

ORDINANCE NO. F-0722

AN ORDINANCE VACATING PORTION OF
WILMETTE STREET/GUTBERLET

WHEREAS, written petition has been filed with the City of Wheaton, Illinois ("City"), requesting the vacation of a certain portion of the Wilmette Street right-of-way; and

WHEREAS, vacation petitions have been filed by Louis and Patricia Gutberlet ("Petitioners") 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 13, 2002, 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 Wilmette Street is vacated:

OF THE WEST 33 FEET OF THAT PART OF WILMETTE STREET LYING SOUTH OF A LINE DRAWN BETWEEN THE NORTHWEST CORNER OF LOT 9 IN BLOCK 12 AND THE NORTHEAST CORNER OF LOT 1 IN BLOCK 13 AND NORTH OF A LINE BETWEEN THE SOUTHWEST CORNER OF SAID LOT 9 IN BLOCK 12 AND THE SOUTHEAST CORNER OF SAID LOT 1 IN BLOCK 13 AS SHOWN ON ARTHUR T. MCINTOSH AND 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.

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

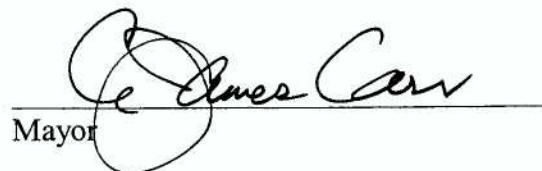
- A. Petitioners shall pay to the City the total sum of Ten Thousand Dollars (\$10,000) which represents the value as determined by City Council of that portion of the Wilmette Street right-of-way, total land area of 6,237 square feet, which is vacated pursuant to the provisions of this ordinance.
- B. Petitioners 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.

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 May 17, 2002, prepared by Norbert V. Lambert, Jr., Lambert & 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.

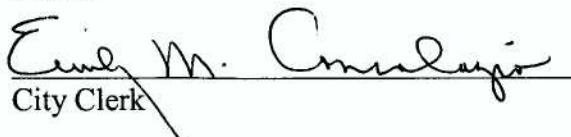
Section 5: All ordinances or parts of ordinances in conflict with these provisions are repealed.

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



James Carr
Mayor

Attest:



Emily M. Conulayio
City Clerk

Roll Call Vote:

Ayes:	Councilman Mork Councilman Mouhelis Councilman Eckhoff Councilman Gresk Councilman Johnson Mayor Carr Councilwoman Johnson
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Nays:	None
Absent:	None

Motion Carried Unanimously

Passed: June 3, 2002

Published: June 4, 2002