

ORDINANCE NO. F-0572

AN ORDINANCE AMENDING CITY OF WHEATON ORDINANCE F-0517,
"AN ORDINANCE VACATING PORTION OF WILLISTON STREET/HANNEN"

WHEREAS, on September 18, 2000, the City of Wheaton, Illinois ("City"), enacted Ordinance No. F-0517, attached as "Exhibit A" (the "Original Ordinance"), authorizing the vacation of a certain portion of the Williston Street right-of-way; and

WHEREAS, upon review of the Original Ordinance by a title company, it was determined that certain amendments be made in order to meet the guidelines for vacation of right-of-way to one abutting property owner as established in Chavda vs. Wolak 188 Ill.2d 394, 242 Ill. Dec. 606, 712 N.E.2d 1137 (1999); and

WHEREAS, the City has determined that certain amendments are necessary to comply with the Chavda decision.

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

Section 1: The Original Ordinance is amended by adding the following paragraph to the WHEREAS section:

"WHEREAS, the agenda, which included the proposed vacation, for the meeting was posted at City Hall, City of Wheaton, 303 W. Wesley Street, which was the location of the meeting, not less than 48 hours prior to the meeting."

Section 2: The Original Ordinance is amended by deleting Section 2 (B) in its entirety and replacing Section 2 (B) with the following:

"Petitioner, Karen B. Hennen, individually and as the surviving spouse of Charles D. Hennen, shall pay to the City the total sum of Seventy-Three Thousand Dollars (\$73,000) which, in the judgment of the Wheaton City Council, represents the fair market value of that portion of the Williston Street right-of-way, total land area of 10,176 sq. ft., which is vacated pursuant to the provisions of this ordinance and Section 11-91-1 of the Illinois Compiled Statutes [65 ILCS 5/11-91-1 (1998 State Bar Association Edition)]."

Section 3: The Original Ordinance is amended by adding the following paragraph D to Section 2, as follows:

“D. Title to the right-of-way hereby vacated vests solely in Karen B. Hannen.”

Section 4: In all other respects, the terms and provisions of the Original Ordinance are ratified and remain in full force and effect.

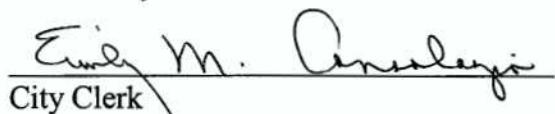
Section 5: All ordinances or parts of ordinances in conflict with these provisions are repealed.

Section 6: This ordinance shall become effective from and after its passage, and publication in pamphlet form in a manner prescribed by law.



Mayor

Attested by:



City Clerk

Roll Call Vote:

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

Nays: None
Absent: None

Motion Carried Unanimously

Passed: March 19, 2001

Published: March 20, 2001