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ORDINANCE NO. F-0482

AN ORDINANCE VACATING PORTION OF
FISCHER STREET/GLEN ELLYN HOMES

WHEREAS, written petition has been filed with the City of Wheaton, Illinois ("City"), requesting the vacation of a certain portion of the Fischer Street right-of-way; 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 8, 2000, 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 portion of right-of-way commonly known as Fischer Street is vacated:

OF THE NORTH 132 FEET OF THE EAST HALF OF THAT PORTION OF FISCHER STREET LYING WEST OF AND ADJOINING BLOCK 7 IN COLLEGE ADDITION TO THE TOWN OF WHEATON, BEING A SUBDIVISION IN THE EAST HALF OF SECTION 16, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN. ACCORDING TO THE PLAT THEREOF RECORDED JUNE 19, 1864, AS DOCUMENT 5369, IN DUPAGE COUNTY, ILLINOIS.

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 Director of Engineering.
- B. Petitioner shall pay to the City the total sum of Twenty Thousand Dollars (\$20,000) which represents the fair market value of that portion of the Fischer Street right-of-way, total land area of 4,356 square feet, which is vacated pursuant to the provisions of this ordinance. All documented costs incurred by the Petitioner to construct the sidewalk as provided for in Section D will be rebated to the Petitioner. Said rebate shall be subject to the Director of Engineering receiving sufficient information and/or documentation, including but not limited to invoices and/or contracts to complete the work.

C. Petitioner shall provide letters from Commonwealth Edison, Northern Illinois Gas, Ameritech and AT&T indicating they have no interest or object to the proposed right-of-way vacation.

D. Petitioner shall file with the Director of Engineering in conjunction with building plans for 804 Liberty Drive a formal engineering plan identifying the construction of a four and one-half (4.5') foot concrete sidewalk extending east from the existing concrete sidewalk on the south side of Liberty Drive west of the Fischer Street right-of-way up to but not necessarily touching the east side of the west 33 feet of the Fischer Street right-of-way, and then extending south along the east boundary of the west 33 feet of the Fischer Street right-of-way, extending so as to connect with the existing concrete sidewalk that extends along the Fischer Street right-of-way. The engineering plan shall include but not be limited to the location of the sidewalks, construction material, and existing trees. The engineering plan shall be subject to the reasonable approval of the Director of Engineering. Construction of the sidewalks shall be completed by the Petitioner prior to the issuance of an occupancy permit for the property at 804 Liberty Drive or by May 1, 2001, whichever shall first occur.

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 24, 2000, prepared by Steinbrecher Land Surveyors, Inc., West Chicago, Illinois; 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. Donahue
City Clerk

John C. Caw
Mayor

Ayes:

Roll Call Vote:
Councilman Mork

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Councilwoman Davenport
Councilman Eckhoff
Mayor Carr
Councilman Johnson
Councilwoman Johnson

Nays:
Absent:

None
Councilman Gresk

Motion Carried Unanimously

Passed: June 19, 2000
Published: June 20, 2000