

(4) 15  
M/R

# WARRANTY DEED

RETURN DOCUMENT TO:

Village of Chatham  
116 E. Mulberry  
Chatham, Illinois 62629

SANGAMON COUNTY  
ILLINOIS

98-58795

98 NOV -9 AM 9:00

*Mary Ann Lamm*  
RECORDER

THIS DEED is made this 30th day of October, 1998, by and between Donald ~~R~~<sup>E</sup> Markey and Virginia Loraine Buck-Markey ("Grantors") having an address at 116 Downing Drive, Chatham, Sangamon County, Illinois, AND the Village of Chatham, Sangamon County, Illinois ("Village"), its successors and permitted assigns ("Grantee").

### WITNESSETH:

WHEREAS, The Robert T. Stafford Disaster Relief and Emergency Assistance Act, Public Law 93-288, as amended ("The Stafford Act"), identified the use of disaster relief funds under Section 404 (Hazard Mitigation Grant Program, "HMGP"), including the acquisition and relocation of flood damaged property;

WHEREAS, Section 404 of the Stafford Act provides a process for a community, through the State of Illinois, to make application for funding of flood damaged buildings, to demolish and remove the buildings, and to convert the land use into perpetual open space;

WHEREAS, the Illinois Emergency Management Agency ("IEMA") has made such application and has entered into a FEMA-State Agreement dated November 14, 1996;

WHEREAS, the Village of Chatham, Illinois, acting by and through the Village Board, (hereinafter referred to as the "Village Board"), has entered into a cooperative grant agreement with IEMA dated June 30, 1998 ("Grant Agreement"), and herein incorporated by reference as Exhibit 1 in which the Village Board is authorized to acquire certain flood damaged, real property;

WHEREAS, the terms of the Stafford Act, regulations promulgated thereunder (44 C.F.R. § 206.434), and the Grant Agreement require that the Grantee agree to conditions which are intended to restrict the use of the land to

open space in perpetuity; and

WHEREAS, the terms of the Stafford Act, regulations promulgated thereunder (44 C.F.R. § 206.434), and the Grant Agreement dictate that no future disaster assistance from any Federal source will be sought or provided for any purpose with respect to the property;

WHEREAS, the Village Board has determined that it is necessary in order to promote the public interest for the purposes provided in the Act to acquire fee simple title to this certain real property owned by the Grantors;

NOW, THEREFORE, the Grantors, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration in hand paid, does voluntarily convey and warrant unto the said Grantee the following described real estate ("land"):

The North 80 feet of the South 165 feet of Lot 77 in Buckingham Place, Fourth Addition, Chatham, Illinois, according to the plat thereof recorded on March 14, 1966 in Book 19 of Plats at Page 61 as Document Number 472247.

having a Tax Parcel I.D. #28-12-401-028, commonly described as 116 Downing Drive, situated in the Village of Chatham, County of Sangamon, State of Illinois, hereby releasing and waiving all right under and by virtue of the Homestead Exemption Laws of the State.

The Grantors release and quitclaim unto the Grantee, all right, title and interest which Grantors may have in the banks, bed and waters opposite to or fronting upon said land, and in any alleys, roads, streets, ways, strips, gores and railroad rights-of-way abutting or adjoining said lands, and in any means of ingress and egress appurtenant thereto.

This conveyance is expressly subject to rights outstanding in third parties for existing easements for public roads and highways, public utilities; railroads and pipelines.

The Grantee accepts this conveyance and, by causing its duly authorized representative to sign this instrument on its behalf, agrees to hold the herein described real estate subject to the terms of the Stafford Act, regulations promulgated thereunder (44 C.F.R. § 206.434), as they read now and may be amended in the future, and the Grant Agreement, which documents and regulations include, among other provisions, the following conditions and restrictions:

1. The Grantee agrees that the land shall be used only for purposes compatible with open space, recreational, or wetlands management practice;

2. The Grantee agrees that no new structures or improvements shall be erected on the premises other than a restroom or a public facility that is open on all sides and functionally related to the open space use;

3. The Grantee acknowledges that no future disaster assistance from any Federal source for any purpose related to the property may be sought, nor will such assistance be provided;

4. The Grantee agrees that it shall convey the property, or any interest therein, only to another public entity and only with prior approval from IEMA and the Regional Director of FEMA. Such conveyance shall be made expressly subject to the above-referenced conditions and restrictions which shall run with the property in perpetuity.

Donald E. Markey  
Donald E. Markey, Grantor

Virginia B. Markey  
Virginia Loraine Buck-Markey, Grantor

STATE OF ILLINOIS                    )  
  ) SS.  
COUNTY OF SANGAMON            )

I, the undersigned, a Notary Public hereby certify that Donald ~~RE~~Markey and Virginia Loraine Buck-Markey, personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that they signed and delivered said instrument as their free and voluntary act, for the uses and purposes therein set forth.

Given under my hand this 30th day of October, 1998

Eric W. Campbell  
Notary Public



My commission expires:

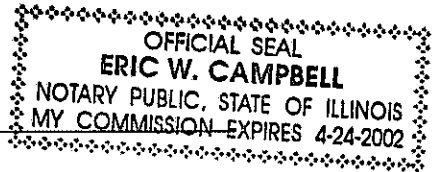
Del McLeod  
Authorized Representative For Grantee

STATE OF ILLINOIS )  
 ) SS.  
COUNTY OF SANGAMON )

I, the UnderSigned, a Notary Public hereby certify that Del McCord, Village Administrator, for and on behalf of the Village of Chatham, Illinois, personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that he signed and delivered said instrument as his free and voluntary act, for the uses and purposes therein set forth.

Given under my hand this 30th day of October, 1998

Eric W. Campbell  
Notary Public



My commission expires:

**This instrument prepared by:**  
**RABIN, MYERS & HANKEN, P.C.**  
1300 South Eighth Street  
P.O. Box 1858  
Springfield, IL 62705  
217/544-5000

**Mail Tax bill to:**  
**Village of Chatham**  
116 E. Mulberry  
Chatham, Illinois 62629

Exempt under provisions of 35 ILCS 200/, Sec. 31-45, Para <u>2</u> Real Estate	
Transfer Tax Law.	
<u>10-30-98</u>	<u>Eric W. Campbell</u>
Date	
or Documentary Stamps	

000321