROACHES 1.83'

SHED CORNER ENCROACHES 2.24'

M.O.L. DEED

RAIL ROAD DEED LINE

167.80'

2 RODS = 33'
FROM SECTION LINE TO DEED LINE

24.56'

FR. RES.

25.54'

2 Rods

51.34'

FR. BARN

FR. SHED

10.99'

10.82'

9.42'

10.25'

7.25'

66.76'
118.10' MEAS.
152.86'

72°-12'-10"
34.66'

71.7'

168.22'

PLUM

W. C. DOLAND ENGINEERING CO.