



# WHEATON CITY COUNCIL PUBLIC HEARING AGENDA

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MAYOR PHILIP J. SUESS

COUNCILMAN MICHAEL BARBIER | COUNCILWOMAN ERICA BRAY-PARKER

COUNCILWOMAN SUZANNE FITCH | COUNCILMAN JOHN RUTLEDGE | COUNCILMAN CHRISTOPHER ZARUBA

WHEATON CITY HALL, COUNCIL CHAMBERS, 303 W WESLEY STREET, WHEATON, ILLINOIS 60187

Monday, January 13, 2020, 7:00 pm

**I. Call to Order**

**II. Public Hearing – Vacation Request/Public Alley right-of-Way/Summit Street Subdivision**

**A. Presentation**

**B. Public Comment**

**C. Council Comment**

**III. Adjournment**

## MEMORANDUM

**TO:** The Honorable Mayor and Council  
**FROM:** Austin Lewey, Special Projects Assistant  
**DATE:** January 13, 2020  
**SUBJECT:** **Vacation for Public Alley Right-of-Way (Summit Street Subdivision)**

### Background

Calc Holdings LLC (Henninger Group) submitted a petition to vacate a certain right-of-way ("ROW") known as the public alley that lies west of N. Prospect Street, south of Avery Avenue, east of N. Summit Street, and north of the Harwarden Street ROW. (Exhibit A). A copy of the Plat of Vacation is included as Exhibit B.

### Existing Conditions and Proposed Use – Summit St.

The public alley is 12-feet wide. It lies south of 1406 & 1412 Avery Avenue, west of the properties at 202, 206 & 214 Prospect Avenue and east of 1403 Harwarden Street. The alley lies north of the unimproved Harwarden Street ROW, as well. The Henninger Group proposes creation of the 'Summit Street Subdivision', which includes constructing five new homes (231 Summit Street, 217 Summit Street, 213 Summit Street, 209 Summit Street, and 1403 Harwarden Street). They also propose extending Summit Street south and connecting it to Harwarden Street. AT&T, a franchise utility, has equipment located within the alley.

At the November 4, 2019 Regular Meeting, the City Council approved the Summit Street Subdivision. As a condition of that approval, the ordinance requested in part:

"1. Prior to the submission of the final plat of subdivision, the applicant shall submit a street/alley vacation petition for the unimproved alley located to the east of the subject property for the consideration by the City Council to mitigate the existing drainage problem in the area."

"4. The new sidewalk shall be tied into the existing sidewalk system by installing small sections of sidewalk on the northwest corner of Avery and Summit and the southwest corner of Harwarden and Summit."

### Compensation

Section 58-138, Wheaton City Code, details how fair and just compensation is determined for vacation of streets and alleys or public ways. Specifically, section 58-138 (a)(4), states that:

*...no fair and just compensation shall be required for public ways that necessitate a permanent easement over the entire public way land area.*

While the City only requires an easement over some part of the right-of-way, the utility companies desire to maintain easements over the entire area. Specifically, AT&T and Nicor Gas does not wish to relinquish their rights related to the easements, while ComEd and Comcast have no oppositions to vacating the property in question. An easement over the entirety of the alley is required.

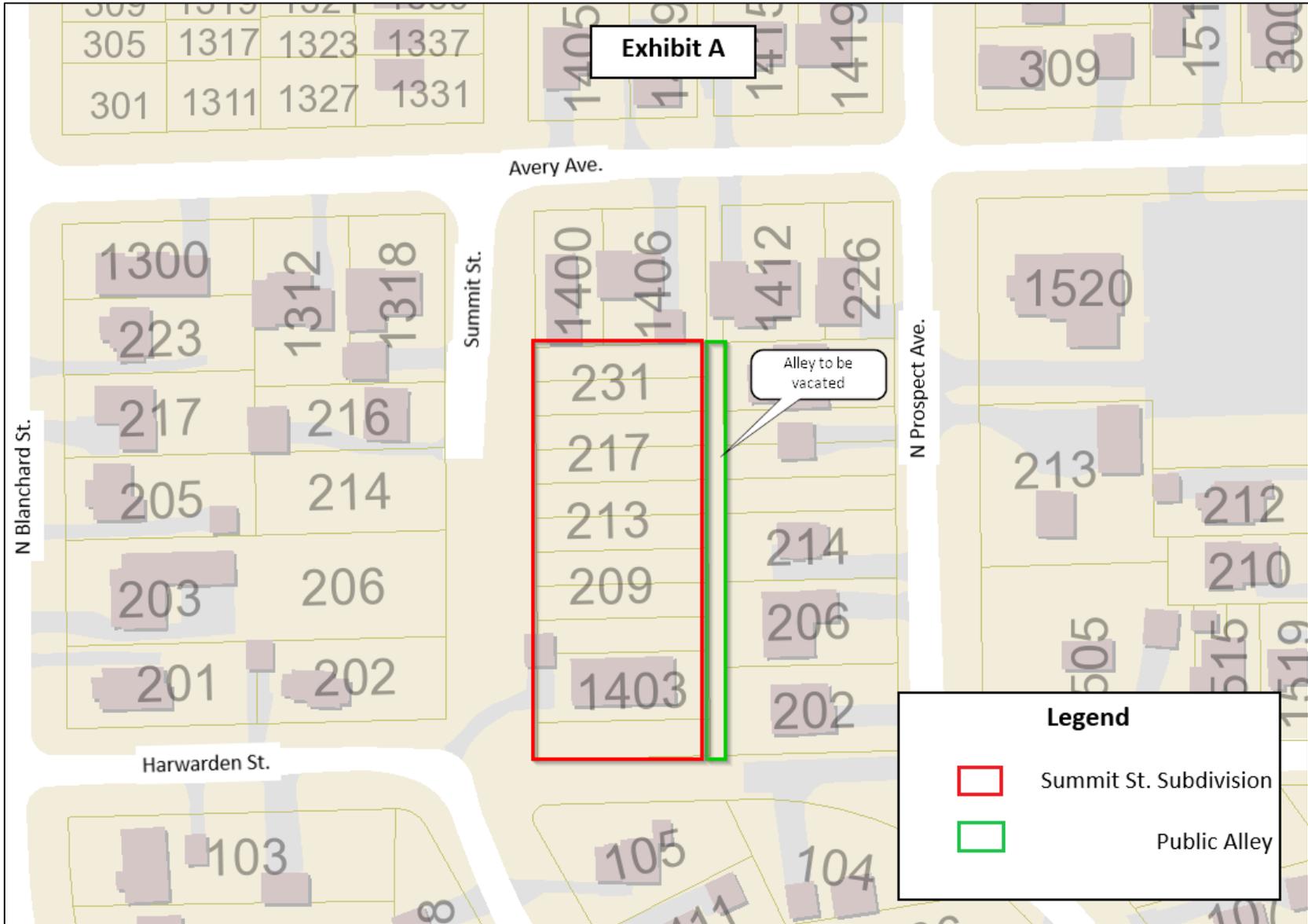
**Recommendation**

The Henninger Group submitted plans to mitigate the existing drainage problem in the area. They intend to use the alley for depressional storage, enhanced grading and also to provide inlets that connect to storm sewer.

Section 58-138(a)(4) of the City Code provides that since an easement is required over the entire ROW area, no compensation is required of the Henninger Group. Staff recommends the City Council consider vacating the Public Alley ROW subject to the following:

1. The Henninger Group shall reimburse the City for all expenses connected with the newspaper advertisement, court reporter and DuPage County recording fees prior to the recording of the Plat of Vacation.
2. In addition to constructing sidewalks specified in Ordinance No. O-2019-53, the Henninger Group shall also construct sidewalks at the northeast corner of Avery and Summit.

# Exhibit A







CITY MANAGER'S OFFICE  
303 W WESLEY STREET, WHEATON, IL, 60187  
630.260.2012 | www.wheaton.il.us

**PETITION FOR  
VACATION OF A PORTION OF RIGHT-OF-WAY**

To: **The Honorable Mayor and City Council of the City of Wheaton**

Petitioner(s) CALC Holdings LLC, 222 E. Roosevelt Rd, Wheaton, IL 60187 on behalf of the property owner, Scott + Sarah Roney, 214 N. Prospect, Wheaton, IL 60187 are/is owner(s) of 209 N. Summit St, 213 N. Summit St, 217 N. Summit St, 231 N. Summit St + 1403 Harwarden St. Wheaton, IL 60187, Wheaton Illinois.

Petitioner(s) request that the Mayor and City Council of Wheaton vacate a portion of the right-of-way lying adjacent to Petitioner's property, as more fully described on the Plat of Vacation filed with the City concurrently with this Petition.

The names and addresses of all property within 250 feet of the right-of-way to be vacated as determined by a review of the tax records of the DuPage County Treasurer's office are attached hereto as Exhibit A.

This Petition is signed this 18 day of November, 2019 by the Petitioner.

  
\_\_\_\_\_  
Petitioner Signature

\_\_\_\_\_  
Petitioner Signature



WHEATON MAYOR MICHAEL J. GRESK

CITY MANAGER MICHAEL DZUGAN

CITY COUNCIL: MICHAEL BARBIER | SUZANNE FITCH | JOHN RUTLEDGE | JOHN PRENDIVILLE | TODD SCALZO | PHILIP SUESS