

ORDINANCE NO. F-0217

AN ORDINANCE VACATING
A PORTION OF ACADEMY LANE - SVEEN

WHEREAS, written petition has been filed with the City of Wheaton, Illinois ("City"), requesting the vacation of a portion of a certain right-of-way commonly known as Academy Lane lying south of and adjacent to the property located at 1256 Midwest Lane; and

WHEREAS, the vacation petition has been filed pursuant to the provisions of Chapter 58, Article IV, of the City Code; 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 right-of-way commonly known as a portion of Academy Lane lying south of and adjacent to the property located at 1256 Midwest Lane is vacated:

THAT PART OF ACADEMY LANE LYING SOUTH OF AND ADJACENT TO LOT 44 IN ACADEMY HIGHLANDS, ACCORDING TO THE PLAT THEREOF RECORDED JULY 23, 1986 AS DOCUMENT NUMBER R86-80696, MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE MOST WESTERLY CORNER OF SAID LOT 44 AND RUNNING THENCE SOUTHEASTERLY ALONG THE SOUTHWESTERLY LINE OF SAID LOT A DISTANCE OF 140.53 FEET TO THE SOUTHWEST CORNER THEREOF FOR THE PLACE OF BEGINNING; THENCE SOUTHERLY, AT RIGHT ANGLES TO THE SOUTHERLY LINE OF SAID LOT 44, BEING ALSO THE NORTHERLY LINE OF ACADEMY LANE, A DISTANCE OF 33.00 FEET TO A POINT ON THE CENTERLINE OF ACADEMY LANE; THENCE NORTHEASTERLY ALONG SAID CENTERLINE A DISTANCE OF 34.98 FEET TO ITS INTERSECTION WITH THE NORTHERLY LINE OF THE FORMER AURORA, ELGIN & JOLIET RAILROAD RIGHT-OF-WAY NOW KNOWN AS THE ILLINOIS PRAIRIE PATH; THENCE NORTHEASTERLY ALONG THE NORTHERLY LINE OF THE ILLINOIS PRAIRIE PATH A DISTANCE OF 27.59 FEET; THENCE NORTHERLY

ON A LINE PERPENDICULAR TO THE SOUTHERLY LINE OF SAID LOT 44, A DISTANCE OF 27.22 FEET TO THE SOUTHEAST CORNER OF SAID LOT; THENCE SOUTHWESTERLY ALONG THE SOUTHERLY LINE OF SAID LOT 44, A DISTANCE OF 61.95 FEET TO A PLACE OF BEGINNING, ALL IN THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS AND CONTAINING 0.0451 ACRES, MORE OR LESS.

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

- A. Petitioner shall provide all necessary public utility easements as directed by the Wheaton City Engineer.
- B. Petitioner shall pay to the City the sum of \$2.15 per square foot for a total of Four Thousand Two Hundred and Twenty-seven Dollars (\$4,227), which represents the fair market value of that portion of Academy Lane which is vacated pursuant to the provisions of this ordinance.
- C. Petitioner shall provide letters from Commonwealth Edison, Northern Illinois Gas, Ameritech and Jones Spacelink indicating they have no interest or objection to the proposed right-of-way vacation.
- D. A ten (10) foot easement for public walkway purposes be reserved on the northeasterly ten (10) feet of the right-of-way described in Section 1 of this ordinance.

Section 3: It shall be a condition precedent to the effectiveness of this ordinance and the recording and filing of the plat of vacation as provided for in Section 4 that the conditions contained in Section 2 of this ordinance be satisfied.

Section 4: The Mayor is authorized and directed to execute the plat of vacation, dated January 17, 1998, prepared by Lambert & Associates; 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 the petitioner, and shall be filed in the office of the DuPage County Clerk, DuPage County, Illinois.

Section 5: All ordinances or parts of ordinances in conflict with these provisions are repealed.

Section 6: This ordinance shall become effective from and after its passage, approval, and publication in pamphlet form in the manner prescribed by law.

Mayor

ATTEST:

Emily M. Anselmo
City Clerk

James Carr

Roll Call Vote:

Ayes:

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

Nays:

None

Absent:

None

Motion Carried Unanimously

Passed: February 2, 1998

Published: February 3, 1998

PLAT OF VACATION OF PART
OF ACADEMY LANE

THAT PART OF ACADEMY LANE LYING SOUTH OF AND ADJACENT TO LOT 44 IN ACADEMY HIGHLANDS, ACCORDING TO THE PLAT THEREOF RECORDED JULY 23, 1986 AS DOCUMENT NUMBER R86-80596, MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE MOST WESTERLY CORNER OF SAID LOT 44 AND RUNNING, THENCE SOUTHEASTERLY ALONG THE SOUTHWESTERLY LINE OF SAID LOT A DISTANCE OF 140.53 FEET TO THE SOUTHWEST CORNER THEREOF FOR THE PLACE OF BEGINNING; THENCE SOUTHERLY, AT RIGHT ANGLES TO THE SOUTHERLY LINE OF SAID LOT 44, BEING ALSO THE NORTHERLY LINE OF ACADEMY LANE, A DISTANCE OF 33.00 FEET TO A POINT ON THE CENTERLINE OF ACADEMY LANE, THENCE NORTHEASTERLY ALONG SAID CENTERLINE A DISTANCE OF 34.98 FEET TO ITS INTERSECTION WITH THE NORTHERLY LINE OF THE FORMER AURORA, ELGIN & JOLIET RAILROAD RIGHT-OF-WAY, NOW KNOWN AS THE ILLINOIS PRAIRIE PATH; THENCE NORTHEASTERLY ALONG THE NORTHERLY LINE OF THE ILLINOIS PRAIRIE PATH A DISTANCE OF 27.59 FEET; THENCE NORTHERLY, ALONG THE SOUTHERLY LINE OF SAID LOT 44, A DISTANCE OF 27.22 FEET TO THE SOUTHEAST CORNER OF SAID LOT; THENCE SOUTHWESTERLY ALONG THE SOUTHERLY LINE OF SAID LOT 44, A DISTANCE OF 61.95 FEET TO A PLACE OF BEGINNING, ALL IN THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS AND CONTAINING 0.0451 ACRES, MORE OR LESS.

