

ORDINANCE NO. F-0774

AN ORDINANCE VACATING PORTION OF
PRAIRIE AVENUE/PATEL

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

WHEREAS, a vacation petition has been filed by Girish and Ami Patel, ("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 November 11, 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 Prairie Avenue is vacated:

OF THAT PART OF PRAIRIE AVENUE LYING NORTH OF LOT 1 IN RESUBDIVISION OF WHEATON MANOR ADDITION TO WHEATON. (EXCEPT LOT 4 IN BLOCK 2 IN SAID WHEATON MANOR.) IN THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 9 TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT OF SAID RESUBDIVISION RECORDED MAY 7, 1924 AS DOCUMENT 177391 IN BOOK 11 OF PLATS ON PAGE 12 IN THE RECORDER'S OFFICE OF DUPAGE COUNTY, ILLINOIS.

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 Prairie Avenue right-of-way, total land area of 4,389 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.

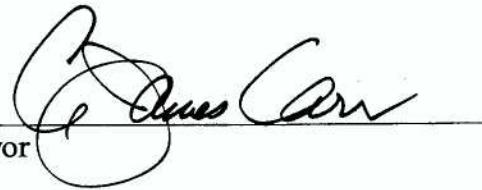
C. Petitioners shall pay all costs associated with the public hearing, which includes the court reporter and recording fees, prior to the recording of the vacation plat.

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 October 9, 2002, prepared by Steinbrecher Land Surveyors, Inc.; 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.



Mayor Carr

Attest:



Emily M. Conley
City Clerk

Ayes:

Roll Call Vote:

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

Nays:

None

Absent:

None

Motion Carried Unanimously

Passed: November 18, 2002

Published: November 19, 2002