

ORDINANCE NO. F-0185
AN ORDINANCE VACATING A PORTION OF
UNIVERSITY PLACE/WHEATON COLLEGE

WHEREAS, written Petition has been filed with the City of Wheaton, Illinois ("City"), requesting the vacation of a portion of right-of-way legally described herein and commonly known as University Place.

WHEREAS, the vacation petition has been filed pursuant to the provisions of Chapter 58, Article IV, of the City Code; and a certain "Agreement between the City of Wheaton, Illinois, and Wheaton College, Wheaton, Illinois", dated June 1, 1987; thereafter, pursuant to notice as required by the City Code, a public hearing was conducted by the City Council on October 27, 1997, to consider the vacation; and

WHEREAS, the City has determined that the vacation of the right-of-way legally described herein will promote the health, safety, and welfare of the City and its residents and Wheaton College and its faculty, staff, and students.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Wheaton, DuPage County, Illinois, pursuant to its home rule powers, as follows:

SECTION 1: The following described right-of-way commonly known as a portion of University Place (between Chase Street and Howard Avenue) be vacated:

THAT PART OF UNIVERSITY PLACE LYING EAST OF THE EAST LINE OF CHASE STREET AND WEST OF THE WEST LINE OF HOWARD AVENUE IN THE NORTHEAST QUARTER OF SECTION 16, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE CITY OF WHEATON, DUPAGE COUNTY, ILLINOIS.

SECTION 2: The vacation provided for in this ordinance is subject to the following conditions and requirements:

- A. A certain agreement entitled, "An Agreement between the City of Wheaton, Illinois, and Wheaton College, Wheaton, Illinois", dated June 1, 1987; a copy of the agreement is on file in the Office of City Clerk, 303 West Wesley Street, Wheaton, Illinois, and is incorporated into this ordinance by this reference as though fully set forth herein.
- B. University Place between Chase Street and Howard Avenue shall become a private street owned and operated by Wheaton College, and shall continue to be used as a street; Wheaton College shall provide routine and necessary maintenance and repairs to the right-of-way legally described herein for so long as the right-of-way is used as a street; the condition, maintenance, and repairs of the right-of-way shall be made in a manner consistent with general City practice.

- C. Any proposed plan by Wheaton College to change the use of the vacated right-of-way described herein to something other than a street, must be submitted to the City for review and approval, in order to ensure a safe street network and accessibility to College facilities by emergency vehicles.
- D. City utility easements shall be created and remain within the entirety of the vacated right-of-way; utility easements shall be provided for Northern Illinois Gas Company, Commonwealth Edison Company, Ameritech, and Jones Spacelink; said easement interests shall be illustrated on the plate of vacation.
- E. Vacation of the right-of-way legally described herein shall be at no cost to Wheaton College; the determination not to require Wheaton College to pay for the cost of the vacated right-of-way is based upon the benefit derived to the City in the termination of its maintenance obligations with respect to the right-of-way.
- F. Wheaton College may enter into an agreement with the City, requesting and authorizing the City to enforce all City and State of Illinois traffic, motor vehicle, and parking regulations on that right-of-way legally described herein which will continue to be used as a street; the agreement shall be subject to the reasonable approval of the City Attorney.

SECTION 3: The Mayor is authorized and directed to execute the plat of vacation prepared by Harold F. Steinbrecher, Jr., dated October 15, 1997; and the City Clerk is authorized and directed to attest to the signature of the Mayor. The plat of vacation shall be recorded in the Office of the Recorder of Deeds, DuPage County, Illinois, along with a certified copy of this ordinance, at the expense of Wheaton College.

SECTION 4: All ordinance or parts of ordinances in conflict with these provisions are repealed.

SECTION 5: This ordinance shall become effective from and after its passage, approval, and publication in pamphlet form in the manner prescribed by law.

Attest:

Erin M. Consalvo
City Clerk



Mayor

Ayes:

Roll Call Vote:
Councilman Gresk
Mayor Carr
Councilman Johnson

Councilwoman Johnson
Councilman Mork
Councilwoman Davenport
Councilman Eckhoff

Nays: None

Absent: None

Motion Carried Unanimously

Passed: November 3, 1997

Published: November 4, 1997