

ORDINANCE NO. F-0446

AN ORDINANCE VACATING PORTIONS OF WILMETTE STREET, PRAIRIE AVENUE, AND LIMITS STREET/ PRAIRIE GLEN SUBDIVISION

WHEREAS, a written petition has been filed with the City of Wheaton, Illinois ("City"), requesting the vacation of portions of certain rights-of-way of Wilmette Street, Prairie Avenue, and Limits Street; 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 March 27, 2000, to consider the vacation; and

WHEREAS, the City has determined that the vacation of the rights-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 portions of the rights-of-way of Wilmette Street, Prairie Avenue, and Limits Street are, hereby vacated:

WILMETTE STREET:

THAT PART OF WILMETTE STREET LYING NORTH OF A LINE DRAWN BETWEEN THE SOUTHWEST CORNER OF SAID LOT 10 IN BLOCK 12 AND THE SOUTHEAST CORNER OF LOT 20 IN SAID BLOCK 13 AND SOUTH OF A LINE DRAWN BETWEEN THE NORTHWEST CORNER OF SAID LOT 10 IN BLOCK 12 AND THE NORTHEAST OF SAID LOT 20 IN BLOCK 13 AS SHOWN ON SAID ARTHUR T. MACINTOSH COMPANY'S EAST BOULEVARD SUBDIVISION, BEING A SUBDIVISION OF PART OF THE SOUTH HALF OF SECTION 10 IN TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN IN DUPAGE COUNTY, ILLINOIS ACCORDING TO THE PLAT THEREOF RECORDED FEBRUARY 27, 1925 AS DOCUMENT NUMBER 188951.

PRAIRIE AVENUE:

THAT PART OF PRAIRIE AVENUE EAST OF A LINE DRAWN BETWEEN THE SOUTHWEST CORNER OF LOT 8 IN SAID BLOCK 11 AND THE NORTHWEST CORNER OF BLOCK 14 AS SHOWN ON SAID ARTHUR T. MACINTOSH COMPANY'S EAST BOULEVARD SUBDIVISION, BEING A SUBDIVISION OF PART OF THE SOUTH HALF OF SECTION 10 IN TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN IN DUPAGE COUNTY, ILLINOIS ACCORDING TO THE PLAT THEREOF RECORDED FEBRUARY 27, 1925 AS DOCUMENT NUMBER 188951.

LIMITS STREET:

THAT PART OF LIMITS STREET LYING BETWEEN A LINE DRAWN FROM THE SOUTHEAST CORNER OF LOT 14 IN SAID BLOCK 11 EASTERLY TO THE SOUTHWEST CORNER OF LOT 3 IN BLOCK 3 IN ROBERTSON'S SEVENTH ADDITION TO GLEN ELLYN, AND A LINE DRAWN FROM THE NORTHEAST CORNER OF SAID BLOCK 14 EASTERLY TO THE NORTHWEST CORNER OF LOT 7 IN BLOCK 3 OF SAID ROBERTSON'S SEVENTH ADDITION.

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

- A. Petitioner shall pay to the City the sum of One Hundred and Eighty Five Thousand Dollars (\$185,000) which represents the fair market value of those portions of Wilmette Street, Prairie Avenue, and Limits Street which are vacated pursuant to the provisions of this Ordinance.
- B. Petitioner pays all costs associated with the vacation public hearing such as appraisal report, court reporter and recording fees, to be paid prior to recording of the vacation plat.
- C. Petitioner shall provide letters from Commonwealth Edison, Northern Illinois Gas, Ameritech and A.T.&T. indicating they have no interest or object to the proposed rights-of-way vacation.
- D. Approval of the final plat of subdivision for Prairie Glen dated January 15, 2000, prepared by C.M. Lavoie & Associates.

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 15, 2000, and revised February 8, 2000, prepared by C.M. Lavoie & 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.

ATTEST:

Emily M. Connellogan
City Clerk

Mayor

Mayor

Roll Call Vote:

Ayes:

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

Nays:

None

Absent:

Councilman Johnson

Motion Carried Unanimously

Passed: April 3, 2000

Published: April 4, 2000

