

ORDINANCE NO. F-0289

AN ORDINANCE VACATING A PORTION OF
PROSPECT AVENUE - FRITZ/JEEP EAGLE DUPAGE

WHEREAS, a written petition has been filed by David J. and Bonnie L. Fritz ("Petitioner") with the City of Wheaton, Illinois ("City"), requesting the vacation of a portion of a certain right-of-way commonly known as Prospect Avenue lying east of and adjacent to the property located at 1520 East Roosevelt Road; 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 September 28, 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 the west half of Prospect Avenue lying east of and adjacent to the property located at 1520 East Roosevelt Road is vacated:

THE WESTERLY THIRTY-THREE FEET (33') OF THAT PART OF PROSPECT AVENUE LYING EAST OF AND ADJACENT TO LOTS 1 AND 20, BLOCK 31 IN WHEATON ESTATES, A SUBDIVISION IN SECTION 22, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 12, 1924 AS DOCUMENT NO. 182391 IN DUPAGE, ILLINOIS, AND CONSISTING OF 8,547 SQUARE FEET. (Hereafter referred to as the "subject property".)

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

- A. On or before December 16, 1998 the Petitioner shall file with the City a site plan illustrating the proposed reuse of the subject property and the property adjacent thereto to the west. The site plan shall illustrate all necessary public utility easements as directed by the Director of Engineering, be in compliance with all provisions of the City Code and Zoning Ordinances of the City, and subject to the reasonable approval of the

City. In the event the Petitioner wishes to secure any variations or modifications from the provisions of the City's ordinances, the Petitioner shall file an application therefore at the time of filing the site plan.

- B. Petitioner shall pay to the City the sum of \$4.68 per square foot for a total of Forty Thousand Dollars (\$40,000), which represents the fair market value of that portion of Prospect Avenue which is vacated pursuant to the provisions of this ordinance. Petitioner shall also pay all fees associated with the vacation as provided for by Chapter 58, Article IV Wheaton City Code.
- 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. Petitioner may not commence construction on any portion of the subject property to be vacated prior to March 1, 1999, or sooner upon written permission of the City.

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 July 6, 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 also 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.

ATTEST:

Emily M. Conulazio
City Clerk



Mayor

Ayes:

Roll Call Vote:

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

Nays:

None

Absent:

Councilman Gresk

MOTION CARRIED UNANIMOUSLY

Passed: November 16, 1998

Published: November 17, 1998