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ORDINANCE NO. F-0623

AN ORDINANCE AMENDING THE WHEATON ZONING ORDINANCE MAP
ON A CERTAIN PIECE OF PROPERTY.

LEGENDS OF WHEATON SUBDIVISION (f/k/a ARROWHEAD LAKES - KEIM)

WHEREAS, a 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 rezone and reclassify certain property legally described herein within the city limits of Wheaton, Illinois ("City").

WHEREAS, the zoning application is being requested pursuant to the terms and conditions of a certain annexation agreement dated August 6, 2001, among the City and Joe Keim Land Corp., an Illinois corporation ("Owners") ("Annexation Agreement"); and

WHEREAS, pursuant to notice as required by the Illinois Municipal Code and the Wheaton Zoning Ordinance, a public hearing was conducted by the Wheaton Board of Zoning Appeals on June 12, 2001, to consider the requested zoning amendment.

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

Section 1: The Zoning map, which is attached to and forms a part of the Wheaton Zoning Ordinance, is amended by adding, including and classifying the following described property in the R-3 Residential District zoning classification:

PARCEL 1:

THAT PART OF THE SOUTH HALF OF SECTION 30, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTH EAST CORNER OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 30, AND RUNNING THENCE SOUTH 0 DEGREES 15 MINUTES EAST ALONG THE EAST LINE OF SAID WEST HALF OF THE SOUTHEAST QUARTER, 2136.1 FEET TO THE CENTER LINE OF THE NEW BUTTERFIELD ROAD, WHICH WAS DEDICATED AS FEDERAL AID ROUTE 131; THENCE NORTH 80 DEGREES 13 MINUTES WEST ALONG SAID CENTER LINE, 1638.8 FEET; THENCE CONTINUING WESTERLY ALONG SAID CENTER LINE, BEING ON A CURVE TO THE LEFT HAVING A RADIUS OF 8384.8 FEET, FOR A DISTANCE OF 639.7 FEET TO AN IRON STAKE ON THE EAST LINE OF THE WIESBROCK FARM; THENCE NORTH 03 DEGREES 49 MINUTES EAST ALONG THE EAST LINE OF THE SAID WIESBROCK FARM, AND SAID LINE EXTENDED, 1620.45 FEET TO AN IRON STAKE ON THE NORTH LINE OF SAID SOUTH HALF OF SECTION 30; THENCE NORTH 85 DEGREES 49 MINUTES EAST ALONG SAID NORTH LINE, 2138.0 FEET, TO THE PLACE OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS, EXCEPTING THEREFROM THE FOLLOWING:

A. JOE KEIM'S ARROWHEAD UNIT 1, BEING A SUBDIVISION OF THE SOUTH EAST 1/4 OF SECTION 30, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 7, 1968 AS DOCUMENT R68-18094 IN DUPAGE COUNTY, ILLINOIS.

- B. JOE KEIM'S "ARROWHEAD UNIT NO. 2", BEING A SUBDIVISION IN THE SOUTH 1/2 OF SECTION 30, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT THEREOF RECORDED JANUARY 3, 1969 AS DOCUMENT R69-224 AND CERTIFICATE OF CORRECTION FILED MARCH 19, 1969 AS DOCUMENT R69-11529, IN DUPAGE COUNTY, ILLINOIS.
- C. JOE KEIM'S ARROWHEAD UNIT NO. 3, BEING A SUBDIVISION IN SECTION 30, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 8, 1971 AS DOCUMENT R71-57687, IN DUPAGE COUNTY, ILLINOIS.
- D. JOE KEIM'S ARROWHEAD UNIT NO. 4, A SUBDIVISION IN SECTION 30, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JULY 7, 1976 AS DOCUMENT R76-44351, IN DUPAGE COUNTY, ILLINOIS.
- E. KEIM'S ARROWHEAD UNIT NO. 5, A SUBDIVISION IN PART OF THE SOUTHWEST 1/4 OF SECTION 30, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 17, 1978 AS DOCUMENT R78-77700, IN DUPAGE COUNTY, ILLINOIS.
- F. KEIM'S ARROWHEAD, UNIT 6, A SUBDIVISION IN THE WEST HALF OF SECTION 30, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 15, 1977 AS DOCUMENT R77-116127 AND RE-RECORDED JANUARY 12, 1978 AS DOCUMENT R78-3793, IN DUPAGE COUNTY, ILLINOIS.
- G. MALCOMSON'S ADDITION TO ARROWHEAD, BEING A SUBDIVISION OF PART OF SECTION 30, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JANUARY 3, 1968 AS DOCUMENT R68-286 AND CERTIFICATE OF CORRECTION FILED SEPTEMBER 23, 1970 AS DOCUMENT R70-34526, IN DUPAGE COUNTY, ILLINOIS. P.I.N. 05-30-400-012

PARCEL 2:

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 30, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED BY BEGINNING TION OF THE EAST LINE OF WIESBROCK'S SUBDIVISION WITH THE CENTER LINE OF BUTTERFIELD ROAD (F.A. ROUTE 131) AND RUNNING THENCE NORTH 03 DEGREES 49 MINUTES EAST (RECORDED NORTH 03 DEGREES 49 MINUTES EAST) ALONG THE WEST LINE OF SAID PROPERTY, 259.86 FEET; THENCE SOUTH 82 DEGREES 53 MINUTES 12 SECONDS EAST, 429.66 FEET TO THE EAST LINE OF SAID PROPERTY; THENCE SOUTH 00 DEGREES 21 MINUTES 46 SECONDS WEST ALONG SAID EAST LINE, 261.27 FEET TO SAID CENTER LINE OF BUTTERFIELD ROAD; THENCE WESTERLY ALONG SAID CENTER LINE, TO THE PLACE OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS. P.I.N. 05-30-304-012

PARCEL 3:

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 30, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED BY BEGINNING AT THE SOUTHWEST CORNER OF PROPERTY DESCRIBED IN TRUST DEED RECORDED AS DOCUMENT R64-12979, SAID POINT BEING THE POINT OF INTERSECTION OF THE EAST LINE OF WIESBROCK'S SUBDIVISION WITH THE CENTER LINE OF BUTTERFIELD ROAD (F.A. ROUTE 131) AND RUNNING THENCE NORTH 03 DEGREES 54 MINUTES EAST (RECORDED NORTH 03 DEGREES 49 MINUTES EAST) ALONG THE WEST

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LINE OF SAID PROPERTY, 259.86 FEET FOR A PLACE OF BEGINNING; THENCE SOUTH 82 DEGREES 53 MINUTES 12 SECONDS EAST, 429.66 FEET TO THE EAST LINE OF SAID PROPERTY; THENCE NORTH 00 DEGREES 21 MINUTES 46 SECONDS EAST (RECORD NORTH 00 DEGREES 12 MINUTES EAST) ALONG SAID EAST LINE, 573.54 FEET; THENCE SOUTH 75 DEGREES 59 MINUTES 40 SECONDS WEST, 413.63 FEET, TO THE WEST LINE OF SAID PROPERTY, THENCE SOUTH 03 DEGREES 54 SECONDS WEST ALONG SAID WEST LINE, 421.19 FEET TO THE PLACE OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS. P.I.N. 05-30-304-014 05-30-304-015 05-30-304-016

PARCEL 4:

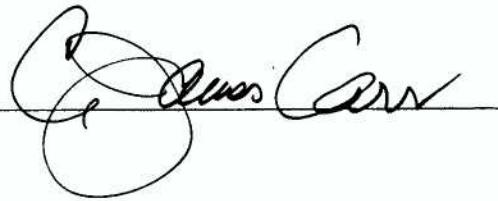
OUTLOT "B" IN KEIM'S ARROWHEAD UNIT NO. 5, A SUBDIVISION IN PART OF THE SOUTHWEST QUARTER OF SECTION 30, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 17, 1978 AS DOCUMENT R78-77700, IN DUPAGE COUNTY, ILLINOIS. P.I.N. 05-30-304-011

Section 2: The subject property shall be developed and improved in full compliance with the terms, provisions, and conditions of the Annexation Agreement; and the zoning granted herein is granted pursuant to the Annexation Agreement, which is on file in the Office of the City Clerk and incorporated into this ordinance by this reference as though fully set forth herein.

Section 3: All ordinances or parts of ordinances in conflict with these provisions are repealed.

Section 4: This ordinance shall become effective from and after the second anniversary of its passage, approval, and publication in pamphlet form in the manner prescribed by law.

Mayor



ATTEST:

Emily M. Consalvo
City Clerk

Roll Call Vote:

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

Nays: None

Absent: None

Motion Carried Unanimously

Passed: August 6, 2001

Published: August 7, 2001