

**ORDINANCE NO. F-0378**

**AN ORDINANCE: AMENDING ORDINANCE NO. E-3051;  
AMENDING THE WHEATON ZONING MAP; AND APPROVING  
A FINAL PLAT OF RESUBDIVISION FOR THE  
PROPERTY COMMONLY KNOWN AS 1700 GARY AVENUE**

WHEREAS, On October 21, 1985, the City of Wheaton passed Ordinance NO. E-3051 (attached hereto as Exhibit A), an Ordinance amending the Wheaton Zoning Map and granting a special use permit for the following described real estate of the City:

The South 100 feet of the North five (5) acres of Lot 4 of County Clerk's division of part of Rutledge Farm in Section 8, Township 39 North Range 10, East of the third principle meridian, in DuPage County, Illinois

P.I.N.: 05-08-116-022

This property is commonly known as 1700 Gary Avenue (hereinafter the "Property"); and

WHEREAS, the Owner, Marklund Homes, Inc. has petitioned the City of Wheaton to amend the zoning of the property to the R3 District, amend the special use permit to allow a revised legal description and grant a plat of resubdivision; and

WHEREAS, a hearing on the proposed rezoning of the property was held by the Wheaton Board of Zoning Appeals on July 13, 1999.

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

**Section 1:** That Section 2 of Ordinance No. E-3051 is amended by deleting all reference to "the R1 residential district zoning classification" and adding and including in lieu thereof, the "R-3 Residential District Zoning Classification."

**Section 2:** The zoning map, which is attached hereto and forms a part of the zoning ordinance, of Wheaton, Illinois, is amended by adding and including in the R-3 District zoning classification the following described property:

The South 100 feet of the North five (5) acres of Lot 4 of County Clerk's division of part of Rutledge Farm in Section 8, Township 39 North, Range 10, East of the third principle meridian in DuPage County, Illinois.

**Section 3:** That Section 3 of Ordinance No. E-3051 is hereby amended to provide that the

special use permit applicable to the property shall now only be applicable to the following described property:

Lot 1 in Marklund's Subdivision, Being a Subdivision of Part of the Northwest Quarter of Section 8, Township 39 North, Range 10, East of the Third Principal Meridian, in DuPage County, Illinois.

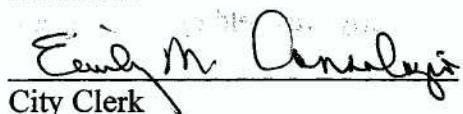
Section 4: That the plat of resubdivision entitled Marklund's Resubdivision, prepared by Marchese Surveying, Inc., dated November 3, 1998, is hereby approved and the Mayor is authorized to sign and the City Clerk is directed to attest to the signature of the Mayor and attach a certified copy of this ordinance of approval to said plat of resubdivision.

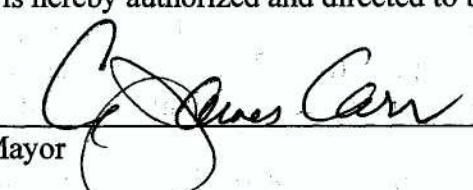
Section 5: In all other respects, except as amended herein, Ordinance No. E-3051 is ratified and remains in full force.

Section 6: All ordinances and parts of ordinances in conflict with or inconsistent with the provisions of this ordinance are hereby repealed to the extent of any such conflict or inconsistency.

Section 7: That this ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as is hereby authorized and directed to be done by the Mayor and City Council.

ATTEST:

  
Emily M. Davenport  
City Clerk

  
James Carr  
Mayor

Ayes:

Roll Call Vote:

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

Nays:

None

Absent:

None

Motion Carried Unanimously

Passed: August 16, 1999

Published: August 17, 1999

# EXHIBIT A

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*file*  
ORDINANCE NO. E-3051

## AN ORDINANCE AMENDING THE WHEATON ZONING MAP ON CERTAIN TERRITORY -- MARKLUND HOME, INC.

WHEREAS, written application has been made to amend the Zoning Map, which is attached to, and forms a part of, the Zoning Ordinance of Wheaton, Illinois, to issue a special use permit for certain property legally described herein within the City limits of Wheaton, Illinois, and located at ON450 Gary Avenue, DuPage County, Illinois; and

WHEREAS, pursuant to notices required by the Wheaton City Code and the Illinois Municipal Code, a public hearing was conducted by the Wheaton City Council on September 23, 1985, to consider, among other items, the special use permit amendment.

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

SECTION 1: This ordinance is adopted pursuant to the terms of an annexation agreement dated October 21, 1985, between the Marklund Home, Inc., an Illinois Not-For-Profit Corporation ("Owner"); and the City of Wheaton, an Illinois Municipal Corporation ("City"); the special use permit granted pursuant to this ordinance is subject to the terms of the annexation agreement which is on file in the Office of the Wheaton City Clerk, and the terms of which are incorporated into this ordinance as though fully set forth herein;

SECTION 2: The Zoning Map which is attached to and forms a part of the Zoning Ordinance of Wheaton, Illinois, is amended by adding and including in the R-1 Residential District Zoning Classification the following-described property:

The south 100 feet of the north five(5) acres of Lot 4 of County Clerk's Division of part of Rutledge Farm in Section 8, Township 39 North, Range 10, East of the Third Principal Meridian, in DuPage County, Illinois.

This property is commonly known as ON450 Gary Avenue, Wheaton, Illinois.

SECTION 3: A special use permit shall be issued to allow for the use of a Group Care Home for developmentally disabled individuals on the real estate described in Section 2 of this ordinance, in full compliance with the following conditions, restrictions, and requirements:

A) Prior to the issuance of an occupancy permit with respect to the improvement on the subject property, Marklund Home, Inc., an Illinois Not-For-Profit Corporation ("Owner"), shall:

- i) Comply with all of the Building and Fire Codes adopted and currently utilized by the City of Wheaton, Illinois; and
- ii) Furnish the City of Wheaton with a copy of the license issued by the Illinois Department of Mental Health, permitting the operation of the Group Care Home by Marklund Home, Inc., an Illinois Not-For-Profit Corporation ("Owner") at the subject property.

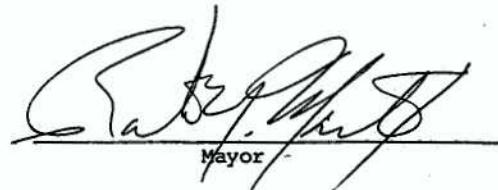
B) The subject property shall remain subject to general ad valorem real estate taxation so long as it is used for a Group Care Home facility pursuant to this ordinance. The Owner of the subject property shall sign a declaration of restrictive covenant requiring the real estate to remain subject to real estate taxation. The covenant shall be recorded in the Office of the Recorder of Deeds, DuPage County, Illinois, at the expense of the Owner of the subject property and shall be subject to the reasonable approval of the City of Wheaton Attorney.

Exhibit A ps.2

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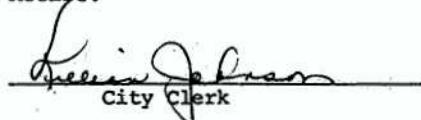
SECTION 4: All ordinances or parts of ordinances in conflict with these provisions are repealed.

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



Ray Johnson  
Mayor

ATTEST:



LeAnn Johnson  
City Clerk

Roll Call Vote:

Ayes: 5

Nays: 0

Absent: 0

Passed: October 21, 1985

Published: October 22, 1985