



**Owner:** Forest Preserve District of Kane County, a municipal corporation  
**Address:** Batavia Ave., Geneva, IL 60134  
**Route:** IL 31  
**Section:** over ditch s/o Fargo Blvd  
**County:** Kane  
**Job No.** R-91-002-20  
**Parcel No.** 10220003 PE & TE  
**P.I.N. No.** 12-10-476-003

State of \_\_\_\_\_ )  
 \_\_\_\_\_ ) ss.  
 County of \_\_\_\_\_ )

I, \_\_\_\_\_, \_\_\_\_\_, being first duly sworn  
 upon oath states as follows:

1. Affiant has personal knowledge of the facts averred herein.
2. ☒ There are **no parties** other than Grantor in possession of any portion of the premises described in the attached Exhibit "A" through easement, lease, oral or written, or otherwise, whether or not of record.
- ☐ There are no parties other than Grantor **and the parties listed below** in possession of any portion of the premises described in the attached Exhibit "A" through easement, lease, oral or written, or otherwise, whether or not of record:

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**SEE ATTACHED EXHIBIT "A"**

3. This affidavit is made to provide factual representation as a basis for the State of Illinois to accept a document of conveyance for the premises described in said conveyance, the premises being a portion of or all of the above described premises, from the record owners thereof.
4. The affiant has no knowledge of any driveway agreements, encroachments, overlaps, or boundary line disputes involving the premises to be conveyed.
5. The said premises described in Exhibit "A" are: (Check One)
  - ☐ Vacant and unimproved ☐ Agricultural and unimproved
  - ☒ Improved and
    - (A) There have been no improvements made or contracted for on the premises within six (6) months immediately preceding the date of the affidavit, out of which a claim for a mechanics' lien could accrue or has accrued, and
    - (B) To the best of my knowledge all improvements now on the premises comply with all local building and zoning ordinances.

6. There are no chattel mortgages, conditional sales contracts or financing statements existing on or in connection with the premises to be conveyed which are not shown by the public records.
7. There are no taxes or special assessments which are not shown as existing liens by the public records involving the premises described in Exhibit A.
8. Per 50 ILCS 105/3.1, the identities of all owners and beneficiaries having an interest in the premise to be conveyed are as follows (check applicable box(es) and complete information requested):

- ☐ **Individual.** Individual owner of the property is:
- ☐ **Nonprofit Organization.** There is no individual or other organization receiving distributable income from the organization.
- ☒ **Public Organization, including units of local government.** There is no individual or other organization receiving distributable income from the organization.
- ☐ **Publicly-Traded Corporation.** There is no readily known shareholder having more than 7-1/2% of the total distribution income of the corporation.
- ☐ **Corporation, Partnership, Limited Liability Company.** Those entitled to receive more than 7-1/2% of the total distributable income of said entity are as follows:

	Name	Address
*1.	_____	_____
2.	_____	_____
3.	_____	_____
4.	_____	_____

- ☐ **Land Trust or Declaration of Trust.** The identity of each beneficiary of Grantor Trust is as follows:

	Name	Address
*1.	_____	_____
2.	_____	_____
3.	_____	_____
4.	_____	_____

\* IF THE INITIAL DISCLOSURES SHOW INTERESTS HELD BY ANOTHER CORPORATION, PARTNERSHIP, LIMITED LIABILITY COMPANY, OR TRUST, THEN FURTHER DISCLOSURES SHOULD BE PROVIDED UNTIL THE NAMES OF INDIVIDUALS OWNING THE INTEREST IN THE ENTITY ARE DISCLOSED.



Date: 06/28/2024

Job R-91-002-20  
IL 31  
County Kane  
Section Over Ditch  
Parcel

WTC Number: I1-2024KN-1806.0

**A.L.T.A. COMMITMENT FORM**  
**Schedule A Continued**

LEGAL DESCRIPTION

ONLY THAT PORTION LYING WEST OF THE FOX RIVER IN SECTION 10 TOWNSHIP 39N RANGE 8E OF THE THIRD PM IN THE FOLLOWING DESCRIBED PARCEL:

THAT PART OF THE SOUTH HALF OF SECTION 10 AND NORTH HALF OF SECTION 15, TOWNSHIP AND RANGE AFORESAID, DESCRIBED AS FOLLOWS: COMMENCING AT A POINT ON THE NORTH LINE OF THE SOUTH HALF OF SECTION 10 AFORESAID, WHERE THE CENTER LINE OF THE HIGHWAY RUNNING NORTHERLY THROUGH THE SOUTH WEST QUARTER OF SAID SECTION 10 INTERSECTS THE SAME, THENCE SOUTH  $10^{\circ} 47'$  WEST ALONG THE CENTER LINE OF SAID HIGHWAY 733.65 FEET TO THE NORTH WEST CORNER OF THE TRACT DESCRIBED IN THE COURT ORDER IN THE ESTATE OF EMMA A. CURTIS, DECEASED, AS APPROVED APRIL 4, 1896, THENCE SOUTH  $86^{\circ} 30'$  EAST 33.27 FEET TO A MONUMENT BEARING THE INSCRIPTION, U. S. GEOLOGICAL SURVEY, THENCE CONTINUING SOUTH  $86^{\circ} 30'$  EAST 990.23 FEET TO THE WESTERLY BANK OF THE FOX RIVER (SAID LAST MENTIONED LINE BEING MARKED WITH A MONUMENT AS DESCRIBED ABOVE AT A POINT 6 FEET WESTERLY FROM THE WESTERLY BANK OF THE FOX RIVER), THENCE SOUTH  $9^{\circ} 50'$  WEST ALONG SAID WESTERLY BANK 156.00 FEET, THENCE SOUTH  $21^{\circ} 7'$  WEST ALONG THE SAID WESTERLY BANK, 165.30 FEET FOR A POINT OF BEGINNING, THENCE NORTH  $85^{\circ} 33'$  WEST 5 FEET TO A MONUMENT BEARING THE INSCRIPTION AS GIVEN ABOVE, THENCE CONTINUING NORTH  $85^{\circ} 33'$  WEST 990.07 FEET TO THE CENTER OF THE HIGHWAY, (WHICH LAST MENTIONED LINE IS MARKED WITH A MONUMENT BEARING THE INSCRIPTION GIVEN ABOVE AT A POINT 28.55 FEET EASTERLY FROM THE CENTER OF SAID HIGHWAY), THENCE SOUTHERLY ALONG THE CENTER OF SAID HIGHWAY TO THE NORTH EASTERLY LINE OF THE RIGHT OF WAY OF THE

ISSUED BY:  
Wheatland Title Company  
105 W. Veterans Parkway  
Yorkville, Illinois 60560

Agent for:  
Fidelity National Title Insurance Company

Date: 06/28/2024

Job R-91-002-20  
IL 31  
County Kane  
Section Over Ditch  
Parcel

CHICAGO AND NORTH WESTERN RAILWAY COMPANY, THENCE  
SOUTH EASTERLY ALONG THE NORTH EASTERLY LINE OF SAID  
RIGHT OF WAY 9.65 CHAINS TO THE CENTER LINE OF AN EAST AND  
WEST HIGHWAY EXTENDED EAST, THENCE NORTH 88° 56' EAST,  
ALONG SAID CENTER LINE EXTENDED 2.54 CHAINS TO THE  
WESTERLY BANK OF FOX RIVER, THENCE NORTHERLY ALONG SAID  
WESTERLY BANK OF FOX RIVER, TO THE POINT OF BEGINNING,  
(EXCEPTING THEREFROM THAT PART USED FOR HIGHWAY  
PURPOSES).  
SITUATED IN KANE COUNTY, ILLINOIS.

PERMANENT TAX NUMBER(S): 12-10-476-003 (pt)

ISSUED BY:  
Wheatland Title Company  
105 W. Veterans Parkway  
Yorkville, Illinois 60560

Agent for:  
Fidelity National Title Insurance Company

# **Fidelity National Title Insurance Company**

## **A.L.T.A. Commitment**

### **Issuing Agent**

Wheatland Title Company  
105 W. Veterans Parkway  
Yorkville, IL 60560

### **Prepared for**

Illinois Department of Transportation 1  
201 West Center Court  
Schaumburg, IL 60196-1096

### **Customer Reference:**

IDOT Parcel Number:

### **NOTICE**

IMPORTANT—READ CAREFULLY: THIS COMMITMENT IS AN OFFER TO ISSUE ONE OR MORE TITLE INSURANCE POLICIES. ALL CLAIMS OR REMEDIES SOUGHT AGAINST THE COMPANY INVOLVING THE CONTENT OF THIS COMMITMENT OR THE POLICY MUST BE BASED SOLELY IN CONTRACT.

THIS COMMITMENT IS NOT AN ABSTRACT OF TITLE, REPORT OF THE CONDITION OF TITLE, LEGAL OPINION, OPINION OF TITLE, OR OTHER REPRESENTATION OF THE STATUS OF TITLE. THE PROCEDURES USED BY THE COMPANY TO DETERMINE INSURABILITY OF THE TITLE, INCLUDING ANY SEARCH AND EXAMINATION, ARE PROPRIETARY TO THE COMPANY, WERE PERFORMED SOLELY FOR THE BENEFIT OF THE COMPANY, AND CREATE NO EXTRACONTRACTUAL LIABILITY TO ANY PERSON, INCLUDING A PROPOSED INSURED.

THE COMPANY'S OBLIGATION UNDER THIS COMMITMENT IS TO ISSUE A POLICY TO A PROPOSED INSURED IDENTIFIED IN SCHEDULE A IN ACCORDANCE WITH THE TERMS AND PROVISIONS OF THIS COMMITMENT. THE COMPANY HAS NO LIABILITY OR OBLIGATION INVOLVING THE CONTENT OF THIS COMMITMENT TO ANY OTHER PERSON.

Prepared For:

Illinois Department of Transportation 1  
201 West Center Court  
Schaumburg, IL 60196-1096

Effective Date of Commitment: June 21, 2024

Job	R-91-002-20	WTC#	I1-2024KN-1806.0
	IL 31	Effective Date	June 21, 2024
County	Kane	Section	10
Section	Over Ditch	Township	39N
Parcel		Range	8E

Tax Parcel Number(s):  
12-10-476-003 (pt)

ISSUED BY:  
Wheatland Title Company  
105 W. Veterans Parkway  
Yorkville, Illinois 60560

Agent for:  
Fidelity National Title Insurance Company

Date: 06/28/2024

Job R-91-002-20  
IL 31  
County Kane  
Section Over Ditch  
Parcel

**A.L.T.A. COMMITMENT FORM**  
**Schedule A**

WTC Number: I1-2024KN-1806.0  
Effective Date: June 21, 2024

1. Policy or Policies to be issued: 2006 ALTA Owner's  
Proposed Amount of Insurance: \$1,000.00  
Proposed Insured: The People of the State of Illinois  
Department of Transportation
2. The estate or interest in the land described or referred to in this commitment is a Fee Simple and title hereto is at the effective date hereof vested in:  
  
Forest Preserve District of Kane County, a municipal corporation
3. The land referred to in this commitment is described as follows:

See Attached Page 2 of Schedule A

ISSUED BY:  
Wheatland Title Company  
105 W. Veterans Parkway  
Yorkville, Illinois 60560

Agent for:  
Fidelity National Title Insurance Company

Authorized Signatory

By   
John D. Ammons



Date: 06/28/2024

Job R-91-002-20  
IL 31  
County Kane  
Section Over Ditch  
Parcel

WTC Number: I1-2024KN-1806.0

**A.L.T.A. COMMITMENT FORM**  
**Schedule A Continued**

LEGAL DESCRIPTION

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CHICAGO AND NORTH WESTERN RAILWAY COMPANY, THENCE  
SOUTH EASTERLY ALONG THE NORTH EASTERLY LINE OF SAID  
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(EXCEPTING THEREFROM THAT PART USED FOR HIGHWAY  
PURPOSES).  
SITUATED IN KANE COUNTY, ILLINOIS.

PERMANENT TAX NUMBER(S): 12-10-476-003 (pt)

ISSUED BY:  
Wheatland Title Company  
105 W. Veterans Parkway  
Yorkville, Illinois 60560

Agent for:  
Fidelity National Title Insurance Company

**A.L.T.A. COMMITMENT FORM**  
**- SCHEDULE B Section 1 -**  
**Requirements**

All of the following Requirements must be met:

1. The Proposed Insured must notify the Company in writing of the name of any party not referred to in this Commitment who will obtain an interest in the Land or who will make a loan on the Land. The Company may then make additional Requirements or Exceptions.
2. Pay the agreed amount for the estate or interest to be insured.
3. Pay the premiums, fees, and charges for the Policy to the Company.
4. Documents satisfactory to the Company that convey the Title or create the Mortgage to be insured, or both, must be properly authorized, executed, delivered, and recorded in the Public Records.

**- SCHEDULE B Section 2 -**  
**Exceptions**

THIS COMMITMENT DOES NOT REPUBLISH ANY COVENANT, CONDITION, RESTRICTION, OR LIMITATION CONTAINED IN ANY DOCUMENT REFERRED TO IN THIS COMMITMENT TO THE EXTENT THAT THE SPECIFIC COVENANT, CONDITION, RESTRICTION, OR LIMITATION VIOLATES STATE OR FEDERAL LAW BASED ON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, HANDICAP, FAMILIAL STATUS, OR NATIONAL ORIGIN.

The Policy will not insure against loss or damage resulting from the terms and provisions of any lease or easement identified in Schedule A, and will include the following Exceptions unless cleared to the satisfaction of the Company:

Any defect, lien, encumbrance, adverse claim, or other matter that appears for the first time in the Public Records or is created, attaches, or is disclosed between the Commitment Date and the date on which all of the Schedule B, Part I—Requirements are met.

ISSUED BY:  
Wheatland Title Company  
105 W. Veterans Parkway  
Yorkville, Illinois 60560

Agent for:  
Fidelity National Title Insurance Company

**A.L.T.A. COMMITMENT FORM**  
**- SCHEDULE B -**  
**- Exceptions -**

The policy or policies to be issued will contain exceptions to the following unless the same are disposed of to the satisfaction of the Company:

**GENERAL EXCEPTIONS:**

1. Rights or claims of parties in possession not shown by the public records.
2. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land.
3. Easements, or claims of easements, not shown by the public records.
4. Any lien, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
5. Taxes or special assessments which are not shown as existing liens by the public records.
6. Loss or damage by reason of there being recorded in the public records, any deeds, mortgages, lis pendens, liens or other title encumbrances subsequent to the Commitment date and prior to the effective date of the final Policy.
7. All rights and easements in favor of the holder of any mineral estate and/or coal and/or oil and gas lease, and any party claiming by, through, or under said holder of the mineral estate or coal and/or oil and gas lease.

ISSUED BY:  
Wheatland Title Company  
105 W. Veterans Parkway  
Yorkville, Illinois 60560

Agent for:  
Fidelity National Title Insurance Company

SPECIAL EXCEPTIONS:

1. The lien of taxes for the year 2024 and thereafter.

Taxes for the property in question are EXEMPT.

PERMANENT TAX NUMBER: 12-10-476-003 (pt)

2. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attached subsequent to the effective date hereof but prior to the date the proposed insured acquires for value of the record the estate or interest thereon covered by this commitment.
3. Rights of parties in possession, encroachments, overlaps, overhangs, unrecorded easements, deficiency in quantity of ground, farm drainage systems, tile systems or irrigation systems which would be disclosed by an accurate survey and inspection of the premises.
4. Rights of the Public, the State and the Municipality in and to that part of the land, if any, taken or used for road purposes.
5. Confirmed Special Assessments, if any, not certified to by the Company.
6. Financing Statements, if any, not certified to by the Company.
7. For information purposes only, the taxes are assessed to the following:

For Parcel(s): 12-10-476-003 (pt)  
Forest preserve District of Kane County  
1996 S. Kirk Rd., Ste 320  
Geneva, IL 60134

8. Conveyances within the past five years: None.
9. Contiguous property owned by record title holder: None.

PLEASE CONTACT OUR OFFICE REGARDING CONTIGUOUS PROPERTY  
AS THE SUBJECT PROPERTY IS OWNED BY A MUNICIPAL ENTITY.

10. Easement dated January 9, 1957 and recorded February 6, 1957 as Document No. 827224 Book 1828 Page 337 made by Forest Preserve District of Kane County to

ISSUED BY:  
Wheatland Title Company  
105 W. Veterans Parkway  
Yorkville, Illinois 60560

Agent for:  
Fidelity National Title Insurance Company

City of Geneva recorded in the Kane County Recorder's Office.

11. Easement dated July 31, 1967 and recorded October 13, 1967 as Document No. 1099828 Book 2421 Page 59 made by Forest Preserve District of Kane County to City of Geneva recorded in the Kane County Recorder's Office.
12. Any and all rights of the United States of America, the State of Illinois, the municipality and the public in and to that part of the subject property lying within the bed of the Fox River, and the rights, if any, of the adjoining property owners in and to the free and unobstructed flow of the water thereof.
13. Rights of owners of land bordering on the Fox River in respect to the uninterrupted flow of the water.
14. Upon a conveyance or grant of easement affecting the subject property, we should be furnished with the proper documentation, including, if applicable, properly executed resolutions, authorizing the execution of the documents of transfer or easement grant.

- End Schedule B -

Please refer all inquiries to T.J. Hiles 630-892-2323 Ext. 249 or John Ammons 630-892-2323 Ext. 224.

ISSUED BY:  
Wheatland Title Company  
105 W. Veterans Parkway  
Yorkville, Illinois 60560

Agent for:  
Fidelity National Title Insurance Company

### MINUTES OF CONDEMNATION

In order that we may guarantee title after completion of any proceedings for condemnation in exercise of the proposed insured's right of eminent domain, we note the following.

- I. Upon the filing of complaint a proper Lis Pendens Notice should be recorded in the appropriate Recorder's office.
- II. Our Policy, when issued, will be subject to direct attack upon any decrees and or judgments entered in the proceedings.
- III. The following persons are necessary parties to any such proceedings.
  - A. All parties acquiring rights in the premises subsequent to the date of the report and prior to a complete Lis Pendens.
  - B. Any person other than those herein named known to the Plaintiff or the Plaintiff's attorney to have or claim an interest in the premises.
  - C. If it is known that any of the necessary parties named herein are deceased, their heirs or devisees should be made parties by name, if known, and if unknown, then by the name and description of Unknown Heirs and Devisees of such deceased person or persons.
  - D. If it is not known or cannot be ascertained whether any of said necessary parties be living or dead, then such parties should be made parties by name, also such parties should be their heirs or devisees, should be made parties to the proceedings as UNKNOWN OWNERS.
  - E. All persons in possession of any part of the premises in question and all persons whose rights would be disclosed by an inspection of the premises.
  - F. All parties claiming by through or under lease agreements whether oral or written, for premises.
  - G. All parties claiming by or through or under installment contracts for deed or like agreements.
  - H. Unknown Owners and Non-Record claimants.

MINUTES OF CONDEMNATION CONTINUED

IV. The following persons are noted of record and are necessary parties to any proceedings:

A. The Plaintiff is:

The People of the State of Illinois, Department of Transportation

B. The Defendants are:

1. Forest Preserve District of Kane County, a municipal corporation

C. Any parties named above who have executed all necessary documents for the Grant of Easement and Right of Way after payment of agreed consideration theretofore need not be joined as party defendants for our policy to be issued.

END MINUTES OF CONDEMNATION



TRANSMITTAL FORM

Wheatland Title Company  
105 W. Veterans Parkway  
Yorkville, Illinois 60560

06/28/2024

Illinois Department of Transportation 1  
201 West Center Court  
Schaumburg, IL 60196-1096

WTC File Number: I1-2024KN-1806.0

Customer Reference:

IL 31  
Section Over Ditch  
County Kane  
Job R-91-002-20  
IDOT Parcel Number:

Title Is Vested In:

Forest Preserve District of Kane County, a municipal corporation

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**Accompanied with this transmittal are the following documents:**

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Title Document (s)  
455087 Book 1111 Page 533

Plat (s)  
None

Other Document (s)  
None