

ORDINANCE NO. F-0209

AN ORDINANCE VACATING AN ALLEY RIGHT-OF-WAY/LIBRARY

WHEREAS, written Petition has been filed with the City of Wheaton, Illinois ("City"), requesting the vacation of an alley right-of-way legally described herein; and

WHEREAS, the vacation petition has been filed pursuant to the provisions of Chapter 58, Article IV, of the City Code; and thereafter, pursuant to notice as required by the City Code, a public hearing was conducted by the City Council on January 12, 1998, 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.

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 alley right-of-way located between Cross and Scott Streets, south of Seminary Avenue, be vacated:

THE EAST-WEST ALLEY LYING EASTERLY OF A LINE CONNECTING THE SOUTHEAST CORNER OF LOT 5 WITH THE NORTHEAST CORNER OF LOT 8, ALL IN BLOCK 2 IN THE ORIGINAL TOWN OF WHEATON, BEING A SUBDIVISION OF PART OF THE NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 20, 1853 AS DOCUMENT 7256, IN DUPAGE COUNTY, ILLINOIS.

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

- A. Vacation of the right-of-way legally described herein shall be at no cost to the City. The determination not to require payment for the vacated right-of-way is based upon the cost benefits derived to the City in the termination of its maintenance obligations with respect to the right-of-way and the public benefit derived by creating more parking for patrons of the City's Library.

B. The vacated alley right-of-way is included as part of a consolidation of lots currently platted within the area bounded by Wesley Street to the south, Seminary Avenue to the north, Scott Street to the east, and Cross Street to the west.

SECTION 3: The Mayor is authorized and directed to execute the plat of vacation prepared by the City of Wheaton Engineering Department, dated July 22, 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.

SECTION 4: All ordinances 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:

Mayor

Emily M. Connelly
City Clerk

Roll Call Vote:

Ayes:

Councilman Johnson
Councilwoman Johnson
Councilman Mork
Councilwoman Davenport
Councilman Eckhoff
Councilman Gresk
Mayor Carr

Nays:

None
None

Absent:

Motion Carried Unanimously

Passed: January 20, 1998
Published: January 21, 1998