

ORDINANCE NO. F-0351

AN ORDINANCE VACATING
EAST STREET AND ALLEY/COLLEGE CHURCH

WHEREAS, written petition has been filed with the City of Wheaton, Illinois ("City"), requesting the vacation of certain right-of-ways commonly known as East Street and Alley; 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 May 24, 1999, to consider the vacation; and

WHEREAS, the City has determined that the vacation of the right-of-ways 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-ways commonly known as East Street and Alley are vacated:

East Street Vacation:

ALL THAT PART OF EAST STREET LYING WEST AND ADJACENT TO LOTS 1-5, INCLUSIVE, IN BLOCK 7, IN ILLINOIS INSTITUTE ADDITION TO THE TOWN OF WHEATON, BEING A SUBDIVISION IN THE WEST ½ OF THE NORTHEAST 1/4 OF SECTION 16, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JANUARY 10, 1854 AS DOCUMENT 7848, IN DUPAGE COUNTY ILLINOIS. AREA OF VACATED EAST STREET = 12,184 SQ. FT. = 0.280 ACRES.

Public Alley Vacation:

THAT PART OF THE 20 FOOT WIDE PUBLIC ALLEY LYING NORTH AND ADJACENT TO THE EAST ½ OF LOT 11 AND ALL OF LOT 12 IN BLOCK 1, IN THE TOWN OF WHEATON BEING A SUBDIVISION IN 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. AREA OF VACATED PUBLIC ALLEY = 1,988 SQ. FT = 0.046 ACRES.

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 per square foot for a total of Twenty Thousand Dollars (\$20,000) which represents the fair market value of that portion of the Alley and East Street 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 object to the proposed right-of-way vacation.

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 provide 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 March 18, 1999, prepared by Accurate Survey Service; 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 ordinance 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. Consalvo
City Clerk



Mayor

Ayes:

Roll Call Vote:

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

Nays:

None

Absent:

Councilman Johnson

Motion Carried Unanimously

Passed: June 7, 1999

Published: June 8, 1999